

India's 73<sup>rd</sup> Republic Day passed under dark clouds of Constitution violations

Revoking Jammu & Kashmir's special autonomous status

Citizenship (Amendment) Act

Electoral Bonds



UAPA

The Farm Laws

Pegasus

Sedition

Information Technology Rules

Economically weaker sections quota

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Justice is the voice of a coalition of organisations and networks in the UK who stand up against injustice.

## India's 73rd Republic Day Passed Under Dark Clouds of Constitution Violations

On 26 January 1950, India became a Republic - intended to be ruled by a government of the people, by the people, for the people - and brought into effect the Constitution of India that had been formally adopted by the Constituent Assembly on 26 November 1949.

The Indian Constitution lays down the framework that demarcates the fundamental political code, structure, procedures, powers, and duties of government institutions and sets out directive principles regarding the fundamental rights and duties of citizens. Although provision was made for subsequent amendments, violation of any constitutional article is not permitted. Yet, when it comes to the rights of Indian citizens, as Jahnvi Sen's article in *The Wire* pointed out just before the 72nd Republic Day, still relevant today, [several constitutional changes made by the current Bharatiya Janata Party \(BJP\) government](#) continue to be the subject of challenge in the country's highest courts.

**They killed him.**

Stan Swamy, an 84-year old Jesuit, in custody on trumped-up charges, passed away on 5th July 2021. Family members of prisoners on similar charges describe Stan's death as 'institutional murder'. The truth is, Indian PM Modi does not tolerate any criticism of his policies. He makes false statements, such as India's

### ❖ Revoking Jammu and Kashmir's special autonomous status

On 5 August 2019, the union government abrogated Articles 370 and 35A of the

Constitution, which provided the state of Jammu and Kashmir autonomy in certain aspects of governance. At the same time it passed the Jammu and Kashmir Reorganisation Act, which divided the region into two union territories [underpinned by settler colonialist policies](#). Almost two dozen writ petitions have been filed against this move in the Supreme Court on the grounds that the Modi government's decision violates the fundamental right to self-determination of the people of Jammu and Kashmir.

#### In this issue

- ❖ India's 73<sup>rd</sup> Republic Day
- ❖ International solidarity with political prisoners in India
- ❖ Prof GN Saibaba sentenced to life imprisonment
- ❖ Rohith Vemula - His institutional murder
- ❖ Journalist Sajad Gul arrested
- ❖ Police in Odisha attack on protesting farmers

### ❖ Citizenship (Amendment) Act (CAA)

On 11 December 2019, the Indian parliament passed the CAA despite large-scale protests against it across the country. This controversial law for the first time intends to make religion the basis for granting citizenship in independent India. According to the CAA, undocumented immigrants from Afghanistan, Bangladesh or Pakistan who entered India before 31 December 2014 will be granted Indian citizenship. The catch? Only immigrants who are Hindu, Sikh, Parsi, Buddhist or Christian are eligible. Coupled with the union government's plan to implement a National Register of Citizens, many believe that the law will be used [to further marginalise Muslims in India](#).

### ❖ Electoral bonds

The electoral bonds scheme allows political parties to receive anonymous donations in the run up to elections. Legal challenges to the scheme were filed in 2017 but the court only actively started hearings in 2019 - by which time the sale of electoral bonds had already begun. [The court has refused to stay the scheme](#) or the sale of electoral bonds on several occasions and paved the way for [unchecked interference in the Indian electoral system](#) from big national and foreign corporate players.

### ❖ Unlawful Activities (Prevention) Act (UAPA)

Multiple petitions before the Supreme Court have challenged the UAPA, an 'anti-terror' law that has been widely criticised for its vague terms and misuse. Among these is one filed by a group of former civil servants in 2021, and [the court has issued a notice](#) to the union government. [Two writ petitions](#) were filed in 2019 soon after the Modi government amended the law that [made it even more stringent](#): the state can now designate an individual, and not just an organisation, as a terrorist. It is also extremely difficult for a person accused under UAPA to get bail, even though trials may not happen or continue for years on end. Petitioners argue that the law violates the right to equality under Article 14, right to freedom of speech under Article 19(1)(a) and right to life with dignity under Article 21 of the Constitution.

