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*Organ of the
Central Committee CPI(ML)*

NEW DEMOCRACY

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On International Human Rights Day

(December 10)

Demand Release of All in Jails under UAPA

Under the fascist rule of RSS-BJP all round attacks are being made against democratic rights of the people. Exploited and oppressed people of the country are the main target of these attacks. To suppress the struggles of these sections and to continue and intensify their exploitation and oppression, the intellectuals and activists supporting struggles of these people and activists of democratic rights organizations who come forward to defend people's right to protest and struggle against state repression and suppression are being specially targeted. Attacks against these organizations are being launched as a part of drive to impose fascist system over the country. Though even the opposition parties of the ruling classes are also being targeted but at present that attack is concentrated against the sources of their wealth and for ousting them from different echelons of power under the state. Through these attacks against ruling class opposition, RSS-BJP wants to monopolize power and through that monopoly change the very character of rule of the ruling classes. For this RSS-BJP are blatantly and politically using CBI and ED. Along with this, rights of State Govts. are being undermined so that opposition parties ruling in the states do not become obstacles in imposing fascist system

over the country. Giving National Investigation Agency (NIA) rights in the states without consent of the respective state govt.s is part of the chain of measures undermining the federal system, to the extent it exists.

Bigger section of the ruling classes supports fascicization of the ruling system. It aims to continue and increase profits of the corporate (big capitalists of India and foreign MNCs) and to continue exploitation and oppression by the reactionary sections (landlords) despite growing destitution and increasing economic burden on the vast sections of people of the country. Resentment and anger among the people is growing resulting in growing struggles of the people. Ruling dispensation wants to pre-empt the resentment from boiling over into movements. Hence, this attack on the very right to struggle and generally on democratic rights. And as a part of this, on the organizations working for defense of democratic rights are being especially targeted. For this purpose, black laws are being used on a vast scale. It is noteworthy that there are a number of black laws in the country which have been used against people's struggles. The present rulers have enormously increased use of these black laws. By amending these laws, the instruments of repression have been further sharpened and machinery of repression further strengthened. These instruments have been broadly used against intellectuals and activists.

Fascist rulers are using provisions of Unlawful Activities Prevention Act (UAPA) as an instrument of repression against intellectuals and activists including democratic rights activists. As the stringent provisions of this law make it extremely difficult to get bail, Govt. is using provisions of this black law to keep intellectuals and activists for long periods in jail under totally fake and baseless charges. In fact long period of incarceration pending trial is being

used as a tool for meting out punishment. Even if the accused are found not guilty they would have suffered long periods in jail. Recently several tribals were found not guilty under UAPA but by the time of their release they had already suffered long jail terms.

Several intellectuals are locked up in jails under fake F.I.R. of Bhima Koregaon. Their sole 'crime' was to raise voice against exploitation, oppression of the people and repression by the state. One of them, Father Stan Swamy, died during jail term because the Courts did not even consider the petitions of this aged veteran for the basic necessities of life. This death was in fact a murder as he was not only kept in jail under fake charges but also denied basic necessities of life. A UAPA convict Pandu Narote also died in jail though he had otherwise had no medical condition.

After the communal violence in Northeast Delhi in February 2020, a number of students and youth were arrested under UAPA by leveling irrelevant and baseless charges and several of them are still in jail. In this way RSS-BJP Govt. wants to punish them for widespread opposition which arose to its communal CAA-NRC. Besides, hundreds of activists and common people are locked up in jails under UAPA in different states in the country.

This broad use of UAPA is not only to punish but also a crude attempt to terrorize struggling people, and intellectuals and democratic rights activists sympathizing with and supporting their struggles. Through this the fascist rulers wish to make their rule unhindered by crushing all resistance by the people.

This reactionary repressive act must be opposed widely. It is utmost necessary to challenge this tool of fascist repression by mobilizing broad protest against it. UAPA is not only a caricature of law but has become one of the main legal tools of repression, of the

‘lawfare’ unleashed by the rulers. It has no right to exist and all those in jail under this law must be released.

On International Human Rights Day December 10, 2022- Mobilize the People to Raise their Voice: *Release all UAPA prisoners.*

Mobilize the people and advance towards creating public opinion to demand: *End to Black Laws and Fascist Rule.*



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Organizations working amongst Adivasis and Other Traditional Forest Dwellers Call for Determined Struggle against Forest Conservation Rules, 2022

(We are publishing here a statement issued after a meeting of organizations working amongst tribals and other traditional forest dwellers held in Hyderabad in Sundariah Vigyan Kendram, Dodi Komraiah Hall. – Editor)

Several organizations across the country working amongst Adivasis and Other Traditional Forest Dwellers met today and resolved to firmly oppose the Forest Conservation Rules, 2022 passed by the Central Cabinet on June 28, 2022. These rules have been placed by the Govt. in the Parliament on 12 August 2022.

All organizations were unanimous that these FCR 2022 will completely undermine the rights of Adivasis and OTFDs as entitled under the Forest Rights Act, 2006, including the rights of their Gram Sabhas to decide upon diversion of forest land for non forest purpose. Earlier FC Rules, 2003, as amended later up to 2017 clearly outlined the responsibility of the District Collector to convene the Gram Sabhas of those villages, whose land is sought to be diverted by any User Agency for non-forest use, to give consent or reject. These rules undermine this pre requisite and outline a process whereby Screening Committee of States and UTs shall approve and forward applications of the User Agencies, i.e.,

Corporate including MNCs, send them for ‘in principle’ approval to the Forest Advisory Committee of MoEFCC, after which the state govt will get the Corporate to deposit the Compensatory Afforestation fund. Thereafter the final approval will be given for diversion and thereafter the Collector will be told to implement social safety laws, including FRA, 2006. This is totally undemocratic and unjust.

The mandatory requirement of verifying and settling forest rights before even considering diversion of forest land has been removed, thus making a mockery of the FRA and exposing the Govt’s non seriousness about its implementation.

These laws will completely undermine all securities granted to Tribals and OTFDs under the FRA, 2006, the LARR 2013, the PESA Act 1996 and the Rights under Schedule V and VI of the Constitution of India. They will also completely undermine all safety and security laws and measures prescribed for preservation of Environment, Ecology, Bio Diversity and Climate, which will threaten wide sections of the people and the national economy.

All organizations are severely critical of the Central Govt led by RSS – BJP which is bending over backwards to help profit growth of Corporate and MNCs, handing over Jal, Jangal and Jameen and all natural resources to them and uprooting and depriving poor Adivasis and OTFDs for this end. State govts are also following the same policy. They are resorting to severe repression on Adivasis and OTFDs and using unscrupulous local henchmen with police support to unleash violence on the generations old locals in order to terrorize them and prevent democratic struggles for their rights and livelihood. This meeting condemns all such acts of violence against tribals and OTFDs.

The meeting decided to call upon all peasant organizations and those working amongst Adivasis and OTFDs to take up resolute struggles with wide mass mobilizations at the village and Mandal levels and to move ahead to build joint struggles at the district and state levels on this issue. They will also hold conventions, rallies, public hearings, yatras at local to state levels and in different states and important national centres to rally all forces for this struggle.

The meeting decided to also appeal to all democratic forces, mass organizations of other sections of struggling people including students, women, industrial workers, political parties and others to come forward to support this struggle.

The meeting decided to focus on the demands of:

1. Withdraw Forest Conservation Rules 2022
2. Ensure all Rights under FRA, 2006 without delay.
3. Stop violence against Adivasis and OTFDs.

Organizations from 5 states, Odisha, Andhra Pradesh, Telangana, Madhya Pradesh, Maharashtra attended while other tribal organizations from Jharkhand, Assam, Tripura, Bengal, Bihar, Uttar Pradesh, Karnataka and Gujarat, who could not attend this meeting have extended their support to this campaign and movement.

(Meeting was attended by Midiam Babu Rao, Adivasi Adhikar Rashtriya Manch; Medha Patkar, Narmada Bachao Andolan NBA and National Alliance of Peoples' Movements, NAPM; V.Venketramaiah, Ashish Mittal and Bhalachandra from All India Kishan Mazdoor Sabha (AIKMS); Madhuri, Jagrit Adivasi Dalit Sangathan; Bijay Upadhyay, Malkanagari Jila Adivasi Sangha; Kishore Dhamale from Satyasodhok shetkari Sabha (Maharashtra);

K. Rangeaiah and Prabhakar from All India Kishan Mazdoor Sabha; Prasad Anna from AIKMKS; Sriram Nayak of Telengana Girijan Sangham; Ashok Ghayak, Achyut Rama Rao and Chitipati Venketswarulu from All India Kishan Mazdoor Sabha (Vidya Nagar); Upender Reddy from AIKF and J Venkataiah of Telengana Rayitanga Samiti)

Hyderabad, 15 October, 2022



A look at Women's Right to Abortion in India

● **Poonam Kaushik**

(This article has been written in the backdrop of the recent decision of Supreme Court of India extending Right to Abortion to all women.)

