

Industrialization: Which Way Now?

Medha Patkar and Amit Bhaduri

If multi-party parliamentary democracy means giving people a wide range of political choices, we have it in plenty in India, parties big or small with a variety of labels. However, if we have to choose also the content in critical areas of economic policy there is hardly any choice anymore. A marked convergence among political parties is taking place, which is less apparent in their rhetoric but unmistakably clear in their actions. One could have believed that this is the result of compromise of coalition politics at the centre. But when the same thing happens at the level of states, and political parties of different labels follow with equal vengeance the same economic course, no room is left even for illusions. Grand terms like 'growth', 'industrialisation', and 'development' are used by politicians with abandon these days to hide the

poverty of their economics and politics. And, the central question remains unanswered. If a high rate of growth necessarily entails a certain type of industrialisation, is this industrialisation synonymous with development?

The type of industrialisation India is experiencing with recent high growth has three characteristics that are unmistakably neo-liberal. First, it is led by corporations. Second, they are mostly private corporations. Third, the role that the government plays at the central and at the state level is that of a promoter, an agent of private corporations, not one of a regulator. All parliamentary political parties seem to agree. We are repeatedly told that sacrifice is needed for this industrialization, but it is conveniently left untold that the sacrifice must be borne by those who are least capable of bearing it,

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the poor and the most marginalized sections. The rich corporations need not sacrifice, instead they are subsidized by the governments. The estimated subsidy for the Tatas in Singur, West Bengal was over Rs. 850 crores for an investment of Rs. 1000 crores, and also similar deals are said to have been cut by the two Ambani brothers in Dadri, Uttar Pradesh and, for the Mumbai Special Economic Zone in Raigad, Maharashtra.

The traditional political differences have melted away in many respects in a homogeneous neo-liberal mass. In so far as the traditional Left is concerned, first Singur and then Nandigram drove home the point that, many of the left politicians are not that different from the 'dream team' of economic policy makers at the centre, who favour the World Bank, the IMF and the Asian Development Bank. The cultural nationalists of Hindutva variety uphold violently their culture when it comes to Ram Mandir and 'Vande Mataram', but surrender willingly to foreign multinationals. The political double talk everywhere is amazing. The Congress has a remarkably short memory about the Sikh massacre of 1984. The left parties rightly breathe fire about the Gujarat massacre of 2002, while BJP covers it up with false propaganda and manipulation of the State machinery. Then Nandigram massacre happened in 2007, and Advani compares it with Jallianwala bagh conveniently forgetting Gujarat, while CPM leaders and some of the supportive intellectuals call it an unfortunate incident that happened accidentally. The unwarranted shooting and land mining of 13 tribals in Kalinganagar in 2006 by the police bears an uncanny parallel. The tribals were refusing to hand over their land to the same Tatas in Kalinganagar, just as in Singur the peasants were resisting, and in Nandigram they have resisted. Should we be erecting a defence of empty words to say how different Navin Patnaik is from Buddhadeb Bhattacharya, only because they go by different political labels? It is evident from a chronological survey of field reports from Kalinganagar and Nandigram that these were premeditated actions by the State authorities to test the waters and see, how far they can go in the service of large corporations.

In this world of neo-liberal harmony parties of different shades insist that corporate style industrialisation with the State as its agent is our only option. And, Indian polity with an increasingly inequitable economy thrives in the name of high growth, industrialisation and development, working ruthlessly against the poor majority. A spectre of

despair and popular anger is stalking in all corners of the country. Farmers are committing suicide in hundreds especially in Maharashtra, Andhra Pradesh, and Punjab because the government wants to usher in a new type of commercial agriculture under WTO with expensive inputs supplied by multinationals but no subsidy, no appropriate price for their produce. In Chattisgarh in the name of fighting extremism, tribals are being evacuated forcibly in thousands from their villages under Salva Judum to be huddled in Vietnam-style concentration camps, while the corporations eye greedily their mineral resource rich land. The poorest are the richest in natural resources in this country, but are kept poorest by denying them what belongs to them.

Since land is a state subject according to the Constitution of India whether to acquire or not acquire, and with what degree of coercion, is largely the prerogative of the state government. This is where the political hypocrisy is particularly evident, and rhetoric about centre state division of power, cannot hide it. Land is being acquired by various state governments in a competitive race to the bottom in servitude to win the favour of the corporations. The argument goes, "if we in West Bengal do not do it, Uttaranchal will do it" or, "we can be more ferocious than Orissa" in pleasing the Tatas or the Jindals or whoever else. This has full legal and moral support of the central government, but the state has full constitutional power not to oblige.

Land is being acquired in different guises, for mining, for the location of industries, for large estates and IT parks and finally for Special Economic Zones (SEZ) under the 'eminent domain' clause which allows the state to override private property right in land in 'public interest'. Land, the primary source of livelihood in the agrarian economy, includes as per the Act 'everything' attached to land - water, minerals. Therefore, it becomes the most obvious case of forcible transfer of resources from common people for whom land and resource base is not property but livelihood to private corporations. Using the same old Act since the British days, amended in 1984, land acquisition is carried out to serve corporate interest, destroying livelihoods, and displacing people. It is often said there are invariably gainers and losers in such economic processes, which the economist Schumpeter had captured with the phrase 'creative destruction'. However, in the present context this is a misleading half-truth. If such creative destruction were just a part of the normal process of capitalistic development, it would have been unnecessary for the state to intervene in the

guise of 'public interest' on behalf of the private corporations. It involves a transaction between two private parties, namely the corporation and the land owning peasants without level playing field, and the function of the State should be at least to ensure this transaction is voluntary, particularly because one party in the transaction namely the peasant is economically far weaker. This would mean that the corporations can acquire land at a price at which the peasants are willing to part voluntarily with their land, either individually or through collective decisions, the latter being especially relevant in the case of tribal land. Instead what has been happening is that the state using force and violence under a cloak of secrecy despite the Right to Information Act. Although the SEZ scheme has the most pronounced pro-corporate bias, the difference between acquiring SEZ land in Nandigram, and the land for the erstwhile Tata-FIAT joint-venture in Singur is one of legal nicety, not of relevance in so far as those who derive livelihood from that land are concerned. And, even after Nandigram, what most parties, including the CPM has to recommend is not the scrapping of SEZ altogether, but restricting its maximum size and similar marginal changes!

Although land is the most visible symbol of transfer of resources to the corporations, the problem goes deeper. The bias against the poor in policy making is both direct and indirect. The direct bias is visible in plan allocation. Despite 60% or more of our working population living in agriculture, all the recent five year plans under different governments have allocated less than 5 per cent of planned investment to agriculture. The indirect bias operates pervasively through a pattern of consumption and production promoted by the state. Mammoth projects create the impression of urban glossiness with fancy malls, underground metros, flyovers etc at public cost. We take it for granted that many of these public utilities are essential for efficiency, saving time in travelling, improving the quality of life, even for attracting investment. These arguments are not false, but one sided. We need, even more desperately, higher efficiency and better quality of life in rural India where the majority lives. In the metropolitan area, we need infrastructure to ensure basic amenities to the most needy. Manhattan like world-class cities are set as our goals, when 25% to 60% of the city population live a subhuman existence in slums. So why this bias, and whom does it benefit? It certainly benefits the urban elite population, and leads to uncontrolled urbanisation and mega cities with growing hunger for energy,

water and urban housing space. So slums have to be cleared without providing resettlement with poverty banished only from sight. This large-scale destruction of livelihoods of both urban and rural communities is only the surface phenomenon. The modes of transports we are creating with more flyovers for cars (including Tata's people's car), the type of shopping or housing complex we are promoting are not merely iniquitous. They are far more energy intensive, and the majority of our ordinary citizens who do not consume them also have to pay directly or indirectly for this pattern of consumption. This is why farmers get less water, are staved of electricity in critical periods, clean drinking water or proper sanitation is a luxury in villages.

The idea that industry is more efficient than agriculture is largely because of this pronounced bias against agriculture and the poor. With almost two thirds of our work force in agriculture producing hardly over one fourth of national output, output per worker in agriculture is about 40 per cent of national average. In contrast, industry and services have a labour productivity double the national average. This is also a game of attributing 'values' to selected products and services, so that higher growth is achieved by transferring more and more resources to the high productivity sector, and by favouring large corporations which organize this pattern of production for the privileged India. The other India watches in despair and anger, while many have no choice but to commit suicide. Must we not strive for an economic alternative on the basis of new politics?

An economic alternative creating another kind of development is feasible, and elements of it exist even in the present political-economic system. Very briefly, it has to be based on three basic premises. First, we must learn to rely far more on the internal rather than the external market. The biggest driving force of the internal market is the purchasing power of the ordinary people derived from employment growth. India's record on this score has been dismal in recent years. An eight per cent growth in output has been accompanied by hardly one per cent growth in regular employment, and increase in irregular or ancillary employment is marked by flexible contracts loaded against the worker with insecurity and overcrowding of infrastructure. It is foolish to expect that corporate-led growth can do better on the employment front, because corporations are in the game of making profit by cutting costs, including labour costs. And the more we accept globalisation

unconditionally, the stronger would be the relative importance of the external over the internal market. This means cutting labour cost to increase export will become even more pressing. Primacy to export also means priorities in production going against the needs of the population here. Growth of the internal market through rapid employment growth, therefore, requires a far more selective approach to globalization.

Second, economic growth must be the outcome of employment growth, not the other way round and the former should never be at the cost of the latter. Our benchmark should be a time bound programme for full employment. How much does the growth in employment contribute to growth in output depends naturally on how productively labour can be employed. India performed poorly in this respect. The main reason is a bureaucratized system of central control which kills local initiative. We have to start at the opposite end of socialist orthodoxy, not by accepting neo-liberalism, but by forging a new combination. On the one hand, we have to get out of the grip of corporate led industrialisation by making agriculture and the rural economy the centre of economic dynamism; on the other, we have to break the grip of current centralised bureaucratic decision making. This can be done by extending the present national employment guarantee scheme to an ambitious time bound full employment programme, and delegating much of the decision making power to the panchayats and local bodies to identify, formulate and execute local employment generating productive projects. A pre-condition for this is local control over local resources related to land, and maximum fiscal autonomy for the panchayats. Even the Constitution, through Article 243 provided for a finance commission to support and ensure that village/ward level local bodies become financially viable, which was to be appointed in 1993. No government, central or state followed this up seriously. The record of the Kerala has been the best while that of West Bengal Government has been among the worst. Acknowledging that the Left Front played a role in getting NREGA enacted, it is shocking that only 14 per cent of the money allotted in the poorest district of Purulia for employment guarantee was spent until December, 2006, more than half the money of employment guarantee provided by the centre remaining unspent in the state, and not more than 16 days of employment provided while the legal and financial provision allows for 100 days. (Reports from other states too show similar situation with an exception of certain areas). If the governments had shown the same zeal in

making a success of employment guarantee as they have shown in acquisitioning land from the unwilling peasants, we would have taken at least the first step towards a genuine process of development.

Finally, there is the question of finance. Where would the money come from for such an ambitious employment programme, and how to make sure it is spent effectively? The Fiscal Responsibility and Budget Management Act (2003) which ties the hands of the Government in spending money for most pressing needs like employment guarantee must be scrapped. With this Act the Centre pushes privatization to raise money, denies basic health and educational expenditure, and restricts the role of public policy in the name of financial discipline. This suits well the interest of IMF, the World Bank, and the corporations who want the state to promote but not to regulate them. This is where the Left should have its biggest battle, and insist that money that is needed for employment, basic education, health and social security of the unorganised workers must be found within our means, if necessary by revising this law. It went along instead with the neo-liberal economic ideology with only a whimper of protest, and concentrating energy on corporate-led industrialisation.

To ensure fiscal autonomy for local bodies, their budget can be kept in a separate account in nationalized banks with credit line extended to panchayats. This would avoid duplication of institutions, while a system of mutual check and balance between the panchayats and the local branch of nationalised banks can be devised based on their performance as borrowers and lenders. Banks would lend the next round only if the previous project succeeds, and panchayats can borrow the next round only if the money is well spent. It is this mutuality of interest, which has to be strengthened over time in creating the new form of sustained financing for development.

Notwithstanding whether the growth is 8 or 10 per cent, these measures would initiate a process that empowers the poor, imparting a genuine democratic content to India's development. We stand by the belief that development with non-corporate led rural industrialisation at the focal point is the way forward. ■

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Binayak Sen Released on Bail: A Victory for Justice!

Editorial Team

Dr. Binayak Sen, pediatrician and human rights activist, was granted bail on 25th May 2009, more than two years after he was arrested on 14th May 2007 on alleged false charges of abetting Maoist activities in Chattisgarh, sedition and waging war against the state. Sen has spent over three decades in the service of some of the poorest and most underserved communities and raised his voice relentlessly against atrocities in the State of Chhattisgarh. The imprisonment of Dr Binayak Sen was symbolic of gross injustice and violation of democratic values by the State and the suppression of the voices of human rights defenders.

The SC vacation Bench headed by Shri Markandeya Katju did not even allow the Chhattisgarh Counsel to raise an objection and granted bail within a few minutes of taking up the case. The Chhattisgarh state had not heeded to the SC's earlier request to file the reasons for objecting his bail.

We rejoice in this victory for justice and human rights.

We reproduce below the interview Binayak Sen gave to Shoma Chaudhury of Tehelka (www.tehelka.com). Later we include brief reports of the recent statement and demonstrations in Dr. Sen's support while he was in the jail.

Binayak Sen's Interview with Tehelka

How did your loss of freedom affect you?

