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05 August 2020- One Year Since Scrapping of Art 370



Charu Mazumdar

The Pledge of July 28

28 July, 2020 marks the 48th anniversary of the martyrdom of Comrade Charu Mazumdar, founder General Secretary of CPI(ML). It also marks the 46th anniversary of the reorganization of the party after the initial setback suffered by our movement and the party in the early 1970s. On this historic occasion, we pay our revolutionary tribute to Comrade Charu Mazumdar and all the martyrs and departed leaders of our Party and the Indian communist movement. We resolve to carry forward their unfinished mission and fulfil their dreams of a truly free and democratic India.

In his last message to the Party, Comrade Charu Mazumdar had asked his comrades to keep the Party alive and uphold and serve the interests of the people as the only interest of the Party. The call to serve the interests of the people is particularly relevant in today's critical situation when the people of India are faced with the combined challenges of the Covid19 pandemic and the coercive and disastrous lockdown imposed by the Modi government. We resolve to face these challenges with all our courage and serve the people with all our might.

Taking advantage of the lockdown, the Modi government has unleashed a total war on the Indian people and the Indian Constitution and democracy. All our resources are being subjected to unbridled corporate plunder and all our rights are being snatched away one after another, thus weakening our country in every possible way. On top of it, the government is abdicating every responsibility to guarantee even essential goods and services for the people, leaving the people to fend for themselves, and calling it most hypocritically atmanirbharta or self-reliance. We resolve to defeat every fascist design to sow hatred and division among the people, weaken the country and destroy our Constitution and democracy.

Braving the life-threatening challenges of Covid19, the working people of India, especially all those working on the front of public health and other essential services, continue to discharge their duties. We salute their dedication and sacrifice. Many of our intellectuals and activists are currently languishing in jail under fabricated charges and draconian laws. We demand immediate unconditional release of all these political prisoners.

Defying the Modi government's despotic design, more and more sections of Indian people are rallying in struggles for survival with human dignity and democratic rights. We support all these just struggles and resolve to build broader solidarities around them to raise the level of people's unity and democratic awakening and assertion. People awakened and united will never be defeated. We resolve to march forward on the basis of the unity and assertion of the people to defeat the fascist threat and win all our rights.

At a time when many of India's opposition parties are vacillating, capitulating and colluding with the fascist forces, CPI(ML) has been playing its role in the forefront of democratic resistance with the courage and consistency that are the hallmarks of our revolutionary legacy and identity. We are proud of this revolutionary communist legacy and resolve to strengthen it with all our energy and painstaking work and with the vibrancy and power of our organization.

Strengthen the CPI(ML) to serve the people better!
Strengthen the CPI(ML) to make the people's movement stronger!



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The Pledge of Independence Day 2020: Freedom from Fascism

August is India's month of Independence. This year as India celebrates the seventy third anniversary of the country's independence, the celebrations are however bound to be unprecedentedly muted. Not just because of the mandatory restriction on assemblies of people and the physical distance that citizens are expected to maintain as part of the Covid19 preventive protocols, but more because of the dark clouds of gloom and uncertainty on our everyday sky. True, Covid19 is a global pandemic, but the disaster resulting from the combination of Covid19 and a totally ill-planned, massively mismanaged and cruelly enforced lockdown is almost exclusively India's own.

Eight months into the Covid19 pandemic, much of the world has more or less contained the spread and overcome the worst phase of the shock wave. The pandemic reached India relatively late, but little use was made of the time we got to plan and prepare for it, and the spread of the virus has gone on to become more exponential with every passing week. Together with the US and Brazil, India is now in the driving seat of this global pandemic. Incidentally, these are the three countries that currently have most rabidly rightwing authoritarian regimes that shun all sensible advice and follow the impulses, whims and hubris of their despotic heads.

When the Modi government belatedly woke up to the Covid19 challenge, PM Modi thought he could deal with it with a few theatrical speeches and events, calling it a battle of Mahabharata to be won in twenty-one days.

Instead of days we are now about to complete twenty-one weeks, and while the figures are escalating exponentially, Modi's words have dried up. The PM now hardly talks about the Covid19 epidemic; he has moved on with his new found formula of treating the crisis as a series of opportunities. And the 'opportunities' are already being used to the hilt, in the economy as well as in the political arena.

Coal blocks are being auctioned, private trains are being introduced, labour laws are being suspended, agricultural marketing is being handed over to private players. While the whole world is feeling the need for effective state intervention, especially socialization of healthcare, the Modi government is busy abdicating the responsibilities of the state and pushing through indiscriminate privatization in every sector of the economy. And in a most audacious mockery of ideas, the Modi government is trying to sell this combination of abdication of state responsibilities and corporate takeover as a campaign for 'Atmanirbhar Bharat' or self-reliant India.

Alongside this aggressive privatization drive we see relentless weaponisation of the lockdown to persecute dissenting voices and activists of people's movements. While the NPR project has had to be temporarily stalled because of the epidemic, the government is systematically harassing and arresting leading activists of the anti-CAA movement, even implicating them in a most sinister fashion in the Delhi riots. Like the Bhima-Koregaon attack on Dalits, the Delhi riots, in which innocent Muslims bore the brunt of the

carnage, too are being stood upside down to turn it into a grand witch-hunt of students, intellectuals and human rights activists.

In August last year, the Modi government had unilaterally deactivated Article 370 and robbed Jammu and Kashmir not just of its constitutional autonomy but also of its statehood. The coup was enforced on the ground through a massive and blanket crackdown – internet and mobile telephony were shut down, leaders including former chief ministers were all put under house arrest and the people were effectively all locked down as the state saw an unprecedented military deployment. More legal and policy changes have been introduced since then in a brazen attempt to change the demography of India's only Muslim-majority state.

Initially the move had some support within Jammu and Ladakh, but over this last one year the support has all but disappeared and disillusionment, anger and alienation are now writ large all over Jammu and Kashmir. Compounding India's Kashmir crisis is the growing transformation of the Ladakh LAC with China as a zone of continuing tension and friction. The LOC with Pakistan and the LAC with China both becoming simultaneously tense can only be a national security nightmare for New Delhi and this is precisely what the Modi government has landed India in. In the Galwan valley clash with China, India has already suffered the worst casualties since 1967, and by all accounts the mutual disengagement and pullback has only pushed the LAC further quite a few kilometers into the Indian side. The situation is certainly not going to be resolved by the stubborn denial of the Modi government.

What makes India's China

challenge more intractable is the Modi government's growing foreign policy fiasco. The government always goes out of its way to appease America and Israel, even though the US policy of global domination and anti-immigrant hostility has increasingly adverse implications for India's own interests. And Modi's biggest foreign policy failure lies in India's growing isolation from and antagonism with the whole range of neighbouring

The spirit of independence had guided India towards abolition of landlordism and the princely states, nationalization of strategic industries and services and creation of a powerful public sector, and the quest for a foreign policy free from imperialist dictates. Under the Modi-Shah regime, we now see an alarming reversal on all these scores.

countries. India's problems are no longer limited to the 'traditional rivalry' with Pakistan; India now has problems with Afghanistan, Bangladesh, Sri Lanka and even Nepal, the only other Hindu-majority country in the world. The anti-Nepal tirade of India's dominant electronic and print media, and the shocking humiliation meted out to Nepalese citizens in Modi's own constituency Varanasi can only vitiate India's ties with Nepal.

Faced with growing failure on economic and foreign policy fronts and completely rattled by the Covid19 epidemic, the Modi government now once again desperately seeks to divert the attention of the people by

destabilizing opposition-led state governments and stoking Hindu sentiment around the construction of Ram temple in Ayodhya. In the middle of the epidemic and lockdown restrictions banning all religious assemblies, Modi is now reportedly going to lay the foundation stone of the proposed Ram temple in Ayodhya on 5 August, exactly a year since the Modi government had stripped Kashmir of its constitutional status and statehood. The Sangh-BJP establishment clearly wants to mark August 5 as its special day of victory over India's Constitution and its promise of a secular democratic republic.

The battle between the two visions of India – the vision of liberty, equality, fraternity and justice upheld in the Preamble to the Constitution and the conspiracy of turning India into a Hindu Rashtra which in Dr Ambedkar's prophetic words would be the greatest calamity for India – is now out in the open. The spirit of independence had guided India towards abolition of landlordism and the princely states, nationalization of strategic industries and services and creation of a powerful public sector, and the quest for a foreign policy free from imperialist dictates. Under the Modi-Shah regime, we now see an alarming reversal on all these scores. In the face of this grave danger, the people of India will have to return to the trails blazed by the likes of Bhagat Singh and Dr Ambedkar and take India to the destination of a vibrant people's democracy marked by economic independence and social equality. □

The Vikas Dubey Phenomenon: Criminal-Police-Politician Nexus and Encounter Raj Imperil the Rule of Law in Uttar Pradesh

Dipankar Bhattacharya

The Vikas Dubey episode marks more than yet another entry in the lengthening list of 'encounter' killings in Uttar Pradesh. It illustrates key principles of the dominant model of statecraft in today's India and explains some important basics of what is popularly called the criminal-police-politician nexus. It points to a new level of criminalization of politics, and crisis and collapse of constitutional governance.

First, we had the stunning ambush of a police raiding team in a Kanpur village on the intervening night of 2-3 July, which made Vikas Dubey a household name beyond the badlands of Uttar Pradesh. The scale and manner of the ambush demolished several myths about the Yogi Adityanath regime of Uttar Pradesh. The Yogi regime of UP has adopted 'encounter killings' as a state policy and showcases them as the biggest achievement of the government. In 2019, soon after the Supreme Court termed the UP encounters a "very serious issue", the UP government paraded them as Republic Day publicity.

The very fact that even after more than five thousand encounters including more than a hundred encounter killings under Adityanath's stewardship, a criminal like Vikas Dubey could ambush a police team exposes the utter hollowness of the claimed 'efficacy' of this Encounter Raj. In fact, apart from the utter illegality of the serial encounter killings, commentators have also pointed to the skewed social nature of the encounters. A typical encounter victim is more

likely to be a helpless innocent citizen belonging to Dalits and other oppressed castes or the Muslim community, with cases posthumously added to justify the killing, and certainly not one of those hardened 'most wanted' criminals who continue to operate freely just as Vikas Dubey was doing till his surrender and eventual elimination in an alleged encounter.

The UP government is so smug about its encounter policy that it did not at all try to hide the obviously fake nature of the encounter script dished out by the police to 'explain' Dubey's death. The same smugness could be seen in the composition of the special investigation team (SIT) set up to probe the killing. DIG J. Ravinder Goud, part of the three-member SIT, is himself charged with a fake encounter of a young medicine dealer Mukul Gupta of Bareilly in 2007. Despite an order issued by the Allahabad High Court on August 26, 2014 for a CBI probe into the encounter, successive UP governments have not sanctioned the prosecution of the charge-sheeted policemen and in April 2015, Mukul Gupta's parents who had petitioned the High Court for the CBI probe were also murdered. With such an approach to investigation, no wonder all the encounter killings in UP have till now been found justified. Now the government has announced a one-man judicial probe, but with the ambush being clubbed with the encounter, the probe will obviously be more into the former than the latter.

It goes without saying that

criminals like Vikas Dubey draw their strength from close links with both politicians and police. In fact, Vikas Dubey's political links with the BJP, and previously with the BSP, have been quite well known. A photo of Vikas Dubey with UP Law Minister Brajesh Pathak has now gone viral on social media. Indeed, when we talk about criminalization of politics or the criminal-police-politician nexus, we must never forget the commanding role that politics plays in the nexus.


In a different political milieu Yogi Adityanath himself might well be in jail for all the serious criminal cases that he as Chief Minister has now exempted himself from. While his government always flaunts its 'encounter' figures, it should also be noted that it has stopped almost all cases pertaining to the Muzaffarnagar communal carnage. Well known BJP leaders like MPs Sanjeev Balyan and Bharatendra Singh, MLAs Sangeet Som and Umesh Malik, Minister Suresh Rana and Sadhvi Prachi have all benefited from this official amnesty. We have seen the same thing happen earlier in Gujarat or happening, for that matter, right now in Delhi where BJP leaders like Kapil Mishra are being spared despite the strongest of evidence.

If criminals prove dispensable beyond a point, as has been demonstrated by the treatment finally meted out to Vikas Dubey, who many believe was tricked into surrendering in Madhya Pradesh before being eliminated in Uttar Pradesh, police officials too are treated differently depending on

their utility and loyalty to the political rulers. In the case of Inspector Subodh Kumar Singh who was lynched in Bulandshahar, we can already see the accused are all out on bail and have been duly felicitated by the BJP. The system has different standards for the Vanzaras and the Davinder Singhs who continue to be rewarded and protected even after being caught on the wrong foot than for the likes of Sanjiv Bhatt who languishes in jail or Amitabh Kumar Das (the Bihar cadre IPS who exposed powerful Bihar politicians for their links with Ranveer Sena or with mafia dons) who has been

subjected to compulsory early retirement.

The BJP used to describe Bihar under the RJD or Uttar Pradesh under the SP as 'jungle raj'. For long they have been using the metaphor of 'crime' or criminalization of politics as a defining feature to discredit the post-Mandal political rise of backward castes. Today, in both Bihar and Uttar Pradesh we can see a huge escalation of crime and terror under the rule of BJP/NDA. The self-congratulatory claims of 'good governance' stand completely demolished on the ground even though the dominant media continues to underplay

the real extent and nature of the ongoing criminalization, driven primarily by feudal-communal forces blessed by the Sangh brigade and targeted against oppressed social groups and opposition political forces. In Uttar Pradesh, this feudal-communal criminalization and the state policy of encounter killings are posing a lethal challenge to the very notion of rule of law and the edifice of justice. We have seen the ominous implications of this pattern in Gujarat. If Uttar Pradesh and Bihar too follow this Gujarat model, rule of law will disintegrate into institutionalized lawlessness and anarchy. 

Saffronised Slashing of CBSE Curriculum

Vertika Mani Tripathi

In the wake of the extraordinary situation created by the ongoing pandemic, loss of teaching and lockdown, the Central Board of Secondary Education (CBSE) was advised to revise the curriculum so as to reduce the course load for the students of from class 9 to class 12. Though the syllabus was slightly revised in April 2020 as well, on July 7, Dr. Ramesh Pokhriyal 'Nishank', the HRD minister, took to twitter to announce the decision to rationalize the syllabus by up to 30%, while retaining the core concepts. Consequently, the CBSE reduced the syllabus of classes 9 to 12 with the suggestions of NCERT for the same. The deleted part of the syllabus would not be considered for Internal Assessments or for the Board exams. 'Core Concepts', however, were to be retained.

The idea of 'core' concepts for the present government, however, seems questionable. Apparently, understanding of democracy doesn't form a substantive part of the curriculum. Whether it is our

democratic rights; role of diversity in our democracy or the challenges to our democracy, all of these have been removed. Students will, now, no longer be required to learn concepts of federalism, citizenship, nationalism and secularism. They all have been completely deleted from the curriculum. Also are excluded lessons on colonialism and the understanding of the Partition in the subject of History. Other topics like understanding gender, religion and caste, popular struggles and new social movements in the country and India's relationship with its neighbours including Pakistan, Bangladesh, Nepal, Sri Lanka, and Myanmar are also no longer a part of the curriculum. Similarly, the deductions in other subjects include- demonetisation, economic development in India, and the planning commission; chapters related to forests and natural resources (water, mineral and energy), deforestation, climate change in the arena of Environmental studies and the phenomena of Modern world like industrialisation,

globalisation, and print culture in today's world. Literature, both Hindi and English have parts that have been done away with including sections from Amartya Sen's Argumentative Indian (English) and Vishnu Khare's 'Charlie Chaplin yaani hum sab', and Bhishma Sahni's 'Gandhi, Nehru aur Yasser Arafat' (Hindi).

NCERT also dropped the portion on separatist politics in Jammu and Kashmir. It has instead added the scrapping of Article 370, which gave the erstwhile state of Jammu and Kashmir special status, under the topic "Regional Aspirations" in the syllabus of class 12.

In Furtherance of Sangh's Ideology

The fact that the idea of Secularism which is integral to the soul of our nation and its constitution has been omitted by the government is the part of the larger picture where the Government is acting as a tool for the furtherance of the ideology of its Parent Organisation, the Rashtriya Swayamsevak Sangh.

RSS has always played an active role in imparting Hindu parochialist beliefs to children admitted in its shakhas from a very early age. The children here are trained to hate the idea of secularism that has been enshrined in the Constitution. They are taught about cultural supremacy and unity needed to fight other religions on different platforms. Any idea which is not in agreement with the Sangh ideology is touted to be western in its origin. Naturally, it is perceived as a threat to the cultural aspirations of the Hindus. The Sangh believes in Hindu militancy as opposed to the idea of Indian, which has its roots in multiculturalism, co-existence, and inclusiveness. Similarly, the young minds at the shakha are also made to believe in the idea of Hindu parochialism which is diametrically opposed to the idea of patriotism that our freedom fighters believed in, which has its strength in its heterogeneity and secular principles. Consequently, be it the concept of democratic rights or the ideas such as secularism and nationalism, all had to be removed from the current syllabus.

The Government has also chosen not to teach our next generation about colonialism and the freedom struggle leading to Partition, a struggle which the RSS at that time chose not to be a part of, lest the youth gets aware of the hollowness of Sangh's so-called patriotism. In such cases, the central board of Secondary Education skipping on such chapters speaks a lot about their plans for the children of the nation.

Erasing Facts And Context About Kashmir

The revision of the chapter 'Politics in India since Independence', the exclusion of the topic of 'Separatism and Beyond' is silencing the voices of the people of Kashmir. The deleted

portion said "One strand of separatists [who] want a separate Kashmiri Nation, independent of India and Pakistan. Besides these, there is a third strand, which wants greater autonomy for the people of the state within the Indian Union. However the revised portion says "Jammu and Kashmir had a special status under Article 370 of the Indian Constitution. However, in spite of it, the region witnessed violence, cross-border terrorism and political instability with external and internal ramifications. The article resulted in the loss of many lives, including that of innocent civilians, security personnels and militants. Besides, there was also a large scale displacement of Kashmiri pandits from the Kashmir valley", it read.


The revised portion replacing the above section merely says "On August 5, 2019, Parliament had approved a resolution abrogating special status to J&K under Article 370 of the constitution. The state was bifurcated into two Union territories - Ladakh with no legislative assembly and J&K with one". This is nothing but a deliberate attempt to erase the history of people of Kashmir itself.

Reflective of the Present times

It is a fact now that the Indian State has been treating its minorities like second-class citizens maligning the idea of plurality. Recent steps like the Citizenship Amendment Act and the abrogation of Article 370 have dealt a severe blow to the concepts of secularism and federalism. The present is also a witness to the arrest of Indian journalists under the draconian Unlawful Activities Prevention Act (UAPA), thus threatening press freedom. This poses a challenge to the idea of democracy as such. Dissent is being rampantly criminalised. Journalists, students, and even octogenarian

poets are being put behind bars for their work which defends Progressive values. Removing Vishnu Khare's 'Charlie Chaplin Yaani Hum Sab' which talks about Chaplin's view against the capitalists, selections from Amartya Sen's *Argumentative Indian*, which talks of our identity, history and traditional public debates, from the current syllabus can be a reflection of the mindset which tries to curb the spirit of dissent and debate in every sphere. But we can only wonder if the present generation will ever understand the nuances in the arenas such as media and democracy, which could not even make it to the list of core concepts.

The social and indigenous movements like the Chipko movement, the peasants' movement and that of the Dalits and Adivasis which were already underrepresented in the curriculum have now been completely removed. Altering the syllabus and omitting such popular struggles of marginalized sections further marginalizes them. It leads to loss of a nuance in the education which is needed to look at our past as well as the present.

All said, we can find hope in the fact that the reduction in the Syllabus is just for this academic year. Recently, CBSE Secretary Anurag Tripathi said that the deleted topic will be covered in 'Alternative Academic Calendar' which is already in force in the schools affiliated to the board. In the above context, we need to raise our voice otherwise these changes might turn out to be a permanent. I quote a deleted passage from Amartya Sen's *Argumentative Indian*, "Ancient India cannot be fitted into the narrow box where the Hindutva activists want to incarcerate it." To this I want to add that neither will modern India be fitted in this narrow box where the forces guided by Hindutva agenda want to imprison it. 

Remembering Pranab Da and the Durgapur 'Steel Melting Shop'

Dipankar Bhattacharya



26 July marks the second death anniversary of Comrade Pranabda (Dhurjati Prasad Bakshi). The tireless revolutionary whose Naxalbari-inspired journey had begun during his student days in Durgapur Regional Engineering College in the late 1960s finally fell to cancer two years ago. In March 2018 we had our Tenth Party Congress in Mansa, Punjab. True to his

organiser instinct and training, Comrade Pranabda was the first central leader from outside Punjab to go and camp in Mansa to help Punjab comrades organise the mega event. But we could see his flesh had started showing signs of fatigue and after a brief battle with cancer his long and tireless journey ended on 26 July.

He was an outstanding organiser who could adapt to a whole range of difficult situations and forge intimate ties with comrades from diverse backgrounds. Pranabda spent quite a few years in Assam during the turbulent Assam movement period, mastering great fluency in the Assamese language and playing a key role in the party's expansion in various parts of Assam including the hill district of Karbi Anglong. In later years, we saw him in a similar role in Odisha and Jharkhand. Tenacity and adaptability were two defining qualities of his five-decade-old communist career which also included years in jail in West Bengal during

the repressive reign of SS Ray.

What was the source of this tenacity and adaptability? To Comrade Pranabda and his generation, these were quintessential communist qualities, something they picked up early on as basics of the ML movement, core values of the Naxalbari tradition, and grew up with these qualities as part of their basic communist education. Shedding every bit of intellectual arrogance and individualist conduct, getting integrated with the people and practising stubborn perseverance as the key to victory - these were principles that they learnt to live.

The close interaction between the Durgapur RE College student movement and the Durgapur Steel Plant working class movement was the crucible that churned out a large number of communist revolutionaries from among both engineering students and steel plant workers. With their characteristic tenacity and discipline, and courage and initiative, they played such a key role in rebuilding the CPI(ML) party and movement after the severe setback of the early 1970s. Bhojpur and Bihar added to this the vitality and power of the upsurge of the oppressed and helped CPI(ML) overcome the setback and strike deep roots in India's social soil.

