

DOMAIN OF CONTEMPT POWER OF COURT IN RELATION TO FREEDOM OF SPEECH AND EXPRESSION

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Abstract

Indian Judiciary is the guard of law and order and it is to be given security to give decisions equitably. This concept of safeguarding the judiciary to work independent is somewhere based on the doctrine of separation of power. Punishment for contempt is a huge power guaranteed to the judiciary for proper functioning of the courts and to deliver the decisions with equity. Contempt of Court has been characterized as any lead which will in general disregard the power of Law and Court.

This research paper is based upon the thrust to know that Right to Freedom of Speech and Expression refers to the freedom that a person has to express his thoughts but this right is not absolute in nature which means it comes with certain restrictions. Article 19(1)(a) of the Constitution of India deals with above right.¹ There are three research questions drafted to make analysis:

- 1. To know that the power to punish for contempt of court enables the courts of law to function efficiently.*
- 2. To know that Fair Criticism of Conduct of Judges, the institution of judiciary and its functioning is consistent with Article 19(1)(a) of Constitution of India,1950.*
- 3. To know that there is a need for striking a fine balance between freedom of speech and expression on one hand and fair criticism of administration of justice on the other.*

Keywords: Judiciary, Contempt, Constitution, Fair criticism, Freedom of speech and expression.

1. Introduction:

In India, the idea of contempt of court could be followed back to pre-autonomy period during the hour of the East India Company when Mayor Courts were set up as Courts of Record.²

Halsbury has articulated that hatred comprises of any words, verbally expressed or composed which hinder the course of organization of equity. It was held by the Apex Court that upkeep of poise and regard of the Courts is a significant part of the guideline of law and order.³

Under the Indian High Courts Act 1861 established High Court as a Court of Record at Allahabad with the ability to punish for contempt.⁴

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¹ <https://blog.ipleaders.in/an-analysis-of-the-right-to-speech-and-expression-and-contempt-of-court/>.

² MP JAIN, OUTLINES OF INDIAN LEGAL AND CONSTITUTIONAL HISTORY (6th Edition,2010).

³ Arundhati Roy, *In Re A.I.R 2002 S.C. 1375 (India)*.

⁴ K. Balasankaran Nair, *Law of Contempt of Court in India* (2004).

The standard of ability to rebuff for disdain of court was set down in *Re Abdul and Mahtab*⁵. The appointed authorities might even force disciplines, for example, fine or prison term assuming they accept that scorn has happened. In India, we have the Contempt of Courts Act 1971 which characterizes and restricts the court's powers in rebuffing scorn of court and manages the technique. Indian law has partitioned hatred of court into two sub classes which are considerate scorn and criminal disdain. Articles 129 and 215 of the Indian Constitution enable to the Hon'ble Supreme Court and the High Courts to rebuff for hatred. Article 129 of the Constitution characterizes the Hon'ble Supreme Court as a court of record and it likewise gives it the powers to rebuff for its hatred. A court of record implies a Court whose records are of evidentiary esteem and can be introduced under the watchful eye of any Court. This chapter furnishes the Apex Court with the ability to rebuff for the scorn of subordinate courts also.⁶ This ward of the Hon'ble Supreme Court under Article 129 is autonomous of the Contempt of Court Act 1971.⁷

1.1. POWER TO PUNISH FOR CONTEMPT OF COURT IS THERE TO ENABLE COURTS OF LAW TO FUNCTION EFFICIENTLY

Researchers believes that behind every enforcement there is always sanction. This punishment for contempt is completely a sanction for maintaining a decorum in a court room. To support this, believe there are few supportive facts are mentioned below: -

- a) The Apex court has likewise held that the arrangements with respect to hatred of court under the Indian law are not only for the security of judges and Courts, they are for the insurance of individuals.⁸
- b) Everybody is qualified for a free and reasonable organization of equity. The Calcutta High Court has seen that the ability to rebuff is subjective, limitless and uncontrolled so it ought to be practiced with extraordinary alert and care.⁹
- c) Presently, by the temperance of Article 129 and 215 of the Indian Constitution, both the Hon'ble Supreme Court just as the High Courts have the ability to rebuff for their scorn and furthermore the disdain of subordinate courts.¹⁰
- d) Purview to rebuff for hatred is there to detail extreme assent against the individual who won't conform to the request for the court or ignores the request.¹¹

⁵ *In Re Abdul and Mahtab* 1867(8 W.R. Cr. 32) (India).

