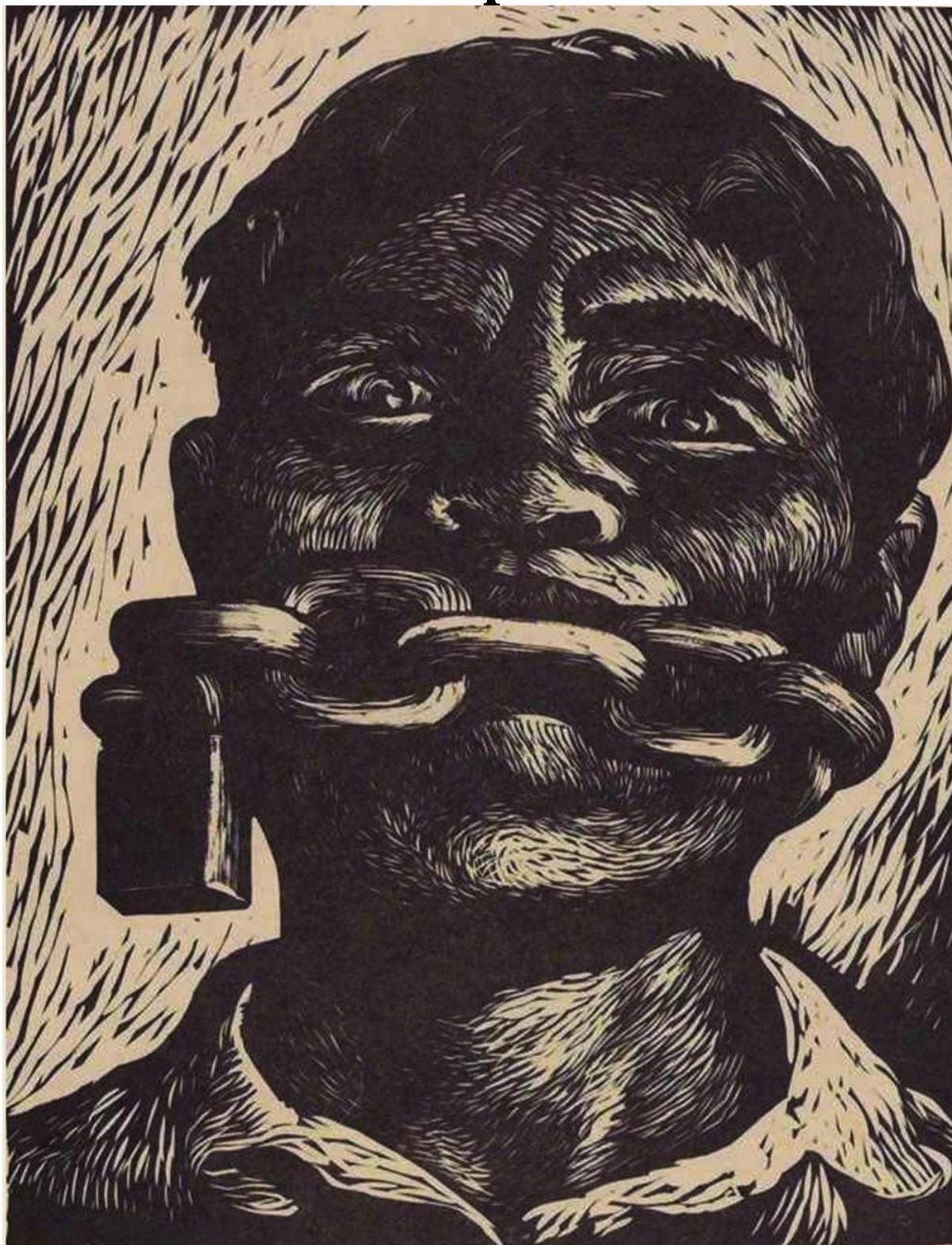


**Report on  
All India Convention against Sedition  
and Other Repressive Laws**



**Date: 31 January 2012  
Venue: Gandhi Peace Foundation, New Delhi.**

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- <sup>1</sup> This report is on the documentation of the reporting in the Convention and no analysis/ interpretation has been added to the speeches.
  - Almost all speeches were made in Hindi.
  - This report acknowledges that not everything voiced in the Convention has been recorded.

## Session one: Inaugural Session

**Opening speech by Pushkar Raj, General Secretary PUCL:** He welcomed all human rights organizations, lawyers, media persons, students and individuals from all across the country.

