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Contents

- [Binayak Sen's Conviction : \(...\)](#)
- ["Binayak Sen's Conviction \(...\)](#)

Binayak Sen's Conviction : Travesty of Justice and Criminalisation of Dissent

The conviction and life sentence on sedition charges of Dr. Binayak Sen along with two others has met with shock and outrage across the world and all over India. The Raipur Sessions Court, royally disregarding the paucity of evidence, the glaring holes, contradictions and even unmistakable signs of planted evidence in the prosecution's case, delivered a political verdict.

However, this verdict itself, and with it the entire politics of Greenhunt-related witch-hunt, has landed itself in the people's court. In particular, the Chhattisgarh police exposed itself to public ridicule for its attempts to link Dr. Sen's wife, scholar and activist Ilina Sen with terrorism based on her email to the well-known Indian Social Institute of Delhi, which the prosecution mistook for Pakistan's Inter-Services Intelligence (ISI). In its account of the place of arrest of one of the accused from whom documents incriminating Dr. Sen are supposed to have been seized at the time of the arrest, the Chhattisgarh police's testimony in the Sessions court contradicted its own earlier statement in the Supreme Court - another crucial fact which the verdict ignored. Confronted with the failure of a key piece of 'evidence' (a letter supposedly sent by Maoists to Dr. Sen) to find a mention in the list of articles seized from Dr Sen's home, the police airily explained it away by saying 'chipak gaya tha' - 'it must have stuck to some other documents.' The verdict, without any questions, accepted this flimsy excuse for planted evidence. The term 'comrade' has also been unquestioningly accepted as 'proof' of being a Maoist.

Another Sessions Court in Raipur on the same day, sentenced a publisher to 11 years in prison for possession of "banned literature" - which included the works of Marx, Ambedkar and Bhagat Singh. This is not the first time that courts have delivered such political judgements criminalising communist literature. Some years ago, the Supreme Court had upheld the life sentence to 14 CPI(ML) activists (including elected mukhiya Shah Chand as well as a minor) convicted under the draconian TADA on no evidence barring the possession of Bihar Pradesh Kisan Sabha literature, Mao's works and other Marxist literature.

With Binayak Sen's conviction by the Raipur Sessions Court, it seems that faked evidence and farcical trials are joining fake encounters as the Indian State's weapons of mass intimidation. Recently, Ratan Tata declared that if tapes exposing how corporations loot resources and undermine democracy were allowed to be available to the public, it would make India a 'banana republic' where people "go to jail without evidence." In reality, the Raipur Sessions Court verdict indicates that India is turning into a 'banana republic' for the likes of Binayak Sen who expose and challenge corporate loot and state repression, while the governments protect the 'right' of Tatas and Ambanis to loot in 'privacy'.

In a recent speech to IPS probationers, the Prime Minister laid stress on the fact that if “naxalism in the Central India parts where the bulk of India’s mineral wealth lies” is not controlled, “we have to say goodbye to our country’s ambitions to sustain growth rate of 10-11% per cent per annum.” Clearly the Prime Minister is equating mass movements of adivasis and peasants against land grab and mining loot by corporations with ‘naxalism.’ Obliquely admitting that such land grab and loot are crucial to India’s ‘growth rate,’ the Prime Minister is calling for the continued and intensified police repression of mass resistance. No wonder that the Congress has responded to Binayak Sen’s unjust conviction in BJP-ruled Chhattisgarh by disapproving of any criticism of a court verdict!

The verdict convicting Binayak Sen for sedition is a calculated threat to each and every voice of dissent. But the travesty of justice in Binayak Sen’s case, however inadvertently, added fuel to the fire of protest and all-out rejection of the State’s policy of silencing and criminalising dissent. The struggle against draconian laws, against the State’s war on people’s movements, against the silencing of public intellectuals, and for the freedom of all those including Binayak Sen who are jailed on fake charges and political grounds will continue and grow in the days to come.

“Binayak Sen’s Conviction is a Blow to Democracy”

Citizens Protest at Parliament Street Against Unjust Conviction of Binayak Sen

On 27 December, hundreds of people gathered at Jantar Mantar in Delhi to express outrage at the recent conviction and life sentence for Dr. Binayak Sen. The protestors, including students, workers, civil liberties’ groups, women’s groups and many eminent individuals marched from Jantar Mantar to Parliament Street, raising slogans against the unjust conviction, where they held a protest meeting.

