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Contempt of Court

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Abstract

Contempt of court is an archaic legal doctrine inherited from the British Monarchical system that has little place within the functioning of a present-day democratic system, but is nevertheless often employed in India. Contempt allows a court to issue an order, *Suo motu* (or, “of its own accord”), to fine and imprison the thing of the order. This area of law is meant to take care of public order by deterring criticism which can shake people’s faith in the capability of the courts and the “majesty” of the law. But in India often the law of contempt is used as a way of silencing critics and activists on the questionable ground that such criticism wounds the integrity and public respect of the court. It is ironical that in various contempt of court judgments the court exalt the virtues of judicial restraint and detachment, also because the importance of democracy and democratic rights, with the opposite, render an order fining and imprisoning an individual — proving unmistakably the court’s lack of judicial restraint or detachment, and undermining the rights and democratic principles that it's sure to uphold.

This research paper through lights on the scope of the fundamental right to freedom of speech as against the power contempt of court. This paper focuses on contentious issues concerning the different legal cases where the excessive power of the judiciary of the Supreme Court of India in matters of contempt of court has been questioned. This article argues that there is a need for change in the laws regarding contempt of court and courts should exercise contempt powers judiciously and only in severe circumstances.

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CHAPTER 1

Introduction

Recently, laws regarding contempt of court were again in the controversy. Supreme court initiated *suo moto* procedure for criminal contempt of court against lawyer-activist Prashant Bhushan because of his tweets on the social media. The contempt charges were lodged in the perspective of the remark made on social media, aiming for the C.J.I. Justice S.A. Bobde. This is not the first time Prashant Bhushan was charged for contempt of court. Ten years ago, a contempt case was again charged against Prashant Bhushan for an interview in Tehelka magazine in September 2009.

Prashant Bhushan was proven guilty of contempt of court by the bench by exercising its inherent power under article 129 along with 142 of the constitution. Contempt of Court Act, 1971 was invoked for his punishment. Many people were disappointed with this judgment. This case has succeeded again in putting law regarding Contempt of Court on the trial.

Contempt of court is an offense in law of being disobedient to or discourteous towards the court order and court officers in behavior that opposes or disobeys the justice, authority, and dignity of the court, showing disrespect for the judge, interfering in the proceedings by behavior, or publication of material or non-disclosure of material, which is reckoned likely to threaten a fair trial. A court can issue an order from the perspective of a court trial or hearing that announces a person or organization to have contravened or been discourteous towards the court's authority. The judge may inflict sanctions such as a fine or jail for the alleged who is found guilty of contempt of court.⁹⁷

Contempt of Court is meant to strengthen the foundation Judicial system, often yield counter and in several cases, adverse effects. The role of the judiciary has extremely risen in recent times. With the development of the numerous PIL's, the judiciary has appropriated the role of a colossal-administrator, often undertaking the garb of both the executive and the legislature. Thus, today the zeal of judicial activism is being dominated by judicial despotism.

⁹⁷ *WHAT IS CONTEMPT OF COURT*. (2020, April 14). Tripaksha Litigation. <https://tripakshalitigation.com/what-is-contempt-of-court/>.

Thus, the current issue legal of Prashant Bhushan has once more brought attention to the need for reassessing the law on Contempt of Courts.

CHAPTER 2

History of Contempt of Court

From centuries the phrase Contempt of Court (also known as Contemptus curiae) has been incorporated in the law. The genesis of the term could be traced in the prehistoric divine origin theory, social contract theory, and its various phases in the monarch legal system. In ancient times monarch primary function was to protect his subjects and administer justice. Justice was delivered by King himself or later on by his judicial offices. King power was absolute and it was the duty of his subjects (common people) to obey him and respect his judgments. Common people were not allowed to condemn or criticize him. People were punished if they do so.

The law of contempt of court in India is descended from British administration. After the acquisition of Indian territories by East India Company, the charter of 1726 provided the establishment of Presidency Towns. In these Presidency towns constituted a Mayor's Court and were made courts of record. Later on, the Supreme Court was established in Madras, Bombay, and Calcutta. The Supreme Courts and Recorder's Courts have similar powers in the issues of punishing for contempt was exerted by the higher courts in England.⁹⁸

The privy council in Surendranath Banerjee's case of 1883⁹⁹, observed that the high court obtains its power to penalize for contempt from its being or creations. It is not a power, bestowed upon it by law.