He elaborated on the background of the idea of a convention on the law of sedition. He said that a law's purpose is to make life easier for individuals. It has a social relevance. A law should create a social framework for individual freedoms to be realised. The State is only an institution through which law flows; it cannot use law to perpetuate itself. The law on sedition serves the state and not the community. It has become the slave of the State turning against society and therefore it poses serious problems for the functioning of democracy in our country. History is witness that some of the very prominent people have been victims of this law. Socrates, Voltaire, Mandela, Gandhi have all been victimized under it. The purpose of persecution under the said law is that one should be silent and not ask questions even though injustice is rampant. In the context of India, as a society we have never been given a chance to flourish as promised in the Constitution. Of late, things have become worse. It is our fundamental right to feel, think and express, under the Constitution, but citizens are being punished for painting a picture or writing a book or an article. Asish Nandi was booked under sedition for writing an article. Quoting the PUDR report, he referred to cases from Uttarakhand where nine people were charged with sedition and spent one to six years in jail after being denied bail. Out of these eight were landless dalit labourers. In Haryana five successive Presidents of BKU (Bhartiya Kissan Union) struggling for '*Bijli, Sadak, Beej aur Vikas*' were booked under the law. The system uses sedition laws to bend citizens who act and think differently from the State.

He concluded by saying that the convention is about challenging the law of sedition and other such draconian laws. The need of the hour is to take the campaign to people. He appealed for unity amongst all the components of the civil society which is our strength, and combine efforts with which these laws can be repealed.

### **Second speaker: V. Suresh, PUCL (Tamil Nadu)**

Suresh introduced himself as a practising lawyer in the Madras High court. So far we have poor statistics to challenge sedition laws. National and state Crime Bureau Records have been looked at but no data on the number of sedition cases have been found. RTIs have also been filed but almost no information is available. He explained the format, decided upon by the campaign committee, to collect the information. This includes

- name,
- religion,
- FIR number,
- sections under which charged,
- complain number,
- total members arrested,
- time spent in jail, and,
- after how much they time got out on bail.

He gave the example of the protest against the Koondankulam nuclear plant in Tamil Nadu where 30 of the protesters have been booked under sedition. While only 30 names have been mentioned, 2500 others have been implicated without being named under the same offence.

Under this campaign it has been decided to collect and present one million signatures along with the data on the misuse of sedition to the parliamentary petition committee.

**Third speaker: Rajindar Sachar (Former Chief Justice, Delhi and Sikkim High Court)**

He started the address by acknowledging the gross misuse of 124A and appreciated all human rights organizations' coming under one banner. The campaign is an effort to expose the real face of the government behind the garb of democracy. The role of judiciary since Independence has been understood as progressive and one that would lead to greater democratization. It was hoped that the Supreme Court would undermine the sedition law but nothing has happened. Sedition implies disaffection and contempt of the government. So a statement like 'this government is *nikammi* . . .' can also be penalized under this law. The fact that one does not have affection towards a government becomes a crime under 124A. However, according to the Constitution, laws which obstruct freedom of expression should not exist.

He recalled the time of Punjab militancy when he visited Punjab and had conversations with militants. He exclaimed that he could have been arrested on the charges of sedition for having talked to the militants. He said if one condemns the government and exhorted it to change, he or she could easily be charged with sedition.

Talking about the history of sedition he stated that it was the old colonial law introduced by the British to suppress the freedom struggle in 1870. Sedition, according to the legal definition, is:

*Whoever, 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, shall be punished with imprisonment for life, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.*

The 'father of the nation' was also charged under this and Gandhi commented that Section 124A under which he was happily charged is perhaps the prince among the political sections of the IPC designed to suppress the liberty of the citizen. Affection cannot be manufactured or regulated by the law. If one has no affection for a person, one should be free to give the fullest expression to his/her disaffection, so long as s/he does not contemplate, promote or incite violence.

He further said that during the Constituent Assembly debates, sedition was highly deliberated upon. Members like K.M. Munshi and Krishna Sahi were against this law. Nehru himself found the law offensive and said Section 124 (A) of the IPC is highly objectionable and obnoxious and it should have no place both for practical and historical reasons, in any body of laws that one might pass; the sooner we get rid of it the better. Still the law was not taken out of the statute books largely because the government wants to retain a weapon in its hands against any form of opposition.

England, the country which introduced the law of sedition has repealed it in its own country on the grounds that

- Sedition is defined in uncertain terms.
- It was in a particular historical context that no longer holds.

- The law is archaic in nature.
- Certain views even if critical and unpopular cannot be criminalized.
- It has a chilling effect on free speech.

India, however, still retains the law. He mentioned that sedition is like war against people. India has had a history of draconian laws. Such laws have been made and withdrawn not because government understands democratic values but because the government cannot sustain draconian provisions for long. So it keeps changing their formal appearance. TADA which has been withdrawn had a conviction rate of 0.1 per cent. TADA was replaced by POTA. It was equally dangerous and was also withdrawn. Now we have UAPA 1967 which has been amended to include the provisions of POTA. Such misuse of laws shows how the state is at war against its own people.

