

Human Rights in India

by Bharat Dogra

The main importance of the human rights movement lies in the fact that it seeks to reduce the pain and suffering of people threatened in various ways, and to create more conducive conditions in which the struggle for a more just and equal world has a better chance to succeed. In some ways this movement challenges cruelty and pain in a direct way, but it also seeks to achieve the same objective on a wider scale by striving to create a new world order in which there would be much lesser chance for one group of people to inflict pain and suffering on another group.

Take the situation of a rural area in which the landless farm labourers have to live and work in conditions of shocking socio-economic exploitation. They toil all day to produce food on the fields of big landlords but they and their children remain underfed and malnourished. It is hardly surprising that some of them rise to oppose this glaring injustice. The landlords with the help of the local goons (and whenever possible the local police) unleash repression on them. To terrorise them into submission they beat and torture those who have opposed their injustice. The human rights movement confronts and challenges this repression and torture. But this is not its only role. It also opposes those unjust socio-economic conditions in which this entire social unrest is rooted. In the process the movement also confronts and challenges all those vested interests who benefit from this unjust system and support it. This includes the local landlords certainly but not only them. The movement would be less than honest if it ignores the higher level support that exists for landlords whether it is from politicians, from agri-business companies, or from any other source within or outside the country. After all the landless workers generally do not fear the local landlords and their goons as much as they fear their higher level support due to which the police and other repressive apparatus of the State are made available to the landlords, despite the many illegal acts committed by them.

Challenge at the highest level

Thus if the human rights movement is not to confine itself only to some shocking manifestations of suffering and pain, but is also to be concerned with the root causes of this, then it has to be prepared to challenge and confront the vested interests at the highest levels. It is important to remember this, for with the growing strength of the human rights movement it has acquired such a place in the national and international affairs that powerful

vested interests seek to misuse its name for their narrow objectives. Then we find that those forces which are themselves responsible for large scale violations of human rights are lecturing at international fora about the need for commitment to human rights. This hypocrisy can be fought to a large extent if we keep in mind the root causes of suffering and injustice, and those who are responsible for these root causes.

Concern for human rights is sometimes seen only in terms of issues like political prisoners and torture. It is true that these are some of the most important issues for the human rights movement, but in addition to taking up these important issues the human rights movement also asks questions such as what sort of unjust conditions cause a large number of people to risk imprisonment and torture by opposing these? By resorting to torture and other terror-tactics, what sort of an unjust system is sought to be prolonged? Why do the authorities feel that it is not possible for them to prolong their regime without resorting to imprisonment of political opponents and torture, despite the strictures these repressive measures attract at an international level?

Inequality and injustice

A search for answers to these questions would reveal that generally those systems which have to resort to large scale imprisonments of political opponents and torture are the ones which are based on unjust distribution of resources and ruthless socio-economic exploitation of a large section of people. This glaring inequality and injustice leads to revolting and highly degrading living and working conditions for a large number of people, causing large scale discontent among them which bursts forth in various efforts to change the unjust system and remove the unjust rulers. It is to pre-empt or repress such movements that the rulers resort to large scale imprisonments and

torture.

Hence the human rights movement is closely concerned about the denial of basic needs both due to the enormous suffering this causes and its ultimate linkage to issues like political prisoners and torture certain minimum satisfactory norms of nutrition have to be provided to all people and certain minimum protection has to be provided from weather extremes, to mention only the most basic necessities. Today more than at any other time of history, science and technology have advanced to an extent that the natural endowments of almost any region can be harnessed (directly or by trade) to meet at least the basic needs of all people. If despite this a significant number of people continue to be deprived of basic needs, it is because of injustice and inequality, because of selfishness of one section of people to enrich themselves while depriving others. Related to this are the questions of living conditions and the overall justness of the development path.

Denial of minimum satisfactory norms of food and shelter is important, though it is certainly not the only form of deprivation that concerns the human rights movement. Denial of the freedom to practise one's religions and spiritual beliefs and denial of dignity are some other aspects which can cause considerable distress and discontent among people even when this denial is not accompanied by any denial of basic needs in the physical sense. Discrimination and injustice of this kind can be based on religion, sect, race, colour, gender or other considerations, and issues related to such discrimination - with or without any linkages to the denial of basic needs are an obvious concern of the human rights movement.

Given the existence of such injustices, the human rights movement is also concerned about the extent of freedom allowed by a system to resist and gradually remove these injustices. This is freedom in the form of the kind of laws that exist and the overall institutional framework in which such laws are implemented.

The human rights movement is also concerned very deeply, of course, about the extent and form of repressive activity that is permitted in any society to curb the efforts or movements that protest

against the kinds of injustices that have been mentioned above. Any system that believes in simply eliminating its political opponents, or which has no hesitation in inflicting the most cruel forms of torture on its opponents needs the severest condemnation. Further, the more extreme the repressive measures are allowed to become, the more difficult and costly (in terms of human lives) the struggle for basic justice becomes.

