



November 7, 2020

Mr. Ashwini Kumar Upadhyay
Advocate
15, M.C. Setalvad Chambers
Supreme Court of India
New Delhi-110001

Dear Mr. Upadhyay,

Sub: Your request for reconsideration of my decision dated 2.11.2020 declining consent to initiate proceedings for criminal contempt under Section 15 of the Contempt of Courts Act, 1971 read with Rule 3(c) of the Rules to Regulate Proceedings for Contempt of the Supreme Court of India, 1975

I am in receipt of your letter requesting me to reconsider my decision to decline consent for initiating proceedings for criminal contempt against Sh. Y.S. Jaganmohan Reddy and Sh. Ajeya Kallam.

I have carefully considered the grounds upon which you seek a reconsideration. As Attorney General, I am required to exercise statutorily conferred discretion not only in regard to the determination of whether particular statements or conduct would be prima facie contumacious, but also as to whether it would be in the larger public interest for such of those matters that are found to be contumacious to be placed before the Supreme Court of India by way of a contempt petition.

As I had stated in my letter dated 2.11.2020, the allegedly contumacious statements were contained in a letter written directly to the Chief Justice of India. It is no doubt true that the said letter was released subsequently to the press, as I myself had pointed out in my letter to you. I have myself watched the video of the press conference and I find that nothing extra was said other than what was already there in the letter which was addressed to the Chief Justice. The letter released to the press and enclosed in your original request for consent was therefore the subject matter of the contempt. Nowhere, is the letter, copy of which has been enclosed by you, marked confidential. In other words, the letter cannot be described as a private missive. It was widely being reported by the press. Hence there is no reason for me to change my mind.

K.K. Venugopal

The very crux of the alleged contempt lies in the contents of the letter written by Sh. Y.S. Jaganmohan Reddy to the Chief Justice of India, and thus it is open to the Supreme Court to take up the matter of contempt *suo motu* as provided by the Contempt of Courts Act, and the rules made thereunder. Given that the Chief Justice of India is seized of the matter, it would not be appropriate for me to grant consent and preclude the determination of the Chief Justice of India on the matter. As you are no doubt aware, contempt is a matter between Court and contemnor, and no person as of right can insist upon the initiation of contempt proceedings.

For these reasons, I cannot accede to your request for reconsideration.

However, I would invite your attention to the fact that my refusal to grant consent does not preclude you from bringing these facts to the notice of the Hon'ble Judges of the Supreme Court with a prayer for initiation of *suo motu* action. You may exercise this right either by way of information placed on the administrative side or by bringing it to the attention of the Court during the hearing of W.P. (C) 699/2016 where you are already the petitioner in person.

Yours sincerely,



K.K. VENUGOPAL