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Wilful Disobedience of Court Orders: Contempt Law

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Money laundering is the transformation of illegitimate money, assets into legitimate sources of money, earned through crimes such as the trafficking of drugs, cash smuggling, bogus companies' stock market scam, terrorism, etc. In numerous jurisdictions, it is a crime with different meanings and different punishments. Money laundering can be accomplished in a variety of methods, but the most common is the formation of fictitious corporations, sometimes known as "shell firms." Although the 'Shell Company' appears to be a legitimate company, it does not exist in the actual world and no production takes place there. In reality, these shell firms simply exist on paper and not in reality. The clandestine economy is a major operation under the prevention of the money laundering Act and is even more dangerous than a general offense. The repression against black money by the Indian Government continues uninterrupted and in recent times proceedings were brought under the Money Laundering Act, 2002. This article attempts to explain India's money laundering statute and gives a short outline of its system and function.

Keywords: court, disobedience, contempt.

INTRODUCTION

The term "contempt of court" is common in courts to describe legal actions that corrupt the system or prohibit citizens from using it to resolve disputes involving certain proceedings. "In the case of Attorney General Times Newspaper Ltd. [1], we are asking Diploque Marvel to make a decision. [1] The term contempt of court is easy to understand as we are rude or

disobedient in court. This means that we knowingly disobey court orders or ignore legal authorities. The judge can then send Kyung Bum to jail for a period of time if he is entitled to fines or other penalties or if he is found in contempt of court. The term can also be understood to mean the freedom to restrict legal proceedings. As we all know, any judge in the courts is free to conduct legal proceedings with certain restrictions and may reduce or suspend carrying out necessary legal proceedings. Anything you do could lead to contempt of court. Halsbury, Oswald, and Black Odgers also provide a definition of contempt, talk about abuse and misunderstanding, and offer a wide range of views. In India, the concept of court contempt is defined in section 2(a) of the Court Contempt Act of 1971 and is widely described as a civil or criminal offense. The Constitution of India contains two articles, Articles 129 and 142(2), which account for contempt of court.¹

Willful disobedience is the intentional disobedience of a free agent who knows what he is doing, rather than acting out of wickedness or evil or malice intent. This is an example of case law regarding intentional disobedience. A servant who willfully disobeys his master's orders is willful disobedience. In other words, although something done or omitted may occur intentionally or omitted, this does not necessarily mean malice against the user or malice against the master.² Wilful disobedience to any Judgment, Decree, Direction, Order, Writ, or other processes of Court.

According to the new Oxford example (1980), wilfulness means proving that it teaches it. Deliberately, he deliberately reflects passive or selfish. According to Bakamus (8 Ed.), He means he implies intentionally, but it does not necessarily happen. Someone to do. Destination; Wilforess does not need to show evil, but only brings education. Ignore personal violence, intentionally or famous legal activities. Format court / private key to restore the court. The importance of work and Bramwell, LJ, Highway Western Mail (1877) 3 QBD 195, LJ.

¹ Diganth Raj Sehgal, 'Contempt of Court' (*IPleaders*, 20 August 2019) <<https://blog.ipleaders.in/contempt-of-court-2/>> accessed 30 May 2021

² A Prasad, 'Supreme Court clarifies Contempt Of Court means only Willful and deliberate disobedience to Courts' (*Latestlaw.Com*, 29 January 2021) <<https://www.latestlaws.com/latest-news/supreme-court-clarifies-contempt-of-court-means-only-willful-and-deliberate-disobedience-to-courts-read-judgment/>> accessed 30 May 2021

The success has been explained by Frauds at the event, who opposed the risks or negligence, Turkish Lassel, (1895). You deliberately assess and voluntarily. Bowen, L. J, the most complicated contract, [Re-, young and Harston, (1885) 31 CH. D 168] So: Other words are intended for "reputer". He is a branch of family friendly law, and twigs meaningful, usually applicable, used for voluntary characteristics of your will. It knows what you know and you know what you are doing and know that it is freedom. The aim is parties and is not satisfactory and is expected to be added.

