

# Liberation

JULY 2021

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EVERY  
DEATH

# An Engineered and Manufactured 'Vaccination Record'

On the evening of 21st June, the airwaves were abuzz and the Modi government's pet anchors were hyperventilating on prime-time television over the 'record free vaccinations' of 86 lakhs that were administered on that particular day. Ministers in the Modi Govt lost no time in announcing the record on their social media handles, attributing the numbers to the first day of the Centre taking back charge of Covid vaccinations from the state governments. As night fell and dawn broke, the layers around the propaganda of 'record free vaccinations' started to peel off.

To begin with the 'record' itself was hardly a record. In 1997, 12.7 crore (1270 lakhs) children were given polio vaccine doses in a single day and in 1998, 13.4 crore (1340 lakhs) in a single day. The polio vaccine is an oral one and the covid vaccine has to be administered through an injection, so both are not perfectly comparable, but there is still no doubt that the polio vaccinations on such a huge scale were a challenging achievement recognised around the world. For the Modi Govt to spin 86 lakh Covid vaccines in one day as "unprecedented" was dishonest and purely a PR stunt.

As data has emerged it has become clear that this 'record' was not 'natural' but was engineered and manufactured by the BJP to suit their propaganda. BJP ruled states purposely went slow on vaccinations leading up to 21st June, hoarding up vaccinations so they could show a surge of vaccinations on the 21st. India's daily production of vaccines is just about 25-30 lakh doses per day – so a "record" of nearly 90 lakh doses in one day could only be achieved through deliberate and planned hoarding and slowdown.

As analysed by the Scroll, in BJP ruled Madhya Pradesh, the slowdown started from 17th June itself. The average number of doses administered per day between June 13-June 16 was more than five times the average of 40,446 doses delivered between June 17-June 20. On the 20th of June, a day before the 'record breaking day' only 692 vaccine doses were delivered! On the 22nd of June, i.e one day after the 'record day' only 3957 doses were delivered in MP. Similarly other states like UP delivered more than 7 lakh doses on the 21st of June but only about 9000 doses on the previous day. The previous day i.e 20th June was a Sunday, which generally sees a decrease in the number of doses delivered. But even so the number was 35% less than average number of doses delivered on previous Sundays. So clearly the gameplan was to slowdown the number of doses so that there can be a sharp increase on the 21st of June. Similar trends are also clearly visible in other BJP ruled states like Gujrat, Karnataka and Assam. A similar surge is not visible in non-BJP ruled states of Maharashtra and Rajasthan clearly pointing to the manufactured nature of this so-called record.

Even after the death of millions of people due to the virus and medical negligence the BJP and the Modi Govt continue to put PR and narrative management before people's lives. The conscious slowdown of vaccination to manufacture the record has meant that many who could have got the vaccine did not get it and thus risk death or severe illness. Let us not forget that the Modi Government reversed its vaccination policy after huge protest from the political opposition, the general public and a scathing order from the Supreme Court. While Covid vaccination is free all over the world, Indians are still paying sums from Rs 700 to Rs 4000 for Covid vaccines.

The Modi and BJP regimes appear to have learnt little from the devastation the country had to suffer on account of the second wave and has gone back to their usual modus operandi of spin, bluster and narrative management to keep Modi's image intact even at the cost of putting lives of ordinary Indian at danger.

# Liberation

New Series Vol. 27 No. 03

JULY 2021

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36 pages including covers

### Annual Subscription Rates

India Rs. 300

Abroad US\$ 60

Send M.O. or Bank Draft

in favour of

**Liberation Publications**

Payable at Delhi to

U-90 Shakarpur, Delhi 110 092

# Democracy in Peril



(L to R) Student Activists Natasha Narwal Asif Iqbal Tanha and Devangana Kalita after their release from Tihar Jail in Delhi.

The Delhi High Court judgments ordering the release on bail of three of the anti-CAA student activists charged under UAPA is a long-awaited breath of oxygen. It offers some relief from the Delhi Police witch-hunt that since last year has been choking off democracy's life-breath: protests against unjust, discriminatory and fascist laws like the CAA, NRC and NPR have inspired courage and hope in the struggle for democracy.

The three students released on bail -Asif Iqbal Tanha, Natasha Narwal, and Devangana Kalita – boldly asserting their commitment to continuing the struggle against CAA, NRC and NPR. Incarceration and injustice (and in Natasha's case the impossibly high cost of losing her father to Covid without a chance to bid him goodbye) have failed to silence these young fighters.

The Delhi HC bail orders have laid bare the utter hollowness of the Delhi Police's attempts to equate the anti-CAA protests with a terrorist conspiracy. Calling it a "sad day for democracy", the HC points out that "in its anxiety to suppress dissent and in the morbid fear that matters may get out of hand, the State has blurred the line between the constitutionally guaranteed 'right to protest' and 'terrorist activity'", thereby placing "democracy in peril."

The Delhi Police is after all merely a pawn of the Modi-Shah regime; and the representatives of the regime have reacted to the Delhi HC orders with a loud performance of contempt and outrage. The prosecution appealed the bail orders in the Supreme Court, which while denying a stay on the orders, nevertheless instructed that those orders could not serve as a precedent in other UAPA cases, pending the SC's final judgment.

It is unfortunate that the SC, even as an interim measure, acted to contain the impact that the Delhi HC verdict could have

had towards freeing unjustly incarcerated persons whose very lives are at risk in the pandemic. Thanks to this SC order, the Modi Government, while unable to prevent Asif, Natasha and Devangana from getting bail, has succeeded at least for the time being in preventing other anti-CAA protestors from being able to benefit from the Delhi HC's reasoning.

However, the Delhi HC verdict has in effect declared that the "Emperor is naked" – i.e that the Delhi Police's UAPA chargesheet in the Delhi riot cases have no substance once they are "shorn of superfluous verbiage and hyperbole". Refusing to be overawed by the smokescreen of "alarming and hyperbolic verbiage", the HC has named what is in plain sight: that the factual allegations against the anti-CAA activists refer merely to protest, and cannot be termed "terrorism".

The High Court vindicates what anti-CAA and farmers' movement protestors have been saying all of last year: that it is not a crime, let alone a crime of sedition or terrorism - to organise protests against laws enacted by Parliament, or to call for "chakkajam" (blockade of roads). To term protests and acts of civil disobedience as "terrorism" and use the UAPA to indefinitely imprison the protestors, puts democracy in danger.

The High Court also rightly defends the right of the accused to a speedy trial. Undertrials in India languish for years in prison because they cannot meet

**Refusing to be overawed by the smokescreen of "alarming and hyperbolic verbiage", the HC has named what is in plain sight: that the factual allegations against the anti-CAA activists refer merely to protest, and cannot be termed "terrorism".**

unreasonable bail conditions or costs. It is no coincidence that a disproportionate percentage of these undertrials are from Dalit, adivasi and Muslim communities, and most of the undertrials are poor. The draconian UAPA, aided by narrow and regressive interpretation by the Supreme Court, has compounded such systemic injustice, by legally seeking to prevent courts from examining the merits of the case while hearing a bail petition. The UAPA has become a weapon by the State to imprison human rights defenders indefinitely, since police forces and agencies like NIA stretch out "investigation" for years, and bail is denied to the accused in the meantime. The Delhi HC corrects this, drawing on the precedent of the Kerala HC bail in the Najeeb case which was upheld by the SC, and reminding courts that it is their duty to free the accused on bail to prevent their lengthy incarceration. It explicitly rejects the suggestion by the Additional Solicitor General that the courts should only offer relief after waiting till the accused's "right to a speedy trial guaranteed under Article 21 of the Constitution is fully and completely negated".

The Delhi HC bail orders vindicate

what pro-democracy activists have been saying since last year: that the Delhi Police investigation is blatantly biased, and has spun a fantastic conspiracy theory to falsely accuse anti-CAA protestors, especially those of the minority Muslim community, of the very "riots" (in fact, planned and targeted violence) of which they were actually victims. The Delhi Police is yet to take any action at all against Kapil Mishra, Anurag Thakur and other BJP and RSS leaders who called upon mobs to shoot and kill protestors, and led violent, armed mobs on Delhi streets.

While every UAPA prisoner must get bail in keeping with the principles outlined in the Delhi HC order, that alone will not constitute justice. Justice demands that the whole Delhi Police investigation be scrapped and replaced by a fresh investigation monitored by the Delhi HC; that the Delhi Police officers responsible for imprisoning innocents on the basis of a chargesheet that has nothing but "superfluous verbiage", be punished. Above all, each of the persons forced by the Delhi Police's vindictiveness and political bias to be in prison in these pandemic times, must be adequately compensated. □

# Outlining the G7 Summit



AISHIK SAHA

The G7 Summit, held between 11th and 13th June in Cornwall, UK in the backdrop of the ongoing COVID19 crisis and the deadly 'second wave' of infections in India. Key issues on the agenda were to ensure effective and rapid vaccination, climate change, and an end to tax havens. India was invited by the UK along with Australia, South Korea, and South Africa to be a part of the summit.

Since its very inception as the 'Library Group', the G7 has acted as a consultative body for the advanced global economies, where their interests could be consolidated. Given that many of the countries in the current G7 have been accused of hoarding vaccines, while many in the Global South (particularly India and South Africa) have been unable to procure enough for their own populations, the stark differences remained on issues that needed to be sorted out.

## Global Corporate Tax

The US president Joe Biden has been championing the cause for a global corporate tax arguing that the current system incentivizes corporations to stash their profits in overseas tax havens while encouraging a global 'race to the bottom' for corporate tax rates. This is undeniably true as global corporate taxes have fallen from a global average of 49% in 1985 to 23% in 2019<sup>1</sup>. Most of these earnings end up stashed in tax havens like Bermuda, the Caymans, Ireland, the Netherlands, Singapore and Switzerland. In a speech by US Secretary of the Treasury Janet L.

[1] [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3655850](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3655850)

Yellen to The Chicago Council on Global Affairs, emphasized on the need for a global corporate tax. While the initial proposal by the Biden administration was for a 21% global minimum corporate tax rate, further negotiations have seen the figure slide down to as low as 15%.

While accepting the need for a global minimum corporate tax, Gabriela Bucher, Executive Director of Oxfam International, pointed out that the 15% rate is far too low and comparable to the soft rates charged by existing tax havens. She points out that "Billions of dollars in revenues lost to tax havens each year would flow to wealthy countries where most of the large multinationals like Amazon and Pfizer are headquartered —regardless if their sales and profits are actually made in developing nations. The G7 can't expect the majority of the world's countries to accept crumbs from its table"<sup>2</sup>. Oxfam lends its support to the Independent Commission for the Reform of International Corporate Taxation (ICRICT) demand for a global minimum corporate tax of 25%<sup>3</sup>.

Dani Rorik, Professor of International Political Economy at Harvard University, pointed out that certain developing economies rely on tax incentives to attract FDI<sup>4</sup>. Most of the share of the tax income would

[2] <https://www.oxfam.org/en/press-releases/g7-global-corporate-tax-deal-far-fair-oxfam>

[3] <https://static1.squarespace.com/static/5a0c602bf43b5594845abb81/t/5ee79779c63e0b7d057437f8/1592235907012/ICRICT+Global+pandemic+and+international+taxation.pdf>

[4] <https://www.project-syndicate.org/commentary/g7-corporate-tax-agreement-end-of-hyper-globalization-by-dani-rorik-2021-06>

flow towards high income countries where the sales are made whereas low income countries, which often provide labour and raw materials might be left behind.

A remedy has been suggested by Emmanuel Saez and Gabriel Zucman at the University of California, Berkley that proposed to levy a tax of 0.2% on publicly listed companies' stock market capitalization – the value of their shares<sup>5</sup>. Taxes raised could be allocated proportionally to the sales made in each country, which would include non-G20 countries.

While the effect that a new global tax regime on India isn't apparent, it is unlikely that the Indian economy will remain unaffected by the changes. India held an unfavourable stance towards the initial 21% minimum tax rate, especially since India had lowered the corporate taxes on newly incorporated companies in 2019 to 15%. The general consensus, especially among corporate consultants, is that India will benefit as it has a large market for big tech companies. However with increasing inflation nullifying any improvement in the purchasing power of Indians and weak economic recovery in the aftermath of the pandemic, India could soon lose its sheen as a market.

## Preventing Climate Change and Future Pandemics

Another key agenda on the G7 meet was that of Climate Change. A study by the Swiss Re Institute demonstrates that in the case of an increase of global annual temperatures between 2-2.6 degrees Celsius would result in

[5] <https://gabriel-zucman.eu/files/SaezZucman2021EP.pdf>

a shrinking of global economies by more than 11% and the Indian economy shrinking by a quarter<sup>6</sup>.

One major commitment made was on the phasing out of coal powered industries as a major source of global warming and a shift towards 'Green Energy' sources. The G7 committed to spending \$2.8 billion towards incentivising developing countries to transition from fossil fuels into environmentally sustainable solutions. The target is supposed to limit global warming to 1.5 degrees celsius. The 2021 United Nations Climate Change Conference (COP26) to be held later this year in Glasgow is likely to deliberate on this issue further.

The idea for a 'Green Belt and Road Initiative' has been pitched, with the implicit idea of countering China's 'Belt and Road' plan for massive investments in Central Asia, West Asia, Eastern Europe, Africa and SE Asia<sup>7</sup>. Such an approach however has the potential to be rendered counterproductive as it emphasizes on applying a geopolitical lens to a problem that requires a collaborative solution.

This confrontational approach was seen in the revival of the theory that COVID19 was developed in a Wuhan lab as a potential bioweapon, an idea first pitched by Donald Trump which has significantly hampered initiatives to prevent the spread of the virus and strengthens 'anti-vaxxer' arguments.

The G7's commitment to deliver 870 million vaccine doses by the end of 2022 falls far short of both need and expectation. Many of the G7 nations have been criticized for

[6] <https://www.swissre.com/dam/jcr:e73ee7c3-7f83-4c17-a2b8-8ef23a8d3312/swiss-re-institute-expertise-publication-economics-of-climate-change.pdf>;

[7] <https://www.ft.com/content/f33b43e6-0cea-486b-a3cf-628a31c09693>

withholding and stockpiling vaccine doses that were multiples of their population, while others like India were left out to dry. Though this criticism doesn't take away any of the blame that lies with the Indian government for exporting millions of vaccine doses even as a majority of Indians remained unvaccinated.

The joint statement released at the end of the meeting emphasized on the need to establish a global framework for detection and identification of emerging diseases and the swift development of vaccines. This requires a shared commitment to scientific progress regardless of geopolitical contradictions.

### The Commitment to Open Societies

The G7 emphasized on the commitment to 'open societies', democratic values and multilateralism. Among all the declarations made at the G7 summit this one rung the hollowest. The United States, has been plagued by accusations of voter suppression in Republican led states with many US lawmakers even currently making various attempts to overturn the popular mandate of the 2020 US Presidential elections. The mistreatment of immigrants, the police violence and disproportionate incarceration of Black and racial minority groups in the US found no mention as the term 'systemic discrimination' was found in the declaration.

