

PRASHANT BHUSHAN

ADVOCATE

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To,
Shri Ajayinder Sangwan
Hony. Secretary
Bar Council of Delhi
Sri Fort Institutional Area
New Delhi-110049

30th September 2020

Subject: Reply to Letter dated 21.09.2020 (Reference No. 3703/SF/2020)

Dear Sir,

1. I am in receipt of the above letter dated 21.09.2020 sent by the Bar Council of Delhi (BCD) to me pursuant to the letter dated 06.09.2020 sent by the Bar Council of India (BCI) to the BCD, in which the BCI had asked the BCD to examine the matter concerning my two tweets and Supreme Court judgments dated 14.08.2020 and 31.08.2020 passed in *Suo Motu Contempt Petition (Crl.) No. 1 of 2020*. In the said letter, you have mentioned resolution dated 03.09.2020 passed by the BCI and resolution dated 18.09.2020 passed by the BCD. I request you to kindly supply me with a copy of both these resolutions.
2. It is also submitted that I have filed a Review Petition i.e. R.P (Crl) Diary No. 19807 of 2020 against judgment dated 14.08.2020, which is pending before the Hon'ble Supreme Court. I have also filed a writ petition W.P.C 1053 of 2020 seeking directions for an intra-court appeal

in cases of original criminal conviction by the Supreme Court, which is also pending before the Hon'ble Court. In addition to the above, I will also be filing a review petition against judgment dated 31.08.2020 passed in the same case regarding the issue of sentencing. Therefore, in case the BCD decides not to drop the proceedings against me, I request that further proceedings be put on hold till the above petitions are decided.

3. In your letter you have asked me why disciplinary proceedings ought not be initiated against me for professional misconduct, because of the two tweets that I had made which were critical of the functioning of the judiciary. Please find below a response to same.
4. I submit that the Supreme Court judgments holding me guilty of criminal contempt and further sentencing me for the same, are a fundamental assault on the freedom of speech and independence of the Bar. The Bar's independence has been protected by the statutory Bar Councils established under the Advocates Act, 1961. The Bar Councils have been made completely independent of the Government as well as the Judiciary, so that they can protect the dignity, freedom and independence of the Bar.
5. I submit that the Bar Council should stand in solidarity with the rights of the members of the legal profession, and not take cognizance of the judgment of Supreme Court which have severely constricted and abridged the freedom, rights and dignity of the members of the Bar and also ordinary citizens. Freedom of speech and expression of lawyers is critical so that the members of the legal profession remain independent and can voice their opinion about the functioning of the courts without any fear or favour. It is for the same reason that the administration and functioning of the Bar Council of India as well as the State Bar Councils

have been kept completely independent of the government and the judiciary.

6. The two tweets for which the Supreme Court took *suo moto* cognizance and ultimately held me guilty for contempt were the following:

a) *“CJI rides a 50 Lakh motorcycle belonging to a BJP leader at Raj Bhavan Nagpur, without a mask or a helmet, at a time when he keeps the SC in Lockdown mode denying citizens their fundamental right to access justice!”*

b) *“When historians in future look back at the last 6 years to see how democracy has been destroyed in India even without a formal emergency, they will particularly mark the role of the Supreme Court in this destruction, & more particularly the role of the last 4 CJIs.”*

(please note that wordings of the second tweet have been wrongly recorded in the BCI letter dated 06.09.2020).

7. It is clear from a bare reading of the above two tweets that they are within the limits of freedom of expression of a member of the Bar and there is nothing in them which could be termed as contemptuous. The judgment of the Supreme Court holding me guilty, after disregarding my defence of truth, is thus fundamentally flawed, and an assault on free speech. This judgment would have the effect of criminalizing any criticism of the functioning of the judiciary and would have a chilling effect on the right of lawyers and citizens to voice their opinion. Please find attached (**Annexure A**) the affidavit dated 03.08.2020 that I had filed in Supreme Court in response to the show-cause notice. Please also find attached (**Annexure B**) the submissions filed by my senior counsel

Dr. Rajeev Dhavan before the Supreme Court during the hearing on sentencing.

