

30th August 2020

Hon'ble Justice S.A.Bobde
Chief Justice of India,
Supreme Court, New Delhi.

Subject: Open letter from law students requesting you and your brother judges to reconsider the judgement on Prashant Bhushan's Contempt Case.

Your lordship, this is an emotional letter from law students across the country who are disturbed by the judgement given by Justice Arun Mishra led bench and disheartened witnessing the way our Supreme Court reacted on two tweets by Mr. Prashant Bhushan. The whole episode of three cases, first, recalling of 2009 contempt case and relisting it suddenly, second, deletion of case from Justice DY Chandrachud led bench regarding constitutional challenge on provisions of contempt and third, the suo-moto cognizance through a poor petition without sound legal reasoning on two tweets. All of these during a pandemic when marginalized and voiceless are awaiting justice in many cases raises our doubts on intention of the judiciary. In our democracy, resides an institution, the Supreme Court of India, praised handsomely. To quote veteran Nani A. Palkhivala:

“When the history of our benighted times comes to be written, it will be plainly perceived that the Supreme Court of India was the one institution which served the nation most meritoriously in its hour of need. Freedom under the law survives in India only because of the fundamental rights in our Constitution and the outstanding independence of our Courts.”

Each word of this quote matters immeasurably because this praise exists for that Supreme Court which had apologized to the people of the country it failed during the infamous emergency and endured criticism as an impeccable asset.

However, the same Supreme Court has been shaken merely by two tweets of Advocate Prashant Bhushan. The Supreme Court seems to have weak albeit broad shoulder for social media opinions. It feels scandalized for being fiercely criticized by one of its own whose real motive is for judicial reforms. There is only so much left to say that hasn't already been said by the charged person himself but the hope of imploring the Court is still prevalent among some of us.

Every case of contempt organises opportunity for a generation to learn attributes of moral leadership, calmness, liberty, and consideration ought to be showcased by authorities. This is a chance to understand what the Supreme Court said in its own motion in Re S.

Mulgaokar [AIR 1978 SC 727]

“not to be hypersensitive even where distortions and criticisms overstep the limits, but to deflate vulgar denunciation by dignified bearing, condescending indifference and repudiation: by judicial rectitude.”

As said by Justice VK Iyer in *S Mulgaokar v. Unknown* (1978) 3 SCC 339, 1978 3 SCR 162, *“I quite realise how hard it is to resist, with sage silence, the shafts of acid speech; and, how alluring it is to succumb to the temptation of argumentation where the thorn, not the rose, triumphs. In contempt jurisdiction, silence is a sign of strength since our power is wide and we are prosecutor and judge.”*

Indeed, to criticise the judge fairly, albeit fiercely, is no crime but a necessary right, twice blessed in a democracy. The blessing kept in the security of the Apex Court which ensures the freedom of expression as “a free people are the ultimate guarantors of fearless justice.”

It may be better in many cases for the judiciary to adopt a magnanimously charitable attitude even when utterly uncharitable and unfair criticism of its operations is made out of bona fide concern for improvement. Lord Atkin very aptly said in 1964, *“Wise Judges never forget that the best way to sustain the dignity and status of their office is to deserve respect from the public at large by the quality of their judgments, the fearlessness, fairness and objectivity of their approach, and by the restraint, dignity and decorum which they observe in their judicial conduct.”*

The judiciary ought to reply for criticism by restoration of public confidence. The judiciary ought to reply for criticism by changing its course. The judiciary ought not to charge for contempt when criticism arises out of anguish and love for justice, from a person aiding in profoundness of the same justice he asks for others. We have witnessed Mr. Bhushan in courts fighting for transparency, accountability, environmental protection and human rights, also against corruption since years. His contribution in our fraternity and nation building is undoubtedly cherished by all in legal fraternity. The tweets have a layered anguish represented for the voiceless and marginalized community. Those 2 tweets do not hurt the sanctity of the court as it all depends on the approach of judges towards justice. We have seen judges accepting whatever the executive states and moving forward with ‘laid-back attitude’ in serious and sensitive cases. This is what can shake the public confidence and the only reason you and your brother judges should worry about.