India's objection to a blanket critique of internet shutdowns was also accommodated and the term 'politically motivated internet shutdowns' was introduced in order to allow the Indian government a space to weasel itself into the declaration. The crimes of the BJP in shutting down all access to internet in Kashmir, as well as various parts

of India during the protests against NRC-CAA-NPR and the Kisan Andolan cannot be ignored. Neither has the Yogi government's arrests of healthcare workers for speaking out about the condition of hospitals or even mentioning the crisis caused by the second wave of COVID19 escaped attention.

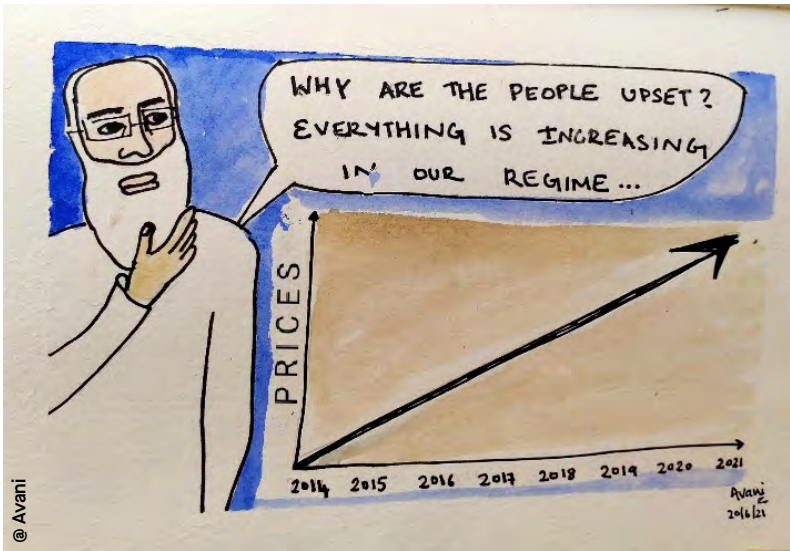
Even in the aftermath of the G7 declaration, the Indian consulate in Toronto, Canada wrote to a school in the city accusing it of spreading hatred for teaching its students about the Kisan Andolan. This should speak to the credibility of the G7's commitment to transparency and freedom of speech, given that Canada is a member of the G7.

### The Way Ahead

The G7 while raising many of the issues that are of real concern, have rarely taken up any concrete steps capable of addressing them. Let us take the example of the issue with tax havens, it has come to be universally understood that the low benchmark 15% lets companies that have engaged in stashing profits abroad off the hook. More importantly the discussion does not address the fact that while capital flow is globalized, there has been no talk about taking steps towards a 'globalized labour regime' that can put an end to the superprofits earned by MNCs. Similarly the talk of the economic cost of the pandemic or climate change completely ignores the very real human cost that has been inflicted on the working class people of the world.

What the G7 demonstrates is that there is a real need for a forum for people-to-people discussion regarding the very real problems that we face rather than one in which leaders of certain countries meet for photo ops and empty words. ■





or into the so-called 'gig economy'.

NASSCOM has however contradicted the claims stating "With the evolution of technology and increasing automation, the nature of traditional IT jobs and roles will evolve overall leading to creation of newer jobs. The Industry continues to be a net hirer of skilled talent, adding 138,000 people in FY2021."

Essentially, the claim made by NASSCOM is that the jobs in the IT sector are secure because despite the ongoing process of automation, the sector has been a 'net-hirer'. Of course being a net hirer does not mean that those currently in employment will be retained or will have equal levels of job security. There is no clarity regarding the process of reskilling and most of those employed in the jobs that are at the highest risk of being automated have no job security to speak of.

The report however has sparked concern with the Pune based Nascent Information Technology Employees Senate (NITES), an organisation working to protect interests of IT employees, appealing to the Maharashtra government to establish an independent board for the IT / ITES sector to protect the welfare,

rights and families of employees.

### India's NPA Crisis Worsens

India's Non Profitable Asset (NPA) crisis seems to be growing deeper as Indian banks have written off loans worth Rs 1.53 lakh crore in 2020-21 to show reduced NPAs on their accounts<sup>4</sup>. This is deeply troubling as Rs 2.54 lakh crores NPA were written off in the financial year 2019-20, which was the highest in the decade. What is even more concerning, is that experts have predicted a rise in bad loans to 13-15% in the current fiscal year.

Recoveries have taken a significant hit as many micro-finance institutions have been sharply been hit by the economic crisis that has accompanied the COVID19 pandemic and the subsequent lockdowns. Tourism, hospitality, restaurants, salons, aviation, construction, textiles and high-contact services are among the worst-affected segments<sup>5</sup>.

[4] <https://www.newindianexpress.com/business/2021/jun/13/rs153-lakh-crore-bad-loan-write-off-gives-a-facelift-to-banks-npa-profile-2315595.html>

[5] <https://indianexpress.com/article/business/banking-and-finance/experts-see-new-surge-in-bad-loans-could-rise-to-13-15-per-cent-this-fy-7360806/>

The blame for the current crisis however lies squarely on the BJP government, which has failed to support the most vulnerable sections of the society during the pandemic.

An Oxfam report had pointed out back in January that the wealth of Indian billionaires had increased by 35%, an amount which would be enough to provide the poorest 13 crore Indians with nearly one lakh rupees each<sup>6</sup>. In fact this is a part of a global trend that has seen the world add 607 new billionaires while the vast majority of people suffered during the crisis<sup>7</sup>.

It must be pointed out that an RTI in 2017 had revealed that big corporate entities held Rs 9.5 lakh crore in NPAs. An *IndiaSpend* report also pointed out that top 12 corporate NPAs cost more to the exchequer than farm loan waivers, lest anyone be tempted to lay blame on the farmers and small lenders for the current crisis<sup>8</sup>. The current crisis is very much the result of 'corporate friendly' policies of the union government that have made them less accountable to the public, while benefitting off the taxpayer.

It is important that political pressure is generated so that any fresh write-off must be done in consultation with the vast majority of Indians, who have been adversely affected by the process and must bear the burden of the irresponsible risks taken by corporates. □

[6] <https://www.oxfamindia.org/press-release/inequality-virus-india-supplement-2021>

[7] <https://www.thehindu.com/news/national/india-adds-40-billionaires-in-pandemic-year-adani-ambani-see-rise-in-wealth-report/article33970268.ece>

[8] <https://www.indiaspend.com/top-12-corporate-npas-cost-exchequer-twice-as-much-as-farm-loan-waivers/>



# Count Every Death

## Just How Big Could India's True Covid Toll Be?

By Lazaro Gamio and James Glanz May 25, 2021



In 2019-20, India was haunted by the spectre of the NRC – a national register of citizens that Prime Minister Modi and his Home Minister Shah had promised. Modi and Shah had claimed that this exercise of forcing every Indian to “prove” citizenship to the government, through legacy documents.

But now, reeling in the wake of a deadly Covid-19 second wave, Indians are in a situation where it is the dead, not the living, who are not being counted as citizens by the government, which is seeking to undercount Covid deaths to play down the scale of the disaster created by it.

The BJP's parent organisation the RSS Propagandists for the government are trying to tell us it is time to “move on” with the business of living. But to fight for life, we must look death in the face

and name the killers. If we shut out eyes and silence our voices on the millions of Indians who died gasping for oxygen, we are only paving the way for our own deaths and deaths of millions more.

The bland and comforting Covid-19 death tolls being announced by states all over India, and by the Central government, are belied by the horrific images of dead bodies washing up downstream of the Ganga river; bodies buried in makeshift graves on river banks; videos of people throwing a body into a river from a bridge; funeral pyres spilling out onto parking lots and streets; and metal frames of the crematorium furnaces melting as they were forced to burn round-the-clock without respite; not to mention the frantic cries of family members begging for oxygen and hospitals shutting doors because they ran out of oxygen.

### Excess Deaths

All over the world, undercounting is a phenomenon and actual Covid death tolls are being calculated by comparing the number of deaths in a given period this year, with the number of deaths in the same period in 2018 and 2019. The difference - called “excess deaths” – gives a fair idea of the actual scale of Covid deaths.

But India is among the worst in the world when it comes to deliberately and shamelessly undercounting deaths.

In India, the actual number of deaths can be calculated by looking at the Civil Registration System - a nationwide record of all births and deaths headed by the Office of the Registrar General of India and implemented by state governments. Even in normal times, states usually register less than 80% of the actual number of deaths – still, the Civil

Registration Numbers are the closest we have to an accurate record of deaths in India.

**Based on these calculations, journalists found the following:**

In **Madhya Pradesh**, in May 2021, **the death toll was five times more than what has been normal** in this month in previous years. In addition to cities, rural districts like Chhindwara also reported a much higher number of deaths than usual.

Rukmini S, writing for the Scroll, found that *“In May 2018 and 2019, Madhya Pradesh saw a little over 31,000 deaths over the month on average. However in May 2021, Madhya Pradesh saw over 1.6 lakh reported deaths, or nearly five times the usual number of reported deaths. In all, Madhya Pradesh saw more than twice as many deaths between January 1 to May 31 this year compared to the 2018-’19 average.”*

She also noted, *“Officially, Madhya Pradesh reported just 4,461 Covid deaths between January 1 and May 31, 2021. The excess deaths seen in the same period are 42 times the reported Covid death toll.”* These excess deaths may not all be Covid deaths – they could also be many deaths due to the *“disruptions of routine health services”* in this period, as a result of which persons with heart, kidney and other diseases could not access lifesaving medical care.

*She ended by warning that “The final numbers for MP are likely to be even higher, as deaths are often registered with a significant lag.”*

The **Bihar story is even more stark**. Aruveetil Mariyam Alavi wrote for NDTV, *“About 1.3 lakh deaths were reported in Bihar in January-May 2019. The figure for the same time period in 2021 was almost 2.2 lakh, according to data*

*from the state's Civil Registration System, showing a difference of about 82,500. More than half of this 62 per cent increase was reported in May this year. However, Bihar's official Covid death fatalities figure for January-May 2021 was 7,717. Yet, the overall number of official Covid deaths in the state is only a fraction of the excess deaths recorded by its Civil Registration System -- a difference of 74,808 to be precise.”*

So the actual number of deaths in the second wave period is ten times the official Covid death toll admitted to by the Bihar Government.

Andhra Pradesh reported over 130,000 deaths in May 2021, or nearly five times the usual number of deaths reported in the month.



**The excess deaths between January to May 2021 was 34 times the official Covid-19 toll.**

Arunabh Saikia writing for the Scroll, found that in the first few months of the Covid-19 first wave, *“Assam saw 28,000 more deaths than normal, and the excess deaths were 30 times the official Covid-19 death count.”*

In Tamil Nadu where the situation is considerably better, the excess deaths amount to four times the official Covid-19 death toll. In Karnataka the excess deaths amount to six times the official

Covid-19 death toll.

The news website Article-14 obtained mortality data under the RTI Act for Uttar Pradesh – the state where you can be arrested for reporting oxygen shortage, Covid deaths, or bodies in the Ganga. It found that *“Excess deaths in UP districts with highest official caseload were between 10 to 335 times higher than the government’s Covid-19 death toll over nine months to 31 March 2021.”* And this is the period covering the first wave and the very beginning of the second wave – minus the peak months of the second wave, April and May 2021.

**Article-14 reported:**

***Here are data for six districts, disaggregated:***

- **Balia**, close to Ghazipur, registered 7,300 excess deaths, about 120% more than the same period in 2019-20 and 68 times higher than the official Covid-19 death toll of 107.
- **Unnao** registered over 10,400 excess deaths, about 134% more than 2019-20, and 117 times more than the official death toll of 90.
- **Kanpur Dehat (rural)** registered 4,040 excess deaths, 236% more than 2019-20, and 106 times more than the official toll of 38.
- In **Amethi**, about 13,000 more people had died than normal, more than 1700% than 2019-20. The official death toll was 39, or 335 times less.
- **Lucknow district**, which hosts the state capital, registered over 30,200 excess deaths, 524% more than 2019-20 and 25 times more than the official death toll of 1,211.
- **Bareilly** registered 12,000 excess deaths, 72% more than 2019-20 and 73 times more than the official death toll of 166. During

the second wave, Union Minister Santosh Gangwar, the BJP MP from Bareilly, wrote a letter to Adityanath, expressing “grave concern” over the State’s pandemic mismanagement.

- **Agra district**, where on 12 May 2021 Article 14, anecdotally, found vast underreporting, registered around 10,000 excess deaths,

103% more than 2019-20 and 56 times more than the official death toll of 178.

Apart from the 24 districts, most other districts registered deaths 20% to 150% in excess of 2019-20 and between five to 100 times higher than the official Covid-19 death toll. □

## So How Many Indians Actually Fell to the Covid-19 Second Wave?

The New York Times notes that as of May 24, India’s official second wave Covid death toll was 307, 231. But NYT, with the help of a range of experts, said that even a conservative estimate amounts to 6 lakh deaths. A more likely scenario, according to the NYT calculation, would be 16 lakh deaths. A worse but entirely possible scenario according to NYT is 42 lakh deaths.

The Indian Government has of course tried to pooh-pooh these calculations. But it is worth noting that data analysed by NDTV had shown there were at least 4.8 lakh unexplained excess deaths in just five states: Madhya Pradesh, Andhra Pradesh, Tamil Nadu, Karnataka, and Delhi. If just five states accounted for nearly 5 lakh deaths, is it really a stretch to accept that India’s 28 states and 8 Union territories might account for 42 lakh deaths?

### Kumbh Mela Testing Scam Killed People

We cannot forget that the Kumbh Mela at Hardwar was advanced by one year and held in April 2021 instead of 2022 when it was actually due to be held.

In light of the Covid-19 pandemic

the then Uttarakhand chief minister Trivendra Singh Rawat insisted that only a restricted, symbolic Kumbh Mela would be held. The BJP fired him and replaced him with the current CM Tirath Singh Rawat who held a full-scale Kumbh. Tirath Singh Rawat brushed off Covid concerns and comparisons with the much smaller Tablighi Jamaat gathering in Delhi in 2020 which the BJP had demonised as a Muslim ‘superspreader’ event. He declared that Covid-19 would not harm true Hindu devotees, and so no Hindu gathering no matter how huge, could ever be a ‘superspreader’. The implied threat was that anyone questioning the Kumbh would be branded “anti-Hindu”, which in BJP’s vocabulary, is “anti-Indian.” He also boasted of the Covid safety arrangements at the Kumbh, including Covid testing of the devotees. PM Modi also issued full-page advertisements in papers assuring devotees that the Maha Kumbh was “clean” and “safe” and encouraging them to attend.

Now we know that Covid test results at the Kumbh were fabricated. This scam came to light thanks to the efforts of an ordinary citizen who did his job of being stubborn and refusing to be

dissuaded from asking inconvenient questions. Vipin Mittal, an LIC agent from Faridkot, received an SMS saying that he had tested negative for COVID-19, but he had not taken any test! “My COVID-19 report said I was negative, but I hadn’t taken the test. I went to local district authorities, but I was told to go away. Health department officials were also not interested in finding out what was going on. As a last resort, I filed an email complaint with the Indian Council of Medical Research (ICMR),” Mittal told a newspaper. ICMR promised to investigate but did not get back to him. He then filed a query under the Right to Information (RTI) Act – seeking details of a lab that had conducted his test. The reply informed him that his swab had been collected and tested in Haridwar – where the Kumbh was being held. The probe that resulted revealed that Mittal’s was one among one lakh Covid tests forged by a single lab.