8. It is settled law that the Supreme Court or High Courts have no power to bar a lawyer from his right to practice while holding him guilty of contempt. This is because that is the sole domain of the Bar Council concerned to apply its own independent mind and come to conclusion whether indeed the advocate has committed an act which the Council feels is professional misconduct worthy of suspension of right to practice law. Thus, it is submitted that the BCD is not at all bound by the judgment of the Court holding me guilty, and in fact has to form its own independent opinion as to whether my two tweets amount to any professional misconduct.
9. Thus, merely because my tweets have been held to be contemptuous by the Supreme Court in *Suo Motu Contempt Petition No. 1/2020*, it would not necessarily follow that the same also constitute “professional or other misconduct”. The law on this point was settled by the Hon’ble Supreme Court in the landmark judgment of ***Supreme Court Bar Assn. v. Union of India ((1998) 4 SCC 409)*** wherein it was held as follows:
 41. *When this Court is seized of a matter of contempt of court by an advocate, there is no “case, cause or matter” before the Supreme Court regarding his “professional misconduct” even though, in a given case, the contempt committed by an advocate may also amount to an abuse of the privilege granted to an advocate by virtue of the licence to practise law but no issue relating to his suspension from practise is the subject-matter of the case....*
 57. *In a given case, an advocate found guilty of committing contempt of court may also be guilty of committing “professional misconduct”, depending upon the gravity or nature of his contumacious conduct, but the two jurisdictions are separate and distinct and exercisable by different forums by following separate and distinct procedures. The power to punish an advocate by suspending his licence or by removal of his name from the roll of the State Bar Council for proven professional misconduct vests exclusively in the statutory authorities created under*

the Advocates Act, 1961, while the jurisdiction to punish him for committing contempt of court vests exclusively in the courts.”

10. It is thus submitted that recent judgments against me ought not to be the basis for proposed proceedings against me. The proposed proceedings will have to be decided on the basis of Advocates Act, 1961 and the Rules made thereunder. The BCD in the present proceeding has to examine my two tweets *de novo* and arrive at its own finding whether or not the same interfere with the administration of justice or amount to professional misconduct.

11. As also pointed out in the Review Petition filed by me, the judgments against me are tainted with breach of principles of natural justice and rule against bias. It is for this reason also that the said judgments ought to be disregarded by the BCD. A copy of the review petition Review Petition (Criminal) Diary No. 19807 of 2020 is attached (**Annexure C**).

12. That the Bar Council of India Rules made under Section 49(1)(c) of the Advocates Act, 1961 itself say that it is the duty of the advocate to not be servile to the Court and conduct himself with dignity and self-respect. They further provide that it is the duty of the advocate to raise his voice against improper conduct by any judicial officer. Section I of Chapter II, Part VI titled “Standards of Professional Conduct and Etiquette” of the Bar Council of India Rules specifies the duties of an advocate towards the court which reads as under:

“I. Duty to the court.—1. An advocate shall, during the presentation of his case and while otherwise acting before a court, conduct himself with dignity and self-respect. He shall not be servile and whenever there is proper ground for serious complaint against a judicial officer, it shall be his right and duty to submit his grievance to proper authorities.”

13. Therefore, it is the foremost duty of a lawyer to point out what is right or wrong with the judiciary and if there is cause for any concern, it is the

duty of a lawyer to raise his voice, without fear of any contempt or disciplinary action.

14. I am a member of the Bar for over three decades and have observed the functioning of the Courts very closely. Along with various senior advocates and intellectuals, I have been a member of Committee on Judicial Accountability (CoJA) and Campaign for Judicial Accountability & Reforms (CJAR). As a lawyer and keen observer of the judiciary, like all other experienced lawyers, I have obviously formed my opinions on a range of issues concerning the judiciary. Many of my opinions have been shared and expressed by retired judges, senior counsels, eminent citizens, intellectuals etc, and rightly, no contempt action has been taken against anyone of them.

15. In my tweet I had tried to raise my voice against the closure of the courts from any sort of normal functioning, which has had a devastating impact on the people's right to access to justice and has also affected the legal community hugely. In fact, the Supreme Court itself (bench headed by present CJI) in a suo moto case acknowledged that closure of the Courts has left many lawyers with no income. The Court observed "*the closure of the courts has deprived a sizeable section of the legal profession of income and therefore livelihood.*" Thus, the fact that courts are closed leaving little access to justice is a fact admitted by the Supreme Court. A copy of the order dated 22.07.2020 in WPC 686 of 2020 is attached (**Annexure D**).

