

Sedition Law: Why should it go away

Dr. Zafar Ahmad Khan*

Introduction

“It takes a hundred years to make a law; and then after it has done its work, it takes another hundred years to get rid of it.” These prophetic words were said by Henry Ward Beecher (1813-87), the American preacher and social reformer¹. The recently quashed sedition charges against 49 eminent personalities for writing an open-letter showing their concern over the intolerance and large lynching incident taking place across the country, possibly makes out a test case for junking Section 124A (sedition) of the Indian Penal Code, 1860 once and for all. In recent past, award winning writer, Arundhati Roy, for her essay “Azadi-the Only Way”², Dr Binayak Sen, human right activist, on the pretext of being a Naxalite sympathiser³; Aseem Trivedi, anti-graft cartoonist, for drawing a cartoon⁴, M.F. Hussain, “Picasso of India”, for a painting depicting Bharat Mata⁵, have to face the wrath of this egregious law. Interestingly, there has been no conviction. All were exonerated. Thus, it may be argued, that the law has been used to stifle dissent and browbeat those who use their right of – constructive criticism against the power-that-be.

Sedition law is not only draconian in nature; it is also an affront on the cherished right to freedom of speech and expression, guaranteed by the Indian Constitution. In

1 <https://frontline.thehindu.com/cover-story/a-case-against-the-sedition-law/article8299363.ece>

2 <https://www.ndtv.com/india-news/sedition-case-registered-against-arundhati-roy-geelani-440611>

3 <https://timesofindia.indiatimes.com/india/Dr-Binayak-Sen-found-guilty-of-sedition-gets-life-imprisonment/articleshow/7156208.cms>

4 <https://www.indiatoday.in/india/story/anti-corruption-cartoonist-aseem-trivedi-arrested-on-sedition-charges-115575-2012-09-09>

5 <https://www.telegraphindia.com/culture/turn-them-out/cid/956195>

* Research Officer, Dr. Ambedkar Chair of Legal Studies & Research, Department of LAW, AMU, Aligarh