DO WE STILL NEED SEDITION LAW IN INDIA?

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The recent spate in instances of invoking sedition laws against human rights activists, journalists and public intellectuals in the country have raised some crucial questions on the undemocratic nature of these laws. This law is embodied in Section 124A of Indian Penal Code, 1860 and was enacted by the British Government in India for a specific purpose. The recent case of Sedition that is JNU case has garnered lot of public criticism. The charge of sedition has raised serious questions about the validity of these laws in a modern constitutional democracy. Even many of our imminent freedom fighters like Mahatma Gandhi, Bal Gangadhar Tilak and Annie Besant became the target of this law. It is ironic that these laws have survived the demise of colonial rule and continue to haunt media personnel, human rights activists, political dissenters and public intellectuals across the country. This paper is an effort at bringing together various arguments to make the case for repeal of these laws. The second chapter deals with the history of sedition laws, the third chapter deals with inconsistency of 124A of IPC with 19 (1) (a), the next chapter question the validity of Sedition law and then talks about the implication of Sedition law in India and the last chapter deals with Sedition – against the ideals of democracy and liberty.

Keywords- Sedition, Democracy, Liberty and Fundamental rights

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SEDITION

Sedition is an offence defined in Sec 124 A of the IPC. As per this definition anyone who brings or attempts to bring into hatred or contempt or excites or attempts to excite disaffection towards the Government by words spoken or written or by signs or by visible representation or otherwise is guilty of the offence of sedition. Out of the three explanations added to the Section, two seek to clarify that expressing disapprobation of the measures of the Government or administrative action is not an offence. But any attempt to excite contempt, hatred or disaffection will definitely make such permissible disapprobation also liable to be punished. This section is worded in the widest terms possible. The use of the terms like 'disaffection' and 'otherwise' enlarges the ambit of this section even more. The offence of sedition is incorporated in Indian Penal Code, 1860. Sedition was not initially there in IPC but it was later added into it through an amendment in the year 1870 by the British Colonial Government but it is interesting to note that Sedition law is no longer there in the statute books of British Penal Laws having been abolished in the year 2009 because it was encroaching upon the freedom of speech of the people.

HISTORY OF SEDITION LAW IN INDIA

Sedition law was incorporated in IPC in the year 1870 with the aim of suppressing the voice of people of India who were to protest against the british rule in India. The Britishers wanted to establish themselves in India and this was possible only by suppressing the Indian voice. This is the reason behind the victimization of our so many nationalists under this law. The Britishers were in like thousands whereas Indians were in millions and the revolution by the Indians could uproot the settled rule of Britishers in India and fearing this Sedition law was enacted by them. This law cannot extend to post independence democratically elected government. We have kept alive the colonial law which should have been abolished long back.

The original draft of the constitution that was up for discussion, the word sedition had been included as one of the grounds for restriction on speech but then the Constituent assembly deliberated on the scope and extent of restrictions that could be placed on free speech, the prominent exclusion from what eventually became art.-19(2) was the word sedition. Hence the term sedition finds no mention in the reasonable

restrictions given in art.-19(2). The legislature cannot take away or abridge the fundamental rights which it cannot do directly[1].

In the case of *Romesh Thappar v.UOI*[2], the Supreme Court has held that the deletion of the word sedition from the draft article 13(2) shows that criticism of government exciting disaffection or bad feelings towards it is not to be regarded as a justifying ground for restricting the freedom of expression and in the case of *Pathumma v. State of Kerela*[3], the court has held that the court is entitled to take into consideration matters of common report history of the times and matters of common knowledge and the circumstances existing at the time of the legislature for this purpose. Hence the deliberate removal of the word Sedition from the list of reasonable restrictions, by the makers of the Constitution which later became article- 19(2) must be taken into account.

The proper interpretation of a ground of restriction is no doubt a business of a court but once the scope of a ground of restriction has been interpreted by the court cannot enlarge the relevant limitation clause to admit other grounds. Nothing short of an amendment can introduce new grounds of restriction on freedom of speech and expression guaranteed under article-19(1) (a) of Indian Constitution[4].

