

# Liberation

AUGUST 2023

CENTRAL ORGAN OF CPI(ML)

Rs. 25

## **MANIPUR BURNING**

*Growing Crisis of  
Humanity in  
Modi's India*



## CALL OF JULY 28

July 28, 2023 marks the 51st anniversary of the martyrdom of Comrade Charu Mazumdar, the founder General Secretary of the Communist Party of India (Marxist-Leninist). It also marks the 49th anniversary of the reorganisation of the party following the severe crackdown and setback of the early 1970s. We pay our deepest respect to all our martyrs and departed leaders and comrades on this occasion.

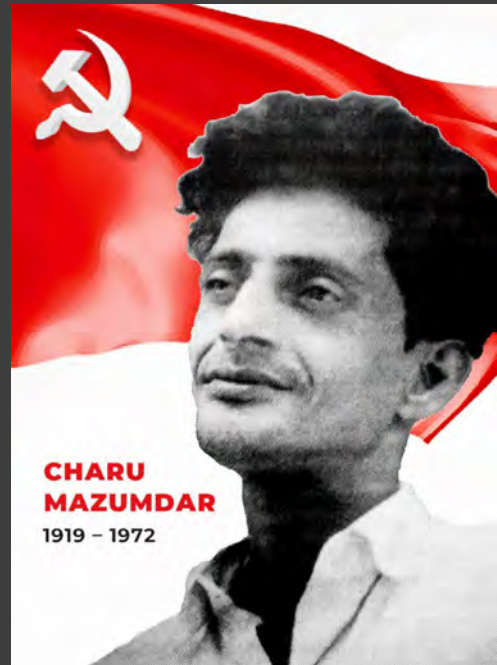
We started this year with the successful holding of the 11th Congress of our Party in Patna. The “Save Democracy, Save India” clarion call issued by the Party Congress today resonates across the country. Powerful protests and struggles are breaking out in different parts of India on the burning issues of the day. The process of forging a broad-based unity of opposition parties initiated from our Congress has gathered momentum.

After two rounds of meetings of several opposition parties, a broad coalition has taken shape under the banner of INDIA – Indian National Developmental Inclusive Alliance. Along with a whole range of non-BJP parties, our Party is a committed constituent of this coalition. We will have to intensify our efforts and expand our role on all fronts to carry forward this process.

The success of our political initiatives depends first of all on our organisational strength, our ties with the oppressed and toiling masses and the progressive intelligentsia and our ability to assert as a fighting political force in all our areas of work. The emphasis on grassroot level Party organisations – Party branches and Party Local Committees – must be kept up and taken as the key link to ensure a vigorous and all-out mobilisation for the crucial electoral battle ahead of us.

The people of India have suffered immensely over the last nine years of Modi regime. The anti-people policies and repressive measures inflicted by the state and the reign of hate, violence and fear unleashed by the lynch squads and mobs instigated by the hate campaign of the Sangh-BJP brigade have landed the country in an unprecedented crisis. What happened in Jammu and Kashmir since August 2019 and what is happening in Manipur since May 2023 are not isolated examples; we have before us glimpses of what is going to happen across India if this BJP rule and domination continues any longer.

*We must therefore summon all our strength and energy, courage and determination to defeat the BJP and vote out the Modi regime in the forthcoming Lok Sabha elections. In the process we must emerge as a powerful voice of the people’s movement and as a leading Left force in the political arena of India. Let all of us pledge our best efforts and highest contributions for the success of this mission. Long live revolution, long live CPI(ML)! ■*







that internet has been shut down precisely to stop such events from coming to light! The Manipur Governor has said that she had never seen such kind and scale of violence and she has kept the Union Government informed. Close to 6,000 FIRs have been filed between 4 May and 28 June, the first eight weeks of the violence. It is now known that within one hour of the horrific incident caught in the viral video clip, there was another incident in the Meitei-dominated Konung Manag area of Imphal where two Kuki sisters, aged 21 and 24, were gang-raped and killed. The victims' father, a pastor, had filed an FIR on 16 May, and yet till date there has been no action against the perpetrators.

Instead of taking responsibility for the complete collapse of governance and taking any measures, even issuing an appeal, for restoration of peace in Manipur, the government is busy threatening Twitter for the posting of the video clip. BJP leaders are questioning the timing of the release of the viral video just on the eve of the Monsoon Session of Parliament. Some mischievous news agencies even tried to give the whole thing an anti-Muslim twist by falsely presenting the arrest of a Muslim man in another case in Manipur as the arrest of the main accused in the viral video case of naked parading and sexual assault. It was reportedly the circulation of fake news, a case of rape which happened in Delhi and was propagated on social media as an attack on Meitei women in Manipur, which is believed to have triggered the horrific May 4 assaults on Kuki women. One can easily see the sinister design behind the fake news that tried to find a Muslim perpetrator behind the attacks on Kuki women.

Why has the Modi government allowed Manipur to burn continuously for the last three months? Some analysts believe that the government actually wants to bring about a demographic shift in the state so that the Kuki community can be stripped of its land rights over the hilly forest areas of Manipur so the rare earth minerals lying underneath can be handed over to mining companies and Manipur turned into a laboratory of corporate plunder. The growing portrayal of Kukis as infiltrators from Myanmar by the Manipur government seems designed to create a permanent state of ethnic rift and polarisation that would transform Manipur, like Assam, into another laboratory of aggressive majoritarianism. The Sangh-BJP politics of divide and rule and anti-minority hate campaigns and

the promotion of the culture of mob violence that has turned India into a republic of hate and fear has pushed Manipur with its historical fault-lines and complexities into a veritable tinderbox. Before the BJP came to power in Manipur in 2017, Narendra Modi had famously accused the Congress of having forfeited the right to govern precisely because of its alleged failure to enforce peace in Manipur. Today the time has come for Modi to apply the same principle to its own 'double engine' governments and secure the resignation of the Manipur CM and Union Home Minister.

From Gujarat in 2002 to Khairlanji in 2006, Kandhamal in 2008 and now Manipur in 2023, women's bodies have always become the site of targeted majoritarian violence echoing Savarkar's justification of rape as a legitimate political tool in his book *Six Glorious Epochs of Indian History*. The case of Bilkis Bano also tells us how protracted and difficult the battle for justice is in such cases. If Bilkis Bano had through a long and courageous struggle succeeded in getting the perpetrators of rape and murder convicted, the Modi government reversed the course by releasing them from jail on the occasion of the 75th anniversary of India's independence to a hero's welcome accorded by the Sangh brigade. It can hardly be missed that on the same day that this video became public, Brij Bhushan was granted bail in the wrestlers' sexual harassment case, and Ram Rahim, a double rape and murder convict, was granted parole for the seventh time.

It was the women of Manipur who had bravely protested against the brutal rape and murder of Thangjam Manorama and drawn the attention of the whole world to the reality of state repression in Manipur. The horrific reality of violence against Kuki women should become the turning point to trigger a mass outrage to end the current reign of institutionalised insecurity in Manipur and pave the way to restoration of peace on the basis of truth and reconciliation, justice and rule of law. However much the Modi regime may try and trivialise the reign of state-sponsored violence in Manipur, the state holds a mirror to the complete collapse of governance and growing crisis of humanity in Modi's India. Gujarat 2002 had led to the exit of the Vajpayee regime in 2004, let Manipur 2023 arouse India to end the disastrous Modi rule in 2024. ■

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# Yes to Gender Justice and Equality, No to the Politics of Communal Polarisation and Demonisation of Muslims in the Name of UCC!

▲ DIPANKAR BHATTACHARYA

**S**hortly after Prime Minister Narendra Modi raised the pitch of the clamour for the Uniform Civil Code in the course of his address to booth-level BJP activists in Bhopal, a viral video surfaced from the same state that showed a power-drunk BJP youth leader Pravesh Shukla urinating on an Adivasi labourer Dasmata Ravat. The video gave a shocking and graphic portrayal of the kind of (un)civil code that actually prevails on the ground in Madhya Pradesh where the BJP has been in power for nearly two decades. It is no secret that such acts of cruelty towards marginalised and oppressed social groups have been going on with impunity in almost all BJP-dominated states in West and North India. The Manusmriti, upheld by the Sangh brigade as their real constitution, actually provides social sanction for extreme forms of caste and gender discrimination and violence.

The Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 had acknowledged this shocking social reality of caste violence and sought to curb it with more stringent legal provisions. But with the rise of the BJP and its aggressive politics of Hindutva, the Act has been rendered increasingly ineffective and there is a growing clamour for its dilution and even revocation. At the same time there has been a phenomenal increase in orchestrated hate crimes against the religious minorities, Muslims in particular. In the Modi era, mob lynching emerged as a new form of decentralised and privatised violence while the bulldozer became a new symbol of extra-judicial perpetration of revenge and terror by the state. Communal hate, caste atrocities and gender violence have grown simultaneously, one encouraging the other, even though the dominant media often remains complicit in downplaying and even legitimising communal hate crimes.

With elections round the corner and Adivasi votes being a significant factor in the Madhya Pradesh elections, the Shivraj Singh Chauhan government has desperately resorted to some damage control exercises. The Chief Minister circulated a video of 'penance' where he can be seen ceremonially washing the feet of Dasmata Ravat, calling him his brother and assuring him of all help while a bulldozer was sent to demolish a section of Pravesh

Shukla's house and a video circulated showing Shukla being herded into a police vehicle. Clearly none of this would have happened if the video had not become viral and elections were not imminent. It is also clear that for every such incident that comes to limelight there are dozens more that never get any attention. Even as a terrorised Dasmata can be seen pleading for 'forgiving' his oppressor Pravesh Shukla, a new viral video shows two Adivasi youths being brutally thrashed in Indore.

How are we to look at the issue of uniform civil code against the backdrop of institutionalised denial of human dignity and rights in a system of social discrimination and oppression, hate and violence and political patronage and impunity for the perpetrators except when a perpetrator becomes an electoral liability like Pravesh Shukla in this Madhya Pradesh episode? The 22nd Law Commission has sought public opinion on the subject within a month's time without giving us any idea as to what such a uniform code would entail. History tells us that after a sharp debate on the subject, the Constituent Assembly had settled for including it as a directive principle of state policy in the Constitution which by definition is not legally enforceable or justiciable. Babasaheb Ambedkar had wanted the idea of uniform civil code to remain voluntary for citizens. Even the 21st Law Commission had found the UCC neither necessary nor feasible at the present juncture and called instead for appropriate legal reforms to ensure gender justice and equality within the ambit of all personal laws. What has suddenly happened for the 22nd Law Commission to focus on the subject with such great urgency?

While the government is yet to come out with any concrete proposal about its idea of a uniform civil code, the Sangh-BJP propagandists are already busy maligning the Muslim community and painting every opposition to the UCC idea as instigation or appeasement of the Muslim community. In real life, we can already see serious apprehension and opposition being voiced not so much by the Muslim community as by North-Eastern states like Meghalaya and Nagaland and Adivasi communities from all parts of India. Home Minister Amit Shah and Chairman of the

Parliamentary Standing Committee on Law Sushil Modi have already indicated that Christians and North-Eastern States may be exempted from the ambit of the UCC. This is precisely the reason why the framers of the Constitution had kept the idea of the UCC in the directive principles and even as late as 2018, the 21st Law Commission had found the UCC neither necessary nor feasible. In fact, the diversity of customs in personal law concerns Hindus themselves, whose customs vary widely across regions, as much as non-Hindu religions and communities.

The 21st Law Commission was right in emphasising the need to reconcile diversity with equality instead of trying to impose uniformity in the name of unity. Quite surprisingly, even former RSS chief Golwalkar had categorically cautioned against the idea of imposing a uniform civil code on a vast and diverse country like India. Harmony, rather than uniformity, Golwalkar had pointed out in a long interview with KR Malkani, editor of the RSS mouthpiece *Organiser* in 1971, was necessary for India's unity. The Modi government today is however in a hurry to abandon the caution advised by its own ideological and administrative predecessors as it believes that it has today reached a stage where it need not respect any restraint and that the UCC was its best bet to distract public attention from the pressing problems of the day and polarise India on communal lines.

Legal reform to ensure equality and justice is a continuing agenda and as directed by Article 44 of the Constitution the state must consistently move in this direction to ensure gender-just laws for women of all communities.

And to implement Article 44 it cannot proceed in a vacuum without collective participation and concurrence of all stakeholders. Further, if the Modi government wants to accelerate the implementation of the directive principles of state policy, it cannot selectively focus on Article 44 to the neglect of other equally fundamental directives contained in the concerned section of the Constitution under Articles 36 to 51 that mandate the state to ensure universal right to work and guarantee of livelihood and reduction of income inequality and concentration of wealth and means of production in few hands.

Yet we cannot pretend that the current focus of the BJP on implementation of the UCC has anything to do with ensuring gender justice or with the spirit of the directive principles of state policy. In reality, the foregrounding of the UCC agenda is part of the broader project of communal polarisation and demonisation of Muslims. Along with the vicious myth of 'love jihad' the UCC is being promoted with barely disguised appeals to the preposterous narrative of 'Muslims outnumbering Hindus' epitomised by Modi's notorious and absurdly inaccurate claims about the effects of polygamy on population growth. The opposition must foil this design, keep the focus on the burning issues like the escalating cost of living crisis and unemployment and defend the constitutional vision of a modern secular democratic India against every attempt to push the country back to universalisation of the Manusmriti code of social oppression and violence. Yes to gender justice and equality, no to the politics of communal polarisation and demonisation of Muslims in the name of UCC! ■

## *CPI(ML)'s Submission to* **The 22nd Law Commission on the Uniform Civil Code**

**On July 11, 2023, CPI(ML) submitted its response to the Public Notice issued by the 22nd Law Commission of India on the subject of Uniform Civil Code. Below is full text of the submission:**

**T**he 22nd Law Commission of India has issued a public notice to solicit the views of the public and "recognised religious organisations" about the Uniform Civil Code. The notice states that: "Initially the 21st Law Commission of India had examined the subject on Uniform Civil Code and solicited the views of all the stakeholders through its appeal along with a questionnaire dated 07.10.2016 and further public appeals/notices dated 19.03.2018, 27.03.2018 and 10.4.2018. Pursuant to the same, overwhelming responses have been received by

the Commission. The 21st Law Commission has issued the consultation paper on "Reforms of Family Law" on 31.08.2018. Since more than three years have been lapsed from the date of issuance of the said Consultation Paper, bearing in mind the relevance and importance of the subject and also the various Court orders on the subject, the 22nd Law Commission of India considered it expedient to deliberate afresh over the subject. Accordingly, the 22nd Law Commission of India decided again to solicit views and ideas of the public at large and recognized religious organizations about the Uniform Civil Code."

The Public Notice that has been issued calls upon the public and "recognised religious organisations" to provide views and ideas about the UCC, does not speak



to what the exercise chooses to achieve and provides no justification for this exercise or the elevated status to “recognised religious organisations” over other civil society organisations.

