



COMMUNIST PARTY OF INDIA (MAOIST)

Central Regional Bureau

The fascist rule is violating our rights, justice is denied Release Political Prisoners Unconditionally

Press communiqué

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Martyr comrade Jatin Das was in the forefront of those who fought against British imperialist with a spirit of courage, sacrifice and patience. He sacrificed his life during a 63 day hunger-strike along with Com. Bhagat Singh, Sukhdev and Rajguru.

18th March is observed as an international day of political prisoners. Keeping in with this tradition, our Party, our Central Regional Bureau CRB pays tribute to all those brave and revolutionary comrades who sacrificed their lives during their struggle in the jail. We resolve to carry forward their struggle to fulfil their dreams.

The fascist rule in our country is curtailing people's civil liberties. Transfer of power in 1947 was a result of tremendous struggle and sacrifices by Indian people, after, which India's constitution came into existence in 1950. In this constitution, some fundamental rights have been promised. But gradually, they are being eroded. In the fascist rule of hindutva forces, the right of expression of minimum freedom or protest is being denied. In the Modi regime, working for the rights of the oppressed and poor and raising question itself is being criminalised. In this Jumla regime, approaching the courts for justice is being treated as a crime.

On the other hand, to divert the people's attention from their routine, life and death issues, rulers are making a show of 75th anniversary of independence, Amrit Mahotsav. In reality, this celebration is nothing more than an attempt to cover up the dictatorial rule and violence and frenzy of the hard-core hindutva forces. Our party makes it clear that this is not a symbol of people's true freedom in any way. That's why the central committee of our party has given a call to boycott this program.

13th September is the 93rd Martyr's day of Com. Yatindra Nath Das (born on 27th October, 1904 and martyred on 13rd September of 1929). Revolutionary Jatin Das was, along with his comrades, arrested by the British on 14th June 1931. On 13th July 1931, all these comrades began indefinite hunger-strike in the leadership of Com. Bhagat Singh. The British rulers tried to suppress it. Ultimately, Com. Jatin Das was martyred after a 63 day hunger-strike. Later on, the Jail administration had to accept some of their demands. There hasn't been any perceptible improvement in the condition of our jails, even after seven and half decades of transfer of power. Even today, lives of those in jail, is tied to the jail manual prepared by the British is being followed. If we see it properly, we find that our whole country has become like a jail, in which we are living in very serious conditions.

According to the National Crime Record Bureau, about 4 lakhs 88 thousands people have been forced into 1,339 jails, whereas their capacity is only 4 lakhs and 14 thousands. Among them, more than 20 thousands are women, 1,427 children. Out of these, number of under-trials is 3 lakh 78 thousands and 848, which is, 76.1 % of the total jail population. In fact, the Supreme Court has observed that, there was no need to arrest all these people. Those in jail, aren't getting even the minimum of the facilities. Some people have lost their lives due to various illnesses. Many people are losing their lives because of not getting proper medical treatment. In last 20 years, there have been 1888 custodial deaths. For custodial deaths, 26 constables have been sentenced to imprisonment. But the higher ups, the leaders and officers, who get such illegal acts done, have remained untouched.

The fact is that, within some limits, our constitution grants the fundamental rights such as, right to equality (article 14) right to freedom (article 19) right to life (article 21) are applicable to all, be it

convicts or the under-trials. The other laws and acts curtail their rights, their lives and their liberty, but within some limits, these fundamental rights are applicable for them also. But in the dictatorial regime today, none of these are followed. On 9th April 2022, the beloved leader of our party, Com. Narmada died in a hospice centre due to lack of proper treatment. Last year, aged and ailing Father Sten Swamy was made a victim of institution murder. A way has been found, to kill those, who have toiled for the masses all their lives. It is a call of the hour that the whole world to denounce these murders.

It is becoming more and more difficult for the under-trials to obtain bail. In these circumstances, draconian laws are being applied against those who protest to deny them bail are also being denied bail. In addition to this, there are these draconian laws by the states. This can be assessed for the fact that Sudha Bharadwaj, a trade-union leader and a leading lawyer, who has been falsely implicated in the Bheema Koregaon case, got bail, in the 7th attempt. This exposes that to what extent law is being turned into a joke. Here, we don't need to separately mention that how many honourable Justices are there, who are ready to nod their heads to the tune of prosecution's claims.

