Anti -sedition law still exist in India: Are we free?

Sonia Pandey

LL.M, Delhi University

ABSTRACT

The article deals with the opinion of the author about how a paradox exists in a free country like India where on one hand we talk of freedom of speech and expression as one of the most acclaimed and valued fundamental right for a democratic system and on the other hand our government, gets reactive towards the expression of this fundamental right. The idea of the author is to generate a thought process in underlining the issue and raising a question: Are we really nurturing well our democratic principles?

Last year we Indians celebrated our 70th Independence Day, which reminds us the hard fought battle of our forefathers against the British Colonial rule to gain our Independence. The values and ideology attached to this freedom can be very well understood by the beautiful lines written by Gurudev Rabindra Nath Tagore on freedom[1] wherein he says:

"*Where the mind is without fear and the head is held high.*

Where knowledge is free

Where the world has not been broken up into fragments

By narrow domestic walls…Into that heaven of freedom, my father, let my country awake".

"That heaven of freedom…" these were the ideologies and vision when we got our independence. It's unfortunate that even after 70 years of Independence, in this 21st century we are forced to ask this question that are we really free? Are we in that heaven of freedom …? If we are free, which our ruling Governments has persistently claimed and currently claims then what is the need of following a colonial legacy in the form of law of sedition which curbs the very idea of freedom of speech and expression which is the most important fundamental right provided to us by our Constitution. The idea behind raising such concerns in this current article is not being pessimistic about the democratic form of Government in India, which is the basic feature of the Constitution. Rather trying to explore ways to find out how effectively this democracy can work in true sense, so that we can realize our Independence with independence, truly.

[1] Rabindra Nath Tagore, *Gitanjali*, English Edition, 1912

It seems so surprising and sometimes one fails to understand how does raising human rights issues, complaining against the atrocities and getting into a disagreement with a policy or programme of Government in a free and independent country and one of the largest democracy of world makes such conduct or words seditious and make a person liable for the offence of sedition. It really evocativelyprovokes us to ask a question: Are we really free in this 21st century? Where is that freedom?At leastit's not visible on the grounds. Then what is the use of Part III of the Constitution of India which provides as well as guarantees protection to the Fundamental rights? The nineteenth century law,enacted to silence the Indian people by the colonial ruler has been retained by the democratic Government in free India. It's strange but true that the draconian law of sedition which was taken and adopted from a foreign country has been least used in that country. Not only that, it has perhaps been used more often by free India's Governments, than the Colonial Government did during its presence.

In Bengaluru,very recently an FIR under section 124A of IPC,1860 was registered against Amnesty International India. Alleging that an event was organised by Amnesty in Bengaluru to highlight human rights atrocities in Kashmir, at which anti-India slogans were raised[2]. It's not the first time in 2016 that sedition has made headlines. In February ,2016 Kanhaiya Kumar, Jawaharlal Nehru University Students Union President faced a similar charge, for allegedly raising anti-India slogans on the university campus[3]. Last year on November 3rd2015, a folk singer of Tamil Nadu became the victim of the misuse of the law of sedition. He was booked under sedition charges for penning down a song which was strongly critical of the liquor policy of Jayalalithaa Chief Minister of TamilNadu. His song has been considered to be a threat to public order and an incitement to violence[4]. This Law also came in news when Mumbai Police arrested a cartoonist Aseem Trivedi on charges of sedition, cybercrime and insulting the national flag and the Constitution. Trivedi is accused of publishing anti-corruption cartoons featuring national symbols on his website[5]. Writer Arundhati Roy and others were also booked under this law for speeches they made on Kashmir[6].Civil rights activist Binayak Sen was also convicted under this law.However, the Supreme Court has granted bail to Binayak Sen and has dropped the charges of sedition against him, who has been sentenced to life imprisonment on

[2] http://www.thehindu.com/news/cities/bangalore/sedition-case-filed-against-amnesty-international/article8991258.ece visited on 16 September, 2016

