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Law of Sedition in the Era of Free Speech: A Comparative Study of India and USA

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ABSTRACT

The Constitution of India is the supreme law of the land,² and thereby all legislative and executive actions are required to be consistent with the constitutional provisions.³

Right to free speech guaranteed under Art. 19(1)(a) is the most basic, inherent and natural right which is acquired by man as soon as he is born. Thus right to freedom of speech and expression is the most basic human right, the suppression of which amounts to a gross violation of human rights and cannot be tolerated in any modern democratic system. Free speech is not always protected under all circumstances. Section 124A of the Indian Penal Code, 1860 imposes a restriction on the right to freedom of speech and expression of the people by criminalising any form of expression of which brings hatred or contempt or excites disaffection or even attempts to excite such emotions towards a lawfully established government in India.⁴ The punishment prescribed under this section seems rather absurd as accused under this section can be punished even with life imprisonment. This raises a question as to its efficacy in the modern democratic system. The need and relevance of this section in an independent and democratic India is endlessly debated. There have been instances of misuse of the law of sedition before and even after the independence which has led to serious concerns as to whether such a law is required in the present day. On the other hand, USA government is based on the ideals of democracy and right to freedom of speech and expression is guaranteed by the First Amendment. In spite of its liberal and democratic values, the law of sedition still exists in the US till today, though the US Supreme Court has read down its scope over a period of time.⁵ The act of sedition was first made a punishable offence in US by the passing of the Sedition Act, 1798. This Act was however, later repealed in 1820. Due to the disturbed

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²Das, S., Saibabu, N., *Indian Constitution: An Analysis of Fundamental Rights and the Directive Principles*, 1 17 ARS- JOURNAL OF APPLIED RESEARCH AND SOCIAL SCIENCES (2014) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2592382

³Maneka Gandhi v. Union of India, 1978 AIR 597.

⁴Raghuvansh, S., *Sedition Law in India*, 4 JOURNAL OF LAW RESEARCH, INTERNATIONAL JOURNAL OF LAW AND LEGAL JURISPRUDENCE STUDIES, (2017) <http://ijlljs.in/wp-content/uploads/2017/12/Essay.pdf>

⁵ Centre for the Study of Social Exclusion and Inclusive Policy, National Law School of India University, Bangalore & Alternative Law Forum, Bangalore, *Sedition Laws and The Death of Free Speech in India*, ALTERNATIVE LAW FORUM (February 2011) https://www.nls.ac.in/resources/csseip/Files/SeditionLaws_cover_Final.pdf

international political situation during the World War I, the law of sedition was again reintroduced in the USA in 1918.⁶ The law of sedition has survived violent criticisms from various sectors of public in both India and the United States. Both the countries are largest democracies and yet their penal law are characterised by the presence of the age old law of sedition. In this paper, the author attempts to analyse the present sedition law in the light of Article 19(1)(a) and look for answer as to whether such a law is required in the present Indian scenario with a comparative study on the law sedition existing in the United States.

Keywords: *Law of sedition, Comparative law.*

I. INTRODUCTION

The Constitution of India is the supreme law of the land. It provides for the structure of the government explaining its three organs, their powers, functions, limitations and their relationship with each other.⁷ It also confers fundamental rights on the citizens of India under Part III of the Constitution.⁸ Any law enacted by the legislature has to be consistent with the constitutional provisions, or else it can be challenged in the court of law and can also be struck down on the ground of unconstitutionality. Any law passed by the legislature also has to pass the test of Art. 14, 19 and 21.⁹ The rights guaranteed under these articles are of immense significance and can in no way be curtailed by the legislature or the executive. Therefore, the judiciary in India is an independent organ which acts as the guardian of the fundamental rights of the citizens and interpreter of the constitution.¹⁰

The citizens have a remedy against the State for the violation of their fundamental rights under Art. 32, 136 and 226. The Supreme Court and the High Courts are empowered to issue writs and any other order for the protection of fundamental rights of the citizen.

Further, the preamble of the constitution of India declares India to be a “*sovereign socialist secular democratic republic....*”¹¹

India is said to be the largest democracy in the world and in the light of this a number of freedoms are conferred on the citizens as a matter of fundamental right under Article 19(1)

Art. 19(1) of the Constitution as follows:

⁶Supra note. 4.

