

THE RAMPANT MISUSE OF SEDITION LAW TO SUPPRESS DISSENT

In the recent year the misuse of the sedition law by the state has reached dangerous proportions. State is using this draconian Colonial era against the citizens who ever do not agree with the opinions of the ruling political party BJP, who ever differ with its ideas, whoever dissent with its governmental policies, whoever dissent with its political and social philosophy, whoever oppose and protest against its anti-people policies, whoever express their opinions against the style of function of its government and whoever differ with its religion and chauvinistic nationalist overtones.

Be it a farmer, a worker, a social activist, a rights activist, a comedian, an actor, an intellectual, an academic and even a leader of opposing political party all are goaded under Section 124A. The misuse of sedition law has destroyed many lives.

Section 124 A of Indian penal Code that deals with sedition was enacted in 1860 in the following years of the First War of independence of 1857; by the British rulers. This law was intended to suppress and repress the Indian subjects who were disloyal to the Colonial government and who aspire for the end of Cruel British rule and freedom to the Country.

Even after 74 years of the ending of British rule in our Country, this draconian law remained intact and become handy to our independent rulers to suppress the citizens whoever differ, dissent, protest and oppose their ideas, opinions and policies.

This law was used against Bal Gangadhar Tilak, and Mahatma Gandhi, Annie Besant, Moulana Azad, the Ali brothers and many other people who opposed the might of British Empire. Mahatma Gandhi called this sedition law as “prince among the political sections IPC designed to suppress the liberty of the citizen.”

We are told that the Indian constitution guaranteed fundamental rights, freedom of speech and expression and it came into operation. But sedition law intended to suppress the liberty of the citizen is still in operation.

We are also told that Article 32 of the Constitution is an important article which is “fundamental to all fundamental rights guaranteed under the constitution” which “makes all fundamental rights become real”. But even this article of the constitution too is not coming to rescue of citizens, when they are intimidated and suppressed by using the sedition law against them.

Though this sedition law is abolished in Britain since a long time, our “independent” rulers prefer it to be in operation to invoke it as a device for the suppression of dissent.

The misuse of the sedition law is increased from 2014 after Prime Minister Modi assumed the governmental power. The sedition law is used more flagrantly than its

predecessors. It has become sedition, when anybody doesn't fall within the line of the government.

According to the data maintained by the National crime records Bureau which started collecting sedition numbers since 2014, while there were 47 Cases registered under section 124A of IPC (sedition) that year (2014), it jumped to 93 in 2019 an increase of 98%.

While 27 states or union Territories had not registered a single sedition case in 2014 that number fell to 19 states, indicating more state governments are willing to charge people under the stringent law.

The BJP ruled states invoked this law more than non-BJP ruled states.

In 2019 Karnataka saw the maximum sedition cases (22), followed by Assam (17) and J & K (11). Under Congress rule in Karnataka two cases were filed in 2018, three each in 2015 and 2016. In 2017, in Assam 19 cases were recorded. BJP came to power in Assam in 2016.

In J&K with the imposition of Central rule sedition cases began climbing. While two cases were filed in 2014 to 2017, in 2018 the year J&K came under Central rule 12 Cases were filed. 11 cases were filed in 2019.

In Jharkhand under BJP rule in 2018, the number of recorded sedition cases is 18.

In Bihar 16 cases in 2014, 9 cases in 2015 and 17 cases in 2018 were registered. In a sedition case Bihar police lodged a case against 49 Celebrities include Shyam Benegal and Mani Ratnam who have written an open letter to the PM on lynching.

In BJP ruled Uttar Pradesh 10 cases were registered during 2019, more cases during Yogi Aditya nath's rule.

With the ongoing farmers agitation at New Delhi and aftermath of the republic day incident of violence, the misuse of sedition law is greatly increased, drawing international criticism, seeing the Indian government as authoritarian, disrespectful of rights and attempts to undermine institutions of democracy in the Country.

The Central agencies like NIA, CBI, ED, IT and the state police are being used by the state to the ugly task of suppressing those critical of the government, under sedition law. In addition to sedition law, the draconian laws UAPA and NSA are also being used.

The Prime Minister Modi is vilifying his political opponents and denounces them as persons lacking patriotism. The dissenters are dubbed as anti-national or supported by anti-Indian, foreign organisations or followers of terrorism etc. This is a symbol of fascism.

After the BJP government came into power, it has created a culture of Vigilantism where the use of sedition law became a general practice. Surprisingly in several cases the sedition law is not initiated by states but by individuals from any part of the Country who lodge a case under this section. The very recent arrest and incarceration of Assam's woman writer Sikha Sarma under sedition law for tweet that media shall not

sentimentalise and sensationalise the deaths of soldiers occurred during the course of their duty as martyrs, bossing on the reports of some BJP activities show us how this sedition law is flagrantly being misused.

Even the Supreme Court that has to protect the fundamental rights of people already started showing the sign of fatigue is discharging its solemn duty.

The top Court has failed to take action in Constitutional matters concerning Kashmir, CAA and Habeas Corpus.

In the case of Comedian Munawar Farqui, Madhya Pradesh high court too showed a disdain disregard for personal liberty when denied him bail saying there are limits to freedom of speech and expression. Subsequently the Supreme Court granted bail to him.

While hearing a petition, the chief Justice of India S.A. Bobde told to the Counsel of the petitioner that the court was "trying to discourage" individuals from filing articles under article: 32 of the Constitution. Thus refused to act and decided to totally abdicate the supreme court from its solemn duty of ensuring the personal liberty in accordance to the remedy provided by the Constitution!

Observing all this the Swedan's V-Dem Institute listed India among the top ten Countries quickly becoming autocracies. "It is on the verge of losing its status as a democracy due to severely shrinking space for the media, civil society and the opposition."

Time magazine described that in India, correctly depicted present day India as: "Hate speech is life peaceful dissent is criminalised, freedom of expression and association faces new constraints and jails are filling up with political prisoners and peaceful dissenters as a service judiciary looks away."

In sum the Modi government is tightening its authorization grip.

This atmosphere mandates that people shall fight for their fundamental rights of freedom of expression and speech. In order to achieve this right, the anachronistic Sedition law has to be scrapped altogether.

The democratic forces and rights organisations shall take up the fight by mobilizing people developing democratic consciousness among them.