

OPPRESSION IN INDIA

D. N. PRITT, K.C.

THROUGH the last half-century or so of British rule in India, it was pretty well known—in spite of silence or whitewashing in the British Press—that that rule was maintained against the progressive elements of the community by formidable abuses of civil liberty. It was a commonplace that many thousands of India's best citizens were interned without charge or trial for years on end, that the police beat and tortured accused persons and indeed witnesses, and that civil liberties were severely restricted; in short, that British India was a police state of the sort that is reputed to keep Mr. Ernest Bevin awake at night.

What has happened since India gained her 'freedom'? Of this, we have but little news. The British Press prints little; the Indian Press—which at one time did much to expose British abuses in India—now says little, being encouraged to that course by a system of arbitrarily-forfeitable deposits of large sums by way of guarantee, by direct censorship, and by arbitrary suspension of publication.

While there is little news easily available—there probably was never at any period in history such widespread suppression of information as we experience today from the very organs whose function is in theory to distribute it—something filters through. One gets from what does come through a general picture of the sort that objectively ought to be expected, however much easy enthusiasm or optimism might lead one to rosier hopes. India has economic difficulties, practically nothing has occurred to lessen the grip of landlords and moneylenders on her myriad agriculturists; and her towns and industries are the scene of a struggle for power between the bourgeoisies of India, U.S.A., and Britain, who are not at all calmed or reassured by events in China, Burma, Malaya, or Viet-Nam. In the circumstances, one can only expect that her government will behave towards every attempt of down-trodden workers or peasants to better their lot in the way that terrified rulers have always behaved; they have after all plenty of examples of the advantages of applying the label 'Communist' to everyone rightly struggling to be free. We must thus expect to find as little real improvement as a result of the formal change from British to Indian rule as we would get in Britain if we merely establish a Republic.

It would be helpful to give a detailed picture of the whole scene

or even of the whole field of civil liberty; but this could scarcely be done in less than a book. What can usefully be done is to cite fairly briefly two important samples of the way in which people are being treated in India at present; the first is known as the Telengana struggle, and the second as the jail-firing case. Each shows intolerable oppression; but each also shows a praiseworthy 'fight-back' on the part of the victims—and of their lawyers!

Telengana, to those who have heard of it, means one or both of two things; first, a glorious struggle to give land to the peasants, and second, a series of prosecutions amounting to persecution. It is, of course, with the latter that we are mainly concerned; but the former is part of the background, and makes good reading. I will turn to that at once. Starting several years ago, the peasants of Telengana, a poor and oppressed area in Southern Hyderabad, succeeded in liberating by what amounted to civil war, some 2,500 villages, covering an area about the size of Denmark; they distributed about one million acres of land among the landless or almost landless peasants, requisitioned the immense hoards of foods held by the landlords and money-lenders and distributed them among the starving villagers, and established a government, a system of education and a peasant militia to defend their gains. The Nizam and his forces could for long do nothing to stop them, and in the autumn of 1949 Indian troops entered Hyderabad in force. Ostensibly they came to deal with the hostility of the Nizam and his State Cabinet, and in particular with the Fascist para-military forces known as Razakars, who were tyrannising over large parts of the State. They could have, and should have, recognised the magnificent *fait accompli* of Telengana, where the Razakars had of course already been driven out. But in fact the Indian Army marched into Telengana, smashed the whole new system, killed or arrested all the leaders of the democratic movement—calling them of course Communists, for Communists always get the credit for every wholehearted blow for freedom—and put into detention some 10,000 peasants.