In 1926, the Contempt of court Act was introduced to bring translucence in the conception of contempt of court and for the punishment of contempt of subordinate courts. This act was

⁹⁸ Sanyal, H. N. (Chairman), & Ministry of Education, G. of I. (1963). Report of the Committee on contempt of courts, February 1963. In dspace.gipe.ac.in. Government of India, Ministry of Education, Delhi. <http://dspace.gipe.ac.in/xmlui/handle/10973/33748>.

⁹⁹ Surendra Nath Banerjee v. The Secretary Of State For India, ILR 53 Cal 401

unsuccessful to provide provisions concerning the contempt of lower to Chief Courts and Judicial Commissioner's court. The Contempt of Court Act, 1952 replaced this act.¹⁰⁰

Despite improvements, the 1952 act did not define the term 'contempt' and 'what constitutes' it. This created ambiguity and gave very extensive power to the judicial officers to interpret in their ways. It did not define contempt and lack clarity in the term. It did not have any provision regarding contempt of courts lower to Chief Courts and Judicial Commissioner's court. In 1961 on the recommendation of the H. N. Sanyal committee Contempt of Court Act, the 1952 act was replaced by the Contempt of Court Act 1972.

CHAPTER 3

Classification of Contempt of Court

According to The Contempt of Court Act, 1971 it is classified into two types:

3.1. Civil Contempt:

Under section 2(b) of The Contempt of Court of Act, 1971 'Civil Contempt' means 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.

The Supreme Court scrutinized the term "Wilful" in the definition of civil contempt in the Act of 1971 and held that the term 'Wilful' under Section 2(b) as an act or omission which is acted voluntarily and intentionally and with the specific intent to do something the law prohibits or with the specific intention to fail to do something the law requires to be done, that is to say with harmful purpose either to disobey or to neglect the law.¹⁰¹

To punish a contemnor, it is necessary to establish that disobedience of the order is "willful". The word "wilful" introduces a mental element (*mens rea*) and hence, requires examining the mind of an individual/contemnor by evaluating his acts, which is a hint of one's state of mind.

¹⁰⁰ News. (2018, January 9). Contempt Of Court: An Analysis. Legal Desire. <https://legaldesire.com/contempt-court-analysis/>

¹⁰¹ Ashok Paper Kamgar Union and Ors. v. Dharam Godha And Ors., AIR 2004 SC 105.

Even if there is a disobedience of an order, such disobedience is the result of some compelling situations under which it was not possible for the contemnor to obey the order, the contemnor cannot be punished.¹⁰²

3.2. Criminal Contempt:

Under Section 2(c) of the Contempt of Court Act, 1971 criminal contempt means 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 -

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

About criminal contempt, if the individual publishes an article in the public interest which is a critical analysis of a court's judgment can he be held guilty? He cannot be held guilty if no personal feelings are involved. But if instances indicate that the individual is guilty of criminal contempt of court despite having no intention to do so.

The difference between both 'civil' and 'criminal' contempt is no longer of much significance. Still, in present-day they draw attention to the difference between on the one hand contempt's such as 'scandalizing the court', physically interference with the course of justice, or publishing matters prospective to prejudice a fair trial. On the other hand, contempts which ascend from non-conformity with an order made, or undertaking required in legal proceedings.¹⁰³

The court explained the distinction between both the types of contempt and their fundamental character. Criminal contempt offends the society and comprises of conduct that challenges the dignity of the court and offends the majesty of law. In Civil contempt, an individual fails to

¹⁰² Ram Kishan v. Tarun Bajaj, (2014) 16 SCC 204.

¹⁰³ Home Office v. Harman, [1983] 1 AC 280.

follow the order, decree, direction, judgment, writ, or procedure delivered by courts for the benefit of the opposing party.¹⁰⁴

Another difference was made in *Vijay Pratap Singh v. Ajit Prasad*,¹⁰⁵ where Allahabad Court observed that in a Civil Contempt the aim is to compel the contemnor to perform something for the benefits of the other party. But in Criminal Contempt, the proceeding is by way of punishment for a wrong not so much to a party or individual but the public at large by interfering with the judicial proceedings degrading the judgment or the reputation judge of the court.

