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THE CONSTITUTIONAL VALIDITY OF THE SEDITION LAW IN INDIA: AN ANALYSIS OF SUPREME COURT JUDGMENTS

AUTHORED BY - DR. C. USHA

ABSTRACT:-

The constitutionality of Section 124A of the Indian Penal Code (IPC) sedition law in India has been the subject of intense legal and public debate. The purpose of this paper is to critically examine the Supreme Court of India's sedition rulings from 2023. During the British colonial rule, sedition was established, making any speech or action that incites hatred, contempt, or disaffection towards the government illegal. It has been a source of controversy in India's legal system, frequently leading to discussions about its relevance and potential impact on democratic principles and freedom of speech.

Several petitions challenging the sedition law were presented to Congress, prompting the Supreme Court to revisit it in 2023. The paper discusses these decisions, placing them within the larger jurisprudence and the evolving concept of fundamental rights in India. This examination investigates the history of Section 124A, from its inception to its implementation after independence, and evaluates its compatibility with present-day democratic principles.

Considerations on the Supreme Court's 2023 rulings are evaluated in terms of interpreting, maintaining and revising the status quo as well as doctrinal uniformity. The analysis of key cases focuses on the Court's reasoning, which includes its engagement with the principles of freedom of speech and expression under Article 19(1)(a) of the Constitution, as well as the permissible limitations under Article 19(2). The legal standards on the promotion of violence, public order, and national security are also addressed in the judgments.

The authors argue that the Supreme Court's new interpretations indicate a subtle shift towards

protecting constitutional liberties from state interests. Through its analysis of judicial rhetoric and legal precedents, the study highlights the Court's pivotal role in shaping the trajectory of civil liberties in India. It also criticizes the judgments on potential ambiguities and provides directions for future reforms of law.

To sum up, this examination confirms the necessity for a prudent strategy towards sedition that balances state control with individual liberties. The Supreme Court's 2023 rulings are crucial in re-evaluating the sedition law's place in democracy and its constitutionality. The current debate on legal reform includes this study, which advocates for a review of colonial-era laws to reflect modern human rights standards and democratic aspirations.

INTRODUCTION:-

Section 124A of the Indian Penal Code (IPC), 1860, codified India's sedition law, remains one of its most controversial provisions in Indian law. The act of creating hatred or contempt towards the government established by law is prohibited under this statute. Section 124A was created during the British colonial period to suppress opposition and limit the growth of the independence movement. Despite its anachronistic nature, the law persists in modern India, raising concerns about its relevance and compatibility with current democratic principles. At the time when British colonial authorities were most worried about growing resistance and rebellion against their rule, the sedition law was promulgated. To maintain their stronghold in India, the British made it illegal to voice discontent against the government and suppress the voices of freedom fighters. This harsh law resulted in the prosecution of several independence activists, including Mahatma Gandhi and Bal Gangadhar Tilak. Section 124A was once described by Gandhi as "the prince among the political sections of the Indian Penal Code" intended to curb citizen liberty.

India's post-independence era saw the adoption of a democratic Constitution that ensured basic rights for its populace, such as freedom of expression under Article 19(1)(a). Article 19(2) imposes certain "reasonable restrictions" on the right, which include safeguarding the sovereignty and integrity of India, State security, and public order. These reasons are often used to justify the sedition law in its current form. The broad and uncertain nature of Section 124A has resulted in its misuse, leading to the suppression of legitimate criticism and opposition against the

government. Critics maintain that the sedition law contradicts the democratic values of contemporary India. *Kedar Nath Singh v.* was a landmark case before the Supreme Court of India. Section 124A was narrowed by the State of Bihar in 1962, which stipulated that only acts of incitement to violence or public disturbance would be considered sedition. Despite the legal intervention, journalists, activists, and commoners have frequently been subjected to prosecution for expressions that should be protected by the right to free speech.

The misuse of the sedition law has resulted in tangible, often devastating outcomes. Individuals have been apprehended and incarcerated for posting social media messages, giving speeches, and engaging in artistic gestures considered seditious. This trend has a chilling effect on free speech and fosters tyranny and self-censorship, which are not compatible with democratic ideals.

Moreover, the use of sedition charges as a means to silence political dissidents and critics undermines the fundamental principles of emulating dissent.

