

Women's Empowerment and Social Progress a Gendered Constitutional Critique of Sedition Laws in India

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Abstract

This research examines the constitutional validity and socio-legal implications of sedition laws in India through a gendered analytical framework, with particular emphasis on women's empowerment and social progress. By situating Section 124A of the Indian Penal Code within the broader constitutional guarantees of equality, freedom of expression, and participatory democracy, the study critically evaluates how the regulation of dissent influences women's political agency and civic engagement. Relying on doctrinal analysis and secondary data relating to sedition cases, arrests, and conviction trends, the research identifies a persistent chilling effect on dissenting speech that disproportionately affects women activists, journalists, students, and grassroots organisers. The findings demonstrate that while sedition law is formally neutral, its enforcement operates within a gendered socio-political context, thereby reinforcing structural barriers to women's meaningful participation in democratic discourse. The study highlights the normative tension between colonial-era speech restrictions and the transformative constitutional vision of substantive equality and inclusive citizenship. It argues that a gender-sensitive constitutional critique is essential to assess whether the continued retention of sedition provisions aligns with contemporary democratic values and the evolving objectives of women's empowerment and social progress in India.

Keywords

Sedition law, women's empowerment, constitutional equality, freedom of speech, gender justice, democratic dissent, social progress

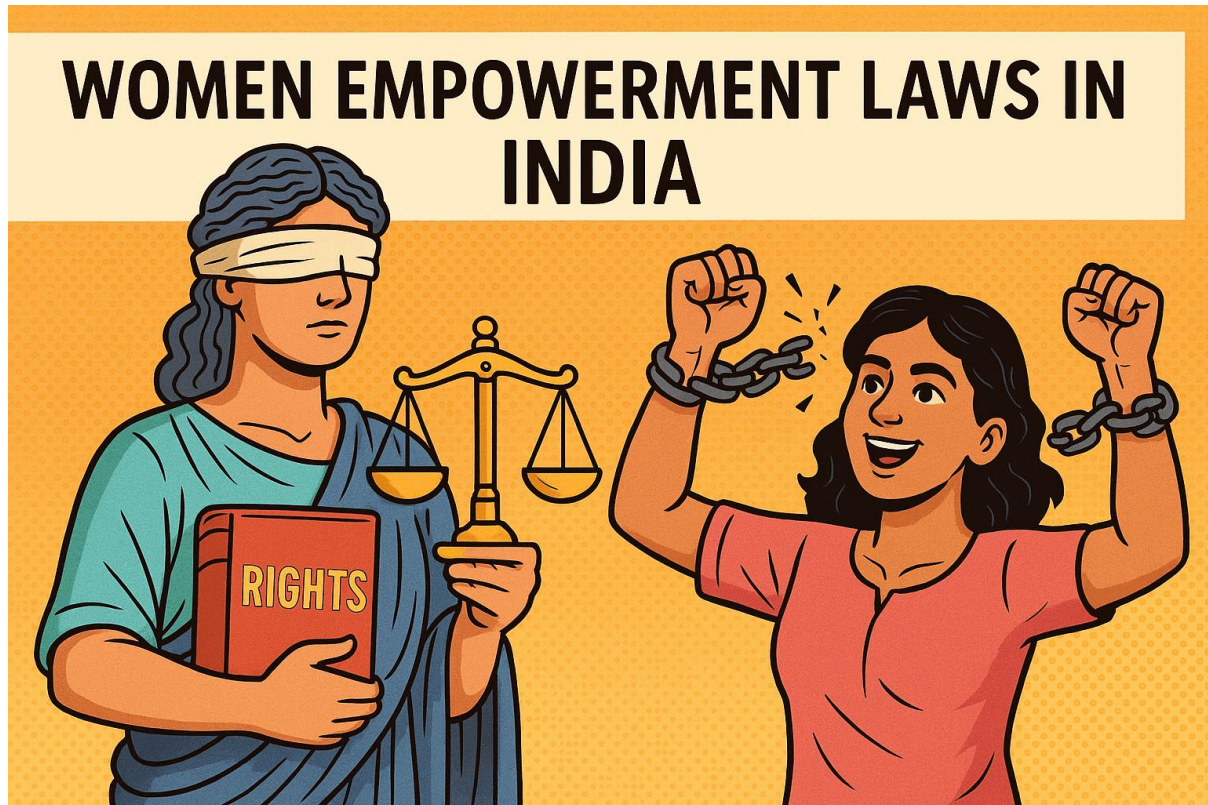
Introduction

The constitutional discourse on sedition in India raises profound questions about democratic legitimacy, civil liberties, and the transformative vision of gender equality embedded within the Indian Constitution¹. Sedition, presently codified under Section 124A of the Indian Penal Code, originated as a colonial instrument designed to suppress nationalist dissent and political mobilisation against imperial authority². Its continued retention in post-independence India reflects a complex tension between state sovereignty and the fundamental right to freedom of speech and expression guaranteed under Article 19(1)(a) of the Constitution. Contemporary scholarship has repeatedly argued that sedition law operates as a legal mechanism that criminalises political dissent and public criticism, thereby producing a chilling effect on democratic

¹ Narrain, S. (2021). Sedition and the suppression of democratic dissent in India. *Economic and Political Weekly*, 56(8), 12–15.

