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Two Lives of Conviction and Courage

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Prabir Purkayastha's memoirs and Sudha Bharadwaj's account of her time in Yerawada jail are reflections of two brave individuals who have spent their lives fighting for truth and justice, and who the State has decided to make an example of.

Sudha Bharadwaj and Prabir Purkayastha bear witness from their unique vantage points to the nature of our times. As these lines are written, Prabir languishes in Tihar jail in the national capital, his second sojourn in those confines since a year spent under India's Emergency regime in the mid-1970s. Sudha is free on bail after three years and three months in prison as an undertrial.

Writing her daily observations was what kept Sudha going through her long ordeal. Her ability to listen, observe and record, serve her well. She provides a vivid series of portraits of women she encountered in Pune's Yerawada Jail – each a subtle commentary on the infirmities of the justice system.

Sudha Bharadwaj and Prabir Purkayastha both bring to their current status a history of opportunities renounced and commitments forged.

Prabir completed his memoirs, *Keeping up the Good Fight, From the Emergency to the Present Day*, before his arrest, and before any manner of a gag order could be imposed. He provides an extended reflection on formative influences, on campaigns waged, and most notably, on his year-long imprisonment during the Emergency. It was an arrest based on mistaken identity, but even after the error came to light, he could not be freed, since the state could not be seen to waver in its repressive intent.

Formative years

Sudha and Prabir both bring to their current status a history of opportunities renounced and commitments forged. Sudha was born in Boston in the United States, where her economist parents were based at the time. She was a US citizen by birth who grew up in her mother's care, living mostly in university campuses. Her mother, Krishna Bharadwaj, was a legend amongst economists of her generation, and, as Sudha reveals, a gifted exponent of Hindustani classical music. Sudha grew up in her long shadow, longing to break free, but acknowledging her mother, who died too early, as one of the two greatest influences in her life.

Prabir is by his own lights, a rootless wanderer, the son of a civil servant with a job description that took him across the country. He was a student of engineering in West Bengal at a time of global ferment in youth politics. With the reading he had at the time, from his father's collection and from public libraries in towns transited through, he saw himself as a socialist in the mould of George Bernard Shaw. Life as actually lived in the turbulence of West Bengal at the time did not permit that remoteness from reality. Friends at college and beyond played a role in his arrival at the portals of the Communist Party of India (Marxist) [CPI(M)] as a committed activist. An early mentor was killed by a more extreme faction in the fratricidal violence that enveloped West Bengal at the time, but the CPI(M) has been Prabir's anchorage ever since.

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A brief stint at the Hindustan Motors factory followed, a time when Prabir saw how social dynamics of caste and class play out on the shop floor and the wider corporate ambience. He also found that Indian business had a very ambivalent attitude towards technology: prepared to milk it for profit when available, but except in a few instances, unwilling to invest much in its development. Enrolment in a masters' programme in engineering followed at Allahabad, a time when he witnessed from up close how the party he was committed to functioned in an ambience that was overtly hostile towards its philosophy and praxis.

Certain computational requirements in his masters' thesis required Prabir to access the facilities at the Indian Institute of Technology (IIT), Delhi. Just across the street from IIT, he found the vibrant political debates and intense student involvement of Jawaharlal Nehru University (JNU), which effectively became his home.

Jail during the Emergency

When Prime Minister Indira Gandhi declared an internal state of emergency on 25 June 1975, at the vanguard of the protests at JNU was Ashoklata Jain, an elected member of the students' council, who had with Prabir just served notice with the local magistrate for a civil marriage under the Special Marriages Act.

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The student ferment at JNU was not about to be quietened and protests mounted as the university administration began enforcing harsh measures of discipline. Prabir records the Delhi Police at the time using the “mukhbir” strategy. A cordon was thrown around two of the men's hostels, and a number of students arrested and taken away. A new dimension in official vengefulness emerged when Maneka Gandhi, daughter-in-law of Prime Minister Indira Gandhi, turned up for a class but was persuaded to accede to a students' union boycott. As a posse of the Delhi police drove into the JNU campus and met with student resistance, they dragged Prabir away in a panic, under the impression that he was D.P. Tripathi, the president of the students' union.