## Consultation Paper of the 21st Law Commission:

In June 2016, through a reference by the Government of India, the Law Commission was entrusted with the task of addressing the issues concerning a Uniform Civil Code. On 31st August, 2018, the Law Commission of India, headed by Chairman Justice (Retd) B. S. Chauhan, brought out a Consultation Paper on Reform of Family Law that dealt in detail with the Uniform Civil Code and the need for reform of personal laws. The Commission at the outset notes that while “various aspect of prevailing personal laws disprivilege women”, it is “discrimination and not difference which lies at the root of inequality” and finds that the “best way forward may be to preserve the diversity of personal laws but at the same time ensure that personal laws do not contradict fundamental rights guaranteed under the Constitution of India.”

The Law Commission recognized that “women must be guaranteed their freedom of faith without any compromise on their right to equality”. It emphasized the need to celebrate the diversity of Indian culture, while also ensuring that specific groups or marginalized sections of society are not disadvantaged in the process. It emphasized the need for reforming family laws across religions to ensure gender justice, rather than implementing a Uniform Civil Code (UCC), which it said was “neither necessary nor desirable at this stage”

The 21st Law Commission made various practical recommendations in regard to Marriage and Divorce, Custody and Guardianship, Adoption and Maintenance, and Succession and Inheritance and suggested reforms in the personal laws of all religions as well as the secular laws to remove the disadvantage women face. However, till date none of the recommendations have been implemented.

Personal Laws across religions contain provisions that are discriminatory towards women and violate the fundamental tenet of equality guaranteed by the Constitution. However, the belief that a “Uniform Civil Code” is an answer to this would be patently incorrect. It is imperative to acknowledge that the root cause of

inequality lies in discrimination and not in difference. Any attempt to amend personal laws must have as its focus the need to address the inequality in order to ensure the Constitutional guarantee of equality, rather than imposing uniformity. What is required is law reform and institutional reform that will lead to gender justice.

The present exercise of the 22nd Law Commission aims to revive a settled debate on the necessity and desirability of UCC. With only a generic statement in the public notice that “more than three years have been lapsed from the date of issuance of the said Consultation Paper”, and a vague assertion about the “relevance and importance of the subject”, there are no compelling reasons presented for redoing the entire exercise and that too within such short period.

## Report of the High Level Committee on the Status of Women in India (HLCSW) chaired by Dr Pam Rajput:

The High Level Committee on the Status of Women in India (HLCSW) chaired by Dr Pam Rajput, which submitted its Report in June, 2015, undertook

a comprehensive study on the status of women, to evolve appropriate policy interventions. It also looked at the issue of personal laws and the Uniform Civil Code and provides a guiding principle on how to approach the issue of inequality of women in personal laws and states: “... The approach should be not one of ensuring that there is one law for all, but rather, that all women, whether they choose to be governed by secular laws or their personal laws, enjoy equality which the Indian Constitution promises them. This requires addressing several aspects in the legal domain in specific ways rather than a diktat of ‘uniformity’, which is conceived of in fundamentalist/majoritarian ways.”. The Report further notes that “There is a need to address discrimination not only de jure but also de facto, which necessitates State to adopt laws, policies and practices and undertake proactive, measures and affirmative action in order to obliterate

these discriminatory provisions and practices. Thus, all personal laws should be in tandem with the principle of equality. Women are working and contributing to the family and society in many ways and it is high time the State recognizes the unpaid contributions of women in their families, The State should enact laws in areas of matrimonial property in which no personal laws exist

“

We are all for legal reforms to ensure equality and gender justice in all communities and regions, and we strongly oppose any move to disregard the cultural diversity of India in the name of imposing any uniformity on all. The idea should be to ensure equality and reconcile it with diversity and not pit one against the other.

and ensure women's rights to the property and assets in the natal and as well as in the matrimonial home."

The Report also made recommendations pertaining to personal laws of all religions in aspects regarding marriage, custody, maintenance and inheritance and also in secular laws to eliminating the disadvantage faced by women.

In a significant observation, the High Level Committee on the Status of Women in India highlights that Article 44 of the Constitution, which calls for the State to endeavour to secure for a Uniform Civil Code, has been given new meaning where various laws such as the Protection of Women from Domestic Violence Act, 2005, the Prohibition of Child Marriage Act, 2006 and the Medical Termination of Pregnancy Act, 1971 have been brought in that are universally applicable to women from all communities. Thus it sees that the way to safeguard women's rights could be seen as two pronged – one by enacting laws such as those mentioned above, which are universally applicable to women of all communities, irrespective of their religion, and second through introduction of a particular aspect for reform in all existing laws.

We note that the Law Commission has, to date, ignored this report.

### **Actual steps towards gender justice:**

The 21st Law Commission's Consultative Paper found that mere uniformity would not necessarily mean equality and equity, and "a 'united' nation need not necessarily have 'uniformity' it is making diversity reconcile with certain universal and indisputable arguments on human rights."

The need today is law reform and institutional reform that will lead to gender justice. It is imperative that any steps towards bringing about changes in personal laws is first de-linked from the Uniform Civil Code. What is needed today is law reform keeping in focus the principles of equality, personal autonomy, dignity, non-discrimination, liberty, inclusivity and Constitutional morality. Such reform must ensure that discriminatory provisions in personal and secular law are removed and brought in line with these principles. This means that when it comes to the right to divorce, adoption, guardianship and succession, both men and women should have equal rights. It is also necessary that reform is brought in that addresses (dis) honour killings, ensures protection to inter-caste and inter-faith couples, recognizes the autonomy of women to decide their partners, and recognizes same sex and transgender marriages and relationships.

While fully supporting the demand to reform personal laws to uphold women's equality and dignity, the bid to open the debate on 'Uniform Civil Code' must be viewed with

caution and opposed in the current communal climate. The manner in which the BJP frames the issue of Uniform Civil Code and reforms in personal laws suggests that they are concerned more with imposing a communally-defined majoritarian uniformity on minorities in the country, rather than address concerns of gender justice.

The communal framing of the debate does serious damage to the urgent questions of gender justice. It is important to recognize that the discourse around the uniform civil code is being brought in to merely exploit and communalize the issue and target religious minorities, and has nothing to do with gender justice.

### **Adivasis and other cultures:**

The UCC will potentially severely compromise the unique customs, usages and practices of Adivasis and is another effort to forcibly bring these communities into the Hindu fold. This will also dismantle the Constitutional privileges and protections given to Adivasis. Further there are constitutional limits (Articles 371A to 371I) on the Parliament to interfere with the customary laws and practices of Scheduled Tribes particularly in the North Eastern states.

It is for this reason that Adivasis across the country have expressed serious reservations over UCC and warned against any interference with their customs and traditions.

The widespread apprehension and opposition to the UCC proposal from different quarters across the country once again underscores the need for extensive deliberations among all stakeholders to thrash out a collective agreement and consensus on the subject. This is the spirit with which the framers of the Constitution had included the subject as one of the directive principles of state policy under Article 44 wherein the state was mandated to strive to secure it for all citizens. We should also remember that Dr Ambedkar had wisely advised to keep the civil code voluntary. The reopening of the UCC agenda without outlining what it would entail has already created a lot of confusion and reinforced communal polarisation and demonisation of certain sections of the society. Legal reform is a continuous agenda and any hurried attempt to foreground the issue without sufficient time and discussion is highly unwarranted, especially when the republic is approaching a general election.

We therefore see no reason to reopen the agenda in violation of the well thought-out advice of the 21st Law Commission. We are all for legal reforms to ensure equality and gender justice in all communities and regions, and we strongly oppose any move to disregard the cultural diversity of India in the name of imposing any uniformity on all. The idea should be to ensure equality and reconcile it with diversity and not pit one against the other. ■



## *UCC is another effort to forcibly bring Indigenous Communities into the Hindu fold:* **Adivasi Sangharsh Morcha**

We are surprised that the Law Commission is seeking views on the UCC, despite the Law Commission's own Consultation Paper dated 31st August 2018, finding "neither necessary nor desirable at this stage". As such re-opening this issue without any justification creates serious apprehension in our minds about the purpose of this exercise.

While it is rightly being apprehended that the UCC is being used as a tool to undermine the status of religious minorities, it will also severely compromise the unique customs, usages and practices of Adivasis and is another effort to forcibly bring these communities into the Hindu fold. This will also dismantle the Constitutional privileges and protections given to Adivasis. Further there are constitutional limits (Articles 371A to 371I) on the Parliament to interfere with the customary laws and practices of Scheduled Tribes particularly in the North Eastern states.

It is for this reason that, Adivasis, across the country have expressed serious reservations over UCC and warned against any interference with their customs and traditions. Please note that the chairman of the Parliamentary Committee on Law and Justice, Mr. Sushil Kumar Modi has reportedly assured that the indigenous populations in the Northeast and other parts of the country ought to be kept out of the UCC.

*(Excerpts from the letter dated 13 July 2023 by Adivasi Sangharsh Morcha to Law Commission of India) ■*

## **AIPWA's submission to the 22nd Law Commission on the UCC**

**A**IPWA acknowledges that the Personal Laws across religions contain provisions that are discriminatory towards women and violate the fundamental tenet of equality guaranteed by the Constitution. However, the belief that a "Uniform Civil Code" is an answer, is not true. It is known that the root cause of inequality lies in discrimination and not in difference. Any attempt to amend personal laws must address the inequality, to ensure the Constitutional guarantee of equality, rather than imposing uniformity. What is required is law reform and institutional reform that will lead to gender justice.

Till date, various laws such as the Protection of Women from Domestic Violence Act, 2005, the

Prohibition of Child Marriage Act, 2006 and the Medical Termination of Pregnancy Act, 1971 have been brought in which are universally applicable to women from all communities.

Women's work should be recognised and given due social dignity. Women are working and contributing to the family and society in many ways, and it is high time the State recognizes the unpaid contributions of women in their families. The State should also enact laws in areas of matrimonial property in which no personal laws exist and ensure women's rights to the property and assets in the natal and as well as in the matrimonial home. Also, personal laws of all religions regarding

marriage, custody, maintenance, and inheritance and in secular laws, must eliminate the disadvantage faced by women. The Constitutional privileges and protections given to Adivasis and constitutional limits (Articles 371A to 371I) regarding the customary laws and practices of Scheduled Tribes particularly in the Northeastern states must be protected.

We are all for legal reforms to ensure equality and gender justice in all communities and regions, and we strongly oppose any move to disregard the cultural diversity of India in the name of imposing any uniformity on all. The idea should be to ensure equality and reconcile it with diversity and not pit one against the other. ■

# The Message of the Bengaluru Meeting of Opposition Parties

▲ DIPANKAR BHATTACHARYA



The successful second conclave of Opposition parties in Bengaluru and the emergence of a new coalition with the acronym INDIA have clearly rattled the Modi regime. The desperation to put up a parallel 'alliance' show in Delhi on the same day by discovering and manufacturing new parties from all corners of India showed the growing nervousness of the regime.

This marks such a stark contrast to the BJP's arrogant boast of ruling India unchallenged for the next 50 years! Remember JP Nadda's arrogant statement in Patna a year ago that the days of regional parties in India were over? Remember Narendra Modi's 'ek akela' boast in Rajya Sabha on February 9 this year when he said that one man had proved to be heavier than the collective might of many in this country?

The arrogant power-drunk BJP today is desperately trying to revive the dormant NDA banner ahead of the

2024 elections. Its arrogance led several of its former long-standing allies like the Shiv Sena, Akali Dal and JDU to sever their ties with the BJP. The same BJP is now trying to split these parties and accommodate splinter groups as its allies. It engineered a split in the LJP after Ramvilas Paswan's demise and now it is playing the number game by presenting the single former party as two new-found allies!

A jittery Modi camp is now trying to pit India against Bharat, thereby once again revealing its contempt for the Constitution of India. "India, that is Bharat, shall be a Union of States", says the very first Article of the Constitution of India. The Modi government wants to drive a wedge between India and Bharat and reduce the states of India to the status of colonies of an over-centralising Union Government.

The Modi government knows only one model of governance. It cannot rule except by waging a constant

war on India - the constitutional foundation and federal framework of India's democracy, the composite culture and diversity of India's social fabric, the rights and liberties of India's citizens and the survival and dignity of India's toiling millions. India will have to summon all its strength to overcome this calamity about which Dr. Ambedkar had forewarned us right at the time of adoption of India's Constitution. The constitutional vision of a sovereign socialist secular democratic republic must prevail over the nightmare of the all-round anarchy and crisis that the Modi regime has inflicted on the country.

The message from Patna and Bengaluru must now be taken to the people in every corner of India. The coming elections will have to be fought as a powerful people's movement to defeat the BJP. The battle has only begun. We shall fight! We shall win! ■

# Maharashtra Exposes the Farce of Modi's Anti-Corruption Diatribes

Exactly a year after engineering defections in the Shiv Sena, the Modi-Shah regime has now targeted the Nationalist Congress Party. Ajit Pawar has once again been sworn in as Deputy Chief Minister in Maharashtra. What made this Sunday coup especially sensational was that it happened within seventy-two hours of PM Modi's 'guarantee' speech in Madhya Pradesh where he had melodramatically announced that if the opposition guaranteed corruption, Modi stood for guarantee of action against the corrupt. In that speech he had specifically accused the NCP of scams worth at least rupees 70,000 crore. Of the nine ministers now sworn in to the Maharashtra cabinet from the Ajit Pawar camp at least three have been on the ED radar for years together. Maharashtra has thus once again exposed the utterly farcical nature of Modi's anti-corruption rhetoric.

The meaning of the Modi 'guarantee' of action against the corrupt has now become crystal clear for the public – it is a guarantee that politicians will face persecution and vendetta if they remained in the opposition and will enjoy impunity and power if they joined the BJP camp. When Modi says that no corrupt politician would be spared, it actually means that his government would try and coerce all of them to join the BJP which is the ultimate washing machine for people accused of all kinds of crimes from financial irregularities to sexual harassment and rape to hate crimes of every kind. From Himanta Biswa Sharma in Assam and Subhendu Adhikari in West Bengal to now Ajit Pawar and Chhagan Bhujbal in Maharashtra, the list of the rehabilitated scam

accused in the BJP camp is getting lengthier by the day.

Behind Modi's verbal aggression describing the opposition as a gang of corrupt dynasts, there is clearly a palpable fear that the growing electoral understanding among various opposition parties would galvanise the people and channelize their anger towards the Modi regime into a decisive defeat of the BJP in the forthcoming elections. Even without any opposition unity, the Congress has managed to defeat the BJP quite emphatically in Himachal Pradesh and Karnataka. An upbeat Congress now appears to be clearly on a comeback trail in the next round of Assembly elections in Madhya Pradesh and Telangana while retaining power in Chhattisgarh and possibly also in Rajasthan. As India's second biggest electoral state supplying as many as 48 MPs, the importance of Maharashtra to the BJP can therefore hardly be overemphasised.