In [Andrington vs. Ad-Lell Club Ltd., (1964) 3. ER 674] J, implements words that are intentionally used by intentional words from England. Delimitation deliberately produces true behavioral nature or order process. Sterling, J Di's that by entering the rules, is necessary to "ignore the destination" of orders/evaluation. I thought he had thought he had thought to be restricted. For this purpose to pursue the division of CIRTY, J, IN [A. G vs Walthampowarin City, (1895) 11 TLLR 533 [Chapter 1 succom vs Trollbidgegogge City, (1910) 2 ch. 190].³

However, resurrected judgment, J. It is different and [Fear The Children of Man Manchester Co., Ltd. (The previous decision of the decision he called. "Stiner Ltd. (1966). Courts. Courts. Courts of damage to the accident, accidentally. G vs Walthammstow of Congress (front) and ideas with the same. As described in a small Dictionic Dictionary, meaning regularly is "unlimited or not intentionally," [Night Vs Cliffton, (1971) 2. ER 378], the court must approve the Sterling J., and if not clearly corrupted Megaw, J. The evaluation of the J. Motor, Domina Sachs, L. J., and cannot receive Russel, L. J. Tao Tomat Vs. T. Recommended LRDS G, i. Di, (1973) YA 15].

HISTORY OF CONTEMPT LAW IN INDIA

The Sanya Commission's report deals with the historical aspects of India's contempt of court. This committee is responsible for initiating the process of amending this law. Contempt of court, like many other laws, comes from English law and legislation, but these laws are not

³ 'Contempt of Court: Everything You Need to Know' (UPCounsel, 17 March 2009)
<<https://www.upcounsel.com/legal-def-contempt-of-court>> accessed 01 June 2021

entirely English law and have other origins. How did the development of indigenous peoples of oblaw law come about? Understand the old system in which our country had to protect courts and councils (sabhas) in the past. We know the philosopher Chanakya. His book, *Arthashastra*, was about governance at the time. He writes: "Anyone who exposes the king, offends Congress, or does anything wrong with him must cut off his tongue."⁴

In addition to this statement, he states: In India, there was no contempt of court until 1952, but in 1952, after the contempt of court law was enacted, the contempt of court was enacted. This law applies to all India except Jammu and Kashmir. The law empowers higher courts to punish lower courts for contempt of court. This law abolished the existing law of the 1926 Disgrace Court in Rajasthan and Saurashtra. Although this law is being extended to all of Bangladesh. Although this law has been introduced before, you may be surprised to learn that there is also a lot of ambiguity surrounding the law of contempt without providing a definition of the term 'contempt'. This law must be dealt with in accordance with two fundamental rights given by the Constitution of India: (i) freedom of speech and expression and (ii) individual freedom.

A bill to amend or strengthen existing laws on contempt has been submitted to Lok Sabha. This law was introduced on April 1, 1960, by Shri B B Das Gupta. After reviewing the bill, the government recognized the need to revise the current law. Therefore, they formed a special committee to investigate the matter and review the relevant laws. This committee was created in 1961 as chairman of HN Sanyal and was reported on February 28, 1963. The 1926 and 1952 contempts brought some changes from the 1971 contempt. The law divides the "offensive offense" into criminal and civil insults, with their respective definitions. This has not yet been addressed in court. Tell me about the contempt of court in 1971.

REVIEW OF THE CONTEMPT OF COURTS ACT, 1971

The Indian Legal Commission (Chair: Judge BS Chauhan) has submitted a report on the Contempt of Court Act of 1971. Contempt of court means ignoring contempt of court or

⁴ Sehgal (n 1)

contempt of court. The law divides insults into civil insults and criminal insults. Civil disobedience is deliberate disobedience to a court order. Criminal contempt includes (i) "scanning" courts, (ii) interfering with legal proceedings, or (iii) otherwise interfering with judicial administration or disclosure. "Obstruction of justice" is generally a punishment or publication that has the effect of undermining public confidence in the judiciary. This report investigated whether the definition of contempt in law should be limited to civil contempt, that is, willful disobedience to court decisions. The Commission concluded that there was no request to amend the law for the following reasons:

