

PARLIAMENT OF INDIA
RAJYA SABHA

THE CONTEMPT OF COURTS BILL, 1968

Report of the Joint Committee

(PRESENTED ON THE 23RD FEBRUARY 1970)



**RAJYA SABHA SECRETARIAT
NEW DELHI**

FEBRUARY 1970

RAJYA SABHA
ERRATA
to the

Report of the Joint Committee on the
Contempt of Courts Bill, 1968.

- Page IX - line 22, for "misnt" read "misfit"
- Page X - line 13, for "Seelct" read "Select".
- line 46 for "sepcial" read "special".
- Page XI - line 1, for "acse" read "case".
- line 28, for "back and call" read "beck and call".
- Page XIII - line 9, for "interefered" read "interfered".
- Page XIV - line 1, for "profresional" read "professional".
- Page 1 - against clause 2 insert "Definitions" as the marginal heading.
- Page 2 - delete the side-rule printed against lines 36-44.
- Page 7 - in the marginal heading against Clause 16 insert "Contempt" before "by judge".
- Page 8 - in the marginal heading against Clause 21 for "Nyaya Panchayats of" read "Nyaya Panchayats or".
- in the marginal heading against Clause 22 after "addition" insert "to".
- Page 14 - against Sl.No. 32 in column 4 for "1-10-69" read "10-10-69".
- Page 15 - line 11 for "recommendation" read "recommendations".
- Page 17 - line 16, for "plant" read "plaint".

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COMPOSITION OF THE JOINT COMMITTEE ON THE CONTEMPT OF
COURTS BILL, 1968

RAJYA SABHA

1. Shri M. P. Bhargava—*Chairman*
2. Shri S. N. Mishra
3. Shri A. P. Jain
4. Shri M. Srinivasa Reddy
5. Shri Muhammad Ishaque
6. Shri Sukhdev Prasad
7. Shrimati Vimal Punjab Deshmukh
8. Shrimati Yashoda Reddy
9. Shri C. L. Varma
10. Shri Devi Singh
11. Shri N. K. Shejwalkar
12. Shri Bhupesh Gupta
13. Shri D. L. Sen Gupta
14. Shri J. S. Tilak
15. Shri K. S. Ramaswamy

LOK SABHA

16. Shri Nathu Ram Ahirwar
17. Shri S. M. Banerjee
18. Shri R. D. Bhandare
19. Shri Y. B. Chavan
20. Shri C. Chittibabu
21. Shri Ram Dhani Das
22. Shri M. Deiveekan
23. Shri Shri Chand Goyal
24. Shri Kanwar Lal Gupta
25. Shri J. N. Hazarika
26. Shri Ghayoor Ali Khan
27. Shri Vikram Chand Mahajan
28. Shri Maharaj Singh
29. Shri B. P. Mandal
30. Shri P. Govinda Menon
31. Shri V. Viswanatha Menon
32. Shri Srinibas Mishra
33. Shri Pилоo Mody
34. Shri Anand Narain Mulla
35. Shri C. Muthusami
36. Shri Amrit Nahata
37. Shri K. K. Nayar
38. Shri Bhaljibhai Ravjibhai Parmar
39. Chaudhuri Randhir Singh
40. Shri K. Narayana Rao
41. Dr. Sisir Kumar Saha

(ii)

42. Shrimati Savitri Shyam
43. Shri Vidya Charan Shukla
44. Shri S. M. Siddayya
45. Shri Pravinsinh Natavarsinh Solanki.

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

1. Shri J. M. Lalvani, Joint Secretary.
2. Shri B. Shukla, Deputy Secretary.

Ministry of Law

1. Shri K. K. Sundaram, Joint Secretary and Legislative Counsel.
2. Shri R. V. S. Peri Sastri, Additional Legislative Counsel.

SECRETARIAT

- Shri S. S. Bhalerao, Joint Secretary.
Shri S. P. Ganguly, Deputy Secretary.
Shri Kishan Singh, Under Secretary.

REPORT OF THE JOINT COMMITTEE

1. The Chairman of the Joint Committee to which the Bill* to define and limit the powers of certain courts in punishing contempts of courts and to regulate their procedure in relation thereto, was referred, having been authorised to submit the report on their behalf, present this their Report, with the Bill as amended by the Committee, annexed thereto.

2. The Bill was introduced in the Rajya Sabha on the 29th February, 1968. The motion for reference of the Bill to a Joint Committee of the Houses was moved by Shri K. S. Ramaswamy, Deputy Minister in the Ministry of Home Affairs, on the 26th November, 1968, and was adopted by the House on the 27th November, 1968 (Appendix I).

3. The Lok Sabha discussed and concurred in the motion on the 14th December, 1968 (Appendix II).

4. The message from the Lok Sabha was reported to the Rajya Sabha on the 17th December, 1968.

5. The Committee held 26 sittings in all. Of these, three sittings each were held at Madras (30th June, 1st July and 2nd July, 1969), Calcutta (23, 24th and 25th September, 1969) and Bombay (3rd, 4th and 5th October, 1969) with the permission of the Chairman, Rajya Sabha, to hear oral evidence from witnesses.

6. At their first sitting held on the 20th December, 1968, the Committee decided that a Press communique be issued inviting opinions from various individuals, associations and public bodies interested in the subject matter of the Bill and advising them to send their memoranda thereon to the Rajya Sabha Secretariat by the 15th February, 1969. The Committee also desired that the following may be approached for giving their views on the Bill, namely:—

- (i) The Supreme Court and the High Courts;
- (ii) The Bar Council of India and State Bar Councils;
- (iii) The Bar Association of India, the Supreme Court and High Court Bar Associations;
- (iv) The Attorney-General and the Solicitor General of India;
- (v) The Advocates-General of States;
- (vi) Universities in the country.
- (vii) The Press Council of India;
- (viii) Associations of working journalists;
- (ix) The Indian Law Institute, New Delhi.

*Published in Part II, section 2 of the Gazette of India Extraordinary, Dated the 29th February, 1968.

