
Prelims and Mains focus: about sedition law: cases related and NCRB data on it

News: The latest National Crime Records Bureau (NCRB) data suggest that sedition law remains as relevant as ever with sedition arrests increasing in recent years.

How is sedition defined under the law?

Sedition, which falls under Section 124A of the Indian Penal Code, is defined as any action that brings or attempts to bring hatred or contempt towards the government of India and has been illegal in India since 1870.

NCRB data

- The National Crime Records Bureau (NCRB), though, has only been collecting separate data on sedition cases since 2014. In 2014, there were 47 cases of sedition but that number increased to 70 in 2018 (the latest year with available data).

Cases of sedition

- Compared to other offences, sedition remains a rare crime (it accounts for less than 0.01% of all IPC crimes). But within India, some parts are emerging as sedition hotspots.

- Assam and Jharkhand, for instance, with 37 sedition cases each, account for 32% of all sedition cases between 2014-2018. In Jharkhand, the police have used sedition to charge different types of protesters. In January, more than 3,000 protesters against the Citizenship Amendment Act (CAA) were charged with sedition while in 2019, more than 3,300 farmers were charged with sedition for protesting about land disputes.
Less conviction and its reason

- Though police in these states and elsewhere are charging more people with sedition, few cases actually result in a conviction. Since 2016, only four sedition cases have seen a conviction in court.

- One reason for this could be that sedition as an offence has no solid legal grounding in India. The Indian Constitution lays out freedom of expression as a fundamental right which many legal scholars have argued prevents sedition from being an offence.

About Unlawful Activities (Prevention) Act (UAPA) and its comparison with Sedition law

- In 1967, the government enacted the Unlawful Activities (Prevention) Act (UAPA). This was meant to be a more specific law intended to impose more reasonable restrictions on freedom of speech in the interests of sovereignty and integrity of India.

- In 2018, there were 1,182 cases registered under UAPA. And almost all these cases (92%) were concentrated in five states (Uttar Pradesh, Jammu and Kashmir, Assam, Jharkhand and Manipur).

- Because of its use to clamp down on dissent, the UAPA has faced similar criticisms as the sedition law. And the joint existence of a sedition offence and the UAPA governing the same category of offence makes little sense.

- UAPA and sedition though are just two of the many offences that can be committed against the state. Under the NCRB’s breakdown of offences against the state, the biggest offence comes under the Prevention of Damage to Public Property Act. The Act, which lays down the law about damage to public property, accounted for more than 80% of all offences against the state in 2018 and has increased since 2016.

A new category by NCRB
NCRB, starting in 2017, introduced a new category of crime: incidents of violence by “anti-national elements”. These anti-national elements - bucketed into four groups: north-east insurgents, ‘Jihadi’ terrorists and Naxalites and other terrorists - had 1,012 cases registered against them in 2018.

But of all these offences, sedition remains the most controversial.

Attempts at revoking the sedition law

- Globally, sedition is increasingly viewed as a draconian law and was revoked in the United Kingdom in 2010.

- In India itself, there have been two attempts, via private member bills, in the last decade to revoke it - but both efforts were thwarted by governments.

- More recently in 2018, the 21st Law Commission of India issued a consultation paper asking for views on revoking sedition as an offence but the commission’s term ended before it could deliver its recommendations.

- Any recommendation, though, would have likely fallen on deaf ears. Over time and across different parties, the Indian government’s stance has been consistent on sedition. When asked in Parliament if sedition is likely to be revoked soon, the current minister of state in the home ministry was succinct but clear in his response “There is no proposal to scrap sedition. There is a need to retain the provision to effectively combat anti-national, secessionist and terrorist elements.”