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Media Law and Ethics

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Introduction Students of media in the today's world have been exposed to a varied option to choose from in terms of their career choice is concerned. With the traditional forms of media such as print, broadcasting, advertisement, movies, etc. the media industry has been exposed to electronic media such as internet and web. Be it any form of media, a student of mass media needs to have a basic understanding and knowledge of media law and code of ethics to be followed. The legal terms such as 'defamation' and 'contempt of court' are essential terms which a mass media needs to have understanding and knowledge about and the provisions of laws in context to media. The professional ethics of this industry are important for the mass media students to understand to establish a clean and honest working environment in the industry. The media today holds a great influencing power on the people, and hence the responsibility of being ethical in the business is evermore increasing for this industry. In this content you will obtain information and knowledge about the historical background of the development of media in India, the constitutional provisions and acts passed for regulating media. Various media law in India their importance and provisions. The need of ethics in print, broadcasting, advertisement and film industry. This content is designed comprehensively and follows a simple approach, keeping in mind the syllabus of the program. It exhilarates interest and is sure to stimulate knowledge among the readers. The purpose is to acquaint the readers with the principle and designing of computer organization and architecture. Numerous figures and tables, key terms help in simplifying learning about the subject. The 'Check Your Progress' section intends the readers to test their knowledge. It is hoped that the language and the content demonstration is coherent to the readers and will enhance their learning in the best way possible. Happy Learning!

1 Module: I Introduction to Indian Constitution

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3 Unit: 01 Indian Constitution Historical Background and Development Structure 1.0 Introduction 1.1 Unit Objectives 1.2 Historical background of Indian Constitution and its development 1.2.1 Various Acts passed under East India Company (British Crown) 1.3 Making of the Constitution 1.4 Salient features of the Preamble 1.5 Fundamental Rights and duties 1.5.1 Fundamental Right – background 1.5.2 Fundamental Duties 1.6 Summary 1.7 Key Terms 1.8 Check your progress 1.0 Introduction The Constitution of India, as it exists today has evolved through a journey filled with hopes, aspirations, struggles, conflicts, debates, discussions, and deliberations and thus it becomes imperative to retrospect this development for a proper understanding of the Constitution. The Constitution is not just a mere document, but it is a reflection of societal consensus and the philosophical mores of the society – the traditional, social, economic, and cultural dimensions all of which is telescoped into the constitution. The Constitution can be looked at from three broad perspectives -the historical perspectives, as history is instrumental in shaping and influencing societal values and norms, the struggle against the colonial regime, and the deliberations in the constituent assembly. This unit covers the historical background and development of the Constitution of India and discussing the features of Preamble, Fundamental Rights and Duties.

4 1.1 Unit Objective After reading this unit you will be able to: ● Trace the historical growth of the Constitution ● Understand the

foundational values of the constitution 1.2 Historical background of Indian Constitution and its development The Constitutional history of India began with the coming of the East India Company to India. The British rule over India changed the course of its history. The East India Company that came to India as a trading company gradually enlarged their sphere of influence by making their way into the internal politics of the local chieftains and the princely states because of the decadence and disunity of the Indian rulers. This gave them access to the political arena of India, and they began to play a direct role in its administration and in the socio-economic life of people, thereby paving the way for colonization and imperial control. The colonial rulers were guided in their administration by sheer selfish imperialistic designs of bringing more and more Indians under British domination rather than affording them any opportunities in self-rule. Slowly and strategically they managed to bring under their control the administration of most of the princely states of India by either direct annexation using force or by giving military support or on the pretext that there was no legitimate heir to these states. As their reach gradually expanded, their policies and reforms got more and more exploitative and repressive, and an atmosphere of dissatisfaction, distrust, discontentment, anger, and resentment grew among the different sections of people and this resulted in revolts, unrest, and uprisings leading to large groups of people coming together strongly against the colonial rulers. People started discovering their unity in the process of their struggle with Colonialism. The sense of being oppressed under colonialism provided a shared bond that tied many different groups together. An interesting feature was that each group felt the effects of colonialism differently, their experiences were varied and their notion of freedom was not the same either. World War II also created a sense of self-assertion in the minds of the Indians and a readiness to take control of its destiny. It was under these circumstances that a need was felt to bring people into a common

5 struggle for freedom that was made possible under the leadership of Mahatma Gandhi and the constitutional campaigns of the Indian National Congress – a party formed in 1885 by Allan Octavian Hume. Gandhiji said – that Indians must shape their own destiny, that only in the hands of the Indians could India become herself – wherein he said that Swaraj would not be a gift of the British Parliament but must spring from ‘the wishes of the people of India as expressed through their freely chosen representatives.’ To Gandhi, Swaraj meant more than independence from the British. It meant both national and personal (for all Indians) self-realization; it meant throwing off foreign ways as well as a foreign rule so that Indians could emerge as masters of their own soul as well as of their political future. The Congress was critical toward the Government policies and asked for reforms to give the Indians their due share they deserved in administrative services, higher political representation in the provincial and central legislatures, provide more opportunities for education and reduction of taxes - to name a few. The Indian National Congress made the demand for a constituent assembly part of its official policy in 1934. What emerged, again and again, was that Gandhiji and the Congress were holding on to their standpoint that India would accept a Constitution drawn from the people and framed ‘without any interference by a foreign authority’. 1.2.1 Various Acts passed under East India Company (British Crown) Whether it was the East India Company or the British Crown that held supremacy over India, they passed various acts from time to time under absolute imperial control without any popular participation to bring about change in the political, administrative and governance system in order to suit their own needs. It is important to revisit them as these were instrumental in shaping the administrative system and paving the way for constitutional development in India with Indian luminaries giving shape to it. 1.2.1.1 Government of India Act 1858 After the British Crown assumed sovereignty over India from the East India Company in 1858, the British Parliament passed the first statute for the governance of India under the direct rule of the British Government – the Government of India Act, 1858. This Act is significant to start with because it was dominated by the principle of absolute imperial control without any popular

6 participation in the administration of the country, but gradually there was a relaxation of imperial control in the subsequent history that finally led to the evolution of responsible government. The essential features of the Government of India Act, 1858 were – (a) Rule of the Company in India ended, and the rule of the Crown began. (b) The administration of the country was highly centralized. The territory was divided into provinces headed by a Governor or lieutenant along with his Executive Council but these Provincial Governments were just agents of the Government of India and had to function under the direction and control of the Governor-General in all matters of the Province. (c) All functions - civil, military, executive, and legislative were vested in the Governor-General who was in turn responsible to the Secretary of State. This was a clear indication that there was no separation of functions which was not a healthy practice as it leads to the concentration of powers at the center. The Governor-General received the title of Viceroy. (d) The Secretary of State who was responsible to the British Parliament had absolute control over Indian administration. (e) The entire administrative machinery was highly bureaucratic, totally away from concern for public opinion.

1.2.1.2 Indian Councils Act 1861 The Indian Councils had some relaxation than the Government of India Act 1858 insofar that the executive council of the Governor which comprised of only official members, now had the provision to include non-official members while transacting legislative matters as a Legislative Council. Though it introduced a grain of popular element, yet it was restrictive as this Legislative Council was not representative. The members were nominated and their functions were confined exclusively to a consideration of the legislative proposals placed before it by the Governor-General. It could not in any matter criticize the acts of the administration or the conduct of the authorities.

7 1.2.1.3 Indian Councils Act, 1892 Two improvements were made upon the preceding state of affairs as regards the Indian and Provincial Legislative Councils by the Indian Councils Act 1892. Though the majority of the official members were retained, the non-official members of the Indian Legislative Council were henceforth to be nominated by the Bengal Chamber of Commerce and the Provincial Legislative Councils while the non-official members of the Provincial Councils were to be nominated by certain local bodies such as universities, districts boards, and municipalities. Indian leaders like G.K. Gokhale, Ashutosh Mukherjee, Ras Bihari Ghosh, and S.N. Banerjee found their way into the Legislative Council. The Councils were to have the power to discuss the annual statement of revenue and expenditure and of addressing questions to the Executive. They could also put questions, within certain limits, to the Government on matters of public interest after giving six days of notice.

1.2.1.4 Indian Council Act 1909 or Morley-Minto Reforms The first attempt at introducing a representative and popular element was made by the Morley-Minto Reforms, known by the names of the then Secretary of State for India – Lord Morley and the Viceroy – Lord Minto, which was implemented by the Indian Councils Act, 1909. The size of the Provincial Legislative Councils was enlarged by including elected non-official members, thereby reducing the official majority. An element of election was introduced at the Legislative Council at the Centre; however, the official majority was maintained. The deliberative functions of the Legislative Councils were also increased by this Act – by moving resolutions on the Budget and on matters of public interest, except certain specified subjects, such as the Armed Forces and Foreign Affairs. One significant element of this Act was that for the first time, it provided separate representation of the Muslim Community and thus sowed the seeds of separatism that eventually led to the partition of the country. This idea of separate electorates for the Muslims was synchronous with the formation of the Muslim League as a political party.

1.2.1.5 Montague-Chelmsford Report and Government of India Act, 1919 The next landmark in constitutional development of India is the Montague-Chelmsford Report which led to the enactment of the Government of India Act, 1919.

8 The nationalists were not satisfied with the Morley-Minto Reforms as it did not aim to establish a Parliamentary system of Government in the country. The Indian National Congress became more active during World War I and started its campaign for self-government, known as "Home Rule" movement. In response to this popular demand, the British Government made a declaration on August 20, 1917 that the policy of His Majesty's Government was that of – "Increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to progressive realization of responsible government in British India as an integral part of the British Empire. (a) Dyarchy or dual government: Responsible government in the Provinces were sought to be introduced by dividing the subjects of administration into two categories – Central and Provincial. The Central subjects were those which were exclusively kept under the control of the Central Government while the Provincial subjects were to be administered by the Provinces. The Provincial subjects were divided into two categories – Transferred and Reserved. The foundation of responsible government was laid down in the narrow sphere of "transferred" subjects as the Governor with the aid of the Ministers responsible to the Legislative Council had administrative authority over the "transferred" subjects. The "reserved" subjects on the other hand were to be administered by the Governor and his Executive Council without any responsibility to the Legislature. (a) Relaxation of the Central control over the Provinces: The separation of subjects of administration into two categories – Central and Provincial gave more powers to the provinces, though as mentioned above – in a restrictive sphere as the control of the Governor- General over Provincial legislation was retained. (b) The Indian Legislature was more representative: The Indian Legislature was made more representative and it was made – bicameral. It was to consist of an Upper House, named the Council of State, composed of 60 members of whom 34 were to be elected, and a Lower House, named the Legislative Assembly, composed of about 144 members of whom 104 were elected. The powers of both the houses were equal, except that the power to vote supply was given exclusively to the Legislative Assembly. Only that the electorates were arranged on a communal basis, as laid out by the Morley-Minto Reforms.

9 In spite of all the provisions for devolution of power to the Provinces, the structure still remained unitary and centralized. This Act fell short of the demands of the people of India and their dissatisfaction led to the agitation by the Congress under the leadership of Mahatma Gandhi for "Swaraj" or "self-government" to be attained through "Non-cooperation". Gandhiji said – "Swaraj (self-governance) won't be a gift from the British Parliament but a declaration of the acceptance of the demands of the people of India which will be granted to us after the British Parliament passes a law regarding it. This declaration will only be an amiable settlement of Indians' long-standing demands in the form of a treaty or an agreement in which Britain will be a party. When this agreement will come in force, the British Parliament will accept the demands of the people expressed through their elected representatives." Gandhiji was against the imperialistic concept of Constitution. 1.2.1.6 The Simon Commission To contain the expanding influence of the national movement, added with the dislocation caused by the non-cooperation movement led the British Government in 1927 to appoint a statutory commission to inquire into and report on the working of the Act of 1919. The Commission was headed by Sir John Simon. As there was no Indian member in the commission, all political parties including the Congress opposed it. One of the results of the Simon Commission was that our national leaders decided to develop a framework for the Indian Constitution. The idea came about in the Madras Convention of Congress in 1927 and a committee with Motilal Nehru as head was constituted that submitted its report in August 1928. The recommendation was based on the recommendation of the all-party convention held in Lucknow. The Muslim League of Muhammad Ali Jinnah rejected it in the December convention. The report had given a framework for the Constitution and it was a milestone in the journey of our Constitution. The Simon Commission reported in 1930 which was considered by a Round Table Conference. A white paper prepared on the result of this conference was examined by a joint Select Committee of the British Parliament and the Government of India Bill was drafted in accordance with the recommendations of the Select Committee and passes as the Government of India Act 1935. 1.2.1.7 Government of India Act 1935 This Act went a step forward in perpetuating the communal discord between the Muslims and the non-Muslim communities by making provisions for separate electorates not only for the

10 Muslims, but also for the Sikhs, the Europeans, Indian Christians and Anglo Indians and thus created a serious hurdle in the way of building national unity, which remained prominent even after the partition of the country. (a) Federation and Provincial Autonomy: While in all other previous Government of India Acts, the Government structure was unitary, this Act provided for a federation taking the Provinces and the Indian States as units. But as it was optional for the Indian States to join the Federation to which they never gave their consent, the federation envisaged by the Act never came into being. (b) Dyarchy at the Centre: This was considered a substantial step towards transfer of power to the Indians. The provincial subjects of administration were divided into two categories – Reserved and Transferred. The executive authority of the Centre was vested in the Governor-General on behalf of the Crown and his function was divided into two categories - for the administration of matters like defence, external affairs and tribal area (Reserved subjects) the Governor-General could act on his discretion with the help of 'counselors' appointed by him who were not responsible to the legislature. While for matters other than the Reserved subjects, the Governor-General was to act on the advice of a 'Council of Ministers' who were responsible to the Legislature. But the Governor-General could act contrary to the advice so tendered by the ministers if any of his 'special responsibilities' was involved. (c) The Legislature: The Central Legislature was bi-cameral while some of the legislatures in the Provinces were bi-cameral and some were unicameral. The legislative powers of both the Central and the Provincial Legislatures were subject to various limitations and neither could be said to have possessed the features of a sovereign legislature. (d) Distribution of legislative powers between the Centre and the Provinces: This is an important provision as the division made in our Constitution between the Union and the States proceeds largely on the same lines. There was a Federal List over which the Federal Legislature had exclusive powers of legislation, a Provincial List over which the Provincial Legislature had exclusive jurisdiction and a Concurrent List over which both the Federal and Provincial legislatures had competence.

11 The allocation of residuary powers of legislation was not vested in either the Central or provincial Legislature, but the Governor-General was empowered to authorize either the Federal or Provincial Legislature to enact a law with respect to any matter which was not enumerated in the Legislative Lists. It must be noted that the "Dominion Status" which was promised by the Simon Commission in 1929, was not conferred by the Government of India Act, 1935. The Government of India Act 1935 was a landmark in the history of India as major provisions of this Act found place in our Constitution. The Government of India Act was certainly a powerful constitutional intervention that the rulers made to accommodate the nationalist demand in a way that fit into their administrative format. Though this Act was an imperialist design, but it unfolded a process towards provincial autonomy which was a long-standing demand from the nationalist for power sharing. It can also be said that this was instrumental in molding the people towards democratic aspirations and this was evident in the debates and deliberations in the Constituent Assembly where the members expressed more faith in the individual centric liberalism as opposed to the Gandhian ideals. 1.2.1.8 The Indian Independence Act 1947 The Changes introduced by the Indian Independence Act 1947 into the structure of government till the drawing up of a Constitution for independent India by the Constituent Assembly gives us the picture of the background against which the Constitution was made. Thus, in pursuance of the Indian Independence Act, the Government of India Act 1935 was amended by the Adaptation Orders in order to provide an interim Constitution to each of the two Dominions – India and Pakistan until the Constituent Assembly could draw up the future Constitution. The following were the main features of the adaptations – Abolition of the Sovereignty and Responsibility of the British Parliament: The Indian Independence Act altered the constitutional provision, "in constitutional theory, the Government of India is a subordinate official Government under His Majesty's Government" by declaring that with effect from the 15th August 1947, India ceases to be a Dependency and the suzerainty of the British Crown over the Indian States and the treaty relations with Tribal Areas also lapsed from that date.

12 The Crown was no longer the source of authority: Till now the Government of India was carried out in the name of His Majesty. But under the Independence Act, 1947, neither of the two Dominions of India and Pakistan derived its authority from the British Isles. The Governor-General and Provincial Governors to act as constitutional heads: The Governor-General and the Governors were to act on the aid and advice of the Council of Ministers.

The words "in his discretion", "acting in his discretion" and "individual judgement" were effaced from the Government of India Act 1935. They now lost extraordinary powers of legislation of passing Acts, Proclamation and Ordinances.

**Sovereignty of the Dominion Legislature:** The Central Legislature of India composed of the Legislative Assembly and the Council of States ceased to exist on August 14, 1947. It was decided that until the Constituent Assemblies of the two Dominions were able to frame their new Constitutions and their Legislature, it was the Constituent Assembly itself which was to function also as the Central Legislature of the Dominion to which it belonged. Thus, the historical background of the constitution of India shows how it developed from absolute imperial control without any popular participation towards gradual relaxation of imperial control to the evolution of a responsible government.

### 1.3 Making of the Constitution of India

The following are the highlights in a chronological order explaining the events that took place before and during the formation of the constitution of India.

- The struggle to determine India's political destiny clearly indicated that India cannot accept a Constitution but that is framed by its own people without interference from the foreign authorities. Gandhiji was against the imperialist concept of the Constitution; he also felt that the goal of freedom could be reached through the path of the Constitution. In a letter, written by Gandhiji, dated 19 November 1939, he had written and expressed his understanding and decision to have accepted the ideas of forming a Constituent Assembly for creating the Constitution that represents the indigenous sensibilities and the aspirations of the people of the country in the truest sense. He in his letter also showed
- 13 faith in Jawaharlal Nehru by stating that more than him it is Nehruji who understood the nuances of democracy.
- In 1963, as president of Congress, Jawaharlal Nehru put forth a well thought out framework for the demand of the Constituent Assembly to attain democracy and freedom. He believed that the demand for a constituent assembly represented a collective demand for full self-determination because only a constituent assembly of elected representatives of Indian people have the right to frame India's constitution, without external interference.
- In 1940, the Coalition Government in England recognized the principle that Indians should themselves frame a new Constitution for autonomous India. Sir Stafford Cripps a member of the Cabinet, in March 1942 was sent to India, with a draft declaration on the proposals of the British Government which were to be adopted at the end of the War, if the two major political parties – Congress and the Muslim League could be in agreement for the following:
  - that the Constitution of India was to be framed by an elected Constituent Assembly of the Indian people;
  - that the Constitution should give India Dominion Status-equal partnership of the British Commonwealth of Nations;
  - that there should be one Indian Union comprising all the Provinces and Indian States; but
  - that any province (or Indian State) which was not prepared to accept the Constitution would be free to retain its constitutional position existing at the time and with such non-acceding Provinces the British Government could enter into a separate constitutional arrangement.
- However, the two parties failed to come to an agreement to accept the proposal.
- The rejection of the Cripps proposal was followed by the Quit India Movement or Bharat Choddo Andolan which was a civil disobedience movement launched in August 1942 in response to Gandhiji's call of immediate independence. Several attempts were made to reconcile the two parties (Congress and the Muslim League) including the Shimla
- 14 Conference held at the instance of the Governor-General, but after all having failed, the British Cabinet sent three of its own members including Cripps himself to make another attempt.
- A Cabinet Mission arrived in New Delhi with the purpose of assisting the Viceroy in setting up in India the machinery by which Indians can devise their own Constitution and in mediating between the Congress and the Muslim League to find a middle path on which the communities could constitutionally be united.
- But the Cabinet delegation too failed in making the two major parties come to an agreement and were, accordingly, obliged to put forward their own proposals, which were announced simultaneously in India and in England on the 16 th May 1946.
- The British Government on December 6, 1946 the British Government published the following statement – "Should a constitution come to be framed by the Constituent Assembly in which a large section of the Indian population had not been represented, His Majesty's Government would not contemplate forcing such a constitution upon any unwilling part of the country".
- For the first time British acknowledged the possibilities of two Constituent Assemblies and two States. On December 9, 1946, another meeting of the Constituent Assembly took place. This meeting took place in the presence of Dr. Satchidananda Sinha, who was elected as the interim president. The essence of his address was that nowhere in this world we need logical provisions and wise agreements more than we need them to frame the constitution of the country as India.
- The British Government by their statement on 20 th February 1947, declared that the British rule would in any case end by June 1948 and they would transfer authority to the Indian hands, but if by that time a fully representative Constituent Assembly failed to work out a constitution with the proposals made by the Cabinet Delegation, then - "His Majesty's Government will have to consider to whom the powers of the Central Government in British India should be handed over on the due date in such a way that seems most reasonable and in the best interest of the Indian people."
- The British Government sent Lord Mountbatten to expedite the preparation for the transfer of power. Lord Mountbatten brought the Congress and the Muslim League into

15 a definite agreement that the two problem provinces of Punjab and Bengal would be partitioned in such a way that it would form absolute Hindu and Muslim majority blocks within these provinces. The League would get its Pakistan minus Assam, East Punjab and West Bengal, while Congress would get the rest of India where Muslims were in minority. ● The British Parliament drafted the Indian Independence Bill which was introduced in Parliament on July 4 and received the Royal Assent on July 18 1947. On July 26, 1947, the Governor-General announced the setting up of a separate Constituent Assembly for Pakistan. The Indian Independence Act provided that as on 15 August, 1947, (this date is referred to in the Act as the 'appointed date') two independent dominions will be set up to be known as India and Pakistan and the Constituent Assembly of each Dominion was to have unlimited power to frame and adopt any constitution and to repeal any Act of the British Parliament, including the Indian Independence Act. ● The Preamble to the Constitution was created afterwards, but the indication of aims and objectives of the Constitution can be found in the Objective Resolution of Nehru that he moved in the Constituent Assembly on 13 December 1946. He had included in the resolution the goals like fundamental rights, federalism, and republic. ● The Objective Resolution was discussed for seven days. Jayakar suggested an amendment on 16 December 1946 in which he appealed to the Constituent Assembly to postpone the discussion on the Objective Resolutions till the members of the Muslim League attend its meeting. But when the League did not change its decision, on 22 January 1947, the members adopted the Objective Resolution. ● The Constituent Assembly in its 10th session on 17 October 1949, adopted the Preamble. It took the Constituent Assembly two years 11 months and 18 months to frame and write the Constitution. It was adopted on 26 November 1949. On 26 January 1950, it became totally effective. On 24 January the Constituent Assembly held its last meeting and it was on this day that they put their signatures on the Constitution. ● The original Constitution had one Preamble, 22 parts, 395 Articles and 8 schedules. Till now 102 amendments have been made and 22 amendments proposed. The preamble to the Constitution has also been amended. The parts have become 25, the Articles 448 and the schedules have gone up to 12.

16 1.4 Salient features of the Preamble The word Preamble, according to its dictionary meaning means, "an introduction to a speech or piece of writing". Being true to that, the idea of Preamble was to express briefly the underlying philosophy of the Constitution. And this need and idea was adopted by the Constituent Assembly after the draft Constitution was approved. There has been only one instance when a change to the Preamble was made since its inception. On 18th December 1976, under the Indira Gandhi government, during the emergency, the 42nd Amendment, also known as the Constitutional Act, 1976 was passed which included the changes made in the Preamble and addition of some new articles and sections into the constitution. The description of Indian under the 42nd amendment was changed from a "sovereign democratic republic" to a "sovereign socialist secular democratic republic", besides this the words "unity of the nation" was also changed to "unity and integrity of the nation". Hence after the 42nd amendment,

The

Preamble to the constitution states: "WE THE PEOPLE OF INDIA, having resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC to secure to all citizens; JUSTICE, Social, Economic & Political; LIBERTY of thoughts, expression, belief, faith and worship; EQUALITY of status and of opportunity and promote among them all; FRATERNITY, assuring the dignity of individual and the unity and integrity of the nation; IN OUR CONSTITUENT ASSEMBLY this twenty six day of November, 1949, do hereby ADOPT, ENACT AND GIVE OURSELVES THIS CONSTITUTION.

It can be clearly stated that the Preamble of the Constitution translates the goals and aspirations of the people of India, into various provisions given in the Constitution of India. The preamble includes the following salient points: ● It is the summary of the Constitution of India. It is considered as the main objective and introduction to the Constitution of India. It is based on the 'Objectives Resolution', drafted and moved by Pandit Nehru. ● The Preamble to our Constitution serves two purposes: o It indicates the source from which the Constitution derives its authority;

17 o It also states the objects which the Constitution seeks to establish and promote. ● It embodies the central values and ideologies on which the Constitution is based on. ● The key terms used in the terms, which highlight the main feature so the Constitution are, SOVEREIGN, SOCIALIST, SECULAR, DEMOCRATIC, REPUBLIC, JUSTICE, LIBERTY, EQUALITY, FRATERNITY. Understanding these terminologies in detail helps in synthesizing the essence of the Constitution. The details of these terms will be covered under a separate section. ● The term "WE THE PEOPLE OF INDIA" indicates and highlights that the founding makers of the Constitution have expressly indicated and stated the fact that they have made this constitution on behalf of the people of India. ● The basic objective of the makers of the Constitution was attainment of a welfare state and an egalitarian society, and this is clearly reflected in the Preamble. ● The words "GIVE OURSELVES THIS CONSTITUTION" in the Preamble reflects and implies the power and sovereignty lies with nobody else but with the people of India. The ideals embodied in the Objective Resolution are well reflected in the Preamble to the Constitution which, as amended in 1976, summarizes the aims and objectives of the Constitution. For a proper appreciation of the aims and aspirations embodied in our Constitution we must turn to the various expressions contained in the Preamble. The same has been explained below through figure 1.1(a) and figure 1.2 (b).

18 The Preamble SOVEREIGN -Absolute independence. -It means the independent authority of a State. It does not owe allegiance to any external power. - The sovereignty rest with the people of India as a whole. SOCIALIST -A belief that for improving a lot of people a little sacrifice demanded from others should be done. Example: Land reforms -Advocacy for social control of all the important natural resources and means of production - Adoption of a mixed economy to promoting co-existence of public and the private sector. -Eliminating irregularity in income. SECULARISM -Our country is not guided by any religion or any religious considerations. -The inclusion of secularism in our Constitution allows all its citizens to preach and practice any religion of their liking, prohibiting any kind of discrimination. - Promoting cohesion among different communities living in India. DEMOCRACY -It implies that the government is elected by the people of India and is responsible to its people and the said government gets its authority from the people of India. -Ours is a parliamentary democracy that means representation of the people, responsible Government and accountability of the Council of Ministers to the legislature. REPUBLIC -It means a government by the people and for the people. -It meant that the state will not be hereditary monarch, but an elected person chosen for a limited period only. Figure 1.1 (a) The Salient features of Preamble

19 1.5 Fundamental Rights and Duties The Fundamental Rights of the Constitution are in general those rights of citizens, or those negative obligations of the State not to encroach on individual liberty. Although the Fundamental Rights primarily protect the individual from the arbitrary and prejudicial actions of the State, yet there were three Articles which were designed to protect individuals from the action of other citizens – like Article 17 abolishes untouchability, Article 15 lays down that no person would suffer any disability in the use of shops, restaurants and other public places on account of his race, religion, caste or religion and Article 23 which prohibits Child labour. The Preamble EQUALITY -All citizens are to be treated equally. -Removing inequalities in social structures and all type of discriminations on the ground of religion, sex, caste, race or place of birth. -Everyone has access to public places and are guaranteed equality of law and equal protection of the laws. FRATERNITY, DIGNITY, UNITY AND INTEGRITY -In a country like India with many disruptive social forces, communal and caste, sectional and denominational, local and regional, linguistic and cultural, the unity and integrity of the nation can be preserved only through a spirit of Brotherhood that pervades the entire country among all its citizens irrespective of their difference. LIBERTY -Democracy is possible only when certain minimal rights that are assured to every member of the society and the Preamble to the Constitution of India mention these essential rights as 'freedom of thought, expression, belief, faith and worship. -Liberty has to be balanced with social restraint and subordinate to the liberty of the greatest number for common happiness. Figure 1.1 (b) The Salient features of Preamble

20 The Fundamental Duties are a novel feature of the Indian Constitution in recent times. Originally, the Constitution of India did not contain these duties. Fundamental Duties in India are guaranteed by the Constitution of India in Part IVA in Article 51A. These fundamental duties are recognized as the moral obligations that actually help in upholding the spirit of nationalism as well as to support the harmony of the nation. as well as of the citizens. These duties are designed concerning the individuals and the nation. However, these fundamental duties are not legally enforceable. Furthermore, the citizens are morally obligated by the Constitution to perform these duties. These Fundamental Duties were added by the 42 Amendment Act in 1976. 1.5.1 Fundamental rights – background Fundamental Rights are the conscience of the Constitution. They have their roots deep in the struggle for independence and their inclusion in the Constitution gives strength to the pursuit of social revolution in India. • The Cabinet Mission laid down in its 16 May Plan that the Constituent Assembly should have an Advisory committee whose duty would be to report to the assembly on: 1. The list of Fundamental Rights, 2. the clauses for the protection of minorities, and 3. a scheme for the administration of the tribal and excluded areas and to advise whether these Rights should be incorporated in the Provincial, Group or Union Constitution. • The Fundamental Rights Sub-Committee met for the first time on 27 February 1947 and had a draft list of rights prepared by Ambedkar, B.N Rau and members of the Congress Expert Committee. During the discussion in this committee an important thing to note is that there was only a little disagreement on the techniques, but not on the principles on which these Fundamental Rights were based as all of them had a common belief of establishing a society that had equality and freedom as its foundational pillars. • The Constituent Assembly was largely concerned with how land and land rights of few could be placed at the disposition of the many for social and economic good for the larger society and by the decision of the advisory committee to remove from private property the protection

21 of due process, the legislature had gained in power at the expense of the judiciary. After much discussion and debate, the right to property ceased to be a fundamental right.

### 1.5.1.1 Features of fundamental rights

The chapter on fundamental rights in the constitution is the most elaborate and detailed one. It not only enumerates the fundamental rights guaranteed to the Indian citizens, but it is also comprehensive and detailed in the treatment of each right.

- It is an integral part of the Constitution, as it reflects the ethos and values of the founding fathers of our Constitution.
- Another feature of these rights is that they are justiciable in the court of law. This means that if any of these rights are violated the individual affected is entitled to move to the Supreme Court or high court for the protection and enforcement of his or her rights.
- A significant feature is that during the declaration of an emergency the president may suspend all rights or any of the fundamental rights as guaranteed in the Indian constitution and the aggrieved party could not approach the court till the Proclamation expires.
- Our constitution draws a distinction between citizens and aliens in the manner of enjoyment of fundamental rights. There are some fundamental rights that are only guaranteed to the citizens of India. While the ones relating to protection of life, freedom of religion, right against exploitation are guaranteed to every person whether citizen or alien.
- The Indian constitution does not formulate fundamental rights in absolute terms. Every right is permitted under certain limitations and reasonable restrictions can be imposed at any time in the larger interest of the community. Article 19 for example guarantees all citizen freedom of speech and expression but it must be exercised with restraint so that the views or opinions expressed must not affect the scrutiny of the state public order, security or friendly relations with foreign States.
- Another feature of fundamental rights is that they are amendable but they cannot be completely abolished as that will violate the basic structure of the Constitution.

### 22 1.5.1.2 Classification of

#### Fundamental Rights

#### Right to Equality

Right to freedom Right against Exploitation Right to Freedom of Religion Cultural and Educational rights Right to property (

omitted by the Constitution Amendment Act .97.) Right to constitutional Remedies Equality before law and equal protection before law – Art 14 Freedom of speech and expression; assembly; movement; residence and settlement; profession – Art 19 Prohibition of traffic in human beings and forced labour – Art 23 Freedom of conscience and free profession – Art 25 Protection of language, script or culture of minorities – Art 29 Remedies

for enforcement of fundamental rights conferred by part III of the constitution –

writs of habeas corpus, mandamus, prohibition, certiorari and quo warranto – Art 32 Prohibition of discrimination on ground of religion - Art 15 Protection in respect of conviction for offences – Art 20 Prohibition of employment of children in hazardous employment – art 24 Freedom to manage religious affairs – Art 26 Right of minorities to establish and administer educational institutions – Art 30 Equality of opportunity in employment – Art 16 Protection of life and personal liberty – Art 21 Freedom as to payment of taxes for promotion of any

23 particular religion – Art 27 Abolition of untouchability – Art 17 Right to education – Art 21A Freedom as to attendance

at religious instruction in certain educational institutions – Art 28 Abolition of titles – Art 18 Protection against arrest and detention in certain cases – Art 22 Let us examine the Fundamental Rights in details: I Right to Equality – Right to

Equality means that all citizens enjoy equal privileges and opportunities. It protects the citizens against any discrimination by the State on the basis of religion, caste, race, sex, or place of birth.

- Equality before law and equal protection before law (Art 14) According to the Constitution, "The State shall not deny to any person equality before law or equal protection of laws within the territory of India. 'Equality before law' means that no person is above law and all are equal before law, every individual has equal access to the courts. 'Equal protection of laws' means that if two persons belonging to two different communities commit

24 the same crime, both of them will get the same punishment.

- Prohibition of discrimination on the ground of religion etc (Art 15) No

Discrimination on Grounds of Religion, Race, Caste, Sex, Place of Birth or

any of them. No citizen shall be denied access to shops, restaurants and places of public entertainment. Neither shall anyone be denied the use of wells, tanks, bathing ghats, roads etc. maintained wholly or partly out of State funds.

However, the State is empowered to make special provisions for women, children and for the uplift of Scheduled Caste, Scheduled Tribes and other backward classes (OBC's). The State can reserve seats for these categories in educational institutions, grant fee concessions or arrange special classes.

- Equality of opportunity in employment (Art 16) Our

Constitution guarantees equality of opportunity in matters relating to employment or appointment to public service to all citizens. There shall be no discrimination on the basis of religion, race, caste, Sex, place birth or residence in matters relating to employment in public services. Merit will be the basis of employment. However, certain limitations have been provided to the enjoyment of these rights. A nine- judge bench of the Supreme Court has in the Mandal Commission Case laid down certain provisions on reservations in Government employment. Article 16(4) makes provision for reservation of backward classes.

- Abolition of Untouchability (17) Article 17 says – "Untouchability is abolished

and its practice in any form is forbidden. The enforcement of any disability arising out of untouchability shall be an offence

punishable in accordance to law. It is an offence to refuse admission to any person to the public institutions; preventing any person from place of public worship; insulting a member of Scheduled Caste on the grounds of untouchability; preaching untouchability directly or indirectly. • Abolition of titles (Art 18) All titles national or foreign which create artificial distinctions in social status among the people have been abolished. This provision has been included in the Constitution to do away with the titles like Rai Sahib, 'Rai Bahadur that were conferred by the British on Indians as a reward for

25 their effective cooperation with the colonial regime. However, to recognise meritorious service rendered by individual citizens to the country or mankind, the President of India can confer civil and military awards on those individuals for their services and achievements such as; Bharat Ratna, Padma Vibhushan, Padma Shri, Param Veer Chakra, but these cannot be used as titles. II Right to Freedom - • Freedom of speech and expression;

Freedom of assembly; Freedom of association; Freedom of movement; Freedom of residence and settlement and Freedom of profession, occupation, trade and occupation.(Art 19) All the above-mentioned rights are not absolute and are subjected to reasonable restrictions imposed by the State in the larger interest of the community. The freedom of speech and expression, for example is restricted in matters related to –

defamation, contempt of court, decency or morality, security of the state, friendly relations with foreign

State, incitement to an offence and maintenance of sovereignty and integrity. •

Protection in respect of conviction for offences (20) This Constitutional provision assures protection against arbitrary arrest and excessive punishment to any person who is alleged to have committed an offence. No person shall be punished except for the violation of law which is in force when the crime was committed. An accused cannot be compelled to be a witness against himself or herself.

No person shall be punished for the same offence more than once. •

Protection of life and personal liberty (21) The Constitution lays down that

no person shall be deprived of his/her life or personal liberty except according to the procedure established by law. It

guarantees that life or personal liberty shall not be taken away without the sanction of law. It ensures that no person can be punished or imprisoned merely at the whims of some authority. He/she may be punished only for the violation of the law. Adopting a liberal interpretation, the Supreme Court has read several rights in Art 21 to make life more meaningful and worth living. Some of them are below – Right not to be subjected to bonded labour and to be rehabilitated after release; Right to livelihood; Right to decent environment; Right to good health; right to food, water, education, medical care and shelter; Prisoner's right to have necessities of life; Right to speedy, fair and open

26 trial; right of women to be treated with decency and decency; Right to privacy; Right against solitary confinement; Right to legal aid, Right against custodial violence; right against public hanging; Right to social justice and economic empowerment; Right of appeal from judgement of conviction. • Right to education (Art 21A) By the 86th Amendment Act of the Constitution a new article 21-A has been added after Article 21 By this Amendment Act, Right to Education has been made a Fundamental Right and has been deleted from the list of Directive Principles of State Policy. According to it, "The State shall provide free and compulsory education to all children of the age of six to fourteen in such a manner as the State may by law determine". It further states that it is the responsibility

of the parent or guardian to provide opportunities for education to their child or ward between the age of six to fourteen years. •

Protection against arrest and detention in certain cases (Art 22) When the State feels that a person is likely to commit a crime or is a threat to the security of the State, he/she may be detained without trial for a limited period. However, no person can be kept under detention for more than three months until permitted by an Advisory Board consisting of persons who are qualified to be appointed as judges of the High Courts. Our Constitution guarantees certain rights to the arrested person. As per the provision, person can be arrested and/or be detained in custody without being informed of the grounds for detention. But he/she has the right to consult and be defended by a lawyer of his/her choice. The accused has to

be produced before the nearest magistrate within a period of twenty-four hours of arrest.

These safeguards however are not available to foreigners as well as to those citizens detained under Preventive Detention Act. III Right against exploitation - • Prohibition of traffic in human being and forced labour (Art 23) Our Constitution lays down certain provisions to prevent exploitations of weaker sections of society by unscrupulous individuals or even by the State.

27 Art.23 says 'Traffic in human beings and beggar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance to law'. • Prohibition of employment of children in hazardous employment (Art 24) Special provisions are made for children in Art 24 which says – 'No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any hazardous employment'. IV Right to Freedom of Religion – India under the Constitution is a 'Secular State' which observes an attitude of neutrality and impartiality towards all religion. The State shall treat all religion and religious groups equally with respect without in any manner interfering with their individual right of religion, faith and worship. There shall be no State religion in India. The State shall neither establish a religion of its own nor confer any special patronage upon any particular religion. • Freedom of conscience and free profession (Art 25) Article 25 gives freedom of conscience and freedom to profess, practise and propagate any religion subject to public order morality and health. • Freedom to manage religious affairs (Art 26) The state may, however, make laws for social establishments and maintain institutions for religion and charitable purposes to manage its own affairs in matters of religion, to own acquire movable and immovable property and to administer such property in accordance with law. • Freedom as to payment of taxes for promotion of any particular religion (Art 27) Under article 27, "no person shall be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination". • Freedom as to attendance for religious instruction in certain educational institutions (Art 28) Even though religious instruction is imparted in educational institutions recognized by or receiving aid from the State, no person attending such institution shall be compelled to receive

28 that religious instruction without his consent or of his guardian (in case of a minor). However, imparting religious instructions in educational institutions wholly provided by State funds is prohibited. V

Cultural and Educational Rights • Protection of language, script or culture of minorities (Art 29) • Right of minorities to establish and administer educational institutions ( Art 30) VI Right to Property

Right to property omitted from Part III of the Constitution by the Constitutional (44 th Amendment)

Act 1978 VII Right to Constitutional Remedies This article describes the last of the Fundamental Rights. Unlike the other Fundamental Rights, it is remedial and not substantive in nature. Article 32 of the Constitution provides a remedy for the enforcement of fundamental rights. The remedy is in the form of specific writs mentioned in the Article or any other appropriate order by the Supreme Court. The Supreme Court shall have the powers to issue directions or orders or writs in the nature of habeas corpus, mandamus, prohibition and quo warranto, whichever may be appropriate for the enforcement of any of the rights contained in this part. The Parliament can also empower any other court to exercise within its jurisdictions all or any of the powers conferred by this part. Dr. Ambedkar referred to this article as the soul of the Constitution. The fundamental right to move to the court for enforcing one's right is described as the cornerstone of democracy. The Constitution under Article 32 empowers the Supreme Court and similarly under Article 225 the High Court to enforce the Fundamental Rights by passing appropriate orders. Only the Supreme Court and the High Courts can issue a writ. It is important to note that the writs issued by the Court cannot run beyond the territories subject to its jurisdiction and the person to whom the High Court is issuing the writ has to also be within the jurisdiction of the court by residence or location. This remedy is a special provision and if the court is convinced that the aggrieved can get remedy elsewhere, it has the discretion to refuse the grant of any writ.

29 1.5.2 Fundamental Duties Article 51-A of the constitution provides 10 Fundamental Duties of the citizen. These duties can be classified accordingly as relating to the environment, duties towards the state and the nation and towards self. However, the main purpose of incorporating the fundamental duties is to encourage the sense of patriotism among the country's citizens. The

international instruments, such as,

the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights

include reference of such fundamental duties. These Fundamental Duties are such commitments that expand to the citizens as well as the state at large. According to the Fundamental Duties, all the citizens should respect the national symbols as well as the constitution of the country. The fundamental duties of the land also intend to uphold the right of equality of all individuals, defend the environment and the public property, to build up scientific temper, to disown violence, to struggle towards excellence and to offer compulsory education. In addition, the 11th Fundamental Duty of the country was added in the year 2002 by the 86th constitutional amendment It states that every citizen who is a

parent or guardian, to offer opportunities for education to his child or, as the case may be, ward between the age of 6 and 14 years. The following are the Eleven Fundamental Duties of every citizen of India: To abide by the Constitution and respect the National Flag and the National Anthem, To cherish and follow the noble ideals which inspired our national struggle for freedom, To uphold and protect the sovereignty, unity and integrity of India, To defend the country and render national service when called upon to do so;

To promote harmony and the spirit of common brotherhood amongst all people of India transcending religious, linguistic and regional or sectional diversities and

to renounce practices derogatory to the dignity of women To value and preserve the rich heritage of our composite culture

30 To protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures

To develop the scientific temper, humanism and spirit of inquiry and reform

To safeguard public property and to abjure violence To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of Endeavour and achievement To provide opportunities for education

by the parent or guardian, to his child or a ward between the age of 6-14 years as the case may be An analysis of the above duties reveals that they are applicable only to citizens and not to aliens. It is expected that a citizen of India, while enjoying fundamental rights, should also perform these duties. Although there is no provision in the constitution for direct enforcement of any of these duties, yet the courts are guided by these duties while interpreting various laws. These duties have sanctity as these are included in the Directive Principles of State Policy. 1.6 Summary • The historical accounts and the freedom struggle have shaped the constitution in a large way. Though much of our Constitutional provisions have been borrowed from various constitutions across the world, yet our Constitution is rooted and clearly reflects the sentiments and aspirations of the people. • Some very prominent and ambitious provisions of the Constitution were those of incorporating representative government through universal adult suffrage. • The Constitution goes beyond it being a mere legal document, but is a reflection of our life – upholding the values and ideals of unity, national integrity, justice, group representation and liberal constitutionalism. • Our founding fathers were convinced and adamant that Fundamental Rights has to find a place in the Constitution.

31 • Fundamental rights have provided an impetus towards changing and rebuilding society for the common good. 1.7 Key Terms: • Egalitarian: believing that all people are equally important and should have the same rights and opportunities in life. (Cambridge University Press, 2020) • Pronouncement: an official or formal statement. (Cambridge University Press, 2020) • Constitution: the set of political principles by which a state or organization is governed, especially in relation to the rights of the people it governs. (Cambridge University Press, 2020) • Legislative Council: one of the two parts of the organization that makes laws in some Australian and Indian states. (Cambridge University Press, 2020) • Council: a group of people elected or chosen to make decisions or give advice on a particular subject, to represent a particular group of people, or to run a particular organization. (Cambridge University Press, 2020) • Salient: Facts about something or qualities about something that are the most important about them. (Cambridge University Press, 2020) • Preamble: An introduction to a speech or piece of writing. (Cambridge University Press, 2020) • Act (LAW): A law or formal decision made by a parliament or other group of people who make the laws for their country. (Cambridge University Press, 2020) • Fundamental: Being the most basic or most important thing on which other things depend.

1.8 Check your progress I Long type Questions: Q1) Briefly explain the various Acts passed under the East India Company that eventually led to the formation of Constitution of India. Q2) Give an account of the events happened during the Simon Commission. Q3) Give a chronological account of the making of the Constitution of India. Q4) What is the Preamble? What are the salient features of the Preamble? Q5) What are Fundamental Rights and Fundamental Duties?

political principles state organization governed especially relation rights people governs parts Indian

32 II Short Type Questions: Q1) What is the difference between Fundamental Rights and Fundamental Duties? Q2) Write a short note explaining the key terms of the Preamble. Q3) What are the features of the Fundamental Rights? Q4) Write a short note on Government of India Act, 1858. Q5) State true or false. i. The Government of India Act was passed in 1861. ii. The influence of the national movement, and the dislocation caused by the non-cooperation movement led to appointment of a statutory commission, popularly known as the Simon Commission, to inquire into and report on the working of the Act of 1919. iii. Fundamental duties are enforceable by Law. iv. The words social and secular were added to the Preamble of the Constitution of India after the 42nd amendment. v. The original Constitution had one Preamble, 25 parts, 395 Articles and 8 schedules. Suggested Readings • Our Constitution by Subhash Kashyap. • [https://en.wikipedia.org/wiki/Constitution\\_of\\_India](https://en.wikipedia.org/wiki/Constitution_of_India) • <https://www.historydiscussion.net/essay/themaking-of-the-indian-constitution/2113> • [https://en.wikipedia.org/wiki/Fundamental\\_Rights,\\_Directive\\_Principles\\_and\\_Fundamental\\_Duties\\_of\\_India](https://en.wikipedia.org/wiki/Fundamental_Rights,_Directive_Principles_and_Fundamental_Duties_of_India)

33 Unit: 02 Directive Principles of State Policy and Provisions for Press Structure 2.0 Introduction 2.1 Unit Objectives 2.2 Directive principles of State Policy 2.2.1 Typologies of Directive Principles 2.3 Article 19 (1A) and Article 19 (2) 2.3.1 Historical background

of

freedom of speech and expression 2.3.2 Scope of freedom of speech and expression 2.3.3

Media as an instrument of expression 2.4 Freedom of

press under Article 19(1)(a) of Indian Constitution 2.4.1 Reasonable restrictions imposed under Article 19(2) 2.4.2

Provisions of emergency and its impact on Media 2.5 Indian Judiciary and Parliamentary System 2.5.1 Origin and

development of parliament system in India 2.5.2 Indian Judiciary 2.6 Press as the fourth estate of Democracy 2.7

Summary 2.8 Key Terms 2.9 Check your progress 2.0 Introduction The inclusion of the Directive Principles of State Policy in our Constitution bears great significance as it reflects the vision of our founding fathers to achieve a society free from the social and economic inequalities which was a reality at the time of independence. The founding fathers

34 knew that political freedom for the country would have no meaning if the starvation and exploitation of the millions did not end and they firmly believed the Directive Principles of State Policy would provide strength in the pursuit of the social revolution in India. They had the hard task to position these principles in relation to individual rights within the framework of a liberal democracy. This unit focuses on connecting the understanding of the students of the Constitution of India with the constitutional provisions related to media, through explaining and understanding concepts such as Freedom of Speech and Expression, Freedom of Press; RTI and right to privacy. This unit also covers the provisions for press and how press acts as a fourth estate of democracy. 2.1 Unit Objectives After reading the unit you will be able to: • Understand the inclusion of the Directive Principles of State Policy in our Constitution • Understand Constitutional provisions related to media in India. 2.2 Directive principles of State Policy Granville Austin considered these directives as a vital constitutional tool to bring about social revolution. He said – ‘By establishing these political obligations of the state, the members of the Constituent Assembly made it the responsibility for future Indian Governments to find a mid-way between individual liberty and the public good, between prescribing the privileges of the few and bestowing benefits on the many in order to liberate the powers of all men equally, for construction of common good’. The primary concern was to build an egalitarian society by inclusion of these principles which would be a guide in governance for public well-being. The Directive Principles of State Policy is integral to India’s policy design. The framing of the DPSP in the Constitution of India has inputs from other Constitutions and the major influence being the Irish Constitution. The Irish too drew influence from the Constitution of Republican Spain which was the first ever to incorporate such principles and can be traced back to such noble declarations as French

35 Declaration of Rights of Men, American Declaration of Independence and Charter of Liberal Philosophy of the 19th Century. The Constitution of Ireland which came into force on 29 December 1937 had made a clear-cut distinction between 'Fundamental Rights' relating to personal rights relating to family, education, private property and religion and 'Directive Principles' which contain social and economic matters. After much deliberation, the Constituent Assembly members incorporated the Directive Principles of State Policy as guidelines or directives for governance. There were some members who were in favour of the DPSP while some others found it not worth pursuing since they were not enforceable. But it was finally agreed that this chapter was necessary to be kept as 'a conscience keeper' for the governance for future India and no Governments can afford to ignore them. The Directive Principles represent some what the pattern of instrument of instruction provided in the Government of India Act, 1935. At the same time, it will be wrong to say that the Directive Principles are all foreign borrowings. In fact, a number of these principles are entirely Indian and Gandhian in nature like setting up of village Panchayat and cottage industries, prohibition, protection against cow-slaughter etc. That these principles were justifiably incorporated in the Constitution, Dr. Ambedkar argued - 'Whosoever captures power will not be free to do what he likes with it. In the exercise of it he will have to respect these instruments of instructions which are called Directive Principles. He cannot ignore them. He may not have to answer for the breach of law, but he will certainly have to answer for them before the electorate at election time. What great value these directive principles possess will be realized better when the force of right contrive to capture power'. It may be also be mentioned that initially these principles were christened as 'the Fundamental Rights of Governance' by the advisory committee on Fundamental Rights and later became the Directive Principles of State Policy.