16. In your letter, two provisions i.e. Section 24A and Section 35 of the Advocates Act, 1961 have been mentioned under which proceedings against me could be possibly initiated in view of the two tweets by me and my conviction in Suo Motu Contempt Petition (Crl.) No. 1 of 2020. Section 24A prohibits the enrollment of a person who has been convicted for an offence involving moral turpitude. Section 35

empowers the Bar Council to initiate disciplinary proceedings against an advocate who has committed serious professional misconduct.

Response to the allegation under Section 24A of the Advocates Act

17. It is submitted that my conviction for committing criminal contempt was not a conviction for “an offence involving moral turpitude”, as is the requirement under Section 24A of the Advocates Act. The posting of the two tweets in question was only an expression of freedom of speech, which is guaranteed to me by the Constitution and also by the Advocates Act. As was submitted by me in my affidavit dated 03.08.2020 to the Hon’ble Supreme Court, the said tweets were a *bona fide* belief held by me as a responsible citizen of the country about the state of affairs prevalent in the country. I did not cause any interference with the administration of justice.

18. The Hon’ble Supreme Court in **Pawan Kumar v. State of Haryana**, ((1996) 4 SCC 17) defined the term “moral turpitude” in the following terms:

12. “Moral turpitude” is an expression which is used in legal as also societal parlance to describe conduct which is inherently base, vile, depraved or having any connection showing depravity.

19. In **State Bank of India v P. Soupramaniane** (2019 SCC OnLine SC 608), it has been observed by the Supreme Court that:

“7. Moral Turpitude’ as defined in the Black's Law Dictionary (6th ed.) is as follows:

“The Act of baseness, vileness, or the depravity in the private and social duties which man owes to his fellow man, or to society in general, contrary to accepted and customary rule of right and duty between man and man.”

“implies something immoral in itself regardless of it being punishable by law”; “restricted to the gravest offences, consisting of felonies, infamous crimes, and those that are malum in se and disclose a depraved mind.”

8. According to Bouvier's Law Dictionary, 'Moral Turpitude' is:

“An act of baseness, vileness or depravity in the private and social duties which a man owes to his fellow men or to society in general, contrary to the accepted and customary rule of right and duty between man and man.”

9. Burton Legal Thesaurus defines 'Moral Turpitude' as :

“Bad faith, bad repute, corruption, defilement, delinquency, discredit, dishonor, shame, guilt, knavery, misdoing, perversion, shame, ice, wrong.”

10. There is no doubt that there is an obligation on the Management of the Bank to discontinue the services of an employee who has been convicted by a criminal court for an offence involving moral turpitude. Though every offence is a crime against the society, discontinuance from service according to the Banking Regulation Act can be only for committing an offence involving moral turpitude. Acts which disclose depravity and wickedness of character can be categorized as offences involving moral turpitude. Whether an offence involves moral turpitude or not depends upon the facts and the circumstances of the case. Ordinarily, the tests that can be applied for judging an offence involving moral turpitude are:

- a) Whether the act leading to a conviction was such as could shock the moral conscience or society in general;
- b) Whether the motive which led to the act was a base one, and
- c) Whether on account of the act having been committed the perpetrators could be considered to be of a depraved character or a person who was to be looked down upon by the society.”

It is submitted that my two tweets did not constitute an act of moral turpitude for which proceedings under Section 24A ought to be commenced by the Bar Council. As mentioned above, it was my *bona fide* belief and opinion protected under freedom of speech and expression.

Response to the allegation under Section 35 of the Advocates Act

20. That in *P.D. Khandekar v. Bar Council of Maharashtra* (1984) 2 SCC 556, the Hon'ble Supreme Court reiterated the definition of "professional misconduct" in the context of advocacy as laid down in England and subsequently followed by courts in India. An extract from the judgment is reproduced hereinbelow:

"7. ...The question is whether there was any evidence upon which the Disciplinary Committee could reasonably find that they have been guilty of "professional misconduct" within the meaning of sub-section (1) of Section 35 of the Act. The test of what constitutes "grossly improper conduct in the discharge of professional duties" has been laid down in many cases. In the case of In re A Solicitor Ex parte the Law Society [(1912) 1 KB 302 : 105 LT 874] , Darling, J. adopted the definition of "infamous conduct in a professional respect" on the part of a medical man in Allinson v. General Council of Medical Education and Registration [(1894) 1 QB 750] applied to professional misconduct on the part of a Solicitor, and observed:

"If it is shown that a medical man, in the pursuit of his profession, has done something with regard to it which would be reasonably regarded as disgraceful or dishonourable by his professional brethren of good repute and competency, then it is open to the General Medical Council to say that he has been guilty of 'infamous conduct in a professional respect'."

