

13-9-1980

Mr. Gobinda Mukhoty  
Chairman, PUCL (Delhi)  
213, Jor Bagh  
New Delhi 110 003

Dear Mr. Mukhoty:

I submit herewith my report on the spate<sup>s</sup> of arrests of literary writers, cultural activists, labourers and ordinary people, many of whom were tortured, during May 21 to July 31. I was in Kerala from August 24 to September 7 and met a cross-section of people belonging to various political parties and from different walks of life in the three districts of Trichur, Ernakulam and Kottayam, besides the victims. Despite your writing to Mr. T. K. Ramakrishnan, Kerala's Home Minister, requesting him to spare some time for me, I failed to hear from him until I left Kerala on Sept. 7. I, however, managed to get the government version from Mr. U.P.R. Menon, the Trichur District Superintendent of Police, who, surprisingly and unconvincingly, pleaded not to quote him. I, therefore, request you to bring this report to the attention of the Chief Minister of Kerala, Mr. E.K. Nayanar, and to meet him to make a personal appraisal when he comes to Delhi next.

Yours sincerely,

Sd/-

Mukundan C. Menon

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PEOPLE'S UNION FOR CIVIL LIBERTIES AND DEMOCRATIC RIGHTS (DELHI)

REPORT ON ARRESTS OF LITERARY WRITERS IN KERALA STATE

What should be the approach of a government in our democratic set up -- whether at the Centre or at different States irrespective of its political and ideological stand -- towards those citizens who maintain a different ideology which, from the angle of these ruling parties, are "unconventional" or "inappropriate"? Can such citizens freely propagate their beliefs among the public through peaceful means and in accordance with the guaranteed rights of "freedom of speech and expression" as enshrined in the Indian Constitution as well as in the U.N. Charter? How far are these ruling parties in India -- divergent at the Centre and in a couple of states -- tolerant of such views and ideas? These fundamental questions are once again raised by us in view of the recent happenings in Kerala.

In the morning of July 15, 1980, four persons were arrested in different parts of Trichur District. They are: 1) Mr. K. Sachidanandan, a well known young writer in Malayalam who drew wide attention particularly during the early 70's due to his exceptionally modern and progressive writings; 2) Mr. K.S. Sadasivan, Editor of Prerana, a literary monthly in Malayalam; 3) Mr. Meghanadan, an advocate; and 4) Mr. Karthikeyan, a degree-class student.

Their arrests created a chain reaction of protests throughout Kerala, and inspired a number of write-ups in journals and newspapers. On the same evening of July 15, a demonstration was held at Trichur town protesting against the arrests, and 32 of the demonstrators were held by the police. The next day, July 16, another 13 people were held at North Paravur, Kottayam District, for organising similar protest demonstration. On July 30, five-persons including a well-known young poet, Mr. Civic Chandran, were arrested at Palai, near

Kottayam. On July 31, two persons at Kottayam and three others at Ettumanoor -- about ten kms. from Kottayam -- were also held by the police.

A joint statement was released to the Press signed by 57 well-known writers, artists and film-directors in protest of the arrests. The signatories include: Messrs Velloppilly Sreedhara Menon, Attoor Ravi Verma, O.N.V. Kurupu, K.G. Sankara Pillai, Ayyappa Panicker, Vishnu Narayanan Namboodiri, Kadammanitta Ramakrishnan (All Poets); Messrs Kakkanadan, G.N. Pillay, P.K. Nanu, A.C.K. Raja, Thikkodiyam, Johnson Irur, B.Rajeevan, K.Ravi Verma, C.Radhakrishnan, Kovilan, Sackariya, Surasu, U.P.Jayaraj, A.Ayyappan (Novelists, Short Story Writers, and Journalists); Messrs Aravindan, Pavithran, Prathap Singh, Nellikot Bhaskaran, Pattathuvila Karunakaran, Ravindran, John Abraham (Film Directors and Artists); Messrs P.K.Sasi, K.Rajan, P.K.Ashok Kumar (Editors of various journals); Mr. M.G.S. Narayanan, Vice-President of All India Historical Conference; etc. (See Appendix I).

A long statement was separately issued by four popular litterateurs in Malayalam -- Dr. Ayyappa Panicker, Kavalam Narayana Panicker, K.S. Narayana Pillai and Kadammanitta Ramakrishnan (See Appendix II). Apart from these there was widespread reaction from the general public in the letters to the editors columns of various newspapers.

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I met a cross-section of people in Kerala to get a first-hand knowledge about what had happened, why these actions were taken by the Kerala government, and the rationality behind it. My informants included Mr. C. Achutha Menon, former Chief Minister of Kerala, belonging to CPI, which is a partner of the present ruling United Front in Kerala; Mr. V. M. Sudheeran, former M.P. and a sitting MLA in Kerala Assembly; also the General Secretary of Congress-U in Kerala, which is yet another constituent in the U.F. Government; Mr. K. K. Mamukkutty, Trichur District Secretary of the CPI(M), which leads the U.F. Government; leading literary figures like Mr. K.G. Sankara Pillay and Mr. Attoor Ravi Verma, both teaching at Government College, Trichur; Mr. C. Radhakrishnan, a noted novelist and editor of Veekshanam daily from Cochin; Mr. Puzhankara Balanarayanan, advocate of both Kerala High Court and Trichur District Courts, and Secretary of the J.P. Foundation; and Mr. E. Rajan, student leader of the AISF affiliated to the CPI. Apart from them, a large number of my informants -- including journalists, teachers, various political party activists, government employees, trade union functionaries, etc. -- helped me with sufficient information, but preferred not to be identified in this report. I must do justice to all of them. Mr. U.P.R. Menon, the Trichur District Superintendent of Police, is the only government spokesman I could meet. He is the head of police in the district where the major incidents of this report took place. I am not convinced by his repeated plea for not to be identified. Before my departure from Delhi to Kerala, Mr. Gobinda Mukhoty, Chairman of PUCL (Delhi), wrote to Kerala Home Minister, Mr. T.K. Ramakrishnan

of CPI(M), to grant some time for me (the letter is Appended herewith as III). However, I failed to hear from him all along my stay from August 24 to September 7, in spite of my best efforts to meet him.

As a result, I have no option but to quote Mr. U.P.R. Menon, the Trichur DSP, in full confidence that whatever he told me is true -- from the official angle -- in spite of his anxiety not to be quoted.

Among those arrested, I met Mr. Sachidanandan twice at Trichur and Irinjalakuda and Mr. K.S. Sadasivan once. I also met one each of those who undertook protest demonstrations and were arrested in two districts -- Mr. Chittaranjan, Convenor of People's Cultural Forum, Trichur, and Mr. Civic Chandran, the poet and leading member of the Forum who was arrested at Kottayam. All those named and unnamed informants are from the three districts of Trichur, Ernakulam and Kottayam of Kerala State.