The BJP is very much aware of the underlying instability of the Eknath Shinde-Devendra Fadnavis government (aptly described as the ED government) with the sword of disqualification hanging over the heads of Eknath Shinde and his colleagues as the Supreme Court constitution bench revisits the Maharashtra crisis in the coming days. In the immediate context, the inclusion of the defecting NCP legislators is expected to compensate for any numerical deficit caused by the possible disqualification of Shinde and his colleagues. But it is now clear that Ajit Pawar still does not have the requisite numbers and the possibility of some defecting members returning to the Sharad Pawar camp is only growing with Sharad Pawar going back to the people to rebuild the party.

Meanwhile, the NCP has also appealed for disqualification of Ajit Pawar and the other MLAs who have joined the Shinde cabinet and expelled the rebel MPs. The battle has thus only begun and the situation remains unsettled even in the short run.

Across India, the Modi government is identified with the 'Gujarat model'. Even though the impression of domination of Gujarat is sought to be mitigated by including Yogi Adityanath in the Modi-Shah bracket and getting Narendra Modi to represent Varanasi in the Lok Sabha, the unprecedented concentration of power and wealth in the hands of four Gujaratis is not lost on anyone. The issue of federalism thus resonates strongly today not just in Kashmir which has been stripped of its constitutional rights or in Delhi where the elected state government is denied its constitutional powers through an invasive executive ordinance or in states marked by a distinct linguistic and cultural identity like Tamil Nadu and other southern states, but right in Maharashtra, the heartland of Indian capitalism. Coupled with the increasing transfer or diversion of projects, offices and institutional resources from Maharashtra to Gujarat, the political attacks on the Shiv Sena and NCP, two parties with strong Maharashtra-centric regional identities can only make Maharashtra feel more uneasy under the domination of the Gujarat model and make restoration of the federal balance a more pressing concern in Maharashtra politics.

The rise of the federal agenda against the backdrop of the widening fault-line between Gujarat and Maharashtra was the underlying factor behind the eventual rupture between the Shiv Sena and the BJP, two parties



that shared the closest ideological intimacy during the rise of Hindutva in the last three decades. If in spite of the underlying Hindutva bond, the alliance between the Shiv Sena and the BJP could not survive the growing domination of the Gujarat model, the NCP has never really been ideologically aligned with the BJP except perhaps on economic and foreign policy matters. The threat of persecution and the allurements of power have of course pushed the majority of Shiv Sena and now NCP

legislators too to the BJP fold, but the by-election and APMC election results and the ground level support for Uddhav Thackeray's Shiv Sena and Sharad Pawar's NCP clearly indicate the isolation of the Shiv Sena and NCP MLAs who have surrendered to the BJP from their respective mass bases.

The Modi government now desperately relies on communal polarisation, political coercion and brutal suppression of dissent

to hold on to power in the face of its growing unpopularity. The disconnect between the concerns of the people on the ground and the power-drunk arrogance of the regime is now all too glaring from Maharashtra to Manipur. Let the opposition not be deterred by the unscrupulous power games of the regime and draw new strength and energy by connecting with the people. Modi's Maharashtra gamble has every potential to boomerang and hasten his downfall. ■

## *Modi's US State Visit Has Revealed the True Colours of His Regime before the Whole World*

**A**head of the 2024 Lok Sabha elections, Narendra Modi is once again banking on his so-called global image to shore up his fast declining local stocks. Even as Manipur has been burning since early May with more than 100 lives lost, more than 200 churches burnt and more than 50,000 displaced people struggling to survive in relief camps, the PM left the crisis-ridden state in the lurch and flew to America on a state visit. This was his sixth US visit in nine years. And the Biden Administration has taken full advantage of the Modi government's desperate craving for a US state visit ahead of the elections to tighten the American strategic grip around India.

Leaving aside the optics and self-congratulatory propaganda of the Modi government and Godi Media, we should focus on the Biden-Modi joint statement to assess the real content of the visit. The 58-paragraph-long statement touches almost all subjects under the sun, but the focus clearly is on deepening and broadening defence ties which can only mean greater strategic dependence of India on the US and consequent limiting of India's strategic autonomy. India has already been drawn into alliances

like the Quad (comprising USA, Australia, Japan and India) and I2U2 (Israel, India, USA, UAE) primarily to serve the US policy of containment and encirclement of China and consolidation of the US-Israel nexus.

The joint statement has all the imprints of deeper strategic inroads made by the US in India's space and technology sectors and the domain of defence. While the US will now have greater access to the Indian Navy and naval resources, India has been lured into buying 31 hugely overpriced Predator drones costing \$3.1 billion, a deal that has all the trappings of another Rafael scam. There are of course some proposals of collaboration in the manufacturing sector as in the MoU signed between General Electric and Hindustan Aeronautics Limited regarding production of F-414 jet engines or the MoU regarding the setting up of a semiconductor assembling and testing facility in Gujarat. The investment amount will however have to be borne mostly by India and only time will tell if India really benefits from any significant transfer of technology.

India's increasingly US-centric foreign policy has not just prohibitive

financial costs but more importantly adverse diplomatic and political implications. In India's own national interest, India needs peace in the region and cordial relations with all neighbours. India's border dispute with China demands diplomatic resolution, but if India becomes a close ally in pursuing the US strategy of containment and encirclement of China that would only broaden and deepen India's antagonism with China. The more India gets drawn into the US-Israel camp, the more it gets alienated from not just all immediate neighbours but also the Gulf countries making it actually easier for China to expand its sphere of influence. The Akhand Bharat map in the new Parliament building has already made India's neighbours including Nepal apprehensive about India's perceived expansionist territorial ambitions.

For considerable sections of American media and public opinion including many in the Indian diaspora or the Indian-American community, the Modi visit meant an occasion to share their concern about the crisis of India's democracy and question the persecution faced by dissenters, the increased violence, insecurity

and discrimination affecting India's religious minorities and the alarming erosion of media freedom, civil liberties and human rights in Modi's India. Seventy-five US lawmakers wrote to President Biden expressing their concern, several boycotted Modi's address, and hundreds protested on the streets of America. Former President Obama too publicly raised these concerns while Modi was asked in his White House joint Press Conference what his government planned to do to remedy the situation. Modi gave a tautological answer Invoking India's Constitution to rule out any possibility of discrimination and human rights violation simply because India is a constitutionality proclaimed democratic republic. But the angry reaction to Obama's comment and the press conference question from the BJP troll army as well as senior BJP leaders has once again given away the truth!

Sabrina Siddiqui, the Wall Street Journal reporter who asked the question about the decline of democracy in India is being trolled as a Pakistani agent. The White House and international journalists have condemned this harassment of Ms Siddiqui. Even Barack Obama is being

trolled by BJP leaders as 'Hussein Obama', projecting him as a Muslim and therefore biased against India. Shamefully, Assam Chief Minister Himanta Biswa Sarma retorted to a journalist on Twitter that Assam Police will first deal with the Hussein Obamas in India before bothering about the American Obama! Finance Minister Nirmala Sitharaman and Defence Minister Rajnath Singh are also busy rubbing Obama for the bombing of Muslim countries during his Presidency, coolly ignoring the fact that the Modi government has been a vocal supporter of US foreign policy vis-a-vis Muslim countries!

Modi's address to the joint session of US Congress also merits attention - though not for his mistaken reading of the teleprompter text that made him talk about investigating in the girl child and laying of thousands of miles of political fibre! It is the text and not the PM's delivery which should attract our attention. Talking about the 75th anniversary of India's independence Modi once again talked about one thousand years of foreign rule. It is this rejection of one thousand years of Indian history and heritage that lies at the root of the toxic narrative of Hindu supremacist majoritarianism,

projects Indian Muslims as invaders and the 'internal enemy' and provides the ideological justification for the relentless campaign of hate and violence against the Muslim community which now threatens to assume genocidal proportions with calls for boycott and expulsion of Muslims from one state after another.

During the Trump Presidency, Modi had turned his US visit into a campaign platform for Trump with his loud exhortation of 'Abki Baar Trump Sarkar'! The American voters, including many of Modi's audience in the Indian diaspora, were wise enough not to be misled by Modi's cheerleading clamour for a second term for Trump. While obliging Modi with a pre-poll state visit and its attendant publicity, the Biden Administration has however made sure that the true character of the Modi regime got revealed before the whole world. Just as the American voters turned down the Modi clamour for a renewed Trump victory, let's hope the Indian electors also display the maturity to see through the truth of Modi's claims to 'global leadership' and reject him for inflicting on India the unmitigated disaster that his regime has been. ■

## *Debunk the False Narrative of* **Modi's 'Foreign Policy Success'**

**L**iberty! Equality! Fraternity! Galvanised by this clarion call of democracy, the people of France had risen in triumphant revolt in 1789 against the hated citadel of monarchical repression. The storming of the Parisian Bastille prison heralded the historic advent of the modern era of democratic republics. One hundred and sixty years later it was this spirit of freedom that became the underpinning of the Constitution

of republican India when political power was wrested from the control of British colonialism into Indian hands. In a supreme irony of history, today even as that constitution is being trampled underfoot by the tyrannical Modi regime, the destroyer in chief of Indian democracy figured as the guest of honour in the French celebration of Bastille Day this year. The well-known French newspaper Le Monde termed this irony in its editorial

comment a victory of realpolitik.

This realpolitik reflects the strategic convergence of interests of the powers that be in today's France and India. Modi's current visit to France, his fourth since Emmanuel Macron came to power in 2017 and seventh since his own victory in 2014, marked twenty-five years of strategic partnership between France and India. And the deepening of strategic ties means growing defence purchases by India from France.

Between 2018 and 2022 France has been India's second largest arms supplier, accounting for 29 percent of India's total arms imports. The Bastille Day parade witnessed joint participation of French and Indian troops along with the controversial Rafale jets acquired by India from France. The state-owned television network France 24 rightly observed "Arms, not democratic values, on parade as Macron hosts India's Modi on Bastille Day".

Even as controversy continues to haunt Modi's 2015 Rafale purchase deal - while the investigation has been hushed up in India following a 'sealed cover' communication between the Modi government and the Supreme Court, irregularities of the deal are still being probed and exposed in France - Modi's current visit saw a fresh purchase announcement by India. In two major deals costing reportedly about \$10 billion, India will purchase 26 additional Rafale jets for the Indian Navy as well as three Scorpene class submarines. These big defence contracts serve as the bedrock of India's much-trumpeted strategic partnerships, whether with the US, Israel and now increasingly France. Only the other day we saw the Modi government seal a hugely overpriced Predator drone deal with the US during the PM's state visit to the US in June.

Like his US visit, PM Modi's visit to France has also been marked by strong international indictment of the Modi government's systematic assault on democracy in India. The growing insecurity of religious minorities, especially Muslims and Christians, suppression of dissent and press freedom, the reign of hate and fear and the impunity with which private militias are spreading terror and violence and BJP leaders are getting away with a whole range of crimes are rightly being questioned by global

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India's international stature is directly related to the state of India's internal democracy, economic development and social fabric. A government that continues to inflict domestic disasters on all fronts is bound to be a liability in the international arena too.

public opinion and well-wishers of Indian democracy. Several public intellectuals and eminent voices of France asked Macron to "encourage Prime Minister Modi to end repression of the civil society, assure media freedom and protect religious liberty". Clearly, Obama's comments on CNN and the question addressed to PM Modi by the WSJ journalist Sabina Siddiqui continued to resonate in France.

In the US several senators had registered their protest by boycotting Modi's address to the joint US Congress. Coinciding with Modi's France visit, the 705-member European Parliament actually discussed and adopted a resolution moved by five factions covering around 80% of lawmakers. The resolution expressed serious concern about the ongoing violence in Manipur which has resulted in large-scale deaths, massive displacement and destruction of houses and places of worship, especially churches, on an alarming scale. The Modi government's stock response to this indictment has been the same as we witnessed in the

wake of the BBC video and Obama's comments and US media questions, calling it 'politically motivated interference in India's internal affairs'. Ironically, following the assault on the constitutional rights of Jammu and Kashmir, the same Modi government had hosted a dubious visit by a small group of favourable European MPs even as India's own opposition MPs and political leaders were being prevented from visiting the beleaguered state.

Ahead of the coming Lok Sabha elections, the BJP is trying hard to counter the growing public disillusionment and anger over the Modi government's dismal track record of all-round failure and betrayal by conjuring a false impression of India's growing global stature under Modi's Prime Ministership. The hype over Modi's Australia, US and France visits and the G20 Presidency will all be used to build up this fake narrative. As the world's most populous country with rich natural resources, enormous manpower and an extensive market, India definitely has many advantages and a major role to play in the present international situation. But far from leveraging these advantages to develop India into a stronger democracy and people-centred economy with a powerful voice for global justice, peace and planetary survival, the Modi government is actually pushing India into a state of strategic dependence on the US and its western allies and growing isolation from and antagonism with all its immediate neighbours. Moreover, India's international stature is directly related to the state of India's internal democracy, economic development and social fabric. A government that continues to inflict domestic disasters on all fronts is bound to be a liability in the international arena too. ■



# NRF, a Death Knell for Research in India

▲ LEKHA ADAVI

India is ranked among the bottom 30% among 179 countries in the world ‘academic freedom’ index and has been called out for weakening university autonomy through centralization, bureaucratization and politicization of research. The recent raids on independent research organisations like Amnesty, Oxfam and Centre for Policy Research, comes to show how the BJP-led Union government is pushing knowledge generation in India into complete silence. It is in this context that the Union Cabinet has announced its approval to set up the National Research Foundation (NRF) – a direct outcome of the National Education Policy, 2020 (NEP).

The NRF, an apex body for research, being setup to provide for “high-level strategic direction” to scientific research in the country, will fund and facilitate research in universities and colleges, at both the central and state levels, and will coordinate with funding agencies and academies in science, engineering and other streams. The aim is to develop a culture of research, especially in the fields of population dynamics and management, digital marketplace, climate change, biotechnology and others, which means that research will be led by market-based needs and will in no way encourage critical scientific research, increase scientific temperament or take scientific research to the masses. There is no doubt that R&D sector in India requires to be strengthened. However, what the NRF envisions is a cause for worry.

Scientific research and development was earlier conducted by bodies like Science and Engineering Research Board (SERB), which has now been subsumed by the NRF, along with Department of Science and Technology, Department of Atomic Energy, Department of Bio-Technology, Indian Council of Agriculture Research, Indian Council of Medical Research, Indian Council of Historical Research, and University Grants Commission, among others. While the funding came from the Union government, the research conducted were independent and free from interference of the ruling regime. This was highlighted in 2022 when the Wildlife Institute of India was asked to have its reports and publications pre-approved by the Union Ministry for Environment.

