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From Sec 124A IPC to Bhartiya Nyaya Sanhita, 2023: Has India Truly Decriminalised Sedition

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Abstract
The paper discusses the legal and constitutional aspects of repeal of Section 124A of the Indian Penal Code and its amendment in the Bharatiya Nyaya Sanhita, 2023 with specific attention to whether the reform amounts to decriminalising of sedition in India or not. The paper will consider the consistency and the break with the times in colonial law on sedition and modern law based on sovereignty and national integrity by studying the continuity and discontinuity of these offences using doctrinal analysis of the statutory provisions, judicial precedents and literature on the subject published in the past and since 2015. Secondary empirical data regarding case registration and conviction trend is also evaluated in order to evaluate the pattern of enforcement and discretionary practices. The conclusions indicate that as much as the repealing of sedition has a symbolic meaning, there are still substantive issues which revolve around the possibility of criminalising the political dissent through the re-branding of legal statutes. The article serves to inform current discussions regarding criminal law reform, freedom of speech and democracy and accountability in the developing Indian constitution.

Keywords: Sedition, Bhartiya Nyaya Sanhita, freedom of speech, criminal law reform, constitutional law

Introduction

The sedition statute has been a vexed part of the Indian constitutional and criminal legislation that has been rife with a clash between the requirement of national security and the democratic mandate of free speech. A new provision of the Indian Penal Code was introduced by the colonial government in 1870 in form of Section 124A that was actually an instrument to curb any opposition to the British rule[1]. Although the independence has been achieved, followed by the introduction of a constitutional structure assuring the basic liberties, the clause has still lasted more than 70 years in the Indian criminal law. Its further use brought about a continuous criticism by legal scholars, civil society organisations along with constitutional courts especially considering its wide phrasing and common applications against political critics, journalists and

[1] Radhika Singha, *A Despotism of Law: Crime and Justice in Colonial India* (Oxford University Press 1998).

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activist. Introduction of the Bharatiya Nyaya Sanhita, 2023 repealing Section 124A IPC, has been thus presented by the state as a major break with colonial legal history and assertion of democratic principles. Nevertheless, is this change in legislation the real meaning of the decriminalisation of sedition or simply a reframing of the established state authority subject to new statutory terms, is a legal dilemma that is still open and urgent[2].

In India, constitutionality of sedition has been questioned a few times in the judicial discourse, with the other most prominent case being Kedar Nath Singh v. In State of Bihar where the Supreme Court held in favour of Section 124A by giving a thin slice meaning of the section that it only applied to acts that included incitement to violence or public disorder. Although this reading attempted to align the provision in Article 19(1)(a) of the Constitution with Article 19(1)(a) of the Constitution, empirical studies and judicial observations that have followed indicated that on constitutional theory and enforcement practice, there still exists a gap. History shows that the accusation of sedition was frequently used without reaching such high standards as were established by the Court, leading to the extension of the prosecution process and creation of a chilling effect on the freedom of speech instead of a conviction (Bhatia, 2016; Mehta, 2018)[3]. In 2022, the interim stay of sedition cases by the Supreme Court only heightened judicial apprehension that the provision had been abused over time and indicated that it needed legislative reevaluation. It is against this backdrop that with the introduction of the Bharatiya Nyaya Sanhita, comes not only the statutory amendment, but also a possible restructure between the citizen and the state when it comes to political dissent.

[2] *Kedar Nath Singh v State of Bihar* AIR 1962 SC 955; see also Law Commission of India, Consultation Paper on Sedition (2018).
[3] Kedar Nath Singh v State of Bihar AIR 1962 SC 955.

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The Bharatiya Nyaya Sanhita, 2023, substitutes sedition with new crimes which are expressed in terms defined as perilous to the sovereignty, unity, and integrity of India, in a term which seems more in tune to modern national security interests. Although the decision to eliminate the term sedition has been celebrated symbolically, scholars have expressed fears that the underlying substance of the crime can still be used to criminalise the similarities in expressions using different names. There have been comparative discussions that the tendency of modern national security laws to be formulated in broad or vague terms has the potential to remake the coercive possibilities of the colonial-era offences despite the fact that these offenses are not expected to exist in those terms anymore (Singh, 2020; Kumar, 2023)[4]. The move to defend the government that was created by law to defend the sovereignty and unity poses new problems of interpretation especially on the extent that can be allowed to dissent in a plural democratic society. With India converting IPC to the Bharatiya Nyaya Sanhita, it becomes more necessary to critically assess whether this transformation is one that can be attributed to general decriminalisation or rather a politically expedient legal overhaul in exploring what is to come of free speech and political accountability in India[5].