The Directive Principles of State Policy has been incorporated in Part IV of the constitution spanning across Articles 36 to 51. The

Directive Principles can be understood to have been derived from two broad sources – Gandhian Principles and Socialistic Principles. Some principles drawn from the Gandhian philosophy of equality and upliftment of the poor and downtrodden while some of the principles are drawn from a socialist perspective of creating an egalitarian society.

36 2.2.1 Typologies of Directive Principles There are 16 Articles of the Constitution that deal with the Directive Principles of State Policy spanning from Article 36 to 51. Broadly these Articles can be clubbed under three major categories – Socialist Principles, Gandhian Principles and Liberal-Democratic Principles. Socialist Principles 1. Article 38 Clause 1, 'the state shall strive to promote the welfare of the people by securing and protecting as effectively as it may, a social order in which justice – social, economic and political shall inform all institutions of the national life'. Clause 2 that 'the state shall in particular minimize the inequalities in income and endeavour to eliminate inequalities in status, facilities and opportunities not only amongst individuals but among groups of people residing in different areas or engaged in different vocations. 2. Article 39 To bring about meaningful socio-economic changes, the States shall direct its policy towards securing: a) adequate livelihood for all citizens. b) proper distribution of ownership and control of material resources of the community to sub serve common good. c) an economic system which does not lead to concentration of wealth. d) equal pay for equal work for both men and women. e) protection of the health and strength of workers and avoiding circumstances which force citizens to enter a vocation unsuited to their age or strength or f) providing opportunity and facilities for children and youth to develop in a healthy manner and be protected against exploitation of moral or material abandonment. 3. Article 41 The State shall make effective provision for securing the right to work, right to education, right to public assistance in case of unemployment, old age, sickness and disability. 4. Article 42 The State shall be responsible for making provision for just and humane condition of work; and for maternity relief 5. Article 43 To secure to all workers- agricultural, industrial or otherwise – living wages, conditions of work ensuring a decent standard of life and full employment of labour and social and cultural opportunities. This obligation of the State in this regard was expanded in 1976 with the adoption of the 42nd Amendment Act which suggest that the State shall steps, by suitable legislations to 37 secure the participation of the workers in the management of undertakings, establishments or other organizations engaged in any industries. 6. Article 45 Free and compulsory education for children up to 14 years 7. Article 46 It is the responsibility of the State to promote with special care, the educational and economic interest of the weaker sections of the people, especially the Scheduled Caste and Tribes 8. Article 47 Improvement of Public Health and prohibition of intoxicating drinks and drugs Gandhian Principles 1. Article 40 This Article states that State needs to take steps to organize village panchayats as effective centres of governance. This is to devolve power to the grassroot units of governance. 2. Article 48 This Article states that the State shall endeavour to organize agriculture and animal husbandry on modern and scientific lines and shall in particular take steps for preserving and improving the breeds and prohibiting slaughter of cows and calves and other milch and draught cattle.' Liberal-Democratic Principles 1. Article 44 To secure a uniform civil code through India for the citizens in order to erase social disparities between religious communities 2. Article 49 To make States responsible for the protection of monuments and place and objects of national importance 3. Article 50

To separate the judiciary from the Executive in the public services

of the State 4.

Article 51

The

State shall endeavour to promote international peace and security. The State shall 'maintain just and honourable relations between nations, foster respect for international law and treaty and obligations in the dealing of organized people with one another and encourage settlement of international disputes by arbitration.'

Apart from these three broad classifications, some of these principles are in the nature of ensuring social security and giving directives in shaping the policy of the States. They are - Social Security 1. Article 41 Right to work, to education and public assistance in certain cases

38 2. Article 45 Free and compulsory education for children up to 14 years 3. Article 46 Promotion of educational and economic interests of the weaker section 4. Article 47 Raising the standard of living and improvement of health 5. Article 39 A Equal justice and free legal aid 6. Article 42 Just and humane conditions of work 7. Article 32 (a) Living wage, etc for workers in the management of industries Directives Shaping the Policy of the States: 01 Art 44 To establish economic democracy and justice by securing certain economic rights 02 Art 45 To provide free and compulsory primary education 03 Art 47 To prohibit consumption of liquor and intoxicating drugs except for medical purpose 04 Art 43 To develop cottage industries 05 Art 48 To organize agriculture and animal husbandry on modern lines 06 Art 48 To prevent slaughter of useful cattle - cows, calves, and other milch and draught cattle 07 Art 40 To organize Village Panchayats as units of self-government 08 Art 46 To promote educational and economic interest of weaker sections and to promote them from social injustice 09 48A To protect and improve the environment and to safe-guard forest and wildlife 10 Art 49 To protect and maintain places of historic or artistic interest 11 Art 50 To separate the judiciary from the Executive Art 43B To promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies

39 Non-justiciable Rights of Citizens 01 Art.39(a) Right to adequate means of livelihood 02 Art.39(d) Right of both sexes to equal pay for equal work 03 Art.39(e)-(f) Right against economic exploitation Right of children and the young to be protected against exploitation and to opportunities for healthy development, consonant with freedom and dignity 04 Art. 39(f) Right of children and the young to be protected against exploitation and to opportunities for healthy development, consonant with freedom and dignity 05 Art 39A Right to equal opportunity for justice and free legal aid 06 Art 41 Right to work 07 Art 41 Right to public assistance in case of unemployment, old age, sickness and other cases of undeserved want 08 Art. 42 Right to humane conditions to work on maternity relief 09 Art 43 Right to living wage and conditions of work ensuring decent standard of life for workers 10 Art 43A Right of workers to participate in management of industries 11 Art 45 Right of children to free and compulsory education Directive Principles of State Policy and Constitutional Amendments The Directive Principles of State Policy are conscience keepers aiding the ambitious goals of achieving social and economic equality and Dr. Ambedkar characterized these principles as the harbinger for economic democracy, because if implemented in the true spirit would change the socio-economic texture of society. Despite not being judicially enforceable, the constitutional importance can never be undermined and will remain a yardstick in designing policies to eradicate socio-economic discriminations. There have also been constitutional amendments that need mention as they have brought significant changes in social restructuring of securing a society of equality.

40 The Forty-Second Amendment Act, 1976 This was adopted during the Emergency period (1975-77). Though this was thought to have been brought about to strengthen the rule of this period, yet it was in a way a step towards realization of socio-economic equality. The Forty-Second Amendment was a remarkable piece of legislation with significant constitutional implication for governance as the word 'socialist' was added. Also significant was that an independent clause was added as Article 51A, identifying fundamental duties for the citizens of the country. Most remarkable was the legal stipulation to the effect that the Directive Principles of State Policy were to be privileged in case of a conflict with the Fundamental Rights enshrined in Part III of the Indian Constitution. Two Articles were inserted - Article 39A insists that the State is under obligation '

to ensure that opportunities for justice are not denied to any citizen by reason of economic or other disabilities.

It seeks to translate the ideological goal of making the workers integral to the management of industries. Article 43A follows from Article 39A and creates a legitimate space for the. It was recognized in involving workers in running the industries which was clearly a part of the socialist design of governance. Forty-Fourth Amendment Act, 1978 The importance of Directive Principles of State Policy was once again ascertained with the adoption of the Forty-Fourth Amendment Act, 1978 which was to 'ensure to the people themselves an effective voice in determining the form of government under which they were to live. The Act states – The outcome of this Amendment Act was the insertion of clause 2 which became a part of Article 38 which underlines – The State shall strive to minimize the inequalities in income and endeavour to eliminate inequalities in status, facilities, opportunities, not only among individuals, but amongst groups of people residing in different areas or engaged in different professions. As DD Basu commented- "This innocently-looking amendment is to be read along with elimination of the Fundamental Right to Property." Having paved the way for confiscatory taxation and for equalizing salaries

41 and wages for different vocations and different categories of work, which would usher in a socialistic society even without resorting to nationalization of the means of production'. This Amendment ran contrary to those who supported the right to property. This was not so strongly challenged as it was to attain economic democracy and thus clause 2 of Article 38 became an integral part of the Constitution. 2.3 Article 19 (1A)

and Article 19 (2) "

Give me

the liberty to know, to utter, and to argue freely according to conscience, above all liberties". -

John Milton

The capability to think and speak freely, to be able to attain information from sources such as publications and open public sources, without the apprehension of retaliation, restriction or repression by the government, the soul essence of free speech. Free speech and expression are considered to be the first and foremost condition of liberty. In the hierarchy of liberty, free speech and expression occupies an important position.

In other words,

it can be said that freedom of speech is the mother of all other liberties.

In

today's time, it is believed that freedom of speech is the heart of a free society and hence there is a need to safeguard it at all the times. It is the first principle of a free society that there must be an unrestricted flow of words in any open convention. This liberty of being able to express oneself and their ideas; freely without any restrictions and any fear of punishment; plays a crucial role in the development of the society and of a nation at large, and should not be suspended by any influence or force of any regulatory authorities. The importance of speech can be gauged from the fact that, this one liberty that has been

guaranteed

not only by the constitution or statutes of various states, but also by other international covenants such as Universal Declaration of Human Rights (UDHR), European convention on Human Rights and fundamental freedoms, International Covenant on Civil and Political Rights, etc.

42

In a democratic polity, the freedom of speech and expression is thought as a necessary condition. As mentioned by Kant "The fundamental postulate of liberty, is that, no man can be used as a means as man is an end to him as well as to the others". (Immanuel Kant, 2007) George Bernard Shaw has said, "that our whole theory of freedom of speech and opinion for all citizens rests not on the assumption that everybody was right. But on the certainty that everybody was wrong on some point on which somebody else was right, so that there was a public danger in allowing anybody to go unheard." (George Shaw, 1901) The Article 19(1)(a) of the Constitution of India has been enthroned to the citizen of India capturing the essence of this important feature of freedom of speech and expression. This Article provides all the citizens to raise their voice in matters of importance or otherwise without any restriction within or without irrespective of colour, creed and religion. On one hand Article 19(1) bestows all the

citizens

the

right to freedom of Speech and Expression, Article 19(2) on the

other hand

states

that, "

Nothing in  
this  
clause  
shall affect the operating of any existing law, or prevent the state from making law,  
in  
so far  
as such  
law imposes reasonable  
restrictions on the exercise of the right conferred by the said clause  
in  
the interest  
of sovereignty and integrity of India, securing the State,  
decency and morality  
or in relation  
to contempt of court, defamation or incitement  
to an offence.”

To understand these provisions of these articles and how this extends to media and why the state is justified on imposing restrictions on the media, let us understand the historical background of freedom of speech and expression, its scope and its relationship to media. 2.3.1 Historical background of freedom of speech and expression

The below points lay down the historical events that took place for promoting freedom of speech and expression and attaining a status which it enjoys today: • The first basic pronouncement was given to freedom of expression at the end of the 18 th century. • Freedom to speech and expression is a concept which has its mention and inception in the framework of common law precedents in England. (Dicey, 1959)

43 •

Section 12 of the Virginia Bill of Rights, in 1776, declared that the freedom of the press is one of the great defensive mechanism of liberty.

It made dictatorial governments lose their power and authority to restrain on the Press. • The article II of the French Declaration of the Right of Man and of the Citizen, 1789, affirmed the freedom of opinion as a human right. It declared that the unrestrained communication of thoughts or opinions being one of the most precious right of man. Every citizen may

speak, write and publish freely, provided he be responsible for the abuse of this liberty, in the cases determined by law. (Mahendra P. Singh, 2011) • In the 19th century, the German States guaranteed freedom of opinion in their constitutions within the framework of general criminal laws mostly by express prohibition of subjecting the press to censor. ( Mahendra P. Singh, 2011) • In a conference that convened at Geneva in 1948, by the United Nations on the subject matter of Freedom of Information, attended by 54 nations, passed a series of resolutions.

These resolutions passed during this conference by the United nations ultimately led to the General Assembly of the United Nations to declare Freedom of Information as a fundamental human right. (Subhash C. Gupta, 2007) •

The  
article 19 of the  
Universal Declaration of Human Rights (UDHR) mentions that, “  
everyone

has right to freedom of opinion and expression;  
this right

includes freedom

to hold opinion without interference and to seek, receive and import information and ideas through media and regardless of  
frontiers.” (

United Nations General Assembly Resolution No. 217A (III), 1948) •

The Economic & Social Council of the United Nations, adopted a derivate from Article 19 of the UDHR (1948), in the year 1960 • The provision for accessing the official information by the citizens was first enacted in Sweden. • The enforcement

of

the Rome

Convention for the Protection of Human Rights and Fundamental Freedoms, 1950,

took place on 3<sup>rd</sup> September in the year 1953. It had a particular article, "Article 10" for freedom of expression, which mentions (P.K. Das, 2010):

- o everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.
- o This Article shall not prevent states from requiring the licensing of broadcasting, television or cinema enterprises, and o the exercise of these freedoms since it carries with its duties and responsibilities may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interest of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or right of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of judiciary.

### 2.3.2 Scope of Freedom of Speech and Expression

An indispensable feature with which a democracy runs with is the Freedom of Speech and Expression. It is most essential for any democracy to thrive since it allows its people to express their opinions without inhibitions and restrictions. India being a democratic nation has also been privileged to have its citizens enjoy this feature

of freedom of speech and expression. The constitution of India provides its citizens under the Article 19(1)(a) the freedom to voice their opinion for any matter important or otherwise impertinent to the color, creed or religion of a person, without any restrictions. The assumptions beyond such a freedom is that rationality is above anything and everyone else; and with their own discretion and acumen an individual knows to distinguish between good and bad. Constitutional provisions are never fixed; they are evolving and ever changing and hence a restricted, bookish and precise approach is not appropriate while framing such provisions. A broad phraseology is usually employed by the framers of the constitution while drafting the elements of the constitution such as fundamental rights, to be able to meet the needs of a changing society. The realm and scope of provisions such as fundamental rights, cannot be limited by too perceptive or too bounded approach. Under judiciary of such democratic constituencies, while discussing the scope of freedom of speech and expression, it has been stated many a times that the words of such provisions must be formulated to include the freedom to circulate one's views through various means such as, word of mouth, in writing, audio or visual aids, etc. Thus, allowing the inclusion of the right to disseminate the views of an individual through media forms such as print, radio or television, etc.

### 2.3.3 Media as an instrument of expression

For communicating the thoughts, views, ideas, philosophy, and activities it is crucial to employ the freedom of expression, as it is only the communication that keeps a society collective and cohabitated. It is important that the flow of information and ideas should stream freely for a healthy growth of a civilized world. Media serves as a means for an individual to communicate to other individuals or institution or organization. Though the right to freedom of speech and expression belongs to individuals, but by its nature it extends to institutions and organizations too. Media being a mass communicator holds obligatory responsibility to exercise the freedom of speech and expression and use to promote public good and for sharing the information with people about the state affairs in every sphere of life and activity.

### 2.4 Freedom of press under Article 19(1)(a) of Indian Constitution

Freedom of speech and expression is guaranteed under Article 19(1)(a) of the Indian Constitution and

is extended to all citizens of India, but not expressly mentions anything about the freedom of press. The word 'expression' by its nature presupposes a second party to whom the ideas or opinions are to be expressed or communicated, thus, making the term or phrase 'speech and expression' wider in its meaning. It also, thus, implies that

freedom of speech and expression is inclusive of freedom of press. And by the connotation of the term 'expression', freedom of expression

hence extends to providing freedom to disseminate an individual's views and views of others, by means of ensuring freedom to publish and circulate their and ideas of others. In conclusion, freedom of speech and expression includes the liberty of the press. The American Constitution and Indian Constitution both under their Article 19(1)(a), provides for the provision of freedom of speech and expression. But Indian Constitution doesn't provide for specific provision for the liberty of press, unlike the American Constitution. Press is a medium of publication, thus, freedom of press also extends to freedom of publishing views and thoughts of individual and hence is closely associated with freedom of people and independence of judiciary. The scope of the freedom of Speech and Expression is so wide that it includes the Freedom of Press.

46 2.4.1 Reasonable restrictions imposed under Article 19(2) The underlying principle of Article 19 is to extend the rights regarding freedom to its citizens. Under this Article, every citizen is guaranteed the right to freedom of speech and expression; peaceful assembly of people (without arms and ammunition); be able to form associations or unions; free movement throughout the country; be able to settle and inhabit in any part of the country; be able to pursue any occupation and practice any career. Where Article 19(1) (a) specifically talks about the freedom of speech and expression being bestowed to the citizens of India. In a democratic society, while on one hand it is fundamental to maintain and safeguard the freedom of speech and expression, it is also paramount to put some curbs on the said freedom to maintain social order in the society. Hence to achieve this some reasonable restrictions are imposed under Article 19(2). The purpose to impose reasonable restrictions under Article 19(2) is twofold, i.e., it specifies that the freedom on the rights guaranteed by Article 19(1)(a)

are not absolute; and also, they put a limitation on the power of the legislature to restrict these freedoms.

Under Article 19(2), the expression "in the interest of" extends a wider scope to the permitted law to enact and impose restrictions (reasonable) on the right under the Article 19(1)(a). The three significant characteristics of clause 19(2) are: •

There has to be a law to back the restriction being imposed under this clause. The restriction can be imposed only by or under the authority of law.

An executive action alone cannot impose the restriction till it has a backing of law to impose the restriction. • The restrictions being imposed has to be reasonable. • The purpose of the restriction has to be related to the purpose of this clause. The reasons for imposing restrictions under article 19(2) are as follows: • For the protection of sovereignty and integrity of India. This is ground for putting restriction on the rights guaranteed under the Article 19(1) (a) and has been included under the 16 th amendment of the Constitution, with effect from 6 th October 1963. The founding framers of our constitution did not leave any chance to compromise the sovereignty an integrity of the nation in any way possible. Hence any expression that is detrimental to the sovereignty and integrity of India will be punished by law.

47 • For the security of the state. The freedom of speech

has the objective to provide a platform for free political discussion, if desired but through peaceful means. However, to maintain such opportunity,

existence of an organized government which has the power to assure the exercise of that right is needed. With the power such a government is not able to assure the exercise of freedom of speech but also to be able to maintain and prevent interference to this right. Hence any means of unlawful or unconstitutional nature is not promoted by the State, which threatens to overthrow the organized government. • To maintain public order. To understand this point let us first understand the difference between terms 'public order' and 'public tranquility'. Both the terms may not always be synonymous. Riots, breaches of peace, acts of public tranquility, etc. are covered under the term 'public order'. However, a neighbor playing loud music and partying all night may disturb public tranquility and not public order. The term 'Public Order' is referred to maintaining of law and order at a local level and is distinguished from national uproars, like, revolution, civil disharmony and wars. Similarly, it is also separated from the concept of law and order and of security of State. Law and order, public and order and security of state, are three distinguishable elements and if represent in the form concentric circle they can be distinguished as

Law and order being the biggest circle and the next being public order and the smallest circle being security of the State (

Refer image 2.1). Hence the activities affecting or threatening the law and order, public order or security of state cannot be same. Since the provisions to protect law and order and security of state were already included in the Article 19(2), the need to insert 'public ground' was necessitated protect the peace and harmony being threatened by local breaches. • For maintaining decency and morality. For the upliftment and flourishing of the society, it is imperative to maintain higher standards of decency and morality. Hence the ground the of 'decency and morality' was added in the Article 19(2), to protect and preserve it against the carnal and low instincts of its members. • Contempt of Court. Nobody is allowed to interfere with the course of justice and meddle with the prestige or authority of the court, even an individual's right of freedom of speech and expression can come in the way of justice. Any criticism against judiciary, that tends to create even a slightest of the doubt in the minds of people concerning the integrity, fairness of the judges, would lead to and will be amount for contempt of court. Hence this

48 ground 'contempt of court' was included in the Article 19(2) to protect and

ensure the independence and dignity of the judiciary and the process of justice. •

Defamation. If an individual possesses the freedom of speech and expression, likewise an individual possesses the right to protect its reputation. Hence, using the liberty of speech and expression for damaging the reputation of another person is not accepted. Hence provisions made in law to take action against defamation are not considered as a breach of freedom of speech and expression. 2.4.2 Provisions of Emergency and its impact on Media Our Constitution of India, under its article 352(1), extends the power to the President of India, to announce emergency in the country. This provision allows the President to take a call and declare emergency if the President is satisfied that the security of India or any part of the territory is threatened by reasons such war, internal aggression or disturbance. And hence, another provision in the constitution of India under the article 358 deals with the Suspension of the fundamental rights given in the Article 19, in case of proclamation of emergency. The powers extended by the rights provided in the Article 19 will not restrict the power of the state as defined in the Part III of the constitution to make any law or to make any provisions to contain the situation during the emergency. Article 250 extends dominant powers to the Parliament, while emergency is in force, even with respect to subjects enlisted in the State List. Hence laws made by the Parliament during the emergency in force cannot be challenged on the basis of incompetency of the legislature, even on the effects of these laws on the freedom of press. Hence, during Emergency, no protection on the basis of the constitution is extended to the freedom of the press in India. The Defence of India Act, 1962 is enforced and gets its powers to make laws and regulations to ensure the public safety and interest. Even the control of press and media comes under the purview of this Act. The clause (2) of Sec 3 of the Defence of India Act, 1962 includes the following restrictions imposed on the Press and Media during the Emergency in force (The Defence of India Act Section 3(2), 1962): • Prohibiting the printing or publishing of any newspaper, containing matters prejudicial to the defence of India and civil defence, the public safety, the maintenance of public order, the efficient conduct of military operations

or the maintenance of supplies and services essential to the life of the community.

49 • Demanding security and forfeit of copies if any newspaper contains matter referred to above. • Closing down any press or any premises used for printing or publishing any newspaper. • Prohibiting or regulating the use of postal, telegraphic or telephonic services. • Regulating the delivery otherwise than by postal or telegraphic service of postal articles and telegrams • These rules provide for the control of telegraphs and postal communication. • The imposition of censorship of postal articles, such as letters, newspapers, etc. • The rules also prohibit publication of prejudicial reports.

2.5 Indian Judiciary and Parliamentary System The most powerful social institution and most universal institution is the 'State'. A human life without such institutions will end up in chaos. Amongst various theories on the origin, nature and functions of the constituting elements for state, however the most essential element for the state is mostly the same in various theories. And that element is 'Government'. It is the mechanism through which the state expresses the sovereign element of the constitution. For communicating those elements (sovereignty) the 'Government' has three functional dimensions – law making, law implementing and arbitrating. These functional dimensions are separate organs of Government who work in their specialized fields by coordinating with each other and in control. Such organs, that is organs responsible for law making, implementing and arbitrating, can perform its functions in any type of Government be it: Unitary, Federal, Parliamentary, Presidential Democracy or aristocracy (privileged class government). In India the Parliament controls the Executive, the Executive enforces law and policies and Supreme Court (judiciary) protects the Fundamental Rights and Constitution itself. To gauge better understanding of Judiciary and Parliamentary System let us understand study the origin and development of Parliamentary System and the Judiciary. 2.5.1 Origin and development of Parliamentary System in India In India the Parliamentary System of Government and legislature is obligated to the Indian- British history for its origin and growth. The development of these democratic institutions, and constitutive reforms have been through incessant struggles to obtain freedom from the foreign

50 rule of the Britishers. In another words, the existing system of government in India is a hybrid system, which is a combination of two traditional models: i) The British traditions that focus on the sovereignty and conventions of the Parliament. ii) Holding the supremacy of a written constitution according to the American principles. Both the models are contradictory in nature, one talks about parliamentary sovereignty and the other is concerned with constitutional supremacy. Influenced by both the models, the Indian constitution has imprints of both British and American fundamentals. Hence the Indian Constitution has its individuality in the fact the even with a parliamentary government, Indian polity is not a hundred percentage similar to the British system, since it has the federal fundamentals as well in its constitution, but it is also a fact that it can never be same as American polity, as Parliament in India remains sovereign. Thus, the Indian Polity is one of its kind having no akin to it in the history of the growth of a constitution. A Parliamentary form of government has its own challenges in terms of functionality. Such forms of government have succeeded in few countries only. To run such a form of government a strong executive is needed to be able to balance and control the commotion and unrest of the political life and the challenges of the present world. The Indian Politics had evolved over the time period owing to the revolutionary changes extending and growing the importance of a constituent governance at the national level and yet maintaining legislative federalism at the state level. Parliament in India is considered as the central nerve of all the activities happening at a national level. It is the medium through which the elected representatives of people address the grievances and opinions of people on different issues, probe the functioning of the executive both at the floor of House and through specially created committees for the purpose of the enactment of the laws. The formation of the Parliamentary structure that we have in today's India, stems from the background of the many constitutional historical events that took place. A brief account of the same is shared below. This helps to understand the structure of Governance in India.

- Beginning of Parliamentary Control - Regulating Act, 1773 The Act has its significance in the legislative history of India as it marks the beginning of Parliamentary control over the East India Company Government. This Act led to the division of territories from what it was as 3 presidencies – Bengal, Madras and Bombay in

51 India. This Act focused on bringing integration and administrative centralization in India. This Act also brought clarity to the fact that it was not a personal affair of the East India Company to control the administration of the Indian territories and that the British Parliament had the right to pass laws and instructions for regulating the administration of these territories.

- The Beginning of Legislative Body - The Charter Act, 1833 The Charter Act of 1833 marked the beginning of inclusion of a legislative body in the Government. For all the British territories in India, this Act established a legislative Council, where the Governor General's Government for the first time was known as the "Government of the India" and Governor's Council started known as the "Indian Council". The highlights of this Act included the demarcation of the Governor-General's Council by the separation of executive functions from the legislative functions, by adding a 'fourth' member or legislative member.
- Separation of Powers - Charter Act, 1853 This Act was just an extension of the Charter Act, 1833, with no major changes, except the 'fourth' or legislative member became the full member with the right to vote. This Act also led to the separation of the Governor-General's Council into executive and legislative council by addition of 6 members, which came to be known as Legislative Councilors. The distinction of this Act lies in the fact that unlike its previous charters, this Act did not specify a particular time for the Company's Rule in India. Which would mean that the Company's Rule in India could end at any time by the orders of the Parliament.
- Indian Council Act, 1861 The devolution of the legislature in India, started with the Indian Council Act. It was this Act that brought important changes in legislative machinery in India, both at the Central and provincial levels. The importance of this Act lies in the fact that it laid down the framework of the Government by gradual development and strengthening that framework. The need for establishing such an Act arose from the requirement of extending the cooperation of Indians in the administration of the country. This Act reformed the Council of the Governor General. It gave the authorization to the Governor- General to nominate additional members (not less than 6 and not more than 12) to his

52 Council for legislative purposes. Of which at least half of these additional members had to be non-official. • Formation of the Indian National Congress To process of evolution of a responsible government in India was initiated with the formation of Indian National Congress on 18th December 1885. The formation of the first National organized party in India was proposed when a delegation of about 72 people from all the provinces of India gathered to meet at Bombay. This movement of formation of a National Party began when a retired British Indian Civil servant, Allan Octavian Hume, contacted and seek for cooperation from some of the prominent leaders of the country. Womesh Chunder Bonnerjee was the first President of the Indian National Congress. As stated by him, the objective of this party was to remove the prejudices of race, religion, region, etc., by bringing together leaders from different parts of the country and channelizing their efforts on choosing activities that involve resolving the problems being faced by the country. • Indian Council Act, 1892 This Act hold its significance as it gave the people of India in actual sense the representation in the legislative Council. This Act is considered as the beginning of the Parliamentary system in India. This Act gave more authorization and right to its member to ask questions on public matters, such as budget, etc. It was considered as one of the triumphs for the Indian National Congress since its inception, that the British Government for the first time acknowledged the need of Indian representation in the Councils. The right to be able to raise concern and ask question and obtaining information on important matters, which considered as the elementary rights of any legislature, marked as an important milestone in the formation of a Parliamentary institution. • Indian Council Act, 1909 The Indian Council Act, 1909 is the enactment of the Morley-Minto reforms proposed in the campaign of 1908 by the Congress. The features of this Act included, increase in the number of members in the Council from 16 to 60. Another feature of this Act was Communal representation in the Council, this was considered as the greatest victory of the British policy to gain control over Indians by 'divide and rule'. The appointment of non-official members for the first time was done on the basis of religion for Muslim, led

53 to a separated and discriminatory electoral representation. This system tainted the future public life of India. This Act failed to achieve its purpose of representation of people through non-official members, since it was nullified the non-official members included nominated members. • Government of India Act, 1919 Many important changes in the Indian Constitutional System were introduced by the Reform Act of 1919. The reforms of this Act introduced a bicameral legislature comprising of Council of State (Upper House) and a Legislative Assembly (Lower House), representation through elected majority. The key features of the Mont-Fort report, which formed the basis of the Government of India Act, 1919 were: > Increased involvement of Indians in every department of the administration. > Eventual and steady development of self-governing institutions. The viewpoint of such institutions being the realization of a progressive responsible government in India and making it an integral part of the British empire. • The Government of India Act, 1935 This Act ended the Dyarchy (progressive responsible government) which was introduced under the Government of India Act 1919 and was a step towards the establishment of a federal structure for the Government of India. The salient features of this Act included: > Ending of the provincial Dyarchy and establishment of a responsible government at the center. > Introducing an advisory body in place of the Indian Council which was later on abolished. > Provision for an All India Federation with British India territories and princely states. > Safeguarding the interest and provisions for the protection of the minorities. > Size of legislature was increased, instead of two lists, the subjects (matters such as, land, public health, education, law and order, etc.) were divided into three lists. > The Burma Act for the separation of India from Burma was passed in 1935 and the actual separation took place in 1937. A provision for a new Burma Office, was provided under the Government of India Act 1935. The Secretary of State for India and Burma even after separation remained same, and the first secretary of state to head both the departments was Lord Dundas.

54 • The First Legislature, India Independence Act 1947 The Government of India Act 1935 was modified, and the Governor General made it a provisional Constitution of the Dominion, in the pursuance of the Indian Independence Act. This was a temporary arrangement till no other provision to replace this was not made by the Constituent Assembly. The power of the Governor General to declare ordinance and be a part of the legislature ceased to exist. The only power conferred upon him was to pass ordinances only in case of emergency to sustain peace and for the overall good of the government of the Dominion. The British Parliament as sanctioned by the crown on July 18, 1947 passed the "Indian Independence Act, 1947". This was the last Act of British Government before the partition of British India into two new governments – India and Pakistan which would be given the dominion status. The highlights of the Indian Independence Act 1947, is as follows: > With this Act the British India was split and resulted into two different dominions states: India and Pakistan. > The princely states were declared free to join either India or Pakistan or remain independent. > This Act insured that the Crown had its authority continued in some form or the other. Both the dominions India and Pakistan were to have Governor Generals as appointed by the British King. Under this provision it was not mandatory for the both the dominions to be a part of the 'British Commonwealth of Nations'. > Both the dominions through their constituent assemblies were free to formulate and adopt any constitution for their countries. > Till the time there was no constitution, both the dominions would be governed in accordance with the Government of India Act 1935. > The title 'Emperor of India' could no longer be used by the British monarch, with effect from June 22, 1948. Besides these

important provisions of this act, there were other provisions too, to handle other hurdles, such as the division of joint land between India and Pakistan. • The Constituent Assembly Post the separation of the British India into two dominions and as per the Indian Independence Act 1947, India as a dominion was free to make and adopt any constitution,

55 and for this purpose a Constituent Assembly was formed to frame the constitution. The decisions taken by the Constituent Assembly while drafting the constitution were highly influenced by the Indian polity during the British and the traditions and practices that were followed during that era. The Parliamentary conventions such as the power of the executive and ministerial responsibilities were some traditions that were a part of the Government of India Acts of 1919 and 1935 and hence were well conversant by the Indians. This led to the Constituent Assembly accepting the principle of the parliamentary system, where executive was collectively responsible for the popular house of the Parliament. The draft constitution as proposed by Chairman of the Drafting Committee, B.R. Ambedkar, preferred the parliamentary system of executive over federalism, as it was considered to be more responsible than to being more stable. Even with some unenthusiastic voices against the proposed constitution the popular opinion was in favor of the Parliamentary form of government. And on 26 th January 1950, the Constitution of the Independent India came into force with a parliamentary form of Government. Till the first General Election were held to choose the representatives for both the houses of the Parliament (Rajya Sabha and Lok Sabha), the Constituent Assembly was held as the provisional Parliament of Independent India.

2.5.2 Indian Judiciary There is an integrated judicial system provided by the Indian Constitution with Supreme Court at the apex, High Courts at the middle and District Courts at the local or lower level. The role of Judiciary in India acts as the protector of the Constitution and the fundamental rights of the people. The salient features of the Indian Judiciary include: > It is a single integrated judicial system for the whole of India, > It is an independent institution as provided by the Constitution of India. Provisions such as appointment of the judges, higher

salaries, pension and other benefits for judges, independent establishment for the judiciary, powers and functional autonomy for the judiciary, etc. makes the Indian Judiciary an independent judiciary. > Interpreter of the Constitution.

The

right to provide for

the clarification of the Constitution of India has been given to the Supreme Court. > Supreme Court acts as the guardian of the fundamental rights and freedom of the people. The power of Judicial review provided to the Supreme Court

lets it perform the function

56 of safeguarding freedom for public and protector of the Constitution. The Supreme Court and High Courts has been bestowed with

the power to determine the constitutional validity of all laws and can reject any law which is found to be unconstitutional

in nature. > The Constitution of India provides for there to be a High Court for each state and also the provision for two states by mutual consent to have a Joint High Court. > Supreme Court by the

Indian Constitution provides the jurisdiction in all cases of disputes. It acts as a moderator to handle legal disputes between the Union and States. > Another important feature of the Indian Judiciary is its separation from

the other two organs of the government. It is not considered neither as a branch nor is considered as subordinate to the executive. The judiciary in India completely runs according and solely by the orders of the Supreme Court. > The judiciary in India

is all for open trial. It means that it preaches and provides for equal opportunity to the defendant to defend themselves.

The state also provides free legal aid to the individuals who cannot afford it, thus keeping the judgement fair for all. >

Judicial activism, or in another words an approach for exercising judicial review, has been gaining more and more significance. The judicial decisions and directives by

the Supreme Court has been aimed at protection of public interest and human rights.

The system of Public Interest Litigation has been picking up. The three pillars of the Constitution, legislature, executive and judiciary are to work together and exercise their powers with checks and balances, but without rigidity. The Article 13(2) gives the power to the Supreme Court to exercise the power of judicial review. This Judicial review in India

comprises of three aspects, Judicial review of: > legislative action > administrative action > judicial decisions Judicial

review is considered as one of the fundamental features of the Constitution 2.5.3 Media and the Parliamentary Privileges A democratic polity, like the one in our country, extends the right to its people to know what their representatives, they have elected, do inside and outside of the parliament. Through the media the general public is kept informed about the matters of the parliament. But at times the parliamentary privileges hinder the process of information and arises a conflict between the

57 freedom of press and parliamentary privileges. Parliamentary privileges are the special rights, immunities and exceptions extended to the members of the parliament and their committees, both houses. The inclusion of the concept of Parliamentary Privileges in the Indian Constitution has its influence from the British concept of Parliamentary Privileges, as the members of the drafting committee were greatly influenced by the English patterns of government. In India, these Parliamentary Privileges are provided to the members of the parliament under Article 105 and that of the State Legislatures under Article 194 of the Indian Constitution. The provisions under the clause (1) and (2) of the Article 105 includes states that "there shall be freedom of speech in the Parliament and that no person is to be made liable in respect of publication by or under the authority of either House of Parliament of any report, paper, votes or the proceedings of the Parliament or any committee thereof." Article 194 provides for similar provision in its clause (1) & (2) which applies to the House of State Legislatures. Through these Articles of the Constitution it is made clear that absolute freedom is provided to the committees and the members of the Parliament as well as the State Legislature. However, it is important to note that this privilege is extended only on the proceedings happening inside the parliament. The Media (Press) can't be made liable, in terms of publications, under the authority of either Parliament or State Legislature for any proceeding happening before a court of law. These Parliamentary Privileges hinders the freedom of press while reporting the proceedings of a House of Parliament or functioning of its committees or on the behaviour and acts of a member(s) of the Parliament (both inside or outside of the House). A lot of care has to be exercised by the journalist while reporting the information related to the Parliament proceedings and its members. Parliamentary privileges restrict the freedom of press and while publishing the reports of proceedings of a House of Parliament or of its committees or on the conduct of a member or members inside or outside the House, a lot of caution is required to be undertaken by the press. The Parliament Privileges and their effect on the freedom of press is discussed below:

- Right to Exclude Strangers: With this special privilege the Parliament has the right to exclude strangers. That is the Speaker or the chairperson of the house, under the rules of the House, may order to exclude the stranger from any part of the House, this includes even the media (press) representatives. With this right the Parliament has the right to exclude press from the proceedings of a secret session of the parliament. Under this right the Parliament is empowered to withdraw press cards of any specific journalist in case of any delinquency in the conduct of the journalist.
- Right to restrict the publication of the parliament proceedings: The purpose of this right is to empower the Parliament to prevent the publication of any deceptive or inaccurate report or deleted portions of any proceedings of the Parliament. In India, there is no rule or any standing instruction of the Parliament restricting the publication of its proceedings, unlike there is in England.
- Power to Commit for Contempt: This privilege of Parliament is considered to be the most important privileges of parliament. The effect of such penal power on the freedom of press has to be understood keeping in mind the distinction between the existence of such a power and exercising of that power. The right to fair comment is recognized while exercising of such power. According to the right to fair comment, "nobody would deny the members or a matter of fact any citizen, the right of fair comments, however if a comment pertains to any personal attack on individual members of Parliament or on their conduct in Parliament, or if the language of such comment was vulgar or abusive in any sense, will not be considered within the limits of fair comment.

2.6 Press as the fourth pillar of the Democracy in India "The moment we no longer have a free press, anything can happen. What makes it possible for a totalitarian or any other dictatorship to rule is that people are not informed." -Hannah Andret

Figure 2.1 The four pillars of Democracy

59 The above quoted statement by the German-American philosopher and political theorist Hannah Andret, sums up how important is the role of media in creating awareness in the people of a country and hence contributing in the development of the nation and bringing change in the society. Media's role in any form of the governance is important, but in a democratic setup its relevance and importance increase even more. Legislature, the Executive and the Judiciary are considered as the three pillars of our democracy, but there is another pillar that supports the democracy that we stand on today and i.e. Media (Press). Democracy by its definition is considered to be a governance of the people, by the people and for the people. One of advantages of the democratic system is the extension of freedom of speech and expression to all its citizens.

Hence, for a democratic nation to operate in its full potential, needs a free flow circulation of dependable information on public matters. Thus, the role of mass media in a democracy. Media hold the power of being able to uplift a nation by supporting and contributing to the development of the nation or it can create disorder and chaos in the society, if the media is not responsible. People in a democratic polity want to know about the work being done by the government institutions. Like, in India, people need to be aware about the work done by the three organs, i.e. Legislature, the Executive and the Judiciary, for the welfare of the people. And a similar expectation is of these institutes to capture the reactions of people on the work being done by them. Hence the role and purpose of Media is that of an arbitrator and bridge the gap between the people and the government. Thus, in this sense, the Press is considered as the fourth pillar of the Democracy. 2.7 Summary • The primary purpose of the Directive Principles and State Policies was to build an egalitarian society by inclusion of these principles as a guide in governance for public well-being. • The Directive Principles can be understood to have been derived from two broad sources – Gandhian Principles and Socialistic Principles. Some principles drawn from the Gandhian philosophy of equality and upliftment of the poor and downtrodden while

60 some of the principles are drawn from a socialist perspective of creating an egalitarian society. • Despite not being enforceable in the court of law, the Directive Principles of State Policy remain one of the fundamental pillars of constitutional democracy. • Several judicial pronouncements have time again established that Fundamental Rights and the Directive Principles of State Policy are nothing but integrated Constitutional schemes for realizing the cherished ideals of the Preamble. • The forty-second Amendment Act of 1976 was most crucial in charting a different course for the Directive Principles of State Policy. Both these Amendments privileged these principles over the Fundamental Rights in case of a clash between them. • Although there is no provision in the constitution for direct enforcement of any of Fundamental Duties, yet the courts are guided by these duties while interpreting various laws. These duties have sanctity as these are included in the Directive Principles of State Policy. • Free speech and expression are considered to be the first and foremost condition of liberty. • The Article 19(1)(a) of the Constitution of India has been enthroned to the citizen of India capturing the essence of this important feature of freedom of speech and expression. • Media serves as a means for an individual to communicate to other individuals or institution or organization. • Media being a mass communicator holds obligatory responsibility to exercise the freedom of speech and expression and use to promote public good and for sharing the information with people about the state affairs in every sphere of life and activity. • In a democratic society, while on one hand it is fundamental to maintain and safeguard the freedom of speech and expression, it is also paramount to put some curbs on the said freedom to maintain social order in the society. Hence to achieve this some reasonable restrictions are imposed under Article 19(2). • The purpose to impose reasonable restrictions under Article 19(2) is twofold, i.e., it specifies that the freedom on the rights guaranteed by Article 19(1)(a) are not absolute; and also, they put a limitation on the power of the legislature to restrict these freedoms. • The provision in the constitution of India under the article 358 deals with the Suspension of the fundamental rights given in the Article 19, in case of proclamation of emergency.

61 • The role of

Judiciary in India acts as the protector of the Constitution and the fundamental rights of the people. • People in a democratic polity want to know about the work being done by the government institutions. Like, in India, people need to be aware about the work done by the three organs, i.e. Legislature, the Executive and the Judiciary, for the welfare of the people. And a similar expectation is of these institutes to capture the reactions of people on the work being done by them. Hence the role and purpose of Media is that of an arbitrator and bridge the gap between the people and the government. Thus, in this sense, the Press is considered as the fourth pillar of the Democracy. 2.8 Key Terms • Christened - To use something for the first time. (Cambridge University Press, 2020) • Polity - A society or state considered as a political unit. (Cambridge University Press, 2020) • Democratic - Using the principles of democracy in elections and government. (Cambridge University Press, 2020) • Pronouncement - An official announcement. (Cambridge University Press, 2020) • Realm - An area of interest or activity. (Cambridge University Press, 2020) • Governance - The way that organizations or countries are managed at the highest level, and the systems for doing this. (Cambridge University Press, 2020) 2.9 Check you progress I Long type Questions: Q1) What was the purpose of including Directive Principles and State Policies in the Constitution? Q2) Briefly explain the three categories of the Directive Principles. Q3) "Media is a medium of expression", justify this statement? Q4) What restrictions are imposed under the Article 19(2) of the Constitution? Q5) How does the freedom of press is restricted by the Parliamentary Privileges?

society state considered political unit principles democracy elections government official announcement area interest activity organizations countries managed highest level systems

62 II Short Type Questions: Q1) Which Parliamentary Privileges affect the Freedom of Press? Q2) Why is Media considered the fourth pillar in Indian Democracy? Q3) What are the salient features of the Indian Judiciary? Q4) Write a short note on development of the Indian Constitution. Q5) State true or false. i. The Directive Principles drawn from the Gandhian philosophy focused on the equality and upliftment of the poor and downtrodden. ii. The reasons for imposing restrictions under article 19(1) are for the protection of sovereignty and integrity of India. iii. Free speech and expression are considered to be the first and foremost condition of liberty. iv. Press is considered as the third pillar of the democracy. Suggested Readings • Media Laws and Ethics, M. Neelamalar, Phi Learning Private Limited, 2010. •

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64 Module: II Media Laws

65 Unit: 03 Historical evolution of Media and Press Laws in India Structure 3.0 Introduction 3.1 Unit Objectives 3.2 History of Media and Press in India 3.3 Beginning of Vernacular Press in India 3.4 Press in India after 1900 3.5 Press Post Independence 3.6 Summary 3.7 Key Terms 3.8 Check your progress 3.0 Introduction The advent of media and need to circulate information and news to the people is a concept which is not new, it dates back in the history. This unit focuses on the development of Media from a time when the media was highly censored and there was no liberty to express opinions on a public platform, to a new age of media where anyone and everyone enjoys the freedom being able to express their opinions. The focal point of this unit is on the formation and development of regulations of press in India, by discussing the various acts passed over the period of time. 3.1 Unit Objectives After completing this unit, the students will be able to: • Understand the evolution of Print media in India • The various acts passed that led to shaping the Press we have today 3.2 History of Print Media in India The word 'media' is plural of the term 'medium', and in this context refers to several mediums of communication, like, television, radio, newspaper, etc. And mass media by its definition is that

66 section of media that is designed specifically to reach larger audience. The term "Mass Media" was first coined in the year 1920s. The term 'Mass Media' is used as a collective noun including press or news agencies. Any form of storage used for transmitting information and content for the general public, in the field of communication, is considered as a part of mass media. The system of Mass Media varies in each part of the world. The distinguishing features like economy, polity, religion and culture varies in each society and hence the system of Mass Media is different in different cultures of the world. For example, a communist and totalitarian polity, such as China or USSR, had imposed limitations on what would be said about the government in the media, to censor any information in opposition to the State, that might lead to a revolution was stopped from circulating in the public. Whereas no such limitations are imposed on press in a democratic polity, as liberty is extended to the press with reasonable restrictions. India being a democratic polity, has a long historical background and has its roots in the colonial era where India was under the rule of British. A brief account of the same is shared below: • Printing press was brought to India by Vasco de Gama in 1557 for the purpose of printing religious books. • The first printing press the East India Company was established in Bombay in 1674. However, the first official press was installed in Calcutta in 1779. • The first Indian newspaper was published by James Augustus Hicky titled Bengal Gazette or Calcutta General advertiser on 29 th January 1780. • The first newspaper to be published in Madras was in the year 1785 by the name "Madras Courier". And in few years in 1791 in "Bombay Herald" also known by another name "Bombay Gazette" was published in the Bombay. • During those periods there were strict restrictions imposed on the publications and all had to abide by the rules of the authorities. When these publications attacked the authorities, they have to face the wrath of the authorities and consequences led to them bearing heavy losses. In certain case, such journals or publications bearing heavy losses, when couldn't bear those loss seek for the patronage of government and resulted being a government paper.

