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Calcutta High Court Order on Rallies and Processions

A Dangerous Attack on Democratic Movement

Once more the judiciary has hogged the headline. After the Kerala High Court held general strikes as illegal which was subsequently endorsed by the Supreme Court, the Apex Court ratifying the verdict of Tamil Nadu High Court in regard to striking Tamil Nadu government employees and ruling against the right to strike, giving a stamp of approval to commercialization of education, the axe has now fallen on the right to protest and demonstrate. This time,

it has been Calcutta High Court who issued the sermon. Mr Justice Amitava Lala, in a ruling on 28th September last, issued guidelines to ban processions and rallies in Calcutta on weekdays between 8 a.m. and 8 p.m. He also specified that procession could be taken out only on holidays with prior permission of the police and against payment of substantial caution money that might be drawn upon to compensate any person affected by traffic

snarl that might be caused. Even he earmarked three spots where only can one hold meetings. Though the guidelines apparently indicate imposition of certain restrictions on the rallies and meetings, it is tantamount to a blanket ban in so far as the stipulated conditions are concerned.

High Court order — denial of natural justice

Curiously enough, Justice Lala gave this order following a suo moto
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Cancun Meet of WTO

More Sinister Attacks in the Offing

The recent WTO Ministerial Meeting, held from 10 to 14 September in Cancun, Mexico, witnessed an unprecedented polarization between developed and developing countries. This meeting, where trade ministers from 146 member-countries, including Arun Jaitley from India, participated, had the professed goal of paving the way for a new trade agreement by 2005 that would further advance globalization — with profound implications for the common man.

Unlike Seattle where talks collapsed mainly due to the infighting among the developed countries, this time, the USA and European Union, in particular, had patched up their bitter trade conflicts before the meet, to jointly confront the developing countries with their demands. From the

very outset the clash of interest between the developed and the developing countries was reflected in their contradictory agenda. The developing countries wanted to discuss the question of the huge agricultural subsidies by the USA, the EU and Japan and lack of access to these

markets. But the USA and EU instead demanded new and deep cuts in import tariffs on non-agricultural goods by the developing

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CENTRAL COMMITTEE CONDEMNS

Israel's Aggression on Syria

Strongly condemning Israeli air strike deep within the Syrian territory on Sunday, the 5th October, 2003, Comrade Nihar Mukherjee, General Secretary of SUCI in course of a statement said that this aerial raid carried out by the Zionist government of Israel with full backing of the US imperialists in flagrant violation of all international laws and the UN charter was an act of blatant military aggression against sovereign nation.

Pointing out the fact that this brazen attack brought against Syria with the sole intention to destroy the freedom movement of the people of Palestine, Comrade Mukherjee said that this audacious act of the Zionist government of Israel would further complicate just and quick solution of the Palestine problem.

Urging upon the freedom-loving people of the world to come out strongly against this naked aggression, Comrade Mukherjee expressed the firm view that failure to combat these criminal acts would surely embolden the US imperialists to hold the people of the world at ransom and instigate one nation against another.

Calcutta High Court Order against Meeting & Demonstration

The Central Committee of the SUCI at its meeting held in Calcutta on 30th September, 2003 expressed grave concern over Calcutta High Court's recent order prohibiting and restricting meetings and demonstrations in Calcutta between 8 a.m. to 8 p.m. on working days. The Central Committee strongly felt that this draconian order, unheard in the history of democratic governance of the world, hatched at the behest of the capitalist class and its rulers, not only militates against the fundamental

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UTUC-LS Attends South Asian Labour for Peace Conference

South Asian Labour for Peace Conference was held in Pakistan on 1st and 2nd September last. Two non-governmental organizations, Pakistan Institute of Labour, Education and Research and Centre for Education and Communication (India) organized it. The objective of the conference was to promote peace and cooperation among the South Asian countries.

Different labour organizations of Pakistan, Sri Lanka, Bangladesh and India participated in the conference organized at Karachi. All central trade unions of India viz., BMS, INTUC, CITU, AITUC, UTUC-LS, UTUC, HMS, AICCTU joined; also representatives of unions of different trades, agriculture, forest participated in it. No delegates from Nepal could arrive owing to the present political complications there.

Among the issues the delegates discussed were Labour Perspective on Peace in South Asia, Impact of Globalization on Labour in Informal Sector, Women Workers and Peace, etc. Discussions were also held on Role of Media in Peace Building, Role of Trade Union in Peace Building and Regional Cooperation.

Justice V. R. Krishna Iyer, in course of a message wished success of the conference.

Speech of

Comrade Krishna Chakravorty

Addressing the Conference Comrade Krishna Chakravorty, Vice-President, United Trade Union Centre-Lenin Sarani, said, inter alia :

“The world capitalism today is passing through an unprecedented recession much graver and more prolonged than any of the earlier ones. And as its consequence, the life of the working people of all the capitalist countries — both advanced and backward — is engulfed in an all-out crisis. The problems like unemployment, price rise, inflation which were already growing in all these countries, are now being aggravated many times after these countries have entered into the WTO and have taken the policies of globalisation, liberalization and privatization. Before the introduction of the policy of globalisation a very colourful picture was presented before the people. But after a decade of its implementation, all sections of working people of all countries have now realised how dark the actual picture is. It does not require much theoretical knowledge to understand this also that if the weaker and less developed nations open their markets by lowering their tariff walls and removing all trade barriers and thus allow giant MNCs or TNCs to enter into their markets and play freely, what is bound to happen has already happened. Several thousands of industries in India have closed down already while several lakh units have been declared sick.

Again, in face of stiff competition, the Banks, the Insurance companies, Railways, Govt. departments and many industries, by introducing computers and other modern technologies, have already removed lakhs of employees through Voluntary Retirement Scheme, which in fact is a Compulsory Retirement Scheme.

While introduction of policy of privatization has caused havoc in the life of workers and employees in the public sector, the industries in the public sector which were built from the taxes collected from the people are now being handed over to the private capitalist houses at throw away prices and the labour laws are going to be changed by taking away all the hard-earned rights of the working people. As a result, lakhs of workers of the public sector will lose their jobs.

