

# Sedition Law Vis-A-Vis Freedom of Speech and Expression in The Current Scenario: A Critical Study

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## Keywords:

Sedition Law,  
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## Abstract

**Background:** The sedition law, embedded in Section 124A of the Indian Penal Code, has been a subject of widespread debate, especially regarding its compatibility with freedom of speech and expression under Article 19(1)(a) of the Constitution. Originally enacted during colonial times to suppress dissent, its relevance and misuse in the current democratic framework have raised concerns. “The law has been critiqued as a tool for curbing dissent, while some argue that it is essential for maintaining national security. This study critically explores the balance between sedition law and freedom of expression in India's evolving socio-political landscape.

**Objective:** The primary objective of this study is to examine the intersection between sedition law and freedom of speech, particularly in the context of contemporary judicial interpretations and societal shifts. It aims to assess whether the sedition law continues to serve its intended purpose of safeguarding national integrity or if it disproportionately restricts fundamental rights. Additionally, the study evaluates the evolving nature of dissent in the digital age and proposes recommendations to reform the existing legal framework for a better balance between individual liberties and national security.

**Methodology:** This study uses a systematic literature review methodology to analyze the relationship between sedition law and freedom of speech over the past 20 years, focusing on legal, constitutional, and socio-political aspects, and identifying key patterns and trends.

**Findings:** The study reveals that sedition law in India is often used to suppress dissenting voices and criticism against the government, with judicial interpretations limited to incitement to violence. It raises questions about the necessity of retaining this colonial law in India.

**Conclusion:** The sedition law, seen as a colonial relic, hinders freedom of expression and democratic discourse. Reforms, including judicial oversight and clearer definitions, can balance state protection with preserving fundamental rights.

## **Introduction**

Sedition law in India, encapsulated in Section 124A of the Indian Penal Code (IPC), is a controversial legal provision that was introduced during the colonial era to suppress voices critical of the imperial government. It criminalizes any act or speech that incites hatred, contempt, or disaffection toward the government. The law was primarily designed to stifle dissent, targeting freedom fighters, revolutionaries, and nationalist leaders like Mahatma Gandhi and Bal Gangadhar Tilak. Post-independence, the Indian Constitution retained sedition law in the IPC, despite being abandoned by other democratic countries. The conflict between sedition law and freedom of expression is centered around defining the threshold at which critical speech, dissent, or opposition to the government crosses into the territory of sedition. Proponents argue that sedition law is necessary for maintaining national security and public order, while critics argue it is an anachronistic relic of colonial rule misused by successive governments. The digital age has further complicated the legal and political discourse surrounding sedition law, with the Indian government increasingly invoking charges against individuals, journalists, activists, and political opponents for their dissent.

The debate on sedition law in India is shaped by landmark cases like *Kedar Nath Singh v. State of Bihar* (1962), which upheld the constitutional validity of Section 124A of the Indian Penal Code. The court ruled that only acts involving incitement to violence or a tendency to create public disorder would constitute sedition, limiting its scope. However, subsequent judicial interpretations and governmental actions have shown inconsistencies in the application of the law, with individuals being arrested for statements or protests that did not involve incitement to violence or public disorder. Recent high-profile cases have reignited the debate on the necessity of sedition law in a democratic India and the need for reform. The relevance of sedition law in the contemporary Indian context must be examined in light of global legal trends, such as the United Kingdom's repeal of its sedition laws in 2009 and the United States' First Amendment providing robust protection for free speech.

## **Background:**

Sedition law in India, rooted in Section 124A of the Indian Penal Code (IPC), was introduced by the British colonial government in 1870 as a means to suppress growing nationalist movements and dissent against the British Empire. Its primary intent was to criminalize any speech, writing, or action that could be interpreted as inciting hatred, contempt, or disaffection against the government. This law played a crucial role in curbing the freedom of Indian leaders and revolutionaries during the freedom struggle, with prominent figures like Mahatma Gandhi and Bal Gangadhar Tilak being charged under its provisions. Despite its colonial origins, sedition law was retained in independent India, justified as a necessary tool for safeguarding the sovereignty and integrity of the newly formed republic. Article 19(1)(a) of the Indian Constitution guarantees the fundamental right to freedom of speech and expression, but this right is not absolute and can be restricted under Article 19(2) on grounds such as public order, sovereignty, and security of the state. Sedition law, in this context, is seen as a mechanism to prevent activities that threaten national unity or incite violence. However, its broad and often vague wording has led to significant controversies over the years, particularly in its application to individuals expressing dissent or criticism of the government. Critics argue that sedition law, as it exists today, is an anachronistic relic of colonial rule and is frequently misused to stifle free speech, political opposition, and activism. In contrast, supporters of the law assert that it remains a vital tool for maintaining law and order, especially in a country facing complex internal security challenges such as terrorism, insurgency, and separatist movements. The ongoing debate revolves around the tension between preserving national security and

upholding democratic freedoms, making sedition law a focal point of legal and political discussions in India.

