

## **SECTION 124 (A): AN EXPRESSION ON THE SUPPRESSION OF FREE SPEECH**

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### **ABSTRACT**

On the 15<sup>th</sup> of August 1947, India earned its autonomy from the tyranny of colonial oppression. Nearly 200 years of steady and persistent resistance to the British finally resulted in long awaited home rule. The success was hard earned and India embarked on the arduous journey of restructuring her entire administration, infrastructure and economy. Although the common law remained, a large portion of it was restructured to suit the renewed Indian temperament and the specific requirements of the Indian people. Yet more than seventy years later, certain aspects of the legal system still continue to exist despite their redundancy. Section 124 (A) is a prime example of this phenomenon. Used as a tool to suppress dissent and opposition by the people of India, it served as a clever manoeuvre to keep them in check. This paper aims to examine how the misuse of Section 124(A) has continued long after independence, the only difference being the change in the exploiter. It intends to deeply probe into the causes as to why sedition is still an offence in India long after it was outlawed by the British. Many other articles have examined Section 124 (A) from an Indian perspective, however this paper also provides an in depth analysis of the involved precedents.

Sedition leads to the smothering of free speech, and free speech is a necessity for every democracy to function efficiently. Section 124(A), therefore, will lead to the slow and sure death of democracy if it is not repealed. That is precisely what this article intends to prove.

**Keywords:** Sedition, British, India, Section 124(A), Article 19

## INTRODUCTION

*“Sedition is bred in the lap of luxury and its chosen emissaries are the beggared spendthrift and the impoverished libertine”- George Bancroft.*

On the 12<sup>th</sup> of February 2016, two policemen arrested the president of the Student Union at Jawaharlal Nehru University, Kanhaiya Kumar, following a student protest involving certain ‘anti-national’ slogans that had been displayed on the death anniversary of Afzal Guru (Kashmiri separatist responsible for the 2001 attack on parliament). Kanhaiya Kumar is a member of the All India Students Federation, the lineage of which can be traced to the Communist Party of India that is known to employ a strong leftist political approach. Kanhaiya Kumar was released on interim bail as there was no conclusive evidence detailing him being guilty of sedition. The interpretation of section 124 (A) of the Indian Penal Code has been in contention since the trial of Bal Gangadhar Tilak in 1897. It was claimed that Tilak’s articles on the killing of Afzal Khan had incited the murder of two British officers in Pune. Tilak was convicted of sedition and only released after the intervention of Max Weber. Later in 1922, Gandhi was charged with sedition based on three articles authored by him in ‘Young India’ (weekly journal written by him between 1919 and 1931). During the course of this critical analysis, it will be established that the misinterpretation of Section 124 (A) has not improved since India’s colonization. As highlighted in Gandhi’s plea for the severest penalty, the redundancy and misuse of Section 124 (A) is no different in 2017 than it was in 1922.

Throughout Gandhi’s trial he acknowledged that he had in fact violated the law and deserved to be given the most severe penalty under it. However, he relied strongly on rhetoric to demonstrate that his violation of the law was justified since the law was based on the exploitation of the Indian people. Section 124 (A) defines a person guilty of sedition as follows: *“Whoever, by words, 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”*.<sup>1</sup> In his article, Gandhi elaborates on how non-violence was one of the fundamental principles of his teachings, and that he never intended to incite violence with his words. He felt that it was his moral responsibility towards the people,