67 • Censorship of Press Act-1799, Lord Wellesley: To suppress the voice of rising editors, certain new rules were laid down to fetter the press by the then Governor General "Lord Wellesley" on May 13, 1799. These rules were: o Every newspaper to bear the name of the printer, that is it should have the name the editor and proprietor. o Every editor and proprietor of the newspaper to communicate their name and address to the secretary to the Government. o Restriction on printing paper on Sunday were imposed. No paper was allowed to be published on Sunday. o Censoring the newspaper. No newspaper was to be published till it was inspected by the censor appointed by the government. o The penalty for the violating any of above rules led to an immediate embarkation to Europe. o Publication of matter relating to subjects such as "public credits" were prevented. • The above rules imposed by Lord Wellesley had its justification on the grounds of emergency so meet the desired need of maintaining the power. • Lord Hasting succeeded Lord Wellesley and became the Governor General in 1813. His treatment towards Indian Press was a bit lenient. His thought process of being benevolent towards the press as he considered that freedom of press is the most effective way to safeguard the government and efforts of James Silk Buckingham and Raja Ram Mohan Rai who played an important part in establishing the foundation for the freedom of press in India. • For almost 20 years, from the time of Lord Wellesley to Lord Minto, due to control of press and strict censorship there was no growth in the newspaper press. • After the succession of Lord Hasting from Lord Minto there was a swing of relaxation on restrictions from strict control of press. • Censorship was abolished in 1818. But to appease the directors in England certain prohibitions were put on publication of any material coming under the following heads: o

Animadversions on the measures and proceedings of the Hon'ble Court of Directors, or other public authorities in England connected with Government of India, or disquisitions on political transactions of the local administration; or 68 offensive remarks leveled at the public conduct of the Members of Council, of the judges of the Supreme Court, or of the Lord Bishop of Calcutta. o Discussions having a tendency to create alarm or suspicion among the native population or any interested interference with their religious opinions or observances. o The republications, from English or other newspapers, of passages coming under any of the above heads or otherwise calculated to affect the British power or reputation in India. o Private scandals and personal remarks on individuals, tending to excite dissension in society. • The imposition of

restriction on the press depended on the personality and values of the individual in power. Hence post Lord Hasting when John Adam succeeded the office of Governor, he again imposed restriction on the press. And this time the restriction was even more comprehensive and stringent. These restrictions or regulations were also known by the name of Adam's Gag in the history of Indian Journalism. The highlights or the main provisions of this Act included: o Prohibition of the printing of books and papers and the use of printing presses without a license. o Penalty for infringement was a fine of Rs.1,000 commutable to imprisonment without labor for a period of not more than six months. • The difference in the attitude towards the press depends on the personality and values of those in power, this fact can be justified by the difference in the attitude of the different Governor -Generals in power in different years. From Hasting to John Adam to James Buckingham, Indian Journalism went through the different swing of freedom of press to stringent regulations to being absolutely ruthless and extending the hand of freedom to uncover the truth and keep a check on the irresponsible government. • With Lord Metcalf taking the charge of the Governor's office, the Indian Press stringent regulations got a breather of liberalization. His views on freedom of press and efforts led to the passing of the Press Act 1835, the most liberal Act so far in the history of Indian Press. It was this Act that abolished the licensing regulation imposed in 1823 by John Adam during his tenure as a Governor-General.

69 • A revolt (also known as Mutiny) broke out in 1857 against British rule. This revolt was considered the last armed attempt to throw out the British out of India. This again brought back the licensing regulation to impose restriction on the publication and circulation of book, newspaper or printed matter. • Press and Registration of Book Act 1867, another act which was another landmark in the history of Indian Press. The aim of this Act was to regulate the press and not restrict it. It was purposed to keep the Government informed of all the actions of the Press. Each newspaper was to publish the name of the publisher and the place of publishing and copy of publication was to be submitted to the government within a month.

3.3 Beginning of Vernacular Press in India After the mutiny of 1857, the Indian Press took a new turn. The aspirations and approach were more nationalistic in character. The beginning of Vernacular press was not only a turning point in the history of India but also it was milestone in turning the thought processes and mindsets of the people of India, through transfer of knowledge and introducing new concepts of customs and traditions that were more socialist and global in nature. The importance of vernacular press can be accessed from the fact that it appealed directly to the masses and spoke their own language. The first Vernacular newspaper was by a prominent personality Raja Ram Mohan Roy in Bengali and Persian languages. Raja Ram Mohan Roy used his journals to draw the attention of

Indians and spread awareness about the controversial social and political topics of that period. This led to awakening of the general public towards national issues. Some of his work included Sambad Kaumidi and Mirat-ul-Akhbar. The publishing of Sambad Kaumidi included news related to births, marriages and deaths, reporting Indian and global events, articles on themes of religious and social reforms, travelogues, and shipping and commercial news. Whereas, Mirat-ul-Akhbar a weekly Persian publishing focused more on international affairs. Soon this generation of public awakening spread to the rest of the India strengthened national consciousness. This awakening further resulted in the formation of citizens' associations which had people from different walks of life, such as lawyers, teachers, etc. The emergence of vernacular press brought forward an unseen side of India which the Britishers had only faintly anticipated. As the role of the vernacular press increased in the struggle against the British, hence 70 restrictions were imposed on the freedom of the vernacular press. This growth of the Indian languages press made the government uneasy. This resulted in a strong opposition from the officials towards the language press. Hence came up the Vernacular Press Act 1878, which was the most restraining measures taken by the government against the Indian press.

The provisions of the Act included: • This Act gave the district magistrate the power to summon any printer and publisher of any vernacular

press and enter into a bond undertaking with the Government. This was to inhibit the press to cause any disaffection against the government. • The decision or action of the magistrate was deemed final and no appeal could be made in the court of law to challenge it. • The

vernacular press could receive exemption from the operation of the Act by submitting proofs to a government censor. • The

magistrate could give warning to the vernacular newspaper and also forfeit their security. The two major and most repressive feature of this were: a. The discrimination between English and vernacular press b. No right to appeal The Act was nicknamed "the gagging Act". This repression caused on the vernacular press by this Act further agitated the Indians and acted as a catalyst in the rising Indian Independence movement. However, this Act eventually was repealed by Lord Rippon in the year 1882. 3.4 Press in India after 1900 The beginning of the new century observed a growing national consciousness encouraged by the growing number of the newspapers especially vernacular papers. However, a clear distinction could be seen between the Indian and Anglo-Indian papers. Where the former supported the Indian opinions and views of nationalism and the later supporting the measures and policies of the Government. And similar discrimination was observed in the attitude of the government towards these papers, where the Anglo-Indian paper received favoritism of the government and Indian papers getting opposed.

71 However, there was clear shift from the control of the press (censorship) to imposition of restriction to regulate the press. With Lord Curzon becoming Viceroy of India in 1899, such restrictions could be seen coming into action, with the Official Secret Act 1903 being passed. The aim of the Act was to curb the freedom of the press. Even the Anglo-Indian papers joined the Indian papers in opposing this Act. Another decision taken by him in his tenure without considering the public opinion was the partition of the province of Bengal in 1905. This further rose to the agitation and made the anti-partition movement of Bengal a national issue. The succession from Lord Curzon to Lord Minto in such a turbulent and tense situation led to further expansion of the scope of the Press Act. Thus, he passed the Newspapers (Incitements to Offences) Act 1908, which empowered the authorities to take judicial action against the publisher of any paper that published any matter inciting rebellious views against the government. The rising violence in different parts of the country post partition of Bengal and assassinations of Britishers led to a threatening situation. To handle the situation, the Indian Press Act of 1910 was passed to increase and empower the government to have more control over the printing presses and publishers. This Act extended the power to the magistrates: • To impose and renounce the security deposits from the publishers of newspapers and keepers of the presses. • The provisions of this act also included the power given to the magistrates to authorize searches and to declare printing presses and newspaper copies released to the government. • It also included the prohibition of transmission of copies of newspapers, supposed to have any objectionable matter, via post. • The most brutal provision of this Act was the requirement of depositing of security of Rs 500 to Rs 2000 by the proprietors who had made a declaration under the 1867 for the first time, unless it was waived by the local magistrate. • Customs and postal authorities were authorized to detain and search suspicious mail. • Newspapers of those publishers who had failed to deposit securities could also be seized. • The measure also authorized the local Government to confiscate any newspaper, book or printed document which continued to print prohibited materials.

72 An alternative judicial review was also restricted, the only exception being an appeal to a special bench of high court judges who could decide if the matter objected was the kind as defined in the Act. This provision of restricted judicial review was vigorously enforced. The Central Legislative Assembly on the recommendation of a committee appointed to investigate press legislation in the year 1922, repealed the Newspaper (Incitement to offences) Act of Press Act of 1910. The period from 1926 – 1931 with Lord Irwin as the Viceroy of India, experienced a great turbulence. During this period many activities such as proclamation to give dominion status to India by British Government and rebuttal of Indian National Congress for complete national independence. Such movements that supported the idea of complete national independence led to a great turmoil in the country and thus increased the involvement of government with greater control and restrictions on the press. Hence, the 1930 Indian Press Ordinance, similar to the 1910 Press Act, for a better control of the press was passed by the British Government. Lord Willington succeeded Lord Irwin and in April, 1931 became the Viceroy of India. His attitude was unsympathetic towards the Nationalist Movement, he took stringent steps to suppress the Civil Disobedience Movement and declared Indian National Congress illegal. Another of his repressive measures included the Indian Press (Emergency Powers) Act of 1931. This Act gave similar powers, as in the 1908, 1910 and 1930 legislation, to the local magistrates to require (at their discretion) to deposit security up to Rs. 1000. It empowered the local government to take action against any publisher or printer suspected of printing or releasing any objectionable material which could lead to incitement to commit crime. It also empowered the government to be able to declare securities for forfeit and to be able to demand additional security. Another power extended to the magistrates under this Act was to issue a warrant for searching the properties where there is suspicion to store copies (for distribution) of newspapers and books which were declared forfeit. The purpose of this Act was to hinder the Nationalist Movement by prohibiting the printing of names of the prominent leaders of the movement and also the notices or announcements of meetings of the Congress Party or any other political events. With the beginning of World War II, it became necessary for the Government to pass Defence of India Act, which strengthened the authority of the Central Government to deal with objectionable

73 material. A censorship machinery began to operate in each province with a Chief Censor, a director of public information, and advisory committees. Around the time close to 1945, with the war coming to an end and with suggestive hints about India getting freed soon, made the continuation of censorship and repression meaningless. Thus, as the war coming to end also marked the ending of most of the controls on the press. To sum up it can be concluded that the evolution of Indian press was filled with developmental difficulties, illiteracy, colonial constraints and repression. In the course of evolution of the Press, the feeling of nationalism was promoted. 3.5 Press Post Independence After getting independence from Britishers on August 15, 1947, the Government of India appointed a committee called 'Press Enquiry Committee, 1947' to examine

the existing

press laws in the light of fundamental rights formulated by the Constituent Assembly.

In its recommending report (May 1948), the committee suggested to scrap the Indian States (protection) Act, 1934, the Indian Press (Emergency Powers) Act, 1931, and Foreign Relations Act, 1932 and to replace these Acts with a new comprehensive legislation. It also suggested to make amendments in Press and Registration of Books Act and make modifications in the Sections 124- A and 156-A of the Indian Penal Code. However, a recommendation of retention of the Official Secret Act, 1923 was made by this committee. During the drafting of the constitution by the Constitution Drafting Committee, it was made clear that

the freedom of press would be included in the freedom of speech and expression.

But post- independence the circumstances in the country were not favorable, as the partition of the country on communal grounds led to hatred and suspicion between Hindu and Muslims, the two major communities. In this scenario even the press was also not left unaffected from this menace. To handle the situation the government took the following steps: 1. Constitutional amendment in 1951 which included the following three provisions to be added under Article 19 (2) as reasonable restrictions: (a) friendly relations with foreign states; (b) public order, and (c) incitement to an offence.

74 2. Passing the 'Press (Objectionable Matters) Act, 1951: The provisions of this Act were similar to the legislation passed during 1910 and 1931. However, the Act was lapsed because of the hue and cry raised over the Act by the aggrieved owners of the Press. Post the agitation raised by the owners of the Press, in 1952 a Press Commission was appointed by then Prime Minister of India Pt. Jawahar Lal Nehru. The reporting's of the commission favored the emergency legislation and condemned the incorporation of the provisions of the Act of 1951 in the Indian Penal Code. The commission also recommended the establishing of an All India Press Council for fixing the problem of press such as, improvement in the working conditions, salary and benefits for the journalists, fixing the press-page schedule system for newspapers, strict code of advertisements, etc. Post this some other Acts were also passed including: • Delivering

of Books and Newspapers (Public Libraries) Act, 1954 • The Working Journalists (Conditions of Services) and Miscellaneous Provisions Act, 1955 • The Newspaper (Prices and Pages) Act, 1956 • Parliamentary Proceedings (Protection of Publications) Act, 1960 •

Civil Defence Act, 1968 • Press Council Act, 1978 The above discussion makes it clear beyond any doubt that there has been no smooth sailing for the press from the earliest times. It has been tested time and again by different kind of laws which were felt necessary in pre-independence as well as in post - independence era by different regimes at different times. Nevertheless, press has survived on account of its sheer determination to stand against all odds. 3.6 Summary • India being a democratic polity, has a long historical background and has its roots in the colonial era where India was under the rule of British. • The first printing press the East India Company was established in Bombay in 1674. However, the first official press was installed in Calcutta in 1779.

75 • The first Indian newspaper was published by James Augustus Hicky titled Bengal Gazette or Calcutta General advertiser on 29 th January 1780. • The first censorship act was passed by Lord Wellesley in 1799 to suppress the voice of rising editors, by imposing certain new rules to fetter the press. • For almost 20 years, from the time of Lord Wellesley to Lord Minto, due to control of press and strict censorship there was no growth in the newspaper press. • After the succession of Lord Hasting from Lord Minto there was a swing of relaxation on restrictions from strict control of press. • Censorship was abolished in 1818. • After the mutiny of 1857, the Indian Press took a new turn. The aspirations and approach were more nationalistic in character. The beginning of Vernacular press was not only a turning point in the history of India but also it was milestone in turning the thought processes and mindsets of the people of India, through transfer of knowledge and introducing new concepts of customs and traditions that were more socialist and global in nature. • The Vernacular Press Act 1878 was the most restraining measures taken by the government against the Indian press. • The two major and most repressive feature of the Vernacular Press Act 1878, were: o The discrimination between English and vernacular press o No right to appeal • The succession from Lord Curzon to Lord Minto in such a turbulent and tense situation led to further expansion of the scope of the Press Act. Thus, he passed the Newspapers (Incitements to Offences) Act 1908, which empowered the authorities to take judicial action against the publisher of any paper that published any matter inciting rebellious views against the government. • The rising violence in different parts of the country post partition of Bengal and assassinations of Britishers led to a threatening situation. To handle the situation, the Indian Press Act of 1910 was passed to increase and empower the government to have more control over the printing presses and publishers.

76 • It can be said that the evolution of Indian press was filled with developmental difficulties, illiteracy, colonial constraints, and repression. In the course of evolution of the Press, the feeling of nationalism was promoted. • After getting independence from Britishers on August 15, 1947, the Government of India appointed a committee called 'Press Enquiry Committee, 1947' to examine the existing

press laws in the light of fundamental rights formulated by the Constituent Assembly. 3.7

Key terms • Vernacular – the form of a language that a particular group of speakers use naturally, especially in informal situations. (Cambridge University Press, 2020) • Medium – a method or way of expressing something. (Cambridge University Press, 2020) • Mass Media – the different methods of giving information to lots of people, for example, through newspapers, television and radio. (Cambridge University Press, 2020) • Censorship – the act of censoring books, films, etc. (Cambridge University Press, 2020) • Prohibition – the act of officially not allowing something, or an order that does this. (Cambridge University Press, 2020) • Regulation – an official rule or the act of controlling something. (Cambridge University Press, 2020)

3.8 Check your progress I Long type Questions: Q1) Write a note on historical development of press in India? Q2) What was the impact of Vernacular press in India? Q3) Why was the Vernacular Press Act of 1878 was considered the most repressive measure by the British Government against the Indian Press? Q4) Give a brief account of Press in India after 1900? Q5) Why was there a need to form a "Press Enquiry Committee, 1947"?

77 II Short Type Questions: Q1) How did the attitude of different Governor Generals of the British Government impacted the press regulations in India? Q2) What was the significance of Vernacular Press in India? Q3) Give the Salient features of the Indian Press Act, 1910? Q4) After the abolition of the Censorship Act in 1818, certain prohibitions were imposed on the Press. Discuss what were they? Q5) Give a brief account of the Press in India post-independence. Suggested Readings • Bipin Chandra: India's struggle for Independence, Penguin Books, 102-112. • Rajiv Ahir: Modern India, spectrum, 284-290. • Satish Chandra Mittal: NCERT XII, 123-124. • Pandey SK. Aadhunik Bharat, Prayag Academy, 245-250. • www.Historytuition.com •

<https://indianexpress.com/article/research/a-pre-independence- history-of-press- freedom-in-india> •

<https://www.yourarticlelibrary.com/history/history-and-development-of-indian- press-and-press-acts/23717>

78 Unit: 04 Media Laws Structure 4.0 Introduction 4.1 Unit Objectives 4.2 Defamation 4.3 Contempt of Courts Act, 1971 4.4. Right to Information Act, 2005 4.5 Cyber Laws (IT Act 2000) 4.6 Summary 4.7 Key Terms 4.8 Check your progress 4.0 Introduction "Media Law" the term itself is self-explanatory, it is that legal field in the system that regulates the telecommunication industry, information technology, broadcasting advertising, entertainment industry, the censor board, internet, technology and various other online services. With the advent of technology and internet the media has seen a great boom. From mass media to social media, technology and internet boom has given a lot people the voice they needed to express their opinions. However, as also mentioned in the Constitution of India under Article 19(2), certain reasonable restrictions are needed to regulate the freedom of expression and speech for the general interest of public so that this liberty of free speech and expression is not misused and exploited. This unit covers the various laws and acts that are there in the system to regulate and protect the integrity of the society and monitor the media.

79 4.1 Unit Objectives After completing this unit students will be able to: • Understand the various laws and regulations needed to monitor the media for a healthy sharing of information to the public and safeguarding the interest of general public. • Understand the impact of these laws on the media. 4.2 Defamation What is Defamation? The term Defamation by its dictionary means, "the action of damaging the reputation of a person or group by saying or writing bad things about them that are not true". (Cambridge University Press, 2020). In other definitions it means an act of communication which tarnishes and injure the reputation of a person by stating false statements about that person. Any act of producing false and unprivileged statement about a person be it published or spoken intentionally and knowingly with a motive to ruin someone's reputation comes under the purview of defamation. 4.2.1 Introduction The act of causing injury or damage to someone's reputation is defined as defamation. A person's reputation is treated as their property and any harm or destruction to it is punishable by law. The damage to a person's reputation could be in the form of written defamation or verbal defamation. Any printed or typed words or matter or image causing written defamation is called as libel. And any form of spoken defamation is called slander. The history of defamation in different parts of the worlds can be trace back to Roman law and German law. Under the Roman law capital punishment was exercised for abusive chants. In Germany and even in early English law, the punishment of cutting out the tongue was exercised as a punishment for insults. Nearing the end of the 18 th century, the definition of slander in England included only insinuation of crime or social disease or mudding someone on professional competence basis. The defamation laws of French were extremely stern. If the newspaper published any libelous matter related to any public person, it was severely punished

action damaging reputation person group bad true

80 and only truth could come as defense for the concerned newspaper. Whereas in Italy, even the truth could seldom excuse the defamation as defamation was criminally punishable there. 4.2.2 Essentials of defamation The following are the essentials of defamation: a) A statement must be defamatory: This is the most important and essential element of defamation. For a defamation case to be filed, the statement in consideration has to be defamatory, i.e. the statement has damaged the reputation of the complainant by publishing or broadcasting the statement when the statement is proved to be not true. For example, a statement made by a newspaper for a company accusing the company of committing a fraud, which is proved to be not true. Such a statement amounts to defamation as the newspaper is read by many people and would lead to damaging the reputation of the company. However, a statement made in written or spoken form as a mere expression of anger, hatred or abuse would. For example, an employee getting scolded by their boss for coming late to work does not amount to defamation. b) The statement must be specifically indicative to the complainant: For a defamation case to be valid, the complainant has to prove that the statement for which the complaint is raised was referred to the complainant. If it is proved by the complainant that the statement published referred to him, the defendant will be liable for the case of defamation. c) The statement must be published: This is another essential element of defamation. For a valid defamation case, the defamatory statement has to be published, i.e. the statement has to be made to some person other than the complainant. In case the statement was made only to the complainant and other than the complainant there is no other person to whom the statement was published or broadcasted, then no case of defamation will lie. 4.2.3 Libel and Slander Defamation is divided into categories i.e. Libel and Slander. Libel being the written defamation and slander being the spoken defamation. In this section we will discuss further these two forms of defamation in terms of their differences, impact and seriousness.

81 4.2.3.1 Libel The written form of defamation of a person, business, product, etc. is categorized as Libel. The seriousness of this form of defamation lies in the fact that it is more of permanent nature. It is considered graver than slander because: a) it is in written form and hence is more permanent, fixed and recorded, b) since it is written and not spoken like a slander, can't be excused as something that has been expressed without proper consideration and as an act of passion, c) unlike slander a libel is not short-lived and is likely to cause harm even in the future. Legally the course of action for a case of libel would be determined by different criteria depending on whether the plaintiff is a private individual or a public figure. The conditions to prove defamation in both the scenarios are different. In case of a private complainant a case for libel is confirmed if the complainant proves the falsity of the statement, damage caused to the complainant, and that there was a negligence on the part of the accused to publish the defamatory report. However, in case of a public figure an additional information or evidence that the defamatory information was published with an aim to cause injury to the person with a motivated desire to cause harm or in other words to cause actual malice. A statement defamatory to an unidentified general group of people of society is not counted as libelous. It is because the general nature of such a statement is doubtfully cause any affliction to such individuals, in contrast to a statement directly referring to a particular individual. 4.2.3.2 Defenses against libel Even a defamatory statement under certain circumstances can be permissible in law and is not accounted for as a libel. The following are the conditions or circumstances which are a defense against libel. 1. Truth One of the best defenses against libel is the truth. There is no case of libel in case a statement is proved with evidence of its truthfulness. This means that the person getting accused has to prove that the statement published by him/her was for public interest and that it was not a result of an act of malice. A statement would not be considered as libel if the statement lacking truthfulness can be shown as a quote rather than the original words of the publisher or the broadcaster. The questionable aspect about the above statement is that what would happen if a slander is reported

82 by newspaper, would it be considered as libel? To avoid being accused of libel the media organizations, while reporting a slander, can clarify that the defamatory statement is not their opinion, it is someone's else opinion and as an organization is not endorsed or supported. As a remedial process adopted by the media organizations after publishing the statement is to prove that all possible steps were taken to verify the content of the matter being published and hence the publication cannot hold guilty of libel through negligence. However, the best approach to ward off against libel is to be considerably convinced of the truthfulness of the statement being published and in case if there is even a slightest of doubt on the integrity of the information, it is best not to broadcast the same. 2. Qualified privilege There are certain privileges extended to a defendant in a defamation suit, after meeting certain conditions, to protect the efforts of people pursuing and reporting information of social importance and in interest of general public. While under the power of the position and office, the public officials enjoy the privilege of being able to speak freely, without being faced with the consequence of slander. To balance it out the media is also granted a qualified privilege of being able to report the speeches (such as in parliament sessions) of such officials accurately and verbatim without being in contempt or accused of libel. This privilege is extending to the media through Article 361A of the constitution of India. Under this Article a person will not be accountable to prosecution for reporting the proceedings of Parliament or legislative assemblies, till the reports are largely true and free from malice. 3. Other defenses Beside truth and qualified privileges there are certain other defenses against libel as mentioned below: a. Good faith: With a considerable belief of a statement being true and made in good faith are held as true statements. However, the rationality of the belief is questionable in the court of law. b. Opinion: Opinions are inherently falsifiable, hence a defamatory statement if expressed as opinion is not considered as libel. This is a defense which is recognized in nearly all jurisdiction.

83 c. Vulgar abuse: A mere vulgar abuse is considered as an insult and not a libel since a vituperative remark made in anger is likely to harm someone's reputation. Such remarks or statement fall in the category of vulgar abuse and not a defamatory statement. d. Fair comment: By dictionary definition, fair comment is "a common-law privilege to criticize and comment on matters of public interest without being liable for defamation provided that the comment is an honest expression of opinion and free of malice" (Merriam-Webster, 2008). It is a special privilege extended to media to freely comment and criticize on matters which in the interest of general public. It is a defense used in defamation (libel) cases, applicable to the statements made by media personnel in an honest belief of the truthfulness of statement being reported, even if the statement is not true in fact. The condition for this defense to be applicable in the court of law is that the statement being published should be true in facts, it should be free from malice, the statement should be in interest of public and not just merely an expression of opinion of the broadcaster. e. Innocent dissemination: This is a defense used in the case of libel where the defendant claims to prove that he had no intention to defame. If the defendant can prove that he had no actual knowledge of statement being disseminated was defamatory or the defendant had any reason to believe that the statement made was defamatory. 4.2.4 Provisions of the Indian Penal Code and Criminal Code for Defamation Defamation in India is both a civil and a criminal offence. Under the civil law the defamation comes under the Law of Torts. For a person being defamed the provision under the civil law in India is to move to either the high court or the trail court and seek for the damages which could be in the form of monetary compensation. However, besides the above provision to file a civil lawsuit for defamation, in India, the Indian Penal Code gives the convenience to the complainant to move to a criminal (court) proceeding. Under criminal law, defamation is bailable, non-cognizable and is a compoundable offence. A compoundable offence means that the police cannot register a case or file a FIR and start the investigation without the permission from the court. Because of this characteristic of being compoundable, a criminal court can drop the charges of defamation if the victim and the defendant enter into a compromise to that effect (even without the permission of the court). For the criminal proceedings of a defamation case the provision under the Indian Penal Code is given

84 under sections 499 and the punishment is mentioned under section 500 which could extend upto simple imprisonment for a term of two years, or with fine, or both. For a defamation case to be filed either a civil suit or under criminal law there are certain conditions that need to be satisfied. These conditions are discussed below: I. Conditions to be satisfied in a civil suit The conditions for a defamation case to be filed under a civil lawsuit is same as the condition for defamation. That is: a) the statement or the content for which the case is filed is defamatory, resulting to cause injury or harm to the reputation of the complainant by exposing them to hatred, contempt or ridicule, b) the statement should be indicative of the complainant. It should point out a particular person and no general broad-based classification can be accounted for defamation, c) the statement must be published or broadcasted either in written form or orally. All the above three conditions need to be satisfied in order for a civil defamation case to stand a chance, the decisioning however, would depend on the defence plead by the defendant. II. Conditions to be satisfied under criminal law For a defamation case to be filed under the criminal law the complainant with the normal condition of defamation has to also establish and prove that the alleged offender intended to defame the complainant. In case of absence of intention, the victim should establish that the accused had the knowledge that the publication was intending to defame the complainant. 4.3 Contempt of Court Act, 1971 Prior to the Act of 1971 the law, related to the contempt of court, that existed was lacking certainty and standard. Since the jurisdiction to punish for the contempt of court touched the two important fundamental rights of the constitution, i.e.

right

to

freedom of speech and expression  
and right to personal liberty.

Hence there was a

considerate need to have an entire law on the

85 subject. Hence a special committee was formed

to scrutinize the existing law on the contempt of court, chaired by H.N. Sanyal in the year in 1961. 4.3.1 History of the contempt of courts act, 1971

The committee formed for the

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examination of the law and problems relating to contempt of court,

chaired by H.N. Sanyal submitted a comprehensive report which included the comparison of these problems with other foreign countries. As mentioned by Mr. Fali Nariman, the veteran of the Indian Bar, in his speech has said the trial of the "offence of scandalizing courts" is a mercurial jurisdiction in which there are no rules and no constraints, no definitive situations when the contempt is said to be made. The judgements of the court are sprinkled with pious clichés, that there is little guidance for the editors and commentators reporting or for the lawyers and general people of public and thus unintentionally leading to contempt of the court, thus leading to uncertainty in the law. And emphasized by Mr. Fali and others that there should be no uncertainty in law and all citizens must be aware of their standing. The existing law of the contempt of court had

two reasons for the uncertainty in the law. A) The Contempt of Courts Act, 1952 had no definition of contempt. B)

There was no definition of

what constitutes scandalizing the court or what prejudices or interferes with the course of justice.

The

Sanyal Committee report submitted on February 28, 1963 recommended

64%

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W

to define and limit the powers of courts (certain courts not all) in punishing contempt of courts and to regulate their procedure in relation thereto.

The

Joint Select Committee of parliament prepared a new bill after examining the issue in detail, the Contempt of Courts Bill, 1968. The of this

83%

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bill was to give effect to the accepted recommendations of the committee.

The

underlying crux of this bill was the enforcement of the recommendations which stressed on two aspects – i) giving importance to the

freedom of speech as in the Indian Constitution and ii) protecting the status and dignity of

the courts and keeping in the interest of the administration of justice. Later,

on the basis of

the

recommendations of the Sanyal Committee, the Contempt of Courts Act, 1971 was passed.

It came to be known as a comprehensive legislation. 4.3.2

Object, purpose and scope of the Contempt of Courts Act The faith of the people of India in the judiciary is entrusted

with an elementary duty of administering justice. Hence the preliminary purpose of courts having

contempt jurisdiction is to uphold the majesty and dignity of

the courts

and

safeguarding the

public image of the courts.

86 Hence it is imperative to maintain this confidence and faith in the justice delivery system of our country. Thus, the law of contempt acts as a critical tool for the courts to keep a check on the unwarranted efforts made at blemishing the Rule

of Law. Essentially the object and purpose of Contempt of Courts Acts is to protect

the seat of justice more than the person (judge) sitting in that seat.

This law

is not the

law for the protection of judges or to

extend any immunity against criticism. It is a

law for the protection of the freedom of individuals. All individuals are extended the protection of a free and independent administration of justice.

Therefore, the

protection of this law is not stop the press from informing the general public about the work done by the Government fairly and firmly and to criticize, where the criticism is

warranted and never attempts to influence the course of justice or break the faith of people in the judiciary and the impartial authority of the courts. For the justice to shine, it must be bold, free and subject to public scrutiny. Hence the press was free and justified to make fair criticism. Thus, the criticism from the press on the aspects of some public judgement, such as the severity of the sentence, etc., is justified and thus the press is not held in contempt for such remarks. However, an attack on the integrity of a judge or judges is exceeding the limits of free and fair criticism of the press. The need to assess the scope of the Contempt of Courts Act, 1971 is necessary since the title of the Act could mislead people to think that this Act tend to protect the court and fraternity of lawyers and judges, thereby keeping them above law. The fact that the judiciary is considered both the prosecutor and the adjudicator of justice, the Act often leads that this legislation is a veil extending protection to the courts from external criticism. If this was case and scope of this Act then this would be nothing but an abuse of the powers of the judiciary and neglecting the very goal of justice that it desires to protect. Thus, contrary to the common perception as discussed above, this act doesn't extend the unnecessary power to the judiciary. 4.3.3 Provisions of

72%

**MATCHING BLOCK 12/153**

W

the Contempt of Courts Act, 1971 To define and limit the powers of certain court in punishing the contempt of courts,

this Act of 1971 was passed. This Act was also published to regulate the procedure in relation to thereto. Hence the Act was enacted in order to remove any prejudices which had arisen against the powers of the High Court. There are 24 sections of the Act and each is discussed in detail as below:  
87 4.3.3.1 Section 1:

91%

**MATCHING BLOCK 14/153**

W

Short title and extent This section defines "(1) This Act may be called the Contempt of Courts Act, 1971. (2) It extends to the whole of India. Provided that it shall not apply to the state of Jammu and Kashmir except to the extent to which the provisions of this Act relate to contempt of the Supreme Court." (

91%

**MATCHING BLOCK 15/153**

W

Short title and extent This section defines "(1) This Act may be called the Contempt of Courts Act, 1971. (2) It extends to the whole of India. Provided that it shall not apply to the state of Jammu and Kashmir except to the extent to which the provisions of this Act relate to contempt of the Supreme Court." (

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**MATCHING BLOCK 38/153**

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This Act may be called the Contempt of Courts Act, 1971. (2) It extends to the whole of India.

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**MATCHING BLOCK 16/153**

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Contempt of Courts Act, 1971) This section states the short title and extent of the Act. The applicability of this Act extends to the whole of India, however not applicable to the state of Jammu and Kashmir, except to the extent to which the provisions of this Act relate to contempt of the Supreme Court.

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**MATCHING BLOCK 17/153**

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short title and extent of the Act. The applicability of this Act extends to the whole of India, however not applicable to the state of Jammu and Kashmir, except to the extent to which the provisions of this Act relate to contempt of the Supreme Court.

Since the

contempt jurisdiction is of special nature, in order to maintain the dignity of the court, it should be used sporadically.

4.3.3.2 Section 2: Definitions This section includes "

96%

**MATCHING BLOCK 18/153**

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In this Act, unless the context otherwise requires: (a) 'Contempt of Court' means civil contempt or criminal contempt. (b) 'Civil contempt' means willful disobedience to any judgment, decree, direction, order, writ or other process of a Court or willful breach of an undertaking given to a Court. (c) 'Criminal contempt' means the publication (whether by words, spoken or written, or by signs, or by visible representation, or otherwise) of any matter or the doing of any other act whatsoever which: (i) Scandalizes or tends to scandalize, or lowers or tends to lower the authority of, any Court, or (ii) Prejudices, or interferes or tends to interfere with the due course of any judicial proceeding, or (iii) Interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner. (d) 'High Court' means the High Court for a state or a union territory and includes the Court of the judicial commissioner in any union territory." (

95%

**MATCHING BLOCK 19/153**

W

In this Act, unless the context otherwise requires: (a) 'Contempt of Court' means civil contempt or criminal contempt. (b) 'Civil contempt' means willful disobedience to any judgment, decree, direction, order, writ or other process of a Court or willful breach of an undertaking given to a Court. (c) 'Criminal contempt' means the publication (whether by words, spoken or written, or by signs, or by visible representation, or otherwise) of any matter or the doing of any other act whatsoever which: (i) Scandalizes or tends to scandalize, or lowers or tends to lower the authority of, any Court, or (ii) Prejudices, or interferes or tends to interfere with the due course of any judicial proceeding, or (iii) Interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner. (d) 'High Court' means the High Court for a state or a union territory and includes the Court of the judicial commissioner in any union territory." (

96%

**MATCHING BLOCK 20/153**

W

In this Act, unless the context otherwise requires: (a) 'Contempt of Court' means civil contempt or criminal contempt. (b) 'Civil contempt' means willful disobedience to any judgment, decree, direction, order, writ or other process of a Court or willful breach of an undertaking given to a Court. (c) 'Criminal contempt' means the publication (whether by words, spoken or written, or by signs, or by visible representation, or otherwise) of any matter or the doing of any other act whatsoever which: (i) Scandalizes or tends to scandalize, or lowers or tends to lower the authority of, any Court, or (ii) Prejudices, or interferes or tends to interfere with the due course of any judicial proceeding, or (iii) Interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner. (d) 'High Court' means the High Court for a state or a union territory and includes the Court of the judicial commissioner in any union territory." (

95%

**MATCHING BLOCK 21/153**

W

In this Act, unless the context otherwise requires: (a) 'Contempt of Court' means civil contempt or criminal contempt. (b) 'Civil contempt' means willful disobedience to any judgment, decree, direction, order, writ or other process of a Court or willful breach of an undertaking given to a Court. (c) 'Criminal contempt' means the publication (whether by words, spoken or written, or by signs, or by visible representation, or otherwise) of any matter or the doing of any other act whatsoever which: (i) Scandalizes or tends to scandalize, or lowers or tends to lower the authority of, any Court, or (ii) Prejudices, or interferes or tends to interfere with the due course of any judicial proceeding, or (iii) Interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner. (d) 'High Court' means the High Court for a state or a union territory and includes the Court of the judicial commissioner in any union territory." (

Contempt of Courts Act, 1971) The

section 2 of the Contempt of Courts Act, 1971 contains four definitions i.e., "Contempt of Court", "Civil Contempt", "Criminal Court" and "High Court".

The

law of

contempt derives from the right of the courts, the authority to be able to punish a person guilty of words or actions which either prevent or tend to prevent the

course of justice.

There are many forms of contempt. The major ones being insult to judges, attacks or fair comment on imminent proceedings with an objective to skew fair trial, witnesses or the parties along with the process of the court, negligence for duty by

the officer connected with the court and defaming or disgracing the judges or the courts. The last form of contempt of courts include all the acts and

conduct of a person which tend to disrespect or disregard or tends to offend the dignity of the courts or its majesty or challenges its authority. Before this legislation the term "contempt of court" didn't had a concrete definition. Thus, the need to have a proper definition of the term was necessary and also a distinction to be made between civil contempt and criminal contempt. Hence under this section, i.e.

section 2 (a)

the term "

contempt of court" was defined as '

30%

**MATCHING BLOCK 23/153**

W

civil contempt' and 'criminal contempt'. Where 'Civil Contempt' as defined under section 2(b) means willful noncompliance to any judgment, legal order or rule, instruction or any other process of court or willful violation of an undertaking given to the court. And 'Criminal Contempt' means the

65%

**MATCHING BLOCK 22/153**

W

other process of court or willful violation of an undertaking given to the court. And 'Criminal Contempt' means the

refusal to obey the court revealed in the actions which leads to the blocking or hindrance to the process of justice. As defined in the

Act, '

Criminal Contempt' means publicizing or broadcasting

through

words spoken

or written or through signs or through visible portrayal or

otherwise

of any matter

or doing of any

conduct which disgraces or inclines to disgrace, or lowers or inclines to lower the authority of any court or interfere or tend to interfere with, or hinder or lead to hinder the process of justice in any other manner.

The distinction between the two forms of contempt lies in its fundamental character. Where criminal contempt aggrieves the public and includes actions and behaviors that disrespect the majesty of law and compromises the dignity of the Court and in contrast

civil contempt comprises the failure to adhere to the order, rules, direction, judgment, writ or process issued by the courts for the benefit of the opposing party. In conclusion there is a very thin line distinguishing between civil and criminal contempt, so thin that it may become indistinct at some point. A contempt consisting of a mere misconduct to comply with the orders of the court given for the benefit of the opposing party is considered as a civil contempt.

However, if the same contempt adds defiance or disobedience by the contemnor to the orders

of the court and administer themselves in a way which leads to hindrance or interference with the process of justice, makes the contempt committed of a mixed character.

Thus, resulting the contempt neither purely civil nor purely criminal in nature. Such contempt is often referred as sui generis. The last term and aspect defined under this section is 'High Court'. Under section 2(d) the term '

76%

**MATCHING BLOCK 24/153**

W

'High Court' means High Court for State or Union Territory which includes the Courts of Judicial Commissioner in any Union Territory.

76%

**MATCHING BLOCK 25/153**

W

'High Court' means High Court for State or Union Territory which includes the Courts of Judicial Commissioner in any Union Territory.

76%

**MATCHING BLOCK 26/153**

W

'High Court' means High Court for State or Union Territory which includes the Courts of Judicial Commissioner in any Union Territory.

The stature of

High Courts of India is high, at the top of

89 the hierarchy in a State, however below the Supreme Court. The authority of these courts include control over a state, a union territory or a group of states and union territories.

Secondary courts such as

the

civil courts, family courts, criminal courts and other district courts are beneath the High Courts

in the hierarchy of the judiciary. All the offences including offences with death penalties are tried in the High Courts,

which are also considered as the foundation courts of jurisdiction in a state. Other features and provisions for

the High Court includes the following: Figure 4.1 High-Court – Jurisdiction, Composition and Power 4.3.3.3 Section 3:

**96%****MATCHING BLOCK 29/153****W**

Innocent publication and distribution of matter not contempt Under this section: (1) A person shall not be guilty of contempt of Court on the ground that he has published (whether by words, spoken or written, or by visible representations, or otherwise) any matter 90 which interferes or tends to interfere with, or obstructs or tends to obstruct, the course of justice in connection with any civil or criminal proceeding pending at that time of publication, if at that time he had no reasonable grounds for believing that the proceeding was pending. (2) Notwithstanding anything to the contrary contained in this Act or any other law for the time being in force, the publication of any such matter as is mentioned in sub section (1) in connection with any civil or criminal proceeding which is not pending at the time of publication shall not be deemed to constitute contempt of Court. (3) A person shall not be guilty of contempt of Court on the ground that he has distributed a publication containing any such matter as is mentioned in sub section (1), if at the time of distribution he had no reasonable grounds for believing that it contained or was likely to contain any such matter as aforesaid. Provided that this sub section shall not apply in respect of the distribution of: (i) Any publication which is a book or paper printed or published otherwise than in conformity with the rules contained in section 3 of the Press and Registration of Books Act, 1867 (25 of 1867). (ii) Any publication which is a newspaper published otherwise than in conformity with the rules contained in section 5 of the said Act. Explanation For the purposes of this section, a judicial proceeding: (a) is said to be pending, (b) in the case of a civil proceeding, when it is instituted by the filing of a plaint or otherwise, (c) in the case of a criminal proceeding under the Code of Criminal Procedure, 1898 [5 of 1898 (

**97%****MATCHING BLOCK 27/153****W**

A person shall not be guilty of contempt of Court on the ground that he has published (whether by words, spoken or written, or by visible representations, or otherwise) any matter 90 which interferes or tends to interfere with, or obstructs or tends to obstruct, the course of justice in connection with any civil or criminal proceeding pending at that time of publication, if at that time he had no reasonable grounds for believing that the proceeding was pending. (2) Notwithstanding anything to the contrary contained in this Act or any other law for the time being in force, the publication of any such matter as is mentioned in sub section (1) in connection with any civil or criminal proceeding which is not pending at the time of publication shall not be deemed to constitute contempt of Court. (3) A person shall not be guilty of contempt of Court on the ground that he has distributed a publication containing any such matter as is mentioned in sub section (1), if at the time of distribution he had no reasonable grounds for believing that it contained or was likely to contain any such matter as aforesaid. Provided that this sub section shall not apply in respect of the distribution of: (i) Any publication which is a book or paper printed or published otherwise than in conformity with the rules contained in section 3 of the Press and Registration of Books Act, 1867 (25 of 1867). (ii) Any publication which is a newspaper published otherwise than in conformity with the rules contained in section 5 of the said Act. Explanation For the purposes of this section, a judicial proceeding: (a) is said to be pending, (b) in the case of a civil proceeding, when it is instituted by the filing of a plaint or otherwise, (c) in the case of a criminal proceeding under the Code of Criminal Procedure, 1898 [5 of 1898 (

**97%****MATCHING BLOCK 28/153****W**

A person shall not be guilty of contempt of Court on the ground that he has published (whether by words, spoken or written, or by visible representations, or otherwise) any matter 90 which interferes or tends to interfere with, or obstructs or tends to obstruct, the course of justice in connection with any civil or criminal proceeding pending at that time of publication, if at that time he had no reasonable grounds for believing that the proceeding was pending. (2) Notwithstanding anything to the contrary contained in this Act or any other law for the time being in force, the publication of any such matter as is mentioned in sub section (1) in connection with any civil or criminal proceeding which is not pending at the time of publication shall not be deemed to constitute contempt of Court. (3) A person shall not be guilty of contempt of Court on the ground that he has distributed a publication containing any such matter as is mentioned in sub section (1), if at the time of distribution he had no reasonable grounds for believing that it contained or was likely to contain any such matter as aforesaid. Provided that this sub section shall not apply in respect of the distribution of: (i) Any publication which is a book or paper printed or published otherwise than in conformity with the rules contained in section 3 of the Press and Registration of Books Act, 1867 (25 of 1867). (ii) Any publication which is a newspaper published otherwise than in conformity with the rules contained in section 5 of the said Act. Explanation For the purposes of this section, a judicial proceeding: (a) is said to be pending, (b) in the case of a civil proceeding, when it is instituted by the filing of a plaint or otherwise, (c) in the case of a criminal proceeding under the Code of Criminal Procedure, 1898 [5 of 1898 (

Note: now see

**100%****MATCHING BLOCK 30/153****W**

Code of Criminal Procedure, 1973 (2 of 1974)], or any other law – (I) where it relates to the commission of

**100%****MATCHING BLOCK 31/153****W**

Code of Criminal Procedure, 1973 (2 of 1974)], or any other law – (I) where it relates to the commission of

**100%****MATCHING BLOCK 32/153****W**

Code of Criminal Procedure, 1973 (2 of 1974)], or any other law – (I) where it relates to the commission of

the

**97%****MATCHING BLOCK 33/153****W**

offence, when the charge sheet or challan is filed, or when the Court issues summons or warrant, as the case may be, against the accused, and (II) in any other case, when the Court takes cognizance of the matter to which the proceeding relates, and 91 (III) in the case of a civil or criminal proceeding, shall be deemed to continue to be pending until it is heard and finally decided, that is to say, in a case where an appeal or revision is competent, until the appeal or revision is heard and finally decided or, where no appeal or revision is preferred, until the period of limitation prescribed for such appeal or revision has expired, (IV) Which has been heard and finally decided shall not be deemed to be pending merely by reason of the fact that proceedings for the execution of the decree, order or sentence passed therein are pending. (

97%

**MATCHING BLOCK 34/153**

W

offence, when the charge sheet or challan is filed, or when the Court issues summons or warrant, as the case may be, against the accused, and (II) in any other case, when the Court takes cognizance of the matter to which the proceeding relates, and 91 (III) in the case of a civil or criminal proceeding, shall be deemed to continue to be pending until it is heard and finally decided, that is to say, in a case where an appeal or revision is competent, until the appeal or revision is heard and finally decided or, where no appeal or revision is preferred, until the period of limitation prescribed for such appeal or revision has expired, (IV) Which has been heard and finally decided shall not be deemed to be pending merely by reason of the fact that proceedings for the execution of the decree, order or sentence passed therein are pending. (

97%

**MATCHING BLOCK 35/153**

W

offence, when the charge sheet or challan is filed, or when the Court issues summons or warrant, as the case may be, against the accused, and (II) in any other case, when the Court takes cognizance of the matter to which the proceeding relates, and 91 (III) in the case of a civil or criminal proceeding, shall be deemed to continue to be pending until it is heard and finally decided, that is to say, in a case where an appeal or revision is competent, until the appeal or revision is heard and finally decided or, where no appeal or revision is preferred, until the period of limitation prescribed for such appeal or revision has expired, (IV) Which has been heard and finally decided shall not be deemed to be pending merely by reason of the fact that proceedings for the execution of the decree, order or sentence passed therein are pending. (

97%

**MATCHING BLOCK 36/153**

W

offence, when the charge sheet or challan is filed, or when the Court issues summons or warrant, as the case may be, against the accused, and (II) in any other case, when the Court takes cognizance of the matter to which the proceeding relates, and 91 (III) in the case of a civil or criminal proceeding, shall be deemed to continue to be pending until it is heard and finally decided, that is to say, in a case where an appeal or revision is competent, until the appeal or revision is heard and finally decided or, where no appeal or revision is preferred, until the period of limitation prescribed for such appeal or revision has expired, (IV) Which has been heard and finally decided shall not be deemed to be pending merely by reason of the fact that proceedings for the execution of the decree, order or sentence passed therein are pending. (

Contempt of Courts  
Act, 1971)

This section of the Act deals with few exceptions under which a person is not held guilty of contempt of court on the basis of having published

44%

**MATCHING BLOCK 37/153**

W

any matter that hinders or leads to hinder with, or obstruct or tends to obstruct the any judicial proceeding (civil or criminal) at the time of the publication, if

35%

**MATCHING BLOCK 39/153**

W

any matter that hinders or leads to hinder with, or obstruct or tends to obstruct the any judicial proceeding (civil or criminal) at the time of the publication, if the contemnor had no reason to believe that the proceeding was pending.

