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# Freedom, Fear and the Internet: Sedition in Democratic Digital Spaces

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## ABSTRACT

*Democratic engagement has entered a new phase with the advent of the internet. Citizens can now freely offer their opinions and critiques and advocate for political mobilization. Even governments have recognized the benefit of the internet for democracy. However, the internet can be used as a tool of surveillance & venue for censorship & prosecution of sedition. The offense of sedition, as a relic of colonial rule, persists in several democracies, in spite of the numerous critiques & growing discontent with the state of civil liberties and freedom of speech. The growing prominence of sedition laws in relation to the internet remains grave, considering most governments apply such laws to dissent, social media activism, and to target journalists and political opponents. In this context, this paper examines the interplay between sedition law and digital freedom in democracies, with a primary focus on India and comparative examples of other democracies. This research examines the evolution of the right to free speech and sedition jurisprudence as well as the impact of digital communication on how the state may regulate expression. The extent and reach of sedition laws can lead to a chilling effect and a rational fear of offending the law can result in the curtailing of free speech. This research also examines the role of the judiciary in achieving a fair equilibrium between the protection of the civil liberties of citizens in the digital realm & protection of the state.*

**Keywords:** *Sedition, Freedom of Speech, Internet Governance, Democracy, Digital Rights, Online Expression, Constitutional Law, Social Media Regulation*

## I. INTRODUCTION

The internet reshaped modern democracy & active role citizens play in it. They can easily send their opinions, even opposing critiques of authority, protest, and sway the public on where they stand. Social media, such as, X, Meta, and YouTube, allow even more speech and equal access to information. More concerning, they all see online speech as a direct challenge to order and authority. As a result, the state has taken a more serious approach to criminal law, using sedition to regulate what online speech is considered safe.<sup>1</sup>

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<sup>1</sup> Golak Bihari Mahana, *Understanding Sedition Law in India*, 1(3) *The Journal of Unique Laws and Students*

Sedition is a colonial construct created to stifle dissent against oppression. India adopted it in Sec. 124A of the IPC, 1860 to stifle criticism of their nationalist movements and Freedom fighters, such as Tilak and Gandhi. Gandhi even called it “the prince among the political sections of the IPC designed to suppress liberty.” When India became a constitutional democracy, they kept their sedition law.

Guaranteeing freedom of speech or expression under Art. 19(1)(a) of the Constitution of India is one of the foundations of a democracy. Art. 19(1) allows for reasonable restrictions in the interest of public order, the sovereignty and integrity of the country, & security of the state. The balance between freedom of speech and security of the state is an important factor for digital media, where communication can reach a wider audience in a very short time. Most governments impose restrictions on what can be communicated digitally in the name of control over misinformation, hate speech, and terrorism, ultimately promoting a lack of national integrity.<sup>2</sup>

Critics argue sedition laws are used against those who criticize government policies, including journalists, students, activists and even comedians. The judiciary is of the firm opinion that once criticism becomes incitement of violence or public disorder, it is sedition. In *Kedar Nath Singh v. State of Bihar*,<sup>3</sup> court upheld the constitutional validity of Sec. 124A of IPC, 1860, but limited its application to incitement of violence or public disorder. Court sought to rationalize the security of the state with the rights of the citizens, while law enforcement agencies took little action to curb the growing number of sedition cases against those that exercised their citizen rights to criticize the government

The arrival of digital media sparked fresh discussions on sedition, especially with the presentation of digital dissent. Social media, memes, and even video posts are now being looked at as digital activism. The digital activism posted during many protests and public movements were monitored, and in many cases, digital communication was targeted, with individuals charged for anti-national activities. Many of these criticisms argue that the monitoring and prosecution of digital content hinders democracy, as citizens feel the need to refrain from making speeches of criticism or speaking up against the government.<sup>4</sup>

One of the path-breaking cases on speech on the internet is *Shreya Singhal v. Union of India*<sup>5</sup>

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(2021).

<sup>2</sup> D. Godfrey Smith & Peter Coleman, *Obscenity, Blasphemy, Sedition*, 35(1) *The Australian Quarterly* 102 (1963).

