

WHY IN NEWS?



Law commission of India has publicized a consultative paper for a comprehensive public discussion regarding **Section 124A** of the **Indian Penal Code 1860**, which deals with sedition



UNDERSTANDING SEDITION - BRIEF INTRODUCTION

What is Sedition

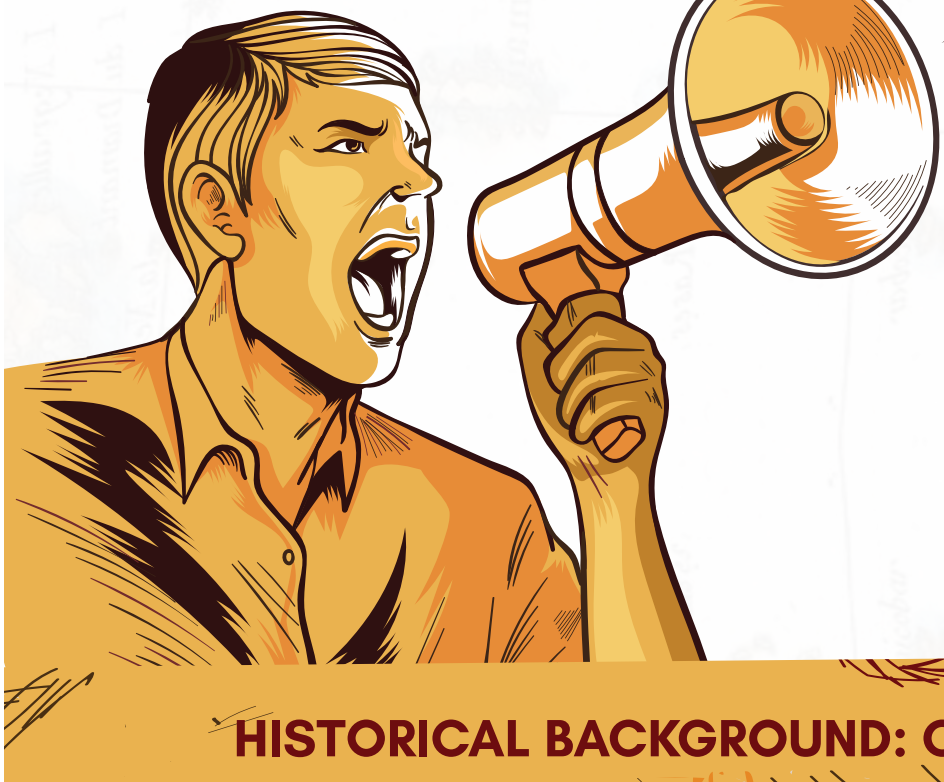
As per Section 124A of IPC, Sedition is an act that brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the **Government established by law in India by words, either spoken or written, or by signs**, or by visible representation, or other wise. As per this Section, a person is liable to be punished with imprisonment for life or imprisonment up to **three years** with fine



Concerns Regarding Sedition



Use of Section 124A by the government might go beyond **the reasonable restrictions provided under fundamental right** to freedom of speech and expression as per **Article 19** of the Constitution. There is an apprehension that this Section might be misused by government of the day to suppress political dissent, constructive criticism of government and its policies thereby stifling democratic governance



The countries like **UK, Australia** have already abolished sedition **laws** considering them draconian

HISTORICAL BACKGROUND: COLONIAL RELIC

Origin and evolution



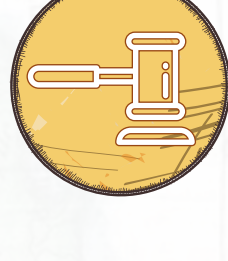
The legitimacy of **British colonial governance system** rested on silencing any kind of political dissent or dissatisfaction Section 124A IPC added through **Special Act XVII of 1870**, defined Sedition and **1898** amendment made it a punishable offense. Various leaders such as **Mahatma Gandhi, Bal Gangadhar Tilak** have been punished under this

Post Constitutional Journey and Sedition vis-a-vis Article 19 of the Indian Constitution

Various verdicts by Indian Judiciary have led to re-interpretation and re-examination of 'sedition' in light of Article 19 of **the Constitution in order to strike a balance between right to free speech and expression and power of State to impose reasonable restrictions (Article 19(2))**



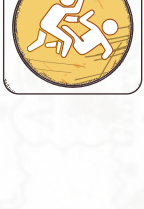
Essential ingredients for a seditious Act



Various verdicts in **Romesh Thappar case, Kedar Nath Singh case, Kanahiya Kumar case** re-defined a seditious act only if it had essential ingredients as



Disruption of **public order**



Attempt to violently overthrow a **lawful government**



Threatening the **security of State** or of public

Judicial verdicts in defense of Right to freedom of speech and expression

The judicial pronouncements in cases like **AK Gopalan vs State of Madras, Ramesh Singh vs Union of India, Shreya Singhal vs State** elaborated **'what does not tantamount to sedition'**



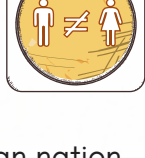
Political dissent



A thought **non-consonant** with the **government** and its **policies**



Expression of frustration over the state of affairs e.g. **racist state** or **gender biased state**



Expressing different or **conflicting ideas** of Indian nation



Right to **offend**



Peaceful protest



SEDITION VIS-A-VIS OTHER STATUTES



Another act named **Unlawful Activities Prevention Act 1971** has been enacted to prevent terrorist activities



Since sedition is an offense against the **State**, **higher standards of proof must be applied to convict a person for this offense**. It must be invoked for gravest of offenses against State

WAY FORWARD



Dissent acts a safety valve in a **vibrant democracy** and every restriction on free **speech and liberty** must be carefully imposed weighing its reasonableness



Debates and discussion with respect to essential questions like need of **sedition law** in a **modern democratic society vis-vis freedom of speech**, redefining sedition etc. needs to be started among **the legal luminaries, lawmakers, Government, NGOs, & other stakeholders**

