

A TIMELY WARNING: THE HINDU EDITORIAL ON COVID-19 HELP-SEEKERS AND SUPREME COURT INTERVENTION AGAINST CLAMPDOWN ON INFORMATION

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

The Supreme Court has issued a timely warning to the States [against any attempt to clamp down on the dissemination of information](#) about the serious health crisis besetting the country, or calls for help through social media from citizens affected by COVID-19. The comment, obviously in response to the utterly [despotic threat issued by U.P. Chief Minister Yogi Adityanath](#) that those “spreading misinformation” or “rumour” would be detained under the National Security Act (NSA) and their property seized, will surely help prevent ill-advised action by the police and the administration to treat appeals concerning shortage of hospital beds, medical oxygen and vital drugs as attempts to bring the government into disrepute. The police in Amethi registered an FIR against a man who appealed on Twitter for an oxygen cylinder for a family member for allegedly circulating a rumour and seeking to cause fear and alarm. Mr. Adityanath appears quite convinced that complaints about oxygen shortage in his State are either imaginary or, worse, malicious, and wants to treat them as attempts to “spoil the atmosphere”. While it is entirely in order that the government has directed the police to crack down on the profiteering on medicines in the black market, it is quite a different matter if the administration starts seeing all appeals for help in a grave crisis as nothing more than activities aimed at tarnishing the government’s image.

Given the propensity of such leaders to treat the voicing of grievances by citizens as a personal affront to their administrative capabilities, the Court’s warning that any attempt to stifle the people’s voices would attract action for contempt of court is quite timely and necessary. As Justice D.Y. Chandrachud, who heads the Bench, remarked, any clampdown on information is contrary to basic precepts. He underscored the significance and necessity for the free flow of information during a grave crisis by recalling the role it played in containing a famine in 1970. The Court was apparently drawing inspiration from the theory, articulated by economist Amartya Sen, that the fundamental attributes of democracy — such as a free press and the need to face the people at elections and respond to political criticism — help prevent famines. However, how far the present regime feels itself accountable to the people at large is now unclear. It faces criticism both within the country and from the international media that a major cause of the crisis is its reluctance to acknowledge its own failure to prepare for a calamitous second wave. Questions fired at it by High Courts are also on these lines. Any move to stifle such criticism or believe that this is a problem of managing perceptions will be of no avail if the infections and body count keep rising alarmingly and the health system draws close to a collapse.

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