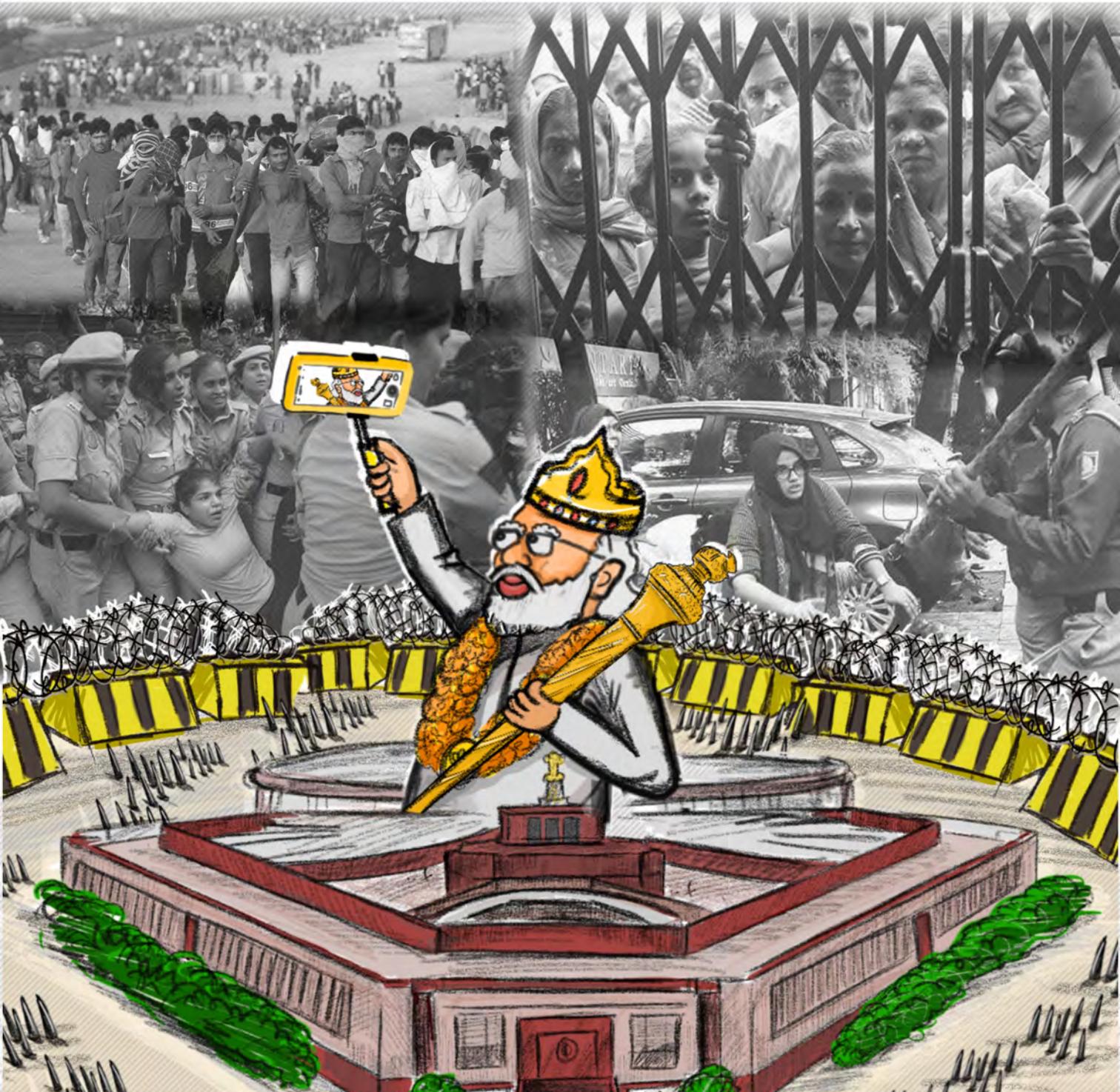


# Liberation

JULY 2023

CENTRAL ORGAN OF CPI(ML)

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## Graveyard on the Wheels?

### Balasore Accident Is A Result of Modi Govt's Criminal Neglect of Railway Safety

An old man hailing from Sugo village of Bhadrak district in Odisha is walking among the hundreds of bodies placed in a school compound. One by one he lifts the cloth over dead bodies to see their faces. Asked who he is looking for, the weeping man replies in a broken voice, "I am looking for my son who was in Coromandel express, but I can't find him." His story is one among hundreds of people who had their family or friends in the two trains that met with a horrific accident on the evening of June 2 in Balasore (Baleswar) district of Odisha. It was in the morning of June 3 that India began to wake up to the extent and intensity of the tragedy, with nearly 300 dead and 1000 injured identified. Apart from the huge toll of identified deaths, we have to take into account the list of passengers and cases of unidentified death. The scale of critical and serious injuries is also quite enormous. By all indications, Balasore will be remembered as one of India's worst rail disasters in years with the scale of trauma and devastation still unfolding.

What urgent steps must India take to address a massive disaster like the Balasore train tragedy? Beyond immediate rescue and restoration, there is the question of fixing of responsibility and guaranteeing of compensation for the victims. And of course, measures must be taken to ensure as far as possible that such a disaster is never again repeated.

The majority of the victims were migrant workers from West Bengal, Odisha, Bihar and Jharkhand who increasingly seek work in Kerala and Tamil Nadu. Death of such family breadwinners is liable to derail these families and they will need long-term financial support from the state to survive this trauma. But to discharge this financial responsibility towards the victims the state must first of all accept its accountability.

The Modi government however is notorious for its characteristic lack of this sense of accountability. Far from undertaking a thorough scrutiny and urgent correction of the underlying structural factors, the government is inclined to portray the disaster as an act of sabotage and conspiracy. Even before the Commission of Railway Safety could submit its report, the government has got the Railway Board to transfer the investigation to CBI. A few years ago two accident cases (Kanpur 2016 and Kunderu 2017) were handed over to the NIA with draconian UAPA provisions invoked to deal with railway accidents. Nothing has been found out till now to support these conspiracy theories.

Asking CBI and NIA to investigate railway accidents is a very clear indication that the Modi government will continue to be in denial mode about the neglected crucial agenda of railway safety. Various authorities, including the Commission for Railway Safety (CRS), Comptroller General of India (CAG) and Railway officials have flagged numerous safety issues in the railway and yet such warnings have been routinely ignored. Much of the railway infrastructure needs urgent upgradation, but instead of undertaking modernisation and ensuring safety, the government has been obsessed with high speed trains. In the name of celebrating the 75th anniversary of India's independence, the Modi government announced a grand scheme of launching seventy-five Vande Bharat trains which are essentially a repackaged version of the Shatabdi expresses running between major cities. Each train is being flagged off by PM Modi and with the railways not able to supply new trains, the government is even launching trains with fewer coaches.

The problem of neglect of railway safety, proper maintenance and modernisation has assumed fatal proportions with continuing decline in railway manpower. The railways have traditionally been the biggest employment sector for the government, but in recent past the sector is witnessing an alarming decline in manpower with more than 3 lakh vacant posts and continuing abolition of posts. Half of the vacant and abolished posts directly affect safety. The adverse impact is palpable: the performance audit report tabled by the CAG in Parliament in December 2022 showed an alarming increase in the incidence of derailments with three out of every four major derailments being related to lack of track maintenance and inspection. There has been a lot of celebratory propaganda of late about the introduction of an anti-collision technology called Kavach. But the technology actually covers only a little over 2% of India's nearly 70 thousand kilometre railway track and at the current level of budgetary allocation and implementation it will take decades to cover the entire length. In this case, the concerned section of the accident-affected route was not Kavach-covered. The government is of course busy telling us that Kavach could not possibly have prevented this particular accident as it was caused by failure of the electronic interlocking (EI) signal system. But the fact is there has been a specific warning in this regard too which went unheeded by the administration.

A note submitted by a senior operations department official of the South Western Railway in February mentioned a possible head-on collision that was averted at the Hosadurga Road station in Birur-Chikjajur section of the Mysore division of SWR because of the alertness of the driver and the slow speed of the train. The note had mentioned the similarity in the layout between the Hosadurga and Bahanaga bazar stations and stressed the need for urgent steps to overhaul the signal system and remove the obvious loopholes and vulnerabilities. Had the Railway administration taken note of this warning, the Balasore train tragedy could have perhaps been averted.

Instead of improving the safety mechanism and other basics to improve the railways as a system of public transport catering to the travel needs of the world's now most populous country, we can see a steady restructuring of the railways in the opposite direction. The annual Railway budget which provided a platform for some regular public scrutiny of the underlying factors affecting safety and provision in the railways was scrapped soon after the Modi government took over. It was a move akin to the dismantling of the planning commission and its transformation into the so-called NITI Aayog. Indeed, the department of railways no longer has a dedicated full time cabinet Minister with the current Minister Ashwini Vaishnaw juggling the responsibilities of as many as three key departments - railways, electronics and information technology, and communications.

Privatisation, profit and PR are the three P's that now drive this crucial economic lifeline, and the two P's that should matter most - people and public service - have been relegated to the background. Instead of a safe, affordable and people-friendly mode of transport for the masses of Indian people, the railways are being marketed increasingly as a transport system for the comfort of the affluent. This course has to be reversed and the railways need to be reclaimed for the people. The vacancies must be filled at the earliest and safety must get topmost priority.

Instead of addressing the core issues and drawing the basic lessons, the government is using the tragedy to promote its propaganda campaign and political agenda. Instead of focusing on the plight of the people and holding the government accountable, the media is being nudged and used to protect and project the rail minister's image. And social media is being flooded with IT cell lies and hate-filled narratives targeting the BJP's chosen enemies, be it the minority Muslim community or the political opposition. This shameful and cynical weaponisation of a horrific tragedy must be defeated. The powers that be must be held accountable and the people assured that there will be no more Balasore-type disasters. ■



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#### Editor-in-chief

Dipankar Bhattacharya

#### Editor

Arindam Sen

#### Editorial Board

V. Shankar

Sanjay Sharma

Sucheta De

Ajit Patil

Clifton D' Rozario

Maitreyi Krishnan

Akash Bhattacharya

#### Editors' e-mail:

liberation@cpiml.org

**Art:** V Arun Kumar

**Manager:** Prabhat Kumar

Phone: 7042877713

Website: liberation.org.in

E-mail: manager.liberation@gmail.com

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# The Challenge of Opposition Unity

Governance in India today is driven by a relentless aggression of the executive which has reduced the legislature to a loyal instrument of law making. Any corrective measure coming from the judiciary is being disdainfully discarded through executive ordinances. The media, the fabled fourth pillar of democracy, has effectively been refashioned as a willing ally whose job has become to advocate and amplify the agenda of the government and function as an advertisement medium for the supreme leader. The separation of powers and the institutional checks and balances that have been crucial to the survival of constitutional democracy in India over the last seven decades today stand badly dented and damaged.

Facilitating this aggressive centralisation of power has been a massive imbalance in the electoral arena with the gap between the ruling party and the leading opposition party being as high as 250 in a house of 543 elected members. The situation in the states is albeit more evenly balanced with the BJP being voted out or prevented from winning power in several elections. But then the Modi regime has time and again toppled non-BJP state governments and is waging a relentless war of vendetta where it fails to topple state governments by engineering defections and exerting pressure through central agencies and offices of Governor or Lieutenant Governor. If India has to be saved from lapsing into a full-scale electoral autocracy where the ruling BJP dreams of ruling for 50 years and subjecting multi-party democracy to a single-party straitjacket, a united and assertive political opposition is a must.

Till 1977 India had uninterrupted Congress rule at the Centre. The last couple of years of those three decades of prolonged Congress rule were however marked by a state of internal emergency when constitutional democracy was eclipsed by alarming trappings of autocratic rule. The 1977 elections ended that eclipse with the Janata Party, formed by a short-lived merger of rightwing and centre-right parties, replacing the Congress at the Centre. The post-1977 period has seen more frequent changes of government and increasingly the rise of a coalition era in place of a dominant single-party regime.

The RSS has systematically used this evolution to expand its influence and organisational network. From dissolving the Jan Sangh into the Janata Party in 1977 to reinventing itself as the Bharatiya Janata Party in the 1980s, from shelving some of the most contentious items in its core agenda in the mid 1990s to openly enforcing its entire Hindu Rashtra project after two successive victories in Lok Sabha elections, the Sangh-BJP establishment has exploited the social churning and political avenues in India's parliamentary democracy to the hilt to draw strength.

Unilateral political domination of the BJP however has resulted not just in unbridled concentration of power in the hands of an authoritarian regime. The Sangh-BJP establishment has been using its electoral victories as a licence to reshape India, the state as well as the society, according to the RSS worldview and framework of Hindutva or Hindu supremacist majoritarianism. The Modi government today is marked as much by centralisation of power as by decentralisation and privatisation of violence and normalisation of hate crimes.

Unbridled corporate loot, unmitigated state repression and orchestrated vigilante violence have turned India into a republic of fear where citizens are being reduced to fearful inhabitants of a regimented society in a surveillance state. Political opponents are treated with constant vendettas; ideological dissenters are subjected to relentless persecution and witch-hunts; Dalits, Adivasis, women and the oppressed poor face increased atrocities; and the minorities, Muslims in particular, have become targets of hate campaign, exclusion and even outright genocidal violence. When politics becomes a cynical pursuit of power devoid of any concern for the people, the country is bound to lapse into a state of all-consuming anarchy. What is happening to Manipur today is a warning for the whole of India tomorrow.

Clearly, India urgently needs a course correction. The vision of India as a constitutionally proclaimed sovereign socialist secular democratic republic, the norms of a functional democracy for a billion-plus people with a charter of rights and liberties for all citizens, the social fabric of unity in diversity and composite culture and the federal framework to administer India as a union of states - nothing can be taken for granted anymore. An alternative trajectory of India as a fascist Hindu supremacist state is threatening to derail the constitutional journey of modern India as we have known and experienced it since the attainment of independence seventy-five years ago.

We therefore need a new social compact, a new deal for the people of India. This surely cannot be achieved just by voting out the Modi regime, India needs to rethink and reorient many of the prevailing policies and patterns of governance, some of which go back to pre-Modi regimes including the UPA government. Be it pro-corporate economic concessions and privatisation, Aadhaar and GST, or UAPA and fake encounters, the genesis of many Modi-era disasters and assaults can be traced to non-BJP regimes.

It will of course be naive to burden the much awaited first meeting of opposition parties with a long wish list. That the meeting is happening should itself be seen as a positive beginning. Incidentally, the 'Save Democracy, Save India' convention held in Patna on February 18 on the occasion of the 11th Congress of the CPI(ML) had highlighted the need for such a meeting four months ago. A broad-based meeting of non-BJP political parties will have to be the first step towards the emergence of a viable and credible alternative to rescue India from the disaster inflicted by two successive terms of what passes for a government headed by Narendra Modi.

The participating leaders in the first meeting represent a convincing mix of parties from India's opposition spectrum including the Congress and its offshoots, parties belonging to the socialist stream and social

justice camp comprising offshoots of the old Lok Dal and Janata Dal, the communist parties, several regional parties and the Aam Aadmi Party, the latest formation to secure the status of a recognised national party. Can such a coalition prove viable? Similar coalitions are currently at work in states like Tamil Nadu and Bihar, and let us not forget that between 2004 and 2014 the UPA did enjoy two full terms. There is therefore no reason why a stable arrangement cannot evolve to steer the country out of the morass that the Modi government has mired it in.

As of now, some of the participants in the opposition unity process are disparate regional parties while some are competing in the same turf. The transition from competition to cooperation - call it cooperative contention if you will - is of course going to take some efforts and a conducive environment and enabling framework to grow and evolve. Working out a rational and mutually acceptable seat-sharing arrangement also has its share of difficulties. But the unity is mandated by the unprecedented and extraordinary political context currently confronting India.

In many ways this is India's second battle for freedom. The movement for political independence and social transformation had several streams and shades that had converged and collaborated during the pre-1947 freedom struggle. The Constitution emerged from this chequered history and the farsighted visionary in Ambedkar had warned us about the contradictions and the fault lines that India will have to overcome to make democracy work and become meaningful. Today when the Constitutional vision and foundation of modern India faces its gravest ever threat, the legacies of Bhagat Singh, Ambedkar, Periyar, Gandhi and Nehru will have to come together to restore and rejuvenate democracy after years of fascist onslaught.

The rich legacy of the freedom movement aside, seven decades of parliamentary democracy have also equipped 'we, the people of India' with considerable political experience. These seven decades have thrown up a whole range of new parties, several of them rooted in social, regional and ethnic identities. Instead of seeing these parties as isolated and disparate formations, we need to foreground the federal democratic space in which all parties have a shared stake. Extraordinary situations demand extraordinary responses - ahead of the next Lok Sabha elections India truly needs the opposition to get its act together and put its best foot forward. There is a growing palpable quest among the people for their rights, for secure livelihood, liberty and justice. The process of opposition unity needs to be energised by forging close organic ties with the struggles and aspirations of the people on the ground. ■

# Rescue Indian Economy from the Twin Maladies of Corporate Loot and Communal Venom

▲ DIPANKAR BHATTACHARYA

Since 2014 we have often heard the term 'double engine government' in BJP election rallies. It is the most favoured Modi-Shah metaphor used to seek votes in states on the basis of the BJP's control over power at the Centre. The Chief Economic Advisor has now introduced an aviation term to describe the economy. According to CEA V Anantha Nageswaran the Indian economy is now on 'auto-pilot mode' and will grow steadily in the 6.5-7% range till 2030! For much of the nine years of the Modi government, we have witnessed prolonged economic stagnation and decline. The triple blows of demonetisation, GST and lockdown and the policies of privatisation, downsizing and casualisation of the workforce have pushed unemployment and prices to a record high. But now ahead of the crucial Lok Sabha elections, we are being told that the economy is flying securely on auto-pilot mode where the government need not do anything.

This self-congratulatory propaganda rests usually on two props - provisional figures of a modest growth in GDP and rise in GST collections. The figures are still provisional but the government and the cheerleader media have already begun to beat the drums. The first thing that we must remember is that the 6.5-7% growth being claimed now has been preceded by a massive shrinking of the GDP during the Covid period which means India is only recovering from the pandemic-period decline. Secondly, the current growth is still unstable and highly uneven. In sectoral terms, the growth is concentrated in just three sectors - service, construction and tourism. In terms of income brackets, the top 20% is driving the growth while people in the bottom 80% are sinking further into poverty. This skewed pattern of recovery thus resembles the shape of the letter K in the English alphabet.

The Oxfam report 'survival of the richest' (perhaps even better named festival of the richest) gave us a shocking picture of this skewed growth earlier this year. The number of billionaires grew sharply from 102 in 2020 to 166 in 2022. Forty percent of the wealth created in India between 2012 and 2021 went to just one percent of the population and only a mere three percent of the wealth to the bottom 50 percent. Private consumption, especially mass consumption of essential goods and services, has failed to pick up because of falling income

and erosion of purchasing power. Sales of two-wheelers and entry-level passenger cars have declined while expensive cars and other items of luxury consumption are selling more.