#### THE ARRESTS

According to Mr. Sachidanandan, who is also working at the English Department of Christ College, Irinjalakuda, he was arrested from his house at Irinjalakuda, about 14 kms. from Trichur, on July 15 early morning. He said: "The whole operation reminded me of the days of the Emergency. The armed policemen, in two vehicles, surrounded my house." The Sub-Inspector of police, who asked Mr. Sachidanandan to accompany them to the police station, was requested to show the warrant, if any, and replied that it will be served at the police station. Before taking Mr. Sachidanandan to the police station, they searched his house where he is staying with his wife and their two kids. Reaching the police station, Mr. Sachidanandan saw Advocate Meghanandan and Mr. Karthikeyan sitting under police custody. Mr. K.S. Sadasivan, who was arrested at his residence at Anthicad, about ten km. from Trichur, was brought there later.

A guest of Mr. Karthikeyan, Mr. Ravindran, was also brought to the police station along with the former. Both Mr. Sachidanandan and Mr. Sadasivan told me that Mr. Karthikeyan and Mr. Ravindran were brutally tortured at the lock-up. Mr. Ravindran was taken into custody because he questioned the propriety of the policemen in beating Mr. Karthikeyan when they went to arrest him. According to Mr. Sachidanandan, both these students were kept separately in lock-ups, stripped of their clothes except the underwears, and subjected to third degree methods. Though Mr. Ravindran was not named in the charge-sheet he had to undergo the wrath of the police than Mr. Karthikeyan. Mr. Ravindran was thus kept under police custody for one day and later was arrested under Cr.P.C. 107, the notorious section widely used by Britishers to counter freedom fighters and by the Indian government during the Emergency period to counter political opponents, both under the guise of dealing with habitual offenders.

Mr. Sachidanandan was interrogated by a team of two officers, one from the State Crime Branch and the other from Intelligence Bureau. They asked him questions related to his personal whereabouts and involvement in the

in the People's Cultural Forum, an organisation of progressive writers, artists and litterateurs. All the four were produced before the Trichur R.D.O., who is also the District Judicial Magistrate, the same evening of July 15 and were charged under Cr.P.C. 107 (See the charge-sheet appended as IV). They were released on bail and the case is pending before the Trichur Sub-Divisional Magistrate, Mr. K.O. Antony.

The charge-sheet states that all the four accused have "propagated revolutionary ideas" and openly supported an incident at Nadavarambu, near Irinjalakuda, in which some alleged extremists have snatched a service rifle from a police party. This incident, according to the charge-sheet, had taken place on 21st May 1980. The next day, on May 22, the charge-sheet says, that Mr. Sachidanandan, the counter-petitioner No. 1, "organised public meeting at Vellangallur in which he spoke prejudicial matters, affecting the security of the state. He, in his speech congratulated the accused in Nadavaramba case in which two sub-inspectors, one Head Constable and six constables sustained grievous injuries due to the attack of extremists. He instructed and promoted a feeling among his followers to adopt the same method to attack police as done by the extremists at Nadavaramba on 21-5-1980. He also stressed the need for armed revolution against the so-called reactionaries who are law enforcing agencies and peaceful residents of the locality and to do away with them."

In support of this claim the charge-sheet mentioned four lines of a song in Malayalam, purportedly "shouted" by the accused when they undertook a procession after the meeting. The English translation of this is:

"Arise ye prisoners of starvation, Arise ye wretched of the earth  
Let each stand firm in the battlefield  
Oppose the authority from head to toe  
Beware you reactionaries! Beware you police dogs! Your days are  
numbered!"

Mr. Sachidanandan did agree that he had shouted the first three lines which are the first lines of the world famous "INTERNATIONALE" composed by the poet Eugene Potier. According to him, this is not banned anywhere in the world including India, and even sung at the meetings of both CPI and CPI(M). Mr. Sachidanandan, however, denied about the fourth line which is not part of the "Internationale" but was a mere concoction by the police to fit it into their charge-sheet.

This was corroborated by many eye-witnesses in and around Irinjalakuda who listened to the songs and speeches of the People's Cultural Forum. According to them, the speakers attempted to raise the social consciousness of the people and the need to check the unwarranted onslaught of the policemen on ordinary citizens, particularly the labouring people. Besides, none of the demonstrators carried lethal weapons or indulged in stone-throwing -- a usual occurrence in Kerala by all political wings in similar protest demonstrations. For example, when the Congress(I) workers conducted a state-wide picketing of transport buses on September 1, 1980, in protest of the



recent bus-fare hike, according to the State Transport Minister, Mr. Lonappan Nambadan, they damaged about 75 buses incurring a loss of Rs. 50,00,000 to the Kerala State Transport Corporation. Even then none of them was beaten or tortured by the police. May be, they have a "respectable" political ideology than that of the labourers of Nadavarambu or these cultural and literary writers and artists!

The inappropriate action of the police in arresting Mr. Sachidanandan and others can be seen from the following facts. The charge-sheet accused them of making provocative speeches and songs during the period of May 22 to May 28. It is, however, after a long gap of 48 days that they were arrested on July 15. There is no substantial evidence or reports either in the newspapers or in the charge-sheet to suggest that their speeches, songs or demonstrations had created a law and order problem during this period. Also, no untoward incident had taken place in these days. The compulsion of the government or the situation under which the arrest was warranted are totally unknown. Is it not a grim reminder of Mrs. Indira Gandhi who, in her Emergency broadcast of June 26, 1976, quoted Mr. Jayaprakash Narayan's speech of the previous day and termed it as "instigation to revolt" as well as a danger to law and order situation.

Some light to the government's compulsion is thrown by Mr. K.G. Sankara Pillai, a well-known poet who teaches at Govt. College, Trichur. According to him several members of both CPI and CPI(M) expressed their unhappiness at the Nadavarambu incident and at the arrest of Mr. Sachidanandan and others. Their respective political party leaders tried to pacify them by saying that "these actions have been undertaken to counter the increasing Congress(I) allegation that there is no law and order in the state". The Kerala Govt., therefore, wants to prove to the Congress(I)-led Centre that they are quite capable of undertaking any action to content worsening of "law and order situation". Thus, it seems that the Kerala Government is trying to locate scape-goats by undertaking provocative actions on citizens in order to save the present U.F. Government from the wrath of the Central Government and to give its bona-fides as a saviour of "law and order" in the eyes of the Centre.

Another clue was given by a well-known trade union leader and an ex-MLA of CPI(M) and who does not want to be identified. He said that he had reliable knowledge that the Kerala Home Minister had instructed the Kerala Inspector General of Police to submit a report to the Central Home Minister on the increased Naxalite menace in the state and to ask for special powers and funds for strengthening the police force. In particular, the Kerala Government is not keen to sustain the central police force like the CRP, but to multiply the strength of the local police force under their control like the Kerala Armed Police (K.A.P.) and the Malabar Special Police (M.S.P). Whether this is true or not, it was officially stated that the Kerala Govt. has decided to recruit 6,000 more policemen into its fold.

According to my informants belonging to the People's Cultural Forum, these arrests were being made in order to frustrate the Kerala State Conference of the Forum being held at Anthicad, near Trichur, during the last week of August. It should be noted that, apart from Mr. Sachidanandan and others, all those who were arrested for undertaking protest demonstrations in Trichur and Kottayam Districts were active workers of the Forum. The draft manifesto to be presented at the Anthicad Conference was seized by the police from those who were held at Kottayam and never returned it to them.

