

An Appeal to the Parliament to Repeal the Sedition Law

Colonial era sedition law contained in section 124 A of the Indian Penal Code, makes creating hatred or contempt for or disaffection towards the government established by Law in India, an act of sedition punishable with imprisonment for life, whether such disaffection, hatred or contempt is created by words spoken or written or by signs or visible representation. This section forms part of chapter VI of the Indian penal Code that deals with “offences against the State”, a passage that deals with serious offences including waging war against the State.

Section 124 A was introduced by the British Government in 1870 when the colonial government felt that such a draconian law was needed to suppress the freedom struggle. Some of the most famous sedition trails of 19th and early 20th centuries were those of Indian nationalist leaders including Tilak, Gandhi and Maulana Azad. All the repressive laws used by the British against the freedom struggle have been retained in Independent India, despite constitutional provisions mandating scrutiny. Jawaharlal Nehru’s views were totally against this provision when he said in 1951, “Take again Section 124 (A) 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, in any body of laws that one might pass. The sooner we get rid of it the better.”

In fact, it is the constitutional right of every citizen to expose the misdeeds of the government he/she disapproves of and create disaffection and disloyalty among the people and work for throwing it out of power through democratic means – of course without resorting to violence. Hence, the law is incompatible with democracy in which anybody who is dissatisfied with the government has the right to create disaffection against it and seek its removal at the next election. In fact, it is the legitimate right of every citizen to expose the misdeeds of the government it disapproves of, create disaffection and disloyalty among the people and work for throwing it out of power.

Disloyalty to a government is different from disloyalty to the State. Of late this provision is being used by the State to suppress the peaceful people’s movements and Human Rights activists. Using sedition law to silence peaceful criticism is the hallmark of an oppressive government. The Indian parliament should immediately repeal this Colonial Era Sedition Law. -- By Pushkar Raj, PUCL General Secretary, 21 June 2011

Name

City

Organization

Signature
