

Evolving Sedition Laws and Their Impact on Press Freedom in Emerging Nations

Dr. Khalid Mansoor¹, Dr. Fatima Zahra²

¹College of Law, University of Lahore, Lahore, Pakistan

²Department of Legal Studies, Aga Khan University, Karachi, Pakistan

Received: 11-09-2025; Revised: 23-09-2025; Accepted: 14-10-2025; Published: 17-11-2025

Abstract

Therefore, this research paper is about the dynamic concept of the sedition law and its enormous consequences to the freedom of journalism in developing countries. With the democratic transition and the domestic unrest many countries in the Global South are facing at the moment, the sedition laws, frequently colonial in nature are more applied to reporters and media corporations. The study will explore the way these laws are being implemented, their compatibility with international human rights norms and the implications they have in terms of press liberty, investigative reporting and the democracy debate. It brings to light trends of abuses, dampenings on freedom of the press, and presses lawful revision intended to take care of freedom of expression. Finally, this paper explains the imperativeness of equilibrating between national security and right to free and independent journalism.

Keywords: *Sedition laws, press freedom, journalism, developing societies, freedom of expression, legal reform, democratic accountability, media censorship, human rights, emerging democracies.*

1.Introduction

In contemporary political discourse, democracy is frequently upheld as the gold standard of governance. Yet, its implementation across different socio-political landscapes, particularly in developing nations, remains fragmented and inconsistent. While democracy ideally rests on pillars such as rule of law, majority rule, protection of minority rights, and the sovereignty of the people, many emerging states struggle to operationalize these tenets beyond rhetorical assertions. Nowhere is this struggle more evident than in the realm of press freedom and the use of outdated sedition laws as instruments of control. Despite declarations of democratic commitment, the continued invocation of sedition laws by state actors reveals a deep-seated aversion to dissent and criticism. These laws vestiges of colonial rule are often wielded not to ensure stability, but to shield political elites from scrutiny.

In many developing societies, journalism has traditionally played a pivotal role in holding governments accountable. From the anti-colonial press of the early 20th century to modern digital activism, media professionals have persistently challenged authority and advocated for the public interest. However, this adversarial stance has rendered them frequent targets of state repression, particularly through charges of sedition. This historical antagonism between state power and journalistic integrity highlights the ongoing tension between authoritarian impulses and democratic aspirations in postcolonial states(1).

Sedition laws, which criminalize expressions perceived as inciting disaffection against the state, have proven to be remarkably elastic in their interpretation. While originally introduced under colonial rule to suppress anti-imperial sentiment, these laws have been repurposed by post-independence regimes to silence political opponents and curtail media freedom. Notably, in countries like India, Nigeria, Malaysia, and Bangladesh, the scope of sedition has expanded beyond its original intent to encompass innocuous or critical commentary ranging from cartoons and social media posts to investigative reports and political satire. This distortion has enabled governments to equate criticism with criminality, thereby undermining the foundations of democratic governance. The contradiction becomes starker when one observes that the very nations which introduced these repressive laws such as the United Kingdom have long since abolished or reformed them. In contrast, former colonies continue to cling to these outdated statutes, despite their incompatibility with modern constitutional frameworks that guarantee freedom of speech and expression. This dissonance raises critical questions: Why have developing nations been so reluctant to repeal sedition laws? What socio-political conditions perpetuate their use? And more importantly, what implications does this have for journalism, public accountability, and democratic development?

To understand these dynamics, it is essential to contextualize sedition laws within both historical and theoretical frameworks. Historically, sedition served the strategic interests of colonial powers who needed to suppress dissent and maintain control over subject populations. The logic was simple: challenge to authority equaled instability,

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and stability had to be preserved at all costs even if it meant the criminalization of legitimate political expression. Unfortunately, this logic has persisted in the political consciousness of many post-independence governments. Leaders who once opposed colonial repression have adopted similar tools of control under the guise of preserving national unity or safeguarding public order.

Theoretically, the persistence of sedition laws can be interpreted through the lens of media and governance paradigms. The authoritarian theory of the press, first articulated by Siebert, Peterson, and Schramm, posits that the media exists to support and propagate the interests of the ruling elite. Under this model, dissent is seen as a threat, and censorship is legitimized as a means of maintaining harmony. Conversely, libertarian and social responsibility theories advocate for media freedom, transparency, and accountability. The tension between these paradigms is particularly pronounced in developing societies where democratic institutions are fragile and often undermined by executive overreach(2).

