

Modi Is Making Dissent in India a Crime

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Narendra Modi's government is clamping down on political dissent as part of its Hindu-nationalist project. The Indian authorities have used bogus charges of "terrorism" and "conspiracy" to keep critical intellectuals locked up for years at a time.

India is commonly referred to as the world's biggest democracy. In principle, the Indian constitution upholds grand ideas of liberty, democracy, secularism, and socialism. However, the government of the Bharatiya Janata Party (BJP) led by Narendra Modi has been systematically destroying the constitution's liberal-democratic features and replacing them with the Hindutva (Hindu nationalist) doctrine in order to convert India into a *Hindu Rashtra* (Hindu nation).

In the process, the *Sangh Parivar* (family of Sangh), a collective name for Hindutva organizations, including the BJP, is prepared to bulldoze any kind of obstacle in its way, from Gandhians to Maoists. The *Sangh Parivar* is implementing a multi-pronged strategy of domination: neoliberal extractivism, Hindutva ultra-nationalism, and authoritarianism.

Modi's administration has systematically crippled democratic institutions, including the judiciary, the education system, and the media. To criminalize political dissent, the Modi government has accused public intellectuals, progressive activists, and human rights crusaders of multifold conspiracies. Many of them have been jailed on draconian sedition charges.

This is not a new tactic that the Modi government has pioneered. The previous Congress-led government also used the Unlawful Activities (Prevention) Act (UAPA) to imprison many activists and intellectuals. One especially blatant case is the imprisonment of Professor G. N. Saibaba.

Framing Saibaba

Saibaba was born in a poverty-stricken and "backward" caste family in the East Godavari district of Andhra Pradesh. He also suffered from polio as a child and was paralyzed from the waist down. Yet he overcame these social and physical disadvantages to become an English professor at the Ram Lal Anand College of Delhi University.

His own life experience and social understanding inspired Saibaba to participate in social justice movements during the 1990s and after as a prominent activist scholar. He has also been outspoken in his opposition to India's war on adivasis, the indigenous people, who are resisting the state's efforts to dispossess them in order to extract resources from their territories. The Indian state decided it was time to stifle his voice.

The efforts to put Saibaba behind bars started in 2013, when the Maharashtra police sought a warrant to search for "stolen property" in his house in New Delhi. The alleged theft had taken place hundreds of miles from Saibaba's home. However, the magistrate granted a search warrant, and fifty police and intelligence officers raided the house on the Delhi University campus in September 2013.

Under the pretext of searching for "stolen property," they confiscated Saibaba's laptop, hard drive,

and mobile phones. Saibaba cooperated with the legal agencies and provided them with any information they sought, even supplying passcodes for his electronic devices. Whatever material they found from his academic research, political writings, and documents on social movements was then used as “evidence” of his alleged links with Maoist revolutionaries.

On May 9, 2014, plainclothes police snatched Saibaba from the street as he was walking home. They sent him to Nagpur Central prison, where the authorities accused him of being an “urban contact” or ideologue for the Maoists. The state elevated his alleged crime from involvement in petty theft to attempting to overthrow the state by force, making use of the UAPA to charge Saibaba.

Under the law, hastily amended after the Mumbai attacks of 2008, the onus of proving one’s innocence lies with the accused. A further amendment in 2019 granted the authorities power to identify any individual as a terrorist, without having established any organizational connections.

Cruel and Unusual Punishment

The courts granted Saibaba bail in June 2015 after he had spent more than a year behind bars, taking account of his deteriorating health condition. Soon after his release, he was admitted to an intensive care ward: in addition to the aftereffects of polio, he has been suffering from nineteen other health conditions. While he was receiving treatment, the trial judge delivered his verdict, sentencing Saibaba to life in March 2017. He was consigned once again to Nagpur prison.

The prison authorities have treated Saibaba callously, denying him access to routine medication, let alone proper treatment. Because of his physical disability, he cannot do anything by himself. At first, the prison did not even permit Saibaba to use his wheelchair, relenting only when he threatened to go on hunger strike.

The judge sentenced Saibaba to life imprisonment; in reality, however, he is now on death row. He has described his deteriorating health condition and constant pain in letters sent from prison. Civil society groups and prominent academics in India, and the outside world have urged the Indian government to provide him with the necessary medical treatment to save his life. So far, their pleas have been greeted with indifference.

Even now, with COVID-19 spreading like wildfire in the Indian prison system, the authorities have rejected Saibaba’s request for bail on medical grounds. Saibaba’s mother was denied permission to see her son before she died after being diagnosed with terminal cancer. She passed on at the beginning of August, yet Saibaba was not allowed to take part in the funeral rituals.

Brecht in Bhima Koregaon

Saibaba’s arrest and sentencing came at a time when the Congress-led government was in power. However, the BJP administration has intensified the campaign against political dissidents. A classic example is the imprisonment of twelve intellectuals in the so-called Bhima Koregaon conspiracy case.

After an outbreak of violence in Bhima Koregaon, a village in the state of Maharashtra at the start of 2018, the Maharashtra police arrested several human rights activists, lawyers, writers, and academics in different states later that year. The public prosecutor accused them of belonging to an “anti-fascist front,” supposedly aimed at overthrowing the Indian state.

In support of this argument, the prosecutor cited a line — “a call to bring down the state” from the Marathi translation of Bertolt Brecht’s *The Good Woman of Setzuan* — which a Dalit activist had supposedly recited at a meeting of the Elgar Parishad, a coalition of popular organizations.