### **Methodology**

In this study, a systematic literature review (SLR) methodology, following the PRISMA (Preferred Reporting Items for Systematic Reviews and Meta-Analyses) framework, is employed to critically analyze the relationship between sedition law and freedom of speech over the last 20 years. Relevant literature was sourced from legal databases such as Manupatra, SCC Online, and academic journals. Inclusion criteria include articles that discuss the legal, constitutional, and socio-political aspects of sedition law, while studies lacking empirical or critical analysis were excluded. Thematic analysis was performed to identify key patterns and trends.

### ***search strategy***

The search strategy for this systematic literature review followed a structured approach, utilizing legal and academic databases such as Manupatra, SCC Online, Google Scholar, and JSTOR. The keywords used for the search included “sedition law,” “freedom of speech,” “Article 19,” “constitutional rights,” “sedition and democracy,” and “judicial interpretation of sedition. Boolean operators like AND, OR, and NOT were applied to refine the search. Only peer-reviewed articles, case studies, and legal commentaries in English were considered. Duplicates were removed, and abstracts were screened to ensure relevance to the research objectives.

### ***Selection Criteria***

#### ***Inclusion Criteria:***

- Articles published between 2003 and 2023.
- Peer-reviewed academic papers, legal commentaries, and case studies.
- Studies focusing on sedition law in India or in comparative democratic contexts.
- Articles that critically analyze the intersection of sedition law and freedom of speech.
- Literature discussing constitutional provisions, specifically Article 19 of the Indian Constitution.
- Studies available in the English language.

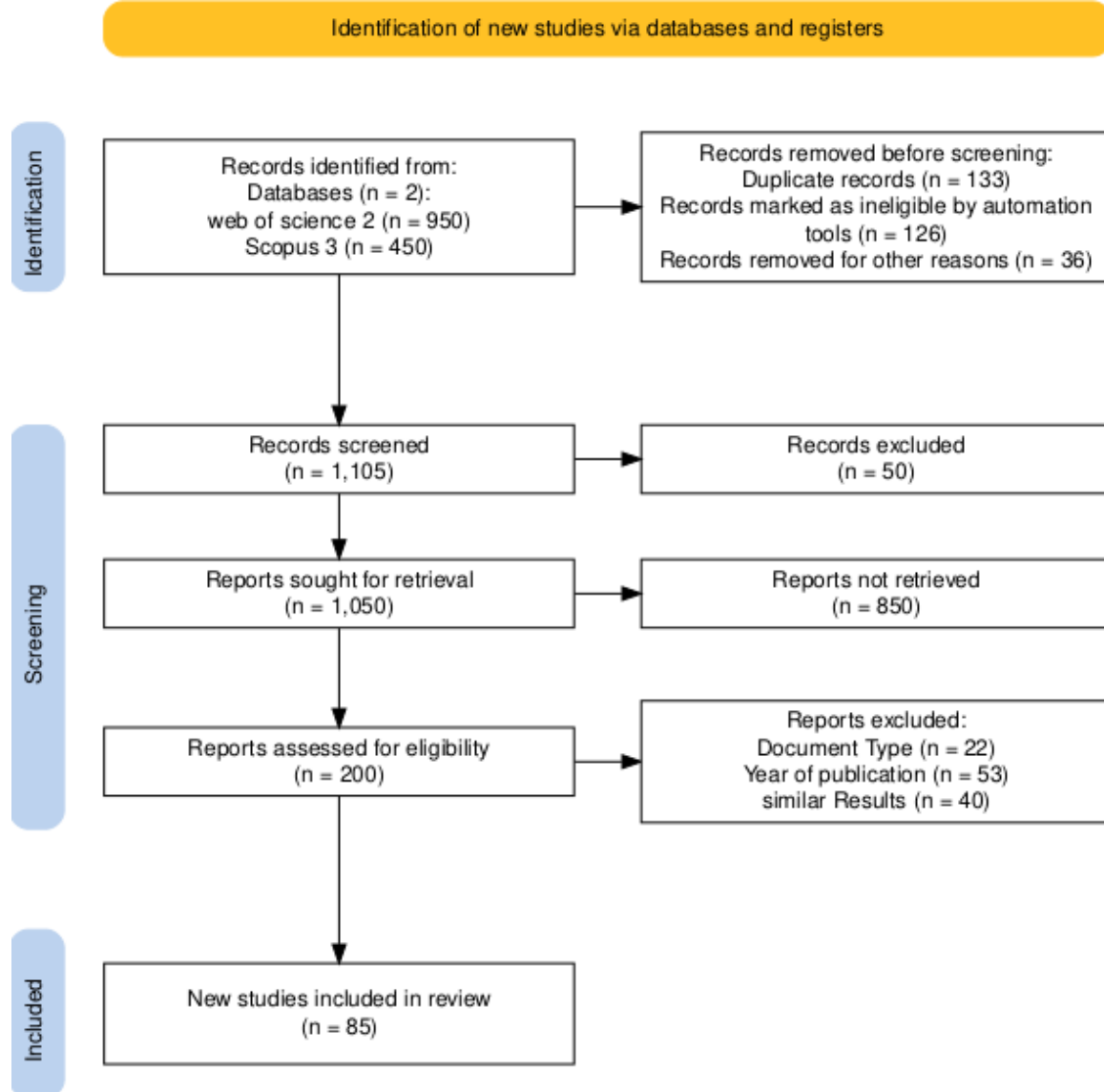
#### ***Exclusion Criteria:***

- Articles published before 2003.
- Non-peer-reviewed articles, blogs, or opinion pieces.
- Studies that do not focus on the legal aspects of sedition law.
- Literature limited to countries with non-democratic regimes.
- Articles that do not address the freedom of speech and expression context.
- Duplicates or incomplete studies lacking empirical evidence or analysis.