- Numerous blasphemy cases: The Commission observed numerous civil (96,993) and criminal (583) mooring cases in various decisions of the High Court and the Supreme Court.⁵ The Commission found that there are many cases that justify maintaining the relevance of the law. Changing the definition of contempt can reduce the overall impact of the law and reduce respect for the tribunal and its powers and functions.
- International Comparison: Regarding the crime of "judiciary scandal", the Commission notes that the UK has abolished this crime with its contempt. However, keep in mind that the two situations are different in India and the United Kingdom, so attacks in India may continue to occur. First, India continues to face many cases of criminal contempt, but the last crime in the British Scandal Court dates back to 1931. Second, contempt of court continues to be prosecuted in the United Kingdom. The UK continues to be punished by various laws. The Commission felt that the abolition in India would leave a legislative gap.
- Origin of contempt: The Commission has found that the higher courts (the Supreme Court and the High Court) derive the power of contempt in the Constitution. The law explains the procedure of the investigation and punishes insults. Therefore, removing illegal activity by law does not affect the inherent constitutional right of the higher courts to punish anyone for offensive activity. These authorities will continue to exist regardless of the 1971 Act.

⁵ Prasad (n 2)

- **Impact on lower courts:** The Constitution allows higher courts to punish derogatory acts. The law also allows higher courts to punish lower courts for insults. The Committee argued that a narrower definition of insult would hurt the lower courts because they were unwilling to deal with the offense case.
- **Ambiguity:** The Committee has found that ambiguous amendments to the definition of contempt lead to ambiguity. In fact, the Supreme Court continues to insult the Constitution. In the absence of a definition of contempt of court, the Supreme Court may offer several definitions and interpretations of what constitutes contempt. The Committee recommended keeping the definition unchanged for clarity.
- **Appropriate Safeguards:** The Commission notes that the law has several built-in safeguards to protect against abuse. For example, the law contains provisions for contempt that are not worthy of contempt or that contempt should go unpunished. This provision suggests that the courts cannot prosecute all contempt cases. The commission also said the law was resistant to judicial review and there was no reason to change.

ESSENTIALS OF CONTEMPT OF COURT

When a person named Akash needs to prove in court that another person named Sita has committed a crime. He must then show the court whether the crime committed by Sita meets the requirements necessary to commit the act. When this nature is respected, it must be held accountable for its behavior. Likewise, every crime has certain exceptions that must be followed in order to hold someone accountable. Court contempt also has specific needs:

1. In civil matters, failure to comply with any procedure, order, judgment, laws, and regulations of any kind must be done "intentionally".
2. When it comes to decriminalization, "public" is of utmost importance, and this declaration can be verbal or written, verbal, symbolic, or visible.
3. The court issues a "valid order" that must be "know" to the respondent.
4. Insults must be intentional and clearly ignore court orders.

These requirements must be met when prosecuting a person for contempt of court.

Section 2 of the Contempt of Courts Act, 1971

Section 2(a) of the Contempt of Court Act 1971 provides that civil offense is a court order, ordinance, order, judgment, willful disobedience, or willful violation of a person. .. Civil offense is an essential crime of a private nature because it robs the parties of the rights of the order/judgment. This means that a person who benefits from a court order often does something wrong with that person.

DEFENCES TO CIVIL CONTEMPT

A person accused of civil contempt can defend:

- Ignoring the order: If you do not know the court order, or if you claim that you do not know the order, you cannot be held responsible for contempt of court. A winning party in court is required to ensure that the order made is made available to the individual by mail or certified true copy. The defendant can successfully sue that a certified copy of the order has not been formally provided to him.
- No Wrongdoing or Violation: If someone appeals this complaint, they can say that the action they took was not intentional, even if it was a simple accident, they can say that he has not controlled that he can. But this plead can only be successful if it is judged reasonable, otherwise, your happiness may be erased.
- The commands that do not follow must be ambiguous or ambiguous: If the court order is ambiguous, unclear, or if the order itself is specific or incomplete, anyone who says anything about that order can be protected from insults. [R. N. Ramaul Vs State of Himachal Pradesh, AIR 1991 SC 1171]⁶, this defense was provided by the Respondent. In this case, the Supreme Court asked the defendant's breeding company to reinstate the promotion of the manuscript of a particular company. However, the defendant did not provide financial benefits on time and filed a contempt of court. He sought to defend the presented evidence not mentioned in court to pay the profits. He finally made an excuse.

