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The Law of Contempt of Court: Balancing Judicial Autonomy with Public Accountability

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ABSTRACT

The judiciary constitutes one of the fundamental pillars of a democratic system, entrusted with upholding the supremacy of the Constitution, ensuring the rule of law, and safeguarding the fundamental rights of citizens. To preserve the dignity, authority, and effective functioning of the judicial institution, the law relating to contempt of court has been established. However, in the context of evolving democratic ideals, greater demands for transparency, and the expanding scope of freedom of expression, an important question arises: does contempt law genuinely protect judicial independence, or does it shield the judiciary from legitimate criticism and thereby weaken mechanisms of accountability? This paper examines the constitutional, statutory, and judicial dimensions of contempt of court in India and explores the need to maintain an appropriate balance between judicial independence and institutional accountability.

Keywords: *Contempt of Court, Judicial Independence, Judicial Accountability, Freedom of Expression, Rule of Law, Indian Judiciary, Constitutional Governance.*

I. INTRODUCTION

The foundation of a democratic system of governance is based on the doctrine of separation of powers, under which the legislature, executive, and judiciary are entrusted with distinct and independent spheres of authority. Within this constitutional framework, the judiciary occupies a position of paramount importance, as it serves as the final interpreter of the Constitution and ensures the protection of citizens' fundamental rights.¹ An impartial, independent, and fearless judiciary is essential for the effective administration of justice, as it must be able to perform its functions without being influenced by political pressures, public opinion, or executive interference. Judicial independence enables courts to uphold constitutional values and deliver justice solely on the basis of law and established legal principles. Recognising the significance

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¹ GRANVILLE AUSTIN, THE INDIAN CONSTITUTION: CORNERSTONE OF A NATION (1966).

of this role, the Constitution of India provides the judiciary with institutional safeguards aimed at preserving its autonomy and protecting it from potential encroachments by the legislative and executive branches of government.²

The concept of contempt of court emerged as a legal safeguard intended to uphold the authority of judicial institutions and preserve the fairness of judicial proceedings. Rather than serving as a mechanism to protect the personal standing of individual judges, its fundamental purpose is to ensure that the administration of justice remains free from interference, obstruction, or actions that may diminish public confidence in the judicial process.³ When court orders are disregarded, or when attempts are made to deliberately impair the functioning and credibility of judicial proceedings, the effectiveness of the justice system may be seriously compromised. In such situations, contempt jurisdiction operates as a protective instrument that enables courts to maintain their authority and ensure compliance with the rule of law. By empowering the judiciary to address conduct that threatens the proper administration of justice, contempt law contributes to the effective discharge of the courts' constitutional obligations and reinforces public trust in the legal system.⁴

At the same time, a mature democracy must recognise that no constitutional institution can be entirely immune from public scrutiny and constructive criticism. The judiciary, despite its unique constitutional status, remains subject to informed public discourse and institutional evaluation. Reasoned, fair, and good-faith criticism plays a vital role in strengthening democratic governance and is protected as an essential component of the right to freedom of expression.⁵ Concerns arise, however, when the distinction between legitimate criticism and contempt of court becomes uncertain or inadequately defined. In such circumstances, observations made in the interest of accountability and institutional improvement may be perceived as contemptuous, thereby creating the risk of restricting lawful and constructive criticism.⁶

In the contemporary era, this challenge has become increasingly complex, particularly due to the pervasive influence of digital platforms and social media. The rapid dissemination of information and the unprecedented ability of individuals to express and share opinions have brought judicial institutions under greater public observation and scrutiny than ever before. Within this evolving environment, it becomes imperative to strike an appropriate balance

² A.V. DICEY, INTRODUCTION TO THE STUDY OF THE LAW OF THE CONSTITUTION (8th ed. 1915).

³ 9 HALSBURY'S LAWS OF ENGLAND (2008).

⁴ *S.P. Gupta v. Union of India*, A.I.R. 1982 S.C. 149 (India).