He concluded asserting his faith in the convention. The convention is not just a verbal deliberation but will also present a petition to the parliament. If the law is repealed it will be the biggest victory of civil liberties.

#### **Fourth speaker: Prashant Rahi, Uttarakhand**

Prashant Rahi made his presentation as a victim of sedition law in the convention. He said the current situation demands that we challenge this law. It is time to question the kind of democracy prevalent in India. Democracy comes from the French Revolution which reflected upon the art of making a Constitution. It had successive Constitutions in 1789, 1791 and 1795 but most important was the Constitution of 1792. It contained the right to resist against the government as a fundamental right of the citizens. Resistance is natural in the course of history; sedition makes it unnatural.

Accusing ministers, he said people sitting at the top retain such laws to maintain the status quo. Even Nehru and Gandhi maintained the law after Independence. Though Nehru ruled the nation for more than a decade, he did nothing to repeal this law. More than discussing behind closed doors we need to take the campaign to people. We need to move beyond deliberations to make the campaign a success.

#### **Fifth speaker: Gautam Navlakha, PUDR**

Freedom of expression, assembly and association is part of our fundamental right guaranteed by the Constitution since 1950. But we have seen throughout the course of history that these rights have been attacked widely. Sedition had been taken out of article 19(2) from the section on 'reasonable restriction' on freedom of expression. It goes on to prove the centrality of this right.

That very freedom is at stake today and the movements that come out of the exercising of right to freedom are being implicated. The convention is a good beginning to challenge sedition and other such laws.

#### **Sixth speaker: Arjun Singh (PDFI)**

In the name of democracy, the rule of few in power is maintained through the use of laws like sedition and other such repressive laws. He said invocation of 124A often comes with invocation of 121A which can even lead to death sentence, because 121A is used for

someone accused of waging war against the country. In India, this is being used against all those who question the government.

The use of 124A against people leaves us with no room to question a government that exploits the manpower and natural reserves of the country. Citing the example of Seema Azad, he said that she was booked under sedition for carrying certain books that she had bought from Delhi book fair the previous day in the name of being a Maoist supporter. People in Chhattisgarh who have participated in struggles for change have been prosecuted under repressive laws. More than 60 organizations have been banned in AP and other states and are not allowed to assemble. Gross misuse of the sedition law and UAPA against Muslims is evident. Targeted use of these laws underscores the sad state of the country. In the end he cited several examples of suffering people in Kashmir and Manipur due to application of AFSPA.

### **Seventh speaker: Prabhakar Sinha (President, PUCL)**

He said 124A and the campaign against it is only a beginning and the struggle needs to be waged against many such laws, adding that every law in the country is misused. What is unique about sedition is that not just in its execution but in its constitution also, the law is undemocratic. This law is very good for in authoritarian regimes but has no place in a democracy. We have the right to change the government and in doing so we may point out the weaknesses of the government to the general public. It is very important that we, as human rights organizations, carry forward the message to the general public and explain to them the misuse of the law. Sedition law presently is crueller in nature and application than in the British period.

India has a history of repression. When MISA came into force, thousands of people were arrested in one night under it. Laws such as Preventive Detention (1950) are obnoxious that penalize people not for doing anything but just because the government apprehends that you might do something. The police can arrest someone on mere suspicion. Later on if he or she is proven innocent, there is no compensation given, nor is there any such provision whereby the innocent can file a case against the one who charged him with false accusations. The National Security Act of 1980 was equally repressive. Talking about TADA he mentioned that 19,000 people have been booked under it who were labelled as terrorists in Gujarat. Similarly Vaiko, a Tamil Nadu leader who had voted in the parliament for bringing in POTA, was also charged under the same law (POTA) for showing sympathy to the Tamils in Sri Lanka. Raja Bhैया, a leader from UP, has been charged with POTA. He has a criminal background but that's not the same as being a terrorist.

The Constitution had a goal of minimizing social and economic inequality but in real practice just the opposite has happened. The government has been using such laws to suppress people's movements. Pointing out the weakness of the human rights movement he said we always take up the case of special laws or extraordinary laws. To involve the participation of people, we need to focus on ordinary laws as well, and the repression committed under such laws.

