

SUPREME COURT OF INDIA

Common Cause & Anr.

Vs.

Union of India

WP.(Civil)No.683/2016

(Dipak Misra and Uday Umesh Lalit,JJ.,)

05.09.2016

ORDER

1. Heard Mr. Prashant Bhushan, learned counsel for the petitioners.

2. In this Public Interest Litigation, the petitioners have prayed for the following reliefs :

"a. Issue an appropriate writ making it mandatory for the concerned authority to produce a reasoned order from the Director General of Police (DGP) or the Commissioner of Police, as the case may be, certifying that the ' seditious act ' either lead to the incitement of violence or had the tendency or the intention to create public disorder, before any FIR is filed or any arrest is made on the charges of sedition against any individual.

b. Issue an appropriate writ directing the Ld. Magistrate to state in the order taking cognizance certifying that the "seditious act" either lead to the incitement of violence or had the tendency or the intention to create public disorder in cases where a private complaint alleging sedition is made before the Ld. Magistrate.

c. Issue an appropriate writ directing for a review of pending cases of sedition in various courts to produce an order from the DG or Commissioner of Police, as the case may be, certifying that the "seditious act" either lead to the incitement of violence or had the tendency or the intention to create public disorder in cases.

d. Issue an appropriate writ directing that investigations and prosecutions must be dropped in cases where such a reasoned order as prayed for in Prayers (a), (b) and (c) is not provided and the act in question involved peaceful expression or assembly."

3. Having heard Mr. Prashant Bhushan, learned counsel for the petitioners, we are of the considered opinion that the authorities while dealing with the offences under Section 124A

of the Indian Penal Code shall be guided by the principles laid down by the Constitution Bench in *Kedar Nath Singh vs. State of Bihar*¹.

4. Except saying so, we do not intend to deal with any other issue as we are of the considered opinion that it is not necessary to do so.

5. The writ petition is accordingly disposed of.

Judgment Referred.

¹(1962) 2 Suppl. 3 SCR 0769