
THE CONSTITUTIONAL, LEGISLATIVE, AND JUDICIAL DIMENSIONS OF SEDITION LAW IN INDIA

N. RAJ KUMAR, *LLB Student*,
KIMS COLLEGE OF LAW, KARIMNAGAR.

ABSTRACT: In the framework of democracy, this essay examines the evolution, interpretation, and implementation of India's sedition law from a constitutional, legislative, and judicial standpoint. Sedition under Section 124A of the Indian Penal Code and its removal in the Bharatiya Nyaya Sanhita, 2023, acceptable limitations under Article 19(2), and free speech and expression under Article 19(1)(a) are assessed. The Supreme Court and other High Courts decide important treason law issues, legislative goals, and how to strike a balance between civil liberties and national security. It looks at how frequently sedition laws are misused, how well they align with the constitution, and if the government must strike a balance between its goals and democratic rights. This essay examines India's growing sedition law from a doctrinal and analytical standpoint, as well as the constitutional values of integrity and sovereignty.

Keywords: Sedition Law, Section 124A IPC, Bharatiya Nyaya Sanhita, Freedom of Speech and Expression, Article 19(1)(a), Reasonable Restrictions, Article 19(2), Constitutional Law, Judicial Interpretation, National Security, Civil Liberties

1. INTRODUCTION

Sedition laws have long been a problem for the Indian criminal justice system. During British administration, sedition was forbidden by Section 124A of the Indian Penal Code, 1860. This was put into place to suppress patriots and colonial dissidents. Long after India gained independence and ratified its democratic constitution, which guarantees free speech and expression under Article 19(1)(a), the sedition act sparked constitutional, legal, and political controversies. Concerns about peace and democratic rights have prompted the legislature and courts to look into sedition.

The defense of free speech is compromised by sedition. According to Article 19(2), the government may impose restrictions on persons in order to protect India's sovereignty, integrity, security, public order, and other goals. There are legal challenges since this definition of sedition is broad and arbitrary. The action is allegedly meant to protect public order and national security from violence. Some contend that since seditious laws restrict free expression, they shouldn't be applied to journalists, activists, students, or political opponents. Since politicians and judges changed India's sedition statute, citizens' rights and the government's interests have clashed. According to significant court rulings, treason is limited to inciting violence or causing a public commotion. The Bharatiya Nyaya Sanhita, public debate, and calls for legal reform all contributed to the transformation of the legal system in 2023. It forbids assaults to India's integrity, unity, and sovereignty and replaces the colonial code.

2. SEDITION IN HISTORY

Colonial Origin of the Law of Sedition

Sedition was originally made illegal in British colonies. The Indian Penal Code, drafted by Thomas Babington Macaulay in 1837 and enacted in 1860, lacked a clause on sedition when it was put into effect in 1870. Section 124A was created in order to uphold colonial control and suppress political dissent.

Sedition During the Freedom Struggle

Under Section 124A, British authorities occasionally prosecuted politicians, journalists, and freedom fighters who protested colonial activities. This regulation led to charges against Bal Gangadhar Tilak and Mahatma Gandhi.

Sedition After Independence

Following liberation, many people protested the colonial sedition legislation. Section 124A of the Indian Penal Code persisted notwithstanding the Constituent Assembly's removal of "sedition" from the Constitution.

Constitutional and Legislative Developments

By extending "reasonable limits" in Article 19(2), the Constitution (First Amendment) Act, 1951 implicitly legalized speech restrictions for public safety and order. Judges' charge interpretations changed it more over time.

Judicial Evolution of Sedition Law

The validity and meaning of Section 124A were impacted by a number of significant court decisions.

Tara Singh Gopi Chand v. State (1951): According to the Punjab High Court, Article 19(1)(a), which protects free speech and expression, is violated by Section 124A.

Debi Soren v. State (1954): In contrast to Punjab, the Patna High Court maintained Section 124A.

Ram Nandan v. State: The Allahabad High Court decided that the sedition clause was illegal since democracy necessitates criticism of the government.

Kedar Nath Singh v. State of Bihar (1962): The Indian Supreme Court, which has the last word on sedition laws, declared that Section 124A was valid but limited its use to violent or unruly behavior.

Historical Significance

India's history of sedition shows how it evolved from a colonial tool for stifling dissent to a law whose legitimacy has been repeatedly called into question in light of free speech and democratic principles.

3. STATISTICS ON SEDITION IN INDIA

Despite a low conviction rate, statistics show that sedition claims are being used more frequently in India. According to the NCRB, sedition cases and arrests rose by 25% and 41%, respectively, in 2019. This indicates that police are making greater use of this clause. Concerns regarding abuse of the law were highlighted by the low conviction rate of 3%. There were 76 charges, 96 arrests, and 93 seditions in 2019. There was a notable increase in 70 cases, 56 arrests, and 27 charge sheets between 2017 and 2018.

During nationwide demonstrations against the Citizenship Amendment Act (CAA) and the nationwide Register of Citizens (NRC), law was allegedly used against protestors, activists, and opposition leaders. Sedition trials rose in the meantime. Approximately 65% of the 10,938 sedition arrests since 2010 took place after 2014, according to records. This shows that between 2014 and 2020, the number of sedition charges rose by 28%.

Key Statistical Highlights

- Sedition cases increased 25% in 2019.
- Arrests rose 41% year-over-year.
- About 3% were convicted.
- 2019 saw 93 cases, 76 charges, and 96 arrests.
- In 2018, there were 27 charges, 56 arrests, and 70 cases.
- 65% of sedition arrests since 2010 took place after 2014.
- Sedition cases increased by around 28% from 2014 to 2020.

