Jus Corpus Law Journal

Open Access Law Journal – Copyright © 2022 – ISSN 2582-7820
Editor-in-Chief – Prof. (Dr.) Rhishikesh Dave; Publisher – Ayush Pandey

Supreme Court on Sedition: An Analytical Study

Ayush Srivastava[a]

[a]Amity University, Lucknow, India

Received 23 June 2022; *Accepted* 10 July 2022; *Published* 14 July 2022

Sedition is the incitement of rebellion against the government. Sedition encompasses all actions and practices that aim to incite dissatisfaction or disillusionment toward the Constitution, the Government, or Parliament to cause a public disorder or lead to civil war, as well as all strategies to encourage public discord or disorder in particular. Since its inception in the English court, the rule of seditious conspiracy has indeed been described by ambiguity and non-uniformity in its implementation. Centuries of the ruling governing elite have made sure that they will have an instrument to suppress any speech that ends up going against their best interest by conspiring to keep its scope ambiguous. There's been a shift in our understanding of state security as a justification for restricting freedom of speech and expression. Furthermore, there has been a significant change in the pattern of the government, as well as a reduction in the receptivity of the ordinary folk to be incited to conflict by offensive language. Even the preservation of 'public order' could be used to rationalize these laws because it is meant to address local law and order problems instead of incentive the very foundation of the State itself. In this paper, we will look into the law of sedition in the present day. We will firstly understand what sedition law is and its history of origin in India and after this, we will look into the view of the SC on this topic after the independence. We will analyze the decisions of the SC. In the end, we will provide some suggestions for the problem faced, if any.

Keywords: *incitement, public order, rebellion, restricting freedom.*

INTRODUCTION

Sedition law was a contentious aspect of the Indian penal system before independence, and it remains so today. Sedition law is imperial era legislation, and the reasoning behind it was to endorse British rule, and those who were dissatisfied with the administration were accused under Sec.124A[1]. In the Privy Council, the Federal Court, and the trial courts before independence, there was an interpretation of sedition law, and then after such decisions, British laws were enacted. The sedition law was amended several times. Following the Independence of India, the Indian constitution was enacted and some rights were granted to Residents and non-residents, one of which is freedom of speech and expression which is granted to Indian citizens under Article 19(1) (a)[2], but this fundamental right is not granted as an absolute right but some limitations are there under which this right can be restricted. These restrictions are given under article 19(2)[3]. So, after the freedom constitutional validity of the Sedition act was questioned, Allahabad HC and Punjab HC stated that Sec. 124A is ultra vires; however, the Supreme Court upheld the constitutional validity of Sec.124A in ***Kedar Nath Singh v State of Bihar***[4]. The latest advancements in the judicial system regarding the Sedition act are the same as that given in the KedarNath Singh Case; it was held in ***Common Cause v Union of India***[5]. In the KedarNath Case, the 'propensity of conflict or maladaptive behaviour' concept was applied to determine whether or not an infraction of seditious conspiracy was committed. The components of the sedition act under Section 124A of the Indian Penal Code, 1860 include a proclivity for conflict or disorder. In his 42nd report, the Law Commission report recommended that Mens rea that is intent be clearly referenced in the Sedition act under Section 124A, and lately in 2018, the Law Commission report authored a Discussion paper on Sedition Law, which recommended that there is a need for reconsidering about Sedition Law with the assistance of legal personas.

[1] Indian Penal Code, 1860, s 124A
[2] Constitution of India, 1950, art.19(1) (a)
[3] Constitution of India, 1950, art.19(2)
[4] *Kedar Nath Singh v The State of Bihar* (1962), AIR 955
[5] *Common Cause v Union of India* (2005) Writ Petition (Civil) No. 215/2005

WHAT IS SEDITION LAW?

Sedition, in the broadest sense, is the incitement of rebellion against the government. Sedition encompasses all actions and practices that aim to incite dissatisfaction or disillusionment toward the Constitution, the Government, or Parliament to cause a public disorder or lead to civil war, as well as all strategies to encourage public discord or disorder in particular. "None of it is crystal clear than the legislation on this head – notably, that whoever by dialect, either authored or spoken, incites or inspires others to use physical violent force in some public issue linked with the Nation, is accused of publicizing a seditious libel," the court stated in ***Rex v Adler***[6]. In its normal natural meaning, the term "sedition" signifies a tumult, an insurgency, a popular ruckus, or an outcry; it assumes violent behavior or lawlessness in some type..."