This extremely skewed pattern of wealth distribution is reinforced by the pro-rich taxation and banking systems. There is no wealth or inheritance tax in India while the effective corporate tax rate has been on the decline. The banking system has been increasingly geared to the interests of the rich. Mega defaults, loan write-offs, and bailout packages all turn the banking system into an instrument of increased concentration of wealth in the hands of the ultra-rich. The rise and crisis of the Adani group provides a tell-tale example of the misuse of public money for private gains. The rapid and spectacular rise of the Adani group basically meant a transfer of India's infrastructure from public hands to Adani's control and now, after the Hindenburg report has triggered a spectacular fall of the Adani group, we once again see public financial institutions like LIC and SBI being sacrificed to save the Adani empire.

While India faces major economic challenges, the Modi government does not just deny the hard economic reality but seeks to suppress it by sharpening communal polarisation and scapegoating minorities across India. A miracle baba was brought to Bihar to launch a campaign for Hindu Rashtra. In Maharashtra, anti-Muslim violence is being orchestrated by vilifying historical figures like Tipu Sultan and Aurangzeb and even maligning NCP leader Sharad Pawar as a reincarnation of Aurangzeb. In Uttarakhand where the BJP government faces mass indignation over the Joshimath crisis, job scam and murder of a young woman Ankita Bhandari, the Sangh brigade has resorted to full-scale ethnic cleansing, launching a violent campaign to close down Muslim shops and expel Muslims, raising the bogey of 'love jihad' and 'land jihad' and calling for saving the 'Dev Bhoomi' from so-called 'jihadis'. By decimating communal harmony and fraternity this toxic politics also deepens India's economic crisis and jeopardises India's national unity and stability as a constitutional republic. Karnataka defeated this design in the May elections, the whole of India must now get ready to foil the fascist agenda. ■

# 9 Years, 9 Blows

## *Unveiling the Central Government's Attack on the Working Class*

▲ MAITREYI KRISHNAN, AVANI CHOKSHI AND CLIFTON D' ROZARIO

**T**he fascist project of the Bhartiya Janata Party (BJP) which constitutes a concerted effort to undermine democratic institutions and to promote Hindutva nationalism, also engages in overt class warfare of the ruling class against the working class as one of its defining features. This phase of fascism has emerged in a context of global neoliberalism where capital is on the offensive - snatching back whatever gains were made by workers' movements and grabbing whatever resources remain in the public domain through massive campaigns of privatization, land grab and environmental destruction. Alongside neoliberal economic policies that spell doom for the working class, there are nine lynchpins of the nine years of Modi's regime.

### **1. Contempt for the working class/ Devotion to the Corporate class**

The Modi government has unabashedly declared its allegiance to the capitalist class and displayed its contempt for the working class. Bowing to the dictates of the Adanis and the Ambanis, Modi is determined to reduce the working class to slaves under the ominous sounding slogan of 'ease of doing businesses.' 9 years after Modi claimed his government 'cares for the poor', this regime has established itself as indisputably India's most pro-corporate and anti-people government.

Through words and deeds, Modi's endeavour is to reconfigure the relationship between the employers and the workers into one that is premised on servility and gratitude. In the 2019 election victory speech, Modi famously declared that there are only two castes living in the country – the poor and those trying to pull the poor out of poverty. In his 2019 Independence Day speech, he called out to the people of the country to recognise and honour 'wealth creators' and to stop seeing them 'with suspicion'. Rejecting the basic fact that wealth is produced by the labour power of workers, Modi instead continues to display his devotion to the capitalist class. In fact, a recent Oxfam reports show that by reducing corporate tax slabs and granting concessions to companies, the government lost revenue of 1.03 lakh crore in 2020-21, which is more than the total allocation for the entire Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) scheme for the year.

The popular description of crony capitalism as Adani-Ambani Company Raj aptly summarises the true character of the Modi government as the government of the super-rich, by the super-rich, for the super-rich.

### **2. Attack on Economic Justice: Institutionalising Inequality in Indian Society**

The Modi government's economic and labour policies have resulted in alarming levels of social and economic inequality in India. The implementation of globalization, liberalization, and privatisation policies over the past three decades has contributed to the growth of gross inequality, but the last nine years have witnessed a pronounced escalation in this disparity. As a result, India now ranks among the countries with the highest levels of inequality.

The concentration of wealth has witnessed an alarming increase. The Oxfam Report - India's 'Survival of the Richest: The India Supplement' finds that the top 30% own more than 90% of the total wealth, while the bottom 50% of the population has around 3% of total wealth. With reduction in direct and corporate taxes, and increase in indirect taxes, it finds that the bottom 50% of the population at an All-India level pays six times more on indirect taxation as a percentage of income compared to top 10%. Wealth inequality has stripped 70% of Indians from as basic a necessity as food, with India being one of the hungriest countries in the world, ranking 107 among 121 countries in terms of the Global Hunger Index in 2022!

### **3. Attack on Social Justice: Solidifying Caste-feudal and Patriarchal Structures**

The prevailing labor and economic policies of the Union Government sustain and perpetuate caste, feudal and patriarchal structures, further entrenching their dominance within society.

For instance, the new Labour Codes allow for the continuance of the contract labour system in occupations that are caste ordained like sanitation work, housekeeping work. Consequently, Dalit workers are trapped within a cycle of insecurity forced to work without job security or social security.

Similar is the condition with women workers. Oxfam's India Discrimination Report has found that India's female labour force participation rate has fallen from 42.7% in 2004-05 to 25% in 2021 and attributes it largely due to gender discrimination in wages and opportunities. 97% of women workers are unorganized and work as contract workers, scheme workers, etc. without job or social security benefits. A large number of women workers – ASHA workers, mid-day meal, Anganwadi workers – are denied even the recognition of workers. This has been

further exacerbated by the coming in of the Labour Codes, which directly attacks gender equality, eroding even the right to equal remuneration and service conditions.

#### **4. Unemployment and Growing Informalization – from Jobless to Job Loss Growth**

Unemployment is at a 45-year high, and the unemployment crisis is pushing entire sections of workers, particularly those from marginalised and oppressed sections, into poverty, debt-traps, hunger, and further marginalisation. The promise of 2 crore jobs made by Modi in 2014 has been forgotten. The Union government's economic and labour policies is not even attempting to create jobs but is in fact aimed at removing even existing jobs or informalizing the formal sector, thereby aggravating unemployment and pushing workers into insecure working conditions. Even the army is not being left out of contractualization, with the Agnipath scheme being brought in.

Today a vast unorganized sector that comprises 93 percent of the total workforce and contributes 65 percent of the GDP are forced to work without any job security, wage security or social security. It is no coincidence that these workers, forced into precarious working conditions, predominantly hail from historically oppressed and marginalized communities. The magnitude of the erosion of rights can be seen by the fact that daily wage earners constitute the largest category of individuals who have been forced to commit suicide between 2019 and 2021.

#### **5. Surgical Strikes on the Working Class - Demonetisation, GST and the Covid Lockdowns**

The impact of these three policies on the working class has been devastating. Demonetisation hugely shattered the informal economy of the country. Millions of jobs were lost. According to the CMIE-CPHS data demonetization resulted in about 1.5 million jobs being lost, during the first four months of 2017. Within months of demonetisation, GST was implemented, which further worsened the situation.

The Covid lockdowns came as a jolt and further heightened this crisis. The 4-hour notice for imposing the Covid lockdown announced on 24th March resulted in workers and their families forced to face impoverishment, starvation, and destitution. Jobless and hungry and tired of this situation, thousands of migrant workers walked back home only to be met with draconian action. In Surat the police resorted to tear gas and lathi charge, and arrests! Uttar Pradesh government collected Rs 21 lakh from thousands of cycles confiscated from laborers going towards their homes in lockdown. Once back home the workers had to protest even for work and food!

Lakhs of jobs lost in the first phase never appeared again. Those who were re-employed, found themselves in precarious working conditions. The Report on the State of Working India by Azim Premji University found that

workers came back into more precarious and informal employment, with nearly half of formal salaried workers moving into informal work, either as self-employed, casual wage or informal salaried workers between 2019 - 2020. The second wave of COVID-19 and the second lockdown of 2021 only worsened the situation.

The Government did absolutely nothing to safeguard workers, instead taking this opportunity to bring in anti-worker laws. Over the Covid pandemic, the BJP government indulged in, what Naomi Klein calls the 'shock doctrine' i.e., the brutal tactic of using the public's disorientation following a collective shock – wars, coups, or natural disasters – to push through pro-corporate measures. Laws relating to labour, agriculture, land ownership, acquisition of lands for industries were all amended by the BJP government. The Labour Ministry of the Union government even issued a communication dated 05.05.2020 to all the State Governments stating that in order to address the "... challenges emerged due to COVID-19 pandemic, it is requested to undertake labour reforms on priority basis", namely enabling self-certification, reduced inspection system, and amending laws to push workers outside the protection of the law.

#### **6. Dismantling the Existing Labour Law Protections**

The repeal of 44 labour laws and the bringing in of the 4 Labour Codes was nothing short of a declaration of a war on the working class. The fact that it was brought in during a raging pandemic only showed the absolute callousness of the Government.

Aimed to deny workers their hard-earned rights, the Labour Code give legal sanction to the neo-liberal regime of increased privatisation, contractualization and informalisation. From attacking the basic rights of workers to the 8-hour workday, they heavily penalize and outlaw any form of working-class action like strikes. They place lakhs of workers outside the protection of the law, dismantle existing social security systems, attack workers' rights to organise, withdraw several protections to women workers, institutionalised contract labour and institutionalized caste and gender oppressions in the workplace.

The Labour Codes are also an attack on workers' rights as envisaged in the Constitution. While the Constitution envisages 'living wages', the Codes institutionalise 'starvation wages'; while the Constitution mandates state policy towards participation of workers in management of industries, the Codes institutionalise the dictatorship of the private employer.

#### **7. Attack on Rural Labour**

The erosion of the MGNREGA by the Union government is exacerbating the agrarian crisis in India. In 2015, one year after he assumed office, Modi mocked the MGNREGA calling it a 'living memorial' to the Congress' failures and has thereafter made a concerted effort to undermine the same.

Despite an increase in demand under the scheme, the budgetary allocation has only reduced, with MGNREGA funds being cut by 33% in 2023.

The government's attack on the MGNREGA is evident in three distinct ways, as highlighted by Jean Dreze. First, the introduction of a mandatory digital app to mark attendance which adversely impacts the workers due to digital illiteracy and connectivity issues. Second, by linking wage payment to Aadhaar and third, the stagnant wages under the MGNREGA. The introduction of the Aadhaar-Based Payment System (ABPS) would result in MGNREGA workers without ABPS-compliant bank accounts not receiving wage payments. As per official statistics, only 43% of the workers are enrolled for the payment system.

### 8. Dismantling Public Jobs

The systematic privatization and outright sale of public sector establishments in India, under the banners of initiatives like 'Make in India' and the 'National Monetization Pipeline,' have opened the entire economy to foreign capital.

This transfer of public assets to corporate hands apart from resulting in the concentration of wealth in the hands of corporates, will have dire consequences for workers including job losses and the abandonment of reservation policies meant to protect the rights and opportunities of Dalits and Adivasis.

While on the one hand, the Union government is privatising PSUs and other state assets, on the other hand, it refuses to fill vacancies. According to the Centre's Department of Expenditure, Pay Research Unit, around 9.83 lakh central government posts were lying vacant, which is 24.29% of total sanctioned posts .

### 9. Criminalising the working class

Over the last 9 years, the Modi government has actively pursued a policy to criminalize the working class and their struggles.

The migrant workers in Surat, who during the Covid lockdown, protested demanding that they be allowed to return to their homes, were tear gassed, lathi charged and then arrested. Contract workers working at Reliance Energy Ltd., Mumbai, and members of the Mumbai Electric Employees Union, fighting against the precarious working conditions and for the basic rights of workers were implicated in false cases and charged under the Unlawful Activities Prevention Act (UAPA) for their Union activities.

The neoliberal state has systematically forced workers into highly precarious working conditions, promoting the rise of contract work and informalization, which breeds job insecurity. Any attempt by workers to organize for better working conditions is met with staunch disapproval. The corporate sector treats the state apparatus,

including the police force, as its own 'private militia' to suppress such organizing efforts. The thwarting of liberty of the working class has also been codified in the Labour Codes. The Industrial Relations Code effectively outlaws the right to strike, increasing the punishment for the same.

### 9 Years of the Fight Back

In the face of the relentless assault by the Modi regime, over the last 9 years the working class has demonstrated tremendous resilience and unity in their fightback. A powerful example of this was seen when thousands of garment workers in Bengaluru spontaneously went on strike in 2016 to protest the Union government's amendment to the provident fund rules, compelling the government to withdraw the amendments.

The staunch resistance to the Labor Codes, with the Joint Trade Union All India strikes every year, has resulted in the Government not being able to bring the Codes into effect. The spirited struggles of ASHA workers, sanitation workers, and Anganwadi workers have successfully exerted pressure on the Government and secured improved conditions and recognition for workers.

It is crucial for the working class to continue their struggle and act as a potent force to fight fascism and create a more just and equitable society. ■

## Increasing Attack on Women under Modi Regime

▲ SUCHETA DE

The second tenure of the Narendra Modi led BJP government at centre started on 30th May 2019. After it assumed power in 2014, the Modi government is approaching a decade of ruling India. '*Bahut hua nari par var, abki bar Modi sarkar*' (Enough with attacks on women, elect Modi government

this time) was one of the slogans made popular through the high pitch propaganda machinery of the BJP before 2014 election. The propaganda of pro-women governance continued through subsequent slogans of '*Beti Bachao, Beti Padhao*' (save women, educate them), 'selfie with daughter' etc. While millions of rupees were

spent in making these slogans popular, what remained to be seen was what changed for women in the New India under Modi regime.

A glimpse of what women under Modi regime are facing were brought to light when India's world champions, the women wrestlers protesting against sexual harassment by BJP MP Brij Bhushan Sharan Singh, were dealt with brute force of the state on the same day, the New Parliament, was inaugurated by Narendra Modi with Brij Bhushan attending the highly decorated ceremony. Sakshi Malik,

Vinesh Phogat, Sangeeta Phogat and other women wrestlers, who have won multiple medals in international championships like the Olympics, Asian Games and Commonwealth Games, have been protesting for months against sexual harassment by Brij Bhushan, the president of Wrestling Federation of India. People of India remember the photo-op by the PM himself with these wrestlers when they returned to the country with the medals. When the medal winners filed complaint of sexual harassment against Brij Bhushan, the machinery of the Modi regime became busy in silencing them. It was after months of protest and intervention by Supreme Court, that an FIR was filed against Brij Bhushan. He continues to an MP.

If this is how medal-winning sportspersons are treated, one can imagine how millions of other women facing sexual harassment at their workplaces and daring to speak up against it are being dealt with. It was after the complaint filed by the wrestlers that the absence of Internal Complaints Committee (ICC) in WFI was brought to light. ICCs are mandatory at every work place under Prevention of Sexual Harassment at Workplace Act, 2013, enacted after the massive anti-rape movement of 2012. If a national-level institution, such as the WFI, has not bothered to constitute an ICC in the institute, the absolute absence of it in workplaces throughout the country is only telling.

The ordeal of India's decorated women wrestlers fighting for justice is a reminder of how the state machinery under Modi government in alliance with BJP support base operates with the motive of defending the accused, especially if the accused is close to the ruling party.

It was under Modi, that rallies, attended by BJP ministers, in support of the accused of rape and murder of an eight-year-old in Jammu's Kathua was organised. The Kathua script of mass mobilisation for rape accused was performed in Unnao as well, when Kuldeep Singh Sengar, the BJP MLA from the constituency was accused of rape. The complainant

as well as her family have faced tremendous torture and attacks for speaking out against Sengar. The brutal rape and murder case of Hathras is still afresh in our memory, where the BJP-led UP government is protecting the perpetrators since they belong to the dominant castes. The women students of Banaras Hindu University, from Modi's own parliamentary constituency, faced lathi charge and police action for demanding justice against sexual harassment and formation of an effective anti-sexual harassment cell. The BJP-led Gujarat government released all eleven men accused of gang-rape of Bilkis Bano and murdering her family members during 2002 anti-Muslim program. And it is under Modi government, that India has seen a 42.96% jump in crimes against women in 2021.

Controlling women's autonomy over her life has been the biggest strategy of regressive patriarchal forces to control and subjugate women. Women under Modi Raj are being forcefully denied their right to autonomy and choice. Several BJP-led state governments have enacted laws that vilify inter-faith marriages through the 'anti-conversion' laws. BJP's anti-Muslim, anti-women propaganda of 'Love Jihad' is being given legal legitimacy through these legislations. Several inter-faith couples have faced intimidation, threat, mob attacks and harassment using legal acts, and even been put to death for choosing to love beyond their religion. The attempt is to generate hatred against the Muslim community by keeping women in shackles of religious control by the State itself.

By silencing women who are speaking out against sexual harassment and discrimination they face in education, employment and other public spheres they occupy, the Modi government is deliberately pushing them out of these spaces. The years of progress achieved by women in the country in the field of education is being undone with the incorporation of the National Education Policy (NEP) 2020. NEP

plans closure of public-funded schools and colleges in small towns and villages. Thousands of schools have been closed throughout India in the name of mergers. Public-funded colleges are being advised to be closed in the name of building big-scale universities in cities. Anyone familiar with the struggles that girls face in attaining an education in a deeply patriarchal society, knows that attaining education is going to be an uphill task for girls if accessible public-funded institutions are not available in nearby area. In 2022, the BJP-led Karnataka Government issued a notice prohibiting hijab being worn in schools and colleges. This order was followed by forceful closure of gates of educational institutions on women students. Studies and data show that more than 17,000 girls/women students were forced to skip their board examination in 2022 due to the hijab ban order.

The number of women who are stepping out and are on the lookout for jobs are reducing under Modi Raj. Recent data has shown that women's Labour Force Participation Rate (LFPR) has decreased from 27% in 2012 to 22.9% in 2021. LFPR is a very important indicator of women's empowerment in a society as it shows how many women are seeking out jobs. It is an indicator of the health of the labour market and public sphere in regard to women. A decreasing LFPR is an indicator of hostile labour market and public sphere for women. Post-pandemic, women have shifted from salaried employment to casual and self-employment. What is leading women to be increasingly pushed out of labour market and dignified employment? The answer probably lies in the New India under Modi governance with its regressive policies, which is pushing women back into the confines of their homes.