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<sup>1</sup> Section 124 (A), Indian Penal Code, 1860

to expose the injustice and exploitative attitude of the British. This raises an important question regarding the separation of intention from the orchestration of a wrongful act. For a crime to be constituted there must be both *mens rea* as well as *actus reus*. If there is a guilty act and no guilty intention, it cannot and should not be constituted as an offence under Section 124(A). More often than not, sedition is used as a political weapon to suppress all manner of dissent and disaffection. This makes it almost fascist in nature, when misused. It is easy to forget that intention is not something easily understood. Disaffection towards the ruling majority can often be interpreted as being “anti-national” especially given the rising tide of Hindu nationalism in the country. Gandhi, in his statement, offers the judge two options; either to inflict upon him the highest legal penalty under the law, or to resign from his position if he felt that the law he was administering was unjust in any manner, shape or form towards the Indian people. Thus, this statement by Gandhi clearly established that he was entirely against Section 124(A) and believed that it was an impediment to freedom of speech and expression. Gandhi also stated that affection cannot be manufactured and regulated by the law. One must maintain the right to express disaffection towards the government if the laws being administered by it are unjust in any manner. The government is not entitled to the absolute and complete tractability of its citizens.

When Shiv Sena leader Bal Thackeray passed away, two girls in Mumbai were arrested over a Facebook post that questioned the need for a state wide bandh following his death. Later, in *Shreya Singhal v. Union of India*<sup>2</sup>, section 66(A) of the Information Technology Act, 2000 was held to be ultra vires of Part III of the Constitution. This was a landmark judgment for freedom of speech and expression, particularly in the realm of the internet. The two judge bench of the Supreme Court stated that Section 66(A) of the IT Act was not inclusive of the reasonable restrictions mentioned under Article 19(2) of the Constitution. Gandhi considered it a great honour to be charged under Section 124 (A) considering the fact that so many of India’s most beloved patriots were tried and convicted under it. There is a great deal of irony in Gandhi’s speech since his expression of dissatisfaction was not towards any particular person or administrator. His dissatisfaction was towards the entirety of the British government, a

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<sup>2</sup> *Shreya Singhal v. Union of India*, AIR 2015 SC 1523

government with no Indian representation that had only one goal; to plunder and pillage the Indian sub-continent.

Sedition still restricts dissent. Dissent is vital for a democracy to survive. Section 124(A) is therefore an infringement on Article 19(1) (a) and is a violation of the constitution. In cases such as those of Kanhaiya Kumar, Umar Khalid and Anirban Bhattacharya it led to mere arrest, whereas in other cases silence was achieved through more violent means, as demonstrated by the murder of vocal journalists such as Gauri Lankesh. The suppression of disaffection has not changed, be it colonial or contemporary politics. Sedition in India is a cognizable, non-compoundable and non-bailable offence. The main problem with it is its ambiguity. Anything can come under the spectrum of sedition, including but not restricted to supporting another country during a cricket match. An article by Indian Express dated 21<sup>st</sup> June 2017, elaborates on how fifteen men who raised pro Pakistan slogans and burst fire crackers in the Mohad village of Madhya Pradesh's Burhapar district following India's defeat in the ICC Champions final, were booked under both Section 120 (B) [Criminal Conspiracy] and Section 124 (A) [Sedition]. In Karnataka six men were arrested for the same reason.<sup>3</sup> When sports like cricket are communalized and politicized, it is a clear indication that something is decidedly wrong. It is safe to say, that when Gandhi stated that "*Section 124 (A) is perhaps the prince among the political sections in the Indian Penal Code designed to suppress the liberty of the citizen*" he spoke the indisputable truth.

## **BODY**

### ***History of Sedition Law in India:***

Sedition was introduced in India by the British government in the year 1870. It was aimed at the suppression of all forms of rebellion against the British. It was thus a tool to command the absolute and unfettered obedience from their Indian subjects. On conviction for sedition the maximum punishment could extend up to life imprisonment. This served as a deterrent to

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<sup>3</sup> Milind Ghatwai *Celebrating Pakistan win, 17 men charged with sedition*, INDIAN EXPRESS June 21, 2017 available at <http://indianexpress.com/article/india/sedition-charges-against-15-men-for-raising-pro-pakistan-slogans-after-champions-trophy-match-4712956/> (last visited on May 24, 2018)

prevent any uprising against the British and also acted as a contrivance to spread unease amongst the Indian people. The punishment for criticizing British policies was equivalent to a lifetime in prison. Therefore, the Indian people had reason to be afraid to disagree with any British policies or frameworks irrespective of how oppressive these policies were.

