

Liberation

OCTOBER 2024

Rs. 25

CENTRAL ORGAN OF CPI(ML)



MCC-CPI(ML) UNIFICATION

**DHANBAD "EKTA RALLY" AND THE MESSAGE OF
UNITY AND CONSOLIDATION OF FIGHTING FORCES**



Land Mafia Burnt Dalit Hamlet to Ashes in Nawada

The ghastly incident of setting fire and looting a whole Mahadalit hamlet in Nawada has again brought to the fore disturbing fact that feudal criminal anti-dalit forces are strengthening themselves under the Nitish-BJP regime in Bihar, and, such criminals are serving the ends of land grabbers and mafia. On 18 September a criminal gang of one Nandu Paswan armed with firearms attacked Krishna Nagar, a dalit hamlet at Dadaur in Nawada district. Only one kilometre away from the local police station there are 80 houses in this village and almost half of them have been turned into ashes. All inhabitants, including women, children and aged, were forced to stay under the open sky after the attack. Their valuables and cattle were also looted. Administration was not quick to provide immediate help to the victims.

CPIML Bihar Secretary Kunal condemned this incident and demanded quick action from the government. He informed that a local team of party leaders led by Ajit Kumar Mehta and Sudama Devi reached the spot next morning and arranged food for the victims who had not eaten anything since the previous day. It is the administration's apathy that the victims had to spend their night in the open.

The 80 households, which comprises 67 Musahar, 12 Ravidas and one Ramani family, are living on a 15.59 acres of land area. A small portion of this land is also under cultivation by these inhabitants. Nandu Paswan who is allied with local contractors and feudal elements, was

eyeing for this land for a long time. He perpetrated the attack with intention to capture the land.

A team from Patna led by ex-MLA and CPIML leader Manoj Manzil went to the affected village to take stock of the situation. The police reached the spot two hours late, although it was informed of the attack immediately. This raises suspicion of police complicity. A local resident Anil Manjhi, 34, died of a heart attack under shock of the incident. The fact finding team found the administration was unwilling to register the death of Anil Manjhi caused by the attack. CPIML has demanded to file a case under murder charges against Nandu Paswan. The party has also questioned the role of the district officials and demanded action against the DM and SP.

Manoj Manzil told in a press conference in Patna that this particular incident is a result of rising morale of state protected land mafia. They are using the ongoing land survey in Bihar as a ploy to evict the poor from their lands. This survey has already become a synonym of evictions and bulldozer actions.

In the centre of this attack is a land piece of 37.14 acres which is a gair-majarua land. The district administration now is trying to divert the whole issue by calling this a raiyati land. Poor dalit families have been living and tilling this land for quite a long time. But during the previous land survey held in 1970s, an absentee landlord forged papers to get his name entered as the owner. Later, Nandu Paswan along with more

than a dozen other persons transferred 16.59 acres in their names and started threatening the families living there. Although the dispute is now subjudice, the current land survey is used as a pretext to evict original inhabitants from this land. The land grabbers are trying to include their names as owners of this land in the new survey. Hence this attack and attempted eviction. This was repeatedly demanded of the Nitish government to implement land bandobasti on the lands where poor households are located for many decades or even many generations.

The Nawada attack is not an isolated incident, some day ago in Gaya 3 Musahar community members were killed. In Bakraur, near Bodhgaya there were attacks on mahadalit hamlets. Here eighty dalits having land pattas were being threatened by land grabbers and three months ago 31 of their houses were burnt down. There have been many more such incidents in the recent past. In Tikari, feudals attacked and cut-off one hand of Sanjay Manjhi. In Khizarsarai, a rural labourer Sajan Manjhi was murdered for demanding his pending wages, and some days ago, Rajkumar Manjhi was beaten to death in Barachatti. There were many reports of rapes and other crimes against dalits.

The irony is that the cabinet minister Jitanram Manjhi himself belongs to this community and the crime has taken place in his own area of influence. Attacks on dalits by feudal criminal forces overtly or covertly backed by BJP, are on the rise.

CPIML held statewide protests against this incident on 23 September condemning rising numbers in attacks on dalits and women and warned the state government for adopting callous attitude in matters of rights and safety of weaker sections.

Comrade Kunal said that the CPIML will not allow this ongoing land survey to be turned into a land-grab campaign. Bihar government's complicity is apparent, but we are committed to press for strong legal and administrative measures to secure the land, lives and rights of dalits and poor households. ■

Liberation

New Series Vol. 30 No. 06
OCTOBER 2024

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36 pages including covers

Annual Subscription Rates

India Rs. 300

Abroad US\$ 60

Digital Subscription Rs. 200

Online Payment: liberation.org.in

Pay By Bank transfer:

Account Name: Liberation Publications

Account No.: 90502010091855

IFSC Code: CNRB0019050

MICR Code.: 110015388

Bank: Canara Bank

PM-CJI Bonhomie: Alarming Sign for the Future of the Indian Republic



Among India's many new normals, it is now also normal for the Prime Minister to visit the Chief Justice at his residence to take part in a 'private' religious function for the sake of organised publicity. Prime Minister Modi wearing a Maharashtrian cap and offering prayers to Lord Ganesh at CJI Chandrachud's residence on the occasion of Ganesh Chaturthi is now international news.

The Prime Minister has clearly killed several birds with this one single stone. From the Sengol ceremony on the occasion of the inauguration of the new Parliament building to the completely politicised 'consecration' of the newly built Ram temple in Ayodhya, he has never missed an opportunity to tell the world that the word secular in India's constitution has been totally subverted. The religious denomination of the majority community is now the de facto religion of the supposedly secular Indian state. The Ganesh Chaturthi photo op at the CJI's residence is only the latest statement in this series.

There is also the unmistakable Maharashtra angle in this entire incident. Ganesh Chaturthi, though increasingly observed in many states of India, is a quintessentially Maharashtra festival. Narendra Modi made no bones of the fact that he was having Maharashtra in mind as his principal target audience. Along with English, he also posted this news in Marathi from his X handle. Needless to say, like every other Modi photo op event, this move is also driven by electoral calculations. Assembly elections in Maharashtra are just a few weeks away.

Modi has also sent out the message that he has the fullest backing and cooperation of the judiciary. The doctrine of separation of powers between the executive, legislature and the judiciary, the principle of independence of the judiciary and the norm of judges staying aloof from politics and maintaining a healthy distance from the executive have all been thrown out of the window. While we will perhaps never know whether the PM gatecrashed as a visitor or was invited by the CJI, the iconic photo and video will remain as historical evidence of the retreating judiciary in the face of an aggressive executive.

At a time when India is being sought to be reduced to a republic of fear and the executive is on a rampage with its bulldozer model of governance, the bonhomie between the Chief of the Executive and Chief of the Judiciary can only be seen as an alarming sign for the future of the Indian Republic.

While Modi's calculations are easy to understand, the CJI's compulsion is difficult to fathom. From the charitable view of the CJI committing an error of judgement to the criticism of the judiciary becoming complicit in the executive's aggressive usurpation of greater power by subordinating other pillars of democracy, commentators have offered varying explanations to try and make sense of this unusual PM-CJI bonding.

While we may not have full explanation of each individual

event, the context surrounding the interface between the judiciary and the current political establishment is too overwhelming to be missed. The Ranjan Gogoi episode is still fresh in public memory. Even more recent is the case of Kolkata High Court judge Abhijit Ganguly who took early retirement to join the BJP and is already a BJP MP from West Bengal. Several other judges in the Kolkata High Court and other courts have declared their association with the RSS soon after retirement. The penetration of the RSS in the judiciary and the resulting growing judicial lenience towards the Sangh brigade's fascist aggression, or even endorsement of the fascist agenda, is a shocking reality of our times.

Just the other day, as many as 30 former judges including two retired Supreme Court judges attended a daylong VHP brainstorming session on judicial reforms. Union Law Minister Arjun Ram Meghwal also addressed this session and posted about it from his X handle. Strangely, the VHP president Alok Kumar now calls it a mistake on the part of the Union Law Minister to publicise this closed door private event which revealed the identities of the participants. The topics discussed in this session, according to Kumar, included key elements of the Sangh Parivar's agenda including the Waqf

Board Amendment Bill, acquisition of temples, religious conversion and so on.

The Modi government has already made major changes in criminal codes and procedures and there are several major issues before the judiciary where the executive orders should ideally be reversed or restrained, as the Supreme Court had done eventually on the issue of Electoral Bonds.

The bonhomie between the PM and CJI cannot but be viewed against this backdrop. CJI Chandrachud repeatedly invokes the principle that bail is the rule and jail is an exception. He has even chided the lower courts for refusing to grant bail out of fear, possibly of bails being stayed by the higher courts. But in the case of Umar Khalid we have seen the hearing on Umar's bail petition being adjourned fourteen times by the Supreme Court, forcing the petitioner to withdraw the bail petition and return to the High Court. Which court is the Supreme Court of India afraid of? At a time when India is being sought to be reduced to a republic of fear and the executive is on a rampage with its bulldozer model of governance, the bonhomie between the Chief of the Executive and Chief of the Judiciary can only be seen as an alarming sign for the future of the Indian Republic. ■

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A Rattled BJP Resorts to Intensified Campaign of Hate and Violence

Rattled by the 2024 election outcome, the Modi government and the Sangh-BJP establishment are working on a multi-pronged strategy to counter the growing opposition of the people. The budget session found the Modi government somewhat on the back foot. The government had to refer the proposed Waqf Board bill to a Joint Parliamentary Committee and defer the idea of legislating measures of control for social media. Even the UPSC was asked to withdraw a circular for lateral entry recruitment to the Union bureaucracy. But we must not overestimate this aspect of tactical retreat or deferment and nor must we neglect the intensified campaign of hate and repression on the ground in state after state.

Ahead of the crucial Assembly elections in Haryana, Jammu and Kashmir, Maharashtra and Jharkhand, the BJP machinery is again trying its best to execute its tested and trusted scheme of anti-Muslim communal polarisation, caste engineering and coerced political defection. This strategy is being played out not just in the poll-bound states but in the various laboratories the Sangh brigade has built up over the years in states like Gujarat, Uttar Pradesh, Madhya Pradesh or Assam. From using the traditional festive platform of Kanwar Yatra to spew anti-Muslim venom to seeking out ever new opportunities to terrorise and target the Muslim community, these laboratories work round the clock to keep the communal cauldron boiling.

Assam CM Himanta Biswa Sarma has emerged as a key face of the BJP's hate campaign. When heavy rains recently flooded Guwahati, we heard him accuse a private university in Meghalaya owned by Mahbubul Hoque, a Muslim from Assam's

Karimganj district, of waging 'flood jihad against Assam'. Last year he had blamed Muslim vegetable growers in Assam for conducting 'fertiliser jihad' against Hindu consumers by chemical overuse. He advises upper Assam residents to stop consuming fish produced by Miya Muslims (a pejorative term used in Assam for Bengali-speaking Muslims) of lower Assam. And now in the wake of the rape of a minor girl in Assam's Nagaon district, he has blamed it on invasion of upper Assam by 'Miya' Muslims. 'We will not let Miya Muslims take over upper Assam' - this was the Assam CM's shocking response to an incident of rape of a minor girl! Could there be a more explicit incitement of communal violence by the elected head of a state government?

Meanwhile another BJP Chief Minister, Nayab Singh Saini of Haryana, has come up with a bizarre 'logic' to explain mob lynching in his state. On 27 August, a migrant worker from West Bengal, Sabir Malik, was beaten to death by a gang of cow vigilantes in Charkhi Dadri. Four days earlier, a class 12 student Aryan Mishra was shot dead by cow vigilantes in Faridabad reportedly on suspicion of being a cattle smuggler. The Haryana CM sees it all as a sign of the firmness of Haryana's resolve to protect cows! 'The people of Haryana are driven by their reverence for the cow and who can stop them', says the callous CM of Haryana. Haryana has been a frontline state in the historic farmers' movement against corporate takeover of agriculture and farmers have also reacted angrily to the Agniveer scheme and the injustice and humiliation meted out to Haryana's women wrestlers. BJP MP Kangana Ranaut's wild allegations against the farmers' movement have only added fuel to this fire. A desperate BJP is now trying hard to redefine Haryana's pride in terms



of cow vigilantism and anti-Muslim communal hate.

In Jharkhand, a key mineral-rich state the BJP is desperate to win to complete its 'Adani triangle' after its recent victories in Chhattisgarh and Odisha, the BJP is banking on roping in disgruntled JMM leaders to the party. After former JMM CM Champai Soren, another dissident JMM MLA, Lobin Hembrom, has also joined the BJP. The Modi government had already gifted the Godda power plant as an exempted special economic zone to Adani for exporting power to Bangladesh. Coal sourced from Adani's Carmichael Mine in Australia is being burnt in Godda to produce power for Bangladesh and now that the future of the power agreement with Bangladesh has run into uncertainty following the downfall of the Sheikh Hasina regime, the Modi government has quickly jumped to bail out the Adani group by allowing the Adani group to sell the Godda power to India's domestic grid.

In West Bengal, the BJP is desperate to hijack the popular outrage that has erupted in the wake of the horrific rape and murder of a young postgraduate trainee doctor in Kolkata's RG Kar Medical College and Hospital. While the feminist movement and progressive civil

society have been in the forefront of the ongoing "Justice for RG Kar" campaign, the BJP tried to hijack the movement under the fictitious banner of "student community of West Bengal", subsequently calling a 'Bangla bandh' in the party's name to protest the police high handedness. The BJP has the worst track record for providing political patronage to perpetrators of violence against women. Even as the party was trying to cash in on the anti-rape mass anger in West Bengal, the party in Uttar Pradesh was felicitating the BJP IT cell organisers accused of sexual assault on a student of IIT (BHU) as they came out on bail. The hypocrisy has not however been lost on the people of West Bengal and the BJP continues to be rebuffed in its attempt to hijack and derail the 'justice for RG Kar' campaign.

The battle for democracy in today's India will have to advance by foiling this multi-pronged BJP strategy and championing the growing aspiration for comprehensive justice and guaranteed constitutional rights for all, against all odds. ■

Ban Cow Vigilantism:

The Central Committee of CPIML passed a resolution on 11 September 2024, in its meeting held in Dhanbad calling upon the Supreme Court to declare cow vigilantism as nothing but terrorism and treat so-called cow protection outfits as unconstitutional entities indulging in extra-judicial violence. Acts passed in the name of cow protection in various BJP-ruled states have given a 'legal' cover to cow vigilante outfits and resulted in crisis and chaos in the rural economy by disrupting the cattle economy, agriculture and allied activities. The party has also demanded necessary legal changes on this score. ■

The "Holy" Cow and Unholy Violence: Recent Incidents in Haryana

▲ AKASH BHATTACHARYA

A "Hindu" Victim

On 23 August 2024, Aryan Mishra lost his life to a bullet shot on a highway near Palwal, Haryana. His fault: he could have been a Muslim and a "cow-smuggler". This is as per the admission of his killers. Despite the best Hindu supremacist attempts to segregate society on caste and religious lines, India remains to a large extent, a plural, diverse and mixed society. Cities, towns, villages, neighborhoods, and sometimes even homes, are inter-caste and inter-religion. Looks remain deceptive, despite the best attempts to profile and stereotype. In other words, there is enough reason for cow vigilantes – out to harass and kill Muslims – to be confused.

The confusion among Aryan's killers generated anger among the wider population. Some asked, how does it matter if he was a Hindu or a Muslim? Is religion a reason to shoot people dead? Many said, no. But some – a small but significant number – quietly reiterated to themselves: yes, it is.

A two-member team of the All-India Lawyers' Association for Justice (AILAJ), consisting of Akash Bhattacharya and Harshit Sethi, visited the site of the incident in Palwal soon after the incident and spoke to locals. The team found that many were sympathetic to Aryan Mishra because he was killed despite being "not guilty". There didn't seem to be a strong opinion against cow vigilantism per se.

As Hindu majoritarian poison gets systematically injected into our society, some people are beginning to enjoy videos of Muslims being harassed and threatened. They are reacting nonchalantly to the lynching of Muslims and demolition of their properties under some bogus pretext or under no pretext at all. State enabled cow-vigilantism is one of the major instruments of injecting this poison.

A Cow Vigilante Heaven

Aryan Mishra belonged to Haryana. The state and its surrounding regions, as well as other states ruled by the Bhartiya Janata Party (BJP) government for a long time, have witnessed a spate of majoritarian violence against specific individuals as well as against entire communities in recent years.