Recently, the Union government enlisted the help of the Central Building Research Institute (CBRI), Roorkee, a CSIR facility, to ensure the “sun’s rays will fall on Ramlala’s head in Ram Mandir on Ram Navami 2024”. CBRI had also roped in researchers from the Indian Institute of Astrophysics, Bengaluru, and the Inter-University

Centre for Astronomy and Astrophysics, Pune for this “research”. National Institute of Advanced Studies, Bengaluru has been commissioned by the Ministry of Culture to fund a project to establish the genetic history and trace the purity of races in India. When science institutions are being used to serve the agenda of the Sangh Parivar, we see that the NRF being setup will be run by a Governing Board whose ex-officio President will be the Prime Minister, whereas the ex-officio vice-presidents will be the Union Ministers for Science & Technology and Education, and NRF’s functioning will be governed by an Executive Council with its chair being the Principal Scientific Adviser, Government of India. This is a direct assault on the independence and autonomy of research that will be conducted in India. About Rs. 50,000 crores has been allocated to setup this apex research body, with only Rs. 14,000 crore being provided for by the Union Government. Out of this, Rs. 4,000 crore will be used from the SERB as it is being subsumed by the NRF. The remaining Rs. 36,000 crores will be through contingent funding from private sector, including philanthropic initiatives, and such funding is in the realm of the unknown.

Even as the NRF aims to provide a reliable base of “merit-based”, but equitable peer-reviewed research funding, a study on ‘Brahmins as scientists and science as Brahmins’ calling: Caste in an Indian scientific research institute’ showed how science has been dominated by Brahmin and upper caste scientists, who perceive to be the “natural inheritors” of scientific practice. In contrast, we see how despite social justice measures being adopted in eminent science institutes, caste discrimination and mental harassment has led to death by suicides of students who are pursuing PhD. The rate of death by suicides among students has increased to 35 deaths per day!

Academic freedom is being proactively curbed where recently we saw that a talk on ‘UAPA, prisons and the Indian criminal-justice system’ with anti-CAA activists Natasha Narwal and Devangna Kalita, organized by students and academicians was cancelled by the Indian Institute of Science, Bengaluru. When the event took place braving all odds and a signature campaign was undertaken questioning the move of the premier science institute, showcase notices were sent to two professors from Indian Institute of Science Education and Research, Mohali for endorsing the open letter.

Strengthening of public universities is the need of the hour, and to the contrary, what we find is an active effort

to crackdown on progressive intellectuals and student politics, with dissent being considered “anti-national” and students like Devangna, Natasha, Umar Khalid, Gulfisha, etc., and professors like Anand Teltumbde, Saibaba, Hany Babu, being incarcerated by the State. On the other hand, saffronisation of education through textbook revisions, discouraging analytical thinking through introduction of multiple-choice questions, etc., will ensure the death of critical thinking in early education. The implementation of NEP has drawn large scale criticism from educationists and academicians, and the BJP-led governments continue to bulldoze the

policy into implementation. With the NRF being the brainchild of the NEP, the quality of research and the kind of research that will be generated in the days to come, will destroy what remains of the research sector.

With academic spaces shrinking, discrimination being rampant, research becoming unaffordable, blatant privatization and corporatization of education sector, coupled with the active interference of the ruling regime to propagate their ideology through saffronisation of education and research, the NRF rings a death knell to research in India. ■

## The Digital Personal Data Protection Bill

▲ MAITREYI

**T**he Union Government has recently stated that a draft of the Data protection Bill would be tabled in the monsoon session of Parliament.

Our personal data has become a commodity, used by businesses worldwide to shape our behaviour and, on the other hand, for the government, the same data is used a tool to expand its control and regulation over citizens. A proposed bill on Data protection would be required to act against such possibilities. That, however, is not the case.

In August, 2017 a nine-judge bench of the Supreme Court, in Justice K.S. Puttaswamy vs Union of India, unanimously affirmed that the right to privacy is a fundamental right under the Indian Constitution. Earlier in 2017, the Union Government had constituted a Committee under the Chairmanship of Justice B.N. Srikrishna to study issues relating to data protection and to suggest a draft data protection bill. The Committee gave its Report in 2018 along with a Draft Bill. Thereafter, a Bill with the stated objection for protection of data was first introduced in 2019

and referred to a Joint Parliamentary Committee. After much criticism, the bill was withdrawn in August, 2022, and in November, 2022, the Digital Personal Data Protection Bill 2022 was introduced.

As of now, the most recent draft of the Bill approved by the Union remains undisclosed, leaving us to base our analysis on the contents of the November 2022 version. The provisions of this Bill suggest that the intent of the Bill is not on data and privacy protection. Instead, it serves as a means to grant a seal of approval for the perpetuation of a surveillance state, and become a mechanism to control citizens rather than protect data.

### Perpetuation of a surveillance state and the commodification of data through Exemptions

Section 18(2) of the Bill grants overarching powers to the Union Government to exempt any instrumentality of state from the application of the provisions of the Bill for vague and over broad reasons that include “sovereignty and integrity of India, security of the State, friendly relations with foreign

States, maintenance of public order or preventing incitement to any cognizable offence relating to any of these”.

Section 18(4), exempts instrumentalities of state from the requirement of erasing personal data after its purpose has been fulfilled. Section 8(9) empowers the Union government to establish “fair and reasonable” reasons for which personal data can be used without explicit consent, and consent is deemed. This gives the government undue and overreaching influence, which they can use to their advantage, putting citizens’ personal data in the government’s hands without their permission.

These provisions permits the government to collect data about citizens, retain such data and create profiles for surveillance, essentially, without any restriction. Under these circumstances, the ‘Right to Privacy’ confirmed by the Supreme Court in 2017 loses all meaning and the law essentially legitimizes the establishment of a surveillance state.

In regard to private entities, Section 18(3) empowers the Union Government to exempt private entities, “having regard to the

volume and nature of personal data processed” from various provisions of the law - including the duty to issue a notice before collecting data, the duty to not to retain data after the purpose for which it was collected is completed and the duty to provide information as to the purposes and uses of the collected data. Without clear guidelines in regard to the basis for such exemptions, one can only imagine the manner in which Big Tech would weaponize these provisions of the law

### **Erasing Consent in the name of “Deemed Consent”**

The Bill mandates that personal data may be processed for the lawful purpose for which an individual has given explicit consent. However, Section 8 introduces situations where consent is “deemed” to have been given – meaning that consent is presumed even if it has not been expressly provided in reality.

Consent is ‘deemed’ to have been given when such use is considered to be in ‘Public Interest’. And, what are the grounds for considering something to be of ‘Public interest’?

Among others - Prevention and detection of fraud; mergers & acquisitions; network and information security; Credit Scores; operation of search engines for processing of publicly available personal data; processing of publicly available personal data; and recovery of debt. The indicative list itself shows the overbroad use of the term public interest – in what way, for instance, can recovery of debt and credit scoring, which requires the collection of private and sensitive financial data for private purposes even be understood as public interest and be provided to others without the explicit permission of the individual in each and every such query.

Similarly, Section 8 provides for deemed consent for the purposes of employment, which has to be viewed as a further intensification of the “dictatorship of the private employer”. The 2019 Bill treated employment as a basis for processing only non-sensitive personal data - sensitive details like sexual orientation, sex life, transgender status, caste, religious affiliation etc. were covered under ‘sensitive personal data’.

### **A weak enforcement system**

The Bill requires the Union Government to set up the Data Protection Board of India responsible for addressing non-compliances, imposing penalties and directing remedial actions in cases of data breach.

Two key distinctions between the 2018 Draft proposed by the Justice Srikrishna Committee and the 2022 Bill highlight concerns about the weakened nature and independence of the Board.

Under the 2018 bill the Selection Committee of the Board included the Chief Justice of India or a Supreme Court Judge - Such judicial presence has been omitted in the 2022 Bill and the selection process of the Board is now to be determined by the Government.

Secondly, the 2018 Bill explicitly safeguarded the salaries and allowances of the chairperson and members of the DPAI throughout their tenure, ensuring financial security that would support the independence of the institution. However, the 2022 bill lacks such guarantees, leaving the matter of financial security at the discretion of the Union Government. It would be important to recall a similar change made in the RTI (Amendment) Act, 2019.

These provisions raise crucial

concerns about the independence of the Board, that is tasked with the responsibility of penalizing and acting upon non-compliances of the law.

Add to this, the penalty introduced in the Bill of Rs. 10,000/- for registering a “false or frivolous grievance” - this would deter the free exercise of rights for the fear of facing penalties.

### **Sacrificing Privacy for Global Business and State Surveillance**

In the 2017 Right to Privacy judgment, Justice Chandrachud writes “Dignity cannot exist without privacy. Both reside within the inalienable values of life, liberty and freedom which the Constitution has recognized. Privacy is the ultimate expression of the sanctity of the individual. It is a constitutional value which straddles across the spectrum of fundamental rights and protects for the individual a zone of choice and self-determination.”

The Prime Minister, Narendra Modi, while speaking about the Bill only said that it would improve the country’s global standing - He chose to not speak of the people’s right to privacy that was to be the focus of the Bill.

This is only reflective of what the 2022 Bill has to offer. In the name of data protection, it effectively sanctions state surveillance and allows for personnel data to be commodified and used by business. The Bill takes us down a dangerous road of sanctioning the violation of the right to privacy and grants excessive power to the State, rendering the right to privacy meaningless, encroaching upon the very essence of life, liberty and freedom itself. ■



## *New Wheat Storage Plan* **A Ploy to Clandestinely Bring Back the Repealed Farm Laws**

**O**n June 1<sup>st</sup>, the Union government announced the “world’s largest grain storage scheme in the cooperative sector”, which is to be implemented through an empowered Inter-Ministerial Committee with an outlay of Rupees One lakh crores. This will be a project piloted by the Ministry of Cooperation headed by Amit Shah, along with the Ministry of Agriculture and Farmers’ Welfare, Ministry of Food Processing Industries and Ministry of Consumer Affairs, Food and Public Distribution. This plan is to be brought into shape by a National Coordination Committee through the already existing and ‘viable’ Primary Agricultural Credit Societies (PACS). About Rs. 1 lakh crore will be taken away from the ‘available outlays provided’ under eight identified schemes in many ministries for this purpose, without any separate funds being allotted.

PACS has not been assigned the job of grain storage now, but they will function in multiple roles to serve as fair price shops, buy and rent agricultural implements to farmers, food processing of farmers’ produce, and even to set up mechanisms for quality control of farm produce. In a separate communique of the government, it has been said that selected PACS will also be allowed to set up the much hyped ‘Jan Aushadhi Kendra’ to sell generic medicines.

Agricultural credit societies are functional at village-level through an old cooperative system with the contribution of member farmers and producers themselves, along with the short term credit made available by a network of various Gramin Banks under a certain policy framework regulated by NABARD and other



institutions. So far, these PACS are supposed to cater to farmers’ immediate needs during crop seasons. Their primary mode of functioning is cooperation, which practically cannot create enough funds for investments and diversification of their role in, more and purely, commercial activities. Such funds then will have to come from some outside source which could be through government subsidy or loans from banks or private investment. As per the plan, each PACS will have a modular facility for the above mentioned jobs of storage, processing and marketing with an estimated construction cost at Rs. 2.25 crores, out of which, the government will provide a subsidy of Rs. 51 lakh and the rest will be margin money or loan. The storage space will be rented out to the FCI or private agencies. With such an arrangement, it has not been made clear as to how an envisaged annual earning of Rs. 45 lakhs to the concerned PACS will be feasible.

Till 2000, the share of rural credit cooperatives in disbursing rural credit used to be 54% and they had contributed more than 50% in providing short-term credit for farmers’ input costs. But, for obvious policy reasons, the actual

‘co-operative’ movement got weakened during severe agrarian crisis under neoliberal regime and the credit cooperatives’ share in rural credit dropped at 12.26% by 2019. A relatively robust rural credit mechanism and a policy framework that included agriculture subsidies and various schemes has now been withdrawn to comply with WTO dictates. The new scheme of things being presented mainly relies on the same dictum of market that was voiced by the BJP and other proponents of the three farm laws which the Modi government was forced to withdraw under pressure of the historic farmers’ movement.

Now the PACS is no longer a platform for improving the rural credit system. Instead, they have been transformed into multi-service centres which are to be connected electronically at the national-level into a single platform for marketing agricultural produce and services in an open market. The government has already started a project to bring all PACS on a common platform with a Common Accounting System for their business by computerising them. The Farmers (Empowerment And Protection) Agreement On Price Assurance And Farm Services Bill, 2020, meant to

bring in contract farming, was passed by the Modi Government in 2020 and repealed later in 2021 under pressure of the farmers' movement. This was to realise the corporate India's dream of 'opening up the market for the Indian farmer'.

While addressing PACS representatives in August 2020, Narendra Modi had said, "Why can't a farmer sell his crop like a soap-maker can sell his soaps wherever he wants? Why is there no concept of 'one nation, one market' for the farmer?". That Contract Farming Act had the provision of introducing third parties, other than farmers and the government, in the name of 'farm service provider' or 'qualified assayer' or 'aggregator'. The 'Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020,' Act passed, and repealed later, was to replace APMCs and system of minimum support prices for the crops by introducing 'farmer producer organisation' and 'co-operative society' as a platform to deal with the traders in an open market. These same provisions, widely opposed by the farmers of the country, are brought in again in the name of making PACS multi-modal and as multiple service provider agencies, but without any

assurances of procurement of crops at MSP or any governmental finance to make this scheme viable in favour of common farmers.

As far as storage of food grain is concerned, the existing capacity of Food Corporation of India (FCI) is sufficient in fulfilling the requirements for National Food Security Act, Public Distribution System and also has a buffer stock to keep the prices stable during lean season or aggressive open market situations. This is in spite of the fact that the Modi government had, in 2015, recommended privatisation of the FCI along with reduction in coverage of PDS. A number of Adani Agri-business companies were set up whose grain silos will take the place of FCI godowns. The FCI was deliberately deprived of funds needed for its modernisation and even maintenance works. Moreover, this very crucial public sector undertaking and an important component in ensuring food security for the nation was forced into a heavy debt trap which it cannot recover from on its own. This is how the Modi government has cleared the path for its crony corporates, and the Inter-Ministerial Committee headed by Amit Shah can make the way further using PACS as the next platform for

corporatisation of agriculture.

According to the recommendations of the National Farmers' Commission, farmers are struggling for proper remunerative prices, for legal guarantee of MSP, for decreasing the input costs, legislation for sharecroppers to be recognised as farmers, etc. But despite the retreat on three pro-corporate farm laws, the Modi regime continues to implement the same through backdoors. The Electricity (Amendment) Bill of 2020 was repealed, but now the Electricity (Amendment) Bill, 2022 was placed before the Lok Sabha and has been referred to the Parliamentary Standing Committee.

