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The Siddique Kappan Case

Why in news?

Nearly 2 years after his arrest under the draconian UAPA, Supreme Court has granted bail to journalist Siddique Kappan condemning the attack on media freedom.

What is the Siddique Kappan case about?

- Siddique Kappan is a reporter with the Malayalam news portal Azhimukham and secretary of the Delhi unit of Kerala Union of Working Journalists (KUWJ).
- **Hathras gangrape case**- He was arrested along with three others in Uttar Pradesh in October 2020 while on his way to Hathras to report on the gang-rape and murder of a Dalit teenager.
- She was cremated in the middle of the night allegedly without her family's consent.
- The government also claimed that he was part of a conspiracy to provoke religious conflicts in the country.
- He was accused of being involved in the plot to defame the Uttar Pradesh government over the Hathras murder case.
- Kappan was charged for having alleged links with the Popular Front of India (PFI) under
 - **IPC Section 153A** - promoting enmity between different groups on ground of religion
 - **IPC Section 295A** - deliberate and malicious acts intended to outrage religious feelings
 - **Sections 65, 72 and 75** of the Information Technology Act
 - Sections 17 and 18 of Unlawful Activities Prevention Act (UAPA)

What are the criticisms against Kappan's arrest?

As per World Press Freedom Index 2022 by 'Reporters Without Borders', India's ranking dropped to 150th position from last year's 142nd rank.

- **Media freedom**- The prolonged incarceration of Kappan has attracted global condemnation and is often noted as a marker of India's declining press freedom.
- **UAPA**- Under the UAPA, 4,690 persons were arrested between 2018 and 2020, but only 3% were convicted.
- Under the UAPA, getting bail is tough, and so the accused spend most of the trial

period inside prison.

UNLAWFUL ACTIVITIES PREVENTION ACT (UAPA)



The Act was enacted in 1967 to deal with matters of profound impact on the 'Defence of India' and to address threats to the very existence of our Nation



Empowers the government to declare an organisation or an individual as "terrorist" and ban it.

Deprives the accused of the right to bail thus making them live under detention.



Permits keeping a person in prison for up to 180 days, without even filing a charge sheet.

An investigating officer needs prior approval of Director General of Police for seizure of properties.



Investigation is done by officers of rank of Deputy Superintendent or ACP or above, & in case of NIA, the rank of Inspector or above.

What is the court's order with respect to the case?

- **Allahabad High Court**- Siddique Kappan applied for bail but the Lucknow bench of Allahabad High Court rejected the bail application.
- Kappan had challenged this order at the Supreme Court.
- **Supreme Court**-The CJI noted that statements of co-accused cannot be used as evidence.
- The court said that Kappan was eligible for bail on the basis of the length of the custody undergone and the peculiar facts and circumstances of the case.
- The court held that every person has a **right to free expression**.
- It also held that sometimes **protests are necessary** to highlight the deficiencies.

References

1. <https://thewire.in/law/supreme-court-grants-bail-to-siddique-kappan>
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3. <https://www.thehindu.com/news/national/supreme-court-grants-bail-to-kerala-journalist-siddique-kappan/article65869975.ece>



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