

# Sedition: India's Silencer Gun



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BRIEFING PAPER



**BRIEFING PAPER No. 1**

July 2021

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**Abstract**

Sedition is much a legacy of the colonial British as a legacy of Prime Minister Jawaharlal Nehru who brought the first amendment to the constitution of India, that too with retrospective effect, to solidify crime of sedition and nullify the Supreme Court judgment in *Romesh Thapar v. State of Madras*. Independent India has not seen more sedition charges being filed with the exception of 1975 public emergency as it has seen since 2014 starting with then serving Finance Minister to Government of India Arun Jaitley having been charged with sedition by a judicial magistrate. India has enough laws (Indian Penal Code and special laws) to deal with public disorder and security of the State. The vindictiveness of the State, the grudges of the offended nationalists, or actions of motivated political activists who invoke sedition clause at the drop of a hat to silence the opponents and critics, cannot be regulated. The time has come for India to repeal Section 124A of the IPC relating to sedition.

**Abbreviations**

AIADMK	All India Anna Dravida Munnetra Kazhagam
ABVP	Akhil Bharatiya Vidyarthi Parishad
BJP	Bharatiya Janata Party
CAA	Citizenship Amendment Act
DGP	Director General of Police
FIR	First Information Report
MHA	Ministry of Home Affairs
INC	Indian National Congress
IPC	Indian Penal Code
Ld.	Learned
MP	Member of Parliament
NCRB	National Crime Records Bureau
NEET	National Eligibility cum Entrance Test
NJAC	National Judicial Appointment Commission
NRC	National Register of Citizens
PoK	Pakistan-occupied Kashmir
UAPA	Unlawful Activities Prevention Act
YSR	Yuvajana Sramika Rythu



### 1. Executive summary: The Nehruvian legacy being amplified by the BJP

*“Section 124A, under which I am happily charged, is perhaps the prince among the political sections of the Indian Penal Code designed to suppress the liberty of a citizen...Affection cannot be manufactured or regulated by the law. If one has no affection for a particular person or system, one should be free to give the fullest expression to his disaffection, so long as he does not contemplate, promote or incite to violence.” – Mahatma Gandhi after being charged for “bringing or attempting to bring in to hatred or contempt or exciting or attempting to excite disaffection towards His majesty’s Government established by law in British India, and thereby committing offences punishable under Section 124 A of the Indian Penal Code” with respect to three articles published in Young India i.e. “Tampering with Loyalty” of 29 September 1921, “The Puzzle and its Solution” of 15 December 1921 and “Shaking the Manes” of 23 February 1922.<sup>1</sup>*

Sedition as provided under Section 124A<sup>2</sup> of the Indian Penal Code (IPC) is a relic from the British colonial times and in the last 151 years, its scope has been expanded by the successive governments, both colonial and independent India. The original IPC enacted by the colonial British in 1860 following the Sepoy mutiny of 1857 did not contain any provision for sedition. Section 124A relating to the offence of sedition was first inserted by Act 27 of 1870 and it criminalized “*whoever by words, either spoken or written, or by signs, or by visible representation... attempts to excite disaffection towards*” the Government established by law. In 1898, further amendment was made under Section 124A to include “contempt”, “hatred”, and “disloyalty” within the ambit of “disaffection” as the colonial authorities were finding it difficult to secure convictions for the failure to prove on the grounds of “disaffection” alone.<sup>3</sup>

The sedition clause was rampantly abused against India’s freedom fighters. Consequently, sedition was deleted from Article 13 of the draft Constitution of India but retained under Section 124A of the IPC.



### **i. Nehru's legacy of solidifying the offence of sedition in independent India**

After independence, in *Romesh Thapar v. State of Madras*,<sup>4</sup> the Supreme Court in its judgment on 26 May 1950 held that unless the freedom of speech and expression threatens the security of or tend to overthrow the State, any law imposing restriction upon the same would not fall within the purview of Article 19(2) of the Constitution relating to freedom of speech and expression.

Prime Minister Pandit Jawaharlal Nehru government promptly moved the first amendment to the Constitution of India in 1951 to solidify the offence of sedition and nullify the Supreme Court judgment in *Romesh Thapar case*, that too with retrospective effect, to add new reasonable restrictions under Article 19(2) of the Constitution i.e. “*the interests of the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence*”<sup>5</sup>. Nehru's government retained the colonial intention behind the sedition law in letter and spirit and it was followed up by his successors. In order to further restrict the right to freedom of opinion and expression, the Sixth Amendment to the Constitution was passed to add new restrictions i.e. “*the sovereignty and integrity of India*” under Article 19(1) of the Constitution with effect from 5 October 1963.<sup>6</sup>

In fact, the constitutional validity of section 124A IPC was upheld by the Supreme Court in its judgment dated 20 January 1962 in the case of *Kedar Nath Singh v. State of Bihar*<sup>7</sup> based on the first amendment to the constitution brought by Prime Minister Nehru's government.

The Supreme Court in *Kedar Nath Singh v. State of Bihar*, however, set the threshold for invoking sedition by holding that so long the exercise of freedom of speech and expression “*does not incite people to violence against the Government established by law or with the intention of creating public disorder*”, it does not constitute sedition. In a number of judgments such as *Raghubir Singh v. State of Bihar*,<sup>8</sup> *Dr. Vinayak Binayak Sen v. State of Chhattisgarh*<sup>9</sup>, *Balvant Singh v. State of Punjab*<sup>10</sup>, *Javed Habib v. State of Delhi*<sup>11</sup>, *Arun Jaitley v. State of U.P.*<sup>12</sup>, and *Vinod Dua v. Union of India*,<sup>13</sup> the constitutional courts in India went on to set the jurisprudence on sedition.

### **ii. Nehru's legacy on sedition amplified by the BJP**

With the exception of the 1975 public emergency declared by then Prime Minister Indira Gandhi, independent India has not seen more widespread dishing out of sedition charges as it has seen since the present government came to power in 2014. Sedition charges have been rampantly invoked against opposition political leaders, journalists, activists, student leaders, celebrities, or even labourers who only exercised the right to freedom of speech and expression or advocated the right to assemble peacefully. The practical implementation of *Kedar Nath Singh* judgment has basically been put aside only for the judiciary to interpret.

The National Crime Records Bureau (NCRB) under the Ministry of Home Affairs (MHA), Government of India started collecting data on sedition since 2014. As per the NCRB, a total of 326 sedition cases were registered across the country from 2014 to 2019 and 559 persons were arrested. The NCRB data further revealed 98% increase



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in sedition cases from 2014 (47 cases) to 2019 (98 cases). Among the States, the highest number of sedition cases (54) was registered in Assam, followed by Jharkhand (40), Haryana (35), Karnataka (30), Bihar, Jammu & Kashmir and Kerala (25 each), and Uttar Pradesh (17).<sup>14</sup>

The data collated by the NCRB does not appear to reflect the actual number of sedition cases filed in the country. For example, the NCRB data provide that only 19 sedition cases were filed in Jharkhand during 2017 (1 case) and 2018 (18 cases) while the Jharkhand Police had filed 30 FIRs/cases against about 200 named accused and more than 10,000 unnamed people<sup>15</sup> involved in the Pathalgadi movement of 2017-18.<sup>16</sup>

### iii. Sedition, a weapon to silence dissent

As per the NCRB, the rate of conviction for sedition offences from 2015 to 2019 was 8.92% i.e. in five out of 56 cases against the conviction rate for overall cognizable offences under IPC of 48.58% during the same period.<sup>17</sup> This confirms that many of the sedition cases filed are frivolous but the accused had to undergo the process of trial.

Sedition charges are not invoked necessarily for conviction. It is often invoked because of the severity of the punishment upto imprisonment for life which makes the offence cognizable and non-bailable. As the judicial process itself indeed is the punishment in India, the registration of the FIRs for sedition offences has chilling effects, apart from the accused being identified as “anti-national”.

The absurdity as well as the abuse of the sedition law stand proven from the charges faced by then serving Finance Minister to Government of India Arun Jaitley<sup>18</sup> following an order by the Judicial Magistrate pertaining to an article authored by him on 18 October 2015, critiquing a judgment rendered by a Constitution Bench of the Supreme Court of India and then President of the main opposition Party, Indian National Congress i.e. Rahul Gandhi for the comments made over the suicide of Dalit PhD scholar Rohith Vemula in March 2016.<sup>19</sup> Many other parliamentarians and prominent news personalities, authors, well-known celebrities, human rights defenders, labour rights activists or citizens went on to face sedition charges since then.

Complaints of sedition are mostly filed by private individuals who claim as nationalists or members or affiliates of mostly the ruling parties whether at the Centre or State level, against their real or perceived opponents, whether political or ideological and dissenters in a democracy. The most serious crime against a State i.e. to overthrow the government or threaten its sovereignty and territorial integrity has been reduced to a matter of perception of a person's own view on nationalism, a compliant police, and in some cases, a complicit judicial officer.

### iv. Repeal is the only way forward

In the light of rampant abuse against political opponents, journalists, activists, student leaders, celebrities, or even labourers who are not members of the organisations banned under the UAPA,<sup>20</sup> sedition law is under adjudication of the Supreme Court at present.



On 30.04.2021, in *Kishorechandra Wangkhemcha & Anr Versus Union of India*, a bench of the Supreme Court issued notice with respect to a petition challenging the constitutional validity of Section 124A of the Indian Penal Code stating that the decision rendered by the Constitution Bench of the Supreme Court in *Kedar Nath Singh v. State of Bihar* requires reconsideration.<sup>21</sup> Considering that *Kedar Nath Singh v. State of Bihar* judgment was adjudicated by five judges of the Supreme Court, the constitutional validity ought to be re-considered by a bench of at least seven judges.

On 31.05.2021, another bench of the Supreme Court in the case of *M/S Aamoda Broadcasting Co. Pvt. Ltd. v. State* stated that “*the ambit and parameters of the provisions of Sections 124A, 153A and 505 of the Indian Penal Code 1860 would require interpretation, particularly in the context of the right of the electronic and print media to communicate news, information and the rights, even those that may be critical of the prevailing regime in any part of the nation*”.<sup>22</sup>

The UN Human Rights Committee in its General Comments on Article 19 opined that “*when a State party imposes restrictions on the exercise of freedom of expression, these may not put in jeopardy the right itself. The relation between right and restriction and between norm and exception must not be reversed.*”<sup>23</sup>

Section 124A of the IPC has put in jeopardy the right to freedom of opinion and expression itself because of vagueness of the terms like “*hatred or contempt, or excites or attempts to excite disaffection towards the government*”, and the inability of the State to restrict its application only in cases which “*incite people to violence against the Government established by law or create public disorder*” as enunciated by the Supreme Court in *Kedar Nath Singh* judgment.

Indian Penal Code has adequate provisions with respect to the crimes against the State i.e. Chapter VI relating to offences against the state, Chapter VII relating to offences relating to the army, navy and air force, and Chapter VIII relating to offences against the public tranquility including section 153A dealing with promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc. and doing acts prejudicial to maintenance of harmony. Each of these offences covers the offences under Section 124A of the IPC.

Most importantly, since the *Kedar Nath Singh* judgment in 1962, the government of India has enacted the Unlawful Activities (Prevention) Act of 1967 and the National Security Act of 1980 while a range of state-specific laws such as the Jammu and Kashmir Public Safety Act of 1978 too have been enacted to deal with any attempt to overthrow the government, and threat to sovereignty and territorial integrity of India. Therefore, the sedition clause under the IPC is unnecessary, and it is used only to put disproportionate restrictions on the freedom of opinion and expression of the citizens. The vindictiveness of the State, the grudges of the offended nationalists, or motivated actions of political activists, who invoke sedition clause at the drop of a hat to silence the opponents and critics, cannot be regulated. The time has come for India to repeal Section 124A of the IPC relating to sedition.





## 2. Sedition and its judicial interpretation

Indian Penal Code was enacted by the colonial British in 1860 following the Sepoy mutiny against the colonial British in 1857. The IPC of 1860 did not contain any provision relating to sedition. In 1870, Section 124A relating to the offence of sedition was first inserted by Act 27 of 1870 and it criminalised “*whoever by words, either spoken or written, or by signs, or by visible representation... attempts to excite disaffection towards*” the government established by law with the sole aim to silence the right to freedom of speech of India’s freedom fighters. In 1898, further amendment was made to include “contempt”, “hatred”, and “disloyalty” within the ambit of “disaffection” as the colonial authorities were finding it difficult to secure convictions on the basis of proving “disaffection” alone.<sup>24</sup>

The British rampantly used sedition law against Indian freedom fighters.

