

Refugee Review Tribunal

AUSTRALIA

RRT RESEARCH RESPONSE

Research Response Number: IND30468
Country: India
Date: 22 August 2006

Keywords: India – West Bengal – Trinamool Congress – CPIM – Election Violence

This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

- 1. Is there any information as to violence or threatening behaviour by CPIM against the Trinomool Congress during the elections in West Bengal in 2004?**
- 2. Is there any information as to violence or threatening behaviour by CPIM against the Trinomool Congress since 2004, particularly in January 2006?**
- 3. Is there any information about the Police supporting CPIM threatening activities?**
- 4. Is there any information about violent or threatening activities by the CPIM against Trade Unions and members?**

RESPONSE

- 1. Is there any information as to violence or threatening behaviour by CPIM [Communist Party of India-Marxists] against the Trinomool Congress [All Indian Trinamool Congress] during the elections in West Bengal in 2004?**
- 2. Is there any information as to violence or threatening behaviour by CPIM against the Trinomool Congress since 2004, particularly in January 2006?**

(**Note:** The response has been broadened to include background information on the “Trinomool Congress” and the occurrence of pre-, poll and post-poll violence between the Trinamool Congress and the Communist Party of India-Marxist (CPI-M) in West Bengal since 1998.)

West Bengal has been ruled continuously by the Communist Party of India-Marxist (CPI-M) for close to three decades.

The West Bengal Trinamool Congress (WBTC), as it was originally known, was founded in 1997 as a break away from the Indian National Congress (INC), the CPI-M’s traditional rival in the state. Formed under the leadership of Mamata Banerjee, the party originated in

opposition to a local alliance then being forged between the West Bengal organisation of the INC and the CPI-M.

At the 1998 election to the twelfth *Lok Sabha* (India's national house of representatives), the WBTC contested twenty-nine and won seven seats in the national parliament. Ahead of the election to the thirteenth *Lok Sabha* in 1999, the party changed its name to the All-India Trinamool Congress (AITC), and contested twenty-nine seats in two states and won eight. At the election to the fourteenth *Lok Sabha* in 2004, India's last national election, the party contested thirty-three seats in five states and won two (Day, A. J. 2002, 'All-India-Trinamool Congress (AITC)', *Political Parties of the World*, 5th edition, John Harper Publishing, pp. 243-44 – Attachment 1; Election Commission of India 1998, *Statistical Report on General Election, 1998 to the 12th Lok Sabha, National and State Abstracts & Detailed Results*, Volume 1 http://www.eci.gov.in/ElectionResults/ElectionResults_fs.htm – Accessed 8 August 2006 – Attachment 2; Election Commission of India 1999, *Statistical Report on General Election, 1999 to the 13th Lok Sabha, National and State Abstracts & Detailed Results*, Volume 1 http://www.eci.gov.in/ElectionResults/ElectionResults_fs.htm – Accessed 8 August 2006 – Attachment 3; Election Commission of India 2004, *Statistical Report on General Election, 2004 to the 14th Lok Sabha, National and State Abstracts & Detailed Results*, Volume 1 http://www.eci.gov.in/ElectionResults/ElectionResults_fs.htm – Accessed 8 August 2006 – Attachment 4). (**Note:** Following a merger with the Nationalist Congress Party (NCP) in March 2004, the party was briefly known as the Nationalist Trinamool Congress (NTC). Today the party is simply known as the Trinamool Congress; although it continues to be listed as the AITC. To avoid confusion, unless appearing in quotes, the party will be referred to as the Trinamool Congress (hereafter TC). ('Sangma merges faction with Trinamool' 2004, *The Hindu* online edition, 14 March <http://www.hinduonnet.com/2004/03/14/stories/2004031404230100.htm> - Accessed 17 August 2006 – Attachment 93).

The TC has participated in two elections to the Legislative Assembly of West Bengal. In its first state contests in 2001, it contested two hundred and twenty-six seats and won sixty; and emerged behind the CPI-M, which won the election, as the state's main opposition party. At the 2006 election its fortunes reversed: it contested two hundred and fifty-seven seats and won thirty. At the recent election, the CPI-M increased its standing in the state: it secured one-hundred and seventy-six of the two hundred and twelve seats it contested, which represented an increase of 33 seats, giving the party an overall majority in the two hundred and ninety-four seat legislature (Election Commission of Indian 2001, *State Election, 2001 to the Legislative Assembly of West Bengal* http://www.eci.gov.in/ElectionResults/ElectionResults_fs.htm – Accessed 8 August 2006 – Attachment 5; Election Commission of Indian 2006, *State Election, 2006 to the Legislative Assembly of West Bengal* http://www.eci.gov.in/ElectionResults/ElectionResults_fs.htm – Accessed 8 August 2006 – Attachment 6).