After the advent of human society, in primitive Tribal society women used to have a high place as they ensured perpetuation of the human race. Society was matriarchal. There was no gender discrimination in that society. With the beginning of agricultural settlement or when human beings started producing more than their needs and private property emerged, then the status of women started becoming secondary. And again the root cause for this was the ability of women to procreate. Friedrich Engels in his famous book, "The Origin of Family, Private property and State" writes "Thus as wealth increased, it, on the one hand, gave the man a more important status in the family than the

woman, and, on the other hand, created a stimulus to utilize this strengthened position in order to overthrow the traditional order of inheritance in favour of his children. But this was impossible as long as descent according to mother right prevailed. This had, therefore, to be overthrown, and it was overthrown; and it was not so difficult to do this as it appears to us now.” Engels: *Origin of Family, Private Property and State*. (Marx-Engels Selected Works, Volume 3, page 232)

In different stages of human society, women were not allowed to have control on their own sexuality and reproductive rights, the thrust being that Society should control sexuality of women so that the secondary status of women be continued. The capitalist revolution in France was accomplished on the slogans of “Equality, Liberty and Fraternity”, but history tells us that when the French revolutionary woman leader Olympia de Gauge spoke of women’s rights in the French Revolution, she was sentenced to death for treason.

In capitalist societies too, women have been fighting for women’s right to vote, right to divorce, right to abortion etc. These rights were first assured to women in the world under the leadership of Lenin in the United Soviet Socialist Republics (USSR). The Soviet women achieved the right to abortion in 1920 itself. In accordance with the available technical capability of that time, every woman who wanted to have an abortion had the legal right. It was pronounced in the People’s Republic of China in 1950 under the leadership of Mao Zedong. The women of England won this right in 1967 and the women of America in 1973. In India this right was won in 1971.

Abortion law in India

The process of formulating legal right for abortion in India started after the Justice Shah Committee was formed in 1964. The

Medical Termination of Pregnancy (MTP) Act 1971 was enacted. Under this law, a registered medical practitioner had the right to terminate pregnancy up to 12 weeks of women of 18 years or above with their consent. The right to terminate a pregnancy from 12 weeks to 20 weeks was by the collective opinion of two registered medical practitioners and in two cases:

1. Where the continuance of the pregnancy would endanger the life of the woman or that the continuance of the pregnancy would cause grave injury to the physical or mental health of the woman or
2. Where there is a serious risk that the child to be born will suffer from serious physical and mental abnormalities.

In the Explanation of above provisions, it was said that the pregnancy conceived due to rape would be considered as grave injury to the woman, the pregnancy conceived due to the failure of contraceptive measures adopted by the married woman and her husband to terminate the pregnancy will be considered as serious mental trauma to the women. Apart from this, there were also provisions in the law that if the fetus may suffer from life-long disorder, there is a right to abortion. If abortion is necessary to save the life of the woman, the permission of two doctors is not required.

After sustained struggles and interventions of various women's organizations and different movements in India to bring out the shortcomings and limitations of the law, the 1971 law was amended to form the MTP Act 2021 and its rules. The amended law allows abortion up to 20 weeks for a woman of 18 years and above with the permission of an RMP. The provisions of grave mental injury in the principal Act have been expanded in the new Act by making it clear that women are permitted to terminate a pregnancy between 20 and 24 weeks in the event of failure of contraceptive

measure being used by a woman and her partner (not just a husband) to prevent pregnancy or limit children. The rules of the MTP Act 2021 were notified by the Central Government on 13 October 2021. Under these rules the following category of women are allowed to terminate pregnancy of 20 to 24 weeks with the permission of at least two registered medical practitioners:

- 1) Women victims of sexual harassment
- 2) Minors
- 3) Change in marital status during ongoing pregnancy (widowed, divorced)
- 4) Women with physical disabilities as per the Disability Act 2016
- 5) Mentally ill women including mentally retarded
- 6) Fetal abnormalities of such a nature that the unborn child will suffer from malformation or life threatening disease
- 7) Women with pregnancy in humane settings or in disasters or emergency situations as may be declared by the Government.

Recent Decision of Supreme Court of India

In July 2022 an unmarried woman with a 23 weeks 5 days pregnancy, as a result of a failed mutually consensual relationship approached the Delhi High Court for permission to get an abortion as her partner had refused to marry her. But the Delhi High Court, citing the provisions of MTP 2021, refused the permission observing that the petitioner's case is not covered under any of the provisions of the Act. Against this decision, the woman filed a petition in the Supreme Court. In this petition filed in the case X vs. The Principal Secretary Delhi, the Apex court, while giving interim relief, directed AIIMS to constitute a medical board to ascertain

whether abortion would be safe for the health of women or not and thereafter, taking into account the safety of the health of woman, allowed her to have an abortion. The matter was re-notified in the month of September for detailed hearing of the comprehensive questions of Law raised in this matter. After hearing all stake holders the final judgement was pronounced on 29th September 2022. The Supreme Court in its decision, using the purposive interpretation of statutes, quoting the aims and objectives of the MTP Act 2021, the minutes of the report of the Expert Committee of Parliament and various research papers in this context, gave the right to safe abortion to all women.

The Judgment also considered rape within marriage and allowed termination of pregnancies caused by forced sexual intercourse by husband in marital relationship. This decision also allowed single unmarried women, divorced, widowed women's legal right to a safe abortion.

Some important observations have been made in this decision with regard to Prevention of Children from Sexual Offences (POCSO) 2012. The Supreme Court has given a detailed explanation of many aspects like consensual sexual intercourse by minors especially of adolescents, noted that POCSO law does not bar minors from having consensual sex, etc. Under the POCSO Act, a person below the age of 18 years is a minor /child. In case of pregnancy due to mutual, consensual relations between the adolescents, the pregnant minor will have the right to get an abortion under MTP Act 2021. And the provisions for revealing the identity of the minor or bringing the case to the notice of police or any other authority by the doctor shall be exempted. This will also be applicable to pregnancy of 20 to 24 weeks. And while giving this exemption, the Supreme Court observed that because our health

infrastructure is not such that everyone can get facilities on time, minor girls do not even know about it, abortion is not talked about openly in the society and thus the girls get into trouble and delay occurs in revealing the fact of pregnancy to the guardian. Therefore, under MTP law, minors have been given the right to terminate a pregnancy out of sexual relations by mutual understanding between two adolescents. The Court made it clear that this exemption to the RMP to not reveal the name of the minor is limited to termination of pregnancy only and also the name of the minor whose pregnancy has been terminated will not be revealed even if the police is informed in this regard so as to ensure both her privacy and her right to a safe abortion. The Court explained that since the legislature was conscious of this, minors were classified as eligible for abortion and brought under the purview of the MTP rules. This observation given by the Court may have some adverse consequences, especially if the accused being powerful, this exemption can be misused to avoid the legal action for the pregnancy which has taken place without mutual consent. This would be a daunting task for the investigating agencies.

While allowing the adolescents to terminate the pregnancy at 20 to 24 weeks, the court also observed that sexual violence is often committed on minor girls by family members and acquaintances and conception takes place. Being a family affair, the mother or the guardian does not understand what to do and the time of pregnancy increases. Therefore, in such a situation, it is absolutely appropriate to be given the right to a safe abortion in 20 to 24 weeks of pregnancy. In this judgment, the Supreme Court has clarified that those women who have conceived through forced physical relations by the husband, that is, by rape within marriage, have a right to abortion. Thus this act has also been considered as an

offense and thus the pregnancy conceived by forced sexual relations is also allowed to be terminated. It has also been observed in this decision that the woman has full rights over her body. Abortion is her basic right and it is part of living with dignity. Apart from the consent of the concerned woman, at no stage will the hospital, RMP or any institution ask for the consent of her family members, husband etc.

And thus, the right of medical termination of pregnancy up to 24 weeks has been given to different categories of women. The new categories which were written in the 2021 Act were further clarified to include the categories which were not clearly written in the law as for example single unmarried women, widows, divorced women. Grave injury to mental health caused by rape has been extended to rape in marriage. The Supreme Court has given permission to terminate the pregnancy of 20 - 24 weeks in the case of single women, i.e. if she is unmarried. Along with this aspect, the Supreme Court has focused on difficulties in terminating pregnancies due to mutual consent of minors, termination of pregnancy in case of forced sex in a marriage relationship.

Practical Challenges

The important issue is whether the women of India will actually be able to use this wider right to abortion. A woman's own control over her body is difficult without economic empowerment. At the same time, it is also not correct to say that economic empowerment alone gives women control over their bodies. Consciousness along with sound socio-economic conditions play an important role in controlling a woman's own body and reproductive rights as well as being constantly alert and active to defend the laws and avail facilities written/ provided in her favour. Vast majority of

Indian women have a very limited accessibility to quality healthcare services. Women are often forced to go for abortions to private centers due to the judgemental and insulting attitude of health personnel, employees and officials of government centers due to the prevailing feudal understanding. In government health centers including primary health centers and sub-centres often properly trained staff is not posted or is inadequate. In this background, the right of single unmarried women and other women, to avail abortion facilities at 20 to 24 weeks despite the Supreme Court's detailed interpretation of the MTP Act is in question.