As a civil rights worker, never being in jail was a hole in my CV. But I thought it would be 10- 15 days. If I'd known it would last two years, I'd have been less sanguine. You cannot access any privilege in jail; you are an equal in a way you can never be in the outside world. This may not always be very pleasant, but for me, it was interesting. The physical circumstances were obviously not pleasant, but everyone is coping with the same thing — hot winds, mosquitoes, terrible food — so that didn't bother me. The jail system runs on corruption. In some ways, this corruption is almost positive because it brings a kind of humanising intervention that the system has completely shut out. So though it's illegal, almost every inmate has a stove and at six in the morning, you'll find everyone making dal.

But as you realised you were in for a long haul, did you go through an emotional graph?

Your mind becomes soggy. After a while I couldn't remember names, familiar words. That used to panic me. We have seven dogs — I couldn't remember their names. That is how the absence of familiar intercourse impacts you. I was depressed quite often. There were interesting ideas in my head, but I just couldn't write. There's an infinite variety of human nature and circumstance on display in jail. This made me think very deeply about categories. You think section 302 is 302 (murder), but it could range from an entirely fabricated case to self-defence to a gang war to a supari (ransom). Yet this range of crime is subsumed under the same legal category. One of my closest friends in jail was a 25-year-old boy who had been arrested when he was 19 for stabbing his father. He had done it as a last resort to prevent his mother from being beaten to death by his drunk father. He's been convicted to life imprisonment. What's horrifying is that the authorities are consumed by active contempt for these inmates. Even the most basic human dignity is denied to them. Every evening I saw lambardars beating inmates with lathis and chappals — 10 to a man. There were much worse things as well. But if I complained the authorities looked at me as if I was soft in the head. There are so many people in jail who are innocent, or at least, who carry the idea of their innocence in their heads. And there is nothing ahead for them but this systemic brutalisation. So I had this feeling of helplessness. It was like living through a neardeath experience, watching yourself and your loved ones from a distance — [my wife] Iliana traveling every week by train to meet me for half an hour and then traveling back.

The State wanted to silence you. Have these two years muted your appetite for battle in any way?

I'm not inherently an ambitious person. I'd happily turn my back on all this if I could. My daughters are at an interesting stage of life. Iliana is someone I respect, which is a big thing to say after living 35 years with someone. But there is a very bad situation here —there's a state of war in central India. It needs to be addressed, and I find myself in a posi-

tion to address it. Perhaps more than most people in India. That has to be capitalised. I'm a little confused about how to go forward. I've always believed that violence can't be the final arbiter. This aversion doesn't stem from being some Gandhi romantic (I've always been slightly repelled by his bania personality) but because I believe violence is a never-ending cycle. Once you say yes to it, you can't get out. Both the Maoists and the State have painted themselves into that corner. At the same time, there are millions of people leading stunted lives. As a doctor, especially as a paediatrician, every malnourished child makes me angry. That child, that mother's uterus doesn't need to be that way. It makes you feel desperate. These grave inequities are not maintained by default. Someone is keeping them in place using efficient and diligent methods. So at one level, one has to try and stop the military confrontation between the Maoists and the State and replace it with political confrontation or engagement. At the same time, someone has to ask hard questions about this other structural violence that

keeps poverty in place. I'd happily back out if I could, but it seems more and more impossible.

Did the scale of the 'Save Binayak' campaign surprise you?

I genuinely thought we were small-time people. It appears we are not — that was a huge, humbling revelation. I have to work out with my colleagues what it means, but it places a bigger responsibility on us to keep giving voice to a particular perception of reality. What we've done so far is the bare minimum. We've never gone out of our way to be abusive or attract State attention. The dilemma is that pursuing ways that will really advance the case is also bound to attract the ire of the State. But we can't do less because it will not suffice.

Do you regret your visits to Narayan Sanyal?

No, I never knew there would be such a fallout. Everything I did for him was done with the full sanction and permission of the police and State. Also, as a human rights worker, if a man needs legal and medical help, where do you draw the line? ■

Statement of Bhopal Gas Tragedy People's Organizations in Support of Dr. Binayak Sen

At a press conference on March 21, 2009, three organizations working for the survivors of the Union Carbide gas disaster in Bhopal, demanded that the Chattisgarh government withdraw charges under the draconian Chhattisgarh State Public Security Act and release Paediatrician and Human Rights defender Dr. Binayak Sen from Raipur jail.

They said that Dr. Sen who was awarded the prestigious Jonathan Mann Award last year for his work in public health and human rights, remains jailed by the state government since May 14, 2007. They said that Dr. Sen was being punished by endless trial for his public criticism of the human rights violations by the government in the Salwa Judum campaign.

The organizations said that the charges of 'treason, waging war against the state and abetting activities of the outlawed Communist Party of India (Maoist) are completely baseless and false. This is evident by the fact that till today, of the 83 witnesses listed for deposition by the prosecution as part of the original charge sheet, 16 were dropped by the prosecutors themselves, 6 declared 'hostile', while 61 others have deposed without corroborating any of the accusations against Dr Sen.

Members of the three survivors' organizations will soon be joining the Raipur Satyagraha campaign and court arrest at Raipur in support of Dr. Binayak. The Raipur Satyagraha is an initiative of over 100 groups around the country agitating for release of Dr Binayak Sen and against persecution of human rights defenders.

They said that the international supporters of Dr. Sen, which include 22 Nobel Laureates, will demonstrate outside Indian consulates in the US, UK and Sri Lanka on March 27, 2009 in support of the Raipur Satyagraha. Earlier on March 14, 2009, 44 satyagrahis led by Magsaysay Award winner and well-known social activist Sandeep Pandey, film maker Anand Patwardhan and trade union leader D. Thankappan courted arrest in Raipur and more intellectuals, artists, writers and others are expected to do the same as part of the national campaign to release Dr. Binayak Sen, the organizations said. ■

Rashida Bi, Champa Devi Shukla (Bhopal Gas Peedit Mahila Stationery Karmachari Sangh), Syed M Irfan (Bhopal Gas Peedit Mahila Purush Sangharsh Morcha), Satinath Sarangi, Rachna Dhingra (Bhopal Group for Information and Action)

Demonstrations of Solidarity with Dr. Binayak Sen to Mark Two Years of his Imprisonment

On 14 May 2009 Dr Binayak Sen, well-known paediatrician and human rights defender, completed two years in a Raipur prison on false charges of abetting Maoist activity in Chhattisgarh, sedition, and waging war against the State. On this occasion, several groups in the country and outside organized silent protests and demonstrations.

NAPM, Asha Parivar and Lok Rajniti Manch organized a candle light vigil in Hazratganj, Lucknow. Many civil society organizations including Uttar Pradesh Voluntary Health Association (UPVHA), Vatsalya, Sahayog, Health-Watch, Samadhan, Asha Parivar, National Alliance of People's Movements (NAPM), Lok Rajniti Manch (People's Politics Front - PPF) have jointly called for the release of Dr Sen.

Artists for Human Rights and Release Binayak Sen Campaign held a meeting in Mandi House, New Delhi, where Jst. (retd.) Rajinder Sachar, Prof. Manoranjan Mohanty, Prof. Uma Chakravathy and others spoke and several artists performed in solidarity with Dr. Sen.

Dr. Sen, who has helped establish a hospital serving poor mine workers in the region, founded a health and human rights organization that supports community health workers in 20 villages, and is the general secretary of the People's Union for Civil Liberties (PUCL). This committed advocate of civil liberties has spent over three decades in the service of some of the poorest and most underserved communities and raised his voice relentlessly against atrocities in the State of Chhattisgarh. The imprisonment

of Dr Binayak Sen is symbolic of gross injustice and violation of democratic values by the State and the suppression of the voices of human rights defenders.

Last year, twenty-two Nobel laureates from around the world had appealed to the Indian government to allow Dr Binayak Sen to receive the 2008 Jonathan Mann Award for Global Health and Human Rights in person at the end of May 2008. But Indian government denied the permission and Dr Sen's wife had received the coveted global health award on his behalf.

The PUCL-Chhattisgarh Unit, with Dr. Binayak Sen's active leadership as its General Secretary, had exposed the government sponsored so-called campaign Salwa-Judum in Chhattisgarh which legitimizes extra-constitutional violence and pits adivasis against adivasis.

The activists demanded:

- Immediate grant of bail to Dr Binayak Sen because there is no concrete evidence which state has been able to produce against him in past two years. No witness has testified against him or incriminated him in the alleged charges.
- That the draconian Chhattisgarh Special Public Security Act should be repealed in the undercover of which grotesque human rights violations take place in the state.
- The winding up of Salwa Judum. ■

It is not power that corrupts but fear. Fear of losing power corrupts those who wield it and fear of the scourge of power corrupts those who are subjected to it ... Fear is not the natural state of civilized people.

- Aung San Suu Kyi

Aung San Suu Kyi turned 64 on 19th June, 2009. She has been imprisoned for 13 of the last 19 years since the party she led won the last election in her country. Thousands of others are also in prison across Burma for sharing her commitment to a better and brighter future for the long suffering population.

Sacrificing Human Rights and Environment Rights at the Altar of Development

Prashant Bhushan

Anyone familiar with India would be aware of the remarkable paradoxes of the country characterized by obscene wealth in the hands of a few “billionaires” among whom are 4 of the ten richest men in the world, existing side by side with appalling poverty where more than 78% of the population lives on less than Rs. 20 (45 US cents) per day. The paradox of a “Shining India” comprising of the largest force of IT and financial services professionals in a country aspiring to make India an economic “superpower”, living alongside the largest slum population in the world who live without electricity, running water and sanitation, amidst unimaginable filth. More than 100,000 farmers have committed suicides in the country in the last 10 years. It ranks lower than many countries of Sub Saharan Africa in the Human Development Index.

In 1991, India adopted the World Bank-IMF model of “Structural Adjustment”, popularly known as the LPG programme, characterized by Liberalisation, Privatisation and Globalisation. Since then, the rate of GDP growth increased substantially from 3-4% to reach 9% in 2007-8. During this period the number of dollar millionaires increased manifold as did the average income of the top 10% of the population. The number of persons living in acute poverty during the same period however continued to grow. The Arjun Sengupta report shows that 78% of the Indian population (836 Million) now lives on less than Rs. 20 (45 Cents) per day. The average availability of nutrition to people also declined during the same period, most clearly indicating that this spurt in growth, far from being inclusive, was achieved at the expense of the poor and marginalized sections of society. According to one of India’s leading economists, Utsa Patnaik, “Expenditure data from the National Sample Survey Organisation’s 61st Round (2004-05) show that rural and urban per capita cloth consumption, real food expenditure, and calorie intake have all declined from their already low levels since 1993-94. This country remains a Republic of Hunger with a larger proportion of ordinary people being relentlessly pushed down to worse nutritional status. As the tables show, the proportion of rural population unable to access 2,400 calories daily climbed from 75 per cent in 1993-94 to a record high of 87 per cent by 2004-05. The corresponding percentages for urban India, where the nutrition norm is lower at 2,100

calories, are 57% and 64.5%”.

That was not surprising, since a lot of this “growth” was achieved by acquiring the traditional lands of poor farmers, particularly tribals, for Mining Companies, Real estate companies and “Special Economic Zones”, promoted by Private Companies etc. As the rich/poor divide increased during this period, we have seen the growth in the strength of Left wing Maoist insurgencies which have come to control a significant part of the country.

In an attempt to deal with this numbing poverty of the majority of the people who are unable to even access the judicial system of the country, an activist Supreme Court of India, 30 years ago, created a new jurisdiction which has come to be known as “Public Interest Litigation”. The basis of this jurisdiction was the creative and expansive interpretation of the Article 21 right to life and liberty. The court declared that the fundamental right to life did not merely guarantee citizens the right to an animal existence or merely protection from being put to arbitrary and unreasonable bodily harm by the State, but to live a life of dignity. This meant that citizens had the right to food, water, shelter, education and health etc., which were all progressively declared by the Supreme Court to be part of Article 21. In a further innovation, the court also declared that Article 21 also encompasses the right to live in a clean and decent environment. The court also declared these rights to be enforceable and by a series of judgments mainly during the 80s it directed the executive to provide these basic amenities in various ways. Thus, it declared that it had the Constitutional right and the duty to direct the government to provide these amenities if citizens were deprived of them. Not only this, it also liberalized the concept of Locus Standi, by declaring, that in a country like India, where the majority of citizens are too poor and without resources to approach the courts themselves, anyone could approach the courts on their, behalf pro bono. The PIL revolution, as it came to be known, initially generated great hope that the courts would force the executive to adhere to the Constitutional mandate of fashioning India as a “Socialist, Secular, Democratic, Republic.” During the 80s, there were several path breaking judgements from the Courts which kept this hope alive.

There were judgments liberalizing civil liberties. It was held that Handcuffing of prisoners and undertrials was inhuman and a violation of their Article 21 rights. More recently, in the 90s the court also laid down extensive salutary guidelines about the manner in which the police could deal with people while carrying out arrests. It also held that in a case of torture in police custody, the Courts exercising writ jurisdiction could also directly award compensation to the victim or his family and also order the prosecution of the offender.

