

Essential conditions of Civil Contempt of Court

There must be a judgement or order of a court

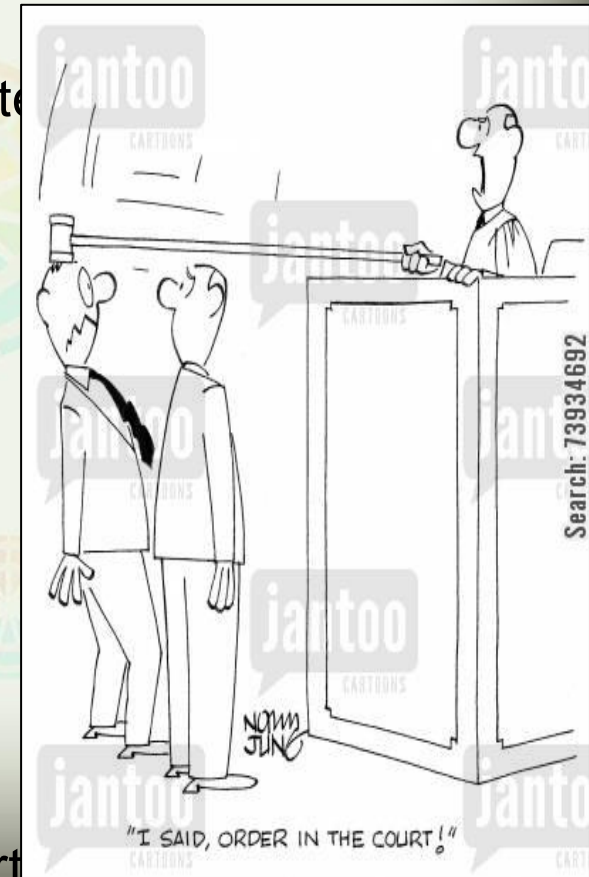
Knowledge of the order by respondent

Respondent must be capable of complying with the order

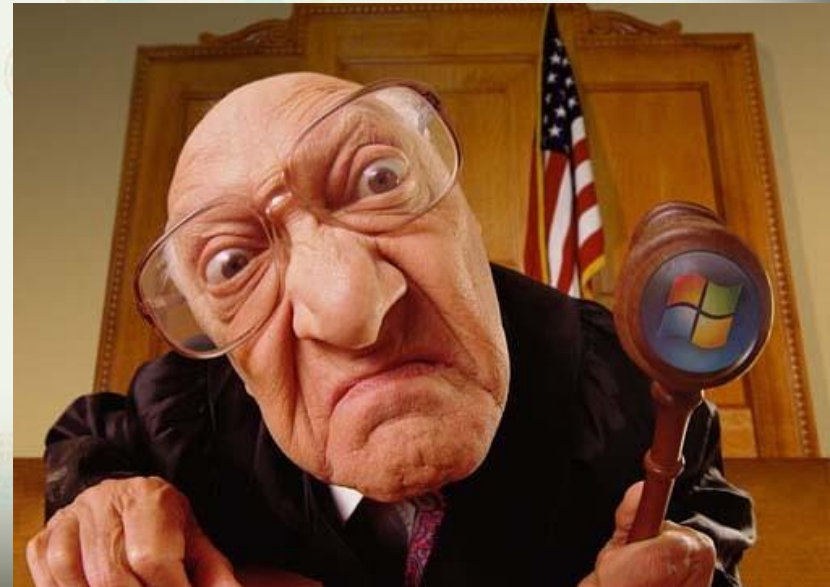
Wilful Disobedience of the order

Some examples of Contempt of Court

- ❑ A lawyer hurled shoes at the Judge in order to over awe, and to bully him (AIR 1981 SC 1382)
- ❑ Comments on pending proceedings with a tendency to prejudice fair trial
- ❑ A person walking into the chamber of a Magistrate and insisting on cancelling the order he passed against him, else a serious consequence would follow.
- ❑ Assault on Magistrate
- ❑ Insult to a Magistrate
- ❑ Private Communication with a Judge or Magistrate about a subjudice matter
- ❑ Threatening a counsel in a case.
- ❑ Bullying witnesses
- ❑ Destroying documents in the custody of the Court



- ❑ There is an old joke amongst lawyers. Annoyed with a lawyer's argument, the judge asks the lawyer: "Counsel do you take me for an idiot?"
- ❑ Pat comes the answer from the lawyer: "Your honour, I can't answer that question without being sent to jail for either contempt or perjury."



Constitutional Provisions

Article 129

Supreme Court shall be Court of Record & shall have powers to punish for contempt of itself

Article 215

Every High Court shall be Court of Record & shall have all the powers of such a court to punish for contempt of itself

Article 141

Law declared by Supreme Court to be binding on all courts

Article 142

Supreme Court may pass such a decree as is necessary for complete justice which shall be enforceable throughout territory of India

Article 144

Civil & Judicial authorities to act in aid of Supreme Court

Contempt of Court Act, 1971

- ❑ **Object**- to define powers & limit in punishing contempt of courts and to maintain the majesty & dignity of law courts and their image in the minds of the public.
- ❑ Sec.3-innocent publication and distribution of matter-not contempt.
- ❑ Sec.4-fair & accurate report of judicial proceeding-not contempt.
- ❑ Sec.5-fair criticism of judicial act-not contempt.
- ❑ Sec.6-complaint against presiding officers of subordinate courts(in case of any statement made by him in good faith)
- ❑ Sec.7-publication of information relating to proceedings in chambers or in camera(except in certain cases)



Contempt of Court Act, 1971

- Sec.9-Due regards to constitutional provisions- act not to imply enlargement of scope of contempt.
- Power of HC to punish contempt of subordinate courts as it has and exercises i.r.o. contempt of itself.
- Sec.10- no HC shall take cognizance of a contempt alleged to have been committed i.r.o. court subordinate to it where such contempt is an offence punishable under IPC.

