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*Organ of the
Central Committee CPI(ML)*

NEW DEMOCRACY

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Real Intent in Makeover of Criminal Laws

On the last day of the monsoon session of the Parliament, on August 11, 2023 RSS-BJP Govt. introduced three bills to replace three main laws governing the criminal penal system in India—namely Indian Penal Code 1861, Criminal Procedure Code 1973 and Indian Evidence Act 1872. There are a plethora of other Acts governing administration of penal system e.g. UAPA. The Bills have been referred to the Parliamentary Standing Committee. Modi Govt. announced that it is seeking to change the colonial era laws, though CrPC had been redrafted in 1973 but Modi Govt. includes all past govts. in the colonial category. This they have affected by changing the names of these three laws into Sanskritized Hindi though the names of these laws were already in use in all Indian languages. However, this makeover is merely formal like the very independence of the country. Moreover, they have made these laws even more stringent showing the real intent of the rulers of the day. This exercise is part of the fascist drive of the RSS-BJP who hide their real intent behind the smokescreen of nationalism. It is noteworthy that Indian rulers find even the colonial era laws as not enough for the repression and suppression they intend to unleash against the people. They have been describing this highly repressive state as ‘soft’ state.

Modi Govt. had set up a five member committee headed by Prof. Ranbir Singh to review these laws. This committee had been accused for lack of diversity in its composition and lack of transparency in its functioning.

These Bills are mostly rehashed and re-arranged versions of the laws they seek to replace. As a commentator has pointed out five sixth of the language has been borrowed from the laws these Bills seek to replace. These Bills have sought to take credit for removing the sections which were already declared unconstitutional by the Supreme Court or were read down by the apex Court. These parts were not in operation any way. But the sinister design manifests when in place of extant sections more horrendous sections are introduced. Modi Govt. has also taken credit for introducing sections which were already there in the Act.

All criminal laws pertain mainly to alleged crimes against person, property and state. It is the last category of laws (included in Chapter VII of the rehashed Bhartiya Nyay Sanhita) which have been made even more stringent increasing already very wide powers of the state against the citizens even further and reducing the democratic rights of the people even more. This is the real intent of the RSS-BJP which are equipping themselves to impose fascist system over the country.

Modi Govt. has claimed that it has done away with colonial era law on sedition (Section 124A, IPC). This section was widely misused by the Govt. and despite opposing it during colonial rule, Congress and all other govts. kept it as part of IPC. Of late Supreme Court had stayed operation of this law and granted bail to all charged under the section. Now, by sleight of hand, Modi Govt. has claimed to repeal this section but has sought to introduce another section (Section 150 of the proposed BNS). This section makes clear the real intention of RSS-BJP Govt. This proposed Section 150 provides:

“Whoever, purposely or knowingly, by words, either spoken or written, or by signs, or by visible representation, or by electronic

communication or by use of financial mean, or otherwise, excites or attempts to excite, secession or armed rebellion or subversive activities, or encourages feelings of separatist activities or endangers sovereignty or unity and integrity of India; or indulges in or commits any such act shall be punished with imprisonment for life or with imprisonment which may extend to seven years and shall also be liable to fine”.

The provision mostly reproduces the language of Section 124A, replacing words like “disaffection against the state” or “bringing govt. into hatred or contempt” with equally wide word “subversive activities” which are not defined. It further adds “or by electronic communication or by use of financial mean” which were not there earlier and which widen the scope of the section. Moreover this section seeks to provide alternative punishment of seven years in place of three years provided under Section 124A and abolishing solely fine as an alternative punishment but keeping it as additional punishment, thus substantially enhancing the punishment. All the talk of repealing offence of sedition is humbug and meant to mislead the people.

Other widely misused offence is of criminal defamation. It is retained by section 354 (2) with the same punishment of up to two years as earlier. RSS-BJP machinery has been widely misusing this provision to prosecute opponents. Such offence does not exist in most of the countries who claim to be democracies, and are keeping defamation only as civil offence.

Section 195 has been introduced in place of Section 153B penalizing “false or misleading information jeopardizing the sovereignty, unity and integrity or sovereignty of India.” The wide amplitude of the section can easily be seen.

Further, offence of terrorism has been introduced in IPC. It is already covered under UAPA and is being widely misused. Why this Govt. wants to introduce it here while not repealing UAPA is obviously to terrorize the people with the charge of “terrorism”.

While making offences against the state more stringent is the main emphasis, the Govt. has indulged in making a number of false claims.

While taking credit of omitting sections which were already struck down by the apex Court, Modi govt. has falsely claimed that it has introduced some offences while these were already there. For example mob lynching (murder by five or more persons) has been introduced as a separate offence but it was already covered under Section 302, sometimes along with section 149. What Modi Govt. has really done is to reduce the alternative punishment for such killing to seven years of imprisonment. Under Section 302 only two punishments are there- death penalty or imprisonment for life but now it has been reduced to seven years. Here sympathy with mob-lynchers is flowing into law.

Similar claim is made with regard to introducing obtaining consent by deceitful means into definition of rape. This again is no addition. This provision was already there as obtaining consent by deceitful means is not considered a valid consent (Section 90 of IPC). Moreover, women’s organizations had been demanding recognizing “marital rape” but this demand has been denied.

While emphasis of changes in IPC is clear these changes become even more ominous when one sees changes in CrPC in proposed Bhartiya Nagrik Suraksha Sanhita (BNSS). Anyway in India procedural law has been wielded as a powerful weapon to terrorize and prosecute people, wielding procedure as punishment.

In India pre-investigation arrest is the norm which is not the case in many countries. Custodial investigation is one of the powerful weapons of the police state and which has been routinely used or abused by the current govt. Changes in the CrPC make police even more powerful, their powers more arbitrary, and that is the intent behind this so-called “overhaul”.

The proposed Sanhita (Code) extends the period of police custody. Under present CrPC it is 15 days and this is misused by police against the people it charges of offences. Now this period is sought to be extended to 90 days. Its adverse impact on the rights of the people can easily be seen. Ninety days is a very long period which police/state will use against the people it chooses to implicate.

Further restrictions have been placed on getting bail. It has been mentioned that according to Clause 481(2) of proposed Sanhita, an under-trial shall not be released on bail if he/she/they are booked in multiple cases. Now it is not difficult to see how police can and will be able to use this provision to keep undertrial/s in jail for indefinite period without trial. Is it so difficult for police in India to frame multiple cases against innocent people? This is blatant restriction of the right to get bail.

The proposed Sanhita (BNSS) enlarges police powers considerably. A person may be arrested for merely not giving name or furnishing details to a policeperson. Women may be arrested even after sunset. This proposed Sanhita also provides for handcuffing an accused despite Supreme Court guidelines to the contrary. Even without this express provision, police quite commonly uses handcuffs and now, with this provision, this is going to be routine. An alarming provision has been added in Clause 43(2) of this Sanhita which permits police officer to use “all means

necessary” to effect the arrest of the person forcibly resisting arrest. This provision, as a commentator has pointed out, is akin to the power given to military personnel under the Armed Forces (Special Powers) Act, a piece of legislation which tops the list among the draconian laws.

The whole ambit of changes under BNSS is meant to restrict the rights of the persons charged by the police and increase the powers of the police/state. There are some provisions thrown in here and there but these will be observed more in violation as has been the case till now with the similar provisions.

The changes in the Evidence Act (proposed Bhartiya Sakshya Bill) are meant to enlarge the scope of admissible evidence in a criminal trial. It makes electronic or digital record as admissible evidence. This is alarming considering that such fake/planted evidence will be judged during the trial and till then the person charged will be made to suffer. There have been so many cases of planted evidence. This becomes all the more alarming as under the new Digital Personal Data Protection Act, 2023 Govt. has taken rights to collect personal data of the persons it chooses to so collect. And this violation of privacy will be used in criminal cases. Another important change is that as admissible secondary evidence has been expanded to include even those documents/ agreements “as against parties that did not execute them.” It means any documents executed by parties other than persons charged will be made as admissible evidence of a criminal offence. One can easily see the widespread misuse of this provision to frame people for the acts unknown to them.

Even from this cursory comment, it is obvious that all talk of changing the colonial laws is bogus. One the other hand, even the

colonial laws are found to be lacking in the stringency the present rulers seek. What served as sufficient for the colonial rulers to maintain their exploitative and oppressive rule even that is found to be in the need of further tightening by the domestic rulers. Not to mention the plethora of other penal laws which abound in the country- UAPA, AFSPA, NSA and the like.

These proposed Bills are in fact a means for ruling RSS-BJP to prepare the ground to intensify repression and suppression of the people and their struggles. RSS-BJP realize that their anti-people policies are increasing resentment of the people. Yet their march towards imposition of fascism continues. That these changes are being brought by fascist rulers is quite natural. Macaulay who had drafted in 1837 what was made as Indian Penal Code in 1861 had observed this about his efforts, “... only blessing that which absolute governments are better fitted to confer on a nation than popular governments.” His mother country did not have such a penal code then nor does it have now.



Statement of CPI(ML)- New Democracy

**Punish the Guilty of Crimes
against Women in Manipur ;
Defend Tribal Rights over Land,
Livelihood and Self-Administration**

Video of the two women being paraded naked in Manipur has forced even unwilling Prime Minister of the country to express his aversion. Manipur has been burning for over two and half months (since May 3, 2023) but the Prime Minister Narendra Modi has maintained stoic silence as if these are none of his concerns. Democratic people have come out in protest, women organizations in particular, but the Govt. of Neros has not bat an eyelid except a visit of Home Minister, that too totally unproductive. Govt. has reportedly come down on twitter for allowing circulation of this video. This shows that they are angrier on this crime coming to light than the crime itself. The internet ban has prevented many such crimes from coming into public view. These are grave incidents of violent inhumanity to which double engine govt., ruling both at the Centre and in the state, is turning a blind eye. If these disturbing images are somehow kept away from people in rest of the country, Manipur situation does not disturb the ruling dispensation. Despite so many calls Prime Minister had refused to utter a single word. Even the apex Court had adopted hands off approach when suffering Kuki tribals had moved the Court.

RSS-BJP Govt. is presiding over pre-planned and systematically executed attacks on the tribals in Manipur. There have been several reports of these attacks being state sponsored. Authors of such reports are being subjected to criminal proceedings. Due to such state sponsored violence, there has been total segregation of Meitei livings predominantly in Imphal valley and Kukis living in adjoining hill areas. Even the police officers and govt. employees from Kukis have left the valley and migrated to hills due to systemic attacks. The reverse trend of Meiteis migrating from Hills to valley due to attacks is also clear. This segregation under the patronage of RSS-BJP state Govt. led by Biren Singh, has not compelled RSS-BJP to even remove the Chief Minister despite demand from different sections of people and cross spectrum of public opinion given his role in stoking the fires that have engulfing the state. RSS-BJP are so beholden to their Hindutva project for North East that even this minimal demand has also not been conceded. By effecting total polarization in the state, Biren Singh, has presented Hobson choice to the mandarins in Nagpur and Delhi, and even to their sub-office in Guwahati. By unleashing the present mayhem, Biren Singh, demand for whose ouster was gaining momentum prior to the current round of violent flare up, has made himself indispensable to the present ruling dispensation.

