Kedar Nath Singh Sedition Ruling

What is the issue?

- The Supreme Court (SC) quashed the sedition case filed against journalist Vinod Dua in Himachal Pradesh.
- In this context, it is essential to understand the provisions of Sedition law and the Supreme Court guidelines in Kedar Nath Singh ruling.

What is the recent case about?

- Journalist Vinod Dua allegedly made remarks against Prime Minister Modi.
- He also criticized the government's handling of the migrant crisis during the 2020 lockdown.
- BJP leader Ajay Shyam filed a case of sedition against Dua.
- Section 124A of the IPC penalizes sedition.
- It is punishable with either imprisonment ranging from 3 years to a lifetime, a fine, or both.
- The Himachal Pradesh government argued in the Supreme Court against Dua.
- It was said that Dua had attempted to spread misinformation and cause panic among the general public.

What has the court ruled?

- The Supreme Court shielded Dua from arrest earlier, and now the case itself is quashed.
- The SC held that his remarks constituted genuine criticism of the government.
- So, it could not be labeled seditious.
- In doing so, the court also reiterated the principles in the landmark case on sedition - Kedar Nath Singh v Union of India (1962).
- [Both the state and the Centre argued against quashing the FIR.]

What was Dua's petition?

- Dua had sought the court to pronounce certain directions to prevent misuse of the sedition law.
- **Suggestions** - It applies to persons belonging to the media with at least 10 years' standing.

- FIRs against them should not be registered unless cleared by a committee.
- The committee is to be constituted by every State Government.
- It should comprise of the CJ of the High Court or a Judge designated by him, the leader of the Opposition and the Home Minister of the State.
- **Court's response** - The Court did not agree to this.
- It said that formulating such a committee would amount to encroachment of the legislature's domain.
- [But such screening committees have been appointed by courts for doctors and in domestic violence cases.]
- The court however clarified that every Journalist would be entitled to protection in terms of Kedar Nath Singh ruling.

What are the Kedar Nath Singh guidelines?

- In the 1962 Kedar Nath Singh case, the SC upheld the constitutional validity of the sedition law.
- It also attempted to restrict its scope for misuse.
- So, unless accompanied by an incitement or call for violence, criticism of the government cannot be labeled 'sedition'.
- Seven principles in the Kedar Nath Singh ruling specify situations in which the charge of sedition cannot be applied.

What are the key principles in Kedar Nath Singh ruling?

- The expression 'the Government established by law,' in the Sedition law, has to be distinguished from the persons engaged in carrying on the administration for the time being.
- ['Government established by law' is the visible symbol of the State.]
- Any acts within the meaning of Section 124-A which have the effect of subverting the Government established by law, or creating disaffection against it, would be within the penal statute.
- Comments on Government actions, however strongly worded, would not be penal, without exciting those feelings which generate the inclination to cause public disorder by acts of violence.
- Sedition is limited only to such activities that come within the ambit of the observations of the Federal Court.
- This covers "activities involving incitement to violence or intention or tendency to create public disorder or cause disturbance of public peace."

Source: The Indian Express



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