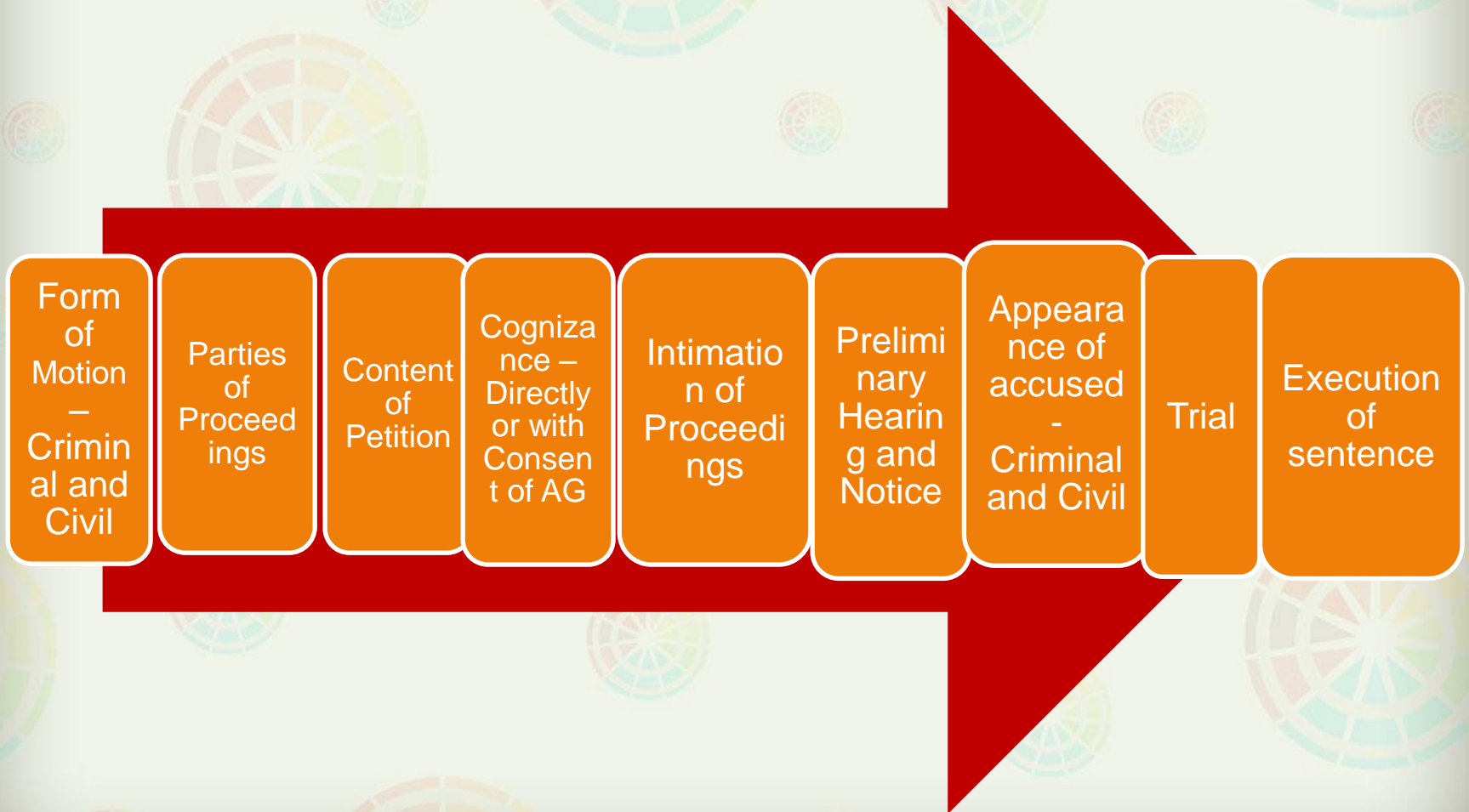
Punishments & Limitation for Contempt of Court

- ❑ Up to six months simple imprisonment or fine up to 2000/ or both. Accused may be discharged or punishment may be remitted on apology being made to satisfaction of the court.
- ❑ sec.12- apology shall not be rejected merely on the ground that it is qualified or conditional if the accused makes it bonafide
- ❑ **LIMITATION – ACTS COMMITTED WITHIN LAST 1 YEAR WILL BE CONSIDERED**

Contempt of Courts Amendment Act, 2006

- ❑ Substitute of sec.13 of act-1971 which provides certain circumstances under which contempt is not punishable.
- ❑ No court shall impose a sentence under this act unless it is satisfied that the contempt is of such a nature ,it substantially interferes or tends to with the due course of justice.
- ❑ The court may permit justification by truth as a valid defence if it is satisfied that it is in public interest and the request for invoking the said defence is bonafide.

Proceedings of Contempt of Court



Appeal

High Court

Supreme Court

