



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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June 16, 2021

To,
Mr. C S Mawri,
Focal Point - Human Rights Defenders & Assistant Registrar,
National Human Rights Commission,
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA,
New Delhi – 110 023
Email: hrd-nhrc@nic.in

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action – Lakshadweep: Woman HRD and Film Director Ms. Aisha Sultana charged with sedition for expressing her views against the administrator of the Lakshadweep in a TV debate.

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a forum of Human Rights Defenders for Human Rights Defenders. It endeavours to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are writing to express our grave concern regarding sedition charges against Lakshadweep WHRD Ms. Aisha Sultana for being critical of the administrator of the Lakshadweep Mr. Praful Khoda Patel, for mishandling of Covid in the island.

Source of Information:

Media Reports

Date of Incident:

June 10, 2021

Place of Incident:

Union Territory of Lakshadweep

The Perpetrators:

Kavaratti police station, Lakshadweep

About the Human Rights Defender:

Ms. Aisha Sultana, is a native of Lakshadweep's Chetlat island, an actor and model and the first independent woman director from the island. She made her directorial debut in 2020, with the independent Malayalam film 'Flush'. She has been at the forefront of peaceful citizens campaigns against the controversial 'reforms' and proposed legislation in Lakshadweep.

Details of the Background:

The Union Territory of Lakshadweep is protected under special provisions where outsiders cannot buy land, liquor sales are not allowed, and non-residents cannot visit the islands without special permission from the administration. The Lakshadweep islanders take pride in their traditional culture, while maintaining significant environmental safeguards to protect the islands.

Mr. Praful Khoda Patel, a former MLA from Gujarat, has recently taken charge as the new Administrator of Lakshadweep. After Mr. Patel took charge, he came out with several 'reforms' in Lakshadweep – Animal Preservation Regulation, Lakshadweep Prevention of Anti-Social Activities Regulation, Lakshadweep Development Authority Regulation and amendment to the Lakshadweep Panchayat Staff Rules. These 'reforms', according to the administration would allow for *“orderly and progressive development of land in both urban and rural areas and to preserve and improve the amenities thereof; for the grant of permission to develop land and for other powers of control over the use of land; to confer additional powers in respect of the acquisition and development of land for planning”*.

Lakshadweep has been witnessing peaceful protests by local residents and activists since the administration started with controversial new reform measures in the islands. According to the people's representatives no public consultations were held before the reforms were brought by the administrator. They expressed their fear that Mr. Patel's motive is to destroy traditional life and cultural diversity of the people of Lakshadweep.

Details of the Incident:

On June 10, 2021, the Kavaratti police filed an FIR against the filmmaker Ms. Aisha Sultana with cases under Sections 124 A (sedition) and 153 B (hate speech) of the Indian Penal Code on the complaint of Bharatiya Janata Party's Lakshadweep unit President Mr. C Abdul Khader Haji.

Mr. Haji alleged that, Ms. Sultana spread false news about COVID-19 during MediaOne TV debate on the ongoing controversial reforms in Lakshadweep in which she had criticized Administrator Mr. Patel's Covid handling in the island. She had said *“in the recent past Lakshadweep had zero cases of COVID-19, now it is reporting a daily spike of 100 cases and the centre using him as a 'bioweapon' on the islands.”* The BJP leader Mr. Haji, in his complaint, has alleged that Ms. Sultana words during the debate were anti-national, tarnishing the patriotic image of the central government.

Ms. Sultana defended her words in a Facebook post: *“I had used the word bio-weapon in the TV channel debate. I have felt Patel as well as his policies [have acted] as a bio-weapon. It was through Patel and his entourage that Covid-19 spread in Lakshadweep. I have compared Patel as a bioweapon, not the government or the country.... You should understand. What else should I call him.”*

It must be noted that Mr. Patel has been accused by protesters in the past, including Lakshadweep Parliamentarian Mr. Mohammed Faizal, of doing away with quarantine protocols that were a must for people to enter Lakshadweep.

The Lakshadweep Sahitya Pravarthaka Sangam has expressed solidarity with Ms. Sultana. *“It is not proper to depict her as anti-national. She had reacted against the*

inhumane approach of the administrator.” 15 members of the Lakshadweep BJP Unit have resigned in protest against their own party’s charges against Ms. Sultana.

We strongly believe that the sedition charges against the WHRD are fabricated and a misuse of the sedition law by the police.

The Supreme Court has repeatedly ruled that sedition is constituted by written or spoken words which “*have the effect of bringing contempt or dissatisfaction or the idea of subverting government by violent means*”. In **Kedar Nath Singh vs State of Bihar**, the apex court said that if comments, however strongly worded, do not have the tendency to incite violence, they cannot be treated as sedition.

As recently as last month, the Supreme Court of India said that it “is time to define the limits of sedition”, noting that sections of the Indian Penal Code that deal with sedition require interpretation, particularly in the context of media freedom. Ms. Sultana’s words spoken during a TV debate were neither meant to incite violence nor were treason against India. The application of sedition law on her is completely illegal.

She is but the latest victim of the increasing use of sedition charges against dissenting voices. This is a clear violation of Article 19 of the Constitution which provides for free speech and power to express oneself to every citizen. The incident which took place has affected the lives of lot of people in the nearby areas and thus as a concerned citizen in a democracy she has the right to ask relevant questions to the government representatives about the steps taken by them for the well-being of the people.

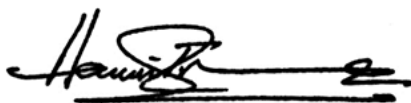
By charging her with sedition the administration and the police have tried to silence her and other HRDs from questioning them for the failure of covid protocols in the islands.

Appeal:

We urge the Hon’ble Commission to immediately intervene in this matter of the police misusing law to silence the voice of the WHRD and charging her with sedition for frivolous reasons well rejected by the courts. We therefore urge you to immediately take necessary steps and:

- Direct the Union Territory Lakshadweep Collector to submit a comprehensive report on the above incident of sedition charges against Ms. Aisha Sultana.
- Direct the Senior Superintendent of Police Lakshadweep to refrain from taking any measures restricting free expression and mobility of Ms. Aisha Sultana.

Yours sincerely,



Henri Tiphagne
National Working Secretary