Lastly, as mentioned earlier, the human rights movement is also concerned about identifying and indicting the violator of the human rights. Whether it is a representative of the government, whether it is a feudal lord or a capitalist having the support of the government, whether it is a multinational company having the support of wider imperialist forces or whether it is a fundamentalist group intolerant of other religions or sects, the violator should be exposed without fear or favour.

In the context of this identification of the concerns of the human rights movement, let's now look at the human rights situation in India.

Denial of basic needs

According to the Seventh Plan Document (1985), "Dietary surveys by the National Nutrition Monitoring Bureau (NNMB) reveal that nearly 50 percent of households surveyed in different states of the country consumed food which is quite inadequate to satisfy their requirement of either calories or proteins, or even both." This view is broadly supported by several experts. Under-nutrition and malnutrition result in several diseases, and in overall weakness which makes people, especially children, very susceptible to a wide range of diseases and infections.

With an infant mortality rate of 90 per thousand, Indian families face the dismal situation of losing one out of every eleven children born before completing one year. Diarrhoeas caused by insanitary environment and unclean drinking water continue to kill over a million children every year. According to official estimates, nearly 30.000 children have been turning blind every year because of vitamin A deficiency.

The denial of basic needs is leading to the denial of life itself in the case of so many children and

adults in India. The undernutrition/malnutrition situation worsens further when the drought period extends over two or more years. The poor nutrition situation is accompanied by lack of protection from weather extremes for a very large number of people.

As for housing the Sixth Plan document (1980) clearly admitted, "It is clear that housing conditions in the country are rather poor. A large number of people either live without shelter whatsoever or in units below the lowest possible standard.

This recognition, however, has not prevented the government from depriving the poor of whatever shelter they have by launching eviction drives in hut colonies and pavements of cities from time to time, drives which have been known for their insensitivity and cruelty. A report on such evictions in Bombay in 1981, prepared by People's Union for Civil Liberties, describes the situation, "Between 6 a.m. and 9 a.m. on 23rd July, 1981, on one of the worst days of monsoon, in pouring rain, deportation commenced. Pavement dwellers of Kamraj Nagar were forcibly herded into State Transport buses, their huts were demolished and their belongings confiscated and dumped into rubbish vans of the Municipal Corporation of Greater Bombay. Families were separated, children and old people died and a woman even delivered a child in one of the buses."

What are the causes of this denial of basic needs to a large number of people? Injustice, exploitation and inequality can be seen at various levels, but the root cause can be seen in inequalities in access to land and other resources in villages where nearly three-fourth of Indian people live.

The Seventh Plan document admits that small and marginal farmers with holdings of land up to 2 hectares represent about 73 percent of the land holdings but are able to cultivate only about 23 percent of the cropped area. The inequalities would look even more acute if we include also the landless peasantry. This inequality in land ownership is enhanced by unequal access to other resources such as irrigation water, minor minerals and forest produce.

It is true that the government has been promising since long to correct these inequalities by redistribution of land. However,

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according to the government's own data roughly about one percent of the cultivation land has been redistributed under the land ceiling laws in the four decades after independence.

Even this achievement has to be balanced against the substantial alienation of land that has been taking place from the small (specially tribal) farmers to rich farmers in several villages. In addition hundreds of thousands of hectares have been taken over from farmers (specially tribal farmers) for a large number of big development projects, several of them of dubious merit. Although on paper satisfactory rehabilitation packages have been promised to these displaced persons, in most cases they have suffered a significant decline in their living standard as well as their resource base.

The 29th Report of the Commissioner for Scheduled Castes and Tribes 1987-89 says: "The situation in this new phase of development is entirely different compared to the earlier. Now it is only a question of just a few people being displaced, instead entire villages, entire communities are being forced to leave their ancestral homes, they are obliged to roam about aimlessly in an unknown and strange world. It is regretted that this new aspect of development has not been considered with the seriousness which it deserves. Consequently, entire villages and entire communities are facing disorganisation, the people are

being deprived of the very basis of their life and they have nowhere to go. The biggest impact on this has been on tribal areas but the problems even in the non-tribal areas are horrible."

The Rengali dam in Dhenkanal district of Orissa has displaced over 5.000 people, most of whom were resettled on barren land extremely difficult to cultivate. Only those who could go to court got adequate compensation. Several settlers have been forced to work as casual labourers in distant places or to collect wood and sell it in Deogarh town. All this happened despite the very rosy promises of satisfactory rehabilitation by the government. Likewise, that Rihand dam in Singrauli region displaced nearly 50.000 people spread over 108 villages. In fact most of the oustees of the Rihand dam have been displaced twice - once for coal mines and then again for thermal power plants.