⁶ *Delhi Judicial Service Assn. v State of Gujarat*, (1991) 4 SCC 406 (India).

⁷ *Rajeshwar Singh v Subrata Roy Sahara*, A.I.R 2014 S.C. 476 (India).

⁸ *Mohomad Yamin v Om Prakash Bensal*, 1982 (India).

⁹ *Legal Remembrancer v Matilal Ghose &Ors.*, (1914) I.L.R. 41 Cal. 173 (India).

¹⁰ *In Re: Vijay Chandar Mishra*, (1995) 2 S.C.C 603(India).

¹¹ *Kapildeo Prasad Shah and ors v State of Bihar and ors.*, (1999) S.C.C 569 (India)

1.2 The Domain of Right to Freedom of Speech and Expression and Contempt of Court:

Section 5 of The Contempt of Courts Act 1971¹² states that fair criticism is not to be termed as contempt of court. However, the irony of the situation is highlighted when it is the judiciary against whom the remark has been made, gets the power to decide whether the same was constructive in nature or not.¹³

This fine line difference between the contempt and fair criticism is question to rethought.

1.3 Analysis of above approach:

The power to punish for contempt of itself proved as this power to Hon'ble Supreme Court¹⁴ and High Court¹⁵ have been given in the Constitution of India. It is also given in the Contempt of Courts Act under Section 14 that Hon'ble Supreme Court and High Court both have the power to punish for contempt. This concept of punishment for contempt is not a new concept rather it is from era of kings. Power to punish for contempt is well explained in many cases such as *P.N. Duda v. Shiv Shankar and others; Prashant Bhushan Case; Arundhati Roy case etc.*¹⁶

Indian legislation divides contempt of court into two parts and researcher interpret the same in own words: -

Civil contempt: Intention of the wrongdoer can never be a subject to analyze by the researcher during the whole research period.

Criminal contempt: Contempt of court and disdain the image of judicial officer as an individual which is subject matter of this research.

There are many instances where time to time Hon'ble Court punish for contempt of itself which is empowered by the Indian Constitution. Our Country is democratic country where every action of a public authority is under the analysis of the judicial review. In the case of punishment for contempt of itself is empowered under Article 129 and 215 respectively. So, the basis of punishment

¹² The Contempt of Courts Act 1971, Act of 70 of 1971 (India).

¹³ <https://www.mondaq.com/india/libel-defamation/980554/free-speech-vs-contempt-of-court-an-analysis-in-light-of-the-prashanth-bhushan-case->.

¹⁴ INDIA CONSTI. art. 129 cl.(8) Grants Hon'ble Supreme Court of India, the power to punish for contempt of itself

INDIA CONSTI. art. 142 (2) Enables the Hon'ble Supreme Court of India, to investigate and punish any person for its contempt.

¹⁵ INDIA CONSTI. art. 215 Grants every High Court the power to punish for contempt of itself..

¹⁶ *Id.at 5.*

of individual under the empowered judiciary by the Constitution is subject to proof where the burden is lying on judiciary itself.

So here researcher believes that the concept of natural justice where one cannot be judge of his own case subject to analyze. Researcher may suggest that the first respondent Judge as an individual may not be judge of his own case and may shift to another court to decide the ratio behind the prescribed punishment. If the case will be held in another court any probability for the biasness will be converted to negative. Same is suggested in P.N. Duda case. So here the concept of punishment for criminal contempt is based upon the concept of maintaining the administration of justice but the trial may be tried to another court to maintain the concept of natural justice.

