



RAMA UNIVERSITY

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FACULTY OF JURIDICAL SCIENCES

SUBJECT: Professional Ethics and
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LECTURE: 36

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Lecture-36



Contempt of Court Act, 1971

LECTURE 36: Civil Contempt

Civil Contempt

Section 2(a) of the Contempt of Court Act, 1971 states Civil Contempt as wilful disobedience to the order, decree, direction, any judgment or writ of the Court by any person or willfully breach of undertakings by a person given to a Court. Since Civil Contempt deprives a party of the benefit for which the order was made so these are the offences essential of private nature. In other words, a person who is entitled to get the benefit of the court order, this wrong is generally done to this person.

There is a case on the *willful disobedience of the court order* which a person should know.

Utpal Kumar Das v. Court of the Munsiff, Kamrup [AIR 2008 Gau 62]

This is the case of non-rendering of assistance, although the court has ordered to render assistance. Decree executed by the court to deliver immovable property but because of certain obstruction, the defendant failed to do so. Hence, he was held liable for constituting disobedience to the orders of the competent Civil Court.

Another case is on the *breach of an undertaking* which leads to Contempt of Court.

U.P. Resi. Emp. Co-op., House B. Society v. New Okhla Industrial Development Authority [AIR 2003 SC 2723]

In this case, the Supreme Court has directed the Noida Authorities to verify and state on the affidavit details given by persons for allotment of plots. In pursuance to the same direction by the Supreme Court a person Mr. S filed a false affidavit to mislead the court. The Registry directed a show-cause notice against him to say that why an act of contempt should not be taken against him for misleading the Supreme Court.

Defences to Civil Contempt

A person who is accused of Civil Contempt of case can take the following defences:

- **Lack of Knowledge of the order:** A person can not be held liable for Contempt of Court if he does not know the order given by the court or he claims to be unaware of the order. There is a duty binding on the successful party by the courts that the order that has passed should be served to the Individual by the post or personally or through the certified copy. It can be successfully pleaded by the contemner that the certified copy of the order was not formally served to him.
- **The disobedience or the breach done should not be :** If someone is pleading under this defence then he can say that the act done by him was not done willfully, it was just a mere accident or

he/she can say that it is beyond their control. But this plea can only be successful if it is found to be reasonable otherwise your plea can be discarded.

- **The order that has disobeyed should be vague or ambiguous:** If the order passed by the court is vague or ambiguous or this order is not specific or complete in itself then a person can get the defence of contempt if he says something against that order. In *R.N. Ramaul v. State of Himachal Pradesh* [AIR 1991 SC 1171], this defence has been taken by the respondent. In this case, the Supreme Court has directed the corporation of the respondent to restore the promotion of the petitioner from a particular date in the service. But the respondent has not produced the monetary benefit for the given period and a complaint was filed against him for Contempt of Court. He pleads for the defence on the given evidence that it has not mentioned by the court in order to pay the monetary benefit. Finally, he gets the defence.
- **Orders involve more than one reasonable interpretation:** If the contempt of any order declared by the court and the order seems to be given more than one reasonable and rational interpretation and the respondent adopts one of those interpretations and works in accordance with that then he will not be liable for Contempt of Court.
- **Command of the order is impossible:** If compliance of the order is impossible or it can not be done easily then it would be taken as a defence in the case of Contempt of Court. However, one should differentiate the case of impossibility with the case of mere difficulties. Because this defence can be given only in the case of the impossibility of doing an order.

SELF-TEST QUESTIONS

S.NO	Question	Option (a)	Option (b)
1.	A person can not be held liable for Contempt of Court if he does not know the order given by the court or he claims to be unaware of the order..	True	False
2.	If someone is pleading under this defence then he can say that the act done by him was not done willfully, it was just a mere accident or he/she can say that it is beyond their control	True	False
3.	There are two Articles in the Constitution of India which talk about the Contempt of Court and these are Article 129 and Article 142(2) .	True	False
4.	The ' <i>Court of Record</i> ' means a Court having its acts and proceedings registered for everlasting memory or that memory which has no end and as evidence or proof.	True	False
5.	Sanyal Committee report deals with the historical aspect of the Law of Contempt in India	True	False

Answers: 1-(b),2-(a), 3-(a),4-(a),5-(a)