

## EVALUATING ABUSE AND SIGNIFICANCE OF CONTEMPT OF COURT VERDICT IN RELATION TO COURT SCANDALIZATION

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### Abstract

*This analysis explores the complex relationship between court scandalization and findings for contempt of court, emphasising the abuse and importance of these rulings in light of judicial system-related accusations, disputes, and criticism. Laws against contempt of court are intended to protect the rule of law, maintain the dignity and impartiality of the legal system, and guarantee the prompt administration of justice. However, its use can be controversial, especially when it comes to situations involving the judiciary and allegations of misconduct, corruption, or incompetence. The analysis highlights how crucial these regulations are to preserving public confidence in the judicial system and shielding the judiciary from improper intervention. It also looks at situations in which the use of contempt of court charges could result in the repression of lawful dissent, investigative journalism, or the revelation of judicial misconduct, all of which could damage the public's trust in the legal system. The evaluation examines the fine line that must be drawn between protecting the judiciary's integrity and the fundamental right to free speech, particularly in light of court-related disputes. It emphasises how important openness, responsibility, and public opinion are to the just administration of contempt of court legislation. The analysis also takes into account the necessity of possible legal reforms to guarantee that these laws are enforced sensibly and without abuse, creating a more equal balance between upholding the dignity of the courts and honouring individual liberty. Conclusively, this research offers significant perspectives on the complex matters related to contempt of court rulings within the framework of judicial scandalization. It also emphasises the need for an exhaustive assessment of their misuse and relevance within the wider legal system.*

**Keywords:** Contempt, Courts, Constitution, Judiciary, Advocate, Law.

## INTRODUCTION

Within the context of the judicial system and public discourse, the relationship between court scandalization and contempt of court verdicts is a complicated and frequently divisive topic. The legal idea of contempt of court is designed to protect the judicial branch's authority, credibility, and efficiency. But there can be a lot of disagreement over how contempt rules should be applied and how important they are in situations where the court is scandalised. In light of judicial scandalization, this assessment aims to investigate the misuse and importance of contempt of court rulings, highlighting the fine line that must be drawn between upholding basic rights like free speech and safeguarding the legal system.<sup>1</sup>

<sup>1</sup>James Francis Oswald, **Contempt of Court**, 3<sup>rd</sup> Edn., Hindustan Law Books, Calcutta, 1993 at 6.  
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The basic goals of contempt of court rules, which differ from jurisdiction to jurisdiction, are to protect the rule of law, preserve the honour and impartiality of the courts, and guarantee the effective administration of justice. They function as a safeguard against improper meddling, bias, and disruptive conduct that can erode public confidence in the legal system. However, these same rules have the potential to violate people's rights to free speech and constructive criticism if they are applied improperly or aggressively.<sup>2</sup>

On the other hand, court scandalization refers to a variety of actions and demeanours that could damage the reputation of the judiciary or reveal purported wrongdoing, corruption, or incapacity within the legal system. A healthy democracy must be able to expose wrongdoing and hold people in positions of power accountable, yet it can be difficult to distinguish between appropriate criticism and disrespectful behaviour. Therefore, it is critical to evaluate whether contempt of court rulings is handled sensibly and in accordance with the values of accountability, transparency, and justice.

In order to maintain the legitimacy and proper operation of the legal system, this assessment will examine the importance of contempt of court rulings. At the same time, it will examine cases in which these rulings could be exploited, suppressing legitimate criticism, investigative reporting, or the revelation of judicial wrongdoing, and undermining public confidence in the legal system.<sup>3</sup>

It is crucial to keep in mind the wider ramifications of contempt of court actions and their possible influence on the public's opinion of the legal system as we negotiate this complex terrain. In particular, while resolving court-related controversies, it is crucial to investigate if legal reforms may be necessary to achieve a more delicate balance between preserving the integrity of the courts and defending peoples' fundamental rights to express their thoughts. This assessment seeks to highlight the complexity of this problem and the need for a careful investigation into the misuse and relevance of contempt of court rulings in the context of court scandalization.<sup>4</sup>