This open letter signed by law students can be considered as a firm criticism on the un-authored judgement delivered on 14.08.2020 by the three judge bench led by Justice Arun Mishra in *Suo Moto Contempt Petition (Criminal) No. 1 of 2020*.

Copy to:
Hon’ble Justice Arun Mishra,
Through, The Registrar,
Supreme Court of India.

Sincerely undersigned students:

- | | | |
|-----------------|----------------|--------------------|
| 1 Rishav Ranjan | 3 Snigdha | 5 Saarthak Agrawal |
| 2 Aman Banka | 4 Anita Bharti | 6 Vaibhav Shahi |

7	Doriyoli Borah	39	Harsh singh	71	Jannat Garg
8	Veronica das	40	Vishal Singh	72	Harshita Kaushik
9	Karishma Das	41	Qaisar Fahad	73	Alvina Rais Khan
10	Siddharth Kashyap	42	Amol	74	Ijajur Rahman
11	Anushka	43	Akansha Sharma	75	Harsh Singh
12	Ravi Boolchandani	44	Shikhar Khanna	76	Zoya Zaki
13	Aeilin Sultana	45	Jumpi	77	Rehan Ahmad
14	Debarati Ghose	46	Pranjal Rai	78	Pranav Sharma
15	Khalid	47	Utsav Singh Tiwari	79	Arvin
16	Susmit Isfaq	48	Biswajit Dash	80	K. Aashil Naidu
17	Ambrosia Kalita	49	Udit pratap singh Solanki	81	Rishikesh Guptha K
18	Shaoni Das	50	Asif Ali	82	A. Thiruthi
19	Tushar Arora	51	Ishaan Jain	83	Suryansh Singh
20	Sanjivan Chakravorty	52	Sharad Kamal Bezboruah	84	Aarshi Singh
21	Silvereen Sun	53	Reetam Singh	85	Yuvraj Naidu
22	Shehnaz akhtar	54	Tanvin Gogoi	86	Aastha Agrawal
23	Aastha Khanna	55	H. Mophisha S Dkhar	87	Shagun Chaudhary
24	Sparsh Goel	56	Sameeksha Goswami	88	Pranjal Sharma
25	Himanshu Gupta	57	Manu Verma	89	Animesh Arya
26	Arche Hanse	58	Alisha Sharma	90	Shreya Mani
27	Aditya Mishra	59	Rohan gautam	91	Yash Rajgarhia
28	Aakansha Singh	60	Arihant Tiwari	92	Nishant
29	Bhaskar Dev Tripathi	61	Shubham Kumar	93	Kanchi Agrawal
30	Radhika	62	Ankit Goyal	94	Arsalan Shaikh
31	Rohan gautam	63	Chesta Bamel	95	Shruti Shree
32	Manan Jaiman	64	Ankit Tiwari	96	Nistha Pandey
33	Astha	65	Rahul Garg	97	Prince
34	Aviral Misra	66	Pranshu Pallav	98	Masum a Aggarwal
35	Nupur singh	67	Raja Choudhary	99	Vanshika
36	Pragati Singh	68	Pragya	100	Himanshu Sonwani
37	Vartika Vasu	69	Alvina Rais Khan	101	Ujjawal Kumar
38	Amrendra Kumar Singh	70	Shristi Talukdar	102	Aman Hiranwal

- 103 Shubham Kumar Pandey
- 104 Tanisha Goyal
- 105 Nikhil Sharma
- 106 Anuj Banka
- 107 Rehan Ahmad
- 108 Rhythm Maheshwari
- 109 Shailesh Bajoria
- 110 Tanmay Kumar
- 111 Abhinav
- 112 Vineet Bindal
- 113 Diksha singla
- 114 Aditya Nayak
- 115 Piyush
- 116 Abhishek Indivar
- 117 Hariom Patidar
- 118 Soumalya Das
- 119 Abhishek
- 120 Ashish Dewan
- 121 Moulina Thakur
- 122 VIKAS C V