The Committee decided that some eminent jurists might also be approached for their views. The Committee also decided to call witnesses for giving oral evidence on the Bill and authorised the Chairman to decide, after examining all the memoranda, as to who should be invited for the purpose. The Chairman also requested members to suggest names of persons who might be invited for giving oral evidence before the Committee.

7. Forty-eight memoranda, notes etc. containing views, comments and suggestions on the Bill were received by the Committee (Appendix III).

8. The Committee heard evidence tendered by thirty-eight witnesses (Appendix IV).

9. The Committee decided that the evidence tendered before them should be laid on the Table of the House.

10. The Report of the Committee was to be presented to the House by the last day of the Sixty-seventh Session of the Rajya Sabha. The Committee were, however, granted extension of time *three* times; first up to the last day of the sixty-ninth Session; then up to the first day of the Seventieth Session and then again up to the first day of the Seventy-first Session of the Rajya Sabha.

11. The Committee at their sitting held on the 29th January, 1970, appointed a sub-committee to consider certain held-over clauses of the Bill including the amendments suggested thereto by the members of the Committee and to report to the Joint Committee their recommendations in the matter.

12. The Sub-Committee submitted their Report to the Joint Committee on the 20th February, 1970 (Appendix V).

13. The Committee considered the report of the Sub-Committee and the held-over clauses of the Bill at their sitting held on the 20th February, 1970. At the same sitting the Committee considered the Draft Report and adopted it.

14. Before dealing with the changes effected by the Committee in the various clauses of the Bill, the Committee would like to highlight the most important provision inserted by the Committee in the Bill.

15. The Bill as introduced in the House did not define 'contempt of court' in express terms. Clauses 3 to 7 of the Bill only provided in negative terms what acts did not amount to contempt of court. The law of contempt of court touches upon citizens' fundamental rights to personal liberty and to freedom of expression and therefore it is essential that all should have a clear idea about it. The Committee were however aware that it would be difficult to define in precise terms the concept of contempt of court; nevertheless it was not beyond human ingenuity to frame or formulate a suitable definition thereof. The Committee have, therefore, after giving a very anxious and elaborate thought to this aspect of the Bill, evolved a definition of the expression 'contempt of court' in clause 2 of the Bill. While doing so, the Committee have followed the well-known and familiar classification of contempts into 'civil contempts' and 'criminal contempts' and have given essential indications and ingredients

of each class or category of contempt. The Committee hope that the proposed definition will go a long way in enabling the public to know what contempt of court means so that they could avoid it; and the courts would find it easy to administer it. The proposed definition would also, the Committee trust, remove uncertainties arising out of an undefined law and help the development of the law of contempt on healthier lines.

16. The other principal changes effected by the Committee in the Bill and the reasons therefor are set out in the succeeding paragraphs:—

CLAUSE 2

Sub-clauses (a), (b) and (c) (New).—As stated earlier in paragraph 15 above these new sub-clauses categorise contempts into ‘civil’ and ‘criminal’ and define each category thereof.

Sub-clause (d).—Clause 2 of the Bill as drafted originally defined the expression “High Court” with reference to a State only. The Committee have, therefore, modified the definition of High Court to cover all High Courts whether for States or for Union territories.

CLAUSE 3

Sub-clause (1).—The changes in the opening paragraph are consequential and are intended to make the language conform to the definition adopted.

Paragraph (a) (original).—The Committee feel that the word “imminent” in relation to an impending proceeding is vague and is likely to unduly interfere with the freedom of speech and expression. The Committee are of the view that it is very difficult to draw a line between cases where proceedings may be said to be imminent and cases where they may not be, especially in criminal cases. The Committee have, therefore, deleted the reference to imminent proceedings from the clause and sub-clause (1) has been suitably modified.

Sub-clause (2) (Original).—The sub-clause has been omitted consequent on the deletion of the reference to imminent proceedings as mentioned earlier.

Sub-clause (2) (New).—The Committee have added a new sub-clause to make it absolutely clear that no publication of any matter should be deemed to constitute contempt of court if it is made in connection with any proceeding which is not pending in a court at the time of publication.

Sub-clause (3).—The amendment is of a drafting nature and seeks to make the intention clear.

Sub-clause (4) (Original).—The proviso to this sub-clause relating to burden of proof in imminent proceedings has been omitted consequent upon deletion of the reference to imminent proceedings from sub-clause (1). In view of this, the Committee feel that this sub-clause which otherwise reproduces the rule in section 105 of the Evidence Act, 1872, is unnecessary, and the Committee have, therefore, deleted the sub-clause.

Explanation to clause 3.—The original Explanation pertaining to a pending judicial proceeding covered the period of time up to which a proceeding is said to be pending, without laying down the time from which proceeding is said to commence. The Committee are of the view that the stage or stages from which pendency starts should also be provided in the Explanation, and a proceeding should be deemed to be pending only when the case actually goes before a court and it becomes seized of the matter. The Committee have, therefore, re-drafted paragraph (a) of the Explanation and indicated therein the steps after taking which a civil or a criminal case should be said to commence.

CLAUSE 5

The Committee feel that so long as comments, in relation to any case finally decided by the court, are fair these should have complete protection and there should not be a further test as to whether they are or they are not for public good. Moreover, application of such a further test would unnecessarily give rise to legal and public controversies. The Committee have, therefore, omitted the reference to “public good” and have deleted the “Explanation” as a consequence thereof.

CLAUSE 6

The Committee are of the opinion that it should be open to a person to make a complaint in good faith concerning the presiding officer of a subordinate court to a higher court instead of only to a High Court to which it is subordinate, as provided in the original clause. The Committee have, therefore, modified the clause suitably.

CLAUSE 7

Sub-clause (1).—The amendment made in the sub-clause is of a drafting and clarifying nature.

Sub-clause (2).—The sub-clause has been amplified to specify the grounds on which publication of an order made by a court sitting in chambers or *in camera* could be prohibited under sub-clause (1).

