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60 Years of the Indian Republic: Constitutional Charter of Rights Being Crushed Underfoot

Every year, Republic Day presents an occasion for the Indian State to showcase the country's economic progress and military prowess. The 60th Republic Day this year additionally comes in the midst of Operation Greenhunt, when the military might of the State is being deployed against its poorest people in the most backward regions - in the defence of corporate capital.

As the troops march in the R-Day Parade, as the military hardware is proudly displayed, as the official tableaux of culture roll out, citizens of the country however will remember the other legacy that Republic Day commemorates. On January 26 1950, the Indian Constitution was adopted which codified a charter of principles of citizens' rights. And the official celebrations cannot mask the grim reality that seems to mock those founding principles of the Indian Republic today.

Skyrocketing prices and unemployment continue to make the daily survival of most Indians a bitter struggle. In the bitter winter cold this January, hundreds of homeless have already lost their lives. The Rathore case reminds us of how men in uniform flout the law and how our justice system fails to deliver. The crisis of credibility of the state's institutions, including the judiciary, is exemplified by the impeachment move initiated by the Rajya Sabha against the Karnataka Chief Justice P.D. Dinakaran who had even been nominated to the Supreme Court until allegations of corruption forced the nomination to be withdrawn. The crisis of credibility is compounded by the efforts of the Supreme Court to keep the judiciary out of the ambit of the RTI law.

Worst of all is the way in which the fine principles of justice and liberties enshrined in the Constitution are being mercilessly trampled upon - with impunity - by police and armed forces. The case of Ruchika has justifiably sparked off outraged questions nationally about the complicity of institutions in protecting powerful criminals. On the frontlines of the state's war on the people, there are many more Ruchikas - in Shopian, Manipur, Bastar - where rapes and murder by men in uniform go unpunished and the entire might of the state and its institutions including judiciary, CBI and the like, collude to suppress the truth and silence the demands for justice.

Those who blow the whistle on the collusion of politicians and policemen in corruption and corporate loot are often killed - and the killers routinely evade justice. The CBI has recently filed its chargesheet in the murder of CPI(ML) MLA Mahendra Singh. The chargesheet is testimony to the CBI's refusal to investigate a powerful police officer - Deepak Varma who was SP of Giridih district at the time of the murder - and then BJP MLA Ravindra Ray. Comrade Mahendra Singh was engaged

in exposing their nexus with coal mafia and their role in several fake encounters and murder of advocate Prashant Sahai.

There are also innumerable cases of police officers who specialise in fake 'encounters.' Despite repeated indications that such officers are in fact hand-in-glove with criminals (witness the recent party hosted by a mafia don and attended by Mumbai top cops, and the exposure of the role of Gujarat 'encounter specialist' Pradeep Sharma in a land scam in Bhuj following the 2002 earthquake), such 'encounters' are more often than not justified as part of the 'war' on terror and organized crime.

The true spirit of Republic Day cannot be represented by ritual flexing of military muscle: we can do it justice only by challenging the impunity enjoyed by those in uniform who crush the Constitutional rights underfoot, and demanding thoroughgoing democracy and an end to state terror.

Resist Communalism and Regional Chauvinism

Groups like the Shiv Sena have been using the attacks in Australia to bolster up their nationalistic pretensions and even further their own communal agenda. The Sri Ram Sena, a Hindu majoritarian outfit, notorious for the attack on women in a Mangalore pub last year, has reportedly issued a warning in the Bhatkal district of Karnataka: "It is obviously clear that the Indian Christians are having a hidden hand behind ongoing attacks on Hindus in Australia. If the attacks on Hindus doesn't stop there, we will not spare even a single church in Bhatkal Taluq."

The Shiv Sena called for a ban on playing cricket with Australia. The Shiv Sena's stance is ironic, since it's own attacks on Hindi-speaking migrant workers in Mumbai smack of the same syndrome as the racist attacks on Indians in Australia! Regional/linguistic chauvinism – as displayed by the Shiv Sena and the Maharashtra Navnirman Sena (MNS) – is nothing but a desi variant of racism, as is the communal violence against Muslims, for which, too, the Shiv Sena is notorious.

At the height of the violence by the Raj Thackeray-led MNS in Mumbai, the Congress-led Government of Maharashtra had calculatedly done little to curb the violence against migrant workers from North Indian Hindi-speaking states, banking on the MNS to cut into Shiv Sena votes in the elections. Now, the Congress Government has gone one step ahead, trying to compete with the MNS-Shiv Sena agenda by proposing that licenses for plying taxis in Mumbai would be given only to those with a 15-year domicile in the state and who can read and write Marathi. In the face of an outcry, the Congress has now backtracked from the latter requirement – but not without having given fresh fodder to the MNS and Shiv Sena.

