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Revisiting the Sedition Laws in India

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Abstract

India after independence inherited several the laws from Britishers, which includes the controversial provision of sedition which has developed judicially over time. In simple words, sedition is defamation against the State and the government with certain peculiar elements. The paper studies the changing interpretation of the meaning of sedition under the Indian Penal Code, keeping in mind that this provision of the criminal law is a gift by the Britishers and a contradiction to Art 19 (1) (a) of the Indian constitution. section 124A of Indian penal code is a magnet to criticism since the British colonial era. The rationale behind putting forward the British laws to clamp down the perspective of Indians. Nevertheless, after the colonial rule era this law seems to have a vague concept. Furthermore, this very provision is one of the most misused laws till date. Moreover, sedition law is a violation of the article 19(1)(a) of the Indian constitution. This provision provides the Government a chance of getting into the shoes of the colonial monarch. The later episodes of this provision are in

opposition to human rights activists, columnists and open erudite people in the country have raised fundamental problems of the legitimacy and the old and undemocratic nature of those laws. The paper aims to answer one essential question -Is sedition a law in the interest of public order, which prevents free speech? It answers this query through a comparative examination of Indian and English Laws of sedition to eventually make a case in favor of repealing the colonial archaic sedition law. Henceforth this paper stresses upon this matter, its applicability and in addition lays down certain suggestions.

Keywords: Sedition, Section 124A, Freedom of Speech And Expression.

1. Introduction

"*Law being the cement which holds the social structure together, needs to intelligently connect history with the existing laws without ignoring the claims of the future."*

Edgar Bodenheimer

Free speech is an essential and immensely controversial premise in democratic state. It is a congenital and considered necessary component so as to apprehend the stance of a free society. Freedom of speech and expression permits a person to self-actualize and adopt freestanding and independent tasks. It recommends the conduct of free decision making that is correlative to advocating the concept of independent and self-determination. It provides a basis to establish equilibrium among the sustainability and robustness of a society.[1] In the Indian constitution, the preamble and the article 19(1) & (2) in accordance with The Universal Declaration of Human Rights, 1948 declare the freedom of speech and expression as the primary and fundamental right of an individual. The legal framework has for numerous years used the perception of reasonable restrictions to set up the legitimacy of the notion which includes sedition. Dissent sets in motion their discussion and escalates the scope of evolution and development. Dissent is an illustrious part of a democracy that is dynamic in its nature. Dissent, discussion and scrutiny are an essential component and forms essential ground in the strengthening of a strong and vibrant democracy[2]. India has been one of the remarkably developing states in all dimensions i.e. legally, politically,

[1] STEPHEN SCHMIDT & MACK C. SHELLY, AMERICAN GOVERNMENT AND POLITICS TODAY, (Cengage learning, USA, 11,2014).
[2] law commission consultation paper, sedition (30 august 2018).

socially etc. over the decades, yet the people do not have the absolute power to exercise their right to free speech and expression if they are dissatisfied by the actions of the government. as now the law is shaped based on their own interest and convenience in the name of the sovereignty and integrity of India. This law was enacted by the British parliament during the 17th century, the time when the legislators were of the belief that a healthy outlook of the government should hold on and the condemnation of the same would be destructive. This very provision was used against several freedom fighters of India some of them are Bal Gangadhar Tilak, Mohan Das Karam Chandra Gandhi, Jogendra Chandra Bose and many more. The courts have dealt with the purpose and legitimacy of this provision in lots of instances. In Some of these times the court declared it void however later upheld its constitutionality. The rationality and arguments vary in each circumstance. The provision continues to prevail however without a doubt can't prevail in the perception it is applied. It impacts the rights of people to express their grievances or dissent. The extent of the right to offend requires a broader understanding and application. The balancing act of freedom of expression and preserving national peace and order collectively in context of individual's autonomy proves to have turn out to be a strenuous challenge for the government as well as judiciary[3]The power to punish critical statements in opposition to the government has been used to justify direct suppression through formal criminal sanctions, and, as well, indirect suppression through much less formal approach which includes networks of police spies and agents provocateurs.[4]

2. Meaning of Sedition in India

As articulated by Dr. Justice (Retd.) Balbir Singh Chouhan "The sedition law needs reconsideration"[5] In the colonial era this provision was considered as a crime against the crown and the subjects were required to show their full loyalty towards the supreme power of the land. After India got independence, the constitution that is the parent law lays down different authority. There's a distinction between the two expressions "government established by law" and "elected representatives", therefore this offence turns into something very frightening for the

