

The Tragedy Of India's Authoritarian Descent: The Case of Prabir Purukayastha

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Despite all the talk about India being the world's largest democracy the existing reality is very different indeed. For persistent dissidents and opponents of the current Hindu nationalist regime headed by Prime Minister Narendra Modi, the general political environment is effectively an undeclared emergency. In many respects it is worse than the declared Emergency of 1975-77 with its suspension of fundamental civic and political rights. That lasted a little less than two years. The current process of systematic degradation of the basic institutions of Indian democracy under the Modi government has been going on since 2014 when it first came to power.

Matters have been getting progressively worse and will be more difficult to reverse institutionally and practically even if the ruling BJP does not get a third term of office which it is most likely to achieve in the coming general elections in May this year. One of the most dangerous aspects of what has been happening is that behind the electoral mask, a host of laws have been amended in a very repressive direction. This has been done with the support of a compliant judiciary at even the highest level ensuring that the government can and does get away with criminal behaviour at a large, sometimes mass scale as well as in respect of targeting individuals like journalists, academics, social activists of various kinds, recalcitrant NGOs and ordinary citizens seeking to defend their minority religious communities from discriminatory policies and onslaughts.

An entity called the Enforcement Directorate (ED) is used by the government to raid civil society organisations and investigate their economic resources and activities despite knowing they are operating legally. Here, as elsewhere, the process is itself the punishment, with their work seriously or completely disrupted. The targeted seek legal recourse through the courts at different levels, which results in great delays before final judgements are passed. This too suits the purposes of the government agencies which have initiated the process and sends the desired warning to the organisations concerned to behave as the ruling powers want. But when it comes to actions against individuals deemed by the government to be their critics and opponents, i.e., 'anti-national', punishment by process is of a much more severe character. Here is where the most draconian of laws in the government's armoury---the Unlawful Activities Prevention Act or UAPA ---comes into play. Preventive detention laws were first laid down by British colonial rule but were carried over into independent India and some of them through amendments over time were made even more stringent and cruel.

This happened with the UAPA which was first formulated not by the BJP but by the Congress government in 1967. A series of amendments took place. By 2013 it became the supreme legislated law for application to organisations that are deemed to be guilty of terrorist behaviour even as there is no universally accepted definition of terrorist action. So every government is free to have its own, good or bad, legal definition. Here is how the UAPA defines the terrorist act:

“Whoever does any act with intent to threaten or likely to threaten the unity, integrity, security or sovereignty of India or with intent to strike terror or likely to strike terror in people or any section of the people in India or in any foreign country.”

This was initially applicable only to groups. But in 2019, the Modi government made it applicable for the first time to individuals. It is so vaguely worded and so broad in its areas of possible application that the state can (and does) arrest anyone on mere ‘suspicion’ before any actual commission. Moreover, bail can be denied for as long as the courts accept that the police or a central agency has ‘reasonable grounds’ to continue its investigation for as long as it thinks necessary which all too often extends into many years without the case coming to trial. Between 2014 and 2020, 10,552 people have been arrested under UAPA and only 2.3% of them have been convicted. Some 6,952 have been arrested since 2020.

By way of illustration of how and why the government resorts to this law to curb lawful dissent, I will only take up one very recent case---that of Prabir Purukayastha---whom I have personally known and worked with in one way or the other on various issues/campaigns. These include the anti-nuclear weapons peace front after India’s 1998 test explosions; in anti-communal efforts; and in support of Palestine. Purukayastha has an engineering background and therefore has technical expertise. He has been involved in a host of political campaigns and has also shed light on the growing surveillance nature and capacities of the Indian state which has certainly not been to the government’s liking. Among other things Purukayastha is the founder of *Newslick*, a news and analysis portal that has constantly given space in word and image to critics of this government’s policies and behaviour. Regularly presented are the concerns of Dalits, tribals, women, workers, farmers, oppressed religious minorities as well as progressive single-issue or sectoral movements about health, education and civil liberties.

He and other senior employees of *Newslick* and even select outside contributors were raided and electronic devices seized ostensibly to reveal alleged economic and political ‘infractions’ and ‘illegalities’. Despite the over two years’ passage of time, no crime has been detected. But the investigation continues. Purukayastha was unfairly imprisoned for several months during Mrs. Gandhi’s emergency period (1975-77). Both as part of and beyond, the Communist Party of India-Marxist (CPM) of which he is a senior member, he has engaged in various struggles ranging from defending secularism and democracy to helping set up after 1998 the Movement in India for Nuclear Disarmament (MIND). He is one of the founders of the Delhi Science Forum and has been the President of the Free Software Movement of India. Among the books he has authored and co-authored are *Enron Blowout: Corporate Capital and Theft of the Global Commons*; *Uncle Sam’s Nuclear Cabin*; *Political Journeys in Health*; *Knowledge as Commons: Towards Inclusive Science and Technology*.

On October 3, 2023, he was arrested and put in police custody under UAPA as a possible terrorist threat to ‘national integrity’. This action came about two months after a *New York Times* article of early August on philanthropist Neville Roy Singham, an American citizen of Sri Lankan origin who currently resides in China. He has through various legal channels contributed funds to a host of left-wing organisations in the Global South---in Africa, Latin America, India’s *Newslick* as well as in the North to such groups as Code Pink. Given India’s hostility to China, this was seized as an opportunity by the Modi government agencies to take a different tack for continuing the harassment of Purukayastha, another employee, Amit Chakrabarty, and *Newslick* more generally. On China, there may well be some shared positions of support but the crucial points are that Singham has no editorial connection to the organisation and that the funding process is above board. Furthermore, coverage of China’s affairs is very sparse compared to their overall coverage of domestic and international issues and it is its criticisms of the government that has set the latter’s back up and hence the over two years of harassment.

Purukayastha is in jail since November 2, 2023. There is an interesting parallel between the case of Russian dissident Boris Kagarlitsky and that of Prabir Purukayastha. Both have suffered previous incarcerations. Both have been steady and courageous critics of their respective governments regardless of which party has been in central power. Both situate themselves on the Marxist-influenced left. Both have used their latest period of incarceration to write a book. That by Kagarlitsky will be brought out very soon by Pluto Press. Leftword publishers have very recently brought out Purukayastha's *Keeping Up The Good fight: From the Emergency to the Present Day*.

Boris, fortunately, has finally been released and in this respect international publicity on the internet certainly played its part. It is hoped that here too, publicity not just of Prabir's plight but that this highlighting of the iniquity of UAPA (and the general compliance of the judiciary) under which so many others have been unfairly imprisoned can help release, at least on bail, Prabir Purkasyastha and so many others. We need to get more people the world over to recognise that an India that will very soon become the globe's most populated country is also rapidly transiting into, if not already having become, the world's largest highly authoritarian electoral autocracy!

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