⁷Supra Note. 2.

⁸ INDIA CONST. Art. 12-35.

⁹Maneka Gandhi v. Union of India, 1978 AIR 597.

¹⁰ Supra note. 2.

¹¹ INDIA CONST. 1950, Preamble.

“1) All citizens shall have the right

(a) to freedom of speech and expression;

(b) to assemble peaceably and without arms;

(c) to form associations or unions;

(d) to move freely throughout the territory of India;

(e) to reside and settle in any part of the territory of India; and

(f) omitted

(g) to practise any profession, or to carry on any occupation, trade or business.”¹²

Right to free speech is the most basic, inherent and natural right which is acquired by man as soon as he is born. As a social animal man cannot live as a human being without human interaction and through speech man communicates his ideas, thought, opinions and views and expresses himself.¹³ Thus right to freedom of speech and expression is the most basic human right, the suppression of which amounts to a gross violation of human rights and cannot be tolerated in any modern democratic system. In this paper, the author attempts to analyse the present sedition law in the light of Article 19(1)(a) and look for answer as to whether such a law is required in the present Indian scenario.

II. FREEDOM OF SPEECH AND EXPRESSION

“Freedom of speech and expression is that cherished right on which our democracy rests and is meant for the expression of free opinions as to change political or social conditions or for the advancement of human knowledge...” Hidayatullah J.¹⁴

The right to freedom of speech and expression is of immense importance in a free civil society, it is considered to be the most significant of all liberties.¹⁵ Freedom of speech and expression is recognised as a human right under Article 19 of Universal Declaration of Human Rights, 1948 and the International Covenant on Civil and Political Rights, 1966. India being a signatory to the above agreements has made significant attempt to uphold the citizen’s freedom of speech and expression, especially by the Indian judiciary. The scope of right freedom of speech and expression was explained by the SC in *Tata Press Ltd v. MTNL*,¹⁶ where the apex court

¹² INDIA CONST. art.19 (1).

¹³Supra note. 5.

¹⁴Ranjit D. Udeshi v. State of Maharashtra, AIR 1965 SC 881.

¹⁵Lavanya, B., (2018). *Freedom of Speech and Expression*, LEGAL SERVICES INDIA (2018) <http://www.legalserviceindia.com/legal/article-77-freedom-of-speech-and-expression.html>

¹⁶ Tata Press Ltd v. MTNL (1995) 5 SCC 139

explained that this freedom includes all the incidental rights such as right to know, listen, receive and share information.¹⁷

People's active participation is a key feature of the democratic form of government. In such a system people not only have to the right to free speech but also the right to know about the government, the currents affairs, and every aspect of social, legal and cultural affairs of the country.¹⁸ The government in such a system is directly responsible to the people. Intelligent and informant citizens are in a better position to judge the government policies and actions and accordingly cast their votes during elections.¹⁹ In a democratic system public opinion is given utmost regard as the government is elected by the people and it functions for the people. In such a scenario public needs to be informed and active. In the light of this, right to freedom is speech and expression is guaranteed as a fundamental right by the constitution of India. In *RomeshThappar v. State of Maharashtra*²⁰ the SC holding an order of the Madras government as void, explained that freedom of speech includes freedom to propagate ideas which is invariably connected to the freedom of circulation.²¹

While in *Express Newspapers (Bombay) (P) Ltd. v. Union of India*, the court held that:

“In today's free world freedom of press is the heart of social and political intercourse. The press has now assumed the role of the public educator making formal and non-formal education possible in a large scale particularly in the developing world, where television and other kinds of modern communication are not still available for all sections of society. The purpose of the press is to advance the public interest by publishing facts and opinions without which a democratic electorate [Government] cannot make responsible judgments. Newspapers being purveyors of news and views having a bearing on public administration very often carry material which would not be palatable to Governments and other authorities.”

III. REASONABLE RESTRICTIONS

The right to freedom of speech and expression is however not at absolute right in India and it can be restricted by the legislature on the grounds specified in Article 19 (2) which reads as follows:

“(2) Nothing in sub clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions

¹⁷Supra Note. 2.

¹⁸Ibid, at p.174

¹⁹Ibid.

