

Unit-5

Contempt of Court

I. CONTEMPT OF COURT

Meaning and Nature: It is very difficult to define the concept of 'contempt of court'. What would offend the dignity of the court and lower the court's prestige is a matter for the court to determine and it cannot be confined within the four walls of a definition. The Contempt of Court Act, 1971 defined contempt of court for the first time. There is no statutory definition of contempt of court. Whatever definition is provided under this act is not a definition but only classification of the term contempt of court. Contempt of court in general means, *"To offend the dignity of the court and lower the prestige of the court"*.

Oswald defines, contempt to be constituted by 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. In Halsbury laws of England, it is defined as follow *"Any act done or writing published which is calculated to bring a court or judge into contempt or lower his authority or to interfere with the due course of justice or the lawful process of the court is contempt of court"*.

As per Corpus Juris Secundum, Contempt of court is disobedience to court by acting in opposition to the authority, justice and dignity thereof. It signifies a willful disregard or disobedience of courts order. It also signifies such conduct as tends to bring the authority of the court and the administration of law into disrespect.

II. CLASSIFICATION:

According to Section 2(a) of the Contempt of Court Act, 1971, contempt of court means civil contempt or criminal contempt. Section 2(b) of the Act, defines "Civil Contempt" as willful disobedience to any judgment, decree, direction, order, writ or other process of a court or willful breach

of an undertaking given to a court. Section 2(c) of the Act, defines "Criminal Contempt" 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 act whatsoever which –

- (i) Scandalizes or tends to scandalize or lower or tends to lower, the authority of any court, or
- (ii) Prejudices or interferes or tends to interfere with, the due course of any judicial proceeding; or
- (iii) Interferes or tends to interfere with or obstructs or tends to obstruct, the administration of justice in any other manner.

The above definition contained in the Contempt of Court Act, 1971, is not exhaustive. It merely indicates that the contempt may be civil contempt or criminal contempt. It is thus better to leave it to the court to deal with each case as it comes and a right of appeal under Section 19 of Section the Contempt of Court Act, 1971, in all cases of contempt will cure whatever defect there may be in the application of the law.

There are several instances of the misconduct such as using insulting language against the judge, suppressing the facts to obtain favorable order, imputation of partiality and unfairness against the judge. A council who advices his client to disobey the order of court is also held liable for contempt of court. Attacking the judiciary in the bar council election is taken as contempt of court. If the council refuses to answer the question of the court is also liable for contempt of court. In **Re Ajay Kumar Pandey case** the Supreme Court held that advocate using intemperate language against various judicial officers and attributing motives to them while discharging there judicial function would be held guilty of contempt of court. In this case such advocate was sentenced or punished to 4 months simple imprisonment and fine of rupees 1000/-.

Civil Contempt:

The purpose of the proceeding for the civil contempt is not only to punish the contemner but also to exercise enforcement and obedience to the order of the Court. In ***Vidya Sagar v. Third Additional District Judge, Dehradun, 1991 Cr LJ 2286***, it was held that Civil Contempt, actually, serves dual purpose:

- (i)** Vindication of the public interest by punishment of contemptuous conduct; and
- (ii)** Coercion to compel the contemner to do what the Court requires of him.

To constitute 'Civil Contempt' the followings are required to be proved:

- 1.** There is disobedience of the order, decree, etc. of the Court or breach of undertaking given to the Court; and
- 2.** The disobedience or breach is willful.

These requirements may be discussed as follows:

1. Disobedience of the order, decree, etc. of the Court or breach of undertaking given to the Court: For civil contempt it is necessary that order which has been disobeyed must have been passed by the Court having jurisdiction to pass order. If the order has been passed without jurisdiction, it is not binding on the party against which it has been passed and, therefore, the disobedience of such order will not amount to contempt of Court.¹ Further, the burden to prove that the Court which has passed the order had no jurisdiction to pass it or the proceeding in which the undertaking was given was without jurisdiction lies on the person who alleges it.

In ***Courts on its Own Motion v. N.S. Kumar, 1995 Cr LJ 1261***, it was held that usually the order should be served on the person against whom

¹ Sultan Ali Nanghiara v. Nur Hussain, AIR 1949 Lah 131.

it has been passed. However, where it is proved to the satisfaction of the Court that the person against whom the order was passed had actual knowledge of the order, he cannot escape liability for contempt on the ground that the copy of the Order has not been formally served on him. Once an order is made by the Court and a person is charged with the allegation of non-compliance of that order, he cannot plead that he was waiting for instruction to comply with the Court's order can possibly contend that he is to seek instructions from his superiors before he could carry out his obligation of complying with the Court's order.

The breach of undertaking given to the Court is also taken as contempt, if it is willful. Where a person is committed for contempt for breach of undertaking, the undertaking must be given to the Court. The undertaking given by one party to another is not sufficient for this purpose. An undertaking may be given by the party himself or by any other person on his behalf provided in the later case the person giving the undertaking has authority to give such undertaking. Thus, an undertaking may be given by an advocate on behalf of his client provided he had authority on behalf of his client to give such undertaking.²

The basis for taking the breach of undertaking as contempt of Court is that the contemner by making a false representation to the Court obtains a benefit for himself and if he fails to honour the undertaking, he plays a serious fraud on the Court itself and thereby obstructs the course of justice and brings into disrepute the judicial institution.³

In ***Babu Ram Gupta v. Sudhir Bhasin, Am 1979 se 1528 at 1532***, the Supreme Court has made it clear that the breach of undertaking recorded or forming part of a compromise decree, would not amount to contempt of Court. The Court has further observed that there is a clear cut distinction between a compromise arrived at between the parties or a consent order passed by the Court at the instance of the parties and a

² B.K. Rao v. Prithwish Kor, (1989) IT CHN 58 (DB).

³ Babu Ram Gupta v. Sudhir Bhasin, AIR 1979 se 1528 at 1532.

clear and categorical undertaking given by any of the parties. In the former, if there is violation of the compromise or the order no question of contempt of Court arises, but the party has a right to enforce the order or the compromise by their executing the order or getting an injunction from the Court.

