

BEYOND THE ABOLITION OF SEDITION? A CRITICAL EXAMINATION OF SECTION 152 OF THE BHARATIYA NYAYA SANHITA, 2023 IN LIGHT OF SECTION 124A OF THE INDIAN PENAL CODE

by

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ABSTRACT

The Union government has billed the Bharatiya Nyaya Sanhita, 2023 as the law that finally did away with sedition, the offence that sat in Section 124A of the Indian Penal Code, 1860. This paper puts that claim to the test, reading Section 152 of the new code against the provision it supposedly replaces, and against the limits the Supreme Court set out in *Kedar Nath Singh v State of Bihar*. My argument is that Section 152 doesn't get rid of sedition so much as move it somewhere else. The verb structure from the old offence is still there. The reach is now wider, stretched to cover undefined categories like "subversive activities" and "separatist activities." A fine-only sentence is no longer an option. And the tendency-to-incite-violence requirement; the one thing that kept Section 124A on the right side of the Constitution is nowhere in the new text. Working through the wording of both provisions, the Law Commission's 279th Report, the Parliamentary Standing Committee's own review of the Bill, and the constitutional challenge currently pending before the Supreme Court, the paper concludes that Section 152 carries forward the central flaw of Section 124A under a new label, and closes with textual and procedural fixes meant to address it.

Keywords

Sedition; Section 124A, Indian Penal Code; Section 152, Bharatiya Nyaya Sanhita; freedom of speech; Article 19(1)(a); void for vagueness; *Kedar Nath Singh*.

I. Introduction

On 1 July 2024, the Bharatiya Nyaya Sanhita, 2023 came into force and repealed the Indian Penal Code, 1860 in its entirety, including Section 124A, the provision that had criminalised sedition in India since 1870.¹ The government's position, stated by the Union Home Minister in Parliament, was that sedition, described as a colonial instrument used against the freedom movement, had been abolished.² In its place, Section 152 of the new code punishes acts that excite or attempt to excite secession, armed rebellion or subversive activities, or that endanger the sovereignty, unity and integrity of India.³

This paper tests the claim of abolition against the text of Section 152, its legislative history, and the constitutional standard established in *Kedar Nath Singh v State of Bihar*,⁴ the 1962 judgment that has governed the interpretation of sedition law for over six decades. The argument advanced is that Section 152 does not abolish sedition. It relocates the offence, changes its nominal object from "Government" to the abstractions of sovereignty and territorial integrity, adds an express mental element, and simultaneously widens its operative vocabulary to include undefined categories of "subversive" and "separatist" activity. The resulting provision is, in several respects, more punitive than its predecessor and is exposed to the same vagueness objection that an amended Section 66A of the Information Technology Act, 2000 could not survive in *Shreya Singhal v Union of India*.⁵

The paper proceeds in seven parts. Part II reconstructs Section 124A and its judicial history. Part III traces the sequence of events, from the Supreme Court's interim order in *S.G. Vombatkere v Union of India* to the Law Commission's 279th Report, that preceded the drafting of Section 152. Part IV undertakes a textual comparison of the two provisions. Part V is the analytical core of the paper: it identifies the specific respects in which Section 152 is textually broader and more punitive

¹Bharatiya Nyaya Sanhita 2023, s 358 and Third Schedule (repealing the Indian Penal Code 1860 with effect from 1 July 2024).

²Ministry of Home Affairs, statement of the Union Home Minister, Lok Sabha, 11 August 2023, on the introduction of the Bharatiya Nyaya Sanhita Bill 2023; see also 'Rajdroh vs Deshdroh: Amit Shah says new law won't punish criticism of government' India Today (New Delhi, 20 December 2023).

³Bharatiya Nyaya Sanhita 2023, s 152.

⁴*Kedar Nath Singh v State of Bihar* AIR 1962 SC 955.

