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Contempt of Courts and Its Consequences

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Introduction

A legal violation involving disobedience or disregard for the court of law is called contempt of court. It may be the consequence of rudeness or disobediently disobeying court directives. Judges have the authority to punish guilty parties with fines or jail time. The volume of litigation in Indian courts and the necessity to safeguard the judiciary have an impact on the discussion around contempt of court. The harmony between court scandals and free speech has to be reevaluated in the social media age. The Contempt of Court Act, 1971 governs both the Supreme Court and the High Courts. The Law Commission suggests limiting the use of contempt to civil lawsuits.

What is Contempt of Court?

Contempt of court is the act of disobedience or disrespect towards a court of law and its officers, defying its authority, justice, and dignity. It can be divided into two categories: disrespectful behavior in courtrooms and willfully failing to obey court orders. When a court deems an action as contempt, it can issue an order declaring the person or organization in contempt, known as "found" or "held" in contempt. This is the judge's strongest power to impose sanctions for disrupting the court's normal process.

Being found in contempt of court is not only a legal shield against motivated attacks and nasty criticism, but it also serves as a weapon for penalizing those who subvert the authority of the judicial. Article 19(2) of the Indian Constitution lists contempt of court as one of the limitations on the right to freedom of speech and expression. Separately, the Supreme Court was granted the authority to penalize contempt of itself under Article 129 of the Constitution. The High Courts

were granted similar authority under Article 215. The concept has official support according to the Contempt of Courts Act of 1971.

Historical Background of Contempt of Court

There are several historical statutes that have been in effect regarding contempt of court. The Contempt of Court Act, 1926 was the first statute to deal with this issue, and it is from this pre-independence period that the contemporary Indian idea of contempt of court is derived. With the exception of a court that is under it and is punished under the Penal Code, the Act describes the power of the High Courts to punish contempt of court. Following independence, the Act was repealed and replaced by the 1952 Contempt of Courts Act. A Parliamentary Committee was established in 1960 to examine the existing contempt legislation, and it was subsequently forwarded to the Joint Select Committee for revisions. The former bill was repealed when the current one was brought into law in 1971.

What is the punishment for Contempt of Court?

Contempt of court can be declared for a variety of reasons, such as disobeying a valid court order, disrespecting the judge, disrupting the proceedings with unruly behavior, or publishing or withholding information that is thought to compromise a fair trial. If someone is found guilty of contempt of court, a judge has the authority to impose penalties like fines or jail time. This makes contempt of court a process crime. Compared to judges in civil law systems, common law judges often have more authority to find someone in contempt.

What is the punishment for Contempt of Court in India?

According to Section 12 of the Indian Penal Code of the Contempt of Court Act, 1971, the Indian High Court and the Indian Supreme Court have the power to penalize contempt of court. This can lead to a fine of up to two thousand rupees, simple imprisonment for a maximum of six months, or both. There are two types of contempt: criminal contempt (posting anything that stirs up controversy or tampers with legal procedures) and civil contempt (willful disregard for court orders).

- **Punishment:** The Contempt of Court Act of 1971 imposes a fine of Rs 2,000 or up to six months' imprisonment on those found guilty.
 - The defense of "truth and good faith" was included in a 2006 amendment.
 - It was also stated that the court could only penalize someone if their actions seriously impede or threaten to impede the administration of justice.

What is the Criticism of Contempt of Court Proceedings?

The Contempt of Court provision has drawn criticism from former judges and attorneys who contend that it stifles free expression and abuses it to defend the court. In 2011, retired Supreme Court judge Markandeya Katju proposed for changes to the Act to enhance news coverage of legal and judicial issues in the media. As part of its 2018 re-examination of Section 2 of the Act, the Law Commission of India proposed that contempt be restricted to civil matters rather than criminal ones.

- There have been requests to eliminate "scandalizing the court" and limit contempt to simply "wilful disobedience" of the court's orders or rulings.
- Numerous contempt cases are pending in several High Courts and Supreme Courts, which causes the already overworked judiciary to postpone administering justice.
- The limitations imposed by the contempt of court rule are limited to what is necessary to maintain the credibility of the legal systems.
- Therefore, in taking criminal contempt action, superior courts must follow certain procedures, which must be outlined in rules and guidelines that respect the concepts of natural justice and fairness.

Conclusion

Contempt of court is a legal infraction involving disobedience or disobedience of court directives. In India, the Contempt of Court Act, 1971 governs the High Courts and Supreme Court. The Law Commission recommends restricting contempt to civil cases. Former judges and lawyers have criticized the Act, claiming it restricts free speech and exploits it for judicial defense. Retired Supreme Court judge Markandeya Katju suggested amendments in 2011 to improve media coverage. Freedom of expression is fundamental, and restrictions should be minimized.