



K.K. Venugopal
Attorney General for India

Supreme Court of India
New Delhi-110001
Tel: 23383254, 23070046
Fax: 23782101

August 21, 2020

Mr. Anuj Saxena
Advocate
Email: advanuj.saxena@gmail.com

Dear Shri Saxena

Sub: Your email dated 18.08.2020 seeking consent for initiation of criminal contempt proceedings against Ms. Swara Bhaskar.

I am in receipt of a request for consent for initiating action by way of criminal contempt for 'scandalizing the court' against Ms. Swara Bhaskar, along with a copy of a contempt petition. I am proceeding on the basis that the statements which are extracted and referred to have actually been made by the alleged contemnor.

The speech given by the alleged contemnor has two different statements, viz:

"We are living in a country where the Supreme Court of our country states that the demolition of Babri masjid was unlawful and in the same judgment rewards the same people who brought down the mosque."

"We are ruled by a government that doesn't believe in our Constitution we are ruled by police forces that do not believe in the constitution it seems we are now in a situation where our courts are not sure whether they believe in the constitution or not what then do we do and it seems to me that as everyone has said that path is clear to us and it has been shown to us by you all whoever of you all have been part of the protest by the students by the women and by the citizen protestors it is to resist"

The statement in the first part appears to be a factual one, and is a perception of the speaker. The comment refers to the judgment of the Supreme Court, and is not an attack on the institution. This does not offer any comment on the Supreme Court itself or say anything that would scandalise or tend to scandalise, or lower or tend to lower the authority of the Supreme Court. In my opinion, this statement does not constitute criminal contempt.

K.K. Venugopal

The second statement that “...we are now in a situation where our courts are not sure whether they believe in the Constitution or not...” is a vague statement not related to any particular Court, and something which is so general that no one would take any serious note of this statement [See **R v. Koptyo (1987) 39 CCC (3d) 1**]. I do not think that this is a case where the offence of scandalising the Court or lowering the authority of the Court would arise.

I therefore decline consent to initiate contempt proceedings against Ms. Swara Bhaskar.

Yours truly,



K.K. Venugopal
Attorney General for India