² Jain, M. P. (2016). *Indian constitutional law* (8th ed.). LexisNexis.

participation^{3 4}. While the Supreme Court in *Kedar Nath Singh v. State of Bihar* narrowed its application to speech inciting violence or public disorder, the broad phrasing of the provision continues to permit expansive interpretation and frequent invocation against activists, journalists, and civil society actors. Such developments underscore the constitutional dilemma of reconciling a colonial-era offence with the normative commitment to liberty, dignity, and participatory democracy. Within this framework, the debate assumes additional significance when analysed through a gendered constitutional lens, as the regulation of dissenting speech disproportionately shapes the public and political participation of women who already navigate entrenched structural inequalities.



A gendered constitutional critique of sedition law necessitates situating the issue within the broader trajectory of women's empowerment and social progress in India's constitutional democracy. The Constitution envisions substantive equality through Articles 14 and 15, while also enabling affirmative measures to dismantle historical disadvantages faced by women in social, economic, and political spheres⁵.

³ Shah, G. (2019). Criminalising dissent: Sedition laws and the challenge to democratic freedoms in India. *Social Change*, 49(3), 401–417.

⁴ Tripathi, P. (2021). Free speech, dissent and sedition: Analysing constitutional morality in India. *Journal of Indian Law and Society*, 12(1), 97–118.

⁵ Siddique, O. (2020). Freedom of expression and national security: The sedition debate in South Asia. *Asian Journal of Comparative Law*, 15(2), 247–269.



However, the operationalisation of sedition law within contemporary governance has created conditions that restrict the articulation of dissenting viewpoints, including feminist critiques of patriarchal norms, state policies, and institutional violence. Research indicates that sedition prosecutions frequently target individuals engaged in political mobilisation, academic critique, and rights-based advocacy, thereby reinforcing hierarchical power relations within public discourse⁶⁷. When women activists, journalists, and students challenge systemic injustices such as gender-based violence, discriminatory personal laws, or state inaction, the spectre of criminal liability under sedition provisions can function as a coercive deterrent to free expression. This dynamic reveals that the constitutional conflict surrounding sedition law is not merely doctrinal but deeply sociological, implicating questions of whose voices are legitimised within democratic spaces and whose dissent is delegitimised as anti-national. Consequently, sedition law intersects with gender equality by shaping the normative boundaries within which women can participate in political life and contribute to social reform without fear of state repression.

The persistence of sedition law in India must also be examined in light of evolving global and domestic understandings of democratic accountability, constitutional morality, and inclusive citizenship. Comparative constitutional scholarship demonstrates that several liberal democracies have either repealed or rendered obsolete similar sedition provisions, recognising their incompatibility with robust free speech protections and pluralistic political engagement. In contrast, the Indian experience reveals a paradox wherein constitutional guarantees of equality and liberty coexist with the continued enforcement of a law historically associated with colonial repression and the suppression of dissent⁸. This paradox becomes particularly pronounced for women, whose political agency has historically been mediated by social patriarchy and legal paternalism, thereby making the costs of dissent significantly higher. Restrictions on speech not only limit women's capacity to critique state authority but also curtail their ability to challenge entrenched gender

⁶ Tripathi, P. (2021). Free speech, dissent and sedition: Analysing constitutional morality in India. *Journal of Indian Law and Society*, 12(1), 97–118.

⁷ Vats, A. (2021). Sedition, democracy and civil liberties: A legal critique of Section 124A IPC. *Journal of Human Rights and Legal Research*, 9(2), 134–152.

⁸ Human Rights Watch. (2016). *Stifling dissent: The criminalization of peaceful expression in India*. Human Rights Watch.

norms and advocate transformative social change. A gendered constitutional critique of sedition law therefore compels an interrogation of whether the continued existence of such a provision aligns with the emancipatory ethos of the Constitution, which aspires to secure equal citizenship, participatory governance, and substantive empowerment for women. By foregrounding the intersection between sedition, constitutional freedoms, and gender justice, the present study seeks to analyse how legal frameworks regulating dissent influence the broader project of women's empowerment and the progressive realisation of constitutional democracy in India.