Shri M. Ananthasayanam Ayyangar in his debate in the Constituent Assembly said:

*“If we find that the government for the time being has a knack of entrenching itself, however bad its administration might be it must be the fundamental right of every citizen in the country to overthrow that government without violence, by persuading the people, by exposing its faults in the administration, its method of working and so on. The word ‘sedition’ has become obnoxious in the previous regime. We had therefore approved of the amendment that the word ‘sedition’ ought to be removed, except in cases where the entire state itself is sought to be overthrown or undermined by force or otherwise, leading to public disorder; but any attack on the government itself ought not to be made an offence under the law. We have gained that freedom and we have ensured that no government could possibly entrench itself, unless the speeches lead to an overthrow of the State altogether (Emphasis added).”*<sup>25</sup>

The expressed intention of the founding father of the Constitution was that it is not seditious unless speeches lead to an overthrow of the State altogether. Therefore, sedition was deleted from Article 13 of the draft Constitution of India.

However, sedition was retained under Section 124 of the IPC.

After independence, section 124A IPC came up for consideration for the first time in the case of *Romesh Thapar v. State of Madras*<sup>26</sup> and the Supreme Court in its judgment on 26 May 1950 held that unless the freedom of speech and expression threatens the security of or tend to overthrow the State, any law imposing restriction upon the same would not fall within the purview of Article 19(2) of the Constitution.

The first response of the Government of India led by Jawaharlal Nehru to the Supreme Court judgment in *Romesh Thapar v. State of Madras* was to make the first amendment to the Constitution of India in 1951 with retrospective effect to impose “*reasonable restrictions in the interests of the security of the State, friendly relations with foreign States, public*



order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence” under Article 19(2) of the Constitution.<sup>27</sup>

While addressing the Parliament on the Bill relating to the First Constitution of India Amendment 1951, Pandit Jawahar Lal Nehru, Prime Minister of India, referred to the offence of sedition as contemplated by Section 124A, I. P. C. and stated as follows:

*“Take again Section 124A of the Indian Penal Code. Now so far as I am concerned that particular Section is highly objectionable and obnoxious and it should have no place both for practical and historical reasons, if you like, in any body of laws that we might pass. The sooner we get rid of it the better. We might deal with that matter in other ways, in more limited ways, as every other country does but that particular thing, as it is, should have no place, because all of us have had enough experience of it in a variety of ways and apart from the logic of the situation, our urges are against it.” (Vide Parliamentary Debates of India, Vol XII, Part II (1951) p. 9621.)<sup>28</sup>*

Thereafter, the constitutional validity of section 124A IPC was challenged in the case of *Kedar Nath Singh v. State of Bihar*.<sup>29</sup> The Supreme Court actually upheld the constitutional validity of Section 124A based on the first amendment to the Constitution brought by the Nehru government. The Supreme Court held that the right to freedom of opinion and expression is subject to the right of the legislature to impose reasonable restrictions clause (2), which, in its amended form, reads as follows: *“(2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.”*

The Supreme Court also held that:

*“It has not been questioned before us that the fundamental right guaranteed by Art. 19(1)(a) of the freedom of speech and expression is not an absolute right. It is common ground that the right is subject to such reasonable restrictions as would come within the purview of cl. (2), which comprises (a) security of the State, (b) friendly relations with foreign States, (c) public order, (d) decency or morality, etc. With reference to the constitutionality of s. 124A or s. 505 of the Indian Penal Code, as to how far they are consistent with the requirements of cl. (2) of Art. 19 with particular reference to security of the State and public order, the section, it must be noted, penalises any spoken or written words or signs or visible representations, etc., which have the effect of bringing, or which attempt to bring into hatred or contempt or excites or attempts to excite disaffection towards the Government established by law” has to be distinguished from the person’s for the time being engaged in carrying on the administration. “Government established by law” is the visible symbol of the State. The very existence of the State will be in jeopardy if the Government established by law is subverted. Hence the continued existence of the Government established by law is an essential condition of the stability of the State. That is why ‘sedition’, as the offence in s. 124A has been characterised, comes under Chapter VI relating to offences against the State. Hence any acts within the meaning of s. 124A which have the effect of subverting the Government by bringing that Government into contempt or hatred, or creating disaffection against it,*





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*would be within the penal statute because the feeling of disloyalty to the Government established by law or enmity to it imports the idea of tendency to public disorder by the use of actual violence or incitement to violence. In other words, any written or spoken words, etc., which have implicit in them the idea of subverting Government by violent means, which are compendiously included in the term 'revolution', have been made penal by the section in question. But the section has taken care to indicate clearly that strong words used to express disapprobation of the measures of Government with a view to their improvement or alteration by lawful means would not come within the section. Similarly, comments, however strongly worded, expressing disapprobation of actions of the Government, without exciting those feelings which generate the inclination to cause public disorder by acts of violence, would not be penal. In other words, disloyalty to Government established by law is not the same thing as commenting in strong terms upon the measures or acts of Government, or its agencies, so as to ameliorate the condition of the people or to secure the cancellation or alteration of those acts or measures by lawful means, that is to say, without exciting those feelings of enmity and disloyalty which imply excitement to public disorder or the use of violence.*

*It has not been contended before us that if a speech or a writing excites people to violence or have the tendency to create public disorder, it would not come within the definition of 'sedition'. What has been contended is that a person who makes a very strong speech or uses very vigorous words in a writing directed to a very strong criticism of measures of Government or acts of public officials, might also come within the ambit of the penal section. But, in our opinion, such words written or spoken would be outside the scope of the section. In this connection, it is pertinent to observe that the security of the State, which depends upon the maintenance of law and order is the very basic consideration upon which legislation, with a view to punishing offences against the State, is undertaken. Such a legislation has, on the one hand, fully to protect and guarantee the freedom of speech and expression, which is the sine quo non of a democratic form of Government that our Constitution has established. This Court, as the custodian and guarantor of the fundamental rights of the citizens, has the duty cast upon it of striking down any law which unduly restricts the freedom of speech and expression with which we are concerned in this case. But the freedom has to be guarded again becoming a licence for vilification and condemnation of the Government established by law, in words which incite violence or have the tendency to create public disorder. A citizen has a right to say or write whatever he likes about the Government, or its measures, by way of criticism or comment, so long as he does not incite people to violence against the Government established by law or with the intention of creating public disorder. The Court, has, therefore, the duty cast upon it of drawing a clear line of demarcation between the ambit of a citizen's fundamental right guaranteed under Art. 19(1)(a) of the Constitution and the power of the legislature to impose reasonable restrictions on that guaranteed right in the interest of, inter alia, security of the State and public order. We have, therefore, to determine how far the ss. 124A and 505 of the Indian Penal Code could be said to be within the justifiable limits of legislation. If it is held, in consonance with the views expressed by the Federal Court in the case of Niharendu Dutt Majumdar v. The King Emperor(1) that the gist of the offence of 'sedition' is incitement to violence or the tendency or the intention to create public disorder by words spoken or written, which have the tendency or the effect of bringing the Government established by law into hatred or contempt or creating disaffection in the sense of disloyalty to the State in other words bringing the law into line with the law of sedition in England, as was the intention of the legislators when they*



*introduced s. 124A into the Indian Penal Code in 1870 as aforesaid, the law will be within the permissible limits laid down in cl. (2) of Art. 19 of the Constitution, if on the other hand we give a literal meaning to the words of the section, divorced from all the antecedent background in which the law of sedition has grown, as laid down in the several decisions of the Judicial Committee of the Privy Council, it will be true to say that the section is not only within but also very much beyond the limits laid down in cl. (2) aforesaid.”*

In a nutshell, the Supreme Court in *Kedar Nath Singh* judgment had drawn a clear line of demarcation between the ambit of a citizen’s fundamental right guaranteed under Article 19(1)(a) of the Constitution and the power of the legislature to impose reasonable restrictions on that guaranteed right in the interest of, inter alia, security of the State and public order. The threshold of the judgment was that “a citizen has a right to say or write whatever he likes about the Government, or its measures, by way of criticism or comment, so long as he does not incite people to violence against the Government established by law or with the intention of creating public disorder”.

Nonetheless, in order to restrict the right to freedom of opinion and expression, the government of India through the Sixth Amendment to the Constitution of India further inserted “the sovereignty and integrity of India” as the ground for introducing reasonable restrictions under Article 19 of the Constitution with effect from 5 October 1963.<sup>30</sup>

Both the Supreme Court and the High Courts in a number of judgments went on to further elaborate the jurisprudence set by *Kedar Nath Singh* case.

The Supreme Court, in the case of *Raghubir Singh v. State of Bihar*,<sup>31</sup> held that in order to constitute an offence of conspiracy and sedition, it is not necessary that the accused himself should author the seditious material or should have actually attempted hatred, contempt or disaffection. In the case of *Dr. Vinayak Binayak Sen v. State of Chhattisgarh*<sup>32</sup>, the Chhattisgarh High Court held that to hold a person guilty of sedition, it is not necessary that the person himself be an author of seditious material, under this section, even circulation of such material can be penalized.

In the case of *Balwant Singh v. State of Punjab*<sup>33</sup>, the Supreme Court refused to penalise casual raising of slogans few times against the State by two persons (*Khalistan Zindabad, Raj Karega Khalsa, and Hinduan Nun Punjab Chon Kadh Ke Chhadange, Hun Mauka Aya Hai Raj Kayam Karan Da*). It was reasoned that raising of some lonesome slogans, a couple of times by two individuals, without anything more, did not constitute any threat to the Government of India as by law established nor could the same give rise to feelings of enmity or hatred among different communities or religious or other groups.

In *Javed Habib v. State of Delhi*<sup>34</sup>, the Supreme Court held that “Holding an opinion against the Prime Minister or his actions or criticism of the actions of government or drawing inference from the speeches and actions of the leader of the government that the leader was against a particular community and was in league with certain other political leaders, cannot be considered as sedition under Section 124A of the IPC. The criticism of the government is the hallmark of democracy. As a matter of fact the essence of democracy is criticism of the Government. The democratic system which necessarily involves an advocacy of the replacement of one government by another, gives the



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*right to the people to criticize the government. In our country, the parties are more known by the leaders. Some of the political parties in fact are like personal political groups of the leader. In such parties leader is an embodiment of the party and the party is known by the leader alone. Thus, any criticism of the party is bound to be the criticism of the leader of the party.”*

In the case of *Arun Jaitley v. State of U.P.*<sup>35</sup>, the Allahabad High Court held that a critique of a judgment of the Supreme Court on the National Judicial Appointment Commission (NJAC) does not amount to sedition. It was merely a fair criticism. While interpreting Section 124A, IPC the court observed: Hence any acts within the meaning of Section 124A which have the effect of subverting the Government by bringing that Government into contempt or hatred, or creating disaffection against it, would be within the penal statute because the feeling of disloyalty to the Government established by law or enmity to it imports the idea of tendency to public disorder by the use of actual violence or incitement to violence.

In *Vinod Dua*<sup>36</sup> case, the Supreme Court held that “*Every journalist is entitled to the protection under the Kedar Nath Singh case (which defined the ambit of offence of sedition under Section 124A IPC).*” In *Kedar Nath Singh (1962)*, five judges of the Supreme Court made it clear that “*allegedly seditious speech and expression may be punished only if the speech is an ‘incitement’ to ‘violence’, or ‘public disorder’.*”

The above judgments and the pending cases of sedition expose the abuse of the sedition law and the failure of compliance with the judgment in *Kedar Nath Singh* case.



### 3. Government of India's statistics: BJP ruled States dishing out more sedition cases

The National Crime Records Bureau (NCRB), Ministry of Home Affairs started collecting data on sedition cases since 2014. It reported a total of 326 sedition cases registered across the country from 2014 to 2019. These included 47 cases in 2014, 30 cases in 2015, 35 cases in 2016, 51 cases in 2017, 70 cases in 2018, and 93 cases in 2019.<sup>37</sup>

The NCRB data reveals that from 47 cases in 2014, the number of cases increased to 93 cases in 2019 i.e. increase of 98% in five years.

Among the States, the highest number of cases (54) were registered in Assam during the period, followed by Jharkhand (40), Haryana (35), Karnataka (30), Bihar, Jammu & Kashmir and Kerala (25 each), Uttar Pradesh (17), among others.<sup>38</sup> The details of the cases are given in Table 1 below.