Where a compromise is arrived at between the parties and a particular property having been allotted to A, he has to be put in possession thereof by B. B does not give possession of this property to A. B cannot be held liable for contempt of court on the ground that the compromise decree has not been implemented by him. The remedy of A would be not to pray for drawing up proceedings for contempt of Court against B but to approach the executing Court for directing a warrant of delivery of possession under the provisions of the Code of Civil Procedure. If the non-compliance of a compromise decree or consent decree is taken as contempt of Court, the provisions of the Code of Civil Procedure relating to the execution of the decree may not be resorted to at all. The reason for treating the breach of undertaking as contempt of Court is that contemner making a false representation to the Court obtains a benefit for himself and if he fails to honour the undertaking, he plays a serious fraud on the Court itself and thereby obstructs the course of justice and brings into disrepute the judicial institution. In the case of consent, order or a compromise decree the fraud, if any, is practiced by the person concerned not on the Court but on one of the parties. The offence, thus, committed by the person concerned is against the party and not against the Court. The very foundation for proceeding for Contempt of Court, is completely absent in such cases.

*In **Bhatnagar and Co. Ltd. v. Union of India, Am 1957 se 478 at pp. 481-482***, the court held that the undertaking must be unconditional, unqualified and express. Where, the party gives the undertaking to the Court on the basis of certain implications or assumptions which are false

to his knowledge, he will be guilty of misconduct amounting to Contempt of Court.⁴

What is required to avoid the contempt proceeding is the substantial compliance with the order of the Court. No court including the Court of contempt is entitled to take frivolities and trivialities into account while finding fault with the conduct of the person against whom contempt proceeding is taken. If the order is substantially complied with, the contempt will not lie.⁵

2. Willful disobedience or breach: For Civil Contempt the disobedience of the order, decree, etc. of the Court or breach of undertaking given to the Court must be willful. In India the Supreme Court⁶ has, often, pointed out that in order to punish a person or authority for contempt of Court, the disobedience to any judgment, etc. or breach of undertaking to the Court must be willful. Thus, mere disobedience of the order of Court is not sufficient to constitute civil contempt. The disobedience must be willful. The disobedience must be deliberate and intentional. The contempt power cannot be used unless the court is satisfied beyond doubt that the person has deliberately and intentionally violated the order of the court.⁷

Whether the disobedience has been wilful, is an issue to be decided by the Court, taking into account the facts and circumstances of the case.⁸ In ***Ram Narang v. Ramesh Narang***,⁹ the Court has held that the definition of civil contempt given in section 2(b) creates two categories of cases:

- (1) Wilful disobedience to a process of Court; and
- (2) Wilful breach of undertaking given to a Court.

⁴ Dr. (Mrs.) Roshan Sam Joyce v. S.R. Cotton Mills Ltd., AIR 1990 SC 1881.

⁵ Sukumar Mukhopadhyay v. T.D. Karamchandani, 1995 Cr LT 1610 at p. 1612.

⁶ J. Vasudevan v. T.R. Dhananjaya, AIR 1996 SC 137.

⁷ C. Elumalai v. A.G.L. Arudayaraj, AIR 2009 SC 2214.

⁸ Niaz Mohammad v. State of Haryana, (1994) 6 see 332.

⁹ AIR 2006 se 1883.

As far as the first category is concerned the word "any" further indicates the wide nature of the power. No distinction has been statutorily drawn between an order passed after an adjudication and an order passed by consent. This first category is separate from the second category. The legislative intention has been to distinguish between the two and create distinct classes of contumacious behaviour. For application of category second the undertaking must have been given to the Court and not to the other party. The Court has made it clear that wilful violation of terms of consent decree amounts to contempt of Court. For the enforcement of decree or direction of the court for payment of money, the contempt jurisdiction cannot be used.¹⁰ The Court has made it clear that for the enforcement of such decree or direction the contempt jurisdiction either under the Contempt of Court Act or under order 39 Rule 2A of the CPC cannot be used.

Criminal Contempt:

In India the definition of contempt of court is found in clause (c) of Section 2 of the Contempt of Courts Act, 1971. It provides that "Criminal Contempt" means the publication whether by words, spoken or written or by signs, or by visible representations, or otherwise of any matter of the doing of any act whatsoever which scandalizes or tends to scandalize or lower or tends to lower the authority of any court, or prejudices or interferes or tends to interfere with the due course of any judicial proceedings or interferes or tends to interfere with or obstructs or tends to obstruct the administration of justice in any other manner.

In ***Delhi Judicial Services Association v. State of Gujarat & others, (1991) 4 SCC 406***, the court held that the definition of criminal contempt is wide enough to include any act of a person which would tend to interfere with the administration of justice or which would lower the authority of the Court. The scope of the criminal contempt has been made

¹⁰ Food Corporation of India v. Sukh Deo Prasad, AIR 2009 se 2331.

very wide so as to empower the Court to preserve the majesty of law which is an indispensable condition, for the rule of law.

In ***Hira Lal Dixit v. State of U.P., AIR 1954 SC 743***, the court held that to constitute the 'criminal contempt it is not necessary that the publication or other act should have actually resulted in scandalizing or lowering the authority of the Court or interference with the due course of judicial proceeding or administration of justice. The essence of the offence is that the acts complained of are likely to result in scandalizing or lowering the authority of the court or interferes with due course of judicial proceeding or administration of justice. The court further held that the law of contempt is deterrent in nature and it is concerned, essentially, with the prevention of scandalization or prejudice or interference with due course of judicial proceeding or administration of justice rather than merely applying sanctions to comments or acts which have scandalized or lowered the authority of the Court or prejudiced or interfered with the due course of judicial proceeding or administration of justice. Thus, the offence of contempt is complete by mere attempt and does not depend on actual deflection of justice.¹¹

In ***re P.C. Sen, Am 1970 SC 1821*** the court held that the strict liability rule is applied in the case of Criminal Contempt. The intention to interfere with the administration of justice is not necessary to constitute the criminal contempt. The essence of the offence of contempt lies in the tendency to interfere with the due course of justice and motive, good faith, etc. of the alleged contemner are immaterial. It is enough if the action complained of is inherently likely so to interfere. Mens rea, in the sense of intending to lower the repute of a Judge or Court, is not an essential ingredient of the criminal contempt. What is material is the effect of the offending act and not the act per se.

¹¹ In the matter of a letter concerning Suit No. 1947 of 1952, AiR 1959 Oal 17.