Section – 124(A) of the IPC defines "Sedition" in broad and altruistic aspects. It states that "Whoever, by phrases, either spoken or published, or by signs, or by the system of signs, or otherwise, helps bring or efforts to bring into contempt or to excite disaffection, or energizes or intends to excite disillusionment against the Government established by law in India, shall be fined with life in prison." While it encompasses the offenses that are punishable by law, it does not provide an exact meaning of the concept "sedition."

HISTORY OF SEDITION IN INDIA

The law of seditious conspiracy, as enshrined in Section 124A of the IPC, does have an indisputably remarkable history. Thomas Macaulay outlined sedition as a crime in clause 113[7] of the Proposal IPC in 1837, but it wasn't until 1870 that the clause for seditious conspiracy was decided to add by the Indian Penal Code (Amendment) Act, designed to deal with rebellion and dissidence against colonial rule. During his trial, Gandhi mentioned that a few of India's most famous freedom fighters had been tried under Section 124A. In British India, sedition had become equated with nationalism. This clause was later repealed by a trying to amend Act of 1898, which supplanted it with the current Section 124A. The foremost documented state

[6] *Rex v Adler* [2020] ONCA 246
[7] Indian Penal (Proposal) Code, 1837, s 113

prosecution for seditious conspiracy is ***Queen-Empress v Jogendra Chunder Bose***[8], in which Bose, the publisher of the daily paper 'Bangobasi,' published an essay criticizing the 'Age of Consent Bill' for posing a danger to faith and for its forcible connection with Indian citizens. This scandal and discussion on the sedition act would have been most evident in the case of the sedition prosecution in the history of India, the trial of Bal GangadharTilak, who'd been booked underneath this law three times. The colonial government claimed in ***Queen Empress v Bal Gangadhar Tilak***[9] that Tilak's statements on Shivaji's killing of Afzal Khan incited and motivated the killing of 2 British officials. This prosecution was presided over by recently promoted Justice James Strachey, who widened the ambit of section 124A in the deliberations by equating "disillusionment" to "lack of loyalty." He construed "feelings of discontentment" to mean loathing, animosity, despise, hostility, contempt, and any other type of ill will toward the government.

Mahatma Gandhiji was taken for prosecution in 1922 for his publications in the journal names Young India. Gandhi notably decried the rule against seditious conspiracy in court, citing Section 124(A) as the "prince among political sections of the Indian Penal Code designed to limit the freedom of the citizen". After this, in the new parliament session, the question of seditious conspiracy was hotly debated. After a lot of debate, a revision or modification was proposed to remove the term "sedition" and restrict it to intruding article 19 of the constitution. When the constitution was ratified on November 26, 1949, the term was removed from the constitution, but Section 124 (A) remained in the IPC. After this in the year 1950, the Nehru government was prompted by two Supreme Court decisions to enact the much-criticized first amendment. India's first prime minister that is Jawaharlal Nehru, critiqued the legislation during a parliament session on freedom of speech in 1951, saying: "Now as far as I am worried, that particular part is strongly morally repugnant and impolite, but it should have no spot, both for pragmatic and cultural reasons, if you like, in any system of laws that we might pass." The quicker we get it out of here, the better."

[8] *Queen-Empress v Jogendra Chunder Bose* (1892) ILR 19 Cal 35
[9] *Queen Empress v Bal Gangadhar Tilak* (1897) ILR 22 Bom. 112

HISTORY OF SEDITION AFTER INDEPENDENCE: SUPREME COURT'S VIEW

Despite all this in past India, the law is still in effect 70 years later. Many dissenting voices, human rights activists, and government critics have been accused of it, including recently. Three significant decisions concerning seditious conspiracy laws were turned down in the 1950s. ***Tara Singh Gopi Chand v The State***[10] and ***Sabir Raza v The State***[11] and ***Ram Nandan v The State***[12] was the cases. The court system during the first two cases mentioned, Tara Singh Judgment and Sabir Raza Decision, have been of the view that S.124A of the IPC had become null and void as a result of the implementation of the Indian Constitution.

The first case to deal with the constitutional issues of S. 124(A) was ***Ram Nandan v State of Uttar Pradesh***[13], in which the Allahabad HC held, "Section 124-A, Indian Penal Code, is ultra vires of Article 19(1) of the Constitution, too because that is not in the interest of the common order and also because the limits imposed thereby are not reasonable limits." As a result, the reservations in Article 19(2) of the Constitution do not apply to this Section, and should be declared null and void."