It is in the context of examples such as these that the Report of the Commissioner for Scheduled Castes and Tribes quoted above has warned, "It is said that about 10 to 15 out of 100 tribals in our country have already been displaced by now for one reason or the other. If this process continues and the paradigm of development remains unchanged, the pace of displacement will become still faster and the condition of the tribal people will further deteriorate."

This brings us to more basic questions about the

appropriateness of the existing development path itself in meeting at least the basic needs of all sections of people. The question is not one of the pace at which we are proceeding on this development path, although this is the way in which it is generally posed, but instead of whether the development path which we have adopted is the right one to achieve the objective of basic needs for all.

On the one hand we see that to a certain extent there is a genuine concern within the system to remove some of the long existing unjust and exploitative practices (although the extent to which this concern will be matched by actual action is another matter). However on the other hand there is also the other trend - on a much larger scale - of unleashing new forces which lead to the deterioration of the living and working conditions of a larger number of people (by factors such as displacement) without giving them a fair chance to adjust to the changed circumstances of their lives and environs. The net result is that an overall slow and reluctant effort to remove or reduce some of the long-prevailing injustices is being overshadowed by the larger forces which actually increase injustice and exploitation in new ways. Hence the overall prospects of meeting the basic needs of all people are likely to decline instead of improving in such a setting.

Bonded labour

Let's take the example of existence of the shameful system of bonded labour, a form of slavery, even 45 years after independence. First of all we have to face the tragic and deplorable fact that the first significant and national level effort to ban this system was initiated as many as 28 years after independence, in 1975. During these 28 years the existence of this highly exploitative and unjust system, which was a big blot on the human rights record of the country, was simply ignored.

Further even after the initiation of the national level efforts in 1975 to end the system of bonded labour the progress has been far from satisfactory. While good work has been done in selected pockets where the system of bonded labour has actually declined to a large extent, specially in agricultural work, this decline is likely to have

been more than made up in some new areas of work such as dam construction where bonded workers are known to be employed in very large numbers.

A recent study (1991-92) of the system of bonded labour made by Lal Bahadur Shastri Academy, Mussoorie, says: "In spite of constitutional provisions and special all-India legislation prohibiting bonded labour, this phenomenon is both extensive and widely prevalent in the country. During the last one decade the prevalence of bonded labour among agricultural labourers, as well as among non-farm occupations - such as brick kilns, stone quarries, khandsari units, beedi manufacturing, carpet manufacturing, construction projects etc. have come to light."

Child Labour

A similar dismal picture emerges in the case of child labour. The least that could have been done in the post-independence period was to have abolished child labour in those industries which destroy the health of workers at a tender age and render them incapable of leading a normal life in later years. But thousands of child workers continue to be drawn into the monstrous claws of high-hazard industries which destroy their capacity for a normal healthy life within a few years of employment.

Official estimates put the number of child workers at around 17 million, while widely quoted unofficial estimates (a nationwide survey by Operations Research Group) place the number of childworkers nearer to 44 million. A significant number of these jobs are high hazard jobs. In fact some of the high hazard industries employing child labour have witnessed a big increase - related to export market or otherwise - in recent years and this has also been accompanied by a big increase in the number of child labourers employed in this work. Obvious examples are the carpet industry (Varanasi, Mirzapur) and the brassware industry (Morabad).

In some specific, much highlighted areas there may have been a decline in child labour or some improvement in their working conditions and welfare measures, but on the whole the number of child workers employed in hazardous industries appears to be increasing, and in some areas of

this work, such as hazardous steel utensil polishing work which covers child workers in black dust from head to feet, very little is even known or documented.

Speaking about working conditions in general, it is well known that the accident rate in most industries in the country is quite high and safety norms are violated on a large scale. Yet precious little has been done to reduce accidents even in the case of those industries (such as the steel utensils industry in Delhi) the hazardous conditions prevailing where have been highlighted and well documented in the media. Important occupational diseases such as byssinosis prevalent among textile workers and the various ailments of tobacco workers continue to be badly neglected. Emerging new areas of greater concern such as occupational cancers are also not receiving the due attention. In fact exposure to several hazardous chemicals and work processes, some of which dumped here after having been discovered to be unsafe in advanced countries, is likely to pose a rapidly growing threat to occupational health in the future.

Question of faith

Humankind does not live by bread alone, and apart from the important question of basic needs some other issues, of faith and dignity for instance, are very important for a large section of people. Here we can say with some pride that on the whole the record of post-independence India has been reasonably good and by and large religious freedom has not been denied to members of any religious community. However this may no longer be true with the emergence of strong fundamentalist and extremist trends among Hinduism as well as other (minority) religious groups of India. As Hindus comprise nearly four-fifth of the population of India, it is the spread of extremist trends among them which poses the biggest threat to the human rights scene in India.

