

SEDITION VS. FREEDOM OF SPEECH: NAVIGATING THE NEXUS WITH NATIONAL SECURITY

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ABSTRACT

The constitutionality of Section 124A of IPC came under scrutiny in the landmark case of *S.G. Vombatkere v. Union of India [(2022) 7 SCC 433]*, presented before the esteemed Supreme Court. The Union of India, acknowledging a reevaluation of Section 124A, urged the Court not to expend its valuable time on the matter. In response, on 11th May 2022, the Supreme Court directed both the Central Government and State Governments to suspend the registration of new FIRs and coercive actions related to Section 124A. This directive extended to the suspension of ongoing investigations, as well as the temporary halt of pending trials, appeals, and proceedings associated with the section. This paper critically examines the concept of sedition and delves into its constitutional validity, contextualized by insights from the 22nd law commission report, offering an insightful analysis of the intricate nexus between freedom of speech and national security.

INTRODUCTION

The origins of the sedition law can be traced back to English Law. In medieval England, 'sedition' encompassed defamatory statements that could alienate rulers from their subjectsⁱ. The legal aspects of 'sedition' were historically unclear, leading to a lack of precise definition. Actions now categorized as 'sedition' were often prosecuted as 'treason,' *scandalum magnatum*, or even under martial lawⁱⁱ. In the late 16th century, a new interpretation of 'sedition' emerged—inciting disaffection toward the state or its authority through words or writingsⁱⁱⁱ. This shift marked a departure from direct violent involvement, focusing on incitement potential. In 1606, the Court of Star Chamber in *de Libellis Famosis*^{iv} outlined core elements of seditious libel^v, establishing the offense in the UK. The Chamber defined 'sedition' as inflammatory speech, publishing certain libels, and conspiring to incite hatred or contempt for authority figures—where libel's truth was irrelevant^{vi}. Despite the Court's 1641 dissolution, this doctrine influenced libel and slander doctrines for centuries. It stressed that criticism undermining the government's stability constituted a criminal act.

The classic 'seditious intention' definition, from Sir James Stephen's *Digest of the Criminal Law* (1887), states:

"A seditious intention is an intention to bring into hatred or contempt, or to excite disaffection against the person of Her Majesty, her heirs or successors, or the government and constitution of the United Kingdom, as by law established, or either House of Parliament, or the administration of justice, or to incite Her Majesty's subjects to attempt, otherwise than by lawful means, the alteration of any matter in Church or State by law established, or to incite any person to commit any crime in disturbance of the peace, or to raise discontent or disaffection amongst Her Majesty's subjects, or to promote ill-will and hostility between different classes of such subjects."^{vii}

Sir James Stephen classified three types of conduct: treason, conduct involving force or violence, and conduct between the two. This intermediate conduct, not treason but possibly leading to violence, constituted 'sedition'^{viii}. Thus, sedition encompassed actions short of treason yet not directly involving violence, encompassing words that might lead to violence^{ix}. Stephen's definition portrays sedition as both a conduct crime and a consequence crime. Unlawfully displaying dissatisfaction with the government constitutes sedition.

Simultaneously, if an act, though not inherently wrongful, naturally leads to government dissatisfaction, it also qualifies as sedition^x.

JUDICIAL INTERPRETATION of SECTION 124A of IPC

This section explains and talks about the judicial interpretation of Section 124A of IPC in Pre- and Post-Independent India.

A. Evolution and Interpretations of Section 124A in Pre-Independence India.

Before India's independence, Section 124A of the Indian Penal Code (IPC) was extensively utilized by the British authorities to suppress the Indian nationalist movement. Notably, in the case of *Jogendra Chunder Bose*^{xi}, the accused faced sedition charges for criticizing the Age of Consent Bill and the negative economic impact of British colonialism. During this period, the court emphasized a distinction between the English understanding of sedition and Section 124A of the IPC. In England, any act stemming from seditious feelings was penalized, while in India, only acts with an 'intention to resist by force or an attempt to excite resistance by force' fell under Section 124A.

Section 124A was seen to target disaffection, not mere disapprobation. Disaffection, characterized as contrary to affection, encompassed feelings of dislike or hatred, whereas disapprobation represented mere disapproval. Under Section 124A, 'disaffection' was interpreted as words calculated to create in the minds of the recipients a disposition to disobey lawful authority or to subvert or resist it, intending to generate such a disposition. This interpretation focused on the tendency of criticism to undermine the government, regardless of any resulting disturbance^{xii}.

