

17.08.2020

To,
Mr. Dushyant Dave, Senior Advocate,
President,
Supreme Court Bar Association
New Delhi

Dear Sir,

We the undersigned lawyers want to register our protest against the manner in which the criminal contempt cases were taken up against Mr Prashant Bhushan by the Hon'ble Supreme Court over the last month.

First, the Supreme Court initiated suo moto contempt proceedings in July 2020 against Mr Bhushan for his two recent tweets (of 27 & 29 June), and listed it along with a criminal petition filed by a private citizen, Mr. Mahek Maheshwari. In these proceedings, Mr Bhushan had filed a preliminary reply affidavit seeking more time to put on record a more detailed affidavit defending himself. However, he was denied this opportunity to effectively defend himself, and the matter was hurriedly taken up against him and finally decided. The Mahek Maheshwari petition was also listed without obtaining the consent of the Learned Attorney General as mandated. Although the Learned Attorney General was issued notice in the matter, his oral views in the matter were never sought by the Court before finally deciding it. Mr. Bhushan has now been held guilty of criminal contempt in this matter.

Second, an eleven year old contempt case against Mr Prashant Bhushan was suddenly taken up out of turn and hurriedly listed for a final hearing. This was done in total disregard of the current situation created by the Covid 19 pandemic that has hampered the work of the courts, making normal physical court hearings impossible. Senior lawyers who were representing Mr Bhushan in these proceedings repeatedly requested the court to defer the hearing till the resumption of physical Court, since they felt that a virtual hearing was not very conducive for such an involved matter, with voluminous court records. Moreover, there was no apparent urgency to the matter, since it had already been pending for eleven

years. These requests were disregarded and the proceedings in this old case, taken out of the cold storage, were instead expedited. Moreover, the procedural objections to an expedited hearing raised by Mr Bhushan's counsel were not only glossed over by the court but summarily dismissed without giving any reasons.

Under the Indian Constitution, every citizen of India is guaranteed a right to a fair trial/ representation/hearing, and must be given a fair opportunity to be heard before being condemned in any proceedings. The cherry picking of cases especially in these pandemic times may give a negative impression about the Court. As the old adage goes, *justice must also seem to be done*. If the highest court of the country that is the repository of the best of our constitutional values does not follow due process in a case where it is also a party and, fails to maintain fair play or instill confidence, the adverse consequences on rule of law will be irreversible.

The majesty of the Supreme Court of India is not affected so much by criticism, as it is by its own response to it. Having recognised the right to freedom of speech and expression on several recent occasions, the Hon'ble Court must show the same sensitivity and circumspection before issuing criminal contempt in a case that has a bearing on its own tolerance to speech. Invoking of the 'iron hand' by the Constitutional Court of India to respond to criticism in speech, should be reviewed.

We urge the SCBA to take up the issue with regard to proper hearing, and also share a link of the virtual hearing on sentence on 20 August, which must symbolically be held in 'open court', and those advocates who wish to do so, may be allowed to be present and seen on-screen.

Sincerely

S. NO.	NAME	DESIGNATION
1	A Rajesh	Advocate
2	A. A. Siddiqui	Advocate
3	A. Zaidi	Advocate
4	A.Hidayathulla	Advocate
5	A.J.Rizvi	Advocate
6	A.K. Talukdar	Lawyer, Gauhati High Court
7	A.R. Patel	Advocate
8	Aaditya Bhatt	Advocate
9	Abdul Razzaque Shaikh	Advocate
10	Abhay	Lawyer
11	Abhijeet Sinha	Advocate
12	Abhijit Kumar Chattopadhyay	Member SCBA
13	Abhinav Verma	Advocate
14	Abhinav Verma	Advocate
15	Abhishek Nath Tripathi	Advocate
16	Abu Nasar	Advocate, Patna High Court
17	Achintya Tiwari	Advocate
18	Adeeba Hussain	Student of law
19	Adhil Saifudheen	Advocate
20	Aditya Arora	Lawyer- Chhattisgarh HC
21	Aditya Ranjan	Advocate
22	Afreen Khan	Advocate, Bombay
23	Ajit Pudusery	Advocate on Record
24	Akanksha S	Advocate
25	Akanksha Singh	Lawyer
26	Akbar Hussain Pindhara	Advocate
27	Akhilesh Kalra	Advocate
28	Akhileshwar Prasad Singh	Advocate
29	Alex Ekka	Director, XIDAS
30	Ali Mushtaq Nawazish	Advocate
31	Alinawaz a vakil	Lawyer
32	Alok Kumar	Advocate, Managing Partner THS Law Firm
33	Alpana	Advocate
34	Altamish Siddiki	Advocate
35	Amanullah	Advocate
36	Amarta Roy	Advocate
37	Ambar Bhushan	Lawyer
38	Amit Agrawal	Advocate
39	Amna Bakhtawar	Student
40	Amrithalal Roy PS	Advocate
41	Anand Grover	Senior Advocate
42	Aniket Ranjan	Law Student (final year)
43	Anil kumat	Advocate
44	Anjali	Advocate
45	Anjor Bhaskar	Faculty, APU
46	Ankush Satija	Legal Associate
47	Anne Panicker	Advocate
48	Ansar Indori	NCHRO

