

## USE AND MISUSE OF SEDITION LAW: DOES INDIA NEED TO SCRAP IT?

India is a parliamentary democracy where the citizens have the right to vote for their representatives at all three levels: central, state, and local. Hence, the government is for the people, of the people and by the people, and therefore, it is its foremost responsibility to look after its people and to ensure the proper functioning of the country.

However, despite the fact that these representatives, whether it is the prime minister, the government in general, a chief minister or any other person yielding political power, have been democratically elected by the people, there is always the possibility that the people might not agree with their policies or ways of governing. And as citizens of the world's largest democracy, they have the right to express dissent over the elected government. But, in many cases, that might be considered sedition.

What is sedition? Sedition is an act that goes against the established order. In other words, it is an act of incitement, insurrection, or resistance against the government or the state. While the acts which are considered seditious vary across different legal codes, the general idea is that a person or a group of people are involved in mass organization and are speaking against the government.

### Section 124A of the Indian Penal Code

Section 124A is that part of the Constitution which defines the punitive actions against cases of sedition or acts of offence against the state. It essentially states that any individual or group that seeks to speak against the government or express hate towards it, through any given means, spoken, written, visual representation, or otherwise shall be punished with imprisonment and/or fines (it is a non-bailable offence). It is quite interesting to know that the law was introduced in the 19th century during the colonial rule and has remained almost the same till date.

### Misuse of Sedition Law

Unfortunately for the citizens of India, the Sedition Law, which aims to identify and punish those responsible for creating unrest and disorder in society, has become nothing but a means for the government and the police to stifle any form of opposition or dissent. Given the fact that it is a broad category, here are some of the ways in which the law is misused:

- **Means of Oppression:** Again, citizens of India in a free and democratic nation, have the right to express their opinions about the government and its policies, the prime minister, and other governing bodies without any fear. However, that is not reality. In recent years, the Sedition Law has become a tool for oppressing any kind of dissent in the country. For instance, the government recently introduced CAA (Citizen Amendment Act) and the NRC (National Register of Citizens), which the citizens feel is against the principles of the Constitution; that it discriminates against Muslims. Despite the fact that political leaders have said that it does not affect the Muslims living in India, it still excludes the community in one way or the other, and this very fact has caused major riots in many parts of the country. Many have been injured and many killed, and yet the government refuses to back down or change the law. Moreover, it does not seem to care much for human life or citizens' rights and has slapped many people with the law, despite the fact that they were mainly protesting against the government's anti-secular agenda.
- **Lack of Tolerance:** With over 1 billion people living in the country, it is impossible for every single person to have the same ideas, the same thinking, or the same opinions about anything. However, since India is a free nation, everyone has the right to think or act the way they want, given that they don't cause harm to anyone. However, many have been arrested for being seditious simply because of their choices. It is important to understand that sedition has nothing to do with the country but the government, and yet many

“nationalist” elements in the country make it their business to punish anyone that may be “anti-national.” For instance, people who have expressed their discontent with the beef ban, or have supported Pakistan during a cricket match, have been accused of being anti-national and have been punished under the Sedition Law.

It is quite interesting to see that most people who have been arrested under the law haven’t even been through the legal procedures and have merely remained in jail. Authorities use it as a means to oppress and punish, and do not really go through the whole procedure of going to court and proving the offense.

### Use of the Sedition Law

The fact that the law has misused a number of times is no reason to believe that it has no positives. Here is how it is useful:

- **Identify and Punish:** The existence of Article 124A means that the government has a means to effectively punish those people or groups in the country that have ill intentions; that want to overthrow the government, cause harm to others (such as terrorism) and are looking to create unrest in society by inciting mobs on the basis of false claims. As citizens, it is their right to speak out against the government if they aren’t content with their work, but in a peaceful manner. Unfortunately, there are many that take a more extreme and violent route, and it becomes necessary to punish those creating unrest.
- **Combat Insurgency:** Many parts of the country face Maoist and other groups that seek to overthrow the established government and somewhat run their own administration, often disturbing the peace and quiet. In such cases, the Sedition Law helps to identify such miscreants and punish them, thus allowing the government to stabilize the situation and restore peace and order. To have a government that runs on the basis of established rules and regulations and in a democratic manner is a necessity for the country, and it must be ensured that there is no threat to that.

### Should the Law Be Scrapped Off?

It goes without saying that the Sedition Law has been used, more often than not, to serve the interests of the government; to stifle any sort of opposition or resistance. Many people have been wrongly accused of being seditious and have been arrested, despite their activities being within the boundaries of the laws, but it would be disadvantageous to scrap the law. In a country of over 1 billion, there are many that choose to go the wrong way and create unrest and cause violence, simply to get what they want. In such instances, it becomes very, very important to have a provision that allows the government and the police to identify the culprits and punish them. It is quite easy for a riot or insurgency to escalate and affect the lives of many people, and so, the Sedition Law is a means to normalize the situation and punish those responsibly. What is required is clearly defining the acts which are considered seditious and to create a proper system that ensures that people are not arrested or punished under this law without a definitive reason; there must be proper checks in place to make sure of the fact that the law is not misused by the authorities.

Almost any law can be misinterpreted and misused, and it is the responsibility of the people and the administration to ensure that everything is done in accordance with the Constitution and that no one is abusing their power or misusing the laws for their own interests.