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

than Section 124A, notwithstanding the change of label. Part VI considers the pending constitutional challenge in which the Supreme Court has, for the first time, agreed to examine Section 152 in its own right. Part VII proposes reforms consistent with the Kedar Nath standard.

II. The Colonial Provision: Section 124A and Its Judicial Domestication

Section 124A was not part of the Indian Penal Code as originally enacted in 1860. It was inserted by the Indian Penal Code (Amendment) Act, 1870, and revised in 1898.⁶ In its final form, the provision read: "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."⁷

Three features of this text matter for the comparison undertaken later in this paper. First, the object of the offence was the "Government established by law in India", an abstraction the courts distinguished from the persons who staff that government.⁸ Second, the operative verbs, "brings or attempts to bring into hatred or contempt" and "excites or attempts to excite disaffection", described a state of mind produced in the audience, not an act of violence or incitement to violence by the speaker. Third, the section carried no express requirement of intention or knowledge; its mens rea had to be constructed by the courts rather than read off the page.

That judicial construction happened in *Kedar Nath Singh*, where a Constitution Bench upheld Section 124A against a challenge under Article 19(1)(a) but only by reading into it a limit the text itself never spelled out.⁹ The Court held that a citizen retains the right to say or write whatever he likes about the government or its measures, by way of criticism or comment, so long as he does not incite people to violence against the government established by law or with the intention of

⁶Indian Penal Code (Amendment) Act 1870, s 5, inserting s 124A into the Indian Penal Code 1860; the section was subsequently substituted by Act 4 of 1898.

⁷Indian Penal Code 1860, s 124A, as it stood immediately prior to its omission by the Bharatiya Nyaya Sanhita 2023, s 358 and Third Schedule.

⁸*Kedar Nath Singh* (n 4).

⁹*ibid*.

creating public disorder.¹⁰ Sedition, on this reading, required a tendency to incite violence or to create public disorder; mere criticism, however severe, fell outside the section. The provision survived, in other words, because the Court interpreted it into constitutional shape, not because Parliament ever touched the wording. And the wording never did change. Section 124A read the same way from 1962 all the way to its repeal in 2024 as it had back in 1898. Later decisions applied and sharpened this standard. The cases that came after didn't depart from this standard; they sharpened it. In *Balwant Singh v State of Punjab*, the Supreme Court found that slogans shouted on a single occasion, with no one responding and no call to violence attached, fell short of seditious sloganeering isn't incitement, and it carries no tendency to disturb public order.¹¹ *Common Cause v Union of India* pushed the point further still, directing every authority dealing with sedition allegations to stick strictly to the *Kedar Nath Singh* principles, a direction that would hardly have been necessary if those principles were actually being followed.¹² The pattern that emerges is one in which the judiciary, not the legislature, supplied the constitutional content of the offence, while the statutory text itself remained static and, on its face, considerably wider than the offence the courts actually enforced.

The gulf between the courts' constitutionally restricted reading and the text of Section 124A had measurable real-world consequences. According to National Crime Records Bureau data, sedition cases registered under the provision rose from 35 in 2016 to 93 in 2019, a 160 per cent increase, yet the conviction rate in 2019 stood at just 3.3 per cent, with 29 acquittals returned against a single conviction among all cases decided that year.¹³ A provision broad enough in its terms to attract frequent registration but requiring, once constitutionalised, proof that courts rarely found, amounted in practice to a mechanism for detention and prolonged proceedings rather than conviction; a pattern that the Supreme Court would later describe, in the *Vombatkere* proceedings, as amounting to enormous misuse of the law.

¹⁰*Kedar Nath Singh* (n 4), holding that a citizen retains the right to comment on the measures of government provided the comment does not incite violence or an intention to create public disorder.

¹¹*Balwant Singh v State of Punjab* (1995) 3 SCC 214.

¹²*Common Cause v Union of India* (2016) 15 SCC 269.