²⁰ AIR 1950 SC 124

²¹Supra note 6, at p. 172

on the exercise of the right conferred by the said sub clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence.”²²

The grounds on which freedom of speech and expression can be reasonably restricted only on the grounds expressly mentioned in the constitution itself. It is beyond the legislative competence of the Parliament to enact any law restricting freedom of speech on any ground other than those mentioned under Article 19(2), which can be challenged as unconstitutional in the court of law and shall be liable to be struck down.

IV. SEDITION LAW IN THE ERA OF FREE SPEECH

The Indian sedition law is defined under section 124A of the Indian Penal Code 1860 in the following words:

*“124A. Sedition.—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 India, 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”*²³

Free speech is not always protected under all circumstances. The words of the above section clearly show that section 124A imposes a restriction on the right to freedom of speech and expression of the people by criminalising any form of expression of which brings hatred or contempt or excites disaffection or even attempts to excite such emotions towards a lawfully established government in India.²⁴ The punishment prescribed under this section seems rather absurd as accused under this section can be punished even with life imprisonment. This raises a question as to its efficacy in the modern democratic system. The need and relevance of this section in independent and democratic India is endlessly debated. There have been instances of misuse of the law of sedition before and even after the independence which has led to serious concerns as to whether such a law is required in the present day. This has also resulted in the Law Commission revisiting the issue of sedition a number of times in 1968, 1971, 2017 and 2018.²⁵

²²INDIA CONST. art.19(2)

²³The Indian Penal Code, s. 124A, 45 of 1860, 1860

²⁴Supra Note. 4.

²⁵Law Commission of India, Consultation Paper on Sedition (August 30, 2018).

V. HISTORY OF THE LAW OF SEDITION

The offence of sedition was originally defined under section 113 of the Draft Penal Code, 1837 by its drafter Macaulay. However, when the Indian Penal Code was officially enacted in 1860 this section was not included in it. This omission was termed as a mistake and thereafter this mistake was rectified by the inclusion of section 124A in the IPC by passing the Act XVII of 1870²⁶ which was in tune with the British Treason Felony Act, 1848.²⁷ Since rule was thus imposed on the Indian population by the British government. In UK, Fitzlerland, J explained the meaning of the term sedition in *R. v. Sullivan*²⁸ observed: "*Sedition in itself is a comprehensive term and it embraces all those practices 'whether by word, deed, or writing which are calculated to disturb the tranquility of the State, and lead ignorant persons to endeavour to subvert the Government and the laws of the Empire. The objects of Sedition generally are to induce discontent and insurrection, and stir up opposition to the Government ... and the very tendency of sedition is to incite the people to insurrection or rebellion.*"²⁹

Later in 1907 Prevention of Seditious Meetings Act was enacted which criminalised holding of public meetings that could cause disturbances of public tranquillity or result in sedition with six months' imprisonment or with fine or with both. Thus the present law of sedition prevalent in India is over 100 years old introduced by the then colonial government to suppress the Indian freedom movement and this background itself raises serious concern about the need of such a law in the present day making it a controversial and debatable topic in the country.³⁰

VI. JUDICIAL INTERPRETATION OF SEDITION OVER THE YEARS

As noted above the law of sedition was born in India during the British era. The law was used and misused by the British authorities against the leaders and activists of the Indian freedom movement. Many freedom fighters were arrested and even convicted on the charge of sedition during the British period as the British government wanted to suppress any voice that was raised by the Indians against them.³¹ Thus the intention behind passing this law seems rather malicious as it became convenient for the British government to suppress any voice raised against the British rule. In fact, M.K. Gandhi, the leader of the Indian freedom movement was also arrested

²⁶Ibid.

²⁷Treason Felony Act, 1848.

²⁸*R. v. Sullivan* 11 Cox. C.C. 44.

²⁹PILLAI, K. N., SHABISTAN, A., *ESSAY ON THE INDIAN PENAL CODE* 283 (New Delhi: Indian Law Institute 2005).

³⁰*Id.* At 300.