Essential Ingredients of Criminal Contempt: They are:

1. Publication or other act;

In the case of **Re S.K. Sundarami, AIR 2001 SC 2374**, the telegraphic communication sent by the contemner contain the following: "I call upon Shriman Dr. A.S. Anand Hon'ble Chief Justice of India to step down from the constitutional office of the Chief Justice of India forthwith, failing which I will be constrained to move the criminal court for offences under sections 420, 406, 471, Indian Penal Code for falsification of your age, without prejudice to the right to file a writ of *quo-warranto* against you and for a direction to deposit a sum of Rs. 3 crores for usurping to the office of Chief Justice of India even after attaining the age of superannuation."

The Court held it as gross criminal contempt of court. The contention that sending such telegram would not amount to publication was not accepted by the court. The Court has held that a telegraphic message can be transmitted only after the sender gives the content of the message to the telegraphic office which would invariably be manned by the staff of that office. The message after transmission, reaches the destination office which also is manned by the members of the staff. From these only the message would be dispatched to the sender. At all those levels the message is open to be read by, at least, those who are engaged in the process of transmission. A telegraph message is not like a letter handwritten by the sender and enveloped in a sealed cover to be opened only by the sender for reading.

2. Scandalizing or lowering the authority of the court or interfering with judicial proceeding or administration of justice;

It is as much a contempt of Court to say that the judiciary has lost its independence by reason of something it is alleged to have done out of Court, as to say that a result of a case it has decided, it is clear that it has no independence or has lost what it had. Where the article complained of stated:

"It is so unfortunate and regrettable that at the present day the Chief Justice and the Judges find a peculiar delight in hobnobbing with the executive with the result that the judiciary is robbed of its independence which at one time attracted the admiration of the whole country. The old order of things has vanished away." The Court held that it was a clear case of contempt of Court - **re Tushar Kanti Ghosh, AIR 1935 Cal 419.**

In **Rajendra Sail v. M.P. High Court Bar Association, 2005 AIR SCW 2443**, the prosecution witness made statement in public that in murder trial the judge had disposition to acquit the accused. The judge about to retire was available for sale and that the judgment was rubbish and deserves to be thrown in dustbin. This comment made by the witness was published in newspaper. The Court held that it amounts to gross contempt of Court.

In **State of Bihar v. Kripalu Shanker, AIR 1987 SC 1554**, the Supreme Court has made it clear that notings made by the officers in the files cannot be made a basis for contempt action. Such notings are not meant for publication. When the Court directs the production of the documents, there is implied undertaking that they will not be used for any other purpose. The production of these documents in ordinary cases is imposed with a limitation that the side for whose purpose documents are summoned by the Court cannot use them for any purpose other than the one relating to the case involved. If the ultimate action does not constitute contempt, the intermediary suggestions and views expressed in the notings will not amount to contempt of Court.

In **Courts on its Own Motion v. K.K Jha, AIR 2007 Jh. 67**, the Supreme Court has made it clear that writings in pleading or petition the scurrilous allegation or scandalization against a Judge or Court amount to criminal contempt. Similarly the court in, **M.Y Shareef v. Judges of Nagpur High Court, AIR 1955 se 19**, held that Not only writings in petition or pleadings the scurrilous allegation or scandalization against a Judge or Court amounts to contempt, but also the allegations made in the

application for the transfer of the case amounts to contempt of Court and the counsel, who has signed it, may be punished for it.

In ***U.P. Resi. Emp. Coop. House B. Society v. New Okhala Industrial Development Authority, 2003 AI.R. S.C.W. 3304***, the Supreme Court has held that filing of false affidavit in the Court is contempt of court.

In ***S.R. Ramraj v. Special Court, Bombay, AI.R. 2003 S.C. 3039***, the Supreme Court has held that where verification is specific and deliberately false, there is nothing in law to prevent a person from being proceeded for contempt.

In ***State v. Sajjan Kumar Sharma, 1986 PLIR (NOC) 34***, the court held that according to Section 6 of the Contempt of Courts Act, 1971 a person shall not be guilty of contempt of Court in respect of any statement made by him in good faith concerning the presiding officer of any subordinate Court to-

- (a) any other subordinate Court, or
- (b) the High Court, to which it is subordinate.

Section 6, thus, enables a person to make bona fide complaint concerning a subordinate Judge to-

- (a) another subordinate Judge who is superior to him; or
- (b) the High Court to which he is subordinate.

The protection of section 6 is available only when the complaint is made in good faith. To satisfy this condition it must be proved that the complainant has acted with due care and attention.

3. Prejudice to or Interference with, the due course of any judicial proceeding (Media Trial);

The publication which prejudices or interferes or tends to interfere with, the due course of any judicial proceeding is taken as contempt of Court. Actually, media trial or trial by newspaper is not considered proper because it affects the fairness of trial and is likely to cause prejudice to or likely to interfere with, due administration of justice in the particular case. Even in England and America and trial by newspaper is considered wrong

and taken as contempt of Court. In **A.G. v. Times Newspaper Ltd**, Lord Reid has made it clear that there has been and there still is in England a strong and generally held feeling that trial by newspaper; is wrong and should be prevented. Thus, whenever the publication or any other act unduly influences the result of a litigation, it is treated criminal contempt of Court and is punished there for. The power to punish the contempt of Court is the means by which the legal system protects itself from the publication which may unduly influence the result of litigation.

4. Interference or obstruction with administration of justice in any other manner

This clause is a residuary clause and it covers the cases of the criminal contempt not expressly covered by sub-clauses (i) and (ii) of Section 2(c) of the Contempt of Courts Act, 1971. Thus, the publication or doing of any other act which interferes or tends to interfere with or obstructs or tends to obstruct the administration of justice in a manner otherwise than by scandalizing the Court or lowering the authority of the Court or by causing prejudice or by interfering with due course of any judicial proceeding would fall within the ambit of this sub-clause and, thus, would amount criminal contempt under this sub-clause.

In **J.R. Parashar v. Prashant Bhushani, AIR 2001 se 3395**, the Supreme Court has held that holding a Dharna by itself may not amount to contempt of court, but if by holding a dharna access to the courts is hindered and the officers of the court and members of the police are not allowed free ingress and egress or the proceedings in court are otherwise disrupted, disturbed or hampered, the Dharna may amount to contempt because the administration of justice would be obstructed.

