

CONTEMPT OF COURT

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ABSTRACT

Contempt of Court is a matter concerning the fair administration of justice and aims to punish any act which hurts the dignity and authority of judicial tribunals. According to *Black's law dictionary*, Contempt is defined as "A willful disregard of the authority of a court of justice or legislative body or disobedience to its lawful orders." Contempt can be done either by a person or an authority when such person or authority does any act in willful contravention of its authority or dignity or is tending to frustrate the administration of justice. The Constitution of India provides fundamental right of speech and expression but this right is not absolute in nature. Some restrictions are imposed and thus no such acts can be done or words can be used, willfully, that tends to bring shame to the judicial authorities. The contempt is made a punishable offence as it could shake the foundation of the judiciary which comprises of trust and confidence of the public to deliver unjust and fearless judgment. Contempt of Court Act, 1971 was introduced to protect the concept of justice by punishing the contemnor. The said Act had several drawbacks, one of which was that truth was not regarded as defence in cases of contempt. This drawback has been ratified by amendment brought in year 2006 to Section 13 of Contempt of Courts Act, 1971. The truth as defence was included with a qualification or condition that such truth should be in public interest and of bonafide nature.

Keywords- Contempt of court, willful disobedience, contempt proceeding, constitution, courts.

INTRODUCTION

"Injustice anywhere is a threat to justice everywhere"

-Martin Luther King.

The Rule of Law is the foundation of a democratic society and it is the judiciary which is vested with the responsibility of guarding the rule of law in our country. It is necessary respect and protects the court so that the judiciary can perform its function effectively. Thus, courts are entrusted with the extraordinary power to punish those who bring shame to the court, disrespect it or tend to undermine the authority of the judiciary. Law of contempt is one of the legacies of the British Raj. Even after independence, law of contempt has continued to be understood and interpreted as in the old days of the British Raj, causing much resentment among citizens, authors, journalists and others alike. Thus the origin of the law of Contempt of court in India can be traced from English law. In general parlance, the term, "contempt" signifies "disrespect to that which is entitled to legal regard."

Contempt of court can be defined as "A kind of behavior that defies the authority, justice and dignity of a court." Contempt has been defined by Halsbury as an act consisting of words spoken or written which obstruct or tend to obstruct the administration of justice.¹ The objective of this law is to make sure that confidence reposed in the judiciary by the common man stays firm and is not shaken by contemptuous comments made by a few unruly persons. The Preamble of the Act² says that this Act has been enacted to define and limit the powers of certain courts in punishing contempt of courts and to regulate their procedure in relation to contempt of court. Contempt can be either Civil Contempt or Criminal Contempt.

"Civil contempt" is defined as -"Willful disobedience to any judgment, decree, direction, order, writ or other process of a Court or willful breach of an undertaking giving to a Court".³ It means a wrong to the person who is entitled to the benefit of a court order. It is essentially initiated for effective implementation of an order. If court thinks fit that in cases of civil contempt, a fine will not be enough and that imprisonment is necessary, then the court may

¹ Available at www.legalserviceindia.com/article/I255-Contempt-of-Court.html, last accessed on Aug. 15, 2017, 05.40 PM

² The Contempt of Courts Act, 1971.

³ Section 2 (b) of Contempt of Courts Act of 1971.

sentence the offender to a civil prison for a maximum term of 6 months. It usually consists of the violation of rights of one party while criminal contempt is seen as an offence against the judiciary and therefore the state. Civil contempt as distinguished from criminal contempt is a sanction to enforce compliance with an order of the court or to compensate for losses or damages sustained by reason of non-compliance. Criminal contempt on the other hand is more punitive in nature and is used to punish persons who behave impertinently.

"Criminal Contempt"⁴ on the other hand is defined as the publication whether by words spoken or written or by signs or by visible representations or otherwise of any matter or the doing of any other act whatsoever which:

1. scandalizes or tends to scandalize, or lowers or tends to lower the authority of, any court; or
2. prejudices or interferes or tends to interfere with, the due course of any judicial proceeding; or
3. Interferes or tends to interfere with or obstructs or tends to obstruct, the administration of justice in any other manner.

An offender of contempt of court can be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.⁵ Contempt that is criminal consists of a conduct which offends the majesty of law and undermines the dignity of the courts. The offence of contempt is with the administration of justice and the paramount idea is that no tribunal can function properly unless it is allowed to keep up its dignity.

