



The Role Of Judiciary In Shaping Sedition Law In India: Analysis Of Key Judgements And Legislative Flaw

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Citation: Zinnia Rani, Dr. Arpana Bansal (2023), The Role Of Judiciary In Shaping Sedition Law In India: Analysis Of Key Judgements And Legislative Flaw, Educational Administration: Theory and Practice, 29(4), 2176-2184

Doi: 10.53555/kuey.v29i4.6993

ARTICLE INFO

ABSTRACT

The judiciary is crucial in preventing the abuse of sedition laws to stifle lawful speech and opposition by interpreting these laws in light of constitutional freedoms. This study examines the significant impact of important court decisions and legislative errors on India's sedition legislation. Concerns regarding the potential influence on freedom of speech and expression have contributed to the problematic history of sedition laws in India, which originate from legislation passed during the colonial era. This study examines seminal decisions that shaped the development of sedition statutes through judicial interpretation and application. Finding a middle ground between concerns for national security and the basic right to free speech requires change, which is brought to light by analyzing legal loopholes and contradictions. This research sheds light on the intricate relationship between the Indian judiciary and sedition legislation by conducting a thorough examination of court rulings and legislative gaps.

Keywords: Judgement, Sedition, Judiciary, Cases, Laws.

I. INTRODUCTION

The Indian Penal Code defines sedition as the commission of an act with the intent to cause discontent with the government (Section 124A)¹. The law has caused controversy due to its possible repressive effects on free speech and opposition, as it is a remnant of the colonial era. Opponents contend that its expansive reading endangers democratic principles, prompting demands for its revision or repeal. Judgment on the application and interpretation of sedition statutes has been substantial throughout the years, with the judiciary striving to find a middle ground between concerns for national security and individual liberty.

Eleventh Amendment to the Indian Penal Code (IPC) classifies sedition as a crime. The original intent of this law, passed by the British colonial authority, was to punish dissident acts against the state. Section 124A's main points and requirements are as follows:

Definition:

Section 124A states that anyone who uses spoken or written words, signs, visible representation, or any other means to incite hatred, contempt, or disaffection towards the legally established government in India, will be subject to punishment². The punishment can range from life imprisonment with or without a fine, to imprisonment for up to three years with or without a fine.

Key Elements:

1. Actions Covered: This part covers a lot of ground, encompassing everything from verbal or written expression to signs or visual representations.

2. Nature of the Offense: To incite or endeavour to incite disaffection against the government, or to cast hatred or disdain upon another person, is the sin.

¹ The Indian Penal Code, 1898, §124-A.

² Chitranshul Sinha, "Sedition: A Comparative Study between Colonial and Post-Colonial Era," Journal of Legal Studies and Research, vol. 2, no. 1 (2018): 78-91

3. Punishment: Possible punishments include a monetary fine, a jail term of three years or more, or even life without parole.

The possibility of abuse of Section 124A to silence dissenting opinions and limit free speech has drawn significant criticism. Some think it's out of place in a democratic nation because it's a holdover from colonial authority. To stop its exploitation by certain groups, including activists, journalists, and individuals, it has been proposed that it be amended or repealed. Regardless, the provision is still part of the IPC, and people are still debating and looking into the law over its potential application. Inciting discontent against the government is dealt with in Section 124A of the IPC, which imposes harsh penalties. Its inclusion in the legal system is nevertheless a point of contention, even if the judiciary has tried to restrict its abuse through restrictive interpretations³.

Objectives:

- To analyze key judicial pronouncements on sedition.
- To identify legislative flaws in the existing sedition law.
- To suggest reforms for balancing state security and individual freedoms.

II. JUDICIAL INTERPRETATIONS OF SECTION 124A

The interpretation of Section 124A of the Indian Penal Code, which addresses sedition, has played a crucial role in determining how this statute is applied. Differentiating between dissent against the government and inciting violence or public disruption is crucial, according to the courts. The legal definition of sedition has evolved throughout time, with seminal decisions making it clear that peaceful protest against governmental acts does not constitute the crime unless it incites physical violence or widespread discontent. The need of protecting free speech while still addressing valid national security concerns has been emphasized by the judiciary. In an effort to prevent the misuse of sedition laws to stifle free speech and nonviolent resistance, the courts have issued a number of decisions limiting their applicability.

