Page 410 - 422 **DOI:** *https://doij.org/10.10000/IJLMH.1110436*

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 8 | Issue 4

2025

Balancing Free Speech and National Security: Reforming Sedition Law in Contemporary India

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ABSTRACT

This research paper examines the historical development, judicial interpretation, international approach, and modern-day relevance of sedition law in India, with specific reference to the recently added Section 152 of the Bhartiya Nyaya Sanhita, 2023. Mapping the colonial lineage of sedition law from English legal principles to its codification in colonial India in the form of Section 124A of the Indian Penal Code, this paper critically examines how sedition in the past was used to quell dissent and silence political opposition. By classic judgments like Kedar Nath Singh v. State of Bihar, Romesh Thapar v. State of Madras, Balwant Singh v. State of Punjab, and S.G. Vombatkere v. Union of India, the Indian judiciary has consistently restricted the ambit of sedition to safeguard constitutional values of free speech and valid criticism. The paper also makes comparative analyses with foreign jurisdictions like the United States, United Kingdom, Canada, and Australia, all of which have repealed or reformed their sedition laws in accordance with democratic principles and human rights. In this context, it is the argument of the paper that Section 152 of the Bharatiya Nyaya Sanhita is a much-needed and opportune reform. It substitutes the ambiguous and colonial-era sedition provisions with a more precise, narrowly defined legal standard that criminalizes only those acts which actually endanger the integrity, unity, and sovereignty of the country while protecting democratic dissent. Finally, the study underscores the need to ensure that national security laws continue to stay constitutionally entrenched, judicially supervised, and democratically accountable.

Keywords: *Sedition Law, Free Speech, National Security, Legal Reform, Democratic Dissent*

I. INTRODUCTION

The conflict between national security and upholding the constitutional freedom of speech and expression continues to be one of the most enduring challenges facing contemporary democracies. For India, this conflict finds keen articulation in the long-debated law of sedition, a provision with roots in colonial-era repression but inherited into the code of an

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 [ISSN 2581-5369]

independent republic. Section 124A of the Indian Penal Code (IPC), enacted in 1870 by the British to suppress nationalist opposition, made it a crime to utter any view that involved the government in "hatred or contempt."[2] Even after the adoption in 1950 of a democratic Constitution that guarantees freedom of expression as a fundamental right under Article 19(1)(a)[3], sedition was used against dissidents, activists, students, and journalists well into the 21st century.[4]

The recent repeal of Section 124A and its replacement with Section 152 of the Bharatiya Nyaya Sanhita, 2023, is a major legal shift.[5] While the new provision seeks to bring the offence of sedition up to date by using terms such as "secession," "armed rebellion," and "subversive activities," it also gives rise to serious concerns regarding vagueness, excessive punishment, and absence of procedural safeguards.[6] The underlying conundrum remains: how can a democratic government safeguard its sovereignty and integrity without stifling the right of the people to criticize, question, and protest?[7]

This problem is not just legal it's highly political and societal, particularly in a nation as pluralistic and diverse as India. The use of the law has tended to follow changes in the locus of political power, prompting suspicion that it can be used to harass dissent instead of threats.[8] In the context of rising digital activism, ideological polarization, and persistent internal security issues, the importance of this discussion is more pressing than ever.[9]

This essay examines the historical roots, judicial construction, international analogies, and constitutional repercussions of sedition law in India, finally assessing whether Section 152 signifies progress or a repackaged form of past suppressions. By doing so, it aims to make a contribution to the general discourse about bringing legal structures in line with democratic principles at a time when both national cohesion and individual freedom are subject to unprecedented pressure.[10]

