



Contempt of Court

For Prelims: [Contempt of Court](#), [Supreme Court \(SC\)](#), [NCLAT \(National Company Law Appellate Tribunal\)](#), Show Cause Notice, Chief Justice of India (CJI), Contempt of Courts Act, 1971.

For Mains: Contempt of Court, Structure, organization, and functioning of the Executive and the Judiciary.

Source: IE

Why in News?

Recently, the [Supreme Court \(SC\)](#) has started [Contempt of Court](#) Proceedings against **two members of the [NCLAT \(National Company Law Appellate Tribunal\)](#)**.

- The court has issued show cause notices to the members for pronouncing a judgment in the **Finolex Cables case** despite directions from the SC to maintain the status quo in it.

Note

- A Show Cause Notice is a **formal communication issued by a court, government agency, or another authoritative body** to an individual or entity, asking them to explain or justify their actions, **decisions, or behavior**. The purpose of a show cause notice is to give the recipient an **opportunity to provide a response or clarification regarding specific concerns** or alleged violations.

What is the Case About?

- The SC had earlier directed the scrutinizer to declare the result of the **Annual General Meeting** of the **Finolex Cables** and asked NCLAT to pronounce its judgment after **being informed of the result**.
- However, NCLAT reportedly declared the judgment **without acknowledging the SC's directive**.
- The [Chief Justice of India \(CJI\)](#) expressed concerns about the functioning of National Company Law Tribunal (NCLT) and NCLAT. He noted that these **tribunals appear to have issues, and this case is an example of those issues**.
- The SC expressed its displeasure with the NCLAT's handling of the case and stated that the NCLAT **should have abided by the SC's orders**.

What is Contempt of Court?

- **About:**
 - Contempt of court seeks to protect judicial institutions from **motivated attacks and unwarranted criticism**, and as a legal mechanism to punish those who lower its

authority.

▪ **Statutory Basis:**

- When the Constitution was adopted, contempt of court was made one of the restrictions on freedom of speech and expression under **Article 19 (2) of the Constitution of India**.
- Separately, **Article 129 of the Constitution** conferred on the Supreme Court the power to punish **contempt of itself**. Article 215 conferred a corresponding power on the High Courts.
- The **Contempt of Courts Act, 1971**, gives statutory backing to the idea.

▪ **Kinds of Contempt of Court:**

- **Civil Contempt:** It is the **wilful disobedience** to any judgment, decree, direction, order, writ or other process of a court or wilful breach of an undertaking given to a court.
- **Criminal Contempt:** It is the publication of any matter or the doing of any other act which **scandalises or lowers the authority of any court**, or interferes with the due course of any judicial proceeding, or obstructs the administration of justice in any other manner.

Note

Fair and accurate reporting of **judicial proceedings** will **not amount to contempt** of court. Nor is any **fair criticism on the merits of a judicial order** after a case is heard and disposed of.

▪ **Punishment:**

- The Contempt of Court Act of 1971 punishes the guilty with imprisonment that may extend to **six months or fine of Rs 2,000 or both**.
 - It was amended in 2006 to include **“truth and good faith” as a defence**.
 - It was added that the court may impose punishments only if the act of the other person substantially interferes, or tends to interfere with the due course of justice.

What is the Criticism of Contempt of Court Proceedings?

- It is criticized to be **reminiscent of British colonialism in India** as the contempt laws have been **abolished from the United Kingdom itself**.
- Demands have been raised to restrict contempt to **only “wilful disobedience”** of directions/judgments of the court and **remove “scandalizing the court”**.
- It is also said that it **may lead to judicial overreach**.
- There are high numbers of contempt cases pending in various High Courts and the Supreme Courts, which **delays the justice administration** by an already overburdened judiciary.

Way Forward

- Freedom of speech is **the most fundamental of the fundamental rights** and the restrictions thereupon have to be minimal.
 - The law of contempt of court can impose only such restrictions as are needed to sustain the legitimacy of the judicial institutions.
- Therefore, rules and **guidelines must be framed defining the process that superior courts** must employ while taking criminal contempt action, keeping in mind principles of natural justice and fairness

Legal Insights

[Contempt of Court in India](#)

Q. Consider the following statements: (2022)

1. Pursuant to the report of H.N. Sanyal Committee, the Contempt of Courts Act, 1971 was passed.
2. The Constitution of India empowers the Supreme Court and the High Courts to punish for contempt of themselves.
3. The Constitution of India defines Civil Contempt and Criminal Contempt.
4. In India, the Parliament is vested with the powers to make laws on Contempt of Court.

Which of the statements given above is/are correct?

- (a) 1 and 2 only
(b) 1, 2 and 4
(c) 3 and 4 only
(d) 3 only

Ans: (b)

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