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**“EVALUATING THE CONTEMPORARY RELEVANCE
AND CONSTITUTIONAL IMPLICATIONS OF
SEDITION LAW IN INDIA: A COMPARATIVE
ANALYSIS OF IPC SECTION 124A AND BHARATIYA
NYAYA SANHITA CLAUSE 150”**

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ABSTRACT:

Sedition, as defined by Section 124A of the Indian Penal Code, has a complex history rooted in colonial suppression of dissent, yet it persists in contemporary India as a tool to quell opposition to the government. This paper critically examines the constitutionality and relevance of sedition in a democratic republic like India. By analyzing historical background, case laws, and recent legislative developments, the study assesses the impact of sedition laws on freedom of speech and expression. The proposed Bharatiya Nyaya Sanhita bill offers amendments to modernize sedition provisions, but concerns remain regarding potential misuse and infringement of civil liberties. Comparative analysis between IPC Section 124A and BNS Clause 150 reveals shifts in scope, methods of offense, and penalties. Loopholes in the proposed legislation necessitate further clarity and safeguards against misuse. Suggestions for reform emphasize the need for precision in defining sedition, judicial oversight, alignment with international standards, and education on freedom of speech. Ultimately, the paper advocates for a balanced approach that prioritizes both national security and individual rights, ensuring that sedition laws reflect democratic principles in contemporary India.

Key-words: Sedition, Indian Penal Code, Bharatiya Nyaya Sanhita, Fundamental Right, Laws.

INTRODUCTION:

Sedition is speech, writing, or behaviour intended to encourage people to fight against or oppose the government¹. Section 124A of Indian Penal Code says, “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 [im-prisonment for life], to which fine may be added, or with impris-onment which may extend to three years, to which fine may be added, or both².

The term ‘Sedition’ refers to “behaviour or speech that incites rebellion against the state’s authority.” The Sedition Law pertains to section 124A of the Indian Penal Code, 1860, viewed as a justifiable limit on freedom of expression.

Crafted by British historian-politician Thomas Babington Macaulay in 1837, sedition was described as an action whereby “whoever, by words, spoken or written, signs, visible representation, or otherwise, endeavours to foster hatred or contempt, or stirs up disaffection towards the lawful government in India.” The inclusion of the Sedition charge in Section 124A of the Indian Penal Code in 1870 was a tool utilized by the British Colonial administration primarily to quell the writings and speeches of notable Indian freedom fighters. Figures such as Mahatma Gandhi, Lokmanya Tilak, and Jogendra Chandra Bose faced suppression of their writings and were prosecuted under sedition laws for their criticisms of British rule.

According to section 124A, sedition constitutes a serious offence, carrying a punishment ranging from three years’ imprisonment to life, accompanied by a fine. Individuals charged under this law also face restrictions on government employment and the confiscation of their passports by the government. Interestingly, the United Kingdom abolished the sedition charge in 2010.

The main purpose of my research paper is to find whether sedition should be in existence in newly democratic republic country like India? Is sedition is the end result of a person whose thought are against the State? How does freedom of speech and expression counter the Sedition? Whether Government or State is using arbitration with the help of Section 124A?.

METHODOLOGY:

¹ <https://docplayer.net/235499063-An-overall-scenario-of-sedition-offence-in-indian-law-perspectives-a-critical-analysis.html>

²

<http://pure.jgu.edu.in/4560/1/Addressing%20the%20inconsistency%20sedition%20and%20freedom%20of%20speech%20and%20expression.pdf>

The research methodology for this study involves three main components: analytical, qualitative, and the utilization of secondary data.

- 1. Analytical Approach:** The researcher will employ analytical methods to systematically examine and interpret existing data, literature, and information related to the research topic. This approach enables the identification of patterns, trends, and relationships within the data, facilitating a deeper understanding of the subject matter.
- 2. Qualitative Techniques:** Qualitative methods will be used to explore the subjective aspects of the research topic, such as attitudes, beliefs, and perceptions.
- 3. Secondary Data Sources:** The study will also draw upon secondary data sources, including published literature, reports, articles, and databases relevant to the research area. These sources will complement the primary data collected through analytical and qualitative methods, providing additional context, background information, and comparative data for analysis.

