Consent for Contempt of court

Why in news?

Attorney General for India granted consent to initiate criminal contempt of court proceedings against comic illustrator.

What is the procedure for initiating a criminal contempt of court case against an individual?

- Section 15 of **Contempt of Courts Act 1971**, describes the procedure.
- In the case of the Supreme Court, the Attorney General or the Solicitor General, and in the case of High Courts, the Advocate General, may bring in a motion for initiating a case of criminal contempt.
- However, if the motion is brought by any other person, the consent of the Attorney General or the Advocate General in writing is required.
- It has to specify the contempt for which the person charged is alleged to be guilty.

Is AG's consent mandatory for all contempt of court cases?

- It is mandatory when a private citizen wants to initiate a case of contempt of court against a person.
- The objective behind AG's consent is to save the judicial time of the court as it will be wasted if a frivolous petition occurs.
- AG's consent is not required when the court itself initiates a contempt of court case (suo motu) as it did in the case of Prashant Bhushan case.
- **Article 129** of the Constitution gives the Supreme Court the power to initiate contempt cases on its own, independent of the motion brought before it by the AG or with the consent of the AG.

What happens if AG denies consent?

- If AG denies consent, petition ends there itself.
- Earlier AG denied consent to initiate criminal contempt proceedings against actor Swara Bhasker & against author Shefali Vaidya.
- However, complainant can urge the court to take suo motu cognizance.

What happens after the AG has granted consent?

- After the consent, notice is served personally to the person against whom the proceedings are sought to be initiated by the court.
- If the court decides not to serve the notice personally, the court has to record the reasons for it.
- If the court is satisfied that the alleged contemnor is likely to abscond or evade judicial proceedings, it can order attachment of property of a value that it deems reasonable.
- Once the notice is served, the alleged contemnor may file an affidavit in support of his defence, explaining the nature and circumstances of her remarks.
- Then the case has to be heard by at least two judge bench which will take into account any evidence available to check the affidavit and pass appropriate orders.

Source: The Indian Express

