

Strange and dubious case of Dr.Binayak Singh

(By N.T.Ravindranath)

Dr.Binayak Sen, a civil liberty and human rights activist, was arrested by the Chattisgarh police on May 14, 2007 under the provisions of the Chhattisgarh Special Public Security Act, 2005, (CSPSA) and the Unlawful Activities (Prevention) Act, 1967 on the charges of treason, sedition, criminal conspiracy, links with Maoists and acting as a courier for Maoist leader Narayan Sanyal. Earlier on May 6th 2007, the Chattisgarh police had arrested a Kolkata-based businessman Piyush Guha, a tendu leaves trader, from Raipur following recovery of some letters written by jailed Maoist leader Narayan Sanyal from him. Guha's confession about the involvement of Binayak Sen in passing on these letters to him had led to Sen's arrest.

Dr.Binayak Sen, accompanied by his wife Ilina Sen, came to Raipur in the late eighties and worked among the tribals in the area promoting health care activities. He founded an NGO called 'Rupander' that trained community health workers to work in villages. He was also a noted civil rights activist who maintained close links with the Maoists in the area. Dr.Sen was also in the forefront in launching a campaign against the "Salva Judum", a people's resistance movement against the Maoist activities in the area. Arrest of Binayak Sen in May 2007 had led to wide-spread protest programmes by civil society groups both within India and outside. In December 2007, while Sen was lodged in jail, the Indian Academy of Social Sciences (IASS) declared Binayak Sen as the winner of RR Keithan Gold Medal for "his outstanding contribution to the advancement of science of Nature-Man-Society and his honest and sincere application for the improvement of quality of life of the poor, the downtrodden and the oppressed people of Chhattisgarh". Binayak Sen was honoured with this award in absentia by Balachandra Mungekar, President of the Indian Academy of Social Sciences and Member of Planning Commission at the 31st Indian Social Science Congress held at SNDT university, Churchgate, Mumbai on 29 th. December 2007. The UPA government obviously found nothing wrong in a dignitary like the Planning Commission Member honouring a jailed pro-Maoist leader at an official function. (<http://www.esocialsciences.com/News/NewsDetails.asp?Newsid=330&newstype=1>).

Again in April, 2008, while Sen was still in jail, the Global Health Council nominated him as the winner of the 2008 Jonathan Mann Award for Global Health and Human Rights. Following the announcement of this award, 22 Nobel laureates had made an appeal to the government of India to allow Dr.Sen to travel to Washington DC to receive the 2008 Jonathan Mann award in person at the end of May 2008. (<http://www.binayaksen.net/2008/05/nobel-winners-call-for-release-of-dr-binayak-sen/>).

Following the rejection of this appeal, Sen's wife Ilina Sen had received the said award. All efforts by Sen to come out on bail remained unsuccessful for next two years. He was finally granted bail by the Supreme Court on May 25, 2009.

On December 24, 2010, Civil rights activist Binayak Sen, Naxal ideologue Narayan Sanyal and Kolkata businessman Piyush Guha were found guilty of sedition by a Raipur court for helping the Maoists in their fight against the state. All the three were sentenced to life imprisonment by the Additional District and Sessions Judge of Raipur, B P Verma.

The civil society organizations conducted rallies in different cities in India and also in some cities in North America and the UK on 30th January, 2011, the day of Gandhi's martyrdom, in protest against the life sentence awarded to Dr. Binayak Sen and seeking his immediate release from the jail. They also sought the abrogation of Chattisgarh Special Public Security Act, 2005 and the alleged colonial-era sedition law. Protest demonstrations were also held in front of Indian consulates in New York, San Francisco, Washington DC, Vancouver and London on that day. The civil rights groups which took a leading role in organizing the protest rallies in western countries on 30th January included rights groups like the Asian Law Alliance and the People's Health Movement, anti-war groups like Answer Coalition and the Boston Mobilisation, women's rights groups such as the Women's International League for Peace and Freedom, and students groups from Harvard University and the University of California, Berkeley. A coalition of 55 civil society groups from the US, the UK and Canada also launched an on-line signature campaign for a petition to be submitted to the President of India. (<http://www.srai.org/global-online-campaign-for-binayaks-release/>). The petition besides seeking the immediate release of Binayak Sen, also demanded the repeal of alleged draconian sedition laws and the Armed Forces (Special Powers) Act and disbanding of civil militia such as the Salva Judum and the Maa Danteshwari Swabhimani Manch. A group of 40 Nobel laureates from 12 countries had also send a joint petition to the Prime Minister of India expressing their astonishment and dismay at the unjust life sentence handed down to Dr. Binayak Sen and seeking his immediate release on bail.