The magistrate who signed Prabir's detention order, ironically was the same person before whom he and Ashoklata had appeared just weeks before to record their intent to marry. Though he rebuffed the initial police demand since the grounds for the detention had not been furnished, he had no option but to sign on the dotted line. Later, in his deposition before the Justice J.C. Shah Commission of Enquiry into the Emergency, the magistrate admitted that the grounds for Prabir's detention reached him well afterwards. That was, reflects Prabir, as far as officers of the law were then permitted to exercise their minds: “they signed orders depriving people of their liberty, without knowing why.”

Chhattisgarh Mukti Morcha

Sudha graduated with a mathematics masters from IIT, Kanpur. Rather than seek opportunity abroad, all but the rule for graduates from India's top institutions of science and engineering, she chose to boldly go against the current, renouncing her US citizenship. It was the decade of the 1980s, and India was in the throes of change, after the failed experiments with pseudo-socialist populism and authoritarianism.

Sudha came in contact with Shankar Guha Niyogi, the inspirational founder and leader of the Chhattisgarh Mukti Morcha (CMM), and went with a group of students to the organisation's headquarters in the town of Dalli Rajhara. It was a moment of awakening, and Sudha speaks of Niyogi as the second great influence on her life. When she joined as a full-time volunteer, the CMM was mobilising workers in Chhattisgarh against the growing inequities of contract employment, which even public sector units – by now past their lofty goal of being model employers – were resorting to. Sudha was an all-purpose activist through this time, doing all that was required in every contingency. The movement was crushed and over 4,200 workers thrown out of their jobs. In September 1991, Niyogi was assassinated.

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Sudha remembers that moment and the following months as a “blur of rushing around courts and hospitals and jails.” Union demonstrations were met with brutal repression, including police firing in 1992 that killed 17. Niyogi's assassins were convicted, alongside the two industrialists who had assigned them the murder mission. All but one among the hired killers were acquitted on appeal. The difficulties that working people have in enforcing their rights were severely compounded, Sudha realised, by their chronic deficit of legal expertise. By now in a partnership with a fellow union activist and with an adopted daughter, Sudha set about acquiring the formal trappings of law, with ample assistance as she puts it from *kunjis*, or popular guidebooks.

Though the union was now floundering, divided by serious disagreements, much work remained in securing justice for retrenched workers and for the families of those killed. As these matters made their tortuous course towards the Chhattisgarh High Court in 2007, Sudha realised that it was not merely the industrial workers, but a whole host of social groups that needed legal assistance against the extractive model of growth. She worked towards setting up a body to provide legal counsel on a range of issues from forests to land rights, and project displacement.

A decade later, recognising her growing child’s needs, Sudha moved to Delhi to begin a teaching career at the prestigious National Law University. This was her main commitment when the police came calling with charges of terrorism. She was accused of fomenting violence during the annual observance of the battle of Bhima-Koregaon on 1 January 2018, even when she was nowhere near the scene of the action. As first the Maharashtra police and then the National Investigation Agency spread their dragnet to gather in the supposed instigators, 16 in all were charged: teachers, lawyers, journalists, unionists and civil rights defenders.

Then and Now

Prabir, on his part, after his Emergency prison term, begun a career as an engineering consultant in an esoteric area of power control systems, and later set up his own partnership firm.

Have things changed since the Emergency? Prabir thinks the lessons were well learnt from the debacle Indira Gandhi suffered in 1977, when she confounded public expectations and announced a general election. She never again dared walk the authoritarian path. But has authoritarianism in a sense been ingrained in society, in a manner that the elite are more willing than ever before to accept an assault on basic liberties, as long as they themselves remain untouched?

Prabir figures that the depths of social intolerance that India has recently plumbed show precisely that. He spotlights the killing of three intellectuals and cultural activists who dedicated themselves to rationalism in the public discourse, all within the space of a year-and-a-half: Narendra Dabholkar, Govind Pansare and M.M. Kalburgi. He also draws attention to the murder of the journalist and activist Gauri Lankesh in Bengaluru.