## **Session Two**

**Presidium:** Munishar (Manipur), Tapas Chakarborty (Bengal), Ramashray Singh (Bihar),  
**Moderator:** Paramjeet Singh

**First speaker: Riyazuddin (PUCL, Andhra Pradesh)**

Riyazuddin recalled the recently held *dharna* at Indira Park of Hyderabad against sedition. He stated that the *dharna* was successful as many people had attended it. Giving an account from history he said that the British used the law of sedition against freedom fighters and we condemned it. But when the British left, Indians adopted the same law to use it to suppress the voices of people who are against the government. It is imperative for state power to exercise such laws in order to maintain their rule. This also holds true in the case of other draconian laws. Targeted repression is being practised through the use of such laws. Many Muslims in particular suffered under POTA and TADA in AP. The media also takes a communal stand.

Soon after the Mecca Masjid bomb blast many Muslim young boys were arrested and labelled as terrorists having links with IM and HUJI. They all spent up to four years in jail, suffered police torture and finally when they came out of jail having been proven innocent, all were compensated with two lakhs to sixty thousand rupees. Four years spent in jail can never be equated with a couple of lakhs of rupees. This is for the first time that those who were accused under sedition were given character certificates by the chief minister of Andhra Pradesh, Kiran Kumar Reddy. He pointed out that people like Suresh Kalmadi should be charged with 124A because such people are the real culprits of the nation. There is little awareness among the public about 124A and the message has to spread among masses. Giving an account of the misuse of 124A he said the sedition law is being used against the Telangana separation activists, Naxalites, etc.

**Second speaker: Rajeev Yadav, (PUCL, U.P).**

He analysed the situation in UP by giving an account of two persons killed in an encounter after having accused of planning an attack on Mayawati in December 2007. There were other such cases forged to create an atmosphere of terror to bring in a law like UPSCOA. While it did not materialise, it becomes evident how the State uses laws for its own purpose. He narrated an incidence where some drunk CRPF men fought among themselves and this resulted in the killing of a few CRPF personnel in the cross firing. The entire episode was given a different colour by calling it a terrorist attack and eight unconnected people were arrested who are still in jail. 27 people were arrested from Azamgadh after the Batla House case. Black laws have been used in UP against minorities frequently and the State is working towards organized violence against minorities. Most instances of violence are traced back to Indian Mujahidin which is said to be operating under SIMI when in fact no one knows about the true existence of IM. After 9/11, things have become worse. It is a political conspiracy to kill young boys in the name of counter terrorism.

He also offered to organise similar conventions in U.P to sensitise people.

**Third speaker: Chitranjan Singh PUCL (U.P)**

CPI (Maoists) in U.P do not have a strong hold but still two people from Gorakhpur and two from Bihar were arrested on 6 February 2010 on the grounds of a Maoist attack on the state. Seema Azad, member of PUCL, was arrested along with her husband while returning from a 'Kavi Sammelan' on 7 Feb 2010. Eight people were arrested again on 8 Feb 2010 under 124A and UAPA. People protesting against state projects such as Ganga Expressway have been charged with sedition. In spite of such atrocities 124 A has still not become a people's issue. The situation is similar in other states. Most recently elections happened in Manipur but none of the leaders took up AFSPA as a core issue. To elicit people's response, we need to focus on ordinary laws.

**Fourth speaker: Shivakanth Gorakhpuri, PUCL (Delhi)**

He started the address by stating the misuse of 124A and other such laws as a serious problem where people who question are put behind bars, citing the case of Maulana Hafiz Kamal in 2007 who was tortured so severely that he died in custody. However, the police denied the allegation and termed the death as lynching by mob. PUCL had investigated this case. Today common people are facing all sorts of problems. Even for making a simple ration card in Delhi people face harassment. We all must gather together to fight such laws and our issues should be linked with those of the common people of the country.

**Fifth speaker: Mayur Suresh, a Delhi based lawyer dealing with SIMI cases**

Muslims in the country have been given the label of terrorists. In a tribunal of cases in 2008, the police had registered 374 cases against SIMI members, mainly on accusation of giving hate speeches. Referring to the case of Yaseen Patel who was accused of putting up a poster with a message 'Destroy National and establish Khalifa' and hands with closed fists were shown in the poster. Justice Dhingra charged him under 124A. After SIMI was banned in 2001, SIMI members have been identified and arrested under charges of simply reading SIMI literature aloud and possessing a booklet once published by SIMI. SIMI might be banned but how can literature be banned that was once published by it, questioned Mayur. Some years back some Vishva Hindu Parishad members burnt copies of the Quran. SIMI organized a protest against the incident but the protestors were arrested and labelled as members of SIMI, a terrorist organization.