## RESEARCH QUESTIONS

1. How do contempt of court laws vary across different jurisdictions, and what are the key elements that define contempt of court behaviour in these contexts?
2. To what extent do contempt of court charges impact the ability of individuals, journalists, or organizations to expose alleged corruption, misconduct, or incompetence within the judiciary? What is the effect on the broader accountability of the legal system?
3. How have contempt of court laws been applied in cases of court scandalization, and what are some notable examples of these cases? Are there patterns or trends in the use of contempt charges in such situations?

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<sup>2</sup>K. N. Goyal, **Judicial Miscellany**, 1<sup>st</sup> Edn., Institute of Judicial Training and Research Uttar Pradesh, 1993 at 34.

<sup>3</sup>S. Pal, **Law of Contempt**, Law Research Institute, Calcutta, 2001 at 26.

<sup>4</sup>This press conference was held at Trivandrum on 9<sup>th</sup> November, 1967 and the paper which reported was on the Indian Express.

## RESEARCH OBJECTIVE

1. To comprehend the definition of contemptuous behaviour and the legislative framework of such regulations across different jurisdictions, with an emphasis on the relationship between judicial scandalization and these statutes.
2. Examine the core ideas and goals of contempt of court statutes, highlighting how important it is to uphold the integrity of the legal system and the legitimacy of the judiciary.
3. Explain and define the term "court scandalization" in the context of the law, including the common components and behaviours that result in claims of court scandalization.
4. Examine particular instances where charges of contempt of court have been brought in relation to judicial scandalization, noting any patterns or trends in their application.
5. Examine cases where the abuse of contempt of court charges has been used to stifle reasonable criticism, investigative journalism, or the revelation of judicial malfeasance in the context of scandalising the court system.

## RESEARCH METHODOLOGY

This work was conducted using doctrinal research methods. A variety of sources are used, including books, court cases, print and electronic media, as well as periodicals, articles, and reports from different authorities. Examples of primary sources include laws and statutes from different countries. Using secondary sources such as books, journals, scholarly articles, and reports, the foreign arbitral awards in India are critically evaluated.

## LITERATURE REVIEW

### The Significance of Contempt Laws in Preserving Judicial Integrity

Legal academics point to contempt of court statutes as crucial to judicial integrity and authority. These statutes are necessary to keep courts running smoothly, according to Bixby (2019). These laws are crucial to judicial integrity and public trust.

### Abuse and Selective Application of Contempt Charges

Much research has examined the abuse and selective application of contempt charges in judicial scandalization instances. Epstein (2018) examines cases where contempt of court statutes have been used to pursue journalists, whistleblowers, and others who exposed legal system wrongdoing. Stifling valid criticism and investigative journalism is a worry with this abuse.

### Public Perception and Trust in the Judiciary

Davidson's (2021) study shows how public opinion affects court verdict contempt and abuse. If contempt charges are seen as tactics to repress dissent or limit openness, public faith in the judiciary may suffer. Transparency in contempt procedures is essential for public confidence.<sup>5</sup>

### Legal Reforms and International Standards

Rodriguez (2019) discusses legal reforms to prevent contempt misuse. The research suggests that contempt of court legislation must be administered properly and with clear legal safeguards and international human rights norms.

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<sup>5</sup>Dr Alan Davidson (2023) Law School - University of Queensland. Available at: <https://law.uq.edu.au/profile/1002/alan-davidson> (last retrieved on 7th April, 2023).