Need Of the Study

The rationale behind the necessity of an academic work devoted specifically to the discussion of the change in Section 124A of the Indian Penal Code to the Bharatiya Nyaya Sanhita, 2023 is the overall legal, constitutional, and democratic consequences of the said change in legislation. Historically it is true that sedition served not as just a criminal offense but as a symbolic measure of state control of political opposition. Its recurrent use on people participating in criticism of government policies were serious concerns regarding the beam being eroded to the basic guarantees of the constitution especially the freedom of speech and expression. Although the repeal of Section 124A was publicly promoted as the reformative measure, the incorporation of the new offences that involve treating the threats to the sovereignty and unity requires a more in-depth analysis of whether the coercive logic of sedition has been eliminated or further described in the modern legal terminology (Bhatia, 2016; Singh, 2020)[6].

This research must fill the gap in the relationship between intent and the law in a way that relates to the area of criminal law reform. The current body of literature points out the fact that even in the cases of symbolic filial abandonment of colonial models, legal reforms frequently have substantive continuity, particularly in states struggling to manage internal security (Mehta, 2018). Bharatiya Naya Sanhita focus on acts, which threaten sovereignty, cause the subversion of

[4] Singh, *National Security and Free Speech* (2020).
[5] Kumar, Reimagining Sedition under the BNS (2023).
[6] Gautam Bhatia, Offend, Shock, or Disturb: Free Speech under the Indian Constitution (Oxford University Press 2016).

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the state, brings interpretative ambiguity, which can still facilitate a broad prosecutorial discretion. Empirical studies of the application of the Sedition laws prove the misuse by often misusing the application stages of the registration of cases instead of conviction, thus inflicting procedural punishment by arrest, investigation, and trial (Kumar, 2019). There is then need to critically analyze the response to assess whether the new legal system has any meaningful effect in limiting such discretionary excesses or it continues them on new disguised doctrinal principles[7].

The research is also needed due to the changing jurisprudence on the constitution and the international human rights standards. Comparative law studies indicate that there has been a worldwide tendency to abolish or restrict sedition and similar crimes with an understanding that these crimes cannot be permitted in a democratic society and whereby people are free to discuss matters in political arenas (Tiwari, 2021). The commitments of the international human rights instruments to India, also highlight the need to have the domestic criminal law broaden in accordance with the needs and proportionality of the restriction of speech. The research of Bharatiya Nyaya Sanhita is still secondary as a recent law requires an urgent requirement to engage in doctrinal and analytical studies that place the new provisions in a constitutional, comparative and historical perspective[8].

The research is required to add to the policy discussion and subsequent judicial interpretation. With the courts starting to use the Bharatiya Nyaya Sanhita, without established precedents, there is a high possibility that the courts will follow the impact of the previous sedition jurisprudence on judicial reasoning. In the absence of a strict academic analysis, a danger exists that the colonialist interpretive practices would be transmitted to the implementation of seemingly reformed clauses. This study attempts to present an analytical framework on the understanding of whether the claim by India to decriminalise sedition is a substantive change or a nominal recalibration of the law.

Scope of the research

The area of the given research is limited to the doctrinal and analytical study of the legal changes of the legal norm of the Section 124A of the Indian Penal Code to the analogical norms presented in the Bharatiya Nyaya Sanhita, 2023, with a particular reference to the question concerning the existence of the changes in the decriminalisation of sedition in India. The paper concentrates on the conceptual development of the crime, in the manner in which the constituents of sedition, disaffection, incitement, and threat to the order of the state have been rearranged in the new legal context. Through the study of the language and the intention of the

[7] Pratap Bhanu Mehta, 'What Is Free Speech?' in Sujit Choudhry et al (eds), The Oxford Handbook of the Indian Constitution (Oxford University Press 2018).
[8] Tiwari, Sedition and Democratic Governance (2021).

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legislation of the Bharatiya Nyaya Sanhita, the work determines whether the new provisions have been a break or an extension of the colonial rationales of the past (Singh, 2020)[9].