Table 1: Cases of sedition registered as per the NCRB

S.N.	States	2014	2015	2016	2017	2018	2019	Total
1	Andhra Pradesh	1	0	1	0	1	0	3
2	Arunachal Pradesh	0	0	0	0	0	0	0
3	Assam	1	0	0	19	17	17	54
4	Bihar	16	9	0	0	0	0	25
5	Chhattisgarh	1	0	0	0	3	1	5
6	Goa	0	0	0	0	0	0	0
7	Gujarat	0	2	0	0	0	0	2
8	Haryana	0	3	12	13	1	2	31
9	Himachal Pradesh	1	0	1	5	0	1	8
10	Jammu & Kashmir	0	1	0	1	12	11	25
11	Jharkhand	18	0	0	1	18	3	40
12	Karnataka	0	3	3	0	2	22	30
13	Kerala	5	3	3	1	9	4	25
14	Madhya Pradesh	0	0	2	1	1	1	5
15	Maharashtra	0	1	0	0	0	0	1
16	Manipur	0	1	0	0	4	1	6
17	Meghalaya	0	0	0	0	0	0	0
18	Mizoram	0	0	0	0	0	0	0
19	Nagaland	0	0	0	0	0	8	8
20	Odisha	2	0	1	3	0	2	8
21	Punjab	0	1	0	0	0	0	1
22	Rajasthan	0	1	1	1	0	4	7

23	Sikkim	0	0	0	0	0	0	0
24	Tamil Nadu	0	0	0	3	1	4	8
25	Telangana	0	1	2	0	0	1	4
26	Tripura	0	0	0	0	0	0	0
27	Uttar Pradesh	0	0	6	1	0	10	17
28	Uttarakhand	0	0	0	1	0	0	1
29	West Bengal	2	4	1	1	0	0	8
30	A&N Islands	0	0	0	0	0	0	0
31	Chandigarh	0	0	0	0	0	0	0
32	D&N Haveli	0	0	0	0	0	0	0
33	Daman & Diu	0	0	0	0	0	0	0
34	Delhi	0	0	2	0	1	1	4
35	Lakshadweep	0	0	0	0	0	0	0
36	Puducherry	0	0	0	0	0	0	0
<b>Total</b>		<b>47</b>	<b>30</b>	<b>35</b>	<b>51</b>	<b>70</b>	<b>93</b>	<b>326</b>

The rate of conviction in sedition cases from 2015 to 2019 was a mere 8.92% i.e. in five out of 56 cases in which trial had been completed as per the NCRB. In comparison, the conviction rate for overall cognizable offences under the Indian Penal Code was 48.58% during the same period. This confirms that many of the sedition cases filed are frivolous but the accused had to undergo the process of trial.

**Table 2** on the rate of conviction for sedition offences and **Table 3** on the rate of conviction in cognizable IPC cases are given below:

**Table 2: Rate of conviction for the sedition cases**

Year	Person arrested	No of person chargesheeted	No of cases registered	Trial completed (cases)	Convicted	Acquittal discharged (cases)
2015	73	13	30	4	0	4
2016	48	26	35	3	1	2
2017	228	160	51	6	1	5
2018	56	46	70	13	2	11
2019	96	76	93	30	1	29
<b>Total</b>	<b>501</b>	<b>321</b>	<b>279</b>	<b>56</b>	<b>5</b>	<b>51</b>



**Table 3: Conviction rate in cognizable IPC cases**

Year	Trials completed (cases)	Cases convicted	Conviction rate
2015	1325989	621320	46.9%
2016	1274348	596078	46.8%
2017	1331222	649852	48.8%
2018	1277011	638955	50.0%
2019	1232507	620809	50.4%
<b>Total</b>	<b>6441077</b>	<b>3127014</b>	<b>48.5%</b>

The data collated by the NCRB does not appear to reflect the actual number of sedition cases filed in the country. For example, the NCRB data provide that only 19 sedition cases were filed in Jharkhand during 2017 (1 case) and 2018 (18 cases) while the Jharkhand Police had filed 30 FIRs/cases against about 200 named accused and more than 10,000 unnamed people<sup>39</sup> involved in the Pathalgadi movement of 2017-18.<sup>40</sup>

The State continues to invoke sedition charge effectively to silence dissent as shown by the registration of 27 sedition cases with respect to the comments made mostly in social media after the Pulwama bomb attack in 2019,<sup>41</sup> registration of 22 sedition cases after the Hathras gangrape case in Uttar Pradesh in 2020,<sup>42</sup> registration of 25 sedition cases against anti-CAA protestors during 2019 and 2020,<sup>43</sup> registration of about six sedition cases during farmers' protest in 2021<sup>44</sup> or registration of a sedition case simply using certain epithets with respect to the administrator of Lakshadweep Praful Khoda Patel by a filmmaker, Aisha Sultana.<sup>45</sup>





### 4. Sedition: India's silencer gun

The constitutional validity of Section 124-A had been upheld in *Kedar Nath Singh* case on the grounds of security of the State and public order i.e. speech must not incite people to violence against the Government established by law or create public disorder.

India has adequate laws to deal with *"interests of the security of the State, friendly relations with foreign States, public order, decency or morality, or contempt of court, defamation or incitement to an offence"* or *"sovereignty and integrity of India, the sovereignty and integrity of India"*, the reasonable restrictions under Article 19(2) of the Constitution of India, which are covered under the rubric of *"hatred or contempt, or excites or attempts to excite disaffection towards, the Government established by law"*, the offences under Section 124A of the IPC.

The Indian Penal Code 1860<sup>46</sup> criminalises a wide range of actions threatening the peace of the society and interests of the security of the State, friendly relations with foreign States or sovereignty and integrity of India.

Chapter VI of the IPC relating to offences against State include section 121 (waging, or attempting to wage war, or abetting waging of war, against the Government of India), Section 121A (conspiracy to commit offences punishable by section 121), section 122 (collecting arms, etc., with intention of waging war against the Government of India), section 123 (concealing with intent to facilitate design to wage war), Section 124 (assaulting President, Governor, etc., with intent to compel or restrain the exercise of any lawful power), Sec 124A (Sedition), Section 125 (waging war against any Asiatic power in alliance with the Government of India), Section 126 (committing depredation on territories of power at peace with the Government of India), section 127 (receiving property taken by war or depredation mentioned in sections 125 and 126), Section 128 (public servant voluntarily allowing prisoner of State or war to escape), Section 129 (public servant negligently suffering such prisoner to escape) and section 130 (aiding escape of, rescuing or harbouring such prisoner). Further, Chapter VII covers provisions relating to abetting mutiny by the Army, Air Force and Navy (section 131 and 132).

The offence of contempt of court is covered by the Contempt of Court Act of 1971 while defamation is an offence under Sections 499 and 500 of the IPC.

On public order, Chapter VIII of the IPC relating to offences against public tranquility includes Section 141 (unlawful assembly), Section 142 (being member of unlawful assembly), Section 143 relating to punishment for unlawful assembly, Section 144 (joining unlawful assembly armed with deadly weapon), Section 145 (joining or continuing in unlawful assembly, knowing it has been commanded to disperse), Section 146 (rioting), Section 147 (punishment for rioting), Section 148 (rioting, armed with deadly weapon), Section 149 (every member of unlawful assembly guilty of offence committed in prosecution of common object), Section 150 (hiring, or conniving at hiring, of persons to join unlawful assembly), Section 151 (knowingly joining or continuing in assembly of five or more persons after it has been commanded to disperse), Section 152 (assaulting or obstructing public servant when suppressing riot, etc), Section 153 (wantonly giving provocation, with intent to cause riot— if



rioting be committed; if not committed), Section 153A (promoting enmity between different groups on grounds of religion, race, place of birth, residence. language, etc., and doing acts prejudicial to maintenance of harmony), Section 153AA (punishment for knowingly carrying arms in any procession or organizing, or holding or taking part in any mass drill or mass training with arms), Section 153B (imputation, assertions prejudicial to national-integration), Section 154 (owner or occupier of land on which an unlawful assembly is held), Section 155 (liability of person for whose benefit riot is committed), Section 156 (liability of agent of owner or occupier for whose benefit riot is committed), Section 157 (harbouring persons hired for an unlawful assembly), Section 158 (being hired to take part in an unlawful assembly or riot; or to go armed) and Section 159 (affray).

All these provisions actually make sedition offence under Section 124A of IPC redundant, unnecessary and oppressive only to restrict the freedom of opinion and expression of the opponents and dissenters.

Since the *Kedar Nath Singh* judgment in 1962, the government of India has enacted the Unlawful Activities (Prevention) Act of 1967,<sup>47</sup> the Contempt of Court Act of 1971 and the National Security Act of 1980 while a range of state specific laws such as the Jammu and Kashmir Public Safety Act of 1978 have been enacted to deal with any attempt to overthrow the government, and threat to sovereignty and territorial integrity of India.

Those who threaten to overthrow the State, sovereignty and territorial integrity of India (such as terrorism, militancy, insurgency etc) are charged with offences punishable with death.

However, the sedition charge is invoked against political opponents or well known dissenters for making comments including during debates on television. These persons are actually not members of organisations banned under the Unlawful Activities (Prevention) Act<sup>48</sup> but well-known persons in the society and the country.

Those charged with sedition for their comments in TV debates include suspended judge Rama Krishna of Andhra Pradesh who was in jail for 60 days for his comments made in a TV debate,<sup>49</sup> filmmaker Aisha Sultana of Lakshadweep for her comments made in a TV debate,<sup>50</sup> Member of Parliament Raghurama Krishna Raju and two TV news channels for broadcasting Raju's comments during a TV debate,<sup>51</sup> and journalist Vinod Dua.<sup>52</sup>

Mere comments on social media attract charges of sedition. Those charged with sedition for social media posts include Zafarul Islam Khan, Chairman of Delhi Minority Commission for social media post,<sup>53</sup> activist Shehla Rashid, Delhi,<sup>54</sup> actor and politician Ramya, Karnataka,<sup>55</sup> actress Kangana Ranaut for her Pakistan-occupied Kashmir (PoK) analogy for Mumbai<sup>56</sup> and many others,

Peaceful protests by opposition leaders often led to the filing of cases for sedition and those charged with sedition include former Chief Ministers of Karnataka Siddaramaiah and HD Kumaraswamy for protesting against the income tax raids during Lok Sabha polls,<sup>57</sup> then Indian National Congress (INC) President Rahul Gandhi and six others, Telangana,<sup>58</sup> All India Anna Dravida Munnetra Kazhagam (AIADMK) leader TTV Dhinakaran and 10 others in connection with the distribution



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of pamphlets allegedly containing defamatory remarks against Prime Minister Narendra Modi and Tamil Nadu Chief Minister K Palaniswami.<sup>59</sup>

Even writing a memorandum to Prime Minister Narendra Modi against mob lynching led to the filing of sedition cases against 49 prominent personalities including actor Aparna Sen.<sup>60</sup>

Educational institutions are not spared either. A sedition case was filed against the school authorities after students performed a play criticising the Citizenship Amendment Act and the National Register of Citizens (NRC) in Karnataka.<sup>61</sup>

When a particular dispute polarises politics, the sedition law is invoked rampantly. Sedition cases were filed against Member of Parliament Shashi Tharoor and six journalists,<sup>62</sup> a 21-year-old labourer Swaroop Ram,<sup>63</sup> climate activist Disha Ravi<sup>64</sup> etc for social media posts relating to farmers' protest.

Those highlighting corruption like journalist Umesh Kumar Sharma of Uttarakhand<sup>65</sup> have been charged with sedition.

Invariably complaints of sedition are filed by private individuals who claim to be nationalists and members or affiliates of mostly the ruling parties whether at Centre or State level. The comments of the accused do not have anything to do with bringing hatred or contempt, or excite or attempt to excite disaffection towards the Government established by law, public order or territorial integrity or sovereignty of India but more to do with overzealous State, offended nationalists or motivated political activists who are hell-bent on silencing the freedom of speech and expression, freedom of association and assembly as the registration of a case for sedition not only identifies the accused as anti-national but also sends a chilling effect.



## 5. The case for repeal of the sedition law

In the light of rampant abuse, the sedition law is under adjudication of the Supreme Court at present.

On 30.04.2021, in *Kishorechandra Wangkhemcha & Anr v. Union of India*, a bench of the Supreme Court issued notice in a petition challenging the constitutional validity of Section 124A of the Indian Penal Code stating that the decision rendered by the Constitution Bench of the Supreme Court in *Kedar Nath Singh v. State of Bihar* requires reconsideration.<sup>66</sup> Considering that *Kedar Nath Singh v. State of Bihar* judgment was adjudicated by five judges of the Supreme Court, the constitutional validity ought to be re-considered by a bench of at least seven judges. A number of petitions have since been filed.