Fact is, in this era of stiff competition with the foreign MNCs, they cannot allow any further rise in the cost of production and for this they had to even face lathis and teargas. According to the report of a magazine 1000 businessmen committed suicide in Coimbatore alone. In short, such are the impacts of the policy of globalisation.

Surely, you all know that what is known as GATT was viewed by the imperialists immediately after the Second World War when after the liberation of almost all colonies and more particularly after the emergence of a powerful socialist peace camp, they lost a vast part of the world market and when world capitalism entered into an intense phase of general crisis. The idea behind GATT was to integrate the markets of all the developing countries into one single capitalist global market to come out of the crisis. But this could not be implemented so long the socialist camp, headed by the former Soviet Union, was there. Because taking advantage of the existence of two

opposite camps and two opposite economies, the newly freed capitalist countries also, which are known as third world countries, could remain non-aligned in between these two camps; rather by taking help from both the camps could develop their economies. Globalisation could take shape only after the fall of socialism in the former socialist countries of Eastern Europe including Soviet Union and after the collapse of the socialist camp.

But it is becoming more and more clear now that globalisation, which the bourgeoisie thought to be the panacea to all their maladies, could neither solve their problems nor could reduce the contradiction between the imperialist-capitalist countries — rather globalisation has pushed them to their extreme. But the burden of the crisis has come down on to the shoulder of the working people of all the countries of the world. And none else than a handful of monopoly houses of India-like developing countries and mainly the big multinationals of the powerful imperialist countries are being benefited out of this policy of globalisation.

There is a confusion prevailing among many that the imperialists have forcibly imposed GATT on the developing countries and thereby damaged their sovereignty. But this is a highly erroneous understanding. The fact is that the aspirant bourgeoisie of the developing countries, in the changed international situation, entered into a

gamble for getting a share in the globalised market. An unwilling horse can at best be dragged to the river but cannot be forced to drink.

That the danger of war and the constant threat to world peace have not been over with the fall of socialist camp is very clear from the perpetual war designs of the Anglo-American bloc. In this period of intense crisis of capitalism not only the advanced capitalist countries but even the developing ones cannot but take recourse to militarisation of economy which creates, though temporarily, an artificial stimulation in the market. The USA today is majorly dependent on war economy. Peace is actually death for America. Fact is that the danger of war will remain so long as imperialism exists.

In this situation, the working class of all the countries will have to lead two struggles simultaneously — one against their own governments to come out of the WTO and another against the designs of the imperialist powers, particularly against the US imperialist design of wars. Naturally, along with the movements against the anti-people policies of their own governments they will have to build up powerful anti-imperialist militant peace movement making them conducive to the growth of proletarian revolution. The guarantee of permanent peace is there only in disintegration of imperialism, in other words, in the victory of world proletarian revolution.

National Convention of TUs flays SC order

A National Convention of Trade Unions, independent unions and employees' federations was held on 26 September at the V.P. House Lawn in New Delhi against the anti-working class verdict of the Supreme Court banning strike of government employees following the retrograde ruling of the Chennai High Court prohibiting strike of the Tamil Nadu government employees and teachers.

A presidium comprising one member of each TU conducted the Convention. Comrade Satyawan represented UTUC-LS. Sri Sanjiva Reddy, President, INTUC placed a Declaration.

Comrade Krishna Chakravorty, member, Central Committee, SUCI, the Vice-President of UTUC-LS addressed the Convention.

Others who addressed the Convention in support of the Declaration were Comrades

Gurudas Dasgupta (AITUC), M. K. Pandhe (CITU), Umraolal Purohit (HMS), Abani Ray (UTUC), Saral Deb (TUCC), Swapan Mukherjee (AICCTU), Birendra Singh Dahiya (Joint Platform of Action), S. K. Vyas (Confederation of Central Government Employees' and Workers' Unions).

The Declaration urged for building up of mass awareness of the danger posed by the judgement by holding state and local conventions, demonstrations, dharnas etc. including strikes and rally in Delhi. Moreover, the Convention, called upon the working force of the entire nation to observe National Protest Day on the day parliament assembles for the next budget session, in an effective way. The exact form of programme including one-day country-wide general strike shall be decided by the Central Trade Unions collectively.

Which Class Judiciary is Serving Scuttling Right to Protest

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contempt rule that he himself issued against the Calcutta traffic police on 24th September when he was held up in a traffic jam stated to have been due to a procession taken out by tribal people. After the summoned police personnels deposed before him, Justice Lala came out heavily on rallies and meetings and directed the executives to issue notice curbing the same. Incidentally, his order does not have any mention of the specific legal clause under which the ruling has been given. Nor were the political parties, mass organizations and other public bodies who normally hold such rallies, given any chance to place their views and opinions. According to eminent persons in the legal profession, this is a blanket denial of natural justice to the affected parties. Moreover the order says that the guidelines provided should be tried on an experimental basis. Trial of a judicial directive apparently to verify its effectiveness is something hitherto unknown. The order is also unprecedented in the sense that the judge concerned had himself initiated the case which came for hearing in his court only and it is only he who pronounced the verdict. In totality, this is a judgment unheard of and inconceivable in the annals of democratic governance.