¹³National Crime Records Bureau, *Crime in India 2019* (Ministry of Home Affairs 2020); for the statistical analysis, see Vrinda Grover, cited in 'Sedition Cases Jump 160 Per Cent Between 2016-19, Rights Lawyer' *The Tribune* (Chandigarh, 19 September 2021) <<https://www.tribuneindia.com/news/nation/sedition-cases-jump-160-per-cent-between-2016-19-rights-lawyer-283709/>> accessed 2 September 2026.

III. Unravelling the Old Provision: Vombatkere, the Law Commission, and the Legislative Response

What pushed the legislature to reconsider Section 124A was *S.G. Vombatkere v Union of India*, a batch of petitions taking direct aim at the provision's constitutional validity.¹⁴ On 11 May 2022, a three-judge bench took note of the Union government's submission that it meant to re-examine the section, and without deciding the constitutional question either way ordered all pending trials, appeals, and proceedings under Section 124A held in abeyance, adding the hope that no new FIRs would be registered under it while that re-examination was underway. The result left Section 124A neither struck down nor upheld, just sitting dormant.¹⁵

The scale of the problem that the Court's order was addressing was substantial. An investigation by the online journal Article 14, placed before the Court in the *Vombatkere* proceedings, indicated that sedition cases had been filed against approximately 13,000 individuals between 2010 and 2021, with the majority of cases concentrated in the period after 2014.¹⁶ The same data showed that, between 2016 and 2019, the number of sedition cases had increased by 160 per cent while conviction rates had fallen sharply, pointing to a pattern of registration that functioned as a coercive instrument rather than as a genuine prosecutorial response to acts threatening the state.

The re-examination the government had promised didn't go where anyone might have guessed. Instead of calling for repeal, the Law Commission's 279th Report, titled *Usage of the Law of Sedition*, recommended retaining Section 124A, increasing the maximum sentence, and writing the substance of the *Kedar Nath* ratio into the provision itself, alongside procedural safeguards meant to curb misuse.¹⁷ The Report reasoned that jurisdictions which had repealed sedition law

¹⁴*S.G. Vombatkere v Union of India* (WP (C) No 682 of 2021, Supreme Court of India, order dated 11 May 2022).

¹⁵ *Ibid.*

¹⁶ People's Union for Civil Liberties, 'PUCL Statement about Supreme Court of India Interim Order on Sedition Law' *Mainstream Weekly* (New Delhi, 2022) <<http://mainstreamweekly.net/article12347.html>> accessed 2 September 2026; see also 'NCRB 2019 Data Shows 165% Jump in Sedition Cases, 33% Jump in UAPA Cases under Modi Govt' *The Print* (New Delhi, 13 October 2020) <<https://theprint.in/opinion/ncrb-2019-data-shows-165-jump-in-sedition-cases-33-jump-in-uapa-cases-under-modi-govt/521861/>> accessed 2 September 2026.

¹⁷ Law Commission of India, 279th Report: 'Usage of the Law of Sedition' (Ministry of Law and Justice, April 2023).

had, in practice, migrated the same conduct into their treason, terrorism and public order statutes, so that formal repeal without substantive change accomplished little beyond a change of label.¹⁸

The government did not adopt the Law Commission's recommendation to retain and amend Section 124A under its own name. The Bharatiya Nyaya Sanhita Bill, 2023, introduced in the Lok Sabha on 11 August 2023, omitted the word "sedition" and created a differently worded offence, then numbered as clause 150, addressed to acts endangering the sovereignty, unity and integrity of India.¹⁹ The Union Home Minister told Parliament that Rajdroh, sedition against the ruling authority, had been abolished and replaced by a narrower Deshdroh, an offence against the nation, aimed only at people acting against the country rather than at those merely criticising the government.²⁰ The Bill went before the Department-related Parliamentary Standing Committee on Home Affairs, which delivered Report No. 246 on 10 November 2023 and that report itself pointed out that the sedition provisions apparently being scrapped had simply reappeared in clause 150, toned down but covering the same ground under different language.²¹ Both Houses of Parliament passed the Bharatiya Nyaya (Second) Sanhita Bill, 2023, with a few minor revisions, in December 2023; it received presidential assent on 25 December 2023 as Act 45 of 2023, came into force on 1 July 2024, and clause 150 was renumbered Section 152.²²

