



The Sedition Act In India: "A General Analysis With Special Reference To The Role Of The Supreme Court Of India".

BY

**RAFIQ UDDIN,
SECHEARCH SCHOLAR**

Supervisor

**DR. MITHILESH KUAR YADAV
(ASSISTANT PROFESSOR),
FACAUTLY OF LAW
IIMT UNIVERITY MEERUT, UP**

ABSTRACT:

The nuances of the sedition law: Section 124A of the Indian Penal Code was drafted in 1870 to curb opposition to British rule. The law was designed to suppress upsurges in Indian society. This analysis examines the nuances of the sedition law's history and modern usage.

INTRODUCTION :

India's sedition law, under Section 124A of the Indian Penal Code (IPC), is a contemporary law that remains controversial today. Drafted in 1870, the law was initially designed to suppress upsurges in Indian society and curb opposition to British rule. Although India gained independence in 1947, the communist regime remained in place, subject to a number of decisions and challenges over the years. This analysis examines the nuances of Section 124A, its historical context, modern usage, and the important role played by the Supreme Court of India in its interpretation, and develops its career.

Section 124A defines: sedition as any act or speech which seeks to cause hatred, contempt or disaffection against the government established by law in India. Phrase: "Any person who, by speech or writing, by signs or visual representations or otherwise, causes or attempts to cause hatred or contempt, or causes or incites grievance against the Government established by the Government. Under the laws of India shall be punishable with imprisonment for life, which term may also be fined, or with imprisonment for a term of three years, or with such fines as may be specified in the following statement. However, proposals to disapprove government measures for replacement by

law do not constitute an offense under this section unless they convey feelings of hatred, criticism or discontent or attempt to do so. The British colonial government made extensive use of sedition laws to suppress India's independence movement. Prominent figures like Bal Gangadhar Tilak and Mahatma Gandhi were accused of dissent for their activities and speeches.

1. Bal Gangadhar Tilak (1897):

Tilak was accused of an article published in the Kesari newspaper that the British considered seditious. His trial and subsequent sentencing highlighted the oppressive nature of the law.

2. Mahatma Gandhi (1922):

Gandhi's trial over the Young India articles is another example. Gandhi used the trial to highlight the injustices of British rule, famously saying that Article 124A was the prince of political branches of the IPC, designed to suppress civil liberties. •

Historical Context

After independence, the Indian Constitution enacted the Sedition Act with amendments, but its application remained controversial. The biggest challenge was balancing the legal goal of maintaining public order with the constitutional right to freedom of speech.

Interpretation and role of the Supreme Court:

The Supreme Court of India has played an important role in interpreting Article 124A to prevent its misuse and to ensure that it is in line with the fundamental rights enshrined in the Constitution. Several landmark decisions have clarified the scope and application of sedition laws.

1. Kedar Nath Singh Vs. State of Bihar (1962)**

- **Facts**: Kedar Nath Singh, a member of the Communist Forward Party, was charged with sedition for giving a speech criticizing the government.

Significance: This case is the cornerstone of the Supreme Court's interpretation of petitions.

- **Decision**: The Supreme Court upheld the constitutionality of Section 124A but significantly limited its scope. The court ruled that only actions involving the intent to incite violence or create public disorder constitute a disturbance. Simply criticizing the government without inciting violence does not constitute incitement. This decision sets an important precedent for future cases, emphasizing the need to balance freedom of speech and public order.

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

- **Facts**: Balwant Singh and another person were arrested for shouting pro-Khalistan slogans after the assassination of Prime Minister Indira Gandhi.

- **Significance**: This case further strengthened the principles established in the Kedar Nath Singh case. - **Verdict**: The Supreme Court acquitted the accused, holding that random slogans raised without the intention or tendency to incite violence or to disturb public order do not amount to sedition. The decision emphasizes that mere expression of feelings without direct connection to incitement to violence does not amount to sedition.

3. **Arup Bhuyan v. State of Assam (2011)****

- **Facts**: Arup Bhuyan was convicted for being a member of the banned organisation ULFA (United Liberation Front of Assam). - **Significance**: This case deals with the issue of simply being a member of a banned organization and the impact that this has on sedition.

- **Decision**: The Supreme Court held that simply being a member of a banned organization without actively participating in inciting violence is not sufficient to constitute sedition. The court emphasized that clear evidence of inciting violence is required for the charge of sedition to be established.

4. **Shreya Singhal v. Union of India (2015)**

- **Facts**: This case concerns the constitutionality of Section 66A of the Information Technology Act, which provides for punishment for offensive online content.

- **Significance**: Although this decision is not directly related to incitement, it is significant in that it emphasizes freedom of speech.

- **Decision**: The Supreme Court struck down Section 66A, finding it unconstitutional because it was vague, overly broad and violated freedom of speech. The principles outlined in this case are consistent with interpretations of the Sedition Act and reinforce the need to specify and protect speech.

5. **Common Cause v. Union of India (2016)**

- **Facts**: This petition seeks guidance on the application of the Sedition Act to prevent its abuse.

- **Significance**: This case further emphasized the need to adhere to the legal principles established in sedition cases.