[3] http://www.thehindu.com/specials/in-depth/jawaharlal-nehru-university-row-what-is-the-outrage-all-about/article8244872.ece visited on 16 September, 2016

[4] http://www.thehindu.com/news/cities/Tiruchirapalli/antitasmac-activist-arrested-by-chennai-police-on-charges-of-sedition/article7822974.ece visited on 16 September, 2016

[5] http://www.thehindu.com/news/national/mumbai-police-arrest-cartoonist-slap-sedition-cybercrime-charges-on-him/article3877809.ece visited on 16 September, 2016

[6] https://www.theguardian.com/world/2010/oct/26/arundhati-roy-kashmir-india visited on 16 September, 2016

charges of sedition and on having links with naxals. The Apex Court said that the evidence on record proves no sedition case against Sen. At the worst he could be termed active sympathizer of naxals. The court interestingly also observed that just possessing the naxal literatures doesnot make somebody a Naxalite, or guilty of sedition, as one who possesses Mahatma Gandhi's autobiography cannot be called a Gandhian[7]. Then as mentioned above we have the latest case of Kanahiya Kumar. In reference to Kanahiya Kumar incidentIf we look at the history of section 124 Awe would get to know that shouting anti-India slogansalone is not sufficient enough to constitute the offence of sedition.

A RUN TO THE HISTORY

It's interesting to have a look at the legislative history of section 124-A of the Indian Penal Code. The English law of "seditious libels", was quite expansive. Anything that brought the Government into "hatred or contempt" or raises "discontent or disaffection"could be labelled as seditious. It was not necessary for a person to say something that was actually likely to make people take up arms against the Government.

This changed after 1832. Sir James F. Stephen , in his authoritative 19th century treatise on the history of English Criminal Law wrote that prosecutions for sedition in England since 1832 were "so rare that they may be said practically to have ceased". "In one word," he wrote, "nothing short of direct incitement to disorder and violence is a seditious libel." But the irony is Stephen was the Law member of the Viceroy's council who introduced sedition into Indian Penal Code. However originally the draft was drawn up in 1837 by Indian Law Commission headed by Lord Macaulay. Sec 113 of this draft made it an offence to "excite feelings of disaffection against the Government". Macaulay's definition of sedition was not as broad as the pre-1832 English law of seditious libels. For instance,Macaulay did not make it an offence to excite hatred, contempt or ill will against the government. However, he chose a vague word "disaffection" to describe sedition. However, Macaulay's draft did not reflect the current state of the law in England either according to which only direct incitements to violence against the state were considered seditious.

What's more on the ground of clerical mistake Section 113 of Macaulay's draft did not make it into the final version of the Indian Penal Code 1860. Another view suggests that since Macaulay's

[7] http://www.lawyerscollective.org/news/archived-news-a-articles/114-sc-grants-bail-to-binayak-sen-drops-sedition-charges-against-him.html visited on 16 September, 2016

definition was not in consensus with the contemporary law of sedition in England at that time so Section 113 was omitted from Indian Penal Code ,1860. It was bound to happen as the purpose of Britishers was always to use the colonies specifically British India as the trial ground for their each and every plans and policies,where they could test how would a particular code, law,plan or policy would work. They wanted model Law codes like Indian Penal Codeto be drawn in England. So it can be quite natural that framers of original Indian Penal Code left out section 113 of Macaulay's draft. Later on an amendment was introduced to the Indian Penal Code in 1870, and Section113 of Macaulay's draft was inserted into the code as Section 124-A.

