

To,

August 17, 2020

Hon'ble Sh. KK Venugopal Ji.
Attorney General of India
A -144, A Block, Neeti Bagh
New Delhi – 110049.

Subject :- Request for consent under section 15 of Contempt of Courts Act 1971 read with Rule (3) of Contempt Proceedings of the Supreme Court,1975, for initiating criminal contempt proceedings against the alleged contemnor Ms. Swara Bhaskar.


Hon'ble Sir,

I on behalf of our client 'Ms. Usha Shetty' requesting you to kindly provide your kind consent under section 15 of Contempt of Courts Act 1971 read with Rule (3) of Contempt Proceedings of the Supreme Court,1975, for initiating criminal contempt proceedings against the alleged contemnor Ms. Swara Bhaskar.

That on 1st February 2020 at an event hosted by 'Mumbai Collective' Ms. Swara Bhaskar has passed the derogatory and scandalous statement in context of the Hon'ble Supreme Court of India. The details of the objectionable statement is mentioned in the Contempt Petition.

The said Contempt Petition in context of the objectionable statement made by Ms. Swara Bhaskar is attached herewith for your kind perusal.

Thus it is most respectfully prayed to provide your kind consent in initiating criminal proceedings against Ms. Swara Bhaskar.



On behalf of Petitioner

- 1.) Adv. Anuj Saxena.
- 2.) Adv. Prakash Sharma.
- 3.) Adv. Mahek Maheshwari.

IN THE SUPREME COURT OF INDIA
(INHERENT JURISDICTION)

CONEMPT PETITION (CRIMINAL) NO. _____ OF 2020

(CONTEMPT PETITION U/S 15 OF THE CONTEMPT OF
COURTS ACT, 1971 READ WITH RULE 3(C) OF THE RULES TO
REGULATE PROCEEDINGS FOR CONTEMPT OF THE
SUPREME COURT, 1975)

IN THE MATTER OF:-

USHA SHETTY

...Petitioner

VERSUS

SWARA BHASKAR

...Respondent/Alleged Contemnor

PAPER-BOOK

(FOR INDEX KINDLY SEE INSIDE)

ADVOCATE FOR PETITIONER: ANUJ SAXENA, PRAKASH SHARMA
& MAHEK MAHESHWARI.

RECORD OF PROCEEDINGS

S.No.	Date of record of proceedings
1.	
2.	
3.	
4.	
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PROFORMA FOR FIRST LISTING

The case pertains to (Please tick/check the correct box):

Central Act (Title)

Section

Central Rule: (Title) N.A.

Rule No(s): N.A.

State Act : (Title) N.A.

Section: N.A.

State Rule : (Title) N.A.

Rule No(s): N.A.

Impugned Interim Order : (Date) N.A.

Impugned Final Order/ Decree : (Date) N.A.

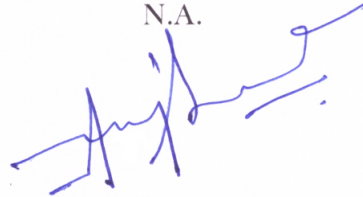
High Court : (Name) N.A.

Names of Judges : N.A.

Tribunal/ Authority : (Name) N.A.

1. Nature of matter : Civil
2. (a) Petitioner/ Appellant : USHA SHETTY
(b) Email : NA
(c) Mobile Number : NA
3. (a) Respondent : SWARA BHASKAR
(b) Email : NA
(c) Mobile No.: NA
4. (a) Main category classification :
(b) Sub classification :
5. Not to be listed before : N.A.
6. Similar / Pending matter : No similar matter is
pending
7. Criminal Matters : N.A.
(a) Whether accused/
convict has surrendered : No.

- (b) FIR No. NA Date : NA
(c) Police Station : NA
(d) Sentence Awarded : NA
(e) Sentence Undergone : NA
8. Land Acquisition Matters : N.A.
- (a) Date of Section 4 notification : N.A.
(b) Date of Section 6 notification : N.A.
(c) Date of Section 17 notification : N.A.
9. Tax Matters : State the tax effect: N.A.
10. Special Category
(first petitioner/
appellant only) : N.A.
Senior Citizen SC/STWoman/Child Disabled
Legal Aid Case In custody
11. Vehicle Number (in case of Motor Accident Claim matters) :
N.A.
12. Decided case with citation : N.A.