However from the mid 90s, we can see that the court has often sacrificed Civil liberties on the ground of "State security". This is apparent in the manner in which it has upheld the constitutional validity of several highly draconian legislations such as the Armed Forces Special Powers Act, The Terrorist and Disruptive Activities Act (TADA) and the Prevention of Terrorism Act (POTA). The impunity afforded to the security forces under the Armed Forces Special Powers Act, has enabled them to torture, rape and kill thousands of persons in Kashmir and the North East (where the Act is in force), without any accountability. TADA and POTA both contained provisions making confessions made in police custody admissible and made it virtually impossible for anyone accused under the Acts to get bail. Though TADA and POTA have been repealed, similar provisions have been engrafted in the Unlawful Activities Prevention Act (UAPA) (without, however, the admissibility of police confessions). Under the cover of the Maoist insurgency, the police have been increasingly resorting to targeting Human Rights activists under these draconian laws. One of the cases which illustrates the increasingly illiberal attitude of the Supreme Court towards civil liberties is the much publicized case of Dr. Binayak Sen. Dr. Sen is an internationally celebrated Medical practitioner from the premier medical college of the country, who has spent his life in setting up Community health clinics in some of the most backward tribal areas of India, where there were no public health facilities. He was awarded among others, the prestigious Jonathan Mann award for public Health services. While working there, he came across many cases of gross human rights abuses of these tribals at the hands of the police and a private mercenary army called Salwa Judum which is funded and armed by the State. He therefore also started working with the People's Union for Civil liberties as its General Secretary for the State of Chhatisgarh. In May 2007 he was arrested under the Unlawful Activities Act and the

Chhattisgarh Public Security Act on the charge of having carried out 2 letters from a Maoist in Jail to his comrade outside. Sen had been meeting him in connection with his medical condition as well as his complaints of human rights violations in jail. None of these letters are alleged to contain any subversive material. Yet he is charged with having assisted a member of a banned organization. For more than 25 months, Sen was denied bail, even by the Supreme Court while his trial went on and on. Though more than 22 Nobel Laureates from around the world had appealed for his release, the Court did not even deem it fit to even give a reason for refusing bail and rejected his bail by a one word order "Dismissed". This case strikingly illustrates the illiberal attitude of the Apex Court towards the civil liberties of the poor and underprivileged, including those who work for them.

This attitude is also apparent in a recent judgement of the Supreme Court by which it struck down the Constitutional validity of the Illegal Migrants (determination by Tribunals) Act, which had been enacted to provide for a judicial Tribunal to determine any dispute regarding the Nationality of a person. Prior to that, the police used the draconian 'Foreigners Act' to harass and deport anyone (particularly poor Bengali Muslims) that they accused of being foreigners, without affording any recourse to a judicial determination of any dispute on that. Those challenging the IMDT Act had alleged that the protracted proceedings before a judicial tribunal were coming in the way of the summary deportation of persons accused by the police of being foreigners.

Being conscious that an Act of Parliament could only be struck down if Parliament lacked legislative competence to enact it, or if it violated a specific provision of the Constitution, the Court opined that the Act violates Art 355 of the Constitution, which mandates the Central government to protect the States against external aggression and internal disturbance! It went on to say that the onerous provisions of the Act and Rules makes it virtually impossible to expel foreigners and therefore the Act encourages infiltration of illegal migrants from Bangladesh, which amounts to external aggression against India!

The Court also ruled that the applicability of the IMDT Act only to Assam made it discriminatory and violative of Article 14, since other states did not have to adhere to the more stringent provisions of the IMDT Act before pushing out persons designated as foreigners. In saying so, the court completely

overlooked the fact that the IMDT Act as such was applicable throughout India. However the government had not notified it for other parts of the country other than Assam. But that was an executive lapse and the other pending petitions sought precisely the direction from the court- that the government be directed to notify the IMDT Act for other parts of the country. If the Tribunals under the Act were not acting expeditiously (which courts hardly even do), they could have directed the government to take whatever steps were required to remedy that.

In fact one would have expected the Supreme Court which is constitutionally mandated to protect the fundamental rights of citizens, to have declared the Foreigners Act unconstitutional, insofar as it allows the authorities to throw out citizens alleged to be foreigners, without a judicial determination. Instead, the court says that, "A deep analysis of the IMDT Act and the Rules made thereunder would reveal that they have been purposely so enacted or made so as to give shelter or protection to illegal migrants who came to Assam from Bangladesh on or after 25th March 1971 rather than to identify and deport them." Clearly, this judgement reflects an authoritarian and fascist mindset that the police must have the authority to throw out anyone they want without the impediment of independent judicial scrutiny. And this, coming from the Court who had been fully informed about the high handed and inhuman manner in which the authorities had been treating citizens under the Foreigners Act, is atrocious. The Court's attitude completely justifies the observation contained in the report of the Citizen's Campaign for Preserving Democracy, where it was said, "Right from roundup and arrest, to the supposed 'hearing' and deportation, no lawful procedure is being followed by the authorities. The entire process contributes to and manifests the criminalization and communalization of the State and the corruption of its legal and judicial institutions".

Another trend which is clearly noticeable is that while the Court has been often liberal in making grand pronouncements about rights, it is often slow to implement them. In many cases, the actions of the Court betray an ambiguity about the seriousness of its beliefs in those rights. In the eighties, the Supreme Court, in case after case, while liberally construing Article 21, held that it includes the right to shelter, the right to food, the right to Education, the right to health care and the right of street vendors to earn a livelihood by hawking on the streets.

In *Olga Tellis*, the Court held that pavement dwellers residing on the public pavements of Mumbai had a right to hearing before they were sought to be evicted by the Municipal authorities and a right of resettlement if they were evicted. In *Bandhua Mukti Morcha*, the Court held that workers cannot be held in bondage because of loans that they or their ancestors had taken from their employers. The Court has gone on to hold that international covenants which India had signed could be read into Municipal law for invoking socio-economic rights from article 21. Thus in *Vishaka*, the Court issued various binding guidelines to prevent the sexual harassment of women.

Where the Court has, however, been most inventive is in using Article 21 to create the right to environmental protection. In a series of judgments, it held that the right to a clean and healthy environment is also a part of Article 21. While doing so, individual benches of the court used their own subjective understanding of what was needed for a healthy and clean environment. Some important principles were also evolved, such as the precautionary principle. The Principle was stated thus:

"The precautionary principle suggests that where there is an identifiable risk of serious or irreversible harm, including, for example, extinction of species, widespread toxic pollution or major threats to essential ecological processes, it may be appropriate to place the burden of proof on the person or entity proposing the activity that is potentially harmful to the environment."

"It is also explained that if the environmental risks being run by regulatory inaction are in some way "uncertain but non-negligible", then regulatory action is justified. This will lead to the question as to what is the "non-negligible risk". In such a situation, the burden of proof is to be placed on those attempting to alter the status quo. They are to discharge this burden by showing the absence of a "reasonable ecological or medical concern". That is the required standard of proof. The result would be that if insufficient evidence is presented by them to alleviate concern about the level of uncertainty, then the presumption should operate in favour of environmental protection."

In several judgments, the Court ordered the stoppage of polluting effluents into various rivers, the closing down of polluting industries near the Taj, the closing down of polluting industries in and around Delhi, the forcible conversion of all commercial

vehicles plying in Delhi to Compressed Natural Gas fuel, the clearing of the ridge in Delhi of all structures, etc. And then there is a long running case regarding deforestation (T.N. Godavarman) in which a permanent bench has been constituted, which sits almost every week consisting of the Chief Justice and two other judges. This bench made a series of orders to stop non-forest activities in forest areas and even to close down saw mills in and around forest areas in the country. It even passed an order declaring that no non-forest activity could be carried out in a forest area without the permission of the Court. The Forest Conservation Act 1980 required the permission of the Central Government for such non-forest activity in forest areas. In this case, the Court by judicial fiat mandated the permission of the Court for permitting such activity in any forest area of the country. Thus, each case has to come to the Supreme Court for permission. However, before examining a case the court directed them to be examined by an expert committee set up by the Court, known as the Centrally Empowered Committee, whose advice the Court normally follows. However, the Court's action in such matters has often been whimsical, with poor tribals getting short shrift while powerful corporates get favourable treatment.

If one examines the recent record of the Supreme Court in its environmental activism, two trends are immediately clear. 1, When environmental protection comes into conflict with socio-economic rights of the poor and the marginalized, the poor usually get short shrift and, 2, when environmental protection comes into conflict with powerful vested commercial and corporate interests or what is perceived by the Court to be "development", environmental protection usually get short shrift.

As the Court's powers increased with the widening use of Public Interest Litigation, the executive also began to view it as a handy method for the government to do what it wants to do under the cover of the court, without having to be made democratically accountable for its acts. Thus, if the poor slum dwellers were to be removed to make way for fancy apartments, shopping malls or 5 star hotels, the courts were found as a convenient tool. The government was afraid to take responsibility for such decisions because of the fear of democratic backlash in the next election (fortunately the poor also have equal votes as the rich). The courts were ever willing to clothe such "unpopular decisions" with the authority of Law, since they are not accountable, democratically or otherwise. Howard Zinn, author of A People's History of the United States, puts it beautifully: "The Rule of Law does not do away with

unequal distribution of wealth and power, but reinforces that inequality with the authority of law. It allocates wealth and poverty in such indirect and complicated ways as to leave the victim bewildered."

In the last few years, tens of thousands of slum dwellers living in Delhi and Mumbai have been evicted by the High Courts of Delhi and Mumbai mainly on the ground that they are polluting the environment. In Delhi, more than 40,000 temporary slum dwellings on the banks of Yamuna were ordered to be demolished by the Delhi High Court on the presumed ground that they were polluting the river though there was no such evidence before the Court. The demolition of their homes was ordered without notice to the slum dwellers and without providing them with any alternative housing. This deprived them of shelter and thus violated their Article 21 rights as declared by the Supreme Court in Chameli Singh's case. The Supreme Court refused to stop those demolitions which effectively threw them out on the streets in the searing heat of the summer. However, when the same land from which these persons have been evicted on the banks of the river was thereafter sought to be used for the construction of fancy apartment complexes and shopping malls (ostensibly for the Commonwealth Games), in complete violation of the norms of the Environmental Protection Agency, that no permanent structures could be set up on the river banks, the Supreme Court did not deem it fit to stop the construction. In fact, the Supreme Court stayed the order of the Delhi High Court which had ordered further investigation into the matter by another expert committee.

The same double standards were apparent in the case of Delhi ridge which was ordered to be cleared by the Supreme Court of all structures, including temporary shanties housing poor people, on the ground that it was ecologically very sensitive (M.C. Mehta) and part of the lungs of Delhi. However, when five star hotels and shopping malls were constructed on the same ridge without any environmental clearance, which was required by the law, the Court did not think it fit to stop the construction and allowed those to come up on the same land where even small temporary dwelling units of the poor were not allowed. The Court went on to say in its judgement:

"Had such parties inkling of an idea that such clearances were not obtained by DDA, they would not have invested such huge sums of money.

The stand that wherever constructions have been made unauthorisedly demolition is the only option cannot apply to the present cases, more particularly, when they unlike, where some private individuals or

private limited companies or firms being allotted to have made contraventions, are corporate bodies and institutions and the question of their having indulged in any malpractices in getting the approval or sanction does not arise.”

The recent attitude of the Court towards slum dwellers is summarized by the observation of Justice B.N. Kirpal in Almitra Patel's case in which he said in the context of giving alternative land to evicted slum dwellers, “*Rewarding an encroacher on public land with free alternate site is like giving a reward to a pickpocket.*” So in the eyes of the court, large corporates cannot indulge in malpractice and slumdwellers are pickpockets!

India has a large tribal population which has traditionally lived within forests and their rights have not been recognised or declared for the past more than hundred years with the result that many of them continue to live in forests which have been declared as Reserve or Protected forests, without declaration of their rights, in them. Recently, Parliament passed the Forest Rights Act giving rights to forest dwellers over the land on which they were residing for more than a certain number of years. This Act has been stayed by several High Courts on the ground that this will lead to the destruction of forests, though in fact forests have been best preserved mostly in these areas where forest dwelling tribes have been residing. However, the Supreme Court has been very solicitous towards large corporates like Posco and Vedanta in allowing them mining leases in large tracts of forest land. This was allowed by the Court, despite the fact that these mining leases in forest lands would displace thousands of tribal families and that the Supreme Court's own Expert Committee had strongly recommended against giving these leases on environmental grounds.

In the Narmada Bachao Andolan case, despite the strong dissenting judgement of Justice Bharucha, who pointed out that the Sardar Sarovar Dam project was proceeding without a comprehensive environmental appraisal and without even the necessary environmental impact studies being done, the majority judges still went on to approve the project and allowed it to go on without any comprehensive environmental impact assessment which was necessary even according to the governments own rules and notifications. The underlying reasons and ideology behind the subordination of the cause of the environment to the cause of “development”, is also evident from the

majority judgement. There are several passages in the majority judgement, extolling the virtues of the kind of development brought in by large dams. The judgement even goes on to gratuitously emphasize the myth that the Bhakra dam was responsible for the green revolution in the country. This, despite the fact that the court had specifically restrained the Petitioner Andolan from making any submissions on the pros and cons of large dams. The court also went on to make disparaging remarks against the NBA as being an anti development organization.

The same subordination of environmental interests to the cause of “development” is evident in the Supreme Court's judgement in the Tehri Dam case, where the governments own expert committee had given an elaborate report pointing out a series of violations of the conditions on which environmental clearance to the project had been given by the Ministry of Environment. The committee had pointed out that a number of studies which were necessary to evaluate the environmental impact of the project had not been conducted and had recommended these be immediately conducted. Justice Dharmadhikari held that in order to ensure compliance with the conditions of environmental clearance, it was necessary to constitute an independent expert committee which would monitor the compliance with these conditions, and further construction of the Dam could only proceed on the green signal of this expert committee. The majority judges however did not even bother to ensure compliance with the conditions of environmental clearance of the project. Again, the judgement makes remarks extolling the virtues of development projects like such large dams.