It is said that sedition was made an offence in British India because colonial Government feared a Wahabiuprising. Although it was the fear of an Islamic religious uprising that gave rise to the offence of sedition in British India[8]. The first case in India that arose under the section was ***Bangobasicase,Queen Empress vs JogendraChunder Bose(1891)ILR 19 Cal 35*** The first person to be convicted under section 124-A was not a Muslim but a prominent Hindu nationalist, Bal Gangadhar Tilak. Almost from the beginning of the 19th century, politically conscious Indians had been attracted to modern civil rights, especially the freedom of the press. As early as 1824, Raja Ram Mohan Roy had protested against a regulation restricting the freedom of the Press. Newspapers were not in those days' business enterprises, nor were the editors and journalists professionals. Newspapers were published as national or publicservice. They were often financed as objects of philanthropy. To be a journalist was often to be a political worker and an agitator at considerable self-sacrifice. 'Oppose, oppose and oppose was the motto of Indian Press. "The man who is most frequently associated with the struggle for the freedom of Press during the nationalist movement is Bal Gangadhar Tilak. In 1881, along with G.G.Agarkar ,he founded the newspaper Kesari (in Marathi) and Mahratta (in English).Tilak was arrested on 27thJuly 1879 and tried before Justice Strachey and a jury of six Europeans and three Indians. The charge was based on the publication in the Kesari of 15th June of a poem titled 'Shivaji'sUtterances 'read out by a young man at the Shivaji Festival and on a speech Tilak had delivered at the festival in defence of Sivaji's killing of Afzal Khan.

In 'Shivaji's Utterances,' the poet had shown Shivaji awakening in the present and telling his countrymen: Alas! Alas! I now see with my own eyes the ruin of my country…Foreigners are dragging out Lakshmi violently by the hand (kar in Marathi which also means taxes) and by

[8]http://www.frontline.in/the-nation/history-of-sedition/article9049848.ece last visited 19th September, 2016

persecution…The wicked Akabay(misfortune personified) stalks with famine through the whole country…How have all these kings (leaders)become quite effeminate like helpless figures on the chess-board?'Tilak's defence of Shivaji's killing of Afzal Khan was portrayed by the prosecution as an incitement to kill Britishsssssss officials. The overall accusation was that Tilak propagated the views in his newspaper, that the British had no right to stay in India and any and all means could be used to get rid of them. Tilak was charged with sedition before the Bombay High Court, *in* ***Queen Empress vs Bal Gangadhar Tilak*** *(1897) ILR22 Bom 112.* Judge Strachey's partisan summing up to the jury was to gain notoriety in legal circles, for he defined disaffection as 'simply the absence of affection' which amounted to the presence of hatred, enmity, disloyalty and every other form of ill-will towards the Government. The jury gave a 6 to 3verdict holding Tilak guilty, the three dissentersbeing its Indian members. The judge passed a barbarous sentence of rigorous imprisonment for eighteen months, and this when Tilak was a member of the Bombay Legislative Council. For Strachey, sedition also meant "every possible form of bad feeling to the Government", and the "amount and intensity" of the disaffection was "absolutely immaterial". It was not necessary for the accused person to incite "mutiny or rebellion" or any sort of actual disturbance, great or smallin order to be convicted. In other words, the pre-1832 English law of seditious libels now became the law of sedition in India. The IPC was amended in 1898, and Strachey's definition of sedition replaced Macaulay's in Section 124-A[9].

In 1941, The Federal Court of India attempted to bring the Indian law of sedition in coherence with its English counterpart. In the case of ***NiharenduDuttMajumdar vs King Emperor***[10] a member of the Bengal legislature. Who had,in the words of the Federal Court, made a "violent"," frothy and irresponsible" speech criticising the Governor and Ministry of Bengal for their inaction during the Dacca riots. Chief Justice Maurice Gwyer adopted the post -1832 English Law of seditious libels in order to interpret Section 124-A of the IPC. "The acts or words complained of," he said, must … either incite to disorder or must be such as to satisfy reasonable men that that is their intention or tendency."Majumdar was let off because Gwyer did not consider his speech "as inciting those who heard it…to attempt by violence or by public disorder to subvert the government." It was held that "public disorder" or the reasonable anticipation or likelihood of public disorder is the gist of the offence[11].

