India: Labour lawyer Sudha Bharadwaj arrested as 'urban Naxalite' (profile interview)

'If You Try to Be Safe and in the Middle, You Will Never Succeed'

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Chhattisgarh Mukti Morcha, the organisation Sudha Bharadwaj has worked with for decades, built a unique model of trade unionism combining class struggle with welfarism.

New Delhi: Sudha Bharadwaj has spent nearly three decades working with the most marginalised sections of people in the conflict-ridden state of Chhattisgarh. Away from the media glare, her ear firmly to the ground, the trade union activist and lawyer has been up against powerful corporates and state administrations headed both by the present BJP dispensation and before that, the Congress party.

Earlier this month, the publicity-shy activist suddenly found herself in the midst of a noisy and slanderous campaign run by a television channel. On July 4, Republic TV alleged that the trade unionist had written a letter identifying herself as "Comrade Advocate Sudha Bharadwaj" to a Maoist called "Comrade Prakash," stating that a "Kashmir like situation" has to be created. The Republic TV further accused the trade union leader of having received money from the Maoists.

Bharadwaj told *The Wire* "I am also said to have confirmed that various advocates, some of whom I know as excellent human rights lawyers and others whom I do not know at all, had some sort of Maoist link."

She has now instructed her lawyer to file a defamation suit against the television channel.

Two days after the row, I met Bharadwaj at Jawaharlal Nehru University. I remember meeting her as a reporter back in 1992, when she was an activist of the Chhattisgarh Mukti Morcha (CMM), a labour organisation founded by the legendary trade union leader Shankar Guha Niyogi. Just a year prior, Niyogi, leading a powerful mine workers' struggle, had been murdered in his sleep by Paltan Mallah, a hired assassin. Bharadwaj, an integral part of CMM at that time, would frequently come to Delhi from Bhilai, where she lived and worked. She met reporters, talked to them about Niyogi's murder, and the struggles of Bhilai workers against corporate mine owners.

It was a moment when India was at a crossroads, on the verge of embracing a new economic and political order. The onset of economic liberalisation followed by the demolition of the Babri masjid, the proliferation of television channels and a new media culture would radically transform the nation. In 1991, the P.V. Narasimha Rao-led Congress government liberalised the Indian economy, drastically restructured work places and changed the terms of employment. The rapid proliferation of contract work made unionisation a near impossibility.

Sitting on the lawns outside the Constitution Club, not yet caught in the sweep of gentrification,

Bharadwaj would chat about the old and new challenges facing the working class, the CMM's hard-fought struggles in Bhilai and the threats Niyogi faced from a range of corporates, who were entering the mineral rich area in fairly rapid succession.

Fourteen years later, in 2005, the Supreme Court upheld the conviction of Paltan Mallah but acquitted the two industrialists – Moolchand Shah, owner of Simplex industries, and Chandrakant Shah of Oswal Iron and Steel Private Ltd – who had been implicated in Niyogi's murder. Bharadwaj was still living and working in Bhilai at the time. But her organisation was coming apart at the seams. Niyogi's death threw the CMM into turmoil and it eventually splintered, with each of three of its factions choosing a different way to practice politics and trade unionism.

"Confronted with the conflicting trends of the three factions, the CMM *karyakartas* mobilised. They questioned the leadership. These *mazdoor karyakartas* (worker activists) were in fact very poor, those who would come out as retrenched workers and they were being barely supported by a sack of rice per month. Even the union was in no position to do more. This lot started getting together," says Bharadwaj. She herself became part of the karyakartas' organisation. "It's interesting that the top leadership actually got together and expelled the whole union. Karyakartas of Bhilai got together and formed their own group, Chhattisgarh Mukti Morcha Bhilai Mazdoor Karyakarta Committee."

She launched herself on a new journey, diversifying her work. Today, Bharadwaj wears multiple hats – trade union activist, lawyer, visiting professor at the National Law University, Delhi and national secretary of the People's Union for Civil Liberties. Notwithstanding the different areas of her work, the common thread is her empathy with marginalised communities of workers and adivasis dispossessed of their land.

Growing up in JNU

We met again last week at JNU on a hot and humid day, the sun beating down on the lawns outside the house where she is living these days. The years seem to sit lightly on the 57-year-old activist, with her trademark large bindi. Her hair, now streaked with strands of grey, was pulled back into a bun.