On 31.05.2021, another bench of the Supreme Court in the case of *M/S Aamoda Broadcasting Co. Pvt. Ltd. v. State* stated that “*the ambit and parameters of the provisions of Sections 124A, 153A and 505 of the Indian Penal Code 1860 would require interpretation, particularly in the context of the right of the electronic and print media to communicate news, information and the rights, even those that may be critical of the prevailing regime in any part of the nation*”.<sup>67</sup>

In *Sanskar Marathe v. State of Maharashtra & Anr.*, cartoonist Asem Trivedi was booked under section 124A IPC for defaming the Parliament, the Constitution of India and the National Emblem and attempting to spread hatred and disrespect against the Government through his cartoons. The Bombay High Court held that “*disloyalty to Government established by law is not the same thing as commenting in strong terms upon the measures or acts of Government, or its agencies, so as to ameliorate the condition of the people or to secure the cancellation or alteration of those acts or measures by lawful means, that is to say, without exciting those feelings of enmity and disloyalty which imply excitement to public disorder or the use of violence.*” The State government of Maharashtra had submitted before the Bombay High Court that it will issue guidelines in the form of a circular to all police personnel to be followed before invoking the charge of sedition. The draft guidelines, as submitted by the Home Department of Maharashtra were accepted by the Bombay High Court, are as under:<sup>68</sup>

“(1) *In view of the felt need to issue certain guidelines to be followed by Police while invoking Section 124A IPC, the following pre-conditions must be kept in mind whilst applying the same:*

(i) *The words, signs or representations must bring the Government (Central or State) into hatred or contempt or must cause or attempt to cause disaffection, enmity or disloyalty to the Government and the words/ signs/ representation must also be an incitement to violence or must be intended or tend to create public disorder or a reasonable apprehension of public disorder;*



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(ii) Words, signs or representations against politicians or public servants by themselves do not fall in this category unless the words/signs/representations show them as representative of the Government;

(iii) Comments expressing disapproval or criticism of the Government with a view to obtaining a change of government by lawful 19 / 21 Cri.PIL 3-2015 means without any of the above are not seditious under Section 124A;

(iv) Obscenity or vulgarity by itself should not be taken into account as a factor or consideration for deciding whether a case falls within the purview of Section 124A of IPC, for they are covered under other sections of law;

(v) A legal opinion in writing which gives reasons addressing the aforesaid must be obtained from Law Officer of the District followed within two weeks by a legal opinion in writing from Public Prosecutor of the State.

2. (i) All Unit Commanders are directed to follow above instructions scrupulously.

(ii) It must also be kept in mind that the instructions mentioned above are not exhaustive and other relevant factors depending from case to case may also be kept in mind while applying Section 124A of the IPC.”

It is pertinent to mention that the State of Maharashtra invoked sedition against actress Kangana Ranaut merely for her Pakistan-occupied Kashmir (PoK) analogy for Mumbai which does not appear to be “an incitement to violence or must be intended or tend to create public disorder or a reasonable apprehension of public disorder”.<sup>69</sup> On 1<sup>st</sup> December 2020, the division bench of Justices S S Shinde and M S Karnik while perusing the complaint of sedition against Ranaut observed: “It has become routine that IPC 124A (sedition) is added in complaint. For what? Are we treating citizens of the country like this? We understand other sections being added but why 124A?... what if anybody does not fall in line of the government? Why are police officers invoking Section IPC 124A? Please conduct workshops for police officers. Not in this particular case but for any case.”<sup>70</sup> It is clear Maharashtra had no qualms to violate its own Guidelines for invoking sedition charge against Ranaut.

In the case of *Common Cause & Anr v. UOI*,<sup>71</sup> the following guidelines were prayed for:

“a. Issue an appropriate writ making it mandatory for the concerned authority to produce a reasoned order from the Director General of Police (DGP) or the Commissioner of Police, as the case may be, certifying that the seditious act either lead to the incitement of violence or had the tendency or the intention to create public disorder, before any FIR is filed or any arrest is made on the charges of sedition against any individual.

b. Issue an appropriate writ directing the Ld. Magistrate to state in the order taking cognizance certifying that the “seditious act” either lead to the incitement of violence or had the tendency or the intention to create public disorder in cases where a private complaint alleging sedition is made before the Ld. Magistrate.





*c. Issue an appropriate writ directing for a review of pending cases of sedition in various courts to produce an order from the DG or Commissioner of Police, as the case may be, certifying that the “seditious act” either lead to the incitement of violence or had the tendency or the intention to create public disorder in cases.*

*d. Issue an appropriate writ directing that investigations and prosecutions must be dropped in cases where such a reasoned order as prayed for in Prayers (a), (b) and (c) is not provided and the act in question involved peaceful expression or assembly.”*

The apex Court while disposing of the petition of the *Common Cause* petition expressed the opinion that “*the authorities while dealing with the offences under Section 124A of the Indian Penal Code shall be guided by the principles laid down by the Constitution Bench in Kedar Nath Singh v. State of Bihar [1962 (Suppl.) 3 SCR 769].*” The court felt it was not necessary to address any other issue.

Section 124A of the IPC has put in jeopardy the right to freedom of opinion and expression itself as the Central government and the State governments continue to invoke sedition in cases which ex-facie “*do not incite people to violence against the Government established by law or with the intention of creating public disorder*”. The judgment in *Kedar Nath Singh* case is seldom complied with. Obviously, the vindictiveness of the State, the grudges of the offended nationalists or actions of the motivated political activists, who invoke the sedition clause at the drop of a hat to silence the opponents and critics, cannot be regulated.

India already had adequate laws (Chapter VI relating to offences against the state, Chapter VII relating to offences relating to the army, navy and air force, and Chapter VIII relating to offences against the public tranquility under the IPC) to cover the offences under Section 124A of the IPC. Further, in the aftermath of the *Kedar Nath Singh* judgment in 1962, the government of India has enacted the Unlawful Activities (Prevention) Act of 1967 and the National Security Act of 1980 while a range of state-specific laws such as the Public Safety Act of Jammu and Kashmir to deal with any attempt to overthrow the government, and threat to sovereignty and territorial integrity of India.

Complaints of sedition are filed by the members or affiliates of the political parties, mostly the ruling parties, against their real or perceived opponents whether political or ideological and dissenters in a democracy. The time has come for India to repeal Section 124A of the IPC relating to sedition or for the judiciary to declare it unconstitutional as done by the British and most of the former British colonies.





## ANNEX-1: Emblematic cases of sedition wherein UAPA not invoked

Because of its blatant abuse, sedition law is affecting the freedom of opinion and expression, civic space, academic freedom, pedagogy in school and the right to freedom of association and assembly. The complaints of sedition are mostly filed by the members or affiliates of the political parties, mostly ruling parties.

### Case 1: Sedition against a judicial officer, Andhra Pradesh

On 15 June 2021, the Andhra Pradesh High Court granted bail to suspended judge Rama Krishna who was arrested for sedition. The police arrested the suspended judge on 15 April 2021 for allegedly making threatening and objectionable comments against the Chief Minister of the state during a television debate. His bail petition was earlier rejected by the lower court and he was kept in jail for 60 days. The High Court said that the comments made by Rama Krishna do not come under sedition and faulted the police for not filing a charge-sheet till date.<sup>72</sup> The judge was arrested based on a complaint by one Jayaram Chandraiah of Chittoor district, Pileru.<sup>73</sup>

### Case 2: Sedition against filmmaker Aisha Sultana, Lakshadweep

On 10 June 2021, activist and filmmaker Aisha Sultana was booked for sedition by the police in Lakshadweep for saying that the Centre was using administrator Praful Khoda Patel as a “bio-weapon” against people of the Union Territory. The case was registered at Kavaratti police station based on a complaint filed by the Lakshadweep unit of the Bharatiya Janata Party (BJP) C Abdul Khader Haji under Section 124A of IPC (Sedition). The complaint alleged that Sultana made a seditious comment during a debate on a Malayalam news channel ‘MediaOne TV’ on the ongoing controversial regulations in Lakshadweep introduced by the administrator and the rise in coronavirus cases in the island territory since he took charge in December 2020. The remarks had sparked protests from the BJP’s Lakshadweep unit. BJP workers had moved complaints against Aisha in Kerala as well. Aisha had justified her reference to the administrator in a Facebook post saying *“I had used the word bio-weapon in the TV channel debate. I have felt Patel as well as his policies [have acted] as a bio-weapon. It was through Patel and his entourage that Covid-19 spread in Lakshadweep. I have compared Patel as a bioweapon, not the government or the country.... You should understand. What else should I call him...”*<sup>74</sup>

### Case 3: Sedition charges against Member of Parliament Raghurama Krishna Raju and two TV news channels

On 14 May 2021, the Andhra Pradesh Police registered a case of sedition against Yuvajana Sramika Rythu (YSR) Congress Member of Parliament Raghurama Krishna Raju for *“indulging in systematic, schematic effort to cause tensions among communities and by attacking various government dignitaries in a way that will cause loss of faith in government”* through his speeches. Raju was also charged under Section 153 (b) and Section 505 of the IPC. He was arrested on 15 May 2021.<sup>75</sup> On 16 May 2021, the Andhra Pradesh High Court ordered his transfer from the Guntur district jail to a private hospital



after a report from a lower court stated that Raju had several injuries allegedly sustained due to custodial torture.<sup>76</sup> Raju was granted bail by the Supreme Court on 21 May 2021.<sup>77</sup>

The First Information Report (FIR) against Raju had also named two TV channels TV 5 and *ABN Andhra Jyothy* as co-accused of sedition for broadcasting Raju's comments which were critical of the government and the chief minister. The two TV channels immediately moved to the Supreme Court. On 21 May 2021, a three-judge bench of the Supreme Court headed by Justice DY Chandrachud stayed coercive actions against the two TV news channels. The three-judge bench not only observed that the FIR did not establish the crime, it also said that the time has come to define the limits of sedition, especially in relation to freedom of the press.<sup>78</sup> The case is pending.

#### **Case 4: Sedition against labourer Swaroop Ram, Delhi**

On 15 February 2021, a Delhi Sessions Court granted bail to a 21-year-old labourer Swaroop Ram who was charged with sedition for having put up an allegedly fake video on Facebook about the Delhi police on the ongoing farmers' agitation. The Court observed "*The law of sedition is a powerful tool in the hands of the State to maintain peace and order in society. However, it cannot be invoked to quieten the disquiet under the pretence of muzzling the miscreant.*". The Court ruled that "*In the absence of any exhortation, call, incitement or instigation to create disorder or disturbance of public peace by resort to violence or any allusion or oblique remark or even any hint towards this objective, attributable to the applicant accused, I suspect that Section 124A IPC (sedition) cannot be validly invoked against the applicant.*"<sup>79</sup>

#### **Case 5: Sedition against climate activist Disha Ravi, Delhi**

On 14 February 2021, Disha Ravi, a 22-year-old climate activist, was arrested from Bengaluru for allegedly sharing with Greta Thunberg a "toolkit" related to the farmers' protests.<sup>80</sup> On 23 February 2021, a Delhi Sessions Court granted bail to Ms Ravi in the case wherein she was charged with sedition. The court termed the 'toolkit' innocuous. Ms. Ravi was arrested for sharing the 'toolkit' relating to the ongoing farmers' protest against the three farm laws. Dealing with the interpretation of the word 'sedition', the court said, "*Law proscribes only such activities as would be intended, or have a tendency, to create disorder or disturbance of public peace by resort to violence.*". The court said that the evidence against Ms Ravi was scanty and sketchy. The court observed "*Citizens are conscience keepers of government in any democratic Nation. They cannot be put behind the bars simply because they choose to disagree with the state policies. The offence of sedition cannot be invoked to minister to the wounded vanity of the governments.*"<sup>81</sup>

#### **Case 6: Sedition against MP Shashi Tharoor and six prominent journalists**

On 9 February 2021, the Supreme Court stayed the arrest of Congress MP Shashi Tharoor and six journalists - journalists Rajdeep Sardesai, Mrinal Pande, Zafar Agha, Paresh Nath, Vinod K Jose and Anant Nath in the case where they were booked under charges of sedition for tweets related to the death of a farmer during the farmers' tractor rally on Republic Day, the 26<sup>th</sup> January. On 30 January 2021, Delhi Police had filed a case against them under various charges including sedition, alleging that they tweeted fake news over the death of a farmer during the tractor rally.<sup>82</sup>



Apart from sedition, other IPC sections such as criminal intimidation, promoting enmity, provocation to break public peace, criminal conspiracy, outraging religious feelings were invoked.<sup>83</sup> FIRs were filed in five states Delhi, Haryana (Gurgaon), Karnataka (Bengaluru), Uttar Pradesh (Noida) and four similar cases in different districts of Madhya Pradesh. In Delhi, FIR was lodged on complaint of advocate Chiranjiv Kumar, a Central government lawyer at Delhi High Court. The complainant stated that the accused spread fake news about farmer's death in Delhi on 26 January by blaming Delhi Police to "instigate violence". In Gurgaon, a case was registered at Cyber Crime police station on a complaint by Pankaj Singh, a resident of Jharsa village. In Bengaluru, a social activist named Rakesh Shetty alias Rakesh B S, filed a complaint of sedition, criminal conspiracy and other charges against the seven at Parappana Agrahara police station. In Madhya Pradesh, four separate FIRs were registered in Bhopal, Hoshangabad and Betul districts naming Tharoor and the six journalists for allegedly instigating farmers with unverified and unauthentic information for "personal and professional advantage" based on written applications by complainants who have submitted almost similar applications. In Noida, the FIR was registered at Sector 20 Police Station on a complaint by local resident Arpit Mishra for "riots and damage".<sup>84</sup>