³¹Narayanan, A., *A Theoretical Analysis of the Law of Sedition in India*, 4 (1) *Christ UNIVERSITY LAW JOURNAL*, 87, 90-95 (2015).

for the charge of sedition.³²

One of the most popular case on law of sedition during the British era was the *Queen Empress v. Bal Gangadhar Tilak*³³ where literal interpretation was given to the law of sedition. Strachey, J observed that it is utterly immaterial if the act of the accused caused disturbance or actual outbreak. The accused would still be liable under this section if he tried to “excite feelings against the government” his intention, attempt or actual outbreak of rebellion is not essential to be considered under the section.³⁴

Again, literal interpretation of the law of sedition given I the Tilak’s case was followed in a number cases subsequently until 1942 where the court held that unless the speech or the act causes public disorder or creates a likelihood of it, the accused cannot be held guilty for sedition.³⁵

However, the court in *King-Emperor v. Sadasiv Narayan Bhalerao*³⁶ overruled the above decision and upheld its decision given in the Tilak’s case.³⁷

VII. POST-INDEPENDENCE ERA

In 1947, British rule finally came to an end with India gaining independence. However the “colonial law” that was thoroughly misused by the British authorities against the Indians, remained in force even after India’s independence.

After independence, section 124A was struck down as unconstitutional by the court in *Tara Singh v. State of Punjab*³⁸ as the term sedition did not find a place in the Constitution of India.

Further, in *RomeshThaper v. State of Madras*³⁹ section 9(1-A) of the Madras Maintenance of Public Order Act, 1949 was challenged as it prohibited the circulation of the English journal “crossword” in the State of Madras. The court held that the law operated as a restriction on the right to freedom of speech and expression guaranteed by the constitution and thus unconstitutional.

However, two years after the constitution of India came into force, the first Constitutional Amendment Act was passed by the Parliament which made two additions to the list of grounds on which the right to freedom of speech and expression guaranteed under Article 19 (1(a) could

³²*Id.* at 99

³³I. L. R. (1897) 22 Bom. 112.

³⁴Supra note. 15 at p. 285.

³⁵Niharendu Dutt Majumdar v. the King Emperor, AIR 1942 FC 22.

³⁶AIR 1947 PC 84.

³⁷Supra note. 21.

³⁸AIR 1950 SC 124.

³⁹AIR 1950 SC 124.

be reasonably restricted, i.e., 'friendly relations with foreign state' and 'public order'.⁴⁰ These two terms were deemed to be wide enough to include the offence of sedition within them.⁴¹

The landmark decision given by the Supreme Court in India that still holds good is the decision given in the case of *KedarNath Singh v. State of Bihar*.⁴² In this case the question of constitutionality of section 124A of the Indian Penal Code, 1860 came to the forefront, wherein the hon'ble Supreme Court upheld the constitutionality of section 124A of IPC but simultaneously gave it a restricted meaning. The court laid emphasis on the importance of the 'government established by law'. Such a government which functions on the basis of the authority of law is an essential for maintaining stability and peace in the State and any act creating feelings of discontent or enmity against such government will have the tendency to create incite violence in the State or cause public disorder. Such acts fall within section 124A of IPC and hence punishable.⁴³ Thus, the judgment in this case laid down the principle of disturbance of public order. Only those acts amount to sedition which cause public disorder and incite violence in the State. The court here tried to strike a balance between the need for the law of sedition and the fundamental right to freedom of speech and expression guaranteed under article 19 (1) (a). The court narrowed down the scope of the law of sedition in order to widen the scope of right to freedom of speech and expression. Citizens have to fundamental right to free speech and expression, constructive criticism is permissible. One may criticise the government policies and show their disagreement, however without inciting violence and causing public disorder. An act is punishable as sedition only if it leads to public disorder and violence.

After the *KedarNath Singh*⁴⁴ case, the principle laid down in this case was religiously followed by the Supreme Court in several other subsequent cases. In *Arup Bhuyan v. State of Assam*⁴⁵ the court held that only those acts are punished under section 124A that lead to imminent violence.⁴⁶

However in spite of the clear verdict of the SC in *KedarNath*⁴⁷ case, the law of sedition continues to be misused by the government to suppress the dissenting voices. There have been several instances wherein the government accused media personnel, activists, and other

⁴⁰The Constitution (First Amendment Act), 1951,

⁴¹Supra note. 11 at p. 17.

⁴² AIR 1962 SC 955

⁴³*Kedar Nath Singh v. State of Bihar*, AIR 1962 SC 955.