Another question is, a critical analysis of these rights is necessary in the context of Indian society where gender-selective abortion is common and women indulge in it, even if unwilling. Especially in the context that sex determination is possible in the country where medical centers operating with the lust for profit are being allowed to flourish like mushrooms even where basic medical services are not available. Privatization is becoming a policy; in such a situation it will be very difficult to ensure that the right to abortion will not be misused in the period of 20 to 24 weeks for this purpose.

Thirdly, the question of consent which is being raised again and again in the context of POCSO, is that "consent" can be forced on the woman, especially when disadvantaged or in cases of family violence to avoid police action.

Terminating a pregnancy resulting from consensual sex between minors aged 16 to 18 was a difficult situation earlier due to need to inform police. Dealing this is a positive aspect of the Judgement. The downside is that the police and socially competent sections will misuse it by forcibly writing consent of women from weaker, deprived, backward sections.

US Supreme Court decision regarding abortion

Let's also talk about the decision of the US Supreme Court.

The US Supreme Court recognized the legal right of women to abortion up to 12 weeks of pregnancy by its decision in 1973 in *Roe v. Wade*. Since the year 1800, laws were made in American society regarding women not having the right to have an abortion. As well as due to the lack of religious acceptance of abortion, women did not have the right to abortion by law. It is a different matter that women used to help each other to have abortions. Abortion was done by extremely unsafe and dangerous methods. Coat hangers had become synonymous with unsafe abortions. Those who had the money went to other countries where abortion was not a crime. Many times the doctors where women used to get an abortion, even after paying a lot of money, would never tell their correct names and at the same time would also instruct not to meet again.

In 1973 the US Supreme Court allowed abortion up to 12 weeks. The case was decided by a majority opinion and the judges who ruled in its favor, citing historical references to abortion, considered abortion as a fundamental right of women. In the US, the states make their own laws keeping in mind the central laws, but still not all the states of America gave the right to terminate the pregnancy before 12 weeks.

On June 19, 2022, the US Supreme Court struck down this right and once again American women no longer have a legal right to an abortion even up to 12 weeks of pregnancy.

Conclusion

Women have to fight a constant battle to get enforced the laws they struggle for and get written to assert their own right over

their sexuality and reproductive rights. Patriarchal beliefs about women's rights over their bodies flourish not only in semi-feudal societies like India, but also under advanced capitalism, as the example of imperialist America is proving. The real root is patriarchy and the systems which, while defending and nurturing patriarchy, remain active to maintain the secondary status of women. Therefore, it is necessary to build a society where there is no patriarchy. Patriarchy can end only when its roots i.e. private property is abolished because both the rise of patriarchy and the beginning of private property begun as a result of one due to other. In India women must align their movements to movements which seek to rebuild society.



On Supreme Court Judgment on 'EWS' Quota

On November 9, 2022 a Supreme Court bench, by 3:2 majority, upheld 103rd constitutional amendment. Majority judgment of Supreme Court of India not only runs counter to the hitherto delivered judgments of the Apex Court relating to Reservations but also distorts the hitherto accepted purpose of Reservations. Importantly, it marked a departure for the apex Court which had been routinely striking down Reservation provisions made by the State Govts. and has been generally upholding 50% ceiling on Reservations as part of what it upholds as basic structure of the Constitution.

Just before 2019 parliamentary elections, Modi led RSS-BJP Govt. had got Constitution amended to provide for 10% reservation

for economically weaker sections (EWS) excluding those from SCs, STs and OBCs. Thus it was to apply to economically weaker upper castes only. Economically weaker sections from SCs/STs and Socially and Educationally Backward sections of society were specifically barred from the ambit of this reservation as clearly stated in the Amendment (103rd Amendment) itself.

As this provision was made through Constitution amendment by inserting enabling provisions in Articles 15 and Article 16 of the Constitution, it was tested by the Apex Court on the anvil of the basic structure of the Constitution doctrine upheld by the Supreme Court of India since 1973. Majority of the Supreme Court bench upheld that Reservation for upper caste sections (earning less than 8 lakh annually and some other criteria formulated by the Central Govt.) is in accordance with the basic structure of the Constitution. The judgment, while fulfilling needs of ruling RSS-BJP to consolidate their upper caste vote base as part of their Hindutva agenda, runs counter to the needs of advancing the cause of justice- social, political and economic.

This judgment holds that upper caste economically weaker sections i.e. those earning less than 8 lakh rupees annually, constitute a separate category ignoring the basic principle of law that categorization should be relevant to the advancement of the declared objective i.e. in the instant case, securing economic justice. It entails discussion on the basic question of how economic justice can be secured without changing present unjust economic system which perpetuates exploitation of vast sections of people. Even if one does not deal with this basic aspect, even in the narrow sense of extending reservation to economically weaker sections of society, it is wholly unreasonable and unlawful how economically weaker section belonging to SCs, STs and OBCs can be excluded from these.

The apex Court has totally ignored that those reservations i.e. for SCs, STs and OBCs are to compensate for historical injustice i.e. their exclusion from education and service under the state and not on economic basis. Hence, reservation to economically weaker sections cannot exclude economically weaker sections belonging to these categories of socially and educationally backward sections of society and especially SCs and STs. That in fact is the main ground on which 103rd constitution amendment has been struck down by two judges of the Supreme Court who delivered the minority judgment in this case.

It is asserted by the Govt. that this Reservation does not in any way compromise the interests of SCs, STs and OBCs. This is not true. Earlier besides the seats reserved for them, candidates from these categories could compete for 50% general seats but now general seats available for all including those from SCs, STs and OBCs have been reduced to 40%. Whatever the share of these sections in these seats (and often not implemented), no attempt has been made to compensate for this, no attempt has been made to even evaluate it. Moreover, discrimination in not selecting them leaving the posts vacant is quite rampant, even acknowledged by Parliamentary Committee.

Equally unacceptable is the fact that the criteria for belonging to economically weaker sections of society have been pegged at earning up to Rs. 8 lakh annually and such similar ones. Incidentally that is the criterion for marking “creamy layer” among OBCs. It is stupendously mistaken to equate what is marking of creamy layer in one case with marking economically weaker in another case. Through this judgment the Apex Court has virtually abrogated the hitherto existing Constitutional mandate of using affirmative action e.g. Reservation, for the advancement of socially

oppressed and backward sections of society. Through upholding this Amendment, Supreme Court has nullified affirmative action for Socially and Educationally Backward Classes (SEBC) of society as it has termed this backwardness as coming from economic factors alone as similar criteria have been envisioned both for upper castes and backward castes for their eligibility for availing Reservation.

Worse, the amendment discriminates against backward castes as it provides proportionately larger share of Reservation for the upper castes eligible as compared to those eligible for socially and educationally backward classes i.e. backward castes. It is noteworthy that the apex Court has not even mentioned as to what percentage of the people eligible for this Reservation these economically weaker sections constitute of the total population of the country for whom 10% seats and jobs are reserved. SC judgment mentioned that advocates of those opposing this Reservation have cited a figure of 5% of the population falling under eligibility for which 10% allocation is being made. Surprisingly Supreme Court has not commented on this nor cited any other figures nor asked Govt. to collect such figure. It is pertinent to recall that Mandal Commission had recommended 27% reservation for what it considered as 52% of the population in view of what was Supreme Court ceiling on reservation i.e. 50%. However, in this case there is not even an attempt to ascertain any proportionality.

What has been repeatedly noted is that while on the one hand ruling class institutions cite lack of any caste data since 1931 and obfuscate the issues before the judiciary under the cloud of this lack of data, on the other, they prohibit any attempt to get such data collected i.e. to conduct caste census and when such data was collected as in Socio Economic and Caste Census in 2011-12, the results of the same were not published. Even the Apex Court did not

intervene to get the Census report published. It is clear that such ambiguity is deliberately maintained to deny to the deserving and to secure to the chosen the benefits rulers have to offer.

In another sense, overwhelming majority of Indians earn less than Rs. 8 lakh annually which has been taken as the marker of economically weaker sections of society in the instant case. However, when it comes to poverty, Govt. and the propagandists of ruling classes claim declining levels of poverty. They also delude the people about economic development, fastest growing economy, rising economic power and newly rising superpower. Obviously all these claims are bogus and with such a large overwhelming majority being economically weaker in the country. Ruling classes and the state machinery including higher judiciary concur with bogus and delusional nature of such claims.

In this judgment, the Supreme Court has laid aside the “ceiling” of 50% which was being routinely brandished against Reservations for socially backward or oppressed communities. What is good for the goose is not good for the gander! Moreover, the Apex Court has been repeating its formula of triple test which included data about a particular section lagging behind in the arena where Reservation is sought. However no such test was applied in the instant case. In fact nobody has ever even mentioned that economically weaker upper castes are represented less than their proportion in the population.

One-sidedness of this judgment is rooted in the structure of the state including Judiciary. This managerial apparatus of the ruling classes i.e. state machinery is dominated by the upper castes. It is so even where reservation is applied and more so where it is absent like in higher judiciary. Judiciary had been reluctantly accepting reservation for SCs, STs and OBCs with so many ifs and

but e.g. excluding in promotions etc. but has been eager in the present case despite even a case for the same not required to be made out. It has been so from the Champakam Dorairajan case in 1951.