### **Case 7: Sedition against actress Kangana Ranaut, Maharashtra**

In September 2020, a complaint of sedition was filed against actress Kangana Ranaut by Shiv Sena IT cell at Shrinagar police station in Thane for her Pakistan-occupied Kashmir (PoK) analogy for Mumbai.<sup>85</sup>

### **Case 8: Sedition against journalist Umesh Kumar Sharma, Uttarakhand**

In October 2020, the Uttarakhand High Court quashed an FIR in which Section 124A of the IPC was slapped on journalist Umesh Kumar Sharma, who made allegation of corruption against the chief minister Trivendra Singh Rawat. The High Court ruled that no offence under Section 120-B IPC is made out. The Court observed "*Unless public functionaries are criticised, democracy cannot be strengthened...if dissent is suppressed under the sedition law, it would make democracy weak. If allegations are levelled against the representatives, it alone cannot be sedition. Criticising the government can never be sedition.*" The Court further said "*In democracy, dissent is always respected and considered, if it is suppressed under sedition laws perhaps it would be an attempt to make democracy weak...adding Section 124A IPC in the instant case manifests that it has been an attempt of the state to muzzle the voice of criticism, to muffle complaint/ dissent which can never be allowed.*" The court further noted: "*In the instant case, whatever the allegations against the petitioner, they do not remotely connect with Section 124A IPC. Offence under Section 124A IPC is not prima-facie made out. Why this section is added, it's beyond comprehension.*" On 24 June 2020, the journalist had posted a video on Facebook alleging that bribe money was deposited into the bank accounts of the chief minister's close relatives and associates during demonetisation in 2016. On 31 July 2020, a case was registered against him at Nehru Colony police station based on a complaint by Harender Singh Rawat, who was among the people against whom the journalist made allegations. Later, sedition charge was added to the FIR.<sup>86</sup>

### **Case 9: Sedition against journalist Vinod Dua**

On 3 June 2021, the Supreme Court quashed sedition and other charges that were registered against senior journalist Vinod Dua by a BJP leader from Himachal Pradesh



for making comments critical of Prime Minister Narendra Modi and the Central government. The Supreme Court said, “*Every journalist is entitled to the protection under the Kedar Nath Singh case (which defined the ambit of offence of sedition under Section 124A IPC).*” However, the Supreme Court refused the second prayer made by Vinod Dua seeking the formation of a committee to verify allegations against journalists before an FIR is lodged. He had prayed that no FIR should be registered against a journalist with experience of over 10 years unless the committee approves it.<sup>87</sup>

The FIR against Dua was lodged on the basis of a complaint by BJP leader Shyam at Kumarsain police station in Shimla district on 6 May 2020 and the journalist was asked to join the probe. The police invoked charges under sedition and various IPC provisions. The complaint alleged that Dua, in his YouTube show, accused Prime Minister Modi of using “deaths and terror attacks” to get votes. Earlier in June 2020, the Supreme Court granted protection from arrest to Dua till further orders. The case against Dua was registered in Himachal Pradesh merely hours after the Delhi High Court had stayed further police action on an FIR registered by the Delhi Police. The Delhi police’ case was also registered based on a complaint by a BJP leader.<sup>88</sup>

#### **Case 10: Sedition against Facebook user Anup Singh, Uttar Pradesh**

In May 2020, Anup Singh, a Facebook user, was booked under IPC sections 124A (sedition), 500 (defamation), 188 (disobedience to order duly promulgated by public servant) and section 66 of the Information Technology Act for online comment on Uttar Pradesh Chief Minister Yogi Adityanath. The police registered an FIR based on a complaint lodged by Sub-Inspector Amrita Singh in Prayagraj.<sup>89</sup>

#### **Case 11: Sedition against Zafarul Islam Khan, Chairman of Delhi Minority Commission**

On 30 April 2020, the Special Cell of Delhi Police registered a case of sedition against Chairman of Delhi Minority Commission Zafarul Islam Khan for a controversial social media post. The FIR was registered against Khan under section 124A (sedition) and 153 A (promoting enmity between different groups on grounds of religion, race, place of birth) after police received a complaint from a resident of Vasant Kunj. In the FIR, the complainant alleged that Khan’s post was provocative, deliberate, seditious and intended to cause disharmony and create a rift in the society, police said, adding that the case is being investigated by the cyber cell.<sup>90</sup> Khan made the controversial post in Facebook on 28 April 2020.<sup>91</sup>

#### **Case 12: Sedition against the school authorities, Karnataka**

In January 2020, authorities at a school in Bidar city, Karnataka were booked on sedition charges after students performed a play criticising the Citizenship Amendment Act and the National Register of Citizens. The complaint was filed by social worker Nilesh Rakshyal, who claimed that the play had portrayed Prime Minister Narendra Modi in a bad light and that the video of the play shared on social media, could disrupt the peace and send an incorrect message about the government’s policies and decisions.<sup>92</sup>

#### **Case 13: Sedition against former Karnataka CMs**

In November 2019, a local court in Karnataka directed the police to register a case against former Chief Ministers Siddaramaiah and HD Kumaraswamy along with others



based on a complaint by activist Mallikarjuna. Pursuant to the directions of the Court, the police booked them on sedition charges for protesting the income tax raids during Lok Sabha polls.<sup>93</sup>

### **Case 14: Sedition against 49 prominent personalities, Bihar**

In October 2019, the Bihar police registered a case of sedition against 49 prominent personalities including writer Ramchandra Guha and actor Aparna Sen for writing an open letter to Prime Minister Narendra Modi and raising concerns over incidents of mob lynching in the country. The case was registered following a court order passed in a complaint filed by lawyer Sudhir Kumar Ojha who claimed that *“letter has tarnished the country’s image”*.<sup>94</sup>

### **Case 15: Sedition against activist Shehla Rashid, Delhi**

On 3 September 2019, activist Shehla Rashid was booked by Delhi Police on charges of sedition over her tweets on Kashmir. The FIR was registered under Sections 124A, 153A, 153, 504 and 505 of the IPC on a criminal complaint by filed by a Supreme Court lawyer. In his complaint, the lawyer sought the arrest of Rashid for allegedly spreading fake news against the Army and Government of India.<sup>95</sup>

### **Case 16: Sedition against three Kashmiri students, Karnataka**

On 16 February 2019, three Kashmiri students identified as Manzoor, Gowhar Mushtaq and Zakir Maqbool were arrested in Bangaluru, Karnataka on charges of sedition for an argument on Facebook with a classmate in connection with the Pulwama attack. Police charged them with sedition based on a complaint filed by the college authority.<sup>96</sup>

### **Case 17: Sedition case against Mujassam, a Kashmiri student, Uttar Pradesh**

In February 2019, Mujassam, a Kashmiri student at a private college in Moradabad, Uttar Pradesh was booked and arrested on sedition charges for allegedly praising Pakistan following the Pulwama attack. The FIR was registered based on a complaint by BJP leader Rohit Kumar.<sup>97</sup>

### **Case 18: Sedition against Aabid Malik, Kashmiri youth, Karnataka**

In February 2019, a Kashmiri youth identified as Aabid Malik was booked by the Bengaluru Police for sedition over Facebook post supporting JeM in the wake of the Pulwama attack. The student was booked following a complaint by a Vishwa Hindu Parishad member.<sup>98</sup>

### **Case 19: Sedition against four girl students from Kashmir, Rajasthan**

In February 2019, a case of sedition was filed against four girl paramedical students from Jammu and Kashmir - Talveen Manzoor, Iqra, Zohra Nazir and Uzma Nazir of the National Institute of Medical Science (NIMS) in Jaipur, Rajasthan for their comments related to the Pulwama attack. The FIR was registered based on a complaint by the university administration.<sup>99</sup>

### **Case 20: Sedition against political leader TTV Dhinakaran and 10 others, Tamil Nadu**

On 2 October 2017, AIADMK leader TTV Dhinakaran and 10 others were booked for sedition in connection with the distribution of pamphlets allegedly containing





defamatory remarks against Prime Minister Narendra Modi and Tamil Nadu Chief Minister K Palaniswami. The complaint was filed by one Vinayakam.<sup>100</sup>

**Case 21: Sedition against writer and theatre artist Kamal C Chavara, Kerala**

On 18 December 2016, Kamal C Chavara alias Kamalsy Prana, Malayalam writer and theatre artist, was booked and arrested on charges of sedition for insulting the national anthem in a Facebook post. A case was registered at Karungapally in Kollam, Kerala following a complaint from Yuva Morcha activists.<sup>101</sup>

**Case 22: Sedition against Amnesty International India, Karnataka**

On 15 August 2016, Amnesty International India, a human rights advocacy group, was booked for sedition by police in Bengaluru, Karnataka. The police registered the FIR against Amnesty India under sedition and other provisions of the IPC following a complaint lodged by the Akhil Bharatiya Vidyarthi Parishad (ABVP) alleging anti-India slogan raised during an event related to human rights violations in Jammu and Kashmir.<sup>102</sup> On 8 January 2019, a court in Karnataka closed the sedition case against Amnesty India.<sup>103</sup>

**Case 23: Sedition against actor and politician Ramya, Karnataka**

In August 2016, a court in Kodagu district, Karnataka admitted a private complaint filed by a lawyer Vittal Gowda urging the court to direct police to book actor and Congress leader Ramya @ Divya Spandana for sedition. The complainant accused Ramya of insulting Indians by saying at a convention in Mandya that she found the people of Pakistan good and loveable and that Pakistan was not a hell.<sup>104</sup>

**Case 24: Sedition against two students, Karnataka**

On 30 March 2016, Jyothi K and V Chinappa, both of them students were charged with sedition in Tumakuru, Karnataka after the Akhil Bharatiya Vidyarthi Parishad (ABVP) accused them of raising pro-Pakistan slogans while distributing pamphlets supporting Jawaharlal Nehru University Students' Union president Kanhaiya Kumar and Rohith Vemula, a Hyderabad University Dalit scholar who committed suicide.<sup>105</sup>

**Case 25: Sedition charges against then Congress President Rahul Gandhi and six others, Telangana**

On 27 February 2016, a complaint was filed against Congress leader Rahul Gandhi and six others at Sarooranagar police station in Telangana. The FIR was registered based on a complaint filed by advocate Sunkari Janardhan Goud accusing Rahul Gandhi and six others of sedition for their comments over the suicide of Dalit PhD scholar Rohith Vemula.<sup>106</sup>

**Case 26: Sedition against two persons, Haryana**

On 24 February 2016, Haryana police booked two persons identified as Virender and Man Singh Dalal on sedition charges in connection with an audio clip which allegedly incited violence during the Jat quota agitation. An FIR was registered against Virender and Man Singh Dalal under various sections of the IPC, including sections 124A on a complaint of a Bhiwani resident Pankaj Kumar.<sup>107</sup>





### Case 27: Sedition against Jagmohan Singh Sengar, a politician, Madhya Pradesh

In January 2016, Jagmohan Singh Sengar, a politician in Madhya Pradesh, was booked for sedition by police for his comments against state chief minister Shivraj Singh Chauhan on Facebook. The FIR was registered on the basis of a complaint filed by a BJP worker.<sup>108</sup>

## ANNEX-2: Statement of Mahatma Gandhi in the Great Trial of 1922 (18-3-1922)

Mahatma, Vol. II (1951) pp. 129-33

(The historical trial of Mahatma Gandhi and Shri Shankarlal Ghelabhai Banker, editor, and printer and publisher respectively of Young India, on charges under Section 124 A of the Indian Penal Code, was held on Saturday, 18th March 1922, before Mr. C.N. Broomfield, I. C.S., District and Session judge, Ahmedabad.)

Sir J. T. Strangman, Advocate General, with Rao Bahadur Girdharlal Uttamram, Public prosecutor of Ahmedabad, appeared for the Crown. Mr. A. C. Wild, Remembrancer of Legal Affairs, was also present, Mahatma Gandhi and Shri Shankarlal banker were undefended.

Among the members of the public who were present on the occasion were : Kasturba Gandhi, Sarojini Naidu, Pandit M. M. Malaviya, Shri N. C. Kelkar, Smt. J. B. Petit, and Smt. Anasuyabahen Sarabhai.

The judge, who took his seat at 12 noon, said that there was slight mistake in the charges framed, which he corrected. The charges were then read out by the Registrar. These charges were of “bringing or attempting to bring in to hatred or contempt or exciting or attempting to excite disaffection towards His majesty’s Government established by law in British India, and thereby committing offences punishable under Section 124 A of the Indian Penal Code,” the offences being in three articles published in Young India of September 29 and December 15 of 1921, and February 23 of 1922. The offending articles were then read out: first of them was, “Tampering with Loyalty”; and second, “The Puzzle and its Solution”, and the last was “Shaking the Manes”.

