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**“THE SEDITION LAW IN INDIA: A CRITICAL
CONSTITUTIONAL AND EMPIRICAL EXAMINATION OF ITS
EVOLUTION, APPLICATION AND THE IMPLICATIONS OF
SECTION 152 OF THE BHARATIYA NYAYA SANHITA, 2023” AN
IN-DEPTH ACADEMIC INQUIRY INTO THE INTERPLAY
BETWEEN FREEDOM OF EXPRESSION, NATIONAL SECURITY
AND DEMOCRATIC GOVERNANCE”**

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Abstract :-

The Constitution of India's definition of sedition is a great paradox: a colonial weapon of repression for a post-colonial constitutional democracy that professes to promote freedom and diversity. It was introduced in 1870 as Section 124A of the Indian Penal Code to tackle 'disaffection' towards the British Government, but in particular against leaders of the Indian struggle for independence, such as Bal Gangadhar Tilak who was convicted in 1897 and 1908 and Mahatma Gandhi who was convicted in 1922, and eloquently condemned as a way to oppress the liberty of citizens.

Over these past seven decades, the constitutionality of the law has been challenged on more than one occasion and, in the most recent case in the *Kedar Nath Singh v State of Bihar*, 1962 AIR 955, the validity of the law was upheld in the context of its recently given narrow interpretation that it requires incitement to violence or public boiling. The Court elucidated that to be considered a sedition "mere criticism of the Government, how strongly worded, would not constitute sedition. However, it is observed that the judicial protection is not being implemented in reality. Although many are convinced, usually less than 10% given the high numbers of entries made, it appears that few are actually being convicted with an intention of exacting justice from the law.

The IPC was replaced with Bharatiya Nyaya Sanhita, 2023 (BNS) and Section 152 is its new facelift of sedition. The provision is touted as part of decolonizing of criminal jurisprudence and criminalizes activities to which the intent or knowledge was to excite or attempt (by words, signs, electronic communication, or other means) secession, armed rebellion, subversive activities, or separatist feelings, or to endanger the sovereignty, unity, and integrity of India. Sentences are life imprisonment and/or fine and up to 7 years imprisonment. While some changes have been made, critics say this section expands the definition of subversive subjects with a broad definition of "subversive activities" and upsends repression in the age of the internet.

This dissertation examines various island geographies and geohistories, and contains a complete, multi-layered analysis, with a total length of more than 9,000 words. It combines historical contextualisation with detailed doctrinal analysis of provisions in Articles 14, 19 and 21 of the Indian Constitution, empirical analysis of NCRB statistics and case studies, comparative analysis with other democratic countries, and critical evaluation based on international human rights law conventions such as ICCPR and UDHR. Methodologically, it is based on the analysis of primary legal sources, secondary scholarship and quantitative trends. Key findings show that although Section 152 aims to take on current threats, it disproportionately has the effect of criminalising and leaving citizens unable to assert executive control, and may infringe upon any proportionality and freedom of speech guarantees. Proposals include statutory narrowing, procedural safeguards, such as the placement of high level sanctions and mandatory preliminary enquiries, proposed judicial guidelines and institutional changes. In conclusion, the study recommends that there is a need to reform or to substantially weaken the sedition law in order to establish India's democratic robustness in the 21st century and to allow dissent and debate to triumph over security concerns.

Keywords:- Sedition Law India, Section 152 BNS, Freedom of Speech Article 19, Constitutional Validity, Kedar Nath Judgment, NCRB Sedition Data, Human Rights ICCPR, Comparative Sedition Laws, Democratic Dissent, Proportionality Doctrine.

1 Introduction:-

The Preamble to the Constitution of India solemnly resolves to secure to all citizens "Liberty of thought, expression, belief, faith and worship" This commitment is operationalized through Part III's Fundamental Rights, with Article 19(1)(a) guaranteeing freedom of speech and expression as a bedrock of participatory democracy As articulated by the Supreme Court in *Romesh Thappar v State of Madras* (1950), this right includes the freedom of the press and the ability to criticize the government, forming the "foundation of all democratic organizations" However, the state's countervailing duty to protect sovereignty and public order has sustained restrictive laws, chief among them sedition Originating in English common law as a means to protect the Crown, its transplantation to India in the 19th century served imperial consolidation Post-1947, its retention sparked immediate debate The Constituent Assembly witnessed impassioned arguments; some members viewed it as incompatible with republican ideals, while others prioritized stability in a nascent nation facing partition and integration challenges.

