Sedition and Free Speech

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"To learn who rules over you, simply find out who you are not allowed to criticize"

-Voltaire.

Abstract: ***Sedition is defined as any act by words or conduct which brings a feeling of disaffection among the masses against the government.***

The first law against sedition was given in the IPC under Article 124-A which is a provision against expressing any ideas, opinions and views which might bring hatred and/or dissatisfaction against the governing authority.

It has been a point of controversy since its inception and continuous to be a ground of conflicting views. Specially in India where it is seen to be kept above the right to freedom of speech and expression and also right to assemble peacefully (with respect to the Central Government's Act of The prevention of seditious meetings Act, 1911).

There has been innumerable controversial trials dating way back to the early 1900s and involving era appropriate "famous" personalities like Mahatma Gandhi, Bal Gangadhar Tilak and one of the latest being Cartoonist Aseem Trivedi, JNUSU President Kanhaiya Kumar etc. This article will discuss in brief the laws of or similar to sedition in other countries and then in detail the provisions in India and the opposing views for and against such provisions and any solution for the controversy which will be a personal opinion and may support either mass perspectives.

It will include facts whose presence would be balanced out by personal views and suggestions The main objective would be to present a basic understanding of the aforementioned issue as well as suggestions for the same after forming a fundamental foundation with regards to sedition, in a way so as to cater to general readers.

SEDITION DURING MEDIEVAL TIMES

Earlier before being formally codified across the countries in the world, sedition would come under the purview of treason or treachery, which would basically mean any act which was seen as against the King or Queen or any other authority ruling the society.
Basically crimes against the throne.
This is one of the reasons why sedition is very popularly termed as an archaic law as its roots can be clearly seen as linked to non-democratic censorship of public expression in the medieval times.
During the times of King and Queens, treason could be even a person merely criticising the acts or policies of the throne.
If the subjects were allowed to openly criticize or not was wholly dependent upon the degree of authoritarian mindset of the ruler.
In some places the people's opinion were accepted and worked upon and only active acts of treachery were punishable whereas in case of overly authoritarian rulers, any publication, either oral or written if seen as against the throne was punishable with serious punishments, mostly pertaining to death.
The throne didn't take rebels lightly back then as those were the times where a significantly large group of individuals with sufficient amount of power in terms of arms could overthrow the ruler, and once overthrown there was no democratic way of getting back to power and the public didn't really have a say in who governed them.
Even if the overthrowing of the throne took place by mass public mobilization (like the French Revolution), and a specific set of significant figures who were the face of the revolution took over the governing, the subsequent conduct still used to be dictatorial (Napoleon Bonaparte took over as the dictator. His strive to establish liberal and democratic rule across nations was an ancillary benefit to the people notwithstanding his dictatorial rule).

This kind of haphazard non-democratic political system is still prevalent in the modern times in countries where dictatorship is exercised however in an increasingly liberalized and democratic world, the people strive for absolute freedom and minimal restrictions and it is not tolerated when the government which claims to be democratic itself places restrictions on what people may express and what they may not which is seen so as to favor the governments elongated stay in power.

SEDITION IN DIFFERENT COUNTRIES

Sedition was firstly formally introduced with its contemporary meaning in the common law jurisdiction in the Elizabeth era. (circa 1590s)
It was seen as something that complimented treason and martial law (which is direct military control over civilians as per the directions of the state).
In the book Surveillance, Militarism and Drama in the Elizabethan Era by C. Breight, the view put forward regarding the initiation of sedition as a crime against the crown was that

"While treason controls primarily the privileged, ecclesiastical opponents, priests, and Jesuits (scholarly religious congregation of the catholic church), as well as certain commoners; and martial law frightens commoners, sedition frightens intellectuals."[1]

Australia

In Australia, the anti-sedition laws were provided for in the Anti-Terrorism legislation by the Australian parliament (Anti-Terrorist Act, 2005- An act which provided for modifications with respect to existing counter-terrorist laws and provisions).
The Australian Government under the John Howard as prime minister proposed to introduce laws under the Australian Crimes Act, 1914 for sedition wherein artists and writers could be jailed up to 7 years for literary or artistic work which could be held as against the state, however this was opposed by masses as provisions which could prevent legitimate dissatisfaction and criticism.
The Australian parliament however tried to keep the stringency of the Anti-Terrorist Act by rejecting proposals to loosen the extent of restraint and also requirement of proof of disaffection and incitement against state.
New laws introduced in December 2005 under this very act provided for action against even the basic expression of political opinion specially for the ones which supported views against Australian military activities in middle eastern countries.
However, this all was only the case until 201, after which through way of legislation, the laws pertaining to "sedition" were repealed, though it wasn't completely removed, it was more of a modification with provisions altered and sedition being replaced with "urging violence" which could be understood as there is a need for laws persecuting for actively anti-national activities.