[3] national crime records bureau, *crime in India - statistics*, (ministry of home affairs,2016).
[4] William T. Mayton, seditious libel and a lost guarantee of a freedom of expression, 84, columb. L. rev. 84 (jan.,1984).
[5] Sedition law needs relook: Balbir Singh Chouhan, law commission chief, THE ECONOMIC TIMES, (Mar. 22, 2016), https://m.economictimes.com/news/politics-and-nation/sedition-law-needs-relook-balbir-singh-chauhan-law-

continuance of the state. Section 124-A[6] specifies, *"whoever, by words, either spoken or written, or by signs, or by visible representations, 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."* The definition of sedition ought to be narrowed right all the way down to best embody the issues concerning the territorial integrity of India, further to the sovereignty of the country. The word 'sedition' is exceptionally nuanced and needs to be carried out with caution. It must rarely be used however, stored by and large as a deterrent. This formulation phrases like "hatred", "contempt" and "disaffection" is simply too vague. It is an irony for a democratic nation like India, wherein freedom of speech and expression embedded in Article 19[7] has been granted, and whilst exercising their power enshrined, they're being convicted for the offence of sedition[8]. The interpretation of this offence is that the words expressed in any form if inciting violence or creating any public disorder will amount to an act of sedition. Mere use of offensive words in any form if not invoking any person would not constitute any offence for that matter. Hence this offence could be described as disloyalty shown in an action. Furthermore, this offence is not only against the government but against the whole society too as its execution incorporates disruption in the nation which may result in civil war as well as public order.[9]

3. Research Questions

- Whether sedition is coherence with the idea of free speech?
- Whether the offence of sedition fits in the present idea of free speech?
- Whether the sedition law needs amendment or should be struck down?

4. Objectives of the Study

Based on the above-mentioned research questions, this paper focuses to attain the subsequent objectives

- To examine the background along with principle backing the Indian sedition laws.

[6] Indian Penal Code,1860.
[7] Constitution Of India, 1950
[8] Section-124A (Indian Penal Code,1860.)
[9] nazir khan v. state of delhi

- To explore the relation between section 124A of Indian penal code and article 19(1)(a) of the Indian constitution.
- To analyze whether the provisions of section 124A are wrongfully used.
- To find out the measures to resource the balance of the law of sedition.

5. Hypothesis

This study is based on doctrinal research which intends to acknowledge the research questions of the research problem. The sedition law has both pros and cons of its own. The pros aid in preserving the unity and stability of the state while on the contrary the cons are the misuse of the law by some governmental officials in the interest of security and integrity that contravene the article 19(1)(a) guaranteed by the constitution of India. It is generally seen as the two sides of the same coin. Subsequently this paper focuses to respond to the debate, - whether article 19(1)(a) of the Indian constitution is partly or completely curtailed by section 124A of the Indian penal code.

6. Research Methodology

With respect to the current study, this paper is based on doctrinal research methodology which aims to revisit the present-day sedition law prevailing in India and its interpretation. The research paper also incorporates the pertinent case studies. The secondary sources used are statutes, judgments, articles. The articles and the legal jurisprudence have aided in apprehension of the systematic paradigm in the instant study.

These sources gave assistance in structuring the arguments and gave a holistic comprehension of the numerous contention widespread in the legal structure in addition to societal and the political domain. The sources have immensely helped in attaining the desired outcome. The statistics used are accumulated via online websites. The statutory and constitutional provisions are studied for developing the essential ground in the instant study.

7. Literature Review

Sedition criminalizes ‘disaffection’ toward the nation and associates it to a colonial legacy of oppressive nature. The law damages the democratic significance. The restrictions on free speech

need to be rationalized. Sedition criminalizes discontent which in addition provides dissatisfaction among the citizens[10]. The 'seditious libel' is basically a consequence of factional politics. The offence of seditious libel was essentially devised to oppress critical expression toward the governing regime. The context has constantly been to subdue speech deleterious to the stature of government. It has turned out to be cardinal to extricate seditious libel and constructive treason in order to shield the constitutional protection of free speech in the present-day sphere. The seditious libel and constructive treason stifles dissent and criticism through the medium of criminal law. The original meaning of the term sedition was factionalism or violent party strife. It was specific that slander or libel could cause factionalism and that Factionalism in tum ought to result in a breach of the peace[11]. sedition was initially conceptualized in monarchical era to insulate the crown, and a in large part unelected parliament, from public criticism[12]. The purpose of the constituent assembly was to establish limited limitations to the right of free speech. The relation between an act and outcome must be proximate and not with a purpose to attract prosecution. The adoption of Gwyer's Test in the contemporary situation might result in unconstitutionality of section 124-A. There is a need for deriving a difference of 'government set up through law' in two capacities, the political party on central governance and 'image of state'. The components of the provision need to embody the components of fundamental structure.

