

## PUBLIC STATEMENT

### DEMAND TO UPHOLD FREE SPEECH AND EXPRESSION

We condemn the demand of the BJP to “take the strongest possible action” against Arundhati Roy for her “seditious comments” at the seminar, “Azadi: The only way” held in New Delhi, October 21, 2010. There is recorded evidence to prove that the views expressed by her are not new and have also been made by innumerable others before and after her. If Arundhati Roy or Syed Ali Shah Geelani (or any other speaker from that seminar) is to be arrested for what they have said, then by the same logic a number of us would have to be imprisoned not to mention the entire population of Kashmir.

The concept of ‘sedition’ is archaic and has no place in a modern democratic imagination. Perhaps for this reason the Drafting Committee of the Indian Constitution did not include “sedition” among the “reasonable restrictions” to Article 19(1) (a). In 1962, the Supreme Court (Kedar Nath Singh vs. the State of Bihar) read down Section 124A IPC to argue that only a call to violence or armed rebellion qualified to be considered as ‘sedition’. The same Judgement reiterated the importance of not allowing the provision to interfere with the Right to Free Speech and Expression. As the present controversy proves, the Supreme Court’s worst fears have been confirmed. The Bajrang Dal’s threat that they will hound Arundhati Roy like M.F Hussain provides further confirmation that ‘sedition’ will now be the new pretext for censorship. When the British charged Gandhi with sedition, he famously said, “Sedition in law is a deliberate crime but it appears to me to be the highest duty of a citizen.” Expressing dissent about the

nation-state and re-imagining its future is certainly the right of every citizen if not the “highest duty”.

We would like to point out that the disruption of the meeting and the allegations of ‘sedition’ is part of a well orchestrated campaign. The right wing elements who disrupted the Azadi meeting were working in tandem with certain media channels who flouted all norms of professional journalism to create hysteria. In what appears to be an instance of ‘paid news’, a certain national news channel started a one-sided campaign against “splittists” and the “sedition industry” within hours of the meeting being held. The ‘report’ only focused on two speakers and their supposed “seditious” utterances.

It is understandable that the BJP, in an attempt to deflect attention from the Ajmer Blast case, should indulge in hyper-jingoism but it is most unfortunate that the UPA, while deciding not to press charges of sedition against the speakers, did not assert their right to free speech and expression. Their silence on this matter has only emboldened groups like the Bajrang Dal who now want to take matters into their own hands.

This is perhaps expected from a government that has sought to suppress all dissent in the valley through brute force. Between June and October 2010, 111 people have been killed by security forces and this includes young boys who were not even participating in the protests. Countless have been maimed and injured by bullet injuries while many have been blinded by the catapults with marble shots used by the CRPF. For over two decades now, the armed and security forces have been committing extra-judicial killings, torture, disappearances and rape with impunity. Draconian legislations like the Armed

Forces (Special Powers) Act, the Jammu and Kashmir Public Safety Act and the Disturbed Areas Act continue to facilitate human rights abuses in the valley. The hysterical cry to enforce the rule of law in the case of the Azadi seminar contrasts with the long silence about the widespread and systematic human rights violations in Kashmir. By allowing the speakers of the Azadi seminar to be censored, the government hopes to maintain its silence on Kashmir.

We therefore demand that the government take full cognizance of the continuing violation of human rights in the valley, make the security forces fully accountable so that the guilty can be prosecuted and punished. We demand that the democratic right to free speech and expression is upheld and every citizen in this country, including the speakers of the Azadi seminar, is given full protection from any attempt to impose legal or extra-legal censorship.