More than 1 crore scheme workers in India, wherein more than 95% are women, are being openly exploited by the government. The ASHA, Anganwadi, mid-day meal cooks and workers engaged under several schemes of the government

are being made to work without minimum wages. These workers who are the backbone of several Central government schemes are not even recognised as workers and do not avail any social security scheme. They are being made to work in humiliating working conditions, where there is no grievance redressal mechanism even for sexual harassment.

The communal machinery of the Modi - BJP brigade have time and again unleashed their hate-filled attack on Muslims in the name of saving women. The Muzaffarnagar riot was preceded by 'Bahu Bachao, Beti Bachao' propaganda. Special legal provisions have been enacted to specially target Muslim men in

the name of banning triple talaq. The Muslim women's movement that campaigned and built-up consensus for non-recognition of Triple Talaq never demanded communal discrimination among men in divorce laws.

Be it in the release of Bilkis Bano's rapists, in the defense of rape and murder accused in Kathua, in the attack on CAA-NRC protesters, the hate campaign and incarceration of Safoora, Gulfisha and several other women, pushing out women from education in the name of prohibition on hijab - the Modi governments' communal agenda is clear in all these aspects.

The last nine years have also been

marked by energetic and bold movement by women against the patriarchal-communal machinery. We have seen the massive movement led by women against CAA-NRC-NPR, the assertive participation of women against anti-farmer laws, the protest by college and university students from BHU, DU and Kalakshetra against sexual harassment, and the united action by the scheme workers demanding rights and dignity. The ongoing wrestlers protest on the ninth-year of Modi government shows that the quest for justice and equality is indomitable. Women shall march on to push back the patriarchal-communal rule of Modi Raj and the Sangh Brigade. ■

## Democracy Behind Bars

**S**mothering dissent and civil liberties has become one of the striking hallmarks of the Modi government's nine years of fascist rule in India. Today, there are rarely any democratic rights movements, where the protestors have not been slapped with a plethora of cases, extending from draconian laws like Unlawful Activities Prevention Act and sedition. No farmer, worker, activist, journalist, lawyer or artist can assume safety against the crackdown on their civil liberties.

Father Stan Swamy (26 April 1937-5 July 2021), a democratic rights activist who died in jail after long and unjust incarceration once said, "What is happening to me is not something unique, happening to me alone. It is the broader process that is taking place all over the country.... Prominent intellectuals, lawyers, writers, poets, activists, student leaders. They are all put into jail because they have expressed their dissent or raised their questions about the ruling powers of India."

The cruelty with which the government treats its critics speaks of the unbridled emergency the country is facing. The government has adopted all forms of

illegal and anti-democratic methods, including military grade surveillance, fabricating and planting evidences, and the use of rudimentary forms of torture in its quest to throttle the voices that defend democratic and constitutional values of the country.

Since the BJP's rise to power in 2014, numerous human rights activists, lawyers, journalists and students are being persecuted both for their identity and their commitment to fight for democratic and progressive rights. From the arrests pertaining to Bhima Koregaon in 2018, the anti-CAA in 2020, to the recent arrests of activist Teesta Setalvad and journalist Mohammad Zubair, the current regime is bent on imprisoning any person who speaks the uncomfortable truths and exposes the lies of the BJP-Sangh. Whether it is the arrests of Umar Khalid, who is facing incarceration for over 1,000 days, or those of anti-CAA activists like Gulfisha Fatima in cooked-up criminal charges of the Delhi riots, or Anand Teltumbde, Prof. Hany Babu, Gautam Navlakha and others in the Bhima Koregaon case, the one common feature is the draconian UAPA under which bail is a rare possibility.

Of course, Varavara Rao was given bail by the Supreme Court on medical grounds, despite the same being denied to Fr. Stan Swamy, who died in custody even while his health was failing. Political prisoners are denied basic amenities such as mosquito nets and telephone facilities. Former DU Professor GN Saibaba, who is wheelchair-bound, was denied woollen cap, napkins and stationery materials.

For long, it has been said that the worst of Indian state excesses are tried, tested and perfected in Kashmir, only after which the same is executed across the country. We see the pattern with these political arrests. Over 5,000 Kashmiris were arrested following the Modi government's decision to abrogate Article 370. Politicians, lawyers, businesspeople, activists and journalists across the valley were thrown in far-flung jails or kept under house arrest. At the latest count, around 261 prisoners belonging to J&K are currently lodged in different jails of Uttar Pradesh and Haryana. In November 2021, Khurram Parvez, a noted human rights activist from Jammu Kashmir Coalition of Civil Society (JKCCS), which is a group based in Srinagar which publishes regular reports on the human rights violations and excesses committed

by security forces in the Valley, was arrested on accusations of "terror-funding". The National Investigation Agency (NIA) took charge and he was arrested under the draconian anti-terrorism law, making it impossible for him to get bail. Earlier this year, Kashmiri journalist Fahad Shah was detained under the Jammu and Kashmir Public Safety Act (PSA) on grounds that he had been "misguiding common masses by circulating fake news against the government and its policies".

The pattern is clear. What is being criminalized are not mere actions, but any form of opposition to this government. The State cynically instrumentalises investigations and weaponises an already unjust criminal justice system to lock up anyone standing up against its unjust policies. Thus, the so-called investigations into the Delhi Riots, translates into targeting of anti-CAA activists and Bhima Koregaon becomes the avenue to target Dalit intellectuals, human right activists

and lawyers. The extent to which this regime would go, is perhaps revealed in the arrest of Jignesh Mevani from Gujarat by the Assam police and the move of the Delhi Police in flying journalist Zubair from Bangalore to recover his laptop for merely putting out a tweet.

In addition to the use of legal means, the Modi government has extensively used surveillance software and unleashed enforcement agencies to intimidate critics. The Pegasus spying software, which the government imported from Israel, has been used to hack into the computers and plant fabricated documents on some of the arrested activists.

### The Raids

The government uses the ED-CBI-Income Tax raids to create a spectacle of an anti-corruption crusade much like the announcement of demonetisation in November 2016, which was projected as a war on black money. Any organisation or critic, or even opposition party leaders, who

speak against the Modi government, find the enforcement agencies paying them a visit. After an explosive exposé by the former J&K Governor Satyapal Malik regarding Modi government's failure to prevent the Pulwama attack on a CRPF convoy, the CBI has been let loose on Malik.

Dr. Navsharan Singh, who played a vital role in the farmers' protests against pro-corporate farm laws, noted activist and retired IAS officer Harsh Mander, and scores of activists and journalists continue to face harassment and intimidation by investigative agencies under the Modi regime.

The intimidations, raids and arrests are part of a vicious ploy by the Modi government to silence voices that challenge the ongoing communal-fascist onslaught in the country. The need of the hour is to unite and resist this saffron bulldozer of hate and violence that threatens to push India into the abyss of brutality. ■

## Ecosystem of Hate in India

▲ SHILPA PRASAD

Since 2014, India is witness to an alarming rise in communal aggression and hatred in the name of majoritarian Hindutva nationalism. In what has been identified as an aggressive fascist regime, the Sangh Parivar has utilized hatred as it means, both socially and electorally, and have captured both state and non-state actors to turn a blind eye or act in furtherance of their agenda.

One of the chosen means of creating, spreading, and consolidating this hate, is through hate speech. Hate speech is speech that falls outside the ambit of protected speech / free speech, and is speech that Waldron terms "group defamation". Certain groups, on account of historical discrimination, are particularly vulnerable, including gender, caste, and religion. Hate speech is the expression of hate specially targeted at the members of a vulnerable community, meant to dehumanize a group and attack the individual dignity of a member of the group, as argued by Waldron. This speech has the effect of denying equal citizenship, educational or employment opportunities, reducing members of these groups to second class citizens.

As recognized by the Supreme Court in *Pravasi Bhalai Sangathan v. Union of India* ((2014) 11 SCC 477), hate speech rises beyond causing distress to individual group members, and lays the groundwork for later broad attacks on the vulnerable that range from discrimination, ostracism, segregation, deportation, violence, and in extreme cases, genocide. It affects a vulnerable groups' ability to fully participate in democracy. In *Amish Devgan v. Union of India* ((2021) 1 SCC 1), the Supreme Court appreciated the definition of hate speech based on three distinct elements – content based element involving the open use of words and phrases generally considered to be offensive to a particular community, intent-based element involving the speaker's message being intended to promote hatred, violence or resentment against a particular class, and the harm based element involving the consequences of hate speech which includes harm to the victim which can be violent or a loss of self-esteem, economic or social subordination, physical and mental stress, silencing of the victim and effective exclusion from the political arena. These three elements are not watertight silos, and overlap. The Court also relied on the definition of hate speech as

language intended to demean a group which a reasonable person would recognize as a “racial insult”. It further held that in a polity committed to pluralism, hate speech cannot conceivably contribute in any legitimate way to democracy, and, in fact, repudiates the right to equality.

As held in the case of *Shreya Singhal v. Union of India* ((2015) 5 SCC 1), offensive speech is only criminalized when it presents a clear and present danger and threatens imminent lawless action, wherein a proximate nexus must be established between the words spoken and its outcome. Thus, hate speech falls well outside the fences of free speech, and is not protected speech that is free from curtailment. In effect, hate speech hinders an individual and group’s ability to enjoy their fundamental rights, especially the right to live with dignity. Although hate speech has not been explicitly delineated as an offence of its own right, it largely falls under offences in the Indian Penal Code pertaining to incitement of hatred and ill-will.

### **The manufacture of hate speech**

Post-2014, with the BJP led Government coming to power at the center, hate speech has reached dangerous proportions. The BJP Government, representing the Sangh Parivar, came to power with the sole agenda, and promise, to turn India into a Hindu Rashtra. Thereafter, their policies, speeches, laws, and even stance in courts became a reflection of this core agenda. They utilized several legislative and non-legislative means to create, spread and justify hatred. Indicatively, hate speech can be traced through the following timeline:

1. The creation of a discourse of “anti-nationals” being Muslims, Dalits, Christians, Communists, dissenters, lawyers, students, and anyone who opposed the ideology of the Sangh Parivar. This is heightened during the anti-CAA NRC NPR protests, wherein students, activists, lawyers, are imprisoned and branded as anti-nationals.
2. The demonizing of the Muslim community during COVID-19, by attempting to blame them for the spread of the deadly virus and inaction on the part of the state to stop millions of deaths. By spreading terms such as “Nizamuddin virus” and “corona jihad”, amongst other means, the State tacitly blamed an entire community for COVID-19 by not only actively propagating this propaganda themselves, but also by failing to take action against big media houses who were doing so.
3. The dehumanizing of Muslims has also taken on perverse forms such as “Sulli Deals”, wherein Muslim women were being “sold” on a mobile application, in a gross affront to their very right to life. Muslim women were also threatened with sexual violence on social media platforms.
4. Cultural policing has become the norm with not just inter-faith relationships being targeted but any form of inter-faith social interaction being demonized. Women were abused for travelling in the cars of the Muslim friends, medical students were assaulted for travelling on bikes with Muslim men, and a steady atmosphere of fear was created.
5. The calls for economic boycotts of Muslim businesses were given, by creating an atmosphere of false victimhood, that Hindus must only support Hindu businesses, and that Muslims must not be allowed to economically advance. Groups such as VHP put up posters and publicly campaigned against Muslim businesses, acting as vigilantes preventing Hindus from buying from a Muslim business.
6. The creation of fake news and misinformation about alleged “forced conversions” of Hindus by Christians and Muslims, leading to so-called “freedom of religion” laws being enacted in several states across India. This was buttressed in hatred targeted against these communities for supposedly attempting to reduce the Hindu population. These laws canonized the fake information that the Sangh Parivar had been attempting to spread about vulnerable communities, that they are marrying women to convert them in “love jihad”, and that educational institutions etc. are merely engaging in conversions.
7. The Government’s actions intended to curtail any expression of religious identity of Muslims, by restricting their ability to pray publicly (curtailment of using loudspeakers) and prohibiting the wearing of hijabs (headscarves) in educational institutions. In effect, no aspect of Muslimness was to be exhibited publicly, as an affront to the very right to dignity of an individual and group.
8. The enactment of cow-slaughter laws with stringent criminal provisions that enable state and non-state actors to attack Dalits, Christians, Muslims, and a host of persons reliant on cattle for their sustenance and livelihood, and enabling demonizing of the communities in the name of religion. In fact, even the judiciary has in judgments stated that all the problems on the earth will be solved the day no drop of blood of the cows is dropped, comments regarding the cultural significance of cows to deny bail, and rulings declaring the cow the national animal.
9. The open calls for genocide of the Muslim community in Dharam Sansads, mahapanchats, and Sangh Parivar gatherings wherein arms are worshipped (swords, guns), oaths are taken to make India a Hindu Rashtra and remove Muslims from the country, and declarations are made to perpetrate sexual and communal violence against Muslims. This creation of hate created a frenzy of non-State actors, supported by the State, giving massive group calls for rape, violence, and murder of those who oppose their ideology. The Hinduvta militant group, Hindu Jagarana Vedike, organized public rallies calling for violence and brandishing swords in Udupi, imploring

every Hindu to have a weapon in their home, worship weapons and utilize them against Muslims. The Bajrang Dal similarly held poojas with swords in the presence of the police, with no repercussions. The Hindu Raksha Dal declared that only those who say “*Jai Shri Ram*” can stay in India, that Muslims will not be allowed to rise up and, “We will get mullahs out of graves and finish them from their roots”. Another mahapanchayat held at Pataudi, with BJP spokespersons asking to “Remove them from this country”, and the Dharam Sansad in Uttar Pradesh organized as a “Sant Sammelan Against Islamic Jihad and for the creation of Hindu Rashtra.” These are example of open calls for genocide of the Muslim community in India.

10. The war cry for the creation of a “Hindu Rashtra” became ubiquitous, with both elected representatives, the executive, and sometimes even members of the judiciary echoing the cry. The then BJP Government’s Chief Minister of Karnataka Basavaraj Bommai in October 2021 had justified mob violence and majoritarianism on the ground that, “*When sentiments are hurt, it is natural that there are actions and reactions. Even the youth should keep in mind these sentiments and act accordingly. Can we live without morality? No, we cannot. Relationships and peace are maintained by this morality.*”

In order to create an atmosphere that is conducive to spreading hate speech, the BJP-Government assumed the role of both fact-checker and fact-creator, by taking onto itself the role of the highest authority in a grievance redressal mechanism under the Cable Television Networks (Amendment) Rules, 2021, requiring registration of self-regulatory bodies of broadcasters (such as Republic TV and Times Now), and 3-tier mechanism for grievance redressal with the Government at the top of this mechanism. This came along with passage of laws that controlled free speech but at the same time protected hate speech, through laws such as the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 that fundamentally alter speech on the internet by imposing onerous conditions on social media intermediaries to cooperate with the Government and take down content, powers to the Government to take action against social media intermediaries, and granting the executive of the Government the power to exercise judicial powers. In fact, the Government gave unto itself emergency blocking powers, which the Government was quick to utilize to direct YouTube and Twitter, blocking sharing of the BBC’s documentary on Narendra Modi’s role in the 2002 Gujarat pogrom.

The Union Government again in 2023 amended the Rules, establishing a fact checking unit at the discretion of the Union Government to “fact-check” supposedly false, fake or misleading information regarding the Union Government and can also order action against this content. Thus, the

Government has effectively whittled down means of free-speech, curtailed genuine fact-checking, created a ripe environment for the creation and spreading of misinformation and lack of independent mechanisms to address hate speech.

Having weakened measures of accountability and self-regulation, hate speeches from political leaders and leaders of the Sangh Parivar enjoyed impunity. In fact in Karnataka, from 2019 to 2023 alone, the BJP government ordered the withdrawal of prosecution in 182 criminal cases of hate speech, cow vigilantism and communal violence.

This hate speech is a precursor to the escalating violence against religious minorities, women, and Dalits in India. Even during elections, candidates and their agents freely engaged in hate-mongering to gather momentum and votes.

### The Impact

Hate Speech is key part of the stages of genocide, which have been identified as classification (distinguishing us v. them), symbolization (by dress or any symbol), discrimination (legitimizing victimization and exclusion), dehumanization (indoctrination to deny humanity, eg. Branding a community as cockroaches), organization (state-enabled organization of violence), polarization (driving of groups apart, passing emergency laws etc.), preparation (preparing for apparent “solutions”), persecution (victims identified and separated out based on their identify, deprived resources), and extermination.

During the COVID-19 pandemic for example, Muslim street-vendors were harassed and attacked, kicked out of apartments, denied medical treatment, due to the fact that media houses at the instance of the Government perpetrated hate speech against them blaming them for the spread of COVID-19. Inter-faith and inter-caste couples were attacked, removed from hotel rooms, and even killed. Evidently, hate speech has a real and apparent impact on protected groups, which is often immediate.

Hate speech operates in a culture of impunity created by the State, which both implicitly and explicitly propagates hate speech as well as protects it. In *Tehseen Poonawalla v. Union of India* (AIR 2018 SC 3354) the Supreme Court had issued a slew of directions to the State Governments to take preventive, remedial and punitive measures to prevent mob lynching and violence, including a special task force to be set up in each state to prevent hate speech, which has not been complied with. Often, the police will refuse to register FIRs against hate speech, despite it clearly comprising an offence under the Indian Penal Code. The State has also ignored the dictum in *Navej Singh Johar and Ors. v. Union of India* ((2018) 10 SCC 1) that constitutional morality cannot be martyred at the altar of social morality, and it is only constitutional morality that can be allowed to permeate into the rule of law.

## Conclusion

India is witnessing a proliferation of hate speech, wherein the manufacturing of hatred is not only politically profitable, but is also economically profitable. It is spread through means as small as WhatsApp forwards claiming an imaginary reduction in Hindu population, to entire shows

dedicated to exposing some controversy of the Muslim Community (such as UPSC Jihad). To effectively combat and prevent the creation of such hatred, hate speech must be both legally and politically recognized as a weapon of the Sangh Parivar, and countered, as an affront to our core constitutional values. ■

# 9 Years of Lies

## *Dwindling Economic Growth, Increased Inequality and Cronyism*

▲ SAURABH NARUKA

The Modi government came to power in 2014 with the promise of inclusive growth, Sabka Saath Sabka Vikas. In these 9 years of Modi rule most of his promises have turned out to be lies. The promise of delivering a \$5 trillion economy by 2024 is a far cry now. These years have witnessed dwindling growth, high unemployment, skyrocketing prices of essentials, increasing inequality, falling rupee, record bank write-offs, an unprecedented privatization spree and selling off of national assets in the name of monetization scheme, a severe assault on farmers' and workers' rights, rising debt, and attacks on small and medium enterprises through the triple assault of demonetization, GST, and an unplanned lockdown.

### **Growth and Per Capita Levels: Comparing the Numbers.**

Narendra Modi was initially marketed as Vikas Purush: a leader who will deliver growth. But what is the reality of growth numbers during the current term of the National Democratic Alliance (NDA) government, (2014-23) in comparison with the period of United Progressive Alliance (UPA) rule? Reports suggest that India's GDP has grown by 63% in the nine years of NDA rule – from Rs 98 lakh crore to Rs 159.70 lakh crore in constant terms. In comparison, the accumulated growth in the preceding nine years (2005-14) under the UPA regime was 97%.

