



Media and sedition

1. It has long been recognised that strident criticism of the government will not amount to an attempt to excite disaffection and disloyalty towards the government.
2. Yet, the archaic and colonial view that an intemperate attack on an incumbent ruler should be met with fierce prosecution for sedition prevails among many in power even today.
3. In a significant judgment, the Supreme Court has quashed a criminal case registered in Himachal Pradesh against journalist Vinod Dua by invoking the narrowed-down meaning of what constitutes an offence under Section 124A of the IPC, the provision for sedition, set out in Kedar Nath Singh (1962).
4. Every journalist, the Court has ruled, is entitled to the protection of that judgment, which said: “comments, however strongly worded, expressing disapprobation of actions of the Government, without exciting those feelings which generate the inclination to cause public disorder by acts of violence, would not be penal”.

Mischief:

1. Enacted to put down journalistic criticism of the colonial administration from an increasingly vocal press, Section 124A is essentially a provision that seeks to protect the government’s institutional vanity from disapprobation using the interests of public order and security of the state as a fig leaf.
2. The explanation that disapproval of government actions or measures with a view to altering them by lawful means will not amount to an offence is not enough to restrain the authorities from prosecution.
3. The mischief lies in the latitude given to the police by an insecure political leadership to come down on the government’s adversaries. It is unfortunate that the Bench did not go into the aspect of political motivation behind the police registering FIRs without checking if the required ingredient of incitement to violence is present.
4. The Court’s verdict brightens the hope that the section’s validity will be re-examined. For now, it is a blow for free speech and media freedom.