

'WHY DO YOU NEED THE COLONIAL LAW OF SEDITION?'

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The CJI drew the attention of the Attorney General to the conviction rates under sedition. "If you look at the history of use of this Section 124A of IPC, you will find that the conviction rate is very low. There is misuse of power by executive agencies," the Chief Justice said.

The CJI asked the government why it did not throw out the sedition law along with the hundreds of "stale laws" it had expunged from the statute books. "Your government is taking out a lot of stale laws from the law books, why have they not looked into this," Chief Justice Ramana asked Mr. Venugopal. People had suffered and were scared of the misuse of the sedition law, Chief Justice Ramana said.

"We are not blaming any particular government or State. But do look at how Section 66A of the Information Technology Act is continuing to be used... How many unfortunate people have suffered? And there is no accountability for all this..." he noted.

'People are scared'

The CJI said the sweeping powers of Section 124A gives even a village police officer carte blanche to trample on the right to liberty and free speech of ordinary citizens.

"If a police officer wants to fix anybody in a village for something, he can use Section 124A... People are scared. Our concern is misuse of the law and the lack of accountability. Why has it continued in the statute book even after 75 years of our Independence," Chief Justice Ramana asked the government's law officers repeatedly.

The Chief Justice said the Supreme Court would "definitely look into this Section 124A".

"The situation on the ground is grave... If one party does not like what the other is saying, Section 124A is used... It is a serious threat to the functioning of individuals and parties," Chief Justice Ramana noted.

Mr. Venugopal submitted that the court need not strike down Section 124A. "It is enough to see if there were any excesses in its use and limit the Section to its real purpose... That would be enough," Mr. Venugopal said.

The Bench issued notice to the Centre on a petition filed by retired Army General S.G. Vombatkere, represented by advocates P.B. Suresh and Prasanna S., to quash Section 124A.

In its order, the court has also issued notice to the government on a writ petition filed jointly by the Editors Guild of India and cartoonist Aseem Trivedi.

The Bench noted that two other petitions filed by Kishore Chandra Wangkemcha and M/s Aamoda Broadcasting Company Private Limited, the latter against the Andhra Pradesh government, was pending before the apex court. Both cases concerned sedition charges.

A Bench led by Justice U.U. Lalit had issued notice in the Wangkemcha case. The Aamoda

petition is before a Bench led by Justice D.Y. Chandrachud. The CJI Bench on Thursday said all these petitions posed “similar questions of law”. The Bench ordered that the cases be listed before an appropriate Bench for hearing.

Meanwhile, senior journalist Arun Shourie and NGO Common Cause, both represented by advocate Prashant Bhushan, has moved the Supreme Court to quash Section 124A. Their petition contended that a “presumption of constitutionality does not apply to pre-constitutional laws as those laws have been made by foreign legislature or body”.

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