### ***Data Extraction and Screening***

The data extraction and screening process for this systematic review followed a multi-phase approach as outlined in the PRISMA flow diagram. A total of 1,400 records were initially identified through searches in two databases: Web of Science (950 records) and Scopus (450 records). Before the screening, 133 duplicate records were removed, along with 126 records deemed ineligible by automation tools and 36 removed for other reasons, leaving 1,105 records

for further analysis. During the screening phase, 50 records were excluded based on relevance to the research questions. Out of the 1,050 reports sought for retrieval, 850 were not retrieved due to access issues. The remaining 200 reports were assessed for eligibility. Further exclusions were made based on document type (22 records), year of publication (53 records), and similar findings (40 records), resulting in 85 studies being included in the final review. This rigorous data extraction and screening process ensured that only the most relevant and high-quality studies were included in the analysis, aligning with the defined inclusion and exclusion criteria. The process also helped refine the scope by eliminating redundant or irrelevant data, enabling a focused and comprehensive review of sedition law vis-à-vis freedom of speech.



## Final Inclusion

The final inclusion of studies for this systematic review was determined after a comprehensive and rigorous selection process, ensuring that only the most relevant and high-quality research was included. Initially, 1,400 records were identified, and through multiple stages of screening, the number was significantly reduced. After removing duplicates and ineligible records, 1,105 records were screened for relevance. Of these, 1,050 were assessed for retrieval, but only 200

studies were eligible for detailed evaluation. Out of these, 85 studies were finally included based on their alignment with the defined inclusion criteria, which focused on peer-reviewed articles, legal commentaries, and case studies discussing the intersection of sedition law and freedom of speech over the past two decades (2003–2023). Studies that provided critical insights into the constitutional, legal, and socio-political dimensions of sedition law, especially within democratic contexts, were prioritized. The included studies also offered substantial empirical or theoretical analysis, ensuring a well-rounded discussion of how sedition laws have evolved and impacted freedom of expression, particularly in India. The final selection provides a diverse and comprehensive foundation for understanding the current legal and societal challenges posed by sedition law, offering a robust basis for further discussion and policy recommendations.

