

UMAR KHALID SPENDING 1000 DAYS IN JAIL WITH SPECIAL EMPHASIS ON SECTION 124A & UAPA TRACKING PERSPECTIVES

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INTRODUCTION

Umar Khalid has become a household name since 2016 when he alongside five other JNU students were levelled with sedition laws. Ever since he has become an iridescent stone of India's vibrant political spectrum. Umar Khalid was arrested on 13th of September 2020 for allegedly being the “*key conspirators*” of the riots that took place in Delhi during the then US president, Mr. Donald trump's visit.ⁱ So far, he has spent more than 1000 days (about 2 and a half years) in jail, and got his bail rejected multiple times, while getting bail once to attend his sister's wedding.ⁱⁱ Two of the many charges levelled against him are Section 124A of the IPC and UAPA.

Section 124A roots back to the colonial era when in 1891 the first case of Sedition was filed as “*Queen empress vs Jogendra Chandra Bose and others*” against the editor, manager, printer of vernacular newspaper called Bangobasi.ⁱⁱⁱ Henceforth it has been a controversial law which has kindled discourse and debate between both the public and between legal experts. It has been infamously misused to silent dissenters.

And as for the UAPA, it has been an act in practice since 1967 as an aftermath of the Naxalbari attack of 1966 to protect India's sovereignty and integrity^{iv}. UAPA has gone through nearly half a dozen amendments in years such as 2004, 2008, 2012 and most controversially in 2019^v owing to its sections such as section 25, 35, 36, 43D (5) and 45^{vi}. These sections have led to multiple political imprisonments.

This project has been drafted with the intent to demonstrate how there are ideological biases in the supposed “objective” or “fact driven” reportage of any news piece. The writeup will attempt to focus on “Umar Khalid spending 1000 days (about 2 and a half years) in jail with special emphasis on UAPA and section 124A of the Indian penal code”. This piece dives into how these news outlets have become instrumental to the echo chambers thriving in our sociopolitical lives. News outlet from various political and regional understandings are taken in account such as, The times of India, The telegraph, OP India, The leaflet etc. Moreover, the individuals who report the news in these outlets are also researched upon.

ANALYSIS

After 9th of June when Umar Khalid had completed his 1000th day in jail multiple news outlet reported this news, two of them published an explainer (which explained the timeline of Umar Khalid's arrest till the 9th of June). Those two being the OP India and The Leaflet. While OP India had categorized him as a Leftist and Islamist^{vii} the leaflet emphasized on him being an educated Muslim with a PhD^{viii}. One of the stark differences in the reportage was that The Leaflet made it look as if he was imprisoned only for the speech delivered by him in Amravati^{ix}. On the contrary OP India reported on how the chargesheet on multiple fronts mention his larger role in the Delhi riots across two FIRs^x OP India in a very absurd and staunch fashion compares him with Osama Bin Laden and says “*it is clear that Umar Khalid was perhaps one of the masterminds*”^{xi} on the flip side The Leaflet in an extremely subtle manner pushes how Umar Khalid is a doctor and an innocent while adding “*This is already a case of justice delayed, we can only hope that, unlike father Stan Swamy, Dr Khalid will not be completely shut out of an audience with Lady Justice*”^{xii}.

International News Outlets

Not many international outlets covered this issue, but one of the few outlets was “The telegraph”, the reportage by them was fair and simple with little to no mention as to what the context of Umar's arrest was. It largely talked about the protests that happened due to Umar's arrest at the Press Club.^{xiii} But to contextualize international media outlets like BBC^{xiv}, CNN^{xv} and AL Jazeera's^{xvi} reporting on section 124A and UAPA one could notice a pattern of disapproval towards the laws. On multiple accounts one could observe how

Regional News Outlets

When we move on to an in depth reading of some of the regional news outlets we see a very strong influence of the demographic outlet of that particular region, for example “*Siasat*” a Hyderabad based Urdu Newspaper mentioned the Northeast Delhi Riots of 2020 in an ingenious manner wherein victimization of Muslims could be seen on many fronts, most explicit being “*in the 2020 North East Delhi riots in which 53 people, a majority of poor Muslims were killed*”^{xvii}. A similar example could be spotted in a Malayali newspaper called “*Madhyamam*” where religionization of the death count is depicted while also reporting “*There is no solid evidence against him, yet political activist Umar Khalid completed 1000 days in Delhi’s Tihar jail without trial*” which further shows demographic influence and appeasement^{xviii}. Conversely multiple regional sources like “*Punjab Kesari*” from Punjab had little to no religionization of the riots or for that matter the entirety of the case^{xix}.