The sedition law has been the subject of renewed discussion in recent times, with calls for its repeal or significant amendment. Section 124A is being effectively abolished by human rights organizations, legal scholars, and various sectors of the civil society, who argue that current laws are adequate to maintain public order and national security without violating fundamental freedoms. The Law Commission of India, in its consultation paper on sedition, also stated that the provision should be thoroughly reviewed to ensure it is not exploited against democratic principles. In summary, even though the sedition law was originally intended to be a form of colonial oppression, it is now seen as an outdated and incompatible act that has become increasingly disregarded in defending India's democratic system. In an effort to achieve democracy, it is essential to reassess and reconfigure certain legal provisions such as Section 124A to ensure their intended purpose of maintaining public order without inciting legitimate dissent and democratic engagement.

HISTORICAL CONTEXT AND LEGISLATIVE INTENT

In 1870, the British colonial government introduced Section 124A to the Indian Penal Code (IPC) as a means of cracking down on resistance in India. The colonial authorities employed Section

124A as a strategic tool to suppress any resistance to their rule. It has its roots in the wider context of British imperialism, when efforts to retain control over colonies often involved suppressing indigenous movements for self-rule and independence. In the late 1800s, India was experiencing a surge in nationalist movements that sought to challenge British dominance and assert its sovereignty. The colonial government sought to pass laws that would prevent and punish individuals involved in anti-colonial activities as a result of the growing resistance. This objective was perfectly served by the comprehensive and vaguely defined provisions of Section 124A. The British government employed Section 124A to target various Indian independence marches and leaders during its colonial years. Bal Gangadhar Tilak, a nationalist ideology and revered leader, was brought to trial for sedition after voicing his objections to British authority. The prosecution of Tilak under this harsh law served as a sharp warning to other dissidents, emphasizing the seriousness of openly opposing colonial rule.

The challenge of British domination was directly faced by Mahatma Gandhi, who was another famous figure who suffered the consequences of Section 124A. Gandhi's arrest and sedition charges served as a reminder that the colonial government was committed to suppressing any form of resistance, whether it was peaceful or nonviolent. Section 124A retention in post-independence India's Indian legal system has been the subject of much controversy and debate. Critics contend that its continued existence perpetuates a colonial legacy of oppressive laws that are incompatible with democratic and free speech. India's democratic Constitution was established in 1947, but the persistence of laws like Section 124A raises questions about the relevance of colonial-era statutes in a post-colonial, democratic society.

The sedition law is argued by supporters to have a legitimate aim of maintaining public order and national security. They maintain that in a society filled with both communal tensions and separatist movements, such as India, the state must have the power to restrict speech that undermines the country's unity and integrity. Despite these grounds, worries persist about the misuse and abuse of Section 124A. The law has been used to silence journalists, activists, students, and commoners who expressed opposing views or opposed government policies. Such incidents not only violate individuals' freedom of expression but also have a chilling influence on public discourse, impeding legitimate opposition and undermining the democratic system. In recent times, there has been a surge

in calls to repeal or substantially modify Section 124A. According to human rights organizations, legal experts, and civil society activists, the law's vagueness and broad scope make it susceptible to misuse by those in power. They suggest legal reforms that balance the interests of national security against fundamental rights of citizens, including freedom to criticize the government without fear of retaliation.

The historical context and legislative intent of Section 124A of the Indian Penal Code are evident, which suggest that it was created as a means of oppression during the colonial era to maintain British power in India. The law remains in place in independent India, but its suitability for democratic societies and its relevance today are still a subject of intense debate and criticism. The need to reform and revise laws such as Section 124A is growing in India, as the country continues to thrive on its democratic principles.

CONSTITUTIONAL FRAMEWORK

The Indian Constitution's Article 19(1)(a) establishes the fundamental rights of Indian citizens, including freedom of speech and expression. Similar to other fundamental rights, this freedom is subject to reasonable limitations as outlined in Article 19(2). The restrictions cover a wide range of interests, from national security to public order, morality, and defamation. The question of whether Section 124A is a reasonable restriction under Article 19(2) is the focal point of the debate on it. In India, the constitutional system balances individual rights with wider social welfare. The state has the power to restrict the free expression and speech process under Article 19(2) to prevent any harm to the nation's integrity and security, maintain public order, and safeguard the dignity of institutions such as the judiciary. In principle, these limitations are designed to be very specific and correspond to the legitimate objectives they seek.

Section 124A is believed to promote essential national interests by inhibiting activities that endanger the sovereignty and integrity of India or provoke violence and disorder. Their argument is that in a country full of communal tensions and separatist movements, such as India, the state must have the ability to restrict speech that poses 'a real danger to stability and cohesion'. However, critics point to broad and ambiguous language in Section 124A, which criminalizes not only violence or incitement but also disillusionment or hostility towards the government. The ambiguity, they contend, is

vulnerable and allows the state to suppress legitimate opposition and criticism under the guise of national security. In addition, the historical nature of Section 124A as a tool of oppression during the colonial period raises questions about its compatibility with the democratic values of contemporary India.