As mentioned in the police charge-sheet, Mr. Sachidanandan told me that the People's Cultural Forum did undertake protest demonstrations at Irinjalakuda and neighbouring places from 22nd May to 28th May. According to Mr. Sachidanandan, he could not keep silent when police terror was unleashed on innocent and barely living labourers living near to his place of residence. Did they raise provocative slogans as part of these protests? He negated, and asked how singing of the "Internationale" provokes the police functioning under a government claiming to be "left" and "progressive". Mr. Sachidanandan also denied the police version in the charge-sheet which falsely quoted them as having raised some slogans like "police dogs, beware, your days are numbered" and "we know to make bomb, we know to make rifles, we know to snatch rifles, we know to fire., police dogs, beware", etc.

When asked specifically about his political affiliation, if any, Mr. Sachidanandan categorically denied having affiliation with any party or political group. Two functionaries of different CPI(M-L) groups in Kerala, who do not want to be identified, also corroborated this. According to Mr. Sachidanandan, the traditional habits and approach of the communist parties in India in general, and their leaders in particular, who are intolerant to their followers' specific questions, compelled him to keep away from them. "However, I am not an anti-communist", he said.

#### THE NADAVARAMBU INCIDENT

What had exactly happened at Nadavarambu on May 21, which was described by newspapers as "extremist" or "Naxalite" terror and was prominently mentioned in the charge-sheet against Mr. Sachidanandan and others. After meeting a number of people at Trichur, Irinjalakuda and other places, I reached the definite conclusion that it was nothing but a labour dispute in which the local policemen over-zealously took a partial stand to protect an oil mill owner by adopting an iron hand towards the workers.

Nadavarambu, in Mukundapuram Taluk of Trichur District, is represented in the Lok Sabha by Mr. E. Balanandan (CPI-M) and in Kerala Assembly by Mr. V.K. Rajan (CPI). About 125 families are settled in the Harijan Colony at Nadavarambu, which is spread over 12 acres of land. Poverty and unemployment are rampant in this colony where only three persons have permanent jobs. The majority of the male members are manual labourers and daily wage earners, while the womenfolk are engaged in household jobs. The area is a traditional

The incident of May 21 developed over a dispute of loading and unloading of goods to Sreekrishna Oil Mills at Nadavarambu, owned by one Mr. Ayyappan Nair. The usual practice of engaging the oil mill workers for this job, without any extra payment, was opposed by the Independent Head-Loading Workers Union of Nadavarambu. Not affiliated with any political party, the office bearers of this union claimed their right of undertaking all loading and unloading work in the area, including that of Sreekrishna Oil Mills. They served three notices to this effect to Mr. Ayyappan Nair, owner of the mill, and without any response.

On May 15, one truck load of straw for the private use of the owner was unloaded by the union members. Mr. Ayyappan Nair made a complaint to the police, whereupon the head-loading workers were summoned to the police station. The union informed the police authorities that they had been traditionally undertaking unloading of goods arriving at other establishments in the area and, therefore, asked the policemen to see that this practice was maintained at the Sreekrishna Oil Mills too. According to the union activists, the local police inspector, instead of appreciating this demand, warned the labourers that he will unleash force on them if they attempted to unload the goods at Sreekrishna Oil Mills again.

On May 21, the day of the incident, when a truck with full of load approached the mill the labourers tried to block it and to unload it, according to their traditional custom. According to the union workers and local people, the policemen immediately pounced on the labourers and started beating them with rifle butts and lathies. The labourers resisted the unprovoked police action. In the ensuing confusion, one police officer started taking aim at the labourers with his loaded rifle and, to avoid bloodshed, someone in the melee deprived the officer of his rifle. It seems the missing rifle, although recovered by the police later, gave a viable base for the policemen to deal with the entire local people, en-masse, with brutality and vengeance.

#### POLICE ATROCITIES

The police atrocities in Nadavarambu was confirmed by many of my informants including Mr. C. Achutha Menon, the former Chief Minister of Kerala. Talking to me at his Trichur residence, Mr. Menon said that his partymen in Nadavarambu area reported to him of these police vandalism on local people. In detail, I could gather the following incidents from various sources.

By 4.00 p.m. on May 21, a large number of armed special police force reached Nadavarambu. Under the guise of searching for the missing rifle, they run amuck in Nadavarambu Harijan Colony and subjected the innocent occupants to merciless beatings. Many of the women and children, terrified by the police brutality, ran away from the colony.

The small tea-shop of one Mr. Krishnan was seized by the police. The reason: Members of the Head-Loading Union are his regular customers! After Mr. Krishnan ran away to escape the beating, the policemen threw tables, benches, glasses and other utensils from the tea shop to the street.

The Police went to the house of Poothukaran Chatahn (49), who has nothing to do with the union, and who was bed-ridden on that day due to illness. He was beaten up with leather-belts. Later they went to the adjoining house of one Ottur Meykad Ayyappan and broke the household utensils. To the terrified Mr. Ayyappan, his wife and children, one policeman, holding a sickle in his hand, warned: "We'll cut you with this sickle. If we fail to recover the rifle and arrest the culprits before this evening, this whole colony will be set on fire!"

The next target of the police was the house of one Mr. Ramankutty, whom they accused of having snatched the rifle. In his absence, they chased his wife, who ran away and kept away from the house for many days.

Miss Thilakamani (15) was alone at her house when the policemen arrived. Her mother, Mathirapilli Ammini, and elder sisters, were away at work. Seeing the police running towards her house, the girl closed the doors and ran outside. The policemen, however, broke open the back-door and walls of that small house to get inside.

At the residence of Mr. Ramankutty, the only occupant was his sister, Mrs. Narayani, who had had a recent delivery. Though the front door was wide open, the policemen preferred to forcibly break open the back door of the house. After entering the house, they pierced the entire window at the front and threw it outside. Boxes and other household goods were destroyed and they threatened to beat and kick Mrs. Narayani, who was lying down.

The policemen did not spare even those who were outside Nadavarambu at the time of the incident. For example, Mr. Subramaniam, son of Chathan, who is a head-load worker at Irinjalakuda, reached his house at Nadavarambu Harijan Colony only the same evening. When he learnt of the police brutalities, he realised that no young man can escape the police action, and he preferred to go to his in-law's house that night. On his way, however, some policemen stopped Mr. Subramanian, stripped him and beat him up mercilessly. He is nearly crippled now. One Mr. Paramu, engaged in cutting of stones, has been totally crippled since his back-bone was damaged by police torture.

With darkness drawing near, the police action took a new turn. Innocent people were taken into custody. Anil, an 8th Standard student at Nadavarambu School, was handcuffed along with his father, Mr. Thylan, and was thrown into the police van. Satheesan, a degree-class student of Christ College, Irinjalakuda, was taken to custody and kept illegally for about a week and tortured.

Police terror was extended the same night of May 21 to the neighbouring areas of Edakulam and Pulloor colony. Seven vehicles unloaded men of Kerala Armed Police at Pulloor Colony, who arrested eight people from the house of Mr. Kuttappan Master, a respected school teacher and a renowned social worker of the area. All of them were beaten then and there. Although none of them belong to Nadavarambu area, the policemen pounced on them with the question:



"Are you not from Nadavarambu"? Those who tried to prove their innocence were threatened: "We'll set everything to fire. We will strip your sisters and womenfolks in front of you....!"

