**Contempt of Court**

Anything that curtails or impairs the freedom of limits of the judicial proceedings must of necessity result in hampering of the administration of Law and in interfering with the due course of justice. Contempt of court is an act of disrespect or disobedience towards a judge or court's officers, or interference with its orderly process.

Halsbury defines contempt as consisting of words spoken or written which obstruct or tend to obstruct the administration of justice.

**Contempt of Court in India**

India witnessed the genesis of three legal instruments to reach to the final law on Contempt of Court that is applicable today; **The Contempt of Court Act 1971**. The present Act evolved from the Contempt of Court Act 1926 and the Contempt of Court Act 1952.

**The Contempt of Court Act, 1926**

Basically for defining and limiting the power of the High Court Division in punishing the contempt of court. The fist Indian stature on the law of contempt i.e., the Contempt of Courts Act was passed in 1926. It was enacted to define and limit the powers of certain courts in punishing contempt of courts. When the Contempt of Courts Act, 1926 (XII of 1926) was in existence in British India, various Indian States also had their corresponding enactment. These States were Hyderabad, Madhya Bharat, Mysore, Pepsu, Rajastha, Travancore-Cochin and Saurasjtra.

**The Contempt of Court Act, 1952**

State enactments of the Indian States and the Contempt of Courts Act, 1926 were replaced by the Contempt of Courts Act, 1952 (32 of 1952).

The Act widened the **definition of ‘High Court’** to include **Judicial Commissioner’s Court**; and empowered the **High Court** to intervene in the matter of contempt for itself and for the subordinate court whether committed **within or outside its local jurisdiction**, committed even by someone who is **not subject** to the jurisdiction of the courts mentioned.

**The Contempt of Court Act, 1971**

 It is generally felt that the Contempt of Court Act 1952 is somewhat uncertain, undefined and unsatisfactory. In spite of the improvement made in the Act from 1926 enactment, the act did not define the term ‘contempt’ and ‘what constitute’ it. This created uncertainty and gave very wide power to the judicial officers to interpret the in their own ways. Also, the jurisdiction to punish for contempt touches upon two important fundamental rights of the citizens, namely, the right to personal liberty and the right to freedom of expression. It was, therefore, considered advisable to have the entire law on the subject scrutinized by a special committee.

In pursuance of this, a committee was set up in 1961 under the chairmanship of the late H N Sanyal, the then additional solicitor general. The committee made a comprehensive examination of the law and problems relating to contempt of court in the light of the position obtaining in our own country and various foreign countries. The recommendations, which the committee made, took note of the importance given to freedom of speech in the Constitution and of the need for safeguarding the status and dignity of courts and interests of administration of justice. The recommendations of the committee have been generally accepted by the government after considering the view expressed on those recommendations by the state governments, union territory administrations, the Supreme Court, the high courts and the judicial commissioners.

Further, a joint committee considered these recommendations and prepared the draft of the act on Contempt of Court which was accepted 1971.

The Contempt of Courts Act, 1971 (70 of 1971) was passed by the Parliament in December 1971 and it came into force w.e.f. 24th December, 1971.

Types of Contempt of Court

Contempt takes two forms: [criminal contempt](https://criminal.findlaw.com/criminal-charges/criminal-contempt-of-court.html) and civil contempt. Actions that one might normally associate with the phrase "contempt of court," such as a party causing a serious disruption in the courtroom, yelling at the judge, or refusing to testify before a grand jury, would often constitute criminal contempt of court.

Civil contempt of court most often happens when someone fails to adhere to an order from the court, with resulting injury to a private party's rights. For example, failure to pay court ordered child support can lead to punishment for civil contempt. Typically, the aggrieved party, such as a parent who has not received court ordered child support payments, may file an action for civil contempt.

**Direct and Indirect Contempt**

Contempt of court may be "direct" or "indirect." Direct contempt occurs in the presence of the court - during a court proceeding, for example. Indirect contempt occurs outside the presence of the court.

Civil contempt often occurs indirectly - for example, when a party is ordered to turn over financial records within thirty days but refuses to do so. Indirect contempt is sometimes called constructive or consequential contempt.

**Punishment**

Article 129 and 215 of the Constitution of India empowers the Supreme Court and High Court respectively to punish people for their respective contempt. Section 10 of The Contempt of Courts Act of 1971 defines the power of the High Court to punish contempts of its subordinate courts. Power to punish for contempt of court under Articles 129 and 215 is not subject to Article 19(1)(a).