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[2] The Indian Penal Code, 1860, § 124A (as inserted by Act 27 of 1870).
[3] India Const. art. 19(1)(a) ("All citizens shall have the right to freedom of speech and expression").
[4] *Kedar Nath Singh v. State of Bihar*, AIR 1962 SC 955 (upholding the constitutional validity of Section 124A but limiting its application); See also Amnesty International, *Weaponizing Sedition: India's Tool of Repression*, (2020)
[5] The Bharatiya Nyaya Sanhita, No. 45 of 2023, § 152, Acts of Parliament, 2023 (India) (replacing Section 124A IPC)
[6] Prabhash Ranjan, *New Sedition Law, Old Problems*, The Hindu (Aug. 15, 2023), https://www.thehindu.com/opinion/lead/new-sedition-law-old-problems/article67194979.ece. C).
[7] Gautam Bhatia, *Offend, Shock, or Disturb: Free Speech under the Indian Constitution* 97–115 (Oxford Univ. Press 2015).
[8] Arvind Narrain, *India's Sedition Law: Colonial Legacy, Contemporary Threat*, in *Free Speech Collective Report* (2021)
[9] Ujwala Uppaluri, *Sedition and Dissent in the Digital Age*, (2021) 16 NUJS L. Rev. 12
[10] Abhinav Chandrachud, *The Law of Sedition in India: Historical and Constitutional Perspectives*, (2010) 13(1)

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II. WHAT IS SEDITION?

Indian sedition law, as enshrined in Section 124A of the Indian Penal Code (IPC), 1860, has been the subject of fervent constitutional and legal debate for years. Inserted initially under British rule to quell anti-colonial speech, the provision continues to exist in independent India's jurisprudence, though under changing judicial interpretation. Though its declared purpose is to protect the sovereignty and integrity of the state, fear of its misuse in suppressing dissent has only increased over the years.[11] Indian courts have been instrumental in construing this provision under the Constitution, especially the freedom of speech and expression under Article 19(1)(a).

Statutory Components of Section 124A, IPC

"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, 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.[12] "

The section provides for:

- Punishment: Life imprisonment, or imprisonment up to three years, with or without a fine.
- Explanations appended to the section explain: The word "disaffection" embraces disloyalty and every sentiment of enmity.
- But remarks disapproving government action with intent to lawful reformation are not seditious, if they do not harbor or express hatred or disaffection.

Nat'l L. Sch. India Rev. 99.

[11] Law Commission of India, *Consultation Paper on Sedition*, (Aug. 2018), https://lawcommissionofindia.nic.in/reports/Sedition2018.pdf.

[12] Section 124A Indian Penal Code, 1860.

Key Ingredients of the Offence

1. Means of Expression: Words (oral or written), signs, or visual representation.
2. Target of Criticism: The "Government constituted by law in India"—not parties or rulers in a general sense.[13]
3. Effect or Tendency: The words used must have the tendency to cause hatred, contempt, or disaffection.[14]
4. Intention (Mens Rea): Even though not expressly necessary, judicial interpretation has interpreted intent as a necessary element.[15]

III. EVOLUTION OF SEDITION LAW: FROM ENGLAND TO INDIA

The sedition law has its roots deeply planted in English legal history, originally dealing with libels and slanders designed to estrange rulers from their people in the feudal era. Sedition laws at first were imprecise, without an exact definition, and offenses today defined as sedition were prosecuted under allied categories of treason, scandalum magnatum (which shielded nobility from defamation), or martial law. These broad clauses were designed to maintain authority rather than precise legal standards.[16]

By the late sixteenth century, sedition acquired a more specific meaning focused on inciting disaffection against the state or its authorities through speech or writing. This marked a crucial shift from sedition being synonymous with treason which required direct violent acts to recognizing sedition as conduct that might provoke violence without direct involvement.[17]

A precedent case in 1606, de Libellis Famosis, ruled by the Court of Star Chamber, established the basis doctrine of seditious libel within English law. The court defined sedition in expansive terms to cover inflammatory words, libels, or conspiracies to instigate hatred or contempt of persons in authority, regardless of whether they are true or not. Any tendency in criticism to overawe governmental authority was held a criminal act.[18] While the Star Chamber was disbanded in 1641, this doctrine impacted English common law for many years, informing libel and slander legislation.[19] The authoritative legal formulation was given with