CHAPTER 4

General Defences in Contempt of Court

1. Innocent production and distribution of issue

Section 3 of the Contempt of Court Act 1971 resolves the barrier under criminal contempt of court charges. If a criminal contempt commences against contemnor on the following ground that he is accountable for production or for the appropriation of distribution which becomes partial or intrudes with the pending procedures, the contemnor may take the following steps:

- ***Section 3(1) states that at the hour of distribution, he had no sensible ground for accepting that the procedure was pending.***

“No man can be presumed to be aware of proceedings in court to which he is not a party.”¹⁰⁶ Knowledge of the pendency is an indispensable criterion for holding a person guilty of contempt.

- ***Section 3(2) states that at the hour of production, no such continuing was pending.***

In the cases of criminal contempt hearing proceedings will be reckoned to be pendant after the accused is brought into custody and even before he has been committed for trial or produced before a magistrate. Further, the offense of contempt may be committed even if no case is essentially pending provided that such a proceeding is

¹⁰⁴ Legal Remembrancer v. Matilal Ghose, ILR 41 Cal 173.

¹⁰⁵ Vijay Pratap Singh v. Ajit Prasad AIR 1966 All 305, 1966 CriLJ 632.

¹⁰⁶ Rama Swami v. Jawaharlal, AIR 1958 Mad. 558.

impending and the writer of the offending publication either knew it to be so or should have known that it was impending.¹⁰⁷

- ***Section 3(3) states that at the hour of dissemination of production, he had no sensible ground for accepting that the issue (distributed or appropriated by him) contained or was probably going to contain any material which intervenes or impeded the pending continuing or organization of equity.***

This defense unacceptable in contempt cases of distribution of any publication, printed or published else in compliance with the provisions of section 3 and section 5 of The Press and Registration of Book Act, 1867.

2. Fair and exact report of legal procedures

Section 4 of the Contempt of Court Act, 1971 gives that an individual should not be held liable of Contempt of Court for distributing a reasonable and precise report of any legal proceedings or any stage thereof. Section 7 of the Act gives an exception to the general rule that parity ought to be directed in broad daylight. Sub Sections (1) and (2) of Section 7 gives an individual unaccountable of Contempt of Court for distributing the content or for distributing reasonable and exact abridgment of the entire or any piece of the request made by the court in camera (in Chamber) except if the court has explicitly barred the production of the procedures on the grounds of *public policy, public order, security of the state and information recognizing with a furtive procedure, disclosure or novelty, or, in the exercise of the power conferred in it.*

3. Fair analysis of legal act

In *Ambard v. Attorney-General for Trinidad and Tobago* in 1936, Lord James Atkin as a judge of the United Kingdom Privy Council said -

*“Justice is not a cloistered virtue; she must be allowed to suffer the scrutiny and respectful even though outspoken comments of ordinary men.”*¹⁰⁸

Section 5 of the Contempt of Court Act, 1971 protects an individual from criminal contempt for delivering any judicious comment on the advantages of any case which has been at long last chosen. Protection can be taken that the proclamation whined of (in regards to the

¹⁰⁷ T. S. R. Subramanian & Ors. v. Union of India & Ors., (2013) 15 SCC 732.

¹⁰⁸ *Ambard v. Attorney-General for Trinidad and Tobago* (1936) 44 LW 15.

distribution of which criminal Contempt has been started) must be concerning a case that has been at long last chosen and not pertaining to pending procedures. Also, the statement should originate from the mouth of a competent individual in the field of law and not from a prosecuting party which has lost the case. To put it plainly, rational evaluation suggests that evaluation which while analyzing the presence of a Judge doesn't attribute any ulterior thought process to the offender.

In Re – Arundhati Roy case¹⁰⁹, the judge stated that there should be an occurrence like that of Arundhati Roy, the court held that legal analysis can't be fabricated under the attire of Freedom of Speech and Expression under Article 19(1)(a) of the Constitution.