The Apex Court in this judgment has held that this Reservation (i.e. for economically weaker sections of exclusively upper castes and exceeding 50% ceiling hitherto held sacrosanct) does not violate basic structure of the Constitution. Supreme Court while successively upholding this doctrine has never bothered to explain what this basic structure is: even if not exhaustively, at least broadly. In fact even the Supreme Court judges themselves have termed this concept of basic structure “amorphous”, “convenient guideline set by judges” and the like. With regard to reservations for SEBC, the Apex Court had invoked the doctrine of basic structure to limit that Reservation as no limitation was built in the Constitutional provision itself. But when it came to test 103rd amendment, the whole concept was turned upside down to claim that the ceiling does not violate basic structure. In Indra Sawhney judgment it was mentioned that 50% ceiling could be breached under certain conditions but bar to meet those conditions was set too high. The Apex Court, in the present case, has not bothered to go into whether the conditions stipulated in that judgment have been met in the present case.

In brief the Supreme Court majority judgment follows eclectic approach not wholistic one; and tangential thinking not rational one. Picking up some aspects from one place and others from other without gelling them into a coherent whole, the Apex Court has embarked on a journey to reach what some find a predetermined conclusion. Govt. has also resorted to false claims about Sinho commission (formed in 2006, report given in 2010) just

referring to it but without following recommendations of the said Commission either on measures or on criteria to identify economically weaker sections. Also omitted is the finding that members of SCs and STs are among the poorest sections of society. According to NSSO (2004-05) quoted by the Commission, 46% of STs, 38% of SCs and 31.3% of OBCs are below the poverty line (BPL) while number of people of other sections (general) is 18.2%.

Coming to basic structure aspect, the Apex Court has pointed out some features, say for example secularism and federalism. But even these are not upheld by the Apex Court. Their pronouncements have undermined secularism in a number of cases including “hindutva/hinduism as a way of life” in Babri Masjid case. And now comes this attack on social justice as well as on economic justice. Some of jurists say that change in the basic structure is tested on identity i.e. changing the very character of the Constitution. However, this is very nebulous proposition when it is not defined what constitutes this character. Basic structure doctrine has been used as hand maiden of the ruling classes to secure their collective vision as judicially reflected.

In view of the above:

Supreme Court should immediately review this judgment especially with regard to exclusion of economically weaker sections from SCs, STs and OBCs from the purview of the operation of Reservation for Economically Weaker Sections.

Caste Census (enumeration) must be undertaken without delay as part of the coming census exercise. Report of the Socio Economic and Caste Census conducted in 2011-12 should be published without delay.

Reservation quota of the already eligible sections should be enhanced to ensure its adequacy given their share in the population and specifically to compensate for the loss of seats for which they were earlier eligible.

On these issues a strong movement needs to be built up. Ruling class forces which use such issues to only secure share of power under the present dispensation will not build it. It is for the progressive, democratic and struggling forces to do so and align such a struggle with the struggles of basic masses against exploitation and oppression. After all, this discrimination is a manifestation of exploitation and oppression.

November 10, 2022



Red Salute to Com. Tara Singh Chalaki !

On the morning of October 12, 2022 veteran communist revolutionary leader from Punjab, Com. Tara Singh Chalaki, breathed his last at his home in Mohali. He was not keeping well for some years. His death is a loss to the communist revolutionary movement of India to which he contributed much in his life from the early days till he had become seriously ill.

Born in 1946 in village Chalaki in Ropar district of Punjab, Com. Tara Singh was attracted towards communist revolutionary movement during his student days. He was inspired by Naxalbari peasant armed struggle which has been a turning point in the history of communist movement of India drawing a dividing line

between revolutionary Marxism and revisionism and neo-revisionism.

Com. Tara Singh participated in the attack on Chamkaur Sahib Police Station in 1969. What followed was a long period of underground life braving hardships and privation, yet remaining firm and determined. He devoted his entire life to the cause of New Democratic Revolution in India. He had firm conviction in the programme of New Democratic Revolution and path of Protracted People's War and stoutly upheld and followed Marxism-Leninism-Mao Zedong Thought.



Com. Tara Singh played a leading role from early days. He was chosen for leading positions in the revolutionary movement. He was elected as a member of Punjab Himachal State Committee of CPI (ML) in a conference held in 1969 as its youngest member. He was to play a long inning in the leadership of revolutionary movement especially in Punjab. He was among the PC members who were instrumental in bringing Punjab Himachal PC into all India CPI (ML). He was entrusted with the responsibility of Secretary of Punjab PC of then PCC, CPI (ML) led by Com. S.N. Singh in 1980 and remained in that position till 1996. He was also a member of Provisional Central Committee (PCC) from 1980 to 1985. He remained a member of Punjab PC till he sought to be relieved of his responsibility as PCM due to ill health in

2013. His health progressively deteriorated over last few years. He participated in the all India Party Congresses held in 1992, 1996 and 2004 and always stood firm with the revolutionary line of the Party- CPI (ML)-New Democracy.

Com. Tara Singh's revolutionary life was marked with simplicity which came naturally to him; with honesty and devotion to the revolutionary cause which were his life's motto and with comradely disposition to all comrades at all levels from the lowest to highest committee. His poise, calm composure and serenity were marked even during the hard times, facing challenges of underground life evading arrest and confronting challenges of the revolutionary movement. His commitment to the revolutionary cause and his discipline were also exemplary which are worthy of emulation for all comrades working in the communist revolutionary movement.

Major part of the most active phase of Com. Tara Singh's life was spent in the underground. And that was also the most productive part of the long period he spent in the communist revolutionary movement. Though he did not work in any mass organization, first as that was not the line and later due to his other responsibilities in the Party, he always maintained comradely and close relations with the people.

Com. Tara Singh stood firm in the hard days of Khalistani extremist militancy and remained firm in opposition to that while also opposing attacks of the security forces against the people.

Com. Tara Singh came from a poor family and devoted his entire life working for the revolutionary cause of the people. Through his daring and devotion he played a leading role in the revolutionary movement.

Central Committee of CPI (ML)-New Democracy pays homage to the revolutionary memory of Com. Tara Singh. We express condolences to members of his family - his wife, son and daughter.

We once again pledge to intensify our efforts to make Indian revolution victorious, which had been life work of Com. Tara Singh.

Red Salute to Com. Tara Singh Chalaki!

Uphold Marxism-Leninism-Mao Zedong Thought as guide to action!

Develop revolutionary movement for New Democracy!

Remain firm on the Path of Protracted People's War!

October 13, 2022

**Central Committee,
CPI(ML)-New Democracy**



[On 28th October 2022 a Memorial Meeting to pay homage to revolutionary legacy of Com. Tara Singh was held by Punjab State Committee of CPI(ML)-New Democracy in Jalandhar (Punjab). Those who spoke in the memorial meeting included Com. Darshan Singh Khatkar, Com. Ajmer Singh, Com. Kulwinder Singh and Balwinder Kaur (Life Partner of Com. Tara Singh).]

Environment Release of GM Mustard done ; HT Cotton on the way :

**Modi's "Jai Anusandhan" is Jai MNC
Undermine India's Seed Sovereignty,
Promotes Chemical Poisoning**

● **Ashish Mital**

Genetically modified seeds are seeds in which some genetic material, i.e. DNA of another organism is inserted into the genetic chain of the host, such as is not found in nature. Such modifications are done to give additional features or capabilities to the host species which the naturally occurring variety does not have. These features could be higher productivity, bio-fortification, capacity to resist impact of some pesticide or weedicide, capacity to produce some additional proteins which are poisonous to parasitic worms, viruses or bacteria, or capacity to grow in different environments like drought, etc. This is part of genetic engineering which produces seeds with a recombinant DNA. The apprehension in scientific community is that this recombinant DNA, released into nature can get transferred into naturally growing varieties and play havoc with the ecological balance.

While US companies lead in promoting this technology, GM foods are banned in several countries. In India the debate has been raging for last few decades and in India it revolves around permission for production of GM Mustard, GM Cotton, GM Brinjal

and some others, while world over several vegetables like tomato, potato and several fruits, sugarcane, cotton and others are being grown.

Environmental Release: Foreign technology wrapped in ‘desi’ cover.

On October 18, the country’s regulator for GM crops, Genetic Engineering Appraisal Committee, GEAC recommended DMH-11 (transgenic mustard hybrid) for ‘environmental release’. It is claimed that DMH-11 has been prepared by Centre for Genetic Manipulation of Crop Plants (CGMCP), Delhi University. However, this technology is owned by German Chemical Giant, Bayer.

The GEAC has also recommended release of Herbicide Tolerant, HT Cotton, Bollgard II Roundup Ready Flex (BG-II RRF) for use in the environment. This too is owned by Bayer, but marketed by Mahyco.

The Technology:

- 1. DMH 11** has two parental lines. These are Event Var bn 3.6 carrying barnase and bar genes and the Event EH-2 modbs 2.99 containing barstar and bar genes. The product, DMH-11 has all three genes. Role of bar gene is to stabilize barnase and barstar. It also renders chemical herbicides ineffective. Use of herbicide is necessary for large scale production of DMH – 11 in order to kill the non GM varieties and allow DMH – 11 to thrive. Barnase in the genetic base of the seed makes the plant male sterile, i.e., it cannot produce its own pollen and will need pollination from another plant. Barstar in the genetic base of the other parental line will prevent the action of Barnase in the progeny, i.e., it will restore male fertility by blocking action of barnase. This

technique was originally developed in Belgium in 1990s and is owned by Bayer.