2. FAIR CRITICISM OF CONDUCT OF JUDGES, THE INSTITUTION OF JUDICIARY AND ITS FUNCTIONING IS CONSISTENT WITH ARTICLE 19(1) (A) OF CONSTITUTION OF INDIA, 1950

It has been submitted by Researchers here that many scholars found that out of all the fundamental rights, freedom of speech and expression is regarded as the one which is abused the most. Democracy is often regarded as the government of the people. Hence it is very much necessary that people are free to put forward their opinions and constructively fair criticize the administrative functioning or any other issue that they feel is not happening correctly to maintain rule of law.¹⁷

A remark based on the researcher's or speaker's unbiased assessment about a topic of public interest is known as a fair comment. Restrictions enumerated under Article 19(2) of the Indian Constitution, 1950 limits people from making unfounded and irresponsible comments to protect and maintain the security of the State, friendly relations with foreign States, public order, decency, morality, sovereignty and integrity of India and in relation to contempt of court, defamation or incitement to an offence.¹⁸

Article 19 (1) Allowing; fair criticism	Article 19(2) Restrictions for contempt of court
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2.1. The Contempt of Courts Act of 1971

Section 5 of the Act provides that fair comment or fair criticism is not a contempt of the court.¹⁹ But this in itself does not provide complete immunity to the people including the media as whole. The case would however still be finally decided on case to case basis and then be understood whether it amounts to contempt of

¹⁷ *Id. at 5.*

¹⁸ *Id. at 6.*

¹⁹ Section 5 of the Contempt of Courts Act, 1971.

the court or not. Hence the courts have discretion in allowing what is contempt and what does not amount to contempt.²⁰

These days concerning trend is the court's tendency to consider character insults on their reputation to be contempt. It is sometimes forgotten that the law of contempt is intended to defend the judiciary's institution from slanderous and baseless attacks on the institution rather than the individuals who make up the institution.²¹

However, as seen in the sex scandal case of Karnataka, where their hon'ble court was so enraged by their media coverage that they filed contempt of court cases against a large number of Karnataka media publications, it appears that the court frequently fails to differentiate between contempt of judge and contempt of a court of law. Misconduct by judges is deserving of the harshest reprimands. To guarantee that contempt powers are not exploited as a haven by a corrupted and accommodating system, modifications to the Act must be made.²²

In recent years, the judiciary has assumed an increasingly prominent role. As a result, it's sad that the spark of judicial activism has been matched by judicial authoritarianism. The court has displayed a growing intolerance for criticism and has used its contempt powers to silence all voices of dissent in a backward manner.²³

Even if there is minor excess, courts are fundamental to our constitutional democracy and must be subjected to fair scrutiny. Respect for the court must be won by the quality of the court's decisions, as well as the justice and neutrality of the court's approach, rather than through repressive contemptuous measures.²⁴

The increased use of contempt powers by the court is a red flag, signaling the need for immediate introspection to see if there is a flaw somewhere, or if people are dissatisfied with the justice they are receiving. However, it would not be forgotten that regular attacks on the judiciary's dignity would rock the foundations of the system. Judges have a lot of responsibilities that are both responsible and unpleasant, thus they need to be protected as much as possible.²⁵

Simultaneously, the court would not be overly sensitive, and it would not exercise its authority based solely on a question of appropriateness or an excessive sense

²⁰ The Contempt of Courts Act 1971, No. 70 , Acts of Parliament ,1971 (India).

²¹ Rahul Donde, *Use and Abuse of the potent power of contempt*, Vol. 42, Issue 29, Economic and Political Weekly (2009).

²² *Id.* at 6.

²³ *Id.* at 8.

²⁴ *Id.* at 8.

