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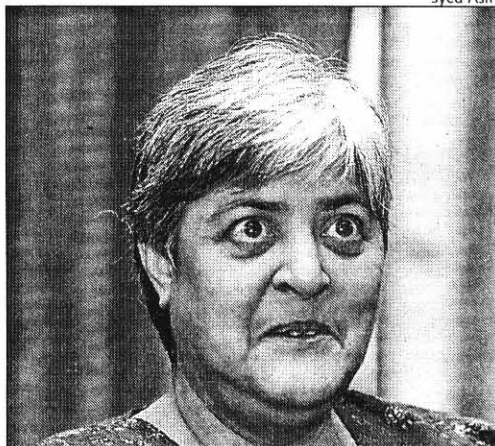
Syed Asif

By M RAMESH

Nandita Haksar, the Supreme Court lawyer, is famous for her successful defence of Syed Abdul Rahman Geelani, a college teacher in Delhi who was sentenced to death in the Parliament attack case by a POTA court, a judgement that was later quashed by the Delhi High Court. Geelani was shot at, at Nandita's house, allegedly by a police sniper. Three bullets hit him, but he recovered. Nandita is also a human rights activist and a founding member of the PUDR (People's Union for Democratic Rights) and is involved in defending the Nagas in their struggle for democratic rights. Excerpts from an interview with her:

In the real sense is there less democratic space now than during the emergency?

At the time of the emergency we thought things could not get worse. But I believe that there is less democratic space now. At the time about 20,000 people were in jail and a large number of those people were middle class people, from Snehlata Reddy, to Srilatha Swaminathan, Premila Lewis to Kuldip Nayar. Today there are many more people in jail and there are many more jails that have been built but these people are mostly poor people. The middle class people in jail are mostly from the Muslim community so we in the majority community do



Nandita Haksar

not react. Therefore, we see the oppression is much more but it becomes invisible to us. Related to this problem is the media. Although we had severe censorship during the emergency and we did not have so many TV channels or magazines as today, we have a false sense of choice of so many new magazines, TV channels but in fact we do not get news of what is actually happening in our country or to our people. We get a sanitised version of reality. There

space in India is

is greater control over the media by private companies and a self censorship is practised.

Human rights and women's movement emerged after the emergency. Don't you think that has increased the democratic space?

The human rights movement and the feminist movement in the post-emergency period certainly enlarged the democratic space. The human rights movement focused on the question of State violence and lawlessness. People started realising how the police and the executive were all violating the rule of law and the fundamental rights guaranteed to all citizens were meaningless for the majority of our people. Similarly, the women's rights movement exposed the repression of women within the private space, within the family and religion. The media started even appointing correspondents to cover only human rights stories and women's movement and its demands also got coverage. But by the 1990s the gain of these movements were undermined by two things. First, the media and the state produced serials showing how torture and state lawlessness were justified. Second, the massive influx of foreign funds through the NGOs depoliticised the democratic space.

Your comments on the accords with the northeast insurgencies?

As for the so called peace accords in the North-east, let's take the example of the Shillong Accord between the Nagas and the Government. It was not

a real accord arrived at through political negotiation but an agreement imposed from the top through coercion and therefore it did not result in peace. It resulted in the birth of a much more organised and better armed Naga nationalist organisation called the National Socialist Council of Nagaland (NSCN). Similarly, the Kashmir Accord between Sheikh Abdullah and Indira Gandhi did not result in peace. Fourteen years later the Kashmiri people rose up in revolt against domination by Delhi.

What is your view on the controversy over the banning of Naxalites, especially in Karnataka?

The Naxalites have been fighting for the rights of the poorest of India's citizens - whether it is the forest dwellers or the landless labourers. They have instilled dignity into the most oppressed and exploited citizens of our country, those people who do not even enter into the conscience of the middle classes. They have been fighting for the enforcement of basic rights such as the right to minimum wages, fair prices for forest produce, land to the tiller and right to dignity. They are in fact fighting for the enforcement of the fundamental rights and directives principles enshrined in our Constitution. The question we should be asking is why do they have to engage in such militant struggle to enforce constitutional rights of citizens? And why is the state interested in banning them? Secondly, there is a very dangerous

closing'

trend of equating all activities which talk about justice and oppression with "Naxalism" and threatening them with a ban. This is only a manifestation of how the state is becoming more and more authoritarian and the democratic space is closing for all democratic activities. If we see the history of militant movements we will see that they take to militancy only after they do not find any democratic space available for taking up their grievances. Political problems cannot be solved through repression. People's aspirations cannot be crushed by state violence. That is the lesson we can learn from history from the time of the national emergency in 1975 till today. We must learn from our own history.

What was the police involvement in the Geelani case?

We believe that Syed Abdul Rahman Geelani was framed by the police. He was tortured, illegally detained, his family including two small children were arrested illegally. We also believe that they were involved in the attempt to murder him outside my house. We are very disturbed by the fact that despite the fact that both the Delhi High Court and Supreme Court have found that the police did not follow procedures there are no strictures passed against the police. They seemed to have acquired an impunity. This is very dangerous for the future of Indian democracy and another example how democratic space is closing.