



## Sedition Law

**For Prelims:** Sedition Law, Section 124A, Indian Penal Code

**For Mains:** Significance of sedition Law and the Related Issues

### Why in News?

The Government has sought more time to submit its written response to petitions challenging the **constitutional validity of Section 124A of the Indian Penal Code** dealing with the offense of **sedition**.

- In the year 2021, the **CJI (Chief Justice of India)** had questioned **why a colonial law used against Mahatma Gandhi and Bal Gangadhar Tilak continued to survive** in the law book after 75 years of Independence.
- The Chief Justice had said sedition or Section 124A of the Indian Penal Code **was prone to misuse by the government**.

### What is Sedition Law?

- **Historical Background:**
  - 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.
  - The law was **originally drafted in 1837 by Thomas Macaulay**, the British historian-politician, but was inexplicably omitted when the **Indian Penal Code (IPC)** was enacted in 1860.
  - Section 124A was **inserted in 1870 by an amendment** introduced by Sir James Stephen when it felt the need for a specific section to deal with the offence.
  - Today the Sedition is a crime under Section 124A of the Indian Penal Code (IPC).
- **Sedition Law Today:**
  - **Section 124A IPC:**
    - It defines **sedition as an offence committed** when "any person by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the government established by law in India".
    - Disaffection includes disloyalty and all feelings of enmity. However, comments without exciting or attempting to excite hatred, contempt or disaffection, will not constitute an offence under this section.
  - **Punishment for the Offence of Sedition:**
    - It is a **non-bailable offence**. Punishment under Section 124A ranges from imprisonment up to three years to a life term, to which a fine may be added.
    - A person **charged under this law is barred from a government job**.
      - They have to live without their passport and must produce themselves in the court at all times as and when required.

## What are the Significance and Issues with the Sedition Law?

- **Significance:**
  - **Reasonable Restrictions:**
    - The constitution of India prescribes reasonable restrictions (**under Article 19(2)**) that can always be imposed on this right (Freedom of Speech and Expression) 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.
- **Issues:**
  - **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.

## What are Recent Developments?

- **In February 2021**, the Supreme Court (SC) protected a political leader and six senior journalists from arrest, for allegedly tweeting and sharing unverified news, in multiple sedition FIRs registered against them.
- **In June 2021**, the SC while protecting two Telugu (language) news channels from coercive action by the Andhra Pradesh government emphasized on defining the limits of sedition.
- **In July 2021**, a petition was filed in the SC, that sought a relook into the Sedition Law,
  - The court ruled that “a statute criminalizing expression based on unconstitutionally vague definitions of ‘disaffection towards Government’ etc. is an unreasonable restriction on the fundamental right to free expression guaranteed under **Article 19 (1)(a)** and causes constitutionally impermissible **‘Chilling Effect’ on speech**”.

## Way Forward

- **Section 124A of the IPC** has its utility in combating anti-national, secessionist and terrorist elements. However, dissent and criticism of the government are essential ingredients of robust public debate in a vibrant democracy. They should not be constructed as sedition.
- The **higher judiciary should use its supervisory powers** to sensitize the magistracy and police to the constitutional provisions protecting free speech.

- The **definition of sedition should be narrowed down**, to include only the issues pertaining to the territorial integrity of India as well as the sovereignty of the country.
- **Civil society must take the lead to raise awareness** about the arbitrary use of Sedition law.

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