Sedition Case against Celebrities

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Why in news?

A case of alleged sedition has been registered in Bihar's Muzaffarpur against 49 celebrities who had penned an open letter to the PM on growing incidents of mob violence.

What is the charge?

- Mob lynchings were on the rise, as the perpetrators allegedly knew no one would get punished.
- The open letter by the celebrities to the PM, expressing concern on the above, was released in July 2019.
- [They include, among others, Ramchandra Guha, Shyam Benegal, Aparna Sen, Mani Ratnam and Adoor Gopalakrishnan.]
- An advocate, Sudhir Kumar Ojha, filed a petition in the court of the Muzaffarpur Chief Judicial Magistrate in this regard.
- It sought action against the signatories for alleged sedition, public nuisance and hurting religious feelings.
- On the court's direction to file an FIR, the police registered the case under various sections of the Indian Penal Code (IPC).
- It includes sedition, public nuisance, hurting religious feelings, and insulting with intent to provoke breach of peace.

How has the sedition law evolved?

- Sedition laws were enacted in 17th century England, when lawmakers believed that only good opinions of the government should survive.
- [Back then, bad opinions were detrimental to the government and monarchy.]
- This sentiment (and law) was borrowed and inserted into the IPC in 1870.
- The British abused the sedition law to convict and sentence freedom fighters.
- The law was first used to prosecute Bal Gangadhar Tilak in 1897.
- That case led to Section 124A of the IPC (which deals with sedition) being amended, to add the words "hatred" and "contempt" to "disaffection."
- These were defined to include disloyalty and feelings of enmity.

- Twice in the Constituent Assembly, some tried to include sedition as a ground for restricting free speech.
- But, this was vehemently (and successfully) opposed for fear that it would be used to crush political dissent.
- The Supreme Court highlighted these debates in 1950 in its decisions in Brij Bhushan v. the State of Delhi and Romesh Thappar v. the State of Madras.
- These decisions prompted the First Constitution Amendment, where Article 19(2) was rewritten.
- Accordingly, the phrase "undermining the security of the State" was replaced with "in the interest of public order".
- In 1962, the Supreme Court upheld the constitutionality of Section 124A in Kedar Nath Singh v State of Bihar.
- However, the court limited the law's application to "acts involving intention or tendency to create disorder, or disturbance of law and order, or incitement to violence".
- Clearly, it distinguished these from "very strong speech" or the use of "vigorous words" strongly critical of the government.
- In 1995, the Supreme Court, in Balwant Singh v State of Punjab, acquitted persons from charges of sedition for shouting slogans such as "Khalistan Zindabaad" and "Raj Karega Khalsa" after Indira Gandhi's assassination.
- Instead of looking at the "tendency" of the words to cause public disorder, the Court held that mere sloganeering that evoked no public response did not amount to sedition.

Why is the present charge a wrong precedent?

- Given the above rationality, the current sedition charge is disappointing and completely disregards the true meaning of the sedition law.
- The law and its application clearly distinguish between 'strong criticism of the government' and 'incitement of violence'.
- The letter was written by responsible citizens who visualised the nation as a democracy with space for plural opinions.
- Certainly, even if the letter is considered hateful and disdainful of the government, if it did not incite violence, it is not seditious.
- So, it is unclear how the court or the police could conclude that the contents were seditious or indicative of any other offence.
- Clearly, they could not be branded anti-national just because they did not agree with the government in power.

What is the way forward?

- India is still a democracy, and every citizen has the right to write to those in power, up to the President.

- A true democracy should ensure the liberty to raise questions, debate, disagree, and challenge the powers on issues that face the nation.
- A responsible government ought to have taken action on the issue highlighted in the letter.
- The mere pressing of sedition charges ends up acting as a deterrent against any voice of dissent or criticism, leading to unauthorised self-censorship.
- It is high time to recognise the fact that the broad scope of Section 124A means that the state can use it to chase those who challenge its power.
- The court decision thus warrants an urgent and fresh debate on the need to repeal the sedition law; the law must go, as has happened in the U.K. already.

Source: The Hindu

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