In recent times the Hindu extremists have tried to make the removal of a mosque the most important issue for the nation. Large scale frenzy and violence have been whipped over this issue over the past few years. This is not all. Such controversies regarding removal of mosques are being

taken to other areas like Varanasi and Mathura.

In 1990 a Vishal Sant Samelan (big meeting of saints) was called in Allahabad at the initiative of Vishwa Hindu Parishad (VHP) and a sister organisation. At this meeting one leading person of this gathering Swami Chinmayananda said: "The dream of making India a Hindu nation will soon be realised. The new Ram Janambhoomi temple will of course be built, but that is just the beginning. We shall go on to liberate the Kashi Vishwanath temple in Varanasi and the Krishna Jammasthan in Mathura. And why stop there. We will install a Jamuna Bai Mandir at the spot where the Jama Masjid today stands. We will build a temple in place of the Taj Mahal." S.C. Dixit, Vice-President of VHP has said: "We took up the Ayodhya issue first only because there was a long-standing dispute already pending there. But that does not mean we are any less keen on the other two shrines (at Mathura and Varanasi) as well."

If one temple-mosque dispute has created so much havoc, then the impact of many such controversies can be easily imagined, and it is equally clear that the leaders of VHP and related organisations have openly expressed their commitment to taking up other such controversies.

It is even more important to draw attention to the fact that even those controversies of this nature which have been settled in recent years by the representatives of two communities are now sought to be reopened. For example in Mathura the controversy had been settled by representatives of the two communities. But now the local leader of the Bajrang Dal having close relations with VHP has clearly said that this agreement is not acceptable to him. If this is so, then where is the guarantee that any agreement signed today or any concession made today will be honoured by even more intolerant organisations/leaders tomorrow? It follows from this that if one religious organisation can challenge the agreement reached by another Hindu organisation in order to assert its superiority, then this trend can continue in future also.

We should also consider the statements that have been made in pamphlets widely distributed by VHP members and supporters. Some of the main points emphasised in these documents

again and again are: Muslims and Christians have been criticised in very strong words. It has been written: "Christian and Muslims are creating Lebanon like conditions in India by converting the maximum number of Hindus." About Christian priests and missionaries it has been said: "Everywhere they are spreading hatred against Hindu religion." Further it is said: "Two thousand Christians who came to India have become 3 crore (30 Million, the editor)."

Further appeasement of minority communities has been held responsible for crimes like smuggling, drug peddling and riots. However, the documents are critical and not only of minorities but also of certain Hindus. The "traitors" among them are warned that they will be held accountable for their actions so that no traitors are born in India in future. In particular certain Hindu intellectuals are criticised severely.

These documents say that after India's independence the Hindus have still not attained independence. It appears, the documents say, as if Christianity or Islam is the state religion of India today. Hindus have been asked to form separate vote banks.

Thus it is clear that minorities as well as Hindus committed to the protection of the rights of minorities face a threat from the fast spreading Hindu extremist ideology. Similarly Sikh extremists threaten not only the minorities but also the tolerant, progressive, secular and leftist persons within the Sikh community. The Sikh extremists and secessionists (Khalistanis) have proved themselves to be among the most violent groups in the world, and they are responsible for a very large number of senseless killings. While they have frequently singled out non-Sikhs while attacking bus passengers, at other times they have also killed a large number of secular and progressive Sikhs who do not agree with their narrow and bigoted views.

This tendency of narrow-minded sections to turn against the broad-minded, tolerant or reformist sections of their own community has reached extreme forms also in the Dawoodi Bohra community belonging to the Shia sect of Muslims. There is a very long and terrible list of complaints of persecution of reformist members of Dawoodi Bohra community

practised by the priestly class of this community in the name of the religious Head-Priest Syedna Sahib.

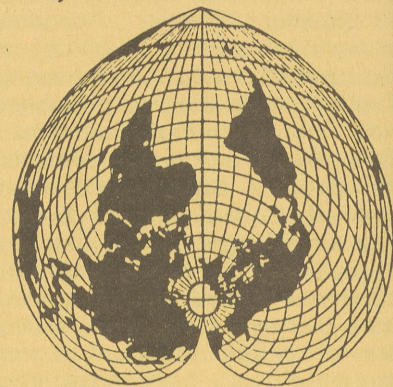
Thus we see that the growth of intolerant, narrow-minded and extremist tendencies among various religious communities poses various types of threats to the human rights situation in different contexts. Recent years have in addition witnessed highly disturbing tendency of large-scale violence taking place with the attackers. The worst manifestation of this was no doubt the November 1984 violence against Sikhs which can be called the biggest blot on the human rights record of India in post-independence period.