PROVISIONS UNDER INDIAN CONSTITUTION

The Indian Constitution gives the right of freedom of speech and expression to all citizens as per Article 19(1) (a). Articles 129 and 215⁶ give the power of contempt of court to the higher judiciary, and this power limits the freedom granted by Article 19(1) (a). The power to punish

⁴ Section 2(c) Contempt of Courts Act of 1971

⁵ Under Section 12 of Contempt of Court Act, 1971

⁶ The Constitution of India.

for contempt of Court provides impact on two important fundamental rights of the citizens, namely, right to personal liberty and the right to freedom of expression under Article 19(1) (a). Article 19(1) (a) of Constitution of India provides freedom of speech and expression which includes the right to express opinion of an individual freely without any fear through oral or written or electronic manner, whereas Article 19(2)⁷ provides restriction on freedom provided under Article 19(1) (a).

Article 215:- High Courts to be Courts of Record:

Every High Court shall be Court of record and shall have all the powers of such a Court including the power to punish for contempt of itself. Every high court is declared to be a court of record. There are two characteristics of a court of record:

- The records of such a court are admitted to be of evidentiary value and they cannot be questioned when produced in the court.
- It has the power to punish for contempt of itself.

The power to punish for the contempt is a special power derived from Article 215 and not from the Contempt of Court, 1971. No act of legislature could take away that power and confer it afresh on the high court by virtue of its own authority. Therefore the power remains unrestricted by any legislation. The high court's jurisdiction to try and punish for contempt of court includes all necessary and incidental powers to effectuate that jurisdiction. As the power to punish for its contempt is vested in each High Court, contempt matters arising in one high court cannot be transferred to another High Court. The power to punish for contempt is vested in Court of Record under Article 215 of the Constitution does not extend to provide punishment for the contempt of a superior court.⁸

Article 129: - Supreme Court to be a court of record:

The Supreme Court shall be a court of record and shall have all the powers of such a court including the power to punish for contempt of itself. In the Draft Constitution, there was no

⁷ The Constitution of India.

⁸Available at <http://blog.scconline.com/post/2017/01/03/article-215-does-not-give-power-to-high-court-to-punish-for-contempt-of-supreme-court/> last accessed on Aug. 16, 2017, 09.45 PM

article defining the status of the Supreme Court. Article 129 was added to the Draft Constitution-⁹

“The new article 108(129) is necessary because we have not made any provision in the Draft Constitution to define the status of the Supreme Court. If the House will turn to Article 192(215), they will find exactly a similar article with regard to the High Courts in India. It seems, therefore, necessary that a similar provision should be made in the Constitution in order to define the position of the Supreme Court. Then the second part of the Article 108(129) says that the court shall have the power to punish for contempt of court. The jurisdiction exercised by superior court in punishing contempt of their authority exists for the purpose of preventing interference with the course of justice and to ensure the rule of law. The jurisdiction will not ordinarily be exercised, unless there is real prejudice which can be regarded as the substantial interference with the due course of justice. This is certainly extra ordinary power which must be sparingly exercised but where the public interest demands it, the court will not shrink from exercising it and imposing punishment even by way of imprisonment in cases where a fine may not be adequate. The procedure for the exercise of this jurisdiction will be subject to the provisions of the Contempt of Courts Act, 1971, but it cannot curtail down the substantial power of the court given in this article.”¹⁰

THE CONTEMPT OF COURT ACT, 1971- An Analysis

The law relating to contempt of court as existed prior to the Act of 1971 was somewhat uncertain and unsatisfactory. Moreover, the jurisdiction to punish for contempt touches two important fundamental rights including the right to freedom of speech and expression and right to personal liberty. It was, therefore, considered necessary to have the entire law on the subject scrutinized by a Special Committee. Hence, a Committee was set up in 1961 under the chairmanship of late H.N. Sanyal, who was the then additional solicitor general of India. The committee made a comprehensive examination of the law and problems relating to contempt of court in the light of the position obtaining in our own country and various foreign countries.

⁹ (Aug. 17, 2017, 05.00 AM) parliamentofindia.nic.in/ls/debates/debates.htm

¹⁰ Quoted in Constituent Assembly Debates, vol.VII, 382.

