

**“Sedition in the Digital Era”**

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**Abstract**

The first sign of a democratic country is considered that the people of that country having the power to speak freely without fear or compression, but any such law which prevails the liberty of is considered to be arbitrary by the constitution, Similarly, such a provision in the Indian Penal Code is Sedition, which can be understood as an expression or speech which result in mutiny against the government of the state. Section 124A is a relic of colonial legacy, which is not only incompatible in a democratic country but also imposes limitations over the exercise of the fundamental right of freedom of speech and expression. Since the constitutional rights enable and empower a person to question and criticize the government which is considered to be the first liberty of an individual in a democratic state. Sedition is considered to be a draconian provision of the Indian Penal Code, the unambiguous interpretations of the terms mentioned in the sedition have brought up a lot of controversial issues in the courts.

In this research paper, we primarily focus on interpreted of sedition and the relation between the Sedition and Freedom of Speech and Expression as well as how Sedition is being misused in the digital era of Internet Communication.

**Keywords:** Sedition, Freedom of Speech and Expression, Internet, Reasonable Restriction.

**Introduction**

Sedition, the term originates from the Latin word ‘*seditio*’ which can be understood as “*riot*” in simplest understanding,<sup>3</sup> and it is defined as ‘*an act of incitement or resistance to or insurrection against lawful authority*’.<sup>4</sup> Sedition has been defined under Section 124A of the Indian Penal Code, 1860. Any person who gets coupled in this act is considered to be *Seditionist*. The basic idea behind sedition is interlinked to public disorder, hampering the peace and harmony of the society. The speaker tends to deliver such a speech which comprises of an idea, questions and different aspect, which tends to create chaos amongst the people of society, these expressions may consist of words, gesture or visible representation which incite towards the government, this incitation when turned into rebellion or armed rebellion then it is termed as sedition. Before we go in depths it is pertinent to know about the

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<sup>3</sup> Merriam Webster, Sedition, (Visited on 4<sup>th</sup> May 20, 06:50PM), <https://www.merriam-webster.com/dictionary/sedition>

<sup>4</sup> *Id.*

phrase ‘*libel*’. The term Libel is defined a piece of writing that contains bad or false things about a person,<sup>5</sup> which can be understood as when a person publish false statement or accusation in any form of an article, blog, or content in the newspaper, pamphlets, etc.<sup>6</sup> or with the *mala-fide* intention of besmirching a person’s Honor. Therefore when such derogatory accusations, allegations, or statements are made against the government then the outcome of such a statement could amount to seditious libel.

Sedition is considered to be an expression which results in creating hatred or contempt or disaffection toward the government established by law, but simultaneously ‘expressions’ are protected by the Constitution of India.<sup>7</sup> Part III of the Constitution guarantees fundamental rights to the citizens of India, under which *Article 19(1)*<sup>8</sup> protects and empowers the people of the country with the freedom of speech and expression. By virtue of this article one can express, impart and transfer information, thoughts, ideas etc. freely without any hesitations. We know that expressions could be *mala-fide* as well as *Bona-fide*. Expression can curb public disorder as well as work as oil in fire, and in order to protect the public order and security of nation, Some Reasonable Restriction are imposed over this Article. Expression, when tend to excite or attempts to excite or creates disaffection, or incite contempt or Hatred toward the government then it is termed as Sedition.<sup>9</sup> The expressions made or said are hard to interpret since every expression relating to the government can be considered to be exciting or attempt to create disaffection. When we criticize or raise any question over the action or decision of the government, we inevitably give rise to disaffection inside people’s conscience. The word disaffection is unambiguous, when related to the diversity of people’s conscience. What is a critique or questioning as per a person’s conscience, can also be interpreted as “causing disaffection or an act of rebellion” to another’s conscience. These ambiguous words have led to a lot of controversy in the present era.

