

Comprehensive Analysis of Legal and Ethical Perspectives of Sedition Law in Journalism

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Abstract— Sedition law is always a hot topic of debate in journalism, especially how to balance national security and the right to freedom of expression. In this study, we explored the sedition law evolution, ethical issues on the application of sedition law and further implications for journalists. In this study, we examine case studies related to journalists charged with sedition and assess the role of the legal framework for the protection of freedom of the press.

Keywords – Ethics, Legal Framework, Press Freedom, Chilling Effect, Sedition Law, Journalism

I. INTRODUCTION

Journalism is considered the fourth pillar of democracy, which plays a role in accountability and transparency in governance. Journalism helped construct public opinion and set the stage for informed discourse that made governance accountable. Under sedition law, criminalizing an action that incites disaffection against the state places journalists in conflict with the legal system. The sedition has a broad and vague definition that creates an environment in which critical reporting can be wrongly interpreted as an attack on national security, leading to legal repercussions for journalists. This study explores how sedition law impacts journalistic practices and its implications for democratic society. This study also examines the contemporary and historical application of sedition law. The study also analyses the chilling effect of sedition law on the freedom of the press, where the threat of legal action leads to self-censorship and curtails investigative journalism. It also discusses the role of judicial interpretation and legal precedents in constructing the application of sedition law, comparing global perspectives to offer a comprehensive understanding. This study also explores the impact of digital media and social media in propagating journalist voices and also makes them susceptible to legal scrutiny. The goal of this study is to enhance the current discussion about the necessity, need and future of sedition laws in a democratic society through analysis of current literature, empirical data and legal precedents. It gives importance to the alignment of legal reform with the constitutional protection of free speech, national security and public order.

II. REVIEW OF LITERATURE

Speech, actions and publications that have any potential to incite disaffection, rebellion or violence against the government are criminalised under sedition law. Historically, sedition law

has been used by the government to overpower dissent and maintain control, often at the cost of free speech and freedom of the press. Most of the sedition laws originated during the colonial period, specifically the British period, which was used to suppress the freedom movement. Several research studies were conducted to understand the role of sedition in Journalism. Smith discussed how colonial time sedition laws have persisted in modern democracies [1, 2]. Kumar A. analyzed the impact of various factors on press freedom in India and gave insights into challenges posed by corporate influence, emerging digital censorship and government regulation [3]. Patel and Williams, in their studies, dived into the rising number of sedition charges on digital journalists, explored the role of social media in the propagation of dissenting voices and put light on the global trends where government regulatory policies putting effort to curtail digital journalist when they speak against official narrative [4,]. As per Mehta, Information technology re modelled journalism to make it easily accessible, but it is now more vulnerable to government regulation [9]. Roy examined the use of sedition law in curbing the freedom of the press and national sentiments during the colonial period. Furthermore, the British government used section 124A of Indian penal code to curb newspapers that were critical to the policies of the British government, during the colonial period, prominent cases include the prosecution of Mahatma Gandhi and Bal Gangadhar Tilak for their journalist activity promoting independence and Roy also discussed the colonial time sedition law which laid the foundation of misuse of this in the post-independence period [5, 6].

Jones, in the study, stated that in Western democracies, sedition laws had been diluted or repealed [7]. In the study, Dasgupta evaluated the judicial precedent in India that analyzed the sedition law regarding freedom of speech and found inconsistencies in judicial outcomes, which led to ambiguity in legal enforcement [10]. Recently, Thompson, in his study, investigated the professional and psychological repercussions of sedition law on journalists, and his findings gave insight into legal intimidation outcomes in establishing limits in critical journalism and self-censorship on government affairs [8].

Banerjee, in his study, suggested the role of international advocacy groups in pressuring the government to reform outdated sedition laws [11]. In the study of Sharma, a comparative study of sedition law enforcement in the UK,

India and the US was done, which emphasized the role of constitutional safeguards in protecting journalists [12]. Gupta, in his study, assesses the influence of organizations such as Reporters Without Borders and the Committee to Protect Journalists in creating a worldwide narrative on legal reform and freedom of the press [13]. In the study of Chaturvedi, it is argued that sedition charges are commonly used to cut down the voice of journalists and that impacts the public right to information [14].