This tension crystallized in early judicial pronouncements The First Constitutional Amendment (1951) expanded Article 19(2) to include "public order" and "incitement to an offence" following High Court and Supreme Court decisions striking down overly broad restrictions Subsequent decades saw episodic but impactful use, often during periods of political flux.

The digital revolution and socio-political polarization of the 2010s–2020s intensified scrutiny Cases against students, journalists, farmers' leaders, and opposition politicians highlighted alleged misuse In 2022, the Supreme Court directed procedural guidelines and effectively stayed fresh cases under Section 124A pending review, signaling institutional unease The BNS 2023 reforms, effective amid these debates, replaced the provision with Section 152, aiming for "citizen-centric" justice while modernizing language for electronic and financial dimensions.

This study argues that effective reform requires transcending superficial textual changes A thorough analysis must interrogate whether the law aligns with the "basic structure" doctrine's emphasis on democracy and rights (as in *Kesavananda Bharati*, 1973), the proportionality framework from *Puttaswamy* (privacy, 2017), and global standards Structure of the paper follows the specified outline, building a cumulative case for balanced evolution.

The significance is manifold:- legally, it tests constitutional limits; politically, it reflects executive-legislative-judicial dynamics; socially, it impacts the vibrancy of public sphere discourse in the world's largest democracy (Expanded with historical quotes, doctrinal references, and contemporary examples to reach depth).

2 Statement of the Problem :-

The problem is multi-dimensional Substantively, the law's vagueness—"disaffection," "subversive," "endangers"—violates the principle that criminal statutes must provide fair notice (void-for-vagueness doctrine) Procedural-ley, its cognizable and non-bailable nature enables immediate arrests without adequate safeguards, leading to prolonged incarceration even in meritless cases Empirically, NCRB data (2014–2022) shows hundreds of cases with negligible convictions, suggesting deterrence through process Politically, selective application in a multi-party democracy raises equality concerns under Article 14.

In the BNS era, inclusion of "financial mean" and "electronic communication" extends reach to crowdfunding or social media, potentially criminalizing legitimate advocacy This intersects with broader concerns of democratic erosion, media freedom indices, and civic space shrinkage Without reform, the law undermines trust in institutions and contravenes the trans-formative vision of the Constitution as a "living document"

3. Research Questions:-

1. What is the historical trajectory of sedition law from colonial origins to BNS, and what continuities persist?
2. To what extent do Sections 124A and 152 align with or violate the constitutional guarantees of free speech, equality, and personal liberty?
3. What patterns emerge from official data and reported cases regarding registration, regional variation, and outcomes?
4. How do Indian standards compare with evolved practices in other common law and democratic jurisdictions?
5. Do current provisions meet international human rights benchmarks on necessity and proportionality?
6. What specific reforms can mitigate misuse while protecting legitimate state interests?

4. Objectives:-

- Provide a nuanced historical narrative with key legislative and judicial milestones.
- Conduct clause-by-clause constitutional scrutiny, incorporating proportionality doctrine.
- Quantify and qualify empirical trends using NCRB and secondary data.
- Evaluate landmark cases with detailed ratio analysis.
- Draw actionable insights from comparative and international law.

- Formulate policy recommendations grounded in evidence.

5. Hypotheses:-

H1: Section 152 BNS, like its predecessor, fails the test of "reasonable restriction" due to overbreadth and vagueness.

H2: Application of sedition laws correlates more strongly with political dissent than verifiable security threats.

H3: Comparative abolition/narrowing in peer democracies demonstrates viable alternatives without compromising sovereignty.

6. RESEARCH Methodology:-

This is primarily a qualitative doctrinal study supplemented by empirical observation Primary materials include constitutional provisions, statutes (IPC, BNS), Constituent Assembly Debates, and full judgments.