²⁵ Albuquerque, O., 2020. *Fair criticism is not contempt*. Free Press Journal (Dec.11,2021) see also, <https://www.freepressjournal.in/analysis/fair-criticism-is-not-contempt>.

of the judges' dignity; it would operate with impartial dignity and decency. Because great power comes with heavy responsibility, the higher judicial levels must wield the formidable power of contempt with care and caution to ensure that personal freedoms are not inadvertently violated.²⁶

2.2. Domain of Fair Criticism Vis-A-Vis Contempt of Court

The specifics of each case determine what constitutes reasonable criticism or contempt. However, examining the different cases in which the Indian Hon'ble Supreme Court has found defendants guilty or dismissed contempt charges reveals that judges have broad discretion in determining whether a "speech" is contemptuous or not, and that the court has exhibited varying amounts of tolerance for criticism.²⁷

"Allegation of corruption is not a ground for contempt proceedings as it is related to the condemnation of justice/judge for biased judgement."²⁸

2.3. Analysis:

As we can observe by above explanations that the statement stands disproved as in our country biased criticism is not acceptable and there are number of contempt cases pending under High Courts. There are a greater number of civil contempt and criminal contempt cases are in less ratio to the civil cases. That's why we can say that even when fair criticism is given as exception under Section 5 of the Contempt of Courts Act then also there are so many cases on basis of caste, religion which may be a violation of rule of law. This needs to be stopped as if these will be followed in the same pace then there will be a greater number of contempt cases rather than other type of cases. Everyone has the right to freedom of speech and expression and this should not be violated in sake of disrespect as individual. Contempt of court has been enacted to protect the administration of justice. But in practical cases are based upon person biased. Now-a-days Court takes suo moto action against the statement which have been circulated in any form of data. Such as *Prashant Bhushan*²⁹ case: in this case court took suo moto action against him regarding his tweets which he gave on social media platform. Such are few instances where to maintain the administration of justice and rule of law in society, judiciary works as first respondent. In such way trust on natural justice and concept of separation of power is getting background.

²⁶ AG Noorani, *Contempt of Court and Free Speech*, Vol. 36, Issue No, 20, Economic and political Weekly(2001).

²⁷ *Id.* at 10.

²⁸ See also; <https://www.thehindu.com/news/national/supreme-court-drops-contempt-case-against-prashant-bhushan-for-corruption-remarks-in-tehelka/article65828997.ece#:~:text=The%20case%20had,Courts%20Act%2C%201971.>

²⁹ *In Re: Prashant Bhushan and Another* (CRL.) No. 1 of 2020 (India).

So researchers agree with the concept of fair criticism and suggesting for maintain a balance about separation of power by avoiding individual biased criticism.

3. NEED FOR STRIKING A FINE BALANCE BETWEEN FREEDOM OF SPEECH AND EXPRESSION ON ONE HAND AND ADMINISTRATION OF JUSTICE ON THE OTHER HAND BY ADOPTING A MORE LIBERAL APPROACH IN PUNISHING CONTEMPT OF COURT

Mostly in a democratic country this right of speech and expression is provided to its citizens while at the same juncture to maintain the integrity and trust of the judicial system in the people of the country. It is necessary to maintain the coherence between these two.³⁰

Indian constitution provides this Right as a fundamental right and the power of the Court of Records for punishing the contemnor is subject to Article 19, so that these two principles can run without any hinderance and as a complimentary to each other.³¹.

In April 1991, Article 19 in conjunction with the Human Rights Centre of the University of Essex convened a two-day Consultation at which over thirty consultants from round the world participated. The Consultation itself was a coffee budget affair with a number of those attending covering their own travel costs; a testament, perhaps, to the good interest and concern regarding a way to address the growing development of ethnic violence and emotion³².

4. SUGGESTIONS

At last researcher would like to propose some suggestions which are required for maintaining the balance between the above-mentioned research questions.

