

CONTEMPT OF COURT: A CHALLENGE TO RULE OF LAW – A CRITICAL ANALYSIS

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INTRODUCTION

If we desire respect for the law, we must first make the law respectable.

- Louis D. Brandeis³

Law (विधि) in India has evolved from various customary practices and religious prescription to the present constitutional and legal system of our society. Law as a subject of customary practice and religious prescriptions has an astral history in Indian society. It has its sources in the Vedas, the Upanishads and other religious scripts. It is a fertile field ameliorated by practitioners from different Hindu philosophical schools, followed by Jains and Buddhists.

The term law is defined as rules of human conduct that emanates from a source recognized as competent by the legal order and which prescribes the imposition of a sanction in the event of disobedience. For a layman law can be defined as a system of rules and regulations which any country or society recognizes as binding on its citizens, which the authorities may enforce, and if violated attracts punitive action.

RULE BY LAW, NOT MAN

Rule of law is the basic rule of governance of any civilized democratic polity. Our constitutional scheme is based upon the concept of rule of law which we have adopted and given to ourselves. It is originated

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from the French phrase ‘la principe de legalite’ which basically means the ‘principal of legality’. One simple articulation of the idea of “rule of law” is that society should be ruled “by law, and not by men”. “At perhaps the most rudimentary level, the “rule of law” has hence been used to mean a system in which governance is based upon neutral and adaptable rules. Everyone, whether individually or collectively is unquestionably under the supremacy of law. “Be you ever so high, law is above you”⁴. It connotes the meaning that, “Whoever the person may be, however high he or she is, no one is above the law.” But the essence of “Rule by Law, not Man” forms an ostensive dilemma: how are the laws to be referred against those who are accountable for their innovation and implementation? This paper deals with such aspects of rule of law and how its supremacy can be preserved for the efficient delivery of justice.

CONTEMPT OF COURT

Contempt of court is a matter concerning the fair administration of justice, and aims to punish any act hurting the dignity and authority of judicial tribunals.⁵ Lord Diplock defines it in a following way:

Although criminal contempt of court may take a variety of forms they all share a common characteristic: they involve an interference with the due administration of justice, either in a particular case or more generally as a continuing process. It is justice itself that is flouted by contempt of court, not the individual court or judge who is attempting to administer it.⁶

Contempt of court because of its peculiar and contentious nature had led to contradictory opinions among scholars, jurists and various masses, hence no satisfactory definition of contempt of court can be had. The term contempt of court is a generic term descriptive of conduct in relation to particular proceedings in a court of law which tends to undermine that system or inhibit citizens from availing themselves of it for the settlement of their disputes.⁷Our

⁴ K. Balasankaran Nair, LAW OF CONTEMPT OF COURT IN INDIA, (v) (2004).

⁵ Mriganka Shekhar Dutta & Amba Uttara Kak, CONTEMPT OF COURT: FINDING THE LIMIT, NUJS LAW REVIEW 56, (2009).

⁶ AG v. Levellor Magazine Ltd. [1979] AC 440, p. 449s

⁷ Lord Diplock in Attorney General v. Times News Paper Ltd. (1973) 3 All. E.R. 54, 71.

Constitution has granted the Supreme Court and the High Court with the power to punish any person for contempt of court under Articles 129⁸ and 215⁹ respectively.

GENESIS OF CONTEMPT LAW

Freedom of the judicial contempt power hat had a long but sordid history.

-Richard C. Brautigam¹⁰.

The term contempt of court (Contemptus curiae) has been in use since centuries and is as historic as law. The law concerning to contempt of court has advanced over the centuries as a medium whereby the courts may act to forbid or punish conduct which tends to obstruct, humiliate or prejudice the administration of justice either with reference to a particular case or as in general. In ancient times king was regarded as the fountain of justice and he used to hear the cases himself. The king's authority was absolute, and the people were his subjects. They could not condemn him and criticism, if made was punishable. With time, due to increase in burden of work he had to delegate the function to a body created by him, i.e. judges.