Over time, the interpretation and application of Section 124A have been scrutinized by courts. The case of *Kedar Nath Singh v. In an effort to limit the sedition law*, the Supreme Court of India determined that any criticism of the government or opposition to its policies was not secession, unless it caused violence or public disturbance. This ruling aimed to reconcile the provisions of Section 124A with the Constitution's general guarantees of freedom of speech and expression. The *Kedar Nath Singh* verdict does not address the issue of misuse and exploitation of Section 124A to silence political dissidents. Sedition charges are being forcefully brought forward by the law to suppress free speech and undermine democratic values.

Legal experts, human rights advocates, and civil society organizations have increasingly agreed that Section 124A must be reviewed thoroughly in recent years. Reformed versions would include clarifying the language of the provision to better align it with constitutional democracy, enforcing procedural safeguards to prevent its misuse, and setting clear procedures for how it should be applied by law enforcement officials. To sum up, the argument about whether Section 124A should be included in Article 19(2) of the Constitution of India illustrates overall conflicts between individual freedoms and collective interest within an idealized democracy. Despite the state's interest in national security and public order, the restrictions on free speech must be carefully considered to prevent the suppression of legitimate protests. A nuanced approach that preserves the Constitution's spirit and addresses the contemporary challenges of Indian democracy is necessary to reconcile these conflicting interests.

IMPORTANT SUPREME COURT JUDGMENTS

ROMESH THAPPAR V. STATE OF MADRAS (1950):

In this seminal case, the Supreme Court of India articulated the foundational importance of freedom of speech and expression in a democratic society. Although not directly related to sedition, this judgment laid down the groundwork for subsequent interpretations of the right to freedom of

speech. The Court held that freedom of speech and expression is essential for the functioning of democratic institutions and is a cornerstone of liberty. It emphasized that restrictions on this freedom must be narrowly construed and limited only to what is strictly necessary for the maintenance of public order, decency, or morality. This case set the tone for future jurisprudence on the subject, establishing freedom of speech as a fundamental right that must be zealously protected.

BRIJ BHUSHAN V. STATE OF DELHI (1950):

In this case, the Supreme Court struck down a law that allowed pre-censorship of a journal, affirming the principle that any restriction on freedom of speech must be reasonable and not arbitrary. The Court held that pre-censorship constituted a severe infringement on the freedom of speech and expression guaranteed under Article 19(1)(a) of the Indian Constitution. It reiterated that laws restricting speech should be narrowly tailored and not excessive or disproportionate to the legitimate aims they seek to achieve. This judgment reinforced the importance of judicial scrutiny in safeguarding fundamental rights and ensuring that restrictions on speech are justified and proportionate.

KEDAR NATH SINGH V. STATE OF BIHAR (1962):

In this landmark case, the Supreme Court directly addressed the constitutional validity of Section 124A of the Indian Penal Code (sedition law). While upholding the validity of the sedition law, the Court imposed significant limitations on its application. The Court held that mere criticism of the government, however vehement, did not constitute sedition unless it incited violence or had the tendency to create public disorder. This judgment clarified that the offence of sedition requires a direct incitement to violence or public disorder and cannot be invoked merely on the basis of criticism or dissent against the government. It struck a balance between the need to preserve public order and the protection of free speech, emphasizing the importance of intent and the context in determining the culpability of speech acts.

BALWANT SINGH V. STATE OF PUNJAB (1995):

In this case, the Supreme Court acquitted individuals who had raised slogans supporting Khalistan, holding that the casual raising of slogans, without any overt act or intention to incite violence, did not amount to sedition. The Court emphasized the distinction between advocacy of ideas and incitement to violence, highlighting that speech must be directly linked to an intention or tendency to disturb public order to constitute sedition. This judgment reaffirmed the principle that sedition charges cannot be invoked arbitrarily and underscored the importance of distinguishing between legitimate dissent and unlawful acts.

SHREYA SINGHAL V. UNION OF INDIA (2015):

While primarily dealing with the constitutionality of Section 66A of the Information Technology Act, 2000, this judgment is significant for its broader implications for freedom of speech. The Supreme Court struck down Section 66A for being vague and overbroad, reaffirming that restrictions on speech must be narrowly tailored and not arbitrary. The Court held that vague and ambiguous laws have a chilling effect on free speech and are prone to abuse. This judgment underscored the importance of clarity and precision in drafting laws that restrict speech and highlighted the judiciary's role in safeguarding fundamental rights against legislative overreach.

