

## Indian Polity: Sedition Law

### GS 2: Constitution, Governance and Polity.

**In news:** The Delhi Police filed a charge sheet against 10 people, including student leaders Kanhaiya Kumar, Umar Khalid, and Anirban Bhattacharya, in a sedition case for allegedly raising "anti-national slogans" during an event on the Jawaharlal Nehru University (JNU) campus in February 2016.



### Sedition

Sedition is overt conduct, such as speech and organization that tends toward insurrection against the established order. Sedition often includes subversion of a constitution and incitement of discontent towards, or resistance against established authority. Sedition may include any commotion, though not aimed at direct and open violence against the laws. Seditious words in writing are seditious libel. A seditious person is one who engages in or promotes the interest of sedition.

### Section 124 A of the Sedition law

'Sedition' is an offence incorporated into the Indian Penal Code (IPC) in 1870. Section 124A of the IPC defines sedition and 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, the government established by law; or
- ✓ Whoever by the above means excites or attempts to excite disaffection towards the government established by law, has committed the offence of sedition.

### Infamous cases of sedition in India

- In 2010, writer Arundhati Roy was sought to be charged with sedition for her comments on Kashmir and Maoists.

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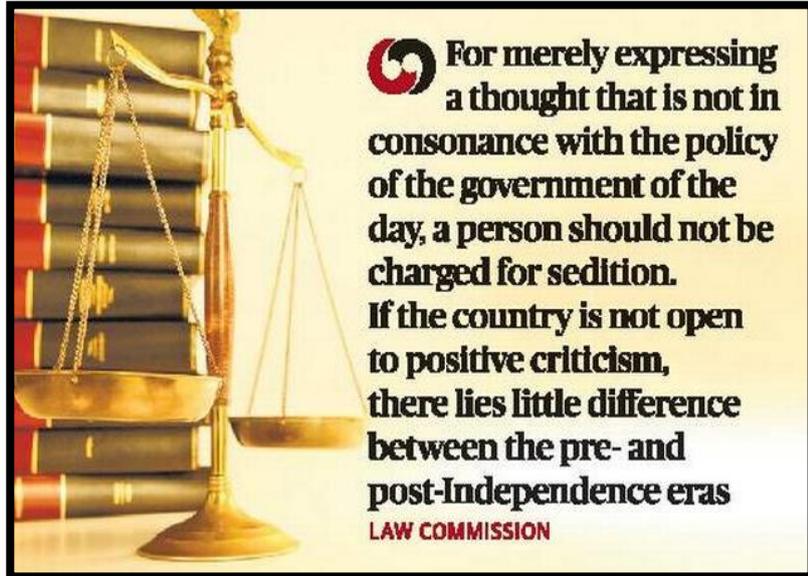
- On 24 December 2010, the Additional Sessions and District Court Judge B.P Varma Raipur found Binayak Sen, Naxal ideologue Narayan Sanyal (politician) and Kolkata businessman Piyush Guha, guilty of sedition for helping the Maoists in their fight against the state.

They were sentenced to life imprisonment, but he got bail in Supreme Court on 16 April 2011.

- On 10 September 2012, Aseem Trivedi, a political cartoonist, was sent to judicial custody till 24 September 2012 on charges of

sedition over a series of cartoons against corruption. Trivedi was accused of uploading "ugly and obscene" content to his website, also accused of insulting the Constitution during an anti-corruption protest in Mumbai in 2011. Trivedi's arrest under sedition has been heavily criticised in India.

- In February 2016, JNU student union president Kanhaiya Kumar was arrested on charges of Sedition under section 124-A of Indian Penal Code (which was part of the sedition laws implemented by the British Rule). His arrest raised political turmoil in the country with academicians and activists marching and protesting against this move by the government.



## Present Scenario

Before Independence, this charge was used by the British to suppress the freedom movement. Ironically, the same draconian law has become a tool that the country is now using against its own people. Instead of critically analysing why citizens, be they in Kashmir or Chhattisgarh or Bhima Koregaon, are driven to dissent, the government is using an iron-fist policy—with the sedition law playing a leading role—to completely shut out contrarian views.

## Supreme Court on Sedition

- Kedar Nath Singh Vs State of Bihar 1962 - Supreme Court made clear that allegedly seditious speech & expression may be punished only if speech is an incitement to violence or public disorder. Subsequent cases have further clarified the meaning of this phrase.
- Indra Das vs. State of Assam & Arup Bhuyan vs State of Assam: Supreme Court stated that only speech that amounts to “incitement to imminent lawless action” can be criminalised.
- Maneka Gandhi case, 1978: he SC stated that Criticizing and drawing general opinion against the Govt. policies and decisions within a reasonable limit that does not incite people to rebel is consistent with the freedom of speech. The judgment saved the citizens from unquestionable actions of Executive.
- Balwant Singh v. State of Punjab - In this case, accused raised slogans such Khalistan Zindabad after a few hours after Indira Gandhi’s assassination. Despite the slogans clearly undermining Indian sovereignty and government, SC acquitted or free from charge or verdict of not guilty the accused because the slogans did not imminently incite violence.

## Conclusion

The argument used against the scrapping of the sedition law is that the Supreme Court has repeatedly observed that the mere possibility of misuse of a provision does not per se invalidate the legislation. While the arguments are right in their own way, in a country where public discourse automatically reduces to binaries, it is hard to imagine navigating through the dark areas that lie between the actual law and its implementation on the ground. Till then, to uphold the idea of democracy that the founders of the Constitution envisioned, India should eschew the word sedition from its statute books and everyday vocabulary.

## Previous Year Questions

1. Discuss -Section 66A of IT Act, with reference to its alleged violation of Article 19 of the Constitution. (2013)
2. What do you understand by the concept “freedom of speech and expression”? Does it cover hate speech also? Why do the films in India stand on a slightly different plane from other forms of expression? Discuss. (2014)