It is to be noted that the directive of the court has been for issue of a public notice giving effect to the ruling. Before the formalities are over and the details available, the media owned by the ruling class and the quarters of vested interest, cunningly obfuscated this fact and instead seized this opportunity to make extensive noise in favour of complete ban. That is why the representatives of the owning class, the captains of industries and the chambers of commerce who have been so severe in decrying any kind of people's protest against the mounting onslaught on life and livelihood, as inimical to progress, impeding before investment culture and inhibitive to development and are so upbeat over the verdict. The big industrialists and corporate giants can retrench a worker any hour a day, can swindle the PF contribution by the employees anytime during the month, can default repayment of loan of thousands of crores of

rupees from public fund throughout the year. But the workers and employees would stand prohibited from the right to protest and demonstrate through legal enforcements. The illegal acts of the owner capitalist class get passed as "non-political", "non-anarchic", "non-chaotic" and "emblematic of peace and development". But the legitimate protests by the affected millions are classified as "subversive of law and order", "politically motivated" and "disruptive of peace and normalcy". Hence the need of the hour is to thwart the move to take away the right to protest by building up massive protest movement. But in order to ensure that such movement does get organized in the desired direction and on the correct basis, it is imperative to analyze all the aspects cohesively and comprehensively. No doubt, the right to protest has to be protected and defended at any cost. But we ought to realize that the order has not come all on a sudden nor is it a mere fanciful directive of a particular jurist. It has come in a process, in a sequence and at a particular juncture. It is therefore incumbent on us to trace the root and route of the judgment.

Judiciary is aiding scuttling of vital rights

Right from the day of transference of political power from the British imperialists to the Indian national bourgeoisie, the people, who expected independent India to force open the door of unhindered development in all spheres of life and of emancipation from all kinds of exploitation and misery, found instead the ruthless capitalist rule bestriding the country like a deadweight. In place of amelioration of the maladies and problems plaguing their life, they found the situation to worsen further. While the wealth got concentrated in the hands of a few, bare necessities for survival were denied to the common people who had been pauperized and tormented at every moment. A spectre of insecurity and uncertainty haunted them day in and day out.

After 57 years of independence 70% of the people are below poverty line. The gap between the rich and the poor has widened gigantically. Unable to bear with such severe economic, political and

cultural repressions, people are spontaneously bursting into protest throughout the country. Not that everywhere the discontent of the people is getting expressed in the expected manner and on the desired line. But such mounting discontent has been causing lot of disturbance to the ruling class, taking away its sleep of night. So the ruling class with the help of its coercive state machine has been trying to crush all such protest movements. The governments both at the centre and in the states, run by the political parties subservient to the ruling class notwithstanding the variance in their colour and hue, have been all alike in brutally suppressing the people's movement with police-military. Alongside, the ruling class and its henchmen are making an all-out attempt to create an anti-movement mentality by fomenting backward and obscurantist ideas, injecting rotten vile decadent cultural thoughts and retrograding the mental process. Over and above, there is dispossessing the people of their hard-earned democratic rights through precipitation of situation or invoking pretexts. That is why, it is observed that the people are gradually losing their rights and all power is getting concentrated at the hands of the State. The State and its agencies are becoming powerful at the cost of the people. Side by side, such a regimented cultural milieu is being created as to destroy the democratic values, norms and conventions and emasculate the people from within. Thus the voice of dissent is throttled, spirit of protest is marred. So long the executive and legislative wings of the capitalist State machine were performing this task. Now, the judiciary, the third state organ, is being used for the purpose under the sugar-coated words like judicial activism, jurist intervention and so forth.

Judiciary, a capitalist state organ, is not any supra-class

But one ought not to be taken aback. Every student of political economy knows that the judicial system in bourgeois democracy came into being to articulate the aggregate interest of capitalism albeit under the cloak of neutrality and dispassionate operation. To presume that the judiciary is supra-class, an institution of divine justice

is harbouring an illusion par excellence. With the days rolling by, the capitalism is plunging into yet more indissoluble crisis. More the crisis is deepened, more is the service of judiciary requisitioned by the class to protect its exploitative rule. So the cover of apparent neutrality maintained earlier by the judiciary, is no more in place. The partisan character of the judicial system, its commitment to the bourgeois class interest, are getting exposed in various ways. One would see for oneself that while the judiciary is least concerned to give any relief whatsoever to the wretched deprived people, it is overactive in dispossessing them of their vital rights. Already many of the much vaunted rights have been taken away. Now there is attack on whatever little is left out. So when the other organs of the State are found to be unable to contain people's rage and ire, the judiciary is made to step in. This is not peculiar to India. Everywhere in the world, such is the spectacle of judiciary in bourgeois democracy.

Why was Calcutta selected for such a draconian order

But what has not so far been dared in any part of the globe the arch imperialist countries included, could be found possible to be done in India and that too in Calcutta which has been known as the citadel of class and mass struggles, of progressive democratic movements. It obviates to mention the historical role Calcutta city had played during the anti-imperialist freedom movement and thereafter in developing left democratic movement of the workers, peasants and the middle class. Calcutta was the city that was first dawned upon by the radiant ardour of renaissance thoughts. This is the city that held aloft the noble banner of Marxism-Leninism, the revolutionary urge and spirit of the oppressed people. So it has been a city of nightmare for the ruling bourgeois class, described as a city of processions by the quarters allegiant to it. It was Calcutta's pride. The whole country knew that in Calcutta lies the courage to protest, the spunk to dissent. Everyone looked forward to Calcutta to draw inspiration, to seek guide to action. Not only India, even the toiling people of the world used

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Fierce Protests in Country after Country Against WTO

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countries. The imperialist powers, with the aim of ensuring freedom for their capital — or 'free flow' of capital — and removal of all trade restrictions, wanted to take up such issues for 'negotiation' as investment; competition policy; transparency in government procurement and trade facilitation etc.

However, the interests of the developing countries are far from being homogenous either. Their conflicting interests, partly stemming from the fact that the more developed countries among them try to dominate over less and least developed ones in their region — as India, for example is doing — has also found reflection in the proliferation of different groups in Cancun. To mention but the G-21 — a Group of 21 developing countries, with India, Brazil and China at its core, possessing relatively greater bargaining power, which presented an alternative draft on agriculture. In view of the promise, made in Doha, that developing countries could be given "differential treatment", another Group of about 30 developing countries, including Indonesia and the Philippines, demanded exemption from WTO rules and regulations for certain sensitive products, such as rice which should be declared as special products (SP), as well as the right of developing countries to apply special safeguard measures (SSM) against dumped agricultural products. In particular, from Africa, where 10 million cotton farmers are being ruined as a result of cheap and very heavily subsidized cotton being dumped by USA, four small countries — Burkina Faso, Mali, Chad and Benin — asked for compensation against unfair dumping.