The idea of contempt of the king is referred to as an offence in the laws set-forth in the first half of the twelfth century. Contempt of the king's writ was mentioned in the laws of king Henry-1. In the same laws there was mention of pecuniary penalty for contempt or disregard of orders. Thus in England before the end of the twelfth century contempt of court was a recognized expression and applied to the defaults and wrongful acts of suitors.¹¹

The law of contempt of court in India has its origin in British administration in India. This originated from an undelivered judgment of J Wilmot in 1765, where the judge said the power of

⁸ Article 129: The Supreme Court shall be a court of record and shall have all the powers of such a court including the power to punish for contempt of itself.

⁹ Article 215: Every High court shall be a court of record and shall have all the powers of such a court including the power to punish for contempt of itself.

¹⁰ Richard C. Brautigam, constitutional challenge to the contempt power, 60, Geo.LJ, 1972, 1513 at 1513.

¹¹ John Charles Fox "The Nature of Contempt of Court" 37 L.Q.R., 191, 194 (1921).

contempt of court was necessary to maintain the dignity and majesty of judges and vindicate their authority¹². Privy Council in **Surendranath Banerjee's**¹³ case observed that: "...a high court derives its power to punish for contempt from its own existence or creations. It is not a power, conferred upon it by law." In 1926, the Contempt of Court Act was passed to bring transparency in the concept of contempt of court and to punish for the contempt of subordinate courts.

This Act was replaced by Contempt of Court Act, 1952 since it did not had any provision regarding contempt of courts lower to Chief Courts and Judicial Commissioner's court. But the Act of 1952 was again replaced by Contempt of Court Act, 1971 on the recommendations of the committee headed by H.N. Sanyal¹⁴. This was done due to the dissatisfactory, uncertain and undefined nature of Contempt of Court Act, 1952.

In a very pragmatic way and in an effort to beatify the idea of justice, The Contempt of Courts Act, 1971 was passed to punish those who, in any way, hinder in the path of the judiciary to deliver justice to the people. In a sound judiciary everyone is entitled to a free and fair trial without any discrimination whatsoever. Hence, any action which is detrimental to the judicial idea of justice is desired to be punished under the Contempt of Courts Act, 1971.

CONTEMPT OF COURT CLASSIFIED

The Contempt of Courts Act of 1971 divides the expression 'contempt of court' into two categories of contempt, viz.,

- (i) Civil contempt and
- (ii) Criminal contempt.

¹² Justice Markandey Katju, It's time to amend law on contempt of court, The Times of India, July 29, 2014.

¹³ ILR 10 Cal 109.

¹⁴ In 1962 a Committee headed by H.N. Sanyal, the then Solicitor General of India, was appointed by the Government of India to review and suggest modifications in the law of contempt of court. The Committee in its report stated the summary jurisdiction to punish for contempt of court.

The two categories can be outlined as:

Civil Contempt

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. Under Section 2(b) of The Contempt of Court Act, 1971 'civil contempt', is defined to mean willful disobedience to any judgment, decree, order, direction or any other process of court or willful breach of an undertaking given to the court.

It can basically be held to be any wrong to the person who is entitled to the benefit of a court order. It is a wrong for which the law awards indemnification to the injured party; though formally it is contempt of court in fact it is a wrong of private nature. Civil contempt is a sanction to enforce deference with an order.

Criminal contempt

It is very serious type of act. Handcuffing, arrest and assault of a Judicial Officer by Police Officers amount to criminal contempt. If any judicial officer is led into trap by unethical police officers and is allowed to be assaulted, handcuffed and roped, people will bound to lose faith in courts, which would be destructive of basic structure of any democratically organized society. If this is permitted rule of law shall be supplemented by police raj, viewed in this perspective any such incident shall not be a case of physical assault on an individual judicial officer instead it shall be an onslaught on the institution of the judiciary itself. Hence it can be clarified that Criminal contempt means “the publication whether 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 —

- Scandalizes or tends to scandalize, or lowers or tends to lower, the authority of any court; or
- Prejudices or interferes or tends to interfere with the due course of any Judicial proceeding; or

- Interferes or tends to interfere with, or obstructs or tends to obstruct the administration of Justice in any other manner”¹⁵.

