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**Organ of the
Central Committee CPI(ML)**

NEW DEMOCRACY

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Taliban Sweeps to Power in Afghanistan

War in Afghanistan since 2001 is over. Taliban wrested back the power from withdrawing Americans. Their fleeing from Afghanistan has similarities galore and these are not limited to withdrawing Americans boarding helicopters this time from Airport in place of Embassy roof in Saigon. But more pertinent similarity and which is important is that their withdrawal has left behind a unified country. At no time in their rule from 1996 to 2001, Taliban had ruled over whole of Afghanistan with parts of Northern Afghanistan remained outside their rule. During last two decades varying magnitude of countryside had remained outside the control of US imposed regime in Kabul. But US imperialists are leaving behind a relatively united Afghanistan albeit under Taliban rule. And this is no accident. People of Afghanistan have no liking for the collaborators of foreign occupying power. Whatever base the northern warlords had had, was undermined due to their collaboration with US imperialism. Taliban have now many Tajik, Uzbek and Hazara leaders among their ranks.

US defeat in Afghanistan has broad similarity with the defeat of the then USSR in Afghanistan. However, there is a vital difference that the regime installed by the then USSR lasted more than three years after their withdrawal and Najibullah Govt.'s defeat was hastened due to cut-off of military supplies and economic aid by Yeltsin Govt. in Russia. This difference is accounted for by the befriending of Northern warlords by the then Soviet

rulers and carving out some division among Pashtuns. US occupation on the other hand, was a pure colonial exercise reminiscent of civilizing mission of old colonialists. In the name of Nation Building, they foisted their agents who had no roots among Afghan people, the President who fled, Ashraf Ghani, having been a World Bank employee who was parachuted to Presidential Palace in Kabul. Drunk in their power in the then uni-polar world, US rulers thought they could do whatever they wanted and invaded first Afghanistan and then Iraq. First Iraq showed them the limit of such power and now Afghanistan has given a big blow to that. Let it be clear that US occupation of Afghanistan had nothing to do with any nation building but was solely to militarily occupy this strategic centre of Asia to secure their world hegemony. And this lies in tatters. US Admn. is now focused at containment of China whom they consider their main rival. Defeat in Afghanistan has damaged their contain China strategy but that is focused on maritime trade routes at present.

While Taliban's victory was a foregone conclusion except to the mandarins in South Block in New Delhi who hoped against hope that there would be a war between Army trained by foreign powers and Taliban, the speed of this victory has come as surprise to many. The Army hired and 'trained' by foreign powers gave up without a fight. The collapse of Afghan Army is characterized by fleeing of US foisted President Ashraf Ghani who with his close aides fled the country. Taliban could storm into capital Kabul at their will and they chose to do that early. It is clear that they would not impede withdrawal of foreign forces from Afghanistan and attack withdrawing forces. They could delay their conquest of Kabul till all the US forces withdrew. However, they considered that if they allow US and its allies' forces to withdraw when they are in power

they would send a stronger signal of their ‘peaceful’ intent. And the message is not lost despite cacophony of propaganda in the mainstream media and its dutiful reproduction in mainstream Indian media. In fact the reported fire in US embassy was due to burning of documents by them. Of 7 persons who died at Kabul airport some were by US forces to clear the air strip while 3 hang onto aircraft and died after a fall.

The world must recognize the new Govt. is Afghanistan as they fulfill the only recognized criterion for such recognition i.e. effective control over the country. Taliban do have that. They are a number of right reactionary regimes in the world; there is a plethora of ‘unelected’ Govts. in the world but that has not prevented their recognition. There is no civil war as feared, nay hoped, by some. In fact many countries have positively reacted to Taliban ascent to power. Russia has almost welcomed it while Pakistan did not hide its glee. Even Iran has accorded a guarded welcome while China has also proposed to work with them while also blaming ‘hasty’ US withdrawal for the chaos. Other neighbouring countries have also expressed their intent to work with Taliban Govt. Even the European Union’s reaction has been cautious asking Taliban to maintain peace and respect human rights.

In our last comment (July 10, 2021) we had noted that return of Taliban to power may also witness “some differences from its earlier rule.” These differences will be two fold. Firstly they would like peace with neighbouring countries and would like to avoid international isolation. However, their victory will embolden certain forces in the neighbouring countries even if they do not allow use of their territory. They have already assured Russia and China of that. UN mission in Afghanistan Chief already talked of

continuing of their mission as they already getting cooperation from Taliban. Domestically, they would proclaim Islamic Emirate and impose Sharia and would curtail rights of women. But they cannot “erase everything of the recent past.”

However, there is a serious concern about the rights of women, rights of minorities including religious minorities and for the people’s rights under Taliban regime. These concerns are based on reports of attacks by Taliban units. There must be greater support for the people’s rights in Afghanistan. Progressive and democratic forces must support Afghan people in their struggle against regressive policies of Taliban.

Rulers of India had tied themselves to the apron strings of US imperialism in Afghanistan and had supported military occupation of Afghanistan shamelessly betraying Indian people’s own anti-colonial traditions. Moreover, they have viewed Afghanistan from the prism of relations with Pakistan. Despite historic relations between people of India and Afghanistan they have refused to take cognizance of the aspirations of Afghan people. This must be opposed.



American Defeat in Afghanistan and Implications for the Region & the World

● Zameer

When you're wounded and left on Afghanistan's plains,
and the women come out to cut up what remains,
jest roll to your rifle and blow out your brains
and go to your gawd like a soldier.

-Rudyard Kipling

The War of people of Afghanistan against US imperialist occupation is drawing to a close. Afghanistan has once again lived up to its reputation of being a graveyard of empires, especially of empires run amuck. US imperialism is not able to carry on its military occupation due to increasingly high economic and military costs and primarily due to these, dwindling domestic support for this imperialist war. Moreover, increasing challenges faced by US imperialists to their domination in different parts of the world have made continuation of this war almost impossible for them. Trump concluded and Biden executed an agreement with Taliban to withdraw their military force from Afghanistan. Trump had put May 1, 2021 as the deadline for withdrawal in exchange of a Taliban commitment to not host groups like Al Qaeda and to not allow its territory to be used for attacks against USA. This deadline has been extended to September 11, 2021 by President Joe Biden.

Every defeat has its own historical and political setting, to paraphrase Tolstoy every defeat is a defeat in its own way, but they all share one thing in common - a deafening silence on the part of defeated. So when US vacated its ill famed military base near capital Kabul, Baghram, in the hours past mid night in eerie silence and without even informing their so-called hosts, the message of defeat was loud and clear. Planes went flying away after mid-night. The drivers & translators with their families are being flown abroad for their ultimate settlement in USA and its western allies, their number being estimated to be above 50,000. This resembles the last days of the US's military misadventure in Vietnam.

US militarily occupied Afghanistan from Taliban and with their withdrawal, Taliban are coming back. It is not surprising that Taliban's return to power is synchronous with withdrawal of US troops. US did not come to Afghanistan for any so-called nation building but for colonial occupation of this strategic centre of Asia, the continent which is emerging as the main arena of the contradictions intensifying among imperialist powers. In pursuit of this, US imperialism did not help nor empower Afghan people but imposed its colonial rule over Afghan people. What a foolhardy task by ignoramuses! One will recall that this nation builder (George Bush) could not even locate several countries on the world map when he was contesting for Presidency. Drunk with power in that period of unipolar world ushered in by the collapse of the then Soviet Union and inaugurated by the first Gulf War in 1991, and desperate to secure US hegemony for 21st Century, this trio of Bush, Cheney and Rumsfeld embarked on a journey which could not have ended otherwise. Even after over 2500 US military deaths and tens of thousands having suffered debilitating injuries, with additional over 1200 deaths from among allies who had traveled far to fight

what they called global terrorism, many more deaths of the privates helping the military occupation and nearly 1.5 trillion dollars spent on this occupation (many commentators put the cost at 3 trillion dollars), the result has been a defeat foretold.

It should also be recalled that the military occupation was in pursuance of securing world hegemony of US imperialism. It had nothing to do with 9/11 attacks as it was made out to be. All the accused of those attacks were from Saudi Arabia; Afghanistan did not have any aircrafts to even train them and moreover, Taliban had offered trial of Al Qaeda leaders in third countries. All these facts, and then growing conflict between US companies and the then Taliban Govt. over the supply lines for Caspian oil was already there and threats of US invasion were publicly made even prior to 9/11. The invasion was an act of a hegemonic power in a uni-polar world to prevent challenges to its hegemony.

US military occupation was highly unpopular among Afghans who conducted a war of attrition, of the will more than that of soldiers, led by Taliban who dispersed among the people assessing difficulty in confronting a so much superior enemy; resorting to history tested guerilla warfare which suited their terrain and fitted in with the pattern of the asymmetric war that they were forced to fight. Though US forced the then military dictator of Pakistan, Parvez Musharraf, to be part of this US led war against Afghanistan, Musharraf's act was highly unpopular among Pakistanis, both common people and elites. Pakistan faced attacks by Tehreek-e-Taliban of Pakistan drawn from Pashtuns. Population of Pashtuns, the dominant ethnic group in Afghanistan, is far more in Pakistan than in Afghanistan. This is historically due to annexation of their plain land by British colonial empire. Pashtuns are the second largest group in Pakistan military. Musharraf's plunging Pakistan

into US led war created wide unrest in that country. Even the neighbouring powers, like China and Russia did not countenance US military presence on their borders. Though Russia does not share a border with Afghanistan but it has close ties with Central Asian Republics which share long borders with Afghanistan. The ties are also through Collective Security Treaty Organization (CSTO), a military alliance. With war grinding to daily assaults on foreign troops and mounting casualties among them, US rulers were face to face with the grim reality of colonial conquest of a land which has defied conquerors down the ages. A search began for ‘moderate’ Taliban i.e. Taliban who were willing to be collaborators. This search proved to be futile. Then came the emphasis on Afghanistanization of war i.e. recruiting Afghans to fight Taliban and military experts came from US and other occupiers and even countries like India to train the military forces of the Afghanistan Govt. installed and sustained by America. But as is a popular saying – *you can hire an Afghan but not enslave him*– this too was a doomed exercise.

As US forces are withdrawing from Afghanistan, Taliban is coming back to power. A Taliban spokesperson claimed on July 9, 2021 that 85% of Afghanistan is under its control. While Kabul Govt. has refuted this claim, several western media outlets have reported that Taliban exercises complete control over 195 of the 421 districts in Afghanistan and a further 129 districts are being contested between Taliban and Kabul Govt. Even the warlords supporting Kabul Govt. are talking of raising their own militia to fight Taliban, expressing total lack of confidence in Kabul Govt. forces. Kabul Govt. forces are fleeing, deserting and surrendering before Taliban. Over 1600 of them crossed over to Tajikistan over just two days, leaving their border posts. Kabul Govt. forces were

hired by Americans, and with the hirer deserting, hiring has come to an end.

Taliban is pursuing a strategy of capturing the vast countryside and surrounding the main urban centres to make those controlling these centres surrender due to dwindling supplies on account of the siege and the prospect of imminent military assault. Besides, Taliban is capturing the borders with foreign countries, thereby preventing any scope of foreign interference in support of anti-Taliban forces; besides these are a source of finances for funding the latter. Almost the entire border with Tajikistan and Iran has come under the control of Taliban. Important areas of border with Pakistan, Uzbekistan and Turkmenistan are also controlled by Taliban. These, besides the vast resource rich areas of Afghanistan, have come under control of Taliban thereby increasing its financial muscle and weakening Kabul Govt. Advance of Taliban is creating contradictions among the ruling coalition and Taliban is also utilizing them in its pursuit to come to power.

The reality of Taliban coming to power has been acknowledged by almost all the Govts. US military occupiers admitted it when they agreed to withdraw only on Taliban's guarantees and concluded an agreement with it without involving Kabul Govt. Russia and China are asking the Taliban to honour international borders and not permit excursions into neighbouring countries or harbor Opposition forces of neighbouring regions like Sinkiang in China. India too has opened discussion with Taliban and a recent meeting between representatives of Indian Govt. and Taliban was held in Doha (Qatar). Moreover, withdrawal of staff from different city centres by different countries also points to their perception of Taliban coming to power in near future.

Some Govts. like Indian Govt., are talking of preserving the gains made under colonial rule like ‘democracy’. Everybody knows that Hamid Karzai, who ruled from 2001 to 2014, was imposed as President of Afghanistan by America. Even in the last presidential elections held in 2019, ballot papers could not reach more than one third of the areas; there was abysmally low polling even where booths could open and Ashraf Ghani was elected with just under a million votes in a country with a population of 38 millions. These votes too were called fraudulent by the Opposition with both Ashraf Ghani and Abdullah Abdullah declaring themselves President. Kabul Govt. represented and represents the will of the occupying imperialist powers and not of the people of Afghanistan.

Advent of Taliban to power being almost certain, this will have an important bearing for Afghanistan and also for the entire region. Obviously, it will increase the importance of Pakistan for the western imperialist powers especially USA, for their influence in the region. This not only in the immediate context of managing the withdrawal of US forces but also in the long term for their influence in Afghanistan and Central Asia. Additionally, it will strengthen Pak military’s (called establishment by media in Pakistan) control over power. Withdrawal of US forces will also be advantageous to Iran. Iran has recently hosted a meeting of the representatives of Taliban and of Kabul Govt. Iran shares a long border with Afghanistan and in the border region and western part of Afghanistan, population of Shia Hazaras is concentrated. So Iran has a vital stake in a stable and peaceful Afghanistan.

With defeat in Afghanistan, US strategy for Central Asia and for Caspian Sea oil has suffered a setback. US will be forced to find an alternative route for that. One that is shaping up is through Turkey with its increasing influence in Azerbaijan, a Caspian Sea

country. Turkey has also offered to station troops to secure Kabul Airport though Taliban has demanded withdrawal of all foreign forces. Turkey's rulers, who fancy themselves as new Ottomans, want to use help in Afghanistan and Central Asia as a bait for improving ties with US imperialism.

Taliban Govt. will present a new situation for regionally dominant powers- China and Russia. They had developed friendly relations with Taliban. In fact Russia had invited Taliban to Moscow meeting on Afghanistan even before direct negotiations between Taliban and US Admn. started. It will be advantage Shanghai Cooperation Organization (SCO), consisting of China, Russia and Central Asian Republics, that US forces are out of Afghanistan. However, they have to seek and ensure that Taliban sticks to its side of the bargain of not supporting the restive Ughyrs in China and Muslim populations among Russia's allies.

