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A State without Legitimacy

EIGHT MONTHS AFTER ISRAEL INVADED THE GAZA STRIP, the Israeli military has not met either of its goals of destroying Hamas militarily and rescuing all of the remaining 133 hostages Hamas is holding. Yet two-thirds of Israelis still support government's aggressive approach in Gaza, including limiting humanitarian aid to Palestine, forcing Palestinians to starve. Despite growing isolation internationally, even at the International Criminal Court [ICC], Israel shows no sign of halting war campaign and refusing to accept Palestine as a sovereign entity.

On 20 May 2024 the ICC prosecutor Karim A A Khan submitted applications for arrest warrants against Israeli Prime Minister Netanyahu and Hamas leaders, charging them as 'co-perpetrators' under Articles 25 and 28 of the Rome Statute. Mr Khan has also submitted that 'Netanyahu and his defence minister Yoav Gallant bear criminal responsibility for war crimes and crimes against humanity'. True, international law and the laws of armed conflict apply to all. Nothing can justify taking of hostages or targeting the civilians. But this ICC exercise has very little impact on the ground reality. Nor can it change the situation radically in favour of truce and peace. Only human rights bodies around the world take interest in ICC discourse as Israeli hawks don't bother about what the ICC is saying-or not saying. The same is true of Hamas. One side refuses to recognise the state of Palestine while their opponent is equally adamant to deny the existence of Israel. Two parallel lines will never meet unless they agree not to disagree on some sort of accommodation and compromise.

Meanwhile, Ireland, Norway and Spain announced on May 22 that they will recognise the state of Palestine by May 28 in a largely symbolic move to give the enclave international legitimacy. People in Gaza where the Israel-Hamas war has created a dire humanitarian crisis and killed more than 35,000 Palestinians are not very enthusiastic about this western gesture. For one thing, despite tokenism both Hamas and Palestinian Authority that exercises limited self-rule over the West Bank, praised the recognition arguing that it will give Palestinians hope for peace and security.

Also, around 140 members of the United Nations already recognise the Palestine State and the last UN General Assembly voted overwhelmingly to grant new "rights and privileges" to Palestine, including the right to speak on all issues and participate in UN debates.

America is not against two-state solution but Washington at the same

time maintains the stance that 'a Palestinian state should be realised through direct negotiation between the parties, not through unilateral recognition'. In other words the idea of sovereign Palestine is still an idea and it is unlikely to get materialised anytime soon despite international outcry.

Only the other day Israeli Defence Minister Yaov Gallant said that they would allow Israelis to return to three West Bank settlements after being barred to do so.

Israelis were evacuated from the areas in 2005 as part of a broader disengagement that also saw the withdrawal of all Israeli security forces and settlements in Gaza.

In truth Israel rejects all moves to legitimise the enclave on an international scale. Maybe after Ireland, Norway and Spain, more European states will recognise Palestine but it is not going to change the Israeli occupation and Palestine's precarious status—A State without interna-

tional legitimacy.

Each day the images emerging from Gaza remain largely the same: Israeli bombs killing civilians, Palestinians fleeing their homes and makeshift shelters and Hamas targeting Israeli forces and posting the footage online. There is hardly any doubt that Israel's aims may be to destroy Gaza completely and displace population. And Palestinians are still searching for a state of their own in the ruins. □□□ 26-05-2024

COMMENT

Are You Joking Mr Nadda?

THE PRESIDENT OF BHARATIYA Janata Party (BJP) J P Nadda in conversation with journalists, Liz Mathew and P Vaidyanathan Iyer (The Indian Express, Delhi, May 18, 2024) claimed that "RSS is a cultural organisation and we are a political organisation... It's (RSS) is an ideological front. The RSS and the BJP have their own areas of working very clearly established".

It was not for the first time that this lie was spoken about relationship between RSS and BJP. Organiser, English mouthpiece of the RSS, in its editorial of February 6, 2000 relied on this lie when wrote:

"The RSS is not a political party. It does not take part in elections nor its office bearers are supposed to become office bearers of any political party. The RSS has neither election symbol nor its leadership or members have ever endeavoured to seek political office. It is a social-cultural organisation trying to inspire all national activity."

While delivering a speech on March 16, 1954, in Sindi, Wardha, Golwalkar who headed the RSS after the death of K B Hedgewar said,

"If we say that we are part of the organisation and accept its discipline then selectiveness has no place in life. Do what is told. If told to play kabaddi, play

kabaddi; told to hold meeting then meeting.... For instance some of our friends were told to go and work for politics that does not mean that they have great interest or inspiration for it. They don't die for politics like fish without water. If they are told to withdraw from politics then also there is no objection. Their discretion is just not required."

Again while addressing the leading RSS cadres at Indore on March 5, 1960 he said:

"We know this also that some of our Swayamsevaks work in politics. There they have to organise according to the needs of work public meetings, processions etc., have to raise slogans. All these things have no place in our work. However, like the character in a play whatever role has been assigned should be portrayed with best of capability. But sometimes Swayamsevaks go beyond the role assigned to a performer (nat) as they develop over-zealousness in their hearts, to the extent that they become useless for this work. This is not good."

Golwalkar is referring here to the Swayamsevaks loaned to political satellite as 'nat' or performers who are meant to dance to the tunes of the RSS. This fact should not be missed here that Golwalkar's above

design of controlling the political arm was elaborated in March 1960 almost nine years after the establishment of Jan Sangh (the forerunner of the BJP) in 1951.

The RSS leadership keeps on harping that BJP is an independent political organisation and does not work under the dictates of the RSS. It is pertinent that one compares this information with the facts available in the official publications of the RSS. The central publication house of the RSS, the Suruchi Prakashan, has published a book, Param Vaibhav Ke Path Par (The Road to Glory) in 1997 giving details of more than 40 organisations created by the RSS for different tasks. The BJP as a political organisation figures prominently in it, clubbed with the ABVP, Hindu Jagaran Manch, Vishva Hindu Parishad, Swadeshi Jagaran Manch and Sanskar Bharti.

In this book the BJP figures at number 3 in the list of prominent organisations created by the RSS. This book gives details of the creation and development of Bhartiya Jan Sangh (the forerunner of the BJP) and then BJP by the RSS for purposes laid down by the latter. It is to be noted that PM of India and his senior ministers, most of the present BJP chief ministers and Governors publically declare to be RSS cadres. JP Nadda too proudly declares to be a member of RSS. □

(Contributed by Shamsul Islam)

NOTE

Electronics, Quality of Life and Bicycle

T Vijayendra writes:

ELECTRONICS CAN BE DEFINED in three words: 'electrical processing of signals'! Signal means anything that has some meaning or has some information. Typically It can be written word, sound-speech or music, visual-still picture, video etc. That is why the subject is often referred to as 'Information Technology' or IT.

Since it is electrical processing, the signal has to be first converted to an electrical signal. This is done through using 'transducers'. For example, the microphone converts an audio signal (sound vibration through air) into an electrical audio signal. Similarly a video camera converts a visual signal to an electrical visual signal. Conversely a loudspeaker or earphone converts an electrical audio signal to a physical sound signal. Similarly a screen converts a video signal to a picture etc. Processing implies amplifying, modulating, computing etc. The whole subject of elec-

tronics deals with this processing.