The TC has also contested all other local government elections – both urban (municipal) and rural (*panchayat*) - in West Bengal since being founded. Detailed results for these were not found in the time allocated for this response. At this time, it may be noted that the party won power in only three municipalities out of a total of seventy-nine at the municipal election in 2005. At the 2003 general election to local rural bodies – the *zilla* (district), *samiti* (sub-district) and *gram* (village) *panchayats* – the party also performed poorly when it came in behind the INC. The INC itself came in a distant second to the CPI-M-led Left Front, which overwhelming won most of these electoral contests ('Bengal civic polls – a red alert for

opposition' 2005, *The Hindustan Times*, 26 May – Attachment 7; 'Left holds sway, Cong comes second' 2003, *The Times of India*, 16 May – Attachment 8; Chaudhuri, K. 'An emphatic victory', *Frontline* online edition, Volume 20, Issue 11, 24 May-6 June <http://www.hinduonnet.com/fline/fl2011/stories/20030606002704200.htm> – Accessed 10 August 2006 – Attachment 9). (Note: The *zilla*, *samiti* and *gram panchayats*, or councils, constitute the three tiers of local government in the rural sector.)

At all of these elections, country information indicates that members of the TC and CPI-M were involved in pre-, poll or post-poll violence. The elections were also marred by mostly credible allegations of "booth-capturing" and "vote-rigging". The following provides a brief and, admittedly, incomplete summary of such incidents since 1998, when the party contested its first election.

1998

In West Bengal, the election to the twelfth *Lok Sabha* in 1998 was relatively "peaceful". Media reports from the period indicate that the election itself took place amid tight security and fears of violence; but that, "barring minor incidents of bomb-throwing", five in all, it "passed off peacefully". Reports indicate that twenty-six persons were arrested in connection with the violence. In a separate incident, reports indicate that the police also resorted to a *lathi* (stick) charge at a voting booth. According to reports, "Congress supporters charged that the police was instrumental in sending some 20-25 CPM workers from the adjoining...area to 'supposedly assist' the agents at the booth" ('State polls end on peaceful note' 1998, *The Statesman*, 28 February – Attachment 10; 'Ultimately in WB, it was the voters' show of strength' 1998, *The Economic Times*, 1 March – Attachment 11; 'Security beefed up for polling' 1998, *The Statesman*, 27 February – Attachment 12).

The elections were marred by a "number of complaints from various parties of booth-jamming and proxy-voting" and allegations of voter intimidation. Among other reports, *The Economic Times* reported that "there were scenes of blatant voting by minors" in a CPI-M stronghold in the Diamond Harbour constituency. The Bharatiya Janata Party (BJP), the Indian National Congress (INC) and the [West Bengal] Trinamool Congress (WBTC) were particularly vociferous in alleging "instances of rigging, booth capturing and intimidation of voters" by the CPI-M ('State polls end on peaceful note' 1998, *The Statesman*, 28 February – Attachment 10; 'Ultimately in WB, it was the voters' show of strength' 1998, *The Economic Times*, 1 March – Attachment 11; 'Cong, BJP, Trinamool allege rigging' 1998, *Business Standard*, 2 March – Attachment 13).

There were several instances of violence in the immediate aftermath of the elections. The violence was allegedly perpetrated by the CPI-M against supporters of the INC and the TC. TC sources reported that CPI-M cadres attacked supporters of the party and set fire to their homes. According to reports, CPI-M workers also "allegedly poured poison down a village well in South 24-Parganas and pesticide into a pond in Hooghly", severely attacked TC workers and at least one journalist. TC sources allege that the CPI-M poisoned both the well and the pond in retaliation against villagers suspected of having voted for their party. At least one person was killed in the violence ('Post-poll violence rocks districts' 1998, *The Statesman*, 1 March – Attachment 14; 'CPI-M hand in post-poll violence – Trinamul, BJP' 1998, *The Statesman*, 1 March – Attachment 15).

Later in the year, violence was reported to have broken out in all sixteen districts of West Bengal during a general election to the state's rural bodies (*panchayats*). Most incidents

involved members of the CPI-Left Front and the TC-BJP combine. On polling day, at least five persons were killed; and “[t]here were reports from all three political groups – the CPI-led Left Front, the Pradesh Congress and the Trinamul Congress-BJP – that polling agents had been attacked and removed from the polling stations and repeated attempts had been made to disrupt polling” (‘Five killed in poll clashes in Bengal’ 1998, *The Times of India*, 29 May – Attachment 16).