Before 1832, the law regarding seditious libel was clouded with ambiguity. A person could be booked and convicted under section 124 (A) not merely because he or she had attempted to bring the government under hatred or contempt but even if they were voicing feelings of disaffection or dissent towards governmental policy. Even if the words or actions of the accused person did not bring about any revolts or uprisings by the people, they would still be arrested for sedition. Section 113 of the original draft of the Indian Penal Code which was drawn up in 1837 made it an offence to “excite feelings of disaffection towards the government.” The original draft was mainly formulated by the head of the Indian Law Commission, Thomas Babington Macaulay. The law of sedition that operated in England at that time was significantly different than the sedition law formulated by Macaulay under Section 113. Sedition in England only comprised of direct incitements of violence towards the government or the state. This was one of the primary reasons why Section 113 was omitted in the final draft of the Indian Penal Code. The Common law in India was supposed to be a mirror image or direct reflection of the British Law. According to an article by Abhinav Chandrachud, the Indian subcontinent acted as a sort of laboratory for the British to test new laws and regulations. He also contends that after section 113 was inserted as an amendment and later known as section 124 (A) in 1870, sedition was made an offence in order to provide pre-emptive security in the event of a suspected Wahabi uprising.<sup>4</sup>

The first person to be tried under section 124 (A) was freedom fighter Bal Gangadhar Tilak. He was charged of sedition in *Queen Empress v. Bal Gangadhar Tilak* (1897).<sup>5</sup> In 1898 the law was amended once over, and Macaulays definition of sedition was replaced by Strachey’s. Later in 1941 the British tried to bring the Indian law in line with the British sedition law. The

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<sup>4</sup> Abhinav Chandrachud, *History of Sedition*, FRONTLINE Sept. 16, 2016 available at <http://www.frontline.in/the-nation/history-of-sedition/article9049848.ece> (last visited on May 24, 2018)

<sup>5</sup> *Queen Empress v. Bal Gangadhar Tilak and Keshav Mahadev Bal*, (1898)ILR22BOM112

then chief justice, Sir Maurice Gwyer was responsible for implementing this change, however, it was overturned by the Privy council. K.M Munshi was one of the greatest advocates for free speech during the framing of the constitution and contended that sedition should not be an exception to Freedom of Speech and Expression (Article 19(1)). Two important cases that will be elaborated upon later in this article played an integral role in the definition and ambit of sedition in modern day India. They are *Kedarnath Singh v. State of Bihar*<sup>6</sup> and *Balwant Singh v. State of Punjab*<sup>7</sup>

### ***History of Sedition Law in England:***

Sedition in England has its roots in the Victorian era. The sedition laws were initially intended to protect the Crown and the government from any political upheaval.<sup>8</sup> More popularly known as seditious libel it was treated very seriously and was punishable with up to a year of imprisonment as well as a fine. A previously followed and more primitive form of punishment was cutting off the ear of the person accused of having committed sedition. As opposed to sedition in India, sedition in England was clearly defined. Any act or speech that directly resulted in violence against the state was considered sedition. This was further upheld by James Fitzjames Stephens in his book “History of the Criminal Law of England”.<sup>9</sup> He accepted the view that sedition was the direct incitement of violence and disorder. The last case to be prosecuted regarding sedition in the United Kingdom was in 1972. In 1977 it was recommended by a Law Commission working paper to abolish sedition in the UK. Apart from other reasons it stated that the offence was redundant and unnecessary.<sup>10</sup> This proposal was implemented much later in the year 2009 through section 73 of the Coroners and Justice Act 2009. The act came into effect on 12<sup>th</sup> January 2010 under Gordon Browns labour government. According to an article published by Hindustan Times in 2016 detailing the abolition of sedition in the UK, “A colonial era law intended to suppress the voice of freedom continues in force in India, but Britain itself abolished sedition as a criminal offence in 2009 as it was