49	Anshul Bajaj	Advocate
50	Anubha Rastogi	Lawyer, Mumbai
51	Anubhuti Bhardwaj	Lawyer
52	Anuj Kapoor	Advocate, Delhi
53	Anuja Tiwari	Lawyer
54	Anupama Singh	Lawyer
55	Anupradha Singh, Adv	Advocate, Supreme Court of India
56	Anupradha Singh, Adv	Advocate, Supreme Court of India
57	Anuvinda Varkey	Advocate
58	Aprajita	Advocate
59	Arjun	Advocate
60	Armaity Irani	Advocate
61	Arun D. Nimbalkar	Advocate
62	Arunav Guha Roy	Advocate
63	Arunima Bhattacharjee	Advocate, Supreme Court
64	Arvind Kumar Shukla	Advocate
65	Asadulla Pasha	Advocate
66	Asher Revi Job	Advocate
67	Ashif husain	Advocate
68	Ashok Agrwaal	Advocate
69	Ashok Kumar Goyal	
70	Asif Naqvi	Advocate
71	Astha	Advocate
72	Atul Kumar Jha	Law Student
73	Atul Kumar Sagar	Advocate
74	Augustine Ezhakunnel	Advocate
75	Aum Kotwal	Advocate
76	B. N. Kazi	Advocate
77	B.Mohan	Advocate
78	B.T. Vishwanath	Advocate
79	Balaji Srinivasan	Advocate On Record
80	Baskar Rajagopal	Business Development Manager
81	Bhagwan Anant Rokade	Advocate
82	Bhargavi	Advocate
83	Bhavya	Economist, the World Bank
84	Bhavys	Advocate
85	Bimal Rajasekhar	Advocate
86	Bina Gupta	Lawyer and AOR
87	Bino George Job	Advocate
88	Brijesh Jasvantray Trivedi	Advocate
89	Brijrajsinh Kher	Advocate Gujarat High Court
90	Brijrajsinh Kher	Advocate Gujarat High Court
91	C Solomon	Advocate
92	C.R.Jaya Sukin	SCBA member
93	Chandan Goswami	Advocate
94	Chandan kr Rai	Advocate
95	Chander Nigam	Advocate
96	Chandra Mohan Singh	Advocate, Patna High Court
97	Charles DSa	Advocate, Mumbai
98	Cheryl Dsouza	Advocate
99	Choudhary Ali Zia Kabir	Advocate
100	Clara D Souza	Advocate
101	Claudia Müller-Hoff, LL.M.	Attorney , Germany
102	CV Manojkumar	Advocate, Thiruvananthapuram
103	D.Muthukumar	Advocate
104	Damodar Tukaram Dandge	