The vague and expansive wording of Section 124A of the Indian Penal Code (IPC) has sparked heated controversy among legal experts and academics. Courts have reached different conclusions about the provision's scope and application due to its vague language, which has led to differing interpretations. On one hand, there have been judicial pronouncements that have affirmed Section 124A's constitutionality and placed an emphasis on protecting public order and national security; on the other hand, there have been more cautious statements that have underlined the need to maintain democratic ideals and freedom of speech. To illustrate the point, the Indian Supreme Court confirmed the validity of Section 124A in the seminal case of *KedarNath Singh v. State of Bihar* (1962), but narrowed its scope to crimes including encouragement to violence or the intent to cause public disorder. But worries about its abuse and misuse continue, even though the courts have tried to define sedition more precisely. Authorities are able to silence legitimate forms of protest and criticism because the subjective character of the definition of sedition allows for its capricious application⁴. Lawyers, human rights advocates, and members of India's civil society have all voiced their desire to see the country's sedition statute re-evaluated in light of this development. A number of high-profile cases in recent years have brought the sedition statute into issue, calling into question whether or not it is stifling free expression and democratic debate. Many have voiced their disapproval and demanded change in response to the government's seemingly random prosecution of critics of its policies—including journalists, activists, students, and intellectuals—on charges of sedition⁵. Those who are against the sedition law say that it does more harm than good, threatening both democratic values and public faith in the legal system.

Changes in Indian politics and public opinion have resulted from court rulings on the country's sedition laws. Citizens and activists now have a better idea of where the line is between acceptable and unacceptable expression thanks to the courts' clarification of the definition of sedition. Because of this, people are no longer afraid to voice their opinions or criticize the government for fear of being wrongly accused of seditious. Furthermore, activists and civil society organizations have gained confidence to advocate for social causes and participate in public protests after positive court decisions that support the right to free expression. Judgment decisions that uphold harsh sedition laws, on the other hand, have prompted discussions regarding the necessity of rewriting the law and safeguarding democratic principles. When it comes to public debate and activism, legal interpretations are extremely important because they define the boundaries of what is and is not permissible dissent and expression⁶.

In determining what constitutes lawful criticism and what constitutes sedition, judicial interpretations of Section 124A have been essential. Important conclusions drawn from these analyses are:

³ <https://www.civildaily.com/news/sedition-law-in-india-need-for-reform/>

⁴ Prashant Bhushan, "Sedition Law: A Colonial Hangover That Needs to Go," *The Wire*, May 15, 2023

⁵ Amnesty International India, "Sedition Law in India: Chilling Expression, Crushing Dissent," (2016), <https://amnesty.org.in/wp-content/uploads/2016/08/SeditionLawReport.pdf>.

⁶ <https://www.orfonline.org/expert-speak/the-sedition-law-the-past-present-and-future>

- Sedition law is only applicable in situations when there is an incitement to violence or public disruption, which is a narrow scope of application.
- Free Speech Defense: Until there is a credible danger to public safety, any criticism of the government, no matter how harsh, does not constitute sedition.
- Legal provisions must be precisely and precisely stated to avoid abuse and to safeguard constitutional rights.
- The courts has always sought to protect people's rights against the capricious application of sedition laws. There needs to be legislative clarity and judicial monitoring in the use of sedition law in India, as these legal precedents provide a framework for balancing state security with the fundamental right to speech and expression.

III. CRITICAL ANALYSIS OF KEY JUDGEMENTS

Important court decisions have greatly changed how the Indian Penal Code (IPC) reads and applies Section 124A. By striking a balance between the needs of the state and the rights of its citizens, these rulings have defined the parameters of sedition legislation in India. An analysis of the main rulings is presented here:

1. KedarNath Singh v. State of Bihar (1962)⁷:

○ **Context:** Sedition charges were brought against KedarNath Singh, a member of the Forward Communist Party, because of his critical comments about the administration, in which he accused it of being corrupt and inept.