- 2. HT Cotton:** GM cotton produced by German Chemical MNC Bayer, actually HT Cotton, is also set for environmental release soon. The GEAC had constituted a committee on July 27th, 2022, to assess this under DBT scientist Sanjay Kumar Mishra to review Mahyco's application for this. It has recommended release of both DMH – 11 and BG – II RRF. Bio-safety research and field trials of BG-II RRF had been done in 2012-13 and the results of these trials had been submitted by Monsanto, the original developer in March 2013 to the GEAC. Due to opposition no decision was taken then and the US company withdrew its application. Bayer acquired Monsanto in 2018 and a fresh application has been moved for it by Mahyco in 2022 which has been considered.

This strain allows farmers to spray herbicide glyphosate to kill the weeds and thus indirectly enhance production. This transgenic cotton BG-II RRF contains 3 alien genes. Cry1Ac and Cry2Ab are sourced from Bt, or *Bacillus Thuringiensis* and it produces toxic proteins which kill the Bollworm, acting as a pesticide. The third gene is cp4-epsps, sourced from *Agrobacterium tumefaciens*, which makes the cotton plant tolerant to glyphosate.

Both theses GM products relate more to tolerance to chemical herbicides than any other yield enhancement qualities.

Claims and Counter Claims:

1. Claim is that with cross pollination, the next generation plants of DMH 11 will be fertile and due to cross pollination will have 28%

higher productivity. In DMH – 11 the cross is between ‘Varuna’ variety with barnase gene and East European ‘Early Heeera-2’ mutant with barstar. Also ‘Donskaja’ European variety can be used to ‘enhance’ production. Several studies shown that the output of DMH 11 has not been tested against the highest yielding traditional and hybrid varieties grown in India, but against the low yielding varieties to obtain positive results. Some field studies clearly show that yield of DMH 11 is at par with traditional seeds.

It has been argued that average Mustard productivity is about 1 to 1.3 tonnes per hectare and this has stagnated over 2 decades while it is 3 times this in Canada, China and Australia. Studies show that output in India can be 3 to 5 tonnes per hectare in different agro-climatic regions and with other hybrid/traditional varieties. There is no conclusive proof that DMH – 11 gives higher production per acre.

2. Claim is that current challenges before us are over exploitation of natural resources, soil, water, biodiversity, declining productivity and urgency to achieve sustainable development. DMH-11 can claim to solve none of these.
3. Claim is that Bt Cotton produced in India has drastically improved yields, some claiming increase is from 120 to 200 bales per acre. These claims of enhanced productivity of Bt Cotton are subject to several disputes. All reviews of Bt Cotton across countries in the first decade of this century showed variable yields.

A review published in the prestigious journal, Nature, states that the ‘surge in yields that has been uncritically attributed to Bt seed... it now appears that Bt Cotton’s primary impact on

Indian Agriculture will be its role in this rising capital intensiveness rather than any enduring agronomic benefits’.

Another study by Prof Plewis on the impact of Bt Cotton in different states concludes that in some states use of insecticides came down, while it was not so in others; in some states yield increased, but not in others; in some states profit increased, but not in others.

Anantha Sayanan, founder of Tula, a Chennai-based non-profit organization, says, “Bt cotton has not done much to the yield for sure and especially in the rain fed areas”; that “ the area under Bt has surely increased due to many reasons such as the use of agriculture extension arms for marketing, making only the Bt seeds available, shutting the effective breeding or saving of traditional seeds.”

Suman Sahai of Gene Campaign is also of the opinion that “It’s well understood that Bt cotton acreage has increased rather than yield, leading to higher production”. Rise in production was thus attributed not to Bt cotton alone, but to other factors such as increased irrigation, the rampant use of fertilisers, seed treatment chemicals.

As per Dr KS Kranti, then Director of Central Institute of Cotton Research, CICR, “No significant yield advantage has been observed between 2004 to 2011 when area under Bt Cotton increased from 5.4% to 96%”.

Though according to the Directorate of Economics and Statistics (DES), the yield per hectare has risen from 191 kg in 2002-03 to 436 per kg in 2019-20, a Parliamentary standing committee report submitted in 2017 said, “India’s cotton yields increased by 69 percent in the five years (2000-2005) when Bt cotton

was less than 6 percent of the total cotton area, but by only 10 percent in the 10 years from 2005 to 2015 when Bt cotton grew to 94 percent of the total cotton area.”It went on to say that the government agencies had made attempts to “portray a rosy picture with regard to the success of Bt cotton, which actually is not the case.”

In FY 2002-03, the total area under cotton was 86.24 lakh hectares, of which the Bt variety was 0.33 percent, in 2012-13 it went up to 119.77 lakh hectares, of which Bt cotton was roughly 88 percent and in 2019-20 it was 125.84 lakh hectares with 93% Bt. production of cotton in 2002-03 was 86.21 lakh bales, while in 2019-20 it was 322.67 lakh bales and in 2021-22 it was 340.62 lakh bales.

Three things are universally accepted about Bt Cotton.

- a. Cost of cultivation rises drastically due mainly to seeds which are 3 times costlier than the desi varieties.
- b. The initial impact on bollworm has started wearing off and other secondary pest attacks continue. In Punjab, few years back, white fly attack finished off 75% of the Bt crop. The desi variety remained unaffected. Several peasants re-ploughed their standing crops and a large number committed suicide.
- c. The yield increase was never the expected scientific outcome in Bt Cotton. Rather it was an indirect expectation from the pesticidal impact of the endotoxin in plant resulting from the implanted gene.

On use of pesticides, the Pesticide Atlas of 2022 states that since release of Bt Cotton, cost of pesticides for farmers had gone up by 37%. How much is due to increase in use or increase in costs

may be a question to explore. According to Agriculture ministry data compiled by the Cotton Association in its weekly publication in 2016, fertiliser use per hectare rose from 96 kg per hectare in 2002 to 223 kg in 2013.

4. Claim is that this technology can also be used for introducing traits relating to resistance against fungal diseases, alternaria bright and stem rot fungus or to create specific features of zero or low levels of erucic acid and glucosinates which are bad for health. This is in realm of future and no one is questioning pursuit of scientific ideas.
5. This technology now threatens to wipe out desi varieties of Mustard which are thousands of years old as it has done in Cotton. Swadeshi Cotton has already been withdrawn and its existence is under threat.

Adverse Impacts:

1. **Impact on Honey Bees:** GEAC feels field trials for impact on honey bees and other pollinators should be conducted. Expert Committee set up by GEAC says Bar/ Barnase/ Barstar may not affect honey bees, so commercial release may be OK. One argument raised was that Barnase and Barstar are proteins, while honey is a pure sugar and has no protein. Hence there can be no effect on it. This argument is quite off the point because the question was about impact on bees and not on honey. Bio-safety studies have already been circumvented. Bees sucking nectar may get affected due to the manifestations of these genes on the mustard plant. More obvious will be the impact of herbicides on the bees which will be present in excess concentration in these new mustard plants.

- 2. HT (Herbicide Tolerant) GM Seeds:** The Bar gene makes the plant develop resistance to effect of herbicide Basta (glufosinate ammonium). Glufosinate is produced by Bayer as are these seeds. Bayer has been pushing for adoption of technology which will promote sale of these chemicals. GAEC claims it has recommended use of herbicides only in production of GM seeds, but has barred its use for mustard farming. This is deliberate subterfuge by the Govt., to divert attention from Bayer's sinister marketing plans. Sale and application of herbicide will increase freely along with its attendant adverse impacts.
- 3. Health Concerns:** Herbicide tolerant (HT) food crop can be very dangerous to our health and environment. There is no need for mankind to be ingesting these poisonous chemicals. When HT crops are grown there will be excessive use of the herbicide leading to increasing levels of this poison in the foods grown, in the soil, in water and in all other vegetation, indirectly affecting naturally existing insects, wild flora and fauna, fodder of grazing animals and in milk and meats. This is long term danger. This environment release can cause massive harm in an agrarian economy like India's. In India here is no possibility of having isolated farms using the herbicide with buffer zones to isolate them. Nor is the lab testing so elaborate that allergic manifestations can be immediately pinned. Large Indian populations live in villages and depend on vegetation. We are well acquainted with increase in cancers in Malwa area of Punjab, the land of 'Green Revolution', due to excessive chemical toxicity.

There are serious concerns about nutritional assessment and increase in allergies where GM seeds are grown. The health

issues in human beings and animals can be due to consumption of GM foods, due to genetic pollution and poisonous chemicals.

- 4. Genetic pollution, Impact on Water Table, Environment:** There are some long term harmful effects of such technologies driven by the desire to grow food crops in unnatural conditions, rather than adjust cropping patterns to nature. Severe lowering of water table due to excessive water needs of hybrid seed farming is an example.

