Twitter Thread by SandeepParekh



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How does a government put a legislation on 'hold'? Is there any constitutional mechanism for the executive to 'pause' a validly passed legislation? Genuine Koshan.

> CJI: our intention is to see if we can bring about an amicable resolution to the problem. That is why we asked you why don't you put the #FarmBills on hold. You want time for negotiation. If there is some sense of responsibility showing that you will not implement the laws
>
> — Bar & Bench (@barandbench) January 11, 2021

So a committee of 'wise men/women' selected by the SC will stand in judgement over the law passed by parliament? https://t.co/67YlcvcKHo

> CJI: .....then we can form a committee with ICAR members to look into this. Till then you can continue to put the law on hold. Why will you insist on continuing the law anyhow
>
> — Bar & Bench (@barandbench) January 11, 2021

Here is the thing - a law can be stayed based on usual methods, it can be held unconstitutional based on violation of the Constitution. There is no shortcut to this based on the say so of even a large number of people, merely because they are loud. https://t.co/QEDrG0wVjr

> AG Venugopal: none of the petitions point to any provision of three farm acts stating that it is unconstitutional
>
> CJI: we are not declaring it unconstitutional
>
> AG: laws cannot be stayed. This is drastic
>
> — Bar & Bench (@barandbench) January 11, 2021

Tomorrow can all the income tax payers also gather up at whichever maidan and ask for repealing the income tax law? It hurts us and we can protest quite loudly.

How can a law be stayed or over-turned based on the nuisance value of the protestors? It is anarchy to allow that.

By all means, the courts of records should and must review the constitutional validity of whether the Parliament exceeded its mandate and passed a law they could not have or if the law is perverse enough under constitutional law.

In fact that is the problem for the agitating farmers - they cannot even state on affidavit that the new laws will 'take away their lands' - leave alone win on that ground.

Those who were asking (no one) this explains the situation beautifully - by @nntaleb: The Dictatorship of the Small Minority https://t.co/piX3AqvcAl

https://t.co/s9ZiO2yQKF