This brings us to the second half of the Telengana story. After the operations of the Indian Army, some hundreds of Telengana peasants were charged with murder and all sorts of other crimes, tried in batches before various special courts and in many cases sentenced to death. Both their defence on trial and their subsequent appeals have been opposed with all sorts of technical and practical difficulties, but one or two devoted lawyers in Bombay and elsewhere who have been fighting their cases under great handicaps, have achieved a remarkable measure of success, although most of

the accused as yet are by no means out of the wood—or off the scaffold—and some of the cases are already on their way to the Supreme Court of India (the successor to the Federal Court). It would be impossible to describe all the abuses of these trials, but a few of them should be stated :

The cases were conducted in English, a language unknown to the accused, and no interpreters were provided. The few lawyers available anywhere near the place of trial were also in general ignorant of English. (And this, if you please, to deal with charges of offences punishable by death.) The sums provided for counsel to defend the destitute accused were Rs.75 in each case, no matter how long the case lasted; as most of the cases were heard in a remote place, far from the railway, it often costs Rs.75 for transport; on appeals, the copy depositions necessary to the argument of the appeal, cost Rs.3 *per page*, thus often exceeding Rs.75 for this item alone. The trial court took no full or proper note of the evidence, thus hampering the appeals; from this note were omitted statements favourable to the accused, which the accused happened to hear because the witnesses spoke in Telugu, the accused's language. In a number of cases the appeal court rested its judgment on the assertion that the accused were 'members of the Communist Party, a declared illegal organisation', although the party had not been declared illegal at the time of the alleged offences. In several cases the 'first information report' had been filed *six months* after the alleged offence. (In India, where false accusations have unfortunately become prevalent through the years, the first information report is regarded as so essential a check on the genuineness of a charge that if it is not filed within 24 or 48 hours the case is regarded as normally too suspicious to support a conviction.) So much for the epic of Telengana of which more will be heard, at any rate in Courts, for some time to come.

Turning now to the 'jail-firing' cases, these present something of a minor epidemic, the symptoms of which are firing by the police on *detenus* in jails, and killing numbers of them, under circumstances where in general no reason whatever was present for such conduct. The sample I will give is known as the Sabarmati case. In this case the facts can be taken from the judgment of a Special Court at Ahmedabad, before which the surviving victims of the shooting were charged—in accordance with a practice not confined to India—with unlawful assembly, riot, and doing grievous bodily harm to those seeking to assassinate them. All but one of the men involved in this case were 'security prisoners', *detenus*, i.e., persons of political

intelligence imprisoned without charge or trial, as Pandit Nehru used to be.

The trouble originated in the prisoners being informed that a number of them were to be transferred to a jail a considerable distance away, where they would be cut off from their friends and relatives; they objected to this, especially as they suspected that it was a first step to detaining them in concentration camps instead of prisons. (Although it may be difficult for anyone who has seen an Indian prison to understand that concentration camps are in general worse than prisons, this is in fact the case.) The prisoners concerned accordingly decided to offer passive resistance to their removal, and to that end to remain together in one particular yard of the prison on the evening when they expected such transfers to begin. The jailers and police, of course, had a wholly different story, a fantastic yarn of the type only too often accepted by criminal courts, to the effect that the prisoners were armed with sticks, barricaded themselves in, wore masks, and threatened the poor jailers with violence, and attacked them for *three and a half hours* with showers of stones and brickbats (of which no doubt a supply would be conveniently furnished in the prison). The prisoners offered such resistance, the story went, that police reinforcements were called for, and duly arrived; that when the police entered the yard where the prisoners were, they were received with a volley of stones, brickbats and pieces of wood, and some of them were seriously injured, and indeed, they and the jailers were forced to retreat! Finally, 'to save the situation', and to protect themselves from being killed or seriously injured, they had to fire on the prisoners. Two prisoners were killed and a number seriously injured. The account given by the prisoners, however, was that they had indeed assembled in the yard to offer passive resistance, but that the rest of the prosecution's story was a pack of lies, and that in truth they were the victims of a sudden and unprovoked attack by a large body of police armed with rifles and jail sepoy's armed with lathis and batons, who beat up systematically those of the prisoners who had not been shot.

