

## CONTEMPT OF COURT AND ITS USABILITY WITH THE LATEST CASE LAWS

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### ABSTRACT

*Contempt of court is a vital legal principle that safeguards the authority and integrity of the Indian judicial system. In this article, we aim to explore the concept of contempt of court in India while analyzing its historical background, legal framework and highlighting the importance of preserving the dignity of the legal system. The article further analyses the limitations and challenges associated with the current Contempt of Court Act. It also discusses pertinent case laws and judgments to provide a nuanced understanding of this important legal principle. An in-depth critique of the Contempt of Court Act forms an essential part of the article, and it identifies areas where the legislation may benefit from further clarity. This article attempts to thoroughly examine the principle of contempt of court in India and its significance in upholding the rule of law and ensuring a just and fair judicial system that upholds the principle of justice for all.*

**Keywords:** Contempt, Court, Judicial System.

### INTRODUCTION TO CONTEMPT OF COURT IN THE INDIAN JUDICIAL SYSTEM

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The Indian judicial system extensively emphasizes contempt of court, serving as a powerful tool by which it defends the legitimacy and authority of the courts. Contempt of court is a fundamental legal principle that ensures respect for the court, protects its reputation, and supports the rule of law. What constitutes contempt of court is established, governed, and defined in India by the Constitution, statutes, and case law.

The law defines contempt of court as any action or behavior that aims to hinder, interfere with, or undermine the administration of justice or the legitimacy of the court. The protection of the judiciary's independence, impartiality, and dignity is the primary objective of the contempt law. It attempts to guarantee that the courts can properly discharge their duties without intervention or pressure from outside parties.

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The legislation against contempt of court in India serves two major goals, these goals are pivotal for the proper functioning of the legal system. First and foremost, it seeks to preserve the dignity of the legal system and public trust in the courts. Punishing acts of contempt helps uphold the idea that the judiciary is the supreme arbitrator and defender of justice. Second, it protects the rights and interests of everyone involved in court cases, including judges, attorneys, parties, witnesses, and court personnel. Laws against contempt operate as a deterrent to such behavior since they can prevent the fair and effective resolution of cases.

## **HISTORICAL EVOLUTION AND DEVELOPMENT OF CONTEMPT LAWS IN INDIA**

India's laws against contempt of court first emerged during the British colonial era. The idea of contempt of court was developed by the British to defend their courts against disrespect and disobedience by the masses. The authors of the Indian Constitution, who were responsible for drafting it after India attained independence in 1947, understood the importance of contempt laws and incorporated particular clauses to protect the independence of the judiciary.

However, India's contempt laws have changed over time as a result of judicial decisions and legislative actions. The main piece of legislation governing contempt in the nation is the Contempt of Courts Act of 1971. The Contempt of Courts Act offers guidelines for determining and penalizing acts of contempt in the Supreme Court and lower courts. However, the Act does not give the courts unrestricted authority to penalize contempt. It acknowledges the necessity of striking a balance between the right to free speech and the execution of justice.

## **CONSTITUTIONAL PROVISIONS AND LEGAL FRAMEWORK**

Contempt of court is covered by clauses in the Indian Constitution. While Article 215<sup>1</sup> grants the High Courts the same authority, the Supreme Court has that authority under Article 129<sup>2</sup>. These constitutional clauses reaffirm the judiciary's right to uphold its honor and integrity.

The Contempt of Courts Act of 1971 establishes the legal foundation for handling contempt matters. The steps for starting a contempt proceeding are outlined, along with definitions of

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<sup>1</sup> Constitution of India 1950, art 215

<sup>2</sup> Constitution of India 1950, art 129

civil and criminal contempt. Both criminal and civil contempt cover actions that embarrass or undermine the legitimacy of the court. Criminal contempt entails the willful defiance of court orders. The Act specifies the circumstances in which contempt can be penalized, including the necessity of intentional purpose.

The Act also recognizes some defenses against contempt, including the dissemination of accurate and genuine news of court proceedings and reasonable criticism of judicial actions. These defenses achieve a balance between the need to uphold the integrity of the judiciary and the need to protect the freedom of speech and expression.