The official positivity rate also had clearly indicated a scam but the Uttarakhand administration had turned a blind eye to it. Haridwar’s positivity rate during the Maha Kumbh was 80% less than the rest of state. This clearly meant that test results were either faked or suppressed.

This is no ordinary scam – it is a scam made possible by Hindu-supremacist and Islamophobic regimes in Uttarakhand and the Centre, and the equally Hindu-supremacist and Islamophobic Indian media that baselessly demonised the small Tablighi Jamaat gathering, while refusing to ask questions about the decision to host the Kumbh Mela in the middle of the second wave that had already begun building up in February-March. This scam literally helped

Covid-19 to kill lakhs.

A whopping 90 lakh devotees attended the Kumbh Mela – and then returned, falling sick and spreading the sickness as they returned to homes in villages and cities all over India.

Whereas the Tablighi Jamaat attendees were carefully tracked, tested, and quarantined, no effort was made to do the same for the Kumbh devotees. Hindu devotees' lives were treated as dispensable by the Hindu-supremacist BJP. Yet the BJP vice-president, Bajajayant Panda, said that anyone who called the Kumbh Mela a superspreader event had a "hinduphobic" agenda.

**Here is the Guardian newspaper's report on the Kumbh's superspreader effect:**

*"Accounts gathered by the Guardian from the states of Madhya Pradesh, Uttar Pradesh, Bihar, Kashmir and Karnataka indicate that the virus travelled*

*back with countless devotees and found its way to poor rural communities where access to healthcare and testing was limited or absent, with often devastating consequences. "Pilgrims from all states carried variant viruses and seeded epidemics," said T Jacob John, a former director of virology at the Indian Council of Medical Research. In the aftermath, Ashish Jha, dean of the School of Public Health at Brown University, said the Kumbh Mela was possibly "the biggest superspreader event in the history of the pandemic".*

BJP leader Thakur Puran Singh from Rajouri (Kashmir) contracted Covid-19 at the Kumbh which he attended with his family. He died of it, as did his brother, but his family members hid the fact that they had attended the Kumbh, and went on to attend 4 weddings. As a result, they spread Covid-19 to at least 24 people. □

## A Campaign To Remember Covid Victims

**A** number of artists, writers, and activists initiated a campaign to 'Count Every Death', commemorate Covid victims and amplify the voices of family members who lost loved ones.

Among the hundreds who have endorsed this call include a cross section of activists, artists, retired government officials, actors, media representatives, academics and organisations from across the country and state. They include former IAS officer Sashikanth Senthil, actors Parambrata Chatterjee, Chethan "Ahimsa" Kumar, Prakash Raj and Richa Chadha, badminton player Jwala Gutta, singers T.M.

Krishna, Moushumi Bhowmik and Rupam Islam, artist Shuddhabrata Sengupta, Assam MP Ajit Bhuyan, Gujarat MLAs Chhotubhai Vasava and Jignesh Mevani, Bihar MLAs Manoj Manzil and Mahboob Alam, Jharkhand MLA Vinod Singh, former navy chief Admiral Ramdas, writers and academics Sumit and Tanika Sarkar, Shiv Vishwanathan, V. Geetha, S.V. Rajadurai, Paranjay Guha Thakurta, Samim Ahmed, Du Saraswati, Rajendra Chenni and Rahamath Tarikere, senior advocate Indira Jaising, Kannada filmmakers Giriraj and B. Suresh, activists Kavita Krishnan, Annie Raja, Bela Bhatia, Medha Patkar, Shabnam Hashmi, Clifton

D' Rozario, Yogendra Yadav, Agriculture Economist Dr. T. N. Prakash Kammardi, Shilpa Anand, faculty member at BITS-Pilani; and organisations like All India Central Council of Trade Unions (AICCTU); Stree Jagruti, Grameena Kooli Karmikara Sanghatane; Gamana Mahila Samuha; Karnataka Mahila Dourjanya Virodhi Vedika; Environment Support Group; and Slum Janandolana.

The appeal says: "Governments do not want to count the dead or even admit they have died. They are even removing the shrouds from the riverside graves so that the world may not be able to count our dead. By refusing to count them, they are seeking to forget our precious loved ones. But we cannot let our loved ones be forgotten: each has a name, each must be remembered, each must continue to be loved."

Richa Chadda said to a newspaper, "A lot of people are numb or gutted right now. It will take a long time to heal. People aren't just statistics: they are colleagues, papas, betis (daughters), dadis (grandmas), classmates and wives." Jwala Gutta added, "We cannot exist as a society without (remembering) those who lost their lives, like the workers who died on the roads. I shall be surprised if no human feels for these people."

TM Krishna told the paper, "Are these Covid deaths? These are deaths caused by an uncaring government. The migrant workers dying is a classic example, and people dying for lack of oxygen."

NFIW leader Annie Raja said that women from many states had joined the campaign and collectively mourned the Covid and lockdown victims, and demanded accountability from the government,

to ensure that such killings are not repeated.

'Mahasweta Samajdar, Editor 'Bhraman' magazine, read a Bengali poem by Birendra Chattopadhyay. Kavita Krishnan read a poem by Diksha Bijlani, in the original English, and also translated by her into Hindi, titled "When living is political, can death be apolitical?"

In Karnataka, many workers and activists joined the campaign and spoke on a Zoom call about their experiences of loss. Activist and artiste D Saraswati said they would document all the people who died due to lack of oxygen, hospital admission, medicine or food. "We are here to establish our bonds by remembering all those as ours. We will gather every Sunday and try to ensure these are not just numbers but living and breathing people."

Narayanamma, a pourakarmika (municipality sanitation worker), inaugurated the event by lighting a candle. She said her friend and colleague Susheelamma died in hospital after developing breathing problems: "We don't know whether she got oxygen. Maybe she would have lived had she got oxygen. We want a Rs 30 lakh compensation for her family. We demand that a member of her family be given a job by the government."

Shouri Raj, who heads an association of crematorium workers in the city, said they had been working from 6 am to nightfall every day and would continue to do so. "I have seen so much pain that it made me cry. The words of people who bring the bodies still weighs on my mind."

Poet Sharifa K read out a poem that questioned the need for constructing the Central Vista at a cost of Rs 20,000 crore when people are not able to pay for beds



ASHA workers taking part in Count Every Death Campaign

and oxygen.

Shivalinge Gowda, an activist from Chamarajanagar, blamed the bureaucracy for the death of 36 people there due to lack of oxygen in the Chamarajanagar hospital. He said the government acknowledged only 24 of these deaths.

Many Indians living in other countries (Singapore, Australia, UK, USA) also joined the campaign.

The All India ASHA Workers Coordination Committee joined the 'Remember loved ones, Count every death, Share every sorrow' campaign, saying that a large number of ASHA workers heroically battling Corona on the frontlines died but governments are shirking their responsibility of giving them dignity and respect and providing social security to their bereft families. The governments do not even have statistics related to ASHA deaths, and is hiding whatever figures they do have. The ASHA workers, paying tribute to their sisters who died, demanded Rs 10,000 monthly Corona allowance and health insurance of Rs 10 lakhs for all ASHA workers.

In response to the call given by the All India ASHA Coordination Committee, the Bihar State ASHA Workers Sangh organized memorial

meetings at PHCs and Sadar Hospitals on 15 June to honour the memory of ASHA workers who died during the Covid pandemic period. Despite pouring rain, hundreds of memorial meetings were organized across the State. Large numbers of people remembered their loved ones by offering floral tribute at the portraits of deceased ASHA workers.

AICCTU-affiliated Uttarakhand ASHA Health Workers Union activists organized a memorial meetings and paid tribute to all the deceased ASHA workers by lighting candles, holding posters and placards, and observing a minute's silence.

ASHA Health Workers Union State General Secretary Dr Kailash Pandey said that the government says ASHAs are Corona Warriors, but gives them no facilities. They had to bear their own medical costs and were not paid the Rs 50 lakhs compensation announced by the government. Their Corona period honorarium is also not being paid timely.

Delhi Asha Kamgar Union and AICCTU activists visited the home of an Asha worker in Mustafabad, Norrma, who died after being infected with Covid on duty. Her husband is a factory worker. He

said his wife died due to oxygen shortage. "ASHA workers go house to house on behalf of the government to care for everyone's health, for public health. But

when they themselves fall ill, the government does nothing to help them." Noorma's daughter, a Class IX student, and her two younger brothers speaking about how they

miss their mother who used to help them study, used to cook meals for them. "I don't know how to cook, how will we manage", she said. □

## CPIML's Covid-death Surveys in Bihar

The CPIML is conducting a painstaking door-to-door survey of deaths that took place in villages between 1 April-May 31. This survey is being accompanied by village-level memorial meetings for the Covid victims. These meetings are helping to break the stigma surrounding Covid deaths. The survey is still ongoing but here are some initial takeaways.

In 14 panchayats of Tarari block, rural Bihar:

- 367 people died between.

- Only 20 of these had been tested for Covid, though the majority of them had "cold-cough-fever-breathlessness" symptoms.

- Most could not go to hospitals: the reasons included fear, stigma, distance and expense of travel to a hospital

- it is only on being approached by AISA, RYA, AIPWA comrades that they are speaking of the deaths, and

agreeing to seek compensation.

In Danwar Bihta village (Karakat block, Rohtas) alone, 31 people died between 1 April and 31 May, all with symptoms of cold-cough-fever-breathlessness.

This survey will continue and be accompanied by a "Healthy Bihar" campaign in the first two weeks of July. Liberation will carry a detailed report of the survey. □



## Lessons of the Pandemic: Jobs, Wages, Housing, Food Security Are Public Health Issues

*(Interview with AICCTU National Secretary and CPIML Karnataka Secretary Clifton D'Rozario, who is also an advocate who has consistently argued Covid-19 and lockdown relief cases in the Karnataka High Court. The interview is reproduced with gratitude from The Third Eye, 18 June 2021)*

**Can we talk about the Right to Food campaign and the issue of food security as part of public health?**

The Right to Food campaign is the basic acknowledgement of the malnutrition and hunger that exist in India. It made the courts take cognizance of continuing hunger. I have my differences with that

[symptomatic relief] approach: the Right to Food Campaign, I mean, because the courts are never going to address the reasons for chronic poverty. You get the national food security scheme or meals arranged through anganwadis but none of that is enough.

You have to address the reason why I don't have food on my plate today. It's not because I am lazy. It's because I have no work. Or I have work and I work so hard but I don't get paid commensurate with the work. I don't have job or social security. If I fall ill, I have to pay through my nose.

If malnutrition is so rampant in our country, it's neither the children's

fault nor their parents'. We need living wages for the people and more equitable resources.

**What did the events of the last year reveal about our food security policy?**

When you put the entire country into a lockdown with a four-hour notice, what does that even mean? You can't say you don't know. You just don't care that the majority of the country will not have food to eat the next day. Then it took more than 10 days for the government to come up with the Pradhan Mantri Garib Kalyan Anna Yojana. Five kgs of rice and two kg of chana for two months. That policy decision was so disrespectful and lacked an



understanding of ground realities. When you took away their right to earn, they did not have cash in hand. They had no cooking gas. They could not buy oil or masalas. These are things that people buy on a weekly basis. Anyone who has lived in a daily wage household would know this. By giving just rice and chana, you think you are doing something great.

Cut to this year. Take Karnataka. We are almost now three weeks into the lockdown. When the lockdown was declared, the state government had absolutely no policy for meeting food security needs. Instead, what it has said now is that Indira Canteen food packages will be distributed to the poor three times a day. And in rural areas, gram panchayats will distribute food packets to those who need it. You expect the working class to stand in queues every single day, three times a day. From a policy point of view what has the state government learned from last year? Zilch.

When I was recently arguing the matter in Karnataka High Court [concerning the management of the Covid-19 pandemic in the state], I said you can't make people stand in the queue every day for a meal. It's disrespectful of people; you are undermining their dignity. You have brought down the lockdown on these people who work hard every single day. You have taken away this ability from them and now you expect them to stand in a damn queue every single day to beg for food.

Or look at the right to shelter. People don't have money to pay their rent. Last year the central government issued an advisory that landlords should not receive rent for the lockdown period or take a delayed payment. That of course was not implemented. This year there wasn't even that facade. Lockdowns have been declared in state after state and there is no protection of right to shelter. Already you're hearing stories of

people who are being threatened with eviction.

Or look at loans. Forget about banks. Let's look at self-help groups. Last year, from our party, we ran this very big karza maafi campaign after the lockdown. We were specifically targeting the microfinance institutions, because [the terms] are insane. You take a loan from a self-help group, if you don't even pay one instalment, ten women will land up outside your house to ask you what the hell is happening, you better pay right now. Basically this maana-maryade [status and honour] thing that's what they play on. Look at the cumulative impact from last year's lockdown. Look at the Centre for Monitoring Indian Economy (CMIE) report and you see the massive the job loss, rising unemployment rate, dipping wages. But there is no protection of the working class from loan sharks or from a microfinance institution, nothing. It's very difficult to find any kind of policy statements

or scientific thinking.

**Your position is that it's not possible to fix public health even in the short term without looking at food security, shelter, financial exposure and other factors. When you were arguing in High Court recently what were your recommendations to the Karnataka government?**

What we have suggested to the state was cash assistance to be given to families to help them get through these times. We recommended free rations by which we mean free ration kits — you know, rice, dal, masala, cooking oil, cooking gas, whatever fuel that they're using, all of those things.

We asked that an order be passed under the Disaster Management Act, prohibiting the eviction of any people from their houses for non-payment of rent. We asked for a waiver of all electricity and water bills and a moratorium on all loans on the repayment of any loans to microfinance institutions, private lenders, and of course, nationalised banks.

We also asked that under the National Food Security Act, via the anganwadis, the government meet the nutritional needs of children below the age of six, pregnant women, lactating mothers, and adolescent girls [and these] should be delivered to their doorstep. And also midday meals for school going children. You might ask why do we need to recommend it, isn't it a statutory order? But they didn't do it last year. Midday meals were not given in Karnataka to school going children because the schools were closed. The order was that they would give the children equivalent grain, which they can cook in their houses. Our government didn't do [this] for several months. So we

had to move the court to make that happen.

If you think about public health as a larger concept, beyond where we are currently in the pandemic, has there ever been an attempt to make it a reality and think it through in terms of policy?

[If you look at the pandemic] the Kerala model, of course, is a decent one. Their numbers are very, very high, but the deaths are very low. That indicates that at least access to health is being taken care of over there. I've not heard a single report of somebody dying because they didn't have oxygen or didn't have a bed. The moment they declared a lockdown, they declared a food pack ration kit package for every household. That's a very respectful way of treating people. There are some indicators of an urban model in Mumbai's triage system. Those are elements that seemed to have worked right now.