⁵ *Romesh Thappar v. State of Madras*, A.I.R. 1950 S.C. 124 (India).

⁶ *Brahma Prakash Sharma v. State of Uttar Pradesh*, A.I.R. 1954 S.C. 10 (India).

between safeguarding judicial independence and ensuring democratic accountability. The legitimacy of contempt jurisdiction ultimately depends on its careful and restrained application. Its exercise should be guided by prudence, proportionality, and constitutional principles, ensuring that the authority and dignity of the judiciary are preserved without undermining the space for legitimate public discussion and constructive criticism that is essential in a democratic society.⁷

II. LITERATURE REVIEW

S. No.	Author / Case	Year	Subject of Study / Decision	Key Findings / Contribution	Relevance to the Present Research
1	A.V. Dicey	1915	Rule of Law	Identified the judiciary as the principal guardian of the rule of law and legal supremacy.	Provides the theoretical foundation for judicial independence.
2	Granville Austin	1966	Indian Constitution	Highlighted the institutional autonomy of the judiciary within the constitutional framework.	Establishes the constitutional basis of judicial independence.
3	<i>Halsbury's Laws of England</i>	2008	Concept of Contempt of Court	Explained contempt jurisdiction as a mechanism for protecting the administration of justice.	Supplies the doctrinal foundation of contempt law.
4	<i>S.P. Gupta v. Union of India</i>	1982	Judicial Independence	Emphasised judicial autonomy as a fundamental constitutional requirement.	Demonstrates constitutional safeguards for judicial independence.
5	<i>Brahma Prakash Sharma v. State of Uttar Pradesh</i>	1954	Criticism versus Contempt	Recognised that fair and reasonable criticism of the	Supports the principle of freedom of expression.

⁷ LAW COMM'N OF INDIA, REP. NO. 274, REVIEW OF THE CONTEMPT OF COURTS ACT, 1971 (2018).

S. No.	Author / Case	Year	Subject of Study / Decision	Key Findings / Contribution	Relevance to the Present Research
				judiciary is permissible.	
6	<i>E.M.S. Namboodiripad v. T. Narayanan Nambiar</i>	1970	Political Criticism and Contempt	Held that criticism may be permissible provided it does not undermine the administration of justice.	Illustrates the balancing approach between criticism and contempt.
7	<i>In re Arundhati Roy</i>	2002	Contempt and Freedom of Expression	Highlighted the need for cautious and restrained exercise of contempt powers.	Relevant to democratic discourse and judicial accountability.
8	<i>Rama Narang v. Ramesh Narang</i>	2006	Civil Contempt	Reaffirmed the importance of compliance with judicial orders.	Demonstrates the role of contempt law in maintaining judicial discipline.
9	Law Commission of India	2006	Reform of Contempt Law	Recommended a cautious and balanced application of contempt jurisdiction.	Contributes to debates on legal reform.
10	Law Commission of India	2018	Criminal Contempt	Examined the criminal contempt provisions of the Contempt of Courts Act, 1971.	Highlights the contemporary relevance of reform proposals.
11	Upendra Baxi	1980	Judiciary and Politics	Emphasised the significance of public confidence and institutional legitimacy.	Connects judicial independence with accountability.

S. No.	Author / Case	Year	Subject of Study / Decision	Key Findings / Contribution	Relevance to the Present Research
12	P.N. Bhagwati	1987	Judicial Activism	Examined the judiciary's expanding role in democratic governance.	Supports the accountability dimension of judicial functioning.
13	Rajeev Dhavan	2004	Study of the Supreme Court	Advocated institutional criticism as a means of strengthening democratic review.	Relevant to debates on judicial accountability and transparency.
14	David Pannick	1987	Role of Judges	Argued that judicial authority is best preserved through dignity and self-restraint.	Supports the principle of judicial self-regulation.
15	<i>In re Prashant Bhushan</i>	2021	Social Media and Contempt	Examined the challenges posed by digital platforms to contempt jurisprudence.	Demonstrates the need to balance judicial authority and free expression in the digital age.