[13] *Balwant Singh v. State of Punjab*, (1995) 3 SCC 214 (holding mere slogan shouting not sufficient unless incitement to violence is proven)
[14] *Kedar Nath Singh v. State of Bihar*, AIR 1962 SC 955
[15] See also *Arup Bhuyan v. State of Assam*, (2011) 3 SCC 377 (noting that mere association with a group or expression of radical views is not enough; intention to incite violence must be shown).
[16] Andrew Ashworth, Principles of Criminal Law (7th ed, Oxford University Press, 2013) 265–266.
[17] John Hostettler, A History of English Criminal Law and its Administration from 1750 (Little, Brown, 1982) 38.
[18] de Libellis Famosis (1606) 5 Co Rep 125a, Star Chamber.
[19] William Holdsworth, A History of English Law (Sweet & Maxwell, 7th ed, 1956) vol 5, 133–134.

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Sir James Stephen's Digest of the Criminal Law (1887), which defined seditious intention as inciting hatred or contempt of the monarch, government, Parliament, or administration of justice, or stirring up unlawful attempts to change matters of state or church.[20] Stephen divided conduct relating to sedition into treason (acts directly against the state), violent criminal offences, and a mid-category that included non-violent behaviour which was likely to cause disquiet or disturbance this mid-category amounted to sedition. His definition considered sedition to be both a crime of conduct and a consequence crime, criminalizing not just overt rebellion but also speech or conduct likely to lead to unrest.

This English heritage strongly impacted the colonial Indian legal system. The first official attempt at codification occurred in Macaulay's Draft Penal Code (1837–1839), which made attempts to induce disaffection against the government under Section 113 punishable by life banishment, imprisonment, or fines. Crucially, legal criticism for the sake of obedience and not subversion was exempt. Yet, in the final Indian Penal Code (IPC) passed in 1860, sedition was surprisingly left out.[21] James Stephen noted this as a lapse and was able to secure its addition as Section 124A through a Special Act in 1870. The section was modeled after the British Treason Felony Act, 1848, making seditious words criminal but not as strongly as English common law.

Amendments later on raised penalties and broadened the scope to cover inciting hatred or contempt against the government. After independence, the penalty was varied to life imprisonment or up to three years, with or without a fine. Besides, colonial powers enacted the Prevention of Seditious Meetings Acts of 1907 and 1911 with an intention to suppress meetings likely to promote sedition or public disturbance. These acts enabled authorities to ban such meetings, and violations thereof were punishable by detention or fine.[22] The 1911 Act was repealed only in 2018, a testament to India's gradual legislative transition away from colonial repression.

Section 124A IPC is still a controversial law today. It was originally a colonial instrument used to suppress opposition, and it continues to raise controversy over its vagueness, sweeping application, and conflict between national security and freedom of speech a tension still unresolved in India's democratic tradition.

IV. JUDICIARY'S ROLE IN INTERPRETING SEDITION

The Indian courts have played the key role in interpreting the understanding and enforcement

[20] Sir James Stephen, Digest of the Criminal Law (Macmillan & Co, 1887) 139–141.
[21] Ratanlal and Dhirajlal, The Indian Penal Code (Wadhwa & Co, 28th ed, 2018) 1020.
[22] Prevention of Seditious Meetings Act, 1907 (India).

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of the law of sedition, reconciling state interest in upholding sovereignty and order with the constitutional right to freedom of speech and expression. Courts have refined the doctrine over the years, endeavoring to thwart the abuse of sedition as a means to curb dissent and uphold democratic liberties.