Even Prime Minister's anguish over gangrape and parading naked of Kuki women in Manipur in which he clubbed this incident with targeting of women in opposition ruled states of Rajasthan, West Bengal and Chhattisgarh, was none too clever an attempt at camouflaging communal nature of these attacks. While attacks against women are common in all states where different parties of ruling classes are in the Govt., the character of the attacks in Manipur targeting a particular tribal group also belonging to a

religious minority, is being sought to be covered. This makes PM's statement insincere and diversionary.

This demand for action by the ruling class politicians however, stops short of scrutiny of the role of local police. Not only houses of DGP and Addl. DGP were ransacked, there were reports of police themselves distributing arms from their armouries. Even in the instant case, in which one woman was gangraped, her father and brother killed, a third woman also paraded naked, police is seen present on the scene and doing nothing to prevent the horrific incident. This lack of focus on the role of police in all such cases keeps the ground fertile for such a violence to erupt when it suits the rulers of the day. Such blatant violations do shake the conscience of vast sections of people, but the ruling class parties make sure that action taken are minimal and no damage comes to their machinery of repression. Even the Courts do not hold police and security forces accountable for the atrocities committed by them or under their watch. One may recall the genocide of Sikhs in 1984 in Delhi and elsewhere, anti-Muslim pogrom in Gujarat in 2002 and killings of Muslims after the demolition of Babri Masjid in Ayodhya in 1992 as glaring examples. In all these cases police was not held accountable and because of their involvement accused went scot-free.

The situation in Manipur calls for addressing the present situation i.e. restoring peace and democratic rights of the people. But it also calls for the long term measures for solution of the problem. The present escalation was precipitated by proposal to grant tribal status to Meiteis thereby causing genuine apprehension among tribals about their rights over their land. This was in the backdrop of attempts by Biren Singh Govt. to dilute protection of the tribals over their land, forcible displacement of tribals for a

tribal sanctuary in the hill areas and proposed large scale displacement of tribals for Eastern Highway connecting North East India to Thailand via Myanmar. The core issue of the present conflict has been land issue. Hence, protection of tribals' rights over their lands is of prime importance. However, the situation has grown beyond this. The large scale violence directed against the whole community has brought the question of political settlement of the issue on the agenda. The demand for separate administration has come to the fore and draws its justification from the current spate of attacks on the lives and property of tribal groups. Such an arrangement must be part of the proposal to see an end to present conflict. Some intellectuals have proposed different suggestions regarding self-rule as a way forward. These should be considered if they lead to settling the present unsettled situation. What is beyond doubt that some arrangement granting separate administration has to be adopted and for which even present constitutional provisions provide enough scope.

The incidents of Manipur should be seen in the backdrop of ruling RSS-BJP to increase its strength in North Eastern states. They are trying to make majority Meiteis who are predominantly Hindu (though there are Muslim Meiteis called Pangals and Christian Meiteis as well) as their base and pit them against tribal communities- main tribal groups are Nagas and Kukis- who are predominantly Christians. They have successfully practiced their communally divisive politics in Assam and wish to replicate in other states of North East. In Manipur, anti-tribal and anti-minority politics of RSS-BJP intersect. While anti-minority ideology and actions of RSS-BJP is well documented, their conspiracies against tribals have come to fore since their advent in power. On the one hand, they aim to assimilate tribals into Hindu fold, obviously as its

lowest rung, and on the other deprive them of their rights over lands which they have been inhabiting for centuries. RSS-BJP is working to negate the glorious history of struggle of tribals against colonial rule and erase the memories of their martyrs who laid their lives to defend their lives, livelihood and identity. The new Forest Conservation Rules, 2022 are designed to undermine whatever recognition of their rights they had won through their struggles under Forest Rights Act. Besides diluting rules for environmental clearance, RSS-BJP Govt. is bringing amendment to Forest Conservation Act. The main aim of these attacks is to serve the interests of corporate, foreign and domestic, to gain control over enormous mineral and forest resources of these regions.

RSS-BJP Govt.'s Hindutva approach towards North East India is fraught with gravest danger to people living in these states. This imposition of Manuwadi Hindutva will undermine their traditions and culture which accord much greater rights to the people, women in particular. This will pit against each other and sow discord among communities which have been living along with each other since a very long time. Colonial rulers created the discord among them for their colonial loot and plunder. Colonial rulers mainly exploited economically i.e. their resources and their labour while leaving their social life and even other aspects like self-rule largely to them. But after transfer of power in 1947, Indian rulers while inheriting the colonial policy of economic exploitation also sought to forcibly assimilate them. Congress Govt. largely relied on military bureaucratic means for the purpose and brought most of these areas under Armed Forces Special Powers Act (AFSPA). Now RSS-BJP seeks to take this assimilation process many steps further with their Hindutva project. While it may yield them some short term gains, it is bound to create great hurdles for the people of the

region and also for Govt. It must be noted that different communities inhabit a number of states of the North East and have affinities and inter-relations. RSS-BJP designs seek to disrupt these and hence will come up against them.

RSS-BJP Govt. short sighted communal policies are very unsettling for the whole region which has become a hotbed of increasing contention among imperialist powers. Manipur shares a long border with Myanmar where struggle against military dictatorship has been going on. Tribals inhabiting the regions bordering India are being targeted by Myanmar military rulers. Some of them are coming to India as there are many of their tribal brethren living on this side of international border. But Govt. of India has issued a blanket ban on these refugees which cannot but anger their tribal kins. Govt. should have provided refugee status to those coming over which would have been both humanitarian and also not created suspicions among other communities.

Indian Govt. is caught in the intensifying contradiction between US and China in the region. China is maintaining good relations with military rulers while US has come out against them, putting sanctions thereby driving them further closer to China. It is also important to note that Russia too is maintaining good relations with Myanmar military. This too is important for Indian Govt. to factor in. Indian Govt. is trying to traverse a middle path partly due to proximity with US imperialism and partly for sharing long border with Myanmar and also sharing anti-Muslim attitude with military rulers of Myanmar who have conducted large scale military operations against Rohingya in Rakhine state of Myanmar. Look East Policy adopted by Indian rulers when Manmohan Singh Govt. was in power to increase trade and relations with South East Asian states is under serious strain and Hindutva politics of RSS-BJP has

increased these strains. US imperialism is also concerned with this situation in view of rising influence of China in the region. This is reflected in the US Admn.'s offer of support in settling the situation.

Myanmar is part of the Belt and Road Initiative of China. China looks to Myanmar not only for its vast natural resources but also to provide outlet (port facilities) to Indian Ocean. This becomes all the more important for China in view of rising tensions in South China Sea which is the main maritime link with countries in the West- Asia, Africa and Europe. US imperialism on the other hand is working to bring forces closer to them to power in Myanmar. RSS-BJP Govt. caught in this cross fire has further added fuel to this fire with its Hindutva politics.

RSS-BJP Govt. led by Modi is doing great damage not only to the region but also to the people of the country. Its inaction in face of reign of murders, rapes and destruction must be opposed. Mobilize in large numbers against RSS-BJP nefarious designs in Manipur and also North East India. CPI (ML)-New Democracy calls for continuous protests against attacks against women, and for protection and advancing tribals' rights on their land, means of livelihood, identity and self-rule.

July 20, 2023



On Gig Workers:

A Comment on The Rajasthan Platform Based Gig Workers (Registration and Welfare) Act 2023

● **Aparna**

The Congress Govt. of Rajasthan has moved and got passed a Bill to pave the way for its implementing some form of social security and so called grievance redressal schemes for platform based gig workers. The Bill was passed without any amendments on July 24 by the Rajasthan Assembly.

This Bill has accepted many of the positions of the Modi Govt.'s pro corporate 4 Labour Codes- that Gig workers are 'new' workers, that they are outside the scope of traditional employer employee relationship; that trade unions of workers are not to be the representatives of working sections; that some sort of a tripartite grievance redressal mechanism is to substitute a regular Labour law implementation machinery. Yet of course the very fact that a state Govt. has been forced to enact some legislation on social welfare and also seen to respond to and address the issues of grievance redressal is also a victory for the Gig workers. Their struggles, both against some specific exploitation and also for social welfare, have been regularly surfacing in different parts of the country.

“Outside traditional employer employee relationship” - This is also the definition of gig workers in the Central Govt.’s Social Security Code. Actually, the case is lost at this point itself. Gig workers are totally exploited workers, employed per piece/ task under extremely exploitative terms and paid per task again on most arbitrary and exploitative terms. If the situation is studied, it is clear that these are workers doing the permanently arising jobs of aggregators and service platforms - all by and large linked to Corporate companies- but doing them as per task contracts. Not just contractual jobs, but each task as a separate contract. They may also be doing them for different aggregators or platforms, all in a day’s work. That happens first and foremost because the employers- mostly Corporate- seek to avoid the commitments that need to be made towards a regular workforce. They wish to exploit more, rake in higher super-profits. The task of lawmakers cannot be as abetting this but should be in protecting the rights of the workforce.

It should not be forgotten that that the Rules of the four Codes have not yet been notified. The Modi Govt. had tasked the state govts at the Labour Ministers Meeting held at Tirupati last year to write and implement the rules for the Codes. BJP Govts in states have used this directive to bring in longer work hours, non registration of trade unions and other grossly anti worker provision. Not one has brought any significant welfare measure for any section. Seen in that light, the State Govt. of Rajasthan has acknowledged the struggles of the Gig workers in the state and enacted a welfare targeted measure and also will ensure some sort of recognition of the Platform Gig workers by automatic registration. That is a gain. However, in the process, the Act as

framed also subserves many provisions of anti worker IR Code and this is an unnecessary service to Corporate.

As many trade unions have been pointing out, Gig workers are very much covered by existing labour law provisions and are piece rated (rather, task rated) workers, entitled to a minimum wage from at least the collective of the aggregators/ platforms they are doing jobs for, if not one of them. The jobs they do are permanently coming up. These platforms shuffle the workers only to ensure freedom from acknowledging the employment. How this is to be changed and they be made to give job security is the challenge. The rulers of India are subservient to Corporate's interests and working class movements thus have a huge challenge before them.

One way to ensure a minimum wage to the Platform (or other) Gig workers would be to work out how much should be the payment to the 'partner' (as these workers are called) per task (it may be different for different sorts of tasks, depending on time and skill involved in its performance) so that a minimum wage per month would result by performing an average number of such tasks. The problem in actually implementing such a step is the impermanent worker status of the gig workers. Attempts to ensure minimum wage payments to outsourcing employees have met this brick wall- the official payment is done, but the worker told to return the surplus payment off the record. When struggles- which also exercise vigilance- go down as they naturally will, the workers have to comply, to keep securing the task. Thus the issues of depressed wages are unsolvable unless workers, including Gig workers, are empowered by job security. Estimates are that the vast majority of gig workers in India do semiskilled tasks, some 30% are unskilled and a smaller percentage skilled.