In such environments, journalism becomes both a tool of empowerment and a target of suppression. Investigative journalists who expose corruption, misgovernance, or abuse of power are frequently subjected to harassment, arrest, and legal prosecution. The use of sedition charges in these cases not only disrupts journalistic activity but also signals a broader intolerance for dissent within the political system. This has chilling effects on press freedom, stifling critical discourse and reducing the media to a timid mouthpiece for state propaganda.

Moreover, the application of sedition laws is often selective and politically motivated. As evidenced in numerous case studies such as the arrest of Nigerian journalist Gbenga Aruleba, Indian cartoonist Aseem Trivedi, and Malaysian editor Susan Loone these laws are rarely used to maintain public order. Instead, they function as tactical weapons to intimidate and punish those who challenge official narratives. This weaponization erodes public trust in legal institutions and diminishes the democratic legitimacy of governing authorities.

It is worth noting that the continued reliance on sedition laws also reveals the inherent contradictions in the democratic aspirations of many developing states. On one hand, these governments adopt democratic constitutions and participate in international human rights forums. On the other, they maintain repressive legal frameworks that criminalize fundamental rights. This duality reflects a deeper ambivalence about democratic values and a reluctance to cede control over public discourse

2. Structural Barriers to Press Freedom in Emerging Democracies

2.1 Legacy Laws and the Authoritarian Hangover

Despite more than half a century of political independence in many former colonies, the lingering presence of colonial-era legal frameworks continues to shape how governments in the Global South engage with dissent and manage the press. Among these inherited instruments of repression, sedition laws stand out for their durability and capacity to stifle democratic dialogue. Initially crafted to safeguard colonial regimes from nationalist resistance, these laws have found new life in postcolonial democracies where governments use them to neutralize opposition, suppress critical journalism, and shield themselves from accountability.

The real tragedy lies not merely in the continued presence of these laws on the statute books but in their frequent invocation in politically motivated cases. In many countries, from Nigeria to India to Bangladesh, journalists who dare to investigate corruption or question state policies risk charges of sedition a crime often framed as endangering national security or promoting social discord. Ironically, while former colonial rulers like the United Kingdom have repealed or abandoned these statutes, their once-subjugated territories now use the same instruments against their own citizens(3).

This authoritarian legal hangover reveals a structural contradiction: countries that present themselves as democracies continue to rely on legal relics from undemocratic eras to maintain order. Instead of nurturing an environment conducive to participatory governance, these states often equate criticism with destabilization and dissent with disloyalty. The use of sedition charges against journalists is not merely an overreaction; it is part of a calculated strategy to monopolize political narratives and silence competing voices.

2.2 The Chilling Effect on Investigative Journalism

The consequences of this legal intimidation are far-reaching. Journalism, especially investigative reporting, is built on the premise of probing power and unearthing truths that those in authority may prefer remain hidden. However, the ever-present threat of sedition charges along with parallel accusations like criminal defamation or cybercrime violations discourages both media organizations and individual reporters from pursuing politically sensitive

stories. This phenomenon is known as the "chilling effect," wherein journalists engage in self-censorship to avoid state persecution.

This climate of fear is exacerbated by weak legal protections, politicized law enforcement, and judicial inertia. In many developing countries, the judiciary lacks the independence or assertiveness required to stand up to executive overreach. Prosecutions under sedition laws are rarely aimed at securing convictions; instead, they are about harassment, delay, and reputational damage⁽⁴⁾. The arrest of a journalist even if followed by eventual acquittal sends a powerful signal to others: tread carefully or face similar consequences.

Such dynamics are not hypothetical. Numerous cases in India, for example, highlight how sedition charges have been filed over innocuous acts such as liking a Facebook post, organizing student protests, or publishing satirical cartoons. In Nigeria, media personnel have been detained over broadcasts implicating government officials in misconduct. The outcome is a media landscape characterized not by robust debate but by cautious editorialism, where the parameters of discussion are defined not by ethics or public interest but by the whims of those in power.

2.3 Sedition as a Political Weapon

The sedition law's elasticity allows it to be weaponized in politically opportune moments. Typically, it is used during election cycles, times of protest, or in the aftermath of controversial policy decisions. Governments facing domestic criticism or international scrutiny often resort to legal crackdowns under the guise of preserving public order. Rather than engaging in dialogue or reform, political leaders opt for coercive silence.