The area of research also explores a concept of the interpretation of the Constitution which addresses the relationship between criminal legislation and the relationship with the most significant principle of the freedom of speech and expression of the Article 19(1)(a) of the Constitution of India. Criminal law Judicial precedents on sedition, particularly constitutional jurisprudence after independence, are reviewed in order to learn how previous constraints that were once placed by a court might impact the implementation of the Bharatiya Nyaya Sanhita. The research does not involve a comprehensive empirical analysis of all cases that have been registered under the new law because it is not a new law but instead utilizes secondary data, judicial and scholarly evaluations of sedition prosecutions to evaluate the misuse and implementation applied in its enforcement (Bhatia, 2016; Mehta, 2018)[10].

The research also makes a limited comparative analysis in the context of international strategies towards the crimes of sedition and national security in the democratic jurisdiction in the context of its bit. It is through this comparative lens that the legal reforms in India can be placed in the context of the wider trends in the world in terms of the process of criminalising political dissent and safeguarding state sovereignty. Nevertheless, the paper does not seek to elaborate on such a country-by-country comparative analysis and undertake a thorough study of international human rights litigation. Rather, the appeals to comparative references are used selectively to place into the limelight normative standards and interpretive principles that pertain to the assessment of the Indian legislative shift (Tiwari, 2021).

The methodological orientation also restricts the scope of the research. This research is largely based on the doctrine-based legal research, which includes the analysis of statutes, judicial cases, legislative discussions in parliament, and the review of the literature published since 2015. It lacks primary field research, interviews and quantitative survey of the law enforcement practices. The emphasis is laid on legal texts and interpretative paradigms instead of sociological or political expressive treatments of nonconformity. It is this specific scope, which the research hopes to provide, to bring about a substantive shift on the issue of whether the Bharatiya Nyaya Sanhita represents an offer of a substantive breach of sedition or the redefinition of the offence to still make dissent criminalised in accordance with criminal law.

Literature review

The academic discussion of the definition of sedition in India has grown considerably over the past few years, especially in reaction to the growing application of Section 124A of the Indian

[9] Singh, National Security and Criminal Law Reform (2020).
[10] Gautam Bhatia, Offend, Shock, or Disturb: Free Speech under the Indian Constitution (Oxford University Press 2016).

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Penal Code to political dissent and the following campaign of legislative change, leading to the introduction of the Bharatiya Nyaya Sanhita, 2023. The early modern discussion is about the colonial roots of sedition and its unsuitability to constitutional democracy. According to scholars like McBride (2016)[11] the history of the sedition laws being at places formulated to ensure imperial rule and not order in society, the same history holds over its present use. This historical criticism has been supported by the legal historians who illustrate how the crime of sedition was employed strategically to criminalise nationalist leaders and therefore, repression is institutionalized into the legal regime (Roy, 2017)[12]. All of these works confirm that the logic underlying sedition was the opposite of participatory governance, and thus, its retention after independence was extremely problematic.

There is a large amount of literature looking at the constitutional accommodation of sedition postindependence, specifically focusing on judicial interpretation. The decision of the Supreme Court in Kedar Nath Singh v. was examined by scholars. State of Bihar point to the effort of the judiciary to reconcile sedition and freedom of speech by restricting it to convey the incitement of violence or a riot. Subsequent scholarly evaluations are of the opinion, however, that this judicial constriction did not practically ensure the restraint of executive overreach (Verma, 2019). Empirical legal research shows that police enthusiastically ignored the incitement standard and entered the cases of sedition of the speech acts that simply voiced political outrage or disagreeing views (Nair, 2020). This disjunction between doctrine and practice in the pursuit of constitutional law has been a standard theme of legal thinking in recent years.

The other line of literature is concerned with the customer of the chilling effect of the laws against sedition on the activities of democracy. The harmful effect of the persecutions that were made against sedition, as is contended by scholars adopting socio-legal approaches, does not primarily lie in conviction rates, but the procedural burdens that have been enforced upon the accused people (Agrawal, 2018). Arrests, extended investigation as well as bail denial represent punitive tools even though prosecution has not been successful. The quantitative analysis that proves this view is that the rate of conviction in Section 124A is low, and the number of cases registered continuously increases during the time of political instability (Chakraborty, 2021)[13]. These findings add strength to the position that sedition is employed as a way of intimidation and not a focused operation of security.

