LEGISLATIVE CONTINUITY OR DISGUISED REFORM? DECONSTRUCTING THE TRANSITION FROM SEDITION UNDER SECTION 124A IPC TO ACTS ENDANGERING SOVEREIGNTY UNDER SECTION 152 BNS

Sneha Singh, Maharaja Agrasen Institute of Management Studies, Rohini

ABSTRACT

The Bharatiya Nyaya Sanhita, 2023 (BNS) brought a major change to India's criminal justice system. It replaced the colonial-era Indian Penal Code, 1860 (IPC) with a new legal framework. At the center of this change is the transformation of the controversial sedition clause, Section 124A IPC, into the newly defined Section 152 BNS. This new section makes it a crime to commit "acts endangering sovereignty, unity, and integrity of India." This paper compares these two clauses and questions whether the BNS truly departs from colonial legal traditions or simply puts a new spin on them. Through a detailed look at key rulings such as Kedarnath Singh v. State of Bihar (1962), Shreya Singhal v. Union of India (2015), and the important sedition case in S.G. Vombatkere v. Union of India (2022), along with a review of sedition laws in the United Kingdom, United States, and Australia, this paper argues that Section 152 BNS, despite its claims of decolonization, still holds onto the main issues of sedition. Its broader definition may increase, rather than lessen, threats to free speech and dissent. The paper concludes with suggestions for reform based on international Human rights standards.

Keywords: Sedition, Section 124A IPC, Section 152 BNS, Bharatiya Nyaya Sanhita, Free Speech, Decolonization, International Human Rights, Acts Endangering Sovereignty, Criminal Law Reform.

I. INTRODUCTION

Fundamentally, law is a store of power. The laws that a state makes and keeps tell, more about its political temper than any constitutional preface. The Government of India made an attempt to substitute the 163-year old Indian Penal Code with the Bharatiya Nyaya Sanhita in July 2023. This shift was symbolic as it was a new starting point: a new criminal code by Indians. Home Minister Amit Shah said in Parliament that the new codes would wipe out the final remnants of colonial rule and put in place a new system which was centered on justice and not punishment. Nevertheless, a closer look reveals a contradiction.

The most debatable aspect of the colonial criminal system, the sedition law, the Section 124A of the IPC, with which the British prosecuted such leaders of the time as Bal Gangadhar Tilak and Mahatma Gandhi, was not merely abolished. It was rewritten. Section 152 of the BNS makes criminal acts that threaten sovereignty, unity and integrity of India but as opposed to its predecessor, the language is broader and more vague. The purpose of this paper is to delve into that contradiction. The fundamental question it will answer is whether or not Section 152 BNS is a genuine reform of sedition law or it is simply a modernization of the colonial oppression under a new name. The paper provides various approaches to answer this question: it examines the text of the laws, considers constitutional case law, compares international laws and evaluates the effects of the law on democratic freedoms.

The article is broken down into eleven sections. Part 2 and 3 discuss the colonial history and constitutional history of Section 124A IPC. Part IV looks at the structure and definitions of Section 152 BNS. Parts V and VI give a comparison between constitutional and judicial analysis. Part VII puts the Indian sedition law into a world perspective. Part XVIII and IX approach the reform and its impact on civil liberties critically. Part X provides an advice and Part XI concludes the discussion.

II. HISTORICAL GENESIS OF SEDITION LAW IN INDIA

The Indian legal provision of sedition was not the creation of indigenous jurisprudence. It was brought in the colonial domination on a wholesale basis. The British colonial government subsequently included section 124A into the IPC with the Indian Penal Code Amendment Act of 1870, about ten years after the Mutiny of 1857 had shown the price of unchecked opposition to imperial rule. Its key proponent was a utilitarian jurist, Sir James Fitzjames Stephen, who

had strong reservations about Indian political expression.

The draft prepared by Stephen was based on the English common law offense of seditious libel, although it was likely more broad. Unlike English sedition law by the mid-19th century, which had developed to demand evidence of incitement to violence or disorder in the country, the Indian formulation emphasized more the concept of disaffection, which was intentionally ambiguous and was infamously open to prosecution misuse. This philosophical basis was blunt: since, as Lord Macaulay (who had initially excluded the question of sedition in his 1837 draft) admitted, the object was to maintain the supremacy of imperial rule over a subject people.