⁴⁴ AIR 1962 SC 955

⁴⁵(2011) 3 SCC 377.

⁴⁶Supra Note. 4.

⁴⁷ AIR 1962 SC 955

interested persons of committing the offence of sedition, for instance, charges of sedition was filed against JNU Student body President Kanhaiya Kumar along with other student leaders for allegedly raising anti-India slogans in the JNU campus. The accused questioned the convenient timing of the charge files against them as it was filed ahead of the 2019 Lok Sabha elections. They claimed that the action against them was “politically motivated.”⁴⁸ This case garnered a lot of criticism against the government for attempting to suppress the freedom of speech and expression of the youth of the country. Ultimately Kanhaiya Kumar was granted bail after three weeks of his arrest.⁴⁹

In 2007, Dr. Binayak Sen was arrested on charges of sedition. While he was treating a Maoist prisoner, he was alleged to have Maoist links and of aiding the Naxalites. Dr. Sen who is also a human rights activist claimed that his arrested was rather prompted the criticisms he made against the Salwa Jadum group that was alleged to have been engaged in clearing village lands rich in minerals for quarries. Dr Sen was also awarded with international awards in recognition of his commitment towards protection of human rights.⁵⁰ The SC of India finally quashed the sedition charges against Dr. Sen and observed that mere meetings with Naxalites and Maoists did not amount to sedition within the meaning of section 124A of IPC.⁵¹

Similarly the gross misuse of section 124A to suppress the dissenting voices can also be seen in several other cases like the arrest of Arundhati Roy, S.A.R. Geelani, Varvara Roa and others for allegedly making anti-national speeches at a Kashmir Seminar titled “Azadi- The Only Way.”⁵²

In *Sanskar Marathe v. State of Maharashtra*⁵³, the respondent was arrested on charges of sedition. Aseem Trivedi is known for his anti-corruption campaigns where he condemns the corruption prevalent in the Indian political system by way of cartoons. In a protest organised by Anna Hazare against corruption, he drew the Parliament as a commode and replaced the lion in the National Emblem with wolves which got him arrested on charges of sedition.⁵⁴ The

⁴⁸The Wire, Despite SC’s Stance on Sedition, Charge Slapped on JUN’s Kanhaiya Kumar and Others, The Wire (Oct. 22, 2019), <https://thewire.in/rights/despite-scs-stance-on-sedition-charge-slapped-on-jnus-kanhaiya-kumar-others>

⁴⁹Kanhaiya Kumar v. State of NCT of Delhi, W.P.(CRL). No. 558 of 2016, Crl M.A. Nos. 3237 of 2016 & 3262 of 2016.

⁵⁰Sara. H., Five Landmark Cases That Changes the Way We Look At India’s Sedition Law, Homegrown (Oct. 23, 2019), <https://homegrown.co.in/article/47919/5-landmark-cases-that-changed-the-way-we-look-at-indias-sedition-law>, (Last visited on October 23, 2019).

⁵¹Dr. Binayak Sen v. State of Chhattisgarh, Criminal Appeal No. of 2011.

⁵²Supra Note. 5.

⁵³Cri.PIL 3 of 2015.

⁵⁴Supra note. 32.

SC quashed the sedition charges and upheld the right to freedom of speech and expression and observed that the freedom of speech and expression of the respondent cannot be taken away when there is no incitement to violence or intention to create public disorder.⁵⁵

In *Shreya Singhal v. Union of India*⁵⁶ the SC struck down section 66A of the Information Technology Act, 2000 as violative of Art. 19 (1) of the Constitution. The court in this case made a distinction between “advocacy” and “incitement” and held that only latter is punishable under Indian Penal laws.⁵⁷

VIII. LAW OF SEDITION IN THE UNITED STATES OF AMERICA

The USA government is based on the ideals of democracy. It has been advocating democratic principles and values more enthusiastically than any other country. It is rather obvious that in a democracy right to freedom of speech and expression is of paramount importance. For a government that is elected by the people and is responsible to the people for all its actions, the citizens ought to have the right to free speech to express their support or their disapproval of government actions. In the US right to freedom of speech and expression is guaranteed by the First Amendment. However the First Amendment does not protect all types of speech and it is not expressly provided whether sedition is protected under it or not.⁵⁸ In spite of its liberal and democratic values, the law of sedition still exists in the US till today, though the US Supreme Court has read down its scope over a period of time.⁵⁹ The act of sedition was first made a punishable offence in US by the passing of the Sedition Act, 1798. This Act was however later repealed 1820.