Closer home, as a fall out of the their decision to pull their troops out of Afghanistan, US Govt. directly and through its allies has put pressure on Indian Govt. to improve relations with Pakistan. The role of United Arab Emirates (UAE) in India and Pakistan's announcement on February 25, 2021 that they will honour the cease-fire agreement of 2003 is well documented. It is also reported that there was an agreement to normalize situation in Jammu & Kashmir at that time. US Administration has also advocated discussion between Indian Govt. and leaders from J&K with US Assistant Secretary of State calling for it on June 7. Talks that Modi and his Govt. held with 14 leaders of J&K is being seen in the context of these geo-political changes.

Indian Govt. has been slow to grasp these changes. Indian Govt. had earlier been ruling out any talk with Taliban seeing in its

victory only Pakistan gaining strategic depth. They have failed to consider Afghan people's struggle against foreign occupation. In fact, Indian Govt. has been opposing withdrawal of US forces from Afghanistan. Even after being forced to talk to Taliban due to change in US policy, they are talking in a vein opposing Taliban coming to power in Afghanistan. Indian Foreign Minister, S. Jaishankar, in a recent visit to Moscow, said in a joint press conference with his Russian counterpart, ".... Afghanistan is very different case because for more than 30 years there have been international conferences ... to discuss how to stabilize and bring peace to Afghanistan because it has proven implications for regional security and stability ... we stress that there has to be a reduction in violence." Their last wish i.e. reduction in violence, is soon going to fructify as Kabul Govt. forces will not be in a position to put up a fight for very long. This war in Afghanistan, which started with US invasion of Afghanistan in October 2001, is soon coming to an end. The whole talk of civil war is being done by the forces who acquiesced in US invasion of Afghanistan, killing of civilians there to the tune of over a hundred thousand and enslaving of Afghanistan, which they thought was in the interest of "regional security and stability." Those who talk of violence between Taliban and Kabul Govt. forces ignore the whole two decades of violence unleashed by the US led imperialist powers against the people of Afghanistan, old and young.

Not only did it support invasion and occupation of Afghanistan, Indian Govt., especially after coming to power of RSS-BJP, also soured India's relations with Iran, jeopardized Indian involvement in the development of Chabahar port in Iran and scaled down import of Iranian oil. Chabahar port was earlier seen by Indian rulers as an alternative route to Afghanistan and Central

Asia circumventing link through Pakistan. Further, India became an open partner and advocate of Quad – the grouping of USA, Japan, Australia and India- becoming a strategic alliance. This is being perceived as Asian NATO and has been opposed by not only China but also Russia. Through these policies, there has emerged a trust deficit between Indian Govt. and Russia. Russia has started developing relations with Pakistan and even conducted joint military exercise with Pakistan for the first time. There has been growing proximity between Russia, China, Pakistan and Iran, a sort of another quad which will not only be quite strong in the region but surrounds Afghanistan from all sides.

All these developments in the region are products of short-sighted policies pursued by Indian Govt. With these geopolitical changes, India increasing its involvement in Quad, especially in its development as a military alliance, will come in for increased scrutiny by the forces in the region. RSS-BJP Govt., which had put all its eggs in one basket, is in a quandary.

With changing dynamics of intensifying inter-imperialist contradictions, the ruling RSS-BJP fascists are facing a situation where they are being made to talk with Pakistan and strategic equations in the region are not permitting taking their conflict with China to higher level, thereby weakening their jingoist platform. US imperialism has certain strategic push concentrating on containing China and befriending other countries in the region especially Pakistan to counter growing influence of China in that country. US would like to egg on Indian rulers towards normalization of ties with Pakistan and increasing tensions with China. How this change is appropriated by the Indian rulers will be seen in the near future.

Indian ruling classes have been pursuing policies subservient

to US imperialism in relation to Afghanistan, going against the legacy of our movement for freedom from colonial rule and even the interests of our country. When America launched its war of occupation in 2001 against Afghanistan Indian ruling class parties broadly supported this. Only revolutionary forces openly opposed this. CPI(ML)-New Democracy had organized a big protest with nearly 20,000 people marching from Ramlila Maidan to Jantar Mantar on October 29, 2001, opposing US invasion of Afghanistan. Indian ruling classes subservient to imperialism, did not see, nay did not want to see the dangers posed to the countries of South Asia by this military occupation by US. It is the resistance of Afghans to US colonial occupation which disrupted their further pursuit and then forced them to withdraw in defeat.

Return of Taliban to power may also witness some differences from its earlier rule. It too cannot erase everything of the recent past. Taliban is definitely a socially reactionary force particularly opposed to rights of women. But this cannot and should not be used to justify colonization of Afghanistan. Movements for progressive changes in society have to mainly come from within; external forces can play a supportive role. It is in fact the imperialist powers who have created conditions for strengthening of such reactionary forces, even directly aiding them. One can only recall how the progressive forces in Afghanistan were targeted by imperialists, social imperialists and reactionaries of Afghanistan in eighth and ninth decade of the last century. Progressive forces in Afghanistan should not rely on imperialist powers who mouth these progressive phrases for their colonial interests. They should rely on the people of their country and chalk out their strategy and tasks basing mainly on the concrete conditions of their country.

July 10, 2021☐ ☐ ☐**August - 2021****15**

Intensifying People's Movements Is the Real Answer to Father Stan Swamy's Murder !

Make Those Responsible for Father Stan Swamy's Death Accountable

Father Stan Swamy has been killed by the system. The 84 year old patient of Parkinsonism was incarcerated in jail for the past ten months as an accused under UAPA in the Elgar Parishad case. He died today i.e 5th July after a cardiac arrest at 4 am this morning which caused him to lose consciousness. He never regained it.

Stan Swamy was widely known for fighting for release of Adivasis who are languishing in jails for years after being branded as Maoists. Thousands of such people are in jails for long period. According to Father Stan Swamy “Many of such poor under trials don't know what charges have been put on them, have not seen their charge sheet and just remain for years without any legal or other assistance.” He was targeted for the ‘crime’ of standing for these poor and innocent under trial Adivasis and for supporting their struggle for defending their land and livelihood.

After his arrest on October 8, 2020, the 84 year old was kept in prison despite his several bail applications. This held through the period when Corona raged through the jail and eventually he too was infected with the same and died due to its effects. Dr. Ian D'Souza of

the Holy Family Hospital, Mumbai where he was being treated since May 30, told the Court, “Cause of death is definitely pulmonary infection and Parkinson’s disease among others. There were post-covid effects on his lungs.”

Even before that, he was denied access to a sipper even though being a Parkinsonism patient he was not able to eat or drink as per his requirement due to lack of this simple item. Even this simple requirement of an elderly, sick “under trial” was not addressed by the Judiciary for a long time.

Callous, inhuman and needless detention of Father Stan Swamy was clearly engineered by the Central govt. through its agency the NIA, but the Judiciary also shares major responsibility for his incarceration and eventual death. This was a 84 year old person, accused in a case where anyway lop sided action is on in only one of the two FIRs lodged on the incident. This FIR has become a dragnet to falsely implicate a large number of academicians, advocates and democratic rights activists and keep them in jail. These “threats to the state” are being kept in jail in total reversal of the position that bail is a right of every under-trial except in some situations. But the Indian judiciary is carrying out the will of the fascist rulers where continued incarceration is meted out as a punishment even before any offence is proved against them. This wielding of legal process to crush the people’s democratic struggles, to deprive the people of democratic rights- even those guaranteed under the Indian Constitution- constitutes “Lawfare”, denoting a sort of war against people’s rights under the guise of law.

It is clear that Father Stan Swamy died due to the design that those who dissent should be incarcerated till death. Otherwise, there was no logic to deny his bail through all this period in a case

which is totally manufactured. There was no apprehension that he would leave the country. Any how this could be easily ensured. That was not to be. Taken into prison, he need not have been personally humiliated and medical needs as simple as a sipper could have been respected had the Judiciary so decreed. That too was not to be. When Corona struck, in light of the world wide priority of keep elderly with co-morbidities safe, he should have been immediately given bail. That too was not to be. When he was found to have contracted Corona he could have been immediately freed and transferred to a hospital in Jharkhand as he had asked for to the Court. That too was not to be. And then the Court needs to express shock at such a predictable and wholly preventable death!

Stan Swamy was part of the many other individuals, organizations and movements questioning the sale of India's rich forests and forest wealth to Corporate. He is among a large number of those hounded for dissenting- intellectuals, lawyers, writers, poets, activists and student leaders.

Along with the Central Govt. the other wings of the State including the Judiciary, are also standing in defense of the policy of aiding the increasing stranglehold of Corporate over all sectors of India's economy. For them, intellectuals and mass mobilizations questioning this sale of the country are irritants, flies in the ointment. There has been judicial method, not error, in the way Stan Swamy was treated. The NIA arrest is only one side of the coin. The other is the continual incarceration for 10 Corona period months, repeatedly ordered by the Judiciary.

To strengthen the fight to assert that India belongs to its people is the real protest against the inhuman state murder of Father Stan Swamy. Hence, all people's struggles should be

intensified. Simultaneously, all those who support democratic rights of the people, oppose oppression and suppression of tribals and other oppressed sections must rise to demand full accountability for this murder. They should rise to ensure that those in the State machinery who are directly culpable in the death of Father Stan Swamy should be held accountable and punished.

CPI (ML) New Democracy

Dated 5th July 2021

Four TUs Statement

STAN SWAMY

We come together to mourn the death of Father Stan Swamy S.J.

Stan's was a long life, extraordinarily well lived, dedicated to the most discriminated and disenfranchised peoples in our society. He stood up in the fight for economic, social and political rights of Adivasis in Jharkhand including against the unlawful arrest of those who press for their rights and for equity, justice and dignity in society.

We come together to express our outrage at the circumstances of Stan's death. He fell to an act of state orchestrated culpable homicide. Stan was questioned, searched and harassed for two years before he was arrested under the Unlawful Activities Prevention Act (UAPA) in October 2020 on charges that have remained entirely unproven and unsubstantiated in the three years since they were first levelled against him and others in the Bhima

Koregaon case.

Aged 84 and a patient of Parkinson's disease, Stan was transported from Ranchi to the Taloja jail on the outskirts of Mumbai, where he wasn't even provided the facilities that ought to be provided to a healthy prisoner. When he arrived at the jail he needed a special cup to drink water because of his medical condition. The Bombay High Court allowed the jail officers to prevaricate for several weeks before he was finally given the drinking aid. In the months in jail, he lost his capacity to walk on his own or to eat without assistance and also contracted Covid. The conditions in jail had undermined Stan's right to life itself. In March 2021 the Special Court denied him bail since there was supposedly 'prima facie evidence' against him. He was denied bail on medical grounds too.

Following a tortuous series of hearings at the Bombay High Court, Stan was finally moved to hospital on 29 May 2021 where he was asked to bear his own medical expenses and where he died yesterday, Tuesday, 5 July 2021, due to post Covid complications. His bail hearings were yet to be completed by the High Court.

The executive branch of the state – the investigative agencies, the police, the jail authorities and all those who they report to – and the judiciary including the high judiciary are culpable for the crime - the death of Stan Swamy as an under-trial. We call for all those involved to be held to account.

Above all Stan was sent to his death under the vengeful watch of Mr. Narendra Modi and his BJP who lead an authoritarian government that uses all its power to put down every individual and every organization that stands up to question them and challenges their attack on peoples' democratic rights. The responsibility is finally theirs.

In remembering Stan our struggle must go stronger as we call for the release of all political prisoners, in jails across the country as under-trials and the repeal of the UAPA, the law on sedition and laws to undermine the right to democratic dissent.

(This joint statement was issued on July 6, 2021 by Rajiv Dhimri, General Secretary AICCTU, B. Pradeep, General Secretary IFTU, Gautam Mody, General Secretary NTUI and Sanjay Singhvi, General Secretary TUCI)



Countrywide Protests Against Killing of Father Stan Swamy in Custody

Death of Father Stan Swamy in judicial custody has been widely condemned throughout the country and by all democratic organizations and people. People came out to protest against this judicial murder at the behest of RSS-BJP Govt. Democratic rights organizations, mass organizations and revolutionary parties held protests against this killing.

At a number of places in West Bengal, democratic rights organizations and mass organizations protested against this killing. Large protests were held in Jharkhand; in Jamshedpur, Ranchi and at many other centres. Programmes are still continuing in different centres in Jharkhand.

Protests were held in almost all states. Demonstrations,

human chains, dharnas and different forms of protest have been taken up by the people in different states. Protests have been countrywide.

At **Gazipur border**, protesting farmers condemned killing of Father Stan Swamy in judicial custody and paid homage to him remembering his service to the cause of tribals of Jharkhand. This meeting was held on 6th July 2021.

In **Punjab**, CPI (ML) ND and mass organizations held protests and paid tributes to jailed tribal rights activist Stan Swamy. Father Stan Swamy was among 16 renowned activists, academics and lawyers who were charged under a draconian anti-terror law in what came to be known as the Bhima Koregaon case. Arrested in October 2020, he spent eight months in a Mumbai prison, awaiting trial. During this time, his health deteriorated rapidly to the point where he could not eat or bathe himself.

In these protests prison authorities were criticized for denying him access to basic amenities such as a straw and sipper - a plastic drinking beaker with a spout or straw - which he needed to drink water because of hand tremors caused by Parkinson's. Despite Swamy's weak condition from advanced Parkinson's disease, which worsened after he contracted Covid-19 in prison last month, the courts repeatedly denied him pre-trial bail. Protesters called Stan Swami's death a political murder by fascist Modi government and demanded arrest of Home Minister Amit Shah for this crime.

Protests were held in Gurdaspur, Jalandhar, Ropar, Patiala, Nawashahar, Sangrur, Kapurthla, Mukatsar Sahib, Faridkot, Moga and Amritsar.

Royalty of Political Sections of Criminal Law

Challenge Repression on People's Movements and Suppression of Right to Dissent

Aditya Prakash

Father Stan Swamy's death in Judicial Custody has once again brought to the public attention the horrendous crimes committed by the State against those who raise their voice against exploitation and oppression. Not only he was framed in a fake case, this 84 year old priest who suffered from many diseases was even denied bail on medical grounds. His death, which amounts to judicial murder, should bring to focus the galaxy of black laws that weigh like mountains on the people's back.

As the crisis of the system has progressively deepened and people's struggles for securing their rights and also those challenging the system have grown, ruling classes have armed themselves with greater powers to suppress the people's struggles and deprive the people of the democratic rights which they were supposed to have secured through adoption of the Constitution. In fact, the process of annulment of those rights started soon after the Constitution was adopted. Indian rulers to whom power was transferred by British colonial rulers, not only retained the colonial

framework of laws but further built on it, amassing more powers in the hands of executive. This was in response to rising struggles of the people, especially revolutionary struggles of peasantry of the country.