In Haryana and its bordering districts, Pehlu Khan (Nuh, 2017), Umar Khan (Alwar, 2017), Akbar Khan alias Rakbar (2018), Asif Khan (Nuh, 2021), Waris Khan (Nuh, 2023), all lost their lives to cow vigilantes. Cow vigilantes orchestrated last year's anti-Muslim violence in Nuh, for which the administration promptly blamed Rohingyas and other Muslims and bulldozed dozens of their houses and imprisoned many young people from these communities.

This cow vigilantism is neither spontaneous nor is it a byproduct of BJP rule. It is being systematically enabled by BJP governments. Haryana provides a good example of how this is being done. The Haryana Cow Protection Act (2015), amended and made more stringent in 2019, allows cases to be registered through citizens' action against suspected cattle traders. As soon as a case gets registered, a huge hue and cry is raised in

social media, and polarization starts through hearsay and social media. Monu Manesar and Bittu Bajrangi – the key orchestrators of the July 2023 violence in Nuh – rose to prominence through such activities, e.g. telecasting the attack on Waris Khan live on Facebook, demanding “justice” for Hindus through tough punishment for Muslim cow traders, and so on.

Very few cases registered under this act actually end in conviction. Of the 69 cases decided by the Nuh district and sessions court in the second half of 2022, only four ended in conviction – an acquittal rate of 94%. Despite an abysmally low conviction rate, almost one case every second day has been registered under this act in Nuh district alone over the last seven years. As of December 2022, there were 1,192 such cases pending before the Nuh court. The act of registration is of the case is the pivotal moment in the spiral towards violence.

Another Beef Lynching and Need for Action

Haryana is not an exception. Besides Haryana, BJP-ruled Madhya Pradesh, Gujarat and many other states have

issued “gau rakshak” identity cards. It is important to recognize that the cow vigilantes are not really vigilantes as such. For all practical purposes, they have been handed formal or informal contracts by the police department. The legitimacy granted to them is playing an active role in creating an atmosphere of violence.

The lynching of a Bengali migrant worker in Charkhi Dadri on suspicion of beef consumption on 27 August adds to the list of beef lynchings in recent times. The victim, Sabir Malik (22) came to the state to work as a ragpicker around five years ago, and was living with his wife and two-year-old daughter in Hansawas Khurd village.

Hours before his death, police had been called to the village by a group of youths, who claimed beef was being cooked and consumed in shanties there. Even as the meat was seized by the police and sent for testing, the accused, police say, took the law into their hands and beat Sabir to death. Sabir’s relatives had been called to the police station in the meantime and asked if they consumed beef.

A team of students led by the Jawaharlal Nehru Students’ Union (JNUSU) visited Sabir’s village in Haryana on 15 September and learnt that such was the terror among Muslim migrant workers that they had left their homes and returned to their native places in the aftermath of the incident. Following the targeting of Muslims for the violence in Nuh last year, Muslims in the cow vigilante hotbeds are fearful of falling victim to communal profiling and targeting in the aftermath of cow vigilante violence.

There is an urgent need for the entire political opposition to realize that cow vigilantism represents a systematic disruption of the rule of law by a fascist state. Right from the time the BJP has been in power, these incidents have been dismissed as actions of fringe-elements by many. They are anything but fringe. They represent Hindutva fascism in its most brutal and systematic form. The BJP governments need to be held directly accountable for this by the political opposition. The courts too must act to put a stop to cow vigilantism. Legal and administrative mechanisms enabling it must be demolished. ■

Sabir Mallik Murder: Fact-Finding Team Reports

To investigate into the brutal mob lynching of Sabir Mallik, a 24-year-old migrant labourer from West Bengal who was killed in Haryana, fact-finding teams visited his native village in 24 Parganas, West Bengal and his temporary place of residence in Charkhi Dadri district in Haryana.

Sabir was from a landless family in the Sundarbans region of 24 Parganas, West Bengal, sought a better life in Haryana where he migrated with hopes of improving his family’s circumstances. He used to work as a ragpicker in Haryana’s Hansawas

Khurd. He was married and had a young child, and he continued to support his family back home by sending remittances.

Fact-Finding Team in Haryana

On September 15, a fact-finding team comprising of students from JNU Students’ Union, AISA and leaders of CPIML visited the home of Sabir in Hansawas Khurd in Haryana, where the brutal lynching took place. The team included JNUSU President Dhananjay, Prem Singh Gehlawat, Haryana State Incharge Of CPIML, Vinod Dharauli, Sultan Singh Badhra

and CPIML Leader from Rajasthan Omprakash Jharoda.

The team tried to visit two places within 3-4 km distance to weave together the sequence of events that led to the killing of Sabir Malik and also injured his friend, Aseeruddin. Hansawas Khurd village is the place where Sabir Mallik lived with other migrant families in a shanties.

The team witnessed an environment of fear and terror where all migrant Muslim families have left the area after the incident. Thus, the area where they used to live is vacant. As a result, the team faced many challenges in a collective primary report about the incident.

On the morning of 27 August,

around 8 am, a few far-right Gau-Rakshak Dal (Cow Protection group) vigilante members barged into these shanties in Hansawas Khurd village under the pretext that beef was being consumed. The vigilante members attacked several migrant families, but were saved after the neighbours intervened. Police detained around 6 migrant workers as per FIR lodged by Gau Rakshak Dal and the utensils in which alleged meat was cooked was sent for forensic examination.



Later, the members of vigilante group caught hold of Sabir and friend Aseeruddin in at a local scrap dealer's shop, where they were called under the pretext of selling empty plastic bottles. Both were brutally assaulted by the members of Gau Rakshak Dal. When the local villagers intervened, the cow vigilante members said they are taking the duo to police. But Sabir was taken to outskirts of the city and brutally killed. Severely injured Aseeruddin managed to escape and was later admitted to the hospital.



The team found out that that the lynching and murder of Sabir Malik is a well-planned, state orchestrated event led by local Gau-Rakshak Dal members. The police and the state was complacent during the episode.

Chatterjee, visited Sabeer's village in Bollartop in the Shibgunge area of Basanti block in 24 Parganas on September 6.

portion of the funds, undermining the support intended for the family. The lack of transparency and accountability in the compensation process highlights systemic issues in the support mechanisms for victims' families.

Comrade Prem Singh said this shows that the state government and local administration has completely failed in their duty to protect the lives of the people, and the criminal elements have been strengthened due to state inaction.

The village is now enveloped in mourning and disillusionment due to Mallik's death. The fact-finding team noted that the murder has had a devastating impact on Mallik's family. His mother, who lives in a remote and impoverished area of the Sundarbans, is left to care for three other young children. The family's sole asset is a small, marshy piece of land, which offers little support for their survival. Despite the state's compensation to Mallik's widow, the funds were largely misappropriated by local officials, leaving her with inadequate support. The mother is now dependent on the charity of local villagers and faces an uncertain future.

The village has experienced a mass migration of its youth seeking better opportunities elsewhere, often under conditions of extreme hardship. Migrant labourers like Mallik face brutal exploitation and violence in their new locales, despite their hopes for improvement.

JNU President Dhananjay called for a ban on Cow vigilante groups across the country who have been orchestrating violence and hate under the pretext of cow protection. He also called for immediate arrest of the perpetrators of mob lynching.

The murder of Sabeer Mallik exemplifies the rise of religious intolerance and the violent enforcement of ideological beliefs. The involvement of vigilante groups and the impunity they enjoy under the current political climate underscore the need for significant social and legal reforms.

Fact Finding in West Bengal

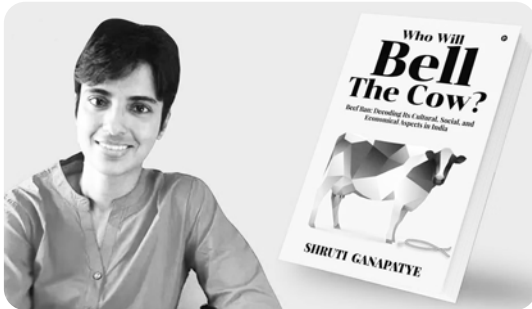
A team of CPIML-RYA members, including Ronojoy Sengupta (RYA State President), Nabakumar Biswas (District Leader), and Manas

The compensation provided to Mallik's widow was marred by corruption. Local political figures and officials syphoned off a significant

(with inputs from Soumitra Bose and Prem Singh Gahlawat) ■

Cow Vigilantes Want to Segregate Society into “Ours” Vs “Theirs”

Shruti Ganpatye, author of Who Will Bell the Cow, spoke to Liberation about the rapid spread and destructive effects of cow vigilante violence.



Why do you think there is a steep rise in cow vigilante violence in the last few years? Is it an entirely new phenomenon?

Shruti Ganpatye: Gau Rakshaks or cow vigilante is not a new phenomenon. They have a history of 150 years, but the phenomenon remained mostly limited to the northern and the western parts of the country. It is since the BJP government came to power in 2014 in the Centre and since then other states, the violence in name of cow protection intensified.

In 1875, Dayanand Saraswati started the Arya Samaj movement which included Gau Raksha as one of the agendas. Hindus had opposed the killing of cows by the British soldiers, but this was not against Muslims. However, the whole movement slowly turned against Muslims, as the butchers belonged to minority community.

In pre-independence India, the brutality of Gau Rakshaks and communal violence associated with cow protection spread from northern regions up to the western part of the country. It affected a city like Mumbai, which too witnessed

riots over cows that were termed as worst riots ever by the British. The first Bombay Gaurakshak Mandali group was set up in Bombay in 1887 by Parsi mill owner Dinshaw Petit; Gaupalan Updeshak Mandali founded in 1893 by a Bhatia Mill owner Lakhmidas Khimjee. Noisy demonstrations, violent speeches and warlike songs were the routine activities of the Mandali.

Gau Krishiya Dhirkshini or Gau Rakshini Sabhas were set up around 1880 in Punjab and Uttar Pradesh. A door-to-door campaign, rescuing cows from butchers, raising funds to build gaushala and imposing a fine on Hindus for selling their cows to a butcher were some of the techniques used to create social pressure for cow protection. In 1881, riots broke out in Multan over the sale of beef leading to tensions in Delhi, Hoshiarpur, and areas near Lahore.

On November 7, 1966, a rally was organised in Delhi by Hindutva leaders to demand cow protection. Golwalkar, Karpatri Maharaj, Prabhudatt Brahmachari, Congress leader Seth Govind Das, Atal Bihari Vajpayee and Hanuman Poddar were the main leaders of the rally. The rally started marching towards the Parliament causing destruction along the way, in which eight people died.

It is interesting to know that lots of literature and artwork was created around the cow protection movement in the Hindi language. It created an impact among the masses and made them sympathetic towards cows. For

example, A newspaper, Gausewak, was regularly published at Banaras in the 1890s. Bihari intelligentsia had strong opinions about the cow protection movement in the early 1880s. Their view is reflected in a book, Goraksha, published in 1884 with economic explanations of cow protection. Bharat Mitra published an advertisement in 1881 offering prizes of Rs 5 to Rs 25 for composing poems in support of cows. Hindi Pradip quoted Ramayana in support of cow protection. The earliest book on cow protection was Go Dharma Sar written by the head of the Haridwar Go Rakshini Sabha, Mohan Lal, and published in Prayag in 1886. These are just a few early examples.

“Gau-raksha” or “cow-vigilantism” - what do you make of these categories?

SG: I do not see any difference between Gau Rakshak and Cow Vigilante. However, there are two categories: those who adhere to direct violence in the name of cows and those who do not get involved in violence directly but preach the same ideology. The first category is into vigilante work, monitoring Muslim households, having connections with police and local government officials who help them, holding raids, threatening farmers, seizing cattle, etc. The second, act in a supporting role by promoting the “cow economy” and call themselves “Gau Sevak”. By the word “cow economy”, I mean those who try to sell everything from cow urine to dung, claiming medicinal benefits and boasting sustainable ways by keeping old cattle and having Gaushalas. They have soft and polite ways and easy to get access to every household in the vicinity. They look harmless but are equally dangerous. Both work for the same ultimate goal.

How do you look at the laws around Cow protection and intensifying cow vigilante violence?

SG: The root cause of violence lies in Article 48 of the directive principle of the Constitution. The fact that first Indian Prime Minister, Jawaharlal Nehru, always opposed a blanket ban on cow slaughter, is important, and that he also offered his resignation against making any such provision in the Constitution. The issue reflected in Article 48 of the directive principle of the Constitution says, “The State shall endeavour to organise agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle.” Even Dr Babasaheb Ambedkar had opposed the ban, and the section was included as a guiding principle.

The various state laws which came later were drafted based on the Constitution’s Article 48. The wording “prohibition of cow slaughter” has been considered while drafting the laws. But “organised agriculture and animal husbandry on modern and scientific lines” has not been considered at all. Modern and scientific techniques include breeding healthy cattle and culling the useless old ones. This is the practice all over the world. But the states conveniently drew its meaning from the Article and pressed for a complete ban on cow slaughter. There is an urgent need to amend Article 48 by removing its ambiguity. But it would probably prove seditious to even make such a demand in the present circumstances.

Many state legislations have increased the fine and punishment in cow protection cases based on just the perception of cow killing. Haryana’s Gauvansh Sanrakshan and Gausamvardhan Act of 2015 has a total ban on all slaughter of cows

and progeny and has punishment of imprisonment from 3 to 10 years and a fine of Rs 30,000 to one lakh. It is again a non-bailable offence, and the burden of proof lies on the accused, which is insane. Also, the Haryana Act has permitted “any person” to search properties for suspicion of beef/cow slaughter and seize a vehicle for the same reason. A similar provision has been made in the Maharashtra Act. In the Uttar Pradesh Prevention of Cow Slaughter Act of 1955, amended in 2020, has increased imprisonment for cow slaughter, beef sale and transport to 10 years and a fine of Rs 5 lakh. For the second conviction, the punishment recommended is double.

Gujarat’s Animal Preservation Act 1954, which banned the slaughter of cows, calves, bulls and bullocks was amended in 2017 introducing stricter punishment like life imprisonment and fine up to Rs 10 lakh. Also, possession of beef can get 10 years of imprisonment.

In the present era, the governments are not doing anything to prevent violence. In so many lynching cases, vigilantes have not been punished. In fact, in many cases, it is the victims who are charged with cattle smuggling.

Does the increase in this violence reflect an administrative weakness? If yes, what needs to change?

SG: In many cases of violence, there is a definite delay in registering cases and there is no way to find out if the seized meat is sent to a forensic laboratory check; in many places, such forensic laboratories do not exist. The data related to violence is either not registered or shared publicly. There is no transparency in the violence cases. I tried to find out as much data as I could about the violence from 11 states by filling 90 queries under the Right to Information Act. However, only Haryana and Jharkhand replied

to all the questions. I was denied information, citing “National Security” as a reason.

Is social media playing a specific role in this phenomenon?

SG: Definitely. Social media is the easiest tool to disseminate information. One can find abundant material on social media regarding the cow protection movement. There are dedicated pages, groups, videos, photos, posts and many messages inciting people and spreading rumours and misinformation. Gau Rakshaks have their Whats App groups to share information, connect with other groups from neighbouring districts and have a constant dialogue regarding the movement.

With the intensifying cow vigilante violence, how do you look into the issue?

SG: The question is after so much lynching in the last 10 years and so much violence what is the opposition waiting for to take it up as a political issue? We did not see any counter-movement to cow protection in the last 10 years. The onus cannot be put on the citizens alone when the entire political system is supporting cow protection. The fear created among the people is so terrifying that no one wants to take up the issue. Food has become a major issue in the present context. A beef ban is one thing but eating anything non-vegetarian is considered a crime. Even children and schools are not spared from the food controversies. Eggs have been barred from Mid-Day Meal Schemes, non-vegetarian persons are not allowed in residential societies, students are questions from bringing non-vegetarian food in tiffins, there is clear segregation in the society based on food, “Ours” Vs “Theirs”. Unless the fear is reduced by punishing the vigilantes, the people cannot come out openly to speak. ■

Govt is Responsible for Stray Cattle Menace!

▲ KAILASH PANDEY

On September 18, 2023, hundreds of villagers and local peasants under the All India Kisan Mahasabha (AIKM) banner gathered at the Uttarkhand's Lalkuan tehsil in Uttarakhand to protest the increasing menace of stray cattle which is a manifestation of government's cow protection laws. The protesters herded stray cows and bulls inside the tehsil office, demanding to manage these animals that are wreaking havoc on livelihood of local farmers and have become the biggest source of life threatening accidents.

The stray cattle are severely damaging agriculture and causing numerous road accidents. Despite these issues, the government remains unresponsive, which could lead to a larger crisis. AIKM leader Bahadur Singh Jangi called for the change in the anti-farmer cow protection law and stressed on the urgent need for the establishment of a government-assured system for purchasing of unproductive cattle from farmers. He also called for immediate compensation for the crops damaged by these animals, and monetary compensation to victims of cattle-related accidents.

