

ALL INDIA SEMINAR

On

**Attack by the State on the Life and Personal liberty of its people in
Democratic India:**

**Examining the Law on Sedition, other Draconian Laws and Human Rights
Violations of Citizens under Ordinary Laws
7th -8th May, 2011 (Saturday and Sunday)**

Gandhi Peace Foundation, 223 Deen Dayal Upadhyaya Marg, Delhi

Dear friends,

The People's Union for Civil Liberties is organising an all India seminar on the 7th and 8th of May, 2011 in Delhi on the "Attack by the State on the Life and Personal liberty of its people in Democratic India: Examining the Law on Sedition, other Draconian Laws and Human Rights Violations of Citizens under Ordinary Laws." The objective of the Consultation is to

- discuss the alarming proportions of suppression of the people's freedom of speech and expression and frequent attacks on the dignity of common citizens
- understand the historical basis of the sedition law and other draconian laws within the framework of the Indian Constitution and International law and share experiences of the victims of these laws
- state of life personal liberty and dignity of the common man under the Ordinary law of the country
- Outlining a charter of citizens' demands from the government against deteriorating situation of rights and liberties of individual

People's Union for Civil Liberties along with several democratic and human rights organisations is alarmed at the increasing assault by the State on the freedom of speech and expression of the people and the frequent attacks on the dignity of ordinary citizens. Every day democratic dissent, the right to protest, stage rallies and *dharnas*, is under threat. Assertion of ones rights which is central to democracy is criminalised through a number of ordinary laws.

Government's are increasingly becoming so intolerant that there is an arbitrary use of sections called offences against the Indian State. As is well known, the law on sedition, Sec 124 (A) of the IPC, is one of the most vaguely defined and abused draconian sections of the Indian Penal Code wherein no crime needs to be committed in order to be booked by the State and be sentenced for life. The manner in which it is being applied presently by the police in various states of the country clearly shows that it has become the latest tool to silence dissent and any interrogation of the government's policies and actions. The victims are a wide ranging lot. They include those who speak up against repression in Kashmir and states of the North East or those who speak up and counsel the government for restraint in dealing with the militant Maoist movement or even some non violent social movements.

The most recent cases of the use of the sedition law to clamp down on the freedom of speech and expression have been the conviction by a trial court of Dr. Binayak Sen, Vice President of the PUCL who helped expose Salwa Judum and other atrocities committed by the Chhattisgarh administration; proceedings against Dr. Rati Rao, editor of the Karnataka PUCL's in-house Kannada publication for criticizing the communal agenda of the Sangh Parivar and questioning extra judicial killings by the State Police; Orissa's Lenin Kumar, Editor of Nishaan Magazine for publishing articles critical of the Kandhamal communal violence, Piyush Manush of Salem in Tamil Nadu for raising questions on the Dantewada violence in Salem; PUCL, organising secretary of UP, Seema Azad for allegedly "providing shelter to Maoists".

Despite the first PM of India Jawahar Lal Nehru calling it an obnoxious section in the statute books, the sedition law (section 124-A of the IPC) remained in the Penal code after independence.

Even the Supreme Court of India was struck by the incongruity of a sedition law in a constitutional democracy like India and pronounced that section 124(A) or the law of sedition was to be limited to acts where there was a clear intention or tendency to create disorder or incitement to violence. But unfortunately the Indian establishment and rulers have time and again resorted to the misuse of the section 124(A) for punishing people critical in even mere words and non-violent action of the misdeeds of the existing regime. Of late, a section of the judiciary in the lower courts and the High Courts has actively endorsed and put its seal on such undemocratic action of the Government, overstepping limits imposed by the Supreme Court on the undemocratic use of the law of sedition, the conviction of Dr. Binayak Sen being the latest in this series.