CLAUSE 12

Sub-clause (1).—During the course of evidence, it has been brought to the notice of the Committee that in many instances, courts have refused to accept an apology on the ground that the alleged contemner had reserved his right to dispute the contempt charges alleged against him, and had held such apology as conditional or no apology at all. The Committee are of the view that it would be salutary to incorporate a specific provision in the clause which would make it clear that an apology should not be rejected merely because it is qualified or conditional if the alleged contemner tenders it *bona fide*. An Explanation has, therefore, been added to the sub-clause to that effect.

Sub-clauses (3) to (5) (New).—The Committee feel that from the point of view of drafting the appropriate place for matters provided in original clause 19(1) (regarding punishment for civil contempt) should be in clause 12. The Committee have accordingly placed that clause as sub-clause (3) of clause 12. For the same reason, the provisions contained in sub-clause (2) of original clause 19 have also been placed as sub-clauses

(4) and (5) of clause 12 and follow the usual provision adopted in the case of offences by companies.

CLAUSE 13

During the course of evidence before the Committee, some misgivings were expressed as to the exact import of this clause. It was contended before the Committee that the clause in its original form was likely to be construed as unduly fettering the powers of superior courts in the matter of punishing their contempts. The Committee feel that this was not the intention of the clause and as such they have amended the clause to make it clear that the provisions of the clause cannot be availed of in those cases of contempts which substantially interfere or tend to interfere with the due course of justice.

CLAUSE 14

Sub-clause (2).—The Committee are of the view that if a person charged with committing contempt in the face of the court applies that he should be tried by a Judge other than the Judge in whose presence he is alleged to have committed the contempt, then the court should not have any discretion in the matter but should place the application before the Chief Justice of such court for directions as to trial of the case. The sub-clause has been amended suitably.

Sub-clause (4).—The sub-clause provides for release of the alleged contemner on bail by executing a bond with or without sureties. The Committee feel that in appropriate cases the court should also have power to discharge the accused by execution of a personal bond instead of taking a bail from him. A proviso to that effect has therefore been added to the sub-clause.

CLAUSE 15

The amendments proposed in the clause are of a formal nature and are intended to meet cases of Union territories which do not have Advocates-General or cases where a High Court has jurisdiction in more than one State.

CLAUSE 16 (NEW)

During the course of evidence before the Committee, it was urged that judges and magistrates by their behaviour towards the parties, witnesses and counsels to the suit or case could also commit contempt of their courts while administering justice and if they do so they should also be amenable to the contempt proceedings. The Committee feel that this position should be brought out in the Bill. A new clause has therefore been added to that effect.

CLAUSE 19 (ORIGINAL CLAUSE 18)

The Committee feel that the time-limit within which an appeal may be preferred to a Bench of the High Court should be increased from twenty days to thirty days. Paragraph (a) of sub-clause (4) has been amended accordingly.

The other changes made in the clause are of a drafting nature.

CLAUSE 19 (ORIGINAL)

As has been stated while commenting on clause 12, the provisions of clause 19 have been incorporated in clause 12, in a modified form. The clause has therefore been deleted from this place.

CLAUSE 20 (NEW)

The Committee are of the opinion that contempt procedures by their very nature should be initiated and dealt with as early as possible. It was brought to the notice of the Committee that in some cases contempt proceedings had been initiated long after the alleged contempt had taken place. The Committee therefore consider it necessary and desirable that a period of limitation should be specified in respect of actions for contempt and have accordingly laid down in the new clause a period of one year at the expiration of which no proceedings for contempt should be initiated.

CLAUSE 21 (NEW)

The Committee understand that there are some State enactments— notably in U.P. and Kerala—which contain provisions conferring powers on *Nyaya Panchayats* to deal with cases of their contempt. The legal position appears to be that a *Nyaya Panchayat* or other village court, by whatever name known, qualifies as a court within the meaning of Contempt of Courts Act, 1952, and is a subordinate court over which the High Court has and exercises superintendence under article 227 of the Constitution. In the circumstances, the Committee feel that the *Nyaya Panchayats* should not be brought within the purview of the proposed legislation. The new clause has therefore been added for the purpose.

CLAUSE 22 (NEW)

The Clause has been added by way of abundant caution to clarify that the provisions of other laws relating to contempt of courts are not affected by the present legislation.

17. The other changes made in the Bill are of a consequential or drafting nature.

18. The Committee recommend that the Bill as amended be passed.

NEW DELHI;
February 20, 1970.

M. P. BHARGAVA,
Chairman of the Joint Committee.

MINUTES OF DISSENT

I

The law of the Contempt of Court is one of the legacies of the British rule in this country. Under the colonial regime, the concept was transplanted into India and then distorted and vulgarised to suit the convenience of the British rulers. Their main aim was to shield the so-called "administration of justice" against challenges and criticisms from a subject people by methods of a kind of "judicial terrorism". It is not accidental that many leaders of our people including Gandhiji, many patriotic editors and other eminent Indians became victims of the hideous law of the Contempt of Court.

2. Over the years under the oppressive British wherein the Courts functioned primarily as an instrument of suppression of the freedom urge and even national self-respect of our people in so far as the latter's rights and liberties were concerned, this piece of law developed into a monstrosity. In the name of preventing the "scandalising of the Court"—the British judiciary in India was in many ways itself a monumental scandal—patriotic criticisms of the Courts and judiciary were ruthlessly suppressed. The alien rulers and their servitors who then sat on the Bench were caricatures of justice; their total contempt for India's national honour, her ancient heritage and culture, her aspirations and deeper urges made these British judges in India altogether misfit to hold the scales of justice. Their sole ambition was to please Whitehall and win imperial favours. Their Indian counterparts—with some exceptions, of course—more or less aped these Anglo-Saxon judges and judicial Officers who came to this country not to administer justice but to uphold the colonial rule with all its limitless injustices, degradation, violence and brutalities. Viewed from the point of view of India's honour and dignity the British judiciary in India was a contemptible institution. One has only to refer to the numerous judgments in political cases—the judgments against Bal Gangadhar Tilak, Gandhiji, Jawaharlal Nehru, Subash Bose and in the Lahore, Dacca, Barisal, Delhi, Kakori, Kanpur Bolshevik, Meerut, Chauri Chaura and many other conspiracy cases in which the judges showed themselves up as savages wearing judicial robes.