The main aim is to minimise the distortion of the signal during processing. That is what the term Hi-Fi or High Fidelity means. Why does a signal get distorted during processing? In any electrical circuit a certain amount of 'noise' gets generated in the circuit and it distorts the signal. So the aim of the work is to reduce the noise to the minimum. For this there is a term: quality or Q and Q is defined as a ratio of Signal to Noise. That is $Q=S/N$. So the aim is to increase Q(quality) by reducing noise in processing the signal. That is the main aim of an electronic engineer's work.

One can apply this learning from electronics to life also. To improve the quality of life people have to reduce the noise in life. What is 'noise' in society or for that matter what is 'signal'? Well signal is something one wants and noise is something people don't want. However,

people live in a consumer society whose main aim is to sell as many things to you as possible, whether you need it or not. In fact the purpose of the advertisement industry is to create artificial needs.

People have to learn how to separate real needs from these artificial needs or noise. For that people have to have some criteria to decide. It can vary from individual to individual. It can range from 'to live within your means' to having a sustainable lifestyle with minimal load on the environment.

Bicycling provides one such criterion in transport. It satisfies the need of better health - physical and spiritual health and minimal load on the environment. Most health practitioners will agree that better health is ensured by physical activity and direct contact with nature - soil, water and air. Anyone who has the experience of an early morning bicycle-ride will testify the deep spiritual satisfaction one gets by the cold air hitting face. Many people call it meditation! As to the load on the environment it is obvious. It is pollution free and saves a lot of polluting petrol and diesel. □□

MUSINGS ON FREEDOM

Notes from Prison

Gautam Navlakha

[The following is an article written by social activist Gautam Navlakha during his period of incarceration. He was implicated as part of the Elgar Parishad case in which 16 rights activists, lawyers, writers and academics were arrested.]

"....No, freedom does not die alone. At the same time justice is forever exiled, the nation agonises, and innocence is crucified anew every day."

—Albert Camus in Resistance, Rebellion and Death.

ACAPTIVE'S UNDERSTANDING of freedom, by its very loss, becomes acute. Severe restrictions on movement and mobility are compounded by unreasonable constraints placed on expression and speech. So much so, that were a prisoner to raise even basic issues concerning food, water, medical aid—all of which are intrinsic to

the Right to Life—the jail authorities have a Pavlovian response: to dismiss, deny or, in the best-case scenario, to delay redressal. Imagine having to fight for a prisoner's right to breathe in fresh air, soak in the sun for at least an hour a day, read books of one's choice or even be allowed to visit the jail library. As for me, when two years of pleading

with jail authorities went unheard, I was forced to turn to the custodian court (trial court), which granted me permission to take a walk every morning for half an hour.

I was the sole prisoner in Talaja Central Jail, walking among more than 3,500 prisoners. The Bombay high court also allowed me to receive books of my choice. However, such concessions were not extended to all prisoners. Therein lies a story of hierarchy and inequality inside the prison.

When I entered the prison, I was confronted with a reality where every prisoner was expected to follow rules, but the prison manual, which listed those rules, was like a "national security matter". Only some

were allowed access it and that too after submitting a 'request' to the jail superintendent. Questioning is second nature of a civil liberties activist. Russian-American writer Vladimir Nabokov's observation that 'curiosity is insubordination in its purest form' made profound sense to me and my struggle to access the Jail Manual arose from my curiosity to know its contents.

As a civil liberties activist, I believe that empowerment of citizens, which is a hallmark of democracy, comes from knowing that the outcome of the struggle for freedom from oppression does not matter, as much as the decision to continue to struggle. Without this engagement to struggle, people would be reduced to a state of captivity, whereas engagement and struggle frees one from feeling helpless. It is our engagement to struggle that gives us agency and enables us to persevere against odds and non-successes while creating some space for freedom at the same time.

Speaking for myself, I had more time to read books, meet and forge bonds of friendship, caring and sharing with other inmates. I got to know my co-accused and learnt to draw strength from their robust attitude and creative engagement, despite captivity. I realised that I felt free in my mind, which no rule or restriction could take away from me. Getting to know new people, learning from them and unlearning some of my own assumptions gave me a purpose in jail. I also realised that freedom lay in seizing opportunities, however small.

The distinction regarding jail as a place where those convicted after a trial are sent as punishment has lost its meaning in Indian prisons whose 80% population comprises undertrials and detainees. Indian regime and the judiciary send people to prisons without trial or conviction. Every prisoner

is bound by the prevailing prison manual. Maharashtra jail manual prohibits prisoners from singing songs or even laughing loudly. [Chapter XXVI, 'Prison Discipline'- Jail Manual of Maharashtra State, in Rule 19 lists acts considered as prison offences within the meaning of S45 of the Prison Act 1894 and Rule 19(1) prohibits "Talking when ordered by an officer to desist, singing, loud laughter and loud talking"].

I found the rule prohibiting laughter and talking rather offensive. If there is something to laugh about, why should I or any other prisoner be forced to suppress or mute it? As for "loud talking", it depends on the context. In the Anda Cell (high security solitary confinement), after 'bandi' (when prisoners get locked up) how else should inmates talk to each other when their cells are at quite a distance from each other? When 'bandi' opens, we are able to speak normally. But if one wants to discuss things such as each other's health or general well being across yards, there is no getting away from loud talking. As for singing, amongst my co-accused were cultural artistes who wrote lyrics, composed music and sang these songs, inspiring us to sing too. That is the reason why these anachronistic rules were routinely broken.

When an officer visited our yards, we did not shy away from raising issues that we had. Not always, but occasionally, voices do get loud and songs do get sung but the point is that simply because there are rules, it does not mean that one must follow them blindly.

Informed by such experiences, my perception of events and developments in the outside world became acute. I must mention here that for those in captivity, daily newspapers are the only window to the outside world. If some remark or observation troubled me more than

ever, I could not dismiss these because of what these remarks portend. For instance, when India's Prime Minister claimed, on January 2, 2022, that precedence given to rights while "completely forgetting about duties since Independence left the country weak" it rekindled in me memories of the Emergency of 1975-77. It was former Prime Minister Indira Gandhi's government then which propagated duties over rights and amended the Constitution to insert Article 51 listing duties of a citizen. This was rightly perceived as a way to demand unquestioning obedience from citizens, just the way it is being done now in "new" India, sorry, Bharat.

Exhortation to duty by those in position of power is invariably a code for obedience and loyalty that breeds narrow-mindedness. It is when rights are invoked that it brings in duties; my right to free speech and expression is intrinsically tied to my duty to respect the same of others or else rights will cease to mean anything. When rulers invoke duty, it is to make people fall in line, to uncritically accept whatever is dished out to them.

What struck me was that the newspapers did not comment editorially on Prime Minister Modi's rather disingenuous remarks on rights of citizens. This silence struck me as being a mark of fear to criticise the prime minister. As ominous as Modi's implied drift towards diminution of rights was, later I came across another remark by him which showed that he was being deliberately convoluted regarding this matter.