The difference between the two types of above cases is that of procedure which was clearly held by the Allahabad High Court in **Vijay Pratap Singh v. Ajit Prasad**¹⁶, it was held that a distinction between a civil contempt and criminal contempt seems to be that, in a civil contempt the purpose is to force the contemnor to do something for the benefits of the other party, while in criminal contempt the proceeding is by way of punishment for a wrong not so much to a party or individual but to the public at large by interfering with the normal process of law degrading the majesty of the court. However, if a civil contempt is enforced by fine or imprisonment of the contemnor for nonperformance of his obligation imposed by a court, it turns out into a criminal contempt and becomes a criminal matter at the end. Such contempt, being neither purely civil nor purely criminal in nature, is sometimes called *sui generis*. It is submitted that the differentiating line between civil and criminal contempt is sometimes very thin and might often be considered the same. Where the contempt consists in mere failure to comply with or carry on an order of a court made for the benefit of a private party, it is plainly civil contempt. If, however, the contemnor adds defiance of the court to disobedience of the order and conducts himself in a manner which amounts to abstraction or interference with the courts of justice, the contempt committed by him is of a mixed character, partaking of between him and his opponent the nature of a civil contempt.

Contempt jurisdiction of the judiciary has to be used to maintain the dignity of the judiciary and also to safeguard the proceedings of the court from external interference. Thus, by classifying the power of contempt into two distinct categories the legislature to a certain extent has been able to limit the scope of the contempt jurisdiction.

ESSENCE OF POWER OF CONTEMPT

The people of India have a lot of faith in the judiciary which is primarily entrusted with the duty of administering justice. The main purpose for giving courts contempt jurisdiction is that to

¹⁵ Section 2(c) of the Contempt of Court Act, 1971.

¹⁶ AIR 1966 All. 305.

uphold the majesty and dignity of the courts and their image in the minds of the public. If such confidence and faith were allowed to be shaken then this would have serious repercussions on the judicial system of our country. The law of contempt provides the necessary tool to the courts to check unwarranted attacks or efforts that tends to undermine the rule of law.

The Contempt of Courts Act, 1971 has been enacted in order to remove doubts which have arisen as to the powers of a High Court. The law of contempt is the custodian of the seat of justice more than a person of the judge sitting in that seat. J. Hadi Hussain's views in *Nasir Uddin Haider*,¹⁷ gave this thought a strong base and stated that the object and purpose of contempt jurisdiction is to uphold the dignity of law courts and maintain their majesty in the minds of public. If, by recusant words or writing, the common man is led to lose his esteem for the judge, acting in the discharge of its judicial duties, the confidence reposed in the course of justice is rudely shaken and the offender must be punished.

The title of the Act often misleads people to think that this piece of legislation tends to protect the court and the fraternity of lawyers and judges, thereby keeping them above law. It is given that the judiciary is both the prosecutor and the adjudicator, it often leads this legislation to be obscured as a veil of protection for the courts from external criticism. In fact, if it were so, then it would be nothing but an abuse of the powers of the judiciary and a neglect of the very idea of justice that it tends to protect. The punishment under the contempt law is inflicted not for the purpose of protecting either the court as whole or individual judges from a repetition of the attack but of protecting the public. Thus, contrary to the abovementioned common perception, this act in no way in the hands of superfluous power of the judiciary. Moreover, it must be remembered that the power and jurisdiction of the courts under this act falls under extra-ordinary jurisdiction alone and this acts as a check on the judiciary.

There can be no doubt that the purpose of contempt jurisdiction is to uphold the majesty and dignity of law courts and their image in the minds of the public and that this in no way is whittled down¹⁸. The law of contempt is intended for protecting the court as a whole from a repetition of the attack but of protecting the public and especially those who either voluntarily or by compulsion are subject to the jurisdiction of the court from mischief that will incur if the

¹⁷ AIR 1926 All. 623 at 625.

¹⁸ V.G. Ramachandran, *Contempt of Court*, 6(1983).

authority of the tribunal is undermined or impaired. This was rightly held in **Baradankanta Mishra v. Registrar Orissa High Court**¹⁹. The law of contempt of court is not the law for the protection of judges or to place them in a position of impunity from criticism. It is the law for the protection of the freedom of individuals. Everyone is entitled to the protection of a free and independent administration of justice.

The Supreme Court in **Mohammed Yamin v. Om Prakash Bansal**,²⁰ has once held that the hall of justice is not a secluded virtue. In fact, for justice, to shine with its pristine luster, it must be bold, free and subject to public scrutiny. So, if someone criticizes certain open aspects of a judgment, e.g., in the realm of interpretation of law, severity of sentence, etc., it cannot be contempt. But if there is an attack on the integrity of judges by imputing motive dishonesty or incompetence, arbitrariness or want of independence to a judge, it would be exceeding the rights of an individual.