The Rajasthan Govt. has translated into a Bill the provision of Social Security Code for providing some informal social security to Gig workers. For this it has mostly copied the BOC Act. A cess has been imposed on employers- in this case it is between 1-2% of every transaction. Of course the Govt. maintains it will not be taken from either worker or customer and this will definitely prove to be wishful thinking as the Platforms are powerful Corporate.

Just like the BOC Boards, a Board will be set up to manage this Cess. It will also register and issue a Unique Identity Card to every gig worker- this will be possible because every transaction will be recorded on a Central portal. In a way, this is like Registration of all construction workers by Boards, though here the method of location envisaged is overtly more effective. Secondly, the BOC worker pays a sum of money for registration, and also has to renew registration. Struggles of these workers bring down the fee in different states.

The Gig worker, as per the Rajasthan Act, will continue to hold the ID whether or not he continues as a gig worker. But this ID itself will only entitle him/ her to subscribe for the schemes of the Board.

Step three is the Board itself. It has something like 5 representatives of the Govt and gig workers each, two experts and the Labour Minister with officials. The word 'trade union' is absent; the Central Govt's Codes seek to do away with the right to unionize and the Cong. Govt. has unfortunately complied with this, at least on paper. Anyhow, this Board registers the Gig workers and monitors and controls the cess. Secondly, this Board will also do 'Grievance Redressal'- thereby, the labour law implementation machinery is to be rendered redundant! The Rajasthan Govt seems quite earnest about the pro Corporate spirit of the Labour Codes.

Now this Board will announce Welfare Schemes. Registered gig workers will pay a employee contribution, and will then become eligible to avail that/ those welfare schemes. Where the BOC boards are concerned, they have schemes like fixed financial support for school going children, a marriage allowance, maternity allowance, cycle allowance, death compensation etc, and any state implements any set of schemes. It remains to be seen what schemes the Rajasthan Board will announce.

However, the experience of BOC workers with the State boards and the BOC Cess needs to be kept in mind. In some states it is used to finance public meetings of Labour ministers where they do propaganda by distributing registration cards to workers- even though the Act itself and not any Govt. entitles them to such cards. The Supreme Court in 2016 bewailed that despite its repeated nudging the state govts were sitting on crores of cess money which should actually have been distributed to the BOC workers. Of course, it did not pass any specific pro worker orders but again only suggestions to state govts.

A more serious question has to be addressed. Govts were forced by working class struggles to enact ESI and PF as statutory rights- the right to social welfare which the working class had won for itself. Instead of new welfare schemes, why does the Rajasthan Govt. not say that all the registered Platform Gig workers will be entitled to regular ESI and PF facilities? The Govt. can just ensure this for all the Gig workers it registers by registering the transactions; if it is going ahead with the Board, the Board itself can make the necessary contributions. And if the Board is to be made anyway, it should also immediately announce and eventually pay a living wage as Pension to all those registered as Gig workers.

These workers should also be entitled to paid regular leave which they are not getting as they are permanently casual. The massive future kitty of the Board can be used for this too till workers' struggles can ensure job security and implementation of rights from the Platforms themselves. They should be entitled to safety provisions. BOC workers do not get these facilities from the Cess money.

The Act passed by the Rajasthan Govt. has unfortunately conceded the informalization of this workforce which the pro Corporate Central Govt.'s Codes set out to achieve. These badly exploited section of workers are not 'workers' they are 'partners'; some other section is 'voluntary', another is 'commission worker', security guards working 12 hours a day for less than minimum wage become "managers" and so on and so forth.

Many well wishers of the working class among democratic individuals have applauded the Act, thinking that at least something can be built by this section of workers on its basis. There is actually some element of demoralization by the spate of attacks on jobs and rights of working class by pro Corporate Central Govt. So it has become something like "making the best of a bad job", "at least a pro worker step", "If we oppose in our state, companies will go to other states" etc etc. It is a pro Corporate step to concede provisions related to IR Code while enacting provisions to meet Gig workers demands for social security. Of course, workers' struggles may force this Board to transform into a tripartite platform where workers' unions represent them, but that is what workers' struggles will force and not what has been enacted.

Some Gig workers organizations, who may or may not be affiliated to some TU Centre, have effusively praised the Rajasthan Govt. They may like to calibrate their position. They have won a

victory in securing concession on social welfare. Workers' unions should insist that this welfare be regular ESI and PF which are specific social securities won by workers. But this step of a Board is only cushioning the terrible exploitation of labour by the big Aggregators and Platforms who are big Corporate with chiefly imperialist funds. We must gear up for the struggle to demand job security from these looters and force govts to make these platforms acknowledge their workforce. Tasks regular, platforms permanent, and workers only ONE time specific! The absurdity is obvious.

The need of the hour is that all pro worker trade unions must reiterate - Let us say NO to the 4 pro Big Capitalist Codes.

Let us Demand at least Minimum Wage rates along with compulsory ESI and PF for all Gig workers and for all workers. But more importantly, let us demand Job Security! It will pave the way for fighting for other rights

Break Demoralization; Unionize the Working Class.

Finally, it is an election year. Working class must demand from whichever political parties who come to their areas to canvass for votes that they state their commitment to Repeal 4 Labour Codes immediately if elected to power.

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A Comment of the Programme of CPI(ML) Prajapandha

● **Samir**

1. On the character of India's socio-economic system

Communist revolutionaries characterize India's socio-economic system as semi-feudal and semi-colonial. There indeed are certain modifications and differences with respect to the understanding and formulations regarding semi-colonial and neo-colonial character. By and large communist revolutionaries continue to characterize India as a semi-feudal and semi-colonial system. CPI (ML) Prajapandha has announced its separation from the parent organization CPI (ML) New Democracy, proclaiming basic differences with the general positions and understanding of the communist revolutionaries. There were many a statements and interviews affirming their rejection of semi-feudal, semi-colonial characterization. Surprisingly, the Programme document of CPI (ML) Prajapandha fails to clearly articulate their characterization of India's socio-economic system.

Here are some statements from their Programme document (translation from Telugu)

· Countries of Latin America, South Korea and Taiwan remain Neo-colonies (Point 15, Page 9)

- *“The countries of the African continent, especially the 50 countries of the sub-Saharan region are still at the tribal stage. The most backward economies persist here. These can be said to be in the pre-feudal stages... In the last six decades after liberation, they continue to be extremely backward. The governments of these countries are under the domination of United States, IMF, and the World Bank and continued to be puppets.”* (Point 16, Page 10)
- *“The conditions of East Asian and South Asian countries are somewhat different. Although the countries of the region were subjected to neo-colonial exploitation after World War II and neo-liberal policies after the 80s, due to their relative internal strengths (relatively strong industrial base, strong financial institutions, technologically advanced labor force, relatively strong bourgeoisie, etc.) and due to being able to use the contradictions between the camp of US and West Europe and between Soviet Union and China, more importantly, China and India were able to use the investments of multinational companies (foreign direct investments) in the special international conditions that arose after the 1990s in such a way that they could rapidly increase their national incomes and industrialize their nations. India’s rulers, in the early days of independence, faced a severe dearth of investment as they did not implement radical land reforms and were unable to confiscate foreign capital. The country had to rely on foreign debt, foreign investments and foreign technology. Industrialization dependent on foreign*

imports also made Indian rulers dependent on imperialist countries despite their tall claims. Subsequently, the rulers of India followed neo-liberal policies, and despite enormous adverse effects of these policies on the internal situation of the country, the rulers used these policies in such way to achieve a faster rate of national development.” (Point 17, Page 10-11).

- The Programme further mentions that, *‘capitalism from above is implemented. Some of the feudal landlords were transformed into capitalist landlords.’* (Point 18, Page 11). It also states that the *‘feudal land concentration was much weakened over time.’* (Point 19, Page 11). *‘As a result of the numerous reforms brought about by the government and due to the gradual changes in the economic system, the feudal relations of production were replaced by capitalist relations of production.’* (Point 20, Page 12).

Yet, after so much elaboration, the Programme doesn’t clearly specify the character of India’s socio-economic system. It is silent on the question if they consider India as an independent country or a neo-colony (as they stated in their interviews that they reject the ‘semi-feudal, semi-colonial’ characterization).

Similarly, even as they proclaimed that they rejected the ‘semi-feudal’ characterization, the Programme fails to categorically characterize India as a ‘capitalist’ country. The Programme states, *“Capitalism in our country is a developing capitalism that compromises with the imperialists and feudal landlords. Thus, it is still a backward capitalist country. As it is*

a developing capitalist country, the contradiction between the capitalists and workers can not become the principal contradiction.” (Point 31, Page 26).

Thus, the Programme uses two different adjectives of ‘backward’ capitalism and ‘developing’ capitalism in two adjacent sentences in a single paragraph. Even as they reject the ‘semi-feudal, semi-colonial’ characterization, the Programme fails to state if they consider India as an ‘independent capitalist’ country or a ‘dependent’ capitalist country.

2. Comprador Bourgeoisie - Whatever has happened to it?

The Programme of CPI (ML) Prajapandha is evasive on the comprador character of the Indian bourgeoisie. This is what the Programme states,

12. *“.....The Indian big bourgeoisie, surrendered to British imperialism against the working class and the peasantry during the national movement. **It acted as a comprador to the imperialism.**”*

13. *“However, we need to assess the nature of the comprador class correctly. Comprador class represents an economic class in the country. To protect and advance its class interests, it compromises with imperialism. Depending on national conditions and international conditions, it will demand more for itself and will fight for its demands. After the transfer of power in 1947, it protected the assets of British companies and other imperialist countries instead of expropriating them. Even in the later period, foreign companies were given equal rights with domestic companies. It showed subservience towards foreign capital and foreign exploitation.”*

14. *“After the Second World War, many a military alliance (NATO, SEATO, CENTO) were formed by the American imperialism around the globe to encircle and destroy the entire socialist camp, and the Soviet Union and China in particular. The Soviet Union and Eastern European countries entered into the Warsaw Pact to protect from these alliances. A policy of non-alignment was adopted by the comprador Indian rulers to protect their interests in these circumstances. But due to their economic dependence on the imperialists, they succumbed to their pressure and had to go to war with China in 1962. Thus, they adopted the two modes- subservience and struggle. During the later period, the Indian rulers utilized the contradictions between America and the Soviet Union. Bangladesh war of 1971 and nuclear tests of 1974 can be considered as examples for this. Both these measures were the result of decisions taken against the wishes of the US imperialists and were made despite their opposition”.* (Points 12-14, Pages 7-9)

Even as the Bangladesh war of 1971 and nuclear tests of 1974 are being cited as decisions taken by the Indian rulers against the wishes of the US imperialists, it is pertinent to note the omission of military treaty that the Indian rulers entered into with the Russian social imperialists. The two instances cited above cannot be understood fully without taking the Indo-Soviet treaty into consideration. One wonders if the CPI (ML) Prajapandha has a different assessment on the nature of that treaty or if they have a different assessment of Soviet Social Imperialists, who were in contention for world hegemony at the time.