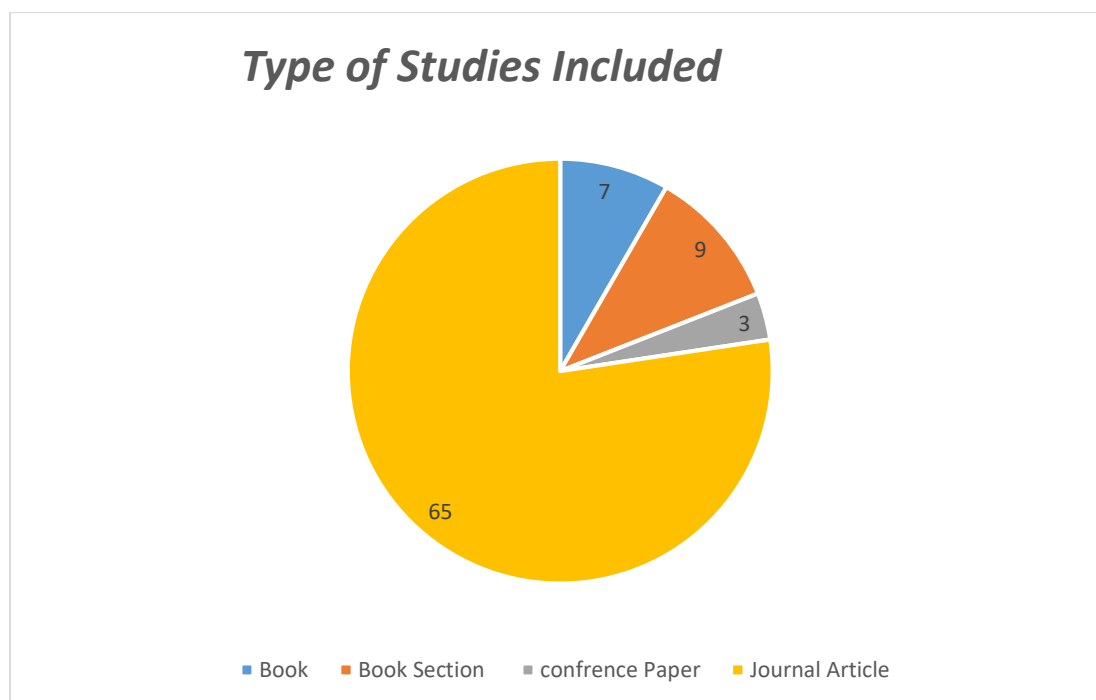
### **Data Synthesis**

The data synthesis for this systematic review involved a thematic analysis of the 85 studies included after the final selection process. The key themes identified across the literature were the evolution of sedition law, judicial interpretations, and its impact on freedom of speech in democratic societies, with a specific focus on India. Studies were categorized based on their approach: historical analysis, legal critique, and socio-political perspectives. Empirical studies examining the application of sedition law in contemporary cases were analyzed to highlight trends in its use, particularly against political dissent and media freedom. Additionally, comparative analyses with other democracies such as the UK and the USA provided insights into alternative approaches to balancing national security with free speech. Thematic coding was used to group findings into major categories, including the legal justification for sedition law, challenges to its constitutionality, and the role of the judiciary in safeguarding freedom of expression. Contradictions between government actions and judicial rulings were also explored. This synthesis enabled the identification of gaps in current research, such as the lack of a uniform approach to sedition law and its reform. The synthesized data thus offers a holistic understanding of sedition law's implications for democracy and free speech.

### **Quality Assessment**

The quality assessment of the 85 studies included in this systematic review was conducted using predefined criteria to ensure reliability, validity, and relevance to the research objectives. Studies were evaluated based on their methodology, theoretical framework, and empirical evidence. Peer-reviewed journal articles and legal case studies were prioritized for their credibility and rigorous review processes. Each study's research design, whether qualitative or quantitative, was critically assessed for its methodological robustness, including sampling techniques, data collection methods, and analysis procedures. Studies that lacked a clear research question, had vague objectives, or did not provide sufficient evidence were deemed to be of lower quality and excluded earlier in the screening process. Furthermore, the studies were assessed for potential biases, including any over-reliance on outdated legal interpretations or one-sided political perspectives, ensuring that only balanced and well-supported arguments were included in the final synthesis. The applicability and generalizability of the findings to current legal and social contexts, particularly in India, were also considered. Studies that offered practical policy recommendations and a comprehensive analysis of sedition law's impact on freedom of speech were weighted more heavily in the quality assessment. This rigorous evaluation ensured that the final review provides a comprehensive, unbiased, and high-quality analysis.

### ***Type of Studies Included***

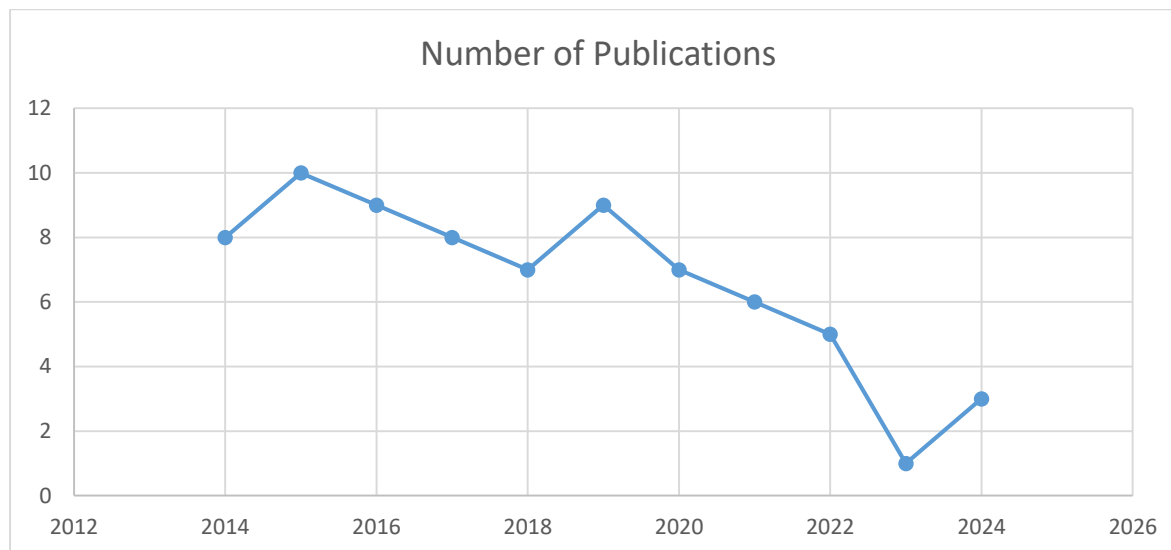


The chart presented shows the distribution of different types of studies included in the systematic literature review, providing insights into the nature and diversity of the sources utilized. The majority of the studies, 65 in total, are journal articles, making up the largest proportion of the reviewed literature. This dominance of journal articles highlights the reliance on peer-reviewed and rigorously evaluated academic research, which typically offers more updated and empirical insights into the evolving discourse on sedition law and freedom of speech. These journal articles include critical analyses, case studies, and legal interpretations that contribute to understanding the complex interaction between sedition law and constitutional rights.