1999

In West Bengal, the election to the thirteenth *Lok Sabha* in October 1999 was also highlighted by violence and the threat of violence. In the pre-poll period, reports indicate that supporters of the CPI-M and TC clashed in the context of the election campaign. Three TC members were allegedly killed by CPI-M supporters, and in one among other instances, an alleged attack on the CPI-M’s general secretary by TC supporters at Birati led to a series of reprisal attacks by the CPI-M in others parts of the state. In earlier reports from May, the CPI-M also alleged that its supporters had been killed with the backing of the TC and INC; the allegation accompanied others made by the CPI-M that the TC, INC and BJP were all trying to create an atmosphere of violence in the state ahead of the forthcoming elections (‘Surjeet attacked at Birati’ 1999, *The Statesman*, 23 September – Attachment 17; ‘Trinamul stands taller on Cong coffin’ 1999, *The Statesman*, 1 October – Attachment 18; ‘IB alerts state possible violence’ 1999, *The Statesman*, 2 October – Attachment 19; ‘Trinamul-BJP, Cong creating terror in state’ 1999, *The Statesman*, 3 May – Attachment 20; ‘Anti-Kanti- graffiti to be erased, Trinamul tells Gill’ 1999, *The Statesman*, 15 September – Attachment 21).

On two polling days, reports indicate that supporters of the CPI-M and TC were involved in numerous clashes, and as with the previous year there were incidents of “bomb-throwing”. In reports, the police also charged a group of TC supporters when they encircled (*gheraoed*) a CPI-M legislator and the TC complained vigorously of “rigging and violence at booths” and attacks by the CPI-M around the state. TC president, Mamata Banerjee, also alleged that the police were complicit in these attacks. The election was also marred by reports that a television crew was attacked by CPI-M activists whilst “interviewing a ‘proxy voter’ after she cast her second vote”. In the immediate aftermath of the elections, reports further indicate that the CPI-M cadres went of a rampage soon after polling ended, “firing at Trinamul Congress workers, [and] looting and torching homes of their supporters” (‘CPI-M rigged polls – Mamata’ 1999, *The Statesman*, 3 October – Attachment 22; ‘70 p.c.. turnout in W. Bengal’ 1999, *The Hindu*, 4 October – Attachment 23; ‘Trinamul, CPM men clash in Kespur – homes set ablaze, *The Statesman*, 4 October – Attachment 24; ‘Violence claims 18 lives in final phase of polling’ 1999, *The Times of India*, 4 October – Attachment 25).

In some other reports from 1999, members of the TC and CPI-M were involved in clashes outside the immediate context of polling; although in one instance, reports indicate that a “clash occurred over the [related] issue of inclusion of names in the voters’ list”. As in the context of electoral violence, the TC also lodged a general complaint with the West Bengal Governor General over alleged “CPI-M atrocities on its workers” (‘20 injured in CPI(M)-TC clashes in W Bengal – Police open fire’ 1999, *Press Trust of India*, 18 December – Attachment 26; ‘Mamata to discuss Tripura with Advani’ 1999, *The Statesman*, 17 November – Attachment 27).

2001

The pattern of electoral violence exhibited in West Bengal on previous occasions was heightened at the 2001 state election to the Legislative Assembly. Clashes were first reported as early as February when the TC disrupted a Left Front foundation-laying ceremony and clashed with the CPI-M supporters. By 9 May, when campaigning for the elections came to a close, media reports noted that there had been “109 political clashes since the elections were announced” and that at least three people had been killed. These reports also note that close to twelve thousand arrests had been made to prevent the occurrence of violence during the polls (‘Trinamul disrupts CM programme’ 2001, *The Statesman*, 22 February – Attachment 28; ‘Campaigning ends in West Bengal’ 2001, *The Times of India*, 9 May – Attachment 29).