SECTION 124A IS AN UNREASONABLE RESTRICTION TO ARTICLE 19 (1) (A).

Fundamental Rights are the most basic rights of the citizens guaranteed by the Constitution of the India; these rights are derived from the concept of natural rights. The seriousness of these rights can be derived from the fact that a person can directly approach the Supreme Court and High Court of India under article 32 and 226 respectively in case of violation of these rights. Some fundamental rights can be enforced against state and some against both the persons & the state. Article 19 (1) (a) is one of these fundamental rights enforceable against the State which ensures to all the citizens the right to freedom of speech and expression. Though this right is not absolute and hence some reasonable restrictions can be imposed on this right and these restrictions are given in article 19 clause 2 of the Indian Constitution, these are restrictions in the interests of the sovereignty and integrity of India, the security of the State, friendly

[1] Kerela Education Bill, In Re AIR 1958 SC 956.
[2] AIR 1950 SC 124.
[3] (1978) 2 SCC 1.
[4] *Supra* 2.

relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence. The scope of these restrictions cannot be enlarged to include other limitations and the freedom of speech and expression cannot be curbed beyond this.

In the case Odyssey Committee Private limited v Loknidayan Sanghatana,[5] Supreme court said that freedom of expression is a preferred right which is always very zealously guarded by this court. Further in the case State of West Bengal v Subodh Gopal Bose[6], the court said that the rights enumerated in Article 19(1)(a) are those great and basic rights which are recognised as the natural rights inherent in the status of a citizen. This 2 decisions tell us that fundamental rights are supreme and they have to be protected.

In case of *Ram Singh v. State of Delhi*[7], it was held by the Supreme Court of India that the limitations imposed by art.19 (1) to (6) on the freedoms guaranteed by article 19(1) to serve a purpose, they put a limitation on the power of legislature to restrict those freedoms. Legislature cannot restrict the freedoms beyond the requirement of art. 19(2) to 19(6). State cannot travel beyond the contours of clauses 2 to 6 of article 19 in curbing the fundamental rights guaranteed by clause 1. It is humbly submitted that the court is only concerned whether the restriction is an excess of the requirement and whether the law has overstepped the constitutional limitations[8]. It is humbly put forth that for adjudging the reasonableness of a restriction the court considers such factors[9] as-

i. The deviation and the extent of restriction.

ii. Circumstances and the manner in which that imposition has been acquired.

iii. Nature if right infringed.

iv. Underlying purpose of restriction imposed.

v. Extent and urgency of evil sought to be remedied.

vi. Prevailing conditions of the time.

[5] 1988 3 SCC 410
[6] AIR 1954 SC 92, 95
[7] AIR 1951 SC 270.
[8] Society for Unaided Private Schools of Rajasthan v. UOI, (2012) 6 SCC 1.
[9] *Infra* 20.

Considering all these points, the Sedition law fails in the test of reasonability given by the Supreme Court of India while interpreting the term 'reasonable'.

"Reasonableness" is not a static concept and it may vary from time to time. What is considered reasonable at one point of time may become arbitrary at a subsequent point of time[10]. In Tara Singh Gopi Chand's[11] case held section 124 A became invalid on coming into force of the constitution, as it is in restriction of the fundamental rights set out in article 19 of constitution and is not saved by the reservation made by clause (2) of article 19.

The Sedition law when enacted by the Britishers in 1870 was reasonable as per them and as per the conditions prevalent at those times but now it has become arbitrary as it gives additional power in the hands of the government to curb freedom of speech and expression guaranteed in part III of the Indian Constitution. It constitutes an unreasonable restriction on the freedom of speech and expression of the people of India.