105	Darshan Bundele	Advocate
106	David	Advocate
107	Debesh Kumar Panda	Lawyer, Jharsuguda, Odisha
108	Deeksha	Advocate
109	Deelip Narayan Mestri	Advocate
110	Deepak Varma	Lawyer
111	Devvrat	Lawyer
112	Dhruv Dave	Advocate
113	Dhruv Sood	Advocate
114	Digantika Rao	Law graduate
115	Dilip Kumar Thakur	Advocate
116	Dipika Sahani	Advocate
117	Diwesh Kumar	Advocate
118	Dr Janak Raaj Rana	Advocate
119	Dr Namita Wahi	Fellow, Centre for Policy Research
120	Dr. G. Mohan Gopal	Legal academic
121	Dr.Alok Kumar Sinha	Advocate
122	Dr.R.Subash Chandra Bose	Professor
123	Durgesh Yadav	Advocate
124	Eklavya Vasudev	Advocate
125	Fahad Abdullah	Student
126	Faisal Aboobacker	Lawyer
127	Farida Khan	Professor
128	Fidel Sebastian	Advocate, Delhi
129	Firdaus Moosa	Lawyer
130	Furkan Ali Mirza	Student
131	Gaurav Jain	Advocate
132	Gayatri Singh	Senior Advocate
133	George	Lawyer
134	George Pulikuthiyil	Human Rights Lawyer
135	George Varughese	Advocate
136	Gopu V R	Advocate, High Court of Kerala
137	Gorang Goyal	Advocate
138	Gurnat Randhawa	Advocate
139	Gurmeet Singh Advocate	Advocate
140	Gurpreet	Lawyer
141	Gurpreet Singh	Advocate
142	Gurvinder Singh	Advocate
143	Hareesh Ahmad Minhaaj	Advocate , Supreme Court of India
144	Haresh	Advocate
145	Haresh Punjabi	Advocate
146	Harini Raghupathy	Advocate
147	Harman Singh	Advocate
148	Hasan Al Banna	Law Student
149	Hemantkumar Shah	Associate Professor
150	Hitesh L Gupta	Advocate
151	I.S. Saroha	ex. President Rohini Bar Association Delhi.
152	Imran G Shaikh	Advocate
153	Indira Jaising	Senior Advocate
154	Indira Unnayar	Advocate- Supreme Court & Delhi High Court
155	Indra Prakash Singh Ragh	Advocate and General Secretary, FACT
156	Indran	Lawyer
157	Indu Prakash Singh	President, Forum Against Corruption & Threats (FACT)
158	Iqbal Masud Khan	Advocate
159	Irene Sequeira	Advocate
160	Irfan Pathan	Advocate

161	Ish Maini	Law graduate
162	Jagdeep Chhokar	Advocate
163	Jahnvi Sindhu	Advocate
164	Jai Bansal	Lawyer
165	Jayant Kumar Pandey	Advocate, Jharkhand High Court
166	Jhum jhum Sarkar	Advocate
167	Jigar D Dave	Advocate, Gujarat High Court
168	Jitendra Shinde	Advocate
169	Johny P K	Retired
170	Jos Chiramel	Advocate
171	Joseph Pookkatt	Advocate
172	Joykutty K A	Advocate
173	K. Ajan	Advocate
174	K. B. Shibu	
175	K. Muhammed Aslam	Advocate
176	K. Vincent	Advocate
177	K.J.Sebhastian	Freelance Consultant
178	Kabir Dixit	Advocate-on-Record
179	Kalimur Rehman	Advocate
180	Kameshwar Singh	Advocate
181	Kanika	Lawyer
182	Kapil	LL.B
183	Karthik	Advocate-on-Record
184	Kartik Prasad	Advocate
185	Kaushal Kishore	Advocate
186	Kaveeta Wadia	AOR
187	Kazi Basil N	Advocate
188	Kezhosano Kikhi	Advocate
189	Khemchand Rajaram Kosht	Advocate
190	Kirat Randhawa	Advocate
191	Kirti Singh	Advocate
192	Kishore Pillai	Lawyer, Baroda Bar Association
193	Kishore Upadaya	Advocate
194	Kshatrshal Raj	Advocate
195	Kumaresh Trivedi	Advocate
196	Kunal	AOR
197	Kunal Kumar	Advocate, Vaishali, Hajipur
198	Kunnukuzhy Suresh	Advocate
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200	Lakshim Raghutham Rao	Advocate
201	Lalit Arora	Advocate
202	Lavkesh	Lawyer
203	Laxmi Charan Pal	Advocate
204	M Z Khan	Lawyer
205	M.I.Sharma	Advocate
206	Madhusoodanan. K.C	
207	Mahesh Trivedi	Senior Journalist
208	Mahsain Ahammed Khan	Legal consultant, PWD
209	Malavika	Secretary ASPM
210	Malavika Rajkotia	Advocate
211	Malayinkeezhe Ajith	Advocate
212	Malvika	Advocate
213	Mangla Verma	Advocate
214	Mani Chaudhary	Advocate
215	Mani Gupta	Advocate
216	Manish Bavagosai	Advocate