United Kingdom

Sedition was an offence under common law in the U.K.
In the Digest of Criminal Law, authored by James Fitzjames Stephen, it was pointed out that "An intention to show that His Majesty has been misled or mistaken in his measures, or to point out errors or defects in the government or constitution as by law established, with a view to

[1] C. Breight, Surveillance, Militarism and Drama in the Elizabethan Era, Pg. 90 (1996)

their reformation, or to excite His Majesty's subjects to attempt by lawful means the alteration of any matter in Church or State by law established, or to point out, in order to secure their removal, matters which are producing, or have a tendency to produce, feelings of hatred and ill-will between classes of His Majesty's subjects, is not a seditious intention."[2]
This was a more modern and liberal perspective towards the offence of sedition wherein pointing out mistakes and thereby inciting certain degree of hatred by lawful means due to legitimate criticism was not malicious in nature so as to be termed as seditious intent.
Further James Fitzjames Stephen in A history of criminal law of England, brought to light the views of the judge Littledale J. who stated that when prosecuting for seditious conduct it should be seen that there was an attempt to "excite people to take power into their own hands and meant to excite them to tumult and disorder, people have a right to discuss grievances that they have to complain of, but must not do in such a way so as to cause tumult."[3]

In England the last punishment for sedition was given in the year 1972.
And in the year 1977, the independent law commission for England and Wales set up by Law Commissions Act, 1965 recommended for the offence of sedition to be abolished for England and Wales because it "wasn't needed".
These recommendations took long to be implemented however they were eventually in the year 2009 by Sec 73 of Coroners and Justice Act, 2009 which was implemented for changes in laws pertaining to coroners and British criminal justice.
The section was as follows,
73. The following offences under the common law of England and Wales and the common law of Northern Ireland are abolished[4]—

1. (a) the offences of sedition and seditious libel;
2. (b) the offence of defamatory libel;
3. (c) the offence of obscene libel.

The view which led to the recommendation stating sedition as an offence which is not needed anymore was that with the increasing liberalization in governance and the offence of sedition previously too not being restrictive of people expressing dissenting views it wasn't needed.

In Scotland. The offence of Sedition was abolished along with offence of leasing-making (which is basically making derogatory or joking around with respect to the reigning authority) by Sec 51 of Criminal Justice and Licensing (Scotland) Act, 2010.

[2] James Fitzjames Stephen, Digest of Criminal Law, Pg. 65 (1883)
[3] James Fitzjames Stephen, A history of criminal law of England Vol II, Pg. 374 (1883)
[4] Coroners and Justice Act, 2009, Pg. 47 Part II Chapter III.

However, the act of sedition by non-residents of the country is still an offence under the Alien Restriction (Amendment) Act, 1919.

United States of America

The U.S.A. is one of the few democratic countries where sedition is still an offence by various codified laws which had their origin way back in the late 1700s.
In the year 1798, the then President John Adams brought in 4 new laws, the fourth of which introduced sedition as an offence. It was defined as "An Act for the Punishment of Certain Crimes against the United States".
It provided for imprisonment for acts resisting the law in the United States and also statements which were defamatory against the President.

This was given a more formal structure by the Espionage Act of 1917 which made it a crime with heavy punishments as a result for making any statements so as to cause hinderance to the operations of the military, and this was still not as authoritative a law so as to be questioned about its validity on the grounds of it violating the freedom of speech.
However, the provisions of this Act were extended from espionage to any statement criticising the government of the United States by the Sedition Act, 1918.
These Acts, although upheld in various U.S. landmark judgements like Schenck v. United States[5], were mostly repealed by the year 1921, removing most laws leaving the ones related to foreign spies and military censorship.

The Alien Registration Act, popularly known as the Smith Act provided for prosecution of persons preaching the desire of overthrowing the government.

Under the Uniform Code of Military Justice (the foundation of military law in the United States) which arises from the provision wherein parliament is empowered to make laws pertaining to the armed forces, under Article 94, sedition by those to whom these laws apply, is an offence punishable by death.