Black laws are a gift of the colonial system to the people of India. Colonial rulers proclaimed their civilizing mission by giving to Indian people a rule of law. They proclaimed and their apologists, compradors and hangers on repeated, that this marked transition from feudal lawlessness. But this was only in name. Soon after their conquest of Bengal and some other parts of the country, British Govt. promulgated Regulating Act 1773 to ensure that whole plunder of India reaches London. This among other things provided for creation of a Supreme Court at then Calcutta; the ones at then Bombay and then Madras, were set up later. Supreme Court was to administer common law in all spheres of its jurisdictions including civil, criminal, equity etc. and covering territorial and personal jurisdictions. The administration of this Court, which was made independent of Executive authority – Governor General and his council, brought it into conflict with aims of colonial rule over the country. *It has been a well known proposition in Indian legal history that had the Supreme Court continued to work under its original mandate, British rule in India would not have lasted for long!* No wonder people like Dadabhai Naroji longed for implementation of British laws in India.

This was corrected through The Act of Settlement of 1781 which brought Supreme Court under executive i.e. Governor General and his council, removed revenue collection from its jurisdiction thereby making loot of Indian people unchecked by law, and restricted its jurisdiction to only British citizens. The pretense of justice was given up. A system of law devoid of its spirit was

instituted, which continues to this day. The ostensible reason was to respect the local laws and customs, which meant continuation of old feudal framework on which colonialism sat as a parasite cornering major part of exploitation and loot while giving a share to its collaborators. There are no rights for the colonized in the history of countries and India could not be an exception.

People of India did rise in their war of Independence which lasted from 1857 to 1859. They were defeated in this war, largely due to going over of a large part of feudal kings and princes to the side of colonial rulers. Rule of East India Company was formally ended. British Govt., having gained control over almost whole of India, proceeded to give a legal framework to its rule. The whole framework of criminal law was instituted to instill fear among the people of the country of the colonial rule and administration. There are whole chapters of criminal law which are designed to mete out collective punishment to the people, abridging their rights to protest and making these protests as criminal acts. Moreover, procedural law was made to fully empower the police and executive and leaving little rights for the people. There started the concept of 'Procedure as Punishment' which continues to this day, in even more robust form. The Indian rulers kept intact not only the colonial machinery of repression but also colonial laws including criminal laws. In fact, it was provided in the India Independence Act passed by British Parliament in 1947 that judiciary will remain the same. Even the Indian Constitution provided for continued validity of the colonial laws unless repealed by Indian Parliament. Indian Parliament, dominated by ruling class parties, did nothing of the kind. Whenever it amended any criminal law, adopted a new one to replace old or enacted a new legislation, it further increased the powers of the Executive and further sharpened the tools of

repression. Democratic rights were respected only to the extent people's struggles ensured their upholding.

While the whole legal framework especially of criminal law continued mainly as of old, the Constitutional mandate was not translated into practice. Lofty principles of Preamble and Directive Principles were mostly left to be recited for effect but not to be put into action. We shall deal here with some important criminal provisions which have been and are being used against people's struggles. Father Stan Swamy's death in judicial custody and incarceration of a large number of academicians, advocates and intellectuals- all fighters for the democratic rights of the people, and languishing in jails, of thousands of innocent tribals most of whom do not even know what they are charged with, should impel every democratic person and organization to demand the repeal of the provisions of criminal law used for suppression of democratic rights and prosecution of those fighting for it. We will here see briefly some of the most often used criminal provisions which are fit to be described as the royalty of the political provisions of criminal law; provisions which hang over the heads of Indian people like Damocles' sword. These are abuse of the word 'law' and should have no place in any democratic set of laws. It is not their abuse but their very use which is rape of the word law and nothing short of their wholesale withdrawal should be demanded by the democratic people.

Law Against Sedition

One of the most often used law against those opposing the Govt., even criticizing its certain measures, has been Section 124A of the Indian Penal Code, 1861 inserted in 1870 which continues to be on the statute. This was inserted to prevent any propaganda

against colonial rule which was almost overthrown in the war of independence of 1857-59 and British colonial rulers were keen to nip any opposition in the bud. The plain language of the provision betrays its real purpose:

“Whoever, by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the Government established by law shall be punished with imprisonment for life, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.” The word disaffection betrays the real purpose- people of India are not to have any disaffection towards colonial rule. The three explanations added to the provision do not remove this expression. Now what criticism of the Govt. measures can escape the charge of causing disaffection!

True to its intent, the provision was extensively used against the leaders participating in the freedom movement and many were incarcerated under it. They too have described it as lawless law. To quote a few- M.K. Gandhi described it as “a rape of word law” “kept ready to descend upon us at the will of arbitrary rulers” and called its repeal as part of his Swaraj. He also said, “Section 124 A, under which I am happily charged, is perhaps the *prince among the political sections of the Indian Penal Code* **designed to suppress the liberty of the citizen**”.

Another important leader, J.L. Nehru who was to assume power after its transfer by British rulers, had this to say, “Now so far as I am concerned that particular section is highly objectionable and obnoxious and it should have no place both for practical and historical reasons, if you like, in any body of laws that we might pass.

The sooner we get rid of it the better.” However, nothing of the kind happened when Congress assumed power under his leadership. On the other hand, his Govt. moved to amend the Constitution to introduce the words “in the interests of public order” to the exceptions to Article 19(1)(a) which recognizes fundamental right of every citizen to freedom of expression. It is to be noted that these words were sought to be introduced in the Constitution in the Constituent Assembly itself, but the attempt failed there. Then they were introduced to validate suppression of journals and speeches of then communist leaders. It was the time of Great Telengana People’s Armed Struggle. After this amendment (First Amendment to the Constitution) challenge to Section 124A became difficult.

Section 124A continued to be used against the freedom of expression and cases kept on being registered under this Section. Congress leaders who were in power after 1947 refused to honour their commitment and sanctioned the use of this provision especially against those who were espousing people’s cause. Supreme Court had an opportunity to examine this provision and its order in Kedarnath Singh case and upheld the validity of the provision by reading it down. The Court held, “Keeping in mind the reasons for the introduction of Sec.124A and the history of sedition the section must be so construed as to limit its application to acts involving intention or tendency to create disorder, or disturbance of law and order; or incitement to violence.” Disaffection was watered down. But given the unambiguous nature of the provision, this act of reading down had had little effect and the provision continues to be used against activists and dissidents. Its widespread use in a number of states such as UP, its use in even capital Delhi against student activists should make everybody realize that these judicial

interpretations have little use to the people at large and even for those who can contest their cases, not before they have been incarcerated for some time. It is pertinent to recall, what to talk of read down version, cases kept on being registered under Section 66A of the IT Act and thousands of people (over six thousand) were framed under it even after the Supreme Court had struck it down holding it unconstitutional! And the Supreme Court just expressed disappointment without ordering action against those officers who sanctioned framing of these cases or offering suitable compensation to those affected by this unlawful prosecution.

This “Prince” of political sections of Criminal Law is alive and kicking. Rather its scope has been further extended to even cover disaffection against US imperialism as is evident from the charging with sedition of those who hailed the defeat of US imperialism in Afghanistan!

King of Black Laws : UAPA

Ruling classes have always used black laws – Laws against democratic rights of protest and laws to suppress revolutionary movement, its leaders and cadres. Not only Preventive Detention Act, a myriad of undemocratic laws were made and enforced. These are besides the use of ‘ordinary’ criminal laws to suppress the people’s movements. DIR, MISA, NSA, ESMA, PSA etc. are just to name a few. These laws were designed to curb movements of workers and peasants. But of them UAPA has emerged the king of black laws.

It has its origin in an Ordinance promulgated in 1966 to check ‘unlawful’ activities which were defined very broadly. This was in the backdrop of rising people’s struggles especially in West Bengal and growing restiveness and movements of peasantry. The

Ordinance was to curb the activities of the associations deemed unlawful but was criticized for its curbing the democratic rights particularly its lack of any provision to review such a designation. Its avowed purpose was to curb unlawful activities designed to challenge unity and integrity of the country and was also to supplement provisions of DIR. Some amendments were made in it but they did not substantially alter its character till wholesale incorporation of POTA provisions after the same was repealed in 2004.

Anti Terror Laws

Despite several black laws against workers and peasants' struggle, a specific anti-terror law was made in India in the backdrop of Khalistani militancy in Punjab. In 1985 Terrorist and Disruptive Activities (Prevention) Act, (TADA) was enacted which lasted till 1995 as its sun-set clause of two years was not extended due to widespread opposition to it. Though it was claimed to be curb militancy in Punjab, it was extended to all over India. Like the case with all subsequent legislations as well, it had particularly vague and extensive definition of "terrorism":

"Whoever with intent to overawe the Government as by law established or to strike terror in the people or any section of the people or to alienate any section of the people or to adversely affect the harmony amongst different sections of the people does any act or thing by using bombs, dynamite or other explosive substances or inflammable substances or lethal weapons or poisons or noxious gases or other chemicals or by any other substances (whether biological or otherwise) of a hazardous nature in such a manner as to cause, or as is likely to cause, death of, or injuries to, any person or persons or loss of, or damage to, or destruction of, property or

disruption of any supplies or services essential to the life of the community, or detains any person and threatens to kill or injure such person in order to compel the Government or any other person to do or abstain from doing any act, commits a terrorist act.” (italics added)

The Act was outright undemocratic, providing detention up to one year without any formal charge, police custody up to 60 days, detainee may be produced before Executive Magistrate i.e., a police officer, trial at secret place and secrecy of identity of witnesses. Dangerously if a person is charged of committing a terrorist act or there is even a suspicion of having arms and explosives, or providing financial assistance, then the person shall be presumed to be guilty unless proved otherwise thus reversing the principle of presumption of the innocence of the accused unless proven guilty. Confessions before the police officer above the rank of Superintendent were made as admissible evidence. Right to appeal was restricted.

The Act was widely abused with detentions under the Act exceeding 76,000 by June 30, 1994. Less than two percent were convicted. A large number of those arrested were textile workers from Gujarat.

While TADA was allowed lapse in 1995, it was replaced by more stringent Prevention of Terrorism Act (POTA) in 2002 by the then ruling NDA in the aftermath of attack on Parliament in December 2001. POTA made the confessions made before the police officer admissible as evidence, bail only to be granted if the judge is convinced that the accused was not guilty and the detention could be extended even if charge-sheet is not submitted. It had all the notorious provisions of lapsed TADA including its provisions of search and seizures.

The Act was widely misused especially against Muslims. NDA Govt., fitting its anti-terrorism legislation into US led 'global war on terror' and its communal narrative at home, targeted Muslims in the name of countering Jihad by Muslim groups. A large number of Muslim youth were arrested under the Act. The Act became so notorious that democratic public opinion demanded its repeal and it far surpassed whatever undemocratic legislations existed already in the statute book.

POTA Reincarnated in POTA

Congress and other ruling class parties joined to form Govt. after 2004 parliamentary elections under the name United Progressive Alliance (UPA). National Common Minimum Programme, to which parliamentary left parties were party, said "But given the abuse of POTA that has taken place, the UPA government will repeal it, while existing laws are enforced strictly." UPA repealed POTA through an Ordinance but despite its commitment to use only existing laws, UPA promulgated an Ordinance to extensively amend Unlawful Activities (Prevention) Act (UAPA) and through this the provisions of repealed POTA were wholesale brought into UAPA. Cases filed under POTA were to continue, even their review was shoddy. Even the operation of most hated provision of admissibility of confession before police officers as evidence was not deleted for the trial of cases registered under POTA.

The amended UAPA included definition of terrorist offences including a new concept of 'terrorist gang'. It incorporated three chapters lifted from POTA. This reinforced RSS-BJP argument that existing laws were not effective against acts of terrorism. There were some changes though from POTA. Provision that made

confession made before police officers admissible was left out. Provision for bail was changed. Under POTA, bail could be given only if the Judge comes to conclusion that the accused had not committed the offence. Obviously with only police material before the Judge, bail was virtually ruled out. Under UAPA, Judge has only to conclude whether prima facie the accused is guilty or not. There was some change in extension of custody if charge sheet is not filed in time unless Judge agrees that it was not possible to conclude investigation in the stipulated time. POTA provision regarding admissibility of evidence collected through the interception of communication was included in UAPA. All the organizations banned under POTA were banned under UAPA without any examination about the veracity of allegations against them. Through this exercise of incorporating POTA into UAPA, UPA tried to fool the people. Further, unlike TADA and POTA it has no sunset clause; it is a permanent statute till repealed. Further it did not even include some safeguards, howsoever insignificant, of POTA and TADA into amended UAPA.

In the backdrop of Mumbai attacks on November 26, 2008, UPA Govt. further amended UAPA to make it even more draconian and gave more powers to Central Govt. In 2008 amendment definition of terrorist act was made even more vague and broad including damage to property and disruption of supplies or services to community, incorporated from TADA. The amendment makes it a crime to question any claim of the Govt. of India on any territory. Further it makes an offence any act which causes or intended to cause disaffection against India. The provision makes it criminal to sympathize or support demands or struggles of minority nationalities.

Some more provisions empowering police to search, seize

and arrest without warrant or court order, power to detain for 180 days including 90 days in police custody without filing charges and provisions regarding in camera hearings, secret witnesses, were added. Another provision relates to rebuttable presumption of guilt on the basis of certain evidence thus shifting onus of proof on the accused in such cases. How routine it is for police to plant weapons on the accused!

Along with this amendment, National Investigation Agency Bill, 2008 was passed unanimously by Lok Sabha that created a Federal Agency- NIA- to investigate terror-related incidents. This was a serious blow to federal structure as law and order is a state subject. Further accretion to the type of offences to be investigated by NIA led to Central Govt. transferring cases to NIA at whims and fancies of the Party in power at the Centre.

UAPA was further amended in 2012 in the name of India becoming a member of Financial Action Task Force (FATF), an international organization for combating financing of terrorist acts. It added associations of people, whether they were incorporated or not as persons related to terrorist acts, as 'persons' thereby increasing the ambit of those charged with terrorist offences merely on the basis of acquaintance or contact and making any group of persons as association. This amendment increased the maximum ban allowed on proscribed associations from two to five years. Further, it brought economic offences within the ambit of terrorism. It included no safeguards against the abuse of the law though the law itself is an abuse of word law. Moreover, once an organization is proscribed, the onus is on the organization to prove it wrong but State is not even obliged to disclose the basis of its proscription. What a travesty of even a modicum of law !

In the most recent amendment to UAPA in 2019, the definition of “terrorist” was further expanded to include individuals. It allowed the Govt. to frame anybody under the Act and his/her association with the proscribed organizations is not necessary to be alleged. It brought all the people’s movements under the ambit of UAPA. Even de-notification of an individual has been brought in the hands of Central Govt. Further it allows NIA to seize property as proceeds from terrorism.

UAPA grants immunity for those involved in “any operations directed towards combating terrorism”. Such immunity breeds impunity.

