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SEDITION AND COMEDY

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ABSTRACT

Sedition defined under Section 124-A of IPC is quite a controversial subject. The sedition laws in India have been a topic for debate for a long time now. Charges for sedition have been imposed by the government on various politicians, journalists, artists, cartoonists and many others. In this paper, the main focus is going to be on how sedition affects the comedy industry. Stand-up comedy and political cartoons are budding industries in India; especially stand-up comedy. Political stand-up has been quite successful in attracting the audience. In this paper, how the comedians are influenced by these sedition laws and on the basis of this, what the future of the industry is studied. The sedition laws of different countries are studied. In the end, some important landmark cases have been mentioned.

1. INTRODUCTION

India, since its independence has been introduced to many new laws to cater to the changing circumstances. These laws are introduced so as to protect the citizens and their right to justice. But the government needs protection too. Hence, the sedition law was introduced.

The citizens themselves feel that the government misuses the sedition laws and this hampers their right to freedom of speech and expression. What is the limit to which government can be criticized? It definitely is a subjective matter. But the government feels that even a mere criticism is sedition. Before dwelling deeper into the issue, let's understand what sedition actually is.

1.1. SEDITION

The sedition law was first introduced in 1937 under the colonial rule. The British saw that there was a necessity to introduce sedition laws in the country as hate towards the British government had tremendously increased after the 1857 revolt.

The offence of sedition is committed when a person promotes hatred or distaste towards the government, which can lead to further riots. Section 124- A of the IPC defines sedition as

‘whoever through words (spoken or written), actions, signs try to bring hatred towards the government or attempts to bring disaffection towards the government is said to have committed the offence of sedition’. Such person shall be punished with life imprisonment with a fine.

The most important part is that such words, actions etc. should provoke hatred towards the government. The main aim is to not disrespect the government and its actions. Sedition is also committed when words, actions etc. are made against the society as it can also lead to disturbance.

The range of sedition is quite wide. From holding posters to shouting slogans to even intimate conversations, nothing escapes the eye of the sedition law. The sedition law has become a tennis match for the government and the accused parties. The government presses charges on the party that allegedly has committed sedition and the other party brings in the defence of freedom of speech and expression. A clear line has still not been drawn.

For example, in 2021, three Kashmiri students were charged for sedition because they had posted congratulatory messages on their social media on Pakistan winning the T20s. We can see that even our social media accounts (even if kept on private) are not safe from the eyes of the public.

2. SEDITION AND COMEDIANS

Comedy is one of the most followed genres in the country. From cartoons to stand up, anything can be written or said in a comical sense. India has seen a steep rise in comedians, especially stand-up for almost a decade now owing to the popularity of this genre and increase in OTT platforms. Stand-up comedians in India are the most popular among the youth. Stand-up comedy is a face-to-face chat between the audience and the comedian. The comedians’ intention in most cases is to induce laughter and not return with charges against them for allegedly inciting hatred towards the government.

Even before stand-up comedy, political humour was present in India. Political resistance through comedy have had a place on the stage since a long time in the country.

A stand-up comedian can be charged for sedition when the jokes become so extreme that they threaten public order. Comedy is a genre in which you never can clearly make out when a joke is said in a sarcastic manner and when it is said with an actual intention of causing hatred. The government, I must say, is pretty sensitive to criticism. A mere joke can also result in a comedian getting charged for sedition. The comedian should make sure before going on stage that none of his/her material is harming the reputation of the government.

But if we look at it from a realistic perspective, where do the comedians have the right to even make a small joke on the politics or government of India. One such example is of the stand-up comedian, Vir das. He had delivered a piece where he said that he lives in 'Two Indias'. He said that people worship women in the morning but at night, harass the same women. This particular two-minute piece led to a whole debate on National TV. A police complaint was filed against him for insulting the country and making derogatory statements on women. He then made a statement saying that we do live in a country where this happens and that this was a satire on the situation of the country. I personally feel that whatever the comedian said is true and is not defaming women or the government in any way. Speaking of defaming the country, yes, it does bring a negative remark on the nation, but is what Vir das said not true? Everyday we wake up to the news of a woman being sexually harassed, sometimes in her own house by her own family members.

Sadly, we live in a country where stand-up comedians have started addressing the issues more than the government. Stand-up comedians have started to make more sense than the politicians. Our freedom of speech also extends to the freedom of dissent, where we can 'constructively' criticise the government. We can state an opinion that is not lining up with the opinion of the ruling party or the government. Is this truly happening? Comedians are getting pressed with charges on stating the mere truth.

A vague case in my opinion is of the comedian Kunal Kamra. He had tweeted that he would respect a food court more than the Supreme court as at least it respects the different cultures. He had made several other tweets on the Supreme Court. He was booked for the contempt of court. The reply he gave to this put me in a position where I could not actually understand who is right and who is wrong. He said that if the Supreme court thinks that a mere tweet from a comedian can reduce its image in the eyes of the people, then they are overestimating his power. But, doesn't it apply in all cases where someone is charged for sedition. I personally

feel that what he had tweeted was his sole opinion. He was not forcing someone to have the same opinion as him and generate hate towards the court. Actually, it generated more hate towards him than towards the government.