11 thousands 18 hundred and 16 cases have been registered under the draconian law UAPA, since 2010. Out of these, 65 % have been registered in Modi's regime. This draconian act has been used, for criticizing ruling party leaders on 405 persons (which include, citizens, leaders of the opposition parties, students, journalists, cartoonists, writers and intellectuals). From 2018 to 2020, police has arrested 4690 persons under UAPA from all over the country. In total, during the Modi regime, UAPA was slapped on 10 thousands and 552 persons, from which, 253 were sentenced for life imprisonment. These 253 persons have also been convicted by use of every kind of dirty trickery. With the increase of use of UAPA by 33 % since March 2019, you can understand what kind of situation is prevailing in this Jumla regime. Indeed, going back 45 years earlier, Justice VR Krishna Iyer had stated that giving bail is the rule and denial of bail is a . But where is it being applied at the ground level?

One thing that Modi rule is doing is 'good'. Earlier intellectuals, human rights activists and constitutionalists, many such people had a deep faith on the illusory facade of the state and constitution. Through its fascist actions, Modi and company are themselves tearing apart this facade. Not only this, with his economic and repressive offensive against all classes and sections of the people, Modi is also hastening the process of unity of the oppressed people. Well done, Modi!

Many under-trials, who obtained bail, are being arrested time and again, just as they come out of the prison, by slapping fresh false charges against them. And even if someone does get bail orders, various conditions are being imposed on them and their lives are being played with. Comrades Angela, Varvararao, Sudha Bharadwaj are bound up with such conditions. Through similar tricks, those who are convicted are being kept in jail for long periods by applying different sentences, one after another and not simultaneously. All these cases are examples of fascist state repression. In these atrocious conditions, how can we even imagine about the application of legal provisions calling for helping them in their rehabilitations on their release?

Six years after the last meeting in 2016, 39th meeting of Judges and Chief Ministers was held this year, in 2022, in which along with 25 Judges from High Courts, Chief Justice of India also participated. In this meeting, Prime Minister Modi, speaking in his typical *Kautilya* style, spoke about speeding up the process of justice delivery. He spoke about relief to 3.5 under-trials by this. He also said that most of them are poor people. He also suggested arbitrations to bring down the load on the judiciary. He also said that with the use of local languages, people will have better understanding about law. That's true, when the people understand about justice, then only injustices will be exposed. Matter of fact is that, already there are provisions in constitution for speedy justice but the governments are not allowing it. On this occasion, Chief Justice of India said that it is the governments which are not allowing speedy justice. And also that it is the irresponsible and careless behaviour of governments and its officers, which is responsible for pendency of cases.

Granting bail Natasha Narwal, Devangana Kalita of JNU and Asif Iqbal, a student of Jamia Milia University, High Court of Delhi commented that to stage protest is a right of the citizens and it is not

proper to portray them as terrorists. High Court asked the police that how justified is the use of these draconian laws? When the central government went to the Supreme Court in this matter, SC declined to interfere in this judgement. For last few years, along with the Chief Justice of India, many institutes and citizens are raising voice for repeal of mainly the sedition act 124 A. Modi repealed 1,800 old laws, but did not repeal this black law 124 A of the British. The world economy and its crisis in the whole world, is indicating that to impose the policies of neo-liberalism, they can't rule for even a minute, without suppressing the masses with these draconian laws. But the deepening crisis is forcing the people to come out and fight. The laws may be very cruel, but the situation of our country shows that the masses will resist. Prominent examples of this include the kisan movement of yesterday and the indigenous people's movement of today.

In the meanwhile, in the G-7 meeting which concluded in Munich, demo gauge Modi threw very long on the freedom of expression. Said that they are committed to freedom for their citizens. But even before this voice reached India, a series of arrests had started in India. Teesta Setalwad, a leading activist who stood firmly with the oppressed people of Gujrat riots, was arrested on 25th June 2022 by anti-terrorist squad of Gujrat. During Gujrat riots, 68 persons were burnt to death in Gulberga Society on 28th February 2002. It is to be noted that this arrest took place a day after the dismissal of the petition of Mrs. Jakia Jafri, wife of one of those victims Ex. MP Ehsan Jafery. Teesta Setalwad and her organization 'Citizens for Justice and Peace' stood firmly with Mrs Jakia Jafri. Jakia's petition was dismissed as not tenable. In this context, the court also said that Teesta Setalwad is instigating people there since 2006. This statement is no less than a cruel joke. Teesta is one journalist, who stood firmly against demolition of Babri Masjid. She also brings out the magazine 'Combat Communalism'. That's why she has been targeted by Modi and co.