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<sup>6</sup>Kedarnath Singh v. State of Bihar, AIR 1962 SCC 955

<sup>7</sup> Balwant Singh v. State of Punjab, (1995) 3 SCC 214

<sup>8</sup> Clare Feikert-Ahalt, *Sedition in England: The Abolition of a Law from a Bygone Era*, LAW LIBRARY Oct. 2, 2012 available at <https://blogs.loc.gov/law/2012/10/sedition-in-england-the-abolition-of-a-law-from-a-bygone-era/> (last visited on May 24, 2018)

<sup>9</sup> JAMES FITZJAMES STEVENS, A HISTORY OF THE CRIMINAL LAW OF ENGLAND, Vol. I (MACMILLAN Publication, LONDON, 1883)

<sup>10</sup> The Law Commission, *Treason, Sedition and Allied Offences* (Working Paper No. 72), paragraphs 78 and 96(6) [1977] EWLC C72, BAILII

*considered to be a relic of an era where freedom of expression was not considered a right as it is now.*"<sup>11</sup>

Sedition was clearly used as a tool to suppress dissent and quell disobedience from the Indian subjects during the time of British colonization. It is poignant to note that even after the British have abolished the law themselves, considering it abrasive towards freedom of speech, India has retained this backward law. It is used as a tool by the government to control the Indian people and suppress their opinions much in a similar fashion as the British used it. Sedition was misused by the British and continues to be misused even today.

***Patriots tried under Section 124 (A) and other famous sedition cases:***

In the past, many of India's most beloved patriots have been tried and convicted under Section 124 (A) of the Indian Penal Code, including Bal Gangadhar Tilak, Aurobindo Ghosh and Mahatma Gandhi. In the recent past, famous political leaders, multinational companies and prominent members of student unions have been tried and charged of sedition. Here are a few of the most prominent instances of sedition in India between the years 1897 and 2017:

- (i) *Bal Gangadhar Tilak*- Bal Gangadhar Tilak was tried an astonishing three times for sedition by the British. In 1897 he was sentenced to 18 months in prison for preaching disaffection against the British. They claimed that Tilak's article about the killing of Afzal Khan by Shivaji had resulted in the murder of two officers in Pune. Justice James Strachey was the judge presiding over the case and he interpreted sedition to include promotion of disloyalty towards the government. Tilak was released a year later upon the intervention of German scholar, Max Weber.<sup>12</sup> Bal Gangadhar Tilak, Lala Lajput Rai and Bipin Chandra Pal were a trio of assertive nationalists more popularly known as the Lal Bal Pal triumvirate. Assertive nationalists were known for their hard ball stance towards the British and their

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<sup>11</sup> Prasun Sonwalkar, *Sedition Law in UK abolished in 2009, continues in India*, HINDUSTAN TIMES Feb. 16, 2016 available at <https://www.hindustantimes.com/world/sedition-law-in-uk-abolished-in-2009-continues-in-india/story-Pkrvylv6JOT3ddY8uqvKsO.html> (last visited on May 24, 2018)

<sup>12</sup> Atul Dev, *A History of the Infamous Section 124(A)*, THE CARAVAN Feb. 25, 2016 available at <http://www.caravanmagazine.in/vantage/section-124a-sedition-jnu-protests> (last visited on May 24, 2018)

adoption of more aggressive means to attain independence. To many it may not come as a surprise (in consideration of the aforementioned point), that Tilak was convicted for sedition. This however does not justify the ambiguity and uncertainty that existed in sedition law at that point of time. The second time Tilak was arrested for sedition was under the accusation of having incited terrorism. He was sent to Burma for a period of 6 years. The third time he was accused of sedition in 1916, he was successfully defended by Mohammad Ali Jinnah. Although Tilak was convicted of sedition twice, this did nothing to impede the growing feelings of discontentment towards the British government. The main aim behind these arrests by the British was to contain the growing struggle for independence, however, ironically, Tilak's trial and sentence in 1897 for sedition earned him the title "Lokmanya" meaning "beloved leader of the people".<sup>13</sup> The very purpose behind his arrest was therefore defeated. His expression of disloyalty towards the government earned him the respect of the Indian people.

