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SEDITION AND FREEDOM OF SPEECH AND EXPRESSION: CONFLICTING CONCEPTS

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ABSTRACT

The freedom of speech and expression is one of the most important fundamental right given to the citizens under Article 19(1)(a)¹ of our Indian Constitution. It enables people to express their thoughts, criticise the government, and participate in public discourse without worrying about being persecuted or subjected to reprisals. This right is not absolute, and it occasionally runs conflicting of other interests like public order or national security. Sedition laws are one area where this tension is particularly pronounced.

Any action or utterance that aims to stir up revolt or the overthrow of the government is referred to as sedition. Governments have used sedition laws to quell dissent, crush opposition, and steer the narrative throughout history. However, sedition laws can also be used to prosecute legitimate political speech and expression, thus infringing on the right to free speech.

This research paper will provide an overview upon the freedom of speech and expression with that of sedition laws. It will also look upon the relationship between the two of them. It will look at how sedition laws have changed over time, how they are now implemented in various nations, and the debates that surround them. It will examine the justifications for and against sedition laws, their legal and political implications.

This topic is very much of importance because of the ongoing debate about whether the section of sedition should be repealed or retained. On one hand sedition law can help in protecting national security and public order but parallely on the other hand they can also be used to silence opposition and dissent. It is significant to strike a balance between these concepts and to ensure that sedition laws are used judiciously and fairly.

¹ Art.19(1)(a), Indian Const. 1950

SEDITION AND FREE SPEECH: AN OVERVIEW

A. *Definition of sedition*

Section 124A² of the Indian Penal Code defines sedition as “Whoever, by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the Government established by law in India, shall be punished with imprisonment for life, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine”. The law of sedition is just briefly mentioned in this section. The meaning of sedition still remains vague as the statute does not clearly describes it.

Sedition can be defined as the act of inciting or encouraging people to rebel against or resist the lawful authority of a government, typically through speech or writing. Sedition is often used as a legal term to describe speech that is considered to be a threat to the state or to public order. Sedition laws vary by country and can range from strict restrictions on political expression to more permissive approaches that allow for greater freedom of speech. In general, however, sedition laws seek to regulate speech that is deemed to be seditious or subversive, and can be used to prosecute individuals who engage in such speech.

Sedition laws are interpreted and applied inconsistently in India, with some critics claiming that they are frequently used to silence dissent and quiet political opposition. In recent years, there has been a great deal of controversy about the use of sedition charges against journalists, activists, and students. Some claim that the law is being used to target those who criticise the government or its policies.

The Supreme Court confirmed Section 124A's constitutionality in *Kedar Nath v. State of Bihar*³. Sedition is not the same as merely criticising the government or expressing contempt for how it runs its affairs. In order for an act to be considered sedition, it must both inspire violence and have the aim to cause disorder/disturbance of the public peace or law.

Guidelines on the use of sedition laws were published by the Supreme Court of India in 2021,

² S.124A, IPC 1860

³ *Kedar Nath v. State of Bihar* 1962 AIR 955, 1962 SCR Supl. (2) 769

highlighting the need for a careful and cautious approach to their application in order to prevent them from infringement on the right to free speech and expression. The court highlighted that sedition charges should only be brought where there is a demonstrable threat of violence or public disorder, as well as when there is proof that such a threat was intentionally intended to exist.

B. History of sedition laws in India

The sedition provision was originally enacted as an extension of British Colonial Rule to silence opposing opinions coming from the Indian freedom movement. Section 124-A of the Indian Penal Code, 1860 wasn't included in the 1860 version of Macaulay's Indian Penal Code and wasn't included until 1870 under James Stephen's leadership.

The British colonial authorities utilised the sedition laws to suppress nationalist movements in Africa, India, and other countries of the British Empire. Indian nationalist leaders like Bal Gangadhar Tilak and Mahatma Gandhi were prosecuted under the sedition statute, which the colonial authority first implemented in 1870.

➤ Pre-Independence Cases of Sedition

In the case of [*Queen Empress Vs. Jogendra Chunder Bose & Ors.*, (1892)]⁴, the editors of a Bengali magazine were charged of sedition for their criticism of British government policies, particularly the Age of Consent Act, 1891. This case is considered to be the first significant example of the crime of sedition. The publishers contended that the crime of sedition only punished the creation of seditious material, not its publication, and they also disputed the validity of the sedition legislation itself. They argued that it was against the law's original intent to punish people for exercising their rights. The Calcutta High Court ruled that because the publishers circulated the magazine with the intention of it being read by the target audience, they could not be relieved of legal responsibility merely because they had not written the seditious content. The High Court further stressed the difference between the phrase's "disaffection" and "disapprobation," which refer to "any feeling contrary to affection" and justified criticism, respectively. The court reached the conclusion that the crime of sedition does not violate people's rights because only disaffection is punished.