As per NCRB<sup>10</sup> there has been an upsurge in the cases of sedition, it is pertinent to know that the majority of these cases are related to expression in public, and digital forms i.e. the expression are made over the internet in the digital forms over social networking sites. The internet provides us with the Social Media Platforms (Hereinafter SMP) which enables us with unrestricted freedom of expression, although these SMP do adhere to the statutes laid down by the government, but due to its diverse nature the implications the occurrence of these free expression cannot be curtailed or evaded. Access to the internet is considered to be Fundamental right under *Article 21*.<sup>11</sup> of the Constitution, and in today’s era of modernity and advancement every person has an account over SMP which leads to gigantic complication of free expression. These expressions when tend to give rise to the armed

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<sup>5</sup> Libel, Cambridge Dictionary, (visited on 07<sup>th</sup> July 12:24AM), <https://dictionary.cambridge.org/dictionary/english/libel>

<sup>6</sup> *Id.*

<sup>7</sup> Constitution of India, 1950.

<sup>8</sup> Constitution of India, art. 19, § 1

<sup>9</sup> Sedition, Section 124A, Indian Penal Code, 1860

<sup>10</sup> National Crime Record Bureau, (Visited on 4<sup>th</sup> May 20, 07:55PM), [ncrb.gov.in](http://ncrb.gov.in)

<sup>11</sup> Constitution of India, art. 21.

rebellion or disaffection towards the government, then they are charged for sedition. It is pertinent to know that this law has been misused based on the interpretation of the words. Hence we need to understand the sedition in order to tackle this issue.

### Interpretation of Sedition

Section 124A of the Indian Penal Code defines the offence *Sedition* as “Whoever, by words, either spoken or written, or by signs, or by visible representation, 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.”<sup>12</sup> This classifies it as a criminal offence and a crime against the state. Punishment for this offence is Cognizable, Non-Bailable and is considered as an offence which cannot be compounded because of its grave nature, that is, Non-Compoundable. Such cases can be tried by the court of sessions.<sup>13</sup>

When the IPC came into existence in the year of 1860, sedition was not a provision in it. Later it was incorporated into the Indian Penal Code, XXVIII Amendment of 1870 by *Lord Thomas Babington Macaulay*<sup>14</sup> and continued without any alteration till 1898. Likewise before the Amendment Act, Section 124A only had one explanation, it also got bifurcated into three explanations through this amendment.<sup>15</sup> This happened at the time when Wahhabi Movement<sup>16</sup> had initiated, there was a sudden upsurge in Revolt with the contention to dethrone the Britishers and re-treat them to their country. Considering the situation of outbreak of the riots, protests and increased rebellion nature of the citizens, two precautionary laws were supplemented to Section 124A by the British Indian Government after the enactment of sedition, these acts were the *Dramatic Performances Act, 1876* with the objective of precluding performances which were seditious, disparaging or scurrilous in description. The two offence were made punishable soon after they got codified, but this enactment was made to thwart orchestration which was likely to upsurge such an offence and lead to rupturing the peace. Eventually this act got repealed by the Repeal and Amending (Second) Act, 2017.<sup>17</sup> The other act was the *Vernacular Press Act, 1878* which focused to impose restriction and bring the publication under government law and order, for repressing the seditious publication which instigated hatred in the public intellect.<sup>18</sup> Due to the nature of this act, a lot of controversies occurred hence the act got abrogated in the year of 1881.

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<sup>12</sup> Indian Penal Code, Sec 124A, (1860)

<sup>13</sup> The Code of Criminal Procedure, 1973, Schedule I

<sup>14</sup> Siyuan Chen, Codification, Macaulay and the Indian Penal Code, Institute Knowledge at Singapore Management University, (Visited on 4<sup>th</sup> May 20, 08:15PM), [https://ink.library.smu.edu.sg/cgi/viewcontent.cgi?article=3923&context=sol\\_research](https://ink.library.smu.edu.sg/cgi/viewcontent.cgi?article=3923&context=sol_research)

<sup>15</sup> Journal of the Indian Law Institute, January -March 1966, (Visited on 4<sup>th</sup> May 20, 08:17PM), <https://www.jstor.org/journal/jindilawinst>

<sup>16</sup> Shodhganga, Wahhabi Movement of 1863-65, (visited on 4<sup>th</sup> May, 20), [https://shodhganga.inflibnet.ac.in/bitstream/10603/39058/8/08\\_experimental.pdf](https://shodhganga.inflibnet.ac.in/bitstream/10603/39058/8/08_experimental.pdf)

<sup>17</sup> Repeal and Amending (Second) Act, 2017, (visited on 07<sup>th</sup> Jul, 12:41AM), <http://www.egazette.nic.in/WriteReadData/2018/181639.pdf>