4.1 Suggestions and Recommendations to reconcile the domain of freedom of speech and expression and contempt of court:

I. Role of Judge as adjudicator in Contempt of Court:

“Contempt of Court” is an important topic for discussion in judicial branch as it is the third pillar of democracy. Under due process of law, the court must be secured against danger, compulsion and terrorizing for the allotment of reasonable equity without dread or favour.

³⁰ *Id.at 11.*

³¹ Sofia bhambri,” STRIKING A BALANCE BETWEEN FREEDOM OF SPEECH AND CONTEMPT: THE LEGAL CONDUNDRUM”, S. BHAMBRI & ASSOCIATES (Dec. 13,2021) <https://www.sbhambriadvocates.com/post/striking-a-balance-between-freedom-of-speech-and-contempt-the-legal-condundrum>.

³² India,Ninth Periodic Report to CERD.UN Doe.CERD/C/149/Add.II. Fali Nariman, "Freedom of Speech and Blasphemy: The Laws in India and the UK;"No.42 International Commission of Jurists Review(1989).

In our democratic country there are three pillars i.e. Legislature, Executive and Judiciary; these follow the rule of Separation of powers and there is no interference in the work done by each. As it is well said that in every case due process of law to be followed and if anyone violates any law then the proceedings will be heard by the judiciary with due process of law but if there is a case of contempt of court which is initiated by judge for the act done in his court then there the due process should be followed. Although judge as adjudicator in his case of contempt of court is not wrong as he is the guardian of the law and he have the right to start the procedure but this can lead some biasness. So researcher's would to suggest that there may be independent committee to deal with the contempt case and they may be given the power to punish the person for the wrong done if it is proved with due process of law. Law of contempt should be used only for the proper functioning of the court and not to prevent criticism.³³

II. Free Articulation required for due process of law:

Free articulation means the right to speak freely as provided under Article 19 (1)(a)³⁴ as Right to Freedom of Speech and Expression in the Indian Constitution. Free articulation is based upon this Article 19. As we know that article 19 comes up with certain reasonable restrictions and this concept of free articulation is required to protect the person from scorn laws which are used by the superior authorities such as Contempt of Court is now-a-days used by the judges for the protection of their reputation not for the dignity of court. Contempt of Courts Act is for the Justice and protect the dignity of court and not for the judges as individual. Judges use their power to punish inadequately in violation rights of common man under Article 14 of Indian Constitution which provides "Equality before Law". Article 14³⁵ states that no one should be denied equality before the law or the equal protection of laws. With this it can be said that implementation of free articulation is required for the Article 14 given under Indian Constitution as if it is not implemented then there will be biased law.³⁶

III. Necessity of amendments in the present Laws which were adopted earlier:

Indian laws have been originated in the time of British rule and at that time those laws were made for slaves and at that time laws were harsh and scorn procedure were followed by them upon us but with the change of time those laws need to be amended according to the requirements of time. Those scorn procedures of law need to be changed.³⁷

³³ Self .

³⁴ INDIA CONSTI.art.19 cl.1(a).

³⁵ *Id. at 13.*

³⁶ *Id. at 13.*

³⁷ *Id. at 13.*

The Apex court or Hon'ble Supreme Court as the gatekeeper of the Constitution should cautiously ensure free discourse even against legal disdain. In western nations like England and the United States hatred locale is sparingly practiced giving a lot of extension to the reasonable and useful analysis which is considered as the platform of present-day majority rules system. It is about time in India to get rid of the pervasive moderate perspective on scorn law and get the liberal methodology pushing free articulation sought after by western and other ward nations.³⁸

IV. Amendment in the Contempt of Courts Act:

Understanding the requirement for getting rid of the customary and moderate methodology, the Indian assembly passed "The Contempt of Courts Amendment Act, 2006" and amended the Section 13 which states that there must be valid defence in the form of justification of truth if it is for the sake of public.³⁹