On November 26, 2023, the prime minister, in his radio talk 'Mann ki Baat' claimed that it was "unfortunate" that the First Amendment to the Indian Constitution (May 1951) was done to "curtail" freedom of speech and expression. As is typical of him, he failed to mention

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that this amendment was also to push for ending the 'zamindari' system and to protect Dalits from caste oppression. Instead, the prime minister implied that that he, along with his government, stood for free speech and expression. Within 24 hours of his radio broadcast, the Jammu and Kashmir police, controlled directly by the Union government, charged and arrested seven students under the draconian anti-terror law, Unlawful Activities (Prevention) Act (UAPA), for celebrating Australia's victory over India in the ODI World Cup final.

The police claimed that the arrests were aimed at "terrorising others who may be nourishing pro-India feelings or anti-Pakistan feelings or disagreeing." However, the police had to beat a hasty retreat in face of widespread criticism. But the point is that the police's instinctive response was to crack down on those who refused to tread the straight and narrow of chauvinistic nationalism.

J&K police and their counterparts in Uttar Pradesh had gained notoriety when they arrested those who celebrated Pakistan's victory over India in a cricket match in 2021. The police read "sedition" in this celebration. In Maharashtra, the Pune police tried to physically prevent 'Nirbhay Bano Andolan' from hosting a meeting where the feisty journalist Nikhil Wagle was to speak, despite having the requisite permission. Why? Because right-wing rabble rousers opposed the meeting and threatened to disrupt it. Well, the Pune police filed an FIR under Section 153-A of the IPC (enmity between communities) against the meeting's organisers.

So solicitous has the police in BJP ruled states become of hate mongers' freedom of speech and expression, that the Bombay high court recently expressed surprise that the premises of the Police Commissioner

of Mira-Bhayandar and Vasai-Virar was used to host a press conference where allegedly hate speeches were made by BJP's 'star performers'.

Intolerance of differences, diversity and dissent is rather pervasive now. On April 10, 2023, the Bombay high court claimed in an order that it could not be ruled out that there existed "the possibility of stirring up emotions of a group of people" by a WhatsApp post of Javed Ahmed Hajam wherein he described the abrogation of Article 370 as a "black day" and also wished Pakistan "Happy Independence Day"—thereby upholding the Kolhapur police's contention.

Fortuitously, the matter reached the Supreme Court bench of Justices Abhay S. Oka and Ujwal Bhuyan who set aside the high court order on March 7, 2024 by reiterating that the yardstick for "reasonable" speech, set up by Justice Vivian Bose way back in 1947, held that: "(T)he effect of the words must be judged by the standards of reasonable, strong-minded, firm and courageous men (sic) and not those who scent danger in every hostile point of view."

I use the word 'fortuitously' because I do wonder if the outcome would have been the same had the matter reached another bench of the top court. Nevertheless, there has been a palpable shrinkage of space in Indian polity for freedom and to exercise one's rights.

I wondered if the police authorities would respect and follow this yardstick in their own work, especially when National Security Advisor Ajit Doval famously said that "civil society has become the battleground for fourth generation warfare." He claimed that civil society "can be subverted, divided and manipulated to hurt the interests of the nation." By characterising a vibrant civil society and its activism to 'fourth generation warfare', the NSA was signalling

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the government's virulent intolerance of dissent and independent non-government led activities.

The hyperbole of 'subversion and manipulation' appeared to be a call for thought policing and crackdown on those who refuse to kow-tow the government diktat. Pitching non-violent engagement in civil society to 'warfare' has another, somewhat sinister feature. War, unlike peace, turns opponents into enemies. In warfare an enemy is, to use a euphemism, meant to be 'neutralised'. In peace, in contrast, an opponent is a potential ally, one to be befriended or at least not be pushed to become an antagonist. If civil society turns into a front of war, then 'national security' would trump the constitutional freedoms and rights of citizens.

The point to remember is that civil society activism is necessary as neither law-makers, law enforcers or justice providers are infallible; like all mortals they are prone to err, at times grievously. Civil society engagement and contestation help save the polity and society from causing

damage, trigger conflict and prevent rulers from becoming despotic.

When the Bhima Koregaon-16 (BK-16) were confronted with the issue of our correspondence being shared with the investigating agencies via jail authorities, we protested and some of my fellow co-accused moved the Bombay high court and the Maharashtra Human Rights Commission. As a result, the jail superintendent thought of shifting us to another jail. We refused even as he tried to persuade us to agree to be transferred to another jail. All the BK 16 rejected this. Did the superintendent have to take this extreme recourse to talk to us? This instance shows how the jail bosses enjoy enormous arbitrary powers and rarely do the higher echelons of power hierarchy (police and the home department) countermand their decisions.

The jail superintendent was forced to take this course of shifting us to another jail because he had come under criticism from courts for a variety of reasons, including the death of Father Stan Swamy due to the criminal negligence of the jail authorities. Such arbitrariness seems to have spread lately when rulers are busy constricting citizens' rights and empowering themselves. They back down only when they are faced with popular resistance—as the farmers' protest showed and the three anti-farmer bills, hurriedly pushed through parliament during the pandemic, had to be withdrawn. The jail superintendent too had to appear conciliatory when faced with widespread criticism and protests. This brings another feature of our times to my mind.

The NSA, addressing the 2020 batch of IPS probationers at SVP National Academy in Hyderabad (November 12, 2021) told them that democracy is "laws made by the elected representatives." This is what distinguishes 'Rule of Law' from 'Rule by Law'; former being an

essential feature of democracy and the latter of autocracy. That laws are made by elected representatives does not invest them with value. A report by Association for Democratic Reforms (ADR) on the 17th Parliament pointed out that 45 Bills out of 222 were passed in the Lok Sabha in a single sitting. Another 20 bills were passed in both houses of Parliament in a single day. This included the Bill to abrogate Article 370, downgrading after dismembering a special status state into two Union Territories. This is what makes for tyrannical majority in Parliament where the ruling majority rams through important Bills without scrutiny and debate. The Supreme Court, in recent times, has cautioned the government against rushing through Bills in this manner as drafting errors result in a plethora of litigations that clog an already over-burdened justice system.

Curiously, the constitution bench of the Supreme Court saw nothing wrong with the abrogation of Article 370 and upheld the downgrading of JK as perfectly reasonable. The abrogation was accompanied by a crackdown in which more than 7,000 persons across JK were arrested and the JK high court chose to look the other way, refusing to entertain any habeas-corpus petitions of those arrested.

ADR also pointed out that in contrast to the 15th Parliament (2009-2014), which scrutinised 71% of the Bills brought before it, the 16th Parliament (2014-2019) managed to scrutinise a mere 26%. The result being that the substantive basis of Rule of Law was undermined by jettisoning scrutiny. Recall that the new criminal law codes were cleared by a truncated scrutiny by a parliamentary committee and the government was reluctant for the country to debate the Bills.

The remarkable thing about the

'Bharat codes' is that they virtually bring back the dreaded 'Police Raj' of the colonial era. The police in India is still governed by the colonial Act (Indian Police Act, 1861) and is modelled not as a community police but a semi-military formation. In BJP ruled states, it now carries out 'bulldozer justice' without any court order, as a routine activity. In the new codes, police custody has been increased for general criminal law from the current 15 days to up to 90 days, depending upon the offence. It provides arbitrary powers to the police to arrest, search and seize without a warrant from the court. An insidious form of sedition law with an expansive language and loose definition of crimes against the state has been inserted in Chapter 7 of the Bhartiya Nyay Samhita. Thus, instead of decolonising the criminal law codes and putting citizens' interests and rights at the centre, the new codes make citizens subservient to authority.