By combining these three approaches, the research aims to obtain a comprehensive understanding of the research topic, utilizing both quantitative and qualitative data to generate meaningful insights and contribute to existing knowledge in the field.

HISTORICAL BACKGROUND:

The British government introduced the sedition law in 1860 to suppress harsh criticisms of the colonial administration and to prevent any actions against the colonial regime. This law, which restricts free speech and fundamental rights in post-independence India, was frequently used against freedom fighters. Prominent figures of the independence movement, including Bal Gangadhar Tilak, J.C. Bose, and M.K. Gandhi, were imprisoned under this stringent legislation. Following India's independence in 1947, the Constituent Assembly extensively debated the relevance of the sedition law. After intense discussions, the Assembly chose to exclude the term "sedition" from the constitution while retaining Section 124-A of the Indian Penal Code (IPC). However, the contentious law was reintroduced through the controversial First Amendment, spearheaded by India's first Prime Minister, Jawaharlal Nehru's government. Not only did Nehru's administration revive the sedition law, but it also expanded its scope by including two additional grounds – "friendly relations with a foreign state" and "public order" – as justifications for imposing "reasonable restrictions" on free speech under Article 19 (2). It wasn't until 1973, during Indira Gandhi's tenure as Prime Minister, that section 124-A was made a cognizable offense under a new Code of Criminal Procedure. This change granted the police the authority to

arrest individuals without a warrant³.

SEDITION LAW UNDER INDIAN PENAL CODE,1860:

124A Sedition, states 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 fine⁴.

There has been considerable debate regarding the constitutionality and contemporary relevance of sedition law in India. Arguments often highlight the oppressive and colonial origins of the law, leading to scrutiny of section 124A, which was referred to a constitutional bench by the Apex court to assess its constitutionality. Recently, a new bill, the Bharatiya Nyaya Sanhita, was proposed as a replacement for the Indian Penal Code, offering a different approach to addressing sedition compared to the IPC. The Law Commission's 2023 report on the usage of sedition law provides valuable insights into its relevance and proposes potential amendments to prevent its misuse. Additionally, discussions from the constitutional assembly proceedings in December 1948 shed light on sedition as a reasonable restriction and the rationale behind its removal in favour of maintaining 'public order'. Case laws from both the British India and Independent India periods contribute to a better understanding and interpretation of the loopholes inherent in this law⁵.

CASE LAWS:

- 1. Emperor vs Bal Gangadhar Tilak (1917)19BOMLR211:** In June 1908, Lokmanya Bal Gangadhar Tilak was arrested under section 124-A of the Indian Penal Code (IPC) for sedition. This section pertains to actions that aim to incite hatred, contempt, or disaffection towards the established government, while section 153-A of the IPC was invoked for his articles published in Kesari, a Marathi newspaper founded by Tilak.

Tilak's trial was largely a formality. Despite presenting compelling and logical arguments, Tilak was convicted by a jury consisting of 7 Anglo-Indians and 2 Indians, with a majority vote of 7:2. He was sentenced to six years of transportation and fined ₹1000.

³ <https://www.orfonline.org/expert-speak/sedition-law>

⁴ <https://docs.manupatra.in/newslines/articles/Upload/37E592F0-BE2A-475F-AF99-2F6909F3CF11.pdf>

⁵ <https://theamikusqraie.com/evolution-of-sedition-law-in-india-and-implications-of-section-150-of-the-new-bharatiya-nyaya-sanhita/>

During the trial, Judge Davar, in his judgment, described Tilak as a man with a diseased and perverted mind, stating that his journalism was a curse to India⁶. Following his conviction, Tilak expressed his innocence with remarkable dignity, stating: “All that I wish to say is that in spite of the verdict of the Jury I still maintain that I am innocent. There are higher powers that rule the destinies of men and nations, and I think it may be the will of Providence that the cause I represent may be benefited more by my suffering than by my pen and tongue⁷.”