Legal executive in general or the director of a judge unambiguously may not be accountable to contempt of court if the legal analysis is done by some basic sincerity and out in the amendable intrigue. To determine the 'great confidence' and 'open intrigue' the Courts need to scrutinize all the comprising conditions integrating the individual's knowledge in the field of law, the anticipation behind the statement and the intention looked to be accomplished. A typical resident cannot be permissible to remark upon the Courts for the sake of scrutinization by looking for the assistance of Freedom of discussion and expression for the enlightenment that if it is not checked or controlled, it would crush the legal organization itself.

4. Bonafide Complaint against presiding officers of subordinate courts

Section 6 of the Contempt of Courts Act, 1971 states that a person shall not be guilty of contempt of court in respect of any report/ speech made by him in good faith concerning the presiding officer or any subordinate court to –

(a) any other subordinate court, or

(b) the High court to which it is subordinate.

If there is any cause of complaint against the presiding officers of the court, it is desirable that the higher authorities should know about it. Such complaint to higher authorities as provided in section 6 of the Act is not contempt of court, however, the complaint should be made in good faith and is bona fide, such cases are distinguishable from cases where complaints against the

¹⁰⁹ Arundhati Roy, In Re (2002) 3 SCC 343.

presiding officer of the subordinate courts are made to High Court in personal interest. Complaints, if made to bring pressure on the presiding officer to decide a matter in a particular manner or out of anger due to decision against the complainant, will not save the complainant from the penalties of the Contempt of Court Act.

5. Truth as a Defence in the Contempt of Court

Rarely truth is considered as a defense against the charge of contempt of court. But in 2006 Contempt of Court Act, 1971 was amended to which clauses (a) and (b) were added to section 13 in 2006. Clause (b) was in the reference with Section 49 of IPC, if it was in public interest and was invoked in a *bona fide* manner.

After defense of Truth establishment, public interest and bona fide could be questioned. These obligations cannot be scrubbed aside lightly. The party involved must be given a reasonable chance to establish the truthfulness of his act or words or publication or tweet whatever it maybe along with the public interest and bona fides concerned.

But the defense of Truth was short-lived. Mid-Day Case was a controversial case examined the defense of truth in the contempt of court. Mid-Day published a string of news reports and a cartoon claiming that during the tenure as a judge of the Supreme Court, retired Chief justice of India Y.K. Sabharwal's son had taken advantage of the sealing drive that was ordered in Delhi by their father. During the proceeding offender took the defense of truth and Y. K. Sabharwal was retired in January 2007 which means that he was a private citizen at the time the reports were published. He was no longer a judge. Delhi High Court did approve this defense in this judgment. Journalists was found guilty of contempt of court because their articles and cartoon had condemned the Supreme Court and lowered its image. The court said that the entire publication showcases that Supreme Court judges exercise their power to fulfill their motives and needs. The publication not only tarnish the image of the former Chief Justice of India but the entire judicial system.

In the case of Advocate General v. Seshagiri Rao,¹¹⁰ the Court said that it was not tolerable for a defendant to establish the defense of truth in his allegations. Due to his actions, the damage was already done. The Court scrutinized that allegations against the Court “*incites in the minds*

¹¹⁰ Advocate General v. Seshagiri Rao, AIR 1966 AP 167.

of the people a general dissatisfaction with all judicial determinations and disposes their mind to obey them”. This was considered a dangerous obstacle for the working of the judiciary. However, such an explanation is a complete defense to an action for libel. The English Courts are strongly followed by the Indian courts in this respect nevertheless of the fact that the English have seldom taken resort to contempt proceedings in a long time. Indian courts have again repudiated the defense of truth in the laws of contempt.

CHAPTER 5

Abuse of Power of Contempt by the Court

In the words of Justice Marshal of the Supreme Court of The United States:

“Power of judiciary lies neither in deciding cases, nor in imposing sentences, nor in giving punishment for its contempt, but in the trust, confidence and faith of the general public.”

India is a democratic country. After the independence Constitution of India concede Freedom of Speech and Expression. Judges are entrusted to maintain justice for the efficient functioning of the society. Judges should not boast about their hegemony or grandeur their authority. Their superiority depends upon their neutrality, demeanor, performance, integrity, and public confidence not derived out of fear of contempt of court law.

In the case *Attorney General v. British Broadcasting Council*¹¹¹ Lord Salmond commented that Contempt of Court law origin has a historical basis but it is still deceptive. It should only be used to protect the administration of justice.