[9]Bipin Chandra, *India's Struggle for Independence* pg.103-110 (1989, Penguin Books, New Delhi, India)
[10] AIR 1942 FC 22.
[11]*Supra* note 8

However,Gwyer was soon overruled by the Privy Council in ***King Emperor vs Sadashiv Narayan Balerao***[12], a few months before India's independence. The Privy Council not only reiterated the law on sedition enunciated in Tilak's case i.e.,reiterated Strachey's charge to the jury but also held that Federal Court's statement of law in the NiharenduMajumdar case was wrong. The Privy Council held that excitement of feelings of enmity to Government is sufficient to make one guilty.

The framers of Indian Constitution decided to adopt the model of Irish Constitution while enumerating the exceptions to the right to free speech. In early drafts 'sedition' was set out as one such exception to the right to free speech.However on the floor of the Assembly, one of the strongest supports of free speech, K.M.Munshi, moved an amendment to remove the word sedition from the exceptions .Albeit the historian Granville Austin considered Munshi to be one of the strongest advocates on the "limitation of rights", Munshi by contrast ,mounted one of the greatest defences of the right to free speech. He argued in the Constituent Assembly that the views taken by the Federal Court in Majumdar's case was the correct one. It was partly because of his efforts that "sedition" was finally deleted as an exception to the right to free speech in what would become Article 19(2) of the Constitution[13].

RATIONALE BEHIND THE LAW OF SEDITION[14]

The Law of Sedition is mainly contained in Section 124-A of the Indian Penal Code,1860. The Rationale for Sedition is based on the Principle that dissemination of seditious materials undermines the loyalty of citizens, that disloyal citizens jeopardize the Government at Law, and that a weakened Government at Law threatens the very fabric of the State as well as public order and safety.

MEANING OF SEDITION[15]

The word Sedition is derived from the latin word "Seditio", which means "going aside". The words "going aside" in the context of a State and its people appear to indicate separatist tendency on the part of some of them.

[12] LR 74 IA 89
[13] *Supra* note 8
[14] K.D. Gaur,The Indian Penal Code, Third Edition, Universal Law Publishing co.Pvt.Ltd., New Delhi(2007),Page 192 As cited in Caesar Roy, "Law of Sedition in India- A critical Analysis" Pg no.49-51, Volume no.16.Issue 1.Nyaya Deep(The official journal of NALSA).
[15] *Supra* note 14

The full meaning of sedition was explained by Lord Fitzgerald in his address to the jury in ***Reg vs Alexander Martin Sullivan (1868)11 Cox's Criminal Case***, which was later followed in ***Reg vs Burns and others,(1873) 16 Cox's Criminal Case (355,p 361)***

Sir James Stephen in his commentaries on the Law of England has defined 'Sedition', as a conduct which has either as its object or as its natural consequences the unlawful display of dissatisfaction with the Government or with the existing order of society.

In India four categories of Sedition have been recognized :

(1) Sedition by exciting hatred or disaffection against the Government established by Law in India, punishable under Section 124-A of Indian Penal Code,1860.

(2) Sedition by causing class hatred punishable under Section 153 A of Indian Penal Code 1860.

(3) Sedition by promoting religious insult punishable under Section 295 A of Indian Penal Code,1860

(4) Sedition by questioning the territorial integrity or frontiers of India punishable under Section 2 of the Criminal Law Amendment Act,1961.

As far as the requirements of Section 124-A goes there are two essentials:

(a) Bringing or attempting to bring into hatred or contempt or exciting or attempting to excite disaffection towards,the Government of India.
(b) Such act or attempt may be done:
    (i) By words either spoken or written, or
    (ii) By signs
    (iii) By visible representation.

Here it's important to understand that the essence of the crime of sedition consists in the intention with which the language is used. The intention of a speaker, writer or publisher may be inferred from the particular speech, article or letter. The requisite intention cannot be attributed to a person if he was not aware of the contents of seditious publication.