Looking back over the last decade, Prabir sees a growing “atmosphere of hatred and fear” building up. It may not have seemed qualitatively different in the initial years, but “it would intensify, with two sets of actions that ran on parallel tracks: one, the increasing use of the state’s machinery against activists, newsmen and minorities, and second, the increasing aggression of the Hindutva forces towards inter-faith marriages (or relationships), and vigilantism in the name of cow protection”.

Another readily discernible difference is the news media, in both carriage and content. Emergency-era media essentially meant print, with all its limitations of reach in a society where literacy was a privilege. For all that, print was still seen as a threat and the Emergency regime, for the first time in independent India, imposed a stringent form of news censorship. Today’s media is much more diverse and by all appearances, participative. Yet, it is more than willing to roll over and do the bidding of the regime in power.

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In 2009, he set up *Newslick*, a news portal operating in both print and video formats. His expertise in computer software provided him an entry into Thoughtworks, one of the world’s most valuable firms in its area of work, headed then by the “tech wiz” Roy Singham. He was also in constant campaign mode, on issues like intellectual property, telecommunications, electricity sector reform, and nuclear power. With a number of similarly inclined practitioners of science and technology, he was steeped in a nation-wide movement to bring science down from abstruse heights, into the lives of ordinary Indians.

Newslick chose to step into the growing vacuum of real news. Fundamental changes in the framework of law were being planned with a bill injecting a religious criterion into citizenship rights. *Newslick* with a large and diverse team, pushed back boldly against the hysterically partisan coverage of mainstream TV channels. When a troika of laws was rammed through parliament, threatening to knock out the last of the faltering props for India’s farm sector, *Newslick* stepped up to cover the ensuing protests. These events were as Prabir says, “history in the making,” which called for serious engagement by the media.

Prabir and his news outlet were soon the focus of unwelcome attention from the officers of the law. A raid on his home and the *Newslick* premises in February 2021 went on for 113 hours, beginning early one morning. It was, says Prabir, well short of the ten days that the raid on the palace of Maharani Gayatri Devi of Jaipur lasted during the Emergency, but his premises and *Newslick*’s were of much more modest expense. The fault, Prabir remarks with some irony, may have been entirely his, since he was unable to provide the basic hospitality of an internet connection that would enable the raiding party to quickly download the voluminous content of his devices.

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'Violations of foreign currency regulations' was the charge to begin with. As the case dragged on, the investigative bodies got an unexpected bonus. The *New York Times*, as both participant and observer of the new strategic antagonisms between China and the US, ran a page-long story about the influence operations of Roy Singham, Prabir's one-time business associate. While insinuating a link between Singham and the Chinese government, the *Times* mentioned in passing that *Newslick* may have been associated with Singham's charity. The charges against Prabir and *Newslick* mutated instantly to terrorism, attracting action under the Unlawful Activities Prevention Act.

Support for women prisoners

In Sudha's factual, non-judgmental narrative, *From Phansi Yard, My Years With the Women of Yerawada*, she provides multiple instances of deliberate sloppiness by investigative agencies to prolong the persecution of citizens, all with the endless indulgence of the judiciary.

After she was arrested in 2018 in the Bhima Koregaon case, she was held for 10 days in the Farashkhana police station in a stinking, bug-infested cell, and on one of those days, taken to the office of the Assistant Commissioner of Police for interrogation. But, as she tells it, "there (was) hardly any interrogation, and somehow the ten days pass".

Every subsequent court appearance through her incarceration was a meaningless ritual. Most such days were spent "watching as technicians of the Forensic Science Laboratory make 'clone copies' (at a snail's pace) of the large number of devices [...] seized". The investigation was in no obvious hurry, since its sole purpose was seemingly to prolong the limbo in which the accused were placed, between freedom and conviction.