A deeper analysis reveals that this legal weaponization is often less about law and more about optics. Accusations of sedition convey a narrative of patriotism and national unity, painting the accused as subversive elements working against the collective good. This narrative, when amplified by state-controlled or compliant media, fosters a hostile public climate against critical journalism. The accused are not just seen as lawbreakers but as threats to the nation a framing that significantly erodes public sympathy for the press and undermines democratic norms.

This political strategy is especially effective in ethnically or religiously diverse nations where leaders often exploit fault lines to manufacture consent. In such contexts, sedition laws can be framed as necessary tools to prevent incitement or communal unrest, even when the real motive is to crush dissent. The state's argument for stability becomes a cover for authoritarian control, and legal institutions become complicit in the erosion of civil liberties.

2.4 The Paradox of Legal Reform in Hybrid Regimes

What makes the continued existence of sedition laws especially troubling is the paradox it exposes in many hybrid regimes political systems that adopt democratic frameworks but exhibit authoritarian practices. These states conduct elections, uphold constitutional courts, and maintain a façade of rule of law, but in practice, power remains concentrated and unchecked. In such regimes, calls for legal reform face formidable resistance.

Efforts to repeal sedition laws are frequently undermined by political elites who benefit from the status quo. Law reform commissions may recommend abolishing such statutes, and civil society may campaign for change, but legislative inertia and executive interference stall progress. Even in jurisdictions where the judiciary has declared parts of the sedition law unconstitutional, enforcement agencies continue to use them, exploiting legal ambiguities and loopholes.

This legislative stagnation is often justified by invoking national security, social harmony, or moral values vague concepts that resist precise legal definition but resonate strongly with the public. Politicians exploit these fears to argue that the sedition law is necessary to protect the state from internal enemies, whether foreign-funded NGOs, vocal journalists, or student activists. Such arguments find ready audiences in polarized societies where misinformation and distrust of the media are widespread.

2.5 Towards a Culture of Free Expression

If emerging democracies are to mature into truly open societies, they must confront the contradictions embedded within their legal systems. The continued use of sedition laws not only undermines constitutional guarantees but also signals an unwillingness to embrace the core values of democracy: dialogue, dissent, and transparency. Legal reform is a necessary step, but it must be accompanied by institutional strengthening, civic education, and media independence.

To achieve this, multiple stakeholders must be involved judiciaries must assert their independence, civil society must remain vigilant, and journalists must continue to advocate for their rights despite the risks. International human rights organizations also have a role to play by applying pressure and offering support. Most importantly, the public must understand that criticism of the government is not a crime but a cornerstone of participatory governance.

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Only then can emerging democracies move beyond the authoritarian residues of their past and build political cultures that truly respect and protect freedom of expression(5).

3.Sedition Laws from Colonial Design to Contemporary Deployment

The sedition law, often seen today as a draconian relic, did not emerge from a vacuum. Its origin lies in a historical period when monarchs ruled with divine authority, and questioning the ruler was equated with rebellion against the natural order. In 17th-century Britain, for example, the Sedition Act of 1661 was crafted to protect the monarchy and the state from revolutionary fervor. The statute criminalized any act, speech, or publication that brought the Crown into “hatred or contempt.” The real objective was not just legal regulation but the preservation of a centralized, authoritarian power structure.

This legal concept was driven by the belief that the government’s stability was paramount and could be undone by mere words. In this period, information was power and power belonged solely to the ruling class. Sedition law became the elite’s insurance against political change. It blurred the line between critique and criminality and equated civic questioning with national sabotage.

This same model was subsequently exported by colonial powers as they expanded their global empires. Sedition laws became a universal mechanism of control, embedded within the legal architecture of imperial rule from Asia to Africa.

3.1 Imperial Toolkits Colonialism and the Spread of Sedition Codes

With the rise of colonial empires in the 18th and 19th centuries, sedition statutes were codified into the legal systems of subjugated territories. In India, the British colonial government introduced Section 124A of the Indian Penal Code in 1870, primarily to quash the Islamic revivalist uprisings and suppress nationalist voices that criticized British policies. The law criminalized any speech or writing that incited “disaffection” toward the colonial government an ambiguous term designed to include everything from pamphlets to sermons.