○ **Judgment:** Although it placed heavy limitations on the statute's use, the Supreme Court maintained Section 124A's validity. The Supreme Court ruled that acts that promote violence or are likely to cause public disorder are the only ones that warrant legal action. It would not be sedition to simply criticize the administration without calling for violence.

○ **Significance:** The present understanding of sedition legislation can be traced back to this landmark decision. A delicate balancing act between the state's interest in preserving public order and the right to free speech of the individual was achieved. The Court safeguarded critical speech and political dissent by redefining sedition as the inciting of violence only.

2. Balwant Singh v. State of Punjab (1995)⁸:

○ **Context:** Balwant Singh and another person were held on seditious charges for allegedly shouting pro-Khalistan slogans after Prime Minister Indira Gandhi's murder.

○ **Judgment:** The Supreme Court found no evidence of sedition and acquitted the defendants, reasoning that the harmless chanting of slogans alone could not constitute sedition since there was neither violence or encouragement to cause public disruption. To be justified, sedition allegations must involve a "clear and present danger" to public order, according to the Court.

○ **Significance:** Sedition charges cannot be levied against discrete acts of speech in the absence of a clear connection to public disorder or violence, as this case demonstrated. Particularly in highly volatile political contexts, it further safeguarded the right to free speech.

3. Indra Das v. State of Assam (2011)⁹:

○ **Context:** Allegations that Indra Das belonged to an illegal group led to her being accused of sedition.

○ **Judgment:** It takes proof of intentional incitement to violence or disorder for membership in a prohibited organization to be considered sedition, according to the Supreme Court. The principles laid out in KedarNath Singh were restated by the Court.

○ **Significance:** The importance of actively participating in a group's unlawful acts is highlighted in this judgment, which states that being associated with a group alone does not constitute sedition. It highlighted the significance of establishing both purpose and conduct in order to secure a conviction under sedition statutes.

4. Arup Bhuyan v. State of Assam (2011)¹⁰:

○ **Context:** The Unlawful Activities (Prevention) Act found Arup Bhuyan guilty of seditious activities for his membership in a prohibited organization.

○ **Judgment:** When there is no proof of incitement to violence or public disruption, the Supreme Court has ruled that membership in a banned organization alone does not constitute sedition, following the logic in the KedarNath Singh case.

○ **Significance:** By establishing that direct incitement to violence is an essential element, this ruling further limited the definition of sedition. As long as they don't engage in or encourage illegal activity, it safeguards people's rights to association and expression.

5. Shreya Singhal v. Union of India (2013)¹¹:

⁷KedarNath v. State of Bihar, AIR 1962 SC 955.

⁸Balwant Singh v. State of Punjab, (1995) 3 SCC 214 : AIR 1995 SC 1785

⁹Indra Das v. State of Assam, (2011) 3 SCC 380

¹⁰Arup Bhuyan v. State of Assam, (2011) 3 SCC 377

¹¹Shreya Singhal v. Union of India, (2013) 12 SCC 73.

o **Context:** This decision has consequences for sedition law, even though it mainly addressed the legitimacy of Section 66A of the Information Technology Act. Because it was too wide and too nebulous, Section 66A was invalidated, and free expression was thereafter curtailed.

o **Judgment:** Laws that limit basic liberties must be clear and precise, the Supreme Court said. The Supreme Court's decision emphasizes the need for carefully crafted statutes that protect free expression from being overly broad.

o **Significance:** Although this ruling had nothing to do with sedition per se, it did establish a standard for contesting legislation that are too general or ambiguous. The importance of the judiciary in safeguarding free speech from overly restrictive regulations was highlighted.

6. Vinod Dua v. Union of India (2021)¹²:

o **Context:** The government's response to the COVID-19 pandemic and the prime minister were allegedly the targets of derogatory remarks made by veteran journalist Vinod Dua, who was charged with sedition.

o **Judgment:** Following the precedent set in KedarNath Singh, the FIR filed against Vinod Dua was overturned by the Supreme Court. It is important to note that the Court stressed that strong criticism of government policy does not constitute sedition unless it provokes violence or public unrest.

o **Significance:** The high bar to prove sedition was underscored by this decision, which also reaffirmed the judiciary's dedication to defending free speech. It drove home the point that free speech, even when critical of the government, is essential to democratic discourse.