An advocate is an officer of the Court and therefore undue interference with the advocate in the discharge of his professional functions amounts to contempt of Court. A counsel or legal practitioner is not merely agent of the parties but he is an officer of the Court. His duty is to inform the Court as to the law and facts of the case and to aid it do justice by arriving at correct conclusion. Interference with counsel may amount to

contempt of Court. The Court's jurisdiction in contempt is not exercised out of any mere notion of the dignity of judicial office but is exercised for the purpose of preventing interference with the due course of justice and it is quite possible to interfere with the due course of justice by making comments upon an advocate in the way of his profession. The acts or words complained of may amount to contempt of Court, if it interferes or tends to interfere with the course of justice. Thus, casting aspersions on counsel which tends to deter him from discharging his duties amounts to contempt of Court. Similarly, where a party threatens the advocate of other party to prosecute him in Court or where a solicitor assaults the opposing solicitor outside the Court or where a person demands the counsel not to undertake defence of the accused, it will amount to contempt of Court - ***Damayanti G. Chandiramani v. S. Vaney, AIR 1966 Born 19.***

Interference with parties was held contempt of court. The court in ***Aligarh Municipal Board v. Ekka Tanga Mazdoor Union, AIR 1979 SC 1767,*** held that every person is entitled to the redress of his grievances through the assistance of the Court. It is the main function of the Court to decide the disputes between the parties. Consequently, any conduct which prevents or tends to prevent a party to obtain the remedy through the Court amounts to contempt of Court as it interferes with the course of justice. The parties are protected from undue interference not only in the Court but also on his way to or from, the Court. Thus, assaulting a party in the lobby of the Court or sending threatening letter to the party during pendency of the suit amount to contempt of Court.

In ***Re A.G.'s Application, AG. v. Butterworth, (1962) 3 All ER 326,*** the court held that interference with witnesses is taken very seriously and in certain circumstances, it may amount to criminal contempt of Court. Witnesses are integral part of the judicial process and they must have freedom to perform their duties. Interference with the performance' of their duties is taken as contempt of court.

In ***Advocate-General Bihar v. Madhya Pradesh Khair Industries, AIR/980 SC 946,*** the court held that the abuse of the process of Court

calculated to hamper the due course of a judicial proceeding or the administration of justice amounts to contempt of Court. The minor abuses of the process of Court may be suitably dealt with between the parties by taking action under the relevant statutory provisions but a conduct which abuses and makes a mockery of the judicial process and, thus, extends its pernicious influence beyond the parties to the action and affects the interest of the public, it must be taken as contempt of Court.

Difference between Civil Contempt and Criminal Contempt are given below: After careful consideration of the meaning of civil contempt and criminal contempt it becomes clear that both are differ from each other in different counts.

| Civil Contempt | Criminal Contempt |
|--|---|
| i. Civil Contempt is defined in Section 2(b) of the Contempt of Courts Act, 1971; | i. Criminal Contempt is defined in Section 2(c) of the Contempt of Courts Act, 1971; |
| ii. Willful disobedience to any judgment, decree, direction, order, writ or other process of a Court or willful breach of an undertaking given to a court, are regarded as civil contempt's; | ii. 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 is a criminal contempt; |
| iii. Willfully disobeying the Court orders or willfully breaching his own undertaking are the civil contempt; | iii. The following act is the criminal contempt's: <i>(a) scandalises, or tends to scandalise, or lowers or tends to lower the authority of, any Court; or</i> <i>(b) prejudices, or interferes or tends to</i> |

| | |
|--|--|
| | <p><i>interfere with, the due course of any judicial proceeding; or</i></p> <p>(c) <i>interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner."</i></p> |
| iv. It contains less seriousness; | iv. It is more serious and aggravated from of offence; |
| v. Apology is a good defence. In Majority of the civil cases, the Courts satisfy if the contemnor gives an unconditional apology, and also an undertaking to fulfill the obligation; | v. In majority of the Criminal Contempt's cases, the Courts accept the apology of the contempt's, but may not incline to set aside the punishments. Only in genuine, old aged contemnors, the Courts may show sympathy and may reduce the period of imprisonment or post pone the punishment or at least give reprimand; |
| vi. Mens rea is an essential ingredient to be proved in civil contempt's; | iv. Mens rea is need not be proved and is essential in criminal contempt's; |

The Calcutta High Court in ***Legal Remembrancer v. Motilal Ghose***¹² has explained the difference between civil contempt and criminal contempt. The distinction between civil and criminal contempt is of fundamental character. While criminal contempt offends the public and consists of conduct that offends the majesty of law and undermines the dignity of the Court, civil contempt consists in failure to obey the order,

¹² ILR 41 Cal. 173.

decree, direction, judgment, writ or process issued by courts for the benefit of the opposing party.

The Allahabad High Court in ***Vijay Pratap Singh v. Ajit Prasad***¹³, has held that a distinction between a civil contempt and criminal contempt seems to be that in a civil contempt the purpose is to force the contemner to do something for the benefits of the other party, while in criminal contempt the proceeding is by way of punishment for a wrong not so much to a party or individual but to the public at large by interfering with the normal process of law diminishing the majesty of the court. However, if a civil contempt is enforced by fine or imprisonment of the contemner for nonperformance of his obligation imposed by a court, it merges into a criminal contempt and becomes a criminal matter at the end. Such contempt, being neither purely civil nor purely criminal in nature, is sometimes called *suigeneris*.

It is submitted that the dividing line between civil and criminal contempt is sometimes very thin and may become indistinct. Where the contempt consists in mere failure to comply with or carry on an order of a court made for the benefit of a private party, it is plainly civil contempt. If, however, the contemner adds defiance of the court to disobedience of the order and conducts himself in a manner which amounts to abstraction or interference with the courts of justice, the contempt committed by him is of a mixed character, partaking of between him and his opponent the nature of a civil contempt.

Punishment for Contempt of Court:

According to Section 12 of the Contempt of Courts Act, 1971, a contempt of court may 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.

¹³ AIR 1966 All. 305.

Provided that the accused may be discharged or the punishment awarded may be remitted on apology being made to the satisfaction of the court. Explanation - An apology shall not be rejected merely on the ground that it is qualified or conditional if the accused makes it bona fide.