- (ii) *Sri Aurobindo Ghosh*- Sri Aurobindo Ghosh was born in Calcutta on the 15<sup>th</sup> of August, 1872. The political activities of Ghosh spanned between 1902 and 1910. The first state trial of significant magnitude in India was that of the 'Alipore Bomb Case'. Aurobindo Ghosh was arrested and charged with "waging war against the king".<sup>14</sup> The case was also referred to as *Emperor vs Aurobindo Ghosh and others* (1908). This case followed the attempt to murder the magistrate of the Bengal Presidency, Douglas Kingsford in Muzaffarpur by Bengali nationalists Khudiram Bose and Prafulla Chaki. Aurobindo Ghosh was one of 37 others linked to the attack. The attempted murder was seen as a seditious because it was viewed as a conspiracy against the British Raj. Before the trial, all the accused were held in the Presidency Jail located in Alipore. Shortly before the trial one of the prime witnesses Narendranath Goswami was shot dead by two of the other accused persons. This led to the collapse of the case. Aurobindo Ghosh after serving a short

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<sup>13</sup> The Editors of Encyclopaedia Britannica, *Bal Gangadhar Tilak*, BRITANNICA Apr. 27, 2018 available at <https://www.britannica.com/biography/Bal-Gangadhar-Tilak> (last visited on May 24, 2018)

<sup>14</sup> *Alipore Bomb Case*, available at

[http://www.sriurobindoinstitute.org/saioc/Sri\\_Aurobindo/alipore\\_bomb\\_case](http://www.sriurobindoinstitute.org/saioc/Sri_Aurobindo/alipore_bomb_case) (last visited on May 24, 2018)

prison sentence, retired from politics, moved to Pondicherry and formed an Ashram (Sri Aurobindo Ashram).

- (iii) *Mahatma Gandhi*- Mohandas Karamchand Gandhi was born on 2<sup>nd</sup> October 1969, and is one of the most prominent freedom fighters to have been tried under section 124 (A) of the Indian Penal Code. Gandhi was tried for sedition after he wrote three “politically sensitive” articles in his weekly journal titled *Young India*.<sup>15</sup> Gandhi, being a lawyer himself was extremely critical of sedition and called it “*the prince of the sections in the Indian penal code designed to suppress the liberty of the Indian people*”<sup>16</sup> The British claimed that the three articles by Gandhi had evoked the ensuing violence in Chauri Chaura as well as the Bombay and Madras occurrences. Gandhi did not deny these charges but explained in his statement as to why sedition law in general was arbitrary and a tool of exploitation to eternally keep the Indian people under British sub-ordination. Gandhi explained how he had always employed a policy of co-operation with the British from the time his public life had started in Africa. He had offered his services to help quell the Boer challenge and also offered his services until the end of the Zulu rebellion. In the midst of his political life in India he attempted to assist the British government to rally recruits from Kheda at the cost of his own health. All these actions were taken by Gandhi under the false impression that he would one day be able to gain an equal status for his countrymen. However, he soon came to realize that this policy of co-operation would not bear fruit, after an already pummelled India witnessed the Jallianwala Bagh massacre, the Rowlatt Act and the Khilafat Movement. He then became possessed of the crippling extent of economic and political exploitation that his countrymen were forced to endure. He remarked upon how the main purpose of the law was to serve the foreign exploiter and not to govern the better interests of the Indian people. Upon examining the Punjab martial law cases Gandhi had come to realize that 95% of the judgments were wrong. He concluded by stating that non co-operation with evil is as important as co-operation with good. Therefore, he