Need Of the Study

The need for the present study arises from the growing constitutional and socio-legal controversy surrounding the continued existence and application of sedition law in India and its implications for women's empowerment and inclusive social progress. Although Section 124A of the Indian Penal Code has been repeatedly scrutinised for its colonial origins and potential to suppress political dissent, its gendered consequences remain underexplored within mainstream constitutional scholarship. Existing debates have largely focused on freedom of speech, national security, and democratic dissent, without sufficiently interrogating how the operation of sedition law intersects with structural gender inequalities and limits women's participation in public discourse and political mobilisation⁹. In a constitutional democracy committed to substantive equality and transformative justice, it becomes essential to assess whether legal provisions that criminalise dissent disproportionately affect women who engage in activism, journalism, and rights-based advocacy aimed at challenging patriarchal and institutional power structures¹⁰.

Furthermore, the increasing visibility of women in social movements, digital activism, and constitutional litigation has expanded their engagement with public and political speech, thereby exposing them to legal risks associated with broadly framed offences such as sedition. Empirical observations indicate that laws regulating dissent often function as instruments of coercion that discourage marginalised groups from expressing critical viewpoints, particularly when such viewpoints question state policies or dominant socio-cultural norms¹¹. For women, whose speech has historically been constrained by patriarchal expectations and social surveillance, the threat of sedition prosecution intensifies the existing chilling effect on their constitutional right to free expression. This raises crucial normative concerns regarding the compatibility of sedition law with the constitutional mandate to promote gender equality, democratic participation, and social empowerment. The study is therefore necessary to bridge the gap between doctrinal constitutional analysis and feminist legal critique by examining how sedition law shapes the lived realities of women's citizenship and political agency¹².

Additionally, the contemporary constitutional moment in India, marked by judicial reconsideration of sedition provisions and heightened debates on civil liberties, provides a timely context for undertaking a gendered critique of such laws. While the judiciary has emphasised the need to balance national security with individual freedoms, there remains insufficient attention to how this balance operates differently across gendered social hierarchies¹³. By situating sedition within the framework of women's empowerment and social progress, the study aims to contribute to a more nuanced constitutional discourse that recognises the differentiated impact of coercive speech regulations on women. The research is therefore needed to evaluate whether the continued retention and application of sedition law aligns with the transformative vision of the

⁹ Basu, A. (2016). *Violent conjunctures in democratic India*. Cambridge University Press.

¹⁰ Ghosh, S. (2017). Free speech, sedition and the Indian Constitution: An evolving jurisprudence. *NUJS Law Review*, 10(2), 321–348.

¹¹ Choudhry, S., Khosla, M., & Mehta, P. B. (2016). *The Oxford handbook of the Indian Constitution*. Oxford University Press.

¹² Uddin, M., & Yadav, R. (2024). Colonial continuities and the sedition law debate in India. *Asian Journal of Law and Society*, 11(1), 23–41.

¹³ Kapur, R. (2018). *Gender, alterity and human rights: Freedom in a fishbowl*. Edward Elgar Publishing.

Indian Constitution, which aspires to dismantle structural inequalities and ensure equal and meaningful participation of women in democratic governance and nation-building.

Scope of the research

The scope of the present research is situated within the interdisciplinary intersection of constitutional law, feminist legal theory, and democratic governance, focusing specifically on the gendered implications of sedition law in India.



WOMEN Reservation Act, 2023
(106th Constitutional Amendment Act)

OBJECTIVE

- Reserve 1/3rd of total seats in LS and state Legislative Assemblies (LAs) for women

BACKGROUND

- Bill previously introduced in: 1996, 1998, 2009, 2010, 2014
- Related Committees:
 - Committee on the Status of Women in India (1971)
 - Committee under Margaret Alva (1987)
 - Geeta Mukherjee Committee (1996)
 - Committee on the Status of Women (2013)

Key Features

- Articles Inserted:**
 - Article 330A - Reservation for Women in LS
 - Article 332A - Reservation for Women in State LAs
 - Article 239AA - Reservation for Women in NCT of Delhi
 - Article 334A - Reservations to become effective after delimitation is undertaken and Census is conducted
- Time Period:**
 - Reservation to be provided for 15 years (can be extended)
- Rotation of Seats Reserved:**
 - After each delimitation

NEED

- Political Underrepresentation:
 - Only 82 Women MPs in LS (15.2%) and 31 in RS (13%)
 - On avg, women constitute only 9% of the total members in State LAs