Bail Under UAPA

UAPA has somewhat different provision for grant of bail as compared to other laws like POTA or NDPS or MCOCA. The latter two acts – one dealing with Narcotics and second with organized crime- operate on different level. But the provision in POTA, whom amendment of UAPA replaced, was different as mentioned above. But the Courts including High Courts have been refusing bail. In fact, Supreme Court itself closed the door on the provision by its Judgment in Watali case (2019). As noted earlier under UAPA, for grant of bail the Judge has to come to conclude whether a prima facie case exists or not. Courts cannot go into evidence at the stage of granting bail. Supreme Court in Watali judgment held that discarding of evidence on the ground of inadmissibility is not permitted. If evidence cannot be gone into, even its admissibility, then Court has to judge only on the basis of police averments in FIR and charge sheet. Thus the difference that was sought to be made from POTA, NDPS, MCOCA wherein degree of requisite satisfaction is higher, is nullified in practice. Many legal luminaries

have advocated review of Watali judgment.

While granting bail to student activists who were falsely implicated in the North East Delhi violence, Justice Bhambhani of Delhi High Court has mentioned the Supreme Court pronouncements. He held that as the UAPA was enacted by the Parliament under Entry 1 of List 1 which deals with Defense of India and every part thereof ... The offences charged must have some relation with the avowed objective. Going through SC averments that terrorism is “not capable of precise definitions, Court strive to give to these concepts a narrower construction than what literal words suggest” upholding a well known principles of jurisprudence that harsher the legislation, narrower the construction. Justice Bhambhani correctly commented that punishment begins after conviction thereby disavowing procedure as punishment and noted bail should not be denied owing to long period of trial. Satisfied on the concerns about evidence tempering, witness intimidation and abscondence, he granted bail.

Supreme Court hearing the Govt. appeal against grant of bail expressed “surprise” and dissatisfaction with HC order.

What is Terrorism ?

While Govts. world over have launched operations against “terrorism” there is no agreement on definition of terrorism. Most of the UN resolutions deal with the steps to deal with terrorist offences or their funding but do not define terrorism per se as there is no consensus. The Govts. have used anti-terrorism to suppress dissent and opposition at home while they have used it as a state policy in other countries. Without going into history of the use of this term we can see its present usage. UN General Assembly in a resolution of December 9, 1994, said, “.. criminal acts intended or

calculated to provoke a state of terror among general public, a group of persons or particular persons for political purposes.” The US Code Chapter 38 Title 22 defines it as “premeditated, politically motivated violence perpetrated against non combatant targets by sub-national groups or clandestine agents.” On the contrary, UN Security Council resolution (2004) defines it as “..criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a govt. or an international organization to do or to abstain from doing an act.” Security Council resolution is definitely broader and includes types of acts without defining their common character, is broader in ambit than General Assembly Resolution (1994) or under US law. It obviously bears imprint of US’s ‘global war of terror’ in whose name US had invaded first Afghanistan (2001) and then Iraq (2003).

War on terror has been an instrument of US imperialism to launch wars of aggression to secure its world hegemony. It sought to maintain economic supremacy over other powers through military means by controlling resource rich regions, trade routes and power to enforce business decisions. The war failed due to continued decline of economy epitomized by Great Recession- explosion of world financial economic crisis- and Resistance of the people of invaded country while rise of other powers mainly China changed the world to multi-polar world. However, combating terrorism has remained a ploy in the hands of reactionary rulers all over the world who have sought to crush the democratic rights of the people and their struggles for better future. Hence, definition of the terrorism is deliberately kept vague and broad to suit the interests of

imperialism and reactionaries.

In India as well, the Govt. has deliberately kept the definition of ‘terrorist’ act vague and broad so as to target people’s movements. And this trend has grown over time. Even though our very criminal laws are routinely used against people’s movements as there are several political sections in the criminal law as it does not accord any exemption to political motivations or actions, ruling classes have further sharpened these tools through laws against terrorism. Even prior to that there was a galaxy of laws authorizing preventive detention, ESMA, National Security Act, Public Safety Act. And all these have been validated because the ruling classes have made “maintenance of public order” as a limit on the exercise of fundamental right of speech and expression. Supreme Court of India has been very indulgent towards the notion of the security of the state even at the expense of the rights of the people guaranteed under the Constitution. Supreme Court too has not defined “terrorist” act nor has it struck down the vague or broad term given in the statutes. When the law and its interpretation is tilted against the people, the rest is done by law and order machinery gloating under the immunity offered to it under these laws.

Supreme Court has said in PUCL case, “It is not possible to give a precise definition of terrorism to lay down what constitutes terrorism.” In an earlier case (H.V. Thakur) Supreme Court had defined it as “.. deliberate and systematic use of coercive intimidation.” In a number of cases SC has defined terrorism in various ways, sometimes the concepts advanced being at variance. SC in yet another case even went to the *latin* root of word “terror” as intense fear but failed to come up with even ingredients of defining an act of terror, thus making it easy to abuse the provisions relating to it. In an earlier period, when terrorism was not the flavor

of repression, SC had held in Ram Manohar Lohia case that offences can be grouped into concentric rings of offences in ascending order of severity from periphery to centre.

Supreme Court had in A.K. Roy vs. Union of India (a case relating to National Security Ordinance) held, "... crimes must be defined with appropriate definitiveness is regarded as fundamental concept in criminal law." At that yardstick the anti-terror legislation fails the test of fundamental concept of criminal law but is reduced to a mere tool of repression and suppression of the people.

Emperor of Repressive Laws : AFSPA

No discussion on the undemocratic laws would be complete without mentioning what takes place of pride among them- the Armed Forces (Special Powers) Act, AFSPA. It grants absolute power to the armed forces and total immunity to them for their actions under the Act. Armed Forces establishment has resisted any dilution of the provisions of this Act. This law has been used in Jammu & Kashmir and states of Northeast. In fact it is being used where nationalities are struggling for their democratic aspirations including right to self-determination. Here, there are little democratic rights available to the people and none in relation to Army. Army can kill at will and search & raid where-ever it wishes. First the state or a region is declared as 'disturbed' and then Central Govt. deploys armed forces to quell that disturbance.

Based on the Ordinance promulgated by colonial rulers in 1942, AFSPA was first applied to Nagaland and Manipur but later extended to several regions of Northeast states. A similar law was passed in relation to Punjab and Chandigarh, but later repealed. Similar law exists in relation to J&K where another draconian Act, Public Safety Act is also in operation.

The law is an open violation of the International Covenant on Civil and Political Rights and UN Human Rights Commission has repeatedly asked India to repeal it. There are a number of incidents of killing of civilians and a number of reports have found the armed forces guilty of such killings. The Act is not a solution to the disturbances but has become a part of problem of increasing disturbances. Manipur, Nagaland and other states have witnessed several people's protests against AFSPA. This does not qualify to be a law but a measure to control the people as an occupying power with people having no right.

The law has evoked much controversy in the country but the ruling class parties have stood behind the law. Justice Jeevan Reddy Commission had recommended its repeal as "the Act is a symbol of hate, oppression and instrument of highhandedness." The report submitted in 2005 was formally rejected by the Central Govt. ten years later. Several other commissions have also depicted violation of rights of people.

Fight for Repeal of Blacks and End of Repression

Death of Father Stan Swamy in judicial custody and incarceration of a larger number of democratic rights activists and intellectuals besides thousands of tribals languishing in jails under UAPA, demonstrate the need to develop a broad based struggle for democratic rights in the country. Movement for democratic rights is quite weak in India despite several organizations working for it. There is a need for all of them to come together and mobilize the intelligentsia in defense of democratic rights. This has to go along with growth and development of people's movements to counter ruling classes' false propaganda that such laws are in the interests of the people. Struggles involving masses as well as attempts to

mobilize intelligentsia are necessary for growth of the democratic rights' movement. While the former provides it the base the latter makes it reach all sections of people to make it broad based.

Ruling classes' need for black laws grows in proportion to its recourse to repression to increase exploitation and oppression of the people. Black laws are the ornaments worn by worn out system. Ruling classes will not give them up, they have to be forced to give these up. To build a powerful movement against these black laws and for end to repression will be the proper homage to Father Stan Swamy and countless others who have suffered and are suffering the vagaries of these lawless laws, of these unjust juridical manoeuvres.



Military Coup in Myanmar

Rising Resistance of the People and its New Features

People's resistance is growing in neighbouring Myanmar (earlier Burma) since the seizure of power by the military on February 1, 2021. This resistance is ostensibly to demand that the military honour the November 2020 election results and hand over power to civilians. However, the demands go much beyond that. This resistance is not only to the military taking complete control

over the state but also against the military's control over the govt., which is inbuilt in the existing Constitution. The growing movement combines both the restorative and revolutionary aspects. A broad spectrum of forces is participating in this resistance, united against the military but having diverse demands- all pertaining to democratization of Myanmar. These relate to demands for restoration of civilian rule, demands of the national minorities for respect to their rights and for greater autonomy and demands of the young workers and youth for an end to military rule and ushering in of full democratic rights, not just in their truncated form as existed prior to the Military coup.

According to the Assistance Association for Political Prisoners (AAPP), more than nine hundred protesters have been killed by military in Myanmar since its usurpation of full power on February 1, 2021 and arrest of the President and leaders of the erstwhile ruling National League of Democracy (NLD) including its most important leader Aung San Suu Kyi. On February 1, just before the newly elected members of Parliament of that country were to have their first sitting, the military seized complete power and made an announcement of all power being vested in the military commander Aung Hlaing. Military alleged that it was seizing power as its complaints against electoral malpractices indulged by NLD in November 2020 parliamentary elections had not been addressed. In that election NLD had secured 83% of the votes, sweeping the election with more than two third seats in a Parliament one fourth of whose seats are any way nominated by the military as per 2008 Constitution. That it was a mere excuse is obvious from the fact that the military came up with no evidence of electoral malpractices and the cases foisted by it against Suu Kyi and other leaders do not pertain to any alleged electoral

malpractices. In fact, military openly supported the Opposition party in November elections but that party failed miserably. The Military initially promised to hold elections within a year, later extending this period to two years.

This military coup is meeting stiff resistance and a strong people's movement has been developing in that country. Tens of thousands of demonstrators are coming out in protests for months defying military clampdown and firings. Military has been unleashing more and more violent repression. It has arrested over 5000 protesters, a large number of activists are missing, kidnapped from their homes and work places. Besides military has stopped transport of essential commodities to remote areas, thereby creating a humanitarian crisis in those areas. Military has released thousands of convicts to use them against protesters, both to attack them as well as act as agent provocateurs. Military has even conducted air strikes and has imposed severe restrictions on people's movements, internet clampdown and other restrictive measures. People too are adopting newer forms of resistance and a number of elected members of the Parliament have evaded arrest.

This military coup has come on the day of the first sitting of newly elected Parliament as Military feared that with over two third majority, NLD may amend the 2008 Constitution which Military had prepared to perpetuate its rule and business interests. The 4 Lakh strong Military of Myanmar is called Tatmadaw and is the second largest military in South East Asia, Vietnam being the largest. It has vast business interests, from tobacco and beer to telecom and gems to mining and myriad others through Myanmar Economic Holdings Ltd, a military conglomerate. 2008 Constitution gives the army sweeping powers- it can appoint 25 percent of the members of Parliament. It controls three of the most powerful

government ministries in charge of national security. It is allowed to carry out many lucrative business ventures making many army generals among the richest people in the country. In fact, the democracy ushered in through NLD and San Suu Kyi, accepting 2008 Constitution, has been very truncated even going by bourgeois democratic standards; a type of hybrid democracy with military controlling main levers of power.

Myanmar Against Military Rule : Continuing People's Opposition

Military had ruled Myanmar for five decades since seizing power in 1962. It developed vast control over nearly all industrial and business activities and had been the main controller of employment outside Agriculture. Even foreign investments are routed through military and foreign firms have investments in Army controlled industries and businesses.

Myanmar is largely a rural country, with 71% of the working age population in rural areas and 29% in urban areas. According to 2017 estimates, share of agriculture in GDP was 24.1%, industry 35.6% and of services 40.3%. Agriculture and allied activities (forestry and fishing) employ 54.2% of all employed, followed by wholesale and retail trade (13.9%). Manufacturing employs 10.6% of the work force, transportation and storage 4.2%, other services 4%, Construction 3.4% besides others. Its GDP growth rate increased after foreign investments increased, with China as the biggest investor and Singapore the second biggest. Its GDP growth rate was 6.8% in 2018, 6.3% in 2019 and projected to be 1.5% in 2020 and 6% in 2021. It is a largely backward country and the poorest country in South East Asia, though it is rich in natural resources. As mentioned above, it has a very weak private capitalist

sector, with main businesses controlled by military officials who are among the big landowners also. This shows the backdrop of military rule as well as difficulty of bourgeois democratic transformation. Here, like in many other backward countries where imperialist exploitation continues through bureaucratic bourgeoisie and landlords- semi-feudal, semi-colonial countries- democratic change can come only through revolutionary change, which can be through new democratic revolution. With few democratic rights to the people and very weak institutions other than military if any, the struggle of the people has very few legal opportunities to use. From this socioeconomic background emerge two overlapping, not exclusive and yet distinct, types of demands for democracy – one is for democratic transformations changing the present system and the other of increasing democratic rights while preserving the present system. Both the trends and the forces articulating them sometimes get interwoven, especially at times of military repression like under the present day military rule.

Another important factor in Myanmar is the question of its minorities. Dominant Bamar nationality from which the main state structure is drawn, constitutes nearly 65% of the population. Rest belong to ethnic national minorities like Karen, Kachin, Shan, Karenni, Chin, Ta'ang, Arakan and Rohingyas. There are other smaller groups also. Minorities inhabit vast areas of North, East, West and South West of Myanmar; areawise, large part of Myanmar. Myanmar's ruling classes and Myanmar's armed forces, both drawn from Bamar majority, have not respected the democratic rights of minorities. There have been long drawn armed conflicts between Myanmar armed forces and minority national groups; in fact there is a long history of such conflicts since 'independence' of Myanmar (then Burma). There are several areas

where minority national groups hold sway and maintain their armed forces of varying strength. Myanmar Army poses itself as the only guarantor of the unity and integrity of Myanmar, rather this is what it puts out as main justification for its rule. Minority groups are also one of the main forces fighting against Military. Military has been suppressing national minorities from the time of Suu Kyi's father, General Aung San, installation of whose statue in a minority area led to protests which were suppressed by military when Suu Kyi's NLD was in office.

Bamar majority follows Buddhist religion and among Buddhist monks too there are divisions relating to rule of military. Buddhist monks have held several protests against corruption and repression under military rule. There is however a section among Buddhist monks which propagates very aggressive stance against minorities and demands their military suppression. They have been actively aggressive against minorities specially Muslims. Time Magazine had covered one, Asin Wirathu, calling him "Face of Buddhist Terror". They came to the fore during Rohingya crisis when they advocated violence against Rohingya Muslims. This set of monks is close to the Army and maintains relations with majoritarian groups in other countries like RSS in India and BBS in Srilanka.