As cited above, the programme asserts that the comprador bourgeoisie that emerged in India during the colonial rule, showed

its subservience to foreign capital and exploitation after the transfer of power. It also avers that the comprador rulers of India have adopted the two modes - subservience and struggle. Elsewhere, the Path document of CPI (ML) Prajapandha also states that, “*the ruling classes in India are those monopoly capitalists who compromise with imperialists and the feudal remnants*”. (Page 35) However, it fails to explain as to when the ruling classes have lost their comprador character. There is no explanation as to when those comprador rulers have transformed into an independent class.

3. Assessment of contradictions – Contradictions galore !

Parts of the Programme and Path of CPI (ML) Prajapandha dealing with the assessment of contradictions obtaining in India are vague and riddled with contradictions. It is rather astonishing to find such confusion in an aspect that forms the crux of the programme and path of the organization. The Programme states,

“There are 5 contradictions in India

- 1) Contradiction between the people of India and Imperialism.*
- 2) The contradiction between the Big Capital and the broad masses, especially the contradiction between the big capital and the working class, and the peasantry.*
- 3) Contradiction between the feudal remnants and the broad masses of India.*
- 4) Contradiction between ruling classes.*
- 5) Contradiction between the capital and the nature.*

Of the above 5 major contradictions, the first three contradictions are antagonistic contradictions. Imperialism and big capital

will form an alliance with the intensification of the antagonistic contradictions. The contradiction between such alliance and the broad masses of India becomes the principal contradiction.

This principal contradiction is resolved with the emergence of the New Democratic state”... (Point 31, Page 26-27). It further states,

“The big bourgeoisie, the big landlord classes and imperialism shall be the main enemies and targets of our revolution. Among the imperialists, the US imperialism, the sole superpower leading world capitalism and the world hegemonic power, shall be our main target”. (Point 32 - Page 27)

The above formulations on the contradictions are in themselves a bundle of contradictions! Let us consider them.

- i. Firstly, the Programme of CPI (ML) Prajapandha now includes an additional item in the list of contradictions. It adds, *Contradiction between the capital and the nature* as a fifth contradiction. Accordingly, the Programme includes a task in line with the same (Task 21 – Page 31). Generally, the programme document specifies the contradictions between the classes that matter most in the socio-economic system. This doesn't mean that there are no other contradictions than those listed in the programme document. The contradiction between the forces of production and production relations gets resolved through a revolution. Similarly, there will be contradictions among the people i.e., contradictions among the classes whom we consider as allies in the revolution. Contradictions between

Capital and nature, between the towns and the villages, contradictions among various sections of people, contradictions between regions, nationalities etc are present in the system. These contradictions include both antagonistic and non-antagonistic contradictions. Mao explained that the contradictions among the people can turn into antagonistic contradictions if they are not handled correctly. The question is not about adding another to the list of contradictions in the Program. The question is related to the assessment on the nature of contradiction that is newly added. As the Programme specifically states that the first three of the five contradictions listed are antagonistic contradictions, it would mean that the Programme considers the contradiction between Capital and Nature as a non-antagonistic contradiction. Can this be a Marxist understanding?

Com. Mao explained, *“Economically, the contradiction between town and country is an extremely antagonistic one, both in capitalist society where under the rule of the bourgeoisie the towns ruthlessly plunder the countryside, and in the Kuomintang areas in China, where under the rule of foreign imperialism and the Chinese big comprador bourgeoisie the towns most rapaciously plunder the countryside.”* (Mao, On Contradiction)

It is wrong to consider the contradiction between Capital and Nature as a non-antagonistic contradiction while it is added as an additional contradiction in the Programme document. The plunder by the imperialists and comprador bourgeoisie and their greed for profits leads to large-scale destruction of natural resources and ecological damage. Treating this

contradiction as a non-antagonistic contradiction would amount to creating illusions in resolving this contradiction within the confines of the current socio-economic system.

- ii. The Programme characterizes three of the five contradictions as antagonistic contradictions, and further it states, “*imperialism and big capital will form an alliance with the intensification of the antagonistic contradictions.*” However, it is not clear as to if they consider these contradictions as intensified and if such an alliance between Imperialism and big capital is in place at the moment or not. The Programme doesn’t categorically state about the principal contradiction. It doesn’t clearly mention if the principal contradiction between alliance of imperialism and big capital on one side and the broad masses of India on the other side is currently operative or not.
- iii. If the antagonistic contradictions are intensified and if the alliance between Imperialism and the big capital is already in place, who then is the leader of this alliance? Is it Imperialism or is it the big capital? As the Programme only talks about feudal remnants, the alliance doesn’t have a place for those remnants.
- iv. If the alliance between Imperialism and the big capital is not yet formed, what then is the principal contradiction? Do they consider the contradiction between the big capital and the broad masses of India as the principal contradiction when the alliance is not yet in place? Elsewhere, the Path document states that, “*the ruling classes in India are those monopoly capitalists who compromise with imperialists and the feudal remnants.*” (Page 35). We have already

- mentioned about the ambiguity in not explaining the transformation of comprador bourgeoisie into an independent one. Why the Programme does not clearly state as to what currently is the principal contradiction?
- v. There are five contradictions listed in the Programme. Of the five, four contradictions are class contradictions. And, of these four, three are said to be antagonistic contradictions. With the intensification of contradictions, two of those classes will form an alliance. And if such an alliance is not in place, only one contradiction between the big capital and the broad masses remains! One wonders as to why there is such level of utter confusion in the articulation of contradictions in the Programme!
- vi. The Programme states, *“Imperialism and big capital will form an alliance with the intensification of the antagonistic contradictions. The contradiction between such alliance and the broad masses of India becomes the principal contradiction. This principal contradiction is resolved with the emergence of the New Democratic state.”* Obviously, there is no room for the feudal landlords in the above alliance. That being the case, the Programme’s assertion that *“the big bourgeoisie, the big landlord classes and imperialism shall be the main enemies and targets of our revolution”* becomes superfluous. If what remains are only feudal remnants and with no room for the feudal landlords in the principal contradiction, where is the material basis for the big landlord classes to be among the main enemies and targets of the revolution? Why resort to such jugglery? Who is this aimed at?

- vii. The Programme states that, “*Capitalism in our country is a developing capitalism that compromises with the imperialists and feudal landlords. Thus, it is still a backward capitalist country*” and that, “*the big bourgeoisie, the big landlord classes and imperialism shall be the main enemies and targets of our revolution.*” Isn’t then there a logical contradiction in excluding the big landlord class from the principal contradiction? Alternatively, while Feudalism is reduced to a remnant status, there is yet another logical contradiction in including the big landlord class in the main enemies and making it a target of the revolution. Why such hesitation in documenting whatever was declared in the statements and interviews announcing their separation from the parent organization?
- viii. The Programme states that, “*Capitalism in our country is a developing capitalism that compromises with the imperialists and feudal landlords. Thus, it is still a backward capitalist country*” and that “*In India it is the big bourgeoisie and the big landlord classes (capitalist landlords) that have taken the state power and continue to hold it*”. The Programme declares that, “*the big bourgeoisie, the big landlord classes and imperialism shall be the main enemies and targets of our revolution*”. Does the term big landlord classes in the main enemies and target list here represent the capitalist landlords? When the “*Capitalism in our country is a developing capitalism that compromises with the imperialists and feudal landlord*”, why is it that feudal landlord classes are left out of power? Isn’t this again a contradiction?

- ix. As the Programme relegated Feudalism to the status of just being remnants, a question arises if it is relevant to include the same in listing the basic contradictions. If the transformation has reached to a stage where Feudalism is just a remnant, the Programme has to explain as to why it still considers it as a basic contradiction and why it is positioned against broad masses of India. Logically, it has to be confined to just those areas where it is relevant. It is baffling to see that Programme pits the remnants of feudalism against the ‘broad masses’ of India.
- x. Time and again, Prajapandha leaders were proclaiming in their interviews that they characterize India as a capitalist country and attributed this difference as central to their organizational separation. The programme characterizes it as ‘developing’ capitalism and ‘backward capitalism’ at different places. Yet it positions the *“Contradiction between the feudal remnants and the broad masses of India”* as a basic contradiction. Elsewhere, the Programme states that, *“In India it is the big bourgeoisie and the big landlord classes (capitalist landlords) that have taken the state power and continue to hold it”*. This then brings up the question of contradiction between the ‘feudal remnants’ and the ‘big bourgeoisie and capitalist landlord’ classes to the fore. If the big bourgeoisie and capitalist landlords continue to hold state power and feudalism is thus relegated to a ‘remnant’ status, what is the material basis for the *contradiction between the feudal remnants and the broad masses of India?* This also goes against what Com. Mao has explained. *“For instance, in capitalist society the two forces in contradiction, the proletariat and the bourgeoisie, form*

the principal contradiction. The other contradictions, such as those between the remnant feudal class and the bourgeoisie, between the peasant petty bourgeoisie and the bourgeoisie, between the proletariat and the peasant petty bourgeoisie, between the non-monopoly capitalists and the monopoly capitalists, between bourgeois democracy and bourgeois fascism, among the capitalist countries and between imperialism and the colonies, are all determined or influenced by this principal contradiction”. Based on what is stated in the programme and their proclamations, the contradiction should have been between the ‘big bourgeoisie, capitalist landlords’ and the ‘remnant feudal class’. Strangely, the Programme positions remnants of feudalism against broad masses of India!

4. Whither Agrarian Programme?

The Programme document of CPI (ML) Prajapandha elucidates the agrarian situation, crisis and the trends in the transformation. Points 18-24 (pages 11-14) of this deal with the agrarian aspects. The leadership of CPI (ML) Prajapandha has reiterated many times that basic differences on this question have led to their organizational separation. Thus, it is important to have a closer look at their assessments and the nature of their demands on the question.

- *“After the transfer of power in 1947, ... Agriculture did not generate sufficient capital for the industrial sector. Sufficient rural demand has not been generated for the industrial sector. On the other hand, capitalism from above has been implemented. Some of the feudal landlords were*

transformed into capitalist landlords. A section of the middle peasants developed into rich capitalist peasants.”
(Point 18, page 11)

- *“The feudal land concentration that existed at the time of transfer of power has weakened greatly over time. Although there has been some capitalist land concentration, most of the cultivated land has not been concentrated in their hands, as has happened in the Western countries. Most of the land is still in the hands of the small, marginal, and middle peasantry. Small farms have still been the dominant trend in Indian agriculture.”*
(Point 19, page 11-12)
- *“After the transfer of power in India, comprehensive land reforms were not implemented. On the other hand, as a result of the numerous reforms brought about by the government and due to the gradual changes in the economic system, the feudal relations of production were replaced by capitalist relations of production. 1) Large work force is created in the agriculture 2) Agriculture mainly transitioned into capitalist methods. This change has taken place in both large-scale and small-scale agriculture. 3) Agriculture is now dominated by corporate (domestic and foreign) sector. Their dominance reigns over seeds, fertilizers, pesticides, machinery etc. which are required for agricultural production. The purchase and marketing of agricultural produce is concentrated in their hands. Warehouses and cold storages are in their hands. Agricultural finance is also concentrated in the hands of private moneylenders and finance institutions. 4) Central and state governments have reduced allocations to*

agriculture. Even the meagre allocations are being utilized for the benefit of rich peasants and capitalist landlords.” (Point 20, page 12)

- *“India’s agrarian crisis is not a crisis of feudalism. This is the crisis of imperialist capitalism. The solution for such a crisis will also have to be different.”*(Point 21, page 12)

Let us look at the points cited in the above Programme.