IV. Section 152 of the Bharatiya Nyaya Sanhita: A Textual Audit

Section 152 provides: "Whoever, purposely or knowingly, by words, either spoken or written, or by signs, or by visible representation, or by electronic communication or by use of financial mean, or otherwise, excites or attempts to excite, secession or armed rebellion or subversive activities, or encourages feelings of separatist activities or endangers sovereignty or unity and integrity of India;

¹⁸ibid.

¹⁹The Bharatiya Nyaya Sanhita Bill 2023, Bill No 121 of 2023, cl 150, as introduced in the Lok Sabha on 11 August 2023.

²⁰India Today (n 2).

²¹ibid, recording that provisions of the sedition law proposed to be removed were 'retained in clause 150 in a mild form' addressing the same underlying conduct.

²²Bharatiya Nyaya Sanhita 2023 (Act 45 of 2023), received presidential assent on 25 December 2023 and commenced on 1 July 2024; clause 150 of the Bill was renumbered as s 152 of the Act.

or indulges in or commits any such act shall be punished with imprisonment for life or with imprisonment which may extend to seven years, and shall also be liable to fine."²³

A comparison of the constituent elements of the two provisions is set out in Table 1.

Element	Section 124A, IPC 1860	Section 152, BNS 2023
Mens rea	None express; read in judicially as tendency to incite violence or public disorder	Express: "purposely or knowingly"
Mode of commission	Words, signs, visible representation, or otherwise	Words, signs, visible representation, electronic communication, use of financial means, or otherwise
Object of the offence	The Government established by law in India	Sovereignty, unity and integrity of India; no reference to "Government"
Prohibited conduct	Bringing/attempting to bring into hatred or contempt; exciting/attempting to excite disaffection	Exciting/attempting to excite secession, armed rebellion or subversive activities; encouraging separatist feelings; endangering sovereignty, unity or integrity
Definitional clarity	"Disaffection" undefined; narrowed judicially in Kedar Nath Singh	"Subversive activities" and "separatist activities" undefined in the Sanhita
Punishment	Life imprisonment, or imprisonment up to three years, or fine alone	Life imprisonment, or imprisonment up to seven years; fine-only option removed

Several observations follow. The addition of "purposely or knowingly" is a genuine textual innovation: unlike Section 124A, which contained no express mental element and depended entirely on judicial construction for one, Section 152 states its mens rea on the face of the provision.²⁴ The mode of commission has been updated to include "electronic communication" and "use of financial mean", bringing online speech and the financing of secessionist or subversive propaganda within the section's reach, a modernisation absent from the nineteenth-century text.²⁵

²³Bharatiya Nyaya Sanhita 2023, s 152.

²⁴ibid; contrast Indian Penal Code 1860, s 124A, which contained no express mental element.

²⁵Bharatiya Nyaya Sanhita 2023, s 152.

The reference to "the Government established by law in India" has been deleted; the object of the offence is now the sovereignty, unity and integrity of India, not the government of the day.

Against these changes, the operative verbs of the offence, "excites or attempts to excite", are carried over from Section 124A almost verbatim, now directed at four objects, secession, armed rebellion, subversive activities and separatist activities, none of which is defined anywhere in the Bharatiya Nyaya Sanhita or the General Clauses Act, 1897.²⁶ The punishment has also been made more severe at its floor: Section 124A permitted a sentence of fine alone, or imprisonment extendable to three years, as an alternative to life imprisonment; Section 152 permits only life imprisonment or imprisonment extendable to seven years, removing the fine-only option and more than doubling the intermediate ceiling.²⁷