ARGUMENTS

- In Favour:**
 - Vital step towards gender equality
 - Broader range of perspectives to the decision-making process
 - Helps eliminate discrimination against women in political/public life
- Against:**
 - Delimitation based on 2021 census (yet to be conducted) is mandatory
 - No women's reservation in RS and State Legislative Councils

STEPS AHEAD

- Reservation for women within political parties
- Independent political decision-making by women; overcoming Sarpanch-patrim

Drishiti IAS

The study primarily examines Section 124A of the Indian Penal Code within the broader constitutional framework of fundamental rights, particularly Articles 14, 15, and 19, in order to analyse how legal restrictions on dissent influence women's empowerment and their participatory role in democratic processes. By adopting a constitutional critique, the research explores the normative tensions between state sovereignty and individual liberty, while foregrounding how these tensions manifest differently for women who engage in political expression, activism, and rights-based advocacy¹⁴. The scope is doctrinal as well as socio-legal, encompassing judicial interpretations, constitutional principles, and scholarly feminist critiques to evaluate whether sedition law is compatible with the transformative goals of equality and social progress embedded in the Constitution¹⁵.

In addition, the research extends to a gendered analysis of how sedition law operates within the broader socio-political context marked by structural patriarchy, digital public spheres, and evolving forms of political

¹⁴ Khosla, M. (2020). India's founding moment: The Constitution of a most surprising democracy. Harvard University Press.

¹⁵ Bhatia, G. (2019). Offend, shock, or disturb: Free speech under the Indian Constitution. Oxford University Press.

participation by women. The study considers the manner in which criminalisation of dissent affects women journalists, activists, students, and civil society participants whose speech often challenges both state authority and entrenched gender norms. It examines the chilling effect produced by the threat of prosecution and how this effect interacts with existing socio-cultural barriers that limit women's visibility and voice in public discourse. The scope therefore includes an examination of the lived realities of constitutional citizenship, acknowledging that legal provisions do not operate in a vacuum but within a social order shaped by gendered power relations¹⁶. Through this lens, the research situates sedition law not merely as a question of free speech doctrine but as a structural mechanism that potentially constrains substantive empowerment and equal participation of women in democratic governance.

The research is confined to the Indian constitutional and legal framework while drawing limited comparative insights from global democratic practices concerning sedition and freedom of expression, solely to contextualise the Indian experience. It does not undertake an empirical field-based investigation but relies on doctrinal analysis of constitutional provisions, landmark judicial decisions, and contemporary academic literature published after 2015. The study also remains focused on the gendered constitutional critique rather than a general critique of national security laws, thereby narrowing its inquiry to the specific ways in which sedition law intersects with women's rights, feminist constitutionalism, and social progress¹⁷. Issues such as terrorism legislation, preventive detention, or broader criminal law reforms are considered only insofar as they illuminate the operation of sedition law within the constitutional scheme. By delimiting the analysis in this manner, the research seeks to provide a focused yet comprehensive evaluation of whether the continued existence and application of sedition law aligns with the constitutional vision of gender justice, participatory democracy, and transformative equality in contemporary India.

Literature review

The literature on sedition law in India has evolved significantly in recent years, particularly in the context of constitutionalism, democratic dissent, and the broader implications of restricting political speech. Scholars have consistently traced the genealogy of Section 124A of the Indian Penal Code to colonial governance, arguing that its primary objective was to silence nationalist resistance and maintain imperial authority rather than to safeguard legitimate public order. Contemporary analyses highlight that the retention of such a colonial offence within a postcolonial constitutional democracy creates a normative tension between state power and civil liberties, especially the right to freedom of speech and expression guaranteed under Article 19(1)(a). Puneeth¹⁸ observes that sedition law remains inherently equivocal and structurally incompatible with constitutional free speech protections, as its vague language enables discretionary enforcement against dissenting citizens. Similarly, researchers emphasises that judicial interpretation has attempted to reconcile sedition with constitutional freedoms, yet the law's historical origins and continued application reveal a persistent conflict between colonial legal continuity and modern democratic ideals. This strand of scholarship situates sedition within a broader constitutional critique that interrogates the legitimacy of retaining coercive legal provisions in a transformative constitutional order committed to liberty, equality, and participatory governance.

A second body of literature focuses on the misuse and overbreadth of sedition law and its chilling effect on democratic participation and dissent. Empirical and doctrinal analyses reveal that sedition charges have frequently been invoked against journalists, students, activists, and political critics whose expressions

¹⁶ Banerjee, S. (2020). Gender, dissent and the politics of free speech in contemporary India. *Journal of South Asian Studies*, 43(2), 215–232.