- i. The programme states the following in another place, *‘Capitalism in our country is a developing capitalism that compromises with the imperialists and feudal landlords.’* (Point 31, Page 26). If the developing capitalism here compromises with the imperialists and feudal landlords, would it be possible for them to fully implement ‘capitalism from above’ even as it continues to compromise?
- ii. Secondly, the Programme agrees that *“Most of the land is still in the hands of the small, marginal, and middle peasantry. Small farms have still been the dominant trend in Indian agriculture”*. Marx talked about small landed property. *“Small landed property presupposes that the overwhelming majority of the population is rural, and that not social, but isolated labour predominates; and that, therefore, under such conditions wealth and development of reproduction, both of its material and spiritual prerequisites, are out of the question, and thereby also the prerequisites for rational cultivation.”* (Capital, Volume III, Chapter 47). When admittedly small farms have been the dominant trend in the agriculture in India, would it be possible to envisage a (full scale) capitalist relations of production replacing the feudal relations?

iii. While acknowledging the weakening of feudal land concentration and the dominant trend of small farms, the Programme doesn't seem to take the inequities that still persist in the land relations. The data from the Agricultural Census 2015-16, published by the Ministry of Agriculture in 2020 shows that just over four percent of big landowners own nearly 30 percent of the land, and around fourteen percent of landowners own over half of total land (53.07%). Thus, the remaining 46.93% land is held by small and marginal farmers who account for eighty six percent of total land holdings. These inequities become even more stark when one takes facet of caste into account. Trends from the Agricultural Census data between 1970-71 and 2015-16 show two-and-a-half-fold increase in the number of small and marginal farmers during the period. Claims of 'unbridled growth of capitalism in agriculture' and 'implementation of capitalism from above' can not hide the fact that such development could not provide employment opportunities in the industries. Rising numbers of small and marginal farmers cling to farming, famished and ravaged by the vicissitudes even as they get mired hopelessly in the debt trap. Communist revolutionaries have characterized these relations as semi-feudal. The alliance of imperialism, comprador big bourgeoisie and landlord classes and the semi-feudal semi-colonial relations hinder the growth and development of productive forces. Communist revolutionaries avow that the new democratic revolution, with the agrarian revolution as its axis, will transform the system. The leadership of CPI (ML) Prajapandha proclaimed that India is indeed a capitalist country in

numerous interviews and statements. Yet, when it comes to the party Programme, they had to admit, “*Agriculture did not generate sufficient capital for the industrial sector. Sufficient rural demand has not been generated for the industrial sector.*” The Programme is forced to qualify their characterization with adjectives like ‘backward’ capitalism etc. Isn’t this a fact?

As the tenancy data is not captured properly, the data related to tenants with respect to landholdings and land relations continues to be inadequate. Previously, tenancy was perceived to be on the decline. Data from the 77th Round of NSSO (2019) indicate that percentage of tenant holdings in the year 2018-19 is 17.3%. This is almost double the number, when compared to data from 2002-03 (9.3%). The same holds true in terms of percentage of area leased-in, which increased to 13% in 2018-19 from 6.5% in 2002-03. Thus, there has been significant rise in tenancy over the past decade and a half which has almost doubled, despite underreporting of tenancy in the data. Reverse tenancy where the poor lease out the land to the rich is still not significant in India. What is prevalent is small and marginal farmers leasing in land as they do not find any opportunities outside of Agriculture. The tenant farmers are doubly disadvantaged. They do not get any legal protection of their rights and they are deprived of all governmental assistance. This further points to the trend of small and marginal farmers rather than leading to capitalist concentration of land.

- iv. The Programme statement that, “*India’s agrarian crisis is not a crisis of feudalism. This is the crisis of imperialist*

capitalism”, also doesn’t fully correspond with the reality. This agrarian crisis is not like one of those periodic, recurring cycles of crises that Imperialism is beset with. This is a chronic, perennial crisis pulverizing peasantry in India. And it has multiple reasons and dimensions. Small scale farming, hold of imperialists and corporate in the supply of inputs (seeds, pesticides, fertilizers etc), rising costs of cultivation due to the usage of machinery, lack of credit facilities for small and marginal farmers forcing them to borrow from usurers, markets controlled by middlemen, corporate and imperialists disallowing remunerative prices for the agricultural produce – all these factors lead the peasantry into a debt trap. They are left with no other alternative even as Agriculture becomes unviable. It is important to note that the situation is acutely felt even in those areas which have seen greater penetration of capitalist methods in agriculture. Green revolution, the thrust of neo-liberal policies in 1990s and acquiescence to WTO and other trade agreements have exacerbated the agrarian crisis in India. The recent attempt by Modi’s government to implement the three farm laws should be viewed from the context of imperialist and corporate pressures. The attempts to bring the small farms into the ambit of corporate, contract farming were an integral part of those farm laws that were withdrawn later. It is superfluous to characterize the agrarian crisis in India as a ‘capitalist imperialist’ crisis, without pausing to look at its peculiar nature. The imperialist domination over the markets, implementation of policies dictated by the imperialists, increasing grip of imperialists, compradors and

corporate in the supply of inputs – seeds, fertilizers and pesticides, lack of credit facility forcing small and marginal farmers to borrow from usurers and money lenders leading them into debt trap, these are the concrete reasons behind the agrarian crisis which is unfolding as an eternal tragedy. Thus, it would be more apt to analyze this agrarian crisis in India as a crisis of semi-feudal agriculture which could not transform into fully developed capitalism rather than attempting to look at it as a ‘capitalist, imperialist’ crisis. This is a deeper crisis affecting the socio-economic system as the development of productive forces is hindered by the semi-feudal relations and increasing imperialist penetration into Agriculture. One important aspect to be noted is the fact that the militant peasant movement emerged precisely from the areas which witnessed increasing penetration of capitalist methods in agriculture and areas which were showcased as centres of green revolution. The deepening agrarian crisis served as the source for the upwelling.

- v. The Program talks about different solution to the crisis. It says, *“India’s agrarian crisis is not a crisis of feudalism. This is the crisis of imperialist capitalism. The solution for such a crisis will also have to be different.”* The Program lists 15 demands as a ‘different’ solution to the agrarian crisis in India. The demands are,
- 1) *“The business of seeds, fertilizers, pesticides, machinery etc. required for agricultural products should be taken over from domestic and foreign corporate bodies and managed by the government. For the farmers, these should be supplied cheaply by the government.”*

- 2) *The government should provide credit facility to farmers without interest or with low interest.*
- 3) *Farmers' crops should be purchased by the government at reasonable prices.*
- 4) *Irrigation, power, warehouses for storage, transport and market facilities should be provided by the government. Direct and indirect taxes on the peasantry should be completely abolished.*
- 5) *All the poor and middleclass farmers should be mobilized into cooperative societies. The government should provide all necessary and financial support to those cooperative societies.*
- 6) *Government should protect the farmers from losses due to natural calamities.*
- 7) *a) Distribution of food grains should be undertaken entirely by the Government.*
b) Lands of capitalist landlords leased in by the poor peasants should be expropriated without compensation and the tenants should be given all rights. If the lands leased in belong to the rich peasants, the government should provide compensation to the rich peasants, and all rights over the land should be given to the tenants.
- 8) *Labour force should be relieved from agriculture sector on a large-scale and alternative employment should be provided to them. In one word, stop implementing all the current neo-liberal policies of the governments.*

These are the demands of immediate program of peasant revolution.

- 9) *Government should take the responsibility to provide full employment to rural agricultural workers.*
- 10) *Quality free education should be provided to all children of rural people.*
- 11) *Quality and free medical facilities should be provided to all rural people.*
- 12) *All rural people should be provided comfortable free housing.*
- 13) *Social security schemes should be implemented for all rural people.*
- 14) *Free safe drinking water facilities should be provided to all rural people.*
- 15) *Government should take responsibility for rural sanitation facilities.” (Point 21, pages 12-13)*

Of the above fifteen demands which are cited as a ‘different’ solution for the agrarian crisis in India, one can see that the first seven pertain to the peasantry. The eighth demand that “*labour force should be relieved from agriculture sector on a large-scale and alternative employment should be provided to them*”, at best can be construed as an aspiration of CPI (ML) Prajapandha leadership. While the ninth demand is for the agricultural labourers, remaining demands, ten to fifteen, pertain to rural people as a whole. It is pertinent to note that there is not a single demand against the corporatization of agriculture.

One logical question arises here. Do these fifteen demands, cited as a '*different*' solution to the agrarian crisis and the '*immediate program of peasant revolution*', articulate the demands of a peasantry in a developed capitalist country? Or do they articulate the demands that drive towards capitalism?

The '*different*' solution cited above also raises few other questions.

The eighth demand states, "*labour force should be relieved from agriculture sector on a large-scale and alternative employment should be provided to them.*" At a fundamental level, does this not primarily indicate a condition where the capitalist development (developed or developing) did not transform in all these decades?

The first eight demands cited above are mentioned as "*the demands of immediate program of peasant revolution.*" It is important to note here that "*all the poor and middle class farmers should be mobilized into cooperative societies. The government should provide all necessary and financial support to those cooperative societies*" is part of '*immediate program of peasant revolution*'. In one-word, mobilizing poor and middle class farmers in to cooperative societies is the '*different*' & '*revolutionary*' solution envisaged by the CPI (ML) Prajapandha to India's agrarian crisis! Suffice it to say that there have been many an attempt in organizing '*cooperative societies*' within the present system. Only difference is that none boast of themselves as a '*different*' and '*revolutionary*' solution and as '*immediate program*' of peasant revolution! At best these were attempts in alleviating the rural distress, often ending up in a failure due the challenges within

the confines of the system. At a practical level, ‘cooperative societies’ indeed are in existence and it is abundantly proved that these are in effect the instruments that help the dominant classes to maintain their hold over rural level. Now the Programme of CPI (ML) Prajapandha projects this as the ‘immediate programme’ of peasant revolution!

There is yet another contradiction in the seventh demand of this ‘immediate program of peasant revolution. It demands that the *‘lands of capitalist landlords leased in by the poor peasants should be expropriated without compensation and the tenants should be given all rights. If the lands leased in belong to the rich peasants, the government should provide compensation to the rich peasants, and all rights over the land should be given to the tenants.’* Firstly, have they seen ‘capitalist’ peasants leasing their lands to poor peasants as a significant trend? The Path document states that, *“those who own more than 25 acres of land are rich peasants or capitalist landlords, who constitute only 0.8%. That means there is not even one in a hundred. They own 11.8% of the land..... An average owner of 50 acres would be able to do his own cultivation given the level of technology available in agriculture today.”* Who is this demand of ‘immediate programme of peasant revolution’ addressed against? Secondly, one needs to contrast this demand against another statement in the Programme that, *‘small farms have still been the dominant trend in Indian agriculture.’* For all the talk about (developing) capitalism and vanishing feudalism (relegated to a ‘remnant’ status), what we see in their Programme is in reality the admission of *‘small farms being*

the dominant trend in Indian agriculture' and 'rich peasants or capitalist landlords constituting of only 0.8% holding 11.8% of the land"! And the immediate programme of peasant revolution is 'expropriated without compensation' if those 'capitalist landlords' lease out their lands to small farmers, that too when the Programme states, 'an average owner of 50 acres would be able to do his own cultivation given the level of technology available in agriculture today!! The immediate programme of peasant revolution appears to be an example of tying oneself into knots.