What is the performance on per capita front during the two periods under comparison? As per reports in 2023, the per capita income growth during the NDA regime after 2014 is pegged at a compound annual growth rate of 4.2 per cent each year. In other words, the real per capita income in 2022-23 is 1.4 times higher than what it was in 2014-15 and it has gone up from Rs 83,091 to Rs 1,15,490 at constant prices with base year 2011-12. Taking the same base year prices, per capita real income during the first nine years of the UPA government rose by 1.5 times from about Rs 50,000 in 2004-05 to around Rs 75,000 in 2012-13, at a compounded annual growth rate of 5 per cent.

### **Worsening Employment Scenario**

India's unemployment rate in April 2023 was stated at 8.1% as per CMIE data. As per the Periodic Labour Force Survey Report (PLFS) for January to March 2023, the unemployment rate was pegged at 6.8%. As per NSSO 66th round, the unemployment rate was 2.1% in 2011-12 during UPA regime. In 2018 it rose to 6.1% as per the PLFS survey report which was released only after the 2019 election results were out and it was then widely reported that unemployment numbers have hit a high of 45 years.

### **Taxing Petroleum Products at Staggering Rates**

The prices of essential commodities are rising consistently. While cooking gas prices have increased to around Rs 1,160 from Rs 400 in 2014, petrol prices have increased from Rs 70-73 to Rs 105-110 and diesel prices from Rs 55-60 to Rs 95-100. This is at a time when, for various reasons, the Modi government has enjoyed the advantage of lower crude oil prices as compared to the earlier governments. It is only of late that the crude oil prices have increased following the Ukraine crisis.

But the government has refused to pass on the benefits of lower crude oil regime to common Indians and has used the opportunity to milk more tax revenues. The government has collected a whopping Rs 30 lakh crore by taxing petrol and diesel at staggering rates during its tenure – collecting more than Rs 1.08 lakh from each Indian household on an average basis. It has shamelessly put the blame on state governments for increased Value Added Tax (VAT) on petroleum products, when it is amply clear that state governments have been left with no option other than taxing petroleum products and liquor after the GST regime came into force.

### **GST Regime: Taxing the Common Man while Extending Tax Concessions to Corporates**

The 'record' GST collections every month has been persistently celebrated by the media without realizing that GST numbers are bound to increase every quarter due to inflation. In this year, the budget share of GST

collections of the union government has superseded the corporate tax to emerge as the highest source of tax revenue. This has been possible due to increased tax sops to corporates through waivers and concessions, and more importantly, by having one of the lowest tax rates regimes for corporates by global standards. The burden of loss in the revenue due to concession to corporates is compensated by further increasing indirect taxes on the common man.

As per the recent Oxfam report, a little less than two-thirds (64.3%) of the total GST is coming from the bottom 50% of the population, one-third from the middle 40% and only 3-4% per cent from the richest 10% of the country. The bottom 50% of the population at an all-India level pays six times more on indirect taxation as a percentage of income compared to the top 10%. This makes the regressive nature of GST regime crystal clear.

Moreover, the 'record' GST collection claim is also hollow and intended to hide the compromising federal revenue character of the GST regime. The state governments which had given up on their constitutional rights of taxes to usher in the GST regime have not been compensated adequately. As per Sacchidananda Mukherjee of National Institute of Public Finance and Policy, the annual average revenue realized from taxes subsumed under GST during 2012 to 2017 was Rs 7.70 lakh crore. If we take this as base from which annual 14 % growth was expected to be realized, the estimated shortfall in the GST collections of states ranges between 19 and 33% for period between 2018-19 to 2022-23. In comparison, the supposed 'record' GST collections, if considered as percentage of GDP, persisted at around 6% in period between Q1, FY 2019 and Q3, FY 2023.

### **Banking and Finance System: Milked in Favour of Corporates**

Irrecoverable losses of banks stood at Rs 12,09,606 crores during the Modi tenure, as per letter dated June 15 from Dr. Bhagwat Karad, Minister of State for Finance. Despite this staggering numbers, Nirmala Sitharaman the Finance Minister has been claiming of late that her strategy of early 'recognition, resolution, recapitalization and reforms' for non-performing assets (NPAs) has worked and NPAs are under manageable limits now. This strategy has been instrumentalized through the Insolvency and Bankruptcy code. But to find the truth one needs to dig deeper beyond the hyperbole. NPA refers to the non-payment of interest and principal instalment for more than 90 days after it became due. After this regime came into power, and beginning from around 2015, the NPAs suddenly started increasing. The message of compromised credit culture and impunity made the rounds in boardrooms of the corporate world.

But what were the actual recoveries under the supposedly fast process of debt settlements. As per reports in the Business Standard, in first eight years of the Modi government Rs 8.60 lakh crore of NPAs has been pushed

under new settlement process and resolution plans have been approved in 480 cases up to March 2022, with Rs 2.34 lakh crore amount realizable by financial creditors. This is around 25 Rupees realization for around 100 Rupees loan. What is the result of these low realizations of Scheduled Commercial Banks (SCBs) Loans? The SCBs which were having total combined profit of around Rs 36 000 crore in 2013-14 went into loss for a substantial period during the Modi regime. The compromised capital adequacy ratio of public sector banks was addressed through recapitalization to the tune of more than Rs 3 lakh crore between 2016-17 to 2020-21. Who ultimately paid for losses and recapitalization of these Public Sector Banks? Naturally the honest depositors and taxpayers. If that was not enough, the guidelines for the settlement process have been amended recently in such a way that 16,000 willful defaulters with debt worth Rs 3.5 lakh crore would also become eligible for compromised settlements. In addition to this, bank frauds have also multiplied under present dispensation, and it has been reported that they stand over Rs 5 lakh crore.

### **Increase in Government Debt**

The government has been unwilling to tax the rich and wealthy to increase tax revenues. The result is that government debt, the combined total of both internal and external debts, is on the rise. The outstanding internal and external debt and other liabilities of the Government of India at the end of March 2014 was around Rs 55,87,149.33 crore which has increased to Rs 152,61,122 crore in March 2023, and is pegged to increase to Rs 169,46,666 crore by March 2024, as per the budget papers of 2023. This is a staggering three times rise in government debt in 9 years. Every Indian has about Rs 1.08 lakh debt on his head. To put this in further context, as per the 2023 budget, out of a total budget size of Rs 45.03 lakh crore, Rs 10.80 lakh crore would only be spent in payments of interest on existing debt obligations. This surely compromises the scope the government would otherwise have to spend on welfare schemes for the people to address poverty and growing inequality. Despite this, the govt has resisted the need to reintroduce wealth tax and inheritance tax and increase tax rates on High-Net-worth Individuals (HNIs). To address the fiscal pressure, the government continues to resort to disinvestment, outsourcing, cutting jobs, subsidies and privatization at a scale never seen before. Another obvious objective of the privatization and outsourcing spree is to benefit the favourite cronies of the government by selling off public sector enterprises and national assets at throwaway prices and granting the cronies lucrative contracts, and in turn they fund the BJP during elections.

### **Privatization and Rising Economic Inequality**

People were offered only 5 kg of additional ration per month to supposedly address the distress, but favourite corporates were offered privatization, monetization,

relaxation in credit and tax concessions on a platter as 'incentives' for survival during the covid pandemic. While 84% of Indians suffered from loss of incomes during Covid pandemic, the wealth of billionaires zoomed even during the pandemic and afterwards. India's top 1% owned more than 40.5% of its total wealth in 2021. In 2022, the number of billionaires in the country increased to 166 from 102 in 2020.

The latest Oxfam report points to the large disparity in wealth distribution in India. It states that more than 40%

of the wealth created in the country from 2012 to 2021 has gone to just 1% of the population while only 3% had trickled down to the bottom 50%. In 2022, the wealth of India's richest man Gautam Adani increased by 46%, while the combined wealth of India's 100 richest had touched \$660bn. There is no doubt that these cronies are calling the shots and running the show.

Modi's tenure signifies crass rise in inequality and cronyism of worst kind. The accelerated neoliberal onslaught has wreaked havoc on people's lives and livelihood. ■

## “In the Center of the Counter-Revolution stood the Judiciary”

*9 years of Indian Judiciary in Modi's India*

▲ AVANI CHOKSHI AND CLIFTON D' ROZARIO

*“In the center of the counter-revolution stood the judiciary. Unlike administrative acts, which rest on considerations of convenience and expediency, judicial decisions rest on law, that is on right and wrong, and they always enjoy the limelight of publicity. Law is perhaps the most pernicious of all weapons in political struggles, precisely because of the halo that surrounds the concepts of right and justice.”*

- Franz Neumann, *Behemoth*

The independence of the judiciary is a basic feature of the Constitution and of paramount importance to a functional democracy. It forms a vital component of the doctrine of separation of powers, whereby the organs of State are intended to check excesses of other organs. In a context of executive excess, the constitutional courts' mandate, particularly that of the Supreme Court, is to defend the Constitution and prevent concentration of power – to ensure accountability and secure individual liberty. This structure of separation in itself implies a constant struggle for dominance by each organ – the legislature, executive and the judiciary. Ever since the supersession of judges who differed with the executive standpoint during the Emergency, the Indian judiciary started establishing primacy through a series of judgments and in holding, to an extent, the governments accountable. However, in the past 9 years, since Modi's ascendance to power in 2014, we are witness to a largely compromised judiciary.

### Judgments passed and judgments avoided

The judgments passed by the Supreme Court, post 2014, confirms a sharp trend of judicial complicity with the Modi government's agenda with some notable exceptions (judgements that have developed constitutional jurisprudence around women's rights, LBGQTQA+ rights, the right to privacy, among others).

Modi's claim of fighting black money was challenged by the seizure of the infamous Birla and Sahara papers by

the Income Tax Department, which revealed possible bribery and corruption and contained entries of regular payments being made to union ministers and ministers in state governments. An NGO, Common Cause, moved the Supreme Court in a PIL seeking that a criminal case be registered and the investigation to be monitored by the Court. The Supreme Court, in an extraordinary order did not merely dismiss the case. Instead the Court declared that the “materials in question are not good enough to constitute offences to direct registration of FIR” thereby foreclosing any investigation into the explosive claims of bribery made in the Birla and Sahara papers. Similar was the fate of the Rafale deal case where a court-monitored probe was sought into the corruption allegations over the deal, which too came to be dismissed.

Perhaps one of the most controversial judgments passed by the Supreme Court in recent times is in the Judge Loya case. In 2014, Judge B.H. Loya, who was presiding over the case of the alleged 2005 encounter killing of Sohrabuddin Sheikh, died under mysterious circumstances. A petition was filed seeking independent investigation into his death. Notably, Judge Loya's family went on record questioning the circumstances surrounding his death, and alleged that he was offered Rs 100 crore to give a favourable judgment to the accused, Amit Shah. In a judgment authored by present CJI Justice DY Chandrachud, the Supreme Court converted this plea for an independent investigation into a mini trial and dismissed the case holding that Justice Loya had died of natural causes. Justice AP Shah, Former Delhi High Court Chief Justice and former Chairman of Law Commission of India, publicly condemned the judgment as “utterly wrong and jurisprudentially incorrect on so many counts”.

Another judgment of considerable import, is the Bhima Koregaon case, against the arrest of well-known human right activists, who were arrested under the Unlawful

Activities (Prevention) Act, 1967 for allegedly being members of the banned organisation, Communist Party of India (Maoist) and for allegedly inciting violence at Bhima Koregaon. Despite the evidence being unreliable, and the prosecution story obviously concocted, a majority bench of the Supreme Court rejected the plea to constitute a Special Investigation Team (SIT) probe into the allegations. Justice Chandrachud, gave the dissenting opinion, holding the investigation conducted thus far to be tainted. Furthermore this judgment has enabled the prolonged incarceration of the Bhima Koregaon accused even as the trial has not commenced despite the passage of five years after arrest. Indeed, the shrinkage of civil liberties is also witnessed in the long-drawn incarcerations of a number of anti-CAA protesters.

The Constitutional Bench judgement in the Babri Masjid case found that the demolition of Masjid was an "egregious violation of the rule of law" but awarded the land to the Hindu majority, prioritising so-called beliefs over criminal action of illegal demolition. The fact that the apex court has chosen to hand over the entire land for construction of a temple while advising the Sunni Wakf Board to relocate the mosque privileges the claims of faith over facts and principles of justice, and potentially incentivising communal campaigns.

The failure of the Supreme Court to stand in defence of migrant workers during pandemic continues to be one of the darkest moments of the Indian judiciary. Retired Supreme Court judge, Gopal Gowda called this the "Supreme Failure".

In Zakia Jafri's case, the Supreme Court faced further ignominy by dismissing the challenge to the SIT's clean chit to Modi for his role in the 2002 Gujarat pogrom. The Court not only blamed Teesta Setalvad for allegedly exploiting Zakia Jafri's pain, but also stated that she and others who contradicted the Gujarat police's narrative be put "in the dock" for their efforts. Within 24 hours, the Gujarat Anti-Terrorism Squad filed FIRs against Teesta Setalvad, R.B. Shreekumar and others, and arrested them. Similar was the treatment meted by the Supreme Court to Gandhian activist Himanshu Kumar who had approached the court seeking independent investigation into the deaths of Adivasis by security forces in Chhattisgarh. The Supreme Court unfairly alleged that he had falsely accused security forces of being involved and fined him Rs 5 lakhs.

The Supreme Court continued its attack on civil liberties through its judgment on the Prevention of Money Laundering Act (PMLA) where the Supreme Court has upheld several draconian provisions of the PMLA, including a twin test for bail that had previously been struck down as unconstitutional, as well as the reversal of the burden of proof and approved the unbridled powers for the Enforcement Directorate including not giving the accused a copy of the ECIR (FIR equivalent), as well as being able to use statements recorded during questioning as valid evidence against them.

In the Supreme Court judgement upholding the 10% quota for Economically Weaker Sections (EWS), effectively, the Constitutional policy of reservation for socially backward sections was significantly diluted by provided reservation for forward classes. Socially backward classes, who are economically weaker are not permitted to avail reservation. The criterion for availing benefit is monthly income of less than 67,000/- a month – making a mockery of real poverty of oppressed communities.

These judgments give a glimpse into the mindset of a Court that is acquiescing with the policy prescriptions and political agenda of the ruling dispensation.

While talking of the judgments passed by the Supreme Court, we cannot but refer to the cases in which judgements have been avoided, what Constitutional lawyer Gautam Bhatia refers to as "judicial evasion", where time sensitive constitutional challenges are avoided till the state policy is fait accompli. In this manner, the Hijab review, whereby the policy of the BJP Karnataka Government preventing girl students from wearing hijab is under challenge; the constitutional challenge to the Citizenship (Amendment) Act which gives differential citizenship rights on the basis of religion, the challenge to the abrogation of Article 370, where through state brute force, the state of Jammu and Kashmir was forcibly converted into two union territories without autonomy, the challenge to electoral bonds scheme that allows for anonymous corporate funding to political parties, and many other cases have been kept pending while the BJP reaps the benefit of unconstitutional action. In the demonetization case, after avoiding taking up the matter on merits till the question was no more than academic, the court upheld the entire process, ignoring the great miscarriage of justice caused by it.

### **The sometimes compromised, sometimes contested terrain of judicial appointments**

The appointment of judges to the constitutional courts has become an arena of a complicated tussle. The BJP government, has been consciously undermining the existing collegium system in two ways. First, by attempting to appoint representatives sympathetic to its cause and second by returning collegium recommendations of those who are critical of the Union Government.

The tussle between the executive and the judiciary for primacy in appointment of judges is not recent. Post-Independence, the executive decided who became judges. After some minor rumblings, the conflict heightened in 1973 when Indira Gandhi, in breach of established convention, appointed the fourth most senior judge as Chief Justice, superseding his three senior colleagues. This was followed by the supersession of Justice HR Khanna; a punishment for his dissent in the ADM Jabalpur case. These executive actions established the clear nexus between the appointment of judges and their obedience to the government in power.

The primacy enjoyed by the executive lasted until 1993, when the Supreme Court passed a judgment wresting the

power to appoint judges under the collegium system. This collegium system, is where a forum of senior most judges appoint new judges to the constitutional courts. The system is no doubt riddled with flaws – blatant nepotism together lack of representation of Dalits, minority community members, women and other marginalized groups result in the judiciary being a male dominated, upper class, upper caste, Hindu entity from its very conception.

Even against this backdrop, the Modi government's attempt to dominate the judiciary will only prove more disastrous to judicial independence. On coming to power the Modi government attempted to take control of judiciary by introducing the National Judicial Appointments Commissions Act, which was struck down by the Supreme as unconstitutional.

Soon after the Modi took power, the name of Gopal Subramaniam, erstwhile Solicitor General who was suggested for elevation by the collegium, was returned by the Government. He was amicus in the Supreme Court in several cases and had taken strong stances in the Sohrabuddin, Kauser Bi and Tulsiram Prajapati fake encounter cases, where Amit Shah was chargesheeted. After the Modi Government refused his appointment as Supreme Court judge, he withdrew consent for elevation, stating *"I am fully conscious that my independence as a lawyer is causing apprehensions that I will not toe the line of the Government. This factor has been decisive in refusing to appoint me."*

Another prime example of such fractures in the collegium system can be seen with Justice Akil Kureshi, who retired without being elevated to the Supreme Court, despite having seniority and competence over others elevated. Justice Kureshi was fiercely independent and had in fact directed police custody of current Union Home Minister Amit Shah in 2010 in the Sohrabuddin Sheikh encounter. He was overtly targeted, firstly by transfer to Bombay High Court to prevent him becoming acting Chief Justice of Gujarat High Court; secondly, the Modi Government refused to comply with the collegium's recommendation to appoint him as Chief Justice of Madhya Pradesh High Court. Tellingly, the judiciary succumbed and instead recommended his appointment to the Tripura High Court. Despite his seniority he was not elevated to Supreme Court.

Justice Muralidhar, a sitting judge of Delhi High Court, faced a midnight transfer to Punjab & Haryana HC on the same day he pulled up the Delhi Police for failing to register FIRs against three BJP leaders for hate speeches that led to riots in Delhi.

Recently, the Modi Government has stalled the appointment of three advocates recommended for judgeship to the High Courts. Advocate Somasekhar Sundaresan from Bombay High Court has not yet been appointed for the sole reason that he allegedly shared an article critical of Modi. Advocate John Sathyan of Madras High Court has not been appointed since he is allegedly critical of the Modi

Government policies. In the case of Advocate Saurabh Kirpal from Delhi High Court, the reason for stalling his appointment is his sexual orientation and commitment to gay rights. In fact, the Collegium rejected the objections raised by the Modi Government and reiterated their appointments, despite which, it is being stalled.