JNU is where Bharadwaj spent her childhood years, where her political consciousness first took roots. Her mother, the economist Krishna Bharadwaj, founded JNU's Centre for Economic Studies and Planning. "I came here in 1972, I think it was. My primary education was in England, when my mother was at Cambridge University, and then she came back. We used to live in Alipur Road and then in 1972, she established the Centre for Economic Studies and Planning. Then, only the first quadrangle in the campus existed. We literally had jackals howling out there towards Qutub Minar."

At a time when JNU teachers and students, their backs to the wall, are trying to beat back the central government's attempts to change the fundamental academic and political identity of the institution, Bharadwaj talks of a different era in the campus's history. One that shaped her political consciousness. "One of my early memories of JNU in my childhood was when Vietnam won the war against the US. I remember a lot of singing and celebration in the first quadrangle. That was the kind of atmosphere in which I grew up."

If left-wing politics set her apart from conventional middle-class youth, her status as the child of a single parent, too, seems to have socially radicalised her. Bharadwaj herself is a single parent and is raising a daughter she and her former husband adopted in Chhattisgarh. "My mother was the youngest of 6 children of a school master. So, if she had not gotten scholarship, there would have been little chance of her being educated. She financed her own PhD in Bombay University. That is where she met my father. It was a love marriage. Unfortunately, the marriage didn't last very long.

My parents separated when I was about four."

Bharadwaj talked with refreshing candour about her not-so-conventional family, setting her apart from the puritanical orthodox social culture so often associated with communist and ultra-left parties. The kind of social conservatism that stands in stark contrast to their radical politics. She recently met her father after many years. "I had gone to Bangalore to deliver a talk at the Azim Premji University. Someone told me my father lived there, so I met him after a long gap. He had remarried and I also discovered I had a step-sister, a talented dancer. My daughter too was happy to meet her grandfather," says Bharadwaj.

Growing up on the JNU campus, her initiation into subaltern politics began early. The JNU campus was an alive and free space where intellectual debates were thrashed out without fear of physical or administrative reprisal. The students actively fought Emergency in 1975. "I remember professor Amit Bhaduri and my mother visiting a student in jail. The campus used to throb with debates. It was also a very safe space," she recalls.

It was not just campus politics and academic discourse that influenced Bharadwaj in the political and activist life she later chose to embrace. Her mother too was instrumental in moulding her initial thought process. I asked Bharadwaj if her mother would have described herself as a Marxist. "Well, I think so yes. Though she never joined any parties. She used to teach classical political economy. So, she actually saw a continuity between Marx and his predecessors. She would not take orthodox positions. But I think she prided herself for looking at the economy through a Marxist perspective."

The IIT Kanpur experience

After finishing school, Bharadwaj studied Mathematics at IIT Kanpur. In the five years she spent at IIT, she encountered an academic world riddled with sexism and elitism. "That place was like a mini-America. You have 32nd street and 11th avenue. So, when I went there, it was a highly competitive atmosphere." In her very first semester, she attended a Dalit student's funeral. The year was 1979. "But it is only now that we are recognising that these things are happening," she stressed.

Sexism was rampant on campus. In her class of 200 students, there were just eight girls. "It was a highly patriarchal place where men thought women had no brains," scoffed Bharadwaj. On the other hand, if women did well academically, then the boys attributed their performance to their gender and said they were favoured because of that! Sexual harassment was rampant. Unless the women were paired up with someone, they were at the receiving end of love notes stuck on their bicycles, or having their tires deflated. The culture at the women's hostel, situated at the farthest end of the administrative building, however was convivial. Seniors were ready to help juniors out. "They would give us a shoulder to cry on, acting as our mentors," she said.

The one incident Bharadwaj vividly remembers is the time when the eight women students went to watch a film in the campus auditorium. "All the boys were there and just eight of us. Every time there were any romantic scenes, the boys would start hooting and have the projector play the scene over and over. We just walked out in the middle."

There was another time she recalls when two women students went to the badminton court inside the complex of a boys' hostel. "As they sat and watched their friends play, a couple of boys came out on the balcony, parading in their underwear. The girls were shocked. When they told us what happened, all the girls marched to the boys' hostel and demanded an apology. Rather than insist on the apology, the hostel warden locked those boys in the rooms. The warden, the students and the dean of student welfare behaved as if we had attacked the boys' hostel." Finally, an inquiry was instituted. The girls were summoned to give their statements. The committee told the girls things

like, “Come on, you have to learn. You will go abroad and do your PhD, you have to get used to all this.”

It was a different era. Gender was on the very margins if not outside news coverage entirely. “What we faced then can never be ignored now. That’s the good thing about social media, you can actually photograph such incidents. If we had social media then, our experiences would have gone viral and we would have been known as the ‘IIT girls’,” she chuckled.