During early post-independence times, Romesh Thapar v. State of Madras,[23] established the basis for protecting free speech. The Supreme Court noted that "freedom of speech and expression is the life-breath of democracy," making it clear that any limitation should be reasonable and necessary in the interest of public order. The Court cautioned against using open-ended laws to stifle valid criticism, holding that “a democracy cannot survive unless the people have freedom of speech and expression.”

The landmark judgment in Kedar Nath Singh v. State of Bihar,[24] upheld the constitutionality of Section 124A IPC but added significant checks. The Court held that “the expression of disapprobation of government actions by lawful means is not sedition.” It settled the rule that sedition only occurs where speech causes “violence or public disorder,” thereby ensuring that the law would not criminalize mere opposition or criticism. Justice Sikri had noted in a famous judgment: “Expression of dissatisfaction by words, writing or signs without incitement to violence is not sedition.” ² This ruling established a constitutional standard, highlighting that the law can be enforced only where there is a threat to public peace that is imminent.

Further enshrining this restraint, in Balwant Singh v. State of Punjab,[25] the Supreme Court reaffirmed that “criticism of the government or its policies, no matter how strongly expressed, is not sedition unless it provokes violence or disorder.” The Court emphasized the requirement of a "clear and present danger" to public order, effectively safeguarding political dissent and activism from spurious sedition charges.

The judicial restraint carried over to modern-day situations as well. The furor surrounding the arrest of Kanhaiya Kumar in 2016 led to renewed judicial scrutiny of sedition law. Although the case had political overtones, the courts stressed that the intent to cause violence or public disorder must be established by the prosecution, reaffirming the doctrine that dissent or protest, though provocative, cannot be criminalized unless it endangers law and order.[26] This confirmed the changing role of the judiciary as a protection against political abuse of sedition

[23] AIR 1950, SC 124.
[24] AIR 1962 SC 955.
[25] AIR 1995 SC 1781.
[26] Kanhaiya Kumar vs. State of NCT of Delhi on 2 March, 2016

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laws.

Further, S.G. Vombatkere v. Union of India[27] maintained the broad nature of freedom of speech: that unpopular or minority views are the lifeblood of a healthy democracy. The Court held that "free expression includes the right to criticize the government and its policies, and such criticism cannot be equated with sedition unless it amounts to incitement of violence or disruption of public order."

The progressive interpretations of the judiciary have had an impact on reforms such as Section 152 of the Bharatiya Nyaya Sanhita, 2023, which incorporates these judicial values in that it narrowly defines the crimes and has express protections for fair criticism and peaceful dissent. Overall, Indian courts have gradually developed sedition law into a well-balanced legal tool one that defends the country's sovereignty and integrity without encroaching on the democratic freedom of expression and dissent.

V. INTERNATIONAL PERSPECTIVE ON SEDITION AND FREE SPEECH

Internationally, democratic states have found themselves increasingly reducing or repealing laws on sedition as they understand that open speech is essential to a prosperous democracy and that loosely worded sedition provisions tend to threaten government abuse.

In America, the law of sedition is legislated by the Smith Act of 1940, but judicial interpretation has severely curtailed its application. The most important case in this regard is Brandenburg v. Ohio 1969.[28] In this seminal decision, the U.S. Supreme Court developed the "imminent lawless action" test in that speech can only be criminalized if it is aimed at causing or resulting in imminent lawless action and is likely to cause or result in such action. This effectively guards even incendiary or offending speech unless it has a direct causal link with violence or insurrection, leaving free expression a robust protection.

In the United Kingdom, sedition was abolished by the Coroners and Justice Act, 2009,[29] on the recommendations of the Law Commission. The abolition was on the premise that sedition had rendered itself defunct, obsolescent in the wake of contemporary legislation such as the Terrorism Acts, and out of keeping with a liberal democracy of the modern type. While no specific case prompted the repeal, the move was influenced by a broader jurisprudential trend favoring free speech and proportional response to security threats.

[27] S.G. Vombatkere vs. Union Of India on 11 May, 2022
[28] Brandenburg v. Ohio, 395 U.S. 444 (1969).
[29] Coroners and Justice Act 2009, c. 25 (UK).