<sup>18</sup> Vernacular press act, 1880, (Visited on 7<sup>th</sup> Jul, 1:14AM), <https://www.britannica.com/topic/Vernacular-Press-Act>

Sedition started its journey in courts Pre-Independence with the first case of *Queen-Emperor vs J C Bose*<sup>19</sup>. Bose was the editor of the newspaper named '*Bangobasi*'. In his newspaper he published an article criticizing the *Age of Consent Bill*<sup>20</sup>. "*The intention of the articles in referring to famines and high prices and charging the Government with persecuting the Hindu religion is to make the people discontented and dissatisfied*".<sup>21</sup> His words in the article were against the government stating that this act was a threat to religion and was forcefully imposed on the people. He was not convicted for sedition, since he offered an apology letter and the case was dropped. Apart from it many eminent Independence Activists were also charged for the offence of sedition amidst that list, some of them were Mahatma Gandhi, Bal Gangadhar Tilak etc. *Tilak* was charged with sedition three times during the British government in 1897,<sup>22</sup> 1909<sup>23</sup> and 1916<sup>24</sup>. In 1897, he was charged with Sedition because of the speeches he delivered which infuriated the people and led to the Killing of two British officers and for this offence he was imprisoned for 18 months. In 1909, two revolutionaries threw bombs on the carriage as they wanted to kill the *Chief Presidency Magistrate Douglas Kingford*. *Tilak* defended these youths by publishing articles "*The Country Misfortune*" and "*The remedies are not lasting*" in Newspaper named '*kesari*' for which the government charged him with sedition and for the same he was imprisoned for six years. Finally in 1916 he was charged for the speeches delivered at various events, again he was imprisoned for six years. Another Independence Activist to face Sedition was *Mahatma Gandhi*, he was jailed for six years for publishing three '*politically sensitive*' articles in his weekly journal '*Young India*'. There are numerous eminent cases of sedition, which have led to various decisions and opinions regarding sedition. In the *Ram Nanda Case*<sup>25</sup> Allahabad High Court held that Section 124A is unconstitutional as it infringes Fundamental Right under *Article 19 'Freedom of speech and Expression'*. The judgement of *Ram-Nanda Case*<sup>26</sup> was reversed in *Kedarnath Singh*<sup>27</sup> the court observed that the section 124A is constitutional and also that if the freedom of speech and expression exceeds its limit then it would no longer be considered as a right but would come under the purview of sedition, i.e. if the speech tends to incite the feeling of enmity towards the government then it would be considered in the ambit of sedition.

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<sup>19</sup> *Queen-Empress v Jogendra Chunder Bose And Ors.*, 1891

<sup>20</sup> Shodhganga, *Age of Consent in Marriage*, P. 21, (Visited on 4<sup>th</sup> May 20, 08:32PM), was a legislation enacted by the British India, which raised the age of consent for sexual intercourse for all the girls, unmarried or married, from 10 to 12 in all its jurisdiction. It was violation subject to criminal prosecution of rape., <https://shodhganga.inflibnet.ac.in/bitstream/10603/191982/4/6%20age%20of%20consent%20in%20marraige.pdf>

<sup>21</sup> *Ibid.*

<sup>22</sup> *Queen Emperor vs Bal Gangadhar Tilak*, 1897

<sup>23</sup> *Queen Emperor vs Bal Gangadhar Tilak*, 1909

<sup>24</sup> *Queen Emperor vs Bal Gangadhar Tilak*, 1916

<sup>25</sup> *Ram Nandan v State of UP*, 1958 AIR (ALL) 1

<sup>26</sup> *ibid.*

<sup>27</sup> *Kedarnath vs State of Bihar*, 1962.