The committee made some recommendations and took note of the importance given to freedom of speech in the Constitution and also of the need for safeguarding the status and dignity of courts and interests of administration of justice.¹¹

The provisions of this Act extend to the whole of India, provided that it shall not apply to the State of Jammu and Kashmir, except to the extent to which the provisions of this Act relating to the contempt of Supreme Court. In this Act the definition of term, "Contempt of Court" is given along with important defences. The Act makes provisions in respect of liability of the Judges, Magistrates and other persons acting judicially. It makes elaborate provisions in respect of the procedures to be followed in the Contempt proceeding and also in respect of the appeal. Contempt of Courts Act of 1971 defines contempt of court as civil contempt or criminal contempt as under **Section 2(a)** of the Act. Civil contempt and Criminal contempt has been defined under Section 2(b) and Section 2(c) Of Contempt of Court Act of 1971 respectively. **Section 3** of the Act deals with certain exceptions and states that "a person shall not be guilty of contempt of court on the ground that he has published any matter which interferes or tends to interfere with, or obstructs or tends to obstruct, the course of justice in connection with any civil or criminal proceeding pending at the time of publication, if at the time he had no reasonable grounds for believing that the proceeding was pending."

Section 4 Contempt of Courts Act, 1971, "a person shall not be guilty of contempt of court for publishing a fair and accurate report of the judicial proceeding or any stage thereof." **Section 5** says that fair criticism of judicial act is not contempt." **Section 6** of the Act provides that any complaint or report about a judicial officer of his dishonesty, partiality or other conduct unbecoming of a court is not contempt of court if all reasonable care is taken by the makers to keep it confidential. The Complaint or report will be made to an authority to which the judicial officer is subordinate to. **Section 7** of the Act deals with the situation where a person publishes a fair and accurate report of a judicial proceeding before any court sitting in chambers or in camera. It shall not be called as contempt of court. It also provides exceptions for the same. **Section 8** says since a proceeding in contempt is of a quasi-judicial nature, the precise nature of contempt must be decided and then the proceedings should commence. **Section 9** provides that the scope of contempt of Courts has not been enlarged. What was not contempt so far being

¹¹(Aug. 17, 2017, 07.00 AM) <http://www.legalserviceindia.com/article/I255-Contempt-of-Court.html>

not contempt of Court even now. The Contempt of Court Act, 1971 was passed only to with the concept of Contempt of Court. Article 129 and 215 of the Constitution of India provides authority to the Supreme Court of India and High Courts of each state, respectively to punish people for their respective contempt.

The power of the High Court to punish contempt of its subordinate courts has been provided under **Section 10** of Contempt of Courts Act of 1971 as per Article 129 and Article 215, is not subject to Article 19(1) (a). **Section 11** provides for the extra-territorial jurisdiction of High Courts to punish a person for contempt even though the alleged act was committed outside its territorial jurisdiction of the concerned High Court. High Court and Supreme Court is vested with the power to punish for the contempt of the court. **Section 12** of Contempt of Court Act, 1971, deals with the punishment part. A person can be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both, if found guilty for contempt of court. In civil cases if the court considers that a fine will not meet the ends of justice and that a sentence of imprisonment is necessary shall, instead of sentencing him to simple imprisonment, direct that the person should be detained in a civil prison for such period not exceeding six months as it may think fit.

The Contempt of Courts Act, 1971 has been amended recently and **Section 13** has been substituted by a new Section. **Section 13 (b)** of Contempt of Court Act, 1971 states that if the court is satisfied that it is in public interest and the request for invoking the said defence is bona fide then it can allow the accused to raise the defense of justification by truth of such contempt. But no court shall impose a sentence under this Act for a contempt of court unless the contempt is of such a nature or it seems to the court that contempt is of such nature, that it can substantially interfere, or tends to interfere with the due course of justice.

Section 14 of the Act deals with procedure where contempt is in the face of the Supreme Court or a High Court. Where contempt -

- (a) is committed in the presence or hearing of the Supreme Court or the High Court, or
- (b) is not committed in the presence or hearing of the Supreme Court or the High Court, but a complaint is made immediately before the alleged contemner leaves the precincts of that court, then the procedure laid down in this section has to be adopted.

Section 15 of the Act, 1971, deals with cognizance of criminal contempt in certain cases. The Court can take action –

- (a) On motion by the Advocate General himself; or
- (b) On motion by anyone with the consent of the Advocate-General; or
- (c) On report by a subordinate court, in cases not covered by Section 14 of the Act.

