

The Hon'ble Shri K.K.Venugopal,
Attorney General for India,
A-144, Neeti Bagh,
New Delhi-110049.

25th October 2020

Respected Sir,

SUB: Request for Consent under Section 15 of the Contempt of Courts Act, 1971 read with Rule 3 of the Rules to Regulate Proceedings for Contempt of the Supreme Court, 1975 to initiate criminal contempt against Shri Y.S.Jagan Mohan Reddy and Shri Ajeya Kallam

I hope this letter finds you well at this time of COVID-19 and my very best wishes for the festive season.

I write to you with respect to the recent letter by the CM of Andhra Pradesh dated 06.10.2020 and its subsequent release to the press by his Press Advisor on 10.10.2020. These actions scandalize the authority of both the Supreme Court and the High Court as well as interfering with the course of judicial proceedings and the administration of justice. Even worse, if this kind of precedent were allowed, political leaders would start making reckless allegations against judges who do not decide cases in their favour and this trend would soon spell the death knell of an independent judiciary.

I am therefore seeking your kind consent under Section 15(1)(b) of the Contempt of Courts Act, 1971 read with Rule 3 of the Rules to Regulate Proceedings for Contempt of the Supreme Court, 1975 to initiate criminal contempt against Shri Y.S.Jagan Mohan Reddy, Chief Minister of Andhra Pradesh and Shri Ajeya Kallam, Press Advisor of the Government of Andhra Pradesh.

The background

1. The Chief Minister of Andhra Pradesh, Shri Y.S.Jagan Mohan Reddy is an accused in at least 31 cases concerning the Prevention of Corruption Act and the Prevention of Money Laundering Act that is pending before the Special Court situated under the jurisdiction of the State of Telangana. He has been granted bail and continues to discharge his duties as a public servant while these trials are on.
2. In 2016, I filed a Public Interest Litigation in the Supreme Court seeking expedition in disposal of criminal cases concerning MPs/MLAs across India. Shri Vijay Hansaria, Sr Advocate has been appointed *amicus curiae* to assist the Hon'ble Supreme Court and over the years, the Court has been furnished details of the various Special Courts set up to hear these cases and ensure speedy disposal.
3. On 16th September 2020, this case [WP(c) No.699/2016] came to be listed before a Bench of Hon'ble Justice N.V.Ramana, Justice Surya Kant and Justice Hrishikesh Roy. At this hearing, the learned Amicus informed the Court about the insufficiency in

special courts in many States and the existence of stay orders, which has led to delays in reducing the pendency of the criminal proceedings against MPs/MLAs. As a consequence, the Supreme Court was pleased to pass detailed directions to ensure that the hearing of the cases would be expedited, which including requests to the Chief Justices of the various High Courts to provide action plans and designated Special Benches to monitor the hearings of the various cases.

[The Order dated 16.09.2020 is annexed here as **Annexure-I**]

4. In accordance with these directions of the Supreme Court, the Chief Justices of the various High Court took steps in compliance. On 03.10.2020, the High Court of Telangana specifically directed for day to day trials to commence soon on the cases of MPs/MLAs pending within its jurisdiction. The cases of Shri Jagan Mohan Reddy are directly affected as he is an accused MLA whose trial would have to be completed expeditiously. The article dated 04.10.2020 of the New Indian Express shows what prompted the Chief Minister's actions barely two days later.

[The articles in the New Indian Express dated 04.10.2020 is annexed here as **Annexure-II**]

Role of Shri Y.S.Jagan Mohan Reddy, Chief Minister of Andhra Pradesh

On 10.10.2020, at a Press Conference called for the purpose, the Press Advisor Shri Ajeya Kallam released to the media a letter which had been sent by the Chief Minister to the Hon'ble Chief Justice of India on 08.10.2020. This letter, which is dated 06.10.2020 is scurrilous in nature and wholly attempts to interfere not only with the course of the Petition I have filed, but also with the independence of the judiciary.

