

## The Changing Role of Supreme Court

### What does Article 19 (1) (a) says?

\n\n

\n

- All citizens shall have the right to freedom of speech and expression.
- The restrictions upon a fundamental right could be imposed only by law. i.e., only an elected legislature could restrict the freedom of speech in the interests of an overwhelmingly important public goal.
- Also, this restriction could then be challenged before independent courts.
- Thus, the Constitution protected citizens' fundamental rights through **two layers of safeguards**.

\n

\n\n

### How Supreme Court's role is changing?

\n\n

\n

- In recent months, that the **delicate balancing between rights and public goals has come under immense strain**, however, this time it is because of the Supreme Court.
- Of late, the Court has begun to redefine its own role under the Constitution, from transforming itself from the guardian of civil rights to a great, overarching moral and political censor.
- This is a role that the framers of constitution never envisaged. And it runs contrary to the very spirit of our Constitution.

\n

\n\n

### What are three instances that had happened recently?

\n\n

\n

- First, despite the film '**Jolly LLB2**' was cleared by the Censor Board, the High Court of Bombay found certain scenes in the film "defame" the legal profession.

\n

- So, it ordered four cuts to be made. The producers moved the Supreme Court, but the SC has refused to intervene or to hear the merits of their case.

\n

- Second, acting upon a "public interest litigation", the Court passed an interim order compelling all cinema theaters to play the national anthem.

\n

- It totally forget to think, is this kind of **compelled patriotism** something it can impose upon India's free and independent citizens.

\n

- And lastly, the SC has passed a lot of interim orders, in a case involving sex-determination tests.

\n

- In the latest order, it **directed internet search engines to block access to websites** (by blocking search keywords), that are involved in someway to sex-determination.

\n

- The Court's orders amount to making entire area of the Internet off-limits for everyone, no matter what the purpose is - research, investigation, or curiosity.

\n

\n\n

## **Why these happenings are worrying?**

\n\n

\n

- The 'public interest litigation' began as a movement to democratise access to courts. It discarded traditional rules of evidence and vested vast powers in courts to do justice.

\n

- But, in 2017, this very dilution of rules and existence of vast powers have become weapons in the hands of courts to cut down rights.

\n

- Instead of our elected representatives making laws, now, **the Court has begun to make its own laws** limiting, restricting, and suffocating speech.

\n

- Another example being, the Madras HC ordered that the teaching of Thirukkural be made compulsory in all schools. Here, again, it was made in the absence of any law.

\n

- The Supreme Court has indeed reduced us to passive subjects instead of active and thinking citizens by telling us what we can watch; what we can search; and how, when and where we must be patriotic.

\n

- Thus, this **transformation of the Supreme Court into the Supreme Censor**, is certainly a worrying sign.

\n

\n\n

\n\n

**Source: The Hindu**

\n