**Sixth speaker: V. Suresh, PUCL (Tamil Nadu)**

Suresh identified the patterns in invocation of sedition charges confirming that in Tamil Nadu, along with 124A, section 121A (waging war against the State) is also used. The laws are mainly used to ban groups or organizations protesting against state policies. When groups question the government, a law or an Act, they are banned for asking questions from the state. In most of the cases 124A is invoked for publishing a booklet or certain words spoken. Some years back *The Hindu* published an article on how Muslims are being victimised in the country. The same article was translated by the SIMI and published in 2009. Four SIMI members were arrested for that translation and it took them three and half years to come out of jail on bail.

The charges of 121A and other such sections are invoked along with sedition to create a certain image of the person arrested which would deny him or her any legitimacy. Common statements issued by the police are that when they try to stop the accused, they counter attack the police. If the matter goes to the court, judges think the accused charged with terrorism must be very dangerous. Particularly if the connotation of being an Islamist is used, things become more serious and the court denies bail. Peasant organizations, students' organizations, etc., are initially threatened to suppress their voices but if threatening does not work, charges of sedition are used against them.

Talking about Koodankulam nuclear plant located in south Tamil Nadu, he said in the protest against the plant every day 5000-10,000 people sit on a dharna. Leading the protest are people belonging to the fishing community and many belong to the Christian community. These protesters are mostly being charged under 124A, 121A and 153 which is for fostering communal or cast divisions, and sent to jail for five to six years. The nuclear power plant coming up in Koondankulam is a joint venture between the Russian and the Indian government. The accusation labelled is that the protest is hampering the relationship between

the two countries; hence it is like waging war against the country. A similar situation prevails in all anti-SEZ protests in the country.

### **Session Three:**

**Presidium:** Jaya ( PUCL AP), Anil Chaudhary (INSAF Delhi), Babloo (Manipur), Satnam (Punjab ), Kailash Meena (Rajasthan)

**Moderator:** Mahtab Alam

#### **First speaker: Binayak Sen, PUCL, Chhattisgarh**

He talked of the gross misuse of 124A all over the country but the misuse started from Chhattisgarh and Jharkhand and many people are still behind bars. He was a victim of the section of the IPC in question himself and was charged with 124A along with 121A, though he got acquitted in 121A. Followed by the acquittal, the state appealed to the high court to invoke the provision of 121A again on him, which highlights the vindictive nature of the state. He talked about the Chhattisgarh Special Public Security Act widely being used to suppress dissenting voices. Sen also reiterated the need to be united in this effort to challenge draconian laws.

#### **Second speaker: Himanshu, PUCL (Chhattisgarh)**

Himanshu's address was an apprehension that repealing 124A is not the only solution as such provisions are being invoked and misused by the State in the name of democracy every day. Giving an account of history he said people fought against aristocracy and brought democracy but Indian democracy appears to be a fake one. He expressed discontent against this kind of fake democracy. Disaffection leads to change in the government; if this change is interpreted as a crime so be it. The government is against people fighting for their lands. Farmers and tribals, particularly in Punjab and Jharkhand, are victimized. Politicians invest in elections not to serve the public but to sell off people's lands to foreign agencies. Giving the example of Soni Sori's case he said judges are not willing to give decisions against police or state authorities to maintain the status quo. He said he does not believe in begging the government to repeal such laws but will fight for it.

#### **Third speaker: Mamta Das (Orissa)**

In Orissa, according to a fact finding report in 2011, there are about 600 political prisoners and most of these are tribals protesting against the takeover of their lands or fighting against bonded labour, etc. She talked about the atrocities of the police and the government around the Posco plant. People are fighting to protect their land from companies like Vedanta. Companies are acquiring the land to extract bauxite. Not just adults but small children aged 12 to 13 years are being charged with conspiracy against the state. She mentioned the case of three villages where almost everyone is charged under one law or the other. Approximately 500 people are charged in those villages, not just under sedition and conspiracy against the nation but also with other charges like theft and violence. Villages have been barricaded from outside.

Vedanta has got the road construction contract which is going to pass through the villages and all those villagers who oppose it are facing police atrocities. 47 people have been jailed for protesting against the construction. Local 'gundas' are allowed a free hand in villages who on behalf of companies unleash violence on villagers. According to a court order companies do not get police protection but still the police accompany them to threaten

people. The police raid the villages early in the morning loaded with arms against farmers and this is a usual scene in the villages of Orissa. What previously used to be cotton godowns and cotton farms are now the posts of CRPF forces. Niyamgiri in today's context is highly militarized; often CRPF men enter villages and abduct women and rape them.