ANUJ SAXENA, PRAKASH SHARMA &
MAHEK MAHESHWARI
Advocate for the Petitioner

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IN THE SUPREME COURT OF INDIA

INHERENT JURISDICTION

CONTEMPT PETITION (CRIMINAL) NO. ____ OF 2020

IN THE MATTER OF :

1. USHA SHETTY

D/o Sreetharam Shetty P,

R/o Padalpady House, Pajeer,

Kurnad, Kurnad, Dakshina Kannada,

KarnatakA - 574153

.....PETITIONER(S)

VERSUS

SWARA BHASKAR

....ALLEGED CONTEMNOR

CONTEMPT PETITION ON BEHALF OF THE PETITIONER U/S
15 OF THE CONTEMPT OF COURTS ACT, 1971 READ WITH
RULE 3(C) OF THE RULES TO REGULATE PROCEEDINGS FOR
CONTEMPT OF THE SUPREME COURT, 1975 FOR INITIATING
CONTEMPT PROCEEDINGS AGAINST THE CONTEMNOR

To,

The Hon'ble Chief Justice of India

And his companion Justices of the

Hon'ble Supreme Court of India

The humble petition of the

Petitioner above named:

MOST RESPECTFULLY SHEWETH:

1. The Petitioner above-named is filing the instant petition seeking initiation of contempt proceedings against ‘Swara Bhaskar’ (hereinafter referred to as alleged Contemnor).
2. The Petitioner is a social activist and a law abiding citizen of India.
3. The alleged contemnor is an actress by professions and had passed the derogatory/ scandalous statement in context with the Apex Court of India and the Judicial institution of the country.
4. The Petitioner herein invokes the Contempt Jurisdiction of this Hon’ble Court U/s 15 of The Contempt of Courts Act 1971, read with Rule (c) of the rules to regulate proceedings for contempt of the Supreme Court 1975 and/or any other relevant laws for the time being inforce.

FACTAUL MATRIX CULMINATING INTO THE PRESENT CONTEMPT PETITION IS AS FOLLOWS:

- A. This Hon’ble Court vide judgement dated 09 November 2019 in Civil Appeal No - 10866 - 10867 of 2010 titled ‘*M Siddiq (D) Thr Lrs Versus Mahant Suresh Das & Ors*’, delivered the landmark judgment in the case popularly known as ‘*The Ram janmabhoomi case*’.

- B. The Judgment was a ‘unanimous Judgment’ by the 5 Judges bench of this Hon’ble Court.
- C. That on February 1st 2020 society in the name and design of ‘Mumbai Collective’ organised a conference/ Panel discussion, wherein the alleged contemnor was also invited as one of the panellist.
- D. That the alleged Contemnor is an actress by profession and an influential person.
- E. The alleged contemnor while addressing the conference titled ‘*artists against Communalism*’ passed a statement derogatory and scandalous in nature, putting a big question on Judiciary and their integrity to the Constitution of India.
- F. The objectionable statement of the alleged contemnor is produced below for the kind perusal of this Hon’ble Court.

“We are now in a situation where our courts are not sure whether they believe in the Constitution or not”

“.....What then do we do and it seems to me that as everyone has said that path is clear to us and it has been shown to us by you all whoever of you all have been part of the protest by the students by the women and by the citizen protestors it is to resist.....”

“We are living in a country where the Supreme Court of our country states in a Judgement that the demolition of Babri masjid was unlawful and in the same Judgement rewards the same people who brought down the mosque.....”
‘Applause’.

The afore quoted statement of the alleged contemnor are derogatory and Scandalous in nature and intended to scandalise this Hon’ble Court. Moreover the alleged Contemnor seemingly provoking the addresses to Resist against the Judicial Institution of this Nation.

The true translated copy of the entire Speech is attached herewith and marked as **Annexure P-1 [Page Nos. ____ to ____]**.