The triumph of the prisoners in the prosecution was complete. The Special Judge before whom they were tried fairly and properly found that they constituted an unlawful assembly, since they had gathered together for the common purpose of resisting removal, but he completely demolished the prosecution's story by finding that none of the prisoners had been guilty of riot, or had used any force or violence except in the legitimate defence of their own limbs and life, or had injured any policeman or jailer! He could and did only

do this by in effect convicting the prosecution witnesses of wholesale perjury; and he expressly found that much of their evidence was 'concocted and false'. This called for a good deal of moral courage on the part of the Special Judge, and is a very heartening incident which has certainly postponed the establishment of concentration camps and may even go so far as to discourage the indiscriminate shooting of prisoners (even when they are admittedly Communists!). But it is not the only bright feature of the case, for the conduct of the defence itself was something which, in the tense and difficult conditions of today, reflects credit on the legal profession, or at any rate on the members of that profession who conducted the case, in a degree which we only rarely see. This is what the defending counsel said in his final speech, appearing for Communists accused of violent action against the police:

'I cannot circumscribe myself only to the codified laws of the country nor to the volumes of journals on criminal law. I will rely on numerous scriptures whose authors are none others than the rulers of India today. Since the days I was a student, Pandit Jawaharlal has dinned it into my ears . . .

A State which has to rule by ordinances and emergency legislatures has no right to exist even for a moment; a State which does not represent the will of the people must be thrown out.

'The question, therefore, before us is: Does the Government today rule by ordinance and emergency legislations or not? Does the Government today really represent the will of the people? Even a child knows today how our rulers are ruling over us. The most hated Public Security Measures Act—popularly known as the Public Insecurity Measures Act—reduces us to slavery and servility. We are at the mercy of petty executive officers; ruled by the police no better than in a Fascist State. These gentlemen in the docks have declared, and rightfully so, a war against such a State. They may succeed sooner rather than later. Till the time they succeed, they might be painted by the vested interests as saboteurs, fifth columnists, traitors, mutineers, etc. Were not the rulers of today dubbed the same by the rulers of those days? The day these gentlemen succeed, they will be honoured as the real fighters for freedom and social justice. It is only the brave who fight the war of Independence. It may be the war of American Independence; it may be the Great Russian Revolution. . . The accused say that they are detained under a tyrannical law. And they agree with Jefferson who said: "Resistance to tyranny is obedience to God". Our God is our people. Therefore we shall repeat: "Resistance to tyranny is obedience to the will of the people".

‘Now I will tell you, My Lord, why is this such an important issue? Our fight is not against a transfer from one town to the other. It is not so small an issue. Our fight is a fight against any attempt at opening Concentration Camps. What are these Concentration Camps? They were the products of the perverted brains of Fascist brutes. In these camps, hundreds of thousands of men were tortured and burnt to death. They remind us of the days when man knew no civilisation. We shall fight to the last drop of blood in our bodies against this attempt of revival of barbarism. When one hears of the atrocities in the Concentration Camps, like the Scuzuchim Camp, etc., one’s blood boils. One feels that he must fight such an attempt. This fight is a fight for freedom, social justice, and lasting peace. . .

‘Where there is a cold-blooded conspiracy to trample on our rights, to commit murders, we would be justified in even aggressive resistance. What else was this but a conspiracy on the part of those who are playing the pious rôle of accusing us today? Let me analyse the act of the police and the Government. Let me tell you what happened on the night of the 13th and what were the factors guiding these operations. I do not want to shock you when I say that the incident of the 13th night which was enacted in a prison in one of the towns of this country was a part and parcel of the international conspiracy of the forces of reaction to suppress all that is progressive, to suppress the Communists who are fighting for progress, social justice and lasting peace. Our rulers are mere puny players in that world-wide game led by the Anglo-American bloc. . .