The programme states elsewhere that, "*Agricultural workers, poor peasants, middle class peasants and rural non-agricultural working classes are the motive forces to be mobilized for united struggles*" (Point 23, page 14) and that, "we have to build farmers and agricultural workers into different unions" (Point 24, page 14). Where are the demands of agricultural workers in this '*immediate program of peasant revolution*'? There is only one demand, ninth one, which seeks "*government should take the responsibility to provide full employment to rural agricultural workers.*" Does CPI (ML) Prajapandha leadership believe in that one demand as a silver bullet for the immediate programme of peasant revolution and as 'different' solution?

The demands cited as a 'different' solution and listed in the Programme as the '*immediate program of peasant revolution*' here are all demands made to the government. The Programme mentioned elsewhere that, "*some of the feudal landlords were transformed into capitalist landlords. A section of the middle peasants developed into rich capitalist*

peasants. It is these sections that have benefited by utilizing government budgets, policies and finance institutions. Some of them became owners and managers of large farms under capitalist methods". That being the case, should the Programme not have demands to mobilize people into class struggle against such classes? Would the demand that 'tenants to be given all rights' suffice for the class struggle on the ground? The demands for the 'immediate program of peasant revolution' seem to be formulated only from the perspective of anti-government struggle. Would it not blunt the class struggle at the local level?

5. Few other questions

There few more questions that need to be discussed in the Programme document of CPI (ML) Prajapandha.

The Programme talks about three concrete sub-phases that are likely to occur before the completion of democratic revolution in India. The Program states, "*if the ruling classes attempt to impose fascism in the country, or if such a danger looms large, our party will build a united front/ forum on the basis of a minimum program outside the elections and all the forces ready to resist fascist tyranny.....when any imperialist power attempts to invade our country, we have to make a united effort with all the groups and forces that are ready to resist that aggression.*" Apart from the above two, the Program now includes an additional sub-phase, "*In the present national and international conditions, there are possibilities to form a united front/forum even on the basis of a minimal common program against neo-liberal policies. Then, it will be a special step. Then there is a need to form a*

united action with all the forces that come forward to fight against the neoliberal policies” (Point 34, page 28). Does CPI (ML) Prajapandha believe in a basis for a united front with ruling classes and CPI and CPM against the neo-liberal policies at the current juncture as a sub-phase within the stage of democratic revolution in India?

On the question of elections, the Program states, *“It should be our consistent policy not to make any alliances with political parties representing the big bourgeoisie and big landed classes. Keeping away from opportunistic policies, we should look at the possibilities of contesting in election together and supporting each other, with the petty bourgeois parties coming together in mass movements and thus strengthening each other.”* (Point 30, page 23) While the CPI (ML) Prajapandha is looking at the possibilities of contesting together with petty bourgeois parties, it should be noted that the petty bourgeois parties (CPI & CPM) are running after ruling class parties for electoral alliances.

As mentioned above, the Programme now includes an additional sub-phase, *“in the present national and international conditions, there are possibilities to form a united front/forum even on the basis of a minimal common program against neo-liberal policies. Then, it will be a special step. Then there is a need to form a united action with all the forces that come forward to fight against the neoliberal policies”*. With this understanding, the conditions for forming a united front/ forum on the basis of common minimum programme against neo-liberal policies have continued to exist for the last three decades. While it is mentioned as a special

‘sub-phase’, does this not amount to laying a permanent basis for the formation of a united front/ forum with CPI & CPM in practice in the name of a special sub-phase?

We are yet to see CPI (ML) Prajapandha’s document on their assessment of national international situation. The Programme mentions that, “*the US imperialism, the sole superpower leading world capitalism and the world hegemonic power*” (Point 32 - Page 27). It is not clear if CPI(ML) Prajapandha considers the current constellation as a unipolar world. It is also not clear as to what CPI (ML) Prajapandha considers as the characterization of China? Do they still consider China as a ‘socialist’ country? We are yet to get the answers.

□ □ □

Forest Conservation Bill 2023

An Attack on Forest, Environment and Livelihood

● **Bhala Chandra Shadangi**

Ignoring all the appeals, objections and suggestions from many quarters, the RSS-BJP led Central Govt. has unilaterally passed the controversial Forest Conservation Bill 2023 in both the houses of Parliament. Many eminent ecologists, retired civil servants, experts on forest rights, tribal and peasant organizations, groups from the northeast, legal and policy experts and even opposition party members had raised serious objections to the Bill. It is said that, this Bill is going to have a severe impact on country's forest, environment along with the livelihood of millions of tribals and traditional forest dwellers. But, surprisingly such an important Bill was passed hurriedly without any debate or discussion even in the absence of opposition party members.

This controversial Bill was first placed in the Lok Sabha on 25th May 2023. It was supposed to be sent to the standing Committee for Forest Environment and Climate Change for public opinion. But instead of this, it was hurriedly sent to the Joint Parliamentary Committee in the name of further study. In the mean time hundreds of individuals and organizations submitted their valuable opinions and suggestions on the Bill to the JPC. Around 400 ecologists, scientists and naturalists have also written

to the environment minister Bhupender Yadav and members of Parliament, urging them not to table the Bill, during the monsoon session. They had sought more time to submit objections to the joint committee studying the draft legislation. Even members of opposition parties present in the committee also submitted their dissenting opinion on the bill. But surprisingly the JPC has sent the Bill as it is to the Parliament rejecting all those suggestions.

As the devastating impacts of climate change and environmental degradation become clearer, highlighted in the recent floods across north India, this is the time for the Govt. to reaffirm its commitment to protecting the country's immense biodiversity. Areas such as the Aravalli forests, which will lose protection, are a vital green lung for northern India and provide refuge to hundreds of species of birds, reptiles, mammals and amphibians, apart from serving critical hydrological and climatic modulation for the entire Delhi NCR. Innumerable examples can be given of the ecological necessity of maintaining 33% of India's land area under forests, as enshrined in the Directive Principles of State Policy. But sadly the latest bill on forest conservation is going to make the situation worse. The new Bill seeks to dilute the entire regulatory framework of the existing law by diluting the definition of forests and providing exemptions for non forestry activities.

The bill, which proposes to modify the Forest (Conservation) Act, 1980, has a number of controversial clauses. Even certain provisions of the bill could jeopardize vast tracts of ecologically important forests and leave out several so-called unclassified forests that cover around 15% of India's total forest cover, a report by a high-level working group constituted by Vidhi Centre for Legal Policy on the bill said in May. The bill proposes to cover only forest lands that have been declared or notified as a forest under the

Indian Forest Act, 1927 or under any other law. It also seeks to recognize only forest lands that were recorded as forests as on or after October 25, 1980. That means forests that are outside this category i.e. unclassified or deemed forests will not come under the purview of this bill. If these forest areas are declassified, it will mean that thousands of square kilometers of forests will lose protection overnight.

According to the State of Forest Report 2021, published by Forest Survey of India, the total forest cover of India is 7,75,288 square km. Out of which 1,20,783 square km or 16% of the total forest comes under this unclassified forest. The ownership of such forests also varies from state to state. This has raised legitimate fears that the above amendment in the Forest Conservation Act - 1980 will invalidate the Supreme Court's 1996 judgment in TN Godavarman vs Union of India in which the court interpreted the meaning of forest as its dictionary definition, expanding the purview of the forest conservation law. In this verdict the SC had ordered declaration that all lands having dense tree cover and being surrounded by forests be treated as forest land and be conserved.

This unclassified or deemed forest also plays a very sensitive and important role in the protection of the environment. Now in the name of development, these exemptions will allow even these lakhs of hectares of forest land and resources to be made available to corporate. There will be no need for taking the lengthy and multilayered permission or forest clearance process for diversion for non-forest use.

The states will now be able to classify the unclassified forest land or patches of trees as forest land in order to be able to show larger tree coverage, within the definition of "forests". The purpose

of this change in the bill is to allow the govt. to use all this tree cover to justify the new 'Preamble' introduced in the amendment which targets "Net Zero Emission by 2070" by 'creating carbon sink' for higher carbon dioxide absorption.

However, this is only to fool the people because this amendment has introduced several exceptions for diversion of forest land to non forest use. It will now permit a huge part of the forest land including several biodiversity hotspots to be potentially sold, diverted, cleared and exploited for non-forestry purposes. These modifications could destroy vast tracts of ecologically important forest. This will also render the Supreme Court verdict in the case of TN Godavarman vs Govt of India meaningless.

The amendments made are quite the opposite to the several aims about conserving our forest and environment declared in the Preamble. As we know the main declared aim of Forest Conservation Bill - 1980 was conservation of Forests and Forest Land. For forest conservation all the non forest activities are strictly prohibited in the forest land. If forest land is needed for any development project or any greater public interest, than giving a detailed report the state Govt. can apply for the permission for the diversion of the said forest land to the Central Govt. But the latest amendment dilutes this provision. This bill has removed difficulties and made the diversification process easier. It exempts several non-forest activities from the requirement of taking forest clearances.

Another proposed clause of the bill provides exemption in prior forest clearance for strategic developmental projects of national importance and concerning national security on forest land located within hundred kilometers along international borders or

Line of Control or Line of Actual Control. Many ecologists have highlighted that these areas are home to the most ecologically important ecosystems, including the forests of northeast India, the high-altitude deserts of Ladakh and Spiti, the alpine forests of Uttarakhand and Himachal Pradesh, and the open scrub and desert ecosystems of West India. So, if it becomes an Act, it will seriously affect the large belt of the north eastern region's already dwindling forest reserve from the protection of the current Forest Conservation Act - 1980. This clause could harm the forests in Himalayan, trans- Himalayan and north-eastern regions significantly. Clearing such forests can trigger extreme weather events alongside threatening the biodiversity of vulnerable ecological and geologically sensitive areas.

Another clause of the bill has a list of activities permitted on forest lands. This includes parcels of land used for non-forest purposes along railway lines, roads and habitations. While earlier only activities relating to 'development and management of forests and wildlife' were exempted from permission, now it has exempted 'establishment of zoos and safaris', 'eco tourism facilities', 'Tiger Conservation' and also 'any other like purpose' which the govt. may specify from the ambit of necessary permissions. As should be obvious, a zoo or safari park and a forest cannot be equated. One is a thriving ecosystem, interconnected in thousands of ways, many of which we are still only learning about. The other, a zoo, can be a place for ex-situ conservation or education but can never be a replacement for the former. Actually in the name of Eco-tourism and other related activities, the Govt. wants to hand over vast tracks of forest land to private players.