3. It is these men who administered justice in those dark days and built up their system of law of contempt by their so-called judicial pronouncement. It is again the men of the same unspeakable gang of imperialists and colonial *satrap*s who had the Contempt of Court Act enacted by a legislature which certainly did not represent the Indian people.

4. It is a matter of regret and shame that free India, which is also a republic has not yet completely broken with these dismal legacies of the British rule and the law of Contempt of Court is one of them. The judges in England are supposed to be King's or Queen's judges, boosted by the fantastic principle that they, too, like the British monarch, can do no wrong. The law of Contempt relies on this principle—at least its

hang-over. It would seem strange that it has taken us nearly 23 years after independence to review and revise this law. The so-called Sanyal Committee's recommendations formed the basis of the Contempt of Court Bill, that was referred to this Joint Select Committee. But the Sanyal Committee itself was very conservative, the Chairman H. N. Sanyal, Barrister-at-law, since deceased, being himself chary of any radical change. Evidently his English education in the matter of law and his life-long association with what the British judges had said, came in the way of any bold thinking on his part. The Report of the Commission was naturally a very timid performance and it could hardly be taken as a guide for the formulation of the original Bill, much less for the Joint Select Committee.

5. It must however, be said to the credit of the Joint Select Committee that it applied its mind somewhat independently on the subject and without permitting itself to be enmeshed in the cobwebs of the Sanyal Committee's outdated wisdom. The Joint Committee had before it the living experience of our citizens *vis-a-vis* the law of the Contempt of Court. Even after independence this particular law has continued to be understood and interpreted as in the old days of the British rule, causing much resentment among journalists and others. Our honourable judges have often tended to forget that they are not the King's or Queen's judges but judges of the Republic of India. They have sometimes overlooked that the "administration of justice" in free Indian Republic cannot have the same connotation as in the days of the British, more especially when our Constitution enshrines certain fundamental rights in respect of freedom of expression and speech. It was expected of the judiciary that it would adjust itself to criticisms and comments without being needlessly sensitive so that the judiciary function under the effective vigilance of the people and of public opinion. The press and the public should be free even to say that so and so should not sit on the Bench. Unfortunately, this is not the case today. The legacy of the British rule seems to have weighed heavily on the judiciary and administration.

6. It will not be denied that the work of the judiciary has to be protected against physical interference—and may be certain other forms of interference also. But the interference must amount in all cases to genuine obstruction—an obstruction which may be assessed in objective terms. The present theory of "scandalising the court" has little sense and all that it amounts to is that it justifies wide powers for the judges to punish people for contempt of court. Moreover, this aspect of the Contempt Law must strictly relate to the Court in the course of the honest and diligent discharge of its duties. Outside the Courts, the judges should be open to public criticisms and they may take recourse to the ordinary legal provisions such as defamation, if they think they have been "scandalised". It is against the spirit of democracy and republicanism that the judges outside the Court or in relation to their conduct not connected with any judicial proceedings should enjoy certain special immunity.

7. Even in matters connected with an actual judicial proceeding, there should not be any fetters on public criticisms against the behaviour of a judge towards this or that party to the judicial proceeding, towards the members of the Bar, witnesses etc., or towards public issues. Why there should be restraint on public comments on how a judge behaves? Why should it be assumed that a judge is going to be

flattered by praise or frightened by adverse criticisms? In no case ideological and theoretical criticisms and even attacks on the judiciary or ways thereof, should constitute a Contempt of Court. Let such issues be fought ideologically and theoretically instead of by brandishing the *danda* of the Contempt of Court.

8. The Report of the Joint Select Committee unfortunately does not duly take these considerations into account. The position is not satisfactory when we come to the other pillar on which the law stands—the concept of “the administration of justice”.

9. It is in public interest that the justice is administered without unjust and obstructive interference. But what amounts to such interference is the crucial issue to be settled. The Joint Select Committee has made some effort but, we regret to say, the solution has eluded it. One can understand interference if physical threats are used or bribes offered and so on.

10. But why comments on cases or reporting of the same should be restricted? If any comments happen to be wrong or unfair, the Court concerned can easily correct it by a simple observation. The same can be done with any press report of a judicial proceeding, if the report in question is found to be incorrect or fundamentally misleading. No judge is supposed to be influenced by what appears in the press. A judge who is liable to be so influenced is not fit to sit on the bench. What about the witnesses? Witnesses in our system are not influenced by what the press says by way of commenting on, or reporting, a case.

11. Witnesses are rather influenced by the police. Many of our so-called investigating officers are professors in the art of perjury—and some of them even use “third degree” methods to tutor witnesses. Our police stations are known to have at their back and call sets of professional witnesses. Rarely have we come across a case in which a police officer has been punished for the contempt of court, notwithstanding such criminal interference in the administration of justice. The police lock-ups in India are there to tell many a tale of such gross contempt. But those in authority seem little bothered.

12. Nor do they seem worried by the fact that monopolists, big landlords and similar other exploiters are indulging in a large-scale interference with the administration of justice behind the scenes by falsifying documents, by bribing and tutoring witnesses, by corrupting the investigating and other concerned authorities and by various other methods. Even important files disappear from the government offices at the instance of these monied people. The Big Money, thus, stands in the way of the true administration of justice and that is not regarded as something which has to be nailed down and wherever possible, penalised. In many countries, the vested interests with their command over wealth and resources of the State are responsible for the polluted and frustrated justice—and not infrequently in the very name of justice.

13. When such is the real state of affairs in India it is pointless to chase the press and the citizens with the sword of the contempt of court law in hand. By and large, Indian press has shown exemplary circumspection and restraint in dealing with matters which are likely to fall within the dreadful domain of the law of contempt. What the press

deserves is freedom from the fear of the long arm of this misfit, anachronistic law. We are not living in a society which abounds in contemnners or would-be-contemnners so that a draconic law of contempt is necessary to ensure the unhindered administration of justice or the sanctity of our judiciary or the dignity of our learned judges and other judicial officials. If anything, it is necessary to so change the laws and the structure and character of the judiciary that they conform to the changed times through which we are now passing. Tragically, this is not quite realised by men in authority some of whom rejoice in being prisoners of the English legal concepts as though we are living in the age of Elizabeth I.