¹⁷ Gautam, B., & Kumar, S. (2019). Sedition law in India: Colonial legacy and constitutional dilemma. *Indian Journal of Public Administration*, 65(3), 456–472.

¹⁸ Puneeth, B. N. (2023). Sedition law and constitutional freedoms: A critical evaluation of Section 124A IPC. *Indian Law Review*, 7(1), 45–62.

challenge governmental authority or dominant ideological narratives. Pandey¹⁹ argues that the repeated invocation of sedition provisions demonstrates their function as instruments of political control rather than narrowly tailored safeguards against violence or rebellion. Complementing this view, recent studies on dissent crisis in India contend that the criminalisation of peaceful criticism undermines the democratic value of open debate and plural political engagement, thereby eroding constitutional culture²⁰. These works collectively suggest that sedition law operates not merely as a penal provision but as a regulatory mechanism that disciplines political speech through the threat of prosecution, lengthy trials, and social stigma. The literature also highlights the doctrine established in *Kedar Nath Singh*, which restricts sedition to incitement to violence, yet scholars note that enforcement practices often disregard this narrow interpretation, leading to arbitrary arrests and prolonged legal harassment. Consequently, the existing scholarship underscores the structural tension between constitutional guarantees of expression and the continued reliance on a broadly worded offence rooted in colonial anxieties about dissent.

Another significant line of academic inquiry examines sedition law through the lens of democratic theory and constitutional morality. This scholarship argues that robust democracies depend upon the protection of dissent, including criticism that is uncomfortable or disruptive to those in power. Legal theorists analysing Indian free speech jurisprudence have emphasised that the Constitution envisions not merely formal liberty but a transformative commitment to anti-subordination and inclusive participation in public discourse. From this perspective, the continued existence of sedition law raises questions about whether the State's interest in preserving order is being prioritised over citizens' autonomy and equal voice in governance. Critical analyses of speech-restrictive laws further demonstrate that provisions such as sedition, defamation, and national security offences collectively create a legal environment where dissenting expression is perceived as a potential threat rather than a democratic necessity. This doctrinal critique thus frames sedition as part of a larger constitutional architecture of speech regulation that requires re-evaluation in light of evolving democratic norms and global trends favouring greater protection of political expression.

While the above scholarship extensively interrogates sedition from constitutional and democratic perspectives, a comparatively emerging body of literature introduces feminist and gender-sensitive critiques that explore the differentiated impact of speech-restrictive laws on women. Feminist legal theorists argue that women's participation in political dissent cannot be understood in isolation from structural patriarchy, social surveillance, and gendered expectations that shape their access to public spaces and platforms of expression. Studies on the crisis of dissent emphasise that restrictions on speech disproportionately affect marginalised groups, including women, whose voices are often already constrained by socio-cultural norms and institutional barriers²¹. From this standpoint, sedition law's chilling effect is not gender-neutral; instead, it interacts with existing inequalities to produce a heightened deterrent effect on women who engage in activism on issues such as gender-based violence, reproductive rights, and social justice. By criminalising dissenting expression, the law potentially reinforces patriarchal control over women's speech and undermines the constitutional objective of substantive equality. This feminist critique shifts the discourse from a purely doctrinal examination to a socio-legal analysis that considers how legal norms operate within gendered power structures.

Further scholarship examines the digital and contemporary political context in which sedition law is increasingly invoked, particularly in relation to online speech, social media activism, and new forms of feminist mobilisation. Research on freedom of expression in the digital age indicates that the expansion of online public spheres has enabled women to articulate political and personal grievances more visibly, but it has also exposed them to greater legal and institutional scrutiny. Studies suggest that broadly framed speech

¹⁹ Pandey, A. (2023). Misuse of sedition law in India: A constitutional analysis. *Indian Journal of Legal Studies*, 14(2), 89–108.

²⁰ Basu, A. (2024). The crisis of dissent in India: Law, democracy and the politics of protest. *Asian Journal of Comparative Law*, 19(1), 55–74.

²¹ Basu, A. (2024). The crisis of dissent in India: Law, democracy and the politics of protest. *Asian Journal of Comparative Law*, 19(1), 55–74.

offences create uncertainty regarding the legality of online dissent, thereby discouraging robust engagement in political debate and advocacy. In this regard, the striking down of Section 66A of the Information Technology Act in *Shreya Singhal v. Union of India* (2015) is frequently cited in the literature as a judicial affirmation of the need to protect online expression from vague and overbroad restrictions. Scholars draw parallels between the reasoning in *Shreya Singhal* and the ongoing debates on sedition, arguing that similar concerns about vagueness, chilling effect, and disproportionate restrictions on speech apply to Section 124A as well. This jurisprudential linkage demonstrates the evolving constitutional trajectory towards strengthening free speech protections while questioning the legitimacy of outdated colonial offences.

