Revisiting Sec 124-A of IPC - Sedition

Why in news?

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- The Law Commission is in the process of revisiting the section 124-A of Indian Penal Code.
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- It calls for a thorough reconsideration and presents the various issues related to it before the public for a national debate.
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What is Sec 124 A of IPC?

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- Sec 124-A deals with sedition, and was introduced by the British colonial government in 1870.
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- It says that the act of Sedition is to bring hatred or contempt towards the Government established by law in India.
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- In this case, the punishment may be of imprisonment for life and fine, or imprisonment for 3 years and fine.
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- It was actually brought to suppress the freedom struggle prevalent then.
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What does the previous Law Commission report say?

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- In an earlier report in 1968, the Law Commission had rejected the idea of repealing the Section.
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- In 1971, the panel wanted the scope of the section to be expanded.

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- It called for covering the Constitution, the legislature and the judiciary, in addition to the 'government to be established by law'.
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- It meant that ‘disaffection’ against all these institutions should not be tolerated.
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- The only dilution it mooted was to modify the wide gap between the two jail terms prescribed (either three years or life).
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- It called for fixing the maximum sanction at seven years’ rigorous imprisonment with fine.
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What are the concerns?

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- **Purpose** - It is an irony to retain a provision that was used extensively to suppress the freedom struggle.
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- It is to be noted that, Britain itself abolished it 10 years ago.
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- Also, there have been repeated instances of misuse of the Section.
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- **Definition** - The foremost objection is that the definition of sedition remains too wide.
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- Under the present law, it offers scope to consider as seditious
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i. strong criticism against government policies and personalities
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ii. slogans voicing disapprobation of leaders
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iii. depictions of an unresponsive or insensitive regime
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- In recent times the core principle enunciated by the Supreme Court in this regard has been forgotten.

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- It specifies that incitement to violence or tendency to create public disorder are the essential ingredients of the offence.
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What is the way forward?

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- As long as sedition is seen as a reasonable restriction on free speech on the ground of preserving public order, it will be difficult to contain its mischief.
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- There are thus two ways of undoing the harm that sedition provision does to citizens' fundamental rights:
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1. It can be amended so that there is a much narrower definition of what constitutes sedition
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2. The second and best course is to repeal the section altogether
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Source: The Hindu

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