ANALYSIS OF JUDICIAL TRENDS

The modification in judicial interpretation of Sections 124A and 126(2) of the Indian Penal Code (IPC) is indicative of a careful compromise between upholding public order and safeguarding fundamental rights, such as freedom of expression and expression under Article 19(1)(a) of India's Constitution. The modification in judicial interpretation of Sections 124A and 126(2) of the Indian Penal Code (IPC) is indicative of a careful compromise between upholding public order and safeguarding fundamental rights, such as freedom of expression and expression under Article 19(1)(a) of India's Constitution. The courts have gradually shifted their position, acknowledging that charges of sedition cannot be justified by mere public dissatisfaction or criticism of the government, without inciting violence or disorder. The modification in judicial interpretation of Sections 124A and 126(2) of the Indian Penal Code (IPC) is indicative of a careful compromise between upholding public order and safeguarding fundamental rights, such as freedom of

expression and expression under Article 19(1)(a) of India's Constitution. The courts have gradually shifted their position, acknowledging that charges of sedition cannot be justified by mere public dissatisfaction or criticism of the government, without inciting violence or disorder. Intent is given significant importance in the interpretation of Section 124A by courts. The courts have consistently ruled that sedition requires an act to have a clear intent on disturbing public order or promoting violence against the state. The courts have gradually shifted their position, acknowledging that charges of sedition cannot be justified by mere public dissatisfaction or criticism of the government, without inciting violence or disorder.

Intent is given significant importance in the interpretation of Section 124A by courts. Even a slight criticism of government policies and the promotion of alternative viewpoints is not seditious, except in the case of explicit violence or actions that could disturb public peace. Intent is given significant importance in the interpretation of Section 124A by courts. The courts have consistently ruled that sedition requires an act to have a clear intent on disturbing public order or promoting violence against the state. By distinguishing between legitimate protest and seditious behavior, this intricate understanding preserves the opportunity for political debate to flourish while simultaneously inhibiting actions that pose a genuine threat. The courts have consistently ruled that sedition requires an act to have a clear intent on disturbing public order or promoting violence against the state.

Furthermore, legal developments have emphasized the significance of scrutinizing speech acts for their guilt under Section 124A. Even a slight criticism of government policies and the promotion of alternative viewpoints is not seditious, except in the case of explicit violence or actions that could disturb public peace. The courts have acknowledged that sedition charges must consider the broader socio-political context of the speech and the specific circumstances surrounding the purported offense. Even a slight criticism of government policies and the promotion of alternative viewpoints is not seditious, except in the case of explicit violence or actions that could disturb public peace. By distinguishing between legitimate protest and seditious behavior, this intricate understanding preserves the opportunity for political debate to flourish while simultaneously inhibiting actions that pose a genuine threat.

CONTEMPORARY RELEVANCE AND CRITICISMS

The audience, the speaker's intended message, and the potential threat to public order are all factors that must be considered before a speech can be classified as sedition. The sedition charges are grounded in a comprehensive analysis of the facts and circumstances surrounding each case, making this contextual approach highly effective. Section 124A misuse has become an urgent issue in modern India. The trend is a reflection of recognizing the state's legitimate interest in maintaining public order and national security, while also upholding freedom of speech. The sedition charges are grounded in a comprehensive analysis of the facts and circumstances surrounding each case, making this contextual approach highly effective. Furthermore, the scope of Section 124A has been reduced to include acts that clearly and directly threaten public order or national security due to judicial scrutiny.

Several instances have seen the sedition law used to suppress opposition, targeting politicians, journalists, activists and ordinary people. The judicial interpretation of Section 124A has been modified to accommodate more general constitutional principles, such as the right to freedom of speech and expression. Furthermore, the scope of Section 124A has been reduced to include acts that clearly and directly threaten public order or national security due to judicial scrutiny. Courts have warned against the overzealous use of sedition laws, stating that it is crucial to establish with clear evidence how the offence was committed. The court has repeatedly emphasized the importance of restricting speech to meet specific and legitimate objectives. Often, this misuse leads to allegations of sedition for acts that only criticize the government or its policies, rather than any actual incitement to violence or public disorder. Courts have warned against the overzealous use of sedition laws, stating that it is crucial to establish with clear evidence how the offence was committed. The trend is a reflection of recognizing the state's legitimate interest in maintaining public order and national security, while also upholding freedom of speech. The interpretation of sedition laws is often ambiguous or oversimplified, and courts tend to favor individual freedoms and constitutional rights. These actions discredit the country's democratic principles, causing a chilling effect on free speech and discouraging citizens from expressing their true opinions.