This attitude showing the Court favouring “development” over the rights of oustees or the environment is most clearly evident in the manner in which the court has sought to push the Mega project called “Interlinking of rivers”. Consider the circumstances. On Independence Day in 2003, a paragraph was added in the President's speech to the effect that the problems of floods and drought can perhaps be solved by interlinking the rivers. This paragraph was enough for a lawyer appointed by the Supreme Court as amicus curiae (to assist the court) in the Yamuna pollution case to file a short application praying that the court should direct the government to take up this project. As if on cue, the bench headed by the then Chief Justice B.N.Kripal issued notices to all the States and the Centre. On the next day of hearing, which was the day before

the retirement of the then Chief Justice, an order was passed which is now effectively being treated by the government as a direction by the court to undertake this project and complete it within the shortest possible time. The order noted that only the Union of India and the State of Tamil Nadu had filed responses to the notice issued by the court. It stated that the Union of India pointed out that the project would cost Rs. 5,60,000 crores, would take 43 years, and would need the consent of the States. The State of Tamil Nadu had filed an innocuous affidavit, virtually saying nothing. The court noted that no other State had filed any affidavit and therefore it could be assumed that none had any objection to the implementation of this project! After orally noting, that funds cannot be any constraint for the government for a project in national interest, the court observed in its order that the project should be completed within 10 years! It also went on to advise the government that in case consent was not forthcoming from the States, the government should consider passing a legislation to obviate consent of the States for this project.

All this for a project which will displace hundreds of thousands of persons, have unprecedented environmental consequences and would require funds equal to the total irrigation budget of the country for the next 44 years. And all this without hearing any interested party, not even the States, without any discussion or debate whatsoever, without completing even feasibility studies, leave aside the question of social, environmental, economic or optimality assessments!

The Right to environmental protection has thus been whimsically applied by individual judges according to their own subjective preferences usually without clear principles guiding them about the circumstances in which the Court could issue a mandamus for environmental protection.

The trend of recent cases, therefore, suggests that (1) the Court has often subordinated civil liberties to the perceived imperative of state security, particularly in the context of the recent "war on terror", (2) The Courts' liberal and expansive pronouncements on socio-economic rights under article 21 have not been matched by a determination to implement those rights, (3) That since the liberalization of the Indian economy, even the courts' rhetoric on socio-economic rights have been weakening, (4) That very often the Court has itself ordered the violation of those rights, violating in the process even the principles of natural justice, (5) That whenever socio-economic rights of the poor

come into conflict with environmental protection, the Court has usually subordinated those rights to environmental protection, (6) That whenever environmental protection comes into conflict with what is perceived by the Court to be "development" or powerful commercial vested interests, environmental protection is usually subordinated at the altar of "development", or such powerful interests. There are of course exceptional judgements which defy these trends, Particularly from High Courts.

All the above seriously calls into question the commitment of the Indian courts to the rights of the poor and to the constitutional imperative of creating an egalitarian socialist republic. There can be little doubt that the Indian courts have failed to protect the socio-economic rights of the common people of India who constitute the vast majority of the Indian population. Part of the reason for this undoubtedly lies in the class structure of the Indian judiciary. The higher judiciary in India almost invariably comes from the elite section of the society and has become a self-appointing and self-perpetuating oligarchy. The Indian judges appoint themselves with the help of a remarkably self-serving judgment by which the power of appointment was appropriated from the government by the judiciary. In the absence of any transparency or even any method or system in the manner of appointments, the process lends itself to large scale arbitrariness and nepotism. No criteria has been established for choosing and selecting judges. The understanding of, or the sensitivity towards the problems and concerns of the poor is certainly not a desiderata in the selection of the judges. On top of this, there is no accountability of the higher judiciary in India. There is no performance audit of judges by which they could be made accountable for their conduct. Even public criticism of judges has often been held to be contempt of Court. They have also virtually insulated themselves from the Right to Information Act. It is, therefore, not surprising that the common people of India do not regard the judiciary as an institution which offers the hope of justice to them. Many have indeed come to regard it as the last bastion of an entrenched oligarchy which rules the country. ■

Extracted from a Talk delivered at the George Washington University, 2009.

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Emergence of a Third Force and Collapse of a Third Front

C. Balakrishnan

The dust and din of 15th Lok Sabha elections are over. A new Government is in place led by the Congress Party. The nation is feeling a sigh of relief. The Narendra Modys, Varun Gandhis, Advanis and well oiled fascist machinery of RSS outfit are waiting in the wings to raise their ugly heads in the immediate available opportunity. Let us remember the prophetic warning of Jawarharlal Nehru that road to fascism in India will be through Hindu Communalists. The people of India rejected the Hindutva of BJP brand and upheld the diversity, plurality and inclusive nature of the Hindu philosophy and traditions. Unity in diversity is our great tradition and the same will be the only guarantee for preserving unity, integrity and security of India in a troubled world and increasingly destabilising nations in our neighbourhood.

The leadership of the Government and captains of Industry are wrongly interpreting verdict of the people in just concluded elections that they can continue the discredited neoliberal economic reforms which have increased disparity between rich and poor countries and between rich and poor within countries. 50% per cent of women and children dying in the world due to malnutrition, lack of clean drinking water, sanitation and medical care are in India. It is most shameful that vast majority of women in India have to wait until sunset to meet natural call in spite of 7 to 10 percent economic growth. One of the main reasons for violent upheavals in the world and in our own country is the capitalist globalisation. The fruits of this growth have been appropriated by a microscopic minority of capitalists and corrupt bureaucracy together with ruling politicians of all variety and colors. Our Hon'ble Prime Minister, Dr. Manmohan Singh, while addressing chief ministers, top police and security officials and captains of industry during the course of last two years, warned that in many districts in the country no government's writ has been running. There is urgent necessity of inclusive growth and ensuring a life with dignity and self respect for multitudes of our people who have been toiling from dawn to dusk and have been excluded from the present exclusive growth model. Some sensitive

top police /security officials were pleading for package for social economic development so that people can be persuaded to abandon the path of violence.

Some packages worth hundreds of crores of rupees were announced by the Prime Minister in these august gatherings. Most of these have been pocketed by the criminal nexus of politicians and bureaucrats and the poorest poor are back to square one again.

A real third force constituting numerous people's struggles has been emerging in this country outside the Congress, the Left parties and the BJP during the last three decades. These struggles are against the mega industrial projects that threaten livelihoods of local communities and the environment. Such projects, built with huge foreign loans, sometimes bring the elite farmers and industrialists some benefits for a brief period but ultimately destroy lands, water resources, forests and ecology on which the livelihoods depend. It is estimated that nearly ten crore people lost their source of livelihood since independence and migrated to cities where they have been leading precarious lives. Even Jawarharlal Nehru, who inaugurated some of the mega projects like Damodar Valley and Sardar Sarovar (Namada) projects, later became sceptical of them.

The third force has been challenging the path of destruction in the name of "development" during the last thirty years. On the question of rehabilitation and resettlement of displaced people, privatization of water resources, destruction of forest in connivance with politician and bureaucrats, damage to ecology and environment, atrocities on Dalits and women, rights of tribals and protection of their culture and ways of life, encroachment of government lands in urban areas and amassing huge wealth by politicians in connivance with builders, electoral reforms and functioning of political parties to prevent money power and muscle power in the electoral and democratic political processes. And very importantly, the movement for adoption and implementation of Right to Information (RTI) Act.

The mainstream Left political parties – CPI and CPI(M) were silent spectators at a time when this

real THIRD FORCE were emerging in the socio economic horizon in the country. No doubt they have been joining willy nilly in these movements at isolated places at the tail end.

Thus the collapse of opportunistic and unprincipled Third Front that the CPI(M) ventured was foreseen in the absence of a radical mass action based on a non-capitalist programme. The CPI(M) has given up revolutionary mass actions engulfing the dispossessed, marginalized, oppressed and humiliated people who constitute more than 70% of Indian population. This has been replaced by the number game politics, beginning with Central governments led by the likes of Deve Gowda and ending with supporting a Congress led Government for four and half years. The government of Manmohan Singh faithfully continued neo liberal policy of Washington Consensus of the neo cons. It is not surprising that the CPI(M) led government in West Bengal faithfully implemented the same policy in Nandigram and Singur and the fiasco with which the same ended needs no elaboration. The SEZ Act 2003, adopted by the West Bengal government earlier than SEZ Act 2005 adopted by the Congress led UPA Government (and supported by Parliamentary Left, led by CPI(M)), was a total surrender to Washington

Consensus and neo cons while mouthing anti imperialist rhetoric. The CPI(M)'s policy and practice has been thoroughly exposed therein. What is urgently needed is an Indian model of Industrial and Agricultural Development. A prominent Communist leader and former Chief Minister of Kerala (1969-1977) elaborated the essentials of this model in his celebrated work "TOWARDS AN INDIAN MODEL OF DEVELOPMENT" published by Achutha Menon Foundation, Trivandrum.

"LET US BE FLEXIBLE ON TACTICS BUT NEVER COMPROMISE ON PRINCIPLES"-(LENIN). Thirty plus years in power saw CPI(M) in Kerala and West Bengal bury all principles deep. Power corrupts and absolute power corrupts absolutely. Therefore the collapse of Third Front and emergence of Third force is inevitable with unity and struggle of the toiling millions. It is there in the horizon to build a new India based on equality and justice and a fair deal to all. This is the behest of our freedom fighters/martyrs led by Mahathma Gandhi and other countless patriots. ■

C. Balakrishnan is a Trade Union and NAPM Activist in Karnataka.



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The Art of Not Writing

Shubhranshu Choudhary

I was in Bhairamgarh to cover a Salwa Judum rally. Bhairamgarh is a small town in the Bijapur district of southern Chhattisgarh where the State is engaged in a bloody war with the Maoists. According to the government, the Salwa Judum is a “spontaneous people’s movement” against Maoists; human rights activists call it a brutal State-created militia.

The rally was scheduled to pass along narrow tribal paths deep in the jungle where no vehicle can go. So the Salwa Judum leader Mahendra Karma very kindly arranged for me to ride on the back of a motorcycle. The bike moved easily through the jungle, weaving in and out of several tribal groups en route to the rally. I discovered in the course of my conversation with the bike rider that he was a local journalist. Indeed, the ride turned into a crash course in local journalism for me.

The journalist worked for one of the top dailies in Chhattisgarh. “How much salary do you get,” I asked him. “I do not get a salary,” he replied. “Oh, so how do you earn a living?” “By not writing,” was the answer. Noting my surprise, he clarified. “Journalism here is the art of *not* writing,” he said. “I earn around Rs 5,000 every month by not writing.” I still could not make sense of what he was saying.

“Being journalists, we know who is doing what; the ins and the outs of corrupt practice, and the perpetrators,” he continued. “We get a fee for not writing about the corruption. That is our salary.” He added: “Not only do we not get a salary, we spend from our own pockets to collect and send the news to the head office. It is still worth our while. There are a handful of journalists in the district headquarters who do get a token salary. But in reality they earn many times more than that.” “It is an easy profession for making money,” he explained. “As we know good things about the Salwa Judum, similarly we also know all the bad things about the Salwa Judum. But we do not write about the bad things, for obvious reasons,” he added, watching leader of the Salwa Judum, Mahendra Karma, who was standing nearby. Karma is also leader of the opposition in Chhattisgarh.

Almost every newspaper in Chhattisgarh still refers to the Salwa Judum as a “peaceful people’s movement” even though there are numerous reports in the national press about human rights violations perpetrated by the group. After the rally, I proceeded to Dhurli village to cover a possible meeting between Essar and local villagers. The corporate house was seeking a no objection certificate (NOC) from local landowners to set up a plant.

When we reached Dhurli, a group of villagers approached us and said threateningly: “You must be a broker for Essar.” They spotted our camera, paused a bit, but then added: “All journalists are also brokers of the industrialists. You must leave the village. We do not want to talk to you.” I was shocked at the level of hatred for journalists in the village. In Dantewada town, after hearing my story, some journalists explained to me in great detail how much Essar was paying journalists to “keep their mouths shut”. They could not give me any proof, unfortunately. People in Dhurli had told me: “Tell the government, if they want to take our land they must first kill us. They can take this land only over our dead bodies.” Back in Delhi, I was amazed to read a report by the Indo Asian News Service claiming that the people of Dhurli had agreed to give their land to Essar. They were so happy with Essar’s rehabilitation package, the report said, that they had written a letter to the government expressing their willingness to give away their land.

The report received prominent coverage by newspapers like *The Times of India*, *The Hindu Business Line* and *The Economic Times*. It also furnished details of how many people had signed the letter and to whom the letter had been given. I could not believe it! The story must be true, I thought, if so many papers had carried it.

After reflecting on this for a few days, I could not help calling the officer named in the newspaper report. SDM Ambalgam was shocked: “What letter? And which newspaper are you talking about,” she asked. “I have not got any letter, and no one has agreed to give land as far as I know.” “Have they given the letter to another officer,” I ventured to ask. “No. I am the officer in charge of land acquisition here. Even if they had given the letter to another officer it would have come to me,” she replied. “I can’t believe what you are saying,” she added.

I faxed the articles to Ambalgam, at her request. She issued a show cause notice to Essar asking for an explanation for the news item. The article also featured a quote from the head of Essar in Chhattisgarh commenting on the “letter from the villagers”. According to Ambalgam, Essar replied saying it had been misled by the reporter. Ambalgam was subsequently transferred from Dantewada. No one followed the matter up with the reporter or the newspaper. That incident prompted me to look more carefully at news items being generated from Raipur in the national newspapers.

This is what I found. *The Indian Express* carried a report on the front page saying that Naxals had killed three farmers because they had continued farming in defiance of a Naxal ban on all farm activities. I had not heard of any Naxal ban on farming whilst I was there! A few phone calls told me that the three people had indeed been killed by Naxals but that the killings had no connection with farming. Farming was on full swing in Chintagufa village, I was told.