I recollect my 11-day long interrogation by the National Investigation Agency (NIA) in July 2020, during the course of which, I was told that once Parliament passed a law and if I had any reservation regarding it, I should turn to the court instead of protesting against it. I contested this and said that because citizens elect their representatives, it does not mean that they mortgage their sovereignty for five years and must simply follow what is dished out to them. I insisted that citizens retain their right to oppose laws that are unjust, unfair and divisive.

The NIA investigators were unhappy at civil liberties organisation such as People's Union for Democratic Rights (PUDR), of which I am a member, for its criticism of the UAPA as well as its criticism of NIA repeatedly failing in cases involving Hindutva terror. One investigator was

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surprised that civil liberties groups protested the trial court order awarding life sentence to G.N. Saibaba and five others. Now that all of them have been acquitted by the Bombay high court, I wonder if my interrogator would see merit in our protests. I must add that these exchanges were conducted in a relatively decorous manner, although being in their custody gave it an ominous hue, but I must admit that I did not feel intimidated.

The prime minister's advocacy of paramountcy of duty read with substantive hollowing out of 'Rule of Law' means that citizens are expected to obediently subject themselves to authority, circumscribing of their freedom and rights. With a dithering judiciary, speedy justice and fair play become victims of the Executive's over-reach where arbitrary and unreasonable actions enjoy a free hand.

Ironically, those imprisoned, and

those who are not, do now have to confront a situation where a citizen's life and liberties are constricted and their voices muted. I faced prison because such was the law (UAPA). I was implicated in a victim-less offence and thrown in jail without being tried and convicted. It appears to me that the attack on Rights and the invocation of Duty, read with the argument of civil society being cast as the new battleground for fourth generation warfare portend a crack-down on those who do not accept the official narrative. A prisoner, meanwhile, faces the likelihood of the jail authorities' wrath if he dares to be curious or to raise questions regarding his rights as a prisoner.

To conclude, I can do no better than to cite Camus again: 'I merely wanted to express that anguish I feel every day when faced with the decrease of liberal energies, the prostitution of words, the slandered victims, the sunny justification of op-

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pression, the insane admiration of force.'

It is at a time like this that one faces a critical choice: to either fall silent and submit to the authorities or to continue to strive and struggle for freedom, unmindful of the outcome. As my co-accused, father Stan Swamy reminded us, we are not "silent spectators". □□□

[Source: *The Wire*]

AFTER THE VERDICT

School Recruitment Scam in West Bengal

Nityananda Ghosh

THE SUPREME COURT IN A significant move stayed the Calcutta High Court's May 7 order nixing 25,753 school appointments in West Bengal. The 2016 recruitment panel of West Bengal School Service Commission [WBSSC] was full of irregularities. WBSSC is solely responsible for illegal appointments of both teaching and non-teaching staff. Having failed to identify illegally recruited staff from those who were selected on the basis of merit the High Court declared the entire 2016 panel invalid, albeit all of them served different schools for eight years. All this happened due to some 5000 candidates who were not in the original merit list. Then plight of those eligible candidates who should have

been in the original panel defies description because they were denied job to accommodate those 5000 unpanelist candidates. They are still agitating on the streets but their condition is more precarious than before, particularly after the High Court verdict. Because of this school recruitment scam many of the ruling party leaders, including ministers are in jail.

CPM Rajya Sabha MP and noted lawyer Bikashranjan Bhattacharya along with his junior associates Sudipta Dasgupta, Bikram Bandyopadhyay and Firdous Shamim first took up the school recruitment scam on behalf of some aggrieved candidates who were deprived of their legitimate claim as per the merit list and they filed the case in Calcutta

High Court on October 9, 2021. The case continued for a few years without any concrete results. Then finally the division bench of Abhijit Ganguly in the Calcutta High Court ordered a CBI (Central Bureau of Investigation) inquiry into the school recruitment process and irregularities associated with it. Later Justice Ganguly in an order cancelled 36,000 primary school appointments because of corrupt practices the West Bengal Primary Education Commission indulged in though the order was stayed by another bench.

Meanwhile, justice Ganguly retired from his post three months before his normal retirement time. Then he lost no time to join the Bharatiya Janata Party (BJP) and BJP in turn fielded him as their candidate in the Tamluk parliamentary constituency. This raises many unanswered questions whether he adjudicated contentious issues from the alleged partisan

point of view. What is at stake is judicial system's impartiality. Justice Ranjan Gogoi of Supreme Court who gave verdict in favour of building Ram Temple at Ayodhya was nominated as BJP Rajya Sabha member after his retirement. Many see in it an unholy nexus between a section of judges and the ruling dispensation. Erosion of impartiality of judiciary poses a great threat to India's fragile democracy.

Now the fate of 25,753 secondary teachers who qualified for the job through the arduous recruitment process of School Service Commission hangs in the balance. Those who have been agitating by way of organising sit-ins and demonstrations demanding justice suddenly find themselves in a new web of uncertainty. Saumyabrata Saha, one of the agitationists is sceptical about the Supreme Court judgement. Anwar Ali, a primary school teacher, hailing from Hooghly, thinks he may lose job because their case is yet to be resolved.

The hearing on school recruitment scam case was completed on March 20, 2024 in the division bench of Justice Debangshu Basak and justice Md Shabbar Rashidi but the verdict was pending till 22nd April. The finally the order cancelling 25,753 appointments came on the same day. The WBSSC, the H S Council of WB and some victims went to the apex court challenging the order. The SC bench headed by

chief justice D Y Chandrachud along with justice J B Padriwala and justice Manoj Mishra stayed Calcutta High Court order that cancelled the entire 2016 panel. The SC order put some restrictions on the investigative agencies like CBI and ED while posting the matter for further hearing on 16th July 2024.

While delivering the order, the SC bench concluded, "Bearing in mind the present state of proceedings, an expedited hearing is called for and we accordingly list the matter on July 16. In the meantime, we are inclined to continue the ad hoc interim protection given earlier given by this court in the Order of November 9, 2023, subject to the express stipulation that any person found to have been appointed illegally and continuing as a consequence of the present order shall refund the salaries that would come to the four categories of individuals..." However, CJI Chandrachud said the cancellation of the entire process should be the last "last resort". He further observed, "This court cannot be unmindful of the teachers appointed in large numbers and the consequence of upholding the impugned judgement (of the high court)". In continuation CJI said, "public job is scarce and nothing remains, if the faith of the public goes. This is a systematic fraud. What remains in the system if their appointments are also maligned? People will lose faith".

The apex court, on April 29,

stayed the high court order directing a probe into the role of W B government officials in creating super numerary posts to fill some vacancies. The Supreme Court refrained from staying the entire high court order quashing the recruitment process and fixed a date for further hearing.