Or if at the time of distribution, the contemnor had reasons to believe that the publication contained or was likely to

contained any matter as mentioned above. However, this provision of not holding a person in the contempt of court on the grounds of the distribution shall not apply if: •

98%

**MATCHING BLOCK 40/153**

W

Any publication which is a book or paper printed or published otherwise than in conformity with the rules contained in section 3 of the Press and Registration of Books Act, 1867 (25 of 1867). • Any publication which is a newspaper published otherwise than in conformity with the rules contained in section 5 of the said Act. For the

86%

**MATCHING BLOCK 41/153**

W

Any publication which is a book or paper printed or published otherwise than in conformity with the rules contained in section 3 of the Press and Registration of Books Act, 1867 (25 of 1867). • Any publication which is a newspaper published otherwise than in conformity with the rules contained in section 5 of the said Act. For the explanation of the above provision a judicial proceeding is considered to be pending

83%

**MATCHING BLOCK 42/153**

W

Any publication which is a book or paper printed or published otherwise than in conformity with the rules contained in section 3 of the Press and Registration of Books Act, 1867 (25 of 1867). • Any publication which is a newspaper published otherwise than in conformity with the rules contained in section 5 of the said Act. For the explanation of the above provision a judicial proceeding is considered to be pending

when:

92 Figure 4.2 Scenarios when a judicial proceeding is considered to be pending Besides the above, a judicial proceeding

63%

**MATCHING BLOCK 43/153**

W

shall not be considered pending just by the reason that the execution of the directive, order or sentence passed as judgement during the proceeding is pending. 4.3.3.4 Section 4: Fair and accurate report of judicial proceeding not contempt Under thus section, "Subject to the provisions contained in section 7, a person shall not be guilty of contempt of Court for publishing a fair and accurate report of a judicial proceeding or any state thereof." (

60%

**MATCHING BLOCK 46/153**

W

shall not be considered pending just by the reason that the execution of the directive, order or sentence passed as judgement during the proceeding is pending. 4.3.3.4 Section 4: Fair and accurate report of judicial proceeding not contempt Under thus section, "Subject to the provisions contained in section 7, a person shall not be guilty of contempt of Court for publishing a fair and accurate report of a judicial proceeding or any state thereof." (Contempt of Courts Act, 1971)

83%

**MATCHING BLOCK 44/153**

W

Fair and accurate report of judicial proceeding not contempt Under thus section, "Subject to the provisions contained in section 7, a person shall not be guilty of contempt of Court for publishing a fair and accurate report of a judicial proceeding or any state thereof." (Contempt of Courts Act, 1971)

86%

**MATCHING BLOCK 45/153**

W

Subject to the provisions contained in section 7, a person shall not be guilty of contempt of Court for publishing a fair and accurate report of a judicial proceeding or any state thereof." (Contempt of Courts Act, 1971)

76%

**MATCHING BLOCK 47/153**

W

contempt of court for publishing a report of a judicial proceeding at any

76%

**MATCHING BLOCK 48/153**

W

contempt of court for publishing a report of a judicial proceeding at any

state in a fair and accurate manner. The words "judicial proceeding" means the day-to-day proceedings of the court. The media is instructed under this section the Act, 1971, to be diligent in their reporting of the court proceedings. The report should not be one-sided, no words should be added, omitted or substituted. Judicial Proceeding is considered pending Civil Proceeding (a)

When

it is instituted by the filing of a complaint or otherwise. (

b)

96%

**MATCHING BLOCK 49/153**

W

In the case of a civil proceeding, shall be deemed to continue to be pending until it is heard and finally decided, that is to say, in a case where an appeal or revision is competent, until the appeal or revision is heard and finally decided or, where no appeal or revision is preferred, until the period of limitation prescribed for such appeal or revision has expired

96%

**MATCHING BLOCK 50/153**

W

In the case of a civil proceeding, shall be deemed to continue to be pending until it is heard and finally decided, that is to say, in a case where an appeal or revision is competent, until the appeal or revision is heard and finally decided or, where no appeal or revision is preferred, until the period of limitation prescribed for such appeal or revision has expired

96%

**MATCHING BLOCK 51/153**

W

In the case of a civil proceeding, shall be deemed to continue to be pending until it is heard and finally decided, that is to say, in a case where an appeal or revision is competent, until the appeal or revision is heard and finally decided or, where no appeal or revision is preferred, until the period of limitation prescribed for such appeal or revision has expired

96%

**MATCHING BLOCK 52/153**

W

In the case of a civil proceeding, shall be deemed to continue to be pending until it is heard and finally decided, that is to say, in a case where an appeal or revision is competent, until the appeal or revision is heard and finally decided or, where no appeal or revision is preferred, until the period of limitation prescribed for such appeal or revision has expired

Criminal Proceeding

94%

**MATCHING BLOCK 53/153**

W

In the case of a criminal proceeding under the Code of Criminal Procedure, 1973 or any other law: (a) Where it relates to the commission of an offence, when the charge sheet or challan is filed, or when the Court issues summons or warrant, as the case may be, against the accused, and (b) in any other case, when the Court takes cognizance of the matter to which the proceeding relates, (c) in the case of a criminal proceeding, shall be deemed to continue to be pending until it is heard and finally decided, that is to say, in a case where an appeal or revision is competent, until the appeal or revision is heard and finally decided or, when no appeal or revision is preferred, until the period of limitation prescribed for such appeal or revision has expired; 93 4.3.3.5

94%

**MATCHING BLOCK 54/153**

W

In the case of a criminal proceeding under the Code of Criminal Procedure, 1973 or any other law: (a) Where it relates to the commission of an offence, when the charge sheet or challan is filed, or when the Court issues summons or warrant, as the case may be, against the accused, and (b) in any other case, when the Court takes cognizance of the matter to which the proceeding relates, (c) in the case of a criminal proceeding, shall be deemed to continue to be pending until it is heard and finally decided, that is to say, in a case where an appeal or revision is competent, until the appeal or revision is heard and finally decided or, when no appeal or revision is preferred, until the period of limitation prescribed for such appeal or revision has expired; 93 4.3.3.5

94%

**MATCHING BLOCK 55/153**

W

In the case of a criminal proceeding under the Code of Criminal Procedure, 1973 or any other law: (a) Where it relates to the commission of an offence, when the charge sheet or challan is filed, or when the Court issues summons or warrant, as the case may be, against the accused, and (b) in any other case, when the Court takes cognizance of the matter to which the proceeding relates, (c) in the case of a criminal proceeding, shall be deemed to continue to be pending until it is heard and finally decided, that is to say, in a case where an appeal or revision is competent, until the appeal or revision is heard and finally decided or, when no appeal or revision is preferred, until the period of limitation prescribed for such appeal or revision has expired; 93 4.3.3.5

Section 5:

91%

**MATCHING BLOCK 56/153**

W

Fair criticism of judicial act not contempt Under this section, "A person shall not be guilty of contempt of Court for publishing any fair comment on the merits of any case which has been heard and finally decided." (

100%

**MATCHING BLOCK 57/153**

W

A person shall not be guilty of contempt of Court for publishing any fair comment on the merits of any case which has been heard and finally decided." (

Contempt of Courts Act, 1971)

The

extent and the character of the published matter, the nature and circumstances under which the allegations were made and other similar considerations are to be taken into account in order to access if the complaint amounts to contempt or not. As mentioned in the advocate General v. Abraham George, says judgements given by the judiciary are open to criticism that must be done without directing false accusations and damaging comments on the judges and the courts leading to scandalizing the courts. A criticism which is reasonable and is done in the interest of public good is not considered as contempt of court. 4.3.3.6 Section 6:

100%

**MATCHING BLOCK 58/153**

W

Complaint against presiding officers of subordinate Courts when not contempt

100%

**MATCHING BLOCK 59/153**

W

Complaint against presiding officers of subordinate Courts when not contempt

Under  
this  
section, "

100%

**MATCHING BLOCK 60/153**

W

A person shall not be guilty of contempt of Court in respect of any statement made by him in good faith concerning the presiding officer

or

95%

**MATCHING BLOCK 61/153**

W

any subordinate Court to - (a) Any other subordinate Court, or (b) The High Court to which it is subordinate.”  
Explanation – In this section, “subordinate court” means any court subordinate to a High court. (Contempt of

Courts Act, 1971) This section extends protection to people who raise complaint to the High Court against the dishonesty, partiality or other behavior improper for a court of a judicial officer of a subordinate court, is not contempt of court if the complaint is made in good faith and if all reasonable care is taken by the makers to keep it confidential. 4.3.3.7 Section 7:

91%

**MATCHING BLOCK 62/153**

W

Publication of information relating to proceeding in chambers or in camera not contempt except in certain cases

100%

**MATCHING BLOCK 63/153**

W

Publication of information relating to proceeding in chambers or in camera not contempt except in certain cases

This section states: (1) Notwithstanding

97%

**MATCHING BLOCK 64/153**

W

anything contained in this Act, a person shall not be guilty of contempt of court for publishing a fair and accurate report of a judicial proceedings before any court sitting in chambers or in camera except in the following cases, that is to say- 94 (a) Where the publication is contrary to the provisions of any enactment for the time being in force. (b) Where the court, on grounds of public policy or in exercise of any power vested in it, expressly prohibits the publication of all information relating to the proceeding or of information of the description which is published. (c) Where the court sits in chambers or in camera for reason connected with public order or the security of the State, the publication of information relating to those proceedings, (d) Where the information relates to secret process, discovery or invention which is an issue in the proceedings. (2) Without prejudice to the provisions contained in sub section (1) a person shall not be guilty of contempt of court for publishing the text or a fair and accurate summary of the whole, or any part, of an order made by a court sitting in chambers or in camera, unless the court has expressly prohibited the publication thereof on grounds of public policy, or for reasons connected with public order or the security of the State, or on the ground that it contains information relating to secret process, discovery or invention, or in exercise of any power vested on it. (

**97%****MATCHING BLOCK 65/153****W**

anything contained in this Act, a person shall not be guilty of contempt of court for publishing a fair and accurate report of a judicial proceedings before any court sitting in chambers or in camera except in the following cases, that is to say- 94 (a) Where the publication is contrary to the provisions of any enactment for the time being in force. (b) Where the court, on grounds of public policy or in exercise of any power vested in it, expressly prohibits the publication of all information relating to the proceeding or of information of the description which is published. (c) Where the court sits in chambers or in camera for reason connected with public order or the security of the State, the publication of information relating to those proceedings, (d) Where the information relates to secret process, discovery or invention which is an issue in the proceedings. (2) Without prejudice to the provisions contained in sub section (1) a person shall not be guilty of contempt of court for publishing the text or a fair and accurate summary of the whole, or any part, of an order made by a court sitting in chambers or in camera, unless the court has expressly prohibited the publication thereof on grounds of public policy, or for reasons connected with public order or the security of the State, or on the ground that it contains information relating to secret process, discovery or invention, or in exercise of any power vested on it. (

**97%****MATCHING BLOCK 66/153****W**

anything contained in this Act, a person shall not be guilty of contempt of court for publishing a fair and accurate report of a judicial proceedings before any court sitting in chambers or in camera except in the following cases, that is to say- 94 (a) Where the publication is contrary to the provisions of any enactment for the time being in force. (b) Where the court, on grounds of public policy or in exercise of any power vested in it, expressly prohibits the publication of all information relating to the proceeding or of information of the description which is published. (c) Where the court sits in chambers or in camera for reason connected with public order or the security of the State, the publication of information relating to those proceedings, (d) Where the information relates to secret process, discovery or invention which is an issue in the proceedings. (2) Without prejudice to the provisions contained in sub section (1) a person shall not be guilty of contempt of court for publishing the text or a fair and accurate summary of the whole, or any part, of an order made by a court sitting in chambers or in camera, unless the court has expressly prohibited the publication thereof on grounds of public policy, or for reasons connected with public order or the security of the State, or on the ground that it contains information relating to secret process, discovery or invention, or in exercise of any power vested on it. (

Contempt of Courts Act, 1971) 4.3.3.8 Section 8: Other Defenses not affected Under

**82%****MATCHING BLOCK 69/153****W**

this section, "Nothing contained in this Act shall be construed as implying that any other Defence which would have been a valid Defence in any proceedings for contempt of Court has ceased to be available merely by reason of the provisions of this Act." (Contempt of Courts Act, 1971) 4.3.3.9 Section 9: Act not to imply enlargement of scope of contempt Under this section, "Nothing contained in this Act shall be construed as implying that any disobedience, breach, publication or other act is punishable as contempt of court which not be so punishable apart from this Act." (

**100%****MATCHING BLOCK 67/153****W**

Nothing contained in this Act shall be construed as implying that any other Defence which would have been a valid Defence in any proceedings for contempt of Court has ceased to be available merely by reason of the provisions of this Act." (

**100%****MATCHING BLOCK 68/153****W**

Nothing contained in this Act shall be construed as implying that any other Defence which would have been a valid Defence in any proceedings for contempt of Court has ceased to be available merely by reason of the provisions of this Act." (

86%

**MATCHING BLOCK 70/153**

W

of Courts Act, 1971) 4.3.3.9 Section 9: Act not to imply enlargement of scope of contempt Under this section, "Nothing contained in this Act shall be construed as implying that any disobedience, breach, publication or other act is punishable as contempt of court which not be so punishable apart from this Act." (

Contempt of Courts Act, 1971) As per the provision of this section, a contempt that was not a contempt in the past is not a contempt of Court even

now. The scope of contempt of Courts has not been enlarged.

95 4.3.3.10 Section 10:

Power of High Court to punish contempt of subordinate Courts Under this section, "

Every

High

Court

shall have and exercise the same jurisdiction, powers and authority, in accordance with

the same procedure and practice, in respect of

contempt'

s of courts subordinate to it and

it has and exercise in respect

of

contempt'

s

98%

**MATCHING BLOCK 71/153**

W

of itself. Provided that no High Court shall take cognizance of contempt alleged to have been committed in respect of a court subordinate to it where such contempt is an offence punishable under the Indian Penal Code (45 of 1860)." (

Contempt of Courts

Act, 1971)

Under this section

the phrase "courts subordinate to it" has a wide explanation to include all courts which are judicially subordinate to the High Court even though administrative control over them under Article 235 of the Constitution does not vest in the High Court.

Also, the provision of this section states

that if an act punishable under the Indian Penal Code, 1860, as contempt of Court then that act

cannot be subjected to as a contempt to the judicial proceedings, by the High Court. 4.3.3.11

Section 11:

100%

**MATCHING BLOCK 72/153**

W

Power of High Court to try offences committed or offenders found outside Jurisdiction

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**MATCHING BLOCK 73/153**

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Power of High Court to try offences committed or offenders found outside Jurisdiction

Under this

section, "

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**MATCHING BLOCK 74/153**

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A High Court shall have jurisdiction to inquire into or try a contempt of itself or of any Court subordinate to it, whether the contempt is alleged to have been committed within or outside the local limits of its jurisdiction, and whether the person alleged to be guilty of contempt is within or outside such limits." (Contempt of

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**MATCHING BLOCK 75/153**

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A High Court shall have jurisdiction to inquire into or try a contempt of itself or of any Court subordinate to it, whether the contempt is alleged to have been committed within or outside the local limits of its jurisdiction, and whether the person alleged to be guilty of contempt is within or outside such limits." (Contempt of

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**MATCHING BLOCK 76/153**

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A High Court shall have jurisdiction to inquire into or try a contempt of itself or of any Court subordinate to it, whether the contempt is alleged to have been committed within or outside the local limits of its jurisdiction, and whether the person alleged to be guilty of contempt is within or outside such limits." (Contempt of

Courts Act, 1971) This section provides for extra-provincial jurisdiction of High Courts to hold a person for contempt even if the claimed act

was committed outside the provincial jurisdiction of the concerned High Court.

This section expands the extent of the authority beyond what was till then deliberated to be possible, but it does not grant for a new jurisdiction.

In the case of Sukhdev Singh v. Teja Singh, the Apex court held that

it merely widens the scope of existing jurisdiction of a very special kind. 4.3.3.12

Section 12: Punishment for contempt of Court This section covers the punishment and other provisions related to the punishment for the contempt of Court. As stated in the section:

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**MATCHING BLOCK 77/153**

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Save as otherwise expressly provided in this Act or in any other law, a contempt of court may be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both. Provided that the accused may be discharged, or the punishment awarded may be remitted on apology being made to the satisfaction of the court. Explanation – An apology shall not be rejected merely on the ground that it is qualified or conditional if the accused makes it bona fide. (2)

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**MATCHING BLOCK 78/153**

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Save as otherwise expressly provided in this Act or in any other law, a contempt of court may be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both. Provided that the accused may be discharged, or the punishment awarded may be remitted on apology being made to the satisfaction of the court. Explanation – An apology shall not be rejected merely on the ground that it is qualified or conditional if the accused makes it bona fide. (2)

Not withstanding

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**MATCHING BLOCK 79/153**

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anything contained in any law for the time being in force, no court shall impose a sentence in excess of that specified in sub section for any contempt either in respect of itself or of a court subordinate to it. (3)

Not withstanding

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**MATCHING BLOCK 80/153**

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anything contained in this section, where a person is found guilty of a civil contempt, the court, if it considers that a fine will not meet the ends of justice and that a sentence of imprisonment is necessary shall, instead of sentencing him to simple imprisonment, direct that

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**MATCHING BLOCK 81/153**

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anything contained in this section, where a person is found guilty of a civil contempt, the court, if it considers that a fine will not meet the ends of justice and that a sentence of imprisonment is necessary shall, instead of sentencing him to simple imprisonment, direct that

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**MATCHING BLOCK 82/153**

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he be detained in a civil prison for such period not exceeding six months as it may think fit. (4) Where the person found guilty of contempt of court in respect of any undertaking given to a court is a company, every person who, at the time the contempt was committed, was in charge of, and was responsible to, the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the contempt and the punishment may be enforced, with the leave of the court, by the detention in civil prison of each such person. Provided that nothing contained in this sub section shall render any such person liable to such punishment if he proves that the contempt was committed without his knowledge or that he exercised all due diligence to prevent its commission. (5)

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**MATCHING BLOCK 83/153**

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he be detained in a civil prison for such period not exceeding six months as it may think fit. (4) Where the person found guilty of contempt of court in respect of any undertaking given to a court is a company, every person who, at the time the contempt was committed, was in charge of, and was responsible to, the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the contempt and the punishment may be enforced, with the leave of the court, by the detention in civil prison of each such person. Provided that nothing contained in this sub section shall render any such person liable to such punishment if he proves that the contempt was committed without his knowledge or that he exercised all due diligence to prevent its commission. (5)

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**MATCHING BLOCK 84/153**

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he be detained in a civil prison for such period not exceeding six months as it may think fit. (4) Where the person found guilty of contempt of court in respect of any undertaking given to a court is a company, every person who, at the time the contempt was committed, was in charge of, and was responsible to, the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the contempt and the punishment may be enforced, with the leave of the court, by the detention in civil prison of each such person. Provided that nothing contained in this sub section shall render any such person liable to such punishment if he proves that the contempt was committed without his knowledge or that he exercised all due diligence to prevent its commission. (5)

Not withstanding

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**MATCHING BLOCK 85/153**

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anything contained in sub section (4) where the contempt of court referred to therein has been committed by a company and it is provided that the contempt has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manger, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the

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**MATCHING BLOCK 86/153**

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anything contained in sub section (4) where the contempt of court referred to therein has been committed by a company and it is provided that the contempt has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the

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**MATCHING BLOCK 87/153**

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anything contained in sub section (4) where the contempt of court referred to therein has been committed by a company and it is provided that the contempt has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the

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**MATCHING BLOCK 88/153**

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contempt and the punishment may be enforced, with the leave of the court, by the detention in civil prison of such director, manager, secretary or other officer. 97 Explanation – For the purpose of sub sections (4) and (5): (a) “Company” means anybody corporate and includes a firm or other association of individuals, and (b) “Director” in relation to a firm, means a partner in the firm. (

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**MATCHING BLOCK 89/153**

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contempt and the punishment may be enforced, with the leave of the court, by the detention in civil prison of such director, manager, secretary or other officer. 97 Explanation – For the purpose of sub sections (4) and (5): (a) “Company” means anybody corporate and includes a firm or other association of individuals, and (b) “Director” in relation to a firm, means a partner in the firm. (

Contempt

of Courts Act, 1971) The punishment under this section of the Act is simple imprisonment for a term which is not to exceed more than six months or a

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**MATCHING BLOCK 90/153**

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fine which may extend to two thousand rupees or with both.

However,  
the

provision under this section does provides for  
the accused could be discharged or the remitted of the punishment bases an

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**MATCHING BLOCK 91/153**

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apology made to the satisfaction of the court. The apology is not be rejected merely on the ground that it is qualified or conditional if the accused makes it bona fide.

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**MATCHING BLOCK 92/153**

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apology made to the satisfaction of the court. The apology is not be rejected merely on the ground that it is qualified or conditional if the accused makes it bona fide.

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**MATCHING BLOCK 93/153**

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apology made to the satisfaction of the court. The apology is not to be rejected merely on the ground that it is qualified or conditional if the accused makes it bona fide.

Mere the fact that the apology is conditional doesn't form the basis of rejection of the apology. All the facts need to be examined before rejecting an apology. In case of civil contempt, another feature of this section states that the sentence of imprisonment is to be imposed only when it is considered that sentence of fine will not meet ends of justice.

This section also provides for the punishment of the contempt of Court for the Corporations. There are certain aspects of this section which need to be understood to understand the execution of the provisions of this section. A brief detail of those is shared below: i) Meaning of Apology: The dictionary meaning of the word is, "an act of saying that you are sorry for something wrong you have done" (Cambridge University Press, 2020). As the section of this Act already mentions that the punishment for the contempt of Court can be pardoned with an apology made to the satisfaction of the Court. However, in case of serious offences, such as statements made with intentional assault on the integrity and impartiality of a learned Judge of High Court or on the name of High Court itself, an apology cannot undo the damage caused and is unpardonable. There have been precedents of many cases where an apology was not held against the contempt committed. ii) Nature of Apology: In case of apology for contempt of Court, the apology should be voluntary, unconditional and indicative of repentance and regret and should

98 be offered at the earliest state or opportunity. An apology rendered at a later stage robs the grace of the apology and even ceases to be an apology. Also, an apology is not a tool that a contemnor can use to purge themselves of the guilty of the offense. If apology was to be used as a tool to penitence then the cases of serious contempt would remain unchecked and unpunished and would escape the provisions of punishment as given under the Contempt of Court. iii) When the apology cannot be accepted: An apology made is not necessary to be accepted by the Court every time. It is in the power of the Court to refuse an apology, if it was believed to be not genuine. For that matter the court in its power has the authority to punish the offender and send to prison even after accepting the apology. As the nature of apology as described earlier has to be voluntary and indicative of remorse and regret. A hesitating and unsure, uncertain apology deserves to be rejected. iv) Punishment Primarily a Matter of Discretion: It is the discretion of the court to decide the course of punishment for the contemnor. A Court could take a view of not further punishing a contemnor for an offense which the contemnor continues to disobey, for which he/she has been already sufficiently punished. v) Quantum of punishment: A person who has caused injury to other through infringement of law is not allowed to reason by stating that the act committed was done with an innocent mind. Ignorance of law is not taken as an excuse in such a case. The contemnor is taken to know the law and is expected to conduct themselves within law. A mere apology cannot be considered as a solution for a defiant act disregarding all the levels of decencies, which lead to a serious disturbance of the system of administration of justice. vi) Impact of conduct of contemnor on Quantum of Punishment: In case when a court decides or comes to a conclusion of having decided that the contempt committed is punishable, the conduct of contemnor and the successive events may impact the quantum of punishment for the contempt. 4.3.3.13

Section 13:

Contempt

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**MATCHING BLOCK 94/153**

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not punishable in certain cases "Notwithstanding anything contained in any law for the time being in force: 99 a) no Court shall impose a sentence under this Act for a contempt of Court unless it is satisfied that the contempt is of such a nature that it substantially interferes, or tends substantially to interfere with the due course of justice. b) the court may permit, in any proceeding for contempt of court, justification by truth as a valid Defence if it is satisfied that it is in public interest and the request for invoking the said Defence is bona fide." (

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**MATCHING BLOCK 95/153**

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not punishable in certain cases "Notwithstanding anything contained in any law for the time being in force: 99 a) no Court shall impose a sentence under this Act for a contempt of Court unless it is satisfied that the contempt is of such a nature that it substantially interferes, or tends substantially to interfere with the due course of justice. b) the court may permit, in any proceeding for contempt of court, justification by truth as a valid Defence if it is satisfied that it is in public interest and the request for invoking the said Defence is bona fide." (

Contempt  
of  
Courts Act, 1971)

According to the provisions of this section: i) Trivial matters are to be ignored even if such matters in its technical sense are covered under the law. ii) Technical contempt (matters) are to be ignored. iii) Only willful and deliberate or reckless disobedience of court's order are to be considered as the contempt of court, as stated clearly and without any unambiguity. A person is to be booked for the contempt of Court only if the nature of disobedience is as aforesaid. iv) Every infringement in court's order in not contempt of court. v) However, the contempt by a senior lawyer could not be ignored. 4.3.3.14

Section 14:

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**MATCHING BLOCK 96/153**

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Procedure where contempt is in the face of the Supreme Court or a High Court "(1) When it is alleged, or appears to the Supreme Court or the High Court upon its own view, that a person has been guilty of contempt committed in its presence or hearing, the Court may cause such person to be detained in custody, and, at any time before the rising of the Court, on the same day, or as early as possible thereafter, shall - (a) cause him to be informed in writing of the contempt with which he is charged; (b) afford him an opportunity to make his defence to the charge; (c) after taking such evidence as may be necessary or as may be offered by such person and after hearing him, proceed, either forthwith or after adjournment, to determine the matter of the charge; and (d) make such order for the punishment or discharge of such person as may be just 100 (2) Notwithstanding anything contained in sub-section (1), where a person charged with contempt under that sub-section applies, whether orally or in writing, to have the charge against him tried by some judge other than the Judge or Judges in whose presence or hearing the offence is alleged to have been committed, and the Court is of opinion that it is practicable to do so and that in the interests of proper administration of justice the application should be allowed, it shall cause the matter to be placed, together with a statement of the facts of the case, before the Chief Justice for such directions as he may think fit to issue as respects the trial thereof. (3) Notwithstanding anything contained in any other law, in any trial of a person charged with contempt under sub-section (1) which is held, in pursuance of a direction given under sub-section (2), by a Judge other than the Judge or Judges in whose presence or hearing the offence is alleged to have been committed, it shall not be necessary for the Judge or Judges in whose presence or hearing the offence is alleged to have been committed to appear as a witness and the statement placed before the Chief Justice under sub- section (2) shall be treated as evidence in the case. (4) Pending the determination of the charge, the Court may direct that a person charged with contempt under this section shall be detained in such custody as it may specify: Provided that

**100%****MATCHING BLOCK 98/153****W**

Procedure where contempt is in the face of the Supreme Court or a High Court "(1) When it is alleged, or appears to the Supreme Court or the High Court upon its own view, that a person has been guilty of contempt committed in its presence or hearing, the Court may cause such person to be detained in custody, and, at any time before the rising of the Court, on the same day, or as early as possible thereafter, shall - (a) cause him to be informed in writing of the contempt with which he is charged; (b) afford him an opportunity to make his defence to the charge; (c) after taking such evidence as may be necessary or as may be offered by such person and after hearing him, proceed, either forthwith or after adjournment, to determine the matter of the charge; and (d) make such order for the punishment or discharge of such person as may be just 100 (2) Notwithstanding anything contained in sub-section (1), where a person charged with contempt under that sub-section applies, whether orally or in writing, to have the charge against him tried by some judge other than the Judge or Judges in whose presence or hearing the offence is alleged to have been committed, and the Court is of opinion that it is practicable to do so and that in the interests of proper administration of justice the application should be allowed, it shall cause the matter to be placed, together with a statement of the facts of the case, before the Chief Justice for such directions as he may think fit to issue as respects the trial thereof. (3) Notwithstanding anything contained in any other law, in any trial of a person charged with contempt under sub-section (1) which is held, in pursuance of a direction given under sub-section (2), by a Judge other than the Judge or Judges in whose presence or hearing the offence is alleged to have been committed, it shall not be necessary for the Judge or Judges in whose presence or hearing the offence is alleged to have been committed to appear as a witness and the statement placed before the Chief Justice under sub-section (2) shall be treated as evidence in the case. (4) Pending the determination of the charge, the Court may direct that a person charged with contempt under this section shall be detained in such custody as it may specify: Provided that he shall be released on bail, if a bond for such sum of money as the Court thinks sufficient is executed with or without sureties conditioned that the person charged shall attend at the time and place mentioned in the bond and shall continue to so attend until otherwise directed by the Court: Provided further that the Court may, if it thinks fit, instead of taking bail from such person, discharge him on his executing a bond without sureties for his attendance as aforesaid." (

**100%****MATCHING BLOCK 99/153****W**

Procedure where contempt is in the face of the Supreme Court or a High Court "(1) When it is alleged, or appears to the Supreme Court or the High Court upon its own view, that a person has been guilty of contempt committed in its presence or hearing, the Court may cause such person to be detained in custody, and, at any time before the rising of the Court, on the same day, or as early as possible thereafter, shall - (a) cause him to be informed in writing of the contempt with which he is charged; (b) afford him an opportunity to make his defence to the charge; (c) after taking such evidence as may be necessary or as may be offered by such person and after hearing him, proceed, either forthwith or after adjournment, to determine the matter of the charge; and (d) make such order for the punishment or discharge of such person as may be just 100 (2) Notwithstanding anything contained in sub-section (1), where a person charged with contempt under that sub-section applies, whether orally or in writing, to have the charge against him tried by some judge other than the Judge or Judges in whose presence or hearing the offence is alleged to have been committed, and the Court is of opinion that it is practicable to do so and that in the interests of proper administration of justice the application should be allowed, it shall cause the matter to be placed, together with a statement of the facts of the case, before the Chief Justice for such directions as he may think fit to issue as respects the trial thereof. (3) Notwithstanding anything contained in any other law, in any trial of a person charged with contempt under sub-section (1) which is held, in pursuance of a direction given under sub-section (2), by a Judge other than the Judge or Judges in whose presence or hearing the offence is alleged to have been committed, it shall not be necessary for the Judge or Judges in whose presence or hearing the offence is alleged to have been committed to appear as a witness and the statement placed before the Chief Justice under sub-section (2) shall be treated as evidence in the case. (4) Pending the determination of the charge, the Court may direct that a person charged with contempt under this section shall be detained in such custody as it may specify: Provided that he shall be released on bail, if a bond for such sum of money as the Court thinks sufficient is executed with or without sureties conditioned that the person charged shall attend at the time and place mentioned in the bond and shall continue to so attend until otherwise directed by the Court: Provided further that the Court may, if it thinks fit, instead of taking bail from such person, discharge him on his executing a bond without sureties for his attendance as aforesaid." (

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**MATCHING BLOCK 97/153**

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When it is alleged, or appears to the Supreme Court or the High Court upon its own view, that a person has been guilty of contempt committed in its presence or hearing, the Court may cause such person to be detained in custody, and, at any time before the rising of the Court, on the same day, or as early as possible thereafter, shall - (a) cause him to be informed in writing of the contempt with which he is charged; (b) afford him an opportunity to make his defence to the charge; (c) after taking such evidence as may be necessary or as may be offered by such person and after hearing him, proceed, either forthwith or after adjournment, to determine the matter of the charge; and (d) make such order for the punishment or discharge of such person as may be just (2) Notwithstanding anything contained in sub-section (1), where a person charged with contempt under that sub-section applies, whether orally or in writing, to have the charge against him tried by some judge other than the Judge or Judges in whose presence or hearing the offence is alleged to have been committed, and the Court is of opinion that it is practicable to do so and that in the interests of proper administration of justice the application should be allowed, it shall cause the matter to be placed, together with a statement of the facts of the case, before the Chief Justice for such directions as he may think fit to issue as respects the trial thereof. (3) Notwithstanding anything contained in any other law, in any trial of a person charged with contempt under sub-section (1) which is held, in pursuance of a direction given under sub-section (2), by a Judge other than the Judge or Judges in whose presence or hearing the offence is alleged to have been committed, it shall not be necessary for the Judge or Judges in whose presence or hearing the offence is alleged to have been committed to appear as a witness and the statement placed before the Chief Justice under sub-section (2) shall be treated as evidence in the case. (4) Pending the determination of the charge, the Court may direct that a person charged with contempt under this section shall be detained in such custody as it may specify: Provided that he shall be released on bail, if a bond for such sum of money as the Court thinks sufficient is executed with or without sureties conditioned that the person charged shall attend at the time and place mentioned in the bond and shall continue to so attend until otherwise directed by the Court: Provided further that the Court may, if it thinks fit, instead of taking bail from such person, discharge him on his executing a bond without sureties for his attendance as aforesaid." (

Contempt of Courts Act, 1971) This section of the Act deals with the process to followed when the

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**MATCHING BLOCK 100/153**

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contempt is in the face of the Supreme Court or a High Court.

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**MATCHING BLOCK 101/153**

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contempt is in the face of the Supreme Court or a High Court.

If no action is taken under this section than the process as mentioned in the section 15 can be adopted later.

101 4.3.3.15

Section 15:

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**MATCHING BLOCK 102/153**

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Cognizance of criminal contempt in other cases "(1) In the case of a criminal contempt, other than a contempt referred to in section 14, the Supreme Court or the High Court may take action on its own motion or on a motion made by: (a) The advocate-general, or (b) Any other person, with the consent in writing of the advocate-general, (

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**MATCHING BLOCK 103/153**

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Cognizance of criminal contempt in other cases "(1) In the case of a criminal contempt, other than a contempt referred to in section 14, the Supreme Court or the High Court may take action on its own motion or on a motion made by: (a) The advocate-general, or (b) Any other person, with the consent in writing of the advocate-general, (

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**MATCHING BLOCK 104/153**

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Cognizance of criminal contempt in other cases "(1) In the case of a criminal contempt, other than a contempt referred to in section 14, the Supreme Court or the High Court may take action on its own motion or on a motion made by: (a) The advocate-general, or (b) Any other person, with the consent in writing of the advocate-general, (

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**MATCHING BLOCK 105/153**

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Cognizance of criminal contempt in other cases "(1) In the case of a criminal contempt, other than a contempt referred to in section 14, the Supreme Court or the High Court may take action on its own motion or on a motion made by: (a) The advocate-general, or (b) Any other person, with the consent in writing of the advocate-general, (

Note: - Ins. by Act 45 of 1976, sec.2) (c) [(Note:- Ins. by Act 45 of 1976, sec.2)]

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**MATCHING BLOCK 106/153**

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In relation to the High Court for the union territory of Delhi, such law officer as the central government may, by notification in the official gazette, specify in this behalf, or any other persons, with the consent in writing of such law officer. (2) In the case of any criminal contempt of a subordinate Court, the High Court may take action on a reference made to it by the subordinate Court or on a motion made by the advocate- general or, in relation to a union territory, by such law officer as the central government may, by notification in the official gazette, specify in this behalf. (3) Every motion or reference made under this section shall specify the contempt of which the person charge is alleged to be guilty. Explanation - In this section, the expression 'advocate-general' means – (a) In relation to the Supreme Court, the attorney or the solicitor-general (b) In relation to the High Court, the advocate-general of the state or any of the states for which the High Court has been established. (c) In relation to the Court of a judicial commissioner, such law officer as the central government may, by notification in the official gazette, specify in this behalf." (Contempt

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**MATCHING BLOCK 107/153**

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In relation to the High Court for the union territory of Delhi, such law officer as the central government may, by notification in the official gazette, specify in this behalf, or any other persons, with the consent in writing of such law officer. (2) In the case of any criminal contempt of a subordinate Court, the High Court may take action on a reference made to it by the subordinate Court or on a motion made by the advocate- general or, in relation to a union territory, by such law officer as the central government may, by notification in the official gazette, specify in this behalf. (3) Every motion or reference made under this section shall specify the contempt of which the person charge is alleged to be guilty. Explanation - In this section, the expression 'advocate-general' means – (a) In relation to the Supreme Court, the attorney or the solicitor-general (b) In relation to the High Court, the advocate-general of the state or any of the states for which the High Court has been established. (c) In relation to the Court of a judicial commissioner, such law officer as the central government may, by notification in the official gazette, specify in this behalf." (Contempt

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**MATCHING BLOCK 108/153**

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In relation to the High Court for the union territory of Delhi, such law officer as the central government may, by notification in the official gazette, specify in this behalf, or any other persons, with the consent in writing of such law officer. (2) In the case of any criminal contempt of a subordinate Court, the High Court may take action on a reference made to it by the subordinate Court or on a motion made by the advocate- general or, in relation to a union territory, by such law officer as the central government may, by notification in the official gazette, specify in this behalf. (3) Every motion or reference made under this section shall specify the contempt of which the person charge is alleged to be guilty. Explanation - In this section, the expression 'advocate-general' means – (a) In relation to the Supreme Court, the attorney or the solicitor-general (b) In relation to the High Court, the advocate-general of the state or any of the states for which the High Court has been established. (c) In relation to the Court of a judicial commissioner, such law officer as the central government may, by notification in the official gazette, specify in this behalf." (Contempt

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**MATCHING BLOCK 109/153**

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In relation to the High Court for the union territory of Delhi, such law officer as the central government may, by notification in the official gazette, specify in this behalf, or any other persons, with the consent in writing of such law officer. (2) In the case of any criminal contempt of a subordinate Court, the High Court may take action on a reference made to it by the subordinate Court or on a motion made by the advocate- general or, in relation to a union territory, by such law officer as the central government may, by notification in the official gazette, specify in this behalf. (3) Every motion or reference made under this section shall specify the contempt of which the person charge is alleged to be guilty. Explanation - In this section, the expression 'advocate-general' means – (a) In relation to the Supreme Court, the attorney or the solicitor-general (b) In relation to the High Court, the advocate-general of the state or any of the states for which the High Court has been established. (c) In relation to the Court of a judicial commissioner, such law officer as the central government may, by notification in the official gazette, specify in this behalf." (Contempt

of

Courts Act, 1971) i) The objective of the prescribing procedural modes of taking notice under section is to prevent the valuable time of the High Court or of Supreme Court from being wasted by the incidental complaints of contempt of Court. ii) The process of making reference is not applicable in a case where the contemnor is a high- ranking officer of a subordinate court. A precedent for this is the case of Berely v. Xavier, 1988 Cr LJ 90.

102 iii) High Court is authority to take suo moto cognition in respect

of a subordinate court, when it is not moved in either of the two modes mentioned in section 15(2) of the Act.

iv) There is no provision for anyone to force or

compel the subordinate court to make a reference to the High Court. 4.3.3.16

Section 16: Contempt by judge, magistrate or another person acting judicially

This section states: "(1)

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**MATCHING BLOCK 110/153**

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Subject to the provisions of any law for the time being in force, a judge, magistrate or other person acting judicially shall also be liable for contempt of his own court or of any other court in the same manner as any other individual is liable and the provisions of this Act shall, so far as may be, apply accordingly. (2) Nothing in this section shall apply to any observations or remarks made by a judge, magistrate or other person acting judicially, regarding a subordinate court in an appeal or revision pending before such judge, magistrate or other person against the order or judgment of the subordinate court." (

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**MATCHING BLOCK 111/153**

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Subject to the provisions of any law for the time being in force, a judge, magistrate or other person acting judicially shall also be liable for contempt of his own court or of any other court in the same manner as any other individual is liable and the provisions of this Act shall, so far as may be, apply accordingly. (2) Nothing in this section shall apply to any observations or remarks made by a judge, magistrate or other person acting judicially, regarding a subordinate court in an appeal or revision pending before such judge, magistrate or other person against the order or judgment of the subordinate court." (

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**MATCHING BLOCK 112/153**

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Subject to the provisions of any law for the time being in force, a judge, magistrate or other person acting judicially shall also be liable for contempt of his own court or of any other court in the same manner as any other individual is liable and the provisions of this Act shall, so far as may be, apply accordingly. (2) Nothing in this section shall apply to any observations or remarks made by a judge, magistrate or other person acting judicially, regarding a subordinate court in an appeal or revision pending before such judge, magistrate or other person against the order or judgment of the subordinate court." (

98%

**MATCHING BLOCK 113/153**

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Subject to the provisions of any law for the time being in force, a judge, magistrate or other person acting judicially shall also be liable for contempt of his own court or of any other court in the same manner as any other individual is liable and the provisions of this Act shall, so far as may be, apply accordingly. (2) Nothing in this section shall apply to any observations or remarks made by a judge, magistrate or other person acting judicially, regarding a subordinate court in an appeal or revision pending before such judge, magistrate or other person against the order or judgment of the subordinate court." (Contempt

of Courts Act, 1971)

This section deals with the provision to deal with the contempt made by judicial persons, such as judge, magistrate, etc. This section makes it clear that contempt of Court is not restricted to people who are outside the judiciary but is also applicable to people operating inside the judiciary. Even a high-ranking judge is also held liable for the contempt of Court under this section of Contempt of Court Act, 1971.

Facts and circumstances are the basis for establishing the contempt. 4.3.3.17 Section 17:

98%

**MATCHING BLOCK 115/153**

W

Procedure after cognizance "(1) Notice of every proceeding under section 15 shall be served personally on the person charged, unless the Court for reasons to be recorded directs otherwise. (2) The notice shall be accompanied – (a) in the case of proceedings commenced on a motion, by a copy of the motion as also copies of the affidavits, if any, on which such motion is founded; and (b) in case of proceedings commenced on a reference by a subordinate court, by a copy of the reference. 103 (3) The Court may, if it is satisfied that a person charged under section 15 is likely to abscond or keep out of the way to avoid service of the notice, order the attachment of his property of such value or amount as it may deem reasonable. (4) Every attachment under sub-section (3) shall be effected in the manner provided in the Code of Civil Procedure, 1908 (5 of 1908), for the attachment of property in execution of a decree for payment of money, and if, after such attachment, the person charged appears and shows to the satisfaction of the Court that he did not abscond or keep out of the way to avoid service of the notice, the Court shall order the release of his property from attachment upon such terms as to costs or otherwise as it may think fit. (5) Any person charged with contempt under section 15 may file an affidavit in support of his defence, and the Court may determine the matter of the charge either on the affidavits filed or after taking such further evidence as may be necessary, and pass such order as the justice of the case requires." (Contempt of

98%

**MATCHING BLOCK 116/153**

W

Procedure after cognizance "(1) Notice of every proceeding under section 15 shall be served personally on the person charged, unless the Court for reasons to be recorded directs otherwise. (2) The notice shall be accompanied – (a) in the case of proceedings commenced on a motion, by a copy of the motion as also copies of the affidavits, if any, on which such motion is founded; and (b) in case of proceedings commenced on a reference by a subordinate court, by a copy of the reference. 103 (3) The Court may, if it is satisfied that a person charged under section 15 is likely to abscond or keep out of the way to avoid service of the notice, order the attachment of his property of such value or amount as it may deem reasonable. (4) Every attachment under sub-section (3) shall be effected in the manner provided in the Code of Civil Procedure, 1908 (5 of 1908), for the attachment of property in execution of a decree for payment of money, and if, after such attachment, the person charged appears and shows to the satisfaction of the Court that he did not abscond or keep out of the way to avoid service of the notice, the Court shall order the release of his property from attachment upon such terms as to costs or otherwise as it may think fit. (5) Any person charged with contempt under section 15 may file an affidavit in support of his defence, and the Court may determine the matter of the charge either on the affidavits filed or after taking such further evidence as may be necessary, and pass such order as the justice of the case requires." (Contempt of

99%

**MATCHING BLOCK 114/153**

W

shall be served personally on the person charged, unless the Court for reasons to be recorded directs otherwise. (2) The notice shall be accompanied – (a) in the case of proceedings commenced on a motion, by a copy of the motion as also copies of the affidavits, if any, on which such motion is founded; and (b) in case of proceedings commenced on a reference by a subordinate court, by a copy of the reference. 103 (3) The Court may, if it is satisfied that a person charged under section 15 is likely to abscond or keep out of the way to avoid service of the notice, order the attachment of his property of such value or amount as it may deem reasonable. (4) Every attachment under sub-section (3) shall be effected in the manner provided in the Code of Civil Procedure, 1908 (5 of 1908), for the attachment of property in execution of a decree for payment of money, and if, after such attachment, the person charged appears and shows to the satisfaction of the Court that he did not abscond or keep out of the way to avoid service of the notice, the Court shall order the release of his property from attachment upon such terms as to costs or otherwise as it may think fit. (5) Any person charged with contempt under section 15 may file an affidavit in support of his defence, and the Court may determine the matter of the charge either on the affidavits filed or after taking such further evidence as may be necessary, and pass such order as the justice of the case requires.” (Contempt of

Courts Act, 1971) As the heading of the section mentions this is the section of Act dealing with the procedure to be followed after cognizance. It points to the process followed in terms of issuing notices and other documents as it may deem necessary under different circumstances to the contemnor. 4.3.3.18 Section 18:

100%

**MATCHING BLOCK 117/153**

W

Hearing of cases of criminal contempt to be by Benches “(1) Every case of criminal contempt under section 15 shall be heard and determined by a Bench of not less than two judges. (2) Sub-section (1) shall not apply to the Court of a Judicial Commissioner.” (

100%

**MATCHING BLOCK 118/153**

W

Hearing of cases of criminal contempt to be by Benches “(1) Every case of criminal contempt under section 15 shall be heard and determined by a Bench of not less than two judges. (2) Sub-section (1) shall not apply to the Court of a Judicial Commissioner.” (

100%

**MATCHING BLOCK 119/153**

W

Hearing of cases of criminal contempt to be by Benches “(1) Every case of criminal contempt under section 15 shall be heard and determined by a Bench of not less than two judges. (2) Sub-section (1) shall not apply to the Court of a Judicial Commissioner.” (

100%

**MATCHING BLOCK 120/153**

W

Hearing of cases of criminal contempt to be by Benches “(1) Every case of criminal contempt under section 15 shall be heard and determined by a Bench of not less than two judges. (2) Sub-section (1) shall not apply to the Court of a Judicial Commissioner.” (

Contempt of Courts Act, 1971) Under this section of the Act, each criminal contempt case as under section 15 of the Act

89%

**MATCHING BLOCK 121/153**

W

shall be heard and proceeded by a Bench of not less than two Judges.

89%

**MATCHING BLOCK 122/153**

W

shall be heard and proceeded by a Bench of not less than two Judges.

89%

**MATCHING BLOCK 123/153**

W

shall be heard and proceeded by a Bench of not less than two Judges.

However, it is to be noted that the proceedings could be initiated by a single Judge, in case of a criminal contempt's proceeding if the contempt committed in facie curium.