In conclusion, India's statutes against contempt of court protect the authority, independence, and impartiality of the judiciary. The constitutional clauses and the Contempt of Courts Act of 1971 provide the legal framework to confront and penalize disrespectful behavior.

### **CIVIL CONTEMPT**

Civil contempt is defined as the deliberate disrespect of any verdict, decree, direction, order, writ, or other order imposed by a court in Section 2(b) of the Contempt of Court Act, 1971<sup>3</sup>. This section also covers a willful violation of an undertaking given to a court. This legislative provision makes it abundantly apparent that actions that make it difficult for the court to carry out its tasks or obligations constitute civil contempt.

If someone willfully disobeys a court order or breaks a commitment they made in front of the court, they may be punished in civil contempt. It is critical to know that civil contempt underlines the need of upholding court rulings and defending the justice system's impartiality.

### **CRIMINAL CONTEMPT**

Criminal Contempt in India includes a wider range of behaviors that are deemed insulting to the prestige and authority of the courts, interfere with the proper conduct of a legal case, or otherwise hinder the administration of justice. It is defined in Section 2(c) of the Contempt of Courts Act, 1971<sup>4</sup>. Criminal contempt offenses can be perpetrated using a variety of tools, including spoken or written words, signals, physical manifestations, or any other form of expression.

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<sup>3</sup> Contempt of Courts Act 1971, s2(b)

<sup>4</sup> Contempt of Courts Act 1971, s2(c)

Criminal contempt is comprised of three distinct types of behavior. First of all, this includes any publication—verbal or written—that debases or tries to debase the authority of the court or scandalizes or tends to scandalize the court. These actions attempt to maintain the judiciary's stature and reputation.

Second, criminal contempt includes any actions that obstruct or attempt to obstruct the proper administration of justice. This includes behaviors that impede the execution of the law and the fair and impartial operation of the legal system.

Criminal contempt also encompasses behaviors that obstruct, hinder, or otherwise tend to obstruct the administration of justice. This includes actions that hinder the administration of justice, whether or not they are specifically related to a particular case.

### **COMPARATIVE ANALYSIS: CONTEMPT OF COURT LAWS ACROSS THE GLOBE**

The act is in line with international norms that safeguard free speech while protecting the integrity of the judiciary and permits valid criticism of judicial actions in the public interest. However, more clarification is required to bring it into compliance with international norms, particularly regarding the term "scandalizing the court."

Although the Act stipulates penalties for both civil and criminal contempt, it is vital to make sure that these penalties are proportionate and consider each person's unique situation, as stressed by international conventions. The right to legal counsel and tighter burden of evidence requirements are two procedural safeguards that should be strengthened to bring Indian law closer to international norms.

Although the Act gives the alleged contravener a chance to be heard, more protections ought to be taken into account to guarantee justice and openness in conformity with international norms.

International norms emphasize how crucial it is to only ever use contempt powers as a last resort to protect the administration of justice. It's crucial to strike the proper balance between upholding the judiciary's authority and allowing for candid criticism. This balance is constantly being discussed, especially when it comes to media coverage and public interest issues.

## LIMITATION PERIOD

As with most laws, the contempt of court law also stipulates a certain window of time within which to begin contempt proceedings, as stated in Section 20 of the Contempt of Courts Act, 1971<sup>5</sup>. After the passing of a year from the date on which the claimed contempt occurred, no court, not even a high court, can begin contempt proceedings.

This restriction plays a significant role in ensuring that contempt cases are filed promptly. It promotes the quick administration of justice by preventing needless delays at the beginning of proceedings. The Act attempts to find a balance between dealing with acts of contempt and preventing unnecessarily prolonging such cases by providing a time limit.

The one-year restriction gives parties a reasonable amount of time to voice their concerns or take legal action against alleged violators. As time may impact the availability of evidence or people's memories of events, it also promotes quick action and may jeopardize the fairness of the proceedings. This clause contributes to the ongoing efficacy and efficiency of the adjudication of contempt.

