

## A TIMELINE ON UMAR KHALID'S JNU SEDITION CASE

### ABSTRACT

Umar Khalid, a former member of the now-defunct, pro-Maoist Democratic Students Union (DSU) (an ultra-leftist group), who has been listed as one of the organizers of the JNU sedition event on campus against hanging of Afzal Guru during which anti-national slogans were allegedly upstretched. This text highlights the affair of JNU outrageous event leading to Umar Khalid as victim of a media trial, put in the dock because he was Muslim, condemned before his guilt had been proved, denounced as a terrorist for whom there was a witch hunt for weeks. On the contrary the draft seeks to examine whether the students and student leaders were justified in protesting the conviction of Afzal Guru and whether the campaign led by the protestors can be termed as seditious on account of sec.124 A of the Indian Penal Code. The Indian and media termed the protest as anti-national act which resulted in the arrest of key leaders on the charging of waggging civil war. The protesting students of JNU launched a movement for the sake of expressing solidarity and the atrocities made towards Kashmiri. It is also shown that recent political activities including and targeting student community have steered considerable controversy in the trivial matter which is of utter dismay.

Keywords: **Sedition, Democratic, Radicalism, Student community**

*“Had this dispute not arisen, the world would not have known that how minorities in India are getting tortured and how human rights are getting compressed, the question arises which government is to be held accountable for the incident”? Slogans embark “release my comrades” “war will continue till Kashmir’s freedom; war will continue till India’s demolition shout out such antinational slogans by the JNU student association in unison.*

Umar Khalid son of Syed Qasim Rasool Ilyas (National President of the **Welfare Party of India** and former member of **Students Islamic Movement of India**) is a former student of **Jawaharlal Nehru University**, Delhi. He at present is a member and part of two associations namely **Bhagat Singh Ambedkar Student Organisation** and **United against Hate**. Umar Khalid was also a

member leader of **Democratic Students Union** (DSU) in JNU. The number of student unions of the University also has closed relations and ties with the Communist Parties.

## **BACKDROP AND PRELUDE OF THE CASE**

On 9<sup>th</sup> February 2016, ten students of the Democratic Students Union of the university assembled and organized an event protesting, pertaining to conviction and judicial killing of Afzal Guru and Maqbool Bhat who were accused and convicted of waging attack on Parliament in 2001. Both of the accused were the Kashmiri Separatist where Maqbool Bhat was also a co-founder of Jammu Kashmir Liberation Front. The protest was also made for the support of the struggle of Kashmiri people for their Democratic right to self-determination. Posters advertising the event displayed the struggle of the residents of Kashmir and the occupation of the inhabitants. The event was organized near the Sabarmati Dhaba on the JNU campus. A small protest turns out to be great hustle assembling and protesting thousands of students on the streets and marching inside the campuses. There can be seen various clashes among the student unions which resulted in calling of police forces in order to separate and restore them. During the commotion that ensued, large group of people raising slogans that were generally depicting “anti-India” slogans were seen protesting. Among one such member was Umar Khalid who was chanting anti- national slogan during the procession. Although the matter of fact is that the media reports outrage and blamed the student unions and the organizers for raising such provocative slogans and speeches whereas on the other hand the university probe an investigation stating that no such anti national slogans were shouted by the student unions and the procession during the event.

## **ACTION BY JNU ADMINISTRATION**

The flames of the event spread like fire throughout the nation fueled by politicians and media leading JNU administration to set up a proctorial committee for inquiry into the event organized by some former members of Democratic Students' Union (DSU) that ran to violent clashes on the campus among student unions. Based on High level committee's report punishments were imposed on number of students including Kanhaiya Kumar was fined 10,000 rupees, after which Umar Khalid and Anirban Bhattacharya were rusticated from the university for one semester. The JNU authorities came across 24 students guilty in organizing the said protest over whereas the committee has found 21 students guilty who were slapped with fines and punished in association

with the event. Several assassination and violent events were also carried against the leftist students and others. Also, JNU initially refused to allow Umar Khalid to submit his PhD thesis in July 2018 as the Proctor's office refused to grant clearance referring non compliance with the punishments by inquiry committee. However, on the order passed by the High Court of Delhi over the High-Level Enquiry Committee's decision the administration accepted Khalid's thesis on August 2 earlier rejecting it thrice.

