



PRESS STATEMENT

Prashant Bhushan case reflects state of free speech in India: CHRI

New Delhi, August 16, 2020 – The Supreme Court verdict slamming senior lawyer and human rights advocate Prashant Bhushan's critical tweets of it is “a sign of the current deterioration in the state of free speech in the country,” the Commonwealth Human Rights Initiative (CHRI) said today.

However uncharitable or inappropriate the tweets might be, the Hon’ble Court “in passing the judgement, has made it clear that ‘the majesty of the law and of the administration of justice’ is above the fundamental freedom of expression sending a chilling message about the cost of criticism,” said the India Executive Board of CHRI, which is headed by former Chief Information Commissioner, Wajahat Habibullah, and includes two distinguished jurists.

“Public confidence in the judiciary is built by securing the rights of people and not by using the law of contempt during a pandemic when the court’s functioning is anyway restricted, when other important matters are not heard, and holding a human rights defender like Prashant Bhushan guilty for exercising his freedom of expression,” CHRI added.

It supported calls by different sections of society, including the media, academia, civil society organizations and lawyers, groups demanding the repeal of existing criminal defamation and contempt laws, citing this as part of a colonial legacy when dissent was criminalised.

“On India’s 74th Independence Day, discretion, restraint, firm dignity and the unequivocal upholding of rights is what Indians look to from the highest court of the land, not the silencing of expression,” CHRI noted.

In its judgment last week, a bench of the apex court said Bhushan committed “serious contempt of the court” by making a “scandalous and malicious statement” about the record of the top court and the last four Chief Justices during the past six years. According to the court, these two tweets were enough to shake “the very foundation of constitutional democracy” and needed to be dealt with an “iron hand.”

CHRI’s Executive Board includes Madan B Lokur, former Justice of the Supreme Court, AP Shah, former Chief Justice of the high courts of Delhi and Madras. Other members are Ms. Vineeta Rai, Ms. Maja Daruwala, Dr. Poonam Muttreja, Mr. Nitin Desai, Dr. BK Chandrasekhar, Mr. Kishore Bhargav, Mr. Kamal Kumar, Mr. Jacob Punnoose and Mr. Jayanto N Choudhury. Sanjoy Hazarika is CHRI’s International Director and Secretary to the EC.

In India, the CHRI Executive Board noted, the past years have witnessed a spurt in attacks on journalists, including last week on three reporters of The Caravan in New Delhi, arrests of media professionals for their media coverage, even during the pandemic and assaults on persons for views expressed on social media.

For further information, contact:

Sanjoy Hazarika, sanjoy@humanrightsinitiative.org

Aditya Sharma, aditya@humanrightsinitiative.org

humanrightsinitiative.org | [Facebook](#) | [Twitter](#) | [YouTube](#)