5. That objectionable statement is not only a cheap stunt of Publicity to gain a brief applause but a deliberate attempt to turn the masses to resist and revolt against the Apex Court of India.
6. The alleged Contemnor statements intends to incite feeling of no confidence amongst public with respect to the proceedings of this Hon’ble court and integrity of the Hon’ble Judges of the Apex Court of India.
7. The aforesaid act of the Contemnor amounts to Criminal Contempt and falls under the acts amounts to Scandalizing the Court.

The relevant provision for Criminal contempt defined u/s 2(d) of Contempt of Courts Act 1971 is produced below for kind perusal of this Hon'ble Court.

“Criminal contempt includes any act or publication which: (i) ‘scandalises’ the court, or (ii) prejudices any judicial proceeding, or (iii) interferes with the administration of justice in any other manner. ‘Scandalising the Court’ broadly refers to statements or publications which have the effect of undermining public confidence in the judiciary.”

8. That objectionable statements intend to inject the feeling of no confidence with respect to the Hon'ble Supreme Court of India.
9. The aforesaid speech is readily available on the YouTube and is aired on by different channels such as:
 - 1.) Satyan K. Bardoi-
<https://www.youtube.com/watch?v=XOcbxJRYyhY>
 - 2.) MIM News Express-
https://www.youtube.com/watch?v=RzM8_q4ROMU

In view of the abovementioned facts it is respectfully submitted that this Hon'ble Court may be pleased to:

PRAYERS

- a) Initiate Contempt Proceedings against the alleged Contemnor/Respondents for undermining and scandalizing the Hon'ble Supreme Court of India .
- b) Pass any further order(s) and/or directions which this Hon'ble Court may deems fit and proper in the facts and circumstances of the present case.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.

Counsels for the Applicant

Drawn by: Anuj Saxena, Prakash Sharma &

Mahek Maheshwari

Dated:17/08/2020

New Delhi

Swara Bhaskar's full speech at Mumbai collective

Hello everyone big thanks to Mumbai collective for having me here I think that there is nothing to add here as have been said here perhaps

This is the movement as Sushanth sir said sometimes we feel u know preaching to the Choir style but not an issue as our understanding is we have to increase the Choir so that the song we are singing and other peoples who all are singing in different places that form only spreads because the noise is so loud right now as Rashika said for all of those who don't know another shooter a second shooter has been apprehended in Shaheen Bagh like an Hour ago and a... He was caught very lovingly and very calmly, he said that here only and only Hindus will rule this is the only thing the only thing, all the things that are happening are doesn't backed up by any great ideology that same little ideology was in 1948 when Gandhi was Shot that only Hindus will rule. Behind this jealousy the mythical act of a miser heart is reflecting that all it is and I think that we have now reached a place where where we have to accept that that the fear we had, that I think that we have now reached a place where we have to accept that the fear that we had that 'what's going to happen'? What's going to happen? **It has already**

happened! We are living in a country where the Supreme Court of our country states that the demolition of Babri masjid was unlawful and in the same judgement rewards the same people who brought down the mosque.

So, it has arrived whatever we feared that unspeakable fear it exists, we are living it now we are at that moment when the uniformed personnel who take oaths by placing their hands on our constitution.

They attack unarmed Muslims they destroy their properties they abuse them they barge into their home only because I don't know. Because they eat non-veg? I don't even know what the reason is a... we have come to a place to a place where that photo of shooting of yesterday or day before yesterday where that shooter that child Gopal whatever Ram Bhakt Gopal standing at shooting place where behind him police was also standing very calmly catching him & taking him lovingly I mean what a cooperation & understanding is of Delhi police along with shooter and even the gun of shooter was not taken in custody yes if you see the video you will notice that even gun was detained from him. Basically I don't want to sound alarmist but just want to say that whatever it is that all of us feared and the good people of this country the law abiding people of this country feared whatever it was that unspeakable unnameable monster is here amongst us right now so I think that recognition and I think we all have that recognition

but just bears reputation and therefore because in that place sorry may be I am non answering the question also because I didn't hear it but a.. I think that it becomes absolutely imperative to ask ourselves what do we do ?what do we do in a society when we are more bothered by the fact that a stand-up comic heckled someone in a flight than we are bothered by the fact that people are allowed to roam around with gun and shoot ? What do we do with this concept of civilisation that doesn't consider murder wrong but consider impoliteness to be a crime? What do we do when people who are supposed to enforce law and order do not believe in the law themselves that is the question to ask ourselves?