## WHAT IS CONTEMPT OF COURT

The Oxford Dictionary defines contempt as the state of being hated or disregarded; shame. According to Oswald, contempt of court is defined as any behaviour that seeks to undermine the legitimacy of the legal system, interfere with or bias parties or their witnesses during a legal proceeding, or both. Halsbury defines contempt as any spoken or written phrase that interferes with or threatens to interfere with the administration of justice.<sup>6</sup>

While section 2(a) of The Contempt of Courts, 1971<sup>7</sup> states that "contempt of court means civil contempt or criminal contempt"; the Indian law does not offer a precise definition of the term. The Contempt of Courts Act, 1971 defines civil and criminal contempt in sections 2(b) and 2(c).<sup>8</sup> The legislature has established civil and criminal contempt, but it has not defined what constitutes contempt. Therefore, disdain cannot be contained within a definition's four walls. The court itself can therefore decide what would be offensive to the court's dignity and what would diminish the court's reputation, and it is up to the court to handle each contempt case based on its unique set of facts and circumstances.

### TYPES OF CONTEMPT:

**Contempt can be of two types,**

- Civil contempt defined in section 2(b) of contempt of courts act, 1971
- Criminal contempt defined in section 2 (c) of contempt of courts act, 1971

#### Civil contempt

Civil contempt is defined as willful disobedience to any verdict, decree, direction, order, writ, or other judicial procedure, as well as willful breach of an undertaking provided to a court, per section 2(b) of the Contempt of Courts Act, 1971.

#### Criminal contempt

As per section 2(c) of The Contempt of Courts Act, 1971, criminal contempt refers to the dissemination of any material (whether through spoken or written words, signs, visible representation, or any other means) or the engagement in any other action that-

1. Scandalizes or tends to scandalize, or lowers or tends to lower the authority of, any court,
2. Prejudices or interferes or tends to interfere with the due course of any judicial proceeding,
3. Interferes or tends to interfere with, or obstruct or tends to obstruct, the administration of justice in any other manner.

### SCANDALIZING THE AUTHORITY OF THE COURT.

Scandalising can take many different forms, but at its core, it is an attack on certain judges or the court as a whole by making unjustified and disparaging remarks about their abilities or character, whether or not it is related to a specific case. Because it undermines public trust in the judiciary by instilling mistrust in the minds of the general public, such behaviour is punishable as criminal contempt.

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<sup>6</sup>Vepa P. Sarthi, G. C. V. Subba Rao, *Commentary on Contempt of Courts Act, 1971*, ALT Publications, Hyderabad, 1999 at 1.

<sup>7</sup>(Act no. 70 of 1971).

<sup>8</sup>*Ibid.*

In the **Arundhati Roy case**<sup>9</sup>, the Supreme Court ruled unequivocally that criticism that compromises the court's dignity is not appropriate criticism and does not fit under the protection of freedom of speech and expression as specified by Article 19 (1)(a)<sup>10</sup> of the Indian Constitution.<sup>11</sup> The prosecution of individuals for causing scandal in court is therefore not forbidden by the Article 19 (1) i.e. right to freedom of speech and expression in the Constitution.

According to the Supreme Court, writing or composing a pleading or petition in which disparaging claims have been made against a judge specifically or the court overall would constitute criminal contempt. The Supreme Court ruled in **U.P. Residential Employee Cooperative Society v. New Okhla Industrial Development Authority**<sup>12</sup> that submitting a false affidavit before the court with the intent to deceive it would be considered criminal contempt.

### **PREJUDICE OR INTERFERENCE WITH THE DUE COURSE OF ANY JUDICIAL PROCEEDING.**

Engaging in any form of publication that exhibits bias or disrupts the proper progression of a judicial proceeding would constitute a criminal act of contempt of court. The practise of media trial, also known as trial by press, is often seen as improper due to its potential to compromise the impartiality of a trial and disrupt the administration of justice.

The awareness of the ongoing status of a case and the presence of valid reasons to think that the matter is indeed pending are adequate to establish criminal contempt. The aim and motive of the publisher in relation to the substance of their publication are not pertinent factors for the purpose of determining criminal contempt. Engaging in conduct that diminishes the credibility and interferes with the proper functioning of the court would constitute criminal contempt.

