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Law Commission Against Scrapping Of Sedition Law, Says It Will Protect India's Unity

Why In The News?

- The 22nd Law Commission Has Told The Govt That The **Scrapping Of The Sedition Law Is Not Needed And Advocated For Making It More Stringent.**
- In Its Report To The Centre, The Law Commission Said That The **Section 124A Of The Indian Penal Code (IPC)** Dealing With Sedition **Needs To Be Retained** With Certain Amendments.

What Is Sedition?

- The Term “Sedition” Means : **An Offence Against State.**
- **Section 124-A** Of Indian Penal Code.
- Sedition In India Was **First Used In 1891** & Was **First Charged Against J C Bose.**
- **Punishment Under Section 124A:** A Non-bailable Offence, Imprisonment Up To 3 Years To A Life Term & Barred From A Government Job.
- Sedition Law Was **Originally Drafted In 1837** By **Thomas Macaulay**, Section 124A Was **Inserted In IPC In 1870** By **Sir James Stephen.**



22nd Law Commission:

- The Law Commission Is A **Non-Statutory Body**, Constituted By The Central Government From Time To Time.
- The 22nd Law Panel Was Constituted For A **Period Of Three Years** On February 21, 2020, And **Its Chairperson, Justice Rituraj Awasthi (Retd)**, Assumed Office On November 9, 2022.
- Besides, **Identifying Laws Which Are No Longer Relevant**, It Is Also Mandated To **Suggest Enactment Of New Legislations** As May Be Necessary To Implement The Directive Principles And To Attain The Objectives Set Out In The Preamble Of The Constitution.
- In Feb 2023, The Term Of The Panel Has Been **Extended Up To August 31, 2024**.



Highlights Of The Report:

- The Commission Has Advised The Central Government To **Increase The Present Jail Term In Sedition Case From Three Years To Seven Years**.
- Advocating For The Sedition Law To Continue, The Law Commission Said That Such An Act Is Required To **Protect India's Unity, Sovereignty** And Would Help In **Tackling Radicalization**.
- Notably, The Report Comes Amid **Supreme Court Asking The Centre To Review The Sedition Law**.
- Sedition Being A Colonial Legacy Is **Not A Valid Ground For Its Repeal**, The Law Commission Headed By Justice Ritu Raj Awasthi (Retd) Stated.

- The Panel In Its Report Said It Has Taken Cognizant Of The Views On The **Misuse Of Section 124A** And Recommends That The **Model Guidelines Curbing Them Be Issued By The Centre.**
- The Commission Noted There Are Plethora Of Examples Of **Various Laws Being Misused By Ill-intentioned Individuals** Only To Settle Their Scores In Cases Of Personal Rivalries And Vested Interests, With Even The Supreme Court Recognizing The Same In Several Decisions.
- What Is Then Required In Such Cases Is Only **To Introduce Legal Ways And Means To Prevent The Misuse Of Such A Law.**

Centres Response Over Sedition:

- Earlier, The **Centre Had Filed An Affidavit** Saying It Will Re-examine And Reconsider **The Rationality Of The Sedition Law** And Requested The To Defer The Exercise Adjudicating Its Constitutional Validity.
- The **Centre Agreed To Re-examine The Sedition Law** After It Staunchly Defended The Colonial-era Provision In The Supreme Court And Sought The Dismissal Of Pleas Challenging It.
- Later, The Central Government Had Filed A Fresh Petition In The Supreme Court That Read: "PM Modi Is Of The Firm View That Baggage Of Colonial Era Laws, Which **Outlived Their Utility, Must Be Scrapped** At A Time When The Country Is Marking Its 75th Year Of Independence Azadi Ka Amrit Mahotsav."



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