In cases such as *Queen Empress v. Bal Gangadhar Tilak*^{xiii}, the defendant was charged with sedition for invoking historical figures to incite the overthrow of British rule. The court ruled that 'disaffection' included hatred, enmity, dislike, hostility, and ill-will toward the government. The amount or intensity of disaffection was immaterial; inciting any level of disaffection constituted an offense. This judgment influenced the 1989 amendment to Section 124A, expanding 'disaffection' to include feelings of enmity^{xiv}.

Subsequent cases like *Queen Empress v. Ramchandra Narayan*^{xv} and *Queen Empress v. Amba Prasad*^{xvi} built on the Tilak judgment. They clarified that disapprobation only constituted sedition if it led to disloyalty or subversion of lawful authority, emphasizing a disposition to render obedience to the government and support it against unlawful attempts^{xvii}.

The judiciary's interpretation of Section 124A evolved over time. *Kamal Krishna Sircar v. Emperor*^{xviii} reflected the British government's tendency to suppress criticism through sedition charges. However, in *Niharendu Dutt Majumdar v. the King Emperor*^{xix}, the court connected sedition to public disorder and anarchy, noting that speech had to lead to public disorder or a reasonable likelihood of it to be deemed seditious. Later, in *King Emperor v. Sadashiv Narayan Bhalerao*^{xx}, the court upheld the literal interpretation of Section 124A, emphasizing 'public order' and returning to earlier precedents like Bal Gangadhar Tilak.

This complex history highlights the shifting interpretations of Section 124A and the ongoing tension between safeguarding public order and protecting freedom of expression.

B. Evolution of Sedition Jurisprudence Following Independence.

After India gained independence, the constitutionality of Section 124A of the Indian Penal Code (IPC) came into focus in various judicial cases. In the early post-independence years, *Romesh Thapar v. State of Madras*^{xxi} and *Brij Bhushan v. State of Delhi*^{xxii} laid the foundation for the legal discourse surrounding sedition.

Both cases were decided on the same day, and Romesh Thapar's majority opinion established that limitations on freedom of speech and expression are justified only if aimed at state security or its overthrow. Brij Bhushan followed the Romesh Thapar decision, invalidating Section 9(1-A) of the Madras Maintenance of Public Order Act, 1949, which restricted speech to prevent activities prejudicial to public safety or order. The majority deemed these provisions exceeded powers granted by Article 19(2) of the Constitution.

In contrast, Justice Fazl Ali dissented in both cases. He delved into the nature of sedition and explained why 'sedition' was not explicitly included in Article 19(2). Quoting Stephen's Criminal Law of England, he emphasized that sedition essentially undermined public tranquility and security. He argued that the omission of 'sedition' indicated a preference for broader terms encompassing activities detrimental to state security^{xxiii}.

Subsequent cases saw varied interpretations. The Punjab High Court in *Tara Singh Gopi Chand v. The State*^{xxiv} struck down Section 124A, stating it contravened freedom of speech and expression under Article 19(1)(a). The Parliament introduced the Constitution (First Amendment) Act, 1951, to broaden restrictions based on Romesh Thapar's majority opinion. The amendment aimed to address judicial concerns and cover activities endangering national security.

In *Devi Soren v. State of Bihar*^{xxv}, the Patna High Court upheld Section 124A's validity, noting the expanded scope of Article 19(2) after the amendment. The Allahabad High Court, in *Ram Nandan v. State*^{xxvi}, declared Section 124A unconstitutional, arguing it could criminalize even mild disaffection, contravening Article 19(1)(a)'s scheme.

The Supreme Court's interpretation of 'in the interest of public order' in *Ramji Lal Modi v. State of Uttar Pradesh*^{xxvii} solidified the scope of restrictions under Article 19(2). The Court stated that if activities had a tendency to cause public disorder, laws penalizing them would be 'in the interests of public order', even if they didn't lead to actual disorder.

Finally, in *Supdt., Central Prison v. Dr. Ram Manohar Lohia*^{xxviii}, the Constitution bench provided a comprehensive perspective on 'public order', equating it with safety and tranquility. The court outlined criteria for speech restrictions, emphasizing the nexus between speech and public order. These cases collectively reflect the evolving landscape of sedition jurisprudence in India, where the judiciary navigated the balance between safeguarding public order and preserving the fundamental right to freedom of expression.

