**FOR A FINE OF ₹1, YOU CAN ESCAPE BEING HELD IN CONTEMPT OF COURT**

Prominent public interest lawyer and activist, Prashant Bhushan, was recently held in criminal contempt of court by the Supreme Court of India; the mentioned string of actions followed Mr. Bhushan’s public tweets against the role of the Supreme Court, the chief justices, and a separate, personal tweet mentioning Chief Justice SA Bobde. On the 27th of August, 2020, Bhushan was fined ₹1 by the Supreme Court bench, owing to their “libertarian” view on freedom of speech, and a special request from the Attorney General of India to “not punish him for his actions.”

Painting the picture:

On the 27th of June, 2020, Prashant Bhushan tweeted about the role of the Supreme Court in India, alongside snide remarks about the last four Chief Justices the country has had, and the “undeclared emergency” that the nation is facing. Two days later, on the 29th of June, 2020, his tweet mentioned Chief Justice S A Bobde and him trying out a Harley Davidson superbike in his hometown of Nagpur, despite the COVID-19 pandemic and the pre-arisen coronavirus outbreak.

Following these actions of his, the Supreme Court held Prashant Bhushan guilt of criminal contempt of court on the 14th of August, in pertinence to his remarks on the social media platform. The penultimate hearing had the top court remark that Bhushan’s remarks were “painful” to read, along with his justifications made in favor of his innocence, despite the consequences of his actions. Justice Arun Mishra, one of the three judges of the bench, had quoted that this “is not the way a senior lawyer like Bhushan over 30 years of experience [sic] should behave.”

A peculiar incident that had lasted for the entirety of Bhushan’s court proceedings involved his valiance in defending his statements, rather than slinking away from them slowly. In his defense, Bhushan had quoted that his public statements were “constructive criticism about the judiciary”, and that a retraction of his statement or an insincere apology would be a contempt of his own conscience. This was reflected earlier in his Twitter profile, where he had replied to his own tweets with statements that are profusely apologetic.

Setting a bad precedent:

Every case taken up by a court around the world usually has one of the sides supporting their stance on the debate using precedents – previous cases resembling the current mishap, where the legal system declared a verdict in favor of the stance. These cases are either famous or notorious for the future legal path they pave for similar incidents.

In this particular case, Justice Arun Mishra cited the apex court’s precedents in order to highlight how previous cases had been ruled on, and the shakily set in-house procedure that had to be approached when it comes to alleging corruption against judges. According to a report by Mishra to Bar and Bench, judges are “not supposed to go to the press”, and that their “comments outside the court should not have been relied on.” This worked to Mishra’s tune, tipping the scales of the case in the favor of the Court.

In addition, Justice Mishra added that Bhushan was provided with multiple opportunities to express some regret over his remarks on the platform; he stated that Bhushan’s statement about the contempt of his conscience was required, for it was made to influence “independent judicial function”, and that the freedom of speech was only as important as respecting the rights of others. Bhushan had also fueled the burning allegation pit by publicizing his June 29 tweet widely and giving various interviews to the press.

Ironically, the court and Bhushan have set an extremely bad precedent for both the legal system, and the citizens of the nation. On one hand, the Supreme Court – a final bastion of appeal, according to Bhushan – has shown their cards in how they view freedom of speech, and how ambiguous and archaic the fundamental rights have been defined in the Constitution. On the other hand, Bhushan’s actions following the verdict have exhibited how easy it is to get away with contempt; in his case, at a measly ₹1.

The final verdict:

The Supreme Court found Prashant Bhushan guilty of criminal contempt, but decided to not punish him for his actions, under the recommendation of the Attorney General. The court stated that the AG’s consent was not required to pursue *suo motu* contempt cases – cases taken up by courts at their own accord, with no third party filing an action – and that the power to initiate contempt was not limited by the provisions of the Contempt of Courts Act, 1971. It is to be noted that the case was pursued suo motu despite Advocate Mehek Maheshwari’s petition bringing it to the Court’s attention.

The case proceedings that began on the 22nd of July, 2020, came to an end on the 27th of August, 2020, when Prashant Bhushan was found guilty of contempt, and was fined ₹1 by the Court as a reparatory fine. The three-judge bench comprising of Justices B R Gavai and Krishan Murari, headed by Justice Arun Mishra, held him guilty despite the Attorney General’s wishes to let him “off the hook”. This ₹1 fine was imposed on Bhushan with a deadline of September 15, with an alternative of a three-month jail term and disbarment from practice of law in the Supreme Court for three years.

Bhushan, after taking enough time to contemplate the situation, paid the fine of ₹1, and filed a review plea against the order as well. In a press conference, he reserved his right to a file review, and proposed to submit to the court’s decision. On the 31st of August, Bhushan tweeted a picture of his lawyer Rajiv Dhavan holding a ₹1 coin, with which he has apparently paid the fine. While his hearing about his 2020 tweets are over, Advocate Harish Salve has filed a contempt of court petition against him, pertaining to his interview with Tehelka magazine 11 years ago alleging that the Supreme Court and “over half of the previous chief justices” were involved in blatant corruption practices.