

An Architect of Conscience

Mukul Sinha (1951-2014)

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Mukul Sinha's death remained largely beyond the limelight amid the din over Narendra Modi's anointment as the next Prime Minister. His steadfastly resolve and meticulous eye for detail, strengths he demonstrated while dealing with hostile administration in several cases, will remain a guiding light for many activists.

As news of the demise of Mukul Sinha - trade unionist, lawyer, civil rights worker, and a widely loved communist - came in, no news channel cared to pause the hysteria over exit polls. Not even momentarily. The giddy coverage of voting in Benaras and possibility of the Modi wave reaching the parliamentary shores safely could not be suspended for even a five-minute solemn remembrance of this remarkable man. No one recalled that Mukul Sinha had been instrumental in sending Amit Shah, being feted as the architect of Modi's victory in Uttar Pradesh, to jail in 2010 in the Sohrabuddin Shaikh fake encounter case.

An organic trade union leader

Like K Balagopal, another of our great civil liberties fighter, Mukul Sinha came to law quite late. The former was a mathematician by training, the latter a physicist. Both were forced to abandon science - Balagopal because of a false police case, which made it unsafe for him to remain in Warangal and continue teaching; Sinha because the government laboratory where he worked could not tolerate his trade unionism in defence of his retrenched colleagues. But while Balagopal missed teaching mathematics, Sinha accepted his termination with relief and relish. He threw himself into trade union work and felt compelled to get a law degree to deal with labour cases.

He showed - just like Balagopal had before him - how civil liberties work was rigorous and analytical. I first met him in 2009, when we invited him to Jamia Teachers' Solidarity Association's first convention. He and Nirjhari Sinha, his wife and "partner for more than 30 years" presented a slide show meticulously demonstrating how the Ahmedabad police Crime Branch had killed Ishrat Jahan in cold blood. The entry and exit marks, the angles and trajectory of bullets showed how there had been no cross firing. The occupants of the car

had been shot from a point blank range. The recovery of weapons from “terrorists” surprisingly free of any bloodstains proved how they had been planted. (These were later to appear in the “Ishrat Jahan Evidence List series” on *Truth of Gujarat*, his website dedicated to uncovering the grisly reality beneath the shine of Modi’s hyped claims).

Protection of Terrorist Act

The same care to detail and the painstaking collection of evidence was to be found in every case the couple handled. Maya Kodnani’s conviction in the Naroda Patiya massacre is owed in large parts to the analysis of the records of her mobile phone conversations with Vishwa Hindu Parishad (VHP) leader Jaydeep Patel by Nirjhari Sinha. A full-length book could be written on how Sinha, lawyer for Sohrabuddin Shaikh’s brother, and his team cracked the thousands of phone calls between senior police offices and the Minister Amit Shah in late November 2005. Call data was analysed for location, durations, frequency and timing, to piece together the sequence of the murders of Sohrabuddin and his wife Kauser bi. The call records proved that Amit Shah had called Deputy Superintendent of Police Narendra Amin 15 times during the operation (and 76 times when Tulsi Prajapati was killed a year later by the same team). This turned out to be one of the crucial pieces of evidence that finally led to the arrest of Amit Shah by the Central Bureau of Investigation (CBI) in July 2010.

In fact, he was the first to fully articulate the cynical larger political conspiracy underlying the large number of Prevention of Terrorist Activities (POTA) cases against Muslims and the spate of encounter killings following the Gujarat pogrom. He had argued that terrorism was central to the crafting of Narendra Modi’s Hindu Hriday samrat iconography. Dismissing POTA as “Production of Terrorist Act”, he asked, “How does one declare a war on terrorism if there are no terrorists around? In Gujarat, this logical hurdle is easily surmounted. Create them first and then declare war on them so that the “hapless citizens” can vote you to power as their sole saviour! Till October 2002, Gujarat had no “terrorist” of any kind but by the third week of January 2004, Gujarat had around 180 “hardcore/ anti-national/ Jihadi” terrorists in its jails i.e. in a period of 15 months, Gujarat had produced and arrested nearly 180 hardened Islamic terrorists, an average of 12 terrorists per month. A good rate of production by any Indian standards thanks to the potent productivity under POTA “The state of Gujarat,” he wrote, “therefore does not “misuse” POTA but actually uses POTA to create “terrorist”.”

When the Supreme Court appointed the Santosh Hegde headed commission to enquire into six cases of fake encounters in Manipur, Sinha appeared on behalf of the petitioners, the widows’ association. In its sitting in Delhi, witnesses were cross examined in the killing of Azad, a 12-year-old school boy, who was shot dead by Assam Rifles personnel and Manipuri police commandoes. Though family and friends had maintained that Azad was reading a newspaper with his friend when he was taken away by security men, beaten and then shot dead in the fields next to his house in West Imphal, the prime witness, the officer who had led the “operation” claimed that they had acted upon secret intelligence about the presence

of “UGs” (underground insurgents).

Mukul Sinha led him through a detailed cross-examination: from the officer’s knowledge of local language (“how would you command someone to shoot in Manipuri”), the grades of intelligence inputs, his counterinsurgency experience, to the specifics of the operation, the requisitioning of police commandoes, the route of the journey undertaken, the vehicles in which the raid party travelled. The witness sweated and fumbled, the counsel for the Ministry of Defence sprang up every few moments to object to his questions.

Sitting in the backbenches, a straggly collection of activists and an odd reporter from *Imphal* newspaper, restrained themselves from cheering out aloud. Referring to another witness’ affidavit in which he swore that the raiding party travelled in a Tata 407 rather than the three gypsies as was being claimed in the witness box by the officer, he asked, “So, is he lying?”. There was a loud objection to the use of the word lying. “Okay, okay”, He smiled gently and asked again, “So, is he prevaricating?”

This was quintessential Mukul Sinha. Gentle, persuasive, persistent, unrelenting. Though suffering from lung cancer, which made even simple conversation an ordeal, he spent hours discussing terror cases when a young researcher from Tata Institute of Social Sciences (TISS) visited him earlier this year.

Indomitable courage

When one sees senior media barons and editors genuflecting before a man Mukul Sinha was fighting against, that you realise the full extent of his courage. To be living in Ahmedabad and challenging the mightiest and the most ruthless must have put him in real danger. In rare moments he would share these stories but he almost appeared apologetic because of the self-deprecating manner in which he used to speak.

Once in the Ahmedabad courts, he ran into DG Vanzara. Under Amit Shah’s patronage, DG Vanzara ruled Ahmedabad at that time. Fearing the worse, he said, Mukul Sinha turned around and raced to his car. He could hear footsteps following him. Faster and faster he strode towards his car. But Vanzara overtook him, took his hands and shook them vigorously, and then left. Mukul Sinha thought it was a story worthy of a good laugh. He also joked that Modi’s national ambitions would ensure that no harm came to him. Modi could not afford any trouble in Gujarat.

Last year, in the middle of the media storm surrounding CBI enquiry into the Ishrat Jahan killing, Sinha had asked: “Will our great democracy win or will a handful of killers write the future of this nation?”

The results are out. If only we hadn’t also been robbed of Mukul Sinha’s presence at this hour.