The bill also provides for the union government to permit any "survey," reconnaissance, prospecting, exploration and so on in

forest lands by not classifying the former as “non-forest activities.” Taking advantage of these provisions both Govt. and Private agencies will carry out large scale survey and exploration activities inside the forest.

In the name of containing Left Wing Extremism (actually to launch attacks on tribals), up to five hectares of forest land is exempted for developing infrastructure for defence or paramilitary forces in the affected areas. Which means every part of the country could be impacted by military infrastructure. So forest land from any place in the country can be selected and used for this non forestry purpose. These areas are mainly inhabited by tribals and other forest dwelling communities. So any diversion of forest in these areas will seriously affect these communities.

The Bill also demolishes the hard earned forest rights of tribals and other traditional forest dwelling communities. It does away with the FRA provisions of mandatory consent from gram sabhas and other monitoring committees, leaving tribal communities completely helpless against the acquisition of their land. Exempting such a large number of projects from the clearance process will mean that forest dwelling people will no longer be consulted and their forest rights will not be ensured. This has been an extremely important way that forest dwelling people are given a voice. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition Of Forest Rights) Act, 2006, has made it mandatory to get free, prior and informed consent of local communities through their gram sabhas (village councils), a right that they have won after years of struggle. Already lakhs of tribals and other traditional forest dwellers have got their forest right titles and many of them have applied for this. But what will happen to their rights is not mentioned in the Bill. With this, in one stroke, not only will the

forests be open to destruction, but their inhabitants will be displaced.

The latest amendments in the Forest Conservation Act is not an isolated move of the Modi Govt. Rather it is part of a series of amendments in various laws related to forest and environment in the interest of big corporate. In the last nine years of their rule the RSS-BJP Govt. had tried to amend Indian Forest Act-1927, brought new Forest Conservation Rules, CAMPA Act and tried to weaken the Forest Rights Act- 2006 etc. These were intended only to consolidate the control of the state and corporate, including MNCs over our land, forest and natural resources.

In continuation of its stated policy of opening up the country's natural resources to the exploitation of private capital without regard for people or the environment, the Govt. has brought this Bill. Even two Bills amending Mines and Minerals (Development and Regulation) (MMDR) Act and Biological Diversity Act are also introduced. This will have serious consequences for our dwindling forest resources, environment, biodiversity and above all the life and livelihood of common people.



‘The Nuh Communal Violence and the Conspiracy of the Hindutva Brigade : A Ground Report by Janhastakshep’

(Communal violence in Nuh, situated close to capital Delhi, led to death of six persons. A Janhastakshep Fact Finding Team investigated the Recent Incidents of Communal Violence in Nuh (Haryana). Janhastakshep organized a Press Conference at the Press Club of India on August 9, 2023 and released its Fact Finding Report into the recent communal violence that rocked Nuh and the adjoining districts of Haryana titled – ‘The Nuh Communal Violence and the Conspiracy of the Hindutva Brigade: A Ground Report by Janhastakshep’. Janhastakshep issued a brief summary of the report in the Press Conference. We are here publishing this brief summary here.)

Introduction

A team of Janhastakshep visited areas of Palwal, Sohna and Gurugram, and also spoke with other people from Nuh district on 3rd August 2023 to do a fact finding regarding the incidents of communal violence that hit Nuh town and subsequently areas of adjoining Palwal and Gurugram districts.

Janhastakshep team set three fold objectives for our visit:

1. To confirm the facts on the ground in order to fill in the gaps in information in available narratives of the events.
2. Based on these facts and conversations with the people in the area, gain deeper understanding as to the specific motivations of the powers that be that were instrumental in staging these events.
3. To make an assessment of the extent to which the Saffron Brigade has succeeded in deepening religious polarization among people in the area towards fulfillment of its political interests.

The team comprised of the following members:

- Noted journalist Sh. Saeed Naqvi
- Senior journalist and co-convener, Janhastakshep, Sh. Anil Dubey
- Independent IT professional Sh. Satish, member Janhastakshep.
- Journalist Astha Savyasachi · Freelance Photo journalist Sh. Pradeep, and Convener Janhastakshep, Dr. Vikas Bajpai

In addition to other unnamed persons, among the important persons we interacted with were:

- Sh. Zafar Mewati Yaduvanshi, social activist and member of National Council of Samyukt Kisan Morcha.
- Sh. Haider, advocate at Gurgaon District Court.
- Sh. Tahir Sahab, senior advocate, District Court, Nuh.
- Sh. Mahender Singh Chauhan, Palwal district secretary of All India Kisan Sabha (AIKS).
- Sh. Tara Chand, All India Kisan Sabha, Palwal.
- Sh. Sher Mohammed, senior advocate at Palwal District Court and resident of Roop Rakha village in Hatin Tehsil of Palwal district.

The Context to Present Clashes in Nuh

The present developments in Nuh are very much rooted in the concerted efforts being made by the Hindutva forces to upend every shred, every tradition, every economic link of mutual dependence that have bonded together people following different religions and embodying enormous diversity of India. The recent flare-up comes in the background of a series of attacks on Muslims in the region beginning with Pehlu Khan's murder in Behror of Alwar in 2017 to the twin murders of Muslim men by cow vigilante Monu Manesar and his associates in February 2023.

Two persons – Monu Manesar and Bittu Bajrangi, allegedly with full patronage of the state machinery and Hindutva forces have earned a reputation for targeting and killing members of the minority community in the garb of cow vigilantism. As such there is considerable resentment against them among Meos, especially the Muslim youth of the area, which became an important factor during the recent disturbances. Major violence that shook Nuh and adjoining areas of larger Mewat happened on the 31 of July, 2023. This was followed by several other incidents that took place in district Palwal on the 1st and 2nd of August, as also in Sohna and the Gurugram city.

1. The clash between the Muslim youth and those participating in the “Jalabhishek Yatra” called by VHP and the Bajrang Dal.
2. The attack that took place on the Cyber Crime Police Station, Nuh near Anaj Mandi, Nuh.
3. The incident in which the ACJM (Additional Chief Judicial Magistrate) of Nuh, Ms Anjali Jain and her 3 year old daughter Arnika were caught in the midst of violence leading to burning down of their car.

We could only gather substantive information on the first instance of violence which was at the center of the entire sequence of events.

We wish to emphatically state here that our team's perspective is not to justify / condone violence perpetrated from any side in the conflict, but only to evaluate the circumstances that led to eruption of this reprehensible violence which has admittedly not been witnessed in the Muslim majority Mewat region in last 75 years since independence. The sole purpose of our investigation is to expose the nefarious designs of the forces that be who might have vested interest in perpetrating such violent acts in the days to come as well.

An account of the violence that occurred during the staging of the Nuh 'Shobha Yatra'

- A call had been given by the Bajrang Dal and the Vishwa Hindu Parishad for the “Brijmandal Jalabhishek Yatra” to be taken out in Mewat on the 31st of July 2023. The yatra covers a total distance of 40 km and the practice has started only since 2021.
- A concerted effort was made to raise the communal temperature and provoke the local Muslims through social media posts. Among these the videos posted by Monu Manesar and Bittu Bajrangi had been the most notorious.
- Government's own intelligence gathering machinery and the civil society in Nuh had forewarned of trouble were the yatra participants to walk through the Muslim areas of Nuh, wielding arms and shouting slogans, but these warning were ignored. “Mewat Vikas Sabha”, a civil society organization of the area said that the yatra proposed by the Hindutva organizations was nothing but a “calculated” move to stir communal violence in Muslim majority Nuh.

· Some Muslim youth, with the possibility of some anti-social elements joining in got provoked. Some retaliatory videos were uploaded by Muslim youth as well in response. The number of participants in the “shobha yatra” is estimated to be anywhere from 1500 to 3000. The yatra was anything but a peaceful religious affair and even the important figures of the ruling party itself have questioned as to how a religious yatra could be carrying arms?

· All evidence points that not only was the violence witnessed during the Nuh “sobha yatra” a clash between the participants in the yatra on one side and the local Muslim youth on the other side, but that both sides had prepared themselves for the showdown. Yet, the Chief Minister, Manohar Lal Khattar and the Home Minister of the state Anil Vij have both claimed that the Nuh violence to be a pre-planned conspiracy.

What is more dangerous is that the government has already set in motion the process for one-sided persecution of the Muslims, as is reflected from the F.I.R.s (First Information Reports) that have been filed by the police in the specific case of rioting in the yatra.

Salient points of these FIRs

· All the seven FIRs registered at Nuh city police station make reference only to Muslim community in different ways – “the crowd was shouting slogans of Allah Hu Akbar”, or “a crowd of Meo Muslim community”, or “persons belonging to one community” etc.

· There is no mention whatsoever in the FIRs of violence, including use of firearms, unleashed from the side of those taking out so called “Dharmik Yatra.” As per the FIRs only one side is the culprit while the side represented by Bajrang Dal and VHP are shown as the victims.

IR No.	Under sections	Place of incident	Timing of incident	Investigating officer	Names of policemen (of diff. ran mentioned in the FIR.
252 ⁺	148, 149, 332, 353, 186, 307, 295-A of IPC	Nuh AdbarChowk to 3 pm	2pm	Ajay Kumar,	Pankaj Kumar, Poker Ram, Sandip, Sanjay, Vikram, Gaurishankar,
	1860 & 25 of Arms Act 1959.				
254 ⁺	148, 149, 332, 353, 186, 307,435 of IPC & 25 of Arms Act.	Jhanda Park Nuh city	1.30 to 3 pm	Surjeet Singh	Ravindra Kumar, Ombir Singh
255 ⁺	148, 149, 435, 295-A, 307 of IPC & 25 of Arms Act.	Near Jhanda Chowk, Nuh	2 pm to 3 pm	Surjeet Singh	Anil Kumar, Dinesh Yadav, Babula
256 ⁺	148, 149, 435, 295-A, 307 of IPC & 25 of Arms Act.	Delhi-Alwar road, Nuh	2 pm to 3 pm	Bharat Singh	Brijendra Kumar, Vishwajit
253 ⁺⁺	148, 149, 186, 332, 353, 427, 435, 436, 395, 397 of IPC and 25 of Arms Act.	Cyber Thana, Nuh	3-30 pm	Sanjeet	Suraj, Sudhir, Dharmendra, Suresh Surendra, Gulshan, Raghunbir Sing Ravikant, Shubham, Pradeep Kum Bhajanlal.
257 ⁺⁺	147, 148, 149, 186, 302,	Near Anaj	2 pm to	Surjeet Singh	Ajay Kumar, Devendra, Arun, She

307, 332, 342, 353, 379 B, Mandi, Nuh 4 pm
120 B, 427 of IPC &
25 of Arms Act.

Pawan Kumar, Neeraj*, Gursevak*,
Manvir Singh, Devendra, Rahul Dev,
personnel of the Quick Response Team
Dist. Manesar and Subhan Khan**

0258⁺⁺ 148, 149, 435, 307 of IPC Near Old Bus 1 pm Bharat Singh Siyaram, Subhan Khan, Harvinder,
& 25, 54, 59 of Arms Act. Station, Nuh to 3 pm Bharat Singh

What do the F.I.R.s lodged with regard to different incidents tell?