⁴ Queen Empress Vs. Jogendra Chunder Bose & Ors., (1892) ILR 19 Cal. 35

The *Queen Empress Vs. Bal Gangadhar Tilak & Keshav Mahadev Bal*, (1897)⁵ case was the following significant one in this area. Bal Gangadhar Tilak was charged for sedition in this case for allegedly inciting through speech which led to the killing of two British Officials. In this instance, a single judge bench of the Bombay High Court acknowledged with the definition of "disaffection" set forth in Jogendra Chunder Bose and expressed the opinion that any "bad feelings" towards the government, no matter how strong, are unlawful.

The High Court effectively rejected all legitimate criticism in this way. It was also stated that the act of sedition need not have any material repercussions at all. According to the court, the primary consideration in sedition cases is the offender's intention, which can be inferred from the seditious speech's content, audience, and context.

➤ Post-Independence Cases of Sedition

The first instance of a court in independent India ruling on the constitutional legality of Section 124-A of the Indian Penal Code, 1860, was in the matter of [*Tara Singh Gopi Chand Vs. The State*, 1951⁶]. Since India was now a republic with its own government, constitutional regulations took precedence over British rules. In this case, the then-Punjab High Court acknowledged that Section 124-A was unquestionably a restriction on the right to free speech and expression and invalidated the clause on the grounds that it violated Article 19 of the Indian Constitution's fundamental right to free speech and expression.

The Constitution (First Amendment) Act, 1951⁷, which was soon after passed by independent India's first Parliament, intended to address a discrepancy in the constitutionality of the sedition statute as a result of the Tara Singh Gopi Chand Judgement, among other things. It accomplished this by presenting fresh justifications for putting reasonable limitations on the freedom of speech and expression. The security of the State, defamation, contempt of court, and decency and morality were the only reasons listed in the original Constitution's Article 19(2) for restricting free expression. The Amendment Act added new justifications for limiting free speech and expression, including public order, relations with other countries, and incitement to offences.

⁵ Queen Empress Vs. Bal Gangadhar Tilak & Keshav Mahadev Bal, (1897) ILR Bom 112

⁶ Tara Singh Gopi Chand Vs. The State, 1951 Cri. L. J. 449

⁷ The Constitution (First Amendment) Act, 1951

Within two years, the amendment was put to the test in the case of [Debi Soren & Ors. Vs The State, 1954⁸], in which the accused, an Adivasi leader, was charged with making a derogatory speech about the government. A Division Bench of the Patna High Court clearly distinguished between disapprobation and disaffection in its judgement and concluded that only disaffection causes public unrest. The Indian Penal Code, 1860's Section 124-A was likewise upheld as being lawful by the High Court, which ruled that it did not contravene Article 19 of the Indian Constitution.

Many nations still have sedition laws on the books today, and they are still used to prosecute people for political statements or activities that are seen as subversive or dangerous to the state. However, there is ongoing discussion regarding how to strike a balance between individual rights and liberties and national security while using them.

C. The right to free speech and expression

All citizens are guaranteed the right to freedom of speech and expression under Article 19(1)(a). Foreign nationals and other non-Indian citizens do not have access to this right, which is only available to Indian citizens.

The right to freely express one's thoughts and beliefs without restriction through spoken words, written words, printed words, visual images, or any other means is known as freedom of speech and expression. Thus, it includes the expression of one's ideas through any kind of communication or through outward manifestations like gestures, signs, and the like. The expression also implies publication, therefore press freedom falls under this heading. The freedom of expression is thought of as the genus and the freedom of the press as a species. The necessary goal is the free transmission of ideas, which can be accomplished through the press or on a platform.

The right to free speech and expression is not absolute, however, and may be subject to reasonable limitations in the interest of India's sovereignty and integrity, security, friendly relations with other countries, public order, decency, or morality, or in cases involving judicial contempt, defamation, or incitement to commit an offence. Article 19(2)⁹ of the Constitution outlines these limitations. The

⁸ Debi Soren & Ors. Vs The State, 1954 Cri. L. J 758

⁹ Art.19(2), Indian Const. 1950

Indian courts have interpreted Article 21, which protects the right to life and personal liberty, to also include the freedom of speech and expression.

