

Case Laws

- Legal Remembrancer Vs Bibhuti Bhushan Das Gupta And Ors. On 1953;AIR 1953 SC 185
- 144 CrPC notice issued to parties by sub divisional magisterate, Purulia
- Held the opposite parties created contempt of court by scandalizing the SDM.
- Lesson learnt: Rule of Law is paramount
- No judiciary is small.

- Mohd Aslam Vs Union of India, 1994; AIR 548, 1994 SCC(6)442
- Babri Masjid case.
- CM submitted affidavit and violated the conditions.
- Held, it is flagrant breach of undertaking and wilful disobedience by CM, U.P
- One day imprisonment + Rs.2000/- fine

- Sanjeev Dutta, Deputy secretary Ministry of Information and Broadcasting Vs Others
- Diamond Jubilee celebrations of CAB with 6 nations tournament.
- Dispute between CAB, DD, TWI and Ministry of Broadcasting.
- Held unconditional apology of public servant not accepted as they were made under full knowledge to sabotage Rule of Law.
- Lesson learnt: draft your replies carefully.
- Don't be emotional in your affidavit.

- Dhananjay Sharma Vs. State of Haryana and others
- A writ of Habeas corpus issued by court.
- Held, SHO, Additional SP and SP filed wrong affidavit in court.
- CBI inquiry ordered. SP, Addl SP and SHO punished for contempt of court.
- Held, apologies cannot be accepted being apologies of not repentance but to escape punishment.

Vasudevan Vs Dhananjay, 1995

- A senior IAS officer held guilty of contempt of court (Commissioner of BMC)
- Held, the respondent guilty of CoC by delaying the implementation of the orders issued by court.
- Ordered one month imprisonment and fine.
- Lesson learnt: Don't delay and implement within the stipulated time.

Impact of Contempt Laws on Executive functioning

- ❑ Delay in COC will create operational difficulties
- ❑ Creates avoidable animosity between Judiciary and Executive
- ❑ The content of Judicial Orders is very unpleasant and offensive creating fear among executives
- ❑ Fear of COC will make misallocation of resources of administration like using of force, logistics etc
- ❑ Ambiguous court orders makes bureaucracy a sitting duck
- ❑ Inconsistent treatment of contempt cases.
- ❑ Court Orders can be sometimes be used to blackmail executive
- ❑ Harassment of executive through insistence on personal appearance and rude behaviour
- ❑ Lesson Learnt: Unlike Pro-Kabaddi tag line (Le panga...) the tagline here is Don't take PANGA!!!!

Debates and the way forward

Freedom of Expression Vs Contempt of Court:

- ❑ Free press is required for proper functioning of democracy in fact without free press democracy has no meaning...
- ❑ Free press require that any wrong being done by each arm of state be highlighted and give an informed opinion ...
- ❑ However while legislature and executive have been time and again targeted but press fears to touch upon the wrongdoings of judiciary.. The reason being it invites contempt of court..

- Courts are staffed by judges who are human beings with all frailties that a human being can possess, so they too can commit mistakes..if judges follow law and orders...ok
- If uses discretion ...his orders may become law...and some body must evaluate his law in a professional way
- Media---imp role in publicising....critising.. Decisions of court from stand point of policy and fundamental constal values. Such criticism makes them accountable....
- It enhances the quality of democracy.
- Its brings transparency and inturn increases faith in system.

- On the otherhand judges should be shielded from public pressure.....other wise justice in true sense will not be delivered.they may fail to uphold justice under media stress, crowd pressure..public sentiments... and in todays explosive growth of media and all pervasive social media judgements may be affected.their dignity and decorum will down and faith that it is last resort will be eroded
- For example---if media starts saying one day before judgement
- This judge past record is like that the order will be favourable to accused,
- The judge attended marriage of his accused cousin 15 yrs back means he will side accused.
- The judge distant relative is a opposition man hence he will deliver order against the accused etc..
- Coc has prevented this type of bullying of judiciary.
- However any type of non scrutiny has made judges inefficient and has burdened the system....non performers and corrupt thrive in the system ,,infact S.P.Barucha CJI remarked 80%of judges are honest means..

- ❑ There should be a performance commission which should be an instrument to receive complaints and investigate them.
- ❑ Bad judges should be punished by performance commission..
- ❑ At the same time vulgar misuse of free speech and abuse of judges be punitive.
- ❑ However the best answer to abuse of judges is not frequent or ferocious contempt sentencing but fine performance