The jingoistic posturing of groups like the Shiv Sena must be exposed, and all sorts of discriminatory acts, be it by the Shiv Sena-MNS or by the Congress Government of Maharashtra, must be resisted.

Mass Rally on Mahendra Singh Martyrdom Day

January 16, 2010, marked five years of the martyrdom of Comrade Mahendra Singh. The chargesheet recently filed by the CBI in the Mahendra Singh murder case fails to mention the key

accused who had been named in the FIR: then SP of Giridih district Deepak Varma and then State Industries Minister and BJP MLA Ravindra Ray, whose nexus with the coal mafia and role in several murders and scams was being exposed by Comrade Mahendra Singh.

On the 5th martyrdom day of Comrade Mahendra Singh, a massive rally was held at Bagodar, Giridih. The rally was addressed by CPI(ML) General Secretary Com. Dipankar Bhattacharya. The martyrdom day was also observed at other district headquarters. On that day, a mass signature campaign was launched.

Protests Against Power Plant

After the November protests against the proposed power plant near Sirkazhi in Nagapattinam district on January 21st, angry agricultural labourers and poor peasants once more held a protest demonstration in front of the Sub-Collectors' office at Myiladuthurai. The protest was organized by All India Agricultural Labourers' Association (AIALA)-CPI(ML) as part of the 'No-Power-Plant' campaign. The protesters, more than 200 in number, demanded scraping of the proposed power plant, distribution of the land already acquired to the landless and poor peasants under the 2-acre land scheme, and complete withdrawal of false cases against activists protesting the land acquisition. A delegation of the AIALA-CPI(ML) also met the Sub-Collector under the leadership of Com. Ilangoan (National councilor of AIALA and CPI(ML) state committee member).

The proposed power plant is to have a capacity of 1000 MW. This project will severely affect the fishing community, as well as the agrarian labourers and poor peasants, resulting in a loss of livelihoods. So far, 1,013 acres of agricultural land has been acquired at the cost of Rs. 15 crore. Local leaders of various political parties have helped the land acquisition process. Though the project has been in the pipeline since 2007, the resistance has only gathered momentum recently when people understood the adverse impacts of the proposed project on livelihood, environment and ecology.

Recently, another scam has been unearthed by the AIALA-CPI(ML) investigation team, which has increased peoples' anger and strengthened the movement against the power plant. An organisation named Dr. Ambedkar People Society (DAPSI) has been formed to promote and implement the National SC/ST Commission's 'Land to the Tiller' scheme. Under the scheme, Dalit tillers are provided loans so that they can buy land from the zamindars and later on repay the loan with some interest. With the help of loans from THADCO (a quasi-governmental organization that aids dalit entrepreneurs in Tamil Nadu), DAPSI purchased 118 acres of agricultural land from a zamindar. But the land records never reached the actual dalit beneficiaries, though they have already paid Rs 40-60,000 as interest on the loans taken to purchase the land. These 118 acres (which were originally purchased at the rate of Rs 18,000-21,000 per acre) have now been sold to the Power Plant at the rate of Rs 1 lakh per acre, without the consent of the beneficiaries. DAPSI has made a lot of money on the deal, since the Tamil Nadu government has waived the THADCO loan to the tune of Rs 83 crores. Once the power plant-DAPSI-district administration nexus came to light, the dalit labourers and poor peasants demanded their lands back, and pledged to stop the land acquisition process for the power plant.

The public hearing for the plant has been convened twice, and both times the meetings have ended abruptly in the face of public opposition. The company then decided to divide the local people to

break the movement against land acquisition. On Jan 1st, a group clash between the fisher folk in the village was engineered. The district administration, waiting for a chance, sprung into action. So far, 66 people of Vanagiri village have been implicated under several false cases and 22 of them are in the Trichy Jail. Indira Gandhi, one of the main activists of the movement, has also been sent to jail on false charges.

A CPI(ML)-AIALA team headed by Com. Ilangovan (other members of the team were Subramanian, Veerachelvan and Kalaiarasan) visited the affected villages, and various protest actions have been planned in the coming days. Apart from this project, several other coal-based power plants have been proposed in this 1000 km coastal stretch, as reported in previous issues. Many ports are also in the pipeline to facilitate the operation of these proposed power plants - altogether three major ports and 9 minor ports and few jetties have been proposed. 3000 acres of non-agricultural land has already been acquired by the DMK government and handed over to the Tridem group for one of these projects. These projects will wreak havoc to the fragile local ecology of the area, apart from causing large-scale displacement. The party and AIALA have planned to intensify the 'no-power-plant campaign' in the area, in light of these upcoming projects.