Section 16 of the Contempt of Courts Act, 1971, deals with contempt by judge, magistrate or other person acting judicially. It is not only that an outsider or a third person is to be held liable for contempt of court. The Presiding Judge of the Court can also be held liable for contempt under the contempt law. To establish contempt it would depend upon the facts and circumstances of each case. **Section 17** of the Act, 1971, deals with procedure after cognizance. Contempt proceedings are quasi criminal in nature. According to **Section 18** of the Contempt of Courts Act, every case of criminal contempt under Section 15 of the Act shall be heard and determined by a Bench of not less than two Judges. It is relevant to point out that this provision shall not apply in case of the Court of a Judicial Commissioner. **Section 19** of the Contempt of Courts Act, 1971, deals with appeals. Right to appeal to higher court against the decision of lower court has been specifically given in the present Act. Prior to this, the position was not clear. **Section 20** of the Contempt of Courts Act of 1971 deals with the limitation period for actions of contempt which is one year from the date on which the contempt have been committed or is alleged to have been committed.

According to **Section 21** of the Contempt of Courts Act, 1971, this Act not applies to Nyaya Panchayats or other Village Courts. This Act is not exhaustive code as **Section 22** of the Act provides that the provisions of this act shall be in addition and not in derogation of the provisions of any other law relating to the Contempt of Courts. Under **Section 23**, The Supreme Court and High Courts may make rules, in consonance with the provisions of the Contempt of Court Act for any matter relating to its procedure.

Essentials: The elements generally needed to establish contempt are:

- the making of a valid court order,
- knowledge of the order by respondent,

- ability of the respondent to render compliance, and
- Wilful disobedience of the order.

PROCEDURE FOR PUNISHMENT

The contempt proceedings are of quasi criminal nature so the burden of proof is same as it is required in the cases of criminal nature. The charges have to be levied as per the statutory rules framed for this purpose, if it is proved beyond reasonable doubt that the alleged person has done the offence of contempt, then he should be entitled to benefit of doubt even to the minute extent. Law does not permit imposing any punishment in contempt proceedings on mere probabilities and the court cannot punish the alleged contemnor without any foundation merely on conjectures. The enquiry of contempt proceedings should be initiated by the court in exceptional circumstances where the court is of the opinion that the offence of making misrepresentation has been committed by the party deliberately for having some beneficial order from the court. There must be distinct evidence of the commission of an offence by such a person as mere suspicion cannot bring home the charge of making false statement. The court has to determine as on facts whether it is expedient in the interest of justice to enquire into offence which appears to have been committed by the person on whom the contempt proceeding is to be initiated.

Section 14¹² deals with “Procedure “where contempt is in the face of the Supreme Court or a High Court when it is alleged, or appears to the Supreme Court or the High Court, that a person has been guilty of contempt that has been committed in its presence or hearing, the court may order, such person to be detained in custody, and, at any time before the rising of the court, on the same day, or as early as possible thereafter, shall-

- (a) Inform him in writing of the contempt with which he is charged.
- (b) Provide him an opportunity to make his defence to the charge;
- (c) After taking such evidence as may be necessary or as may be offered by such person and after hearing him, proceed, to determine the matter of the charge either forthwith or after adjournment; and

¹² Contempt of Courts Act, 1971

- (d) Can make such order for the punishment or discharge of such person as may be the case.

Section 15¹³ deals with “Cognizance of criminal contempt in other cases.”

In case of contempt of court other than the cases provided under section 14 of the Act, High court or Supreme Court as the case may be, may take action on its own motion or motion made by Advocate General or by any person with consent of Advocate General in writing.

The whole object of prescribing procedural modes of taking cognizance in Section 15 is to safeguard the valuable time of the High Court and the Supreme Court being vested by frivolous complaints of contempt of court.¹⁴ **Section 15(2)**, in no way restrict the power of the High Court to take cognizance of the contempt of a subordinate court on its own motion although apparently the section does not say so. The cases related to contempt shall be heard by benches consisting of at least two judges.¹⁵

The judges have the absolute and unchallengeable control for the court domain. But they cannot misuse their authority by intemperate comments, undignified or scathing criticism of Counsel, parties or witnesses. The court has inherent power to act truly upon its own convictions or on any matter coming before it for adjudication. The general principle which is of the highest importance to the proper administration of justice is that any derogatory remarks shouldn't be made against any person or authority whose conduct comes into consideration unless it is absolutely necessary. **Section 16** of Contempt of Courts Act, 1971 deals with the position when contempt is caused by judges, magistrate, or other judicial persons shall also be liable for the contempt of his own court or any other court in the same manner as any other individual will be liable. The judges have the absolute and unchallengeable control for the court domain but they cannot misuse their authority by immoderate comments, undignified act. There is a limitation period of one year from the date on which the contempt was alleged. After the expiry of one year no contempt case will be entertained.¹⁶

