CURRENT AFFAIRS: 26.05.2026

SC's revival of Section 124A for consenting accused brings back a colonial law the country did not want

The Supreme Court's clarification allowing consenting accused to face Section 124A proceedings comes even as the constitutional validity of the sedition law remains under challenge before the top court

Updated – May 24, 2026 10:53 pm IST – NEW DELHI

The **Supreme Court of India,** in its May 2026 clarification in ***Kamran v. State of Madhya Pradesh,*** held that lower courts are permitted to proceed with trials and appeals under **Section 124A (Sedition) of the Indian Penal Code (IPC),** on the condition that the accused persons explicitly consent to the proceedings.

- The clarification has reignited discussions over the colonial-era sedition law, even as its constitutional validity remains under challenge before the Supreme Court.

Summary

- The Supreme Court's 2026 clarification allowing consensual sedition trials under Section 124A has revived debate over the colonial-era law, even though its constitutional validity remains pending before the Court.
- The issue raises concerns regarding free speech, misuse of state security laws, questionable consent of undertrials, and the need to balance national security with democratic dissent.

What is the Background of the Sedition Law?

- **A Colonial Relic:** Section 124A was drafted by **Thomas Babington Macaulay** in 1837 but was omitted when the **IPC was first enacted in 1860.**
  - In 1890, sedition was included as an offence under **section 124A IPC through the Special Act XVII to suppress the rising nationalist dissent. It carries harsh penalties, including life imprisonment.**
- **Use Against Freedom Fighters:** The law was extensively used as a weapon against prominent Indian independence leaders, most notably **Bal Gangadhar Tilak** (tried three times for his writings in *Kesari*) and **Mahatma Gandhi** (for his articles in *Young India* in 1922).
  - Gandhi famously described Section 124A as *"the prince among the political sections of the Indian Penal Code designed to suppress the liberty of the citizen."*
- **Judicial Pronouncements:**
  - **Romesh Thapar v. State of Madras (1950):** The Supreme Court held that mere criticism of the government or creation of disaffection against it cannot justify restrictions on free speech unless it threatens the security of the State or seeks to overthrow it.
    - Subsequently, the Punjab and Haryana High Court in Tara Singh Gopi Chand v. The State (1951), and the Allahabad High Court in Ram Nandan v. State of Uttar Pradesh (1959) **declared that Section 124A of the IPC was primarily a tool for colonial masters to quell discontent** in the country and declared the provision unconstitutional.

- ***Kedar Nath Singh v. State of Bihar (1962):*** The Supreme Court upheld the constitutional validity of Section 124A but severely restricted its application.
  - The Court ruled that mere strong criticism of the government is not sedition unless it is accompanied by an **incitement to violence or an intention to create public disorder**.
- ***Balwant Singh v. State of Punjab (1995):*** The Supreme Court held that the mere casual raising of anti-national slogans a few times by a couple of individuals, which did not lead to any public response or violence, does not amount to sedition.
- **The *S.G. Vombatkere* Freeze (2022):** In ***S.G. Vombatkere v. Union of India (2022)***, the Supreme Court placed Section 124A in complete abeyance.
  - The Court observed that the law was engineered for a **colonial regime and was entirely out of sync with the modern democratic social milieu.**
  - The Court directed that **no fresh First Information Reports (FIRs) were to be registered,** no investigations were to continue, and no coercive measures taken under Section 124A.
    - If a fresh case was erroneously registered, affected citizens were granted the liberty to directly approach the appropriate courts for immediate relief.
  - All pending trials, appeals, and proceedings across the country concerning sedition were to be kept strictly in abeyance.
  - The Court echoed the doctrine from *I.R. Coelho versus State of Tamil Nadu (2007)* that laws must be in step with the "march of time."