The victims must get justice. In West Bengal education system is in general in decline. There are large number of vacancies in schools and colleges. The present government in its 13 years' tenure has failed miserably to rationalise and modernise the education system. The WBSSC held its teacher recruitment examination only twice during the last 13 years--once in 2011 and second time in 2016. There are also gross irregularities in TET [primary and upper primary level].

The rate of drop-outs in schools is alarming. The number of examinees both at secondary and higher levels has dropped significantly. Then 8,207 schools are likely to be closed due to shortage of students. For one thing the mushrooming of private schools having affiliation to Delhi boards is one reason for the crisis the state government schools have been in. Given the prevailing situation in the education sector, if 5,753 teaching and non-teaching employees lose their job because of manipulated recruitment many schools will suffer, making the entire education scenario more bizarre. □□□

RIGHTS AND HUMAN RIGHTS

NHRC May be Downgraded to 'B' Status

Aritra Bhattacharya

LACK OF DIVERSITY IN staff and leadership. Political interference in appointments. Involvement of police officers in investigations of human rights violations. Lack of cooperation with

civil society. Insufficient action to protect marginalised groups.

These are the reasons cited by a global alliance of human rights organisations in deferring the accreditation of India's National Hu-

man Rights Commission (NHRC) for the second time in nearly a quarter century.

If the NHRC, India's apex body for the promotion and protection of human rights does not address concerns and recommendations, it may be downgraded to 'B' status during the next review in 2024.

The NHRC's 'A' status was put on hold during the latest round (20-

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24 March 2023) of accreditation by the Global Alliance of National Human Rights Institutions (GANHRI), which represents more than 110 human-rights organisations worldwide.

The deferral, which came after the NHRC failed to address GANHRI concerns raised in 2017, followed a review and submissions made to it by national and global human-rights organisations, which urged it to take note of what they said was a worsening human-rights situation in India.

Neither the NHRC nor the government has issued a formal response to GANHRI's review, which is done every five years.

The global alliance works with the UN Human Rights Office, the United Nations Development Programme (UNDP) and other UN agencies, as well as with other international and regional organisations, NGOs, civil society and academia, reviewing the performance of national human rights institutions across the world.

This review gauges compliance with the Paris Principles, internationally recognised standards, which require national human rights institutions to have a broad mandate; inclusive, transparent selection and appointment process for the leadership; be independent both in law and practice; have access to sufficient resources and staff; and cooperate with national and international stakeholders.

An 'A' status is conferred on institutions that are fully compliant with the Principles. A 'B' status indicates partial compliance.

All national human rights institutions that hold an 'A' status are subject to re-accreditation every five years. Decisions on accreditation are deferred when institutions fail to comply fully with the Paris Principles. This is the second time that the

NHRC has lost its 'A' status since it was first categorised thus in 1999. The Commission retained its status in the 2006 and 2011 reviews. In 2016, its accreditation was deferred by 12 months; in November 2017, it was re-accredited as 'A'.

At its March 2023 session, GANHRI's sub-committee on accreditation, which meets in Geneva twice every year to consider accreditation applications, deferred the review of India's NHRC for 12 months.

If the NHRC does not address the sub-committee's concerns, it may be downgraded to B in the next review.

Similar treatment was meted out to national human rights institutions of only two other of 13 countries subjected to review—Costa Rica and Northern Ireland, where accreditation was deferred by 12 and six months respectively.

The Commission also "has not taken sufficient action in protecting the rights of marginalised groups," and it "did not provide sufficient information with regards to how it implements its full mandate to monitor, promote, and protect the rights of everyone," the sub-committee noted.

The NHRC lost its 'A' status despite changes in its composition in line with recommendations made by the sub-committee in 2017, and a reduction in the backlog and disposal time of complaints. The decision drew, in large measure, from advocacy by a range of civil society groups and international non-governmental organisations.

Human rights groups and activists in India welcomed GANHRI's decision, arguing that it reflected the deteriorating situation of human rights in the country, as well as the NHRC's failure to come to the aid of human rights defenders.

The Protection of Human Rights Act 1993 requires that NHRC in-

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quire into violations of human rights by state actors, either by addressing complaints from victims and defenders or by taking cognisance of violations of its own accord. Its statutory mandate is to protect human rights and establish accountability for their violation.

In its 2017 recommendations, the GANHRI sub-committee urged NHRC to address the lack of diversity within—there were no women or representatives from other marginalised social groups among five Commission members then, and only 20% of the staff was women.

An amendment to the Protection of Human Rights Act in 2019 sought to address these concerns. It increased the members of the Commission from five to six, including three persons and at least one woman with knowledge or practical experience of human rights.

The amendment also made chairpersons of the National Commission for Backward Classes and the National Commission for Protection of Child Rights, and the Chief Commissioner for Persons with Disabili-

ties deemed members of the NHRC.

The sub-committee on accreditation provided a detailed analysis of NHRC's deviation from the Paris Principles.

The NHRC's members, including the secretary general, were "seconded from public service", the report said. Police officers were engaged in probing human rights violations, including those committed by police. There was no woman in NHRC's leadership body.

The most scathing comments in the report pertained to NHRC's record on addressing human rights issues, and cooperating with civil society.

"The relationship between the NHRC and civil society is not effective or constructive," particularly with respect to the Commission's core group on non-government organisations and human rights defenders, said the GANHRI report.

This was corroborated by civil society groups and activists in India.

The report said the Commission had failed "to exercise its mandate in relation to reviewing laws regarding civil liberties and fundamental

rights", such as the Foreign Contribution (Regulation) Act or FCRA 2010, the Citizenship (Amendment) Act or CAA 2019, and the Unlawful Activities (Prevention) Act or UAPA 1967.

The Bharatiya Janata Party government of Prime Minister Narendra Modi has, in combination with national-interest narratives and surveillance technology, used these laws to stifle dissent and create a security playbook.

The targets of such government action include advocacy groups and think tanks, such as Amnesty International, the Centre for Policy Research and the Commonwealth Human Rights Initiative, whose FCRA licenses were cancelled or withheld by the Ministry of Home Affairs.

Ahead of the latest review, a number of civil society groups and NGOs submitted statements to GANHRI alleging the NHRC's non-compliance with the Paris Principles. □□□

(Aritra Bhattacharya is a journalist and researcher based in Kolkata.

Source: Article 14)

RISING MUSLIM POPULATION?

Hindus in Danger

Ram Puniyani

IN THE 2024 GENERAL ELECTIONS Modi's propaganda was built around the falsehood that 'if the INDIA alliance comes to power they will give all the facilities to Muslims, they will ensure that Muslims have the first right to live and they will make changes in the Constitution whereby Hindus will become second class citizens'. Quite an Orwellian method, where reality is made to stand on its head. A fright is being spread amongst Hindus that Muslims will get away with all the privileges.

To add to this propaganda now

Prime Minister's Economic Advisory Council (PMECA) has come out with a report that concludes that Hindu's population share declined by nearly 8% between 1950 and 2015 while Muslim's share grew a record 43% in the same period. As per this study in 1950, Hindu population share was 84%, but it came down to 78% in 2015. However, in the same period, the share of minorities, including Muslims, Christians, Buddhists, and Sikhs, went up. The number of Jains and Parsis in the population mix decreased.