III. CONTEMPT OF COURT: CONCEPT AND MEANING

Contempt of court refers to any act, conduct, or statement that has the potential to undermine the institutional authority of the judiciary or interfere with the fair and impartial administration of justice. Its scope extends beyond mere disobedience of judicial orders and includes actions that obstruct, prejudice, or adversely affect the functioning of the judicial process. The law relating to contempt is not intended to safeguard the personal reputation of judges; rather, its primary purpose is to preserve public confidence in the judicial system and to ensure the effective administration of justice. The underlying rationale of this doctrine is to enable courts to perform their constitutional responsibilities independently, impartially, and free from external pressures or undue influence.⁸

⁸ 9 HALSBURY'S LAWS OF ENGLAND, *supra* note 3; The Contempt of Courts Act, 1971, No. 70, Acts of Parliament, 1971 (India).

A. Definition of Contempt

The doctrine of contempt of court is founded on the principle that the authority of the judiciary must be protected to ensure the fair and effective administration of justice. Its purpose is not to secure personal respect or privilege for judges but to safeguard the integrity of judicial proceedings and prevent any improper interference with the functioning of the courts. Through contempt jurisdiction, the legal system seeks to ensure that judicial processes are conducted without obstruction and that the administration of justice remains efficient and impartial. The origins of this doctrine can be traced to English common law, where the authority of courts was closely linked to the orderly dispensation of justice. During the colonial period, India adopted this legal principle, which was subsequently refined and adapted to align with the country's constitutional framework and democratic values.⁹

IV. CONSTITUTIONAL AND STATUTORY FRAMEWORK

A. Constitutional Provisions

The Constitution of India accords special protection to the authority and institutional dignity of the judiciary by vesting the Supreme Court and the High Courts with the inherent power to punish for contempt. Under Article 129, the Supreme Court is recognised as a *Court of Record*, while Article 215 grants the same status to the High Courts. As courts of record, these judicial bodies possess the constitutional authority to initiate and adjudicate proceedings relating to their own contempt. This power is derived directly from the Constitution and is regarded as an essential attribute of judicial independence and institutional integrity.

The rationale behind conferring such authority is to ensure that courts can discharge their constitutional functions effectively, maintain public confidence in the justice delivery system, and protect judicial proceedings from interference or obstruction. Since the contempt power forms an integral component of the constitutional status of superior courts, any attempt to subject it to extensive legislative or executive control is generally viewed as constitutionally sensitive and permissible only within narrowly defined limits.¹⁰

This constitutional arrangement reflects the broader objective of preserving the autonomy of the judiciary while enabling it to uphold the rule of law and administer justice without external influence or undue pressure.¹¹

⁹ The Contempt of Courts Act, 1971, *supra* note 8; DICEY, *supra* note 2; 9 HALSBURY'S LAWS OF ENGLAND, *supra* note 3.

¹⁰ AUSTIN, *supra* note 1; S.P. Gupta, *supra* note 4; INDIA CONST. arts. 129, 215.

¹¹ *Id.*

B. The Contempt of Courts Act, 1971

The Contempt of Courts Act, 1971 constitutes the principal statutory framework governing contempt jurisdiction in India. The Act was enacted with the objective of safeguarding the authority of the courts and ensuring the integrity and effective functioning of the judicial process. By providing a structured legal framework, it clarifies the scope, nature, and application of contempt law while defining the circumstances in which judicial intervention may be warranted.

A significant feature of the Act is its classification of contempt into two distinct categories: civil contempt and criminal contempt. Civil contempt primarily relates to the wilful disobedience of judicial orders, decrees, directions, or other lawful commands issued by a court. Criminal contempt, on the other hand, encompasses acts, publications, or conduct that tend to scandalise the court, prejudice judicial proceedings, or otherwise interfere with the administration of justice. Through this distinction, the legislation provides courts with a statutory basis for addressing different forms of interference with the judicial process and enables the adoption of measures appropriate to the nature and gravity of the alleged contempt.