People of Myanmar have since long been fighting against military rule. Myanmar saw countrywide movements against military rule in 1962 and in late 1980s. That movement led to holding of elections in 1990 but the military refused to honour the results of the elections won by NLD of San Suu Kyi. NLD was suppressed and Suu Kyi was kept in detention. She however emerged as the international figure against military rule in Myanmar. The 'saffron revolution', large protests by Buddhist

monks in 2007, shook the military which was any way isolated among the people. Then military framed a new Constitution in 2008 which was an exercise in managed democracy, managed by the military.

Compromise by Suu Kyi & NLD

San Suu Kyi, who has been the main leader of NLD since its inception, having possibly grown fed up with her long incarceration, recognized 2008 Constitution and agreed to work under that framework. She reportedly agreed hoping that some generals would get swayed and favour democracy and that her electoral victories will help her to influence the military top brass. She might have hoped that foreign investments, especially from western countries, will be a factor which will discourage military from inviting disturbances. She expectedly won the elections in 2015 and again in November 2020. It is the scale of her victory in 2020 that prompted the military top brass to strike, fearing threat to its near complete sway over affairs of the state and to their vast business empire.

Suu Kyi struck this compromise when military was on a weak wicket with rising anger among the people including among Bamar majority. Suu Kyi struck this compromise because she did not want this struggle to assume a revolutionary dimension and threaten the rule of the elite and because she also herself shared Bamar national chauvinist sentiments against non-Bamar ethnic communities. These sentiments and prejudices were much in evidence in her support to the suppression of Rohingyas in Rakhine state of Myanmar. Rohingya Muslims were killed by Army in a genocide, their houses burnt, their women raped. Nearly a million Rohingyas were forced to flee, most of them to neighbouring

Bangladesh. Suu Kyi supported this military campaign against Rohingyas. In 2016 she formed an International Advisory Commission headed by former US Secretary General Kofi Annan on the issue. But Suu Kyi cold shouldered the Commission's recommendations. It was apparent that she had formed the Commission only to deflect criticism for her support to military atrocities against Rohingyas.

Suu Kyi's support to Military has not only tarnished her own image as an icon of democracy in western countries, it has been of great help to the military. Military redeemed itself as the sole preserver and ultimate guarantor of the unity and integrity of Myanmar. This was of great help to the military top brass whose image was riled with corruption and repression. Campaign against Rohingyas also drove Bamar chauvinist sections, including a section of monks, into the arms of Military. Having lost her ground as a fighter for democracy, Suu Kyi was shown the door.

Inter-Imperialist Contradictions and the Military Coup

This military coup has come in the scenario of deepening economic, social and political crisis in Myanmar set in the backdrop of rising contention between USA and China. USA has embarked on encirclement of China to prevent its further rise and is cobbling together an Asian alliance to counter China. USA wants to disturb Chinese strategic game in Myanmar. While USA and other western imperialist countries continue to support Suu Kyi, taking her as the best bet to serve their interests, China and Russia and other countries have been circumspect in criticizing the military coup. In UN Security Council, China and Russia objected to even issuing strong condemnation of the military putsch, leave alone imposing any tough sanctions. The organization of the South East Asian

countries, ASEAN, has put a five point proposal at a summit attended by military dictator of Myanmar, Aung Hlaing. However, Myanmar military has, beyond seeking legitimacy from ASEAN, refused to implement ASEAN formula, has intensified violence against protesters and kept its own conditions.

Myanmar has emerged as one of the important arenas of contention between USA and China. China is the biggest investor in Myanmar. Besides having an eye on the mineral resources of Myanmar, China also has strategic interests there. China has included Myanmar in its Belt and Road Initiative, building roads to its ports so as to shorten the distance to Middle-East and African countries from which it gets raw materials and oil as well as for its exports to Europe and other parts of the world. Through this link, China wishes to seek alternative to its ports towards East not only to shorten the distance but also to avoid hostile actions from rivals. China has traditionally kept good relations with Myanmar military, NLD and minority national groups. To safeguard its interests, it had termed military coup in Myanmar as a domestic affair which has angered the protesters. Popular protests had hit Chinese owned factories which have been vandalized.

Even the record of most of South East Asian countries in democratic rights is not good. Myanmar military rulers are trying to use rising inter-imperialist contradictions for their survival in power. Military rulers are also banking on foreign capitalists giving more weight to their profits and maintaining their investment so long as their profits are ensured.

Response of Govt. of India

Govt. of India has given up its earlier support to democratic transition in Myanmar and particularly to NLD. Its initial statement

was ambiguous in opposition to military coup. It had vaguely talked of democratic transition while military coup has disrupted such a transition. Further, India was among the eight countries whose diplomats attended the Army Day parade. More importantly, Indian Govt. (Ministry of Home Affairs) has asked all the govts. in the states in the North East to not provide food or shelter to the people taking refuge in India from the military repression let loose there. Ministry of Home Affairs has specifically prohibited the states from setting up any refugee camps for such people. This was condemned by democratic rights' organizations. Govt. of India has been particularly hostile to accommodating Rohingya refugees, their being Muslims being used as communal narrative by the ruling RSS-BJP.

Indian Govt. has many contradictory pulls in dealing with the emerging situation in Myanmar. On the one hand, US and western imperialist powers are opposed to military rulers, mainly to disrupt Chinese designs. Otherwise these imperialist powers are friends to monarchs and military dictators in many countries. Indian Govt. is particularly close to them. Secondly, Myanmar is India's neighbour and Indian Govt. would not like to let China take any advantage there. Moreover, India's ruling RSS has built close relations with chauvinist Buddhist monks close to the military as a part of RSS's effort to build an overarching anti-Muslim alliance in the region. Because of these factors, RSS-BJP Govt. is taking an ambivalent position on Military coup in Myanmar.

Rising People's Resistance in Myanmar

There is growing resistance of the people against the military coup and different sections have come forward to participate. In a way, this movement is taking different contours. The lawmakers

belonging to NLD who avoided arrest have formed a parallel National Unity Government (NUG). They have demanded to be recognized as the legitimate govt. of Myanmar. NUG has formed People's Defense Force (PDF). Though it is a rudimentary force, but this is a new initiative of NLD leaders. Some training camps of PDF have been organized in the minority areas. NUG has also recognized minority nationalities' right to resist Myanmar military attacks. Despite these, the main demand of NUG is restoration of NLD to power.

Young workers, students and youth have participated in demonstrations in very large numbers. They have kept the banner of protests high despite severe repression by the military. Workers of textile industry, employees of various ministries, teachers and civil servants have participated in large numbers. As mentioned earlier in the article, they are demanding basic change in the Constitution, including an end to role of the military and establishment of federal system.

The latter demand particularly is vital for minority national groups who have been fighting for decades for greater autonomy. These groups have condemned the military coup. Some armed formations of minority groups have declared opposition to the coup. Myanmar military has conducted air strikes against Karen National Union (KNU) after they seized a military base. Artillery fire has been used in the state of Kayah against protesters and villages have been burnt. Despite these attacks, people are taking to forming defense groups and resistance is becoming common.

Mass mobilization in protests and increasing formation of popular defense forces and their alignment with minority national groups' armed formations are ushering in a new phase in the struggle of people of Myanmar against attacks and repression by

the military. Coming period will witness increasing protests and militant actions. Longer the military crackdown continues, the balance will turn in favour of militant forces. The opposition to military coup this time has many new features which open the possibilities of the advance of revolutionary forces, though reformist outcome is still much possible. Forces aligned to San Suu Kyi are still dominant especially in protests in urban areas, the militant forces are also gaining ground among young workers and students who are increasingly veering towards fighting for more thoroughgoing change.

Myanmar is in turmoil and this turmoil is pregnant with possibilities of advancing towards transformation of Myanmar society and not merely for a change of guard.

July 1, 2021

DA arrears should be Paid to Central Govt. Employees and Pensioners-IFTU NC

The Central Govt. has finally released DA of Central Govt. employees after imposing a DA freeze for over one and a half years in the name of needing funds for fighting the Corona pandemic. There is no evidence of the Central Govt. having spent anything on expanding or even improving health care services needed desperately for immediate covid care to the people. Neither did it extend direct financial support to any section of common people, while any free rations supply was to only a very small section of the needy population. It stopped 3 installments of DA on wages and

pensions of Central Govt. employees. It has now given a hike of 11% over the 17% earlier payable. Secondly, no backlog is to be paid; in effect the DA effective upto July 2021 remains 17%. This has and will continue having negative effects including an especially negative effect on pensioners. There are around 4.8 million central govt. employees and 6.5 million pensioners according to figures released.

While Central Govt. has thus eaten into due wages and pensions of its employees, public sector employees have also forgone a week's or almost a week's wages every month for several months in the name of contribution to fighting corona, as also did central govt. employees. In some sectors this was spoken of as a temporary loan. There is no answerability on what has been done with this money. Public health apparatus was not developed for meeting the immediate and crucial health care needs including critical care needs, no financial support of any relevant extent has been extended to any section of people despite the PM personally assuring people of the country that their wages would be paid, rentals would be given, free rations would be given, etc.

While DA freeze was effected for pensioners and current employees, wages cut from these employees as well as of other sectors, no wealth tax was imposed. Not a single tax or cess was imposed on the Corporate for funds for fighting Corona. The Govt., in the name of Corona assistance, has only announced loans for various sectors while in other countries, financial help was extended to various sections to meet expenses during lockdowns, and also to help revive the economy. In India, lockdowns have meant literally millions of workers walking back home, away from hunger. They had no food, were not able to pay rents, and were given no support by the Central Govt. Even now it is the intervention of the Supreme

Court that has forced Govt. to offer free vaccinations; yet in inadequate quantities to meet the need. Of how even central govt. employees including hospital employees, doctors etc have faced lack of oxygen, hospital beds and medicines, there is little need to recount. Every family has spent back breaking amounts to buy health care, and now Central Govt. is pleading inability to pay compensation for deaths as per Disaster Management Act. In fact a number of excuses are being made to deny compensation to the families of deceased health care workers e.g. they were not specifically on covid duties though they were working in the very establishments marked for covid care and were exposed to the risk.

The Govt. has eaten up the due DA installments of employees and pensioners, who might not have grudged the same, had the Central Govt. spent money on providing Corona care and relief to citizens. But all it has done in the Corona period is to systematically hand over various sectors of the economy for intensified corporate loot while locking in people's struggles under pretext of Corona.

Govt. employees should demand backlog of DA dues and pensions and demand that all anti people policy decisions for various sectors taken during Corona period be revoked.

(Issued by Aparna, President and B. Pradeep, General Secretary of the National Committee of IFTU on 15th July 2021)

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IFTU Demands Withdrawl of Defence Ordinance

SUPPORT THE JUST STRUGGLE OF THE ORDNANCE EMPLOYEES AGAINST PRIVATIZATION

The employees of the 41 ordnance factories and the associated units are launching struggle against the decision of the union government to corporatize these factories. In order to suppress the proposed strike of the defense employees, the Union Government on 30th June, 2021 brought in an ordinance “Emergency Defense Services Ordinance (EDSO), 2021 making any strike action illegal. In line with the new Industrial Relations Code the Ordinance broadened the definition of strike to include even go-slow, mass casual leave that have been hitherto legitimate forms of struggle of the working class. The Ordinance gives sweeping powers to the managements of these units to summarily dismiss workers without enquiry for participating in strikes. The ordinance makes it clear that there can be no legal strikes thus prohibiting any form of strike action. Any unit linked to the manufacture of equipment connected with defense has been brought under the purview of the Ordinance.

These ordnance factories in the country, in which around 80,000 employees work, manufacture all necessary armaments and ammunitions for the armed forces. A strategic sector that it is in the economy, is now sought to be privatized via the corporatization route as a first step. In the last two decades we had seen some of the

central government undertakings such as the BSNL, Railways going through this process of corporatization eventually landing in the lap of private corporate players.

Already, in the name of non-core items some 250 products had been outsourced to private companies. In 2016, facilitating production of weapons by private players linked to foreign partners began and workshops, military engineering services were handed over to private parties on contract. Now with the decision to corporatize crucial components of defense production like the missiles, tanks that are meant for the security of the country, will go into the hands of these players. The present NDA government has been aggressively pushing privatization of PSUs and disinvestment and has even gone to the extent of permitting hundred percent FDI in the defense sector thus putting this strategic sector in the hands of foreign capital. The OFB, the defense arm of the government of India controls the 41 factories apart from the training institutes, marketing centres and all these are housed on more than one lakh acres of land, a centre of attraction for private players.

The story doled out by the government to justify its decision to corporatize is that competitiveness and self-reliance will be boosted. This is a total lie. Where is the question of self reliance after handing over these units to foreign and domestic players. What we have seen in the last two and a half decades in regard to privatization of PSUs is that the governments have been withdrawing budgetary support and capital infusion thus pushing the PSU into a state of crisis before axing it under privatization. It should be noted that privatization of a PSU has nothing to do with loss-making or profit making or competitiveness of a particular PSU. Privatization is a policy as advanced by the IMF, World Bank and our ruling parties are following the same. It is a part of a

broader policy prescription of leaving the economy to corporate players and the market. Privatization results in loss of jobs to the workers, results in doing away with regular jobs and intensifies contractualization apart from handing over public assets to private players.

The struggle launched by the employees of the ordnance factories against the privatization efforts of the government and to save the PSU is a just one and needs to be supported by all sections of the workers in the country and all those who wish this country not to be dependent.

The IFTU extends its full support to the struggle of the employees in the defense sector and calls upon its units to organize solidarity actions in their support, to demand withdrawal of Defence Ordinance and to participate in the protest programmes on 23rd July.

IFTU Demands Immediate Withdrawal of the recently promulgated Defense Services Ordinance!

National Committee

Indian Federation of Trade Unions (IFTU)

20th July 2021



**Emergency General Council Meeting on July
19-20, 2021**

**AIKMS General Council Calls for
Intensification of Struggle for
Repeal of 3 Black Laws and for MSP
as Legal Right: General Council
Calls for Building Struggles of All
Sections of Peasantry**

In the backdrop of continuing struggle of peasants of the country against three black laws and for MSP as a legal right, AIKMS held its General Council on July 19 and 20, 2021. This Emergency General Council of AIKMS was held in Sonipat district, Haryana near Singhu protest site. It was attended by 93 delegates, including women delegates, from Punjab, Telangana, Bihar, Uttar Pradesh, Andhra Pradesh, West Bengal, Odisha and Rajasthan. Due to Corona restrictions delegates from Assam and Tamil Nadu could not attend. The General Council was presided over by President V. Venkatramaiah and Vice Presidents Sushanta Jha, Nirbhay Singh and JV Chalapathi Rao.