Forest Rights Struggle in TN

Following the Forest Land Rights Convention held on December 18, 2009, a demonstration was held on January 19, 2010, in front of the Collector's Gate in Girshnagiri district. Around 200 poor and marginal peasants from 6 panchayats gathered with their claim petitions. Hundreds of memoranda were submitted to the Collector, and the people gathered condemned the inaction of the DMK administration and demanded immediate implementation of the Forest Act. The people's delegation also demanded that the collector address their concerns at the next gram sabha meeting to be held on January 26. The demonstration was led by Comrades Akbar, Vediappan, Govindaraj and Chandramohan. Party State Secretary Com. Balasundaram addressed the protesters.

CPI(ML) and AIALA comrades have been taking up initiatives in the newly formed Forest Land Rights Struggle Committee. The Dharmapuri-Girshnagiri Party Committee has decided to take up the issue of non-implementation of the Forest Rights Act in both the districts and mobilize peasants in larger numbers, specially for the January 26th Panchyat gram sabha meeting so that the gram sabha can be forced to act.

Massive AIALA Protest in Guwahati

On 21 January, 2010, a massive protest rally was taken out in Guwahati under the banner of Sadou Asom Gramin Sramik Santha (Assam unit of AIALA) along with the Kisan Sramik Sabha of Karbi Anglong & North Cachar Hills against the massive price rise and anti-people policies of the State Government. Around five thousand protesters marched to Rajbhawan and an 11-point memorandum, along with 25,000 signatures, was handed over demanding immediate solution to these problems. The two organizations demanded a special Assam Assembly session to discuss these burning issues of the rural poor of the state.

Prior to this rally, a month long mass signature campaign on these 11 demands was conducted all over the State. During this period, mass meetings were held in different places. Along with the signature collection, a membership drive of AIALA was also conducted. Different block and panchayat committees were formed.

The memorandum demanded to hold special Assam Assembly session for discussing works of Rural Development department, check prices and provide ration card for 25 essential commodities along with providing all rural families with job cards, 100 days work, Rs. 200 as minimum wage etc., and special reservation for tea tribes in panchayat schemes, settle landless tea workers in ceiling surplus land and build IAY house for them, among hosts of other crucial demands like scrapping of anti-people land policy imposed by Karbi Anglong Autonomous Council and formation of an autonomous state combining Karbi Anglong and N C Hill by implementing Article 244(A) of the Indian Constitution and adopt a resolution in Assam Assembly. Also demanded were immediate withdrawal of the proposal of separating Assam Asset from Oil and Natural Gas Corporation (ONGC), stop Sixth Edition of Kaziranga national park project and safeguard the life and livelihood of people living in the riverine stretch.

Protesters warned the government that if proper action is not taken, a fresh movement will be launched next month. A brief meeting was held near Rajbhowan and it was addressed by Com. Arup Kr. Mahanta, Com Rubul Sarma, Bibek Das, Robi Kr. Phangcho, Subhas Sen and Pankaj Kr. Das.

TUs' Proposals in the Pre-budget Consultations

Representatives of major trade unions including AICCTU, AITUC, AIUTUC, BMS, CITU, HMS, INTUC, TUCC and UTUC on behalf of the Indian working class met the FM, Sri Pranab Mukherjee in New Delhi on 14 January to present views and suggestions of Central Trade Unions as part of the pre-budget consultations. The unions also expressed unambiguously to the FM that they hoped the views and suggestions placed by them would be considered in all its seriousness.

Following is a summary of the main aspects of their views and suggestions:

“During the recent ‘melt down’ it was brought out by the FIEO (Federation of Indian Exporters Organization) that over a crore of jobs were lost. The last Indian Labour Conference which was inaugurated by you during February 2009 considered the grave situation and recommended short term and long term strategies to meet the challenge, but most of them were not implemented. We emphasize positive action on the ILC’s recommendations....”

“In order to overcome the private corporate sector’s problem of liquidity and profitability the Govt. has extended several concessions and relaxations on restrictions on FII & FDI, tax concession, export subsidies and bail out packages. However, the millions of working people who are the victims are left in the lurch. In the last consultation held by you on 3rd June, 2009 we had suggested that to meet the challenge of heavy job losses due to financial crisis, the bail out packages given to the industries should be strictly linked to protection and creation of jobs. It was also suggested that the Government should review its economic policy as if our economy has to be export oriented only and one of handing over our huge domestic market to MNCs.”

