

SC PUTS COLONIAL SEDITION LAW ON HOLD

Relevant for: Indian Polity | Topic: Indian Constitution - Features & Significant Provisions related to Fundamental Rights, Directive Principles and Fundamental Duties

The Bench, including Justices Surya Kant and Hima Kohli, said the court's directions would hold until further orders.

The top court order would act as a powerful message against the rampant misuse of the law by governments to silence dissent and violate personal liberty. Undertrials booked under Section 124A can now use the order to seek bail. The court listed the case for the third week of July.

The order came after the Centre, represented by Solicitor-General Tushar Mehta, acknowledged that the law was not in tune with the current times. The government had urged the court to pause its hearing of a batch of petitions challenging Section 124A until the government completed its "reconsideration process".

"It is clear that the Union of India agrees with the *prima facie* opinion expressed by this court that the rigours of Section 124A of the IPC is not in tune with the current social milieu, and was intended for a time when this country was under the colonial regime. In light of the same, the Union of India may reconsider the provision of law," the court observed in its 10-page order.

The Bench, however, did not give a deadline for the reconsideration exercise, aware that it may involve legislative process.

The court's interim order is expressly a balancing act. "This court is cognisant of security interests and integrity of the state on one hand, and the civil liberties of citizens on the other. There is a requirement to balance both sets of considerations," it observed.

It also referred to Attorney-General K.K. Venugopal's submissions about "glaring instances of abuse of Section 124A" like the recent booking of persons under sedition for chanting the Hanuman Chalisa. "Therefore, till the re-examination is complete, it will be appropriate not to continue the usage of the provision by the governments," the court reasoned.

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