In *Niharendu Dutt Majumdar vs Emperor*<sup>28</sup>, the court ruled out that the offence of “sedition is the incitement to violence or the tendency or the effect of bringing into hatred or contempt or creating disaffection in the sense of disloyalty to the state. While in the landmark judgment of *Kedarnath*<sup>29</sup> where the petitioner was charged with sedition on the basis of the speech delivered by him criticizing the government. The court ruled that citizens can criticize the government as long as they do not instigate the people to revolt against the government.<sup>30</sup> After this case, it was mandatory for the accused to create or cause disaffection toward the government which leads to rebellion of people against the government for sedition. The court considers this as an essential part of the facts and circumstances of the case before passing down the judgment.<sup>31</sup> *Balwant Singh & Anr vs State of Punjab*<sup>32</sup>, where the accused raised the slogan of “*khalistan zindabad*” immediately after assassination of the Prime Minister Indira Gandhi. The court ruled that merely shouting slogan or raising slogan does not affect the public nor bring dissatisfaction, and Section 124A would not be applicable on the facts and circumstances of the present case since it did not lead to any violence.<sup>33</sup> In 2015 judgement of *Shreya Singhal vs. Union of India*<sup>34</sup> the Supreme Court once again held that one had to differentiate between “advocacy” and “incitement”, then only incitement would be punishable. Justice *Rohinton Nariman* clearly made out a red mark over the danger of over expansive terms curbing free speech and thought.<sup>35</sup> Another eminent case held in the same year, the case of *Arun Jaitley vs State of UP*<sup>36</sup>, in which Arun Jaitley on National Judicial Commission Act, “A citizen has a right to say or write whatever he likes about the government, by way of criticism or comments as long it does not incite people to opt for violence. The article merely seeks to voice the opinion of the need to strike a balance between the functioning of the pillar it is surely a call to arms.”

It is pertinent to know that the Sedition and freedom of speech and expression are interwoven. We need to understand the relation of sedition and the Freedom of Speech and Expression together. We also need to underline the Relation amongst them as well as the limits of Freedom of Expression when it turns to Sedition.

### **Sedition and Freedom of Expression.**

We all are aware about the Freedom of speech and expression which is guaranteed by the Constitution of India, under *Article 19(1)* which states ‘*protection of certain rights regarding freedom of speech, etc.*’<sup>37</sup> The *right to freedom of speech and expression* ensures that every citizen of the country has the freedom to express and impart his views and thoughts, information. One of the exceptions to this particular right, is the individuals who do not have

<sup>28</sup> *Niharendu Dutt Majumdar vs Emperor*, 1939

<sup>29</sup> *Supra* note at 27.

<sup>30</sup> *Id* at 21

<sup>31</sup> *Id* at 21.

<sup>32</sup> *Balwant Singh vs State of Punjab*, 1955

<sup>33</sup> *Ibid*.

<sup>34</sup> *Shreya Singhal vs Union of India*, 2015,

<sup>35</sup> *Supra* note at 27,

<sup>36</sup> *Arun Jaitley vs State of UP*, 2015

<sup>37</sup> Constitution of India, Art 19 § 1.

the citizenship of the country India, i.e. Foreign Nationals.<sup>38</sup> The freedom of speech and expression is exercised to express a person's thought, idea, information, views etc. by way of words, spoken or written, gestures, signs, publications like articles, newspapers, pamphlets.<sup>39</sup> This Article grants every citizen regardless of their caste, creed, gender, race or community, the freedom to express their opinion in any matters without any restrictions. It is considered to be the first liberty of a democratic country. Freedom of speech and expression can be exercised in any form of communicating methods be it gesture, sign, speech etc.<sup>40</sup> This Freedom can be understood in layman language as every individual of the state has the right to express his views, impart information as well as share opinions to others according to his appropriateness be it either verbal, written, or gesture.

Similarly, sedition bars a person from making any such expression which creates disaffection, incitement people against the Government of India. Therefore the question of arises, that if a person has fundamental rights conferred in him of free expression then how can he or she be charged for sedition for exercising his fundamental rights. Therefore, it is certain to state that the sedition and freedom of expression are interwoven. Sedition on one hand is incomplete without freedom of expression and on the other hand freedom of speech when crosses certain limits turns into sedition. Hence, we can conclude that there is fine line gap between the Freedom of Expression changing to the Sedition. This line of separation is interpretation of words and understanding.