Given the way Covid is spreading to the rural areas, if Uttar Pradesh is anything to go by, there are dire consequences of being not prepared. Every single gram panchayat must have a Covid centre. You cannot expect people to self-quarantine in their houses, given the poverty and very small houses. To ensure quarantine can take place, to ensure that testing can take place, villages must have Covid centres, and at least basic supply of oxygen and medicines. In case of an escalation, people in a village know they can go to the Covid centre and there will be one doctor, ASHA workers and ANM workers who can ensure that this person is taken to a hospital. That's the most basic thing that needs to be done.

**Have any important public health debates shifted from the**

**background to the foreground because of the pandemic?**

Given the crisis mode most people are in and that we cannot have agitations at this point, these debates have not become a public discourse. And knowing the middle class, they could well go back to where they were. Right now, they are more than happy going to their private hospitals and trying to get vaccinated.

Still, there is definitely an attempt to talk about the amount of money that is spent on public health infrastructure. If you look at the state of the public health institutions, it's not the same across the country. In some states [they're] better and in some places they are absolutely crumbling. Without a doubt [the system] needs an upgrade.

Two, the manner in which oxygen supply and when drugs like Tocilizumab and Remdesivir have been totally centralised. The central government now decides which state gets how much. Even in the case of vaccination, everything is decided by the central government which has basically made a for-profit model. In a federal structure like ours, that is worrisome. The pandemic has only revealed the assault on federalism, the rights of state governments to take decisions. The demarcation of responsibilities and duties has become very muddled. That is something that will have to be sorted out as quickly as possible.

The third thing is our understanding of who works in public health. ASHA workers and sanitation workers are part and parcel of the public health system. Sanitation workers are called frontline workers. ASHA workers are called healthcare workers. They're the forefront of this battle against this pandemic,



but look at their condition.

Sanitation workers across the country are contract workers, don't get paid minimum wages and are already working in a very exploitative system. Then the pandemic happens. The garbage that comes from a household where there is a corona-positive person has to be treated differently from other garbage otherwise Covid is going to spread again. Sanitation workers are denied even access to basic protection. They collect with their bare hands, exposing themselves to this pandemic. The number of deaths of sanitation workers is [among other things] because of the lack of basic safety equipment.

And here it is not just a class question, it is also a question of caste and gender. It's about how seriously the government is concerned about sanitation workers or ASHA workers. Also in hospitals. The majority of nurses are on precarious contracts. As is the Group D staff who are predominantly women; ward boys, lift operators, sweepers, toilet cleaners, gardeners — they are all on contract. Again, they are in the same oppressive working conditions and at the forefront of fighting this pandemic. They are still treated so disrespectfully without any care for their lives. That's another very serious concern that one hopes is rectified soon.

**What would you say are the changes we need to lay a foundation for public health, which are not so obvious when we think about health only in terms of hospitals and drugs?**

One, living wages would ensure better public health. We still live in a time where we're talking about minimum wage, which is nothing

but starvation wages -- Rs 10,000, Rs 8,000. The Constitution actually talks about living wages. In our estimate, even a minimum wage at this point at this point will be around Rs 25,000. A living wage would be way above that.

Second, this entire very calculated contractualisation and informalisation of workforce that has taken place over the last 30 years now. If that could be undone, all the wages would automatically go up and they'd enjoy some notion of job and social security, some economic security. If a person is guaranteed a life where you didn't have to worry about shelter, a public distribution system where you didn't have to worry about food... For me the idea of ensuring equality in all realms, you know, that's very fundamental. Many people cannot work for any number of reasons. A monthly guaranteed kind of income for every household ensures that they can live as human beings.

As far as the health system is concerned, I'd say it's about nationalising the hospitals, especially in times like this. Like Spain did in 2020. If you're not going to do it, under the Disaster Management Act the government has the power to take over necessary resources. They can say that given the kind of situation we are in, every single health establishment is going to be under the government till we get through this crisis.

**Do you feel like massive decentralisation of healthcare, policy and decision-making would help us, if not nationalisation?**

I imagine it would but again, it depends where it happens. If it's going to happen under this particular system [of governance], it's not going to work. Kerala, to

some extent, has a very strong decentralised kind of a governance structure. The panchayats over there are not just rubber stamps. They actually take most of the big decisions from planning onwards. Decentralisation is necessary but there has to be financial stabilisation alongside. You cannot expect a village in a poorer region like north Karnataka, say to them okay now, these three villages, you guys do whatever, everything is in your hands. You have to ensure there is financial stability, they have access to resources to ensure decent living for all of its residents.

The fundamental question here then is how does one address these structural inequalities and the structural hierarchy that exists in our society. That is something that is not going to go away with the one policy decision.

Look at the education system, right? You are basically breeding an unequal race over there. A public health system cannot become egalitarian without a sense of egalitarianism in society.

Fraternity was included in our Constitution for a good reason. It exists in our Preamble. The reason it exists in our Constitution is because our naturalised hierarchies prevent compassion or empathy. I am not saying we should not take any policy steps; we should not do anything until we have fraternity someday [laughs]. I know all this sounds utopian but I am not saying, 'If an anganwadi is shut down and a child is not getting food to eat, let that child grow up and fight for his rights.' [What I'm saying is] that in an ecosystem where fraternity, equality, dignity are important, policy decisions will become much easier. □

# Delhi HC UAPA Bail Orders Come Down Hard On Attempts to Equate Protest With “Terrorism”

 KAVITA KRISHNAN

*(A version of this article first appeared in The Leaflet.)*

The Delhi High Court ordered the release of three of the student activists charged under UAPA in the Delhi riots cases - Asif Iqbal Tanha, Natasha Narwal, and Devangana Kalita. These three had secured bail in other Delhi riots FIRs, but were still in prison thanks to being charged under UAPA. The mood outside Tihar jail when these three came out of prison was charged with emotion. Most felt was the absence of Mahavir Narwal, Natasha's father who fell victim to Covid-19 before he could see his daughter free. The slogans painted onto Asif's face mask (defiantly saying No to CAA-NPR-NRC), and the slogans raised by the three young voices, lit up a spark of hope, even as we knew that it might not be long before there would be attempts to slam shut the window opened up by the exemplary Delhi HC orders.

Sure enough, the very next day, a Supreme Court bench heard the appeal by the prosecution seeking to stay the Delhi HC orders. While the SC did not agree to stay the orders, and allowed the three students to remain out on bail, it fenced off the bail orders in a silo, ordering that these would not be allowed to serve as a precedent in other UAPA bail cases until a judgment was passed on the appeal. So for at least a month, pending a final judgment by the

SC, other UAPA prisoners cannot benefit from the Delhi HC bail orders.

What do the Delhi HC orders say, and why are they significant? In fact, those orders should be read and discussed in every village, every jhuggi, every mohalla in India. Poor communities in India are intimately aware of the police forces' habits of framing innocents, using torture to extract false confessions, and indulging in custodial brutality. But when the media acts as stenographer and propagandist for the police and their political bosses, and vilify individuals and entire minority communities (such as Muslims, Sikhs, and adivasis) as well as human rights activists, as “terrorists” the same communities rarely find the confidence to publicly cast doubt on the police and media cacophony. The Delhi HC orders, if understood, can equip Indians to better understand their own rights, and learn to assess allegations levelled by the police and the State, by the correct yardstick.

## UAPA and Watali: Recipe For Indefinite Incarceration

For police forces all over India, the UAPA reinforced with the latest amendments, serves as the perfect tool to imprison dissenting voices for long, indefinite periods, without trial and with very little chance of bail.

How this works is that UAPA statutorily condemns an accused

to pre-trial detention, since the police enjoys a period of 180 days to investigate the case (as opposed to the usual 60 to 90 days under CrPC), and moreover those accused under UAPA are not entitled to bail if the Court is of the opinion that there are “reasonable grounds for believing that the accusation against the person is prime facie true”. The latter flows from the Supreme Court judgment in the Watali case (National Investigation Agency vs. Zahoor Ahmad Shah Watali).

This meant that the Court hearing a bail application could hear only the prosecution side, and was obliged to accept the prosecution allegations on their face, while being legally restrained from hearing any defence offered by the accused. So even if an allegation of “terrorism” under UAPA was based on a piece of forged “evidence”, the Court hearing a bail application by the accused, could not consider whether or not the evidence was forged. The Court could only examine whether the allegations appeared to be “true on the face of it,” without looking beyond the “face of it.”

In effect, this has meant that UAPA prisoners have been detained for years without bail, as the investigative agency delays trial on the pretext of continued investigation. In the Bhima Koregaon case, and the Delhi riots case, as well as several cases involving unarmed protestors all

over India, we have seen how the UAPA is used to criminalise protest and punish protestors.

The Delhi High Court orders giving bail to three students booked under UAPA in the Delhi riots cases, have finally clarified the issues and asserted the constitutional principles that need to be upheld in bail hearing in all matters including UAPA matters. In ordering their release on bail, those orders have moreover exposed the hollowness and vindictiveness of the whole Delhi Police investigation in the riots.

### Delhi HC's Answer To Watali

The Delhi HC interpreted what is arguably one of the UAPA's worst aspects, in favour of the constitutional rights of the accused. In the bail order for Asif Iqbal Tanha, it points out that the TADA and POTA laws had required courts to find accused persons prima facie "not guilty" in order to grant bail. The UAPA, in contrast, prevents courts from "delving into the merits or demerits of the evidence at the stage of deciding a bail plea" (as interpreted in Watali), and to restrict themselves to judging whether the allegations against the accused are "prima facie" reasonable or not. Here, instead of interpreting this to mean that the court must blindly accept the allegations of the prosecution as "prima facie true", the Delhi HC applies its mind to judge whether or not those allegations reasonably deem UAPA charges or not. The Delhi HC says that just as the court is prevented at the stage of bail, from looking into evidence that may prove the accused "not guilty", it is equally expected to refrain from looking at anything but the bare allegations of the prosecution. The court cannot look at any inferences that the

prosecution seeks to draw on the basis of evidence it claims to have. And the Delhi HC finds that the chargesheets against Asif, Natasha and Devangana, only accuse them of belonging to WhatsApp groups, or arranging a sim card to one of the administrators of one such WhatsApp group, planning protests against the CAA law, encouraging people to join the protests, and so on. And these, the Delhi HC concludes, simply do not meet any reasonable definition of a "terrorist" act for which the UAPA is meant.

The Delhi HC is quite scathing about the Delhi Police's attempt to compensate for the lack of specific and reasonable allegations, with words meant to shock and awe. It says that "the mere use of alarming and hyperbolic verbiage in the subject charge-sheet" cannot make up for the "complete lack of any specific, particularised, factual allegations, that is to say allegations other than those sought to be spun by mere grandiloquence".

What about allegations that the chakkajam (blockade of roads and highways) turned violent? There,

again, the Delhi HC makes the most reasonable observation: that the ordinary penal laws (under which the accused have already been charged, have secured bail, and are awaiting trial) are more than enough to deal with such offences. "Wanton use of serious penal provisions would only trivialise them", says the Delhi HC in the bail order for Asif.

### The Najeeb Bail Order: No To Indefinite Imprisonment

The Delhi HC recalls the Supreme Court judgment upholding the Kerala HC judgment giving bail in the KA Najeeb case. The ASG representing the prosecution argued that the Najeeb order was given on the grounds that accused had already been incarcerated for a very long time and there was no likelihood of the trial being completed in a reasonable time. This was not (yet) the case with the Delhi riots accused, argued the ASG. In response, the Delhi HC asked: "Should this court then wait until the appellant has languished in prison for a long enough time to be able to see that it will be impossible



to complete the deposition of 740 prosecution witnesses in any foreseeable future, especially in view of the prevailing pandemic when all proceedings in the trial are effectively stalled? Should this court wait till the appellant's right to a speedy trial guaranteed under Article 21 of the Constitution is fully and completely negated, before it steps in and wakes-up to such violation? We hardly think that that would be the desirable course of action. In our view the court must exercise foresight and see that trial in the subject charge- sheet will not see conclusion for many-many years to come; which warrants, nay invites, the application of the principles laid down by the Hon'ble Supreme Court in K. A. Najeeb (supra)."

### Process As Punishment

Two years ago, Mohammed Irfan Gaus (then 31), under-trial in a UAPA case, got bail in Bombay HC on the same grounds that Asif, Natasha and Devangana did: no prima facie evidence was found to merit UAPA charges. Gaus, and another UAPA accused in the same case, Ilyas, had by then spent seven years in Taloja jail (the same jail where the Bhima Koregaon UAPA prisoners are now incarcerated.) The Supreme Court stayed the bail order for Gaus.

On June 15, 2021 – the same date that the Delhi HC issued its bail orders - Gaus and Ilyas were acquitted by a special UAPA court. There was absolutely no evidence against them. But these innocent men had spent nine years – close to a decade of their young lives - in prison. This is what UAPA is for - to punish innocents whom the Government dislikes for their faith, or for their views.

By staying Gaus's bail the SC

kept an innocent man in prison for 9 years instead of 7. But surely these men should have got bail immediately following arrest, if it was clear that the case was going to last "many-many years", in the words of the Delhi HC? To end this phenomenon of "due process" becoming a punishment for innocent under-trials, the spirit of the Delhi HC orders must be upheld, to ensure that bail is given promptly as a rule, with only the rarest of rare exceptions.

The Delhi HC orders are a reminder of how unjust our "due processes of law" have become - for the poor under all laws because they cannot afford bail, and for everyone charged under UAPA. "Due process", which under UAPA means years of imprisonment based on no evidence could be a death sentence for under-trials today because they could get Covid or black fungus. For elderly/ ill prisoners like Stan Swamy, Varavara Rao, Gautam Navlakha, Anand Teltumbde, they could die in prison though innocent.

There is also a glaring communal and political double standard. Mohammed Ilyas and Mohammed Irfan Gaus were arrested on the basis of false confessions extracted under torture, and imprisoned for nearly a decade. Adivasis imprisoned under UAPA, falsely accused of being "Maoists" likewise spend years in prison as under-trials. But Sadhvi Pragya, credibly charged for her role in an act of Hindu-supremacist terrorism, is given bail, fielded as an MP candidate by the Prime Minister himself, and wins the election. In her defence, the BJP trots out all the human rights talk (she is not guilty till convicted, she was tortured in custody, she was falsely framed, etc) that they deride when it is

applied to other accused persons.

### A Threat To Democracy

In the bail order for Natasha and Devangana respectively, the Delhi HC uses very clear language to indicate that the Delhi Police chargesheets against these three accused persons pose a threat to democracy by seeking to criminalise protest.

In Natasha's bail order, the court says: "We are constrained to express, that it seems, that in its anxiety to suppress dissent, in the mind of the State, the line between the constitutionally guaranteed right to protest and terrorist activity seems to be getting somewhat blurred. If this mindset gains traction, it would be a sad day for democracy."

In Devangana's bail order it says: "We are afraid, that in our opinion, shorn-off the superfluous verbiage, hyperbole and the stretched inferences drawn from them by the prosecuting agency, the factual allegations made against the appellant do not prima facie disclose the commission of any offence under sections 15, 17 and/ or 18 of the UAPA.

