

Coordination for Democratic Rights Organisations (CDRO)

CAMPAIGN FOR RELEASE OF POLITICAL PRISONERS: PROFILES OF SIX POLITICAL PRISONERS CONVICTED UNDER UAPA IN GADCHIROLI

(Convicted and Sentenced vide judgment dated 07.03.2017 in State of Maharashtra v Mahesh Tirki & Ors by Gadchiroli Sessions Court; Sessions Case No. 13/2014 & 130/2015)

9th November 2017

On 7th March 2017, six persons (Vijay Tirki, Pandu Narote, Mahesh Tirki, Prashant Rahi, G.N. Saibaba and Hem Mishra) were convicted by the Gadchiroli Sessions Court, Maharashtra under provisions of the draconian Unlawful Activities (Prevention) Act, 1967. While Vijay Tirki was sentenced to ten years imprisonment, all others were sentenced for life. This case adds to the long list of political prisoners against whom criminal cases have been foisted by the State under the undemocratic UAPA along with various sections of the Indian Penal Code. This case also adds to the list of those incarcerated for being vocal or struggling against State repression. Those convicted have been alleged to be associated with the CPI (Maoist). Whether or not these allegations would hold is a matter currently sub-judice before the Bombay High Court. But it is clear that this case seeks to criminalize all activities and persons deemed to be allegedly associated with the banned CPI (Maoist).

CDRO is opposed to proscription of organisations and persecution of persons for holding certain beliefs which may be contrary to or critical of the ideology of the State. We are opposed to the use of extraordinary as well as ordinary laws for trampling upon peoples' democratic rights to speak, organize and resist against State repression.

In this context, taking forward the CDRO Campaign for the Release of Political Prisoners launched in 2016, we are hereby releasing profiles of the six prisoners convicted by the Gadchiroli Sessions Court.

A look at the profiles makes clear that none of these persons have a proven criminal background. Prior to incarceration, all of them were lawfully and ordinarily engaged in earning their livelihood. Saibaba, Hem Mishra and Prashant Rahi had been politically active, engaged with people's struggles, or vocal about State repression. Vijay Tirki had been the Sarpanch of his village and was active about village-level issues. All of them were picked up at one place and time but shown as arrested from another location. They were brutally tortured in police custody. Suffering from 90% disability, Saibaba's deteriorating medical condition remains neglected in jail. Mahesh's family has not been able to gather enough resources to visit him in jail even once.

It is condemnable that a large number of persons continue to be incarcerated all over the country for their political beliefs. CDRO hereby reiterates its demands for the release of political prisoners and for the repeal of the undemocratic UAPA.

PROFILES OF SIX POLITICAL PRISONERS CONVICTED UNDER UAPA IN GADCHIROLI

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Pandu Narote

Pandu Narote, presently 31, hails from Murewada village, Erapalli Tehsil, Gadchiroli. His family consists of his parents, wife, a daughter, one brother, two sisters and three other paternal cousins. The family, belonging to Madiya tribe, is predominantly involved in farming. They own some land on which they cultivate rice and corn. Apart from this they also earn a living out of sale of *tendu patta* leaves once a year. Two of his brothers along with a sister-in-law reside at Sirauncha village, Gadchiroli. While one is studying, the other brother and his wife are employed at Sirauncha.

According to his brother Sukla Narote, Pandu could only study till 4th standard. Apart from his local language Madiya, he knows a little bit of Hindi. Being the eldest son he was responsible for managing family affairs. In order to help his ageing parents manage a large family he got involved in the agricultural work at an early age. After his conviction, his brother Sukla Narote has been taking care of the family. Sukla has also become the Gram Sewak at the Gram Panchayat level.

Murewada is a remote village situated near the Chhattisgarh border about 191-195 Kilometers from Gadchiroli district headquarters. There are no roads, health services, electricity available in the village. Most villagers rely on a river for water. In order to reach the nearest market or a working place, villagers have to take the *kaccha* road. Government services are absent in this village. Even without these services, Pandu and other villagers have managed to survive. There are around 15-16 houses belonging to the Madiya tribe in the village and 2 houses belonging to Oraon tribe.