All those who were taken into custody were further tortured throughout the same night at Irinjalakuda police station. The modus operandi of police torture included holding them by hair and forcibly striking their heads against the wall, beating their back with lathi, and kicking them between two rows of police as in a football game. It was also learnt from more than one source that all the police personnel at Irinjalakuda police station were heavily drunk on that night and that a large number of empty liquor bottles were removed from the police station the next morning.

The next day onwards, the police action was extended to the houses of relatives of Nadavarambu Harijan Colony in distant localities like Pulloot, Chappara Corner, etc. They were awoken from their sleep and questioned with threatenings and vulgar abuses for hours together. One Manikyan was dragged to the police van by his hair and thrown out later from the moving vehicle. Mr. Somu, younger brother of Mr. Ayyappan, another union member, was taken into custody. Ayyappan was arrested two days later, and after in police custody, was set free as totally crippled who cannot bent his body now. That was the case of other victims like Mr. Sundaran (14), Babu (17), Dasan (17), Thilakan (20), Mohanan (23), Dasan (19), Rajan (17), Bhasi (22), etc., all of whom were taken into custody from Pulloor Colony. Most of them today are under constant treatment, unable to do any work, and a majority of them complain of constant chest-pain and body-ache.

A total of 32 persons were charge-sheeted for the Nadavarambu incident. They were first produced before the Irinjalakuda Additional Magistrate, who, seeing their physical condition, voluntarily enquired whether they needed medical attention. The case was later committed to the Trichur Sessions Court, where it is pending now, and all the 32 accused are presently lodged at Viyyur Central Jail, about three kms. north of Trichur town.

A number of victims had complained that local activists belongint to the ruling parties had given their names to the police as a vengeance for their opposition to them during the recent elections. This was confirmed by a Trichur-based journalist, who preferred not to be identified, and who quoted a local CPI(M) leader having told him: "To a certain extent, the police acted according to our direction. It is also true that later on they beat the people mercilessly by-passing our direction. But it is not good to criticise or condemn the police action when the present United Front Government is in power. it will only help and favour the naxals...."

Thus it seems that the charge -- being "Naxal" -- has become a convenient tool for the ruling parties to suppress or to take action against anyone who is critical of the government or even tries to assert his rights. The protesting Harijans of Bihar are "Naxals"; the persecuted Muslims of Uttar Pradesh are "Naxals"; the landless of Tamilnadu and Andhra Pradesh are "Naxals"; and the tribals of West Bengal and Assam are "Naxals", according to government terminology. It seems, the number of Naxalites are increasing fast in Kerala, too. Take for example Miss Thanka, a resident of Nadavarambu Harijan Colony, who was an active member of CPI(M) for seven years and a leading organiser of the womens' federation. During the dark days of the Emergency, she took exemplary initiative to defy all the black laws and to work among the people. However, Miss Thanka was expelled from CPI(M) immediately after the Emergency in 1977 and brandised by the party as a "Naxalite". She was also charged for not paying the party levy, amounting to Rs. 9.25, during the months of her illness when she was unable to do manual labour.

The well-known poet Mr. Sachidanandan suffered a similar fate. He was acceptable to CPI(M), whose official journal published a number of his poems until recently. One of his poem on Emergency was published in Deshabhimani weekly, organ of CPI(M) in Malayalam, and is appended herewith in English (Appendix V).

Coming back to the recent chain of incidents at Nadavarambu on May 21, the arrest of Mr. Sachidanandan and three others on July 15, and the arrest of protest demonstrators at various places thereafter -- all these could have been easily avoided had the police and the administration, from local to the higher levels, acted with a sense of proportion and dignity. For example, it was the declared policy of the Kerala United Front Government, as expressed in their election manifesto and repeatedly asserted by the Home Minister and Chief Minister, that the police in Kerala would not involve in labour disputes. However, what had happened at Sreekrishna Oil Mills was in contravention of this policy. The police evidently not only interfered in the Nadavarambu labour dispute without pursuing the possibilities for an amicable settlement, but used all their muscle power to suppress the labourers and to extend support to the mill owner. It is worthwhile to note that the police did not care to look into the dispute impartially, when they called the union functionaries on May 15th to the police station without calling the employers of the mill. The right of the union for unloading goods to the Sreekrishna Oil Mills should have been recognized as legitimate, since that is the practice maintained by all other establishments in the locality. Instead, the police tried to impose the will of the Sreekrishna Oil Mill owner on the labourers, with threatenings, until the May 21st incident took place.

REACTIONS OF VARIOUS POLITICAL PARTIES & INDIVIDUALS:

When asked about the Kerala Government's policy on police involvement in labour dispute, Mr. V. M. Sudheeran, Congress-U MLA, said that the police should get involved in cases when such disputes turned violent. Mr. Sudheeran, however, agreed that the police should not support such management which denied the rights of workers.

How did the CPI(M) behave? The police torture and harassment at Nadavarambu were so rampant that they drew protests even from local CPI and CPI(M) leaders. In order to escape the wrath of the people, they went to the extent of organizing a public meeting at Pulloor Colony, which drew little participation by the local people. At the same time, the CPI(M) local leaders reportedly formed a so-called "people's protection front" at Nadavarambu which was immediately nick-named by the local people as "police protection front". Though Mr. K.K. Mamukutty, Trichur District Secretary of CPI(M), denied his party's involvement in the front, a leaflet brought out by the front warned the people that "the Naxalites are destroying peace in the area".

Who are the so-called Naxalites in Kerala? Mr. C. Radhakrishnan, well-known Malayalam novelist and presently editor of Veekshnam (daily newspaper of Congress-U in Malayalam), told me of the widespread dissatisfaction prevailing among the youths without class barriers. "In rich homes, the younger generation is discontent because they find ideals being thrown away by their own parents. In middle-class, they are personal non-grata. And in lower section of the society, like Harijans and tribals, they are still being exploited." According to Mr. Radhakrishnan there is ample scope for rebellion to change the present system, but these discontented young generation do not have a sense of purpose, orientation or leadership. He said: "In Kerala and West Bengal, we have been ruled by left governments and they have definitely failed to deliver goods to the needy and the wretched. Instead, these parties have become part and parcel of the establishment, who want only to maintain power. They failed even to root out corruption." Mr. Radhakrishnan, therefore, felt that "the way in which left forces came into power was against the real left forces itself". He continued: "The mass bases of the communist parties holding power have steadily been eroded. Therefore, the same parties are taking repressive actions against the discontented young generation in the name of Naxalites."

When asked specifically, Mr. Radhakrishnan said that he is not for violence. "But it is not for my liking or disliking", he added. Mr. Radhakrishnan, however, strongly feel that "it is to be dealt with the way it should be, and not by repressive action" of the State. He said: "Psychologically, the meakest or the humblest are the people who turn as the bloodiest because they are the most sensitive. That is why the writers and artists in the rebellion group being the most sensitive and those who do the natural thing." According to him, there are only two possibilities: "Maybe we are

heading towards anarchy, or this is a beginning for a change, but I am not an astrologer to predict." Mr. Radhakrishnan is of the opinion that "insufferable present and bleakest future" awaits the writers and litterateurs if they act for a change of the present social-political and economic set-up. Therefore, any one involve in such thing cannot be without reason. He also ridiculed the trend of charging them as "foreign inspired" or "foreign agents".

