

ROLE OF SUPREME COURT ON SEDITION LAW : AN ANALYSIS

ABSTRACT

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Law of Sedition is as old as the history of civilization, an era in which the concept of patriotism evolved. The word "sedition" comes straight out of the Latin word -- "sed" means apart and "ition means going" i.e. going apart. Sedition refers to the uttering or writing any words or doing any act intended to bring the state into hatred or contempt or to excite disaffection against the established government. Whereas, Patriotism is the ideology of attachment to a homeland which comes naturally and one can't be forced to come under the umbrella of patriotism. Thus, government is manufacturing patriotism by the way of sec. 124A of IPC,1860. Law of sedition has a chilling effect on right to free speech and expression under Constitution of India. In Kedar Nath's case apex court narrowed down the scope of sedition law in India but still government has used the weapon of sedition many times. Thus, the vagueness in this law facilitates it to be used arbitrarily. These incidents have led to question at the heart of this controversy regarding the Section 124-A lies a black-and-white issue: Can an Indian citizen justify and support a call for a part of the country to secede? Can a citizen point out the shortcomings of the government machinery? Does he have a right to freely express himself without being charged with the offence of "Sedition? The Answer to all these questions still remains unanswered. But the harsh reality is that, this law is still prevailing in India. Therefore, this paper aims to examine the role of Supreme Court on Sedition law.

Keywords : Sedition, Fundamental, Constitution

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