**Fourth speaker: S.N Prabhat, PDFI (Jharkhand)**

In Jharkhand sedition cases are rampant. Jharkhand is the state which suffered the most under repressive laws. After Gujarat, Jharkhand is the second state where POTA and TADA were used in most of the cases. He gave the example of Jiten Marandi stating how the state victimizes citizens. Marandi was booked for singing a folk song which showed signs of protest in the CM rally and he was charged with UAPA and three other related cases on suspicion. There is massive displacement of tribals in Jharkhand and those who resist being displaced. Especially representatives of organizations who fight against displacement are penalized. Giving the reference of Saranda forest he said CRPF often raids the houses of tribals residing there, and pick up their documents of identification and burn them to destroy proof of their habitation. He concluded by saying that the situation in Jharkhand is grim and UAPA is widely misused. You can be charged with sedition even by condemning that somebody has been wrongly charged under sedition.

**Fifth speaker: Pankaj Tyagi, PUCR (Haryana)**

Those involved in people's struggle are dangerous for the government and are booked under sedition so their voices are repressed. The situation in Haryana is more or less the same. People are charged with sedition for their opposition to the government. If one is charged with sedition their bail is rejected in session's courts. Even high courts in many cases deny bail but make the proceedings on day to day basis. Often people fighting for rights, for lands and farmers are booked under this Act. He emphasized that one is always free to criticize the government and 124A allows for criticism of the government in the form of three explanations to the section on sedition. The government gets anxious when some organizations try to organize masses and mobilise them by exposing the misdeeds of the State. Ghasiram, the BKU president, was charged under sedition and sent to jail. He came out as a result of political negotiations when the government changed. Students protesting against the Private University Bill were charged with sedition. Whenever an organization becomes capable of leading masses, they are charged with sedition and other repressive laws.

In 2009, in one of the villages there were slogans on the walls of the village like 'boycott election'. The police arrested 19 people after searching their homes and recovering things like paint brushes, gum bottles and other painting stuff, considering them as evidence. Nine out of 19 of these people were jailed under 124A and denied bail. People charged under sedition cannot prove themselves innocent. It is this situation of extreme repression that results in eruption of armed struggles. Violent struggles are consequences of discontentment and suppression. It's a war by the State on its people.

Referring to a case in Haryana in 2009 he said there is a girl named Poonam who is constantly being victimized in the event of any mishap in the state. She has been booked under sedition thrice and confessions have been recorded against her. 99 per cent of the people charged are dalits and small farmers. He concluded by saying he is looking forward to holding state level convention in Chandigarh in the coming days.

### **Sixth speaker: Phulendra, COHR (Manipur)**

He stressed upon human rights violations by paramilitary forces in Manipur resulting in acute militarization of society. There is gross violation of the fundamental right to life. Security forces have been deployed in the name of maintenance of law and order. But the real purpose is to restrict the right to movement, the right to education and other such basic rights. He compared the situation of Manipur to that of the Military Junta in Myanmar. Military has a privileged position in society. Narrating the story of an 80 year old man, he said the man delivered the speech on the right to self-determination, cultural rights, etc., and was arrested by the police for doing so. Under AFSPA, he said one should consider himself/herself lucky if detained and being alive because most of the detainees are killed in encounters. The government is suppressing the agitation by using force. Human rights defenders are being targeted under 124A massively. Human rights violation is a crime against humanity.

The session concluded with the vote of the presidium representing the states of Rajasthan, Andhra Pradesh and Punjab reiterating the significance of the convention against repressive laws and the need to be together in this effort.

### **Session Four**

Presidium: Mamta Das (Orissa), Binayak Sen (Chattisgarh), PUCR (Haryana)

**Moderator:** Sanjay Parikh

### **First speaker: Siddharth Narain, Alternate Law Forum, Karnataka**

He mentioned the fact finding done by ALF to find out how many people are facing charges of sedition in the state and how many are convicted by looking at the registered cases in jails. six jails responded to giving data on conviction under 124A. 27 cases were found to be registered under the section and all of them were against Muslims. He identified the pattern on which 124A is invoked stating that it is often invoked with either 153A for inciting hatred among people in society or 121A for conspiring against the State. Most of the time 124A is accompanied by 121A and 153A, that is, inciting hatred among people. Further emphasising on its use he said that sedition law is used more against the minorities and some are even facing death penalties. The link between sedition and 153A needs to be probed further in relation to targeting specific communities.

### **Second speaker: Satnam, Right Activist, Punjab**

In Punjab the government tried to introduce two black laws: Public Property Protection Act and provisions for seeking police permission for protest. Most people's organisations had protested against these laws. Punjab has recently witnessed elections. Neither of the two laws featured in the debates around the elections. The representatives who got elected were completely indifferent to the two laws against which the people had protested heavily. The two laws were taken back on mass public protest. He stressed on the fact that people have been very proactive in protests against repression. Another example dated 11 years back when a girl was abducted, raped and murdered. A mass agitation followed and police arrested three people leading the agitation in a false murder case. But due to public protest, they had to be released. Therefore it mass protest by the people which yields results in Punjab.