Speaking of cartoons, Aseem Trivedi, a well-known cartoonist was booked for sedition for posting a series of cartoons that mocked the government. He said that the right to freedom of speech is decreasing day by day and one day, even saying 'I don't like the government' can be sedition.

The comedians have started standing up for themselves and have started speaking up on the issue. Several comedians have raised their voice saying that they aren't even allowed to utter a word without offending the government. Humour, especially political humour can never be taken lightly by the government. The future for comedians, especially stand-up will be quite tough if the government continues to be this sensitive.

3. SEDITION LAWS IN DIFFERENT COUNTRIES

In the United States, sedition is defined in the U.S. Code where someone incites any revolt against the authority of the United States is fined or imprisoned. Political humour is quite widely accepted in the United States now. It is easy to say that the condition of the stand-up comedians or comedians in general in the U.S. is better than the ones in India.

In Germany, they have banned the provocation of hatred towards any race or religion. In Canada, laws to restrict the citizens' freedom of speech are rarely imposed. We can sense through this that becoming a comedian in Canada is much easier and also fun. In New Zealand, sedition is no longer a crime since 2008 because of 'The Crimes (Repeal of Seditious Offences) bill introduced in 2007. The Republic of South Korea also did away with their sedition laws in 1988.

Protests were held by comedians in Sydney when new reforms and restrictions on the sedition law were being proposed. The organiser of the protest, Wendy Harmer said that Australia already has laws against racial hatred and new reforms would restrict free speech.'

4. THE NEED TO REFORM SEDITION LAWS IN INDIA

The Prime Minister of India, Shri. Narendra Modi had said in his speech in a programme that criticising the government is important as it makes the democracy stronger. He also added that one has to research properly before criticising the government, which does not happen in the current times.

Yes, it is necessary to actually understand what the government has done and has not done before criticising it. Criticism can range from an article to a meme.

The word 'anti-national' has taken a new form, and that is 'sedition'. It has so easily been overlapped by the government that its shocking. Not liking a certain policy of the government does not make us anti-national. Why can't it not be taken as constructive criticism then. In the end, it is the people who actually are facing the effects of the policies made. So why can't we decide what we want and what we don't want?

One irony is that malicious comments made by the right-wing are being ignored by the authorities. Why is it so? Isn't India a free and an equal country.

Also, according to the Kedarnath's judgement in 1962, sedition law has to be applied only when there is a threat to the sovereignty of the country. Nowadays anyone can be charged with sedition. The law in itself has become a game for the government and the people.

The definition of 'sedition' is itself vague. Bringing hatred is something that can be interpreted in many ways. Also, if we take the case of comedy, it is so subjective that you would not be able to arrive at a proper conclusion. Some think of it to be a satire, some sarcasm and some mockery. It is highly subjective. A clear definition of sedition is something that is immediately required so as to spare the innocent citizens.

The line between freedom of speech and sedition I also not properly drawn. We don't know when our freedom to speech ends and when our mockery of something begins. Freedom of speech and expression has enabled us to express our constructive opinions on the government. However, the executive regulates our freedom of speech to such an extent that sometimes it feels like it never existed. There should be a clear line to freedom of speech and sedition so that the government can regulate better. Just like how our freedom is not absolute, the government's freedom should also be regulated.

The misuse of the sedition laws is growing day by day and it is extremely necessary to revise the laws. Indian citizens now have opinions on every government action and they should be free to express it, with certain restrictions of course.

5. CONCLUSION

Sedition laws, even after reading deeply, are extremely vague and difficult to understand. I personally feel that certain words, that will actually harm the sovereignty of the country should be mentioned in Section 124-A, so that the citizens can at least know the start to it. If we see from the perspective of comedy, there is still a long way to go. Do I feel that the sedition laws should be scrapped? No. the actual objective of the law was for a good purpose, that is to not start a rebellion. But the sedition laws definitely need to be reformed for the advancement of the country. What is the point of a democracy if we cannot freely criticise the government?

Regarding cartoons too, how it is perceived is quite subjective. For example, a picture of the Lady Justice blindfolded and saying 'Main chowkidar hun' can be seen in a negative sense or a positive sense. These things can never be legislated through a general law. People change, the way the cartoons are perceived change. +

Speaking of stand-up, the comedian, through comedy tries to analyse and question the policies with the audience. I feel that political stand-up is specifically done to just explain the perspective of the comedian to the audience. Later, it is completely based on the audience's own discretion to form an opinion of the particular thing. Stand-up comedy till date has a lot to offer to the Indian citizens, and I feel that these sedition laws are holding it back. The comedians have to constantly bring up their freedom of speech and expression so as to stay protected. I agree that some comedians do go overboard, but generalising all of them is not just to the budding industry. Political stand-up will thrive as long as there is dissatisfaction towards anything. In my view, the Hindi stand-up scene should also be taken into account and necessary changes in the sedition law should be made.

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