Today on Pranabda's second death anniversary, let us salute these communist architects and their tremendous contribution to the growth of the CPI(ML). Tributes to four comrades emerging from this Durgapur 'steel melting shop' - two from the engineering college, Comrades Vinod Mishra and Pranabda (DP Bakshi) and two from among the vanguard workers, Comrades Ananda (Sudarshan Basu) and Shantanu Bakshi, who are no more. There are many more from this specific background who are still around and working with all their strength, and I salute them all without naming them. □

Political Crisis in Rajasthan: Alarming Signals for Indian Democracy

Dipankar Bhattacharya

Volatility continues in Rajasthan about the future of the state government. We will have to keep watching the developments in Rajasthan High Court and State Assembly to know whether the government is able to weather the storm. Regardless of the eventual outcome of the present crisis, what

should really be a matter of greater concern is that such a destabilization bid is going on in the middle of a raging epidemic when the entire focus should be on saving the state and the people from the scourge of the novel coronavirus. If the regime-change in Madhya Pradesh badly affected India's Covid19 response in the initial

phase, the Rajasthan toppling game is being played out at a much more critical stage when the Covid19 figures are rapidly escalating in India and Rajasthan remains one of the worst affected states.

What happened earlier in Madhya Pradesh and is happening now in Rajasthan is part of an ominous trend


that is threatening to become axiomatic in the Modi era. The BJP-ruled Centre has made a habit of toppling opposition-ruled governments in state after state and it has acquired mastery in this game. It is being done so routinely as to send out a message to the electorate that there is no point in electing a non-BJP non-NDA government. After trying it out in small northeastern states and in states like Goa, the BJP has gone on to overturn or capture governments in big states like Bihar, Karnataka and Madhya Pradesh. There are reports of destabilization attempts going on in Jharkhand too. In Bihar the BJP colluded with incumbent CM Nitish Kumar to hijack an emphatic anti-BJP mandate of the people, in Madhya Pradesh it trapped Jyotiraditya Scindia, and in Rajasthan, it is banking on Sachin Pilot, former Deputy CM and PCC chief.

The BJP has normalised horse-trading to such an extent that no questions are being asked about its periodic raids on elected opposition governments, engineering of wholesale defections and acquisition of opposition MLAs at exorbitant rates. These are just considered routine expeditions of the emperor and continuing expansion of the BJP empire that we must marvel at. Look at the whole discussion over Rajasthan. It is being seen as a just revolt by Sachin Pilot, and as a failure of the Congress to retain its MLAs or even a ploy of the Congress to purge the party of potential challengers to the Gandhi-Nehru family leadership. From the purported audio tapes and confessions of MLAs to the deployment of top pro-BJP lawyers to fight the legal battle for Pilot, the involvement of the BJP is all too palpable. And if Pilot's toppling bid is successful, the alternative government is anyway going to be effectively a BJP government, BJP-backed if not BJP-led. Yet there is hardly any discussion in the dominant media about the obscenity of the BJP's power game at this hour of grave national crisis.

With the rise of Narendra Modi at the Centre, the use of big money in politics has reached an altogether new high in India. The public display of the intimacy of big corporate houses with the Modi dispensation also beats all previous records. Yet the flow of big money into politics has been rendered totally opaque, anonymous and unaccountable. Even the Election Commission of India expressed serious concerns about the implications of the Electoral Bonds and subsequent changes in the Finance Act, Income Tax Act and Representation of People Act whereby donations from even foreign sources would be untraceable as parties do not have to report about donations received via these bonds. It should be noted that 95% of the payments through electoral bonds till date have accrued to the BJP. With the outbreak of the Covid19 pandemic the Modi government immediately launched the PM-Cares fund and placed it beyond the ambit of public audit and accountability. It will be no surprise if it turns out that the money accumulated in the name of Covid relief ended up being diverted to fund the purchase of MLAs and destabilisation of the Rajasthan government.

The other question that needs to be discussed is how come Congress leaders and MLAs are finding it so easy and comfortable to migrate to the BJP. The discussion in the media revolves around the lack of internal democracy in the Congress, the control of the Gandhi-Nehru dynasty and the lack of reward for performance of young leaders. The BJP with the tight and shadowy control of the RSS and the ever growing domination of the Modi-Shah duo and complete marginalization of the rest of the leadership is certainly no better option than the Congress on these scores. The BJP still grills the Congress in the name of the dynasty. But the leaders it is increasingly promoting within its own ranks or borrowing from the Congress

are all products of dynasties. It has even inducted part of the Gandhi-Nehru family by accommodating the Sanjay Gandhi legacy. The self-styled 'party with a difference' has made itself all too hospitable for turncoats from the Congress or other opposition parties. Indeed, we should acknowledge the fact that much of the political barriers that existed historically between the Congress and the BJP have become rather porous and ineffective, if not redundant, with the rise of the BJP as the dominant political force and the growing rightward shift and 'normalization' of the Sangh-BJP version of Hindutva or Hindu supremacist nationalism.

Regardless of the denouement of the Rajasthan crisis, two conclusions are quite evident. The Tenth Schedule anti-defection law has proved to be fairly ineffective in checking defection. We have seen numerous ways in which MLAs and MPs have played around the provisions of the anti-defection law. The law basically treats defection only as a violation of party loyalty. Defection must primarily be seen as a violation of an elected representative's contract with the electorate. Hence the law must provide not only for mandatory resignation of all defectors but also disqualification from holding public offices or contesting elections for a period of at least six years. The other important conclusion is ideological. If Indian democracy has to be saved from becoming a predominantly one-party system, ideological-political contestation must be strengthened and the effective ideological counter to the growing rightward drift and domination can only come from a powerful Left resurgence. The growing assault on the lives and liberties of large sections of the Indian people is surely creating new potential for a renewed rise of the Left as a bulwark of democracy. The Left must rise to the occasion. 

One Year Of Kashmir Caged

On August 5 in 2019, the Modi regime abrogated Article 370 and stripped Jammu and Kashmir of its statehood, placing the Kashmir valley under a cruel lockdown. Liberation has invited intellectuals and activists of Jammu, Kashmir and Ladakh to look back at the past year and tell our readers about what the people there are facing.

One year of Kashmir's buried special status: Lost maps and chained memories

Anuradha Bhasin Jamwal

National Council of Educational Research and Training (NCERT) has just deleted a section of chapter on 'Regional Aspirations' in Class 12th Political Science textbook. The deleted portions tracing Kashmir's separatist politics, briefly sketching the complex dynamics of separatism, intra-state politics and urges for peace, is now gone. This will be replaced by a chapter on the voiding of Article 370 and the re-organisation of the state describing it as a step towards inclusion of Indian citizens in stakes in Jammu and Kashmir (J&K). On August 5, 2019, the Indian government de-operationalised Article 370, which constitutionally linked Kashmir to India and also guaranteed its autonomy, and bifurcated the state into two union territories, robbing it both of its special status and its statehood.

One year on, the project of systemic erasure of J&K in multiple ways, including the eclipse of its map, politics, economy, society and even the memory of as it existed, is still on.

What democratic purpose did the political and legal alterations, effected by stealth and in defiance of constitutional requirements, while integrating the disputed region into the largest liberal democracy of the world achieve? As the Indian state hollowed out

its own democratic commitments by chaining the very people who should have participated in the decision of their future, for the inhabitants the journey of an exponential loss began, their identity diluted and the road paved for their consistent disempowerment – politically, economically and socially. The flaunted benefit is the equal status that Indian citizens will get in the region after integrating 'J&K' fully into the Indian Union while its people are reduced to lesser citizens as part of the new rules of engagement.

Until 2019, Jammu & Kashmir was governed by both the Indian constitution and its own state constitution, giving the region the powers to decide its own matters, barring on three subjects – communication, foreign affairs and defence. From 1950s onwards the Indian government began to water down Article 370 from 1953 through a slew of amendments with the concurrence of its own backed puppet regimes in the state and through excessive manipulation of the state's politics including deposing governments and even jailing the local popular rulers. By 1970s, Article 370 remained a hollow shell as a symbol of pretense of democracy, while it also bestowed to Kashmiris a

sense of unique identity, forbidding Indians from outside the state to settle and get government jobs. That was until last year.

The most visible fallout of the diluted and degraded status of Kashmir is that while its hereditary residents will lose their exclusive rights over jobs and ownership of land, its degradation from a state of India to a Union Territory, which brings it under the direct control of the union government, forbids the local political leadership from exercising its agency. This empowers the Indian government to legislate, amend, scrap any law without consulting the representatives of the people and alter the life of the people in many ways. In less than a year, the government has already made more than 100 central laws applicable to the region and revoked or tweaked 100 other J&K laws that are aimed to encourage a demographic influx aimed at not only altering the Muslim majority status of the erstwhile state but also depriving its previous permanent residents of jobs, with the relaxed nature of domicile law, and ending their privileges to own land and invest in business.

Already, all the stone quarrying and sand mining contracts have gone mostly to outsiders and it is feared that Kashmir's natural

resources may be lost to similarly skewed bidding processes, as traditional local bidders neither had the money-power, technological superiority nor the internet access to compete. The almost nine times increase in the bids and investment of machinery will increase the costs for local consumers, shrink jobs and denude the ecology owing to business models based on crass greed.

The Indian government continues to maintain its firm grip on the region through exercise of brute military power and imposition of restrictions, torpedoing the fundamental rights of the Kashmiris in the name of 'integration' and 'national interest'. While media remains gagged and a method of censorship set in place in the form of Media Policy 2020 that empowers bureaucrats to judge any word as 'anti-national' or fake and press criminal charges, the judiciary feels compelled to ignore

the increasing number of petitions for bail and habeas corpus pleas.

Not to be missed is the psychological impact of Article 370 abrogation. The collective sense of injury, loss, trauma, humiliation and impotency has pushed the people of the region, already carrying the weight of 73 years of armed conflict, to the brink, engendering not only despair but also rage which could find violent expression. Coupled with India's increasingly hostile relations with its neighbours – Pakistan and China – which are inadvertent party to the historic dispute, this could have dangerous geopolitical repercussions.

The biggest casualty, however, has been the weakening and destruction of Indian democracy and its liberal asymmetric federalism with fears that Kashmir could become a testing laboratory for rest of the country, as the right-wing Indian government inspired

by the ideology of transforming a secular, socialist republic into a Hindu nation embarks on a hasty project to bring in nation-wide laws like Citizenship Amendment Act and National Register of Citizens that reduce India's minorities, particularly Muslims, to secondary citizens. The Kashmir project that appealed to the majoritarian sensibilities of Indians has emboldened the desire for that project, the brutal methods employed to scuttle the campaigns by criminalizing CAA opponents while treating the hate speeches of the Hindu right-wing with kids gloves are also inspired by Kashmir's dismal human rights track record.

By integrating a land, and not its people, India has made a tryst with a destiny that is poised to take a dangerous turn. □

(Anuradha Bhasin Jamwal is a senior Jammu-based journalist.)

Kashmir Domicile Law: Incremental Dispossession, Statelessness and Displacement

Mirza Saaib Bég

In absence of any representative government in Jammu and Kashmir, the Indian government has exercised undiluted and direct control in the region through a bureaucratic administration since 2018. One year ago, the Indian government unilaterally abrogated Article 370 and scrapped the statehood of Jammu and Kashmir, ending the autonomous status of the region. In May this year this administration notified^a the Jammu and Kashmir Grant of Domicile

Certificate (procedure) rules, 2020. These rules provide a fast-track procedure for issuance of Kashmiri domicile certificates, within 15 days, to Indian citizens. The sense of urgency to legalise the occupation of land is further underscored in the new rules since non-compliance with the time frame attracts a penalty^b of Rs. 50,000 from the salary of an errant officer.

These rules create new classes

[b] The Kashmir Wala Staff, "Centre's J-K domicile law: Fast track process, fine for delays, non-locals eligible", https://thekashmirwalla.com/2020/05/centres-j-k-domicile-law-fast-track-process-fine-for-delays-non-locals-eligible/?fbclid=IwAR1hHU35FIoNYdxEzMQ_QAeu_BIQByagxc9AIH-ulz7ILJjEBC-eTOuVs

of citizens who are now eligible for domicile certificates which are mandatory for admission in schools and employment opportunities in Jammu and Kashmir: Indian citizens who

- (a) have resided in Jammu and Kashmir for a period of 15 years, or
- (b) have studied in Jammu and Kashmir for a period of 7 years, or
- (c) have parents who have served in Jammu and Kashmir for 10 years

The domicile certificate has been made mandatory for employment in Kashmir following

[a] Peerzada Ashiq, "J&K notifies amended domicile certificate rules," The Hindu, <https://www.thehindu.com/news/national/jk-notifies-amended-domicile-certificate-rules/article31617453.ece>

amendments^c in the Jammu and Kashmir Civil Services rules. Eligible Indian citizens will also be granted the right to purchase immovable property in Kashmir.

Departure from Established Law

The new rules are a major departure from an established body of historical precedent, law and jurisprudence which recognised the right of Jammu and Kashmir to define its citizens, known as “permanent residents”. Through the new rules, with retrospective effect, a “permanent resident” has now been replaced with “domicile” even though no instrument has ever granted such power to the Indian government. The rules grant eligibility of domicile to new classes^d of Indians including migrants, central government employees, Indian armed forces personnel and their children^e who meet the eligibility criteria. Significantly, there is now no space for a diaspora Kashmiri, whose parents do not have an existing certificate of permanent residence, to obtain domicile without living in the region for 15 years or serving the Indian government for 10 years. Effectively the child of an Indian citizen is eligible, even if the child

has never lived in Kashmir, but the child of a diasporic Kashmiri may not be eligible if the parent does not possess an existing certificate of residence.

The Domicile Law project drives home the message to the people of Kashmir that nothing, not even economic collapse, a migrant labour crisis and a pandemic, can prevent the Indian state from doing what it wants to do in Kashmir.

Violation of Geneva Convention

The rules do not merely grant Indians a right of residence in Kashmir. They also engineer a situation where Kashmiris must submit certificate of permanent residence for verification of domicile if Kashmiris want the jobs where domicile certificate is now required. The certificate of permanent residence was a constitutionally valid document and has been held by numerous judgments to be a “conclusive proof of residence”. Under the new rules it merely carries evidentiary value for residence. Therefore, if a Kashmiri fails to meet the new criteria, whether by malice/manipulation or by design of the new rules, the revocation of residency rights will inevitably lead to forcible transfer out of Kashmir in search of shelter and employment. All these initiatives have sparked fears of demographic change, militarised settlements, dispossession and alienation of land in Kashmir. The forcible transfers of population may qualify as a war crime under the Rome Statute of the International Criminal Court as well as a grave breach of the Fourth Geneva Convention. There are unavoidable parallels with Israel which since 1995, has been escalating the use of

residency revocation as a punitive measure against Palestinians. The revocation of residency forms part of a widespread and systematic policy to transfer the protected Palestinian population.

Domicile Law and NRC/CAA

The designation of “domicile” is recognition of being a permanent resident in that jurisdiction. Jammu and Kashmir’s Permanent Resident Certificate already establishes this statutory test for residence. Therefore, it makes no sense to ask people who are already recognised as permanent residents to now obtain a certificate of domicile. This appears to be a circular exercise of re-verification of permanent residents in many ways similar to the controversial NRC/CAA exercise which has already seen hundreds of thousands of people being rendered stateless after failing to satisfy the criteria for documentation.

Legislative History

It is ironic how some sections of Kashmiri Pandits have welcomed this legislative development when the existing arrangement of “permanent residents” was initially made because of their agitation and specifically for the protection of their interests. The historical background to the need to make a distinction between permanent and non-permanent residents can be traced back to decades long agitation by Kashmiri Pandits against the hiring of Punjabis in the state administration, which eventually

[c] AzaanJ avaid, “Modi govt redefines J&K domicile rule, extends it to those who have lived in UT for 15 years,” The Print, <https://theprint.in/india/modi-govt-redefines-jk-domicile-rule-extends-it-to-those-who-have-lived-in-ut-for-15-yrs/392596/>

[d] Live Mint Staff, “People from West Pakistan, Valmikis to get domicile under new rules by J-K admin” Live Mint <https://www.livemint.com/politics/policy/people-from-west-pakistan-valmikis-to-get-domicile-under-new-rules-by-j-k-admin-11589851163094.html>

[e] Azaan Javaid, “What new J&K domicile rule is and how it impacts residents of the union territory,” <https://theprint.in/theprint-essential/what-new-jk-domicile-rule-is-and-how-it-impacts-residents-of-the-union-territory/394038/>

[f] Peerzada Ashiq, “Kashmiri Pandits welcome amended domicile laws” The Hindu, <https://www.thehindu.com/news/national/kashmiri-pandits-welcome-amended-domicile-laws/article31645649.ece>

led to a 1927 law promulgated by Maharaja Hari Singh. The 1927 notification^g sought to provide certain privileges to permanent residents, especially in the purchase of land and employment in Jammu and Kashmir. Since the Dogras had essentially built a Hindu state where the nature of governance and reform were predominantly Brahmanical, the protection of the law was mostly intended for non-Muslims of the region. Muslims were not part of the popular imagination of reform at the time.

Article 35A and 1954 Presidential Order

In 1954, through a Presidential Order, Article 35A^h of the Indian Constitution allowed the legislature of the State of Jammu and Kashmir to define the state's "permanent residents" and what distinguishes them. All identified residents are issued a permanent resident certificate, which entitles them to special benefits related to employment, scholarships and other privileges. But the biggest advantage for permanent residents is that only they have the right to own and, therefore, buy, property in the state. All those who were living in the state as of 14 May 1954, when the law came into effect; and had lived in the state for 10 years preceding that date, were counted as permanent residents.

[g] State Subject Definition Notification date the 20th April, 1927 Legal Document No. 44 https://www.satp.org/satporgtp/countries/india/states/J&K/documents/actsandordinances/State_Subject_Rules.htm

[h] Article 35(a) in The Constitution Of India 1949

Section 6 of the Constitution of J&K

When the Constitution of Jammu and Kashmir was passed, Part III Section 6ⁱ of this Constitution retained the power to define 'permanent residents' with the state. It is important to note that the Constituent Assembly of Jammu and Kashmir was not set up by a sanction of the Indian Constitution^j or of the Government of India. It was set up by the State itself acting independently of both, under the Maharaja's Proclamation of May 1, 1951, on the advice of Sheikh Abdullah. There is no provision in the Indian Constitution under which the Constitution of Jammu and Kashmir can cease to exist except with the consent and concurrence of the Constituent Assembly of the state.

Therefore, legally speaking, Section 6 will still apply even if Article 35A ceases to exist because Section 6 does not derive its validity from Article 35A. Also, Article 35A, like Article 370, is the representative of an agreement between the governments of Kashmir and India. Article 370 was the result of the Instrument of Accession and Article 35A represents the Delhi Agreement^k of 1952 between the leaders of Kashmir and the Prime Minister of India.

What purpose does Article 35A then serve in the Constitution of India when this position is

[i] The Constitution of Jammu and Kashmir, 1956 http://jklaw.nic.in/the_constitution_of_jammu_and_kashmir_1956.pdf

[j] A. G. Noorani, "Threat to Kashmir's Existence," Greater Kashmir, <https://www.greaterkashmir.com/news/opinion/gk-exclusive-threat-to-kashmirs-existence/>

[k] The Delhi Agreement, 1952 https://www.satp.org/satporgtp/countries/india/states/J&K/documents/papers/delhi_agreement_1952.htm

already covered in Section 6 of the Constitution of Jammu and Kashmir? The answer is that Article 35A was meant to guard against a challenge in an Indian court against the protections under the Constitution of Jammu and Kashmir. In that sense, Article 35A was meant to bind India's legal machinery from interference in a right that the Constitution of Kashmir has retained for the state itself.

A reminder of deceit

For Kashmir, this is just another reminder that the Indian government can alter its position at any point to suit the circumstances. Prime Minister Modi had given an assurance to^l a delegation of members of a pro-India political group that interests of J&K residents would be protected in government jobs and land laws. However, by these changes, all eligible Indians can compete against J&K residents for jobs and benefits indicating how much respect the Indian Prime Minister has for pro-India politicians, as well as how much he values his own words.

Effects of the New Domicile Law

1. While earlier a total of 480,000 government jobs were only for permanent residents, the new law opens the field for any Indian citizen who has been living in the state for a certain period. This is especially disconcerting at a time when the 2016 Economic Survey

[l] Fayaz Bukhari, "PM assures restoration of Statehood, domicile status to J&K" Daily Excelsior <https://www.dailyexcelsior.com/pm-assures-restoration-of-statehood-domicile-status-to-jk/>

Report^m had pegged a quarter of J&K's population between 18 and 29 as unemployed.

2. According to a reply by India's Ministry of Home Affairs to a parliamentary panel on February 18, 2020, there are over 84,000 vacancies in J&K of which 7,552 vacancies are at the gazetted level. So effectively there are only 7500 gazetted jobs for a population with 25% unemployment among youth and now they are adding at least 1.5 million people to the competition.

3. Further, only 30% of land in Kashmir is habitable and fit for cultivation. Already as admitted by the Mehbooba Mufti government, 20,000 hectares of land are under control of the Indian army. So there is very little habitable land to go around for the new domiciles without deforestation in Kashmir. The unplanned influx of Indians from outside Kashmir can cause an irreparable impact on the ecology and livelihood of the people of Kashmir.

[m] Government of J and K, Directorate Of Economics and Statistics, "Economic Survey, 2016" <http://ecostatjk.nic.in/ecosurvey/Economic%20Survey%202016%20PDF.pdf>

The diminution of our rights is set to increase the levels of unemploymentⁿ as well as hasten the disenfranchisement of Kashmiris while engineering demographic changes. Without domicile status, Kashmiris cannot obtain work in most sectors of employment. There are also fears that through incremental displacement of rights, Kashmiris could also lose benefits of welfare schemes for food, health care, children, the elderly and people with disabilities.

An Erasure of Kashmir's History

These changes are an erasure of Kashmir's history, and a project in creating homogeneity. Kashmiris were once the State-Subjects of a Princely State. Under questionable circumstances, we were then made Permanent Residents of an autonomous state, pending a plebiscite. Today we are being made domiciles of a Union

[n] Umer Beigh, "Will New Delhi revisit its decision of domicile change in J&K?" <https://www.moneycontrol.com/news/kashmir/politics-will-new-delhi-revisit-its-decision-of-domicile-change-in-jk-5120591.html>

territory, without our consent. Given the developments taking place it is quite likely that the Kashmiri landscape will be seeded with militarised settlements in a hegemonic fashion, similar to Palestine. The implications can only be calamitous. The threat of demographic change, loss of livelihood and increased competition for scarce resources is bound to electrify an already incensed population. In any sensible democracy this situation would be alarming but authoritarian and xenophobic actions seen over the last year suggest that Modi's dispensation is neither sensible nor democratic. Kashmiris have long realised that we cannot indulge in the luxury of despair and despondency. We need to, and will continue to, engage in the persistent labour of resistance and hope. □

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Ladakh: One year after UT Status

Sajjad Hussain Kargili

Ladakh is strategically very important for India because it connects India to Central Asia, South Asia, China and Pakistan. Historically it was also the centre of trade along the Silk Route and also known as the gateway from India to Tibet and Central Asia.