"We are constrained to say, that it appears, that in its anxiety to suppress dissent and in the morbid fear that matters may get out of hand, the State has blurred the line between the constitutionally guaranteed 'right to protest' and 'terrorist activity'. If such blurring gains traction, democracy would be in peril." (italics in original)

The Delhi HC bail orders vindicate what pro-democracy activists have been saying since last year: that the Delhi Police investigation is blatantly biased, and has spun a fantastic conspiracy theory to falsely accuse anti-CAA protestors, especially those of the minority Muslim community, of the very

“riots” (in fact, planned and targeted violence) of which they were actually victims. The Delhi Police is yet to take any action at all against Kapil Mishra, Anurag Thakur and other BJP and RSS leaders who called upon mobs to shoot and kill protestors, and led violent, armed mobs on Delhi streets.

While every UAPA prisoner must get bail in keeping with the principles outlined in the Delhi HC order, that alone will not constitute justice. Justice demands that the whole Delhi Police investigation be scrapped and replaced by a fresh investigation monitored by the Delhi HC; that the Delhi Police officers responsible for imprisoning innocents on the basis of a chargesheet that has nothing but “superfluous verbiage”, be punished. Above all, each of the persons forced by the Delhi Police’s vindictiveness and political bias to be in prison in these pandemic times, must be adequately compensated. □

**The requirement of being satisfied that an accused is ‘not guilty’ under TADA or POTA meant that the court must have reasons to prima facie exclude guilt; whereas under UAPA the requirement of believing an accusation to be ‘prima facie true’ would mean that the court must have reason to prima facie accept guilt of the accused persons, even if on broad probabilities;**

**The decision of the Hon’ble Supreme Court in Watali (supra) proscribes the court from delving into the merits or demerits of the evidence at the stage of deciding a bail plea; and as a sequitur, for assessing the prima facie veracity of the accusations, the court would equally not delve into the suspicions and inferences that the prosecution may seek to draw from the evidence and other material placed with the subject charge-sheet. To bring its case within Chapter IV of the UAPA the State must therefore, without calling upon the court to draw inferences and conclusions, show that the accusations made against the appellant prima facie disclose the commission of a ‘terrorist act’ or a ‘conspiracy’ or an ‘act preparatory’ to the commission of a terrorist act.**



## The Tide Begins to Turn Against Modi: Seize the Moment, Strike the Iron While It's Hot

 ARINDAM SEN

In early May, Baljeet Asthana was recording a video message -- an open letter in audio-visual format -- standing outside the upscale Fortis Hospital, where her 82-year-old mother was slowly dying. Because there was no intensive care unit bed available in the hospital, in fact in no hospital in Delhi.

After briefly narrating her family's ordeal, Asthana addressed PM Modi and CM Kejriwal. She asked them for advice on where she

should take her dying mother. "If you cannot advise me, sir," she said calmly, "I would request you to legalize mercy killing in India, because you have no idea what the common citizen of India is going through at the moment. We are struggling to get basic things like oxygen, medicines, hospitals. Sir, it's my request: please, please legalize mercy killing in India."

"Let us die with dignity," she says at the end, "Thank you very much. Jai Hind. Long live India".

The tragic and highly atrocious incident reminds us of the sad demise of former ambassador Ashok Amrohi barely ten days ago. He breathed his last while waiting in his car for five long hours outside Gurgaon's Medanta Hospital. If this could happen to a person living in the National Capital Region and having all resources and connections, it is easy to figure out what could be the plight of commoners across the country -- especially poor people with no



income during the lockdown and living on the other side of the digital divide. Their endless sufferings in life and death remain documented in thousands of photographs and videos depicting rows of burning pyres in and outside crematoriums, of dead bodies floating in rivers and buried in sand on the banks, of old graves being dug up to accommodate new bodies, and of course in various art forms (think Shav Vahini Ganga) as well as in incisive reports, articles and talks on media platforms, webinars and so on.

But the story does not end here. It takes a new turn. If the Delta and Delta+ strains of the Coronavirus and the government's gross mishandling of the pandemic have brought in its trail untold suffering, death and economic ruin in an already ravished India, the resultant social turbulence has also set in motion a much-needed sensitization or mass awakening about a more dangerous enemy of the people. Yes, you got it right. We are alluding to a man-made virus. The Modivirus, carefully engineered as a bioweapon in the RSS laboratory (there is absolutely no scope for dispute about the origin of this virus).

To be sure, the process of awakening had been facilitated also by several other horrific experiences such as endless atrocities on minorities, Dalits and Adivasis, the CAA-NRC-NPR project, the carefully planned Delhi riots, the arbitrary imposition of farm laws and labour codes, etc. These factors,

however, had substantial impacts mainly on particular targeted sections, not so much on the whole population. This time around, while the marginalized and the underprivileged remain the worst sufferers, the devastating pandemic and its gross mismanagement has engulfed the entire nation ---cutting across class and creed, regions and demographic groups. Nobody is spared, everybody is angry. One can actually feel the public mood in everyday talks with friends and relatives, one can see it in satires and outbursts on the social media, very often directed against the superboss, the Fuhrer himself. For the first time in seven years, the Regime is facing a total crisis of credibility, a serious challenge to its power and authority.

### **Modi- Shah Feel the Heat in Home Turf**

With Modi-Shah's home state shamelessly competing with Yogi's fiefdom in the nasty game of hiding the COVID-19 death numbers, dailies like Sandesh and Divya Bhaskar carried extensive reports to show the real situation. The latter reported that as many as one lakh twenty thousand death certificates were issued in 71 days (March 1 to May 10) this year, compared to just about 58 thousand deaths in exactly the same 71 days last year. But the government, curiously enough, registered only 4,218 COVID-19 deaths during this period. So how did the remaining one lakh nineteen thousand deaths occur? A survey conducted by this popular daily, based on interviews of relatives

of the deceased, revealed that hospitals have been denying them medical reports that give details of the cause of death and the line of treatment.

Similar stories were published in other newspapers, including the normally submissive ones.

The newspapers also published reports about black marketing of life-saving medicines and medical Oxygen cylinders by people having links with the ruling party. State BJP chief C R Patil's gimmick of distributing 5,000 vials of Remdesivir injection from the party office in Surat was sharply denounced, with some commentators demanding his imprisonment for this illegal and immoral act. Maybe prompted by the large-scale outburst, the Gujarat High Court initiated a suo motu PIL on the handling of the pandemic and criticised the state government for fudging the number of tests, availability of medicines, hospital beds and for red-tapism in admitting critical patients.

"Prime Minister's Sun is Setting" -- proclaimed the headline to an editorial in the largest circulating, multi-edition Gujarati daily, Gujarat Samachar. It was strongly suggested that Modi's image had been considerably dented in Gujarat, on the national plane and also internationally.

### **Haryana Punjab Western UP: BJP Faces the Ire of Farmers**

A very successful Social boycott

of BJP leaders in Punjab by angry farmers, which resulted in a dismal performance by the BJP and its estranged ally SAD in civic body polls in February, has cast a dark spell on the party's prospects in upcoming assembly elections. Sensing the heat, some senior leaders and former BJP ministers like Anil Joshi and Mohan Lal are now openly speaking out in favour of agitating farmers and against the farm laws.

In neighbouring Haryana, the situation is hardly any different. Here also, leaders of the ruling BJP and JJP often find it very difficult to move around without being heckled. In many cases they have been forced to withdraw FIRs filed against protesters, and even tender public apologies. To take just one example, Jind MLA Krishan Midha, accused of passing "objectionable remarks" against farmers when they protested over CM Khattar's visit in his constituency, was reprimanded by the local Khap and he had to apologize publicly. There are instances where protesters were arrested but had to be either bailed out or simply released from the police station itself under public pressure (in one case, hundreds of protesting farmers actually moved into a PS with their cows).

In Western UP, the BJP's major headache is that the communal division (pitting the Jats against the Muslims for example) it thrived on since the Muzaffarnagar riots has largely been overcome in course of the united farmers' movement. The Bajna mahapanchayat and several local Panchayats, held to extend support to the farmers' agitation at Delhi borders, drew large crowds and voiced indignation at the way the central government was ignoring the demand for repeal of farm laws.

## Electoral Setbacks and Organisational Bickerings

Since the drubbing in assembly elections, the entire BJP organisation in Bengal is in a state of shock, despair and passivity. On June 4, state president Dilip Ghosh went to Chunchura in Hooghly district to attend the party's organisational meeting. While the meeting was underway, local workers agitated before the party office and raised slogans against Ghosh and other party leaders. Three days later, party workers in Asansol staged protests when Ghosh arrived for an organisational meeting and even locked the leaders inside the room for a while. Their main grievance was that leaders remained aloof from workers during the post-poll violence.

The party faced an embarrassing exodus back to the TMC, culminating in Mukul Roy's 'ghar-wapsi' along with his son Shubhrangshu, further encouraging the exodus. The two BJP MPs who won assembly elections have chosen to resign from the MLA posts rather than helping with ground-level work in their home state. The leadership has indicated that they will now try and revamp the organisation with cadres from Bengal, rather than depending on party leaders visiting from the cow

belt and careerists lured from other parties. However, everybody knows that this is easier said than done.

Bengal apart, in many other states too the BJP organisation is rattled by chronic squabbles.

In Karnataka Chief Minister Yediyurappa is having to bear with open attacks by his own MLAs. Senior MLA Basanagouda Yatnal has long been blaming the CM for his alleged corruption. In an unprecedented move a couple of months ago, rural development minister K S Eshwarappa wrote to the governor alleging that the chief minister was interfering in the work of his ministry. Apprehensive of a large-scale rebellion against him, the CM really looks like a modern Damocles, with a sword constantly hanging over his head.

Even the don of Gorakhpur is not at all comfortable in his chair. Recently the BJP suffered major reverses in the panchayat polls in UP, which reflects widespread resentment -- among Hindus as well as Muslims -- about the highly repressive but totally ineffective handling of the pandemic. The simmering discontent in the party has grown stronger, with some MLAs sharpening their criticism of the CM, often in the open.



Not Vote to BJP march in Kolkata on March 10, 2020.

Extremely worried over such developments, both the BJP and RSS leaderships have been weighing various options to intervene and improve the party's prospects in next year's assembly elections. Following an "extensive feedback exercise" - - as it was called in party circles - - by a central team and a series of high level meetings in the state and national capitals, A K Sharma, a former IAS officer and one of Modi's closest aides, was made the party's vice president in UP. The high command reportedly sought to make Sharma, already an MLC, a member in the Yogi cabinet but had to make some adjustments in the face of strong objection from the regional satrap. But the million-dollar question is: will such central interventions actually deliver at the hustings?

From India's largest state let us now turn our attention to the smallest union territory. What is happening now in Lakshadweep may be of little importance in terms of national politics, but it is significant insofar as it offers us a candid view of how the majoritarian state imposes its corporate - communal agenda on a peace - loving indigenous community living in a small, tranquil, crime-free archipelago with distinctive geographical and demographic features and cultural ethos. And how the 'strong' Centre begins to treat the Periphery as an internal colony - - as a mini-Kashmir, so to say - - that is expected to develop as a lucrative global tourism hub and maybe even a naval base, in the process alienating the beautiful people from the national mainstream.

To serve this nefarious agenda, Praful Patel-- a former minister of Gujarat in Modi's cabinet - - was appointed as the 35th administrator of Lakshadweep in December last year . He is the first political appointee in this position, his predecessors having

been IAS officers. He promptly got down to the dual tasks assigned to him. To make the territory more attractive to tourists, he did away with Corona protocols like mandatory quarantine for visitors, lifted restrictions on alcohol and ordered demolition of fishermen's costal Shades. To promote the Hindutva agenda, he banned beef- - a staple for the poor, as in Kerala -- removed meat from the MDM scheme for schools and ordered that dairy farms in the islands must be closed down and dairy products must be imported from Amul in Gujarat.

Even as protests erupted in the

islands and also in Kerala, the very first COVID-19 case was recorded in the territory on the 18th of January and by the end of May total cases reached 7300 - - a big number for a population of some 64000. The lone MP from Lakshadweep, Mohammed Faizal P. P. of NCP, correctly attributed the sudden spike in COVID-19 numbers to the easing of travel restrictions. Filmmaker Ayesha Sultana, a resident of Lakshadweep, said the same thing in a more elegant way, calling Patel and his policies a bioweapon. An FIR was immediately registered against her with charges of sedition and hate speech.

*"There are two immediate bottlenecks to overcome: increasing vaccine supply (some of which should come from abroad) and setting up a distribution campaign that can cover not just urban but also rural and poorer citizens, who constitute more than 65% of the population (over 800 million people) but face a desperate scarcity of public health and primary care facilities. The government must work with local and primary health-care centres that know their communities and create an equitable distribution system for the vaccine.*

*Second, India must reduce SARS-CoV-2 transmission as much as possible while the vaccine is rolled out. As cases continue to mount, the government must publish accurate data in a timely manner, and forthrightly explain to the public what is happening and what is needed to bend the epidemic curve, including the possibility of a new federal lockdown. Genome sequencing needs to be expanded to better track, understand, and control emerging and more transmissible SARS-CoV-2 variants. Local governments have begun taking disease-containment measures, but the federal government has an essential role in explaining to the public the necessity of masking, social distancing, halting mass gatherings, voluntary quarantine, and testing. Modi's actions in attempting to stifle criticism and open discussion during the crisis are inexcusable.*

*The Institute for Health Metrics and Evaluation estimates that India will see a staggering 1 million deaths from COVID-19-19 by Aug 1. If that outcome were to happen, Modi's Government would be responsible for presiding over a self-inflicted national catastrophe. India squandered its early successes in controlling COVID-19-19. Until April, the government's COVID-19-19 taskforce had not met in months. The consequences of that decision are clear before us, and India must now restructure its response while the crisis rages. The success of that effort will depend on the government owning up to its mistakes, providing responsible leadership and transparency, and implementing a public health response that has science at its heart."*



Some fifteen BJP leaders and workers criticised the FIR as “false and unjustified” and submitted their resignations in protest. The signatories include BJP state secretary Abdul Hameed Mullipuzha and prominent members of the Wakf Board and the Khadi board, among others. The rebellion of BJP cadres is completely in tune with angry protests by political parties, civil society groups and ordinary citizens in Lakshadweep and Kerala. Sultana filed an anticipatory bail plea at the Kerala High Court, which granted her interim protection from arrest for a week and reserved the judgement.

### **Censured by Media and Public Intellectuals**

The Center’s dogged refusal to take necessary steps for countering the inevitable second wave, in spite of a series of warnings from Indian and international authorities as well as a parliamentary panel, have come in for trenchant criticism by the media, public intellectuals (including retired judges) and think tanks in India and abroad.

Amartya Sen was spot on when he said, while speaking at an event organised by the Rashtra Seva Dal on 4 June, India’s “confused” government focused on taking credit for its actions, rather than working to restrict the spread of COVID-19, resulting in schizophrenia that led to massive troubles.

The Guardian wrote editorially on 23 April: ‘The Indian prime minister’s overconfidence lies behind the country’s disastrous COVID-19 response’ adding that ‘Mr Modi’s brand of Indian exceptionalism bred complacency.’ It went on to say:

‘Political hubris met pandemic reality in India this week. At the beginning of March, the Hindu nationalist government of Narendra Modi claimed the country was in

“ . disloyalty to Government established by law is not the same thing as commenting in strong terms upon the measures or acts of Government, or its agencies, so as to ameliorate the condition of the people or to secure the cancellation or alteration of those acts or measures by lawful means”.

