

DR BINAYAK SEN MUST BE RELEASED FORTHWITH

Sukumari Bhattacharya

The discipline of medicine is somewhat different from that of other subjects. But, let us come directly to the facts without indulging in abstractions. A practising doctor was arrested in Chhattisgarh, India, nine months back. He had passed out from the Madras Christian Medical college with flying colours. He also carries that adornment considered essential in our country, a degree from the west. More-over, he earned a reputation as a great doctor. Why, then, was he arrested? It is alleged that among the patients he treated in Chhattisgarh were Maoists.

The police may not know it, but are the authorities equally ignorant of the fact that before admission to a doctor's degree, a candidate has to swear the Hippocratic oath, so called after the doctor of ancient Greece, named Hippocrates, who started the science of medicine in the west.. The oath states that a patient carries only one identity before the doctor, (s)he is a patient. The doctor is to ignore any other identity of the patient. In this case, would it have been ethical for Dr Binayak Sen as a practitioner of medicine to break his oath and refuse to treat the patient concerned, and would such behaviour really be considered just, even from the point of view of statecraft?

The injustice inflicted on Dr Binayak Sen is already old, but, along with all rational, right-minded people. I demand that the doctor be set free unconditionally and immediately, with an apology for the unjust behaviour of the state.

One has only to open the newspapers to encounter story after story of injustice. This has been occurring for a long time now. But recently we find the wrongs inflicted by individuals being paralleled by the sins of the state. How long will things go on like this?

Many teachers don't teach, lawyers often skip court, quite a few doctors cannot be found in their hospitals.

Since when has it become the practice to incarcerate true doctors trying to discharge their responsibilities according to the age-old code, instead of decorating them with honours?

So, in one voice with all my right-thinking countrymen, I declare : Binayak Sen must be released. This is the voice of the people. It would be wrong to suppress it. The present injustice is in direct lineage to the unjust punishments once meted out to innocent communists at the hands of the likes of Hitler, Pol Pot and Siddhartha Sankar Ray.

I don't know when such diabolical malpractices will end, but in the meantime let Binayak Sen be released. without delay. Of course, Chhattisgarh is ruled by the Hindutva of the BJP. The justice characteristic of a democracy cannot be expected here. But how can there be a provision in the law of the land which allows arrest and incarceration without trial for eight to nine months? Even if there is an allegation that letters from a Maoist were found with the doctor, the veracity of the allegation is to be determined and whether this itself is against the law.

This detention is illegal, as is the consequent denial of a sure opportunity for free medical care to the poor. One day the BJP, too, will have to beg for votes from the people. Will any of the affected people, then, forget this illegal detention and vote for the BJP?

Not to allow such a doctor to practise is illegal. Who will pronounce judgement on this issue? Who will punish the guilty?

This clear call from the octogenarian doyen of the intellectuals of Bengal appeared in the Dainik Statesman of March 6, 2008. Translated by Dipanjan Rai Chaudhuri.

Dipanjan Rai Chaudhuri adds:

Two laws have been used to detain Dr Binayak Sen.

1. The "Unlawful Activities (Prevention) Act, 1967" was refurbished by the UPA government of the Congress, the Left Front, and others, in 2004, to include many of the undemocratic and draconian restraints on civil liberties which featured in the "Prevention of Terrorist Activities Act, POTA" and the "Terrorist and Disruptive Activities Act, TADA".

2. The "Chhattisgarh Special Security Act" empowers the police to detain a person even for an act which just shows a "tendency to pose an obstacle to the administration of law." Any person whose action "encourages the disobedience of the established law" will be considered "unlawful".

Writers, artists, actors and singers, and journalists can all be the victims of these provisions if they so much as criticise these laws and their implementation.

The authority for ordering punishment according to the CSSA is the District Magistrate, and his actions have been placed above judicial review, even of the Supreme Court. This is why Binayak Sen fails to get bail even from the Supreme Court.

These frightening laws can be used by the police to arrest, detain and imprison anyone and everyone. They simply have to attach the label of terrorist or Maoist on the victim. The Indian Penal Code and the Criminal Procedure Code have ample provisions to deal with so-called extremist violence. Why do the governments need these draconian laws? Let us see.

August 2006. Umakanta Meitei and Langamba Meitei of the Threatened Indigenous People's Society were arrested in Manipur, and promptly booked as members of the "Kanglei Yawol Kana Lup, KYKL", an armed opposition group.

October 2006. Hebal Abel Koloï., president of the Borok People's Human Rights Organisation, was arrested in Tripura. It was alleged that he belonged to the Tripura National Liberation Front, and was charged with Waging War Against the State.