This is not to say that Punjab does not face state repression. In a case in Mansa district, the government promised to give small pieces of land to dalits which they have not got till date.

When people protested, 435 of them were charged with disruption of peace. Of those arrested, 150 were jailed for more than eight months. However, the lesson to be learnt is that there is a link between protection of democratic rights and mass movements and Punjab stands as an example. The convention must make a note of it and stress on mass participation against repressive laws.

**Third speaker: Tapas Chakraborty, APDR (West Bengal)**

Mentioning about the encounter of Kishan ji, he said APDR demanded fresh judicial enquiry into the matter, and following the demand Mamta Banerjee stated that APDR is a branch of CPI (Maoists). This shows the level of anxiety of the state in suppressing any opposition. West Bengal has a huge number of political prisoners and during election campaigning Mamta Banerjee had declared that all political prisoners would be released but it did not happen. After conducting a fact finding in Jails, APDR found that there are 630 political prisoners out of which majority are allegedly Maoists and CPI members. Most of them are booked under 121A, 124A, 304, etc. When APDR tried submitting a petition on these cases, the CM refused to even meet them. There have been further amendments under Mamta's tenure to curtail the powers of Panchayati Raj.

**Fourth speaker: Suman Kalyan, Asansol Civil Rights Association (West Bengal)**

He referred to the state of West Bengal under such repressive laws as a Jungal Raj where anybody is picked up under any law for showing the slightest signs of dissent. 124A is a weapon of the state for keeping an eye on human rights activists. It has become a means of surveillance. He said after the last elections, a review committee for the release of political prisoners was formed, but none of the political prisoners have been released till today. Talking about the trend he also stated that 124A is invoked with 121A.

For human rights organizations it is important to be autonomous; alliance with opposition parties against the government has been fatal for the movement. In the context of Mamta Banerjee he said that she is practising the same policies that she condemned before her election victory.

**Fifth speaker: Ramashray, PUCL (Bihar)**

His insights were against the stereotypical image of Bihar under the Nitish government as a model state. He stated that corruption and other political malpractices have only increased under the new government. The National Security Act has been invoked again in Bihar. People who resist corruption in governance are being charged under sedition. Fake charges are rampant. He narrated examples of a person who was detained for 16 days but the police record mentioned detention only for 20 minutes. Custodial deaths are widely known but nothing is being done to enquire into such deaths.

He mentioned that we need to work at ground level to get a holistic picture of reality rather than a glance from above that gives one a fake picture of situation.

**Sixth speaker: N. D. Panchauli, PUCL (Delhi)**

He started by appreciating the efforts of all the organizations united under a common aim. Sedition law under the British had a specific purpose; even then the punishment was not that grave. Independent India resorts to more stringent penalty under such laws. In the 1980s in Punjab, Citizens for Democracy published a report on Operation Blue Star and the military harassment of public and about how the military killed innocent people. This was a 200-page

report. Soon after its release the report was banned, and publishers along with Panchauli were charged with 124A along with 153A and five people were arrested. When the matter was handed over to the judiciary for hearing, it was evident there was nothing seditious in the report. The need is to build public pressure to repeal such repressive laws.

#### **Seventh speaker: Siddiqui, Advocate, Delhi**

He introduced himself as an ex-state president of SIMI from UP, and narrated the government's bias towards the organization because it voiced the grievances of a minority community. Many people were arrested since SIMI was banned on 27 September 2001 and some were not even members. Muslims youths are the main targets of the police. When UAPA was tabled in the Parliament, former Prime Minister Atal Bihari Vajpai himself said this law had the tendency to be misused. He stated two demands in the convention: human rights organizations should work for the repeal of UAPA and the ban on SIMI should be lifted.

#### **Eighth speaker: Monika, CPDR (Maharashtra)**

She highlighted the atrocities being committed under MCOCA in Maharashtra. Insurgency is also included in its ambit. People are arrested under one case and then implicated under many charges and this is a pattern. She stated the example of Arun Ferreira who was arrested under eight cases of UAPA. In due time, he was acquitted in all of them. However, when he came out of the jail, he was re-arrested in another case under a different crime committed on a date when he was still in jail.

#### **Ninth speaker: Kavita Srivastava, PUCL (Rajasthan)**

She mentioned the pattern under which people are targeted in the state of Rajasthan. People are arrested in Jaipur blast cases for association with SIMI. She mentioned people like Aseemanand and Pandey convicted (**accused or chargsheeted perhaps**) in the Jaipur blast case. However, we are opposed to these laws when they are levelled against our adversaries also. When the Jaipur bomb blast happened Muslims youths were held and charged with 124A. 6 boys are under arrest and all are charged under 124A. Sedition implies disaffection. The whole argument about disaffection is central to laws such as UAPA and MCOCA. The courts' stand towards detainees under such laws is to deny bail. She called it illegal detention where the right to bail is denied. She emphasised that documentation related to these cases is very important as government agencies are not maintaining proper records. The movement against repressive laws needs to focus on documentation.

