

STATE REPRESSION THAT BREACHES PUBLIC PEACE

Relevant for: Developmental Issues | Topic: Government policies & interventions for development in various Sectors and issues arising out of their design & implementation incl. Housing

The Government of Telangana, on March 30, 2021, issued a notification (G.O. Ms.73) banning 16 organisations under the Telangana Public Security Act, 1992 (TPSA), declaring them as 'unlawful associations' and 'new front organisations of the proscribed Communist Party of India (Maoist)', which was made public three weeks later on April 24, 2021. The belated public announcement was made at a time when citizens organisations and collectives in the State and country were trapped in the coils of the pandemic and largely left by an abdicating state to fend for themselves in life and death.

The ban comes during a surging second wave of COVID-19, in which Telangana has fared poorly. On April 19, the High Court of Telangana described the State government's affidavit in response to PILs urging for greater transparency in control, containment and care [as 'wishy washy' and 'disappointing'](#) and wondered whether the State was competing for the first place in the COVID-19 surge — and we might add, the failure in governance reflected therein.

Logically therefore, the attention of the government should be directed at managing the public health crisis and the distress caused to the people at large, demonstrating due diligence in fulfilling its constitutional obligations under Part IV of the Constitution. This is one part of the tragic story unfolding before us.

The second part is of older vintage (Article 21 rights) and stretches seamlessly over three decades from pre-COVID-19 to COVID-19 times — today ironically from the Bharatiya Janata Party-ruled Centre to the Telangana Rashtra Samithi-ruled State: the banning of the 'unlawful organisations' — Telangana Praja Front (TPF), the Telangana Asanghatitha Karmika Samakhya (TAKS), Telangana Vidyarthi Vedika (TVV), Democratic Students Organisation (DSU), Telangana Vidyarthi Sangham (TVS), Adivasi Students Union (ASU), Committee for the Release of Political Prisoners (CRPP), Telangana Raithanga Samithi (TRS; not to be confused with the ruling party), Tudum Debba (TD), Praja Kala Mandali (PKM), Telangana Democratic Front (TDF), Forum Against Hindu Fascism Offensive (FAHFO), Civil Liberties Committee (CLC), Amarula Bandhu Mitrula Sangham (ABMS), Chaitanya Mahila Sangham (CMS), and Revolutionary Writers Association. From workers' collectives, to women's groups, students' groups, Adivasi collectives and civil liberties groups — this list trawls in anyone who is likely to resist or protest on any count by merely dubbing organisations as a 'front' or 'new front', or as 'urban guerillas'. We cannot forget that less than seven years ago, the Telangana Rashtra Samithi rode to power on the strength of these movements.

The reason for the proposed ban is the fact that these activists are 'moving in urban area by adopting various guerilla tactics... to wage war against the state'. Interestingly, the rationale is strengthened by the fact that they have 'joined hands with several organisations and [are] alluring the members into their folds [sic] inciting inflammatory statements, meetings and rallies highlighting various issues against the State and Central Governments'. The G.O. goes on to state that these organisations are organising protests in the 'barren lands' of Chhattisgarh besides demanding the release of G.N. Saibaba, Varavara Rao, Rona Wilson and other leaders of various front organisations who were arrested in the Bhima Koregaon case, and 'repealing of UAPA Act, Farm Laws, CAA/NRC etc'. Even the reasons for the ban are a medley that stretches from 'waging war' to protesting against the Citizenship (Amendment) Act, or the CAA. This omnibus labelling of organisations and so-called crimes in themselves are ground for challenging the ban.

The Bhima Koregaon case is ongoing. Even the investigation is as yet indeterminate. Construing support for the Bhima Koregaon accused as a crime under the TPSA is a criminal mis-reading and deliberate mis-application of an already draconian law.

The Unlawful Activities (Prevention) Act, or UAPA, is widely challenged by everyone with a rudimentary understanding of the Constitution as being against every constitutional guarantee. As Indian citizens, it is our right to seek its repeal on clearly reasoned grounds which must be heard by courts. Pending repeal, it is our constitutional right to challenge its application in every case in which we believe its application is a travesty of the Constitution. Protesting against the UAPA or seeking its repeal cannot in itself be construed as an unlawful activity, as this notification by the Telangana government seems to suggest. Can we forget the numbers of protesters against the CAA or diligent journalists indefinitely held in custody on manifestly unjust grounds under the UAPA?

This brings us to protests against the CAA and Farm Laws which the G.O. 73 expressly mentions. There has been widespread protest against the farm laws in the State as well as against the CAA. While Telangana Chief Minister, K. Chandrashekar Rao, refused to take a definite stand on the Farm Laws in the legislative debates on this issue, his stand on the CAA is clear and unequivocal. The Telangana Assembly passed a resolution (<https://bit.ly/3gO7TYr>) against the CAA, the National Register of Citizens (NRC) and the National Population Register on March 15, 2020, stating that the CAA violated the constitutional guarantees of equality, non-discrimination and secularism, and will 'endanger the lives of vulnerable groups who do not possess adequate documentary proof of citizenship' — and went on to state that, 'there are serious questions as to the legality and constitutionality of the CAA, NPR and NRC'. There is no indication that the State Legislature has reversed its stand on this question. On what grounds then, has the Chief Secretary of the State issued a notification that directly contravenes the resolution of the State legislature? Have we forgotten that Telangana is not a State where the BJP is in power?

The timing of this notification merits close scrutiny. In paragraph 2, G.O. 73 states that these 16 organisations 'have as their objective interference with the public administration or the maintenance of supplies and services essential to the life of the community... thereby constituting the danger to public peace...' At a time when the government is facing the heat for mismanaging public health and safety, and therefore endangering public security, the response is to blow out a smokescreen invoking draconian legislation to declare the demand for governmental accountability as an unlawful activity that is evidence of participation in an unlawful association. This amounts to the criminalisation of citizenship, no less. It is state repression that breaches public peace. Not the demand by citizens for state accountability.

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To reassure Indian Muslims, the PM needs to state that the govt. will not conduct an exercise like NRC

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