

CPI(M) Appeal



**Protect Constitution,
Reclaim Democracy**

17th Lok Sabha 2019



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Supreme Court crisis

All not okay, democracy at stake,
say four senior-most judges



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इस चुनाव के बाद 2024 में
नहीं होगा कोई चुनाव: BJP
सांसद साक्षी महाराज



यह भाजपा के लिए
आखिरी चुनाव होगा,



देश के लिए नहीं

भारत का लोकतंत्र
मजबूत था और रहेगा

लोकतंत्र बचाओ
भाजपा हराओ

CPI(M) Appeal

In Defence of the Constitution and Democracy, Defeat the BJP-RSS Modi Government

Dear fellow citizens of India,

The elections have been announced and soon you will be casting your vote. These are no ordinary elections. What is at stake is the very foundation of the democratic secular republic that is India.

In the past five years, the Narendra Modi led BJP Government has systematically subverted the Constitution and a range of institutions, establishing a communal, authoritarian regime. These include the Supreme Court, Parliament, the role of various watchdog bodies like the CIC, CBI or the CVC, the Reserve Bank of India. Even the Election Commission is under pressure. This Government has sabotaged the federal structure through direct and indirect means. Even the defence forces have been converted into an instrument for narrow partisan benefit, which can only compromise the nature of the independence of the armed forces. And, it has aggressively attacked and eroded the secular principles that the Constitution contains.

The CPI(M) has been uncompromising in its fight against every single attempt of this Government to subvert the Constitution, both inside Parliament and mobilising the people in united struggles outside parliament.

It is for this reason, and also for alternate policies in the economic sphere promoted and practiced by CPI(M) led State Governments, that the BJP Modi led Hindutva platform has openly declared the left and the CPI(M) in particular as its main ideological foe.

These are some of the aspects of the Modi Government multipronged assault:

Attack on Democratic Rights

The five years of Modi Government rule have seen an unprecedented attack on democratic rights of the people when any and every form of dissent, of questioning Government policies, let alone criticism is termed anti-national. False cases have been foisted on numerous activists who have dared to support the cause of Dalits and Adivasis against the assault on their dignity and livelihood. University campuses have been a special target, with some of the best regarded academic institutions like JNU and HCU and in Bengal

under the TMC Government, following in the footsteps of Modi, Jadavpur University, being special targets of attack.

The award wapasi movement by well known intellectuals was triggered by the intolerance to dissent and for the right to freedom of expression. The two incidents which led to national outrage which formed the background to this movement was the institutional killing of dalit scholar Rohith Vemula and later the horrific lynching in Dadri of Md. Akhlaq on the alleged charge of eating beef. The attack on freedom of expression, the attacks on the independent media, the dictats of what people should eat, what they should wear, who they should be friends with, is part of the Sangh parivar agenda.

The Modi Government has used the colonial period law on sedition to suppress dissent. It is not just intellectuals or activists who have been targeted under this black law. Thousands of adivasis protesting against the dilution of the rights of gram sabhas by the BJP Government in Jharkhand have also been charged under the sedition laws.

The National Security Act is also being misused to deny people bail in cases which have nothing to do with national security. Shockingly the Congress Government in Madhya Pradesh has also misused this law to target those accused in cases of cow slaughter.

In spite of the Reddy Commission's recommendations to amend the the Armed Forces Special Powers Act to remove the blanket powers given, it is still being used in its draconian form in the north east and in Kashmir. It was only the Left led Tripura Government which withdrew the Act from Tripura.

Today the entire opposition is being charged with being anti-national because they are rightly raising questions regarding the Pulwama incident and how there was such a serious breach of security. The Modi Government it is clear, has no respect for democracy or democratic rights. The mask of so-called nationalism is being used to stamp out all dissent.

Bypassing Parliament

After getting a comfortable majority in Lok Sabha, the BJP and its allies have treated the Parliament as a tool for propaganda only and repeatedly downgraded or bypassed its sovereign authority, treating it more like a nuisance. For example, the 2018 Union Budget was bulldozed through the Parliament without any debate.

The motion to impeach the Chief Justice was unilaterally dismissed by Chairperson of the Rajya Sabha, even though he had no powers to decide on

the merits of the motion.