Bharadwaj’s experience in IIT Kanpur was not entirely negative. In fact, it was during these years that she cut her teeth in grassroots activism. “I had my first encounter with caste there. I used to teach children in the nearby Kalyanpur village.” In a way, it was also in IIT that her first brush with trade unionism began. Bharadwaj began to work with the campus mess workers, addressing their problems. Interestingly, grassroots activism and cultural activism went hand-in-hand on the campus. Alongside her work in the village and with mess workers, she became an active member of a cultural group too.

The 1980s: a turning point

This was the decade when the direction that Bharadwaj’s life was going to take began taking shape. The crisis in Delhi’s textile mills, the Asiad games bringing with it a huge influx of migrant workers into the city, Indira Gandhi’s assassination, the Bhopal gas tragedy, each one of these was a significant milestone in pushing Bharadwaj towards the life she chose to live. “For many of us, the 1984 Sikh massacre and the Bhopal gas tragedy that very same year politicised us, hammering home the message that ‘something is seriously wrong.’”

On October 31, 1984 as she was travelling from Kanpur to Delhi, to be with her family on her birthday, the train was abuzz with rumours. “There was was talk that trains full of dead bodies were arriving (an iconic image of violence associated with the partition), that sardars were killing people, attacking hostels and poisoning the water.”

Through the 1980s, her idea of the work she wanted had begun to crystallise in her mind. In Delhi, students of JNU and All India Institute of Medical Sciences (AIIMS) came together, deciding to take up students’ and workers’ issues. Two developments accelerated their intervention. Delhi’s textile mill workers had been wrestling with a severe crisis. Workers in the famous Birla Textile Mills had been on strike since the early 1980s. And as preparations for the 1982 Asiad Games got underway, “lots of migrant workers came to the city. Sprawling camps of workers from Orissa and Chhattisgarh, Bilaspur and other states came up next to JNU, where the Priya cinema stands. So, our small team started going to the camps, working among the migrant labourers.”

While AIIMS doctors helped with medical and health issues, others taught the children of construction workers. “In the course of this work, I resolved that either I will teach or do social work. The migrant workers from Orissa were bonded labourers who didn’t have the money or freedom to go back home. The workers were rotting while flyovers and 5-star hotels were coming up in the city.”

In 1982, Shankar Guha Niyogi was arrested under the National Security Act (NSA) in Chattisgarh’s mining town of Dalli Rajhara. “A signature campaign for Niyogi’s release had kicked off. I remember my mother had also signed the petition. We went around the JNU campus, mobilising signatures,” Bharadwaj said.

After his release, Niyogi wished to meet the students who worked so hard to get him released. “He was a charismatic, warm and friendly person. He invited us to Dalli Rajhara.” Bharadwaj made the

first trip in 1984. Two years later, she shifted to the town and started working with Niyogi and his organisation.

What drove her to take such a momentous decision? How did her mother respond to her choosing a hard life rather than continue on the trajectory of a comfortable teaching job and a life of privilege?

“My mother was very worried. She herself was totally a self-made person. She knew what it meant to struggle, especially as a woman. She wanted me to improve my formal qualifications. I had done quite well academically. So initially, just to please her, I did join an MPhil course. But I gave it up.”

When Bharadwaj told her mother that she was determined to work with the trade union in Chhattisgarh, Krishna Bharadwaj cautioned her that as a woman, she must develop her own identity and not be subsumed by the collective. “I was ready to do whatever the union asked of me. In later years, many of the things my mother said came back to me,” she said.

She says it was their innate conviction in a certain kind of idealism that saw her through these years. Interestingly, Bharadwaj says in the absence of a proliferating NGO culture at that time, people like her had two options – either build a career or join the movement. “In that sense, this option of maintaining your lifestyle and doing progressive work did not exist at that time. In some ways, it was good because we chose the other path and survived.”

The novel trade unionism of Niyogi

The concrete economic situation in India towards the late 1980s and ushering in of economic liberalisation in the early 1990s needed trade unions to come up with a different imagination to address workers’ needs. Industries were opting for modernisation, spurring retrenchment drives. Unionising contract workers was becoming more and more challenging.

Mainstream trade unions showed no signs of grappling with the changing context or moving beyond economism. “Niyogi’s novel trade unionism came as a breath of fresh air because that entailed not just taking up economic demands but touching every aspect of the worker’s life.”