*-SC in the landmark Kedar Nath verdict*

COVID-19’s “endgame”. India is now in a living hell.’

The very next week, author-activist Arundhati Roy wrote in the same magazine, “What we are witnessing is not criminal negligence, but a crime against humanity.” The Hashtag #ModiMustResign was already trending on the social media, and Roy dashed an open letter to the PM, saying, “...please, sir, please, step aside. ...This is a crisis of your making. You cannot solve it. You can only make it worse. ... Hundreds of thousands of us will die, unnecessarily, if you don’t go. So, go now. Jhola utha ke.”

The Lancet, arguably the world’s most authoritative and trustworthy medical journal, came up with a sharply-worded constructive criticism in its editorial on May 8 this year (see box for excerpts).

### **Thrashed in Courts of Law**

In a related welcome development, the Supreme Court also seems to be overcoming the spell of lethargy and abdication of its constitutionally mandated duty -- the spell under which it had fallen under the stewardship of Misra, Gogoi and Bobde -- even while the High Courts, in most cases, had been continuing with their upright judgements and observations. This relatively proactive role of the higher judiciary has manifested itself essentially two ways. First, in many instances the courts have stalled the government’s authoritarian moves

to curb individual liberty, freedom of speech and other fundamental rights. Second, on the crucial question of what all need to be done during the pandemic, in many cases (not all -- for example, the SC refused to order even a temporary halt to the Central Vista project for the period of rising COVID-19 numbers in Delhi) they forced the Regime to eat humble pie and to make at least a partial course correction.

### **“It is time we define the limits of sedition”: SC**

In January, three sedition cases were filed across three BJP-ruled states against Congress MP Shashi Tharoor, senior journalists Rajdeep Sardesai, Mrinal Pande, Zafar Agha, Paresh Nath, Anant Nath Vinod K. Jose, and one unnamed person who shared “unverified” news during the farmers’ tractor rally in Delhi on January 26. Their arrests were later stayed by the Supreme Court.

On May 31, the Supreme Court stayed coercive action against two Telugu-language news channels who were charged for sedition over the airing of a statement by rebel YSRCP MP, K R Krishnam Raju. In this connection the Court observed that there was need to define the scope of offences under Section 124A (sedition) and Section 153A (promotion of communal hatred) of the Indian Penal Code, “especially in the context of media freedom” and “particularly on the issue of the rights of press and free speech”.

Then on 3 June the apex court quashed sedition and other charges against journalist Vinod Dua for making comments critical of the Prime Minister. The court said, "Every journalist is entitled to the protection under the Kedar Nath Singh case (which defined the ambit of offence of sedition under Section 124A IPC)." In *Kedar Nath Singh vs State of Bihar* (1962), five judges of the Supreme Court ruled that "allegedly seditious speech and expression may be punished only if the speech is an 'incitement' to 'violence', or 'public disorder'".

More recently, we celebrated the Delhi High Court's historic bail orders in favour of the brave trio Natasha, Devangana and Asif, although we found it very agonizing that a SC bench prevented these orders from serving as precedent in other UAPA cases. However, taken together the recent judicial interventions are proving to be so many thorns in the flesh of the Modi government and a major boost to the ongoing people's struggle to save democracy and reclaim the Republic.

### **Centre's Policy "Arbitrary and Irrational", Must be Changed: SC**

When with the onset of the devastating second wave, daily infection numbers and the death toll reached alarming proportions, when the executive was miserably failing to provide succour to the suffering millions and the legislature had been consigned to a long hibernation so that the executive could bypass its accountability to elected people's representatives, it was the higher Judiciary that took upon itself the responsibility to protect the people's right to life and good health. Since then several High Courts and the Supreme Court have been examining - - and issuing guidelines on - - different aspects of pandemic

response including availability of hospital beds, medical Oxygen and vaccines. Mention can be made, for example, of the Allahabad HC's order to the UP government to respond to the allegations of mismanagement in availability of oxygen, bed and medicines; the Delhi HC's directive to the Delhi government (that the latter cannot "turn a blind eye" to overcharging of COVID-19 patients by private hospitals in the city "merely because there were no complaints") and to the union government (that not supplying Oxygen to hospitals is an act no less than genocide); the Karnataka HC's directive to the centre (for the supply of 1200 MT of oxygen daily to the state during the peak of the COVID-19 spike, against which the centre rushed to the top court, but in vain) and so on.

The most important among all these pandemic-related cases is an ongoing suo moto writ petition taken up by the SC in the context of the huge build-up of adverse public opinion against the "Liberalised Vaccination Policy" the PM announced on April 19, evidently to deflect public anger resulting from vaccine shortages by blaming state governments for their 'failure' to procure vaccines. CJI Ramana, who took office on 24 April, constituted a three-judge bench headed by Justice Chandrachud to hear this case.

Following a suggestion from the union government, the bench in early May set up a 12- member National Task Force for the effective and transparent allocation of medical oxygen to the states and union territories. However, on later occasions the government - - as is its wont - - would plead that courts should keep away from executive decisions. And the Court's response would be that the constitution does not envisage courts to be silent spectators when constitutional rights of citizens are violated because

of executive policy. As Justice Chandrachud told Solicitor General (SG) Tushar Mehta: "We are not framing policy. ... You will be flexible. You can't just say that you're the Centre and you know what's right. We have a strong arm to come down on this."

In course of the hearing, some very interesting comments were made by the judges. "You keep on saying digital India, digital India but the situation is actually different in rural areas. How will an illiterate labourer from Jharkhand get registered in Rajasthan? Tell us how you will address this digital divide," the bench asked the SG. "You must smell the coffee and see what is happening across the country", it added, "You must know the ground situation and change the policy accordingly."

Finally, on June 2 it asked the government to review the policy framework and to submit a fresh affidavit outlining an equitable and reasonable vaccination plan. Five days later, Modi was forced to make a partial course correction and announce a new vaccination policy under pressure of robust judicial monitoring, growing popular anger and universal condemnation.

### **Modi's Strategy and Our Response**

Modi is -- and will be -- trying to wriggle out of the difficult situation with a three-pronged stratagem. He is smart enough to beat a partial retreat when that becomes absolutely necessary (as in the case of vaccination policy) and wait/work for a favourable turn in the situation to resume the offensive, meanwhile engaging some of his adversaries with gestures of accommodation (e. g., proposals for a meeting with Kashmiri leaders and reopening dialogue with farmer leaders). At

the same time, he must continue with the core agenda of Corporate Hindutva (think Lakshadweep) and suppression of free thought and free speech (look at the new policy of pre-censoring books, articles etc. by former bureaucrats). And definitely he is working on new divisive and diversionary gameplans, which are yet to unfold - - maybe something like a J&K style division of West Bengal or division of UP and/or Maharashtra -- or something else.

As we watch out for any such tricks, manoeuvres and anti-people designs, we the people of India must explore and utilise the full potential of the present moment - -

when the enemy finds itself in an unprecedented crisis made worse by the huge economic cost of the pandemic mismanagement - - to ramp up our struggle against the double mutant Modivirus or Modi 2.0.

This is a moment when Modi's partners in "crime against humanity" are finding the going very very tough. Trump has been forced out of power. Bolsonaro is facing a Senate investigation into his highly irresponsible response to the pandemic and slow vaccine rollout as well as huge mass protests in big cities of Brazil calling for his impeachment. In Peru, leftist village school teacher and TU leader Pedro

Castillo has won the recently held Presidential election but the far-right outgoing president Keiko Fujimori is refusing to accept the results, just as Donald Trump did. Here too, Fujimori's defeat (still not declared officially) has much to do with her bad pandemic response. We in India also must rise to the occasion, turn our grief into strength, and fight harder to oust Modi and save India. This June we are holding the campaign "Count every death -- Remember all who died -- Share every sorrow"; on the forthcoming 15th of August let us take the pledge of freeing ourselves from the most oppressive regime in independent India. [□](#)



## Peru Stands At A Historic Juncture

**T**he recent elections in the Latin American country of Peru witnessed a historic mandate for the revival of the Left and against the right-wing neoliberal forces and the Washington Consensus.

Pedro Castillo, a rural school teacher and a union leader was elected as the president of Peru in the recently held presidential elections. Castillo secured 50.137% of the vote polled (8.83 million votes) while his opponent Keiko Fujimori secured 49.893% (8.78 million votes) according to the final result declared by Peruvian Electoral Authority (ONPE). While in terms of figures, Castillo may have secured less than 1% lead over Fujimori, but the mandate is historic not only for Peru but for the entire region of Latin America. Firstly, it is the second time history of Peru, that a President has been elected from the rural and indigenous population. Unlike any previous governments

in Peru, Castillo comes from a marginalized social base with direct connection to the masses. Second, the mandate is a strong rejection of right-wing politics spearheaded by Keiko Fujimori, daughter of Alberto Fujimori. And finally, the current mandate against the neoliberal project and Washington consensus provides an opportunity for revival of Left in Peru.

Castillo comes from Tacabamba District in province of Cajamarca, a country side in Peru. He has earlier led the successful two month long teachers' strike in 2017 demanding increase in salaries, social debt relief, repealing of the Law of Public Teacher Career and an increase in education budget. The massive strike forced the then President Pedro Pablo Kuczynski, who initially refused to negotiate with the striking teachers to finally come to an agreement.

Castillo's candidature for presidency against the right-wing

and authoritarian 'Fujimorism', represented by Keiko Fujimori, and various social mobilizations exposing the perils of neoliberal policies, altered the course of election with uniting the poor, working class and liberal-democratic sections. On the other hand, Keiko Fujimori continued to push anti-communist rhetoric and invoking her father's 'strong government.'

Peru witnessed one of darkest period in its recent history under the rule of Alberto Fujimori in 1990s. Backed by the United States, Fujimori went on a brutal campaign against left wing students, peasant and worker activists, and indigenous leaders, while aggressively pursuing full scale neoliberal and austerity policies (known as Fujishock). These neoliberal policies were part of the Washington Consensus, a 'reform package' violently promoted by International Monetary Fund (IMF), World Bank (WB) and the United States' government Treasury

Department for Latin American countries.

In 2009, Alberto Fujimori was convicted for crimes against humanity and massacres organized by his death squads, Grupo Colina. He is also on trial for the forced sterilization of over 270,000 women and 22,000 men conducted during his regime.

While the governments that came after Alberto Fujimori in theory condemned 'Fujimorism', all followed the similar neoliberal agenda. Amid the COVID-19 pandemic, social inequality in Peru has risen steadily, with poverty rate reaching 30 per cent. As of 2020, 26 per cent of Peru's urban population is poor and in among the rural population the figures are at 46 per cent. Two million Peruvians have lost their jobs during the pandemic, according to official figures. The neoliberal model in Peru has destroyed the country's public healthcare system with most poor having no proper access to healthcare. Currently, Peru has the world's highest COVID-19 death toll per capita.

### Rural Poor Find A Voice

Castillo and his party Peru Libre, with their slogan – No More Poor in A Rich Country – has promised to put an end to neoliberal policies the previous governments has pursued in collusion with the government of United States and International Monetary Fund (IMF). Peru Libre founded in 2016 relatively new left wing political party in Peru's political landscape that take a socialist, Mariáteguism and anti-imperialist approach. Mariáteguism is the political ideology in Peru based on the works of José Carlos Mariátegui, a prominent Peruvian communist, journalist and author of influential



Pedro Castillo during an election rally.

work *Seven Interpretive Essays on Peruvian Reality* (1928).

Peru Libre emphasized on social conditions, issues of land reforms and focus on rural population for the elections. It also called for nationalization of corporate industry, especially the destructive mining industries, which has for a long period enjoyed complete impunity to plunder. However, Castillo has noted in his election campaigning that he does not aim to takeover over corporate industries, rather would renegotiate the existing contracts with them to channel more revenues from these industries for domestic social program. The election manifesto also calls for a second land reforms drive focusing on agro-export land concentration, and supporting community and family agricultural production.

Peru Libre also calls for changing the current constitution, which came into force during the regime of Alberto Fujimori in 1993 and is entrenched with deep neoliberal character. The party also for closure of US military base in Peru, which remains as a reminder of the US support to the acts of crimes against humanity committed during Fujimori's regime.

Castillo's policies can be considered to be most progressive compared to any left-wing government that came to power recent history of Peru. His support comes from the interior and rural provinces, particularly in the Andean regions where the population lives in poverty. The rampant expansion of agro-export and copper-lithium mining industries have destroyed land and led to concentration of wealth in the hands of few. Castillo's call to change these social relations led to him securing historic victory in 16 of the rural states.

### Challenges

The current mandate of the Peruvian presidential elections provides a historic opportunity to take Peru on to the path envisioned by José Carlos Mariátegui and put a brake to disastrous neoliberal project. But this historic mandate comes with major challenges ahead. One of the biggest questions is how far Castillo and his party are ready to go to fulfill the promises. There have also been concerns about Castillo's social conservative approaches especially on the issues of abortion and same sex marriages and LGBTQ+ rights, even though Peru Libre's election manifesto calls for legalization of abortion in the country.

Another challenge lies at the doorstep of Castillo's electoral partner, Verónica Mendoza's Nuevo Perú and its important to see how will Castillo take forward Peru Libre's radical policies negotiating with Mendoza. Castillo, whose party has 37 seats in the Congress, also would have to form a united progressive block together with other left-wing parties in the Congress to take forward it's policies.

As in every country in Latin America

where people decide to stand up against US imperialist design, there are on-going attempts to destabilize the election victory of Castillo. The fears of a possible coup are unfolding as Keiko Fujimori have refused to accept the results and filed series of lawsuit challenging it. Some of the retired military generals, most of whom served under Alberto Fujimori's regime have called upon the current ranks of Peruvian military to coup against Castillo's victory. The current

allegation of 'electoral fraud' put forwarded by Keiko Fujimaro brings back the memories of November 2019 coup in Bolivia toppling the people's mandate that elected Evo Morales as the President.

The people of Peru are determined to stop any toppling of this historic mandate. Hundreds of thousands of people continue to mobilize in the capital city of Lima and other places across Peru in defence of their vote against right-wing hooliganism and the neoliberal project. ▣



## Solidarity Actions in Solidarity with Palestine Continues Across the Globe

**D**ockworkers' unions and civil society groups across the world, responding to the call of Palestinian trade unions and Boycott, Divestment, Sanctions (BDS) movement have initiated 'Block the Boat' action against Israeli ZIM ships. On June 4, protesting against the Israeli apartheid and crimes against Palestinians, hundreds of people, including members of local dockworkers union (Local 10) formed a picket line preventing ZIM ship from docking in Port of Oakland in California. They condemned Israel's 11-day brutal aggression on Gaza, which killed 256 Palestinians, including 66 children and demanded an end to Israeli occupation of Palestine.

In May, similar actions were recently held in South Africa the South African Transport and Allied Workers Union in Durban expressing solidarity with Palestine refused to offload cargo from a ZIM ship. Also, in the same month, dockworkers in Livorno, Italy, withheld their service to load a

shipment of arms going to Israel.