V. The Illusory Abolition Thesis: A Critical Assessment

A. The Vagueness of "Subversive Activities" and "Separatist Activities"

The constitutional vice that Kedar Nath Singh was compelled to cure by interpretation was the breadth of the phrase "disaffection towards the Government".²⁸ Section 152 replaces that phrase with "subversive activities" and "separatist activities", terms that carry no fixed legal meaning in Indian statutory law and remain undefined in the Sanhita.²⁹ The Supreme Court laid down its vagueness doctrine in *Shreya Singhal v Union of India*, the case that struck down Section 66A of the Information Technology Act, 2000. The principle it set out was this: a penal provision that restricts speech has to be applicable with some measure of objectivity and predictability, because a provision whose boundaries hinge on whatever the person enforcing it happens to think produces a chilling effect on speech otherwise protected under Article 19(1)(a).³⁰ "Subversive activities" is, if anything, just as open-ended as the language the Court struck down in *Shreya Singhal*, it leaves

²⁶General Clauses Act 1897; Bharatiya Nyaya Sanhita 2023, s 2, which contains no definition of 'subversive activities' or 'separatist activities'.

²⁷Compare Indian Penal Code 1860, s 124A with Bharatiya Nyaya Sanhita 2023, s 152.

²⁸Kedar Nath Singh (n 4).

²⁹Bharatiya Nyaya Sanhita 2023, ss 2 and 152.

³⁰Shreya Singhal (n 5)

a prosecuting authority free to treat ordinary political dissent, protest, or advocacy for constitutional change as an attempt to subvert the state, with nothing in the statute marking where lawful advocacy ends and the conduct actually meant to be punished begins.

The risk that undefined terms will be invoked against ordinary political expression is not merely theoretical under Section 152. Since the provision came into force on 1 July 2024, it has been applied against journalists and academics for statements on matters of public interest. In May 2025, the Haryana police arrested a professor at a private university under Section 152 following social media posts commenting on India's military operations, on the complaint of a political party's youth wing leader. The Supreme Court granted interim bail and subsequently restrained the trial court from taking cognisance of the chargesheet while the matter was under consideration.³¹ The episode illustrates the absence of any statutory threshold in Section 152 that would distinguish political commentary from the excitation of secession or armed rebellion; the provision left the registering authority free to characterise opinion on a matter of active public debate as an act endangering the sovereignty and unity of India.

B. The Government-to-Sovereignty Shift Does Not Narrow the Offence

The stated rationale for deleting the reference to "the Government established by law" was that criticism of the government, as distinct from the country, would no longer attract liability.³² This rationale assumes that "the country" and "the government" designate readily separable objects of speech. In practice, expression concerning the unity and integrity of India commonly takes the form of political speech about government policy in precisely the areas where separatist or secessionist sentiment is most often alleged, including the status of particular regions, demands for statehood, or protest against security deployment. Section 152's object is textually distinct from "Government", but the categories it captures, encouraging feelings of separatist activities or endangering unity and integrity, are broad enough to reach criticism of specific government

³¹'SC Blocks Chargesheet Action in Ali Khan Mahmudabad Case' Outlook India (New Delhi, 25 August 2025) <<https://www.outlookindia.com/national/supreme-court-restrains-trial-court-in-fir-against-ashoka-university-professor-ali-khan-mahmudabad>> accessed 2 September 2026; see also 'How Police Misused the Law to Arrest Ashoka University Professor' The India Forum (New Delhi, 21 May 2025) <<https://www.theindiaforum.in/law/how-police-misused-law-arrest-ashoka-university-professor>> accessed 2 September 2026.

³²India Today (n 2).

policies on these subjects, provided the prosecuting authority characterises that criticism as incitement to separatism rather than as comment on administration. A change in the named object of the offence is not accompanied by a corresponding change in its practical field of application.