4. JUDICIAL RULINGS ON SEDITION

The Indian court has shaped sedition legislation interpretation and application. Some courts uphold public safety and order legislation, while others overturn them for restricting free expression. These landmark court cases show how Section 124A of the Indian Penal Code evolved.

Ram Nandan v. State of Uttar Pradesh: Constitutional Article 19(1)(a) protects speech. Section 124A was overturned by the Allahabad High Court for arbitrarily curtailing privilege. The Supreme Court rejected this approach in *Kedar Nath Singh v. Bihar*.

Balwant Singh v. State of Punjab (1995): No intent to encourage violence made "Hindustan Murdabad" and "Khalistan Zindabad" not sedition, according to the Supreme Court. The Court ruled that Section 124A does not punish slogan-chanting without intent.

P.J. Manuel v. State of Kerala: The accused posted signs condemning political parties and urging Assembly voters to reject power-hungry leaders. The Court stressed that sedition should be assessed in context.

Mohd. Yaqub v. State of West Bengal: Under Section 124A, a former Pakistani intelligence agency covert agent was indicted for anti-national activities. The High Court acquitted him because his acts did not incite public indignation.

Indra Das v. State of Assam: Criminal terrorist organization membership was brought against the defendant. The Supreme Court ruled that participation in an illegal group does not automatically convict a person of treason if they did not commit crimes or encourage violence.

Asit Kumar Sen Gupta v. State of Chhattisgarh: Possession of seditious literature and recruiting of unlawful groups were alleged. The Court ruled in *Raghu Bir Singh v. State of Bihar* that seditious material is only a problem if it incites violence or breaks the law.

Raghu Bir Singh v. State of Bihar: A person who knew and did seditious content was held liable by the Court. The ruling illuminated purpose and case details.

5. A DISCUSSION ON THE KEDAR NATH SINGH JUDGMENT

Background of the Case

The best proof of Section 124A's constitutionality is Kedar Nath Singh v. State of Bihar (1962). In a speech criticizing the Congress-led administration, Communist Party member Kedar Nath Singh used "dogs of the CID" and "goondas to the gaddi," which led to trial. This led to IPC 505 and 124A sedition charges.

Issues Before the Supreme Court

The Constitution Bench considered the following questions:

Constitutional Articles 19(1)(a) and 19(2) invalidate Indian Penal Code Sections 124A and 505

To want disruption, bloodshed, or anger is sedition.

Principles Laid Down by the Supreme Court

The court upheld Section 124A with restrictions:

- **Government Established by Law:** The "government created by law." represents the state. State security is threatened by illegally overturning the government.
- **Incitement to Violence:** Sedition involves inciting violence or disrupting society.
- **Mere Criticism Is Not Sedition:** Sedition does not encompass severe or contentious government criticism, unless it is motivated by violence or disruption.
- **Right to Dissent:** Citizens can criticize government policy without violence.
- **Public Order as the Basis of the Law:** Section 124A focuses public safety and order threats, not political opposition.
- **Requirement of Public Disorder:** Disruptive words and acts are the only ones banned.
- **Scope of Sedition:** Sedition is limited to incitement to violence or public disruption, the Court ruled.

6. COMPARATIVE ANALYSIS OF SEDITION LAWS: INDIA, THE UNITED STATES, AND THE UNITED KINGDOM

Sedition Law in India

In 1870, British colonial authorities passed Section 124A to suppress political dissent and the Indian freedom movement. Due to its freedom-limiting power, some call it "the prince among the political sections of the Indian Penal Code".

Sedition Law in the United States

The 1798 US Sedition Act outlawed government criticism. Seditious speech prohibitions were enforced throughout WWI notwithstanding the Act's expiration in 1801. We removed sedition laws in 1921.

Sedition Law in the United Kingdom

Britain criminalized sedition in India. The offense was repealed in 2009 for violating democracy.

Position in Other Countries

To protect free expression, Australia, New Zealand, and Indonesia have repealed or modified sedition laws.

7. INDIA AND THE FUTURE OF SEDITION LAW

Renewed Constitutional Challenge

In 2021, the Supreme Court reviewed petitions and Section 124A abuse accusations to determine the law's validity.

Misuse of the Sedition Law

Journalists, activists, students, and anyone who oppose government policies without violence have been called the term, signatories said.

The Vinod Dua Case

The Supreme Court upheld Article 19(1)(a) free expression by dismissing journalist Vinod Dua's Section 124A FIR for questioning the government's COVID-19 pandemic response.

Need for Reconsideration

Because of the misuse of the treason statute, some want Section 124A removed or Kedar Nath Singh reevaluated. Free expression and national security must be balanced.

Way Forward

Indian sedition legislation will depend on legislative and judicial interpretation. Only violent or disruptive speech should be punished under sedition laws to protect democratic opposition and constructive government criticism.

8. CONCLUSION

Constitutional, legislative, and judicial sedition law in India. Constitution, legislature, and courts show how difficult it is to balance free expression and national security. The Supreme Court maintained Section 124A of the Indian Penal Code, which applies only to public disorder or violence, in Kedar Nath Singh v. State of Bihar. However, its colonial roots and abuse potential remain uncertain. The administration is reviewing the new penal code to remove Section 124A to protect India's sovereignty and dignity in a democratic constitutional framework. State-protected legislation must protect constitutional ideals, democratic dissent, and civil freedoms as sedition laws become increasingly common. This protects Indian law and constitution.

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