

Indian Supreme Court outlaws Tamil Nadu political protest

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Displaying scornful contempt for the democratic right to protest, the Indian Supreme Court ruled last Sunday that a *bandh* (general strike) called by the ruling coalition in the south Indian state of Tamil Nadu for the next day, October 1, was unconstitutional. It then ordered the DMK-led coalition to immediately call off the strike and to use the state machinery to ensure that all normal activity proceeded unhindered.

The court issued its ruling in response to an “urgent” petition filed that same day by the AIADMK, the official opposition in the Tamil Nadu state legislature. The archrival of the DMK, the AIADMK urged the court to ban the agitation on the grounds that it would disrupt business and could lead to widespread violence.

Earlier the Tamil Nadu High Court had rejected a similar petition from the AIADMK.

In its ruling declaring the bandh illegal, the Supreme Court cited a 1998 decision in which it had upheld a 1997 ruling by the Kerala state High Court that proclaimed bandhs unconstitutional and illegal. The Kerala court had justified its ruling with the claim that such agitations are enforced by violence and intimidation.

The bandh is a quintessential Indian form of political protest, involving the shutting down of normal daily business, including shops, workplaces, schools and public transportation. Bandhs were widely used in the struggle against British colonial rule and in post-independence India have been employed as a political weapon by the working class and the ostensibly Communist parties as well as by right-wing parties and groups.

To the anger and dismay of Indian big business, the Stalinist-led Left Front and its trade union allies have periodically staged one-day bandhs to protest the neo-liberal socioeconomic policies of India’s United Progressive Alliance (UPA) coalition government even while continuing to prop up the UPA in parliament.

The corporate media has been urging the courts to take a tougher stand against such protests and last Sunday’s ruling will likely prove to be only an initial shot.

Although it is normal to schedule hearings on petitions filed during the weekend the following Monday, India’s highest court organized a special hearing within hours of the AIADMK approaching the court.

In its ruling, the Supreme Court thundered, “So long as the 1998 judgment of this court remains, you cannot call for a bandh, which has been completely prohibited. Your object is to stop everything to show your might and solidarity. We cannot tolerate this. Public right is superior to individual party rights.”

Although the DMK and its partners—the Congress Party, the Communist Party of India, the Communist Party of India (Marxist), and the PMK—did call off the strike, public transport, the ports and many shops were nevertheless shut down Monday.

When the AIADMK sought and obtained a further Supreme Court hearing Monday to charge that the DMK had failed to obey the court order, one of the justices threatened not only to cite the DMK leadership and its allies in contempt, but to issue a judgment urging the central government to impose “president’s rule.” (Under India’s constitution, the central government can sack a state government in the event of the breakdown of law and order.)

Responding to the AIADMK lawyer’s claim that the court’s order prohibiting the bandh had been defied, Justice B.N. Agrawal declared, “If what you say is true, then there is complete breakdown of the constitutional machinery in the state. We will recommend to the president to dismiss the DMK government in Tamil Nadu.”

Justice Agrawal’s remarks have no legal force. But they clearly were intended to signal the court’s determination to stamp out bandhs and drastically curtail the right to dissent and mount political protests and agitations.

The DMK and its coalition partners issued the call for the October 1 bandh in order to pressure the UPA government to resume work on the Sethusamudram project, a canal-building project in the waters between India and Sri Lanka, which was suspended by the UPA in mid-September.

Tensions had arisen between the DMK, which is part of the UPA coalition, after the Congress Party, the coalition’s dominant partner, buckled under pressure from the Hindu-supremacist Bharatiya Janata Party (BJP) and temporarily brought the project to a halt. The DMK and the Tamil regional bourgeois interests it represents believe the project will provide lucrative contracts and attract investment to the state and through the October 1 bandh hoped to pressure their Congress allies into ordering work on the project resumed.

Over the past several months, the BJP has mounted a hypocritical campaign vociferously condemning the building of the canal, even though in 2002, when it headed the NDA coalition government, it had approved the project. The BJP and its Hindu chauvinist allies claim that the dredging work will destroy “Ram Sethu” (Hindu God Rama’s Bridge), a concocted Hindu-religious name for a naturally forming chain of sand and calcium deposits that visibly run from the coast of India to Sri Lanka.

