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Recent Developments in Goa, Jharkhand and Bihar

Ugly manifestation of bourgeois politics

Of late, there have been certain developments in the states of Goa, Jharkhand and Bihar centring around dismissal and formation of governments and intervention of the Supreme Court which have raised serious doubts if the vestiges whatever little have been left of bourgeois parliamentary democracy are still in vogue. In Goa, the majority of the BJP-led Parrikar government came under doubt after four BJP MLAs, who earlier defected from the Congress and other regional parties, tendered resignation from the BJP. When the ruling combination moved a vote of confidence in the Assembly, the BJP speaker ordered Mr Filipe Neri Rodrigues, one of the defected

MLAs, to leave the house as a disqualification petition was filed against him. Another defected MLA who apparently rose to defend Neri, was counted by the speaker to be "in favour" of the motion. Since Neri's vote was crucial in destabilizing the government, the Congress and its allies burst into protest against the arbitrary action of the speaker and created a pandemonium inside the house. Amidst chaos, the speaker announced that the government had survived the trial of strength by crossing half way mark in the 36-member house and adjourned the assembly. When most of the ruling MLAs left the House, Pratap Sinh Rane, the Congress leader, occupied

the chair of the speaker and declared that the government had lost confidence vote. Immediately the Congress leaders rushed to S.C. Jamir, the State Governor and a veteran Congressman, and asked him to dismiss the government. The Governor obliged, issued an order saying that the speaker had made a mockery of democracy and the letter of dismissal reached Parrikar, the BJP Chief Minister, within an hour. At 11.30p.m. same day, a new Congress ministry headed by Rane and with defector Neri as one of the ministers was sworn in. This caused enough heartburn and Pacheco, another defector MLA, made no secret about it by saying "I was

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Patents (Amendment) Bill

Comrade Nihar Mukherjee flays CPI(M)-CPI's treacherous role

Comrade Nihar Mukherjee, General Secretary, SUCI, in a statement issued on March 26, 2005 severely condemned the treacherous role of the CPI(M)-CPI in providing safe passage to the black Patents (Amendment) Bill in Parliament boasting of some cosmetic changes in the draft at their instance as a "big achievement" and thus shamelessly surrendering people's interest before the dictates of global imperialism-capitalism operating through WTO. This once again exposes how sham is the opposition of the pseudo-Marxists to the brazen anti-people policies of the Congress-led UPA government subserving the ruling capitalist class.

Comrade Mukherjee called upon the people to rise in protest against this abject betrayal to their cause by the Congress and its pseudo-Marxist allies and organize massive democratic movement throughout the country to thwart the disastrous economic policies of the government.

Movement for human rights and women's security in present context

The fortnight between November 25 and December 10 has been marked as the International Fortnight Protesting Violence Against Women and is observed as such every year. About 150 organisations in 15 states of our country, including many NGOs, take up programmes and propaganda campaigns on this occasion. Again, December 10 has been observed as the "International Human Rights Day" and December 12 as the international "Children's Day" internationally. Centring round these occasions, there is a flood of propaganda campaign and pledges to protect fundamental rights of women and children and above all, the fundamental human rights. All sections of society can lead a secure life if the rights of all

as human beings, whether they are women, children or men, the right to food, clothing, shelter, education, medical care, etc. can be ensured. Rights of women and children cannot be established, nor their welfare brought about by leaving aside the question of rights and welfare of the people in general.

Human Rights : the background

On August 26, 1789, the National Assembly of France adopted a declaration of the rights of the citizens, the people. It was the first time in the history of mankind that some basic rights for all individuals were put down in writing : the right to property, the right to security, the right to oppose exploitation, the right to hold and

express opinion, the right to life long freedom and equal rights for all. The concepts of liberty, equality and fraternity evolved in the course of bourgeois democratic revolution to overthrow feudalism, were very naturally reflected in that charter. In 1791, along with the Declaration of Independence in America, some well-thought out rights were incorporated in the Constitution as the "Bill of Rights". The right to practise religion of one's own choice, to express and publish opinion, the right to assemble and the right to redressal of grievance were thus incorporated. In the second amendment, right to possess and carry weapons was also included, and so was the right of self-protection – even against the autocratic oppression of the state.

Most of the industrially advanced bourgeois democratic states more or less accepted these in principle as human rights and some of them incorporated these in their constitutions. The national states which emerged through uncompromising struggle against feudalism, by demolishing the barriers of caste, creed, sex and nationality and on the basis of non-recognition of these in state policy, accepted secularism and the rights to food, clothing, education, medical facilities and shelter in

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History of development of human rights movements

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principle. Although the modern national democratic states grew up with these characteristics, the structure of bourgeois democratic states and their principles have undergone a lot of changes in the course of history. The national democratic states, as the super-structures of imperialist economy, have been reduced to imperialist, warmonger, expansionist states with the development of capitalism reaching the monopoly stage. In reality, the national democratic state is the dictatorship of the bourgeoisie over the working class, the dictatorship of the minority over the vast majority.

A state means the state of a class – this is how Marx, Engels and Lenin defined it. Lenin further analysed to show that capitalism in the phase of imperialism i.e., decadent capitalism, no longer played a revolutionary role as it did at the time of the inception of the bourgeois democratic revolution. So, in the colonies and semi-colonies the democratic revolution led by the bourgeois class with their aim of establishing capitalist state could no longer attain the logical culmination; it was bound to compromise with feudal concepts of caste, creed and such like; in economy too, characteristic features of industrial revolution like unfettered development of agriculture and industry would no longer be there. As in our country, the struggle for independence to establish a national state, because it was led by the bourgeoisie, acquired a dual character of struggle and compromise with British imperialism – which was termed by Comrade Shibdas Ghosh – the great Marxist thinker as ‘reformist oppositional character’. In a class divided society, the questions of protection and extension of human rights are bound to be ultimately decided by the outcome of the struggle between the attacked and the attackers, that is, through the course of class struggle and its development. So at the national and international levels, the question of declaration of human rights or the rights of women and children, their acceptance on paper and actual implementation are regulated by the outcome in various stages of class struggle. Nor can it be denied any way that all promises and concepts about protecting human rights, leaving out the question of the

rights of the working class, the majority, cannot but be mere verbosity.