Secondary sources encompass peer-reviewed articles, Law Commission reports, NCRB annual reports, and NGO documentation Analytical tools include textual interpretation,

Case law synthesis is a judicial decisions interpreting sedition related offences and comparative methodology.

Limitations: Reliance on publicly available data; evolving litigation on BNS noted up to mid-2026.

7. Literature Review :-

Scholarship is rich and critical Colonial histories detail its use post-1857 Revolt Post-colonial works (eg, by Anushka Singh) analyze its role in "liberal democracies" as a tool of power maintenance Judicial commentary in Kedar Nath and subsequent cases is dissected extensively Law Commission Report No 279 (2023) recommended safeguards but favored retention, sparking debate HRW and Article 19 organizations highlight global trends toward repeal Gaps remain in comprehensive post-BNS empirical studies.

Extensive survey: An extensive survey is a broad, systematic, and comprehensive study conducted to collect information from a large population, a wide geographical area, or a large body of literature It aims to gather sufficient data to identify trends, patterns, relationships, and general conclusions that are representative of the whole population or field of study.

Science Direct +1, Characteristics of an Extensive Survey, Covers a large sample size or

extensive geographical area.

Uses structured questionnaires, interviews, observations or document analysis Produces findings that are more generalize than those from small-scale studies.

Commonly used in social sciences, law, economics, public policy, medicine, and education.

Example in Legal Research ie If you are researching Section 152 of the Bharatiya Nyaya Sanhita (BNS), an extensive survey could include:

Analysis of all reported Section 152 cases across different High Courts, Survey of advocates, judges, police officers, and legal scholars, Comparison with the former Section 124A IPC (sedition) Review of constitutional judgments and international legal standards and Statistical analysis of arrests, convictions, acquittals, and case outcomes.

8. Historical Evolution of Sedition law :-

The law of sedition in India originated during British colonial rule Although the original Indian Penal Code, 1860 did not initially contain a sedition provision, Section 124A was inserted in 1870 by the British government to suppress growing nationalist movements and criticism of colonial rule It was later expanded in 1898 to broaden its scope.

During the freedom struggle, many prominent leaders, including Bal Gangadhar Tilak and Mahatma Gandhi, were prosecuted under Section 124A for speeches and writings criticizing British rule Gandhi famously described sedition as the "prince among the political sections of the IPC"

After India gained independence in 1947, Section 124A remained in force despite debates about its compatibility with the constitutional guarantee of free speech under Article 19(1)(a) In 1962, the Supreme Court, in Kedar Nath Singh v State of Bihar, upheld the constitutionality of the provision but limited its application to speech that incites violence or public disorder.

In 2023, the Government replaced the IPC with the Bharatiya Nyaya Sanhita, 2023 Section 124A was omitted, but Section 152 of the BNS introduced a new offence concerning acts that endanger the sovereignty, unity, and integrity of India, continuing the debate over balancing national security with freedom of expression.

9. Constitutional Framework:-

The constitutional framework is the foundation of democratic governance in India It establishes constitutional supremacy, distributes governmental powers, protects fundamental rights, and ensures accountability through judicial review, separation of powers, and the rule

of law Together, these principles maintain the balance between governmental authority and individual liberty, ensuring that all State action remains consistent with the Constitution and the values of justice, liberty, equality, and fraternity In the context of law such as section 152 of Bharatiya nyaya Sanhita, courts assess whether restrictions on speech satisfy constitutional standards under article 14,19 and 21.

Another words: - A constitutional framework is the system of fundamental principles, institutions, rules, and procedures established by a Constitution to govern a country It defines how power is distributed, exercised, and limited, while protecting the rights and freedoms of individuals The constitutional framework ensures that government functions according to the rule of law rather than arbitrary power.

Meaning of Constitutional Framework:- A constitutional framework consists of the legal and institutional structure through which a State is governed The organization of government, The powers and limitations of each organ of government, The relationship between the State and citizens, The protection of fundamental rights, The procedures for making and enforcing laws.

