



## Mains Practice Question

**Q.** Sedition law is a dated colonial-era statute that requires a comprehensive update to be relevant. Discuss.

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### Approach

- Start your answer by giving a brief about sedition law.
- Discuss the significance of sedition law.
- Discuss the issues with sedition law.
- Conclude your answer with a way forward.

### Introduction

Sedition laws were enacted in 17th 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)**.

Section 124A IPC 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.

### Main Body

#### Significance of the Sedition Law

- **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 with the Sedition Law

- **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

- 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.