On the other hand, the General Secretary of the Bharatiya Janata Party Mahila Morcha, Victoria Gowri has been appointed as Judge in the Madras High Court, and a petition challenging her appointment was rejected.

### Post-retirement benefits

Post retirement assignments, particularly to retired judges of the Supreme Court who are known for judgments protected Modi's policies and the Sangh Parivar's agenda, have become the norm.

Former Chief Justice of India, Ranjan Gogoi, who once said *"There is a viewpoint that post-retirement appointment is itself a scar on judicial independence of the judiciary"*, accepted nomination to Rajya Sabha by the BJP government just four months after his retirement. During his tenure, he was part of several judgments that benefitted the Modi government, including the Babri Masjid demolition case, Rafale deal case and most importantly the Assam NRC judgment.

Another post-retirement beneficiary whose judgments worked in favour of the Modi government is Justice Arun Mishra, the present chairperson of the National Human Rights Commission. To appoint him, the Modi government went as far to amend the Human Rights Act, 1993. Besides judgements that blatantly favored the Modi regime, Arun Mishra is also infamous for publicly declaring Modi as an "internationally acclaimed visionary and a versatile genius who thinks globally and acts locally".

The latest beneficiary is Justice Abdul Nazeer, who was appointed as the Governor of Andhra Pradesh merely 39 days after retiring from the Supreme Court. Justice Nazeer was part of judgments that displayed a strong tendency to favour the executive including the Babri Masjid demolition case, the demonetization case and the case on hate speech where he held that the government cannot be held vicariously liable for hate speech by Ministers.

### Conclusion

The judiciary demands sharper scrutiny, as fascism unfolds around us. Senior counsel Indira Jaisingh, in a recent lecture expressed grave concern at how the current regime has replaced core constitutional values without amending the Constitution, and poignantly described this as the move from ignoring the Constitution to repudiating it.

Some of the judgments passed in recent times confirms the suspicion of Prof Mohan Gopal, former Vice-Chancellor of the National Law School of India, that the Courts are being packed with "theocratic judges" who perversely interpret the Constitution as a Hindu Constitution. Here we must remember the concerted efforts of the Akhil Bharatiya Adhivakta Parishad (ABAP), the Advocates organisation

of the RSS to firstly build a consensus amongst the legal fraternity for its ideology and secondly in ensuring that those sympathetic to its agenda are in the constitutional courts. This concerted endeavor to subvert the judiciary has

to be fought, to protect what Ambedkar, in the Constituent Assembly, famously declared - that the judiciary ought to have independence as is necessary for the purpose of administering justice without fear or favour. ■

## *Roti, Kapda, Makaan* Basic Services, Basic Failures

▲ AKASH BHATTACHARYA

### The Façade

During the 2014 election campaign, the Bhartiya Janata Party (BJP) had famously made tall promises of all round development. The promise of 2 crore jobs per year went hand in hand with the assurance of ensuring basic necessities including housing, education, health, and food security for all. The proposed development model was clearly pro-market, but the pretenders to power claimed to possess the magic wand to compel the market work in the interests of the common people.

The past decade has witnessed shortfalls on the promises made in 2014 and remade in 2019. We have witnessed a general wilting of public services at the altar of privatization and corporatization, and a consistent maligning of welfare-ism. Drawing upon stereotypical free-market logic, welfare-ism has been castigated as 'freebie culture' which encourages laziness as opposed to capitalist 'self-dependence'. At the same time, BJP's promises on public necessities have been reiterated in budgets and impressive numbers have been paraded to impress its vote-bank. In reality, the big promises made regarding food security and housing are nowhere near fulfilment.

### Food Security

BJP had proclaimed in its 2014 manifesto that 'universal food security' is integral to national security and will 'ensure a corruption-free efficient implementation of food security.'

During the aftermath of the pandemic,

Reetika Khera pointed out that while the government had sensibly doubled the entitlements of the 800 million who were already covered by the Public Distribution System (PDS) (from five kilograms per person per month to 10kg), lakhs were still left out. Many were without ration cards. The 'exclusion problem' has since been further exacerbated by the freeze on the 2021 census. Government inaction led to the matter being taken to the Supreme Court of India in the 'Problems and Miseries of Migrant Labourers' case (Writ petition no. 6 of 2020). On July 21, 2022, the Court agreed that the prayer to increase coverage under PDS 'seems to be genuine and justified'. The Court directed the government to resolve the issue by using the 'projection of population increase' as a temporary replacement for actual census data, but the government has refused to oblige.

There is a systematic attempt by the Modi government to smother the Public Distribution System (PDS), a lifeline for India's poor. According to reports, in 2022, the number of pending applications for ration cards under the PDS stood at over 10 lakh, a 50% increase from May 2021. In the 2023 budget, foodgrain subsidy for the poor was slashed with a massive 63% cut. Similarly, the Food Corporation of India (FCI), which is responsible for procuring grains from farmers and plays a vital role in ensuring food security was asked by the government to take a loan from the market instead of providing it the dues worth Rs

90,000 crore for the current year's procurement.

The government and its NITI Ayog are accelerating the process of privatizing the PDS system and slashing food subsidy for the poor. The move will leave millions at the mercy of large corporations.

### Housing

On the question of housing, Prime Minister Modi said in 2018 that every Indian will have a house with electricity, sanitation and drinking water by 2022 under the Pradhan Mantri Awaas Yojana (PMAY). Later, this deadline was extended to 2024. But in reality, presently, about 2 lakh urban people are still homeless; and about 6.5 crores reside in slums. As per the reports, as of January 2023, around 84 lakh houses yet to be completed under the project and in the urban centres only with about 51% of the target achieved. Housing question is further exacerbated by the landlessness in the country. According to 16th report of the Standing Committee on Rural Development & Panchayati Raj 2,79,321 (65.26%) out of the total of 4,27,975 landless beneficiaries (under PMAY) are yet to be provided land.

At the same time, we witnessed widespread evictions and demolitions of poor. The bulldozers have emerged as a symbol of brute state power and political vendetta, so much so that the same Yogi Adityanath, who waxed eloquent on BJP's housing promises by 2024, has christened himself 'Bulldozer

Baba'. Bihar, Uttar Pradesh, and Delhi have seen the worst of these evictions and demolitions.

The Land Conflict Watch recently reported that since January 2023, more than 1,600 homes were demolished and over 3,000 eviction notices were served in Delhi alone, impacting nearly 2.5 lakh lives. These demolitions and evictions have become another face of disenfranchisement: documented and tax paying citizens have been declared illegal through one simple notice, with no rehabilitation or relief in sight.

People have lost homes all over the country due to a variety of reasons: encroachment clearance and city beautification drives, infrastructure projects, environment projects, forest protection, sheer targeting due to their religion, and allegations of being illegal infiltrators in border states like Assam. The report 'Forced Evictions in India in 2020: A Grave Human Rights Crisis During the Pandemic', released by the Housing and Land Rights' Network (HLRN) noted that at least 61,257 families have lost their homes since March 2020 in at least 245 incidents of forced eviction drives across the country during the pandemic.

Some of the major evictions in 2021 the HLRN has recorded are the demolition of at least 12,000 homes in Faridabad's Khori Gaon by the Municipal Corporation of Faridabad, 300 houses in Ramesh Park by the Delhi Development Authority (DDA) in Delhi in July, 450 homes in Mumbai's Chheda Nagar by the Mangrove conservation Cell in February, 200 houses in Mysuru by the Karnataka Slum Development Board in April, and 130 houses in Arumbakkam in July by the Tamil Nadu Slum Clearance Board.

The standout feature of these evictions and displacements is the sheer brutality of the state authorities and the high-handed and pro-government attitudes of the courts. The courts have

refused to ensure rehabilitation, or to censure the government for illegal demolitions, on a regular basis. The people evicted belong to the poor and working classes (rural and urban) and most of them are either Dalits or Muslims.

Talking of brutality and illegality on the part of the government, in Kharak Riwara of Chhattarpur in Delhi, the DDA and Delhi Police not only demolished the houses without prior notification but also refused to allow people to take out essential items like medicines before running the bulldozers. This led to the death of a child who suffered from congenital heart disease. Kharak Riwara is a predominantly Muslim locality, and the police threatened the people with Uttar Pradesh like action in the future.

### **Basic Necessities and the Democratic Agenda**

On 16 May 2023, homeless people from different parts of Delhi gathered at Jantar Mantar. Two heart-rending cries rang through the air: 'roti, kapda, aur makaan / mang raha hai Hindustan' and 'Modi tere raaj mein / dharne pe baithe aaj mein' [Modi, your regime has brought us to the streets]. If people have to hit the streets for their basic necessities on the 75th year of independence, you might wonder if India is headed towards complete failure as a democratic state. You would also wonder how we reached here within a decade of the BJP government.

The opposition must demand accountability with regard to the implementation of each government scheme related to basic necessities. An intersectional index which accounts for caste, class and gender and regional inequalities is the need of the hour for measuring the impact of government policies and schemes. Regular social audits are also necessary.

The question of basic necessities occupies a unique place in modern politics. As bourgeoisie democratic states looked for ways to offset

the challenges posed by twentieth century socialism, they began to lay great emphasis on the provision of basic necessities. The Left in bourgeoisie democracies have treated welfare-ism as a starting point rather than the end point of the democratizing process, and often criticized the invocation of basic provisions for the purposes of humanizing bourgeoisie systems.

Today we stand at a juncture where the bare minimum welfare-ism that existed in response to the socialist challenge is slipping away rapidly. This erosion must be exposed and a democratic politics which assures basic necessities not as bulwark against revolution but as part of a peoples' democratic policy regime must be envisioned. Basic necessities must be defined more widely, beyond food, cloth, and shelter. They must include health, education, maternity benefits, social security, and human rights; in brief, all that are necessary for quality living. The bar for their provisions must not be set at the minimum but at the maximum; at a level that is necessary for a dignified life.

Lastly, while BJP's 2014 election manifesto sometimes used the phrase 'public services' to mean basic necessities, in reality, it has been trying to outsource much of these responsibilities to the private sector. Basic necessities can be meaningfully provided only by a state and system that abides by a sense of public conscience and practices public accountability. To reiterate, achieving such a system is possible only if the question of basic necessities and public services are integrated into the emerging framework of democratic politics, and posited as a key pillar of an equal and humane society. ■

# Corporate Onslaught on *Jal - Jungle - Zameen*

▲ MADHURIMA BAKSHI

The past nine years of BJP government led by Narendra Modi has witnessed outrageous attacks on environment laying the way for more and more corporate takeover of natural resources disregarding people's rights. Environment regulations and guidelines have been diluted; tribunals and adjudicatory bodies made weakened while clearances are given recklessly to mining and other projects. BJP's manifesto in 2019 stated 'speed and effectiveness in issuing forest and environmental clearances' showing their clear priority of corporate interest over ecology and biodiversity. Meanwhile, in the Environmental Performance Index 2022, India ranked the lowest in the world out of 180 countries last year. Nine years ago, India was ranked 155th.

## **Rampant clearance to projects and attack on decision making bodies causing environmental devastation**

After coming in the power in 2014 BJP was determined to eliminate the hurdles in front of 'ease of doing business'. They started with removal of the ban on setting up and expansion of polluting factories in eight 'critically polluted' industrial belts using a bureaucratic loophole. There was also an attempt to allow polluting industries to operate within 5 km of eco-sensitive areas, as opposed to the earlier limit of 10 km. The National Board for Wildlife (NBWL), an apex body created to promote conservation and development of wildlife and forests has become a platform for giving clearances for diversion of forest land in protected areas. The Ministry of Environment, Forest and Climate Change (MoEF&CC) gave clearances to 2,256 projects (87%) out of 2592 proposals, with 270 of them lying near biodiversity hotspots from July 2014-April 2020 as per a report published by Centre for Financial Accountability in November 2022. Between August 2014 and February 2019, NBWL had cleared 682 of the 687 projects, with an unforeseen clearance rate of 99.82%. The number of independent members in the NBWL committee had been heavily reduced while the 47 member NBWL committee hardly met in past years. Most of these important policy level approvals are passed by the Standing Committee, a much smaller body acting as a mere rubber stamp which itself shows how the institution is being subverted. The autonomy of National Green Tribunal (NGT) has been systematically manipulated and with only 6 members led by a Chairperson out of the sanctioned 21 members and partially functional

benches, it has resulted in massive non-compliance or partial compliance with the rules. The Finance Bill of 2016 significantly changed the provisions for appointment of NGT members. NGT is now mostly working from the national capital, which disregards the whole purpose of having regional benches making it considerably weakened and powerless.

Hasdeo Arand in Chhattisgarh, one of the most pristine and dense forests of India spreading across more than 1500 sq km with many rare endangered species has made open for coal mining project bagged by the Adani Group. The approval of 3097 megawatt Etalin hydro-electricity project in Arunachal Pradesh located in the ecologically rich Dibang valley was another bizarre violation, which has been recently rejected in its present form by the Forest Advisory Committee who called for a fresh proposal in the face of outpouring opposition from people. NBWL has allowed North-Eastern Coal Fields to conduct opencast mining in 98.59 hectares of Dehing-Patkai Wildlife Sanctuary which is home to numerous endemic species and known as the 'Amazon of the East'.

An analysis by the Legal Initiative for Forest and Environment (LIFE) shows that from January to June 2019, a key panel overseeing wildlife sanctuaries and national parks approved 63 of 70 development proposals, resulting in reduced protection for 216 ha of land. Millions of trees have been cut in last decade, among which about 25000 trees were cut in ecologically sensitive areas in Uttarakhand, to build highways to pilgrimage sites. Cutting of 22 thousands mangrove trees got green signal in Maharashtra too for the famous bullet train project. The ecosensitive saltpans had been declassified as wetlands and became easily accessible to corporate construction lobbies. The recent proposal to pursue a massive 'development' project involving a container terminal, airport, township, and a power plant in the high-risk seismic zone of Andaman and Nicobar Islands region would result in irreversible damage to the pristine rainforests, indigenous tribal groups and wildlife. Change in land ownership and regulation has been introduced in Lakshadweep which is very much vulnerable to coastal erosion, with additional power to the administrator in terms of land acquisition and development.

The National River linking Project including 30 identified links, numbers of dams, diversion weirs, canals with far-reaching adverse impact on natural river flow, monsoon cycles and biodiversity, posing serious socio-economic

challenges and disastrous ecological damage has started taking its shape. Linking of the rivers Ken and Betwa, two tributaries of river Yamuna has received approval which will lead to the submergence of a major portion of the core area of the Panna Tiger Reserve in Madhya Pradesh. The Par Tapi Narmada river linking project in Gujarat is also going to cause havoc for the tribal communities in Valsad, Dand and Tapi districts. This is an attempt to seize people's access to river water and hijack it for corporate interests. Voracious approval to skewed 'developmental' projects of roads and buildings in the name of tourism, construction of dams, hydro power projects have increased disastrous landslides in the fragile Himalayan landscape especially in Uttarakhand and Himachal Pradesh. The underground excavation for Tapovan Vishnugad hydropower project led to draining out of ground water and land subsidence is one of the major causes of Joshimath disaster. Despite of several threats from big dams, Narendra Modi proudly inaugurated the Sardar Sarovar Dam on Narmada River in 2017 ignoring decades of protest by adivasis, farmers and environmentalists.

According to the IQAir 2021 report, India is home to 12 out of the 15 most polluted cities in Central and South Asia. The 2019 NITI Aayog report suggests, India is suffering from the worst water crisis and almost 600 million of its population is water-deprived. 21 cities including Bangalore, Delhi, Hyderabad and Chennai significantly exhausted their groundwater resources. Despite spending crores of public money for projects like Namami Gange and Swachh Bharat Abhiyan, rivers are struggling with sewage and effluent contamination and several flow obstacles. Much hyped Jal Jeevan Mission could not ensure safe water supply and reports of Cholera outbreaks have surfaced again. Funds were drastically reduced for the Integrated Watershed Management Programme, crucial in fighting drought in the country by holistically conserving water, soil and forests.

### **Dilution in Environmental Regulations**

To push their pro-business neoliberal agenda the Modi Government has been trying to legalize the systematic violation of environmental rules and legislations. In 2018, the environment ministry proposed major changes to the National Forest Policy. The Coastal Regulation Zone notification 2011 has been replaced with CRZ 2018 opening 7500 km coastline to corporate real estate and tourism sector at the stake of sensitive coastal ecology and local fishermen. The reforms on forest and mining laws were made likely to take heavy toll on ecosystem and rights of tribal communities. Amendments to the Mines and Mineral (Development and Regulation) Act, 1957 proposed omitting the distinction between captive and non-captive mines, and re-allocating blocks held by state-owned firms and opening the gates for private players via

auction. The Government also tried to lease wasteland to the corporate sector in the name of 're-greening'. The proposed amendments to the Indian Forest Act 1927 recommended more powers to the forest authorities, such as the power to shoot people without any liability and entry of private players in large scale afforestation for carbon sequestration.

Years of struggles had resulted in the enactment of the Forest Rights Act (FRA) 2006, which recognizes the individual and community rights of the forest dwelling traditional communities over forest resources. The new Forest (Conservation) Rules (FCR) 2022 blatantly violate the FRA and nullify the requisite to take consent from the tribals and forest dwellers before any 'final' clearance for any project in a forest area would be given. The FCR 2022 have various compensatory afforestation schemes which are literally incapable of replacing centuries-old forests that would have been cut, uprooted and burnt in the name of 'development'.

We have also witnessed dilution of the Environment Impact Assessment (EIA) notification during Covid pandemic and multiple violations of FRA to avoid NOCs from Gram Sabhas for linear projects etc. The new EIA rules restricts the scope of prior environment clearance, permits regularisation of environment violation by paying fines and makes a travesty of EIA process. The Forest (Conservation) Amendment Bill, 2023 has proposals to redefine forest, expand exemption list and amend the range of 'non forest uses'. It would restrict scope of FCA and FRA and give access of forest land to the corporate by imposing centralized bureaucratic forest governance and suppressing legal rights of the forest communities. A Bill was passed in the Rajya Sabha to amend the Wild Life Protection Act, 1972, which indirectly enabled trade of elephants.