104 4.3.3.19

Section 19:

100%

**MATCHING BLOCK 124/153**

W

Appeals "(1) An appeal shall lie as of right from any order or decision of

100%

**MATCHING BLOCK 125/153**

W

Appeals "(1) An appeal shall lie as of right from any order or decision of

100%

**MATCHING BLOCK 126/153**

W

Appeals "(1) An appeal shall lie as of right from any order or decision of

100%

**MATCHING BLOCK 128/153**

W

Appeals "(1) An appeal shall lie as of right from any order or decision of the High Court in the exercise of its jurisdiction to punish for contempt - (a) where the order or decision is that of a single judge, to a Bench of not less than two judges of the Court (b) where the order or decision is that of a Bench, to the Supreme Court: Provided that where the order or decision is that of the Court of the Judicial Commissioner in any Union territory, such appeal shall lie to the Supreme Court. (2) Pending any appeal, the appellate Court may order that - (a) the execution of the punishment or order appealed against be suspended (b) if the appellant is in confinement, he be released on bail; and (c) the appeal be heard notwithstanding that the appellant has not purged his contempt. (3) Where any person aggrieved by any order against which an appeal may be filed satisfies the High Court that he intends to prefer an appeal, the High Court may also exercise all or any of the powers conferred by sub-section (2). (4) An appeal under sub-section (1) shall be filed - (a) in the case of an appeal to a Bench of the High Court, within thirty days; (b) in the case of an appeal to the Supreme Court, within sixty days, from the date of the order appealed against." (

100%

**MATCHING BLOCK 127/153**

W

High Court in the exercise of its jurisdiction to punish for contempt - (a) where the order or decision is that of a single judge, to a Bench of not less than two judges of the Court (b) where the order or decision is that of a Bench, to the Supreme Court: Provided that where the order or decision is that of the Court of the Judicial Commissioner in any Union territory, such appeal shall lie to the Supreme Court. (2) Pending any appeal, the appellate Court may order that - (a) the execution of the punishment or order appealed against be suspended (b) if the appellant is in confinement, he be released on bail; and (c) the appeal be heard notwithstanding that the appellant has not purged his contempt. (3) Where any person aggrieved by any order against which an appeal may be filed satisfies the High Court that he intends to prefer an appeal, the High Court may also exercise all or any of the powers conferred by sub-section (2). (4) An appeal under sub-section (1) shall be filed - (a) in the case of an appeal to a Bench of the High Court, within thirty days; (b) in the case of an appeal to the Supreme Court, within sixty days, from the date of the order appealed against." (

99%

**MATCHING BLOCK 129/153**

W

High Court in the exercise of its jurisdiction to punish for contempt - (a) where the order or decision is that of a single judge, to a Bench of not less than two judges of the Court (b) where the order or decision is that of a Bench, to the Supreme Court: Provided that where the order or decision is that of the Court of the Judicial Commissioner in any Union territory, such appeal shall lie to the Supreme Court. (2) Pending any appeal, the appellate Court may order that - (a) the execution of the punishment or order appealed against be suspended (b) if the appellant is in confinement, he be released on bail; and (c) the appeal be heard notwithstanding that the appellant has not purged his contempt. (3) Where any person aggrieved by any order against which an appeal may be filed satisfies the High Court that he intends to prefer an appeal, the High Court may also exercise all or any of the powers conferred by sub-section (2). (4) An appeal under sub-section (1) shall be filed - (a) in the case of an appeal to a Bench of the High Court, within thirty days; (b) in the case of an appeal to the Supreme Court, within sixty days, from the date of the order appealed against." (

100%

**MATCHING BLOCK 130/153**

W

High Court in the exercise of its jurisdiction to punish for contempt - (a) where the order or decision is that of a single judge, to a Bench of not less than two judges of the Court (b) where the order or decision is that of a Bench, to the Supreme Court: Provided that where the order or decision is that of the Court of the Judicial Commissioner in any Union territory, such appeal shall lie to the Supreme Court. (2) Pending any appeal, the appellate Court may order that - (a) the execution of the punishment or order appealed against be suspended (b) if the appellant is in confinement, he be released on bail; and (c) the appeal be heard notwithstanding that the appellant has not purged his contempt. (3) Where any person aggrieved by any order against which an appeal may be filed satisfies the High Court that he intends to prefer an appeal, the High Court may also exercise all or any of the powers conferred by sub-section (2). (4) An appeal under sub-section (1) shall be filed - (a) in the case of an appeal to a Bench of the High Court, within thirty days; (b) in the case of an appeal to the Supreme Court, within sixty days, from the date of the order appealed against." (

Cambridge University Press, 2020) The legal dictionary meaning of the word appeal is, "a request made to a court of law or to someone in authority to change a previous decision". (Cambridge University Press, 2020) This section of the Act provides for the provisions to deal with the appeals made to a higher court against the decisions given by the lower court. This section has specifically provided for such provision of making appeals to the higher courts against the decisions of subordinate courts. No appeal lies the contemnor is acquitted by the High Court. In case of order of committal for

105 contempt of court is made by a single Judge of High Court, the appeal lies to a Division Bench thereof.

And in case the order is made

by a Division Bench of the High Court, an appeal lies to the Supreme Court, as a statutory right.

Not each and every order passed during the contempt proceedings is appealable. 4.3.3.20

Section 20: Limitations

96%

**MATCHING BLOCK 131/153**

W

for actions for contempt "No Court shall initiate any proceedings if contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed." (

96%

**MATCHING BLOCK 132/153**

W

for actions for contempt "No Court shall initiate any proceedings if contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed." (

96%

**MATCHING BLOCK 133/153**

W

for actions for contempt "No Court shall initiate any proceedings if contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed." (

Cambridge University Press, 2020) This section clearly states that no legal action could be initiated for a contempt

93%

**MATCHING BLOCK 134/153**

W

after the expiry of a period of one year from the date on which the contempt is claimed to have been committed.

93%

**MATCHING BLOCK 135/153**

W

after the expiry of a period of one year from the date on which the contempt is claimed to have been committed.

93%

**MATCHING BLOCK 136/153**

W

after the expiry of a period of one year from the date on which the contempt is claimed to have been committed.

The provision of this section makes the Contempt of Courts Act as time bound programme. 4.3.3.21 Section 21:

96%

**MATCHING BLOCK 137/153**

W

Act not to apply to Nyaya Panchayatas or other Village Courts "Nothing contained in this Act shall apply in relation to contempt of Nyaya Panchayats or other village courts, by whatever name known, for the administration of justice, established under any law." (

96%

**MATCHING BLOCK 138/153**

W

Act not to apply to Nyaya Panchayatas or other Village Courts "Nothing contained in this Act shall apply in relation to contempt of Nyaya Panchayats or other village courts, by whatever name known, for the administration of justice, established under any law." (

96%

**MATCHING BLOCK 139/153**

W

Act not to apply to Nyaya Panchayatas or other Village Courts "Nothing contained in this Act shall apply in relation to contempt of Nyaya Panchayats or other village courts, by whatever name known, for the administration of justice, established under any law." (

96%

**MATCHING BLOCK 140/153**

W

Act not to apply to Nyaya Panchayatas or other Village Courts "Nothing contained in this Act shall apply in relation to contempt of Nyaya Panchayats or other village courts, by whatever name known, for the administration of justice, established under any law." (

Cambridge University Press, 2020) Under this section, it has been made clear that the Contempt of Courts Act, 1971 does not apply to Nyaya Panchayats or other Village Courts. Justice in these primary courts is given at the earlier stages. In regular courts justice is often defeated by lapse of time and complication of procedural law. However, if provisions of this Act were to be extended to the Nyaya Panchayats, it would benefit the system of justice taking place at the primary state by discouraging the people for disobeying and scandalizing these courts, by instilling the fear of being punished. 4.3.3.22 Section 22:

72%

**MATCHING BLOCK 142/153**

W

Act to be in addition to, and not in derogation of, other laws relating to contempt. "The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law relating to contempt of courts." (Contempt of Courts Act, 1971) 106 4.3.3.23 Section 23: Power of the Supreme Court and High Court to make rules "The Supreme Court or, a case may be, any High Court, may make rules, not inconsistent with the provisions of this Act, providing for any matter relating to its procedure." (Contempt of Courts Act, 1971) 4.3.3.24

72%

**MATCHING BLOCK 143/153**

W

Act to be in addition to, and not in derogation of, other laws relating to contempt. "The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law relating to contempt of courts." (Contempt of Courts Act, 1971) 106 4.3.3.23 Section 23: Power of the Supreme Court and High Court to make rules "The Supreme Court or, a case may be, any High Court, may make rules, not inconsistent with the provisions of this Act, providing for any matter relating to its procedure." (Contempt of Courts Act, 1971) 4.3.3.24

72%

**MATCHING BLOCK 144/153**

W

Act to be in addition to, and not in derogation of, other laws relating to contempt. "The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law relating to contempt of courts." (Contempt of Courts Act, 1971) 106 4.3.3.23 Section 23: Power of the Supreme Court and High Court to make rules "The Supreme Court or, a case may be, any High Court, may make rules, not inconsistent with the provisions of this Act, providing for any matter relating to its procedure." (Contempt of Courts Act, 1971) 4.3.3.24

66%

**MATCHING BLOCK 141/153**

W

be in addition to, and not in derogation of, other laws relating to contempt. "The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law relating to contempt of courts." (Contempt of Courts Act, 1971) 106 4.3.3.23 Section 23: Power of the Supreme Court and High Court to make rules "The Supreme Court or, a case may be, any High Court, may make rules, not inconsistent with the provisions of this Act, providing for any matter relating to its procedure." (Contempt of Courts Act, 1971) 4.3.3.24

Section 24:

100%

**MATCHING BLOCK 145/153**

W

Repeal "The Contempt of Courts Act, 1952 (32 of 1952), is hereby repealed." (

100%

**MATCHING BLOCK 146/153**

W

Repeal "The Contempt of Courts Act, 1952 (32 of 1952), is hereby repealed." (

Contempt of Courts

Act, 1971) 4.3.4

The Contempt of Courts (Amendment) Act, 2006

In the fifty-seventh year of the Republic of India (17th March 2006),

the Parliament enacted the Contempt of Courts (Amendment) Act, 2006. This Act is basically an amendment to the Contempt of Courts Act, 1971 wherein the Section 13 was substituted by a new Section. The provisions of this new section include: "Notwithstanding

100%

MATCHING BLOCK 147/153

W

anything contained in any law for the time being in force – (a) no Court shall impose a sentence under this Act for a contempt of Court unless it is satisfied that the contempt is of such a nature that it substantially interferes, or tends substantially to interfere with the due course of justice; (b) the Court may permit, in any proceeding for contempt of Court, justification by truth as a valid defence if it is satisfied that it is in public interest and the request for invoking the said defence is bona fide.” (

100%

MATCHING BLOCK 148/153

W

anything contained in any law for the time being in force – (a) no Court shall impose a sentence under this Act for a contempt of Court unless it is satisfied that the contempt is of such a nature that it substantially interferes, or tends substantially to interfere with the due course of justice; (b) the Court may permit, in any proceeding for contempt of Court, justification by truth as a valid defence if it is satisfied that it is in public interest and the request for invoking the said defence is bona fide.” (

The

Contempt of

Courts Amendment Act, 2006) 4.4 Right to Information Act, 2005 4.4.1 Introduction The entire governmental process had been covered in secrecy under the Official Secret Act, 1923. AS a result of this Act, people had no legal rights to know about the process being followed by the government, the very government which the people have democratically elected, in designing the policies, the process of implementation of the programs, to question about why the promises made for the delivery of essential services to public has not been met, etc. This is Act made the governments less liable to answer the for their actions and decisions since there was no

107 supervising authority to regulate the government and safeguard the public interest. This made the government to take advantage and politicians leached the common public by way of imposing heavy taxes, which ended up being black money and increasing corruption, poverty and an instable government in the country. The situation agitated various NGO's and other philanthropic organizations to pressurize the government to increase the access of information of the such nature as aforesaid, in an effective manner. Thus, the Right to Information (RTI) Act came into picture. For the history of this Act it can be said that it took 9 years for the finalization and the enactment of this Act. It all began with the with the formulation of an initial draft of RTI law by National Campaign for People's Right to Information. The draft was sent to the Government in 1996. However, later in 2002 "Freedom of Information" bill was introduced in national parliament. In order to remove the gaps in the "Freedom of Information" bill, the bill was amended and on 12 th October 2005 the RTI Act was enacted. The first RTI legislation, globally, was enacted in 1776 in Sweden. The UN general assembly passed a resolution in 1948 declaring freedom of information as fundamental human right thus recognizing people's right to have access to official information under section 19

of the

International Covenant

on Civil and Political Rights (INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, 1976).

Already 56 countries all over the world have enacted RTI laws, hence the enactment of the RTI Act, 2005 is a step towards clean and responsible government in India. 4.4.2 Provisions of Act The Right to Information Act, 2005 comprises of VI Chapters, 31 sections and 2 schedules. The chapter I of the Act is Preliminary, which includes the definitions of the various terms important for the understanding of the Act, such as "Right to Information", "Information", etc. Few of them are shared below: This Act under section 2(j) defines what is to be included under the term "Right to Information": "right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to-- (i) inspection of work, documents, records

108 (ii) taking notes, extracts or certified copies of documents or records (iii) taking certified samples of material (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device" (Right to Information Act, 2005). And the term "Information" is defined under section 2(f) as: "information means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force" (Right to Information Act, 2005) Chapter II includes Right to information and obligations of public authorities. The details about the constitution of the Central Information Commission, terms and conditions and provisions of removal of Chief Information Commission or Information Commissioner is share under the Chapter III. Whereas the same details of the State Information Commission are shared under Chapter IV. The provisions for the Powers and functions of the Commissions and the provisions for appeals and penalties are shared under Chapter V. Other provision and miscellaneous rules regarding this Act are shared under the Chapter VI "Miscellaneous".

#### 4.4.3 RTI and Media

The Right to Information Act, popularly known as RTI Act, has significant importance in terms of being a useful tool for the good of general public and social activists to raise their voice against issues such as corruption, etc. This Act has also bought transparency in the governance, through open sharing of information about the work being done in various government departments and other agencies of the government. This Act also has been beneficial for protecting the legal and constitutional rights of the people. In context of Media this law has been a boon, since the journalists have used this act to its full power by using the act in a more professional way than a common man in terms of seeking the information. They have put this act to a good use in terms of reporting more accurate and correct information and with deep and thorough research for a subject matter. It has benefited the various agencies of news reporting be it broadcasting media or print media, to report exclusive or 109 analytical stories based on information collected from various offices. This style of information sharing, which is more open, correct and accessible has also affected the functioning of various departments of government and other agencies. The provisions extended by this Act has been useful for media to open and access the records of people in power with criminal and questionable background. Before this Act such an information was not available for a common man to access, however with the enactment of this Act, anyone can seek such information. In country like India where certain reasonable restrictions have been imposed on the Press, this Act has proven to a great tool for responsible journalism. It has even been states by the Press Council that this Act has been very useful for the media in its endeavor of being a watchdog of the society. Through this act the media has been able to think of bigger picture and has been encouraged to ask more and right questions about the state of affairs and promote more accountability.

#### 4.4.4 Challenges

National Right to Information Awards Secretariats in a study has discovered that the chance for a person to get information under the RTI Act is only 39%. A few reasons for such a low percentage, as cited, has been inadequacy of staff, low budgets and poor infrastructure. There is low percentage of officers who have adequate training in implementation of the Act. However, this is not the only issue in the effective implementation of this Act. The basic problem lies in Government's unwillingness to give information to people. There have been cases since the enactment of this Act which reveals the casual attitude of government departments in releasing of the information sought under the Act. The limitation or challenges in the implementation of this Act can be assessed from the fact that there are some departments of the government where the cover of secrecy is extremely rigid and they have a stringent attitude in even sharing simple information. For example There are some government departments, such as army, in which the cover of secrecy is very hard, and they are not ready to give even very simple information. These government institutes keep themselves away from sharing any kind of information with common people, by stating that the nature of such information is a threat to the national security.

110 In conclusion it can be said that even with the challenges and loopholes in this Act, the overall impact of the Act has been favorable for the society as a whole, as it mitigates the level of corruption and encourages transparency, accountability and better governance in the society.

#### 4.5 Cyber Laws (IT Act 2000)

##### 4.5.1 Introduction

The part of legal system that deals with the legal issues of internet and cyberspace comes under Cyber Laws. The scope of these laws extends to a relative broad area including various subtopics such as online privacy, access and usage of internet and even freedom of expression. The term 'Cyber Law' is a blanket term referring to all the legal and regulatory aspects of the internet. Under the ambit of these laws comes everything that is concerned with or is related to or evolving from any legal aspects of cyberspace. It also any discomfoting activities of the citizens in the cyberspace. The legal issues related to the use of communicative, debatable, and administrative aspects of network information technologies and devices. The composition of Cyber Laws includes the legal, statutory and constitutional provisions affecting computer and networks.

##### 4.5.2 Historical development of the Cyber Law (IT Act 2000) in India

It was a historical milestone for India, when on 17 th October 2000, India entered under the governance of regulated Cyber Space. A legal recognition was given to electronic documents by extending legal validity to such documents and a similar recognition was also given to electronic signatures as given to signatures in paper format. This was done through the enactment of the Information Technology (IT) Act, 2000. The provisions of the Act made the deeds such as hacking, data theft, piracy, cyber terrorism, etc., as criminal offences.

##### 4.5.3 Salient features of the Act

The IT Act 2000 of India is an assimilation of legal codes available in laws relating to information technology enacted in several other countries. The Act is expanded through a number of rules that are inclusive of rules for cyber cafes, electronic service delivery, data security, blocking of websites, etc. The Act is also inclusive of

111 rules for observance of due diligence by internet intermediaries such as ISP's, network service providers, etc. The jurisdiction of this Act applies to whole of India, and its provisions also apply to any offense or infringement, committed even outside the territorial jurisdiction of Republic of India, by anyone irrespective of nationality. However, for the application of the aforesaid provision, an offence or infringement should involve a computer, computer system, or computer network located in India. The important features of the Act are listed below:

1. This Act comprises of XII chapters, 90 sections and 4 schedules.
2. Chapter I is preliminary which includes the definitions of the terms needed for the understanding of the Act.
3. Chapter II of the Act states that the authentication of any electronic record by any subscriber could be done by affixing their digital signature. And the verification of such electronic record could be done by using the public key of the subscriber.
4. The details regarding the Electronic Governance is listed under the Chapter III of this Act. The other provisions in this Chapter includes legal recognition of Digital Signatures, provisions to elaborate on the use of Electronic Records and Digital Signatures in Government Agencies. The publication of rule and regulations is also covered in this Chapter in the Electronic Gazette.
5. The provision for the Regulation of Certifying Authorities is provided under Chapter IV of the said Act. This act also acknowledges the need for honoring foreign Certifying Authorities. The details of provisions for the issue of license to sanction Digital Signature Certificates is also included in this Chapter.
6. The details relating to Digital Signature Certificates, duties of subscribers are listed under the Chapter VII of the said Act.
7. The Act also includes penalties and adjudication for various offences and the details for the same are provided under Chapter IX of the Act. The details regarding the appointment of an Adjudicating Officer, who is to determine the offence made by a person as per the provisions or rules given under the act, is also listed in this chapter. It also talks about the powers extended to the Adjudicating Officer.

112 8. The regulations regarding the Cyber Appellate Tribunal are envisaged under the Chapter X of the Act which states that the Cyber Appellate Tribunal is an appellate body where the appeals against the orders of the Adjudicating Officer could be raised.

9. The details of the various offences relating to cyberspace are provided by this Act under the Chapter XI of the Act. Some of the listed offences include tampering with computer source documents, publication of obscene information, breach of confidentiality and privacy, misrepresentation, publishing false Digital Signature Certificate, etc.
10. Provisions for the constitution of the Cyber Regulations Advisory Committee, the purpose of whose is to advice the government in regard to any rules or for any purpose relates to Act, is provided by the Information Technology Act, 2000.

#### 4.5.4 Offenses covered under IPC and Special Laws

Some special laws and provisions have been made under India Penal Court (IPC) to categorize and punish the offences committed in the cyber space as criminal offences. The provisions for the same has been discussed below.

**Offense Section under which the offense is committed**

**Explanation**

**Sending threatening messages by email** Section 503 of IPC Criminal Intimidation Under this Section a threat to any other person to injury to his person, reputation or property, or injury to any other person and their reputation in whom that person is interested, with an intention to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation. A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this section.

**Defamator y messages by email**

Section 499 of IPC

Defamation

Whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said, except in the cases hereinafter expected, of defame that person.

It may amount to defamation to make an imputation concerning a company or an association or collection of persons as such. •

It may amount to defamation to impute anything to a deceased person, if the imputation would harm the reputation of that person if living and is intended to be hurtful to the feelings of his family or other near relatives. • It may amount to defamation to make an imputation concerning a company or an association or collection of persons as such. •

An imputation in the form of an alternative or expressed ironically, may amount to defamation. •

No imputation is said to harm a person's reputation, unless that imputation directly or indirectly, in the estimation of others, lowers the moral or intellectual character of that person, or lowers the character of that person in respect of his caste or of his calling, or lowers the credit of that person, or causes it to be believed that the body of that person is in a loathsome state, or in a state generally considered as disgraceful.

Forgery of electronic records, Email spoofing Section 463 IPC Forgery Whoever makes any false documents or electronic record part of a document or electronic record with, intent to cause damage or injury], to the public or to any person, or to support any claim or title, or to cause any person to part with property, or to enter into any express or implied contract, or with intent to commit fraud or that fraud may be committed, commits forgery. Section 464 IPC Making a false document A person is said to make a false document or false electronic record: First - Who dishonestly or fraudulently- a) Makes, signs, seals or executes a document or part of a document; b) Makes or transmits any electronic record or part of any electronic record; c) Affixes any digital signature on any electronic record; d) Makes any mark denoting the execution of a document or the authenticity of the digital signature, with the intention of causing it to be believed that such document or part of document, electronic record or digital signature was made, signed, sealed, executed, transmitted or affixed by or by the authority of a person by whom or by whose authority he knows that it was not made, signed, sealed, executed or affixed; or Secondly- Who, without lawful authority, dishonestly or fraudulently, by cancellation or otherwise, alters a document or an electronic record in any material part thereof, after it has been made, executed or affixed with digital

114 signature either by himself or by any other person, whether such person be living or dead at the time of such alteration; or Thirdly- Who dishonestly or fraudulently causes any person to sign, seal, execute or alter a document or an electronic record or to affix his digital signature on any electronic record knowing that such person by reason of unsoundness of mind or intoxication cannot, or that by reason of deception practiced upon him, he does not know the contents of the document or electronic record or the nature of the alterations. Section 468 IPC Forgery for purpose of cheating

Whoever commits forgery, intending that the document or Electronic Record forged shall be used for the purpose of cheating,

shall be punished with imprisonment of either description for a term which may extend to

seven years, and shall also

be liable to fine. Section 469 IPC Forgery for purpose of harming reputation

Whoever commits forgery, intending that the document or Electronic Record forged shall harm the reputation of any party, or knowing that it is likely to use for that purpose,

shall be punished with imprisonment of either description for a term which may extend to three

years, and shall also

be liable to fine. Bogus websites, cyber frauds Sec 420 IPC Cheating and dishonestly inducing delivery of property

Whoever cheats and thereby dishonestly induces the person deceived any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security,

shall be punished with imprisonment of either description for a term which may extend to

seven years, and shall also

be liable to fine. Web – Hacking Sec 383 IPC Extortion Whoever intentionally puts any person in fear of any injury to that person, or to any other, and thereby dishonestly induces the person so put in fear to deliver to any property or valuable security, or anything signed or sealed which may be converted into a valuable security, commits "extortion". E-Mail

Abuse, Online Defamation Sec 500 IPC Punishment for defamation

Whoever defames another

shall

be

punished with simple imprisonment

for a term which may extend to two years, or with fine, or with both.

Sec 509

Whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound

115 IPC Word, gesture or act intended to insult the modesty of a woman shall be heard, of that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of

such woman,

shall

be

punished with simple imprisonment

for a term which may extend to

one year, or with fine,

or with both.

Criminal Intimidation by E-mail or Chat Sec 506 IPC Punishment for criminal intimidation Whoever commits, the offence of criminal intimidation

shall be punished with imprisonment of either description

for a term which may extend to two years,

or with fine,

or with both;

If

threat be to cause death or grievous hurt, etc., And if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or imprisonment for life,

or

with imprisonment for a term which may extend to seven years,

or

to impute, unchastely to a woman,

shall be punished with imprisonment of either description

for a term which may extend to seven years,

or with fine,

or with both.

Sec 507

IPC Criminal intimidation by an anonymous communication Whoever commits the offence of criminal intimidation by an anonymous communication, or having taken precaution to conceal the name or abode of the person from whom the threat comes,

shall be punished with imprisonment of either description for a term which may extend to

two years,

in addition to the punishment provided for the offence by the last preceding section. Piracy Sec 51 IPC

copyright infringed Copyright in a work shall be deemed to be infringed: a) when any person, without a license granted by

the owner of the Copyright or the Registrar of Copyrights under this Act or in contravention of the conditions of a license so granted or of any condition imposed by a competent authority under this Act: i) does anything, the exclusive right to do which is by this Act conferred upon the owner of the copyright, or ii) permits for profit any place to be used

for the performance of the work in public where such performance constitutes an infringement of the copyright in the work unless he was not aware and had no reasonable ground for believing that such performance would be an infringement of copyright, or b) when any person: i) make for sale or hire, or sells or lets for hire, or by way of trade displays or offers for sale or hire, or

116 ii) distributes either for the purpose of trade or to such an extent as to affect prejudicially the owner of the copyright, or iii) by way of trade exhibits in public, or iv) imports ( except

for the private and domestic use of the importer) into India, any infringing copies of the work. The reproduction of a literary, dramatic, musical or artistic work

in

the form of a cinematograph film shall be deemed to be an "infringing copy".

Sec 63 IPC Offence of infringement of copyright or other rights conferred by this Act Any person who knowingly infringes or abets the infringement of: a) the copyright in a work, or b) any other right conferred by this Act, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years and with fine which shall not be less than fifty thousand rupees but which may extend to two lakh rupees: • Provided that where the infringement has not been made for gain in the course of trade or business the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months or a fine of less than fifty thousand rupees. •

Construction of a building or other structure which infringes or which, if completed, would infringe the copyright in some other work shall not be an offence under this section. Sec 63(A) IPC Enhanced penalty on second and subsequent convictions Whoever having already been convicted of an offence under section 63 is again convicted of any such offence shall be punishable for the second and for every subsequent offence, with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine which shall not be less than one lakh rupees but which may extend to two lakh rupees: • Provided that where the infringement has not been made for gain in the course of trade or business the court may, for adequate and special reasons to be mentioned in the judgment impose a sentence of imprisonment for a term of less than one year or a fine of less than one lakh rupees. • Provided further that for the purposes of this section, no cognizance shall be taken of any conviction made before the commencement of the Copyright (Amendment) Act, 1984. Sec 63(B) Any person who knowingly makes use on a computer of an infringing copy of a computer programme shall be punishable with imprisonment for a term which

117 IPC Knowing use of infringing copy of computer program to be an offence shall not be less than seven days but which may extend to three years and with fine which shall not be less than fifty thousand rupees but which may extend to two lakh rupees. Provided that where the computer programme has not been used for gain or in the course of trade or business, the court may, for adequate and special reasons to be mentioned in the judgment, not impose any sentence of imprisonment and may impose a fine which may extend to fifty thousand rupees. Obscenity (Indecent Representation of Women Act) Sec 292 IPC Sale, etc., or obscene books, etc. (1)

For the purposes of sub-section 2,

a book, pamphlet, paper, writing, drawing, painting, representation, figure or any other object, shall be deemed to be obscene if it is lascivious or appeals to the prurient interest or if its effect, or (where it comprises

two or more distinct items) the effect of any one of its items, is, if taken as

a whole, such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it. (2)

Whoever- a) Sells, lets to hire, distributes, publicly exhibits or in any manner puts into circulation, or for purposes of sale, hire, distribution, public exhibition or circulation, makes, produces or has in his possession any obscene book, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatsoever, or b) Imports, exports or conveys any obscene object for any of the purposes aforesaid, or knowing or having reason to believe that such object will be sold, let to hire, distributed or publicly exhibited or in any manner put into circulation, or c) Takes part in or receives profits from any business in the course of which he knows or has reason to believe that any such obscene objects are, for any of the purposes aforesaid, made, produced, purchased, kept, imported, exported, conveyed, publicly exhibited or in any manner put into circulation, or d) Advertises or makes known by any means whatsoever that any person is engaged or is ready to engage in any act which is an offence under this section, or that any such obscene object can be procured from or through any person, or e) Offers or attempts to do any act which is an offence under this section, shall be punished on first conviction with imprisonment of either description

76%

**MATCHING BLOCK 149/153**

W

for a term which may extend to two years, and with fine which may extend to 118 two thousand rupees,

76%

**MATCHING BLOCK 150/153**

W

for a term which may extend to two years, and with fine which may extend to 118 two thousand rupees,

and, in the event of a second or subsequent conviction, with imprisonment of either description

62%

**MATCHING BLOCK 151/153**

W

for a term which may extend to five years, and also with fine which may extend to five thousand rupees.

This does not extend to: a) Any book, pamphlet, paper, writing, drawing, painting, representation or figure: i. The publication of which is proved to be justified as being for the public good on the ground that such book, pamphlet, paper, writing, drawing, painting, representation or figure is in the interest of science, literature, art of learning or other objects of general concern, or ii. Which is kept or used bona fide for religious purposes; b) Any representation sculptured, engraved, painted or otherwise represented on or in: i. Any ancient monument within the meaning or the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), or ii. Any temple, or on any car used for the conveyance of idols, or kept or used for any religious purpose. Sec 292(A)

IPC Printing etc. of grossly indecent or scurrilous matter or matter intended for blackmail Whoever: (a) Prints or causes to be printed in any newspaper, periodical or circular, or exhibits or causes to be exhibited, to public view or distributes or causes to be distributed or in any manner puts into circulation any picture or any printed or written document which is grossly indecent, or in scurrilous or intended for blackmail, or (b) Sells or lets for hire, or for purposes of sale or hire makes, produces or has in his possession, any

picture or any printed or written document which is grossly indecent or is scurrilous or intended for blackmail; or (c) Conveys any picture or any printed or written document which is grossly indecent or is scurrilous or intended for blackmail knowing or having reason to believe that such picture or document will be printed, sold, let for hire distributed or publicly exhibited or in any manner put into circulation; or (d) Takes part in, or receives profits from, any business in the course of which he knows or has reason to believe that any such newspaper, periodical, circular, picture or other printed or written document is printed, exhibited, 119 distributed, circulated, sold, let for hire, made, produced, kept, conveyed or purchased;

or (e) Advertises  
or makes known by any means whatsoever that any person is engaged or is ready to engage in any Act which is an offence under this section, or that  
any such  
newspaper, periodical, circular, picture or other printed or written document which is grossly indecent or is scurrilous or intended for blackmail,  
can  
be procured from or through any person; or (f) Offers or attempts to do any act which is an offence under this section  
and  
shall be punished with imprisonment of either description  
for a term which may extend to two years,  
or with fine,  
or with both.  
Provided that  
for a second or any subsequent  
offence under this section, he  
shall be punished with imprisonment of either description for a term which  
shall not be less than six months and not more than two years. Scurrilous shall be deemed to include any matter which is likely to be injurious to morality or is calculated to injure any person: • Provided that it is not scurrilous to express in good faith anything whatever respecting  
the conduct of: i) A public servant in the discharge of his public functions or respecting his character, so far as his character appears in that conduct  
and no further;  
or ii)  
Any person touching any public question, and respecting  
his character, so far as his character appears in that conduct  
and no further.

In deciding whether any person has committed an offence under this section, the Court shall have regard inter alia, to the following considerations: a. The general character of the person charged, and where relevant the nature of his business; b. The general character and dominant effect of the matter alleged to be grossly indecent or scurrilous or intended for blackmail; c. Any evidence offered or called by or on behalf of the accused person as to his intention in committing any of the acts specified in this section. Sec 293 IPC Sale, etc.,  
of obscene objects to young person Whoever sells, lets to hire, distributes, exhibits or circulates to any person under the age of twenty years  
any such obscene object as is referred to in the last preceding  
section,  
or offers or attempts so to do, shall be punished on first conviction  
with imprisonment of either description

76%

**MATCHING BLOCK 152/153**

**W**

for a term which may extend 120 to three years, and with fine which may extend to two thousand rupees,

and, in the event of a second or subsequent conviction,  
with imprisonment of either description

for a term which may extend to seven years, and also with fine which may extend to five thousand rupees.

Sec 294 IPC Obscene acts and songs Whoever, to the annoyance of others: a) Does any obscene act in any public place, or, b) Sings, recites or utters any obscene song, balled or words, in or near any public place, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

Theft of Computer Hardware Sec 378 IPC Theft Whoever intending to take dishonestly any moveable property out of the possession of any person without that person's consent, moves that property in order to such taking, is said to commit theft. A thing so long as it is attached to the earth, not being movable property, is not the subject of theft; but it becomes capable of being the subject of theft as soon as it is severed from the earth. A moving effected by the same act which affects the severance may be a theft. A person is said to cause a thing to move by removing an obstacle which prevented it from moving or by separating it from any other thing, as well as by actually moving it. A person, who by any means causes an animal to move, is said to move that animal, and to move everything which, in consequence of the motion so caused, is moved by that animal. The consent mentioned in the definition may be expressed or implied and may be given either by the person in possession, or by any person having for the purpose authority either express or implied. Sec 379 IPC Punishment for theft Whoever commits theft shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

The social interaction of human being has been their innate nature, that is why a man has been referred to as a social animal, and with the globalization of the world and boom of internet and 121 the social media this interaction has been ever more increasing. With such an advent the cyber world has expanded and so did the cybercrime. However, cybercrime is a complex issue, since there are no geographical boundaries in the cyber world. Issues as anonymity complicates the matter in cyber space. Hence the complexity of such activities in the cyber space cannot be satisfactorily addressed by the conventional laws. Hence the scope of Cyber Laws and its importance has been increasing evermore since the dependence on the internet and technology has been increasing more and more for daily functioning of the individuals and of the society. And with this increase on the dependence of the technology and internet the risk of theft and cyber-crimes has also increased, hence in the need of law enforcement has been ever more necessary. 4.6 Summary • Any act of producing false and unprivileged statement about a person be it published or spoken intentionally and knowingly with a motive to ruin someone's reputation comes under the purview of defamation. • The following are the essentials of defamation: a) A statement must be defamatory b) The statement must be specifically indicative to the complainant c) The statement must be published • Defamation is divided into categories i.e. Libel and Slander. Libel being the written defamation and slander being the spoken defamation. • Even a defamatory statement under certain circumstances can be permissible in law and is not accounted for as a libel. The following are the conditions or circumstances which are a defense against libel, i.e., Truth, Qualified privileges and other defenses. • Defamation in India is both a civil and a criminal offence. The Indian Penal Code gives the convenience to the complainant to move to a criminal (court) proceeding for defamation case. • The faith of the people of India in the judiciary is entrusted with an elementary duty of administering justice. Hence the preliminary purpose of courts having contempt 122 jurisdiction is to uphold the majesty and dignity of the courts and safeguarding the public image of the courts. • The need to assess the scope of the Contempt of Courts Act, 1971 is necessary since the title of the Act could mislead people to think that this Act tend to protect the court and

fraternity of lawyers and judges, thereby keeping them above law. Thus, contrary to the common perception as discussed above, this act doesn't extend the unnecessary power to the judiciary. • The Right to Information Act, 2005 comprises of VI Chapters, 31 sections and 2 schedules. The Right to Information Act, popularly known as RTI Act, has significant importance in terms of being a useful tool for the good of general public and social activists to raise their voice against issues such as corruption, etc. This Act has also brought transparency in the governance, through open sharing of information about the work being done in various government departments and other agencies of the government. This Act also has been beneficial for protecting the legal and constitutional rights of the people.

4.7 Key Terms • Defamation – The action of damaging the reputation of a person or group by saying or writing bad things about them that are not true. (Cambridge University Press, 2020) • Libel – To write and publish something that contains bad and false things about a person. (Cambridge University Press, 2020) • Slander – A false spoken statement about someone which damages that person's reputation, or the making of such a statement. (Cambridge University Press, 2020) • Contempt – Behavior that is illegal because it does not obey or respect the rules of a law court. (Cambridge University Press, 2020)

4.8 Check your progress I Long type Questions: Q1) What is defamation? What are the types of defamation? Q2) What is the objective, purpose and scope of the Contempt of Court Act, 1971? Q3) What are provisions given in the Indian Penal Code against defamation? Q4) What are the provisions for Contempt of Courts (Amendment) Act, 2006? Q5) What is the importance of Right to Information for media? II Short Type Questions: Q1) What are the challenges faced by Right to Information Act, 2005? Q2) Which type of cyber offenses are considered as the criminal offenses under cyber laws? Explain a few of them in detail. Q3) What are the provisions given for Obscenity under the sections of Indian Penal Code? Q4) Which defences are given against Libel? Q5) Write the sections under which the following offense are covered in the IPC? i) Sending threatening messages by email ii) Defamatory messages by email iii) Bogus websites, cyber frauds

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125 Module: III Media & Ethical Principles

126 Unit: 05 Media & Ethical Principles Structure 5.0 Introduction 5.1 Unit Objective 5.2 Media Ethics 5.3 Truth, Fairness & Objectivity 5.4 Right to Privacy 5.5 Summary 5.6 Key Terms 5.7 Check Your Progress 5.0 Introduction Unit - 'Media and Ethical Principles' is on the 'introduction to the guiding principles' that are of great importance for a journalist to know and work professionally. Understanding the meaning of ethics and history in brief to the global and Indian context shall help you to know the demand and relevance of ethics in journalism. While reading truth, fairness, and objectivity you shall be able to know how these virtues are maintained in the world of journalism. 'Right to privacy' is such a critical issue which should not be compromised to the need of others. 5.1 Unit Objectives On the completion of this unit, you will be able to understand: • Importance of Media Ethics • Truth, Fairness & Objectivity • Right to Privacy

127 5.2 Media Ethics The dictionary defines the word 'ethics' as "it is the moral principles that govern a person's behaviour or the conduct of an activity". The English word 'ethics' has originated from the Greek word 'ethos' which means 'character'. Therefore, the word can be defined as the study of "men's habits and customs or in other words their characters". Understanding the meaning of the word ethics we can say that 'Media ethics' can be said to be the principles or ethics or the 'code of conduct' which journalists and media houses or media people should follow while performing their work. One German philosopher Emmanuel Kant said, "journalism is the service and is founded on an ethical premise" The codes of ethics that are generally taken into consideration by the journalistic community can be said are like: • Freedom of information, • Freedom of access to information sources • Maintaining - objectivity, accuracy, truthfulness, • No misrepresentation of facts, • Maintaining responsibility to the public, and its rights and interests and about national, racial, and religious communities, the nation, the State and the maintenance of peace. • Not to violate the right of privacy of others, • Refraining from doing acquisitions, • Maintaining integrity and independence, • The right of reply and correction, • Respecting professional confidentiality, • Consider the cultural, social, or ethnic codes of individual countries. 5.2.1 Significance Whether it's a print media or electronic they need to work on the guiding ethical principles as:

128 • Mass communication with a large number of people who are from different sections of societies, mindsets, and intelligence is a careful task. Societies are highly heterogeneous (diverse) and at times even deeply divided such as in India. • Knowledge or information is always a valuable thing that is even proved by such laws - the right of information, freedom of expression, speech, and debate. • Journalists are communicative with all sections of society and the importance and need for ethical practices in journalism cannot be overstated. 5.2.2 Historical background of Media Ethics Let's have read the history related to media ethics in relation to the global context and Indian context. 5.2.2.1 Global Context Discussions and debates on 'journalistic conduct', media use, and freedom of expression have been ever since the oldest newspaper was published in Germany but it was by the end of the 19th Century that the term ethics in the context of journalism started being used, as: • A Catholic writer William Samuel Lilly (1890) wrote an article on journalistic ethics. In this article he argued that journalists were given freedom of the press to state facts, to critically analyse upon them, to denounce wrongdoings of the society, and to suggest reforms if any, but according to Lilly truth was hard to come by for the journalists. Influentially, to put a check on the manner of journalism which works by scandalizing and sensationalizing the news by an instrument started being felt. • In 1980 strong voices criticizing the United States' Press for plaguing, sensationalizing started being heard. • It was by the end of the 19th Century free press started being established. In England, the press succeeded in overcoming the Monarchist, parliamentary and legal controls. • Journalism, as a subject in education, started being recognized. • In the 20th-century media ethics fully established its identity and even focused its interest upon the international arena. When plagiarism, the codes of conduct in journalism were recognized and followed up professionally and lawfully.

129 5.2.2.2 Indian Context In 1954, the first Press commission was set up and on its recommendation in 1966 on 4th July the Press Council of India was set up to regulate the Press in India. • Press Council is an autonomous, statutory, and quasi-judicial body in India. The Council was formed to work towards safeguarding the freedom of the press and to achieve high standards in the press. It also wanted to bring about a sense of responsibility and public service among all the professional of journalism. The Council was composed of 25 members and a Chairman. The Chairman was a judge and nominated by the Chief Justice of India. Some of the functions as laid down by the Press Council Act of 1965 are: o To work towards helping newspapers to maintain their independence; o To work towards building up a code of conduct for newspapers and journalists according to the high professional standards; o To work towards ensuring that newspapers and journalists are maintaining the high standards of public taste with a sense of both the rights and responsibilities of citizenship; o To work towards encouraging the growth of a sense of responsibility and public service among professional journalists; o To work towards providing facilities for the proper education and training of such persons who are in the profession of journalism; o To work towards promoting a proper functional relationship among all classes of persons engaged in the production or publication of newspapers; o To work towards promoting technical or another research; o To work towards such other acts that may be incidental or conducive to the discharge of the above functions. Several amendment provisions had been coming and have influenced the formation of the Council since its formation.

130 • On the suggestion of a fresh enactment in the Parliament a new Council and the institution came to be reviewed in the year 1979. The composition of the present Council is a body corporate and is consisted of a Chairman and 28 other members. Where: o 13 from the working journalists of whom 6 are to be editors of newspapers and the remaining 7 are to be working journalists other than editors, o 6 are to be from who own or carry on the business of management of newspapers. o One from among the persons who manage news agencies. o 3 to be persons having special knowledge or practical experience in respect of education and science, law and literature and culture. o Remaining 5 are from the Parliament: 3 from Lok Sabha and two from Rajya Sabha.

According to the new Act, the selection of the Chairman shall be by a committee consisting of the Chairman of the Rajya Sabha, the speaker of Lok Sabha, and a person elected by the members of the Council from among themselves. 5.2.2.3 Press Council of India and Norms of Journalistic Conduct: The following are some of the important ethics of journalism being acknowledged by the Press Council of India: 1. Accuracy and Fairness The council says that the information should be given truthfully and without distortion, exaggeration, sensation. 2. Check and Cross Check to Avoid Error: It says that all journalists need to check and cross-check facts carefully to avoid any kind of errors that could affect the truthfulness or accuracy of the information. 3. Avoid Defamatory Writing: PCI says - no defamatory writing. Criticism should not reach to the level of defaming any individual or organization.

131 4. Avoid Plagiarism: claiming other's works as its own is an offense and against the ethics of journalism'. 5. Avoid Intrusion to the Privacy of an Individual: According to the PCI, the press cannot intrude or invade the privacy of an individual. Though

once a matter becomes a matter of public record, the right to privacy no longer exists. 6.

Privacy of Public Figures: Though, Press Council of India acknowledges the Right to Privacy as an important human right but it also mentions that the degree of privacy differs from person to person and from situation to situation as a person who has become a public figure cannot afford the same degree of privacy as a private person can do. 7. Norms for interviews and phone conversation: According to the PCI, the Press can record anyone's conversation only after it's permission

except where the recording is necessary to protect the journalist in legal action, or for other compelling good reason and the Press shall, before publication, remove offensive portions used by a person whose statements are being reported. 8. Impartiality To maintain impartiality, the PCL asks to avoid using adjectives and maintaining a clear distinction between opinion and fact. 9. The procedure of Legal Reporting: Press Council of India has given guidelines on legal reporting. According to it, the newspapers should report faithfully the proceedings of either House of Parliament. The newspaper cannot publish or comment on evidence collected as a result of investigative journalism. 10. Corrections and Apologies for Errors: The PCI says that on detecting any error or mistake the newspaper should promptly publish the correction

with apology or expression of regrets in a case of

serious lapse. 11. Avoid Obscenity and vulgarity: The Press Council of India says that Newspapers or journalists should not publish anything obscene, vulgar, or offensive to public good taste. Further, it says that there should not be any display of vulgar advertisements.

132 5.3 Fairness & Objectivity Different theories are defining 'truth' as: • Theory of Correspondence believes that what is true, and the truth of things are determined by the extent to which they correspond to the reality of things. According to the different philosophers of this theory, "the truth cannot be said to be an absolute representation of reality". Different languages translate one thing into one exact way is not necessary. • Coherence Theory believes that many different and contradictory truths are relative and subjective. • Consensus Theory says that "somethings which can be affirmed by other people can be said to be true", this theory has numerous problems but still it is helping to establish some common truths. Numerous definitions are defining the term 'truth' but concerning media ethics, we can say: It is always important to convey truthfully whether it is a fact or comment or information. Falsehood is strictly not to resort to anyways as it can only affect the professionalism of journalism. 5.3.1 Fairness To adapt to the ethic of fairness in journalism, the suggestive guidelines are like: • Language: The chosen words in the content can either be justifying to the meaning or changing the meaning, hence it is always a matter of carefulness regarding writing the journalistic content. • Context: Avoiding writing in the context shall be considered a form of deception. • Greater coverage: Reporting on listening to one story or one side story shall be against the ethics of fairness in journalism. Hence, greater coverage should be done before publishing the events, incidents, or stories.

133 • Address different aspects of a story: To establish a common truth a journalist should try to address different aspects of a story. Challenges to Fairness: • Market forces: The impact of market forces on media organizations is affecting the virtues of fair and independent journalism. • The difference of opinion or perspective: There are different aspects of fairness as one thing might be fair for one but unfair for the other. Maintaining fairness can be difficult for a journalist as touching all the aspects shall be a complex task. 5.3.2 Objectivity Maintaining impartiality in reporting reality in journalism is objectivity. According to Boyer objectivity is consisted of six elements: • Balance and even-handedness in presenting different sides of an issue; • Accuracy and realism of reporting; • Presentation of all main relevant points; • Separation of facts from opinion, but treating opinion as relevant; • minimizing the influence of the writer's attitude, opinion or involvement; • Avoiding slant, rancour or devious purpose (Boyer, 1981, 58(1): P-24-28) To achieve objectivity, newspapers can use different practices like giving by-lines, crediting lines to the sources, writing explicit interpretive stories. Objectivity is the one ethical principle that journalists cannot deviate from as it involves public accountability. 5.4 Right of Privacy In recent years the public's right to know and the need to expose wrongdoing and corruption have become a major concern of reporting. Many times, it turns out as intruding someone's privacy. Especially people who live in public life or live in the spotlight are more vulnerable to

134 lose it. But considering it 'in the interest of public' media justifies its such interferences. Though, according to the media ethics in using the personal information of people and facts about events in an individual's life media should play a role of responsibility. We know, there are such people also who for getting publicity and fame, for their interests willingly go public with their personal or other details. The ethical issues call for a balance between an individual's right to privacy and the public's right to know. That is true that the public's right to know is one of the guiding principles of journalists but it should not be carried out on affecting someone's privacy as it may have strong repercussions on a person's well-being. We simply cannot assume that the public is curious about the private details of other's lives as there is the existence of such public also which do not like to be served with others' private details. A Simple check on the necessity or questioning fairness of ethics can help a journalist to decide to publish such information. (Gail Hulnick "Defining the Line Between the Public's Right to Know and the Individual's Right to Privacy")

5.5 Summary The dictionary defines the word 'ethics' as "it is the moral principles that govern a person's behaviour or the conduct of an activity". Understanding the meaning of the word ethics we can say that 'Media ethics' can be said to be the principles or ethics or the 'code of conduct' which journalists and media houses or media people should follow while performing their work. One German philosopher Emmanuel Kant said, "journalism is the service and is founded on an ethical premise". Whether it's a print media or electronic they need to work on the guiding ethical principles as mass communication with a large number of people who are from different sections of societies, mindsets, and intelligence is a careful task. Societies are highly heterogeneous (diverse) and at times even deeply divided such as in India. Journalists are communicative with all sections of society and the importance and need for ethical practices in journalism cannot be overstated. General ethical codes are like responsibility which binds a journalist with the virtue of not letting the misuse of its job, freedom of the press which is taken as a vital right of media, independence which is freedom from all obligations except that of fidelity to the public interest, sincerity, truthfulness, accuracy, impartiality, fair play etc.