14. It is our regret that in the Joint Select Committee we could not persuade our esteemed colleagues to make a break-through and comprehend justice and administration of justice in the spirit of this revolutionary age when man has landed on the moon and socialism has to become the triumphant banner of mankind. In a changed world like this the ideas of justice cannot obviously be expected to remain static. Legal institutions and indeed the entire super-structure of law and justice must necessarily undergo radical change if democracy is not to be made a mere camouflage for the few at the top.

15. Let us make some observations about the clauses of the Bill. As will be seen from the report of the Chairman of the Joint Select Committee the Bill has undergone some very important and welcome changes in the Committee. It is not necessary for us to go into every point on which we disagreed or in regard to which our amendment was not accepted. All the same it has to be said in all fairness to the Joint Select Committee that it showed a certain spirit of accommodation, sometimes in the face of opposition from the Government side.

16. The original Bill refused to define, "contempt of court" and the Union Home Minister was also against definition.

17. *Definition.*—Over this matter there was what may be called an intense but lively debate. Ultimately the Committee decided to give up the old British attitude and to proceed to define the law of contempt of court for the first time in the history of our legal system. This is admittedly an achievement from the point of view from the press and the public. It will not be possible now for the judiciary to arbitrarily define contempt through judicial pronouncements as it likes. This is a safeguard against interference with the freedom of expression, whether by the Press, or otherwise by the public. We only wish in providing the definition the Joint Select Committee had displayed still greater courage and imagination.

18. The definition is not satisfactory. Whereas in the case of the "civil contempt", it has been provided that the offence must be "wilful", in the case of the criminal contempt, however, there is no such provision. In our view nothing should constitute even criminal contempt unless the offence is WILFUL. We do not see why our proposal or amendment to that effect should have been rejected by the majority in the Joint Select Committee. The law has also been made wide by bringing within its scope comment which tends to scandalise or lower the authority of

the court or tends to interfere with the due course of any judicial proceeding—or tends to obstruct the administration of justice. It will be realised that what actually tends within the meaning of this particular clause will be determined, in the first instance, by the prosecuting authorities and then, finally, decided by the judicial authorities. We are against giving such powers to either, because subjectism, temperament and even fads can run riot in a case like this. We should go by the consideration whether an action has, in fact, scandalised—whatever this word may mean—the court or interfered with the administration of justice. We are, therefore, of the opinion that the definition should further narrow down the scope of the offence, keeping in view the freedom of expression and speech. The principle that should be followed is that no one should be answerable for contempt of court unless it becomes absolutely and unavoidably necessary to take legal action. The definition therefore would require improvement.

19. The Committee has done well in providing the "Explanation" as to when a case is to be regarded as "pending". This again is a very significant addition to the Bill. One only hopes that this "Explanation" will be understood in the fine spirit in which it has been offered.

20. In our opinion no one should be held guilty for contempt of court for publishing a report of judicial proceeding unless of course such publication is a wilful and malicious attempt to obstruct the administration of justice. Hence, in our view clause 4 would require further improvement.

21. At the last meeting of the Joint Select Committee the Government side reintroduced the words "fair and accurate" in place of "fair and correct" in Clause 4, which the Sub-Committee had earlier adopted. It was very improper for the Government to have sought, unfortunately successfully, this change in the Committee's Report. We protested against it.

22. We made a proposal for an amendment to the effect that it will be open to the Press and the public to comment on certain matters even in a pending case with a view to informing the public or inviting the attention of our legislatures to make amendments to the existing law, when important issues of public policies are involved. We felt that such comments should not be barred on the ground of being made on matters "sub-judice". This suggestion of ours has not found favour with the majority in the Committee. We do not accept the contention that *sub-judice* matters cannot at all be commented upon by the Press or the public even when paramount national interest demanded. To give an example, why should one be barred from commenting on the proceedings in the Bank Nationalisation case before the Supreme Court?

23. We are against clause 12 relating to punishment. In our view there is no justification for providing for imprisonment at all. Punishment should not be harsh. We thought it would more than meet the purpose even of the present Bill if only a fine upto the maximum of Rupees 500 was sanctioned. This would seem all the more reasonable in view of the fact that most contempt cases arise due to inadvertance or ignorance of what actually constitutes contempt of court. We have got

in the country professional blackmarketeers, professional thieves, swindlers etc.; but we do not have professional contemnners.

24. We strongly felt that in a contempt of court case, an apology should end the matter, that is to say, nothing should be done after an apology is tendered. The way in which the Explanation to clause 12(1) has provided for an apology is not satisfactory. We, therefore, like the Explanation to say that an apology shall be accepted, even if it is qualified or conditional. It should be open to a newspaper or a citizen to explain what led him to say or write something which is alleged to have constituted contempt of court, while tendering the apology. If the accused acted in good faith or believing that he was acting in public interest, he should not be persecuted. His apology should be enough ground to drop the case against him.

25. Clause 13 should have provided that there should be no conviction in a contempt of court case unless the contempt is of such nature that substantially interferes with due course of justice. The present clause 13 only provides safeguard against sentence but not against conviction.

26. Before concluding we should like to record our appreciation of the work of the Joint Select Committee. It was a pleasure to see some of our colleagues taking a firm stand in defence of the rights of the Press and public against the threats of the law of contempt of court. But it cannot be said that everyone of us was free from the pulls of the dead past or from decadent or conservative ideas. However, that would seem a minor episode in view of the collective achievement of the Joint Select Committee as a whole. The Committee legitimately can claim that it has done a good job. In this connection we consider it necessary to express our admiration for the manner in which the Chairman of the Committee Shri M. P. Bhargava guided its work. But for the constructive and helpful role he played it would have been perhaps a great deal difficult for us to achieve the results we have achieved. We regret to say that this cannot be said of the Hon'ble Ministers who were most of the time resisting progressive changes in the Bill. It must, however, be stated in fairness to the Union Home Minister Mr. Chavan that once his proposal not to define the contempt of court was rejected by the Committee in favour of definition, he fell in line, at least formally with the standpoint of the Committee. The Committee also reciprocated his gesture by giving him considerable time to modify the original Bill in the light of the fact that the Committee had decided by a majority to define contempt of court.