We are ruled by a government that doesn't believe in our constitution we are ruled by police forces that do not believe in the constitution it seems we are now in a situation where our courts are not sure whether they believe in the constitution or not what then do we do and it seems to me that as everyone has said that path is clear to us and it has been shown to us by you all whoever of you all have been part of the protest by the students by the women and by the citizen protestors it is to resist.

And I think just talking a cue from what Rasika said I think it's imperative to understand that this is not one government.

That this is not one government this is that same shitty ideology and I am sorry I am not being polite because you know what fuck your politeness

Cheering...

Really fuck your politeness

And ya because as law abiding citizens at lease it's not yet criminals to swear and I think talking a cue from what Rasika said it is to understand that this is a 90 years project this project began in 1925 and it continues.so what we are saying today is really very hard work I mean credit where due.

They are all very hardworking, diligent, disciplined people this is 90years of work so we have a long road ahead of us .but I think I think that hate and that enemy it's not just in one government or one people or one jackass minister who makes a speech that incites some young bigger jackass to pick up a gun I think the fight is at home it is also that threat and that enemy is that thinking that we get every morning on our family WhatsApp groups that we feel too polite I think the fight is at home it is also. That threat and that enemy is that thinking that we get every morning on our family WhatsApp groups that we feel too polite to respond to because we are well read people we are good children .our parents taught us manners so we don't reply to that uncle or that aunt or that grandfather, grandmother whoever it is because you know we are polite and you know we don't want

the fight but you know what I think the time is to actually start answering those messages on those WhatsApp groups I think that when we talk about resistance which is really the only way forward .

I think we have to find ways to resist at every step at every single step I would urge all of us and I'm sure you all agree but still again bears repetition. I think we should see Kunal Kamra's act as an act of resistance that was an act of protest it doesn't have to be polite

Please not up against one man and Arnab Goswami privacy is not as stake in the country what is the existence of crores of people what is the stake of very nature of our country what is the state we are using very rapidly is the spirit of our constitution so frankly in way privacy I mean don't break law but then next time if we see someone like that on a flight person who is in power and person who has lied to the people of country to the every single day we have wilfully abused his power and spread hate just confront them let us confront Arnab Goswami every single time we see him let us confront every single officer or person who holds position or authority in this government lets confront every single minister of this government every single person who is an ally to this government wherever do we find them let's do it today there was beautiful and you know resistance can take many form we r so creative I mean and I think the most amazing thing during

this panel about artists the most amazing thing that I have seen in this protest is the kind of creativity that we have seen and ,the kind of art that we have seen been created at this time and I think we can use we can use all of that ..i think I'm sure you all have seen in social media ..there was just one young women who boarded in Indigo flight wearing placard that said Indigo airline I'm ashamed of you and I support Kunal karma and we will let the crew roar where and amazing act of resistance those another picture that I saw on social media today where someone who is travelling by air India as written on the seat u know the cover that they have in seat they written on that Air India. I support Kunal Kamra and you shouldn't have done whatever, whatever like that is a act of resistance, this is the kind of resistance we must find at every step because I mean off course yes we are scared we are all scared and we all have something to loose but yet we can find ways that are smart we can find ways genius to keep this resistance alive. Every act of protest does not have thousands of us sitting at gate way of India or Mumbai bagh or anywhere those are important as well and that must happen and kudos to those people, they have given us the reason to hope ... **I'm just saying fight can take many forms because it's a fight cannot end soon it's a fight that is long it's a fight that will continue and it's a fight that must fought at every single step and every level we find and every nook and**

cranny that we can get into a.... that's it and resist let's resist this is the battle
and we must be happy for that battle. Thank you