As noted previously, the Supreme Court's ruling in ***KedarNath***[14] established the modern interpretation of the rules of seditious conspiracy. In this judgment, the Apex Court combined five appeals to determine the constitutional validity of Section 124A of the Indian Penal Code in the context of Article 19(1) (a) of the Constitution. According to the Court's explanation, motivating public disorder is an essential component of the offence of seditious conspiracy. In this case, the court decided to follow the Federal Court's viewpoint in Niharendu Majumdar. As a result, the offence of seditious conspiracy was defined as an act against public tranquility rather than an ideological crime influencing the very foundation of the Nation.

---

[10] *Tara Singh Gopi Chand v The State* (1951) CriLJ 449
[11] *Md. Sabir Raza v The State Of Jharkhand* (2021) A.B.A No. 5843/2021
[12] *Ram Nandan v The State* (1959) CriLJ 1
[13] *Ibid*
[14] Kedar Nath Singh (n 4)

The Court examined the pre-legislative background as well as the opponents in the Constituent Assembly debates concerning Article 19[15] of the Constitution. It was mentioned here that, despite being included in the Constituent Assembly, sedition was expressly excluded as a relevant and valid ground for limiting the right to free speech and expression. This indicated the legislature's actual intent that sedition not be viewed as a genuine exception to freedom. Consequentially, sedition is only legally valid if it is based on one of the 6 exceptions listed in Article 19(2) of the Constitution. The Court considered 'state security as a potential ground for upholding the constitutionality of section 124 A of the IPC. The Court upheld the hypothesis that whenever a legal provision can be construed in more than one way, the Court must accept the point of view that generally makes the clause legal and does not contravene any of the constitution's articles. Any clarification that would make a clause unconstitutional should be rejected. However a simple reading of the section does not support such a requirement, it was asserted that any treasonous act should be accompanied by an attempt to incite dispute and conflict. Nonetheless, the Court ignored the above-mentioned Irish method of analysis of "trying to undermine order in society or the authority of the state," which was rejected by delegates of the Constituent Assembly. Despite having made a mention of this fact previously in the ruling. The Court reasoned that because seditious conspiracy laws will be used to ensure continued public order, and maintaining public order would have been in the best interest of state security, these regulations could be substantiated in the latter's interests.

The court's methodology has demonstrated its unwillingness to assign a broad magnitude to the crime of seditious conspiracy and instead has limited this to the narrowest of margins plausible. Nevertheless, the latest detentions of certain Kashmiri students, the arrests of persons after the CAA controversy, and others demonstrate a clear lack of connection between both the established precedent of the law and its effective application. Dissension between both the upper and lower judiciaries, as well as the police, have did result in a state of things that makes a mockery of the legislation as it currently stands.

[15] Constitution of India, 1950, art.19

In a case at the Punjab high court, the High Court quoted the SC's decision in ***Balwant Singh v State of Punjab***[16], in which it was determined that the informal raising of taglines a bunch of times alone without having the intention to instigate individuals to build disorder would not encompass a threat to the GOI. It was also decided that clear and specific requests for secession and the institution of a separate country will not be considered seditious acts. As a result, the suspect's FIR was dismissed. Court systems also have continuously determined that criminal conspiracies and terrorist acts do not qualify as seditious acts. The accused in ***Mohd. Yaqub v State of West Bengal***[17] conceded to being a secret agent for the Pakistani Intel agency ISI. The agency would give him orders to engage in anti-national operations. As a result, he was accused of committing sedition under Section 124A of the IPC, 1860. The Calcutta HC discovered that the trial had failed to prove that the actions were seditious and had the impact of instigating people to violence, quoting the components of seditious conspiracy set down in ***KedarNath***. As a result, because the stringent evidence necessities were not encountered, the suspect was discovered not guilty.

Likewise, in ***Indra Das v State of Assam***[18]**,** it was established that the suspect was a supporter of the forbidden institution ULFA. He was also accused of murdering some other man, but there was no evidence for this claim. Using the Jury's ruling in ***KedarNath and Niharendu Majumdar***[19], the Supreme Court determined that no seditious acts might be attributed to the suspect, and the appeal was permitted.

This stringent evidence requirement was emphasized by the courts in the cases of ***State of Assam v Fasiullah Hussain***[20] ***and State of Rajasthan v Ravindra Singhi***[21], in which the judges exonerated the suspect of seditious conspiracy because the prosecution had failed to offer substantial proof that they'd have determined to undertake seditious conduct.

