Polity & Governance · GS - II

Examine the constitutional and statutory powers of Indian courts to punish for contempt. How can judicial authority be protected while ensuring freedom of speech and expression?

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 06/11/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
10	~150 words

Answer Hint

Judicial independence, Article 129, Article 215, Contempt of Courts Act 1971, civil contempt, criminal contempt, Article 19(1)(a), fair criticism, constitutional balance

Model Answer

Introduction

Contempt of court safeguards judicial authority and ensures the administration of justice. However, its exercise must remain consistent with constitutional freedoms.

Constitutional and Legal Framework

Article 129 empowers the Supreme Court to punish for contempt of itself, while Article 215 grants similar powers to High Courts. The Contempt of Courts Act, 1971 classifies contempt into civil and criminal contempt.

Civil contempt involves wilful disobedience of court orders, while criminal contempt includes acts that substantially interfere with or obstruct the administration of justice.

Balancing Judicial Authority and Free Speech

Article 19(1)(a) guarantees freedom of speech and expression. The law protects fair and accurate reporting of judicial proceedings and fair criticism of judicial decisions made in good faith.

Courts must distinguish genuine criticism from deliberate attempts to obstruct justice or undermine judicial proceedings. Contempt powers should therefore be exercised cautiously and proportionately.

Conclusion

Judicial independence and freedom of expression are complementary constitutional values. A balanced approach protects the dignity of courts while preserving democratic accountability and public debate.

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