

**GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF LEGAL AFFAIRS

**LOK SABHA
UNSTARRED QUESTION NO. 2204
TO BE ANSWERED ON FRIDAY, THE 10TH DECEMBER, 2021**

SEDITION LAW

2204. SHRI M. BADRUDDIN AJMAL:

Will the Minister of Law and Justice be pleased to state:

- (a) Whether Supreme Court has recently termed the sedition law as colonial and has made an observation that it is being misused, if so, the details thereof;
- (b) Whether the apex court has directed Government of India to submit its response on necessity and validity of this law as many people have suffered due to misuse of this law, if so, the details thereof; and
- (c) Whether the Government is planning to strike down or amend this provision, if so, the details thereof and if not, the reasons therefor?

ANSWER

**MINISTER OF LAW AND JUSTICE
(SHRI KIREN RIJJU)**

- (a) : No such observations have been found in any judgment/order delivered by the Hon'ble Supreme Court of India. However, in Writ Petition (Criminal) No. 217/2021, M/s Aamoda Broadcasting Company Pvt. Ltd & Another vs The State of Andhra Pradesh & Others, the Hon'ble Supreme Court *vide* its order dated 31.05.2021, under para (3), has *inter alia* observed that “*the ambit and parameters of the provisions of Sections 124A, 153A and 505*

of the Indian Penal Code, 1860 would require interpretation, particularly in the context of the right of the electronic and print media to communicate news, information and the rights, even those that may be critical of the prevailing regime in any part of the nation.”

(b): The Hon’ble Supreme Court of India in Writ Petition (Criminal) No. 106 of 2021, Kishorechandra Wangkhemcha & Anr vs Union of India, has *vide* its order dated 30.04.2021 issued notice to the Union of India, wherein the petitioners have made a prayer before the Hon’ble Supreme Court for an appropriate writ, order or direction declaring Section 124A of the Indian Penal Code, 1860 to be unconstitutional and void. Upon hearing the matter, the Hon’ble Supreme Court *vide* order dated 12.07.2021 has granted time for filing written submissions and counter affidavit in the matter on behalf of the Union of India.

In Writ Petition (Civil) No. 682/2021, S.S.Vombatkere vs Union of India, the Hon’ble Supreme Court upon hearing the matter *vide* order dated 15.07.2021 has issued notice to the Union of India. The Writ petition (Civil) No. 682/2021 has been tagged with other matters wherein similar question of law has been raised and are pending for consideration before the Hon’ble Supreme Court.

(c) The Ministry of Home Affairs has informed that there is no proposal under consideration to scrap Sec. 124A of the Indian Penal Code, 1860. Further, the question of law regarding Section 124A is pending for adjudication before the Hon’ble Supreme Court of India.