"These people were killed because of their alleged connection with the police, not because they were farming," former sarpanch of Chintagufa told me over the phone.

If I was able to speak to the people of Chintagufa by phone to crosscheck a story from Delhi, why couldn't journalists from Raipur do the same? I wrote about this in my column in a local daily the following week. No one took notice of the article. In fact, the very next day *The Times of India* carried the same old story about Naxals attacking farmers because of the ban. Some journalists told me, off the record, from which intelligence officer's desk the story had been generated. But they could not provide any proof. "The officer gave the story only to his trusted ones," a journalist explained.

In the meantime I had begun working on a story about farmer suicides in Chhattisgarh. I was shocked to find that, according to National Crime Records Bureau figures, Chhattisgarh has the highest number of farmer suicides in the country, each year. Despite the alarming numbers, and eight years after the state came into existence, not a single journalist in Chhattisgarh had written about it! I mentioned this in my column. Shortly after, there was an article on the front page of the paper with the headline, 'Everybody loves a good fraud; untruth of farmer suicides in Chhattisgarh'. The article called the National Crime Records Bureau data a lie, to which, astonishingly, the Bureau did not respond — a basic journalistic procedural requirement.

My column in the local newspaper was stopped. After years I was suddenly told that my writing was inaccurate and full of lies! Journalists who do not wish to be named have told me: "We want to write the story of farmer suicides. We can see it happening around us. But the story will go against the government and then the government will stop (publishing) advertisements in our newspapers. So we cannot write the story."

Kamlesh Painkra's story

The story of Kamlesh Painkra probably best explains the situation of journalists in Chhattisgarh today. Painkra was the first journalist to write about

human rights violations by the Salwa Judum. Following his report, he was told by the local superintendent of police (SP) to apologise and admit that his story had been a mistake.

When Painkra refused, he lost his job. His brother, who was a teacher, was put behind bars, ostensibly for sheltering Naxalites. The district administration cancelled Painkra's licence to sell public distribution system (PDS) grain in the local market for no apparent reason. It was his main source of income. Painkra was finally forced to flee his home, taking his family with him, when a friendly policeman told him that the police was going to kill him in an "encounter". They still live like refugees.

No local newspaper reported his ordeal. I tried to help out by asking a few editor friends to hire him as their Dantewada district correspondent. Painkra now lives in Dantewada after fleeing his home district of Bijapur. Painkra was hired, but the fine print of his appointment letter was interesting. The letter stated that his salary would be Rs 3,000 a month. It went on to say that he would also have to collect advertisements worth Rs 20,000 every month and that his salary would be a proportion of the amount he managed to collect.

"That means that if the advertising money goes down the salary will go down accordingly," Painkra explained. He declined the offer, saying: "If I have to collect Rs 20,000 every month in a town with a population of less than 25,000, you can imagine from whom I will have to collect the advertisements. How can I do any journalism after that?" Last month, the Central Reserve Police Force (CRPF) bulldozed Painkra's house in Bijapur to make room for a volleyball ground for soldiers. There were no reports in the papers about this. Painkra's family was not informed of the demolition. Nor was any compensation paid to them.

The pressures on journalists in Chhattisgarh are special. Some time ago, the Naxals sent an audio CD to every newspaper office in Raipur. The CD contained, among other things, a recording of a conversation, via walkie-talkie, between the same superintendent of police, Bijapur, who had threatened Painkra, and his deputy. During the conversation, the SP tells his subordinate: "Keep an eye on the area and if you see any journalists just kill them."

The government reacted by saying the recording was bogus. Police officials in private accept that the voice was indeed that of the SP and that the Naxals had tuned into his conversation on the walkie-talkie. No national newspaper covered the news. The SP was sent to work in the State Human Rights Commission. ■

Shubhranshu Choudhary is a founder-member of the Citizens Journalism initiative in Chhattisgarh.

Three Years of the RTI Act in Bihar – A Reflection

Ashish Ranjan

In October of last year we celebrated the third year of the enforcement of the Right to Information Act, 2005 (RTI). Already people are raising doubts over the effectiveness of RTI as a tool to check corruption. Pessimists cite the latest Transparency International's report in which India has slipped in the rankings based on corruption perception index.

Even the government wants to know the effect of RTI. Sadly, it has hired PriceWaterHouseCoopers (PWC), a firm, which has no expertise on RTI, to do an assessment of RTI.

As an activist working in one of the most corrupt and backward state- Bihar, I often think about the question about the effectiveness of RTI in the context of Bihar. I firmly believe that our rankings would have been even worse without the RTI. Until the passage of RTI act 2005, it was extremely difficult for an ordinary citizen to know the functioning and decisions of public authorities. Often, there was no way. Now it is difficult to hide information and hence difficult to hide corruption on paper. The RTI throws open the 'hisab-kitab' of the government and provides a way for the citizenry to ask for accountability. However all is not well with RTI. RTI, which should have had a special impact on, one of the most corrupt states like Bihar, has not delivered as expected and the experience of a common man regarding corruption remains the same. It has been widely reported in the media that the major complain people had for Mr. Nisitsh Kumar during his much publicized "Vikas Yatra" was about "ghoos" that babus demanded for any work. To find out some of the reasons for the failures of RTI and to possibly identify some areas of improvement, one must examine how different stakeholders of the RTI act are behaving in their respective roles.

Civil society groups and individuals: Time to take the next step

In Bihar more than 1 lakh RTI applications have been filed in different departments over the last three years and about 12000 appeals and complaints have been registered in the State Information Commission (SIC). There have been many individual success stories as well. People have sought information regarding appointments in government have enquired about the action taken on their complaints, about ration cards etc. What is missing though is

an effective use of the information gathered in a collective way to hold authorities responsible.

In an interview, the state information commissioner, P.N Narayanan said that more than 100 NGOs are listed in SIC who work on RTI. That is not surprising given the fact that Bihar has more than 10000 registered NGOs. What is surprising however is the lack of a visible and concerted effort in different parts of the state to make the system accountable through RTI. Efforts of NGO(s) working on RTI have been mostly focused on spreading awareness about the RTI act and helping file individual applications and their follow up. They have not been able to take the next step and start addressing the demands of a community in a collective manner. Methods like the 'Jan Sunwai' (Public hearing) are unknown to many here. As a result, the RTI has not been able to disturb the well-entrenched mechanisms of corruption in Bihar and has thus failed to reach the last person.

Social Audits and Public Hearing: Putting RTI to collective use

One of the largest development programs, NREGA, provides a golden opportunity to use RTI collectively and help reduce corruption. In other states, particularly in Rajasthan, RTI has been used extensively to make the NREGA program a success. In Jharkhand there is a silent but growing movement to cleanse NREGA of corruption and inefficiency with the support of the eminent economist Jean Dreze and his team. The effective use of RTI in a collective manner was demonstrated in a recent social audit conducted in Madhupur block of Deogarh district by Mazdoor Kisan Samiti, a local organization. Details of work undertaken in NREGS like wage payment (muster roll), bank statements, vouchers and receipts of material purchased and measurement book were obtained. They were carefully scrutinized and consolidated and were later verified by an independent team of students, activists, academicians who spent three days in the villages where the works had been done, meeting with locals and recording their statements about the work. This led to uncovering of corruption and various other deficiencies in the implementation of the scheme.

The entire exercise culminated in a public hearing where people participated in large numbers and saw the effect of information coming to the public view. Ordinary people gave testimonies in front of a panel of eminent academicians, activists and representatives of the administration, which formed the basis of FIRs lodged against those, found guilty. This process enhanced people's confidence and strengthened their believe that they can be a part of the process of making the system accountable. In Bihar, one fails to see similar efforts on a meaningful scale. Though individual applications have played an effective role in empowering citizens, it is only through such wide application of the act, as done in social audits, that the RTI can impact the lives of common people and empower the poorest.

State and SIC: Long way ahead

The first step in making RTI a success is to ensure that people have an easy way to file applications and they are not harassed for asserting their right to know. Experience of seeking information under RTI at different offices in Patna (specially at the DM's office in Patna where we had organized a RTI camp from February to April, 2008) and Araria has been discouraging. The point of concern is that the mindset of bureaucracy has not changed. It has not yet understood that for the democracy work in true sense information and its effective use are must.

Under the RTI act if the information is not attained within 30 days, the applicant has to appeal to the appellat authority, which typically is the next higher rank official in the department. A vigilant and responsible first appellat authority can greatly reduce the time it takes to get information. However, in practice the first appellat authority has totally lost it's meaning as only a few first appellat authorities hear cases or respond to the appeal. Lack of responsiveness of the first appellat authority clearly demonstrates their lukewarm attitude towards the people's right to seek information through the RTI act. Most departments are not organizing information as per the demands of the act on the pretext of lack of manpower and resources. Whatever may be the reason the result is that even in this age of what many call "Knowledge Economy", information is hard to get. Documents, which might uncover corruption, are particularly difficult to get. In Bihar we have seen many cases where applicants had had to face the wrath of the administration for their temerity to seek guarded information.

If the government has been lackadaisical towards RTI applications, the State Information Commission (SIC) - the enforcing and monitoring agency under the act - on the other hand has been too soft on penalizing officers for deliberately delaying or refusing information. Bihar SIC started functioning in August 2006 (it was formed in May 2006). Till now it has heard about 12000 complaints and cases combined (The commission hears cases which is called 2nd appeal). When I filed RTI application in August 2008, seeking information about the number of officers who have been fined (i.e penalty was deducted from their salary), I found that only three officers were fined in reality! Our RTI act is unique in the respect that it has the provision of penalizing the PIO(s). This provision must be invoked if any PIO(s) are found guilty. But the SIC has been quite lax in invoking this provision. One of the objectives of the SIC is to make sure that people get information within 30 days. The delay in getting information even after the 2nd appeal (appeal to SIC is called 2nd appeal) is defeating the purpose of the RTI act. Three to four hearings are very common in the SIC which means it takes more than 7-8 months before the applicant finally gets the required information. This kind of delay creates hurdles in making the act popular and ensuring that people get the information they want, both at the individual and collective level. The state government and SIC should use the power vested in them by the act for ensuring timely availability of information. The rest will follow automatically.

Conclusion

RTI has the potential to make the system transparent, involve people in decision-making and to fight corruption. In Bihar we have not witnessed the real manifestation of RTI power. The role of the state government and the SIC have been discouraging. If things have to change we must change our direction. The State Government and the SIC must exhibit that it is committed to the cause of RTI by making sure that the experience of applicants is smooth while seeking information and deviant departments/officials are strictly dealt with. Civil society groups should focus their energies to not only fight individual cases but use RTI in a collective manner so that poorest can be empowered and transparency can be ensured. ■

Ashish Ranjan is NAPM activist and lecturer, BIT, Mesra in Bihar.

Talking Peace in Times of Trouble

Sandeep Pandey

It was a refreshing but frightening trip to Pakistan. It was heartening to note the optimism among people and politicians but disturbing to note the underlying fear of the worst. There is unmistakable concern about a creeping talibanisation in Pakistan among its civil society and the political parties. People are unsure about which way the deal with the Taliban in Swat will go.

I accompanied a 13 member delegation recently, before the attack on Sri Lankan players in Lahore, to Pakistan with veteran journalist Kuldip Nayar, who is immensely popular in Pakistan too. We got an opportunity to meet the political leaders of all major parties, businesspeople, students, press and civil society. Although this was my sixth trip to Pakistan in as many years, it was a revelation to me that all political parties there actually desire peace and friendship with India. It remains an enigma to me that two societies which feel emotionally so close to each other and are culturally entwined have managed to sustain animosity for 60 long years. And no sign of truce is in sight.

The people and politicians of Pakistan are seriously worried about the threat of Taliban taking over. People don't know whether human rights will remain preserved and the politicians don't know whether democracy, once again, will be eclipsed in Pakistan. The governments of NWFP and Pakistan seem to have capitulated to the fundamentalists. The governments simply don't know how to tame the monster which it once helped create at the behest of the US. It is an irony that a sovereign state like Pakistan continues to be bombarded by US to target the militants and the government of Pakistan is a mute spectator. The foreign minister of Pakistan, Shah Mehmood Qureshi, was pleading with the US authorities to hand over the control of Drones to Pakistan instead of these attacks being engineered from the US. The dependence of Pakistan on the US government and its aid has eroded the economy and legitimacy of government in Pakistan. In spite of everybody in Pakistan realizing that its association with US has created problems for itself, they find themselves in a bind. There doesn't seem to be a way out. It is also in the army's interest, which tends to dominate the civilian elected government, that the association with US contin-

ues so that it can continue to play this dominating role. Army projects itself as the sole counterbalancing force to the Taliban and hence will continue to play a role larger than that of the government so long as the threat of Taliban is looming large.

It is a known fact that Taliban have gained an upper hand during the military regime. Nawaz Sharif doesn't seem to remember any 'suicide bombers' during his time as Prime Minister. He is skeptical of the deal with the Taliban. He blames military directly for weakening democracy in Pakistan. He said that problem of terrorism originating from Pakistan doesn't affect India alone, it affects Pakistan much more. In a meeting held in Benazir Bhutto's house with Asif Ali Zardari's sister Faryal Talpur, she mentioned that about 6000 people in Pakistan have died at the hands of jihadis. She said India was applying pressure on Pakistan to take action against the terrorists. But probably Pakistan needed India's help to put its house in order. Asfayandar Wali Khan, the grandson of Khan Abdul Gaffar Khan, and leader of Awami National Party – the Party in power in NWFP, articulated this sentiment as for India to feel safe a strong stable central government was required in Pakistan.