The Privy Council approved of the definition in George Frier Grahame v. Attorney-General, Fiji [AIR 1936 PC 224 : 163 IC 434] and this Court in In the matter of P. An Advocate [AIR 1963 SC 1313 : (1964) 1 SCR 697 : 1963 (2) Cri LJ 341] has followed the same. The narrow question that remains for consideration now is whether the finding of the Disciplinary Committee as to professional misconduct on the part of

*the appellant can be legally sustained. The test to be applied in all such cases is whether the proved misconduct of the advocate is such that he must be regarded as unworthy to remain a member of the honourable profession to which he has been admitted, and unfit to be entrusted with the responsible duties that an advocate is called upon to perform. The Judicial Committee of the Privy Council in *A, a Pleader v. Judges of High Court of Madras* [AIR 1930 PC 144 : 123 1C 184] laid down that charges of professional misconduct must be clearly proved and should not be inferred from mere ground for suspicion, however reasonable, or what may be error of judgment or indiscretion.” (emphasis supplied).*

21. That the test for professional misconduct as reiterated in *P.D. Khandekar* is whether the actions of the concerned advocate bring disrepute or dishonor to the legal profession and are perceived as such by his brothers and sisters at the Bar. In the present case, far from the Bar disapproving my tweets, I have received a groundswell of support and solidarity for my two tweets from fellow lawyers as well as from retired Judges of Supreme Court and High Courts. It is submitted that the following are some among many instances where I had received support:

- (i) Statement dated 17.08.2020 jointly issued by 12 former justices of Supreme Court and High Courts and endorsed by more than 3000 people including eminent lawyers and activists in support and solidarity with me stating that, “*We, the undersigned citizens of the country, express anguish and disappointment at the verdict of the Hon’ble Supreme Court finding human rights activist and advocate, Prashant Bhushan, guilty of contempt of court in respect of two tweets. We reiterate our solidarity and support for Prashant Bhushan at this conviction, which we believe is not appropriate*”. The statement further said, “*Every institution in a democracy has to earn the public’s affection and respect, and the hallmark of a strong institution is its openness to public scrutiny and commentary. The judgment will have a chilling effect on people*

expressing critical views on the functioning of the judiciary. Stifling of criticism by stakeholders does not bode well for any institution, especially the highest court in the country.” Full text of the statement dated 17.08.2020 published in an article at the Wire is annexed herewith as **Annexure E**.

- (ii) Statement dated 27.07.2020 jointly released by 131 persons including lawyers, retired judges, members of civil society and activists stating therein that “*...the initiation of contempt proceedings against Mr. Bhushan who had articulated some of these concerns in his tweets, appears to be an attempt at stifling such criticism, not just by Prashant Bhushan but by all stakeholders in the Indian democratic and constitutional setup.*” This statement was subsequently endorsed by eight more retired judges of the Supreme Court and various High Courts. (**Annexure F**)
- (iii) Subsequently 41 eminent Senior Advocates from across the country released a statement (**Annexure G**) that my conviction for contempt of court would have a chilling effect on the exercise of freedom of speech in relation to the judicial and administrative actions of the Hon’ble Apex Court. It was stated that:

“While Mr. Prashant Bhushan as a lawyer of good standing of the Supreme Court, may not be an ordinary man, his tweets do not say anything out of the ordinary, other than what is routinely expressed about the court’s working in recent years by many on public fora and on social media. Even some retired judges of the Supreme Court have expressed somewhat similar views.

This judgment does not restore the authority of the court in the eyes of the public. Rather, it will discourage lawyers from being outspoken. From the days of the supersession of judges and the events thereafter, it has been the Bar that has been the first to stand in defence of the independence of the judiciary. A bar silenced under

the threat of contempt, will undermine the independence and ultimately the strength of the Court. A silenced bar, cannot lead to a strong court.”

