

LETTERS

SEN, SANYAL, GUHA...

The recent countrywide demonstrations against the unfair verdict in the Binayak Sen case have been really heartwarming. The demonstrations have brought many of social activists together, who feel enraged and upset over the judgment.

The case against Binayak Sen has become a focal point to oppose the attempts by the state to criminalise civil rights activities. Yet, in order to make the entire campaign into a success the movement has to enlarge the present focus from the individual, Binayak Sen, to include the co-accused, Piyush Guha and Narayan Sanyal, and also take into consideration the plight of others who are similarly imprisoned in unfair cases of sedition.

Piyush Guha, the supposed courier in this case, has never been granted bail. He lost his parents in the course of these three years but was not given the right to even attend to the last rites of his parents. Piyush was kept in illegal custody and tortured for five days and he was only produced when the Chhattisgarh PUCL issued a statement demanding his whereabouts. His family lost its breadwinner and his wife, Rupa Guha, has been carrying out a lone fight for three and a half years. Efforts in demanding the release of Binayak must include the release of Piyush Guha.

Narayan Sanyal, the other co-accused has been in jail for five years already. He is old and ailing and is suffering from a chronic and painful ailment, fibromatosis. Despite directives from the court, he has not received any serious medical treatment in prison. The argument that his being a Maoist ideologue is sufficient to keep him in prison for the rest of his life is unfair, cruel and undemocratic particularly since the other cases in which he has been arrested have nearly collapsed. As has been pointed out by many, the decision to charge him with sedition happened only after the police arrested Binayak Sen. Narayan Sanyal's case (even his supposed role in the present one) is a fit case for human rights bodies to ask not only for his release but also to demand a repeal of the ban against CPI (Maoist).

The campaign must focus on demanding the repeal of undemocratic 'security' legislations like UAPA, CSPA etc or under unfair provisions of the IPC like 'sedition' (S124A) and 'waging war' (S121 of IPC). The most recent conviction of Asit Sengupta, editor of the well-known journal, *World to Win* is most worrying. Sengupta was arrested by Chhattisgarh police (and illegally detained, of course!) in January 2008 and never granted bail. On the same day when Binayak, Piyush and Sanyal were given life imprisonment, the same day Asit Sengupta was convicted and sentenced to eight years imprisonment for his work as an editor and publisher by another Raipur court. Kopa Kunjam, activist of Vanvasi Chetna Ashram (Dantewada) who was working to re-settle displaced Adivasis in Netra villa, has been implicated in a murder case. Nine activists, including Kartam Joga of Adivasi Mahasbha, campaigning against landgrab in Lohanmdiguda, (Bastar) have been accused of involvement in the attack on CRPF personnel. There are innumerable incidents of this nature which are taking place in Chattisgarh and elsewhere where joint operations are going on.

**Harish Dhawan
and Paramjeet Singh,
Secretaries, PUDR**

MOCKING JUSTICE

The life sentence handed down against Dr Binayak Sen by a court in the Indian state of Chhattisgarh violates international fair trial standards and is likely to enflame tensions in the conflict-affected area.

"Life in prison is an unusually harsh sentence for anyone, much less for an internationally recognized human rights defender who has never been charged with any act of violence," said Sam Zarifi, Amnesty International's Asia-Pacific director. "State and federal authorities in India should immediately drop these politically motivated charges against Dr Sen and release him."

Dr Binayak Sen was convicted of sedition and conspiracy under the Chhattisgarh Special Public Safety Act, 2005, and the Unlawful Activities Prevention Act, 2004.

He was immediately taken into custody after the announcement of the sentence, having been out on bail since May 2009.

"Dr Sen, who is considered a prisoner of conscience by Amnesty International, was convicted under laws that are impermissibly vague and fall well short of international standards for criminal prosecution," Sam Zarifi said. "Instead of persecuting Dr Sen, authorities in Chhattisgarh should be acting to protect the people of the region from the abuses committed by the Maoists, as well as state security forces and militias."

"This sentence will seriously intimidate other human rights defenders who would provide a peaceful outlet for the people's grievances, especially for the indigenous Adivasi population," Sam Zarifi said.

India's central government has acknowledged that the intensifying armed conflict with the Maoists in central India is a reflection of serious inequities and a history of human rights violations in the area. Amnesty International believes that the charges against Dr Sen are baseless and politically motivated.

Dr Binyak Sen is a pioneer of health care to marginalized and indigenous communities in Chhattisgarh, where the state police and armed Maoists have been engaged in clashes over the last seven years. He has reported on unlawful killings of Adivasis (Indigenous People) by the police and by Salwa Judum, a private militia widely held to be sponsored by the state authorities to fight the armed Maoists.

Dr Binyak Sen was first detained without proper charges for seven months, denied bail, and kept in solitary confinement for three weeks. He spent two years in jail before his release on bail in May 2009. Many of the charges against him stem from laws that contravene international standards. Repeated delays in the conduct of his trial have cast doubts about its fairness.

Amnesty International has repeatedly called on the Indian authorities to immediately drop all the charges against Dr Binyak Sen.

Amnesty International,
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‘PACE’ IN SITAPUR

While enactment of law for right to education is important, the ground-level situation is that this can become a reality for the children from poorest families only when the enactment of law is supported by continuing efforts. In this context the efforts of a voluntary organisation Participatory Action for Community Empowerment (PACE) have been important as these led

to a significant increase in the attendance of children in government schools in Sitapur district of Uttar Pradesh. Encouraged by this success, this voluntary education has extended its educational work in other rural and urban areas including Varanasi and Lucknow districts.

In its educational work from the outset PACE emphasised the importance of improving government schools. Its initial research in Sitapur district revealed that the poor infrastructure of some schools was responsible to a significant extent for the low levels of attendance of students. PACE adopted a two-sided strategy to improve school infrastructure. On the one hand the administration was pressurised to improve the building and facilities at schools. Facts were carefully collected about the real situation and videos were also prepared. The presentation of these at meetings of officials had the impact of initiating long-overdue action for the improvement of some schools.

On the other hand PACE and its sister organisations also mobilised the local community for improving the school. Many villagers came forward with *shramdan* (contribution of voluntary labour). Panchayats also helped. PACE also made a contribution of funds where necessary.

In Puranpur panchayat the primary school building was in such a shocking state of ruin that classes could not be held here. At first villagers felt that it was beyond redemption. But the ability of PACE to combine the efforts of the administration, the panchayat and the people led to good results and today to a substantial extent this school is functioning more like a model school.

PACE has interesting and promising ideas to link education to environmental concerns. This includes planting more trees and plants in schools. In Varanasi the emphasis of PACE'S work is on making greener schools.

The fact that PACE is involved in many-sided welfare and livelihood support activities mean that some of the poorest members listen more carefully to any suggestions from PACE activists. All this has led to a significant improvement in attendance in several schools in the work area of PACE although there is still room for improvement.

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