

## **Misuse of Security Law**

### **Why in news?**

The Allahabad High Court laid bare the malefic manner in which Dr. Kafeel Khan was detained under the National Security Act (NSA), 1980.

### **What is NSA?**

- It is a preventive detention law.
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- It empowers the Central and State governments to detain a person for upto 12 months without any charge.

### **What is the story behind?**

- Dr. Kafeel Khan addressed the students of Aligarh Muslim University in December, 2019.
- His speech on the Citizenship (Amendment) Act was deemed inflammatory weeks after he had made it.
- For this speech, he was arrested on January 29, 2020.
- Shortly after he was granted bail in an earlier case, he was detained under the NSA on February 13, 2020.

### **What was the earlier case?**

- In 2017, Dr. Khan, a government doctor, was suspended after a shortage of oxygen cylinders took a deadly toll among children admitted in a Gorakhpur Hospital.
- The circumstances indicated that he took strenuous efforts to ensure continuous oxygen supply.
- However, he was arrested on charges of negligence and corruption.
- He spent months in prison before an inquiry absolved him of the charges of negligence and corruption.

### **What did the Allahabad High Court rule?**

- The court has found that the speech does not disclose any effort to promote hatred or violence; and nowhere does it threaten peace in Aligarh.
- It says that the District Magistrate (DM) of Aligarh used selective reading of some phrases and ignored its true intent while passing the detention order

under NSA.

- The grounds for detention provided nothing that indicated any attempt by Dr. Khan to disturb peace and tranquillity between the speech in December 2019 and his detention in February 2020.

### **What is the inference?**

- The inference is that the NSA was invoked only to avoid releasing him following the Chief Judicial Magistrate court's order granting him bail.
- The process to invoke the NSA itself began only after the bail order, the Bench noted.

### **What is unacceptable?**

- The use of stringent national security laws against political dissenters, in the absence of any appeal to violence, should be condemned in all cases.
- However, there is something unacceptable about the resort to preventive detention just to frustrate bail orders.
- The authorities have shown excessive zeal in dealing with Dr. Khan.
- Though the verdict gives him relief, it comes after he spent 7 months in jail. And his case will someday go to trial.

### **What does this case show?**

- The case of Dr. Khan is poor advertisement for India's democratic credentials.
- It brings to light India's propensity to criminalise dissent and single out individuals for persecution.
- It also displays a general disregard for basic rights.

**Source: The Hindu**