An obvious advantage arising out of charging offenders under ordinary criminal laws as opposed to under the laws of sedition is that offenders are not counter-productively marked out and legitimized as 'political offenders' rather than ordinary criminals[12]. The object and the form of state action alone need not be considered and effect of the laws on fundamental rights of the individual cannot be ignored[13].

In one of the tests that have been laid down to determine the reasonableness of a restriction is to find out if the restraint is more excessive than warranted by the situation[14]. A law or an order made thereunder will be hit by article 19 if the direct and inevitable consequence of such law or order is to abridge or take away anyone or more of the freedoms guaranteed by article 19(1).

In case of *Bennett Coleman and Co. v. UOI*[15], the court has held that no law or action would state in words that right of freedom of speech and expression are abridged or taken away that is why the courts have to

[10] Subramanian Swamy v Union of India, ministry of law & ors., 1990 AIR 113.

[11] AIR 1951 Pun 27

[12] Ben Saul, Speaking of Terror: Criminalising Incitement to Violence, 28 unsW LJ 874 (2005).

[13] A.K. Gopalan v. State of Madras, AIR 1950 SC 27; Bachan singh v. State of Punjab, AIR 1980 SC 898 (909) and Nath Sarkar v. State of West Bengal, (1973) 1 SCC 856.

[14] Laxmi Khandsari v. State of U.P., 1981 AIR 873.

[15] 1973 AIR 106.

protect and guard by considering the scope and provisions of the act and its effect upon the fundamental rights.

In the case of *Chintaman Rao v. State of M.P*[16]., it has been held by the court that the restrictions imposed by section 124A on the right to freedom of speech and expression are not reasonable because they are arbitrary and of an excessive nature beyond what is required in the interest of public.

The restriction of right of freedom of expression and speech in so far as a speech merely tend to excite disaffection towards the government would not be reasonable and that too this extent section 124A must be held ultra vires and inoperative as being repugnant of article 19 (1) (a)[17].

The provisions of this section are very wide and in strict law they would cover everything that amounts to disaffection, hence violative of art. 19 (1) (a). An act/statute/ section which authorises imposition of restrictions for the wider purpose of securing public safety or maintenance of public order falls outside the scope of authorized restrictions under clause (2) and is therefore void and unconstitutional[18]. The object of specifying the restrictions in clause (2) to (6) of Article 19 was to define with certainty the limitations that might be imposed upon the freedoms instead of leaving that to the disposal of the judges[19].

In a democratic country like India, people deserve to have their voice, they deserve to voice their opinions, views and ideas however offending they are. They have the right to criticise the government for their actions because government in India is by the people, for the people and to the people. People of India constitute the government by their duly elected representatives to work for their welfare and betterment which eventually gives them the right to question their decisions and policies. But the scope of Section 124A of IPC is so wide that it would also cover even a single negative comment against the government established by law in India whether it results in any violence of not. The word disaffection is so ambiguous that it would include everything which is contrary to affection and we cannot inspect in the hearts of the people to come to a firm conclusion which makes this provision vulnerable to misuse. In fact there are various instances in the past which show the misuse of this provision.

SECTION 124A BEING VIOLATIVE OF ARTICLE 13(1) IS INVALID.

[16] AIR 1951 Sc 118.
[17] Sagolsem Indramani Singh v. Manipur State, AIR 1955 CR LJ 184.
[18] Supra 3.
[19] Constituent assembly debates Vol. VII CAD pg 41.

Any law inconsistent with fundamental rights shall be declared void. Article 13 lays down the supremacy of the fundamental rights over any other law in case of any inconsistency between the two[20]. The approach of the court must be to uphold those rights and liberties for which it may sometimes even have to declare the statute to be unconstitutional.

In the case of *Tara Singh Gopichand v. State*[21], the court held that section 124A became invalid on coming into force of the constitution, as it is in restriction of the fundamental rights set out in article 19 of constitution and is not saved by the reservations made by clause 2 of article 19.