## **CHARGES FRAMED AND ARREST MADE**

After this tragic incident took place the organizers of the event condemn the undemocratic slogans raised and chanted by the small group. On this behest the president of the Jawaharlal Nehru University Students Union (JNUSU), Kanhaiya Kumar along with the vice president Sheela Rashid Shooru declined the condemnation of chanting anti-national slogans and stated that neither the organizers nor the leftist progressive organization was involved sloganeering undemocratic slogans. On the very next day another union named Akhil Bhartiya Vidhya Parishad (ABVP) strongly opposed and criticized the Leftist approach of organizing an event and protested demanding the expulsion of the students involved in raising such communistic and autocratic slogans. The members of the ABVP also lodged an official complaint in lieu of the incident to the JNU administration, Ministry of Human Resource Department and the special cell of Delhi Police. After four days of the filing of complaint, the Delhi Police arrested Kanhaiya Kumar along with five other students namely Umar Khalid, Anirban Bhattacharya, Rama Naga, Anant Prakash and Ashutosh Kumar on the charges of sedition Sec 124-A, criminal conspiracy, Sec 120-B, Sec 323 punishment for voluntarily causing hurt, Sec 465 Punishment for Forgery, Sec 471 using as genuine a forged document or electronic record, Sec 143 Punishment for being the member of unlawful assembly, Sec 147 Punishment for rioting<sup>1</sup> of Indian Penal Code. These five students went into hiding and returned after 10 days of Kanhaiya Kumar arrest. Umar Khalid and Anirban Bhattacharya surrendered themselves to the police custody while the rest of them were open to police interrogation when it is need of the hour. After few days of arrest, mass movement of the protestors come forefront demanding justice for the arrested persons and dropping of sedition charges on Kanhaiya Kumar. Even the university teachers criticized the arrest and stated the

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<sup>1</sup> <https://www.timesnownews.com/india/article/kanhaiya-kumar-umar-khalid-and-8-others-chargesheeted-in-jnu-sedition-case-10-points/347377>

suppression of political dissent and use of excessive police action. Massive protest broke out by the leftist association, students, various other colleges and political leaders calling out to be a dictator rule.

## **HEARING AT THE PATIALA HOUSE COURT**

The hearing was scheduled to take place on 15 February on account of charges of sedition and criminal conspiracy against the accused Kanhaiya Kumar. On the date of hearing there was huge procession of protestors outside the arena of court. It remains the matter of fact that 40 people who disguised themselves in the lawyer robes were found thrashing the students, faculties, journalist and the people of the leftist student's union<sup>2</sup>. Two members of the media were injured during the scuffle. Due to this the hearing was delayed for two more days. The lawyers were seen threatening and abusing the students outside the court and exclaiming out to be terrorist. Amid all such commotion an FIR was filed the same day with respect to the abuse that took place outside the courtroom. It was on 15 February a petition was filed in the Delhi High Court regarding violence that occurred outside the court seeking a National Investigation Agency to probe against the sedition case but the petition was dismissed the same day.

## **SUO MOTO COGNIZANCE TAKEN BY THE SUPREME COURT**

SC agrees to hear the plea demanding free, fair and transparent access to justice against the accused Kanhaiya Kumar and the horrendous acts of violence against the JNU students, Faculties, Journalists. Two days later Kanhaiya Kumar seeks SC for the bail. On the same day the Delhi police submitted reports of the investigation done at the outset of the violence occurred in the Patiala House Court to the SC which stated that the police allowed two persons to enter the court room and allowed the assault to take place. Reports further stated that the lawyers too were involved in the violence, in raising commotion and beating Kanhaiya Kumar outside the courtroom. The SC transferred the Kumar's bail plea to the Delhi High Court ensuring his safety. Six months interim bail was granted to Kumar by the Delhi High Court on 2<sup>nd</sup> March 2016. Umar Khalid and Anirban Bhattacharya surrendered to the police and were held in Tihar jail and were released on bail on 17 March. Where later on the investigations results in not finding any

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<sup>2</sup> <https://www.indiatoday.in/india/story/jnu-sedition-case-chargesheet-kanhaiya-kumar-umar-khalid-1430284-2019-01-14>

substantive piece of evidence against Umar Khalid and others, and were discharged on regular bail in place of interim bail. The decision of the court against the charges levied is still pending.

## **THE POLITICAL CONTEXT**

Political parties intervened in the issue on behalf of the students extracting political gain. On 14 February Communist Party of India-Marxist General Secretary, Sitaram Yechury, and Rahul Gandhi met students in the JNU campus. Earlier in the day, the Opposition leaders met Home Minister, Mr. Rajnath Singh and demanded release of Kanhaiya Kumar although Rajnath Singh maintains tough stance on JNU Issue.<sup>3</sup>

As the complaint of the said event was from Bhartiya Janata Party (BJP) MP Maheish Girri and the ABVP student union. The SC has also rejected another BJP leader's plea for sanction in Kanhaiya Kumar sedition case which was earlier declined by the Delhi High Court. The Delhi government has given a nod on the sanction to prosecute former JNUSU president and others for the trial in relation with a four-year-old sedition case, as the ruling AAP disagreed the persistent BJP charge of blocking the proceedings in the matter and called it a "purely a procedural matter".