⁶ R N Ramaul v State of Himachal Pradesh AIR 1991 SC 1171

- The order contains one or more possible descriptions: If a court order and one or more reasonable and rational interpretations of the order appear to be provided and the respondent agrees to and works on any of these solutions, we will be contempt of court. I am not responsible for it.
- Impossible Order: If compliance with the order is not possible or easy, the act is considered a contempt of court. However, we need to distinguish between impossible cases and simple difficult cases. This defense is only given if you can't use magic.

PUNISHMENT FOR CONTEMPT OF COURT

Article 12 of the 1971 Law of Blasphemy explains the punishment for judicial blasphemy. The Supreme Court and Supreme Court have empowered anyone to be punished for contempt of court. According to section 12(1) of this law, a person accused of blasphemy can be sentenced to a simple prison sentence which can be extended up to 6 months with a fine of Rs 2,000 or both. However, the defendant can be removed from office or have his sentence waived, provided that the defendant apologizes and that apology must meet in court, and that he is of the judicial blasphemy category.⁷ The explanation in this text is that if the defendant really apologizes, it will not be denied regardless of conditions or because of eligibility. A court may not impose a judgment of contempt on itself or its subordinates, except as provided for in the relevant provisions of this Act.

REMEDIES AGAINST AN ORDER OF PUNISHMENT

Clause Section 13 was added to the Contempt of Court Act of 1971 after the 2006 amendment. The new law could be called the Court Contempt (Amendment) Act of 2006. In this section, we are talking about insults. In general, courts are not punished in some cases. Section 13(a) of the Contempt of Court (Amendment) Act of 2006 provides that there is no penalty for contempt of court unless it is found that the charge of contempt is interference or tends to be serious. It significantly interferes with the regularity of the legal process. Section 13 (b) of this law

⁷ Contempt of Court (n 3)

provides that if the court considers that the action is in the public interest and the court's request is valid, the court may enter a defense to prove its truth.

CONTEMPT PROCEDURE

Two sections of the Lawful Claims Act of 1971 describe the stages of the settlement process. One deals with proceedings before the Court of Archives and the other deals with proceedings outside the Court of Archives. Section 14 of the Courts Blasphemy Act deals with blasphemy proceedings before the Court of Archives, while blasphemy proceedings are taken seriously outside the Court of Archives in section 15 of this law. This court of record essentially has the power to punish contempt. Thus, these archival courts can resolve substantive issues by establishing their own procedures. The only circumstances that should be followed when exercising a court's jurisdiction are that the procedures applied must be fair and reasonable, and the violator must be given sufficient opportunity to defend himself. If a specific charge against a person found guilty of contempt is clearly stated and there is a reasonable opportunity to respond to and defend the accusation, only that person will be liable for contempt first. court. Any person charged with contempt under this section asserts that an oral or written prosecution was made out of existence or willful contempt and that the presiding judge considers it necessary for the benefit of the Justice. adjudicated by the court of appeal. Refer the matter to the Judge as it deems appropriate and appropriate in the circumstances or present it to the Judge with a statement following the facts of the case. ⁸

CONTEMPT COMMITTED OUTSIDE THE COURT

It's a criminal offense, not a civil offense. Section 15(1) of the Legal Dismissal Act of 1971 cherishes criminal blasphemy notices in record courts such as the Supreme Court and the High Court. The Supreme Court and High Court can take the following steps to deal with blasphemy crimes: When storage is required. At the request of the spokesman of the Supreme Court and the Supreme Court. When submitting consent to the written consent of the spokesperson. When a judicial body working with the Federal High Court of Delhi as the

⁸ Sehgal (n 1)

central government notifies the petition. Then you can think of it as contempt of court.⁹ Section 15(2) of this Act provides that, in case of criminal contempt of a lower court, the higher court may take certain measures in the manner provided for by this Act.

On July 29, 1998, the Industrial Court of the Vide Award in Chennai, Tamil Nadu approved the following guidelines: As a result, the services of workers working in various food stocks of the South Indian Food Corporation issue notice banning the employment of contract labor under Section 10 (1) of the Act on Contract Labor (Regulation and Abolition). For each warehouse, we reserve the right to formalize from the date of notification. Dissatisfied, Indian Food Corporation filed a proceeding with the Madras High Court under appeal numbers 3382/2003 and 3383/2003. The split bench rejected the decision of the warrant and the order of appeal on December 13, 2006, and accepted the reasoning of a single judge who learned, finding the same facts as the court's conclusion regarding the adoption of the decision.

