**HISTORICAL BACKGROUND: COLONIAL RELIC**

**UNDERSTANDING SEDITION - BRIEF INTRODUCTION**

**WHY IN NEWS?**

**SEDION VIS-A-VIS OTHER STATUTES**

Concerns Regarding Sedition

- Origin and evolution
  - Use of Section 124A by the government might go beyond the reasonable restrictions provided under fundamental right to freedom of speech and expression as per Article 19 of the Constitution. There is an apprehension that this Section might be misused by the government of the day to suppress political dissent, constructive criticism of government and its policies thereby stifling democratic governance.

Post Constitutional Journey and Sedition vis-a-vis Article 19 of the Indian Constitution

- Various verdicts by Indian Judiciary have led to re-interpretation and re-examination of ‘sedition’ in light of Article 19 of the Constitution in order to strike a balance between right to free speech and expression and power of State to impose reasonable restrictions (Article 19(2)).

Essential ingredients for a seditious act

- Various verdicts in cases like Romesh Thappar case, Kedar Nath Singh case, Kanahiya Kumar case re-defined a seditious act only if it had essential ingredients as:
  - Attempt to violently overthrow a lawful government
  - Disruption of public order
  - Threatening the life or security of the State

Judicial verdicts in defense of Right to freedom of speech and expression

- The judicial pronouncements in cases like AK Gopalan vs State of Madras, Ramesh Singh vs Union of India, Shreya Singhal vs State elaborated ‘what does not tantamount to sedition’

- Political dissent
  - A thought or the idea and its non-consonant government policies
  - Expression of frustration over the state of affairs e.g. racist state, gender biased state or expressing different or opposing ideas of Indian nation
  - Right to offend

- Peaceful protest

Another act named has been enacted to prevent terrorist activities.

Since sedition is an offense against the State, higher standards of proof must be applied to convict a person for this offense. It must be invoked for gravest of offenses against State.

Dissent acts as a safety valve in a vibrant democracy and every restriction on free must be carefully imposed weighing its reasonableness.

As per Section 124A of IPC, Sedition is an act that brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the Government established by law in India by words, either spoken or written, or by signs, or by visible representation, or otherwise. As per this Section, a person is liable to be punished with imprisonment for life or imprisonment up to three years.

Law commission of India has publicized a consultative paper for a comprehensive public discussion regarding Section 124A of the Indian Penal Code 1860, which deals with sedition.

The legitimacy of rested on silencing any kind of British colonial governance system political dissent or dissatisfaction. Section 124A IPC added through Special Act XVII of 1870, defined Sedition and amendment made it a punishable offense. Various leaders such as Mahatma Gandhi, Bal Gangadhar Tilak, have been punished under this.

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**WAY FORWARD**

- Debates and discussion with respect to essential questions like need of sedition law in a modern democratic society vis-à-vis freedom of speech, redefining sedition etc. needs to be started among the legal luminaries, law makers, Government, NGOs, & other stakeholders.