Was there any actual spurt in the Naxalite activities in Kerala so as to create concern to the authorities? Some of my informants, including Mr. C. Achutha Menon, did mention the murder of a coir factory owner of Alleppey, Mr. Somarajan, on March 29. However, according to Press reports persons belonging to various political parties are being held for their alleged involvement in this murder, which include a Congress-U Counsellor of Alleppey Municipal Corporation. It is, therefore, wrong to suggest the whole action as a wholly Naxalite-inspired action. Some time ago, even the Home Minister informed the state Assembly, in the wake of his pronouncement on the release of Naxalite prisoners from jail, that the Naxalites have by and large stopped terrorism in the state and are involved only in cultural activities. He also said that the government was keenly watching their activities, mainly on the cultural front, and declared the government's firm policy of dealing them politically and counter their ideology with ideas. (A word about the Naxalite prisoners in Kerala: At least 32 of them are yet to be released, many of whom have already spent 8-10 years in prison. Because of the gruesome prison conditions, some of them went on hunger-strike in recent months. None of them have so far been treated as political prisoners. The Home Minister, while speaking to the Press on September 9, 1980, agreed that the Government could not implement its decision of releasing the Naxalite prisoners).

But the Kerala Government's declared policies towards Naxalites were totally absent following the incidents of Nadavarambu as well as after the Alleppey murder. While many cultural activists were held and tortured by the police who are trying to involve them in Mr. Somarajan's murder and 32 labourers were arrested in connection with the Nadavarambu incident, a writer, an editor, an advocate and a student were unwarrantedly held under Cr.P.C. 107 for they felt that the police action was wrong in the Nadavarambu labour dispute, and chose peaceful means to condemn it. Besides this, those who protested peacefully against the arrest of these four were not only arrested but subjected to police torture. Mr. Civic Chandran, a young poet, narrated to me his experience when he, along with four others, were arrested on July 30 at Palai, near Kottayam, when they were collecting signatures of writers for the joint protest statement (Appendix I). One police constable told him that they were acting "on a special order" to prevent such Naxalite activities. The police took away from them their personal belongings like some letters, clothes, money and three watches, besides the half-finished signature campaign papers. These were not returned to them. While the



Sub-Inspector of Palai, Mr. Narayana Pillai (who is also the Vice-President of Police Officers' Association, Kottayam) stripped them, the Circle Inspector, Mr. Stanle Benchamin, who had indulged in many atrocities during the Emergency period, beat one of them. The victim is Dr. V.A. Abraham, practising at the Christ Raj Hospital, Palai. All the five captives were subjected to beatings and thrashings the next day and Dr. Abraham was once again singled out and tortured brutally. On the same evening of July 31 at about 5 O'clock, they were produced before the Palai Ist Class Magistrate, Mr. Madhavan, who refused to grant them bail since they were charged with Sections 143, 147, 149, 124(A) and 505 (C). They were not allowed to meet their relatives present in the Court, and were sent to Palai sub-jail from where they filed another bail application which was also rejected by the Ettumanoor Ist Class Magistrate, Mr. Philip. On August 14 they were produced before the Court and were remanded for a further judicial custody until August 28. Once again they moved a bail application at the Kottayam Sessions Court

According to Mr. Civic Chandran, the following discussion took place between the Kottayam Sessions Judge and the Assistant Public Prosecutor when their bail application came up for hearing. When the Judge asked the APP for his objection of allowing them bail, the APP replied: "The accused shouted Charu Mazumdar zindabad."

The Judge: "There are people shouting Zindabad for ministers. Is that, too, objectionable?"

The Defence: "Charu Majumdar is, after all, one who lives no more."

The Judge: "It seems there are people who is living even after their death."

The A.P.P.: "The accused persons also propagated and spoke about Mao Tsetung Thoughts and thus created terror among the people."

The Judge: "There is nothing wrong in speaking; only when some one acts, it become prejudicial and we should consider it as objectionable or not...."

The Kottayam Sessions Judge allowed bail to them on August 22 on the condition that they will not leave the Palai Court jurisdiction and they will sign on all Sundays at Palai Police Station.

These arrests have affected the jobs of at least four of them. While Dr. V.A. Abraham was summarily dismissed from the services of the privately owned Christ Raj Hospital, Palai, Mr. Civic Chandran, a teacher at Ambalavayal Government High School, Vynad, Mr. Venugopalan, Lower Division Clerk at Idukki District Agricultural Office, and Mr. T.J. Chacko, Peon of Kottayam Taluk Supply Office, have been kept under suspension.

Two of those arrested at Trichur on July 15 when they were protesting against Mr. Sachidanandan's arrest -- Mr. Chittaranjan, Senior Assistant at Trichur Municipal Electricity Wing, and Mr. Radhakrishnan, Lower Division Clerk of Guruvayur Devaswom Board (both semi-government establishments) -- were put under suspension. Mr. Chittaranjan's suspension order, signed by the Superintendent on behalf of the Municipal Commissioner on 22nd July, clearly stated that the action was being taken on the basis of police report.

It is amply clear, therefore, that the tough stand taken by the police in different districts following the arrest of Mr. Sachidanandan and others was a well-coordinated, pre-planned and uniformly executed exercise. The Trichur D.S.P., Mr. U.P.R. Menon, however, flatly denied it. According to him the arrests in Trichur were held on the decision of the local police. After his initial refusal to react, and after being pressed hard, Mr. Menon said that Mr. Sachidanandan and others at Irinjalakuda and Trichur were arrested for raising provocative slogans and speeches and inciting violence. Mr. Menon categorically denied that they were arrested for their involvement in cultural activities. He particularly mentioned the name of two government employees -- Mr. Chittaranjan and one Mr. Thomas -- and took objection to their participation in these demonstrations. When asked specifically, Mr. Menon said that the demonstration was peaceful. He said: "They were not carrying lethal weapons. Nor did they indulge in stone throwing. They were not violent."

Then why were they arrested, after all? I contacted Mr. K.K. Mamukutty, Trichur District Secretary of CPI(M), who also was willing to speak after enough persuasion. He could, however, narrate nothing more than the police version: "Following the arrests of Sachidanandan and others, some people demonstrated at Trichur raising provocative slogans. The police, after accompanying them for many hours, arrested them. When they refused to furnish their addresses, they were held back."

According to Mr. Mamukutty this was not a government policy "since there were no arrests elsewhere in the State". Perhaps, he was unaware of the arrests and torture at Kottayam district. Answering to a question, Mr. Mamukutty said that he do not support these arrests. "However", he continued, "if it is a nuisance to the public, the police can remove them from the scene." He continued: "There is no violation of human rights, nor did the police torture them. It is our party's opinion that arrests should have been avoided. It was not a policy of the government to arrest them, but local decisions are taken by the police."

A statement released by the Kerala State Committee of CPI(M), after its meeting on September 6-7, 1980, says: "The terrorist politicians functioning as Naxalites have been isolated from the masses and split into fractions due to their atrocities and murdering individuals. One group out of them is trying to infiltrate among the people under the cover of literature and culture. They are working with the programme of annihilating those who refuse to give them money or oppose their politics, after branding them as their "class enemies". When the police arrest according to law those who snatch rifle and instigate violence, some people try to save them in the name of literature and culture. Those who extend help to these anti-social elements under the cover of litterateur should remember that their action goes against the society. Those who believe in democracy should be cautious on these people who are working as agents of the class enemies in order to smash the left and progressive movement."

