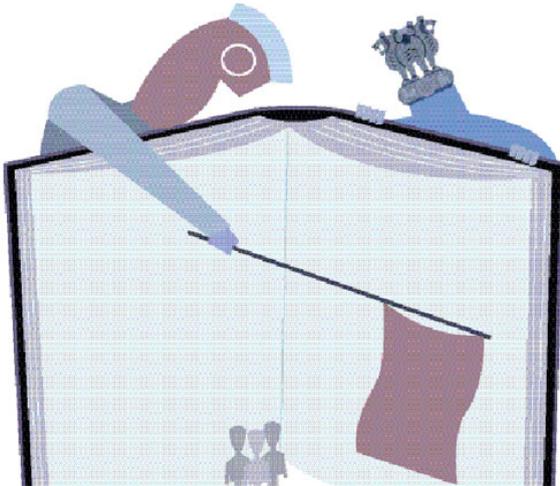


Two tales of sedition

Written by [Deepak Nayyar](#) | Updated: February 20, 2016 5:42 am



The charge against those arrested in JNU for sedition is simply not sustainable even under the existing law, for reasons set out by so many legal luminaries. (Source: Illustration by C R Sasikumar)

The word “sedition” is in newspaper headlines, editorials and columns, just as it is tossed about in fierce debates on television, while JNU occupies centrestage. And there is a political storm in the air.

Earlier this month, some students at JNU sought to organise a meeting to discuss recent instances of capital punishment. A few persons shouting slogans hijacked the discussion. There can be no doubt that the slogans were deplorable and must be condemned. The police intervened, arrested the president of the JNU students’ union, and charged him with [sedition](#). However, Kanhaiya Kumar has stated that he was doing his best to resolve the situation and was not a sloganeer.

The dictionary meaning of sedition is conduct or speech inciting people to rebel against the state. Its legal meaning is inciting violence towards insurrection of established order and lawful authority, including subversion of the Constitution. Section 124A of the Indian Penal Code, which does not use the word sedition, defines it as any action, by words, signs or visible representation, which “brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards a government established by law”. It is a draconian law from the colonial era making such an act punishable with imprisonment for life.

The charge against those arrested in JNU for sedition is simply not sustainable even under the existing law, for reasons set out by so many legal luminaries. It is also not feasible in the turbulent politics of the Republic of India, which is a strong, vibrant and participative democracy. What is more, it seeks to negate the very idea of universities, where freedom, inquiry, questions, dissent and debate constitute the essential foundations of learning that make for good citizens in a democracy.

Yet, it is not the first time that the sedition law has been used in independent India. And it will not be the last time. It is neither rare nor frequent. But it happens often enough when it serves a political purpose. Governments invoke the law and the opposition cries foul. The irony of double standards is striking. The same political parties when in government cite the national interest and when in opposition wax eloquent about rights or freedoms.

In this context, I would like to narrate two personal experiences from the past, relating to sedition charges pressed by two governments that were run by two different political parties. The stories are instructive partly because they are not widely known and partly because they had happy endings.

The first goes back almost 30 years to October 1986. I was teaching at JNU.

Professor K.N. Raj and Dr Ashok Mitra telephoned to inform me that Krishna Raj, the then editor of the Economic and Political Weekly (EPW), had been charged for sedition by Bombay Police. Both were frantic with worry and requested me to help. The reason cited in the charge was a signed article by a contributor in the EPW who had alleged atrocities on civilians in Amritsar, by the army, in the aftermath of Operation Bluestar.

I telephoned a senior officer in the prime minister’s office whom I knew well. To my surprise, he was aware of what had happened. Evidently, the chief of army staff, who was furious about the article, complained to the prime minister pressing for action, following which a convinced PM had instructed the chief minister of Maharashtra. An appointment with the PM was arranged for me.

Rajiv Gandhi knew me, just a little, from my previous incarnation in government. I met him for a brief 15 minutes, as a concerned citizen, since I had no other locus standi in the matter. I said that the EPW was an independent, credible voice on economy, polity and society in India and an important, indeed unique, institution in our vibrant democracy. I argued that charging its editor with sedition was totally inappropriate and unjustified. Instead, the government could consider legal action against the author, not the editor, under any other law of the land. He heard me out and asked just one question: "If I agree to what you are suggesting, the army will be unhappy but what will people think?" My answer was simple: "People will admire your sagacity and wisdom in preserving the essential values of democracy." He smiled. And our meeting was over.

Just as I returned to my office in JNU, there was a telephone call from the senior PMO official, who told me that soon after I left, the PM had instructed him to speak to the CM of Maharashtra communicating the PM's decision to drop sedition charges against the editor of the EPW.

The second experience was in October 2001. I was vice chancellor of the University of Delhi. Following 9/11, the United States started its bombing of Afghanistan. At a demonstration in Seelampur, five of our students were arrested for distributing leaflets and shouting slogans. To my dismay, I learnt that they were charged with sedition. I requested an appointment with the deputy PM, who was also the home minister.

I met L.K. Advani the following afternoon. I told him that five University of Delhi students had been arrested and charged with sedition. There were protests against the US bombing of Afghanistan everywhere in the world. Our students also had the same democratic right to protest. The charge of sedition was totally inappropriate and unjustified. If they had disturbed the peace, they could be charged for that. As vice chancellor, however, it was my duty to ensure that no injustice was done to my students. The DPM listened to me patiently for 15 minutes and said he would let me know.

Soon after I returned to my office, the DPM's office telephoned. Advani said that he had considered the matter and decided that the sedition charges against the five students would be dropped.

It is amazing that leaders of two different governments, from different political parties, were open to persuasion and reversed their own decisions. I only wish someone would speak to PM [Narendra Modi](#).

In the present mess, there are no winners. There are only losers. The government runs the risk of losing support of young people, who are an important political constituency, and the wrath of students might spill over on to the streets. Moreover, it distracts the government from its priority tasks, erodes political capital and, if the budget session of Parliament is disrupted, makes governance difficult. Political parties, whether ruling or in opposition, are turning universities into arenas for their political battles, without even thinking about what all this is doing to universities as institutions. The country would lose from any damage to JNU, which is a premier university widely recognised across the world, that has contributed so much not only to academia but also to government, politics, media and society in India.

There are some obvious conclusions. First, the sedition charges must be dropped. Second, the colonial law on sedition must be repealed. Third, governments and parties must stop playing politics in universities. Fourth, the time has come for universities to reclaim their freedom and space from intervening governments and intrusive politics: Autonomy is as autonomy does.