Meanwhile the Chattisgarh government had granted permission to a eight-member delegation from the European Union to watch the Chattisgarh High Court's hearing on rights activist Binayak Sen's bail plea and appeal against his life sentence on 24th January, 2011. Earlier the ministry of external affairs (MEA) had forwarded a request from the eight-member European delegation seeking permission to watch the court proceedings in Bilaspur on 24th January to the Chattisgarh government. The Chattisgarh government forwarded the request to the High Court, leaving it to the judiciary to take a decision. The Observer Mission included representatives from Belgium, France, Germany, Hungary, Sweden and the UK. Binayak Sen's plea for bail and suspension of the charge of sedition and links with Maoists was however rejected by

the Chattisgarh High Court on February 10, 2011. (<http://www.deccanherald.com/content/131724/binayak-case-hc-allows-eu.html>)

Sen's links with Maoists

Dr. Binayak Sen is the all India Vice President of the People's Union for Civil Liberties (PUCL), a civil society group. Originally known as the People's Union for Civil Liberties and Democratic Rights (PUCLDR), it was founded by veteran sarvodaya leader Jayprakash Narayan in 1976 as a non-political platform for all the political parties to come together for the defence of civil liberties and human rights. The organization was re-christened as the People's Union for Civil Liberties (PUCL) in 1980 and senior lawyer V.M. Tarkunde was elected as its first President. Over the years it has however lost its image as an independent civil liberty organization because of its increasingly pro-naxal leanings. Presently it is functioning like an over-ground front of the CPI-Maoist outfit. Like other civil society groups, it also supports various militant movements in the country like Islamic terrorists, Kashmiri separatists, LTTE, United Liberation Front of Assam (ULFA) and North East insurgents. Binayak Sen is thus a supporter of not only the Maoist movement, but all the militant and secessionist movements in India.

Binayak Sen has also been a staunch opponent of the "Salva Judum", which is a people's resistance movement against the Maoist movement. Besides extorting money from the tribals in the area, the Maoists were also asking every tribal family to spare at least one member, either a boy or a girl, to join the Maoist cadres. Children of those who resisted the Maoist dictate were kidnapped and forcibly made to join the Maoist cadre. Many of those who dared to oppose the extortion and kidnapping were brutally killed. It was under the backdrop of such Maoist atrocities that the Salva Judum was formed. It was supported by all political parties, including the congress and BJP. It is true that that the state government also supported the Salva Judum, as it was complementing the government efforts to curb the Maoist influence in the area. However the Maoists and the civil society groups like the PUCL opposed the Salva Judum movement vehemently and they also accused the state government of encouraging fratricidal killings among the Adivasis of the area by supporting the Salva Judum. The civil society groups however managed to use their tremendous influence among the legal fraternity to keep a lot of restrictions on the functioning of the Salva Judum. Binayak Sen was in the forefront in organizing the anti-Sava Judum campaign in Chattisgarh, clearly showing his pro-Maoist leanings.

Image build up by civil society groups

Before his arrest in May, 2007, Binayak Sen was hardly known to anybody outside Chattisgarh. But after his arrest, there were protest demonstrations organized by civil society groups in different parts of the country and even in some cities outside the country. Then the Indian Academy of Social Sciences declared Binayak Sen as the winner of R.R.Keithan Gold Medal for his outstanding contribution to the advancement of science of Nature-Man-Society and Sen was honoured with this award, in absentia, at the 31st. Indian Social Science Congress held at SNDT University, Churchgate, Mumbai on 29th. December, 2007. Again in April, 2008, while Sen was still in jail, the Global Health Council nominated him as the winner of the 2008 Jonathan Mann Award for Global Health and Human Rights and following this announcement 22 Nobel laureates had made an appeal to the government of India to allow Dr.Sen to travel to Washington DC to receive the award. On December 24, 2010, when Binayak Sen was sentenced to life imprisonment on sedition charges, there were wide-spread protests by civil society groups in many of the West-European countries against the injustice done to Binayak Sen and seeking his immediate release. 40 Nobel laureates had also made a joint appeal to the President of India seeking the release of Binayak Sen.