Amnesty International has been penalized with a fine of Rs. 51.72 crore. And one ex. Ceo of that institute, Akar Patel, a staunch opponent of fanatic hindutva forces, has also been slapped a fine of Rs. 10 crore. Pravda Media of Alt News, which brings out the truth of various issues, has been charged with a donation of Rs 2 lakh from the foreign sources. Co-founder of Alt News Mohammad Juber was arrested for a tweet posted 4 years back in 2018, with comment on Hindu deities. All this is in context of the criticism of BJP leader Nupur Sharma and other 'saints' for spreading hatred. Similarly, in Jharkhand, free journalist, Rupesh Kumar siding with the indigenous people, was arrested by police on charges of connections with Maoists. On the other side, Supreme Court slapped a fine of Rs 5 lakh on Himanshu Kumar, who is a leading Gandhian and a well-wisher of the adivasis. Himanshu Kumar had approached Supreme Court to demand inquiry in the case of massacre of 16 adivasis by police, in the village Gompad, district Dantewada, in which the police blamed Maoists for these killings in 2009. Court has also ordered a 2 years imprisonment if the fine is not paid. Court accused Himanshu Kumar of coming to the court with baseless charges. Fact of the matter is that, in last 17 years, Himanshu has brought up 517 matters in front of the court, and in those, none of his contention has been found baseless, which is supported by inquiring agencies. Now, when the Supreme Court of our country, without even minimum investigation, considers the police charge-sheet a proof in itself and penalizes those pleading for bringing out the truth, then it is nothing but another form of increasing intolerance and an act of revenge.

It is the foremost duty of India's citizens to raise voice against all such incidents.

Young men of Kashmir, Mohammad Ali Batt, Latif Ahmed Vaja and Mirza Nisar Hussain were arrested in the year 1996 and were acquitted after 23 years as not guilty. But who will punish this state machinery which has destroyed their lives? But the masses coming forward in mass movements and becoming conscious is expressing that, this is not going to continue. In 2017, in the Burkapal incident in district Sukma, PLGA had killed 25 policemen. In that case, 121 villagers were kept in jail till yesterday. Later, court has released them as not guilty. On this issue, organizations of the indigenous people there are agitating and demanding a compensation of 2 lakh rupees per year, thus Rs 10 lakh per person. This is to be appreciated. JNUTA is denouncing the arrest of Teesta Setalwad and demanding her release. Renowned intellectuals of the country are demonstrating at Jantar Mantar in

Delhi. They are also demanding the release of police officers Srikumar and Sanjeev Bhatt. On the other side, hundreds of progressive activists and indigenous people registered their protest against the sentence on Himanshu Kumar, denouncing it as injustice. Country raised voice against the arrest of Juber. In the meanwhile, in a recently concluded convention of APDR in Punjab in August 2022, participating organisations PUCL, CRPP, Asansol Civil Liberties and Prison Committee raised voice for release of the political prisoners. It is the need of the hour to raise this voice, to protest and to sharpen the struggle. Our party makes it clear that exploiting ruling classes, reeling under the increasing economic and political crisis, cannot suppress our rights and our strength through these increasing acts of repression.

93 years back, Com. Jatin Das fought against the British imperialists. But today, we have to fight against many imperialist countries. Colluding with imperialists are the Hindutva forces, against which we have to fight. We have seen comrades and friends who have fought for the people and for peoples democracy being sent behind the bar such as Varvara Rao, Anand Teltumble, Vernan Gonsalves, Arun Ferrera, Sudha Bharadwaj, Shoma Sen, Mahesh Rout, Sudhir Dhawde, Surendra Gadling, Honi Babu and Sagar Gorki. Now we are witnessing the vengeance of the state from Teesta Setalvaad to Himanshu Kumar. NIA is preparing for another round of arrests. On this occasion we have to resolve to fight with determination against all this. Revolutionary forces and the working classes of the world over are expressing solidarity for us. These people are also raising voice for release of Com. Saibaba, who suffers 90 % disability. Coming days are days of the dawn for the revolutionaries. Path of revolution is one of tremendous difficulties. But when we fight, victory will be ours. We shall follow the path shown by Jatin Das!

- We shall fight for the release of the political prisoners!
- We shall defeat the increasing Hindutva forces of revenge!
- We shall intensify the mass movement against imperialists, CBB and the feudal!
- Revolutionary tributes for the martyrs who laid down their lives for a true democracy of the people!

With revolutionary greetings,

Pratap

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