---

[16] *Balwant Singh And Anr., v The State of Punjab* (1995) Appeal (Criminal) No. 266/1985
[17] *Mohd. Yaqub v State of West Bengal* (2004) 4 CHN 406
[18] *Indra Das v The State of Assam* (2007) Criminal Appeal No. 1383/2007
[19] *KedarNath and Niharendu Majumdar* AIR 1939 Cal 703
[20] *State of Assam v Fasiullah Hussain* (2017) I.A.(Criminal) No. 339/2017
[21] *State of Rajasthan v RavindraSinghi* (2007) 3 WLN 242

One of the suspects, PiyushGuha, testified in the case of ***Binayak Sen v State of Chhattisgarh***[22] that Binayak Sen who is a public health proponent had provided him messages to deliver to some cities. These letters allegedly contained Naxal works of literature, as well as information about police brutality and violations of human rights. The defendant was found guilty of sedition by the High Court, citing street violence by prohibited Militancy organizations against armed forces personnel. Nonetheless, it did not explain how the simple ownership and distribution of literary works could be considered a seditious act. In addition, the HC avoided dealing with the issue of inciting violence, which was absent in this case. As a consequence, the Chhattisgarh HC's judgment has received a lot of attention.

In the particular case of ***Shreya Singhal&Ors. v Union of India***[23], the Court highlighted the difference between 'advocacy' and 'inciting violence,' and how constraints under Article 19(2) should be purely construed to exclude 'innocent speech.' According to the Supreme Court, "the discernible difference is clear – the internet provides any person with a platform that necessitates little or no fee through which to air his views."

In the particular instance of ***Kanhaiya Kumar v State (NCT of Delhi***[24]***)***, the petitioner, who was accused under section 124A of the IPC, applied to the Delhi High Court for bail. In reaching its decision, the Court stated that "while practising the right to freedom of speech and expression under Article 19(1)(a) of the Indian Constitution, one must keep in mind that Part-IV Article 51A[25] of the Constitution provides Fundamental Duties of every resident, that also form the other side of the same coin."

Because of the foregoing court decisions, it can be asserted that – unless words used and behaviour in inquiry do not endanger the security of the Nation or the community or cause any type of public disorder that is serious, the act just wouldn't fall under the purview of section 124(a) of the IPC, 1860. Also, it can be analyzed through these decisions that the crime of seditious conspiracy has started losing significance. There have only been 12 cases heard by

[22] *Dr. Vinayak Binayak Sen 2 Pijush v State Of Chhattisgarh* (2011) Criminal Appeal No. 20/2011
[23] *Shreya Singhal & Ors., v Union of India* (2015), AIR 1523
[24] *Kanhaiya Kumar v State (NCT of Delhi)* (2016) Writ Petition (Criminal) No. 558/ 2016
[25] Constitution of India, 1950, art.51A

the High Court and 3 heard by the Supreme Court. The suspect has been acquitted in the vast overwhelming majority of cases. Even if a guilty verdict has been acquired, it can be proved that it was obtained due to the incorrect implementation or ignoring of the law, and thus was per incuriam.

CRITICISMS OF SEDITION LAW

Colonial law was used by the British government to repress defiant critiques, voices, and viewpoints against British rule. Despite having highly specialized legislation to deal with various threats to national security interests, this colonization law is still used in Indian Independence. As a result, in a modern democracy where residents have sovereign power, such a law is meaningless[26].

While trying to introduce the Constitution (First Amendment) Act, 1951, the then Prime Minister, Jawaharlal Nehru, stated in Legislature that the crime of seditious conspiracy was profoundly unlawful and stated, "As far as I am worried, that particular Part is extremely unsatisfactory and obnoxious, which should have no spot, for both pragmatic and historical reasons, if you like, in any system of laws which we might pass." It's best if we can get rid of it as soon as possible. We may deal with this problem in other, more limited cases, as any other nation is doing, but then that specific thing, as it is, has no spot, because everybody has had enough experience with this in several ways, and aside from the logic of the situation., our urges are against it."

Sedition Law: The law of seditious conspiracy is more probable to be political parties' last resort, and they use it to one's advantage. The ruling party uses its power to suppress opposing opinions that criticize the government's operation or question its initiatives. It has been said so because the legislation has still not been revised or rescinded, even though the Indian Supreme court has repeatedly critiqued the legislation.