## DEFENSES UNDER CONTEMPT OF COURT

### Defenses in Civil Contempt

**No knowledge of the order:** A person cannot be held in contempt if they claim to be unaware of the order. The law requires the successful party to serve a certified copy of the order on the other party, either personally or by registered speed post. This defense argues that the alleged contemnor was not formally served with the certified copy of the order.<sup>6</sup>

**Non-willful disobedience or breach:** It can be argued that any disobedience or breach of the order was not intentional but occurred due to accidental, administrative, or other uncontrollable reasons. This defense is viable when the order has been ultimately complied with, and a reasonable explanation is provided for the initial non-compliance.<sup>7</sup>

**Vague or ambiguous order:** If the court's order is unclear, ambiguous, or incomplete, it can serve as a defense. The alleged contemnor can claim that the order cannot be complied with

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<sup>5</sup> Contempt of Courts Act 1971, s20

<sup>6</sup>VidhiKKumar, 'Contempt of Court: Analysis' <<https://www.legalserviceindia.com/legal/article-472-contempt-of-court-analysis.html/>> accessed on 22 June 2023

<sup>7</sup>VidhiKKumar [n 6]

as it is impossible to do so due to its lack of specificity. The Supreme Court has clarified that in such cases, the parties should seek clarification from the original court to remove any ambiguities. The Supreme Court in the case of *Bharat Coking Coal Ltd. vs. State of Bihar*<sup>8</sup>, clarified the legal position by holding that parties should approach the court and get the ambiguity removed in case the order is incomplete and ambiguous.<sup>9</sup>

**Compliance with the order:** A strong defense can be built by demonstrating full compliance with the court's order. If the alleged contemnor can prove that they have complied with the order to the best of their ability, it can weaken the contempt allegations against them.<sup>10</sup>

### **Defenses in Criminal Contempt**

**Fair and accurate reporting of legal processes:** Under the 1971 Contempt of Courts Act, no one can be punished in contempt for publishing a fair and accurate report of legal proceedings. However, there are exceptions if the court specifically forbade the publishing due to public policy, public order, state security, or details about a secret procedure, discovery, or innovation. This defense guarantees the fairness and openness of the legal system.

Fair criticism of court action is not regarded as contempt when it is published concerning a case that has already been determined on its merits. Fair criticism must be offered in good faith and free of any suspicion of bias on the part of the judge. However, criticism must be supported by legal and public interest expertise. The defamation laws govern personal attacks unconnected to the judge's position.<sup>11</sup>

### **Bona fide complaint to the High Court or the court to which the official is subordinate:**

Making a complaint in good faith to the High Court or the court to which the officer is subordinate does not constitute contempt. The complaint must be filed in good faith and without any ulterior intentions.

**No significant interference with the due course of justice:** According to the Contempt of Courts (Amendment) Act of 2006, a court cannot condemn someone for contempt unless

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<sup>8</sup>*Bharat Coking Coal Ltd. And Anr vs State Of Bihar And Ors* 1990 SCR (3) 744, 1990 SCC (4) 557

<sup>9</sup>VidhiKKumar [n 6]

<sup>10</sup>VidhiKKumar [n 6]

<sup>11</sup>VidhiKKumar [n 6]

there has been a significant interference or potential for a significant interference with the due course of justice.<sup>12</sup>

**Justification by truth:** If the court determines that it is in the public interest, it may accept justification by the truth as a defense in criminal contempt proceedings. According to Amendment S.13(2)<sup>13</sup>, the truth can be used as a defense if it is provided in good faith and serves the greater good.<sup>14</sup>

## PUNISHMENTS AND PENALTIES FOR CONTEMPT IN INDIA

### Judicial Discretion

While the power of Judicial Discretion is not explicitly mentioned in the Contempt of Court Act of 1971, the courts in India have recognized the power of judicial discretion in sentencing contemnors based in the past on some case laws and legal principles. One such case is Delhi Judicial Service Association v. State of Gujarat of 1991<sup>15</sup>. In this case, the court analyzed the power of judicial discretion in contempt of court matters and emphasized the need to protect the subordinate courts and the confidence of the general public in the judiciary. The court exercising its powers from Article 129 of the Indian Constitution<sup>16</sup> asserted that it has the jurisdiction to initiate and entertain proceedings for contempt of subordinate courts.