“The workers in the unorganized sector, who constitute the overwhelming proportion of the working

class of India continue to suffer without social security and social protection. The price rise of all essential commodities, particularly of the food items hit them the most. The Central trade unions call upon the Government of India to address these important issues in the ensuing Budget for 2009-10, so that:-

- 1.. Price rise of essential commodities is contained through appropriate corrective measures and universal PDS besides containing speculation in commodity market.
- 2.. Concrete proactive measures are taken for employment protection in recession stricken sectors with stimulus package being offered to the concerned enterprises.
- 3.. Steps are taken for removal of all restrictive provisions based on poverty line in respect of eligibility coverage of the schemes under the Unorganised Workers Social Security Act 2008 and creation of National Fund for Unorganised Sector to provide for Social Security to all unorganized sector workers including the contract/casual workers in line with the recommendations of National Commission on Enterprises in Unorganised Sector and Parliamentary Standing Committee on Labour.
- 4.. Disinvestment of shares of Central Public Sector Enterprises is not resorted to and instead their growing reserve and surplus is used for expansion and modernization and also for revival of sick PSUs.

We are of the considered view

- that all stimulus packages need to focus on employment retention and creation as well as to ensure that remuneration is adequate. There should be no lay offs, retrenchment, VRS, outsourcing, job losses, closures etc. and extending outreach to vulnerable and informal workers is crucial.
- In view of huge job losses due to the financial crisis, the ban on recruitment in Govt. Depts, PSUs and autonomous institutions should be withdrawn.
- The scope of NREGA is extended to urban areas as well and employment for minimum period of 180 days is provided, as recommended by ILO. □□The massive workforce engaged in ICDS, Mid-day meal scheme, Vidya volunteers, Guest Teachers, Siksha Mitra etc. be regularised and the workers engaged in the Accredited Social Health Activities (ASHA) are brought under the coverage of statutory minimum wage and social security. Universalisation of ICDS be done as per Supreme Court directions by making adequate budgetary allocations.
- Remunerative Prices for the agricultural produce and ensuring of massive investment in agriculture sector.
- The financial sector, including Banks & Insurance which stood the test of time even during the recent global melt down should be encouraged, enlarged and improved instead of imposing the so-called reforms which will adversely affect them and weaken their public sector character. The proposed move of Banking and Insurance and Pension Reforms to be stopped forthwith.
- Review the system of computation of Consumer Price Index as the present index is causing heavy financial losses to the workers.

In regard to resource mobilization, we would like to emphasize the following:

- (a) India should not be one of the least direct taxed countries in the world. Conscious and progressive efforts must be made through our plans and budgets to increase the Tax GDP ratio.

(b) We are opposed to regressive taxation system and this must be replaced with progressive taxation system. Taxing the rich and the affluent sections who have the capacity to pay- the corporate service sector, traders, wholesale business, private hospitals and institutions etc. to be brought under broader & higher tax net. Increase taxes on luxury goods to facilitate reduction in indirect taxes on essential commodities as at present the overwhelming majority of the population are subjected to Indirect taxes that constitutes 86% of the revenue as at present.

In this connection, the proposed "Draft Tax Code" requires proper discussions with the trade unions. The code proposes that Gross salary will include the value of leave travel concession, amount received on encashment of unavailed leave on retirement, even the superannuation benefits i.e compensation under Voluntary retirement benefits, Provident Fund, amount of Gratuity on retirement or death, amount received on commutation of Pension. The code proposes to introduce the EET process, which means that contributions are exempted, accumulation is exempted but withdrawals are taxable. This is not acceptable, specially the proposals on taxing the withdrawal on PF and other savings.

(c) Tax on Long term capital gains to be introduced; so also higher taxes on the security transactions to be levied. (d) The rate of wealth tax, corporate tax, gift tax etc. to be expanded and enhanced. (e) ITEs, outsourcing sector, Educational Institutions and Health Services etc. run on commercial basis should be brought under Service Tax net. (f) Fast recovery of the Non-Performing Assets and Tax arrears. (g) Stringent measures against tax evasion and unearthing of black money including the unaccounted money in tax havens abroad. Review Double Taxation avoidance Agreement to curb speculative transaction.

We also urge upon you to hold post budget discussion with trade unions as is held with Industrial Associations/Federations."