The Food Corporation of India has applied for special leave to the Supreme Court of India and the complaint has been ruled. 10499/2011 and 10511/2011. Two appeals were dismissed by a joint judgment and order dated August 20, 2018, confirming the position of the court and the Madras High Court. Several groups of workers have filed petitions for the normalization and division of the Indian Food Corporation. They argued that the Indian Food Corporation failed to normalize and departmentalize them under a labor court order passed by the Supreme Court in 2018. The Indian Food Corporation has formalized qualified employees under the Direct Payment System (DPS) and has announced that they will no longer be employed. The pre-trial labor reference cited discussions limited to stakeholder standardization after the sub-contracted labor system was abolished. In certain Indian Food Corporation normal work systems, there is no prayer to absorb affected employees.

Food Corporation of India has four systems of workforce participation.

- Labor system in the industry
- Direct payment system

⁹ 'Review of the Contempt of Courts Act, 1971' (*PRS Legislative Research*, 3 December 2018) <<https://www.prsindia.org/report-summaries/review-contempt-courts-act-1971>> accessed 02 June 2021

- With a no-pay system, there is no work
- Companion system

The Indian Food Corporation states that employee participation in the direct payment system is fully compliant with the court's guidelines, as there are no specific guidelines for standardizing staff across the systems. The Judiciary includes Judge A. Mr. Khanwilkar and Dinesh Maheshwari agree with the point of view of the Food Corporation of India. Supreme Court [Ram Kishan v. Tarun Bajaj and Ors (2014) 16 SCC 204, here described to initiate civil insults.

Contempt of court only arises on the disobedience of order: Apex court

The contempt of Judge JM Panchal and Gyan Sudha Mishra for the courtroom is "in our view" only when willful disobedience to (the court's) order is ..."¹⁰ Judge Schruoff said that disobedience on the bench "cannot be done in the case of contempt if it does not reflect conscious and intentional disobedience. Generally speaking."¹¹ However, when the court is faced with a question as to whether the designated situation can be considered a deliberately disobeying case or a crippled error case to circumvent its compliance. Depends on the facts and circumstances of each case.

The High Court clearly defined and emphasized that the Contempt of Court Act 1971 is clearly defined and emphasized that anyone could be prosecuted for contempt of court in the absence of elements of intentional disobedience. Rajasthan High Court Jaipur Bench Single Judge v Department (Judiciary) Registrar Dinesh Kumar Gupta. The High Court has begun an insulting procedure while sitting in a seat to review the case record in which Gupta requested an investigation against a judge in the Motorcycle Accident Compensation Court in Jaipur. Chaired by S.K. Bansal, the court rewarded Kaushalya Devi and others at United India Insurance in 2001. Bansal retired when the case was submitted to the High Court in 2006. Ignoring the High Court's order to initiate the proceedings of Gupta, the judgment falsely

¹⁰ Editorial, 'Contempt of court only arises on disobedience of order: Apex court' (*DH Deccan Herald*, 15 October 2010) <<https://www.deccanherald.com/content/105111/contempt-court-only-arises-disobedience.html>> accessed 03 June 2021

¹¹ Prasad (n 2)

presumed that the High Court judge "presumed that the appellant (Gupta) had the intention of interfering with the judicial administration." The Supreme Court's ruling added that the beginning of the contempt of court case against Gupta was "based on a completely false premise." Unsustainable unsubstantiated facts are not considered sufficient grounds for initiating contempt proceedings.

CONCLUSION

The existing role relating to ex facie contempt of lower courts is unsatisfactory and misleading in India. It appears that evidently, the difficulties in this regard are the after product of overlap of contempt powers under the Indian Penal Code, Contempt of Courts Act, and contempt powers of the Supreme Court and High Court under the Indian constitution. The scenario has emerged as more complicated by way of the inconsistent interpretations followed through the Supreme Court and High Court regarding diverse provisions under the Indian Penal Code dealing with interference with the administration of justice and exclusion clause contained in the Contempt of Courts Act. Not only the higher court should be given the power to deal with contempt but also the lower court should be given this power. Contempt of Court if seen from the perspective of the judges, higher judicial officials seems good but if it comes to the perspective of common people it turns towards its bad effect.