The trend is a reflection of recognizing the state's legitimate interest in maintaining public order and national security, while also upholding freedom of speech. The judicial interpretation of Section

124A has been modified to accommodate more general constitutional principles, such as the right to freedom of speech and expression. Finally, the judicial trends concerning Section 124A show a progressive approach aimed at striking 'a delicate balance between constitutional protection and fundamental rights. The judicial interpretation of Section 124A has been modified to accommodate more general constitutional principles, such as the right to freedom of speech and expression. High-profile cases of sedition charges in relation to social media posts, speeches, or participation in protests have demonstrated this trend. The court has repeatedly emphasized the importance of restricting speech to meet specific and legitimate objectives. The focus on intent, context, and proportionality suggests a delicate comprehension of the challenges associated with handling sedition cases. The court has repeatedly emphasized the importance of restricting speech to meet specific and legitimate objectives.

The judicial and political systems' public trust is undermined by this, which also breaches the fundamental rights of individuals. The interpretation of sedition laws is often ambiguous or oversimplified, and courts tend to favor individual freedoms and constitutional rights. The courts are expected to continue to modify their enactment of sedition laws in accordance with constitutional principles and changing societal norms, while also guaranteeing the protection of freedom of speech in India's democratic system. The interpretation of sedition laws is often ambiguous or oversimplified, and courts tend to favor individual freedoms and constitutional rights. Finally, the judicial trends concerning Section 124A show a progressive approach aimed at striking 'a delicate balance between constitutional protection and fundamental rights.

The focus on intent, context, and proportionality suggests a delicate comprehension of the challenges associated with handling sedition cases. Finally, the judicial trends concerning Section 124A show a progressive approach aimed at striking 'a delicate balance between constitutional protection and fundamental rights. Intensifying requests for Section 124A's repeal or amendment have been made due to its colonial past and potential abuse. The courts are expected to continue to modify their enactment of sedition laws in accordance with constitutional principles and changing societal norms, while also guaranteeing the protection of freedom of speech in India's democratic system. The focus on intent, context, and proportionality suggests a delicate comprehension of the challenges associated with handling sedition cases. Legal experts, human rights advocates, journalists, and judiciary

members have expressed that the sedition law is outdated and does not align with the principles of a modern democratic society. The courts are expected to continue to modify their enactment of sedition laws in accordance with constitutional principles and changing societal norms, while also guaranteeing the protection of freedom of speech in India's democratic system. Most often, the argument for repeal or amendment is that this broad and ambiguous language makes the law open to abuse and misuse. Some opponents argue that current laws are adequate to maintain public order and national security without violating fundamental freedoms. Incitement to violence and public disorder under the Indian Penal Code can be waived without facing sedition charges. In its consultation paper, the Law Commission of India has also called for a comprehensive review of the sedition law to ensure that it is not exploited against democratic principles. These calls for change are motivated by a desire to ensure that laws in India reflect the country's commitment to democracy and individual liberty.

CONCLUSION

High-profile cases of sedition charges in relation to social media posts, speeches, or participation in protests have demonstrated this trend. How does the sedition law apply to India's fundamental right of freedom of speech and expression, as decided by the Supreme Court? The judicial and political systems' public trust is undermined by this, which also breaches the fundamental rights of individuals. The highest court has upheld Section 124A of the Indian Penal Code (IPC) but with important caveats to prevent its misuse in suppressing legitimate dissent. In its landmark rulings, the Supreme Court has stated that any criticism of the government or its policies, regardless of how harsh it is, is not sedition and must not result in violence. By means of this judicial interpretation, the sedition law has been limited to actions that have a direct and tangible impact on public order or incite violence against the state.