India had enjoyed relative seed sovereignty with public sector firms dominating the seed sector. The subsidised fertilisers were in affordable limits, and the agriculture extension services lent a big hand to farmers in need. The PACS in the new avatar is said to be providing the same services under a so-called open market ecosystem which was earlier there as state's support system. This will further endanger the already crisis-ridden agriculture, leaving peasantry at the mercy of companies whose only motive is to make more profits. ■

## *Tackling Alcoholism as* **A Health Disorder and a Wider Societal Issue**

▲ CLIFTON D' ROZARIO

**A**lcohol prohibition is a subject of intense debate and public concern in the country. Some states like Haryana and Andhra Pradesh introduced prohibition only to lift the ban even as Gujarat has had prohibition in force for the past seven decades. At present various levels of alcohol prohibition operate in a handful of states – in Gujarat, there is provision

for special alcohol licences for hospitality establishments as well as individuals, in Lakshadweep serving liquor is only permitted at the resort on Bangram island, in Mizoram the 2019 prohibition law permits military personnel and those with "medical needs" to consume alcohol, while in Nagaland it is complete prohibition. Bihar too has complete prohibition since December 2015

when the government introduced its New Excise Policy. Towards this end, the law regulating liquor sale and consumption was amended and complete prohibition was declared within the State of Bihar from April 2016 onwards. The Bihar Prohibition and Excise Act, 2016 prohibits the sale, purchase, or possession of liquor in any form (including Indian-made foreign and country-made liquor)

and mandates stringent penalties for violators.

Incidentally, the various debates and concerns – for and against prohibition – formed one of the prominent debates at the time of framing of the Constitution in the Constituent Assembly.

Article 47, one of the Directive Principles of State Policy, in addition to securing adequate nutrition, the standard of living and improvement of public health as among its primary duties, mandates that the “State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health”. It is interesting to trace the debates in the Constituent Assembly that led to the adoption of prohibition of “intoxicating drinks”, especially since this did not form a part of the Draft Article in the initial instance.

In November 1948, there effectively prevailed a consensus in the Constituent Assembly on the question of introduction of prohibition of alcohol. The Gandhian school considered prohibition, along with khadi, as being fundamental to Gandhi’s politics. Unsurprisingly there were only two detractors to this proposal – BH Khardekar and Jaipal Singh. Khardekar countered the arguments presented by the prohibitionists, whether economic or moral, on the basis of experience of other countries and urged to learn from the mistakes of others. He drew a distinction between drinkers and drunkards and emphasised the need to use revenues from the sale of liquor to promote education and social upliftment of the poor and the deprived and find other effective ways of dealing with the problem of alcoholism. Jaipal Singh pointed out how prohibition would go against the customs and rights of Adivasi communities.

At the end of a long debate it was

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Treating alcoholism as an issue of individual morality and a law and order problem, rather than as a health disorder and a wider societal issue, is contributing to making the problem worse, rather than better

Ambedkar turn to respond. While concluding that the proposal seemed acceptable to the House, he addressed two specific objections that were raised on the issue of prohibition. In response to Khardekar, Ambedkar clarified that prohibition was to be made part of the Directive Principles of State Policy and as such there would be “no compulsion on the State to act on this principle” and “whether to act on this principle and when to do so are left to the State and to public opinion”. Addressing Jaipal Singh, he stated that ample provisions were being made for safeguarding the position of Adivasis with regard to the question of prohibition.

Thereafter the amendment was put to vote and the proposal to include prohibition of consumption of intoxicating drinks, except for medicinal purposes was adopted. Mahavir Tyagi’s proposal for full prohibition without any exception for medicinal purposes was rejected. Sardar Bhopinder Singh’s proposal to insert “tobacco” in the prohibition clause was also rejected.

The Constituent Assembly debates reveal that the considerations around alcohol prohibition revolved primarily around moral, religious and economic aspects. The moral, as the Constituent Assembly debates reveal, is not as simple as it is made out to be

with the questions of differing moral mores, sensibilities and individual liberty remaining unresolved. The economic, on the other hand, has two aspects – firstly, the loss of excise revenue generation, and secondly, the impact on the household finances of the poor.

The Bihar experience has all but confirmed the general experience around prohibition, and the caution sounded by Khardekar in the Constituent Assembly, that when people are deprived of drink by law, they will resort to “illicit distillation”, “drinking poisonous stuff” or use “bribery and corruption”. In fact, Bihar has witnessed a spate of deaths due to consumption of hooch, a form of illicit liquor. Most recently in December 2022 more than 80 persons in Saran district, 5 persons in Siwan district and two people in Begusarai district have died in hooch tragedies. Indeed, consumption of illicit liquor and drugs has spiked in Bihar over the last 6 years, following its complete prohibition in the State. A large share of the blame for this increase can be attributed to the manner in which liquor has come to be prohibited in the State. While alcoholism is a social menace, and one that has an adverse impact on society, particularly on women who are abused by their alcoholic husbands, treating liquor as a law and order problem rather than a social problem has only driven the practice underground and has allowed illegal practices including manufacture and sale of spurious liquor, under the patronage of politicians and the administration, to fester.

Apart from a rise of liquor mafia and hooch deaths, Bihar is also seeing an excessive rise in bail cases being filed under the prohibition law, leaving courts clogged, and several hundreds of people languishing in jail. These prisoners are not liquor mafia dons or other powerful persons but poor people from marginalised sections



including tribal and mahadalit communities who have traditionally been engaged in the liquor business, in this way, the Bihar experience also proves Khardekar right when he said that despite prohibition there will be a “number of people who go on still indulging in drinks and go on filling the innumerable jails”. 45,000 men (of whom a handful may belong to the liquor mafia but the majority are amongst Bihar’s poorest and most oppressed) languish in jails after being arrested under this law. In July 2017, a fast track court in Jehanabad handed the first conviction under the anti-liquor law, in which two extremely poor daily wagers, Mastan Manjhi and Painter Manjhi were sentenced to five years rigorous imprisonment and slapped a fine of Rs 1 lakh on the charge of having drunk toddy.

Here one must point out that the liquor prohibition law suffers from several fatal infirmities, which have a direct consequence on the poor against whom this law is disproportionately used. The Bihar Prohibition and Excise Act, 2016 when enacted faced a huge outcry over its provisions which imposed stringent punishments including death, holding entire families responsible for individual consumption, and expulsion of habitual offenders from the district, and hence the Act came to be amended in 2018, and now again in 2022. The amended Act continues to be a cause of enormous concern however. Under the Act, punishments range from mandatory minimum sentences of 10 years, fines towering up to 10 lakhs to sealing and confiscation of property among other broad brush and draconian provisions. These punishment and penalty provisions raise important legal questions on proportionality. The Supreme Court has dealt extensively with the legal principle of proportionality in several of its cases. Any sentence that is imposed

must be proportionate to the harm caused by the offence. While determining sentencing under any law, the prime consideration must always be whether the response is proportionate to the harm. It needs to be shown that such high penalties or punishments is the proportionate way of addressing the problem of alcoholism in the State; and there are no other methods which are equally efficacious to combat it. However, with respect to this Act, these factors have not been considered. Prescribing 10 years for activities like storing or transporting alcohol is disproportionately excessive. For comparison, under the NDPS Act, which has a similar objective to curb drug use, the punishment for consumption has a maximum sentence of 1 year. The NDPS Act also has graded punishment depending on the seriousness of the abuse. In contrast, the Bihar prohibition Act, has disproportionately excessive punishments, which are liable to be struck down by the Courts. The Act also envisages a reversed burden of proof for certain proceedings under the Act. It is a cardinal principle of criminal law that a person is innocent until proven guilty. The reverse onus clause in the Act with no rhyme or justification for its inclusion is irrational, unreasonable and constitutionally invalid. As such there is no doubt that the law is draconian.

The draconian prohibition law has been ushered in on the pretext of alleviating the sufferings of women and families of alcoholics. But the reality is very different. Mastan and Painter Manjhi, the first convicts under the prohibition law in Bihar, earned their livelihood by plying the *thelas* (cycle-carts). Now their families are on the brink of starvation and deep in debt. When the police raided their home, their wives told the police that they had only been drinking toddy – which is

exempted from punishment under the prohibition law. But the police and judicial system had no respect for the testimony of the very women in the name of whom the prohibition law has been enacted. The legal fight ahead for the family is going to be very difficult.

It is acknowledged that, alcoholism is a deep rooted problem. It has wrecked families, created health hazards and contributed extensively to domestic abuse of women. However, treating alcoholism as an issue of individual morality and a law and order problem, rather than as a health disorder and a wider societal issue, is contributing to making the problem worse, rather than better.

We must also remember that the right to privacy is inherent in Article 21, and every person has the right to choose how to live, what to eat and drink, what to wear, etc. so long as it does not interfere with the rights of others. Coercive laws that deprive people of their right to life and liberty, and have a disproportionate impact on poor and marginalised sections of people is not how a State should tackle alcoholism. Rather the State must look at other measure to target alcoholism including setting up de-addiction centres, expanding public health services and provision of counselling etc among others.

The State government must, for now, withdraw all prosecutions under the Bihar Prohibition and Excise Act, 2016 and release all persons imprisoned under the Act with immediate effect. The State government must consider other effective and non-criminalising steps to address the problematic issues around alcoholism, particularly gender violence, instead of solely relying upon/pursuing with the Bihar Prohibition and Excise Act, 2016. The same ought to be under consideration in all states where prohibition laws are in force. ■

# *Destruction and Decimation of Higher Education*

▲ N SAI BALAJI

The first term of Modi government witnessed fund cuts in the budget of the University Grants' Commission (UGC), sciences and overall higher education; decimation of reservations; vilification and harassment of students and teachers; targeting of premier universities through lies and slander; replacing autonomous sexual harassment bodies like the Gender Sensitization Committee Against Sexual Harassment (GSCASH) with puppet bodies like the Internal Complaints Committee (consisting of nominated as opposes to elected members) in Jawaharlal Nehru University (JNU), fee hikes, criminalisation of student politics and others.

The second term of Modi government from 2019 till date represents a complete destruction of public funded education and institutions governing them into a centralised, corporatised and communalised model that stands against policies of inclusive, affordable, and accessible education.

## **Syllabus Changes: Threat to Plural Education and Academic Freedom**

Efforts are being made to falsify history through deletion of chapters concerning the Mughal period, Gujarat riots and democratic movements. The government is trying to untrain students in democracy and constitutional ethos by removing relevant texts and related chapters. It is also infusing propaganda by adding chapters on Savarkar, Golwakar and other icons of Sangh Parivar who sided with the British colonial legacy, propagated, and institutionalised the



politics of hate that the Hindutva fascist ideology symbolises.

Recently we have seen how departments in Delhi University and other universities were forced to close courses on caste, gender, and other forms of discriminations. These are being done in the name of reform. However, the changes that are suggested will end up entrenching the existing unequal structures that promote discrimination.

## **Loan based Education Model and death of Social Justice**

The public funded model now stands decimated with the National Education Policy (NEP) unilaterally imposed on students and teachers without any discussion in parliament. The NEP seeks to put in place a loan-based education model. Universities and institutes now need to raise loans from banks through Higher Education Funding Authority (HEFA) and students must repay them by taking loans from banks

through increased fees and cost of education. Similarly, the hard-attained policies of social justice stand destroyed with NEP 2020 due to its push for corporate takeover of higher education where policies of reservation are not applicable. The document does not even mention reservations even once in the whole text. The promotion of public-private-philanthropic education model opens avenues for corporates to start universities. If earlier policies promoted privatisation of education, NEP 2020 goes a further step in corporatising education and in institutionalizing privatized education as the new normal.

## **Institutional Murders to Institutional Exclusion**

Darshan Solanki, a first year Dalit student hailing from Gujarat, who was studying in the Indian Institute of Technology (IIT) Bombay died by suicide on 12th February 2023. His family claimed Darshan faced caste discrimination within the campus and wanted an enquiry to be

conducted. The suicide of Darshan Solanki raised questions on the measures taken (or not taken) by IITs and other central universities following the institutional murder of Rohith Vemula in Hyderabad Central University (HCU). Rohith's death raised burning questions about the institutional discrimination faced by students hailing from oppressed backgrounds in higher education. IITs and other central universities have a notorious record of students from marginalised sections dying by suicide over the years. Vemula and Solanki's cases, along with the harassment of students like Payal Tadvī – a first-generation tribal student – leading to her suicide, have raised critical questions about the toxic role of caste discrimination meted out against Dalits, Adivasis, and other marginalised communities. Similarly, Najeeb Ahmed, a student of JNU who went missing in October 2016, after being attacked by students of the Akhil Bhartiya Vidyarthi Parishad (ABVP), is yet to be found. His family still awaits justice.

Now with NEP 2020, and the introduction of four-year multiple-entry-multiple-exit degree programmes also known as FYUP, the exclusion and elimination of students coming from poor and marginalised sections will get institutionalized. Delhi University, Lucknow University and other prominent universities across India are implementing this anti-inclusive degree programme that encourages students to leave their education in between with the false hope of completion at a later date. It is a reality that students with graduate degrees are unable find jobs in the market at present. Now, by allowing students to exit at the end of the first, second and third years with merely a certificate, a diploma, or a degree respectively, their job prospects will obviously worsen.

## **Promotion of Online Education is Incentivisation of Scams and Loot of Students**

NEP 2020 talks in details about the utilisation of online/digital education as a model to increase the gross enrolment ration (GER). The recent case of GeekLurn, an online education institution setup post NEP 2020, exposed how the aspirations of students are exploited by profit hungry people without any commitment to learning. GeekLurn promised students quality training in specific courses related to information technology. Students, in order to access the course, took loans amounting to Rs 2,00,000 to Rs 5,00,000. However, after the payment of fees, the online education-company not only failed to deliver the promised classes but flew away taking crores of students' rupees with them. Over 2000 students across the country are protesting this scam, yet the state government or union government does not have any policy of providing relief to students who are ending up paying the loan which they have taken. The case of Byju's and other online learning platforms is also the same; here too cases of harassment and failure to deliver promised services have surfaced. The online/digital education model is another method for companies to make profits out of aspirations of students.

## **Gujarat Governments GIFT Policy: A Replication of SEZ Model of Education in India**

Modelled on the lines of the Special Economic Zone (SEZ) Policy, the GIFT City (Gujarat International Finance Tec-City) that Gujarat government has established would have foreign universities setting up their campuses in India as offshore entities. The rules governing these

institutions lack clarity and meaning. Will the UGC or any Indian authority monitor them? We are left with the suspicion that rules governing the host country will prevail.

Along with this, another dangerous provision for allowing 'repatriate profit' earned from student's fees to their host country symbolises how the Modi government's new policy encourages not just brain drain but drain of wealth too. These institutions have complete autonomy to design their own policies regarding the hiring of faculty, admissions, and fees at a time when the same has been curtailed or limited in public funded universities through extreme centralisation and control.

