



Time to Define Limits of Sedition: SC

Why in News

Recently, the [Supreme Court \(SC\)](#) while protecting two Telugu (language) news channels from coercive action by the Andhra Pradesh government noted that **it is time to define the limits of sedition.**

- Presently, the [Committee for Reforms in Criminal Laws](#) constituted by the Union Home Ministry to suggest reforms to the British-era [Indian Penal Code \(IPC\)](#), is [attempting for the first time to define Hate speech.](#)

Key Points

▪ About the Case:

- Channels blamed the state government for **suppressing the right to freedom of speech** by **obstructing the media** coverage and reportage of the [Covid-19 pandemic](#) in the State.
 - [Article 19](#) guarantees freedom of expressing one's own views, opinions, beliefs and convictions freely by word of mouth, writing, printing, picturing or in any other manner.
- Channels urged the SC to **initiate contempt proceedings against the senior officials of the State government** for violating its previous order.
 - The previous order of SC directed the **state government to immediately cease any direct and indirect threats** of prosecution and arrest to citizens, who air their grievances.

▪ SC's Ruling:

◦ Indiscriminate Use of Sedition:

- SC flagged **indiscriminate use of the sedition law against critics**, journalists, social media users, activists and citizens for airing their **grievances about the government's Covid-19 management.**
- Even for seeking help to gain medical access, equipment, drugs and oxygen cylinders, especially during the [second wave](#) of the pandemic.

◦ Interpretation of 'Sedition':

- The ambit and parameters of the provisions of **Sections 124A** (sedition), **153A** and **505** of the **IPC** would require interpretation.
 - **IPC Section 153 A:** Punishes **acts promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc**, and doing acts prejudicial to maintenance of harmony.
 - **IPC Section 505:** Makes the **publication and circulation of content** which may cause ill-will or hatred between different groups an offence.

- Particularly in the **context of the right of the electronic and print media to communicate news**, information and the rights, even those that may be critical of the **prevailing regime in any part of the nation**.
- **Rights of Media:**
 - Acknowledged the argument that the **media was well within its rights to air critical programmes** about a prevailing regime without attracting sedition.

Sedition (Section 124A of IPC)

- **Sedition** is a **crime under Section 124A, 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.
- **Punishment for the Offence of Sedition:**
 - Sedition is a **non-bailable offence**. Punishment under the Section 124A ranges from **imprisonment up to three years to a life term, to which 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**.

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**.

[Source:TH](#)

PDF Reference URL: <https://www.drishtias.com/printpdf/time-to-define-limits-of-sedition-sc>