For a strong democracy, most autonomy should be accorded to the citizens except autonomy loss leads to greater gain. Constituent assembly debates are the best resort when it comes to examining the true spirit of the freedom of speech and expression. this type of approach is known as the originalist approach. This is clearly because the makers of the Constitution, with utmost contemplation have displayed the framework of rights of individuals as well as the state. This demonstration is always pertinent, as it communicates the intent of the framers. Further, these debates aid in drawing rational explanation to any power conferred. As far as the article

[10] Centre for the study of social exclusion and inclusive policy. NLSIU Bangalore and alternative forum, Bangalore, sedition laws and the death of free speech in India (February 2011), https://www.nls.ac.in/resources/csseip/files/seditionlaws_cover_final.pdf.

[11] Roger b. manning, *the origins of the doctrine of sedition,* a quarterly journal concerned with British studies, 12, no. 2 (summer,1980).

[12] Gautam Bhatia, offend, shock, or disturb: free speech under the Indian constitution, (oxford university publication India, kindle edition).

19(1)(a) in the Indian Constitution is concerned, charting out the reason behind the powers and restrictions becomes equally essential, to verify the extent of curtailment of these rights by the state. In India, the right to free speech and expression confers the freedom to the citizens, and clause 2 of the same lays down certain reasonable restrictions to be imposed on the same. some of the grounds mentioned under reasonable restrictions on such freedom are sovereignty and integrity of India, friendly relation with foreign states, security of state, decency or morality in relation to contempt of court, defamation or incitement of offence, public order. However, it is extremely significant to consider that the word sedition was one of the grounds in the earlier part of article 19(2). Thereafter, significant considerations were done in relation to the restrictions that could be foisted to curb article 19 (1)(a). Sedition was removed as a ground to reasonable restriction after relevant discussion. It, therefore, becomes essential to revisit the discussion done during the constituent assembly.

On December 1, 1948, Shri Damodar S. Seth[13] mentioned that if sedition is provided as a ground to curb article 19(1)(a), then all the orthodox Acts such as the Official Secrets Act, 1923 will continue to be unbroken. He further says that this very article includes the freedom of press, will convert effectively ineffective if sedition remains as a ground for restriction. Furthermore, Shree K.M. Munshi stated several incidents where mere criticism of government or holding an ill-will against the government was termed as sedition. He then stated that in a democracy, such words are uninvited, as criticism of government forms the foundation of a democratic setup of State. The arguments of Sardar Hukum Singh are very crucial in this respect. He emphasized the role of judiciary. He mentioned that the restrictions on article19(1)(a), that are being put forward in our constitution have been adopted from those nations where the third organ of the democracy works under the doctrine of 'due process of law'. However, in India, the doctrine of 'procedure established by law' is been adopted, and the ambit of judiciary is only restricted to the point of stating whether there is a provision relating to sedition or not, if freedom of free speech of an individual is about to be curbed. If there is a provision, then the ambit of the judiciary would be restricted enough to adjudicate. Such a framework was therefore found inappropriate for a democratic nation as that of India. as a result, the words ''sedition'' and ''public order'' were

[13] constituent assembly debates on Dec. 1, 1948 available at: https://www.constitutionofindia.net/constitution_assembly_debates/volume7/1948-12-01

taken off from the reasonable grounds mentioned to restrict freedom of speech and expression in the Constitution. Further, to widen the scope of the judiciary in matters of restriction of such rights enshrined in the constitution, and thus the term 'reasonable restrictions' was added, as proposed by Shri Das Bhargava. This ensured a broad ambit to the judiciary, which previously had limited reach of the doctrine of 'procedure established by law', as against 'due process of law'. Hence, the rationality was now to be determined by the judiciary. If a provision is found to be excessively restricting freedom of any individual, it could be held as unconstitutional.

Therefore, the legislature consented that the power to restrict such a fundamental right as that of right to free speech, should certainly be vested in the hands of the judiciary and not with the legislature, to establish the rule of law.

