

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF LEGAL AFFAIRS

Lok Sabha

Unstarred Question No. 3272
TO BE ANSWERED ON FRIDAY, THE 05 AUGUST, 2022

Pending Contempt Cases

3272. PROF. SOUGATA RAY:

Will the Minister of **LAW AND JUSTICE** be please to state:

- a. whether the Attorney General follows any criteria to grant permission on contempt cases;
- b. if so, the details thereof;
- c. the details of application pending with Attorney General of India for granting permission to register contempt cases during the last three years;
- d. the details of permission granted on such cases during the said period; and
- e. the response of the Government regarding rising trends of criticism of Court's judgement in the country?

ANSWER
MINISTER OF LAW AND JUSTICE
(SHRI KIREN RIJJU)

(a) to (d): The power to grant consent for initiating proceedings for criminal contempt of court is statutorily conferred on the Attorney General for India under Section 15 of the Contempt of Courts Act, 1971. This power is required to be exercised by the Attorney General, in his best judgment. The principles followed by the Attorney General, in this regard, emanate from the provisions of the Contempt of Courts Act, and the very definition of criminal contempt contained in Section 2(c) thereof. Section 2(c) reads thus:

“criminal contempt” means the publication (whether by words, spoken or written, or by signs, or by visible representations, or otherwise) of any matter or the doing of any other act whatsoever which—

- (i) scandalises or tends to scandalise, or lowers or tends to lower the authority of, any court; or
- (ii) prejudices, or interferes or tends to interfere with, the due course of any judicial proceeding; or
- (iii) interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner;

In addition, there is a plethora of judicial decisions explaining the principles enshrined in the statute. The ratio of these decisions is applied to the facts of each individual case, and on that basis a decision is taken by the Attorney General whether to grant or decline consent.

From 2019 onwards, more than 100 requests for grant of consent for initiating contempt proceedings have been dealt with by the Attorney General. At present, only one such request is pending.

During the period of the last 3 years, consent for initiation of contempt proceedings has been granted by the Attorney General in regard to 18 requests made to him. The year-wise details are as follows:

2020 – Consent was granted in the following cases:

- (1) In respect of tweets dated 11.11.2020 by Shri Kunal Kamra, consent has been granted on 12.11.2020 to Mr. Abhyudaya Mishra, Mr. Amey Abhay Sirsikar, Mr. Pratik Basale, Mr. Skand Bajpai, Mr. Abhishek Sharad Raskar, Ms. Nitika Duhan, Mr. Shrirang Katneshwarkar, and Mr. Sattyendra Vinayak Muley.
- (2) In respect of tweet dated 18.11.2020 by Shri Kunal Kamra, consent has been granted on 18.11.2020 to Mr. Abhyudaya Mishra and Mr. Skand Bajpai.
- (3) In respect of tweets dated 11.11.2020 by Ms. Rachita Taneja, consent has been granted on 01.12.2020 to Mr. Aditya Kashyap.

2021 – Consent was granted in the following case:

- (1) In respect of the statements made by Mr. Ajeet Bharti in his YouTube Video uploaded on 24.06.2021, consent has been granted on 14.09.2021 to Ms. Kritika Singh.

2022 – Consent was granted in the following cases:

- (1) In respect of the statements made by Mr. Ajeet Bharti on social media platforms in November 2021, consent has been granted on 01.02.2022 to Mr. Pratik Kumar.
- (2) In respect of the statements made by Mr. Yati Narsinganand in January 2022, consent has been granted on 21.01.2022 to Mr. Afshan Hashmi, Ms. Asma Hashmi, Ms. Shachi Nelli and Mr. M.H. Siddiqi, and on 03.02.2022 to Ms. S.T. Damor.

(e) The Government has the highest respect for Judiciary and the criticism of Judgements, if any, are dealt under the provisions of relevant laws.