Due to the disturbed international political situation during the World War I the Sedition Act was again enacted by the US government in 1918 which was particularly used against the supporters of Communist ideologies.⁶⁰ The validity of this Act was upheld by the US Supreme Court by laying down the “clear and present danger” test in *Schenck v. United States*,⁶¹ according to which “*words of such a nature and used in such circumstances as to create a clear and present danger that they will bring about the substantive evils which Congress has a right to prevent.*”⁶²

Again in 1940 another Act was passed under which the offence of sedition was penalised,

⁵⁵Sanskar Marathe v. The State of Maharashtra and Anr, Cri PIL 3 of 2015.

⁵⁶AIR 2015 SC 1523.

⁵⁷Supra note. 32.

⁵⁸Supra note. 12.

⁵⁹Supra note. 34.

⁶⁰Supra note. 34.

⁶¹249 U.S. 47 (1919).

⁶²*Schenck v. United States*, 249 U.S. 47 (1919).

called the Alien Registration Act, 1940, also called the Smith Act. In *New York Times v. Sullivan*⁶³ the importance of right to free speech was explained and it was held that criticism of the government and public officials did not constitute libel. In a democracy free speech is of utmost importance.⁶⁴

In India an act to be punishable under the law of sedition has to lead to incitement of violence or cause public disorder. Similarly in the US the test laid down by the US Supreme Court is the “incitement of immediate lawless action. In *Brandenburg v Ohio*⁶⁵ the US Supreme Court held that freedom of speech can be exercised by the people to advocate certain ideas, principles and others, however when such advocacy leads to imminent lawless action, it becomes a punishable offence under the law of sedition of US.⁶⁶

One glaring similarity that can be seen in both the US and India in the context of the law of sedition is that the offence of sedition has been thoroughly criticised and its existence till date in the statute book has been challenged numerous times in both the countries. However, sedition remains a punishable offence even today in both the countries despite many oppositions. The apex court of both the countries have tried to narrow down the scope of the offence of sedition and has given preference to the right to free speech in the interest of democracy.

IX. CONCLUSION

The law of sedition has survived violent criticisms from various sectors of the public in both India and the United States. Both the countries are largest democracies and yet their penal law are characterised by the presence of the age old law of sedition. The existence of the law of sedition is especially due to its dark history. As it was in fact introduced in India for the first time by the British colonial government to suppress the freedom fighters of India and the crush the Indian national movement. Also in the United States the law was introduced in 1798 to deal with spies and alien enemies. The law was repealed and was again reintroduced in 1918 during the World War I to deal with the alien enemies and protect the interest of the United States.⁶⁷

Thus in both the countries the law, as when it was introduced has a valid and effective purpose and intention of the drafters. However in the present scenario the law needs to be amended as it has the potential of being misused by the government in power. The law has been tamed and

⁶³376 U.S. 254, 273-76 (1964).

⁶⁴Supra note. 34.

⁶⁵395 U.S. 444 (1969).

⁶⁶Supra note. 12.

⁶⁷Supra note. 34.

kept in check by Judiciary in both the countries by passing a series of judgments in favour of right to freedom of speech and expression and by reading down the scope of the law of sedition. So much so that the law of sedition in United States has become rather futile and is hardly invoked.⁶⁸ However the situation is not the same in India. time and again the government authorities have misused the law of sedition and has charged several students, politicians, human rights activists and the media with the offence of sedition.⁶⁹

It is thus time that India amends the law of sedition of narrow down its scope as much as possible to prevent its misuse or to repeal the law all at once. The judgments given in KedarNath Singh⁷⁰ case and the Shreya Singhal⁷¹ case is of utmost importance in the context of applicability and the scope of sedition law in India.

⁶⁸ Ibid.

⁶⁹Talukdar, S., Mondal, R., *Law of Sedition: An Agent of Colonialism: A Critique*, 3 (3) INTERNATIONAL JOURNAL OF LAW, 21-27 (2017).

⁷⁰ AIR 1962 SC 955

⁷¹AIR 2015 SC 1523.