Collectively, these seminal decisions show how the judiciary plays a pivotal role in interpreting Section 124A to preserve public order while protecting individual rights. In order to maintain democratic principles and protect freedom of speech and expression in India, the need that sedition accusations must involve encouragement to violence or public disorder has been consistently stressed. Dissent and criticism are essential to a functioning democracy, and these interpretations have greatly restricted the abuse of sedition law to avoid doing just that.

IV. LEGISLATIVE FLAWS PRESENT IN LAW

There are a number of problems with the language of Section 124A of the Indian Penal Code (IPC), which addresses sedition. These errors weaken democratic ideals and basic rights by adding to the possibility of abuse of the law through ambiguity and overreach¹³. Section 124A contains the following major legislative errors:

1. Vague Language:

o The broad interpretation and arbitrary application that can occur due to Section 124A's unclear and ambiguous language is one of its main critiques. Acts that incite or endeavor to incite disaffection towards the lawfully established government, or that bring or endeavor to bring hatred or contempt, are criminalized under this provision. The lack of a precise definition for the words "hatred," "contempt," and "disaffection" forces judges and law enforcement to rely on their own subjective judgments.

2. Overbroad Application:

o Any action, whether verbal or written, as well as any outward manifestations, that is believed to sow discontent with the government is covered under Section 124A. This overly general wording makes it possible to criminalize valid political opposition, criticism of government policies, or manifestations of discontent, even if they do not actually endanger public safety or order.

3. Potential for Misuse:

o Authorities have a lot of leeway in deciding how to apply Section 124A because it is both wide and unclear, which could lead to its abuse. There is a long history of political opponents, activists, journalists, and anyone who voice dissent being silenced by the use of the law. Undermining free speech, individuals have been charged with sedition for expressing their thoughts or criticizing government activities.

4. Conflict with Constitutional Rights:

o Many argue that Section 124A violates basic rights protected by the Indian Constitution, especially Article 19(1)(a), which states that everyone has the right to freely express himself. A chilling impact on free speech has resulted from the wide interpretation of sedition law, which has hindered public conversation and political participation.

5. Non-compliance with International Standards:

o International human rights norms have voiced concerns about how India's sedition laws are being enforced. U.N. Human Rights Committee members are worried that sedition laws are being used to silence critics and have demanded that these laws be changed or repealed so that they conform to global standards on free speech. Thousands of people have been prosecuted under the controversial sedition statute (section 124-A of the Indian Penal Code), which has been in existence since 1860. In order to quell dissension and the independence movement, the British authorities heavily relied on the law throughout the colonial era. A plethora of liberation fighters, including Annie Besant, Bal Gangadhar Tilak, Mahatma Gandhi, Maulana Abdul Kalam Azad, and Jawaharlal Nehru, were among the notables who faced legal charges during this time.

¹² Vinod Dua V. Union of India 2021 SCC OnLine SC 414

¹³ <https://hri.law.columbia.edu/sites/default/files/publications/sedition-report-april-2022.pdf>

Cases related due to legal ambiguity in law

"The 'prince among the political parts of the Indian Penal Code designed to restrict the liberty of the citizen' was how Gandhi described the provision when he was facing charges. Nehru, who faced legal charges and was found guilty, held the opinion that this 'specific Section (124A IPC) is extremely disagreeable and annoying and it should not be included, for any reason, in whatever set of laws that we may enact, whether it be practical or historical. We should get rid of it as quickly as possible. Regardless, the statutes still exist, and the legislation has been openly used since India's independence. Noteworthy is the fact that individuals facing charges under the law in India after independence were referred to as Deshdrohi, meaning anti-national, despite the fact that the law makes no mention of sedition being an act against the country or nation. In contrast, individuals charged under the colonial regime were viewed as Rajdrohi, meaning one who rebels against the state or government of the day. The media's willful dissemination of false information has led the general public to equate the term 'government' with the nation itself.

