

**STATEMENT OF SHARED CONCERN ABOUT SHRI PRASHANT
BHUSHAN – A SENIOR ADVOCATE OF COMMON CAUSES AND
CRITICAL ISSUES OF PUBLIC INTERESTS IN INDIA**

We, the undersigned, are extremely disturbed by news reports of the initiation of contempt proceedings by the Supreme Court of India against India's most well-known human rights activist, senior advocate Prashant Bhushan. He is a long-time pro bono defender of human dignity, civil liberties and justice for the under-privileged sections of the Indian society. He has fought for environmental protection and against corruption in high places. He has been an outspoken champion for judicial accountability and reforms in India's higher judiciary.

It is reported that the topmost body of the Indian judicial system has decided to put him on trial on the basis of two tweets and an 11-year-old contempt case. In the first tweet, Prashant Bhushan has commented about disturbing instances of inaction to protect civil rights and democratic institutions by the judiciary in recent years. In the second tweet, he has reflected about the incongruity about the Supreme Court being locked down due to COVID-19 on one hand, while the Chief Justice gets himself photographed in a public place with many around him without a mask.

We have learnt that the contempt case against Prashant Bhushan is based on an interview given by him to a news magazine. His remarks that about half of India's Chief Justices between 1990 and 2010 had indulged in corruption (not necessarily seeking 'bribes' or financial gratification) were based on reams of documentary evidence later detailed in three affidavits submitted to the Court. The affidavits, specified instances of alleged "corruption" for each of them and appended supporting documentary evidence. The Court chose not to pursue examining the evidence and put the case in cold storage.

In our view, it is a universally recognised imperative for all judges anywhere in the world to be cautious about not only being free of fear and favour but also appear to be impartial and just. Any carelessness about respecting the rules of public conduct and maintaining a safe distance from the power elite causes a trust-deficit as well as a dangerous disenchantment with the system of justice. The legitimacy of a democratic system depends upon the rule of law and the protectors of law are expected to be guided about it by the letter and spirit of the Constitution of a given

country. Therefore, any public statement by a legal luminary who has strengthened the judicial system by continuously and consistently approaching the Courts over the years for relief about common causes and critical issues of public interest must be respected rather than be punished.

An institution as important as the Supreme Court of a country must be open to public discussion without the fear of retribution or action of criminal contempt. Indeed, criminal contempt as an offence has been circumscribed and made redundant in most functioning democracies, such as the USA and the UK. Even in India, the principle that criticism of the judiciary should not be stifled by the indiscriminate use of the power of contempt has been recognized by the Supreme Court as well as by academics and advocates of repute, such as the late Senior Advocate Shri Vinod A. Bobde who had stated [“Scandals and Scandalising”, (2003) 8 SCC Jour 32], *“We cannot countenance a situation where citizens live in fear of the Court’s arbitrary power to punish for contempt for words of criticism on the conduct of judges, in or out of court.”*

In the interest of justice and fairness and to maintain the dignity of the Supreme Court of India, we urge its Honourable judges, including the Chief Justice, to reconsider the decision to initiate judicial proceedings on charges of contempt of court against Shri Prashant Bhushan who is one of the role models in the legal profession in a growing democracy like India. We hope that the Indian judicial system will prefer self-introspection and avoid any silencing of a concerned and committed advocate for his observations as a vigilant citizen.

Signed by:

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2. **Prof. Satyajit Singh**, Political scientist, Univ. of California, Santa Barbara, USA
3. **Prithvi Sharma MD**, Gen. Secy., India Friends Association, CA, USA.
4. **Abhay Bhushan**, Distinguished Alumnus, IIT-Kanpur (Class of 1965), Palo Alto, USA.
5. **Deepak Agrawal**, Former Director – Process Technologies, Jacobs Engineering, Pa, USA.
6. **D,C, Agrawal**, Distinguished Alumnus, IIT-Bombay (Class of 1969), Princeton, USA.
7. **Dr. Yogesh C. Agrawal**, President, Sequoia Scientific, Seattle, USA.
8. **Kailash Narayan**, Lifeline International, Agoura Hills, CA, USA.
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10. **Kumar Shah**, New York, NY, USA.
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12. **Chelluri Sastri**, Halifax, NS, Canada.
13. **Tord Bjork**, Coordinator, EU Committee, Friends of the Earth, Sweden.

14. **Ms. Reshma Nigam**, President, Indians for Collective Action (ICA), Saratoga, CA, USA
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 20. **Hari Rokka**, Member of Constituent Assembly(2008-11), Nepal
 21. **Prof. Krishna Khanal**, Political Scientist and Former Advisor to Prime Minister of Nepal
 22. **Prof. Lok Raj Baral**, Political Scientist and Former Ambassador of Nepal to India
 23. **Prof Kapil Shrestha**, Former Member of Nepal Human Rights Commission
 24. **Sushil Pyakurel** Former Political Advisor to President/member of Nepal Human Rights
 25. **Vijay Kant Karna**, Former Nepali Ambassador to Denmark
 26. **Kanak Dixit**, Editor of Himal South Asia
 27. **Dinesh Tripathi**, Senior Advocate of Nepal
 28. **Charan Prasain**, Senior Human Rights Activist (Nepal)
 29. **Dr. Indra Kumari Adhikari**, Former Deputy Executive Director of Institute of Foreign Affairs
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