It was the civil society groups, both within India and outside, which played a prominent role in transforming a non-entity like Binayak Sen into an international celebrity within a short span of time. By condemning and maligning the Indian courts and mustering the support of so many Nobel laureates for the campaign to press for the early release of Binayak Sen, the civil society groups in the western countries showed blatant disregard for Indian justice system, besides being guilty of gross interference in India's internal affairs. The episode also demonstrates the eternal subservience of the Nobel laureates to the American and Norwegian political leadership. Indian civil society groups also marveled in projecting how flawed is the system of dispensation of justice in India. It also showed how international awards can be manipulated to bestow instant stardom on any person. The Indian government was also guilty of not only announcing a prestigious award for Binayak Sen, jailed for pro-Maoist links, but allowing a Planning Commission Member to honour him 'in absentia' at a public function. The whole episode was a vulgar display of manipulative politics designed to project Binayak Sen as a celebrity doctor who selflessly worked among the tribals and was unjustly branded as Maoist and jailed because of our flawed justice system. It was rather funny to hear about an eight-member team of observers who came from the European Union to watch the proceedings at the Chattisgarh High Court as to how the Indian court was dealing with Binayak Sen's bail application, as though he was such a big international celebrity.

The Supreme Court on April 15, 2011 granted bail to Dr. Binayak Sen and rejected the sedition case against the petitioner as baseless. The Bench pointed out that mere possession of Maoist literature does not amount to Sen's involvement in Maoist activities. Commenting on the development, civil society activist and Maoist supporter Swami Agnivesh said that the Supreme Court judgment will pave the way for the release of all social activists who are lodged in jail for having links with Maoists.

Within weeks of getting bail from the Supreme Court in connection with the charges of sedition, Binayak Sen was appointed by the UPA government as a member of Planning Commission's Steering Committee on Health, which will advise the panel on the Twelfth Five Year Plan. This government action had drawn considerable flak from the BJP leaders. Voicing his strong opposition to Sen's appointment on Planning Commission's health panel, Chattisgarh chief minister Raman Singh pointed out that Sen has not been absolved of the sedition charges by the court, but just given bail. He announced that he will be skipping a crucial meeting of the Planning Commission in protest against Sen's appointment and added that none of the ministers from his cabinet will attend the meeting in protest against Sen's presence in the steering committee on health.

A few days after the Planning Commission endorsed an advisory role for Dr. Binayak Sen, a study conducted at the UK's Cambridge University termed his arrest as symptomatic of the problems faced by tribals in India. The study, funded by UK Economic and Social Research Council, criticized India for continuing with the sedition laws introduced by the British in 1870. It said that the tribals who first suffered at the hands of the British, continue to be the victims of exploitation, now by the Indian state and big business. The paper titled "Understanding the conviction of Binayak Sen" is coauthored by Lawrence King and Jonathan Kennedy. Western scholars continue to drum up support for Binayak Sen through such studies, etc. at regular intervals.

The Supreme Court while granting bail to Binayak Sen had pointed out that merely by possession of Maoist literature one does not become a Maoist. But Sen had carried not only naxal literature but letters from Narayan Sanyal which were passed on to other Maoist leaders through Piyush Guha. Maoist leader and politburo member Narayan Sanyal, who is undergoing imprisonment in Chattisgarh jail, is not an ordinary leader. He had led the Naxalbari uprising in 1967 along with Charu Majumdar and Kanu Sanyal. He is thus a living legend. During his more than 40 years association with various naxal outfits, he has committed innumerable offences including murders. Binayak Sen had maintained very close relations with Narayan Sanyal and frequently visited him in the jail. Between May 26, 2006 and June 30, 2007, Sen had met Sanyal 33 times and served as his courier for passing on seditious letters written by Sanyal to other comrades through Piyush Guha, a tendu leaf trader.

UPA government's support for Maoist and other militant movement

The UPA government which had earlier shown its support to Binayak Sen by awarding him R.R.Keithan Gold Medal in absentia when he was in jail, again honoured him by appointing him as a member of Planning Commissions's steering committee on health following his release on bail. Sen was not acquitted, but was only released on bail. Couldn't the government find a better person with clean records, rather than a life convict, for this assignment?