Sub-Section (2) provides that notwithstanding anything contained in any law for the time being in force, no court shall impose a sentence in excess of that specified in sub section for any contempt either in respect of itself or of a court subordinate to it.

Sub-Section (3) provides that notwithstanding anything contained in this section, where a person is found guilty of a civil contempt, the court, if it 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 he be detained in a civil prison for such period not exceeding six months as it may think fit.

Sub-Section (4) provides that, where the person found guilty of contempt of court in respect of any undertaking given to a court is a company, every person who, at the time the contempt was committed, was in charge of, and was responsible to, the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the contempt and the punishment may be enforced, with the leave of the court, by the detention in civil prison of each such person.

Provided that nothing contained in this sub section shall render any such person liable to such punishment if he proves that the contempt was committed without his knowledge or that he exercised all due diligence to prevent its commission.

Sub-Section (5) provides that, notwithstanding anything contained in sub section (4) where the contempt of court referred to therein has been committed by a company and it is provided that the contempt has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manger, secretary or other officer of

the company, such director, manager , secretary or other officer shall also be deemed to be guilty of the be contempt and the punishment may be enforced, with the leave of the court, by the detention in civil prison of such director, manager, secretary or other officer.

Explanation - For the purpose of sub sections (4) and (5)-

(a) "Company" means anybody corporate and includes a firm or other association of individuals, and

(b) "Director" in relation to a firm, means a partner in the firm.

Limitation:

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

Appeals:

Section 19 (1) of the Act provides that an appeal shall lie as of right from any order to decision of High Court in the exercise of its jurisdiction to punish for contempt -

(a) Where the order or decision is that of a single judge, to a bench of not less than two judges of the Court.

(b) Where the order or decision is that of a bench, to the Supreme Court.

Provided that where the order or decision is that of the Court of the judicial commissioner in any union territory, such appeal shall lie to the Supreme Court.

Section 19 (2) of the Act provides for Pending of any appeal. The appellate Court may order that -

(a) The execution of the punishment or order appealed against be suspended;

(b) If the appellant is in confinement, he be released on bail; and

(c) The appeal be heard notwithstanding that the appellant has not purged his contempt.

Section 19 (3) of the Act provides that where any person aggrieved by any order against which an appeal may be filed satisfied the High Court that he intends to prefer an appeal, the High Court may also exercise all or any of the powers conferred by sub section(2).

Section 19 (4) of the Act provides for limitation for Appeal. According to this sub-section, an appeal under sub-section (1) shall be filed -

(a) in the case of an appeal to a Bench of the High Court, within thirty days ;

(b) in the case of an appeal to the Supreme Court, within sixty days, from the date of the order appealed against.

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. Appeals were heard by the Privy Council on the ground that the action in the contempt of court cases was made in the name and on behalf of the Sovereign hence the Privy Council could hear the appeal (***Court on its Own Motion v. Kasturi Lal, AIR 1980 P&H 72, at p. 73***).

The Apex Court in ***S. P. Wahi v. Surendra Singh***, held that it is not each and every order passed during the contempt proceedings that is appealable. In *Subhash Chandra v. B.R. Kakkar*, it was held that when the High Court acquits the contemner, no appeal lies. If the order of committal for contempt of court is made -

(a) By a single judge of the High Court, an appeal lies to a division bench thereof; or

(b) By a division bench of the High Court, an appeal lies to the Supreme Court, as of a statutory right.

Leading Case on contempt of court:

In **Re: 1. Shri Sanjiv Datta, Deputy Secretary, Ministry of Information & Broadcasting [1995 Scc (3) 619]**, a Suo moto contempt notice issued to a public servant and his advocates. Affidavit was filed in the Supreme Court containing allegations against the Court. Allegations made with intention of casting aspersions on the Court and attributing motives to it. Accusing the Court of making mockery of established policy of Government of India by permitting a foreign agency to undertake broadcasting from India, against national interest thereby undermining sovereignty of the nation. Unconditional apology of public servant not accepted. Allegations made by the contemnor were intentional. Made with full knowledge of its grave implications and therefore has potentiality of mischief. If not curbed firmly, may assume proportion grave enough to sabotage the rule of law. Unconditional apology of advocates, Accepted for want of knowledge of allegations. (Officers-let your mind and not the heart speak).

III. CONSTITUTIONAL VALIDITY OF CONTEMPT LAW:

Power to punish for contempt is inherent in Court of Records. This was with a view to maintain the due administration of justice. It is pertinent to mention that prior to the enactment of the Constitution of India, 1950 the statutory recognition of this position has been formulated as early as in 1935 in section 220(1) of the Government of India Act, 1935. It declared that every High shall be a Court of Record. Finally, we see the inclusion of this section in Article 215 of the Constitution of India, 1950 which reads as under:-

Article 215, "High Courts to be Court of Record-Every High court shall be a Court of Record and shall have all powers of such a court including the power to punish for contempt of Court itself".

The Supreme Court being an Apex Court recognised as a Court of Record and has inherent power to punish for contempt in relation thereto, as provided in Article 129 of the Constitution which reads as under:

“129 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.

Parliament and the State Legislature both have power to make laws with respect to any of the subject enumerated in list III (concurrent list) of the seventh schedule of the Constitution. The parliament has exclusive power to make laws with respect to any of the matters are subjects enumerated in list -I (Union list) of the 7th of the Constitution. The state legislature has exclusive power to make laws with respect of any of the matter or subjects enumerated in list II (State list) of the seventh scheduled of the Constitution. Entry 77 of the list is as follows, “Constitution, organization, jurisdiction and powers of the Supreme Court (including contempt for such a court) and the fees taken therein; persons entitled to practise before the Supreme Court. Entry15 of list II is as follows "contempt of court but not including contempt of Supreme Court.”

On the basis of these provisions, the Sanyal Committee has derived a conclusion that the legislature is fully competent to legislate with respect to competent of court subject only to the qualification that the legislature cannot take away the power of the Supreme Court or the High Court to punish for contempt or vest that power in some other court. Besides, the Sanyal Committee has observed that Article 142 (2) of the Constitution of India provides that the Supreme Court shall have all and every power to make any order for the purpose of securing the attendance of any person, the discovery or production of any document, or the investigation or punishment of any contempt of itself. However, an important limitation on the legislative power is that it should not be so exercised as to stultify the status and dignity of the superior Courts.