With this amendment there will be no contempt proceeding if it is justified as true facts in valid defence and also it is in the public interest. Now protection of truth can be argued in scorn of court procedures in case such an affirmation of reality was in the public interest and is real.⁴⁰

V. To provide vulnerability in laws:

As it is rightly said that with the change of time laws should be made vulnerable and needs to be amended and they should be made adaptable according to time. Many terms which are not required in current scenario needs to be deleted. Justice has also likewise said that the arrangements in regards to the Contempt of Court in India are dubious and have unsure limits. Researcher would like to suggest that the equivalent ought to occur in India however imagine that this vulnerability in law can be taken out assuming the rule can give an appropriate and thorough clarification and meanings of these terms which are the purposes behind the vulnerability.⁴¹

Foreign democracies also recognize that contempt is an archaic law and contempt has practically become obsolete there. For example:

- United Kingdom to erase the term outrage the court' under the ambit of criminal hatred.
- In England the term "Scandalising the court" was abolished in 2013
- In Canada - the real, substantial, immediate danger to the administration is the standard of contempt

³⁸ *Id.* at 13.

³⁹ The Contempt of Courts (Amendment) Act, 2006,,No. 6, Acts of Parliament, 2006 (India).

⁴⁰ *Id.* at 14.

⁴¹ *Id.* at 15.

- In American courts expressions of contempt regarding judges or legal matters are not subject to the law of contempt⁴²

With this researcher would like to suggest that certain terms which tends to degrade the law and change of time law should be implemented and changed.

VII. To provide more clarity on “Disdain of Judges” and “Scorn of Court”:

The contempt law is for the maintenance of court proceeding and not to disrupt the administration of justice. This law is for the administration of justice and not for the judges as Individual. But in practical contempt cases are mostly related to ‘Disdain of Judges’ which means Disrespect of Judges by anyone. It is clearly mentioned in the Act that this Contempt law is for Scorn of Court which means Open Disrespect of court i.e. not following the orders given by the court; causing the hurdles for making the delay in judicial proceedings.⁴³

VIII. To Provide provisions for disciplinary action against contempt of court:

The Contempt of Courts Act is not providing clarity under Section 12.⁴⁴ Under this section punishment for contempt is provided. As we know that judges can't work without the help of Advocates and contempt of court is mostly upon the advocates. Judges must treat advocates just as partners as no single person can work alone and these both authorities are complimentary for each other. So researcher would like to suggest that there must be a provision for disciplinary actions which is to be taken before starting the judicial proceedings against the contemnor. Under the Act there is no provision for it , it needs to be amended for proper functioning of the courts as there will be more cases of contempt only .There is an extension for act of spontaneity of reformatory arrangements of the Act and have it more explicit just as another arrangements of Act which are needing improvement. ⁴⁵

IX. To use Rule of Law as touch stone to know Contempt of Court:

Rule of law is the basic principle which is followed in democratic country. Our constitution has adopted this principle as it is said “Law is above all”. No one is above the law and everyone is similar in the eyes of law. This principle has been originated from the French phrase ‘**la principe de legality**’ which means principle of legality. In simple words it can be said that society to be ruled by law not by men. And rule of law means that there are rules which are neutral and adaptable . It has been rightly said by **K. Balasankaran Nair** in his paper **Law**

⁴² *Id.* at 15.

⁴³ *Id.* at 15.

⁴⁴ The Contempt of Courts Act 1971, No. 70 Acts of Parliament, 1971(India).