‘Let us now see who are our accusers and what are their stakes. In the forefront, my accuser is the Government. And the Government has a very high political stake in this case. Its entire prestige, its very existence almost rests on the results of this case. The police officers are my accusers. Look at the high personal stake involved in this case. They know if they fail in proving their innocence, anyhow they will be kicked out of their jobs. The jail officers are another set of my accusers. Theirs is also a high personal stake. We say, these are the conspirators and murderers. And yet they are my accusers today. They are the witnesses against me. (All the material witnesses are interested witnesses.) They are the investigators of the crime. They are the manufacturers of all documents and evidence against me. They are the fabricators of lies.

‘Look at these brave accused—Jayanti, the youngest member of the Dandi March, the chosen of Mahatma Gandhi, a brave son of the country. Every one of them has a history of glorious fights and sacrifices. They are among the accused men who could roll in luxur-

ies, who could earn moneys in a day which Your Honour or I could not be able to see even in our lifetime. They are men with the highest ideals and the finest sentiments. Only Communists are capable of these. What are they doing all these things for? For their personal pleasures? Or, for power? There are some who would have occupied the highest places of power. They have spurned all this. They are fighting a noble cause. On their side is the cause of truth, social justice and lasting peace. On the other is the cause of stark reaction and guilty conscience.

‘ This is what Jawaharlal himself said a few years back :

But of one thing I am quite sure, that no new order can be built up in India so long as the spirit of the I.C.S. pervades our administration and our public services. That spirit of authoritarianism is the ally of imperialism, and it cannot co-exist with freedom. It will either succeed in crushing freedom or will be swept away itself. Only with one type of State is it likely to fit in, and that is the fascist type. Therefore it seems to me quite essential that the I.C.S. and similar services must disappear completely, as such, before we can start real work on a new order. (Autobiography by Jawaharlal Nehru, p. 445.)

(Are these gentlemen not justified in saying that they lived under a fascist Raj?)

In every democratic country today there is an argument going on as to whether radical economic changes can be brought about in the ordinary course through the constitutional machinery at their disposal. Many people are of opinion that this cannot be done, and some unusual and revolutionary method will have to be adopted. For our purpose in India the issue of this argument is immaterial, for we have no constitutional means of bringing about the changes we desire. Their progress in many directions will be stopped completely. There is no way out except by revolution or illegal action. What then is one to do? Give up all idea of change and resign oneself to fate?

The position today in India is even more extraordinary. The Executive can and does prevent or restrict all manner of public activities. Any activity that is, in its opinion, dangerous for it is prohibited. Thus all effective public activity can be stopped, as it was stopped during the last three years. Submission to this means giving up all public work. That is an impossible position to take up.

No one can say that he will always and without fail act legally. Even in a democratic state occasions may arise when one's conscience compels one to act otherwise. In a despotically or arbitrarily governed country these occasions are bound to be more frequent; indeed, in such a state the law loses all moral justification. (Autobiography, p. 424.)

‘ The accused resisted reactionary and brute force like brave men. Their grief is not that a few persons received injuries. Their grief is

that they could not properly deal a blow to these brutal forces. They are proud of their comrades who died fighting. They are proud of the injuries that they have received. These injuries will be the mementoes of their brave deeds. These are the black deeds of the Government which make anyone's blood boil. The Government is labouring under an illusion that it can put down Communism by these methods. Only the other day, after this incident, no less a person than the erstwhile President of the I.N. Congress, Acharya Kripalani, said this :

Communism can be put down by jailing and shooting as little as our movement was put down by such methods. Let us practise in prosperity what we learnt in adversity. (Bharat Jyoti, 23.10.1949.)

'My Lord, this trial will go down in the history not only of this Province but of the whole country. I am proud of these brave young men whom I am defending. It is my privilege to defend them. It is Your Honour's privilege to try them. The trial will go down in the history of the people's struggle for freedom. It is Your Honour's opportunity to choose. Let the verdict be written in letters of gold'.

If this courageous lawyer had had the advantage of living in a 'free democracy' like the U.S.A., he would have been in jail himself, for contempt of court, before he had even finished his speech!