¹³ Contempt of Courts Act, 1971

¹⁴ (Aug. 18, 2017, 11.05 PM) http://punjabrevenue.nic.in/contempt_courts2.htm#s14

¹⁵ Section 19 of Contempt of Courts Act, 1971

¹⁶ Section 20 of Contempt of Courts Act, 1971

JUDICIAL INTERPRETATION

If we take recent cases of contempt of court in consideration, it can be traced out that the judicial stand on the proceedings related to contempt of court is strict in nature and does not change with respect to the persons who commit the offence of contempt. There had been several judicial decisions which state that proceedings related to contempt are of strict in nature.

1. *Aligarh Municipality v. E.T. Majdoor Union*¹⁷,

The Supreme Court of India speaking through Mr. Justice I. D. Dua has declared that a corporate body can be punished for Contempt of Court. The Court has held a corporation (Municipal Board in this case) is liable to be punished by imposition of fine and by sequestration for contempt for disobeying order of competent Court directed against them. It is command to those who are officially responsible for the conduct of its affairs.

2. *D. K. Basu v. State of West Bengal*¹⁸,

The Supreme Court of India laid down certain rules to be followed at the time of the arrest of the person. Non-adherence of the rules shall render the person liable for contempt of court. The Court observed “Failure to comply with the requirements herein above mentioned shall apart from rendering the concerned official liable for departmental action, also render him liable to be punished for contempt of court and the proceedings for contempt of courts may be instituted in any High Court of the country, having territorial jurisdiction over the matter.”

3. *Allahabad High Court order 4 months imprisonment for Criminal Contempt to a lawyer.*¹⁹

Ram Kumar Singh, a practicing advocate, made several allegations and Allahabad Court held that those allegations made were “contemptuous, wild and reckless”. The Court also barred the

¹⁷ AIR 1970 SC 1767

¹⁸ A.I.R. 1997 S.C. 610

¹⁹ (Aug. 19, 2017, 11.00 PM) <http://www.livelaw.in/indian-judiciarys-take-on-contempt-of-courts-revisiting-the-year-2015.htm>

lawyer from entering both the district court and the Allahabad High premises for a period of six months. The court also order for 4 months imprisonment and fine of Rs. 1500.

4. *State of Kerala vs. M.S. Mani & Ors.*,²⁰

The Court held that the requirement of obtaining prior consent of the Advocate General in writing for initiating proceedings of criminal contempt is mandatory and failure to obtain prior consent would render the motion non-maintainable. In case, a party obtains consent subsequent to filing of the petition, it would not cure the initial defect and thus, the petition would not become maintainable.

5. *In Bal Thackrey vs. Harish Pimpalkhute & Anr.*,²¹

The Court held that in absence of the consent of the Advocate General in respect of a criminal contempt filed by a party under Section 15 of the Act, taking suo motu action for contempt without a prayer was not maintainable.

6. *State v. Rajeshwari Prasad*²²,

In this case it was held that the aim of the law of contempt was to protect those whose duty it was to administer justice between man and man by true and proper interpretation of law, from insults, annoyance and even obstruction. Persons who seek justice and persons who help in the administration of justice are all entitled to be protected.

7. *Allahabad High Court sends 11 lawyers to jail for criminal Contempt of court.*²³

A division bench of Allahabad High Court of Justices Sudhir Agarwal and Dinesh Gupta passed the order in a criminal contempt application against advocates Mahendra Prasad Shukla and Others. The Allahabad High Court has sentenced them to three months in jail. The HC also slapped a fine of Rs 2,000 on them, failure to pay which would lead to another two months imprisonment.

²⁰ (2001) 8 SCC 82,

²¹ AIR 2005 SC 396.

²² A.I.R.1966 All. 588.