[26] Pranjal Sharma, 'Sedition Law in India: Critical Analysis' (*Lexforti*, 23 October 2020) <https://lexforti.com/legal-news/sedition-law-in-india/> accessed 22 June 2022

The offense of seditious conspiracy is becoming less and less relevant. An investigation of the IPC reveals that its other regulations are adequate to address all damage to public order and crime, making S. 124(A) outdated.

FREEDOM OF SPEECH AND EXPRESSION AND SECTION 124 A OF THE IPC

To emphasize the value of free speech, John Stuart Mill tried to argue that for the stabilization of a society, one should not repress residents' voices, no matter how opposite they may be. Discussions and open public discussion and debate are unavoidable in some situations in a way to attain a conclusive decision. Mill went on to argue that a strong government promotes the "intelligence of the people." A democratic republic is not associated with majority rule; rather, it is an entire ecosystem in which every voice can be heard. In the immortal words of Charles Bradlaugh, "a thousand-fold misuse of freedom of speech is preferable to rejection of freedom of speech." The abusive behavior passes away in a day, but refusal kills people's lives and buries the race's sense of hope." Noticing that criminal behavior and moral standards do not exist side by side, the Supreme Court held that a free spread of thoughts in society keeps its citizens informed, which leads to good democratic accountability. The connection between Section 124-A of the Indian Penal Code and Art 19 of the Indian Constitution is stretched. ***Article 19(1)(a) of the Indian Constitution*** guarantees the right to freedom of expression, stating that "all citizens of the state have the right to freedom of speech and expression."

The SC of India has ruled that under Article 19(1) (a), freedom of expression would include the right to obtain and receive data, along with data held by public bodies. In the case of ***Tata Press Ltd. v Mahanagar Telephone Nigam Ltd. & Or***s.[27], the SC stated that "freedom of speech cuts to the core of the basic right of a structured freedom-loving culture to 'divulge and obtain information about such mutual interest."

The freedom of speech and expression provided in the constitution, but even so, is limited by Article 19(2). In this regard, the Indian Constitution is much less defensive of peaceful affirmation than that of the ICCPR. The scope and extent of freedom of speech and expression

[27] *Tata Press Ltd., v Mahanagar Telephone Nigam Ltd. & Ors.,* (1995) AIR 2438

safeguards in India are primarily dictated by how the words "in the interests of," and "reasonable restrictions" of the number of grounds contained in Article 19 are interpreted. Even so, the SC's rulings on the subject have indeed been incongruent. One instance would be that the court has widely construed the word "*in the interests of*" in section 19(2), going to hold that speech with a "propensity" to create widespread disorder may be constrained even when there is no danger of it doing so.

"If consequently, specific actions have a history of causing public disorder, a law punishing such actions as a crime cannot but just be held to be a law enforcing additional limits 'in the sphere of public order,' even though in a few instances those actions may not lead directly to a violation of public order," the court explained. Furthermore, the court stated that "the expected risk must not be remote, speculative, or far-fetched." It must have a close and direct relationship to the expression. Thought expression ought to be incredibly risky in the interest of the public. In other phrases, the affirmation should be inextricably linked to the action under consideration, like a 'spark in a powder keg.[28]'"

To the question of whether Article 19(2) and Section 124-A are mutually exclusive or complementary. There seem to be three possible arguments:

- Section 124A is unconstitutional because it violates Article 19(1)(a) and that is not justified by the phrase "in the public interest."
- Section 124A is not null and void since the phrase "in the interest of public order" has a broader scope and is not limited to "conflict." It must diminish the government's authority by instilling hostility, callous disregard, or disdain for it.
- Section 124A was found to be partially void and partially valid in ***Indramani Singh v State of Manipur***[29]. Exciting or intentionally causing mere disaffection is illegal, but the limitation under Article 19(2) to incite hate against the government established by law in India is legitimate.

[28] Nivedita Saksena & Siddhartha Srivastava, 'An Analysis of the Modern Offence of Sedition' (*Manupatra*) <http://docs.manupatra.in/newsline/articles/Upload/37E592F0-BE2A-475F-AF99-2F6909F3CF11.pdf> accessed 24 June 2022

[29] *Indramani Singh v The State of Manipur* (1955) CriLJ 184

Only constraints in the interest of one of the 8 specified best interests can pass muster, according to the Indian Supreme Court. The Supreme Court decided in March 2015, outlawing ***section 66A of the Information Technology Act*** that "any legislation wanting to impose a limitation on freedom of expression could only pass constitutional muster if this is roughly linked to any of eight relevant topics listed in the article 19(2)."