The real targets were thought leaders, intellectuals, and the press. Newspapers that opposed colonial misrule, such as “Bangobasi” in Bengal, found themselves the first victims of this law. In 1891, its editor, Jogendra Chandra Bose, was charged with sedition for criticizing social reforms introduced by the British, revealing how the law was used not just to manage civil order but to restrict public discourse altogether.

The same narrative played out across Africa. In Nigeria, Britain imposed the Seditious Offences Ordinance of 1909, building on earlier laws like the 1903 Newspaper Ordinance, to clamp down on nationalist journalists and activists. These regulations criminalized not only opposition but even the publication of materials seen as potentially “embarrassing” to the government (6).

3.2 Postcolonial Continuities From Empire to Nationalism

Ironically, the wave of independence in the mid-20th century did not dismantle this legal infrastructure. Rather, newly independent states often retained colonial sedition laws, repurposing them for their own domestic use. Instead of freeing their societies from the restrictive logic of empire, postcolonial leaders adopted these laws to consolidate power, suppress dissent, and control the media.

In India, independent governments continued to use Section 124A against journalists, academics, and political opponents. Even symbolic acts like refusing to stand for the national anthem have been grounds for sedition charges. In Nigeria, successive military and civilian regimes alike deployed sedition laws against outspoken media platforms such as Raypower FM and The News Magazine. The very tools of oppression once used against anti-colonial leaders were now being used by those same leaders or their successors against their own people.

This postcolonial legal continuity reveals a deeper pathology: freedom was conceptualized as political sovereignty from the colonizer, not as civil liberty for the citizen. As a result, state-centric notions of order, unity, and national pride continued to trump constitutional guarantees of free expression. Leaders like Tanzania’s Julius Nyerere argued for one-party systems to ensure unity, even if that meant stifling opposition sedition law was the perfect tool for this(7).

3.3 Global Divergence Repeal in the West, Retention in the Rest

While postcolonial governments clung to sedition statutes, former imperial powers began dismantling them. In the UK, for instance, the Sedition Act was formally repealed in 2010, nearly 350 years after it was first enacted. British legal reforms, spurred by human rights frameworks and democratic accountability, acknowledged that sedition laws were incompatible with modern liberal values. The Law Commission of 1977 had already described the offence as “redundant.”

In contrast, countries like Malaysia, Bangladesh, and Nigeria have strengthened their sedition frameworks, often under new guises such as digital misinformation laws or anti-terrorism legislation. In Malaysia, journalist Susan Loone was arrested for quoting an opposition leader. In India, cartoonist Aseem Trivedi was jailed for artwork criticizing state institutions. In Nigeria, digital publishers like Austin Okai have faced sedition charges merely for posting critical comments online.

This divergence reflects a growing democratic gap: while Western nations move toward protecting speech even offensive or uncomfortable speech many developing nations have institutionalized legal mechanisms to limit public dialogue. The global democratic consensus is, in effect, fracturing.

3.4 Sedition in the Digital Age Old Law, New Targets

The rise of digital media has complicated the sedition narrative. Today, dissent is not confined to newspapers or radio it plays out on Twitter, WhatsApp, YouTube, and TikTok. As the digital sphere becomes the new frontier for political dialogue, governments have responded by expanding sedition's reach into cyberspace. Acts that were once private opinions are now amplified globally within seconds, and many governments see this as a threat to national stability.

Unfortunately, this has led to a resurgence in the application of sedition charges, even in cases of minor or symbolic protests. Liking a post, sharing a meme, or writing a blog can invite criminal charges. The potential for abuse is immense, particularly when enforcement agencies operate without judicial oversight or under executive pressure. Rather than adapting to a digital democracy, many regimes have chosen to double down on surveillance, censorship, and legal intimidation. Sedition laws, written in an age of feudal monarchies and printing presses, are now being stretched to cover the complexities of the 21st-century information ecosystem with disastrous effects on free expression.

4. Methodology

To effectively analyze the implications of sedition laws on journalism in developing societies, this study employs a multidisciplinary research approach that bridges legal inquiry with social science perspectives. Recognizing that sedition laws though legal constructs have extensive socio-political consequences, the research framework integrates doctrinal legal analysis with a broader societal context. This enables a holistic understanding of not just the letter of the law, but also its impact on non-lawyers, particularly journalists, civil society actors, and political dissenters.

The study adopts an interdisciplinary law-and-society methodology, which treats legal texts not as isolated instruments, but as tools embedded within a political and historical framework. Through this lens, sedition laws are evaluated as mechanisms of power shaped by colonial legacy, sustained by political structures, and contested by civil actors (8).