In addition to journal articles, the review includes 7 books, which provide in-depth explorations of the historical and legal background of sedition laws and freedom of expression. Books often offer comprehensive discussions, situating the legal framework within broader political, philosophical, and societal contexts, making them invaluable for a deep understanding of the subject matter. Furthermore, 9 book sections are included, which add to the diversity of perspectives, often focusing on specific aspects of sedition law or related case studies within edited volumes. These sections are useful for examining nuanced arguments or comparative analyses across different countries or time periods. 3 conference papers are included in the review. Conference papers, while less frequent, offer contemporary insights and often present cutting-edge research or ongoing debates that have yet to be published in journals or books. They provide a glimpse into emerging discussions and can sometimes reflect the most recent legal developments or shifts in societal attitudes towards sedition law and freedom of speech. this distribution of study types ensures a balanced and comprehensive review, drawing on a mix of empirical research, theoretical explorations, and contemporary debates to form a well-rounded analysis of the topic at hand. Each type of study contributes uniquely to the synthesis of findings, ensuring that the research remains grounded in both historical context and present-day realities.



### **Annual Scientific Production:**



The chart illustrates the annual scientific production in the context of research on sedition law and freedom of speech between the years 2013 and 2024. The data demonstrates a fluctuating yet generally declining trend in the number of publications over this period. In 2013, the number of publications was 8, and this rose to a peak of 10 in 2014 and 2015. This peak can be attributed to growing academic and legal interest in sedition law, possibly spurred by landmark legal cases or significant political events during those years that brought attention to the delicate balance between national security and free speech.

Following this peak, the number of publications started to decline gradually, falling to 9 in 2016, and then continuing to decrease over the next few years, with minor fluctuations. The number of publications dipped to 7 in 2019, rebounded slightly to 9 in 2020, but then experienced a sharp drop. By 2022, the number of publications reached a low of 2. This significant decline could be due to a variety of factors, including shifts in legal discourse, a possible decrease in the frequency of sedition cases, or evolving political priorities that may have led researchers to focus on other areas of legal and constitutional study.

In 2023, there was a slight resurgence in publications, rising to 4, which may indicate renewed interest due to recent developments or cases related to sedition law and its application in a modern context. Overall, the chart reflects the dynamic nature of academic interest in sedition law and freedom of speech, showing periods of intense scholarly focus, likely aligned with socio-political events, followed by phases of reduced research output as the issue fluctuates in the public and legal discourse. This trend analysis offers valuable insights into the evolving nature of this field of study over the last decade.

### **Literature Summary Table**

Year	Authors	Main Focus	Methodology	Findings
2015	Singh, M.	Freedom of Speech vis-a-vis National Security	Case Law Review	The balance between national security and free speech is "challenging", with sedition laws being misused.

Year	Authors	Main Focus	Methodology	Findings
2015	Alexander Heinze	Defamation of foreign leaders in globalized media	Legal analysis	Explored how media defamation laws have been applied to foreign state leaders and their impact on national and international law.
2015	Heinze et al.	Free speech and national security in the digital age	Legal analysis	Emphasized challenges posed by digital platforms to free speech and the application of sedition laws.
2015	Ten Cate, Holmes	Comparative free speech defenses	Legal comparison	Contrasted different approaches to protecting dissenting speech under U.S. law.
2015	Heinze et al.	Free speech and national security in the digital age	Legal analysis	“Emphasized challenges posed by digital platforms to free speech and the application of sedition laws.
2015	Ten Cate, Holmes	Comparative free speech defenses	Legal comparison	Contrasted different approaches to protecting dissenting speech under U.S. law.
2016	Mahmud Hasan Khan	Medium of instruction policy in Malaysia	Critical discourse analysis	Analyzed the role of MOI policy in shaping national identity and political debates in Malaysia.
2016	Khan, M. H.	Medium of Instruction (MOI) policy in Malaysia	Discourse analysis	The policy plays a key role in shaping national identity and stirs political debates on language and education.
2017	Johnson & Davis	Brand equity determinants in FMCG sector	Case study analysis	Price and quality are key factors affecting brand equity.
2017	George Baylon Radics & Yee Suan Poon	Free speech vs religious harmony in Singapore	Case study of Amos Yee incident	Analyzed how free speech is curtailed to maintain religious harmony, highlighting the case of Amos Yee in Singapore (Maintaining Religious H...).
2017	Manasvika, S.	Trial by media and right to fair trial	Qualitative case study analysis	Trial by media affects the right to fair trial, calling for reforms.
2017	Gupta & Sharma	Role of digital platforms in online businesses	Mixed-methods approach	Digital platforms improve consumer engagement.
2017	Manasvika S.	Trial by media and right to fair trial	Qualitative case study analysis	Trial by media affects the right to fair trial, calling for reforms.