It also clarified its inherent powers under Article 142<sup>17</sup>, Article 32<sup>18</sup>, and Article 136<sup>19</sup> which allows it to quash proceedings based on oblique motives or false evidence.

### Fines, Imprisonment, and Other Sanctions: Legal Framework and Precedents

The power<sup>20</sup> to punish for contempt of court comes from Article 129<sup>21</sup> of the Indian Constitution. It grants the Supreme Court the authority to be a court of record and punish any defiance. Similarly, Article 215 gives High Courts the power to punish contempt.

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<sup>12</sup>VidhiKKumar [n 6]

<sup>13</sup> Contempt of Courts 1971, s13(2)

<sup>14</sup>VidhiKKumar [n 6]

<sup>15</sup>TheLawmatics, 'Delhi judicial Service v. State of Gujarat (1991) - A Complete Analysis' (15 March 2023) <<https://thelawmatics.in/delhi-judicial-service-v-state-of-gujarat-1991-a-complete-analysis/>> accessed on 20 June 2023

<sup>16</sup> Constitution of India 1950, art 129

<sup>17</sup> Constitution of India 1950, art 142

<sup>18</sup> Constitution of India 1950, art 32

<sup>19</sup> Constitution of India 1950, art 136

<sup>20</sup> Constitution of India 1950, art 215

According to Section 12<sup>22</sup> of the Contempt of Court Act, 1971, the act of defying the authority of the court, unless saved by any special provisions, is met with the potential imprisonment for up to six months or a fine of up to two thousand rupees, or even both. Furthermore, according to Section 10<sup>23</sup> of the same act, High Courts have the jurisdiction and authority over contempt of courts subordinate to them.

It is worth noting that in *Smt. Pushpaben & Another vs Narandas V. Badiani & Another*<sup>24</sup>, the apex court said that while the Contempt of Court Act grants special powers to the court to impose imprisonment, the court must provide a special reason with a proper application of its mind when giving a sentence of imprisonment. It further stated that 'the sentence of imprisonment is an exception while the sentence of fine is the rule.

However, an accused may find reprieve through discharge color the remittance of punishment by presenting a genuine apology, which cannot be dismissed even if qualified or conditional.

The Supreme Court, in various judgments, has emphasized the cautious use of contempt proceedings, balancing the right to freedom of speech with the duty to respect judicial authority. In the *Supreme Court Bar Association v. Union of India*<sup>25</sup> case, the court stated that contempt must be serious enough to interfere or tend to interfere with the administration of justice. The aim is not to suppress constructive criticism or dissent but to foster trust among people in the judicial system.

## **CONTEMPT BY LAWYERS AND LEGAL PROFESSIONALS: DISCIPLINARY ACTIONS**

Within the sacred halls of justice, the power to punish for contempt of court extends to all individuals, including legal practitioners. This wide jurisdiction gives the court the power to take action against any person, body, or authority found guilty of such misconduct. Every advocate must follow the code of ethics given in Chapter 2, Part VI of the Bar Council of India rules<sup>26</sup>, which deals with the duties of an Advocate towards the court. These duties include:

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<sup>21</sup> Constitution of India 1950 [n 2]

<sup>22</sup> Contempt of Courts Act 1971, s12

<sup>23</sup> Contempt of Courts Act, s10

<sup>24</sup> *Pushpaben & Anr vs Narandas V. Badiani & Anr* (1979) SCR (3) 636

<sup>25</sup> *Supreme Court Bar Association of India v. Union of India* (1998) 4 SCC 409

<sup>26</sup> Bar Council of India Rules, Chapter II, Part VI



1. Acting in a dignified manner.
2. Respecting the court.

Previously, in many judgments, instances of misconduct have been deemed contempt of court. For example, in *MB. Sanghi, Advocate v. High Court of Punjab Haryana*<sup>27</sup>, using insulting language against a judge, making scandalous allegations in *Pritam Pal v. High Court of M.P.*<sup>28</sup>, suppressing facts to obtain favorable orders, and throwing shoes at judges in *re Vinay Chandra Mishra*<sup>29</sup>, as well as imputing partiality and unfairness against judges in *re Ajay Kumar Pandey, Advocate*<sup>30</sup>.