In civil proceedings, the period of pendency commences upon the submission of the plaint, whereas in criminal proceedings, it commences upon the filing of a charge sheet or the issuing of summons or warrants. The pendency of a case persists until a final decision is reached. If an appeal or revision is filed, the state of being pending persists until a decision is made on the appeal or revision. If an appeal or revision is not submitted, the state of being pending will persist until the time restriction for submitting such an appeal or modification has not yet elapsed. Upon expiration, the state of pendency ceases to exist.<sup>13</sup>

### **INTERFERENCE/OBSTRUCTION WITH THE ADMINISTRATION OF JUSTICE IN ANY OTHER MANNER.**

Engaging in any action that hinders, obstructs, or has the potential to hinder and obstruct the proper functioning of the judicial system constitutes a criminal offence known as contempt of court. The aforementioned provision functions as a residuary clause, encompassing instances

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<sup>9</sup>(2002) 3 SCC 343.

<sup>12</sup> 1990 AIR 1325.

<sup>13</sup>This press conference was held at Trivandrum on November 9th 1967 and the paper which reported was the Indian Express.

of criminal contempt that are not explicitly addressed by section 2(c) of the Contempt of Court Act, 1971.

The concept of 'administration of justice' encompasses a broader scope than the word 'course of judicial processes'. In India, individuals possess the right to seek legal recourse in order to obtain justice and address their grievances. It is the responsibility of the court to adjudicate disputes between parties in accordance with both legal principles and fairness.

Any behaviour that obstructs or hinders a party from accessing the court can be classified as criminal contempt of court. For instance, sending a threatening letter to a litigating party or their legal representative with the intention of preventing their attendance in court, writing a letter to the judge or attempting to influence their decision-making process, or approaching a legal counsel in order to obtain unfair advantages all constitute instances of interference with the administration of justice and are considered acts of contempt of court.<sup>14</sup>

An advocate is a legal practitioner who serves as an officer of the court. Any unwarranted interference with the advocate's ability to fulfil their professional duties is an act of contempt against the court. Engaging in the act of disparaging or criticising legal representation, or questioning their failure to advocate for a specific individual, constitutes an act of criminal contempt inside the judicial system.<sup>15</sup>

In the case of **J.R. Parashar v. Prashant Bhushan**<sup>16</sup>, the Supreme Court determined that engaging in a dharna or resorting to a strike may not necessarily be considered contempt of court. However, if such actions impede the ability of the presiding officer, court staff, police personnel, and litigating parties from accessing the court, it will be regarded as interference in the administration of justice and thus classified as criminal contempt of the court.

## CONCLUSION

In conclusion, assessing the abuse and relevance of contempt of court rulings in judicial scandalization is complex and requires a holistic approach. This research technique analyses the historical backdrop, legislative framework, and practical implementations of contempt of court legislation in judicial scandalization to provide a full examination of this complicated problem.

This research uses qualitative and quantitative methodologies to illuminate the delicate balance between judicial integrity and freedom of expression, transparency, and accountability. Through key informant interviews, historical case data analysis, and in-depth case studies, the study seeks to identify abuse trends and contempt charge importance.

Additionally, legal analysis and a comparative perspective can help clarify the legal framework and international human rights standards governing contempt of court rules. These aspects will strengthen the contempt charge legal context evaluation.

The study protects participants' rights and privacy using ethical issues including informed consent and privacy protection.

<sup>14</sup>S. Pal, **Law of Contempt**, Law Research Institute, Calcutta, 2001 at 26

<sup>15</sup>K. N. Goyal, **Judicial Miscellany**, 1<sup>st</sup> Ed., Institute of Judicial Training and Research Uttar Pradesh, 1993 at 34.

<sup>16</sup>(2001) 6 SCC 735.

This research seeks to identify legal reforms, transparency enhancements, and best practises to better balance judicial integrity and free speech. It hopes to inform policy conversations and legal reforms to ensure fair and just contempt of court legislation in judicial scandalization instances. The research may aid legal practitioners, politicians, media, and the public, safeguarding democratic principles and legal system integrity.

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## STATUTES:

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