



Sedition and its discontents

Posted at: 24/01/2019

The scope and limits of an old provision that many want repealed or amended

Section 124-A of the IPC

- The section deals with the offence of sedition, a term that covers speech or writing, or any form of visible representation, which brings the government into hatred or contempt, or excites disaffection towards the government, or attempts to do so.
- It is punishable with three years in prison or a life term.

What is its origin?

- Sedition was introduced in the penal code in 1870, a decade after the Indian Penal Code came into force.
- It was a colonial law directed against strong criticism of the British administration.
- Mahatma Gandhi called it “the prince among the political sections of the IPC designed to suppress the liberty of the citizen”.

Constitutional Validity

- Two high courts had found it unconstitutional after Independence, as it violated the freedom of speech and expression.
- The Constitution was amended to include ‘public order’ as one of the ‘reasonable restrictions’ on which free speech could be abridged by law.
- Thereafter, the Supreme Court, in Kedar Nath Singh v. State of Bihar (1962) upheld its validity.

Element of Controversy

- In recent times, the resort to this section is seen as disturbingly frequent.
- Activists, cartoonists and intellectuals have been arrested under this

section, drawing criticism from liberals that it is being used to suppress dissent and silence critics.

- Authorities and the police who invoke this section defend the measure as a necessary step to prevent public disorder and anti-national activities.
- Liberals and rights activists have been demanding the scrapping of Section 124A from the statute books, arguing that it has no place in a democracy and that it is being invoked even in cases where there is no incitement to violence or tendency to create public disorder.
- It is argued that the provision is “overbroad”, i.e., it defines the offence in wide terms threatening the liberty of citizens.
- The Law Commission released a consultation paper last year calling for a reconsideration of the section.

The Hindu

