

COORDINATION OF INDIVIDUALS AND ORGANISATIONS

(*Led by Mahasweta Devi*)

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Open Letter to the Chief Minister, Government of West Bengal

To,
The Chief Minister,
Government of West Bengal, Kolkata

Date: 6 October 2009

Subject: Memorandum concerning the arrest of Sri Chhatradhar Mahato and the deliberate creation of a fear psychosis among the people by the WB administration

Sir,

We, on behalf of many individuals and organizations, would like to draw your attention to certain disturbing developments with regard to the arrest of Sri Chhatradhar Mahato and its aftermath.

We are constrained to mention that the government seemingly does not exist in West Bengal; only a few police officials and bureaucrats, not the elected representatives, are now running the show.

Perhaps you are aware of the fact that we have already registered our strong protest against the arrest of Sri Mahato, who has been spearheading the people's movement against police atrocities in Jangal Mahal. We have reasons to believe that he has been falsely implicated in criminal cases and booked under UAPA — one of the most draconian laws in post-1947 India.

Moreover, not only we, but various journalists' forums, both national and international, have also lodged their protest against the manner in which Sri Mahato was arrested. The method of arrest has not only violated the Supreme Court's directives pertaining to

the methods of any arrest without arrest memo (Justice D.K.Basu Vs Government of West Bengal), but also trampled underfoot section 50A(inserted in 2006) of the Criminal Procedure Code, and Article 22 of the Constitution of India. Those policemen who went to arrest Sri Mahato in the guise of scribes acted as imposters and deserve punishment under the law.

We would also like to point out that the CID has also violated all the norms and principles of Anti - Torture Conventions, which are part and parcel of the international laws and to which India is also a signatory. For instance, in such conventions, it is strictly prohibited to treat any prisoner in any degrading, cruel or inhuman manner. In this case, Sri Mahato was brought from Midnapur to Bhabani Bhawan, Kolkata(CID, HQ) with his face and eyes being covered with black turban. Shifting an accused in such a manner (i.e., without allowing him to see in course of hours of journey in order to create mental pressure on him) is a complete violation of such principles as stipulated in such conventions, and such actions by the CID have rendered unauthorized punishment being meted out to Sri Mahato, and is thus fully reprehensible.

Secondly, media reports also reveal that Sri Mahato has been subjected to uninterrupted, continuous interrogation. If these reports are true, then it is a clear case of violation of such Anti - Torture Conventions by the law-enforcing agencies by forcing him to pass sleepless nights, depriving him of adequate rest, subjecting him to interrogation for hours together without any break.

We are also astonished to note that CID has been holding press conferences regarding “the disclosure of information” claimed to have been made by Sri Mahato. A number of objections can be raised. This practice is unfair and discriminately used against the accused, which has no right to counter or defend him. As you know, any statement made before the police by the accused has no legal value. Such practice vitiates the atmosphere of free and fair procedure of justice. Hence such selective disclosure of information to the media with the high chance of obtaining them through coercive methods is launched with the intention of creating hate campaign against the people’s movement and the leadership of Lalgarh. Such practice is not evident in the case of the Vedic Village incident, or in other sensitive/publicized episodes. Such half-truths, distortions and lies give sustenance to the media to give media trial. We urge you to stop this practice immediately.

On top of all this, the relentless veiled threat and intimidation given by the home secretary and the chief secretary to the democratic people of West Bengal, in particular to a vast section of the people who lent support to the Lalgarh movement, is equally reprehensible and a matter of universal condemnation.

Let us point out some of the arguments in their statements:

- A. To help the PCAPA is an offence. We hold that to help any democratic movement in any form is not an offence at all. Rather it is our fundamental right guaranteed by the Constitution of India.
- B. Attempt to show that the PCAPA and the Maoist Party are the same or deeply interconnected, and so any help given to the PCAPA is meant to help the Maoist Party, and hence comes under the UAPA. First, we hold that this attempt is intended to malign and demonize the people's movement of the region. Second, the UAPA cannot be used in a retrospective manner as it is clearly stipulated in Section 38 of the said Act. Third, even if assuming, but not admitting, the fact that the PCAPA and the Maoist Party are interlinked, it is no legal offence to have links between the two, since the Maoist party was not banned in West Bengal till July of this year. Thus even if any tangible evidence exists regarding the connection between the two, that does not ultimately attract any penal offence. Had it been such, then Sri Mahato could have been arrested earlier. Please note that he held discussions with the government, with the Chief Electoral Officer in June itself. Thus, all such charge framed against him are false and an outcome of after-thought.
- C. We have already stressed that your administration have been trying, through the bureaucrats and senior police officials, to create a fear psychosis among the democratic people through intimidation and threats. Intimidation by anybody is an offence, particularly that too by a government official, that deserves punishment. The administration cannot be the moral guardian of what each citizen can do, read or write, or on whose side should he/she take or not. By indulging in such things, the administration has been trying to exercise control over our thought process itself. These are fascistic in nature and should have no place in democracy.
- D. To silent the dissenting voices of WB, Sri Prasun Chatterjee and Sri Raja Sokrel were arrested on the night of 5th Oct' 09 and are falsely implicated under UAPA. This proves our apprehension, what we had been telling in no uncertain terms, that this draconian law will be misused. We demand that this law, which is succession of Rowlatt Act, TADA and POTA, should be scrapped immediately. We also demand unconditional release of Sri Chhatradhar Mahato, Sri Prasun Chatterjee, Sri Raja Sokrel, and all others arrested under this draconian law.

This is an American model which the central government and the home minister P.Chidambaram are bent upon enforcing throughout the country. The government, we strongly feel, is trying to crush the Lalgarh movement with the purpose of handing over the natural resources of the Jangal Mahal region to foreign MNCs and domestic big capital.

We strongly condemn and oppose this move.

We urge you to withdraw the forces from the Jangal Mahal area, initiate a dialogue with the PCAPA and others, and withdraw the UAPA and set Chhatradhar Mahato and other political prisoners free.

Regards,

(Sukhendu Bhattacharyya)

(On behalf of all individuals and organizations)