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In Australia, the laws of sedition were updated by the Anti-Terrorism Act (No. 2) 2005,[30] following the government being criticized over excessively wide definitions. The Australian Law Reform Commission considered these laws and suggested more narrowly defined laws and tighter free speech protections. Sedition laws in Australia now make it necessary for speech to stir up violence or compulsion, rather than dissent or disapproval of the government.

In Canada, while sedition still exists in the Criminal Code, it is never applied and has to satisfy very high hurdles. Courts have construed it in a narrow manner so as not to violate the Canadian Charter of Rights and Freedoms, especially Section 2(b),[31] which provides for freedom of expression. These foreign models are clear in trend: sedition or national security legislation has to be confined to speech that creates a likelihood of violence, insurrection, or terrorism, and not applied to suppress dissent or criticism of government. This model guard's democratic participation and press freedom, yet enables the state to respond to actual threats to sovereignty.

For India, these lessons are of particular value. Since the world's largest democracy, India has to see that its legal framework such as the new provision replacing Section 124A[32] honors international democratic norms while meeting national security requirements. Guaranteeing judicial review, clear definition, and constitutional compatibility is crucial to ensure non-abuse and affirm the right to dissent as a cornerstone of democratic rule.

The revised definition of sedition in Section 152 of the Bharatiya Nyaya Sanhita[33] is a modern one aimed at criminalizing only those acts that "excite or attempt to excite secession, armed rebellion, or subversive activities," or "encourage separatist feelings or jeopardize the sovereignty and integrity of India." Notably, it safeguards lawful criticism by excluding in specific terms comments conveying such lawful disapprobation as seeks change through constitutional means. This harmonious approach is highly aligned with global democratic practices and court interpretations from across the globe.

VI. THE RELEVANCE AND NECESSITY OF A MODERN LEGAL FRAMEWORK

The incorporation of Section 152 in the Bharatiya Nyaya Sanhita, 2023, constitutes an important legal reform replacing the nineteenth-century sedition law with a more specific and constitutionally justifiable provision. For a heterogeneous, densely populated, and frequently politically charged nation such as India, the section acts as an important bulwark against those

[30] Anti-Terrorism Act (No. 2) 2005 (Cth) (Australia).
[31] Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982 (Canada).
[32] Section 124A, Indian Penal Code, 1860.
[33] Section 152, Bharatiya Nyaya Sanhita, 2023.

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who really endanger the unity, sovereignty, and integrity of the nation.[34] Under Section 152, whoever knowingly or willfully, signs (written, spoken, or electronic), funds, or visible symbol, instigates or attempts to instigate secession, armed rebellion, or subversion, or instigates feelings of separatism can be imprisoned for life or seven years and be fined.[35] Key to this, the law has an explanation clause that safeguards legitimate criticism of the government aimed at bringing about a change in policy through legal means, thus making a necessary distinction between anti-national activities and democratic dissent.[36]

Section 152 of Bhartiya Nyaya Sanhita Defines the offence as follows:

"Whoever, purposely or knowingly, by words, either spoken or written, or by signs, or by visible representation, or by electronic communication or by use of financial mean, or otherwise, excites or attempts to excite, secession or armed rebellion or subversive activities, or encourages feelings of separatist activities or endangers sovereignty or unity and integrity of India; or indulges in or commits any such act shall be punished with imprisonment for life or with imprisonment which may extend to seven years and shall also be liable to fine."