### ❖ The farm laws

In November 2021, the government [repealed the three contentious farm laws](#) passed in summer 2020. Although petitions had already been filed in the Supreme Court, which [moved to stay the laws less than two months](#) after they were passed, it took the Indian farmers [over a year of an historical protest](#) and "siege" of Delhi to bring about the repeal. The farmers were also made several promises including (a) a committee will be set up to resolve the minimum support price (MSP) for farm crops; (b) all police cases raised against protesting farmers will be withdrawn; (c) the families of farmers who died during the year-long protest will be compensated; and (d) the electricity bills ordinance will be dropped. Two months on since the written agreement not a single promise has been fulfilled. Another key demand made by the farmers as they wrapped up the protest sites following the repeal was that the union minister whose son's vehicle convoy indiscriminately ran over protesting farmers, killing four plus one journalist, must be removed from his post. This demand [remains pending](#). Also, the minister for agriculture Narinder Tomer has on record said that the government might have ["moved step back, will move forward again"](#). So, the fight to stop agricultural take over by the large corporates is far from over.

### ❖ Information Technology Rules, 2021

The union government has brought in Information Technology Rules, 2021, presented as the Intermediary Guidelines and Digital Media Ethics Code. These rules, framed under the Information Technology Act, 2000, seek to regulate media portals, over the top (OTT) streaming platforms and social media intermediaries. They grant sweeping powers to the union government, including the right to demand removal of content from online news portals and also can restrain internet freedom. [Multiple cases have been filed against the union government](#) in various high courts regarding the restrictions on freedom of reporting imposed by these rules.

## ❖ Pegasus

In July 2021, *The Wire* and its global media partners in the Pegasus Project, including [the Guardian](#) in the UK, reported how smartphones have been attacked by Pegasus spyware developed by the Israeli company NSO Group. According to the Group, the software is only available to governments around the world to surveil “terrorists”. Several of the victims of the attack are Indians, and include journalists, lawyers, activists and politicians. In January 2022, Kavita Srivastava, speaking on behalf of the People’s Union for Civil Liberties [noted that](#) “[a]ll the Bhima Koregaon accused had Pegasus in their devices. This means we cannot trust electronic ‘evidence’. So, it raises major questions regarding the presentation of incriminating evidence. That’s a major challenge. How can any trial proceed on evidence that is created? And how many years will it take to make the courts believe the innocence of those arrested? And will any court of law take action against those who have done this malicious act?”



Photo: [free-them-all.net](#)

On 27 October 2021, a Supreme court bench comprising Chief Justice of India (CJI) NV Ramana and Justices Surya Kant and Hima Kohli said that since there was “no specific denial” from the Indian government on buying and using the spyware, it was setting up an independent expert committee to investigate the issue. [If the allegations prove true](#), the court noted, they will have a bearing on citizens’ constitutionally-guaranteed rights to privacy and freedom of speech.

Only this month (January) the *New York Times* published its own ground-breaking investigative report, which claims that [India bought Pegasus as part of the larger \\$2 billion deal with Israel in 2017](#). These recent revelations have instigated demands for an early debate in the Indian Parliament and petitions to the Supreme Court to look into the government’s undeclared deal that is understood to be detrimental to the fabric of India’s democracy.

## ❖ Sedition

“This dispute about law is concerned, its colonial law, it was meant to suppress the freedom movement, the same law was used by British to silence Mahatma Gandhi, Tilak etc. Still is it necessary after 75 years of Independence?” [CJI Ramana to the Indian government](#), July 2021.

India’s sedition law - *Section 124A* of the Indian Penal Code - was introduced by the colonial British rulers to restrain the country’s freedom fighters. While the British Parliament removed this law in the UK many decades ago, the Indian government continues to use it to stifle the fundamental right of freedom of speech and expression, thus violating the guarantees of these rights in *Article 19(1)(a)* of the Constitution. People speaking out against the BJP Government are being labelled as anti-national and being indiscriminately locked up under this law. The Supreme Court is hearing a batch of petitions challenging *Section 124A* of the Indian Penal Code as unconstitutional. The term is vague and it fails to define criminal offence with sufficient definiteness. [Seven petitions have been filed](#) before the Supreme court, including by journalists and a [former union minister](#). [According to Article 14](#), there was a 28% rise in sedition cases between 2014 and 2020, in violation of Supreme Court guidelines, during Prime Minister Narendra Modi’s regime, compared with the yearly average between 2010 and 2014, the second term of the United Progressive Alliance government.

## ❖ Economically weaker sections (EWS) quota

In January 2018, the Union government passed the [103rd Constitutional Amendment Act](#) to provide 10% reservation in seats in educational institutions or posts in state services, purportedly for “economically weaker sections” of society. Around 20 petitions have been filed in the Supreme Court against this act, stating that backwardness for the purpose of reservation cannot be defined by “economic status alone” and is against the basic structure of the Constitution. In August 2020, a five-judge Constitution bench stated these petitions raised a substantial question but the law has not been stayed in the meanwhile.