217	Manish Singla	Advocate
218	Mansi Sood	Advocate
219	Mary Mitzy	Advocate
220	Md Arham	Law student
221	Md Shadab Ansari	Advocate
222	Medha Sachdev	Advocate
223	Medha Srivastava	Advocate
224	Meenesh Dubey	Advocate
225	Mercy	Advocate, Wayanad, Kerala
226	Mini Mathew	Lawyer
227	Mir Akhtar	Advocate
228	Miriam Fozia Rahman	Social Justice Lawyer
229	Mishika Singh	Founder, Neev - Foundation for Legal Aid
230	Mithilesh Prasad	Sr.Advocate P.H.C
231	MJ Sidharth	Advocate
232	Mohammad Wasim	Advocate
233	Mohammed Mudassir Abdu	Advocate, Balapur Dist Akola Maharashtra
234	Mohammef	Advocate
235	Mohan Katarki	Senior Advocate
236	Mohd Faris	Advocate
237	Mohd Haris	Law Student
238	Mohd Rais Farooqui	Advocate
239	Mohd Zahid Hussain	Lawyer
240	Mohit Pandya	Retired Sr.Citizen
241	Moiht Pandys	Retired Sr. Citizen
242	Mrs.S.Sood	Advocate
243	Mudhssar Salim Sayyed	Advocate
244	Mukesh Kumar	Advocate SCBA
245	Mumtaz	Lawyer
246	Muskan Tibrewala	Student
247	Nabila Hasan	Advocate
248	Naeem Ilyas	Member
249	Nagarajan L	ADVOCATE
250	Nagorao shankarrao vaidya	Adocate
251	Namita Wali	Advocate
252	Nandita Rao	Advocate
253	Nanita Sharma	Advocate on Record
254	Nasir Mohammed Khan	Advocate
255	Nasruddin Shaikh	Activist
256	Natha M. Jadhav	Advocate, Mumbai
257	Naveen	Advocate
258	Naveen Jain	Lawyer
259	Neha Sonawane	Advocate, Founding Partner, Vaakya Legal
260	Nihalsing B. Rathod	Advocate
261	Nilesh Ukey	Advocate from Mumbai
262	Nilofar Khan	Advocate On Record
263	Niloufer Bhagwat	Advocate and Vice President, Indian Assn. of Lawyers
264	Niranjan Biswal	Advocate
265	Nirmal John	Advocate
266	Nishaank	Advocate
267	Nitin	Lawyer Supreme Court
268	Omanakuttan KK	Advocate
269	P C Tewari	Advocate
270	P. R. Chandak.	Advocate
271	P.I.Jose	AOR
272	P.Ram Mohan Rao	Advocate

273	Paramasivan	Assistant Manager Finance
274	Pardeep Kumar	Advocate
275	Paresh G Barot	Advocate
276	Pawan Mittal	Advocate
277	Pon Dhammabala	Advocate
278	Poonam Kaushik	Advocate General Secy. Pragatisheel Mahila Sangathan Delhi
279	Pradeep	Advocate
280	Pradeep Kumar Srivastava	Advocate
281	Prakash Rajaram Jagtap	Advocate
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285	Prateek Chaturvedi	Advocate Delhi High Court
286	Praveen Chauhan	Advocate
287	Praveen K Singh	Advocate
288	Prem Verma	Convenor, Jharkhand Nagrik Prayas
289	Printo Jacob	Registered Nurse
290	Pritha Srikumar	AOR
291	Priyanshi	Advocate
292	Priyansu Mishra	Lawyer Bombay High Court
293	Prof.Dr.B.Prasaad LLD(US/	Advocate Gujarat high Court
294	Puneet	Advocate
295	Punit Juneja	Advocate
296	Pushan Majumdar	Lawyer
297	Pyoli	Advocate on Record
298	R K Singh	Advocate
299	R S Lakshman	Advocate
300	R Vaigai	Senior Advocate
301	R. H. A. Sikander	Advocate
302	R. M. Tufail	Advocate
303	R. R. Patil	Advocate
304	Raahul Gupta	Manager
305	Raajesh L Simhunn	Advocate
306	Raghvendra Pandey	Lawyer
307	Rahul Gupta	Advocate
308	Rahul Narang	Advocate
309	Raja VN	Advocate
310	Raja.S	State Organiser
311	Rajat Kumar	Advocate
312	Rajat Sharma	Advocate
313	Rajesh Tyagi	
314	Rajesh.P.V	Advocate
315	Ram Jiban Pd Singh	Advocate Patna High Court
316	Ram Sandesh Roy	Advocate Patna High Court , Bihar.
317	Ramakrishnan	Software Engineer
318	Ramesh Kumar Mishra	AOR
319	Ramesh R	Teacher
320	Ranvir Singh	Advocate
321	Rashid hikmat	Advocate
322	Ravi Shekhar Gupta	Sr Advocate, jharkhand High Court, Ranchi
323	Ravi Verma	Advocate
324	Ravindra Jadhav	Advocate
325	Rishabh Kapur	Advocate
326	Riyaz Ahmed Bhat	Advocate
327	Rk Sharma	Advocate
328	Robin Jacob	Advocate