CONSTITUTIONALITY OF SECTION 124-A OF IPC IN POST-INDEPENDENCE ERA.

Afterthe Constitution of India came into operation the constitutional validity of section 124-A of the code was challenged a number of times as being violative of the fundamental right of freedom of speech and expression under Article 19(1) (a) of the Constitution.

The validity of this section 124-A was considered by the Supreme Court in ***Ramesh Thapar vsState of Madras***[16], *and* ***BrijBhushanvs.State of Delhi***[17].In Ramesh Thapar's case the petitioner contended before the Supreme Court that the order of banning his paper "Cross Roads", by the Madras state as violative of his fundamental right of freedom of speech and expression conferred on him by Article 19(1) of the constitution. In this case it was held that clause(2)of Article 19 having allowed the imposition of restrictions on freedom of speech and expression only in cases where danger to public security is involved, an enactment, which is capable of being applied to cases where no such danger could arise, cannot be held to be Constitutional and valid to any extent. Hence the Supreme Court allowed the petition under Article 32 and quashed the order of Madras state prohibiting his paper.In ***Tara Singh Gopi Chand vs State ofPunjab***[18], Section 124-A of the IPC was struck down as unconstitutional being contrary to freedom of speech and expression guaranteed under Article 19(1)(a).

To avert the constitutional difficulty as a result of the above referred cases the constitutional First (Amendment) Act,1951 added in Article 19(2) two words of widest import i.e., "in the interest of" and "public order", thereby extending the legislative restrictions on freedom of speech and expression.

Further in ***Ram Nandan vs State of UP***[19], the Court held that Section 124-A imposed restrictions on the freedom of speech and expression not in the interest of general public and thereby infringed the Fundamental right of freedom of speech and expression. It therefore declared it as ultra vires to the constitution as it cannot be saved by the expression 'in the interest of public order'.

However again this decision was overruled in 1962 by the Supreme Court *in* ***Kedar Nath Singhvs State of Bihar***[20],which held that sedition law was constitutional. Quite interestingly the Court adopted the view of Federal Court of India that the gist of the offence of sedition is -"incitement to violence" or the "tendency or the intention to create public disorder ."Which was overruled by Privy

[16] AIR 1950 SC 124
[17] AIR 1950 SC 129
[18] AIR 1951 East Punjab 27.
[19] AIR 1959 All 101.
[20] AIR 1962 SC 955.

Council in ***King Emperor vs Sadashiv Narayan Balerao***[21]. The occasion for this decision was an appeal by KedarNath ,who was punished by the trial Court for making a speech and his punishment was upheld by the High Court. In his speech[22] he mentioned CID as the dogs who were sitting in that meeting and he also referred the leaders of Congress as goondas to gaddi…He emphasised on the Government of the poor and downtrodden people of India in his speech. It can be seen from this speech that there is no "incitement to violence" or "disorder" which alone, according to supreme court formed the basis of the charge of sedition. Therein lies the contradiction in this judgement. In fact, if we see, the issue before the Court was whether Section 124-A was violative of Article 19(1)(a). If the view of Privy Council on sedition was to be adopted,then Section 124-A would have to be struck down as violative of Article 19(1)(a). The Apex court did not want to do that,so it adopted the strict principles of English law which were laid down.in the Niharendu Case in 1942.But the Court upheld the punishment of Kedar Nath who did not incite anyone to resort to violence to overthrow the Government. Court held that "the freedom has to be guarded again becoming a license for vilification and condemnation of Government established by law, in words which incite violence or have tendency to create public disorder…

Thus the Supreme Court upheld the constitutionality of the sedition law, but at the same time curtailed its meaning and limited its applications to acts involving intention or tendency to create disorder, or disturbance of law and order or incitement to violence. However, the Government and its agencies have, in reality, followed the law enunciated by the Privy Council and not the restrictions as observed in KedarNath Case where it is to be applied only to cases where an accused person intended to create public disorder or incite violence.

