

NEED TO AMEND SEDITION LAW IN INDIA

DEEKSHITA DAS

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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". Sedition is a non-bailable offence and punishment can range from three years to life term to which a fine may also be added.

Those speaking in favour of 124 A assert that it combats anti-national and terrorist elements, which attempt to overthrow the government with illegal means. They also state that if contempt of court invites penal action, contempt of government should also be a punishable offence. On the contrary, those advocating its abolishment have argued that the law goes against the concept of freedom of speech and expression and the right to peacefully protest against any government.

A peaceful protest can never be an act of sedition against the government as it is enshrined in our Constitution under Article 19. Hence, Section-124 seems to be unsuitable for implementation in a democracy.

In the past few weeks, the country has witnessed many forms of protests though each of those had different ways to exhibit dissent. In most cases, the administration instantly relied on Section 124 A to suppress the dissenting voices. In the JNU protests that took place a few months ago when students raised their voice against the undue and unreasonable hike in their tuition fees, the administration instantly slapped cases under Sedition against the students. Recently, there was another instance in Bidar, Karnataka, where the Headmistress of a school and a mother of a student were arrested and charged with

sedition for conducting a school play against CAA. Another 43-year-old man was charged with sedition for allegedly chanting Pro-Pakistani slogans in Udipi district in Karnataka. The young Leftist leader Kanhaiya Kumar is also a prominent example against whom the sedition law has been used.

However, there are some who have argued in favour of retaining Section 124A of the IPC. Recently speaking at a public function, former judge of the Bombay High Court SC Dharmadhikari defended the law, contending that its application must be tested on the basis of the Constitution. Arguing that the law was not draconian, he maintained that any accusation of sedition would have to be established with proof.

However, it is also a fact that while a large number of sedition cases have been filed, the conviction rate is very low. Given that the law is perceived to be misused by successive governments, there is, therefore, a need to bring amendments to it. We must remember that law should not be used to suppress people's voice, but to create a sense of security among the people. While anti-nationals should not go unpunished, the law should also not be misused against those who are only protesting peacefully against incumbent governments.

The author is Assistant Professor of Law, Indian Institute of Legal Studies, Siliguri

The unusually large number of sedition cases registered in the aftermath of the controversy over anti-Citizenship Amendment Act protests has once again put the focus on whether sedition law should be abolished or not.

There has been a debate for long on the draconian nature of Section 124 A of the IPC, also called the sedition law, given that it was drafted by the British in 1860 and enacted in 1870 to quell rebellion against the Raj. We can cite the most famous case of the three sedition trials of Bal Gangadhar Tilak and the trial of Mahatma Gandhi in 1922. Mahatma Gandhi was charged with Shankerlal Banker, the proprietor of Young India, for three articles published in the weekly.

After Independence, however, successive governments have used it against political opponents to crush any form of dissent and protest. What has raised concern this time, however, is the manner in which the government has slapped activists protesting against the Citizenship Amendment Act that was passed recently. According to the National Crime Records Bureau (NCRB) figures, a staggering 194 sedition cases have been filed in the aftermath of the CAA protests, much more than the total number of sedition cases put together in the last three years.

The IPC defines sedition (Section 124 A) as an offence committed when "any person