The 1798 Act was rigorously used by ruling political parties against their rivals until it expired and the Supreme Court never got to ruling in favor or against its constitutionality.

The offence of sedition is relatively rare offence for which citizens are rarely punished as the provision for freedom of speech and expression which is provided for by the first amendment to the American constitution wherein it was stated "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."[6]

[5] 249 U.S. 47
[6] US Constitution Amendment 1.1791.

The last major seditious charge was placed way back in 2010 on the members of one Hutaree group, which is a militia movement for the furtherance of Christian Patriot Movement.

Germany

In Germany, there is no specified offence of sedition.
The term *Volksverhetzung* which loosely translates to "incitement of the masses" is along the lines of sedition.
However, it does not talk about statements made against or statements or acts which pose a threat to the sovereignty of the state.
It talks about acts which incite hatred among various groups of people within the nation.
The English translation of this provision given in the German Criminal Code, under Sec 130 (which is titled "incitement to hatred") would be,

> Whosoever, in a manner capable of disturbing the public peace
>
> 1. Incites hatred against a national, racial, religious group or a group defined by their ethnic origins, against segments of the population or individuals because of their belonging to one of the aforementioned groups or segments of the population or calls for violent or arbitrary measures against them[7]; or
>
> 2. Assaults the human dignity of others by insulting, maliciously maligning an aforementioned group, segments of the population or individuals because of their belonging to one of the aforementioned groups or segments of the population, or defaming segments of the population, shall be liable to imprisonment from three months to five years.[8]

These provisions are not a ground for any controversy as they're nothing but liberal as when compared to sedition laws of other States across the globe.
The people are free to express any views of dissatisfaction, criticism and dissent from governmental authority.
It is wholly democratic in nature.

Netherlands

In the Netherlands, it is a criminal offence to publish statements which are seen as defamatory to the King, the heir or his spouse under Articles 111,112 and 113 of the Criminal Code of Kingdom of Netherlands,1881.

[7] Criminal Code in the version promulgated on 13 November 1998, Federal Law Gazette [*Bundesgesetzblatt*] I p. 3322.
[8] *Ibid.*

Here it is understandable as the offence is one of defamatory nature against the King of the Nation and the government is one of constitutional monarchy.

New Zealand

The offence of sedition had fallen into disuse with the last prosecutions under this head being made in the 1930s.
Hence the offence was repealed with The Crimes (Repeal of Seditious Offences) Amendment Bill, 2007.

It is evident with the above-mentioned examples of countries holding significant positions across the globe and their political and legal stance seen as examples for the structuring of the political and legal framework of other developing countries.
The crime of sedition was prevalent in all the countries in one way or the other, however with the introduction and rapid mobilization of the masses in favor of freedom and increasing liberty in every sphere of life and ability to express with absolutely no restrictions this crime has become disused.
The increasing abolition of boundaries restricting freedom of expression has narrowed down the boundaries on the scope application of the law in making people liable for sedition.
The offence of sedition has been overshadowed by the ever-increasing notion of liberty of residents in a society.
This has resulted in repealing of this crime in most countries which portray themselves as liberal democracies so as to maintain people's support for the ruling authority.
And in countries like the U.S. where the law has not completely been removed, it only functions under limited scope and kept in check by vigilant public and media with the ideas of freedom and liberty evergreen in their eyes.

SEDITION IN INDIA

Sedition provided for as an offence under four different provisions in India.
The Indian Penal Code, 1860 (Article 124-A)
The Code of Criminal Procedure, 1973 (Section 95)
The Seditious Meetings Act, 1911
The Unlawful Activities (Prevention) Act, 1967 (Section 2 (o) (iii))

The Indian Penal Code defines sedition as,
"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."[9]

[9] The Indian Penal Code, 1860 (IPC Chap. Sec. 124-A).

Section 95 of the CrPC provides for the power vested in the state government to seize any matter which is to be published and is seen as something which would be punishable under Section 124-A of IPC.
And by the way of notice, the government may cause forfeiting of any book, document, newspaper in which such matter has been published.

Under the Seditious Meetings Act, 1911
The Magistrate has the power to restrict any public meetings (i.e. any meeting open to a specific group within the society or to the whole public) which it he may think might be a cause or might be in furtherance of an act of sedition or for inciting disaffection.
He also has the power to restrain anyone from addressing the public with a speech likely to cause public disturbance and hinderance to tranquility.