- (iv) Letter dated 18.08.2020 (**Annexure H**) written by the members of the Bar at Chennai and addressed to the Hon’ble Chief Justice of India condemning the judgment passed by the Hon’ble Apex Court holding me guilty of committing contempt of court. The following is an extract from the said letter:

“However, we are deeply disturbed by the action taken against Prashant Bhushan, a lawyer of more than 30 years practice in the Supreme Court and who has espoused many causes in public interest, often against high executive functionaries. His tweets only reflect what other commentators have said. It is therefore rather alarming that the Supreme Court has found him guilty of contempt holding that his tweets cannot be said to be “fair criticism”, are scurrilous, malicious and have a tendency to scandalise the Court. It is to be noted that both the tweets are in the context of concerns/opinions from a cross section of informed public about the latitude shown by the Court towards draconian executive actions and the general image of the judiciary that has been dented by the actions/inactions of judges.”

- (v) Letter dated 17.08.2020 (**Annexure I**) issued by 454 Advocates from across the country addressed to Mr. Dushyant Dave, President of the Supreme Court Bar Association pointing out the various procedural and other irregularities and illegalities in the contempt proceedings against me.
- (vi) Justice A.P. Shah, former Chief Justice of the Delhi High Court and former Chairperson of the Law Commission of India, in the recently held Justice Hosbet Suresh Memorial Lecture dated 18.09.2020 (**Annexure J**) stated:

“20. The Court generally is becoming more prickly when it comes to issues of free speech, as evidenced in the most recent Prashant Bhushan

case. In a display of self-proclaimed "magnanimity", the Court let off Mr Bhushan with a fine of one rupee for the contempt case against him over two tweets, but not without chastising his conduct. In the entire proceedings, one thing was clear: the Court came across as an intolerant institution.

21.The truth is that the era of the Supreme Court's glorious jurisprudence has all but vanished. We seem to have only memories of its illustrious past to reminisce upon today. We were recently told in Puttaswamy case that the ghosts of ADM Jabalpur had been buried deep, but I fear that these ghosts may have returned to haunt us once again."

- (vii) A statement (**Annexure K**) was issued by Sh. Navroz H. Seervai, learned Senior Advocate and doyen of the Bombay Bar expressing solidarity with me and condemning the judgment passed by the Hon'ble Apex Court convicting me of contempt. Relevant extracts from the statement are reproduced hereinbelow:

"Much more worrying is that this judgment appears to be a calculated assault on the one segment of civil society which is familiar with what happens in Court, and the conduct of judges in and out of Court, namely members of the legal profession. It is these members who can speak to the goings-on in the judiciary with a degree of intimacy that others lack. The judgment will have a chilling effect on free speech generally, and that appears to be its intent, but it is also intended to send out a strong message to the legal profession, by making an example of Prashant Bhushan for daring to exercise his fundamental right to freedom of speech."

- (viii) Iqbal Chagla, Senior Advocate and former President of the Bombay Bar Association also wrote an article dated 17.08.2020 (**Annexure L**) stating that the judgment in suo motu contempt case against me gave an impression that court will not accept criticism. He wrote:

"Let's be clear: Prashant Bhushan gives the clear impression that it treated Bhushan's tweets as the occasion for the Court to flex its muscle

and make clear that it will not tolerate criticism. It appears that when it was found that his tweets regarding the Chief Justice of India and the motorcycle may appear to be too trivial, it brought up an 11-year-old contempt case against him. That Bhushan's comments had not lowered the Court's esteem or brought it into disrepute for 11 years, that it did not merit disposal during a pandemic when matters of far greater importance were pending, was not a consideration. The pending matters were, among others, challenges to Article 370, electoral bonds, the Citizen Amendment Act and, of course, habeas corpus petitions and the fundamental rights of the people of Kashmir. The clear impression that the Court conveys is that Bhushan must be held up as an example — he is a senior advocate practising in the Supreme Court with an enormous reputation as an activist who has made a lasting contribution to public causes. The lesson must go out, loud and clear, that if the Court will not baulk at disciplining someone of his reputation, then woe betide anyone who dares to criticise. The significance of Prashant Bhushan is not that he has been found guilty of outspoken and trenchant criticism but the test that has been applied, and which, broadly, comes to this: If the words or conduct shake the confidence of the public in the judiciary the same constitute contempt. Every criticism, therefore, no matter how measured and responsible, will always in that sense affect the public's confidence in the judiciary.”