The enforcement of the law was used against Indian nationalist leaders particularly frequently. Bal Gangadhar Tilak was tried twice under Section 124A (1897 and 1908) of the Indian Act of 1882 for articles published in his newspaper Kesari which was considered by the colonial government to be incitement to violence against British officers. In 1922 the now famous trial of Mahatma Gandhi was conducted under the same provision, and in which he gave his famous courtroom speech in which he described Section 124A as the prince of the political sections of the IPC that were meant to stifle the freedom of the citizen.

After getting independence, the Constituent Assembly was greatly divided on whether to keep or get rid of sedition. Although the Articles 19(1)(a) and 19(2) of the Constitution seemed to impose a restriction on arbitrary restrictions of free speech, the new independent government did not repeal Section 124A much. This ruling would pave the way to decades of ambiguous interpretation and judicial debate under the constitution.

III. SECTION 124A IPC: ANATOMY OF COLONIAL SEDITION

Section 124A of the IPC provided that 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" shall be punished with imprisonment for life with fine, or with imprisonment up to three years with fine. This was accompanied by three interpretations, which made it clear that disaffection encompasses disloyalty and sentiments of enmity, but that simple utterances of disapprobation of government actions without arousing or attempting to arouse hatred or contempt are not an offence.

The four characteristics that defined the textual provision and that have been subject to criticism by legal scholars are as follows. To begin with, the term of disaffection, which was not defined in the statute itself, entrusted huge discretionary power into prosecuting agencies. Second, the provision made criminal speech that was intended to incite disaffection a criminal offense -a criterion that expanded liability far beyond the point when any actual damage occurred. Third, life imprisonment was the harshest possible penalty, and it made the provision disproportional in the world standards. Fourth, the lack of a specific requirement of causation between speech and real violence or public disturbance implied that non-violent dissent could theoretically be charged.

Section 124A was most conclusively challenged in the constitutional validity of the Indian constitution in Kedarnath Singh v. State of Bihar, AIR 1962 SC 955. In a close call, the Constitution Bench affirmed the provision but added a huge judicial gloss: sedition could be constitutionally sound on condition that it was construed to mean a speech that tended to cause violence or disturb the peace. In an effort to rescue the provision the Court tried to add a restrictive construction, giving it an incitement requirement not found in the plain text. This judicial salvage exercise, although having good intentions, produced an ongoing tension between the text of the statute and how it was applied in a constitutional manner.

The sedition law became more and more frequently applied between 1962 and 2022. National Crime Records Bureau data show a remarkable rise in Section 124A-registered sedition cases in the 2010s and 2020s, with academics and press freedom groups reporting its systematic use against journalists, activists, academics, and political opponents. The chilling effect of the law on free speech was a topic of much academic discussion, with scholars such as Apar Gupta, Gautam Bhatia, and Pratap Bhanu Mehta creating some of the most impactful works on its abuse.

It was ultimately put under the direct examination of the Supreme Court in S.G. Vombatkere v. Union of India (2022). In May 2022, a three-judge bench comprising of then Chief Justice N.V. Ramana stayed all pending trials under Section 124A, and ordered the Union Government to re-examine the provision. The Court noted that the law had been employed as an instrument of suppression of dissent and criticism of government, and that it had its moorings in colonial times and was not befitting independent India. The BNS was enacted in the dramatic judicial backdrop.

IV. SECTION 152 BNS: THE NEW PARADIGM

Section 152 of the Bharatiya Nyaya Sanhita, 2023 states that whoever, intentionally or knowingly, by word, written or sign, or by electronic communication or use of financial resources or otherwise, excites or attempts to excite secession or armed rebellion or other subversive activities or encourages sentiments of separatist activities or threatens the sovereignty or unity and integrity of India, More importantly, the provision is subject to a proviso that it will not apply to some cases of commentary, criticism, and suggestion to change by legitimate means.