Join us our struggle - together we bring peace,  
justice and happiness for all.  
Write to: [justice.coalition-uk@protonmail.com](mailto:justice.coalition-uk@protonmail.com)

## International solidarity with political prisoners in India and appeal to release the DELHI 18

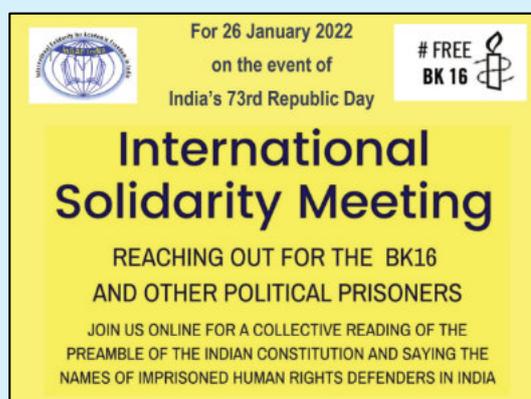
Statement by Dr Michael Gottlob, India Coordination Group, Amnesty International German Section

“It is one of the special qualities of Amnesty International that it is difficult to silence the organisation. Even if their accounts are frozen or their offices closed in a country, there are thousands of activists and millions of members worldwide who continue to watch and speak out. This is not unsimilar with diaspora groups, many of whom speak up when human rights are threatened in their country of origin. Of course, the perspective of diaspora groups, with their view of the entire bandwidth of the political situation in the country of origin, is different from that of global human rights organisations, which can only have a selective view of the human rights situation in the many countries monitored and often have to limit their interventions and campaigns in terms of time.

It is all the more desirable that human rights organisations and critical diaspora groups work closely together, at least on certain occasions. One such occasion is 26 January, India’s Republic Day, when special attention is paid to the values and principles of the constitution in the country. Amnesty groups, which have been campaigning for the release of the human rights defenders known as Bhima Koregaon 16 (BK16) for years, recently chose this day for a call for solidarity with political prisoners in India. As similar initiatives had been started in the Indian diaspora in some countries, we looked for possibilities of networking within the limits of our resources and developed close cooperation with [International Solidarity for Academic Freedom in India](#) (InSAF India). InSAF India invited family members of the BK16 to an online meeting with activists and interested observers from different countries. For us, meeting the witnesses from India was a rare opportunity to feel their grief and get direct information on the situation of the detainees in prison. Conversely, the family members of the BK16 were able to get an impression that they are not alone.

During the meeting, participants read the preamble of the Indian Constitution, called the names of the BK16 and presented their cases individually. The statement is [available to hear](#) on the InSAF India [YouTube channel](#) and will help to ensure permanent solidarity with the prisoners. At the same time, it can be seen as an example of how international groups like Amnesty groups can work together with diasporic organisations worldwide. The more this happens, the better.”

Alongside this, another online campaign was supported by 18 diasporic (including International Campaign for Justice in India UK) and other international civil organisations. Each organisation recorded [a video statement](#) to demand the release of one of the Delhi 18 incarcerated in the Indian prisons.



## Professor GN Saibaba Sentenced to Life Imprisonment under UAPA Forever, Awaiting His Appeal by the Supreme Court



Professor GN Saibaba – They are Killing Him in Nagpur Jail

**Professor GN Saibaba, 55 years, scholar, writer, human rights activist**

Saibaba has multiple disabilities and comorbidities and is wheel-chair bound. [Held in solitary confinement](#), he

has also lost the use of his left arm, [experiences continuous pain in his back and joints](#) and is unable to eat or use the toilet by himself. His ill treatment and [denial of basic human rights contravene](#) all domestic and international laws applicable to a prisoner's right to life.

Saibaba has campaigned against the extensive human rights violations inflicted on Adivasis in central India who are engaged in life and death struggles to preserve their environment from the destruction being inflicted by monstrous mining corporations. Such resistance against the loot of their jal, jungal and zameen (waters, forests and land) have brought on the onslaught of the "Operation Greenhunt" and similar controversial operations by successive governments to forcibly evict the Adivasi people. Saibaba has been a stalwart opponent of these operations, which has landed him in the place he does not belong.

Arrested May 2014, based on confessions extracted under torture from Hem Mishra, student at Jawaharlal Nehru University that Saibaba was "an urban contact" for the Communist Party of India (Maoist). Note: confessions extracted under torture are inadmissible in international courts of law. Electronic devices were seized unsealed by the police in absence of independent witnesses. Released on bail on medical grounds in June 2015. Re-arrested December 2015, and again released on bail in April 2016. But in March 2017, along with Hem Mishra, Prashant Rahi, Mahesh Tirki and Pandu Narote, Saibaba sentenced to life imprisonment for having connections with a banned Maoist organisation and waging war against the India - a charge which all have denied.