Earlier, the govt. had 'passed' the Aadhaar related laws too by a sleight of hand, smuggling them in with finance bills at the last minute. Aadhaar has now become an instrument to deprive the poor of social welfare benefits in the name of mismatch.

Government has made systematic use of ordinances to bring in laws that it feared would be opposed. The ordinance on Land Acquisition was one such which had to be taken back after massive resistance from the farmers in 2015. The triple talaq ordinance is another example. Ordinances on allotment of Rajya Sabha seats between Telangana and Andhra Pradesh, textiles, re-promulgation of coal mines ordinance and for appointment of Principal Secretary to the PM are other such examples where the institution of Parliament and its democratic functioning has suffered damage.

Interfering with Supreme Court

In January 2018, four Supreme Court judges took an unprecedented step of holding a press conference to voice their protest against arbitrary allocation of cases to benches by the then Chief Justice of India. The real issue was that the then CJI was allegedly distributing cases to different Benches to suit the Modi government. The rebel judges wanted transparency and accountability so that this perversion in the functioning of one of the pillars of Indian democracy could be ended. They also wanted certain cases to be probed or carried forward, which had been side-lined due to the struggle between the Court and the government on appointments.

RBI

In the Modi era, severe friction emerged between the RBI and the Union govt. The Government went ahead with the disastrous demonetisation against the advice of the RBI. Two Governors of the RBI who had disagreements with the Government were shown their place. A deputy governor came out openly against repeated interference by the Government. Government tried to capture the funds of the RBI to manage its own crisis. The Modi Government totally misused the general principle that ultimately Government does have control over RBI, to push its wrong policies.

Of late, the Modi govt. has adopted the usual tactic of appointing RSS ideologues to all bodies in order to make them conform to their thinking. S.Gurumurthy, a well-known RSS ideologue, has now been inducted into the RBI Board.

CBI, The Caged Parrot

The CBI's role as a handmaiden of the central government, its misuse to target opposition parties, and the concomitant growth of the corruption inside it, have destroyed an agency that was supposed to be in the frontline of the fight against corruption in high places. While this hollowing out of CBI has undoubtedly been going on for decades, the Modi government's flagrant interference led to the recent implosion. The war between top two officers of the CBI was a direct result of the Modi government determination to choose appointees to suit its own political interests. The whole sorry spectacle of the open war between two top officers, both Modi appointees, exposed how deeply compromised this investigation agency is under the Modi regime. The CBI has been responsible for compromising cases against those involved in terrorist attacks by Hinduva groups at the behest of the Government. It has defended corrupt personnel if they have the blessings of the Modi Government.

CIC and RTI Diluted

In a move to curb the use of Right to Information (RTI) Act to expose government malfeasance, the Modi government has moved amendments to the Act itself, which do away with the present five-year fixed term for information commissioners both at the Central Information Commission (CIC) and State Information Commissions (SICs). The amendments also enable the Centre to prescribe the term of office, salaries and allowances, and other terms and conditions of service of chief information commissioners, and information commissioners at both central and state levels.

In the process the whole mechanism of information commissions will be made dependant on the government, further weakening it. It has also made fresh appointments of commissioners based on its own choice, violating set procedures.

CVC Compromised

The Central Vigilance Commission, another statutory body, has been headed by a Modi appointee KV Chowdary since 2015. At the time of his appointment, several eminent persons had raised a red flag saying that there were allegations of his involvement in various criminal/corruption-related cases including the Nira Radia tapes case, the Moin Qureshi case (which involved the present warring CBI officers too), and others. However, the government went ahead with his appointment. The CVC's role in "sorting

out” the ongoing CBI imbroglio is well known. The CVC is the supervisory body for CBI.

State Governors as Trojan Horses

Extending the practice of previous Congress govts., the Modi govt. has not only appointed RSS loyalists as Governors in most states but it is actively using them as its tool to trample democracy. The tussle between the AAP led Delhi government and the Centre has been carried out through the Lt. Governor who is appointed by the Centre. The elected chief minister has not been allowed to govern due to constant obstruction by the Modi govt. In Goa, Manipur, Meghalaya and Karnataka, BJP has used Governors to capture power, though in Karnataka the move fell apart after the Supreme Court directed a floor test and BJP’s Yeddyurappa had to quit. Meghalaya governor Tathagata Bose, former president of Bengal BJP, crossed all limits by declaring that Kashmiris and Kashmir should be boycotted, even as Kashmiri students and traders were being attacked after Pulwama, but no action was taken against him. Acting in a partisan way, these BJP Governors have opened the path for BJP to form govts. through horse trading, making a mockery of their constitutional authority.

