

Activists Arrest - Supreme Court's Mandate

Why in news?

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The Supreme Court (SC) reserved its verdict on the plea challenging [arrests](#) of five human rights activists.

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How did the case proceed?

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- The activists were accused of Maoist links by the Pune police in connection with the [Bhima-Koregaon](#) violence case.

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- The Supreme Court intervened and granted them the rare relief of remaining in house arrest while it examines the charges against them.

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- The petitioners have questioned the motivation for the police raids on the residences of the activists and a few others.

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- They want those arrested to be released and also demand an independent investigation.

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What are the contradictory stances?

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- **Centre** - The Maharashtra and Union governments have sought to defend the arrest and prosecution.

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- They claim that the case was based on incriminating evidence seized during the probe.

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- The Centre argues that it was probing a terrorist conspiracy involving Maoist insurgents and their urban supporters.

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- **Activists** - There is a counter-argument that the arrests were a disguised crackdown on political dissent in the country at present.

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- They argue that it was motivated against the ideology or the political views of those under investigation.

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What lies before the Court?

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- The Court's intervention has been truly extraordinary and raises the bar for protection of personal liberty.

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- Observations that “dissent is the safety valve of democracy” and “personal liberty cannot be sacrificed at the altar of conjecture” indicate the court’s thinking.

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- But the Supreme Court has to examine some fundamental questions at the intersection of criminal procedure and constitutional law.

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- Going by the legal definitions, the case relates to criminal matter.

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- Clearly, the accused are expected to seek their remedy under the Code of Criminal Procedure.

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- But the procedural question is whether the court can entertain a petition under Article 32 in a criminal matter.

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- Under Article 32, individuals may directly approach the Supreme Court for redressal of violation of their fundamental rights.

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- So it is now for the Court to determine the scope of Article 32 in the activists case.

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- Another question is if the court should intervene when the liberty of citizens and their right to dissent are sought to be denied by arbitrary police action.

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What are the other concerns?

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- It is unusual that instead of handing it over to a national agency, one city's police (Pune) is investigating a crime that

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i. supposedly spans several States

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ii. involves purchase of arms and providing strategic inputs to armed rebellion

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- The government worries about a precedent being set, whereby every accused can rush to the Supreme Court immediately on arrest.

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- However, the peculiar circumstance in which violence at a Dalit commemoration being morphed into a Maoist plot cannot be unnoticed.

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Source: The Hindu

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