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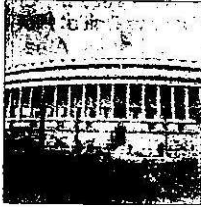
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Sedition law must be scrapped

ಒne good answer to the question why the sedition law should be scrapped from the penal book in India is that there is not more than one or two convictions under the law in the country every year. Another reason is the increase in the number of cases registered under the law every year which, read with the low conviction rate, shows that it is more an instrument of harassment than a legal measure to deal with an offence. Minister of State for Home Kishan Reddy told the Lok Sabha on Tuesday that the number of sedition cases doubled in the five years of the Narendra Modi government's reign. But it was pointed out by a member of the Opposition, Manish Tiwari, that most of them failed. There were 47 cases in 2014 and 93 in 2019, but there was only one conviction in



**Parliament
must scrap it,
or SC should
strike it down**

both years. That makes it clear that the law was wrongly used against 92 out of 93 people. A law which is prone to so much misuse should have no place in the statute book.

The kind of people against whom the law has been wielded also tells a story of misuse. They include a young climate activist who writes a WhatsApp message, students who protest against the government's policies, poets, journalists, academics and generally those who disagree with the government. The minister said the Congress governments in the past have imprisoned leaders under other draconian laws. That whataboutery does not justify the imprisonment of people under a worse law. The minister said the Congress has no right to talk about the misuse of laws. But this is not about Congress, it's about citizens whose rights are violated and who are harassed and persecuted for opposing the government. The minister's shifting of responsibility to the states also cannot be accepted, because it is in the BJP-ruled states that almost all these cases are filed and the central government and the party support and defend their actions.

Hardly any of these cases satisfy the Supreme Court's criterion that no word or action of a citizen can be construed as sedition unless it incites violence or disturbs public order. It is a colonial law, which entered Indian statutes in 1860, and is against the spirit of democracy. Many democracies, including Britain where this law originated, have scrapped it. As long as it remains on the statute book, governments will be tempted to misuse it. Only this month the Supreme Court upheld citizens' freedom of expression and declared that criticism is not sedition. Parliament should scrap it, and if it doesn't, the Supreme Court can strike it down as it does not agree with the best principles of the Constitution.