Whereas the WTO decisions have far-reaching global impact on common people, the negotiations are shrouded in secrecy and take place largely in closed-door meetings with individuals and groups, under US and EU domination. Yet the outcome goes by name of 'consensus'. So, in the final 'consensus' draft presented at Cancun, all the suggestions and issues raised by the developing countries were simply brushed away, while the African countries were advised to diversify. The draft highlighted the agenda of the advanced capitalist countries and was emphatic about their demand

that the developing countries commit themselves to make deep tariff cuts, among others. Even the clause that provides immunity for the rich countries from lawsuits on agricultural subsidies, was extended! In the resulting standoff between developing and developed countries, talks collapsed even as thousands of protestors staged anti-WTO demonstrations outside the venue.

Suicide at Cancun

Just how the WTO rules affect the lives of the people was brought home glaringly through the suicide committed by an anti-WTO protestor in Cancun. It was an action of anguished protest over the agricultural policy of WTO that is killing farmers and their agriculture worldwide in developing countries. It is a grim reminder of the utter helplessness and despair not only of ruined farmers but also of unemployed workers thrown on the streets as a result of globalization, who feel their only option is suicide. Not to speak of developing countries, even in developed countries, where exploitation has become more cynical with extreme flexibility and speed up of production, the number of workers committing suicide under unbearable stress, is on the rise. As for our country, the fact that even in a state like Karnataka 90 peasants committed suicide alone in the short period between 1 August and 5 September this year, (*as reported in The Hindu, Sept. 6, 03*), is a pointer to the total devastation they suffer in the prevailing situation. And that is the official figure, which does not convey the real picture.

It is in this background that fierce protests against WTO, from Seattle to Cancun, against the policy of globalization, liberalization and privatization have sprung up in country after country, throughout the world, by people demonstrating in hundreds of thousands for the last ten years. In Latin America such protests have even caused some governments to fall, to name but Bolivia and Argentina.

WTO agreement on agriculture ruins farmers

It was in the name of 'free trade' and 'economic reforms' — so pleasing to the ear — that the imperialist powers, headed by the USA, using the policy of stick and

carrot made the developing countries yield to the policy of globalization, liberalization and privatization. The imperialists, while eulogizing 'free trade' as a panacea for all the economic ills plaguing the developing countries that had lost the benefit of liberal aid and assistance with the fall of socialist countries and free access to those markets, got them to sign the GATT Agreement in 1994.

Almost 10 years have rolled by since then. The imperialist powers had held out the bait of access to their own markets to the developing countries in return for opening up the economy. However, while pushing the developing countries into the trap of opening up their markets by liberalizing rules and slashing tariffs, the imperialist powers, themselves have kept up their own protection. They have succeeded in doing so with the help of extremely variable tariffs, as well as through quotas and on various pretexts, including dumping charges if they find any import item would create an adverse impact on their home economy. Thus, developed countries have kept up high tariff barriers against 97 % of the agricultural export products of developing countries and 63 % of all industrial export items of these countries. Moreover, the rich countries, on paper, were obliged to reduce their agricultural subsidies more drastically than the developing countries. But in reality just the opposite happened. The developing countries reduced subsidies, with disastrous effects — compounded by TRIPS-induced steep price hike of agricultural inputs. But the USA, Japan and the EU — lorded over by Germany, France and Britain — could easily evade their responsibility by taking advantage of loopholes in the treaty on the basis of their technological superiority and different structure. Not to speak of reducing their subsidies by 20 per cent, as stipulated in the GATT agreement, these imperialist powers actually increased their agricultural subsidies, which are now exceeding the staggering figure of \$ 300 billion annually. The USA, in particular, has doubled its agricultural subsidies in the last ten years. (As individual farmers are practically extinct in the USA these subsidies go to huge agri-business corporations, employing agricultural

labourers — largely immigrants and prisoners — who work long hours for a pittance) And again the USA plans to steeply hike subsidies. As a result of all these, agriculture throughout the developing world is in crisis, and the distress of ruined farmers loosing their land, especially the small and medium farmers, is simply beyond imagination.

Just as the imperialist powers, headed by the USA, use their technological superiority and might of finance capital in the agricultural sector to establish global domination, so also they do in other spheres. This is especially prominent in case of intellectual property rights.

TRIPS, Patent Laws and GATTs, etc. — tools for neo-colonial exploitation

Thus with the help of their technological superiority and might of capital the imperialist powers and their MNCs make use of TRIPS (Trade Related Aspects of Intellectual Property Rights) and Patent laws to bring science and knowledge under their monopoly stranglehold, extending it to every sphere of human production. Not only do they amass super profits in this way, but TRIPS and Patent laws have turned in their hands into a tool to subjugate the developing countries by obstructing development of their indigenous technology, causing production costs to shoot up steeply, and through use of monopoly rights over marketing to secure markets for themselves in these countries. Even over essential drugs the pharmaceutical MNCs — which have the highest profit rates among all other sectors of industry — secured a monopoly stranglehold, as a result of which prices of essential and life saving drugs have spiralled beyond the reach of common people, depriving the poor of getting medicines, especially in AIDS afflicted Africa.

Just before Cancun, concerning the demand raised by developing countries centring round the manufacture and import/export of cheaper generic drugs instead, an 'agreement' was reached. But that agreement contains such provisions as to effectively scuttle the deal - a fact widely acknowledged. Hence in this regard too, the sole 'redress' the

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Calcutta High Court Order on Rallies and Processions

Citizens' Convention in Calcutta in Protest

The SUCI, West Bengal State Committee organized a Citizens' Convention against the recent ruling of the Calcutta High Court prohibiting rallies and processions in Calcutta metropolis in daytime and working days, held at the University Institute Hall in Calcutta on October 10 last which was attended by leaders of different political parties, trade unions, mass organizations and eminent personalities of the city. Comrade Provash Ghosh, Secretary, West Bengal State Committee and member, Central Committee of the SUCI took the chair.