By codifying the law of contempt, the Act seeks to strike a balance between preserving judicial authority and ensuring the orderly administration of justice, while simultaneously providing legal certainty regarding the exercise of contempt powers.¹²

V. TYPES OF CONTEMPT

A. Civil Contempt

Civil contempt primarily concerns the wilful disobedience of a judgment, decree, direction, order, writ, or any other lawful command issued by a court. The principal objective of civil contempt is not punitive in nature; rather, it seeks to ensure compliance with judicial orders and preserve the effectiveness of the judicial process. When an individual, organisation, or public authority deliberately fails to comply with a valid court order, the authority and efficacy of the justice delivery system may be undermined. In such circumstances, civil contempt serves as a legal mechanism for securing obedience to judicial directives and maintaining respect for the rule of law. Its primary function is corrective rather than punitive, as it aims to facilitate the enforcement of judicial decisions and ensure the proper administration of justice.¹³

¹² The Contempt of Courts Act, 1971, *supra* note 8; LAW COMM'N OF INDIA, REP. NO. 274, *supra* note 7.

¹³ The Contempt of Courts Act, 1971, *supra* note 8, § 2(b); *Rama Narang v. Ramesh Narang*, (2006) 11 S.C.C. 114 (India).

B. Criminal Contempt

Criminal contempt relates to conduct that interferes with the administration of justice or adversely affects the authority and credibility of the judiciary. It may include statements, publications, acts, or other forms of behaviour that have the tendency to undermine public confidence in the judicial system, prejudice judicial proceedings, or obstruct the course of justice. The underlying purpose of criminal contempt is to protect the integrity of judicial institutions and shield the justice delivery process from improper external influences. Unlike civil contempt, criminal contempt is predominantly punitive in character because its consequences extend beyond the interests of individual parties and may affect the functioning of the judicial system as a whole. Owing to its serious implications for freedom of expression and democratic discourse, courts are expected to exercise this power with considerable restraint, caution, and judicial prudence.¹⁴

C. Protection of Judicial Independence

Judicial independence is widely regarded as one of the foundational principles of a democratic constitutional order. The effective administration of justice depends upon the ability of courts to function impartially and without fear, favour, or external influence. Where judicial institutions become vulnerable to political pressure, public intimidation, or malicious attempts to undermine their authority, public confidence in the justice system may be significantly weakened. In this context, contempt law functions as an important safeguard by protecting courts from interference that could impair their constitutional role. Judicial decisions have consistently emphasised that the purpose of contempt jurisdiction is not to preserve the personal prestige of judges but to maintain the authority, integrity, and independence of the judicial institution itself. This approach contributes to the preservation of constitutional values while ensuring that judicial independence and democratic accountability remain appropriately balanced.¹⁵

VI. ACCOUNTABILITY AND FREEDOM OF EXPRESSION

A. Freedom of Expression

Article 19(1)(a) of the Constitution of India guarantees every citizen the fundamental right to freedom of speech and expression, a principle widely regarded as one of the cornerstones of democratic governance. This constitutional freedom enables individuals to express opinions on

¹⁴ *Brahma Prakash Sharma*, *supra* note 6; *In re Arundhati Roy*, (2002) 3 S.C.C. 343 (India).