In 1979 Ladakh was divided into two districts known as Leh and Kargil. Leh is a Buddhist majority district while Kargil is Muslim majority. Kargil is geographically located between Srinagar and Leh,

210 Kms away from Srinagar and 230 Kms from Leh.

For decades Union Territory status for Ladakh was the popular demand of Leh district and they wanted to get separated from Jammu and Kashmir. But the people of Kargil were always opposed to the UT idea and the leaders of Kargil have always opposed the bifurcation or trifurcation of Jammu and Kashmir. The leaders in Kargil were demanding greater Ladakh including Gilgit and Baltistan and

opposed any kind of further division on the basis of region, religion and language.

Kargil's opposition to UT status for Ladakh was not only because of its Muslim-majority composition. The fact is Kargil is physically dependent on Kashmir. Kargil remains cut off with the world for six months and there is no air connectivity from Kargil to connect with the world during winter. Although there is an airport in Leh but for many people air travel is still unaffordable.

For decades, people of Kargil demanded the construction of Zojilla Tunnel to connect Ladakh with the rest of India. But despite multiple inaugurations and biddings the work has not been started yet. Even Prime Minister Narendra Modi also inaugurated the Zojila Tunnel project on May 19, 2018. If the tunnel is constructed it will provide all-weather connectivity between Srinagar, Kargil and Leh and, at 14.2 km, will also be the country's longest road tunnel. The tunnel will cut down the time taken to cross the Zojila pass from 3.5 hours at present to 15 minutes.

During the inauguration of the Zojila Tunnel project, Modi had said, "The Centre and the state government are working together to take the development work forward. Today alone there will be either inauguration or foundation stone laying for projects worth ₹25,000 crore. This is a testimony to the Centre's commitment to the development of the state." But things have hardly moved in this direction. Instead, what followed was the sudden and unilateral announcement on 5 August 2019 by the Modi government of abrogation of Article 370 and division of Jammu and Kashmir into two union

territories.

People of Leh initially welcomed the decision and celebrated by saying that they have achieved freedom from Kashmir while in Kargil people observed black day and staged a protest. All leaders of regional parties were detained, even former Chief Ministers of the state of Jammu and Kashmir were booked under Public Safety Act. Dissenting voices were curbed and Internet snapped. The entire valley was under strict lockdown and in Kargil too the space for political and social activities shrank considerably.

On 31 October 2019, soon after the government's announcement, images and videos were beamed on televisions and phones in India of citizens celebrating in Leh, where a demand for a separate Union Territory of Ladakh has existed for years. There were barely any images from Kargil town. The two towns are largely divided in their response but what unites them is the shared anxiety about the future of the Himalayan region.

On May 2020, President of Bharatiya Janata Party, Union Territory of Ladakh, Cherring Dorjay Lakruk resigned from his political position and from

primary membership of BJP "in protest against utter failure of UT administration Ladakh in evacuating passengers, patients, pilgrims, and students stranded at different places throughout India." But this resignation 'in protest against utter failure in evacuation' was just a plea. Actually, Ladakhis by and large are feeling that their future is unsafe and people have deep resentment about growing land and job insecurity.

On May 4, 2020, the Chief Executive Councillor of the BJP-led Ladakh Autonomous Hill Development Council (LAHDC), Gyal P Wanyal, along with his Deputy Tsering Sandup, executive councillors, and other councillors held a dharna outside the residence of Lt Governor R K Mathur protesting over the delay in evacuation of locals stranded elsewhere in the country amid the coronavirus lockdown. This was the first protest against the LG administration in the UT Ladakh.

Most people are currently in a state of confusion because Ladakhis have been deprived of political representation. Earlier there were 4 legislative members (2 from each district) in the J&K state assembly and two legislative council members. People now do not know how their rights will be protected. And what would be the status of the people of Ladakh under the government's new policies? Because the financial powers from the Ladakh Autonomous Hill councils have been taken away.

Interestingly, people who were dancing and celebrating Union territory are now demanding the tribal rights for Ladakh and they want Ladakh to be designated as a tribal area under Sixth Schedule.

The government earlier assured people of Leh & Kargil to have equal share and political



representation but now the Government is systematically depriving the Muslim majority district of equal share in the newly imposed Union Territory (UT).

Earlier Ladakh had reserved seats in various professional and academic institutions in Jammu and Kashmir. Entire area was

declared a scheduled area and there were job reservations and land protection. Now, the UT model has failed to address the plight of the people and to secure land and jobs for of the people of Ladakh. Recent incursion by China into the Indian side of the LAC and the subsequent face-off between Indian

and Chinese troops have further complicated the Ladakh situation. The agenda of development and democratic representation and rights of the people of Ladakh has been overshadowed by the LAC standoff and military build-up. □

(Sajjad Hussain Kargili is an activist based in Kargil).

Kashmir Since August 5, 2019

M. A. Sofi

Following the abrogation of article 370 on August 5th, 2019, it has been a long regime of deceit and deception marked by extremely devious and sinister plans being pushed in Kashmir, mostly by stealth and insinuation. All these plans and policies are aimed at the disempowerment and complete immiseration of the local population which is sought to be subjugated and to be brought to its knees.

The long reign of brutal repression that has followed the monumental betrayal on August 5th has manifested itself in many ways, ranging from the complete cessation of business activity, including especially the tourist industry and the Kashmir handicrafts, the colossal loss of one full academic year of the students of all levels and the irreparable loss of revenue in the horticulture and agriculture sectors. 'The icing on the (ir) cake', as it were, has been the killings of young Kashmiris by the Indian security forces, some of them reportedly in fake encounters, and the others during the so-called cordon and search operations.

The young people who are taken on and eliminated in such operations are hardly in a position to pose a serious threat to the authority of the state. The mere fact that they nurse certain grievances - and genuine ones at that - and

that they merely wish the Indian state to address those issues is certainly no reason for the state to take a maximalist position while dealing with these 'angry' young men, a position which is invariably in the shape of bringing maximum force to bear upon them and eliminating them in one fell swoop. In such a situation, a much needed recourse to a dialogue between all the contending parties would have saved not only the precious human lives on both sides of the fence, but would have also saved the vast resources being frittered away in the pursuit of a goal that is otherwise unachievable.

What has been said above is only the tip of the iceberg, involving what has been on display in Kashmir since August 5th, 2020. Apart from its impact at several levels on the domestic front which is going to be discussed below, an unintended but an inevitable fallout of the August 5th political putsch has been the Chinese ingress into Ladakh, a development that has added a new dimension to the Kashmir conflict by highlighting it as a trilateral issue between India, Pakistan and now China. In the lines that follow, an attempt has been made to provide a bird's eye view of the many more of such mischievous and dangerous machinations whose redundancy on one hand and baneful effects on

the other, are going to be felt and experienced over a long period of time to come:

Censorship and Mass Arrests

In the run up to August 5th, 2019, the total censorship on media was accompanied by mass arrests of thousands of Kashmiris who were picked up and sent to jails both in Jammu and Kashmir and other states where many of them continue to remain incarcerated even one year since they were arrested. Though no reasons were given for their incarceration, it soon came to light that some of them happened to possess the otherwise good qualities of rallying people around for a cause which should instead have won them accolades from the government. The Bar Association President of the J&K High Court was surely one of them. We should note that in his reaction to the Hurriyat call for boycott of the elections to the state assembly which were scheduled then, he had chosen to take it upon himself to motivate and reach out to the people and exhort them to participate in these elections which they had previously decided to boycott. The spree of arrests, custodial deaths and killings of innocents continues to this day, regardless.

Internet Clampdown

Just a day before the abrogation of article 370, a complete suspension of the high speed 4G internet was accompanied by the withdrawal of all other modes of communication including the cell-phone services from the entire state. While the broadband service was resumed after a couple of months following August 5th, the internet service was partially restored in December 2019, but only in the low speed 2G mode which has not been revived to the 4G category even after close to one year since it was withdrawn. The impact of this limited access to the internet has been severe on the business activity, but more so on education, with the educational institutions having functioned barely for 100 days since August 5th, 2019. Now with the online classes being the only available mode of teaching in the middle of the pandemic, the blocking of the 4G high speed internet has further complicated matters for the students who are made to suffer on account of an inadequate access to online classes. In the much awaited verdict by the SC on the petition challenging the denial of this fundamental right to the people of Kashmir for the 10th month running, the apex court on May 10th, 2020 had refused to pass a directive for immediate restoration of 4G speed internet service in Jammu and Kashmir which had, instead, chosen to direct the centre to constitute a 'special committee' to examine whether 4G internet could be restored in the UT. That's an appalling error of judgement by the apex court which has, inexplicably, referred the case back to the government as the judge, jury and the executioner, all wrapped in one. Earlier, the A.G.

Mr. S. S. Venugopal had told the apex court that "the orders that have been passed had specifically stated that restrictions on internet speed were required for national security". Such is the hypocrisy, including of those who should have known and interpreted the law better.

New State Domicile Law

Over seven months after the abrogation of Article 370 and 35A, the Jammu and Kashmir administration has repealed the 93 year old state subject law which barred non-permanent residents from owning land and immovable property in the erstwhile state and ensured employment protection for permanent residents of the former state. With the approval by the J&K administration of the new domicile law, the process has started of issuing domicile certificates to permanent and those non-permanent residents who have lived in J&K for at least 15 years or worked for the J&K government for ten years or studied in the state at least for seven years and appeared for board examinations here. Moreover, in an effort to fast track the issuance of domicile certificates to the no-resident Kashmiris, online application facility has been made available for the purpose. In the same vein, it has been stipulated that the tehsildar-in-charge shall face a fine of up to Rs. 50,000/- if he/she fails to issue the certificate within 15 days of receiving the application. The first to get the domicile certificate was Navin Kumar Choudhary, a senior J&K cadre IAS officer from Bihar for having served here over a period of ten years. It is no brainer to assert that all this has been designed and contemplated to engineer a

demographic imbalance in the erstwhile state.

Control of Buildings Operations Act

On 17th of July, 2020, the J&K administration approved an amendment to the Control of Building Operations Act, 1988 and the J&K Development Act, 1970 to allow notifying any areas in J&K as "strategic areas" where the Indian armed forces can carry out unhindered constructions and other related activities in terms of the requirement of the armed forces through a special dispensation. It envisages that in addition to the land on which existing camps/cantonments of the Indian armed forces located in various areas are notified as 'strategic areas', similar areas could be identified elsewhere in the valley for the construction of new camps/cantonments which would be permanent as opposed to many camps which are currently based in private properties like orchards, houses, state government properties and which are thus temporary in nature. The amendment would also facilitate the construction of residential blocks for the troops and their families. The high point of this exercise is that an entire area could be designated as a 'strategic area' which could be taken over and developed for the use of armed forces and their families.

New Housing Policy

Of a piece with this gigantic sleight of hand, the J&K administration has also accorded sanction to the proposal of "Housing and Urban Development Department" for adoption and notification of "J&K Housing, Affordable Housing, Slum Redevelopment and Rehabilitation and Township Policy, 2020". This

new policy seeks to come up with models of housing involving slum redevelopment and integrated township. There will also be a scheme for rental housing “in which EWS (Economically weaker sections) of families from other states will be provided dwelling units on license basis for occupation and use for a particular period on making initial deposit and monthly charges”.

Why the Influx of Non-Locals during Pandemic?

Free Press Kashmir (FPK) reported on July 22, 2020 that 113 out of 14,937 non-locals who were brought into the valley in buses last week were found to be COVID positive. The Administration subsequently claimed that they would test the migrant workers for the virus. According to a spokesperson for the administration, “The scheme (to bring in migrant labour) has been notified keeping in view the large workforce of brick kilns. There are no brick kilns operating in District Srinagar; however labour for construction activities and infrastructure projects has been reported to be arriving in some cases.”

The same report stated that “a local news agency, KNT reported that locals in Arizal area of Central Kashmir’s Budgam district were up in arms against the district administration for admitting over 30 COVID infected non-local labourers at a government school in the area. The locals demanded immediate shifting of these labourers from the area. ‘The school building is surrounded by the village population and there are chances that infection may spread in the area and we may get infected too,’

locals told KNT.”

At a time when the Administration is telling locals of the Kashmir Valley to keep indoors to avoid spreading the virus, why are thousands of non-locals being brought in from other states, without due precautions, in a manner that is bound to spread the pandemic? According to a July 20 report in the FPK, “The administration has said that it is trying its best to keep the local populace off the roads to contain the spread of the Coronavirus disease. As concerned as the administration might sound in its public advisories, on the contrary, there has been an enhanced influx of non-locals into, and across, Kashmir in recent weeks. A wave of apprehension and suspicion was triggered yesterday after social media were flooded with eye witnesses sharing information about buses loaded with non-locals being ferried on different routes. Earlier on Sunday, a video of a bus packed with non-locals surfaced on social media. In the video, a man is heard questioning the non-locals about COVID tests, to which the answer was either non-committal or in the negative. Women and children can also be seen in the buses.” The video was shared on the Twitter handle @haziq_qadri with the caption “See how non-local labourers are let inside #Kashmir without the mandatory COVID test. On the other hand, small scale shopkeepers are being thrashed by local police for opening their shops.”

The July 20 story in FPK adds this intriguing report: “On July 17, a local Kashmiri, Fayaz Peer, who identifies himself as a travel blogger shared that while flying back to Kashmir and finding himself surrounded by the non-Kashmiris, he asked his co-passengers why were they heading to Kashmir amidst the pandemic. The funny

reply that they were coming here to pursue a computer course was shared on the Twitter handle @FayazPeer.

The claim that students are coming to Kashmir for computer courses is laughable, and plainly ludicrous, given that no institute of education, whether private or public, has been allowed to open in Kashmir ever since the first lockdown was announced way back in the third week of March. Still funnier is the ‘plea’ of pursuing a computer course in a place which does not boast of the internet service beyond the 2G speed, and that too in fits and starts.

Apart from workers and students, there is also a visibly large number of non-local persons seen everywhere in the valley begging for alms. How have they been able to enter the Valley without any testing for Covid-19, is a question that baffles one and all? Could they have entered the Valley without the Administration facilitating their entry? If the Administration is enabling a large influx of non-locals into the Valley, is it a case of criminal negligence during the pandemic? Or is there a method in the seeming madness?

As the FPK report of July 20, 2020 observes, “Many in Kashmir say that the influx, in the backdrop of changing laws regarding land ownership and citizenship, have fanned the fears of a demographic change.” In the event of such a devious strategy actually coming about, it would be a ‘befitting’ climax of a thoroughly destructive game-plan that was set in motion on August 5th, 2019, but that would only cause a massive devastation all around and engender a million more mutinies that would be impossible to contain. □

(Prof. M. A. Sofi teaches at Central University of Kashmir, Srinagar).

Delhi Riots Revisited

The targeted communal violence in North East Delhi took place in February. Nearly six months have passed since then.

What new facts have emerged since February, about the perpetrators of the violence, and the motives for it?

What course has the Delhi Police

investigation taken? What action is the Delhi Police taking on the available evidence? What evidence is there to back the Delhi Police theory that the violence was a result of a conspiracy by those who were protesting against the Citizenship Amendment Act?

Delhi Police Speaks BJP's Language, Calls Protest 'Secession'

Several petitions have been filed in the Delhi High Court seeking action against Bharatiya Janata Party leaders Kapil Mishra, Anurag Thakur, Parvesh Verma and Abhay Verma for hate speeches that incited violence in the city. Responding to these petitions, the Delhi Police submitted an affidavit claiming that they had yet to find any “actionable evidence” against these leaders of the ruling BJP, who had given speeches and raised slogans calling anti-CAA protestors “traitors” and calling for people to “shoot the traitors.” Instead, the Delhi Police claimed that it was the anti-CAA protestors who had conspired to incite violence.

In their affidavit, the Delhi Police claimed that the “motive and the idea behind this conspiracy,” was that the anti-CAA protestors wanted to “to go to any extent possible, be it a small scuffle with the police during blockade or instigation of riots between two communities or to advocate and execute a secessionist movement in the country by propagating an armed rebellion against the lawfully constituted government of the day.”

We may recall here that the anti-CAA protests in Delhi and all over the country, were peaceful sit-ins led by Muslim women, as well as demonstrations by students. The protestors had pointed out that the Citizenship Amendment Act, together with the all India NRC (National Register of Citizens) and NPR (National Population Register), went against the founding principles of India’s Constitution, seeking to strip millions of Indians of citizenship, and to exclude Muslims from the right to reclaim citizenship. The protests, thus, took the form of embracing the Constitution and asserting citizenship and belonging to India. Protestors read out the Preamble to the Constitution, declared that the Government had no right to cherry-pick and select citizens and voters or divide them based on religious identity, and vowed that they would not display documents to prove citizenship.

The protests, then, were distinguished by the opening words of the Indian Constitution, and by the slogans of “Hindu Muslim Sikh Isai, Ham Sab Hain Samvidhan Ke Sipahi” (Hindus, Muslims, Sikhs, Christians, we are all soldiers of the Constitution) and “Ham Kaagaz Nahin Dikhayenge” (We won’t display papers).

The Delhi Police, through their affidavit, is telling the world that in their view, it is not an actionable crime, let alone a conspiracy to divide the nation, for BJP leaders to brand Muslims and protesting citizens as “traitors” and incite people to “shoot the traitors”. Instead, the Delhi Police is actually speaking the language of the same BJP leaders, and branding protestors as “secessionist” traitors. In the view of the ruling BJP, and the Delhi Police which is acting like the BJP’s private army, it is not a crime to call for violence, but if you are publicly reading the Constitution of India holding the Government and Parliament accountable to the Constitution, you are a “secessionist”, a “traitor”.

The Delhi Police answers directly to the Home Minister of India, PM Modi’s right-hand man Amit Shah, who is also President of the ruling Bhartiya Janata Party. The Delhi Police “investigation” is following the BJP and RSS script which brands the Constitution as “anti-national”, while seeing anti-Muslim and anti-democratic violence as “nationalism”.

Gaping Holes In The Police Story

The Delhi Police, in the chargesheet related to the murder of an Intelligence Bureau staffer Ankit Sharma, claims that Aam Aadmi Party councillor Tahir Hussain and student activist Umar Khalid met at Shaheen Bagh on January 8, where they conspired “to have a big blast so that the Central Govt could be shaken on the issue of CAA/NRC and so as to defame the country in the international arena...These riots were planned to occur

during or prior to the visit of US President Donald Trump in the month of February, 2020.”

But, as a detailed fact-finding report of the Delhi Minorities Commission observes, “Almost all the North East Delhi violence-related cases that Police are investigating are based on the premise that riots were planned by anti-CAA protesters to coincide with the US President Donald Trump’s visit to India in the third week of February. The first reference to the forthcoming Trump visit was published in India on 13 January while the alleged meeting of the “conspirators” is claimed by police to have been held on 8 January 2020.” How did Tahir Hussain and Umar Khalid have knowledge on 8 January that Trump would be visiting India, when the first media reports about this visit appeared only on 13 January? Is it the Delhi Police’s case that Trump’s White House personally informed Umar Khalid before anyone else knew?

In three of the chargesheets filed by them, the Delhi Police relies on confession statements purportedly made to the police by the accused. But these “confession statements” (which are not admissible as evidence because they were not recorded before a magistrate) are word-for-word, line-for-line, identical. Likewise, seven disclosure statements in chargesheet 60/20 are identical, ten disclosure statements in chargesheet 50/20 are identical, and four in chargesheet 65/20 are identical. How can different persons use the exact same phrases and wording? Clearly, the author of the statements is the police itself, which has lazily copy-pasted the same fictitious “confession” attributed to separate persons! This would be a joke – except that people are being jailed during a pandemic, their lives placed in danger, based on such nonsense.

Two of the supposed “confession statements”, recorded in the main conspiracy case FIR 59/20, have been imported into another chargesheet, pertaining to the Constable Ratan Lal murder. This is a legally untenable move.

One of these “confessions” is attributed to one Shadab Ahmed, a young Muslim man accused in the constable’s murder. Ahmed’s “confession” says that activists Yogendra Yadav, Kavita Krishnan, and Anjali Bhardwaj delivered “provocative speeches” at the protest sites in Delhi.

The other “confession” is attributed to Safoora Zargar, the Jamia Millia Islamia student activist. Beneath the typed script, one can see the hand-scribbled words, “Refuse to sign.” Clearly, Safoora Zargar did not succumb to the pressure to sign the statement scripted for her by the police.

The chargesheet in the Constable Ratan Lal murder case names several well-known activists of Delhi as

“conspirators” whom they claim created a false sense of threat among Delhi’s Muslims to instigate them to riot. These activists include lawyers DS Bindra (who organised a langar to help feed the protestors at Shaheen Bagh) and Mehmood Pracha; Aam Aadmi Party councillor Tahir Hussain, former Congress councillor Ishrat Jahan; Jamia Millia Islamia students Meeran Haider and Safoora Zargar; MBA graduate Gulfisha Fatima; Pinjra Tod activists Devangana Kalita and Natasha Narwal; filmmaker Rahul Roy; Khalid Saifi of United Against Hate; and AISA activist Kawalpreet Kaur. In other chargesheets, the names of other activists have been included, including former IAS officer and activist Harsh Mander, CPIML politburo member Kavita Krishnan, Yogendra Yadav of Swaraj India party, and RTI activist Anjali Bharadwaj. The police chargesheets till now have not shown even an ounce of evidence to back these claims of a “conspiracy”. The whole cock-and-bull story is just a shabbily written script, an excuse to implicate and arrest a whole range of activists and dissenting voices, and jail them without a trial using draconian laws like UAPA. This is the same model that was followed in the Bhima Koregaon case.

A letter by former civil servants to the President of India has raised concerns that “The Police has been calling several young people who were part of public protests for interrogation. Many of them have shared that during the interrogation there is an attempt to intimidate them and offer them “deals” in exchange for giving statements against activists and those involved in the protests.” The letter has also pointed out that the police is persistently questioning people involved in platforms called “Hum Bharat ke Log” (We the People of India) and “Delhi Protests Support Group”, though it is abundantly clear that members of these groups were involved in peaceful dissent and protest, and not in any remotely illegal or even secretive activity.

