

Freedom of Expression is a Myth in India

In the wake of the First War of Independence of 1857 in India, the British colonial rulers with the intention of forcefully suppressing and stifling any voice or act of the people of India opposing the British colonial rule or policies of its administration and forcefully suppress the democratic aspirations of people of India had introduced the Indian Penal Code (IPC) on 6th October 1860. They defined that “whether by words either spoken or written or by signs or by visible representation or otherwise brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the government established by law in India are seditious committing the crime of sedition”.

With this clause of sedition (124A) of Indian Penal Code, the British Colonial rulers have incarcerated many an Indian patriots that expressed their discontent, disaffection against the colonial British government and its administration. Even comments of disapprobation of the measures taken by the British colonial government and their administration were considered to be sedition and the concerned patriots were severely punished.

The legal heirs of these British colonial rulers, the rulers of the ‘independent’ India on the transfer of power in 1947 has inherited this legacy of I.P.C. along with the colonial institutions of administration and governance to rule the people of ‘independent’ India. Our rulers have not only inherited the laws of British colonial rulers but also the class nature of British colonial rulers as the sole principle of rule, to rule the ‘independent’ India. The Indian Penal Code inherited by the Indian rulers of independent India came handy to them, to implement and rule the country with ant people policies of exploitation and ruthless suppression.

It is being propagated for all these 73 years that India being an independent country and being the largest democratic country in the world, has a scared constitution which granted freedom of speech and expression as a fundamental right in its preamble as well with Article No 19 and thus freedom of speech and expression is enshrined as the fundamental right.

But the past 73 years the experience of the people of India proves them that the freedoms such as freedom of expression and speech enshrined remained as an empty promise and a mirage.

After 73 years of maturity in the adoption and implementation of anti-people policies of exploitation and suppression, our rulers belonging to whatever shade of ruling class politics are becoming more and more intolerant, enveloped with heedlessness against public opinion that expressed even an iota of opposition to the views and actions of the rulers, that too represent from their own class.

For our rulers the section 124A (sedition) of IPC has become handy as the Vajrayudha to suppress whatever discontent, disapprobation protest or satirical opposition expressed to their administration and its measures.

Recently this sword of Damocles called colonial justice is used on a cartoonist Aseem Trivedi, a follower of Anna Hazare and Kejrival of India Against Corruption (IAC) who has been actively supporting the IAC agitation through his cartoons.

The same draconian sword of colonial justice is used against the anti-nuclear activists of Kudankulam in Tamilnadu.

Aseem Trivedi is charged with sedition for having produced a cartoon of a new symbol of the Saranaath coloumn of Ashoka, relevant to these days of corrupted rulers.

The Kudankulam agitators were charged for opposing the installation of the perilous nuclear reactor sans any security to the people from atomic and nuclear accidents.

In fact in none of these incidents, the victims involved have never expressed their intention either directly or indirectly, to overthrow this 'lawful' government either through forceful means or otherwise.

They had merely expressed their opposition to the ever increasing corruption of our rulers in power and their fear and opposition against the menace of nuclear reactor accident lacking any security to the lives and the livelihood of people and are demanding not to operate the Kudankulam nuclear reactor.

In both these incidents the democratic aspirations of the people are expressed without any malice against the 'lawfully' established governments.

But our rulers have grown to such a degree of intolerance to suppress any dissent of opposition to the anti-people measures of policies implemented by them.

Though at the periphery this act of suppression appears to be the excessive reaction of the concerned police officials, it is no secret that such an act was done at the behest of the powers that are at the helm.

Such an intolerance of our rulers has not only manifested in Maharashtra and Tamil Nadu where different ruling class parties are in power. Even in West Bengal ruled by TMC. A professor of Jadavpur University Ambikesh Mahapatra was charged and incarcerated under sections of 500 (defamation), and 509 (insulting the modesty of women) and 114 (presence of abettor during the crime) for having posted a cartoon in his website- a caricature of Mamata Banerjee. She claimed that the cartoon was meant to 'vanish' her.

In the recent past Dr.Vinayaksen, a rights activist, Arundhati Roy and others were also implicated in the charge of 'sedition'. A dalit activist and editor of Vidyarthi magazine into charge of sedition on Jan 4th 2011.

Thus it has become a practice for the rulers to falsely implicate the people, who genuinely and sincerely express their democratic aspirations and protest to realise them in a democratic way.

On the other hand our rulers never dare to lift even a finger against ruling class leaders like Bal Thakrey, Raj Thakrey, Uddav Thakrey of Shiv Sena and MNS who incessantly incite and excite hatred against people of other states that live in Mumbai or against RSS and its outfits which arrogated themselves as cultural police of India, resorting to violence on common people,. Even the Modi's government and Modi that had excited hatred against Muslims and incited a massacre of Muslims do not appear to be seditious to our rulers since they too are the birds of the same flock.

Such has been the state of affairs in the 'democratic' India where expression of dissent is considered as sedition by our rulers. So our present day rulers are relying on the section 124A of IPC to safeguard their state, governed on the very principles of exploitation and suppression once which was used against Balgangadhar Tilak, Aurobindo Ghosh, Anne Besant, Saratchandra etc. by the British colonial rulers.

In 1951 Jawaharlal Nehru, the Prime Minister of India had grandly announced the "Now as far as I am concerned that particular section (124A) is highly objectionable and obnoxious and it should have no place in any body of laws that we might pass. The sooner we get rid of it the better."

But not surprisingly this highly objectionable and obnoxious sections of law has not been got ridden in the time of his rule nor in the time of the rule of his daughter or in the time of the rule of his grandson not at the present time of the rule of his grandson's spouse. It still remains in the statute book hypocrisy and the class character of our rulers who even in a dream never wish to do away this draconian law and who at the heart of hearts intend to use it against human rights activists, journalists, intellectuals, leaders of anti ruling class politics and common protesters against the anti people policies.

Our rulers though ratified the international covenant on civil rights and political rights in 1979 itself; they draconian law, which again expresses their real class character.

Such a common law of offence was abolished in USA by Thomas Jefferson in 1802 itself after he came to power. Even the British rulers who made this law of sedition in 1860 have abolished this common law of sedition in 1977. In 2007 New Zealand repealed such a law of sedition.

But the rulers of the world's largest democracy are clinging to this draconian law to safeguard their seats of power blatantly opposing the very definition of democratic rights.

Due to public outcry and outrage against Trivedi's arrest under section 124A the Mumbai police directed by the rulers have graciously condescended to drop the sedition charges against him by filing an affidavit at Mumbai high court.

Failing to establish the offences of Professor Ambikesh Mahapatra the West Bengal police have dropped the charges of defamation, insult of the modestly of a woman and presence of the abettor during the crime, but charged him only under 66A (B) Information Technology Act ie delivery of insulting electronic message.

But the sedition charges against the leaders of Kudankulam anti-nuclear agitation are not yet dropped, since the protest agitation is continuing actively to the dislike of the rulers, who betrayed the people of Kudankulam.

Thus the myth of 'freedoms' granted by our constitutions and the myth of the 'democracy' in our country in once again exposed making the anti-people class nature of our system more conspicuous.

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