

URGENT ACTION

DALIT FOLK SINGER ARRESTED FOR “SEDITION”

Dalit folk singer and activist S Sivadas, popularly known by his stage name Kovan, was arrested on 30 October over two satirical songs which criticize the Tamil Nadu state government and chief minister. Kovan faces charges including sedition, provocation with intent to cause a riot and public mischief. If convicted, he could face a maximum sentence of life imprisonment.

Kovan was arrested at his house by police in Tamil Nadu, south-east India, on 30 October over the lyrics of two songs, ‘*Moodu Tasmac Moodu*’ and ‘*Ooruku oru Sarayam*’. The songs, whose videos were uploaded to the internet in August, call for the Tamil Nadu government to close government-run alcohol shops in the state. A line in one of the songs says that the state chief minister was rejoicing while people were dying from alcoholism. A local court has remanded him in custody until 6 November.

Kovan heads the cultural wing of the People’s Art and Literary Association (Makkal Kalai Ilakkiya Kazhagam), a 30-year-old group in Tamil Nadu which performs folk songs and street plays on socio-economic issues.

A spokesperson of the organization, said, “The government is harassing and intimidating us so that we stop our work. Kovan was only trying to show how alcohol is destroying the lives of many people in the state. We will challenge the arrest and ensure that our work continues”.

India’s archaic sedition law criminalizes any act or attempt “to bring into hatred or contempt, or...excite disaffection towards the government”. It has been used on several occasions by state governments to harass journalists and activists. The law violates international standards on freedom of expression.

Please write immediately in English or your own language calling on authorities in Tamil Nadu:

- To immediately and unconditionally release Kovan;
- To ensure that pending his release, Kovan is protected from torture and other ill-treatment;
- To urge the central government to repeal Section 124A of the Indian Penal Code, which criminalises ‘sedition’, and review and amend other laws which restrict freedom of expression and align them with international human rights law and standards.

PLEASE SEND APPEALS BEFORE 15 DECEMBER 2015 TO:

Chief Minister

J Jayalithaa,
Secretariat,
Chennai 600 009
Tamil Nadu, India
Email: cmsec@tn.gov.in,
cmcell@tn.gov.in

Salutation: Dear Madam

Chairman, National Human Rights

Commission

K.G. Balakrishnan
Manav Adhikar Bhawan
Block-C, GPO Complex, INA
New Delhi, India
Phone: +91 11 24651330 (English or
Hindi only)
Fax: +91 11 24651329
Email: sgnhrc@nic.in

Salutation: Dear Chairman

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

India's archaic sedition law has often been used to harass and persecute activists and others for their peaceful exercise of their right to free expression. Section 124A of the Indian Penal Code defines sedition as any words, signs, or visible representations that “brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the Government established by law in India.”

Article 19(2) of the Constitution of India states that public order and incitement to an offence can be grounds for imposing ‘reasonable restrictions’ on freedom of speech and expression. However India's Supreme Court has ruled that such restrictions must be authorized by law and must not be excessive or disproportionate. In 2014, the Court stated in the *Shreya Singhal* case that these restrictions would apply only when discussion or advocacy of a particular cause “reaches the level of incitement”.

Under the International Covenant on Civil and Political Rights, to which India is a state party, any restrictions on freedom of expression must be provided by law, proven by the State as necessary and legitimate, and shown to be the least restrictive proportionate means to achieve the purported aim.

In August, the Maharashtra state government issued a circular which suggested that speech against a government representative would amount to sedition. The circular was withdrawn in October following widespread criticism.

Mahatma Gandhi had called the sedition law “the prince among the political sections of the Indian Penal Code designed to suppress the liberty of the citizen.”

Name: S Sivadas aka Kovan

Gender: Male

UA: 249/15 Index: ASA 20/2790/2015 Issue Date: 2 November 2015