Moreover, in *Common Cause v. Union of India*<sup>31</sup>, boycotts or strikes by lawyers have also been held as contempt of court, as they violate the duties of lawyers towards their clients and the court.

### CONTEMPT OF COURT BY SOCIAL MEDIA AND ONLINE PUBLICATIONS

In this digital age, social media and online publications have become very powerful platforms for expressing our freedom of speech and expression. However, according to the Indian Constitution, this right to express our freedom of speech and expression is not absolute, particularly when it comes to matters of the judiciary. With the rise of social media and online media publications, the issue of contempt of court has taken on new dimensions. It has become a pressing issue because sharing prejudiced or scandalous content can weaken how the justice system works.

Contempt of Court by social media and media publications has gained so much attention recently due to its instantaneous nature and wide reach. In such cases, individuals or entities may engage in activities that scandalize, lower the authority of the courts, obstruct, or interfere with judicial proceedings. Section 2(c)<sup>32</sup> of the Contempt of Court Act 1971 defines criminal contempt, which includes acts such as scandalizing or tending to scandalize the court, prejudicing or interfering with ongoing judicial proceedings, and obstructing the administration of justice. Other countries like the United Kingdom have testified that public

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<sup>27</sup> *MB. Sanghi, Advocate v. High Court of Punjab Haryana*, AIR 1991 SC 1834.

<sup>28</sup> *Pritam Pal v. High Court of M.P.*, AIR 1992 SC 904.

<sup>29</sup> *In re Vinay Chandra Mishra*, AIR 1995 SC 2348.

<sup>30</sup> *In re Ajay Kumat Pandey, Advocate*, AIR 1998 SC 3299

<sup>31</sup> 1995(1) Scale 61 : 1995 AIR SCW 1505

<sup>32</sup> Contempt of Courts Act 1971 [n 4]

commenting on any case on social media that could influence the judgment would be deemed contemptuous.

The Supreme Court has recognized social media publications as contemptuous. In *Re Prashant Bhushan v. Anr*<sup>33</sup>, Advocate Prashant Bhushan was held contemptuous for his tweet regarding the Supreme Court and Chief Justice of India. Contempt proceedings were initiated by Attorney General (AG) KK Venugopal, who received multiple letters from law students requesting permission for the petitioners, and he made several tweets about the Supreme Court. Recently, Rachita Taneja, a webcomic creator, has been served with a contempt proceeding because of her tweet where she depicted the Supreme Court as biased towards Arnab Goswami<sup>34</sup>.

The media is often referred to as the fourth pillar of democracy, holding a profound position after the legislature, the executive, and the judiciary, and playing a very important role in expressing people's opinions in a democracy. However, its freedom is also curtailed when it comes to contempt of the third pillar, the judiciary, which includes reasonable restrictions on the fundamental rights of a citizen under Article 19(2)<sup>35</sup> of the Indian Constitution.

As elucidated in the landmark case of *C.K. Daphtary v. P. Gupta*<sup>36</sup>, wherein imputations of dishonesty were considered acts of contempt, this decision emphasizes the need to maintain the dignity and respect of the court. Furthermore, in the *B.K. Lala v. R.C. Dutt*<sup>37</sup> case, which constituted contempt, it was emphasized that publishing scandalous matters after adjudication lowers the authority of the court and undermines public confidence in the administration of justice. The case of *Rachapudi v. Advocate General*<sup>38</sup> established that imputing malice to a judge is also considered contemptuous.

It is important to understand that the freedom of the press does not grant immunity from contempt of court. While the media plays an important role in scrutinizing various systems, including the judiciary, it is not exempt from accountability. Journalists must exercise caution and ensure that their assertions, criticism, or comments do not exceed the limits imposed by the law.