135 In context to history: 19th Century that the term ethics in the context of journalism started being used. It was by the end of the 19th Century free press started being established. In England, the press succeeded in overcoming the Monarchist, parliamentary and legal controls. In the 20th-century media ethics fully established its identity and even focused its interest upon the international arena. When plagiarism, the codes of conduct in journalism were recognized and followed up professionally and lawfully. In 1954, the first Press commission was set up and on its recommendation in 1966 on 4th July the Press Council of India was set up to regulate the Press in India. On the suggestion of a fresh enactment in the Parliament a new Council and the institution came to be reviewed in the year 1979. It is always important to convey truthfully whether it is a fact or comment or information. Falsehood is strictly not to resort to anyways as it can only affect the professionalism of journalism. To achieve objectivity, newspapers can use different practices like giving by-lines, crediting lines to the sources, writing explicit interpretive stories. Objectivity is the one ethical principle that journalists cannot deviate from as it involves public accountability. We simply cannot assume that the public is curious about the private details of other's lives as there is the existence of such public also which do not like to be served with others' private details. A Simple check on the necessity or questioning fairness of ethics can help a journalist to decide to publish such information.

5.6 Key Terms • The right to privacy – It means the right to personal privacy. • Objectivity – The quality of being able to make a decision or judgment in a fair way that is not influenced by personal feelings or beliefs. (Cambridge University Press, 2020)

136 5.7 Check your progress I Long type Questions : Q1) What are the codes of ethics that are generally taken into consideration by the journalistic community? Q2) Write the significance of media ethics? Q3) Write the history related to media ethics in relation to the global context, in brief? Q4) Write the history related to media ethics in relation to the Indian context, in brief? Q5) Write the suggestive guideline in context to adopt the ethic of fairness in journalism? II Short Type Questions: Q1) What is the meaning of the word 'media ethics'? Q2) When did the subject Journalism, started being recognized in the matter of education? Q3) Who selects the chairman of the Press Council of India according to the new act? Q4) What do you understand by the term objectivity in relation to journalism ethics? Q5) State true or false: i) The composition of the present Council is a body corporate and is consisted of a Chairman and 26 other members ii) It was by the end of the 18th Century free press started being established. iii) The ethical issues call for a balance between an individual's right to privacy and the public's right to know iv) Reporting on listening to one story or one side story shall be against the ethics of fairness in journalism. v) Objectivity is the one ethical principle that journalists cannot deviate from as it involves public accountability.

137 Suggested Readings • Media Laws and Ethics, M. Neelamalar, Phi Learning Private Limited, 2010. • Media Ethics – Truth, Fairness and Objectivity, Paranjoy Guha Thakurta, Oxford University Press 2009, 2012, Second Expanded Edition,

138 Unit: 06 Ethical Code of Conduct Structure 6.0 Introduction 6.1 Unit Objective 6.2 Ethics in Print and Broad Media 6.3 Ethics in Advertising and Films 6.4 Summary 6.5 Key Terms 6.6 Check your progress 6.0 Introduction This unit on "Ethical Code of Conduct", shall help you to know about the ethics in 'print and broadcast' and code of ethics in 'advertising and films'. Print Media like newspapers and broadcast media like television and radio are today the inseparable parts of our life or daily routine. Media ethics or guidelines are to be followed while creating or publishing or broadcasting any content as it is in the interest of people and society at large. With the great influence of advertisement and movies of the conduct of people in term of either buying behaviour or otherwise in general makes it important to understand the responsibility and the ethical principles the industry needs to follow. This unit will help you in understand the moral responsibility that the people of the industry need to follow. 6.1 Unit Objectives On the completion of this unit you will be able to understand:

139 • Ethics in Print and Broadcasting  
139 • Code of ethics in advertising and films 6.2 Ethics in Print & Broadcast Media Print media refers to newspapers and magazines while television and radio are primarily the broadcast media. 6.2.1 Print Media and ethics The newspaper at your doorstep every morning brings in the extensive and elaborated information of the world and its events to you. Newspapers furnished with news or reports of the happenings, events, occurrences, etc. with interpretations and comments upon them too are published and broadcasted to a large number of people and make them create opinions. Besides news and information, a newspaper publishes advertisements for businesses also, which makes a newspaper to work as a sales medium. Miscellaneous pieces of information like news on recruitments, entertaining comic strips, and puzzles are published for readers also. Print media includes newspapers and magazines too. Print media faces criticism mainly for: It works as a business corporation that works for the profits for the owner or the stock-holders. It works under financial pressure and control of a small group. To please the advertisers or for the sake of the financial gains, it compromises with space meant for news and other useful information broadcasts. Media ethics expects - social responsibility with public interest from the print media. It appreciates: • reporting on and promoting discussions of ideas, opinions, and truths for the social refinement. • Publishing information on the real issues and happenings in society and with peoples. • Letting the world know the real heroes and culprits around. • Refraining from political biases or any other kind of religious or cultural issues. • No plagiarism

140 • No photo manipulations • No conflict of interest • Only truth - no rumours or hampering of truth • No promotion of paid news • No Sensationalization • No grammatical mistakes and appropriate use of language Besides the codes of ethics, many organizations maintain their own set of rules for keeping their organization honest and accountable to the public. Print ethics are those imperative guidelines that are necessary to follow for the existence of print media in its true spirit. 6.2.2 Broadcasting and Media Ethics Broadcasting media's mediums like radio and television are such phenomena of mass media that impact and influence the lives of all people of all ages inseparably. Broadcasting media faces criticism mainly for: Just like 'print media' the broadcasting media also has ethical issues as the limit and control in broadcasting are sometimes controlled out of influences and manipulations. For owning the desired number of stations and attaining the licenses one uses the power of influence, and that is against the ethics. Media ethics expects: The regulative code says that it is the responsibility of mass media to work for the common good of all. It appreciates: • When broadcasting is according to the regulative codes. • When news reporting is factual and objective. • When controversial public issues are given fair representation by covering all the sides without being biased.

141 • When programs are educational and entertaining. • When children's programs are created with the virtues and attributes of pedagogy like education, instructions, and guidance it helps in creating a healthy and educative society. • When the religious sentiments are not attacked. • When there is an absence of obscenity and vulgarity. • When no such material has been used which may create undesirable emotional reactions among people. • When there is an avoidance of hard liquor, fortune-telling advertisements. • When there is no broadcasting any crime, violence, and sex instigating elements. • When a program in particular reference to television is not serving a show promoting extra-marital or illicit sexual relations. • When the broadcasting content is not promoting any kind of violence. The concept of 'public interest' and integrity are the real essences to maintain. Efforts to maintain ethics: • The government regulates broadcasting. • Broadcasting stations are licensed on the ground of serving to the public and not the private or group interest of individuals. The ethical expectations from the broadcasting system is that it should be serving to educate or well-informed the people, stimulating discussions, and presenting music, drama, and athletics for the entertainment of the public; any drive for profits and desire to serve the biased opinions can harm the medium. Serving to the public interest and serving to public curiosity are two different things. Sometimes serving to public curiosity, journalists or creators of programs can be allured towards being unethical and can invade someone's privacy. We should not forget and ignore to be ethical with this issue as it may harm someone's not the only image, but it's well-being too. A simple check on the necessity or questioning fairness of ethics can help a journalist or broadcaster or creator to be ethically allured.

142 6.3 Ethics in Advertising and Films History has seen and cited many examples of famous people who have displayed some of the best and the worst conduct of behavior. Be it the history of any country many examples can be cited for famous people whose behavior have been talked of for ages, whether it was for their best or worst conduct. For example, Abraham Lincoln have been associated with the nickname "Honest Abe", reflecting his quality of being true in every situation, or Nelson Mandela who promoted peace through forgiving others and treating everyone equally, similarly Mahatma Gandhi was also known for spreading peace and getting people their rights through non-violent peaceful method and thus obtained the title of "Mahatma" for being an abode of kindness and humbleness for humanity and human beings. These are the people who have been more associated with being social activists and working for the well being of human kind. However, the advent of media, has made many people famous and given them the status of being celebrities who are being followed by many people for the choices they make, the behavior they exhibit which get promoted through films and advertising. There are stories which discuss the impact advertisement and films have on the audience, be it good, bad, truth or dishonesty.

6.3.1 Ethics in Advertising As we understand ethics are a set of moral principles that sway the behavior of a person and how one is to conduct an activity. The term advertising means a mode of communication between a buyer and the seller. Therefore, ethics in advertising means a set of principles that are well defined controlling and guiding the ways of communication taking place between the seller and consumer. Thus, ethics in advertising is a very crucial and important feature, since it regulates how a message has to be communicated to the audience for selling a product or a service. In today's times with so much increased competition in the market amongst varied products and services, in order to increase sales and gain more profit, the producers (sellers) resort to methods of increasing promotions through advertisement and puffed promotions. In order to achieve their sales targets, the sellers many a times adopt strategies that involving lying to the customer and

143 hiding things about the product or service and showing exaggerated advertisement and using a lot of puffing, which many a times false, unethical and misleading the customers. For example, a chips or snack company showing it products crispier, glossy, colorful and healthier, which is not the case in reality, thus misleading kids and encouraging them to pursue their parents to buy only certain type of chips or snacks which might not be as healthy as projected in the ads. There are three moral principles that any advertisement agency should follow while promoting any brand for its product or services, and those are – Truthfulness, Social Responsibility and Human Dignity.

6.3.1.1 Types of advertisement mediums and their purpose Presentation of a brilliant idea through a selection of the right medium, at the right place and at the right time is imperative, since otherwise even a brilliant idea could get wasted and would not entrap the potential of the idea. Thus, it is important to understand the different advertising medium and the purpose for which they could be used to promote an idea, product or a service. The classification of the advertisement media can be broadly done into two major categories: a) Print Media b) Electronic Media

a) Print Media – Medium such as newspapers, magazines, poster, journals, catalogs, board bills, etc. encompasses the various forms of print media. Posters, billboards, hoardings, etc. are mainly the form of print media used for outdoor advertising also commonly known as these days as Out of Home (OOH) is used for promotions for outdoor purpose. One of the oldest form of media for advertising and the most widely and commonly used form is the Print Media. It is however a challenging form of advertisement as well since it calls for various skills for instance creative writing, designing, graphics, visualization, etc. To encompass an idea in a print form requires to be able to communicate a message through lesser words and great selection of visuals and graphics. Print Media in its contribution of passing information and transferring messages is arresting and is advantageous in making lasting impact on the minds of the customers. The nature of the product or service determines which type of medium is to be used for the purpose of advertising by a company.

144 b) Electronic Media – Radio, television, movies, videos, even the recent technological advancements such as internet and web form a part of electronic media. The sense of sound of the audience is catered by the medium of radio. Radio is mostly effective in the rural areas more than the urban areas. It has a wider coverage area and can convey messages even to the remotest of the area. The various programs advertised through radio include entertainment and education. The broadcasting form of advertisement mostly advertises announcements, sponsored programs, etc. however, such form of advertisements are more expensive than the print media. In present times, internet is the fastest growing advertisement medium after television and radio, that offers a wide range of opportunities for varied businesses to market and promote their products and services through advertisements. Internet advertisement includes websites, banners, buttons, sponsorships, etc.

6.3.1.2 Impact of Advertising on Society The significant and most important feature of advertising is distributing information and awareness about products and making informed choices for different products or brands. It is a strategy used by businesses to promote their brands and increase sales. The medium of advertising does not work in vacuum, it works in a market environment where several forces such as consumer needs, business interests and government regulations are at work. It is considered as a persuasive tool and plays a critical social role in the society. Hence if it is not regulated and controlled, advertisement can lead to social controversies and criticism. The influencing power advertisement holds if not used in an appropriate manner can become the vortex of social evils it can bring to the society. As a requirement the purpose of advertisement is mainly of disseminating information and highlighting the qualities and features of a product to help the consumer to make informed choices for purchasing a product or using a service and not to influence. A consumer is likely to make a purchase or a decision of using a service based on their needs and wants. However, this trend has changed with the increased influence that advertisement has on the minds of consumer. The purchases of consumer now a days depend heavily on the way a product or service has been advertised. For example, the producers in present times understand that children hold a great influencing the decisioning of buyers, hence many companies advertise their products keeping 145 in mind children as their audience and manipulate them to force their parents into buying a product which they might not even need. The need for having code of ethics to regulate advertisements has been more than ever it was, since it has become quite common for the companies to use unethical practices for advertising in order to increase their sales and profits.

6.3.1.3 Ethical Principles especially relevant to Advertising Ethics are a set of beliefs of what a person perceives as morally right or wrong. But such beliefs vary from a person to person, society-to-society and in their point of views, since people have different backgrounds, values and interests. The same advertisement could be perceived differently by different people because of the difference in opinion of people. A person might not object on advertisements for cigarettes or beer or alcohol ads, but others might object the same on moral and ethical grounds. Hence to draw a conclusion as to what is right and what is wrong has to be done by the advertisers themselves. It is a social process that needs to follow the time-tested norms of social behavior and should not in dignify the moral sense of the society. To sum up ethics are code of conduct or principles of morality that directs towards the right and best way to act in a situation. Certain principles that should be followed in the advertising industry are laid down below: • Advertisements should follow the moral code of conduct. • An advertisement is said to be morally good if it motivates people to choose and act in morally good ways; instead of moving towards adopting evil practices and indulge in self-destructive practices. • The advertisers should also be considerate about the techniques adopted for advertising. It should not be manipulative, exploitative or using any corrupting methods of persuasion. • Truthfulness is the most important aspect of morality to be considered while advertising products or services. An advertiser should: o Not intentionally and directly intend to deceive o Not use untrue advertising o Not falsify the truth by manipulating things by withholding relevant facts

146 o Exaggerated or falsified praise ("puffery") must be avoided, however, it could be allowed to the extent till the time it is rhetorical and symbolic. • Respecting the dignity of each human being. • Giving special care to vulnerable section of society such as children, youth, elderly, poor or culturally disadvantaged group. • Owing up to the social responsibilities of a company towards the society and keeping that in mind while advertising their brand. • It should invade the privacy of an individual. • It must not be a stereotype. It must not promote biasness towards any culture, caste, creed or gender. • Highlighting the disadvantages of competitors over the advantages of their own, also known as negative advertising techniques should be avoided. 6.3.2 Ethics in Producing and Screening of Movies/ Films With the forms of newspaper, the radio and television, even the movies or films hold a great power of influence in the society, especially in India, where people even at times worship actors as Gods. The influence of this industry on Indian people is such that sometimes the line of reality and fiction is blurred, and sometimes to the extent that people have abused the actors who have played the roles of villain in the movies. There have been studies conducted to indicate the influence of movies upon the thinking and conduct of the youth. The film industry sets the pattern of mannerisms, fashions, styles, attitudes, ways of courtship, display of personal affection, etc. which highly influences people especially the youth. With such a high influence of movies on the kids and youth a need for censorship legislation was necessitated. The legislation included set of codes for movies with production code for distributors and producers. The code of ethics though has not stopped the producers to make movies which are not in accordance to the code regulations, however, have still had a beneficial effect by eliminating the release of scenes which fall into the category of violence, nudity or obscenity or otherwise considered detrimental.

147 6.4 Summary • Newspapers furnished with news or reports of the happenings, events, occurrences, etc. with interpretations and comments upon them too are published and broadcasted to a large number of people and make them create opinions. • Print media faces criticism mainly for It works as a business corporation that works for the profits for the owner or the stockholders. It works under financial pressure and control of a small group. • Media ethics expects - social responsibility with public interest from the print media and appreciates reporting on and promoting discussions of ideas, opinions, and truths for the social refinement; publishing information on the real issues and happenings in society and with peoples; and letting the world know the real heroes and culprits around. • Just like 'print media' the broadcasting media also has ethical issues as the limit and control in broadcasting are sometimes controlled out of influences and manipulations. Media ethics expects the regulative code says that it is the responsibility of mass media to work for the common good of all and appreciates when broadcasting is according to the regulative codes. • The advent of media, has made many people famous and given them the status of being celebrities who are being followed by many people for the choices they make, the behavior they exhibit which get promoted through films and advertising. There are stories which discuss the impact advertisement and films have on the audience, be it good, bad, truth or dishonesty. • There are three moral principles that any advertisement agency should follow while promoting any brand for its product or services, and those are – Truthfulness, Social Responsibility and Human Dignity. • The classification of the advertisement media can be broadly done into two major categories: o Print Media o Electronic Media • Medium such as newspapers, magazines, poster, journals, catalogs, board bills, etc. encompasses the various forms of print media.

148 • Radio, television, movies, videos, even the recent technological advancements such as internet and web form a part of electronic media. • The trend of advertising brands has changed with the increased influence that advertisement has on the minds of consumer. The purchases of consumer now a days depend heavily on the way a product or service has been advertised. • A person might not object on advertisements for cigarettes or beer or alcohol ads, but others might object the same on moral and ethical grounds. • Ethics are code of conduct or principles of morality that directs towards the right and best way to act in a situation. • With a high influence of movies on the kids and youth a need for censorship legislation was necessitated. The legislation included set of codes for movies with production code for distributors and producers. 6.5 Key Terms • Sensationalization of news – In journalism sometimes a news with the usage of some tactics for some personal gains and creating excitement among the mass are sensationalized. • Broadcasting – the activity or business of sending out programmes on television or radio. (Cambridge University Press, 2020) • Censor – to remove anything offensive from books, films, etc., or to remove parts considered unsuitable from private letters, especially ones sent during war or from a prison. (Cambridge University Press, 2020) • Code – a set of rules that are accepted as general principles, or a set of written rules that say how people in a particular organization or country should behave. (Cambridge University Press, 2020) • Conduct – to cause yourself to behave in a particular or controlled manner. (Cambridge University Press, 2020) 6.6 Check your progress I Long type Questions: Q1) What are the codes of ethics that are generally taken into consideration in respect of print journalism?

149 Q2) What are the expected codes of ethics that are generally taken into account in respect of broadcasting programs? Q3) What impact advertisement has on the society? Q4) Why is there a need of having ethics in advertising? Q5) How has the code of ethics helped in regulation of production and screening of movies? II Short Type Questions: Q1) Write any two ethical expectations from the print media? Q2) Write any one reason for which broadcasting media faces criticism? Q3) List down certain principles that should be followed in the advertising industry. Q4) What is the difference between print and electronic media? Q5) State true or false: i) Media ethics expects - social responsibility with public interest from the print media. ii) Broadcasting media faces criticism for misusing the power of influence. iii) Media ethics code of broadcasting expects the media to do news reporting in a factual and subjective manner. iv) Advertisement agencies as per the code of regulations are allowed to use untrue means for promotion and branding. v) Truthfulness, Social Responsibility and Human Dignity are the three moral principles of advertisement.

### Hit and source - focused comparison, Side by Side

**Submitted text** As student entered the text in the submitted document.  
**Matching text** As the text appears in the source.

1/153	SUBMITTED TEXT	52 WORDS	80% MATCHING TEXT	52 WORDS
<p>Contempt of Courts Act, 1971 4.3.3.1 Section 1: Short title and extent 4.3.3.2 Section 2: Definitions 4.3.3.3 Section 3: Innocent publication and distribution of matter not contempt 4.3.3.4 Section 4: Fair and accurate report of judicial proceeding not contempt 4.3.3.5</p> <p><b>W</b> <a href="http://www.bareactslive.com/ACA/ACT021.HTM">http://www.bareactslive.com/ACA/ACT021.HTM</a></p>		<p>Contempt of Courts Act, 1971 • 1. Short title and extent • 2. Definitions • 3. Innocent publication and distribution of matter not contempt • 4. Fair and accurate report of judicial proceeding not contempt • 5.</p>		
2/153	SUBMITTED TEXT	81 WORDS	81% MATCHING TEXT	81 WORDS
<p>Fair criticism of judicial act not contempt 4.3.3.6 Section 6: Complaint against presiding officers of subordinate Courts when not contempt 4.3.3.7 Section 7: Publication of information relating to proceeding in chambers or in camera not contempt except in certain cases 4.3.3.8 Section 8: Other Defences not affected 4.3.3.9 Section 9: Act not to imply enlargement of scope of contempt 4.3.3.10 Section 10: Power of High Court to punish</p> <p><b>W</b> <a href="http://www.bareactslive.com/ACA/ACT021.HTM">http://www.bareactslive.com/ACA/ACT021.HTM</a></p>		<p>Fair criticism of judicial act not contempt • 6. Complaint against presiding officers of subordinate Courts when not contempt • 7. Publication of information relating to proceedings in chambers or in camera not contempt except in certain cases • 8. Other defences not affected • 9. Act not to imply enlargement of scope of contempt • 10. Power of High Court to punish</p>		
3/153	SUBMITTED TEXT	28 WORDS	92% MATCHING TEXT	28 WORDS
<p>Power of High Court to try offences committed or offenders found outside jurisdiction 4.3.3.12 Section 12: Punishment for contempt of Court 4.3.3.13</p> <p><b>W</b> <a href="http://www.bareactslive.com/ACA/ACT021.HTM">http://www.bareactslive.com/ACA/ACT021.HTM</a></p>		<p>Power of High Court to try offences committed or offenders found outside jurisdiction • 12. Punishment for contempt of Court • 13.</p>		

4/153	SUBMITTED TEXT	43 WORDS	89% MATCHING TEXT	43 WORDS
	not punishable in certain cases 4.3.3.14 Section 14: Procedure where contempt is in the face of the Supreme Court or a High Court 4.3.3.15 Section 15: Cognizance of criminal contempt in other cases 4.3.3.16		not punishable in certain cases • 14. Procedure where contempt is in the face of the Supreme Court or a High Court • 15. Cognizance of criminal contempt in other cases • 17.	
	<b>W</b> <a href="http://www.bareactslive.com/ACA/ACT021.HTM">http://www.bareactslive.com/ACA/ACT021.HTM</a>			

5/153	SUBMITTED TEXT	15 WORDS	100% MATCHING TEXT	15 WORDS
	Complaint against presiding officers of subordinate Courts when not contempt 4.3.3.7		Complaint against presiding officers of subordinate courts when not contempt.—	
	<b>W</b> <a href="https://indiankanoon.org/doc/1396751/">https://indiankanoon.org/doc/1396751/</a>			

6/153	SUBMITTED TEXT	35 WORDS	67% MATCHING TEXT	35 WORDS
	be in addition to, and not in derogation of, other laws relating to contempt 4.3.3.23 Section 23: Power of the Supreme Court and High Court to make rules 4.3.3.24		be in addition to, and not in derogation of the provisions of any other law relating to contempt courts." 23. Power of Supreme Court and High Courts to make rules.—	
	<b>W</b> <a href="https://indiankanoon.org/doc/1396751/">https://indiankanoon.org/doc/1396751/</a>			

7/153	SUBMITTED TEXT	91 WORDS	50% MATCHING TEXT	91 WORDS
	Hearing of cases of criminal contempt to be by Benches 4.3.3.19 Section 19: Appeals 4.3.3.20 Section 20: Limitations for actions for contempt 4.3.3.21 Section 21: Act not to apply to Nyaya Panchayatas or another Village Courts 4.3.3.22 Section 22: Act to be in addition to, and not in derogation of, other laws relating to contempt 4.3.3.23 Section 23: Power of the Supreme Court and High Court to make rules 4.3.3.24 Section 24: Repeal 4.3.4		Hearing of cases of criminal contempt to be by Benches • 19. Appeals • 20. Limitation for actions for contempt • 21. Act not to apply to Nyaya Panchayats or other village Courts • 22. Act to be in addition to, and not in derogation of, other laws relating to contempt • 23. Power of Supreme Court and High Courts to make rules • 24. Repeal •	
	<b>W</b> <a href="http://www.bareactslive.com/ACA/ACT021.HTM">http://www.bareactslive.com/ACA/ACT021.HTM</a>			

8/153	SUBMITTED TEXT	35 WORDS	67% MATCHING TEXT	35 WORDS
	be in addition to, and not in derogation of, other laws relating to contempt 4.3.3.23 Section 23: Power of the Supreme Court and High Court to make rules 4.3.3.24		be in addition to, and not in derogation of the provisions of any other law relating to contempt courts. 23. Power of Supreme Court and High Courts to make rules. ?	
	<b>W</b> <a href="http://chdsla.gov.in/right_menu/act/pdf/contempt.pdf">http://chdsla.gov.in/right_menu/act/pdf/contempt.pdf</a>			

<b>9/153</b>	<b>SUBMITTED TEXT</b>	12 WORDS	<b>100% MATCHING TEXT</b>	12 WORDS
<p>examination of the law and problems relating to contempt of court,</p> <p><b>W</b> <a href="http://www.bareactslive.com/ACA/ACT021.HTM">http://www.bareactslive.com/ACA/ACT021.HTM</a></p>		<p>examination of the law and problems relating to contempt of Court</p>		
<b>10/153</b>	<b>SUBMITTED TEXT</b>	26 WORDS	<b>64% MATCHING TEXT</b>	26 WORDS
<p>to define and limit the powers of courts (certain courts not all) in punishing contempt of courts and to regulate their procedure in relation thereto.</p> <p><b>W</b> <a href="http://chdlsa.gov.in/right_menu/act/pdf/contempt.pdf">http://chdlsa.gov.in/right_menu/act/pdf/contempt.pdf</a></p>		<p>to define and limit the powers of certain courts in punishing contempts of and to regulate their procedure in relation thereto.</p>		
<b>11/153</b>	<b>SUBMITTED TEXT</b>	13 WORDS	<b>83% MATCHING TEXT</b>	13 WORDS
<p>bill was to give effect to the accepted recommendations of the committee.</p> <p><b>W</b> <a href="http://www.bareactslive.com/ACA/ACT021.HTM">http://www.bareactslive.com/ACA/ACT021.HTM</a></p>		<p>Bill seeks to give effect to the accepted recommendations of the Sanyal Committee.</p>		
<b>12/153</b>	<b>SUBMITTED TEXT</b>	22 WORDS	<b>72% MATCHING TEXT</b>	22 WORDS
<p>the Contempt of Courts Act, 1971 To define and limit the powers of certain court in punishing the contempt of courts,</p> <p><b>W</b> <a href="http://chdlsa.gov.in/right_menu/act/pdf/contempt.pdf">http://chdlsa.gov.in/right_menu/act/pdf/contempt.pdf</a></p>		<p>THE CONTEMPT OF COURTS ACT, 1971 An Act to define and limit the powers of certain courts in punishing contempts of courts</p>		

13/153

SUBMITTED TEXT

341 WORDS

65% MATCHING TEXT

341 WORDS

the Contempt of Courts Act, 1971 4.3.3.1 Section 1: Short title and extent 4.3.3.2 Section 2: Definitions 4.3.3.3 Section 3: Innocent publication and distribution of matter not contempt 4.3.3.4 Section 4: Fair and accurate report of judicial proceeding not contempt 4.3.3.5 Section 5: Fair criticism of judicial act not contempt 4.3.3.6 Section 6: Complaint against presiding officers of subordinate Courts when not contempt 4.3.3.7 Section 7: Publication of information relating to proceeding in chambers or in camera not contempt except in certain cases 4.3.3.8 Section 8: Other Defences not affected 4.3.3.9 Section 9: Act not to imply enlargement of scope of contempt 4.3.3.10 Section 10: Power of High Court to punish contempt of subordinate Courts 4.3.3.11 Section 11: Power of High Court to try offences committed or offenders found outside jurisdiction 4.3.3.12 Section 12: Punishment for contempt of Court 4.3.3.13 Section 13: Contempt not punishable in certain cases 4.3.3.14 Section 14: Procedure where contempt is in the face of the Supreme Court or a High Court 4.3.3.15 Section 15: Cognizance of criminal contempt in other cases 4.3.3.16 Section 16: Contempt by judge, magistrate or another person acting judicially 4.3.3.17 Section 17: Procedure after cognizance 4.3.3.18 Section 18: Hearing of cases of criminal contempt to be by Benches 4.3.3.19 Section 19: Appeals 4.3.3.20 Section 20: Limitations for actions for contempt 4.3.3.21 Section 21: Act not to apply to Nyaya Panchayatas or another Village Courts 4.3.3.22 Section 22: Act to be in addition to, and not in derogation of, other laws relating to contempt 4.3.3.23 Section 23: Power of the Supreme Court and High Court to make rules 4.3.3.24 Section 24: Repeal 4.3.4 The Contempt of Courts (Amendment) Act, 2006 4.4.

**W** <https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf>

THE CONTEMPT OF COURTS ACT, 1971 \_\_\_\_\_  
ARRANGEMENT OF SECTIONS 1. Short title and extent. 2. Definitions. 3. Innocent publication and distribution of matter not contempt. 4. Fair and accurate report of judicial proceeding not contempt. 5. Fair criticism of judicial act not contempt. 6. Complaint against presiding officers of subordinate courts when not contempt. 7. Publication of information relating to proceedings in chambers or in camera not contempt except in certain cases. 8. Other defences not affected. 9. Act not to imply enlargement of scope of contempt. 10. Power of High Court to punish contempts of subordinate courts. 11. Power of High Court to try offences committed or offenders found outside jurisdiction. 12. Punishment for contempt of court. 13. not punishable in certain cases. 14. Procedure where contempt is in the face of the Supreme Court or a High Court. 15. Cognizance of criminal contempt in other cases. 16. Contempt by judge, magistrate or other person acting judicially. 17. Procedure after cognizance. 18. Hearing of cases of criminal contempt to be by Benches. 19. Appeals. 20. Limitation for actions for contempt. 21. Act not to apply to Nyaya Panchayats or other village courts. 22. Act to be in addition to, and not in derogation of, other laws relating to contempt. 23. Power of Supreme Court and High Courts to make rules. 24. Repeal. 2 THE CONTEMPT OF COURTS ACT, 1971 ACT

14/153

SUBMITTED TEXT

59 WORDS

91% MATCHING TEXT

59 WORDS

Short title and extent This section defines “(1) This Act may be called the Contempt of Courts Act, 1971. (2) It extends to the whole of India. Provided that it shall not apply to the state of Jammu and Kashmir except to the extent to which the provisions of this Act relate to contempt of the Supreme Court.” (

**W** <https://indiankanoon.org/doc/1396751/>

Short title and extent.— (1) This Act may be called the Contempt of Courts Act, 1971. extends to the whole of India: Provided that it shall not apply to the State of Jammu and Kashmir except to the extent to which the provisions of this Act relate to contempt of the Supreme Court. 2.

15/153	SUBMITTED TEXT	59 WORDS	91% MATCHING TEXT	59 WORDS
	Short title and extent This section defines “(1) This Act may be called the Contempt of Courts Act, 1971. (2) It extends to the whole of India. Provided that it shall not apply to the state of Jammu and Kashmir except to the extent to which the provisions of this Act relate to contempt of the Supreme Court.” (		Short title and extent. ? (1) This Act may be called the Contempt of Courts Act, 1971. (2) It extends to the whole of India: Provided that it shall not apply to the State of Jammu and Kashmir except to the extent to which the provisions of this Act relate to contempt of the Supreme Court. 2.	
	<p><b>W</b> <a href="http://chdsla.gov.in/right_menu/act/pdf/contempt.pdf">http://chdsla.gov.in/right_menu/act/pdf/contempt.pdf</a></p>			

16/153	SUBMITTED TEXT	57 WORDS	63% MATCHING TEXT	57 WORDS
	Contempt of Courts Act, 1971) This section states the short title and extent of the Act. The applicability of this Act extends to the whole of India, however not applicable to the state of Jammu and Kashmir, except to the extent to which the provisions of this Act relate to contempt of the Supreme Court.		Contempt of Courts Act, 1971 Short title and extent.— (1) This Act may be called the Contempt of Act, 1971. (2) It extends to the whole of India: Provided that it not apply to the State of Jammu and Kashmir except to the extent to which the provisions of this Act relate to contempt of the Supreme Court. 2.	
	<p><b>W</b> <a href="https://indiankanoon.org/doc/1396751/">https://indiankanoon.org/doc/1396751/</a></p>			

17/153	SUBMITTED TEXT	47 WORDS	68% MATCHING TEXT	47 WORDS
	short title and extent of the Act. The applicability of this Act extends to the whole of India, however not applicable to the state of Jammu and Kashmir, except to the extent to which the provisions of this Act relate to contempt of the Supreme Court.		Short title and extent. ? (1) This Act may called the of Courts It extends to the whole of India: Provided that it not apply to the State of Jammu and Kashmir except to the extent to which the provisions of this Act relate to contempt of the Supreme Court. 2.	
	<p><b>W</b> <a href="http://chdsla.gov.in/right_menu/act/pdf/contempt.pdf">http://chdsla.gov.in/right_menu/act/pdf/contempt.pdf</a></p>			

**18/153****SUBMITTED TEXT**

163 WORDS

**96% MATCHING TEXT**

163 WORDS

In this Act, unless the context otherwise requires: (a) 'Contempt of Court' means civil contempt or criminal contempt. (b) 'Civil contempt' means willful disobedience to any judgment, decree, direction, order, writ or other process of a Court or willful breach of an undertaking given to a Court. (c) 'Criminal contempt' means the publication (whether by words, spoken or written, or by signs, or by visible representation, or otherwise) of any matter or the doing of any other act whatsoever which: (i) Scandalizes or tends to scandalize, or lowers or tends to lower the authority of, any Court, or (ii) Prejudices, or interferes or tends to interfere with the due course of any judicial proceeding, or (iii) Interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner. (d) 'High Court' means the High Court for a state or a union territory and includes the Court of the judicial commissioner in any union territory." (

**W** <https://indiankanoon.org/doc/1396751/>

In this Act, unless the context otherwise requires,— (a) "contempt of court" means civil contempt or criminal contempt; civil contempt" means disobedience to any judgment, decree, direction, order, writ or other of a court or breach of an undertaking given to a court; (c) "criminal means the publication (by words, spoken or written, or by signs, or by visible representation, or otherwise) of any matter or the doing of any other act whatsoever which— (i) or tends to or lowers or tends to lower the authority of, any court; or (ii) prejudices, interferes or tends to interfere with, the due course of any judicial proceeding; or (iii) or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any manner; (d) " High Court" means the High Court for a State or a Union territory, and includes the court of the Judicial Commissioner in any Union territory. 3.

**19/153****SUBMITTED TEXT**

163 WORDS

**95% MATCHING TEXT**

163 WORDS

In this Act, unless the context otherwise requires: (a) 'Contempt of Court' means civil contempt or criminal contempt. (b) 'Civil contempt' means willful disobedience to any judgment, decree, direction, order, writ or other process of a Court or willful breach of an undertaking given to a Court. (c) 'Criminal contempt' means the publication (whether by words, spoken or written, or by signs, or by visible representation, or otherwise) of any matter or the doing of any other act whatsoever which: (i) Scandalizes or tends to scandalize, or lowers or tends to lower the authority of, any Court, or (ii) Prejudices, or interferes or tends to interfere with the due course of any judicial proceeding, or (iii) Interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner. (d) 'High Court' means the High Court for a state or a union territory and includes the Court of the judicial commissioner in any union territory." (

**W** <https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf>

In this Act, unless the context otherwise requires,— (a) "contempt of court" means civil contempt or criminal contempt; (b) "civil contempt" means disobedience to any judgment, decree, direction, order, writ or other process of a court or breach of an undertaking given to a court; (c) "criminal contempt" means the publication (by words, spoken or written, or by signs, or by visible representations, or otherwise) of any matter or the doing of any other act whatsoever which— (i) or tends to or lowers or tends to lower the authority of, any court; or (ii) prejudices, or interferes or tends to interfere with, the due course of any judicial proceeding; or (iii) interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other d) " High Court" means the High Court for a State or a Union territory, and includes the court of the Judicial Commissioner in any Union territory. 3.

**20/153****SUBMITTED TEXT**

163 WORDS

**96% MATCHING TEXT**

163 WORDS

In this Act, unless the context otherwise requires: (a) 'Contempt of Court' means civil contempt or criminal contempt. (b) 'Civil contempt' means willful disobedience to any judgment, decree, direction, order, writ or other process of a Court or willful breach of an undertaking given to a Court. (c) 'Criminal contempt' means the publication (whether by words, spoken or written, or by signs, or by visible representation, or otherwise) of any matter or the doing of any other act whatsoever which: (i) Scandalizes or tends to scandalize, or lowers or tends to lower the authority of, any Court, or (ii) Prejudices, or interferes or tends to interfere with the due course of any judicial proceeding, or (iii) Interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner. (d) 'High Court' means the High Court for a state or a union territory and includes the Court of the judicial commissioner in any union territory." (

In this Act, unless the context otherwise requires, ? (a)? ? contempt of court? means civil contempt or criminal contempt; ?(b)? ?civil contempt? means disobedience to any judgment, decree, direction, order, writ or other process of a court or breach of an undertaking given to a court; (c)? ?criminal contempt? means the publication (by words, spoken or written, or by signs, or by visible representation, or otherwise) of any matter or the doing of any other act whatsoever which ? (i) or tends to or lowers or tends to lower the authority of, any court; or (ii) prejudices, or interferes or tends to interfere with, the due course of any judicial proceeding; or (iii) interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other d) ? High Court? means the High Court for a State or a Union territory, and includes the court of the Judicial Commissioner in any Union territory.

**W** [http://chdsla.gov.in/right\\_menu/act/pdf/contempt.pdf](http://chdsla.gov.in/right_menu/act/pdf/contempt.pdf)

**21/153****SUBMITTED TEXT**

163 WORDS

**95% MATCHING TEXT**

163 WORDS

In this Act, unless the context otherwise requires: (a) 'Contempt of Court' means civil contempt or criminal contempt. (b) 'Civil contempt' means willful disobedience to any judgment, decree, direction, order, writ or other process of a Court or willful breach of an undertaking given to a Court. (c) 'Criminal contempt' means the publication (whether by words, spoken or written, or by signs, or by visible representation, or otherwise) of any matter or the doing of any other act whatsoever which: (i) Scandalizes or tends to scandalize, or lowers or tends to lower the authority of, any Court, or (ii) Prejudices, or interferes or tends to interfere with the due course of any judicial proceeding, or (iii) Interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner. (d) 'High Court' means the High Court for a state or a union territory and includes the Court of the judicial commissioner in any union territory." (

In this Act, unless the context otherwise requires, (a) contempt of Court means civil contempt or criminal contempt; (b) civil contempt means disobedience to any judgment, decree, direction, order, writ or other process of a Court or breach of an undertaking given to a Court; (c) criminal contempt means the publication (by words, spoken or written, or by signs, or by visible representations, or otherwise) of any matter or the doing of any other act whatsoever which (i) or tends to or lowers or tends to lower the authority of, any Court; or (ii) prejudices, or interferes or tends to interfere with, the due course of any judicial proceeding; or (iii) interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other d) High Court means the High Court for a State or a Union territory, and includes the Court of the Judicial Commissioner in any Union territory. 3.

**W** <http://www.bareactslive.com/ACA/ACT021.HTM>

**22/153****SUBMITTED TEXT**

20 WORDS

**65% MATCHING TEXT**

20 WORDS

other process of court or willful violation of an undertaking given to the court. And 'Criminal Contempt' means the

other process of a court or wilful breach of an undertaking given to a court; (c) "criminal contempt" means the

**W** <https://indiankanoon.org/doc/1396751/>

23/153	SUBMITTED TEXT	47 WORDS	30% MATCHING TEXT	47 WORDS
	civil contempt' and 'criminal contempt'. Where 'Civil Contempt' as defined under section 2(b) means willful noncompliance to any judgment, legal order or rule, instruction or any other process of court or willful violation of an undertaking given to the court. And 'Criminal Contempt' means the		civil contempt or criminal contempt; (b)? civil contempt? means wilful to any judgment, decree, direction, order, or other process of a court or wilful breach of an undertaking given to a court; (c)? criminal contempt? means the	
	<b>W</b> <a href="http://chdlsa.gov.in/right_menu/act/pdf/contempt.pdf">http://chdlsa.gov.in/right_menu/act/pdf/contempt.pdf</a>			

24/153	SUBMITTED TEXT	22 WORDS	76% MATCHING TEXT	22 WORDS
	High Court' means High Court for State or Union Territory which includes the Courts of Judicial Commissioner in any Union Territory.		High Court" means the High Court for a State or a Union territory, and includes the court of the Judicial Commissioner in any Union territory. 3.	
	<b>W</b> <a href="https://indiankanoon.org/doc/1396751/">https://indiankanoon.org/doc/1396751/</a>			

25/153	SUBMITTED TEXT	22 WORDS	76% MATCHING TEXT	22 WORDS
	High Court' means High Court for State or Union Territory which includes the Courts of Judicial Commissioner in any Union Territory.		High Court" means the High Court for a State or a Union territory, and includes the court of the Judicial Commissioner in any Union territory. 3.	
	<b>W</b> <a href="https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf">https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf</a>			

26/153	SUBMITTED TEXT	22 WORDS	76% MATCHING TEXT	22 WORDS
	High Court' means High Court for State or Union Territory which includes the Courts of Judicial Commissioner in any Union Territory.		High Court? means the High Court for a State or a Union territory, and includes the court of the Judicial Commissioner in any Union territory.	
	<b>W</b> <a href="http://chdlsa.gov.in/right_menu/act/pdf/contempt.pdf">http://chdlsa.gov.in/right_menu/act/pdf/contempt.pdf</a>			

A person shall not be guilty of contempt of Court on the ground that he has published (whether by words, spoken or written, or by visible representations, or otherwise) any matter 90 which interferes or tends to interfere with, or obstructs or tends to obstruct, the course of justice in connection with any civil or criminal proceeding pending at that time of publication, if at that time he had no reasonable grounds for believing that the proceeding was pending. (2) Notwithstanding anything to the contrary contained in this Act or any other law for the time being in force, the publication of any such matter as is mentioned in sub section (1) in connection with any civil or criminal proceeding which is not pending at the time of publication shall not be deemed to constitute contempt of Court. (3) A person shall not be guilty of contempt of Court on the ground that he has distributed a publication containing any such matter as is mentioned in sub section (1), if at the time of distribution he had no reasonable grounds for believing that it contained or was likely to contain any such matter as aforesaid. Provided that this sub section shall not apply in respect of the distribution of: (i) Any publication which is a book or paper printed or published otherwise than in conformity with the rules contained in section 3 of the Press and Registration of Books Act, 1867 (25 of 1867). (ii) Any publication which is a newspaper published otherwise than in conformity with the rules contained in section 5 of the said Act. Explanation For the purposes of this section, a judicial proceeding: (a) is said to be pending, (b) in the case of a civil proceeding, when it is instituted by the filing of a plaint or otherwise, (c) in the case of a criminal proceeding under the Code of Criminal Procedure, 1898 [5 of 1898 (

A person shall not be guilty of contempt of court on the ground that he has published (whether by words, spoken or written, or by signs, or by visible representations, or otherwise) any matter which interferes or tends to interfere with, or obstructs or tends to obstruct, the course of justice in connection with any civil or criminal proceeding pending at that time of publication, if at that time he had no reasonable grounds for believing that the proceeding was pending." anything to the contrary contained in this Act or any other law for the time being in force, the publication of any such matter as is mentioned in sub-section (1) in connection with any civil or criminal proceeding which is not pending at the time of publication shall not be deemed to constitute contempt of court. (3) A person shall not be guilty of contempt of court on the ground that he has distributed a publication containing any such matter as is mentioned in sub-section (1), if at the time of distribution he had no reasonable grounds for believing that it contained or was likely to contain any such matter as aforesaid: Provided that this sub-section shall not apply in respect of the distribution of— (i) any publication which is a book or paper printed or published otherwise than in conformity with the rules contained in section 3 of the Press and Registration of Books Act, 1867 (25 of 1867); any publication which is a newspaper published otherwise than in conformity with the rules contained in section 5 of the said Act. Explanation.—For the purposes of this section, a judicial proceeding— (a) is said to be pending— (A) the case of a civil proceeding, when it is instituted by the filing of a plaint or otherwise, in the case of a criminal proceeding under the Code of Criminal Procedure, 1898 (5 of 1898) 1 ,

**W** <https://indiankanoon.org/doc/1396751/>

A person shall not be guilty of contempt of Court on the ground that he has published (whether by words, spoken or written, or by visible representations, or otherwise) any matter 90 which interferes or tends to interfere with, or obstructs or tends to obstruct, the course of justice in connection with any civil or criminal proceeding pending at that time of publication, if at that time he had no reasonable grounds for believing that the proceeding was pending. (2) Notwithstanding anything to the contrary contained in this Act or any other law for the time being in force, the publication of any such matter as is mentioned in sub section (1) in connection with any civil or criminal proceeding which is not pending at the time of publication shall not be deemed to constitute contempt of Court. (3) A person shall not be guilty of contempt of Court on the ground that he has distributed a publication containing any such matter as is mentioned in sub section (1), if at the time of distribution he had no reasonable grounds for believing that it contained or was likely to contain any such matter as aforesaid. Provided that this sub section shall not apply in respect of the distribution of: (i) Any publication which is a book or paper printed or published otherwise than in conformity with the rules contained in section 3 of the Press and Registration of Books Act, 1867 (25 of 1867). (ii) Any publication which is a newspaper published otherwise than in conformity with the rules contained in section 5 of the said Act. Explanation For the purposes of this section, a judicial proceeding: (a) is said to be pending, (b) in the case of a civil proceeding, when it is instituted by the filing of a plaint or otherwise, (c) in the case of a criminal proceeding under the Code of Criminal Procedure, 1898 [5 of 1898 (

A person shall not be guilty of contempt of court on the ground that he has published (whether by words, spoken or written, or by signs, or by visible representations, or otherwise) any matter which interferes or tends to interfere with, or obstructs or tends to obstruct, the course of justice in connection with any civil or criminal proceeding pending at that time of publication, if at that time he had no reasonable grounds for believing that the proceeding was pending. (2) anything to the contrary contained in this Act or any other law for the time being in force, the publication of any such matter as is mentioned in sub-section (1) in connection with any civil or criminal proceeding which is not pending at the time of publication shall not be deemed to constitute contempt of court. (3) A person shall not be guilty of contempt of court on the ground that he has distributed a publication containing any such matter as is mentioned in sub-section (1), if at the time of distribution he had no reasonable grounds for believing that it contained or was likely to contain any such matter as aforesaid: Provided that this sub-section shall not apply in respect of the distribution of ? ?(i)? any publication which is a book or paper printed or published otherwise than in conformity with the rules contained in section 3 of the Press and Registration of Books Act, 1867 (25 of 1867); any publication which is a newspaper published otherwise than in conformity with the rules contained in Section 5 of the said Act. Explanation. ? For the purpose this section, a judicial proceeding ? ?(a)? is said to be pending ? ( in the case of a civil proceeding, when it is instituted by the filing of a plaint or otherwise, (B) in the case of a criminal proceeding under the i [1] [Code of Criminal Procedure, 1895 (5 of 1898),

**W** [http://chdsla.gov.in/right\\_menu/act/pdf/contempt.pdf](http://chdsla.gov.in/right_menu/act/pdf/contempt.pdf)

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SUBMITTED TEXT

344 WORDS

96% MATCHING TEXT

344 WORDS

Innocent publication and distribution of matter not contempt Under this section: (1) A person shall not be guilty of contempt of Court on the ground that he has published (whether by words, spoken or written, or by visible representations, or otherwise) any matter 90 which interferes or tends to interfere with, or obstructs or tends to obstruct, the course of justice in connection with any civil or criminal proceeding pending at that time of publication, if at that time he had no reasonable grounds for believing that the proceeding was pending. (2) Notwithstanding anything to the contrary contained in this Act or any other law for the time being in force, the publication of any such matter as is mentioned in sub section (1) in connection with any civil or criminal proceeding which is not pending at the time of publication shall not be deemed to constitute contempt of Court. (3) A person shall not be guilty of contempt of Court on the ground that he has distributed a publication containing any such matter as is mentioned in sub section (1), if at the time of distribution he had no reasonable grounds for believing that it contained or was likely to contain any such matter as aforesaid. Provided that this sub section shall not apply in respect of the distribution of: (i) Any publication which is a book or paper printed or published otherwise than in conformity with the rules contained in section 3 of the Press and Registration of Books Act, 1867 (25 of 1867). (ii) Any publication which is a newspaper published otherwise than in conformity with the rules contained in section 5 of the said Act. Explanation For the purposes of this section, a judicial proceeding: (a) is said to be pending, (b) in the case of a civil proceeding, when it is instituted by the filing of a plaint or otherwise, (c) in the case of a criminal proceeding under the Code of Criminal Procedure, 1898 [5 of 1898 (

**W** <http://www.bareactslive.com/ACA/ACT021.HTM>

Innocent publication and distribution of matter not contempt (1) a person shall not be guilty of contempt of Court on the ground that he has published (whether by words, spoken or written or by signs or by visible representations or otherwise) any matter which interferes or tends to interfere with, or obstructs or tends to obstruct the course of justice in connection with any civil or criminal proceeding pending at time of publication, if at that time he had no reasonable grounds for believing that the proceeding was pending. (2) anything to the contrary contained in this Act or any other law for the time being in force, the publication of any such matter as is mentioned in sub-section (1) in connection with any civil or criminal proceeding which is not pending at the time of publication shall not be deemed to constitute contempt of Court. (3) a person shall not be guilty of contempt of Court on the ground that he has distributed a publication containing any such matter as is mentioned in sub-section (1), if at the time of distribution he had no reasonable grounds for believing that it contained or was likely to contain any such matter as aforesaid: Provided that this sub-section shall not apply in respect of the distribution of (i) any publication which is a book or paper printed or published otherwise than in conformity with the rules contained in section 3 of the Press and Registration of Books Act, 1867 (25 of 1867); (ii) any publication which is a newspaper published otherwise than in conformity with the rules contained in section 5 of the said Act. Explanation. For the purposes of this section, a judicial proceeding (a) is said to be pending ( A) the case of a civil proceeding, when it is instituted by the filing of a plaint or otherwise, (B) in the case of a criminal proceeding under the [Code of Criminal Procedure, 1898 (5 of 1898)],

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SUBMITTED TEXT

23 WORDS

100% MATCHING TEXT

23 WORDS

Code of Criminal Procedure, 1973 (2 of 1974)], or any other law – (I) where it relates to the commission of

**W** <https://indiankanoon.org/doc/1396751/>

Code of Criminal Procedure, 1898 (5 of 1898) 1 , or any other law— where it relates to the commission of

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SUBMITTED TEXT

23 WORDS

100% MATCHING TEXT

23 WORDS

Code of Criminal Procedure, 1973 (2 of 1974)], or any other law – (I) where it relates to the commission of

**W** <https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf>

Code of Criminal Procedure, 1898 (5 of 1898), or any other law— (i) where it relates to the commission of

<b>32/153</b>	<b>SUBMITTED TEXT</b>	23 WORDS	<b>100% MATCHING TEXT</b>	23 WORDS
Code of Criminal Procedure, 1973 (2 of 1974)], or any other law – (I) where it relates to the commission of		Code of Criminal Procedure, 1895 (5 of 1898), or any other law ? ?(i)where it relates to the commission of		
<b>W</b> <a href="http://chdlsa.gov.in/right_menu/act/pdf/contempt.pdf">http://chdlsa.gov.in/right_menu/act/pdf/contempt.pdf</a>				

<b>33/153</b>	<b>SUBMITTED TEXT</b>	158 WORDS	<b>97% MATCHING TEXT</b>	158 WORDS
offence, when the charge sheet or challan is filed, or when the Court issues summons or warrant, as the case may be, against the accused, and (II) in any other case, when the Court takes cognizance of the matter to which the proceeding relates, and 91 (III) in the case of a civil or criminal proceeding, shall be deemed to continue to be pending until it is heard and finally decided, that is to say, in a case where an appeal or revision is competent, until the appeal or revision is heard and finally decided or, where no appeal or revision in preferred, until the period of limitation prescribed for such appeal or revision has expired, (IV) Which has been heard and finally decided shall not be deemed to be pending merely by reason of the fact that proceedings for the execution of the decree, order or sentence passed therein are pending. (		offence, when the charge-sheet or challan is filed, or when the court issues summons or warrant, as the case may be, against the accused, and (ii) in any other case, when the court takes cognizance of the matter to which the proceeding relates, and in the case of a civil or criminal proceeding, shall be deemed to continue to be pending until it is heard and finally decided, that is to say, in a case where an appeal or revision is competent, until the appeal or revision is heard and finally decided or, where no appeal or revision preferred, until the period of limitation prescribed for such appeal or revision has expired; (b) which has been heard and finally decided shall not be deemed to be pending merely by reason of the fact that proceedings for the execution of the decree, order or sentence passed therein are pending. 4.		
<b>W</b> <a href="https://indiankanoon.org/doc/1396751/">https://indiankanoon.org/doc/1396751/</a>				

<b>34/153</b>	<b>SUBMITTED TEXT</b>	158 WORDS	<b>97% MATCHING TEXT</b>	158 WORDS
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<b>W</b> <a href="https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf">https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf</a>				

35/153

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SUBMITTED TEXT

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offence, when the charge-sheet or challan is filed, or when the Court issues summons or warrant, as the case may be, against the accused, and (ii) in any other case, when the Court takes cognizance of the matter to which the proceeding relates, and in the case of a civil or criminal proceeding, shall be deemed to continue to be pending until it is heard and finally decided, that is to say, in a case where an appeal or revision is competent, until the appeal or revision is heard and finally decided or, where no appeal or revision preferred, until the period of limitation prescribed for such appeal or revision has expired; (b) which has been heard and finally decided shall not be deemed to be pending merely by reason of the fact that proceedings for the execution of the decree, order or sentence passed therein are pending. 4.

