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JOURNEY OF SEDITION LAW : HOW IT CAME INTO EFFECT AND GOT REPEALED?

INTRODUCTION

When comments disapprove of the government's administrative actions without evoking all feelings of enmity— Comments expressing disapproval of the Government's administrative or other actions that do not incite or attempt to incite hatred, contempt, or disaffection.

According to IPC Section 124 A, "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 imprisonment for three years, to which fine may be added.

PUNISHMENT UNDER LAW

Under The Indian Penal Code, sedition is a non-bailable, cognizable offense that can be tried in the Court of Session. An individual charged with sedition may face one or more of the following consequences:

- **Barred from Government Jobs:** Being charged with sedition does not always result in an automatic ban from government employment. Certain criminal charges, depending on their nature and severity, may limit an individual's eligibility for certain government positions.
- **Passport Restrictions:** While someone charged with sedition may face restrictions on international travel, these restrictions are most likely imposed by the court or authorities handling the case.

- Court appearances: If someone is charged with a criminal offense, including sedition, they may be required to attend court hearings as summoned.

CASE: Queen Empress V Jogendra Chunder Bose

This is a landmark legal case in Indian history. Bengali magazine, was India's first sedition trial in 1891. He was tried for criticizing the British government's decision to raise the age of consent for sexual intercourse, which he saw as a violation of Indian tradition and morals. However, Bose was ultimately acquitted because the prosecution could not prove who wrote the anonymous article. This case has historical significance because it was the first recorded state trial in India for an act of sedition.

CASE: Bal Gangadhar Tilak Case

Bal Gangadhar Tilak published the celebration reports, which were followed by Professor R. P. Karkaria's 1894 paper on Maratha king Shivaji. This paper led to the annual Shivaji Coronation celebration. Tilak later published reports about the celebrations. Tilak described these festivities as "Shivaji's Utterances" in his newspapers, Kesari and Mahratta. Arthur Strachey presided over the case. This sedition trial is historically significant because it involved an attempt to incite feelings of enmity against the government, which was classified as seditious under Section 124A. As a result, it broadened our understanding of Section 124A. Tilak was sentenced to 18 months of rigorous imprisonment.

CASE: Mohandas Karamchand Gandhi Convicted of Sedition

Mohandas Karamchand Gandhi was charged with sedition in 1922 and tried at the Sessions Court in Bhadra, Gujarat, for his politically charged articles in the Young India journal. Gandhi and the journal's publisher pleaded guilty. Gandhi read a statement during the trial that detailed his history of dissatisfaction with the British government. Gandhi was convicted and sentenced to six years behind bars. The trial, known as the Great Trial of 1922, was held in March 1922 after his arrest for sedition. Gandhi appeared in Ahmedabad court without counsel, facing charges under Section 124A of the Indian Penal Code. He pleaded guilty to all charges and asked for the maximum sentence.

CASE: Niherendu Dutt Majumdar V The King Emperor

This case took place in India. The case involved the conviction of Niherendu Dutt Majumdar and others for violating an order issued by the Sub-divisional Magistrate of Barrackpore under Section 144 of the Criminal Procedure Code, which is punishable under Section 188 of the Penal Code. On July 10, 1939, the case's judgment was issued. The case is cited in other legal decisions, such as "Chinnamuthu Ambalam v S Jagannatha Chariar." This case was challenged in the "Kedar Nath Singh" case.

CASE: Kedar Nath Sing V State of Bihar

In this case, the Supreme Court of India upheld the constitutional validity of the Indian Penal Code's sedition provisions in 1962. The Court reasoned that penalizing sedition is a constitutionally valid limitation on the right to free speech and expression as long as it does not involve incitement to violence or the intent to cause public disorder. This case significantly restricted the scope of sedition, emphasizing that the offense of sedition is established only if the expression intends to cause public disorder or violence. The decision in this case was widely cited and influenced the interpretation of sedition laws in India.

CASE: Balwant Singh V State of Punjab

This case was decided by the Supreme Court of India on March 1, 1995, and involved the convictions of Balwant Singh and Bhupendra Singh under sections 124-A and 153-A of the Indian Penal Code. They were each sentenced to one year of rigorous imprisonment and a Rs. 500 fine for each of the two charges. The case revolved around their arrest near Chandigarh's Neelam Cinema and the subsequent trial for the alleged offenses. The appellants were acquitted due to discrepancies in the prosecution witnesses' statements and a lack of evidence to back up the charges, as highlighted in the judgment. The case is significant because it addresses the interpretation and application of the Indian Penal Code's sedition and related provisions.

CONCLUSION:

It is clear that the sedition law should be repealed. It has become a weapon used to threaten anyone who expresses an opinion or questions the government, and it has no place in 21st century India. Attempts to silence dissent and free expression are not new. The opposition's leaders, known as the 'Congress', have criticized the misuse of sedition law. However, when in power, the Congress used the same law to target dissidents.

However, by repeatedly invoking this law in recent times, the government has provided us with an answer. They don't seem bothered, and any recommendations would have most likely gone unheard in a participative democracy like India, where slogan-shouting is the oxygen and dissent is the blood, law like sedition has no place. In parliament, when asked Minister of State Home Affairs Nityanand Rai, whether the sedition law is likely to be repealed, he responded succinctly but unequivocally: "There is no proposal to end sedition. The provision must be retained in order to combat anti-national, secessionist, and terrorist elements effectively.