C. The Kedar Nath Safeguard Is Not Codified

The Law Commission's 279th Report specifically recommended that the tendency-to-incite-violence standard from Kedar Nath Singh be incorporated into the statutory text, so that the safeguard would no longer depend on litigants invoking a sixty-year-old precedent in each case.³³ Parliament did not adopt this recommendation in drafting Section 152. The provision nowhere requires that the excitement or attempt to excite result in, or carry a tendency to result in, violence or public disorder; the offence is complete on proof of an attempt to excite secession, armed rebellion, subversive activities or separatist feelings, or on proof of conduct that "endangers" sovereignty or unity and integrity, a term that itself imports no threshold of imminence or likelihood. Courts remain free, as they were with Section 124A, to read a Kedar Nath-type limitation into Section 152. But the text, considered on its own terms, reproduces rather than forecloses the interpretive gap that made Section 124A vulnerable to misapplication for six decades.

D. Enhanced Punishment Undercuts the Narrative of Liberalisation

A provision genuinely intended to narrow the field of a colonial-era offence would ordinarily be expected to moderate, rather than increase, the available punishment. Section 152 does the opposite: the three-year alternative sentence and the option of a fine alone, both available under Section 124A, have been removed, and the intermediate term of imprisonment has been more than doubled to seven years.³⁴ An offence with a narrower target and a stronger constitutional pedigree would not typically require a harsher sentencing structure to remain effective. The enhancement is more consistent with an intention to strengthen the State's coercive capacity in this field than with an intention to protect a wider zone of permissible political speech.

³³Law Commission (n 7).

³⁴Compare Indian Penal Code 1860, s 124A with Bharatiya Nyaya Sanhita 2023, s 152.

E. The Standing Committee's Own Characterisation

The clearest evidence against the abolition thesis comes from the Parliamentary Standing Committee's own examination of the Bill rather than from academic critique. Report No. 246 recorded, after what it described as extensive discussion, that the provisions of the erstwhile sedition law nominally proposed for removal had been retained in clause 150 in a mild form, addressing the same object through different language.³⁵ A legislative committee's contemporaneous characterisation of a Bill it is examining carries weight in construing legislative intent, and here that characterisation directly contradicts the public description of Section 152 as the abolition of sedition.

VI. The Pending Constitutional Reckoning

The constitutional status of Section 152 remains formally unresolved. The petitions in *S.G. Vombatkere* continued to be listed before the Supreme Court after the 2022 abeyance order, and on 12 September 2023 a three-judge bench referred the challenge to Section 124A to a larger bench.³⁶ On 8 August 2025, a three-judge bench agreed to examine the constitutionality of Section 152 of the *Bharatiya Nyaya Sanhita* as part of the same batch of petitions, tagging the new provision to the pending *Vombatkere* challenge.³⁷ This is the first occasion on which the successor provision to Section 124A has been placed before the Court for constitutional scrutiny in its own right, rather than as an adjunct to the older provision. A subsequent order dated 21 May 2026 clarified that sedition proceedings under Section 124A could continue with the consent of the accused, while the abeyance for non-consenting accused, and the constitutional question concerning both Section 124A and Section 152, remained undisturbed.³⁸ Until that question is resolved, Section 152 operates under the same interpretive uncertainty that governed Section 124A between 1962 and 2022: enforceable on its text, but of unsettled constitutional validity.

³⁵Standing Committee Report No 246 (n 21).

³⁶*S.G. Vombatkere v Union of India*, Order of the Supreme Court of India, 12 September 2023 (referring the challenge to a larger bench).

³⁷*S.G. Vombatkere v Union of India*, Order of the Supreme Court of India, 8 August 2025 (tagging the constitutional challenge to s 152 of the *Bharatiya Nyaya Sanhita* 2023 to the pending petition).

³⁸'Sedition in abeyance, but not in limbo' Supreme Court Observer (Delhi, 21 May 2026).