Despite the constitutional safeguards, India's right to freedom of speech and expression has faced numerous limitations and obstacles over the years, notably in connection to problems like hate speech, political dissent, and religious sensitivity. Sedition laws and other legislation have been used by the Indian government to stifle dissenting opinions and limit freedom of expression, which has drawn criticism.

D. The relationship between sedition and free speech

Sedition and the freedom of speech and expression have a complicated and controversial relationship. On the one hand, the freedom of speech and expression is regarded as a fundamental human right that is necessary for a democratic society to function since it enables people to voice their thoughts and engage in public discourse while also holding those in positions of authority accountable. Sedition, on the other hand, is a crime that is intended to punish people for engaging in speech or other forms of expression that are regarded to be seditious or dangerous. Sedition is primarily a criminal offence that targets speech or expression that is deemed to be dangerous to the safety or stability of the state, or that challenges the legitimacy of the executive branch or other established institutions. This can include discourse that incites hatred or dislike between various communities or calls for violence or revolt against the government. Journalists, scholars, and artists who are only practising their right to free speech and expression have occasionally been the targets of sedition legislation. Sedition laws are criticised on the grounds that they can be used to limit free speech and repress legitimate criticism. They point out that sedition laws have frequently been used by governments to suppress political opponents, human rights supporters, and other people who disagree with the government or its policies.

In conclusion, there is friction and conflict between the right to free speech and expression and acts of seditious behaviour. While these are crucial components of a democratic society, there is frequently a trade-off between the two as governments attempt to strike a balance between the need to defend freedom of expression and dissent and the need to ensure national security and maintain public order.

Landmark case: Kedar Nath Singh Judgment¹⁰

A five-judge constitutional bench of the Supreme Court upheld the constitutional validity of Section 124-A of the Indian Penal Code, 1860 and then clarified the proper position of the sedition law in India in Kedar Nath Singh, which is regarded as the most authoritative judgement of the Supreme Court on the interpretation of the sedition law. Kedar Nath Singh, a member of the Forward Communist Party of Bihar, was accused of sedition in this case for making derogatory remarks about the country's ruling Indian National Congress government. The Apex Court ruled that Section 124-A of the Indian Penal Code, 1860 could only be enforced if it could be demonstrated that the seditious remark in question had incited violence or would cause public disorder. It was made clear that this provision could not be utilised to stifle free expression. Kedar Nath did not commit sedition since he criticised the Congress party, not the Indian state, and no violence was called for as a result of his speech.

In a different significant ruling, *Balwant Singh & Anr. vs State of Punjab*, 1995¹¹, the accused had been tried for the crime of sedition because, in the wake of Indira Gandhi's assassination he had participated in sloganeering in favour of an independent Sikh majority State. A two-judge panel of the Supreme Court ruled in the accused's favour on the grounds that Balwant Singh's actions did not constitute sedition because the speech in question did not cause any disruption of public order and was not likely to incite violence in the minds of the intended audience.

WHAT CAUSES FREE SPEECH AND SEDITION TO HAVE SUCH A TENSE RELATIONSHIP

The misuse of the sedition rule has already cost the lives of a number of people. This is demonstrated by the quantity of people who have been arrested and convicted. Nine percent of the ongoing sedition cases reported in 2019 have been closed because it is difficult to find the suspects. Only 17% of the cases led to the filing of charges. Only 3.3% of these cases in 2019 ended in a conviction. Since 2014, our administration has been misusing this law, as evidenced by the 96% of sedition lawsuits against 405 people for opposing politicians and governments that were reported after that year. Since then, the number of sedition lawsuits recorded has climbed by 28% from the years after. 10,938 persons

¹⁰ Kedar Nath Singh vs State Of Bihar 1962 AIR 955, 1962 SCR Supl. (2) 769

¹¹ Balwant Singh & Anr. vs State of Punjab, 1995 (1) SCR 411

have been accused of sedition since 2010, and almost 65 percent of them have ties to the current administration. 93 charges of sedition were registered in 2019, up from 35 in 2016, according to the National Crime Records Bureau's report, Crime in India.

Since Section 124A of the Indian Penal Code does not clearly define what amounts to sedition and what does not, it is not definite when it crosses the border line of the fundamental right to freedom of speech and expression. Also, due to the stated reason, there's a chance of misusing power and overpowering those who are dissatisfied.