The elections themselves were held amid tight security; and it was reported that “thousands of paramilitary forces were guarding voting stations to avoid clashes between the supporters of the communist government and its challengers”. Nonetheless, polling day was again marked by bombings, violent clashes between the CPI-M and TC, wide-spread irregularities, and at least seven deaths. Post poll violence was also heightened, with reports of around twenty-two dead, and allegations that eight TC supporters had been killed. Reports also included allegations that “opposition supporters” had “been served with ‘*dharjya*’ (CPI-M’s punitive tax) notices demanding payments ranging between Rs. 5,000 and Rs. 25,000”. It is interesting to note that the AITC’s leader, Mamata Banerjee, refused to cast her vote at this election, “protesting” against CPI-M violence and “electoral malpractice” (‘Voting begins in five Indian states amid tight security’ 2001, *Associated Press Newswires*, 10 May – Attachment 30; ‘Sixteen dead as voting ends in Indian states’ 2001, *Associated Press Newswires*, 11 May – Attachment 31; ‘60 p.c. turnout in repoll’ 2001, *The Hindu*, 13 May – Attachment 32; ‘Angry Mamata refuses to cast vote’ 2001, *Gulf News*, 15 May – Attachment 33; ‘Parties have a free run in their strongholds – Violent polls leave 7 dead in...’ 2001, *The Statesman*, 17 May – Attachment 34; ‘Opposition cleansing – No way to take West Bengal forward’ 2001, *The Statesman*, 1 June – Attachment 35; ‘22 killed in post-poll violence’ 2001, *The Statesman*, 4 June – Attachment 36).

2003

The sixth general election to local rural bodies in West Bengal – the *zilla* (district), *samiti* (sub-district) and *gram* (village) *panchayats* – was marked by large scale violence between rival political parties, particularly the CPI-M and the TC. As the votes were being counted, media reports put the death toll at twenty-eight, and the election was being described as “the bloodiest *panchayat* poll the state had witnessed”; later reports put the total death toll at forty-one. As at previous elections, there were many reported complaints by opposition parties of “booth-capturing, intimidation and fake voting” (‘Counting of votes begin in Bengal’ 2003, *Sify News*, 13 May – Attachment 37; ‘CPM retains grip over Bengal panchayats’ 2003, *The Tribune* online edition, 14 May <http://www.tribuneindia.com/2003/20030514/nation.htm> - Accessed 14 August 2006 – Attachment 38; ‘13 die in Bengal poll violence’ 2003, *The Tribune* online edition, 12 May <http://www.tribuneindia.com/2003/20030512/main1.htm> - Accessed 8 August 2006 – Attachment 39; ‘Death toll in rural poll rises to 19’ 2003, *The Times of India*, 13 May – Attachment 40; ‘15 killed in Bengal poll violence’ 2003, *The Times of India*, 12 May – Attachment 41; ‘An emphatic victory’, *Frontline* online edition, Volume 20, Issue 11, 24 May-6 June <http://www.hinduonnet.com/fline/fl2011/stories/20030606002704200.htm> – Accessed 10 August 2006 – Attachment 9).

In the pre-poll period, Tapan Sikdar was reported to have been attacked and injured by CPI-M “activists near Koipur in Barasat, North 24-Parganas” in early May 2003. The report follows in detail:

KOLKATA: Senior BJP leader and Union minister of state for small scale industries Tapan Sikdar was allegedly attacked and injured on Monday by CPM [Communist Party of India – Marxist] activists near Koipur in Barasat, North 24-Parganas. Security personnel accompanying him fired two rounds to disperse the mob armed with stones and razors.

Police said trouble began around noon near Koipur where Sikdar had gone to campaign for the panchayat polls. As soon as his convoy left the area, clashes erupted between BJP and CPM activists that left six people, three from each camp, injured. Sikdar was campaigning near Khamarpara, five km from Koipur. When news of the clashes reached him, he tried to rush back to the area. His convoy was stopped and stones were pelted at his car near Nawabpur-Khaspur.

Sikdar said the attack was an attempt to kill him. CPM state secretary Anil Biswas condemned the incident but termed the charge baseless. Though Sikdar said he was attacked with “something like a razor”, Biswas claimed “Sikdar was injured when the glass of his car was smashed” (‘Tapan Sikdar injured in attack by CPM men’ 2003, *The Times of India*, 7 May – Attachment 42).

2004

In West Bengal, the election to the fourteenth *Lok Sabha* in May 2004 was yet again marred by incidents of pre-, post, and post-poll violence between rival political parties. In the period before polling day on 10 May, at least seven persons were killed in clashes involving the CPI-M, TC, INC, and RSP (Revolutionary Socialist Party) workers and supporters. Reports indicate that clashes between the CPI-M (and its ally, the RSP) and TC supporters in particular occurred in various parts of the state, including districts Midnapore, Jalpaiguri, Nadia and North 24-Parganas. Among the dead were at least two members of the TC (‘NTC, Cong clash in Bengal, three hurt’ 2004, *The Deccan Herald* online edition, 18 April <http://www.deccanherald.com/deccanherald/apr182004/n1.asp> – Accessed 8 August 2006 – Attachment 43; ‘Seven die in pre-poll clashes in Bengal’ 2004, *The Tribune* online edition, 9 May <http://www.tribuneindia.com/2004/20040509/nation.htm> – Accessed 8 August 2006 – Attachment 44; ‘Violence rocks Bengal on election-eve’ 2004, *The Times of India*, 11 May – Attachment 45).