KEDARNATH SINGH'S JUDGMENT

The constitutionality of Section 124A of the Indian Penal Code (IPC), addressing the offense of sedition, has been a subject of intense scrutiny within India's judicial landscape. A pivotal moment arrived with the landmark case *Kedar Nath Singh v. State of Bihar*^{xxix}, when the Supreme Court undertook a comprehensive assessment of the validity of Section 124A. This Constitution bench ruling not only upheld the constitutionality of the section but also introduced essential clarifications regarding the delicate balance between freedom of speech and the state's imperative to ensure security.

In its deliberation, the Court acknowledged the historical origins of sedition as an offense against the state, with its roots extending back centuries. It affirmed the necessity for states to safeguard their stability and safety by penalizing acts that jeopardize the government established by law. The Court further delineated between disloyalty to the government, which is constitutionally protected, and the act of criticizing government actions, which should not automatically be deemed seditious.^{xxx}

Central to the Court's judgment was the introduction of the "tendency to violence or public disorder" test. Unlike the stringent requirement of direct incitement to violence, this test focused on whether the expression, regardless of its explicit content, had a latent potential to provoke violence or disrupt public order.^{xxxi} This nuanced perspective gained traction in subsequent cases, serving as a guiding principle for evaluating potential instances of sedition^{xxxii}.

In a notable case, *Raghubir Singh v. State of Bihar*^{xxxiii}, the Court reinforced the notion that not all criticism of the government amounts to sedition. The essence of the expression's intent is pivotal in determining whether it qualifies as seditious. Similarly, *Balwant Singh v. State of Punjab*^{xxxiv} established that isolated slogans or expressions lacking substantial impact on public order do not fall under the purview of sedition.

Common Cause v. Union of India^{xxxv} prompted the Court to recommend the review of pending sedition cases. It advocated applying the principles established in *Kedar Nath Singh* rigorously. In *Vinod Dua v. Union of India*^{xxxvi}, the Court reiterated citizens' right to critique government actions, emphasizing that Section 124A should only be invoked if expressions are demonstrably intended to incite violence or disrupt public order.

The recent case of *S.G. Vombatkere v. Union of India*^{xxxvii} underscored the evolving societal context and questioned the continued relevance of the stringent provisions of Section 124A in contemporary times. This case led the Court to temporarily halt pending sedition cases, reflecting an evolving stance on the application of sedition charges.

In summation, the evolving interpretations by the Indian judiciary regarding sedition illustrate a meticulous equilibrium between the constitutionally protected freedom of speech and the government's duty to ensure stability and security. While the constitutionality of Section 124A

was upheld, the judiciary stressed the necessity of reserving sedition charges for cases where expressions genuinely threaten public order or incite violence.

SEDITION & FREE SPEECH

Freedom of speech stands as a cornerstone of democracy, allowing individuals to achieve self-fulfillment, uncover truths, and participate in decision-making while maintaining societal equilibrium^{xxxviii}. This right is enshrined in international documents like the Universal Declaration of Human Rights (1948) and Article 19 of the International Covenant on Civil and Political Rights (1966). However, reasonable limitations can be applied to ensure responsible exercise of this freedom, considering rights and reputation of others and factors such as national security and public order^{xxxix}.

In India, Article 19(1)(a) of the Constitution guarantees freedom of speech and expression, subject to eight reasonable restrictions listed in Article 19(2). Among these restrictions, Section 124A of the Indian Penal Code (IPC) pertains to sedition. While this provision triggers continuous debate, opponents view it as a vestige of colonial rule, while proponents assert its significance in safeguarding national security. Striking a balance between free expression and collective interests is fundamental to this law. Dissent aimed at governmental change is democratic, as long as it doesn't incite violence, support disintegration, or employ extreme propaganda^{xl}.

Comparatively, even in the United States, which follows an 'absolutism' model of free speech, the Doctrine of Police Power safeguards laws by Congress. India, opting for an 'expressly restrictive' model, allows direct restrictions on fundamental rights to balance individual and social freedom. This model was intentionally distinct from the US due to concerns about disintegration and separatism^{xli}.

Initially, Article 19(1)(a) guaranteed freedom subject to qualifiers in Article 19(2). After concerns arose about judgments, the First Amendment was introduced in 1951, allowing restrictions on grounds of public order and incitement to an offense. The Sixteenth Amendment in 1963 fortified restrictions, adding 'sovereignty and integrity of India.'^{xlii} This amendment was prompted by events like Chinese incursions and calls for secession by various groups.

