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# Sedition

Sedition in India is defined by Sec 124A of Indian Penal Code. Sec-124A was introduced by the British Colonial government in 1870 when it felt the need for a specific section to deal with the radical Wahabi Movement of 19<sup>th</sup> Century.

Sedition as an offence committed when "any person by words, either spoken or written or by signs, or by visible representation or otherwise, brings an attempt to bring into hatred or contempt, or excites an attempt to excite disaffection towards the government established by law in India.

## Punishment

- Non bailable offence, imprisonment upto 3 years to a life Imp.
- The person found guilty not eligible for government Job.



## What does not constitute an offence under Sedition?

- 1- when comments disapprove of government measures but with a view to alter them lawfully.
- 2 Comments expressing disapprobation of the administrative or other action of the Govt without exciting or attempting to excite hatred, contempt or disaffection.

To avert the Constitutional difficulty as a result of the above referred case. The Constitutional (1<sup>st</sup> Amendment) Act 1951 added in Art 19(2) two words "in the interest of" "public order" thereby including the legislative restrictions on freedom of speech & expression.

Sec 124-A of IPC is constitutional and not in contravention of Art 19(1)(a) as it saved by the expression "in the interest of public order" in Art 19(2).



# Sedition laws in India

- 1- Indian Penal Code -1860 (Sec-124(a))
- 2- Crpc (Sec 95)
- 3- The Seditious Meetings Act 1911
- 4- The Unlawful activities Prevention Act (Sec 96)

## Constitutional Validity of Sedition Law

May 2021

Justice D.Y Chandrachud said

'It is time to define the limits of sedition'

Ram Nandan of state of UP was the first case that took the notion of the constitutionality of Section 124 A. Allahabad H.C alleged that Sec 124A of IPC is ultra vires in nature and it violates the provision of Art 19(1)(a) of constitution.

Kedar Nath of state of Bihar Supreme Court alluded that the charges law of sedition is constitutional and valid and an idea behind Sec 124A is create public order.



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The Supreme Court alleged that the Sec should limit acts that involve intention to create disruption of law and order or incite violence in the society.

Balwant Singh vs State of Punjab

Charges against the person u/s 124-A for raising the slogans of 'Khalistan Zindabad' following the assassination of Indira Gandhi, were non viable, that were raised neither had the intention nor it led to the incite of people so not the ground of Sec-124-A.

Romesh Thapper vs State of Madras

Madras state banned the paper 'Cross Roads' infringed his rights to freedom of speech & expression given u/s 19(1).

S.C quashed the order of Madras state that 19(1) is imposed only where there is problem related to security of public is involved.

Kishore Chandra vs Wangkhemcha vs UOI (2021)

Pending

Plea states that Sec. 124 A is unnecessary & it does not protect the interest of state & public order, is misused due to more recent enactments so it should be declared unconstitutional.