Now people live in a democratic world. Everyone has freedom of speech and expression. Judges of the court should not use their authority to uphold their dignity. They cannot use their power to suppress those who speak against them. Often defense of freedom of speech and expression (under article 19(1) of the constitution) is being used by wrongdoers guilty of contempt of court. A similar line of reasoning was made in the contempt case against Arundhati Roy, the Court again gave the impression of freedom of speech and expression being misused by offenders to attack the courts’ authority and dignity. This is a very inappropriate trend as far

¹¹¹ Attorney General v. British Broadcasting Council, [1980] 3 All ER 161.

as the right to freedom of speech and expression, which the Supreme Court has itself labeled as the ‘lifblood of democracy’, is concerned and the attempt of the Court to vindicate itself from this particular angle needs an assessment. But this raises the quandary amid part of contempt law that criminalizes anything that “scandalizes or tends to scandalize” the judiciary and freedom of speech and expression (under article 19(1)), especially in the age of social media.

Every time a new judgment will be criticized by the people. Judges opinions of the judgment will be part of conversation and criticism. The judge should pay no attention to spurious criticism but should contemplate honest criticism. He should not feel unsettled or flustered by these criticisms.

In Madhu Trehan's case¹¹², a full bench of the Delhi High Court decided whether an article that evaluated judges under different heads amounted to contempt. The court held that "*faith of the people in the judiciary had been shaken*" and prosecuted the editor and publisher for contempt.

It has been forgotten that the law of contempt of court is not for the protection of judges for criticism, but it for the shield the foundation of the judiciary from slanderous and unsubstantiated remarks. Now a day’s court courts consider personal remarks as a contempt of court. As the years passed the court has increased intolerance bigotry towards criticism has exercised its contempt powers in a regressive manner to suppress all voices of disagreement.

Former Union Law Minister Shiv Shankar case, the court pardoned perpetrating of unpleasant contempt when he acknowledged openly that the Supreme Court of India was entailed for the "*bride burners, diamond smugglers, corrupt and mafia*". His all-encompassing accusations against the Supreme Court reflected to be his personal feelings rather which the Congress leader spoke in the public interest. It is hard to settle these decisions of the Supreme Court in light of the true spirit of contempt powers. It can hardly be said that the edifice of the court is scandalized by the self-effacing words of common citizens, but not by the highest heights of power.

In the recent events, freedom of speech has been maligned. Is the judiciary defensible in crippling freedom speech for "*maintaining the dignity and status of the court or for the public*

¹¹² Shri Surya Prakash Khatri & Anr. v. Smt. Madhu Trehan And Others, 2001 (59) DRJ 298.

order"? Is it justiciable to scapegoat freedom of speech and expression guarantee by the constitution for judicial necessity?

It is pitiful that judges consider that silencing criticism will defend the image of the judiciary. But inverse it only aggravates the situation further. In the landmark U.S. judgment of *Bridges v. California* of 1941,¹¹³ it was indicated that “*an enforced silence would probably engender resentment, suspicion, and contempt for the bench, not the respect it seeks*”. Surely, this is not what the Court might yearn for.

CHAPTER 6

International Perspective on the Contempt of Court Law

Raison d'être behind the presence of such contempt of court power is the insufficient confidence of the Courts in their capacity to earn respect from the people. The authority of the court is enough for winning the respect and confidence of the people. The court should realize that there is no need for such power or imposing its authority with penalties.

In *Me Leod v St Aubyn* case of England,¹¹⁴ it was observed in that “*Committals for contempt by scandalizing the court itself have become obsolete in this country. Courts are satisfied to leave to public opinion, attacks or comments derogatory or scandalous to them*”.

USA has adopted a similar “*clear and present danger*” standard. It indicates that no action for contempt can be introduced until unless it shows “*substantive evil*” complained of is “*extremely high*”. The recognition of criminal contempt by the Act in its present form has bolstered an indulgent and bigoted judiciary. Unless a more rigorous meaning of criminal contempt is adopted, the very objective for which powers of contempt have been discussed shall be disproved.