At the start of the Convention Comrade Manik Mukherjee, Calcutta District Secretary and member, West Bengal State Secretariat read out the message of Dr. Sushil Kumar Mukhopadhyay, former V. C., Calcutta University and an eminent scientist and informed the house that Sri R.K. Dasgupta, former Director, National Library, Calcutta could not attend the meeting but he expressed his whole-hearted support to whatever resolution be taken by the Convention. In his message Dr. Sushil Kr. Mukhopadhyaya said :

"I have received the invitation to the Citizens' Convention to be held on the 10th October. I am very sorry to state that I could not be present in the Convention.

The main subject matter of discussion in the Convention is — the recent order of the Honourable Judge of Calcutta High Court, prohibiting rally and demonstration, barring holidays, is totally against the very spirit of democracy. This is my humble endeavour to convey you that I share your views. Needless to say I am fully aware that I am violating law.

We surely have not forgotten that our freedom movement began with civil disobedience. Civil disobedience is the only instrument of propaganda for those who have no other medium to propagate.

It is very natural that while in danger one strives to come out of it according to one's ability. The Hon'ble Judges have the right to pass orders, while the people have the right to collectively resist it. The two may contradict and it is only proper to accept it. Clearly due to such verdict number of rallies and demonstrations would surpass the

usual number.

The Hon'ble High Court has fixed the decibel level of sound in popular festivals, so that it do not disturb anybody's concentration (say, of examinees). When one examinee drew attention of his father, a Judge, to a violation of decibel level, the pragmatic Hon'ble Judge gave his opinion : 'plug your ears with cotton before going to study'.

You too plug your ears who go in for violation of law.

I wish your convention a grand success. I will fully abide by all the decisions to be taken by the convention".

In his presidential address at the beginning Comrade Provash Ghosh said, inter alia, the ruling delivered by the High Court judge is not only an affront on rallies or demonstrations in the city but a portent danger to future mass movement. Moreover, this ruling from the High Court came at a time when the CPI(M) Front government of West Bengal is persistently decrying and threatening all militant mass movements, particularly labour movements, so that no mass movements grow, no protest voiced. He said, our fight is not against the judge but against the judgement and pointed out that by attacking the judge personally the CPI (M) leaders are cunningly trying to divert people's attention from the main issue and behind this politics of gimmicks their government is trying to gag mass movement in the name of 'reasonable restrictions' using the very order of the High Court judge. Thus the High Court ruling has come to the CPI(M) Front government as a blessing in disguise and it is resorting to double dealing on this issue.

Shri Parthasarathi Sengupta, Advocate, Calcutta High Court critically analyzing the text of the verdict said, it grossly violated the basic principle of jurisprudence. The Hon'ble Judge prohibited meeting and demonstration in working days but didn't give the organizers of the same the opportunity to be heard. The government is also actually desirous of restricting expression of protest of the people against the maladies under its



Eminent personalities on the dais of the Convention

exploitative and oppressive rule.

Eminent poet Shri Tarun Sanyal wondered how the judge himself can be, as has been in the instant case, the plaintiff, the pleader of the plaintiff and the judge at a time ! He said, where teachers will be employed on contract at Rs. 1000 or Rs. 2000 a month, medical students will be given admission with capitation fee of Rs.12 Lakhs to 15 Lakhs, peasant families commit suicide for not getting the minimum price of their products, lakhs of workers perish after losing their job — they will not have the right to voice their protest and demonstrate. How can it be?

TUCC leader and ex-minister of the ruling CPI(M)-Front government showed how the ill effect of globalization has engulfed the judiciary also — when the jute mill owners throw lakhs of jute mill workers on to the streets by resorting to wilful lockout and retrenchment, defalcate 1.54 billion rupees of workers' Provident Fund in the state, the court never reacts, but reacts against protests and demonstrations.

CPI-ML (Liberation) leader Kartik Pal said, it is a matter of great regret that after 26 years of rule of a government in West

Bengal claiming to be left we are pushed to organize movement for the right to demonstrate and assemble. He also firmly opined, it is the 'Left Front' government which had prepared the ground for delivering such an anti-people verdict by the court. On 8 October last the 'Left Front' had held a Convention on the same issue and today on 10 October, another convention is being held here but the purposes are quite different. They want restrictions and we won't obey the same, he pointed out. Prof. Jyoti Prakas Chattopadhyaya, a leader of university and college teachers' movement reminded, nowhere and never anything great could be achieved following the path of existing laws in the society, to break the unjust laws is the characteristic of humanity. He said that he had seen in the media that Provash Ghosh, State Secretary of SUCI had urged the 'Left Front' leaders for building up joint movement on this issue but that did not materialize. If they can join hands on the Iraq issue why not this time, he questioned.

Leaders of Pratibadi Yudyog, Bolshevik Party, PRCI, MCPI, Workers Party and AICCTU also spoke.



Students of Northern India under the auspices of AIDS0 staged huge protest before Parliament on 26 September, 2003 against commercialization and communalization of education.

CPI(M) prepared blue-print to stifle movements long back

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to view Calcutta as the nerve centre of movement and revolution. How could then the judiciary venture to bring such a stricture on the right to protest in this very city of Calcutta ?