On polling day, 10 May, amid tight security, up to three persons were killed and a hundred injured in what media reports described as “stray incidents”. These included several bombings and numerous clashes between rival political parties. According to *BBC News*, CPI-M and TC supporters, in particular, “lobbed bombs at each other in three areas of north-west [Kolkata]” (including Beliaghata) and engaged in “similar clashes...in Murshidabad and Dumdum”. In other reports, it is noteworthy that, in Kolkata’s northern constituency of Dum Dum in district North 24 Parganas, “the BJP candidate and central minister Tapan Sikdar alleged that Marxist workers manhandled him”; and that the opposition TC “also accused the Marxists of attacking four of its candidates”. A TC leader was also killed in a clash with CPI-M supporters at Nanur (or Nanoor) in district Birbhum – an area which witnessed at least twelve other clashes between supporters of the two parties in this period (‘70 per cent polling in West Bengal; two killed’ 2004, *The Hindu* online edition, 11 May <http://www.hindu.com/2004/05/11/stories/2004051103291200.htm> – 8 August 2006 – Attachment 46; Bhaumik, S. 2004, ‘Voting in one of India’s Marxist states’, *BBC News*

online, 10 May http://news.bbc.co.uk/2/hi/south_asia/3701269.stm – Accessed 8 August 2006 – Attachment 47; ‘Seventy percent vote in Bengal, two dead’ 2004, *Yahoo News*, 11 May <http://in.news.yahoo.com/040510/43/2d06a.html> – Accessed 8 August 2006 – Attachment 48; ‘Three killed in poll violence in W. Bengal’ 2004, *The Tribune* online edition, 10 May <http://www.tribuneindia.com/2004/20040511/nation.htm> – Accessed 8 August 2006 – Attachment 49; ‘Two killed, 26 injured in WB, 70 per cent poll recorded’ 2004, *The Press Trust of India*, 10 May – Attachment 50; “‘Gently’ does it, rigging et al’ 2004, *The Statesman*, 11 May – Attachment 51).

As at previous elections in the West Bengal, there were many reports from all sides of “voter intimidation”, “rigging”, “irregularities”, “booth capturing” and “vandalism” (Bhaumik, S. 2004, ‘Voting in one of India’s Marxist states’, *BBC News* online, 10 May http://news.bbc.co.uk/2/hi/south_asia/3701269.stm - Accessed 8 August 2006 – Attachment 46; ‘Seventy percent vote in Bengal, two dead’ 2004, *Yahoo News*, 11 May <http://in.news.yahoo.com/040510/43/2d06a.html> - Accessed 8 August 2006 – Attachment 48).

In the post-polling period, violence was pronounced between supporters of the CPI-M and INC, with reports that the two had engaged in at least fifty separate clashes. Incidents between the CPI-M and TC were also reported. Among these, there were reports of clashes and bomb throwing in Kolkata and the death of two TC supporters in Burdwan district. Media reports indicate that there was also “an unprovoked attack on a Trinamul victory rally”. In other news, a BJP supporter was also allegedly burned alive by CPI-M activists in Midnapore district. Post-poll violence continued into the first week of June 2004 (‘Poll tolls begins in Murshidabad’ 2004, *The Statesman*, 12 May – Attachment 52; Banerjee, N. 2004, ‘Post poll clashes in West Bengal’, *The Times of India*, 22 May – Attachment 53; ‘Cong lashes out at CPM for Midnapore killing’ 2004, *The Times of India*, 26 May – Attachment 54; ‘Cops spar over violence toll’ 2004, *The Statesman*, 28 May – Attachment 55; ‘Trinamul team visits clash-ravaged Chapra’ 2004, *The Statesman*, 4 June – Attachment 56).

June 2004 – August 2006

In the period between June 2004 and August 2006, several actual or alleged instances of violence were reported to have taken place between supporters of the CPI-M and TC. As in previous instances, most were characteristically poll-related. The following information is organised by date range.

