



CURRENT AFFAIRS



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SEDITION LAW IN INDIA

This article covers "Daily Current Affairs" and the topic details "Sedition Law in India". The topic "Sedition Law in India" has relevance in the Polity and Governance section for the UPSC CSE exam.

Relevance of Sedition Law in India

For Prelims:

What is Section 124A of Indian Penal Code (IPC)?

For Mains:

GS 2: Polity and Governance?

Why is there a Sedition Law in India?

Criticism of Sedition Law in India?

Important judgements related to Sedition Law in India?

Way Forward?

Why in News:

Recently, the Central Government told the Supreme Court that consultations for "re-examining" IPC Section 124A, which deals with sedition are at a "substantially advanced stage".

What is Section 124A of Indian Penal Code (IPC)?

Section 124A of the Indian Penal Code (IPC) is the provision that defines the offense of sedition in India. It says:

"Whoever, by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the Government established by law in India shall be punished with imprisonment for life, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine."

The law was introduced during British colonial rule in 1870 and was intended to suppress dissent against the colonial administration.

Why is there a Sedition Law in India?

According to the government it requires Section 124A of IPC for the following:

- **Safeguarding National Security:** The provision plays a significant role in safeguarding national security by addressing acts that aim to incite violence, create public disorder, or pose a threat to the sovereignty and integrity of India.
- **Protecting Constitutional Order:** Sedition law helps in protecting the constitutional order and the functioning of the democratic system. It provides a legal framework to deter actions that seek to destabilize the government established by law, ensuring the smooth functioning of the state.
- **Preserving Social Harmony:** By criminalizing acts that promote hatred or contempt towards the government, sedition law contributes to maintaining social harmony.

- **Maintaining Law and Order:** Section 124A acts as a deterrent against activities that could lead to public disorder or violence. It enables law enforcement agencies to take preventive and corrective measures to maintain law and order, especially in situations where anti-national sentiments or incitement to violence are prevalent.
- **Upholding Sovereignty:** Sedition law upholds the sovereignty and independence of the nation by addressing actions that aim to subvert or undermine the authority of the government. It ensures that individuals or groups do not engage in activities that challenge the state's authority or promote secessionist tendencies.

Criticism of Sedition Law in India:

- **Ambiguity and Vagueness:** The sedition law is criticized for its ambiguous and vague language, which allows for broad interpretation and arbitrary application.
- **Chilling Effect on Freedom of Expression:** The existence of the sedition law creates a chilling effect on freedom of expression. Individuals and groups may self-censor their views or opinions due to the fear of being charged with sedition, even if their expressions do not pose a real threat to public order or national security.
- **Suppression of Dissent:** Critics argue that sedition charges are often used as a tool to suppress dissent, criticism of the government, or unpopular opinions. Activists, journalists, and individuals expressing critical views have been charged with sedition, undermining the democratic principles of open dialogue and robust debate.
- **Incompatibility with International Human Rights Standards:** The sedition law has been deemed inconsistent with international human rights standards, such as the International Covenant on Civil and Political Rights (ICCPR). Organizations like the United Nations Human Rights Committee have called for its repeal or amendment, considering it to be overly restrictive and disproportionate.
- **Deterrent to Democratic Participation:** The sedition law can discourage citizens from actively participating in democratic processes, such as peaceful protests or voicing their concerns about government policies.
- **Disproportionate Punishment:** Sedition is a non-bailable offense in India, and upon conviction, it can lead to imprisonment for up to life. Critics argue that such severe punishment for an offense that may involve mere expression of dissent is disproportionate and goes against the principle of proportionality in criminal law.
- **Inconsistent Enforcement:** There have been instances where sedition charges are selectively applied, raising concerns about political bias and unequal treatment.

Important judgements related to Sedition Law in India:

- **Kedar Nath Singh v. State of Bihar (1962):** The Supreme Court of India upheld the constitutionality of the sedition law but imposed certain restrictions to ensure that it only applies to acts involving violence or incitement to violence.
- **Balwant Singh v. State of Punjab (1995):** The court ruled that raising slogans demanding the secession of a part of the country does not amount to sedition unless there is a call for violence.
- **Shreya Singhal v. Union of India (2015):** The Supreme Court struck down Section 66A of the Information Technology Act, which criminalized online speech, including political dissent. Although not directly related to sedition, this judgment emphasized the importance of protecting freedom of speech in the digital age.

Way Forward:

- **Repeal or Amendment:** There have been calls to either repeal the sedition law or amend it to introduce safeguards to prevent its misuse and align it with constitutional principles.
- **Judicial Scrutiny:** The judiciary plays a crucial role in interpreting and defining the scope of sedition law. It can provide more exhaustive guidelines to ensure that the law is applied judiciously, keeping in mind the principles of freedom of speech and expression.
- **Public Awareness and Advocacy:** Creating public awareness about the implications of the sedition law and advocating for its reform or repeal is essential to bring about change.

Source:

Indian Express

<https://indianexpress.com/article/india/govt-consultation-reexamining-colonial-era-sedition-law-centre-supreme-court-8585595/>

Q.1 Consider the following statements regarding the sedition law in India:

- 1: Sedition is defined under Section 124A of the Indian Penal Code (IPC) and criminalizes acts that involve incitement to violence or public disorder against the government of India.
- 2: The sedition law in India was enacted during the colonial era and has its roots in British colonial rule.

Select the correct answer from the code given below:

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) None of the above

Answer: (c)

Q.2 Which of the following statements about the sedition law in India is/are correct?

- 1: The sedition law in India is a non-bailable offense, meaning the accused cannot be released on bail before trial.
- 2: The sedition law applies only to acts committed by individuals and does not extend to organizations or groups.
- 3: The Supreme Court of India has laid down guidelines for the application of the sedition law to prevent its misuse.

Select the correct answer using the codes below:

- (a) 1 only
- (b) 2 only
- (c) 1 and 3 only
- (d) 2 and 3 only

Answer: (c)

Q.3 The sedition law in India has been a subject of considerable debate and controversy. In light of this, discuss the various arguments for and against the sedition law, highlighting its impact on freedom of speech and its role in maintaining national security. Provide your analysis and suggest possible reforms, if any, to strike a balance between safeguarding national interests and upholding democratic values.

(15 marks)

Rishabh