The meeting began by paying homage to more than 600

martyrs of the farmers' movement at the protest sites in Delhi. General Council condemned killing of Stan Swamy in judicial custody. GC paid homage to Comrade Janardan of District Nalgonda (Telengana), Odisha state Executive member Raghunath Nayak and known Rationalist Raja Suresh from Odisha.

Report relating to ongoing peasant struggle on demands of Repeal of 3 Pro Corporate, Pro MNC Farm Laws pushed by the GOI last year and on demand for legal right for MSP of all crops as per Swaminathan recommendations was presented by AIKMS General Secretary. Delegates heard this detailed report with rapt attention. Reports of the mass mobilizations of thousands of peasants by AIKMS on this issue in states like Telangana, Odisha, Uttar Pradesh, Bihar, AP and WB and the important role played by Kirti Kisan Union in Punjab were also presented. A large number of delegates actively participated in the discussion on the Report. Famous Punjabi film actor Sonia Mann also addressed the GC delegates as a guest speaker.

Hailing the deep commitment of the peasants of Punjab, Haryana, West UP and Terai regions of UP & Uttarakhand to continue the struggle till the demands are met, the General Council discussed in detail plans to increase AIKMS mobilization on the borders of Delhi.

According to a release issued by AIKMS General Secretary, Ashish Mital, the Emergency General Council discussed the participation of AIKMS units in this movement. AIKMS General Council hailed farmers struggle for pushing back fascist offensive, Neo liberal attack on peasants and other working people and promoting communal harmony. It concluded that the peasants of India have further exposed the psuedo Nationalism of RSS and BJP

as agencies of surrender before foreign exploiters and MNCs.

According to AIKMS statement, AIKMS General Council resolved to contribute to the intensification of struggle throughout the country for repeal of 3 Pro MNC, Pro Corporate farm laws and for MSP as Legal Right for all crops. AIKMS General Council called for building struggles of Tribals, other forest dwellers, sharecroppers, agricultural labourers, fishermen, milk producers and against forced displacement all over India. AIKMS General Council has called for intensifying struggle of all sections of peasantry.

AIKMS General Council demanded immediate withdrawal of repression, of cases under sedition law and cases foisted under UAPA.

The GC passed two resolutions. One is to demand withdrawal of all false and fabricated charges on struggling farmers including those of sedition, UAPA, Goonda and Gangster Acts, especially those recently filed in Chandigarh and Sirsa. The second is to observe international Indigenous Peoples Day on August 9 with massive mobilization of Tribal people raising demands for land, *patta* and forest produce rights under FRA 2006, against loot of resources by MNC and Corporate, against forced displacement, against armed repression and killing of tribal people by security forces and for Repeal of the 3 laws and MSP rights for all crops. A 10 day campaign will be undertaken for this.

AIKMS General Council ended with great enthusiasm to make even greater contribution to the ongoing farmers' struggle and to building peasant struggles throughout the country. In the end a vote of thanks for the host committee was passed.



A view of the Dias (Above) and participants in the General Council (Below)



Two Child Norm Push of RSS : Malthusian and Manuwadi !

The Yogi Govt. has donned the cloak of Malthus to pander to one more favourite obsession of RSS. It is bringing a Bill to impose a two child norm in UP, home to over 200 million people. UP, says Yogi, is unable to develop due to the size of its population. The two child norm will mean that those with more than two children will face several disincentives, like not being allowed to contest elections, not get promotions in govt. service, not being able to avail 77 welfare schemes etc. Those with two or less children will get positive incentives like tax rebates, promotions, more loan facilities etc.

Like all fascists, RSS links commonly perceived problems of people to a mythical enemy. It then proceeds to suggest that it is taking steps for attacking that enemy, but these steps actually are an assault on common people. In this case too, the myth RSS propagates is that Muslims are reproducing at a rate that will make Hindus a minority in India. It urges that Muslims' population explosion has to be checked. People of course are groaning under anti people governance and their burdens are steeply increasing. RSS links their problems to a mythical growing population of Muslims.

Yogi brings a general population regulation policy. In effect he panders to the Hindutva constituency's myth, that Muslim growth rate needs to be controlled and this policy is aimed against them.

But whom will this policy actually hurt? And is there a Muslim population explosion threatening UP's demography? It will help analyze the policy if these questions are answered factually. The need is even more marked considering that the Chief Minister of Assam has echoed CM Yogi, ascribed the problems of Assam to the size of its population and is speaking of a similar two child policy for that state. A BJP MP from Karnataka is also voicing the same position for his state.

The UNPR has defined a goal of 2.1% TRF or total fertility rate per woman as the replacement level fertility, with which, over a period, a population just replaces itself. This is also India's national average rate and has already been achieved by 24 states in India. It is a well understood and accepted fact that India's population peaked decades ago. Uttar Pradesh itself has a rate of 2.7% and the trend is declining. The total fertility rate of India was 5.9 in 1950, above 3 in early 2000 and 2.2 in 2018.

Data of NFHS-5 (National Family Planning Survey) shows that, for India, between the period of 2006-2007 and 2015-16 the fertility rate decreased for Hindus from 2.6 to 2.1, while for Muslims it fell from 3.4 to 2.6.

The direct axe of the policy announced by the Manuwadi Yogi Govt. will fall on women and specially the girl child in this intensely patriarchal society. Women are anyway targets of ire in families if they bear two consecutive girl children. The fight against female infanticide will be that much weakened. And in a country where state health services are so weak besides being absent in several parts of the country, to deny children welfare services like mid day meals etc. is to endanger the lives of the children, inviting malnutrition. While there is no evidence at all to suggest that such a

law will help in bringing down the fertility, it definitely would lead to increased gender inequality, skewed sex ratio, exacerbation of malnutrition and an inevitable rise in unsafe abortions specifically in sex selection and female foeticide. UP has anyway a sex ratio of 879 women per 1000 which is well below the national average. There is a clause in the Bill to promote sterilization. There is no doubt at all which gender will be coerced to go for the same.

No coercive law will be able to bring down the fertility rate, even if a specific effort is actually considered necessary. So many recorded experiences are there worldwide and within the country to prove there is no positive change in people's reproductive behaviour in this manner; rather there is immediate downgrading in status of women. But fascist forces never tire of trying to exercise control over reproductive rights; hiding their antipeople policies behind the myth of a population problem. The country will remember Sanjay Gandhi's frenzied forced sterilization drive during Emergency when people were hounded, herded and treated worse than cattle.

Which sections of society are immediately hit by legislation of the kind the Yogi Govt. is bringing, is there for us to see right now in our own country. India has experience with a 2 child policy dictate in place in 12 states as a condition for contesting panchayat elections. A study conducted in 21 districts in five different states showed that 54% of those disqualified on this criterion were illiterate or had primary school level education. 78% of the disqualified were from SC, ST or OBC background. Assam has this norm since 2017. Unfortunately, this criterion was upheld by the Supreme Court in October 2018. No lesson at all has been taken from worldwide experience or even the experience of our own country, despite the universal acceptance that women's literacy,

increasing employment avenues, are the keys to effective population control.

It is also a reflection of the upper classes' rule we live under, that our population is not seen as an asset of a huge workforce to be employed creatively and productively for universal good but as a burden.

This archaic piece of legislation is directed against common masses and to take away attention from lack of enactment of any pro people measures. The RSS govts are not creating permanent jobs, not building public health services for all despite a pandemic, rather they have used the pandemic to bring laws to handover India's economy to corporate and ruin further people's condition. PDS is being curtailed, jobs have been lost, forget about creating them. In this situation, Yogi Govt. wants to show Muslims' or even total population, as the hurdle to development. The hurdle is not the fact that PSUs built on people's money have been shut down! The hurdle will not be the FDI driven economy, which govt. wants us to believe will give 'atmnirbharta' to India, not the wholesale privatization and commercialization of health services, education, not handing over of forest wealth! And if by bringing archaic legislation, the status of women could be pushed lower or the poor could be further denied welfare which govt. is forced to give otherwise, well, all the better from this rule's point of view.

Oppose this legislation. Expose the linking with development. Women of India, fight this back. But it is not only women who will be negatively affected by such a legislation. It will be used to exclude whole families from welfare schemes. It will be used to deny promotions to government servants trampling over service rights. It attacks the reproductive rights of all people. People of India must fight back such anti people moves.

Background and Road to NEP 2020

National Education Policy 2020: Corporatization of Education, Exclusion of People

In May 2020, Prime Minister Mr. Narendra Modi announced that a new National Education Policy (NEP 2020) should be implemented even if there is no opportunity to discuss it in Parliament. He also announced that online education shall be the core thrust of this policy, as this is a technology driven world and to have world class education, digital education is the future. He proposed that the cabinet should approve it and policy be implemented. Following this, the government of India promulgated National Education Policy on 29th July 2020.

This was the 6th document released by the Modi led NDA government. In 2016, they appointed then Cabinet Secretary, Mr. T.S.R. Subramanian to chair a committee to formulate an Education policy in 2016. The report of that committee was never made public, for reasons still not known. Mr. T.S.R. Subramanian himself made it public later, before his retirement. Though it was not accepted, it paved the way for NEP 2020. This Committee recommended dissolution of UGC, inviting 200 foreign universities, Centralized control, revamping School education including early childhood care etc. In July 2016 a strange sounding document ‘Draft Input For Education Policy’ was released by the government which was based on this. It only sought suggestions from people. This document too was in line with WTO and saffronization. Many

organizations and individuals, including PDSU, have submitted needed critical comments. However, nobody till date knows what happened to this document. Sometime in 2018, then human resource development minister Mr. Prakash Javadekar announced that we will have a new education policy by the end of 2018. That remained only an announcement. But as soon as the second innings of NDA started, immediately the Prime Minister announced National Education Policy 2019. Obviously, this policy was not written in a week's time. This 484-page document was prepared by a committee headed by Kasturi Ranjan, former ISRO chief. This was released in Hindi and English and a month's time was given for suggestions.

Again, many organizations and individuals put their suggestions with the demand that the report be released in many Indian languages and time to give comments be increased if any fruitful inputs are desired. While time was increased by a few days, the document was not released in vernacular. This limited the suggestions on very important aspects of education policy and future of young ones to the elite few. PDSU was again among the organizations who gave suggestions. It was thought that this was going to be a new education policy. This policy sought to revamp the entire education system covering a student of 3 years of age to students doing research. This revamp was proposed to facilitate privatization, deregulation, saffronization, Central control, in other words fulfilling the agenda of WTO and World Bank on one hand, and pushing Hindutva agenda another. Although it was covered with flowery language, showing concern for lack of reach of education, about education being a burden, need for scientific temper etc.

But even this was not the final document. In October 2019,

a new 55-page document, which was essentially a summary of the same was released. Then it appeared that this is the final document. However, in December 2019 a similar 60-page document was released. All this was probably not in focus due to the countrywide protests that spread all over following CAA. On 29th of July this year, the Cabinet declared that it has adopted National Education Policy 2020 (NEP 2020 or NEP). However, within 24 hours another 66-page document appeared on the website of the Ministry of Human Resource Development. Probably this sixth document in the last 4 years can be considered as final. This document has two additions as compared to the earlier one. One, it has a detailed section on OLE (On Line Education). Second, it has introduced constitutional values and plurality of India in its Introduction, in Schools section and added a para taking some part of preamble to the Constitution in the Higher Education section too, albeit along with 'Indianness values'. While the first one was there earlier too, but detailed discussion has been added, while the second one may be attributed to countrywide anti-CAA protests.

These changes apart, this document is a conceptual replica of the Kasturi Ranjan committee report. Many of the sugar coats have been omitted, certain names have been changed, some details were altered and removed which were obviously controversial or ridiculous, but in essence it is just the same. It is a policy of privatization and commercialization, saffronisation, undemocratization, anti-deprived sections, tight centralized control, denial of diversity and dissent. This policy aims to produce unskilled, skilled and highly skilled workers for MNCs without imparting any knowledge or understanding of subjects. This is a policy to produce zombies in service of MNCs and making education a tradable service to fetch profits.

Let us see the brief background of current onslaughts on education and which led to current policy. As soon as WTO was formed, its constituent, GATS, declared health, education etc. to be tradable services. That means these services are no longer any responsibility of the state or right of people but these are for making profit only. It has discouraged states' spending on these sectors and proposed to withdraw its funding in a phased manner. It met with stiff opposition from different sections of people, particularly university teachers and students.

GATS has four modes. One is Cross Border Delivery: i.e., delivery of education services via the internet which covers Distance education, tele-education, education testing services and open education. This is the thrust of this Policy too. Second is Consumption Abroad which covers Movement of students from one country to another for higher education and foreign students in universities etc. This, too, is one of the strong proposals of the current draft although this is garbed in other phrases. Third one is Commercial Presence which means Establishment of local branch campuses or subsidiaries by foreign universities in other countries, course offerings by domestic private colleges leading to degrees at foreign universities, twinning arrangements, franchising; presence of sponsors of campuses and courses. Fourth is Movement of persons meaning Temporary movement of teachers, lecturers, and education personnel to provide education services overseas. We shall see that all the four modes are embedded in the new policy draft with some sugar-coating and camouflage of good intentions to drastically change the current situation with respect to the aspects identified.

There were movements all over the world against making education a tradeable service. USA, UK and European countries

were facing anguish of people and educationists in their countries. To help enforce WTO conditions, the World Bank crept in. It brought a vision document titled **‘Constructing Knowledge Societies: New Challenges for Tertiary Education’**. It has noted fierce opposition to GATS and proposed to formulate a long-term goal for tertiary education. It proposed to mediate between private players, governments and “The Bank can bring to the same table stakeholders who would not normally converse and work together.” A Model Act was proposed for all universities with a single regulatory environment. As state funding to be progressively reduced, it proposed financial incentives, an open system of education, credit transfer, tuition exchange, education loans, creation of virtual universities. Regulation should be only on some minimum entry quality and no other trade barriers. Funds should be generated from the assets of Institutions, students, or third parties.

NDA-1 succumbed to it and justified the proposals. It openly vouched for privatization. Notorious Birla-Ambani Report appeared and it noted- “A Policy Framework For Reforms in Education” in 2000. This report sought to make the entire higher education a profitable industry and recommended full cost recovery from students, education should be controlled by corporate and denial of any political activities including usual Trade Unions. There was a wide opposition to this report and the government could not dare to implement it openly. Towing the line of WB, NDA-I government asked University Grants Commission (UGC) to bring a Concept Paper in October 2003 entitled “Towards Formulation of Model Act for Universities of the 21st Century in India” with a view “to prepare the Indian University system for the future.” “Universities are becoming complex institutions”, an appropriate

strategy needs to be adopted “for their governance, organization and management. This government was desperate to bring this act in 2003 but it was blocked in Parliament. And in 2004 UPA took over.

