



## Sedition Law

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This article is based on [\*\*"Why the sedition law must go"\*\*](#) which was published in The Indian Express on 12/06/2021. It talks about the associated issues with the Sedition Law.

Recently, the Supreme Court decision quashed the sedition charges against a senior journalist. Civil society hailed this as a heartening development, especially in the context of the increasing number of sedition cases filed.

Increasing number of **sedition** cases reflects the repressive approach to dissent and criticism of the government.

Moreover, a report by Freedom House ([\*\*Freedom in the World 2021: Democracy Under Siege\*\*](#)) downgraded India's status from a free country to a partly free country. One of the reasons for the fall is the rise in sedition cases against dissenters.

Therefore, as the sedition law is often used to stifle democracy, it should be removed from the statutes.

### Historical Background of Sedition Law

- Sedition laws were enacted in 17<sup>th</sup> century England when lawmakers believed that only good opinions of the government should survive, as bad opinions were detrimental to the government and monarchy.
- This sentiment (and law) was borrowed and inserted into the Section 124A of IPC in 1870, by the British.
- British used Sedition law to convict and sentence freedom fighters. It was first used to prosecute Bal Gangadhar Tilak in 1897.
- Mahatama Gandhi, too, was later tried for sedition for his articles in Young India.

### Relevance of Sedition Law

- **Reasonable Restrictions:** The constitution of India prescribes reasonable restrictions (under Article 19(2)) that can always be imposed on this right in order to ensure its responsible exercise and to ensure that it is equally available to all citizens.

- **Maintaining Unity & Integrity:** Sedition law helps the government in combating anti-national, secessionist and terrorist elements.
- **Maintaining Stability of State:** It helps in protecting the elected government from attempts to overthrow the government with violence and illegal means. The continued existence of the government established by law is an essential condition of the stability of the State.

#### Note

Reasonable restrictions are mentioned under Article 19(2) Constitution of India i.e. interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence.

#### Associated Issues With Sedition Law

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- **Relic of Colonial Era:** Colonial administrators used sedition to lock up people who criticised the British policies.
  - Stalwarts of the freedom movement such as Lokmanya Tilak, Mahatma Gandhi, Jawaharlal Nehru, Bhagat Singh, etc., were convicted for their “seditious” speeches, writings and activities under British rule.
  - Thus, rampant use of the sedition law recalls the colonial era.
- **Stand of Constituent Assembly:** The Constituent Assembly did not agree to include sedition in the Constitution. The members felt it would curtail freedom of speech and expression.

They argued that the sedition law can be turned into a weapon to suppress people's legitimate and constitutionally guaranteed right to protest.
- **Disregarding Supreme Court's Judgement:** Supreme Court in Kedar Nath Singh vs State of Bihar case 1962, limited application of sedition to “acts involving intention or tendency to create disorder, or disturbance of law and order, or incitement to violence”.

Thus, invoking sedition charges against academicians, lawyers, socio-political activists and students is in disregard of the Supreme Court's order.
- **Repressing Democratic Values:** Increasingly, India is being described as an elected autocracy primarily because of the callous and calculated use of sedition law.

#### Way Forward

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- **Scrapping Sedition Law:** There are enough laws in our country to deal with external and internal threats to India and there is no need to continue with the sedition law.

Thus, there is a need to abolish the sedition law on the ground that it is used to curb freedom of expression and speech.

- **Role of Judiciary:** Until the sedition law is scrapped by the parliament, the higher judiciary should use its supervisory powers to sensitize the magistracy and police to the constitutional provisions protecting free speech.  
Further, to avoid overuse of sedition law, the higher judiciary can narrow down the definition of sedition, to include only the issues pertaining to the territorial integrity of India as well as the sovereignty of the country.
- **Raising Civil Society Awareness:** Civil society must take the lead to raise awareness about the arbitrary use of Sedition law.

## Conclusion

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Now that the Supreme Court has quashed sedition charges slapped on a journalist, we as the citizens of the Indian Republic should demand the quashing of the sedition law in its entirety to fulfil the vision of the Constituent Assembly, which rejected sedition while framing the Constitution.

### *Drishti Mains Question*

There is a need to abolish the sedition law on the ground that it is used to curb freedom of expression and speech. Discuss.