Judicial decisions since the Contempt of Court Act, 1971, show the radical attitude of the judiciary. Only reckless and mala fide allegations,²¹ use of unbridled languages²² and contemptible allegations of corruption²³ were considered abhorrent. In such cases also court found the statement to be contemptuous not on the basis of mere tendency to scandalize or tendency to lower the authority of the court, but because the statements were *per se* derogatory, scandalous and contemptuous. Court has always laid down the decisions for the upliftment of judiciary as the central pillar and times when it has failed to do so are discussed in the next section.

Thus, the foundation stone of the power of judiciary for scrutinizing the virtue of jurisdiction is clearly laid down by the introduction by contempt power in Indian democratic society.

¹⁹ AIR 1974 S.C. 710,732.

²⁰ 1982, Cr. L.J. 322 (Raj.).

²¹ State of U.P. v. Das Vidhi 1973 Cri.L.J. (Allahabad High Court) 1271.

²² S.C. Tyagi v. N.C. Gupta 1974 Cri. L.J. (Allahabad High Court) 428.

²³ State of U.P. v. Narendra Pal Singh 1990 Cri.L.J. (Allahabad High Court) 1637.

ABUSES OF EFFECTIVE POWER OF CONTEMPT

Can the judiciary's action be justified to mutilate free speech for "maintaining the independence and dignity of the court"? Can the effective power of contempt vested in the judiciary be exercised as a medium of suppression, or, can its importance be justified in terms of ensuring the overall predominance of the rule of law? This section deals with various perspective of contempt power and evaluates how contempt law in India today undergo from various fallacies. It also features the areas where contempt powers, which was meant to fortify the base of the judiciary, often yield counter and in several cases, adverse effects.

The judiciary role has sharply arisen in recent times. With the growth of the frequent PIL's, the judiciary has took over the role of a colossal-administrator, often undertaking the garb of both the executive and the legislature. Thus, today the zeal of judicial activism is being overshadowed by judicial despotism.

In an Indian democratic society, today, it is the people who are supreme and all state authorities, including judiciary, are there to assist them for the smooth functioning of the society. Judges should not boast about their supremacy or display pomp and authority. Their ascendancy is derived not out of fear of contempt but from the public confidence, and this vis-à-vis depends upon their own behavior, conduct, impartiality, and integrity.

Lord Salmond in **Attorney General v. British Broadcasting Council**²⁴ observed that, "The description contempt of court no doubt has a historical basis, but it is nevertheless misleading. Its object is not to protect the dignity of the court, but to protect the administration of justice".

The judges should neither use this jurisdiction of contempt to uphold their own dignity, nor should they use it to suppress those who speak against them. They should not fear or resent it. As there is something far more indispensable at stake i.e. freedom of speech itself. They shouldn't reply to each and every criticism made upon them and enter into public controversy but must rely on their conduct itself to become its own cause. The judge should ignore mendacious criticism but should consider veracious criticism. He should have his shoulders broad enough to brush aside mendacious comments instead of being agitated or perturbed.

²⁴ (1981) A.C. 303.

The court, while emphasizing on the freedom of speech and not the dignity of the court, in **R v. Commissioner of Police of the Metropolis**²⁵ dictated that ... “no criticism of a judgment, however vigorous, can amount to contempt of court, provided it keeps within the limits of reasonable courtesy and good faith. The criticism here complained of, however rumbustious, however wide of the mark, whether expressed in good taste or in bad taste, seems to me to be well within those limits.”

In the case of **Surya Prakash v. Madhu Trehan**²⁶, the Delhi High Court imprisoned the editor and publisher of Wah India for printing and publishing an article evaluating judges under disparate criteria. This decision was in contrary to **Mulgaokars case**²⁷, where Apex court considered that articles which appeared in The Indian Express, which inter alia stated that the Supreme Court of India was “packed by Indira Gandhi with pliant and submissive judges”, did not amount to contempt. In the words of Chief Justice Beg: “The judiciary cannot be immune from criticism. It may be better in many cases for the judiciary to adopt a magnanimously charitable attitude even when utterly uncharitable and unfair criticism of its operations is made out of bona fide concern for improvement.”