LEGAL CHALLENGES

In the case of *Kishore Chandra Wangkhemcha & Anr. Vs Union of India*, the Supreme Court, comprised of Justices U. U. Lalit, Indira Banerjee, and K. M. Joseph, decided to examine the constitutional validity of the offence of sedition under Section 124-A of the Indian Penal Code, which penalises the crime of "sedition." Two journalists, Kishorechandra Wangkhemcha and Kanhaiya Lal Shukla, who operate in Chhattisgarh and Manipur, respectively, have petitioned the Supreme Court to strike down Section 124-A of the Indian Penal Code, 1860. According to the petition, Section 124-A violates the freedom of speech and expression that is guaranteed by Article 19 (1)(a) of the Indian Constitution.

The main legal challenge that has been faced by the sedition law in India is that, over the years, it has been challenging and conflicting with the fundamental right conferred in our Indian Constitution. One right gives the citizen the freedom of speech and expression, whereas on the other hand, another section restricts the same right.

CONTROVERSIES SURROUNDING SEDITION LAWS

A. Arguments in favour of sedition laws

- **Maintaining political stability:** By prohibiting people or organisations from calling for the overthrow of the government, sedition laws can be employed to stop political instability and to safeguard the constitutional order.

- **Protecting national security:** Those who support sedition laws contend that by stopping individuals or groups from inciting violence or revolt against the government, they are important to safeguard the country's stability and security.
- **Upholding law and order:** By deterring people from taking part in actions that could endanger public safety or disturb social harmony, sedition laws are considered as a way to uphold law and order.
- **Sedition laws can be used to stop inciting violence and hate speech directed at certain people or groups based on their race, religion, or other traits.** Sedition laws' supporters contend that they are required to defend government institutions like the judiciary and the military forces against unfair criticism and assaults.

Sedition laws' opponents counter that they can be used by governments as a tool to quiet opposition and keep hold of power, and that they can be used to stifle free speech and legitimate political criticism. Furthermore, opponents claim that because sedition laws are frequently written broadly, they can be applied to prosecute people for actions that do not actually endanger public safety or national security.

B. Arguments against sedition laws

- **Government abuse:** Governments can readily employ seditious speech laws to silence dissent and keep hold of power. Governments have taken advantage of sedition laws in a number of instances to quiet opponents, human rights advocates, and journalists.
- **Sedition laws are frequently vague and ambiguous in nature, which leaves them open to abuse.** Critics contend that these laws can be used to target a variety of actions that don't actually endanger public safety or national security.
- **Sedition laws are frequently applied to silence legitimate political dissent and government criticism, posing a threat to free speech.** Critics claim that these rules pose a threat to free speech, citizen expression, and the capacity to hold people in positions of authority accountable.
- **Deterrent to democracy:** Sedition laws have the potential to undermine democracy by suppressing dissent and restricting people' freedom of speech. This may eventually result in a culture of fear and compliance, where people are reluctant to criticise the government or voice their ideas.

- International norms are frequently violated by seditious laws, including those pertaining to freedom of expression and human rights. Sedition laws should be abolished, according to the United Nations, because they conflict with the right to free speech.

In conclusion, opponents of sedition laws contend that they pose a risk to democracy, free speech, and human rights and that they are simple targets for abuse by governments seeking to crush the opposition and hold onto power.

C. Case studies of controversies surrounding sedition laws

Here are some examples of controversies surrounding sedition laws in India:

- JNU controversy involving Kanhaiya Kumar: In 2016, Kanhaiya Kumar, the former president of the JNU Students Union, was charged with sedition along with other students for allegedly shouting anti-India slogans during a protest. The case provoked a lot of demonstrations and discussions about how sedition laws are sometimes used to silence dissent and opposition to the government.
- Kishorchandra Wangkhem of Manipur was detained in 2018 under the country's sedition laws after criticising the state's chief minister on social media. His arrest drew heavy criticism for being a violation of free speech and the freedom of the press.
- Akhil Gogoi of Assam: In 2019, Akhil Gogoi, a peasant leader and human rights advocate in Assam, was detained for allegedly inciting violence during anti-Citizenship Amendment Act (CAA) protests and was charged with sedition. The arrest of Gogoi was strongly criticised as an attempt to silence dissent and the right to protest.
- Munawar Faruqui of Haryana: In January 2021, Munawar Faruqui, a stand-up comedian, and four other people were detained in Indore on allegations of insulting Hindu deities while performing a comedy act. Faruqui was accused of inciting hatred amongst various religious groups and engaging in sedition.

The misuse of India's sedition laws for the purpose of suppressing dissent and government criticism is highlighted by these cases, which have sparked broad demands for the law's repeal.