Denying Dignity

Apart from their economic exploitation, the poorest people of Indian villages, specially those belonging to the scheduled castes (Harijans or Dalits) are exposed to a host of social indignities and discrimination which continue to this day, despite the enactment of laws to remove them. Some time back workers of the Harijan Sevak Sanh in Madhya Pradesh visited 179 villages in nine districts of this state to find out the socio-economic conditions of the Harijans living there. They found that in some parts of 124 villages Harijans were not allowed to draw water from public wells. Out of the 128 temples of this area only 79 were open to Harijans and of the 39 restaurants, 11 did not serve Harijans. In nearly 60-80 percent of the villages the Harijans could not avail of the services of the barbers and in almost the same percentage of villages the Harijans could not avail of the services of the washermen. In some parts a Harijan bridegroom was not allowed to ride a horse, or even a bicycle.

Surprisingly even in some urban areas untouchability continues to be practised in various forms. The discrimination in making available water facilities, is the worst aspect if discriminatory practices as far as the suffering caused to the Harijans in the day to day life is concerned. In a study by I.P. Desai regarding the availability of water to Harijans in Gujarat, it was found that only in five villages of the 69 villages studied were the Harijans allowed access to water sources on the basis of complete equality with the Savarnas (high castes). In 13 villages the same sources of water

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used by the Savarnas and Harijans but several restrictions were placed on the latter in their use of these water sources. In 44 villages it was strongly believed by the Savarnas that water is polluted by the mere touch of the Harijans and therefore separate wells mostly in their own locality were provided for them. When taking water from lakes, ponds or rivers the Harijans were allowed to go only from some fixed points. In seven remaining villages the plight of the Harijans was the worst - here too the water was considered to be polluted by their contact and in addition alternative sources of water were not available for them. They were therefore not able to satisfy the primary need for water not because there is scarcity of water but because they are untouchables. Available evidence from other parts of the country also indicates that the discriminatory practices in the utilisation of water sources exist on a large scale almost over the country.

And what happens when the Harijans dare to protest against such blatant and wholly unlawful forms of discrimination? Doma Upasaya, a landless labourer of a village near Nagpur, entered into an argument with a high caste man when the latter prevented him from taking water from the public well. Next day his 11 year old son was found dead with many injuries on his body. In the Alagud village of Bida district in Karnataka, some Harijan youths complained to the police that they were served tea in cups kept separately for them. A sub-inspector who visited the village asked the shopkeeper to end this discriminatory practice was beaten up by the high caste people and his clothes were torn. Subsequently a socio-economic boycott of the Harijans living in this village was publicly announced. All the high castes persons were asked not to employ the Harijans in their fields or in their homes and a ban was placed on their entry in the fields owned by the high caste people. Harijan children were forced out of the Government schools. A fine of Rs 151 was imposed on any high caste person found assisting the Harijans in any way.

Dignity is denied not only on the basis of caste but also on the basis of gender. The dignity of women is insulted even in several well-off and educated families. While taunts and insults to women relating to a number of issues are almost a

routine matter in a large number of households, in some cases things can reach the stage of suicides and killings related to dowry and other issues. According to information given in Parliament on August 1991 more than 11,000 women were killed in three years in dowry-related murder and suicides in the country.

Women are exposed to sexual violence and abuse on a large scale. In 1989 alone 7,586 cases of rape, 16,883 cases of molestation and 11,226 cases of girl and women kidnapping were reported from the country. The actual number of cases was even higher as a large number of such cases do not enter the official records. There are several organised rackets for dragging helpless women into dens of prostitution, and even a large number of minor girls are procured for this purpose. Rape and molestation - or threat of this - is also used as a symbol of terror to keep down upward looking groups from what has been traditionally considered the lower strata of society.

Repressive laws

There has been a growing trend towards enacting legislation which gives special powers to the government. This legislation is generally enacted in the name of fighting terrorists, protecting the integrity of the country and containing socially disruptive forces. Yet they are later used freely against forces which use democratic methods to voice the genuine socio-economic aspirations of citizens, specially those belonging to the working class. It has been seen quite often that the trust that has been reposed in the government, by among others the opposition parties represented in the Parliament, in extending support to such legislation has later been dishonoured by the government by using new laws for other than stated purposes.

For instance in 1962 in the wake of the border conflict with China when the Defence of India Rules (DIR) were introduced, all parties including the socialist leaders Madhu Limaye and Dada Nayak were arrested under DIR when they organised a civic workers strike in Bombay. In December, 1964 thousands of CPI-M workers became the victims of these laws. In 1971 when the Maintenance of

Internal Security Act (MISA) was introduced, it was supported by almost all parties. Yet the opposition parties became a victim of this act during the emergency period 1975-1977.