Niyogi had conceptualised and built a unique model of trade unionism of combining class struggle with welfarism. The CMM was running schools, a hospital and heading an anti-alcoholism programme. Niyogi didn’t want the trade union to be restricted to factories. He wanted the union to be integrated in the life of the worker. And that happened.

“If someone came to visit them, the workers would take them to the union office, ‘this is our office, this is our hospital,’” they would proudly say. The union was running schools because there were no schools for the workers’ children in Dalli Rajhara. The union ran 11 schools, 9 of which were eventually handed over to the government. The union still runs the remaining schools.

Bharadwaj recalled how in 1984, the workers observed the martyrdom day of Chhattisgarh’s Veer Narayan Singh, an Adivasi hero of the 1857 war of independence. Niyogi reclaimed his history and made it a symbol of Chhattisgarh. That year, workers took out processions around Dalli Rajhara. Cultural programmes were organised. Films were screened. The workers enjoyed watching Charlie Chaplin’s classic film *Modern Times*, finding in it resonance with their own fight against mechanisation.

Niyogi’s vision of workers was not of a class who would just be making economic demands. He perceived the workers as leaders of a larger inclusive society, including the rural dispossessed sections. As he envisioned it, a working class area would also be the centre of rural areas. This happened eventually. When the union became well established, people from across the region

sought the union's help.

The CMM worked with the most vulnerable among workers – construction labourers. The permanent workers had already been unionised and now it was construction workers who needed the union to improve their life. They still had very deep rural roots. Niyogi's trade union with its worker/peasant/society emphasis extended its links to the larger community, looking after them.

Entering the legal profession

In 1991, Niyogi was assassinated. The following year, police fired on workers in Bhillai, killing at least 15. "I was one of the few people who knew English. I remember at that time assisting lawyers like Kamini Jaiswal, Vrinda Grover. I was keenly following the proceedings. The government prosecutor told me to become a lawyer," said Bharadwaj.

She enrolled herself in the Durg College in 1997 to study law. "After I became a lawyer, the first cases I fought were cases of my own trade union. In 2006, I fought the case of regularisation of contract workers. I know I could only fight that case because I was so close to it. You need a close connection with the clients to be able to understand them and listen to their stories. Only then they are confident to bring out other kinds of evidence. So, we won that in 2006, but of course it was not implemented. They went to the high court where it was diluted in 2007. Finally, in 2015, we had a settlement. So that was a very long battle."

She worked in the lower courts from 2000-2006. As the cases moved up to the high court, Bharadwaj also began to practice there. "That is when people from vulnerable communities at large, fighting for their rights, started to approach me." Against this background, a group of lawyers formed a legal organisation called Janhit. "We felt giving individual legal aid doesn't really help, but let's give group legal aid to movements. It might be a village community fighting land acquisition or an Adivasi group struggling for forest rights, environmental issues – whatever it is, Janhit decided to help communities and groups not covered by the usual legal aid system. The tragedy with lawyers like us is that the people who need us the most can pay the least. How do you sustain yourself? Your clients are the weakest and they're fighting the mightiest, so you need a really strong legal team and strategy."

For instance, Janhit provides legal advice to the Chhattisgarh Bachao Andolan, a platform for anti-displacement movements, to the people in Sarguja fighting a violation of Panchayats Extension to Scheduled Areas (PESA) rules and the peasants in Raigarh resisting preventive arrests.

Has her work become more difficult and she herself more vulnerable to attacks after 2014, when the Modi government came to power? "Well, the corporates have always been powerful. We faced serious challenges even during the United Progressive Alliance-led government's tenure. But yes, tensions have now increased," she admits.

However, she says the increase in attacks on minorities has been "enormous" since 2014. "In Chhattisgarh, mostly Christians are being attacked. Such incidents are not really reported in media. We have a big Catholic church and then there are many small, cottage churches. Many of those belong to poorer, vulnerable communities. Many churches have been ransacked and also a lot of lynchings. This has increased post-2014."

Attacks on Dalits over land related conflict have also increased. Bharadwaj talks about the Adivasi-led Pathalgadi movement which is spreading to Chhattisgarh as well. "Interestingly, in Chhattisgarh, Nand Kumar Sai, a BJP leader, started the Pathalgadi movement, with the support of BJP workers." Sai is also chairperson of the National Scheduled Caste/Scheduled Tribe Commission.

As we wind up our conversation, I ask Bharadwaj whether she could have chosen a different, less risky and tough life. She replied, “If you try to be safe and be in the middle, you will never succeed. I think physically, those of us who took the plunge learn to swim. Many people did that, we weren’t the only ones.”

Sudha Bharadwaj, The Wire

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P.S.

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