

QUANTUM NOT A SOLACE: ON PRASHANT BHUSHAN CONTEMPT CASE

Supreme Court sentence on Bhushan diminishes its stature, exposes intolerant side

The penalty may be mild, but its import is quite grave. In imposing a nominal fine of one rupee on advocate Prashant Bhushan for criminal contempt of court, and, in the event of default, asking him to serve a three-month simple prison term and be debarred for three years from legal practice, the Supreme Court has bared its dark, intolerant side. That this was in response to tweets that contained criticism of the current CJI and some of his predecessors, diminishes the Court's stature much more than the upstanding lawyer's tweets that contained insinuations and opinions that the judiciary found unpalatable. During the hearing on sentencing, it appeared that the Bench had painted itself into a corner and was looking for a way out by seeking an apology so that a quietus could be given to the whole issue. However, Mr. Bhushan was in no mood to oblige, placing his bona fides and conscience above the need to give a face-saving option to the Court to close the case. It is unfortunate that the Court did not heed the Attorney General's wise counsel that it should display magnanimity by not imposing any sentence, and by considering the tweets as bona fide expression of criticism aimed at improving the institution's stature.

The 82-page sentencing verdict, much like the 108-page judgment finding Mr. Bhushan guilty, sets much store by the claim that it is not so much the reputation of individual judges that the Court is seeking to protect, but the standing of the institution in the eyes of the public, whose faith and trust are necessary for its sustenance. If the judiciary's majesty, dignity and trustworthiness were indeed the values at stake, it would have been far more advisable for the Court not to have taken up this matter on its own motion. For instance, the defence of truth taken by Mr. Bhushan has been characterised as something that aggravates the contempt. The reasoning is right. Past CJIs and retired judges whose conduct and opinions were sought to be marshalled in Mr. Bhushan's defence could not have been embroiled in the current proceedings. However, this was fairly obvious when the Court issued notice to him. Surely, someone cannot be found guilty of contempt without giving him an opportunity to explain his view that the CJIs of the last six years had contributed to the "destruction of democracy". This proceeding was fated to shine a light on the Court's conduct rather than on the actions of the contemnor. In the ultimate analysis, it is not a verdict that purges Mr. Bhushan of any contempt. Rather, it comes across as an unfair, but inevitable punishment for his refusal to apologise or express regret for his opinions on the conduct of the judiciary in recent times.

Meanings of Difficult Words:

- ❖ **quantum** (noun) – measure, unit, amount, portion.
- ❖ **solace** (noun) – comfort, consolation, support.
- ❖ **quantum of solace** (phrase) – it relates to the idea that two people in a relationship have to be able to give a minimum of solace (consolation) to each other when the situation requires it; if they don't, there is no respect left and the relationship is over; the smallest /minimum amount of compassion that two people can have.
- ❖ **contempt** (noun) – it refers to the offence of showing disrespect to the dignity or authority of a court (& its officers).
- ❖ **criminal contempt** (noun) – it includes any act or publication which: (i) 'scandalises' the court, or (ii) prejudices any judicial proceeding, or (iii) interferes with the administration of justice in any other manner.
- ❖ **civil contempt** (noun) – it refers to the wilful disobedience of an order of any court.
- ❖ **sentence** (noun) – judgement, verdict.
- ❖ **stature** (noun) – reputation, status, position, standing.
- ❖ **expose** (verb) – reveal, uncover, lay bare.
- ❖ **intolerant** (adjective) – hypersensitive; inflexible, dogmatic, uncompromising, unforgiving, unsympathetic.
- ❖ **import** (noun) – meaning, message, point, substance.
- ❖ **grave** (adjective) – terrible, awful, alarming, gloomy.
- ❖ **nominal** (adjective) – minimal, small, insignificant.
- ❖ **in the event of something** (phrase) – if something happens.
- ❖ **default** (noun) – non-payment, failure to pay.
- ❖ **serve** (verb) – to spend a period in prison.

