Section 124A - Vaiko Case

What is the issue?

- Politician Vaiko from Tamil Nadu has been convicted of sedition .
- With this, the case for scrapping Section 124A of IPC has come to the fore again.

What is the charge against him?

- The sedition charge is based on his pro-LTTE speech that he had made a decade ago.
- Mr. Vaiko had unleashed a verbal attack against the Union government by accusing it of betraying the Sri Lankan Tamil cause.
- He held it responsible for the death of Tamil civilians there.
- However, whether his harshly worded indictment amounts to incitement of violence against the government is debatable.
- The trial court sentenced Mr.Vaiko to one-year jail term.

What is the court verdict?

- The court has held that anyone who heard Mr. Vaiko's speech would develop hatred towards the government.
- It also said that "mere advocacy" is the essence of the crime, and there need not be actual violence as a consequence.
- But, the higher courts will have the final say on whether he was guilty.

What are the matters of concern?

- The political speeches being criminalised to the point of being deemed an offence against the state is the concern.

- Further, the timing of a political leader being found guilty of sedition is quite inopportune.

- This conviction will send out a misleading message that such provisions are necessary to protect the government.

What is the problem with Section 124A?

- Its definition of sedition is too wide.

- In 1962, the Supreme Court limited its scope to acts that show actual intent or a tendency to create disorder or foment violence.

- There is an opinion that it is neither relevant nor needed today.

- Law Commission's consultation paper - Highlights arguments for its reconsideration.

- There is a body of opinion that a modern democracy does not need a free speech restriction based on political concepts towards the state.

- Britain, which introduced the offence of sedition in India in 1870 has abolished it.

Source: The Hindu

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