Under the Unlawful Activities (Prevention) Act, 1967,
Sedition has not been expressly mentioned, however it provides for measures against activities which fall under sedition.
This includes any act,
(i) which is intended, or supports any claim, to bring about, on any ground whatsoever, the cession of a part of the territory of India or the secession of a part of the territory of India from the Union, or which incites any individual or group of individuals to bring about such cession or secession[10]; or
(ii) which disclaims, questions, disrupts or is intended to disrupt the sovereignty and territorial integrity of India[11]; or
(iii) which causes or is intended to cause disaffection against India.

The laws against acts which could be classified under the act of sedition were first brought into practice during the British rule for the convenience of smooth governance.
When the English system was implemented in the Indian society and India being colonized was incidentally subject to many restrictions which was not accepted by the people as it caused hinderance to the daily life of the people, this along with the feeling of not wanting to be governed by foreigners on their own land, led to various uprisings and mass mobilization against the British governance.

It was mainly due to this that codified laws were used as a weapon to strike down any such activity.
Sedition being criminalized was one of the major provisions which helped suppress any attempt to instigate the masses against the British rule.

[10] Unlawful Activities (Prevention) Act, 1967 (Sec. 2 (o) (iii)).
[11] *Ibid.*

This included blatant and authoritative censorship of not just speech but any matter which was seen as something that might cause ripples along a seemingly peaceful surface.
Similarities are drawn by opposers of the modern law on sedition between the restrictions imposed during the British era and between the ones imposed currently.

This dissenting view against the law leads to various views which are overlapping on various fronts wherein some may support a part of the provision whereas others may demand complete removal of the same for the unjust use of such provisions to be curbed.

SEDITION AND RIGHTS OF CITIZENS

It's been long disputed that sedition has been encroaching upon the basic rights provided by the Indian constitution.
Though it has been contended by supporters of the law that it is restricted towards acts that are intended to overthrow the state or for causing such instigation that people might assemble together in an attempt to overthrow the State and not for comments or any expression of dissatisfaction from the government and nor any criticism would be an offence.
The explanation given in the I.P.C. only elucidates upon this point which states that "Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means, without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section."[12]
And
"Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section."[13]

The scope of sedition has been limited by various courts, specially the apex court in various landmark judgements.
Some of such initial cases challenging the validity of section 124-A were,
Romesh Thapar v. State of Madras[14]
Wherein validity of Madras Maintenance Public Order Act,1949 (Sec 9 (I-A) was challenged which empowered the government to restrict the publication or regulate the already published material if seen as something which would hamper maintenance of public order and public safety.

The majority opinion of the court held this provision of the Act as in excess of restrictions provided for in Article 19(2) of the Indian Constitution.

[12] Indian Penal Code, 1860 (IPC Sec. 124-A, Explanation 2).
[13] Indian Penal Code, 1860 (IPC Sec. 124-A, Explanation 3).
[14] AIR 1950 SC 124.

In another case of Brij Bhushan v. State of Delhi[15]
The East Punjab Public Safety Act, 1949 was challenged on the grounds that it was unconstitutional as it imposed restrictions of freedom of speech and expression and the court deemed it to be ultra vires of the provisions given in 19(2).

In both these cases, Justice Fazal Ali gave his dissenting opinion wherein he stated that how the constitution framers were unsure regarding the use of sedition because of its meaning being open to interpretation and not restricted to just disturbance of public tranquility and

eventually they dropped the idea of using that term as one of the restrictions in Article 19(2) on freedom of speech and expression.

The supporters of this view are of the opinion that such laws are needed so as to curb any anti-national activities such as attempt to overthrow the government using unlawful means including but not restricted to acts of terrorism and instigation to radically rebel against the governing authority.
However, even the supporters cannot justify the innumerable instances where trifle acts are struck down upon by the government as acts of sedition and people are booked under Section 124-A of I.P.C. when it was clear that their actions, although regarding controversial issues and views were mainly against the then current government's interest, nevertheless, constituted of nothing but expressing their views.
The opposers have posed a very legitimate and valid concern regarding this law, which may be summed up in one line, and was stated by Afzal Guru's lawyer, Nandita Haskar
"The law of sedition is "loosely" defined in the Indian constitution and its interpretation depends on who is in power."
It is unarguable that there have been many disputed instances of controversial use of the anti-sedition laws.
People have been charged for sedition for acts like liking a Facebook post, for criticising a yoga guru, cheering an opponent cricket team, drawing cartoons, singing songs, asking a sensitive question in an examination, not standing up in the theatre while the national anthem was played.

