



THE BAR ASSOCIATION OF INDIA

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STATEMENT ON BEHALF OF THE EXECUTIVE COMMITTEE OF THE BAR ASSOCIATION OF INDIA, 18TH AUGUST, 2020

The Executive Committee of the Bar Association of India, a voluntary body of lawyers, is deeply dismayed and concerned by the manner of exercise of *suo motu* contempt jurisdiction by the Supreme Court of India against a member of the legal profession in the case relating to Shri Prashant Bhushan. The Association is of the view that the exercise of contempt jurisdiction by the Court in this manner has potential for more self-harm than the avowed purpose of safeguarding the prestige of the institution.

The Bar Association of India has always stood for following high traditions and safeguarding the independence of the judiciary and upholding high standards amongst members of the legal profession.

To assist the Supreme Court in this *suo motu* case involving communication on a new social media platform, the Bar Association of India applied to intervene in the case and place before the Court a set of submissions. These submissions included a section on the Duty of the Bar to Speak:

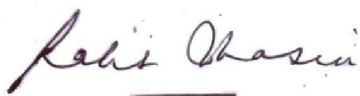
“To comment on institutional and structural matters concerning the judiciary, judicial officers and judicial conduct generally flows from an advocate’s duty as part of the administration of justice as well as her role as a dutiful citizen.”

Erroneously, the Registry of the Supreme Court declined to list the intervention application.

The Association believes that the Bench and Bar must work together in delivering justice and have special obligations in ensuring that the freedom of speech and the freedom to criticise the working of institutions are imperative for bringing about improvements through democratic means. Trenchant criticism, commentary, satire and humour help build institutions in a free society.

Judgments that curb the exercise of freedom of speech and expression by a member of the Bar by resort to *suo motu* powers is conspicuously old fashioned. The reputation of the Supreme Court of India cannot be dislodged by a couple of 'tweets'.

At a time that the citizenry is facing huge challenges, the stature of the Supreme Court would stand enhanced by allowing criticism rather than taking umbrage at such remarks.



LALIT BHASIN
President