

Sedition Law - Supreme Court Allows Sedition Trials to Proceed

May 22, 2026 • vajiramandravi.com



Sedition Law Latest News

- The Supreme Court has clarified that sedition trials and appeals under Section 124A IPC may proceed where the accused has no objection, partially relaxing its 2022 freeze on such proceedings.

Sedition Law in India

- The colonial sedition law in India was contained in Section 124A of the Indian Penal Code (IPC), introduced in 1890 by the British.
- It made it an offence to bring or attempt to bring into hatred or contempt, or excite disaffection towards the government established by law in India.
- Punishment under Section 124A ranged from:
 - Imprisonment for life (with or without fine), or
 - Imprisonment up to three years (with or without a fine), or

- Fine alone.
- The law was used against several freedom fighters, including **Mahatma Gandhi** and **Bal Gangadhar Tilak**, to suppress political dissent.

Constitutional Position and Kedar Nath Singh Case

- After independence, sedition's validity was challenged as violating freedom of speech and expression under **Article 19(1)(a)**.
- In *Kedar Nath Singh v. State of Bihar* (1962), a Constitution Bench of the Supreme Court:
 - Upheld Section 124A as constitutionally valid,
 - But narrowed its scope: sedition would apply only where speech or expression involves:
 - Incitement to violence, or
 - Intention or tendency to create public disorder or disturb law and order.
- Mere criticism of the government, however strong or intemperate, was held not to be sedition unless it had a violent or disorderly tendency.

Criticism and Misuse

- Over time, Section 124A came under intense criticism for:
 - Being vague and overbroad,
- Being used against journalists, activists, students and ordinary citizens for:
 - Social media posts,
 - Peaceful protests,
 - Political criticism.

2022 Supreme Court Interim Order

- On 11 May 2022, while the Union Government said it would re-examine and reconsider Section 124A, the Supreme Court passed an important interim order and put the operation of Section 124A on hold, pending the review.
- The Court directed Union and State governments:
 - Not to register new FIRs under Section 124A.
 - To keep all ongoing investigations, trials and proceedings in abeyance.
- Also stated that those already in jail under sedition could seek bail.
- This effectively froze the practical use of Section 124A, though it was not formally struck down.

Transition to the Bharatiya Nyaya Sanhita (BNS)

- With the replacement of the IPC by the Bharatiya Nyaya Sanhita (BNS), a new provision, **Section 152 BNS**, criminalises acts that endanger the sovereignty, unity and integrity of India.
- Petitioners have argued that Section 152 is effectively a “repackaged” sedition law, and its validity is under challenge before the Supreme Court.

- The Court has also noted orally that the Executive's decision to "review" sedition under the old IPC does not prevent Parliament from enacting a similar provision in the new code, since the legislature functions independently.

News Summary

- Four years after its 2022 interim order effectively put sedition proceedings on hold, the **Supreme Court has now clarified that trials and appeals involving Section 124A IPC can proceed if the accused has no objection.**
- The Court issued this clarification while hearing a plea by a man who has been in jail for 17 years in a sedition case, with his criminal appeal pending before the Madhya Pradesh High Court.
- The Bench recorded that the petitioner expressly wanted his appeal to be heard in full, including the charge under Section 124A. On that basis, the Court stated:
 - Wherever the accused has no objection to the continuation of the trial, appeal, or any other proceeding in which he has been charged under Section 124A IPC, there shall be no impediment for the courts to decide such matters on merits and in accordance with law.
- The Supreme Court directed the Madhya Pradesh High Court to take up the petitioner's appeal forthwith, along with connected matters, and decide them on the merits.

Context: 2022 Stay on Sedition Proceedings

- In its 11 May 2022 interim order, a Bench headed by then CJI N.V. Ramana had put all trials, investigations and proceedings under Section 124A in abeyance and "Hoped and expected" that the Centre and States would:
 - Not file new FIRs,
 - Not continue investigations,
 - Not to take coercive steps under Section 124A, while the Union re-examined the provision.
- The Court had then emphasised the need to balance:
 - The security interests and integrity of the State, and
 - The civil liberties of citizens.
- **The new clarification does not lift the 2022 protections generally; instead, it carves out a limited exception:** where the accused themselves want their cases to proceed (for example, to secure an acquittal or an early final decision), courts are free to conduct trials or hear appeals and pronounce judgments.

Link with Ongoing BNS Challenges

- In February 2026, CJI Surya Kant had also observed orally that the Union's earlier decision to review sedition under the IPC cannot stop Parliament from introducing a similar offence in the Bharatiya Nyaya Sanhita.
- This remark came while hearing PILs challenging various provisions of the BNS, including Section 152, which criminalises acts deemed to endanger India's sovereignty, unity and integrity.
- Petitioners argue that Section 152 BNS is essentially a "rebranded" sedition clause, and the Court is currently examining whether it suffers from the same constitutional defects long alleged against Section 124A IPC.

Significance

- The clarification offers procedural flexibility: **accused persons who do not want their sedition cases to remain frozen for years can seek an early adjudication.**
- At the same time, the general freeze on sedition prosecutions remains in place for those who wish to rely on the 2022 interim protection.
- The broader, substantive question of whether sedition-type offences (under either IPC 124A or BNS 152) are constitutional is still pending before the Supreme Court.

Source: **TH** | **Live Law**

Source: <https://vajiramandravi.com/current-affairs/sedition-law-explained/>

© Vajiram & Ravi. For personal use only.