27. In the course of the deliberation of the Select Committee we came up against the wall of stiff bureaucratic resistance to any radical change in the original Bill. It was a hard job for many of us to make the bureaucrats including the Legislative Counsel see our points in favour of such changes. Somehow or the other they could not bring themselves to understand what was happening in public life outside or even in the minds of many members of the Joint Select Committee. Here was an exhibition of negative commitment. Our work would have been easier and better accomplished if the officials had fallen in line with the thinking of the majority of the Members of the Committee, who had to put up a stiff fight and had to win every inch of the ground. The experience has all the more convinced us that top bureaucrats must not be allowed to influence deliberations in a Select Committee in the name of giving "expert" opinion etc.

28. We must also add a word of our profound appreciation to the evidence given before the Joint Select Committee by several eminent jurists and journalists as well as the representatives of the Working Journalists Federation. Their contributions to the work of the Committee was highly enlightening and equally valuable. We wish the Attorney-General had applied his mind better on the subject. But here again two trends of thoughts came into a sort of confrontation, one more or less in favour of the *status-quo* and the other seeking an advance. We are happy to say that the Joint Select Committee has been in favour of advance as the proposals for the amendments to the original Bill would show.

29. It is now hoped that this Bill which has emerged from the Joint Select Committee will be passed by both the Houses of Parliament with improvements and without delay and will thus soon become the law of the land. We will consider our collective effort amply rewarded if the changed law brings some relief and assurance to the Press and the Public, constantly haunted by the spectre of the law of the contempt of court. We are confident that the future will justify not only the correctness of our stand in the Joint Select Committee but also the need for further radical changes in this particular law. We also hope our judiciary will take due cognizance of the mood and wishes of the people, which were partially mirrored in the work of the Joint Select Committee.

NEW DELHI;
February 20, 1970.

BHUPESH GUPTA.
V. VISHWANATHA MENON.
S. M. BANERJEE.
DWIJENDRALAL SEN GUPTA

II

It is a matter of great satisfaction that the Contempt of Courts Bill, 1968, has been substantially amended by the Joint Select Committee, which has gone very thoroughly into its various provisions. The Bill, indeed, emerges in a much improved form than the draft of the Bill submitted to the Committee.

However, there are still left a few defects, which need be remedied through amendments in the House. The comments on a judgment given by the High Court need not wait till the matter is to be finally decided by the Supreme Court. It is a matter of common experience that the decisions of appeals by Higher Courts take a long time and no charm is left in offering comments on the judgments then. It is, therefore, desirable that the word 'finally' be deleted from the provisions of Clause 3, so as to permit *bonafide* and fair comments on judgments after disposal by trial courts. The decision of the Supreme Court invalidating Bank Nationalisation Law has made it all the more necessary. The former Chief Justice of the Supreme Court Shri S. R. Das has observed that there is no trend of continuity in the decisions of the Supreme Court and one doesn't know as to which voice of the Supreme Court to listen to, considering that the Constitution speaks through the Supreme Court.

A citizen has been provided immunity from the provisions of the contempt law for publishing fair and accurate report of judicial proceedings before any Court sitting in Chambers or *in camera*, except in

certain cases mentioned in Clause 7. However, the matrimonial proceedings do not find a place in the exceptional cases provided in this Section. Even if matrimonial proceedings have been protected under other statutes, it is necessary by way of abundant caution to make a provision even in the Contempt Bill, considering the delicate nature of the proceedings and the involvement of domestic relations.

It is again a matter of common experience that many contempt cases are just frivolous and the Courts reach that conclusion after a protracted trial mostly of journalists. The contempt cases are not always tried at the place where a particular journalist contemner resides, with the result that the trial costs a good deal of money and harassment to the journalist. It is, therefore, desirable that avoidable and unnecessary harassment should not be permitted to be caused to journalists. It will be in the interest of justice and fair play to initiate contempt proceedings only in cases where the material supplied to the Court discloses a *prima facie* case. It will, therefore, be desirable to add a proviso to clause 15(2) in the following words:—

“Provided that before issuing a notice for contempt, the court concerned shall satisfy itself that a *prima facie* case warranting its trial has been made out.”

In order to prevent a pre-trial or the necessity of adducing of evidence it may be added that the Court will judge the *prima facie* nature of the case from the material supplied to it along with the contempt petition.

NEW DELHI;
February 23, 1970.

SHRI CHAND GOYAL.

III

I would suggest that in the Bill the words ‘fair and accurate’ be replaced by the words “fair and correct”.

Correctness is the proper desideratum in acts of good faith done with due care and attention.

Accuracy betokens a higher standard of precision which busy reporters and working journalists cannot easily attain or consistently maintain.

NEW DELHI;
February 23, 1970.

K. K. NAYAR.

Bill No. VII-B of 1968

THE CONTEMPT OF COURTS BILL, 1968

[AS REPORTED BY THE JOINT COMMITTEE]

[Words side-lined or underlined indicate the amendments suggested by the Committee, asterisks indicate omissions.]

A

BILL

to define and limit the powers of certain courts in punishing contempts of courts and to regulate their procedure in relation thereto.

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Contempt of Courts Act, 1970.

Short title
and extent.

(2) It extends to the whole of India:

5 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. In this Act, unless the context otherwise requires —

(a) "contempt of court" means civil contempt or criminal contempt;

(b) "civil contempt" means wilful disobedience to any judgment, decree, direction, order, writ or other process of a court or wilful 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 representations, or otherwise) of any matter or the doing of any other act whatsoever which—

(i) scandalises or tends to scandalise, 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.

Innocent
publication
and distri-
bution of
matter not
contempt.

3. (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 the 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;

(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) in the case of a civil proceeding, when it is instituted by the filing of a plaint or otherwise,

40 25 of 1867.

