Meghalaya HC's Contempt Order - Shillong Times

Why in news?

The Meghalaya High Court held the Editor and Publisher of Shillong Times newspaper guilty of contempt.

What is the case about?

- It relates to the State government's unilateral decision to withdraw certain facilities to retired judges without consulting the court administration.
- After the matter was not resolved on the administrative side for 2 months, the court initiated suo motu proceedings.
- The following court order issued some directions, seeking better facilities for retired judges and their families.
- It called for extending facilities, including protocol services and domestic help, and reimbursing communication bills up to Rs.10,000 a month and a mobile phone worth Rs.80,000.
- Soon, two reports were published in The Shillong Times, criticising the court's directions and calling them “judges judging for themselves”.
- The court thus found the editor and publisher guilty of contempt of court and also imposed a fine of Rs 2 lakh each.
- It ruled that in case of non-payment of the penalty in a week, the two will be imprisoned for six months and the paper “banned”.

Why is the order contentious?

- The court's move seems to be a heavy-handed response to comments in the newspaper on the court’s earlier orders.
- Worryingly, there was an explicit threat in the order to ban the newspaper and jail them if they fail to pay the fine.
- Courts are empowered to decide whether a publication scandalised or tended to scandalise the judiciary or interfered with the administration of justice.
- However, there is no legal provision for an outright ban on it.
- On a different note, the court could have ignored the overzealous comments made by activists or journalists, instead of taking it offensive.
- This would have served the cause of preserving the dignity of the higher judiciary.

- However, in the case of Patricia Mukhim, the Editor of Shillong Times, the court has remarked that the newspaper had always attacked individuals and institutions.
- It had published propaganda calling for bandhs and “was always working against judges and the judicial system”.
- Here, it is open to the court to try a case of contempt in an abstract/summary manner.
- However, the use of personalised views of the publication’s past record to decide on contempt of court is questionable.
- The contempt law must not be used, or seen to be used, to suppress dissenting views in the country.

Source: Indian Express, The Hindu

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