⁴⁵ *Id.* at 16.

of Contempt of Court in India (2004) that “**Be you ever so high, law is above you**”.⁴⁶

X. To provide clear provision on jurisdiction of court:

In this Researcher would like to suggest that there can be provision in the Act for the proper jurisdiction of the courts to decide the contempt cases. As of today it is up to the discretion of the courts to decide upon the jurisdiction of the case. Sections in the Act doesn't provides proper explanation what that wants to contend. Such as Section 5 in the Contempt of Courts Act it is said fair criticism of judicial act is not contempt but it has not defined what is the fair criticism, it varies from case to case, person to person.⁴⁷

CONCLUSION:

This paper is based upon three main points:

1. That the power to punish for contempt of court is there to enable the courts of law to function efficiently:

With the study of laws it is found that this concept of contempt is not a new concept. In the era of Rajas or Kings this was used in a way as if someone speaks against the decision of king, the person is punished and boycotted. Then during the era of Britishers, Indians were treated as slaves and they make harsh laws and if anyone goes against the decisions of them he is strictly punished. First Contempt of Courts Act came up in 1926 which was during British Rule and this Act was made to follow the laws made by the Britishers. But After Independence and making of the Constitution of India,1950 , Honorable Supreme Court and High Court have been given the power to punish for contempt of itself under Article 129 and 215 respectively. This power is required to function the administration of court efficiently. Also, in 1952 the 1926 Act was repealed and latest Act is of 1971 that is “The Contempt of Courts Act, 1971”. Under this Act of 1971 also power has been given to Supreme Court and High Court to punish for the Contempt. The Hon'ble Supreme Court has the discretionary power to deal with the cases. This is used when someone distracts and disrespect the dignity of court and which in turn will demolish the confidence of people in the judiciary so this is required for proper functioning of courts.

2. That Fair Criticism of Conduct of Judges, the institution of judiciary and its functioning is consistent with Article 19(1)(a) of Constitution of India,1950:

Based on the research this point stands disproved as in our country criticism of any kind is not tolerated and there are number of contempt cases pending under High Courts. There are more number of civil contempt and criminal contempt cases are in less ratio to the civil cases. That's why we can say that even when

⁴⁶ K. Balasankaran Nair, paper *Law of Contempt of Court in India* (2004)(India).

⁴⁷ The Contempt of Courts Act ,1971, No. 70 Act of Parliament,1971(India).

fair criticism is given as exception under Section 5 of the Contempt of Courts Act then also there are so many cases on basis of caste, religion.

‘Fair Criticism’ is not defined anywhere in the Act or any other law. This is interpreted on the basis of their own opinions. The criteria of “Fair Criticism” needs to be explained and to be followed and Right of anyone not to be violated and Fundamental Right to Freedom of Speech and Expression is given to every citizen. Fair Criticism means that it will be based upon the facts and every case to be dealt with according to facts and no one to be treated biased and each person to be punished equally not to be discriminated on the basis of any class, creed or religion. Everyone has the right to freedom of speech and expression and this should not be violated in sake of judges disrespect as individual. Contempt of court has been enacted to protect the administration of justice not for the judges as individual. But in practical cases are more of judges as individual. Now-a-days Court takes suo moto action against the statement which have been circulated in any form of data. Such as Prashant Bhushan case: in this case court took suo moto action against him regarding his tweets which he gave on social media platform.

3. That there is a need for striking a fine balance between freedom of speech and expression on one hand and administration of justice on the other by adopting a more liberal approach in punishing for contempt of court:

On the basis of research this point stands as proved. There is a need for maintaining the balance between Right to freedom of speech and expression on one hand and administration of justice on the other hand. This can be done by adopting a liberal approach in the manner that neither right is infringed nor it hampers the administration of justice. Some terms need to be amended in the Act and legal proceedings should be done after study of facts not to be done ambiguously in haphazard manner. Everyone shall be allowed to enjoy the Right to Freedom of Speech and Expression but he or she shall also be in the limits and not to cross certain limits as it will hamper delay in administration of justice.

The judiciary must recognize the significance of any judicial action being questioned and not treat such criticism as contempt of court.

At last researchers would like to conclude the paper on the note that there is a need for amendment in laws for proper functioning of laws.

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