In many other official bodies ranging from the UGC to top officers in research and academic bodies including university appointees like vice chancellors, the Modi government has played fast and loose, freely appointing pro-RSS men, to push their ideological positions. These appointees have also played an active role in destroying democratic functioning in the institutions they head, as most flagrantly brought out by in the case of JNU and its BJP-supporting VC.

Grabbing Power in States

BJP has used bribery, threats, friendly Governors, horse-trading and a bag full of dirty tricks to seize power in several states despite the people’s mandate going against it, throwing all democratic and Constitutional norms out of the window. Some examples:

- In the 2014 Assembly elections in **Arunachal Pradesh**, BJP won 11 seats, Congress 42, People’s Party of Arunachal 5 and Independents 2. Over the course of two tumultuous years, the numbers changed to: BJP 48; Congress 1; PPA 9; Independents 2! Wholesale defections, a spell of President’s rule, death of an ex-CM, Supreme Court’s intervention, recall of a reluctant governor and four chief ministers later, the BJP finally grabbed power!

- In **Jharkhand**'s Assembly elections in 2014, BJP won 35 seats and its ally AJSU 5 seats in the 81-member Assembly. They were just short of the majority. So, again they won over some independent members and lured 6 out of 8 MLAs of the Jharkhand Vikas Morcha to gain a majority.
- In the 2015 **Bihar** Assembly elections for 243 seats, the BJP got just 53 seats and 2 went to its allies. It was a sound drubbing, delivered by the RJD-JD(U)-Congress alliance which got a whopping mandate of 178 seats contesting as a pre-poll alliance. Yet, BJP broke up the alliance, lured away JD(U) and its chief minister Nitish Kumar, and in July 2017, formed a coalition govt.
- For the **Goa** Assembly, elections in 2017 gave BJP just 13 of the 40 total seats. They cobbled up a coalition after results were announced with small local parties and formed a govt. even as the single largest party, the Congress sits in the opposition with 17 seats.
- In **Manipur**, BJP won 21 seats out of 60 in the 2017 Assembly elections while the Congress got 28. But the BJP won over two local parties NPP and NPF and lone MLA from its ally LJP to claim the govt. The Governor Najma Heptullah, a former BJP MP, helped along by inviting BJP led alliance first to form the govt.
- In **Meghalaya**, BJP won just two seats in the 2018 elections for the 60-member Assembly. But it struck a post poll alliance with NPP to become part of the govt. Again, a helpful Governor, Ganga Prasad, a former BJP MLC from Bihar helped.
- And, finally in **Karnataka** Assembly elections in 2018, despite having only 104 MLAs in a 224-member Assembly (elections to 2 seats were not held), the former Gujarat MLA Vajubhai Vala in his new role as Governor of the state invited BJP leader BS Yeddyurappa to form the govt. ignoring the larger Congress-JD(S) alliance. Had the Supreme Court not intervened and called for a floor test the next day, BJP would have happily grabbed power. Yeddyurappa resigned rather than face defeat and a new Congress-JD(S) govt. was installed after a 55-hour long BJP rule.

Damaging Federal Structure and Democracy

One of the key components of the Constitution is a federal structure with more or less clearly demarcated responsibilities between the Central and state govts. The Modi Government has broken all previous records in its

bulldozing of the powers of the States including financial issues. The scrapping of the Planning Commission which had an obligation to consult States in division of resources has been scrapped and replaced by a wholly centralised niti Ayog which is nothing but an extension of the Finance Ministry and anyone who dares differ is booted out.

GST- Disempowering States: Under the new Goods and Services Tax (GST) states have absolutely no power in deciding what tax rates to impose on what commodities, a right that was given to them under the Constitution of India. This snatches away the freedom of the states to pursue alternative strategies.

GST has been brought in at the demand of the big corporate sector of the country. It has resulted in the squeezing out of the smaller industrialists and ruin of the small trader. Currently some compensation is being paid by the Centre to state govts. for the tax revenue loss they suffer but the major problems remain.