[15] AIR 1950 SC 129.

When the actions by the accused are seen objectively for what they are, punishing them with a crime as serious as sedition seems completely contrary to the very idea of a democracy that India very proudly presents itself as.

This law in fact had its origin during the British era and it is inevitable that after all these years of its inception, it is bound to have allegations of being archaic in nature thrown towards it.

The first time this was enforced in British India wherein an editor Jogendra Chandra Bose was booked for this offence for speaking against the Age of Consent Bill, 1891.
Which was introduced for raising the age of consent for girls from ten to twelve years (married or unmarried).
The issue here is not the moral correctness or wrongness of the Act but the power of the people to be able to speak up against any act of the government that they deem as incorrect or detrimental to the public.

There have been many trials with historical significance wherein patriots and expressive "radical" writers were charged with sedition by the British government, and this fact only adds more fuel to an already significant fire.

This law has been used against freedom fighters including Mahatma Gandhi and Bal Gangadhar Tialk.

Mahatma Gandhi, during his trail of 1922, charged for sedition for three of his articles in young India said in his statement,

"Affection cannot be manufactured or regulated by the law. If one has no affection for a person, one should be free to give the fullest expression to his disaffection, so long as he does not contemplate, promote or incite to violence."

This is what the argument against the wordings "attempts to excite disaffection towards the Government" is even during present day scenario.

Now it is reprehensible that what was said years ago whilst under a foreign colonial rule is still being used against present laws.

The idea behind stating what was once said by a significant personality is not for you to accept something just because he/she said it but just that what was once said by that personality is still being quoted in modern day protests.

Bal Gangadhara Tilak had been accused of sedition during the late 1800s and early 1900s multiple times for publications in magazines like the Kesari.

During present times the anti-sedition laws are still extensively used with a controversy arising therefrom surfacing every other year.
A few well-known instances would include,
The cartoonist Aseem Trivedi being tried for sedition under 124A I.P.C and also 66A of the I.T. Act, 2000.
He was charged with sedition for drawing cartoons which were termed as derogatory towards the national emblem, parliament, the national flag etc.
He had also created a website (www.cartoonsagainstcorruption.com) to support the anti-corruption movement on which he used to post cartoons portraying satire against corruption. This website was banned by the Mumbai crime branch.
The court had eventually struck down Section 66A by terming it as unconstitutional and "draconian".
The section provided for "Punishment for sending offensive messages through communication service".
The police used this to arrest anyone they saw as sending any offensive messages and its use became arbitrary and hence seen as ultra vires and violative of fundamental right of freedom of speech and expression.
If the court could strike down such a section then why not the similarly used 124A of the Indian Penal Code, with the difference being one provided for online restrictions and one for real life.
The charges against him were dropped after a year of judicial battle.

In another case,
During March 2014, 60 Kashmiri students were booked for sedition for allegedly "cheering for" the Pakistani cricket team during the Asia cup match in Meerut, Uttar Pradesh.
In this match, the Pakistani team had defeated India and what the students claimed was that they merely clapped after Pakistan won.
The charges against them were eventually dropped following a huge uproar and controversy regarding this authoritarian behavior on part of the government.

The issue here was not the degree or the way in which the students supported or cheered for the Pakistani team, the issue was a question of merely two words, "Why not?".

If the students wanted to support the Pakistani team, what exactly is it that provides for a measure to restrict them from doing so?

The issue being this behavior inciting and instigating the overly-patriotic-during-a-cricket-match fans of the Indian cricket team, which is something that should be controlled by effective policing and not by restraining the right to enjoy a game in any way one wants.

In 2010, the author of the Man Booker winning book, The God of Small Things, Arundhati Roy was charged for sedition along with others for delivering "hate speech".
She used to express views in support of separation of Kashmir, however only through legal means and in national newspapers.
The Delhi police made the arrests however the center denied the charges.

In another instance, a Kovan folk singer in the group Makkal Kalai Ilakkiya Kazhagam (People's Art and Literary Association), S. Sivadas was charged with sedition for writing songs which were against the state government allegedly earning money from state owned liquor shops.
He was eventually released on bail but later again arrested for writing against the Rath Yatra and Narendra Modi.

This is clearly an instance where the government interpreted and used the provision against sedition for its own benefit.
This was nothing but satire expressing his disappointment against the government, however he was punished for exercising his right to expression.

