

1. POWER TO CONTEMPT OF COURT IS A PART OF 'BASIC STRUCTURE' OF THE CONSTITUTION?

Recently, the Supreme Court of India has said that power to punish for the contempt of courts cannot be taken away by any laws. The Contempt of Courts Act, 1971 defines both civil and criminal contempt.

The provision for Contempt of Courts ensures independent functioning of judiciary. It also ensures judicial compliance.

Various acts amount to contempt of courts. For instance, willful disobedience to any judgement of the courts amount to civil contempt. Any act that tends to scandalize or lower the authority of the court or interfere with the administration of justice constitutes criminal contempt.

The court can take suo motu notice and register a contempt case. The Attorney General or the Solicitor General and the Advocate General, may initiate a case of criminal contempt. Private Petition needs consent in writing of the Attorney General or the Advocate General.

However, there is a fine line between criticism and contempt. It is argued that this power to punish for the Contempt of Courts shields judiciary from public scrutiny.



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