The protest had been organised jointly by AISA and AIPWA along with PUCL, PUDR and a range of other human rights and democratic groups. AISA had also called for countrywide protest on 27 December against the unjust conviction of Dr. Binayak Sen, which took place at Allahabad, Banaras, Patna, Kolkata, Hazaribagh, Bagodar, among many other places.

In Delhi the response to the protest call was overwhelming, with people from all walks of life wanting to give voice to their shock and anger. Students from JNU, Delhi University, and Jamia Millia Islamia under the banner of AISA formed a substantial contingent of the protestors, as also a large number of CPI(ML) activists. The massive protest meeting, conducted by Kavita Krishnan of AIPWA, was attended and addressed by many eminent individuals including Kuldeep Nayyar, historian Prof. Harbans Mukhia, Arundhati Roy, Swami Agnivesh, Manglesh Dabral, poet and Delhi President of Jan Sanskriti Manch, Dr. Mira Shiva, Prof. K J Mukherjee of JNU, Gautam Navlakha of PUDR, Harsh Mandar, as well as representatives of PUCL, National Forest Workers’ Forum, Narmada Bachao Andolan.

Prabhat Kumar, Central Committee member of CPI(ML) Liberation and Ravi Rai, General Secretary, AISA also addressed the gathering and hailed the united initiatives to defend democracy.

Addressing the protest gathering, participants pointed out that the verdict of the Raipur Sessions Court sentencing Dr. Binayak Sen, as well as Narayan Sanyal and Pijush Guha to life imprisonment on charges of sedition has shocked democratic opinion everywhere. Throughout, the trial was marked by a woeful lack of evidence, fabrication of evidence, and farcical arguments. The wholesale violation of procedural safeguards in seizure of evidence was ignored by the court. A conviction based on such flimsy, unsubstantiated and fabricated evidence is a serious miscarriage of justice and a blow to democracy.

Speakers stressed that the verdict is not only a conviction of Binayak Sen, it is a move to silence and

intimidate all dissident voices and public intellectuals who are critical of state repression and corporate loot and land grab. Participants in the protest asked, "If a high-profile case like that of Dr. Binayak Sen could meet such a fate, we can only imagine what happens in the hundreds of cases framing ordinary peasants, tribals, workers, activists, who are earning the State's ire by voicing their dissent, organising people's movements and challenging Operation Green Hunt."

The protestors also expressed concern at the conviction and 11-year sentence for Asit Sengupta, publisher "A World to Win", for possession of "banned literature" by another Sessions Court in Raipur the very same day. In this case as well as others "banned" literature has included Das Kapital, the Communist Manifesto, and the works of Ambedkar and Bhagat Singh.

The gathering committed itself to continuing the struggle for the release of Binayak Sen and other dissenting voices framed on fabricated charges in Chhattisgarh and elsewhere, and scrapping of draconian laws like the Chhattisgarh Public Security Act, the UAPA and the AFSPA.

Sankalp Diwas

Twelfth Memorial Day of Comrade VM was commemorated in Odisha at Nagbhushan Bhavan in Bhubaneswar. Party activists and leaders paid tributes to comrades VM and Parasji on this occasion. Politburo member Com. DP Baxi addressed the gathering where he recalled VM's ideas on various aspects of building a revolutionary movement and communist party. Odisha State Secretary Com. Kshitish Biswal recalled his own experiences of working with VM when he used to visit Odisha on various occasions. He also remembered Com. Nagbhushan and his work in this context. Comrade Radhakanta Sethi read out the party's call for this occasion and called upon the comrades to follow VM's inspiring ideas and works to strengthen the party. Comrades Yusdhistir Mohapatra, Mahendra Parida and Adhok Pradhan also addressed the meeting. The meet was concluded after taking oath to fulfil the dreams of Comrade VM and to strengthen the party among the working class in Odisha as visualised by the departed leader.

In Uttarakhand, Nainital party unit organised Sankalp Diwas in Bindukhatta which was attended by party members and supporters. This was presided over by Uttarakhand Incharge Raja Bahuguna. Comrade Rajendra Pratholi addressed it as the main speaker. After paying tributes to Comrades VM and Ramnaresh Ram by observing two minutes silence, the party's call was read out. Comrade Pratholi called upon the members to enrich the legacy of Comrade VM and Parasji. Com. Raja Bahuguna called for fulfilling the targets set for the mass organisations to strengthen the party. Comrade Girija Pathak presented a work-plan to fulfil the targets for membership, All India Kisan Mahasabha's conference, AISA membership and agitational programmes in the district which was discussed and passed by the members.

