



A case of no case

One more instance of misuse:

1. The sedition case against Lakshadweep film-maker Aisha Sultana has all the undesirable indicators of the misuse of the penal provision: intolerance towards any strident criticism of the policy, tendency to discern non-existent threats to the state and deliberate resort to it despite the absence of any ingredient of the offence.
2. Therefore, it comes as no surprise that the Kerala High Court has granted her anticipatory bail mainly on the ground that neither Section 124A, which penalises seditious speech or writing, nor Section 153B, which seeks to punish imputations against national integration, is attracted.
3. There may be some cause for those in the Lakshadweep administration to feel aggrieved that the film-maker, in the course of a heated discussion on the policy changes sought to be brought about by the Administrator, accused the authorities of unleashing a “bioweapon” against the people by relaxing quarantine rules for those entering Lakshadweep.
4. However, as the court has rightly pointed out, there is nothing in the use of the term that tended to create disaffection against the government or incite the people against it.

Wrong trend:

Yet, the very institution of the case is questionable. It is disconcerting that courts are repeatedly called upon to reiterate that strong speech or writing against government policy is not enough to book someone for sedition and that only incitement to violence or an inclination to cause public disorder amounts to such an offence.