

ALL INDIA PEOPLE'S SCIENCE NETWORK (AIPSN)

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Statement of solidarity with Dr. Ali Khan Mahmudabad of Ashoka University, against state led harassment! Uphold the Right to Freedom of Expression!

The All India People's Science Network (AIPSN) strongly condemns the action of the Haryana police lodging FIRs at the direction of the chair of the Haryana State Women's Commission and others against Dr. Ali Khan Mahmudabad, Associate Professor at Ashoka University, and his subsequent arrest for his social media posts which were in the public domain. AIPSN also views with concern the subsequent pronouncements of the Honourable Supreme Court two judge bench while giving interim bail. Stringent restrictions of freedom have been imposed and formation of SIT has been ordered even while no criminal intent was found.

The whole process is not just an attack on Dr. Mahmudabad's right to freedom of speech and expression but an unlawful denial of his right to personal liberty. The lodging of the FIRs by itself required no custodial interrogation, given that his movements and place of residence and work were known.

We condemn the action of the state police which chose to go ahead with two FIRs, arrested him and sought extension of his police custody to more than a week to harass him. It is apparent that in an effort to drum up so called public opinion and influence judicial decision making, several vice chancellors were mobilized to send a message to academics to remain quiet. It is apparent that legitimate opinions on the developments in the country which differ from the official government narrative are not being tolerated but being treated as a crime.

Clearly, the social media posts neither contained any divisive overtone nor a threat to the sovereignty and integrity of India, as alleged. Dr. Mahmudabad spoke on a matter of public interest and expressed a view that many people may share. The AIPSN believes that we cannot remain silent because the arrest of Dr. Ali Khan Mahmudabad is an issue of wider concern for the scientific community and for society. As the citizens of a constitutional democracy, we are concerned that the freedom of people to express themselves and to be informed by scholars is under threat now. The attack on him is not just an attack on academic freedom but it is an attack on the democratic rights of the people.

With due respect for the Honourable Court, we believe that the court went beyond the call of duty in commenting on the case in a manner that led to the impression that any departure from the official narrative of the state would lead to an arrest. We are disturbed that an academic who should enjoy academic freedom is facing an SIT for merely expressing his opinion.

The court order issued is seemingly a gag order, restraining him from expressing his opinion and depriving his students of the benefit of his views on matters of public interest.

Although Dr Mahmudabad has been released on interim bail, we are deeply concerned about the entire premise of the complaints filed against him.

The legal system is operating in a selective form against a chosen few who are perceived to be political and ideological opponents of the regime. Persecution is replacing prosecution and the process itself is becoming a punishment. And it is not the rule of law but the rule of the police that is in operation.

The proceedings on this matter do not augur well for a constitutional democracy founded in the wake of a glorious struggle of the Indian people against the British rulers who often used the provision of sedition to put the freedom fighters behind bars for expressing themselves in public. The complaints filed against him under several sections including Section 152 of the Bharatiya Nyay Sanhita for alleged “acts endangering India’s sovereignty, unity, and integrity” make a mockery of the right to freedom of expression.

Since the official motive behind the arrest is unsupportable, the severity in approach towards Dr. Mahmudabad gives reason to believe that a Muslim is being targeted for his identity.

Dr. Mahmudabad’s social media posts, which critique jingoism and underscore the human cost of war, fall squarely within the realm of legally protected right to speech under Article 19(1)(a) of the Constitution of India. His remarks, including concerns about communal polarisation and the imperative to safeguard marginalised communities, reflect a commitment to constitutional values. To equate such critiques with “sedition” or threats to sovereignty is morally and legally untenable. It is an attempt to undermine the very foundations and ethos of constitutional democracy.

We disagree that Dr. Mahmudabad’s nuanced commentary, which seeks to locate the role of women officers within the larger context of the current political scenario, is any form of “disparagement” of women or an “attempt to create disunity”. His posts explicitly lauded the armed forces’ professionalism while urging vigilance in protecting the socially oppressed from state-sanctioned, communally motivated persecution.

While appreciating the fact that Dr. Mahmudabad has been provided interim bail, we wonder why the SIT has been constituted, even though the court noted that it has found nothing incriminating in the posts. The restrictions imposed on him deprive him of his constitutional rights and the order signals that any form of reasoned disagreement with government policies—no matter how well-founded – may be met with criminal proceedings and loss of liberty.

AIPSN notes that critical pedagogy and dissent are essential pillars of democracy and the rule of law. The AIPSN stands in solidarity with Dr Mahmudabad and calls for immediate withdrawal of all charges against him which are legally baseless in their entirety. We hail the solidarity shown by Ashoka University students and faculty and salute the larger academic community that has come out to stand in solidarity with Dr. Mahmudabad.

The AIPSN calls upon the Honourable Court to recall the order and recognise the action of the state as a misuse of law and take remedial action to protect his right to free speech and liberty. AIPSN resolves to continue the struggle to protect and uphold the Constitutional Right to Freedom of Expression.

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A Network of 40 People's Science Movements working in 25 states
