

# Indian Supreme Court sanctions police occupation of university campus

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25 February 2010

The Indian Supreme Court issued an extraordinary ruling on February 20 giving legal sanction to the continuing deployment of paramilitary police on the campus of Osmania University in the city of Hyderabad, the capital of the south Indian state of Andhra Pradesh.

The court issued this ruling in response to an appeal by the Congress Party-led state government of a February 16 ruling issued by the Andhra Pradesh High Court ordering the state government to withdraw tens of thousands of paramilitary police from the university's vast campus, which provides schooling for 300,000 students and housing for tens of thousands of them.

On February 23, India's highest court reaffirmed its February 20 order staying the High Court ruling and thereby extended the police occupation at least until its next hearing on Thursday, February 25.

But the court instructed the state government to make available evidence substantiating its assertion that Maoist guerrillas have infiltrated Osmania University—its ostensible reason for deploying armed paramilitary on the campus to suppress students and faculty from agitating for the creation of a new Indian state in the Telangana region of Andhra Pradesh with Hyderabad as its capital.

India's fifth largest urban city, Hyderabad has emerged over the past two decades as an IT and IT-enabled industries hub.

The students and faculty of Osmania University, especially in the political science department, have spearheaded the agitation for Telangana statehood in the hope that the creation of a separate state will result in preferential hiring and other policies that will benefit them over persons hailing from other parts of Andhra

Pradesh and other Indian states.

Telangana-based politicians from all the state's principal parties—the Congress Party, the Hindu supremacist Bharatiya Janata Party (BJP) and the Telugu Desam Party (TDP)—as well as from the Telangana Rashtra Samithi have peddled the claim that the principal reason for the high unemployment, poverty and marginalization of the people of Telangana is due to the discriminatory policies of the Andhra Pradesh elite, instead of the profit system that is the real root cause of mass misery in the state and across India.

The Telangana agitation intensified after India's Congress Party-led United Progressive Alliance (UPA) government, rattled by the disruption of economic life in Hyderabad, unexpectedly announced its consent to the creation of a separate Telangana state last December, only to later backtrack after coming under criticism from both the corporate media and the state's elite. (See "India: Move to create new state in Telangana provokes political crisis")

On February 14 and 15, there were violent clashes between the police and Osmania University students after the police blocked protests organized by the student Joint Action Committee (JAC).

Tens of thousands of police, many of them heavily armed, have been mobilized by the state government against the students, including such notorious and brutal police units as the Rapid Action Force and the Greyhounds, who have been specially trained to fight the Maoist or Naxalite guerrilla insurgency.

Neither the government nor the police sought the permission of university authorities before placing the campus under virtual police occupation.

The Congress Party state government has justified this unprecedented and blatant act of intimidation, which is clearly aimed at ensuring that Hyderabad's IT

operations can function unhindered, by pointing to the supposed infiltration of the pro-Telangana movement by the Maoists. It has not furnished an iota of proof for its infiltration claim.

The police have indulged in gratuitous violence and abuse against students, not sparing even innocent bystanders and journalists. Repeatedly police have baton-charged large crowds and freely fired teargas shells.

They have also set fire to vehicles belonging to the media and severely beaten up journalists, whom they accuse of creating trouble. Women students have been chased back to their dormitories, with the policemen frequently molesting and manhandling them.

Hundreds of students have been arrested and scores of others hospitalized, with many of them having sustained serious and possibly long-term injuries.

The police brutality has provoked widespread outrage and anger with several new demonstrations erupting across the state. Hundreds of journalists also held a demonstration demanding the immediate sacking of the police responsible for the attack on journalists.

This was the background in which a sitting judge of the Andhra Pradesh High Court issued a severe reprimand to the police on February 16, asked why the Central Bureau of Investigation should not initiate a probe of the police's behaviour, and ordered the withdrawal of the paramilitaries from the Osmania campus.

The state government then approached the Indian Supreme Court urging it to overrule the High Court order.

The counsel for Andhra Pradesh based his appeal before the Supreme Court on the claim that “We have a strong *perception* that Maoists have infiltrated the university and are creating trouble.” (emphasis added). He then pointed to recent Naxalite attacks on police in the state of West Bengal and other places as supposed proof that Maoists are using the Telangana agitation to foment violence.

The two judge panel of the Supreme Court accepted the state counsel's claims and stayed the February 16 High Court order. Oblivious to the widespread violence meted out by the police against not only the demonstrators but also against journalists and bystanders, one of the two Supreme Court judges made the following remark: “Our primary concern is peace

and tranquillity on the campus. As of now, no student is being prevented from attending classes and no journalist is being denied access, so what seems to be the problem?”

This ruling has sets a dangerous precedent by allowing the authorities to deploy armed police in student campuses based on the flimsiest legal grounds—on the “perception” that an agitation has been infiltrated by a banned group. On this basis, the state could move to suppress any student, worker or peasant agitation across India and justify the deployment of India's police forces, who are notorious for their use of uncontrolled violence during demonstrations.

The state government's claim of Maoist infiltration of the Osmania University campus was rebutted by the vice-chancellor of the university. He denied that there was any Maoist infiltration of the university, adding that “non-boarders are relatives of students who have come from very poor and rural backgrounds. They don't live on the campus to indulge in any violence”.

That the Supreme Court issued such a ruling should come as no surprise as it has established an ignominious record of anti-democratic and even dictatorial rulings over past two decades. In 2003 the Supreme Court ruled that public sector workers do not have a right to strike under any circumstances; in 2004 it issued a sweeping ban on any public discussion of whether the toxic-laden retired French aircraft carrier Clemenceau should be dismantled at an Indian ship yard; and in 2007 it banned a “bandh” (general strike) in the state of Tamil Nadu.

The court's contemptuous attitude towards democratic rights was exemplified by the comments it made in the case of Clemenceau when it scornfully declared: “We are shocked to find demonstrations are held and articles are written, and if any one is found to be doing so, he should *prima facie* be held for contempt of court and suitable action be taken against him.”



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