



Mains Practice Question

Q. "Sedition law is a colonial relic and given its chilling effect on freedom of speech, the law must be repealed." Discuss. (250 words)

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References: [Sedition Law](#), [Why India's Sedition Law Needs to be Buried](#).

Approach

- Start your answer by stating the origins of Sedition law and the way it was used to muzzle the spirit of the Indian freedom movement. Also, discuss briefly how it has been misused to curb freedom of speech in recent times.
- Mention the constitutional provisions that are in conflict with the sedition law. Also, with the help of examples, discuss how Sedition law has been used to suppress the dissent against the government and thereby spirit of democracy.
- Mention the need for Sedition law and enumerate the opinions of constitutional experts, various reports and supreme court judgements on the validity of sedition law.
- Conclude your answer by suggesting the amendments in the sedition law to maintain a balance between security and liberty.

Introduction

- Section 124A of IPC defines sedition as an offence committed when any person by words or his actions attempts to excite disaffection towards the government established by law in India. This was introduced by the British government in 1870, in order to muzzle the spirit of the Indian freedom movement.
- Though the sedition was widely criticised, it was retained in the post-independence era for its utility in combating anti-national, secessionist and terrorist elements.
- However, in recent times, there has been an increase in the instances in which sedition charges to curb dissent against the government actions.

Body

- Recently, the sedition charges against students, activists, journalists or cartoon makers has been in conflict with the legitimate exercise of freedom of speech and expression enshrined under Article 19 of the Indian constitution.
- Under the present law, the sedition law is being misused as a tool to persecute political dissent.
 - The strong criticism against government policies and personalities, slogans voicing disapprobation of leaders are all likely to be treated as 'seditious'.
- Thus, sedition leads to a sort of unauthorised self-censorship, for it produces a chilling effect on free speech.
 - It suppresses what every citizen ought to do in a democracy — raise questions, debate, disagree and challenge the government's decisions.
- Though it is argued that this law is a colonial vestige, the Indian courts have upheld its

constitutionality.

- In Kedar Nath vs the State of Bihar 1962 case, the Supreme court upheld the validity of Section law.
- However, the Supreme Court also held that “comments, however strongly worded, expressing disapprobation of actions of the government” and which shun violence are not sedition.
- Considering these developments, in August 2018, the Law Commission of India published a consultation paper recommending that it is time to re-think or repeal the Section 124A of the Indian Penal Code that deals with sedition.

Conclusion

Balancing freedom of expression with collective national interest is one of the key ingredients of this law. 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.

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