While Mr. E. Rajan, Trichur District Secretary of AISF, student wing of CPI, does not justify the arrest, "because of his respect for Mr. Sachidanandan", he was of the opinion that Mr. Sachidanandan was arrested "not because of his being a poet, but due to his politics" which is provocative and inciting. When asked specifically, Mr. Rajan agreed that it was wrong to arrest people because of their political and ideological differences.

Mr. Attoor Ravi Verma, a well-known Malayalam poet and Head of Malayalam Department at Government College, Trichur, felt that the arrest of Mr. Sachidanandan and others, whether under a definite government policy or not, was wrong. "If at all is a government policy, it is high-handedness", he said. He was, however, of the opinion that the district authorities could not take such a grave action of their own without the knowledge of high-ups.

I took particular care to ascertain whether an independent person from the general public supported the arrests. I drew blank and failed to get a single statement to this effect. Mr. Verma, a signatory of the joint statement of litterateurs, told me that he, too, had discussed about it with a large section of people and none of them supported the police action. Mr. Mamukutty, the Trichur District Secretary of CPI(M), when specifically asked about it, told me that there is no such statement by anyone supporting the arrest. "However", he said, "to the best of our information some of those who signed the protest statement presently feel that they should not have signed it". When I asked him to name them, he did not comply with. One journalist at Cochin, who do not want to be identified, informed me that there were pressures on some of the signatories, including on Mr. Vylloppilli Sreedhara Menon, the first signatory and President of the Deshabhimani Study Circle, the cultural and literary organisation of CPI(M).

Mr. Sachidanandan also told me that many members and sympathisers of both CPI and CPI(M) had "secretly" contacted him to register their disapproval of his arrest. Nevertheless, what would have happened had a renowned writer, like Mr. Sachidanandan, not ventured to take the cause of the labourers in Nadavarambu? According to Mr. K.G. Sankara Pillai, a well-known poet and Malayalam lecturer at Government College, Trichur, the tendency to pose the whole incident as a question of writers' freedom is wrong. He considers the issue as a testing point of the rights and liberties of ordinary citizens. According to Mr. Pillai these spates of arrests are manifestations of internal weakness and ideological failure of the ruling parties in Kerala. Terming it as "social fascism", Mr. Pillai pointed out that there is no difference between the actions of this government and those of Congress(I).

Mr. C. Achutha Menon, the former Chief Minister of Kerala, said that he had no first hand information about the incident. However, when pressed, he agreed that the arrests was wrong provided "it is made only for raising slogans and singing the Internationale". According to Mr. Menon it was also wrong to raise provocative slogans and pointed out that a section of Naxalites raised such slogans after the Alleppey murder. Mr. Menon was of the

opinion that the government should not allow police torture and terror. He said his party's local branch at Nadavarambu had passed a resolution to this extent. Mr. Menon's party, the CPI, also upheld that Naxalites should only be faced with ideology, but "when local issues are coming, it may take different turn", he said.

When asked about the general approach of Kerala police, particularly the Crime Branch, who reportedly infiltrated into three meetings of the Congress-U -- a partner in the ruling United Front -- Mr. Achutha Menon said that such practise was there right from the British days and continuation of the same at present is totally wrong. He said: "The Crime Branch is doing it on all political parties. The Home Minister, Mr. T.K. Ramakrishnan, being new in police affairs, would not have much experience in its function and, therefore, the old practice may be continuing." Mr. Menon do not think that the Home Minister in particular was keen in such methods to serve his politics. However, several Congress-U middle-level cadres told me that their party has taken particular exception to police bugging of their meetings and it had already created a gap between them and the CPI(M) from top to bottom level throughout the state.

One Congress-U worker also said that there was an alarming increase of political violence in which mostly the CPI(M) cadres were responsible. She felt that the remaining of the Home Ministry in the hands of a CPI(M) minister the main reason for this. Whether this assessment is nearer to the fact or not, two sitting MLAs of CPI(M) have recently been awarded life imprisonment in a murder case. They are Mr. M.V. Rajagopalan of Tellicherry and Mr. K.V. Raghavan of Mahim/Puthussery, besides ten other accused for murdering Mr. Kunnothuparambu Ravindran, a labourer of Velloor Spinning Mill and allegedly an R.S.S. activist. (The judgement was recently made by the Tellicherry Sessions Judge, who rejected the bail application of the accused. They are presently undergoing the sentence at Cannanore Central Jail while their appeal is pending in the Kerala High Court Division Bench consisting of Justice (Mrs.) Janaki Amma and Justice S.K. Khadar).

A light on the police set up in Kerala was thrown by Mr. Puzhankara Balanarayanan, a practising lawyer at Kerala High Court and Trichur District Courts, who felt that there is a cold war brewing between the police and the administration after the formation of the police union. According to him a large number of policemen are under the control of the Congress-I leader, Mr. K. Karunakaran, since he, as Home Minister during the Emergency, sanctioned many benefits and powers to the force.

The Kerala police are as notorious as their counterparts in other areas of India. In the first week of August, a 14-year old girl, Preethi, from Puthoor village, about four kms. from Trichur, happened to be at the Trichur Civil Hospital to attend her mother's elder sister, who was badly injured when her house collapsed in heavy rain. One policemen on duty at the hospital tried to take liberties with Preethi continuously for three days and she



complained to her father, Mr. Mani, a member of the CPI(M) controlled CITU. When Mr. Mani asked the policeman to mend his ways, he was severally beaten up and injured in broad day light and in full view of those present at the hospital. Soon a team of policemen arrived at the hospital and tried to take away the injured Mani. The public protested and blocked the police vehicle and demanded that Mr. Mani be admitted in the hospital for medical aid. Seeing the anger of the public, the policemen not only withdrew from the scene but announced through the local radio that the accused policeman had been suspended.

#### CONCLUSION

It is shocking to note that in India, even after the dark and gruesome experience during the Emergency period, governments in all states, irrespective of the colour of the party ruling there, pay scant attention to democratic values and the right to dissent. In the wake of Mrs. Gandhi's running the Centre, which increasingly threatens the common citizen with loss of his freedom, there should have been a healthy opposite trend in the few states which are ruled by non-Congress(I) parties, who were victims of the Emergency. On the contrary, it seems, there is a competition between the Centre and these state governments as to who are more capable of violating the basic human rights of the citizens. The Nadavarambu colony in Kerala, for example, wears at present a pathetic picture similar to that prevailing in the so-called disturbed areas of Andhra Pradesh, with the armed policemen still stationed there and moving menacingly around. The most dangerous aspect is the general apathetic attitude of the educated strata of the people in Kerala towards such incidents.

There is, therefore, a need to create a public consciousness to repeatedly stress to the various ruling parties in India that the common man and his voice are supreme, as well as to compel these parties to at least listen patiently what the common people have got to say. The essence of democratic set up lies basically in the willingness of the ruling parties to hear criticism -- a willingness which is fast disappearing among those who rule, whether the Congress(I), the CPI(M), the AIADMK, or any other political party.