"I was never arrested from Gadchiroli as claimed by the police. They (police) forcibly detained me from Ballarashah railway station in Chandrapur district of Maharashtra on August 20, 2013, and kept me in illegal detention for 80 hours. They inhumanly tortured me for the next 27 days and were forcing me to accept a story created by them. I was going to Hemalkasa village to meet Dr. Prakash Amte. I have no connections with the Maoists." ([Hem Mishra, 2015, in the The Hindu](#)).

## Rohith Vemula His Institutional Murder Demands Justice: But after 6 Years It is Still Awaited



Rohith Vemula, Dalit doctoral student, died in 2016, 26 years of age, committed suicide. This was clearly [an institutional murder and triggered a countrywide agitation](#) against casteism.

Rohith and his colleagues formed the Ambedkar Students Association (ASA) at the University of Hyderabad for safeguarding of students from oppressed communities. When the ASA began to win students union elections, the Akhil Bharatiya Vidyarthi Parishad (ABVP), a student outfit affiliated to the BJP, started to harass Rohith. Complaints to the university administration went unheard. Instead, on 3 January 2016, the university evicted Rohith and four other Dalit student leaders, [Dontha Prashanth](#), [Seshaiah Chemudugunta](#), [Sunkanna Velpula](#), [Vijay Kumar Pedapudi](#) under pressure from the central [Ministry of Human Resource Development](#) (MHRD) over an alleged altercation with the ABVP. Rohith's Rs 25,000 fellowship was suspended. Under financial duress and the continued harassment and declining hope for justice, Rohith ended his life, leaving behind a note talking of his dreams and how he felt his "[birth was a fatal accident](#)".

Six years have gone by but mother Radhika Vemula, his family and friends are still awaiting answers.

- Why is suicide rate amongst Dalit students disproportionately high?
- Why was there no formal inquiry into the disruptive nature and thuggish behaviour of the AVBP?
- Why did the Government authorities interfere in the affairs of the University?
- Why was the Prevention of Atrocities Against SC/ST Act not levelled against the University?

## Journalist Sajad Gul Arrested Suppression of Free Press Continues in Kashmir

Sajad Gul, 26 years, student, freelance Kashmiri journalist and trainee reporter for *The Kashmir Walla*, and student. Sajad's journalism includes a focus on [human rights violations](#), militancy and conflict in Kashmir.

Arrested January 2022 under Sections 120B (criminal conspiracy), 153B (imputations, assertions prejudicial to national integration) and 505B (fear or alarm to the public) of the Indian Penal Code. Sajad's "crime" was posting a video of a family shouting anti-India slogans after their kin was killed in a gunfight in Srinagar during a security force encounter with "terrorist" Saleem Parry. He had been [previously harassed several times by the police](#) following publication of his articles.



Courtesy: thewire.in

Since the abrogation of Article 370 (see page 1), Kashmiri journalists have repeatedly faced more threats and harassment by the police on dubious grounds as Sajad's example shows. A few days after Sajad's arrest, the [Kashmir Press Club in Srinagar](#) was forcibly taken over and closed down by armed police who broke into the premises. Clearly, the Indian authorities want to keep hidden what is happening in Kashmir that they are bent on intimidating into silence all eyes and ears that may report news to the outside world.



Kashmiri journalists protest against the media crackdown - Srinagar, July 2020. Photo: Dar Yasin/AP

## Fahad Shah Another Kashmir Journalist Arrested

As we went to press another Kashmiri journalist Fahad Shah, founding editor of *The Kashmir Walla*, has been remanded to 10 days custody by judicial Magistrate in Pulwama. "Shah, the 33-year-old who founded *The Kashmir Walla* in 2009, was arrested under FIR 19/2022, with charges of sedition and the anti-terror law. If convicted, he faces life imprisonment" extract from editorial statement made in *The Kashmir Walla*, dated 5 Feb 2022.



Photo: Bhat Burdhan/*The Kashmir Walla*

## Human Right organisations condemn the brutal police violence on villagers in Odisha

On 14 January, the Police attacked villagers of Dhinkia and the surrounding villages, the coastal region of Jagatsinghpur district in Odisha. The villagers in region have been protesting against forcible acquisition of their land by the Odisha government for Jindal Steel Work Utkal Limited. Many women were chased and beaten - more than 200 women and children were injured during the brutal police crackdowns; many men fled to forests fearing arrest.



Please read, [Resisting Corporate Assault on Farming in Odisha](#)