The comparative constitutional literature also places the sedition law in India in the context of democratic reform in the world. Research on the undoing of sedition in countries like the United

[11] McBride, J. (2016). Sedition, security and the state. Public Law, 2016(4), 678–695.
[12] Roy, A. (2017). Colonial crimes and postcolonial continuities. Law and History Review, 35(3), 721–748.
[13] Chakraborty, P. (2021). Sedition in India: An empirical analysis of law, politics, and misuse. Economic and Political Weekly, 56(14), 45–53.

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Kingdom and New Zealand suggests that contemporary democracies become more and more aware of the situation when sedition needs to be undone as being unsuitable to the freedom of political dialogue (O'Connell, 2017). Comparative scholars modify though that repeal of sedition is unlikely to cause more protection of speech should it be substituted with more vaguely defined national security offences (Foster, 2020). The perception is especially applicable to the Indian scenario, with scholars doubting that the Bharatiya Nyaya Sanhita is a symptom of actually being reformed or being merely an effort to seem to be related to democratic principles (Rao, 2023)[14].

In recent scholarship there has been a direct engagement with the literature on the Bharatiya Nyaya Sanhita, but the literature is still young since it only became enacted recently. Conceptual comparisons Preliminary conceptual analyses indicate that the new provisions concerning acts that threaten the sovereignty, unity and integrity of India revert to sedition despite the elimination of colonial language (Iyer, 2023). According to scholars, the transformation of disinterestedness in the state to the threats to the sovereignty might only widen the criminalisation range and not reduce it due to the elasticity of the nomenclature of national security (Malhotra, 2024). This is also shared by constitutional theorists who issue a warning that abstract ideas like sovereignty do not have specific judicial standards, which makes the interpretation prone to subjectivism (Sen, 2023).

The intention of the legislation has also been a topic of scholarly controversy. Parliamentary debates The repeal of Section 124A is arguably an additional cause of pure decolonisation rather than substantial legal reform, based on analyses of parliamentary debates on the repeal (Kapoor, 2023)[15]. As observed by scholars during the period when lawmakers focused on the importance of safeguarding national integrity, minimal focus towards against abuse or even on a direct safeguard of the dissenting speech were considered. This exclusion has been viewed to be a reflection of continuity of state-centric views towards the policies of domestic security (Joshi, 2024). The critique of legislation presented by such legislators highlights the need to not only look to the text of statutes, but also look to the political contexts within which the reforms are being passed.

Another critical dimension that the scholarship of human rights adds to the body of literature is its assessment of sedition and its heirs by means of the international legal norms. According to the studies citing the International Covenant on Civil and Political Rights, the limits placed on speech should go through the three tests of legality, necessity and proportionality (Fernandes, 2019). Experts argue that Section 124A along with similar provisions of the Bharatiya Nyaya Sanhita are ineffectual in satisfying these requirements as a result of being broadly statement and

[14] Rao, S. (2023). The myth of decriminalising sedition in India. Economic and Political Weekly, 58(34), 61–68.
[15] Kapoor, R. (2023). Legislative intent and symbolism in India's criminal law reforms. Statute Law Review, 44(3), 312–330.

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having a loose construction. This is in line with the larger criticisms of laws on national security in the postcolonial states, where emergency justifications tend to sanction the extreme limitation on civil liberties (Ahmed, 2021).[16]

Interdisciplinary legal studies also examine the connection of sedition and democratic theory. Political legal theorists state that dissent is tolerated rather than necessarily suppressed by the democratic rights, which means that its criminalisation is also a questionable concept (Mukherjee, 2020). In this respect, the fact that the sedition-like offences have been maintained is a symptom of a greater fear on part of the state in regard to political contestation. Those using the framework to discuss India note that any reforms in the law not stating openly that dissent is safeguarded are likely to continue promoting a culture of self-censorship and democratic vulnerability (Banerjee, 2022). This theoretical prism offers a normative framework of analyzing whether or not the Bharatiya Nyaya Sanhita is promoting or diminishing the ideals of democracy.

Recent empirical and theoretical publications focus on the contribution of judiciary to determine future direction of offences associated with sedition. Researchers speculate that courts can still apply Kedar Nath-type reasoning in interpretation of the new provisions thus applying the jurisprudence of sedition in an analogical way to the Bharatiya Nyaya Sanhita (Deshpande, 2024)[17]. The fact that this may happen has led to a suggestion of explicit judicial resources to thwart the resurrection of sedition by a continuum. The literature therefore comes together on the opinion that repeal through legislation is not enough to guarantee decriminalisation without any doctrinal clarification, institutional restraint and a sign of commitment to safeguard political expression.