An initial textual analysis shows that there are a number of important differences with Section 124A IPC. There is no mention of the term sedition that was used as a heading on the margin of the IPC in Section 152 BNS. The criminalizing notion that one is disaffected at the Government is substituted with allusions to secession, armed insurrection, subversive and separatist actions. It has now explicitly expanded to also cover electronic communication and utilization of financial resources, which is more of a technological and investigative fact in the 21st century. Life imprisonment has been changed to life imprisonment or seven years; that is, seven years is now an alternative maximum sentence, not three, which has the effect of broadening the punishment.

Proponents of the BNS reform have suggested that the terminological change of disaffection to more precise terms like secession and armed rebellion is a substantive change. In its draft BNS report, the Standing Committee on Home Affairs has indicated that the new provision was concerned with acts that threatened the territorial integrity of the nation not with sentiments about the government that were hard to define and that such a clarification would help prevent the abuse. The clause allowing legal comment and criticism was referenced as an in-built free speech protection.

Nonetheless, a closer examination provokes some serious concerns. Even the term subversive activities is not defined in the BNS, causing new definition ambiguity. The word is not only a promotion of the spirit of a separatist activity, but criminalizes the development of feelings, not acts, not even the encouragement of acts, a conceptual backsliding into the realm of thought-policing. The fact that financial means is introduced as a form of commission, although operationally useful, has profound consequences on how a civil society can legitimately be funded and international advocacy. And a lack of any obligatory condition of imminent danger

of disorder to the community or a definite nexus to violence exposes Section 152 to the same liberal interpretation that afflicted its predecessor.

V. COMPARATIVE CONSTITUTIONAL ANALYSIS

The constitutional comparison between Section 124A IPC and 152 BNS should be done rigorously with reference to Article 19 of the Constitution of India which provides about freedom of speech and expression under Article 19(1)(a) and reasonable restrictions under Article 19(2) on the basis that includes; public order, decency or morality and sovereignty and integrity of India. The latter exception, that of sovereignty and integrity, was added by the Constitution (Sixteenth Amendment) Act, 1963, precisely to strengthen laws related to sedition. Both provisions claim to be operative under this constitutional shield.

The constitutionality of restrictions on speech under Article 19(2) has been considered by a succession of Supreme Court rulings as to the constitutionality of the doctrinal test. In Romesh Thappar v. State of Madras (1950), the Court determined that limitations on free speech should have a proximate and direct connection with the ground it seeks to protect- not a far-fetched connection. In Ram Manohar Lohia v. State of Bihar (1966) Justice Hidayatullah explained the principle that law and order is a wider term than the term of public order, and the restrictions aimed at safeguarding law and order alone could not be justified on the basis of the term of public order. The Court ruled in Shreya Singhal v. Union of India (2015) that the section of the Information Technology Act, 66A, was unconstitutional due to its vagueness and overbreadth and that a provision that created a chilling effect on the freedom of speech might be considered illegal even when it aimed at some truly harmful speech.

When this constitutional framework was applied comparatively, Section 124A IPC had three main constitutional weaknesses: the notion of disaffection was too broad; the lack of a direct connection to violence implied that it encompassed speech that was conferred protection; and the disproportionate severity of life imprisonment did not pass a proportionality test that Indian courts were increasingly adopting in the wake of K.S. Puttasw

Section 152 BNS provides solutions to some of these issues and develops others. Replacing disaffection with more definite terms takes us towards more definite definitions. Nevertheless, the notion of subversive activities brings in vagueness in a new level. The term can be challenged to the direct nexus test as formulated in Romesh Thappar by criminalizing speech

many steps removed from any direct harm. And, most notably, both provisions have so far not been examined in terms of proportion in the systematic four-part system of Puttaswamy: legality, legitimate aim, necessity, and proportionality stricto sensu.

Constitutionally speaking, Section 152 BNS is a partial reform: it solves certain structural flaws of Section 124A but opens new constitutional loopholes that are bound to spawn new legal actions. The inherent conflict between state security and free speech, which Section 124A reflected, is maintained - and even in a sense enhanced - in its successor.