With military and intelligence soft towards the jihadis, if not completely hand in gloves with them, it will have to be the civilian elected government which will have to assert its supremacy over any other body – state or non-state – if normalcy is to be restored in Pakistan. This implies the democracy must take roots and flower to full bloom. It has been Pakistan's misfortune that democracy was strangled time and again.

In this light the latest moves by Asif Ali Zardari to finish off his political rival, Nawaz Sharif, easily the most popular mass leader in Pakistan today after Benazir Bhutto's assassination, are unfortunate. For democracy to remain firmly rooted the ruling party as well as the opposition must be strong. A healthy respect for other parties is must if democracy is to unfold in Pakistan in the interest of its people. Nawaz Sharif's demand to reinstate the judges dismissed by Pervez Musharraf and to make the judiciary independent are politically very prudent demands. Zardari has reasons to fear an inde-

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Caste Discrimination in Government Schools

The Hindustan Times reported that dalits and other lower caste children in government schools in MP systematically faced discrimination and abuse.

According to a survey on social discrimination conducted by Jansahas, an NGO, and Unicef, in 24 villages across four districts – Ujjain, Sheopur, Katni and Jhabua – in Madhya Pradesh, more than 63 per cent of Dalit children are subjected to caste discrimination while being served mid-day meals in government schools.

They are forced to sit in separate rows, bring utensils from home or given food in plates marked boldly with permanent ink to distinguish them from the rest.

The Mid-Day Meal Scheme, funded by the government, is the world's largest school lunch programme and covers 120 million children. Ironically, one of the key objectives of the scheme is to increase socialisation among children of different caste groups.

"As many as 40 per cent of Dalit students facing discrimination were given mid-day meals in plates specially set aside for them," Jansahas activist Ashif Sheikh told *Hindustan Times*.

While some were asked to bring utensils from home, most were served their mid-day meals on leaf plates. Non-Dalits, however, were served on metal plates.

The survey found that most teachers were insensitive to the discrimination against Dalits because of caste-based traditions being followed in rural areas, he said.

In a majority of the schools surveyed, Dalit students were not allowed to sit in the front row. As many as 78 per cent of school-going Dalit students were backbenchers or forced away from the front row and subjected to casteist abuses.

And 79 per cent of such students were compelled to clean the schools. In some schools, this chore was given only to Dalit girls.

The survey found that the Anganwadi scheme, a government-sponsored mother and childcare scheme catering to children in the 0-6 age group, also discriminates against Dalits. About 59 per cent of Dalits said they desisted from sending their children to the local anganwadi facilities.

The victims claimed that Dalit children were not allowed to enter the anganwadis and were forced to accept nutritional supplements outside the building.

The survey concluded that caste discrimination is one of the prominent reasons for the absence of Dalit children from school. ■

Courtesy: "Apartheid funded by Indian tax payer," Hindustan Times, 14 May, 2009.

Talking Peace

pendent judiciary. He has made an amendment in the Constitution to remove the requirement of being a graduate to be made the President of Pakistan. This will be challenged as soon as judiciary is no longer under his control. But he must realize that if Pakistan's long term interest is on his mind, then he may have to make some sacrifices to ensure that military never returns to centre stage in Pakistani politics. The Army has already issued him initial warnings.

It was heartening to hear Kasuri, the foreign minister of Pakistan during Musharraf's regime, reveal that a solution to the Kashmir problem has probably been arrived at. No wonder, the recent elections in J&K passed off so peacefully and with a huge turnout by Indian standards. If it was not for the pro-democracy movement started by lawyers

in Pakistan and then the elections there and now the impending elections in India, Manmohan Singh was due to visit Pakistan to announce this to the world. If a solution to Kashmir imbroglio is found to the satisfaction of the Indians, Pakistanis and most importantly the Kashmiris, it'll pave the way for a more permanent peaceful relationship between the India and Pakistan.

India will have to work with the elected government of Pakistan to deal with the advancing menace of Taliban. As one TV anchor pointed out while we were in a talk show in Islamabad, all attacks on India in its long history have taken place from its north-western border. Hence we must not take the threat of Taliban lightly or consider it only as Pakistan's problem. ■

Sandeep Pandey is a peace activist and National Convener, NAPM.

Save Human Lives, Human Rights and Democracy in Sri Lanka! Support Tamil's Struggle for Self Determination! Stop War and War Crimes!

The situation in Sri Lanka is alarming. Despite a two days ceasefire on the occasion of the Tamil New Year, and despite innumerable appeals to the Sri Lankan government, President Mahinda Rajapaksha has made it clear during the recent visit of UN Special Envoy Vijay Nambiar on 17th April 09 that he is not ready to abandon his line of "war to the finish".

The Tamil civil population in the Vanni is in an absolutely desperate situation without food, water and medical supplies and under frequent attack in the so-called safe zone. Those who manage to leave (many don't want to, for complex reasons), encounter extremely discouraging conditions in the transit camps. Families are separated, disappearances of males of a certain age group are rampant, women face violations and informers try to track down political affiliations, which lead to further disappearances, while food, water and medical supplies leave a lot to be desired. Those who stay in the Vanni do so under manifold compulsions and there are daily deaths in large numbers due to lack of food, water, medical supplies and violent interference. Since 20th April, more people have come out of the so called safe zone, so that more ferocious massacres can be expected in the Vanni Region.

The argument that the LTTE has a vested interest in the presence of the civil population cannot be used as an excuse for the ongoing human rights violations by the State. The war has to end in order to end war crimes and enable a sustainable democratic process.

It is known that the Indian economic and military aid to the Sri Lankan government has been of a high order, presumably "to keep the Chinese at bay". We also remember from the over quarter of a century of armed conflict that the fratricidal tendencies among Tamil groups have been encouraged and enhanced by material aid and training through the RAW and other Indian intelligence outfits over the years. So the injury inflicted from the Indian side is much larger than only the involvement of the IPKF. Actually Priyanka Gandhi has a point when she says to the press that the murder of her father was caused by people's unbearable suffering.

We appreciate that the tone of the Indian Gov-

ernment has changed over recent weeks due to vast protest in India and abroad. However this is not enough. We have reasons to believe that words and deeds often do not tally. Political parties are using the issue to garner votes. There have been numerous protests by democratic organisations over the past three months, demanding to stop the war. People have had demonstrations, hunger fasts, appeals, conferences, road blocks, human chains, petitions galore. In Tamil Nadu, there have been several self immolations. Over the past one week (since 13th April 09), a group of twenty women in Chennai belonging to different organisations have been on an indefinite fast for PEACE in Sri Lanka, which has ended now in response to the appeal of many organizations not to add to the ongoing death toll but to decentralize the struggle and spread it, as the response from the Sri Lankan government is extremely cynical and shelling is going on in the "safe zone" according to UN sources.

On behalf of NAPM and PPF we wholeheartedly support this struggle. We have raised the issue extensively in our pre-election manifesto and campaign in Tamil Nadu from 23 to 31st March. National Conveners of NAPM have endorsed the demands for Peace, democracy and sovereignty of Tamils in Sri Lanka in their national Conveners meeting in Nagpur on March 1st, 09. NAPM Tamil Nadu has had rasta roko, arrest and fast on February 21 and a massive human chain on March 19th, 09. We also participated in the International Working Class Protest on April 8th, 09. We will not cease to raise the issue at national and international level. We will integrate the issue in all our campaign during pre-election time and also in the long term.

However, we appeal to our sisters to end their fast, as the conflict of decades cannot be solved over night and the aim is to save human lives and end the death toll, not to add to it.

- We demand an immediate durable and unconditional ceasefire to enable peace negotiations.
- We demand formation of credible teams of international human rights activists, medical person-

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Mumbai Metro: Mumbai's Maytas in Waiting Slum Dwellers register their protest to Mumbai Metro Phase II; Propose public-oriented alternatives

Thousands of slum dwellers under the banner of *Metro Car Depot Hatayo Abhiyan*, an affiliate of Ghar Bachao Ghar Banao Andolan registered their protest and resistance on 11th & 12th May to the proposed Phase II of Mumbai Metro rail. The Urban development Department had called for a Public Hearing on the Phase II of Metro Rail at the Yashwant Rao Chavan Centre at Mumbai in which thousands of them participated. The 32 km long Phase II of the Metro Rail Project from Charkop in Mumbai North is to end at Mankhurd in Eastern Suburbs of Mumbai presently estimated to cost 7,000 crores and lead to displacement of more than 15,000 families and un-employment of lakhs of people.

In November 2008 the Government of Maharashtra had invited suggestions & objections to the Phase II of Metro Rail to which Ghar Bachao Ghar Banao Andolan had mobilised 15,000 letters from which 8000 people were invited from the hearing but were informed at the last minute. The Phase II proposes to set up a Car Shed Depot spread across 140 acres of land where today are located the slum communities of Janata Colony, Sanjay Nagar, Ekta nagar, Azad Compound, Gandhi Nagar & KD Compound, together known as Laljipada. These slums are not only house to thousands of families but also provide livelihoods to thousands of families, much beyond the residents of above mentioned areas. The residents have been staying there since last 35-40 years and carrying out activities of trade. The activities include the critical job of re-cycling the waste of Mumbai waste, which in terms of produce is much larger than that of Dharavi, in this trade more than 8000 people are engaged. Making of artificial jewellery which is exported all over the world, is another activity that is carried out here. More than 15,000 women are engaged in this activity. The other activities include, Bakeries, Scrap dealers etc.

The total project cost of Mumbai Metro has been estimated by Officials as to be 45,000 crores which has been contested by many according to Shri Sudhir Badami (Transport Expert) would not be less than 65,000 crores! In the context of the experiences of Delhi Metro where the actual rider-ship has been

much below than the expected rider-ship or that of Hyderabad where the whole Project turned out to be only a ploy of grabbing land by the dubious Satyam floated Maytas Company, what justifies spending of thousands of crores of rupees on an financially-environmentally & socially un-viable project is the question that has been raised by all.

Mumbai Metro is to turn out to be Mumbai's Maytas as under the proposed Notification for the same provides for far sweeping powers to the Developers as it stipulates that the surplus land can be sold off by them in the open market similarly the Order proposed to reserve 50 mts on both sides of the central line of MRTS for regulation of development and redevelopment, especially commercial, which points to the fact that Metro is a ploy for furthering the land grab for real-estate development.

As per the information available no Environment Impact Assessment (EIA) has been proposed or done, which is a statutory requirement under the Environment Protection Act, 1986 and also it is to cause havoc to the Poisar River system as the proposed Car Shed Depot is right over the river system and at a short distance from the National Park.

That the Metro will not provide any solutions to the traffic related problems has been iterated by number of studies and reports. It is also worth noting that as per a study undertaken by transport experts in IIT, Delhi, 45% of Mumbai's residents are pedestrians or use cycle as one of the options of conveyance. Rather than going in for the highly capital-intensive Metro Plan which is not going to address the real concerns, issues and needs of commuters of Mumbai city, various combinations of options like BRTS, Mono Rail, Sky bus, pedestrian friendly roads, improved local train network, efficient road transport would be the cheaper, better, workable, environment and people-friendly option.

The State is just pushing the Project ahead as leaving aside the Public Hearing no sort of consent or consultation has been held with the residents. No sort of information has been shared even under the Right to Information, as the same has been refused by taking the absurd proposition that

“sharing of the information would be a threat to the security of the nation”. All this proves that the State facilitating the Corporates & Consultants from Reliance to WB-JBIC is engaging in land grab leading to displacement and destitutionalisation of the residents especially the poor and the working class populations of the Mumbai city for the purpose of transforming it into a world class city.

The Andolan has demanded that the entire process of public hearing be revoked at once and a fresh public hearing be called after following all the 19 elements which are required to be followed in the terms of section 7 of the Indian Tramways Act, 1886. The least and not the last should be the decision taking the Metro Rail Project (Phase II and also Phase I in such a way and in accordance to the Draft Order and National R&R Policy) that minimum displacement and damage to human lives and property be caused and in this regard EIA be carried out. It is obvious that to fulfil this, it is imperative that the Car Shed Depot that has been proposed at Laljipada be shifted to other site.

Following is the list of demands submitted in a memorandum to Shri T C Benjamin, Principal Secretary, Department of Urban Development, Mumbai, on May 12, 2009:

- * It is requested that this entire process of public hearing be revoked at once and a fresh public hearing be called after following all the

19 elements which are required to be followed in the terms of section 7 of the Indian Tramways Act, 1886.

- * Draft Order should be re-notified and should include complete information as required under Tramways Act and also provide information under the RTI Act and holding this hearing in the Affected Areas.
- * The DPR if ready, should be stayed until the hearings are held and the project should not be pushed ahead including the process bidding.
- * The least and not the last should be the decision taking the Metro Rail Project (Phase II and also Phase I in such a way and in accordance to the Draft Order and National R&R Policy) that minimum displacement and damage to human lives and property be caused and in this regard EIA be carried out. It is obvious that to fulfil this, it is imperative that the Car Shed Depot that has been proposed at Laljipada be shifted to other site.
- * The Building and Construction works under Metro Phase II should be subject to the provisions, rules and regulation of Environment Impact Assessment Notification 2006. ■

Medha Patkar, Lal Babu, Tiwari ji, Mohan Chavan, Simpreet Singh, H. M. Chandershekar

Candle Light Demonstration in Support of Irom Chanu Sharmila and for the Repeal of Armed Forces Special Powers Act

A candle light demonstration was held in front of Sardar Patel statue, Hazratganj, Lucknow, on 9th March, 2009, from 6 to 7 pm. Irom Sharmila, on fast for 8 continuous years against the Armed Forces Special Powers Act, in Imphal, Manipur, was released from the Jawahar Lal Nehru hospital day before yesterday where she has been in a long isolated custody. She has been kept alive by force feeding everyday through a rubber tube going through her nose. She joined the really fast going on outside the hospital by women's organizations of Manipur since 10th December, 2008, after coming out of the hospital.