What is this PMEAC? This was

constituted in 2017 and is supposed to be doing research to advise the Prime Minister on economic matters. One sample of its 'research' came to light a couple of years back when its Chief, Bibek Debroy, quoted "... a study to show that the lifespan of written constitutions is just 17 years. Further terming the present Constitution of India as a colonial legacy, he wrote, "Our current Constitution is largely based on the Government of India Act of 1935. In that sense, it is also a colonial legacy."

And now came this strange study during general elections. This boosts the anti Muslim rhetoric and the "Hindu Khatre mein hai" scare created over many decades. The three researchers, who produced this, have

violated most of the norms for analysis, to come to this conclusion. To begin with demographic studies are based on population census. This one is based on the survey of nearly 23 lakh people, from Association of Religion Data Archive (ARDA), a miniscule sample of India's vast population. Census figures are more reliable and comprehensive, bringing out different facets of population growth. For reasons best known to the ruling party the 2021 census which was due has not been held and these researchers have used survey data rather than more reliable census data.

Then the study compares the population figures of 1950 with those of 2015, again an arbitrary method. The media and communal organisations are using this data to intensify prevalent divisive propaganda. It reinforces the present social understanding that Muslims produce more children. To begin with it was popularised by the Prime Minister when he was chief Minister of Gujarat. While deciding to close down the refugee camps where Muslims had taken shelter, he called them, 'Children Producing Factories'. In the present scenario he is merrily shouting from the house tops that Congress will snatch away Hindu's Mangal Sutra and Buffaloes and give it to those who produce more children.

What is the truth of the number of Children produced by Muslims? One of the best parameters for this is the Total Fertility Rate (TFR). According to a National Health Family survey the fertility rate amongst most communities is coming down. In 1992-93 it was 3.3 for Hindus and 4.41 for Muslims. In 2019-21, it was 1.94 for Hindus and 2.36 for Muslims. The percentage change for Hindus is thus -41.21% for Hindus and -46.49% for Muslims. The decline in percentage is more

amongst Muslims than Hindus. This shows that if such a pattern continues the rate of Muslim population growth will further fall down and become close to that of Hindus.

This is an interesting pattern. The permanent question is whether fertility rate is determined by religion or other factors. The sectarian nationalists have harped on the fact that Muslims are deliberately increasing their population vis a vis Hindus so that they will be a majority in this nation and will declare India as Gazava-e-Hind (Conquest of India by Muslims)!

This is one of the major falsehoods of communal politics to state that Hindus will become a minority if this pattern continues. The first point is that the factors influencing the number of children in a family are determined by two major things. One is the level of poverty and second is the rate of the literacy of community as a whole and that of women in particular. This is amply clear when one compares the rate of fertility Muslim of Muslim women in Kerala, Kashmir and Karnataka, with the TFR for Hindu women in Bihar, Rajasthan and Madhya Pradesh. It is lower for Muslim women in these states.

An important study by Saswata Ghose points out that "Thus, comparing state-level fertility differentials between Hindus and Muslims as estimated from Census 2011 and Census 2001, it can be ascertained that though the overall convergence of fertility between Hindus and Muslims has been underway, significant regional variations persist in the process of convergence since different states and religious groups are at different stages of transition".

As per S Y Quraishi, whose book on the issue 'The Population myth: Islam. Family planning and Politics in India' is quite a comprehensive account of the issue, in 24 of the 29

states of India. TFR is already coming close to 2.179, the one indicative of a stable population, 2.1 is a mere replacement level.

It is estimated that the Muslim population which is 14.2% as per 2011 census will stabilise to 18% by 2050 and will stay put there as the trends amongst Muslim community show. The decadal rate of Muslim population growth also shows a substantial decline.

Irrespective of the immaculate studies, the communalists in various ways mock the Muslim community. Here is one instance where a team of Muslim elite sought an appointment to talk to RSS Sarsanghchalak. Dr Quraishi was a member of the team. He presented Bhagwat with his book which debunks the notions spread by RSS Combine. But in a statement a few weeks later Sarsanghchalak stated that there should be a 'balance in population' among different communities! □□□

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THE EAC-PM PAPER

Misleading Claims, Mischievous Politics

Dipankar Bhattacharya

ON 7 MAY WHEN THE third phase of the ongoing elections was taking place in India, the Prime Minister's Economic Advisory Council (EAC-PM) issued a working paper ostensibly to present a comparative study on the changing share of religious minorities in 167 countries of the world between 1950 and 2015. The study found the changes in India consistent with the global trend and the decline in India's religious majority (from 84.68% in 1950 to 78.06% in 2015) much less significant than the average rate of decline globally and especially in the developed countries of the world. The global average decline according to this cross-country study of 167 countries is 22% and that of the 35 OECD (Organisation for Economic Cooperation and Development) countries is 29%.

The working paper did not analyse the diverse factors driving the changing population composition in different countries, and instead focused only on the accumulated outcome as reflected in the changing demographic pattern. Fertility rate observed in different communities (which relies primarily on the economic circumstances and educational levels - the poor with lower access to education showing greater fertility than their well-off and more educated counterparts), migration and conversion are the major variables that generally explain the changes apart from the possible impact of more specific social or historical circumstances. The working paper seeks to explain the demographic picture as a proxy for the overall conditions of different

communities. The increase in the proportion of Muslims in India is presented as an argument that the minorities in India are not just protected, they are actually thriving.

If the world has been expressing concern about the state of religious minorities and religious freedom in India, it is because of the ground reality of a relentless campaign of hate and violence against Indian Muslims. Even the ongoing elections are witnessing a most virulent anti-Muslim hate campaign being spearheaded by none other than the Prime Minister himself. The EAC-PM paper itself is also being used to serve this very purpose. One remembers how in the wake of the anti-Muslim carnage in Gujarat, Narendra Modi had described the relief camps as 'baby-producing factories'. He even coined the highly inflammatory and toxic slogan 'hum paanch, hamare pachees' (we number five, our children twenty-five) to target the Muslim community by invoking the bogey of polygamy and population explosion.

It is now well established that the total fertility rate within the Muslim community is declining more rapidly than in other communities and gravitating towards the national average. While the Muslim population in India had grown by 29.3% between 1991 and 2001, the rate fell by 5% to 24.4% over the next ten years. Had the Modi government not abdicated its responsibility to conduct the 2021 census, people would have had updated figures to combat wild speculations and mischievous propaganda about India's demography. The 2001 and 2011 census had also punctured the pro-

paganda about the so-called influx of Bangladeshi Muslims in Assam and West Bengal. According to post-1991 census data, Muslim population in West Bengal has actually grown at a rate lower than the national average.

Globalisation of capital and production cannot but result in increased immigration. Most developed countries have strong policy restrictions to discourage immigration while rightwing politics across the world revolves around virulent anti-immigrant prejudices and violence. As many as 2,25, 620 Indians gave up their Indian citizenship and adopted foreign citizenship in 2022. There are frequent reports of Indians being sent back on charges of illegal immigration. The inescapable conclusion is that more and more Indians are trying to settle down abroad. If the OECD countries display a major reduction in the relative strength of the religious majority and a corresponding increase in the strength of religious minorities, one must remember that Indians are also contributing to this change in growing numbers.

