

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

Wednesday 26 January 2011, by [CPI \(ML\) Liberation](#) (Date first published: 28 December 2010).

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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.

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## **“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.

*\* From ML Update, The Weekly News Bulletin of the Communist Party of India (Marxist-Leninist)(Liberation) , Vol.14, No. 01 28 Dec. 2010 - 03 Jan. 2011.*

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## **Protests against Dr. Binayak Sen Verdict**

Tamil Nadu: On January 3<sup>rd</sup>, CPI(ML) Madurai district unit organized a protest meeting in Madurai (Justice VR Krishna Iyer Hall). The meeting was attended by a large number of people representing civil rights organizations, teachers, advocates, women's groups, journalists, students, and activists of different left organizations. The meeting was presided by Com. Mathivanan of the CPI(ML), Madurai dist. Committee.

The meeting started with unveiling the portrait of KG Kannabiran, eminent civil liberties activist who recently passed away by leading advocate Mr. Lajapathi Roy, and two minutes silence was observed in his memory.

Senior Advocate Com. Rethinam demanded suo motu intervention of Supreme Court to restore justice in the Binayak Sen case. Prof. Murali (State Vice- President, PUCL), Advocate Rajini, and Henri Tiphagne (Executive Director, Peoples Watch), Advocate Com. Rajendiran, and Comrade Simpson (Oppressed Peoples' Right Movement) were among those who analyzed the verdict against Dr. Sen and spoke about the struggle to defend civil liberties. Com Balasundaram, State Secretary, CPI(ML) noted that fighting for Dr.Sen is also battle against the corporates and multinationals looting and plundering our country's resources, and called for greater solidarity and unity among civil right organizations and struggling political forces as the need of the hour. He also called for scrapping the sedition law. Usha, General Secretary, AIPWA TN and SCM-CPI(ML), Divya, State Committee Member, AISA, Chandra Bose, and Emanuel Peravai also participated.

The meeting condemned the ruling DMK Governments denial of permission to organize protests by the civil rights groups. Participants of the meeting contributed to the 'Binayak Sen Support Fund'

and planned to continue the struggle for his release. The meeting decided to meet the Registrar of Madurai Bench of Madras High Court to present a memorandum addressed to CJ of India on 4<sup>th</sup> January. Comrade Srinivasan, CPI(ML), Madurai City, proposed vote of thanks.

Uttar Pradesh: Protests continue all over UP against the Binayak Sen verdict. RYA and AISA held a dharna at the district HQ of Gazipur on 27 December, while the two organisations held a dharna at the Martyr's Memorial, Lucknow on 30 December. On 2 January, Jan Sanskriti Manch organised a protest at the Martyrs' Memorial in Lucknow, in which writers, cultural activists and social and political activists participated. JSM, RYA and PUHR participated in the protest at the Gandhi statue, Town Hall, Gorakhpur on 2 January, and announced the plan for a large protest demonstration on the same issue on 10 January. AISA, JSM, PUHR along with other social and cultural organisations protested at Subhash Chouraha, Allahabad on 27 December, while on the same day, AISA held a march in Banaras from the Lanka Gate of BHU to Ravidas Gate culminating in a mass meeting. In Banaras, intellectuals and social activists of the city held a well-attended march from Lanka Gate till Assi Ghat on 31 December.

Rajasthan: CPI(ML) activists and members held a protest meeting and dharna in Jhunjhunu on 3<sup>rd</sup> December demanding justice for Dr. Binayak Sen.

*\* From ML Update, The Weekly News Bulletin of the Communist Party of India (Marxist-Leninist) (Liberation), Vol.14, No. 02 04-10 Jan. 2011.*

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## **AISA's National Campaign 11-19 January against Corruption, State Repression**

### **For Immediate Release of Dr. Binayak Sen**

The All India Students' Association (AISA) launched a National campaign on 11 January to galvanise students and youth across the Country in action for pressurising the Government to arrest and punish those involved in the 2G and other massive scams. The National campaign is also calling out to the students to unite against rising state repression and throttling democratic rights and dissent by labelling the dissenters as seditious. The campaign is uniting the students for strongly demanding the release of Dr. Binayak Sen.

Kickstarting the campaign in Delhi, AISA burnt the effigy of Kapil Sibal at Kranti Chowk in Delhi University's main Campus, opposing his recent attempts to shield the culprits of the multi crore 2-G Spectrum Scam through fabricated facts and reports. Here, a protest march was organised by AISA activists to demand immediate release of Dr. Binayak Sen and oppose such moves of Kapil Sibal, aimed at shielding the corrupt ministers of his govt. The March started from the Vivekananda Statue at Arts Faculty, and moving through the colleges of the campus, culminated at the Kranti Chowk(Ramjas Chauraha), where an effigy of Kapil Sibal Was Burnt. Student leaders said that all tainted ministers of different governments, belonging to NDA and UPA must be booked under sedition charges, for they are actually betraying the nation, by devouring the money and resources of the Nation.

Similar programmes were also held at JNU, Jamia Millia Islamia and Indian Institute of Mass Communications in Delhi. AISA National General Secretary Ravi Rai said that in the current scenario, all govts. and all ruling parties are neck-deep involved in corruption and scams, be it the

UPA govt involved in 2-G and CWG scams, the Yedurappa Govt. of BJP involvrd in Land Scams and illegal Mining scam of its MLAs Reddy Brothers, or the Maharashtra Govt. involved in Adarsh Society Scam. He said that the country needs a fresh students-youth assertion to oppose such loot of nation's resources, and the current Nationwide Campaign is aimed for the same.

Tamil Nadu: responding to the AISA's call for boycott of classes against the arrest of Dr. Binayak Sen and involvement of UPA ministers in various scams, two thousand students of two colleges in Kumbakonam of Tanjore district Government Arts College (1500 students) and Sankara Private College (more than 500 students) boycotted classes for the whole day on 11<sup>th</sup> January. The teachers too cooperated with the students as they welcomed this move of AISA. Student leaders Rameshwar Prasad and Michael led the campaign here.

*\* ML Update Vol.14, No. 03 11 - 17 Jan. 2011.*

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