

BINAYAK SEN

The courtroom was hushed as the prisoner stood awaiting sentence. The judge donned his black skullcap as he deliberately passed the death sentence. That is the sweat drenched nightmare that this writer sometimes wake up to. The prisoner is no ordinary man : he is Dr Binayak Sen.

Recently, this writer went to visit him in prison in Raipur in Chhattisgarh, just before his last court hearing. The courtroom itself was far from the courtrooms that people see in the movies. No pictures of a toothless smiling Gandhi or Subhas Chandra Bose hung from the wall behind the judge, a Sikh, Mr Balinder Singh Saluja. There were just two benches, one for the lawyers and the second for visitors. The dock, a 1.5m × 1.5m enclosure, was just enough space for the three standing prisoners while the lawyers argued their case. Binayak stood leaning against the railing of the dock.

The expression on his face and his body language did not betray any anxiety or distress of this unnecessary prison experience imposed on him through an intricate web of lies.

As the proceedings started, there was a witness in the dock on the other side of the room, closer to the judge. He was identifying the seizure list. The list was long, and monotonous.

"Binayak is a very rare doctor—a man with a deep understanding of the social and political dimensions of health. The governments of the world, the World Bank and other organisations are now worrying about food security and alternative food policies; Binayak was decades ahead of them all."

None of this apparently moves the State, which refuses to budge from its position. The official stand is as fabricated as anything else : "He is a Maoist leader and sympathiser, and we have enough evidence against him."

So this writer asked the DGP of Chhattisgarh, why is he not returning the computer seized from Dr Binayak Sen over a year ago, especially since forensic examination of the hard disc had failed to turn up any incriminating evidence. He said that the Forensic Institute in Hyderabad could not break into a code. When he was reminded that teenagers are hacking into banks and the Pentagon everyday, his reply was patently evasive.

Not one of the police witnesses gave any credible witness/evidence against Binayak. He countered with the possibility of a supplementary chargesheet that was in preparation based on some 53 pages of telephone conversations with someone who is a known Maoist. Like an astrologer, he predicted that the lower court would probably convict him but the higher court would release him.

Now, how long the process would take is anybody's guess. Common sense tells that it could be years.

Back in the courtroom, visitors were surprised with the noise of some strong protests from defense lawyer Mahendra Dubey. He had just found that a letter had been planted by the police and had clearly stirred some excitement in court. The insistent tapping of the typewriter had stopped. The judge looked worried.

A letter to a senior Maoist party member which the police were claiming had been found among the documents seized from his apartment was printed on a

plain sheet of computer paper, and did not even have his signature. Moreover, it did not appear in the list of seized documents that Binayak Sen and the police had co-signed at the time they were seized. It was indeed a plant. The old public prosecutor did not bother to look embarrassed, he simply denied any knowledge of it or how it got there.

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