In course of analysing the character of imperialism, Lenin showed by examining the turns of the world situation that “... they form part of the sum total of ‘divide the world relations’, become links in the chain of operations of world finance capital.” The fact is that two world wars came about in order to ‘divide’ and ‘redivide’ the world between the imperialist powers. Capitalism acquired imperialist character on reaching the highest stage of its development. Having reached this stage, the imperialist-capitalist countries, stricken by market crisis, trigger wars to maximize profit by usurping newer sources of riches and labour power from country to country. Lenin showed that in the present era, it is imperialism that generates war, wars will be there so long as imperialism persists. Sometimes, to attain this objective, even imperialism talks of peace, poses as emissary of peace. This is a deception – it always tramples upon human rights. Keeping men imprisoned without trial, torturing prisoners, deaths in the lockups have become general features in all capitalist countries – advanced or backward. Even disunity, strife, bloody conflicts and oppression based on differences in religion, caste, nationality mental complex etc., are being instigated with the backing of the states and the governments. This trend and practice is becoming more and more pronounced in all countries from the USA to India and even in the states of India governed by the so-called leftists.

Human Rights in Post-Second World War Period

Through the Second World War, fascism was militarily defeated. A spurt in the struggle for liberation and independence in the colonies followed, anti-war militant peace movement spread and gained in strength and above all the emergence of the socialist camp with great strength came about. In such a backdrop, the conspiracy to divide up the world that had been on, also underwent a change of form. Instead of directly occupying a country and looting it, imperialism was compelled to adopt the tactics of conducting economic exploitation in different countries by entrapping them in the noose of

finance capital to gain overriding influence over their internal politics and foreign policies. Imperialism started to chant jargons of peace and grant loans in the name of helping the weaker countries, even many sovereign democratic states tying them up with it through indebtedness. Needless to say, American finance capital led others in this. Lenin showed that this was the characteristic feature and process in the era of imperialism. Today, in the absence of the socialist camp, the conspiracy to divide and distribute the world among imperialist countries in accordance with their respective strengths is being implemented through the WTO under cover of globalization and the so-called free economy. This is globalization. While explaining this particular form and character of finance capital, imperialism, Lenin showed long before the Second World War how the entire world was becoming divided into a few usurer states and the vast majority debtor states. In the present world of free trade and liberalization, this characteristic process has become much more widespread and intense. The severe general market crisis which had led to the Second World War was not only not resolved through the War, but due to the inexorable law of capitalism, competition and crisis increased manifold in the contracted post-World War market and crisis became a permanent feature. In the post-War situation, the imperialist-capitalist countries were compelled at least to a certain extent to pay heed to world opinion. Because memories of the anti-Jew hatred of Nazism, the brutal killing of millions of Jews, torturing the prisoners of war and butchering them and the slogan that women should go back to the kitchen and be good mothers only were alarmingly fresh in mass mind. The unprecedented destruction and death caused by the atom bombs dropped on Hiroshima and Nagasaki, had aroused widespread and strong anti-war feeling, deep urge of peace and a yearning for justice for all. The charter of the newly formed UNO in 1945 could not but give recognition to these and of course the presence of the USSR in the UNO played an important role in this. Preparations were afoot for trial of the war criminals. Hence, to protect the new generation from the nightmare of war, adherence to the

fundamental human rights, individual dignity and worth, faith in the equality of rights of men and women had to be reiterated in the UN Charter. The very first clause of the Charter promised granting and extending fundamental freedom to all irrespective of nation, sex, language or religion and the establishment of peace and freedom in place of war and foreign domination. The responsibility of outlining and defining human rights and the documentation thereof was entrusted to the Human Rights Protection Commission of the UNESCO. It was in this process that the international charter on human rights was adopted in the convention held in 1948 on December 10 with 56 countries including India participating. Afterwards, conventions were held in 1968 in Teheran and in 1993 in Vienna with 171 member countries participating. Attainment of some common criteria for the people of all countries was adopted as the task of all countries, irrespective of their political, economic and cultural systems or conditions to ensure development and security of all human rights and fundamental freedom. But the sense of obligation for fulfilling these waned with the degeneration of the socialist system in socialist countries and the decadence in the imperialist-capitalist countries. The decadence has assumed an extreme form in the so-called free world of liberalized and globalized economy after the disappearance of the socialist camp. Conversion of all services into profiteering ventures, unfettered contraction of employment opportunity and gradual abolition of social welfare security measures have been the inevitable outcome. Curtailment of human rights have gone ahead and gained momentum through various false arguments, in the name of ensuring national security and by raising the bogey of terrorism.

Socialist countries had fulfilled the basic demands of the people. In 1949, the Chinese revolution became victorious. There was a rise in pro-socialist feeling in the world. The urge to present a ‘humane face’ appeared in the imperialist-capitalist countries as one of the means to resist socialism. The concept of welfare state was born and declared as the aim. Besides, following the Second World War, a somewhat

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Developments in Goa, Jharkhand and Bihar

Marked degeneration of legislature and legislators

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responsible for bringing down the government within 24 hours. But what did I get in return ?” Accusing the Governor of acting in a partisan manner the BJP filed a suit in the Supreme Court. The state is currently under president’s rule.