New Delhi §  
13-9-1980 §

Sd/-  
Mukundan C. Menon

## WE PROTEST

We feel that in the arrests of Mr. Sachidanandan, Mr. K.S. Sadasivan (Editor of Prerana) and other cultural activists under Section 107, which was used by the Britishers against anti-social elements, for their alleged involvement to incite violence by conducting street meetings and singing "The Internationale", there is an upcoming threat against our highly conscious cultural society. The tendency to imprison journalists, poets and cultural activists is a grim reminder of the days of Emergency. Only the ideological weakness can force to suppress the ideas through ruling power. We, who believe that only by presenting different ideas and approach and through discussion can one reach the correct ideas and approach and that the creation of such an atmosphere is the first step for such activities, therefore protest against these arrests and the actions of the government, in our capacity as writers and artists. We appeal to all people to raise their voices for civil liberties, democratic values and free propagation of ideas.

- |                               |                                 |
|-------------------------------|---------------------------------|
| 1. Vyleppilli Shredhara Menon | 37. Kovilan                     |
| 2. Atteor Ravi Verma          | 38. Ravindran                   |
| 3. Aravindan                  | 39. C.K. Soman                  |
| 4. O.N.V. Kuruppu             | 40. Ramachandran Mokeri         |
| 5. Kakkanadan                 | 41. M. Gangadharan              |
| 6. Manoj                      | 42. Ayyappa Panicker            |
| 7. G.N. Pillai                | 43. Paravur P.C. Appan          |
| 8. K.C. Narayanan             | 44. P.M. Antony                 |
| 9. M.G.S. Narayanan           | 45. Sackaria                    |
| 10. Kaviyur Balan             | 46. Vishnu Narayanan Namboodiri |
| 11. C.P. Vatsan               | 47. K.P. Kumaran                |
| 12. Chelavur Venu             | 48. Surasu                      |
| 13. P.K. Sasi                 | 49. Kunjunny                    |
| 14. Pavithran                 | 50. Civic Chandran              |
| 15. M. Sukumaran              | 51. Balachandran Chullikad      |
| 16. Pratap Singh              | 52. C.R. Parameswaran           |
| 17. P.K. Nanu                 | 53. U.P. Jayaraj                |
| 18. A.C.K. Raja               | 54. Narendra Prasad             |
| 19. Johnson Irur              | 55. John Abraham                |
|                               | 56. Kadammanitta Ramakrishnan   |
|                               | 57. A. Ayyappan                 |
|                               | 58. Babu Kuzhimattom            |
- 

## Appendix II

### FREEDOM IS THE VERY PROBLEM

We consider the arrest of our friend, Mr. Sachidanandan, as a bad omen. It creates anxiety. We believe that the arrest of Mr. Sachidanandan, whose action is being branded as "provocative", was totally unwarranted since he only depicts his political and cultural beliefs in the form of poems and articles in various journals. The problem is not the mere arrest of one Sachidanandan, but the violation of the basic rights of an individual in upholding his belief and to propagate his ideas which he considers as true and factual. This action does not correspond with democratic ideals. If one's sense of freedom develops in his responsibility towards the larger society and his participation interlinks with the participation of the total society, it has to be treated as the fact at the superior level. It should be reflected in life experience and not in the beauty of words.

It is a sad experience for any simple man to live in today's helpless society which is subjected to exploitation of the self-seekers and vested interests; this atmosphere disturbs him to the maximum extent. It is only his civil right at least to cry against this situation. Different people react differently. And some people may not like many things. It is dangerous if the dislike of those who rule, takes the form of cruel behaviour. Those who rule should have the power of tolerance. Tolerance and intelligence should guide them. Attacks by anyone cannot be justified. But if the attacks by those who rule, they become more dangerous.

(Contd...ii)

Writers and artists are mere watchdogs. The shadow of Emperor Alexander should not fall upon these dogs. These watchdogs of social consciousness should not be chained. Otherwise, the entire society will be more and more robbed. Some people at times may not like barking of these dogs. But they cannot resist the temptation of barking particularly when they hear and smell the foot-steps of robbers. A creative writer does not have the efficiency to dance and bark according to the tune of others. He is chained to his own individual essence and consciousness, while the thorn of troublesome life experience inflicts pains on him. His only encouragement is his sense of freedom and liberties. He needs no respect from anybody; but he should not be disturbed by others. Listen what he has to say and try to learn to be sad....

The sincere words of a left-minded and progressive poet never create trouble. It is only a warning against troubles being created by the anti-social elements like profit-makers, black-marketeers, feudal elements, etc. Instead of closing eyes so as to blacken everything, one should see things with open eyes. We do not think and expect that everything can be set straight with one single stroke. But, at least there should be freedom of speech and the right to enjoy the little comforts provided by that freedom.

Men like Emperor Alexander standing in the way of those who cherish morning sun-shine should move away -- however great he is.

Sd/- Dr. Ayyappa Panicker  
Kavalam Narayana Panicker  
K.S. Narayana Pillai  
Kadammanitta Ramakrishnan

(Published in Kalakaumudi, Malayalam weekly, No.259, August 10, 1980).

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APPENDIX-III

GOBINDA MUKHOTY  
Barrister-at-Law  
Advocate, Supreme Court of India  
&  
Chairman,  
People's Union for Civil Liberties  
and Democratic Rights, Delhi.

Chamber & Res.:  
213, Jorbagh  
New Delhi-110 003  
Phones: 622027 & 690887

18th August, 1980

The Home Minister  
Government of Kerala  
Trivandrum  
Kerala

Dear Sir,

You must have heard about our Organisation, which is a Civil Rights Organization, functioning from Delhi.

From the Press Reports and through other sources, we are given to understand that even "Internationale" singing is a crime now in Kerala and people are being threatened with all sorts of consequences by the Police because of singing "Internationale". We are surprised, to say the least, and are sure that this cannot be true. "Internationale" is being sung all over the world by the people, that is the people in civil liberties, and I am sure that your Leftist Government cannot oppose singing "Internationale" in the territory of Kerala.

Shri Mukundan C. Menon, Secretary of PUCL, Delhi, is going to Kerala on the 22nd to make an on the spot enquiry about this and other similar incidents. I would very much like him to meet you on the 29th August at Trivandrum and will be obliged if you can give him some time. While staying at Kerala, Mr. Menon's local address will be: C/o Mr. C.A. Menon, "Mathru Hridayam", Thrikkumarakudam Road, Trichur-680003, Kerala State.

Yours sincerely,  
Sd/-

## IN THE COURT OF THE SUB DIVISIONAL MAGISTRATE, TRICHUR

Present: Shri K.O. Antony, Sub Divisional  
Magistrate, Trichur

RE M.C. 16/80 u/s 107 Cr.P.C.

Petitioner: State represented by Circle Inspector of Police, Irinjalakuda.

Counter Petitioners:

1. K. Sachidanandan, S/o (late) Sankara Menon, Koyamparambath House, Pulloot., Professor of Christ College, Irinjalakuda.
2. Marath Karthikeyan, S/o Manikan, Cheloor.
3. Sadasivan, S/o Kolady Sankaran, Parathodu, Anthikad.
4. Meghanadhan, S/o Thevalil Kumaran, Methala, Kodungallur, Advocate.