AISA State Conference in Uttarakhand

AISA's 5th Uttarakhand State Conference concluded in Dehradun on 21-22 December. Fifty delegates from six centres participated in the Conference. The conference Hall was named after comrade Chandrashekhar, ex-President of JNUSU who was martyred in Siwan on 31 March 1997. The venue was renamed after comrade Nagendra Sakalani who embraced martyrdom on 11 January 1948 while fighting against the Tehri State in Uttarakhand.

The inaugural session was addressed by AISA National President Sandip Singh where he called upon

the students to organise widespread resentment among common students against the attacks on campus democracy, corruption and loot of national resources. He criticized governments for turning education into a commodity and for rampant corruption involving bureaucrats, journalists and politicians, which has emerged as an important tool to implement the policies of liberalisation. That is why we now see chain of big scams involving those running the governments and it is for this reason that accused are roaming scot free. AISA General Secretary Ravi Rai hailed organisation's important role during the Uttarakhand movement where it made a distinction by raising the issues of education and employment for the students and youth, and by demanding to address the problems of poor peasants in the state. People were committed to fight for the basic issues of the people and real development up to the grassroots. Now it is needed to develop a student movement to fulfil the unfulfilled dreams of the people of Uttarakhand. CPI(ML) State Committee member and ex-President of student union in Kumaon University Girija Pathak called upon to intensify the struggle against privatisation and said that now people are fully aware of the adverse and anti-people impacts of the government's policies. He also recalled that two decades ago AISA was among the foremost students organisations fighting against the implementation of the policies of the LPG, whose bad impacts now apparent in all walks of lives of common people.

The conference was also addressed by AISA ex-President Indresh Maikhury, CPI(ML) Garhwal in-charge Kailash Pandey, AICCTU State Secretary KK Bora, and many others. The work report presented by the outgoing committee was discussed and passed by the delegates. A 17-member State Council and 9-member State Executive with Malti Haldar as President, Pawan Nautiyal as Secretary, Lalit Matiyali and Vargese Bamola as Vice-Presidents and Ashish Kandpal as Secretary elected by the conference.

AIKM Nainital District Conference

The Nainital District Conference of All India Kisan Mahasabha concluded in Haldwani on 26 December. A good number of peasant delegates including those who came from various forest villages attended the conference. The conference venue was rechristened in the name of Comrade Ramnaresh ram. The Conference began after paying tributes to the martyrs followed by revolutionary songs by comrade Pankaj. National Secretary of AIKM Purushottam Sharma inaugurated the conference where he criticized central and state governments for imposing the severe crisis in agriculture putting peasants' lives in danger. He said that seventy five percent of peasant population in the state in on the verge of penury owing to the governmental neglect. The state governments have failed in formulating an agrarian policy even after ten years of the state formation. The peasants are being displaced in the name of industrialisation, reserve forests and energy production, while arable lands in the hills are turning into barren lands in absence of any incentives from the state. He emphasised on the need to develop struggle on issues like land management, mandatory Chakbandi, pro-peasant agrarian policy, amendments in APMC Act, land reforms, status of revenue village to many forest villages and khattas, a good panchayati raj system, separate minimum support prices for hill agricultural products, establishing small mandis and cold storage at tehsil level, protection of crops from wild animals, welfare schemes for old peasants, etc.

Comrade Raja Bahuguna addressed the conference as main guest. He attacked state's BJP Govt. for acquiring peasants' lands and displacing them in the name of various projects. The govt. has not provided relief for peasants affected in natural calamities. Terming it a criminal negligence, he called upon to intensify wider and united struggle.

Nainital District Convener Bahadur Singh Jangi presented a report. The conference passed 13 resolutions on various political issues. Pithoragarh district convener Jagat Martolia was present as observer. Comrades Anand Singh Negi, Kailash Pandey, Man Singh Pal, Bhuvan Joshi, Basant Ballabh, Gopal Singh, Narayan Singh, Narendra Singh, Prem Bahadur, Anand Sijwali, Swaroop

Singh, Govind Jina, Pushkar and Gopal Garia spoke in the conference.

The conference elected comrades Bahadur Singh Jangi as President and Bhuvan Joshi as district Secretary with a 9-member executive and 33-member district council.

The Haldwani block conference was also held on 19 December in Haldwani which elected a 15-member Block Committee. The conference passed resolutions on various issues affecting peasants in the block including removal of stone crushers from the populated areas as they are causing immense pollution, construction of a separate by-pass for transporting stones to these crushers, demand of revenue villages, BPL cards for all poor, appropriate prices of milk and other facilities for the milk producers, measures to prevent the pollution in canals and rivers, etc.

P.S.

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