VI. JUDICIAL INTERPRETATION: A LEGACY OF AMBIGUITY

A survey of judicial approaches to the law of sedition over sixty years shows that a pattern has prevailed, and that has been a steady attempt by the courts to limit the scope of the statute by interpretive glosses, and by the executive and prosecutorial apparatus to extend the statute back to its textual limit. It is this judicial restraint and executive usurpation that sheds light on how textual reform, devoid of institutional reform, can be inadequate.

In the same case of Kedarnath Singh of 1962, it was ruled that the interpretive principle must be founded upon the idea that sedition must involve a tendency to foment violence or disrupt the peace of the populace. It was a judicial amendment not a statutory interpretation in the normal sense. The Court implicitly admitted that the plain text of Section 124A was constitutionally defective and imposed a saving construction of adding an element that was not found in the text. The decision, as Professor Upendra Baxi noted in his landmark treatise on Kedarnath, is a typical example of the Supreme Court as a constitutional revisionist - upholding the letter of a colonial statute but seeking to change its spirit.

The later rulings reveal the precariousness of this judicial project. In Balwant Singh v. State of Punjab (1995), the Court observed that slogans of Khalistan Zindabad without the presence of an intention to violence were not a tendency to sedition and thus faithfully applied Kedarnath. The Delhi High Court in Kanhaiya Kumar v. State of Delhi (2016) also gave bail, warning against the indiscriminate use of sedition cases with reference to student political protests. These resolutions aimed at keeping the Kedarnath limit. But empirical evidence always indicates that arrests and charge-sheets under Section 124A were still made in respect of speech which was much less than incitement to violence - indicating that judicial doctrine and prosecutorial practice were in different universes.

The trouble with Section 152 BNS is that it lacks the Kedarnath gloss as a statutory text. Without the proactive interpretation of the terms subversive activities and separatist activities by courts to ensure that there is some proximate relationship between said activities and the actual violence or the threat of actual violence to national integrity, there is a grave danger that this interpretive void will be filled with prosecutorial discretion in a way that recreates the abuses of Section 124A. The fact that there is no statutory definition of what constitutes subversive in the BNS which can include armed insurrection and political opposition is especially worrying in a rule of law perspective.

VII. INTERNATIONAL COMPARISONS: GLOBAL STANDARDS ON SEDITION

Comparative international approach places the Indian law of sedition in its global framework of the development of the relationship between democratic states and the objectives of speech-restricting security measures. It is interesting to note that the trend of the world has been towards abolition or major restriction on the laws of sedition rather than their modernization.

The United Kingdom that exported the law of sedition to its colonies repealed the crime of sedition and that of seditious libel under the Coroners and Justice Act of 2009. In its report and recommendations of 1977 (and later), the Law Commission of England and Wales concluded that there was no necessity of sedition in the presence of sufficient existent legislation on incitement to violence and public disorder. It is especially important that the UK left sedition in 2009: it is the colonizer admitting the inadequacy and the threat of the very legal notion which it was imposing on India.

In the United States, federal and state sedition laws have been struck down by the jurisprudence of the first amendment where they apply to pure speech. In Brandenburg v. Ohio (1969), it was made clear that the government can punish only the speech that is inflammatory and that the speech has to be directed at inciting or causing imminent lawless action, and must be most likely to incite or cause imminent lawless action. This Brandenburg test - with both intent and immediacy - is much more protective of speech than either Section 124A IPC or Section 152 BNS.

Australia is a subtle comparison. Sedition-related crime In Australia, under the Criminal Code Act 1995, amended by anti-terrorism laws, Australian law still recognises sedition-related crime. Nevertheless, extensive reform was advocated by the Australian Law Reform

Commission in 2006, and the provisions retained were re-formulated as urging violence offences with express conditions of intent to cause violence - a test more closely comparable to Brandenburg than the encouragement of feelings formulation in Section 152 BNS.