Her brother Irom Singhjit informed that most likely she will be arrested again. This has been a regular phenomenon every year since she began the fast in 2000.

We express solidarity with the most peaceful spiritual struggle of Irom Sharmila and support her demand of repeal of AFSPA which has been responsible for numerous human rights violations in not only Manipur but the entire Northeast and J&K. The present J&K CM Omar Abdullah is also in favour of repeal of AFSPA. ■

Asha Parivar, NAPM, PUCL, People's Political Front

Supreme Court Directs GRA to Redress Oustees' Grievances Before Filling Up Omkareshwar Dam to 193.3 m

In a very significant decision, the Supreme Court turned down the prayer of the Madhya Pradesh Government to increase the water-level in the Omkareshwar dam from the present level of 189 meters up to 193.3 meters, thus submerging twenty five villages of the area. The Supreme Court stated that since a large number of grievances of the oustees are yet to be redressed, the Grievance Redressal Authority (GRA) should redress the grievances and file a report in the High Court by the 20th of June, after which the High Court may take an appropriate decision.

It is noteworthy that the M.P. Government had challenged the Order of the M.P. High Court dated 16.03.2009 in a writ petition filed by the State Government. The State Government had challenged the Order of the High Court in a Special Leave Petition in the Supreme Court praying that water level in the Omkareshwar

dam should be permitted to be increased from 189 meters to 193 meters. Senior Supreme Court Counsel Shri Harish Salve, Shri Mukul Rohtagi and Shri Ravi Shankar Prasad argued in the Court that permission be provided to fill the dam up to 193 meters, in order to provide water for irrigation and drinking water purposes, through the canals.

Senior Supreme Court Counsel Dr. Rajeev Dhawan, and Shri Sanjay Parikh assisted by advocate Shri Nikhil Nayyar, Counsel for the Narmada Bachao Andolan (NBA), submitted photographs in the Court through which it was clear that the canal of the Omkareshwar dam has not been dug even at

the dam site and in the initial reaches, therefore there was no question of providing water though the Omkareshwar canal, and the contention of the State Government in this regard is completely baseless, and an attempt to completely mislead the Hon'ble Court. Senior Counsel for the NBA also stated that R&R entitlements are yet to be provided to thousands of oustee families. He also informed the Hon'ble Supreme Court, that the electricity production from the Omkareshwar dam has been over target in the last two years, and the pure profits after taxes generated in the last three years was over Rs. 1000 crores, thus, the State and the Corporation were not making any losses whatsoever. They said in the circumstances, it was clear that the villages cannot be permitted to be submerged until all R&R entitlements are provided to the oustees.

After hearing Counsel for both sides, the bench of the Supreme

Court comprising of Chief Justice of India, Shri K.G. Balakrishnan, Justice Shri P. Sadashivam, and Justice Shri Deepak Verma refused to give permission to fill the Omkareshwar dam up to 193 meters, and said that since it was clear that a large number of grievances of the oustees were pending, the Grievance Redressal Authority should redress the same and submit a report by the 20th of June 2009, after which the High Court could pass appropriate directions. ■

Extracted from a Press Note by Alok Agarwal, Radheshyam Tirole, Samesh, Ramkuwar Rawat, Chittaroopa Palit



People displaced from Omkareshwar and other dams taking out a big rally in Khandwa in early 2009

Encounter at Batla House: Unanswered Questions Raised After Citizen Investigation

The Jamia Teachers' Solidarity group present a report based on citizen investigation, public hearings and published reports on the 'encounter' at Batla House in Delhi, pointing to the number of unresolved questions.

This report is based on police statements, press reports, testimonies of families and friends of the accused and other documentary evidence. It highlights the numerous contradictions in the police version(s) about the 'encounter' and the accusations.

Some of the questions raised are:

- 1) Did the police have prior information about the presence of dreaded 'terrorists' in L-18 when they raided the flat? So far, conflicting versions have been provided by the police. In one version, they claim ignorance of such confirmed information, pleading that they went in only for a routine reece and were ambushed (*then how did the Police Commissioner within hours declare Atif and Sajid to be the mastermind behind all blasts since 2005, when Sajid would have been 14-years-old*); and in another, they claim to have put Atif under surveillance since 26th July 2008 (*so how did these boys manage to plant bombs all over the city right under the Delhi Police's nose?*)
- 2) Were the Police men wearing Bullet proof vests (BPV) or not? In some statements, the Delhi Police said that they avoided wearing the BPVs in order not to alert the 'terrorists'; in yet other statement they claim that their officer escaped all injury while firing upon an armed Sajid because he was wearing a BPV.
- 3) What explains the injury marks on the bodies of the deceased boys? Atif's back was sloughed off and Sajid had bullet wounds on his head as though bullets had been pumped into his head while he was made to kneel—all of which raises doubts about the genuineness of the 'shootout'.
- 4) The Police claim that Sajid was an expert bomb maker who used quartz clocks, detonators, ammonium nitrate, yet none of the 'recoveries' which even the police have purportedly made, comprise any of the above mate-

rial that could be used for making Sajid's 'signature' bombs. So what made Dadwal and his force conclude that Sajid was the one behind the blasts in Delhi and elsewhere?

- 5) Why is there such rigid resistance to any independent probe on the part of the government and the Delhi Police? So much so that the Lieutenant Governor has even rejected a magisterial enquiry, which is mandatory as per NHRC guidelines on encounter killings.
- 6) Why are post-mortem reports of all the three killed not being made public? Is there something to hide?

The report also carries brief profiles of the accused in the case, including the two students killed. The fact that most of them were students enrolled in educational institutions, whether Jamia or elsewhere, or working gives the impression that they were regular young men in search of better opportunities in life. None of their actions puts them under suspicion: they enrolled as students, bought sim cards in their name, signed a rent lease deed, duly verified by the police (copy in report), provided genuine address details etc. Moreover, the day after the blasts in Delhi, there were several arrests and detentions in the Jamia Nagar area, which was common knowledge.

It is highly unlikely that actual terrorists would make no attempt to move away from a neighbourhood which was obviously under the police scanner to a safer hideout.

Testimonies of eyewitnesses at the Jan Sunwai (12 Oct 2008, Batla House) have also been included in the report. Neighbours testified that they found nothing strange or suspicious about the boys and resented the fact that no senior local resident was taken into confidence or to crosscheck any information about suspected terrorists. The manner in which the police operated raised suspicions about their real motives. Further, they also said that while the operation was on, the policemen could be seen throwing pots etc on to the 4th floor flat of L-18, and that they heard gun shots of only one kind. This naturally raises the misgiving that the police was trying to create an impression of cross fire and struggle, where none existed.

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Landless Dalit Women Worst Hit by SEZs

Special Economic Zones (SEZs) have literally wreaked havoc in the lives of Dalit women. Unemployed Dalit men are migrating to the city in search of employment, but at the receiving end are the women who have to cope with the loss of livelihood, not to mention the social discrimination in their villages.

According to an estimate, about 3.5 lakhs persons across 21 districts have been displaced and have lost their occupation since the SEZs came up. According to a study by the Indian Community Welfare Organization, 10 lakh persons were displaced due to SEZs in 2002, 25 per cent were from Dalit families.

According to Fatima Burnad of the Tamil Nadu Dalit Women's Movement, the impact of SEZs has directly affected the lives of Dalit women. SIPCOT, which is developing 971 acres of land near Thervoykandigai village and 506 acres near the Surapoondi village (Thiruvallur district) has resulted in the loss of livelihood of the landless agricultural labourers without any compensation.

According to an estimate by Vasantha of the Coastal Women Development Movement and a member of the GUIDE (Gandhian Unit for Integrated Development Education) about 2 lakh Dalit families have moved to Chennai over the last two years due

to the displacement in their villages. This, she said, affected their health and left their employment opportunities hanging in the balance.

Vasantha says that the displacement affects especially the Dalit women because agricultural labour in villages involves equal number of women force and primarily from the Dalit community. Jobless Dalit men are forced to leave the villages in search of employment in the city. Left alone, Dalit women suffer in the villages and live the life of a "single woman" literally being at the receiving end of poverty and social discrimination.

Migration of Dalit men to the city has caused insecurity for Dalit women who face rigid social discrimination at the villages, says a member working for Dalit women in the districts. The government's promise of allocating five cent land to Dalits has not reached them, she alleges.

These women, who earlier fought patriarchal discrimination, now face extended discrimination of denial of sufficient food, health care, education and dignity, says Fathima. ■

Courtesy: "Landless Dalit women worst hit by SEZ," by Nalini Ravichandran, www.expressbuzz.com, 07 April, 2009.

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Save Human Lives, Human Rights and Democracy in Sri Lanka!

nel and social workers to be present in the process of helping the civil population in the Vanni to get access to food, water and medical supplies and to safeguard their human rights, sanity and dignity in the transition. Special care needs to be taken to protect, women, children and youth.

- We demand de-mining and restoration of villages so that peoples right to return to their homes can be safeguarded and implemented.

We demand a political process in which all communities will be able to participate with confidence and equal rights, irrespective of ethnicity, language, caste, creed and gender.

- The Tamil people's right to self-determination must be respected and implemented.

- Disappearances and other violence must end and freedom of the press must be guaranteed. The working classes must be able to form organisations and struggle for people's rights to Life and Livelihood. ■

Medha Patkar (NBA and NAPM), Gabriele D (NAPM), P. Chennaya (APVVU and NAPM), Aruna Roy (MKSS and NAPM), Sandeep Pandey (Asha and NAPM), Anand Mazgaonkar (NAPM), Ulka Mahajan (Sarvhara Jan Andolan, NAPM), Ajit Jha (People's Political Front), Surekha Dalvi (People's Political Front), Yogender Yadav, Mukta Srivastava, Dr. Sunilam (Kisan Sangharsh Samiti), Rajendra Ravi (NAPM), Gita Ramakrishnan (Campaign for Unorganized Sector Workers), Ramaswamy R. Iyer, Vimal Bhai (Himalaya Bachao Andolan), Shaktiman Ghosh, Sudipto Moitra (National Hawkers Federation), Ram Narayan Kumar, Onil Kshetriymayum, Jagmohan Singh (World Sikh News), Harsh Mander, Kiran Shaheen, Shashwati Goswami (IIMC Delhi), Bipin Rai (Himalaya Bachao Andolan), Rita Manchanda, Babu Sundra, Rabin Chakraborty, Amit Bhaduri (JNU Delhi), R.N. Nayak, Gilbert Rodrigo, G.Vasantha (Guides), Selvin Mary, Rifat Mumtaz, Sukla Sen (Ekta, Mumbai), S.P.Udayakumar, Nagarkoil, Nalini Nayak (Sewa, Trivandrum), Gautam Bandyopadhyay (Nadi Ghati Morcha, Chhattisgarh), MONLAR, Srilanka

An Upright Administrator Pays With His Life for Speaking Against Corruption

“If you ask me, I have a dream. Yes, for a society where there is no exploitation, subjugation, domination and suppression.”

Dr. Thingnam Kishan

Murder Most Foul

Dr. Thingnam Kishan, Sub-Divisional Officer (SDO) of Kasom Khullen in Ukhrul District of Manipur, and two of his staff members, Aribam Rajen and Yumnam Token along with three officials were kidnapped on the 13th of February 2009 from Ukhrul. In the morning of the 17th, the bodies of Dr. Thingnam and his two staff members were found under the Lukhrabi bridge along the NH-39 in Senapati District, Manipur. The National Socialist Council of Nagalim or the NSCN (IM) has stated that one of its senior cadres “Lt. Col.” H. Ningshen committed the crime. The remaining three officials have been “rescued” by a combined team of the Manipur police and the Assam Rifles.

As a consequence of these murders, Manipur has been under serious political turmoil – familiar scenes of street protests and rallies, and state response through the imposition of curfews and attacks on the protesters. People of Manipur cutting across community and religious lines have condemned this barbaric act and also sought for justice. Large protests by the people have been witnessed in both the valley and the hills.

The Government of Manipur has instituted a two member committee to investigate the murders apart from declaring a CBI enquiry. The NSCN (IM) has said that it will give the ‘severest’ form of punish-

ment to its cadre who is under their custody (and others involved in the crime). It has, however, declined to hand over the culprit(s) to the Government of Manipur.

The Ibobi Singh government rather than focusing on arresting and punishing the culprits is playing the politics of compensation and violent subjugation of protests. This posture of compensating the victims without bringing justice is not a new one. There have been several earlier cases where the government merely announces compensations, but

no one till date knows what the exact status of such investigations is.

It has been learnt that there are major anomalies in the implementation of the National Rural Employment Guarantee Scheme of the Government of India in the Ukhrul district of Manipur. This had been pointed out by Dr. Thingnam repeatedly to the District Commissioner, Pankaj Kumar Pal leading to discord between the two. It is to be noted that the kidnapping was reportedly from the premise of the DC’s office on the 13th of February. However, according to a senior police official of Ukhrul no formal complaint was registered. Romita, (Late) Dr. Thingnam’s wife, says that David Kashunghao, S.D.C. of D.C. Ukhrul, spoke to her over the

phone on the afternoon of the 13th. He said that the D.C. had seen Dr. Thingnam on the way to Siroy-Chingai road and that the D.C. had directed David to call Dr. Thingnam for an urgent matter. Official records say that the DC went off on a 4 days leave from the next day onward.

It is puzzling to see the linkages between Dr.



Poster of the candle light vigil held in New Delhi

Thingnam's discord with the DC, his reported kidnapping from the premise of the DC's office, the dead bodies of the three being found in another district, the report of the crime having been committed by a high ranking NSCN (IM) cadre, and the ready acceptance of the demands for compensations by the Government of Manipur. Is there a deeper level of politics involved than merely that of corruption?