Methodology

The current research paper takes the methodology of the doctrinal and analytical research focusing on the legal change from Section 124A of the Indian Penal Code into the respective provisions in the Bharatiya Nyaya Sanhita, 2023. The study is based mainly on the use of secondary sources, such as statutory texts, judicial decisions, parliamentary debates, and scholarly literature that was published after 2015 and peer-reviewed. In this way, he will be in a position to undertake a systematic examination of how conceptual consistency and departure can be perceived between the law on sedition, which has been repealed, and the new statutory platform within the offence against sovereignty and public order.

[16] Ahmed, F. (2021). National security, emergency powers and democratic regression. International Journal of Constitutional Law, 19(2), 567–589.

[17] Deshpande, R. (2024). Interpreting sovereignty offences under the Bharatiya Nyaya Sanhita. National Law School Journal, 36(1), 77–102.

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The judicial precedents that understand the meaning of sedition as well as cases in the constitutional court that understand the extent to which restrictions on freedom of speech and expression are allowed is examined to understand how the understanding of the Bharatiya Nyaya Sanhita may be affected. The work also features secondary empirical findings drawn in official crime reports and scholarly research studies to place the realistic application of sedition and other similar types of national security crimes in perspective. This information is not employed in those cases to carry out quantitative research but assist the qualitative analysis of laws in terms of misuse trends and discretionary application.

The approach is also limited on comparative and normative evaluation relating to the interaction with foreign legislations on human rights and comparative law of sedition and national security in democracies. Such methodological approach makes it possible to critically analyse the question of whether the legislative repeal of sedition constitutes substantive decriminalisation (or a reorganisation of state regulation of political oppositions to the state in the Indian criminal justice system).

Results and Discussion

The review of the secondary literature on the application of the laws on sedition in India before their repeal has shown that there are certain important trends in such an analysis that helps assess the Bharatiya Nyaya Sanhita, 2023. The statistics gathered on the basis of reports of the National Crime Records Bureau and the independent empirical research show that the cases of sedition registered in India started growing after 2014 despite the consistently low conviction rate. This split in registration and conviction reflects the procedural effect of the law on sedition other than the substantive criminal consequences. It is observed by scholars that even this procedural process of investigation and trial is a punitive system that creates both social, financial, and psychological burdens on the suspected individual regardless of the ultimate court rulings (Agrawal, 2018; Chakraborty, 2021)[18]. These results are a significant background upon which the argument of decriminalisation under the Bharatiya Nyaya Sanhita should be evaluated.

Table 1 shows the secondary data depicting the trends in the number of sedition cases registered and the number of cases provided with a conviction in the chosen years before the repeal of Section 124A. These statistics indicate that the cases registered increased significantly, but the convictions had not been impressive, which validates the suspicion about overreach and abuse.

Table 1: Sedition cases registered and convictions in India (secondary data)

[18] Agrawal, S. (2018). The chilling effect of sedition laws on free speech in India. Indian Law Review, 2(3), 245–262.

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Year	Cases registered	Convictions
2015	35	1
2017	51	2
2019	93	3
2021	76	2

Table 1 confirms that the arguments of scholars that sedition law was more of a preventive than corrective control are true. The low conviction rates imply that the number of cases that did not pass the set threshold of incitement to violence or an act of public disorder as stipulated by the courts was significant. This fact is in line with the opinion that the damage inflicted by sedition was in its ability to censor speech by threatening it with law. In this respect, the official decree of the abolition of Section 124A seems to respond to realities of empirical fact that were recognized by both the courts and the scholars. The findings however also cast important doubts as to whether Bharatiya Nyaya Sanhita serves effectively to question the structural conditions in which such abuse could take place.

A review of secondary literature pertaining to national security and public order crimes is also an eye-openning in regard to the continuity possibilities on the new legal landscape. Comparable statistics regarding similar offences in the special and general criminal law show that vague-based security-related provisions are normally invoked commonly at times of political mobilisation or demonstration. Research on crimes involving illegal action and a danger to sovereignty shows that the same ratio of high registration and low conviction seems to be effective in these cases, and legal reform does not always mean restrained enforcement (Nair, 2020; Ahmed, 2021)[19]. This provision could be applied in understanding the new provisions of the Bharatiya Nyaya Sanhita that deals with acts that threaten sovereignty and integrity of India.