According to article 372 (1) of Constitution of India, all the laws in force in the territory of India immediately before the commencement of this Constitution shall continue in force therein until altered or repealed or

amended by a competent legislature or other competent authority. That is why section 22 of the competent of Courts Act 1971, it makes it clear that the provision of this Act shall be in Addition to and not in derogation of the provision of any other law relating to contempt of courts.

The Constitution (Jammu and Kashmir) Order, 1954, makes it clear that entry 14 is not applicable to the State of Jammu and Kashmir. Consequently, the provisions of contempt law enacted by the legislature are not applicable to the State of Jammu and Kashmir except the provisions relating to the contempt of the Supreme Court. With this object a proviso added to Section 1 of the Contempt of Courts Act, 1971, which provides that the Act shall not apply to the State of Jammu and Kashmir except to the extent to which the provisions of this Act relate to the contempt of the Supreme Court.

In **Noordeen Mohmmad v. A.K. Gopalan, AIR 1886 Ker 301**, the Kerala High Court held that the law of contempt of court as understood in India is a valid law. The contempt of Courts Act is not violation of guarantee of equality and Article 14 as the classification is founded on the intelligible differentia which distinguisher persons or things that are grouped together from other left out of the group and the differentia has a rational relation to the object thought to be achieved by the statute in question is reasonable. ON this test the contempt law is reasonable and not violative of Article 14 - **Harkchand v. Union of India, AIR 1970 SC 1453**.

The contempt law is not violative of the freedom of speech and expression guaranteed by Article 19(1)(a) of the Constitution of India. In several cases¹⁴ the Supreme Court has observed that the freedom of speech and expression including the press is not absolute and restriction thereon may be imposed by the State-making law on any of the ground specified under Article 19(2). Contempt of Court is one of the grounds specified in Clause (2) of Article 19 and, therefore, the restriction on freedom of speech and

¹⁴ M.S.M. Sharma v. Sri Krishna Sinha, AIR 1959 SC 395; In re Keshav Singh, AIR 1965 SC 745; E.M.S. Namboodripad v. T.N. Nambiar, AIR 1970 se 2015.

expression may be imposed, if it amounts to contempt of Court. Article 19(2) allows not only the enactment of law imposing restriction on the freedom of speech and expression so as to prevent the contempt of court but also protects the existing law in relation to contempt. The Supreme Court in ***C.K. Daphtary v. O.P. Gupta, AIR 1971 SC 1132***, has made it clear that the existing law relating to contempt of Court imposes reasonable restriction within the meaning of Article 19(2) and, therefore, it is not violative of the Fundamental Right to freedom of speech and expression guaranteed by Article 19(1) (a).

The contempt of law is not violative of Article 21 which provides that no person shall be deprived of his life or personal liberty except according to the procedure established by law. It has been made clear by the court in ***State of Bombay v. Mr. P., AIR 1959 Bom 182***, that the existing procedure for contempt proceedings have statutory sanction. Section 3 of the contempt of courts Act, 1952 or Section 10 of the contempt of Courts Act, 1971, makes it clear that the procedure in contempt has statutory recognition. Consequently, it cannot be said that the contempt law is violative of Article 21. The procedure established by law in Article 21 includes the existing procedure recognised by the courts and the Constitution. The summary procedure in Contempt cases had been in vogue prior to the commencement of the Constitution of India. This procedure has been recognised by the court. Beside this Article 225 of the Constitution of India makes provision for its continuity.

Hence on the above grounds, it can be concluded that the contempt of court at 1971 is not violative of any provision of the Constitution and it is constitutionally valid.

IV. CONTEMPT LAW IN J&K:

THE JAMMU AND KASHMIR CONTEMPT OF COURTS ACT, 1997

(Act No. XXV of 1997)

Object of the Act: The Jammu and Kashmir Contempt of Courts Act, 1997, was enacted by the Jammu and Kashmir State Legislature in the

forty eight year of the Republic of India to define and limit the power of certain Courts in punishing contempt of Courts and to regulate their procedure in relation thereto. The Act received assent of the Governor on 29th September, 1997 and published in Government Gazette, dated 1st October, 1997. The Contempt of Courts Act, 1971, enacted by Parliament, applies to the State of Jammu and Kashmir only in so far it relates to the Contempt of the Supreme Court as Parliament has not legislative competence to enact on this subject in respect of the High Court and the Courts subordinate to it. The State Legislature has not so far enacted any law to define and regulate the contempt proceedings on the analogy of the Central Act of 1971. Even the Hon'ble Chief Justice of the High Court has desired that State should have contempt of courts Act. The matter was considered in secretaries meeting and it was decided to have a compressive law on the Contempt of Courts in the State. Accordingly, the draft bill titled the Jammu and Kashmir contempt of courts Bill, 1995 has been prepared on the analogy of the contempt of courts Act, 1971. The object of the proposed legislation is to regulate the law on the subject keeping in view the provisions of Section 94 and 157(2) of the constitution of Jammu and Kashmir and clause 23 of the letters patent which at present confer power on the High Court to punish for its contempt and for contempt of courts subordinate to it. In view of the fundamental rights guaranteed to the citizens it has become imperative to have the statutory law on contempt so as to strike a harmony between the rights guaranteed to an individual under the constitution and the power of the courts to punish for its contempt. The draft bill envisages a detailed and comprehensive procedure for conduct of contempt proceedings. Finally, the Bill was passed in the year 1997. The Act contains 23 Sections.

1. Short title and extent - (I) This Act may be called The Jammu and Kashmir Contempt of Courts Act, 1997.

2. Definitions - In this Act, unless the context otherwise requires,-

- (a) "Contempt of Court" means civil contempt or criminal contempt;
- (b) "civil contempt" means willful disobedience to any judgment, decree; direction, order, writ or other process of a Court or willful breach of an undertaking given to a Court;
- (c) "criminal contempt" means 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 –
- (i) scandalises, or tends to scandalise, or lowers or tends to lower the authority of, any Court; or
- (ii) prejudices, or interferes or tends to interfere with, the due course of any judicial proceeding; or
- (iii) interferes or tends to interfere with, or obstructs or tends to obstruct; the administration of justice in any other manner;
- (d) High Court means the High Court of the State of Jammu and Kashmir.