Unfortunately, the contempt of court in this country, also suffers from the evils of nepotism and preferential treatment. For instance, in **P.N. Duda v. V. P. Shiv Shankar & Others**²⁸ the judiciary acquitted former union law minister P. Shiv Shankar when he publically stated that the Supreme Court was meant for the “diamond smugglers, bride burners, mafia and corrupt”. His assertions against the Apex Court were considered as his personal feelings and in public interest. Fali Sam Nariman²⁹, questioned that if such a comment had been made by a common man, whether court decision would have been still the same.

In the case of **Conscientious Group v. Mohammad Yunus and Others**³⁰, Mohammad Yunus (Ex. Chairman of Trade Fair Authority of India) stated that judges are anti-national. The court did not took any actions against Yunus. Similar were the facts in the case of **Mohammad Zahir**

²⁵ (1968) 2 Q B 150.

²⁶ (2001) DLT 665 (FB).

²⁷ (1978) 3 SCR 162.

²⁸ AIR 1988 SC 1208.

²⁹ Fali Sam Nariman is a senior advocate and distinguished jurist of the Supreme Court of India.

³⁰ AIR 1987 SC 1451.

Khan v. Vijay Singh³¹, where Mr. Mohd. Zahir Khan stated "Either he is an anti-national or the judges are anti-nationals", for the courts. But the court imprisoned him for the duration of one month.

The question which arises over here is, 'Is there any consistency or certainty in the law?' Today, the court's authority to chastise those who malign its jurisdiction is applied differently and discriminately. The protocol is imperious. Thus, the aftereffects are uneven which again raises question on the dignity and authority of the judiciary.

"TRUTH" AS A DEFENSE

"I will reward the media if they come out with the truth" "I personally believe that truth should be a defence in a contempt case" - Justice Khare.

Recently, after the amendment³² to the Contempt of Courts Act, 1971, truth is now included as a defense in contempt actions. Clause (b) of Section 13³³ of Contempt of Court Act, 1971, allows the accused to use truth as a defense of such contempt, provided that it should be in public interest and there is bona fide intention in invoking such defense. However, there are times when this defense is misleading.

In the "Mid-day" case i.e. **Court on its Own Motion vs M.K. Tayal and Ors.**³⁴, a bench of the Delhi High Court imposed a severe sentence of four months on the journalists for criticizing former Chief Justice of India Y.K. Sabharwal, even without considering the defense of truth. Even Soli J. Sorabjee, once stated that, "The doctrine that truth is no defense clearly inhibits press freedom and journalistic activity. The press would hesitate when it ought to make

³¹ 1992 Supp (2) SCC 72.

³² Act 6 of Contempt of Court amendment act 2006.

³³ Section 13 (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.

³⁴ Court on its Own Motion v. M.K. Tayal and Others, www.judis.nic.in, Contempt case (Criminal) No. 7 of 2007 decided on 11-9-2007 visited on 10-03-2016.

comments in the public interest. A freedom as cherished as the freedom of the press cannot be made dependent upon the over sensitivities of judges”³⁵.

It is an unessential and dispensable anxiety that if truth is allowed as a shield it will demote the dignity of the judiciary, instead this will led the public to know the truth of the matter. If demoralized judiciary is shielded under the hood of contempt proceedings where truth of the matter is not allowed to be establish, with time, this will demote the institution itself.

ANALYSIS AND SUGGESTIONS

“The offence consists in interfering with the administration of law; in impeding and perverting the course of justice... It is not the dignity of the court which is offended, it is the fundamental supremacy of the law which is challenged” Lord Clyde³⁶.

The main purpose behind contempt power given to a judiciary is to empower them to function efficiently, and not to defend individual judge’s dignity. The institution of judiciary is based on the credence and faith of the citizen in its capability to deliver undaunted and fair justice. When the foundation of the institution is affected by acts which creates disrespect for the judiciary and estranges its working, the structure of the judiciary gets corrode. Courts inculcate faith in the rule of law by chastising the guilty. Every offender should be penalized for rebellious acts under the apposite laws, but it is extremely indispensable to ensure that judiciary doesn’t misuse these power.