Along with the misuse of the above, successive governments in the centre and the states have found newer ways by enacting various draconian laws to silence criticism in the name of national security and public safety. Dozens of such laws are in force in the country presently. The struggle for the repeal of the Armed Forces Special Powers Act, 1958 has been one of the longest surviving campaigns against a special law which totally violates people's life and liberty and disrupts normal existence in the states of the North East and Kashmir. Similarly, the Unlawful Activities Prevention Act, 2004 and 2008 (UAPA), the reincarnated POTA, has been widely used to keep people behind bars for long periods in the facade of fighting terrorism and militancy in country.

The time seems appropriate to have a discussion and examination of these issues thoroughly so that we can move towards repealing or amending laws in consistent with our constitutional ideals and our democratic and human rights. We must also plan a people's campaign to protect our fundamental right to dissent in a democracy.

We would take this opportunity to invite all fellow Human Rights workers, members of Democratic and Civil Liberties organizations, legal experts and others to this two day meeting so that we may have discussions aimed at a tangible course of action on these issues. The meeting is contributory in nature and people would pay for their own travel. Regarding , food and stay a registration would be announced soon.

Yours Sincerely

Prabhakar Sinha (President); **Pushkar Raj** (General Secretary)

For logistical details please contact Kavita Srivastava at kavisriv@gmail.com, ph. 09351562965

Tentative Schedule

7th May (Saturday) Day I

9.30 a.m. -	Registration
10.00 - 11.30 a.m.:	Inaugural Session <ul style="list-style-type: none"> • Introducing the subject: Prabhakar Sinha, President , PUCL • Inaugural Address: Justice JS Verma, Ex-Chief Justice Supreme Court of India • Guest Speaker: Shri Anhdhyarjuna, Senior Advocate, Supreme Court of India • Concluding observations: Pushkar Raj, General Secretary, PUCL
11.30 to 11.45 a.m.:	Tea
11.45 to 1.00p.m.:	Examining Sedition and Allied Offences against the State Chairperson: Justice Rajindar Sachar , former PUCL President Speakers: <ul style="list-style-type: none"> • V. Suresh • Siddhartha Narrain, Alternative Law Forum, Bangalore • PUDR Representative • Open Discussion
1.00 to 2: 00 p.m.:	Lunch
2 p.m. onwards:	Draconian laws and their application in the country, Sharing

	<p>Experiences from the States</p> <p>Chairperson: Ravi Kiran Jain</p> <p>Speakers:</p> <ul style="list-style-type: none"> • Sanjay Parikh, Senior Counsel Supreme Court • Prof Ujjwal Singh, Delhi University • Sudha Bharadwaj, PUCL, Chhattisgarh • Vrinda Grover • Roma, NFFPFW • Sujato Bhadro, APDR, W. Bengal • Pramodini Pradhan, PUCL, Orissa • Nishant Akhilesh, Shashi Bhushan Pathak, Jharkhand PUCL • Representatives from PUCL and other organisations from Gujarat, North East and other states
3. 30 p.m.	Tea
3.45 to 5.15 p.m.:	<p>Session continues:</p> <p>Application of Draconian Laws and Sharing Experiences from the States</p> <p>Chairperson: Sanjay Parikh</p>
6 p.m. onwards:	Cultural Expressions

8th May (Sunday) Day II

<p>9. 30 a.m.</p> <p>Onwards</p>	<p>State of life, personal liberty and dignity of the common man under the Ordinary law of the country</p> <p>Chairperson: Dr. Binayak Sen, Vice President PUCL</p> <p>Speakers:</p> <ul style="list-style-type: none"> • Ravi Kiran Jain • Maja Daruwala, Director, Commonwealth Human Rights Initiative
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	<ul style="list-style-type: none">• Representatives from PUCL and other organisations
11.00 a.m.:	Tea
11:20 - 1.00 p.m.	Earlier Session Continues
1:00 – 2:00 p.m.	Lunch
2:30 onwards:	The Way forward: suggestions for preparing a charter of demands More names will be included. and the seminar is open to interested individuals.