

From Stray Dogs to Social Justice

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From Stray Dogs to Social Justice: The Expanding Reach of Sua Moto Cases

Context

In recent times, **incidents of stray dog attacks** have surged across various parts of India, leading to serious injuries and even **fatalities**. The growing public concern and inaction by local authorities prompted the **Supreme Court of India** to intervene on its own. It took **sua moto cognizance** of the issue, considering the situation to be **alarming and disturbing**, reflecting its commitment to safeguarding public interest.

Introduction

The **Supreme Court of India** stands as the **highest constitutional authority** in the country's judicial system, responsible for the **protection of fundamental rights** and **ensuring justice**. Among its unique powers is the ability to take up matters **sua moto**, meaning **on its own motion**, especially when significant **public interest** or **constitutional violations** are involved. This power has played a critical role in addressing institutional gaps, ensuring accountability, and promoting justice beyond traditional litigation processes.

What is Sua Moto Cognizance?

- **Sua moto cognizance** refers to the power of a court to initiate legal proceedings **without a formal petition** being filed.
- This enables the court to address matters of **public interest**, especially in cases of **executive inaction**, **human rights violations**, or **environmental harm**.
- The SC often relies on **media reports**, **letters**, or **publicly available information** to act upon.

- The roots of this practice lie in the **post-Emergency era**, where courts began recognizing issues affecting vulnerable sections and acted even in the absence of formal complaints.
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Constitutional Basis

- The powers, structure, and jurisdiction of the **Supreme Court** are detailed in **Articles 124 to 147** under **Part V of the Constitution**.
 - These provisions empower the SC to undertake **judicial review** and uphold **constitutional morality and justice**.
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Instances Where Suo Moto Power Was Used

Humanitarian Support

- During the **COVID-19 pandemic**, the SC intervened to ensure proper **hospital treatment**, **handling of deceased bodies**, and **distribution of essential supplies**.

Environmental Protection

- The SC acted against illegal activities such as **tree felling in Kancha Gachibowli**, aiming to prevent further **ecological degradation**.

Social Justice

- The SC took suo moto action in instances of **sexual violence**, such as during the **Manipur conflict** and the **RG Kar Hospital rape and murder case**.

Judicial Integrity

- The SC safeguarded the **dignity of the judiciary** by initiating **contempt proceedings** against even **sitting High Court judges** where required.

Criminal Justice Reforms

- The Court issued directions to improve **investigation procedures**, **trial practices**, and **bail norms**, ensuring **uniformity and fairness**.

Public Safety and Welfare

- The SC addressed the rising threat of **stray dog attacks**, focusing on the **regulation of feeding** and **citizen safety**.
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Criticism of Suo Moto Powers

Increased Judicial Burden

- With over **70,000 cases pending**, suo moto interventions further strain the **judicial workload**.

Judicial Overreach

- Concerns have been raised over courts encroaching upon **executive functions**, undermining the **principle of separation of powers**.

Lack of Verifiability

- Actions based on **unverified news reports** may affect the **credibility** of judicial intervention.

Disruption of Institutional Balance

- Frequent use of suo moto powers may result in an **imbalance among the three branches of government**.
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Arguments Supporting Suo Moto Jurisdiction

Strengthened Constitutional Protection

- The SC has emerged as a **protector of rights**, especially for the **marginalized and voiceless**.

Prudent and Cautious Application

- The court has generally ensured **thorough verification** and refrained from final rulings until

detailed examination is completed.

Collaborative Governance

- In several cases, **State and Central governments** have aligned with the SC, demonstrating a **non-adversarial approach** to resolving national issues.

Supervisory Role and Delegation

- The SC often takes on a **guiding role**, utilizing **High Courts, amicus curiae, retired judges**, and **state authorities** to assist in implementation and ensure **complete justice**.

Conclusion

The **suo moto jurisdiction** of the Supreme Court represents a vital mechanism for **upholding constitutional values, bridging institutional lapses, and responding to emerging crises**. However, it must be exercised with **judicial restraint, due diligence**, and a clear understanding of the **democratic balance of power**. Moving forward, the Court should aim to maintain **transparency**, ensure **legitimacy of sources**, and promote **cooperative federalism** in resolving issues of public importance.

