

Judicial Review on Sedition Law / Sec 124A of IPC

Why in news?

The Supreme Court indicated its intention to reconsider the sedition provision - Section 124A of the Indian Penal Code (IPC).

What is Section 124A?

- The Sedition law, or Section 124A, was inserted into the IPC in 1870.
- The colonial law was derived from the British Sedition Act of 1661.
- Under it, whoever brings or attempts to bring hatred or contempt, or excites or attempts to excite disaffection towards the Government established by law in India shall be punished.
- The punishment may involve imprisonment of 3 years to life term, to which a fine may be added.

What are the Court's recent remarks?

- Sedition is a colonial law. It suppresses freedoms. It was used against Mahatma Gandhi, Tilak.
- The CJI said the sedition provision was prone to misuse by the government.
- Central and State law enforcement agencies are using the sedition law arbitrarily.
- The conviction rate under the Section is very low, indicating the misuse of power by executive agencies.
- They use it to silence dissent, muffle free expression and for denying bail to incarcerated activists, journalists, students and civil society members.
- The Court thus asked, "Is this law necessary after 75 years of Independence?"

What is the significance?

- It is often argued that the misuse of a law alone does not render it invalid.
- But there is a special case to strike down Section 124A because of its inherent potential for misuse.
- There is a pattern of behaviour among all regimes that indicate a tendency to invoke Sec 124A without examining its applicability to the facts of any case.
- Recent cases show that sedition is used for three main political reasons:
 - i. to suppress criticism and protests against particular policies and

- projects of the government
- ii. to criminalise dissenting opinion from human rights defenders, lawyers, activists and journalists
 - iii. to settle political scores, sometimes with communal hues
- Given these, the Court has sent a clear signal that Section 124A of the IPC may have passed its time.
 - It has made it clear that it was sensitive to the public demand to judicially review the nature of use of the sedition provision.
 - This has opened the floor for debate and introspection on the court's own judgment in 1962, in the [Kedar Nath case](#), which upheld Section 124A.

Source: The Hindu