The Judge said that the law required that the charges should not only be read out but explained. In this case it would not be necessary for him to say much by way of explanation. The charge in each case was that of bringing or attempting to bring into hatred or contempt or exciting or attempting to excite disaffection towards His Majesty’s Government, established by law in British India. Both the accused were charged with the three offences under Section 124 A, contained in the articles read out, written by Mahatma Gandhi and printed by Shri Banker.

The charges having been read out, the Judge called upon the accused to plead to the charges. He asked Gandhiji whether he pleaded guilty or claimed to be tried.

Gandhiji said: *“I plead guilty to all the charges. I observe that the King’s name has been omitted from the charge, and it has been properly omitted.”*



The Judge asked Shri Banker the same question and he too readily pleaded guilty.

The Judge wished to give his verdict immediately after Gandhiji had pleaded guilty, but Sir Strangman insisted that the procedure should be carried out in full. The Advocate General requested the Judge to take into account “The Advocate-General requested the Judge to take into account “the occurrences in Bombay, Malabar and Chauri Chaura, leading to rioting and murder”. He admitted, indeed, that “in these articles you find that non-violence is insisted upon as an item of the campaign and of the creed,” but he added “of what value is it to insist on non-violence, if incessantly you preach disaffection towards the Government and hold it up as a treacherous Government, and if you openly and deliberately seek to instigate others to overthrow it?” These were the circumstances which he asked the Judge to take into account in passing sentence on the accused.

As regards Shri Banker, the second accused, the offence was lesser. He did the publication but did not write. Sir Strangman’s instructions were that Shri Banker was a man of means and he requested the court to impose a substantial fine in addition to such term of imprisonment as might be inflicted upon.

Court: Mr. Gandhi, do you wish to make any statement on the question of sentence?

Gandhiji: I would like to make a statement.

Court: Could you give me in writing to put it on record?

Gandhiji : I shall give it as soon as I finish it.

Gandhiji then made the following **oral statement** followed by a written statement that he read.]

“Before I read this statement I would like to state that I entirely endorse the learned Advocate-General’s remarks in connection with my humble self. I think that he was entirely fair to me in all the statements that he has made, because it is very true and I have no desire whatsoever to conceal from this court the fact that to preach disaffection towards the existing system of Government has become almost a passion with me, and the Advocate General is entirely in the right when he says that my preaching of disaffection did not commence with my connection with Young India but that it commenced much earlier, and in the statement that I am about to read, it will be my painful duty to admit before this court that it commenced much earlier than the period stated by the Advocate General. It is a painful duty with me but I have to discharge that duty knowing the responsibility that rests upon my shoulders, and I wish to endorse all the blame that the learned Advocate-General has thrown on my shoulders in connection with the Bombay occurrences, Madras occurrences and the Chauri Chaura occurrences. Thinking over these things deeply and sleeping over them night after night, it



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is impossible for me to dissociate myself from the diabolical crimes of Chauri Chaura or the mad outrages of Bombay. He is quite right when he says, that as a man of responsibility, a man having received a fair share of education, having had a fair share of experience of this world, I should have known the consequences of every one of my acts. I know them. I knew that I was playing with fire. I ran the risk and if I was set free I would still do the same. I have felt it this morning that I would have failed in my duty, if I did not say what I said here just now.

I wanted to avoid violence. Non-violence is the first article of my faith. It is also the last article of my creed. But I had to make my choice. I had either to submit to a system which I considered had done an irreparable harm to my country, or incur the risk of the mad fury of my people bursting forth when they understood the truth from my lips. I know that my people have sometimes gone mad. I am deeply sorry for it and I am, therefore, here to submit not to a light penalty but to the highest penalty. I do not ask for mercy. I do not plead any extenuating act. I am here, therefore, to invite and cheerfully submit to the highest penalty that can be inflicted upon me for what in law is a deliberate crime, and what appears to me to be the highest duty of a citizen. The only course open to you, the Judge, is, as I am going to say in my statement, either to resign your post, or inflict on me the severest penalty if you believe that the system and law you are assisting to administer are good for the people. I do not expect that kind of conversion. But by the time I have finished with my statement you will have a glimpse of what is raging within my breast to run this maddest risk which a sane man can run.

(He then read out the **written** statement:)

I owe it perhaps to the Indian public and to the public in England, to placate which this prosecution is mainly taken up, that I should explain why from a staunch loyalist and co-operator, I have become an uncompromising disaffectionist and non-co-operator. To the court too I should say why I plead guilty to the charge of promoting disaffection towards the Government established by law in India.

My public life began in 1893 in South Africa in troubled weather. My first contact with British authority in that country was not of a happy character. I discovered that as a man and an Indian, I had no rights. More correctly I discovered that I had no rights as a man because I was an Indian.

But I was not baffled. I thought that this treatment of Indians was an excrescence upon a system that was intrinsically and mainly good. I gave the Government my voluntary and hearty co-operation, criticizing it freely where I felt it was faulty but never wishing its destruction.



Consequently when the existence of the Empire was threatened in 1899 by the Boer challenge, I offered my services to it, raised a volunteer ambulance corps and served at several actions that took place for the relief of Ladysmith. Similarly in 1906, at the time of the Zulu 'revolt', I raised a stretcher-bearer party and served till the end the 'rebellion'. On the both occasions I received medals and was even mentioned in dispatches. For my work in South Africa I was given by Lord Hardinge a Kaisar-i-Hind gold medal. When the war broke out in 1914 between England and Germany, I raised a volunteer ambulance corps in London, consisting of the then resident Indians in London, chiefly students. Its work was acknowledged by the authorities to be valuable. Lastly, in India when a special appeal was made at the War Conference in Delhi in 1918 by Lord Chelmsford for recruits, I struggled at the cost of my health to raise a corps in Kheda, and the response was being made when the hostilities ceased and orders were received that no more recruits were wanted. In all these efforts at service, I was actuated by the belief that it was possible by such services to gain a status of full equality in the Empire for my countrymen.

The first shock came in the shape of the Rowlatt Act-a law designed to rob the people of all real freedom. I felt called upon to lead an intensive agitation against it. Then followed the Punjab horrors beginning with the massacre at Jallianwala Baug and culminating in crawling orders, public floggings and other indescribable humiliations. I discovered too that the plighted word of the Prime Minister to the Musalmans of India regarding the integrity of Turkey and the holy places of Islam was not likely to be fulfilled. But in spite of the forebodings and the grave warnings of friends, at the Amritsar Congress in 1919, I fought for co-operation and working of the Montagu-Chelmsford reforms, hoping that the Prime Minister would redeem his promise to the Indian Musalmans, that the Punjab wound would be healed, and that the reforms, inadequate and unsatisfactory though they were, marked a new era of hope in the life of India.

But all that hope was shattered. The Khilafat promise was not be redeemed. The Punjab crime was whitewashed and most culprits went not only unpunished but remained in service, and some continued to draw pensions from the Indian revenue and in some cases were even rewarded. I saw too that not only did the reforms not mark a change of heart, but they were only a method of further draining India of her wealth and of prolonging her servitude.

I came reluctantly to the conclusion that the British connection had made India more helpless than she ever was before, politically and economically. A disarmed India has no power of resistance against any aggressor if she wanted



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to engage, in an armed conflict with him. So much is this the case that some of our best men consider that India must take generations, before she can achieve Dominion Status. She has become so poor that she has little power of resisting famines. Before the British advent India spun and wove in her millions of cottages, just the supplement she needed for adding to her meager agricultural resources. This cottage industry, so vital for India's existence, has been ruined by incredibly heartless and inhuman processes as described by English witnesses. Little do town dwellers know how the semi-starved masses of India are slowly sinking to lifelessness. Little do they know that their miserable comfort represents the brokerage they get for their work they do for the foreign exploiter, that the profits and the brokerage are sucked from the masses. Little do they realize that the Government established by law in British India is carried on for this exploitation of the masses. No sophistry, no jugglery in figures, can explain away the evidence that the skeletons in many villages present to the naked eye. I have no doubt whatsoever that both England and the town dwellers of India will have to answer, if there is a God above, for this crime against humanity, which is perhaps unequalled in history. The law itself in this country has been used to serve the foreign exploiter. My unbiased examination of the Punjab Martial law cases has led me to believe that at least ninety-five per cent of convictions were wholly bad. My experience of political cases in India leads me to the conclusion, in nine out of every ten, the condemned men were totally innocent. Their crime consisted in the love of their country. In ninety-nine cases out of hundred, justice has been denied to Indians as against Europeans in the courts of India. This is not an exaggerated picture. It is the experience of almost every Indian who has had anything to do with such cases. In my opinion, the administration of the law is thus prostituted, consciously or unconsciously, for the benefit of the exploiter.

The greater misfortune is that Englishmen and their Indian associates in the administration of the country do not know that they are engaged in the crime I have attempted to describe. I am satisfied that many Englishmen and Indian officials honestly believe that they are administering one of the best systems devised in the world, and that India is making steady, though, slow progress. They do not know, a subtle but effective system of terrorism and an organized display of force on the one hand, and the deprivation of all powers of retaliation or self-defence on the other, has emasculated the people and induced in them the habit of simulation. This awful habit has added to the ignorance and the self-deception of the administrators. Section 124 A, under which I am happily charged, is perhaps the prince among the political sections of the Indian Penal Code designed to suppress the liberty of the citizen. Affection cannot be manufactured or regulated by law. If one has no affection for a

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person or system, one should be free to give the fullest expression to his disaffection, so long as he does not contemplate, promote, or incite to violence. But the section under which Mr. Banker and I are charged is one under which mere promotion of disaffection is a crime. I have studied some of the cases tried under it; I know that some of the most loved of India's patriots have been convicted under it. I consider it a privilege, therefore, to be charged under that section. I have endeavored to give in their briefest outline the reasons for my disaffection. I have no personal ill-will against any single administrator, much less can I have any disaffection towards the King's person. But I hold it to be a virtue to be disaffected towards a Government which in its totality has done more harm to India than any previous system. India is less manly under the British rule than she ever was before. Holding such a belief, I consider it to be a sin to have affection for the system. And it has been a precious privilege for me to be able to write what I have in the various articles tendered in evidence against me.

In fact, I believe that I have rendered a service to India and England by showing in non-co-operation the way out of the unnatural state in which both are living. In my opinion, non-co-operation with evil is as much a duty as is co-operation with good. But in the past, non-co-operation has been deliberately expressed in violence to the evil-doer. I am endeavoring to show to my countrymen that violent non-co-operation only multiplies evil, and that as evil can only be sustained by violence, withdrawal of support of evil requires complete abstention from violence. Non-violence implies voluntary submission to the penalty for non-co-operation with evil. I am here, therefore, to invite and submit cheerfully to the highest penalty that can be inflicted upon me for what in law is deliberate crime, and what appears to me to be the highest duty of a citizen. The only course open to you, the judge and the assessors, is either to resign your posts and thus dissociate yourselves from evil, if you feel that the law you are called upon to administer is an evil, and that in reality I am innocent, or to inflict on me the severest penalty, if you believe that the system and the law you are assisting to administer are good for the people of this country, and that my activity is, therefore, injurious to the common weal.





## ANNEX-3: Article 19 of the Constitution of India

19. Protection of certain rights regarding freedom of speech, etc.—

(1) All citizens shall have the right—

(a) to freedom of speech and expression;

(b) to assemble peaceably and without arms;

(c) to form associations or unions <sup>109</sup>[or co-operative societies];

(d) to move freely throughout the territory of India; (e) to reside and settle in any part of the territory of India;<sup>110</sup> [and] <sup>111</sup>\* \* \* \* \*

(g) to practise any profession, or to carry on any occupation, trade or business.

<sup>112</sup>[(2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of <sup>113</sup>[the sovereignty and integrity of India,] the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.]

(3) Nothing in sub-clause (b) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of 6 [the sovereignty and integrity of India or] public order, reasonable restrictions on the exercise of the right conferred by the said sub-clause.

(4) Nothing in sub-clause (c) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order or morality, reasonable restrictions on the exercise of the right conferred by the said sub-clause.

(5) Nothing in <sup>114</sup>[sub-clauses (d) and (e)] of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe.

(6) Nothing in sub-clause (g) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the general public, reasonable restrictions on the exercise of the right conferred by the said sub-clause, and, in particular, <sup>115</sup>[nothing in the said sub-clause shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to,— (i) the professional or technical qualifications necessary for practising any profession or carrying on any occupation, trade or business, or (ii) the carrying on by the State, or by a corporation owned or controlled by the State, of any trade, business, industry or service, whether to the exclusion, complete or partial, of citizens or otherwise].