329	Rohini	Student
330	S. B. Singh	Advocate
331	S. Prabu Ramasubramania	Advocate
332	S.Soren	Human Rights Activist
333	S.Sreebhadran	Advocate
334	S.Sreesh	Advocate
335	S.Srinivasan	
336	Saaduzzaman	Lawyer
337	Sachida Nand Mishra	
338	Sachin kamble	Advocate
339	Saifur Rahman	Advocate
340	Sakshi Banga	Advocate
341	Salomi	Advocate
342	Sampathkumar C	Advocate
343	Sandeep Awasthy	
344	Saniya Malik	Advocate
345	Sanjay Bansal	Advocate
346	Sanjay Pal	Advocate
347	Sanjeev K Bhardwaj	Advocate
348	Sanjeev Kumar Mahato	Advocate
349	Sanjib Kumar Mal	Advocate
350	Sanjoli Mehrotra	Practising Advocate
351	Santosh Kumar Pandey	Advocate
352	Sapan Parekh	Advocate
353	Saumya Tandon	Advocate
354	Saurabh Agrawal	Advocate
355	Sayantana Chowdhury	Entrepreneur
356	Sayed Aamir Ali	Advocate
357	Seema Misra	Advocate
358	Shabana Yasmin	Advocate
359	Shagun Singh	Lawyer
360	Shahnawaz Khan	Advocate, Bharuch, Gujarat
361	Shahrukh Alam	Advocate
362	Shailesh Amin	Advocate, Gujarat High Court
363	Shambhavi Sinha	Lawyer
364	Shamshu Dharwez	Solutions Engineer
365	Shariq Ahmed	Advocate
366	Shashank Singh	Advocate on Record
367	Shashwat	Advocate
368	Shefali Jain	Advocate
369	Shesh Nath Verwal	Ph.D. Scholar, Sanchi University of Buddhist Indic Studi
370	Shilpa Parmar	Advocate
371	Shital Upadhyay	Advocate
372	Shiv Kumar Gupta	Advocate
373	Shivam	Advocate
374	Shivangi Nanda	Advocate
375	Shivangi Sud	Lawyer
376	Shobha	Advocate
377	Shourya Dasgupta	Advocate
378	Shreya Maheshwari	Lawyer
379	Shrey Patnaik	Advocate
380	Shrikant Iyengar	Manager
381	Shruthan	Advocate
382	Shruti Narayan	Advocate
383	Shubham Kaushal	Advocate
384	Shweta Kapoor	Advocate

