

Acclaimed Indian author Arundhati Roy to be prosecuted under India's draconian anti-terror law for 2010 remarks on Kashmir

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9 July 2024

Arundhati Roy—essayist, Booker Prize-winning novelist, and human rights activist—is facing prosecution under India's draconian “anti-terror” legislation, the Unlawful Activities (Prevention) Act or UAPA.

Delhi's Lieutenant-Governor, an appointee and toady of India's far-right Bharatiya Janata Party (BJP) government, endorsed Roy's prosecution under the UAPA on June 14, in order to circumvent the statute of limitations that governs prosecutions under normal Indian Penal Code (IPC) provisions.

Prime Minister Narendra Modi's BJP government initially greenlighted Roy's prosecution last October under criminal charges that threatened her with multiple three-year prison terms for remarks she made during a speech on Kashmir in 2010. However, given the time lapse, the cases against Roy under IPC sections 153A, 153B, and 510, including for “promoting enmity between different groups on grounds of religion” and “undermining national-integration,” were not legally tenable.

By charging Roy under the UAPA the government is not only able to continue her legal persecution. Under its harsher provisions, conviction on charges almost identical to IPC sections 153A, 153B, and 505 could result in her being sentenced to up to seven years behind bars.

Those detained under the UAPA must also pass a much higher bar to obtain bail. The Indian authorities have frequently used the UAPA's highly restrictive bail provisions to arbitrarily detain people for years on end on the basis of fabricated evidence and amalgams prior to any trial or, in many cases, even the laying of criminal charges.

To date, the government has not signaled any intention to take Roy into custody, but this does not mean she is not in danger of pre-trial detention. The BJP, its supporters, and much of the Indian press and political establishment have long vilified Roy for her trenchant criticisms of Indian capitalism.

India's Hindu-supremacist government is also moving forward with the prosecution of Dr. Sheikh Hussain, an international law professor, who spoke alongside Roy fourteen years ago at a conference organized by Kashmiri separatist groups under the title “*Azadi (Freedom)—the Only Way Ahead*.”

Arundhati Roy rose to fame with her first novel, “The God of Small Things” (1997), which secured her the Booker Prize and became the world's top-selling book by a non-expatriate Indian author. Her follow-up novel, “The Ministry of Utmost Happiness” (2017), was also widely applauded. Roy's extensive portfolio of essays and

commentary includes scathing critiques of India's drive to acquire a nuclear weapons triad, the massive human rights abuses successive Indian governments have committed in the name of fighting “terrorism,” the authoritarian-communist actions of the BJP government, and the displacement of millions of tribal people to build massive power-dams.

Former Central University of Kashmir professor Hussain is a prominent scholar of human rights and international law. He has authored several books on Jammu and Kashmir. The region is at the centre of the reactionary strategic conflict between India and Pakistan, and up until Modi's August 2019 constitutional coup was India's lone Muslim-majority state. Since 1989 Jammu and Kashmir has been under military occupation, with upwards of half-a-million security forces continuously deployed to assert Indian sovereignty and suppress the population.

The BJP government's persecution of Roy and Hussain underscores that Modi's third term in office will be marked by an accelerated drive to consolidate authoritarian forms of rule, with those who criticize the government subject to harassment, persecution and potentially police or mob violence.

The Modi regime and BJP-led state governments are notorious for bringing frame-up charges under the UAPA against left-wing opponents. They also routinely smear their opponents within the political establishment as “anti-national” and on numerous occasions have brought politically manipulated charges against them.

Roy has written extensively on the human rights abuses carried out by state security forces in Kashmir. The remarks for which she is being prosecuted, made at a conference in India's capital on Oct. 21, 2010, include the following: “Kashmir has never been an integral part of India...Even the Indian government has accepted, in the UN, that it's not an integral part of India. Today there are 700,000 security personnel manning that valley of 12 million people—it is the most militarized zone in the world—and for us, the people of India, to tolerate that occupation is like allowing a kind of moral corrosion to drip into our blood stream.”

When Roy made her comments, Indian security forces were using blanket curfews enforced by state violence, forced disappearances, and Israeli-style collective punishments to crush popular opposition.

A decade-and-a-half later, the repression in Kashmir continues. The prosecution of Roy and Hussain is aimed at silencing criticism of India's actions in Kashmir. In 2019, fulfilling a longstanding demand of India's Hindu supremacist right, the BJP government ran roughshod over the constitution to strip Jammu and Kashmir of its

unique semi-autonomous status within the Indian Union.