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<sup>15</sup> *Mahatma Gandhi was charged with sedition 95 years ago: All about the sedition law*, INDIA TODAY Mar. 10, 2016 available at <https://www.indiatoday.in/education-today/gk-current-affairs/story/mahatma-gandhi-arrested-under-sedition-charges-312601-2016-03-10> (last visited on May 24, 2018)

<sup>16</sup> *Mahatma*, Vol. II, (1951) pp. 129-33

considered it his legal obligation to dissent against the British and their oppressive policies. He gave the judge two options; either to inflict upon him the most severe penalty under the law, or to resign if he felt the law he was administering was unjust.<sup>17</sup> This appeal made no difference to the judge considering the fact that Gandhi was convicted of sedition and sentenced to a six year jail term. It is ironic that a law that Gandhi deemed “beneficial towards the foreign exploiter” is still in existence post-independence.

- (iv) *Kamal Krishna Sircar vs Emperor (1935)*<sup>18</sup> – In this case, the defendant was acquitted of all charges after being accused of sedition following a speech delivered by him in Shradhananda Park in the presence of the Bengal Youth League on the 22<sup>nd</sup> of November 1934. The contents of the speech were an unequivocal condemnation of certain actions of the government including but not restricted to banning certain organizations and labour unions. This was considered to be a move that was oppressive to the working classes and promotional only of capitalism and its allied activities. The speaker was merely acting as an advocate for the Bolshevik type of government which in no way should have amounted to sedition. This case was a rare example of an instance in which the British did not convict an individual of sedition merely because his or her speech was an expression of dissatisfaction towards their policies. A two judge member bench of the Calcutta High Court stated that it was almost absurd to convict an individual of sedition for such a reason since a mere suggestion of a different form of government was not unanimous with Section 124(A). In many other cases high profile freedom fighters were convicted of sedition, however *Kamal Krishna Sircar v. Emperor* is a rare example of a case in which the limits of sedition law were recognized by the British government.<sup>19</sup>
- (v) *P Hemalatha vs The Government of Andhra Pradesh*<sup>20</sup> - In this case the court held that there is as stark and determinable difference between merely criticizing the government and bringing the said government into contempt or hatred. The court

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<sup>17</sup> *Mahatma, Vol. II, (1951) pp. 129-33*

<sup>18</sup> *Kamal Krishna Sircar v. Emperor, AIR 1935 Cal 636*

<sup>19</sup> Parul Agrawal, *1934 to 2016: How Courts In India Looked at Charges of Sedition*, THE QUINT, Aug. 17, 2016 available at <https://www.thequint.com/news/india/1934-to-2016-how-courts-in-india-looked-at-charges-of-sedition> (last visited on May 24, 2018)

<sup>20</sup> *P. Hemalatha v. The Government of Andhra Pradesh, AIR 1976 AP 375*

was hearing a case pertaining to sedition through ‘published material’<sup>21</sup> The court held that the poem contained in ‘Srujana’ incited people to break into go-downs and cut to pieces anybody who placed any form of obstruction. The writing also “suggested” that the Naxalbari and the line of Charu Babu, etc were the best ways to obtain justice. The court felt that these methods were violent in nature and hence incited violence against the State. The Court also upheld that the writings were in fact seditious in nature. The case came as a major drawback to literature and freedom of speech and expression; protecting the right to have an opinion and the right to use that opinion to criticize governmental policy. Since literature and poetry is so abstract, it is at the mercy of the judge to interpret what constitutes as seditious. As mentioned, sedition can be difficult to prove or disprove according to the situational context, considering the fact that the intention to incite violence is not easily verifiable. In many of the previous cases it wasn’t possible to prove that the defendants intended to incite violence or hatred towards the State however this did not impede the courts from convicting them of sedition. In *Kedarnath Singh vs. State of Bihar*<sup>22</sup> it was held that a person has the right to say or write whatever he likes about the Government and its policies, by way of criticism or comment, so long as he does not incite people to commit acts of violence. The problem with this analysis is the fact that literature is a part of its own entirely unique and abstract realm which could be interpreted, misinterpreted and construed in a dozen or so different ways. This wide scope makes it easier to trap writers and novelists who have alternative ideals or opinions into the convenient disadvantage of a trial under section 124 (A). Further, this significantly hampers both the development of alternative discourse, opinion and discussion, while significantly benefitting the government of the respective country. *P. Hemalatha vs. The Government of Andhra Pradesh* is therefore a perfect example of the restrictive nature of section 124 (A) especially in the field of literature.