Reading and writing were a way that Sudha found to lighten the moments in prison. And at some stage, her very wide and eclectic range of reading was supplemented by "thirteen fat, spiral-bound volumes of the chargesheet and supplementary chargesheet." The women constables tasked with regular inspections of her cell looked at the "tall pile [...] with disbelief": it came to "just six inches below (Sudha's) shoulder".

Sudha saw women often held as "judicial hostages" for crimes committed by their husbands or male relatives, who were either on the run, or had evaded conviction through some artifice.

Sudha's fighting instincts often broke through the silences enforced by this prison regime. On one occasion, despite warnings from her armed escorts, she stood up in the courtroom to upbraid the judge for the ill-treatment of her friends from Chhattisgarh who had travelled a long distance to meet her. Through her long confinement within Yerawada, she was constantly recording the plights her fellow prisoners faced. She encountered a level of incomprehension amongst them, rendered more acute by the total default of the public authorities in providing competent legal counsel, and a frequent inability to furnish sureties even when the elusive quest for bail was fulfilled. She saw how women nearing their release date, were often consumed with anxiety. If there was none to receive them on release, they would be put back in some form of institutional care, different only nominally from imprisonment.

Sudha saw women often held as "judicial hostages" for crimes committed by their husbands or male relatives, who were either on the run, or had evaded conviction through some artifice. She recorded a brief life sketch of a "thin, sour-faced woman" who entered jail with a daughter only five days old, accused of killing an alcoholic, abusive and sex-obsessed husband.

Children of tender years who could not be separated from their mothers, were the constant focus of the inmates' attentions. There were several who knew of no other life but the prison, and one precocious child who knew that her mother's fate was one of "tareek pe tareek", constant adjournments without any manner of judicial closure.

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In February 2020, the government in Maharashtra changed, and to pre-empt the withdrawal of the case, the Bhima-Koregaon case was hastily transferred to the specialised counter-terrorism agency under the Union Government. Sudha and Shoma Sen, a college teacher from Nagpur and another accused person, were transferred to Mumbai's Byculla prison. It was a change of scene and a shift in Sudha's daily routine. She ceased her daily diary and became the trusted source of legal counsel for fellow inmates in the prison barracks. Covid-19 had struck, creating another level of trauma for the inmates of India's overcrowded prisons. Anxieties mounted

within the confines of the prisons, and the Supreme Court hastily moved to staunch the unrest by decreeing that “interim bail” could be granted in certain circumstances.

It was a time when Sudha wrote out a prolific number of petitions: for video conferencing with male family members lodged in other jails, for copies of chargesheets, default, medical and interim bail, for jail transfers, phone calls with lawyers, for hospital treatment. Her role became in some sense, institutionalised, and a time came when the jailer would send her “prisoners needing applications to be written.” Yet, by her own admission, her rate of failure was “spectacular”, and the successes, “few enough to count”.

In December 2021, several months after reserving judgment, the Bombay High Court granted her bail. It was a bittersweet moment since it came alongside denial for all her co-accused. Sudha has since lived in a Mumbai suburb, confined there as part of bail conditions, mostly alone, providing legal counsel to unions for a living. She continues being “haunted” by the lives of prisoners and experiences an ineffable lightness at the very occasional call joyously announcing the release of a woman she shared her prison barracks with.

Symbols of the fight for justice

There are many across the length and breadth of the country who keep up the fight for basic liberties, but Prabir, Sudha, and all their co-accused, have been chosen to be made examples of. Basic procedures of natural justice are flouted to ensure that the lessons are amply clear. Prabir was denied a copy of the First Information Report filed in his case, and had to move court to access the basic right of a citizen to be informed of charges on which he is held. Many of the Bhima Koregaon accused have petitioned the court to take note of their electronic devices being hacked and implanted with incriminating content, but these have been ignored. They continue to fight on and these books by Prabir and Sudha stand as testament to the courage and fortitude with which the fight is waged. Chosen to be examples of the vengeful wrath of the repressive state, they are now symbols of the fight for justice.

(Disclosure: This reviewer has known Prabir Purkayastha since long and occasionally participated in news content and commentary posted on *Newslick*.)

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