In this context, the need for sedition laws in India emerges. They aim to protect national sovereignty, territorial integrity, and public order. The essence of sedition in India must be understood against the backdrop of the country's realities, ensuring a balance between individual rights and collective interests. This overview highlights the delicate equilibrium between individual liberties and societal well-being, elucidating the evolution and rationale behind sedition laws in India.

NATIONAL SECURITY

Internal security of a nation pertains to safeguarding its territorial boundaries and preserving its sovereignty^{xliii}. The connection between internal security and sovereignty is crucial, as protecting internal security allows a country to maintain its sovereignty and territorial integrity^{xliv}. Any breach of internal security directly impacts a nation's sovereignty. In a diverse country like India, with various religious, ethnic, regional, and linguistic identities, as well as a unique geopolitical position, ensuring internal security is essential for the nation's survival^{xlv}.

The National Security Advisor, Mr. Ajit Doval, highlighted the challenges of fourth-generation warfare, involving threats like organized crime, terrorism, insurgency, and external interference in domestic matters. He emphasized the shift towards subversion of civil society to undermine national interests, given the high costs and uncertainties associated with traditional warfare^{xlvi}.

The Ministry of Home Affairs' Annual Report for 2021-22 identified several significant challenges to India's internal security, including Maoist extremism in certain areas, insurgency in the North-East, and terrorism in Jammu and Kashmir (J&K) and other parts of the country^{xlvii}.

A. Maoist Extremism:

The Communist Party of India-Maoist (CPI-Maoist) leads the Maoist insurgency, which is often regarded as India's most significant internal security threat^{xlviii}. Originating in the Naxalbari region of West Bengal in 1967, the insurgency has evolved over the years^{xlix}. The Maoists aim to establish a 'New Democracy' through prolonged armed struggle, rejecting

India's democratic governance as a sham. This ideology has enabled them to gain a foothold in more than 180 districts across ten states^l.

Over the course of five decades, the Maoists have resorted to violence, including destroying infrastructure, attacking schools, disrupting electoral processes, and committing acts of mass violence, rape, and targeted killings. Their presence poses a real and imminent threat to public safety and national security^{li}.

By rejecting the principles of democracy and the constitutionally established framework of governance, the Maoists have launched a direct challenge to the sovereignty of the Indian state. The brutal acts of violence perpetrated by the Maoists, including the killings of civilians, government officials, and security personnel, underscore this threat to the nation's security. Of equal concern is the attempt to legitimize violence as a means of achieving their objectives, a tactic that the Maoists and their supporters outside the movement employ, posing a serious threat to both Indian society and the political landscape. Although there has been a noticeable decline in the frequency of Maoist-related violent incidents in recent years, this trend is partly attributed to the neutralization or apprehension of several key leaders within the movement. While the perceived threat emanating from the Maoist insurgency has been significantly mitigated, it remains persistent and far from being completely extinguished.

The following table taken from the 22nd Law Commission report offers testimony to this.

Table 1: Fatalities in Maoist Violence: 2004-2021^{lii}.

Year	Incidents	Deaths
2004	1533	566
2005	1608	679
2006	1509	678
2007	1565	698
2008	1591	721
2009	2258	908
2010	2213	1005
2011	1760	611
2012	1415	415

2013	1136	397
2014	1091	310
2015	1089	230
2016	1048	278
2017	908	263
2018	833	240
2019	670	202
2020	665	183
2021	509	147
Total	23401	8529

B. Military & Ethnic Conflict in the Northeast.

The North-eastern states of India have grappled with prolonged militancy and ethnic conflicts, posing significant internal security challenges. Contrary to viewing these conflicts as genuine struggles for freedom against a perceived homogenizing state^{liii}, they often stem from distorted sentiments driven by vested interests. These conflicts can be categorized into three groups: separatist insurgencies seeking independence, autonomist movements advocating sub-regional aspirations, and intra-ethnic disputes among various tribal factions^{liv}.

While there has been a noticeable decline in insurgency-related incidents in the North-east, complete eradication remains elusive. The region has witnessed ethnic secessionist movements and separatist conflicts rooted in tribal and ethno-linguistic identities. Beginning with Nagaland's insurgency, similar movements emerged in Mizoram, Tripura, Assam, and Manipur^{lv}. The conflicts between dominant and minority groups frequently portray the Indian state as a common adversary, thus perpetuating tension.