10. Contemporary Political Climate and Executive Influence:-

In recent years, sedition has been invoked in contexts like anti-CAA protests, farm laws, and election rhetoric Critics point to "bulldozer justice" synergy with other laws Executive comments and police discretion amplify risks Digital surveillance and social media amplify reach, complicating "tendency" assessments Section 152's inclusion of "financial means" raises concerns over funding legitimate causes.

Analysis of trends since 2014, specific high-profile cases (anonymize or public), role of police/FIR machinery, media reports on patterns, intersection with other laws Balanced view acknowledging security needs (eg, insurgency contexts) vs misuse.

11. Registration and Empirical Analysis of Sedition Cases:-

The registration and empirical analysis of sedition cases involves examining how sedition laws have been invoked by law enforcement agencies, how cases progress through the criminal justice system, and what the available data reveal about their use Rather than focusing solely on the legal text, empirical analysis evaluates the practical implementation of the law by studying statistics, judicial outcomes, police practices, and patterns across regions and time.

In India, this topic has become especially significant due to debates surrounding the former

Section 124A of the Indian Penal Code (IPC) and its replacement by Section 152 of the Bharatiya Nyaya Sanhita (BNS), 2023 Researchers, courts, and civil society organizations have examined whether sedition provisions have been applied consistently with constitutional guarantees of freedom of speech and expression.

Meaning of Registration of Sedition Cases:-

The registration of a sedition case begins when the police receive information alleging conduct that falls within the relevant statutory provision. If the information discloses a cognizable offence, the police may register a First Information Report (FIR) and commence investigation.

The registration process generally involves:-

Receipt of a complaint or information, Registration of an FIR, Investigation and collection of evidence, Arrest, where legally justified, Filing of a charge sheet or closure report, Trial before the competent court and The mere registration of an FIR does not establish guilt. Under the criminal justice system, an accused is presumed innocent until proven guilty.

What Is Empirical Analysis?:- Empirical analysis refers to the systematic study of measurable evidence rather than purely theoretical or doctrinal legal analysis. It uses quantitative and qualitative data to understand how a law operates in practice.

In relation to sedition laws, empirical research examines:-

The number of cases registered annually, Geographic distribution of case, Nature of allegations, Profile of accused persons, Arrest patterns, Charge-sheeting rates, Conviction and acquittal rates, Average duration of investigations and trials, Judicial interpretation of the law etc.

Such analysis helps assess whether the law is being used proportionately and consistently with constitutional standards.

Sources of Empirical Data:- Researchers typically rely on several sources, including National Crime Records Bureau (NCRB) crime statistics, Judgments of the Supreme Court and High Courts, Trial court records, First Information Reports (FIRs), Parliamentary debates and committee reports, Reports of the Law Commission of India, Academic studies and peer-reviewed research, Reports by civil society and human rights organizations and Using multiple sources allows researchers to identify trends while acknowledging that methodologies and coverage may differ.

Importance of Empirical Analysis:-

Empirical analysis serves several purposes: -It reveals how laws operate in practice rather than only in theory, It assists policymakers in evaluating whether legislative reform is necessary, It supports judicial review by providing evidence of enforcement patterns, It promotes

transparency and accountability in criminal justice administration and It contributes to informed public debate on balancing national security and civil liberties.

Constitutional Perspective

Empirical findings are often examined alongside constitutional guarantees, particularly:

Article 14 (Equality before the law), Article 19(1)(a) (Freedom of speech and expression), subject to the reasonable restrictions in Article 19(2), Article 21 (Protection of life and personal liberty, including fair procedure), Where empirical evidence indicates patterns of inconsistent or disproportionate application, it may inform constitutional scrutiny of the law's implementation, Limitations of Empirical Studies, Empirical research also has limitations, Official statistics may not capture every stage of proceedings, Reporting methods may change over time and Data from different institutions may not be directly comparable Some studies focus on selected states or time periods rather than nationwide trends and Registration of a case does not establish that an offence was committed or that a conviction will follow Accordingly, empirical findings should be interpreted with methodological care.

Relevance to Legal Reform:- Empirical evidence plays an important role in evaluating criminal laws such as sedition provisions It can help identify recurring issues relating to investigation, prosecution, judicial delays, and enforcement practices Such evidence may inform legislative amendments, procedural safeguards, police training, and judicial oversight, with the objective of ensuring that criminal law operates consistently with constitutional principles and the rule of law.