Specific attention is drawn to the following:

"7. Sri Justice N.V.Ramana has been influencing the sittings of the High Court including the roster of a few Honourable Judges and instances of how matters important to Telugu Desam Party have been allocated to a few Honourable Judges are enclosed in the annexures, along with the copies of the orders passed in a few matters. The above clearly demonstrates the nexus of Sri Justice N.V.Ramana, TDP and a few Honourable Judges of the High Court. The latest being the orders passed by Honourable Chief Justice Maheshwari in WP No.16468 of 2020 filed by Shri Dammalapati Srinivas can lead to no other inference."

[The letter dated 06.10.2020 made available to the Press is annexed here as **Annexure-III**]

Role of Shri Ajeya Kallam, IAS

Shri Ajeya Kallam, the Principal Advisor, is a senior IAS officer and is expected to function independent of the political dispensation in the State. However, Shri Kallam hastily convened a Press Conference on 10.10.2020 and read out a statement making direct allegations against Justice Ramana (of influence) and the Judges of the High Court of Andhra Pradesh (of being influenced). He said that the statement is on "behalf of the State of Andhra Pradesh". He also referred to the letter sent by the Chief Minister to the Chief Justice of India on 08.10.2020, and said that the same is being circulated to the members of

the media. In accordance with this, the letter that had been sent to the Chief Justice was circulated to the gathered members of the press, and is now widely available in the public domain and is being debated in news columns and television channels.

The video of Shri Kellam's Press Conference is available at this Link:

<https://www.ap7am.com/lv-337857-we-sent-some-material-to-the-cji-against-justice-nv-ramana-ajay-kallam>

Consequences of the Actions of Shri Y.S.J.Reddy and Shri Ajeya Kellam

The audacious assault by the Chief Minister and Shri Kellam on the judiciary of the country is without precedent. The timing of the letter, the contents of the same, the rush to spill it to the public while the matter was pending with the Chief Justice and the separate Statement read out by Shri Kellam make it manifestly clear that this was done to interfere with the course of justice and lower the authority of the court.

1. It is a direct attack on an individual who is a respected sitting judge of the Supreme Court of India, and in line to be the next Chief Justice of India.
2. It is also a direct attack on the judges of the High Court of Andhra Pradesh, who are now viewed by the Chief Minister of the State as being incapable of doing justice but are also vulnerable to external influences.
3. It specifically alleges that the judiciary functions to favour political parties (in this case, the TDP) and that when cases are allocated to favourable judges, different consequences follow.
4. I have no doubt that the effect of this release to the public is to undermine the efforts that the Supreme Court bench headed by Justice Ramana is taking to ensure that trials against MPs/MLAs (including Shri Y.S.J.Reddy) are expedited.
5. The very fact that the subject matter of the allegations against Justice Ramana's daughters date to 7 years in the past and is suddenly brought as a Damocles' sword leaves one in no doubt about the motives of these individuals.
6. You may kindly also note the subsequent conduct of both Shri Jagan Mohan Reddy and Shri Ajeya Kellam. Far from distancing themselves from the contents of the letter, the allegations therein and the manner of publication and circulation of the same, they have stoutly stood by the same and done nothing to express contrition or regret.
7. Shri Kellam is a senior IAS officer and ought to know better about the consequences of releasing such material to the press. He also purported that the contents of the Statement he read out (not the letter) reflect the views of the State of Andhra Pradesh.

As a result, the actions of these two individuals constitute grave criminal contempt of the Supreme Court of India and the High Court of Andhra Pradesh under all three heads of Section 2(c) of the Contempt of Courts Act, 1971.

It has been two weeks since the release of the letter in the public domain, and as yet, there has been no suo-motu contempt action initiated by the Hon'ble Supreme Court of

India. As a responsible advocate of this Court, and a servant of justice, I would be failing in my duty if I allowed things to remain as they are.

Therefore, Sir, I request you to kindly grant me Consent in Writing as per Section 15 of the Contempt of Courts Act to initiate criminal contempt against Shri Y.S.Jagan Mohan Reddy and Shri Ajeya Kellam.

Yours sincerely,

ASHWINI KUMAR UPADHYAY
Advocate, Supreme Court of India