2. **Kedarnath v. State of Bihar (AIR 1962 SC 955):** In this instance, the petitioner challenged the constitutional validity of the sedition law as stipulated in Section 124A of the Indian Penal Code, 1860 (IPC). The petitioner argued that the law inhibits freedom of speech, particularly for those with dissenting views against the government, which is not in the public interest. The Court, however, ruled that Section 124A should be interpreted to penalize only statements that incite public disorder. Additionally, the Court emphasized the importance of upholding freedom of speech to its fullest extent, while acknowledging the necessity of imposing reasonable restrictions to ensure the safety and integrity of the State⁸.
3. **Balwant Singh v. State of Punjab (1995 3 SCC 214):** The Supreme Court overturned the convictions under the charges of ‘sedition’ (Section 124A, IPC) and ‘promoting enmity between different groups on grounds of religion, race, etc.’ (Section 153A, IPC), and acquitted individuals who had chanted slogans such as “Khalistan zindabaad, Raj Karega Khalsa,” and “Hinduan Nun Punjab Chon Kadh Ke Chhadange, Hun Mauka Aya Hai Raj Kayam Karan Da” in the evening of October 31, 1984, shortly after the assassination of Indira Gandhi, outside a cinema located in a market frequented by Hindus and Sikhs in Chandigarh. Hence, the criminalization and punishment of words and speech are justified only when they are aimed at inciting crowds or mobs to engage in violent actions. Mere words and phrases, regardless of how offensive they may be, do not constitute a criminal offense unless they meet this criterion⁹.

⁶ <https://www.legalserviceindia.com/legal/article-6431-case-analysis-emperor-v-bal-gangadhar-tilak-1908.html>

⁷ <https://dokumen.pub/a-trial-on-trial-the-great-sedition-trial-of-1944-firstnbsped-093948420x.html>

⁸ <https://www.drishtijudiciary.com/landmark-judgement/indian-penal-code/kedarnath-v-state-of-bihar-air-1962-sc-955#:~:text=The%20Court%20concluded%20that%20Section,and%20integrity%20of%20the%20State.>

⁹ <https://thewire.in/law/a-short-summary-of-the-law-of-sedition-in-india>

SEDITION LAW IN BHARATIYA NYAYA SANHITA (BNS)

AND ITS PURPOSE:

Recently, on August 11th, the new Bharatiya Nyaya Sanhita (bill) 2023 was introduced, which addresses sedition in its Section 150. This bill imposes penalties for acts that jeopardize India's sovereignty, integrity, and unity, and it also modifies certain terms used in Section 124(A) of IPC, while altering the punishment for the offense. The provisions outlined in Section 150 of BNS, which includes the use of spoken or written words, signs, visual representations, electronic communication, and financial resources¹⁰, if they incite or attempt to incite secession, armed rebellion, or encourage separatist activities that endanger India's sovereignty, unity, and integrity. Such actions constitute offenses punishable by imprisonment for life or imprisonment of up to seven years along with a fine.

According to Home Minister, the objective of these provisions is not merely punishment but rather the delivery of justice. While section 124(A) of the IPC was originally introduced by the British to eradicate the criticism against them, the new Bharatiya Nyaya Sanhita aims to prioritize justice over suppression and punishment. However, the bill grants significant discretion to law enforcement authorities to determine what actions constitute a threat to India's sovereignty, unity, and integrity, raising concerns about potential misuse for ulterior motives. However, it does not address the contentious issue discussed in the Kedarnath Singh case regarding the pernicious tendency criterion¹¹.

The explanation for this section clarifies that: Expressing disapproval of government measures or actions, with the intention of seeking lawful alterations, without inciting or attempting to incite the aforementioned activities, does not fall under the purview of this section¹².

