



## Indian and US Courts on Contempt

**For Prelims:** [Contempt of Court](#), [Supreme Court \(SC\)](#), Chief Justice of India (CJI), Contempt of Courts Act, 1971, [High Court](#), [District Court](#).

**For Mains:** Comparison of the Indian Constitution with Other Countries, Difference in Contempt Proceedings of US and India, Contempt of Court in Indian Judiciary

[Source: IE](#)

### Why in News?

The **US President's** possible defiance of a US district court ruling on withholding foreign aid highlights tensions between the judiciary and executive, raising concerns over **separation of powers** and possible **contempt proceedings**.

- This situation brings into focus how courts in different democratic systems enforce compliance with judicial orders, particularly in the **US and India**.

### Structure and Jurisdiction of the US and Indian Courts

- **3 Level Court System:** The US federal court system has 3 levels: **District courts (trial courts)**, **Circuit courts (appellate courts)**, and the **Supreme Court** (final appellate authority).
  - India also has a 3-tier system with [District Courts](#) at the bottom, followed by [High Courts](#) and then [Supreme Court](#), as the highest court of appeal.
- **Jurisdiction & Structure:** Federal courts handle cases authorized by the **US Constitution or federal statutes**.
  - **District Courts** handle civil and criminal trials and their judges serve for life.
  - **Circuit Courts** hear **appeals from district courts** and a panel of 3 judges review cases.
  - The **Supreme Court** is the highest court, hearing **appeals on constitutional and federal matters**, with **discretionary jurisdiction** through **writs of certiorari**.
    - In India, Indian courts handle cases under the **Constitution**, [IPC \(Bharatiya Nyaya Sanhita\)](#), [CrPC \(Bharatiya Nagarik Suraksha Sanhita\)](#), and state laws.
- **Jurisdiction of US Federal and Indian Supreme Court:** The **Indian Supreme Court** has a **wider jurisdiction** than the **US Federal Court**, with **exclusive original jurisdiction (Article 131)** over disputes between the **Union and States** and an **advisory jurisdiction (Article 143)** allowing the **President** to seek legal opinions on matters of public importance, which is absent in the US system.
  - Additionally, India's Supreme Court has broader **appellate powers, judicial review**, and allows [Public Interest Litigation \(PIL\)](#), making it more accessible and influential.

# How do Contempt Powers Differ in India and the US Courts?

- **About: Contempt of court** is a legal mechanism to **protect the judiciary from attacks or unwarranted criticism**, and to **punish those who undermine its authority**.
- **Types of Contempt:**
  - **In the US Court**, there are 2 types of contempt: **Civil contempt (non-compliance with orders)**, **Criminal contempt (obstruction of justice, defiance)**.
    - **Civil contempt in the US can be reversed** upon compliance, while **criminal contempt is stricter but pardonable by the president**.
    - Courts have penalized officials for contempt, but never a sitting President.
  - **In Indian Court**, there are also 2 types of contempt: **Civil contempt** (disobedience of court orders), **Criminal contempt** (scandalizing the court, obstructing justice).
    - In case of India, **contempt proceedings can be initiated** either by the **court itself (*suo moto*)** or by the individual's petition with the prior permission of the **Attorney General (AG)**.
- **Legal Provisions:**
  - **In the US**, the **Judiciary Act, 1789** empowers **all courts** to enforce orders through **contempt powers, sanctions, and legal mechanisms**.
  - In India, **Article 129** empowers the **Supreme Court to punish contempt of itself**, while **Article 215** grants the same power to **High Courts**, which also hold the **authority to punish contempt of subordinate courts**.
    - The **Contempt of Courts Act (1971)** empowers courts to enforce orders through **contempt proceedings and decrees**.
    - **Exception:** A person is **not guilty of contempt** for publishing a fair comment on the merits of a case that has been **heard and finally decided**.
- **Courts' Contempt Power & Enforcement:** Federal courts in the US ensure compliance through contempt proceedings and attorney sanctions.
  - In India, Courts ensure compliance through **contempt proceedings**.

## Compliance, Penalties & Sovereign Immunity of Officials

- **In the US**, Judges prefer **negotiation** as **sovereign immunity** limits penalties on officials. **They rarely impose financial penalties or jail time on federal officials**.
  - In the **US**, **sovereign immunity** is strong, **preventing lawsuits against the government without its consent**, and **qualified immunity** protects officials from personal liability unless they violate constitutional rights.
  - The **US Constitution requires compliance with court orders**. In extreme cases, **non-compliance occurs when the government acknowledges legality but still refuses to comply**. Eg. During the Civil War, **Abraham Lincoln defied a court order in the *John Merryman case*** (detained without charge), even though he recognized its legality.
  - US judges **avoid direct confrontations** over court orders and prefer **modifying demands** to ensure compliance.
- **Indian courts** have **punitive authority**, including **fines, imprisonment, and direct summoning of government officials**.
  - Under the **Code of Civil Procedure (CrPC)**, courts have provisions for **execution of decrees and orders, including attachment of property and arrest** in cases of deliberate non-compliance.
  - In **India**, **sovereign immunity (rooted in Article 300)** exists but is weaker, allowing lawsuits against the government in various cases.
  - Officials do not have **blanket immunity** and can be **held personally accountable**. Indian courts have **stronger contempt powers**, enabling them to **fine, summon, or jail** officials for non-compliance.
- **Judicial Review:**
  - US Courts **interpret laws** but **cannot strike down executive actions easily**.
  - In **India**, **Judicial review is well-established**, allowing courts to strike down unconstitutional actions (e.g., ***Keshavananda Bharati case, 1973***).

## Conclusion

While both the **US and India grant their judiciary significant powers** to enforce court orders, India's system includes broader constitutional provisions. The US relies heavily on its contempt powers and federal enforcement agencies. Despite differences, both nations uphold the principle that judicial decisions must be obeyed, ensuring the rule of law prevails.

### UPSC Civil Services Examination, Previous Year Questions (PYQ)

**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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