Polity & Governance · GS - II

Judicial accountability and freedom of expression are both essential to a constitutional democracy. Examine how the law of criminal contempt seeks to balance these principles in India.

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 17/11/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
15	~250 words

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Answer Hint

Article 19(1)(a), Article 19(2), Articles 129 and 215, Contempt of Courts Act 1971, judicial independence, fair criticism, scandalising the court, constitutional balance, safeguards against misuse.

Model Answer

Introduction

Freedom of expression enables democratic criticism, while judicial independence protects the rule of law. The law of criminal contempt attempts to prevent interference with justice without eliminating legitimate public scrutiny of the judiciary.

Constitutional and Legal Framework

- **Article 19(1)(a):** Guarantees freedom of speech and expression.
- **Article 19(2):** Permits reasonable restrictions on this freedom in relation to contempt of court.
- **Articles 129 and 215:** Empower the Supreme Court and High Courts respectively to punish for contempt.
- **Contempt of Courts Act, 1971:** Defines civil and criminal contempt and provides procedural safeguards.

Need for Criminal Contempt

It protects public confidence in judicial institutions, prevents intimidation of judges, and safeguards the administration of justice from deliberate interference.

Concerns and Challenges

The broad expression 'scandalising or tending to scandalise the court' may create uncertainty. Excessive use of contempt powers can discourage legitimate criticism, investigative journalism and public debate about judicial accountability.

Way Forward

Contempt jurisdiction should be exercised cautiously, with emphasis on demonstrable interference with justice rather than mere disagreement with judicial decisions. The statutory safeguards relating to truth, fair criticism and good-faith publication should be respected. Transparent reasoning and proportionate penalties can strengthen institutional credibility.

Conclusion

An independent judiciary must be protected from deliberate attacks, but it must also remain open to fair criticism. A restrained and principled application of criminal contempt is essential to preserve both judicial authority and democratic freedoms.

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