"Explanation: Comments expressing disapprobation of the measures, or administrative or other action of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite the activities referred to in this section.[37]

Section 124A IPC Vis-à-vis 152 BNS

The one of the essential requirements is requirement of Mens Rea. The usage of the words "purposely or knowingly" implies the requirement of criminal intent, with a view to focusing on conscious or deliberate attempts at instigating threats to national integrity. The section is widened to encompass electronic communication and financial support, recognizing the involvement of social media and online platforms in propagating potentially perilous propaganda. As opposed to Section 124A, Section 152 specifically identifies threats like secession, armed rebellion, subversive acts, and separatist feelings without using the previous ambiguous terms. such as "disaffection" or "hatred." The clarification clearly safeguards legal criticism and democratic dissent, distinguishing between anti-government feelings and anti-national activities. Section 124A criminalized any speech that "excites disaffection," a term not defined and vulnerable to abuse. In contrast, Section 152 specifies certain categories of acts and intent, minimizing arbitrary interpretation. Section 152 presents a well-defined

[34] *Bharatiya Nyaya Sanhita*, No. 45 of 2023, § 152, Acts of Parliament, 2023 (India).
[35] Id.
[36] Explanation Clause, Section 152, Bharatiya Nyaya Sanhita, 2023.
[37] Section 152, Bharatiya Nyaya Sanhita, 2023.

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safeguard clause, lacking in IPC Section 124A, that offers protection of the law for criticism of the government if expressed through constitutional and lawful means. The new law includes financial resources and online platforms as mediums through which sedition-like crimes can be committed, thus bringing the law up to speed in the era of cyber-attacks and online disinformation. While IPC Section 124A facilitated broad prosecutions through ambiguous language, Section 152 seeks to prosecute only those actions that constitute a genuine and concrete danger to national security.

In a country as multicultural and multifaceted as India residence of more than 1.4 billion people, several religions, languages, and socio-political ideologies public order is not merely a legal requirement but a constitutional obligation. India continues to face internal problems in the form of separatist tendencies in Jammu & Kashmir and the Northeast, ideological extremism, and abuse of online media for promoting communal disharmony.[38] In this context, a contemporary national security law is needed to guard against abuse of free expression for the purpose of inciting violence or fostering divisiveness. Section 152 meets this need without repeating the mistakes of its predecessor colonial act by narrowly defining acts punishable and including protection for democratic freedoms.

In contrast to the amorphous and frequently abused IPC Section 124A, this new section is more compatible with constitutional principles and global human rights norms. It even understands contemporary dangers in the form of online radicalization and foreign-funded subversive propaganda. By encompassing electronic communication as well as money within its ambit, Section 152 is not only legally sound but technologically applicable as well.[39] Yet the actual strength of this provision will lie in the equitable and just application of it. Abusive use needs to be carefully prevented, and the intention of the explanation clause should be honored so that peaceful demonstrations, press criticism, and civic activism are not unjustly targeted.

Broadly speaking, Section 152 is a necessary legal tool to protect India's sovereignty and integrity while leaving room for genuine democratic participation. It is an advancement of India's constitutional approach to national security from colonial domination to constitutional balance.

[38] See Ministry of Home Affairs, Annual Report 2022–23, available at https://www.mha.gov.in/document/annual-reports.

[39] Shalini Chawla, 'The Changing Landscape of National Security Law in India' (2023) 59 Journal of Indian Law and Society 203.

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VII. CONCERNS WITH THE NEW FRAMEWORK

While Section 152 of the Bharatiya Nyaya Sanhita was enacted to supplant Section 124A of the Indian Penal Code, a relic of the colonial period, it still incorporates some of the same structural defects albeit in new packaging. The provision seeks to address acts prejudicing the sovereignty, unity, and integrity of India, but it adds vagueness, enhanced punishment, and procedural loopholes. These deficiencies threaten to erode constitutional liberties and could enable the provision to be utilized as an instrument for political oppression instead of national defense. The following are four substantive loopholes that need immediate attention:

1. Vague Language "Subversive Activities": The most objectionable aspect of Section 152 is its application of vague terms such as "subversive activities" and "feelings of separatist activities," which are not clearly defined in the law. Such vague language provides ample scope for discretionary and potentially biased interpretation by the police. This vagueness enables the state to equate protest, dissent, or unpopular viewpoints with sedition, thus compromising the freedom of expression under the constitution. Without judicial definition, the term becomes a general-purpose rubric that can be invoked to muzzle criticism or opposition, particularly in politically charged issues.