No Action Against Crimes By Police Personnel

There is ample evidence that the Delhi Police itself was an active participant in the targeted violence against the Muslim community in NE Delhi. The letter by former civil servants (cited above) expressed concerns that “There are serious questions about the role played by the Delhi Police during the violence, with allegations of the police deliberately not preventing violence and in some places, even being complicit in it. We highlight below some instances of police complicity in the violence and facts that reveal bias in the ongoing investigation by the police.”

In a blatant expression of bias in the investigation,

the Special CP (Crime & Economic Offences Wing) Praveer Ranjan gave a written order dated July 8 to senior officers heading probe teams, saying that arrests of “some Hindu youth” from riot-hit areas in Northeast Delhi has led to a “degree of resentment among the Hindu community” and “due care and precaution” must be taken while making arrests.

The letter reminds of the video of “uniformed policemen assaulting injured youth lying on the road... forcing the young men to sing the national anthem and repeatedly beating them with lathis and picking up and hitting a young man’s head against the road... taunting the men about the ‘Azaadi’ slogan, which was oft-used at the protests and sit-ins against the Citizenship Amendment Act (CAA). One of the men, 23 year-old Faizan succumbed to his injuries a few days later.” The civil servants note, “While the act itself was atrocious, what is even more shocking is that the Delhi Police does not appear to be assigning any urgency to identifying the policemen involved and ensuring that they are brought to book. The First Information Report registered by the Bhajanpura Police station makes no mention of the clearly documented video footage of the police assaulting Faizan and the Delhi police has not named any policemen as accused in the case.”

The letter also cites video evidence of police involvement in stone pelting, violence, breaking CCTVs, and adds, “To our knowledge, no enquiry or investigation has been set up by the Delhi Police to probe the role of the policemen, despite these videos being publicly available and also being highlighted by the media.”

The civil servants cite reports that “At least one deputy commissioner, two additional commissioners and two station house officers of the Delhi Police participated in criminal intimidation, unprovoked firing, arson and looting during the violence that swept northeast Delhi in late February, according to complaints filed by eyewitnesses.” Yet, they note, “Despite the passage of more than 4 months, no FIR has been registered. In fact the Delhi Police appears to have not even acted against the DCP who mutely stood next to a BJP leader who was instigating violence against the protestors warning them that if they did not vacate the area, he would do it himself.”

The letter notes that there is no investigation into evidence of custodial torture of activist Khalid Saifi; and that “the Delhi Police has refused to put nearly 700 FIRs registered by it in the public domain... has not even made a summary of the FIRs available to citizens. This creates an asymmetry of information and thwarts all attempts at public scrutiny as only the Police knows which complaints and allegations are being pursued and which continue to languish.”

Implicating The Victims, Protecting Perpetrators

In other cases relating to the killing of Muslims, the Delhi Police has falsified evidence to frame other Muslim men. To do this, the Delhi Police tampered with witness statements and added names of Muslims to statements that only named Hindus. They also used photographs of Muslim men seen trying to dispel the mobs, to claim these as proof that they were “instigating violence.”

Meanwhile, the Delhi Police is ignoring the huge body of evidence against the real conspirators and instigators, who openly called for violence. These include a host of BJP and RSS leaders.

The Delhi Minorities Commission Fact Finding team noted that

“5.12. Violence started in different pockets almost immediately after the short speech of Shri Kapil Mishra on 23 February 2020 at Maujpur in which he openly called for forcefully removing the protestors at Jafraabad in North East Delhi.⁹⁹ He clearly said that he and his supporters will take matters into their own hands, alluding to extralegal vigilante tactics, in saying: “But after that we will not listen to the Police if roads are not cleared after three days...” The open admission of “not listening” to the police and extralegal tactics should have been seen by the authorities present as inciting violence.

“5.1.3. Deputy Commissioner of Police North East district, Shri Ved Prakash Surya, was standing right next to Shri Kapil Mishra when he said “after that we will not listen to the police...”. At this point, the police failed to apprehend and arrest Kapil Mishra and all those gathered to hear and cheered his speech. This indicates that they failed to take the first and most immediate preventive step needed to avoid violence from arising and protect life and property.¹⁰⁰

“5.1.4. Following the speech, different groups/mobs quickly fanned out to the local areas, openly carrying various weapons and arms like petrol bottles/bombs, iron rods, gas cylinders, stones and even firearms. Despite the open display of weapons and firearms, sufficient actions were not taken by the district administration or police to protect life and property.”

Yet, Kapil Mishra is not named by the police in any of the chargesheets.

The Delhi Police has not acted on complaints by NE Delhi residents saying they witnessed BJP councillor Kanhaiya Lal in Northeast Delhi’s Bhagirathi Vihar, asking a mob to “wipe out the Muslims”.

In a Facebook video, one Ragini Tiwari openly asked Hindus to “Die or Kill”. Her exact words: “Bahut hua sanatan par vaar, ab nahi sahenge vaar. Sanataniyo baahar aao. Maro ya maar daalo. Baad mein dekhi jayegi. Bahut hua. Ab jiska khooon na khaula, khooon nahi wo paani hai (Enough attacks on Hinduism. We won't tolerate such attacks anymore. Hindus, come out. Die or kill. Rest shall be seen later. If your blood hasn't boiled even now, it's not blood but it is water).” Why has the Delhi Police yet to name Ragini Tiwari in an FIR based on her own video?

In the same video, Tiwari says, “Bhimti hai kya? Kaat daalo, jo bhi hai, kaat daalo... (Is he a Bhimti – abusive term referring to Babasaheb Ambedkar's supporters? Cut him up, whoever it is, cut him up.)

There are also statements recorded in police complaints, by eyewitness who saw Ragini Tiwari accompany and instigate gun-toting mobs: “At around 9 PM (on 23 February) I saw Ragini Tiwari come in a car with some people. The people accompanying were carrying big guns and she began giving her speech. Often while making people chant slogans, she would fire bullets in the air, after which the mob began losing control.”

An eyewitness also claims to have seen Ragini Tiwari herself fire at a head of a young boy, while leading a mob that was chanting the slogan popularised by Kapil Mishra, “Desh ke gaddaro ko, goli maaro saalo ko (shoot the traitors)”.

The police has arrested some Hindu persons accused of involvement in the killing of nine Muslims in Gokulpuri in Delhi. These arrests have been made on the basis

of a “Kattar Hindu” (fanatic Hindu) WhatsApp group. The transcripts of conversations in this group, show the members of far-right Hindutva mobs boasting that the police was their ally, their “fellow Hindu brothers”; that police had advised them to cover their tracks and delete videos of their colleagues committing violence; boasting of using guns and bullets, killing Muslims and burning down mosques; planning killings of Muslims; praising Modi and repeatedly mentioning the RSS and its outfits like Bajrang Dal. One message says, “Brothers, RSS members have come to our support in Bejjipuri [Brijpuri] and killed nine Muslims.” Another message shared in the group was, “Hindus, support and join the RSS, VHP, Bajrang, Hindu Sena. When Hindus are in trouble, these will be the first people to fight for you.”

The question is: based on these WhatsApp groups, why is the Delhi Police not investigating the role of the RSS outfits mentioned in the group? The Delhi Police is claiming that Pinjra Tod, AISA, Jamia Coordination Committee, and United Against Hate that were exhorting people to embrace the Constitution, and were organising relief for victims of the violence, are “secessionists” determined to destroy India. Why are the RSS outfits that are clearly allies of those boasting of killing Muslims, not seen as wanting to destroy India and India's secular Constitution and society?

The Delhi Police's own words and actions reflect the fact that the Modi regime's Home Ministry itself is out to protect the real perpetrators and instigators of the violence, and punish the activists defending the Constitution, and blame the Muslim victims for the violence.

Excerpts from Report of the Fact-Finding Committee on the North-East Delhi Riots of February 2020

Prepared for Delhi Minorities Commission by the Fact-Finding Committee headed by Mr. M.R. Shamshad Advocate-on-Record, Supreme Court of India

5.2. Systematic Violence

5.2.1. The violence followed an organised and systematic pattern. Different mobs numbering anywhere between 100-1000 people, chanting common slogans like ‘Jai Shri Ram’, and even “Har Har Modi”, “Modiji, kaat do in Mullon ko [Modi, cut these Muslims into pieces]”, “Aaj tumhe aAzadi denge [Today, we will give you freedom]”, selectively attacked Muslim individuals, houses, shops, vehicles, mosques and other property.

5.2.2. The victims have repeatedly stated that though they could recognize some of the perpetrators as belonging

to their residential locality, they also saw that outsiders were present. They recounted that some of these persons had made their way into their areas prior to the violence and even threatened them.

5.2.3. The perpetrators positioned themselves strategically in the residential areas. This points to no “spontaneity” as in the case of a riot. The testimonies reveal that the violence was planned and targeted. As stated above, the perpetrators were armed with lathis, iron rods, tear gas bombs, cylinders, and firearms.

5.2.4. The attacks were selectively targeted towards the Muslim population of the area. In some instances, victims

were asked to show their ID cards and then targeted on the basis of their faith.

5.2.5. In response to the targeted attacks, Muslim youth pelted stones on the mobs in some places to defend community and family members. Barring one incident, there have not been reports of Muslims being armed with weapons other than stones.

5.2.6. Destruction of property: In many areas of North East Delhi, properties owned by Muslims were destroyed while those owned by Hindus, even though standing adjacent to the targeted properties, remained unscathed. In some instances, where the owners were Hindus but the property had been rented to Muslims, the building was not damaged but the moveable property was looted or burnt outside the premises. In some instances, shops belonging to Muslims were looted and burnt, while adjoining shops owned by Hindus, and even adjoining ATMs, were left untouched.

5.2.7. Religious symbols destroyed: Mobs specifically vandalised Muslim places of worship, namely mosques and madrasas as well as religious symbols like copies of the Holy Quran.¹⁰⁵ Police officials were either mute spectators or, in some cases, even alleged participants. In most of the cases, CCTV cameras on the premises, from which footage could have been gathered to aid identification of perpetrators, were destroyed. Religious places of worship of non-Muslims in Muslim-majority areas were largely left untouched, and in some cases were protected by the local Muslim residents.

5.3.4. Police complicity: Police were also complicit and abetted the attacks. Where police did act, victims state that police stopped their colleagues when they attempted to disperse the crowd (“do not stop them”). In some cases, they merely stood as onlookers while the mobs engaged in violence.¹¹⁶ In others, they explicitly gave a go-ahead to the perpetrators to continue with their rampage (“do what you want”). A few accounts state how the police and paramilitary officials even escorted the mobs safely out of the area once the attack was over.

5.3.5. In some testimonies, clear allegations of engaging in direct violence, including physical assault and abuse, have been made against police officers. In one incident, five Muslim boys were surrounded by 6-7 police officers and brutally beaten up while being asked to chant “Jana gana mana”. One of them died some days later. The FIR registered does not name any accused.

5.3.6. Implicating victims: In some cases victims themselves have been arrested, especially where they filed complaints against named individuals.

5.3.7. In some instances victims have said that they are being asked to ‘compromise’ with the accused persons named by them in their complaints. Police have been visiting them for inquiries without sporting name tags, which is not only a violation of criminal procedure but also adds to the general

climate of fear and distrust prevalent after the violence.

5.3.8. Muslim complainants are reluctant to visit police stations to pursue their complaints due to fear of being falsely implicated in cases. Victims who witnessed police involvement or inaction during the violence are especially averse to approach the police for any remedy.


5.3.9. There are many diarised complaints which have been tagged with registered FIRs relating to different complaints. In some instances, complaints naming the accused have been tagged with FIRs of general nature in which the accused are not named.

5.3.10. The police’s failure to register FIRs pertaining to complaints in which the accused are named raise serious doubts regarding the credibility of the entire investigation process. Submission of chargesheets without proper investigation into complaints with named accused further creates doubts about the impartiality and objectivity of the investigation as well as the overall narrative being put forward by Delhi Police.

5.3.11. Crucial aspects of the entire chain of events are missing from most of the chargesheets that have been filed till date and which could be accessed by the Fact-finding Committee. Almost all the North East Delhi violence-related cases that Police are investigating are based on the premise that riots were planned by anti-CAA protesters to coincide with the US President Donald Trump’s visit to India in the third week of February. The first reference to the forthcoming Trump visit was published in India on 13 January while the alleged meeting of the “conspirators” is claimed by police to have been held on 8 January 2020. The speech of Kapil Mishra made on 23 February 2020 as well as other speeches and statements inciting violence against anti-CAA protesters have been ignored.

5.3.12. The Delhi Police’s refusal to disclose the names of the persons arrested/detained as stated in its status report submitted to the High Court of Delhi in the matter of Brinda Karat vs. Government of NCT of Delhi and Others (dated 17 June 2020) contravenes and violates Section 41C CrPC which mandates that the names and addresses of all arrested persons, along with the names and designations of arresting officers, are to be displayed on the notice board of every district Police Control Room. The Control Room at Police headquarters is to maintain a public database of arrested persons and the offences charged.

...

5.5.2. While the slogans of ‘Azadi’ (a cry for freedom from the discriminatory laws and practices) were used by the protesters, the police used the same chants of ‘Azadi’ to sexually harass women and attack them, including at least one incident of a police officer flashing his genitals in front of women protestors.¹²⁸ The nature of verbal abuses was also sexual and communal in nature. 

The Communal is Anti-National

Destroy It Root And Branch

Arindam Sen

It's really a sad irony of history. We shall be observing the forthcoming Independence Day - - for the seventh year in a row - - under the auspices of those who were avowed enemies of our freedom movement and all the progressive, democratic and secular values it stood for.

Yes, avowed enemies. Just see how the ideological-political forefathers of the present rulers – and the organisations they represented -- conducted themselves during the decisive decades of our struggle for independence.

The 'Veer' Turned Bhagoda^a

The disproportionately magnified 'bravery' of VD Savarkar in London (where he was arrested in 1910 for his activities as an expatriate national revolutionary) and in Marseilles (where he managed to slip out of the ship S S Morea, then anchored in the port en route to India, and got re-arrested) was but a brief prelude to a long career marked by cowardice, opportunism and treachery to the cause he honestly espoused in the prime of his life.

Convict No. 32778, Cellular Jail

Savarkar wrote as many as five mercy petitions in 10 years: in 1911 (i. e., less than two months after arriving in the Cellular Jail,

[a] One who runs away from a fight or a difficult situation; a deserter or a renegade.

Port Blair) 1913, 1914, 1918 and 1920. These authentic documents showcase his shameless surrender blended with obnoxious flattery of the British government, his pitiable pleading for mercy and his readiness, once freed, "to serve the government in any capacity they like." Just sample these (emphases and comments within square brackets ours).

In the second mercy petition dated 14 November 1913, he wrote:

"... my conversion to the constitutional line would bring back all those **misled young men** [a categorical renunciation of the revolutionary path] in India and abroad who were once looking up to me as their guide. I am **ready to serve the Government in any capacity they like By keeping me in jail nothing can be got in comparison to what would be otherwise**. The Mighty alone can afford to be merciful and therefore where else can the prodigal son return but to the parental doors of the Government?"

In the letter dated 30th March 1920 he wrote: "years before this have I informed of and written to the Government in my petitions (1918, 1914) about my firm intention to abide by the constitution and stand by it ... I offered myself as a volunteer in 1914 to Government when the war broke out ... I am sincere in expressing my earnest intention of treading the constitutional path and trying my humble best to render the hands of the British dominion a bond of

love and respect and of mutual help. ...I and my brother are perfectly willing to give a pledge of not participating in politics for a definite and reasonable period that the Government would indicate. ... This or **any pledge**, e.g., of remaining in a particular province or reporting our movements to the police ... any such reasonable conditions ... would be gladly accepted by me and my brother. ..."

In the penultimate paragraph of the long letter, Savarkar depicts himself as "a sincere advocate of **loyal co-operation** in the interests of both our nations," and says, "... a release would be a new birth and would touch my heart, sensitive and submissive, to kindness so deeply as to render me **personally attached and politically useful in future**." At the end he signs out as "Your most obedient servant, V.D. Savarkar, Convict no. 32778."

Submissiveness Rewarded

That these were not empty promises were proved by Savarkar's conduct. He never protested against the daily injustices meted out to himself and other inmates. Even when protests broke out in the prison and other political prisoners asked him to take the lead, he would encourage them to agitate but would not participate himself. Later in his memoirs *My Transportation For Life* the vainglorious ex-revolutionary explained why:

"If I were openly to lead them

... the authorities ... would get the opportunity they needed to take off all the concessions which had come to me and old political prisoners according to jail rules, and would put me back in solitary confinement. ...**To risk one's life for such a petty object was to kill the national movement itself...** [Oh! The fate of the national movement was dependent on this great individual!]. And further :

"...I would have forfeited thereby [by joining the agitation] my right of sending a letter to India." ... And if he "were punished or went on strike", he would be deprived of that right , thereby harming the strike and forfeiting "the chance of working for the freedom of the political prisoners themselves." [How magnanimous! The 'leader' refuses to lead -- or even participate in the struggles for justice and self-respect -- not to save his own skin but out of concern for other prisoners!]

Over the years, by his words and deeds, Savarkar succeeded in convincing the authorities that he was really a changed man. He was relieved from solitary confinement. From hard manual labour like extraction of oil from coconuts, he was shifted to a clerical job and then to the post of foreman in the oil depot. In May 1921 his long-standing prayer for transfer to an Indian jail was granted. And finally in January 1924 he was released from Yerawada jail on conditions of non-participation in political activities and internment in Ratnagiri district of Maharashtra. Savarkar thus served less than 14 years of Jail term including about 10 years in Kalapani. Given that he had been awarded double transportation for life - - which would work out to 50 years - - he was granted a remission of nearly 36 years!

"The war shall continue. It may assume different shapes at different times. It may become now open, now hidden, now purely agitational, now fierce life and death struggle. ...It shall be waged ever with new vigour, greater audacity and unflinching determination till the Socialist Republic is established ...

"Our humble sacrifices shall be only a link in the chain" of numerous great martyrs ...Since "according to the verdict of your court we had waged war and were therefore war prisoners ... We request and hope that you will very kindly order the military department to send its detachment to perform our execution."

From Bhagat Singh's petition

The renegade was duly rewarded, while hundreds of political prisoners - - well-known and unknown, in cellular jail and elsewhere --remained incarcerated for full terms, suffering and fighting against inhuman torture that killed many of them, but never begging for mercy. Among them was Jatin Das, who died in Lahore jail in 1929 on the 64th day of a hunger strike for improvement in the status of political prisoners, and on whose martyrdom Savarkar had no qualms shedding crocodile tears. And there were other kinds of petition also. Bhagat Singh and his comrades for example filed a petition to the authorities, but the request was for granting them the status of Prisoner of War (POW, since the court had convicted them for waging war against the British Empire) and execution by firing squad (see box).

As for the restrictions on political activities and movement beyond Ratnagiri, these were withdrawn by the Congress ministry as soon

as it came to power in Maharashtra in 1937. The Government of India did not object, convinced that the sheep in lion's skin will never roar again, let alone bite, but only serve the British lion in its game of divide and rule.

Responsive Cooperation with Colonial Masters

We have seen that in his mercy petitions the 'Swatantrata veer' had promised loyal cooperation with the colonial government. For public consumption, however, he presented the same offer in a more grandiose phrase that conceals the essence: "responsive cooperation". At a time when the people of our country were vigorously protesting Viceroy Linlithgo's unilateral action of tying up India as a belligerent in World War II, he announced the Hindu Mahasabha's (HM) stance in the following words: "So far as India's defence is concerned, Hindudom

must ally unhesitatingly, in a spirit of responsive cooperation, with the war effort of the Indian government.”

This position was further elaborated in his birthday message of 25 May 1941, titled “Hinduise all politics and militarise Hindudom!” He explained, “as an immediate step to give effect to this Hinduised political progress, elect only those Hindus ... in the Legislatures and all other political bodies as Hindu representatives who pledge themselves openly and uncompromisingly to safeguard, to defend, and to promote uncompromisingly the interests of Hindudom as a whole. ... secondly, as the first and immediate step to militarize Hindudom, let every Hindu youth who is capable to stand the test, try his best to enter the army, the navy and the air force or get the training and secure employment in the ammunition factories and in all other branches connected with war crafts.” If this slogan is sincerely implemented, he assured his followers, “the resurrection of our Hindu Nation is bound to follow ...”

Now, what sort of resurrection of “Hindu Nation” did Savarkar expect by joining hands with the British? Surely not freedom from colonial bondage! In the Hindutva framework, it could only mean liberation from the alleged ‘1000 years of slavery under Mohammedan rule’. Hence the call to (a) elect only Hindu hardliners committed to fighting ruthlessly against the ‘other’ - - the Muslim community; and (b) learn the art of war, because the struggle would have its military dimension too.

The most substantive measure in “mutual help” or “responsive cooperation” was formation of coalition governments in Sindh, NWFP and Bengal. The

opportunity presented itself when in 1939 the Congress ministries, elected two years ago, resigned in protest against tagging India with the British war chariot without seeking consent from the people of India. This was perfectly in sync with the national mood. But the HM trod the opposite path. In a show of extreme opportunism, it joined hands with parties at the opposite extreme of the ideological spectrum, such as the Muslim League. This, on the one hand, helped the British government maintain its claim that it enjoyed the support of the people of India and, on the other

Apart from helping the Britishers maintain their tottering rule, Mukherjee played a very prominent part in the partition of Bengal.

hand, pushed the HM further ahead in the good books of its royal patron. Particularly interesting in this regard is the experience of Bengal, because it involved a small-time British loyalist who literally had greatness thrust upon him by the Hindutva lobby.

Mukherjee in Bose’s Bengal

As opposed to the angry youth of Bengal, Shyama Prasad Mukherjee had been a Raj-bhakt since his youth and was duly rewarded for that. At 30, he became the youngest-ever Vice Chancellor of Calcutta University in 1934. He introduced the practice of a march-past on the University Foundation Day by the University Training Corps, where the cadets had to salute the Union Jack. During a rehearsal of the march-past, a

student from Vidyasagar College refused to salute the symbol of foreign rule. The VC had him publicly flogged and the students of his college went on a protest strike. Mukherjee then rusticated two student leaders from both the college and university. Under the joint leadership of the Students Federation and the Students League (affiliated to the CPI and the Muslim League respectively) students of all colleges in Calcutta went on a strike. Led by the budding student leader and future communist stalwart Biswanath Mukherjee, a big students march went to meet the University Syndicate. Under pressure, the Syndicate reversed the VC’s decision. The loyal admirer of the Union Jack had to bow down before the militant unity of patriotic Hindu and Muslim students.

