***SEDITION* in the spirit of Constitution for love of Law**

When all else is lost, sedition crops up as a realistic option, especially when there is no recourse and the existent means of corrections are doomed to fail. Like right to protest that Gandhiji built on to earn freedom, the right to strike that unions employ to get their demands negotiated and the right to expression that the press/media uses to expose the wrongdoers without the risk of defamation, slander, libel, character assassination etc, it is natural that citizens with rights under natural justice of democracy pour out their consternation and outrage against the establishment whether it be judiciary, legislature and/or executive –without fear of reprisals- for poor management of the society’s and nation’s affairs.

Sanctity of law and fairness means that justice must be meted out, and not a dilatory stand that courts are about law and not justice; for, regardless of concerns of law, over time, justice has to be delivered. Shouldn’t justice seen to be done in the eyes of *vox populi* –uneducated though they may be- by those institutions set up by them through democratic process to serve them and protect from shenanigans?

That the courts have failed miserably to get rid of criminals and stop their entry into politics is not doubted. That they have expressed their inability to pass judgments on it with clarity is surprising. That it is a systemic failure we have let develop is an understatement and goes to show general callousness prevalent everywhere in social and public life. If not the courts, whom do we turn to, to set matters right is the apt question. And if indeed it is the courts that can and should set it right, these questionings need not be construed as sedition or contempt of courts/legaldom for that matter.

Are laws and their interpretations all about strict constructions and literal meanings? Can’t simple explanations and intents be read into? Shouldn’t plain reading be resorted to, when clarities are lacking due to poor drafting? Aren’t the foundations of law about morals and how can they be watered down by the learned judges unless they are unable to grasp the purpose and intent behind the constitution? Aren’t we all and the justices and courts too morally culpable for the immorality that is perpetrated?

Is interpretation the preserve of the very few? Shouldn’t they change with times as per the changing needs of the society and the country? Isn’t it possible to be achieved through judicial activism at the highest level, rather than the apex court shirking responsibility under the garb of strict enunciation?

What is the point in preaching that criminals shouldn’t be in the cabinet, if that can’t be enforced? If the PM is not beyond law and above reproach, why leave it to him? Once the decision is arrived it –that criminals are undesirable and should be shooed away- why leave it half baked? It must be double fried and seen the whole hog through to obtain the necessary impact. Else, it is a failure in pronouncing a verdict that lacks teeth and clarity, mollycoddling the mischief makers as if they are truant juveniles! It was and is an opportunity for finality, regardless of potential conflict between legislature and judiciary.

As SC’s Constitution bench -of five- has failed in its *panch* senses, recourse must be had to a full bench of all if the matter is so slippery, burdensome or odious for the division to come to grip. Since there is no such provision, this must be pursued as a very special case for review for a cause by the luminaries. Or else, we are doomed and stuck with such unpalatable decisions. Next steps of amending constitution or through Act of parliament to serve the purpose would be a forlorn course, given the saturation of criminality in politics and the entrenched presence of criminals in all parties and legislatures.

Aren’t the courts meant to be storehouses of knowledge, beacons of laws and looms of lights of justice imparting confidence to the citizens and contestants that things can be set right even when disputed?

If sanctity of the constitution is to be respected, the bench genuflected at and the justices kowtowed to, justice must be delivered the way people on the street understand and appreciate. This the system has failed to! Intelligence, wisdom and intent stands questioned and integrity doubted, losing respect.

With criminals controlling most aspects of society and nation’s affairs, the choices before the committed and dedicated are short, narrow and shallow. Thinking beyond three dimensions in a time-space plane may generate new vistas and ideas.

At layman’s level of ignorance and awareness, what is looked forward to is justice, and not rule of law that speaks confounding tongues. It is such uncanny discretion at the whims and fancies of justices –as in many other fields of life- that has precipitated the morass we are deeply in.

The Election Commission is hamstrung in blocking criminals from candidacies and such issues need be speedily resolved at their roots. In passing, of course, one can blame us all the citizens for being less active, not following up and for in fact electing criminals, to start with.

In jurisprudence and practice, shouldn’t lines be drawn when law has to be stood by –to bind lower courts and avoid recurrent appeals, and when justice must be prioritized?

A review of the decision discussed above need be effected with alacrity for its impact, by the same court or at highest level, as an exception, even if such precedents do not exist. Legal luminaries should put their hearts, heads and thoughts together and take the President into confidence too.

Pray me lords, how do we get over these imbroglio and set matters right to save the republic.

Add a bit more?