^{*}Both Neeraj and Gursevak were employed as home guards in district Gurugram and were among the first two casualties of this violence. ^{**}Subhan Khan is the lone Muslim police personal mentioned in all the FIRs quoted here. For details of the incidents described in the FIRs please refer to the relevant annexures. ⁺ These are the FIRs concerning the violence that took place in the yatra. ⁺⁺ The FIRs are related to the attack on Cyber Thana, Nuh.

⁺⁺⁺ This FIR pertains to the incident in which the car of ACJM was burned.

· As per the FIRs the maximum strength of the Muslim crowd was 700 which was less than half of the estimated strength of 1500 to 2000 that took part in the yatra. This singular fact shows that the common Muslims of Nuh by and large succeeded in not getting provoked by the vitriolic build up to the yatra by the Hindutva brigands. On the other hand most of the mobilization of the yatris had been done from other districts of Haryana.

In all the FIRs taken together, there appears the name of just one Muslim constable Subhan Khan, who also, as it appears from the FIRs, was not actually deployed for maintenance of law and order duty on the fateful day. Likewise, there is not even one Muslim among the investigating officers in any of the FIRs. This situation diminishes the possibility of justice being done, or at least shown to being done in the incidents that happened in Nuh.

The questions that need be answered

There are two important questions that need be answered here:

1. What exactly was the game plan of the Hindutva forces behind engineering this violence?
2. What has been the fate of the game plan and for what reasons?

Given the political situation as it obtains on date in the country, the exertions of VHP – Bajrang Dal combine in Nuh – Mewat betray signs of ominous apprehensions on part of the Hindutva forces. In a small living room of a local Jat leader of AIKS, both Hindu and Muslim lawyers, social activists, panchayat leaders spoke in and out of turn, each being the other's proxy. Their unambiguous message was:

Jats took no part in the yatra which was armed with swords and rods. The Bajrang Dal plan was to have at least a hundred

martyrs, their bodies to be paraded throughout the Hindi belt. The participants in the “Jalabhishek Yatra” were brought from various districts of Haryana as the proverbial “sacrificial lambs” imbued with ignorance about their possible fate.

The gentlemen involved in the discussion concurred that:

Given the demographic geography of the area, had the Muslim youth, also armed, wanted to take out their grudge on the participants in the yatra as such, then they were in a position to surround and kill the yatris indiscriminately, but they showed restraint even though Muslim shops and houses were gutted. Their rage was specifically directed against Monu Manesar and Bittu Bajrangi. When they could not locate the duo among the yatris, the Muslim crowd set the vehicles accompanying the yatra on fire saying the possibility that the wanted culprits could be hiding in them.

It bears mention here that in an interview given on 2nd August, 2023 by Dheeraj Gaba of the “Rashtriya Mazdoor Kisan Manch” to a Haryana based media outlet “Vishwaprem Samachar Patra” it was told that barely 15 days before the “Brijmandal Jalabhishek Yatra” another “Kanwar Yatra” had been taken out through Nuh. Not even one pebble was tossed or a slogan raised against that yatra (Vishwaprem Samachar Patra, 2023). This much should suffice to understand the possible game plan of the Hindutva communal forces in instigating this communal conflagration.

So did the game plan succeed?

If the purpose of the communal flare up in several districts of Haryana was to condition the electoral trend in Rajasthan, create the “suitable” mood for the 2024 general elections, boost chances of

Haryana Chief Minister Manohar Lal Khattar's third term and spread some tension in the National Capital Region, the game plan of BJP does not seem to have succeeded.

Much to BJP's chagrin, an obstacle in their path is the evolving Jat-Muslim social cohesion. To make way for politics of polarization this almost organic Jat-Muslim evolution has to be disrupted.

Mahendra Singh Chauhan, the district secretary of AIKS put it straight when he stated that:

Jats are aware that all of this has been staged by the BJP for their political objectives. They also nurse a grouse against the BJP for its attitude towards Jat agitation demanding reservations in jobs, for calling Jats as anti-national during the farmers' movement when the BJP gave the slogan "35 biradari ek taraf, aur Jat ek taraf" (of all the 36 segments among the Hindus, only Jats are on one side). The treatment met out by the Central government to the women wrestlers (all Jat) in their agitation against sexual harassment by the BJP MP and the then President of the WFI (Wrestling Federation of India), Brij Bhushan Singh was almost the last nail in the coffin of Jats' affection for the ruling party.

BJP too is aware of this sentiment among the Jats, and so they are making an all-out effort to project it as an issue above the interest of the party. They are seeking to project it as a fight to safeguard the interest of all Hindus vis-a-vis the Muslims. An attempt was made by the local Hindutva leaders to organize a panchayat at Jat dominated Mandkola village which failed to elicit any enthusiasm among the Jats.

On 3rd August, 2023 a panchayat was held in the Meo majority village Kot Gaon, situated close to Mandkola village, where

in leaders of both the Hindu and Muslims Pals (socially the equivalent of the Jat Khaps) got together. Among the Meos leaders of Chiraklot Pal, Demroth Pal and Mangariya Pal were present, while on the side of the Hindus Rawat Pal, Sanrot Pal and Sehwat Pal were represented. The panchayat resolved to maintain formidable unity among Hindus and Muslims against the attempts being made to drive the deep communal wedge.

The Meos of village Ghagot were assured by the Jats of Alawalpur village that anyone eying to harm the Muslims shall first have to contend with them. One only hopes that this is just the beginning.

The progressive Meo farmer leader who helped greatly in our investigation has retained his name which clearly reveals his ancestry – Zafar Mewati Yaduvanshi. It is a tragedy that in our caste-religion ridden system, the integrated aspects of Meo culture have not found multitudes of admirers. Most people are simply unaware of the role of the Mewatis / Meo Muslims in the 1857 war of independence when Meos in their thousands faced death, torture, confiscation of property and humiliation for actively taking part on the side of the rebels (Aijaz Ahmad, 1994). Sitting in his house in Sohna, Zafar Yaduvanshi informed us of the RoopraKa village of the Palwal block of Palwal district that had lent more than 400 martyrs in the 1957 war of independence. But of course such stories do not suite the Hindutva narrative of Nationalism for it would threaten to unravel the entire Hindutva project. The simple demand of the residents of RoopraKa village that a chapter be included in the history books about the sacrifices entailed by their ancestors towards the National cause cannot but be treated as another blasphemy by the RSS-BJP Zealots for which the Meos ought to be taught a lesson.

Homeguard Neeraj Khan's family is one of the bearers of such integrated culture. His cousin's name is Sukhdev, while wife is called Vakeela and brother in law Salim (Raj and Sur, 2023). It is a reflection on our society that we come to know the salience of these names through a communal riot, even as many more Neeraj Khans and Sukhdevs wait to be discovered. We just hope that the work of this most eminent treasure hunting shall not be left to riots yet to be staged.

As per Zafar Yaduvanshi's submission, as also that of the members of AIKS, the Farmers' movement played an important role in welding the Jat-Muslim unity in the region, wherein the Meos stood shoulder to shoulder with the Jats.

The Jats of Palwal, Sohna, Gurugram sentimentally remember "our Sikh brothers". The generosity with which they opened "langars" or feeding centres is the stuff of legends in the Jat belt. To run these large feeding Centers over months, the Sikh organization occasionally needed help from Jats. In one instance the Centers needed hundreds of liters of milk.

Jats, who once kept cows and buffalos have, in many instances moved on to other means of livelihood. It is the Gujjars who now keep dairy animals, but being traditionally opposed to Jats they did not help in this instance. The shortfall in milk was made up by Meo Muslim dairy farmers, a fact that the Jats do not forget.

As informed by Zafar, the Jats had boycotted the Meos after the Tablighi Jamat controversy during the covid pandemic. One such village that faced such boycott was Marokhda. The bridging of distances during the Farmers' movement made the Jats realize their mistake for which they tendered an unconditional apology to the Meos. Even in the recent agitation by women wrestlers, who

happen to be Jats, the community again had total support from Muslims in the area. Whether and how will this unity be forged in future will depend upon what is done to bring people cutting across differences of caste, religion or creed together in struggles to forge a new society.

It is on the basis of this reality that Mahender Chauhan asserted that: The Jats are not going to go with the BJP, and without the Jats the BJP's design is not going to go anywhere.

Lest it be missed, it need be mentioned that when the vandals attacked the Shahi Masjid in Sohna on the 1 st of August, it were the local Sikhs who conducted a rescue operation amid the clashes and saved the mosque's Imam, his family and a group of 10-12 children studying at the madrasa.

Conclusion

When the rulers have no solution to peoples' problems keeping them mired in one crisis after another, each possibly bigger than the earlier one, is perhaps the only solution our rulers can think of, and this precisely is what the RSS-BJP attempted to do in Nuh-Mewat through their frontal organizations. One can only expect their desperation to acquire more grotesque forms. However, what our report reveals is that the shenanigans of the Sangh brigade can be defeated by the people.

The RSS-BJP and their cohorts are what they are, but here we feel the need to call out the cagy attitude of the opposition ruling class parties when it comes to dealing squarely with the Hindu majoritarian forces. Tall leaders of the opposition have visited Manipur, as they should have, but Mewat is just next door and yet none among them have had time beyond giving statements in the media to try and assuage the people on ground.

An important conclusion of our report is that the unity of Jats and Meos has emerged as a bulwark against the communal designs of the Hindutva hordes. Most importantly, this unity was forged through the glorious struggle the farmers fought over the livelihood issues common to both the Hindu and Muslim farmers of the region. The lesson to be drawn is that peoples' unity against the divisive designs of the ruling classes can only be built by waging united struggles towards securing their lives, livelihoods and a shared vision of their collective future.

The shenanigans to divide and break the people by the forces of the right wing Hindu communal forces may perhaps intensify further with their growing trepidation. It will take the entire society, especially the oppressed to stage a fight back. Offering a mere lament at the state of affairs only implies surrender before the status quo.

Our demands

1. There should be free and fair independent inquiry by a sitting judge of the “Punjab and Haryana High Court” or the “Supreme Court” into the violence that unfolded in Nuh and the adjoining areas in order to reveal the entire conspiracy behind the violence and to fix the accountability of all responsible – from the top most political echelons in Haryana to the local level administration and the organizations responsible for orchestrating the violence.
2. Those responsible for unleashing violence from either side should be clearly identified and action be taken against them in accordance with the provisions of law. The chief protagonists of this violence Bittu Bajrangi and Monu Manesar be arrested immediately and booked under sections of IPC befitting of the grievousness of their criminal actions.

3. The obvious bias in the F.I.R s which holds only the Muslim community to be responsible for the violence witness in Nuh should be remedied immediately.
4. The one sided criminal action that has been initiated against the Muslims in Nuh by way of demolition of their homes should stop forthwith and the due legal process be followed in every case.
5. Steps should be initiated to ensure that the composition of the local police force and civil administration reflects the demographic composition of the area to correct the reigning bias against Muslims as regards their representation in the local administration.



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