The UPA Govt was stopped by people’s movements from signing the GATS Agreement under WTO as it included Education as a Trade. Still, UPA-I committed in 2005 that it will fulfil its obligation as a WTO member and will consider Education as a service as per norms of GATS. The Ministry of Commerce (not HRD) issued a paper entitled “Higher Education in India and GATS: An Opportunity”. It sought a balance between domestic regulation and free trade. But GATS has identified barriers. Some of them are restrictions on free movement and nationality requirements of students and teachers, immigration regulations, types of courses, movement of teachers, modalities of payments or repatriation of money, conditions concerning use of resources, direct investment and equity ceilings, existence of public monopolies, subsidies to local institutions, economic need tests, exchange controls, non-recognition of equivalent qualifications, etc. The Ministry of Commerce wanted to remove these. All can be seen in NEP 2020.

Model Act or direct submission to WTO dictates is not possible as it will create an outburst, Kapil Sibal brought a series of bills to achieve the same. There were massive funds cut in higher education in the USA and UK and Europe following which there were many protests in these countries. There was lots of pressure on India to ease out the pressure by opening its doors. An Indo-US education Council was set up. Similarly, a little later, in 2010, with UK it was also agreed that the UK-India Education and Research Initiative (UKIERI) will facilitate collaboration between the two nations to join hands to set up new institutes, increase skills

development programmes, hold leadership programmes and work on quality assurance of courses offered to students.

Realizing that it was not possible to directly and openly follow GATS, the Government now tried to push the WTO-WB agenda formally but without announcing so. It brought 6 bills related to education ‘reforms’. The Notorious Four Years Undergraduate Programme (FYUP) was an attempt in this direction. It was abolished by the BJP government only to bring its new avatar, Choice Based Credit System (CBCS).

But these bills lapsed as opposition blocked the proceedings in the parliament. Began the first innings of NDA-2. It inherited these unfinished tasks of the UPA government. It was more than willing to fulfil these to please imperialism. In fact, with an accelerated speed and vigor. It has the ability to put a garb of nationalism to all these and RSS swung into full action. It tried to change the debate to saffronization and nationalism to push the agenda of corporatization of education.

The NEP 2020

As mentioned earlier, the NEP 2020 is a conceptual replica of the Kasturirangan Committee report. We have reviewed it in some detail earlier point by point (*vide* July 2019 Issue of *New Democracy*). Here we try to present certain broad features of NEP 2020. It refers to earlier policies, which have some appreciation but mentions that it will fulfill the tasks not completed without mentioning either the tasks fulfilled or tasks not completed.

Structural Changes in School Education

There is complete structural change in school education. Earlier, school education started at the age of 5 or 6 years in class 1.

Early Childhood Care & Education (ECCE) remained outside its purview. There were Anganwadis, limited government schools that offered nursery class. Most of the ECCE was private. New structure is 5+3+3+4 instead of 10 + 2 or 8+2+2. Now in the name of better foundation it is engulfing ECCE including Anganwadis. Thus, pre-schooling will be a must for admission in class 1. It will immensely help private pre-school schooling as the government has no plan for infrastructure development for this. Rather they propose to use substandard methods to achieve the same, like using plastic bottles to make rattles. Even distance and DTH channels are proposed for training and teaching at this level. Any pedagogical rationale of such structural change is not discussed.

There is no pedagogical justification of this structural change.

The idea here is it merely makes the children literate and not educated. This is part of the imperialist agenda and worldwide such programmes are on. The idea is to create students, who will serve as a cheap basic labour force for MNCs. Emphasis is on “numeracy and literacy” and preparing students for schools. The structure of preparatory classes, modules and then external evaluation at 3, 5 , 8 ,10 and 12 level, semester system will put immense pressure on students to perform and will not promote free learning and understanding & application but a tendency to cramming. With lack of infrastructure the gap will only increase in different layers of education.

The whole idea is to change the education system of schools and put it in control of the Centre, fulfilling the agenda of WTO. Also, having a busy curriculum which will not allow children to think beyond.

Vocational Courses

There is not just overemphasis, but there is an emphatic shift towards vocational courses in NEP. Right from class 6th onwards vocational courses will be pushed. That means a child has to make a choice of stream at a tender age where he/she may not be able to appreciate the meaning of it. It proposes that children will take a 'fun course' in carpentry, electric work, metal work, pottery, gardening etc. and these courses will be made available even during holiday periods. Students studying in schools with poorer facilities will tend to go (pushed) towards it and will not be able to go for good higher education. While these courses will help children to acquire some skills, it will not help them to gain knowledge. It will help children to learn how to fix electric wire, but not know how electricity is generated.

It should also be noted that the Ministry of HRD runs a program called National Skills Qualification Framework (NSQF). This is likely to be made compulsory for jobs in unorganized sectors as well in future. The whole exercise is to facilitate the production of literate skilled workers. This will also mean that in future persons with self-acquired skills like motorcycle mechanic, tailors, etc. may find it difficult to get a job.

No Distinction Between Private & Government Establishments

This is a very dangerous feature of this policy. It puts Private and government educational establishments (schools, colleges, universities etc.) at par. It means that in terms of receiving grants, favours, distinction will vanish. meaning thereby that government aid can be or rather has to be given to private establishments if certain criteria are fulfilled. Not just this, a school

teacher can be assigned to teach in a private school of a proposed school complex. The teacher will draw a salary from the government but will have an additional duty to teach in private schools.

At college level it will have similar implications. And with removal of distinction between foreign and domestic players as per the desires of WTO, dominance of foreign capital and its control over content and jobs can be easily seen. As GATS says that there should not be any distinctions between domestic and foreign players.

Social Justice/Reservation

This policy does not even mention any kind of reservations. It talks of Socio Economically Disadvantaged Group (SEDG) covering SC, ST, OBC, girls. Minorities, geographical areas, especially abled. While recognizing the fact that they are at disadvantage to receive education, and have a high dropout rate, it proposes ineffective ways with high sounding words. It says they can be facilitated to go to schools by making walking groups to reach schools, making a fund, alternative form of schools, peer teaching, sensitizing teachers and students to create a new culture. It will practically amount to substandard teaching to SEDG. And then scholarship to meritorious students among this section. Not acknowledging the fact that 'Merit' itself is decided by socio-economic backwardness. There will be a single agency for all the categories of SEDG. This itself is sociologically illogical.

This is a clever ploy to do away with reservation, and deepening the gap in the name of social justice.

Reduced Number of Institutions

There is a proposal to reduce the number of educational

institutions, both at schools' level as well as college level. At school level there is a proposal of making school complexes. Lamenting over poor conditions of village schools, with poor infrastructure and poor PTR, it proposes not to improve them but virtually shut them and merge them with 'Schools Complexes. It says "...school complex, consisting of one secondary school together with all other schools offering lower grades in its neighborhood including Anganwadis, in a radius of five to ten kilometers...". It means that without building infrastructure like building, labs, play grounds, libraries and appointing teachers and other staff, policymakers propose to solve the problem of enrollment. How will ECCE be encouraged when Anganwadi center will be far off (Anganwadis are anyway due to face existential threat)? How will students be transported to various component schools of this complex? Even teachers will be shared and will face transportation and over burdening problems. This is another way of showing the solution without either having it or spending a penny extra.

School complexes will use online resources and volunteer support, which means forced open education even in regular school. It also says that education officers will give sufficient autonomy to complex management to "innovate" how to educate in the complexes. It implies that they will not be provided any extra resources either in kind or in training but will be left to themselves to "innovate". Volunteer support will mean intrusion of external forces like corporate, RSS, NGOs at the school level.

NitiAyog had already proposed closure and merger of schools two years back, and many state governments have already started implementing the same.

At college level matter will not be any different. With so called graded financial autonomy, only colleges able to generate

funds from sources other than government will be able to survive. Colleges will be delinked from universities and will be able to grant their own degrees. That means central funds too will automatically be denied to colleges. It will encourage closure of colleges and in the long run a lesser number of regular colleges shall survive.

Mother Tongue

There is talk of mother tongue and concerns over students not being able to study in their mother tongue. While it is true that a child will comprehend and express best in its mother tongue, there is little emphasis on it in practice in our education system. This policy advocates education in the mother tongue. But it says “Wherever possible, the medium of instruction until at least Grade 5, but preferably till Grade 8 and beyond, will be the home language/mother tongue/local language/regional language. Thereafter, the home/local language shall continue to be taught as a language wherever possible.” This “wherever possible” phrase is explanatory. It is an excuse given to avoid this particularly in private schools.

Secondly, when higher education and professional educational courses are not available in mother tongue, its value will remain second grade and children studying in their mother tongue will stand at a disadvantage.

It also proposes a three-language formula which has faced stiff resistance in Tamilnadu. It also mentions that children should be exposed to all languages and must learn how Indian languages are similar. It says ...‘*Ek Bharat Shrestha Bharat*’ initiative. In this project/activity, students will learn about the remarkable unity of most of the major Indian languages...”. And later it not only talks of reviving Sanskrit, but also digging out knowledge written in this

language through ‘Sanskrit Knowledge Systems’. While it may be fine to study the language and its literature for historians, imposing this dead language and in the name of ‘Sanskrit Knowledge Systems’ creating a narrative of “false greatness of past” will be fortified. A long-cherished agenda of RSS. it also tries to create a basis for linguistic hegemony. It says there is a commonality in all Indian languages and that should be studied. It forgets that there is a set of languages originating from ancient Dravidian languages. Moreover, it ignores languages spoken by common people both presently and in the past. Past languages like Prakrit, Pali and many dialects spoken today do not figure in the concept of languages being talked about in this policy, which are the real mother tongue of the people. These issues are not addressed and while talking of mother tongue, regional languages, linguistic chauvinism is promoted.

Open/Distance/Non-Formal Education

While the policy talks about poor GER (General Enrolment Ratio), expresses concern of dropout rate, the solutions it proposes are in contradiction with concerns. This aspect is very consistent in this policy document. It expresses concerns about drop rate, without either addressing its cause or attempts to provide any solution. Solution it proposes is ODL (Open Distance Learning) and online education, particularly in higher education presently. However, it warns National School of Open Learning to be prepared for more strong courses for ODL as it envisages that in future this will prevail in schools too.

It fails to recognize that what they call dropout rate is actually throw out rate. Students are thrown out of regular education due to a flawed system and not because of fault of theirs. It is the economic condition, accessibility of schools, gender, social

backwardness, as well as various pedagogical issues which forces children to opt out which is a systemic failure and most students are actually thrown out of the system. As per data from the government, 85% of students enrolled in class I do not cross Class XII, and if we see a combination of ST, SC, OBC, Minorities it amounts to 90% of total. The courses are not designed keeping their background or the comprehensibility of the material in mind apart from the factors enumerated above.

Pushing them to ODL will only further their backwardness in reality, while the government can shrug off its responsibility. This is a way to facilitate privatization as gradually private education will flourish and ODL will give a semblance of education to the vast majority.

Online Education

This is one of the central ideas of this policy. It advocates emphatically that a large part of education should be online. The PM has already justified and glorified it in the name of using technology and digital India. Idea is taken from GATS which specifically recommended Cross border delivery i.e., delivery of education services via the internet. immediately after its inception, WTO pressurized for online education, even though the internet was not so developed. This was done in the name of structural adjustment and cutting costs. In 1995 itself 19 US governors founded Governors University to maximize resources in open distance education. By 1999 many new educational tools began to appear like e-Blackboard e-College etc. by 2003 81% of US universities had at least one online course. 2007 saw the first Massive Open Online Course (MOOC).

Although initial justification included free or cheap

education for those not able to afford regular education, business sharks saw it as an opportunity and they jumped in. The low cost of investments and regular profit was seen as a high surplus generating avenue. They started lobbying. Interestingly not the educationists but 83% of CEOs and small entrepreneurs rated MOOC as credible as a regular course. By 2014 98% of public funded colleges started offering online programmes.

In India too this market is growing. Many online companies have flourished. Google had a big agreement with Jio and Jio too is launching a platform. It has been estimated that the Online education market in India was worth \$ 247 million in 2016, which is expected to grow about \$ 1.96 billion by 2021. That is a compound annual growth rate of 52%. The number of users enrolled for various online learning courses is estimated to be 1.6 million in 2016, which is expected to grow about 9.6 million by the end of 2021. Their policies are just to cater to corporate's needs.

Online education has not been very successful everywhere in the world. A study conducted by MIT and Harvard showed that about 95% of students enrolled for MOOC dropped out. Most common reason given by the students is that there is no live teacher engagement. Even in universities offering free online courses, only 10% completed the course. And this is in the USA where internet connectivity and availability of devices is far better than India.

In our country OLE has and will only increase the gap in the multilayered education system. People having good access to the internet and equipment like laptops, good big houses will be better off. Classes can be best taken on laptops and in a secluded environment. Large number of people in our society don't even have smartphones for their children. Small single room house is

very unsuitable for taking classes. That apart, good and sufficient internet data is needed. All these have pushed students in lower strata of society out of meaningful education.

It has also enhanced gender discrimination. When a girl or woman is at home, many times household work becomes a priority over taking classes. It is true for teachers as well. If less equipment is available, boys get priority.

It has also raised mental health issues. It puts mental Stress on children of young age groups (5-10 years old) as their period for concentrating is small and they need physical activities. Even older students have these problems. Not interacting with friends and teachers also puts lots of mental stress. Excessive screen time has long been identified by psychologists as a cause of stress.

Courses requiring practicals like science, technology, arts, music etc. cannot be taught effectively online. The so-called virtual labs are more of a formality and money-making business rather than of any actual use.

Central Control

The policy is heavily in favour of tight centralization. Although it criticizes the current system as “heavy handed” or “Heavy concentration of powers” etc., what solution it offers is just the opposite. This attitude is there everywhere in policy document. While talking of diversity, local and regional variations, the policy actually proposes a very centralized control over the education system. Many mechanisms at various levels are proposed.

It proposes a Higher Education Commission of India (HECI) and 4 verticals viz. National Higher Education Regulatory Council (NHERC), National Accreditation Council (NAC), Higher education

Grants Council (HEGC) and General Education Council (GEC).

NHERC proposes a 'light but tight;' control. It will control financial probity, infrastructure, staff etc. tightly and the light aspect will be that all information will be available online. It even proposes to 'relook and repeal' some of the relevant acts. This document, unlike earlier one, postpones binary accreditation by NAC for about 15 years and till then a robust graded accreditation will be done. This is also a time may be taken by education business houses to establish or acquire HEIs (Higher Education Institutions), following which a large number will shut down.

The concept of GEC will eventually result in universities and institutions losing their autonomy. Universities will not be able to decide their syllabi, pedagogy, etc. as GEC will set up a National Higher Qualification Education Framework (NHECF) which will be in 'sync' with National Skill Qualification Framework (NSQF). This will be binding to all HEIs.