The AAP government directs magisterial inquiry into the JNU incident and the BJP of using police to "terrorize everyone" even and stated that anti-national actions should not be tolerated under any circumstances and those guilty must be identified and penalized. Striking out at Rahul Gandhi and other opposition leaders who condemned the detention of a JNU student leader, BJP alleged that they were vocalizing in the voice of terror outfit LeT which was an insult to the martyrs and would encourage the morale of anti-national forces. It is viewed that this sedition case has led to a political blame game between the BJP and the AAP government, several BJP leaders accused the government of shielding alleged anti-nationals by not allowing permission to prosecute them.

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<sup>3</sup> ANIRBAN BANERJEE, PROFESSOR OF SOCIOLOGY, THE UNIVERSITY OF BURDWANSTUDENT RADICALISM AND THE ISSUE OF SEDITION, 42nd All India Sociological Conference, 2016, Tezpur University (Dec 27-30, 2016)

Senior Congress leader P Chidambaram said it took three years for the government to make out the charge of sedition, hence proving to be absurd and also it "exposes the motive of the government".

## **THE MEDIA FRENZY**

A section of the media was alleged for portraying a distorted version of the movement. Thus, eminent intellectuals, like Ashok Vajpayee and Shubha Mudgal accused Zee TV of painting a distorted picture of the JNU student movement. Some sections of the media based on shadowy, unnamed sources targeted Umar Khalid, another JNU student not only charged of sedition but also, he has been said to have links with Islamist terror groups. Zee News also ran a headline using the expression "terrorist" for Khalid.

On its programmes, television news channel NewsX fervently informed its viewers that Umar Khalid was a "Jaish-e-Mohammad sympathiser". Its only source was an unidentified Intelligence Bureau report.<sup>4</sup> The News X also claimed that Khalid had visited Pakistan as proof of his being "in contact with JeM top brass" was absolutely denied by Khalid's father, SQR Ilyas as his son did not have the passport. Several Attempts to paint Khalid as a far left communist. This is despite the fact that Khalid has described himself as an atheist sympathiser of far-left communism was testified by several of his friends, students and professors of JNU, making his involvement with religious fundamentalism a highly improbable matter. Umar Khalid tweeted from his and Anirban Bhattacharya's joint statement on 28 February 2020:

"The news of the Delhi government granting sanction to sedition case against us doesn't trouble us at all. We are confident of our innocence, have full faith in the judiciary and have ourselves been demanding the case against us to be tried in the courts". "The ensuing trial will vindicate us and prove that the media trial at the behest of the ruling regime was false, malicious and politically motivated. We have lived under the shadow of these false charges for far too long. Finally,

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<sup>4</sup> Shoaib Daniyal, Sedition frenzy: How the media painted atheist and communist Umar Khalid as an Islamist, Feb 18, 2016 · 12:00 pm

(everything will become clear)!" "And as we will defend ourselves in the court, we will expose the lies of the ruling regime and its fake claims of being nationalist," he said in a series of tweets<sup>5</sup>.

## **CONCLUSION**

The nation on 9<sup>th</sup> February witnessed a lethal infatuation of a section of the media with JNU students particularly with Umar was singled out as a front-runner of the Afzal premi (Afzal lover) gang and also several baseless allegations such as "anti-national" "Jaish-e-Mohammad sympathiser", "Islamic terrorist" who was funded by international organisations, a "traitor" who had just returned from Pakistan has been pressed against him from time to time since 2016. Umar Khalid has been on radar for "arousing communal violence and disrupting communal harmony" and the irresponsible media frequently refreshes the February 2016 event such as when in 2017, Umar was invited by the Ramjas College's literary society, ABVP's hooliganism pressured till withdrawing the invitation. Similar arguments also aroused through media at Pune in January 2018 when Umar Khalid was booked under a first-information report for giving 'provocative' speeches there. Recently, in the beginning of 2020 when a widespread CAA and NRC issue awakened leading to Delhi Riots 2020 Umar Khalid was booked under UAPA by Delhi Police for his "provocative speeches" which were contemplated for instigating and facilitating Delhi riots 2020. As an alleged conspirator Delhi Police Special Cell arrested Khalid on September 14, 2020 in the Delhi Riots case. On 5 January 2021, a Delhi court agreed with the charge sheet stating, "Hence, there is sufficient material on record to proceed against accused Khalid under Section 204 CrPC."

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<sup>5</sup> Kanhaiya Kumar 'thanks' AAP govt for allowing Delhi Police to prosecute him in 2016 JNU sedition case; <https://www.firstpost.com/india/kanhaiya-kumar-thanks-aap-govt-for-allowing-delhi-police-to-prosecute-him-in-2016-jnu-sedition-case-says-ensure-speedy-trial-8099521.html>