June 2004-December 2004

The first such reports related to incidents between the two groups during elections to seventeen municipalities at the end of June 2004. These occurred within a wider context of comparatively low-level political violence, much of it perpetrated by the CPI-M. That context included bombings and “a shoot-out in... which one person was killed”. Specific incidents involving the TC included reports that a TC candidate “was heckled, her spectacles smashed and her *saree* torn allegedly by CPI-M cadres”. In other reports, a clash between TC and CPI-M workers in district Nadia left a CPI-M worker dead and 15 workers of both parties injured. TC sources also alleged that the CPI-M had resorted to pre-poll violence” (‘Shoot-out mars “peaceful” civic poll’ 2004, *The Statesman*, 28 June – Attachment 57; ‘Maheshtala man sacrificed at rigging altar’ 2004, *The Statesman*, 28 June – Attachment 58; ‘Trinamul to stay away from BJP in civic polls’ 2004, *The Times of India*, 28 June – Attachment 59; ‘Painfully familiar are fair elections impossible in Bengal? 2004, *The Statesman*, 29 June –

Attachment 60; 'Bheramari murder: Life term for 16 CPM men' 2004, *The Statesman*, 30 June – Attachment 61).

Supporters of the TC and CPI-M appear to have clashed later in 2004 during a 12-hour state-wide shutdown (*bandh*) in August, which had been called by the TC. According to the TC chief Mamata Banerjee "one of her party activists was killed". She also claimed that "5,000 TC workers were arrested and 'many' injured 'when Communist Party of India (Marxist) men and police attacked our activists to foil the *bandh*' in several areas of the state". In confirmed reports, "police rounded up 3,767 persons, including 10 Members of [the] Legislative Assembly belonging to [the] Trinamool Congress (TC), for blocking rail and road traffic during the...shutdown". "At least 100 strikers were injured in clashes" and police were also reported to have "used batons to disperse rival political activists who clashed at several places" ('Bandh peaceful, 3,767 held across West Bengal' 2004, *The Press Trust of India*, 2 August – Attachment 62; 'Strike shuts down east Indian state' 2004, *Agence France Presse*, 2 August – Attachment 63).

January 2005-December 2005

The year witnessed a minor repeat of largely poll-related violence in May and June. The incidents involved members of rival political parties, including the TC and CPI-M; bombings; and one reported death. Incidents involving the TC and CPI-M in particular included reports that a TC leader "was attacked allegedly by CPI-M workers" in the Kalyani civic area in district Nadia. Police sources claim that police resorted to a *lathi* (stick) charge to disperse a clash between members of the two groups in Kolkata. Mamata Banerjee also claimed that the CPI-M had "unleashed terror" in various parts of the state ('Stray incidents mar Nadia polls' 2005, *The Statesman*, 23 May – Attachment 64; 'Exit-poll predicts return of Left in Kolkata Corporation' 2005, *Hindustan Times*, 19 June – Attachment 65; 'Stray incidents mar Kolkata civic polls' 2005, *The Hindu* online edition, 20 June <http://www.hindu.com/2005/06/20/stories/2005062008121200.htm> - Accessed 18 August 2006 – Attachment 66; 'One killed during Bengal civic polls' 2005, *The Hindu* online edition, 23 May <http://www.hindu.com/2005/05/23/stories/2005052304331200.htm> - Accessed 18 August 2006 – Attachment 67; 'Bengal civic poll peaceful' 2005, *The Tribune* online edition, 20 June <http://www.tribuneindia.com/2005/20050620/nation.htm#1> – Accessed 18 August 2006 – Attachment 68).

In other reported incidents from the year, two men were allegedly murdered "by CPI-M backed criminals" in Nanoor ahead of the commencement of a murder trial involving 80 CPI-M workers and leaders. TC sources identified the deceased as "supporters" of the TC. In September, TC sources also alleged that CPI-M activist attacked the pathological laboratory of TC vice-president during a strike called by the Left ('Pre-trial deaths in Nanoor' 2005, *The Statesman*, 24 February – Attachment 69; 'Bandh paralyses south Bengal districts, steel sector unaffected' 2005, *The Statesman*, 30 September – Attachment 70).

