

Political prisoners in the India

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After the transfer of power it was the big power chauvinism that led to the denial of political rights of small nationalities— like the Nagas, Mizos, Manipuris and the Kashmiris. As a result of "economic reforms", the people of this country— particularly the toiling masses— have become victims of displacement from their ancestral lands and sources of livelihood. The people of this country did not accept these attacks silently. Small nationalities such as Kashmiris, Nagas, Manipuris, Assamese, Bodos, Kamtapuris has been fighting for assertion of their right to self determination or improvement of their living. Far from addressing the root of the problem, the state has come down heavily on the struggling people. Two sections have been made special target of attack— the Maoists and the people belonging to the Muslim community. Every tribal or poor peasant has become, in the eyes of the State, a threat to the politics of the so-called 'development' or 'good governance'. Thousands of people are imprisoned by the state governments of Kashmir, West Bengal, Andhra Pradesh, Chattisgarh, Karnataka, Tamil Nadu, Maharashtra and Orissa. The methods of torture in jails are so brutal and sadistic that they beggar description.

THE year 1947 marked the year of the formal transfer of power by the British raj to "friendly hands"; it did not lead to any basic change in the existing property relations. The newly-formed Indian state, ever since its formation in 1947, had adopted a policy of strong centre and an economic policy and a political programme that were dictated by US agencies as US role in India's planning, Community Development Programme or the 'Green Revolution' would testify. The Indian state wanted not only to have a strong centre; it also wanted to be a super-power. It was this big power chauvinism that led its most ardent representative, Jawaharlal Nehru to refuse to accept political rights of small nationalities. The Naga, Mizo, Manipuri and the Kashmiri people, who wanted to exist as independent political units, were dealt with the gun and the resistance of the people was met with state terror of the most brutal nature. Hundreds and thousands of people were killed, maimed and put behind bars.

The next few decades, particularly the period from the early 1990s, witnessed the renewed invasion of the Indian market by foreign MNCs in a

very big way. Privatization, liberalization, the sell-out of even profit-making concerns at throw-away prices to Indian big capital and foreign capital, change initiated to facilitate the entry of foreign capital without any hindrance and the extraction of the country's mineral and other natural resources—all these anti-people policies brought disaster to the lives of the people. Lakhs of people die in malnutrition, ill-health and poverty every year in India. Displacement from ancestral homeland and the plunder of natural resources by foreign and domestic agencies leads to their loss of land and homes, indebtedness and suicides in large numbers in many parts of the country. It also engenders a mental trauma and imparts a kind of melancholy which one cannot gauge in material terms.

However, the people of the Indian sub-continent did not accept these things lying down. They have been fighting for land, against displacement from their lands, forests, against the plunder of their natural resources by foreign MNCs and domestic big capital. People have been raising their voices against the rise of prices of essential commodities

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or fee hikes in educational institutions; workers have been struggling against loss of jobs, closure of industries or for higher wages. Such political parties as that formed by the Maoists have been fighting for fundamental social transformation; the dalit and tribal people have been fighting for improvement in their living conditions as also for their rights; small nationalities such as the Kashmiris, Nagas, Manipuris, Assamese, Bodos, Kamtapuris and others have been fighting either for establishing the right of self-determination or for improvement in their lives.