- (ix) Indira Jaisingh, Senior Advocate, former Additional Solicitor General of India in an article (**Annexure M**) dated 16.08.2020 wrote that the judgment in my case gives a message that lawyers must be quiet or face contempt. She wrote:

“What are the implications of the judgment for the future? Will it chill the legal profession into silence? If that happens it will be tragic for, as I said, lawyers are frontline defenders of the constitution and, more than anyone else, require the protection as whistleblowers in court. Activists had demanded that the stillborn whistleblower's law apply to lawyers as well. The time has come for that. We have noticed a recent trend in the executive to target lawyers compelling them to seek justice at the hands of the court. Our courts should recognise this as an attack on the very right to legal representation which will ultimately impact every citizen who needs to go to court, instead of revictimising them. Without a vibrant bar, there can be no vibrant judiciary. We lawyers are the primary victims of this judgment—be quiet or face contempt, is the message of the court.”

- (x) International jurist bodies such as the International Commission of Jurists and the Bar Human Rights Committee of England and Wales also issued statements in support of me and stated that stifling criticism from legal community is against freedom of speech and expression. The International Commission of Jurists (ICJ) issued a statement (**Annexure N**) regarding the judgments in *suo motu* contempt case against me. The statement issued by ICJ notes:

“The ICJ is concerned, however, that the conviction appears inconsistent with international law on freedom of expression as guaranteed by the International Covenant on Civil and Political Rights (Article 19, ICCPR) to which India is a party. While some restrictions of freedom of expression are permitted by international standards, a particularly wide scope must be preserved for debate and discussion about such matters as the role of the judiciary, access to justice, and democracy, by members of the public, including through public commentary on the courts.

...

“While the Indian Supreme Court has over the years generally been an institution that has served to advance human rights in India and globally, we fear it now may be perceived as silencing criticism and freedom of expression by invoking outdated criminal contempt laws.” added Ian Seiderman.

...

“Prashant Bhushan is a lawyer and lawyers being part of the legal system have a ring-side view and understanding of the state of the court. Convicting a leading lawyer for contempt for expressing his views in this manner may have a chilling effect on lawyers, in particular considering his involvement in many public interest litigation cases,” said Mandira Sharma, ICJ South Asia Senior Legal Advisor.”

- (xi) Bar Human Rights Committee of England and Wales in its statement (**Annexure O**) showed concern about the judgment and said that stymieing criticism risks a chilling effect.

“We are extremely concerned that the Court in reaching its decision did not hold in contemplation that lawyers are entitled to, and should have, the freedom to voice publicly legitimate criticism of how justice is administered.

Mr Bhushan’s tweets, as his affidavit in reply to the contempt attests, were part of a widespread debate and critical discussion in the legal community of how the Supreme Court of India – as the protector of the constitution and check on State power – administers justice. To stymie such criticism risks a chilling effect on appropriate and necessary debate to advance law reform in a democratic society.

The right to freedom of expression in the context of legal process importantly preserves the principle of open justice – to allow scrutiny of proceedings to ensure proper judicial conduct and a fair trial, to enhance public confidence, to deter future offences, and to inform the public about matters in the public interest. An independent and impartial judiciary is stronger when enabling open and public debate on its operations.”

22. It may also be noted that the Supreme Court in its judgment dated 31.08.2020 has not referred the matter to Bar Council to initiate proceedings against me. The Court has closed the case by sentencing me to a token fine of rupee one which I have paid without prejudice to my rights and contentions taken in the review petition.

23. In light of the above, I request the BCD to take a firm stand in support of the freedom of speech and expression of the Bar as the very freedom, dignity, rights and independence of the Bar are at stake. Independence of the Bar and the legal profession is necessary for the survival of democracy and indeed the Constitution itself. This is the precise reason that several Bar Associations and thousands of lawyers, and also retired Judges, from across the country have raised their voice through online petitions, resolutions, articles, demonstrations, virtual meetings,

discussions etc., against the Supreme Court for silencing a member of the Bar for speaking against the functioning of the Court in the public.

24. In light of the above, I submit that no proceedings be initiated against me. However, in case the BCD does not accept this response and chooses to initiate proceedings against me, I would then file a detailed response as per procedure, when that occasion arises.

Sincerely,

Prashant Bhushan