CRITICISM OF SEDITION LAW AND VIOLATION OF FUNDAMENTAL RIGHT:

The first and foremost question which arises in mind is whether or should India need Sedition Law which violate Fundamental Rights of the citizens? Critics have condemned this particular section due to its origin in the colonial period and its detrimental effect on constructive criticism of the government. It imposes limitations on the freedom of speech and expression, which is

¹⁰ <https://theamikusqraie.com/evolution-of-sedition-law-in-india-and-implications-of-section-150-of-the-new-bharatiya-nyaya-sanhita/>

¹¹ <https://theamikusqraie.com/evolution-of-sedition-law-in-india-and-implications-of-section-150-of-the-new-bharatiya-nyaya-sanhita/>

¹² <https://www.onmanorama.com/news/india/2023/08/12/sedition-law-new-section-150-difference.html>

safeguarded by Article 19(2) of the Constitution, thus rendering it draconian in nature¹³.

If we go into the detail criticism of the sedition law in the Indian Penal Code (IPC), which stems from various quarters, including legal experts, human rights activists, and civil society organizations. The enactment of sedition laws by the British government was tailored to safeguard and perpetuate colonialism, circumstances that have no relevance in modern democracies that prioritize freedom of speech and expression. In liberal democracies, the fundamental principle dictates that citizens are entitled to freely think, express, and organize dissent against the government. Rather than being deemed criminal, the ability to freely express oneself is considered a cornerstone of democratic governance. Reflecting this principle, many former British colonies, including the United States, Australia, and New Zealand, have abolished seditious provisions. Even the British government repealed such provisions under the Coroners and Justice Act in 2010¹⁴.

Despite the widespread misuse of sedition laws by governments of various ideological leanings, resulting in unjust incarceration of numerous individuals without fair legal proceedings, there has been a conspicuous absence of efforts from political or judicial entities to halt the erosion of Indian democracy. While the Supreme Court issued a definitive verdict in the KedarNath case in 1962, emphasizing that sedition laws should only be invoked in rare instances where national security and sovereignty are genuinely threatened, this guidance has had little impact on the frequent application of sedition charges by state authorities, notably the police. With mounting political polarization and a growing lack of trust in governance, the sedition law has increasingly been weaponized by governments as a convenient tool to suppress dissent and curtail freedom of speech. Despite several recent rulings by the Supreme Court and various high courts highlighting the rampant misuse of the law, there has been little to no deterrent effect on law enforcement agencies and other state institutions¹⁵.

Overall, the sedition law in the IPC has faced significant criticism for its colonial legacy, its potential to curtail free speech, its chilling effect on dissent, its misuse and abuse by authorities, and its failure to meet international human rights standards. These criticisms have led to calls for its repeal or significant reform to safeguard democratic values and civil liberties in India. Therefore India as a republic democratic country does not need the laws like Sedition.

¹³ <https://theamikusqraie.com/evolution-of-sedition-law-in-india-and-implications-of-section-150-of-the-new-bharatiya-nyaya-sanhita/>

¹⁴ <https://www.orfonline.org/expert-speak/sedition-law>

¹⁵ <https://www.orfonline.org/expert-speak/sedition-law>

COMPARATIVE STUDY :