The liberation war of Bangladesh and the accompanying socio-economic and political turbulence caused major demographic changes in the region in the 1970s. In recent past Bangladesh has acquired a high degree of demographic stability, and is doing better than India in terms of many social and economic development indices and has a total fertility rate lower than India's. While population propagandists in India remain fixated about Bangladesh, much less attention is paid to Sri Lanka where Sri Lankan Tamils, mostly Hindus, were subjected to a genocidal war resulting in a 5% decrease in Hindu population and a corresponding rise in the numerical strength of the Buddhist community. The discrimi-

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natory and divisive Citizenship Amendment Act which ostensibly addresses the issue of persecution of religious minorities in Bangladesh, Pakistan and Afghanistan, remains conspicuously silent about the developments in Sri Lanka.

It is really shameful and ominous that the Economic Advisory Council to the Prime Minister is being used to serve the sinister political agenda of the Sangh brigade. On the 75th anniversary of India's

independence people saw the PM's principal economic advisor openly advocate a new constitution to replace what he called Ambedkar's outdated constitution. And now in the guise of a cross-country analysis of 167 countries, this EAC-PM paper seeks to supply ammunition to the BJP's virulent anti-Muslim campaign being spearheaded by the PM himself. The Malthusian outlook of treating India's population as a liability has led to many policy blun-

ders in India. The focus on religious composition of Indian population is a clear case of misplaced emphasis when India demands meaningful employment policies to reap the demographic dividend that is being wasted away and a caste census to pave the way for more inclusive policies of representation to India's deeply entrenched system of social injustice and inequality. □□□

[Dipankar Bhattacharya is General Secretary, CPIML Liberation]

“FREE PALESTINE”

UN Resolution—One Step Forward

Farnaz Fassih

THE UNITED NATIONS GENERAL Assembly on May 10 [Friday] overwhelmingly adopted a resolution declaring that Palestinians qualify for full-member status at the United Nations, a highly symbolic move that reflects growing global solidarity with Palestinians and is a rebuke to Israel and the United States.

The resolution was approved by a vote of 143 to 9 with 25 nations abstaining. The Assembly broke into a big applause after the vote. The United States voted no.

The resolution was prepared by the United Arab Emirates, the current chair of the UN Arab Group. The 193-member General Assembly took on the issue of Palestinian membership after the United States in April vetoed a resolution before the Security Council to recognise full membership for a Palestinian state. The majority of Council members supported the move, but the United States said recognition of Palestinian statehood should be achieved through negotiations between Israelis and Palestinians.

Anger and frustration at the United States has been brewing for months among many senior UN officials and diplomats, including al-

lies such as France, because Washington has repeatedly blocked ceasefire resolutions at the Security Council and has staunchly supported Israel's war with Hamas in Gaza, even as humanitarian suffering has mounted.

“The US is resigned to having another bad day at the UN,” said Richard Gowan, an expert on the United Nations for the International Crisis Group, a conflict prevention organisation. But he added that the resolution “gives the Palestinians a boost without creating a breakdown over whether they are or are not now UN members.”

The UN charter stipulates that the General Assembly can only grant full membership to a nation-state after the approval of the Security Council. Examples of that include the creation of the states of Israel and South Sudan. The resolution adopted on Friday explicitly states that the Palestinian issue is an exception and will not set precedent, language that was added during negotiations on the text when some countries expressed concern that Taiwan and Kosovo might follow a similar path to pursue statehood, diplomats said.

Riyad Mansour, the Palestinian ambassador to the UN, told the Assembly ahead of the vote that Palestinians' right to full membership at the UN and statehood “are not up for negotiations, they are our inherent rights as Palestinians.” He added that a vote against Palestinian statehood was a vote against the two-state solution.

Still, the resolution does provide new diplomatic perks to Palestinians. Palestinians can now sit among member states in alphabetical order; they can speak at General Assembly meetings on any topic instead of being limited to Palestinian affairs; they can submit proposals and amendments; and they can participate at UN conferences and international meetings organised by the Assembly and other United Nations entities.

Israel's ambassador to the UN, Gilad Erdan, a sharp critic of the body, said voting for a Palestinian state would be inviting “a state of terror” in its midst and rewarding “terrorists” who killed Jewish civilians with privileges and called member states endorsing it “Jew haters.”

The resolution says that it “determines the State of Palestine is qualified for membership in the United Nations,” under its charter rules and recommends that the Security Council reconsider the matter with a favourable outcome.

Nate Evans, the spokesman for

the US mission to the United Nations, said that if the Assembly refers the issue back to the Council, it would have the same outcome again, with the US blocking the move.

The Palestinians are currently recognised by the United Nations as a nonmember observer state, a status granted in 2012 by the General Assembly. They do not have the

right to vote on General Assembly resolutions or nominate any candidates to UN agencies.

The Assembly session was not without moments of performative drama. Mr Gilad, Israel's ambassador, held up the picture of Hamas's military leader, Yahya Sinwar, considered the architect of the Oct. 7 attacks on Israel, with the word

"President," and then a transparent shredder, inserting a piece of paper inside it, and said the member states were "shredding the UN charter."

Mr Mansour, the Palestinian ambassador, at the end of his speech raised his fist in the air, visibly choking back tears, and said, "Free Palestine." The Assembly broke into applause. □□□

IN FAVOUR OF BALLOT

The EVM-VVPAT Judgement

Sandeep Pandey

THE SUPREME COURT IN its judgement has backed the system of Electronic Voting Machine and Voter Verifiable Paper Audit Trail that is used in India for conducting elections and simply refused to consider the option of going back to ballot paper. The inherent argument is that technology has improved a number of things like precluding the possibility of bogus voting, eliminating human errors, reduction in time in counting of votes, etc. and if anything, technology should be further improved like using bar codes on paper slips, etc.

The Supreme Court says that rising voting percentage reflect voters' faith in the EVM. This is a vacuous argument. Common people in this country have to pay bribes, including in Courts to get the next date of hearing, to get things done in the government-administrative system. Does it mean that they have faith in this system? People have no choice, if they don't want to be harassed. Similarly, without providing the alternative of ballot paper, when the election commission, government, non-government agencies, political parties are all urging people to go out and vote, if people are forced to vote through EVMs it doesn't mean that they have faith in the voting system. It would do the Supreme Court judges

well if they were to just move around among common people, especially in rural areas, and get some ground level opinion, directly or indirectly. They'll be surprised how much people don't trust the machine. Have they not seen visuals of people going inside the booth and smashing the EVMs on ground during the ongoing elections? The disenchantment is widespread.

Banarsi, resident of Village Chandpur Faridpur in Mehmoodabad tehsil of District Sitapur says that in last election he pressed the election symbol of Elephant on EVM but saw Lotus inside the glass of VVPAT and therefore doesn't have any faith in EVM. Similarly, retired IAS officer from U.P. Anees Ansari, aligned with the Congress Party now, says he saw Lotus in the VVPAT even though he had pressed the EVM button on another symbol. Yet, Election Commission says so far it has received 25 complaints of mismatch and all were found to be false. If the complaint is found to be false then the voter is liable to be penalised. The present system does not allow Banarsi or Anees Ansari any evidence to prove their claim. Hence the possible penal action acts as a deterrence against any voter contemplating filing a complaint.