IMPLICATIONS OF SEDITION LAW

The law of sedition which has emerged from the decisions of the Privy Council during the pre-independence era is for that a simple statement or a speech which can excite "disaffection" towards the Government the maker of the speech or statement is liable to be prosecuted under Sec 124A. No incitement to violence or insurrection is necessary. The implication of this statement of law is that after the Constitution came into force, Sec 124 A of the IPC would become violative of the fundamental right to freedom of speech and expression. Thus sedition, a draconian law of the colonial era would have been out of the penal code for good.

However this did not happen because in 1962 the Supreme Court upheld the constitutional validity of Sec 124A in the Kedarnath case [22]. During the colonial period sedition was considered a black law and was used extensively against the leaders of the freedom movement. Gandhi, Tilak and many other leaders were put behind bars for many years under this law. But the constitution bench of Supreme court painted it white and presented it before the free Indians as a necessary law in the interest of the survival of republic.

The constitutional validity of sedition as maintained by the Supreme Court on the premise of a translation of Sec 124A in accordance with the choices of the federal court for Niharendu's case. For this situation Sir Maurice Gwyer, CJ expressed the law on sedition in the accompanying words "public disorder or the sensible expectation or probability of public disorder is accordingly the essence of the offense. The demonstrations or words complained of must either incite to disorder or should be, such, to make sensible men believe that is their goal or propensity". In accordance with this announcement of law by the federal court, the Supreme Court of India held that as public disorder and viciousness are the crucial elements of

[20] V.N. Shukla's Constitution of India, 12th Edition, 2016, p.-38.
[21] 1951 Cri LJ 449.
[22] 1962 AIR 955

sedition it is a law made in light of a legitimate concern for public disorder under Article 19 (2) and subsequently is a sensible confinement on the principal right of the right to speak freely.

However this statement of law made by the federal court was clearly overruled by the Privy Council, the highest appellate court and held that the law declared in Tilak's case was the correct law. But the Supreme Court of India opted for the view taken by the federal court and not by the Privy Council because it wanted to uphold the validity of sedition as a reasonable restriction on the fundamental rights. By its own admission the statement of law made by the Privy Council in Tilak and Bhalerao and other English cases was sound but adopted the federal court view because it wanted the law of sedition to be in the penal statute. The following observations of the Supreme Court in Kedarnath Singh's case indicate why it wanted sedition to remain on the statute book: "in other words any written or spoken words etc. which have implicit in them the idea of subverting Government by violent means which are compendiously included in the term revolution have been made penal by the section in question". So, as per the Constitution Bench of the Supreme Court, a person can be charged with sedition only if there is incitement to violence in his speech or writing or an intention to create disorder.

Obviously the court wanted to stop revolution in India by upholding the validity of sedition!

The court also weakened the base of its own judgement by observing that the federal court took a view different from the Privy Councils because the latter's various judgements were not shown to the federal court. In other words the federal court would have gone with the Privy Council on the interpretation of sedition had its views been available to it. So there was nothing inherently infallible about the view taken by the federal court which our Supreme court adopted as the most acceptable legal decision. Further, Article 19(2) permits reasonable restrictions on the freedom of speech. if the law imposing reasonable restriction is made in the interest of public order , it is constitutionally valid. This is the ground on which Kedarnath Singh judgement upheld the constitutional validity of sedition. There is an obvious fallacy in this argument.

The court itself says that the words "in the interest of public order" are of the widest amplitude. "Reasonable restriction" and "words of widest amplitude" are mutually contradictory. Restrictive provisions can't be so open ended and wide. They need to be narrow and restricted. The highest law court of the time had declared that public disorder or violence is not an essential ingredient of sedition under the Indian code. This being so it should be assumed that sedition is not a law enacted in the interest of public order and hence outside the protective cover of Article 19(2).

