

Contempt of Court

May 14, 2020

What is contempt of court?

- Contempt of court is often defined as any conduct that tends to bring the authority and administration of Law into disrespect or disregard or to interfere with or prejudice parties or their witnesses during litigation.

The legality of contempt of court

- For the concept of Contempt of Court, the **Contempt of Court Act, 1971** was passed which dealt with such a concept. **Article 129 and 215** ['courts of record'] of the Constitution of India empowers the Supreme Court and High Court respectively to punish people for their respective contempt. Section 10 of The Contempt of Courts Act of 1971 defines the power of the High Court to punish contempts of its subordinate courts. Power to punish for contempt of court under Articles 129 and 215 is not subject to Article 19(1)(a) [freedom of speech and expression].
- **Article 142(2)** says that when any law is made by the Parliament on the provisions mentioned in clause 1 of this Article, the Supreme Court has all the power to make an order for securing any person's attendance, production of any documents or has the power to give punishment to anyone for its contempt.
- Under **Section 2(b) of the Contempt of Courts Act of 1971, civil contempt** has been defined as wilful disobedience to any judgment, decree, direction, order, writ or other process of a court or wilful breach of an undertaking given to a court.
- Under **Section 2(c) of the Contempt of Courts Act of 1971, criminal contempt** has been defined as the publication (whether by words, spoken or written, or by

signs, or by visible representation, or otherwise) of any matter or the doing of any other act whatsoever which: Scandalises or tends to scandalise, or lowers or tends to **lower the authority** of, any court, Prejudices, or interferes or tends to **interfere with the due course** of any judicial proceeding, Interferes or tends to interfere with, or obstructs or tends to **obstruct, the administration of justice** in any other manner.

- The Limitation period for actions of contempt has been discussed under Section 20 of the Contempt of Courts Act of 1971 and is a **period of one year** from the date on which the contempt is alleged to have been committed.