45

5 of 1898.

(B) in the case of a criminal proceeding under the Code of Criminal Procedure, 1898, or any other law—

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(i) 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

(ii) in any other case, when the court takes cognizance of the matter to which the proceeding relates, and

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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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(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.

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4. 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 stage thereof.

Fair and accurate report of judicial proceeding not contempt.

5. 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.

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6. 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 of any court to a higher court (not being the Supreme Court) to which it is subordinate.

Complaint against presiding officers of subordinate courts when not contempt.

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7. (1) Notwithstanding 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 proceeding before any court sitting in chambers or in camera except in the following cases, that is to say,—

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

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(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;

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(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.

Other defences not affected.

8. 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.

Act not to imply enlargement of scope of contempt.

9. Nothing contained in this Act shall be construed as implying that any publication is punishable as contempt of court which would not be so punishable apart from this Act.

Power of High Court to punish contempts of subordinate courts.

10. Every High Court shall have and exercise the same jurisdiction, powers and authority, in accordance with the same procedure and practice, in respect of contempts of courts subordinate to it as it has and exercises in respect of contempts 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.

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

11. 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.

Punishment for contempt of court.

12. (1) 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) Notwithstanding 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) Notwithstanding 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 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 the 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) Notwithstanding 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 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.

13. Notwithstanding anything contained in any law for the time being in force, 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.

14. (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

Contempts not punishable in certain cases.

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

(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, * * * * the Court 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. 5 10

(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. 15

(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: 20

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: 25

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. 30

Cogni-
zance of
criminal
contempt
in other
cases.

15. (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. 35

(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. 40

(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,— 45

(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. (1) 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.

by judge,
magistrate
or other
person
acting
judicially

(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. (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.

Procedure
after
cogni-
zance.

(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 the 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, 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 of 1908.

(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. (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.

Hearing
of cases
of criminal
contempt
to be by
Benches.

Appeals.

19. (1) An appeal shall lie as of right from any order or decision of a 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.

(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.

Limitation for actions for contempt.

20. No court shall initiate any proceedings for 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.

Act not to apply to Nyaya Panchayats of other village courts

21. 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 to be in addition and not in derogation of other laws relating to contempt.

22. 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.

Power of Supreme Court and High Courts to make rules.

23. 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.

Repeal.

24. The Contempt of Courts Act, 1952, is hereby repealed.

APPENDIX I

(Vide para 2 of the Report)

MOTION IN THE RAJYA SABHA FOR REFERENCE OF THE BILL TO A JOINT COMMITTEE

“That the Bill to define and limit the powers of certain courts in punishing contempts of courts and to regulate their procedure in relation thereto be referred to a Joint Committee of the House consisting of 45 members; 15 members from this House, namely:—

- (1) Shri. M. P. Bhargava
- (2) Shri S. N. Mishra
- (3) Shri A. P. Jain
- (4) Shri M. Srinivasa Reddy
- (5) Shri Muhammad Ishaque
- (6) Shri Sukhdev Prasad
- (7) Shrimati Vimal Punjab Deshmukh
- (8) Shrimati Yashoda Reddy
- (9) Shri C. L. Varma
- (10) Shri Devi Singh
- (11) Shri N. K. Shejwalkar
- (12) Shri Bhupesh Gupta
- (13) Shri D. L. Sen Gupta
- (14) Shri J. S. Tifak
- (15) Shri K. S. Ramaswamy

and 30 members from the Lok Sabha;

that in order to constitute a meeting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that in other respects, the Rules of Procedure of this House relating to Select Committees shall apply with such variations and modifications as the Chairman may make;

that the Committee shall make a report to this House by the last day of the next session; and

that this House recommends to the Lok Sabha that the Lok Sabha do join in the said Joint Committee and communicate to this House the names of members to be appointed by the Lok Sabha to the Joint Committee.”

APPENDIX II

(Vide para 3 of the Report)

MOTION IN THE LOK SABHA

“That this House do concur in the recommendation of Rajya Sabha that the House do join in the Joint Committee of the Houses on the Bill to define and limit the powers of certain courts in punishing contempts of courts and to regulate their procedure in relation thereto, made in the motion adopted by Rajya Sabha at its sitting held on the 27th November, 1968 and communicated to this House on the 29th November, 1968 and do resolve that the following thirty members of Lok Sabha be nominated to serve on the said Joint Committee, namely:—

- (1) Shri Nathu Ram Ahirwar
- (2) Shri S. M. Banerjee
- (3) Shri R. D. Bhandare
- (4) Shri Y. B. Chavan
- (5) Shri C. Chittibabu
- (6) Shri Ram Dhani Das
- (7) Shri M. Deiveekan
- (8) Shri Shri Chand Goyal
- (9) Shri Kanwar Lal Gupta
- (10) Shri J. N. Hazarika
- (11) Shri Ghayoor Ali Khan
- (12) Shri Vikram Chand Mahajan
- (13) Shri Maharaj Singh
- (14) Shri B. P. Mandal
- (15) Shri P. Govinda Menon
- (16) Shri V. Viswanatha Menon
- (17) Shri Srinibas Mishra
- (18) Shri Piloo Mody
- (19) Shri Anand Narain Mulla
- (20) Shri C. Muthusami
- (21) Shri Amrit Nahata
- (22) Shri K. K. Nayar
- (23) Shri Bhaljibhai Ravjibhai Parmar
- (24) Chaudhuri Randhir Singh
- (25) Shri K. Narayana Rao
- (26) Dr. Sisir Kumar Saha
- (27) Shrimati Savitri Shyam
- (28) Shri Vidya Charan Shukla
- (29) Shri S. M. Siddayya
- (30) Shri Pravinsinh Natavarsinh Solanki.”