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37/153

SUBMITTED TEXT

30 WORDS

44% MATCHING TEXT

30 WORDS

any matter that hinders or leads to hinder with, or obstruct or tends to obstruct the any judicial proceeding (civil or criminal) at the time of the publication, if

any matter which interferes or tends to interfere with, or obstructs or tends to obstruct the course of justice connection with any civil or criminal proceeding pending at the time of publication, if

W <http://www.bareactslive.com/ACA/ACT021.HTM>

<b>38/153</b>	<b>SUBMITTED TEXT</b>	20 WORDS	<b>100% MATCHING TEXT</b>	20 WORDS
<p>This Act may be called the Contempt of Courts Act, 1971. (2) It extends to the whole of India.</p>		<p>This Act may be called the Contempt of Courts Act, 1971. (2) It extends to the whole of India: 1 * * * * * 2.</p>		
<p><b>W</b> <a href="https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf">https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf</a></p>				

<b>39/153</b>	<b>SUBMITTED TEXT</b>	42 WORDS	<b>35% MATCHING TEXT</b>	42 WORDS
<p>any matter that hinders or leads to hinder with, or obstruct or tends to obstruct the any judicial proceeding (civil or criminal) at the time of the publication, if the contemnor had no reason to believe that the proceeding was pending.</p>		<p>any matter which interferes or tends to interfere with, or obstructs or tends to obstruct, the course of justice connection with any civil or criminal proceeding pending at that time of publication, if at that he had no grounds for believing that the proceeding was pending. —(1)</p>		
<p><b>W</b> <a href="https://indiankanoon.org/doc/1396751/">https://indiankanoon.org/doc/1396751/</a></p>				

<b>40/153</b>	<b>SUBMITTED TEXT</b>	62 WORDS	<b>98% MATCHING TEXT</b>	62 WORDS
<p>Any publication which is a book or paper printed or published otherwise than in conformity with the rules contained in section 3 of the Press and Registration of Books Act, 1867 (25 of 1867). • Any publication which is a newspaper published otherwise than in conformity with the rules contained in section 5 of the said Act. For the</p>		<p>any publication which is a book or paper printed or published otherwise than in conformity with the rules contained in section 3 of the Press and Registration of Books Act, 1867 (25 of 1867); any publication which is a newspaper published otherwise than in conformity with the rules contained in Section 5 of the said Act. For the</p>		
<p><b>W</b> <a href="http://chdslsa.gov.in/right_menu/act/pdf/contempt.pdf">http://chdslsa.gov.in/right_menu/act/pdf/contempt.pdf</a></p>				

<b>41/153</b>	<b>SUBMITTED TEXT</b>	75 WORDS	<b>86% MATCHING TEXT</b>	75 WORDS
<p>Any publication which is a book or paper printed or published otherwise than in conformity with the rules contained in section 3 of the Press and Registration of Books Act, 1867 (25 of 1867). • Any publication which is a newspaper published otherwise than in conformity with the rules contained in section 5 of the said Act. For the explanation of the above provision a judicial proceeding is considered to be pending</p>		<p>any publication which is a book or paper printed or published otherwise than in conformity with the rules contained in section 3 of the Press and Registration of Books Act, 1867 (25 of 1867); any publication which is a newspaper published otherwise than in conformity with the rules contained in section 5 of the said Act. For the purposes of this section, a judicial proceeding— (a) is said to be pending— (</p>		
<p><b>W</b> <a href="https://indiankanoon.org/doc/1396751/">https://indiankanoon.org/doc/1396751/</a></p>				

42/153	SUBMITTED TEXT	75 WORDS	83% MATCHING TEXT	75 WORDS
	Any publication which is a book or paper printed or published otherwise than in conformity with the rules contained in section 3 of the Press and Registration of Books Act, 1867 (25 of 1867). • Any publication which is a newspaper published otherwise than in conformity with the rules contained in section 5 of the said Act. For the explanation of the above provision a judicial proceeding is considered to be pending		any publication which is a book or paper printed or published otherwise than in conformity with the rules contained in section 3 of the Press and Registration of Books Act, 1867 (25 of 1867); (any publication which is a newspaper published otherwise than in conformity with the rules contained in section 5 of the said Act. For the purposes of this section, a judicial proceeding (a) is said to be pending (	
	<b>W</b> <a href="http://www.bareactslive.com/ACA/ACT021.HTM">http://www.bareactslive.com/ACA/ACT021.HTM</a>			

43/153	SUBMITTED TEXT	76 WORDS	63% MATCHING TEXT	76 WORDS
	shall not be considered pending just by the reason that the execution of the directive, order or sentence passed as judgement during the proceeding is pending. 4.3.3.4 Section 4: Fair and accurate report of judicial proceeding not contempt Under thus section, "Subject to the provisions contained in section 7, a person shall not be guilty of contempt of Court for publishing a fair and accurate report of a judicial proceeding or any state thereof." (		shall not be deemed to be pending merely by reason of the fact that proceedings for the execution of the decree, order or sentence passed therein are pending. 4. Fair and accurate report of judicial proceeding not contempt.— Subject to the provisions contained in section 7, a person shall not be guilty of contempt of court for publishing a fair and accurate report of a judicial proceeding any stage thereof. —	
	<b>W</b> <a href="https://indiankanoon.org/doc/1396751/">https://indiankanoon.org/doc/1396751/</a>			

44/153	SUBMITTED TEXT	51 WORDS	83% MATCHING TEXT	51 WORDS
	Fair and accurate report of judicial proceeding not contempt Under thus section, "Subject to the provisions contained in section 7, a person shall not be guilty of contempt of Court for publishing a fair and accurate report of a judicial proceeding or any state thereof." (Contempt of Courts Act, 1971)		Fair and accurate report of judicial proceeding not contempt.— Subject to the provisions contained in section 7, a person shall not be guilty of contempt of court for publishing a fair and accurate report of a judicial proceeding any stage thereof. 5. criticism of judicial act	
	<b>W</b> <a href="https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf">https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf</a>			

45/153	SUBMITTED TEXT	39 WORDS	86% MATCHING TEXT	39 WORDS
	Subject to the provisions contained in section 7, a person shall not be guilty of contempt of Court for publishing a fair and accurate report of a judicial proceeding or any state thereof." (Contempt of Courts Act, 1971)		Subject to the provisions contained in Section 7, a person shall not be guilty of contempt of court for publishing a fair and accurate report of a judicial proceeding any stage thereof. 5. criticism of judicial act	
	<b>W</b> <a href="http://chdlsa.gov.in/right_menu/act/pdf/contempt.pdf">http://chdlsa.gov.in/right_menu/act/pdf/contempt.pdf</a>			

<b>46/153</b>	<b>SUBMITTED TEXT</b>	81 WORDS	<b>60% MATCHING TEXT</b>	81 WORDS
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shall not be considered pending just by the reason that the execution of the directive, order or sentence passed as judgement during the proceeding is pending. 4.3.3.4 Section 4: Fair and accurate report of judicial proceeding not contempt Under thus section, "Subject to the provisions contained in section 7, a person shall not be guilty of contempt of Court for publishing a fair and accurate report of a judicial proceeding or any state thereof." (Contempt of Courts Act, 1971)

shall not be deemed to be pending merely by reason of the fact that proceedings for the execution of the decree, order or sentence passed therein are pending. 4. Fair and accurate report of judicial proceeding not contempt . Subject to the provisions contained in section 7, a person shall not be guilty of contempt of Court for publishing a fair and accurate report of a judicial proceeding any stage thereof. 5. criticism of judicial act

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<b>47/153</b>	<b>SUBMITTED TEXT</b>	14 WORDS	<b>76% MATCHING TEXT</b>	14 WORDS
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contempt of court for publishing a report of a judicial proceeding at any

contempt of court for publishing a fair and accurate report of a judicial proceeding or any

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<b>48/153</b>	<b>SUBMITTED TEXT</b>	14 WORDS	<b>76% MATCHING TEXT</b>	14 WORDS
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contempt of court for publishing a report of a judicial proceeding at any

contempt of court for publishing a fair and accurate report of a judicial proceeding or any

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<b>49/153</b>	<b>SUBMITTED TEXT</b>	68 WORDS	<b>96% MATCHING TEXT</b>	68 WORDS
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In the case of a civil proceeding, shall be deemed to continue to be pending until it is heard and finally decided, that is to say, in a case where an appeal or revision is competent, until the appeal or revision is heard and finally decided or, where no appeal or revision in preferred, until the period of limitation prescribed for such appeal or revision has expired

in the case of a civil or criminal proceeding, shall be deemed to continue to be pending until it is heard and finally decided, that is to say, in a case where an appeal or revision is competent, until the appeal or revision is heard and finally decided or, where no appeal or revision preferred, until the period of limitation prescribed for such appeal or revision has expired; (

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<b>50/153</b>	<b>SUBMITTED TEXT</b>	68 WORDS	<b>96% MATCHING TEXT</b>	68 WORDS
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In the case of a civil proceeding, shall be deemed to continue to be pending until it is heard and finally decided, that is to say, in a case where an appeal or revision is competent, until the appeal or revision is heard and finally decided or, where no appeal or revision in preferred, until the period of limitation prescribed for such appeal or revision has expired

in the case of a civil or criminal proceeding, shall be deemed to continue to be pending until it is heard and finally decided, that is to say, in a case where an appeal or revision is competent, until the appeal or revision is heard and finally decided or, where no appeal or revision preferred, until the period of limitation prescribed for such appeal or revision has expired; (

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**51/153****SUBMITTED TEXT**

68 WORDS

**96% MATCHING TEXT**

68 WORDS

In the case of a civil proceeding, shall be deemed to continue to be pending until it is heard and finally decided, that is to say, in a case where an appeal or revision is competent, until the appeal or revision is heard and finally decided or, where no appeal or revision is preferred, until the period of limitation prescribed for such appeal or revision has expired

in the case of a civil or criminal proceeding, shall be deemed to continue to be pending until it is heard and finally decided, that is to say, in a case where an appeal or revision is competent, until the appeal or revision is heard and finally decided or, where no appeal or revision is preferred, until the period of limitation prescribed for such appeal or revision has expired; ?(

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**52/153****SUBMITTED TEXT**

68 WORDS

**96% MATCHING TEXT**

68 WORDS

In the case of a civil proceeding, shall be deemed to continue to be pending until it is heard and finally decided, that is to say, in a case where an appeal or revision is competent, until the appeal or revision is heard and finally decided or, where no appeal or revision is preferred, until the period of limitation prescribed for such appeal or revision has expired

in the case of a civil or criminal proceeding, shall be deemed to continue to be pending until it is heard and finally decided, that is to say, in a case where an appeal or revision is competent, until the appeal or revision is heard and finally decided or, where no appeal or revision is preferred, until the period of limitation prescribed for such appeal or revision has expired; (

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**53/153****SUBMITTED TEXT**

145 WORDS

**94% MATCHING TEXT**

145 WORDS

In the case of a criminal proceeding under the Code of Criminal Procedure, 1973 or any other law: (a) Where it relates to the commission of an offence, when the charge sheet or challan is filed, or when the Court issues summons or warrant, as the case may be, against the accused, and (b) in any other case, when the Court takes cognizance of the matter to which the proceeding relates, (c) in the case of a criminal proceeding, shall be deemed to continue to be pending until it is heard and finally decided, that is to say, in a case where an appeal or revision is competent, until the appeal or revision is heard and finally decided or, when no appeal or revision is preferred, until the period of limitation prescribed for such appeal or revision has expired; 93 4.3.3.5

in the case of a criminal proceeding under the Code of Criminal Procedure, 1898 (5 of 1898) 1 , or any other law – where it relates to the commission of an when the charge-sheet or challan is filed, or when the court issues summons or warrant, as the case may be, against the accused, and (ii) in any other case, when the court takes cognizance of the matter to which the proceeding relates, and in the case of a civil or criminal proceeding, shall be deemed to continue to be pending until it is heard and finally decided, that is to say, in a case where an appeal or revision is competent, until the appeal or revision is heard and finally decided or, where no appeal or revision is preferred, until the period of limitation prescribed for such appeal or revision has expired; (

**W** <https://indiankanoon.org/doc/1396751/>

**54/153****SUBMITTED TEXT**

145 WORDS

**94% MATCHING TEXT**

145 WORDS

In the case of a criminal proceeding under the Code of Criminal Procedure, 1973 or any other law: (a) Where it relates to the commission of an offence, when the charge sheet or challan is filed, or when the Court issues summons or warrant, as the case may be, against the accused, and (b) in any other case, when the Court takes cognizance of the matter to which the proceeding relates, (c) in the case of a criminal proceeding, shall be deemed to continue to be pending until it is heard and finally decided, that is to say, in a case where an appeal or revision is competent, until the appeal or revision is heard and finally decided or, when no appeal or revision is preferred, until the period of limitation prescribed for such appeal or revision has expired; 93 4.3.3.5

in the case of a criminal proceeding under the Code of Criminal Procedure, 1898 (5 of 1898), or any other law— ( where it relates to the commission of an when the charge-sheet or challan is filed, or when the court issues summons or warrant, as the case may be, against the accused, and (ii) in any other case, when the court takes cognizance of the matter to which the proceeding relates, and in the case of a civil or criminal proceeding, shall be deemed to continue to be pending until it is heard and finally decided, that is to say, in a case where an appeal or revision is competent, until the appeal or revision is heard and finally decided or, where no appeal or revision is preferred, until the period of limitation prescribed for such appeal or revision has expired; (

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**55/153****SUBMITTED TEXT**

145 WORDS

**94% MATCHING TEXT**

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In the case of a criminal proceeding under the Code of Criminal Procedure, 1973 or any other law: (a) Where it relates to the commission of an offence, when the charge sheet or challan is filed, or when the Court issues summons or warrant, as the case may be, against the accused, and (b) in any other case, when the Court takes cognizance of the matter to which the proceeding relates, (c) in the case of a criminal proceeding, shall be deemed to continue to be pending until it is heard and finally decided, that is to say, in a case where an appeal or revision is competent, until the appeal or revision is heard and finally decided or, when no appeal or revision is preferred, until the period of limitation prescribed for such appeal or revision has expired; 93 4.3.3.5

in the case of a criminal proceeding under the i [1] [Code of Criminal Procedure, 1895 (5 of 1898), or any other law ? ?( where it relates to the commission of an when the charge sheet or challan is filed, or when the court issues summons or warrant, as the case may be, against the accused, and ?(ii)in any other case, when the court takes cognizance of the matter to which the proceeding relates, and in the case of a civil or criminal proceeding, shall be deemed to continue to be pending until it is heard and finally decided, that is to say, in a case where an appeal or revision is competent, until the appeal or revision is heard and finally decided or, where no appeal or revision is preferred, until the period of limitation prescribed for such appeal or revision has expired; ?(

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**56/153****SUBMITTED TEXT**

39 WORDS

**91% MATCHING TEXT**

39 WORDS

Fair criticism of judicial act not contempt Under this section, "A person shall not be guilty of contempt of Court for publishing any fair comment on the merits of any case which has been heard and finally decided." (

Fair criticism of judicial act not contempt.— A person shall not be guilty of contempt of court for publishing any fair comment on the merits of any case which has been heard and finally decided. —

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<b>57/153</b>	<b>SUBMITTED TEXT</b>	29 WORDS	<b>100% MATCHING TEXT</b>	29 WORDS
<p>A person shall not be guilty of contempt of Court for publishing any fair comment on the merits of any case which has been heard and finally decided.” (</p> <p><b>W</b> <a href="https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf">https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf</a></p>		<p>A person shall not be guilty of contempt of court for publishing any fair comment on the merits of any case which has been heard and finally decided. 6.</p>		
<b>58/153</b>	<b>SUBMITTED TEXT</b>	11 WORDS	<b>100% MATCHING TEXT</b>	11 WORDS
<p>Complaint against presiding officers of subordinate Courts when not contempt</p> <p><b>W</b> <a href="https://indiankanoon.org/doc/1396751/">https://indiankanoon.org/doc/1396751/</a></p>		<p>Complaint against presiding officers of subordinate courts when not contempt.—</p>		
<b>59/153</b>	<b>SUBMITTED TEXT</b>	11 WORDS	<b>100% MATCHING TEXT</b>	11 WORDS
<p>Complaint against presiding officers of subordinate Courts when not contempt</p> <p><b>W</b> <a href="https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf">https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf</a></p>		<p>Complaint against presiding officers of subordinate courts when not contempt. 7.</p>		
<b>60/153</b>	<b>SUBMITTED TEXT</b>	26 WORDS	<b>100% MATCHING TEXT</b>	26 WORDS
<p>A person shall not be guilty of contempt of Court in respect of any statement made by him in good faith concerning the presiding officer</p> <p><b>W</b> <a href="https://indiankanoon.org/doc/1396751/">https://indiankanoon.org/doc/1396751/</a></p>		<p>A person shall not be guilty of contempt of court in respect of any statement made by him in good faith concerning the presiding officer</p>		
<b>61/153</b>	<b>SUBMITTED TEXT</b>	38 WORDS	<b>95% MATCHING TEXT</b>	38 WORDS
<p>any subordinate Court to - (a) Any other subordinate Court, or (b) The High Court to which it is subordinate.” Explanation – In this section, “subordinate court” means any court subordinate to a High court. (Contempt of</p> <p><b>W</b> <a href="https://indiankanoon.org/doc/1396751/">https://indiankanoon.org/doc/1396751/</a></p>		<p>any subordinate court to— (a) any other subordinate court, or (b) the High Court, to which it is subordinate. Explanation.—In this section, “subordinate court” means any court subordinate to a High Court. 7. Publication of</p>		
<b>62/153</b>	<b>SUBMITTED TEXT</b>	18 WORDS	<b>91% MATCHING TEXT</b>	18 WORDS
<p>Publication of information relating to proceeding in chambers or in camera not contempt except in certain cases</p> <p><b>W</b> <a href="https://indiankanoon.org/doc/1396751/">https://indiankanoon.org/doc/1396751/</a></p>		<p>Publication of information relating to proceedings in chambers or in camera not contempt except in certain cases.— (1)</p>		

**63/153****SUBMITTED TEXT**

18 WORDS

**100% MATCHING TEXT**

18 WORDS

Publication of information relating to proceeding in chambers or in camera not contempt except in certain cases

Publication of information relating to proceeding in chambers or in camera not contempt except in certain cases. ? (1)

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**64/153****SUBMITTED TEXT**

256 WORDS

**97% MATCHING TEXT**

256 WORDS

anything contained in this Act, a person shall not be guilty of contempt of court for publishing a fair and accurate report of a judicial proceedings before any court sitting in chambers or in camera except in the following cases, that is to say- 94 (a) Where the publication is contrary to the provisions of any enactment for the time being in force. (b) Where the court, on grounds of public policy or in exercise of any power vested in it, expressly prohibits the publication of all information relating to the proceeding or of information of the description which is published. (c) Where the court sits in chambers or in camera for reason connected with public order or the security of the State, the publication of information relating to those proceedings, (d) Where the information relates to secret process, discovery or invention which is an issue in the proceedings. (2) Without prejudice to the provisions contained in sub section (1) a person shall not be guilty of contempt of court for publishing the text or a fair and accurate summary of the whole, or any part, of an order made by a court sitting in chambers or in camera, unless the court has expressly prohibited the publication thereof on grounds of public policy, or for reasons connected with public order or the security of the State, or on the ground that it contains information relating to secret process, discovery or invention, or in exercise of any power vested on it. (

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**W** <https://indiankanoon.org/doc/1396751/>

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**W** [http://chdlsa.gov.in/right\\_menu/act/pdf/contempt.pdf](http://chdlsa.gov.in/right_menu/act/pdf/contempt.pdf)

**66/153****SUBMITTED TEXT**

256 WORDS

**97% MATCHING TEXT**

256 WORDS

anything contained in this Act, a person shall not be guilty of contempt of court for publishing a fair and accurate report of a judicial proceedings before any court sitting in chambers or in camera except in the following cases, that is to say- 94 (a) Where the publication is contrary to the provisions of any enactment for the time being in force. (b) Where the court, on grounds of public policy or in exercise of any power vested in it, expressly prohibits the publication of all information relating to the proceeding or of information of the description which is published. (c) Where the court sits in chambers or in camera for reason connected with public order or the security of the State, the publication of information relating to those proceedings, (d) Where the information relates to secret process, discovery or invention which is an issue in the proceedings. (2) Without prejudice to the provisions contained in sub section (1) a person shall not be guilty of contempt of court for publishing the text or a fair and accurate summary of the whole, or any part, of an order made by a court sitting in chambers or in camera, unless the court has expressly prohibited the publication thereof on grounds of public policy, or for reasons connected with public order or the security of the State, or on the ground that it contains information relating to secret process, discovery or invention, or in exercise of any power vested on it. (

anything contained in this Act, a person shall not be guilty of contempt of Court for publishing a fair and accurate report of a judicial before any Court sitting in chambers or in camera except in the following cases, that is to say, (a) where the publication is contrary to the provisions of any enactment for the time being in force; (b) where the Court, on grounds of public policy or in exercise of any power vested in it, expressly prohibits the publication of all information relating to the proceeding or of information of the description which is published; (c) where the Court sits in chambers or in camera for reasons connected with public order or the security of the State, the publication of information relating to those proceedings; (d) where the information relates to a secret process, discovery or invention which is an issue in the proceedings. (2) Without prejudice to the provisions contained in sub-section (1), a person shall not be guilty of contempt of Court for publishing the text or a fair and accurate summary of the whole, or any part, of an order made by a Court sitting in chambers or in camera, unless the Court has expressly prohibited the publication thereof on grounds of public policy, or for reasons connected with public order or the security of the State, or on the ground that it contains information relating to a secret process, discovery or invention, or in exercise of any power vested in it. 8.

**W** <http://www.bareactslive.com/ACA/ACT021.HTM>

**67/153****SUBMITTED TEXT**

43 WORDS

**100% MATCHING TEXT**

43 WORDS

Nothing contained in this Act shall be construed as implying that any other Defence which would have been a valid Defence in any proceedings for contempt of Court has ceased to be available merely by reason of the provisions of this Act." (

Nothing contained in this Act shall be construed as implying that any other defence which would have been a valid defence in any proceedings for contempt of court has ceased to be available merely by reason of the provisions of this Act. 9.

**W** <https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf>

**68/153****SUBMITTED TEXT**

43 WORDS

**100% MATCHING TEXT**

43 WORDS

Nothing contained in this Act shall be construed as implying that any other Defence which would have been a valid Defence in any proceedings for contempt of Court has ceased to be available merely by reason of the provisions of this Act." (

Nothing contained in this Act shall be construed as implying that any other defence which would have been a valid defence in any proceedings for contempt of court has ceased to be available merely by reason of the provisions of this Act. 9.

**W** [http://chdlsa.gov.in/right\\_menu/act/pdf/contempt.pdf](http://chdlsa.gov.in/right_menu/act/pdf/contempt.pdf)

69/153	SUBMITTED TEXT	98 WORDS	82% MATCHING TEXT	98 WORDS
	<p>this section, "Nothing contained in this Act shall be construed as implying that any other Defence which would have been a valid Defence in any proceedings for contempt of Court has ceased to be available merely by reason of the provisions of this Act." (Contempt of Courts Act, 1971) 4.3.3.9 Section 9: Act not to imply enlargement of scope of contempt Under this section, "Nothing contained in this Act shall be construed as implying that any disobedience, breach, publication or other act is punishable as contempt of court which not be so punishable apart from this Act." (</p>		<p>this Nothing contained in this Act shall be construed as implying that any other defence which would have been a valid defence in any proceedings for contempt of court has ceased to be available merely by reason of the provisions of this Act." 9. Act not to imply enlargement of scope of contempt.— Nothing contained in this Act shall be construed as implying that any disobedience, breach, publication or other act is punishable as contempt of court which would be so punishable a part this Act. —</p>	
	<p><b>W</b> <a href="https://indiankanoon.org/doc/1396751/">https://indiankanoon.org/doc/1396751/</a></p>			

70/153	SUBMITTED TEXT	53 WORDS	86% MATCHING TEXT	53 WORDS
	<p>of Courts Act, 1971) 4.3.3.9 Section 9: Act not to imply enlargement of scope of contempt Under this section, "Nothing contained in this Act shall be construed as implying that any disobedience, breach, publication or other act is punishable as contempt of court which not be so punishable apart from this Act." (</p>		<p>of this Act. 9. Act not to imply enlargement of scope of contempt.— Nothing contained in this Act shall be construed as implying that any disobedience, breach, publication or other act is punishable as contempt of court which would be so punishable apart from this Act. 10. —</p>	
	<p><b>W</b> <a href="https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf">https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf</a></p>			

71/153	SUBMITTED TEXT	42 WORDS	98% MATCHING TEXT	42 WORDS
	<p>of itself. Provided that no High Court shall take cognizance of contempt alleged to have been committed in respect of a court subordinate to it where such contempt is an offence punishable under the Indian Penal Code (45 of 1860)." (</p>		<p>of itself\." Provided that no High Court shall take cognizance of a contempt alleged to have been committed in respect of a court subordinate to it where such contempt is an offence punishable under the Indian Penal Code (45 of 1860). 11. —</p>	
	<p><b>W</b> <a href="https://indiankanoon.org/doc/1396751/">https://indiankanoon.org/doc/1396751/</a></p>			

72/153	SUBMITTED TEXT	14 WORDS	100% MATCHING TEXT	14 WORDS
	<p>Power of High Court to try offences committed or offenders found outside Jurisdiction</p>		<p>Power of High Court to try offences committed or offenders found outside jurisdiction.—</p>	
	<p><b>W</b> <a href="https://indiankanoon.org/doc/1396751/">https://indiankanoon.org/doc/1396751/</a></p>			

73/153	SUBMITTED TEXT	14 WORDS	100% MATCHING TEXT	14 WORDS
	<p>Power of High Court to try offences committed or offenders found outside Jurisdiction</p>		<p>Power of High Court to try offences committed or offenders found outside jurisdiction. 12. —</p>	
	<p><b>W</b> <a href="https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf">https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf</a></p>			

74/153	SUBMITTED TEXT	59 WORDS	98% MATCHING TEXT	59 WORDS
	A High Court shall have jurisdiction to inquire into or try a contempt of itself or of any Court subordinate to it, whether the contempt is alleged to have been committed within or outside the local limits of its jurisdiction, and whether the person alleged to be guilty of contempt is within or outside such limits." (Contempt of		A High Court shall have jurisdiction to inquire into or try a contempt of itself or of any court subordinate to it, whether the contempt is alleged to have been committed within or outside the local limits of its jurisdiction, and whether the person alleged to be guilty of contempt is within or outside such limits." 12. Punishment contempt of	
	<b>W</b> <a href="https://indiankanoon.org/doc/1396751/">https://indiankanoon.org/doc/1396751/</a>			

75/153	SUBMITTED TEXT	59 WORDS	98% MATCHING TEXT	59 WORDS
	A High Court shall have jurisdiction to inquire into or try a contempt of itself or of any Court subordinate to it, whether the contempt is alleged to have been committed within or outside the local limits of its jurisdiction, and whether the person alleged to be guilty of contempt is within or outside such limits." (Contempt of		A High Court shall have jurisdiction to inquire into or try a contempt of itself or of any court subordinate to it, whether the contempt is alleged to have been committed within or outside the local limits of its jurisdiction, and whether the person alleged to be guilty of contempt is within or outside such limits. 12. Punishment contempt of	
	<b>W</b> <a href="https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf">https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf</a>			

76/153	SUBMITTED TEXT	59 WORDS	98% MATCHING TEXT	59 WORDS
	A High Court shall have jurisdiction to inquire into or try a contempt of itself or of any Court subordinate to it, whether the contempt is alleged to have been committed within or outside the local limits of its jurisdiction, and whether the person alleged to be guilty of contempt is within or outside such limits." (Contempt of		A High Court shall have jurisdiction to inquire into or try a contempt of itself or of any Court subordinate to it, whether the contempt is alleged to have been committed within or outside the local limits of its jurisdiction, and whether the person alleged to be guilty of contempt is within or outside such limits. 12. Punishment contempt of	
	<b>W</b> <a href="http://www.bareactslive.com/ACA/ACT021.HTM">http://www.bareactslive.com/ACA/ACT021.HTM</a>			

77/153	SUBMITTED TEXT	99 WORDS	100% MATCHING TEXT	99 WORDS
	Save as otherwise expressly provided in this Act or in any other law, a contempt of court may be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both. Provided that the accused may be discharged, or the punishment awarded may be remitted on apology being made to the satisfaction of the court. Explanation – An apology shall not be rejected merely on the ground that it is qualified or conditional if the accused makes it bona fide. (2)		Save as otherwise expressly provided in this Act or in any other law, a contempt of court may be punished with simple for a term which may extend to six months, or with fine which may extend to two thousand rupees, with both\." Provided that the accused may be discharged or the punishment awarded may be remitted on apology being made to the satisfaction of the court. Explanation. –An apology shall not be rejected merely on the ground that it is qualified or conditional if the accused makes it bona fide. (2)	
	<b>W</b> <a href="https://indiankanoon.org/doc/1396751/">https://indiankanoon.org/doc/1396751/</a>			

78/153	SUBMITTED TEXT	99 WORDS	100% MATCHING TEXT	99 WORDS
	<p>Save as otherwise expressly provided in this Act or in any other law, a contempt of court may be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both. Provided that the accused may be discharged, or the punishment awarded may be remitted on apology being made to the satisfaction of the court. Explanation – An apology shall not be rejected merely on the ground that it is qualified or conditional if the accused makes it bona fide. (2)</p>		<p>Save as otherwise expressly provided in this Act or in any other law, a contempt of court may be punished with simple for a term which may extend to six months, or with fine which may extend to two thousand rupees, with both: Provided that the accused may be discharged or the punishment awarded may be remitted on apology being made to the satisfaction of the Court. Explanation. –An apology shall not be rejected merely on the ground that it is qualified or conditional if the accused makes it bona fide. (2)</p>	
	<p><b>W</b> <a href="https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf">https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf</a></p>			

79/153	SUBMITTED TEXT	43 WORDS	100% MATCHING TEXT	43 WORDS
	<p>anything contained in any law for the time being in force, no court shall impose a sentence in excess of that specified in sub section for any contempt either in respect of itself or of a court subordinate to it. (3)</p>		<p>anything contained in any law for the time being in force, no court shall impose a sentence in excess of that specified in sub-section (1) for any contempt either in respect of itself or of a court subordinate to it. (3)</p>	
	<p><b>W</b> <a href="https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf">https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf</a></p>			

80/153	SUBMITTED TEXT	49 WORDS	100% MATCHING TEXT	49 WORDS
	<p>anything contained in this section, where a person is found guilty of a civil contempt, the court, if it considers that a fine will not meet the ends of justice and that a sentence of imprisonment is necessary shall, instead of sentencing him to simple imprisonment, direct that</p>		<p>anything contained in this section, where a person is found guilty of a civil contempt, the court, if it considers that a fine will not meet the ends of justice and that a sentence of imprisonment is necessary shall, instead of sentencing him to simple imprisonment, direct that</p>	
	<p><b>W</b> <a href="https://indiankanoon.org/doc/1396751/">https://indiankanoon.org/doc/1396751/</a></p>			

81/153	SUBMITTED TEXT	49 WORDS	100% MATCHING TEXT	49 WORDS
	<p>anything contained in this section, where a person is found guilty of a civil contempt, the court, if it considers that a fine will not meet the ends of justice and that a sentence of imprisonment is necessary shall, instead of sentencing him to simple imprisonment, direct that</p>		<p>anything contained in this section, where a person is found guilty of a civil contempt, the court, if it considers that a fine will not meet the ends of justice and that a sentence of imprisonment is necessary shall, instead of sentencing him to simple imprisonment, direct that</p>	
	<p><b>W</b> <a href="https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf">https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf</a></p>			

**82/153****SUBMITTED TEXT**

149 WORDS

**100% MATCHING TEXT**

149 WORDS

he be detained in a civil prison for such period not exceeding six months as it may think fit. (4) Where the person found guilty of contempt of court in respect of any undertaking given to a court is a company, every person who, at the time the contempt was committed, was in charge of, and was responsible to, the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the contempt and the punishment may be enforced, with the leave of the court, by the detention in civil prison of each such person. Provided that nothing contained in this sub section shall render any such person liable to such punishment if he proves that the contempt was committed without his knowledge or that he exercised all due diligence to prevent its commission. (5)

**W** <https://indiankanoon.org/doc/1396751/>

he be detained in a civil prison for such period not exceeding six months as it may think fit. the person found guilty of contempt of court in respect of any undertaking given to a court is a company, every person who, at the time the contempt was committed, was in charge of, and was responsible to, the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the contempt and the punishment may be enforced, with the leave of the court, by the detention in civil prison of each such person: Provided that nothing contained in this sub-section shall render any such person liable to such punishment if he proves that the contempt was committed without his knowledge or that he exercised all due diligence to prevent its commission. (5)

**83/153****SUBMITTED TEXT**

149 WORDS

**100% MATCHING TEXT**

149 WORDS

he be detained in a civil prison for such period not exceeding six months as it may think fit. (4) Where the person found guilty of contempt of court in respect of any undertaking given to a court is a company, every person who, at the time the contempt was committed, was in charge of, and was responsible to, the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the contempt and the punishment may be enforced, with the leave of the court, by the detention in civil prison of each such person. Provided that nothing contained in this sub section shall render any such person liable to such punishment if he proves that the contempt was committed without his knowledge or that he exercised all due diligence to prevent its commission. (5)

**W** <https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf>

he be detained in a civil prison for such period not exceeding six months as it may think fit. (4) Where the person found guilty of contempt of court in respect of any undertaking given to a court is a company, every person who, at the time the contempt was committed, was in charge of, and was responsible to, the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the contempt and the punishment may be enforced, with the leave of the court, by the detention in civil prison of each such person: Provided that nothing contained in this sub-section shall render any such person liable to such punishment if he proves that the contempt was committed without his knowledge or that he exercised all due diligence to prevent its commission. (5)

84/153	SUBMITTED TEXT	149 WORDS	100% MATCHING TEXT	149 WORDS
	<p>he be detained in a civil prison for such period not exceeding six months as it may think fit. (4) Where the person found guilty of contempt of court in respect of any undertaking given to a court is a company, every person who, at the time the contempt was committed, was in charge of, and was responsible to, the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the contempt and the punishment may be enforced, with the leave of the court, by the detention in civil prison of each such person. Provided that nothing contained in this sub-section shall render any such person liable to such punishment if he proves that the contempt was committed without his knowledge or that he exercised all due diligence to prevent its commission. (5)</p>		<p>he be detained in a civil prison for such period not exceeding six months as it may think fit. (4) Where the person found guilty of contempt of court in respect of any undertaking given to a court is a company, every person who, at the time the contempt was committed, was in charge of, and was responsible to, the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the contempt and the punishment may be enforced, with the leave of the court, by the detention in civil prison of each such person: Provided that nothing contained in this sub-section shall render any such person liable to such punishment if he proves that the contempt was committed without his knowledge or that he exercised all due diligence to prevent its commission. (5)</p>	
	<p><b>W</b> <a href="http://chdlsa.gov.in/right_menu/act/pdf/contempt.pdf">http://chdlsa.gov.in/right_menu/act/pdf/contempt.pdf</a></p>			

85/153	SUBMITTED TEXT	73 WORDS	95% MATCHING TEXT	73 WORDS
	<p>anything contained in sub section (4) where the contempt of court referred to therein has been committed by a company and it is provided that the contempt has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manger, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the</p>		<p>anything contained in sub-section (4), where the contempt of court referred to therein has been committed by a company and it is proved that the contempt has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the</p>	
	<p><b>W</b> <a href="https://indiankanoon.org/doc/1396751/">https://indiankanoon.org/doc/1396751/</a></p>			

86/153	SUBMITTED TEXT	73 WORDS	95% MATCHING TEXT	73 WORDS
	<p>anything contained in sub section (4) where the contempt of court referred to therein has been committed by a company and it is provided that the contempt has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manger, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the</p>		<p>anything contained in sub-section (4), where the contempt of court referred to therein has been committed by a company and it is proved that the contempt has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to 5 be guilty of the</p>	
	<p><b>W</b> <a href="https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf">https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf</a></p>			

87/153	SUBMITTED TEXT	73 WORDS	95% MATCHING TEXT	73 WORDS
	anything contained in sub section (4) where the contempt of court referred to therein has been committed by a company and it is provided that the contempt has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manger, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the		anything contained in sub-section (4), where the contempt of court referred to therein has been committed by a company and it is proved that the contempt has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the	
	<p><b>W</b> <a href="http://chdlsa.gov.in/right_menu/act/pdf/contempt.pdf">http://chdlsa.gov.in/right_menu/act/pdf/contempt.pdf</a></p>			

88/153	SUBMITTED TEXT	78 WORDS	96% MATCHING TEXT	78 WORDS
	contempt and the punishment may be enforced, with the leave of the court, by the detention in civil prison of such director, manager, secretary or other officer. 97 Explanation – For the purpose of sub sections (4) and (5): (a) “Company” means anybody corporate and includes a firm or other association of individuals, and (b) “Director” in relation to a firm, means a partner in the firm. (		contempt and the punishment may be enforced, with the leave of the court, by the detention in civil prison of such director, manager, secretary or other officer. Explanation. —For the purpose of sub-sections (4) and (5),— (a) “company” means any body corporate and includes a firm or other association of individuals; and (b) “director”, in relation to a firm, means a partner in the firm. 1 [13.	
	<p><b>W</b> <a href="https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf">https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf</a></p>			

89/153	SUBMITTED TEXT	78 WORDS	96% MATCHING TEXT	78 WORDS
	contempt and the punishment may be enforced, with the leave of the court, by the detention in civil prison of such director, manager, secretary or other officer. 97 Explanation – For the purpose of sub sections (4) and (5): (a) “Company” means anybody corporate and includes a firm or other association of individuals, and (b) “Director” in relation to a firm, means a partner in the firm. (		contempt and the punishment may be enforced, with the leave of the court, by the detention in civil prison of such director, manager, secretary or other officer. Explanation. ? For the purpose of sub-sections (4) and (5) ?(a)? ? company? means any body corporate and includes a firm or other association of individuals; and?(b)? ?director?, in relation to a firm, means a partner in the firm.	
	<p><b>W</b> <a href="http://chdlsa.gov.in/right_menu/act/pdf/contempt.pdf">http://chdlsa.gov.in/right_menu/act/pdf/contempt.pdf</a></p>			

90/153	SUBMITTED TEXT	12 WORDS	100% MATCHING TEXT	12 WORDS
	fine which may extend to two thousand rupees or with both.		fine which may extend to two thousand rupees, or with both: —(1)	
	<p><b>W</b> <a href="https://indiankanoon.org/doc/1396751/">https://indiankanoon.org/doc/1396751/</a></p>			

91/153	SUBMITTED TEXT	32 WORDS	87% MATCHING TEXT	32 WORDS
	apology made to the satisfaction of the court. The apology is not be rejected merely on the ground that it is qualified or conditional if the accused makes it bona fide.		apology being made to the satisfaction of the court. Explanation.—apology shall not be rejected merely on the ground that it is qualified or conditional if the accused makes it bona fide. (2)	
	<b>W</b> <a href="https://indiankanoon.org/doc/1396751/">https://indiankanoon.org/doc/1396751/</a>			

92/153	SUBMITTED TEXT	32 WORDS	87% MATCHING TEXT	32 WORDS
	apology made to the satisfaction of the court. The apology is not be rejected merely on the ground that it is qualified or conditional if the accused makes it bona fide.		apology being made to the satisfaction of the Court. Explanation.—apology shall not be rejected merely on the ground that it is qualified or conditional if the accused makes it bona fide. (2)	
	<b>W</b> <a href="https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf">https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf</a>			

93/153	SUBMITTED TEXT	32 WORDS	87% MATCHING TEXT	32 WORDS
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	<b>W</b> <a href="http://chdlsa.gov.in/right_menu/act/pdf/contempt.pdf">http://chdlsa.gov.in/right_menu/act/pdf/contempt.pdf</a>			

94/153	SUBMITTED TEXT	104 WORDS	97% MATCHING TEXT	104 WORDS
	not punishable in certain cases "Notwithstanding anything contained in any law for the time being in force: 99 a) no Court shall impose a sentence under this Act for a contempt of Court unless it is satisfied that the contempt is of such a nature that it substantially interferes, or tends substantially to interfere with the due course of justice. b) the court may permit, in any proceeding for contempt of court, justification by truth as a valid Defence if it is satisfied that it is in public interest and the request for invoking the said Defence is bona fide." (		not punishable in certain cases.— Notwithstanding anything contained in any law for the time being in force, — (a) no court shall impose a sentence under this Act for a contempt of court unless it is satisfied that the contempt is of such a nature that it substantially interferes, or tends substantially to interfere with the due course of justice; the court permit, in any proceeding for contempt of court, justification by truth as a valid defence if it is satisfied that it is in public interest and the request for invoking the said defence is bona fide.] 14.	
	<b>W</b> <a href="https://indiankanoon.org/doc/1396751/">https://indiankanoon.org/doc/1396751/</a>			

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**W** <https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf>