An examination of the bill indicates that the offense of sedition has been preserved under the proposed legislation with a revised name and a broader definition of “Acts endangering sovereignty, unity, and integrity of India.” The Union home minister stated in the Lok Sabha that one of the proposed laws aimed at reforming the criminal justice system will completely abolish the offense of sedition, as outlined in Section 124A of the Indian Penal Code (IPC), and mentioned that the bill will undergo scrutiny by a parliamentary panel. The operation of Section 124A, which is a non-bailable offense punishable by imprisonment up to life and is often criticized for being misused to suppress dissent, is currently suspended due to an ongoing interim order from the top court issued on May 11, 2022. A significant modification in the proposed draft Section 150 of the BNS bill is the elimination of a provision that allowed individuals convicted of sedition to escape with only a fine: Section 150 now stipulates imprisonment for life or imprisonment up to seven years, in addition to a fine, as punishment. Section 150 states: “Whoever intentionally or knowingly, through spoken or written words, signs, visible representations, electronic communication, financial means, or otherwise, incites or attempts to incite secession, armed rebellion, subversive activities, or fosters sentiments of separatism or endangers the sovereignty, unity, and integrity of India; or engages in any such act shall be punished with imprisonment for life or imprisonment up to seven years and shall also be liable to a fine.” Comparing this with Section 124A of the IPC, which states: “Whoever, through spoken or written words, signs, visible representations, or otherwise, brings or attempts to bring into hatred or contempt, or incites or attempts to incite disaffection towards, the Government established by law in India, shall be punished with imprisonment for life, with or without fine, or imprisonment up to three years, with or without fine, or with a fine. A comparative analysis between the old and new provisions reveals that Section 150 now includes “electronic communication” and “use of financial means” as methods of perpetuating an act that endangers the sovereignty, unity, and integrity of India. Moreover, the new provision specifies that the offense under Section 150 will not be directed against “the Government established by law in India,” as was previously mentioned in Section 124A of the IPC. However, the violation outlined in Section 150 occurs when actions incite “secession or armed rebellion or subversive activities or promote sentiments of separatist activities or jeopardize the sovereignty or unity and integrity of India.”¹⁶.

¹⁶ <https://www.hindustantimes.com/india-news/sedition-under-the-new-bharatiya-nyaya-sanhita-bill-2023-what-s-changed-101691751947093.html>

Section 150 of the Bharatiya Nyaya Sanhita (BNS) introduces legal penalties for ‘Acts that endanger the sovereignty, unity, and integrity of India’, assigning punishments ranging from life imprisonment to a minimum of seven years, along with a fine. This marks an increase in the minimum punishment from three to seven years. Although not explicitly named ‘sedition’, the essence of the sedition provision under section 124A of the IPC is preserved within this clause, potentially encompassing a broader array of actions. These actions are described in vague and ambiguous terms, raising concerns about the provision’s constitutionality. Reviewing the historical and legal context of sedition offers valuable insights into the potential impact of this clause.

While Clause 150 of BNS maintains the traditional methods of committing sedition, such as through words or visible representation, it redefines the actions that constitute the offence. Unlike IPC’s section 124A, which targets acts intended to stir up ‘hatred, contempt, or disaffection towards the Government’, the BNS clause targets actions aimed at inciting ‘secession, armed rebellion, or subversive activities, or encouraging separatist sentiments that threaten India’s sovereignty or its unity and integrity’. This shift not only changes the focus from the government to the state of India itself but also broadens the scope of activities deemed threatening, incorporating modern means of communication and financial transactions as potential tools for committing the offence. Additionally, the requirement for the offender to act ‘purposely or knowingly’ introduces a specific intent component to the offence¹⁷.

The transition from the sedition law under the Indian Penal Code (IPC) to its reformulation in the Bharatiya Nyaya Sanhita (BNS) marks a significant shift in the legal landscape regarding acts that threaten the state’s stability. From the above all content and observation a comparison between the sedition law as outlined in Section 124A of the IPC and the proposed legislation under Clause 150 of the BNS has been extracted in following parts of differentiation.

1. Definition and Scope: In IPC Section 124A focuses on acts that incite “hatred, contempt, or disaffection” towards the Government of India. The emphasis is on the government’s stability and the relationship between the government and the citizens, while in BNS Clause 150 expands the scope to include “secession, armed rebellion, subversive activities, or encouraging feelings of separatist activities” that endanger India’s sovereignty, unity, and integrity. This represents a broader range of activities beyond just the government’s stability, encompassing threats to the nation’s overall unity and integrity.