Intensifying requests for Section 124A's repeal or amendment have been made due to its colonial past and potential abuse. In its 2023 rulings, the Supreme Court reiterated that it is crucial to uphold constitutional rights and democratic freedoms. Legal experts, human rights advocates, journalists, and judiciary members have expressed that the sedition law is outdated and does not align with the principles of a modern democratic society. This law should not be used arbitrarily, and the Court's

requirement to set a high bar for sedition charges is an important safeguard. Most often, the argument for repeal or amendment is that this broad and ambiguous language makes the law open to abuse and misuse. Despite the legal protections, the sedition law still poses a significant risk of misuse. Some opponents argue that current laws are adequate to maintain public order and national security without violating fundamental freedoms. The broad and ambiguous nature of Section 124A allows for multiple interpretations, leading to its application in cases where the intent or effect fails to meet rigorous Supreme Court standards. Incitement to violence and public disorder under the Indian Penal Code can be waived without facing sedition charges. Increasingly, the presence of sedition charges against individuals for exercising their right to free speech in politically sensitive situations highlights the need for close judicial oversight and potential legislative reform.

In its paper, the Law Commission of India has also called for a comprehensive review of the sedition law to ensure that it is not exploited against democratic principles. These calls for change are motivated by a desire to ensure that laws in India reflect the country's commitment to democracy and individual liberty. Legal experts and human rights advocates are increasingly of the opinion that the sedition law is outdated and not suitable for a democratic society. The implementation of legislative changes is essential to ensure that sedition is strictly prohibited and only applied in situations that pose a threat to national security and public order. By implementing reforms, the law would be in line with modern democratic principles and international human rights norms while maintaining freedom of expression. In summary, even though the sedition law as defined by The Supreme Court offers significant protection, its inherent risk of misuse requires constant examination and proactive legislative action. To ensure that the sedition law fulfills its constitutional function without restricting legitimate dissent, it is necessary to align it with democratic principles.

REFERENCE:-

1. Indian Penal Code, 1860, Section 124A. Available at: [Bare Act] (<https://indiankanoon.org/doc/1641007/>).
2. Constitution of India: Article 19(1)(a) and Article 19(2). Available at: [Constitution of India] (https://www.india.gov.in/sites/upload_files/mpi/files/coi_part_full.pdf)
3. Romesh Thappar v. State of Madras: AIR 1950 SC 124. Full text available at: [Romesh

Thappar Case](<https://indiankanoon.org/doc/753224/>).

4. Brij Bhushan v. State of Delhi: AIR 1950 SC 129. Full text available at: [Brij Bhushan Case](<https://indiankanoon.org/doc/111867/>).
5. Kedar Nath Singh v. State of Bihar: AIR 1962 SC 955. Full text available at: [Kedar Nath Singh Case](<https://indiankanoon.org/doc/111867/>).
6. Balwant Singh v. State of Punjab: AIR 1995 SC 1785. Full text available at: [Balwant Singh Case](<https://indiankanoon.org/doc/1413281/>).
7. Shreya Singhal v. Union of India: AIR 2015 SC 1523. Full text available at: [Shreya Singhal Case](<https://indiankanoon.org/doc/110813550/>).



8. Law Commission of India Report (2018): Consultation Paper on Sedition. Available at: [Law Commission Report](http://lawcommissionofindia.nic.in/reports/CP_on_sedition.pdf).
9. Misuse of Sedition Law: Documentation of misuse and criticism available in various human rights reports and news articles. See, e.g., Amnesty International's reports on freedom of expression in India. Available at: [Amnesty International](<https://www.amnesty.org/en/countries/asia-and-the-pacific/india/>).
10. Calls for Repeal or Amendment of Section 124A: Various editorials and legal analyses advocating for repeal or amendment. See, e.g., articles by legal scholars such as Gautam Bhatia in "The Hindu" and reports by Human Rights Watch. Available at: [The Hindu](<https://www.thehindu.com/>), [Human Rights Watch](<https://www.hrw.org/>).
11. Impact on Freedom of Speech and Expression: Analysis of the impact of sedition law on freedom of speech, including academic articles and case studies. See, e.g., "The Impact of Sedition Law on Freedom of Expression in India" by Vikram Raghavan in the "Journal of Indian Law and Society".
12. Comparative Analysis: Studies comparing sedition laws globally. See, e.g., "Sedition Laws and the Democratic Imagination" by Abhinav Chandrachud in "The International Journal of Constitutional Law".
13. Legislative Reforms: Proposals for reforming sedition law. See, e.g., articles in the "Indian Journal of Constitutional Law" and policy papers by the Center for Internet and Society.
14. Role of Judiciary: Examination of judicial interpretations of sedition law in India. See, e.g., "Judicial Interpretation of Sedition Law in India" by Anup Surendranath in "The Indian Law Review".
15. Future Directions: Ongoing legal debates and future directions for sedition law. See, e.g., "Future of Sedition Law in India" by Arvind Datar in "The Indian Constitutional Law Review".