

SEDITION: less to do with law and more to do with politics?

The deafening sound of Goswami gurgling and vision of tv-theatrics has been slowly fading away from our ears and vision (however it has risen again to drop the letter "N" and now for JU i.e. Jadavpur University students being anti-national). Recently there have been some voices emerging which make sense to sane and sound mind. Few authorities, far more equipped in understanding law of Seditious in India than "jokers" of journalism, have unequivocally argued that the public meeting held in JNU on 3rd February can never be called legally seditious. Friends, you don't have to take our or even words of these authorities, just type "render sedition unconstitutional" in google and you have a former Secretary General of the Lok Sabha and a constitutional expert telling you all about this law. And then we believe if you compare and contrast the fact regarding what happened in JNU, you all will reach the same conclusion.

There was no incitement to imminent violence. Nobody said let's beat this religious group or that group up or pick up the gun and secede Kashmir today at Sabarmati Dhaba. Few of them (definitely not all of them) articulated support of the cause or idea of Kashmir's Azadi as it is those few activists' political belief. Then, by Supreme Court's definition it is strictly "advocacy" (Shreya Singhal v Union of India), not "incitement" i.e. urging to any lawless action with imminent violence or by causing disorder, which it needs to be for sedition. In fact SC even acquitted a convicted person in a case, who apparently gave slogan, "Khalistan zindabaad, Raj Karega Khalsa!". Finally, saying Afzal Guru's hanging was judicial killing is farthest from sedition. It is a very vehement criticism of the act of Indian state and if it created any contempt, hatred or imminent violence that was not directed to the state. It was rather the protesters themselves who became target of all the above. And what irony this is!

The sense of irony however soon doubled when this thought entered our mind: if naïve minds like ours in legal matter, following experts' lead, can see this, how come Indian state fails to see it? Why are they misusing tax-payers money in witch-hunting our friends instead of wisely spending as sensex taking alarming dip? An answer vaguely started emerging when we came across the case Bilal Ahmed Kaloo versus the State of Andhra Pradesh. SC felt the need to warn lower courts that they must not adopt a casual approach in dealing with sedition under 124A, IPC. Ok! So our courts are being casual in matters which actually can intervene into our constitutional right to freedom of speech and expression. How can anyone casually apply a law anyway? They can, we feel, when sedition has less to do with law and may be more to do with politics and state's power over its subject.

The subtle link between power and sedition became very clear when we went to the originary moment of the history of sedition. Interestingly while Britishers in their own land upheld a notion of sedition in essence which is closer to today's SC's opinion mentioned above; in their colonies, like India, they tweaked it to make it stringent and even a verbal articulation or other expression without any incitement could be seditious. So, sedition has less to do with law. If it is to do with law then it should be universal in scope under a same rule, even it is colonial. But it can only vary if it is there to serve not the principle of justice but to protect colonial power itself. Gandhi despite all his non-violence could not escape the tentacle of sedition. It was a common fact; but more surprising was the thought in our head that if Gandhi is the "father of nation" then is it wrong to think our nation was actually born out of sedition? So our socialization with the word "sedition" --- which invokes dangerous imagery of secret organizations, conspirators hiding their face with black cloth and out there to get common people like us --- may not be so accurate. People's struggle, even for freedom, even non-violently, can become seditious if power desires. We don't think we need to explain to you that if on the one hand you have power and its desire (to protect, perpetuate itself) and on the other people and their freedom from it, we have politics.

We are battling the politics of sedition with our demand of free speech and expression. We believe incarcerating our friend Kanhaiya, who is also our present voice (or hunting down our other friends like Asutosh, Rama, Anand, Anirban who with their role as JNUSU officer bearers or leading activists strengthened our voice) is to gag that freedom of speech and expression. Labeling these activists as "seditious" is to provide Hindutva cadres with a face to deface. And in doing so, it is to legitimize to the nation the curtailing of freedom of speech and expression articulating differences and dissent. There is however another face to this politics of sedition, who is Umar. If any one of you even casually browses the news in the net, his name flashes as frequently as Kanhaiya. He has been singled out in the media to represent all that is bad we JNUites are! He has been beheaded, pictorially, while demanding him to be hanged as a traitor for opposing hanging of a "terrorist". However for last few days, to our disbelief, from "traitor" he is slowly being turned into a "terrorist" for the nation. First came Raj Nath Singh's comment that organizers might have connection with Lashkar-e-Taiba on the basis of a tweet, proved to be fake. But now has come the real twist with police releasing two more Muslim students' name as suspects and following which electronic media has started reporting Umar having links with Jaish-e-Mohammed and travelled to Pakistan. There is neither any point in projecting Umar as a victim and thus sensationalizing him nor hatching a conspiracy theory. We however feel compelled to invite you back to the moment when Kanhaiya was first arrested. He was also profiled to be having connection with "terrorist" on the basis of the most flimsy fact that he visited Kashmir. Soon this allegation on Kanhaiya was brushed under the carpet only to come back and pinned on Umar now. So right from the beginning, there has been an effort to provide a context to this "seditious" act that unravels the true intention of giving all slogans and speeches. Now it is supremely important in a sedition case. To prove it as sedition, the prosecutor cannot just pick up a slogan or a strong word in a speech, but he/she has to ground it in the context as a whole and thus show intention. And is not it a fact that greatest context can be generated by the media-trial in this country by putting terms such as L-e-T, J-e-M, Pakistan right next to sedition? And, in itself, does not media have a "sansanikhej" with a Muslim youth, claiming to be left, supporting Kashmir's Azadi? We leave you with these questions with a small note that fascism comes riding people's fear all over the world and fanning communal prejudices has benefitted the right-wing electorally and politically in this country. We appeal to you to join tomorrow's march called by JNUTA and the JNU community from Mandi House to Jantar Mantar at 2:30 pm.

WE ARE STUDENTS! WE ARE JNU!