¹⁷ <https://p39ablog.com/2023/09/criminal-law-bills-2023-decoded-8-sedition-recast-implications-of-clause-150-of-the-bns-2023/>

2. Methods of Committing the Offence: In IPC the act can be committed “by words, either spoken or written, or by signs, or by visible representation, or otherwise, while BNS retains the IPC’s modes but adds “electronic communication” and “financial means” as additional methods, reflecting the modern means of communication and transaction.

3. Object of the Provision: Where IPC targets actions against “the Government established by law”, on the other hand BNS Shifts the focus to actions against “the sovereignty or unity and integrity of India,” broadening the provision’s applicability from the government to the nation as a whole.

4. Mens Rea (Intent Requirement): IPC does not explicitly define the mental state required to constitute the offence, where as BNS Specifies that the act must be committed “purposely or knowingly,” introducing a clearer requirement for the perpetrator’s intent.

5. Punishments: In IPC Punishment can include “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”, where as on the other side BNS Prescribes “imprisonment for life or with imprisonment which may extend to seven years and shall also be liable to fine,” establishing a minimum punishment of seven years, which is an increase from the IPC’s provisions.

6. Constitutional and Legal Implications: While the IPC’s Section 124A has been criticized for its potential misuse against freedom of speech and dissent, the BNS’s Clause 150, despite changing nomenclature and expanding definitions, retains the essence of sedition. It introduces modern means of committing the offence and specifies the intent required, potentially addressing some concerns regarding vagueness and applicability. However, the broadening of acts covered under Clause 150 raises new concerns about its impact on freedom of expression and its constitutional validity, given the ambiguity and potential for misuse.

In overall observation, the shift from IPC to BNS in dealing with sedition represents an attempt to modernize and clarify the law while addressing contemporary forms of communication and financial transactions. However, it also introduces new challenges regarding the balance between national security and the protection of fundamental rights¹⁸.

LOOPHOLES AND FINDINGS:

There’s been considerable discussion about the Bharatiya Nyaya Sanhita, 2023, intended to replace the Indian Penal Code of 1860, and its omission of the term “Sedition.” The Indian

¹⁸ <https://p39ablog.com/2023/09/criminal-law-bills-2023-decoded-8-sedition-recast-implications-of-clause-150-of-the-bns-2023/>

government has articulated that as a democratic country, India champions the freedom of speech and is keen on doing away with the colonial-era law on sedition, which aligns with the ethos of a liberal democracy. However, the essence of Section 124A of the IPC, relating to sedition, seems to subtly persist in Clause 150 of the BNS. The objectives behind the two provisions diverge significantly: Section 124A aims to restrict free speech, whereas Clause 150 of the BNS is more concerned with safeguarding national security, striving for a balance between individual freedom and the security of the state. This clause, under Part 7 concerning offences against the State, criminalizes actions deemed a threat to India's sovereignty, unity, and integrity. It is now incumbent upon the Government of India to offer further clarity and achieve a more refined balance.

Section 150 of the BNS broadens the range of acts considered threats to national security, specifically including 'electronic communication' to potentially encompass private social media messages and posts. The reference to 'financial means' might allow for allegations related to financial transactions. This provision clearly outlines the activities it targets: engaging in secession, participating in armed rebellion, undertaking subversive actions, and promoting separatist sentiments. The clear requirement of criminal intent, either purposely or knowingly, is a positive development. However, for a country often criticized for its overly cautious, sometimes overreaching approach to security, regardless of the ruling government, the need for precise legal definitions is critical¹⁹.

Historically, the law was predominantly employed against individuals who politically opposed the current government rather than actual threats to the state. The misuse of governmental power and regulations to suppress dissenting voices remains unchanged, as evidenced by politicians targeting citizens who challenge them. This misuse prompted the Supreme Court to suspend the law's application last year. However, the Law Commission's recommendations for safeguards against such abuse were not fully considered, leading to ongoing instances where police still charge people under this law despite the Supreme Court's suspension. Critics argue that the law has been interpreted too broadly, making it a tool to suppress activists, journalists, students, and others voicing dissent or critiquing government actions²⁰.