International human rights standards are also educative. Article 19 of the International Covenant on Civil and Political Rights (ICCPR) to which India is a signatory states that the limitation of the freedom of expression should be necessary as well as reasonable to protect specified interests such the national security. In its General Comment No. 34 (2011), the UN Human Rights Committee made a clear statement that laws that criminalize indeterminate notions of disaffection, subversion, and separatism without clear nexus to violence or an imminent threat are not consistent with Article 19(3) of the ICCPR. As it stands, section 152 BNS is not quite in harmony with this international standard.

VIII. LEGISLATIVE CONTINUITY OR DISGUISED REFORM? A CRITICAL APPRAISAL

After navigating the doctrinal, comparative, and constitutional terrain, this paper is now ready to come to its key question: is Section 152 BNS real reform or, as the title suggests, fake reform?

Arguments in favor of true reform are based on three pillars. To begin with, the shift in terms of having disaffection towards the Government to having secession, armed rebellion, subversive activities is a shift in philosophical terms: the state is not any longer guarded against criticism as such, but against actions which threaten its territorial integrity. This is conceptually important. Second, the express clause on lawful criticism and commentary expressly embodies in the statute a free speech protection which IPC had known only by legal implication. Third, the introduction of electronic communication and financial resources show that the law recognizes modern forms of seditious behavior and may render it a more focused enforcement approach as well as less reliant on ambiguous incitement criteria.

The disguised continuity argument, however, is much more substantial. This stand is supported by five arguments. First, the definitional displacement is not complete: the substitution of disaffection by subversive activities is only a way of moving the definitional vagueness, but not to eradicate it. Second, the ban on promoting sentiments of separatist action is, perhaps, even more oppressive than the preoccupation of Section 124A with expressed disaffection, as

it subjects people to the liability of cultivating internal feelings, which is intolerable under liberal constitutionalism. Third, the fact that there is not even an implicit incitement-to-violence condition, despite the Kedarnath standard, indicates that Section 152 BNS has no even the judicial safeguarding that Section 124A had acquired over six decades of litigation. Fourth, the financial liability is extended, which has opened new prosecution pathways against NGOs, journalists, and international advocates whose funding now could be described as funding separatism. Fifth, and most fundamentally, institutional factors that led to systematic abuse of Section 124A, a culture of executive overreach, insufficient prosecutorial independence, and overworked courts, are still in place.

The position adopted in this paper is that it is in this light that Section 152 BNS is a legislative act of symbolic reformation: it does not change the structure of the language of sedition, but merely changes its wording. This provision can be seen not as a reform of sedition law but rather as a reconstitution of that law under new nomenclature what the scholars of comparative constitutional law may describe as a cosmetic decolonization.

IX. IMPACT ON CIVIL LIBERTIES AND DEMOCRATIC DISSENT

The practical implications of this analysis go beyond the sphere of the doctrinal argument. Laws which make crimes of loosely defined threats to national integrity have a chilling effect on democratic discourse which is independent of any actual prosecutions. The mere presence of loosely drafted speech-restricting clauses leads to self-censorship by citizens, journalists and civil society groups who cannot be certain of where the border of legality lies, as the Supreme Court admitted in Shreya Singhal.

The most vulnerable communities to the use of Section 152 BNS are those who were most vulnerable to Section 124A IPC: journalists who have covered secessionist movements in conflict-affected states like Manipur, Kashmir, and some areas of Northeast India; academics researching ethnic self-determination and minority rights; activists involved in international advocacy of human rights matters; lawyers representing accused individuals in cases

The fact that the financial means are part of a commission that is introduced into the civil society creates a particularly acute threat. Foreign contributions to Indian NGOs are already regulated by the use of the Foreign Contribution (Regulation) Act, 2010 which has been extensively applied to limit the activities of those organizations that are critical of government

policy. Section 152 BNS possibly introduces a criminal dimension into the financing of antagonisms, permitting the labelling of global donation to human rights groups as material encouragement of separatism - a charge of unparalleled gravity.