8. Study and Findings

Section 124A was previously present in a draconian law[14] which was then omitted; James Fitz James Stephens too considered a result of mistake. Nevertheless, the Britishers notice the requisite to revive the sedition laws in India in 1870 once again to suppress the voices that got their momentum in Wahhabi movement which was then spreading far and wide in the north western regions of India[15]. The very first instance of this law is in the case of *queen empress V. Jogendra Chunder Bose* eminently known as the "bangobasi case". Many notable leaders like - Gandhi and Bal Gangadhar tilak were also charged with the offence that demanded for "swaraj".

Disloyalty In The Colonial Era - The Incapacious View - *Queen Empress v. Bal Gangadhar Tilak*[16]The court, surpassing the arguments given from each side. the interpretation of the section 124A particularly as exciting 'feelings of disaffection' against the government, which included within its scope, all the sentiments consisting of hatred, hostility, contempt, enmity, dislike and all types of ill-will. It extended the ambit of the offence by keeping that it was not the seriousness of the act or the depth of disaffection, however the existence of feelings that was of the greatest importance and mere attempt to excite such ill-will was enough to amount to an

[14] macaulay's draft penal code of 1837-39 (section 113).
[15] tanu kapoor, sedition law: A comparative view in India with other countries, international journal of law,(2020).
[16] ILR(1898)22Bom112

offence.[17] A struggle arose when the Federal Court of India, that was the best judicial body of the country until the Supreme Court was established, in the case of *Niharendu Dutt Majumdar v. King Emperor*[18] The court held that the mere existence of violent words does not result in a seditious act. The acts or words must either incite to public disorder. The outlook of the Federal Court was subsequently overruled by the Privy Council.[19] When the speaker told the spectators that the Government wanted to ruin those individuals who were trying to set them on the correct direction, that the Britishers had come to India to make the people addicted to alcohol, opium and bhang, that the executive and the judiciary are partial to Britishers and encouraged the spectators to sort out not to live under Britishers; it was held that the words was determine to excite disaffection and hatred against the Government.[20]

Laws in Relation To Sedition In India - the concept and the provisions regarding the punishments of the same are dealt in different statutes which are-

Indian Penal Code,1860 - section 124A provides the definition of the offence of sedition in India and the maximum punishment to which is life imprisonment.

Criminal Procedure Code,1973 - under section 95[21] states the powers vested in the hands of the government to seize, forfeit any type of published article that is in violation of section 124A[22]. in addition, the government is authorized to issue the search warrant for the same purpose. for the execution of this provision there are two prerequisites to be attainted -

a) the matter should be an offence under section 124A of Indian penal code

b) the accountability of the government to forfeit such articles is punishable.

Unlawful Activities Prevention Act, 1967 - section 2(o) of the Act provides that "any act supporting claims of secession, questioning or disrupting territorial integrity and causing

[17] janaki bakhle, savarkar (2010), sedition and surveillance: the rule of law in a colonial situation.
[18] AIR 1942 FC 22.
[19] King emperor v. sadashiv narayan bhalerao, (1947) 49 Bom LR 526.
[20] Kedar nath sehgal v. emperor, AIR 1929 lah 817.
[21] code of criminal procedure, 1974
[22] indian penal code, 1860

or intending to cause disaffection against India will fall within its purview". Furthermore, under section 13 the punishment for the same offence is imprisonment that could extend to seven years along with fine.

Prevention of seditious meetings act - This act came into force during the colonial era and is still prevailing in India. Section 5 lays down the powers of district magistrate/ commissioner of police to preclude any public meeting in a proclaimed zone, if according to their opinion such meeting will possibly foster any seditious act.

Prevention of insults to national honors act 1971 - curbs the article 19(1)(a) if it violates the dignity of India. The Act additionally lays down draping of national flag in any way, the embroidery on the flag, the cushioning of flag, the wearing of tricolor, the covering speaker's table with tricolor, or even the printing of tricolor on handkerchiefs is regarded as disrespect of the national flag. The word flag consists of any picture, photograph, or drawing of the national flag of India. The Act imposes imprisonment of a term not extending to three years, or fine, or with both.