The BJP is treating cows merely as a tool for gaining votes and polarising communities. The government's indifference to the plight of stray animals demonstrates a lack of genuine concern for their welfare. Stray cows eating plastic and drinking polluted water is proof of the cruelty meted out to them that have become emblematic of one decade of BJP rule. While the Prime Minister poses for photographs with calves ahead of elections, he must answer why under his rule cattle are suffering. Why is there a free rein for mob lynching in the name of dietary choices?

BJP is not bothered about cows, people and agriculture, their only aim is to use cows for their nefarious communal game plan, said speakers in this protest.

With the increasing number of stray cattle the public anger is growing, while the government's proposed gaushalas (cow shelters) serve merely as a cosmetic exercise to deceive the people. However, reports from Rajasthan, Madhya Pradesh and other states indicate that hundreds of cows have died in shelters due to neglect. Similar incident occurred last year at the government Kanji house in Dehradun. This clearly shows that cows are being sent to shelters merely to benefit the operators financially, most of them are linked to the ruling BJP or its affiliated organisations. The BJP is exploiting the cow for political gains but the common folk and livestock farmers are bearing the brunt.

The BJP government has done more harm to the livestock under the guise of protection, while they nurture goons committing mob lynching as 'cow protectors'. They do not protect cows; instead, they attack humans and sow seeds of hatred. Strict actions should be taken against these goons masquerading as cow vigilantes. Those who involve themselves in intimidation or terror in the name of cow must be arrested and prosecuted. Such cow vigilante groups must be disbanded.

The protesters brought with them many stray cows to hand them over to the Tehsildar along with a memorandum addressed to Uttarakhand Chief Minister outlining following demands:

- The government should either amend or repeal the

cow protection law as well as guarantee the purchase of cattle at government expenses on predetermined prices for calves, bulls and cows etc.

- Provide Rs. 10 lakh compensation to the injured in accidents caused by stray cattle and minimum of Rs. 50 lakh to the families of the deceased.
- Compensate farmers for the damage to standing crops caused by stray bulls and cows.
- The local administration should efficiently manage the stray cattle problem to provide relief to the distressed population.
- Prevent private gaushala operators from extorting money from livestock owners and take stringent action for the mismanagement in such shelters.
- AIKM strongly opposes any actions against farmers for abandoning their animals and warns of protests if such actions occur.
- Livestock farmers should be given subsidies to compensate the losses incurred in keeping unproductive animals similar to those given to private gaushalas.

The protest was addressed by CPIML Uttarakhand state secretary Indresh Maikhuri, AIKM Uttarakhand President Anand Singh Negi, district secretary of CPIML in Nainital Dr. Kailash Pandey, Bhuwan Joshi, Pushkar Singh Dubadia, Vimla Rauthan, Anand Singh Sijwali, Congress block president Pushkar Danu, Congress leader Kundan Singh Mehta and many others.

Earlier on August 7, a demonstration was held by CPIML and AIKM on this issue. The protest march held on September 18, warned that if the stray cattle problem is not resolved, they will initiate a Dera Dalo, Ghera Dalo protest at the tehsil office. ■

The MCC-CPI(ML) Unification: Convergence of Two Legacies and Trajectories of the Communist Movement

▲ DIPANKAR BHATTACHARYA



The merger of the Marxist Coordination Committee into the CPI(ML) has been greatly welcomed by the broad Left ranks and well-wishers across the country. In today's situation where we have to fight state repression, corporate plunder and communal hate and violence every day on every front, unification of the Left in any degree in any part of the country will certainly be a welcome development. And when such unification happens between two leading Left forces in a crucial state like Jharkhand, it naturally generates considerable hope and potential.

The initiative for the merger came from comrades of Marxist Coordination Committee. The idea was first mooted in the wake of the 2019 and over a period of joint activities and exchanges of opinion, the two organisations developed necessary mutual confidence to accomplish it. The success of the 9 September Ekta Rally in Dhanbad has unleashed a lot of enthusiasm and determination to turn this merger into a decisive step forward towards a resurgence of the

communist movement in the North Chhotanagpur division.

While the merger is primarily driven by the needs of the current situation, it also has strong roots in history. The two organisations have been products of the same period in the late 1960s and early 1970s and both grew in the common socio-political environment of undivided Bihar and now Jharkhand. The CPI(ML) emerged in April 1969 from the peasant uprising of Naxalbari following a brief coordination phase (AICCCR), suffered a setback in West Bengal and grew rapidly in neighbouring Bihar through militant anti-feudal assertion of the oppressed rural poor. The central region of undivided Bihar had emerged as the principal area of CPI(ML)'s work and influence and it spread to the Palamu and Hazaribagh-Giridih areas of today's Jharkhand. The coming together of the Liberation Front comrades led by Comrade Jayant Ganguly in Hazaribagh-Ramgarh belt and Comrade Mahendra Singh and Major Nagendra Prasad in the Giridih-Bokaro belt had lent great energy

and mass strength to the CPI(ML) in the North Chhotanagpur division.

Comrade AK Roy had joined the Sindri unit of Projects and Development India Limited as an engineer in 1961 and in no time turned into a leader of workers. By 1967 he became MLA from Sindri on a CPI(M) ticket, returning again to the Assembly in 1969. But Comrade AK Roy never subscribed to the CPI(M)'s evaluation of Naxalbari as 'Left adventurism' and the consequent approach of hostility to the CPI(ML). While no votary of the early CPI(ML) call for boycott of elections, Comrade Roy underlined the need to subordinate parliamentary participation to extra-parliamentary mass assertion.

In an article titled "Vote and Revolution" published in the March 6, 1971 issue of the Kolkata-based radical weekly magazine Frontier, Comrade Roy was quite frank in his observation: "The speed and vigour with which Naxalism has spread in India and the impact it has produced speak unmistakably of its vitality, and vitality is always associated

with truth". This led to Comrade Roy's expulsion from the CPI(M) and on 22 April 1972, three years after the foundation of the CPI(ML), Comrade Roy founded the Marxist Coordination Committee in Patna as an independent communist group. In the 1972 election he got elected from Sindri for the third successive time, now as an independent member of the Assembly. This was followed by three victories to Parliament from the Dhanbad Lok Sabha seat - in 1977, 1980 and 1989.

Differences with the CPI(M) continued to widen over the approach to other popular movements too. In Bihar associates of Comrade Roy took an active part in the 1974 movement and in south Bihar Comrade Roy went on to found the Jharkhand Mukti Morcha along with Shibu Soren and Binod Bihari Mahato. However, on the trade union front the Bihar Colliery Kamgar Union, the popular coal miners' union founded under the

leadership of Comrade AK Roy and the Marxist Coordination Committee continued to remain affiliated to the CITU. In his political views and policy positions, Comrade AK Roy remained consistently independent. Non-sectarian in his approach, Comrade Roy had sincere respect for people's movements and strongly upheld the cause of democratic rights against every draconian law and repressive measure of the Indian state. As a leader of the working class movement he shunned economism and emphasised the social role of workers and worker-peasant unity. Under his leadership, the coal workers' struggles became an integral part of the Jharkhand movement and Bihar-origin workers also became staunch supporters of the idea of separate statehood for Jharkhand.

Over time many activists of MCC in northern and central regions of undivided Bihar had joined the

Indian People's Front and CPI(ML) - prominent among them being Comrades Taqi Rahim and Rajaram. In the Dhanbad-Bokaro region too MCC and CPI(ML) worked mostly in close collaboration with Comrades Dilip Mandal and Gurudas Chatterjee working as bridges between the two organisations. In the Bihar Assembly Comrades Mahendra Singh and Gurudas Chatterjee remained comrades-in-arms and the collaboration grew in Jharkhand over the next generation. Comrade AK Roy never repudiated the idea of an organised communist party, he preferred maintaining the coordination committee form and waiting and working for the re-emergence of a united revolutionary communist party to the formation of another party. The historic MCC-ML unification has now enriched the CPI(ML) with the legacy and vision of Comrade AK Roy and other martyrs and departed leaders of the Marxist Coordination Committee. ■

Dhanbad "Ekta Rally" and the Message of Unity and Consolidation of Fighting Forces

On 9 September, Dhanbad, the coal capital of India in the Jharkhand-West Bengal border region witnessed a historic rally of the red flag. The occasion was the declaration of the merger of the Marxist Coordination Committee founded in 1972 by Comrade AK Roy with the Communist Party of India (Marxist-Leninist) founded by Comrade Charu Mazumdar in 1969. The spirited participation of tens of thousands of workers from Jharkhand coal mines and other factories and occupations, farmers, scheme workers, students and job-seeking youth and communist activists and progressive citizens made this rally a great success. At a time when the BJP is busy executing its conspiratorial campaign of defection and disintegration to weaken the opposition, the Ekta Rally has sent

out a powerful and inspiring message of unity and consolidation of fighting forces to save Jharkhand and defend democracy.

This is a coming together of two great legacies of the communist movement in post-independence India. Since its formation in 1969 in the wake of the historic Naxalbari peasant uprising, braving severe state repression and feudal violence the CPI(ML) has rooted the communist movement deep into the Indian soil, drawing the most oppressed and exploited sections of Indian society into a sustained revolutionary assertion for social transformation and for the dignity and rights of poor and deprived Indians. The Marxist Coordination Committee has played a leading role in the struggle for coal nationalisation and in forging

close bonds between the working class and Jharkhandi society in the Jharkhand movement. In the process the two streams have also produced iconic elected representatives of the people like AK Roy and Ramnaresh Ram, Mahendra Singh and Gurudas Chatterjee. The unification of these two streams marks an important step forward towards realising the vision of greater communist unity cherished by Comrades Vinod Mishra and AK Roy.

What lends added significance to this merger is the current context of Jharkhand and India. The protracted movement for Jharkhand was built on the dream of a state where the indigenous people of Jharkhand would get their due respect and rights and all sections of workers would prosper in this resource-rich centre of industrial development. But since its formation in November 2000 the state has been mostly under BJP rule and the dream of the Jharkhand movement has been subjugated to the Sangh brigade's project of

turning Jharkhand into a police state and a laboratory of corporate loot and communal hate and violence. Comrade Gurudas Chatterjee was killed a few months before the foundation of Jharkhand, Comrade Mahendra Singh was assassinated in the middle of the elections in 2005, Adivasis began to be charged with sedition for demanding honest implementation of the Fifth Schedule of the Constitution, and Father Stan Swamy, the tireless campaigner for Adivasi rights, was taken to jail under UAPA and left to die without proper care.

Jharkhand's flagship public sector undertakings, the HEC in Ranchi, the coal industry in Dhanbad-Bokaro-Hazaribagh belt, the steel plant and allied factories in Bokaro, and power and fertiliser units are all being systematically weakened

while the Adani group has been granted lucrative exemptions including an unheard of single factory SEZ in Godda where Adani burns overpriced coal imported from his own Carmichael mines in Australia to produce overpriced electricity for exclusive supply to Bangladesh. And now when the situation in Bangladesh has become volatile for the future of this arrangement, the Modi government has changed the rules again to allow domestic sale of power from Adani's Godda plant. In other words, Jharkhand is being treated as a captive state for India's crony capitalists. After Chhattisgarh and Odisha, the BJP is now targeting Jharkhand to complete the capture of India's prime mineral rich states.

If the Sangh brigade thus seeks to turn Jharkhand into a fascist laboratory, the fighting forces will

have to unite to turn Jharkhand into a bastion of anti-fascist resistance. In the electoral arena, the 2024 elections have delivered a big blow to the BJP's fascist project by stopping the party well short of the majority mark. But while UP succeeded in drastically reducing the BJP's tally, in Bihar and Jharkhand the NDA managed to escape with moderate losses. In the forthcoming Assembly election, Jharkhand will have to inflict a decisive blow to the BJP's ambitious design to capture power through engineering defections in the JMM and manipulating the administrative machinery. The unification of the two leading Left forces of Jharkhand will inspire the communist ranks and the democratic movement in Jharkhand and beyond to intensify resistance to corporate plunder, communal hate and the fascist assault on democracy and the Constitution. ■

Ekta Rally Report

The Ekta Rally – Unity Rally – on 9 September organised on the occasion of the merger of two prominent left parties in Jharkhand, CPIML Liberation and Marxist Coordination Committee (MCC), was concluded with a resolve to defeat BJP in the forthcoming elections in Jharkhand. Thus began a new chapter of the Left movement in the state. The rally, held in Golf Grounds in Dhanbad, was attended by tens of thousands of people from across the state, making the city coloured red with flags and banners. The rally ground was decorated with flags, banners and huge portraits of martyrs and historic leaders like Tilka Manjhi, Siddhu-Kanhu, Phulo-Jhano, Birsa Munda and many others. Portraits of AK Roy, Vinod Mishra, Gurudas Chatterjee and Mahendra Singh reminded of the five decades old fighting legacy of these two parties. Participants pledged to oust BJP to protect the Jal-Jangal-Zameen and indigenous people and toiling masses in the state. Amidst shouting of slogans of 'Oust BJP, Stop Plunder' thousands of women and men pledged to save their livelihoods and rights from the Modi government's ongoing handover of state resources to corporates like Adani.

The Unity Rally was attended by most of the central leaders of both parties. Comrade Anand Mahto, President of MCC, delivered the inaugural speech. Janardan Prasad and Arup Chatterjee conducted the proceedings. CPIML General Secretary Dipankar Bhattacharya addressed the rally as the main speaker.

Comrade Dipankar along with leaders of two parties before proceeding to the Dhanbad Golf Ground for Ekta Rally, visited Comrade AK Roy Smriti Bhawan at Nunudih. Comrade Roy had spent the last thirteen years of his life in this Mazdoor Colony. Some of his books and other personal belongings, including his wheelchair are preserved in this Bhawan.



Across the road behind the Bhawan there are statues of Bhagat Singh, Sukhdev and Rajguru, unveiled by Comrade Roy on 23 March 2017, two years before his death. On a pedestal in the yard of the Bhawan, there is also a bust of martyr Khudiram Bose. His comrades, including those who looked after him in the last days, taking turns to stay up at night by his side, still fondly remember him. The MCC's decision to merge with CPI(ML) is seen as an important step forward towards fulfilment of Comrade Roy's vision of broad communist unity, said comrade Dipankar.

Rally began after paying tributes to martyrs at the Shahid Sthal and one minute silence in their memory. The Martyrs' Memorial also displayed names of 248 martyrs and departed leaders who dedicated their lives for the cause of Jharkhand. The rally remembered the legacy of all martyrs ranging from Tilka Manjhi, Siddhu-Kanhu, Phulo-Jhano, Birsa and Bhagat Singh to Shaktinath Mahato, Laldhan Mahto, Gangadhar Yadav, Gurudas Chatterjee, Manindra Nath Mandal, Mahendra Singh and many others. The rally also remembered comrades Vinod Mishra, Ramnaresh Ram, AK Roy, Ibnul Hasan Basru, Jayant Ganguly, Dilip Mandal, Babudhan Kisku, Khudiram Munda, Nepal Ravani, Tabbu, Urmila Devi, Paro Devi and thousands of other revolutionaries, supporters and common people who sacrificed their lives in the struggle for a equitable, egalitarian and democratic society.

Comrades Swadesh Bhattacharya, PBM CPIML, Mithilesh Singh, MCC, Haldhar Mahto, Bablu Mahto, Kunal, members of Parliament Raja Ram Singh and Sudama Prasad, Jharkhand MLA Vinod Singh, Bihar MLAs Satyadev Ram, Sandip Saurav, Virendra Gupta, Arun Singh and Gopal Ravidas, AIPWA general secretary Mina Tiwary, Scheme workers' leader Shashi Yadav, and many central committee members of both parties were present on the Rally dais. Rally was presided over by comrade Anand Mahto, President MCC.

The rally was also addressed by comrades Nitai Mahto, Kartik Hadi, Brinda Paswan, Dilip Tiwari, Anandmayi Pal, Agam Ram, Usman Ansari, Sandip Jaiswal, Rajkumar Yadav, Badal Bauri, Hariprasad Pappu, RD Manjhi and Gita Mandal besides leaders on the dais.

The rally passed a resolution terming this merger a historic occasion which will strengthen the fight against corporate fascism and is also a step towards fulfilling the dream of comrades AK Roy and Vinod Mishra for a communist unification. This merger will strengthen the democratic forces, resist ongoing attacks on Jharkhandiyat and also give a boost to the movement against privatisation.

