

THE OPPRESSOR'S WRONG: THE HINDU EDITORIAL ON JAILING 'SAVUKKU' SHANKAR FOR CONTEMPT

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

"Who breaks a butterfly upon a wheel?" asked Alexander Pope, wondering if strong means were needed to beat a petty adversary. The Madurai Bench of the Madras High Court has taken a sledgehammer to deal with YouTuber and blogger 'Savukku' A. Shankar, and [sentenced him to a six-month jail term](#) for some Tweets targeting the judiciary. As political commentary goes, his style of presenting his views is indeed quite trenchant. With a know-it-all air, he goes about giving purported background material, insinuating deals and designs behind developments, often without substantiation. It is no surprise then that he got into trouble. In his defence in the suo motu contempt proceedings, [Mr. Shankar said](#) his comments were aimed at questioning the under-representation of Dalits in the judiciary, and the excess representation to Brahmins, and that taken as a whole, his comments were aimed at improving the system. The court would have none of it, and deemed his comments contumacious. It noted that he expressed no regret or repentance, but affirmed that he would continue to speak about the judiciary after his release even if sent to prison. Even though Mr. Shankar made a personal insinuation against Justice Swaminathan, what really counted was his sweeping charge against the entire judiciary. This could have been dealt with by the Principal Bench in Chennai as the allegation was general in nature, but, unfortunately, it was posted before a Bench headed by Justice Swaminathan, who was the judge aggrieved by the earlier Tweet.

The purported logic behind courts retaining the [power to punish for contempt](#) is to save the institution from scurrilous attack so that the public does not lose its faith and trust in the judiciary. However, recent experience, as well as public criticism by former judges and legal luminaries, shows that the principal source of public disenchantment with the judiciary is the conduct of courts and judges. In 2018, [four judges of the Supreme Court publicly accused the Chief Justice of India](#) of misusing his power as Master of the Roster to influence the outcome of cases. Can there be anything more scandalising to the judiciary? Former judges and lawyers routinely pen articles questioning the commitment of the apex court to issues of personal liberty and even hint at complicity and cravenness before the executive. Is there any point in going after laymen voicing their disenchantment with judicial wrongdoing? Criminal contempt is usually closed either by the court's tolerance or the contemnor's remorse, but, regrettably, neither happened in this case. If the court viewing any display of magnanimity as a sign of weakness is the 'oppressor's wrong', the defendant refusing to express regret is the 'proud man's contumely'. In truth, any conviction for criminal contempt is unwarranted, for nothing can really scandalise a court peopled by judges of integrity or save the image of a compromised institution comprising tainted individuals.

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