Polity & Governance · GS - II

Examine the constitutional balance between freedom of speech and expression and the power of courts to punish for contempt. How can judicial dignity be protected without undermining democratic criticism?

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 28/10/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
10	~150 words

Answer Hint

Article 129; Article 215; Article 19(1)(a); Article 19(2); Contempt of Courts Act 1971; judicial independence; fair criticism; rule of law

Model Answer

Introduction

An independent judiciary is essential to constitutional democracy. At the same time, freedom of speech enables citizens, journalists and public representatives to scrutinise judicial institutions and decisions.

Constitutional framework

1. Contempt powers: Articles 129 and 215 recognise the Supreme Court and High Courts, respectively, as courts of record with the power to punish for contempt. The Contempt of Courts Act, 1971, regulates civil and criminal contempt.

2. Freedom of expression: Article 19(1)(a) protects freedom of speech and expression. Article 19(2) permits reasonable restrictions on specified grounds, including contempt of court.

3. Maintaining the balance: Fair, reasoned criticism of judgments and judicial administration is essential for accountability. However, conduct that satisfies the legal threshold for contempt may undermine the administration of justice.

Challenges

Overly broad interpretation of contempt can discourage legitimate public debate, while unchecked intimidation or obstruction may weaken judicial independence and public confidence.

Way Forward

Courts should apply contempt powers cautiously, transparently and proportionately. Clear reasoning, procedural fairness and recognition of good-faith criticism can help distinguish legitimate scrutiny from conduct that obstructs justice.

Conclusion

Judicial dignity and democratic freedom are complementary when protected through constitutional principles, restraint and the rule of law.

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