The Indian state, far from addressing the root of the problem, has all along been treating it as a law and order problem, and comes down heavily on the struggling people. Both the central and the state governments have selected two sections as the special targets of attack—the Maoists and the people belonging to the Muslim community. The Maoists or the Naxalites—whom the prime minister, Dr. Manmohan Singh described in April 2006 as ‘the single greatest threat to internal security’ and whom he recently described as a ‘virus’ to be ‘crippled’—have been, like the witch-hunting in medieval Europe, specifically hunted, killed brutally or sent to prison. The other section is the people belonging to the Muslim community. In the wake of the US President George W. Bush’s ‘war against terror’, virtually every Muslim is specifically targeted as a ‘terrorist’, ‘ISI agent’ or ‘SIMI activist’. Whenever there is any blast anywhere, the state and the central governments, before even showing any pretence to conduct any investigation, picked up some people who would inevitably be Muslim and tagged in cooked-up cases. Many black laws such as the Armed Forces Special Powers Act, TADA, Unlawful Activities Prevention Act etc have been imposed in one region or another to crush people’s movements. In Andhra Pradesh, Rajasthan and other areas, in the name of the so-called ‘war against terror’, hundreds and hundreds of Muslim youth have been picked up, detained and tortured in specially made torture cells of the notorious ‘grey hounds’ headquarter in the Gandhipet area of Hyderabad area and other places. The minimum civil and political rights that a citizen enjoys are virtually non-existent in many parts of the Indian sub-

continent. A large number of political, democratic and cultural organizations have been banned by the central and state governments, and in left-front-led states like West Bengal, some are, without any formal ban, are as good as banned. There are many cases when human rights activists, journalists, writers are being attacked, intimidated, tortured in the police lock-ups, jailed and even killed on framed charges for daring to raise their voices against state repression. Secret killers as also privates sponsored by the state have been formed to liquidate political activists and all other dissident voices. ‘Salwa Judum’ has been specifically undertaken to butcher the Maoists in Chhattisgarh.

Every tribal or poor peasant has become, in the eyes of the state, a potential threat to the politics of so-called ‘development’ or ‘good governance’. Members of many political parties—parliamentary or not—or people belonging to different democratic, workers’, cultural, teachers’, scientists’, artists’ or other organizations, who have raised their dissident voices, have also been targetted. All these people have been subjected to severe state repression by governments in various regions. Tens of thousands of people have been imprisoned, killed in the name of ‘encounters’ or in police firings in regions comprising Kashmir, Andhra Pradesh, Chhattisgarh, Bihar, Jharkhand, Orissa, Maharashtra, West Bengal, Karnataka, Tamil Nadu, Uttar Pradesh, Punjab, Uttarakhand and Kerala as also in regions of the north-east like Assam, Nagaland, Manipur, Tripura, Meghalaya and Arunachal Pradesh. Lakhs of people have been picked up by security forces, tortured in the most sadistic manner that would put to shame most of the civilized people and permanent damage had been done both to their body and mind. Many political prisoners—Muslims, Maoists, Tamils are on the death row. Many others have been languishing in jails for years and even decades together without trial; many (Maoists, SUCI activists and others) have been serving life imprisonment; many others have been sentenced and serving different periods of sentence; there are about 34 Burmese freedom fighters languishing in a Kolkata jail.

We cannot say the exact number of political prisoners in different regions. In fact, one of the

tasks undertaken by the CRPP is to prepare a list of such prisoners in different states. And the list, we know it well enough, will always remain incomplete as more and more people are being taken into custody everyday either from this area or that, not to speak of those who are being killed in fake encounters. Very recently, two Maoist peasant-activists have been sentenced to death in a lower court in Bihar. Despite such limitations, we will try to give a rough idea. The greatest number of political prisoners (nearly 75,000 at one time) was lodged in the jails of Kashmir—the majority of whom had been released not unconditionally, but on bail. At present, there are 1,500 political prisoners in Kashmir. The jails of West Bengal, Bihar, Jharkhand, Chhattisgarh, Andhra Pradesh, Tamil Nadu, Maharashtra, Karnataka, Orissa are filled with Maoist, Tamil, 'Greater Coochbehar', SUCI, CPI, TMC and other prisoners. In West Bengal, since 2002, as many as 4000 people were arrested. They were alleged to have connections with the Maoists, Kamtapuris, Greater Coochbihar activists, SUCI, BUPC men who fought against land grab in Singur and Nandigram, TMC, CPI, FB, RSP, Gorkhaland movement, 34 Burmese freedom-fighters and some other political, democratic or cultural organizations. A large number of them were released on bail and at present there are about 450 inside the jails. In Tamil Nadu, there are at present about 200 prisoners comprising Maoists, Tamil Nadu liberation Army, Tamil Nadu Suppressive Liberation Movement, Rajiv Gandhi assassination case, Peasants' Liberation Front, New Democratic People's Front, Muslim prisoners and Sri Lankan refugees. In Bihar and Jharkhand, the number would cross several hundreds. In Andhra Pradesh, there are about 70 political prisoners; the number is small in comparison to the importance that AP because in AP, the Maoists are generally shot dead in fake encounters as the accounts of human rights organizations would testify, and seldom taken as prisoners. For the last few years, a large number of SIMI activists have been put behind bars. There are thousands of prisoners in the other regional jails such as Maharashtra, Assam, Manipur, Chhattisgarh, Orissa, Karnataka, Gujarat, Tripura, Kerala, Punjab and others. According to a modest