### **Session five: Resolution of the convention**

**The resolution was read out by Pushkar Raj followed by a discussion on the resolution.**

The suggestions towards modifications in the resolution came from members of the convention. There were suggestions for:

- Inclusion of UAPA in the resolution to demand for the repeal of the same along with 124A.
- Inclusion of the demand to repeal the Prevention of Seditious Meeting Act 1911, recently invoked in Manipur.
- Excluding the names of specific human rights organizations from the resolution as the convention is a joint effort.

- Addition of a clause in the resolution demanding the right to get bail and fair trial for people already in jail under 124A.

It was argued that we need to streamline the emphasis of the resolution which is on sedition laws, as a strategy to not dilute focus by bringing in all repressive laws under one resolution.

However, a collective decision was taken to mention in the resolution that this convention records that there is opposition to AFSPA and UAPA as well.

It was decided that representatives of different organizations would form a committee to consider these suggestions and modify the resolution to make it more inclusive of the demands so mentioned.

### **The resolution so drafted:**

## **Resolution**

*An all India convention was held in Delhi on 31 January 2012 against the law on sedition to launch an all India campaign against it. The following resolution was adopted at the Convention:*

The convention notes with serious concern that the law used by the British Raj to suppress the Freedom Movement remains part of our statutes. Its egregious use against all forms of dissent and protest including peasant activists, environmental movement, women, dalits, adivasis, minorities highlights how the laws on Sedition [in Section 124 A of the Indian Penal Code as well as in other Laws in operation such as S 2(O) of the Unlawful Activities (Prevention) Act or in any state level laws such as Criminal Law Amendment Act or its equivalent] strike at the heart of democracy by curbing freedom of expression, assembly and association and thus undermine constitutional democracy. In the name of curbing ‘disaffection’ towards the government or ‘disloyalty’ to the Indian State, S. 124 A of the IPC threatens to imprison a person for life, whether such disaffection, hatred or contempt is created by words spoken or written or by signs or visible representation. The convention is convinced that it is the legitimate right of every citizen to express his or her opinion, expose the misdeeds and anti-people policies of the government or to even disapprove of, express disaffection, question and condemn the present system, and even vent out opinions which call for transforming State and Society. The convention considers respect for difference of opinion, perspective or view as being a vital part of our struggle for strengthening democracy. We, therefore, call for the repeal of S 124 A of the IPC and dropping 2(o) from the UAPA as well as similar provisions from state level laws.

In view of the documented reports from all over India about the use of the sedition law and in light of the fact that this law is absolutely incompatible with democracy, we, the participating human rights organisations, as also concerned citizens across the country including teachers and academics, independent professionals from the media, medical community, lawyers, students, social movement activists and other grass roots social and political activists demand that the Indian parliament immediately take necessary steps to repeal sedition law in sec. 124A IPC and dropping 2 (o) from the UAPA as well as similar provisions from the state level laws.

All the constituents members have been campaigning against draconian laws such as AFSPA, UAPA and others and shall continue to campaign for their repeal. As a consequence of repeal of sedition (S 124 A IPC, S 2 (o) of UAPA 1967 and Prevention of Seditious Meetings Act

1911 and other similar laws), all persons facing prosecution for offences made under these provisions/laws should forthwith be dropped and those languishing in prisons should immediately be released.

The convention declares the launch of an all India campaign against sedition and other repressive laws.

**PARTICIPANT ORGANISATIONS:**

1. People's Union for Civil Liberties (PUCL),
2. People's Union for Democratic Rights (PUDR) Delhi,
3. Association for Protection of Democratic Rights (APDR) (WB),
4. Committee for Protection of Democratic Rights Mumbai (CPDR),
5. Human Rights Alert (Manipur),
6. National Alliance of People's Movements (NAPM),
7. New Socialist Initiative,
8. Indian Social Action Forum (INSAF),
9. Human Rights Law Network (HRLN) ,
10. People's Democratic Front of India (PDFI),
11. Agriculture Workers Union (Karnataka),
12. CHRI,
13. Peoples Union for Civil Rights (PUCR) (Haryana),
14. Asansol Civil Liberties Association (WB),
15. Coordination for Human Rights (COHR) (Manipur),
16. Committee for Peace and Democracy in Manipur (CPDM).