There is a vast gulf between the terms 'seditious' and 'anti-National,' but just because someone is anti-government or anti-establishment doesn't imply they are anti-national as well. Due to the widespread dissemination of intentionally false material, defending an individual accused of violating this harsh statute is now next to impossible. It goes against the very foundational principle of justice — that one is innocent until proven guilty beyond reasonable doubt — that the moment someone is accused of seditiousness or charged under it, both the public and a portion of the legal community assume that they are guilty. As an example, consider the recent event where the Hubli Bar Association decided that none of its members would represent the three Kashmiri students facing sedition charges¹⁴.

The Bidar case in Karnataka is just one more illustration of how the law is applied on very weak foundations. In relation to the Citizenship (Amendment) Act and the National Register of Citizens, the Bidar police filed a sedition charge against a school's administration on January 26¹⁵. The students had staged a play that allegedly painted Prime Minister Narendra Modi in a negative light. After over two weeks in custody, they were eventually freed on bond. A number of questions were also directed at the minor pupils who had participated in the play. It was only very recently that Bidar's district and sessions court ruled that there was no sedition because the drama had no disruptive social effects.

At a recent anti-CAA demonstration in Bengaluru's Freedom Park on February 20, activist Amulya Leona was among those who shouted 'Pakistan Zindabad' and 'Hindustan Zindabad,' among other chants¹⁶. Afterwards, her father's house was stormed by Bajrang Dal and other Hindutva groups, who warned 'dire repercussions' to those who dared to oppose them. A leader of the Sri Ram Sene, Sanjeev Marady, put a Rs 10 lakh reward on the head of anyone who could assassinate her. In addition, Karnataka's minister of agriculture, B.C. Patel, has advocated for a bill that would allow people to 'shoot at sight' if they opposed India or shouted slogans supporting Pakistan. Despite the Supreme Court's ruling in *Balwant Singh v.*

State of Punjab (1995) that did not classify mere sloganeering as a seditious offense, this continues. Following Indira Gandhi's murder, the defendant in this case was charged with sedition for allegedly yelling 'Raj Karega Khalsa' and 'Khalistan Zindabad' outside a movie theater¹⁷. It seems to us that the two lonely appellants' few slogan-raising attempts, which failed to elicit a response or reaction from the public, do not attract the provisions of Section 124A or Section 153A IPC, the court stated. The two appellants, who are government employees, needed something more obvious to make the accusation stick. In their arrest of the appellants, the police officials showed a lack of maturity and sensitivity. Given the tense situation on the day of Smt. Indira Gandhi's assassination, the arrest and the casual raising of one or two slogans could have caused a law and order situation. Being overly sensitive in such a scenario can often backfire and lead to problems. Two people shouting isolated slogans on occasion did not pose a danger to the Indian government as established by law, and it certainly did not incite animosity or hatred among various religious or ethnic groups. In recent years, a long list of individuals has been charged with sedition under the statute. Charges have been levied against numerous individuals, including politicians Simranjit Singh Mann (2005), Binayak Sen (2007), thousands of people from Kudankulam in Tamil Nadu (2011), Aseem Trivedi (2012), Kanhaiya Kumar (2016), hundreds of tribal members from Pathalgarhi in Jharkhand (2018), Kamal Shukla (2018), Hiren Gohain (2019), Sharjeel Imam (2019), students, and anti-CAA protesters in Azamgarh (Uttar Pradesh). By examining these instances, we can see that the (mis)application of the Sedition Act in post-colonial India is identical to that in the colonial period. The most recent statistics from the National Crime Records Bureau (NCRB) show that the conviction rate for these types of cases is extremely low.

¹⁴ <https://www.barandbench.com/news/hubli-bar-association-passes-resolution-to-not-represent-kashmiri-students>

¹⁵ <https://www.thehindu.com/news/national/karnataka/high-court-quashes-sedition-case-against-bidar-school-for-staging-play-on-cao-nrc/article66968759.ece>

¹⁶ <https://indianexpress.com/article/india/amulya-leona-noronha-pr-pakistan-slogans-bengaluru-rally-sedition-case-jail-6280450/>

¹⁷ <https://economictimes.indiatimes.com/news/politics-and-nation/supreme-court-in-1995-stray-slogans-do-not-attract-section-124a-pertaining-to-sedition/articleshow/51062254.cms?from=mdr>