The rally called upon to intensify movement against attacks on women. The government is accountable for the safety of women at the workplace, home, on roads, in markets, in trains and buses and everywhere.

The rally pledged to fulfil the dream of martyred and departed comrades. Rally also pledged to follow the examples of comrades AK Roy, Ramnaresh Ram and Gurudas Chatterjee who established ideal standards for elected people's representatives in their personal lives as well as in politics.

The rally resolved to intensify the struggle against coal sector privatisation, to struggle for regularisation and wage increase of ASHA, Aanganwadi, Sahiya workers in the state, and to fight for the App based workers' higher wages and their service and social security benefits.

Speakers in the rally said that for most of the years BJP has ruled the state since its inception. This party has a history of continuous betrayal of the aspirations of Jharkhandis. The centre's Modi government is plundering the state's natural resources and human capital by handing over Jal-Jangal-Zameen

and minerals to corporates. It has given contracts of electricity production and coal mining to Adani. Adani has continuously been blessed with concessions and freebees in various forms. Modi has even given permission to use Ganga water in Adani project and his just one thermal power plant unit is provided SEZ status. Many villages in Hazaribagh are being displaced for Adani's coal block. BJP's so called double engine government is perpetrating double loot by curtailing CNT-SPT Act, by diluting provisions of 5th Schedule, and by attacking Forest Rights Act. There are 591 villages facing imminent displacements. The government is not resolving issues like domicile policy, employment policy for local people, rehabilitation for displaced people, and land title to their ancestral lands. The government is also not willing to conduct a caste census. The Modi government is attacking federalism by not giving proper royalties to Jharkhand's mineral resources, by increased corporate intervention, by bringing in anti-Adivasi policies and increasing discrimination. Rally called upon all democratic forces to unite against a divisive central government to fight for the Jharkhandi aspirations.

Welcoming the merger of two parties, Pragatishil Buddhijivi Manch, Dhanbad termed it a historical moment for this coal-belt region which certainly will give an edge to the struggles of workers, peasants, women, students and youth in the state. Many advocates from Dhanbad city attended the rally and joined CPIML. They were welcomed on the dais and handed over the red flags. Many victims of Sahara Chitfund Scheme also came to the rally with their banners. The party expressed solidarity with them and promised to carry forward their struggle for the refund of their hard-earned money.

The rally resolved to unite anti-fascist democratic forces in the state to intensify an united struggle against fascism. ■

No Rest Till Old Pension Scheme Is Restored!

▲ **RABI SEN & AMRIK SINGH**

The Atal Bihari Vajpayee led NDA government introduced a National Pension Scheme (NPS) replacing the erstwhile existing secured pension for retired employees or the Old Pension Scheme (OPS). The NPS since its beginning has been a scheme linked with the fluctuations of the market, thus making old age benefits for our citizens extremely insecure. The NPS was implemented with passage of time in different states other than West Bengal. The old age vulnerability introduced by the NPS subsequently generated a mass anger among employees. The mass nature of the movement forced several state governments to re-introduce the OPS. The Rajasthan State government introduced OPS first in 2022, subsequently Chhattisgarh, Jharkhand and Himachal Pradesh governments reintroduced the OPS in their respective states. All the state governments that re-introduced the OPS were non-BJP governments. The Modi-led BJP government at the centre, through PFRDA (Pension Fund Regulatory and Development Authority), tried to create obstacles to the process by refusing to return the money collected in the name of NPS from the same employees since 2004.

At a time when the percentage share of India's old age population is increasing due to the inevitable demographic transition, the attempts by the Modi government to push the future of Indian workers in insecurity and vulnerability speaks a lot about its anti-people nature. If on the one hand, India's youth is being denied all opportunities of dignified employment, their future too is being pushed into darkness.

The movement against NPS reached its peak on 1st October, 2023 when lakhs of government employees assembled at Ramlila Maidan in New Delhi to

demand restoration of the Old Pension Scheme. It became a major agenda for the 2024 Lok Sabha election and was incorporated in the election manifestos of almost all opposition parties. The election result of Uttar Pradesh that gave a decisive mandate against the incumbent BJP showed the massive impact that the movement against NPS had generated.

Under pressure of the movement against NPS, the central government constituted a committee for reforms of NPS under the chairpersonship of the then Finance Secretary Mr. T.V. Swaminathan in 2023. It is this committee that had finalised the details of the new scheme now introduced in the name of Unified Pension Scheme (UPS). But this again is nothing but a ploy to deceive and divide the government employees.

Salient Features of UPS

A retired employee will receive a pension amounting to 50% of the average Basic Pay over the last 12 months before retirement for a Minimum qualifying service of 25 Years. The pension will be proportionate for those with shorter service periods with a minimum requirement of 10 Years of Qualifying Service. Sixty percent of the Pension received by retired persons will be assured for the family of the retired person in case of the death of a retiree. This scheme envisages an assured Minimum Pension of Rs. 10,000 per month on superannuation after a minimum of 10 Years. The DA will be given on pension as in case of serving employees. A Lump - Sum Payment will be given at Superannuation, in addition to Gratuity, 1/10th of monthly emoluments (Pay +DA) as on the date of superannuation for every completed six months of service.

UPS vs OPS

The OPS was a defined benefit scheme, which was not contributory. Pension was interpreted by ILO and various courts

as deferred wages that have not been given to employees in the tenure of their service. UPS, like NPS, continues to be a contributory one where the employees are forced to contribute 10% of their monthly salary, which is a sum of their Basic Pay and the DA.

Under OPS where railway servants became entitled to Pension on completion of Qualifying Service of 10 Years in accordance with Rule 69 (2) of the Pension Rules, Pension shall be paid at 50% of the emoluments or average emoluments received during the last 10 months, whichever is more beneficial to them. The concept of pro-rata pension has ceased to exist w.e.f. 01-01- 2006. Under UPS Qualifying Service of 25 Years is necessary for 50% Pension and there will be pro-rata pension for lesser periods of service.

Definition of family meant for Family pension under OPS include the Widow/ Widower, Son, Unmarried/ Widowed/ Divorced Daughter and any parents who were wholly dependent on the Government Servant before death. Under the UPS, the family includes widow and widower only. Under OPS family pension is 30% of the last pay drawn. Under UPS family pension is 60% of the Pension. The final amount may actually be higher under OPS. It is to be noted that the term "60% of pension as family Pension" under UPS is being used to misguide the employees.

Under OPS there is a provision for Commutation of a maximum of 40% of Pension. The commuted portion will be reduced from Basic Pension but Dearness Relief is given on the Commuted Portion also and after 15 Years the Commuted Portion is restored. The commuted Value is roughly Rs. 98 against one rupees of commutation. No provision for commutation exists under UPS. There is a lump sum payment at the rate of 1/10th of monthly emoluments (Basic + DA) for every 6 Months of qualifying service. If a Railway Servant retires after completion of 25 Years of service she will get lump sum money of 5 months emoluments only. There is a huge gap between

the commutation and the Lump sum.

The minimum pension under OPS was fixed at Rs. 9,000 on 01. 01. 2016, within one or two years it will be at least Rs. 15,000 at the time of pay revision. So there is nothing to cheer about Rs.10,000 as the minimum pension under UPS. Under the OPS, additional pension is added at the rate of 20, 30, 40, 50, and 100 percent after attaining the age of 80, 85, 90, 95, and 100 years of age respectively. Moreover, under OPS, revision of pay is also applied to pension but there is no clarification in UPS about it.

The Central Govt. was forced to introduce an assured pension in the name of UPS in the face of the relentless struggle of Government Employees but UPS has no match against OPS. After the introduction of UPS, now there will be three types of pension -

- NPS where the employee's contribution is 10% of (Basic + DA) and Govt contribution is 14%;
- UPS where employees' contribution will be 10% and Govt contribution 18.5%; and
- OPS (Defined Benefit Scheme) where no contribution from employees is needed.

The demand of the anti-NPS movement is scrapping of NPS and restoration of OPS. Determined and relentless struggle against NPS forced the Central Govt to make a retreat from its old stand. Now, the movement must be spearheaded toward achieving the ultimate goal of restoring OPS. The move of the Central Govt for introducing UPS will create confusion among the employees on the question of exercising their option for switching over from NPS to UPS. Thus, setting up any short time limit for exercising the option should be resisted by the unions and employees organisations. The united struggle against NPS/ UPS and for OPS must be won.

(Authors are associated with EREU and IREF respectively)

Waqf (Amendment) Bill: Encoding the Political Ideology of Hindutva into the Law

▲ MAITREYI KRISHNAN

On a close examination of the Waqf (Amendment) Bill, 2024, the irrefutable conclusion we must draw is that this proposed legislation is blatantly prejudiced and constitutes a frontal attack on the Muslim community, and the religious freedom and beliefs they enjoy under the Constitution. The proposed Waqf amendments amount to dismantling the Islamic institution of waqfs and its governance and is a blatant act of bigoted law making.

Law Reform is necessarily a continuous process, progressing people's rights towards realizing constitutional dreams, particularly when it comes to historically marginalized, oppressed and minority sections of society. The effective amendments to the Waqf Act brought in 2013, after a comprehensive consultation process, is sought to be completely undone instead of building on them. There can be no place for majoritarianism, on the streets, or in the Parliament, to bulldoze the dreams and aspirations of minority sections. The 2006 report of the Justice Rajindar Sachar Committee recognised waqfs as "a socio-religious institution almost equivalent to the present day 'non-government organizations' involved in welfare activities", and made several recommendations to strengthen the structures that govern them. On the contrary this proposed Bill is an attempt to encode the political ideology of Hindutva into the law.

Restricting the powers of the Waqf Boards

The proposed Bill envisions a fundamental shift in the powers, role and authority of the Waqf Boards. This is done by disempowering them from deciding whether a particular property is waqf property or not, and by reducing them to nominated

bodies, including non-Muslims, thereby undermining their autonomy. The Sacchar committee report, in fact, proposed further empowerment of Boards for effective management of Wakf properties. On the contrary, the proposed Bill seeks to take control of the waqfs by reducing the Boards to mere spectators while transferring powers to the revenue authorities fundamentally altering the character of the state's role from being a mere regulator. The Act also makes provisions for Survey Commissioners to be appointed by the State for the purpose of making surveys of waqf in the State. The Bill effectively abolishes this post, and transfers such power to survey to the Collector.

The specific mandate introduced by the Bill to have members who are non-Muslim, is perhaps the first time under any law, that a requirement is made that persons not belonging to a particular religion must be a member of a board, showing the systematic exclusion of Muslims from the control of the boards. While such provision is made, at the same time, the Bill places restrictions on who can create a waqf restricting it to only to practicing Muslims.

Restrictions on the creation of waqfs and de-recognizing waqf properties

The proposed Bill is an attempt by the Union Government to exercise greater control over Waqf properties disregarding that these are charitable endowments made by individuals from the Muslim community for religious and social purposes. A comprehensive examination of the proposed changes to the definitions and conditions governing the creation of waqfs reveals an intention to limit the rights of individuals to establish

such endowments and to de-recognize land designated as waqf. By restricting the right to create waqfs only to practicing Muslims, a departure from the existing law that allows anyone to create a waqf, the Bill seeks to change the nature of waqf and bring about restrictions on who can create a waqf. The removal of “waqf by user”, puts at risk those waqfs which has been used as such and also those lands in respects of which documents may not exist, but which retain the character of waqf property.

While the proposed Bill is marred by the conspicuous absence of any

meaningful consultation with the Boards, Waqf Council and other such stakeholders in waqfs, the manner in which the JPC is being conducted betrays the communal design to bulldoze through these amendments. Reportedly the JPC is being convened twice a week without allowing for adequate time to Members to study the submissions of the public and state authorities.

Silent on Encroachments on Waqf Lands

Although the Bill claims that one of its objectives is to delimit the issue of encroachments on wakf lands, there is absolutely no change brought in

this regard. Reports say that while the Waqf board is the third-largest landowner in India, widespread encroachments have reduced its control to less than 25% of its original holdings. In response to a question asked by a Member of Parliament in 2019, the government stated that approximately 17,000 properties were under encroachment.

The Bill has to be seen as part of the attempts by the Union Government to continue its frontal attack on the Constitutional rights of the Muslim community, and it is necessary to demand the immediate withdrawal of the Waqf (Amendment) Bill, 2024. ■

CPIML Parliamentarians Demand Withdrawal of the Proposed Waqf (Amendment) Bill

CPIML Liberation Member of Parliaments Comrade Raja Ram Singh and Comrade Sudama Prasad in a letter dated September 12, 2024 submitted the following submission to Joint Parliamentary Committee (JPC) regarding the proposed Waqf (Amendment) Bill 2024:

On a close examination of the Waqf (Amendment) Bill, 2024, the irrefutable conclusion we must draw is that this proposed legislation is blatantly prejudiced and constitutes a frontal attack on the Muslim community, and the religious freedom and beliefs they enjoy under the Constitution. The proposed Waqf amendments amount to dismantling the Islamic institution of waqfs and its governance and is a blatant act of bigoted law making.

The effective amendments to the Waqf Act brought in 2013, after a comprehensive consultation process, is sought to be completely undone instead of building on them. There can be no place for majoritarianism, on the streets, or in the Parliament, to bulldoze the rights and aspirations of diverse minorities.

The 2006 report of the Justice Rajindar Sachar Committee recognised waqfs as a socio-religious institution involved in

welfare activities, and recognized the need to strengthen Waqf Boards administratively with necessary financial and legal backup. On the contrary this proposed Bill is an attempt to encode the political ideology of Hindutva into the law.

On a plain reading of the proposed Bill, it becomes apparent that the intention of the Union government is to exercise greater control over Waqf properties disregarding that these are charitable endowments made by individuals from the Muslim community for religious and social purposes.

The proposed Bill envisions a fundamental shift in the powers, role and authority of the Waqf Boards. This is done by disempowering them from deciding whether a particular property is waqf property or not, and by reducing them to nominated bodies, including non-Muslims, thereby undermining their autonomy. The Sachar committee report, in fact, proposed further empowerment of Boards for effective management of Waqf properties. On the contrary, the proposed Bill seeks to take control of the Waqfs by reducing the Boards to mere spectators while transferring powers to the revenue authorities fundamentally altering the character of the state's role from being a mere regulator.

A cumulative reading of the changes

proposed to the definition and conditions restricting the creation of waqfs would go to show that the attempt is to de-recognize land that are used as waqf and further to restrict the right of persons to create waqfs. The removal of “waqf by user”, puts at risk those waqfs which have been used as such and also those lands in respects of which documents may not exist, but which retain the character of waqf property. In addition to placing non-Muslims on the Waqf Boards, it disallows non-Muslims from making a waqf, which the existing Act allows.

While the proposed Bill is marred by the conspicuous absence of any meaningful consultation with the Boards, Waqf Council and other such stakeholders in waqfs, the manner in which the JPC is being conducted betrays the communal design to bulldoze through these amendments. Reportedly the JPC is being convened twice a week without allowing for adequate time to Members to study the submissions of the public and state authorities.

The JPC should allow more time to seek the response of stakeholders and concerned citizens. We strongly feel that the Amendment Bill 2024 in its current form should be withdrawn and any amendment to the existing Act should be undertaken in future to strengthen and improve the administration of Waqf properties as desired by the Sachchar Committee on the basis of wider consultation. ■

Bulldozer Raj: The Systematic Bulldozing of Justice in Modi's India



Bulldozer raj. If we are to choose one metaphor to illustrate the terror, injustice, impunity and arrogance that have emerged as the hallmarks of BJP rule in the Modi era, the bulldozer symbolises them all. The use of the bulldozer as a tool of 'governance' began in Uttar Pradesh under Yogi Adityanath's stewardship and today other BJP-ruled states, Madhya Pradesh in particular, have also adopted this model with great alacrity. Angered by its loss of majority in the 2024 elections, frustrated and angry BJP governments appear to have actually unleashed a campaign of bulldozer revenge.

On 15 June, eleven homes belonging to Muslims were demolished in Madhya Pradesh's Mandla district with police claiming to have found beef in their refrigerators. Four days later, the Yogi government of Uttar Pradesh carried out a massive eviction drive in the Akbarnagar area of Lucknow. As many as 1,169 houses and 101 commercial establishments were demolished, all in the name of promoting riverfront tourism. And on August 22, in Chhatarpur of Madhya Pradesh the newly built house of Congress leader Haji Shehzad Ali was destroyed accusing him of instigating a Muslim crowd against the local police.

The incidence of bulldozing of houses and shops, belonging mostly to Muslims, Dalits and slum dwellers, has grown rapidly in recent years.