CURRENT STATUS OF SEDITION LAWS

I. Recent developments in sedition laws

These latest changes to India's sedition legislation are listed below.:

Disha Ravi's sedition charges were dropped after her detention in February 2021 on suspicion of editing and distributing a toolkit for the farmers' protests. Disha Ravi is a climate activist. She was accused of sedition, but the Delhi High Court overturned the charges against her in June 2021, claiming that making a toolkit is not the same as sedition.

Observations of the Supreme Court on the Sedition statute: In September 2021, the Indian Supreme Court made some remarks against the abuse of the sedition statute. The court ruled that criticism of the government or its policies cannot be classified as sedition unless there is a demand for violence or widespread disturbance. The law should not be used to quell dissent, the court said.

Sedition Law Repeal Proposal by Jharkhand: In November 2021, the Jharkhand government put out a proposal to remove the sedition law from its state statutes. Human rights advocates and civil society organisations, which have long called for the repeal of the sedition legislation, applauded the decision. These recent events highlight the need to strike a balance between preserving national security and defending the right to free speech and expression while also raising concerns about the overuse of sedition legislation in India.

II. Current situation of sedition law with respect to right to speech and expression

There is continuing discussion and controversy about how India's sedition statute currently affects the right to free speech and expression. Supporters of the sedition law contend that it is important to safeguard the country's integrity and security. They claim that the law is solely meant to stop acts that endanger the sovereignty and territorial integrity of the nation, not to silence legitimate criticism of the government or its policies. Opponents of the sedition statute contend, however, that it is being employed as a tool to stifle dissent and criticism and that it has a chilling effect on free speech and expression. They contend that the law lacks specificity, is too broad, and does not offer enough protections against abuse. Recent events demonstrate that there is a growing understanding of the need to strike a balance between preserving national security and defending the right to free speech and expression, such as the Supreme Court's observations and the recommendations to repeal or

reform the sedition statute. Sedition law in India is still a difficult issue, and it is possible that there will be more discussions and arguments on the matter in the future.

CONCLUSION

Sedition laws are a controversial topic that have repercussions for freedom of speech and expression, to sum up. Although they are meant to safeguard national security and stop violence and disturbance, they can be abused to shut down legitimate dissent and criticism. The problem with imprecise and overbroad provisions in sedition laws is that they might result in unjustified prosecution and the violation of fundamental rights.

Since the language of Section 124-A of the Indian Penal Code, 1860 is so broad, any attempt to critique how the Indian government operates would be unsuccessful. This law's severe nature is a result of the broad interpretation of this Section and the severe penalties. In accordance with Article 19(1)(a) of the Indian Constitution, it also interferes with the freedom of speech and expression, rendering it inherently unlawful. A democracy's defining characteristics are also interfered with by this. This sedition statute threatens India's development, notwithstanding the country's significant advancement over the years. Because of this, the Supreme Court has determined that India's sedition laws need to be reviewed. Sedition laws in India have drawn debate and criticism, with many contending that they have been applied to target people and organisations who are exercising their right to free speech. The current state of India's sedition law with regard to the freedom of speech and expression is still a reason for concern, notwithstanding certain recent developments that offer some optimism.

Governments must make sure that sedition laws are strictly enforced and do not unreasonably restrict the right to free speech and expression. This is crucial in a democracy because it allows citizens to hold their leaders accountable for their actions and ensure that their interests are protected.

Reference sites:

- <https://www.legalserviceindia.com/legal/article-77-freedom-of-speech-and-expression.html>
- <https://www.legalserviceindia.com/legal/article-6227-decoding-the-history-of-sedition-law-in-india.html>
- <http://www.bsklegal.org/blogs/sedition-law-vis-a-vis-the-right-to-free-speech-and-expression/>

- <https://blog.ipleaders.in/free-speech-sedition-stained-relationship-light-disha-ravis-case/>
- <https://www.thenewsminute.com/article/eight-reasons-why-sedition-and-free-speech-cannot-go-together-150095>
- <https://www.legalserviceindia.com/legal/article-2660-sedition-and-freedom-of-speech-in-india.html#:~:text=For%20an%20act%20to%20constitute,and%20cannot%20be%20taken%20away>
- <https://www.ijlmh.com/wp-content/uploads/2020/03/Striking-a-balance-between-Sedition-Law-and-Right-to-Freedom-of-Speech-Expression.pdf>

Reference books:

- *The Constitution of India Bare Act*
- *VN Shukla Constitution of India*
- *The Indian Penal Code, 1860 Bare Act*