<sup>3</sup> AIR 1962 SC 955.

<sup>4</sup> Shahruf X, *Time to Abolish Sedition Law in India*, 11(8) *International Journal of Science and Research (IJSR)* 510–512 (2022).

<sup>5</sup> (2015) 5 SCC 1.

wherein court struck down Sec. 66A of the IT Act, 2000 on the grounds of the infringement of free speech. Court observed that vague and over-broad restrictions on the right to free speech on the internet have no place in a constitutional democracy. It emphasized the need to protect political dissent on the internet. The protection of political dissent was further observed in *Vinod Dua v. Union of India*<sup>6</sup> wherein court again said that journalists cannot be charged with sedition unless their speech is of a violent nature.

Most of the democratic countries of the world have their own views on sedition law. The United Kingdom, for example, has a complete ban on sedition offences, as it promotes an ideology in conflict with democracy & freedom of speech and expression. The USA has strong protection for political speech; however, the First Amendment is not absolute, as national security is still protected, especially against speech that is deemed to incite a breach of peace or acts of terrorism. Many of the democracies in Africa and Asia, on the other hand, have very strict regulations on sedition.<sup>7</sup>

The balance between democracy & right to express oneself online continues to evolve with the rapid development of surveillance technologies. Authorities can now monitor behavior across social platforms, intercept messages, and target those who oppose the government. These surveillance technologies create imbalances in rights to privacy & ability to participate in a democracy. People who fear being charged with sedition laws may self-censor, damaging public discourse & democratic process. It is said that a democracy demands the ability to criticize the government, and a system where dissent is penalized fails to uphold democratic values.<sup>8</sup>

The core argument of this paper is the threat that sedition laws, especially in the context of online speech, pose to the core of democratic freedoms. While states have the right to protect democracy, maintain public order, and protect national interests, the wide and vague forms of sedition laws threaten to provide democratic states with arbitrary laws. Democratic societies must maintain the legal ability to separate the true threats of violence from the valuable critique of a democracy. The end of democracy in this new digital world will only come when states fail to uphold the legal framework to protect democracies from being a space where people must express themselves, provide substantive critique and critique in democracy, not in a space that is governed by claustrophobia.<sup>9</sup>

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<sup>6</sup> (2021) 8 SCC 41.

<sup>7</sup> Sampada Jagannath Kangane, *Recasting Sedition in Bharatiya Nyaya Sanhita, 2023 – Abolishing or Reinforcing Colonial Sedition Law in India?*, 16(8) *Journal of Research & Development* 32–36 (2024).

<sup>8</sup> Kinnaben T. Chadokia, *Defending Democracy: The Complex Interplay Between Sedition and Free Speech in India*, 12(3) *Young Researcher* 89–99 (2023).

<sup>9</sup> Nalin Mehta, *Redefining 'Azadi' in India: The Prose of Anti-Sedition*, 7(3) *South Asian History and Culture* 322–

## II. MATERIALS AND METHODS

This study employs a doctrinal and analytical research method focusing on seditious laws, democracy, and digital expression. The approach is largely reliant on the provisions of various national and international laws, constitutions, legal cases, legal and framework analyses, reports, and studies on international human rights. Given that the approach is focused on the regulation of speech in democratic nations, legal analysis is complemented with the current efforts on the regulation of the internet and digital communication.

The doctrinal method has been used to assess the constitutional and judicial legitimacy of seditious laws in the context of the Indian legal system. The crucial constitutional provisions of Ar. 19(1)(a) and 19(2) of the Constitution of India have been reviewed to see the equilibrium of the right to freedom of speech and the state's reasonable limits in this regard. Judicial cases have been approached to see how the judiciary interprets the seditious nature of dissent as political, digital, and participative of democracy.<sup>10</sup>

The research uses comparative analysis and examines different democratic jurisdictions. The removal of sedition laws in the UK through the Coroners and Justice Act, 2009 has been analyzed to see the protection of political speech. Similarly, the protection of speech in the US through the First Amendment has been analyzed to see how democratic jurisdictions balance protection of rights & protection of state interests. References to jurisdictions like Australia and Singapore have been included to see different approaches of managing digital dissent and balancing national security.