9. Abuse of Sedition Laws in India

Though there have been various interpretations done by the courts and has also passed the test of constitutionality in the case of *kedar nath.* Yet it never fails on the part of the government to use it as a weapon to clamp down on the right to free speech. Moreover, in the cases pertaining to sedition lack of uniformity and the verdict fluctuates in every case. at the present time, an individual could be charged on any flimsy grounds for example clicking on the like button on a photo which says I love Pakistan[23]. *sanskar marathe v. the state of Maharashtra & anr*[24] attracted the attention of the public and was criticized on the grounds of arbitrary misuse of law by the police officials, after which the honorable court laid down certain guidelines in the same. in *Romesh Thappar v. State of Madras*[25] The court said that the limitation inflicted about 'public safety' or 'protection of public order' can't be sustained under the domain of Article 19(2) of the

[23] mahir haneef, facebook like case: no evidence of sedition, government tells high court , the times of india. (jan.30,2004,2:56P.M.),http://timesofindia.indiatimes.com/city/kochi/facebook-like-case-no-evidence-of-sedition-govt-tellsHC/articleshow/18254753.cms?from=mdr.
[24] 2015 Cri LJ 3561.
[25] AIR 1950 SC 124.

Indian constitution. The court held that the word "sedition" which passed off in Article 13(2) of the Draft Constitution was deleted before. This article was eventually passed as Article 19(2). The Court recorded that the removal of the word 'sedition' from the draft Article 13(2), exhibited that the criticism of government inciting disaffection in the direction of it can't be appeared as a valid foundation for restricting the freedom of expression and of the press, except it is pondered that the incitement is such as to undermine the safety of or have a tendency to overthrow the State. Therefore, very limited and stringent limits have been framed for the authorized legislative abridgment of the right of free speech and expression, and this was probably because of the belief that freedom of speech requires free political discussion.

A freedom of such amplitude certainly involved risks of abuse. In *Tara Singh Gopichand v. State*[26] The validity of Section 124-A of Indian Penal Code was immediately in Issue. The East Punjab High Court declared the section void because it curtailed the liberty of free speech and expression provided by Article 19 (1) (a) of the Indian Constitution. The sedition law was discerned to be ineffectual and inapplicable because the reason for which it was enacted now no longer exists. It was considered necessary in the colonial regime to set up peace and consensus however the democratic regime does not require implementation of such provision. It is real that the framers of the Constitution have not followed the limitations which the Federal Court preferred to put down. The unsuccessful attempt to excite feelings of hatred is an offence in the ambit of Section 124A. In a few times at least, the unsuccessful attempt will not undermine or have a tendency to overthrow the State. Section 124A, Penal Code was determined in contravention with the Article 19 of the constitution.

In the Constitutional (First Amendment) Act, 1951, two modifications were incorporated in Article 19(2).

1. it widened the scope of legislative restrictions on free speech by including in addition grounds and,
2. it provided that the restriction imposed on the freedom of speech has to be reasonable.

[26] AIR 1951 E.P. 27.

In *Ram Nandan v State*[27], the constitutional validity of section 124A of the IPC was challenged in an Allahabad High Court. A challenge was to a conviction of three years imprisonment of Ram Nandan, for an inflammatory speech given in 1954. However, Ram Nandan's conviction was overturned and section 124A was turned unconstitutional. In *Kedar Nath Singh v State of Bihar*[28]The Supreme Court, however, decided to disagree. After going into an intensive records of sedition law in India, the Court made the following statement : 'Every State, whatever its form of Government, must be armed with the power to punish those who, by their conduct, jeopardize the safety and stability of the State, or disseminate such feelings of disloyalty as to have the tendency to result in the disruption of the State or to public disorder.'

Section 124A was understood as a law enacted 'in the interests of' public order, and therefore, it was constitutionally valid. 'Tendency' as a term may be manipulated boundlessly impeccably. Anything if constructed in a certain manner could have a 'tendency' to subsequently overthrow the State. To avert absolute arbitrariness, and to provide impact to Article 19(2) requirement of reasonableness, there needs to be a few checks of causation, few understandings of proximity, which courts can apply to hold a speaker liable for the eventual outcomes of his expression. The court overlooked the case of *The Superintendent, Central Prison, Fatehgarh v. Dr. Ram Manohar Lohia*[29] and accompanied *Ramji Lal Modi v. State of Uttar Pradesh*[30]. Kedar Nath Singh explicitly links Section 124A of Indian penal code with Article 19(2) of Indian constitution public order check. In different words, Section 124A is constitutional insofar as it fits in the ambit of Article 19(2). In 1995, the Supreme Court came close to linking the spots.