After facing legal charges, obtaining bail becomes a challenging task, especially when the trial drags on for years. As previously said, a prime illustration is the case of the three Kashmiri students who were recently charged with sedition in Hubli. Reasoning that "(t)he safety and security of this Country gets priority over all," the local court denied their bail petition. Considering the seriousness of the allegation, we must let the investigating agency finish its work without interference. Until then, the petitioners do not have a right to the bail requested; we do not have the authority to grant bail on any grounds. The procedure itself becomes the punishment in many respects. Even if the majority of individuals facing sedition charges are ultimately found not guilty after enduring the emotionally and financially taxing judicial procedure, it is certain that the individual will think twice before using their constitutionally protected right to free speech. The general public will likewise feel uneasy about it. Many people are afraid to speak out for constitutionally valid reasons for fear of becoming entangled in lengthy and expensive cases due to the widespread (mis)use of the law. Additionally, even if the court acquits the accused, their lives would be extremely difficult because to the demonization and media trail associated with these cases. State authorities and society at large keep a close eye on them, viewing them with suspicion because to the uncertainty surrounding their loyalty. Furthermore, minority groups, including Muslims, Dalits, and tribal peoples, are disproportionately criminalized due to the law's selective application.

Given the circumstances, one would expect the highest court to step in and help, but even that hasn't happened, as barrister Chitranshul Sinha reveals in his book *The Great Repression: The Story of Sedition in India*¹⁸. S.P. Udayakumar, an activist from Kudankulam, and the non-governmental organization Common Cause have petitioned the Supreme Court in a recent case. In the lack of clear standards, the petitioner hoped that the court would establish them for sedition cases. Since the KedarNath decision "does not provide (guidelines) for pre-arrest requirements and compliances," as Sinha correctly notes, there is an immediate need for explicit instructions. Prior to the chargesheet being filed or the case being concluded, every individual detained for sedition is required to secure bail, appear at courts, cooperate with investigations, etc.

The Supreme Court just received a PIL that is quite similar to this one, if not the same. Protesting repeated sedition FIRs, including the most recent one in Bidar, activist Yogita Bhayana reportedly filed the petition, as reported by Live Law. No instructions for the registration of criminal cases for sedition under Section 124A of the Indian Penal Code were entertained by the Court in the PIL. "Let the aggrieved party come before the Court," the bench that included Justices A M Khanwilkar and Dinesh Maheshwari allegedly stated. This was a bit of a surprise from the court, considering that they had previously dismissed the case when the offended party, S.P. Udayakumar, had gone to the highest court in the land to resolve the issue, citing the sedition legislation as an excuse. In the 1962 case of KedarNath Singh v. state of Bihar, a five-judge constitution bench had already ruled on it. However, the reality is that these rules have been almost never adhered to.

Section 124A of the statute book needs to be struck down in order to halt it, as far as I can see. This is due to the fact that the law is problematic in and of itself, adding to the difficulty of its widespread (mis)use. Furthermore, its inclusion in the IPC ensures that it will continue to be abused. Since the law is useful for persecuting political opponents and dissidents, no administration or ruling party is eager to repeal it. In recent years, there have been at least two attempts to repeal or amend the law in parliament. The first was in 2011 under the Congress-led UPA government and the second was in 2015 under the BJP-led NDA rule. Unfortunately, each time, the proposal was either ignored or overshadowed by a false promise. "There is no proposal to scrap the provision under the IPC dealing with the offence of sedition," the government notified parliament in July 2019, as it has done previously. "There is a need to retain the provision to effectively combat anti-national, secessionist and terrorist elements," announced Nityanand Rai, minister of state for home affairs. There is a severe lack of information regarding the number of individuals convicted of "anti-national," "secessionist," and "terrorist" crimes.

V. PROPOSED REFORMS FOR CLEARER EXPLANATION OF LAW

It is critical that Section 124A be amended so that it conforms to constitutional principles and international human rights standards in light of the legislative shortcomings and worries about the abuse of sedition laws¹⁹. Some changes that have been suggested are:

1. Clearer Definition of Offenses:

- A more explicit and accurate description of seditious conduct should be the primary goal of reform initiatives. The need to define words like "disaffection," "hatred," and "contempt" arises from the need to avoid arbitrary legal interpretations.