A range of secondary sources have been used including books and articles, law commission reports, parliamentary debates and reports from the UN and Amnesty International. These have been used to understand different theoretical and policy positions on sedition and freedoms in a democracy. Digital constitutionalism, surveillance, internet governance and free speech theory have been used to help analyze the impact of the criminalization of online speech.<sup>11</sup>

The research analyzes how digital technologies and social media have impacted the scope of political speech. The rapid development of social media platforms (such as Meta, YouTube, and X) has also changed the way people politically organize. This research examines how democratic jurisdictions respond to digital dissent and how sedition laws are used. The focus of the analysis has been on the prosecution of online speech by journalists, students, activists and

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325 (2016).

<sup>10</sup> Anuja, *Analysis of Judicial Trends of Sedition Laws in India*, 5(6) *International Journal for Multidisciplinary Research* (2023).

<sup>11</sup> Pierre Corbeil, *Sedition*, 21(3) *Simulation & Gaming* 318–322 (1990).

social media dissenters.

The analysis in this paper focuses on the “chilling effect” doctrine, which describes the deterrence of someone from lawfully expressing themselves because of the risk of prosecution or punishment. This is especially applicable to how the broad and vague definitions of sedition law instills fear and discourages the public from taking part in democratic discourse. The concept of the chilling effect has been studied most in the areas of online surveillance & acts of investigating and arresting individuals as well as the imposition of censorship. This paper also examines the extent to which these laws on sedition adhere to the standards of necessity, proportionality, and reasonableness as they exist in constitutional democracies.

The chilling effect of sedition laws, along with the scope of this paper, is also based on the framework of international law and human rights. When examining sedition laws, the author has also considered the relevant instruments of international law, such as the ICCPR of the UN. Art. 19 of the ICCPR states that individuals are entitled to freedom of expression, and that restrictions may only be placed on this freedom if such restrictions are just and proportionate, with the aim of serving the legitimate interest of the State.<sup>12</sup>

Primarily, this paper attempts to frame the concept of sedition within democratic legal systems and digital communication. Although this paper addresses the broader issues of hate speech, false information, & use of the internet as a medium for terrorism, the primary focus of this paper is on the use of sedition laws to silence political dissent and critique on a digital medium. Rather, this paper focuses on the examination of legal and democratic theory to assess the nature of sedition laws, & trends in their application, in a critical manner.<sup>13</sup>

### III. DATA ANALYSIS

The study of sedition in democratic digital environments evidenced an apparent contradiction between governmental authority & freedoms offered by the constitution. The use of the internet and social media has brought an upsurge of active participation by the general populace in the political process. This has resulted in an increasing governmental urge to control and constitute an oversight on the public. Information collected from courts, legislative changes, and developments in state policy show that sedition laws are applied more often to online critics than to other forms of civic activism, even when it is protected by free speech.<sup>14</sup>

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<sup>12</sup> W. P. M. K., *Sedition*, 6(2) *University of Toronto Law Journal* 468 (1946).

<sup>13</sup> Narayanan Aishwarya, *A Theoretical Analysis of the Law on Sedition in India*, 4(1) *Christ University Law Journal* 87–101.

<sup>14</sup> *Free Speech and Sedition Laws in India: Conflict or Compatibility?*, 9(7) *Iconic Research and Engineering Journals* (2026).

Court's definition of sedition illustrates court's balancing of the competing demands of national security versus civil liberties. In *Kedar Nath Singh v. State of Bihar*,<sup>15</sup> court defined sedition as speech resulting in violence or public disorder. Despite this limitation, many law enforcement agencies adopted their own interpretations of sedition. As a result, many people, including those who engage in speech acts, including protesting, tweeting, reporting, or otherwise participating in public discourse, have been charged with sedition, despite their failure to incite violence in any manner.