²³ (Aug. 19, 2017, 11.10 PM) <http://www.livelaw.in/indian-judiciarys-take-on-contempt-of-courts-revisiting-the-year-2015.html>

8. *Contempt case against Justice C.S. Karnan*²⁴

The Supreme Court took suo moto cognizance of Karnan's alleged misconduct while he was serving as a judge in the Madras High Court and provides a window of four weeks to make his stand clear in a contempt of court case against him. The Apex court barred Karnan from discharging his duties as a High Court judge and issued arrest warrant of bailable nature against him.

9. *M.V Jayarajan vs. High Court of Kerala & Anr.*²⁵

Mr. Jayarajan, an ex-Member of the Legislative Assembly for Kerala, had criticized a Kerala High Court judgment given in reference to banning meetings along public roads in order to ensure the smooth flow of traffic, observing that the judges were "idiots," "should resign from office" and that their judgment had "the value of grass." in a public speech delivered in 2010. The High Court had found him guilty of contempt and punished him by ordering imprisonment of six months. On appeal to the honorable Supreme Court, the Supreme Court also found him guilty of contempt of court but reduced the punishment from six months to 4 weeks.

In the light of above instances decided by the various courts it can be said that the law of contempt of court is of strict nature as even the judges are not exempted from being punished for the contempt made by them. The politicians and advocates also are not left out. It can be inferred that the law of the land is supreme and no individual either king or the slave is not above the law of the land. Every individual is bound by the law and it applies to all individuals equally. No special treatment is given to any individual by the mere virtue that that particular individual forms the part of the fraternity that has the authority to make laws and implement them.

²⁴ (Aug. 19, 2017, 11.30 PM) <http://www.livemint.com/Politics/AuZon7KBAO2S59e6Zd3t7J/Contempt-case-SC-grants-Calcutta-HC-judge-Karnan-4-weeks-to.html>

²⁵ (Aug. 19, 2017, 11.55 PM) <http://www.legallyindia.com/the-bench-and-the-bar.html>

CONCLUSION

“If we desire respect for the law, we must first make the law respectable.”

- Louis D. Brandeis

Contempt of Court is a behavior that appears or defies the authority, justice and dignity of the Court. It is anything that curtails or impairs the freedom of limits of the judicial proceedings resulting in hampering of the administration of law and in interfering with the due course of justice. The contempt power in a democracy is only to enable the court to function effectively, and not to protect the self-esteem of an individual judge. The foundation of judiciary is based on the trust and the confidence of the people in its ability to deliver fearless and impartial justice. When the foundation itself is shaken by acts which tend to create disaffection and disrespect for the authority of the court by disrupting its working, the edifice of the judicial system gets eroded. Judiciary inculcates faith in the supremacy of law and omnipotence of justice by punishing the offender. Every offender is to be punished for contrary acts under the relevant contempt laws, but it is extremely important for judiciary to make sure that these provisions are not misused. It can be adequately understood that the Contempt of Courts Act, 1971 is of paramount importance in the context of sustaining the concept of justice. It aids to make the process of administering justice expeditious as well as upholds the dignity and faith the people have bestowed in the judicial system of the country. It recognizes the equal footing of all people in the country by bringing the judiciary and its officials within its ambit.

The Contempt of Court Act and various proceedings have also faced criticism for being in violation of the provisions of the Constitution of India. The main suggestions that have been made in the course of the development of the law are, in the first place, the correct procedure to punish for offences against the administration of justice is to constitute and punish such offences as ordinary offences through the ordinary procedure – as far as practicable. Secondly, Indian Courts of Record had a much more limited power which both before and after the Constitution could, and can, be disciplined by reasonable restrictions made by the legislature. Thirdly, there is no impediment to a law being made by the legislature which could cut down the powers of the High Court to punish for contempt as well as in respect of the procedure to be followed. No doubt, any such law could not leave the judiciary wholly powerless and

vulnerable. Fourthly, India needs to move away from archaic powers inherited from the common law and try to view the justice system in such a way that those who promise justice agree to deliver what they promise.

Despite many problems, the main problem with the law relating to Contempt of Court was that it did not allow truth to be a defence. In this connection, reference may be made to the recent amendment to the Contempt of Courts Act (The contempt of Courts Amendment Act, 2006) which has introduced a new Section 13(b). The 2006 amendment included truth as a defence in contempt of court proceedings if it is in public interest and bonafide in nature. This amendment is in the right direction and was long overdue.

“There is no one stream of justice. There are many streams. Whatever obstructs their courses or muddies the waters of any of those streams is punishable under the single cognomen “Contempt of Court”.

-Lord Denning...