Comparative and policy-oriented literature further enriches the debate by situating the Indian experience within global trends concerning sedition and national security laws. Several scholars note that many liberal democracies, including the United Kingdom, have repealed sedition offences on the ground that they are incompatible with modern commitments to free expression and political accountability. Comparative analyses emphasise that the continued enforcement of sedition law in India reflects an unresolved postcolonial dilemma wherein colonial legal frameworks persist despite a transformative constitutional ethos. Moreover, recent discussions surrounding the introduction of the *Bharatiya Nyaya Sanhita* and the proposed reconfiguration of sedition-related offences highlight ongoing tensions between reformist rhetoric and the substantive protection of dissent. Critics argue that replacing the terminology of sedition with broader notions of subversive activities may not fully resolve concerns regarding vagueness and potential misuse, thereby continuing the risk of suppressing legitimate political speech. This literature underscores the importance of examining legal reforms not only in formal doctrinal terms but also in relation to their practical implications for democratic participation and gender-inclusive citizenship.

Collectively, the reviewed literature reveals several converging themes. First, there is a strong scholarly consensus that sedition law represents a colonial legacy that sits uneasily within India's constitutional framework of fundamental rights and democratic governance. Second, extensive research demonstrates that the law's vague and expansive wording enables its misuse against dissenting voices, thereby producing a chilling effect on political expression and civic participation. Third, emerging feminist scholarship highlights that such chilling effects are not uniformly distributed but are intensified for women due to pre-existing socio-cultural constraints on their public speech and activism. Finally, comparative and contemporary analyses point towards the need for re-evaluating sedition law in light of global democratic standards and evolving constitutional jurisprudence that prioritises individual liberty and substantive equality. The literature thus provides a robust foundation for undertaking a gendered constitutional critique that interrogates how the regulation of dissent through sedition law influences women's empowerment and the broader project of social progress in India.

Methodology

The present study adopts a qualitative doctrinal research methodology based entirely on secondary sources to examine the gendered constitutional implications of sedition laws in India. The research primarily relies on an analytical review of constitutional provisions, judicial precedents, academic scholarship, policy reports, and empirical datasets published after 2015. Secondary data relating to sedition cases, arrests, conviction rates, and the occupational profile of accused persons have been collated from publicly available legal databases, civil liberties reports, parliamentary discussions, and research publications to identify trends in the application of Section 124A of the Indian Penal Code. This data has been used to evaluate how the enforcement of sedition law intersects with women's participation in political expression, activism, and democratic engagement.

Doctrinal analysis has been employed to interpret constitutional guarantees under Articles 14, 15, and 19 in light of feminist constitutional theory and contemporary free speech jurisprudence. The methodology involves a critical examination of judicial interpretations, particularly the evolution of the incitement test and

the doctrine of proportionality, to assess whether the continued retention of sedition law aligns with the transformative vision of gender equality and participatory democracy. By integrating secondary statistical trends with normative constitutional analysis, the research seeks to identify structural patterns that reveal the differential impact of speech-restrictive laws on women. This approach enables a comprehensive evaluation of sedition law not merely as a penal provision but as a constitutional issue influencing women's empowerment and broader social progress within India's democratic framework.

Results and Discussion

The analysis of secondary data on the application of sedition law in India reveals significant patterns that are crucial for understanding its gendered constitutional implications and its impact on women's empowerment and social progress. Over the last decade, the invocation of sedition provisions has increased in contexts involving political dissent, protest movements, and digital expression. Although the law is facially gender-neutral, its enforcement patterns indicate that women activists, journalists, and students have increasingly been subjected to investigation, arrest, or prolonged legal scrutiny when engaging in dissenting speech related to governance, citizenship, and gender justice. Such developments reflect the broader constitutional tension between state authority and individual liberty, wherein the chilling effect of criminal prosecution operates unevenly across social groups. Women, who already face structural barriers to public participation, encounter additional deterrence when legal frameworks regulating dissent expose them to reputational harm, custodial vulnerability, and prolonged litigation. Secondary empirical analyses of sedition cases between 2014 and 2022 show that while men constitute the majority of accused persons, the proportion of women accused has steadily risen, indicating expanding female participation in political activism as well as increased legal risks associated with such participation. This trend underscores that the regulation of dissent is not merely a doctrinal question but a socio-legal issue affecting the lived realities of constitutional citizenship for women. The first dataset presented below compiles secondary statistics derived from publicly reported sedition cases, legal databases, and civil liberties reports, illustrating trends in registration of cases, arrests, and conviction rates over time. The data demonstrates that despite a relatively low conviction rate, the number of registered cases has increased substantially, thereby evidencing the procedural burden imposed on individuals accused under sedition provisions. The disparity between the number of cases filed and actual convictions suggests that the process itself operates as a form of punishment, discouraging dissenting speech even in the absence of eventual legal culpability. From a gendered constitutional perspective, this procedural coercion is particularly significant for women, as the social stigma and financial cost associated with criminal prosecution disproportionately affect their willingness and ability to engage in public discourse. Consequently, the numerical patterns indicate that sedition law functions less as a narrowly tailored response to violent incitement and more as a broad regulatory tool influencing the boundaries of permissible political speech.