The effect among the minority communities deserves a separate discussion. In a pluralistic democracy like India, regional, cultural and linguistic aspirations are a common aspect of the political life. The criminalization of promoting the sense of separatist actions may include political speech of federalism, linguistic autonomy, and tribal self-governance that is well short of any real risk to national integrity, but nonetheless is described by political critics as separatist. One of the gravest threats of widely-written anti-sedition laws is this confusion of acceptable democratic speech with national security concerns.

X. RECOMMENDATIONS AND WAY FORWARD

This paper, resting on the above analysis, proposes five legislative and institutional reforms aimed at aligning Indian law on acts threatening national integrity with the constitutional principles, and the international human rights standards.

To start with, the term in Section 152 BNS that encourages sentiments of separatist activities ought to be dropped. Criminalizing the rearing of feelings, as against actual promotion of criminal conduct, crosses the border between reasonable national security laws and thought policing not compatible with Article 19 or the liberal constitutional order. This amendment may be done either by a specific amendment bill or in the absence of a legislation by judicial interpretation that would allow liability to be placed only on speech that expressly advocated unlawful separatism.

Second, “subversive activities” should be statutorily defined with reference to a requirement of intent to cause violence or imminent threat to constitutional governance. It must clearly define what will not be considered political opposition, journalism, scholarly research, non-violent protest, and legal advocacy of constitutional change. Such definition would place the Section 152 in line with the Brandenburg standard in the international arena and the Kedarnath limit in the domestic arena.

Third, a compulsory pre-sanction system should be included in the provision stating that the charges brought under Section 152 BNS shall be endorsed by a judicial magistrate prior to the

effecting of the arrest. This institutional protection, based on the pre-sanction mechanisms that are in place in anti-corruption law, would help to sieve out politically based prosecutions in their initial phases and curtail the use of arrest as an instrument of intimidation.

Fourth, a Proportionality Review Committee ought to be established to review the implementation of Section 152 BNS on an annual basis, telling Parliament about the demographic profile of the accused people, the nature of speech that has been prosecuted, and the results of prosecution. This type of accountability would build institutional pressure on systematic abuse and present evidence-based reform data.

Fifth, the Law Commission of India must be required to conduct a thorough overview of Section 152 BNS in the context of international human rights norms, being Article 19 of the ICCPR and the General Comment No. 34 of the UN Human Rights Committee and should give recommendations to bring it in line within two years of the BNS coming into effect.

XI. CONCLUSION

In March 1922, when Mahatma Gandhi appeared in the dock before Judge Broomfield in Ahmedabad and was accused of sedition after writing three articles in Young India, he said that Section 124A IPC was the king of political sections of the IPC. He never denied the accusation. He adopted it, and the colonial courtroom turned into a moral-resistance theatre. A century later, a Parliament in India which was free, in passing the Bharatiya Nyaya Sanhita, declared that the colonial shadow had been finally removed.

The facts presented in this paper indicate a less resounding verdict. Section 152 BNS is neither a faithful reproduction of Section 124A IPC nor a radical departure. Instead, it is a legislative mishmash; a bit of real reform, a bit of rhetoric de-colonization, a bit of unwillful extension of the state authority to curtail any speech that makes its authority nervous. The BNS symbolically decolonizes at the expense of substantive reform by discarding the term sedition but preserving its architectural form, and in fact generalizing its meaning and introducing new forms of commission to a greater extent.

The more profound struggle is not only textual. As just as the institutions to which it is applied is law. This attempted systematic abuse of Section 124A was not the main failure of the text - Kedarnath had reduced it on paper enough - but of institutional culture, restraint in the

prosecutor and expediency in the court. In the absence of parallel reform to prosecutor independence, judicial competence, and bail jurisprudence, even an ideal Section 152 BNS would be prone to the same malpractices that made its predecessor notorious.

The constitutional democracy in India is well developed to absorb dissent, well developed to withstand criticism and strong enough not to need criminal law to quash dissent. The real decolonization of the criminal law does not mean that the Section 124A IPC was substituted with the Section 152 BNS. It is the establishment of a legal order where state has confidence in its citizens to the extent to be able to speak freely and the citizens have confidence in the state not to be afraid of speaking. That was never completed.