¹⁵ AUSTIN, *supra* note 1; *S.P. Gupta*, *supra* note 4; *Supreme Court Bar Ass'n v. Union of India*, (1998) 4 S.C.C. 409 (India).

governmental policies, public affairs, and the functioning of constitutional institutions. As an integral component of the democratic framework, the judiciary is also subject to public discussion, evaluation, and informed criticism. Indian courts have consistently recognised that fair, reasoned, and good-faith criticism of judicial decisions and institutional functioning is not only permissible but also beneficial for the healthy functioning of a democratic society. Such criticism promotes transparency, encourages institutional improvement, and strengthens public confidence in the justice system. Consequently, maintaining an appropriate balance between freedom of expression and the dignity of the judiciary remains an essential requirement of constitutional democracy.¹⁶

B. Criticism versus Contempt

Judicial precedents have repeatedly affirmed that fair, objective, and bona fide criticism of the judiciary does not amount to contempt of court. Constructive criticism contributes to democratic discourse and enhances institutional accountability by encouraging public engagement with the administration of justice. However, the legal position differs where statements or conduct are intended to undermine the authority of the courts, create unjustified doubts regarding the impartiality of judges, or interfere with the proper administration of justice. In such circumstances, the conduct may fall within the scope of contempt jurisdiction. Accordingly, the distinction between legitimate criticism and contempt is generally determined by examining the purpose, language, context, and likely impact of the expression in question. Recognising the importance of protecting both judicial authority and democratic freedoms, courts have consistently emphasised the need for a cautious and restrained exercise of contempt powers.¹⁷

VII. IMPORTANT JUDICIAL DECISIONS

A. E.M.S. Namboodiripad v. T. Narayanan Nambiar

In this landmark judgment, the Supreme Court examined the relationship between freedom of expression and the law of contempt of court. The Court acknowledged that criticism of judicial institutions is an inherent feature of a democratic society and that citizens possess the right to express their views regarding the functioning of public institutions. However, the Court emphasised that such criticism must remain fair, reasonable, and made in good faith. It further observed that when criticism exceeds these limits and has the tendency to undermine the administration of justice or erode public confidence in the judiciary, it may attract contempt

¹⁶ INDIA CONST. art. 19(1)(a); *Romesh Thappar*, *supra* note 5; *Brahma Prakash Sharma*, *supra* note 6.

¹⁷ *Brahma Prakash Sharma*, *supra* note 6; *E.M.S. Namboodiripad v. T. Narayanan Nambiar*, (1970) 2 S.C.C. 325 (India); *In re Arundhati Roy*, *supra* note 14.

jurisdiction. The decision is significant because it attempted to reconcile the constitutional value of free speech with the necessity of preserving the authority and credibility of judicial institutions, thereby providing important guidance on maintaining a balance between judicial dignity and democratic freedoms.¹⁸

B. In re Arundhati Roy

The decision in *In re Arundhati Roy* raised important constitutional questions concerning the interaction between contempt law and freedom of expression. The Supreme Court reaffirmed that freedom of speech constitutes a fundamental element of democratic governance; however, it also clarified that this freedom is subject to certain constitutional limitations. The Court stressed that statements or actions capable of substantially undermining the authority of the judiciary or impairing the administration of justice may warrant the invocation of contempt powers. At the same time, the case generated extensive academic and legal debate regarding the proper limits of contempt jurisdiction and the extent to which criticism of the judiciary should be protected in a democratic society. Consequently, the judgment continues to occupy a prominent place in discussions relating to judicial accountability, institutional authority, and freedom of expression.¹⁹

VIII. CONTEMPORARY CHALLENGES

The application of contempt of court law in contemporary India presents several challenges, particularly in light of evolving democratic expectations, technological developments, and increasing demands for institutional accountability. These challenges have intensified the debate regarding the appropriate scope and exercise of contempt jurisdiction.

A. Broad and Ambiguous Scope of Contempt Law

One of the most significant concerns relates to the relatively broad and flexible nature of contempt law. The absence of a clearly defined boundary between legitimate criticism and contemptuous conduct often creates uncertainty in its application. As a result, there is an ongoing concern that contempt powers may, in certain circumstances, be invoked in a manner that discourages lawful criticism or public discussion regarding the functioning of the judiciary.²⁰

B. Growing Public Scrutiny of Judicial Decisions

¹⁸ *E.M.S. Namboodiripad*, *supra* note 17.

¹⁹ *In re Arundhati Roy*, *supra* note 14.