Episodes of Jharkhand and Bihar

In both Jharkhand and Bihar elections, the constituents of the ruling UPA at the Centre fell out over allotment of seats and share in the booty. Political aspirations of individual leaders, personality clashes, defections, dissidence, free flow of money, open flexing of muscle stalked the pre-election scenario. While RJD went alone in both the states, the Congress tied knot with JMM of Shibu Soren in Jharkhand and had seat adjustment with Ram Vilas Paswan’s LJP in Bihar. The CPI(M) clung to Laluprasad, but CPI found better prospect in opposing his party. Both CPI(M) and CPI incidentally are parts of the Left Front providing unqualified support to the Congress-led UPA at the Centre which also include parties led by Laluprasad, Soren and Ram Vilas. In spite of all these, none of the combinations could manage to secure absolute majority in either of the states. Hence the age-old horse trading began, allurements of all kinds beckoned the independent, rebel and potentially “vulnerable” MLAs. Though on number count, the BJP-led NDA was well ahead of the Congress-JMM alliance in Jharkhand, Syed Sibte Razi, another Congressman appointed Governor, shamelessly invited the Congress-JMM to form the ministry and then prove majority in the Assembly floor within 20 days. The BJP succeeded in securing support of five independent MLAs in writing and also brought them to the Governor to prove its number to be 41 in a 81 member House. Yet the Governor after consultation with the central ministry, did not alter his stand. The BJP apprehending ‘abduction’ of MLAs from its camp, managed to transport its entire fleet to Delhi, paraded them before the President and then kept them confined in a 5-star comfort in Rajasthan, a BJP-ruled state, only to be brought back to Ranchi subsequently to reaffirm their allegiance to the BJP-block. Though deciding majority in a state

Assembly is not President’s prerogative, perhaps the current incumbent being an appointee during erstwhile BJP-led central government, was presumed to respond favourably to the BJP’s claim. Yet the Governor showed no sign of relent. The BJP then knocked the door of Supreme Court seeking its intervention. The Apex court upheld the prayer and ordered a floor test in the Assembly four days in advance of the date stipulated by the Governor. He also ordered videography of the proceedings of the floor test to guard against any foul play. The Congress-JMM alliance conceded defeat and the central Cabinet Committee on political affairs directed the Governor to invite the BJP-JD(U) combine to form the government. In the newly installed BJP-led ministry all five independent MLAs tilting the balance in favour of the BJP, were made ministers causing substantial resentment among the party MLAs aspiring for power so much so that proposed Cabinet expansion is being delayed as dissention within has become extremely difficult to quell. This intervention of the Supreme Court and toppling of the minority government in Jharkhand restrained Buta Singh, another well-known Congress leader now appointed Governor of Bihar, from calling Lalu’s RJD to constitute a minority government with the support of the Congress. Bihar is now under President’s rule.

Concept of separation of power

The intervention of the Supreme Court to stall minority governments taking over has provoked many to think as if such judicial interference is justified and the judiciary is performing the desired role of preserving the democratic norms and principles. Even if it is admitted that the mediation of Supreme Court has prevented a wrong move to install rule of a minority government and inevitable spurt in rampant horse-trading, yet can such judicial interferences be endorsed? Are these interventions conducive to the declared principles of bourgeois democracy or working against them? Is this instance of judicial intervention an isolated one or has come in the process of a chain of past instances? What could be the consequence of such interferences?

Such questions are of utmost importance and need critical examination.

The bourgeois parliamentary democracy is envisaged to rest on three pillars, the Legislature, the Judiciary and the Executive, mainly the bureaucracy. We also know that military, judiciary and bureaucracy-administration including police are the three main organs of the capitalist state with the help of which the capitalist class protects the capitalist system. During the advent of parliamentary democracy, the respective domains of working of Legislature, Judiciary and Executive were also laid down. Legislature was made the sovereign law making body with elected representatives of the people. People’s control, in the bourgeois sense, was sought to be exercised through their elected representatives in the legislative bodies. Similarly, the Judiciary was assigned the responsibility of ensuring justice by providing correct interpretation of bourgeois law and punish offenders of law. The Executive was made responsible for implementation of the directives of the Legislature and law. While Legislature has been an elected body, the other two wings comprise nominated functionaries. It was made clear that each wing will have relative independence in operating within its jurisdiction and will never transgress the limits delineated nor will encroach upon others’ territories or take over others’ functions. This was what is known as separation of power of the respective wings. As the bourgeois social order was also based on exploitation of man by man and the ownership of the bourgeois class over the means of production was established, there was no scope for the toiling people to enjoy real political freedom and have the ultimate say in the governance in the truest sense of the term. The desired equality was never enshrined in the bourgeois law. Yet in the days of advent of capitalism, the rising bourgeoisie, then a progressive force, did grant some liberty and rights to the people freed from the yoke of feudal oppression. The right to elect their own representatives through a relatively free and fair election to have their voice reflected inside the Parliament, their urges and aspirations incorporated while formulating legislations, had been recognized from this perspective.

The aforesaid separation of power of the three wings was envisioned to have a check and balance in the system for smooth operation.

Degeneration of parliamentary democracy

But the situation is no more the same in the present era of moribund, decadent and crisis-ridden capitalism when the bourgeoisie has become a spent force and is obstructing the course of social progress. In order to perpetuate its exploitative class rule, it is gradually taking away the rights of the people and undermining the roles of the democratic institutions. Its has been an endeavour to more and more concentrate power in its hand by progressively curtailing whatever little autonomy the Legislature enjoys till date and robbing it of its democratic essence. First of all, the elections are no more held in a free and fair manner even in the bourgeois sense. It is the money-muscle-media power that rules the roost. With the passage of time, the whole electoral process, as everyone knows, is being progressively reduced to a virtual farce right from the stage of preparation of voters’ list to counting with mandate being manipulated through large-scale rigging, forcible capturing of booth, threat, intimidation, widespread violence, indiscriminate use of armed criminals and anti-socials, campaign on caste and communal line, administrative connivance and artificial polarization created by committed media. Hardcore criminals, dubious characters, tainted elements, rogues and ruffians are winning in large number on the tickets of bourgeois parties. Thus the Legislatures are getting filled by the chosen people of the class fielded by the different bourgeois political outfits and their associates. Whatever little scope was there for genuine representatives of the people to contest and win elections is getting blocked. Naturally, the composition and character of the Legislature is degenerating at a fast pace. There is seldom any meaningful debate, hardly any focus on the demands of the people. Mud-slinging, character assassination, individual attacks, indecent if not unruly behaviour and conduct, acrimonious verbal duels over trivial issues often leading to

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Globalization has intensified attacks on human rights, rights of women and children