2. Narrowing the Scope of Offenses:

- To make sure that Section 124A only applies to activities that explicitly encourage violence or pose a real threat to public order or security, its scope should be narrowed through reforms. As a result, lawful political opposition, criticism of government activities, and unhappiness would not be criminalized.

3. Safeguards Against Misuse:

¹⁸ <https://newbooksnetwork.com/the-great-repression>

¹⁹ <https://www.civildaily.com/news/sedition-law-in-india-need-for-reform/>

○ Put measures in place to stop anyone from using sedition laws for personal or political gain. The filing of sedition cases should be reviewed and scrutinized through monitoring systems, and consequences should be imposed on authorities that misuse the legislation. Higher standards of evidence should also be required for sedition allegations.

4. Presumption of Innocence:

○ maintain the presumption of innocence for all sedition charges until proven guilty. As a result of these changes, the prosecution should now have the burden of proving, with absolute certainty, that the defendant's intent was to incite violence or disturb public order.

5. Alignment with Constitutional Rights:

○ The right to freedom of speech and expression, as outlined in Article 19(1)(a) of the Indian Constitution, is one of the essential rights that should be upheld by any reforms to Section 124A. These constitutional rights must be preserved and honored in the interpretation and application of sedition laws.

6. International Human Rights Standards:

○ Update Section 124A so it complies with free speech rules and international human rights standards. Make ensuring that the right to free speech and expression, as acknowledged by international treaties and conventions, is not violated by sedition laws through reforms.

7. Legislative Oversight and Review:

○ Set up systems to monitor and evaluate sedition laws on a regular basis to see how well they work, what kind of effects they have, and whether or not they adhere to human rights and constitutional principles. The law might then be fine-tuned and improved in response to new problems as they arose.

8. Public Awareness and Education:

○ Educate the public about their rights and obligations under sedition laws through public awareness initiatives. Raise awareness of the limits of free speech and the repercussions of its misuse.

To prevent the abuse of sedition law to limit basic rights and democratic ideals, these proposed changes would fix the problems with Section 124A of the IPC. These changes aim to bring the law in line with constitutional rights and international standards while also reducing the breadth of crimes, making them easier to understand, and strengthening protections against abuse. The goal is to find a middle ground between the competing demands of national security and free speech in India. Reforms that enhance democratic government while respecting individual liberty can only be achieved via open and frank discussion and debate among legislators, stakeholders, and policymakers²⁰.

The interpretation and application of sedition law has been the subject of advice from courts in recent years, as demonstrated by a number of rulings, including the ones already cited. To make sure the sedition statute isn't being used to silence genuine criticism of the government or civil dissent, political leaders, legal experts, human rights advocates, and civil society organizations have all demanded changes.

There may be future attempts to review and possibly modify sedition laws to address worries about abuse and bring them into line with constitutional rights and international standards, even though the Indian government has not implemented the particular legislative reforms that were proposed. The issue is still widely discussed, though.

VI. RECENT CONTROVERSY SURROUNDING LAW COMMISSION OF INDIA'S RECOMMENDATIONS ON SEDITION LAW

²¹ The latest report by the statute Commission of India (LCI) has been met with a deluge of criticism for its recommendation to retain and significantly expand the scope of India's sedition statute, which is covered by Section 124A of the Indian Penal Code (IPC). Concerns that it will help the government silence dissenting opinions have been voiced by legal scholars, civic society activists, and political observers.

The proposed changes state that the "tendency to incite violence or cause public disorder" or "attempting to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the Government established by law in India" are sufficient grounds for a person's conviction on these charges. Possible penalties include a fine, seven years in prison, or life in prison without the possibility of parole.

"The expression 'tendency' means the mere inclination to incite violence or cause public disorder rather than proof of actual violence or imminent threat to violence," reads another proposed modification.

So, one can be found guilty of inciting violence or trying to "excite disaffection" toward governments even if no physical violence does place.