Pandu Narote was picked up on 20th August 2013. He was shown as arrested only on 22nd August 2013 along with Mahesh Tirki and Hem Mishra. He was tortured badly in police custody and coerced along with Mahesh to give a false statement (u/s 164 CrPC) before the concerned Magistrate at Aheri in order to falsely implicate him and others in the case. Pandu got bail only after 15 months of incarceration. He was convicted and put behind bars again on 7th March 2017. He was convicted under section 13 (commits, advocates, abets, advices or incites unlawful activities), 18 (conspiracy for commission of terrorist act), 20 (membership of terrorist gang or organisations), 38 (association with a terrorist organisation with intention to further its activities), 39 (support to terrorist organization) of the Unlawful Activities (Prevention) Act, 1967 read with 120B (criminal conspiracy) of the Indian Penal Code. He has been sentenced to undergo Life Imprisonment. There are no other cases pending against him.

Mahesh Tirki

Mahesh, 27, belongs to Murewada village, Gadchiroli, the same village as Pandu Narote. He is an adivasi from the Gond tribe and his language is Gondi. His family consists of his grandfather, parents, wife, three children and a brother. His parents are more than 55 years old and his grandfather is more than a hundred years old and needs constant care. The family has some land from which one season of farming fetches around Rs. 30-40 thousand annually. They also manage to make some cash earnings out of the sale of *tendu patta* once a year. His second brother resides at Gomni village, Gadchiroli district with his wife (both work as labourers) and four children. He moved to another village because the family did not have enough land to sustain all members coupled with non-availability of any other work in the village.

Mahesh studied upto the 8th standard. Though he has learnt reading in jail but is yet to learn how to write. He got engaged in agricultural work early in his life. Mahesh has also in the past worked as a labourer in the forest, felling trees and cutting up logs to be sent to the Ballarshah Paper Mill and picking up *tendu* leaves for contractors to be processed and sold to the *bidi*-making industry.

After his incarceration, the responsibility of running the household has fallen on his wife alone who has been finding it very difficult to make the ends meet. Cash earnings of the family have been seriously affected. The family members haven't been able to gather resources even to pay him a visit to the jail.

Mahesh was shown to be arrested on 22nd August 2013 from Aheri but was in fact picked up from Ballarshah railway station on 20th August 2013. He was brutally tortured in police custody. He has been convicted under section 13, 18, 20, 38, 39 of the Unlawful Activities (Prevention) Act, 1967 read with 120B of the Indian Penal Code. He has been sentenced to undergo Life Imprisonment. There are no other cases pending against him.

Vijay Tirki

Tirki, 36, was the Sarpanch (elected village chief) of his village Beloda, district Kanker, Chhattisgarh. He is an Oraon adivasi and speaks Gondi and Hindi other than his native language. He is educated upto higher secondary level.

His wife does household work and his children are studying in school. His parents are farmers in Barkela village, Sarguja district, Chhattisgarh. One of his brothers is a farmer at village Pakurkal, Kanker district, Chhattisgarh. Two of his other brothers are farmers at village Aamketta, district Kanker, Chhattisgarh.

After his arrest, Vijay's wife has been finding it tough to run the household on her own. For two years now, she has been unable to do any agricultural work as earlier. An honest and hardworking peasant, Vijay used to take up a fair share of work involved in running the household along with his wife including carrying firewood from the jungles. His wife has also served as the Sarpanch. She has been actively taking up some of the work that Vijay left behind.

On 1st September 2013, when he was picked up, he was in Raipur to meet the BJP MLA of his area, also the then Forest Minister of the State, with regard to a village scheme of the Forest Department. He was shown to be arrested only on 2nd September. He has been convicted under section 13, 18, 20, 38, 39 of the Unlawful Activities (Prevention) Act, 1967 read with 120B criminal conspiracy) of the Indian Penal Code. He has been sentenced to undergo Rigorous Imprisonment for 10 years. There are no other cases pending against him.

Prashant Rahi

Prashant Rahi, 56, worked as a journalist in Uttarakhand. Prashant is originally from Nashik, Maharashtra. He completed his B. Tech (Bachelors in Engineering) from Banaras Hindu University in 1982, followed by an M. Tech, (Masters in Engineering) and worked in a power company in Uttar Pradesh's Sonbhadra district. Rahi was passionately involved with a host of protest movements ranging from issues of forest-dwellers and of rural labour to the displacement by the Tehri dam. He was also involved in the movement demanding separate statehood for Uttarakhand.