According to figures collated by the Housing and Land Rights Network, a staggering 1,53,820 demolitions have taken place in 2022 and 2023 alone, rendering 7,38,438 people homeless. The number of such demolition victims rose drastically from 1,07,625 in 2019 to 5,15,752 in 2023. An Amnesty International report noted 128 'punitive demolitions' in Assam, Gujarat, Madhya Pradesh, Uttar Pradesh and Delhi just between April and June 2022. Even as the 2024 Lok Sabha elections were underway, some six hundred makeshift houses were demolished in a Dalit slum called Jai Bhim Nagar in Powai of Mumbai, rendering 3,500 people homeless. The official excuse offered in almost all these cases has been demolition of encroachments, but the dominant narrative is invariably that of delivery of 'bulldozer justice'.

While the ubiquitous JCB machines, the most visible brand of bulldozers used in the operations targeting predominantly Muslim homes and shops, have thus emerged as the most telling symbol of extra-judicial terror in Modi's India, the judiciary has been conspicuously silent on this bulldozing of justice. But for occasional temporary stay orders, the courts have been hesitant to pass orders against this power-drunk bulldozer mode of governance and now much celebrated model of delivery of instant justice. Some BJP leaders have the temerity to celebrate the JCB brand as 'jihadi

control board' and even non-BJP leaders start indulging in competitive invoking of bulldozers, much like the competitive clamour for encounter killings and hangings to pacify mass outrage against crimes. The studied silence of the custodians of the constitutional rule of law only emboldens the perpetrators of this systematic travesty of law and justice.

The 2024 mandate could not oust the fascist Modi regime from power, but it has clearly succeeded in strengthening the opposition in the parliamentary arena and arming the common people with much-needed hope and courage in the battle for democracy. We have seen the impact of the mandate in recent parliamentary proceedings when the controversial Waqf Board bill was referred to a Joint Parliamentary Committee, the draconian broadcast bill to muzzle the freedom of alternative media was shelved and a circular regarding lateral entry recruitment in union bureaucracy was withdrawn. We also see signs of an upswing in mass protests in various states against heinous crimes and demanding due rights of the people. The same spirit must now be upheld to put a stop to bulldozer raj.

Bulldozers can never be a weapon of justice, they are clearly tools of terror and destruction, symbolizing a rampaging state trampling upon every notion of democracy and rule of law. Across India where the poor are facing eviction as land, minerals, forests and riverbeds are being snatched from the people for accumulation of profits, bulldozers are the vehicles of corporate takeover. And for the Muslim community in India, the rampaging bulldozers are nothing but tools of targeted terror and fascist aggression that seek to coerce India's biggest religious minority into silent submission as the fascists rob an entire community of its constitutional rights. Democratic India must summon all its strength to stop the marauding bulldozer and defend the rights and dignity of every marginalised group. ■

Communal Punitive Domicide

▲ CLIFTON D' ROZARIO

On 2nd September 2024, the Supreme Court while hearing a batch of matters raising the issue of demolition of properties of persons who are accused of some crime, passed an order stating that it proposed to lay down certain guidelines on 'Pan-India Basis' so that the concerns with regard to the issues raised are taken care of. Shockingly within days of the abovesaid order of the Supreme Court, A.K Sharma, UP's power minister, asserted that the use of bulldozers would continue in the state, adding that it was an instrument used by chief minister Yogi Adityanath to wipe out goondaism and "mafia raj". Thereafter, on 17th September, the Supreme Court passed an interim order staying demolitions across the country without its permission till October 1, however clarifying that this does not apply to unauthorised constructions on public roads, footpaths, railway lines or public places. This is definitely a welcome step, but surely falls short of the expected role of the Supreme Court in the face of such gross abuses of power that is this "bulldozer (in) justice".

The first step towards addressing the issue is the acknowledgement that this so-called "bulldozer (in) justice" has a definite pattern, is punitive, amounts to extra-judicial actions undermining the rule of law and in some cases amounts to collective punishment. Given that the State is in breach of the Constitution and the rule of law, in a serious, continuing and systemic manner, the Court cannot stop shy of declaring the illegality and fixing accountability for what has happened.

Legal Scholar, Gautam Bhatia, argues that these demolitions follow a familiar pattern: "A protest takes place in a

locality or neighbourhood, which turns violent. Soon after, the police declares that a certain individual, or set of individuals, have been identified as the "masterminds" behind the violence. Immediately after that, the municipality declares that these individuals are residing in unauthorised buildings (often – as in the most recent case – with backdated notices of doubtful authenticity). The buildings (homes) are then demolished. In the normal course of things, the time period between the police declaring that it has identified the masterminds behind the violence, the municipality declaring that the buildings are illegal, and the actual demolition, is under twenty-four hours". He goes on to urge that to address this form of bulldozer (in) justice, the Courts ought to invoke the doctrine of an unconstitutional state of affairs i.e. "a legal ruling that allows the Constitutional Court to acknowledge the failure of both the Legislative and Executive branches of government to enforce public policies against widespread and systemic violation of fundamental rights, thus justifying a judicial intervention in order to combat the structural causes of the violations and to put everything back in order with the Constitution". Bhatia adds that it offers the Courts the opportunity to develop the remedy of a structural injunction (continuing mandamus) – "to take cognisance of the situation, issue interim orders, and monitor for compliance – which, crucially, will not be limited to single cases, but will extend to the unconstitutional state of affairs at large".

The punitive nature of, and malafide intent behind, the demolitions is apparent from its timing. That is to say that the properties of people

are demolished only when they are accused of a crime. There can be no doubt about the communal intent behind these punitive demolitions, given that it is primarily the properties of Muslims that have been targeted. In state after state, where the BJP heads the government, its ministers have made this more than apparent. In April 2022, State authorities in Khargone, Madhya Pradesh demolished homes of Muslims accused of clashes and stone pelting on the occasion of Ram Navami. These demolitions were preceded by Home Minister Narottam Mishra warning, "Jis ghar se pathar aaye hain, us ghar ko hi patharon kaa dher banaenge (We will turn the houses from where the stones were pelted to a heap of rubble)".

"Bulldozer Justice" is the expression commonly used to describe these actions, which contrary to its illegality, extends an aura of legitimacy to it. In this regard it is useful to refer to Douglas Porteous and Sandra Smith, who used the term domicile to describe "the deliberate destruction of home by human agency in pursuit of specific goals, which causes suffering to the victims." Porteous and Smith elaborated that there were two kinds of domicile - the extreme and the everyday. "Everyday domicile", referring to the demolition of homes occurring continuously world over, affecting everyone (except the wealthy and those who are its perpetrators), and which results from developmental and urban redevelopment projects. By contrast, "Extreme Domicide" referred to "major, planned operations that occur rather sporadically in time but often affect large areas and change the lives of considerable numbers of people" such as war, settler colonialism or ethnic. Drawing from here, the instant form of bulldozing of homes of Muslims accused of crimes, witnessed in BJP-governed states across the country, could be referred to as "Punitive Domicide" or, given the communal intent behind these punitive actions, even more appropriately "Communal Punitive Domicide".

The first step for the Supreme Court ought to be the acknowledgement that such state actions amount to communal punitive domicile and the declaration that this distinct, punitive, communal and even collective, form of punishment, is unconstitutional and illegal. Contrary to the interim order passed on 17th October, the Court has to recognise that such demolitions, even under the ruse of encroachments and violations of municipal laws, does not alter the punitive and communal nature of these actions. Indeed, this was what the Punjab & Haryana High Court did when it its order dated on 7th August 2023 halting the demolition drive carried out by the Haryana authorities in communal violence-hit Nuh and Gurugram: "Apparently, without any demolition orders and notices, the law and order problem is being used as a ruse to bring down buildings without following the procedure established by law". It emphatically stated that "the issue also arises whether the buildings belonging to a particular community are being brought down under the guise of law and order problem and an exercise of ethnic cleansing is being conducted by the State".

Secondly, the Court must constitute Committees (including members suggested by the parties before the Court) to enquire into the cases of communal punitive domicile. The said Committee would have to ascertain whether the property of the concerned person was demolished under any pretext after they were accused of any offence, and whether the pretext is justified under existing laws covering encroachment, illegal construction etc. Even if yes, the timing, compliance with due procedure, among others would have to be enquired into. Where the demolitions are observed to be communal and punitive, the Committee would need to identify the errant officials and ascertain the loss, monetary and otherwise, caused to the concerned persons. Strict punishment of such officials, and adequate compensation to such persons would have to follow. This approach has been adopted by the Gauhati High Court while dealing with a case pertaining to the bulldozing of houses by the police personnel of Batadraba Police Station (PIL (Suo Moto) 3/2022, In Re- The State of Assam and 4 others). Various orders passed in the nature of a continuing mandamus, resulted in a One-man Commission being constituted by the Assam State government to enquire into the incident and ascertain the appropriate action to be taken even against the erring officers.

Lastly, the Court must lay down guidelines for any demolitions and evictions across the country. Too frequently, bulldozer (in)justice is visited upon the rural and urban poor tearing down their homes and destroying their lives. This has to end. There ought to be no place for such inhumanities in a democracy. ■

"Haq Do - Vada Nibhao" Campaign in Bihar

▲ KUMAR PARVEZ



The socio-economic caste census conducted by the Mahagathbandhan Alliance of Bihar has exposed the terrible poverty, homelessness, migration and illiteracy in the state. According to the data, state's 34%, approximately 95 lakh families come under extreme poverty (Mahagarib). The government has considered those people poor, whose income comes under Rs.6000 per month. Had the criteria been set upon Rs.10,000 per month, then the state's two-thirds of the population could come below the poverty line.

However, the Bihar government made two announcements while placing the SECC report on the table of the legislature in December 2023. The first was the expansion of reservation for Dalits and backward classes, the fate which now is hanging with the judiciary, and the second announcement was to deliver monetary assistance of rupees 2 lakhs by the government for self-employment to one member of each family (Mahagarib) living below a monthly income of Rs. 6000. This promise was supposed to be delivered through the Department of Small scale industries.

Although the government announced the benefit, the very next moment, they set a bar on it by imposing a mandatory obligation of submitting a certificate of Rs. 72000 yearly income for the potential beneficiaries. This certificate was demanded in spite of the fact that the required data is already available to the government through the SECC report. Moreover, when the applicants proceeded to avail the required certificate, they were told that the income certificate below Rs. 1 lakh will not be issued. The government opened an online portal for taking applications, but that was closed soon not to be opened again. Subsequently, only 40 thousand families were selected through randomisation for this scheme till now, which raises serious apprehensions about the government's intentions on fulfilling its own promise.



This is being done as the self-employment scheme of small-scale enterprises, but the list of occupations given did not include the important occupation of animal husbandry, whereas animal husbandry is an important source of livelihood. To make things worse, the government has decided to distribute the relief amount in three instalments for five years. How can anyone, unemployed living below poverty line, in dire need possibly build up their own small enterprise in such conditions?

The attitude of the Bihar government reminds of the other promise made to the landless families of allocating 5 decimals of land per family for homesteads.

CPIML is conducting the "Haq Do, Vada Nibhao" campaign on these two questions, along with the Modi government's promise of providing pucca houses to every family. In the first phase of this campaign CPIML and AIARLA (All India Agricultural and Rural Labour Association) printed and distributed in villages throughout the state application forms for the income certificates for annual income below

Rs. 72 thousand, forms related to the distribution of 5 decimal land and a 'pucca' houses as per the central government's scheme. Till now, lakhs of application forms have been filled and submitted to the respective block offices.

The forms filled out for homestead land in huge numbers is substantial proof that the majority of the people are homeless. CPIML and AIARLA have been consistently demanding the entitlements to the poor of land at their current dwellings, or alternative arrangements should be made for them. But the BJP-JDU government has neglected this demand over the years.

Demonstrations in 250 blocks in the first stage

On 22-24 August huge demonstrations were held at the block headquarters where thousands of protesters also submitted their duly filled forms. In Bhojpur district's Arrah, Sahaar, Charpokhari and Tarai blocks witnessed huge gatherings. Alongside the above three demands, issues related to mutation and corruption in the public distribution system were also raised by the

protesters. These demonstrations were led by Sudhama Prasad, MP, Raju Yadav, Shivprakash Ranjan, MLA, Gayamuddin Ansari, Sudhir Singh and others.

In Nawada, thousands marched from Ambedkar Park to Sadar block office with a 6-point demand charter. The memorandum was submitted to the block development officer. In the block office of Chakai, district Jamui, BDO and CO were found absent from duty, and they were subsequently given warning of protest in case they were found missing next time again from their duty. Hilsa in Nalanda district also witnessed a massive demonstration. In Nasriganj of Rohtas, men and women across all panchayats actively participated in the strike and submitted an 8-point memorandum to the officials. In Punpun, Patna Rural, Gopal Ravidas and in Paliganj Sandeep Saurabh led protest marches. Hanumannagar, Baheri, Biraul, Manigachhi, Bahadurpur, Sadar, and other block headquarters in Darbhanga district also witnessed mass protests. Jahanabad witnessed the protests in the block offices of Modanganj, Ghosi, Kako, Makhdumpur and Sadar blocks. MLA Rambali Singh Yadav put up the demand of 5 decimal land for permanent dwellings to the landless families residing near the Kesar E hind, railway line, roadsides, and living around ponds and water bodies in the district. In Patna Sadar block headquarters, the homeless urban population, mainly women, many of them were victims of the bulldozer demolitions held a big protest. They criticised the government for not implementing the urban housing policy for the homeless, and for neglecting their dire situation. They demanded proper housing for all. While the homeless were being dragged out of the city, there had not been any construction of colonies for the urban homeless population by the NDA government over the years. As a result, the homeless people are suffering. Thousands of homeless people, along with the application forms for urban housing and Rs. 2

lakh rupees relief, reached the block headquarters.

There was notable women's participation in these demonstrations, which reflect the fact that in the absence of basic amenities it is the women who suffer most. These demonstrations were held in approximately 250 block headquarters. There had also been serious confrontations with the officials. These demonstrations unleashed activism in the villages and towns. Now reports are pouring in from various places that officers are providing income certificates below Rs. 72000. In Dhabauli village of Bidupur block in Vaishali the CO, under the pressure of the movement, accepted applications of 25 families for land bandobasti and promised to give land titles to them for the land where they are residing for a long time.

Campaign Continues

The process of filling up application forms is continuing on people's demand, this also reflects the campaign's success. The month of September has been dedicated to filling up forms and, at the end of the month block headquarters would face similar protests. In many places 'Ghera Dalo, Dera Dlo Aandolan' has also been initiated.

CPIML Bihar state secretary Kunal insists that 'The relief of 2 lakh rupees to extremely poor families was declared by the government, but the progress in this direction is quite weak. When the government has all the poverty-related data with itself, then why is it reluctant to provide promised assistance? The government should withdraw the pre-condition of income certification and replace it with SECC data for the benefit schemes. The scheme for allocating 5 decimal land for housing is also uncertain. The distribution of 'pucca' houses by the Central government is yet to be fulfilled. We will not allow the government's announcements to turn into jumlas just like Modi's Rs. 15 lakh promise.' ■

Towards Assembly Elections in Jharkhand

▲ MANOJ BHAKT

The BJP has entered the elections fray in Jharkhand with all its well known characteristics. It is going leaders from other parties, drumming up communal frenzy with its public face in Hemanta Biswa Sharma. The mainstream media is going gaga over the BJP's slogans. The issues of Bangladeshi infiltration and ex-CM Champai Soren and Lobin Hebram switching over to BJP have been used to relegate other pressing issues of Jharkhand to the background. The alliance government of Hemant Soren is trying to score over BJP with its welfare schemes- Maiya Samman and Aabua Aawas schemes. These schemes have attracted a large population of beneficiaries, but will these be effective enough in countering the well planned tactics of the BJP? A joint initiative of rights organisations active in Jharkhand under the banner of 'Save Democracy' platform has appealed to the people to thwart the formation of a BJP's double bulldozer government. Simultaneous, it has appealed to the Hemant government to fulfill its promises made to the people of the state. It has questioned BJP's silence on the issue of Khatian (land records) based domicile policy and reservation of 27% for the backward communities.



According to cultural activist and journalist Surendra Soren, the BJP-AJSU alliance and the JMM alliance will each may get around 20-25 seats and the challenge will be to win another 5-10 seats to gain majority. BJP is focusing on seats reserved for STs. The shifting of Champai and Loben has given some advantage to BJP on at least two seats. In the last Lok Sabha elections BJP had lost in all ST reserved seats and suffered a decline in its vote share in others. Senior journalist Faisal Anurag feels that the Hemant government will face a challenge to counter anti-incumbency against his office. His twin schemes of Maiya Samman and Aabua Aawas can garner him an additional 1 to 2% votes but the need is to pull 6-7% more votes. This will be possible only if Hemant is successful in cornering the Modi government on issues that are of prime concern for the people of Jharkhand.