385	Shyam Agarwal	Advocate
386	Shyju Manisseril	Secretary, Kalpetta Bar Association
387	Siddarth Mehra	Senior Associate
388	Siddhant Kohli	Advocate
389	Siddhartha Kumar	
390	Sk Afaz Uddin	Lawyer
391	Sk Sajjad	Advocate
392	Sneha Mukherjee	Advocate
393	Sneha Singh	Advocate
394	Snigdha Tiwari	Advocate
395	Somesh Chandra Jha	Advocate on Record
396	Stephen Mathew	Advocate
397	Subhash Chandran KR	Advocate
398	Sudalai Madan	Advocate
399	Sudha Ramalingam	Advocate, Chennai
400	Sujata Jena	Volunteer Lawyer
401	Sujoy Mondal	Advocate
402	Sumiksha Arya	Lawyer
403	Sunieta Ojha	Lawyer
404	Sunu Baby Varghese	Lawyer
405	Sureshkumar S	Advocate
406	Surinder Singh Mansahia	Senior Advocate
407	Surya Rajappan	Advocate
408	Sushant Makhijani	Advocate
409	T. Hubertson	Advocate
410	T.R.Ajitkumar	Advocate
411	Talib Mustafa	Advocate, Patna High Court
412	Tamseel Momin	Lawyer
413	Tarun Khaitan	Professor of Law
414	Thankachen. V.A.	Advocate
415	Thomas Franklin Caesar	Advocate, Supreme Court of India
416	Tom Joseph	Advocate
417	Uday Pratap singh	Advocate
418	Uday Singh Chopra	Advocate
419	Ujjaini Chatterji	Advocate
420	Ulhas T. Naik	Advocate, High Court
421	Umesh Dabhade	Advocate
422	Umesh Pratap Singh	Advocate
423	Urfi	Advocate
424	Uttam Kumar Khan	Headmaster
425	V.Benchamin	Advocate
426	V.Elanchezhiyan	Advocate on record
427	Vaibhav Aggarwal	Advocate
428	Vaibhav Tripathi	Lawyer
429	Vaidehi Misra	Advocate
430	Vamika Bajaj	Advocate
431	Vasuman Khandelwal	Advocate
432	Venkata Hemanth Pothula	Advocate
433	Vibhanshu Agarwal	Law student
434	VijayakumamK.P	High Court, Madras
435	Vikash Singh	
436	Vikram Deep Sharma	Advocate
437	Vinay Ved	
438	Vishal	Lawyer
439	Vishal Kumar Singh	Advocate, Patna High Court
440	Vishal Patel	Advocate Gujarat High Court

441	Vivek Sharma	Advocate
442	W.Anil	Advocate
443	Wanare Deorao Parasham	Advocate Aurangabad
444	Warisha Farasat	Advocate
445	Yash Momaya	Advocate
446	Yelamanchili Shiva Santosh	Advocate
447	Yuwaraj Baburao Jadhav	Advocate
448	Yvonne Le Fort	Interested Citizen
449	Zakir Hussain	Advocate, Madras High Court
450	Zaman Ali	Independent Practitioner, Mumbai
451	Zeba Khair	Advocate
452	Zehra Khan	Advocate
453	Zubair Ahmed	Advocate
454	प्रयिंका शुक्ला	अधविक्ता, बलिसपुर, छत्तीसगढ़

CAMPAIGN FOR JUDICIAL ACCOUNTABILITY AND REFORMS
6/6 basement, Jangpura B, Delhi – 110014

Patrons: Justice P.B. Sawant, Shri Shanti Bhushan, Prof B.B. Pande, Dr. Bhasker Rao, Ms. Arundhati Roy, Shri Pradip Prabhu, Prof. Babu Mathew, Dr. Baba Adhav, Ms. Kamini Jaiswal, Shri Mihir Desai, Shri Manoj Mitta
Executive Committee: Prashant Bhushan, Nikhil Dey, Cheryl D'souza, Venkatesh Sundaram, Indu Prakash Singh, Devvrat, Siddharth Sharma, Dipa Sinha, Annie Raja, Rohit Kumar Singh, Pranav Sachdeva, Alok Prasanna Kumar, Ramesh Nathan, Vipul Mudgal, Indira Unninaray, Madhuresh Kumar, Vijayan MJ, Koninika Ray, Anjali Bharadwaj, Amrita Johri

15th August 2020

**CJAR STATEMENT CONDEMNING SUPREME COURT
JUDGEMENT IN THE SUO MOTO CONTEMPT CASE AGAINST
PRASHANT BHUSHAN**

The Campaign for Judicial Accountability and Reforms (CJAR) strongly condemns the Supreme Court's judgment in a suo moto contempt case, holding Mr Prashant Bhushan, convenor of CJAR, and a lawyer who has taken up several important causes of public interest, guilty of criminal contempt of court. We feel that Mr Bhushan's two tweets being expressions of his anguish and a bonafide criticism of the court and the Chief Justice of India, are fully protected under Article 19(1)(a) of the Constitution of India and cannot be stifled by a such a conviction.

