

Indian government curbs democratic rights

K. Nesan

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The Indian government has exploited the US-led “war on terrorism” to introduce far-reaching anti-democratic measures that were previously blocked in parliament. On October 25, it promulgated the Prevention of Terrorism Ordinance (POTO) without any parliamentary vote.

A meeting of cabinet ministers hurriedly agreed on the measure just a few weeks before the winter parliamentary session in November. Home Secretary Kamal Pande sought to justify the move by citing increased “terrorist activities”, Pakistan-sponsored “cross-border terrorism” and a nationwide emergence of insurgent groups, which could not be tackled with existing laws.

The POTO ordinance empowers the government to define any political group as a “terrorist organisation”. It provides a wide range of powers for banning and arresting not only members and supporters of such organisations but also those who just “invite support”.

With immediate effect, the government has imposed a ban on 23 groups. Almost all the militant outfits operating in Jammu and Kashmir have been defined as terrorist groups. In the north-east of India 10 groups, including the United Liberation Front of Assam (ULFA), have been outlawed along with another three organisations in the Punjab. All the banned organisations have been operating for several years and represent minorities, while basing themselves on separatist programs. These separatist tendencies are an outcome of decades of communalist policies pursued by former Congress Party governments and the current Hindu-chauvinist agenda of the BJP-led government.

Organisations like the Liberation Tigers of Tamil Eelam (LTTE) and the Student Islamic Movement of India (SIMI), which have been banned already under the Unlawful Activities Act, also appear on the list of 23 proscribed groups. Under the Unlawful Activities Act, a group declared to be terrorist can only be

outlawed for two years, provided that a tribunal approves such a ban within six months of its proclamation. The POTO ordinance replaces this tribunal by a “Review Committee” and removes the time limit for upholding a ban.

This allows the government to proscribe any organisation indefinitely. Once a group has been declared a “terrorist organisation,” anyone associated with it can be jailed for 10 years. Another clause of the ordinance provides that anyone who “invites another to provide money or other property” for such a group, can be sentenced for up to 14 years.

Apart from being aimed at the minorities, POTO is a threat to the most fundamental rights of the working class and oppressed masses. One provision defines terrorism as any activity which disrupts the “essential supplies and services” of the nation. Thus any state government could arrest striking public sector workers. Further clauses are aimed at curbing freedom of expression and the right to information. Journalists, as well as individuals, are obliged to provide details about individuals or groups should an investigation officer suspect them of terrorist involvement. Those who fail to do so could be imprisoned for up to three years.

The BJP’s claims that POTO will “protect the national unity,” but it is an attempt by the government to strengthen its grip under conditions of developing political discontent. The government introduced the same measures in March 2000, but failed to get them through parliament due to widespread opposition by civil rights organisations, the media and opposition parties.

The BJP-led National Democratic Alliance government has become increasingly unpopular over the past three years. One of its election promises was to create 10 million jobs a year. Instead, its free-market policies have created a disastrous situation for millions of poor people, including starvation, the deaths of

entire families and, in various federal states, suicides by peasants unable to pay back loans.

In the immediate aftermath of the September 11 terrorist attacks in the US, Home Minister L.K. Advani complained in a meeting on internal security attended by high-level police commanders about the “lack of unity at home”. He suggested that “the security forces and the people have to raise their levels of commitment to root out terrorism”. In a democracy, the media and the opposition had the right to oppose but a “perpetually adversarial stance becomes negative”.

The POTO ordinance is designed to replace the Terrorist and Disruptive Activities (Prevention) Act (TADA). Proclaimed in 1987 by the Indian Congress (I) government, TADA became infamous as a result of the brutalities committed by law enforcement agencies. The legislation was subjected to parliamentary renewal every two years but amid nationwide opposition the Congress (I) government refrained from renewing it in 1995. Nevertheless, its provisions are still being implemented through various legal and parliamentary manoeuvres. According to official figures, more than 75,000 people were arrested under TADA provisions. Most are still detained and waiting for trial—less than 1 percent have been convicted.

In the state of Rajasthan, Congress (I) opportunistically promised to release some of the TADA detainees prior to the last state elections. Some of these 41 persons, most of whom belong to the Muslim minority, were kept in jail for more than 10 years and a few had been arrested by a former BJP state government. The party formed a coalition government in December 1998 but it took more than two years before the Chief Minister finally freed eight of the prisoners.

Kuldip Nayer, a prominent journalist, has warned how the new powers will be used. “The police will run still more amok. Indira Gandhi exploited the monster-like TADA machinery to destroy the values. The agenda of the BJP-led Government is no different. It wants to create fear so that the minorities and dissenters feel terrified. Even small protests will be used to frighten the nation of the ‘dangers’ if the critics were not silenced. In the same way, any agitation against the globalisation, which is getting increasingly exposed, will be suppressed through the proposed ordinance. Economic reforms, whatever they mean, will be forced

down the throat of the nation, even when they have failed to deliver the goods.”

Some concerns have been expressed in ruling circles about the misuse of the new powers. The *Times of India* described the POTO ordinance as “the first concrete indication that civil liberties are also going to be a casualty of the new ‘war against terrorism’.”

The Indian Congress (I) and other opposition parties have criticised the measures but have no fundamental differences. Just like the BJP, they all define terrorism as the “core” reason for the war in Afghanistan and India’s conflict with Pakistan. Congress has accused the government of inefficiency and corruption, demanding stricter implementation of the existing legislation.

While the Communist Party of India (Marxist) (CPI (M)) reacted along similar lines and issued a statement expressing its “strong and unambiguous opposition” to the ordinance, the CPI (M)-led Left Front Government in West Bengal has proposed its own version called the “West Bengal Prevention of Terrorism Ordinance”. The BJP’s allies in India’s coalition government—the Telugu Desam Party of Karnataka and the Dravida Munnerta Kazhagam of Tamil Nadu—also expressed reservations but focused mainly on technical formalities.

The government needs the backing of the opposition parties to get the POTO ordinance passed as legislation in parliament by mid-November. If the government fails to win a majority, the ordinance will cease to operate six weeks from the parliamentary session’s opening date. It is not yet certain whether a deal will be struck. But on their past record, it is likely that the opposition parties will support the further erosion of democratic rights in the name of “fighting terrorism” and “national unity”.



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