The *Elgar Parishad* had been formed in response to mounting violence and oppression directed against Dalits and religious minorities under BJP rule, with support from two prominent retired judges, B. G. Kolse-Patil and P. B. Sawant. The coalition marked the bicentenary of a famous victory by Dalits against an oppressive dominant caste on January 1, 1818 at the battle of Bhima Koregaon.

It held a massive rally that was attacked by Hindutva vigilantes carrying saffron flags — the emblem of Hindu nationalism — who threw stones and set fire to vehicles. One man was killed in the ensuing violence and several others were seriously injured.

Instead of investigating the actual culprits, the Maharashtra police framed some high-profile Dalit and civil rights activists, raiding their homes in several places across the country. The police claimed to have found evidence of a plot to kill Narendra Modi in the course of their searches. They upgraded the charges to “terrorism.”

Safety Valve

The first phase of arrests included such figures as Shoma Sen, head of the Department of English Literature at Nagpur University, Surendra Gadling, a lawyer who had been handling Saibaba’s case until his arrest, Sudhir Dhawale, a writer and Dalit activist based in Mumbai, and Mahesh Raut, a scholar and adivasi rights activist. They were later joined by the likes of Varavara Rao, a renowned poet from Hyderabad, lawyer Sudha Bharadwaj, and Anand Teltumbde, a prominent Dalit writer and academic.

The state concocted a story, according to which these activists were all working with Maoist revolutionaries to destabilize the Indian establishment. It labeled them as “Urban Naxalites,” and charged them under draconian sedition laws.

In August 2018, five renowned academics and human rights activists — Romila Thapar, Devaki Jain, Satish Deshpande, Prabhat Patnaik, and Maja Daruwala — brought a petition before India’s Supreme Court, urging it to release all political activists and scholars, because their arrests violate the fundamental rights guaranteed to every citizen under Articles 14 and 21 of the constitution. The court did not accept their petition, although one of the three judges submitted a dissenting note: “Dissent is the safety valve of democracy. If not allowed, the safety valve will burst.”

However, the witch hunt did not stop. In July 2020, the National Investigation Agency (NIA) also arrested Hany Babu, a professor of English Literature at Delhi University, and a member of the committee that campaigns for the release of G. N. Saibaba. Professor Babu has written about caste-based discrimination and atrocities in Indian society. In July, he tweeted the following: “Day in and day out, we are reminded that there is no justice in this country. And there is no peace without justice.”

The NIA has carried on with its attempt to broaden the “conspiracy” case in August and September 2020. It summoned two Delhi University professors, P. K. Vijayan and Rakesh Ranjan, for questioning, and arrested the cultural activists Sagar Gorkhe and Ramesh Gaichor, accusing them of links with the Maoists. Gorkhe and Gaichor have stated that the NIA had made threats of arrest against them if they refused to cooperate as witnesses in the case it was trying to make.

“My Freedom Is Your Freedom”

Two years after the first round of arrests, there has still been no progress in the case. The Maharashtra police force initially submitted a charge sheet of more than five thousand pages to the court. However, when the BJP lost control of the state administration in Maharashtra, Modi’s government swiftly moved responsibility for the case from state to federal level, with the NIA taking

over.

While this led to an increase in the harassment and arrest of political activists, the case itself has not advanced any further. The activists in the Bhima Koregaon case have been left to languish in several different prisons without proper health facilities.

When there was a COVID-19 outbreak in Maharashtra's prisons, friends and family members of the eighty-one-year-old revolutionary poet, Varavara Rao, expressed their concern about his welfare. They urged the courts to release him on medical bail, but were met with another rejection. Since then, Varavara Rao's health has declined sharply.

In the Telugu-speaking world, Varavara Rao is known for his eloquent, electrifying speeches, and for his prolific writings over the space of five decades. When he was arrested in November 2018, he kept a smile on his face as he walked with the police and thrust his fist into the air as a symbol of courage, solidarity, and resistance. Now the poet cannot even walk by himself, and he struggles to articulate his words.

When Varavara Rao's supporters publicized his cruel treatment at the hands of the state, the prison authorities transferred him to hospital, where he received a positive test for COVID-19. After Rao had been hospitalized for a few weeks, the authorities sent him back to prison, even though he had not fully recovered from his neurological problems.

Rao is still a defendant in the case, which has yet to come to trial. Over the past half century, the Indian state has implicated him in twenty-five bogus cases, keeping him in prison for a total of eight years, although he was ultimately acquitted on every occasion. Two of Rao's sons-in-law — the academic K. Satyanarayana and K. V. Kurmanath, a journalist who works for the *Hindu* — were also summoned for questioning by the NIA at the beginning of September as part of its ever-broadening case.

In the summer of 2020, hundreds of prominent intellectuals once again appealed to India's president and chief justice to release all political prisoners (including Saibaba and Varavara Rao) who are at risk of being infected with COVID-19. Thus far, there has been no response from the Indian establishment. The BJP government wanted to make an example of these activists and public intellectuals, showing everyone what happens to those who raise their voices against its authoritarian tendencies.

In this time of shrinking democratic space, it is important to remember the message that Saibaba addressed to his supporters from solitary confinement:

I hope none of you feel sympathetic to my [physical] condition. I don't believe in sympathy; I only believe in solidarity. I intended to tell you my story only because I believe that it is also your story. Also because I believe my freedom is your freedom.

Ashok Kumbamu is a sociologist and a member of the Free Saibaba Coalition.

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