Mukherjee’s mental make-up landed him on the lap of the HM in 1939 and he took charge of ‘Hinduization’ (read communalization) of politics in Bengal. The man who came out most forcefully against this dangerous trend was Subhash Chandra Bose. At a public meeting in Jhargram, West Bengal, Bose said on 12 May 1940:

“The Hindu Mahasabha has deployed sannyasis and sannyasins with tridents in their hands to beg for votes. At the very sight of tridents and saffron robes, Hindus bow their heads in reverence. By taking advantage of religion, and desecrating it, the Hindu Mahasabha has entered the arena of politics. It is the duty of all Hindus to condemn it. ... Banish these traitors from national life. Don’t listen to them.”

According to Mukherjee’s *Leaves from a Diary*, Bose met and told Shyama Prasad that if he went about building Hindu Mahasabha

as a political body in Bengal, "He would see to it, by force if need be, that it was broken before it was really born." And to an extent, Bose did walk his talk.

Shyama Prasad joined the Fazlul Huq ministry in December 1941 as Deputy Chief Minister and worked closely with the governor of Bengal in opposing the Quit India Movement (QIM). Even before the movement was actually launched, he wrote to the Governor:

"Let me now refer to the situation that may be created in the province as a result of any widespread movement launched by the Congress. Anybody, who during the war, plans to stir up mass feeling, resulting internal disturbances or insecurity, must be resisted by any Government that may function for the time being."

He also offered his suggestion on how to dupe the people:

"The question is how to combat this movement (Quit India) in Bengal? The administration of the province should be carried on in such a manner that in spite of the best efforts of the Congress, this movement will fail to take root in the province. It should be possible for us, especially responsible Ministers, to be able to tell the public that the freedom for which the Congress has started the movement, already belongs to the representatives of the people."

Apart from helping the Britishers maintain their tottering rule, Mukherjee played a very prominent part in the partition of Bengal. As a context it should be noted here that in the early 1920s a powerful campaign against soaring communal tension in the aftermath of the collapse of the united noncooperation-Khilafat movement was built up in Bengal, under the leadership of Deshbandhu C R Das and a

group of younger leaders from both parts of Bengal, representing all major communities as well as political formations -- such as Subhas Bose from the Congress, S H Suhrawardy from the Muslim League, Dalit leader Jogen Mandal, Krishak Praja Party leader Fazlul Huq -- all of whom considered themselves disciples of the Deshbandhu. It inherited and carried forward the spirit of Hindu-Muslim unity embodied in the historic movement against partition of Bengal in 1905 and resulted in the Bengal Pact of 1923. The Pact,

Subhash Bose on Hindu Mahasabha:

"By taking advantage of religion, and desecrating it, the Hindu Mahasabha has entered the arena of politics. It is the duty of all Hindus to condemn it. ...Banish these traitors from national life. Don't listen to them."

something like a memorandum of understanding between the two major communities on the question of how a "United Bengal" could govern itself once *Swaraj* was achieved, was welcomed by the broad masses and endorsed by the Bengal Congress but disowned by the High Command. However, the aspiration for a united Bengal lingered on and expressed itself pointedly in course of the national debate on the Cabinet Mission Plan. On the basis of an understanding with Congress leaders like Sarat Bose (older brother of Subhas Bose) and Kiran Shankar Roy, Suhrawardy announced a proposal of United

Bengal in Delhi on 27 April 1947. At the Press Conference, the then Prime Minister of Bengal made an impassioned plea for setting aside religious differences in order to create an "independent, undivided and sovereign Bengal". Shyama Prasad promptly shot off a letter to Mountbatten on 2 May, arguing that Bengal should be partitioned even if India remained united.^b In an attempt to impress the Congress High Command, he sent a similar letter to Sardar Patel on 11 May. While many in the British establishment were sympathetic to the plan and Jinnah open to it, Nehru rejected it on 27 May saying an undivided Bengal was acceptable only if it remained within the Indian Union. Time and tide were against the Plan and it met its natural death. After 15 August, Mukherjee gleefully remarked that if Congress divided India, he too has partitioned Bengal!

Today the BJP is fond of upholding this communally divisive role of the founder of its predecessor Jan Sangh^c as a great service to 'Hindu nationhood' and projecting him as the father of West Bengal. A politician whose single success was to help defeat - - temporarily, we believe - - the rich legacy of composite culture and progressive nationalism of Bengal as represented by Tagore and Nazrul Islam, Deshbandhu and (decades later) Bangabandhu, Bose and Haq and many others, with a Bengali adaptation of the

[b] Mansergh and Moon (ed) *Transfer of Power*, Vol. X, London 1981, Document No. 281

[c] Mukherjee ditched the HM in 1948, spent some time in political wilderness, and was roped in by Golwalkar in 1951 to become the founder president of Jan Sangh. The cadre base was supplied, of course, by the RSS and it comprised men like Upadhyay, Vajpayee and Advani.

Savarkar-Golwalkar formula of ethno-religious nationalism is still the party's best bet in Bengal in its frantic search for an icon from the dominant caste Hindu community.

The anti-hero of Bengal is dead. He lives on -- among his worthy legatees, in the politics of the poisonous *padmafool* (Lotus flower).

RSS: A New Avatar of Hindutva

K B Hedgewar, like V D Savarkar, metamorphosed from a freedom fighter (as a Congress worker he courted arrest during the non-cooperation movement) to a communal crusader. He groomed himself in this new role in course of anti-Muslim riots and went on to establish the RSS -- with Savarkar's blessings -- in 1925, the year that also saw the foundation of the CPI in Kanpur. (This was not a coincidence but a pointer to the differentiation and consolidation of political forces that was taking place -- this was also the period that saw the emergence of Bhagat Singh as a communist pioneer -- on the eve of the most crucial quarter-century in our struggle for independence.)

Riding Two Horses At Once

In its initial years the RSS purposefully maintained an ambivalent attitude to the freedom movement and the Congress. When the latter called for observing 26 January 1930 as Independence Day, Hedgewar sent out a misleading circular saying that since "the INC has adopted our goal of independence", the shakhas should celebrate that day. But how? By worshiping "the national flag, that is, the bhagwa dhvaj

(saffron flag)". So on that historic day, when the whole nation was celebrating the tricolour as a symbol of a united struggle, the RSS used the occasion to push its own divisive, exclusionary, majoritarian-communal agenda.

The double deception -- the claim that Congress borrowed the goal of independence from RSS and the projection of the sectarian Hindutva banner (not the tricolour -- the symbol of united national struggle) as the national flag -- started a tradition of falsehood and deception that

What this entire history demonstrates is that the communal, like caste, is anti-national, in that it obstructs the different communities from happily bonding together as a nation while continuing to celebrate their distinctive cultures.

has continued ever since. The current *sarsanghchalak*, for instance, has gone on record stating categorically that it was indeed the tricolour that was hoisted in the shakhas on the first independence day! However, he could not deny the fact that Hedgewar never again sought to celebrate the Independence Day in subsequent years.

When Gandhi launched the Salt Satyagraha in 1930, Hedgewar sent information everywhere that the Sangh would not participate in the Satyagraha. However, those willing to participate individually were not prohibited. This was a rather unusual position, but it killed two birds with one stone. It implied that no sincere and

disciplined RSS worker should join the Satyagraha, but at the same time kept the door open for the leader to join the movement and court arrest. This again served two purposes: maintaining his credentials as a congressman and -- as C P Bhisikar, the official biographer of Hedgewar in Hindi -- noted, trying to recruit activists from the dedicated Congressmen in prison.

Bhisikar also tells us that the founder of RSS, in his speeches, "used to talk only of Hindu organisation. direct comment on the government used to be almost nil." And it is well known that his lathi-wielding swayamsevak never participated in the frequent clashes between agitating Indians and the police; they were trained and used only for the noble cause of communal violence in Nagpur and elsewhere. So when in 1928 Lala Lajpat Rai was brutally beaten up while leading a mammoth rally against the Simon Commission, and died after a few days, neither HM (of which Lalaji had been a President in the mid 1920s, i. e., during its moderate, pre-Savarkar phase) nor RSS so much as uttered a word of condemnation. It was young Bhagat Singh and his comrades who, despite having major political differences with the Congress and Lalaji, avenged the death of the Lion of Punjab and happily mounted the gallows.

Golwalkar's Theory and Practice of Patriotism

Hedgewar was an actionist; it was left to the second -- and the longest-serving -- *sarsanghchalak* to elaborate the ideological-political program of the RSS. The most precise and clear exposition on nationalism, patriotism and independence movement available

in his works goes as below:

"The theories of territorial nationalism and of common danger, which formed the basis for our concept of nation, had deprived us of the positive and inspiring content of our real Hindu nationhood and made many of the freedom movements virtually anti-British movements. Being anti-British was equated with patriotism and nationalism. This reactionary view has had [a] disastrous effect upon the entire course of the independence struggle, its leaders and the common people."

So 'Guruji' (as Golwalkar was and is respectfully addressed in the RSS fraternity) is in effect asking his disciples to (a) reject the notion that all who live on the territory of India constitute the Indian nation and that they should jointly fight the British Raj (b) disown the "reactionary" view that patriotism/nationalism has anything to do with struggle for political independence and (c) embrace pure Hindu nationalism, which by definition excludes, if not abhors, other 'nations' such as Muslims and Christians. In fact Golwalkar also said elsewhere that the RSS was committed to freedom of the country through defending religion and culture, not through departure of the British.

But how did the RSS top brass restrain the cadres, many of whom felt an intense urge for participating in the raging struggle to liberate the motherland from foreign rule? On the one hand, there was the organisational culture of blind allegiance to higher-ups -- a culture nurtured through the *shakhas* since the inception of RSS and viewed as a great legacy to which every Sanghi, like a soldier, must submit. On the other hand, there was no dearth of vacuous sermonizing by the sarsanghchalak. In June

1942 for instance, Golwalkar said "It is futile to blame the strong for the injustice done to the weak... Sangh does not want to waste its invaluable time in abusing or criticising others. If we know that large fish eat the smaller ones, it is outright madness to blame the big fish. Law of nature whether good or bad is true all the time. This rule does not change by terming it unjust."


Nobody in the RSS, of course, stood up and asked the leader: why then blame/criticise another 'other' -- the Muslims -- who proved themselves strong enough to rule the country over the centuries? Why don't we accept this as an eternal law of nature?

With such ideological-political training and military discipline, it was but natural and inevitable that the RSS not only stayed away from, but actually backstabbed, the independence movement by relentlessly punching upon its principal bulwark: militant Hindu-Muslim unity. With a shared ideology, a more conventional style of doing politics and a much weaker organisational network, the HM also did the same, albeit with less efficacy. The Britishers happily used the duo (and also the Muslim League) as tools in their divide-and-rule gameplan and the communalists sought to befriend the Raj in their battle against the respective arch enemy: the 'other' community. Both groups of communalists came up with their own versions of two-nation theory^d to justify their political

[d] As early as in 1937, while addressing the 19th session of HM in Ahmedabad, Savarkar said, "There are two antagonistic nations living side by side in India ... India cannot be assumed today to be a unitarian and homogenous nation. On the contrary, there are two nations in the main: the Hindus and the Muslims, in India."

missions, Savarkar famously said he had no quarrel with Jinnah on this question, and finally the country got a negotiated transfer of power only at a huge collateral cost of partition.

The Fight for a Democratic Secular Pluralistic India

What this entire history demonstrates is that the communal, like caste, is anti-national, in that it obstructs the different communities from happily bonding together as a nation while continuing to celebrate their distinctive cultures. And now, perched in power and hand-in-glove with the US-Israel axis, the forces responsible for the communal sabotage of our united independence movement are pulling out all stops to complete the unfinished agenda of partition. They are out to give their ideology of Hindu majoritarian nationalism the structural shape of a monolithic Hindu Rashtra by reducing Muslims to the status of second-grade citizens, if not disqualifying them altogether from citizenship with the help of a whole range of constitutional, legal and administrative measures as well as communal machinations on the ground. To fight this dastardly design by mobilizing all Indians in carrying to consummation the unfinished tasks of our struggle for independence - - the attainment of genuine liberty from class, caste, gender and communal domination and reconstruction of an egalitarian, democratic, secular, pluralistic, upright and prosperous India as conceived in the Constitution that we gave ourselves on the morrow of Independence -- such is the pledge we must take on the occasion of the 74th Independence Day. 

A Post-Lockdown Online Survey of Migrant Workers in Bihar

82% Say They Don't Want to Migrate Again, Jobs Should Be Given in the Home State

95% Didn't Get Any Governmental Help During Lockdown

Average Lockdown Financial loss per worker = Rs. 30,428

Average Lockdown Unpaid Wage per workers = Rs. 18,200

Average Loan amount borrowed by each worker during Lockdown = Rs. 24,180

CPIML conducted a survey of migrant workers who managed to reach their homes in Bihar after months of gruelling experiences of starvation, police and administrative brutalities under the lockdown in 32 states. The survey was done online, assisted at village level by party cadres, covering 29 districts of Bihar, a state which has the distinction of sending the second highest number of migrants to other states in India. The survey aimed to assess the economic conditions of migrant workers, as well as their aspirations of work in future and their expectations from the government. The survey was conducted between the first week of June and second week of July covering 7864 workers in 29 districts.

Of the total workers surveyed 4.97% were women migrant workers.

The monthly wage profile of migrants ranges from as low as Rs. 5000 to Rs 10000 per month for 47.36% of workers, and Rs. 10,000 to 15,000 for another 40.03%. Almost half of the migrant workers get monthly wages less than Rs. 10000. This explains the level of their exploitation, even in normal times.

Migrants' Monthly Income (Average per month Rs. 12,026)



A profile of number of dependents in family shows that 42.56% workers have to care for three to five members in the family, while another 42.87% have six to eight dependents on them.

Age Profile



Surprisingly 64.5 percent of the migrant workers are aged below 30 years. The percentage of total workers below the age of 40 years is 85.95. This corresponds to the peculiar characteristic of jobs market in India where a precarious nature of work in absence of any social security and legal benefits prevails. Such a job market will certainly prefer to employ younger workforce to extract maximum profit and will do away with senior, more experienced and older workers.

A similar job market trend is also explicit if we look into the years spent as a migrant worker. There are few workers who have spent two decades or more working

Dependents in Family

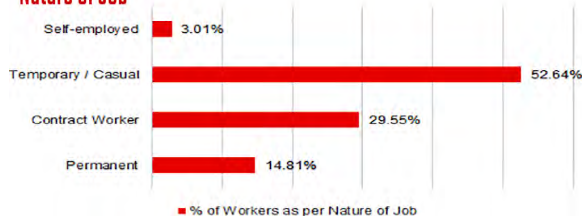


in the cities. 85.5% of surveyed workers have been migrants for less than or up to fifteen years, while 45% have been migrants for five years or less.

Precarious Jobs & Uncertain Future

Only 14.81% said they have jobs of a permanent nature, while 3.01 are self-employed. The rest of the workers were either temporary/casual (52.64%) or were contract workers (29.55%).

NATURE OF JOB

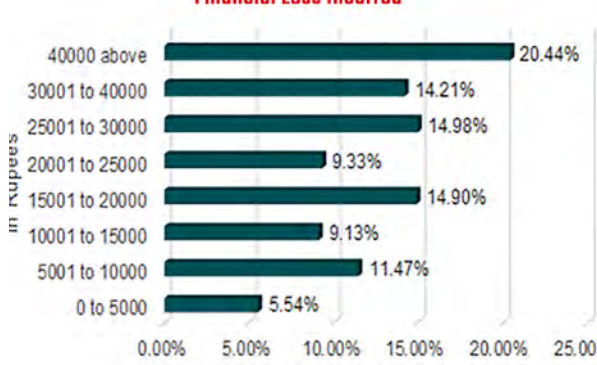


81.84% were migrants for 1-10 years and 15.44% for 11-20 years. The precarious nature of migrants' lives and jobs was pretty evident as there were very few migrants with longer durations of stay outside Bihar. Only 2.3% of the migrant workers surveyed had worked out of Bihar for 21-30 years, and only 0.42% had worked outside Bihar for more than 30 years.

Financial Loss Under Lockdown

The total financial loss incurred during the lockdown by 7864 workers comes to Rs. 22,34,05,002 as described by the workers themselves. Based on this, the average financial loss per worker is Rs. 30,428. This figure, for a worker who earns Rs 5000 a month, amounts to six months' wages.

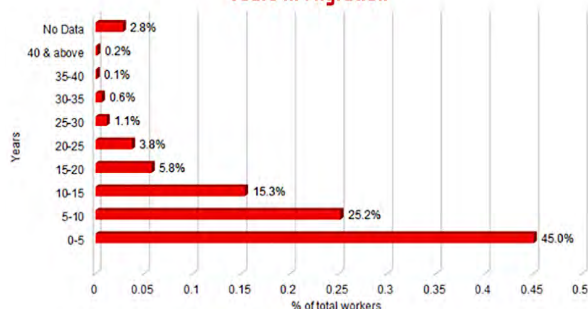
Financial Loss Incurred



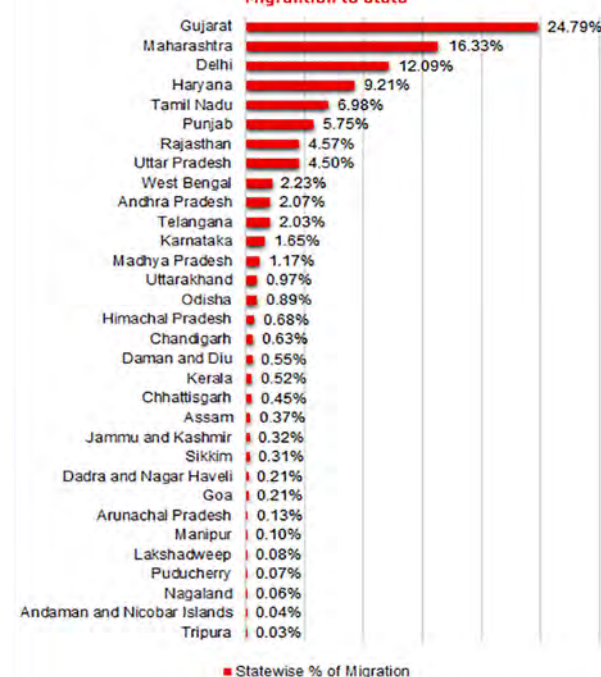
Major Migration States

Surveyed workers had returned from 32 states and Union Territories. 62.42% of them worked in four states (Gujarat 24.7%, Maharashtra 16.33%, Delhi 12.09% and Haryana 9.21%).

Years in Migration



Migration to State



Unpaid Wages

The average unpaid wage after declaration of lockdown per worker is Rs. 18,200.

The majority of workers in India are migrants, with Bihar having the distinction of being the second largest source state for such workers, accounting for 14% of total migrant workforce of the country (UP tops with 25% of the country's migrant workers). For the 7864 workers surveyed, total unpaid wages were Rs. 9,48,05,923.

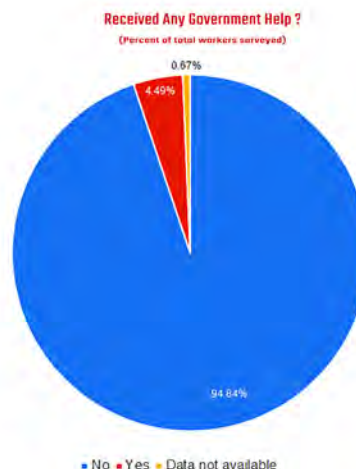
As per an Economic Survey estimate, the number of total migrant workers in country is around 10 crores, which anyway seems to be an underestimate in a country with number of working population of more than 50 crores. Still if we extrapolate the average unpaid wages per worker considering 10 crores migrants (this also excludes street vendors and other



informal or self employed categories), the quantum of total unpaid wages of workers comes to be Rs. 1,82,004 crores. This exceeds the actual revenue/ financial component which was supposed to be disbursed by the central government through the much hyped Rs. 20 lakh crore 'Lockdown Relief Package' that included the Garib Kalyan Yojana scheme. These schemes are little more than propaganda, that only benefit big and small corporations, not workers.

Immense economic hardships and pains were inflicted by the lockdown. Non-payment of wages was one aspect, and there are other financial constraints migrants had to face. The above figures are based on the actual amount told by the workers which in turn is according to the actual wage they are paid by the employers. For most of the unorganised sector, informal and contract workers, actual in-pocket wages are far less than the statutory minimum wage rate – usually they are paid less than half to two third of the statutory rate. If one considers the loss of unpaid wages during lockdown according to government approved rate then it amounts to more than double this figure!

Moreover, this is only about unpaid wages. The financial losses accrued due to the loss of job during last 4-5

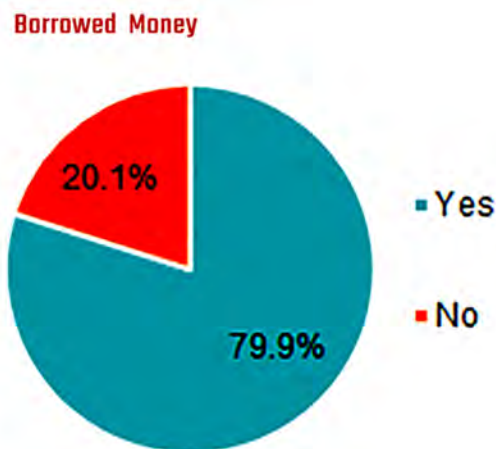
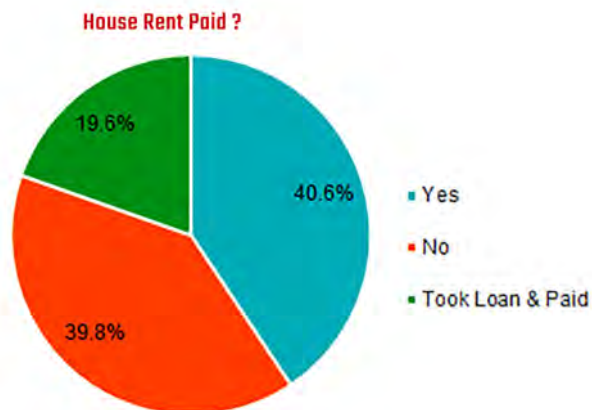


months of lockdown and pandemic, if calculated methodically, will be a huge sum which the government owes to the workers. This is why Left parties and trade unions have demanded payment of Rs. 7,500 per month as pandemic allowance.