## **Faculty Recruitment and Destruction of Public Funded Education**

After systematically destroying public funded the education, Modi government is now hammering the last nail in its coffin by appointing faculty members whose academic records are dubious, with issues of plagiarism and cases of massive corruption being reported in the university recruitment in DU and other central universities. By appointing academically sub-standard and dubious faculty whose allegiance lies with BJP and the Sangh Parivar and its ideology of hate and propaganda, the Modi government is turning colleges, universities, and institutions under the union government into propaganda centres that will disseminate the politics of Hindutva. These will no longer remain centres of higher learning.

Under the Modi government, education is being turned into a commodity and a tool for spreading hate. The need of the hour is to unite and resist these draconian changes in education and reclaim our universities to create an inclusive and democratic society. ■



# Bonanza for the Corporates

**M**odi led BJP government is reportedly introducing several bills in the Monsoon session of the parliament that will provide free access for the corporates and private players to exploit country's natural resources and it's Commons, by restricting/excluding the rights of the people. The bills, not only adversely impact the environment; it will snatch away the rights of the people over their traditional resources.

## Forest (Conservation) Amendment Bill 2023

Forest (Conservation) Amendment Bill 2023 takes a significant portion of forests out of the purview of FCA, considers a number of non-forestry activities as forestry activities, overlooks Forest Rights Act 2006 and Gram Sabha consent and aims to build a more centralized forest governance. The Bill clearly states that the objective is to eliminate all those provisions which “restrain the authorities from undertaking any change in the land use and allowing any development or utility related work”. For any project in such forest lands which are now excluded from regulation of FCA, there will be no need to have forest clearance and compliance to Forest Rights act (FRA) 2006. Eventually, the Scheduled Tribes and Other Traditional Forest Dwellers living in those lands will be deprived of their rights of land and livelihoods.

The Bill is in accordance with the Central Government's policies of 'ease of doing businesses' where thousands kilometer of ecosensitive zones in border areas of Himalayan, Trans-Himalayan and North Eastern regions, can be taken over by private parties disregarding the bio-geographic values and rights of local indigenous and forest dweller communities. The aim is not the restoration of the forest ecosystem but to make forest lands easily available for the corporates. Further, as plantation or reforestation on land which are not specified in government records needs no clearance under FCA, it would facilitate private forests and their commercial use.

The preamble of the bill claims to enable actions to achieve national targets of Net Zero Emission by 2070, to enhance the forest carbon stocks through ecologically balanced sustainable development, to create carbon sink of additional 2.5 to 3.0 billion tons of CO<sub>2</sub> equivalent by 2030 as envisaged by Nationally Determined Contribution targets and to increase forest and tree cover to one-third of its land area. It is to be noted that the carbon stock of the country as recently reported has risen from 6663 million ton in 2011 to 7204 million ton in 2021 which is much lower than this super ambitious target. Moreover,

the action plans in the Bill like granting exemptions to numerous projects, designing model to legalize forest land diversion, permitting more 'non forest' activities everything goes exactly to the opposite to what is claimed in the preamble. The intention to increase the forest cover rapidly is an attempt to make forest land available for funded plantations in the name of combating climate change and pulling fund for carbon storage. The proposed amendments bear a flawed approach of building carbon stocks focusing mostly on plantations and weaken the significance of protection and conservation of forests and forest rights.

The FCA amendment Bill 2023 needs to be seen in the light of the gradual hegemonic control over the forests and serial assaults on nature, natural resources and livelihoods by the Central Government. From diluting EIA Notification to multiple violations of FRA, this Government has made all efforts to weaken and dismantle the environmental and forest regulations in the name of 'ease of doing business'.

The anti-people ploy of this Government continues in the present FC Amendment Bill 2023. The Preamble of the Bill symbolically mentions about India's tradition of preserving forests and bio-diversity but deliberately avoids mentioning about Forest Rights Act 2006, Gram Sabha and Panchayats (Extension to the Scheduled Areas) Act 1996 (PESA) even for once and completely disregards economic, social and environmental rights of the forest dependent communities contrary to what is claimed in the Preamble. The broad exemption list has been introduced to ensure more and more diversion of forest land and displacement of the forest dependent communities.

*A detailed analysis of the bill was published in May 2023 issue of Liberation. It can also be accessed at [www.liberation.org.in](http://www.liberation.org.in)*



## Biological Diversity (Amendment) Bill, 2022

The government is planning to introduce the Biological Diversity (Amendment) Bill to change Biological Diversity Act, 2002. The act was introduced to address to concerns raised at United Nations Convention on Biological Diversity (CBD) 1992 for the conservation of biological diversity and fair, equitable sharing of the monetary benefits from the commercial use of biological resources

and traditional knowledge. It recognises contributions of local and indigenous communities to conservation and sustainable use through traditional knowledge, practices, and innovations. The CBD, of which India became a signatory in 1994 has two additional protocols - Cartagena Protocol on biosafety (2003), and Nagoya Protocol on access and benefit sharing (2014).

The present bill in the name of encouraging the Indian system of medicine and cultivation of wild medicinal plants and fast-tracking foreign investment in the sector dilutes the rights of the indigenous and local communities from access and benefit sharing. Under the new bill registered Ayush practitioners who have been practising traditional medicine can access 'any biological resource and its associated knowledge for commercial utilisation', without giving prior intimation to the state biodiversity board.

Ritwick Dutta, environmental lawyer notes (Hindustan Times, Dec 2021) that "The amendment seems to be done with the sole intention of providing benefit to the Ayush industry. The main focus of the bill is to facilitate trade in biodiversity as opposed to conservation, protection of biodiversity and knowledge of the local communities. The amendments are completely contrary to the aim and objective of the Biological Diversity Act, 2002."

Furthermore, the bill lacks a mechanism for obtaining prior informed consent of the local and indigenous communities. Nagoya Protocol, in addition to a fair and equitable benefit sharing requires a signatory country to ensure that prior informed consent of indigenous and a local community is obtained for access to genetic

resources and traditional knowledge.

The bill also removes the direct role of local bodies and benefit claimers in determining mutually agreed terms. Removing the role of local bodies, the bill instead calls for mutually agreed terms between the applicant and the concerned Biodiversity Management Committee represented by National Biodiversity Authority (NBA).

Finally, the bill also adds a controversial term "codified traditional knowledge" and excluding it from the purview of benefits claims. The bill has not defined the term 'codified traditional knowledge' and also there is no mention of such term in CBD or Nagoya or Cartagena protocols. The World Intellectual Property Organisation (WIPO) defines codified traditional knowledge as "traditional knowledge which is in some systematic and structured form, in which the knowledge is ordered, organised, classified and categorised in some manner"

Experts have warned that such an exception completely dilutes the act and if the WIPO definition is used as basis, all local traditional knowledge would be exempt from benefit sharing provisions considering the fact that the People's Biodiversity Register under the previous act will contain comprehensive and organised information on "the availability and knowledge of local biological resources, their medicinal or any other use, or any traditional knowledge associated with them".

The present bill clearly is in contravention of the objective and purpose of the CBD. Rather than protecting the biodiversity and the rights of indigenous and local people over traditional knowledge, the bill opens up the sector for large scale exploitation. ■

## Retrenched Workers' Protest Complete Hundred Days in Uttarakhand

The workers of SAMAJ Automotive Co. held a demonstration in Uttarakhand town of Rudrapur on 21 July against illegal retrenchment by the company management. The protest was called by SIDCUL Shramik Samyukt Morcha, an umbrella organisation of various unions in that industrial area. They will hold a bigger protest on 28 July when their protest completes 100 days.

SIDCUL Shramik Samyukt Morcha's president Dinesh Tiwari said that the retrenched workers are demanding their reinstatement but the state BJP government, district administration, Labour Department and elected people's representatives all are protecting illegal management of this company. The government and the labour department are not implementing the law on various pretexts which is a starkly anti-worker and illegal act. The BJP government is openly favouring capitalists.

The All India Central Council of Trade Unions leader

in Uttarakhand KK Bora said that earlier owner of this company sold it out. As per the labour laws of the land all permanent workers must be retained on their posts, but the new owner retrenched forty one of them. Without taking mandatory NOCs from the government, the owner had started production with the help of new untrained workers, which again is against the rules and dangerous to the extent that in a few months almost a dozen new untrained workers have been injured while working on heavy machinery. The administration and labour department remains a mute spectator failing to take any action against the company management.

The protesting workers condemned the labour commissioner's stance, who did not take action in spite of company's own submission of violations during tripartite talks. The district labour commissioner acted in favour of the management by ignoring the tripartite agreement made in his presence and abruptly sent the whole matter to the labour court. The workers are determined to continue their struggle with their demand of reinstatement and for compensation to the injured workers. ■

## “Ambedkar Sudar” Award Presented to CPIML General Secretary

**V**iduthali Chiruthaikal Katchi (VCK) in Tamil Nadu led by Comrade Thirumavalavan presented “Ambedkar Sudar” (Ambedkar Flame) award for 2023 to comrade Dipankar in a grand function at Chennai on 28 May 2023.

VCK has been presenting awards to people’s leaders and personalities instituted in the name of Ambedkar, Periyar, Marx, Ayothi Dasar, Kamarajar, Quide-e-Millet and Semmozhi (classical language) every year. This year “Ambedkar Sudar” award was presented to Comrade Dipankar, Periyar award was presented to Comrade D Raja, the general Secretary of the Communist Party of India (CPI), Marx award to Comrade K Bala Krishnan, the state secretary of the Communist Party of India (Marxist) (CPI-M), Kamarajar award to the assembly speaker Appavu, Ayothi Dasar award to former minister of Delhi, Rajendra Pal Gautam, Quaid-e-Millet award to Mohan Kumar, former Vice Chancellor of National Law School University of India (NLSUI) – Bangalore and Semmozhi award to Tamil scholar Thayammal Aravanan.

The award giving function was presided by Comrade Thirumavalavan and began with folk songs. The VCK general secretaries Sinthanai Selvan and Ravikumar were the co-conveners of the function. The foremost award, Ambedkar Sudar was presented to Comrade Dipankar by comrade Thirumavalavan and presentations of other awards followed. In addition

to an introduction by Thirumavalavan about each awardee, videos were also screened explaining their contributions to the society and the people’s movement which was well appreciated by audience. Awardees also addressed the audience after receiving the award.

Thol. Thirumavalavan said it was a black day because the country’s president was not invited to the function of inauguration of the new parliament building by Modi while chiefs of mutts were invited. He called the incident as a mark of Sanatan.

He reiterated the stand of VCK and its commitment to work with the left, democratic and progressive forces to defeat the BJP in the 2024 elections. He said the BJP-RSS are not a regular party like others but a fascist party that is committed to build a Hindu Rashtra, replacing reactionary Manu smriti of barbarian era with the modern day constitution by Dr Ambedkar. He also called upon the people to overthrow the Modi regime.

The Politburo member of the party comrade Shankar, CCMs Balasundaram, Chandramohan and Balasubramanian, state secretary Pazha. Asaithambi, CCCM Krishnaveni, Standing Committee Members G Ramesh, Simpson, Eraniappan, K Balasubramanian, Valathan, SCMs Kannaiyan, Varadarajan, Dhanavel, Rajasankar, Adhiyaman and C Rangasami joined the function along with hundreds of activists of the party, CPIML, in Tamil Nadu. ■

## “Muslims Subjected to Outright Marginalisation and Ghettoisation are Emerging as India’s New Dalits”

*Below of is the full text of the speech delivered by Com. Dipankar Bhattacharya, GS while receiving the ‘Ambedkar Sudar’ Award, instituted by the the Viduthalai Chiruthaikal Katchi on May 28, 2023 in Chennai*

**H**onourable President Comrade Thirumavalavan, Comrades Sinthanai Selvan, D Ravikumar and other leaders and members of VCK, esteemed fellow awardees Comrade D Raja, Comrade K Balakrishnan, Mr. Appavu, Mrs

Thayammal Aravanan, Mr Mohan Gopal and Sri Rajendra Pal Gautam, comrades and friends,

Vanakkam! A very good evening to you all!

At a time when the Constitution of

India is facing a relentless assault by the forces controlling the levers of the Indian state, the battle for social equality and mobility is being sought to be systematically pushed back and constitutionally empowered citizens of free and diverse India are being subjected to fearful regimentation and hate-filled division, it is extremely humbling to receive an award in the name of Babasaheb Ambedkar, the chief architect of India’s Constitution who gave India’s oppressed the clarion call of annihilation of caste. Thank you comrades of VCK for this pleasant surprise. In recent years,



we have been seeing a welcome trend of coming closer among various streams of India's ongoing movement for social transformation. I sincerely hope that we can carry this forward to build powerful waves of anti-fascist resistance across the country.

Dr. Ambedkar had given us not just the call of annihilation of caste but he had also indicated ways that could take us forward in this direction. He rejected the idea that seeks to legitimise caste as division of labour, on the contrary he called it division of labourers and insisted on uniting labourers or workers as an independent class. The glorious legacy of Independent Labour Party left behind by Dr. Ambedkar remains a treasurehouse of inspiration and insight in our continuing quest for social transformation as does his contribution to working class rights achieved through his role as Labour member of the Executive Council. More than temple entry he wanted equal access of the excluded people to all public resources. More than intercaste dining he emphasised intercaste marriage to stop the reproduction of caste through endogamy and fought tirelessly to secure rights of women to make free choices in life.

He introduced reservation as an affirmative action against deeply entrenched social injustice and asked India's oppressed to move forward in life through the triad of education, agitation and organisation. Today the right to reservation and education is facing a renewed attack. Subversion of reservation, privatisation of education and casualisation of jobs are a trident directed against India's oppressed and deprived poor to stop the onward march of social mobility and equality. On my way to Chennai I had a day's halt in Nagpur and I visited Deekshabhoomi. The mass embracing of Buddhism by Dr. Ambedkar and his followers was

a huge social protest against caste oppression, a mass rejection of vedic scriptures and an emphatic collective exercise of the constitutional right to choose one's religion, and it happened right in the ideological capital of Manuvad and Indian fascism.

Right at the time of adoption of India's Constitution, Dr Ambedkar issued a set of clear warnings. He told us not to be complacent with the introduction of universal adult franchise, but to fight hard against economic and social inequality, which if not checked, would render the equality of vote meaningless. For Dr. Ambedkar, liberty, equality and fraternity represented an integral package which alone could put an end to the stigma of the caste system. Today while Dalits experience renewed exclusion on different levels, Muslims subjected to outright marginalisation and ghettoisation are emerging as India's new Dalits even as Christians too face increased prejudices and even violent attacks in many parts of India. Babasaheb warned us against the cult of bhakti in politics which could only be a sure way of democracy's degeneration and descent into dictatorship. Today this bhakti cult is overshadowing India's entire system of knowledge and information dissemination. Above all, Babasaheb Ambedkar had given us the sharpest warning against letting Hindu Raj become a reality in India. He termed it the greatest calamity that could fall upon India and asked us to prevent it at all costs.