The Contempt of Courts Act, 1971 is imperative with reference to the concept delivering of justice. It makes the course of allocation of justice quick and efficient and thus maintain the faith and trust the people have vested in the judiciary of the state. It restricts from any form of peremptory. Still there are several shortcomings in the sections of the Contempt of Courts Act, 1971. These can be overcome by following ways:

- The judiciary should exercise contempt jurisdiction judiciously and only in the grave eventualities.

³⁵ Soli J. Sorabjee, “Truth and Law of Contempt” 1985, Supreme Court Weekly Reporter II (Jnl.) 17.

³⁶ Johnson v. Grant (1923) SC at 790.

- Though the amendments made in the Contempt of Court Act, 1971, are towards right direction, unless judicial restraint becomes mandatory rather than the optional, the end result of justice couldn't be derived out. Thus, rule of law should be applied in the most judicious and appropriate manner.
- Courts should appreciate fair criticism. Esteem for the judiciary should be gained through quality rulings, impartiality and without fear in the masses for the oppressive actions against contempt.
- The judiciary should have a transparent image about distinction between contempt of judge and contempt of a court.
- Contempt jurisdiction must be approached as a rearmost resort when the very basis on which the institution of the judiciary stands are impaired. Element of mens rea should also be included in the Contempt of Court Act, 1971, as an imperative factor to constitute contempt.
- The scrapping down of the words "lowering the authority of courts, scandalizing the court and prejudicing the course of judicial proceeding" from the Contempt of Court Act, 1971, will do a greater benefit as these words are obscure leading to predilections and arbitrariness of judges.
- The Committee on Judicial Accountability³⁷ also indicated that charges of contempt should not be tried by judge or judges against whom the imputation or condemnation in question is done and should be tried by a bench consisting of at least five judges.
- Freedom of press is an important organ for the efficient working of any democratic society and therefore, steps should be taken to this way for its proper implementation.
- The powers of contempt jurisdiction must be applied evenhandedly. The court mustn't discriminate between public figures and ordinary individuals.
- There is instant need for introspection of judiciary to find out if there is any demerit somewhere and are masses satisfied with the equity which is being conveyed to them. Repeated attacks on the integrity of the courts would debase the very foundation of the judiciary.

³⁷ The Committee on Judicial Accountability (CJA) is a NGO of group of lawyers in India who work to enhance the accountability of judges.

There should a proper criteria to rule whether an act is contempt of court or not. If it makes the functioning of the judiciary impossible and extremely difficult then, such act should be treated as contempt otherwise not, even if criticism is grievous.

With authority comes responsibility. Hence, judicial officers must use the effective power of contempt with caution and serious deliberation to assure that civil liberties are not mishandled.

CONCLUSION

Contempt jurisdiction is applied for maintaining the majesty of law and also to assert impartial and uninterrupted administration of justice. The Constitution gives power to the judiciary and all public power is held as a trust. If the judges breach this trust they are required to pay for it. The judicature is a noble and never ending institution. If judges frivolously bring the judicial institution into shame, they are required to be condemned. The judiciary is a magnanimous authority, elegant and majestic, and it sustains the belief of the nation. But if the judiciary behaves as crème de la crème³⁸ and disaffirms the rights of the general masses, they have to face accountable criticism.

The best ammunition of a judge is his character of integrity, virtue and learning. Any judge will hardly require the contempt power if the law of contempt can be more specified. The purpose of the law of contempt is neither to boastfully condemn a true criticism nor to defend the authority and dignity of the judges.

Moreover, the Contempt of Court Act, 1971 is still ambiguous at various aspects of law and there is a need to be delineate its jurisdiction to maintain the supremacy of rule of law. Rule of law is a sine qua non for a functionally conscious democracy. Hence, the aspects of contempt of court are again needed to be reformed to uphold the dignity of the judicature.

The final question that is still unanswered is: how far the Indian courts have succeeded in the exquisite task of balancing the conflicting values-one, protecting the freedom of speech and

³⁸ French phrase crème de la crème, which literally means “best of the best”.

expression as mentioned in the constitution and the other upholding the integrity and dignity of the court. Tolerance to criticism is a merit and is a sign of maturity. The Indian Judiciary, though reluctant and oversensitive in the early periods, now appears to have reached a level of maturity which can tolerate criticism; but which never allows irresponsible attempts to lower its dignity. This can be seen as the positive face of the coin but when this power of the judiciary is looked from the angle of rule of law then this is again a major point of concern.

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