

Contents

- Meaning of Contempt of Court
- Need of Contempt of Court
- Genesis of Contempt of Court
- Types of Contempt of Court
- Essential conditions of Contempt of Court
- What does and what does not constitute Contempt

Contents

- Constitutional Provisions
- Overview of Contempt of Court Act 1971 (Amendment 2006)
- Punishments
- How to deal with Contempt Proceedings?
- Case Laws
- Debates & The Way Forward
- Suggestions

What does CONTEMPT mean?

Oxford Dictionaries-

- The feeling that a person or a thing is worthless or beneath consideration.

OR

- Disregard for something that should be considered

Dictionary.references.com-

- The feeling with which a person regards anything considered as mean; vile, or worthless.

OR

- The state of being despised; dishonour; disgrace.



Contempt of Court

Anything that **curtails or impairs** the freedom of limits of the judicial proceedings.

Any conduct that tends to bring the authority and administration of Law into **disrespect or disregard**

Publishing words which tend to bring the administration of Justice into contempt, to **prejudice the fair trial**

Consisting of words spoken or written which **obstruct or tend to obstruct the administration of justice**

Need for Contempt of Court laws

Need for maintaining **independence** of judiciary

Need to **respect** the **status** and **decisions** of judiciary

Duty of all authorities in India to **assist** the courts in **executing** their orders

Full faith and credit clause in the Constitution

To **avoid willful disobedience** of courts' orders

Avoid the tendency to **lower image** of judiciary

Genesis

World

- ❑ Called as **contemptus curiae** in Latin, has been in currency since 17th Century.
- ❑ Based on **Common law**- an unwritten law modelled on English law which does not derive its authority from any written statute.
- ❑ Genesis of contempt is in a judgement which was reserved after argument in **R. v Almon 1756** by Justice John Eardley Wilmot.
- ❑ Case: John Almon published derogatory remarks against Chief Justice- Court ordered attachment of properties- but Writ wrongly titled as R. v. Wilks- amendment without consent not permissible- hence abandoned.
- ❑ Judgement became public in 1802- paper published by Justice Wilmot's son.

India

- ❑ First recognized by the **Judicial Committee of the Privy Council** which observed that **the powers of the High Courts** to punish against contempt are the same in such courts as in the Supreme Court in England.
- ❑ The first Indian statute on the law of contempt i.e., **the Contempt of Courts Act was passed in 1926**. Later states like Hyderabad, Madhya Bharat, Mysore, Pepsu, Rajastha, Travancore-Cochin and Saurashtra enacted laws, which was replaced by **the Contempt of Courts Act, 1952**
- ❑ An attempt was made in April, 1960- A **Special Committee** set up- report on 28th February, 1963 to define and limit the powers of certain courts in punishing contempt of courts and to regulate their procedure in relation thereto. **Joint Select Committee of Parliament on Contempt of Courts** went in detail and a new Bill, The Contempt of Courts Bill, 1968 was prepared by the Joint Select Committee



Types of Contempt

Civil Contempt

Wilful disobedience to any judgement, decree, direction, order, or writ

Violation of rights of one party

Eg. Contemnor has failed to pay proper alimony payments

Criminal Contempt

Publication of any matter or the doing of act which scandalizes /interferes with judicial proceeding

Offence against the judiciary

Eg. Witness insults the judge during trial

Direct Contempt

Occurs in the presence of court

Eg. Shouting in a courtroom or refusing to answer questions

Indirect Contempt

Occurs outside the presence of court

Eg. Attempting to bribe judge

What constitutes Contempt of Court?

- 1. Wilful Disobedience to any judgement or order of court**
- 2. Act or publication scandalizing the authority of court, interfering with judicial proceedings or obstructing the administration of justice in any manner.**

- 1. Innocent publication**
- 2. Fair & accurate report of judicial proceeding**
- 3. Fair criticism of judicial act**
- 4. Complaint against presiding officers of subordinate courts**
- 5. Publication of information relating to proceedings in camera (except in certain cases)**

What does not constitute Contempt of Court?