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The arrest and detention of a 25-year old man accused of sedition for allegedly disrespecting India's national symbols is a reminder of how archaic laws continue to be used to curb free speech in India, Amnesty International India said today.

On 20 August 2014, police in Kerala arrested Salman M. for allegedly making catcalls and not standing up when India's national anthem was being played at a cinema two days earlier. He was accused of sedition, insulting the Indian national flag and Constitution, and preventing the singing of the national anthem.

Salman M. was also accused under section 66A of India's Information Technology Act for allegedly publishing abusive social media posts about Independence Day on 15 August. A Thiruvananthapuram court denied him bail on 25 August. He could face a life sentence if convicted.

"A criminal charge for such conduct, even if some might regard it as offensive, is completely unwarranted," said Shailesh Rai, Programmes Director at Amnesty International India. "Nobody should have to go to prison merely because they are accused of causing offense."

"The Constitution of India and international law recognize the right to freedom of expression, and this right extends to speech that offends or disturbs. Authorities must respect this fundamental right, not seek to curb it."

"The case against Salman M. should be dropped and he must be released. Indian laws on sedition and online free speech do not meet international human rights standards on freedom of expression. These laws must be urgently repealed."

Background

India's archaic sedition law has been used to harass and persecute activists and others for their peaceful exercise of their right to free expression. Section 124A of the Indian Penal Code defines sedition as any act or attempt "to bring into hatred or contempt, or...excite disaffection towards the government." Mahatma Gandhi had called the law "the prince among the political sections of the Indian Penal Code designed to suppress the liberty of the citizen."

Section 66A of the Information Technology Act criminalizes acts including sending information that is "grossly offensive" or causes "annoyance" and "inconvenience". The law is imprecise and overbroad. It can be used to violate legitimate exercise of the right to free speech and can lead to arbitrary arrests. A number of activists and legal experts have challenged the constitutionality of section 66A.

The UN Human Rights Committee, which monitors the implementation of the International Covenant on Civil and Political Rights, to which India is a state party, has expressed concern regarding laws on issues such as disrespect for flags and symbols.

<http://www.amnesty.org.in/show/entry/end-use-of-archaic-sedition-law-to-curb-freedom-of-expression>