and incomplete estimate, there are around 15,000 political prisoners in the jails in the Indian sub-continent. There are many prisoners on the death row also. Although a large number of them have been charged with committing political offences such as 'waging wars against the state', none of them has been accorded the status of political prisoners.

METHODS OF REPRESSION

The methods of torture adopted by the Indian central and state governments are so brutal and sadistic that they beggar description. We reproduce below some instances of how all democratic values were trampled underfoot by the governments.

1. *All statutory obligations and Supreme Court directives are violated at the time of arrest.* In almost all cases, persons were taken into custody without the production of arrest warrants, without providing the memos of arrest, without informing the person about the reason of his/her arrest or the charges levelled him, without disclosing the place/police stations where that person had been taken to. In most cases, persons picked up from one place were shown to have been arrested from far-away places.

2. *Illegal searches and implanting weapons.* Premises were searched without the presence of independent witnesses, no seizure lists were produced during searches and in some cases without conducting any search, the police forces simply submitted fake seizure lists to implicate persons in criminal cases. In many a time, weapons have been falsely included in the seizure lists. Even George Thomson's 'From Marx to Mao Tse-tung', works of Romain Rolland, leaflets entitled 'Clinton, go back were not spared. Looting of cash, jewellery, destruction of houses, even pouring kerosene oil into wells so that villagers could not have drinking water (cases in Belpahari villages, district West Medinipur) are integral parts of almost all search operations.

3. *Illegal detention and torture.* Persons taken into custody are not produced in courts within the stipulated 24-hour period and detained illegally at police stations and special torture centres sometimes for days together, resorting to physical and mental

torture and humiliation of all types. Prisoners have been subjected to interrogation for about 18 hours a day for weeks together without allowing them any chance to sleep.

4. *Badli(substitute) arrests.* There are many cases of 'badli' arrests i.e. father in place of son, sister in place of brother, wife—even pregnant wife—in the absence of the husband. Sulekha Soren was picked up from Belpahari in West Medinipur district in the absence of her husband Jaleswar Soren when she was nearly 9 months pregnant and she gave birth to her son in the prison.

5. *Sexual abuse.* Women have invariably been subjected to sexual abuse and molestation during raids and after that while in custody. There are cases in West Medinipur district (WB) where women were forced to strip on open roads by the raiding police party. In Singur and Nandigram, allegations of large scale molestation and rape were established in investigations conducted by various fact-finding teams and medical teams. In the recent period, Drisha Majumdar and Lata Murmu, arrested along with others from Bihar and Nadia, WB respectively and Kalpana Biswas picked up from Kotwali in Nadia were subjected to physical torture and sexual abuse in various forms. In Andhra Pradesh, Chhattisgarh and other regions, tribal women are systematically picked up, raped, humiliated and killed. The IRB 9(Naga Battalion) soldiers have been accused of even piercing the bellies of pregnant women, brining out the foetus and then throwing the dead bodies into the bush.