News outlets are inherently a miniature model of the society, despite society not being the net sum of the individuals in a society, the people constituting the society are the driving force of it. Similarly, News outlets are largely driven by its members and to understand its idiosyncrasy one needs to read between the lines and identify the source of the output. As To begin with, Abhishek Bannerjee, an author at media houses like India today, CNN and Firstpost, ironically enough, was complaining via his twitter account on something called as “*liberal Privilege*” despite of Umar Khalid spending 1000 days in jail without a trial^{xx}. Moreover, he subtly justified the treatment Umar Khalid is getting by claiming that he praised Burhan Wani^{xxi}. Another example would be a Mohammad Zubair, a self-proclaimed fact checker and the co-founder of Alt News, who blatantly tweeted about Umar Khalid facing “*false allegations*” and fabricated charges. All this was tagged alongside “*#1000 days on injustice*”^{xxii}. To say that such authors and fact checkers have little to no hindrance on how a supposed “objective” news is reported would be nothing short of a fool’s assumption to lay it on the line.

National News Outlet

National newspapers such as the times of India’s coverage were protests centric. Its report hardly covered the context of Umar Khalid’s arrest rather it covered about the protests staged by multiple activists like Arundhati Roy and Ravish Kumar^{xxiii}.

Ownership

On learning about the ownerships of these news outlets, a lot of biases become clearer. To begin with “The leaflet” is owned by a lawyer couple, Anand Grover and Indira Jaising.^{xxiv} Who also co-ran an NGO whose FCRA license was permanently suspended in 2016 under the present Government. It also declares itself as a “progressive” platform.^{xxv} OP India was founded by Kunal Kamal and its parent company is a right-wing magazine called “Swarajya”, Moreover an article where it introduces itself it criticizes the space occupied by the leftists in Indian media and how they will give importance to Rightist discourse.^{xxvi xxvii} The Siasat daily was founded by Abid Ali Khan who was a member of the Progressive Writers’ association. He sympathized with communism and the Soviet, moreover the siasat daily was discouraged vehemently by Hindu Mahasabha.^{xxviii}

After a thorough understanding on how the news are reported, one of the paramount critiques would be the nonfulfillment of news outlet’s moral obligation to increase legal literacy. On a news topic flooded with legal intricacies no attempt was made to clarify the legality of the same especially when two controversial laws such as Section 124A and UAPA are charged against him. The reportage on multiple instances were just an attempt to sell the story which comply with the “truth” of that particular ideology. Another critique would be a lacking of fresh perspective in the method of reporting. The news outlets kept on conforming the clichés of how there are preordained domains of each news outlet in which they keep on playing.

CONCLUSION

Marshall McLuhan in his book *Medium is the language* says “*Survival is not possible if one approaches his environment, the social drama, with a fixed, unchangeable point of view—the witless repetitive response to the unperceived.*”^{xxix} On a keen observation of the media, one could conclude that media rewires you, in an ever-pervasive fashion which intrudes one’s social, political, economic, cultural, moral, ethical aspects. Including one’s food and clothing habits. The consequences of a certain type of media reporting a certain piece in a certain style are people feeling more resented, angry and disgusted^{xxx}. News, as it is influential, affects the environment, which alters our proportion of senses. This alteration alters the man. Lastly News should not be the defining factor for one’s worldview because News is squarely the atypical

reality rather than the reality, to back my claim I would put a statistic which shows that despite heart diseases and cancer being the highest contributors to deaths (59.7%) are reported only 7% while terrorism which kills less than 0.1% people in America is covered up to 35.6% by The New York times. Hence by tracking perspectives across various news outlets, national, international and regional, it could be concluded that there are inherent biases in which the same news is reported. As readers or truth seekers we should avoid selectively reading the news outlets which imprisons us in a certain echo chamber.

ENDNOTES

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ⁱⁱⁱ I CHITRASHUL SINHA, *THE GREAT REPRESSION* (2019 ed. 2019).

^{iv} Raman Dixit, *Naxalite Movement in India: The State's Response*, 4 21 (2010).

^v Nikita Khaitan, *The UAPA Amendments: What It Really Means*, THE HINDUSTAN TIMES, Aug. 9, 2019, <https://www.hindustantimes.com/analysis/the-uapa-amendments-what-it-really-means/story-9gOsDNk1syqxyYd0iFeHDN.html> (last visited Jul 22, 2023).