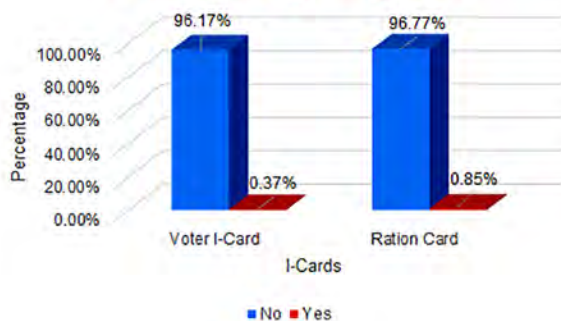
Had to Take Loans for Food, Rent and Travel

With no hard cash in hand, and left to fend for themselves, stranded workers in cities had to borrow money for their survival. And they also had to pay for the rent of their rooms/lodging. 59.4% workers could not pay their rent and had to face additional pressure which led 19.6% of them to borrow more money only to pay rents.

79.9% of the workers surveyed had to take loans (from private sources) for immediate needs after the lockdown was declared. In our survey, the total absolute loan amount for 7864 workers (20.1% did not take loan) comes to be Rs. 19,01,58,594. The average loan amount borrowed by each worker, then,



No I-Card in city of migration



comes to be Rs. 24,180 (for a worker earning Rs 5000 monthly, this would be around 5 months' wages). And for ten crore migrants this has to be Rs. 2,41,800 crores: a bigger amount than the loss incurred in unpaid wages. This underlines the extent of underpayment existing during pre-pandemic/lockdown time, showing us that the workers' wages are not enough even for their day to day survival and there is no scope of saving money for a rainy day, let alone towards their future.

Migrant workers had been forced to take loans, the total sum of which is much higher than any government declared relief plan. This exposes the unwillingness of the Modi government to acknowledge the actual harm done to the migrants and general public due to the lockdown, and safeguard them from such harm. The calamitous repercussions of this policy bankruptcy being faced by people are much bigger than the damage being experienced due to the pandemic itself.

No Proof of Identity

Only 0.37% workers have voter I-card in cities of migration and 0.85% have ration cards. It is obvious that any governmental support during lockdown was

inaccessible to them in absence of valid identity proofs. Only 4.49 percent of surveyed workers got some kind of help from any government agency while 95% survived on their own without any support.

Travel Back Home – 7.4% Walked and 3% Came on Cycles

7.3% stranded migrants had no means to get back to home except walking hundreds of kilometres. This cruelty had taken hundreds of lives on highways and railway tracks, and even inside Shramik Special Trains. 2.7% cycled from distant states to their homes. 19.6% boarded on trucks for their travel for which they had to hide to avoid the predatory surveillance of police in various states. An almost similar number - 19.9% - managed to board buses, while 50.5% got back home on trains. The train journeys were no less tortuous, with trains being diverted, delayed, and even "lost", without food and water arrangements en route.

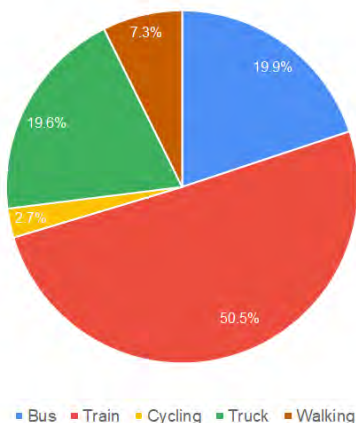
In spite of loud propaganda by the governments and railways, only 8.5% of workers surveyed could get home on governmental support. 2.2% said their employers managed travel expenses. 89.3% had to manage on their own; of them 54.7% had to borrow money for travel expenses.

Among workers who either walked or came on bicycles, 69.67% were under the age group of 15-30 years, and 25.71% under 31-45 years. But there were 4.53% above 45 years of age who also had to walk or cycle back home under the lockdown.

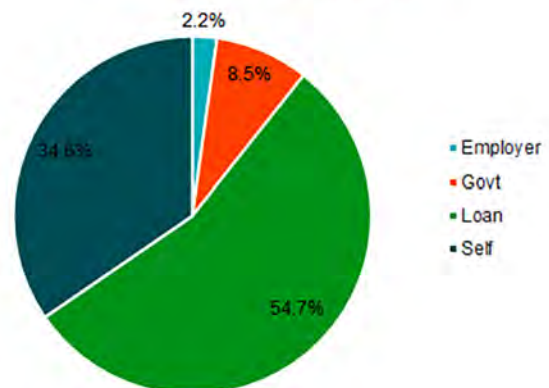
Quarantine Centres in Home State

There was no relief from their ordeal even after returning to their villages. The workers had to be quarantined in assigned places which lacked basic facilities. 30.8% surveyed said that at those centres

How They Managed to Reach Home



Who Paid For Their Travel Fare



they faced overcrowding, lack of water and sanitation facilities, lack of soap, sanitiser, mosquito repellents/nets, lack of facilities for testing and medical care.

Can They Stay Back in Villages?

Almost 90% of migrants who work in cities have no means of income from land in villages. Either they are landless or their lands are not productive owing to small land size. Only 9.7% of migrants have some additional income from land/agriculture. So workers and their households face very grim prospects if they fail to get work in their home state. Only 1.5% of workers who returned to their village could get some kind of job in the village for sustenance while 98.5% are now idle without any job or income.

The additional allocation declared for MNREGA is highly inadequate. The continuing low daily wage rates (for the arduous manual labour that MNREGA work involves) is bound to force workers back to the cities for survival in spite of their unwillingness to go back to the same place that they had to flee without any governmental support. Forced by circumstances imposed by the government, such a “return to the cities” is nothing but modern slavery. We have heard reports of special trains being launched to “bring back” workers to cities. We also saw how some state governments tried to cancel trains meant to transport stranded workers back to their home states during the lockdown. Workers are aspiring for something very different.

Only 15.3% of them think that it is possible for them to get job back at the same place which they had left. 20.1% are sure of not getting the same job again, while little less than two third of them, 64.6% are not able to say anything with confidence. Thus 84.7% are not confident of getting their job back.

Do They Want to Migrate Again

No. For 72.1% choosing to go back to the city is not a better option, out of which 26.5% are determined NOT to go back again and 45.6% say they cannot say if they should migrate again.

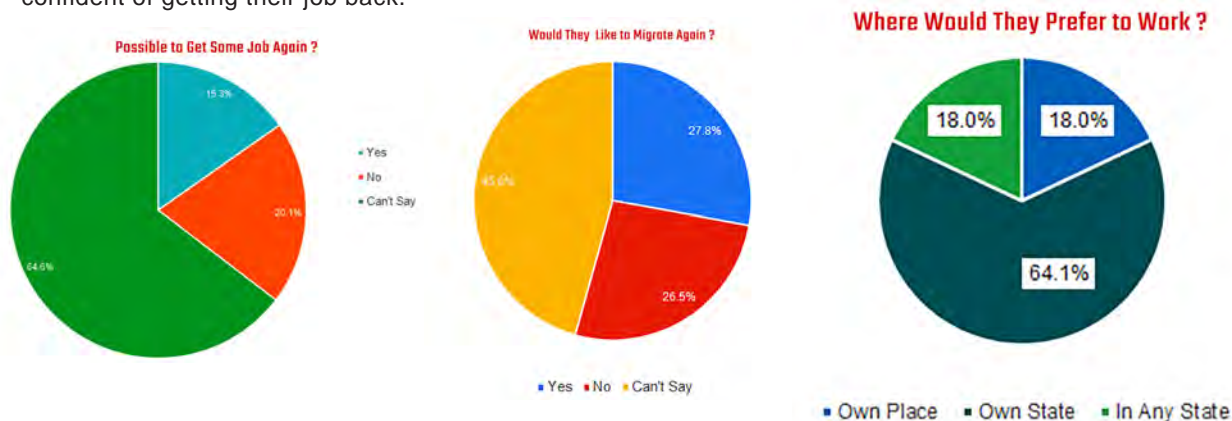
82% of surveyed workers do not want to migrate to other states. They want a job in their home state itself. Out of these, 18% have firmly demanded that they should get job in their own place, their village or town.

Only 18% are willing to go outside the home state, but during informal discussions with surveyors most of these expressed a desire to work in the home state if they got a decent job.

What do the findings of the survey indicate for the future of this segment of workers?

The survey underlines the urgent need to challenge and change the exploitative conditions of work in India, where migrant workers serve as a captive, underpaid workforce.

What is needed, as we indicated in the “Notes on Migrant Workers: Key Issues and Urgent Tasks” published in the July issue of Liberation, is “revival and reopening of sick and closed industries, formation of a new chain of agro-based and other labour-intensive small and medium units and big factories or service chains with better employment and income prospects” in the home states, and “in the short-term, this must be complemented by an improved and more effective NREGA framework (with increased duration and scope for work and better wages), launching of employment guarantee act for the urban unemployed, massive expansion in public works (with building of government hospitals and schools and colleges as the main priority), provision of unemployment benefits/allowance and more effective entrepreneurial assistance to promote self-employment.” ☐



Sanitation Workers' Struggle During The Pandemic

Lekha Adavi, Avani Choksi

Babasaheb Ambedkar had said, “scavengers are the lowest in a system of graded inequality. This is their caste ordained occupation over which they have been handed the monopoly is the cleaning of latrines and toilets and handling human excreta. This monopoly has survived for centuries and persists even in the so-called modern era”.

Urbanisation and capitalism have not undermined caste-based occupations and discriminations but have intensified and varied its manifestations. We now see its COVID-19 era adaptation, with ‘social distancing’ encouraging untouchability in India. The continued exploitation of powrakarmikas (municipality sanitation workers) and the criminal negligence in protecting their health is living proof of this.

The callous attitude of the State towards protecting powrakarmikas is due to their historical double oppression as a majority of them are women and belong to the Dalit community. The Manusmriti preordains women and Dalits to do the job of cleaning households and public property, and therefore we see that women belonging to oppressed castes and minority communities being hired for this occupation. The replication of feudal and casteist oppression is apparent in the sham contract system to this day. The powrakarmikas, under the aegis of the BBMP Powrakarmika Sangha and the Karnataka Pragatipara Powrakarmikara Sangha (both affiliated to AICCTU), had launched a strong opposition questioning the feudal and casteist contract system for several years in Karnataka. As a result of which, thousands of workers across Karnataka

overthrew the exploitative contract system, albeit partially. While those workers who sweep roads were brought under the direct-payment system of municipal authorities, several thousand workers who transport garbage in vehicles continue to be under the oppressive sham contract system.

As of today, over 50 workers have contracted coronavirus and 5 of them have succumbed to it. This is solely attributed to the criminal negligence of the State in ensuring their occupational health and safety. The workers are not provided with PPE kits from time to time, neither are they provided with disinfectants to clean the equipment they use. They are provided with neither changing rooms nor washing facilities where the workers can clean themselves after work. This means that the workers are not only susceptible to contracting the disease, but can potentially carry the virus back to their families. Thanks to the hazardous nature of their jobs, the powrakarmikas also have comorbidities and suffer from diseases such as tuberculosis, cancer, and heart and lung related ailments. The workers are well aware of their vulnerability to health issues as well as of the dangers of contracting and spreading of the disease. However, the State seems to be criminally negligent in safeguarding the health of these workers as they continue to be exploited and oppressed.

From the time coronavirus cases began to be reported in Karnataka and in Bangalore city, the Union began its struggles for the protection of powrakarmikas, firstly in conducting awareness on the spread of the pandemic and

the precautions to be exercised by the workers in a decentralized manner. On the other hand, the Union also moved the High Court of Karnataka demanding that the powrakarmikas across the State be protected against coronavirus. The Court recognized the vital role of powrakarmikas in curbing the spread of the pandemic and directed the State Government to provide every single worker with Personal Protective Equipment (PPE) kits, including full-body PPEs in containment zones. It is unfortunate that despite such orders of the court, the same has not been implemented and the workers continue to work in hazardous conditions.

It was when a worker died of Tuberculosis three weeks ago, that the BBMP tested the worker for COVID-19 postmortem as a matter of protocol. When the worker was found positive for COVID-19, about 80 workers in the ward were tested, of whom 23 tested positive. Many residents who had taken the initiative to get powrakarmikas in their wards get tested, came out to say that several of them were testing positive in their areas. Until such time, the BBMP had no record of how many workers have symptoms, how many tested positive, etc., as there was no protocol in place for random testing, or even basic thermal scanning or health camps organised for these workers. Subsequently, a 28 year old worker, Smt. Shilpa Prasad, passed away on 16 July after being turned away from all hospitals she had approached. It emerged the next day that not only have there been at least 5 known powrakarmika deaths from



the virus, but more than 30 had tested positive. The deaths of these powrakarmikas was a natural and expected consequence of the wilful neglect of the Corporation. This sparked an outrage amongst the workers and concerned citizens of Bangalore, who organised a candle-light vigil, demanding that the State provide protective equipment to all powrakarmikas. The subsequent inaction of the State has led to the workers launching an indefinite struggle before and after their day's work, and wearing black bands during the course of their work, from 20th July onwards. Their struggle continues today.

Despite the lockdown imposed across the country, it was the sanitation workers who worked tirelessly to keep our cities clean, even as the number of COVID cases increase manifold. These workers who are out on the roads every day, come in contact with recklessly disposed used masks, gloves, people's spit and other waste which may be infected. These workers were made to work through the week for half day, i.e., without a day off, for the entire period of the lockdown. Deprived of their wages for several months and no PPE

provided to them whatsoever, the garbage vehicle drivers and helpers who are still under the exploitative contract system, are at high risk of exposure to coronavirus, as they are involved in door-to-door collection of garbage. Since fresh PPEs are not provided at regular intervals, the wear and tear of the safety equipment is putting the workers lives at risk. While the waste generated from quarantined households and containment zones are considered to be biomedical waste, the powrakarmikas were forced to sweep roads and collect garbage from red zones. Without any proper safety equipment, with comorbidities and high exposure to COVID-19, along with criminal negligence of the BBMP, it was only a matter of time before the workers began to be affected by the pandemic.

When the biometric attendance system was discontinued in government offices, Courts and other private institutions to curb the spread of the pandemic, the municipal authorities continued to administer attendance of powrakarmikas in this form. The Union urgently demanded that the same be stopped. For the past

four months, the Union has been demanding that fresh PPE kits are provided to workers on a regular basis, that they be provided with sanitizers and disinfectant solutions regularly, for changing and washing rooms to be provided, for risk allowance to be paid, and that basic facilities of transport, food, and drinking water be provided during lockdown as they had no access to the same. The State has failed to ensure that the workers are well safeguarded against the pandemic.

The workers refused to be cowed down by the negligent attitude of the municipal authorities and have been organizing protests in a decentralized manner every day, demanding that the BBMP put in place protocols for their occupational safety, including institutional quarantine, setting up a helpline for their grievances, for insurance to be provided, along with essentials such as PPE kits, disinfectant solutions, changing rooms, toilets, etc. The powrakarmikas are fighting valiantly not just for their right to health, but the right to the health of entire communities by curbing the spread of all diseases, including coronavirus. ■

Three Agrarian Ordinances: Undermine State Autonomy and Harmful to Farmers

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The cabinet of the Union Government approved three ordinances on June 03 and notified in the Gazette of India on June 05, 2020. These ordinances are: (i) The Farmers' Produce Trade And Commerce (Promotion And Facilitation) Ordinance, 2020; (ii) Farmers (Empowerment And Protection) Agreement On Price Assurance And Farm Services Ordinance, 2020; and (iii) The Essential Commodities (Amendment) Ordinance, 2020. The first ordinance states that its purpose is to provide "the freedom of choice relating to sale and purchase of farmers' produce which facilitates remunerative prices through competitive alternative trading channels". While the second ordinance is intended "to provide a national framework on farming agreements that protects and empowers farmers to engage with agree-business firms, processors, wholesalers, exporters or large retailers for farm services and sale of future farming produce at a mutually agreed remunerative price framework." The third ordinance states that it intends "for the purpose of increasing competitiveness in agriculture sector and enhancing the income of the farmers, the regulatory system needs to be liberalised while protecting the interests of the consumer. Thus, all the three ordinances formally are aimed to protect the farmers' interests, that is why these are described as measures of agrarian reforms. There is a common running thread in three ordinances i.e. the encroachment on the subjects in the

State List of the Constitution of India and greater freedom and enlarged role of big private traders in trade of agriculture produce.

Attack on State Autonomy

Although these ordinances aim to protection of Indian farmers, provide them better prices and increase their income yet the study of deep structure of these ordinances tell a different story. In the first place these ordinances give a heavy shock to the autonomy of the States and tilts the balance of Center-State relations or federalism in favour of the Union Government. In the process of issuing of these ordinances the Union Government has neither consulted States nor the opposition parties. An impression goes that the Union Government is no more interested in "cooperative federalism". The process of issuing these ordinances is unilateral on the similar lines that of abrogation of Article 370 in case of Jammu and Kashmir. These ordinances are violative of several entries in the List II or State List in Constitution of the country. The entry 14 in the State List reads as "Agriculture including agricultural education and protection against pests and prevention of plant diseases". The following entry no. 15 is written as "Preservation and protection and improvement of stock and prevention of animal diseases; veterinary training and practice. On the basis these entries the States have developed research and extension services in public sector for agriculture and animal

husbandry. The ordinance on Farmers Agreement on Price Assurance and Farm Services mentions handing over agricultural services including veterinary services to the private companies entering contract farming with the farmers and they are exempt them from application of any State Act. The ordinance on The Farmers' Produce Trade and Commerce violates entry 26 of the State List which reads as "Trade and commerce within the State to the provision of entry 33 of List III" or the Concurrent List. The Chapter II of the ordinance in section 3 states that "any farmer or trader or electronic trading and transaction platform shall have the freedom to carry on inter-state or intra-state trade and commerce in a trade area". Further section 6 of the Chapter II reads as "No market fee or cess or levy by whatever name called under any State APMC (Agriculture Produce Market Committee) Act or any other State law shall be levied on any farmer or trader or electronic trading and transaction platform for trade and commerce" This is violative of entry 66 of the State List which empowers States to charge "Fees in respect of any matter in this List". The entry 26 of this List allocates the "Trade and commerce within the State subject to provision of entry 33 in the Concurrent List. The entries 27 and 28 of the State list allocate "Production, supply and distribution" and "Markets and fairs" in the realm of State administration. This ordinance over rides the State APMC Act and

allows private markets in the area of market committee free from the regulation of the committee and disallows charging of any fee, cess or levy on traders or farmers operating in the private markets. With this the States will suffer considerable loss of revenue on this count which the Constitution grant as them as a right. The Punjab Budget of 2020-21 has a provision of Rs. 1950 crore each for market fee and Rural Development Fund. Thus this State is expected to lose total of Rs. 3900 crore in a single year. This revenue is used for development and maintenance of market yards and village link roads. This ordinance will make each State to lose substantial amount of revenue and make them further financially stressed. The Essential commodities (Amendment) Ordinance excluded the supply of foodstuffs including cereals, pulses, potatoes, onions, edible oils from the list of essential commodities. Their storage and prices cannot be regulated in normal situation. The government can regulate them only in the extraordinary situation like war, famine, extraordinary rise in the prices and natural calamity of grave nature. This ordinance removes the stockholder limit on the processors, value chain participants of any agricultural produce if it does not exceed the overall ceiling of installed capacity of processing or demand for export in case of an exporter. It allows big trading, processors and export companies to hold stock of agricultural produce. The other ordinance allows them to procure from anywhere in the country without paying any taxes or fee or levy under any State APMC Act. This will allow big players to manipulate prices of agricultural produce.

Under the garb of protecting the farmers to provide them

remunerative prices and increase their income, the autonomy of the States is substantially reduced. Earlier allowing the 2% additional borrowing over and above 3% of GSDP (Gross State Domestic Product) permitted under Fiscal Responsibility and Budget Management Act to fight the situation under Covid 19, a condition was imposed to collect electricity bills from the farmers for tube wells and then transfer subsidy to them through direct bank transfer (DBT). This created a lot of uncertainty among the farmers about continuity of power subsidy to them. The ordinances are in continuity with implementation of GST in the country which has taken away power of the States to impose taxes under value added tax (VAT). The GST experience is very bitter with the States as they suffered 3-4 month delay in getting their share of taxes. The States have a large responsibility towards citizens ranging from general administration, law and order, judicial system, development activities, the provisioning of health, education and welfare measures. In absence of sufficient autonomy to raise revenue, manage funds and functionaries, the status of States will be reduced to the level glorified Municipal Corporations and the States will not be able to deliver on their responsibilities. In such a large and diverse country which India is 'one fit all' model does not work. In the interest of balanced regional development the sufficient autonomy must be ensured for sustainable development.

Farmers' Interests Get Beating

These ordinances are in the name of promoting Indian farmers' interest provide wide

ranging scope of expansion of trade in agriculture produce by big private trading, processing and exporting companies. More than 86% of Indian farmers are small and marginal, they have no capacity to involve themselves in such activities. If these ordinances are read along with Shanta Kumar Committee Report (GOI, 2019 pp.21-22,56-57) which suggests trimming of role of FCI because of its high cost of storage of grains and recommends assignment of this role to private traders.


If these ordinances are converted into Acts after getting approval of the Parliament this will deepen the ongoing agrarian. In the situation of procurement crisis of wheat and paddy the State governments will become helpless to redress the crisis of the farmers. The bitter experience of farmers in dealing with sugar mills is a pointer towards the shape of things in future. It is well known that the sugar mills did not pay to the farmers their dues of sugarcane sold to these mills for the period ranging from 3-5 years and the governments could not do anything to help in redressing the grievances of the farmers. This lesson needs to be examined by the State governments and farmers' organisations while examining these ordinances.

