

Contempt of Court

Contempt of court is the offence of being defiant or disrespectful to the court of law. Being impolite to legal authorities in the courtroom, or rebelliously failing to follow a court order may draw Contempt of Court proceedings. A judge can levy sanctions such as a penalty or prison for someone found guilty of contempt of court.

This was in news regarding comments made on social media against the CJI by Prashant Bhushan for which he faced criminal contempt of court. There are different aspects to this debate over contempt of court. While several countries have termed such laws as obsolete and archaic, the large number of contempt cases in Indian courts and the need to insulate and safeguard the judiciary are the reasons in favour of contempt laws.

In the age of social media, the balance between freedom of speech and anything that ‘scandalises’ the court has to be revisited. The Supreme Court and the High Courts derive their power from the constitution of India while the procedure is outlined in the Contempt of Court, Act, 1971.

The Law Commission has recommended that it should be restricted only to civil contempt.

Definition of Contempt of Court

Contempt of court often referred to simply as “contempt”, is the offence of being disobedient to or disrespectful toward a court of law and its officers in the form of behaviour that opposes or defies the authority, justice and dignity of the court. A similar attitude towards a legislative body is termed contempt of [Parliament](#).

There are broadly two categories of contempt:

1. Being disrespectful to legal authorities in the courtroom.
2. Willfully failing to obey a court order.

When a court decides that an action constitutes contempt of court, it can issue an order that in the context of a court trial or hearing declares a person or organization to have disobeyed or been disrespectful of the court’s authority, called “found” or “held” in contempt. That is the judge’s strongest power to impose sanctions for acts that disrupt the court’s normal process.

Contempt proceedings are especially used to enforce equitable remedies, such as injunctions. In some jurisdictions, the refusal to respond to subpoena, to testify, to fulfil the obligations of a juror, or to provide certain information can constitute contempt of the court.

What is the punishment for Contempt of Court?

A finding of being in contempt of court may result from a failure to obey a lawful order of a court, showing disrespect for the judge, disruption of the proceedings through poor behaviour, or publication of material or non-disclosure of material, which in doing so is deemed likely to jeopardize a fair trial. A judge may impose sanctions such as a fine or jail for someone found guilty of contempt of court, which makes contempt of court a process crime. Judges in common law systems usually have more extensive power to declare someone in contempt than judges in civil law systems.

Relevant Questions regarding Contempt of Court

What is the punishment for Contempt of Court in India?

Both the High Court and the [Supreme Court of India](#) are bestowed with the power to punish for the contempt of the court.

According to the [Indian Penal Code](#) Section 12 of Contempt of Court Act, 1971, contempt of court can 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.

To read more about the [Judiciary in India](#), visit the linked article.

What are the types of Court of Contempt?

There are two types of contempt of court:

- Criminal Contempt of Court
- Civil Contempt of Court.

Civil contempt often involves the failure of someone to comply with a court order. Judges use civil contempt sanctions to coerce such a person into complying with a court order the person has violated.

Whereas for criminal contempt of court, the charges are punitive, meaning they serve to deter future acts of contempt by punishing the offender no matter what happens in the underlying proceeding.

Frequently Asked Questions related to Contempt of Court

What happens when you are in contempt?

Contempt of court is essentially seen as a form of disturbance that may impede the functioning of the court. The judge may impose fines and/or jail time upon any person committing contempt of court. The person is usually let out upon his or her agreement to fulfil the wishes of the court.

What is a contempt of court example?

Criminal contempt can bring punishment including jail time and/or a fine. Contempt of court can take place either “directly” or “indirectly”. Examples include improperly communicating with jurors outside the court, refusing to turn over subpoenaed evidence and refusing to pay court-ordered child support.

Is contempt of court defined in the Constitution?

Contempt of Court is a constitutional power vested with the Supreme Court of India. Article 129 of the Indian Constitution of India states “The Supreme Court of India 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.”

How do you prove contempt?

There is a valid court order in effect, the other person knows about the court order, the facts show a plain violation of the order, have given the person notice of the contempt hearing and a chance to be heard.

How many types of contempt of court are there?

The Contempt of court has been classified under the following two heads under The Contempt of Court Act, 1971: Civil Contempt. Criminal Contempt.

Who can file a contempt petition?

Any person aggrieved with violation of general directions issued in a judgment can file contempt petition.

What is the difference between direct and indirect contempt of court?

A contempt is indirect when it occurs out of the presence of the court, thereby requiring the court to rely on the testimony of third parties for proof of the offence. It is direct when it occurs under the court's own eye and within its own hearing.

