

# A THREAT TO DEMOCRACY

In the bail order for Natasha, Devangana and Asif Iqbal Tanha, the Delhi HC uses very clear language to indicate that the charge sheets of Delhi Police against these three accused persons pose a threat to democracy by seeking to criminalise protest.

In Natasha's bail order, the court says: "We are constrained to express, that it seems, that in its anxiety to suppress dissent, in the mind of the State, the line between the constitutionally guaranteed right to protest and terrorist activity seems to be getting somewhat blurred. If this mindset gains traction, it would be a sad day for democracy."

In Devangana's bail order it says: "We are afraid, that in our opinion, shorn-off the superfluous verbiage, hyperbole and the stretched inferences drawn from them by the prosecuting agency, the factual allegations made against the appellant do not prima facie disclose the commission of any offence under sections 15, 17 and/or 18 of the UAPA.

"We are constrained to say, that it appears, that in its anxiety to suppress dissent and in the morbid fear that matters may get out of hand, the State has blurred the line between the constitutionally guaranteed 'right to protest' and 'terrorist activity'. If such blurring gains traction, democracy would be in peril."

The Delhi Police is yet to take action against Kapil Mishra, Anurag Thakur and other BJP and RSS leaders who called upon mobs to shoot and kill protestors and led violent, armed mobs on Delhi streets.

While every UAPA prisoner must get bail in keeping with the principles outlined in the Delhi HC order, that alone will not constitute justice. Justice demands that the whole Delhi Police investigation be scrapped and replaced by a fresh investigation monitored by the Delhi HC; that the Delhi Police officers responsible for imprisoning innocents on the basis of a charge sheet that has nothing but "superfluous verbiage", be punished. Above all, each of the persons forced by the Delhi Police's vindictiveness and political bias to be in prison in these pandemic times must be adequately compensated.

The requirement of being satisfied that an accused is 'not guilty' under TADA or POTA meant that the court must have reasons to prima facie exclude guilt; whereas under UAPA the requirement of believing an

accusation to be 'prima facie true' would mean that the court must have reason to prima facie accept guilt of the accused persons, even if on broad probabilities;

The decision of the Supreme Court in *Watali* (supra) proscribes the court from delving into the merits or demerits of the evidence at the stage of deciding a bail plea; and as a sequitur, for assessing the prima facie veracity of the accusations, the court would equally not delve into the suspicions and inferences that the prosecution may seek to draw from the evidence and other material placed with the subject charge-sheet. To bring its case within Chapter IV of the UAPA the State must, therefore, without calling upon the court to draw inferences and conclusions, show that the accusations made against the appellant prima facie disclose the commission of a 'terrorist act' or a 'conspiracy' or an 'act preparatory' to the commission of a terrorist act.

- By **Com. Kavita Krishnan**,  
'The Leaflet', 21-06-2021

## Mobilizations in Brazil

The conclusion is unanimous. The actions on June 19 for "vaccine in the arm, food on the plate and get out Bolsonaro," were bigger than the mobilizations of May 29. According to the organizers, activities were organized in around 400 cities in all of the states in the country. Despite the rain which caused the cancellation of actions in some regions, around 750,000 protesters took to the streets, 25% more than the protests last month.

"The discontent with the Bolsonaro government that is already manifesting in polls was also expressed on the streets. 19J mobilized more people and there were even people participating that were already vaccinated, because while 29M saw the participation of mostly youth, there were also elderly in 19J," explained Jessy Dayane of the national board of *Levante Popular da Juventude* (Popular Youth Uprising).

The central trade unions are also participated.

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## **Water Cannons on People**

The protesters, led by State AAP chief Bhagwant Mann, were staging the protest against the long and unscheduled power cuts and wanted to meet the Chief Minister and submit a memorandum, demanding resolution of the crisis.

As they marched towards the CM's residence, they were stopped at the barricades by the police using water cannons. The police said the protesters attempted to jump over the barricades.

Mr. Mann, addressing a gathering, said AAP volunteers have come to wake up the Congress government from its slumber. "The people of Punjab are buying the most expensive electricity in the country at 10 per unit, but yet they are not getting it. Instead, they have to leave their homes in the heat and paddy sowing in the fields and hold sit-ins," he said.

Mr. Mann said the power purchase agreements signed by the previous SAD-BJP government with private thermal plants and their non-cancellation by the Congress government is the key reason behind the power crisis.

AAP senior leader and Leader of the Opposition in the Assembly Harpal Singh Cheema said due to the faulty PPAs, the State exchequer was being looted by the private power companies and the Congress and the Shiromani Akali Dal are both to be blamed for this. Mr. Cheema said the Congress has failed to keep its election promises of 2017. "Even today, the people of Punjab are suffering due to expensive sand, gravel, electricity, petrol and diesel," he said.

- The Hindu, 22-06-2021