



Contempt of Court

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Why in News

Recently, the Supreme Court of India has held former Ranbaxy promoters guilty of contempt for violating its order.

- The expression 'contempt of court' has **not been defined by the Constitution**.
- As per the **Contempt of Courts Act 1971, contempt refers** to the offence of showing disrespect to the dignity or authority of a court.
- The act divides contempt into **civil and criminal contempt**.
 - **Civil contempt:** It is willful disobedience to any judgment, decree, direction, order, writ or other processes of a court or wilful breach of an undertaking given to the court.
 - **Criminal contempt:** It is any publication which may result in:
 - Scandalising the court by lowering its authority.
 - Interference in the due course of a judicial proceeding.
 - An obstruction in the administration of justice.
- However, **innocent publication** and distribution of some matter, **fair and reasonable criticism** of judicial acts and comment on the administrative side of the judiciary **do not amount to contempt of court**.

Contempt of Court Act, 1971

- The act defines the power of courts to punish for their contempt and regulates their procedure.
- It was **amended** in **2006** to include the **defence of truth** under **Section 13** of the original legislation. Implying that the **court must permit justification by truth as a valid defence** if it is satisfied that it is in the public interest.

Punishments for Contempt of Court

- The **supreme court and high courts** have the power to **punish for contempt of court**, either with simple imprisonment for a term up to six months or with fine up to 2,000 or with both.
- In **1991**, the **Supreme Court has ruled** that **it has the power to punish for contempt not only of itself but also of high courts, subordinate courts and tribunals functioning in the entire country.**
- On the other hand, High Courts have been given special powers to punish contempt of subordinate courts, as per **Section 10 of The Contempt of Courts Act of 1971.**

Need for Contempt Law

- The purpose of contempt jurisdiction is to **uphold the majesty and dignity of the judiciary.**
- Contempt powers help judges to do their duties of deciding cases **without fear, favour, affection or ill will.**

Constitutional Background

- **Article 129:** Grants Supreme Court the power to punish for contempt of itself.
- **Article 142(2):** Enables the Supreme Court to investigate and punish any person for its contempt.
- **Article 215:** Grants every High Court the power to punish for contempt of itself.

Issues with Contempt Law

- **Article 19(1)(a)** of the Constitution gives the **right to freedom of speech and expression to all citizens**, while **“contempt provisions” curb people’s freedom** to speak against the court’s functioning.
- The law is **very subjective** which might be used by the judiciary **arbitrarily to suppress their criticism** by the public.

Source: TH