The EVM system has three com-

ponents—Control Unit, Ballot Unit and VVPAT, all of which have microcontrollers. As they are randomly allotted to constituencies much before the elections and then kept in strong rooms, any possibility of tampering before the finalization of candidates is ruled out. An engineer from the manufacturers, ECIL or BEL, comes with a laptop computer roughly within 15 days before the polls and loads the final list of symbols through a Symbol Loading Unit onto the VVPAT. The names and symbols of candidates are manually pasted on the BU. The BU and CU are candidate and symbol agnostic, which implies that the one-time programme loaded in them at the time of manufacture doesn't know the position of candidate or symbol beforehand. However, some mischief is possible, because of human intervention necessary, just before the polling with the VVPAT when symbols are being loaded in a particular order there. It is possible to introduce some malafide content in the bitmap file which is loaded from the SLU onto the VVPAT. The judges of SC have completely overlooked this possibility. To understand this one needs to see the demonstration of a contraption designed by Rahul Mehta, an IIT Delhi and US trained engineer, who shows how opposition party votes and can converted into symbols of party preferred to win. That is how Rahul Mehta has programmed his machine. Now his design may not be the same as being

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used by ECI but any attempts to procure the design of EVM system being used by ECI, even by paying the cost, have proved to be futile. The ECI will simply not allow anybody to look at the source code loaded in the machine and the SC concurs with this stand.

The saving grace of the SC judgement is to allow SLUs also to be in strong rooms for 45 days, just like the BU, CU and VVPAT, after the elections and allowing the candidates getting the second and third highest votes to examine the software of the EVMs, at their own

cost, if they doubt the result. This will certainly act as a deterrence against possible mischievous manipulation in the software.

Final argument against removal of EVMs that is made is about the cost incurred so far. This is also specious, A large investment has gone into manufacturing the EVMs and VVPATs. But countries like South Africa which made nuclear weapons and later found them useless, dismantled them. Nuclear weapons certainly costed more than EVMs.

Given the widespread suspicion over use of EVMs, it is best that

people go back to the ballot papers under strict gaze of cameras.

In the Chandigarh Mayoral elections fudging of ballot papers was caught on the camera. Had the same thing been done through the EVM-VVPAT it would not have been caught as what happens inside the machine is hidden from everybody, including the unsuspecting officials overseeing the polls. The returning officer and observer are unaware of what goes on inside the machine and most administrative officers, in ignorance, support the use of EVMs. □□□

[Sandeep Pandey is General Secretary, Socialist Party (India)]

LETTERS

Encounter Killing of Adivasi Villagers

Representatives of many political parties and organisations in Chhattisgarh have demanded judicial inquiry into the alleged encounter of 10 tribal villagers in Pedia village of Bijapur. The incident took place on 17 May where security forces claimed to have killed 12 Maoists in an encounter. The family members of ten villagers who were killed protested before the Bijapur district magistrate office saying their family members had gone to the forest to collect tendu leaves but they were killed by the forces in the fake encounter. Many activists in the area have said to seek legal action against these fake encounters.

A delegation comprising of activists from CPIML, CPI, CPIM, AAP and AISA, AIUF, AITUC and AICCTU sent a memorandum to the Chhattisgarh government through the district administration in Drug demanding the judicial inquiry of this alleged fake encounter. CPIML leader Brijendra Tiwari has said that stern action should be taken against those responsible in the police and security forces who ordered these killings. One of those killed was a minor. Ten villagers were in forests

for the seasonal tendu leaves collection. He said the killing and arrests of tribals in the name of Maoists must be stopped by the state government.

ML Update

Robbing Postal Workers

It has been called “the UK’s most widespread miscarriage of justice.” In 1999, new Horizon software was installed in post office branches across the UK. Immediately, sub-postmasters and postmistresses experienced inexplicable shortfalls—missing money—from their branches. By law, they were required to make up the difference.

As they tried, repeatedly, to balance their books, thousands of pounds in many branches continued to show up as missing. Numerous postmasters and postmistresses, unable to stop the flow, lost their life savings, their homes, their marriages and their reputations. Up to 983 were prosecuted; many served jail time.

Seven Post Office workers of South Asian heritage told the BBC they believe racism affected the way people were treated in the Horizon scandal. One man of Indian background said he was told: “All the Indians are doing it. They have rela-

tives so they take the money and send it to them abroad.” A person of South Asian descent said: “It was like we were dumb because English wasn’t our first language that we struggled to make sense of basic accounting.”

Balvinder Gill told Newsnight his life was destroyed after he was wrongly accused of stealing £108,000 from the Post Office in 2004. He had a mental breakdown afterwards.

A BBC TV series, “Mr Bates vs the Post Office,” was broadcast in January. It is credited with sparking the promise of new legislation to clear and compensate all who were wrongly prosecuted, and prompted a long-overdue public apology by Prime Minister Rishi Sunak. The drama showed the pain and mental and physical damage to those who were victimised by the government and its faulty software.

P.S.: Horizon software is still installed on post office computers. It is now claimed to be “robust.”

Susan Van Gelder
[News & Letters]

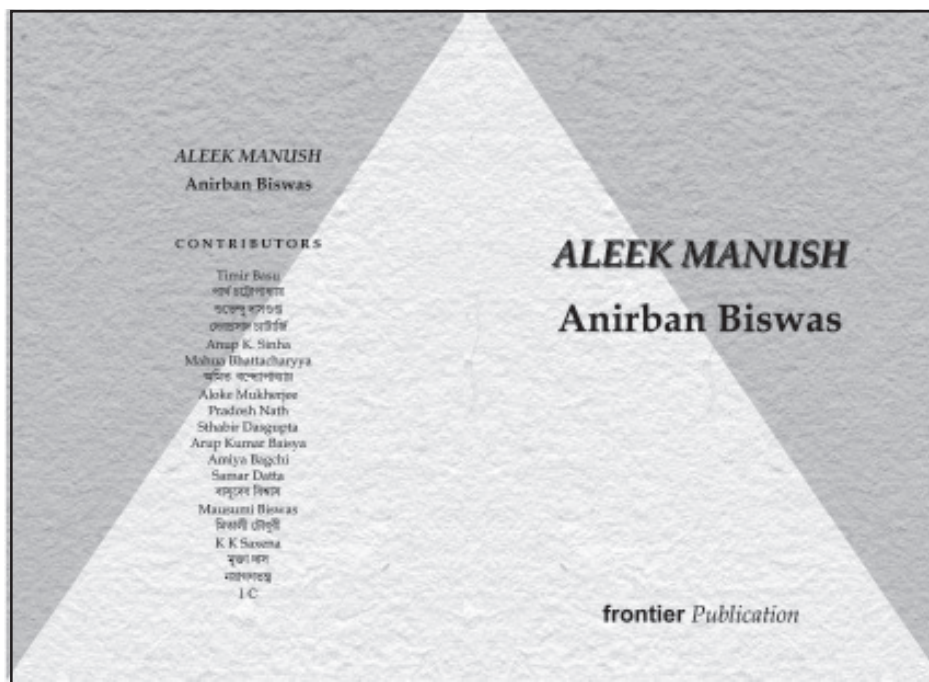
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