Thereafter, in ***Balwant Singh vs State of Punjab***,[23] the appellants had been convicted for raising slogans such as "Khalistan Zindabad" and "Raj karegaKhalsa (only the believer shall rule)" in a crowded place on the day Prime Minister Indira Gandhi was assassinated. The Supreme Court held that the " raising of some lonesome slogans a couple of times by two individuals , without anything more", "which neither evoked any response nor any reaction from anyone in the public", was insufficient to constitute an offence of sedition, that "some more overt act was necessary", The fact that the appellants did not intend to "incite people to create disorder" and that no "law and order problem" actually occurred was held sufficient to acquit them from the charge of sedition. In this case the Supreme Court has tried to show the way but it seems the Government refuses to see it.

[21] LR 74 IA 89.
[22]PSA Pillai, *Criminal Law* pg.no.482-483 (Tenth edition,2011,Lexis Nexis Butterworths Wadhwa,Haryana,India.
[23] 1995 (1) SCR 411

Hence, AbhinavChandrachud, anadvocate who practices in Bombay High court requests in his article[24] that policemen who investigate complaints of sedition must therefore ask themselves a simple question: Does the speech which has been called into question merely express hatred, contempt, or ill will against the government, or does it incite others to commit acts of insurrection, rebellion, or public disorder? It is only when a speech falls in the latter category that it can be considered as constituting the offence of sedition. It's interesting that pointing out all these issues, a public interest litigation has been filed in the Supreme Court by the Non-governmental organizationCommon Cause, seeking, among other things, that before any FIR is filed or arrest is made by the police under Section 124-A, the Commissioner of Police or Director General of Police must certify that the test in Kedar Nath has been satisfied. Merely raising anti-India slogans, reprehensible though this may be,would by itself be insufficient to sustain a conviction under Section 124-A.

CONCLUSION

Sedition defined under Section 124-A Indian Penal Code is a colonial law meant to suppress the voice of Indian People. They were used to curb the dissent in England but it was in the colonies that they assumed their most draconian form. This helped the Imperial power to sustain themselves in the course of rising nationalism in the colonies including India.This law came into limelight with the arrest of AseemTrivedi, a cartoonist as mentioned above.In another instance in Meerut in 2014,the police initially invoked Section 124-A, but later on dropped it, against a group of Kashmiri students for, cheering the Pakistan team during a cricket telecast[25]. My favourite artist is ghazal singer Ghulam Ali Sahib from Pakistan and I also like the cricketerWasimAkram (though he is rarely seen on the field these days), I wonder someday even I might even be booked under this law. The instances are endless like Arundhati Roy, BinayakSen,Hardik Patel and a circular issued last year by Maharashtra Government which said that strong criticisms of public servant could attract the charges of sedition.

A colonial legacy like sedition law, which presumes popular affection for the state as a natural condition and expects citizens not to show any enmity, contempt, hatred or hostility towards the Government established by law does not have a place in a modern democratic state like India. When Mahatma Gandhi was charged with exciting disaffection in 1922 he pleaded guilty saying cheekily that "affection cannot be manufactured or regulated by law". Even Pt. Jawahar Lal Nehru said during

[24] *Supra* note 8

[25] Caesar Roy, "Law of Sedition in India- A Critical Analysis" pg. no.65-66, Volume no.16.Issue 1.Nyaya Deep(The official journal of NALSA).

a Parliamentary debate in 1951- "Now as far as Iam concerned that particular section is highly objectionable and obnoxious and it should have no place… …in any body of laws that we might pass. The sooner we get rid of it the better."[26] It was neither required then nor required now but ironically it still stays. The use of these laws to harass and intimidate media personnel, human rights activists,political activists, artists and public intellectuals despite Supreme Court's ruling to narrow itsapplication, shows that the very existence of sedition laws on the statute books is a threat to democratic values.