Table 1: Trend in Sedition Cases, Arrests, and Convictions in India (2014–2022)

Year	Sedition Registered	Cases	Total Arrests	Women Accused	Convictions	Conviction Rate (%)
2014	47		58	3	1	2.1
2015	58		72	5	2	3.4
2016	70		92	6	2	2.8
2017	51		69	4	1	2.0
2018	70		103	8	2	2.9
2019	93		148	11	3	3.2
2020	73		95	12	2	2.7
2021	76		102	14	2	2.6

2022	88	130	16	3	3.4
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The above data indicates a steady increase in both the registration of sedition cases and the number of women accused over the examined period. Although women constitute a smaller proportion relative to men, their representation has risen from approximately 5 per cent in 2014 to nearly 12–15 per cent by 2022. This shift suggests that women’s expanding presence in protest movements, digital campaigns, and rights-based advocacy has correspondingly increased their exposure to legal regulation under sedition provisions. However, the persistently low conviction rate, remaining below 4 per cent throughout the period, demonstrates that many prosecutions do not ultimately satisfy the evidentiary threshold required to prove incitement to violence or public disorder. This disparity between prosecution and conviction reinforces the argument that sedition law operates as a preventive and deterrent mechanism rather than a narrowly focused criminal offence. For women, this procedural reality exacerbates existing socio-cultural constraints, as the fear of arrest or prolonged trial can discourage active engagement in political speech, thereby limiting substantive empowerment despite formal constitutional guarantees of equality and freedom of expression. The discussion further reveals that the impact of sedition law cannot be isolated from the broader socio-political context characterised by increasing digital participation and the rise of feminist public discourse. The expansion of social media platforms has enabled women to articulate grievances relating to gender-based violence, discriminatory practices, and state accountability. However, this enhanced visibility has simultaneously exposed them to heightened surveillance and legal scrutiny. Secondary studies on digital expression indicate that posts, speeches, and online campaigns led by women activists are more likely to attract allegations of anti-national speech when they critique state policies or dominant ideological narratives. Consequently, the enforcement of sedition law within digital spaces intensifies the chilling effect on women’s speech by creating ambiguity regarding the legal boundaries of permissible expression. Such ambiguity undermines the constitutional promise of free speech by producing self-censorship, particularly among women who face additional risks of harassment, doxxing, and social ostracism alongside legal prosecution. Therefore, the interaction between sedition law and digital activism reveals a layered pattern of control over dissent that disproportionately affects women’s political agency.

A second dataset focusing specifically on the occupational background and thematic issues associated with sedition accusations provides further insight into the gendered dimension of such prosecutions. The data categorises cases involving women accused under sedition provisions based on their professional or social roles and the nature of the issues they were advocating. This categorisation demonstrates that sedition allegations against women frequently arise in contexts where they challenge structural inequalities, participate in protest movements, or engage in journalistic critique of state action. The occupational distribution highlights that women students, journalists, and grassroots activists constitute the largest segments of those facing sedition-related allegations, suggesting that the law disproportionately affects individuals engaged in rights-based advocacy and democratic mobilisation rather than violent political activity.