NAC will prescribe Institutional Development Plans (IDP) and this will be a criterion for funding by HEGC.

The tightness of control can be easily seen. But for financial matters, private institutions just have to be transparent. They can earn profits and invest elsewhere in educational Institutions.

Teachers

While lamenting about the conditions of teachers, it does not provide any measures to improve them, rather its direction is only to worsen it. As it is, with a reduced number of institutions, privatizations, teachers' jobs will be hit. It proposes a 'tenure track system' instead of the current probation and regularization system. The current system allows a teacher under probation to be

automatically regularized after completion of probation period if no negative report is there against the teacher. Now the tenure track system means that after every fixed tenure, the teacher will be evaluated and can be asked to leave. This would mean absolute non security and virtually teachers will be reduced to bonded labourers and sycophancy, nepotism and towing the line of ruling regime will prevail. It doesn't address at all the current problem of guest/ad hoc appointments rather proposes to convert all appointments as ad hoc.

With deregulations of salaries in institutions, the exploitation of teachers is not difficult to see. It proposes no regulation on salary structure on institutions provided the institutions have a transparent online self-disclosure.

While talking of lack of quality teachers, it has no clear-cut ideas as to how to train them. Teachers will be trained in multidisciplinary HEIs by 2035, replacing current B.Ed.! Contradicting itself, it even proposes to replace current teachers with volunteers, social workers, local eminent persons, passionate people etc., without specifying either their roles or qualifications.

Volunteers

Expressing concern over poor PTR (Parent Teacher Ratio), it suggests a very novel method to overcome this. Not by recruiting more teachers but as it says "Efforts will be made to involve community and alumni in volunteer efforts for enhancing learning by providing at schools: one-on-one tutoring; the teaching of literacy and holding of extra help sessions; teaching support and guidance for educators; career guidance and mentoring to students; etc. In this regard, the support of active and healthy senior citizens, school alumni and local community members will be suitably

garnered. Databases of literate volunteers, retired scientists/government/semi government employees, alumni, and educators will be created for this purpose.” While this means that the government is again shrugging off its responsibility, it will allow RSS cadres to enter into teaching from the back door on one hand and secondly, will also allow Education to be controlled by corporate through CSR. All the talk of improving teachers’ quality, starting a new B.Ed. course, continuous training of teachers, to produce quality educators, looks only an imitation ornament.

FYUP, MultipleEntry/Exit and Multidisciplinary/Credit Bank

FYUP (Four Year Undergraduate Programme) which was brought by the Congress government and opposed by BJP (though they brought its new avatar CBCS, i.e. Choice Based Credit System) is now back. Making under graduation a four years programme is to make it suitable to US education systems, to facilitate foreign players.

Four years will have many entry and exit points. One can get a diploma or different degrees as per time of exit. Courses will also have credits consisting of course hours. One has to finish different minimum number of credits to reach the different exit points. This will have many problems. People from poor economic backgrounds will tend to exit early and thus will be pushed into substandard education. Proposed credit bank is also deluding. It says one can accumulate credit and can leave the course. Later, in future or in different institutions, these credits can be ‘cashed’ from the credit bank and continue from that point. This will again be used mostly by people from higher economic strata as poorer ones will get busy in economic activities and be unable to return later. Only

hope will continue to keep faith in the system.

NTA (National Testing Agency)

NEP 2020 also proposes to institute a National Testing Agency (NTA) akin to the pattern in USA. A single agency is to conduct examinations for professional and university admissions. It will mean disregarding diversity of background, be it cultural, economic, social or any another. NEET Suicide case of Tamil Nadu is a glaring example to look into. That apart, NTA will be closely linked with The Program for International Student Assessment (PISA). (**PISA** is an international assessment that measures 15-year-old students' reading, mathematics, and science literacy every three years.) In last year's round of PISA, where students from Himachal Pradesh and Tamil Nadu sat for the test, India ranked 72nd out of 73 countries, outranking only Kyrgyzstan.

This will further marginalize students from deprived, oppressed sections. It will disregard their abilities and learning and will promote students from only elite institutions.

Institutionalization of Privatization and Corruption

While this is true that there is rampant corruption in this sector, it is not unique to the education sector. This is also true that there is commercialization and private institutes exploit parents to extract money. Even schools made on philanthropic basis are no exceptions. This document expresses concern over this and as everywhere in this policy, proposes just to increase and validate this loot. PPP is renamed as public philanthropic partnership. They will be encouraged to start self-financing courses to rationalize profits! They will be encouraged to replace scholarships with loans. Meaning thereby that financing companies too will reap

‘philanthropic’ profits. As discussed elsewhere, only form of regulation is transparent online declarations and investment of profits in the education sector elsewhere. This ‘elsewhere’ in the GATS regime also means cross border investments- a foreign company reaping profit here will legally invest in other countries. This will also give a handle to siphon off capital and use it anywhere as only books have to maintained.

De-democratization

As such education system is very undemocratic. But NEP 2020 tends to do away with any semblance of democratic process in decision making. Particularly in higher education, the attacks are sharp. HEIs will be governed by Board of Governors (BOG) which will be nominated and will be outsiders. Current provision of elected members of Academic Councils and Executive Councils will vanish and teachers or academicians will not have any say in deciding academic activities.

Similarly pressure to get more credits, scoring more to get better placement to pay off loans will dissuade students from any other activities including political. Pressure of tenure assessment will do same for teachers.

Saffronization

Continuous mentioning of ‘Indianness’, our culture, in education is a garb for saffronization. While in name of ‘our’ culture, only Brahmanical culture is promoted, it does not even mention traditions of Charvak or Buddha or Kanad etc. Similarly, the rich literature available in Pali, Prakrit, Urdu, Apbhransh, Tamil, Kannada etc., does not even find a mention. It clearly indicates the direction of education. History will be saffronized and the task of rewriting history has already been given to UGC.

Conclusions

Here, we can see that NEP 2020 is a policy that will brazenly support handing over of Education to corporate sector, excluding of a large mass of society from quality education, a strong central control, blatant saffronization, de-democratization, strengthening of increasing gaps, no to whatever measures were there for social justice including reservation, strengthening caste hierarchy, not recognizing diversity and dissent, not developing scientific temper and full kneeling to imperialist diktats.

The government has already started implementing the same. Many state governments have announced they will work hard to implement this, UGC has already brought out a notice to implement blended education which proposes 40% education should be online, job of rewriting history has started, merger and closure of schools has started, an education board set up by Lala Ramdev has been approved.

There has been opposition in different sections but none are significant enough to be noticed by this shameless fascist regime. There is need to build stronger movements against this and other attacks on Education.



Protest against the use of Israeli Spyware by Hindutva Rulers

Employing Israeli Firm NSO's spyware, Pegasus, for snooping on opposition leaders, activists, journalists, judges, bureaucrats, even ministers, has been part of the tactics adopted by present fascist rulers to target people's movements, democratic forces, parliamentary opposition as well as those from their own setup. While snooping on the opposition is not for the first time, but the sweeping list of targets including those of judiciary, bureaucracy, military and even their own supporters shows the fascist nature of this snooping. This issue has rocked the parliament and has been widely commented on in the mainstream media. Even Supreme Court has taken cognizance of the issue as the public disapproval of the measure is widespread.

This incident is also a proof of the close nexus between Hindutva rulers of India and Zionist rulers of Israel. The latter are in the service of imperialist powers especially US imperialism and are aiding and forging close links with all sectarian, racist, parochial forces around the world. Pegasus software is produced by an Israeli technology firm NSO (Niv, Shalev and Omri, standing for its founders). NSO claims that it supplies the spyware to only state actors (Govts. or Govt. agencies of different countries). Export of NSO spyware is controlled by the Israeli Govt. through its Defense Ministry. Its supply to any agency is therefore sanctioned by Israel

Govt. Hence, Israel's supply of this spyware and its use against a wide range of people targeting all opposition to the Govt. and dissenting voices is a serious issue. Israel Govt. claims that this spyware was developed to aid the fight against 'terror' which also exposes the real nature of this fight against terror which is actually war against people. Israel Govt. has been employing it widely against Palestinians, to crush their resistance.

However, the Govt. of India maintains that it has not imported this spyware from Israel nor has authorized its use. This is unlikely to be the case as the Govt. with its vast technological prowess has maintained silence over it till it was exposed. However, if it is granted to be so, it shows gross incompetence of the Govt. to protect Indian citizens from such attacks by a foreign company. This avowed utter failure needs to be punished. The stubborn refusal of the Govt. to agree to an enquiry into this use of spyware makes it amply clear that Govt. was not only aware of it but has used this software against people it wished to target. The list which has come into public domain is very incomplete and many more people have been targeted.

The whole incident needs to be investigated fully to expose the real culprits behind this attack on the people, institutions and organizations. Hence, CPI(ML)-New Democracy demands:

- A Supreme Court monitored enquiry into the use of Pegasus, its real culprits.
- Home Minister should be dismissed for his avowed failure and the enquiry must cover all those in Govt.
- Blacklisting of Israeli firms, full disclosure by the Israeli Govt. of the export of Pegasus in India and suspension of defence ties with Israel till enquiry is completed.

CPI(ML)-New Democracy calls upon all democratic, progressive and freedom loving people to protest against this fascist measure. We call upon the people to rally in support of the above given demands.

CPI(ML)-New Democracy

July 25, 2021



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Include Caste in Census Data Collection

The demand for ascertaining proportion of castes in the population of India has gathered momentum. This has been a longstanding demand of the organizations fighting for social justice. A number of ruling class parties have also demanded that enumeration of castes should be included in 2021 Census exercise. However, the Central Govt. has been refusing to include caste enumeration in census exercise. At present only members of Scheduled Castes and Scheduled Tribes are counted separately. Hence the issue is to enumerate the members of backwards who constitute the biggest part of the society in the country.

Caste oppression including attacks and atrocities, partiality against oppressed castes, their social and educational backwardness and their inadequate representation in the services under the State are a reality in India. Despite Constitutional provisions against these, these inequities are thriving in India. This is largely because of inequality in society among the social groups, with means of production disproportionately in the hands of upper castes and because of the higher echelons of the state machinery including bureaucracy and judiciary being dominated by those belonging to upper castes. This machinery is responsible for giving effect to the directions in the Constitution against the caste inequities. The role of this machinery is important for the fact that provisions for

oppressed castes and tribals are not implemented properly. Even the reservations meant for them are scantily implemented and proportion of their members in higher grades of services is much lower than even the percentages allotted to them.

Efforts at affirmative action are derided for undermining merit; these efforts are questioned on the ground that there is no data about the proportion of backward castes in the population. This is in fact intriguing that on the one hand lack of such data is used to argue against affirmative action and on the other hand demands for collecting such data are stubbornly refused. Last Census in which caste data was collected was held in 1931 and Mandal Commission had to rely on data of that Census to come to the proportion of backward castes in society.

However, the demand for conducting caste census has been growing. UPA II was forced to conduct Socio Economic and Caste Census in 2011-12 after having refused enumeration of castes in regular census. But the data related to population of castes was not released while data on some other aspects was released. It was said that the said data had discrepancies and was therefore unreliable. However, it is inexplicable while data related to other aspects was considered reliable, that relating to proportions of castes was deemed unreliable! At that time Congress and its UPA allies were in power and they had refused to release the data then but many of them are now supporting this demand.

Ruling classes and their state machinery dominated by upper castes have been opposed to conducting caste census as they fear that the real numbers of castes among the population will unmask the reality that Indian state machinery and services under the state, higher education and higher echelons of services are dominated by sections which are far fewer in number. This will

undercut their logic of perpetuation of their monopoly of state services and resources.

Even the higher judiciary has been instrumental in perpetuating domination of upper castes in services and higher education. They have arbitrarily put a ceiling of 50% on the reservations permissible under the Constitution (This ceiling has been a judicial exercise and not provided for in the Constitution.) and have been generally staying the quotas given by the states in services and higher education in excess of that. However, when 10% quota was earmarked for the economically weaker sections of upper castes, the Supreme Court refused to stay the quota. In fact the way the reservation has been implemented it has in practice become a reservation of 50% for the upper castes. Recently, the Supreme Court had taken out even preparation of the list of OBCs from the purview of state govts. which has been sought to be overcome by an amendment to the Constitution.

RSS-BJP Govt.'s Hindutva rule is characterized by growing attacks against minorities, Dalits and women, and increasing denial of rights of Tribals and oppressed castes. Their rule is however coming under pressure of the growing people's struggles and ongoing farmers' movement has opened the democratic space for building of such struggles. Govt. has been forced to carry out the Constitutional amendment relating to states' rights to prepare list of OBCs and announce 27% reservation for OBCs in the All India seats for medical colleges. It is part of their attempt to deflect anger of oppressed caste groups especially in view of coming elections in some states.

This should however be mentioned that increasing privatization is reducing the number of employment available in

public sector and seats for higher education in the Govt. institutions. Besides, reservation not been implemented properly in them. Ruling classes' drive towards privatization undermines affirmative action. Demand has been growing that reservation should be implemented in the private sector as well. Govt. has been refusing to implement this though it is not difficult to do so.

While RSS-BJP ruling establishment is opposed to include enumerating castes in Census exercise, a number of their NDA allies and also some BJP MPs from OBCs have openly supported carrying out such an exercise. Opposition to collection of this data is illogical and meant to artificially maintain monopoly of upper castes. Collection of such data will help in framing policies to help the large social groups who are suffering from deprivation and social & educational backwardness. It will help in targeting the Govt. schemes for the uplifting the sections seen to be lagging behind.

Conducting caste census will be useful in not only framing of proper policies but also to overcome resistance to such policies. It will help to bring out the real situation of various social groups and thereby help to educate the broad spectrum of people to see the necessity of affirmative action.

However, Govt. policies only address the caste inequities partially. For the elimination of caste system and oppression of the basis of caste, a more thoroughgoing struggle for equitable distribution of means of production among different social groups is crucial. This affects the large masses of these social groups and hence will pave the way for larger equality in society which is so critical for eliminating the caste by removing material basis for it. In this the question of land distribution among the landless is of utmost importance as they overwhelmingly belong to oppressed castes.

Even today, over two third of Indian people are dependent on agriculture directly (more than half) or indirectly. Hence, allotment and ownership of agricultural land to landless Dalits and members of other oppressed castes is of vital importance in addressing the caste question in India.

Economic equality on a large scale and across social groups, through giving equal space in all its aspects, will help remove the caste question from base of the social structure and will play an important role in eliminating it from the sphere of superstructure. Enumeration of castes in Census will not eliminate the caste inequities but will be helpful in building struggles for their removal at least on some aspects. This may be useful for a comprehensive struggle against caste oppression, in fact the caste system itself.

CPI (ML)-New Democracy demands that Caste data should be collected in the ensuing Census exercise and the same should be published.

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