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

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