- ❖ **debar** (verb) – exclude, ban/bar, disqualify, disallow.
- ❖ **bare** (verb) – uncover, lay bare, unveil, unmask.
- ❖ **predecessor** (noun) – previous holder of the property; forerunner, precursor, antecedent.
- ❖ **upstanding** (adjective) – honest, honourable, high-minded, respectable, high-principled.
- ❖ **insinuation** (noun) – implication, hint/indication, suggestion (of something bad).
- ❖ **judiciary** (noun) – a branch of government in which judicial power is vested.
- ❖ **unpalatable** (adjective) – disagreeable, unpleasant, distressing.
- ❖ **paint oneself into a corner** (phrase) – to put oneself in a situation that is difficult to escape.
- ❖ **look for** (phrasal verb) – search for, try to find, seek.
- ❖ **way out** (phrase) – solution, way of escape.
- ❖ **seek** (verb) – ask for, demand, request.
- ❖ **apology** (noun) – expression of regret.
- ❖ **quietus** (noun) – (something that has a peaceful) conclusion/end/dissolution.
- ❖ **oblige** (verb) – help, assist, do someone a service, do someone a favour.
- ❖ **place something above** (phrase) – consider something more important than another.
- ❖ **bona fides** (noun) – rationality, logic, justifiability, defensibility, authenticity, correctness.
- ❖ **conscience** (noun) – moral sense, inner voice; values/principles.
- ❖ **face-saving** (adjective) – something is done in order to preserve reputation/dignity.
- ❖ **heed** (verb) – pay attention to, take notice of, listen to, notice.
- ❖ **Attorney General** (noun) – The chief legal advisor/officer of a nation (state).
- ❖ **wise** (adjective) – sensible, prudent, rational/logical, well advised, well thought out.
- ❖ **counsel** (noun) – advice, guidance, direction, instruction (given formally).
- ❖ **magnanimity** (noun) – big-heartedness, generosity, humanity, kindness.
- ❖ **bona fide** (adjective) – legitimate, legal, genuine, real, authentic.
- ❖ **guilty** (adjective) – culpable, at fault, responsible for misconduct, responsible, accountable.
- ❖ **set store by** (phrase) – to consider that something is very important; to think that something is valuable.
- ❖ **standing** (noun) – position, good reputation, status, stature.
- ❖ **in the eyes of** (phrase) – in the view of; in the opinion of.
- ❖ **sustenance** (noun) – means of support, support, maintenance.
- ❖ **majesty** (noun) – dignity, nobleness, magnificence, grandeur, grandness.
- ❖ **dignity** (noun) – nobleness, majesty, augustness, lordliness.
- ❖ **indeed** (adverb) – in fact, actually.
- ❖ **at stake** (phrase) – at risk, at issue, in question.
- ❖ **far more** (phrase) – a lot more, much more.
- ❖ **take up** (phrasal verb) – become involved in, engage in, take part in; accept, say yes to, agree to.
- ❖ **on its own motion** (phrase) – suo motu (Latin legal term); In law, it describes an act of authority taken without formal prompting from another party.
- ❖ **for instance** (phrase) – as an example.
- ❖ **defence** (noun) – vindication, support, justification, explanation.
- ❖ **characterise** (verb) – represent, describe, outline, depict, portray.
- ❖ **aggravate** (verb) – increase, worsen, exacerbate; annoy, irritate.
- ❖ **reasoning** (noun) – (logical & sensible) thinking, thought, contemplation, pondering.
- ❖ **conduct** (noun) – behaviour, way of behaving, performance.
- ❖ **marshal** (verb) – arrange, organize, mobilize; lead, guide.
- ❖ **embroil** (verb) – involve, entangle, mix up.
- ❖ **proceedings** (noun) – legal action, prosecution, lawsuit.
- ❖ **fate** (verb) – be destined, be predestined, be preordained.
- ❖ **shine a light** (phrase) – to examine something more precisely in order to make it more clear.
- ❖ **rather than** (phrase) – instead of.
- ❖ **contemnor** (noun) – a person who shows contempt on someone/something.
- ❖ **purge** (verb) – clear out, remove, get rid of, dismiss, absolve.
- ❖ **come across** (phrasal verb) – seem, appear, look; be perceived, be understood, be comprehended.
- ❖ **inevitable** (adjective) – unavoidable, unpreventable.
- ❖ **apologise** (verb) – say sorry, express regret, make an apology, ask forgiveness, beg pardon.