In *Balwant Singh v. State of Punjab*[31], it overturned the sentence of a few men who had raised a 'Khalistan Zindabad!' slogan outside a cinema, in the immediate repercussions of Indira Gandhi's death. If anything could have a 'propensity' to public disorder, then certainly shouting a separatist slogan in a crowded area without delay following the death of a Prime Minister must be certified! Yet the Court centered at the that the accused person has not even controlled a

[27] AIR 1959 All 101.
[28] 1962 SCR Supp. (2) 769.
[29] [1960] 2 SCR 821.
[30] [1957]1 SCR 860.
[31] 1995(1) SCR 411.

procession, there has been no answer, and no visible effect on law and order. Sedition has continually turned upon the concept of the expression, with the courts examining whether the words written or spoken, have the propensity or had been stated or stated with the intent to initiate public disorder. The Court certainly went right into a host of components surrounding the actual saying of the slogans and spotted the connection among them and public disorder not suitable for the offence of sedition. Without parliamentary repeal, or any clear Supreme Court recommendations on the matter, the provision, with its wide and compact terms, remains to be misused in extremely anti-democratic methods.

10. Conclusion

The above stated analysis concludes that however there is a requirement of the sedition law in every state to maintain its integrity and sovereignty despite that the law must be reviewed. Further the provisions of arrest must be reconsidered and only be done when no reasonable doubt is left. Moreover, the government has various provisions for instance - section 505 of Indian penal code which provides for public mischief, the prevention of damage of public property act 1984. Taking into consideration section 124A must come into application in the rarest of rare case to prevent the government not abusing their powers. Sedition law is indeed a threat to the largest democracy in the world the inconsistent method by Indian court may be found in the context. The offence of sedition is now a device to diminish dissent in the present-day country affairs. The section 124A of Indian penal code has been used in anti-democratic modes in opposition to the democratic norms unless parliament recognizes the requirement to repeal and alter or Supreme Court states a clear set of guidelines about the same. United Kingdom, in the year 2010, has expressly repealed the provision for sedition. Uganda's constitutional court held the provision of sedition unconstitutional because the words were considered to be vague. India too can comply with the suit. The provision needs to be redefined or repealed in the contemporary-day. This provision is frequently stated as a history of oppression and exploitation. The colonial government used to exploit the nationalist leaders and suppressed the voices of freedom. The status of this provision is disturbing to the constitutional and democratic values. It is crucial to enhance the situation through attentively comprehending the area and making use of the notions of liberal and democratic values. The Indian criminal laws must be reviewed to be able to comply with international laws and requirements of freedom of speech and expression.

Article 19 (1) (a) must be promoted in a democratic spirit with none prejudicial and vengeful notions. The approaches have to be sketched to govern the present-day misuse of the provision.

Section 124A of the Indian Penal Code, 1860 may be repealed in the modern-day stature or the overly extensive interpretation needs to be defined correctly and narrowly to ignore the misinterpretation that may occur or may be abused in future. A constant approach is needed with an aim to enhance it. The prosecutors in addition to executive agencies must be brought to the actual contentions and jurisprudence of the sedition provision with a view to manage the wide variety of times of abuse. The functionaries need to be aware of the perception that the criticism of the government and the measures taken by them can't be an expression which can be stated as seditious. The foremost requirement is to introduce unambiguous and unequivocal guidelines for the higher understanding. The functionaries ought to guard the people and their right to free speech devoid of political interventions. There should be a clarity and consistency among the laws protecting free speech and laws aiming to preserve the public order. The functionaries need to be acquainted that the speech needs to be perceived through the constitutional and democratic spectrum. In India the growing instances of the arrests of activists and ordinary citizens is a dig on the Indian democratic formulation. Article 19(1)(a) is extremely vital in the contemporary paradigm and the evolution of the largest democratic country in the world. The government can ditch the paternalist approaches in this context and leave deciding on the behalf of the citizens. The speech restraining provisions are a device in the hand of the executive and administrative establishments. The citizens must not be deprived to exercise their right to freedom of speech and expression. The liberal- autonomous method need to be adapted and the individuals must be allowed to take decisions as per their will. It is complicated for a democratic country to assert its values while the method is not constant and liberal. The present-day stature needs a review and revision to accord to the liberal and protective stance. The criminalization of sedition has usually been a contention of opposition in democratic regimes. The criminalization of dissent is a violation of democratic values. The discontent among people can be eliminated only when the provision is repealed or amended. The provision of section 124A of the Indian Penal Code will usually be an image of the draconian regime and symbolic of hostility and exploitation from the government. It is crucial to build an environment for optimistic criticism. The expansive misuse needs to come to a culmination factor which can be introduced about through inculcating the

practice of tolerance and respect. The formal reform can be introduced upon when the legislature and establishments replicate at the changing dynamics and crude and efficient steps are taken to expand the notions of democracy and liberal autonomy.