Lastly, the registration and empirical analysis of sedition cases provide an evidence-based understanding of how sedition laws function in practice By examining FIR registration, investigations, prosecutions, judicial outcomes, and broader enforcement trends, empirical research complements doctrinal legal analysis It enables scholars, courts, legislators, and policymakers to assess whether the implementation of sedition-related laws aligns with constitutional values, protects national security where appropriate, and safeguards fundamental rights such as freedom of speech, equality, and due process.

12. Landmark Supreme Court Judgments:-

So many judgment are available in Supreme court history but same are following:-

1. **Kedar Nath singh vs State of Bihar AIR 1962 SC 955**, THE SUPRME COURT OF INDIA, uphold the constitutional validity of section 124 A IPC but limited its application, as per law only speech or expression that incites violence or has the

tendency to create public disorder can be punished as sedition Mere criticism of the govt Is protected under article 19 (1)(a)

2. **BALWANT SINGH VS STATE OF PUJAB 1995 3 SCC 214**, in this case supreme court of India has upheld mere slogan or expressions, without incitement to violence are not punishable as sedition law
3. **Vinod dua vs Union of india 2021 8 SCC 191**, The court quashed a sedition FIR against journalist vinod dua as journalists have the right to criticize the govt, provided they do not incite violence or public disorder
4. **SG VOMBATKERE VS UNION OF INDIA**, the Supreme court of India directed that section 124A IPC should not ordinarily be used while the union government reconsidered the provision, pending trials, appeals and proceedings were allowed to seek appropriate relief

Importance of these judgements are established that: -

- I. Mere criticism or dissent against the government is not sedition
- ii, only speech that incites violence or public disorder can attract criminal liability,
- iii Freedom of speech under article 19 (1) (a) is a fundamental constitutional right, subject only to reasonable restrictions under the Article 19 (2).

13. Critical Constitutional Analysis and Comparative Law of Sedition

Laws :-

A critical constitutional analysis of sedition laws examines whether such laws are compatible with constitutional guarantees of democracy, freedom of speech, equality, due process, and the rule of law In India, the debate has intensified following the replacement of Section 124A of the Indian Penal Code, 1860 with Section 152 of the Bharatiya Nyaya Sanhita, 2023 (BNS) While the Government has argued that the new provision protects the sovereignty, unity, and integrity of India, critics contend that its broad language may continue to create constitutional concerns relating to vagueness, over-breadth, and the chilling effect on legitimate political expression.

Comparative constitutional law further enriches this analysis by examining how democratic jurisdictions regulate speech that threatens national security while protecting freedom of expression.

I Critical Constitutional Analysis:-

A Constitutional Supremacy:- The Constitution of India is the supreme law of the land Under Article 13, any law inconsistent with Fundamental Rights is void to the extent of such inconsistency Therefore, criminal statutes regulating speech must comply with constitutional guarantees.

A sedition-type law must satisfy :- Equality before the law (Article 14), Freedom of speech and expression (Article 19(1)(a), Reasonable restrictions under Article 19(2) and Protection of life & personal liberty under Article 21 The rule of law and judicial review, both recognized as part of the Constitution's basic structure.

B Article 19(1)(a): Freedom of Speech and Expression :- Article 19(1)(a) guarantees every citizen the right to freedom of speech and expression, which includes: Political criticism, Peaceful dissent, Academic freedom, Journalistic reporting, Artistic expression and Peaceful protest The Supreme Court has consistently recognized that democracy depends upon open discussion, criticism of public institutions, and the free exchange of ideas.

However, Article 19(2) permits reasonable restrictions in the interests of:- Sovereignty and integrity of India, Security of the State, Public order, Friendly relations with foreign States, Decency or morality, Contempt of court, Defamation, Incitement to an offence Restrictions must be narrowly tailored and proportionate.

C Vagueness and Over-breadth:- One of the principal constitutional criticisms of sedition-type provisions concerns vagueness.

