

## SUO MOTU CONTEMPT POWER IS INHERENT: SC

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

The prior consent of the Attorney General (AG) of India is not required to *suo motu* initiate the inherent contempt powers of the Supreme Court. A three-judge Bench led by Justice Arun Mishra held that the *suo motu* contempt powers of the top court is drawn from Article 129 of the Constitution, which says the Supreme Court, as a court of record, has the power to punish for contempt of itself.

The Contempt of Court Act of 1971 cannot limit this power of the court. The statute only provides the procedure in which such contempt is to be initiated. The court explained this in its 108-page judgment in a *suo motu* contempt case against advocate Prashant Bhushan for his tweets. The lawyer was found guilty of contempt on Friday.

“As far as the *suo motu* petitions are concerned, there is no requirement for taking consent of anybody, including the Attorney General because the court is exercising its inherent powers to issue notice for contempt. It is equally well settled, that once the court takes cognisance, the matter is purely between the court and the contemnor,” the judgment said.

It said the only requirement is that the procedure followed is required to be just and fair and in accordance with the principles of natural justice.

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