The BJP government's decision to criminally prosecute Roy for remarks made almost 15 years ago is also undoubtedly bound up with her denunciations of India's complicity in Israel's imperialist-backed genocidal assault on the Palestinians of Gaza.

In keeping with the anti-China strategic alliance New Delhi has forged with US imperialism under successive Congress Party and BJP-led governments, India has developed an ever expanding partnership with Israel, cemented by arms deals, intelligence sharing and India's participation in the I2U2 (India/Israel/UAE/US) alliance.

Roy has repeatedly spoken out against the Gaza genocide over the past nine months, forthrightly naming those responsible, including in a video presentation last November to the Munich Literature Festival.

In a March 7 essay for Scroll.in, Roy wrote:

The richest, most powerful countries in the western world, those who believe themselves to be the keepers of the flame of the modern world's commitment to democracy and human rights, are openly financing and applauding Israel's genocide in Gaza. ...

And what of our country?

It is well known that our prime minister is an intimate friend of Benjamin Netanyahu and there is no doubt where his sympathies lie. India is no longer a friend of Palestine. When the bombing began, thousands of Modi's supporters put up the Israeli flag as their DP on social media. They helped spread the vilest disinformation on behalf of Israel and the IDF (Israeli Defence Forces). Even though the Indian government has now stepped back into a more neutral position—our foreign policy triumph is that we manage to be on all sides at once, we can be pro- as well as anti-genocide – the government has clearly indicated that it will act decisively against any pro-Palestine protestors.

And now, while the US exports what it has in abundant surplus—weapons and money to aid Israel's genocide—India too is exporting what our country has in abundant surplus: the unemployed poor to replace the Palestinian workers who will no longer be given work permits to enter Israel. (I'm guessing there will be no Muslims amongst the new recruits.) People who are desperate enough to risk their lives in a war zone. People desperate enough to tolerate overt Israeli racism against Indians. You can see it expressed on social media, if you care to look. US money and Indian poverty combine to oil Israel's genocidal war machine. What a terrible, unthinkable, shame.

Roy has thus far declined to comment on her indictment on "terrorism" charges. Responding to the charges her attorney, Rebecca John, said last month, "If the Delhi police took 14 years to investigate a case, where the only charge against Ms. Roy is one of making a 'speech,' which admittedly did not lead to any violence or other 'unlawful activity,' I am afraid it speaks poorly of the investigating skills of the police force.

"Clearly, the case against Ms. Roy is political in nature given her unfailing commitment to human rights."

India's corporate media, some of which unabashedly promotes Modi as the "Hindu strongman" needed to transform India into a great-power and others of which have been cowed by government threats,

has said little to nothing about Roy's prosecution. Some liberal newspapers did carry editorials warning it would harm India's international image. Thus the *Deccan Herald* wrote, "The action against her, with political targeting and harassment written all over it, can only add more black to India's image as a country where democratic freedoms are under increasing attack."

Both within India and internationally, many artists and intellectuals have rallied to Roy's support. The acclaimed-novelist, Amitav Ghosh wrote on X, "The prosecution of Arundhati Roy is unconscionable." The UN Human Rights Office has urged Indian officials to drop the case against Roy, and over 200 Indian academics, activists, and journalists have signed an open letter imploring the Indian government to retract its decision greenlighting Roy's prosecution.

A few leading lights of India's main opposition party, the Congress Party, have issued their own perfunctory condemnations of the state attack. "Fascism thrives on crushing dissent, particularly from intellectuals, artists, writers, poets & activists," wrote Karnataka Congress legislator B.K. Hariprasad on X. But the Congress has no intention of making a major issue of the state attack on Roy. Indeed, according to the *Times of India*, in 2010 P. Chidambaram, today a senior Congress Party leader and then the Union Home Minister, initially supported charging Roy with sedition for her Kashmir conference marks.

Amid mounting global economic, social and geo-political crises, the Modi government plans to bind itself ever closer to the American war chariot and accelerate implementation of privatization, deregulation and other "pro-investor reforms. This unpopular, socially incendiary programme can only be enforced by abrogating democratic rights.

The defence of Arundhati Roy and other critics of Modi's far-right, Hindu-supremacist regime necessarily falls to the working class. The defence of democratic rights must be linked to the struggle to develop an independent political movement of the working class that rallies that the rural toilers behind it in opposition to imperialist war and the Indio-US alliance, "pro-investor reforms," and the whipping up of communal divisions. The emergence of the Hindu supremacist BJP as the premier party of the Indian ruling class after three-quarters of a century of "independent" bourgeois rule underscores that the democratic and social rights of working people will only be secured through the fight for workers' power and international socialism.



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