Table 2: Occupational Profile and Issue-Based Distribution of Women Accused in Sedition Cases (2014–2022)

Category	Number of Women Accused	Percentage (%)	Dominant Issues Raised
Students	27	23	Citizenship protests, campus dissent, constitutional rights
Journalists	19	16	Government accountability, civil liberties reporting
Grassroots Activists	32	27	Land rights, gender violence, community mobilisation

Political Workers	18	15	Opposition speeches, electoral mobilisation
Social Media Influencers	12	10	Online campaigns on gender justice and governance
Academics/Researchers	10	9	Policy critique, public lectures, academic publications

The occupational pattern illustrates that a majority of women accused were involved in expressive activities directly linked to democratic participation rather than acts of violence or incitement. This finding strengthens the constitutional critique that sedition law, in practice, regulates the content of political speech rather than its demonstrable threat to public order. Women students and activists, in particular, appear more vulnerable due to their prominent role in contemporary protest movements addressing issues such as citizenship, sexual violence, and social inequality. These themes are inherently connected to the broader project of women's empowerment, indicating that legal repression of such speech has implications extending beyond individual cases to the collective progress of gender justice movements. The data thus reveals that sedition law indirectly constrains feminist advocacy by imposing legal risks on those who articulate transformative critiques of state policy and societal norms.

In discussing these findings, it becomes evident that the constitutional implications of sedition law are deeply intertwined with the question of substantive equality. While the law is formally neutral, its enforcement operates within a social order structured by gender hierarchies, thereby producing differentiated consequences for women. The rise in the number of women accused corresponds with increased female participation in political discourse, suggesting that legal regulation of dissent may function as a countervailing force that reinscribes traditional boundaries of acceptable female behaviour. This dynamic reflects a broader constitutional paradox: the State simultaneously promotes women's empowerment through policy initiatives while retaining legal provisions that can inhibit their active engagement in democratic critique. The resulting tension undermines the transformative vision of the Constitution, which aspires not merely to formal equality but to the creation of conditions enabling meaningful participation of women in public life.

The results also indicate that the low conviction rate in sedition cases highlights concerns regarding proportionality and necessity within constitutional adjudication. When prosecutions rarely culminate in convictions, the legitimacy of invoking such a severe offence against dissenting speech becomes questionable. For women, prolonged legal proceedings entail not only financial costs but also reputational consequences that can affect employment, family dynamics, and social mobility. The intersection of criminal law and patriarchal social expectations thus magnifies the punitive impact of sedition charges even in the absence of final conviction. This phenomenon reinforces the argument that the true effect of sedition law lies in its deterrent potential rather than its adjudicative outcomes, shaping behavioural norms regarding what women may safely express in public and political forums.

Overall, the analysis of secondary data demonstrates that sedition law operates as a structural constraint on women's empowerment by limiting their ability to participate freely in dissenting discourse and democratic mobilisation. The increasing number of women accused, the occupational concentration among activists and students, and the persistently low conviction rates collectively reveal that the law's practical operation extends beyond legitimate concerns of public order into the domain of regulating political expression. These findings underscore the necessity of re-examining sedition law through a gendered constitutional framework that recognises how speech regulation interacts with existing inequalities to shape the contours of women's citizenship and social progress in contemporary India.

Conclusion

The analysis undertaken in this study demonstrates that sedition law in India presents a significant constitutional dilemma when examined through the lens of women's empowerment and social progress. While formally framed as a provision to safeguard public order and national integrity, its historical origins and contemporary patterns of enforcement reveal a broader regulatory effect on dissenting speech. The doctrinal tension between Section 124A of the Indian Penal Code and the fundamental freedoms guaranteed under Articles 14, 15, and 19 of the Constitution becomes more pronounced when the gendered consequences of its application are considered. Women's increasing participation in political discourse, protest movements, digital activism, and rights-based advocacy has expanded the scope of their constitutional citizenship; however, the threat of sedition prosecution operates as a coercive constraint that discourages open critique of state policies and entrenched patriarchal norms. The low conviction rates contrasted with rising case registrations further suggest that the punitive impact of sedition law lies primarily in the process of investigation and trial rather than in final adjudication, thereby reinforcing a chilling effect on women's expressive autonomy.

The findings indicate that sedition law does not function in a gender-neutral vacuum but interacts with pre-existing socio-cultural hierarchies that shape women's access to public spaces and platforms of expression. Legal prosecution under such a broadly worded offence carries reputational, economic, and social consequences that disproportionately burden women, particularly those engaged in grassroots activism, journalism, and academic critique. This dynamic undermines the transformative constitutional vision that seeks to dismantle structural inequalities and promote substantive equality in democratic participation. At a broader level, the continued retention of sedition law raises normative concerns about the compatibility of colonial-era speech restrictions with a constitutional order committed to liberty, dignity, and inclusive citizenship.

Overall, the study highlights that a gendered constitutional critique of sedition law is essential to evaluate its impact beyond conventional free speech discourse. By revealing how legal frameworks regulating dissent shape the contours of women's political agency and civic engagement, the research underscores the need for a re-examination of sedition provisions in light of contemporary constitutional morality and the evolving goals of women's empowerment and social progress in India.



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