Giving several such examples, a 1989 publication of the People's Union for Democratic Rights titled 'United We Terrorise' points out that such legislation giving special power to the government (which is later frequently misused) has been showing an increasing trend. Speaking for the period 1985-1989 (Eighth Parliament) this publication points out that during this period one such act was passed, two were amended, four new legislations were introduced, while three bills were pending at the time. Of all these acts, the publication says, the Terrorist and Disruptive Activities (Prevention) Act (TADA) is the most objectionable. "Almost every safeguard guaranteed by the constitution, every single mechanism of checks and balances erected by it, every principle of liberal jurisprudence, every principle of natural justice, every single democratic right won over years by our people, is thrown to the winds by this act. "While the law was enacted predictably to fight terrorism, it was also used against working class struggles, civil rights activists and members of the press."

Poverty as a crime

Even after being subjected to extreme forms of social and economic exploitation, the poor families are not left alone. If a crime takes place in a village and it is not possible to trace the culprit, it is quite likely that one of the poor youths will be implicated in this crime and arrested. The chances of this happening increase tremendously if some youths in the village have been posing even a small challenge to the autocratic ways of the exploiters.

If one or more gangs of decoits are active in this region (more and more parts of the country are facing this situation) it is quite likely that during the night a basti of the poorest people is raided by the decoits. They will be ordered to cook food for them, their women may be molested by the decoits and then they will be forced to guide the decoits regarding village paths etc.

Next morning their basti may

again be raided by the police who accuse them of sheltering the decoits and of colluding with them. Some of the youths may be arrested by the police, others are likely to be beaten up. They may have to pay bribes. Their women are not safe this time also.

Crushed between decoits and the police the poor of these villages lead a highly insecure existence. In some villages there are some stirrings of discontent against exploitation. Social workers or political activists from outside the village may have tried to get in touch with the poor. Some poor youths may have agreed to join them.

The word spreads. The police or the landlords (or both) raid their basti. The people living there are beaten up indiscriminately. Their meagre property is destroyed or taken away. Some youths are taken away and tortured to reveal the identity and location of those trying to organise them. Some are sent to jail for long periods, probably for the offence of listening to a social worker and raising a few slogans with him.

Once a youth is falsely implicated in a legal case, he has to be bailed out, a lawyer has to be hired,

frequent visits to law courts and jail have to be made. For all this the existing meagre property may have to be mortgaged, loans have to be taken or prohibitive interests, daily wages of several days have to be sacrificed, bondage of landlords has to be further increased.

Sometimes these youths picked up from their basti on only partly true or even outright false allegations are killed in cold blood by the police anxious to show how many decoits or 'naxalites' it has killed. These murders are then shown as encounter deaths.

In particular the people belonging to those communities which were classified as criminal tribes during colonial rule have to suffer a lot at the hands of the police. In a paper written for National Convention on Human Rights Dr. Kailas B. Goud explains: "In spite of the repeal of the Criminal Tribes Act, there is hardly any improvement in the conditions and status of their life. They are far from being recognised as normal beings and citizens of independent India. The stigma of criminality attached to them is still a licence in the hands of law enforcement agencies and local goondas for harassment and persecution of members of these tribes. Their human rights are routinely violated by the police. Any time an act of theft or robbery is committed, they fall victim to the suspicions and doubts of the police. There have been innumerable cases of arrest and torture."

A dismal catalogue


Several repressive actions of the police have been evoked widespread concern in the country over the last years. A report brought out by the Andhra Pradesh Civil Liberties Committee (APCLC) in 1988 says: "The killing of political activists in encounters is not new to Andhra Pradesh. But at no time in the past has the rate of killing been as high as this year. By the end of November, that is to say during the first 11 months of this year, 52 alleged or real activists of the CPI-ML groups (refer to an article on 'Naxalites' in this issue, the editor) have been killed in 'encounters', in addition, another dozen of them have been killed without even the benefit of an 'encounter' story. This number is to be compared with 75 deaths in 'encounters' during the 18 months of the emergency."

According to a memorandum on 'Civil Liberties in Andhra Pradesh' submitted by the APCL to the Chief Minister in 1990, "In addition to the killing of alleged or real 'Naxalites' in encounters, the police have also rendered a number of youths 'missing' from police custody. This infamous method of dealing with political dissidents is widely reported from the Latin American countries. In India, the first government to resort to such killings systematically is the TD (Telugu Desam; TD is a political party which governed the state) government. To our knowledge there have been 24 cases of persons disappearing after being taken into police custody."

Another infamous period that needs to be recalled is the time of ruthless killings of Naxalites in late sixties/early seventies in West Bengal, specially in and around Calcutta.