2. Disproportionate Excessive Punishment without a Scale of Offences: Section 152 prescribes life imprisonment or seven years' imprisonment even if no violence or public disorder arises from the conduct of the accused. This uniform approach violates the principle of proportionality and does not discriminate between minor offenses and major threats. Consequently, an individual who posts politically loaded material on social media may be equally punished as an individual who instigates armed uprising. The lack of a graduated system of punishment raises the law's ability to intimidate and repress even legal dissent.

3. Lack of Procedural Safeguards: In contrast to other grave offences against state security (like those under the Unlawful Activities Prevention Act), Section 152 does not require prior sanction from superior authorities or judicial control before arresting or registering an FIR. This leaves a chance for arbitrary detention and abuse, especially in politically sensitive situations. With no built-in protection like a prior investigation requirement or an authority to sanction the law gives too much power to the police and prosecution, with too little left to protect innocent people who might be mistakenly targeted.

4. Danger of Politicization and Democratic Freedoms Violation: Even with its explanation clause that safeguarded legitimate criticism, the vaguely worded and expansive reach of Section 152 could still be politically used to prosecute activists, journalists, students, and

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opposition leaders. The onus of demonstrating that one's act is within the realm of "lawful dissent" can potentially fall on the accused, causing prolonged trials and damage to their reputation. This dilutes the intent of Article 19(1)(a) of the Constitution ensuring free speech, and undermines democratic accountability by freezing public criticism and debate against the government.

VIII. CONCLUSION

India's law of sedition has seen a very dramatic transformation from being a repressive tool of the colonial era to being a constitutional retrospection subject. This turn of events comes with the enactment of Section 152 of the Bharatiya Nyaya Sanhita, 2023. Unlike the sweeping and vague terms of the erstwhile Section 124A of the IPC, the new section embodies a more specific legal conception of sedition consistent with democratic values, judicial interpretation, and international best practices. It limits sedition only to acts intending to induce secession, rebellion, or insurrection, and importantly excludes lawful criticisms of government policy made within constitutional frameworks. One of the biggest problems with the new law is that it employs undefined and loose language like "subversive activities" and "feeling of separatism." These are wide and open to interpretation, and it allows for arbitrary application, which invites abuse by the authorities. This lack of clarity precludes what is basically the aim of the reform: distinguishing between threats to sovereignty and non-violent, democratic dissent.

Additionally, the provision's penalty seven years or life imprisonment is still disproportionately severe, particularly where there is no real violence or threat to public order. In the absence of a graduated scale of offences and penalties, there is a strong potential for overreach, producing a chilling effect on political participation and civic activity. Furthermore, the absence of procedural protection like pre-sanction from a higher authority or judicial scrutiny prior to arrest, which is present in stricter national security acts like the UAPA, renders Section 152 susceptible to misuse. The lack of checks and balances can lead to arbitrary detentions, abuse against critics, and silencing of valid democratic debate. But in a large and heterozone country like India, where religious pluralism, socio-political tensions, and new media complicate public discourse, a narrowly tailored and constitutionally valid sedition law is not only required it is essential. But the success of this legal reform depends not merely on the statute's clarity but also on enforcement. The authorities have to be restrained and respect judicial advice to prevent abuse. Democratic dissent has to be safeguarded as a cornerstone of nation-building, not confused with disloyalty.

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Therefore, Section 152 is an important law reform one that enhances India's capacity to safeguard its sovereignty while reaffirming its devotion to the democratic principles of free speech, pluralism, and constitutionalism. It is a fine example of the transition from colonial over lordship to constitutional maturity, achieving a delicate yet essential balance between freedom and security.

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