Freezing Welfare Funds: Time and again during Modi's rule, state govts. have had to beg and demand that Central funds for this or that scheme be released. The most flagrant of these has been the rural job guarantee scheme (MGNREGS) for which Central funds are always short thus subverting a demand driven employment guarantee law and denying crores of the rural poor of their legal rights.

Modi govt. also cut funds in several central schemes ranging from education programs, scholarships for SC/ST, child and mother nutrition programmes, minority development schemes etc. This not only jeopardised the welfare programmes and deprived people of much needed benefits but also put state govts. under tremendous strain because they had to continue spending from their depleted resources.

The policy of cutting welfare funds – an integral part of the neoliberal dogma to which Modi and BJP subscribe – has damaged the states' fiscal situation and rendered them weaker and more dependent on Central largesse.

In addition the Modi Government has levied central cesses for a host of Central programmes such as Swacch Bharat, but the States are deprived of any share of the revenue generated through cess. This is another way of depriving States of their rightful share.

15th Finance Commission: The Modi govt. has planned to further restrict States' fiscal freedom through the onerous and arbitrary terms of reference of the 15th Finance Commission. The terms of reference not only include the usual neoliberal principles of implementing Fiscal Responsibility and Budget Management Acts (FRBMA), adhering to zero revenue deficits and keeping fiscal deficit to 3% of GSDP, but also included are such blatant violations of democratic and federal principles like stopping grants for covering revenue deficit, curtailing "populist measures", using 2011 Census for determining tax shares (rather than 1971), and forcing states to follow Modi's own policies like "New India 2022". All this means that the whip of financial cutbacks is being used to restrict States' own policies, a violation of the Constitutional safeguards and federal structure.

Save Constitution and Democracy by Ousting Modi

The ruling BJP draws ideological sustenance from the RSS, which openly strives for a Hindu Rashtra to be established on the ruins of the present Constitutional democracy. Today, most of the top govt. positions, starting from the Prime Minister himself, are held by RSS members. This, combined with the lust for power at any cost, drives the BJP. And, in this drive they will not hesitate to destroy India's precious Constitution, parliamentary democracy and the federal structure.

The dream of India, free from inequality and oppression, where all people live in amity and harmony, is under a dire threat from BJP-RSS. To save India, the Modi govt. needs to be defeated and removed from power. But for this we also require a strong presence of the left and in particular the CPI(M) in Parliament. The Left has waged an uncomprising resistance to the toxic ideologies and policies of the BJP-RSS-combine.

That is why the CPI(M) Appeals to you

Save india, defeat the BJP!

Strengthen the left, Vote CPI(M)!

Ensure a Secular Government at the centre!

In Defence of Constitution & Democratic Rights

- Amend the Constitution to make parliamentary approval mandatory for any international treaty.
- Repeal the colonial era Sedition Law, Sec. 124A of IPC.
- Repeal the Armed Forces Special Powers Act and replace it with a suitable law which provides a legal framework for the operation of the armed forces without the draconian provisions.
- Repeal/amend the National Security Act.
- Repeal Section 499 of IPC relating to defamation.
- Ratify the **Convention** against **Torture** and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Amend the Indian Penal Code and other statutes to remove the death penalty from the statutes.
- Enact the Citizens Charter and Grievance Redressal Act to provide a legal framework for ensuring time bound delivery of services and grievance redressal.
- Enact legislation to ensure mandatory social auditing and accountability to evaluate the impact and performance of public programmes must be extended to all areas of governance and empower every citizen to hold government accountable to its mandate.
- Scrapping of the use of Aadhaar and biometrics for all social welfare measures.

(from the CPI(M) Election Manifesto,
17th Lok Sabha 2019)

Vote CPI(M)



Defeat the BJP alliance

**Increase the Strength of the
CPI(M) and the Left**

For an Alternative Secular Government

March, 2019

Price : Rs. 5/-

Published by Hari Singh Kang from AKG Bhawan, 27-29 Bhai Vir Singh Marg, New Delhi-110001 on behalf of the Communist Party of India (Marxist) and Printed at Progressive Printers, A-21, Jhilmil Industrial Area. G.T. Road Shahdara, Delhi-110095 (No. of Copies : 1500)