- **Transition:** With the repeal of the IPC, the sedition framework has transitioned into the **Bharatiya Nyaya Sanhita (BNS), 2023.**
  - **Removal of the Word "Sedition":** The term *sedition* (Rajdroh) has been consciously dropped from the new legal lexicon.
  - **Section 152 of BNS:** The BNS introduces a provision penalizing acts that endanger the "sovereignty, unity, and integrity of India."
  - **Shift in Focus:** While Section 124A of the IPC penalized disaffection towards the *Government*, Section 152 of the BNS shifts the focus to penalizing acts that threaten the *State* (India) itself specifically criminalizing secessionist activities, armed rebellion, or subversive activities, with punishment up to life imprisonment or seven years with fine.

States to get VB-G RAM G funding based on 16th Finance Commission formula, 'performance criteria'

Draft rules open for feedback till June 21; 16-member National Level Steering Committee for the new scheme must include five State representatives; rules also spell out provisions for the transition from MGNREGA

Why in News?

The Centre has released draft rules for the new **Viksit Bharat–Guarantee for Rozgar and Ajeevika Mission (VB-G RAM G) Act, 2025** which will replace the 20-year-old **Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA)** from July 2026.

- The draft rules propose a new allocation formula based on the **16th Finance Commission's devolution criteria** and introduce performance-based funding for States.

What are the Key Highlights of the Draft rules for the VB-G RAM G Act, 2025?

- **Shift to a "Normative Allocation" Funding Model:** The draft rules shift away from MGNREGA's open-ended, demand-driven funding model.
  - Central allocations will now act as a spending ceiling based on the objective horizontal devolution formula recommended by the **16th Finance Commission.**
  - **Prioritizing Poorer States:** The formula relies heavily on **GSDP Distance (42.5% weightage),** which measures how far a State's per capita income falls short of the wealthiest States, ensuring **poorer States get a larger share.** The next highest weightage is given to population (17.5%), benefiting larger States, while all of the other metrics carry a 10% weightage each in this formula.
- **Revised Cost-Sharing:** Unlike MGNREGA, where the Centre paid 100% of the wage bill, the new framework implements a **60:40** cost-sharing ratio between the Centre and most States (90:10 for northeastern and Himalayan States).
  - Any expenditure beyond the normative allocation must be borne entirely by the State.
- **Performance-Linked Funding:** From the second year of implementation, a portion of the Central allocation will be contingent on State-level **performance criteria**.
  - These metrics include the timely payment of wages, strict compliance with social audit requirements, and the percentage of completed public works.
- **Governance and Administrative Mechanisms**:
  - **National Level Steering Committee:** A 16-member committee headed by the Union Rural Development Secretary. Its mandate is to recommend decisions relating to normative allocations to States, set standards, and monitor guidelines.
    - **Composition:** It will include at least five representatives from State governments (nominated by the Centre), along with representatives from NITI Aayog and other Union Ministries.
  - **Central Gramin Rozgar Guarantee (GRG) Council:** Headed by the Union Minister for Rural Development, this body is intended to advise the Centre on the overall implementation of the new law.
- **Temporary Validity of Job Cards:** Existing e-KYC-verified MGNREGA job cards will remain valid during the transition phase until new Gramin Rozgar Guarantee Cards are issued to workers.

VB-G RAM G Act, 2025

- **Enhanced Employment Guarantee:** The Act increases the guaranteed rural wage employment from **100 days to 125 days annually for every rural household** willing to undertake unskilled manual work. It also mandates timely wage payments within 15 days of completion of work.
- **60-Day Agricultural Pause:** State governments can notify a combined 60-day no-work period during peak sowing and harvesting seasons to prevent agricultural labour shortages while ensuring workers still receive 125 days of employment during the remaining part of the year.
- **Viksit Bharat National Rural Infrastructure Stack:** The scheme links employment generation with durable rural infrastructure creation, including water conservation, rural connectivity, livelihood infrastructure, and climate resilience projects.
- **Decentralised and Spatial Planning:** The Act mandates preparation of Viksit **Gram Panchayat Plans** using spatial technologies such as the Yuktdhara portal and integration with national planning platforms like PM Gati Shakti.