3. Innocent publication and distribution of matter not contempt -

(1) A person shall not be guilty of contempt of Court on the ground that he has published (whether by words spoken or written, or by signs or by visible representation, or otherwise) 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 proceedings pending at that time of publication, if at that time he had no reasonable grounds for believing that the proceeding was pending.

(2) Notwithstanding anything to the contrary contained in this Act or any other law for the time being in force, the publication in any such matter as is mentioned in sub-section (1) in connection with any civil or criminal proceeding which is not pending at the time of publication shall not be deemed to constitute contempt of Court.

(3) A person shall not be guilty of contempt of Court on the ground that he has distributed a publication containing any such matter as is

mentioned in sub-section (1), in at the time of distribution he had no reasonable grounds for believing that it contained or was likely to contain any such matter as aforesaid:

Provided that this sub-section shall not apply in respect of the distribution of -

(i) any publication which is a book or paper printed or published otherwise than in conformity with the rules contained in Section 3 of the Press and Registration of Books Act, 1867 (25 of 1867);

(ii) any publication which is a newspaper published otherwise than in conformity with the rules contained in Section 5 of the said Act.

Explanation.-For the purposes of this section, a judicial proceeding -

(a) is said to be pending-

(A) in the case of a civil proceeding, when it is instituted

by the filing of a plaint or otherwise, .

(B) in the case of a criminal proceeding under the Code of Criminal Procedure, 18981, or any other law- .

(i) where it relates to the commission of an offence when the charge-sheet or challan is filed, or when the Court issues summons or warrant, as the case may be, against the accused, and

(ii) in any other case, when the Court takes cognizance of the matter to which the proceeding relates and in the case of a civil or criminal proceeding, shall be deemed to continue to be pending until it is heard and finally decided, that is to say, in a case where an appeal or revision is competent, until the appeal or revision is heard and finally decided or, where the appeal or revision is preferred, until the period of limitation prescribed for such appeal or revision has expired;

(b) which has been heard and finally decided shall not be deemed to be pending merely by reason of the fact that proceedings for execution of the decree, order or sentence passed therein are pending.

4. Fair and accurate report of judicial proceeding not contempt -

Subject to the provisions contained in Section 7, a person shall not be guilty of contempt of Court for publishing a fair and accurate report of a judicial proceeding or any stage thereof.

5. Fair criticism of judicial act not contempt -A person shall not be guilty of contempt of Court for publishing any fair comment on the merits of any case which has been heard and finally decided.

6. Complaint against presiding officers of subordinate Courts when not contempt -

A person shall not be guilty of contempt of Court in respect of any statement made by him in good faith concerning the presiding officer of any subordinate Court to -

(a) any other subordinate Court, or

(b) the High Court, to which it is subordinate.

Explanation.-In this section, "subordinate Court" means any Court subordinate to a High Court.

7. publication of information relating to proceeding in chambers or "in camera" not contempt except in certain cases -

(l) Notwithstanding anything contained in this Act, a person shall not be guilty of contempt of Court for publishing a fair and accurate report of a judicial proceeding before any Court sitting in chambers or 'in camera' except in the following cases, that is to say,-

(a) where the publication is contrary to the provisions of any enactment for the time being in force;

(b) where the Court, on grounds of public policy or in exercise of any power vested in it, expressly prohibits the publication of all information

relating to the proceeding or of information of, the description which is published;

(c) where the Court sits in chambers or 'in camera' for reasons' connected with public order or the security of the State, the publication of information relating to those proceedings;

(d) where the information relates to a secret process, discovery or invention which is an issue in the proceedings:

(2) Without prejudice to the provisions contained in sub-section (1) a person shall not be guilty of contempt of Court for publishing the text or a fair and accurate summary of the whole, or any part, of an order made by a Court sitting in chambers or 'in camera' unless the Court has expressly prohibited the publication thereof on grounds of public policy, or for reasons connected with .public order or the security of the State, or on the ground that it contains information relating to' a secret process, discovery or invention, or in exercise of any power vested in it.

8. Other defences not affected –

Nothing contained in this Act shall be construed as implying that any other defence which would have been a valid defence in any proceedings for contempt of court has ceased to be available merely by reason of the provisions of this Act.

9. Act not to imply enlargement of scope of contempt –

Nothing contained in this Act shall be construed as implying that any disobedience, breach, publication or other act is punishable as contempt of Court which would not be so punishable apart from this Act..

10. Power of High Court to punish contempt's of subordinate courts–

The High Court shall have and exercise the same jurisdiction powers and authority, in accordance with the same procedure and practice, in respect

of contempt's of courts subordinate to it as it has and exercise in respect of contempt's of itself:

Provided that no High Court shall take cognizance of a contempt alleged to have been committed in respect of a Court subordinate to it where such contempt is an offence punishable under the Indian Penal Code (45 of 1860).

11. Power of High Court to try offences committed or offenders found outside jurisdiction –

The High Court shall have jurisdiction to inquire into or try a contempt of itself or of any court subordinate to it, whether the contempt is alleged to have been committed within or outside the local limits of its jurisdiction, and whether the person alleged to be guilty of contempt is within or outside such limits.

12. Punishment for contempt of Court –

(1) Save as otherwise expressly provided in this Act or in any other law, a contempt of Court may 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:

Provided that the accused may be discharged or the punishment awarded may be remitted on apology being made to the satisfaction of the court.

Explanation: An apology shall not be rejected merely on the ground that it is qualified or conditional if the accused makes it bona fide.

(2) Notwithstanding anything contained in any law for the time being in force, no court shall impose a sentence in excess of that specified in sub-section (1) for any contempt either in respect of itself or of a court subordinate to it.

(3) Notwithstanding anything contained in this section, where a person is found guilty of a civil contempt, the Court, if it 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 he be detained in a civil prison for such period not exceeding six months as it may think fit.

(4) Where the person found guilty of contempt of court in respect of any undertaking given to a court is a company, every person who, at the time the contempt was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contempt and the punishment may be enforced, with the leave of the court, by the detention in civil prison of each such person :

Provided that nothing contained in this sub-section shall render an such person liable to such punishment, if he proves that the contempt was committed without his knowledge or that he exercised all due diligence to prevent its commission.