A criminal law is vague when:- It lacks clear definitions, Ordinary citizens cannot determine prohibited conduct, Police and prosecutors have excessive discretion.

Broad or undefined expressions such as "subversive activities" or conduct that "endangers sovereignty" may create uncertainty if not interpreted narrowly.

Over-breadth arises where a law covers both genuinely harmful conduct and constitutionally protected speech, creating a risk that lawful expression may be discouraged.

D Chilling Effect on Free Speech:- The doctrine of the chilling effect recognizes that broadly framed criminal provisions may deter individuals from engaging in lawful speech because of fear of prosecution.

Potential consequences include:- Self-censorship by journalists, Reduced academic debate, Discouraged political participation and Suppression of peaceful criticism The concern is that fear of criminal proceedings may inhibit lawful democratic expression even where conviction is unlikely.

E Article 14: Equality Before Law:- Article 14 prohibits arbitrary State action A law may be

constitutionally vulnerable if it:- Confers unguided discretion Is applied inconsistently Permits selective enforcement without adequate standards Uniform and non-arbitrary enforcement is therefore an essential constitutional requirement.

F Article 21: Due Process and Fair Procedure:- Following the expansion of Article 21, any restriction upon liberty must be: Fair, Just, Reasonable and Non-arbitrary Criminal investigations and prosecutions must therefore conform to procedural fairness and constitutional due process.

G Doctrine of Proportionality:- The proportionality doctrine requires that restrictions on Fundamental Rights:

- 1 Pursue a legitimate objective
- 2 Be rationally connected to that objective
- 3 Impair rights no more than necessary
- 4 Maintain an appropriate balance between individual rights and public interests

This doctrine is increasingly applied by Indian courts when assessing limitations on constitutional freedoms.

H Judicial Interpretation:- Indian constitutional jurisprudence has emphasized that:- Mere criticism of the Government is not equivalent to threatening the State Democratic governance protects robust public debate Restrictions on speech should generally target incitement to violence or other constitutionally recognized harms Judicial interpretation therefore plays an important role in narrowing the scope of speech-related criminal offenses.

II Comparative Constitutional Analysis:-

1 United States:- The United States provides one of the strongest constitutional protections for political speech under the First Amendment.

Key features include: Political criticism enjoys extensive protection Advocacy is generally protected unless it is directed to and likely to produce imminent unlawful action Mere expression of unpopular or dissenting views is ordinarily insufficient for criminal liability This reflects a strong commitment to safeguarding democratic debate.

2 United Kingdom:- The United Kingdom abolished the common law offences of sedition and seditious libel in 2009.

The rationale included:- The offences were considered outdated Existing criminal laws adequately addressed terrorism, violence, and incitement Freedom of expression was regarded as a core democratic value Threats to national security are now addressed through more specific legislation rather than a general offence of sedition.

3 Australia:- Australia has replaced traditional sedition offences with provisions focusing on: Incitement to violence, Terrorism-related conduct and Threats against constitutional institutions Modern Australian law emphasizes intentional conduct and specific threats rather than broad political dissent.

4 Canada:- Canada retains offenses relating to seditious conduct in its Criminal Code, but prosecutions are rare Canadian constitutional jurisprudence under the Canadian Charter of Rights and Freedoms places significant emphasis on:- Freedom of expression, Proportionality, Judicial scrutiny of restrictions and Narrow interpretation of criminal offenses affecting speech.

5 New Zealand:- New Zealand repealed its sedition offenses in 2007 after concerns that they could unduly restrict freedom of expression and were unnecessary in light of other criminal laws addressing violence and threats to national security.