Punjab is another state from where extreme forms of torture have been reported much before the present spate of terrorist violence started. During the emergency a peasant activist of Kirti Kisan Sabha, Gurcharan Singh, was killed by the police while being subjected to extremely cruel torture after he had been arrested for resisting the infamous forced sterilisation drive of the emergency days. Those who had been arrested along with him described the inhuman torture in the police station. One form of torture was to strip them, tie their legs after stretching them in opposite directions to the maximum so that the private parts were fully exposed, tie their hands in a raised position behind them and then to kick their exposed bodies including the genitals till the prisoners fell unconscious. Another form of torture was to place heavy rollers on their body and then four policemen to stand on these. In one case the policeman drank liquor and tortured at the same time.

A recent article on torture in Punjab's most widely read newspaper 'The Tribune' (March 4, 1990) by Rajiv Kaplish says: "It is not difficult to trace the origin of third-degree methods in police interrogation. As the police is supposed to detect crimes, it almost takes it for granted that torture - euphemistically called 'sustained interrogation' - has acquired social sanction. The police has all along regarded this step as



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an easy way out, particularly as the precincts of a police station are normally out of bounds for people and very few outsiders come to know what is happening inside lock-ups ... The use of brutal force and third-degree methods on suspects continues to be a major and, at times, the sole weapon with the country's police. Torture is used to extract information, to settle old scores, or to teach the persons concerned 'a lesson' (Torture is a criminal act, punishable under section 330 and 331 of the Indian Penal Code with a maximum of seven year's imprisonment). Bodies, often badly bruised, are cremated in haste by the police and are rarely returned to the victim's relatives."

A report in the 'Sunday' magazine (27 October - 2 November 1991) describes some common torture tactics of 'the third degree' as practised in India,

- The victim is slung upside-down on a pole, with his hands and feet tied. Then the soles of his feet are struck with all force at his tormentors' command. Ice-cold water is sprinkled on his forehead as he lies in this position, to accentuate the pain he is experiencing.

- The burning ends of cigarette are pressed to various parts of the victim's body. The nails of the two big toes may also be burnt.

- Women are flung against the wall repeatedly while being held by the hair. Physical violence is followed up with threats of sexual molestation, and in some cases by actual rape.

- The victim is deprived of food and water for the entire day. When he is almost dying of thirst, he is offered urine instead of water to drink.

- The ultimate humiliation, of course, is when a bamboo rod is thrust up the rectum of the victim and twisted.

Identifying the guilty

In reports from rural areas generally the upper caste big landowners have been identified as the main aggressors, but the human rights movement has also been careful to bring out the collusion of the government machinery in allowing such attacks, despite the fact that those who have been attacked are generally fighting only for the implementation of the government's own laws and

policies on issues such as minimum wages and land reforms.

A report of the People's Union for Democratic Rights titled 'And Quiet Flows the Ganga' and concerned with the violations of human rights in Bihar has made this identification very clearly: "In the North and South Bihar plains the social contradictions are located in the agrarian structure. The inequitable distribution of land and more specifically the low wages are at the root of these tensions. One hundred and sixty three killings listed are due to agrarian tensions...In addition there are general agitations of a restive population for the implementation of welfare schemes, better employment opportunities and so on, and these have now become common for all regions. A total of six killings listed are related to such agitations. In response to the situation a number of rural organisations have sprung up in Bihar in recent times. Organisations of agricultural labourers and small peasants in the plains and tribal organisation in the plateau region are now common to more than half of Bihar. Some of these organisations are associated with political parties and groups like the CPI (M-L) and the Jharkhand Mukti Morcha, while others are autonomous groups that are not necessarily associated with any known political organisation.

The immediate response of the landed interests to the growth of organisations of the rural poor is to build parallel organisation such as the Bhumi Sena (Patna and Gaya), Bhumi Ramarshi Sena (Gaya), Kshatriy Kisan Manch (Nalanda), Pragatishel Kisan Sangh (Bhojpur) and so on. These organisations are essentially private armies and may be held responsible for as many as 108 of the killings listed. Their unrestrained functioning also indicates the role of the Bihar police in the conflict. In fact, in some places they have conducted combined operations in order to eliminate peasant activists. Five such killings are listed. In contrast in Chota Nagpur, it is essentially the police who are responsible for political killings. All the 16 Adivasis killed in this region have been killed by the police. In the case of landlords, the killings are sometimes through armed mob attacks on the Dalits bastis, setting fire to their houses and then shooting down the fleeing victims.

About 10 such incidents in which 54 people were killed are listed. In some other cases selected individual activists have been identified and eliminated. Nineteen such killings are listed. Police action takes the shape either of indiscriminate firing, killing 42 of the people listed, or the staging of so called 'encounters' where activists are killed in cold blood. Subsequently the story of an 'encounter' with 'dacoits' is put out as and explanation of the deaths. Eighteen such 'encounter' killings are recorded.

