

India: Has Kerala's Left Front broken promise to review Unlawful Activities Act cases against activists?

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Going back on its promise made two years ago, Kerala's ruling Left Front does not intend to review charges under the Unlawful Activities Prevention Act (UAPA) slapped on scores of social and political activists since 2007, a Right to Information (RTI) application seems to have revealed.

In late 2016, Kerala erupted in protests against the "indiscriminate use" of the UAPA after the police booked four human rights defenders under the law. To contain the unrest, the Pinarayi Vijayan government promised to form a committee to review all UAPA cases registered in the state, excluding those being looked into by the National Investigation Agency.

But the RTI query revealed the committee is still to be constituted. Consequently, the law continues to haunt activists. Since 2012, the police have filed at least 62 UAPA cases; charges of sedition and supporting a terrorist group have been invoked for such acts as putting up posters.

"The government promised to review UAPA cases just to quell the protests," argued Thushar Nirmal Sarathy, a Kerala High Court lawyer who filed the RTI request. "Its failure to form a committee to review the charges shows that it wants UAPA to stay."

The UAPA, aimed primarily at tackling terrorist activities, has long been criticised for criminalising dissent. Activists have been campaigning to repeal the Act, arguing that it is unconstitutional. In Kerala, the law was first invoked in 2007, against the activist and journalist Govindan Kutty. Over a decade later, the chargesheet in the case is yet to be filed.

'It is a ploy'

Sarathy, secretary of Janadhipathya Manushyavakasha Prasthanam, or the People's Movement for Human Rights, submitted his RTI application to the home department on December 29. He sought to know "whether the government has decided to review UAPA cases, details of officials entrusted with the task, status of the review and action taken after the review". He also requested a copy of the review report.

Sarathy said he decided to seek this information after the police chargesheeted activists of the leftist group Porattam who were arrested in 2016 for calling for a boycott of that year's Assembly election. The group's leader MN Ravunni, 64, was charged with sedition and supporting a terrorist organisation, and spent 40 days in jail. He was, however, granted bail by the High Court, which ruled that distributing pamphlets and putting up posters calling for an election boycott did not amount to sedition.

In its reply on February 10, the home department said the government has not set up a special

committee to review the UAPA cases. It also told Sarathy that his application has been sent to the police chief's office, which could provide additional information. Sarathy has not heard from the police chief's office so far.

The reply appears to contradict media reports from 2017 that a committee headed by the police chief "to review an estimated 162 UAPA cases" filed since 2007 had decided to "rescrutinise 42 such cases and file petitions in court for their withdrawal, if need be". The Hindu reported that an internal inquiry by the police had concluded the Act was erroneously applied in scores of cases.

Sarathy noted that in January 2017 the police urged the High Court to drop UAPA charges against Rajeesh Kollakkandi, arrested for allegedly sheltering Ravunni in November 2016. They told the court a review committee led by the police chief had found no merit in the charges against Kollakkandi.

Then why is the home department claiming no review committee has been formed so far? "It doesn't want to provide details of the status of UAPA cases, alleged Sarathy. "It is a ploy."

Sarathy said he doubted the Left Front's promise to reexamine the UAPA cases from the start when it did not lay down any criteria for the review. "My doubts turned out to be true," he added. "Now, the government will use the law to silence dissenting voices."

Sarathy himself was charged under the UAPA in connection with an alleged attack on the National Highways Authority of India's Kochi office in 2015. The police stated that Sarathy was not involved in the attack but supported those who had allegedly carried it out. They are yet to file a chargesheet.

'On the same page'

The Communist Party of India (Marxist), which heads the Left Front in Kerala, has never opposed the UAPA but urged caution in its application. "UAPA should not be invoked unnecessarily," Vijayan said in January 2017.

The party's state chief, Kodyeri Balakrishnan, has said the law should be used only against those involved in terrorism.

In 2016, though, the party, then in Opposition, had launched protests after its senior leader P Jayarajan was arrested under the UAPA in connection with the murder of a Rashtriya Swayamsevak Sangh member.

At the time, Vijayan had accused the Congress-led government of misusing the law against Jayarajan. He had supported the Act, however, saying "such stringent laws are required to deal with terrorism as provisions in the Indian Penal Code are not sufficient to tackle terror-linked cases".

Shanto Lal, a leader of Porattam who is facing a UAPA case, said the ruling party and the Opposition are on the same page on the UAPA. "Cases against Porattam workers were registered when the Congress-led government was in power," he noted. "Now the Left Front government are pursuing them. This shows they have the same stand on the UAPA. Both want to use the draconian law to suppress political opponents."

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