

Democracy and Ban cannot go together

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In the recent days, two important developments took place in the national scene—both of which have far-reaching implications. One, of course, is the battle for Lalgarh. The second—that has some bearing on the Lalgarh movement also—is the banning of the CPI (Maoist) after it was tagged to the long list of what the central government described as ‘terrorist organizations’. It implies that the Unlawful Activities (Prevention) Amendment Act, 2008 (UAPA) would henceforth be applied to the members of the Maoist party or people sympathetic to their cause.

The Maoist party was banned on an all-India level with a ‘terror’ tag on 22 June 2009 and, henceforth, it came under the purview of the draconian Unlawful Activities Prevention (Amended) Act of 2008. And Gour Chakrabarty, the person who had been officiating openly as the political spokesperson of the CPI (Maoist) for quite some time, was picked up on 24 June 2009 from a local TV channel in the midst of a discussion on the Lalgarh situation. He was booked under the UAPA—the first instance of such arrests since the ban was imposed (*TOI*, 23-24 June 2009). On our part, we would like to state a few words about the political implications of this ban, and why it should be opposed by all democratic-minded citizens of the country.

First, by banning the CPI (Maoist), both the central and state governments have clearly admitted the fact that the Maoists are a formidable enemy to reckon with. This is a fact which they cannot deny.

Second, by banning them, they have done a very important thing which they can never acknowledge in public. That is, they have also admitted their own failure to combat them politically. The Naxalite/Maoist movement is the longest surviving revolutionary movement in the history of our country, having a history of more than four decades since 1967. Decades of brutal suppression through state terror, despite major setbacks, only increased their strength. They had raised certain fundamental questions on socio-economic condition, poverty of the people, hunger, malnutrition, death, negative impact of the Western model of development on our society and economy, plunder of the country’s resources by foreign MNCs [Multi-National Corporations] and the need for introducing a truly self-reliant, pro-people development model in our country. Many of these issues are being raised by social scientists, writers, political persons, intellectuals, retired and in-service bureaucrats over time.

Even when Prime Minister Dr. Manmohan Singh described the Maoist movement as ‘the greatest single threat to the internal security of the country since independence’ in April 2006, he, apart from stating other things, also talked of ‘walking on two legs’. Here the irony is that the Indian prime minister borrowed this phrase from no person other than Mao Tse-tung to deal with the Indian Maoists, although Mao used it to mean a totally different thing in a totally different historical context. Mao used it at the time of socialist construction. What he meant by ‘walking on two legs’ is to rely on both traditional and modern technology, to develop both the interior

and the coastal areas, to develop both town and country and other things. While talking about the need to root out the Maoist ‘virus’ (he used this word later), he also admitted the fact that this movement was the outcome of socio-economic deprivation.

Nobody can wish the Maoists away, as their movement—even if the method they adopt from time to time one might or might not accept—is the outcome of centuries of oppression, exploitation, humiliation and state-sponsored brutality. The reality is that the successive central and state governments had never cared to address these fundamental issues, never cared to fulfill their own fundamental obligations to the people. So by treating it solely as a ‘law and order problem’, it has only betrayed its utter inability to combat them on the political and socio-economic planes. By banning the Maoist party, both the central and the WB state governments, in fact, have admitted their own defeat in the face of this formidable enemy.

Third, the invocation of this draconian law, like other similar laws now in operation in other parts of the country, tramples down fundamental rights of the people that the Constitution of this very country professes to uphold. The provisions of the UAPA are so draconian as to make a mockery of democracy.

Why are these acts draconian? We would like to state some of the salient features. First, according to the UAPA, anyone can be kept in police or jail custody for 180 days without any trial. Second, during this period, the detained person can be brought to the police station for questioning for as many times as the police officials think necessary. Third, it is next to impossible to get release on bail under this act. Fourth, as in the draconian TADA [Terrorist and Disruptive Activities (Prevention) Act] and POTA [Prevention of Terrorism Act], the accused would have to prove his or her innocence, rather than the accuser/police proving his/her guilt in the court of law. Fifth, all the citizens are liable to supply information about the movements of ‘suspects’, i.e, to act as police informers, failing which they themselves would be booked.

Sixth, in the eyes of the State, all persons are suspected terrorists. Seventh, at all times of day and night, the police under some senior official of the secretariat level, are empowered to search houses of citizens for information and even arrest them. Eighth, by this act, any article, documentary film, report, essay could be suppressed and artists, writers, and even media persons can be arrested on the charge of ‘intend to aid terrorism’. Ninth, the prisoners would be tried in camera, the names of the witnesses would not be made public and this special court would be under the control of administrative authority. In short, this act is a new addition to the long list of draconian laws that trample down the fundamental rights of the people with impunity and brush aside all legal safeguards for the arrested and, the most important of all, make a mockery of the Indian Constitution in this ‘land of the largest democracy’.

Fourth, History has proved time and again that such invocation of draconian laws and unrestricted terror thereby let loose on the people in the name of containing that ‘enemy’ would have an opposite effect. During the days of colonial rule in India, many revolutionary periodicals/pamphlets/books were banned by the British government. But were the colonial ruling classes able to contain the spread of revolutionary ideology by so doing? This is simply because there was a social demand for such literature among the people, as these writings addressed certain issues which were burning issues and affected the vital lifelines of the people.

When the state imposes a ban [on] something, puts restrictions on the reading of literature of people's own choice, gags freedom of expression, the people, particularly the young generation, get more attracted to them. They would want to know why. Moreover, by banning a political party, the state also denies the right of reading the literature of that party. Thus the freedom to read and form one's opinion is denied to the citizens. This, again, is a clear infringement on democratic rights.

Fifth, as to the 'terror' tag, I would like to quote a few words from a letter written by K.G. Kannabiran, the eminent civil rights lawyer, presently All-India President of the PUCL and President of the Andhra chapter of the Committee for the Release of Political Prisoners (CRPP) to the Prime Minister of India. While opposing the ban, he remarked: "Maoist intervention or for that matter any political intervention on account of the failure of successive governments to perform their fundamental obligations could not be considered an act of terrorism and justify invocation of draconian laws"(www.expressindia.com, dt. 25 June 2009).

Democracy and ban can never go together. The democratic people and the democratic press should raise their voices against this draconian law, demand its withdrawal and the simultaneous unconditional release of Gour Chakraborty, the Lalgarh people's leader Chhatradhar Mahato, Prasun Chatterjee and Raja Sarkhel—both members of the Gana Pratirodh Mancha, Swapan Dasgupta, the editor of *Bangla People's March* and all other political prisoners arrested since the promulgation of and under this draconian act.