(5) Notwithstanding anything contained in sub-section (4), where the contempt of court referred to therein has been committed by a company and it is proved that the contempt has been committed With the consent, or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the contempt and the punishment may be enforced, with the leave of the Court, by the detention in civil prison of such director, manager, secretary or other officer.

Explanation- For the purpose of sub-sections {4) and (5) -

(a) "company", means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

13. Contempt's not punishable in i certain cases -

Notwithstanding anything contained in any law for the time being in force, no Court shall impose a sentence under this Act for a contempt of Court unless it is satisfied that the contempt is of such a nature that it substantially interferes, or tends substantially to interfere with the due course of justice.

14. Procedure where contempt is in the face of the Supreme Court or a High Court –

(1) When it is alleged, or appears to the Supreme Court or the High Court upon its own view, that a person has been guilty of contempt committed in its presence or hearing, the Court may cause 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) cause him to be informed in writing of the contempt with which he is charged;

(b) afford 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, either forthwith or after adjournment, to determine the matter of the charge; and

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

(2) Notwithstanding anything contained in sub-section (1), where a person charged with contempt under that sub-section applies, whether orally or in writing, to have the charge against him tried by some Judge other than the Judge or Judges in whose presence or hearing the offence is alleged to have been committed and the court is of opinion that it is practicable to do so and that in the interests of proper administration of justice the application should be allowed, it shall cause the matter to be placed, together with a statement of the facts of the case, before the Chief Justice for such directions as he may think fit to issue as respects the trial thereof

(3) Notwithstanding anything contained in any other law, in any trial of a person charged with contempt under sub-section (1) which is held, in pursuance of a direction given under sub-section (2), by a Judge other than the Judge or Judges in whose presence or hearing the offence is alleged to have been committed it shall not be necessary for the Judge or Judges in whose presence or hearing the offence is alleged to have been committed to appear as a witness and the statement placed before the Chief Justice under sub-section (2) shall be treated as evidence in the case.

(4) Pending the determination of the charge, the, court may direct that a person charged with contempt under this section shall be detained in such custody as it may specify:

Provided that he shall be released on bail, if a bond for such sum of money as the Court thinks sufficient if executed with or without sureties conditioned that the person charged shall attend at the time and place mentioned in the bond and shall continue to so attend until otherwise directed by the Court:

Provided further that the Court may, if it thinks fit, instead of taking bail from such person, discharge him on his executing a bond without sureties for his attendance as aforesaid.

15. Cognizance of criminal contempt in other cases –

(1) In the case of a criminal contempt, other than a contempt referred to in Section 14, the High Court may take action on its own motion or on a motion made by,

(a) the Advocate-General, or

(b) any other person, with the consent in writing of the Advocate-General,

(2) In the case of any criminal contempt of a subordinate court, the High Court may make action on a reference made to it by the subordinate court or on a motion made by the Advocate General.

(3) Every motion or reference made under this section shall specify the contempt of which the person charged is alleged to be guilty.

Explanation- In this section, the expression "Advocate-General" means, the Advocate-General of the State.

16. Contempt by Judge, Magistrate or other person acting judicially –

(I) Subject to the provisions of any law for the time being in force, a Judge, Magistrate or other person acting judicially shall also be liable for contempt of his own Court or of any other Court in the same manner as any other individual is liable and the provisions of this Act shall, so far as maybe, apply accordingly.

(2) Nothing in this section shall apply to any observations or remarks made by a Judge, Magistrate or other person acting judicially, regarding a subordinate court in an appeal or revision pending before such Judge, Magistrate or other person against the order or judgment of the subordinate court.

17. Procedure after cognizance –

(1) Notice of every proceeding under Section 15 shall be served personally on the person charged, unless the court for reasons to be recorded directs otherwise.

(2) The notice shall be accompanied-

(a) in the case of proceedings commenced on a motion, by a copy of the motion as also copies of the affidavits, if any, on which such motion is founded; and .

(b) in the case of proceedings commenced on a reference by a subordinate court, by a copy of the reference.

(3) The Court may, if it is satisfied that a person charged under Section 15 is likely to abscond or keep out of the way to avoid service of the

notice, order the attachment of his property of such value or amount as it may deem reasonable.

(4) Every attachment under sub-section (3) shall be effected in the manner provided in the Code of Civil Procedure, 1908, for the attachment of property in execution of a decree for payment of money, and if, after such attachment, the person charged appears and shows to the satisfaction of the court that he did not abscond' or keep out of the way to avoid service of the notice, the Court shall order the release of his property from attachment upon such terms as to costs or otherwise as it may think fit.

(5) Any person charged with contempt under Section 15 may file an affidavit in support of his defence, and the Court may determine the matter of the charge either on the affidavits filed or after taking such further evidence as may be necessary, and pass such order as the justice of the case requires.

18. Hearing of cases of criminal contempt to be by Benches –

Every case of criminal contempt under Section 15 shall be heard and determined by a Bench of not less than two Judges.

19. Appeals –

(I) An appeal shall lie as of right from any order or decision of High Court in the exercise of its jurisdiction to punish for contempt -

(a) where the order or decision is that of a single Judge, to a Bench of not less than, two Judges of the Court;

(b) where the order or decision is that of a Bench, to the Supreme Court:

(2) Pending any appeal, the appellate Court may order that -

(a) the execution of the punishment, or order appealed against be suspended;

(b) if the appellant is in confinement, he be released on bail; and

(c) the appeal be heard notwithstanding that the appellant has not purged his contempt.

(3) Where any person aggrieved by any order against which an appeal may be filed, satisfies the High Court that he intends to prefer all appeal, the High Court may also exercise all or any of the powers conferred by sub-section (2).

(4) An appeal under sub-section (1) shall be filed -

(a) in the case of an appeal to a Bench of the High Court, within thirty days;

(b) in the case of an appeal to the Supreme Court, within sixty days, from the date of the order appealed against.

20. Limitation for action for contempt –

No Court shall initiate any proceedings for contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed.

21. Act not to apply to Panchayats or other village courts –

Nothing contained in this Act shall apply in relation to contempt of Nyaya Panchayats or other village Courts, by whatever name known, for the administration of justice, established under any law.

22. Act to be in addition to, and not in derogation of, other laws relating to contempt –

The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law relating to contempt of courts.

23. Power of High Courts to make rules –

The High Court may make rules, not inconsistent with the provisions of this Act, providing for any matter relating to its procedure.