It is truly acknowledged that any sort of Unlimited or Unrestricted right can lead to arbitrary, oppressive or tyrannical actions, limitations have also been imposed upon this right, which are mentioned under *Article 19(2)*<sup>41</sup> which states that the government can make or impose necessary restrictions at any time as per feasibility. Even Free speech may result in a seditious statement if any such speech or article starts creating disaffection, hatred, or rebellion against the government, in the conscience of the reader or the listener. Hence it was compulsory to impose restrictions over free speech and this was accomplished by the First Constitutional Amendment Act<sup>42</sup>. By virtue of this Amendment certain changes in Article 19(1)(a) Freedom of Speech and Expression were made to restrict the power conferred under the same for the people, so that the misuse of this right could be made immobile. **Justice Patanjali Shastri** observed in the case of *A K Gopalan v State of Madras*<sup>43</sup> that “*Man as a rational being, desires to do many things, but in a civil society his desires have to be controlled, regulated and reconciled with the exercise of similar desires by other individuals.*”

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<sup>38</sup> Hans Muller of Nuremburg v. Superintendent, Presidency Jail, Calcutta and Others, AIR 1955 SC 367

<sup>39</sup> Lovell v. City of Griffin, (1937) 303 US 444 ; *see also*, Mohd Asif, Freedom of Speech and Expression: A Study Under the Backdrop of 200<sup>th</sup> Law commission Report, International Journal of Law, (Visited on 5<sup>th</sup> May 20, 10:12AM), <http://www.lawjournals.org/download/335/4-3-61-712.pdf>

<sup>40</sup> *Ibid.*

<sup>41</sup> Constitution of India, art. 19 § 2

<sup>42</sup> The Constitution (First Amendment) Act, 1951, Legislative Department, (Visited on 12<sup>th</sup> May 1:15PM), <http://legislative.gov.in/constitution-first-amendment-act-1951>

<sup>43</sup> A.K Gopalan vs State of Madras, AIR 1950

Reasonable Restrictions are a set of limitations set forth by the Government of India, over the exercise of Article 19(1)(a) and are mentioned under Article 19(2). These Restrictions can be imposed in the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order decency and morality and contempt of court, defamation and incitement to an offence.”<sup>44</sup> The Sixteenth Amendment Act<sup>45</sup> added Article 19(2) to put reasonable restrictions to the right conferred within Article 19(1). **Sir Gwyer** in *Niharendu Case* stated that ‘*the public order or reasonable restriction, or likelihood of public order is the gist of the offence. The act or word complained must be in order of incitement to disorder, or must be such to satisfy the reasonable restriction*’.<sup>46</sup>

The High Court stated in the *Ram-Nanda Case* that the peaceful and legitimate criticism may also get caught in “the mischief of sedition under 124A of Penal Code.”<sup>47</sup> It is very hard to differentiate between the legitimate criticizing and inciting the public. In Sedition the words like “tries or tries to bring Hatred or Contempt or Excites or attempt to excite disaffection” have a huge misconception of understanding, these words have dual interpretation. One in the *Bangobasi Case*<sup>48</sup> **Justice Starchey** stated that for sedition *there can be no offence under this section until and unless rebellion or armed rebellion is incited or is sought to be incited*. While in the same case **Chief Justice Petheram** explained the scope of this section by stating “*It is sufficient for the purpose of this section that the words used are calculated to excite feeling of ill-will against the government and hold it up to the hatred and contempt of the people and that they were used with the intention to create such feeling*”. These two opinions held diverse differences between the interpretations of Sedition. This confusion was further cleared out in *Kedarnath Case*<sup>49</sup> when the court upheld that the section of sedition is constitutionally valid which continues to curb the freedom of speech and expression. The court also curtailed the provision of sedition, a person will only be held liable under this offence if his assails an expression that tends to incite people at large hampering the peace and harmony of the society and turning the people against their government.<sup>50</sup>

Hence we can arrive at a decision by saying that the relation between Sedition and Freedom of Speech and Expression relation is intangible and inevitable. But this relation gets more twisted when we look at the recent cases of sedition. The digital and modern era of the Internet has unearthed a new set of questions for both Sedition and Freedom of Expression. The diversity and unrestricted power over the internet has not only created a lot of chaos amongst the people of society, but raised an inevitable question over sedition too. The sudden upsurge in Sedition cases has been a product of media. Hence, we need to understand how the digital era plays a gigantic part in sedition cases.

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<sup>44</sup> Constitution of India, Art. 19 § 2.

<sup>45</sup> Sixteenth Amendment Act, 1963, India.Gov.in, (Visited on 12<sup>th</sup> May 02:55PM), <https://www.india.gov.in/my-government/constitution-india/amendments/constitution-india-sixteenth-amendment-act-1963>

<sup>46</sup> *Supra note* at 22.