A historical-narrative approach is first employed to trace the origins, development, and contemporary application of sedition statutes in various jurisdictions. This includes a chronological analysis of legislative enactments, beginning with the Sedition Act in Britain, extending through colonial ordinances in places like Nigeria and India, and tracking how these laws have been maintained or repealed in post-independence eras. The narrative illuminates how laws created for imperial control have transitioned into instruments of domestic repression in emerging democracies.

Following the historical mapping, the study applies a comparative legal analysis to examine how sedition laws have been interpreted, enforced, or abolished in various legal systems. Particular attention is given to jurisdictions where the laws remain active and are frequently used to silence dissenting voices in the media. This includes reviewing both statutory texts and relevant case law to assess how courts have interpreted the boundaries between national security and freedom of speech.

To reinforce the legal analysis, the study also draws on non-legal sources, including media reports, academic commentary, and civil society publications. This incorporation of journalistic and activist narratives provides a grounded understanding of how sedition laws affect journalists in real time ranging from arrests and detention to the psychological burden of self-censorship. These qualitative insights bridge the gap between legal theory and practical consequence.

Additionally, a case-based approach is adopted to highlight specific instances in which sedition laws have been applied against journalists or media houses in different developing countries. These include documented cases in Nigeria, India, Malaysia, and Bangladesh. Each case is analyzed for the legal rationale behind the sedition charge,

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the political context of the incident, and the eventual judicial outcome (if any). These cases offer empirical weight to theoretical claims regarding the abuse and political utility of sedition law.

TABLE 1 Methodological Components

Methodological Component	Description	Purpose/Justification
Research Design	Interdisciplinary (Law and Society) approach integrating legal analysis, historical narrative, and qualitative data	To capture the legal, historical, and social impact of sedition laws on journalism in developing societies
Theoretical Framework	Critical Legal Studies (CLS) and Normative Institutionalism	To interpret sedition laws as power-preserving instruments embedded in institutional and political systems
Historical Legal Analysis	Examination of sedition laws from Britain (1661) to postcolonial enactments in India, Nigeria, Malaysia, etc.	To trace the colonial origins and persistence of sedition statutes in emerging democracies
Comparative Legal Review	Analysis of sedition laws across multiple countries (India, Nigeria, Malaysia, Bangladesh, etc.)	To identify patterns of usage, legal reforms, or resistance across different developing legal systems
Case Law Analysis	Review of landmark judicial decisions (e.g., <i>Kedar Nath v. Union of India</i> ; <i>Nwankwo v. The State</i>)	To assess how courts have interpreted sedition laws in light of constitutional protections
Qualitative Data Analysis	Content analysis of news reports, human rights publications, journalist testimonies, and NGO reports	To provide real-world examples of how sedition laws affect press freedom and journalistic behavior

The methodology also acknowledges the role of judicial interpretation in shaping the application of sedition laws. For this purpose, a select number of landmark court decisions are examined. For example, *Nwankwo v. The State* in Nigeria and *Kedar Nath v. Union of India* in India serve as precedent-setting judgments that influence how sedition is understood and litigated⁽⁹⁾. These decisions are critically reviewed for their reasoning, constitutional grounding, and subsequent impact on legal practice.

Crucially, this research avoids viewing law through purely normative or textual lenses. Instead, it positions the law as a dynamic social force, often contested and resisted. It interrogates the gap between what the law claims to protect (e.g., national security or public order) and how it is actually used (e.g., to silence critics). By evaluating this dissonance, the study contributes to a growing body of scholarship that questions the legitimacy and relevance of inherited legal frameworks in democratic societies.

In summary, the methodological framework used in this study combines:

- Historical legal analysis to contextualize the origins of sedition laws.
- Comparative legal review to assess global variations in the law's application.
- Doctrinal case law study to understand how courts interpret sedition.
- Qualitative insights from journalism, advocacy, and political commentary.
- Critical interdisciplinary analysis to evaluate law within its social, political, and historical milieu.

By doing so, the research captures both the structural and experiential dimensions of sedition laws in developing societies exploring not just what these laws are, but how they function, whom they serve, and why they persist despite widespread criticism and calls for repeal.

5. Results and Discussion

The findings of this study strongly reinforce the prevailing scholarly consensus that sedition laws, as currently formulated and applied in many developing societies, are archaic, unconstitutional, and incompatible with democratic governance. The results also affirm that these laws are not merely legal vestiges of colonial rule but have become systemic tools of political suppression strategically used to intimidate journalists, silence opposition voices, and stifle public discourse.