There is threat of growth of harmful species as a result of disturbances to nature's existing balance and due to genetic transfer of the modified genes into the wild. Increased resistance of other insects to bio and chemical insecticides is known, as is the growth of new, more harmful insect varieties. White fly is an example. Wild genetic transfer can also affect pollination as well as impact effectivity to herbicides.

The Economic Argument:

India imports around 14 to 14.5 million tonnes of edible oil per year. Major imports are of palm oil, sunflower oil and soy oil. It is worth 18.99 billion dollars. This amounts to Rs 1,57,617 lakh crore spent to import at a rate of nearly Rs 110 per kg. GM technology is claimed to be an easy remedy. This is patently wrong. As we have seen, there are several available methods to increase yield and promote production of oilseeds in India. The govt has been abdicating its responsibility on this score. In any case we are not Mustard oil deficient. India is almost self sufficient in mustard, producing 2.6 mt as against a requirement of 2.8 mt. With multicultural people of India having specific tastes, higher production of mustard oil will certainly not replace the requirements of other vegetable oils.

The Govt. has announced Rs 5500 per quintal as MSP for Mustard but no mechanism for guaranteeing procurement at this rate. In season the market rate is often around Rs 4000. Even the MSP amounts to less than the rate at which the govt. imports oil.

Imperialist drive to control Food Chain:

The issue of giving freedom to breeders of GM seeds revolves around several aspects, most important of which is handing over control of seed technology, food markets and hence of food security to large MNCs which are investing heavily in this field. Total global GM seed market today is valued at \$ 69 billion. Fundamentally, today, GM technology is part of Imperialist strategy to penetrate and control India's agriculture and food chain. While it is the Governments which should have developed this technology in a manner which is scientifically ethical, naturally sustainable, beneficial to peasants by augmenting their production and profitability and to common peoples' food needs, it is working in tandem with companies. In India a major threat of this is the loss of self-dependence and sustenance of common peasants, who largely utilize traditional seeds best suited to their natural environment. These will be totally replaced and possibly lost forever. This technology also creates adverse economic impact on the peasants, indebts them and uproots them from farming, giving total control to MNCs.

The Debate around Permission for Environment release of GM Seeds:

So far only GM Cotton had been approved. Release of GM Brinjal and GM Mustard was stalled in 2017 when protests grew. Nothing new has taken place since 2017, neither there is any new study, nor any research is being done. The field trials which had

been done at 8 locations over 3 years prior to 2017 had been rejected as inadequate as at only 2 sites the study had been repeated for another season. Testing done has compromised ICAR guidelines, regulatory requirements on transgenic front and pesticides related regulations. The bio-safety dossier of DMH 11 is hidden from public scrutiny. Testing for impact on honeybees and other pollinators and soil has just not been addressed. This approval has been given as the regulatory body, GEAC has been colluding with the crop developers.

There are other issues. GEAC cannot authorize the environment release as it just an appraisal committee. The competent authority mandated to do so should be in public knowledge. After all someone also needs to be held responsible for the losses that this will lead to.

The real push for this has come from Narendra Modi's Independence Day speech in which he called for '**Jai Anusandhan**'. The permission to GM Mustard and to HT Cotton is to ease of business of seed Companies and to create market for deadly chemical pesticides, glufosinate. It is part of Modi govt's pro Corporate, anti farmer, anti people agenda, "**Jai MNC Raj, Jai Corporate Raj**".

Two Responses to the Release of GM Mustard – AIKS and AIKMS:

While farmers bodies across the country have been opposing GM seeds and continue to do so, CPM led AIKS has favoured 'extensive testing of the hybrid seeds', albeit by public sector laboratories. It went to the extent of certifying that 'Now the hybrid seed will be tested by the ACAR. It is a government's research wing. They cannot cheat the people. They will come to the people with the

results of the testing. If it is not harmful, we have no objection. After the tests, if it is established that hybrids seeds are not harmful and helps in increasing the yield, the government should allow its cultivation'. They further say, 'We are not against science. We have to utilize technology to increase production. In India, with a huge population, we need to increase our production. Technology must be used for this. Our objection is different. If the technology is given by the corporate houses, they prepare the products according to their needs. It will create problems.'

On BT cotton, AIKS says, farmers have been demanding pest resistant varieties. 'The government should find out where things went wrong and it must be rectified. Due to BT cotton, production has increased. But the complaint of the farmers on pest attacks must be addressed by the government'.

Such faith in RSS-BJP led govt. institutions! Considering the fact that large MNCs are behind the push for these GM and HT seeds and despite strong scientific objections, all remaining unanswered by the promoters, AIKS has taken this position.

However, after criticism of their stand, they issued a clarification. In that they have explained that it is wrong to conclude that they are in a 'tearing hurry' to welcome GM Mustard. They have repeated their assertion of 'science based' solutions. They say these solutions will be more remunerative for farmers, even though the farmers' movement is seething with unrest over govt's negative, anti-peasant, pro-Corporate approach which raises input costs, indebts farmers, undermines basic agro infrastructure and exposes them to taking all the risks of costly Corporate led production control.

Despite clear evidence AIKS has expressed 'hope' that further research should develop non herbicide tolerant GM seeds

while asking BJP govt. to come clean on objections relating to health and ecology. It has only asked the Govt. not to rush into the release of GM Mustard and HT Cotton but has stopped short of demanding immediate withdrawal of permission. It is obviously seeking justification for promoting MNC interests.

While opposing the permission for environment release of these seeds, AIKMS has demanded withdrawal of permission and ban on these seeds. It is based on the social, economic and scientific information discussed above. We all know that hybrid seeds have increased costs and indebted farmers. We know about MNC attack on seed sovereignty. Incidentally, even Swadeshi Jagran Manch has said these are foreign seeds. We know about harmful effects on human and animal health, on honeybees and other pollinators, on growth of harmful insects, on the water table, on soil and on other flora and fauna. We know how our own public sector institutions are working to help MNCs. Therefore, we have clearly opposed the govt. decision.

We believe that scientific studies should continue. We believe that very strict scientific criteria need to be applied and no tampering with nature should be allowed as the impact of that is irreversible. We believe that such technology has to be of proven value to peasants and society, only then it should be permitted. We believe that reversing impacts of Genetic manipulation, like the new pests, increase in cancers, fall in water table, all are nearly impossible as well as extremely costly to society.



In the Crosshairs of Imperialism and Reaction

Iranians Protest Against Clerical Regime

● **Zameer**

For over two months Iran is witnessing widespread mass protests since a young 22 year old Kurd woman, Mahsa Amini, died in the custody of morality police in Tehran. She was detained on September 13 for not wearing her *hijab* properly and pronounced dead in custody three days later. These protests have swept through different regions of Iran. According to various estimates more than 300 persons have died, among them more than 40 being children and hundreds more injured. Even the regime has accepted that two hundred people have died during protests. These protests have been marked by large-scale participation of women and youth- with young women in the foreground. Brutal suppression by the clerical regime is feeding the simmering anger of the people against economic hardships, patriarchal imposition and brutal suppression which has come to characterize the present regime.

The large-scale protests were precipitated by Mahsa Amini's death in police custody, but the protests had been going on for several months. The present President, Ibrahim Raisi, was installed through election among candidates selected by a council of clerics. Since coming to power, Raisi has imposed stricter code on women, decreeing enhanced dress code since July 2022. Several women including some well-known ones were arrested for

“improper clothing” besides large-scale harassment and physical abuse. Engulfed in deepening economic crisis and increasing disillusionment of people, the clerical regime has dug deeper into religious rhetoric including the patriarchal pit.

The regime is refusing to heed the anger of the people, instead blaming all this on the well recognized foes- the USA and Israel for orchestrating anti-regime campaign. Breaking his over two weeks long silence on the protests, supreme leader of Iran, Ayatollah Khamenei, attacked the protestors calling the protests as plans of the enemy (*Doshman*) to destabilize the country using, what he called, the “unfortunate death of that young woman”. Probably mindful of declining appeal of his regime, he told the people, “*Doshman* is not only against the Islamic Republic, they are against a strong and independent Iran”. He also asserted that the enemy’s attempt at destabilization was due to economic advance made by his regime despite the sanctions imposed by western powers. Khamenei and other leaders of the Islamic republic of Iran fail to address why such a large number of people are joining the protests. Khamenei has called protestors “family members of SAVAK agents” referring to hated Shah Pahlavi’s secret service. But he failed to deal with the fact that this is happening after 43 years of interrupted rule of clergy in that country. They don’t want to or are incapable of seeing the real reasons of people’s anger and growing unpopularity of their regime, justifying their repression in the name of conspiracies of western powers, the latter however are a fact.

Govts. of western powers – that of USA along with Britain, Germany and others are speaking against this repression. This hypocrisy i.e. advocacy of democracy, flies in the face of their pandering to the oil rich Arab monarchies especially that of Saudi

Arabia and their support to suppression of democratic rights of the people in several countries. US rulers would also like people of Iran to forget how their CIA and British intelligence had engineered overthrow of the democratically elected Mossadegh Govt. in Iran to install their puppet Shah Pahlavi in power and maintained him in power for over two and a half decades, a govt. that had unleashed brutal suppression, incarceration of dissidents and killings of opponents. This American-British imposed regime was overthrown in 1979. USA and western imperialists have not changed course; they are at their game of regime change in countries which are not favourably disposed towards them. This design has gained urgency in the situation of intensifying inter-imperialist contradictions and Iranian regime's proximity to Russia and China. Iran has emerged a centre of attention of western powers both for aligning with their aforementioned rivals along with Iranian strength having potential to further upend the situation in the oil and gas rich region.