In United Kingdom, activists from Palestine Action group occupied the factory of Elbit systems Manchester, after scaling the roof, chaining the gates shut and smearing red paint over the factory's walls on June 21. Elbit is an Israeli international defence electronics company that develops drone and military surveillance technologies sustaining the Israeli's military occupation of Palestine.

In Palestine, resistance action continues in West Bank and Gaza against Israeli occupation and annexation plans. In Sheikh Jarrah, where Palestinians families face imminent threat of expulsion, people are keeping up the resistance against daily violence and wave of orchestrated by illegal Israeli settlers and Israeli forces.

On June 10, healthcare workers protested against the raid conducted by Israeli forces at the offices of Union of Health Workers Committee (UHWC), a crucial healthcare provider in West Bank. The Israel

forces broke computers and took away hard drives from the officers of UHWC and ordered it's closure. On June 11, Israeli forces shot dead 15 year old Mohammed Hamayel, 15, was killed during a protest in the occupied West Bank village of Beita against illegal Jewish settlement.

With the change of government in Israel, after Benjamin Netanyahu lost the vote of confidence in the Knesset, there are signs further aggressive shift towards ultra-right wing discourse. The new Prime Minister Naftali Bennett, who boasts of being an ultra-nationalist, rejects Palestinian statehood, supports annexing 60 per cent of West Bank, and once supported 'shoot to kill' policy on Gaza border.

Meanwhile, international actions like Block the Boat and Stop Elbit campaign continue to strengthen the global solidarity with Palestine. These actions sends a clear message that Israel's ongoing settler-colonialism, occupation, and violence against the Palestinian people will face a global pushback. ▣

# Adivasis' Movement in Bastar Against Paramilitary Camps and Killings Continues

Since May 12, in Silger village in Chhattisgarh's Sukma district, thousands of Adivasi locals were protesting against the newly built CRPF camp in what was previously a jungle on the border of Bijapur and Sukma districts. But on May 17, state forces (police and paramilitary CRPF) openly fired at the Adivasi protestors at the campsite leading to the death of three people. A pregnant woman succumbed to her injuries five days later.

Since then the protest has continued unabated for more than a month. Protests against construction of CRPF camps are not new in Bastar. Since October 2020, there have been at least 12 such protests in southern Chhattisgarh. CRPF camps are usually set up to protect road construction projects, which the State claims are necessary for "development". But for the local adivasis, it is clear that "development" is code for corporate plunder of natural resources – in particular, the roads are needed by mining corporations to transport minerals they extract from the forest land they destroy. Roads are also used to facilitate the movement of paramilitary forces, who in the name of suppressing the armed Maoist insurgents, unleash daily violence and fear against unarmed civilian villagers. Arbitrary detentions, arrests, torture, killings and rapes by the forces, as well as daily harassment including stop-and-search operations at every camp and check-post are common. (See *Bastar: Where The Constitution*

*Stands Suspended, Liberation July 2016)*

The CRPF camps are set up without the consent of the village bodies (gram sabhas), in violation of the Panchayat (Scheduled Areas) Act (PESA). Section 4 (i) of the Provisions of the Panchayat (Scheduled Areas) Act mandates that the gram sabha or panchayat must be consulted "before making the acquisition of land in the Scheduled Areas for development projects and before re-settling or rehabilitating persons affected by such projects in Scheduled Areas". Chhattisgarh, along with Odisha, Jharkhand and Madhya Pradesh, in spite of being states with substantial adivasi populations, is yet to frame the rules needed to implement PESA, which was passed in 1996. The Congress came to power in Chhattisgarh in 2018 on a promise to fully implement PESA, especially in Scheduled V and Adivasi areas. But two and a half years have passed and this is yet to happen; instead the old story of setting up CRPF camps on adivasi land by force continues.

## Rape and Murder Disguised as "Encounter"

On 30 May, an adivasi girl, 18-year-old Payke Veko was picked up by District Reserve Guards (DRG) personnel from her home in Nelsanar, Bijapur district, Chhattisgarh. Her family members tried to follow but could not keep up with the DRG vehicle. Later they were told that police had been seen carrying something wrapped in plastic. Suspecting the worst,

they went to the police station – to find the body of their daughter, with torture and mutilation marks on her breasts, thighs and fingers. The police claim that Payke was a "Maoist" insurgent, killed in an "encounter", while her family members allege rape and murder.

This is not the first incident of rape and/or murder of an adivasi woman in Bastar being passed off by Chhattisgarh police and paramilitary forces as an "encounter". In 2011, teenager Meena Khalko was gangraped and murdered by Chhattisgarh policemen, who then claimed she was a Maoist killed in an encounter. A judicial enquiry established later that she had been raped and killed by the police – but her killers have yet to be brought to trial. The AIPF report on Bastar (*Liberation July 2016*) tells of Pandi, a young woman who like Payke was picked up by police from her home with her husband. Pandi's mother followed the police for some time, but could not keep up. Pandi and her husband were shot dead in cold blood, and Pandi's corpse was dressed up in Maoist "uniform". But their injuries told of torture which did not support the claim of an "encounter". Moreover the police had claimed that the encounter had taken place with a battalion of Maoists – and it is impossible that among such a large number, the two persons killed by the police would be husband and wife!

The AIPF report also documented the killings of two little girls Vanjam Shanti and Siriyam Pojje, aged 12-13, who were killed by the police

in cold blood. The police falsely claimed later that they were part of a “Maoist squad” and were killed in an encounter.

We may recall that an October 2015 NHRC report had found that 16 women were “prima facie victims of rape, sexual and physical assault by state police personnel in Chhattisgarh” in Bijapur district - the same Bijapur where Payke was raped and killed.

### Young Adivasis Lead The Movement

The most remarkable and encouraging aspect of the Silger movement is the emergence of a team of young adivasi men and women who have represented the movement in talks with the government, MLAs and MPs.

On June 3 the Silger movement put together a 10-member team of adivasi youth between 17-25 years of age (who had a schooling and spoke Hindi fluently in addition to their own adivasi mother tongues) from different villages in Sukma, Bijapur and

Dantewada. This team along with the teacher and activist Soni Sori (survivor of custodial rape by the state forces) met a government delegation comprising 8 MLAs and the Bastar Lok Sabha MP, all from the ruling Congress party, as well as the district collectors and police superintendents of both Bijapur and Sukma, as well as Bastar Inspector General of Police.

The team insisted on holding the talks in the open in the presence of the protestors. On behalf of the protestors they demanded dislodgement of the CRPF camp, suspension of police personnel who fired at the protestors, an inquiry by a retired Supreme Court judge into the firing, instructions to the police to leave a memorial built for those who died in May untouched, a guarantee that no protestor would be harassed by the police or administration, that no further camps should be established without holding a gram sabha meeting, and that a committee representing all seven districts of Bastar division

would be formed which must be consulted before any security camp is set up. Talks failed because the government did not agree to removing the illegally set up camp, or to give the other assurances in writing.

A 12-member Chhattisgarh Bachao Andolan delegation on the way to Silger on 6 June was stopped at Nelsanar Thana on the borders of Bijapur District and was prevented even from going up to the Bijapur District HQs. The delegation comprised Chhattisgarh Bachao convener Alok Shukla, Chhattisgarh Kisan Andolan convener Sudesh Tikam, Chhattisgarh Kisan Sabha leader Sanjay Parate, AICCTU State General Secretary Brijendra Tiwari, social activists Bela Bhatia and Indu Netam and others. The delegation issued a letter of solidarity to the ongoing movement and condemned the Chhattisgarh government for continuing its predecessor's policy of repression in Bastar. □



# The Violent Politics of Assimilation of Tribal Communities In India And Around the World

The discovery of mass graves of 215 indigenous children in Kamloops, British Columbia has shocked the world. This highlights the stark violence that has been inflicted upon the indigenous communities through hundreds of years of colonialism on the indigenous communities in North and South America, Australia and New Zealand. These are not events of the distant past but have happened within living memory and with adverse effects continuing upon the indigenous people in Canada.

The 'Indian Residential School System' in Canada has been rooted in its colonial past, especially linked to the passage of the 'Indian Act' of 1876. The expressed purpose of the schools were the gradual erasure of indigenous cultures by integrating them into the European-Canadian society. The Truth and Reconciliation Commission of Canada (TRC) organized by an agreement in 2008 between the government of Canada and approximately 86,000 Indigenous peoples in Canada who at some point were enrolled as children in the Canadian Indian residential school system, pointed out in the executive summary of its final report that "Underlying these arguments was the belief that the colonizers were bringing civilization to savage people who could never civilize themselves. The 'civilizing mission' rested on a belief of racial and cultural superiority."

Children between the ages of 7 and 16 were compelled to attend these residential schools. The schools were deliberately situated far from indigenous settlements in order to discourage any contact between the children and their

community. The children also faced corporal punishment for speaking in their native languages. Widespread accusations of physical and sexual abuse have also emerged as more and more of the survivors of the system have come out to speak of the ordeal they suffered. The children were also subjected to scientific research experiments and were found to be given less than adequate nourishment frequently.

This isn't the first time that such deaths have come to be known to the general public. The National Center for Truth and Reconciliation estimates, based on death records, that at least 4100 children died in custody of the residential school system, though it is likely that the number is an underestimation. Many of the schools buried students in unmarked graves and members of their families would be unaware of their fate. The TRC had requested \$1.5 million from the Canadian government in order to complete the study on unmarked graves, but had been denied.

## RSS and Hindutva's Project of Erasure of Adivasi Cultures

While Canada and other nations struggle to reconcile with this horrible past, it must be remembered that RSS and its affiliates continue to enforce such assimilationist practices even today. Adivasi children in Jharkhand, West Bengal, Chhattisgarh, Odisha, Andhra Pradesh as well as from North Eastern tribes are often abducted from their homes and 'educated' in Sangh run schools (often funded by NGOs affiliated to companies that seek to evict the Adivasis from their

lands). This attempt to erase Adivasi culture and 'Hinduize' them are no different from what we have seen in the Canadian residential schools.

The Vanavasi Kalyan Ashrams were a Hindutva project set up in the 1950s in order to 'protect' adivasis from conversion into Christianity. The main objective was however 'assimilation' of tribals through the erasure of their distinct identity, as indicated by the Xaxa report (2014). The assimilationist perspectives were shared by many influential figures in Indian anthropological studies like G.S. Ghurye and A.V Thakkar (Thakkar Bapa). The latter went on to set up the Ashramshala model that has become influential. Jaipal Singh Munda, a member of the Constituent Assembly of India (and Olympic gold medalist), confronted Thakkar Bapa in the Constituent Assembly debates in 1949 about the failure to use tribal languages in his schools.

Malvika Gupta and Felix Padel have pointed out that apart from an erasure of the identity of Adivasis, the objective was also to convert the Adivasis into a low wage labor force. In 1960s a rapid increase in residential schools for Adivasis were developed to train tribal citizens for industrial jobs. By the 1990s, new tribal residential schools started, such as the state-run Kasturba Gandhi Balika Vidyalaya (KGBV), the Eklavya Model Residential Schools, and private ones like the Kalinga Institute of Social Sciences (KISS) in Bhubaneswar. Companies like Vedanta and Nalco, which have a history of violently displacing adivasis from their land, have supported KISS in their project to remove Adivasi children by designating entire



villages as 'Maoist affected'. The promotion of Hindu festivals and the suppression of the Adivasi identity is notable. Santoshi Markam notes her own experience in an Ashram operated by the Ramkrishna Mission. She points to the erasure of traditional Adivasi culture and an imposition of Hindu cultural norms such as touching of the feet, which has never been a part of Adivasi greetings. Native speakers of Gondi, Maria, Halbi and Chhattisgarhi, are prevented from using their mother-tongues for conversation. This has led to a decline of the languages spoken by tribes as many of the children are not conversant in their own mother

tongues.

The parallels between the residential school systems operated in Canada and the 'Corporate-Hindutva' operated residential schooling, where children are prevented from visiting their villages even during the vacations or other festivals. The idea is to inculcate a feeling of shame or even hatred towards the tribal cultures among the children. The cultural distinction between Adivasis and 'Hindus' are blamed for the socio-economic ailments faced by the former. This distancing from their own culture means that the self-sufficient subsistence economy of Adivasis can be broken up and the children be freed to become low wage workers

for large MNCs. Many of these schools are funded in part through 'Corporate Social Responsibility' programs as mentioned earlier, and demonstrates precisely how CSR is at best ineffective and at worst a cynical tool for the extraction of greater profit.

Similar activities have been noted in North Eastern India as well where children from poor families are kidnapped by organizations like Sewa Bharati and trafficked to other states in order to inculcate them with 'Hindu values'.

It is high time that the ongoing cultural genocide by the RSS and its affiliates, and by the Indian State, attracted global attention and censure. □

## Fire in Delhi's Rohingya Camp

In the evening, about 5 to 7 pm, some UP government officials came to our camp; they told us to vacate this place, otherwise we would come to harm. At 11.45 pm our houses caught fire". This is what Rohingya refugee Noor-ul-Amin told an AISA-RYA delegation who went to visit the affected families.

Late in the night of 19 June 2021 the Rohingya camp at Kanchan Kunj in Madanpur Khadar, South East Delhi was caught in a blazing fire, reducing about 55 huts to ashes. About 55 families and 270 people were living in this camp. There are no reports of injuries in this incident.

Nur-ul-Amin further says, there was a hut in our camp which had lain vacant for the past many months. It is a widow woman's hut but she does not stay there now. Yesterday's fire started from that hut. We did not see anyone setting fire, but how can a fire start

all by itself in a hut where no one lives, without anyone setting fire? It should be noted that this camp for Rohingya refugees is set up on Uttar Pradesh Land Irrigation Department land.

Camp resident Kulsum says, we had gone to sleep at 10 pm. At about 11.30 we heard the screams of a child (girl). We woke up and saw that the huts were catching fire. We tried our best to put out the fire but it grew fiercer. Kulsum further says, everything we had has been burnt in this fire. Our phones, money, children's books, and whatever rations we had got in the lockdown. Only our lives have been spared.

Rohingya refugee Hilaluddin says, ever since the lockdown started we have been out of work. Last year the government had sent us rations during the lockdown, but this year we got no help. Many in this camp

don't even have clothes to wear. Whatever little subsistence money we had saved up has been burnt in this fire. The situation is such that after a bath we will have to wring out and wear the same clothes again.

Jamiat Ulema-e-Hind member Hafiz Mohd Yusuf Azmi who has been doing relief work for years among Rohingya refugees says, for about a month now UP government officials have been asking for this place to be vacated. He feels this incident has been perpetrated in preparation for the 2022 UP election. According to reports the UP ATS has arrested two Rohingya refugees from Ghaziabad, Amir Hussain and Noor Alam on false charges of illegally admitting Rohingya refugees into India.

Earlier in 2018 also (on 15 April) the Rohingya refugee camp in Kalindi Kunj was set afire, destroying about 47 huts and affecting 270 people. □

# Obituary

## Comrade Ramjatan Sharma



Frontline leader of the CPIML movement, former member of the Polit Bureau of CPI(ML), former Bihar State Secretary and popular Marxist teacher Comrade Ramjatan Sharma passed away at the Indira Gandhi Heart Institute in Patna on 6 June 2021 after a heart attack.