And finally one of the most controversial was the arrest of the JNU student leader, Kanhaiya Kumar.
Wherein he was arrested for allegedly giving a hate speech and "not doing anything" when students yelled anti-national slogans in the student rally.
He was later not punished for sedition due to lack of conclusive evidence.
His arrest created a nationwide political turmoil by academicians and activists who opposed the arbitrary use of anti-sedition laws.

This along with various other instances provides us with enough to draw a similarity between the British ruled and governed India and the present democratically governed India, and if this is how the thought process is working then it may decrease the trust of the people and increase disaffection towards their own government thereby, hurting the soul of democracy and the law producing counterproductive results.

It is not that the judiciary hasn't attempted to constitutionalize and restrict the scope of the anti-sedition laws so as to prevent it from encroaching upon the freedom of citizens and violate the fundamental rights of the citizens.

In the case of Niharendu Dutt Majumdar And Ors. vs Emperor[16] the Federal court interpreted Section 124A to be in alignment with British law and held that the intention of inciting violence should be an essential, however the privy council removed it as an essential.

In Tara Singh v. State[17], this Section was held to be void by the East Punjab High Court and further in 1959 the Allahabad High Court declared it as *ultra vires* of Article 19(1).

However, later the apex court upheld the validity of this Section in the case of Kedar Nath Singh vs State Of Bihar[18]

However, it made it necessary to have an intention to incite violence in order to be guilty under sedition.
In further cases, the courts have made concentrated efforts to tie the loose end of this law by stating clearly what acts do not constitute sedition.
However, the government in power nevertheless has used these laws in its own favour and interpreted it in a way so as to supress any and all opposition whenever required.
It is no justification that in many cases the charges were eventually dropped, the mere fact that the innocent (according to law) have to go through the seemingly endless judicial process causing nothing but adverse upheaval in their lives just for exercising their freedom is unjustified and undemocratic.

CONCLUSION

Coming to the question of removing the laws against sedition,
The opposers have the view that the government is intolerant towards any actions by an individual or a group of people which may be in contrast with the interest of the ruling authority mostly pertaining to but not restricted to its interest of remaining in power and thereby uses such laws arbitrarily to crush any opposition.
Many opposers give the reason for modernizing the notions of freedom and liberty which basically just means enlarging the scope of the same by giving the examples of increasing number of countries abolishing laws which restrict it in any way, the major abolition being the repealing of sedition laws, however there's a significant distinction that can be drawn between such countries and India.
In many such countries, the laws were removed due to prolonged disuse.
In India around 165 people have been held for sedition during the last three years according to NCRB data.

[16] AIR 1939 Cal 703
[17] AIR 1951 E.P. 27.
[18] 1962 AIR 955.

The situation is different with regards to views of the people towards their government.
In many parts of India there are still various groups of people who have the aim of opposing the government's actions and the laws in force by unlawful means and also engage in mobilizing the populace of rural areas into joining them against the government.
Apart from this, people in sensitive areas such as Jammu and Kashmir engage in political propaganda by inciting the public towards violent activities and showcasing the ideas of

political parties as contrary to the policies of the center which in turn are showcased as ones which are against the interest of the general public of such disturbed areas.
Such anti-national activities need to be curbed and stringent laws are needed until such radical ideologies are watered down with time and consistent efforts on part of the government.
It's not possible and neither desirable to completely remove these laws.
However, the overhaul of such laws is definitely needed.

In many spheres of law, there has been a disbalance between law and the way in which it is implemented.

There is a need to balance this out so that law is not left out for open interpretation by powerful bodies like the government.

There are different reasons so as to why such incidents of misuse of law occur, like open ended definitions, ambiguous wording, lack of judicial guidelines etc.

In the present case it is evident that the wordings (such as disaffection towards government) and definition of sedition and laws against it are used to the advantage of such misusers.
There needs to be an effort on part of the judiciary to make concrete changes to implement measures that it pronounces in its decisions regarding restriction on the scope of such laws.
There needs to be a distinction which is drawn between actual anti-national activities and people expressing views against the government and its activities which are declared as offences just because the government is intolerant.
There should definitely be laws for purposely exciting people to cause violence and destruction and also against the acts that threaten the sovereignty of the nation, but they should be used in the way for which they have been made for.
There could be a three-step rule of intention-degree-effect to decide whether a case is even fit for trial for sedition or not.
And the Fundamental rights of citizens should always be given priority over allegation by the government because after all those rights have been made so as to curb the borderless power vested in the government.