When ordinances become fully operational, the area market committees will lose market fees and the State governments will lose rural development fund. The market fee is used for development and maintenance of market yards and facilities for farmers and rural development fund is used for rural infrastructure especially construction and repair of village link roads. In this situation of revenue loss it will be difficult to maintain the rural infrastructure and repair the rural link roads

and farmers will face big problem in bringing their produce to the market yards whether maintained by the Mandi Board or in the private market yards of Companies envisioned in the ordinances. These ordinances intend to attack the present agricultural marketing system dominated by market committees under the control of the State governments. The farmers need to recall the experience of price fluctuations before the present marketing system for agricultural produce was created after the mid 1960s after setting up of Agriculture Price Commission in 1965 and later its name was changed to Commission for Agriculture Costs and Prices (CACP). The earlier system was exploitative both for farmers and consumers. In the pre 1965 the traders dealing the agricultural commodities were small and local. Now the size of these traders and their capacity to control is much larger as compared to traders in pre green revolution era. Now the traders are going to be large companies which are pushing

the agenda of corporatisation of agricultural produce. Large companies will convert agricultural trade in monopsony market form and the State governments will find difficult to handle them and redress the farmers' grievances on this count. Under monopsony market conditions both farmers and consumers are likely to lose on price front. In this market form a few big companies will be pitted against 120 millions of the farmers in this country. They will rig prices at the time of procurement to the disadvantage of the farmers and charge high prices from the consumers after the harvesting season.

It is important that the regional political parties and farmers' organisations understand the underlying message of these ordinances. Understanding of some leaders that they will be able to save MSP after ordinances become fully operational is misplaced and they don't realise the depth of the agrarian crisis towards which these ordinances will lead. Indian

farmers are already neck deep in crisis and these ordinances will further push them to ruination. The policy making of the country has been transferred to the corporates and they are calling the shots in their own self interest. They are redrafting the rules of the game in economic affairs to suit their profitability. There is now a need to shift the policy in favour of the common people. The ordinances are issued at a time when people are fending for their life and health. The experience of lock down period shows that it is largely government sector which came forward while private sector did not pay wages to their workers who have started moving to their homes back. In this situation bringing such legislation through the route of ordinances is unfortunate. They should have been thoroughly discussed with the states and the stakeholders before their Gazette notification. 

Note: An earlier version of this article has appeared in *Punjabi Tribune* (Chandigarh) on 9th and 10th June 2020.

From Feudal Mahajans To The "Bandhan" Of Micro Finance Institutions

Ajit Patil

Mahajans as an institution for lending money at usurious interest rates came in to being in the feudal times. They made women part with gold – the only means of savings they had. They were infamous for insisting on payment of interest rather than the principal amount so as to perpetuate their tyranny. The Mahajans were like leeches for the masses. They excelled in “turning adverse conditions for the masses in to their advantage” in droughts,

famines or even personal tragedies. So much like the modern times!

Marathi folklore, the rebellion shahiri of Comrade Annabhau Sathe whose birth centenary is this year, Comrade Amar Shaikh, Mahatma Jyotirao Phule, all exposed the ‘Savkari- Sahukari’ usury and extortion, as did many films of the 1940s-60s. There were spontaneous resistance movements against the sahkari in rural India, including a movement to burn the mortgage papers and loan

agreements in the colonial times in Maharashtra. The ‘Patri Sarkar’ of 1942 was probably the first armed resistance movement which carved out a ‘Free’ territory in some districts of western Maharashtra with elimination of Savkari as a programmatic slogan.

The phase of imperfect capitalist development set rolling in independent India had realized the need to broad basing the sections supporting it. The need for expanding the rural credit supply for

creating the market for the industrial products was also becoming evident to capital. The rumblings of the social reformers and various anti-sahukari movements was also making its impact. In the overall interest of the capitalist class, banks were nationalized and the credit lines started flowing to hitherto untouched but 'creditworthy' sections developed during the process of capitalist development. This still left the multitudes in the lower strata of rural and urban proletariat. This expansion continued till 1990s and beyond under sloganeering of Garibi Hatao and welfare state and later Reforms and Liberalization.

While this was happening in early

70s a new model of financing the lower strata particularly the women was being developed in India's neighbor Bangladesh under the name of Grameen Bank. In India a different model under the SHG- Self Help Group - was being tried. The two models differ in their way of operating but are conceptually the same.

The Micro Finance Institutions were a part of the schemes in both the countries. Similar projects were underway in Indonesia as well. However the class, caste, regional, cultural, social and other differences were much more complex in the Indian context. The only common thread was the "social commitment" of the women folk in particular to repay any loan undertaken

with "social stigma" attached to defaulters. This "social collateral" was very cleverly used by the micro finance institutions, apex banks and later the private MFIs, now given even banking licenses, in place of tangible assets as the norm in banking industry.

In the 1990s, after India's ruling class forced the country's economy on the neo liberal path, it is no coincidence that NABARD which was very tentatively in to SHGs became very active in promotion of SHGs. The declared objective was of giving affordable loans to women, financial empowerment and independence. Women were to be encouraged to become entrepreneurs, produce and sell their products by organizing

SKS, BFI, Bandhan: Parallel Trajectories of India's Most Predatory MFIs

Both the notoriously predatory SKS/BFI, and Bandhan which is now growing in notoriety, have similar NGO origins, making a journey from "non-profit" pretensions to open profiteering.

SKS (now known as Bharat Financial Inclusion) was founded in 1997 by Vikram Akula, who served as its executive chair until November 2011. Akula recounted having worked with an NGO in India as a loan officer on the field in 1997. The potential for impact that these loans had given him the idea of setting up SKS as a more scaled up version for micro finance. BFIL was started as a non-profit NGO named Swaya Krishi Sangam (SKS Society) in 1997 by Vikram Akula. He formed it as a charity in 1998 in Hyderabad, India as a part of his PhD studies to explore the then nonexistent micro finance industry in India.

Though claimed to be based on the Grameen bank model, SKS granted high interest (36%) loans of Rs. 10,000 to R. 2 lakh to men and women in Andhra Pradesh belonging to poor families (as compared to Grameen bank which grants income producing loans at 20% APR). However, unlike Grameen bank, SKS used an aggressive commission based system to encourage loans, thus forming a network of loan

marketers who were not direct employees of SKS, but worked on a commission basis in smaller villages of Andhra Pradesh. SKS used a network of loan sharks to pursue matters with defaulters.

In 2003, Vikram Akula created SKS Mutual Benefit Trusts (MBT) to change SKS Society into a for-profit entity named as SKS Microfinance. The trusts raised INR 20 million through donations as it was the minimum capital required to form an NBFC entity. With its invested capital, the trusts held 99.5% stake in SKS Microfinance. SKS Microfinance secured a Non-Banking Financial Company (NBFC) license in 2005 by the Reserve Bank of India.

In 2007, SKS Microfinance raised \$11.5 million through equity investments led by Sequoia Capital. In 2008, it further raised \$74.5 million through equity investments led by Sandstone Capital. On 28 July 2010, SKS Microfinance debuted on the Bombay Stock Exchange with an IPO that was oversubscribed 14 times. Muhammad Yunus, the Grameen Bank pioneer who won the Nobel Peace Prize, expressed concern that going public would put the demands of shareholders ahead of the poor. He added, "If they do it, I cannot stop them but I would encourage genuine Microcredit programs." In 2013 SKS operated in 13 states.


In September 2010, reports surfaced in the media of nearly 200 suicides by defaulters of a number of micro finance institutions, including SKS finance. This led to an enquiry by the Andhra Pradesh government. In 2011, the micro finance

markets to sell these products. Two of the biggest MFIs with thousands of crores transactions – Bandhan and Bharat Financial Inclusion (formerly SKS) – are both founded by former members of NGOs in the field of MF. They started as for Not for profit NGO. They learnt the “Art of Exploitation” in NGOs, one in Bangladesh and another in India! Very revealing fact! More about this later in the article.

The MFI and SHG movement is actively encouraged by the World Bank, one of the axis of the world finance capital. Most of the MFIs have sizable investments by foreign venture funds and others from USA, Singapore. These MFIs ensure very high return on investments

sometimes charging as high as 60 % burden on the SHGs or women participants. With coercive methods deployed they ensure that most of the loans are paid on time. Thus the profits are high and the debt trap leads to increasing number of women are members of multiple SHGs linked to different MFIs. Thus the horizontal spread is ensured as well. These MFIs are again becoming bolder and many of them have been given banking licenses in recent times. All this points to the possibility of the public sector banks wriggling themselves of providing funding to the rural economy and women in general and linkage to the SHGs in particular. The private sector banks are likely

to be city and metro centric with serving the industrial, commercial and speculative financial needs. The women in general and the SHGs seem to be planned to be handed over to these MFIs turned Banks monopolizing the credit and dictating high interest rates charged. They will be ‘empowered’ to use any methods they like to serve the agenda of the global and local finance capital- maximize profits, expand financialization.

The anger against predatory MFIs is growing, as witnessed in vigorous protests all over India even during the pandemic and lockdown. We must do all we can to hold the Government accountable to stop this modern-day usury. 


industry (MFI) in India suffered a crisis due to the growing news of suicides by borrowers. In 2012, an independent investigation linked SKS employees to at least seven suicides of creditors in Andhra Pradesh. A second investigation said SKS may have been involved in two other suicide cases. In 2012, SKS Microfinance cut 1200 jobs and closed 78 branches in Andhra Pradesh. Interviews with family members of the deceased, by BBC suggested that the reason for these suicides appeared to be large sub-prime loans taken by the villagers, with the active encouragement of SKS loan agents.

In 2014, the investors in the SKS Microfinance, Mauritius Unitus Corporation, Sequoia Capital India Growth Investments and SKS Mutual Benefit Trust as well as its founder Vikam Akula relinquished their roles as promoters. In 2016, SKS Microfinance was renamed Bharat Financial Inclusion Ltd. In 2017, the company launched a loan approval system based on Aadhaar to reduce the time and cost involved in the loan approval process. In the same year, it also launched its Kirana store (general store) service which allowed its customers to do financial transactions by visiting its designated stores. Later in 2017, the company entered into discussions of a possible merger with IndusInd Bank. The merger received approvals from Reserve Bank of India, National Stock Exchange of India and Bombay Stock Exchange later in 2018.

Bandhan Bank is a subsidiary of Bandhan Financial Holdings Limited. Bandhan Banking and

financial services, Kolkata is present in 34 out of 37 states and UT, 4559 banking outlets and 2.03 crore customers with focus on Eastern and North Eastern states.

Like SKS, Bandhan started in 2001 as a not-for-profit enterprise providing microloans to the underprivileged sections of the society. Bandhan CEO C S Ghosh got a degree from Dhaka University, then joined BRAC, an NGO in Bangladesh. After returning to India, Ghosh worked with several NGOs. He quit his last job at Village Welfare Society and established Bandhan-Konnagar, a NGO in West Bengal, which aimed to provide microfinance services to the marginalized and drive financial inclusion.

In 2006, Bandhan acquired an NBFC. It turned into an NBFC-MFI. In 2010, Bandhan was recognized as the largest MFI in the country. In June 2015 it was granted license for a Universal Bank. Its public shareholders then included International Finance Corporation; an arm of GIC, the sovereign wealth fund of Singapore; and Small Industries Development Bank of India. On March 27, 2018, Bandhan Bank got listed on the bourses and became the 8th largest bank in India by market capital, on the day of listing itself. GRUH Finance officially merged into Bandhan Bank on October 17, 2019, and the combined balance sheet in the bank's Q2 results crossed the Rs.1 lakh crore mark. HDFC received shares for parting with Gruh Finance. HDFC has over 30 % FI investment. 

The Tyranny of Rent

(Text of a preparatory note to launch a rent waiver/regulation campaign in the city of Bengaluru, and later in other Indian cities. Housing and rent is a huge problem for the whole of urban India, especially for big metropolises. The pandemic has made this problem worse all over the world, and there are movements demanding rent waivers in many countries. In India, this campaign note lays out the grounds and issues for such a campaign.)

“What is meant today by housing shortage is the peculiar intensification of the bad housing conditions of the workers as the result of the sudden rush of population to, the big towns; a colossal increase in rents...The growth of the big modern cities gives the land in certain areas, particularly in those which are centrally situated, an artificial and often colossally increasing value.... The result is that the workers are forced out of the centre of the towns towards the outskirts; that workers’ dwellings, and small dwellings in general, become rare and expensive and often altogether unobtainable, for under these circumstances the building industry, which is offered a much better field for speculation by more expensive houses, builds workers’ dwellings only by way of exception...The building and maintenance costs of the house, or of the part of the house in question, enters first of all into the calculation; the land value, determined by the more or less favourable situation of the house, comes next; the state of the relation between supply and demand existing at the moment is finally decisive.”

Engels, *The Housing Question*

Introduction:

The masses live in rented houses in the cities, mostly in single-bedroom houses and single-room tenements in working class colonies or in single-room row-housing on parcels of land

to shanties in slums^a. Majority of the population thus are tenants i.e. those who do not have any control over their own housing and are dependent on the vagaries of the rental market for a roof over their heads. Workers of all hues including informal, migrant, etc., students, professionals, etc. all depend on rental housing though the range depends on the class, from shanties to high-end apartments.

One analysis has estimated the composition of the working class in India.^b It states that India has about 461 million workers (some estimates put it at 470 million), with 80% of them working in the informal sector, such as in agricultural work and in micro, small,

[a] There are several distinct types of slums, from declared and undeclared (or notified, recognized, and unrecognized) slums on one end of the spectrum to private-land rent slums (nele badige slums) at the other. Common though are the inadequate sanitary and drinking water facilities, and unhygienic living conditions. All these low-income settlements have poorly built tenements with the worst-off slums having plastic sheet houses supported on poles. Usually the residents of the notified slums are Bangalore locals, and there is a rental market in these slums. The row-housing worker colonies are primarily inhabited by inter-state migrant workers, while slums faring worst, nele badige slums, house recent migrants from North Karnataka and the adjoining states, as also extremely poor migrants from West Bengal and other northern states. Significantly, majority of the residents belong to the Dalit and Muslim communities, with OBCs and Christians being the second largest groups.

[b] K.P. Kannan, “COVID-19 Lockdown: Protecting the Poor Means Keeping the Indian Economy Afloat”, accessible at <https://www.epw.in/engage/article/covid-19-lockdown-protecting-poor-means-keeping-indian-economy-afloat>

and medium enterprises (MSMEs), with not more than 10 workers. That is a staggering 369 million workers. The remaining 92 million workers are designated as being in the formal sector, but 49 million of them are employed as informal workers and called variously as contract labour and temporary staff, among others. If one goes by the employment status of all workers across India, close to 52% are in the self-employed category, which comes to 238 million, and those with casual labour status come to 24% or 112 million. Together, they constitute 350 million workers who form the core of the national informal labour base. The remaining 19 million workers and the abovementioned 49 million informal workers in the formal or regular economy—that is 68 million workers—also fall under the informal work category, which altogether comes up to 418 million workers or 89% of all Indian workers. It is further estimated that two thirds of all informal workers (or 60% of all Indian workers), totalling 278 million workers, do not even get the Rs. 375 daily wage (or earnings in the case of self-employed individuals) recommended as the national minimum wage necessary to meet their household basic needs at 2017–18 prices, according to a January 2019 report.

Thus, a majority of workers who contribute to the national income belong to the category of the working poor. Most of them negotiate their daily needs through uncertain livelihood opportunities that make them, in the words of Jan Breman “wage hunters and gatherers” and “footloose

labourers". Who are these workers? They are the lakhs of agricultural labourers and poor peasants, loading and unloading workers, rickshaw pullers, barbers and washer(wo)men, manual scavengers, garbage pickers, street vendors, domestic servants, auto rickshaw and taxi drivers, brick kiln workers and construction workers who migrate from villages to cities and towns in search of work, workers in repair shops and small workshops, roadside eatery workers and those in small hotels and restaurants, security staff who protect the middle class and the rich in their gated habitats, delivery workers who deliver food and e-commerce packages at the doorsteps of lakhs of homes and companies, and similar umpteen groups of workers bracketed under the informal sector status. This "cheap" workforce is one that has been manufactured to cater to global markets. Their welfare and rights have been bartered for economic growth. It is this mass of people who depend on rented accommodation.

Beginning with the "house advance" which has to be paid at the beginning of the tenancy, in some cases it is 10-months' rent, tenants are in a very difficult situation having to pay annual increase in rent at 10% with no security and liable to shift to other accommodation at the dictates of the house owners and landlords. House owners, according to their own prejudices, discriminate in handing out tenancies, especially on the grounds of caste and religion, which is unaddressed and exists as a matter of rights. Single women find it difficult to secure rentals from house owners harbouring prejudiced notions of family and the status of women. We all face the practice of having a month's rent deducted from the advance at the end of the tenancy. The house owners say this is to cover the wear and tear of the use of the house. The tenant, thus, over and above the monthly rent, pays for the maintenance of the

house. All in all, there are no checks on the unbridled powers and privileges of the house owners, even as the State fails to intervene in any manner whatsoever, resulting in a state of perpetual insecurity for tenants. As a matter of fact, for the tenant the rental house can only be a *roof over their heads*, a notional home and never a home in the true sense of the word.

The fundamental question though is why are lakhs and lakhs of people compelled to seek out rented accommodation and live under insecure conditions. Clearly the failure of the State to ensure housing for all is one key factor as is the fact that the financialization of land and housing has ensured that the majority of people will continue to rely on rented accommodation. In fact the rising rentals are pushing people into increasingly uninhabitable housing conditions. The increasing precariousness of livelihoods serves to boost the growth of informal housing especially in cities like Bengaluru, exemplified by the growth of the *nele badige* slums in the city. Without a doubt, growing rampant informalisation of livelihoods, job, wage, and social insecurity results in a majority of the masses depending on rented accommodation especially in worker colonies and slums without proper access to electricity, clean water, and other basic necessities. For those earning assured monthly wages, for instance garment workers, receive only the notified minimum wages which are insufficient as rentals become more expensive, these stagnated wages leave them vulnerable to meet these increasing rents. Indeed, housing insecurity defines their lives.

It is estimated that the number of occupied households in urban areas in Karnataka in 2001 was 33,91,662, which increased to 53,04,173 in 2011 and that there were 36,76,036 urban households in 2001 which increased

to 53,15,715 in 2011.^c Out of the total population of Karnataka, 38.67% people live in urban regions.^d

The report on the *Drinking Water, Sanitation, Hygiene and Housing Condition in India - NSS 76th Round (July - December 2018)*,^e which surveyed the distribution of households in urban areas, by tenurial status of dwelling units across the country, states that as far as Karnataka was concerned, 47% urban households had freehold dwelling units, 1.8% urban households were in leasehold dwelling units, 2% urban households were housed in quarters provided by employers, 16.4% urban households lived in hired dwelling units with written contract while 28.5% urban households were hired dwelling units without written contract. Thus, 45% of urban households, even officially, live in rented accommodations whereas in reality the numbers are higher.

It is necessary to reflect on the position that the Government of India has taken in this regard: "Incidentally the State acknowledges that although provision of affordable housing has been a priority area for the Government since independence, providing housing to all on ownership basis is difficult and

[c] "HOUSING - Statistical Year Book India 2018" accessible at <http://www.mospi.gov.in/statistical-year-book-india/2018/197>, Table-28.1 (A) titled "Occupied Residential Houses And Households In The Country"

[d] "Karnataka Population 2011-2020 Census", available at <https://www.census2011.co.in/census/state/karnataka.html#:~:text=Karnataka%20Urban%20Population%202011&text=The%20total%20figure%20of%20population,963%20females%20per%201000%20males>.

[e] "NSS Report No. 584: Drinking Water, Sanitation, Hygiene and Housing Condition in India" available at http://www.mospi.gov.in/sites/default/files/publication_reports/Report_584_final_0.pdf, Statement 20.1: Percentage distribution of households by tenurial status of dwelling units for each State/UT, page 137

or may not be feasible".^f This, after it acknowledges the following: "These poor households live in congested conditions indicating that housing is unaffordable for a large section of population, be it ownership or rental. Even after interventions such as subsidies for housing loans and tax concessions, this segment cannot afford to own a house due to low disposable income, irregular income, ever increasing real estate prices etc. Further, affordability gap created by filtering and lack of creditworthiness of the urban poor prevents access to housing loan/finance."^g Thus the State's housing policy seeks to protect the interests of the propertied class aligned directly against that of those who cannot own property.

Thus, a majority of the masses will remain compelled to rely on rented accommodation. Incidentally, the national average monthly rent paid in urban areas is Rs. 3,306/- whereas the average rent for houses in urban areas in Karnataka is Rs. 4,940/-. It is estimated that the urban poor might be paying 30% of their monthly income as house rent without any incentives.^h Incredibly, despite various laws on rent and rent control, there is, in effect, no regulation of rent by the Government.

What is this house rent that we pay?

[f] National Urban Rental Housing Policy (Draft), October, 2015, Ministry of Housing and Urban Poverty Alleviation, Government of India, at para 5.1, accessible at http://mohua.gov.in/upload/uploadfiles/files/National_Urban_Rental_Housing_Policy_Draft_2015.pdf

[g] National Urban Rental Housing Policy (Draft), October, 2015, Ministry of Housing and Urban Poverty Alleviation, Government of India, at para 5.1, accessible at http://mohua.gov.in/upload/uploadfiles/files/National_Urban_Rental_Housing_Policy_Draft_2015.pdf

[h] National Urban Rental Housing Policy (Draft), October, 2015, Ministry of Housing and Urban Poverty Alleviation, Government of India, at para 5.1, accessible at http://mohua.gov.in/upload/uploadfiles/files/National_Urban_Rental_Housing_Policy_Draft_2015.pdf

In lay persons terms, it is the payment for use of a house, an apartment, or a piece of land, though the actual value of the land may not necessarily be the determinant of the quantum of rent. Without going into the theoretical meaning of rent, suffice to say that in itself, an house or land does not produce rent, but private landlords are not going to give up any land for free and will demand some payment for its use. Yet, this economic transaction is one that epitomizes the unequal balance of power between the house owner and the tenant. In reality, rent is not a mere economic transaction, but constitutes a social relation between the house owner and tenant, since it takes place within a particular economic and social context. This payment of rent comes with another price – the forfeiture of freedoms, the ingraining of dependence on the propertied class and the entrenchment of class. It is a facet of naturalisation of wealth inequality.

The failure of the State to regulate rent, in effect, is not merely its failure to address the structural economic and social inequalities that mar society, but serves to exacerbate these inequalities; it represents the interests of the propertied class. Considering that 80% are employed in the informal sector, this directly impacts their housing rights and quality of life. Thus, the masses suffer from this tyranny of rent, which is sustained by the State.