6. *Re-arrests and 'shown arrested'.* The governments in different states, including the CPM-led government of WB have discovered a novel way showing 'shown arrested' to keep all dissident voices behind bars. When a prisoner got release on bail in one case or more, the judge was not told that there are other cases pending against that person. The person also knew that he/she would be released soon. But then he was picked up from the jail gate after being released on bail and then tagged in other cooked-up cases. In this way, many prisoners have been implicated in as many cases as possible. There is another typical way of keeping dissidents behind bars. In the charge-sheets of almost all cases,

some names are mentioned; after that one can see the word 'others' or 'unknowns' written at the end. These unnamed persons are actually unknown persons whom the police, at the time of framing the charges, did not know, but whom they would name and implicate in future. By so doing, they in fact keep the room open to tag other people to those cases when they take more men into custody.

7. *Eliminating political activists in fake encounters—legal procedures on claims of 'firing in self-defence' not followed.* Fake encounters or what the states gleefully describe as 'firing in self-defence' have become routine matters in areas such as Kashmir, Andhra Pradesh and Manipur, Chhattisgarh, Assam, to name only a few. Countless numbers of people have thus been butchered in cold-blood. Human rights organizations, in course of the fact-finding missions, have found that Maoists had their limbs being cut off by security forces and their cash was distributed by the killers even when they were alive and still bleeding. Many activists or sympathizers have disappeared altogether in this way. Kashmir tops the list of the victims of extra-judicial killings.

8. *Forced extraction of confessional statements.* There are innumerable cases of security forces extracting confessional statements from the prisoners.

9. *Women prisoners are being refused minimum necessities while in police custody and in prison.* Women prisoners have been subjected to indignation of different types, they have also been in many a time denied to receive bare necessities. During menstrual periods, they were neither supplied with sanitary napkins; nor were their visitors and relatives allowed even to give those essential things to them.

The Indian administration boasts of prisons as correctional homes. However, the hard reality is that more than sixty years of history strongly contradicts the above claim. Prisons have become centres of torture, of disciplining those who have dared to disobey the powers-that-be. Prisons have become sites where human beings are converted into animals. There is hardly any concern for the rights of the ordinary prisoner, not to speak of political prisoner. The government of India, till date, does not have a

national prison policy or legislation on the category of political prisoner. Although the WB government had enacted a law in 1992-2000 according the status of political prisoners to those arrested on the charge of committing 'political offences', it is at the same time very much reluctant to implement the law that it itself had enacted. The government of India still continues with the colonial Prisoners' Act of 1894, not to speak about the prison manual meant to deal with the prisoners, thereby leaving the room for the jail authority to deal with the prisoners in the way they deem fit.

The Committee for the Release of Political Prisoners (CRPP) was formed on 31 March and 1 April 2008 at New Delhi out of this pressing social and political need. It was formed by prominent writers, academics, artists, social, political and civil rights activists, lawyers, women activists and many other people who believe that the conditions of political prisoners in particular and those of all prisoners in general expose the real violent nature of Indian 'democracy' and feel the urgency of demanding the unconditional release of all political

prisoners while at the same time demanding the improvement of prisons and prison conditions. The members comprising this CRPP come as individuals and not as representatives of any organization. Those who are opposed to state terror and stand in support of the demand for the unconditional release of all political prisoners irrespective of their political views and their methods of struggle can join this committee. In the opinion of this committee, a political prisoner is a person who has been arrested or detained for partaking in struggles of political, social and economic significance, in whatever form, and were guided not by selfish interest, but by definite political views or ideologies, irrespective of the charges that the state has put on them. And when we demand the unconditional release of the political prisoners, we make it clear that this committee is neither in agreement nor in disagreement with their views and aims. We clearly declare like Voltaire that even if we are totally opposed to the views and aims of the political prisoners, we will fight till the last to see to it that none of them is denied the right to express his/her opinion freely as a free person.

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