His death was a direct consequence of the negligence and lack of basic healthcare in Bihar district hospitals. Comrade Sharma had been based in the Jahanabad office of the party. When he began feeling ill, he was brought to the District hospital where not even an ECG was done. Doctors shifted him to Patna and ECG was done only at midnight to realise that he had suffered a major cardiac attack in the morning. Tests began, but crucial time had already been lost and he could not be saved.

Comrade Ramjatan Sharma was one of those typical 1970s veterans who spent their entire life building the party, spreading Marxist ideas in rural Bihar and transforming young members into resolute Party activists and organisers.

He would have been 79 next month. For the five decades he worked as a full-time party organiser, he steered the organisation through so many ups and downs, never losing hope and always inspiring comrades by setting examples with his tireless efforts and never-say-die spirit. The baton is now in the hands of all those young comrades for whom Comrade Ramjatan Sharma was a mentor par excellence.

On receiving the news of his death, the party flag was flown at half-mast on all party offices. His body was kept at the party legislative office for final tributes.

Inspired by the Naxalbari movement in the 70s and the poor-dalit political-social movement that began in rural Bihar, Ramjatan Sharma left his government job and became part of this movement. He played an important role in the revolutionary peasants' movement in the 80s in what was then Central Bihar. He played an important role in establishing the party not only in Bihar but in other parts of the country.

He had been the Secretary of Jharkhand and Uttar Pradesh and the Chhattisgarh in-charge. He was Bihar State Secretary for a long time in the 90s. He was a member of the party Politburo and Chairman of the Central Control Commission. He was for a long time Editor of the party publication Samkaleen Lokuyudh and also in-charge of the

party's education department. His unparalleled role in inspiring students and youth with revolutionary ideology and preparing political activists can never be forgotten.

## Comrade Arvind Kumar Singh



Prof Arvind Kumar Singh (69 years) passed away at 4 pm on 10 May 2021 at a private hospital in Patna. He was suffering from Covid and admitted in hospital since 13 April. For some days his health started improving, but on 6 May his oxygen level suddenly fell and he had to be put on a ventilator. On 9 May his kidneys failed and he had to undergo dialysis. At 4 pm on 10

May he suffered two heart attacks. He survived the first but succumbed to the second. His entire family had been gripped by Covid. His wife Comrade Anita Sinha (AIPWA leader and Bihar CPIML State Committee member) and two sons have recovered and are currently convalescing.

Comrade Arvind was a very long-standing comrade of the party. He was one of the pillars of Samkaleen Janmat and Lokuyudh from the time of their inception. With unbreakable faith in the party and in revolution, Arvind Ji was a courageous, firm, and dedicated comrade. He was currently a member of the Central Control Commission of CPIML. His demise is a devastating blow and an immense loss to the party.

His ancestral village is Bara, situated in Dhanrua Block of Patna District. His father was employed in the Railways at Gaya, where he got his education. He became associated with the Naxalbari movement from his student days. After completing MSc in Chemistry from Patna University he taught Chemistry at colleges in Gaya, Ara, Khagaul, Aurangabad and Danapur and finally retired from Commerce College, Patna. He was loved and respected by students everywhere and formed deep bonds with them. He stood with comrades in times of trouble. Humble and generous, he was immensely respected within the party.

With his demise the party has lost a dear and compassionate friend and comrade, a loyal soldier, and a responsible leader. The party pays heartfelt tribute to him and expressed deep sympathy with the sorrowing family. May Comrade Anita and their children and entire family find the strength to bear this profound grief!

Long live Comrade Arvind Ji! ■

## Remembering Comrades Ramjatan Sharma and Arvind Singh

 DIPANKAR BHATTACHARYA

**W**ith the passing of Comrades Ramjatan Sharma and Arvind Singh, we have lost two of our finest comrades who had begun their communist journey in the tumultuous 1970s. Comrade Ramjatan Sharma gave up his government job to join

the movement as a full-time organiser in the mid-1970s after his younger brother Comrade Suresh (Siddheshwar Sharma), who had joined the CPI(ML) as a college student, had died a martyr in the Bhagalpur jailbreak campaign on 4 May 1976. Comrade

Arvind Singh joined the CPI(ML) during his student days in Patna University during the Emergency and while choosing teaching as a profession, he remained a committed Party activist all through his life.

Bihar in the late 1970s was the ground where the CPI(ML) resurrected itself after the initial setback suffered earlier in the decade. The party central committee had been reorganised under the leadership of Comrade Jahar (Subrata Dutt) on the second martyrdom anniversary of Comrade Charu Mazumdar. Even as Comrade Jahar fell to the military might of the Indian state in a Bhojpur village on 29 November 1975, the party suffered no disruption and went on to hold its Second Congress in Gaya under the leadership of Comrade Vinod Mishra. If the state thought it had the last word in repression, the revolutionary movement knew how to overcome it with exemplary resilience.

The latter half of the 1970s were to prove a turning point for the CPI(ML). Patna had been the epicentre of the 1974 movement which, after the spring thunder of Naxalbari, was arguably the second biggest post-Independence youth uprising. While the youth movement raged on the streets of Patna, the rebellion of the oppressed rural poor grew in rural Patna and the adjoining districts of Shahabad and Magadh. It was a matter of time till the two met and understood each other. The Emergency era jails provided a vantage meeting ground and the euphoria of the 1977 ouster of the Congress and the disillusionment with the short-lived Janata party created the right ambience for this conversation.

CPI(ML) did not remain a silent spectator to this changing political environment, it reenergised itself by drawing a lot of inspiration and also necessary lessons from the 1974 movement and the electoral upsurge of 1977. Significant changes started taking shape in the party's tactical approach, mass work, mass struggles and mass organisations assumed a new urgency and vitality in the party's ideas and practice. Following the 1979 special convention of the organisation, the party's mass outreach began to grow through diverse avenues and the organisation too began to acquire a growing all-India character amidst a vibrant churning of ideas, blossoming of initiatives, systematisation of everyday activities and regularisation of organisational life.

In their own ways Comrades Ramjatanji and Arvindji were typical representatives and organisers of this churning and expansion of the CPI(ML) in the post-1979 era. Comrade Ramjatanji, known as Aalokji to comrades in Patna would go on to play a key role in recruiting and developing comrades from among student activists in Patna University and Comrade Arvindji would play an anchor role in managing the party's entry into arena of Hindi publication, as a member of the core team that launched the popular weekly journal Janmat. Aalokji would become Varmaji and take up the responsibility of party secretary in Uttar Pradesh before returning to Bihar via Chhattisgarh and Jharkhand and guide the Bihar party first as state secretary and then as in-charge of the Magadh region. From 2013 to 2018, Comrade Ramjatanji was the chairperson of the Party's central discipline commission, and in 2018 Comrade Arvindji was also elected a member of this apex disciplinary body.

Comrade Ramjatan Sharma took keen interest in the dissemination of Marxist ideas and holding Marxist study classes involving young comrades. To sustain and consolidate the party's continuing mass expansion, a communist party needs an ideologically motivated and equipped contingent of party cadre,

and Ramjatanji would always concentrate on this often neglected aspect of the communist movement. Across generations there are many party cadres, including leading women comrades, who remember Comrade Ramjatanji for his close attention to cadre development and party education. In recent times he had also energetically taken to the use of digital technology and social media to carry on his role as a Marxist educator and motivator in these pandemic period when normal modes of communication and meetings have been hugely disrupted.

As we bid goodbye to these Party veterans we must try and imbibe their exemplary qualities of communist organisers – their tireless activism, hope and reliance on the people, and unflinching devotion to the revolutionary communist mission in our own lives. □

## Comrade Mythili Sivaraman

*(Kavita Krishnan pays tribute to veteran CPIM, CITU and AIDWA leader Comrade Mythili Sivaraman who succumbed to Covid-19).*

Red Salute to Comrade Mythili Sivaraman - a legend in the communist and feminist politics in India - who succumbed to Covid-19 – and a rousing salute to the inspiring life she lived.

As a young woman in the US working for the UN, she had been inspired by a visit to Cuba to turn her life's journey around and seek out communist politics in India in the late 1960s. She was among the first to visit Kilvenmani and document the massacre of Dalit Marxist labourers there.



I feel a great sense of connection with Comrade Mythili - a feeling that women like her, who chose the revolutionary path - paved the way for women like us; made the path easier for us.

Reading Comrade Mythili's writings (selections of which are published in 'Haunted By Fire', edited by V Geetha and Kalpana Karunakaran), I am struck by the fact that for her, as for me and for many women, not only "personal is political" as the feminist slogan goes, but the political is also deeply personal. The communist movement, and our party are part of our emotional life - their actions affect our inner self very deeply. Her writings come across as an act of sober reflection and analysis - not as self-satisfied propaganda. She is always asking us, and herself and her comrades, uncomfortable questions. Surely we all need to do this, for the communist movement to grow.

A video of her daughter Kalpana speaking of her mother was uploaded on YouTube by Newsclick. In the comments section some troll has asked in Hindi if Mythili was a yesteryear "Urban Naxali". In fact, the state even in yesteryears feared women with conscience and confidence, as they do now. In 1968 when Mythili visited Kizhvenmani, the police suspected her of being the Naxalite leader Ajitha!

At a time when terms like "naxal" is being used as abuse by the state, I like to recall how Mythili always rejected sectarianism and refused to echo the attitude of the state. She joined CPIM around the time when the CPIML was founded.

She clearly disagreed with the ML line and eventually chose to join the CPI(M). At the same time she wrote an essay in *Mainstream* in 1969, where she urged communist parties to engage with the social upheaval and mass movements being led by "naxalites" (i.e the ML movement). It is very significant that while disagreeing with the ML party and line, she was able to see the social upheaval that the Naxalbari movement represented, and recognise it as an asset for the communist movement as a whole. She asked, in that piece, "How can the revolutionary zeal of these 'Naxalites' be better utilised to serve the Indian revolution? The major responsibility falls on the Communist parties which have to reestablish their identities as revolutionary organs. The only legitimate means by which a Communist party can come to power is a popular upsurge, a social upheaval and not electoral adjustments with bourgeois liberal parties. Until the Communist Parties devote themselves energetically to this task of strengthening the base, the Kanu Sanyals and Ajithas will have been lost to them. Worse still, history which tarries for no one, not even for the Communist Party of India, would have bypassed it."

Comrade Mythili's daughter Kalpana and I became the best of friends when we served on the JNUSU together. In her, I could experience the gentleness, the honesty and integrity that I later saw in Comrade Mythili as well as in her partner Comrade Karunakaran. In the last decade, I feel privileged to get a glimpse of the loving care Comrade Karunakaran, Kalpana and Balaji lavished on Comrade Mythili, who had a sweetness of disposition that even Alzheimer's could not destroy. □

### Comrade Sharmistha Chowdhury and Comrade Sivaram



C P I M L mourns the untimely loss of CPI(ML) Red Star central committee member Comrade Sharmistha

Chowdhury, and CPI(ML) Red Star's Odisha state secretary of and its youngest Polit Bureau member Comrade Sivaram. Both are the tragic casualties

of post-Covid complications. Comrade Sharmistha was a key leader of the Bhangar movement when people fought heroically against a power grid project to secure major concessions. She had suffered imprisonment at the time. Comrade Sivaram had been active in the anti-POSCO struggle and in struggles of urban slum dwellers.



### Comrade Sameer Dasgupta

Dr Sameer Dasgupta passed away on May 31 – another irreparable life taken away by the Covid-19 pandemic.



A smiling man who could easily blend in anywhere, he did not become a so-called 'elite doctor'. He considered it his political and social duty to provide his medical services to the common people. He used to take part in political meetings, processions and campaigns.

He was born on July 21, 1953. He was admitted to hospital in mid-May with Covid-19, and passed away by the end of the month. He is survived by his wife, daughter Anvesha who is also a health professional in Durgapur, and his son.

Red Salute to Comrade Sameer Dasgupta!

### Comrade Gautam Sen

Comrade Gautam Sen, long time friend of the party, breathed his last at KPC Hospital in Jadavpur on May 25, where he had been undergoing treatment for Covid-19. He is survived by his wife comrade Kalpana Sen and daughter Mitali Sen.



Comrade Gautam Sen's political career began at the Regional Engineering College, Durgapur, where he was part

of that historic generation of students radicalised by the Naxalbari movement in that college along with Comrade Vinod Mishra, Dhurjati Bakshi, and Brij Bihari Pandey. A good student and a popular student leader, he was teasingly called 'Jham Sen' - meaning he was always causing "jham" – trouble!

He joined the Naxalite movement, and was part of the secret cell in his college, led by Vinod Mishra. He organised in support of the Kashipur workers fighting against police firing.

He was for a time a member of the Burdwan District Committee, and also a member of Durgapur Local Committee. When Comrade DP Bakshi passed away in 2019, Comrade Gautam attended the memorial meeting for his friend even though he himself was ill and weak.

Gautam Sen had formed the 'Mazdoor Mukti Sangathan' and used to publish booklets under that name. He also was associated with 'Search' publications. He was an eloquent and persuasive speaker, and also a patient listener, especially to opinions different from his own.

### Comrade Salil Biswas

Professor Salil Biswas, a long-time benefactor of the CPI (ML) and a member of the National Council of the All India People's Forum,



passed away late on May 21. Born in 1945, he graduated from Maulana Azad College with honours in English, and later attended Calcutta University. He joined the Naxalite movement in the late sixties.

After teaching at Darjeeling Government College for a short time, he joined Herambachandra College, and retired from there in 2007 as Acting Professor (Principal). Although he did not join any political party directly, he was closely associated with Naxalite organizations, especially Liberation.

He was very committed to educating children of poor working class communities, striving to develop teaching materials in languages they could understand easily. Red Salute to Prof Salil Biswas! □

*Where living is political, can death be apolitical*

*They're telling us to be good victims, to mourn without assigning blame  
To quietly grieve the unfortunate - and move on from this tragedy.*

*In an undeclared massacre, move on is a polite way to say pardon  
murder.*

*A man walks into a hospital without beds and comes back in a body bag.*

*A boy runs to an oxygen cylinder and comes back an orphan.*

*A teacher goes to school on election duty, and never comes back.*

*When the state has a monopoly on life and death,*

*Killing someone is the same as letting them die.*

*To call this murder divine will would mean the men in power are gods.*

*Our willingness to forget becomes their amnesty in crime.*

*To never move on, to demand justice, is the only way to tell the world:*

*Our dead deserved to live. Deserved to breathe, at no stranger's mercy.*

**- Diksha Bijlani**



Artist: Akshay Jose



A rendition of Sultana's Dream, made by Devangana Kalita in Tihar Jail. Sultana's Dream is a feminist story written by the Bengali writer and political activist Begum Rokeya, which was published in 1905. ILLUSTRATION BY DEVANGANA KALITA/COURTESY PINJRA TOD

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PRINTED AND PUBLISHED BY DIPANKAR BHATTACHARYA FOR THE CENTRAL COMMITTEE, CPIML FROM

CHARU BHAWAN, U-90, SHAKARPUR, DELHI - 110 092 AND

PRINTED AT DIVYA OFFSET, B-1422, NEW ASHOK NAGAR, DELHI - 110 096

EDITOR : ARINDAM SEN