



## Sedition Law

**For Prelims:** [Sedition, Section 124A, Supreme Court, IPC, Article 19.](#)

**For Mains:** Sedition Law - its significance and Issues.

### Why in News?

Recently, the government in the [Supreme Court \(SC\)](#) has said it has initiated the "**Process of Re-examination**" of [Section 124A \(sedition\)](#) of the [Indian Penal Code \(IPC\)](#) and consultations are in its "final stage".

- In May 2022, the court, in an interim order, had suspended the use of Section 124A, stalling pending criminal trials and court proceedings under Section 124A across the country.

### 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 IPC was enacted in 1860.
- **Section 124A was inserted to IPC 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 IPC.**

#### ▪ Current Scenario:

- **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.**
    - The SC in **Balwant Singh v. State of Punjab (1995)**, reiterated that the **real intent of the speech must be taken** into account before labelling it seditious.
- **Punishment:**
  - 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 is the Significance of Sedition Law?

- **Reasonable Restrictions:**
  - The Constitution of India guarantees the freedom of speech and expression to its citizens.
    - However, this **right is not absolute**, and the **government can restrict it under certain circumstances** to ensure that it is not abused.
  - These restrictions are considered reasonable and are **laid out in Article 19(2)** of the Constitution.
- **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.

## What are the Issues?

- **Reminiscence of Colonial Era:**
  - During British rule in India, sedition laws were used to imprison people who criticized British policies.
    - Many leaders of the Indian freedom movement, such as [Lokmanya Tilak](#), [Mahatma Gandhi](#), [Jawaharlal Nehru](#), [Bhagat Singh](#), etc were convicted and imprisoned for their speeches, writings, and activities.
- **Stand of Constituent Assembly:**
  - The Constituent Assembly did not agree to include sedition in the Constitution as 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**.
- **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 the Previous SC Rulings regarding Sedition?

- As early as 1950, the SC in **Romesh Thapar v State of Madras** held that “criticism of the government exciting disaffection or bad feelings towards it, is not to be regarded as a **justifying ground for restricting the freedom of expression** and of the press, unless it is such as to undermine the security of or tend to overthrow the state.”
- Subsequently, two high courts — the Punjab and Haryana High Court in **Tara Singh Gopi Chand v. The State (1951)**, and the Allahabad High Court in **Ram Nandan v. State of Uttar Pradesh (1959)** — declared that **Section 124A of the IPC was primarily a tool for colonial masters** to quell discontent in the country and declared the provision unconstitutional.
- In the **Kedarnath Singh v State of Bihar (1962)** ruling on sedition the SC overruled the earlier rulings of the high courts and **upheld the constitutional validity of IPC Section 124A**. However, the **court attempted to restrict its scope for misuse**.

## What are Recent Developments?

- **In February 2021**, the Supreme Court 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 law that criminalizes speech **based on vague and unconstitutional definitions of terms like 'disaffection towards Government'** is not

a reasonable restriction on the fundamental right to free expression **guaranteed under Article 19(1)(a)**.

- Such a law creates a **chilling effect on speech**, that means people will **self-censor or refrain from expressing their opinions** out of fear of being punished by the government.

## Way Forward

- The court's intervention is **crucial because in case it strikes down the provision**, it will have to overrule the Kedar Nath ruling and uphold the earlier rulings that were liberal on free speech.
  - However, if the government decides to review the law, either by diluting the language or repealing it, **it could still bring back the provision** in a different form.
- 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 and sovereignty of the country.

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