England inherit similar contempt of court law but the law evolved. After the delivery of *Spycatcher* judgment in the late 1980s by the House of Lords, the British tabloid, the Daily Mirror, published a reverse image of the Law Lords with the caption, “*You Old Fools*”. Lord

¹¹³ *Bridges v. California*, 314 U.S. 252 (1941).

¹¹⁴ *Me Leod v. St Aubyn* [1899] AC 549.

Templeton one of the judges of the bench said “*I cannot deny that I am Old; It’s the truth. Whether I am a fool or not is a matter of perception of someone else. There is no need to invoke the powers of contempt.*” They declined to initiate the contempt charges.

The Daily Mail published a photograph of the three judges who delivered the Brexit ruling with the caption “*Enemies of the People*” in 2016. It could in many ways be considered as an attempt to tarnish the image of the judiciary but the courts sensibly and prudently ignored the story and did not initiate contempt proceedings. This case was way worst than the Prashant Bhusan case. United Kingdom had obliterated the offense in its contempt laws. India judges should also consider the same.¹¹⁵

Courts are part of our constitutional democracy and must submit themselves to fair criticism even if there is marginal excess. Respect of the court must be earned through the quality of judgments and fairness and impartiality of the approach of the court and not through oppressive actions of contempt.

CHAPTER 7

Suggestions

In the end, it could be inferred that few changes are required in the Contempt of Court Act, 1971. The following are the suggestions for such changes:

- ❖ Only in the extreme and grave circumstances only the court should exercise the power of contempt of court guaranteed by the constitution to safeguard that civil liberties are not unfairly squashed upon.
- ❖ Removal of the offenses of “*scandalizing the court, lowering the authority of courts and prejudicing the course of justice*” as a ground of instigation of contempt proceedings. These words are vague leading to arbitrariness reliant on the fondness of judges.

¹¹⁵ *Unpopular Opinion : The Supreme Court must remember: It is supreme because it’s final not because it’s infallible.* (2020, August 10). Unpopular Opinion. <http://giffenman-miscellania.blogspot.com/2020/08/the-supreme-court-must-remember-it-is.html>.

- ❖ During the proceeding of contempt of court case basic principle of natural justice, *débet essejude* in *propia causa* should be applied. The Judicial Accountability Committee recommended that charges of contempt of court should be tried by a bench of five judges. Those judge or judges against whom criticism or imputation was made should not be part of the bench.
- ❖ The element of *mens rea* should be given importance during the proceedings of the case. If the offender had the intention to lower the image of the judiciary and cause chaos in the society should be held guilty of the contempt of court.
- ❖ In the era of social media tweets or status on social media cannot be considered as contempt of court. The court should not be over or easily offended and should not exercise this jurisdiction upon a mere question of propriety or an exaggerated notion of the dignity of the judges and must act with dispassionate dignity and propriety.
- ❖ The court should acknowledge the need and importance of free press and media in the modern age of information and take cognizance only of the most severe allegations made against it.
- ❖ The powers of contempt by the court should be exercised impartially. Contempt actions of public figures or ordinary individuals must be prosecuted even-handedly.
- ❖ Honest criticism and indictments cannot form an element of contempt. Judges should not misuse the contempt jurisdiction for maintaining their dignity and public image. Therefore, the public is open to austere comments and accusations as long as made with bonafide meticulousness and doesn't interfere in the process of delivering justice.

CHAPTER 8

Conclusion

The Indian contempt Act of 1971 has evolved to include amendments that demarcated what is not included in contempt and framed rules to standardize contempt proceedings, yet discrepancies remain. Amendment of 2006 included defense of Truth in the 1971 act to protect the freedom of speech and expression and personal liberty guaranteed by the constitution. Doctrine of Truth along with public interest keystones on which the law must be based. The

Legislature, Executive and Judiciary should ensure there are enough rules and regulations that safeguard against the arbitrary exercise of the power for contempt of court.

Contempt law is an anachronism. From divine origin theory to the modern era of social media we come a long way. It is heart-breaking to note that regardless of its doctrinal activism on human rights, the Supreme Court of India is way back in balancing freedom of speech and contempt of court law. There must be a stability between the right to speech and the court's power to punish its critics. Judiciary like other institutions should be open to criticism, imperiled that the criticism is fair enough and doesn't seed of suspicion in the minds of the public about the working of the judiciary as a whole.