

## Sedition Case against Celebrities

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### Why in news?

A case of alleged sedition has been registered in Bihar's Muzaffarpur against 49 celebrities who had penned an open letter to the PM on growing incidents of mob violence.

### What is the charge?

- Mob lynchings were on the rise, as the perpetrators allegedly knew no one would get punished.
- The open letter by the celebrities to the PM, expressing concern on the above, was released in July 2019.
- [They include, among others, Ramchandra Guha, Shyam Benegal, Aparna Sen, Mani Ratnam and Adoor Gopalakrishnan.]
- An advocate, Sudhir Kumar Ojha, filed a petition in the court of the Muzaffarpur Chief Judicial Magistrate in this regard.
- It sought action against the signatories for alleged sedition, public nuisance and hurting religious feelings.
- On the court's direction to file an FIR, the police registered the case under various sections of the Indian Penal Code (IPC).
- It includes sedition, public nuisance, hurting religious feelings, and insulting with intent to provoke breach of peace.

### How has the sedition law evolved?

- Sedition laws were enacted in 17th century England, when lawmakers believed that only good opinions of the government should survive.
- [Back then, bad opinions were detrimental to the government and monarchy.]
- This sentiment (and law) was borrowed and inserted into the IPC in 1870.
- The British abused the sedition law to convict and sentence freedom fighters.
- The law was first used to prosecute Bal Gangadhar Tilak in 1897.
- That case led to Section 124A of the IPC (which deals with sedition) being amended, to add the words "hatred" and "contempt" to "disaffection."
- These were defined to include disloyalty and feelings of enmity.

- Twice in the Constituent Assembly, some tried to include sedition as a ground for restricting free speech.
- But, this was vehemently (and successfully) opposed for fear that it would be used to crush political dissent.
- The Supreme Court highlighted these debates in 1950 in its decisions in *Brij Bhushan v. the State of Delhi* and *Romesh Thappar v. the State of Madras*.
- These decisions prompted the First Constitution Amendment, where Article 19(2) was rewritten.
- Accordingly, the phrase “undermining the security of the State” was replaced with “in the interest of public order”.
- In 1962, the Supreme Court upheld the constitutionality of Section 124A in *Kedar Nath Singh v State of Bihar*.
- However, the court limited the law’s application to “acts involving intention or tendency to create disorder, or disturbance of law and order, or incitement to violence”.
- Clearly, it distinguished these from “very strong speech” or the use of “vigorous words” strongly critical of the government.
- In 1995, the Supreme Court, in *Balwant Singh v State of Punjab*, acquitted persons from charges of sedition for shouting slogans such as “Khalistan Zindabaad” and “Raj Karega Khalsa” after Indira Gandhi’s assassination.
- Instead of looking at the “tendency” of the words to cause public disorder, the Court held that mere sloganeering that evoked no public response did not amount to sedition.

### **Why is the present charge a wrong precedent?**

- Given the above rationality, the current sedition charge is disappointing and completely disregards the true meaning of the sedition law.
- The law and its application clearly distinguish between ‘strong criticism of the government’ and ‘incitement of violence’.
- The letter was written by responsible citizens who visualised the nation as a democracy with space for plural opinions.
- Certainly, even if the letter is considered hateful and disdainful of the government, if it did not incite violence, it is not seditious.
- So, it is unclear how the court or the police could conclude that the contents were seditious or indicative of any other offence.
- Clearly, they could not be branded anti-national just because they did not agree with the government in power.

### **What is the way forward?**

- India is still a democracy, and every citizen has the right to write to those in power, up to the President.

- A true democracy should ensure the liberty to raise questions, debate, disagree, and challenge the powers on issues that face the nation.
- A responsible government ought to have taken action on the issue highlighted in the letter.
- The mere pressing of sedition charges ends up acting as a deterrent against any voice of dissent or criticism, leading to unauthorised self-censorship.
- It is high time to recognise the fact that the broad scope of Section 124A means that the state can use it to chase those who challenge its power.
- The court decision thus warrants an urgent and fresh debate on the need to repeal the sedition law; the law must go, as has happened in the U.K. already.

**Source: The Hindu**

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