

Sedition

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About Sedition:

- **View of Constitution:** The Constitution of India does not define the word sedition.
- **View of Indian Penal Code (IPC): Section 124-A of the IPC** defines the offence of 'Sedition' –
 - Whoever, by words (or by signs or visible representation) attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the Government shall be punished with life imprisonment.
 - The word 'disaffection' in this section includes disloyalty and feelings of enmity.
 - However, Comments expressing disapproval of the 'Government action without attempting to excite disaffection, do not constitute an offense under this section'.
- **View of judiciary on sedition:**
 - In **Kedar Nath Singh's Case**, the Constitution bench of the Supreme Court made it clear that allegedly seditious speech and expression may be punished only if the speech is an 'incitement' to 'violence', or 'public disorder'.

- In **Indra Das v. State of Assam and Arup Bhuyan v. State of Assam**, the Supreme Court unambiguously stated that only speech that amounts to “incitement to imminent lawless action” can be criminalised.
- In **Shreya Singhal v. Union of India**, the famous 66A judgment, the Supreme Court drew a clear distinction between “advocacy” and “incitement”, stating that only the latter could be punished.
- Thus, words and speech can be criminalised and punished only in situations where it is being used to incite mobs or crowds to violent action. Mere words and phrases by themselves, no matter how distasteful, do not amount to a criminal offence unless this condition is met.

- **History:**

- Sedition was not a part of original IPC in the 1860s and was even dropped from the law. It was introduced in the IPC in the year 1870.
- British used the sedition law to quell the Indian freedom struggle and retain imperial power.
- The first known use of Sedition law was against Jogendra Chandra Bose, was charged in 1891 for his criticism of the “Age of Consent Bill”. Many Indian freedom fighters, including Mahatma Gandhi and Bal Gangadhar Tilak, were charged with sedition.

Source : **The Hindu**

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