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<sup>33</sup> In *Re Prashant Bhushan v. Anr*, (CRL.) NO.1 OF 2020

<sup>34</sup> Rohit Pradhan, 'Tweet and Contempt of Court' <<https://www.legalserviceindia.com/legal/article-4439-tweet-and-contempt-of-court.html/>> accessed 22 June 2023

<sup>35</sup> Constitution of India 1950, s19(2)

<sup>36</sup> *C.K. Daphtary Vs. P. Gupta* AIR 1971 SC 1132: (1971) 1 SCC 626.

<sup>37</sup> *B.K. Lala v R.C. Dutt* AIR 1967 Cal 153: 1967 Cr LJ 350.

<sup>38</sup> *Rachapudi v Advocate General* AIR 1981 S 755: (1981)2 SSC 577: 1981 Cr Lj 315.

In conclusion, the media holds a significant position in democracy, contributing to the expression of people's opinions and the dissemination of information. However, it is important to note that the freedom of the media is not absolute. The Contempt of Court Act 1971 and the reasonable restrictions under Article 19(2)<sup>39</sup> of the Indian Constitution aim to strike a balance between the media's role and the protection of the judiciary's dignity and authority.

## LANDMARK CASES ON CONTEMPT OF COURT

**Re: Prashant Bhushan and another<sup>40</sup>:** In *Re: Prashant Bhushan and another* (2020) was a landmark case that brought attention to the scope of contempt of court. Prashant Bhushan tweeted two comments related to the administration of justice by the courts and the then Chief Justice of India (CJI), SA Bobde. The first tweet was posted on June 27, 2020, and attributed responsibility to the Supreme Court for "destructing" India's democracy over the past six years. The second tweet was posted on June 29, 2020, and depicted CJI SA Bobde in a negative light while riding a motorcycle. Although a petition was filed regarding the second tweet, the Supreme Court took suo moto cognizance of the matter and initiated contempt proceedings against Prashant Bhushan on July 21, 2020.

The Court formed a prima facie view that the tweets brought disrepute to the administration of justice and had the potential to undermine the dignity and authority of the Supreme Court, particularly the office of the CJI, in the eyes of the general public. Consequently, the Court allowed the suo moto contempt proceedings against Prashant Bhushan.

During the proceedings, Prashant Bhushan raised several arguments before the Court.

- He contended that the initial petition considered by the Supreme Court in the case did not have the sanction of the Attorney General of India, as required under Section 15 of the Contempt of Courts Act and Rule 3(c) of the Rules to Regulate Proceedings for Contempt of the Supreme Court, 1975.
- Regarding the tweet on July 29, he argued that it was an expression of his anguish over the functioning of non-physical courts, which he believed undermined the fundamental rights of citizens. He maintained that criticizing the current situation

<sup>39</sup> Constitution of India 1950 [n 27]

<sup>40</sup>In *Re Prashant Bhushan v. Anr* [n 25]

should not be considered contempt of court, as it would violate the right to free speech protected under Article 19(1)(a) of the Constitution.

- As for the tweet on July 27, it was contended that the statement represented Prashant Bhushan's genuine opinion and should not be construed as contempt of court, regardless of how disagreeable it may be to some individuals.

The Supreme Court in this case determined that it possessed inherent power to initiate suo moto contempt proceedings without the need for the Attorney General's sanction, as specified in Section 15 of the Contempt of Courts Act and subsequent Rule 3. The Court recognized that defamatory actions against judges can target them either in their capacity as judges or as individuals. While the latter is not subject to contempt proceedings, the former can lead to contempt charges as it tarnishes the reputation of the court itself. When vilification directly scandalizes the administration of justice, eroding public trust and confidence—foundational pillars of justice concerning the judiciary—such acts must be addressed through contempt proceedings. Ultimately, the Court concluded that neither of the tweets constituted fair criticism of the judiciary's functioning, and no genuine intention was evident behind them. As a result, the Court found Prashant Bhushan guilty of criminal contempt and imposed a nominal fine of one rupee. Failure to pay the fine would result in a three-month imprisonment term and a three-year suspension from practicing law.