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peaceful world situation was required to consolidate the capitalist economy in the free bourgeois democratic states. During this phase, different countries were rocked by mass movement and class struggle born out of the yearning for emancipation. The capitalist class, whether in the advanced or backward countries, was compelled to provide some social security system regarding food, clothing, education and medical facilities etc., in order to ward off socialism. So it is clear that adoption of the principles of protecting human rights and their application by them were conditioned by the intensity and extent of the contradiction between labour and capital in national and international arena. So, the movement to protect human rights acquired particular characteristics, emerged, flourished or degenerated in different phases of class struggle in particular situations. It is to be remembered that Marx showed long back that however much the bourgeois democratic states or countries might talk about human rights, people's interest, and citizens' freedom in their own countries, they had a record of naked barbarous exploitation and oppression, of indiscriminate mass killing and looting in the colonies. Can the people of India ever forget the days of British rule? Even in the industrially advanced countries, they had dirtied their hands by immoral trafficking of women and children and the flourishing trade of prostitution even from the distant past. There was a fundamental difference in outlook between the socialist and the imperialist-capitalist countries on the question of private individual ownership right. In the human rights movement, some used to raise the point that the right of the individual was being curbed under socialism because of the absence of individual ownership. Long back, Marx and Engels had replied to this question in the *Communist Manifesto* thus : "You are horrified at our intending to do away with private property. But in your existing society, private property is already done away with for nine-tenths of population; its existence for the few is solely due to its non-existence in the hands of

those nine-tenths. You reproach us, therefore, with intending to do away with a form of property, the necessary condition for whose existence is, the non-existence of any property for the immense majority of the society. In one word, you reproach us with intending to do away with your property. Precisely so; that is just what we intend". Under the present globalization, is not "the non-existence of any property for the immense majority of society" being revealed even more nakedly? Has not this process being further accelerated? In the *Manifesto* it was further said : "Communism deprives no man of the power to appropriate the products of society; all that it does is to deprive him of the power to subjugate the labour of others by means of such appropriation." This question is very important because no human right can take concrete form without attainment of economic right.

Globalization and the human rights

A convention was held in Copenhagen under the auspices of the UNO in 1997 before the Vienna Convention, where a pledge was taken to do away with discrimination against women. In 1991, at the initiative of the "Centre for Womens' Global Leadership", the period between November 25 and December 10 was marked as the "Fortnight Protesting Violence on Women". The absence of socialist world system, all fundamental human rights, rights of women as human beings, freedom, peace, sovereignty and justice – have been subjected to naked attacks by the capitalist class in the present imperialist-capitalist world in all countries, advanced or backward. Internationally, imperialist attacks led by the US imperialists are being launched upon one country after another. The UNO has become even more subservient to imperialism. The rights once acquired by the people through hard struggle are being snatched away one after another from country to country. The economic provisions for social security, the right to security are gradually becoming extinct. Dissensions are being created by making use of differences in caste, nationality, religion, creed and sex.

Under globalization, human rights are being violated everyday, every moment through abject poverty, hunger, starvation, death, malnutrition, lack of education, trafficking in women, killing of prisoners, murders, rape, prostitution, alarming rise of unemployment and tremendous increase of and encouragement to child labour. In this context, the ever new promises for redressal amount to nothing but tactics of deception. The states of the world are divided into the rich and the poor – the usurer and debtor states. There are conflicts and contradictions between them. But they are all united in crushing the struggle of the working class both in their respective countries and internationally. Throughout the world, class struggle has become widespread and intense. Onslaughts by international capital have become blatant. The human rights, rights of women and children are revolving in the vortex of this contradiction-conflict. All declarations and promises for protecting human rights and their concrete bases are being blown to bits.

85% of the total income of the people of the world, is enjoyed by only 23%. It is astonishing to what level the disparity between the rich and the poor has reached. At present, the richest 20% of world population own properties worth at least 150 times of those owned by the poorest 20% ; during the past 30 years, this disparity in wealth has almost doubled ; the overall disparity in income between the topmost 20% and the lowest 20% was 30 : 1 in 1960 ; this increased to 60 : 1 in 1991 and was estimated to rise further to 78 : 1 in 1994 (Source : *Human Development Report*, 1992)

Such is the process of globalization. The disparity is further increasing alarmingly through the efforts of the WTO, the World Bank and the IMF. This is what is called development ! Winds of this 'development' are blowing in India too. That the disparity is on the increase is borne out by the World Bank Report also. Figures for 1997 show that 86.2% people in India earn only 2 dollars or Rs.90 per day. The income of 2800 million out of the total 6000 million

world population is more or less at this level. If one considers the number of children, the aged and women dependent on them, it can be discerned how catastrophic is the situation. The World Bank economist Branco Milanovic has reported after a study that the income of the richest 1 per cent of the world is equal to the total income of 57% of the poorest! In the USA itself, three to four hundred thousand people during winter and 3 to 4 million people in the summer are forced to spend the nights on the streets because of lack of proper living accommodation and 5-6 per cent of total population are unemployed ; according to the records of the judicial department, out of every 100,000, 8 are murdered, 70 women are raped, 200 are subjected to robbery and 5600 are victims of theft [Source: *Prasanga Manabadhikar* (On Human Rights), edited by Subhendu Dasgupta]

The ILO, affiliated to the UNO, has stated in its report, "*Global Employment Trends for Youth 2004*" that unemployment of the youth has soared by 26.8% in 2003 compared to 2002. *The Economist* dated November 13, 2004 has depicted a terrifying picture of the increasing unemployment. This rate of increase was 10.6% in Spain, 10.7% in Germany, 13.2% in Belgium, 5.5% in the USA and 8.9% in the Euro countries. According to ILO, unemployment increased during the past decade by 10.5% while only 0.5% new employment was created.

Between 1983 and 1999, the profit of 200 biggest multinationals of the world increased by 362%, but there was only 14% increase in employment in those. In India, Tata Motors had manufactured 1,29,400 cars in 1994 when its employees numbered 35,000. In 2004, it manufactured 3,11,500 cars, but the number of employees had gone down to 21,400. (Source: *India's Jobless Recovery : Business Standard*, 12.11.04)

Curse of limitless exploitation and oppression

Each year, 15 million people die out of starvation in the world. Curse of famine still haunts the people. All pervasive unemployment, starvation death and hunger are

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Anti-Imperialist Day observed in India and abroad

At the call of the International Action Centre, based in United States of America, March 19, the day of the US invasion on Iraq, was observed in over forty countries all over the world as protest day. More than 45000 anti-war activists marched through Trafalgar Square of **London** protesting against the US barbarism in Iraq. In USA itself, anti-war demonstrations were held in over 700 cities and towns in which there were over 25000 participants in **San Francisco**, 20000 in **Los Angeles** and 15000 in **New York**.