The Empirical Studies of Verma and Mukherjee examine how media trials create people's perception of accused journalists of sedition charges. The outcome of the study revealed that media trials could impact a journalist's image in the public sphere and also impact judicial trials [15].

In his study of Kapoor, how gender impacts the sedition law was evaluated and insight into the unique challenges faced by female journalists who are targeted by legal and extra intimidation [16]. In legal commentaries, Chatterjee and Nair analyse the ongoing legislative debate and judicial reconsideration in the reform of sedition law; their studies give insight into the uprising of the movement for legal reform that is driven by Indian advocacy and the international human rights framework [17]. In a study by Ramanathan, it was observed that from year 2010 to 2020, 65% of sedition charges against journalists, activists and human rights supporters indicate that the government are misusing sedition law [18].

According to Bhushan, the fuzziness of the sedition law makes it used inappropriately and impacts journalists' ability to report the truth to the public [19]. Combined use of sedition and antiterrorism law develop a legal framework that may hit journalists intensely and may impact them long-term to keep away from their professional journalist practices [20].

In the study by Das, it was observed that local independent media houses are prone to be charged under sedition law because of their critical coverage of governance, and these media houses may face legal battles with the government [21]. Mehta, in his study, discusses that authorities are using sedition charges for legal harassment of journalists and establishing a climate of fear to avoid media scrutiny on controversial issues and policies [22, 29, 30].

Literature undermined the interplay of sedition law, press freedom and democratic governance. In some countries, sedition law has been reformed, while other countries hold sedition law as a tool for curtailing voices. With the advent of information technology, the sedition law debate is more complicated and needs continued research and policy intervention.

III. METHODOLOGY

In this study, a Qualitative research methodology is employed that includes analysis of legal cases, academic research articles and stakeholder opinion. Content analysis of media reports and legal judgment was done to assess the trends in enforcement and judicial reasoning. A detailed table has been designed to showcase the results of the study. A graphical representation of the methodology is shown in Figure 1.

IV. RESULTS AND ANALYSIS

The outcome of the study indicates that the use of sedition law is mostly used to suppress political dissent rather than to address real national security threats.

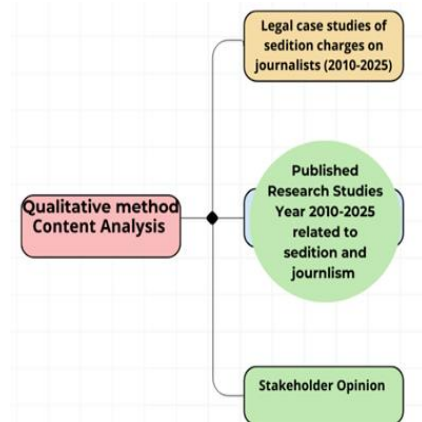


Fig. 1: Graphical Representation of Methodology

On analysis of case studies, a pattern emerged that is selective enforcement against investigative journalists and critics of the government. Judicial interpretation is dynamic, with some courts upholding press freedom and others courts justifying a restriction on speech. It is also noted that in India, the sedition law is mostly used on journalists based on political grounds. There is a case of Vinod Dua v. Union of India 2021, In this, Vinod Dua, a journalist, was framed under sedition law in 2020 for being critical of the government's handling of the COVID-19 pandemic. Further, in this case, the supreme court quashed the case and ruling that criticism of government does not constitute sedition unless it incites violence [23]. In the case of journalist Kishore Chandra, who is from Manipur, was arrested multiple times in sedition law for his social media posts, which are very critical for government policies, this case illustrates how sedition law was misused to calm down dissenting voices [31, 34, 35]. Siddique Kappen, a journalist, was framed under sedition and anti-terror laws for travelling to cover the Hatteras rape case in Uttar Pradesh, and the government justified his arrest on the grounds of national security while press freedom advocates argued that this could be an attempt to curtail investigative journalism [24]. In the case of Asif Sultan, a journalist from Kashmir, Sultan was arrested in the year 2018 for the Unlawful Activities Prevention Act and sedition law for his reporting on militancy in Kashmir, the detention of Sultan was prolonged without any trial, which was widely criticized by human rights organization [32, 33]. In the case of Gautam Navlakha, a journalist and activist who was arrested under sedition and anti-terror law for his alleged involvement in the Bhima Koregaon case, this raised great concern about the criminalization of dissent and the reduction of space for independent journalism in India [25]. Santosh Yadav, a journalist from Chhattisgarh, was arrested in the year 2015 under sedition law for supporting Maoist insurgents. Media watchdogs argued that Santosh was arrested for his journalist activities on police atrocities in the tribal region [26]. These cases show how sedition charges are misused to curtail critical reporting, specifically in conflict zones. In the digital

