



Sedition Law

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

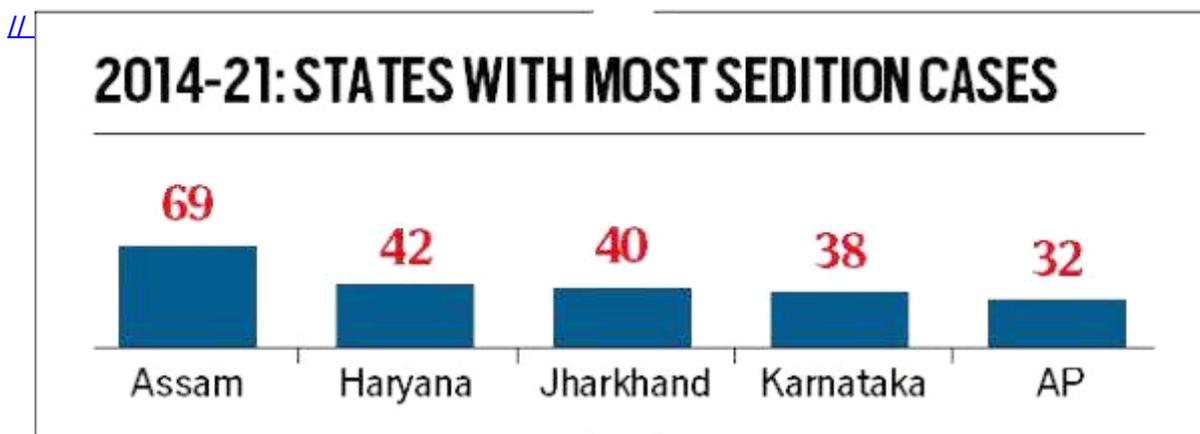
For Mains: Significance of sedition Law and the Related Issues

Why in News?

As per [National Crime Records Bureau \(NCRB\)](#) reports, Assam recorded the most number of **Sedition** cases in the country in the last eight years.

What are the Findings of the NCRB?

- Out of 475 sedition cases registered in the country between 2014 and 2021, **Assam accounted for 69 cases (14.52%)**.
- After Assam, the most number of such cases were reported from Haryana (42 cases), followed by Jharkhand (40), Karnataka (38), Andhra Pradesh (32) and Jammu and Kashmir (29).
 - These six states **accounted for 250 cases** — more than half the number of total sedition cases recorded in the country — in the eight-year period.
- 76 sedition cases were registered across the country in 2021, **a marginal increase from the 73 registered in 2020**.
- **States and UTs that did not register even one sedition case** in that period were Meghalaya, Mizoram, Andaman and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli and Daman and Diu, and Puducherry.



What is Sedition Law?

- **Historical Background:**
 - 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 **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 Offense 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 appear in 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.

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**.

UPSC Civil Services Examination Previous Year Question (PYQ)

Q. With reference to Rowlatt Satyagraha, which of the following statements is/are correct? (2015)

1. The Rowlatt Act was based on the recommendations of the 'Sedition Committee'.
2. In Rowlatt Satyagraha, Gandhiji tried to utilize the Home Rule League.
3. Demonstrations against the arrival of Simon Commission coincided with Rowlatt Satyagraha.

Select the correct answer using the code given below:

- (a) 1 only
- (b) 1 and 2 only
- (c) 2 and 3 only
- (d) 1, 2 and 3

Ans: (b)

Exp:

- The Rowlatt Committee, also known as Sedition Committee was appointed in 1917 by the British Indian Government with Sidney Rowlatt, an English judge, as its president.
- The Anarchical and Revolutionary Crimes Act of 1919 (known as the Rowlatt Act or Black Act) was based on recommendations of Sedition Committee. Hence, statement 1 is correct.
- This act authorized the government to imprison for a maximum period of two years, without trial, any person suspected of terrorism.
- In response to this unjust law, Gandhi called for a countrywide protest against the Rowlatt Act. A Hartal (or strike) was started on the 6th April, 1919.
- He called upon members of the Home Rule League to participate in Hartal. Hence, statement 2 is correct.
- Rowlatt Satyagraha took place in 1919 whereas, Simon Commission came to India in 1927. **Hence, statement 3 is not correct.**
- **Therefore, option (b) is the correct answer.**

Source: IE