***Kedarnath* decision**

The occasion for this decision was an appeal by a person named Kedarnath Singh [23] of Bihar who was punished by the trial court for making a speech, a punishment upheld by the High Court. A few lines of his speech are worth quoting:

"To-day the dogs of CID are loitering around Barauni. Many official dogs are sitting even in this meeting. The people of India drove out the Britishers from this country and elected these Congress *goonda*s to the *gaddi*…. When we drove out the Britishers, we shall strike and turn out these Congress *goonda*s as well… They have today established a rule of *lathi*s and bullets in the country…. We believe in [a] revolution, which will come and in the flames of which, the capitalists, *zamindar*s and the Congress leaders of India… will be reduced to ashes and on their ashes will be established a Government of the poor and downtrodden people of India."

It can be seen from this speech that there is no "incitement to violence" or "disorder" which alone, according to the Supreme Court, formed the basis of a charge of sedition. Therein lies the contradiction in this landmark judgment. In fact, the issue before the court was whether Section 124A was violative of Article 19(1)(a) relating to freedom of speech and expression. If the view of the Privy Council on sedition was to be adopted, then Section 124A would have had to be struck down as violative of Article 19(1)(a). The Supreme Court did not want to do that, so, it adopted the strict principles of English Law on sedition which were laid down in the *Niharendu* case[24] in 1942. But the court upheld the punishment of Kedarnath who did not incite anyone to resort to violence and overthrow the government.

Sedition characterized under Section 124A of the IPC is a pilgrim law intended to stifle the voice of Indian individuals. That is the reason the Indian law on sedition was not quite the same as the English law. In spite of the strict development received by the Supreme Court, the law authorization organizations have constantly utilized it against craftsmen, open men, scholarly people, for censuring the legislatures. Truth be told the Supreme Court itself did not apply these strict principles to the speech of Kedarnath and his conviction. . The legislature and its offices have, in actuality, took after the law articulated by the Privy Council and not by the Supreme Court in Kedarnath. The administrations in free India keep on using it for the very reason for which the provincial government utilized it.

[23] " Sedition? Seriously? The Hindu September 11, 2012 00:07 IST

http://www.thehindu.com/opinion/editorial/sedition-seriously/article3882414.ece"
[24] (1942)4FCR38. Description: Page No- 38-53

Along these lines, since the legislatures and its organizations have strictly gone by the content of Section 124A however the Supreme Court itself did not apply these strict rules to the discourse of Kedarnath, the law proclaimed in Kedarnath has lost its power. The Supreme Court, being the defender of the basic privileges of the natives may venture in now and proclaim Section 124A unlawful. India of the 21st century does not require a law utilized by the frontier government to stifle India's voice.

Still Suppressing the Indian voice

The colonial Government in India embedded Sec 124A in the code with the end goal of smothering the Indian voice. So the law of sedition was made stringent which was not quite the same as the English law. The English law did not characterize sedition but rather the Indian code characterized it. The privy therefore said that if the law characterizes the offense in clear terms the courts ought to go by that definition and according to the content of Sec 124A a basic discourse or proclamation which can bring about estrangement towards the legislature and nothing more should bring it inside the evil of sedition. This is the way the law of sedition was constantly implemented in India. So with the coming into drive of the Constitution, Sec 124A would have turned into a preposterous confinement on the right to speak freely and along these lines would have gotten to be violative of the essential right. By holding it in the code, free India's legislatures renounced the idea of human rights advanced through long years of freedom struggle.[25]

Every strong criticism of the government, a minister or a chief minister or the prime minister causes some amount of disaffection towards them. At the point when individuals read about the degenerate deeds of an administration what precisely is the inclination that is produced in them? Is it disdain or contempt or a sentiment love and sensitivity for such a legislature? In a vote based system the general population changes such governments through vote. No fair government can bear to accuse individuals of sedition and put them in a correctional facility for saying things which they have the opportunity to say. So the offense of sedition has no place in a majority rule government. That is the reason the British revoked it in their own particular nation despite the fact that they had acquired the hardest assortment of rebellion when they governed India. Be that as it may, fair India even with all its intense experience of the operation of this

