

## Suo Moto Cognizance by Supreme Court

**Mains:** GS II - Structure, Organization and Functioning of the Executive and the Judiciary

### Why in News?

Recently, the Supreme Court (SC) of India initiated suo moto proceedings over the growing menace of stray dog attacks and the resulting fatalities, flagging the situation as alarming and disturbing.

### What is suo moto cognizance of SC?

- **The Supreme Court of India** - It is the highest judicial court and the final court of appeal under the Constitution of India, the highest constitutional court, with the power of judicial review.

*Articles 124 to 147 in Part V of the Constitution deal with the organisation, independence, jurisdiction, powers and procedures of the Supreme Court.*

- **Suo moto cognizance** - It refers to the court's power to initiate legal proceedings on its own, without a formal petition being filed.
- This means the court can take up matters of public interest or concern.
- **Basis** - It can take action based on Information from media reports, letters, or other sources, even if no one brings a formal case before them.
- **Genesis** - Courts are required to adjudicate adversarial litigation, when one party raises a dispute against the other.
- **After emergency in 1974**, SC took up matters that highlighted government inactivity and institutional neglect that denied vulnerable individuals or groups their fundamental rights.

### How Supreme Court ensures justice through suo moto cases?

- **Humanitarian support** - The SC intervened during the COVID-19 pandemic to ensure proper treatment of patients and dignified handling of dead bodies in the hospitals.
  - **For example**, SC monitored the mode of distribution of essential supplies and services during the pandemic.
- **Environmental protection** - It has ensured effective and timely control of further degradation of the environment.

- **For example**, SC takes suo moto cognizance of *Kancha Gachibowli tree felling*.
- **Social justice** - SC took suo motu cognizance of *sexual violences*.
  - **For example**, During Manipur conflict and RG Kar Hospital rape and murder case.
- **Protection of dignity of the court** - SC took suo motu cognizance and sentenced the sitting judge of the High Courts for contempt of court.
  - **For example**, SC initiated contempt proceedings, for sentencing Supreme court judges for imprisonment.
- **Policy and investigative guidelines** - It gave directions regarding inadequacies and deficiencies in *criminal trials dealing with reformation, uniformity*.
  - **For example**, It gave clarity of procedure and practices relating to investigation, prosecution, trial, evidence and bail.
- **Societal welfare** - SC imposed the need for *regulating stray dog feeding and addressing public safety concerns*.

### What are the criticism against the suo moto power of SC?

- **Increased burden** - There already *number of cases pending before* the SC and the suo moto power and jurisdiction puts extra load on judiciary.
- **Judicial over activism** - There is emerging trend of judicial overreach and *intrusion by courts in executive actions* in the name of public interest.
- **Legitimacy of news** - There can be a *lack of validity and legality of the author and contents of news* that often forms the basis of suo moto action by courts.
- **Violates separation of power** - There is a departure from the normal operation of the judicial hierarchy, or that such actions are interference into the executive's domain of exercise of power.

### What are the arguments in favour of Suo moto jurisdiction?

- **Increased supremacy** - Despite criticism, suo moto action initiated by the Supreme Court has gained power over the years.
- **Sensible use of power** - SC has judiciously and prudently exercised the power of suo moto judicial intervention.
- **Proper solicitation** - It has exercised the utmost caution, ensuring proper verification before initiating action.
- It often refrained from final adjudication until proper investigation and scrutiny.
- **Timely interference** - SC has only intervened where it is required a larger role of protector of constitutional rights and values.
- **Coordination with states** - In many cases, the Government itself has treated the issue as a joint cause with SC.
  - They *jointly devised solutions* to address the issue, rather than treating a suo moto petition as adversarial litigation.
- This is a classic example of all components of a democratic government working as efficient machine.
- **Supervisory role** - The role the SC has played in most of the cases is *supervisory and facilitative in nature*, rather than that of final adjudication.
- **Assistance from Lower courts** - The SC has *taken assistance of the High Courts*,

*amicus curiae, specially constituted panels*, or retired judges, as well as the State machinery.

- This helps in *identifying solutions and for proper implementation* to ensure complete justice.

### **What lies ahead?**

- The SC could strike the right balance between legislative supremacy and adherence to judicial self-restraint, keeping in mind the democratic values of our Constitution.
- SC could look into the validity and legitimacy of the news and its sources.
- The central and state government could also work in coordination with SC in the issues of utmost national importance.

### **References**

1. [Bar and Bench| Suo moto Cognizance of Supreme Court](#)
2. [Hindustan Times| SC's Intervention For Stray Dog Menace](#)