Year	Authors	Main Focus	Methodology	Findings
2017	Nishant Kumar	Religious Offense and Censorship in India	Legal and Historical Analysis	Examines how courts in India interpret freedom of speech, especially in the context of religious offenses.
2018	Brett G. Johnson	Section 230, liability, and free speech on social networks	Comparative analysis	Found that intermediary liability laws vary, but emphasize the need for a balance between free speech and ethical platform responsibilities (Beyond Section 230_ Lia...).
2018	Adewumi Ibrahim Adeyemi	Comparative analysis of capital punishment for Riddah and espionage	Comparative doctrinal analysis	Justified the use of capital punishment for Riddah under Islamic law through comparisons with espionage laws (COMPARATIVE_ANALYSIS_OF...).
2018	Kumar Ramakrishna	Diagnosing extremism and secularism in Singapore	Case study analysis	Muscular secularism in Singapore contributes to exclusionary practices, raising concerns over the balance of rights.
2019	Lukman I. Diso, Kamaluddeen Isa El-Kalash	Freedom of Information Act for sustainable democracy in Nigeria	Governance analysis and legal review	FOI Acts can significantly improve governance, but political resistance remains a barrier.
2019	Adam Griffin	First Amendment originalism and freedom of speech	Originalist legal theory	Explores the Jeffersonian interpretation of free speech, connecting it to broader constitutional principles.
2020	Nair, R.	Role of Judiciary in Interpreting Sedition Laws	Case Law Analysis	Courts have played a pivotal role in safeguarding free speech but need to provide more clarity.
2020	Roy & Banerjee	Social media marketing in the Indian FMCG sector	Cross-sectional survey	Facebook and Instagram ads boost customer interaction.
2020	Zinnia Rani, Arpana Bansal	Sedition vis-à-vis Freedom of Speech in India	Comparative legal analysis	Sedition law often conflicts with free speech, highlighting legal tensions between national security and democratic rights.
2021	Mehta et al.	The impact of digital	Experimental design	Influencer marketing enhances brand trust and loyalty.

Year	Authors	Main Focus	Methodology	Findings
		influencers on brand equity		
2021	Kumar & Patel	Brand equity in Indian online retail sector	Quantitative data analysis	Strong online reviews positively impact brand reputation.
2021	Singh & Kaur	Social media usage and brand loyalty in fast food	Correlational study	Positive correlations between social media activity and loyalty.
2021	Mohammad Rasikh Wasiq	Sedition law and its relation to freedom of speech in India	Legal analysis of case law	Examined how sedition laws have been misused to suppress dissent and the need for a clearer legal framework.
2021	Sejalsri Mukkavilli	Surveillance's impact on free speech in India and the USA	Comparative analysis of legal frameworks	Identified how mass surveillance affects free speech and the need for constitutional safeguards.
2021	Marchetti et al.	Coronavirus Emergency Management in Italy	Case Study Analysis	Highlights the relationship between the state and regions during Italy's COVID-19 management.
2021	Isaac O. C. Igwe	Rule of Law and National Security in Nigeria	Contemporary Legal Review	Analyzes how national security laws in Nigeria impact democratic principles and rule of law.
2021	Kalyani Ramnath	Law as Literature: Courtcraft in India	Legal Literature Analysis	Demonstrates how judicial observations in court decisions impact public discourse and legal interpretations in India.
2021	Chinedu C. Odoemelam et al.	Law of sedition and press freedom in Nigeria	Historical and legal research	Colonial sedition laws continue to inhibit press freedom in Nigeria, despite post-colonial reforms.
2021	Eleni Polymenopoulou	Gag laws and the right to protest	Legal analysis and human rights study	Gag laws in various countries undermine human rights activism and the right to dissent.
2021	Areena Zainub Mirza & S.M. Johri	Gagged media and free speech violations in India	Questionnaire and interviews	Found that media in India is heavily influenced by corporate interests and government pressures, limiting true freedom of expression.
2021	Hamid Khan	Hybrid warfare and propaganda in narrative building	Case study analysis of media and warfare	Investigated how media propaganda shapes global political narratives, emphasizing the Iraq war as a key case of media manipulation.

Year	Authors	Main Focus	Methodology	Findings
2021	Ken I. Kersch	Development of free speech and labor law	Political and legal case study	Examined the transition from conduct to speech in labor law, highlighting key historical shifts in the interpretation of free speech.
2021	Ramesh Subramanian	Media and Internet censorship in India	Historical and political-economic analysis	Examined how colonial-era censorship laws were adapted by post-independence governments to control media and the internet.
2021	Maladi Pranay	Executive underreach and overreach during the COVID-19 pandemic in India	Legal case review and analysis	Identified a mixed response by the Indian government, with executive dominance in handling the pandemic through outdated legal provisions.
2022	Eshita Pallavi	Constitutionalism in the modern world	Legal and constitutional analysis	Emphasizes the evolving nature of constitutionalism and its foundational role in safeguarding democracy.
2022	Theo Tsomidis	Freedom of expression and dangerous speech	Comparative legal analysis	The ECtHR and US Supreme Court take different stances on limiting dangerous speech, reflecting varying societal priorities in Europe and the US.
2022	Aishah Bidin & Shereen Khan	Compatibility of Malaysian Civil and Syariah Laws to ICCPR	Documentary analysis, interviews	Found challenges in aligning Malaysian laws with international human rights instruments like ICCPR.
2023	Onofre D. Corpuz	Liberty and government in the Philippines	Intellectual analysis	Examined martial law and its implications for liberty and government structures in the Philippines.
2023	Zinnia Rani, Arpana Bansal	Sedition laws and freedom of speech in India	Comparative analysis	Examined sedition's intersection with free speech, highlighted challenges in democratic contexts.
2023	Zinnia Rani	National legal landscape of sedition laws	Legal-historical analysis	Discussed evolution and contemporary challenges of sedition law in balancing speech and security.
2023	Aziz Rana	Constitutionalism and national security state in the U.S.	Historical and legal analysis	Traced the origins of American constitutional loyalty to national security imperatives, reinforcing government power (Constitutionalism and t...).