<sup>47</sup> *Supra note* at 19

<sup>48</sup> *Supra note* at 13.

<sup>49</sup> *Supra note* at 21.

<sup>50</sup> Nath Singh vs Bihar, Global Freedom of Expression, Columbia University, (Visited on 18<sup>th</sup> June, 1:53 AM), <https://globalfreedomofexpression.columbia.edu/cases/nath-singh-v-bihar/>

## **Internet, Freedom of Expression and Sedition**

The most intrinsic impact on society was caused with the evolution of the internet. The Internet is considered to be mass media, due to its vivid characteristic i.e. possibility of reaching every corner of the world instantly. The internet provides certain Social Network Platforms, which enables and entrusts us with the platform for expressing ourselves. Today almost every Second individual has access to the internet as well as available at one or more than one Social Network Sites like, Facebook, WordPress, Twitter. Upon these social platforms one connects with the other people around the globe and impart their expression in the form of information, idea, and socializing. However at some place speech and expression over the internet leads to inciting or creating hatred, contempt and disaffection. These inciting speeches could be against religion, race, gender etc. but when this speech or expression is regarding the Government, which creates or incite disaffection, hatred or contempt, then people are charged with sedition. Such expressions are also considered to be seditious even when made over the internet.

As per the NCRB<sup>51</sup> there has been a sudden inflation in the sedition cases being registered. From 147 cases in 2015, to 178 in 2016 and 160 in 2017, while the conviction rate was 4 in 4 years.<sup>52</sup> Around 80% of the cases were filed on the grounds stating “disaffection”.<sup>53</sup> The interpretation of word “disaffection” varies person to person, but the real interpretation of the unambiguous words remain an inevitable question on this statute.

As the aforementioned statistic depicts, enormous number of cases occur every year. In 2016 around 138 cases were in queue/listed, in which 86 cases were pending and another 35 were reported that year, out of which only 16 went for trials, and conviction was done for only 1.<sup>54</sup> Similarly in 2017, 151 cases were present, reported in that year 51 cases, and only 27 were sent for trials and 1 got convicted.<sup>55</sup> And this scenario continues to exist. People are charged with this section to restrict their speech and expression, while the case proceedings and conviction are lengthy procedure and justice is never prevailed.

There has been many instances where the people have been charged with sedition, starting with Arundati Roy<sup>56</sup> in 2010 where he was charged for sedition based on the speech given by Roy in a seminar “Azadi- War only” in 2010. Similarly in 2012, Akbaruddin Owaisi was charged with sedition for his speech he delivered in December.<sup>57</sup> Binayak Sen was charged with sedition for supporting Naxalite, when the proceedings started no evidence could be confronted.<sup>58</sup> In 2014 Hardik Pandey and Kanhaiya Kumar were slammed with sedition

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<sup>51</sup> National Crime Record Bureau

<sup>52</sup> NCRB, Statistics, (Visited on 18<sup>th</sup> Jun, 20 1:55AM), datagov.in

<sup>53</sup> *Supra note 67.*

<sup>54</sup> Pooja Dantewadia, Sedition Cases in India: What Data Says, Live Mint, (Visited on 28<sup>th</sup> June 1:02AM), <https://www.livemint.com/news/india/sedition-cases-in-india-what-data-says-11582557299440.html>

<sup>55</sup> *Ibid.*

<sup>56</sup> Top 8 High Profile Sedition Cases in the History of Independent India, India TV, (Visited on 6<sup>th</sup> June 20, 1:04AM), Top 8 high-profile sedition cases in the history of Independent India