PRELIMINARY ORDER

Whereas I am satisfied from a report of the Circle Inspector of Police, Irinjalakuda, duly countersigned by the Deputy Superintendent of Police, Irinjalakuda, that the counter-petitioners who are residing within the local limits of the Jurisdiction of this Court are likely to cause breach of the peace and disturb the public tranquility within such local limits and whereas and I am of opinion that there are sufficient grounds to proceed against the Counter Petitioners under Section 107 of Cr.P.C., I, K.O. Antony, Sub Divisional Magistrate, Trichur, hereby require the counter petitioners to appear before me in my Court at Ayyanthole at 11 a.m. on 18-7-1980 and to show cause why they should not be ordered to execute a Bond for Rs.1000/- each with solvent sureties for a like amount to keep the peace for a period of one year.

And whereas it appears to me that there is reason to fear the commission of a breach of the peace and such breach of the peace cannot be prevented unless the counter petitioners are arrested and brought before this court immediately, I order the issue of arrest warrants against all the counter petitioners under the proviso to Section 113 Cr.P.C.

Given under my hand and seal of this Court this the 10th day of July, 1980.

(Seal)

Sd/-

Sub Divisional Magistrate, Trichur.

The counter petitioners are the residents of Irinjalakuda, Anthikadu, Methala within the jurisdiction of this court. The counter petitioners who were propagating revolutionary ideas in the name of "People's Cultural Forum" etc. has now come out openly since the incident of the dacoity of service rifle from the police party on law and order duty at Nadavaramba after attempting to murder them on 21-5-1980, by groups of extremists, who are the supporters of counter petitioners and the counter petitioners now seen indulging in activities of instigating the general public to revolt against existing system of Court, law enforcing agencies and others whom they term as reactionaries who stand against them in their path of violence. The following instances have been reported to establish their activities affecting of the peace.

On 22-5-1980 counter petitioner No. 1 organised public meeting at Vellangallur in which he spoke prejudicial matters, affecting the security of the State. He, in his speech congratulated the accused in Nadavaramba case in which 2 Sub Inspectors, one Head Constable and 6 police constables sustained grievous injuries due to the attack of extremists. He instructed and promoted a feeling among his followers to adopt the same method to attack police as done by the extremists at Nadavaramba on 21-5-1980. He also stressed the need for armed revolution against the so-called reactionaries who are law enforcing agencies and peaceful residents of the locality and to do away with them.

After the meeting counter petitioner No. 1 directed a procession from Vellangallur to Nadavaramba colony, Ayikarakunnu colony, Thana junction and Irinjalakuda bus stand, shouting songs and slogans such as



"Arise ye prisoners of starvation, Arise ye wretched of the earth  
Let each stand firm in the battlefield  
Oppose the authority from head to toe  
Beware you reactionaries! Beware you police dogs! Your days are  
numbered!"

On 24-5-80, 25-5-80, 26-5-80, and 27-5-80 similar processions were conducted by all the CPs with their followers and moved about Konathukunnu, Vellangallur, Iykarakunnu, Nadavaramba, Kallankunnu, etc. places in Irinjalakuda Police Station limits with the intention to strike terror on law abiding citizens and to propagate ill-feeling and enmity between sections of the public.

On 28-5-80 the CPs 1 to 4 their followers about 100 in number from various parts of the District formed a jatha from Irinjalakuda bus stand and proceeded to Konathukunnu and returned to Kolathumpadi in Irinjalakuda Police Station limits and conducted a public meeting. While on Jatha the CPs 1 to 4 and their followers shouted slogans such as:

"We know to make bomb  
We know to make rifle  
We know to snatch rifle  
We know to fire  
Police dogs, beware!"; etc.

In their speeches they elaborated their intention in attacking the police and the so-called reactionaries who were opposed to their ideology. They incited the General public to take arms and use violence against the law enforcing authorities.

The CPs 1 to 4 and their followers are still understood to be indulging in activities of inciting the public by propaganda for acts involving violence. Such activities of the CPs have created a sense of fear and insecurity in the minds of the peace loving persons of the locality.

If the counter petitioners are allowed to continue such acts, there is every likelihood of an imminent breach of the peace which would disturb public tranquility in the locality. If immediate measures are not taken to prevent the acts of the counter petitioners as explained above, there is every chance of imminent breach of the peace and tranquility in the area specified. Hence this order.

Sd/-

SUB DIVISIONAL MAGISTRATE, TRICHUR.

To:

The counter petitioners through the CI of Police, Irinjalakuda.

Copy to C.I. of Police, Irinjalakuda for service and return

" Dy. Superintendent of Police, Irinjalakuda.

" Dy. Superintendent of Police, Trichur.

" The Sub Inspector of Police, Anthikad, Irinjalakuda and Kodungallur.

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#### Appendix V

#### "THAT IS THE PROBLEM"

(English translation of the poem written by Mr. Sachidanandan and published in Deshabhimani weekly, literary journal of CPI(M), immediately after the Emergency in 1977).

Those who read the newspapers say  
That we can now move about without fear.  
Not yet have they seen the ugly tail of the devil  
Hidden beneath the files and budgets.  
That's the problem.

Those in white shervanis say  
That the New Age is here, when poetry will no more be banned.  
Not yet have they heard the unlettered sigh  
of those whose poetry has been choked to death.  
That's the problem.

(Contd....v)

The bespectackled are celebrating the triumph of democracy  
The priest and the jotedar walk hand in hand  
The police and the judge wink at each other  
The monopolist invites the money-lender to dinner  
A mad women roams the street, sleepless  
The cadaver and its fly on the pavement  
Plug their ears and turn aside.

The mask is all right. Fine!  
But what about the face?  
Your henchmen have got back their shares. Fine!  
But, what about the people?  
You regained your freedom to write. Fine!  
But, who is to teach the readers their alphabet?  
You have picked up your lost dignity. Fine!  
But, when is the dying child to have his bread?  
That's the problem.

Statistics are lying still  
The Ghost is travelling still, in disguise.  
Those who dared ask questions are still awaiting trial  
Yet you think the Brahmin's court will  
Measure out justice to the Mahar  
You hope that Delhi's flatulent durbar  
Will pass Revolution's bill for the hungry Santhal.

The peasants of Haryana, the cobblers of Kanpur,  
The tribals of Birbhum and the miners of Bihar  
Gave you back your democracy.  
What are you going to give them in return?  
A pair of bullocks?  
No, what they demand is the entire land.  
A rise in bonus?  
No, what they demand is the entire factory.  
A piece of slate?  
No, what they demand is the entire culture.  
You offer them dividends  
But where is the capital  
That's the problem.

A plucked-out pair of bleeding eyes is still watching us  
A whip-scarred back rises before us like a hill.  
A thumb, cut off from its hand,  
Is still groping for the trigger.

Sir, freedom is no grocery shop  
To be inaugurated by a Mahatmaji, closed by a Mathaji, and  
reopened by a Pithaji  
It is the music of the great sky beyond classes  
A death heavier than the Himalayas  
A life deeper than the Pacific

This you will never understand  
That's the problem  
FREEDOM, YES, FREEDOM IS THE PROBLEM.

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