External factors, such as support from neighboring countries, have played a pivotal role in sustaining these subversive movements by offering safe havens and logistical aid. Notable separatist militant groups like NSCN/K^{lvi} (National Socialist Council of Nagalim - Khaplang), UNLF^{lvii} (United Liberation Front) in Manipur, ULFA (United Liberation Front of Assam), GNLA (Garo National Liberation Army) in Meghalaya, and ATTF (All Tripura Tiger Force) in Tripura continue to challenge India's unity, integrity, and sovereignty. These

sub-regional aspirations and ethnic conflicts undermine India's democratic and constitutional foundations. Despite the decline in such activities, the North-eastern states continue to grapple with internal security concerns.

The table below illustrates the profile of violence in the North-East.

Table 2: Profile of Violence in North-East 2014-2021^{lviii}

Years	Incidents	Extremists Killed	Extremists Arrested	Security Forces Killed	Civilians Killed	Persons Kidnapped/Abducted
2004	1234	382	1099	110	414	225
2005	1332	406	1498	70	393	239
2006	136	395	1406	76	309	306
2007	1491	514	1837	79	498	292
2008	1561	640	2566	46	466	416
2009	1297	571	2162	42	264	230
2010	773	247	2213	20	94	214
2011	627	114	2141	32	70	250
2012	1025	222	2145	14	97	329
2013	732	138	1712	18	107	307
2014	824	181	1934	20	212	369
2015	574	149	1900	46	46	267
2016	484	87	1202	17	48	168
2017	308	57	995	12	37	102
2018	252	34	804	14	23	117
2019	223	12	936	04	21	108
2020	163	21	646	05	03	69
2021	209	40	68	08	23	94

C. Terrorism in Jammu & Kashmir.

Kashmir remains a critical point on India's security landscape due to its intricate complexities, fueled by Pakistan's encouragement of radicalization and terror. This has led to one of India's most significant security threats since gaining independence. The Ministry of Home Affairs' Annual Report 2021-22 highlights that Jammu & Kashmir (J&K) has been grappling with terrorist and secessionist violence for over three decades, primarily instigated and backed from across the border^{lix}.

The ongoing militancy in Jammu and Kashmir is closely tied to terrorist infiltration from both the "International Border" and the "Line of Control." The challenge posed by separatism and terrorism blurs the line between external and internal security threats. Externally, Pakistan's direct support of terrorist groups, funding, and training exacerbates the situation. Internally, religious radicalization intertwined with claims of Kashmiri nationalism for separate statehood compounds the security risks.

The intricate interplay of these interconnected issues makes addressing the security situation in J&K complex for the Indian state. Beyond Pakistan, China's role in perpetuating conflicts and violence cannot be discounted. Instances of China issuing lenient visas to J&K residents might be viewed as deliberate attempts to undermine India's sovereignty. Recent tensions along the Indo-China border and the Line of Actual Control reinforce suspicions of Chinese involvement in posing internal security challenges in J&K.

The statistics of terrorist violence in J&K are shown in the table given below.

Table 3: Fatalities in Jammu & Kashmir 2004-2021^{lx}.

Year	Civilians Killed	Security Forces Killed	Total	Terrorists Killed
2004	707	281	988	976
2005	557	189	746	917
2006	389	151	540	591
2007	158	110	268	472
2008	91	75	166	339
2009	78	64	142	239

2010	47	69	116	232
2011	31	33	64	100
2012	11	38	49	50
2013	15	53	68	67
2014	28	47	75	110
2015	17	39	56	108
2016	15	82	97	150
2017	40	80	120	213
2018	39	91	130	257
2019	39	80	119	157
2020	37	62	99	221
2021	41	42	83	180

D. Secessionist Activities in Various Regions.

In addition to the aforementioned internal security challenges, secessionist sentiments persist in various parts of the nation. One significant example is the movement for a separate Sikh state, known as 'Khalistan'. Over time, multiple groups have championed the cause of a distinct Sikh state, with a turning point occurring in 1984. Following this, the movement largely lost local support and was suppressed in the 1990s. However, diaspora organizations in countries like Canada, Australia, the United Kingdom, and the United States have revived efforts to mobilize support. These organizations, often acting against India's sovereignty and territorial integrity, orchestrated activities aimed at secessionist goals^{lxi}.

