

## **2. Sedition Law**

**Prelims Level: Rights Issues**

**Mains Level: GS-II Indian Constitution- Historical Underpinnings, Evolution, Features, Amendments, Significant Provisions and Basic Structure.**

### **Why in News?**

- Calling for abolishing the law on sedition, former Supreme Court judge Rohinton Nariman has expressed concern on booking critics of the Government for sedition.

### **What are his Concerns?**

- While those Exercising free speech were being booked under the stringent sedition law, those giving hate Speech are not being dealt with by Authorities.
- He said, it is time to completely do away with sedition laws and allow free speech so long as it does not exhort somebody to Violence.

### **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.

### **Need for a Proper Definition:**

- The sedition law has been in controversy for far too long. Often the governments are criticized for using the law — Section 124-A of the Indian Penal Code (IPC) — against vocal critics of their policies.
- Therefore, this Section is seen as a restriction of individuals' freedom of expression and falls short of the provisions of reasonable restrictions on freedom of speech under Article 19 of the Constitution.
- The law has been in debate ever since it was brought into force by the colonial British rulers in 1860s. Several top freedom movement leaders including Mahatma Gandhi and Jawaharlal Nehru were booked under the sedition law.
  - ✓ Mahatma Gandhi described it as the “prince among the political sections of the Indian Penal Code designed to suppress the liberty of the citizen.”
  - ✓ Nehru had described it as “highly objectionable and obnoxious” which “should have no place in any body of laws that we might pass”. Nehru said, “The sooner we get rid of it the better.”

### Relevant Supreme Court judgements:

- **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.
- **The Balwant Singh vs State of Punjab (1995) case:** In this case, the Supreme Court had clarified that merely shouting slogans, in this case Khalistan Zindabad, does not amount to sedition. Evidently, the sedition law is being both misunderstood and misused to muzzle dissent.

### 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.
- 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). “There has been a dramatic jump in charging a person with the offence of sedition since 2016.
- In 2019, 93 cases were on the ground of sedition as compared to the 35 cases that were filed in 2016. The same constitutes a 165% increase. Of these 93 cases, charge sheets were filed in a mere 17% of cases and even worse, the conviction rate was an abysmally low 3.3%.

### 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.

### Need of the Hour:

- The top court has observed that the “ambit and parameters of the provisions of Sections 124A, 153A and 505 of the Indian Penal Code, 1860 would require interpretation, 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”.