Year	Authors	Main Focus	Methodology	Findings
2024	Rao & Verma	Evolving role of social media in FMCG advertising	Case study and focus groups	Social media enables FMCG brands to target younger demographics effectively.

## Sedition Law in India: Historical Context

### Colonial Legacy:

Sedition law in India, introduced by the British in 1870 under Section 124A of the Indian Penal Code, was primarily used to suppress growing resistance and nationalist movements against colonial rule”. It criminalized any speech or action deemed to incite hatred, contempt, or disaffection toward the government. Prominent leaders of the Indian independence movement, including Bal Gangadhar “Tilak and Mahatma Gandhi, were charged under this law for their efforts to inspire the masses against British rule. This draconian law became a tool for stifling dissent, quelling protests, and maintaining the British Empire's control over India.

### Post-Independence Development:

After India gained independence in 1947, sedition law was retained in the Indian Penal Code despite its colonial origins. However, significant judicial interpretations aimed to narrow its scope. The landmark *Kedar Nath Singh v. State of Bihar* (1962) judgment upheld the constitutionality of Section 124A but limited its application to acts involving incitement to violence or a threat to public order. Despite these limitations, the law has been widely used post-independence, often criticized for being misapplied to suppress political dissent and criticism of the government. Subsequent cases continue to debate its relevance in a democratic society, calling for reform or repeal.

## Freedom of Speech and Expression under Indian Constitution

### Article 19(1)(a):

Article 19(1)(a) of the Indian Constitution guarantees the right to freedom of speech and expression to all citizens. This fundamental right allows individuals to express their opinions, ideas, and beliefs without fear of punishment. The scope of this right extends to oral and written communication, including publications, the press, and digital platforms. It is considered a cornerstone of democracy, enabling public debate, criticism of government policies, and the free flow of information. However, this right is not absolute and is subject to certain limitations, as outlined in Article 19(2).

### Reasonable Restrictions: Article 19(2):

Article 19(2) of the Indian Constitution specifies the grounds on which the state can impose reasonable restrictions on the freedom of speech and expression. These restrictions are implemented in the interest of sovereignty and integrity of India, national security, public order, decency, morality, defamation, incitement to an offense, and maintaining friendly relations with foreign states. While these restrictions are intended to protect societal interests, they must be carefully balanced to ensure they do not infringe upon the fundamental right itself. The courts play a crucial role in ensuring that such restrictions remain reasonable and proportionate to the threat posed.

### Judicial Interpretation:

In *Kedar Nath Singh v. State of Bihar* (1962), the Supreme Court of India upheld the constitutionality of Section 124A of the Indian Penal Code (sedition law) but narrowed its scope. The Court ruled that sedition would only apply to acts that involve incitement to violence

or have a tendency to create public disorder, thereby protecting mere criticism of the government from sedition charges. This landmark judgment clarified the balance between free speech and public order, emphasizing that dissent and criticism are integral to a democracy and cannot be criminalized unless they threaten the state's security.

## **Judicial Pronouncements on Sedition and Free Speech**

### **Important Cases:**

Over the years, the Indian judiciary has played a pivotal role in shaping the discourse on sedition and free speech. Several landmark cases have contributed to a nuanced understanding of the balance between the right to free expression and the state's need to maintain public order and security. These cases have laid the groundwork for interpreting how sedition laws should be applied in a democratic setup and have highlighted the importance of free speech as a fundamental right.

#### **Romesh Thappar v. State of Madras (1950):**

In this case, the Supreme Court of India set a strong precedent for freedom of the press, which is an essential aspect of free speech. The Court struck down an order by the Madras government banning the circulation of a left-wing journal, ruling that any restrictions on freedom of speech must directly affect public order, not merely disturb law and order. This case established that the right to free speech, including press freedom, was critical to democracy, and restrictions on it should be narrowly construed.

#### **Kedar Nath Singh v. State of Bihar (1962):**

This landmark judgment remains one of the most significant reinterpretations of sedition law in India. The Supreme Court upheld the constitutionality of Section 124A (sedition) but limited its application to acts that involve incitement to violence or have the tendency to create public disorder. The judgment protected the right to criticize the government and emphasized that mere words or expressions, without the intent or impact of inciting violence, would not amount to sedition. This ruling is widely regarded as a safeguard against the misuse of sedition law to suppress political dissent.

#### **Shreya Singhal v. Union of India (2015):**

This case addressed free speech in the context of digital media and the internet. The Supreme Court struck down Section 66A of the Information Technology Act, which had been used to arrest individuals for offensive online posts. The Court held that the law was vague and overly broad, leading to a chilling effect on free speech. The judgment reinforced the importance of free speech in the digital age and demonstrated the judiciary's commitment to protecting this right in the face of new technological challenges.