An instance is the establishment of 'Sikhs for Justice' (SFJ) in 2015, inspired by Scotland's independence referendum. SFJ launched the 'Referendum 2020' campaign, advocating for an independent "India-occupied Punjab". Unofficial referendums were conducted in various countries to gather support for this cause. Recognizing its secessionist motives, the Indian government designated SFJ as an unlawful association in 2019, banning its operations. Similar subversive movements have also been propagated by different groups across the nation.^{lxii}

Organizations like the Students Islamic Movement of India (SIMI), Jamat-ul-Mujahideen Bangladesh (JMB), Popular Front of India (PFI), and others have been implicated in inciting

anti-national sentiments among specific sections of the population and engaging in terrorist activities. In 2017, the leader of SIMI and several members were convicted under relevant sections of the IPC and the Unlawful Activities (Prevention) Act (UAPA)^{lxiii}. These groups, whether openly or covertly, relentlessly pursue radical agendas with the intent of altering the constitutional framework, posing substantial challenges to India's security establishment.

CONCLUSION

In conclusion, India's internal security landscape is a mosaic of intricate challenges that test the nation's sovereignty, unity, and integrity. From Maoist extremism and ethnic conflicts to secessionist tendencies and external influences, this multifaceted tapestry demands a comprehensive and vigilant approach from India's security apparatus. Striking a balance between safeguarding individual freedoms and protecting collective well-being is paramount as the country navigates this complex terrain. A profound comprehension of these security dimensions is pivotal in formulating effective strategies that ensure the nation's security while upholding democratic principles.

Moreover, it's important to address the legal framework underpinning these security challenges. The assertion that Section 124A of the Indian Penal Code, pertaining to sedition, is in violation of Article 19(1)(a) of the Constitution is unsubstantiated for several reasons. Firstly, the Constituent Assembly's deliberations demonstrated that the substitution of 'sedition' with 'which undermines the security of, or tends to overthrow, the State' was done to enhance the provision's scope and relevance. Secondly, the First Amendment to the Constitution introduced additional restrictions on freedom of speech and expression, including 'public order,' 'friendly relations with foreign states,' and 'incitement to an offence.' The Supreme Court's ruling in the Kedar Nath Singh case further upheld the constitutionality of Section 124A as a reasonable restriction under Article 19(2).

Furthermore, the principle of reading down a provision, as emphasized by the Supreme Court, underscores the importance of preserving the constitutional validity of statutes. This doctrine is to be exercised judiciously and within the bounds of the statute's purpose and constitutional conformity. The objective of this approach is to prevent statutes from being invalidated due to

unconstitutionality, which may arise from legislative incompetency or violations of constitutional provisions.

In the face of evolving security dynamics, India's determination to address these challenges head-on will shape its future security architecture. By confronting issues such as Maoist extremism, ethnic conflicts, secessionist aspirations, and external influences, India can fortify its internal security fabric and secure a stable, cohesive, and resilient future for its citizens.

ENDNOTES

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- ^{xvii} *Queen Empress v. Ramchandra Narayan*, ILR 1898 22 Bom 152.
- ^{xviii} AIR 1935 Cal 636.
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- ^{xx} AIR 1947 PC 84.
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- ^{xxiii} 22nd Law Commission Report.
- ^{xxiv} AIR 1951 Punj 27.
- ^{xxv} ILR (1953) 32 Pat 1104.
- ^{xxvi} 1958 SCC OnLine All 117.
- ^{xxvii} 1957 SCR 860.
- ^{xxviii} (1960) 2 SCR 821.
- ^{xxix} 1962 Supp (2) SCR 769; AIR 1962 SC 955.
- ^{xxx} *Kedar Nath Singh v. State of Bihar* AIR 1962 SC 955.
- ^{xxxi} *Ibid.*
- ^{xxxii} *Ibid.*
- ^{xxxiii} AIR 1987 SC 149.
- ^{xxxiv} (1995) 3 SCC 214.

- ^{xxxv} (2016) 15 SCC 269.
- ^{xxxvi} 2021 SCC Online 414.
- ^{xxxvii} (2022) 7 SCC 433.
- ^{xxxviii} Stephen Schmidt & Mack C. Shelly et. al. American Government and Politics Today 11 (Cengage Learning, USA,2014).
- ^{xxxix} Article 19 of the International Covenant on Civil and Political Rights 99 U.N.T.S. 171 (1966) read as: "The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; b) For the protection of national security or of public order (order public), or of public health or morals."
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- ^{lvi} Surinder Kumar Sharma & Anshuman Beher Militant Groups in South Asia 90 (New Delhi: IDSA-Pentagon Press, 2014).
- ^{lviii} *Supra* Note 55.
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- ^{lxii} Gazette of India (10 July,2019).
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- ^{lxiii} Press Trust of India, "Simi Chief, Ten Others get Life Sentence in Sedition".