Polity & Governance · GS - II

The law of criminal contempt seeks to protect the authority of courts, but its application must also preserve freedom of speech and judicial accountability. Critically examine.

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 19/11/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
15	~250 words

Answer Hint

Article 129, Article 215, Article 19(1)(a), Article 19(2), Contempt of Courts Act 1971, criminal contempt, fair criticism, judicial independence, constitutional balance

Model Answer

Introduction

Contempt of court protects the authority and functioning of the judiciary. However, its exercise must be balanced with freedom of expression and the democratic right to scrutinise public institutions.

Constitutional and Legal Framework

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

Need for Criminal Contempt

1. Prevents deliberate attempts to undermine public confidence in judicial institutions.

2. Protects judicial proceedings from obstruction and interference.
3. Safeguards the independence and authority of courts.

Concerns Regarding Its Application

- Broad interpretation of scandalising the court may discourage legitimate criticism.
- Unclear boundaries can create a chilling effect on journalists, lawyers and citizens.
- Excessive use may affect transparency and public accountability.

Way Forward

Contempt powers should be exercised cautiously, with clear legal reasoning, proportionality and due process. Bona fide criticism of judgments and judicial functioning must remain protected.

Conclusion

An independent judiciary requires institutional respect, but constitutional democracy also requires accountability. A balanced contempt jurisdiction must protect the administration of justice without suppressing legitimate dissent.

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