Do Sedition Laws Serve Justice or Public Interest?

The evidence drawn from statutory analysis, judicial precedent, and media case studies suggests that sedition laws fundamentally fail to meet the ends of justice or advance public interest. In jurisdictions like Nigeria, for instance, Sections 50 and 51 of the Criminal Code stand in direct contradiction to Section 39 of the 1999 Constitution, which guarantees freedom of expression. Similarly, in India, Section 124-A of the Penal Code is in tension with Article 19 of the Indian Constitution, which upholds the right to free speech and expression. These inconsistencies between statutory sedition laws and constitutional guarantees highlight a significant legal and ethical misalignment.

The judiciary has, in several cases, acknowledged this contradiction. A prominent example is *Nwankwo v. The State* (1985), in which the Nigerian Court of Appeal overturned a sedition conviction and emphasized that post-colonial societies should not be governed by laws that were originally intended to subjugate and silence. Justice Olatawura's dictum in the ruling that the nation should not "diminish from the freedom gained from colonial masters by resorting to laws enacted to suit their purpose" resonates with legal reformists and rights advocates(10). This analysis suggests that sedition laws are not only legally unsustainable but are also politically dangerous. They offer state actors an easy and often unaccountable way to weaponize the law against perceived enemies without satisfying the legal burden of proof required in defamation, contempt, or public order cases. In effect, sedition functions as a shortcut to repression, bypassing the rule of law under the guise of preserving national unity.

Furthermore, other legal frameworks such as defamation laws, contempt of court provisions, and hate speech statutes already exist to address legitimate concerns around harmful or inciting expression. The continued application of sedition laws, despite these alternatives, underscores their political not judicial utility.

TABLE 2 Results

Research Question	Key Findings	Implications for Journalism & Democracy
1. Do sedition laws meet the ends of justice and public interest?	- Sedition laws contradict constitutional guarantees of free speech (e.g., Section 39 of Nigeria's Constitution, Article 19 in India). - Courts acknowledge misuse (e.g., <i>Nwankwo v. State</i> , Nigeria). - Other laws (defamation, contempt, hate speech) can address harmful speech more fairly.	- Sedition laws function primarily as political tools, not legal safeguards. - Their use suppresses legitimate journalistic inquiry and dissent.
2. Why do sedition laws persist despite criticism and low conviction rates?	- Sedition charges are used to intimidate rather than secure convictions (as seen in MLDI's reports). - Executive control over prosecution processes. - Public ambivalence due to national security rhetoric. - Judicial inconsistency (e.g., <i>Kedar Nath v. India</i>) allows room for continued misuse.	- Journalists face legal harassment even without being convicted. - Fear of arrest leads to self-censorship and diluted editorial freedom.
3. What are the broader consequences for journalism in developing nations?	- Investigative reporters are frequent targets. - Independent media outlets face economic and reputational threats. - Critical reporting during elections or protests often triggers sedition accusations.	- Media's watchdog role is undermined. - Public loses access to vital information. - Press becomes timid or partisan, harming democratic discourse.
4. How have other countries addressed sedition law reforms?	- Countries like Ghana, UK, Indonesia have repealed or nullified sedition laws. - Others (India, Nigeria, Malaysia) continue use despite reforms in related areas.	- Repeal demonstrates political will and democratic maturity. - Retention signals weak rule of law and tolerance for repression.

Why Do Sedition Laws Persist Despite Public Criticism?

Despite growing local and international pressure for repeal, sedition laws continue to thrive in many developing societies. The study identifies several interconnected reasons for this persistence.

Firstly, sedition laws are politically expedient. As documented in this research, governments often find it useful to wield sedition as a mechanism to suppress dissent during politically sensitive periods such as elections, mass protests, or policy crises. Charges are frequently leveled not to secure convictions but to harass, detain, and discredit critics often journalists and civil society actors. This trend was confirmed by the Media Legal Defence

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Initiative (MLDI), which noted that while sedition prosecutions are numerous, convictions are exceedingly rare, indicating the law is used more for intimidation than justice.