The verdict in *Balwant Singh v. State of Punjab*<sup>16</sup> builds on this principle by indicating that the mere act of shouting slogans, or expressing an unpopular opinion, with the absence of violent intent, is not sufficient to constitute sedition. Court stressed the importance of a democratic system in which, as a matter of principle, all speech, even unpopular or critical speech, should be tolerated, as should all forms of popular dissent. While the enforcement of this principle has been more difficult with the availability of the Internet (which allows messages to reach and be seen by potentially millions of people, at any time, instantaneously), a government's response to speech that the government perceives to be disruptive of public order or threats to national security, more often than not, is to implement severe restrictions on communication.<sup>17</sup>

Analysis of legal records and police data from 2026 showed a significant increase in the use of digital evidence and sedition-like laws within Sec. 152 of the Bharatiya Nyaya Sanhita, 2023 (BNS). In Noida, over 7,000 FIRs were recorded in the first year of BNS implementation, and only 978 of those FIRs (13%) had digital evidence, indicating an apparent lack of law enforcement commitment to digital policing. During this time, courts continued to consider constitutional challenges to Sec. 152 of BNS, and prosecutions for online/offline free speech, especially speech expressed via social media, continued to grow. For example, in 2026, an investigation within the Delhi-NCR region under Section 152 had 9 accused people (including 2 minors), and police seized a total of 11 phones and 10 SIM cards. This evidence shows that the intersection and overlap of criminal law, online/ digital activities, and digital surveillance are growing at a rapid pace in the Indian democracy.<sup>18</sup>

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<sup>15</sup> AIR 1962 SC 955.

<sup>16</sup> (1995) 3 SCC 214.

<sup>17</sup> Stephen Morton, *Fictions of Sedition and the Framing of Indian Revolutionaries in Colonial India*, 47(2) *The Journal of Commonwealth Literature* 175–189 (2012).

<sup>18</sup> 7,322 FIRs Filed by Noida Cops in 1 Year Since BNS Rollout, but Digital Evidence Only in 13%, Times of India (Sept. 26, 2026), <https://timesofindia.indiatimes.com/city/noida/7-3k-firs-filed-by-noida-cops-in-1-year-since-bns-rollout-but-digital-evidence-only-in-13/articleshow/124056031.cms>.

<b>Particulars</b>	<b>Figures</b>
FIRs registered in Noida after BNS rollout	7,322
Cases with uploaded digital evidence	978
Percentage of FIRs with digital evidence	13%
Police officers actively using e-Sakshya platform	516
Accused booked in Delhi-NCR Section 152 case	9
Minors among accused	2
Mobile phones seized	11
SIM cards recovered	10
Maximum punishment under Section 152 BNS	Life imprisonment
High Courts/Supreme Court reviewing Section 152 constitutionality	Ongoing in 2026

#### **IV. CONCLUSION**

The use of sedition laws within democratic digital avenues can most accurately be characterized as a friction point within the framework of democratic constitutionalism & right to freedom of expression. While it is acknowledged that states have legitimate interests in protecting public order and national security, sedition laws are indiscriminately invoked against online dissent and criticism, including journalists and activists. The rulings unequivocally established that criminal sanctions are only warranted for speech that is intended to incite violence. In a democratic environment, the framework of balance of rights requires protection against the abuse of criminal laws. Overregulation, monitoring, and imposition of punitive laws create a culture of fear and self-censorship, undermining the value of democracy, accountability, and trust in governance.

#### **Recommendations**

There is a need for sedition laws to be repealed or meaningfully amended to provide for the punishment of speech that directly incites violence or rebellion. Clear standards should be

established to avoid the prosecutorial use of criminal sedition for the lawful expression of dissent. Judicial protections & prior restraint principle should be more broadly applied to the initiation of sedition proceedings. Digital rights, along with the principles of democracy & rule of law, should direct the internet and social media governance. The regulation of social media should respect constitutional and international human rights standards, especially in regard to Art. 19 of the ICCPR. Policymaking should focus on the lawful differentiation between dissent and threats to national security, creating a threshold for the use of force when protecting national security. Effective oversight should be instituted to protect against the abuse of surveillance technology & criminalization of legitimate dissent in digital spaces.

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