Pending final resolution by the Supreme Court, lower courts have already been required to supply interpretive limits that the text of Section 152 does not itself contain. In December 2024, the Rajasthan High Court quashed an FIR registered under Section 152 against a Sikh preacher for social media posts expressing sympathy towards a detained member of Parliament associated with pro-Khalistani views, holding that Section 152 shared its roots with Section 124A of the IPC and must be interpreted so as not to cripple legitimate dissent.³⁹ The court read the express mens rea requirement, ‘purposely or knowingly’, as mandating evidence of a clear and immediate risk of armed rebellion or secession rather than mere dissent or criticism. The practical need for a High Court to impose that limit in order to quash an FIR that plainly fell outside the provision’s legitimate scope confirms that Section 152, like its predecessor, depends upon judicial intervention rather than statutory language to preserve the space for political speech.

VII. Towards a Defensible Provision: Reform Proposals

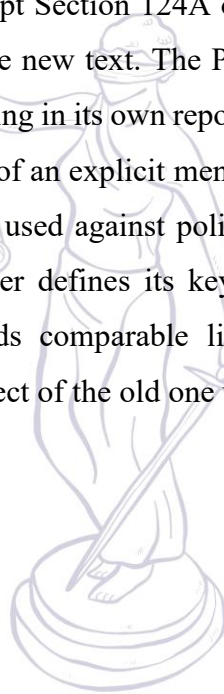
Three changes would bring Section 152 substantially closer to the standard the courts have applied to its predecessor. First, Parliament could supply a statutory definition of "subversive activities" and "separatist activities", confined to conduct involving or directly inciting violence, sabotage, or attempts to overthrow constitutional government by force, so that the terms cannot be applied to peaceful advocacy of political change. Second, the Kedar Nath tendency-to-incite-violence standard, which the Law Commission itself recommended incorporating into the text, could be added as an explicit proviso requiring proof that the excitement or attempt to excite carried a proximate tendency to cause violence or public disorder. Third, requiring prior sanction from a designated senior officer before prosecution, the kind of safeguard that already governs other offences against the State, would cut down on retaliatory or politically motivated FIRs, which was the main grievance against Section 124A in the first place. Neither change takes away a genuine

³⁹‘Sedition Law Is a Shield for National Security, Not a Sword Against Political Dissent: Rajasthan High Court’ LiveLaw (Jaipur, 22 December 2024) <<https://www.livelaw.in/high-court/rajasthan-high-court/rajasthan-high-court-quashes-fir-against-sikh-preacher-pro-khalistani-video-amritpal-singh-279162>> accessed 2 September 2026; see also Pranjali Bhargava, ‘Section 152 BNS: A Rebranded Sedition Law and Its Impact’ Lawful Legal (January 2025) <<https://lawfullegal.in/section-152-bns-a-rebranded-sedition-law-and-its-impact-through-a-detailed-case-study-of-tejender-pal-singh-v-state-of-rajasthan-2024through-a-detailed-case-study-of-tejender-pal-singh-v-state-of/>> accessed 2 September 2026.

tool against secession or armed rebellion; both simply keep that tool pointed at the conduct Parliament claims to be targeting.

VIII. Conclusion

Section 152 of the Bharatiya Nyaya Sanhita, 2023 is not the abolition of sedition it's been made out to be in public. The verb structure carried over from Section 124A is still there; the range of prohibited conduct has actually grown, now stretching to undefined categories like subversive and separatist activity; the option of a fine-only or short sentence is gone; and the tendency-to-incite-violence limitation the one thing that kept Section 124A on the constitutional side of the line in Kedar Nath Singh never made it into the new text. The Parliamentary Standing Committee that examined the Bill said much the same thing in its own report. What's actually changed is the name attached to the offence and the addition of an explicit mental element; what hasn't changed is the provision's structural exposure to being used against political speech that never comes close to inciting violence. Until Parliament either defines its key terms or the Supreme Court, in the pending Vombatkere proceedings, reads comparable limitations into Section 152, the new provision carries forward the central defect of the old one under a different name.



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