²⁰ LAW COMM'N OF INDIA, REP. NO. 274, *supra* note 7.

The expansion of democratic awareness and increased public engagement with legal and constitutional issues have led to greater scrutiny of judicial decisions. Citizens, academics, legal professionals, and media organisations increasingly participate in discussions concerning judicial performance and institutional functioning. While such engagement contributes to democratic accountability, it also creates challenges in maintaining an appropriate balance between preserving judicial authority and protecting freedom of expression.²¹

C. Rapid Dissemination of Opinions through Social Media

The emergence of social media platforms has transformed the manner in which information and opinions are communicated. Comments, opinions, and discussions relating to judicial proceedings can now reach a vast audience almost instantaneously. This unprecedented speed and reach create new challenges for courts, particularly where online content has the potential to influence public perception, affect ongoing proceedings, or undermine confidence in the administration of justice.²²

D. Absence of Robust Accountability Mechanisms

Another important challenge is the perceived lack of comprehensive and transparent mechanisms for ensuring judicial accountability. In the absence of clearly defined institutional processes for addressing concerns regarding judicial conduct or performance, reliance on contempt law as a means of protecting judicial authority has frequently attracted criticism. This has generated calls for stronger accountability frameworks that can coexist with judicial independence and reduce dependence on contempt proceedings as a protective measure.²³

These challenges illustrate the evolving nature of contempt jurisprudence in a democratic society. The growing influence of public discourse, digital communication, and demands for transparency necessitates a careful reassessment of how contempt powers are exercised. A balanced approach that simultaneously protects the administration of justice, judicial independence, freedom of expression, and institutional accountability remains essential for strengthening public confidence in the judiciary.

IX. NEED FOR BALANCE AND SUGGESTIONS FOR REFORM

The continuing debate surrounding contempt of court highlights the need to maintain an appropriate balance between judicial independence and democratic accountability. While courts must possess sufficient authority to protect the administration of justice, the exercise of

²¹ UPENDRA BAXI, *THE INDIAN SUPREME COURT AND POLITICS* (1980).

²² *In re Prashant Bhushan*, (2021) 1 S.C.C. 745 (India).

²³ LAW COMM'N OF INDIA, REP. NO. 274, *supra* note 7.

contempt powers should remain consistent with constitutional principles, freedom of expression, and the requirements of a modern democratic society. In this regard, several reforms may contribute to a more balanced and transparent contempt jurisprudence.

A. Narrow and Precise Interpretation of Criminal Contempt

The scope of criminal contempt should be interpreted in a limited and clearly defined manner. Its application ought to be confined to situations where there is a genuine and substantial threat to the administration of justice or a serious impairment of the authority of the courts. A narrower interpretation would reduce ambiguity and prevent the unnecessary expansion of contempt jurisdiction into areas of legitimate public discussion and criticism.²⁴

B. Explicit Protection for Fair Criticism

Reasoned, objective, and good-faith criticism of judicial decisions and institutional functioning should receive clear legal recognition and protection. Such criticism contributes to transparency, public confidence, and the improvement of judicial institutions. Providing explicit safeguards for fair comment would help reconcile the constitutional guarantee of free expression with the need to preserve the dignity and authority of the judiciary.²⁵

C. Preference for Corrective Measures over Punitive Sanctions

In appropriate cases, courts should consider adopting corrective approaches such as warnings, clarifications, apologies, or constructive dialogue before resorting to imprisonment or other punitive measures. A reform-oriented response may often achieve the objectives of contempt law more effectively while minimising potential conflicts with democratic freedoms and public discourse.²⁶

D. Promotion of Judicial Transparency and Institutional Restraint

Public confidence in the judiciary is strengthened when judicial institutions operate with transparency and exercise their powers with restraint. Greater openness in judicial reasoning, combined with a cautious use of contempt jurisdiction, can reinforce both judicial credibility and institutional accountability. Such an approach ensures that judicial independence is preserved without compromising democratic oversight and public trust.²⁷

A democratic society does not strengthen confidence in its institutions by insulating them from criticism; rather, confidence is built through transparency, accountability, and responsiveness.