- (vi) *Arun Jaitley v. State of U.P.*<sup>23</sup> - The Finance Minister was accused of sedition based on *suo motu* cognizance of an article written by him on the National Judicial

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<sup>21</sup> *supra* 20

<sup>22</sup> *Supra* 6

<sup>23</sup> *Arun Jaitley v. State of UP*, AIR 2015 SC 273

Commission Act case. The charges were completely quashed by the Allahabad High Court. The Court held that any citizen of the country has the full power to critique the government as long as his or her words do not incite violence. This is one of the few cases that upheld freedom of speech and expression.

- (vii) *Kanhaiya Kumar v. State of NCT of Delhi*- Kanhaiya Kumar is a former President of the Jawaharlal Nehru University Student Union and is a prominent member of the Youth wing of the Communist Party of India. He was charged with using anti national slogans in a student rally; however he was released by the court due to the lack of any conclusive evidence. A rally protesting the usage of capital punishment against the Kashmiri separatist Afzal Guru, led to several implications for Kanhaiya Kumar and other prominent members of the then student union. Umar Khalid has commented that the case was a ploy; a polarization mechanism meant to flare up controversy across the country. A district magistrates probe into the case demonstrated that many of the videos used as evidence to implicate Kanhaiya Kumar, Umar Khalid and Anirban Bhattacharya had been specifically tampered with. The charges seem to be a clear communal conspiracy aimed to increase tension in an already volatile India.

## CONCLUSION

It is an irrefutable point to say that the Supreme Court of India has played an important and pivotal role in diffusing undeservingly admitted sedition cases over the past few decades. It has proven that its reputation does not precede it. There have been several dismissed cases over the years, which is clearly indicative of the role that the court has played in upholding freedom of speech and dismissing any attempt to do otherwise. In a country with crores of pending cases and a legal system that inches along without putting a dent in them, the question that needs to be answered is how long our courts will have to spend dismissing cases based on a futile law that is no longer relevant to our current climate. Governments have been using sedition as a tool to achieve their own self-motivated political goals. This is violative of the fundamental principles that democracy stands for, and is contradictory to the very foundation of the Indian Constitution. The only incitement of hatred that is

augmenting in this country is the incitement of hatred being planted in the hearts of the Indian people by the politicians. That is about as anti-national as it gets.

Between 2015 and 2017, 165 people were arrested and charged of sedition. Bihar tops the list with 68 people being arrested for sedition. The shocking fact is that out of those 68, charge sheets were filed for only 53 people. Out of the 53 people charged filed, an abysmal two were convicted. An article describes the situation very aptly. It states that “*Sedition law always been the most lethal weapon in the hands of the state to suppress any rebellion.*”<sup>24</sup> In conclusion, sedition is a redundant and expendable law that has no relevance or utility; it is merely a law that conveniently facilitates the death of democracy.

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<sup>24</sup> Maninder Dabas, *165 People Arrested For Sedition In Last 3 Years With Maximum From Bihar, Only One Case in J&K*, INDIA TIMES Jul. 23, 2017 available at <https://www.indiatimes.com/news/india/165-people-arrested-for-sedition-in-last-3-years-with-maximum-from-bihar-only-one-case-in-j-k-326249.html> (last visited on May 24, 2018)