Such legislations exempt a long list of 'strategic' or 'linear' projects from requiring public consultation, ignore post-clearance compliance and exclude many ecologically significant areas that were protected earlier. The entire design is to take away still existing powerful safeguards from the indigenous communities and streamline handover of forest lands to cronies to make profit out of the vast mineral and other natural resources. Destruction of forests and environment by disempowering communities, who have been living in sustainable relation with nature, shows the climate irresponsible policy regime of the present Indian government. While celebrating Environment Day 2023, Prime Minister glorified last 9 years as a period of 'sustainable growth'! Increasing corporate footprint on the jal, jungle, jameen and legal impunity to the violations clearly expose such blatant lies and false claims made by the Modi Government. ■

# Inauguration of New Parliament or Coronation of a Wannabe Emperor?

▲ DIPANKAR BHATTACHARYA

If there has been one single day in the nine years of Modi government that has most tellingly encapsulated the essential character of the regime and its future game plan, it was May 28, 2023, the day Narendra Modi inaugurated the new Parliament building and India's ace women wrestlers protesting against sexual harassment by a BJP MP were pulled and dragged by the police on Delhi's Parliament Street. The Modi government now stands squarely exposed as being completely antithetical to the fundamental tenets of our constitutional democratic republic and must be voted out in the coming elections. The new Parliament building is part of the Modi government's Rs 200 billion Central Vista Redevelopment project which was planned and launched completely unilaterally by the Modi government even as India was reeling under the Covid19 pandemic. Prime Minister Modi first laid the foundation and now presided over the inauguration of the new building as an Indian emperor of yesteryears without caring for the constitutional propriety of giving the President of India, who under Article 79 of the Indian constitution constitutes an integral part of Parliament along with its two houses. Indeed, this time round the inauguration of the new Parliament building was virtually turned into a coronation of an emperor complete with the ceremonial blessing of the king by a set of priests with a sceptre which has now been installed inside the Parliament next to the seat of the Speaker.

The sceptre in this case is a Sengol used in Tamil monarchical traditions, especially during the longest-ruling Chola dynasty. The Sengol was handed over to the PM by a group of 21 Adheenams or monastic heads from Tamil Nadu specially flown in to Delhi for this purpose who also conducted a puja during the inauguration. According to a newly concocted version of the Modi government, as advised by Rajagopalachari, the last Governor-General of India before the enactment of the Constitution on 26 January 1950, the Sengol had first been given to Lord Mountbatten who in turn handed it over to Prime Minister Nehru to symbolise the transfer of power from British to Indian hands. While Nehru did receive a Sengol from the Adheenams, there is absolutely no evidence to support this new-found claim of the Sengol as a symbol of transfer of power. In fact, Rajagopalachari's grandson and biographer, renowned historian Rajmohan Gandhi has publicly contested this claim.

A write-up by Annadurai from that period, published in the weekly Dravida Nadu on 24 August 1947, tells us that Annadurai had warned Nehru about the real symbolism of the Sengol and the purpose of the Adheenams in giving this gift to Nehru which was to protect their own power

and privileges. Annadurai too did not mention it as a symbol of transfer of power by the British rulers to India. Nehru had rightly kept the Sengol in a museum along with other items of his memorabilia. The Modi government now blames Nehru for insulting the Sengol by terming it a walking stick (it was preserved in the museum as a golden stick and not a walking stick as mischievously and falsely claimed by Modi and Shah) and boasts of returning it to its due place of pride.

Regardless of what role the Sengol may have played during the events of 14-15 August 1947, there are two indisputable facts which are most pertinent. A sceptre, in this case the Sengol, is a monarchical symbol and hence it can rightfully only be kept in a museum in a republic. The transfer of power marked the beginning of a transition which was consummated with the adoption and enactment of the Constitution with 'we the people of India' resolving to constitute India into a sovereign socialist secular democratic republic (with the epithets socialist and secular having been inserted by a subsequent constitutional amendment in keeping with the original spirit and orientation of the Constitution). India is now a Constitutional republic and the Parliament is governed by the Constitution and the Sengol therefore has no business to be occupying a prime place in the Parliament.

The real interest of the Sangh brigade in the Sengol lies not in its association with the historical tradition of Tamil Nadu. The Sangh is a sworn enemy of India's diversity and looks for every opportunity to impose its Hindi-Hindu-Hindustan brand of uniformity over India's kaleidoscopic social and cultural canvas. It is interested in the Sengol because it belongs to a period prior to the colonial and Muslim rulers, and hence perfectly in sync with the strategic Sangh goal of India as a Hindu Rashtra and the new-found Sangh narrative of presenting the constitution as a Hindu civilisational product.

The date chosen for the inauguration was the 140th birth anniversary of Savarkar. 2023 is also the centenary of the publication of Savarkar's defining work on Hindutva (published as the Essentials of Hindutva in 1923, a year before he was released from the Andaman cellular jail after a series of mercy petitions, and reprinted as Hindutva: Who Is a Hindu? in 1928). Ahead of celebrating the centenary of the foundation of RSS as an organisation, this has thus been the Sangh-BJP way of commemorating the centenary of the Hindutva ideology. We have seen how Savarkar was made the central figure in the official Azadi ka Amrit Mahotsav campaign of the Modi government. Incidentally, the worship of Savarkar has now also reached the cinematic route where Savarkar is

being presented as the inspiration behind Bhagat Singh and Subhas Chandra Bose!

It is instructive to note that Savarkar had started begging for mercy soon after his arrest in 1911, and it was perhaps only after his explicit espousal of Hindutva ideology in place of his earlier advocacy of militant Indian nationalism during which phase he had celebrated the 1857 revolt as India's first war of independence that the British rulers began to trust him fully and release him from the Andaman jail. Savarkar's Hindutva was the earliest expression of the disastrous two-nation theory backed by the colonial rulers which eventually led to India's partition. Savarkar had used the term 'fatherland' for India and mixed it up with the concept of 'holy land', insisting that a true Indian must also accept India as the holy land by following a religion born in India (thereby rendering the followers of Islam and Christianity as lesser Indians or second-grade citizens).

There is of course more to the new Parliament building than worship of Savarkar, resurrection of old symbols and ceremonial repackaging of Narendra Modi or the Indian Prime Minister as a Hindu emperor (they have long been calling him the emperor of Hindu hearts). One of the justifications being offered for the new building is an impending increase in the size of the Parliament following the next round of delimitation. There is a growing buzz about the delimitation leading to a substantial increase in the number of MPs from North India with the numbers from the South remaining effectively stagnant because of India's evolving demographic pattern. The domination of the BJP which is essentially rooted in North and West

India and has managed to spread in the eastern and northeastern regions but not in the southern region has already accentuated the political underrepresentation of the southern region. Will the new Parliament building seek to institutionalise this imbalance? Is this the formula on the basis of which the BJP is dreaming of ruling India for fifty years? The Modi government is already systematically bulldozing India's federal framework and the threat of growing centralisation can only imperil the unity of India.

The lethal cocktail of communal polarisation, centralisation of power and all-pervasive corporate control can only be sustained by increased coercion. May 28 also revealed the ugly coercive colours of the Modi regime which unleashed brute power in a desperate bid to silence the women wrestlers' demand for justice. This drove the award winning wrestlers to the extreme measure of contemplating not returning but immersing their medals in the Ganges. The united farmers' movement managed to stop them at the last moment and the onus is now on us, the people of India, to lead the battle of India's women wrestlers for justice to victory. The Modi regime and the Sangh brigade are out to transform secular democratic republican India into a regressive monarchy by creating a false narrative of the freedom movement. We must invoke the great legacy and potential of the freedom movement to turn India into a robust democracy, staunchly secular, vibrantly diverse and inspiringly socialist. The new Parliament building should serve as a constant reminder of this challenge facing the people of India. ■

## Quelling Dissent

### *The roadmap of the Law Commission*

▲ CLIFTON D' ROZARIO

**S**edition as it currently exists in law is a criminal offence which punishes words (written or spoken) or any other visible representation that brings (or attempts) the Government established by law into hatred or contempt, or excites disaffection towards the same. Disaffection in that context means disloyalty or feelings of enmity. Although the offence excludes disapproval of government measures towards effecting change in Government through lawful means, sedition is most often deployed to criminalize the very same criticism of the Government.

The 22nd Law Commission of India, headed by former Karnataka High Court Chief Justice, Ritu Lal Awasthi, in its report titled "Usage of the Law of Sedition" (Report No. 279, April 2023), has categorically recommended that section 124A be retained in the Indian Penal Code, ignoring the concern that sedition is an overboard, arbitrary offence which has no place in a constitutional republic.

The Law Commission has also proposed that sedition be amended to contain the 'tendency to incite violence or cause public disorder'. Some cursory safeguards are suggested including that criminal cases invoking sedition can be registered only after a police officer not below the rank of an Inspector conducts a preliminary inquiry and grants permission for the same. Also recommended is an amendment to the punishment for sedition offences. Sedition law, as it stands today, carries a maximum punishment of life imprisonment or a punishment of three years, which the Law Commission has recommended that the alternative punishment be enhanced to seven years.

One would recall that the constitutional validity of sedition law is pending before the Supreme Court in a batch of petitions. The Union of India had filed an affidavit acknowledging the concerns about the abuse of sedition law, and stated that it had decided to "re-examine and

re-consider” section 124A, adding that this could only be done before the “competent forum” and that the Supreme Court “may not invest its time in examining the validity of section 124A”. Taking note of the Union government’s stand, the Supreme Court passed an interim order on 11.05.2022 keeping section 124A i.e. sedition in abeyance and restrained the State from registering any criminal cases or continuing any investigation or prosecution in relation to section 124A. While the interim order was welcomed, it was also voiced that the Supreme Court had consciously sacrificed its duty of judicial review of sedition, for a vague proposal of the Union Government of reconsideration of sedition law before an “appropriate forum”.

The appropriate forum has revealed itself in the form of the Law Commission; the reconsideration has taken the shape of the Law Commission Report recommendation that the sedition law be made even more stringent and draconian.

The Law Commission blindly rehashes the arguments of Ajit Doval, India’s National Security Advisor, and the Ministry of Home Affairs, to argue that sedition law ought to be retained in the interests of national security and to safeguard the unity and integrity of India. Lest we forget, Ajit Doval has openly declared that the new frontiers of war, (what he called the fourth-generation warfare) is civil society. However as per the judgments of the Supreme Court ‘national security’ cannot be asserted as a bald justification to restrict fundamental rights. Recently the Supreme Court came down heavy on the Union government for revoking the permission granted to Madhyamam Broadcasting Limited for their news and current affairs television channel called “Media One” stating that it was “using national security as a tool to deny citizens remedies that are provided under the law”.

The Law Commission has also completely ignored the jurisprudence around dissent and democracy particularly the Supreme Court in *Shreya Singhal vs, Union of India*, where it identified three concepts which are fundamental in understanding the reach of this most basic of human rights i.e. first being discussion, second being advocacy, and the third being incitement and mere discussion or even advocacy of a particular cause howsoever unpopular cannot be trammelled upon and it is only incitement that can be criminalised.

The expanded definition recommended by the Law Commission, no doubt, widens the scope of what constitutes sedition making it even more draconian than before, and an even more potent weapon to quell any legitimate dissent. This come in the backdrop of the indiscriminate use of sedition to quell dissent, obstruct free speech and target any opposition to the dominant ruling class ideology of crony capitalism and Hindutva. Recent research reveals the extent of abuse of sedition law by governments from 2010 – 2021, which has seen more than 800 sedition cases being filed against 13,000

people, with more than 500 cases being filed since the BJP came into power at the centre. The research has concluded as follows: “Its use has risen inexorably over the last decade, most recently against public protests, dissent, social-media posts, criticism of the government and even over cricket results.” There is not a whisper in the report of the way sedition has been used to target activists, journalists, students and ordinary citizens in the Report. Rather the report argues that sedition is an essential tool to deal with a litany of challenges including Maoism, calls for self-determination as well as the “problem” in Kashmir. None of this finds any mention in the regressive Law Commission report.

Sixty years ago, a Constitutional Bench judgment of the Supreme Court limited the application of sedition law to speech that had the tendency to incite violence against the state. As such two individuals who raised the slogan “Khalistan Zindabad” outside a cinema hall just after the assassination of the then Prime Minister Indira Gandhi, were freed from sedition charges since these slogans could not be held to be exciting disaffection towards the government. More recently, the Supreme Court yet again clarified that an expression of a view which is a dissent from a decision taken by the Union Government itself cannot be said to be seditious. Despite limiting the sedition law to incitement of violence, sedition law is still used to target any speech the Government deems is critical of it, and this has seen a steep escalation post 2014, with the BJP coming to power at the Centre.

The ignominious history of Section 124-A, particularly in colonial time should never be forgotten. Scores of freedom fighters were thrown into jail under the sedition law for the simple reason of speaking up against British rule, resulting in MK Gandhi calling this law, ‘the prince among the political sections of the IPC designed to suppress the liberty of the citizen.’ He saw the law as a tool used by the British to stifle dissenting voices. The memories of anti-colonial struggle also led the Constituent Assembly to reject the proposal to include sedition as a ground for reasonable restriction of the freedom of speech and expression. When sedition has no place in the Constitution, it should have no place in any statute either.

The BJP seeks to silence all voices of dissent and create an air of fear in the country, in this period which is akin to an undeclared emergency. Rights, constitutional, fundamental or otherwise, are of no concern of the BJP. This is resonated in the Law Commission report, where for Justice Awasthi and his team, sedition is not a problem for the functioning of a democracy based on the freedom of speech and expression, but rather is a tool which is required from the point of view of national security. Just to recall, Justice Awasthi, previously as the Chief Justice of the Karnataka High Court, had authored the infamous judgment upholding the ban on wearing hijabs in the classroom. Recently, the Law Commission under his chairpersonship, has espoused BJP’s call for “One

Nation, One Election” i.e. simultaneous elections to the Parliament and State Assemblies, which too is damaging to the democratic ethos of the country, violative of the basic structure of the Constitution, against all accepted norms of federalism and an affront to constitutional morality. Today he has authored a report on sedition which mirrors the views of the BJP, while blithely and callously ignores the way Section 124-A impinges on the freedom of speech and expression.

This Law Commission Report, lacking in a strong constitutional analysis, as well as empathy for the victims of Section 124-A, deserves to be dumped in the dustbin of history. That is possible only when the people of the country stand up against sedition and all other draconian laws, so easily deployed by the BJP to muzzle any voices of dissent against its march towards its corporate, communal, casteist, patriarchal haven – the Hindu Rashtra. ■

## Propaganda Cinema in the Time of Indian Fascism

▲ LEKHA ADAVI

Popular cinema plays an important role when we examine the development of a society. While it is necessarily true that popular culture like cinema reflects society and its values, its ideas also leave an indelible mark on the society.

Cinema influences people in a way that it mirrors, reinforces and adapts their perceptions, biases and prejudices. For instance, Hollywood has made it its business to “reflect” popular perceptions about Communism, and yet what it achieves is to demonise the ideology and justify the hunting down of communists in the McCarthy era. Similarly, Hollywood has exported enough of its heroes in various films, to all corners of the Islamic world to 'rescue democracy from the hands of the barbaric Islamic fundamentalists', to create a public consensus about US invasion into, and imperialist wars on, Afghanistan or Iraq.

With the diverse vernacular film-culture of India, and each region having an industry of its own, the country's movie industry has developed a market all over the world. Post-Independence cinema foregrounded the development agenda of Nehruvian socialism and the cultural plurality of the country – the industry matched the agenda of the State in its onward journey. Cinema reflected what the Indians adopted into the Constitution – the values of secularism, fraternity and social justice, and simultaneously sought to spread these values in society. Interestingly, later as trade union militancy grew, popular Bollywood cinema, including 'Aghaat', 'Kaala Patthar', 'Namak Haram', etc., promoted the rights of workers. Similarly, the corruption in politics and society, unemployment, rural distress, communal violence, etc., all found expression in popular cinema, most notably in the Bollywood film 'Rang De Basanti', made during the UPA era.

When Narendra Modi rode to power in 2014 on a carefully packaged and marketed so-called development agenda with the slogans of 'Sab ka Saath, Sabka Vikas' and 'Swacch Bharat', it was unsurprising that Bollywood had a role to play thereafter. The BJP has used state power

to advance its agenda of Hindutva, and simultaneously unleashed the power of cinema to propagate their narrative. With the frontrunner Swacch Bharat Abhiyan, Modi was seen sweeping and promoting the campaign with awards, etc., while Bollywood movies like 'Toilet: Ek Prem Katha' and 'Pad Man', with Akshay Kumar in the lead, were produced as if it were a publicity campaign for the government. The red herring of 'urban naxals' raised by the RSS was sought to be pushed into public consciousness through the Vivek Agnihotri film 'Buddha in a Traffic Jam', which spoke about Maoists and corruption and vilified the Left.

While Modi's first term tested the waters of Indian society to further Hindutva, Modi 2.0 saw an all-out campaign to further this agenda. Unsurprisingly, this saw a spate of Bollywood films which either attacked the opposition or glorified Indian monarchs and freedom fighters for their 'Hindu' identity, or were plain Islamophobic. 'Tashkent Files' released in 2019 was on the death of former Prime Minister Lal Bahadur Shastri which was criticised to be a politically motivated film that exploited the former Prime Minister's death to attack the Left, secular and socialist ideologies and institutions. In the run up to the Lok Sabha elections in 2019, 'The Accidental Prime Minister' was released in January 2019, and was based on the former Prime Minister Manmohan Singh who was portrayed as a victim of the Nehru family's dynastic approach to Indian politics. After the Election Commission postponed the release of the biopic 'PM Narendra Modi', which showed the life and struggles of the Prime Minister till the time he assumed power in 2014, the film was released in May 2019. A trailer of the film titled 'Swatantra Veer Savarkar' was released on May 28th, 2023; the same day when the new Parliament building was inaugurated.

Even as films were being made on the lives of Indian politicians which would suit the narrative of the regime, films based on Indian monarchs, who were portrayed to be 'Hindu Kings' protecting their motherland against the Mughal invasion were also produced. 'Bajirao Mastani' (2015) praised the rule of the Brahmin King

Peshwa Bajirao, 'Padmavat' (2018) narrated the life of Rani Padmavati and her Rajput husband, who were threatened with invasion by the Afghani-ruler Allauddin Khilji, 'Manikarnika' (2019) was based on the life of Jhansi's Rani Laxmibai, 'Panipat' (2019) narrated the story of Maratha warrior Sadashivrao Bhau who fought against Afghan King Ahmad Shah Abdali, 'Kesari' (2019) showcased the life of Havildar Ishar Singh, a soldier in the British Army who led 21 Sikh soldiers against thousands of Pashtun soldiers. 'Tanhaji' (2020) was based on the life of the Maratha warrior who fights against Mughal invasion to safeguard the Kondhana Fort. 'Pawankhind' on Chhatrapathi Shivaji Maharaj and 'Samrat Prithviraj' were released in 2022. The recent release of 'Adipurush' (2023), which is based on the Hindu epic Ramayana, has evoked a strong reaction from the Hindu groups who have raised objections to dialogues, scenes and character representation.

In the run up to the Lok Sabha elections in 2024, a biopic on the life of RSS-founder KB Hedgewar and the BJP icon Deen Dayal Upadhyay is impending release, along with a film on Chhatrapathi Shivaji by title 'Vedat Marathe Veer Daudle Saat'.

