Law of Contempt

Why in news?

The proceedings for criminal contempt of court against lawyer-activist Prashant Bhushan have been initiated.

What are the proceedings about?

- Mr. Bhushan is no new to the art of testing the limits of the judiciary's tolerance of criticism.
- The latest proceedings concern two tweets by him,
    1. One comments on the role of some Chief Justices of India in the last six years, and
    2. Another one targets the current CJI based on a photograph.

What do these proceedings highlight?

- They have brought under focus the **necessity for retaining the law of contempt** as it stands today.
- The social media are full of critics who deem it necessary to air their views in many unrestrained and uninhibited ways.
- So, the higher judiciary should not really be expending its time and energy invoking its power to punish for contempt of itself.
- But, a wide latitude should be given to publicly voiced criticism and strident questioning of the court's ways and decisions.

What is the law of contempt?

- There is a dilemma about how India's highest court should react to its outspoken critics.
- The origin of this dilemma lies in the part of contempt law.
- This law **criminalises anything that scandalises** or tends to scandalise the judiciary or lowers the court's authority.
- It may be time to revisit this clause.

Why contempt law should be retained as such?

- Only few would disagree that contempt power is needed to punish wilful disobedience to court orders, as well as interference in the administration of

justice and overt threats to judges.

- The reason why the concept of contempt exists is to **insulate the institution** from unfair attacks.
- It will prevent a sudden fall in the judiciary's reputation in the public eye.
- However, each time the offence of scandalising the court or lowering its authority is invoked, some believe that the court is hiding something.
- In contemporary times, it is more important that courts are seen to be concerned about accountability, and processes are transparent.
- But, the fear of scandalising the judiciary restrains much of the media and public from a more rigorous examination of its functioning.

Source: The Hindu