SUGGESTIONS

All speech-related offenses must be deemed non-cognizable, ensuring that security agencies acting on politically inspired issues are subject to judicial scrutiny. It would also mitigate the negative impact of simply using ownership and detain to oppress anyone exercising their rights to free expression and expression under Article 19(1). (a).

All law enforcement agencies should be ordered that decisions about whether or not to detain somebody for speaking must not be grounded on violent speeches or civil disorder created by the persons who loathe or are incited by the hateful speech. Arresting people for their speech should be entirely based on an evidence-based analysis of whether or not the person has done something illegal.

In the instances of offenses under Sections 153-A and 295-A[30] of the IPC, Section 196(1)[31] of the CrPC requires obtaining the government's prior condemnation before actually having awareness of the infringements. It is proposed that it be expanded to S.124A of the IPC, which is the crime of seditious conspiracy.

Start education programs for all law enforcement officers to ensure it remains knowledgeable of the Supreme Court's constraints on laws that restrict free expression.

If Section 124A of the IPC, 1860 is repealed or amended, police should be made aware that, according to relevant SC rulings, the seditious conspiracy rule only applies to speech that has the propensity or original intent to cause a civil disturbance.

[30] Indian Penal Code, 1860, ss 153A and 295A
[31] Code of Criminal Procedure, 1973, s 196(1)

Under the Indian Penal Code section 124A, mere opposition to the government or its regulations cannot be the basis for prosecutors.

A prosecution for seditious conspiracy cannot be based solely on speaking or expression viewed as demeaning of India or its national symbols.

Following the rules acknowledged by the Bombay HC, make it a requirement for authorities to acquire a written legal analysis from the state's law enforcement agent and the government's prosecuting attorney before actually filing sedition charges[32].

All proceedings and investigations into incidents in which the underlying conduct involved peaceful expression or assembly will be dropped and closed. India must create a detailed plan and set for rescinding or modifying laws that prohibit peaceful expression or arrangement, or, if the law is to be modified, this should discuss thoroughly with the legal field in a clear and public manner.

CONCLUSION

Since its inception in the English court, the rule of seditious conspiracy has indeed been described by ambiguity and non-uniformity in its implementation. Centuries of the ruling governing elite have made sure that they will have an instrument to suppress any speech that ends up going against their best interest by conspiring to keep its scope ambiguous. In addition, the judges were unable to provide clear guidance on the legislation. While India's final result on the legislation was established in 1960, the legislation of sedition is notable for its inaccuracy and use as a tool for bullying. Thus, some of the reasons for which people have been charged under these sections (and frequently imprisoned) include liking a Facebook post, criticizing some famous personality, applauding a foreign team mainly Pakistan during a cricket match against India, and simply asking in a university exam about whether the stone-palters in J&K were true heroes, and so on. An examination of the Judge's Decision in KedarNath reveals some flaws in the way the law is understood. There's been a transition in our understanding of state security as a justification for restricting free speech and

[32] Pranjal Sharma (n 26)

expression[33]. There's been a shift in our understanding of state security as a justification for restricting freedom of speech and expression. Furthermore, there has been a significant change in the pattern of the government, as well as a reduction in the receptivity of the ordinary folk to be incited to conflict by offensive language. Even the preservation of 'public order' could be used to rationalize these laws because it is meant to address local law and order problems instead of incentive the very foundation of the State itself. It could be argued, based on the abolishment of the legislation of sedition in England, that the legislation of sedition has now become outdated. Numerous other laws and regulations regulate civil order and might even be invoked to strengthen public peace and serenity. In light of the foregoing observations, it is time for the Indian legislature and judicial system to rethink the presence of insurrection regulations in the law books. These regulations continue to stay as relics of colonial exploitation and may jeopardize citizens' rights to dissent, protest, or challenge the government in a democratic republic. Based on the abolition of sedition legislation in England, it could be argued that sedition legislation is now obsolete. Numerous other laws and regulations govern civil order and may even be activated to promote public peace and tranquillity. Given the preceding observations, it is the moment for the Indian legislature and judiciary to reconsider the inclusion of sedition regulations in the law books. These regulations remain as colonial relics and may jeopardize citizens' rights to dissent, protest, or challenge the government in a democratic republic.

[33] Nivedita Saksena & Siddhartha Srivastava (n 28)