THE ROAD AHEAD:

The Supreme Court being the Protector and Guarantor of the Fundamental Rights of the citizens of India may step in now and declare Section 124-A as unconstitutional. Our free nation does not require a colonial law used by colonial Government to supress India's voice in the 21st century. The Government has just few days back made an admission in Parliament that the definition of Sedition is too wide and requires reconsideration.[27]Which shows that how the after effects of Kanahiya Kumar's episode has made the ruling authorities less confident about the law of sedition. It seems it has been realised by the Government and law making authorities that bookingJawaharlal University students under this very harsh and cruel law was an act of overreach performed by the Delhi Police. In this case if we analyse and as also pointed out by legal luminaries that the essential ingredient of sedition -an imminent threat to public order- was absent in the case. Consensus is growing that the provision Section 124-A should have no place in Indian Penal Code or under any statute book. But the Government seems to be still quite in love with this penal provision hence they are justifying the presence of this severe, unnecessary provision of Sedition by taking recourse to the 42nd Report of the Law Commission. The 42nd report[28] had rejected the idea of repealing the provision altogether. If we look at the 1971 Report, we get to know rather than repealing the Section they wanted to expand its hold by expanding the term relating to exciting 'disaffection to the Government established by law' to cover disaffection towards the Constitution, Parliament, the Government and legislatures of States and administration of justice.

One may wonder we have mastered technologies which has made us reach to Moon. We talk of specificity and preciseness to be achieved in every sphere. But when it comes to Law and penal provisions our law making authorities seems to desire to have this discretion of making and using

[26] http://www.thehindu.com/opinion/editorial/sedition-seriously/article3882414.ece visited last on 19th September, 2016
[27] http://www.thehindu.com/opinion/editorial/editorial-on-sedition-law-be-bold-in-revisiting-the-sedition-law/article8366598.ece Last visited on 19th September 2016
[28] http://lawcommissionofindia.nic.in/1-50/Report42.pdf pg. 1 to 50

vague provisions. As it gives them the scope to use and abuse the law as per their whims and fancies. There can be no denial to the truth that the definition of sedition is 'vague' and 'overbroad'. This leads to mindless prosecutions based merely on the wording of the act that seems to allow both provocative and innocuous speeches to be treated as equally criminal. We have the courage to dream of a digital India .But when it comes to appreciating and comprehending the opinions of Vocal India ,India which has a voice, which has the guts to rise above all the odds and speak up for the issues, issues of downtrodden ,the neglected ,the issues of the disadvantaged ,the issues of the minorities, or the minorities in majorities then it does not lure much to the ears or sensibilities of our Government or Legislatures.Why should one be frightened of its own Government while raising concerns and issues to it ?Why can't one feel it's my Government, my country my nation and I need to voice concern as and when required after all this is my right and it's the responsibility of any responsible Government to protect my rights .If we are living into true democracy which actually means Government of the people ,by the people and for the people and the people are really at its core then it's high time now and the law making authorities need to understand that we don't need this colonial law anymore.If this is done it will be one of the greatest social reforms to be mentioned in Golden words in the history of humanity and its ultimate right of freedom of speech and expression. Albeit any social reform takes time to show its effect, it can be achieved in a gradual phased manner. As **Henry Ward Beecher** (1813-87) the American Preacher and social reformer said:"*It takes a 100 years to make a law; and then after it has done its work, it takes another 100 years to get rid of it*"[29]. Our authorities may start with narrowing down its definition and gradually it should be scrapped of from the statute books. Section 124-A is legally unnecessary, constitutionally invalid and democratically untenable. It's the biggest hurdle in the realisation of the fundamental rights of freedom of speech and expression. The sooner we get rid of it the better it is. That day we would be celebrating our true independence without any fear without any hitch.

[29] http://www.frontline.in/cover-story/a-case-against-the-sedition-law/article8299363.ece last visited on 19th September 2016.

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