



MARCH TO PARLIAMENT ON 16 DECEMBER 2008

The Right to Democratic Dissent

and

in solidarity with Dr. Binayak Sen

On the 14th of December, Dr. Binayak Sen completed 19 months in prison. His bail application was rejected by the Chhattisgarh High Court a few days before International Human Rights Day. The court claimed that the status of the case had not changed significantly since December last year, when the Supreme Court had refused the Doctor's bail application. We might note, in a further irony, that when the Supreme Court had refused bail- on Human Rights Day 2007- it did not state any reasons at all for the rejection of the petition. The right to being granted bail is an integral part of the criminal justice system. There are no preponderant factors that justify Binayak's continued imprisonment. And if indeed a rational for his continued arrest exists, then those factors ought to have been enunciated in a clear and reasoned manner by the highest judicial authority of this country. Even alleged terrorists, charged under TADA, have in the past, been granted bail.

Dr. Binayak Sen was arrested by the government of Chhattisgarh on the 14th of May, 2007. He was charged under sections of the Chhattisgarh Special Public Security Act (CSPSA,) 2005, as well as the Unlawful Activities (Prevention) Act (UAPA,) 1967, and sections of the Indian Penal Code. The blatantly undemocratic CSPSA ensures that the state can virtually imprison anyone it wishes to, and that it can crack down on any democratic peaceful activity that might be critical of the state. In this sense, Binayak's arrest is symptomatic of larger efforts by the state to curb all forms of democratic dissent.

Binayak Sen is, as many of us recognise, a doctor of the working class. Leaving a comfortable life he went to Chhattisgarh 30 years ago to understand firsthand, the causes of medical problems among adivasis in the region, and find solutions. His sustained research and work among the most vulnerable in society has shown poverty to be the underlying cause of the significant health problems that plague the working class in this region. Binayak has always believed that a doctor's job is not merely treating patients, but also exposing those who continue to push the majority into grinding poverty. He worked in the Shaheed Hospital, which was set up by the Chhattisgarh Mines Shramik Sangh and the Chhattisgarh Mukti Morcha as a hospital for the working class, and where they along with doctors and social activists provide healthcare for thousands of workers. He was also closely associated with Jan Swasthya Sahyog, an organisation committed to developing low-cost healthcare in Bilaspur. Even today, his concerns are not personal. He has been writing constantly, calling for peace in the conflict ridden South Bastar region. In a recent article published in *Economic & Political Weekly*, he expresses deep concern for developing an equitable healthcare system that is accessible to ordinary Indians. It is therefore only fitting that, even as we stand in solidarity with Dr. Sen and call for his immediate release, we also foreground the concerns of the larger democratic movement in this country- of which he remains an integral part. Binayak Sen is a human rights activist and a human rights defender. His continued imprisonment on unsubstantiated charges is an assault not only on his person but also on the principles he upholds. Steadily, over the past months, the baseless charges made against him have been exposed to the public. Perhaps this is why the state now finds it necessary to suddenly file another chargesheet and call 47 extra witnesses. The shocking refusal of the courts to even cite reasons for denial of bail amounts to an abdication of their accountability towards the citizens of the country.

The past decade has seen the steady acceleration of state-sanctioned repression that functions to abolish any space for reasoned debate. Nowhere is this fact clearer than in the mineral rich belt of Central India, where the process of displacement for 'industrialisation' has been particularly violent and anti-democratic. Many small, nameless struggles have exploded in this part of the country, constantly defying the narrative of growth and development that is being advanced by the countries ruling class. Recently these nameless struggles have been reinforced by more prominent ones which have captured some media attention. These

include the massacre in Kalinganar, and the struggle in Nandigram. A few years ago a 700 year-old town called Harsud disappeared off the map, sacrificed on the altar of the Indira Sagar Dam project. The anti-POSCO movement in Orissa, where thousands are defending their lands against a 12 billion dollar project is a story still unfolding in front of our eyes. The people of Niyamgiri in the same state, are engaged in a bitter struggle against Vedanta, a company which has its heart set on open-cast mining in the region. The National Thermal Power Corporation's open pit coal mines project in Jharkhand faced stiff resistance from those it would have displaced. Bhushan Steel has also found it tough going to initiate steel projects in the state because of opposition from villagers. On the one occasion when a democratic process was adhered to (in Raigad, Maharashtra, where 94% of the villagers of Pen Tehsil voted against a Reliance SEZ,) the government was quick to announce that this was an anomaly and the process would not be repeated in the future. State suppression of human rights activists, trade unions, and others who are engaging in this debate only feeds the flames it wishes to extinguish. The need for industrialisation is not disputed. Two issues however need to be stressed:

1. that industrialisation be democratic, i.e. with the consent of people;
2. that it be justiciable, i.e. those who oppose any compensation package have the right to appeal.

The rights of workers have also come under constant attack in these years. We seem to have reached a point where trade unionism itself is seen as a criminal activity in some parts of the country. The democratic rights movement is crucial to vibrant trade unionism because it creates spaces for rational debate and dissent and secures the right of the working class to representation and collective bargaining. Recent court judgements against the right of trade unions to strike is one of the most overpowering examples of the new consensus in corridors of power, which wants to squash any process of democratisation. SEZs are another. The SEZs law, which relaxes labour legislations and through massive tax-breaks and large land transfers provides capital new opportunities for private profit. An alliance of capital, the judiciary, and the executive has attempted, over the past two decades, to weaken even the existing labour legislations and reduce the capacity for collective bargaining. These measures have been accompanied by union-breaking wherever possible, and the replacement of militant unions with management backed ones. Even as the resistance to this onslaught intensifies, it cannot be successful without linking itself to the wider democratic rights movement in the country.

On the surface level, the injustices inflicted on Binayak Sen reveal the very face of the state he has spent his activist life exposing. At a deeper level, it brings to light the various machinations by which the state has been subverting democratic principles. Laws like CSPA function almost exclusively to provide a veneer of legality to gross exhibitions of force by those in power. What Binayak Sen's arrest represents however, is not the mere crushing of activities that are critical of the state. It represents something more sinister: that *all* critique and questioning of the state can be deemed subversive and anti-national. That *all* space for democratic dissent can be usurped by the state in the name of 'Public Security.' The way the state and the court has treated Binayak shows that neither has any interest in returning his offer of critical engagement with anything other than suppression. The need of the hour is to protest the wrongful arrest and imprisonment of a human rights activist against whom no charges have been levelled, and no evidence has been produced. And through this rigorous defence of Dr. Binayak Sen it is essential foreground the wider movement to defend people's human rights and demand the right to democratic dissent for all.

We demand immediate release of the doctor to the workers BINAYAK

Ensure Democratic Industrialisation and Justiciable Displacement

Right to freedom of association is our fundamental right

Stop State Repression of Democratic Dissent

Right to freedom of association is our fundamental right

UNITY ? DEMOCRACY? MILITANCY

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