BJP is opposing the formation of Sarna code for Adivasis as well as the caste census. The Modi government is even delaying the population census in the country. Now the BJP is raising the bogey of a demographic change on the false

Jharkhand elections are not merely limited to changing the balance on a few seats. Jharkhand is a mineral rich state and after the electoral victories in Chhattisgarh and Orissa, the BJP is now eyeing Jharkhand to complete its 'Adani triangle'.

- Dipankar Bhattacharya, GS, CPIML

pretext of infiltration of Bangladeshi migrants in Santhal pargana. The Jharkhand High Court has criticised the central government for not submitting an affidavit during hearing on a matter related to infiltration. The government is not bringing forth the actual data, while the BJP is trying to misguide the electorate through false and concocted claims. The Modi government has been found wanting on this score, although few officials have refuted such claims in no uncertain terms and now they are being intimidated by some BJP leaders. The bogey of so called infiltration is clearly aimed at buiding up more communal frenzy to polarise voters.

After the formation of Jharkhand, large captive coal mines in Santhal pargana region were auctioned to big corporates. During the double-engine government of Raghubar Das, the Santhal Pargana Land Tenancy Act was made ineffective and a large area was handed over to Adani, where he commands exclusive rights over water, coal and land. Large scale land aquisition and displacement is going on to serve big capitalists in mining in this region. The very existence of Adivasis in the region has become precarious, which the BJP is trying to hide behind its communal rhetoric.

The biggest issue in the elections is unemployment. CPIML legislator Vinod Singh points to the recent death of 11 aspirants during a physical test in the Excise Department's recruitment. About 600 aspirants had to be hospitalised in this examination. A large-scale migration from the state is a reflection of the severe unemployment crisis in the state. News of injury or death while working in other states of youth from districts like Hazaribagh, Giridih and Bokaro, continues to pour in every week. The issue of unemployment is gaining momentum. The BJP occasionally exposes the promise of 5 lac annual job creation made by JMM while its own promise of 2 crore jobs annually remains unfulfilled. The moot question is - why has

industrialization, mining, increasing private investment and exploitation of the natural resources of Jharkhand not resulted in a commensurate increase in job opportunities? Modi's biggest lie is about job creation and all opposition parties must strive to give this issue the required traction?

Journalist Surendra Lal Soren is not quite happy with the attitude of Hemant Soren government when it comes to highlighting people's issues. Before 2019, he was vocal on the issues of domicile policy, unemployment, displacement and Jharkhandi identity. Though he is demanding the state's share and payment of unpaid dues of Jharkhand from the centre, he is silent on other issues. The rise of Jayram Mahto and his party on issues of language, khatiyani and employment has caught the attention, and he may have an impact on the forthcoming elections, particularly in North Chota Nagpur region.

The JBKSS (now JLKM) has a profound impact on people belonging to the Kurmi caste. Whether they will damage the BJP or the present ruling dispensation in the elections is still unclear. However, they have lately been silent on issues that they once espoused. They had been training their guns on the Hemant Soren government on these issues. Their silence on the Modi government casts a shadow on their integrity on their agenda of Jharkhandi identify. Three tigers are famous in Jharkhand. The first is BJP MLA Dhullu Mahato, a coal mafia infamous for his criminal activities. The second tiger is Champai Soren who has very easily learnt to speak the language of RSS. The third is Jairam Mahato, about whom it is being debated in the political circles that he too may join the BJP circus at an opportune time.

Although the media is projecting BJP as a player in a winning situation, Faizal Anurag opines that sooner or later, the pressing issues of Jharkhand will take centre stage with the various political and social forces taking an

effective stance against the BJP. The merger of MCC and CPIML will be crucial, particularly in the North Chota Nagpur region. These parties have a decisive political presence in 5 to 6 seats besides being effective in influencing the outcome in another half a dozen seats. Faizal Anurag says that Com A K Roy had successfully spearheaded the integration of the aspirations of the original inhabitants, moolwasis, and the labour movement into the Jharkhand movement. In a changed scenario, this experience needs to be further enriched. The merger of these two parties becomes crucial at this juncture. Anand Mahato, President of MCC and ex-MLA says that the merger of MCC and CPIML gives strength to the ideals and legacy of Com. A K Roy and fulfills the need of the hour. CPIML legislator Vinod Singh views this merger as the consolidation of anti-fascist forces in North Chota Nagpur that has unsettled the BJP in Jharkhand.

Dipankar Bhattacharya, the general secretary of the CPIML has underscored the possibility of a deep impact that this merger will have on the politics of Jharkhand. The unity of the working people, cemented by the merger, will boost up the ongoing struggle against the RSS led corporate-fascist experiment to turn Jharkhand into their laboratory. Recalling the stellar role played by Com A K Roy in leading the struggle of workers for nationalization of coal, Com Dipankar said that the Modi government is reversing the policy of nationalization and handing over the minerals, services, industry and natural resources to crony capitalists. Strengthening the legacy of Com. Roy is tantamount to building a powerful and broad-based workers' movement against privatization in the present situation.

The 2019 Assembly elections had witnessed sharp lines of demarcation drawn against the BJP by the Adivasis and the indigenous inhabitants, scheme workers and youth. The BJP had to face a decisive defeat.

However, it did not apologize before the electorate for causing malnutrition, corporate takeover, violation of 5th schedule, weakening of CNT-SPT amongst others. Have the lines of demarcation faded over the years?

Congress Dipankar Bhattacharya is of the opinion that the Jharkhand elections are not merely limited to changing the balance on a few seats. Jharkhand is a mineral rich state and after the electoral victories in Chhattisgarh and Orissa, the BJP is now eyeing Jharkhand to complete its 'Adani triangle'. There is struggle against the BJP for each and every seat. If during the last elections, the people's movements played a role in deciding the outcome of the results, this time the elections will have to be transformed into a movement against fascism. This election will have to be converted into a campaign against the ulterior motive of BJP to dilute the aspirations of the working people and the regional sentiment of the Jharkhandi people. The India alliance should accept it as a fight to be fought on the streets as well as secured in every constituency in an unified manner.

Like the lok sabha elections, the Assembly elections will be contested on an uneven playing field. With its money bag and a subservient Election Commission, BJP is accustomed to spreading political corruption at every level. But the burning questions of the masses are its Achilles heel. If the masses are mobilised actively on these issues, neither the communal machinations of Himanta and Shivraj nor the horse trading of leaders will prove effective. The INDIA alliance will have to work for a militant mobilization of the masses as well as unity among its constituents. The BJP would like to trick the elections into an 'issueless' one and confuse the opposition. Only time will tell whether the alliance will be successful in punishing the Modi government for its decade long injustice to Jharkhand in the people's court. ■

Justice for RG Kar

A Call for Freedom from Sexual Harassment, Violence and Discrimination- from Work Places, Home to the Streets

▲ SUCHETA DE



The brutal rape and murder of a junior woman doctor in the RG Kar Medical College and Hospital in Kolkata has shaken the conscience of the nation. The fact that a woman doctor can be brutalised so terribly, while being on duty, inside a government run hospital in a metropolitan city like Kolkata brought out the naked reality of all encompassing rape culture prevalent in our society. The shameful attempt by the college administration to portray the incident as suicide and subsequent attempts to shift the blame on the victim for 'being alone late at night' generated a mass anger that has kept the movement for justice alive. A movement that started in the beginning of August has sustained itself till today exploring several creative modes of struggle. On the eve of Independence Day, a call for Reclaim the Night was sent out. Thousands of women cutting across class backgrounds, sexual minorities and other citizens flooded the streets at mid light all across West Bengal. The reverberation of the call was felt significantly in other states of the country as well. The call for Reclaiming the Night truly represented the spirit of the movement. The message was clear. Women and oppressed gender identities are here to reclaim the day and the night for justice, equality and freedom.

Confronting Rape Culture

While demanding justice for the brutalised young doctor of RG Kar the movement has generated a flame that questions every instance of patriarchal dehumanisation of women and oppressed sexual identities. From every day sexual harassment on the streets, inside homes, on bus, train or metro, inside offices and workplaces to the patriarchal burden of honour and shame imposed on women- the movement has generated an aspiration to confront all. The independent assertion of women's agency in terms of participation, articulation and leading the mass movement is clearly reflected in the determination of protesters to question the everyday normalisation of sexism and misogyny. Rape is after all a crime of power. Power that is systematically ingrained in every structure of the society, in our institutions, our everyday treatment of people based on their gender, class or caste. The organisers of 'Reclaim the Night' protest have clearly articulated that they will refuse to accept any attempt to justify restrictions on the mobility, freedom and independent agency of women and other gender minorities in the name of 'protection'.

The Flame That Must Challenge Today's Patriarchal Regime

The spirit of Justice for RG Kar movement inspires us all to stand up to the misogynistic power structure that rules the country. Today, the country is ruled by a force that has a history of forcibly pushing back women's quest of equality, justice and freedom. The ideological flag bearers of the RSS and Hindu Mahasabha that opposed the Hindu Code Bill ensuring advances in guaranteeing equal rights for women in the 1950s, are ruling the country for the last ten years. It is during the same time that we have seen public rallies in defence of rape accused by ruling party members from Kathua in J&K to Unnao in Uttar Pradesh. We have seen brutal crackdown on women students of BHU who rose up in protest against sexual harassment in the campus in 2017 and 2023. The women students of BHU, in the PM's own constituency Varanasi, were forced under stricter restrictions on their mobility in the aftermath of the protests. Women wrestlers of the country like Sakshi Mallik, Vinesh Phogat and others were treated with same brutal force of the state when they started their protest against sexual harassment by the then WFI chairperson and BJP MP Brijbhushan Saran Singh. The protest by women wrestlers have revealed the shameful fact the Internal Complaint Committees for dealing with cases of sexual harassment have either been non-existent or completely ineffective even in institutions like the Indian Olympic Association and Wrestling Federation of India.

Eleven Years Since Enactment of PoSH- What About Its Implementation?

The mass character of the Justice for RG Kar movement of 2024 is a reminder of the massive anti-rape movement that shook the country in 2012. The gang rape of a young woman in the National Capital of Delhi generated a mass outrage in

2012. The determinant intervention of the progressive forces in the 2012 anti-gang rape movement popularised the desire of freedom without fear for all women and oppressed sexual identities as against patriarchal protectionism that aims to impose restrictions on women's mobility in the name of protecting them. It is the pressure of that movement that forced the erstwhile incumbent to bring several progressive reforms. The Justice Verma Committee was constituted to recommend necessary legal changes and institutional reforms needed to address and confront rape culture prevalent in the society. While some legal reforms have been accommodated according to the recommendations of the Verma Committee, several institutional reforms remain unaddressed till now.

The 2012 movement also brought about the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, popularly known as the PoSH act. The PoSH Act replaced the Vishakha Guideline of the Supreme Court of 1997 that directed every workplace to constitute anti-sexual harassment cells for redressal and prevention of sexual harassment at workplace. Through the 2013 act, it is now mandatory for every workplace to constitute Internal Complaint Committees to prevent and address instances of sexual harassment at workplace.

The fact that the gruesome rape and murder of the young woman doctor happened at her workplace, the RG Kar Medical College while being on duty, makes it necessary to evaluate the steps taken by the government to ensure that Women and oppressed sexual identities feel safe at workplace and the workplace is devoid of gender discriminatory work culture that devalues and dehumanises the oppressed genders.

The Saksham Guidelines formulated by the UGC in 2013, after the

enactment of the PoSH act, reviewed the situation of institutional measures taken by universities and colleges for ensuring safe workplace for women. Enquired after 16 years of Vishakha Guidelines that not only gave directions for constituting anti-sexual harassment cells, but was also followed up by a UGC handbook to every institute, the Saksham Report suggested that less than half of the educational institutes covered had some kind of grievance committee for women that included some cells attached to the anti-ragging cells. When asked whether the institute had any anti-sexual harassment policy, around half the institutes said that they have constituted a policy very recently. To emphasise again, this was after 16 years of Vishakha Guidelines of the Supreme Court. When asked whether any complaint had been received by the anti-sexual harassment committees, a large majority, around 83.5% answered that they had received no complaint of sexual harassment in the history of their institution. This points towards the silencing culture that prevails in our institutes that discourages women from coming forward and feel safe enough without the fear of repercussions to file complaints and seek justice. This also became a ground for the institutes to claim that the issue of sexual harassment and gender discrimination does not affect their campus. The Saksham Report also pointed towards the overall lack of gender just campus spaces. The absence of available toilets, street lighting, adequate female guards, lack of communication modes for women students like buses for travelling at night. The institutional indifference towards the question of gender equality inside campuses was decisively brought out by the Saksham Report.

Six years after the implementation of the PoSH act a report titled 'Status and Functioning of Local Complaints Committees under the Sexual Harassment of Women (Prevention, Prohibition and Redressal) Act, 2013' was submitted to the National

Human Rights Commission by SAFMA. As suggested by the title, the report assesses the efficacy of the implementation of the PoSH Act. It is important to note that the country saw a change in government at centre in 2014. The ground situation of the functioning of the institutional structures would be an important indicator of what has changed since the enactment of the law and a change in government. The PoSH act mandates every workplace to constitute an Internal Complaints Committee (ICC) and a Local Complaints Committees (LCC) in each district where less than 10 people are employed by the institute or the complaint is against the employer. Thus, the LCCs are important in terms of redressal of sexual harassment faced by vast majority of informal workers including domestic workers. The survey was conducted in three states of Delhi, Haryana and Odisha. The report reveals that while LCCs have been constructed by the local administration, the complete lack of visibility of the committees and lack of awareness about it among women employees bring out the fallacy of the situation. The absence of office space, permanent address, required staff and infrastructure needed

to conduct the enquiry define the reality of the LCCs. The LCCs do not even receive complaints directly. The intermediate time for the complaint to reach the LCCs make it more difficult for the complainant to avail justice. The survey that took responses from women informal workers reveals that among those who acknowledged facing harassment at workplace, 47% chose to suffer the harassment, 24% tolerated not knowing any redressal option, 19.5% confronted the harasser and 19.2% left the workplace. Most of the respondents who faced sexual harassment, a whopping 65% believed that no action will be taken against the harasser. Such is the situation of prevention of sexual harassment after six years of implementation of the act. It is also a grim reminder of the fact that we are living in a time when woman employee working under the Chief Justice of India faced institutional silencing, victimisation and denial of justice when she faced sexual harassment by the Chief Justice himself in 2019.

It is important to note here that the four labour codes brought by the BJP regime at centre does not include the PoSH act in the realm of labour laws.

The labour departments do not have any accountability in enforcing the PoSH Act. While the flame of gender justice lightened by the Justice for RG Kar movement must be kept alive for larger social change, the accountability of those who rule over the country must be fixed. The culture of shielding accused close to power, silencing and intimidating the survivor and institutional indifference in setting up procedures for addressing and preventing sexual harassment must be confronted. It is time we demand a gender audit from each and every institution. It is time we ask the incumbent- for how long do they plan to evade accountability? ■

The call for Reclaiming the Night truly represented the spirit of the movement. The message was clear. Women and oppressed gender identities are here to reclaim the day and the night- for justice, equality and freedom.

Carceral Populism and Its Impact

The introduction of capital punishment for rape is emblematic of what feminist scholars call carceral populism—a form of governance that responds to public outrage by increasing the severity of punishments without addressing the root causes of crime. As feminists have noted, carceral populism does not serve the ends of justice. Instead, it deepens the majoritarian state's hold on society, while sexual impunity remains widespread.

This bill, much like the Bharatiya Nyaya Sanhita (BNS), which was implemented earlier in 2024, reflects the state's desire to appear tough on crime while failing to address the underlying issues of gender-based violence. The

death penalty and life imprisonment may provide a temporary sense of justice to some, but they do nothing to dismantle the structures that enable sexual violence in the first place. ..Moreover, the bill glosses over the pressing need for gender sensitization among law enforcement and judicial officers. Legal mechanisms to support survivors, such as witness protection programs and trauma-informed judicial practices, remain absent from the bill. Instead of addressing these critical gaps, the state has chosen to focus on punitive measures that are unlikely to have any meaningful impact on conviction rates or survivor protection.

..Another glaring omission in the Aparajita Bill is the lack of attention

to accountability within the law enforcement and judicial systems. The bill fails to address the role of public prosecutors, many of whom are appointed based on political affiliations rather than competence. As a result, special courts often suffer from the same legal incompetence that plagues the rest of the system.