## Endnotes

1. Statement in the Great Trial of 1922, 18-3-1922, <https://www.mkgandhi.org/voiceoftruth/greattrial.htm>
2. 124A. Sedition.  
—Whoever, by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the Government established by law in [India], shall be punished with [imprisonment for life], to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.  
Explanation 1.—The expression “disaffection” includes disloyalty and all feelings of enmity.  
Explanation 2.—Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means, without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.  
Explanation 3.—Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.
3. India’s sedition law is just another colonial hangover and has no place in a democracy by Reema Omer, Scroll.in, 04 February 2021, <https://scroll.in/article/952017/indias-sedition-law-is-just-another-colonial-hangover-and-has-no-place-in-a-democracy>
4. AIR 1950 SC 124 @ <https://indiankanoon.org/doc/456839/>
5. Constitution of India available at <https://legislative.gov.in/sites/default/files/COI.pdf>
6. Constitution of India available at <https://legislative.gov.in/sites/default/files/COI.pdf>
7. AIR 1962 SC 955 @ <https://indiankanoon.org/doc/111867/>
8. AIR 1987 SC @ 149 <https://main.sci.gov.in/jonew/judis/8946.pdf>
9. 2011 (266) ELT 193 (Chhattisgarh) @ <https://indiankanoon.org/doc/94313095/>
10. AIR 1995 SC 1785 @ <https://indiankanoon.org/doc/123425906/>
11. (2007) 96 DRJ 693 @ <https://indiankanoon.org/doc/908777/>
12. 2016 (1) ADJ 76 @ <https://indiankanoon.org/doc/140926320/>
13. Vinod Dua Versus Union of India & Ors, [https://main.sci.gov.in/supremecourt/2020/12755/12755\\_2020\\_33\\_1501\\_28058\\_Judgement\\_03-Jun-2021.pdf](https://main.sci.gov.in/supremecourt/2020/12755/12755_2020_33_1501_28058_Judgement_03-Jun-2021.pdf)
14. See NRCB reports ‘Crime in India’ series from 2014 to 2019 @ <https://ncrb.gov.in/>
15. Explained: What is the Pathalgadi movement, and what is JMM gov’t stand on it?, The Indian Express, 23 December 2020, <https://indianexpress.com/article/explained/explained-what-is-pathalgadi-movement-and-what-is-the-jmm-govts-stand-on-this-7114979/>
16. Year on, withdrawal of Pathalgadi cases crawls; CM Soren says will look into it, The Indian Express, 21 December 2021, <https://indianexpress.com/article/india/year-on-withdrawal-of-pathalgadi-cases-crawls-cm-soren-says-will-look-into-it-7112728/>
17. See NRCB reports ‘Crime in India’ series from 2014 to 2019 @ <https://ncrb.gov.in/>
18. 2016 (1) ADJ 76 @ <https://indiankanoon.org/doc/140926320/>
19. Youth Congress wants a debate on nationalism after Rahul Gandhi accused of sedition, The Economic Times, 1 March 2016, <https://economictimes.indiatimes.com/news/politics-and-nation/youth-congress-wants-a-debate-on-nationalism-after-rahul-gandhi-accused-of-sedition/articleshow/51212156.cms>



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20. A total of 42 organisations were banned by the government of India under the UAPA as of 30.03.2021 @ <https://www.mha.gov.in/Division%20of%20MHA/Counter%20Terrorism%20and%20Counter%20Radicalization%20Division/Banned%20Organizations>
21. Order dated 30.04.2021, Writ Petition (Criminal) No.106/2021, Kishorechandra Wangkhemcha & Anr Versus Union of India, [https://main.sci.gov.in/supremecourt/2021/4955/4955\\_2021\\_33\\_7\\_27815\\_Order\\_30-Apr-2021.pdf](https://main.sci.gov.in/supremecourt/2021/4955/4955_2021_33_7_27815_Order_30-Apr-2021.pdf)
22. Order dated 31.05.2021 in Writ Petition(s)(Criminal) No(s).217/2021, M/S Aamoda Broadcasting Company Private Limited & Anr Versus the State of Andhra Pradesh & Ors at [https://main.sci.gov.in/supremecourt/2021/12172/12172\\_2021\\_35\\_329\\_28040\\_Order\\_31-May-2021.pdf](https://main.sci.gov.in/supremecourt/2021/12172/12172_2021_35_329_28040_Order_31-May-2021.pdf)
23. UN Human Rights Committee, General comment No. 34 on Article 19: Freedoms of opinion and expression, CCPR/C/GC/34, 12 September 2011, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGC%2f34&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGC%2f34&Lang=en)
24. India's sedition law is just another colonial hangover and has no place in a democracy by Reema Omer, Scroll.in, 04 February 2021, <https://scroll.in/article/952017/indias-sedition-law-is-just-another-colonial-hangover-and-has-no-place-in-a-democracy>
25. Constituent Assembly of India, 2nd December 1948; Constituent Assembly Debates Official Report, Vol.VII, Reprinted by Lok Sabha Secretariat, New Delhi, Sixth Reprint 2014.
26. AIR 1950 SC 124 @ <https://indiankanoon.org/doc/456839/>
27. Constitution of India available at <https://legislative.gov.in/sites/default/files/COI.pdf>
28. Quoted in Ram Nandan v. State of Uttar Pradesh AIR 1959 All 101 @ <https://indiankanoon.org/doc/537326/>
29. AIR 1962 SC 955 @ <https://indiankanoon.org/doc/111867/>
30. Constitution of India available at <https://legislative.gov.in/sites/default/files/COI.pdf>
31. AIR 1987 SC @ 149 <https://main.sci.gov.in/jonew/judis/8946.pdf>
32. 2011 (266) ELT 193 (Chhattisgarh) @ <https://indiankanoon.org/doc/94313095/>
33. AIR 1995 SC 1785 @ <https://indiankanoon.org/doc/123425906/>
34. (2007) 96 DRJ 693 @ <https://indiankanoon.org/doc/908777/>
35. 2016 (1) ADJ 76 @ <https://indiankanoon.org/doc/140926320/>
36. Vinod Dua Versus Union of India & Ors, [https://main.sci.gov.in/supremecourt/2020/12755/12755\\_2020\\_33\\_1501\\_28058\\_Judgement\\_03-Jun-2021.pdf](https://main.sci.gov.in/supremecourt/2020/12755/12755_2020_33_1501_28058_Judgement_03-Jun-2021.pdf)
37. See NRCB reports 'Crime in India' series from 2014 to 2019 @ <https://ncrb.gov.in/>
38. Ibid
39. Explained: What is the Pathalgadi movement, and what is JMM govt's stand on it?, The Indian Express, 23 December 2020, <https://indianexpress.com/article/explained/explained-what-is-pathalgadi-movement-and-what-is-the-jmm-govts-stand-on-this-7114979/>
40. Year on, withdrawal of Pathalgadi cases crawls; CM Soren says will look into it, The Indian Express, 21 December 2021, <https://indianexpress.com/article/india/year-on-withdrawal-of-pathalgadi-cases-crawls-cm-soren-says-will-look-into-it-7112728/>
41. Our New Database Reveals Rise In Sedition Cases In The Modi Era, Article 14, 04 February 2021, <https://www.article-14.com/post/our-new-database-reveals-rise-in-sedition-cases-in-the-modi-era>



42. Ibid
43. Ibid
44. Ibid
45. Sedition case against Lakshadweep activist Aisha Sultana for calling administrator Patel 'bio-weapon', The Indian Express, 11 June 2021, <https://indianexpress.com/article/india/sedition-case-against-lakshadweep-activist-for-calling-administrator-patel-bio-weapon-7353587/>
46. The Indian Penal Code can be accessed at <https://legislative.gov.in/sites/default/files/A1860-45.pdf>
47. Section 2(1)(o) "unlawful activity", in relation to an individual or association, means any action taken by such individual or association (whether by committing an act or by words, either spoken or written, or by signs or by visible representation or otherwise),— (i) which is intended, or supports any claim, to bring about, on any ground whatsoever, the cession of a part of the territory of India or the secession of a part of the territory of India from the Union, or which incites any individual or group of individuals to bring about such cession or secession; or (ii) which disclaims, questions, disrupts or is intended to disrupt the sovereignty and territorial integrity of India; or (iii) which causes or is intended to cause disaffection against India.
48. A total of 42 organisations were banned by the government of India under the UAPA as of 30.03.2021 @ <https://www.mha.gov.in/Division%20of%20MHA/Counter%20Terrorism%20and%20Counter%20Radicalization%20Division/Banned%20Organizations>
49. Andhra Pradesh high court grants bail to suspended judge, The Times of India, 16 June 2021, <https://timesofindia.indiatimes.com/city/vijayawada/high-court-grants-bail-to-suspended-judge/articleshow/83551860.cms>
50. Sedition case against Lakshadweep activist Aisha Sultana for calling administrator Patel 'bio-weapon', The Indian Express, 11 June 2021, <https://indianexpress.com/article/india/sedition-case-against-lakshadweep-activist-for-calling-administrator-patel-bio-weapon-7353587/>
51. Supreme Court grants bail to rebel YSRCP MP in sedition case, Hindustan Times, 22 May 2021, <https://www.hindustantimes.com/india-news/sc-grants-bail-to-rebel-ysrcp-mp-in-sedition-case-101621621011832.html>
52. SC Quashes Sedition Case Against Vinod Dua, Says Every Journalist Entitled to Protection, The Wire, 3 June 2021, <https://thewire.in/law/supreme-court-quash-vinod-dua-sedition-case>
53. Chairman of Delhi Minority Commission booked for sedition, Business Standard, 2 May 2020, [https://www.business-standard.com/article/pti-stories/chairman-of-delhi-minority-commission-booked-for-sedition-120050200296\\_1.html](https://www.business-standard.com/article/pti-stories/chairman-of-delhi-minority-commission-booked-for-sedition-120050200296_1.html)
54. Activist Shehla Rashid booked by Delhi Police on charges of sedition, promoting enmity over Kashmir tweets, Deccan Herald, 6 September 2019, <https://www.firstpost.com/india/activist-shehla-rashid-booked-by-delhi-police-on-charges-of-sedition-promoting-enmity-over-kashmir-tweets-7297671.html>
55. Ramya defends comments on Pakistan, case filed in Karnataka, Greater Kashmir, 24 August 2016, <https://www.greaterkashmir.com/india/ramya-defends-comments-on-pakistan-case-filed-in-karnataka>
56. Shiv Sena files police complaint against Kangana Ranaut; ex-cop sends notice, seeks apology, The Economic Times, 8 September 2020, <https://economictimes.indiatimes.com/magazines/panache/shiv-sena-files-police-complaint-against-kangana-ranaut-ex-cop-sends-notice-seeks-apology/articleshow/77989594.cms>



# Sedition:

## India's Silencer Gun

57. Siddaramaiah, Kumaraswamy booked for sedition over protest against I-T raids, The Economic Times, 29 November 2019, <https://economictimes.indiatimes.com/news/politics-and-nation/siddaramaiah-kumaraswamy-booked-for-sedition-over-protest-against-i-t-raids/articleshow/72290806.cms>
58. Youth Congress wants a debate on nationalism after Rahul Gandhi accused of sedition, The Economic Times, 1 March 2016, <https://economictimes.indiatimes.com/news/politics-and-nation/youth-congress-wants-a-debate-on-nationalism-after-rahul-gandhi-accused-of-sedition/articleshow/51212156.cms>
59. TTV Dhinakaran, ten others booked for sedition, The Economic Times, 2 October 2017, <https://economictimes.indiatimes.com/news/politics-and-nation/ttv-dhinakaran-ten-others-booked-for-sedition/articleshow/60912527.cms>
60. 49 celebs face sedition charge for letter to PM Modi on lynching, Deccan Chronicle, 5 October 2019, <https://www.deccanchronicle.com/nation/current-affairs/051019/49-celebs-face-sedition-charge-for-letter-to-pm-modi-on-lynching.html>
61. Citizenship Act: Sedition case against Karnataka school after students perform play criticising law, Scroll.in, 28 January 2020, <https://scroll.in/latest/951379/citizenship-act-sedition-case-against-karnataka-school-after-students-perform-play-criticising-law>
62. SC stays arrest of Shashi Tharoor, Rajdeep Sardesai and others in sedition case, The News Minute, 9 February 2021, <https://www.thenewsminute.com/article/sc-stays-arrest-shashi-tharoor-rajdeep-sardesai-and-others-sedition-case-143067>
63. Sedition law cannot be used to quell disquiet, says Delhi court, The Hindu, 17 February 2021, <https://www.thehindu.com/news/cities/Delhi/sedition-law-cannot-be-used-to-quell-disquiet-says-delhi-court/article33855414.ece>
64. 'Toolkit' case: Delhi court grants bail to Disha Ravi, The Hindu, 23 February 2021, <https://www.thehindu.com/news/cities/Delhi/disha-ravi-gets-bail/article33912743.ece>
65. Criticising govt not sedition, suppressing dissent weakens democracy: U'khand HC, The Times of India, 29 October 2020, <https://timesofindia.indiatimes.com/city/dehradun/criticising-govt-not-sedition-suppressing-dissent-weakens-democracy-ukhand-hc/articleshow/78917699.cms>
66. Order dated 30.04.2021, Writ Petition (Criminal) No.106/2021, Kishorechandra Wangkhemcha & Anr Versus Union of India, [https://main.sci.gov.in/supremecourt/2021/4955/4955\\_2021\\_33\\_7\\_27815\\_Order\\_30-Apr-2021.pdf](https://main.sci.gov.in/supremecourt/2021/4955/4955_2021_33_7_27815_Order_30-Apr-2021.pdf)
67. Order dated 31.05.2021 in Writ Petition(s)(Criminal) No(s).217/2021, M/S Aamoda Broadcasting Company Private Limited & Anr Versus the State of Andhra Pradesh & Ors at [https://main.sci.gov.in/supremecourt/2021/12172/12172\\_2021\\_35\\_329\\_28040\\_Order\\_31-May-2021.pdf](https://main.sci.gov.in/supremecourt/2021/12172/12172_2021_35_329_28040_Order_31-May-2021.pdf)
68. See Sanskar Marathe vs State of Maharashtra (2016) 15 SCC 269 @ <https://indiankanon.org/doc/57916643/>
69. Shiv Sena files police complaint against Kangana Ranaut; ex-cop sends notice, seeks apology, The Economic Times, 8 September 2020, <https://economictimes.indiatimes.com/magazines/panache/shiv-sena-files-police-complaint-against-kangana-ranaut-ex-cop-sends-notice-seeks-apology/articleshow/77989594.cms>
70. Explained: Significance of Bombay HC's observation on sedition in Kangana Ranaut case, The Indian Express, 1 December 2020, <https://indianexpress.com/article/explained/why-bombay-hcs-observation-on-sedition-in-kangana-ranaut-case-is-significant-7066136/>
71. (2016) 15 SCC 269 @ <https://www.legitquest.com/case/common-cause-another-v-union-of-india/AOCD8>