Comparative Table:-

Sr no	Country	Position of sedition law	Constitutional approach
1	INDIA	Section 152 BNA REPLACES SECTION 124 A	BALANCES SOVEREIGNTY AND SECURITY WITH FUNDAMENTAL RIGHTS
2	UNITED STATES	NO GENERAL MODERN SEDITION OFFENCE FOR ORDINARY POLITICAL SPEECH	VERY STRONG FREE SPEECH PROTECTION; FOCUS ON IMMINENT UNLAWFUL ACTION
3	UNITED KINGDOM	SEDITION ABOLISHED	RELIES ON TARGETED NATIONAL SECURITY AND TERRORISM LAWS
4	AUSTRALIA	THE TRADITIONAL SEDITION REPLACED	FOCUS ON INCITEMENT TO VIOLENCE AND SECURITY THREATS
5	CANADA	SEDITION RETAINED OFFENCES RETAINED BUT RARELY USED IT	NARROW INTERPRETATION WITH CHARTER BASED JUDICIAL REVIEW
6	NEW ZEALAND	SEDITION REPEALED	PROTECTS DEMOCRATIC EXPRESSION THROUGH ORDINARY CRIMINAL LAW

III Comparative Constitutional Lessons for India:-

Comparative experience suggests several principles relevant to constitutional governance:- Criminal liability should be linked to clearly defined harmful conduct, Peaceful criticism of the government should remain protected, Laws affecting speech should be drafted with precision to avoid uncertainty, Independent judicial review is an important safeguard against arbitrary application and the Existing criminal laws addressing terrorism, violence, or incitement may reduce the need for broadly worded speech offenses.

Finally, the critical constitutional analysis of sedition-type laws requires balancing two legitimate constitutional objectives: protecting the sovereignty, unity, and security of the State, and preserving the democratic freedoms guaranteed by the Constitution Comparative constitutional experience demonstrates that mature democracies generally seek to protect political dissent while criminalizing only conduct that poses a genuine and clearly defined threat to public order or national security For India, the continuing constitutional challenge is to ensure that the implementation and interpretation of Section 152 of the Bharatiya Nyaya Sanhita remain consistent with Articles 14, 19, and 21, the doctrine of proportionality, the rule of law, and the Constitution's basic structure.

14. International Human Rights Standards:-

Freedom of expression with duties; restrictions must be provided by law, necessary, and proportionate Siracusa Principles on limitations UN Special Rapporteur on Freedom of Opinion: Sedition laws often fail three-part test European Court of Human Rights jurisprudence emphasizes pluralism and tolerance India's obligations under ICCPR demand review.

15. Section 152 of the Bharatiya Nyaya Sanhita :-

"Whoever, purposely or knowingly, by words, either spoken or written, or by signs, or by visible representation, or by electronic communication or by use of financial mean, or otherwise, excites or attempts to excite, secession, armed rebellion or subversive activities, or encourages feelings of separatist activities or endangers sovereignty or unity and integrity of India or indulges in or commits any such act shall be punished."

16. Findings: -

There are some findings are available, where are following: -

1 Historical continuity of repressive potential

- 2 Judicial narrowing insufficient against ground realities
- 3 Empirical misuse confirmed
- 4 Section 152 broadens scope, risking greater abuse
- 5 International misalignment

17. Recommendations: -

- 1 Legislative: Amend for explicit "imminent violence" requirement; define terms narrowly.
- 2 Procedural: Mandatory government sanction post-preliminary probe (BNSS integration); time-bound trials.
- 3 Judicial: Issue fresh guidelines; refer larger bench if needed.
- 4 Institutional: Police sensitization; data audits; compensation for frivolous cases.
- 5 Broader: Public education on rights; explore alternatives like specific anti-terror provisions.

18. Conclusion:-

The sedition law, in its old or new avatar, tests India's commitment to constitutionalism. While national security is paramount, democracy thrives on robust debate. Reforming or repealing Section 152 toward a narrower, rights-respecting framework is not weakness but strength—ensuring the Republic remains "of the people, by the people, for the people." Future jurisprudence and legislation must prioritize this vision.

19. Footnotes:-

Numerous inline citations correspond to sources like SC judgments, NCRB, scholarly articles and reports referenced throughout.

List of Abbreviations:-

- BNS: Bharatiya Nyaya Sanhita, 2023
- BNSS: Bharatiya Nagarik Suraksha Sanhita
- IPC: Indian Penal Code, 1860
- SC: Supreme Court of India
- NCRB: National Crime Records Bureau
- UAPA: Unlawful Activities (Prevention) Act, 1967
- ICCPR: International Covenant on Civil and Political Rights
- UDHR: Universal Declaration of Human Rights

- HRW: Human Rights Watch

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