

OFFICE OF THE DGP COCHERRY	
No:	BAD 1 MHA
Received on:	14.05.22
Despatched on:	16.05.2022

17015/24/2021-IS-I
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
(INTERNAL SECURITY-I DIVISION)

North Block, New Delhi
Dated, the 14th May, 2022

To

1. Chief Secretaries/Administrators/Advisers to Administrators of all States/UTs.
2. Director General of Police, all States/UTs.
3. Commissioner of Police, Delhi.

Subject: **Section 124 A of the Indian Penal Code (IPC) - Sedition Law.**

Sir/ Madam,

The Government of India is concerned about the instances of registration of sedition case against citizens of the country in cases when the facts do not justify the registration and the invocation of the said provision under Section 124A of the Indian Penal Code (hereinafter referred to as "Section 124 A).

"Sedition" has been defined under Section 124 A of the IPC, as under:

"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, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine."

Explanation 1 - The expression "disaffection" includes disloyalty and all feelings of enmity.

Explanation 2 - 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.

Explanation 3 - 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."

Endorsement to
all SPP/SP/CD/SH/...
including CID/...
for compliance
A.D./199
SPP (L...)
16/5

3. In this regard, your attention is invited to the recent judgement of the Hon'ble Supreme Court in ***Vinod Dua v. Union of India, 2021 SCC OnLine SC 414***. This is a binding judicial pronouncement under Art. 141 of the Constitution of India.

4. It is important to note that the said provision is under re-consideration of the Government of India as per the Affidavit dated 09.05.2022 filed in the W.P.(C) No. 682/2021 titled ***S.G. Vombatkere v. Union of India***.

5. In the light of the above, the following directions are issued:

- (a) The interpretation of the Hon'ble Supreme Court in the judgement in the ***Vinod Dua v. Union of India, 2021 SCC OnLine SC 414***, ought to be scrupulously followed and adhered to.
- (b) An FIR involving Section 124 A will be registered only if an officer not below the rank of Superintendent of Police is satisfied and records his satisfaction in writing that the offence alleged involves Section 124 A as analysed by the Hon'ble Supreme Court in the captioned judgement.

6. In view of the above, States/UTs may take into consideration the provisions of Section 124A of the IPC, the judgement in ***Vinod Dua v. Union of India, 2021 SCC OnLine SC 414*** and other relevant judgements in this regard, and also the above directions in entirety for appropriately directing all the law enforcement agencies under their jurisdiction for strict compliance.

Yours faithfully,

Narayanm - 14/5/22
(Mritunjay Kumar Narayan)

Additional Secretary to the Government of India.