**Signatories:**

<b>Vrinda Grover</b>	<b>Lawyer, Delhi</b>
<b>Shohini Ghosh</b>	<b>Professor, Jamia Millia Islamia, Delhi</b>
<b>Nivedita Menon</b>	<b>Professor, Jawaharlal Nehru University, Delhi</b>
<b>Amar Kanwar</b>	<b>Filmmaker &amp; Artist, Delhi</b>
<b>Ranjani Mazumdar</b>	<b>Associate Professor, Jawaharlal Nehru University.</b>
<b>Aditya Nigam</b>	<b>Fellow, Centre for the Study of Developing Societies</b>
<b>Dayanita Singh</b>	<b>Photographer, Delhi</b>
<b>Urvashi Butalia</b>	<b>Writer and Publisher, Delhi</b>
<b>Lawrence Liang</b>	<b>Alternative Law Forum, Bangalore</b>

<b>Sabeena Gadihoke</b>	<b>Associate Professor, Jamia Millia Islamia, Delhi</b>
<b>Saba Dewan</b>	<b>Independent Filmmaker</b>
<b>Aparna Sen</b>	<b>Filmmaker and Actress, Kolkata</b>
<b>Kalyan Ray</b>	<b>Author and Professor, Morris College, USA.</b>
<b>Joya Chatterji</b>	<b>Historian, Trinity College, University of Cambridge, UK.</b>
<b>Lakshmi Subramaniam</b>	<b>Professor, Centre for Social Sciences, Kolkata</b>
<b>Kajri Jain</b>	<b>Asst. Professor, University of Toronto, Toronto.</b>
<b>Kumkum Roy</b>	<b>Historian, Professor, Jawaharlal Nehru University. Delhi</b>
<b>Kamala Vishweshwaran</b>	<b>Professor of Anthropology, University of Texas, Austin</b>
<b>Shikha Jhingan</b>	<b>Asst. Professor, Lady Shri Ram College, Delhi University, Delhi.</b>
<b>Anjali Monteiro</b>	<b>Professor, Tata Institute of Social Sciences, Mumbai.</b>
<b>Kalyani Menon-Sen</b>	<b>Researcher &amp; Independent Activist, Gurgaon</b>
<b>Uma Chakravarty</b>	<b>Historian (Retired Professor, Delhi University) Delhi</b>
<b>KP Jayshankar</b>	<b>Professor, Tata Institute of Social Sciences, Mumbai.</b>
<b>Pamela Philipose</b>	<b>Journalist &amp; Director. Womens Feature Service</b>
<b>Harsh Mandar</b>	<b>Writer and Activist</b>
<b>Gauhar Raza</b>	<b>Filmmaker &amp; Poet, Delhi</b>

<b>Anuradha Chenoy</b>	<b>Professor, Jawaharlal Nehru University, Delhi</b>
<b>Shabnam Hashmi</b>	<b>Social Activist, Anhad</b>
<b>Neeraj Malik</b>	<b>Associate Professor, Indraprastha College, Delhi University</b>
<b>Javed Malick</b>	<b>Retired Professor, Delhi University</b>
<b>Madhu Bhaduri</b>	<b>Former, IFS Officer</b>
<b>Anuradha Bhasin</b>	<b>Executive Editor, Kashmir Times</b>
<b>Jyotsna Kapur</b>	<b>Assoc. Professor, Southern Illinois University, Carbondale.</b>
<b>Dunu Roy</b>	<b>Environmentalist, Hazard Centre, Delhi</b>
<b>Kamal Mitra Chenoy</b>	<b>Professor, Jawaharlal Nehru University, Delhi</b>
<b>Ujjwal Kumar Singh</b>	<b>Professor, Delhi University, Delhi.</b>
<b>Mahua Sarkar</b>	<b>Assoc. Professor, Binghampton University, SUNY</b>
<b>Arvind Narrain</b>	<b>Lawyer, Alternative Law Forum</b>
<b>Rebecca M. John</b>	<b>Lawyer, Delhi</b>
<b>Amita Baviskar</b>	<b>Associate Professor, Institute of Economic Growth</b>
<b>Sarada Balagopalan</b>	<b>Associate Fellow, CSDS</b>
<b>Kaushik Ghosh</b>	<b>Assistant Professor, University of Texas, Austin</b>

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