CURBING FREEDOM OF SPEECH

Arvind Kejriwal writes :

The decision of Delhi High Court to sentence Mid Day journalists to four months of imprisonment for publishing certain well researched facts supported by suitable documents which showed serious misconduct on the part of the former Chief Justice of India sends a strong signal to the rest of the country, especially to the media that if anyone dares to speak, publish or publicly discuss any wrongdoing by any court, it would be treated as contempt of court and he/she would be severely punished for that.

While it is important in any society that its judiciary inspire public confidence, such confidence cannot be engendered by using the threat of contempt action to deter exposure of any wrongdoing in the judiciary. Public confidence in the judiciary is created by the actions of the judiciary and any reckless allegations against it are quickly seen to be what they are. In a free society, such allegations do not stick, if they are incorrect or reckless. The use of the power of contempt to stifle allegations against judges would only increase public suspicion about the judiciary and indeed engender contempt for it. Public confidence in the judiciary cannot be maintained by silencing dissenting voices or exposure of wrongdoing.

Millions of citizens of India, have great regard for many things that the Indian judiciary has done in the past, particularly to protect the cherished fundamental right of free speech. However, this judgment strikes at the foundation of democracy. It makes wonder why the Courts are averse to a full enquiry. Further, why are the Courts aggressively pursuing the journalists, who did a public duty to bring these facts in the public domain?

This is a very critical moment in the history of the right to free speech. If the Delhi High Court judgment is not reversed, the people of this country are in serious danger of losing their right to free speech, at least as far as the judiciary is concerned, which is undoubtedly one of the most powerful institutions of the State today. □□□