Human Chain against Samsung-Sahitya Academy Awards

Jan Sanskriti Manch (JSM) organised a human chain in New Delhi on 25 January to protest against the Sahitya Academy's (SA) team-up with consumer items company Samsung for awarding the Tagore Sahitya Awards. The plan was to form the human chain at the awards venue - Oberoi Hotel, however, due to last minute denial of site permission by the police the protest venue was shifted to SA headquarters. All the cultural artistes and literary personalities present at the protest vehemently criticized the Central Govt. of Congress/UPA for allowing this nexus of Samsung and SA, and leveled it as an attempt to end SA's autonomy and independence. They pledged to unite all the writers, poets and cultural activists country-wide to struggle for democratization and autonomy of the SA.

JSM had decided in its Conference of 13 December to unite all the writers/poets to protest against this Samsung-SA Award ceremony. The protesters raised slogans like - Stop selling the Ministry of Culture, and were also carrying quotations from Tagore's writings.

Veteran poet Vishnu Khare said it is clear that the Centre's Govt. is directly responsible for this ceremony. Editor of Udbhawna, Ajay Kumar said that this Award ceremony is offending to the glorious anti-imperialist literature of our Country. Editor of Samayantar and literary figure Pankaj Bisht reminded that there is no country in the world which has allowed any foreign company to mediate/indulge in its cultural academies. This event has seriously hurt the autonomy and dignity of

literature. Others who criticized the event and addressed the protesters were poet Mangalesh Dabral (also Delhi State President of JSM), Ranjeet Verma, Mukul Saral, Ravindra Garhia and Sudhir Suman among others.

Protests against Killings of CPI(ML) Leaders

After a long lull, the Maoists have resumed their murderous attacks on CPI(ML) Liberation activists. Recently, on 22 December, 2009, they carried out a murderous assault on Party member Com. Dayanand Yadav of Naudiha village in Atari of Gaya district, after leveling some cooked-up charges against him. Somehow, he managed to save his life but his nephew Manoj Yadav (26 years) and a villager Ramchandra Chaudhari (35 yrs) received fatal gun-shots and lost their life in the attack. The Maoists have owned up the assault through a press statement and have alleged that Com. Dayanand killed one of their Party activists and that Manoj Yadav was one of his gang members. They have, however, accepted that the other deceased Ramchandra Chaudhari was an innocent villager and have merely tendered an apology to the people for his killing.

The Khijarsarai-Atari joint committee of the CPI(ML) had challenged them (through leaflets and public gatherings) to prove their allegation. Instead the Maoists retaliated and fatally attacked Com. Arjun Patel Yadav. 42 year old Com. Arjun Patel Yadav had joined the IPF and Party in his student days in 1987. During that phase about half a dozen people from his village became IPF activists. He was one of young activists who stood firm in their efforts to reorganize and revitalise the Party in the phase of ideological challenge and liquidationism in 1991-92 in this region. 30-40 Maoists armed with automatic fire-arms and SLRs reached his house on 3rd January 2010, kidnapped him and took him to a nearby place and pumped several bullets in his head, alleging that he was a police informer.

Outraged people under Party's banner took out protest marches in Gaya city, Dobhi, Belagunj, Khijarsarai and Tikari and sternly condemned the attacks. In Barachatti people assembled in huge numbers for the protest march.

Such arbitrary killings of CPI(ML) activists by the CPI(Maoist) are not a new phenomenon. The gruesome killings of comrades sleeping in the party office at Paliganj are still fresh in our memory. At a juncture when the state's offensive on the people in the name of countering "Maoism" is being challenged by democratic and revolutionary forces including the CPI(ML) all over the country, the Maoists have shown their irresponsibility and sectarianism by targeting young revolutionary activists of the CPI(ML). In Bihar, such tactics have led to their effective isolation from the people - and their frustration and desperation at this isolation is reflected in their murderous attacks on CPI(ML) activists.

Tributes: 34 year old Comrade Kuldeep Kharwar's most untimely death is a blow to Party's organisation and struggles in Sonbhadra dist. of UP. He suffered a cerebral stroke on 24 December, 2009. He was currently member of the Sonbhadra district committee having joined the Party in 1999. Since then he devoted all his strength for Party and the people. Earlier, he shouldered the responsibility of Secretary of Duddhi Block Committee. Speaking at the condolence meeting

organised at District's Party Office, Com. Om Prakash Singh (Sonbhadra incharge) said that the liquidationist ideas were most pronounced in the Duddhi area where Com. Kuldeep stood like a wall against it and did not let it succeed. Com. Kuldeep Kharwar hailed from an extremely marginalized tribal community but played a very crucial role in the struggles being conducted by the Party for tribal' rights on jal, jungle and jameen (water, forest and land). Comrades attending the condolence resolved to keep the torch of struggles ignited by him aflame. Comrades Jawahar Kharwar, Ram Pravesh Kol and Bhagmati aong others were present.

P.S.

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