The UPA government's sympathetic approach to naxal movement had resulted in the sabotage of a major anti-naxalite operation in Andhra Pradesh in 2005. About 30 top leaders of the CPI-(Maoist) including State Secretary Ramakrishna and some top leaders from Chattisgarh and Bihar who were holding a secret meeting deep inside the Nallamala jungles in Prakasam district of Andhra Pradesh were encircled by special anti-naxalite Grey Hound Commandos on February 3d. 2005. However the said operation had to be called off at the last minute because of an emergency directive from the Centre seeking an immediate halt to the operation so as to pave the way for a congenial atmosphere for peace talks with Maoists. If there was no such intervention from the Centre, the police commandos could have gone ahead with their operation and captured or killed all those top Maoist leaders which would have broken the backbone of the Maoist movement in the country. The UPA government should be held accountable for all the subsequent Maoist violence and killings in the state.

It was only to get some sort of legitimacy to the UPA Government's pro-Maoist stance that the Planning Commission under the UPA government had set up an expert committee in 2006 to make a detailed study about the Maoist problem and recommend necessary measures to tackle the same. The 18-member expert committee consisting mainly of pro-Maoist civil society activists and former bureaucrats and headed by D. Bandopadhyay, a retired IAS officer, submitted its report in April, 2008. The report described the Maoist problem as a socio-economic one and said that it should be tackled with sympathy and understanding and not with force. On the other hand, the report was highly critical of the "Salva Judum" movement of Chattisgarh, and wanted a ban on it, despite the fact that Salva Judum was only an all-party people's resistance movement formed in desperation by the villagers to defend themselves against the Maoist violence. But the expert committee gave a clean chit to the Maoist movement, and sought a total ban on "Salva Judum". Only two members in the committee, both former police officers, had expressed their dissenting voice.

The UPA government accepted the expert committee report on Maoism and now formally considers the Maoist movement as a socio-economic problem. The government also gave Rs.25 crore as special development assistance to sixty Maoist-affected districts for poverty alleviation programmes in 2010, which has now been raised to Rs.30 crore

for the current year. As suggested by the expert committee, the government wants to adopt a conciliatory attitude towards the Maoists. Meanwhile there has been an unprecedented rise in Maoist violence in the country, especially in states like Chattisgarh and Orissa since last two years. In an ambush carried out by the Maoists in Rajnandagaon district of Chattisgarh, 30 policemen, including a superintendent of police, were massacred on June 12, 2009. In another brutal ambush staged at Dantewada of Chattisgarh, 76 CRPF men ie almost one company of CRPF was wiped out on April 6, 2010. In yet another ambush carried out by the Maoists in Narayanpur district of Chattisgarh, 26 CRPF men were killed on June 30, 2010. While such killings continued at regular intervals in Maoist-infested areas, the government was still engaged in an academic debate over whether tough measures were really needed to curb the Maoist menace. The government was clearly divided over the issue with the National Advisory Committee members still advocating caution and patience. The government thus maintains a cautious approach, while the Maoist violence continues unabated.

There is nothing unusual about UPA government's sympathy for Maoism. Dr.Binayak Sen is a prominent civil society leader. Sonia Gandhi is the chief patron of the civil society activists. The UPA government, influenced by the civil society, has always been sympathetic to not only the Maoist movement, but all militant movements in the country. The first major decision of the UPA government after coming to power in 2004 was the abolition of Prevention of Terrorism Act (POTA), a move welcomed by all terrorist outfits in the country. Since then the UPA government had been showing extraordinary interest in holding peace talks with Maoists, ULFA militants, Kashmiri militants and also with Pakistan. The fact that the National Advisory Council (NAC) is totally filled with civil society activists gives ample proof for this close links between Sonia Gandhi and the civil society. If our government itself supports all militant and secessionist movements in the country, how can our India survive as a nation?
(<http://naxalwatch.blogspot.com/2005/02/greyhounds-trap-notorious-ramakrishna.html>)

The National Advisory Committee (NAC) chaired by Sonia Gandhi is functioning like a super cabinet, finalizing all draft legislations and commanding a say in all major decision making process, but without any accountability.

Narayan Sanyal joined the naxal movement in 1966 after leaving his employment with a bank. He was arrested in 1972 and was jailed for five years. He jumped the bail in 1977 and rejoined his colleagues to carry on with his party work in the party.

Sanyal was the lead planner in the PWG attack on Chief Minister Chandrababu Naidu at Alipiri in Tirupati in 2003. He was involved in Jahanabad jail break that resulted in the release of 340 prisoners. He was also involved in the attack on the police headquarters at Korraput in Orissa in 2004 and in the attack on the police superintendent's convoy in Bastar in 2005.