We also seen the release of 'The Kashmir Files' (2022) and 'The Kerala Story' (2023), which seek to demonise the entire Indian Muslim community and are used to stoke communal hatred. Both the movies also introduce an anti-Left discourse by using pictures of Marx, Lenin and Stalin to warn its viewers against the "western" ideology. Right after the release of the film and at a parliamentary group meeting of the ruling party – BJP, the Prime Minister endorsed the film. He said that the film has established the truth that was suppressed for years, and that everyone should watch it. At an election rally in Bellary (Karnataka) 2023, the Prime Minister endorsed 'The Kerala Story', which had just then been released and claimed that the movie unearthed a "conspiracy". Alongside the Prime Minister himself, several other Union Ministers promoted both the films and declared it to be tax-free in several states. Special screenings were organised and government employees and police personnel were granted holidays to go watch the film. Such promotion of the two films that is openly Islamophobic and anti-Left, is a marker of how the government is invested in these films.

The release of both the films were marked with anti-Muslim violence in many states. When 'The Kashmir Files' was released, members of the Hindu Jagran Manch raised the slogan to "shoot the traitors" in a cinema theatre, several viral videos called for boycott of Muslim-owned businesses, and instances where people openly claimed that the film had "opened their eyes" to "fight for their rights", to justify attacks against Muslim community were witnessed. In May 2023, Maharashtra's Ankola witnessed violent clashes between the Hindus and Muslims, where a 40-year-old man was killed and eight others were injured, over a controversial social media

post on 'The Kerala Story'. In another incident, a student of Government Medical College in Jammu was brutally attacked and several others injured in a clash, over a social media post on this film.

### **Nazi Germany & Indian Fascism**

In Nazi Germany, several popular films like 'Triumph of the Will', 'Suss the Jew', 'The Eternal' Jew were produced to outrightly demonise the Jews which also created a justification for genocide. These films are not screened in Germany even today, due to the negative impact it had on the German society.

This is a similar trend that we see in India today. The hate speech, fake news, blatant anti-minority campaigns, the Hindutva supremacist squads, and now the propagandist films reveal the fascist pattern taking shape in India. Like Nazi Germany, popular cinema has become a central weapon for fascist propaganda and mobilisation against the minority communities and left ideology. The nexus between the film makers and the regime were ever so apparent in Nazi Germany, where Joseph Goebbels, the Reich Minister for Propaganda, used mainstream cinema to propagate fascism in Germany, through glorification of Adolf Hitler, demonising the minority communities, and that the Jews threaten the existence of the majority population. We also witness in India, a collaboration between the State and the film stars and film makers, to promote a film, through funding the production, through tax exemptions or where Ministers promote the films. There has been a concerted effort to push the Hindutva majoritarian agenda in Hindi cinema, in particular.

### **Loud Silence of Bollywood**

Markedly, there has also been an overt attempt to co-opt Bollywood and its stars. For instance, in 2019, Modi met Bollywood stars and held discussions with them about the film industry. A selfie taken at the meeting went viral with each of the attending film "stars" trying to outdo each other in their praise for Modi. Thereafter, Uttar Pradesh's Chief Minister Yogi Adityanath held a meeting with Bollywood personalities, including actor Akshay Kumar and singer Kailash Kher, to discuss the setting up of a film-city in Noida and offered subsidies for web-series and studio laboratories as a move to woo Bollywood.

We also see that Bollywood personalities like Akshay Kumar and Vivek Agnihotri, make films that prop the ruling regime and their agenda. Since the BJP has come to power, Akshay Kumar has made films like 'Toilet: Ek Prem Katha' and 'Pad Man' on Swachh Bharat Abhiyan, 'Kesari' on Havildar Ishar Singh who fought against the Mughal invasion, donned the role of 'Samrat Prithviraj' (2022), and as an atheist-archaeologist in 'Ram Setu' (2022) who turns into a believer after he finds "evidence" that the Ram Setu was man-made and the story of Ramayana was true. He is also slated to play Chhatrapati Shivaji in 'Vedat Marathe Veer Daudle Saat' which will release this year. Vivek Agnihotri, who has released 'Buddha in

a Traffic Jam', 'Tashkent Files', and 'The Kashmir Files' since 2014, will have two more releases this year – 'The Vaccine War' on the covid-19 vaccines produced in India and 'The Delhi Files' on the 1984 anti- Sikh pogrom.

Alongside overt efforts to draw the support of Bollywood stars, is the deployment of police power. In 2015, an FIR was registered against producer Kiran Rao, and wife of actor Aamir Khan, for having made remark that intolerance prevailed in the country. Shah Rukh Khan was victim of a targeted fake news campaign which wrongly criticised him for having "spat" during the funeral of singer Lata Mangeshkar, whereas the actor was merely blowing air after saying prayers, which is the practice in Islam. More recently, Aryan Khan, son of actor Shah Rukh Khan, was the victim of a fake case of drug possession, being kept in jail for several weeks before being granted bail.

The result has been Bollywood stars regularly, and particularly in Modi's times of crisis, making public statements in praise or defence of Modi on social media. This was most recently seen in the backlash Modi faced in light of the unconstitutional manner of inaugurating the new Parliament building.

Bollywood has not been forced into silence anymore, but into active complicity with the ruling regime.

### The Fight Back

All is not lost, yet. Despite the propagandist films being made, several Bollywood films continue to buck the trend. These include the films like 'Article 15' (against caste discrimination), 'Bheed' (which showcased the migrant worker crisis during covid lockdown), 'Sardar

Uddham Singh' (on the life of the revolutionary who killed the Jallianwala Bagh mastermind Michael O'Dwyer). Vernacular cinema too has been in defence of constitutional morality, including Malayalam movies like 'Jana Gana Mana', 'The Great Indian Kitchen' and Tamil films like 'Vaathi', 'Asuran', 'Sarapatta Parambarai' and the Rajnikanth starrer 'Kaala'.

A couple of weeks ago, the Kannada film 'Daredevil Mustafa' was released around the time the people had emphatically voted the BJP out of power in Karnataka. The film is based on a short story of the well-known Kannada writer Poornachandra Tejaswi, who is also the son of Mahakavi Kuvempu, which goes by the same title. The film opens with a interview of the writer who expresses his concern about communal polarisation setting in the minds of youth. What this reminds us of are the times when the BJP-led state government imposed a ban on hijab in college campuses, and the Bahujan boys protested against the hijab-clad girls, while donning saffron shawls. The film and story is set in Malnad region of Karnataka, which also happens to be the hub of the Sangh Parivar's machinery in the state. The story follows Jamal Abdul Mustafa Hussain, the protagonist and the only Muslim boy in the entire Government Junior College, and his eventual friendship with the other Hindu boys.

These Bollywood and regional films give a breather to the people from all the lies, misinformation and hatred being bombarded through the right-wing hate-filled, divisive, propagandist films. ■

## Capitalism Kills – Part II

▲ KB

In the first part of this article, the focus was on suicides by daily wagers, agriculture workers and the unemployed. The suicide figures published by NCRB (2021) show a rising trend with the daily wagers having the highest rate amongst all occupations. Within the farming sector, it is agricultural workers who have this dubious distinction. Housewives have the second spot, the unemployed fifth. The students are sixth in this roster of death. 64.2% of suicides were by people with less than Rs. 1 lakh annual income, while a further 31.6% were in the Rs. 1 to 5 lakh annual income bracket. Most suicides are by people who

have had some engagement with those who have had no access to the educational system rather than education (around 12%). In fact,

Percentage of Suicide Victims by Educational Level during 2019– 2021			
Educational Level	Percentage share		
	2019	2020	2021
No education	12.6	12.6	11.0
Primary level	16.3	15.8	15.8
Middle level	19.6	19.5	19.1
Matriculate/Secondary level	23.3	23.4	24.0
Higher Secondary Level	14.0	15.9	16.2
Diploma	1.2	1.3	1.2
<b>Graduate and above</b>	<b>3.7</b>	<b>4.0</b>	<b>4.6</b>
Professionals (MBA etc.)	0.2	0.3	0.3
Status Not Known	8.9	7.2	7.8

Source: National Crime Records Bureau 2021

almost a quarter of the suicides are by those who have been educated upto matriculation/secondary level. The rates of suicides amongst graduates (and higher educational levels) show a rising trend. Education under capitalism is often touted as the route to individual mobility, to better paying jobs, higher levels of skills and productivity etc. Thus, the educated seller of labour power is assumed to have a better survival chance than the uneducated daily wageer under capitalism. The suicide figures and the recurrent reportage of suicides by those in the education system possibly point to much murkier happenings.

The epics are a good place to start if one wants to understand the extremely exclusionary history of education in this land. The Brahminical gurukul system had extremely strict rules as to who could access education. Any violation to the contrary was to be met with harsh reprisals. Be it the cutting of Eklavya's thumb or pouring of hot molten lead in the ears of shudras, one can find a detailed description of systemic violence prescribed in the epics and scriptures. From ancient Bharat to new India, one does see a hoary continuation of tradition.

Colonialism, early capitalism and the revolutionary milieu of socialism did manage to disrupt this hegemony of knowledge production and reproduction. From scientific ideas like Darwin's which disrupted theocratic narratives of genesis to Marx's critique of status quo to the social reformers who challenged orthodoxies, to the Renaissance and modern education systems; the monopoly of theocratic knowledge systems was put under severe stress. This fundamentally changed the access to education for the oppressed and in fact one of the many beneficiaries of such a sweeping change was Dr. Ambedkar. Of the many foundations that he visualized for an independent India was a constitutional access

to education through affirmative action. Constitutional values, alas, are easier written than realized in practice.

Independent India embraced a scientific approach to education which was expected to help build a progressive nation. However, the education system remained in the firm grasp of the hegemonic castes. The graded inequality in society also found a clear reflection within the educational system. Affirmative action had now made it possible for Eklavya's to access the temples of knowledge production, but the backlash was severe. From separate seating arrangements to different drinking pots, to cleaning of toilets, to separate cooks for separate castes, to different messes and hostels, not to mention the constant derision by most upper caste gurus and fellow students about 'merit' and the icons of the marginalized – the exclusion faced by the marginalized in society found it's way into the classrooms as well.

The educational spaces in independent India ensured exclusion in practice because it couldn't enforce exclusion at entry. This of course would lead to deep seated alienation and despair amongst students from marginalized communities – the result often being high drop-out rates. In worst case scenarios – suicides. From the primary school in the locality to the elite Indian Institute of Technologies or even the progressive Hyderabad Central University or JNU or Delhi University, no institution is different when it came to apathy and discrimination. To top it all, once they graduate, the educated don't necessarily find jobs that they want because the labour market under capitalism is a game of musical chairs. The number of jobs are always lesser than the number of applicants thus reifying Marx's reserve army of labour logic. The employed will be disciplined because they are easily replaceable by the vast reserves of the unemployed.

Hence the employed will rarely stand in solidarity with the unemployed or precariously employed.

This is exactly the situation with teachers without secure contracts in Indian universities and colleges, euphemistically called ad-hoc teachers. If a student wishes to be a teacher, then the path is marked with many perils. The university or college teacher system in India is a classic example of the pernicious system of hierarchy that is so emblematic of our society. The structure loosely resembles a pyramid with few professors on top, followed by a few more associate professors and the bottom populated by a vast army of assistant professors. Within the assistant professors there are three steps (grades) to climb to become an associate and then one more to become a professor. It takes roughly 12 years (or more) to move from the assistant to associate and at least 3 years to move from associate to professor. In most colleges or universities, very few make it to the top because the entire game is to keep the lowest rung of the pyramid under a constant burden of workload and enticements of promotions. The ad-hoc positions are essentially created to keep a vast reserve army of teachers at the assistant professor level because the system does not want to ensure all positions are filled with secure contracts like the ones on top. This creates a race to the bottom amongst the lowest in the pyramid often ensuring cheaper labour under precarious contracts. The burden of such a life often breaks the best of teachers.

The education system, rather than reducing the gradational inequality unleashed by capitalism, seems to be contributing to its upkeep. The recurrent suicides in institutions of higher education are a stark reminder that accidents of birth are often a matter of life and death. ■

# Ranajit Guha and Subaltern Studies: *Genesis, Key Concepts and Contemporary Relevance*

▲ ARINDAM SEN

"Guha's incisive, capacious, untiring mind has now come to rest. For us, he has left behind a treasure house of ideas that scholars will explore for years to come."

Partha Chatterjee<sup>1</sup>

As a sequel to our tribute to Ranajit Guha in the June 2023 issue of *Liberation*, here we propose to zero in on three most important aspects of this discourse. We will base ourselves mainly on the observations – or testaments, if you will – of the historian himself and some of his closest associates, friends, and students.

## The Making of the Maverick

In a candid interview with Milinda Banerjee on 2 February 2010, Guha said:

Coming from a *khas taluqdar* family of Barisal in East Bengal, I had witnessed the structure of *zamindar-praja* relations in rural society, which left a profound impression on me. In my student days at Presidency College, Calcutta, I became a Marxist, and a member of the Communist Party. In the late 1940s, I spent a considerable part of time in Europe involved in Communist Party work. However, I also gradually started getting alienated from doctrinaire Communist Party Marxism. Experiences of the USSR's handling of the political situation in Eastern Europe, disenchantment with the Communist Party of India's internal factional squabbles for power, and finally the Soviet invasion of Hungary, made me decide to leave the Communist Party. Later, I became something of a Naxal intellectual. I still consider myself to have been inspired by Charu Mazumdar's ideas which, I think, contain a lot of validity, agency and actions. But Charu Mazumdar and his followers were weak in organizational capability, which resulted in the movement being crushed.<sup>2</sup>

The historian's own account is fully corroborated by his student Sumanta Banerjee:

...Those were tumultuous years [1970/71] following the peasant rebellion in Naxalbari. You visited India and came to Delhi .... We had a delightful time, discussing international politics and the Naxalite movement. ... both shared our common admiration of the peasant warriors and the student activists of the Naxalite movement. During your brief stay in Delhi, you addressed the students at the Delhi University in a meeting, where you urged them to come forward in support of the movement.

[1] Chatterjee, Partha, 'Ranajit Guha, the Unconventional Historian', *The Wire*, 05 May, 2023

[2] Banerjee, Milinda, 'Subaltern Politics and the Question of Being', *Jhi Blog*, 18 July, 2022

[3] Banerjee, Sumanta, 'An Advance Birthday Greetings to Ranajit Guha', published in *Frontier*, 55:14-17, Oct 2 – 29, 2022.

[4] *The New Leam Conversation*, 4 December 2020. (<https://www.thenewleam.com>)

The next time I met you was sometime in 1979 ... [at] your home in Sussex ... You narrated how your interest in the Naxalite movement had prompted you to try to understand the peasant psyche. This had led you to explore the historical roots of anti-British peasant rebellions in India in the past.

A few years after my return to India, in 1983, I received a copy of your book '*Elementary Aspects of Peasant Insurgency in Colonial India*'. This seminal book was the outcome of your research about which you talked that afternoon in your Sussex home. ... Your insatiable urge to probe further into the subject led you to come up with the concept of the 'subaltern' ...<sup>3</sup>

Partha Chatterjee, one of Guha's closest associates and widely recognized as one of the greatest exponents of the Subaltern Studies school, tells us how Naxalbari radically transformed Guha's plans. Now he had a definite direction and purpose for his research. Full ten years of Herculean labour produced Guha's magnum opus and the Subaltern Studies collective. To quote Chatterjee:

... In 1970-71, he spent a year in India with the intention of writing a book on Gandhi. The aftershocks of Naxalbari were shaking university campuses in India. 'I supported the violence of the Naxalbari movement because it was a warning to communists who were sliding down the slope towards a corrupt parliamentarism,' he later reminisced. Guha returned to England with an entirely new project in mind: an analytical history of peasant revolts. The book would appear a decade later as *Elementary Aspects of Peasant Insurgency in Colonial India* (1983).

The snippets shed an intimate light on the historiographer's political self: on how he heard the voice and saw the agency of the subaltern in the 'Spring Thunder over India'. Highly inspired, the explorer embarked on a new leg in his life's journey. He was already on the wrong side of 50, yet this was going to be the most creative and productive period in his life. As Professor Dipesh Chakrabarty, one of his younger colleagues in Subaltern Studies Collective/Group (henceforth SS), said in an interview:

"Guha was the first historian I met in flesh and blood who had a real enthusiasm for ideas. He encouraged you not just to go to the archives – which he always did – but to learn to read archival texts actively, reflectively, by thinking about language and its relationship to the world."<sup>4</sup>

Indeed, even in history-writing Guha was an original

thinker, an imaginative mind rather than a chronicler and arranger of historical facts. Always brimming with new ideas, the maverick, following DD Kosambi, inspired another paradigm shift in Indian historiography.<sup>5</sup> Amartya Sen was spot on when he commented long ago that Guha was the most creative Indian historian of the 20th century.

### **Emergence of Subaltern Studies: The Political Backdrop**

The indefatigable, brilliant pathfinder in social and historical research soon took up the role of a motivator-cum-organizer of historians. Under his leadership, the Subaltern Studies stream of historiography emerged in the early 1980s as a consequence of the all-round ideological and political churning in India and abroad since the late 1960s. Militant peasant activism in Naxalbari, Bhojpur and other regions in the 1970s and early 1980s led to intense interest in the role of the peasantry in social dynamism and transformation among historians and social scientists, while politics was rife with the quest for a people's alternative to both the hated authoritarian regime of Indira Gandhi and the failed Janata party government that replaced it. Apart from Guha's leadership qualities, these factors also helped create an intellectual milieu which was conducive to the rapid growth of the SS collective and a major reason behind the positive response it received.

Eminent Marxist historian Sumit Sarkar gives us a condensed account of this formative period of the SS:

"As the shining promise at the dawn of Independence began to dim by the late 1960s and early '70s, and as a new wave of popular struggles began in various forms against the post-colonial ruling classes, I felt it was more important to explore the historical limits of mainstream nationalism, especially the class perspective of its leadership. The ongoing Vietnam War, and the residual excitement of May 1968, made quite a lot of us think for some time, independently and in isolation from one another, that the struggles of peasants and workers were more significant for national and social liberation than the leadership provided by the elites.<sup>6</sup>

Already, Ranajit Guha had gathered around him a group of young scholars in England who were thinking on similar lines about how to re-envision Indian history. That was the nucleus of the Subaltern Studies collective, with which I, too, became associated for a while. When I visited Oxford for a year in 1976-77, I met the group, and I still remember the very exciting and stimulating discussions I had with Professor Guha at his Sussex home, where the

two of us, once or twice, stayed up all night and I listened to him on the Indian peasantry, practically spellbound.<sup>7</sup>"

The discussion 'modified many of my ideas', Sarkar remarked in the Preface to his book *Modern India: 1885-1947*. Before we proceed towards discussing Guha's ideas, perhaps it would be better to acquaint ourselves with authentic meanings of certain key concepts.