- **Judgment**: The Supreme Court directed all authorities to follow the guidelines laid down in the Kedar Nath Singh case while handling sedition cases. He stressed that it was important to ensure that any action taken under section 124A was consistent with constitutional mandates, particularly the right to freedom of expression. Contemporary debates and criticism:

The application of sedition laws in modern India is controversial.

Critics say the law is often misused to stifle dissent, stifle political opposition and intimidate journalists and activists. Several important cases have called attention to this issue.

1. **Abuse of the Sedition Act**. Concerns have been raised about the misuse of sedition laws when used for relatively minor offenses or legitimate expressions of dissent. For example, students who organized protests, journalists who reported critically on government policies, and citizens who posted on social media were charged with sedition.

2. **Draining effect on freedom of expression**: The potential for abuse of sedition laws has a chilling effect on freedom of expression if an individual: This criticism will not be published due to concerns that it may lead to legal consequences.

3. **Call for repeal or amendment**:

There are growing calls to repeal or amend Section 124A, taking into account its origins and misuse. Lawyers, human rights activists and some political leaders consider the law outdated and incompatible with democratic values and modern legal standards. The difference between betrayal and sin is similar. For example, the United Kingdom, which had adopted anti-India policies, withdrew its anti-Semitic policies in 2009 on the grounds that they were outdated and incompatible with modern principles of white representation. The United States also had *Brandenburg v. United States of America*. in Ohio (1969).

Here are some possible suggestions:

1. **Judicial Review and Clarification**: The Supreme Court will continue to review the interpretation of Article 124A to ensure that its implementation is consistent with democratic values and fundamental rights.
2. **Legislative Reform**: Legislation could be passed to amend or repeal Section 124A and replace it with legislation that addresses threats to the public without restricting freedom of expression.
3. **Popular Propaganda**. Raising public awareness and protecting freedom of expression can influence policy change and promote equal opportunities for protest and crime.

Conclusion:

Sedition laws, which have roots in colonial history, remain a controversial legal issue. The Supreme Court of India has played an important role in interpreting and limiting jurisdiction to prevent abuse and protect the rule of law. However, the current implementation of the law still raises concerns about its impact on freedom of expression and illiberalism. As India grapples with the complexities of protecting civil liberties and human rights, the future of anti-corruption law will involve judicial rigor, potential for law reform, and ongoing public debate on the balance between security and freedom. democratic society.

Recommendations:

According to the 1962 Kedar Nath judgment, sedition laws should be used only in rare cases when national security and sovereignty are at risk. However, there are increasing instances of the law being used simply as a tool against political opponents to suppress freedom of protest and expression.

Chapter 14 According to the latest information, there were 25 protests after the Constitution protests and 22 protests after the Hatra incident. Terrorist attacks and 22 protests following the Pulwama incident.

27 criminal cases were initiated. Of the 405 cases filed against Indians in the last decade, 96% were registered after 2014. The number of cases increased by 163% from 47 to 93 in 2019. However, the conversion rate from event to decision is only 3%.

This suggests that police and government officials are using controversial policies to instill fear in the public and silence criticism or opposition to the government. One of the main problems with sedition laws is their ambiguity. Words like "incite hatred or insults and attempt to incite discontent" are open to many interpretations and give police and governments the right to target innocent citizens. Because riot laws are vague, they can be used by police to mislead people. This is because it does not clearly state what the behavior is or provide a broad definition of what can be classified as bad behavior. Recently, Judge D.I. We've covered this topic. Chandrachud also barred the Andhra Pradesh government from prosecuting two Telugu media houses accused under Section 124A (sedition) of the Indian Penal Code (IPC).

"None of them can cause harm, Justice Chandrachud said. Now it is time to define what fitnah is and what fitnah is. Judge De said, "Expressing opposing opinions that differ from those of the government cannot be considered incitement. he said Similarly, the Delhi High Court judgment in the Disha Ravi case made it clear that the government cannot challenge it.

Citizens were imprisoned because they chose not to accept it. Indiscriminate torture. What is the rough definition of inflammatory behavior? Democracy requires citizens to participate in debates and voice criticism of government policies. However, sedition laws allow government officials to use unclear laws as a tool to influence public opinion and abuse their power.

Sedition laws have become a tool to induce the public to follow government policies. There are many cases where governments use sedition laws to silence dissent and protect their own interests. NDTV journalist Vinod Dua was arrested for criticizing the government's response to COVID-19.

Disha Ravi, 22, was arrested during a farm strike in India for causing chaos by tweeting in solidarity with Greta Thunberg's real estate scandal. Censorship of journalists under sedition laws affects freedoms. This policy reduces the government's accountability because it ignores criticism and makes it pay for dissent.

The concern is that once arrested under the Sedition Act, it will be difficult to get bail due to the lengthy trial period. It persecutes innocent people and makes others afraid to speak out against the government. The case of the Hubli Kashmir students was released on illegal bail after 100 days in police custody, making it difficult to get bail in the case against them. This is a serious concern at all levels, including in developing countries. Personal freedom and freedom of expression are symbols of freedom and right to dissent, and their illegal exercise is against the fundamental principles enshrined in the Constitution of India. The need for time is forcing judges to reconsider this strict rule. While it is impossible to repeal the law, introducing strict rules to monitor compliance with the law and curb its abuse could help India's democratic representation while protecting freedom of expression.

