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15<sup>th</sup> 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.

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