No doubt the 26 years' uninterrupted misrule of the CPI(M)-led Front government has significantly contributed to the judiciary's feeling emboldened to initiate such a move in Calcutta. The CPI(M) leadership, following the bourgeois politics of social-democrats under the cloak of Marxism-Leninism had been sending feelers to the ruling class to seek favour in lieu of faithful service. Particularly after being saddled to governmental power in West Bengal, Kerala and Tripura during the seventies, they voluntarily took it upon themselves to serve the ruling bourgeoisie in pursuit of pelf and power. They assured the class that the city of Calcutta and West Bengal would no more give them sleepless nights. And to prove to the class that they seriously mean so, there was a drastic change in their attitude towards class and mass struggles. Whatever little lip-service they used to give in support of democratic movement was gradually on the wane. The CPI(M) leaders instead started telling the people that with their government in power, there was no need for movement. Everything would be settled across the table. If people takes to the path of movement, it would be embarrassing for the CPI(M)-led government. They even apprehended destabilization of their government in case the wave of democratic movements as before persisted. Thus they took every initiative to create an anti-movement mentality and instead shift the focus on worst opportunistic parliamentary politics of vote and power. Systematically they pursued this line to destroy the very backbone of movement culture, strike at the very root of sustaining the spirit of protest and emasculate the toiling masses from within. One can hardly distinguish the CPI(M)-led Front government of West Bengal from any other government run by known bourgeois parties insofar as running of the government is concerned. The CPI(M)-led government is now so inimical to movement that it hardly

hesitates to crush legitimate democratic mass struggles anytime anywhere by letting loose police-administration, RAF and party stormtroopers. The extent of brutality in suppression of mass movements in West Bengal has assumed significant proportion. In the process of running the government in the like manner, the CPI(M) leadership has given birth to a privileged section, a corrupt nexus of police-administration-rural gentry-real estate promoters-contractors-blackmarketeers-anti-socials which is the mainstay of its rule today. This is how the CPI(M) leaders are appeasing the ruling class and in their bid to remain in power, they are virtually dancing to the tune of the bourgeoisie; acting at its dictates like a most trusted subordinate. That is why it is seen that whatever the ruling class is asking for, the CPI(M) leadership is shamelessly complying with the same.

This loyalty is what the crisis-ridden bourgeoisie was looking for. It knows that these pseudo-lefts have been able to render a service that was not possible for any other known bourgeois political outfit. Who else but these sham Marxists could deactivate the struggling spirit, the protesting mind of West Bengal and Calcutta so successfully ?

CPI(M) echoing the argument of crisis-ridden capitalism

Take the so-called issue of capitalist investment in the state. Insurmountable crisis of capitalism, the absence of market despite the much-clamoured prescription of globalization is holding back industrialization and capital investment in all over the world. Capital is becoming idle. Big imperialist powers like the USA and the UK have no other alternative but to invade sovereign states, generate wars to stimulate their sagging economy. To suppress these facts, the imperialist-capitalists are squarely blaming trade union movement and workers' struggle for economic disaster. Cunningly they are shifting the burden of the crisis on the working people and at the same time holding the same workers responsible for the devastated economy. Look at the stand of the CPI(M) leadership in this regard. Alongwith the bourgeois class they too are giving an impression as if

the workers' struggle and democratic movements are putting obstacles before capital investment by Indian and foreign capitalists in West Bengal. So raising the bogey of imperativeness of capitalist investment at any cost, the CPI(M) leaders are now desperately trying to put a reign on movement. To discourage and curb legitimate struggle of the working people, they are branding normal trade union activities as militant trade unionism and curtailing the same. The CPI(M) chief minister is promising to big industrialists and chambers of commerce that he would take all necessary steps to contain such movements. Even a student of elementary economics would chuckle in amused disbelief if it is argued that by restraining and restricting the workers' movements, West Bengal would emerge as a pilgrimage of employment-generating capital investment by the capitalist hawks. It is actually a pretext to smash democratic mass movement and gag the voice of dissent.

CPI(M) leaders prepared ground for attack on right to protest

It is here that there is a coincidence of respective interests. The ruling bourgeoisie is intending to put more fetters on people's protest in fascistic pursuit and the CPI(M) leadership is seeking to appease the class to cling to power. Both of them are keen to have a reprieve from whatever little movement or protest is surging forth. So there is a well-orchestrated campaign against all legitimate forms of protests and movements. The current High Court order has come in this perspective. It is just not an off-the-cup utterance of an individual judge but the judiciary striking the chord at the right moment. The ground has been prepared by the anti-movement pro-capitalist policies of the pseudo-lefts led by the CPI(M).

CPI(M) had blue-print ready to curb rallies and meetings

One can also see that the chip is tougher than the old block. Long before the current judgement, the CPI(M)-led state government started harping on "reasonable restrictions" on meetings and processions. The CPI(M) chief minister had himself identified

three spots where only meetings could be permitted. Incidentally, these are the same spots that find mention in the court order as the earmarked venues. Not only this; the CPI(M) leadership has gone much ahead of the judiciary in designing the blue-print. What the judiciary could not think of was captured in their contemplation. The CPI(M) government had long back declared a vast area adjoining West Bengal Secretariat and Esplanade, the heartland of Calcutta, as Central Business District (CBD) where section 144 of Indian Penal Code is enforced banning assembly of more than five persons. Obviously, this area is thus kept out of the purview of any meeting or rally. Now it has been revealed in the press in details that in a high-level meeting, much before this High Court order, the CPI(M) chief minister reaffirmed the decision to put restrictions on meetings and rallies and wanted the police to finalize the proposals. Apart from limiting the venues of meetings, the ministerial proposal is for extending the jurisdiction of sec. 144 by bringing more areas under CBD. The CPI(M)-led government has already announced setting up of special economic zones in three areas in and around Calcutta where no trade union activities would be permitted. The CPI(M) chief minister received kudos for such initiatives from no other a person than BJP president Venkiah Naidu who was delighted to see the turnaround of the self-proclaimed Marxists. In keeping with this, the CPI(M) central committee statement on High Court order admitted that "... authorities can issue reasonable restrictions." Added CPI(M) West Bengal State Secretary, "Our party and the government had proposed some restrictions and there might be some more." Then where is the difference between what Justice Lala has ordered and what the CPI(M) leaders had been planning to do ? Workers will protest against injustice meted out to them by the capitalist owners who, however, would fix the pattern, duration, venue and schedule of such protests. Oppressed people will agitate against the anti-people policies of the government but the latter would specify how, when, where and to what extent would such agitations take place. What an incredible proposition!