The court took suo moto cognizance of the tweets made by Prashant Bhushan and initiated contempt proceedings based on the view that they brought disrepute to the administration of justice and had the potential to undermine the dignity and authority of the Supreme Court. In my opinion, the court's decision aimed to uphold the reputation and integrity of the judiciary while addressing actions that could erode public trust and confidence in the administration of justice.

**Re: Arundhati Roy vs Unknown<sup>41</sup>:** In the case of In Re: Arundhati Roy, a suo-moto contempt petition was initiated by the court against Arundhati Roy, a prize-winning author. This case came from the writ petition of Narmada BachaoAndolan in which the court issued orders regarding environmental damages and the relocation of communities due to the construction of a dam on the river Narmada. However, the respondent objected to the court's ruling and planned the demonstrations in front of the Supreme Court.

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<sup>41</sup> Re: Arundhati Roy vs Unknown (2002) 3 SCC 343

During the case, the respondent disputed claims that it had displayed offensive banners and slogans and added critiques of the court's operation and integrity. Arundhati Roy argued that as a citizen and a writer, she was entitled to the freedom to express her views.

The case presented several key issues:

- First, the respondent questioned the court's decision to heighten the dam and move surrounding homes, claiming that doing so would uproot families and violate their legal rights.
- Secondly, the respondent alleged corruption and malfeasance within the judiciary, casting doubt on the integrity of high-ranking officials.
- Thirdly, there was a debate around the boundaries of personal opinion and freedom of speech and critiquing the judicial system and its decisions.

The court refuted Arundhati's allegations, asserting that the banners and slogans shown during the protests were inappropriate and could lead to a misrepresentation of the court's image. The Supreme Court deemed the respondent's protests to be wrongful and in violation of the law.

Arundhati Roy advocated for freedom of expression and the right to express personal opinions. She criticized the court's decision to relocate residences in the name of development, particularly highlighting the adverse impact on impoverished families. In the judgment, the court recognized that freedom of speech and expression is protected by the Constitution, but it has reasonable restrictions to maintain the dignity and integrity of the court and judiciary. While dismissing irrelevant portions of the respondent's affidavit, the court found the allegations that impugned the court's integrity and reputation as contemptuous. Criticizing or undermining the court's reputation was deemed unacceptable. Consequently, the court held the respondent guilty of criminal contempt, imposing a one-day imprisonment sentence and a fine of Rs. 2000. Failure to pay the fine would result in a three-month imprisonment term.

In summary, the court declared the defamation of the apex court's reputation as unlawful. Although personal rights have limitations imposed by law, the respondent's statements were deemed detrimental to the dignity and integrity of the court and the judiciary.

In my opinion, the Supreme Court's decision in the case of Re: Arundhati Roy appears to be justifiable from the court's perspective. The court took into consideration the allegations made by Arundhati Roy, the respondent, against the court's decision and the functioning of the judiciary. The court upheld the importance of freedom of speech and expression but also recognized the need for reasonable restrictions to maintain the dignity and integrity of the court.

**Justice C.S. Karnan vs The Honourable Supreme Court of India<sup>42</sup>:** In the case of Justice C.S. Karnan vs The Honourable Supreme Court of India, the case involved Justice C.S. Karnan, a sitting judge of the Calcutta High Court and the Supreme Court of India. Justice C.S. Karnan accused several judges of the Supreme Court of corruption and malpractice and expressed his concerns through letters addressed to the Prime Minister of India and other authorities.

The Supreme Court initiated suo motu contempt proceedings against Justice Karnan under Article 129 of the Constitution of India, in conjunction with Section 15 of the Contempt of Courts Act, 1971. The Court, being the respondent in this case, sought to address the allegations made by Justice Karnan fairly and impartially. Karnan presented his reasons and arguments during the court proceedings and argued that he had evidence to back up his claims against the judges and requested a thorough investigation into the matter. He also claimed that his constitutional rights were being violated and that he was being unfairly targeted.