SUGGESTION:

The best outcome would be to eliminate the law and direct related cases to Articles 1 and 2 of the

¹⁹ <https://m.economictimes.com/opinion/et-editorial/sedition-by-another-name-equally-shady/articleshow/102917948.cms>

²⁰ <https://portal.theedulaw.com/singlearticle?uid=468>

Indian Constitution. Nevertheless, given the Government's growing authoritarian approach, the judiciary might be swayed to settle for establishing clear rules for handling cases related to social media and online dissent²¹.

Suggestions for reforming sedition law in India often revolve around balancing national security concerns with the protection of free speech and expression, a cornerstone of democratic societies.

Here are several suggestions:

- 1. Repeal or Redefine:** Consider repealing the sedition law or significantly narrowing its definition to only cover acts involving the incitement to violence or insurrection against the State. This would prevent misuse against speech that is critical of the government but does not incite violence.
- 2. Clarity and Precision:** Amend the law to make it clear and precise, ensuring that it only targets actions with a direct intention to overthrow the government through violent means. This would help safeguard against the broad interpretation that could curb legitimate dissent.
- 3. Safeguards Against Misuse:** Implement strict guidelines and safeguards to prevent the misuse of the law, including requiring a higher threshold of evidence and approval from a higher authority before filing charges.
- 4. Judicial Oversight:** Ensure judicial oversight in the application of the sedition law to protect against arbitrary and politically motivated charges. Judges should have the authority to dismiss cases at an early stage if they do not meet the strict criteria for sedition.
- 5. Public Interest Defense:** Introduce a public interest defense for those charged with sedition, allowing defendants to argue that their actions were aimed at promoting democratic values and social welfare.
- 6. Regular Review:** Establish a mechanism for regular review of the application of the sedition law to ensure it is used appropriately and to make necessary adjustments based on its impact on civil liberties.
- 7. Education and Training:** Provide training for law enforcement and the judiciary on the appropriate application of the sedition law to prevent its misuse and to understand the importance of protecting freedom of speech.

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<https://www.culawreview.org/current-events-2/the-future-of-indias-free-speech#:~:text=The%20ideal%20ruling%20would%20be,social%20media%20and%20online%20dissent.>

- 8. International Standards:** Align the sedition law with international human rights standards, ensuring that restrictions on free speech are necessary, proportionate, and in pursuit of a legitimate aim.

By taking these steps, India can better balance the need for national security with the protection of individual rights and freedoms, fostering a more open and democratic society.

CONCLUSION:

In conclusion, the sedition law in India, as outlined in Section 124A of the Indian Penal Code, has a contentious history rooted in colonial suppression of dissent. Despite India's transition to a democratic republic, the sedition law continues to raise questions about its compatibility with fundamental rights such as freedom of speech and expression. The ongoing debate surrounding the constitutionality and relevance of sedition reflects broader concerns about the balance between national security and civil liberties. The Bharatiya Nyaya Sanhita (BNS) bill of 2023 proposes amendments to the sedition law, aiming to modernize its provisions and address contemporary challenges. However, concerns remain regarding the potential for misuse and the impact on freedom of expression. The comparison between the IPC's Section 124A and the BNS's Clause 150 highlights both continuity and change in the legal landscape concerning sedition.

Loopholes and findings suggest the need for clarity and precision in defining sedition-related offenses, as well as safeguards against misuse. Suggestions for reform include repealing or redefining the sedition law, ensuring judicial oversight, and aligning it with international human rights standards. Ultimately, the path forward requires a careful balance between national security imperatives and the protection of individual rights and freedoms. By implementing reforms that uphold democratic principles and respect civil liberties, India can navigate the complexities of sedition law in the modern era.