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Confrontation in Cancun not of fundamental nature but a standoff to obtain better bargain

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developing countries obtained was of mere verbal nature. As to the question of bio-piracy indulged in by the imperialist powers, it seems, this has not even come up for discussion.

Similarly the imperialist powers use WTO provisions of GATS to penetrate the service sector, through privatization, and liberalization of trade in service sector, including banking, insurance, electricity, health, hospitals, etc. and even education to establish their monopoly over the new markets thus opening up for services in developing countries. In our country they do so hand in glove with domestic finance capital. In this way essential services and sectors like insurance — essentially a welfare service — are turned into mere products to be traded for maximum profit. The government is shaking off even minimum social responsibility, and people are being deprived more and more of whatever little of social services, like minimum health care was there. Today with growing advance of the liberalization process, vast masses of people, here as elsewhere, are finding to their horror that, not to speak of health care, even education is getting completely beyond their reach. And the more the imperialists penetrate this sector, the more ruthless becomes the exploitation of and attacks on people in every sphere of life and work. And still more sinister attacks are in the offing, as further liberalization rules are being negotiated, in secret. Attempts are on to remove any obstacle, such as social and environmental criteria, for trade that is to encompass all spheres of the human activities, and all the resources of the planet. To mention but the fact that the USA imperialists are agitating against fixation of minimum wages, considering these as potential 'technical obstacles for trade' to be removed, as revealed in a leaked WTO document.

Liberalization of trade and investment leaves developing countries without protection against imperialist sharks

While the imperialist powers insist that the developing countries adhere to the rules of multilateralism

for global economic integration, they themselves do not practice what they preach. They themselves form competing regional trade blocs, which include lesser developed countries over whose economy they establish total control. The extension of NAFTA to include Latin America and Caribbean countries into FTAA, and expansion of EU to include some weaker countries, are telling examples. But in this context even the comparatively more developed among the developing countries too are doing the same, to ensure for themselves some sort of reserve markets. With the result that intense rivalries over such reserve markets are on the rise not only among the developed but the developing countries themselves.

Again in the name of economic integration, the USA and G-7 are pressing the developing countries for more cuts in import tariffs. But the rich countries not only developed under tariff walls, they are still protecting themselves with various measures of tariffs and non-tariff restrictions, as mentioned before. Some economists have pointed to the fact that multilateral trade under WTO auspices is good only for those countries that have clear-cut global comparative advantages. And this is the reason that many poor countries have seen a decline in their growth rates after having embraced globalization. Growth rates in India too have been lower in the post-WTO period than before economic reforms. Thus, in this background a further cut in industrial tariffs and removal of other forms of trade protection as demanded at Cancun, would lead to further de-industrialization or decline in manufacturing industries in developing countries in a situation where liberalization of foreign trade and investment under TRIM (Trade Related Investment Measures) have already caused small, medium and many big indigenous industries to close down, unable to survive competition with MNCs. It may be recalled, that even before globalization industrial production was in the doldrums and unemployment high in the developing countries. Now as a result of globalization unemployment is increasing by leaps and bounds, and with no social

security to fall back on, the majority of unemployed are without means of subsistence, while farmers who constitute about two-thirds of the population are increasingly ruined, as seen before.

And worse is yet to come as imperialist sharks are trying to enforce unrestricted freedom for their finance capital worldwide — under the cloak of 'free flow of capital' — and removal of all restrictions on trade, infringing even on the sovereign rights of governments to frame their own rules. This is to ensure complete freedom for their MNCs for free entry and exit in any country, to invest in any sector they choose, withdraw investment any time, and remit profit abroad. Of course they do so with the argument that free flow of capital and global economic integration would "enhance economic growth of poorer countries". But the South Asian crisis of 1998 serves as a grim reminder of what happens when foreign investments, for whatever reason, are suddenly withdrawn; the affected countries go bankrupt overnight. At that time India, Malaysia and China were not affected, because they still had kept intact controls over monetary flows. Recently Kenneth Rogoff, IMF's chief economist, in the *Financial Times*, admitted the negative effects of the free flows of capital on the fortune of developing countries, and point out "that it is precisely those countries that made the effort to become financially integrated that, in general, faced more instability." Yet not only do the imperialist powers want to secure precisely such complete freedom for unhindered entry and exit of their MNCs, to invest and own capital, natural resources and land anywhere they like, but they demand that the MNCs are treated at par with national producers. No obstacle whatsoever can be allowed to stand in the way of MNCs earning maximum profit, no government regulations, or subsidies for socially needed services or sectors as that would amount to 'unfair' competition. Nor can any human, environmental or any other consideration be allowed to undermine the 'sacrosanct' right for maximization of their profit, not even international treaties. Already under WTO provisions the MNCs

obtained substantial benefits and freedom to operate. Now on the agenda of the imperialist powers is the attempt to ensure absolute freedom and every right for their MNCs and their finance capital but without even minimum of responsibility. This is neo-colonial exploitation at its worst. It undermines national sovereignty and seeks to remove the last constraints on the unlimited power of the MNCs, some of whose annual profits are reportedly more than the national income of most of the poor countries.

Such being the dismal picture and prospects for the developing countries, what kind of effect does globalization — so much tilted in their favour — have on the imperialist countries themselves? Today where is the promised prosperity and greater incomes for the people in developed countries? With the drastic reduction in people's purchasing power on a global scale the world market has further contracted, and the capitalist crisis of market intensified. Unemployment has become endemic and is growing in all the advanced capitalist countries. And so is homelessness — a phenomenon once thought to belong to the distant past. In these countries too, the people are getting poorer, their incomes shrinking drastically. The gap between rich and poor has become gigantic and goes on growing fast. In fact, people in the developed countries are weighed down by immense insecurity. They look with deep apprehension to the future: under globalization nothing is safe from the ravages and attacks that have multiplied: neither their savings, if any, nor pensions, not even existing jobs, nor even their already curtailed rights at the workplace, for social benefits and civil liberties. In mounting movements the toiling people in country after country are fighting for survival and against growing attacks on age-old rights and benefits.