May, 2007. Binayak Sen, national vice-president of the People's Union for Civil Liberties, PUCL, and president of the Chhattisgarh PUCL is arrested as a Maoist leader. To understand just how sharp a thorn he was in the government's flesh, one needs to look only at the massacre of Adivasis at Santoshpur on March 31, 2007. Binayak raised a hue and cry, protests multiplied from all over the globe and, on May 5, the government was forced to declare an enquiry. The doctor was arrested on May 14. Exhumation has shown that three Adivasis were killed by firing in the head and the hip from close quarters and others were hacked to death by axes. The police were responsible, and even police sources admit that the victims were common villagers and no Maoists.

The aim of the laws is clear. Protest against human rights violations are to be silenced. The target is the human rights activist.

It has been seen that the Congress and the BJP are using these laws to violate human rights in the name of fighting extremists. Closer home, we see the major partner of the Left Front using the same tactics. It justifies the brutal violation of rights in Nandigram on the plea of the presence of Maoists. Recently a political worker belonging to a well-known non-Maoist political organisation was detained in Nandigram on 'suspicion' of being a Maoist.

In this connection, it must be placed on record that the "Unlawful Activities (Prevention) Act" has been used in West Bengal. In its prisons and lock-ups languish about 450 political prisoners, 60 of the SUCI, 107 linked with the Kamtapuri and 'Greater' (Coochbehar) movements, 77 alleged Maoists, 37 Burmese (freedom fighters), and 8 people charged with belonging to a 'militant' Gorkha group. Apart from these, there are 94 people from the Singur movement and 64 from the Nandigram movement. Most of these prisoners are villagers with minimal or no connection with political activity. They have been given 'Maoist', 'terrorist', 'secessionist' labels to keep them imprisoned as a part of terrorising people in selected areas of mass discontent. Most are detained without trial. Only a few have been convicted (among them are 29 from the SUCI with life imprisonment). In addition there are some 3500 people, associated with varying degrees and hues of political activity, out on bail, running from one court to another defending themselves against (mostly) trumped-up charges. They have little time to give to their livelihoods.

There are leaders in the major LF party who would ask characteristically that if the opposition resorts to violence, is the government to feed them sweets instead of throwing them in jail? There is little doubt that violence has entered West Bengal politics. But, if re-occupation of Nandigram at gun-point is "sunrise" according to the leaders of this party, and the ringleaders of the spree of killing and rape are "jewels of the party", and the whole sordid chapter is mere "tit for tat", who is placing the gun on the political agenda? The present atmosphere of violence has been precipitated by the arrogant intolerance of the major partner of the LF towards dissent and critical propaganda, and its policy of occupation of areas by force of arms. If there is to be a progression towards civilised debate between opposing points of view, the major partner must take the initiative, if it really wants what Amartya Sen has called 'government by discussion'. Unfortunately, many have come to believe that this party is no longer capable of such a democratic stance.

This attack on the rights movement in the name of fighting extremism has spread all over the country, including West Bengal, in varying degrees. The demand for the release of Dr Binayak Sen has become a rallying point against this attack.

আগস্ট, ২০০৬। বিপ্লব জন জাতি সোসাইটি টি আই পি এস'এর দুই কর্মকর্তা উমাকান্ত মাইতাই ও লাসাম্বা মাইতাই'কে মণিপুরে গ্রেপ্তার করা হয়। বলা হয় তাঁরা "কাংলেই ইয়াওল কানা লুপ" কে ওয়াই কে এল নামের সশস্ত্র বিরোধী দলের সঙ্গে যুক্ত।

অক্টোবর, ২০০৬। ত্রিপুরায় গ্রেপ্তার করা হয় বোরোক জনগণের মানবাধিকার সংগঠনের সভাপতি হেবাল আবেল কোলোই'কে। বলা হয় তিনি ত্রিপুরা জাতীয় মুক্তি ফ্রন্টের সঙ্গে যুক্ত। তাঁর বিরুদ্ধে রাষ্ট্রের বিরুদ্ধে যুদ্ধে লিপ্ত থাকার অভিযোগ আনা হয়।

বিনায়ক সেন'কে বলা হচ্ছে মাওবাদী নেতা। এটাই সরকারী কায়দা। মানবাধিকার আন্দোলনের সক্রিয় কর্মীকে চরমপন্থী দলের সঙ্গে যুক্ত বলে দিয়ে নিবারক আইন লাগিয়ে দে

re far more draconian than any of the national **security** legislation and even authorises the police to detain a person for committing acts, which among other things, show a "tendency to pose an obstacle to the administration of law". The **act** goes on to state that any person whose actions "encourage(s) the disobedience of the established law" will be considered "**unlawful**".