Today while we have assembled here in Chennai, a new Parliament building, built at great cost to India's exchequer at a time when the people of India were reeling under the pandemic, has been inaugurated by India's megalomaniac Prime Minister in a brazen travesty of constitutional spirit and propriety. The Sangh-BJP establishment claims credit for giving India her first

Adivasi President, preceded by a Dalit President, but when the time came for the laying of foundation or inauguration of the new Parliament building, the two Presidents have been denied their constitutional due. We cannot miss the fact that the new Parliament building and its inauguration are loaded with anti-democratic anti-republican symbolism. When the inauguration of an abode of democracy in a secular republic resembles the coronation of a king in a monarchy, there is something evidently and seriously wrong with it. It marks a clear negation of the very spirit and vision enunciated in the Preamble to our Constitution.

Only the other day the apex court affirmed the administrative powers of the elected government of Delhi and asked the Central government not to intrude into the federal rights of the Delhi government through the office of the LG, but the executive has declared a war on the judiciary and on the federal framework of India's constitutional democracy by issuing an ordinance to nullify the verdict of the Supreme Court Constitution Bench. It is time we the people of India woke up to the threat of the greatest calamity that Dr. Ambedkar had warned us against. We have a disaster to defeat and a dream to win - the dream of a modern India free of exploitation and oppression for which our freedom fighters and great martyrs had sacrificed their all.

I humbly accept this year's Ambedkar Sudar Award on behalf of the CPI(ML) and the revolutionary communist camp of India and rededicate myself to the mission of annihilation of caste and transformation of India into a robust democracy, staunchly secular, vibrantly diverse and genuinely socialist. Thank you all.

**Inquilab Zindabad! ■**

# Santhal Pargana: Corporate Land Loot

▲ **NANDITA BHATTACHARYA**

**T**he Dumka district, falling in the Santhal Pargana of Jharkhand state used to be one of its largest districts. It has a rich history of struggle against the colonial rule of the British. Legendary freedom fighters like Siddho-Kanu, Chand-Bhairav and Phulo-Jhano were born here. Today, under Modi rule, the predatory corporates have begun eyeing the forests, land and resources of this region while posing a threat to the environment and indigenous culture of the tribal population. A united, long-drawn struggle is needed to counter this challenge.

## **Bundu, Tamad**

Panchapargana is famous for its natural beauty as well as its revolutionary legacy. The Ulgulan in Jharkhand started from Dombari. The revolutionary history of Birsa Munda is also linked to this region.

The Resha water body in Humta panchayat has been given clearance by the Chief Minister. Earlier, the refusal of permission to this water body from the Gram Sabha had led to its closure. The government is claiming that this land is not Raiyat but belongs to the Pradhan and the panchayat members. It is worth noting that the Gram Pradhan had given his consent for the construction of the water body but the Gram sabha objected because of which this project could not be completed.

If the Resha water body were to be constructed, it would lead to submergence of many villages and forest under water. The government clearance to this project has led to a sense of fear among the people. They will have to organize themselves under the Gram Sabha to stop the

construction of such disastrous project.

Another big project in the Tamad region is the gold-mine project. This project, which encompasses many villages, including Behra Bera was given clearance by the government two decades ago and some work was also initiated. Even after 75 years of independence, this village lacks clean drinking water. Toilets constructed under the 'Swachh Bharat Abhiyan' lie unused due to lack of water. The lone government school in the village runs without a government appointed teacher. The graduates of the village teach in that school. Access by road to this village is difficult. The government propaganda doing the rounds is that once the mine becomes operational, all the basic infrastructure will automatically get developed. But people know that they would lose their land and forests in the process. The Gram Mukhia Khuslal Munda says that the project was stopped after a struggle was launched by the people. Village elder Shashi Bhushan Munda recalls that many lives were lost in that struggle. The police used to arrest the locals on charge of being a Naxalite and subjected to torture. The villagers remained resolute in their struggle and as a result, their children are breathing fresh air. But for how long can they resist the attempts to build the gold-mine without building a grass-root resistance?

## **Ghatshila**

Power hungry corporates are giving a caste-clash narrative to a controversy between Kurmis and Mahtos in an attempt to weaken the unity within the Gram Sabha.

In the Mahulisaal village, the government is going ahead with drone-survey, preparing property card, online land consolidation and land bank. The purpose is to complete the ground work for evicting tribals from their land. Government officials are not providing information under the RTI act. On 25 March, many residents from nearby villages gathered for a meeting. The agenda was to prepare a blue print for launching an agitation against the opening of Panna mines in Ghatshila. Many sit-ins followed this meeting. Three attempts to get information using RTI failed to get any response. The government and elected representatives are hand-in-glove in weakening the Gram Sabhas. The elected representatives only lend support orally to the movement but fail to address issues at the grassroots. The people of Ghatshila have seen with their own eyes the havoc caused to the lives of the locals by the Uranium mining in neighbouring Jadugoda. They do not want the same to happen to them.

We spoke to many locals and Gram Pradhans to know their problems. Kishan Munda is Pradhan of Tola village which lies in the affected zone. All said that in lieu of their land, they would not accept a government job. Other problems in the village include the absence of a doctor and medicines in the health centre. There is no facility for delivery of a new born. Ambulance is available 40 km away from the village. The village school has only two teachers.

We spoke to about 40 people in Bautiya village. It was a common complain that the public distribution system, widow and old age pension schemes were in a poor shape. There are only two graduates in the entire village. There is now more emphasis on education of girls.

Jadunath Haansda, the local Gram Pradhan teaches English in a private school. He has been leading the

struggle against mining in the region. On 18th June, a convention was organized in the area where local issues as well as threats posed by mining were discussed. 300 people participated in the convention.

### Shikaripada

In Shikaripada region, Naupahad and Simani Jod are among the 21 villages

affected by mining. Naupahad village with a population of around 600 comprises of 5 tolas. Only 50 people are literate. Electricity reached this village 10 years ago but there is no arrangement for drinking water. Drinking water supply was made available in the village about 3-4 months back after a long drawn struggle. The road access to this

village is in poor shape. Agriculture is the main means of livelihood of the people but poor irrigation facility led to a drought this year. 30-35 people from this village go to other states to seek employment. The villagers in the 21 villages have decided to strengthen their gram Sabhas to fight against corporate loot. ■

## Hazaribagh: A Militant Struggle against Displacement

▲ DEVKINANDAN BEDIA

In the Gondalpur panchayat, situated in the Hazaribagh district of Jharkhand, villagers are on a struggle path with a resolve not to give even an inch of their land to Adani, NTPC and JSW companies. Leaders of left parties expressed their solidarity with the ongoing sit-in.

The North Karnapura region is situated in the south-west of Hazaribagh district. This region is endowed with a lot of natural beauty comprising of medicinal plants, hills and forests. There are also large patches of fertile flat land in which farmers produce 2-3 crops in a year. 22 small and big rivers originate from the hills of this area. There is an elephant corridor in this area. Coal and other minerals are present in this region.

This region is historically of significance. It encompasses Isko, Mahodi, Kolhua and Pakri-Barwadeh hills. These hills contain numerous caves which were once home to the primitive man. Signs and drawings on the cave walls shed light on the life, language and culture of that time. The remnants of the capital of Ramgarh king (1368 A.D.) and forts of Badam (1600 A.D.) are still present.

Today, when the humanity is facing severe environmental crisis, this region needs to be conserved. Small check dams can be constructed to

supply water to the fields as well as generate electricity. The region can supply grains and vegetables. However, with the advent of the Modi government, the corporates like Ambani-Adani, Jindal-Mittal, Hindalco, Dalmia, NTPC and JSW along with foreign companies- in all 35 companies- have been allotted coal blocks in North Karnapur. The Karnapur Bachao Sangarsh Samiti has been leading a movement since 2004 to protect this region.

After the establishment of Tata industry and HEC in Jamshedpur and Ranchi respectively, dozens of villages were uprooted and the residents lost their land as well as culture. The affected could not get the promised job. The villagers of Gondalpur panchayat do not want to lose their land, identity and culture. They are witnessing the dispossession of Pakri-Barwadiah villages after the commissioning of the NTPC plant. The people have been fighting against the Koel Karo project as well as the Netharhat firing range. Many people have lost their lives but the fight continues. The villagers of Gondalpur have initiated their struggle to save their water, forests and land.

About 130 people have been booked for breach of peace and a zilabadar notice has been served to an innocent

youth to expel him out of district. The Gondalpur coal block lying in North Karnapura coal region was allotted to Adani Enterprises in 2020. Five villages are being affected by this project. In the Gondalpur, Gaali, Balodar, Hahe and Phulang villages, 1268.5 acre of land has been acquired for coal mining out of which 551.9 acre is Raiyat land, 542.75 acre is forest land and 173.74 acre is Gair Majarua land. In Gondalpur 284.63 acre, in Gaali 175.45 acre and 91.51 acre Raiyat land will be acquired. There will be no acquisition of Raiyat land in Hahe and Phulang villages. A total of 781 families would be displaced by the project.

The 550 odd acre of land to be acquired in three villages is very fertile and produces multiple crops and vegetables. Because of water conservation from the neighbouring hills, the water table is very high at 20 feet. An acre of land produces 20-25 quintal of paddy. Chilly and sugarcane crop is produced and the jaggery is of a very high quality. The chilly farming fetches as much as 20-25 thousand rupees to a farmer every year.

The land to be acquired has hills, jungles and rivers. The juggles are home to Sakhua, Mahua, Kendr, Piya, Badhar, Jamun and Jackfruit as well as many herbs and edible roots. Many rivers originate in this area. In Balodar



village, Gogardha and Gudlagwa rivers flow while Kare Rekha flows through Gali village and Gate Kocha flow through Hahe village. These four rivers join together to form Dhol Katwa river which later becomes the Badmahee river. This river merges with Damodar river in Vishrampur. Mining would destroy the origin of these rivers and eventually dry them.

These forests are home to elephants, bears, peacocks and rabbits. The jungle forms part of the elephant corridor. Destruction of the jungles would also destroy the habitat of these animals.

For acquiring the land, a Jan Sunwai took place on 15 July, 2020. The villagers unanimously voiced their protest over the takeover because it

violated the provisions of the Land Acquisition Act of 2013. Under the Forest Rights Act 2006, 2008 and 2012, prior to acquisition, consent of 80 % people is required. The Deputy Commissioner prepared a fabricated report favouring Adani in which it was said that considering the issues of environment, collective good and development, the majority of the people were in favour of the project! ■

## Castiest Attacks on Dalits and Vulnerable Must be Opposed



**S**hivnath Ram, who belonged to the Dalit community in Muzaffarpur was murdered over drinking water dispute, whereas Rajkumar Mahto was killed by casteist forces in Saran District for Bihar, because his mother refused to clean the house of an upper caste person. In both cases the Bihar police and administration is recalcitrant in taking stern action against the culprits. The CPIML will soon meet the Chief Minister to demand immediate action.

CPIML Bihar Secretary Kunal and MLA from Phulwari Sharif Gopal Ravidas told on 18 July that Shivnath Ram was murdered in Sahebganj of Muzaffarpur district by strongmen with BJP connections. An auto driver Rajkumar Mahto in Saran was also killed by similar forces.

Such attacks on poor and vulnerable communities raises questions on the Mahagathbandhan government in the state which is not taking appropriate measures to put a control on the castiest and domineering forces emboldened by the BJP.

### Muzaffarpur Killing

Sixty five year old mango seller Shivnath Ram was brutally murdered on 2 July in Parsauni Dube village Sahebganj block. At night he used to work as watchman in a poultry farm of Siyaram Singh. In the morning of 2 July he was 'caught' drinking water near the poultry farm at a place owned by Anesh Thakur. Anesh Thakur called him Untouchable and started with his associates brutally beating Shivnath Ram. Shivnath ran inside the poultry farm but could not save his life as the

killer came in and beat him up till he was dead. A case is registered in Sahebganj thana under FIR 296/23 but none of the killers are arrested yet while the police is now threatening the family of the deceased on various pretexts. Allegedly police have taken bribes from the killers for not taking action. A CPIML team visited the aggrieved family of Shivnath Ram. The team consisted of Vishwakarma Sharma, Vir Bahadur Sahni, Vidyasagar, Munna Kushwaha, Rampirit Paswan, Harilal Ram and Samir.

### Incident at Saran

Twenty four year old auto-rickshaw driver Rajkumar Mahto was killed on 9 July in Sonepur of Saran district. He was killed because his mother refused to work as domestic labour in the house of one Vikram Singh. For lower caste people to work in the upper caste houses is a feudal exploitative practice which Rajkumar refused to obey and asked his mother to abstain from such type of works. This angered Vikram Singh who killed Rajkumar by a brutal beating. The only breadwinner of his family, his death has orphaned his wife and an infant girl without any source of income. The administration again has not taken action against the killer. A CPIML team visited the village and demanded action against the killers. The party has also asked to provide Rs. 10 lakh immediate relief to the affected family. CPIML is planning to hold a protest against this atrocity and callous administration. ■

## Lathicharge on Agitating Teachers is Condemnable: CPIML

CPIML Bihar State Secretary Kunal has said that the government has complicated the teachers' rules badly giving way to many apprehensions. In place of satisfying the agitating teachers, they were subjected to barbaric lathicharge which is condemnable. The Mahagathbandhan government cannot adopt the path of repression in this way. The CPIML condemns the lathicharge on teachers aspiring for regular appointments.

He said that the teachers' manual has been controversial since the beginning. Teachers' organisations and candidates for teachers examination are continuously opposing the holding of exams. We had requested the government to seriously listen to their demands and reconsider the examination, but on the contrary the government ended the domicile policy. It is only natural for teachers and candidates for teachers examination to get angry. We demand the state government to adopt the path of dialogue instead of repression. Domicile policy must be implemented so that the students and youth of Bihar can get employment. He also said that the BJP should not

shed crocodile tears in this matter. When BJP was in power, it resorted to lathi charge and firing on candidates for teacher examination many times. The BJP has never been serious about giving teachers the status of government employees.

The central government has cheated the youth of the whole country and through the Agneepath scheme played with their future. Where did the promise of two crore jobs every year go, the BJP should first answer this? The people of Bihar know the reality of the BJP very well, so they are not going to fall in their trap.

### It is not appropriate to remove domicile policy in teacher reinstatement

CPIML State Secretary Kunal has said that it is very unexpected and unfair to suddenly remove the domicile policy in the midst of the ongoing process of teacher recruitment. Due to this, the rights of the students of Bihar will be taken away and the anger of the already angry teachers' organisations and candidates will flare up further. He said that it was expected that the government would take a positive

decision in favour of teachers' organisations and candidates, but on the contrary, it has disappointed them further by abolishing the domicile policy.

CPIML has been standing with teachers' organisations and candidates since the beginning. We also made efforts at many levels and efforts were made to get the government to reconsider the new rules. But the matter seems to be moving in the other direction. We still demand the government to hold talks with teachers' organisations and candidates and find a solution to the matter.