age, the landscape of sedition cases becomes complicated in interpretation. Social media has become a new space of discourse where the government can closely watch the journalists' posts and online movements. Digital journalism has led to a rise in sedition charges that can be seen in the case of online news portals The Wire and Scroll. in, they faced legal action for the publication of critical reports[27,28]. This new paradigm shift underscores the need for a well-defined legal framework for the application of sedition laws in the digital sphere. On analysis, a trend was observed: the role of public protest and investigating reports stimulating sedition charges. Many journalists were covering the Citizenship Amendment Act, and farmer protests were framed in sedition charges [29].

Selective enforcement represents the erratic character of sedition law and has a strong ability to impact freedom of the press. Among journalists, a chilling effect is noticed that makes them not do critical reporting. Self-censorship has been observed among journalists, which could be an outcome of the misuse of sedition charges that strongly impact journalists' duty as watchdogs of democracy [30]. Legal uncertainty could be a factor that allows the authorities to use sedition charges selectively and generally against opponent voices. There is inconsistency in legal enforcement, which provides a ground to frame a legal framework and legislative reforms. Results are shown in Table 1.

TABLE I. INCONSISTENCY IN LEGAL ENFORCEMENT

Journalist	Case	Sedition Charge	Role	Legal framework
Vinod Dua	Vinod Dua v. Union of India 2021	Writ Petition (Criminal) No. 154/2020	Vinod Dua's criticism of the government's handling of COVID-19	The supreme court squashed the case. The judgment was pronounced by Justice Uday Umesh Lalit and Justice Vineet Saran
Kishorechandra Wangkhemcha	Wang Khem v. State of Manipur, 2019	Section 124A	Wangkhemcha was charged over his posts and cartoons on social media sites that criticized the Manipur government.	Wangkhemcha was charged with sedition
Kanhaiya Lal Shukla	Kanhaiya Lal Shukla v State of Chhattisgarh, 17 July 2018	Section 124A	Kanhaiya Lal Shukla charged for posting cartoons on Facebook that depicted fake encounters by the police.	Kanhaiya Lal Shukla was charged with sedition
Siddique Kappen	Siddique Kappen v state of Uttar Pradesh	124A (sedition), 153A (promoting enmity), 295A, UAPA charges	Uttar Pradesh's Hatteras to report the brutal gang rape and murder of a Dalit girl.	Got bailed
Navlakha	Navlakha v. National Investigation Agency, 2020	Sections 121, 121-A, 124-A, 153-A505(1)(b), UAPA	Alleged involvement in Bhima Koregaon violence and conspiracy to overthrow democratically elected government	Got bailed

V. FUTURE SCOPE OF THE STUDY

Future research studies can be designed to understand the interplay of digital media and sedition law. They can examine how social media posts and online journalism impact legal interpretations. There is scope to understand the impact of sedition charges on the psychological and professional life of journalists and in their reporting in a longitudinal study. Future research can also focus on policies that harmonies national security concerns as well as journalistic freedom in a democratic way.

VI. CONCLUSION

Sedition law is always the prime importance of national discussion in media because of its vague character as well as misuse against journalists. The press is considered the fourth pillar of democracy, but misuse of sedition laws against journalists could impact the journalist's duty as a watchdog of democracy. National security is of prime importance, but misuse of sedition charges against journalists is against democratic principles. There is a need for legal reform and ethical journalism to ensure a free and responsible press. A balanced framework is much needed to ensure accountability without overlooking or crushing critical voices, which is necessary to maintain democratic values. Legislative amendment, judicial oversight and protection shields for journalists are mandatory in mitigating the adverse impact of sedition law on the freedom of the press.

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