THE RIGHT KEYS: ON UNLOCK 4

Unlocking the economy further calls for vigilance and stronger health surveillance

The Unlock 4 guidelines of the Home Ministry allowing all but a few activities that attract large crowds, with supportive measures by States, reflect deep economic distress. India resorted to the world's most rigorous lockdown early on in the COVID-19 pandemic, when infection spread had just begun; there were just over 600 cases on March 25. It has now liberalised most activities, restricting only those that witness gatherings in excess of 100 people. This comes at a time when daily infections are scaling new highs — 78,512 on Monday — and growing at a rate faster than in the U.S. and Brazil, which have held the top spots globally. Resumption of economic activity, including Metro and other public transport services, will ease the pain for many, and prevent a further precipitous decline in earnings and spending, but if it is not accompanied by rigorous infection control, a major public health penalty could lie ahead. Successful unlocking requires enabling movement, including international travel, within a scientific regime of identification, testing and inexpensive quarantine where needed. When the pandemic was unfolding, a major concern was that of a wildfire spread overwhelming a lopsided health-care system, in which intensive care is meagre, urban-centric and expensive even for the middle class. This painful reality, of the virus retaining high transmissibility and unpredictable disease impacts, is as relevant today as it was then, as people resume their jobs and travel. Students, meanwhile, continue to be despondent, as there is no escape from high tuition fees, while online teaching remains experimental. Worryingly, many lockdown-weary people have begun to disregard safety norms, abandoning masks and distancing norms.

India is proceeding with its unlock strategy against the backdrop of scientific models that estimate that the actual infections could be 10 times the reported 3.6 million. The implication, which was voiced by the Harvard Global Health Institute, taking antibody test data into account, is that the tally for positive cases could be between 35 million and 70 million, given India's high population. Evidence also indicates that a deceleration in disease spread should reflect in a lower test positivity rate. If Indian States have 8% or higher positivity, compared to 1% in over-the-peak locations such as New York or South Korea, it indicates far more undetected infections in the population and significantly low testing. These insights point to the tenuous nature of the unlock programme, the need for constant vigil and the irrationality of exuberance. The pandemic cannot yet be viewed in the past tense, and there is a long wait for a possible vaccine. The impending scenarios underscore the need for wider testing and safe behaviour. The new normal requires governments to prioritise work-from-home and actively support green mobility such as walking and use of bicycles. It must, in parallel, identify infections and scale up health-care access.

Meanings of Difficult Words:

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| <ul style="list-style-type: none"> ❖ unlock (verb) – free (from restrictions); undo. ❖ call for (phrasal verb) – require, publicly ask/necessitate, demand. ❖ vigilance (noun) – careful observation, surveillance, alertness/carefulness. ❖ health surveillance (noun) – a system of ongoing health checks. ❖ all but (phrase) – all expect. ❖ measure (noun) – action, step, procedure. ❖ reflect (verb) – indicate, show, reveal, exhibit. ❖ deep (adjective) – intense, heavy, serious. ❖ distress (noun) – hardship, adversity, misfortune, difficulty, trouble. ❖ resort to (verb) – use, utilize, turn to, have recourse to. ❖ rigorous (adjective) – strict, stern, stringent. ❖ liberalise (verb) – to make something less strict; to provide more freedom in systems. | <ul style="list-style-type: none"> ❖ in excess of (phrase) – more than, over, above. ❖ at a time (phrase) – during. ❖ scale (verb) – go up, go over, ascend, climb up, reach. ❖ resumption (noun) – restarting, reopening, recommencement. ❖ ease (verb) – reduce, lessen, decrease. ❖ precipitous (adjective) – sudden, unexpected, swift, abrupt. ❖ accompany (verb) – occur with, be present with, coincide with, coexist with. ❖ penalty (noun) – disadvantage, difficulty, drawback, downside. ❖ lie ahead (phrasal verb) – be going to happen; to be in the future. ❖ enable (verb) – allow, permit, authorize. ❖ regime (noun) – system, arrangement, apparatus, mechanism. |
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- ❖ **unfold** (verb) – occur, happen, take place.
- ❖ **wildfire spread/spread like wildfire** (phrase) – spread with great speed (like a large destructive fire which breaks out in forest).
- ❖ **overwhelm** (verb) – engulf, swamp, overrun, overpower/inundate; overburden, beset.
- ❖ **lopsided** (adjective) – uneven, asymmetrical, unbalanced, one-sided.
- ❖ **meagre** (adjective) – small, little, paltry, inadequate/deficient.
- ❖ **urban-centric** (adjective) – having urban as a center of something (here it is intensive care).
- ❖ **transmissibility** (noun) – the quality/characteristic/ trait of a disease being able to spread from one person to another.
- ❖ **resume** (verb) – restart, recommence, begin again, start again.
- ❖ **meanwhile** (adverb) – for now, for the present, meantime.
- ❖ **despondent** (adjective) – disheartened, discouraged, hopeless.
- ❖ **experimental** (adjective) – trial and error.
- ❖ **lockdown-weary** (adjective) – tired of lockdown.
- ❖ **disregard** (verb) – ignore, take no account of, pay no attention to; dismiss.
- ❖ **backdrop** (noun) – situation, scenario, context.
- ❖ **implication** (noun) – consequence/outcome, ramification, repercussion.
- ❖ **voice** (verb) – express, make public, announce.
- ❖ **take into account** (phrase) – consider, note, pay regard to, bear in mind.
- ❖ **antibody** (noun) – it is also called ‘immunoglobulin’; a protective protein produced mainly by plasma (blood) cells in the immune system in response to the presence of antigens (disease causing organisms (bacteria & viruses) and other harmful/toxic foreign substances like insect venom).
- ❖ **tally** (noun) – total, count, sum.
- ❖ **deceleration** (noun) – deceleration is the rate at which something slows down; it is the opposite of acceleration.
- ❖ **positivity rate** (noun) – the proportion of positives to total tests done for a disease; the percentage of tests that are turning out to be positive for a disease.
- ❖ **far more** (phrase) – a lot more, much more.
- ❖ **significantly** (adverb) – notably, importantly, seriously, crucially.
- ❖ **insight** (noun) – perception, understanding, revelation, realization/recognition.
- ❖ **point to** (verb) – indicate, suggest, denote.
- ❖ **tenuous** (adjective) – weak, fragile, shaky; insubstantial, unspecific, indefinite.
- ❖ **vigil** (noun) – surveillance, close watch, monitoring.
- ❖ **irrationality** (noun) – the quality of being unreasonable.
- ❖ **exuberance** (noun) – high spirits, enthusiasm, vigour, energy.
- ❖ **Irrational exuberance** (noun) – a state of mania; illogical enthusiastic.
- ❖ **possible** (adjective) – likely, potential, probable.
- ❖ **vaccine** (noun) – a biological preparation that improves immunity to a particular disease.
- ❖ **impending** (adjective) – imminent, close at hand, about to happen, approaching, nearing/coming.
- ❖ **scenario** (noun) – situation.
- ❖ **underscore** (verb) – underline, emphasize, highlight.
- ❖ **the new normal** (phrase) – an earlier unusual situation that becomes a standard now.
- ❖ **prioritise** (verb) – make a point of, highlight, call attention to (something as very important).
- ❖ **actively** (adverb) – vigorously, strongly.
- ❖ **mobility** (noun) – transportability.
- ❖ **green mobility** (noun) – Green mobility is sustainable transportation (e.g. walking/cycling) that allows the basic access needs of individuals and societies to be met safely and in a manner consistent with human and eco-system health, and with equity within and between generations. Green mobility is affordable, operating efficiently, offering choice of transport mode, and supporting a vibrant economy.
- ❖ **in parallel** (phrase) – happening at the same time.
- ❖ **scale up** (phrasal verb) – increase (in size or number).