When the functioning of the court has been disrupted due to the Covid-19 pandemic and important cases concerning the rights of millions are being adjourned for weeks and months, the haste with which the Court has proceeded to hear and convict Mr Bhushan is unseemly and sends a message of stern consequence to those who choose to express themselves in manners that are not palatable to Judges. The judiciary commands respect and never demands it. It earns respect through its impartial and effective decisions and interpretation. The Supreme Court has enjoyed a hallowed status due to the work of progressive and thoughtful judges who have expanded human rights and defended liberty. Respect and dignity cannot be demanded from citizens on the threat of contempt.

The judiciary has been sagging under a reputation of delay and its inability to deliver timely and substantive justice. Courts themselves have repeatedly ruled that justice delayed is justice denied. The judiciary is also burdened with pressing pleas for

transparency, accountability in its appointments and its functioning.

Few dare to speak up against the judiciary because of the swift retribution of contempt. Criminal contempt to prop up the court's dignity (as opposed to other forms of contempt), is an archaic, obsolete law, in long disuse in its country of origin, and abolished in several other countries. It is time to free ourselves from the yoke of this stifling law, to look deeply into its purpose, and ensure that it is not used to silence opinions that seek accountability and reforms in the functioning of the judiciary.

By convicting Mr Bhushan for criminal contempt, we believe that the court has lowered its own dignity in the eyes of the ordinary person in India. Once hailed as one of the "most powerful Constitutional courts" in the world, it is unfortunate that the court is intolerant of even the most temperate and well intentioned criticism. We call upon each and every sitting judge of the Hon'ble Supreme Court to reconsider this decision that has, more than anything, harmed the court's own prestige and dignity in the eyes of the public.



PRESS STATEMENT

Prashant Bhushan case reflects state of free speech in India: CHRI

New Delhi, August 16, 2020 – The Supreme Court verdict slamming senior lawyer and human rights advocate Prashant Bhushan's critical tweets of it is “a sign of the current deterioration in the state of free speech in the country,” the Commonwealth Human Rights Initiative (CHRI) said today.

However uncharitable or inappropriate the tweets might be, the Hon’ble Court “in passing the judgement, has made it clear that ‘the majesty of the law and of the administration of justice’ is above the fundamental freedom of expression sending a chilling message about the cost of criticism,” said the India Executive Board of CHRI, which is headed by former Chief Information Commissioner, Wajahat Habibullah, and includes two distinguished jurists.

“Public confidence in the judiciary is built by securing the rights of people and not by using the law of contempt during a pandemic when the court’s functioning is anyway restricted, when other important matters are not heard, and holding a human rights defender like Prashant Bhushan guilty for exercising his freedom of expression,” CHRI added.

It supported calls by different sections of society, including the media, academia, civil society organizations and lawyers, groups demanding the repeal of existing criminal defamation and contempt laws, citing this as part of a colonial legacy when dissent was criminalised.

“On India’s 74th Independence Day, discretion, restraint, firm dignity and the unequivocal upholding of rights is what Indians look to from the highest court of the land, not the silencing of expression,” CHRI noted.

In its judgment last week, a bench of the apex court said Bhushan committed “serious contempt of the court” by making a “scandalous and malicious statement” about the record of the top court and the last four Chief Justices during the past six years. According to the court, these two tweets were enough to shake “the very foundation of constitutional democracy” and needed to be dealt with an “iron hand.”

CHRI’s Executive Board includes Madan B Lokur, former Justice of the Supreme Court, AP Shah, former Chief Justice of the high courts of Delhi and Madras. Other members are Ms. Vineeta Rai, Ms. Maja Daruwala, Dr. Poonam Muttreja, Mr. Nitin Desai, Dr. BK Chandrasekhar, Mr. Kishore Bhargav, Mr. Kamal Kumar, Mr. Jacob Punnoose and Mr. Jayanto N Choudhury. Sanjoy Hazarika is CHRI’s International Director and Secretary to the EC.

In India, the CHRI Executive Board noted, the past years have witnessed a spurt in attacks on journalists, including last week on three reporters of The Caravan in New Delhi, arrests of media professionals for their media coverage, even during the pandemic and assaults on persons for views expressed on social media.