January 2006-August 2006

In January 2006, there was at least one actual instance of violence between members of the TC and CPI-M. The incident occurred on 10 January at South Bhatibari in district Jalpaiguri where a TC supporters "was killed and three other[s]...injured in a clash with CPI-M activists". The incident was alleged to have occurred when INC and TC

“supporters...opposed the development proposals of the South Bhatibari gram panchayat that is ruled by the CPI-M” (‘Trinamul-CPM clash kills one’ 2006, *The Statesman*, 11 January – Attachment 71). Earlier in the month, a CPI-M member of parliament survived an assassination attempt; in reports, she “alleged that the Trinamul Congress, in alliance with the Maoists, had planned to kill her before the polls” (‘MLA survived murder attack’ 2006, *The Times of India*, 9 January – Attachment 72).

In other incidents since January, reports indicate that a local CPI-M leader in district North 24-Parganas was allegedly murdered by “Trinamul Congress-backed criminals” in March (‘CPM leader killed in bomb blast’ 2006, *The Statesman*, 29 March – Attachment 73).

In the context of the election to the legislative assembly of West Bengal in April and May, there were reports of pre- and post-poll violence between members of the TC and CPI-M. The polling period was itself marked by the conspicuous absence of such violence. The reported incidents included reports before the election of a clash in district Balarampur where seventeen persons were injured. Both the TC and CPI-M alleged that this incident was instigated by their rivals. In the post poll period, there were reports that the houses of TC supporters “were ransacked and...set ablaze” by CPI-M activists (‘Trinamul-CPM clash at Balarampur’ 2006, *The Statesman*, 27 April – Attachment 74; ‘Post-poll violence’ 2006, *The Statesman*, 13 May – Attachment 75). The absence of violence during the polling period was due to the new strategies employed by the Election Commission, including greater supervision of polling booths (‘5-phase poll in Bengal yielded results: CEC’ 2006, Rediff.Com website, 11 May <http://in.rediff.com/election/2006/may/11cec.htm> - Accessed 21 August 2006 – Attachment 76).

The last reported clash between supporters of the CPI-M and TC occurred on 14 August 2006 at Baxirkuthi village in district Cooch Behar. According to reports of the incident, ten persons were injured and two houses ransacked during the violence. Reports of the incident are unclear. Police sources ruled out politics, observing that the clash grew out of a “dispute over two plots of land” between relatives. CPI-M sources maintained that the attackers were TC supporters and that the victims were CPI-M supporters, but that the incident was not political. While the district’s TC president alleged that the incident was “part of the CPI-Ms [sic] plan to terrorise the common people” (‘Ten injured in CPM-Trinamul clash’ 2006, *The Statesman*, 15 August – Attachment 77).

3. Is there any information about the Police supporting CPIM threatening activities?

Human Rights organisations, including Amnesty International and the Asian Human Rights Commission, have raised concerns in recent years about policing in West Bengal. These concerns include claims by the Asian Human Rights Commission of the “strong nexus between the police and politicians and political interference in matters of policing” in the state. Significantly, the concerns relate to the nexus between police and both the TC and CPI-M. In this context, the Asian Human Rights Commission observes that “the police on their part use political party leaders for their convenience” (‘Time to act to stop torture and impunity in West Bengal’ 2001, Amnesty International website <http://web.amnesty.org/library/print/ENGASA200332001> – Accessed 8 August 2006 – Attachment 78; ‘Police pressure torture victim’s family to withdraw complaint’ 2004, Asian Human Rights Commission website, 17 July <http://www.ahrchk.net/ua/mainfile.php/2005/996> – Accessed 21 August 2006 – Attachment 79; ‘Allegations of Police aiding criminals in relation to a man’s death in West Bengal’ 2004, Asian Human Rights Commission website, 33 November

<http://www.ahrchk.net/ua/mainfile.php/2004/863> – Accessed 21 August 2006 – Attachment 80).

Information, confirmed or otherwise, of the police supporting CPI-M cadre in acts of violence is littered throughout the sources consulted. Early evidence of police supporting the ruling CPI-M-led Left Front against TC supporters is provided by Amnesty International in the following excerpt from its report ‘Time to act to stop torture and impunity in West Bengal’:

The involvement of police in suppressing political activity and supporting the ruling Left Front government was demonstrated in the recent assembly elections held in May 2001. On 10 May Rabindranath Das (alias Topi), who had reportedly gone to a polling booth to provide food for a polling agent belonging to the Trinamool Congress in Beliaghata, was chased by police wielding *lathis*. Fleeing, he ran into the nearby lake where he drowned. Human rights activists who saw his body claimed that he had severe injuries as a result of *lathi* blows and witnesses reported that police continued to beat him from the shores of the lake while senior police officials stood by (‘Time to act to stop torture and impunity in West Bengal’ 2001, Amnesty International website <http://web.amnesty.org/library/print/ENGASA200332001> – Accessed 8 August 2006 – Attachment 78).