He said that the government argues it is necessary to remove the domicile policy for the recruitment of better teachers. Are there no capable candidates in Bihar? If this is the case then it is very worrying. The government will have to answer this as to why the state's education system is in such a bad condition.

Domicile policy is applicable in many states. In Jharkhand, 100 percent domicile is applicable in primary teacher recruitment. This policy is also applicable in Madhya Pradesh. That's why the Bihar government should be worried about unemployed youth of State and should take a rational decision. ■

## ASHA Workers' Historic Strike in Bihar

The ASHA and ASHA Facilitators in Bihar are on an indefinite strike since 12 July for their long pending and unfulfilled demands. The main demands include recognition of their work as workers or employees and increase in wages which should not be termed as 'reward', to Rs. 10000 per month. They are also demanding disbursal of pending amount of Rs. 1000 per month from April 2019 to November 2020.



The strike is continuing for more than a week now in almost all PHCs, CHCs and Referral Hospitals. The ASHA workers are not attending to work in around 400 primary health centres across all the districts of Bihar.

The strike is called by ASHA Samyukt Sangharsh Manch with ASHA unions affiliated with AICCTU and CITU having a leading role. The strike response is overwhelming with many non unionised ASHA workers striking their work making this strike historic. Many governmental schemes like vaccinations, and maternity and child care work is being affected with the strike. The striking ASHAs and ASHA Facilitators are undeterred in face of various types of intimidation and threats by the concerned health and administrative officials. The ASHA workers' leader Shashi Yadav has condemned the state government's ignoring and threatening manoeuvres.

CPIML Bihar State Secretary Kunal has demanded from the Mahagathbandhan government of Bihar to start negotiations with the ASHA workers who are on an indefinite statewide strike for the last 11 days. The party has condemned the intimidatory and repressive tactics of the state administration with respect to the striking ASHA workers.

The strike notices were served in all the hospitals one month in advance along with a demand charter which is as follows:

The main demands include:

1. The state government provides Rs. 1000 per month as 'reward' to ASHA which is quite insulting and must be renamed as 'regular monthly honorarium' and this amount must be increased to Rs. 10,000 per month.
2. Even this Rs. 1000 per month has not been disbursed during the period April 2019 to November 2020. This should immediately be paid without delay.
3. The wage payment pending before the same was started through online payment mechanism should be paid.
4. The payment process must be immediate with uniformity and full transparency.
5. The prevalent corruption and commission/bribes must be stopped in the payment of ASHA workers.
6. They should be provided full dress instead of a single Saree, that must include blouses, petticoats and woollen jackets etc.
7. The ASHA Facilitators should also be provided with full dress at state expenses.
8. The ASHA Facilitators be paid SVC (travelling expenses) for a full month at the rate of minimum Rs. 500 per day.
9. The rates of awards/honorarium were decided many years ago and they have not been revised for various works the ASHAs have to perform besides their regular work. These rates should also be revised.
10. ASHAs and Facilitators be regularised and given status of state government employees.
11. Those who lost lives during working amidst the pandemic must be provided with Rs. 4 Lakhs from state cess and Rs. 50 lakhs from the central insurance scheme as compensation.
12. ASHAs and Facilitators be included in all social welfare schemes like pensions etc. Till then they must be given a retirement package at Rs. 10 Lakhs.
13. The government must honour its agreement with ASHA union made in January 2019 and implement it immediately.

The ASHA workers' unions have demanded action against the hospital incharge in Bihta Dr. Krish Kumar for misbehaving with the ASHAs on strike.

The president of Bihar Rajya ASHA Karyakarta Sangh (Gope) Shashi Yadav informed that the second and third days of the strike witnessed increased participation with many ASHAs in distant areas joining in the strike. Almost one lakh ASHA workers and ASHA Facilitators are now on strike with rural health services completely halted. She criticised the Nitish Kumar government in Bihar for remaining unresponsive to the strike notice and the demands of ASHAs. She also condemned the administration for misbehaving and threatening strikers. She asked to implement the government's own promises made during the Budget session of the Bihar Assembly and start negotiations immediately with the ASHAs on their nine major demands.

On 17 July, the sixth day of strike, ASHAs' took to streets with strengthened resolve braving the increased threats and intimidation of hospital admins. Although these six days they did not interfere with the Emergency work as well as the cases of delivery and childbirth. The strike is peaceful and democratic. An ASHA worker from Siwan, Saraswati Devi, died while sitting on the protest dharna. Her condition suddenly deteriorated and she could not be saved. The striking ASHAs in all centres paid her tribute and resolved to carry forward her unfinished mission of justice for ASHA workers throughout the country. ■



## CPIML Team Meets Family Members of Jalalpur Mob-Lynching Victim

**O**n July 5, 2023, a state-level team of CPI(ML) visited Jalalpur in Saran district, where a brutal incident of mob lynching took place on June 28 in Bihar's Saran district. The investigating team met the family members of the 55 year old Mohammed Zahiruddin who was killed by the mob and got detailed information about the incident.

The investigating team spoke to Mohammad Ali alias Bachchu Babu at his residence in Majhwalia village of Nagra block. He said that on June 28, three workers, including his driver and Munshi, were carrying bones of

dead animals to a registered factory in Janata Bazar, Tajpur.

The vehicle broke down near Bangra village in Jalalpur block. In the meantime, two people came and accused the workers of carrying beef and started creating a communal situation. Soon, a mob of around 40-50 people arrived and started beating them up. The mob also attacked the police who reached the spot. Zahiruddin was taken to hospital but was declared dead. The two other workers managed to escape.

The CPI(ML) investigation team has said that this incident of lynching was not a accident but a pre-planned

conspiracy by the BJP-RSS to create communal tension in the region. The team noted that Saran district is the target of BJP and RSS and there have been many incidents of mob lynching and assaults against Muslims in recent times.

The team demanded strong action against the accused in the mob-lynching. The team also called upon the district administration to provide security to the survivors and take immediate actions to ensure that attempts to create communal polarisation in the area are foiled.

The investigation team comprised Comrades Amarnath Yadav ex-MLA (Darauli), Mahfuz from Siwan, CPI (ML) Saran district secretary Chairman Rai and others. ■

## Delhi HC Observes AISA Activists' House Arrest during PM Modi's DU Visit as Illegal

**C**iting 'security reasons' for the PM visit at Delhi University, student and AISA Activists Abhigyan and Anjali were held in detention at their flat from 9 am till 2 pm, not allowing him to meet any visitors. No warrant of any sort was been presented neither these activists were informed as to how long their house arrest would last.

On July 12, the Delhi High Court in response to a the habeas corpus filed by Abhigyan against the house arrest observed that such detention without any order or warrant is illegal. Delivering the order, Justice Mridul orally remarked: "Illegal custody is an anathema and antithesis of rule of law but the law applies equally to the Police as it does to you. When a law requires an act to be done, it has to be done in that manner and no other. Your allegation is for illegal detention. You file a complaint. The

Police does not have any immunity for their action. If there is something, law will take its own course but for us to do anything at this stage, it will be putting the cart before the horse. This is a very unique case which is why we were looking at it very carefully."

Delhi HC gave liberty to Abhigyan to approach the SHO of the Model Town Police Station to file a complaint against the officials who had detained Abhigyan without any authorisation.

### Why is PM Modi Afraid of Students?

One can only imagine what 'safety' threat Comrades Abhigyan and Anjali could have posed to the PM, except perhaps the threat posed by their questions about the deteriorating state of Delhi University and the education system in the country.

The reality of Modi's idea of education

reflects in the events that unfolded when he was scheduled to attend the Delhi University Centenary Celebrations which was a part of 'Azadi Ka Amrit Mahotsav'. Hours before the event started, the police encircled the flat of these AISA leaders and told them that they are going to stay with them and they won't be allowed to leave the flat.

Anjali said that whatever happens we will continue to ask questions that matter. Silencing the voices that raise questions is what the Modi government wants in the campuses. But we won't remain silent. Neither the barricades nor the police force can smother the voices of democracy and dissent. ■



## Comrade Sugundan

Comrade Sugundan, at the age of 75, passed away on 6th July 2023 at Vellore Government Hospital when he was under treatment for cardiac attack. Comrade Sugundan has been a whole time activist of the party for the last 40 years, the state Vice President of AICCTU and also a former state secretary for a brief period in 90s. He was also a delegate to the 11th party Congress at Patna in February and participated in the deliberations enthusiastically.

Comrade Sugundan got attracted towards revolutionary politics, joined the party and became a wholtime activist when he was active as a part of the Simpson company workers union in mid '70s in Chennai. He was active in organising party work in various districts of Tamil Nadu since the underground days. He has contributed to organise agricultural labourers, peasants and workers in various districts.

In his later period, for the last 20 years, he dedicated his life to organise workers in leather and leather goods industries of Ambur – Vaniyambadi belt of erstwhile Vellore district after the demise of comrade A Venkatesan who was fondly known as AV, the founder leader of the union. Comrade Sugundan has led various struggles of workers of various factories in the leather industry in the belt. He had been an uncompromising leader committed to the cause of developing class struggle and was most concerned about the challenge of developing class consciousness among the working class. He had stood with the party in most challenging times despite his own reservations on some issues.

He had also been active in developing a farmer's organisation in Dindigul district until he breathed last. He has also advised and assisted various political friends to intensify workers and other people's movement irrespective of their political affiliations. Next to comrade A Venkatesan (AV), Sugundan is another comrade the movement of leather and leather goods industry workers will never forget. We are committed to carry forward his unfinished tasks.

Let us Uphold the Memory of Comrade Sugundan ! Red Salutes to Comrade Sugundan! ■



## Comrade Gopal Singh

Comrade Gopal Singh passed away on 13 July at an early age of 55. He was suffering from liver ailments and breathed his last in a hospital in Delhi. He began his association with CPIML in 2002 when he joined the Bihta-Maner area committee. Very friendly and jovial comrade, he was popular and friends with all local comrades. He led a long struggle against displacement owing to wrong planning of a four-lane highway near his village and forced the government to withdraw.

When sand mining workers at Sone river became unemployed because of the use of heavy earthmovers by the mining mafia in that region, he organised sand workers into a militant movement and forced the administration to stop the use of JCB machines. He later organised the sand workers on a bigger scale and built a sand mining workers union at state level. He was the state secretary of this union. He also worked among peasants and trade union front. He contested once from Maner assembly constituency as CPIML candidate.

Comrade Gopal was the member of Patna district committee of the CPIML and was relieved from this responsibility on health grounds. He was also a very good stage actor and dancer and acted in a play on the life of Shahid-e-Azam Bhagat Singh in Patna. In him the party has lost a multitalented comrade and leader. He is survived by his wife, four daughters and a son. We send our condolences to his bereaved family and friends.

Red Salutes to Comrade Gopal Singh! ■



## Dr. Samar Bagchi

Dr. Samar Bagchi, a science educator, environmentalist and people's rights activist passed away on July 20, 2023. Born in Bihar, Dr. Bagchi's illustrious career began at the Birla Industrial & Technological Museum in Kolkata, where he served as the esteemed director until 1990. During his tenure, inspired by Tagaore, Marx and Gandhi he spearheaded a transformation in experimental science education in India, revolutionizing the way students perceived and engaged with the subject. He had innumerable articles, talks and field level workshops on People's Science and Environmental Conservation. He was also associated with the 'National Alliance of People's Movements In the Eighties, he was a well-known face on television with Partha Ghosh as a host of Quest, the interactive science quiz programme on Doordarshan nationally.



Dr. Samar Bagchi's departure leaves a void in the world of people's science and struggle for a better world. ■



## Countrywide Protest Against Sexual Assault on Kuki Women in Manipur

Protests and sit-ins were organised across the country on July 21 by CPIML, AIPWA, AISA and various progressive organisations and citizens groups against the violence in Manipur and criminal silence of the Modi-Biren double engine government. Condemning the acts of sexual violence against women and impunity provided to perpetrators by the government, the protesters demanded resignation Home Minister Amit Shah and Manipur CM N Biren Singh.

It's been more than two months since ethnic violence, stoked by BJP's divisive policies began in Manipur. Despite numerous reports of mass crimes, killings and rapes/ gang rapes, both the state and central government criminally ignored the calls for justice. From gangrapes and sexual violence to burning people's homes, the last 80 days have seen unspeakable acts in Manipur aided and instigated by the BJP government and RSS machinery.

Com. Dipankar Bhattacharya, GS, CPIML Liberation, speaking at the protest at Delhi's Jantar Mantar said that what is happening in Manipur is what we saw in Kashmir. It is the nefarious agenda of the BJP government to communally divide the people and the nation. Women, Dalits, Adivasis, Minorities and all sections of the society are under the fascist attack.

"The incidents in Manipur are symptomatic of the complete apathy and the capacity to manufacture violence of the RSS-BJP regime. The people of the country are realising it every day and challenging it every day," added Com. Dipankar.

AISA Delhi State Secretary, Com. Neha spoke calling upon the government to ensure peace in Manipur, saying, "N Biren Singh and his party have not only failed, but instigated the violence happening. The fact that two Kuki women had to go through this trauma publicly for the Prime Minister to speak up is shameful for the country."

Protest demonstrations were also held in West Bengal, Bihar, Assam, Karbi Anglong, Jharkhand, Andhra Pradesh, Karnataka, Rajasthan, and Uttarakhand among other states. People from all over the country are calling upon the government to act steadfastly and ensure peace and justice in Manipur.



## 1996 BATHANI TOLA MASSACRE



On 11 July 1996, Ranveer Sena, a private army of upper caste landlords brutally massacred 21 people (11 women; five girls below 10 years; four boys below 8 years; and one man) in the hamlet of Bathani Tola of Bhojpur (Bihar), most of whom were dalit and Muslim landless poor. The massacre began at 2 in the afternoon, and for the next three hours, assailants from the neighbouring Badki Khadanv village set fire to huts, slashed women and children with swords, and continued firing bullets. There was a police station a mere 100 metres away, and 3 other police camps about 1-2 kms away in different directions. But no police interrupted the dance of death, and Bathani Tola was left to defend itself. In 2012, the Patna High Court acquitted 23 men convicted of the murders and with the appeal against the acquittal pending in the Supreme Court, victims of the massacre still await justice.

The memorial of the Bathani tola martyrs tells us the story of India's battle for justice and people's rights. It is also a reminder that, in these times those perpetrators have aligned themselves with the communal-fascist forces that aim to push the country back into the dark chapter of brutality and injustice.

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CHARU BHAWAN, U-90, SHAKARPUR, DELHI - 110 092

### PRINTED AND PUBLISHED BY

Dipankar Bhattacharya for the Central Committee, CPIML  
from Charu Bhawan, U-90, Shakarpur, Delhi - 110 092

### PRINTED AT

Divya Offset, B-1422, New Ashok Nagar, Delhi - 110 096

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