Procedure where contempt is in the face of the Supreme Court or a High Court "(1) When it is alleged, or appears to the Supreme Court or the High Court upon its own view, that a person has been guilty of contempt committed in its presence or hearing, the Court may cause such person to be detained in custody, and, at any time before the rising of the Court, on the same day, or as early as possible thereafter, shall - (a) cause him to be informed in writing of the contempt with which he is charged; (b) afford him an opportunity to make his defence to the charge; (c) after taking such evidence as may be necessary or as may be offered by such person and after hearing him, proceed, either forthwith or after adjournment, to determine the matter of the charge; and (d) make such order for the punishment or discharge of such person as may be just (2) Notwithstanding anything contained in sub-section (1), where a person charged with contempt under that sub-section applies, whether orally or in writing, to have the charge against him tried by some judge other than the Judge or Judges in whose presence or hearing the offence is alleged to have been committed, and the Court is of opinion that it is practicable to do so and that in the interests of proper administration of justice the application should be allowed, it shall cause the matter to be placed, together with a statement of the facts of the case, before the Chief Justice for such directions as he may think fit to issue as respects the trial thereof. (3) Notwithstanding anything contained in any other law, in any trial of a person charged with contempt under sub-section (1) which is held, in pursuance of a direction given under sub-section (2), by a Judge other than the Judge or Judges in whose presence or hearing the offence is alleged to have been committed, it shall not be necessary for the Judge or Judges in whose presence or hearing the offence is alleged to have been committed to appear as a witness and the statement placed before the Chief Justice under sub- section (2) shall be treated as evidence in the case. (4) Pending the determination of the charge, the Court may direct that a person charged with contempt under this section shall be detained in such custody as it may specify: Provided that

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Procedure where contempt is in the face of the Supreme Court or a High Court "(1) When it is alleged, or appears to the Supreme Court or the High Court upon its own view, that a person has been guilty of contempt committed in its presence or hearing, the Court may cause such person to be detained in custody, and, at any time before the rising of the Court, on the same day, or as early as possible thereafter, shall - (a) cause him to be informed in writing of the contempt with which he is charged; (b) afford him an opportunity to make his defence to the charge; (c) after taking such evidence as may be necessary or as may be offered by such person and after hearing him, proceed, either forthwith or after adjournment, to determine the matter of the charge; and (d) make such order for the punishment or discharge of such person as may be just (2) Notwithstanding anything contained in sub-section (1), where a person charged with contempt under that sub-section applies, whether orally or in writing, to have the charge against him tried by some judge other than the Judge or Judges in whose presence or hearing the offence is alleged to have been committed, and the Court is of opinion that it is practicable to do so and that in the interests of proper administration of justice the application should be allowed, it shall cause the matter to be placed, together with a statement of the facts of the case, before the Chief Justice for such directions as he may think fit to issue as respects the trial thereof. (3) Notwithstanding anything contained in any other law, in any trial of a person charged with contempt under sub-section (1) which is held, in pursuance of a direction given under sub-section (2), by a Judge other than the Judge or Judges in whose presence or hearing the offence is alleged to have been committed, it shall not be necessary for the Judge or Judges in whose presence or hearing the offence is alleged to have been committed to appear as a witness and the statement placed before the Chief Justice under sub-section (2) shall be treated as evidence in the case. (4) Pending the determination of the charge, the Court may direct that a person charged with contempt under this section shall be detained in such custody as it may specify: Provided that he shall be released on bail, if a bond for such sum of money as the Court thinks sufficient is executed with or without sureties conditioned that the person charged shall attend at the time and place mentioned in the bond and shall continue to so attend until otherwise directed by the Court: Provided further that the Court may, if it thinks fit, instead of taking bail from such person, discharge him on his executing a bond without sureties for his attendance as aforesaid." (

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<b>100/153</b>	<b>SUBMITTED TEXT</b>	14 WORDS	<b>100% MATCHING TEXT</b>	14 WORDS
<p>contempt is in the face of the Supreme Court or a High Court.</p> <p><b>W</b> <a href="https://indiankanoon.org/doc/1396751/">https://indiankanoon.org/doc/1396751/</a></p>		<p>contempt is in the face of the Supreme Court or a High Court.— (1)</p>		
<b>101/153</b>	<b>SUBMITTED TEXT</b>	14 WORDS	<b>100% MATCHING TEXT</b>	14 WORDS
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<b>102/153</b>	<b>SUBMITTED TEXT</b>	62 WORDS	<b>97% MATCHING TEXT</b>	62 WORDS
<p>Cognizance of criminal contempt in other cases “(1) In the case of a criminal contempt, other than a contempt referred to in section 14, the Supreme Court or the High Court may take action on its own motion or on a motion made by: (a) The advocate-general, or (b) Any other person, with the consent in writing of the advocate-general, (</p> <p><b>W</b> <a href="https://indiankanoon.org/doc/1396751/">https://indiankanoon.org/doc/1396751/</a></p>		<p>Cognizance of criminal contempt in other cases.— (1) In the case of a criminal contempt, other than a contempt referred to in section 14, the Supreme Court or the High Court may take action on its own motion or on a motion made by— (a) the Advocate-General, or any other person, with the consent in writing to the Advocate-General, 3 [</p>		
<b>103/153</b>	<b>SUBMITTED TEXT</b>	62 WORDS	<b>100% MATCHING TEXT</b>	62 WORDS
<p>Cognizance of criminal contempt in other cases “(1) In the case of a criminal contempt, other than a contempt referred to in section 14, the Supreme Court or the High Court may take action on its own motion or on a motion made by: (a) The advocate-general, or (b) Any other person, with the consent in writing of the advocate-general, (</p> <p><b>W</b> <a href="https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf">https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf</a></p>		<p>Cognizance of criminal contempt in other cases.—(1) In the case of a criminal contempt, other than a contempt referred to in section 14, the Supreme Court or the High Court may take action on its own motion or on a motion made by— (a) the Advocate-General, or (b) any other person, with the consent in writing of the Advocate-General, 1 [</p>		
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**W** <http://www.bareactslive.com/ACA/ACT021.HTM>

**106/153****SUBMITTED TEXT**

211 WORDS

**98% MATCHING TEXT**

211 WORDS

In relation to the High Court for the union territory of Delhi, such law officer as the central government may, by notification in the official gazette, specify in this behalf, or any other persons, with the consent in writing of such law officer. (2) In the case of any criminal contempt of a subordinate Court, the High Court may take action on a reference made to it by the subordinate Court or on a motion made by the advocate- general or, in relation to a union territory, by such law officer as the central government may, by notification in the official gazette, specify in this behalf. (3) Every motion or reference made under this section shall specify the contempt of which the person charge is alleged to be guilty. Explanation - In this section, the expression 'advocate-general' means – (a) In relation to the Supreme Court, the attorney or the solicitor-general (b) In relation to the High Court, the advocate-general of the state or any of the states for which the High Court has been established. (c) In relation to the Court of a judicial commissioner, such law officer as the central government may, by notification in the official gazette, specify in this behalf.” (Contempt

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**W** <https://indiankanoon.org/doc/1396751/>

107/153

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In relation to the High Court for the union territory of Delhi, such law officer as the central government may, by notification in the official gazette, specify in this behalf, or any other persons, with the consent in writing of such law officer. (2) In the case of any criminal contempt of a subordinate Court, the High Court may take action on a reference made to it by the subordinate Court or on a motion made by the advocate- general or, in relation to a union territory, by such law officer as the central government may, by notification in the official gazette, specify in this behalf. (3) Every motion or reference made under this section shall specify the contempt of which the person charge is alleged to be guilty. Explanation - In this section, the expression 'advocate-general' means – (a) In relation to the Supreme Court, the attorney or the solicitor-general (b) In relation to the High Court, the advocate-general of the state or any of the states for which the High Court has been established. (c) In relation to the Court of a judicial commissioner, such law officer as the central government may, by notification in the official gazette, specify in this behalf." (Contempt

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In relation to the High Court for the union territory of Delhi, such law officer as the central government may, by notification in the official gazette, specify in this behalf, or any other persons, with the consent in writing of such law officer. (2) In the case of any criminal contempt of a subordinate Court, the High Court may take action on a reference made to it by the subordinate Court or on a motion made by the advocate- general or, in relation to a union territory, by such law officer as the central government may, by notification in the official gazette, specify in this behalf. (3) Every motion or reference made under this section shall specify the contempt of which the person charge is alleged to be guilty. Explanation - In this section, the expression 'advocate-general' means – (a) In relation to the Supreme Court, the attorney or the solicitor-general (b) In relation to the High Court, the advocate-general of the state or any of the states for which the High Court has been established. (c) In relation to the Court of a judicial commissioner, such law officer as the central government may, by notification in the official gazette, specify in this behalf." (Contempt

in relation to the High Court for the Union territory of Delhi, such Law Officer as the Central Government may, by notification in the Official Gazette, specify in this behalf, or any other person, with the consent in writing of such Law Officer.] (2) In the case of any criminal contempt of a subordinate court, the High Court may take action on a reference made to it by the subordinate court on a motion made by the Advocate-General or, in relation to a Union territory, by such Law Officer as the Central Government may, by notification in the Official Gazette, specify in this behalf. (3) Every motion or reference made under this section shall specify the contempt of which the person charged is alleged to be guilty. Explanation. ? In this section, the expression ? Advocate-General? means ? ?(a)? in relation to the Supreme Court, the Attorney-General? or the Solicitor-General; ?(b)? in relation to the High Court, the Advocate-General of the State or any of the States for which the High Court has been established. ?(c)? in relation to the court of a Judicial Commissioner, such Law Officer as the Central Government may, by notification in the Official Gazette, specify in this behalf. 16. Contempt

**W** [http://chdsla.gov.in/right\\_menu/act/pdf/contempt.pdf](http://chdsla.gov.in/right_menu/act/pdf/contempt.pdf)

**109/153****SUBMITTED TEXT**

211 WORDS

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211 WORDS

In relation to the High Court for the union territory of Delhi, such law officer as the central government may, by notification in the official gazette, specify in this behalf, or any other persons, with the consent in writing of such law officer. (2) In the case of any criminal contempt of a subordinate Court, the High Court may take action on a reference made to it by the subordinate Court or on a motion made by the advocate- general or, in relation to a union territory, by such law officer as the central government may, by notification in the official gazette, specify in this behalf. (3) Every motion or reference made under this section shall specify the contempt of which the person charge is alleged to be guilty. Explanation - In this section, the expression 'advocate-general' means – (a) In relation to the Supreme Court, the attorney or the solicitor-general (b) In relation to the High Court, the advocate-general of the state or any of the states for which the High Court has been established. (c) In relation to the Court of a judicial commissioner, such law officer as the central government may, by notification in the official gazette, specify in this behalf.” (Contempt

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**110/153****SUBMITTED TEXT**

109 WORDS

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109 WORDS

Subject to the provisions of any law for the time being in force, a judge, magistrate or other person acting judicially shall also be liable for contempt of his own court or of any other court in the same manner as any other individual is liable and the provisions of this Act shall, so far as may be, apply accordingly. (2) Nothing in this section shall apply to any observations or remarks made by a judge, magistrate or other person acting judicially, regarding a subordinate court in an appeal or revision pending before such judge, magistrate or other person against the order or judgment of the subordinate court.” (

Subject to the provisions of any law for the time being in force, a Judge, Magistrate or other person acting judicially shall also be liable for contempt of his own court or of any other court in the same manner as any other individual is liable and the provisions of this Act shall, so far as may apply accordingly.”(2) Nothing in this section shall apply to any observations or remarks made by a Judge, Magistrate or other person acting judicially, regarding a subordinate court in an appeal or revision pending before such Judge, Magistrate or other person against the order or judgment of the subordinate court. 17.

**W** <https://indiankanoon.org/doc/1396751/>

111/153	SUBMITTED TEXT	109 WORDS	100% MATCHING TEXT	109 WORDS
	<p>Subject to the provisions of any law for the time being in force, a judge, magistrate or other person acting judicially shall also be liable for contempt of his own court or of any other court in the same manner as any other individual is liable and the provisions of this Act shall, so far as may be, apply accordingly. (2) Nothing in this section shall apply to any observations or remarks made by a judge, magistrate or other person acting judicially, regarding a subordinate court in an appeal or revision pending before such judge, magistrate or other person against the order or judgment of the subordinate court.” (</p>		<p>Subject to the provisions of any law for the time being in force, a judge, magistrate or other person acting judicially shall also be liable for contempt of his own court or of any other court in the same manner as any other individual is liable and the provisions of this Act shall, so far as may be, apply accordingly. (2) Nothing in this section shall apply to any observations or remarks made by a judge, magistrate or other person acting judicially, regarding a subordinate court in an appeal or revision pending before such judge, magistrate or other person against the order or judgment of the subordinate court. 17.</p>	
	<p><b>W</b> <a href="https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf">https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf</a></p>			

112/153	SUBMITTED TEXT	109 WORDS	100% MATCHING TEXT	109 WORDS
	<p>Subject to the provisions of any law for the time being in force, a judge, magistrate or other person acting judicially shall also be liable for contempt of his own court or of any other court in the same manner as any other individual is liable and the provisions of this Act shall, so far as may be, apply accordingly. (2) Nothing in this section shall apply to any observations or remarks made by a judge, magistrate or other person acting judicially, regarding a subordinate court in an appeal or revision pending before such judge, magistrate or other person against the order or judgment of the subordinate court.” (</p>		<p>Subject to the provisions of any law for the time being in force, a Judge, Magistrate or other person acting judicially shall also be liable for contempt of his own Court or of any other Court in the same manner as any other individual is liable and the provisions of this Act shall, so far as may be, apply accordingly. (2) Nothing in this section shall apply to any observations or remarks made by a Judge, Magistrate or other person acting judicially, regarding a subordinate Court in an appeal or revision pending before such Judge, Magistrate or other person against the order or judgment of the subordinate Court. 17.</p>	
	<p><b>W</b> <a href="http://www.bareactslive.com/ACA/ACT021.HTM">http://www.bareactslive.com/ACA/ACT021.HTM</a></p>			

113/153	SUBMITTED TEXT	110 WORDS	98% MATCHING TEXT	110 WORDS
	<p>Subject to the provisions of any law for the time being in force, a judge, magistrate or other person acting judicially shall also be liable for contempt of his own court or of any other court in the same manner as any other individual is liable and the provisions of this Act shall, so far as may be, apply accordingly. (2) Nothing in this section shall apply to any observations or remarks made by a judge, magistrate or other person acting judicially, regarding a subordinate court in an appeal or revision pending before such judge, magistrate or other person against the order or judgment of the subordinate court.” (Contempt</p>		<p>Subject to the provisions of any law for the time being in force, a judge, magistrate or other person acting judicially shall also be liable for contempt of his own court or of any other court in the same manner as any other individual is liable and the provisions of this Act shall, so far as may be, apply accordingly. (2) Nothing in this section shall apply to any observations or remarks made by a judge, magistrate or other person acting judicially, regarding a subordinate court in an appeal or revision pending before such judge, magistrate or the person against the order or judgment of the subordinate court. Contempt</p>	
	<p><b>W</b> <a href="http://chdsla.gov.in/right_menu/act/pdf/contempt.pdf">http://chdsla.gov.in/right_menu/act/pdf/contempt.pdf</a></p>			

shall be served personally on the person charged, unless the Court for reasons to be recorded directs otherwise.

(2) The notice shall be accompanied – (a) in the case of proceedings commenced on a motion, by a copy of the motion as also copies of the affidavits, if any, on which such motion is founded; and (b) in case of proceedings commenced on a reference by a subordinate court, by a copy of the reference. 103 (3) The Court may, if it is satisfied that a person charged under section 15 is likely to abscond or keep out of the way to avoid service of the notice, order the attachment of his property of such value or amount as it may deem reasonable. (4) Every attachment under sub-section (3) shall be effected in the manner provided in the Code of Civil Procedure, 1908 (5 of 1908), for the attachment of property in execution of a decree for payment of money, and if, after such attachment, the person charged appears and shows to the satisfaction of the Court that he did not abscond or keep out of the way to avoid service of the notice, the Court shall order the release of his property from attachment upon such terms as to costs or otherwise as it may think fit. (5) Any person charged with contempt under section 15 may file an affidavit in support of his defence, and the Court may determine the matter of the charge either on the affidavits filed or after taking such further evidence as may be necessary, and pass such order as the justice of the case requires.” (Contempt of

shall be served personally on the person charged, unless the court for reasons to be recorded directs otherwise.”

(2) The notice shall be accompanied— (a) in the case of proceedings commenced on a motion, by a copy of the motion as also copies of the affidavits, if any, on which such motion is founded; and (b) in case of proceedings commenced on a reference by a subordinate court, by a copy of the reference. (3) The Court may, if it is satisfied that a person charged under section 15 is likely to abscond or keep out of the way to avoid service of the notice, order the attachment of his property of such value or amount as it may deem reasonable. (4) Every attachment under sub-section (3) shall be effected in the manner provided in the Code of Civil Procedure, 1908 (5 of 1908) 4 , for the attachment of property in execution of a decree for payment of money, and if, after such attachment, the person charged appears and shows to the satisfaction of the court that he did not abscond or keep out of the way to avoid service of the notice, the Court shall order the release of his property from attachment upon such terms as to costs or otherwise as it may think fit. charged with contempt under section 15 may file an affidavit in support of his defence, and the court may determine the matter of the charge either on the affidavits filed or after taking such further evidence as may be necessary, and pass such order as the justice of the case requires.Hearing of

**W** <https://indiankanoon.org/doc/1396751/>

Procedure after cognizance “(1) Notice of every proceeding under section 15 shall be served personally on the person charged, unless the Court for reasons to be recorded directs otherwise. (2) The notice shall be accompanied – (a) in the case of proceedings commenced on a motion, by a copy of the motion as also copies of the affidavits, if any, on which such motion is founded; and (b) in case of proceedings commenced on a reference by a subordinate court, by a copy of the reference. 103 (3) The Court may, if it is satisfied that a person charged under section 15 is likely to abscond or keep out of the way to avoid service of the notice, order the attachment of his property of such value or amount as it may deem reasonable. (4) Every attachment under sub-section (3) shall be effected in the manner provided in the Code of Civil Procedure, 1908 (5 of 1908), for the attachment of property in execution of a decree for payment of money, and if, after such attachment, the person charged appears and shows to the satisfaction of the Court that he did not abscond or keep out of the way to avoid service of the notice, the Court shall order the release of his property from attachment upon such terms as to costs or otherwise as it may think fit. (5) Any person charged with contempt under section 15 may file an affidavit in support of his defence, and the Court may determine the matter of the charge either on the affidavits filed or after taking such further evidence as may be necessary, and pass such order as the justice of the case requires.” (Contempt of

Procedure after cognizance.—(1) Notice of every proceeding under section 15 shall be served personally on the person charged, unless the Court for reasons to be recorded directs otherwise. (2) The notice shall be accompanied,— (a) in the case of proceedings commenced on a motion, by a copy of the motion as also copies of the affidavits, if any, on which such motion is founded; and (b) in case of proceedings commenced on a reference by a subordinate court, by a copy of the reference. (3) The Court may, if it is satisfied that a person charged under section 15 is likely to abscond or keep out of the way to avoid service of the notice, order the attachment of his property of such value or amount as it may deem reasonable. (4) Every attachment under sub-section (3) shall be effected in the manner provided in the Code of Civil Procedure, 1908 (5 of 1908), for the attachment of property in execution of a decree for payment of money, and if, after such attachment, the person charged appears and shows to the satisfaction of the Court that he did not abscond or keep out of the way to avoid service of the notice, the Court shall order the release of his property from attachment upon such terms as to costs or otherwise as it may think fit. 1. Ins. by Act 45 of 1976, s. 2 (w.e.f. 30-3-1976). charged with contempt under section 15 may file an affidavit in support of his defence, and the Court may determine the matter of the charge either on the affidavits filed or after taking such further evidence as may be necessary, and pass such order as the justice of the case requires. 18. Hearing of

**W** <https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf>

116/153	SUBMITTED TEXT	292 WORDS	98% MATCHING TEXT	292 WORDS
	<p>Procedure after cognizance “(1) Notice of every proceeding under section 15 shall be served personally on the person charged, unless the Court for reasons to be recorded directs otherwise. (2) The notice shall be accompanied – (a) in the case of proceedings commenced on a motion, by a copy of the motion as also copies of the affidavits, if any, on which such motion is founded; and (b) in case of proceedings commenced on a reference by a subordinate court, by a copy of the reference. 103 (3) The Court may, if it is satisfied that a person charged under section 15 is likely to abscond or keep out of the way to avoid service of the notice, order the attachment of his property of such value or amount as it may deem reasonable. (4) Every attachment under sub-section (3) shall be effected in the manner provided in the Code of Civil Procedure, 1908 (5 of 1908), for the attachment of property in execution of a decree for payment of money, and if, after such attachment, the person charged appears and shows to the satisfaction of the Court that he did not abscond or keep out of the way to avoid service of the notice, the Court shall order the release of his property from attachment upon such terms as to costs or otherwise as it may think fit. (5) Any person charged with contempt under section 15 may file an affidavit in support of his defence, and the Court may determine the matter of the charge either on the affidavits filed or after taking such further evidence as may be necessary, and pass such order as the justice of the case requires.” (Contempt of</p>		<p>Procedure after cognizance .(1) Notice of every proceeding under section 15 shall be served personally on the person charged, unless the Court for reasons to be recorded directs otherwise. (2) The notice shall be accompanied, (a) in the case of proceedings commenced on a motion, by a copy of the motion as also copies of the affidavits, if any, on which such motion is founded; and (b) in case of proceedings commenced on a reference by a subordinate Court, by a copy of the reference. (3) The Court may, if it is satisfied that a person charged under section 15 is likely to abscond or keep out of the way to avoid service of the notice, order the attachment of his property of such value or amount as it may deem reasonable. (4) Every attachment under sub-section (3) shall be effected in the manner provided in the Code of Civil Procedure, 1908 (5 of 1908), for the attachment of property in execution of a decree for payment of money, and if, after such attachment, the person charged appears and shows to the satisfaction of the Court that he did not abscond or keep out of the way to avoid service of the notice, the Court shall order the release of his property from attachment upon such terms as to costs or otherwise as it may think fit. (5) Any person charged with contempt under section 15 may file an affidavit in support of his defence, and the Court may determine the matter of the charge either on the affidavits filed or after taking such further evidence as may be necessary, and pass such order as the justice of the case requires. 18. Hearing of</p>	
	<p><b>W</b> <a href="http://www.bareactslive.com/ACA/ACT021.HTM">http://www.bareactslive.com/ACA/ACT021.HTM</a></p>			

117/153	SUBMITTED TEXT	48 WORDS	100% MATCHING TEXT	48 WORDS
	<p>Hearing of cases of criminal contempt to be by Benches “(1) Every case of criminal contempt under section 15 shall be heard and determined by a Bench of not less than two judges. (2) Sub-section (1) shall not apply to the Court of a Judicial Commissioner.” (</p>		<p>Hearing of cases of criminal contempt to be by Benches. — (1) Every case of criminal contempt under shall be heard and determined by a Bench of not less than two Judges. (2) Sub-section (1) shall not apply to the Court of a Judicial Commissioner. 19.</p>	
	<p><b>W</b> <a href="https://indiankanoon.org/doc/1396751/">https://indiankanoon.org/doc/1396751/</a></p>			

118/153	SUBMITTED TEXT	48 WORDS	100% MATCHING TEXT	48 WORDS
	<p>Hearing of cases of criminal contempt to be by Benches “(1) Every case of criminal contempt under section 15 shall be heard and determined by a Bench of not less than two judges. (2) Sub-section (1) shall not apply to the Court of a Judicial Commissioner.” (</p>		<p>Hearing of cases of criminal contempt to be by Benches. —(1) Every case of criminal contempt under shall be heard and determined by a Bench of not less than two judges. (2) Sub-section (1) shall not apply to the Court of a Judicial Commissioner. 19.</p>	
	<p><b>W</b> <a href="https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf">https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf</a></p>			

<b>119/153</b>	<b>SUBMITTED TEXT</b>	48 WORDS	<b>100% MATCHING TEXT</b>	48 WORDS
<p>Hearing of cases of criminal contempt to be by Benches “(1) Every case of criminal contempt under section 15 shall be heard and determined by a Bench of not less than two judges. (2) Sub-section (1) shall not apply to the Court of a Judicial Commissioner.” (</p>		<p>Hearing of cases of criminal contempt to be by Benches. ? (1) Every case of criminal contempt under shall be heard and determined by a Bench of not less than two Judges. (2) Sub-section (1) shall not apply to the Court of a Judicial Commissioner. 19.?</p>		
<p><b>W</b> <a href="http://chdlsa.gov.in/right_menu/act/pdf/contempt.pdf">http://chdlsa.gov.in/right_menu/act/pdf/contempt.pdf</a></p>				
<b>120/153</b>	<b>SUBMITTED TEXT</b>	48 WORDS	<b>100% MATCHING TEXT</b>	48 WORDS
<p>Hearing of cases of criminal contempt to be by Benches “(1) Every case of criminal contempt under section 15 shall be heard and determined by a Bench of not less than two judges. (2) Sub-section (1) shall not apply to the Court of a Judicial Commissioner.” (</p>		<p>Hearing of cases of criminal contempt to be by Benches . (1) Every case of criminal contempt under shall be heard and determined by a Bench of not less than two Judges. (2) Sub-section (1) shall not apply to the Court of a Judicial Commissioner. 19.</p>		
<p><b>W</b> <a href="http://www.bareactslive.com/ACA/ACT021.HTM">http://www.bareactslive.com/ACA/ACT021.HTM</a></p>				
<b>121/153</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>89% MATCHING TEXT</b>	15 WORDS
<p>shall be heard and proceeded by a Bench of not less than two Judges.</p>		<p>shall be heard and determined by a Bench of not less than two Judges. (2)</p>		
<p><b>W</b> <a href="https://indiankanoon.org/doc/1396751/">https://indiankanoon.org/doc/1396751/</a></p>				
<b>122/153</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>89% MATCHING TEXT</b>	15 WORDS
<p>shall be heard and proceeded by a Bench of not less than two Judges.</p>		<p>shall be heard and determined by a Bench of not less than two judges. (2)</p>		
<p><b>W</b> <a href="https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf">https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf</a></p>				
<b>123/153</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>89% MATCHING TEXT</b>	15 WORDS
<p>shall be heard and proceeded by a Bench of not less than two Judges.</p>		<p>shall be heard and determined by a Bench of not less than two Judges. (2)</p>		
<p><b>W</b> <a href="http://chdlsa.gov.in/right_menu/act/pdf/contempt.pdf">http://chdlsa.gov.in/right_menu/act/pdf/contempt.pdf</a></p>				
<b>124/153</b>	<b>SUBMITTED TEXT</b>	16 WORDS	<b>100% MATCHING TEXT</b>	16 WORDS
<p>Appeals “(1) An appeal shall lie as of right from any order or decision of</p>		<p>Appeals.— (1) An appeal shall lie as of right from any order or decision of</p>		
<p><b>W</b> <a href="https://indiankanoon.org/doc/1396751/">https://indiankanoon.org/doc/1396751/</a></p>				

125/153	SUBMITTED TEXT	16 WORDS	100% MATCHING TEXT	16 WORDS
	Appeals "(1) An appeal shall lie as of right from any order or decision of		Appeals. ? (1) An appeal shall lie as of right from any order or decision of	
	<p><b>W</b> <a href="http://chdlsa.gov.in/right_menu/act/pdf/contempt.pdf">http://chdlsa.gov.in/right_menu/act/pdf/contempt.pdf</a></p>			

126/153	SUBMITTED TEXT	16 WORDS	100% MATCHING TEXT	16 WORDS
	Appeals "(1) An appeal shall lie as of right from any order or decision of		Appeals .(1) An appeal shall lie as of right from any order or decision of	
	<p><b>W</b> <a href="http://www.bareactslive.com/ACA/ACT021.HTM">http://www.bareactslive.com/ACA/ACT021.HTM</a></p>			

127/153	SUBMITTED TEXT	225 WORDS	100% MATCHING TEXT	225 WORDS
	High Court in the exercise of its jurisdiction to punish for contempt - (a) where the order or decision is that of a single judge, to a Bench of not less than two judges of the Court (b) where the order or decision is that of a Bench, to the Supreme Court: Provided that where the order or decision is that of the Court of the Judicial Commissioner in any Union territory, such appeal shall lie to the Supreme Court. (2) Pending any appeal, the appellate Court may order that - (a) the execution of the punishment or order appealed against be suspended (b) if the appellant is in confinement, he be released on bail; and (c) the appeal be heard notwithstanding that the appellant has not purged his contempt. (3) Where any person aggrieved by any order against which an appeal may be filed satisfies the High Court that he intends to prefer an appeal, the High Court may also exercise all or any of the powers conferred by sub-section (2). (4) An appeal under sub-section (1) shall be filed - (a) in the case of an appeal to a Bench of the High Court, within thirty days; (b) in the case of an appeal to the Supreme Court, within sixty days, from the date of the order appealed against." (		High Court in the exercise of its jurisdiction to punish for contempt—" (a) where the order or decision is that of a single Judge, to a Bench of not less than two Judges of the Court; (b) where the order or decision is that of a Bench, to the Supreme Court: Provided that where the order or decision is that of the Court of the Judicial Commissioner in any Union territory, such appeal shall lie to the Supreme Court. appeal, the appellate Court may order that— (a) the execution of the punishment or order appealed against be suspended; (b) if the appellant is in confinement, he be released on bail; and the appeal be heard notwithstanding that the appellant has not purged his contempt. (3) Where any person aggrieved by any order against which an appeal may be filed satisfies the High Court that he intends to prefer an appeal, the High Court may also exercise all or any of the powers conferred by sub-section (2). (4) An appeal under sub-section (1) shall be filed— (a) in the case of an appeal to a Bench of the High Court, within thirty days; (b) in the case of an appeal to the Supreme Court, within sixty days, from the date of the order appealed against. 20.	
	<p><b>W</b> <a href="https://indiankanoon.org/doc/1396751/">https://indiankanoon.org/doc/1396751/</a></p>			

128/153

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Appeals “(1) An appeal shall lie as of right from any order or decision of the High Court in the exercise of its jurisdiction to punish for contempt - (a) where the order or decision is that of a single judge, to a Bench of not less than two judges of the Court (b) where the order or decision is that of a Bench, to the Supreme Court: Provided that where the order or decision is that of the Court of the Judicial Commissioner in any Union territory, such appeal shall lie to the Supreme Court. (2) Pending any appeal, the appellate Court may order that - (a) the execution of the punishment or order appealed against be suspended (b) if the appellant is in confinement, he be released on bail; and (c) the appeal be heard notwithstanding that the appellant has not purged his contempt. (3) Where any person aggrieved by any order against which an appeal may be filed satisfies the High Court that he intends to prefer an appeal, the High Court may also exercise all or any of the powers conferred by sub-section (2). (4) An appeal under sub-section (1) shall be filed - (a) in the case of an appeal to a Bench of the High Court, within thirty days; (b) in the case of an appeal to the Supreme Court, within sixty days, from the date of the order appealed against.” (

Appeals.—(1) An appeal shall lie as of right from any order or decision of the High Court in the exercise of its jurisdiction to punish for contempt— (a) where the order or decision is that of a single judge, to a Bench of not less than two judges of the Court; (b) where the order or decision is that of a Bench, to the Supreme Court: Provided that where the order or decision is that of the Court of the Judicial Commissioner in any Union territory, such appeal shall lie to the Supreme Court. (2) Pending any appeal, the appellate Court may order that— (a) the execution of the punishment or order appealed against be suspended; (b) if the appellant is in confinement, he be released on bail; and (c) the appeal be heard notwithstanding that the appellant has not purged his contempt. (3) Where any person aggrieved by any order against which an appeal may be filed satisfies the High Court that he intends to prefer an appeal, the High Court may also exercise all or any of the powers conferred by sub-section (2). (4) An appeal under sub-section (1) shall be filed— (a) in the case of an appeal to a Bench of the High Court, within thirty days; (b) in the case of an appeal to the Supreme Court, within sixty days, from the date of the order appealed against. 20.

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129/153

SUBMITTED TEXT

225 WORDS

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225 WORDS

High Court in the exercise of its jurisdiction to punish for contempt - (a) where the order or decision is that of a single judge, to a Bench of not less than two judges of the Court (b) where the order or decision is that of a Bench, to the Supreme Court: Provided that where the order or decision is that of the Court of the Judicial Commissioner in any Union territory, such appeal shall lie to the Supreme Court. (2) Pending any appeal, the appellate Court may order that - (a) the execution of the punishment or order appealed against be suspended (b) if the appellant is in confinement, he be released on bail; and (c) the appeal be heard notwithstanding that the appellant has not purged his contempt. (3) Where any person aggrieved by any order against which an appeal may be filed satisfies the High Court that he intends to prefer an appeal, the High Court may also exercise all or any of the powers conferred by sub-section (2). (4) An appeal under sub-section (1) shall be filed - (a) in the case of an appeal to a Bench of the High Court, within thirty days; (b) in the case of an appeal to the Supreme Court, within sixty days, from the date of the order appealed against.” (

High Court in the exercise of its jurisdiction to punish for contempt ? ?(a)? where the order or decision is that of a single judge, to a Bench of not less than two Judge of the court; ?(b)? where the order or decision is that of a Bench, to the Supreme Court. Provided that where the order or decision is that of the Court of the Judicial Commissioner in any Union territory, such appeal shall lie to the Supreme Court. (2) Pending any appeal, the appellate court may order that ? ?(a)? the execution of the punishment or order appealed against be suspended; ?(b)? if the appellant is in confinement, he be released on bail; and ?(c)? the appeal be heard notwithstanding that the appellant has not purged his contempt. (3) Where any person aggrieved by any order against which an appeal may be filed satisfies the High Court that he intends to prefer an appeal, the High Court may also exercise all or any of the powers conferred by sub-section (2). (4) An appeal under sub-section (1) shall be filed ? ?(a)? in the case of an appeal to a Bench of the High Court, within thirty days; ?(b)? in the case of an appeal to the Supreme Court, within sixty days, from the date of the order appealed against.

**W** [http://chdsla.gov.in/right\\_menu/act/pdf/contempt.pdf](http://chdsla.gov.in/right_menu/act/pdf/contempt.pdf)

130/153	SUBMITTED TEXT	225 WORDS	100% MATCHING TEXT	225 WORDS
	High Court in the exercise of its jurisdiction to punish for contempt - (a) where the order or decision is that of a single judge, to a Bench of not less than two judges of the Court (b) where the order or decision is that of a Bench, to the Supreme Court: Provided that where the order or decision is that of the Court of the Judicial Commissioner in any Union territory, such appeal shall lie to the Supreme Court. (2) Pending any appeal, the appellate Court may order that - (a) the execution of the punishment or order appealed against be suspended (b) if the appellant is in confinement, he be released on bail; and (c) the appeal be heard notwithstanding that the appellant has not purged his contempt. (3) Where any person aggrieved by any order against which an appeal may be filed satisfies the High Court that he intends to prefer an appeal, the High Court may also exercise all or any of the powers conferred by sub-section (2). (4) An appeal under sub-section (1) shall be filed - (a) in the case of an appeal to a Bench of the High Court, within thirty days; (b) in the case of an appeal to the Supreme Court, within sixty days, from the date of the order appealed against." (		High Court in the exercise of its jurisdiction to punish for contempt (a) where the order or decision is that of a single Judge, to a Bench of not less than two Judges of the Court; (b) where the order or decision is that of a Bench, to the Supreme Court: Provided that where the order or decision is that of the Court of the Judicial Commissioner in any Union territory, such appeal shall lie to the Supreme Court. (2) Pending any appeal, the appellate Court may order that (a) the execution of the punishment or order appealed against be suspended; (b) if the appellant is in confinement, he be released on bail; and (c) the appeal be heard notwithstanding that the appellant has not purged his contempt. (3) Where any person aggrieved by any order against which an appeal may be filed satisfies the High Court that he intends to prefer an appeal, the High Court may also exercise all or any of the powers conferred by sub-section (2). (4) An appeal under sub-section (1) shall be filed (a) in the case of an appeal to a Bench of the High Court, within thirty days; (b) in the case of an appeal to the Supreme Court, within sixty days, from the date of the order appealed against. 20.	
	<b>W</b> <a href="http://www.bareactslive.com/ACA/ACT021.HTM">http://www.bareactslive.com/ACA/ACT021.HTM</a>			

131/153	SUBMITTED TEXT	42 WORDS	96% MATCHING TEXT	42 WORDS
	for actions for contempt "No Court shall initiate any proceedings if contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed." (		for actions for contempt.—No court shall initiate any proceedings contempt, either on its own motion or otherwise, the expiry of a period of one year from the date on which the contempt is alleged to have been committed. —	
	<b>W</b> <a href="https://indiankanoon.org/doc/1396751/">https://indiankanoon.org/doc/1396751/</a>			

132/153	SUBMITTED TEXT	42 WORDS	96% MATCHING TEXT	42 WORDS
	for actions for contempt "No Court shall initiate any proceedings if contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed." (		for actions for contempt.—No court shall initiate any proceedings contempt, either on its own motion or otherwise, the expiry of a period of one year from the date on which the contempt is alleged to have been committed. 21.	
	<b>W</b> <a href="https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf">https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf</a>			

133/153	SUBMITTED TEXT	42 WORDS	96% MATCHING TEXT	42 WORDS
	for actions for contempt "No Court shall initiate any proceedings if contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed." (		for actions for contempt. ? No court shall initiate any proceedings contempt, either on its own motion or otherwise, the expiry of a period of one year from the date on which the contempt is alleged to have been committed.	
	<p><b>W</b> <a href="http://chdlsa.gov.in/right_menu/act/pdf/contempt.pdf">http://chdlsa.gov.in/right_menu/act/pdf/contempt.pdf</a></p>			

134/153	SUBMITTED TEXT	23 WORDS	93% MATCHING TEXT	23 WORDS
	after the expiry of a period of one year from the date on which the contempt is claimed to have been committed.		after the expiry of a period of one year from the date on which the contempt is alleged to have been committed. —	
	<p><b>W</b> <a href="https://indiankanoon.org/doc/1396751/">https://indiankanoon.org/doc/1396751/</a></p>			

135/153	SUBMITTED TEXT	23 WORDS	93% MATCHING TEXT	23 WORDS
	after the expiry of a period of one year from the date on which the contempt is claimed to have been committed.		after the expiry of a period of one year from the date on which the contempt is alleged to have been committed. 21.	
	<p><b>W</b> <a href="https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf">https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf</a></p>			

136/153	SUBMITTED TEXT	23 WORDS	93% MATCHING TEXT	23 WORDS
	after the expiry of a period of one year from the date on which the contempt is claimed to have been committed.		after the expiry of a period of one year from the date on which the contempt is alleged to have been committed.	
	<p><b>W</b> <a href="http://chdlsa.gov.in/right_menu/act/pdf/contempt.pdf">http://chdlsa.gov.in/right_menu/act/pdf/contempt.pdf</a></p>			

137/153	SUBMITTED TEXT	43 WORDS	96% MATCHING TEXT	43 WORDS
	Act not to apply to Nyaya Panchayatas or other Village Courts "Nothing contained in this Act shall apply in relation to contempt of Nyaya Panchayats or other village courts, by whatever name known, for the administration of justice, established under any law." (		Act not to apply to Nyaya Panchayats or other village courts.—Nothing contained in this Act shall apply in relation to contempt of Nyaya Panchayats or other village courts, by whatever name known, for the administration of justice, established under any law. —	
	<p><b>W</b> <a href="https://indiankanoon.org/doc/1396751/">https://indiankanoon.org/doc/1396751/</a></p>			

138/153	SUBMITTED TEXT	43 WORDS	96% MATCHING TEXT	43 WORDS
	Act not to apply to Nyaya Panchayatras or other Village Courts "Nothing contained in this Act shall apply in relation to contempt of Nyaya Panchayatras or other village courts, by whatever name known, for the administration of justice, established under any law." (		Act not to apply to Nyaya Panchayatras or other village courts.—Nothing contained in this Act shall apply in relation to contempt of Nyaya Panchayatras or other village courts, by whatever name known, for the administration of justice, established under any law. 22.	
	<b>W</b> <a href="https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf">https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf</a>			

139/153	SUBMITTED TEXT	43 WORDS	96% MATCHING TEXT	43 WORDS
	Act not to apply to Nyaya Panchayatras or other Village Courts "Nothing contained in this Act shall apply in relation to contempt of Nyaya Panchayatras or other village courts, by whatever name known, for the administration of justice, established under any law." (		Act not to apply to Nyaya Panchayatras or other village courts. ? Nothing contained in this Act shall apply in relation to contempt of Nyaya Panchayatras or other village courts, by whatever name known, for the administration of justice, established under any law. 22.	
	<b>W</b> <a href="http://chdlsa.gov.in/right_menu/act/pdf/contempt.pdf">http://chdlsa.gov.in/right_menu/act/pdf/contempt.pdf</a>			

140/153	SUBMITTED TEXT	43 WORDS	96% MATCHING TEXT	43 WORDS
	Act not to apply to Nyaya Panchayatras or other Village Courts "Nothing contained in this Act shall apply in relation to contempt of Nyaya Panchayatras or other village courts, by whatever name known, for the administration of justice, established under any law." (		Act not to apply to Nyaya Panchayatras or other village Courts .Nothing contained in this Act shall apply in relation to contempt of Nyaya Panchayatras or other village Courts, by whatever name known, for the administration of justice, established under any law. 22.	
	<b>W</b> <a href="http://www.bareactslive.com/ACA/ACT021.HTM">http://www.bareactslive.com/ACA/ACT021.HTM</a>			

141/153	SUBMITTED TEXT	99 WORDS	66% MATCHING TEXT	99 WORDS
	be in addition to, and not in derogation of, other laws relating to contempt. "The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law relating to contempt of courts." (Contempt of Courts Act, 1971) 106 4.3.3.23 Section 23: Power of the Supreme Court and High Court to make rules "The Supreme Court or, a case may be, any High Court, may make rules, not inconsistent with the provisions of this Act, providing for any matter relating to its procedure." (Contempt of Courts Act, 1971) 4.3.3.24		be in addition to, and not in derogation of the provisions of any other law relating to contempt of The provisions of this Act shall in addition to, and not in derogation of the provisions of any other law relating to contempt of courts." 23. Power of Supreme Court and High Courts to make rules.—The Supreme Court or, as the case may be, any High Court, may make rules, not inconsistent with the provisions of this Act, providing for any matter relating to its procedure. 24. Repeal.—The Contempt Courts Act, 1952 (32	
	<b>W</b> <a href="https://indiankanoon.org/doc/1396751/">https://indiankanoon.org/doc/1396751/</a>			

142/153	SUBMITTED TEXT	101 WORDS	72% MATCHING TEXT	101 WORDS
	Act to be in addition to, and not in derogation of, other laws relating to contempt. "The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law relating to contempt of courts." (Contempt of Courts Act, 1971) 106 4.3.3.23 Section 23: Power of the Supreme Court and High Court to make rules "The Supreme Court or, a case may be, any High Court, may make rules, not inconsistent with the provisions of this Act, providing for any matter relating to its procedure." (Contempt of Courts Act, 1971) 4.3.3.24		Act to be in addition to, and not in derogation of, other laws relating to contempt.—The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law relating to contempt of courts. 23. Power of Supreme Court and High Courts to make rules.—The Supreme Court or, as the case may be, any High Court, may make rules, not inconsistent with the provisions of this Act, providing for any matter relating to its procedure. 24. Repeal.—The Contempt Courts Act, 1952 (32	
	<b>W</b> <a href="https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf">https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf</a>			

143/153	SUBMITTED TEXT	101 WORDS	72% MATCHING TEXT	101 WORDS
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	<b>W</b> <a href="http://chdlsa.gov.in/right_menu/act/pdf/contempt.pdf">http://chdlsa.gov.in/right_menu/act/pdf/contempt.pdf</a>			

144/153	SUBMITTED TEXT	101 WORDS	72% MATCHING TEXT	101 WORDS
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	<b>W</b> <a href="http://www.bareactslive.com/ACA/ACT021.HTM">http://www.bareactslive.com/ACA/ACT021.HTM</a>			

145/153	SUBMITTED TEXT	14 WORDS	100% MATCHING TEXT	14 WORDS
	Repeal "The Contempt of Courts Act, 1952 (32 of 1952), is hereby repealed." (		Repeal.—The Contempt of Courts Act, 1952 (32 of 1952), is hereby repealed. 1.	
	<b>W</b> <a href="https://indiankanoon.org/doc/1396751/">https://indiankanoon.org/doc/1396751/</a>			

146/153	SUBMITTED TEXT	14 WORDS	100% MATCHING TEXT	14 WORDS
	Repeal "The Contempt of Courts Act, 1952 (32 of 1952), is hereby repealed." (		Repeal.—The Contempt of Courts Act, 1952 (32 of 1952), is hereby repealed.	
	<b>W</b> <a href="https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf">https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf</a>			

147/153	SUBMITTED TEXT	97 WORDS	100% MATCHING TEXT	97 WORDS
	anything contained in any law for the time being in force – (a) no Court shall impose a sentence under this Act for a contempt of Court unless it is satisfied that the contempt is of such a nature that it substantially interferes, or tends substantially to interfere with the due course of justice; (b) the Court may permit, in any proceeding for contempt of Court, justification by truth as a valid defence if it is satisfied that it is in public interest and the request for invoking the said defence is bona fide." (		anything contained in any law for the time being in force, – (a) no court shall impose a sentence under this Act for a contempt of court unless it is satisfied that the contempt is of such a nature that it substantially interferes, or tends substantially to interfere with the due course of justice; the court permit, in any proceeding for contempt of court, justification by truth as a valid defence if it is satisfied that it is in public interest and the request for invoking the said defence is bona fide.] 14.	
	<b>W</b> <a href="https://indiankanoon.org/doc/1396751/">https://indiankanoon.org/doc/1396751/</a>			

148/153	SUBMITTED TEXT	97 WORDS	100% MATCHING TEXT	97 WORDS
	anything contained in any law for the time being in force – (a) no Court shall impose a sentence under this Act for a contempt of Court unless it is satisfied that the contempt is of such a nature that it substantially interferes, or tends substantially to interfere with the due course of justice; (b) the Court may permit, in any proceeding for contempt of Court, justification by truth as a valid defence if it is satisfied that it is in public interest and the request for invoking the said defence is bona fide." (		anything contained in any law for the time being in force, – (a) no court shall impose a sentence under this Act for a contempt of court unless it is satisfied that the contempt is of such a nature that it substantially interferes, or tends substantially to interfere with the due course of justice; (b) the court may permit, in any proceeding for contempt of court, justification by truth as a valid defence if it is satisfied that it is in public interest and the request for invoking the said defence is bona fide.] 14.	
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149/153	SUBMITTED TEXT	23 WORDS	76% MATCHING TEXT	23 WORDS
	for a term which may extend to two years, and with fine which may extend to 118 two thousand rupees,		for a term which may extend to six months, with fine which may extend to two thousand rupees,	
	<b>W</b> <a href="https://indiankanoon.org/doc/1396751/">https://indiankanoon.org/doc/1396751/</a>			

150/153	SUBMITTED TEXT	23 WORDS	76% MATCHING TEXT	23 WORDS
	for a term which may extend to two years, and with fine which may extend to 118 two thousand rupees,		for a term which may extend to months, or with fine which may extend to two thousand rupees,	
	<b>W</b> <a href="https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf">https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf</a>			

151/153	SUBMITTED TEXT	21 WORDS	62% MATCHING TEXT	21 WORDS
	for a term which may extend to five years, and also with fine which may extend to five thousand rupees.		for a term which may extend to six months, or with which may extend to two thousand rupees,	
	<b>W</b> <a href="https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf">https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf</a>			
152/153	SUBMITTED TEXT	23 WORDS	76% MATCHING TEXT	23 WORDS
	for a term which may extend 120 to three years, and with fine which may extend to two thousand rupees,		for a term which may extend to six months, with fine which may extend to two thousand rupees,	
	<b>W</b> <a href="https://indiankanoon.org/doc/1396751/">https://indiankanoon.org/doc/1396751/</a>			
153/153	SUBMITTED TEXT	21 WORDS	62% MATCHING TEXT	21 WORDS
	for a term which may extend to seven years, and also with fine which may extend to five thousand rupees.		for a term which may extend to six months, or with which may extend to two thousand rupees,	
	<b>W</b> <a href="https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf">https://www.indiacode.nic.in/bitstream/123456789/1514/1/197170.pdf</a>			