..If the state is truly committed to protecting women and children, it must go beyond carceral populism and focus on the difficult, yet necessary, task of reforming the institutions responsible for delivering justice.

(Excerpts from the article "The Aparajita Bill: Legislative Populism Unvanquished" by Jhuma Sen, published in LiveLaw.in on 11 Sept 2024) ■

Laws are not Enough!

▲ RISHAV SHARMA

The work of law is to deliver justice and maintain order. Since justice is not mere retribution, its intent mustn't be compromised for a perceived lack of adequate penalties or appeasement of the masses. The law must therefore be wielded with unwavering commitment to its principles even when the outcomes are difficult or unpopular. Professor Wechsler, the American legal scholar, aptly emphasized the role of penal law as a responsibility for being rational since in no other field of law more is at stake for the community or the individual.

Enhancing punishments, as proposed by the Bill, is a bad substitute for reforms needed for meaningful social transformation. There is no evidence to show that harsher penalties deter crime.

The West Bengal government faced immense backlash on the issue of women's safety after the gruesome incident at the RG Kar Medical College. The resident doctor was brutally raped and murdered while she was resting in the seminar hall after a backbreaking 36 hours shift. Similar incidents in Maharashtra, Bihar and Uttarakhand also surfaced in August raising pertinent questions of gender-based violence in India. Amidst the outrage condemning the incident(s), several took to the streets. The Maharashtra High Court while hearing the Badlapur sexual assault case, where two minors were sexually assaulted, off the record, reprimanded the police for delay in

preliminary inquiry saying, "Do you want to say that unless people don't come on the streets probe will not be carried seriously?"

The protests were a spontaneous repercussion of the failure of the state to take appropriate measures to curb gender violence. The rot of the ailing society was called out in protest and the public sentiments pivoted towards capital punishment for the perpetrator(s). The swelling dissent against the state led to the summoning of a special session of the West Bengal State Assembly. In a sort of knee-jerk response to the public outcry, the State Assembly unanimously passed the Aparajita Woman and Child (West Bengal Criminal Amendment Laws) Bill, 2024. However, and enacting a law with capital punishment provisions isn't a viable response to the deeper rot of society. Despite the fervour, deeper analysis or a coherent vision for systematic reforms remained sparse. The Bill now awaiting the Governor's assent, appears to be little more than a political manoeuvre in the ongoing blame game and theatricalities between the state and the centre. Compounding this is the reality that criminal laws cannot be applied retrospectively, rendering the Bill a sugar-coated concession for those demanding justice.

At the outset, the preamble of the Bill asserts its objective to enhance the punishment and to amend the procedure in cases of heinous offences against women and children. The Bill does not acknowledge the issue that shall be promptly dealt with - the strategy for social transformation and deterrence of crime against women and children. Notably, the Bill introduces capital punishment in several offences of rape. However, there is no critical research which recognises/ suggests that capital punishment effectively deters heinous crimes. Moreover, the criteria for imposing capital punishment remains unclear in cases of rape, more likely the criteria shall hinge on another ambiguous criterion i.e., rarest of rare doctrine. This, coupled with the inherent risk of error, could unjustly cost an unrepresented person their life.

The argument that capital punishment fails to deter heinous crimes is supported by the fact that 112 countries have abolished it entirely. In 2020 Bangladesh took an opposite approach and introduced capital punishment for rape by amending the Women and Children Repression Prevention Act. The Amendment brought by Bangladesh has uncanny similarities with the Aparajita Bill, which includes the enhancement of punishment and the removal of minimum sentencing caps. The Amendment Act of Bangladesh too was fixated on the principle of retribution. The 2020 Amendment Act complicated



the justice system, leading to a lack of transparency in handling cases of sexual violence, overwhelming the higher judiciary, and causing severe delays in legal proceedings. The prisons were overcrowded, though the conviction rate remained low but disproportionately impacted the marginalized communities, revealing the deep flaws in using capital punishment as a populist solution.

Additionally, the Aparajita Bill's provision to levy fines on perpetrators for the rehabilitation of survivors appears to be an attempt by the state to evade its responsibility as *Parens Patriae*. The role and obligation of the state in the rehabilitation of the victims will be compromised. The state by the doctrine of *Parens Patriae* is obligated to ensure comprehensive rehabilitation, encompassing medical and psychological support, legal support and social reintegration, to name a few of the responsibilities. The law made in haste is ostensibly inconsistent in its aim to deliver just punishment or effective rehabilitation to the survivor.

Enhancing punishments, as proposed by the Bill, is a bad substitute for reforms needed for meaningful social transformation. There is no evidence to show that harsher penalties deter crime. For instance, after the Nirbhaya incident, the 2013 Amendment to the penal statute enhanced the punishments but failed to curb sexual violence against women and children. Despite the claims of deterrence, the number of rape cases remained alarmingly high. According to NCRB data, 33,707 rape cases were registered in 2013, the numbers fluctuated in subsequent years—36,735 in 2014, 34,651 in 2015, and 38,947 in 2016. The latest statistics show a similar trend, with 31,516 cases recorded in 2022.

The Bill constitutes the 'Aparajita Task Force' led by the Deputy

Superintendent of Police for the investigation of heinous crimes against women and children. The Amendment tweaks the provision of Bhartiya Nyaya Suraksha Sanhita (BNSS), Section 193 (2), wherein it is mandated the officer in charge complete the investigation within 21 days from the date of receiving the information. While the new timeline aims to ensure swift justice, the toss-up situation remains wherein the haste may compromise the quality of the investigation, potentially leading to more acquittals in cases of heinous crime. According to the NCRB statistics from 2018-2022, the conviction rate in rape cases has been abysmally low ranging between 27% to 28%. Faulty investigations and discrepancies in evidence collection are the primary causes of such acquittals. Endorsing capital punishment for rape cases could lead to a decline in reporting, especially given that many assaults are committed by close relatives or acquaintances. Survivors may hesitate to come forward, fearing the severe consequences for their attackers, who are often extended family members. Additionally, the likelihood of survivors being harmed or killed would increase, as perpetrators may resort to silencing victims to avoid the gallows.

The Prevention of Sexual Harassment at the Workplace Act (PoSH Act), 2013 has proven largely ineffective. While the Principal Act mandates the establishment of Internal Complaint Committee (ICC) at workplaces and Local Complaint Committees at the district level, a lack of transparency and inadequate data on the adjudication of PoSH cases continues to hinder progress.

The internal redressal mechanism under the PoSH Act, particularly the restrictive three-month window for filing complaints, has discouraged many survivors from seeking justice. Instead of offering a safe and supportive space, the in-house Internal Complaint Committees (ICC) often deter individuals due to

legitimate concerns over impartiality and biases rooted in caste, class, and gender dynamics between the complainant and the accused. The swift exoneration of former Chief Justice of India, Ranjan Gogoi, in a sexual harassment case against him, is a striking example of the system's patriarchal leanings, illustrating how the very mechanisms meant to protect women often reinforce existing power imbalances.

The J.S. Verma Committee had proposed several measures (legal as well as sensitisation) after the infamous Nirbhaya case. However, these recommendations have not been implemented, and the broader trend of tribunalisation of justice has failed to yield meaningful improvements, leaving systemic issues unresolved.

True reform begins with empowering women through economic independence, enabling them to break free from the hidden chains of economic violence. Achieving equal social standing requires a safe, supportive environment, shaped by the collective efforts of society, including expanding education and job opportunities for women. Socio-economic factors, like high unemployment, are correlated with increased sexual violence, particularly intimate partner violence. During the pandemic, women faced a "shadow pandemic" of domestic violence, with the National Commission for Women (NCW) receiving 4,350 complaints, while a UN Women report revealed that 1 in 3 women globally experienced physical or sexual violence from their intimate partners. Yet, in India, marital rape remains protected by the outdated Hale's doctrine as has been asserted in *History of the Pleas of the Crown* in 1736

'the husband cannot be guilty of rape committed by himself upon his lawful wife for, by their (wife) mutual matrimonial consent and contract the wife hath given up herself in this

kind unto her husband, which she cannot retract’.

Additionally, law enforcement must evolve beyond its colonial roots, where it functioned primarily as a tool for suppressing dissent. India's police system needs to engage with communities at a grassroots level, fostering trust and collaboration to effectively address violence and promote women's safety.

Addressing sexual violence against women and children requires more than harsh punishments, as the issue is deeply rooted in patriarchal cultural norms. Rape has been used as a tool of domination, the right-wing hero V.D Savarkar had justified rape as a political tool. He wrote,

Let the Sultans and their peers take a pledge that in the event of a Hindu victory, our molestation and detestable lot shall be avenged on the Muslim women. Once they are haunted with this dreadful apprehension that the Muslim women too, stand in the same predicament in the case of the Hindus win, the future Muslim conquerors will never dare to think of such molestation of Hindu women.

Proposals to tweak legal provisions, while important, are inadequate steps toward creating a safer environment for women. Such changes alone cannot address the deep-rooted issues; true reform must come from the ground up. The horrifying incident in Ujjain, Madhya Pradesh, where a woman was raped in broad daylight while bystander(s) recorded the assault, reiterates the cultural apathy towards women and sexual violence. The answer to structural violence is to smash the patriarchy and the attendant norms and false sense of superiority it fosters. ■

Trials and Tribulations of India's Downtrodden

▲ SOMENATH GUHA

There is a country within India which is forgotten, wilfully forgotten, and whenever the marginal people of that forgotten land try to announce and assert their existence, they are brutally suppressed and subjugated; this is in crux the substance of Bela Bhatia's book, 'India's Forgotten Country: A View from the Margins'. The book is a compilation of twenty-five articles, divided into five parts ---- 'A Divided Society', which deals with social, communal, gender violence; 'In the Name of Development' which deals with victims of 'Development'; 'The Flaming Fields of Bihar' which deals with caste oppression and violence in erstwhile central Bihar; 'Bastar in the Circle of Unreason' which deals with the plight of the adivasis in Chattisgarh; and finally a chapter which deals with 'Kashmir and the North-East'. Invariably the book is dotted with the tales of Hirabai Ghanchi, victim of communal conflagration, Harishankar Bairwa, a Dalit rebel against untouchability, Vinod Paswan, a victim of Laxmanpur-Bathe massacre or Ashok, a bonded labour even in this 21st century. Here in this write-up we can discuss some of the salient features of the book.

Caste Discrimination, Violence and Resistance

Poverty and caste oppression was nothing new to Bela Bhatia as she spent her early days in Bihar. The famine in 1967 and political turmoil in Begusarai is still vivid in her mind. Those memories return as she criss-crossed the country in her professional life. She found out that caste oppression was not something exclusive to Bihar but it was omnipresent. However its contradictions play out differently in different parts of the country.

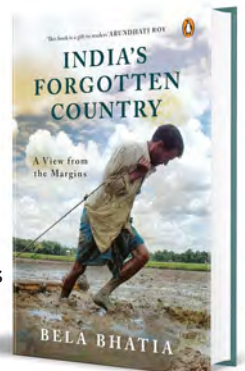
The Case of Rajasthan

Even today untouchability exists in large parts of Rajasthan; untouchability practised by general castes like Jats against the dalits and even untouchability within the dalits. Incidentally this village has a long and tortured history of discrimination and has even been mentioned by Dr.B.R.Ambedkar in his Annihilation of Caste. The incident described by the Doctor in the book is a bizarre one. Evidently an 'untouchable' family had served ghee, yes GHEE in a feast and all hell had broken loose. While the dalits were enjoying the food, "the Hindus in their hundreds, armed with lathis, rushed to the scene, despoiled the food and belaboured the untouchables who left the food they were served with and ran for their lives." This incident happened in 1936 and the author of this book writing seventy years after mentions an incident where the Bairwas, called Chamars elsewhere, were not allowed to use a particular ghat of the village pond. But the response of the dalits is benign, they do not turn violent. May be because the dalits are docile or as the author writes they are "respectful towards the law." Or probably because there is no political entity in the state which can take up the cudgels on their behalf. Rajasthan is basically a two-party state, BJP and Congress. After the 'pond' incident the dalits had given a petition to the VHP, the RSS was also informed. But they remained

India's Forgotten Country: A View from the Margins

Year of Publication: 2024

Author: Bela Bhatia; Publisher: Penguin



silent even though some Bairwas had participated in the Kar Seva. The incident exposed the Sangh Parivar's casteist face. The Congress was no better, as Harishankar Bairwa said, "Wahan bhi andar kuch, bahar kuch", meaning double-standards.

The author states that caste equations play out more complicatedly during elections. It has been seen that a dalit candidate often goes against his own caste's interest because without the support of the upper castes it is not possible for him to win the seat. Dr. Ambedkar had apprehended this. "Dalit parliamentarians elected by general constituencies would not be accountable to Dalits but to a larger constituency, which were effectively dominated by the privileged castes," he had argued.

The Case of Gujarat

The case of Gujarat is similar to Rajasthan. Here too in spite of severe discrimination the lower castes are apparently docile. Gujarat too is a two-party state with no political entity to fight for the lower castes. Here discrimination is starkly reflected in the availability and distribution of ground water. Say for instance the number of borewells owned by different castes. A survey shows that there are 220 bores in eight villages, out of which a whopping 214 is owned by Patels and other privileged castes. In another survey in a village named Bhadresar, number of lower caste families is 380, and privileged castes 160. But the ownership of extraction devices is as follows: all 29 bores are with the privileged castes; 27 out of 34 pump sets and 120 out of 128 electric motors are also with them. Needless to say distribution of land is even more unfair.

The Case of Bihar

Invariably Bela Bhatia wades into naxalite politics (this includes the activities of all the ML groups since late nineties) while writing on casteism in Bihar. She confesses, "the Bihar of my childhood had never left me." One thing led to another and Bihar became the site of her

PhD work, and thus began her tryst with the naxalite movement. She discusses the Laxmanpur-Bathe, Bathani Tola massacres threadbare and she has a whole chapter on 'The Naxalite Movement in Central Bihar'. She has some new insights to offer. Firstly she has countered the argument that naxalite movement is pre-dominantly violent. She has shown that, particularly after 1977, various forms of open and non-violent activities have been taken up ---- bandh, arthik nakebandi, jan adalat, dharna, rallies, chakka-jam, cultural activities etc. She has mentioned how Liberation MLAs and cadres launched an indefinite fast after Bathani Tola massacre in 1996.

Secondly she has argued that though naxalite movement has empowered the labouring and oppressed classes, given them izzat, this empowerment has not translated into better life. Building on this argument she states that due to violence in the countryside development has become a casualty and even stresses that naxalites are not interested in development as they believe that underdevelopment increases the prospects of revolution. This may have been the situation thirty years ago, when the movement was basically underground, but the reality in Bihar today is entirely different. She has herself stated that the movement has resulted in increase in wages, distribution of surplus land and reclaiming of gairmajurwa (common land in villages) land. In recent times there has been an increase in the wages of skill workers due to sustained movement. In education there was the innovative 'Sadak pe School' movement. An andolan is also going on to ensure that the government gives Rs two lakhs to the poorest of the poor. Most importantly that old mindset has been abandoned completely.

Her take on 'revolutionary violence' is more balanced. She wonders, even though the Left movement has significant practical achievements, whether the same results could

have been achieved through non-violent or at least less violent means. However she is not against all violence. In this context she advocates the approach of Bhagat Singh which is to use force as a matter of terrible necessity but non-violence as a policy indispensable for all mass movements. She also highlights the concept of Shantimaita, which commits itself to non-violence but does not rule out violence in situations of severe social and political upheaval. She writes this concept was introduced by Jaiprakash Narayan and practised by Chhatra Yuva Sangharsh Vahini in Bodhgaya from 1978 onwards.

Finally she opines in spite of the positive content in the movement, naxalite movement must reinvent itself. Whatever she means is open to everyone's interpretation.

Gender Violence and Exploitation

A chapter named 'Ekaki: The pain of Lonesome Marginality', describes the plight of widows and other single women. Widows live tortured lives and they are branded witches and burnt alive. Patriarchal society creates enormous hurdles to deny them land rights and property. The author again refers to Bihar where sexual exploitation had been rampant. She refers to the legend of Mahtin Dai in whose memory a temple stands at Behea, Bhojpur. Those were the days of the atrocious Dola pratha which the zamindars forced upon the poor and landless. This was a practice which compelled every new bride to spend her first night after marriage with the local zamindar. A local Raja Ran Pal Singh compelled Mahtin Dai for Dola. Her husband along with others resisted and died and the lady committed Sati. Resistance to this practice picked up in the 1970s and due to sustained resistance this practice has finally been abolished.