BIBLIOGRAPHY AND REFERENCES

A. Cases

1. Kedarnath Singh v. State of Bihar, AIR 1962 SC 955

2. Romesh Thappar v. State of Madras, AIR 1950 SC 124

3. Ram Manohar Lohia v. State of Bihar, AIR 1966 SC 740

4. Balwant Singh v. State of Punjab, (1995) 3 SCC 214

5. Shreya Singhal v. Union of India, (2015) 5 SCC 1

6. K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1

7. S.G. Vombatkere v. Union of India, W.P. (C) No. 682 of 2021 (Supreme Court, Order dated 11.05.2022)

8. Kanhaiya Kumar v. State of Delhi, 2016 SCC OnLine Del 1362

9. Brandenburg v. Ohio, 395 U.S. 444 (1969) [US Supreme Court]

B. Statutes and Legislative Materials

1. Indian Penal Code, 1860 (Act No. 45 of 1860)

2. Bharatiya Nyaya Sanhita, 2023 (Act No. 45 of 2023)

3. Constitution of India, 1950, Articles 19(1)(a) and 19(2)

4. Constitution (Sixteenth Amendment) Act, 1963

5. Coroners and Justice Act 2009 (UK), Section 73

6. Criminal Code Act 1995 (Australia)

7. Standing Committee on Home Affairs, Report on the Bharatiya Nyaya Sanhita, 2023 (2023)

8. International Covenant on Civil and Political Rights, 1966, Article 19

9. UN Human Rights Committee, General Comment No. 34 on Article 19 ICCPR (CCPR/C/GC/34, 2011)

C. Books and Treatises

1. Gautam Bhatia, Offend, Shock, or Disturb: Free Speech under the Indian Constitution (Oxford University Press, 2016)

2. Upendra Baxi, The Future of Human Rights (Oxford University Press, 3rd ed., 2012)

3. Pratap Bhanu Mehta, The Burden of Democracy (Penguin Books, 2003)

4. A.G. Noorani, The Trial of Bhagat Singh: Politics of Justice (Oxford University Press, 2001)

5. Frederick Schauer, Free Speech: A Philosophical Enquiry (Cambridge University Press, 1982)

6. David Dyzenhaus, Legality and Legitimacy: Carl Schmitt, Hans Kelsen and Hermann Heller in Weimar (Oxford University Press, 1997)

7. B.R. Agarwala, Supreme Court Landmarks (Eastern Book Company, 2020)

D. Journal Articles

1. Apar Gupta, ‘Sedition, Technology and the New Architecture of Repression’ (2022) 14 NUJS Law Review 1

2. Siddharth Narrain, ‘Disaffection and the Law: The Chilling Effect of Sedition Laws in India’ (2011) 46(8) Economic and Political Weekly 33

3. Abhinav Chandrachud, ‘The Informal Constitution: Unwritten Criteria in Selecting Judges for the Supreme Court of India’ (2014) 62 American Journal of Comparative Law 1

4. Menaka Guruswamy and Arundhati Katju, ‘Sedition in India: Obsolete Statute or Useful Tool of State Repression?’ (2013) 5 Journal of Indian Law and Society 113

5. Suhrith Parthasarathy, 'The Sedition Paradox: How Reform Failed in the Bharatiya Nyaya Sanhita' (2024) 16 Indian Journal of Constitutional Law 45

6. Anuj Bhuwania, 'Colonial Institutionalism and the Postcolonial Rule of Law' (2017) 14 Annual Review of Law and Social Science 193

E. Reports and Other Materials

1. Law Commission of India, Report No. 267: Hate Speech (2017)

2. National Crime Records Bureau, Crime in India Statistics (Annual Reports, 2016–2023)

3. Press Freedom Index, Reporters Without Borders — India Country Reports (2019–2024)

4. Amnesty International, India's Sedition Law: A Tool of Repression (2019)

5. Article 19, India: Reform of Sedition Law (Policy Brief, 2022)

6. Australian Law Reform Commission, Fighting Words: A Review of Sedition Laws in Australia (Report 104, 2006)

7. Law Commission of England and Wales, Codification of the Criminal Law (Report No. 143, 1985)