^{vi} § 25, 35, 36, 43D (5), 45 Unlawful Activities (Prevention) Act, 2019, No. 37 (India)

^{vii} Nupur Sharma, *Umar Khalid Was Not Arrested Only for His Provocative Speech: What We Know so Far about Role of Umar Khalid in Delhi Anti-Hindu Riots*, OP INDIA, Sep. 14, 2022, <https://www.opindia.com/2020/09/umar-khalid-arrested-delhi-anti-hindu-riots-details-role-chargesheet-tahir-hussain/> (last visited Jul 22, 2023).

^{viii} Gursimran Kaur Bakshi, *As Dr Umar Khalid Completes 1,000 Days behind Bars, It Is the Justice System Which Is on Trial*, THE LEAFLET, Jun. 10, 2023, <https://www.telegraphindia.com/india/umar-khalid-completes-1000-days-behind-bars-41-days-short-of-nehru-jail-record/cid/1943857> (last visited Jul 22, 2023).

^{ix} Id.

^x *Supra* note 7.

^{xi} *Supra* note 7.

^{xii} *Supra* note 8.

^{xiv} Soutik Biswas, *Why India Needs to Get Rid of Its Sedition Law*, BBC, Aug. 29, 2016, <https://www.bbc.com/news/world-asia-india-37182206> (last visited Jul 22, 2023).

^{xv} Rhea Mogul & Esha Mitra, *Kashmir Journalist Arrested under India's Anti-Terror Laws*, CNN, <https://edition.cnn.com/2022/02/07/media/kashmir-journalist-arrest-india-intl-hnk/index.html>.

^{xvi} 'Misused, abused': India's harsh terror law under rare scrutiny, AL JAZEERA AND NEWS AGENCIES, Aug. 16, 2021, <https://www.aljazeera.com/news/2021/8/16/india-uapa-terror-law-scrutiny>.

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^{xviii} Umar Khalid completes 1000 days in jail: No trials amid calls for his release, MADHYAMAM, Jun. 10, 2023, <https://english.madhyamam.com/india/umar-khalid-completes-1000-days-in-jail-1169274> (last visited Jul 22, 2023).

^{xix} Pardeep, *जेल में खालिद के 1000 दिन पूरे: समर्थन में बड़ी संख्या में जुटे लोग*, PUNJAB KESARI, Sep. 7, 2023, <https://www.punjabkesari.in/national/news/khalid-completes-1000-days-in-jail-large-number-of-people-gathered-in-support-1837041> (last visited Jul 22, 2023).

^{xx} Tweet; Abhishek on Twitter: "What is liberal privilege? Media talks non stop about Umar Khalid who has been in jail for 1000 days Does anyone remember Trilochan Mahato? 18 yr old BJP worker murdered by liberals in Bengal and hung from tree They even wrote on his shirt that it is punishment for joining BJP" / Twitter

^{xxi} Tweet; Abhishek on Twitter: "Liberals crying bec Umar Khalid in jail for 1000 days Remember Hizbul terrorist Burhan Wani? Umar Khalid praised Burhan Wani as man who fought for freedom Did liberals tell u this? Think how many innocent Indians have been murdered by Hizbul Yet liberals support Umar Khalid!" / Twitter

^{xxii} Tweet; https://twitter.com/zoo_bear/status/1667113165073821696?s=20

^{xxiii} Activists stand in solidarity with former JNU student Umar Khalid as he completes 1000 days of incarceration in Delhi riots case, TIMES OF INDIA, Jun. 9, 2023, <https://timesofindia.indiatimes.com/city/delhi/activists-stand-in-solidarity-with-former-jnu-student-umar-khalid-as-he-completes-1000-days-of-incarceration-in-delhi-riots-case/articleshow/100883704.cms> (last visited Jul 22, 2023).

^{xxiv} The Leaflet Team, <https://theleaflet.in/the-leaflet-team/> (last visited Jul 23, 2023).

^{xxv} Indira Jaising, https://en.wikipedia.org/wiki/Indira_Jaising (last visited Jul 23, 2023).

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^{xxvii} Editorial Desk, *News and Current Affairs Website OpIndia.Com Launched*, OP INDIA, <https://www.opindia.com/2014/12/news-and-current-affairs-website-opindia-com-launched/> (last visited Jul 23, 2023).

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