### **Key Categories and Major Propositions**

In the Preface to *Subaltern Studies I* (1982), Guha writes:

"The word subaltern stands for ... 'of inferior rank'. It will be used in these pages as a *general attribute of subordination in South Asian society ... expressed in terms of caste, class, gender, and office.*"

Here we emphasize on certain phrases to highlight the crucial fact that Guha and the SS used the term (and the associated term 'elite') not as universally applicable alternative categories for bourgeoisie and proletariat, but only in the field of South Asian studies, and that too especially for the colonial period. Overlooking this specificity in terms of region and historical period, both indicating an Asian version of semi-feudal social formation, where the capitalist mode of production and the corresponding class formation was in a primary stage, has led some to misunderstand the basic categories of SS as a departure from Marxian class analysis. They forget that this alternative historiography was concerned with an era and a region of the world where it was not possible to say, as Marx and Engels said:

"Our epoch, the epoch of the bourgeoisie, ... has simplified the class antagonisms. Society as a whole is more and more splitting up into two great hostile camps, into two great classes directly facing each other – bourgeoisie and proletariat.<sup>8</sup>"

Note the use of the present continuous tense: even in mid-19th century Europe, the process was continuing, was yet to be completed. Far less developed was the SS group's field of study, which resembled 'the earlier epochs' marked by 'a complicated arrangement of society into various orders, a manifold gradation of social rank.' To illustrate such arrangements, the authors of the Communist Manifesto referred to a plethora of social groups such as 'feudal lords, vassals guild-masters, journeymen, apprentices, serfs' in the middle edges. So, what is wrong or non-Marxist in categorising or describing such disparate groups under two broad, comprehensive heads – subaltern and elite – especially when this terminology offers convenient analytical tools for societies to which they are applied?

[5] Both Kosambi (1907-1966) and Guha were independent Marxist thinkers critical of stale, lifeless 'official Marxism', as the former famously called the received orthodoxy of many communist leaders of his time. Guha, as noted above, charged the official communists for 'corrupt parliamentarism'. Kosambi was primarily a mathematician and scientist, but even his limited contribution in history was powerful enough to help the emergence of a batch of outstanding Marxist historians in India. He was also an early critic of the schematic proposition that all major societies passed through the same succession of modes of production, arguing that India never knew slavery in the classical European sense. Instead, he asserted, caste has been India's historically specific form of bondage.

[6] Student rebellion in a Paris suburb, which was joined by the working class and ignited powerful protests in France and other countries.

[7] Sarkar, Sumit, *Essays of a Lifetime*, Orient Blackswan, 2017.

[8] Marx, Karl and Engels Friedrich, *Manifesto of the Communist Party*, Chapter I, emphasis ours.

In fact, Guha's terminology does not ignore or negate class, but subsumes it in a broader inclusive category. We shall shortly see how, in the last two paragraphs of what has come to be known as the SS Group's 'manifesto', Guha weaves his arguments around concepts like 'class outlook' of elitist historiography, 'class-for-itself', and so on.

Let us continue analysing the SS concepts for now. Guha clarifies that 'people' and 'subaltern classes', 'have been used as synonymous.' He goes on:

"The term 'elite' has been used in this statement to signify dominant groups, foreign as well as indigenous. The dominant foreign groups included all the non-Indian, that is, mainly British officials of the colonial state and foreign industrialists, merchants, financiers, planters, landlords and missionaries."

Regarding 'dominant indigenous groups' Guha says:

"...at the all-India level they included the biggest feudal magnates, the most important representatives of the industrial and mercantile bourgeoisie and native recruits to the uppermost levels of the bureaucracy ... At the regional and local levels they represented such classes and other elements as were either members of the dominant all-India groups included in the previous category or if belonging to social strata hierarchically inferior to those of the dominant all-India groups still acted in the interests of the latter and not in conformity to interests corresponding truly to their own social being.

"The words 'history and society' in the subtitle [to the title of Volume I] are meant to serve as shorthand, for *all that is involved in the subaltern condition*. As such, *there is nothing in the material and spiritual aspects of that condition, past or present, which does not interest us.*" [Emphasis ours].

The preface is followed by an introductory essay titled *On Some Aspects of the Historiography of Colonial India*. It is widely regarded as the 'Manifesto' of the group, though it was never declared as such. We reproduce here an abridged version of this important document, with emphasis and a few explanatory notes supplied by us.

"1. The historiography of Indian nationalism has for a long time been dominated by elitism —colonialist elitism and bourgeois-nationalist elitism. Both originated as the ideological product of British rule in India but have survived the transfer of power and been assimilated to neo-colonialist and neo-nationalist forms of discourse in Britain and India respectively. Elitist historiography of the colonialist or neo-colonialist type counts British writers and institutions among its principal protagonists but has its imitators in India and other countries too. Elitist historiography of the nationalist or neo-nationalist type is primarily an Indian practice but not without imitators in the ranks of liberal historians in Britain and elsewhere.

2. Both these varieties of elitism share the prejudice that the making of the Indian nation and the development of the consciousness—nationalism—which informed

this process, were exclusively or predominantly elite achievements. In the colonialist and neo-colonialist historiographies these achievements are credited to British colonial rulers, administrators, policies, institutions, and culture; in the nationalist and neo-nationalist writings—to Indian elite personalities, institutions, activities, and ideas."

The author of course, is not blind to the contributions of elitist historiography:

"It helps us to know more about the structure of the colonial state, the operation of its various organs in certain historical circumstances, the nature of the alignment of classes which sustained it; some aspects of the ideology of the elite as the dominant ideology of the period; about the contradictions between the two elites and the complexities of their mutual oppositions and coalitions..."

But he goes on to say:

"6. What, however, historical writing of this kind cannot do is to explain Indian nationalism for us. For it fails to acknowledge, far less interpret, the contribution made by the people on their own to the making and development of this nationalism. The bankruptcy of this historiography is clearly exposed when it is called upon to explain such phenomena as the anti-Rowlatt upsurge of 1919 and the Quit India movement of 1942—to name only two of numerous instances of popular initiative asserting itself during nationalist campaigns in defiance or absence of elite control." [Ranjit Guha also cites instances like Chauri-Chaura or the militant demonstrations of solidarity with the RIN mutineers.]

"7. This inadequacy of elitist historiography follows directly from the narrow and partial view of politics to which it is committed by virtue of *its class outlook*. ..."

The (bourgeois) class outlook and politics embedded in elite historiography is clearly exposed here, underscoring the need of a subaltern historiography which, drawing upon from proletarian class outlook and politics, can overcome the dominant historiography. Yes proletarian – not peasant – class outlook; because the only real alternative to a bourgeois vision of past, present, and future is a proletarian one, as clarified in points 14 and 15 below. On this question, and hence also on the question of the two types of democratic revolution led by either of the two contending modern classes, Guha stands firmly on the standard Marxist-Leninist formulation.

"8. What clearly is left out of this un-historical historiography is *the politics of the people [which constitutes] an autonomous domain [of] the subaltern classes and groups*, i.e., the mass of the labouring population and the intermediate strata in town and country.... Elite mobilization tended to be relatively more legalistic and constitutionalist in orientation, [whereas] subaltern mobilization [were] more violent...more spontaneous and...was realized in its most comprehensive form in peasant uprisings.

"10. The co-existence of these two domains or streams ... was the index of an important historical truth, that is, *the*

*failure of the Indian bourgeoisie to speak for the nation. There were vast areas in the life and consciousness of the people which were never integrated into their hegemony."*

At the same time, Guha takes note of,

"...efforts made from time to time by the more advanced elements among the indigenous elite, especially the bourgeoisie, to integrate them. Such efforts, when linked to struggles which had clearly defined anti-imperialist objectives and where consistently waged, produced some splendid results. Linked, on other occasions, to movements which either had no firm anti-imperialist objectives at all or had lost them during their development and deviated into legalist, constitutionalist, or some other kind of compromise with the colonial government, they produced some spectacular retreats..."

The preface also notes:

"13. Such dichotomy did not, however, mean that these two domains were hermetically sealed off from each other and there was no contact between them. On the contrary, there was a great deal of overlap ... *the braiding together of the two strands of elite and subaltern politics led invariably to explosive situations indicating that the masses mobilized by the elite to fight for their own objectives managed to break away from their control and put the characteristic imprint of popular politics on campaigns initiated by the upper classes.*"

Up to this point what we get is a very brief critique of elitist historiographies, followed by the briefest possible summary of what is 'left out' from elite accounts of colonial India – the 'autonomous domain' of 'politics of the people' and the braiding together of elite and subaltern politics. The last two paragraphs, which we quote in full, explain why the long series of powerful peasant insurgencies failed, thanks to the absence of a revolutionary worker-peasant alliance under working class leadership, to rise to the level of a national liberation movement.

"14. *However, the initiatives which originated from the domain of subaltern politics were not, on their part, powerful enough to develop the nationalist movement into a full-fledged struggle for national liberation. The working class was still not sufficiently mature in the objective conditions of its social being and in its consciousness as a class-for-itself, nor was it firmly allied yet with the peasantry. As a result, it could do nothing to take over and complete the mission which the bourgeoisie had failed to realize. The outcome of it all was that the numerous peasant uprisings of the period, some of them massive in scope and rich in anti-colonialist consciousness, waited in vain for a leadership to raise them above localism and generalize them into a nationwide antiimperialist campaign. In the event, much of the sectional struggle of workers, peasants and the urban petty bourgeoisie either got entangled in economism or, wherever politicized, remained, for want of a revolutionary leadership, far too fragmented to form effectively into anything like a national liberation movement.*

"15. *It is the study of this historic failure of the nation to come to its own, a failure due to the inadequacy of the bourgeoisie as well as of the working class to lead it into a decisive victory over colonialism and a bourgeois-democratic revolution of either the classic nineteenth-century type under the hegemony of the bourgeoisie or a more modern type under the hegemony of workers and peasants, that is, a 'new democracy'— it is the study of this failure which constitutes the central problematic of the historiography of colonial India.* There is no one given way of investigating this problematic. Let a hundred flowers blossom and we don't mind even the weeds."

The 'manifesto' thus ends with a call for investigating the 'central problematic' in whatever way one may choose, indicating a broad and open-minded approach to debate, discussion and collective research. The same spirit also stands out in the preface to volume I. Starting from these basic propositions, over the years and decades members of the SS collective produced a rich harvest of essays dealing with wide-ranging facets and episodes of 'society and history' – in most cases concerning colonial India, but some related to the post-colonial period too.

After the publication of Volume VI of *Subaltern Studies* in 1989, Guha relinquished the editorship of the series but remained as fecund as ever in print and other modes of communication. To understand this revolutionary heritage, he delved in the last decades of his life into Indian philosophy and literature, mostly writing in Bengali. The octogenarian young man also picked up a new love: the Puranas and ancient religious texts of India. He presented Sita, Shakuntala, Draupadi, and Antigone as comparable rebellious women who resisted the violent male state. In the *Stri Parva* (Book of Women) of the Mahabharata, Guha discovered abiding female indictments of war. History writing, Guha now felt, must not base itself on mountains of archived materials alone, and look for insights in art, literature, and religious texts too.

### **Why Guha's Contributions are So Important Today**

In order to properly understand our past – on which is predicated the understanding of present and therefore building our future – it is necessary to grasp the specific Indian modes of subalternity and thus truly appreciate Indian society in its complex richness and nuances. The SS contributed hugely to this. How?

Take a closer look at Guha's interview to Milinda Banerjee. It was 2010. National and international situations had changed almost beyond recognition compared to late 1960s and early 1970s; the mental world of the historian himself also did not remain the same. So, what are the ideas that had continuing 'validity, agency, and actions' for Guha?

It seems what impressed him the most was Charu Mazumdar's total reliance on and abundant admiration for the revolutionary zeal, perseverance, strike power and collective heroism of the biggest contingent of the Indian

subaltern – the peasantry – in CM's eyes the primary producer of all wealth and culture. But Guha did not take the easy way of romanticizing the peasant hero. He narrated the true story of the Indian peasant in all its complexities and subtleties with the highest standards of historiographic rigor. That is why his *Elementary Aspects* earned international acclaim for its authenticity, originality, and boldness. Published about a decade after Naxalbari and other hotspots of armed agrarian struggle announced independent India's first great peasant insurgency (and the first pan-Indian one in recorded history), Guha's seminal work provided the first comprehensive theoretical framework for understanding peasant insurgencies in India, past and present.

Today when the people of India are groaning under the jackboots of an anti-Dalit, anti-Muslim, anti-women, anti-poor, Manuvadi fascist regime, it is crucial that we make

full use of the historical insights provided by the SS in our fight against that regime, as we do with the political insights of BR Ambedkar. The Modi regime has acquired, maintained, and bolstered its power not only by brute force, but also by different techniques of hegemonization, such as Hinduisation of Dalits and other marginalized communities; targeted social engineering; whipping up nationalist frenzy – particularly before major elections – and so on. In combating these techniques, apart from our own first-hand experiences, Guha's, and his associates' detailed expositions on '*the material and spiritual aspects*' of '*the subaltern condition*' may prove quite helpful. In fact, it is only in this way – by using and working on his historical insights in our struggle to change the present and build a better future – that we can pay the best tributes to Ranajit Guha. ■

## UCC is not the Answer to Discrimination and Inequality

Long before the Law Commission decided to seek views of public and religious organisations on uniform civil code (UCC) the BJP in many states have been using this issue as part of its anti-minority hate propaganda. In BJP ruled states this party has already started some process in the name of UCC implementation. BJP in fact is taking this as part of its core propaganda to divert real issues of the people to the extent that in Uttarakhand there are huge hoardings installed all over declaring the party has fulfilled the promise of uniform civil code (UCC ka vaayada ek saal me kar dikhaya), which is a stark lie and

makes the BJP's intentions clear that UCC will be the next major propaganda tool for its divisive Hindutva agenda irrespective of wider public opposition as well as adverse recommendations by earlier law commission and the judiciary. The Uttarakhand government called an all party meeting on 25 May 2023 to deliberate on the UCC implementation in the state. CPIML Uttarakhand Secretary Indresh Maikhuri submitted a written reply to the head of the committee which was formed almost a year ago to give recommendations on the uniform civil code. Comrade Indresh clearly stated that it is totally useless to deliberate on a constitutional matter which does

not come under the purview of a state government. He told the committee the whole exercise is taken up to fulfil the political agenda of the party ruling in the state which amounts to the misuse of public money.

He also questioned the committee's intentions that after one year of its formation a meeting was called without providing any proposal or draft on UCC on behalf of the state government. When the BJP government has not yet made its own ideas and intentions on this issue known officially in public domain then why an all party meeting has been called? He told the committee that the question of discrimination, inequality and equity can not be solved by imposing uniformity, hence CPIML opposes any attempt to impose a uniform civil code. ■

### LETTER TO THE EDITOR

Dear Mr. Sen, I live in the USA and India and have heard for quite a while that Joshimath is in danger due to unrestrained construction and Mr. Sati's protests about the same. In fact this week the matter has been reported in the local daily and as a Civil Structural Engineer and builder, I support his logical objections against building at the cost of the mountains and the imperilled populace.

The Himalayas from my undergrad classes in Geology at Shibpur BE College and Geophysical Exploration at the graduate level in the USA, I cannot scientifically recommend cutting formations without making sure they are stabilized. As a former Asst Executive Engineer in the Ministry of Transport Border Roads wing, I have first-hand knowledge of how expensive and difficult mountain roads are. We built miles of roads straight and curved, zig zag portions of which got washed away in monsoon damage and landslide, taking the retaining and breast walls that supported portions of these roads and costing the government a huge bundle.

I am sure the present builder has qualified and sensible engineers. It is not a "Fools rush in where Angels fear to tread" situation. And yet, I am very concerned that Mr. Sati has been put under house arrest sometimes to silence and intimidate him. It is extremely unfortunate.

- Partha Bhattacharya, BECE (Cal); MS, PE (USA)

## RED SALUTE TO COM. BANI BHATTACHARYA

Comrade Bani Bhattacharya, mother of Comrade Dipankar, passed away on 5 June evening. She was 92. Comrades Swadesh Bhattacharya, Kunal, Amar, Kartick Pal and several comrades from the Greater Kolkata region joined Comrade Dipankar to bid her goodbye the next afternoon. A meeting was held in her memory on 18 June near her residence at Subhasgram. Below we reproduce excerpts from Comrade Dipankar's tribute to his mother from his Facebook page (posted on 7 June).



*"My mother was born in Bogura district of erstwhile East Bengal and current Bangladesh. Like millions of her contemporaries her life was also disrupted by the traumatic developments of the 1940s when her family migrated from Dubchachia in Bogura to Balurghat in Dinajpur (currently headquarter of South Dinajpur district of West Bengal). My mother had the lifelong regret of her formal education getting stopped at the high school stage as she was married off soon after Partition.*

*"Her father Nikunja Bihari Goswami ran a Sanskrit school at home (alongside a temple of Radhamadhav) and grandfather Vinod Bihari Goswami set up an ashram in Vrindavan. Several of her paternal and maternal uncles were however thickly involved in the freedom movement. Despite the disruption caused in her life by the Partition she never became bitter about life and people nor did she ever become a prisoner of the partition-induced narrative and mindset. All through her life she remained remarkably free of caste and communal prejudice and treated all with love, care and compassion. She was deeply religious without being ritualistic or sectarian in any way.*

*"My father was a cancer patient and needed a lot of care in his last few years. My mother was the principal support for him. Subhasgram was a totally new place for my parents, but they, especially my mother, made it their own. They helped many local children with their studies. She had a lot of respect for the communist cause and appreciation for the struggles and initiatives led by our party and had also enrolled herself as a Party member.*

*"To me, our family and all friends and comrades who came in contact with her she has left behind an inspiring legacy full of love and energy. I lost the first teacher and best mentor in my life. Though I may have failed in many lessons, my mentor never gave up and kept encouraging and inspiring me through the ups and downs. In my childhood it was my mother who taught me how to read and write, how to improve my handwriting and read and recite rhymes and poems in Bangla. Occasionally when I'd get a slap or two from my father for some mischief or after being detected that I actually missed a sum in my mathematics paper, my mother would come to my rescue and be my protector.*

*"Since 1974 I have been physically away from home, first as a student living in hostels and then as a full time Party activist, but she knew I'd come home from time to time and I knew I would always find her there. With the advent of the mobile phone, our contacts became much more frequent. Occasionally she'd call me to share some news or even to ask for some answers to her daily Bengali crossword puzzle. We could not get her to shift to a smartphone but whenever any of us were around we would involve her in video calls with all her loved ones. Her basic Nokia phone is still here, but the phone calls will never be answered again. We will miss you Ma. It's a void that cannot be filled, but we will try to live up to your legacy."*



## Solidarity with the Wrestlers' Protest for Gender Justice



## Arrest ex-WFI Chief and BJP MP Brij Bhushan Sharan Singh



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EDITOR : Arindam Sen

liberation@cpiml.org  
www.liberation.org.in  
PH.: 91-11-42785864



@cpimliberation