It is one of the major ironies of the practice of democracy in contemporary India - and Bihar provides an outstanding example - that the agencies of state authority including the police and the district administration, play a major role in crushing the attempts to organise the most downtrodden sections of rural society. Neither politicians of the ruling party nor members of the bureaucracy at the state or local levels have been willing to perceive the basic issues underlying the struggles of the Adivasis and agricultural labourers. There is an unmistakable tendency to unhesitatingly brand their struggles as 'extremist' or 'Naxalite' or 'anti-social' - even though the objective may be simply the implementation of the laws made by the government itself. The most disturbing element in this picture is that these agencies have implicitly or explicitly collaborated with the private organisations of vested interests to suppress the poor. This policy on the part of the state cannot be viewed as accidental. The long list of people killed (in recent years in Bihar) testifies to a deliberate pattern of conflict determined by class interests".

In the case of disputes involving industrial workers, specially those employed by very rich and resourceful industrialists, the collusion can be seen even more clearly as the police in several cases resorts to extra heavy methods to appease the highly rich and resourceful side.

The 15-year old movement of Chattisgarh Mines Shramik Sangathan (CMSS) and Chattisgarh Mukti Morcha (CMM) in Chattisgarh region of Madhya Pradesh despite winning widespread acclaim for combining the struggles of workers and peasants with social reform and a health movement, always had to work under the threat of various

types of repression and violence. When the movement came into conflict with big and resourceful private sector industrialists of the industrial belt stretching from Rajnandgaon to Raipur, the repression reached its peak. Under the Sundar Lal Patwa government of Madhya Pradesh the industrialists got the full support of the administration and the police to dismiss the workers, attack them and their leaders in very violent and cruel ways and create an atmosphere of terror to break the organisational effort of workers. The most prominent leader of this movement Shankar Guha Niyogi (see also 'Südasiens', 1-2/92) was first jailed, then efforts to extern him from his area of work were made and finally he was killed on September 28, 1991. In this entire tragic episode the collusion of the industrialists, officials and politicians at high level is quite clear.

In recent times the workers in many industries are facing new threats to their employment and other rights. Large scale retrenchment and loss of jobs are feared in the near future. These likely losses of workers are being linked to the new industrial policies imposed on India by the IMF-World Bank combine. The results of these conditionalities imposed by them are also likely to manifest in several

adverse forms for the weaker society. Hence there is even greater need now than before to also explore the wider link of imperialism to violations of human rights in the country. Another related fact is that several violent conflicts in developing countries which pose a threat to the human rights are in reality the manifestation of the low-intensity warfare as practised by the super powers for promoting their geo-political and other interests.

Resistance

There have been several efforts at various levels to resist the various violations of human rights in India. At the time of several inhuman acts, people of various localities and work-sites have also risen spontaneously against this injustice. Resistance and opposition have also been organised from time to time by various organisations of peasants and workers against not only the repression and torture suffered by their own members but also to protest against some under threats of the human rights situation in the country. However in a more sustained way the wider human rights issues have been taken up by various human rights, democratic rights and civil liberties groups in the country, by various women's organisations, some

environmental groups and several organisations devoted to various sections of oppressed classes and castes. These organisations have been sending out fact-finding committees, preparing reports, providing relevant information to media, setting up people's commissions, organising protests, providing legal aid to the weaker sections and carrying out the work of resisting human rights violations in several ways, to the best of their limited strength and resources.

In the process of carrying out this work the human rights movement has itself faced increasing onslaughts of the repressive machinery. Some teams of human rights activists which have gone on fact-finding work have been attacked and threatened. Some human rights activists have been arrested on trumped up charges and some have even been killed.

The Vice-President of the Andhra Pradesh Civil Rights Commission was shot while its secretary was kidnapped. More recently, the President of the Warangal Unit of APCLC Mr. N. Prabhakar was shot dead at his village on December 7, 1991.

Despite these growing threats, the human rights movement has to continue to grow simply because the need for this movement has been increasing.

Folgende aktuelle Materialien zur Menschenrechtssituation in Südasiens können über das Südasiensbüro bestellt werden:

1. Report of the Canadian Human Rights Mission to Sri Lanka, January 1992, DM 14.00.
2. Bhutan - An Iron Path to Democracy, A Special Volume on Documentation of Human Rights Violations in the Kingdom of Bhutan, January 1992, DM 14.00.
3. Life is not ours - Land and Human Rights in the Chittagong Hill Tracts of Bangladesh, an update of the May 1991 report, by Chittagong Hill Tracts Commission, March 1992, DM 8.00.

Wirtschaftsmaterial:

4. Sri Lanka Poverty Study, by NGO Forum on Sri Lanka, December 1991, DM 18.00.