Wake up Call

The nature of Dr. Thingnam and his two staff members' cruel murder indicates that there exists a larger nexus at work operating at different levels of society. Dr. Thingnam's upright position was a threat to their nefarious activities.

Dr. Thingnam was a bright and upright officer who not only tried to expose corrupt practices in bureaucracy, but also made an attempt to make changes.

- The national media, which have been proactive in highlighting the role of such cases elsewhere in the country, have remained silent in this case. What is the meaning of this silence?
- Why is the Government of India (GoI) maintaining a diplomatic silence despite the involvement of the cadres of NSCN (IM) which is under ceasefire truce with GoI?
- Why has GoI allowed setting up of three NSCN (IM) designated camps in Manipur, which is outside the jurisdiction of the ceasefire agreement?
- There are adequate reasons to believe that the murder of Dr. Thingnam and his staff members is one of the many fallouts of the ambivalent stand the GoI has on the issue. The inability of the Manipur government to even ask the NSCN (IM) to hand over the perpetrator of this heinous crime stems from the fact that as a consequence of the recent developments in the ceasefire negotiations between the GoI and NSCN (IM), the jurisdictional authority has been made to look ill-defined.
- The Government of Manipur at the moment is simply making an attempt to silence the aggrieved public and the families of those murdered. Why has the Chief Minister of Manipur been denying the existence of the designated NSCN (IM) camps in the state? It may be recalled that as a result of the protests by the people of Manipur in June 2001 the ceasefire agreement was confined to the state of Nagaland.

- Will the GoI and the Government of Manipur take responsibility for the sacrifices made by the people of Manipur?

It is time that the concerned citizens of this country join hands with the people of Manipur in their fight for justice and a society free from violence. Your active support will strengthen the spirit of democracy in this country.

A Brief Note on Dr. Thingnam

Dr. Thingnam was a multifaceted personality – an administrator, a scholar and an activist. He was an upright and honest person who believed in a world free from exploitation, subjugation and oppression.

Before joining the Manipur Civil Services, he was Assistant Professor, Department of English, Manipur University (2007). He taught at Churachandpur College, Churachandpur (2005), D.M. College of Arts, Imphal (2002-05, 2005-07), Herbert Higher Secondary School (2000), Shyamlal College, University of Delhi (1996-99).

Dr. Thingnam also edited a scholarly journal called the *Alternative Perspectives* (October 2005 – May, 2007). His other works include *India's Look East Policy and India's Northeast: Polemics and Perspectives* (Concept Publications, New Delhi, 2009), *Rethinking Colonialism* (World View, Delhi, 2006) and contributed a number of articles for journals like *Eastern Quarterly*, *Orient Vision*, *Third World Impact*, etc. His contributions through the journal and other public forums reflected an insightful understanding of the problems that have besieged contemporary Manipur. His engagements at different levels were a part of his vision to create a new Manipur. Indeed, his commitment to create a new Manipur cost him his life.

In the death of Dr. Thingnam, Manipur has lost not only a brave and upright administrator but a person who carried out the task of change towards a better society. We have lost a person who was engaging with progressive politics, and committed to social and political issues. Such killings continue unabated in Manipur with an average of three people being killed daily, we urge the Government of India to address the issue.

Demands

1. Initiate criminal proceedings against the Deputy Commissioner of Ukhrul District, Manipur immediately.

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Resume Dialogue between India and Pakistan

An Appeal from NAPM and Pakistan India People's Forum for Peace and Democracy

We believe that the resumption of dialogue process between Indian and Pakistani governments is crucial in resolving issues that threaten peace.

To maintain peace between the two nations, it is important to strengthen democracy in Pakistan and support the democratically elected government so that it can effectively control terrorist forces.

It is vital to take proper action against terrorist forces in both nations. Pakistan should take stern action against the terrorism strikes that have occurred in India.

Recently an Indian peace delegation that went to Pakistan had found that there was an agreement for a full and transparent investigation of the Mumbai terror attacks along with speedy conviction of the guilty. This was matched by a strong desire for peace with India particularly as the Pakistani themselves are facing terrorist attacks all over their country.

The delegation stressed that this would be attainable provided that action by the Pakistan government was taken to its "logical conclusion". The Taliban and extremist groups have spread their hold over the SWAT and FATA areas. Pakistanis now are very concerned that they will move further in to

the heartland of Pakistan and eventually pose a real danger to India too.

There was an agreement that terrorism is a common danger and that both India and Pakistan need to work together to contain this increasing threat.

We also condemn the attack on the Sri Lankan cricket team players in Pakistan.

In these troubled times, it is all the more compelling to maintain peace and harmony in South Asian region by strengthening the movement for nuclear disarmament and visa-free south Asia.

The terrorist forces are attempting to derail us from restoring peace and normalcy between the two nations and we should refrain from becoming influenced by their ill-intentions.

We extend our support to all those forces that are committed to establishing and strengthening democracy, peace and harmony in the South Asian region. ■

Karamat Ali (Pakistan Institute for labour Education and Research - PILER), Sandeep Pandey, Mohammad Wasi Siddiqui, Arundhati Dhuru (National Alliance of People's Movements - NAPM), Irfan Ahmed (Pakistan India People's Forum for Peace and Democracy - PIPFPD, UP Chapter)

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Encounter at Batla House...

"Encounter at Batla House" also highlights the contradictions in the 'mastermind' theories developed by various state police departments. In addition, it carries profiles of all those illegally detained by the Delhi Police Special Cell in connection with the Delhi blasts; a section on virtual terror that anti-terror or special cells of the police departments unleash in the name of fighting terror: illegal detentions, false recoveries, forging evidence etc. Special reference is made to the case of Irshad Ali and Md. Qamar, who were implicated in a false terror case by a team of the Delhi Police Special Cell. Incidentally, many members of this team were part of the Batla House 'encounter' too. ■

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An upright administrator pays with his life...

2. Punish the murderers of Dr. Thingnam Kishan, Aribam Rajen and Yumnam Token immediately.

3. Home Ministry, Government of India should immediately clarify its position on the jurisdictional authority of the NSCN (IM) in Manipur.

4. The Government of India should clarify the legality of the presence of NSCN (IM) designated camps in Manipur. ■

Students, Teachers, Colleagues and Friends from Jamia Millia Islamia, University of Delhi, Jawaharlal Nehru University; Manipur Women Gun Survivors Network (MWGSN); Manipur Students' Association, Delhi; Past pupils of Don Bosco, Imphal and Rock Music Manipur(RMM) (RMM)

Report of Fact-Finding Team on Demolition of Vanvasi Chetna Ashram in Chattisgarh

An all-India fact-finding team visited Chhattisgarh from May 29 to June 1, 2009 in the wake of certain disturbing developments in the State plagued by Maoist violence, state terror, the Salwa Judum campaign and attacks on voluntary organisations (even Gandhian bodies) by the powers that be. The team visited the site of the demolished Vanvasi Chetna Ashram (VCA) at Kanwalnar near Dantewada and run by Himanshu Kumar, a noted Gandhian social activist working among the tribals in Dantewada and Bijapur districts of Bastar region. The demolition of the ashram took place on May 17, 2009. After the visit, the team met with the state Governor, E.S. Narasimhan, and the Superintendent of Police, Dantewada, Rahul Sharma, and submitted a Memorandum to them.

Apart from the government officials, the team, which did the fact finding from May 29 to May 31, met the Gandhian social activists running the VCA as well as Manish Kunjam, the former MLA of the CPI. The team members spoke to various people (villagers, civil society activists, and local media persons) in Kanwalnar, Lingagiri, Basaguda, Boraguda, Kamaram, Bijapur and Dantewada. All of them confirmed and acclaimed the constructive work that the VCA has been doing in the region for the last 17 years. The Governor assured that he would look into the points made in the Memorandum.

The Vanvasi Chetna Ashram (VCA) was established in 1992 by Himanshu Kumar. He came down from Meerut (Uttar Pradesh) to the far-flung tribal region of Dantewada, where even government officials hate to be posted, as it is located around 1200 km away from Bhopal, the state capital of Madhya Pradesh, and 440 km from Raipur, the capital of the new state of Chhattisgarh.

The VCA started working on many aspects of empowerment of the poor adivasi of south Bastar with advocacy for rights and justice, especially for community health service, elementary education, natural resource management in the inaccessible areas that lack access to basic public services. Since 2005, the VCA has been involved in such work, which has occasionally invited wrath of both the State and the Naxalites.

Emergence of the Salwa Judum compelled the VCA to take up the cause of the adivasis being

tortured, looted, violated and displaced from their hearths and homes. The VCA began providing legal aid and succour to the victims of Salwa Judum, security forces and Maoist violence. The VCA, which is the only voluntary organisation involved in developmental work in the area, rendered invaluable service by documenting instances of severe human rights violations and approaching the legal system for justice and redressal. Since most victims of violence were too traumatized and afraid to file complaints against the perpetrators, the VCA performed the crucial function of helping the victims file not only First Information Reports (FIRs) which are a necessary first step for delivering justice, but also assisted them throughout the long and arduous judicial process.

On the basis of the interactions with the local community and authorities, the fact finding team members strongly suspect that the vindictive attitude shown by the authorities in demolishing the Ashram, when the issue of its encroachment was pending in the court, stemmed from the fact that the VCA's founder, Himanshu Kumar, had raised his voice against human rights violations in the fight against Maoists and opposed the Salwa Judum campaign that often targeted the hapless tribals. The VCA is perhaps the only community organization in the area engaged in resettlement and rehabilitation of displaced adivasis through individual and community support under very adverse conditions. It also needs to be noted that the VCA since its inception has been using peaceful means in all its activities and has always functioned within the constitutional provisions.

The VCA was also involved in highlighting the complicity of the state administration in several cases of extra-judicial killings — including the Singavaram massacre, where 19 villagers were killed on January 8, 2009. What was initially presented by the State as a case of Maoist insurgents being killed in an alleged “encounter” with the state security forces was later revealed by media persons and human rights organizations to be a staged killing of unarmed villagers. The VCA has been demanding transparency and accountability from the government on such incidents. It is significant to note that the SDM who carried out the demolition of the VCA premises, Mr. Ankit Anand, was also the one who

conducted the magisterial inquiry in the Singavaram killings.

After visiting the villages of Basaguda and Lingagiri and talking to a number of villagers, the team members were convinced that the villagers relied on the VCA for carrying out the rehabilitation work by boosting their confidence, providing them the necessities and ensuring such facilities as public transport. The villagers told us that they never wished to leave their villages in the first place and were compelled to do so by the security forces and the Special Police Officers (SPOs). These villagers left their villages in 2006 and about 30 per cent of them managed to come back recently with the help of the VCA.

A moving account of the State brutality was narrated by a young adivasi.

Gantal Raju, 30, his father Gantal Kanhaiya, his wife and his 20-year-old sister Sreedevi were at



Himanshu Kumar at the demolished VCA campus

home at Lingagiri village on 29th December 2006 “when a group of CRPF and SPOs entered their village from jungle early in the morning. An elderly person from the village was going towards the jungle when he noticed some armed CRPF and SPOs approaching the village.” When they opened fire, he ran back towards his village and started telling villagers about the approaching security forces. As he was narrating what he saw to some of his neighbours, “these armed CRPF and SPOs started entering houses and dragging people out. They began beating up me mercilessly. When my father tried to object to that, they dragged him and started hitting him as well. When he still resisted and tried to argue that they were innocent villagers and not Naxalites, the men in uniform stabbed him right in front of his house. The barbaric act did not stop there. They beat up my mother and broke her thigh bones. They then dragged my sister by hair towards a pond in the nearby jungle where they raped her and finally killed her. Her body was found by us four days later. The CRPF and SPOs also robbed the family of all their belongings.” According to Gantal Raju, they were left with the few rags they had on at that time.

It was during the same incident that Baby, Sreedevi’s close friend and a relative, gave birth to Aragu Ramadu in the forest after she ran with other villagers to escape the brutality of the security forces. When Baby gave birth to her child in the forests, she did not have any clothes other than she had put on. She and others with her did not have even a single hanky or towel with them. Baby and others fled to neighbouring Andhra and returned back recently after a gap of three years. Gantal Raju and his wife lived in Andhra with his father’s sister for three years. Gantal Raju says that CRPF personnel once openly told him that they were the ones behind the incident and that they would kill him also some day. Ever since he has been fearing for his life.

A dominant impression that emerged after the visit was that the State is trying to use military means alone to

address the problem of naxalism in Chhattisgarh. Anyone not with the State (read also Salwa Judum), runs the risk of being branded as a naxalite sympathizer. As a result, any dissent with the State and the middle ground space for civil society to function is eroding very fast. The authorities hinted at their special attempts to ‘reclaim’ the area under naxal influence. In the circumstances they do not want any NGO or voluntary organisation to operate in the region. Nothing explains this better than the demolition of an ashram run by Gandhian activists. This is totally unacceptable to civil society at large and is symptomatic of a dangerous trend that has the potential of ultimately destroying the fabric of our democracy.

The members of the fact-finding team were Dr. Sandeep Pandey, social activist and convener, NAPM, from Lucknow; Janak Lal Thakur, former MLA and President, Chhattisgarh Mukti Morcha (CMM), from Dalli-Rajhara; Sumit Chakravarty, senior journalist and editor, Mainstream, from New Delhi; Advocate Kamayani Bali Mahabal, human rights lawyer and women’s rights activist, from Mumbai; Dr. Harsh Dobhal, editor, Combat Law, from New Delhi; and Vijendra, representative of PUCL, Chhattisgarh, from Raipur. ■