²⁴ LAW COMM'N OF INDIA, REP. NO. 274, *supra* note 7.

²⁵ *Brahma Prakash Sharma*, *supra* note 6; *E.M.S. Namboodiripad*, *supra* note 17.

²⁶ *In re Arundhati Roy*, *supra* note 14.

²⁷ *AUSTIN*, *supra* note 1; *Supreme Court Bar Ass'n v. Union of India*, *supra* note 15.

The judiciary, while remaining independent and authoritative, must continue to embrace these values. A balanced and restrained approach to contempt law can therefore protect both the integrity of the judicial system and the democratic freedoms that lie at the heart of constitutional governance.

X. CONCLUSION

The law of contempt of court has evolved within the Indian constitutional framework as an important mechanism for safeguarding judicial independence and preserving the effective administration of justice. Its fundamental purpose is not merely to uphold the dignity of courts but to ensure that judicial proceedings remain impartial, fearless, and free from external influence. If courts become vulnerable to political pressure, public intimidation, or organised attempts to undermine their authority, the constitutional guarantee of an independent judiciary would be significantly weakened. In this respect, contempt jurisdiction serves as an essential institutional safeguard that enables the judiciary to discharge its constitutional responsibilities effectively.²⁸

At the same time, the demands of a modern democratic society require that the judiciary remain open to public scrutiny and reasoned criticism. Freedom of speech and expression constitutes a cornerstone of democratic governance, and the judiciary, as a public institution, cannot be completely insulated from discussion, evaluation, or criticism. Where contempt powers are exercised in a manner that suppresses fair, objective, and good-faith criticism, there is a risk of undermining democratic values and discouraging meaningful public discourse.²⁹ For this reason, courts have consistently emphasised that a distinction must be maintained between legitimate criticism and contemptuous conduct, with factors such as intention, language, and impact playing a significant role in determining the boundary between the two.

The emergence of social media and digital communication platforms has further complicated this balance. The rapid circulation of information and opinions has subjected judicial institutions to unprecedented levels of public attention and scrutiny. In such an environment, an excessively punitive approach to contempt may not necessarily strengthen confidence in the judiciary; instead, it may create perceptions of institutional intolerance toward criticism. Consequently, legal scholars and the Law Commission of India have repeatedly advocated a restrained and

²⁸ AUSTIN, *supra* note 1; S.P. Gupta, *supra* note 4.

²⁹ Romesh Thappar, *supra* note 5; Brahma Prakash Sharma, *supra* note 6.

limited use of criminal contempt powers, particularly in matters involving public discussion and democratic accountability.³⁰

In a mature constitutional democracy, judicial legitimacy is sustained not through fear of punishment but through transparency, well-reasoned decisions, institutional integrity, and public trust. Contempt law should therefore be viewed not as a shield against criticism but as a legal instrument designed to protect the fair administration of justice. Wherever appropriate, corrective measures such as clarification, dialogue, or cautionary directions may prove more effective than punitive sanctions in achieving the objectives of the law while preserving democratic values.³¹

Ultimately, the true strength of a constitutional democracy lies in maintaining a careful equilibrium between judicial independence and judicial accountability. A respected and credible judiciary is one that remains confident enough to accommodate constructive criticism while remaining steadfast in protecting the rule of law. The prudent, restrained, and constitutionally informed exercise of contempt powers is therefore essential for reinforcing public confidence in the judicial system and ensuring that the ideals of justice, accountability, and constitutional governance continue to flourish.

³⁰ BAXI, *supra* note 21; LAW COMM’N OF INDIA, REP. NO. 274, *supra* note 7.

³¹ *Supreme Court Bar Ass’n v. Union of India*, *supra* note 15; *In re Arundhati Roy*, *supra* note 14.

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