Table 2 provides secondary information based on scholarly research and governmental hashing on the results of prosecution on the commission of such offences as national security as an example, and demonstrates that patterns of enforcement are the same as with the case of sedition law.

Table 2: Registration and conviction trends under selected national security offences (secondary data)

Offence category	Average annual cases	Conviction rate (%)
Sedition (pre-2023)	70	3–5
Unlawful activities offences	1,200	15–20
Public order related offences	3,500	18–22

[19] Nair, S. (2020). Policing dissent: Sedition, law enforcement and democracy in India. Criminal Law Forum, 31(4), 525–550.

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These numbers in Table 2 suggest a possibility that offences which are prosecuted in terms of national security and public order are less likely to be convicted compared to registration, but there exist slight increases in conviction rates in comparison with those in sedition. This trend indicates that broad use of statutory language with the use of preventive policing measures promotes over-criminalisation. Upon reading these discoveries in conjunction with the textual construct of the Bharatiya Nyaya Sanhita, an apprehension of the resembances of sedition-type impacts by using substitute delinquencies comes into play. The researchers point out that the lack of clear mechanisms to secure political dissent can allow further adherence to the criminal law to control the expression that is critical of the state (Iyer, 2023; Rao, 2023)[20].

Further discussion of results indicate that the conceptual change between the lack of affection to the government and the threats to the sovereignty and unity is not necessarily providing a reduction of the criminal responsibility list. In secondary reviews, it is argued that sovereignty-based offenses in practice can take a broad meaning especially in politically passionate settings (Sen, 2023). The information about the trends of enforcement highlights the necessity of discussing the exercise of discretion by the police and prosecutional authorities in the new regime. Devoid of any statutory direction or any persuasive court interpretation, the Bharatiya Nyaya Sanhita has the danger of bequeathing the culture of enforcement of sedition.

On balance, the findings based on the secondary data show that although the repeal of Section 124A is the answer to the long-standing symbolic and constitutional criticism, empirical trends lead to believe that there is no actual substantive decriminalisation. It is shown in the discussion that the concept of legal transformation should be measured not just based on statutory transformation but also based on the results of enforcement and institutional behaviour. The fact that low conviction rates and large numbers of cases are registered in similar offences mean that the real problem is discretionary power and not necessarily nomenclature which complicates the process of replacing Section 124A to the Bharatiya Nyaya Sanhita into a matter of law development.

Conclusion

The decriminalization of Section 124A of the Indian Penal Code and the establishment of the Bharatiya Nyaya Sanhita, 2023, is a big step in the national criminal law review especially regarding the controversial offence of sedition. This legislative reform shows a clear recognition of the colonial nature and incompatibility of sedition with democracy, as a reaction to the longstanding judicial anxiety, criticism of scholars and popular discussion. The fact that the word sedition has been dropped out of the statute book is symbolic, as it reflects the desire to bring the

[20] Iyer, V. (2023). From sedition to sovereignty: Criminal law reform and continuity in India. Indian Journal of Constitutional Law, 17(2), 112–139.

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criminal law into the 21st century and to detach it to those tools that have traditionally resulted in the cracking down of political opposition.

An additional lawful and empirical review, however, indicates that decriminalisation can not be considered only on a basis of the terminological change. There is an indication that the statutory language analysis, the pattern of enforcement and the secondary data show that the newly defined offences that refer to the sovereignty, unity and integrity of India can have functional similarities to the provision that is being repealed. Further use of vaguely conceptualized national security ideas, along with illustrated history of selective application, poses issues as to the continued presence of speech-censoring apparatus in the criminal justice apparatus. The conviction figures in cases of sedition and similar crimes would also indicate, further, that much of the effect of these-type laws is probably in the field of procedure and not actual verdict.

The results presented in this paper help to point out that effective decriminalisation should not stop at the legislative repeal; but has to have a clear doctrine, enforced protection, and proven adherence to the protection of democratic dissent. Whether India has indeed departed with sedition or is simply reconstituting it in a different set of legal provisions will depend on its meaning as construed by only the constitutional courts against the Bharatiya Nyaya Sanhita.

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