[25] P.D.T. ACHARY, Sedition Laws Have No Place in a Democracy and Should be Repealed, 23/02/2016, the wire, http://thewire.in/22349/a-law-on-sedition-has-no-place-in-a-democracy-and-should-be-repealed/

law by the frontier government held it and utilized it generously against its kin taking asylum under a Supreme Court choice approving it.[26]

There is an urgent need to review this judgment of the Supreme Court and declare sedition unconstitutional or alternatively, parliament should repeal it at the earliest. If someone raises slogans against India or endangers the security of India he should be dealt with under appropriate laws. The law of sedition is too colonial, too dangerous and too destructive of the basic freedoms of the people. It should be scrapped. Section 124 A has a chilling effect on free speech. For example Binayak Sen was in jail for 2 years without bail on charges of sedition which were proved wrong. Often the government knows that these charges won't hold in court of law, yet they use them indiscriminately so as to ensure that there is fear in mind of activist, even if charges won't hold ground in court of law, they will be sufficient enough to strike fear in the minds of public intellectual who criticize the government.[27]

SEDITION LAW AGAINST THE IDEALS OF DEMOCRACY AND LIBERTY

India is an democratic nation infact the biggest democracy on the planet and is known for its diverse society. In a popular government, government changes with time and its destiny is chosen by the vote of the subjects. The individuals who get chose are known as representatives since they speak to the individuals who have chosen them so in the event that they do any such movement which creates a sentiment disdain among the individuals who chose them that action isn't supported. The outcome is individuals scrutinize the administration which is essentially their crucial right and no legislature can bear to stifle the voice of the general population not at all like British Government which constantly needed to smother the Indian voice and to satisfy this reason, they embedded a section(Section 124A) in IPC which characterizes Sedition.. Now lets analyze the definition of Sedition under Sec 124A of IPC. As per the definition "Anyone who brings or attempts to bring into hatred or contempt or excites or attempt to excite disaffection towards the Govt. by word spoken or written or by signs or visible representation or otherwise is guilty of offence of sedition. This definition is so exhaustive that it doesn't leave out of its purview any possible mode of expression simply by using the word "Or otherwise". By defining sedition in this way,

[26] Sorial, S. 2007, 'Sedition and the question of freedom of speech', Current Issues in Criminal Justice, vol. 18, no. 3, pp. 431-448.

[27] Priscilla Jebaraj, "Binayak Sen Among Six People Charged With Sedition in 2010" in The Hindu (1 Jan., 2011).

British government found a powerful tool to suppress Indian voice and there was no corner left for the Indians to express the opinion or to show criticism against the British government. Its almost an accident that Sec 124A survived after the Constitution of India came into force in 1950. Restrictions apart, Indian Constitution gives basic opportunity in general and freedom to speech and expression in particular to its subjects. . Indeed, even Article 13 of Constitution of India expresses that all laws in constrain in the region of India instantly before the beginning of Indian Constitution in so far as they are conflicting with the fundamental rights of part third should to the degree of such irregularity be void. Article 13 goes about as a channel to refine the pre-established laws and to remove the residuary which is conflicting with the arrangements of essential rights. Be that as it may, I think there was a gap in the channel through which Section 124A blended with refined arrangements and weakened it. Presently the question is who made that gap?

The advantage of this area is taken by Government as it is an effective instrument in their grasp to charge the individuals who express solid feedback against them, to accuse them of sedition and put them behind the bars.