72. Andhra Pradesh high court grants bail to suspended judge, The Times of India, 16 June 2021, <https://timesofindia.indiatimes.com/city/vijayawada/high-court-grants-bail-to-suspended-judge/articleshow/83551860.cms>
73. Andhra Pradesh: High Court grants bail to suspended Judge Rama Krishna, bars from speaking to media, Hans India, 15 June 2021, <https://www.thehansindia.com/andhra-pradesh/andhra-pradesh-high-court-grants-bail-to-suspended-judge-rama-krishna-bars-from-speaking-to-media-690930>
74. Seditious case against Lakshadweep activist Aisha Sultana for calling administrator Patel 'bio-weapon', The Indian Express, 11 June 2021, <https://indianexpress.com/article/india/sedition-case-against-lakshadweep-activist-for-calling-administrator-patel-bio-weapon-7353587/>
75. YSRCP MP Raghu Raju Granted Bail After Arrest, Supreme Court Sets Conditions For Relief, Republic World, 21 May 2021, <https://www.republicworld.com/india-news/politics/ysrcp-mp-raghu-raju-granted-bail-after-arrest-supreme-court-sets-conditions-for-relief.html>
76. Has Jagan Reddy government crossed a new line by charging TV news channels with sedition? Scroll.in, 4 June 2021, <https://scroll.in/article/996571/has-jagan-reddy-government-crossed-a-new-line-by-charging-tv-news-channels-with-sedition>
77. Supreme Court grants bail to rebel YSRCP MP in sedition case, Hindustan Times, 22 May 2021, <https://www.hindustantimes.com/india-news/sc-grants-bail-to-rebel-ysrcp-mp-in-sedition-case-101621621011832.html>
78. Has Jagan Reddy government crossed a new line by charging TV news channels with sedition? Scroll.in, 4 June 2021, <https://scroll.in/article/996571/has-jagan-reddy-government-crossed-a-new-line-by-charging-tv-news-channels-with-sedition>
79. Seditious law cannot be used to quell disquiet, says Delhi court, The Hindu, 17 February 2021, <https://www.thehindu.com/news/cities/Delhi/sedition-law-cannot-be-used-to-quell-disquiet-says-delhi-court/article33855414.ece>
80. Farmers' protests | 22-year-old activist Disha Ravi arrested, sent to Delhi Police custody, The Hindu, 14 February 2021, <https://www.thehindu.com/news/national/22-year-old-activist-disha-ravi-arrested-for-sharing-farmers-protests-toolkit-with-greta-thunberg/article33834325.ece>
81. 'Toolkit' case: Delhi court grants bail to Disha Ravi, The Hindu, 23 February 2021, <https://www.thehindu.com/news/cities/Delhi/disha-ravi-gets-bail/article33912743.ece>
82. SC stays arrest of Shashi Tharoor, Rajdeep Sardesai and others in sedition case, The News Minute, 9 February 2021, <https://www.thenewsminute.com/article/sc-stays-arrest-shashi-tharoor-rajdeep-sardesai-and-others-sedition-case-143067>
83. Seditious FIRs against Tharoor, journalists now in five states, The Indian Express, 31 January 2021, <https://indianexpress.com/article/india/sedition-firs-against-tharoor-journalists-now-in-five-states-7168390/>
84. Seditious FIRs against Tharoor, journalists now in five states, The Indian Express, 31 January 2021, <https://indianexpress.com/article/india/sedition-firs-against-tharoor-journalists-now-in-five-states-7168390/>
85. Shiv Sena files police complaint against Kangana Ranaut; ex-cop sends notice, seeks apology, The Economic Times, 8 September 2020, <https://economictimes.indiatimes.com/magazines/panache/shiv-sena-files-police-complaint-against-kangana-ranaut-ex-cop-sends-notice-seeks-apology/articleshow/77989594.cms>
86. Criticising govt not sedition, suppressing dissent weakens democracy: U'khand HC, The Times of India, 29 October 2020, <https://timesofindia.indiatimes.com/city/dehradun/criticising-govt-not-sedition-suppressing-dissent-weakens-democracy-ukhand-hc/articleshow/78917699.cms>





# Sedition:

## India's Silencer Gun

87. SC Quashes Sedition Case Against Vinod Dua, Says Every Journalist Entitled to Protection, The Wire, 3 June 2021, <https://thewire.in/law/supreme-court-quash-vinod-dua-sedition-case>
88. SC Quashes Sedition Case Against Vinod Dua, Says Every Journalist Entitled to Protection, The Wire, 3 June 2021, <https://thewire.in/law/supreme-court-quash-vinod-dua-sedition-case>
89. Man booked for sedition for online comment on Yogi Adityanath, The Indian Express, 27 May 2020, <https://indianexpress.com/article/india/man-booked-sedition-online-comment-yogi-adityanath-6429309/>
90. Chairman of Delhi Minority Commission booked for sedition, Business Standard, 2 May 2020, [https://www.business-standard.com/article/pti-stories/chairman-of-delhi-minority-commission-booked-for-sedition-120050200296\\_1.html](https://www.business-standard.com/article/pti-stories/chairman-of-delhi-minority-commission-booked-for-sedition-120050200296_1.html)
91. Sedition Case: Delhi HC Grants Interim Relief to Delhi Minorities Commission Chief, The Wire, 12 May 2020, <https://thewire.in/law/sedition-zafarul-islam-delhi-minorities-commission-chief>
92. Citizenship Act: Sedition case against Karnataka school after students perform play criticising law, Scroll.in, 28 January 2020, <https://scroll.in/latest/951379/citizenship-act-sedition-case-against-karnataka-school-after-students-perform-play-criticising-law>
93. Siddaramaiah, Kumaraswamy booked for sedition over protest against I-T raids, The Economic Times, 29 November 2019, <https://economictimes.indiatimes.com/news/politics-and-nation/siddaramaiah-kumaraswamy-booked-for-sedition-over-protest-against-i-t-raids/articleshow/72290806.cms>
94. 49 celebs face sedition charge for letter to PM Modi on lynching, Deccan Chronicle, 5 October 2019, <https://www.deccanchronicle.com/nation/current-affairs/051019/49-celebs-face-sedition-charge-for-letter-to-pm-modi-on-lynching.html>
95. Activist Shehla Rashid booked by Delhi Police on charges of sedition, promoting enmity over Kashmir tweets, Deccan Herald, 6 September 2019, <https://www.firstpost.com/india/activist-shehla-rashid-booked-by-delhi-police-on-charges-of-sedition-promoting-enmity-over-kashmir-tweets-7297671.html>
96. Jailed for sedition after Pulwama, PM scholarship student struggles to put his life back together, The Indian Express, 3 December 2019, <https://indianexpress.com/article/india/jailed-for-sedition-after-pulwama-pm-scholarship-student-struggles-to-put-his-life-back-together-6146003/>
97. Pulwama attack: Moradabad student booked on sedition charges for allegedly praising Pakistan, Scroll.in, 17 February 2019, <https://scroll.in/latest/913561/pulwama-attack-moradabad-student-booked-on-sedition-charges-for-allegedly-praising-pakistan>
98. Pulwama terror attack on CRPF: Sedition case filed against Kashmiri youth over Facebook post supporting JeM, See <https://www.ibtimes.co.in/pulwama-terror-attack-crpf-sedition-case-filed-against-kashmiri-youth-over-facebook-post-792094>
99. Pulwama attack: Sedition charges filed against four NIMS students, The Times of India, 18 February 2019, <https://timesofindia.indiatimes.com/city/jaipur/pulwama-attack-sedition-charges-filed-against-four-nims-students/articleshow/68041045.cms>
100. TTV Dhinakaran, ten others booked for sedition, The Economic Times, 2 October 2017, <https://economictimes.indiatimes.com/news/politics-and-nation/ttv-dhinakaran-ten-others-booked-for-sedition/articleshow/60912527.cms>
101. Writer charged with sedition for insulting national anthem, The Economic Times, 18 December 2016, <https://economictimes.indiatimes.com/news/politics-and-nation/writer-charged-with-sedition-for-insulting-national-anthem/articleshow/56051986.cms>

102. Sedition case against Amnesty International India over Kashmir event, The Times of India, 15 August 2016, <https://timesofindia.indiatimes.com/city/bengaluru/sedition-case-against-amnesty-international-india-over-kashmir-event/articleshow/53711072.cms>
103. Court closes sedition case against Amnesty India, Business Standard, 11 January 2019, [https://www.business-standard.com/article/pti-stories/court-closes-sedition-case-against-amnesty-india-119011101148\\_1.html](https://www.business-standard.com/article/pti-stories/court-closes-sedition-case-against-amnesty-india-119011101148_1.html)
104. Ramya defends comments on Pakistan, case filed in Karnataka, Greater Kashmir, 24 August 2016, <https://www.greaterkashmir.com/india/ramya-defends-comments-on-pakistan-case-filed-in-karnataka>
105. 2 Karnataka students booked for sedition, India Today, 5 April 2016, <https://www.indiatoday.in/mail-today/story/2-karnataka-students-booked-for-sedition-316327-2016-04-05>
106. Youth Congress wants a debate on nationalism after Rahul Gandhi accused of sedition, The Economic Times, 1 March 2016, <https://economictimes.indiatimes.com/news/politics-and-nation/youth-congress-wants-a-debate-on-nationalism-after-rahul-gandhi-accused-of-sedition/articleshow/51212156.cms>
107. Sedition charge slapped on Hooda's aide by Haryana police, The Economic Times, 24 February 2016, <https://economictimes.indiatimes.com/news/politics-and-nation/sedition-charge-slapped-on-hoodas-aide-by-haryana-police/articleshow/51125352.cms>
108. Does abusing government or public figures amount to sedition? SC to examine, The Economic Times, 8 May 2016, <https://economictimes.indiatimes.com/news/politics-and-nation/Does-abusing-government-or-public-figures-amount-to-sedition-SC-to-examine/articleshow/52172830.cms>
109. Ins. by the Constitution (Ninety-seventh Amendment) Act, 2011, s. 2 (w.e.f. 12-1-2012).
110. Ins. by the Constitution (Forty-fourth Amendment) Act, 1978, s. 2 (w.e.f. 20-6-1979).
111. Sub-clause (f) omitted by ibid.
112. Subs. by the Constitution (First Amendment) Act, 1951, s. 3, for cl. (2) (with retrospective effect).
113. Ins. by the Constitution (Sixteenth Amendment) Act, 1963, s. 2 (w.e.f. 5-10-1963).
114. Subs. by the Constitution (Forty-fourth Amendment) Act, 1978, s. 2 for "sub-clauses (d), (e) and (f)" (w.e.f. 20-6-1979)
115. Subs. by the Constitution (First Amendment) Act, 1951, s. 3, for certain words (w.e.f. 18-6-1951)



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