As a part of this second year observance against the US-led imperialist attack on Iraq, the All India Anti Imperialist Forum, West Bengal unit, organized a protest march in **Calcutta**, to reach the US Information Centre in the heart of the city. Massively participated in and well-decorated, the rally rent the air of the city with slogans against the US imperialism, its demonic attack against Iraq with weapons of mass destruction to crush and occupy it.

The rally was addressed by Professor Tarun Sanyal, an eminent academician and poet, and Professor Gouri Shankar Ghatak, Secretary, AIAIF, West Bengal unit.

Professor Sanyal also set fire to the effigy of George Bush holding dollars in one hand and the globe in

the other.

On the following day, March 20, under the auspices of all the left parties of West Bengal, a human chain was set up along streets from north to south ends of the city against US aggression in Iraq. Comrade Prativa Mukherjee, the member of the West Bengal State Secretariat of our party, joined this human chain along with other leftist leaders of the state.

Delhi State unit of the AIAIF held a Dharna at Jantar Mantar on March 19 to express Indian people's strong opinion against US-led imperialist machinations, aggression and occupation of Iraq, and to express solidarity with the Iraqi and Palestinian people fighting for their freedom. An exhibition of photographs capturing the death and destruction of the war and occupation, torture of prisoners by US soldiers and Iraqi people's brave resistance, was put up at the Dharna site.

The Dharna was addressed by A.K. Majumdar, R. Rajesh, Viren Lobo, Zamir Qadri, Anurag Sharma, P.K. Powar, Atul, Rashmi Kaushik, Vinay Kumar, Depinder Singh, J.N. Mandal, Harish Tyagi and R.K. Sharma.

Similar programmes were held in Bangalore, Patna, Muzaffarpur and elsewhere.



Huge Protest demonstration in New York, USA (above) and in Patna on 19.03.05

International Women's Day observed

On the occasion of the International Women's Day on 8th March, the All India Mahila Sanskritik Sangathan organized a series of programmes in different parts of the country, in fraternity with and to uphold the cause of suffering women exploited and oppressed by the decadent consumerist capitalist society in this part of the world, as also elsewhere.

In **Bhopal**, the state capital of Madhya Pradesh the day was observed through a meeting. Comrade Joly Sarkar, Secretary, Bhopal AIMSS Branch addressed the meeting. Comrade Uma Prasad, Secretary Madhya Pradesh Organizing Committee took the chair of Chief Guest. In **Jabalpur** of Madhya Pradesh a mass meeting was held with massive participation of women from all walks of life. The meeting was addressed by Comrade Chandra Patra, President, AIMSS Jabalpur unit and President of the meeting, Smt. Sadhana Upadhyay, the Chief Guest, Comrade Gopa Bhattacharya, the District Secretary of AIMSS and Shri U.P. Biswas, Advisor, AIMSS. In addition in Bhagawanpura village a meeting was held on the occasion.

At **Ranchi** in Jharkhand, the day was observed through a demonstration. Several speakers including Swaraswati Debi, Dr. Suchita Rani and others addressed the rally.

In **Nagpur**, Maharashtra, AIMSS, Maharashtra and Khastari Mahila Kamgar Organization jointly observed the day. Comrade

Binapani Das, the Vice-President of the AIMSS, Comrade Madhab Bhone, the Secretary, SUCI, the Nagpur Committee addressed the mass meeting held on the occasion.

At **Durg** in Chhattisgarh a meeting was held at Aditya Nagar. Comrade Sandhya Roy, AIMSS-in-charge of the state, Comrade Jharna Roy, Comrade Badsha Khan, the state leader of SUCI, spoke in the meeting.

In different districts of West Bengal, including **Birbhum**, **Medinipur**, **South Dinajpur** and in **Calcutta** the Day was observed on different dates between 8th and 14th March.

In these meetings and other programmes, the organizers and the speakers highlighted how the tentacles of capitalist exploitation in the background of imperialist designed globalization-liberalization-commercialization-privatization, are coming down upon women in different forms. They also highlighted the struggle of oppressed women being waged under the leadership of the AIMSS as an integral part of broader democratic movement of the country.



Protest demonstration in Dacca, Bangladesh (above) and in Bangalore on 19.03.05

Limitless exploitation and oppression by imperialism-capitalism

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rampant in India. But there is a huge stock of food grains. In 1998 there was a stock of 38 million tons. Later on, this increased to 50 million tons and then to 62 million tons. Side by side with this, women, children, the common people have died in flocks from starvation and malnutrition. Also, the rationing system for making supply of food secure is being abolished step by step at the dictate of the WTO under globalization.

The latest report of the National Family Health Survey shows that 88% of the pregnant women are aged up to only 15 years; 44% of them are anaemic ; 135 million people are deprived of even primary education; 226 million do not get water fit for drinking ; 45 million children were out of the purview of primary education even in 1994 ; 64 million people had no sanitation facilities; the Indians constituted one-third the total number of poor on the globe. (*Outlook*, 30.4.97 – Dr. Mahboob Al Haque). Illiteracy in India is higher than that even in the sub-saharan countries. In those countries, 20% to 40% suffered from malnutrition whereas 40%-60% suffered from malnutrition in India. In the yardstick of protein-energy-malnutrition, the situation in India is twice as bad as that in Africa. The high level of malnutrition during pregnancy is responsible for the prevalence of birth of underweight babies and heart diseases. One-third of the children are forced to work as child labourers (*Ibid*). This was the condition in 1997 which has worsened much more during the last 8 years.