While imperialist machinations are a fact, the real reason for these protests lies in Iranian people's anger against the clerical regime. These protests are drawing a large number of people into streets across Iran who are braving assaults by the security forces, are continuing protests despite hundreds of deaths and large scale of arrests. Moreover these mass protests are continuing for over two months, every death at the hand of security forces and every use of brutal force drawing even larger number of people into protests. Among the various factors contributing to people's anger is their worsening economic conditions, rising prices of essential commodities and growing inequality among the rich and poor in Iran, an inequality which cannot be made to disappear with promises of equality in the life hereafter. Pain of the people is real and cannot be mitigated by the claims of the rulers of great

economic advance or leap. Since Raisi came to power in August 2021, the inflation rate has reportedly “doubled to 54%” with prices of essential commodities e.g., food items rising even faster. Leaders of the Govt. and the Supreme Leader talk of the sanctions imposed by western powers which are affecting the lives of the common people but they don’t mention that during these very sanctions concentration of wealth in the hands of top 1% Iranians have become even greater. As aptly commented by Behrooz Tabrizi, “Iranians have shown that they are willing to brave the difficulties of all kinds of foreign pressures, but they cannot bear to witness the suffering of a great majority while a small minority profits from circumventing the sanctions.” Islamic rulers, like anti-people regimes in different countries, call upon the people to sacrifice while allowing or rather helping rich grow richer. This call to sacrifice is nothing but a call to people to allow themselves to be robbed.

In the backdrop of the deepening crisis, Iranian rulers are trying to strengthen their control through their religious project spending billions to control education, culture etc. At the core of this project lies increasing control over the women, further restricting their already curtailed freedoms. And these restrictions are to be imposed by morality police with all its attendant effects. What happened to Mahsa Amini was no exception; a large number of Iranian women, particularly educated women, routinely go through experiences of harassment and prosecution. Shared experience has led to shared participation in protests.

Iran is a middle income country and is considered as a moderately developed country. Here literacy is high and education is widespread including among women. It is ironical that such a vibrant society with a large section of young educated women and men, progressive and tolerant, should be ruled by a backward

leaning clergy. The roots of this anachronism are both historical as well as rooted in the composition of society and its political expression.

Iran is rich in oil and gas, having one of the biggest reserves in the world. But Iran had been prosperous even before industrial refining of crude, being among the cradles of civilization. Iran is almost self-sufficient in agricultural production with north-west and western parts being granaries of Iran. Agriculture contributing one tenth to the GDP employs over one sixth of the working people (17%). Here skewed landownership, inadequate irrigation (only one third of arable land is irrigated) and backward means of production have kept the output low. Iran has a rich industrial base with industries contributing almost 35% to the GDP and employing similar percentage (35%) of working people, with services contributing nearly half (48%) to the GDP and employing 44% of the work force. Oil and gas exports contribute nearly 80% of the total export earnings while employing only about 1% of the working people. Among the industries, a large part is state owned though over past decade and a half privatization of the state enterprises has been speeded up. This shows that power the clerical establishment exercises over the lives of people is by monopolizing large sources of income and industrial production. Working population is large in number and institutions of higher education teem with young men and women. It is this vibrant society that the clerical establishment seeks to control.

While the protests are large but these are mainly middle class populated by educated young women and men, students and teachers, academics and professionals. Their protests echo in the large populace of Iran and are quite able to challenge the clerical establishment. However to build a new society, these need to be

spearheaded by the working class which is quite numerous in Iran and is to be supported by peasant masses especially in North West and West, the regions which are quite restive. As has been seen in a number of protests which had erupted in a number of countries and which continue to erupt, these can succeed in changing the system i.e. ushering in a new system, only when these are in conjunction with a strong working class movement or agrarian revolutionary movement. These factors had been highlighted when Kemalist leadership in Turkey had made a U-turn to embrace the western capitalist world. Without these factors such movements stop mid-way and not lead to basic transformation of society. The present protests have etched some successes in blood. For the first time since establishment of clerical regime open discussions are taking place in society including in media e.g. state television, among the different political forces including parliamentarians and obviously in the universities on the use of morality police to enforce compulsory *hijab*.

The present movement is a very serious challenge to the ruling clerical establishment. It will definitely force some changes but for it to become a movement of social change, basic classes have to be mobilized. The spearhead of the movement is against impositions by clerical regime. *Hijab* now, as earlier, is only an expression of opposition to lack of democracy; in women's context is denial of right of choice. In Shah's Iran wearing *hijab* had become a symbol of protest against dictatorial monarchy. In today's Iran opposing compulsory *hijab* has emerged as a protest. But the underlying cause is same- denial of right to choice, a violation of democracy. Same is evident in India as well where wearing *hijab* has become a symbol of protest not only against right to choice but here even right to identity. These symbols embody and hence are a

reflection of deep seated sense of denial of basic rights; a reflection of rejection of general oppression.

Clerical regime has banned all political dissent forcing it underground. It repeatedly happens in all oppressive societies. Even the present movement is not without conscious leadership though large segments of people may be spontaneously participating which again takes place in all people's upswings. Disallowing open expressions of dissent only makes the way for powerful explosions, violent suppression breeding violent upsurge. Iran has had strong tradition of progressive movements and has had progressive organizations leading such movements. Even in present movement, role of cadres of Mujahideen-e-Khalq (MeK) is being widely mentioned whatever may be the extent of their influence and participation.

There are historical reasons of Iranian clergy's role in social life which have maintained close links with the people through the ages and been with the people during hardships over long periods of history including the recent one under Shah Pahlavi. However progressive revolutionary forces have been active among the people especially at historical junctures. Since the formation of Communist Party in Iran first in 1920 when victorious October Revolution in Russia carried Marxism-Leninism to all corners of world, revolutionary communists have played active role at critical junctures of Iranian history. After suppression of Communist movement by Reza Pahlavi, *Tudeh* Party was formed in 1941 and developed extensive base not only among intelligentsia but also working class. *Tudeh* supported nationalization of British oil company by Mossadegh Govt. After overthrow of Mossadegh Govt. and installation of Shah Mohammed Reza Pahlavi, *Tudeh* Party and working class movement and progressive intellectuals were brutally suppressed.

After decline of Tudeh and capitulation by some of its leaders emerged Mujahideen-e-Khalq (MeK) in 1960s. Its founders were followers of Mossadegh who analyzed the failure of that force (National Front) but they also embraced Marxism in some aspects. From 1973 MeK embraced Marxism-Leninism and it continued up to overthrow of brutal Shah regime in early 1979. Mainly they along with other progressive forces conducted resistance against Shah regime. And it is their strength which had played a dominant role in overthrow of Shah regime. However, as at that time struggle was mainly against Shah's dictatorial regime and hence sharp antagonism did not exist between progressive democratic forces and clergy opposed to Shah regime. Owing to the clergy's wide network and greater acceptance among the elite as compared to revolutionary forces, it came to power. It is almost universally accepted that it was revolutionary forces which had overthrown the Shah regime but due to the above given factors, mainly lack of leadership of working class and support of elite, clergy came to power in Iran in that tumultuous period. Here again due to lack of revolutionary leadership of the working class a progressive society could not be brought into being despite yearnings for the same. Despite overwhelming sacrifices by the communist fighters including those belonging to Fidayeen and MeK, dominant sections brought clerical regime to power.

Once in power, clergy moved to suppress the progressive forces. After a brief period of struggle between the two, clergy monopolized power and moved on to suppress the progressive forces and hit the women rights hard. After overthrow of Shah regime, MeK also came to be dominated by non-ML forces and while retaining anti-clerical stance in the main, Mek leadership hobnobbed with ruling establishment including with imperialist

forces. Rule of clergy drove the resistance underground but it showed through a number of protests. Moreover, the class conflicts found their reflections to an extent within clerical establishment as well.

The present protests are widespread and determined and will force the clerical establishment to climb down. Their continuance for over two months shows that the protesting people will not be cowed down. The future trajectory of this growing movement and activity of the people is still being shaped.

November 20, 2022

It's time to Abolish the Outsourcing System

● **Bhalachandra Shadangi**

The Government of Odisha has recently has abolished the ongoing contractual system in government employment. As a result of that, 57,000 employees working in various departments of the state on contractual basis for years become regularized. A total of Rs. 1300 crores will be spent from the exchequer towards this purpose. This is certainly an important policy decision of the government in the interest of the employees who were in distress condition for years. Since the introduction of the neoliberal economy, this initiative of the Odisha Govt. is certainly a step whose impact is bound to fall across the country. Soon after this

announcement, state Govts. of Rajasthan and Punjab have also decided to abolish contractual system in Govt. services. Whatever may be the intention of the state Govt., this initiative will certainly bring hope to thousands of employees who have been fighting for the abolition of this exploitative contractual and outsourcing system.