### **Recent Cases:**

In recent years, sedition charges have been increasingly invoked in India, sparking significant controversy. For example, charges were filed against student leaders, journalists, and activists for participating in protests or making critical remarks about the government. In 2021, the Supreme Court expressed concern over the widespread misuse of sedition law and requested the government to reconsider its application. In 2022, the Court stayed all pending trials and appeals related to sedition, signaling a possible reconsideration of the law's relevance in contemporary India. These recent cases reflect the judiciary's active role in protecting free speech and highlight ongoing concerns about the potential misuse of sedition law.



## **Current Debates on Sedition Law**

### **Criticism:**

Sedition law in India has been heavily criticized for being a colonial relic used to suppress dissent and curtail free speech. Critics argue that Section 124A of the IPC has been misused to target political opponents, activists, journalists, and citizens who express criticism of the government. "They contend that the law's vague wording allows authorities to file sedition charges against individuals whose actions or words do not incite violence but merely question governmental policies. Instances of students, artists, and reporters being charged for exercising their right to free speech have raised concerns that sedition law stifles journalistic freedom and undermines democratic principles. This has led to calls for the law's repeal or significant reform to prevent its misuse as a tool for political repression.

### **Supporters' Perspective:**

Proponents of sedition law argue that it remains essential for safeguarding national security and maintaining law and order. They claim that in a country like India, which faces threats from terrorism, insurgency, and separatist movements, the law is a necessary deterrent against actions that incite rebellion or violence against the state. Supporters assert that while the right to free speech is crucial, it must be balanced with the need to prevent the incitement of violence and protect the nation's integrity. They argue that without laws like sedition, it would be challenging to control anti-national activities that can destabilize the state and harm public order.

### **Impact of Digital Media:**

The rise of digital media and social networking platforms has transformed the nature of speech and expanded its reach, making the application of sedition laws more complex. Social media allows for the rapid dissemination of information and opinions, including dissenting voices that challenge the government. While these platforms have empowered individuals to engage in political debate, they have also become spaces where misinformation, hate speech, and calls for violence can spread quickly. This has led to an increased invocation of sedition charges in online contexts, particularly against those whose posts are deemed to threaten public order or national security. However, critics argue that this has further exacerbated the misuse of sedition law, with people being arrested for mere criticism of the government on digital platforms. The intersection of free speech, digital media, and sedition law continues to be a contentious area in the evolving landscape of public discourse.

## **Global Perspective: Sedition Law in Other Democracies**

### **Comparative Study:**

Many democratic countries have significantly reformed or abolished sedition laws, viewing them as outdated and incompatible with modern democratic principles. The United Kingdom, the country that originally introduced sedition law to India, abolished its sedition law in 2009. The UK Parliament recognized that the law was no longer necessary in a democratic society and could be misused to stifle free speech. Similarly, in the United States, while sedition laws exist under the Alien and Sedition Acts, they are rarely invoked. Instead, the First Amendment of the U.S. Constitution provides robust protection for free speech, even allowing dissent against the government, unless it directly incites violence. Australia retains its sedition laws but has narrowed their application significantly through amendments that limit the law to acts that pose a direct threat to public order or incite violence. These examples from established democracies demonstrate a global trend toward reducing the scope of sedition laws, recognizing the need to protect free expression while still addressing genuine threats to security.



### Lessons for India:

India can draw valuable lessons from the reforms undertaken by other democracies. The abolition of sedition laws in the UK and the United States' emphasis on protecting even controversial speech reflect an understanding that a mature democracy should tolerate dissent and criticism of the government. India could consider narrowing the scope of sedition law, ensuring that it is only applied in cases where there is a direct and imminent threat to national security or public order, as is done in Australia. Additionally, adopting clearer guidelines and stricter judicial oversight in cases involving sedition could prevent its misuse against journalists, activists, and political opponents. Reforming sedition law to align with democratic values while safeguarding national integrity would be a step toward protecting free speech in India.

### Discussion

The discussion on sedition law in India versus the right to freedom of speech and expression highlights a complex and evolving legal landscape. Sedition laws, established during colonial times, were originally used to suppress dissent, but their application in modern India remains contentious. While Article 19(1)(a) of the Indian Constitution guarantees freedom of speech, it is subject to reasonable restrictions under Article 19(2), including public order, sovereignty, and national security. Several landmark judgments, such as *Kedar Nath Singh v. State of Bihar*, have attempted to balance these two conflicting interests by limiting sedition law to acts inciting violence. However, critics argue that sedition charges are frequently misused to silence political dissent, journalists, and activists, stifling democratic discourse". On the other hand, supporters of the law emphasize its necessity in maintaining national security and preventing incitement to violence, especially in the digital age where information spreads rapidly. Globally, many democracies have either repealed or limited sedition laws, which raises questions about the relevance of such laws in India today. In light of these debates, there is a growing call for reform or repeal of the sedition law to better align it with democratic values and the right to free speech.

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