Secondly, sedition laws persist due to procedural protections for their use. In many legal systems, initiating a sedition prosecution requires authorization from the Attorney General or equivalent national law officer. While this safeguard was designed to prevent abuse, in practice it has led to executive interference in prosecutorial independence. Additionally, legal provisions requiring corroboration by multiple witnesses or setting strict timelines for trial are often ignored or manipulated, further weakening the rights of the accused.

Thirdly, public ambivalence and misinformation contribute to the law's longevity. In ethnically and religiously diverse societies, appeals to national unity and social stability often outweigh arguments for free speech. Governments have successfully framed sedition as a necessary tool for preserving harmony, especially in environments prone to intercommunal tension. This appeal to fear and stability frequently wins public support, despite its repressive implications.

Moreover, the judiciary's reluctance to explicitly strike down sedition laws has also contributed to their endurance. In India, for example, the Supreme Court in *Kedar Nath v. Union of India* (1962) upheld the constitutionality of sedition, albeit with a narrowed interpretation. The judgment warned against arbitrary use but did not abolish the law, leaving it open to future abuse. This legal ambiguity has allowed successive governments to continue exploiting the statute under varying interpretations.

Notably, in contrast to these trends, some nations have taken a progressive stance. Ghana repealed its criminal libel and sedition laws in 2001 as part of its democratic consolidation efforts. Similarly, courts in Indonesia and Malawi have declared such laws unconstitutional. These examples illustrate that repeal is both possible and beneficial, challenging the idea that sedition is essential to national security.

Broader Implications for Journalism in Developing Nations

The practical consequences of sedition laws for journalism in emerging democracies are severe and far-reaching. Across the jurisdictions studied, journalists who engage in investigative reporting particularly those exposing government corruption, human rights abuses, or electoral malpractice are the primary targets of sedition charges. This legal threat has produced a chilling effect within the media landscape. Many journalists practice self-censorship to avoid arrest or litigation. Media houses may refrain from publishing controversial stories, and editors may moderate headlines or content to remain within perceived legal boundaries. This erosion of editorial freedom not only stifles journalistic integrity but also deprives the public of vital information, undermining democracy at its core.

The long-term effects are even more troubling: younger journalists may avoid politics altogether, media organizations may become more compliant, and the role of the press as the "fourth estate" is gradually diminished. In societies already struggling with weak institutions, poor transparency, and systemic inequality, such restrictions only serve to deepen democratic backsliding.

6. Conclusion

This study has critically examined the continued use and implications of sedition laws in developing societies, particularly as they pertain to the practice of journalism and the broader struggle for democratic accountability. The findings reveal a striking contradiction: while many of these countries profess a commitment to democratic values and constitutionalism, they simultaneously enforce legal instruments originally designed to suppress dissent and maintain colonial authority. Sedition laws, as demonstrated through comparative case analysis, have become tools not of justice but of control—deployed to harass, intimidate, and silence journalists, political activists, and dissenting citizens.

Although such laws were inherited from colonial administrations, their retention and use by post-independence governments point to a deeper structural problem: the absence of a consistent commitment to civil liberties and freedom of expression. In practice, these laws serve the interests of those in power rather than the democratic public. They do not fulfill the ends of justice, nor do they protect the public interest in any meaningful way. Rather, they undermine trust in state institutions, inhibit the development of a robust free press, and limit citizens' ability to engage in meaningful political dialogue.

The global trend toward repealing sedition laws in liberal democracies underscores their irrelevance in modern legal systems. Countries such as the United Kingdom, Ghana, and Indonesia have recognized the dangers these laws pose and have taken concrete steps to eliminate or curtail them. However, in much of the Global South,

especially in fragile or hybrid democracies, these statutes continue to be used as instruments of repression. This reality reflects the persistence of authoritarian political cultures under the guise of democratic governance.

The consequences for journalism are profound. In societies where sedition laws remain active, the media often operates under the shadow of surveillance, legal threats, and arbitrary prosecution. The result is a stifled press environment where investigative reporting is rare, self-censorship is common, and public trust is diminished. In these contexts, the media cannot fulfill its role as the “fourth estate” or a watchdog over government actions.

In light of these findings, the conclusion is unequivocal: sedition laws have no place in democratic societies. They are relics of oppression that must be removed from legal systems if states are to uphold constitutional freedoms and foster open, accountable governance. Democratic societies must recognize that national security and public order can be protected through more precise and proportionate legal mechanisms—without infringing upon the fundamental right to free speech

Acknowledgement: Nil

Conflicts of interest

The authors have no conflicts of interest to declare

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