BLOGS

IPC Notes- Sedition Law in India (Part 2)

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Introduction

For several years, India's sedition legislation has been a source of contention. According to **Section 124A** of the Indian Penal Code (IPC), anyone who "brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the government established by law in India" is punished. The penalty for sedition can vary from life incarceration to a fee.

While India's sedition legislation has been criticised for restricting free speech and silencing criticism, there are several factors that are rarely discussed when discussing this problem. In this article, we will dig into these frequently overlooked aspects along with the landmark case laws.

Landmark Cases on Sedition

The Indian judiciary has investigated how to read Section 124A on numerous occasions and has set guidelines for deciding when a statement can be classified as seditious. One example is the ***Kedarnath v. State of Bihar*** case, in which India's Apex Court limited the definition of sedition to "actions that involve encouraging violence or having the intention or tendency to cause public disorder or disrupt public peace."

It was emphasised in the case of ***Balwant Singh v. Union of India*** that not all statements of critique should be deemed seditious, and that the real purpose behind the speech must be considered. Similarly, in ***Pankaj Butalia v. Central Board of Film Certification***, the Delhi High Court held that the evaluation of sedition must take into account the speaker's purpose and that the address must be assessed "fairly and comprehensively, without undue emphasis on isolated statements." As a result, the Court has given instruction on what constitutes sedition over time, emphasising that not all disagreement or critique can be labelled as seditious.

In a **letter sent to the Ministry of Law and Justice in 2018**, the Ministry of Home Affairs (MHA) asked that the Law Commission examine the sedition provision. Following this, in August 2018, the law Commission released a consultation paper on sedition, outlining ten subjects to be discussed in any talk of the future of sedition law.

Despite concerns about abuse and vocal opposition, the sedition statute remained in existence, and cases were still filed under Section 124A until lately. Section 124A on sedition, on the other hand, has been suspended as a result of the Union of India's declaration in ***S.G. Vombatkere v. Union of India*** and the subsequent court decision.

The recent Indian Supreme Court ruling in ***S.G. Vombatkere v. Union of India*** is a significant step forward for the country's future opposition. The judgement was made in reaction to a series of petitions challenging the validity of the sedition provision in the Indian Penal Code of 1860.

During the proceedings, the Union of India submitted an affidavit stating that it had decided to review and reconsider the sedition provisions of the IPC. Following the completion of the review process, the Government recommends that the Supreme Court examine the validity of the sedition legislation. As a result, the Court ruled that using the sedition provisions until the government's evaluation was complete was unconstitutional. The Court also directed that governments abstain from filing FIRs or taking any punitive measures in sedition cases until the matter is settled. The Court also ordered a stop to all current sedition proceedings.

Overlooked Aspects of Sedition

To begin, it is critical to comprehend that sedition legislation in India is not a separate statute, but rather a section of the IPC. The IPC was passed in 1860 during the British Raj in India, and several of its clauses are antiquated and out of date. While the IPC has been amended several times since its inception, the sedition legislation has stayed essentially unaltered. It is critical to understand in this context that the sedition law was initially enacted by the British to stifle any critique or protest against their authority. The preservation of this legislation in independent India has been a source of contention, with some claiming that it is an imperial relic that should be repealed.

Second, it is critical to comprehend how the court reads treason laws. The courts have provided various readings of the sedition law over the years, resulting in uncertainty and conflict in its implementation. The Indian Supreme Court has established a number of rules for when the law

can be implemented, such as when the speech or expression incites violence or causes public disorder. However, the application of these concepts is frequently subjective, which can lead to the misapplication of regulations.

Third, it is significant to acknowledge that sedition law is frequently used to stifle government dissent and criticism. Several activists, authors, and intellectuals have been charged with sedition simply for expressing their opinions, critiquing government policies, or drawing attention to human rights violations. While sedition law is meant to prevent instigation to violence or public disturbance, its application in such cases can be viewed as an attack on the fundamental right to free expression.

Conclusion

Ultimately, sedition legislation in India is a complicated problem that necessitates a nuanced comprehension. While the legislation is intended to prevent incitement to violence or public disorder, its implementation can be interpreted as an assault on the basic right to free speech. To ensure that the law is not abused, the judiciary's reading of the sedition law, its implementation in reality, and its applicability in contemporary India must be revisited.