When we hear about corrupt practices of the Govt. what feeling we have for the Government at that time, it would definitely be not that of love and affection but surely that of dissatisfaction and hatred. In democracy, Government is responsible and accountable to the people and there are every chances of criticism, lesser or greater in degree, against them infact it has been truly stated that" The test of democracy is Criticism". So it never mean that some amount of disaffection toward the Government always attract the provision of sedition under Section 124A.. Going by the Supreme Court view that Sec 124A could be invoked only when there is tendency to public disorder by use of violence or incitement to violence, still there is an inherent danger because deciding whether an act has a tendency to public disorder or not is in the hands of Police at first instance. It is the ordinary police constable who will the first person to decide whether a brilliant speech made in a seminar or in a cultural programme by an eminent author or a cartoon made by a cartoonist will cause disaffection, contempt or hatred towards the Govt. In a nation loaded with jingoists, there would be a great risk to the individual who stand in opposition to the Government as is obvious from the instance of JNU where six understudies were accused of rebellion who were somehow practicing their flexibility of expression yet the media transformed and doctored pictures and recordings with emotionalism

drove them invest their valuable energy in police and Judicial care which would some way or another would have been spent in studies.[28]

Section 124A experiences unclearness however dubiousness of a section doesn't mean to declare it void. Courts work at the guideline of "Assumption of Constitutionality" and " Broad translation of Law" to invalidate the impact of unclearness however it cannot be practiced in occurrence of Section 124A as it has potential for abuse as well. The ambiguity or potential for abuse could be even misleading, reason being, it may 'trap the innocent'. The Supreme Court in Shreya Singhal v. Union of India[29] while alluding to an American case held "Vague laws may trap the innocent by not giving reasonable cautioning". In an American case it was held "Constitution doesn't allow government to set a net sufficiently vast to catch every single conceivable wrongdoer and abandon it to the court to venture in and say who could legitimately be kept or who ought to be set at freedom. Unclearness isn't an adequate yet at the same time a ground to refute a statute and when it joins with the potential for abuse, it gets to be basic to get rid of such a statute. Pt. Jawahar Lal Nehru called sedition as obnoxious piece of legislation but his government and all subsequent governments retained it and misused it. Such hypocrisy of Indian politicians kept alive the colonial law which booked many journalists, writers, activists for dissent.

Shielding the Freedom of expression was one of the honorable goals that roused India's Freedom battle. Article 51 A (b) of the Constitution of India telling basic obligations say "It might be the obligation of each national of India to appreciate and take after these honorable obligations. Along these lines the individuals who manhandle Sec 124A against honest people are the ones who are genuinely blameworthy of abusing the constitution. This obligation likewise forces a commitment to uncover such manhandle of law by the authorities keeping in mind the end goal to guard opportunity of expression from outlandish limitations by implication forced by the State. Yes I agree that stringent laws need to be there to take care of the offences against the state in a more effective manner. Section 505 of IPC relating to 'statements conducing to public mischief'. Sec 121, 121A, 122 deal with the offence of 'waging war against Govt. of India'. Other sections like 131-140 of IPC all are helpful in tackling with such offences in a more effective manner. It's time to rethink over this provision which is too colonial, too dangerous to retain in IPC pointing which Father of

[28] Render sedition unconstitutional, Updated: October 14, 2015 03:09 IST , The Hindu, http://www.thehindu.com/opinion/lead/sedition-legislation-meant-to-suppress-the-voice-of-indian-people/article7758013.ece

[29] [1973] 2 S.C.R. 757 at 829

Nation, Mahatma Gandhi said " Section 124A is the prince among IPC sections designed to suppress Liberty".

CONCLUSION

To conclude we say that section 124 A of Indian Penal Code is dealing with sedition is unconstitutional as it violates article 19(1) (a) of Constitution of India. It is a colonial law made to suppress the Indian voices during the pre independence period and now in the democratic setup where it is the fundamental right of people to freely express their views, this sedition law unreasonably restricts this fundamental freedom. Sedition does not come under article 19(2) of constitution and thus it shows it is not a reasonable restriction. The idea of liberty as given in preamble of constitution is also violated by the sedition law. This sedition law gives arbitrary power to government to charge anyone of sedition as section 124 A of IPC has a very wide scope. The deletion of the word sedition from main final constitution of India shows that makers of Constitution beforehand understood the bad implications of sedition law. Now it is high time that the legislature deletes this regressive and colonial law and so that people without any fear freely expresses their voices.