Unite to stop liberalization

Yet still more sinister global attacks on people are in the offing. It is the people will have to find the way out from this dismal situation. But to do so the people in the developing countries first need to

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Thwart attack on right to protest

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Sustained protest movement can only defend right to protest

So the blue-print of regulating protest movement was already prepared by the CPI(M) leadership and Justice Lala, it is evident, has simply articulated the same. There is not an iota of exaggeration in it. This is the bare fact. But lest people suspect their intention or their own cadres raise questions as to the purpose of imposing reasonable restriction on the right to protest, the CPI(M)-led Front chairman and CPI(M) polit-bureau member Biman Bose went hammer and tongs against the judge. The whole tirade was against the individual judge while the judgment and the dangerous import of the judgment were pushed behind. However, the CPI(M) chief minister and his cabinet colleagues maintained a conspicuous silence over the issue. CPI(M)-led Front called a convention on 8th October and everybody waited to see what action programme the CPI(M) leadership declares after so much of rumbling under media glaze. But belying all expectations, the blowing was excessively cold. In a volte-face, the CPI(M) leaders started eulogizing the judiciary as "pillars of democracy" and promised to stand behind bourgeois democracy. The CPI(M) state secretary, in the course of a damage control exercise, observed, "We consider judiciary a part of democratic set up, but we also expect it to strengthen democracy." "...The judiciary itself should ensure that its

judgements don't create misgivings among the people. ... We ... are trying to help the judiciary curb distortions." They have also been talking to knock at the door of judiciary for extracting some legal concessions to relax the stringency of the enforcement. Such appeasing and coaxing words for the judiciary reconfirms that the vitriolic utterances and diatribes of the CPI(M) leaders were clearly aimed at diverting the issue, were camouflages to suppress their hidden desire to impose restrictions on democratic movements and protest rallies. Everywhere, the moribund bourgeoisie, albeit in the name of democracy, is on a spree to curtail fundamental and democratic rights, to flout and trample even the barest percepts of democratic norms and conventions. This so-called facade of democracy the CPI(M) leaders are serving, preserving and subserving to.

Like any other bourgeois government and party including BJP-led central government, the CPI(M) too is throwing its sole hog to curb democratic rights. So it is incumbent on each and every democratic-minded person and the exploited have-nots at large to direct their fight for protecting right to protest against every obedient follower of decadent bourgeois class rule including the CPI(M). Fight we must. We must have to build up a fierce sustained movement till the court withdraws this unjust directive. SUCI calls upon all to rally behind such movement and repulse the attack.

Central Committee against High Court Order

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rights as enshrined in the Constitution but also strikes at the very roots of democratic ideas and it definitely smacks of a fascistic design.

Pointing out the fact that once again it clearly proved that so-called neutrality of the judiciary is nothing but a myth and in reality it is a defender of the aggregate interest of the capitalist class and as such its another class organ, the Central Committee strongly opined that the manner in which the CPI(M) and its government in West Bengal, in their bid to remain in power, are wooing and capitulating to the ruling capitalist class, succumbing to their pressures one after another, and repeatedly pleading for imposition of restrictions upon meetings and demonstrations using the sugar coated word 'reasonable', had clearly paved the ground for the High Court to deliver such anti-democratic order.

The Central Committee is convinced that the people of West Bengal under the circumstances are left with no other alternative but to ignore it and rise up movement against this highly unjust order. Committing the party to such sustained resistance movement demanding immediate annulment of this order, the Central Committee calls upon the people of West Bengal and of the whole country to join it with all their strength in their command.

Confrontation in Cancun !

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find the answer whether the national bourgeoisie, who are at the helm of affairs in the their countries, can be counted on to stand their ground in the confrontation that has developed between them and the imperialist powers in Cancun, and to protect the people from further attacks. Is the contradiction between developing and developed countries of fundamental nature, or is it just a question of bargain between the two sides? Is it not a fact that in their eagerness to obtain some access to the world market they signed on to globalization — though it was quite apparent that the WTO regulations were tilted heavily in favour of the advanced capitalist countries — thereby betraying their own people? They showed least concern for the people and did not hesitate to place the burden on them. So it is quite obvious that their confrontation in Cancun is not of fundamental nature, but is a standoff to obtain a better bargain. If they get some minor concessions they will succumb to the dictates of the imperialists. Having least concern for people the national bourgeoisie will pass the additional burden on to the common people of their countries.

The same holds true for our country too, where the national bourgeoisie eagerly signed on to globalization and liberalization solely in order to get a share of the world market as junior partner of imperialist powers. While the press has tried to project Arun Jaitley, the trade and commerce minister, as a hero standing up for developing countries in Cancun, the fact remains

that India has never truly championed the cause of developing countries, though it had many opportunities to do so. Instead it has played among the many contradictions solely in order to serve its own interests and get the best bargain. Cancun is no different. So the only way for the people of the developing countries is to stand united and force their governments not to succumb to the dictates of the imperialists, compromising the legitimate interests of the people, and to stop the policy of liberalization and privatization.

To carry out this task a vigorous movement is the need of the hour. But for such a vigorous movement to take off, the pseudo-left forces, the social democrats — like the CPI and CPI(M) in our country, for example — who talk against liberalization, but in reality themselves implement liberalization wherever they are in power, who obstruct, trick and backstab such movements, while paying lip service — these forces the people have to isolate politically. And making common cause with people from developed countries who are also being pauperized and under attack, let us forge unity and build up powerful movements to stop liberalization, with the ever new slogan: workers of all countries unite.

Errata

In our last issue of Proletarian Era dt. 1.10.03 in page seven 1st col. line 23 Rs. 2.10 lakh was wrongly printed in place of Rs. 1.90 lakh and in line 40 Rs. 0.50 lakh was printed in place of Rs. 0.55 lakh. We regret the mistake. — Ed. Proletarian Era

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