Exploitation of Adivasis

Sexual exploitation of women continues in the jungles of Chattisgarh. Rape and molestation

allegedly by security forces have become frighteningly common in Bastar region. Violence against women is not only restricted to areas of Maoist influence but it has been used to suppress people's movement against eviction. In Lohandiguda, an area dominated by CPI, people protested against a project of Tata Steel Company which involved acquisition of 6000 acres of land. The villagers' protests were met with indiscriminate arrests and sexual assault. But in spite of the repression Tata Steel had to withdraw from the project in 2016.

In another chapter the author has discussed the pros and cons of the Forest Rights Bill, 2005. But overriding this bill and bypassing the provisions of (PESA), 'Panchayat Extension to Scheduled Areas', which gives special powers to the Gram Sabhas, as many as 42 MOUs were signed for only steel plants in 2006. Digressing from the book it needs to be mentioned that whatever positive was there in that bill has been diluted by the 'Forest (Conservation) Amendment Bill, 2023'. This new bill has rendered 27.62% of forest unreserved which means any project coming up in those areas will not require any clearance from the authorities. With the advent of the BJP government so called industrialization is in full swing in the state. All the old MOUs are being opened and implemented. In parliament the central government has blatantly announced that 273000 more trees will be cut in Hasdeo Arand to facilitate coal mining in the area. Protests by the people are being severely suppressed.

Victims of Development

'Our land, our water, our forests, our rights', that is the people's slogan at the Jadugoda mines in Jharkhand. Here the uranium mines have wrecked havoc on people's lives. Due to mining TB is rampant, many workers suffer from lung cancer and many die premature death. But even in this adverse situation people continue to protest. Many local organizations have come up to resist mining, principal among which is Jharkhandi Organization Against Radiation (JOAR).

The Koel-Karo project in the same state represents a success story. This hydro-electric project was initiated in 1973 and after thirty years of sustained resistance the project was finally scrapped in 2003 thus saving 132 villages and 50000 acres of forest and cultivable land.

Amidst the gloom and tales of repression by the security forces and landed classes, the book has these silver linings of success. Some articles are dated, mainly the ones on Kashmir and Manipur. Regarding Kashmir one would have expected a write-up post the abolition of Article 370, and in case of Manipur an essay on the Meitei-Kuki conflagration that has been going on for more than 400 days. In spite of that this book has a historical value; it is a collection of articles on the life and times of India's marginalized from the mid-nineties to around 2020. The writer has given voice to those invisible people, the underprivileged who remain anonymous in our daily lives. ■

A TRIBUTE TO A.G NOORANI

Abdul Ghafoor Abdul Majeed Noorani Sahab passed away 29 August 2024



The loss is public yet personal for many. A lawyer, constitutional expert, and prolific author who contributed to legal scholarship and political discourse in India for over six decades. He embodied Milan Kundera's quote "The struggle of man against power is the struggle of memory against forgetting". He wrote on profusely and courageously on some of the most contentious and thorny politico-legal issues in India. Subjects that are dangerous to discuss in public in today's India.

Reading any Noorani book, means going through the excruciating details he asks you to pay attention to; in that sense he spoke through details and facts. It is the painstaking work of looking through thousands of documents, judgments, even interim-orders of district courts, maps, resolutions, official communications of executive authorities. Once he put them together, it narrated a story of treachery, false promises, arbitrariness, brute unaccountable exercise of power, undermining of constitutional morality and denial of basic rights by the powers that be. The obscure documents he uncovers, makes one think; where did he find that ?!. Like drafting a petition, key facts are backed by documentary evidence, marshaled together to form an argument that exposed and uncovered injustice. For many of us, he gave us the legal language to articulate the deep injustice we feel. This is a tribute but also an attempt to convince you to read his works.

Some of his works include, two books on the destruction of the Babri Masjid wherein covers every minute detail, of the civil suits up to the High court decision and the derailment of the criminal trials. Article 370: A Constitutional History of Jammu and Kashmir; a detailed history of internally hollowing out Article 370 and the constant chipping away of a promised autonomy. This was published before the Supreme court upheld the abrogation.

The Muslims of India: A documentary record; is another important work where the emphasis is on the responses of the Muslims to the problems they faced and on intra-community debates that ensued in the aftermath of Partition. It covers debates on Muslim personal law, autonomy to Muslim educational institutions etc. It also elaborates on the socio-economic conditions of Muslims. In The RSS: A Menace to India, Noorani traces the RSS's ascendancy from a fringe group/movement in its beginnings in 1925 to a hegemonic force in contemporary Indian politics. These are just a few to demonstrate the diverse subjects he wrote on. There are several others such ; the destruction of Hyderabad, Indian political trials, India-China boundary problem etc.

Rest In power Noorani Sahab, a scholar who spoke law to power until his last breath !

- All India Lawyers' Association for Justice (AILAJ) ■

Sitaram Yechury in JNU

▲ NR MOHANTY

I have been asked to write on the role of Sitaram Yechury in shaping the progressive democratic legacy of the Jawaharlal Nehru University in general and Jawaharlal Nehru University Students' Union in particular. Well, I must say that Sita, as he was called by one and all in the JNU fraternity, was as much shaped by the progressive, democratic culture of JNU when he joined the campus in 1973 as he was instrumental in nurturing it when he came to the leadership position in the student movement in 1977.

The JNU was established in 1969 but it took almost three years for the various official bodies to find their feet. The first elections to JNUSU were held in 1972; that time, there were two distinct political groups in the campus; one led by Prakash Karat of the SFI, the student wing of the CPM, and the opposing group coordinated by Anand Kumar. Before coming to JNU, Anand Kumar was the BHU Students' Union president and had been expelled for leading a student agitation in the campus. Anand Kumar belonged to the SYS, the student wing of the Socialist Party, but soon he realised that there were not many takers for Lohiaite ideology in the JNU campus then. So Anand mobilised students opposed to the monolithic ideology of the SFI and AISF under the banner of Free Thinkers.

The first elected president of the JNUSU, V C Koshy, did not belong to any political group; in fact, both Prakash Karat and Anand Kumar had supported Koshy against a Congress-backed candidate. But the next year, in 1973, both Prakash and Anand entered the fray. Prakash defeated Anand that year. But the tables were turned in 1974 when both the candidates contested again against each other and this time Anand Kumar emerged victorious.

The credit must go to both the rival student groups — the left group of SFI + AISF and the opposite rainbow group called Free Thinkers — for painstakingly building a democratic foundation of student politics. The students' union elections were conducted by the election commissioners elected by the students themselves. Post-dinner debates and discussions became the staple of JNU politics. Study and Struggle was the rallying cry of student activism.

But one must admit such a democratic progressive culture could not have been institutionalised in the JNU campus without the support of the then administration. G Parthasarathy, a retired diplomat, was the first vice chancellor of the JNU; he actively supported the progressive initiatives of the students that laid the foundation of a robust democratic culture; Parthasarathy had readily agreed to various demands like student representation in the Academic Council and other academic bodies so that students had a say in framing the academic ecosystem in the campus.

When this democratic experiment



in JNU politics was in its embryonic stage, Sitaram joined the first batch of the MA economics course in JNU in 1973. He had come from the St Stephen's and had not tasted the political waters yet. That year, SFI swept the polls under Prakash Karat's leadership. The next year, in 1974, when Prakash contested election for the position of president again, Sita was part of his team; he was a candidate for the post of councillor from the School of Social Sciences. Prakash lost but Sitaram won. Sita's baptism of fire in student politics thus began in 1974 in the students' council led by Anand Kumar. Sita never looked back.

During the Emergency next year, Sita went underground and took part in the resistance movement before his arrest. When the Emergency was lifted and an extraordinary JNUSU election took place in April 1977, Sita became

Condolence Message

We are deeply saddened to hear about the passing of Comrade Sitaram Yechury. His death at this critical juncture is a great loss for the Indian communist movement and for every Indian fighting in defence of democracy, federal framework and India's pluralist cultural fabric. He will be greatly missed by the entire spectrum of India's democratic movement from university campuses and trade unions to diverse platforms of dialogue and debate.

At this hour of loss and grief, we stand with the entire ranks of CPI(M), Comrade Yechury's family, comrades, friends and admirers. Adieu, Comrade Sitaram. We will carry forward your mission of a socialist India with all our might. Red Salute to Comrade Sitaram Yechury!

- Central Comiittee, CPI(ML) ■

the presidential candidate of the SFI and won a decisive mandate. A few months later, in September 1977, Sita again swept the polls in the regular JNUSU election. But a few weeks later Sita had to resign as a no-confidence motion against the Students's council was passed in a marathon general body meeting spanning 12 hours; the charge was that the students' council led by him had failed to punish the four guilty university officials responsible for the excesses in the campus during the Emergency. But two months later, when another interim election took place, Sita romped home for the third time.

That might sound strange, but that happened because Sita was an immensely popular figure; even those who did not agree with the Marxist ideology or with SFI's politics, were ready to support Sitaram personally because he was a charming person in every possible way a student could be; he was quite handsome, he was the topper in the class, he was immensely articulate, he was a firebrand at the podium but soft-spoken in personal interactions. Another quality that endeared Sita to those who didn't belong to SFI was that he was non-dogmatic in

his approach to life. 'Let's agree to disagree' was his standard response to those who differed with him; that was a trait that made him popular even as a national political leader in the later years.

As an extraordinary coincidence, Sita was elected president thrice within a span of barely one year and his last term ended in July 1978 but he had a much more enduring impact on JNU politics as he kept coming back to monitor and guide SFI activities in the campus first as the Delhi state president of the SFI and later as its all-India president. Even when he became a member of the Central Committee of the CPM and later of the Politburo, or even as general secretary of his party, he was a regular visitor to the JNU campus either to express solidarity with the students protesting against injustice or to invoke them to be part of the broader struggle of the workers, the landless labourers and the marginalised sections to get them justice.

Sita joined the JNU campus when a vibrant democratic culture was taking roots; he actively nourished it during his days of political activism in the campus. That strong foundation of a progressive environment continued

for years even as different political formations other than the SFI won the popular student support. But things changed for the worse after 2014 when a stridently communal political establishment came to power in the country. Hooligan elements owing allegiance to the ruling party unleashed terror in the campus, with the tacit support of the university administration. Violence, which was anathema to the JNU's political culture for years, rather decades, raised its ugly head and it sought to destroy the unique intellectual environment of the campus. In that dark hour, Sitaram Yechury, as a Member of Parliament, drew national attention to the systematic destruction of the democratic ethos by the ruling party in the JNU and other campuses in different parts of the country.

Sitaram was a product of a progressive student movement; he endeavoured till his last breath to keep the fire of democratic student activism burning. His passing away is a huge loss for the democratic student activists of all ideological persuasions across the country.

(Author is a senior journalist and former JNUSU President (1982-83)) ■

Comrade Parashuram Rai



Comrade Parashuram Rai passed away due to a fatal brain haemorrhage in the wee hours of 21 September while sleeping in the district party office in Gaya. He was 58 and suffering from chronic asthma for the last couple of years. His sudden death is a big shock to all of us.

Comrade Parashuram Rai was originally from village Kushidih in Dumaria block and was a full time activist in the Party. He worked in Dumaria during 90s, later went to Balaganj and then Khizarsarai blocks before coming to Gaya. He was the

member of Gaya district committee. He is survived by his wife and two daughters.

The party flag flew at half mast in his honour. CPIML state secretary Kunal, Polit Bureau member Amar, district secretary Niranjan Kumar and party MLA from Ghosi Rambali Yadav along with hundreds of comrades and friends paid him floral tributes at the Gaya district office. They pledged to fulfil his dream of a better society.

Red Salute to
Comrade Parashuram Rai! ■

Comrade Sunil Chandravanshi

CPIML Arwal district committee member, Sunil Chandravanshi (55 years old), was murdered on 9 September 2024 when he was returning on his motorbike to his village in the evening. The killers ambushed and shot him at a rice mill near Imamganj Bazar police station. He was murdered by a gang associated with the BJP, led by criminals like Jumman, Raju, and Chandrakant Sharma.

Sunil Chandravanshi, an active member of CPI(ML) since 2012, was a prominent figure in local struggles like demands for proper electricity and better roads. He was incharge of the party's work in the northern part of Karpi area. His activism made him a target of local feudal and criminal elements. The electricity was brought due to his efforts in many villages in the area, like Mohar Bigha, Chhakkan Bigha and Konark Nagar. He also launched a struggle for construction of roads in these three villages which become unreachable during monsoons due to floods. He was successful in constructing a pucca road up to Mohar Bigha with the help of local CPIML MLA fund. But the government refused to build a road for Chhakkan Bigha, despite raising of this issue inside the Bihar Assembly by CPIML MLAs. Even then comrade Sunil did not relent and decided to make a road with people's participation. He gave a call for Shramdaan (labour contribution) as well as financial contributions, and in this year only a one kilometre long road has been built by the villagers themselves! He also contested election for village mukhiya in Aiyara panchayat in 2017.

Jumman-Raju-Chandrakant Sharma Gang and Political Nexus

This is a known fact that the murderous gang of Jumman-Raji-Chandrakant Sharma had worked for BJP in the last Lok Sabha elections. In a time, when killers of big massacres like Laxmanpur-Bathe and Shankar Bigha are exonerated, the morale of such criminals has been boosted to unprecedented heights under the BJP-JDU regime. On the other hand, dalits and the poor are being displaced from their homes and ponds using bulldozers and people's popular leaders are being implicated in false cases and even assassinated.

In 2013, four dalit labourers belonging to the Bind community were massacred by this gang in an attempt to capture a fish pond. Sanjay Singh of Imamganj Bazar also lost his life for daring to oppose this gang, Shraavan Mahto was killed for not paying extortion money, this gang also murdered Devratan Mahto and Lalan Mahto. This gang had burnt down a shop because its owner refused to pay hafta, extortion money. This gang still continues to extort regularly from the shops in Imamganj Bazar, in spite of the fact that the police station is also situated in this market. This criminal gang has monopolised fish production amounting to lakhs of rupees in the area, with many major ponds including Bhainsasur Aahar, Jamharu Naala and Mungila Naala. Technically the ponds are auctioned by the administration but in reality this gang wins all the auctions at very cheap rates because of its terror tactics and connivance with the officials. Comrade Sunil Chandravanshi has been raising his



voice against this reign of terror and corruption, hence he was targeted and killed.

Protest Against Murder

The brutal murder of CPIML leader Comrade Sunil Chandravanshi has sparked widespread protests and a district-wide bandh in Arwal, Bihar on September 11. The bandh, marked by large gatherings and demonstrations, received good support from the public, with shops largely remaining closed. Protesters demanded the arrest of Com. Sunil Chandravanshi's killers, monetary compensation to the victim's family, a government job to one of his family members, and action against the police station that allegedly failed to curb the gang's activities.

A Pratirodh Sabha, resistance meeting, was organised on September 21, 2024, at Imamganj Bazaar, which was addressed by Comrade Dipankar Bhattacharya, General Secretary of CPIML and Comrade Sudama Prasad, National Organization Secretary of All India Kisan Mahasabha and MP from Ara. The sabha noted that the BJP-JD(U) government's policies have emboldened the criminals and feudal forces leading to a rise in attacks on Dalits and the most vulnerable communities.

CPIML pays Comrade Sunil Chandravanshi tributes and condolences to his bereaved family and friends, and pledges to fulfil his unfinished dream.

Red Salute to Comrade Sunil Chandravanshi! ■



Why this Desperation for 'One Nation, One Election'?

One Nation, One Election is clearly inspired by Golwalkar's idea of India as a Unitary State.

In an article written after the publication of the Report of the States Reorganisation Committee in 1956, Golwalkar had unabashedly advocated the model of a Unitary State "to bury deep for good all talk of a federal structure of our country's Constitution, to sweep away the existence of all 'autonomous' and semi-autonomous 'states' within the one State viz. Bharat and proclaim 'One Country, One State, One Legislature, One Executive' with no trace of fragmentational, regional, sectarian, linguistic or other types of pride being given a scope for playing havoc with our integrated harmony".

The One Nation, One Election scheme is nothing but a step towards turning India into a Unitary State and reducing parliamentary democracy to a presidential form of government. The arguments of saving cost, preventing 'policy paralysis' and ensuring uninterrupted 'development' are only an exercise in sophistry with no real basis. In a democracy elections must firstly be about people's participation and the ability of the people to give a mandate without fear. The idea of subjecting elections to a cost-benefit analysis will logically lead towards favouring dictatorship over democracy in the name of cost-cutting and uninterrupted 'governance'.

Save the Federal Democratic India envisioned in the Constitution, reject the "One Nation, One Election" route that leads to dictatorship in a Unitary State.



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

PRINTED AND PUBLISHED BY

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

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

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PH.: 91-11-42785864