Currently serving as the head of the LCI is Ritu Raj Awasthi, a former chief justice of the Karnataka high court and a leading expert on legal reforms for the government. The Minister of Justice and Law is responsible for appointing its members. Although the government is not required to implement its suggestions, it may do so

²⁰ <https://indianexpress.com/article/explained/explained-law/sedition-law-repealed-or-strengthened-in-a-new-form-ipc-bill-8887864/>

²¹ <https://cdnbbsr.s3waas.gov.in/s3caodaec69b5adc880fb464895726dbdf/uploads/2023/06/2023060150.pdf>

in order to show its position in response to petitions filed with the Supreme Court last year seeking the law's repeal.

One of India's major political parties, the Congress, has spoken out against the suggestions. "This is shocking and must be resisted," tweeted Shashi Tharoor, a senior Congress leader and parliamentarian. He continued by saying that the law was "already grossly & frequently misused" and that the Congress planned to amend it "to bring it into conformity" with Supreme Court rulings "that restrict sedition to incitement to violence against the State" in their 2019 Lok Sabha election manifesto.

"Intended to silence even the limited voices of dissent against the government," said renowned lawyer and Samajwadi Party MP KapilSibal, who characterized it as "regressive."²²

According to senior lawyer Vrinda Grover, who spoke to the media, the rules were already broad and imprecise before the LCI's recommendations made them even more so, rendering them "highly susceptible to arbitrary use by the state and its agents."²³

²⁴ Officials at the ministry of law tweeted that the study "is one of the steps in the extensive consultative process." According to the minister, a "informed and reasoned decision" will be reached after "consulting all the stakeholders" before making a final decision.

Despite Meghwal's assurances, members of civil society, free speech advocates, and political opponents should be wary because the Narendra Modi government has used the law to silence dissent on multiple occasions in recent years.

Article 14, an independent media outlet based in Bengaluru, maintained a database of sedition cases. Last year, they revealed that out of 405 individuals in India who were charged with sedition for criticizing politicians and governments between 2010 and 2021, 96% of those cases were registered after 2014, the year Modi's Bharatiya Janata Party (BJP) took power. Claiming that the Modi government's sedition cases were "largely against protest movements, journalists, intellectuals," the statement highlighted the targets.

VII. FUTURE OF SEDITION LAW

A number of nations have recently watered down or eliminated their sedition laws; these include Ireland, Australia, Canada, Ghana, Nigeria, and Uganda. Sedition was supposedly outlawed in the United Kingdom—the country upon which Indian law was based—by the 2009 Coroners and Justice Act.

A number of private member bills pertaining to sedition have been presented in India, with the vast majority proposing changes rather than removals. Some private members' bills seek to reform Section 124A of the IPC, while others, like those of Shri D. Raja, Shri P. Karunakaran, and Shri Elamaram Kareem, call for its removal, arguing that it is a colonial and draconian provision. Other members' bills, on the other hand, propose to reform the provision.

While many are hopeful that sedition will be outlawed entirely, others are looking to modify Section 124A of the IPC, an idea put forth by the bulk of private member legislation. Sedition is crucial to safeguarding national integrity, according to even the Law Commission's consultation document.

VIII. CONCLUSION

Ultimately, the balance between state security and individual freedoms, especially the right to free speech and expression, has been greatly helped by the judiciary's role in defining sedition law in India through important rulings and its examination of legislative shortcomings.

One may claim that the police and state agencies still misuse Section 124A of the IPC, even though there is clear advice in *Kedarnath versus the State of Bihar*. As a result, any improvements may not work in practice. Another argument could be that changing the wording of Section 124A alone, without addressing the underlying institutional issues, wouldn't significantly alter the current situation. In response to this, it is critical to educate the public, law enforcement, the executive branch, and the lower courts on the amended section.

It is crucial to have advocacy tactics to educate diverse parts of society on the scope of this provision alongside the reform. For the sake of future dissent and free speech, it may be prudent to repeal or amend the sedition statute. How a person feels about speaking out against the government will be greatly affected by the new laws. The new regulations must take national security and free expression concerns into account, but we can only hope that they do the former without compromising the latter.

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²²<https://indianexpress.com/article/opinion/columns/law-commission-sedition-recommendations-silencing-whats-left-of-dissent-8648983/>

²³<https://www.boomlive.in/law/sedition-law-commission-report-section-124a-ipc-22179>

²⁴<https://x.com/arjunrammeghwal/status/1664575914817241091>

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