<sup>57</sup> *ibid*

<sup>58</sup> *Id* at 71



charges and this issue continued till 2020, when the court finally gave direction to charge Kanhaiya Kumar with sedition.<sup>59</sup> In 2019, sedition was charged on 49 people who wrote to Prime Minister of India, regarding increased mob lynching cases, and although they were eminent people of the society eg. director, writer, activist.<sup>60</sup> Even in recent case of Zafarul Islam Khan, who happens to be Delhi Minority Chief, has been charged with sedition based on the post made by him on social media, to be provocative and cause disharmony to the society.<sup>61</sup> In Coimbatore, Tamilar Katchi Chief Seeman was charged with sedition, based on his speech made to the CAA protestor questioning “The Prime Minister, Home Minister and others to procure Citizenry proof to the public”.<sup>62</sup> In all the above cited cases, there is a common thing, which has laid down whole controversy i.e. The Internet and Social Media. It is pertinent to know that in the Pre-Independence or the Post-Independence Era, the internet was not present, the sole medium of communication and translocation of information was dependent of hard format i.e. Newspapers, Radio, Pamphlets etc. People had freedom of expression but the medium of communication always played a pre-censorship part. If any such derogatory or inflammatory publications against the government was tried to publish, the editor or the owner of such press, radio etc., refrained due the punishment or acknowledgement of such content to be seditious.

Similarly in the recent case of *Shreya Singhal vs Union of India*,<sup>63</sup> where two girls were booked under sedition (124A) and Section 66A of the IT Act, for posting comments on social networking site Facebook soon after the death of Bal Thackeray for spreading hatred and creating disaffection towards the government. Similarly, in *Shri Shashidhar vs State of Karnataka*<sup>64</sup> the petitioners were booked under sedition for conspiracy to instigate police force to bring down the government. The accused made such speech over the electronic social media, like Facebook and WhatsApp etc. to create hatred and excite disaffection. Another instance of the similar situation was seen in recent case of *Ibrahim Ali vs State of UP*<sup>65</sup> The accused morphed the picture of CM, added some communal hatred message and broadcasted it on social media, which led to spreading and creating hatred against the government for a particular community. Another Similar case of *Kamal Shukla*, the editor of *Bhumkal Samachar* newspaper, Chandigarh, was charged with the offence of Sedition, for sharing the cartoon on Facebook.<sup>66</sup>

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<sup>59</sup> Id at 16; Will Fight Politically, legally Sedition case against Kanhaiya Kumar: CPI, The Economic Times, (Visited on 6<sup>th</sup> June 20, 1:06AM), *Will fight politically, legally sedition case against Kanhaiya Kumar: CPI*,

<sup>60</sup> FIR Against 49 Celebrities on sedition Charges, Hindustan Times, (Visited on 18<sup>th</sup> June, 20 1:57AM), FIR against 49 celebrities on sedition charges - india news

<sup>61</sup> Sedition Case: Delhi Minorities Commission Chief Submits Laptop to Police ‘Under Duress’, Times Express News, (Visited on 18<sup>th</sup> Juner, 20 1:59AM), Sedition case: Delhi Minorities Commission chief submits laptop to police ‘under duress’

<sup>62</sup> Tamil Nadu: NTK Chief Booked for Sedition, Time of India, (Visited on 18<sup>th</sup> June 20, 2:01AM), Tamil Nadu: NTK chief booked for sedition | Coimbatore News

<sup>63</sup> *Supra note at 21.*

<sup>64</sup> *Sri Shashidhar vs State of Karnataka*, 2016.

<sup>65</sup> *Ibrahim singh vs state of UP*, 2020

<sup>66</sup> *Shukla Kamal*, Indian Editor Charged with sedition for Sharing Cartoon on Facebook, Reporters Without Border, (Visited on 18<sup>th</sup> May 12:55AM),

**Conclusion**

Therefore we can conclude that act of sedition can only be imposed when a person tends to create “disaffection” towards the Government which may leads to rebellion. Sedition and Freedom of expression are completely interwoven and inseparable, the fine gap is the interpretation of words by the reader. Internet and Social Media plays major role in any situation as well as it is a coin with two folds. The one which enables and empowers millions of possibilities, while others misuse the same benefits. It depends on the individuals which aspect of the internet one uses. The exercise of these powers are up to individuals, the statements published or broadcasted over the internet could create mutiny even rebellious acts of violence. Therefore we can interpret that the internet does play a significant part as well as performs as a medium for seditious publication. One cannot curtail the expression over the internet nor can it be prohibited since it is a part of fundamental right, easily accessible. But we cannot deny the fact that the misuse of Internet has led many innocent people to be charged for sedition. Sedition charges can be imposed even if the speech is made in digital form upon the internet. The only challenge the statute faces is with regard to anonymity over the Digital World. Altogether Sedition, Freedom of Speech and Expression and the Internet is a lethal combination for a democratic country, which cannot be curtailed.