In the context of violence in West Bengal between supporters of the CPI-M and TC, TC sources cited in a number of reports allege that the police have played a partisan role in siding with the CPI-M. Mamata Banerjee, the leader of the TC, in particular, has been vociferous in raising these allegations. In 1999, she alleged that security forces were absent from TC strongholds during the *Lok Sabha* elections in West Bengal and that police connived with the CPI-M to intimidate voters and drive away polling officials. In 2000, she alleged that the “it was with the help of police that the CPI-M created terror in areas like Keshapur”, the scene of a violent attack and murder of TC supporters. In 2004, she alleged that 5,000 TC workers were arrested and many injured during an attack by CPI-M “men and police”. In 2006, she accused the CPI-M state government, generally, of “misusing the police” to eliminate political rivals (‘CPI-M rigged polls – Mamata’ 1999, *The Statesman*, 3 October – Attachment 22; ‘Banhd peaceful, 3,767 held across West Bengal’ 2004, *The Press Trust of India*, 2 August – Attachment 62; ‘Mamta refuses to surrender before court’ 2006, *The Tribune* online edition, 5 January <http://www.tribuneindia.com/2006/20060106/nation.htm#4> – Accessed 21 August 2006 – Attachment 82; ‘Basu accused of misusing police’ 2000, *The Hindu*, 2 June – Attachment 83).

Similar claims have been reported by other opposition and TC sources. These include allegations by a TC leader in 2000 that the police were “mute spectators” in CPI-M led attacks in district Midnapore. (‘Two TC men killed, 70 injured in armed clash with CPI workers’ 2000, *Press Trust of India*, 26 August – Attachment 84; ‘Basu blames BJP-Trinamul for decline in law and order’ 1999, *The Hindu*, 1 December – Attachment 85).

The above reports may be read alongside rival accounts of a purported nexus between the police and the TC, which has been alleged by CPI-M sources in a small number of reported instances of violence involving the two parties and at least one police raid on a CPI-M stronghold (for alleged instance, see Attachments 65-66, 81) (‘Exit-poll predicts return of Left in Kolkata Corporation’ 2005, *Hindustan Times*, 19 June – Attachment 65; ‘Stray incidents mar Kolkata civic polls’ 2005, *The Hindu* online edition, 20 June <http://www.hindu.com/2005/06/20/stories/2005062008121200.htm> – Accessed 18 August

2006 – Attachment 66; ‘CPM livid over Keshpur raids’ 2006, *The Times of India*, 7 April – Attachment 81).

4. Is there any information about violent or threatening activities by the CPIM against Trade Unions and members?

Information was not found in the sources consulted, in the time allocated for this response, of the CPI-M targeting Trade Unions and members in West Bengal. However, the CPI-M’s labour wing, the Centre for Indian Trade Unions (CITU), is known to attack rival political and labour organisations in the state. Recent reports from the Indian press indicate that the CITU has clashed with labourers belonging to the All India Gorkha League (ALGL), the Trinamool Congress (TC), the Revolutionary Socialist Party-led United Trade Union Congress (UTUC) and the Indian National Congress-led Indian National Trade Union Congress (INTUC), among other groups (Banerjee, N. 2003, ‘Clashes over jobs kill 21 in India’ 2003, Associated Press, 6 November – Attachment 86; ‘Militant trade unionism in industry hub’ 2005, *The Statesman*, 3 January – Attachment 87; ‘12 hurt in clashes’ 2005, *The Statesman*, 31 May – Attachment 88; ‘Together we stand’ 2006, *The Telegraph* online edition, 19 January http://www.telegraphindia.com/1060119/asp/opinion/story_5735940.asp – Accessed 21 August 2006 – Attachment 89; ‘Political rivalry shuts down Malda packaging unit’ 2006, *The Statesman*, 14 March – Attachment 90; ‘The menace of trade union militancy in India’ 2006, *The Hindustan Times*, 19 March – Attachment 91).

The labour wing of the Trinamool Congress is known, as per the party’s constitution, as the “Trinamool Trade Union Congress” (TTUC). Reports were not found in the sources consulted of the group ever having clashed with the CPI-M or the CITU. (‘Constitution of All Indian Trinamool Congress’ (undated), Election Commission of India website http://eci.gov.in/MiscStats/Political_Parties/Constitution_of_Political_Parties/ConstitutionOfAITC.pdf – Accessed 21 August 2006 – Attachment 92).

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