

5. Sedition Cases – A Hindrance for Right to Dissent

Prelims Level: Rights Issues

Mains Level: GS-II Indian Constitution- historical underpinnings, evolution, features, amendments, significant provisions and basic structure.

Context:

- Latest data from NCRB suggest that the sedition law remains as relevant as ever with sedition arrests increasing in recent years.

What is Sedition?

- Sedition, which falls under **Section 124A of the Indian Penal Code**, is defined as any action that brings or attempts to bring hatred or contempt towards the government of India and has been illegal in India since 1870.

Kedarnath Singh vs State of Bihar:

- Section 124A has been challenged in various courts in specific cases. The validity of the provision itself was upheld by a Constitution Bench in 1962, in **Kedarnath Singh vs State of Bihar**.
- ✓ That judgment went into the issue of whether the law on sedition is consistent with the fundamental right under **Article 19 (1) (a)** which guarantees each citizen's **freedom of speech and expression**.
- ✓ The Supreme Court laid down that every citizen has a right to say or write about the government, by way of criticism or comment, as long as it does not “incite people to violence” against the government established by law or with the intention of creating public disorder.

What does the Data Shows?

- The National Crime Records Bureau (NCRB), though, has only been collecting separate data on sedition cases since 2014. In 2014, there were 47 cases of sedition but that number increased to 70 in 2018 (the latest year with available data).
- Compared to other offences, sedition remains a rare crime (it accounts for less than 0.01% of all IPC crimes).
- But within India, some parts are emerging as sedition hotspots. Assam and Jharkhand, for instance, with 37 sedition cases each, account for 32% of all sedition cases between 2014-2018.

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- In 2018, there were 1,182 cases registered under **UAPA** (The Act gives special procedures to handle terrorist activities, among other things). And almost all these cases (92%) were concentrated in five states (Uttar Pradesh, Jammu and Kashmir, Assam, Jharkhand and Manipur).

Why sedition law is a Hindrance?

- 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.
- Sedition systematically destroys the soul of Gandhi’s philosophy that is, **right to dissent** which is the core principle of democracy.

Why Right to Dissent is Essential?

- The Right to Dissent is an important addition of expressing one’s view, and on many of its most important constituent elements.
- It will enable practitioners and citizens to claim their rights and participate more effectively in the project of democracy.
- Disagreeing with each other is a fundamental human trait. There is not a single individual who does not disagree with something or the other all the Time.
- But gagging people through sedition cases strikes the people’s right to dissent and freedom of expression.