

OUTRAGE WITHOUT BORDERS: THE HINDU EDITORIAL ON GUJARAT MLA JIGNESH MEVANI'S ARREST BY ASSAM POLICE

Relevant for: Indian Polity | Topic: Indian Constitution - Features & Significant Provisions related to Fundamental Rights, Directive Principles and Fundamental Duties

The [arrest of Gujarat independent legislator, Jignesh Mevani, by the Assam police](#) is an egregious instance of the misuse of law to target a vocal critic of the Union government. There are several aspects about his arrest that ought to cause shock and revulsion to those who believe in law and democracy. Mr. Mevani's tweets, subsequently withheld by Twitter, described Prime Minister Narendra Modi as a "Godse worshipper", but also contained an appeal to him to call for peace in some areas of Gujarat that witnessed communal violence. It is clear that apart from being harsh criticism of the Prime Minister, there is nothing in it that can be seen as affecting public tranquillity or causing divisions in society. Not only have the police invoked the entire gamut of offences related to inflammatory speech, breach of peace and outraging of religious feelings, but provisions related to conspiracy and hacking of computers have also been added for good measure. While some of the criminal provisions in the FIR are questionable, it is astounding that the police in distant Kokrajhar, Assam, chose to act on a complaint by a political functionary against a legislator in Gujarat and travel all the way to take him into custody and jail him in Assam. Except for the fact that the allegedly offending remark was made online and is accessible on the Internet, there is nothing to confer jurisdiction on the Assam police.

The use of Section 295A of the IPC, which only applies to acts that outrage the religious feelings of a section, is particularly questionable because there is nothing in Mr. Mevani's remarks that can be seen even remotely insulting towards any religious belief or practice. Further, it is quite notable that the police or ruling party functionaries in BJP-ruled Gujarat did not pursue the case there. It is almost as if his opinion contained a higher potential for breach of peace or disturbance to public tranquillity in Assam than in his home State. It is not clear on what basis the police in Kokrajhar accepted the complainant's claim that the tweet could destroy the social fabric "in this part of the country". There cannot be a better example of the misuse of the principle that anyone can set the criminal law in motion. There is something perverse about the manner in which the inter-State operation of criminal law allows any citizen to be held by the police from another State with such ease, even when the alleged offences attract short prison terms that do not warrant arrest. It is disconcerting that a judicial magistrate denied bail to Mr. Mevani and granted police custody in a matter that only involves interpretation of some words. Judicial officers ought to show greater independence by raising questions about territorial jurisdiction instead of accepting the prosecution claims in such cases without demur.

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