Of course this is a good decision by the Odisha Govt. But it will be inappropriate to give the sole credit to the Govt. for this. Actually the severe dissatisfaction among the contractual employees and their growing movement has played a major role in forcing the Govt. to take this decision. This is clear from the way the Govt. has clarified that earlier it had introduced this system due to severe financial crisis. But as the financial condition of the state has improved, Govt. has decided to abolish it. But the question is, why did it take so many years although it is claiming a revenue surplus a decade ago? And if the financial condition of the Odisha Govt. is really good, then why is the Govt. is not regularizing the remaining employees engaged in the Govt. service but recruited by different outsourcing agencies?

There is no doubt that Naveen Pattnaik Govt. is solely responsible for the introduction of this discriminatory and exploitative system of employment in the state. During the last 22 years of its rule, there has been a massive contraction in Govt. recruitment. Abolition of regular posts and contractualization and particularly outsourcing for Govt. service has increased manifold. This was the outcome of neoliberal policy introduced by the state Govt. under the pressure of World Bank and other lending agencies. The state government has exploited its own employees to implement the so-called structural adjustment policy. In line with

the recruitment policy, thousands of existing regular posts in various departments have been abolished. Lakhs of posts have been kept vacant for years. As per the Govt.'s recent statement given in the Assembly, 45,513 Govt. posts were eliminated in the state only between 2000 and 2008 and 2.26 lakh posts are still vacant in various departments of the Govt. The Govt. has very cunningly implemented the contractual and outsourcing system in Govt. services without making any regular appointments in the vacant posts for years. In the last 22 years, as a result of these cost-cutting and exploitative recruitment policies, the number of permanent employees in the government sector has decreased rapidly, while the number of temporary and outsourcing employees has been continuously increasing. Now, from doctors, pharmacists, nurses to university and college lecturers, school teachers this type of temporary and outsourcing recruitment has become a general policy in all departments of the state government.

Though the state Govt. has declared that contractual system of recruitment in the state has now becomes history but in reality it has abolished only a part of it, not the whole. Because it has only regularized the 57,000 contract employees who were directly recruited by the Govt. On the other hand nearly two lakh employees working in Govt.'s various departments but recruited by different service provider agencies or contractors are still not regularized. Although they are serving the Govt. for years with very little salary and without any social security, they are not given justice by the Govt. Even the Govt. has not declared any measure to improve their present service conditions. Here the question arises, when the financial health of the state Govt. is quite good, then why these employees are working in such distressful conditions? Even many of them particularly class D employees like sweeper, Swachha

Sathis etc. working in sanitation and health sector of the state are not even getting minimum wage declared by the Govt.

It is to be noted that though the Odisha Govt. under the leadership of Naveen Pattanaik has introduced the outsourcing and contractual system from 2002 onwards, it has tried to legalize this system only in 2013. It has framed the Contractual Services Rules 2013 to legalize the contract system in Govt. recruitment. This rule has divided the contractual employees working in the Govt. service in two categories. **Category I** are contractual engagements made against contractual posts created with the concurrence of Finance Department without following the recruitment procedure including the Odisha Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules made there under and Rules regulating recruitment for the regular posts. Similarly **Category II** is contractual engagements made through manpower service provider agencies with concurrence of Finance Department. Though the Govt. is considering both the categories as contract employees but has regularized the employees who come under **Category I** only but not those who come under **Category II**. This act is totally discriminatory and irrational.

Even as per the Odisha Contractual Services Rule - 2013, the government is legally obliged to regularize the directly recruited contract employees who were hired on a fixed basis and completed six years of services. But, on the contrary, it has been exploiting these employees for years with a meagre salary without regularizing them even after the statutory six years of service. In many departments, it has been seen that the employment of employees has not been regularized even after working in the sector for more than 10-12 years. In such a situation, it can be said that the Govt. has only fulfilled its legal responsibility by

regularizing these employees. However, the Govt.'s decision, not to recruit anyone as contract employee in future for government jobs, is definitely a positive step.

57,000 contract employees directly recruited by the Govt. are regularized. They were working with a low salary which was even less than half the salary of a regular employee. Even after working for years they were under immense pressure of job insecurity. So, by regularizing them, the Govt. has ended their distressing condition and freed them from job insecurity. But still lakhs of employees engaged in Govt. services are deprived of from this Govt. announcement. Nearly 2 lakh outsourcing employees engaged by different outsourcing agencies are working in Govt. services like bonded labourers. More than 1.2 lakh teachers working for more than six years as junior Primary teachers in Mass Education Department are not regularized. Though they are working under the state Govt., they are not regularized arguing that they are working under the Sarva Sikshya Abhijan of central Govt.

Outsourcing system of employment is a very exploitative system of employment. It is worse than the contractual system of Govt. recruitment. The Govt. is taking all their services even more than that of regular employees but without any responsibilities. Though they are doing regular works of the Govt. for years, they are not recruited directly by the Govt. even like a contractual employee. From Govt. Secretariat to schools, municipalities, hospitals, electricity, rural sanitation, MNREGA, ICDS everywhere they are working for years together without any job security or regular salary hike. Even though they are engaged in regular government work, they are employed by various private agencies and are working in a worse position than regular employees.

Because the contract employees are directly recruited by the government, the possibility of regularization is there from the beginning. But in the case of outsourcing contract employees the same possibility does not exist. Their continuity of the job is subject to the renewal of the contract between Govt. and service provider agency. Since the service contract is only for one year and at best it can be renewed for another one year, so the fear of losing job is from the very beginning. Though the Govt. gets its work done at the lowest possible cost by engaging these employees but it has no responsibility for their wellbeing. It is extracting maximum output by giving a meager salary. At least 4-6 outsourcing employees are engaged at the salary of one regular employee.

Even though they are engaged in government service, they are being deprived of minimum pay and other benefits like government employees. For years, they have been forced to pay a very low salary (between 4 and 10 thousand rupees per month). While other employees receive regular dearness allowances, their salaries are generally not increased for years. Far from giving them regular leave like government employees, many employees are not given weekly leave or even paid leave on various national days. In their case, the policy of ‘no work, no pay’ is being implemented. If you ever take leave then the salary for that period is deducted. The most shameful thing is that while the government is providing maternity leave benefits to its own women employees, it has deprived the outsourced women employees of this benefit. As a result, many female outsourcing workers going for delivery are losing their job.

The service provider agencies often do not pay these employees for months together. Many times they do not deposit their share of contribution for EPF and ESI regularly. The most

dangerous thing is that the Govt. in the name of GST is deducting 18% of their monthly salary amount even from the meagre salary they are receiving. This is nothing but direct robbery by the Govt. While outsourcing employees are forced to remit nearly one fifth of their income as GST, senior officials of the Govt. who are paid in lakhs as their monthly pay are giving only a few hundred rupees towards GST. Unfortunately, despite repeated demands, the government is neither exempting the outsourcing employees from GST nor providing them with additional amount towards payment of GST.

Although the state Govt. is chest thumping for ending the contractual system but it has no intention to understand or end the plight of the outsourcing employees even though they are working in very bad conditions. Even the Govt. does not have any specific data about how many outsourced employees are working in which department of the state. Due to their low wages and price rise in the market, most of them are often forced to engage in double shifts or in other alternative work. It has also been seen that many employees leave their jobs. They are forced to live a precarious and humiliating life at the mercy of private outsourcing agencies. They are held accountable to both the service provider organization and the Govt. authorities and have to work under constant fear of losing their job. Such a situation is affecting their efficiency and the quality of service they provide.

Like the contractual employment, the Govt. must abolish this inhuman outsourcing system of recruitment. Outsourced employees working under the Govt. should be declared as regular employees. But till this system is not abolished it has to take some immediate measures to bring about a change in the working condition of these lakhs of distressed employees. At least they

should be given a dignified and regular increase in their pay and they should be given all the facilities enjoyed by the regular employees. In case, the Govt. changes or removes the service provider, the outsourcing employees recruited by the agency should not lose their jobs. They should get job security and their seniority in the earlier agency should be counted. A strong social security scheme should be introduced to provide them with social security and pension. Govt. should open a special cell in every district to address their problems. Paid leaves should be sanctioned for them like that of regular employees. When the Govt. is claiming the abolition of contract system as historic step and claiming that the financial condition of the state has improved making Odisha in to a revenue surplus state, than why it is hesitating to take similar step to abolish this exploitative outsourcing system.

The massive demonstration of outsourcing employees held recently in Bhubaneswar has shown the anger and desperation among them. They are coming out from the fear of losing their job and getting organized for their legitimate rights. Though the Govt. has promised to form a secretary level committee to look into the issues of these employees, it seems like an attempt to buying time and to avoid any responsibility. But the vigour created among the outsourcing employees after the abolition of contractual system is growing very fast and will not let the Govt. to remain silent. IFTU has taken a leading role in organizing them and ventilating their demands.





Bhubaneswar Nov. 26 : Large Demonstration of Outsourcing Employees of Odisha Govt. Com. Bhalchandra and Com. Pratap (IFTU Odisha State Convenor) also addressed the demonstrators.

Organ of the Central Committee, CPI(ML)

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