Polity & Governance · GS - II

The power to punish for criminal contempt is intended to protect the administration of justice, but its exercise must not undermine freedom of speech and judicial accountability. Critically examine.

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 18/11/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
15	~250 words

Answer Hint

Criminal contempt, Articles 129 and 215, Article 19(1)(a), Article 19(2), Contempt of Courts Act 1971, scandalising the court, fair criticism, judicial independence, proportionality, public confidence.

Model Answer

Introduction

The power of contempt protects the authority of courts and ensures the effective administration of justice. However, its exercise requires a careful balance between judicial independence and freedom of expression.

Constitutional and Legal Framework

- **Article 129:** Declares the Supreme Court a court of record with power to punish for contempt of itself.
- **Article 215:** Provides similar powers to High Courts.
- **Article 19(1)(a):** Guarantees freedom of speech and expression.
- **Article 19(2):** Permits reasonable restrictions on free speech, including in relation to contempt of court.
- **Contempt of Courts Act, 1971:** Defines civil and criminal contempt and provides safeguards, including the defence of truth under specified conditions.

Need for Criminal Contempt Powers

- Prevents deliberate attempts to obstruct judicial proceedings.

- Protects public confidence in the administration of justice.
- Safeguards judges and courts against intimidation that may affect impartial adjudication.
- Preserves the authority necessary for enforcing judicial decisions.

Concerns and Limitations

- Broad interpretations of scandalising the court may discourage legitimate criticism.
- Excessive use can create perceptions of institutional intolerance.
- Judicial accountability and public scrutiny are essential features of constitutional democracy.
- The distinction between fair criticism and deliberate obstruction must remain clear.

Way Forward

Contempt jurisdiction should be exercised cautiously, proportionately and only where conduct substantially interferes with the administration of justice. Reasoned orders, procedural fairness and protection of bona fide criticism can strengthen public trust.

Conclusion

Judicial dignity is best protected through independence, integrity and accountability. Contempt powers must safeguard justice without creating an environment in which legitimate democratic criticism is discouraged.

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