The current crisis:

The immediate context for this campaign on rent is the coronavirus pandemic and the unplanned lockdown, which are decimating the lives and livelihoods of the masses. Covid-19 has given rise to two concurrent crises – the health crisis, and the livelihood crisis that was a direct consequence of the unplanned lockdown. In fact the lockdown has exposed the precariousness of the existence of 80% of India's population whose livelihoods are earned in the informal sector. As the ILO notes, 'In

India, Nigeria and Brazil, the number of workers in the informal economy affected by the lockdown and other containment measures is substantial. In India with a share of almost 90 per cent of people working in the informal economy, about 400 million workers in the informal economy are at risk of falling deeper into poverty during the crisis'. The lives of workers in the informal sector have always been precarious, with no application of labour laws, no medical benefits, and no job security. It is this mode of precarious livelihood which has been hit most seriously by the lockdown. A pan-India surveyⁱ points to the very vulnerable condition of workers today: two-thirds of the respondents report loss of employment and half of all salaried workers reported non-payment or reduction in salaries; 45% of the households did not have money to even buy a week's worth of essentials and 74% of households were consuming less food than before.

Housing came into immediate focus with shelter-in-place, self-isolation, stay-at-home, and quarantine as primary global responses to the Covid-19 pandemic.^j

Far from focussing on protecting themselves from Covid-19, the masses are forced to deal with the lack of job and wage security, facing harassment from creditors, as also the housing insecurity now, unable as they are to pay rents. With a steady income extremely unlikely in the foreseeable future, facing unrelenting house owners and a State that is refusing to step in to protect the tenants, housing instability

[i] "COVID-19 Livelihoods Survey Compilation of findings", Azim Premji University, accessible at https://cse.azimpremjiuniversity.edu.in/wp-content/uploads/2020/06/Compilation-of-findings-APU-COVID-19-Livelihoods-Survey_Final.pdf

[j] "Covid-19 and housing struggles: The (re) makings of austerity, disaster capitalism, and the no return to normal", Radical Housing Journal, accessible at <https://radicalhousingjournal.org/2020/covid-19-and-housing-struggles/>

and probable homelessness is a distinct reality for the masses.

Thus, even as the masses are struggling to make ends meet, they are forced into rent debt and are facing eviction even as the State refuses to step in and protect their right to shelter. Ironically while the mantra to ward off Covid-19 is *stay-at-home*, it is this very house that the masses stand to lose.

As such, the right to secure shelter must become the central object of any public policy intervention and housing must be assured.

Conclusion and demands:

India has witnessed glorious peasant struggles through history, especially during the freedom struggle, and most notably the Tehbhaga struggle, Telengana struggle, Naxalbari, Bhojpur, etc. Fighting non-cultivating, rent-collecting landlordism was the central slogan of the militant peasant struggles, who also demanded land-to-the-tiller.

Thus, a political and social struggle is fundamental to challenge the existence and distribution of rent and landlord-property-tenant relations. Unfortunately there has been no struggle of tenants against landlordism in urban areas except for those intermittent struggles of slum dwellers in some parts of the country. Having said that it is important to understand that society, for a variety of reasons including the daily struggle to make ends meet, has become increasingly atomised. Further, the category of tenants is not homogeneous and spans all age groups, incomes, and educational and professional backgrounds. It is also divided also along caste, religious, and political lines. The identification as a citizen, possessing of freedoms and rights, is a lagging project. In fact, building a class consciousness would be a great challenge when faced with the internalisation (acceptance and justification) of urban zamindari by the masses. As such new forms

of organisation and struggle have to be formulated in this unique battle in urban India.

As an approach though, the defining principle for any tenant related struggle would be privileging the interests of those who do not have control over their own homes against those of the propertied class. This is not a movement to reform the landlords and house owners; it is one to alter the property relations and fight the hegemony and domination of the propertied class. Thus, the real aim should not be the regulation and reduction of rents, but the abolition of the notion of rent itself, since it is nothing more than a plunder of the working class. Yet the challenge remains to frame the struggle from a long-term perspective; whether it is a struggle for rent justice or against rent itself or for tenant protection or for social housing.

Struggles of urban tenants for justice are amply evident, though not in India. Even today, in the aftermath of the pandemic, rent strikes are echoing across the world from tenants who cannot afford to pay rent and who are thus facing a survival crisis. Calls for rent strikes started in mid-March and have picked up steam through April, particularly across Europe, South America, New Zealand, North America, etc. Rent strike demands include cancelling rent for everyone unable to pay during the duration of the coronavirus crisis, freezing rental prices, suspending utility payments, housing the unhoused, and expropriating housing owned by banks and vulture funds. Tenants' unions have reported 16,000 renters on strike across Spain since April 1st, while a new "massive wave" of rent strikes is being anticipated in New York from May onwards.^k

[k] "Covid-19 and housing struggles: The (re)makings of austerity, disaster capitalism, and the no return to normal", Radical Housing Journal, accessible at <https://radicalhousingjournal.org/2020/covid-19-and-housing-struggles/>

It is against this background that the masses now face the imminent prospect of evictions for non-payment of rent in the aftermath of the pandemic. It goes without saying that the pandemic and the lockdown has not affected all sections of society equally; on the contrary, it has only amplified the livelihood insecurity and housing precarity of the masses.

Any campaign at this juncture could make the following demands:

1. *Urgent housing protection measures ought to be taken placing moratoriums on evictions, banning cutting off of basic utilities and cancelling rental payments*
2. *Decriminalizing of all slum settlements and informal forms of housing, and undertaking mass social housing projects*
3. *The approach of the State should be towards retention of existing housing tenancies and initiating social housing for those without houses.*
4. *Regulate rents and maintain a register of house owners.*

"Right to a house, right to this city"


"No evictions"

"Cancel all rent payments"

"Social housing for social justice"

"No more house hunting, no more rent"

"We need homes, not temporary houses"

"Tenants organise, fight for your right to a home" 

EIA Under Attack

Environmentalists Branded Terrorists

The Ministry of Environment, Forests and Climate Change introduced a Draft EIA Notification in March 2020 seeking to dilute environmental protections, in particular the provisions for Environmental Impact Assessment processes including public hearings as a condition for giving permission to projects.

Students from Fridays for Future India (inspired by Greta Thunberg's Friday strikes against climate change) ran an effective campaign alerting young people all over India about the implications of the dilution, and asking them to mail the Environment ministry with letters against the dilution. Thousands of people sent letters to the inbox of the Union Environment Minister Prakash Javadekar. Javadekar, who is also the Minister for Information and Broadcasting, and the Modi Government's police reacted vindictively. The Delhi Police sent a notice to the managers of the Fridays for Future India website invoking the anti-terrorism law UAPA, accusing them of challenging the 'sovereignty and integrity of India', and disabling the site.

The journalist who eventually broke the story of this persecution of students on Twitter, wrote "I reached out to several friends in the media, hoping someone would take on the story. It needed the immediacy of television news and could have been carried in the next news bulletin but since the environment minister also happens to be the Information and Broadcasting minister, I was told no one in the news television business would touch the story."

After social media spread the news and the Delhi Police felt the

heat, the police claimed they had mentioned UAPA "inadvertently". This was a laughable excuse of course. But UAPA or not, the fact is that an Environment Ministry spokesperson has confirmed that the Delhi Police took action on a complaint lodged by the Minister Javadekar himself, after he received over a lakh mails on his personal email account. So the Minister of Information does not want young people of India to email him and communicate with him? And why is the Minister of Information and Broadcasting, who is so incensed at emails sent to him, blocking websites that educated people about the EIA notification?

Meanwhile, the Central Government told the Karnataka

High Court, responding to a petition pointing out that affected communities could not access the draft EIA and comment on it, that there was no need to publish the draft EIA in any other language other than English and Hindi. Rejecting this submission, the Karnataka HC asked the Centre to give "wide publicity" on the draft Environmental Impact Assessment (EIA) notification, 2020 in all the regional languages.

Below is the text of the letter sent by the Communist Party of India (Marxist-Leninist) Liberation to the Ministry of Environment, Forest and Climate Change with responses and objections to the Draft EIA Notification 2020.

CPIML Response/Objections to Draft EIA Notification 2020

The Ministry of Environment, Forests and Climate Change introduced the Draft EIA Notification in March 2020, with a deadline of 30 June for the public to file responses, suggestions, or objections.

The observations and objections of the CPI(ML) Liberation on the Draft Notification are as follows:

1) The Draft Notification seeks to dilute the Environmental Impact Assessment (EIA) process, and favour industrial projects and their "ease of doing business" on the pretext of providing an economic stimulus to India's economy after the damage done by the pandemic and lockdown. The EIA process provides local communities a way to participate in evaluating the possible environmental impacts of a proposed project or development before the latter get

approval. It should be remembered that the Covid-19 pandemic itself is a result, in large part, of environmental devastation being witnessed globally. The response to such a pandemic should be to strengthen rather than dilute environmental protections.

2) Introducing the Draft Notification during a pandemic and lockdown has meant that the Draft has not even reached the communities which stand to be most directly affected by the proposed changes. They do not even know about the changes, let alone being able to consult their communities and contribute their objections and opinions. Therefore, for this reason alone, the Draft should be immediately withdrawn pending the pandemic period. No changes to the existing EIA rules should be made until and unless the marginalised,

farming, coastal and forest dwelling communities are able to participate in the public discussion and decision-making process.

3) The Draft seeks to get rid of the requirement to hold public hearings/consultations for many projects. Small dams, industrial complexes, mining projects, highway expansions, and several hazardous industries like tanning, halogen, petroleum will no longer need public consultation. This means that local communities that stand to lose land, forests, and livelihood, or be exposed to pollution as a result of the project, will have no way to make their concerns and objections heard and addressed. This is a profoundly anti-democratic change, that excludes local communities from any say in decision-making about projects. Polluting industries and corporations, as well as other projects will be able to get clearance without consulting local communities.

4) In cases where public hearings are still required, the time period for public consultations has been reduced to a mere 20 days. This is highly inadequate, especially in rural and remote areas where travel, communication, sharing of information, and consultation take time.

5) The proposed changes seek to legitimise actions by projects that are currently listed as violations (i.e., starting construction without a valid clearance). The Draft is redefining illegalities as legal, in order to favour corporate and commercial interests, not the interests of the environment.

5) The provision for online/digital approvals is dangerous, since no one should have the power to make decisions about the environment without visiting the area that stands to be affected, and studying the ground, and the impact, closely.

6) The Draft seeks to weaken the definition of "Eco Sensitive Zone",

making it easier for ecologically harmful projects to get clearance.

7) The Draft now clears the way for many projects to get "post-facto clearances" - i.e clearances after they have already wreaked destruction on the environment. This defeats the very purpose of an EIA, which is to ensure that development and industrial projects are set up in a manner as to inflict the least possible damage to the environment and local communities. Damage to the environment is irreversible.

8) The Draft allows industries to "self-report" violations of environmental regulations. This is basically a license to break the laws protecting the environment. Further, project owners will now have to file compliance reports only once a year, instead of once every six months. So, gas leaks, fires, accidents and other disasters or violations that happen in

this period may go under-reported or unreported.

9) According to the Draft, the compliance mechanism requires the project owners/promoters to file documents on which the environmental impact is to be assessed. This means that promoters can conveniently hide documents and information which may reflect adversely on their capacity to damage the environment.

10) The Draft seeks to reduce the role of experts in the assessment process, and reduce the list of people/organizations who can be included in committees.

The proposed Draft EIA is intended to protect the interests of investors and corporates only, not the environment or local communities. It will inflict far-reaching on the environment, and on India's people. Consequently, the CPI(ML) demands that the proposed Draft EIA be withdrawn forthwith. ☐



3 Day Coal Workers' Strike Against Privatization

The 3-day strike against privatization began on 2 July 2020 at Kumardhavi Coal Region under the banner of the countrywide joint front (Rashtravayi Sanyukta Morcha). The strike was widespread and successful in Dhanbad District.

Production was at a standstill in all collieries including Kumardhavi Colliery, excepting Barmudi, Rajpura Open Cast in Mugma Area (ECL).

At Barmudi, INTUC, CMWU, and BCKU with flags and banners braved CISF, Jharkhand Police and Colliery guards to appeal for the success of the workers' strike.

Responding to the joint call by Left parties for a 3 day coal workers' strike against privatization of the coal sector, a march was organized at Ramgarh on 2 July 2020 from the CPIML office and culminated in a meeting

at Subhash Chowk. The march was organized jointly by Left parties.

Addressing the meeting in support of the 3-day coal workers' strike, the leaders said that attempts by the Central and some State governments to abrogate or amend labor laws and render them ineffective should be opposed tooth and nail. All attempts to set aside International Labor Organization recommendations should also be strongly curbed. They demanded that auction for privatization of coal should be revoked; stop selling coal blocks to private parties; ensure that loading in collieries is done through hand-loading by workers instead of by machines; true self-reliance of the nation should be ensured by scrapping FDI. The land is ours, the minerals are ours; the right to land, forest,

water, minerals, and employment is ours; why then are we being made to suffer unemployment and poverty? The Central and State governments must take effective steps to resolve the growing unemployment problem and guarantee accountability of the owner-class and institutions towards the human rights of the working class. There should be no repetition of the distress recently meted out to migrant workers. The government must slash petrol-diesel prices and reduce inflation.

On 3 July, the second day of the 3-day coal workers' strike, a protest was organized under the banner of the Sanyukta Morcha in front of the GM office at CCL Giridih Area, and the leaders appealed to people to make the strike against privatization of the coal sector a resounding success. □



Coal workers on strike, Jharkhand.



Flood in Hayaghat, Darbhanga, Bihar

Stand with the Affected People of Assam and Bihar

Assam and large parts of Bihar are facing flood devastation. Some 27 lakh people are reportedly affected in Assam, while around 10 lakh are affected in Bihar. Homes, fields, forests, human lives, livestock, and wildlife are all being consumed by the flood waters.

The apathy of the respective state governments and the Central Government towards this calamity, can be seen in the fact that they failed to take the measures needed to prevent the devastation and protect communities. The flooding is an annual phenomenon and there is no

excuse for the Governments' failure to take preventive measures and also to find long-term policy solutions to this avoidable yearly calamity. We stand with the affected people of Assam and Bihar, and demand urgent measures of relief and rehabilitation for them. □

Obituary

Comrade Guddu Paswan



Comrade Guddu Paswan was a resident of Edaura village. There was a long-standing dispute regarding fazil ceiling (ceiling surplus) land between his family and the family of Kamlesh Ojha. The dispute turned into a clash on 11 July on the question of sowing (ropani) the land. During the clash, Guddu Paswan was shot in the leg. He was referred by Ara Sadar Hospital to PMC, but he died due to excessive loss of blood. The entire Party stands in support and solidarity with the bereaved family in this hour of grief. Lal Salam, Guddu Paswan!

Comrade Congress Yadav

Comrade Congress Yadav, aged about 50 years, passed away due to a heart attack on the night of 9 July 2020. He was a resident of Dumariya village in Mohanpur Block. He is survived by his wife and four daughters, one son already having predeceased him. His untimely death leaves

the bereaved family grief-stricken. He always stood in firm support of the Party and played an important role in all Party programs. He was very generous and unstinting in financial contributions. The Party will always remember Comrade Congress Yadav and his commitment and dedication.

Comrade Tetari Devi!

Comrade Tetari Devi from Gyanpur village in Koilvar Block passed away at the age of 55 on 30 June 2020 after a long illness. She belonged to a middle class family. She always stood steadfastly with the Party and was a dedicated member of the Party. Her husband also works as a whole-timer for the Party. Tetari Devi's demise is an irreparable loss for the Party and leaves a void which can never be filled. The CPIML stands with the bereaved family in their hour of grief.

Comrade Maridandiah Budha

Comrade Maridandiah Budha, who played an important role in the CPIML in its formative stages in Karnataka and built a strong Union of Coolie workers of Mysore, passed away on 10th July at his residence in Mysore.

Comrade Budha suffered from diabetes and succumbed to a brain tumour after a prolonged illness. He was in the midst of all progressive movements - Dalit, Women, Communist, Human rights and all social movements - in the state, specially in Mysore for more than three decades. As a president of Karnataka Coolie Workers Union he was held in high esteem amongst the working class and the civil society of Mysore.

Leading a simple life, Comrade Budha was always ready with

public-spirited help and solidarity to factory workers, sanitation workers, and all sections of the working class.

Comrade Buddha never even used a bicycle to move all around



Mysore, reaching different offices to help workers who had sought his help. Travelling in the city buses was a passion for this man with passion for service to mankind. In the 1990s when he contested Loksabha elections as an independent but with the support of CPI-ML liberation, he fetched more than 5000 votes - this speaks of his stature amongst the working class and common masses.

In him, people's movements lost a committed comrade, whose commitment towards social upliftment of the downtrodden was total and for whom communism was a way of life. One week before he breathed his last, Comrade Budha had told his mother to cover his body with the Red Shawl. His wish was honoured when hundreds of comrades bid him final farewell, and when he was finally laid to rest at Mysore, amidst slogans of Long live Revolution.

Comrade Krishna Bihari Singh

Deputy Mukhiya of Lahathan Panchayat in Piro, Bhojpur and CPIML party member Krishna Bihari Singh from Pitaro village passed away on 21 July 2020.

Comrade Krishna was suffering from typhoid for some days and was having breathing problems. No hospital in Ara or Patna would admit him, and he was brought back home. On 21 July he was referred By Piro Hospital to Jamuhar Hospital. But even as the reference papers reached his home, he passed away. He was 49 years old. It is a matter of great distress that he was not admitted in the hospitals at Ara and Patna.

Comrade Krishna joined the Party in 2018-19 and remained steadfast till his last breath. He was invaluable to his family as well as to the Party, a wise and dedicated activist. He gave the Party everything in his power. His untimely demise is an irreparable loss for the Party. We stand with his family in this hour of grief and loss, and pledge to carry on his

work and realize his dreams.

Comrade Shantanu Bakshi

Comrade Shantanu Bakshi, popularly known as Bakshida, passed away in his Bardhaman home on 26 June. He was 83 and was recently diagnosed with cancer. Comrade Bakshida was part of the vanguard workers of Durgapur Steel Plant who had served as the bulwark of the CPI(ML) since the turbulent years of the Naxalbari movement. He was a pillar of support for the Party during the post-setback reorganisation in 1974 and the subsequent years of consolidation. He was popular among Durgapur workers and employees for his social concerns and activism. He played a key role in arranging health care for needy people under the banner of 'Dr Norman Bethune Seba Samiti' (Dr Norman Bethune Service Centre). Comrade Bakshida was also active on the cultural front, he used to play a leading role in the 1960s in the theatre

'Angaar' based on the lives of coal mines workers. Liberation pays respectful homage to Comrade Shantanu Bakshi for his lifelong contribution to the revolutionary communist movement.

Comrade Tarun Prakash Kundu

Comrade Tarun Prakash Kundu, popularly known as Japan da, of Bankura, West Bengal, breathed his last on 24 July evening. He was 76. He was a popular face of CPI(ML) in Bankura town. In the 1980s, he had contested municipal polls under the banner of Indian People's Front. He used to run a small shop and his shop was the communication and meeting centre for the Party in the initial years before a Party office was set up, thanks again to Comrade Japanda's persistent initiative and efforts. Even as ill health confined him to home in his last few years, his mental involvement and support remain unfaded as ever. Liberation pays revolutionary tribute to his dedicated and tireless communist legacy.



Krishna Bihari Singh



Shantanu Bakshi



Tarun Prakash Kundu

Release All Political Prisoners

The family of people's poet and political activist Varavara Rao alerted the world to his severely deteriorating medical condition inside Mumbai's Taloja jail. His family said that on a phone call from him, they realised that he is hallucinating, and a fellow-prisoner intimated that he was unable to walk, go to the toilet and brush his teeth on his own.

This information led to a public outcry, resulting in Varavara Rao's eventual hospitalisation. Varavara Rao was eventually diagnosed with Covid-19 and as we go to press, is fighting for his life. The NIA, responding to his bail petition meanwhile, claimed he was trying to "take advantage of" Covid-19 and his advanced age to secure bail!

Akhil Gogoi, and Sharjeel Imam, both political prisoners under UAPA in Guwahati jail, have also been diagnosed Covid-19 positive. Likewise Kashmiri political prisoner Zahoor Bhat jailed under the draconian PSA and more than a 100 other prisoners in Anantnag jail have been diagnosed Covid-19 positive.

Most of the 11 activists imprisoned in Maharashtra in the Bhima Koregaon/Elgaar Parishad cases have underlying medical conditions that put their lives at risk during the pandemic. They have been imprisoned on the ridiculous charge of "conspiring to kill the Prime Minister." The only evidence against them is their attempts to build an anti-fascist movement in India. Varavara Rao, Gautam Navlakha, Anand Teltumbde, Shoma Sen, Sudha Bharadwaj, Surendra Gadling, Mahesh Raut, Arun Ferreira, Vernon Gonsalves, Sudhir Dhawale and Rona Wilson are not "conspirators". Each of them has worn their politics on their sleeves, speaking, writing, and working for the rights and assertion of the oppressed in India. Why have they been in jail indefinitely without a trial? Why did the NIA take over the case from the Pune police as soon as BJP lost power in Maharashtra? It is clear that they are being charged under the draconian UAPA only so that they can be jailed for years without facing a trial. The UAPA is a legal (but unconstitutional) tool to punish political dissenters, where even the most absurd of accusations is immune to judicial scrutiny.

The arrest of Dr Kafeel Khan is another case in point, of the BJP's political vendetta against public-spirited persons who do not share their ideology. Dr Kafeel Khan is a doctor known for beyond his duty, to try and save the lives of babies in the Gorakhpur public hospital. His heroic role exposed the failure of the Government to ensure a basic standard of healthcare in the Chief Minister Adityanath's own constituency. Ever since, Adityanath's regime has vengefully persecuted him ever since. Dr Kafeel Khan is inside jail now, during a pandemic, instead of out in the world providing the medical care that people need.

In Assam, Uttar Pradesh, and Delhi, too, student activists and anti-CAA protestors have been arrested and are being jailed under the UAPA.

Kashmiri political prisoners too continue to be held without trial indefinitely in jails all over India, far from their homes, where their loved ones are unable to visit them and their lives are threatened by the pandemic.

These arrests and indefinite detentions without trial of activists are a sign that under the Modi regime, India is in a permanent state of Emergency. And during the pandemic, the jailing of India's most committed and public-spirited writers, academics, doctors and activists amounts to an attempt to kill them in custody. The Government of India is weaponising the pandemic to turn jails into death camps for political undertrials. Covid-19 is being used by the Government of India to turn false allegations under draconian laws, into veritable death sentences for political prisoners.

We call upon people all over India to continue to fight for the freedom of all political prisoners.

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PUNISH THE INSTIGATORS AND PERPETRATORS OF DELHI RIOTS!

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