The Court emphasized the importance of the judiciary's integrity and credibility and any allegations of corruption or misconduct needed to be thoroughly investigated. The judges reviewed the letters and statements which were submitted by Justice Karnan. After considering all the evidence and arguments presented, the Supreme Court found Justice Karnan guilty of contempt of court for making baseless and scandalous allegations against the judges. The judgment cited Section 2(c)(i) of the Contempt of Courts Act, 1971, which defines criminal contempt as any act that scandalizes or tends to scandalize, or lowers or tends to lower the authority of any court. The Supreme Court invoked its inherent powers under Article 142 of the Constitution of India and sentenced him to imprisonment for six months.

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<sup>42</sup> Justice C.S. Karnan vs The Honourable Supreme Court Of India W.P.(C) 6278/2017

In my opinion, after careful examination of the evidence and arguments presented, the Court found Justice Karnan guilty of contempt of court for making baseless and scandalous accusations. The imposition of a prison sentence can be viewed as an attempt by the Court to uphold the integrity and authority of the judiciary.

## RECENT JUDGEMENTS

**M.V. Jayarajan vs High Court of Kerala &Anr<sup>43</sup>:** The case of M.V. Jayarajan vs High Court of Kerala &Anr dates back to 2010 when a Division Bench of the High Court of Kerala issued orders banning the holding of meetings on public roads and road margins in the state. M.V. Jayarajan, the appellant, violated the orders and delivered a speech while using bad language and using unparliamentary gestures. Jayarajan argued that his speech was misinterpreted by the media and that he had criticized the impracticality of implementing the court's judgment, which he believed could infringe on the public's rights to freedom of speech and assembly. He maintained his respect for the rule of law and the judiciary. The Kerala High Court found him guilty of criminal contempt and sentenced him to six months of simple imprisonment along with a fine of Rs. 2000.

In my opinion, the decision of the High Court was reasonable and the court's rationale in considering the provisions as serving the purpose of promoting the welfare of advocates and the compulsory contribution as a reasonable measure aligns intending to support the legal profession's welfare.

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**Hari Singh Nagra and others v Kapil Sibal and Ors<sup>44</sup>:** The case of Hari Singh Nagra and others v Kapil Sibal involved a petition filed under Article 215 in the High Court of Punjab and Haryana, which was later transferred to the Supreme Court of India. It revolves around a message written by Mr. Kapil Sibal in a souvenir published by the Mehfil-e-wukala, a group of poet advocates practicing in the Supreme Court. Mr. Sibal expressed concerns about the declining standards of the legal profession and the need for improvement.

However, later when the message gained attention during Mr. Sibal's bid for the president of the Supreme Court Bar Association, it was interpreted as an attack on the judiciary. Two of the petitioners argued that Mr. Sibal's message constituted contempt of court and accused him of conspiring with respondents 2 and 3 to bring disrepute to the administration of justice.

<sup>43</sup>M.V. Jayarajan vs High Court Of Kerala &Anr, CRIMINAL APPEAL No. 2099 OF 2011

<sup>44</sup> Hari Singh Nagra &Ors vs Kapil Sibal&Ors, CRL. NO. 2 OF 1997

The court emphasized that fair and reasonable criticism of judicial decisions or acts is not contempt, but a vital right protected under freedom of expression (Article 19(1)(a)). It highlighted the importance of rational and dispassionate criticism, untainted by partisanship, to encourage the improvement of the legal system. The court did not consider it to be a fit case and has to be dismissed.

In my opinion, Mr. Kapil Sibal just exercised his freedom of speech and expression and expressed his opinions neutrally. He did not try to scandalize the court but presented his fair opinion and criticism on the matter. The judgment of the Supreme Court was right.

## CONCLUSION

Contempt of court is an essential component of the Indian judicial system that serves to protect the authority of the courts by upholding the principles of justice. While it is important to protect the integrity of courts, promoting fair and transparent proceedings cannot be discounted.

In conclusion, a robust understanding of contempt of courts in India is vital for appreciating its significance in upholding the rule of law and maintaining public confidence in the judiciary. The legislation must continue to evolve and adapt to the changing dynamics of society while striking a delicate balance between protecting the courts' authority and preserving individuals' right to express valid criticism. By continuously refining and strengthening the Contempt of Court Act, India can ensure a fair, transparent, and accountable judicial system that upholds justice for all.