It suffices to refer only to the condition in Karnataka state to illustrate the terrible plight of child labourers. According to the 1991 Census Report, there were about 1 million child labourers there, among whom 49% were girls aged between 5 and 14. The proportion of boy : girl child labour was 4.2 : 6.5. The proportion between child labourers : adult labourers was 2:1 (*Outlook*, 30.4.97). The 1999 Human Development Report on Karnataka referred to the survey made by Rights Watch and said that out of the total 400,000 workers engaged in production of silk from the silkworm stage to the finished silk cloth, 100,000 were child workers.

The recession brought about by

the increase of export duty from 40 to 45% in the “free economy” compelled the child labourers to work for even less wage in the economic sector dependent on child labour. Their daily wage went as low as Rs.10-20 per day as against Rs.60-70 per day for adult workers. The Central and state governments were responsible for the scheme with funding from the World Bank and Swiss Development Board (*Despair and Hope*, Parvati Menon, 29.1.2001)

Incidence of child trafficking is also on the increase. Thousands of children disappear from the cities like Delhi, Mumbai, Calcutta, Hyderabad, Bangalore etc. Such is the condition even in West Bengal ruled by the so-called leftists led by CPI(M). The National Human Rights Commission has given figures to show that the number of lost children in Calcutta has increased by 133% since 1996. So the country is not at all safe for the children (*Bartaman*, 4.11.2004).

Trafficking in women is a world-wide business worth many millions of dollars. As per the figures given by the ILO, 25% of the total 2.3 million prostitutes are minor girls and 10% are aged below 10 years. The 1998 Report of the Crime Bureau reveals that West Bengal tops the country in immoral trafficking in buying and selling minor girls followed by Bihar, Maharashtra and Madhya Pradesh in that order. What is astonishing is that the 1998 Report of ILO has demanded that prostitutes be recognized as legitimate workers. In the same Report, the so-called pundits of Malaysia, Indonesia, Thailand and Phillipines, after conducting country-wise research and calculating the contribution of income from prostitution to the national economy, to the national income and raised the demand for recognition of the profession of prostitution as the ‘sex-sector’ of the economy. Proposals are coming up to recognize the expansion of this profession and to accord the right of workers to the prostitutes and for imposing tax on their income. [Source: *Kharap Meyer Shram (Labour of Bad Women)*, Saswati Ghosh, *Desh*] Exploiting the sympathy towards these deprived and oppressed women, heads of states and of political parties patronized by corporate houses and

the NGOs on their pay-roll are raising this demand for securing human rights! They are protecting human rights by providing medicines in the name of serving them! But none of them is saying that this profession should be abolished and the incumbents be provided with alternative employment. Labour leaders, political parties, the media, the mercenary artists and intellectuals are arguing in favour of their “Right to Work” and “Right to take up a profession of own choice”. But a recent research has slapped such protagonists on the face. Heather Dell, a researcher from the Duke University, has conducted a survey in Calcutta which showed that 60% of these women took up the profession to save themselves from atrocities in their homes, and abject poverty drove the other 40% into the profession. The heart-rending fact is that as an outcome of this ‘taking up a profession of own choice’ and ‘leading a life as per individual right’, 67% of them are suffering from post-traumatic disorder (Source : *Ibid*.)

Sample surveys conducted in countries like South Africa, Turkey, India, USA etc., have shown that the background of the women coming to this profession is one of torture and tears. 73% of them have complained about atrocities, 62% about being raped and 46% have said that they have been raped at least 5 times. 30 to 50% of these women are afflicted with AIDS. The former President of Women’s Commission has said that 200,000 of women in this profession in India, during talks, all expressed the desire to be liberated from this ‘profession’. A survey conducted in five countries has shown that 92% of such women crave for freedom from this profession and desire an alternative avenue of living (*Ibid*). Has any government, party, media, NGO, country raised the voice in favour of this pining, this yearning of these women ? Which of the so-called human rights protagonists has raised voice in favour of this ? Rather, in the globalized world, under the WTO dispensation, ‘sex tourism’ has become a very profitable business. It is for this that attempts are afoot to destroy the sense of morality, reasoning and concept of right and wrong through motivated propaganda and false reasoning. A vile conspiracy is on

also about resisting AIDS. Reportedly, the big pharmaceutical companies are hoping to sell medicines worth billions of dollars in the countries like India in the coming years for treatment of those afflicted with AIDS and other diseases generated by organized sex trade in the name of ‘sex tourism’. The anticipated turnover during the coming 5 years is 580 million dollars. By 2007, such “co-operation” would generate business worth billions of dollars in the developing countries. The aim of offering the service of providing ‘safe sex’ is to send the people to hell safely. Those who are conspiring to legalize prostitution and consider the earning from prostitution to be a part of the national income and the imperialist-capitalist statesmen and the economists and imperialist-capitalist economy itself have converted the world into a slaughter house for women and children. Where are then the human rights?

As per official records, 74 million women are reported as ‘missing’ in South Asia. On the plea of custom or tradition, genital organs or 13 million women in Asia and Africa have been damaged or impaired in some way or other. The number of women subjected to such atrocity is increasing by 2 million per year. In India in 1994, 82818 instances of atrocities of various kinds on women were reported. [Source: *Manabadhikar* (Human Rights) by Maitreyee Chattopadhyay]. Such atrocities are on the rise and so also are trafficking in children and sexual atrocities on child labourers, the children. How far have the women and children attained the human rights as individuals, security, right to education, and health services, the economic right for living in real sense? Rather, the acquired rights, protections, security and dignity declared in the charter of human rights are being snatched away all the time. It is being more and more vividly revealed that to establish and preserve the rights and to have these implemented meaningfully, there is no alternative but to step up organized class struggle directed against imperialism-capitalism that tramples upon these rights daily, hourly.

What is to be done

The fundamental rights of women, children, of people in general have been and are being curtailed all the time in the states ruled by the Congress, the BJP or the

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Developments in Goa, Jharkhand and Bihar**Judiciary encroaching upon legislature's domain***Contd. from page 3*

vandalism, gibe and jeer of debased level are what one sees inside the House marked by prolonged adjournments and frequent suspensions. Hours of debate and discussion are also being pruned gradually as no meaningful business is transacted. Of late, it has almost become a practice to promulgate law through ordinance route evading Parliament debate. This further belittles the authority of the Legislature as framer of law.