He was first arrested in December 2007 with regard to a case ongoing against him in Rudrapur under UAPA and other provisions of IPC. Alleged to be a senior Maoist leader, Rahi was tortured brutally in police custody and was kept in solitary confinement through most of his 3 year 8 month stay in the jail. Once released on bail, Prashant took upon himself to visit those imprisoned as 'Naxalites' all over the country and to help them obtain access to an advocate. To this end, he was regularly travelling across the country collecting details of cases and reaching the same to lawyers. He was picked up again on 1st September 2013 from Raipur, shown to be arrested on 2nd September and later booked under UAPA in a case in Gadchiroli for which he was convicted and sentenced on 07.03.2017. Rahi has been convicted under section 13, 18, 20, 38, 39 of the Unlawful Activities (Prevention) Act, 1967 read with 120B of the Indian Penal Code. He has been sentenced to undergo Life Imprisonment.

His daughter is a film-maker based in Mumbai and has worked as an Assistant Director and Script Supervisor in various Bollywood films like Taare Zameen Par, Bheja Fry 2, Matru Ki Bijli Ka Mandola, Gunday, NH10 among others.

Hem Mishra

Hem Mishra, son of a retired teacher, was a student of Chinese Studies at Jawaharlal Nehru University (JNU), Delhi and a member of Democratic Students' Union (DSU) and Revolutionary Cultural Front (RCF).

He is a known student and cultural activist in Almora, Uttarakhand and Delhi. He has been actively involved with people's struggles since his early days as a student activist. He took up issues around water, forest and land and a shift of the capital from Dehradun to Gairsain.

In the year 2007-08, a number of activists involved in organizing a youth and the rural poor in Uttarakhand were arrested on the allegation of Maoist links. Hem Mishra, handicapped in

one hand, was the person who visited all the arrested in jail and helped them get legal support. One of the arrested person at that time was Prashant Rahi.

Hem was shown to be arrested on 22.08.2013 from Aheri but was in fact picked up from Ballarshah railway station on 20.08.2013. He has been convicted under section 13, 18, 20, 38, 39 of the Unlawful Activities (Prevention) Act, 1967 read with 120B (criminal conspiracy) of the Indian Penal Code. He has been sentenced to undergo Life Imprisonment. There are no other cases pending against him.

Dr. G N Saibaba

Dr. Saibaba, 51, hails from Andhra Pradesh. He was born into a poor peasant family. Saibaba was diagnosed with polio at the age of five and eventually resulting in paralysis of his lower limbs. He suffers from 90% disability. Saibaba cleared his schooling with distinction and studied literature at the East Godavari District Degree College in Amalapuram. He had been a teacher at Ram Lal Anand College, University of Delhi before he was suspended following the foisting of the Gadchiroli case against him.

He has been active since his student days when he was part of the All India People's Resistance Forum (AIPRF). While studying in the University of Hyderabad, he became the state secretary of Andhra Pradesh Committee in 1992 and the All India General-Secretary in 1995. In this period he studied at the Central Institute of English and Foreign Languages (CIEFL) (now known as EFLU). He completed his Ph.D in 2013.

Saibaba has been vocal about issues concerning dalits, adivasis, peasants, workers, undemocratic laws, displacement, against the state-sponsored salwa judum in Chhattisgarh, four-year undergraduate programme (FYUP) in Delhi University among others. He has been persecuted for his active involvement in political issues. He has been suspended from his university job. His family has also been served eviction notice to vacate the university accommodation that he is entitled to.

He was first arrested in May 2014, granted bail in July 2015 which was cancelled by the Bombay High Court in December 2015. He was later given bail by the Supreme Court in April 2016. After incarceration on 7th March, his medical condition has been deteriorating as is indicative from the latest letter he has sent from the jail and also from the letter submitted by a delegation to the NHRC in June 2017. He has been convicted under section 13, 18, 20, 38, 39 of the Unlawful Activities (Prevention) Act, 1967 read with 120B (criminal conspiracy) of the Indian Penal Code. He has been sentenced to undergo Life Imprisonment. There are no other cases pending against him.

[Also see: Critique of the Gadchiroli judgment by PUDR (Hindi and English) and by Susan Abraham Advocate from CPDR, Mumbai.]

9th November 2017