Without a shred of scientific evidence, that Hindu right make the outlandish claim that this natural geological formation is the mythical 10,000 year-old bridge referred to in the great Indian epic *Ramayana*.

According to one depiction of this epic tale—and there are other such interpretations—an army of monkeys built a bridge from the southern coast of India to Sri Lanka so as to aid Rama in his pursuit of King Ravana, who had kidnapped Rama's wife Seeta and taken her to the island. The BJP and its Hindu-supremacist allies thus claim that this geological formation is a vital part of India's "Hindu heritage."

That such obscurantist nonsense from a reactionary, crisis-ridden party sets the contours of what passes for an important political debate speaks volumes about the degenerated state of bourgeois politics in India.

The declared intent of the Sethusamudram project is to create a merchant shipping lane by dredging the shallow waters that separate southern India from Sri Lanka. This will considerably shorten the distance vessels must travel when crossing from India's east to west coasts, when passing from the Bay of Bengal to the Gulf of Mannar and then the Arabian Sea. However there is no doubt that for the Indian elite, which frequently proclaims its grandiose ambitions for India on the world stage, military considerations are also an important motivating factor for the project.

Whilst the objections of the BJP are reactionary rot, the Sethusamudram project does have the potential to cause long-term ecological damage, impacting both on the marine habitat and the lives of fishermen and coastal dwellers in India and Sri Lanka. According to some studies, it may also increase the intensity and frequency of tsunami storms.

The hypocrisy of the Supreme Court's invocation of "public right" in its judgment against Monday's bandh is glaringly apparent when set against its failure to take any serious action against such abominations as child labor and bonded labor and its indulgence of torture, murder and other gross human rights violations by India's security forces, especially in the country's north-east and in Kashmir.

Sunday's court ruling and its subsequent threat to press for the imposition of president's rule so as to enforce its antidemocratic order are part of a mounting judicial offensive against workers' and democratic rights. Under conditions where there is mass popular opposition to the neo-liberal agenda of the Indian ruling class and, consequently, governments have been unable to push through key "reforms," like the gutting of restrictions on layoffs and plants closures, the court has issued a series of judgments strengthening the powers of proprietors and management and curtailing the rights to dissent from, and protest, government policy.

In 2003, the Supreme Court declared that public sector workers have no constitutional right to strike, endorsing a strikebreaking campaign being mounted by Tamil Nadu's then AIADMK government. While the court justified its proclamation that public sector workers don't have the right to strike on the grounds that as public servants they have a duty to the public, it also suggested that workers in the private sector may not have an intrinsic

constitutional right to strike.

With this ruling, India's highest court was signaling to domestic and international capital that it will forcefully intervene on their behalf to crush workers' resistance.

The court has also issued a series of rulings attacking the rights of free speech and dissent.

In March 2002 it cited Booker-prize winning novelist and political activist Arundati Roy for contempt of court and sent her to jail for criticizing the court for approving a hydroelectric project that displaced thousands of people.

In 2006 the Supreme Court issued a gag order banning any public discussion about the scheduled dismantling of the decommissioned French aircraft carrier the *Clemenceau*. This order was issued after weeks of agitation and publicity by environmental groups had exposed that the *Clemenceau*, which was scheduled to be dismantled in an Indian shipyard, was a floating toxic danger, posing immediate risk to the health of shipyard workers and to the environment. (See "Indian Supreme Court imposes sweeping ban on public debate on toxic warship")

Far from being worried about the health impact on workers or the environment, the Supreme Court's concern was protecting commercial interests. It banned any further public discussion of the matter so as to prevent the agitation against the *Clemenceau*'s dismantling from being joined by the shipyard workers themselves.

The Supreme Court's banning of the Tamil Nadu bandh has been widely applauded by India's corporate media.

Typical was an October 2 editorial in the *Hindustan Times*, aptly entitled "Limits to Freedom." "Critics will argue," declared the *Hindustan Times*, "... that the Supreme Court's stand goes against the freedoms enshrined in our Constitution. They also feel that it takes away from the people a legitimate means of protest. But after 60 years of being held hostage because of the use of such tactics by self-serving political parties, 'bandhs' have now come to represent, for most, something of a nuisance. For a nation that now knows its potential and promise in the globalised world, a day lost means having to involuntarily take a step backwards."



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