Phenomenal increase in judicial intervention

Yet there is further stepping into the terrain of the Legislature by the Judiciary. There is judicial pronouncement that "the validity of the proceedings inside the Legislature of a state cannot be called in question on the allegation that the procedure laid down by the law had not been strictly followed...No court can go into these questions, which are within the special jurisdiction of the Legislature itself which has the power to conduct own business" (Pandit MSM Sharma vs Sri Krishna Suhe case of 1960 (*The Statesman*, 14.03.05) The directive of the Supreme Court in case of Jharkhand appears to contradict the aforesaid ruling. Earlier also the Judiciary even went to the extent of setting aside President's rule (Bomma case, 1993). The extent of judicial interference has become phenomenal. It may be added that in the period of decadent capitalism, a provision of judicial review was introduced in the USA. It was said that within certain given parameters the Judiciary would have the power to review any Legislation if the same is apprehended to be violative of the fundamental spirit of the Constitution and declare it ultra-vires if such is finally concluded. This particular provision has been incorporated in our law as well.

But application of this special provision, as is seen, is not confined to the special circumstances as indicated above. Seeking judicial intervention in all and sundry matter is now possible through the Public Interest Litigation (PIL) route. Even curtailment of basic civil and democratic rights of the people are found to take place through judicial pronouncements on PILs. The Apex Court held right to strike by workers as illegal. The Judiciary clamped a

ban on bandh, a form of protest recognized in the democratic system as a part of democratic movement of the people. It is tantamount to dispossess the aggrieved people of the very right to protest. Danger inheres here.

Class posing judiciary as supra-constitutional

On one hand, the ruling class itself is decimating the role of the Legislature by manipulating the elections, allowing deterioration in the quality of the legislators and the proceedings and containing the propriety to legislate. On the other, it is making degeneration of Legislature a plea to foist the Judiciary as a supra-constitutional body to fill up the void. This move is getting wholehearted backing of the bourgeois media and in the absence of necessary political consciousness of the masses, is obtaining sanction from a section of the people as well as if such is the only way to stem the rot. Such an attempt, one would recall, was made once by projecting the Election Commission as an omnipotent body determined to clean the electoral process of all fads and aberrations and take erring politicians and parties to task. But soon it was clear that it was a hoax and the Commission would remain limited to more pretensions than actions for obvious reasons. Those who are unable to locate the class-design behind it, are likely to succumb to the clever ploy of the class paving way for a constitutional dictatorship or administrative fascism to take over. Once this happens, the people will be left with no basic right, not even the right to live. A complete regimentation will ensue. It is possible to protest against a government, organize movement against its misrule. But there is no scope for agitation against a court directive as that would be construed as contempt of court. So it is more convenient for the class to stifle the voice of discontent by assigning "greater role" to the Judiciary and stripping the Legislature of its democratic essence.

Judiciary hyperactive to curtail people's rights

This is the premises on which the judicial intervention in Jharkhand is to be viewed and understood, its justifiability, even if it is taken of have rescued the

situation from imposition of a minority government, examined. That is why, we, at the very outset posed the question as to whether this judicial activism is to be seen as having been occasioned to overturn an unsavoury act of either a pliable Governor or a group of power-greedy politicians saddled in governmental power and defying the mandatory provisions of the Constitution or having have occurred in the sequence of a series of judicial interferences in the prerogatives of the Legislature mainly to deny the teeming millions their basic democratic rights including constitutionally granted rights. Time and again, we have shown that the Judiciary in a capitalist set up is no supra-class organ but an inalienable part of the bourgeois state machine and so committed to the class. So it is futile to expect the judicial system transcend the barrier of bourgeois class interest and uphold the cause of the people groaning under ruthless capitalist exploitation. It is equally infantile to expect, as is aired by a section of the media with enthusiasm, "a stable and vibrant democracy resting on fair and free elections as well as fair procedures in government formation and functioning" when the capitalist class and the capitalist system are in death-throes, haunted by the fear-complex of anti-capitalist revolution and hence throttling the voice of protest, scuttling the rights of the people and trampling even the barest precepts of democratic principles, values and norms. While the Judiciary is seen hyperactive in curbing rights of the people and overstepping its jurisdiction to truncate the power of Legislature, it is conspicuously within its shell when black ordinances are promulgated bypassing the Parliament, the owners merrily close down factories at midnight, retrench workers, embezzle Provident Fund money or insolently default repayment of bank loans. There is no judicial activism when there are palpable acts of human rights violation by the police-military, poor people die of starvation, malnutrition and denied adequate healthcare because of the callousness, corruption and dereliction of duties on the part of the administration. Are not these against the spirit and intent of the Constitution? Then how far logical

it is to endorse judicial interference in the legislative process under the pretext of regulating fractured mandates or disciplining the people's Assembly and thus give a stamp of approval to whittle down the statutorily drawn separation of power between the Legislature, an elected body, and Judiciary, a nominated body? Who is the ultimate beneficiary of this "enlarged role" of the Judiciary: the exploiting bourgeois class or the exploited toiling millions? Is it not that by imposing the authority of the Judicial organ over others, the ruling bourgeois class, enmeshed in all-out insoluble crises and desperate to provide extra lease of life to its class-rule is trying to fortify the capitalist system?

Despicable role of CPI(M), CPI

In this connection, there needs to be a special mention about the despicable role of the so-called Marxists like the CPI(M), CPI. They were totally silent when the Goa Governor was visibly acting in a partisan manner and overruling the statutory provisions to catalyze a ministry change. His action in fact overshadowed the questionable act of the BJP speaker in securing support for the stability of his government. Likewise, when the Jharkhand Governor disdained the claim of the BJP to form the government after it demonstrated its majority twice, both CPI(M), CPI remained indulgent approver of the subversive act as the Congress, their "secular" ally, was going to be the beneficiary. Initially, they were quite vocal in favour of the Governor. But subsequently when the position of the Congress became embarrassing they pretended to be indifferent, aloof. Similarly none of them showed any concern when the Bihar Governor was showing inclination to call upon the RJD backed by the Congress to constitute a minority government. Both the parties did not raise this issue in the Parliament also. This in fact helped the BJP, discarded by the people for its anti-people policies and worst communal politics, to pose itself as a "martyr" and "victim of conspiracy and high-handedness" and repair its sagging image. The CPI(M) speaker of Lok Sabha, of late, is pretending some concern about the Judiciary crossing

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Massive Protest Rally of Electricity Consumers in Delhi

At the call of the All Bengal Electricity Consumers' Association (ABECA), thousands of electricity consumers from West Bengal, Haryana, Delhi, UP and other states of the country took out a massive rally to Parliament on 22nd March last, demanding repeal of Electricity Act 2003, supply of power @ Rs 1/- per unit to poor and middle class domestic consumers, small traders and small-scale industries, free electricity for poor peasants and the governments

to bear financial responsibility for rural and slum electrification.

The police stopped the protestors on Parliament Street where Justice Rajinder Sachar, former Chief Justice of Delhi High Court, Bhabesh Ganguly, President and Sanjit Biswas, General Secretary, ABECA, Abani Roy, RSP MP, Pratap Samal a distinguished mass leader of Delhi along with Ramesh Sharma and Satyawan, Convenors of Delhi and Haryana Electricity Consumers' Association

(DECA and HECA), respectively, addressed the rally. A message sent by veteran intellectual Surendra Mohan was read out.

Later a 5-member delegation met the Union Power Minister and handed over a memorandum to him.



Justice Rajinder Sachar addressing the rally

Integrate human rights movement with anti-capitalist struggle

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so-called leftists and at the national level during the regimes in Delhi of the Congress, the Janata, the present Congress-'Leftist' combination or that of the BJP preceding it. Oppression and killing on the basis of communalism, casteism and disparity between the sexes are on the rise. There is a surge of starvation, unemployment and homelessness. The number of rootless migratory workers is also on the increase. Despite tall talks of peace, countries are being robbed of their freedom. Countless women, children, common people are being killed by wars thrust upon them. Through bloody imperialist aggressions like those perpetrated on Afghanistan, Iraq and Palestine, the pledge to protect human rights has become today worthless like a scrap of paper in many a country. Imperialist warmongers and their disguised associates have snatched away the peace and security of the world. In the politics from country to country, whatever be the names of the participating parties, a clear demarcation is appearing between the revolutionary and counter-revolutionary lines, between progress and reaction, between the ruling capitalist class and the ruled working class. Totally different outlook, approach and reasoning about the human rights operate in these two camps. In the hands of

imperialism-capitalism, reaction and social democracy, the human rights movement has been reduced to a stratagem for serving their interests by making use of love of the well-meaning people for the oppressed through deception. On the other hand, the duty of the true communists is to mobilize the well-meaning patriotic persons committed to the people in a broad-based, wider front to defeat this nefarious stratagem through struggle and take forward the true struggle for protecting human rights.

Capitalism could and can never ensure the human rights of the citizens, women, children and the people in general in the true sense. Nor can it provide food, clothing, education, medical facilities, shelter, peace or security to the people. Poverty, illiteracy, hunger, women-trafficking, prostitution, child labour have always pursued capitalism like a dark shadow. After capitalism reached the stage of imperialism, the curse of exploitation, looting, oppression, starvation, hunger and unemployment have intensified and widened in all spheres. Only socialism was able to eradicate this curse – the wretched existence of human beings as commodities.

So, if one goes by objective history, one cannot but conclude that the urgent historical task today is to develop the movement for the protection of human rights and against atrocities on women and children, not in isolation from the historical struggle of the working class to overthrow imperialism-capitalism, but in coordination with it and in a manner conducive to it. This struggle cannot but be an inseparable part of the struggle

against globalization today. The movement to ensure democracy, democratic rights and human rights cannot be developed today with animosity towards communism, socialism – a pro-communist mental make-up is an essential prerequisite. Just as the movement for protection of human rights in this country became an integral part of anti-British freedom struggle in the pre-independence period, likewise, in the present context, there is no alternative but to develop it as complementary to the anti-capitalist socialist revolution. The so-called communist parties, which were once vocal about human rights, have, in course of development of class struggles, become committed to the imperialist-capitalist globalized economy and not to speak of

engaging in class struggle, have become historically degenerated into forces crushing mass movements. They are no less active than the branded capitalist parties and their governments in violating human rights. So, the success of the movement for protection of human rights, the movement of women, the movement to establish the rights of the children are dependent upon linking it up with the anti-capitalist struggle of the people. To deny this truth is to engage in self-deception. Through struggles conducted on the basis of this outlook, the people of the world shall one day demolish the present status of human beings as commodities in the imperialist-capitalist globalized economy, and pave the path of establishing their rights as complete human beings.

Resist onset of fascist dictatorship

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its limits and Legislature losing its relevance, may be to avoid public wrath. But it is too late and lacks a moral standing either as he and his party had been indulgent onlookers when such trespassing by the Judiciary was taking place and the Executives were flouting norms. Now a belated exercise in face-saving is of no meaning at all. People, in fact, do not find today any difference between the so-called leftism of the CPI(M), CPI purported to be in the corridors of power and the vile, debased, aspirational vote politics of Sonia-Advani, Lalu-Soren and their ilk. That is why, the credibility of the CPI(M), CPI is eroding fast.

But the people should not feel

baffled or be in the clutches of utter despair at this complete degeneration of bourgeois politics that is leading to anarchy, systematic subversion of democratic principles and near collapse of parliamentary democracy. They should not lose self-confidence either. It is true that if this is allowed to continue unabated, a fascist take-over cannot be prevented. But there should not be an iota of illusion about the Judiciary providing any succour or respite. The court is the custodian of bourgeois law and is meant for protecting bourgeois class interest. The only course is to build up strong united democratic movement throughout the country, give rise to people's power to frustrate the sinister design of the ruling bourgeoisie.

Corrigendum

In the last issue of Proletarian Era dt. 15.03.05 in the writeup 'Union Budget 2005', please read 'respectively 20% and 15%' in place of '20 or 15%' in 21 line 2 col. page 3 and 'subsidy increase' in place of 'subsidy' in 15 line of 3 col. page 3. We regret the errors. — Editor, P. Era

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