APPENDIX III

(Vide para 7 of the Report)

LIST OF INDIVIDUALS/ASSOCIATIONS ETC. FROM WHOM MEMORANDA, SUGGESTIONS, ETC., WERE RECEIVED BY THE JOINT COMMITTEE

1. Advocate-General, Mysore, Bangalore-1.
2. Advocate-General, Punjab, Chandigarh.
3. High Court of Delhi, Delhi.
4. Supreme Court of India.
5. Dean, Faculty of Law, University of Lucknow, Lucknow.
6. High Court of Bombay, Bombay.
7. High Court of Punjab and Haryana, Chandigarh.
8. Dean, Faculty of Law, Jiwaji University, Gwalior.
9. Agra University, Agra.
10. Shri V. G. Ramchandran, Member, Official Languages Commission, New Delhi.
11. Press Council of India, New Delhi.
12. All-India Newspaper Editors' Conference, New Delhi.
13. Raikadhar Sewa Sangh, Tehri-Garhwal.
14. Shri M. K. Nair, Ex-Vice-Chairman, Block Development Committee, Cannanore, District Kerala.
15. Shri J. S. Tilak, M.P.
16. Indian Federation of Working Journalists, New Delhi.
17. Dean, Faculty of Law, Utkal University, Utkal.
18. Dean, Faculty of Law, Saugar University, Saugar.
19. The Department of Law, Udaipur University, Udaipur.
20. Dean, Faculty of Law, Gujarat University, Gujarat.
21. Judges of the Madhya Pradesh High Court, Madhya Pradesh.
22. Judges of the Allahabad High Court, Allahabad.
23. Judges of the Madras High Court, Madras.
24. Judges of the Calcutta High Court, Calcutta.
25. Shri Mahadev Prasad Mishra, Jabalpur.
26. Incorporated Law Society, Calcutta.
27. Shri E. M. S. Namboodiripad, Chief Minister of Kerala, Kerala.
28. Bar Council of India, New Delhi.
29. Bar Council of Kerala, Kerala.
30. Shri P. M. Sundaram, Advocate, Madras.
31. Shri Subodh Banerjee, Minister of Public Works Department, West Bengal.

32. Shri M. Mohanti, President, Orissa High Court Bar Association and Member Orissa State Bar Council, Orissa.
33. Shri A. S. Bobde, Advocate, Nagpur.
34. Shri Gobind L. Bhatia, Advocate, High Court, Bombay.
35. Shri H. M. Seervai, Advocate-General, Maharashtra.
36. Bar Council of Uttar Pradesh, Allahabad.
37. Shri V. B. Gogte, Advocate, Poona.
38. Dr. R. C. Nigam, Advocate, Lucknow.
39. Bar Council of Maharashtra, Bombay.
40. Shri A. S. R. Chari, Advocate, Supreme Court, New Delhi.
41. Shri Sushil S. Kavalekar, Advocate, Bombay.
42. Shri D. P. Chaudhuri, Advocate, Calcutta.
43. Shri K. R. Malkani, Editor, 'Organiser', New Delhi.
44. All Assam Lawyers Association, Gauhati-1.
45. Shri R. K. Karanjia, Editor, 'Blitz', Bombay.
46. Advocate-General of Madhya Pradesh, Jabalpur.
47. Faculty of Law, Sambhalpur University, Sambhalpur.
48. Shri T. Narayan Nambiar, Advocate, Tellicherry.

APPENDIX IV

(Vide para 8 of the Report)

LIST OF WITNESSES WHO TENDERED EVIDENCE BEFORE THE JOINT COMMITTEE

Sl. No.	Name of Organisation/individual	Names of Representatives	Date
1	Shri S. Mohan Kumaramangalam, Advocate, Supreme Court, Madras.		30-6-69
2	Shri E.M.S. Namboodiripad, Chief Minister, Kerala.		1-7-69
3	Shri Tenneti Vishwanatham, M.P.		1-7-69
4	Bar Council of India, New Delhi	(i) Shri T. Narayan Nambiar, Advocate, Tellicherry.	2-7-69
5	Shri Tushar Kanti Ghosh, Editor, 'Amrita Bazar Patrika, Calcutta.		23-9-69
6	Shri Jyoti Das Gupta, Editor, 'Kalantar' Calcutta.		23-9-69
7	Shri Bibhuti Das Gupta, Minister of Panchayats, West Bengal, Calcutta.		23-9-69
8	Bar Council of West Bengal, Calcutta.	(i) Shri B. Barman, Advocate (ii) Shri D. P. Chaudhuri, Advocate.	24-9-69
9	Incorporated Law Society, Calcutta	(i) Shri P. K. Sen, Advocate. (ii) Shri R. C. Kar, Advocate	24-9-69
10	Shri S. K. Acharya, Advocate-General, West Bengal, Calcutta.		24-9-69
11	Shri Sudhir Kumar Bhose, Advocate, Supreme Court, Calcutta.		24-9-69
12	Shri Hemendra Chandra Sen, Advocate, Supreme Court, Calcutta.		25-9-69
13	Bar Council of Orissa, Cuttack.	(i) Shri M. Mohanti, President, Orissa High Court Bar Association and Member Orissa State Bar Council.	25-9-69
14.	Shri Subodh Banerjee, Minister of Public Works Department, West Bengal, Calcutta.		25-9-69
15.	Shri R.K. Karanjia, Editor, 'Blitz, Bombay.		3-10-69
16.	Shri D.R. Sinha, Advocate, Supreme Court Amaravati.		3-10-69
17.	Shri Govind L. Bhatia, Advocate, High Court, Bombay.		3-10-69
18.	Shri N.A. Palkhivala, Advocate, Bombay.		4-10-69
19.	Shri V.B. Gogte, Advocate, Poona.		4-10-69
20.	Maharashtra Bar Council, Bombay.	(ii) Shri R.W. Adik, Advocate (iii) Shri G.G. Kulkarni, Advocate, (iv) Shri J.T. Desai, Advocate, (v) Shri B.A. Masodkar, Advocate	4-10-69

Sl. No.	Name of Organisation/individual	Names of Representatives	Date
21	Gujarat Bar Council, Ahmedabad.	Shri K.J. Shethana, Advocate.	4-10-69
22	Shri H.M. Seervai, Advocate-General, Maharashtra, Bombay.		5-10-69
23	Shri A.S. Bobde, Advocate, Nagpur.		5-10-69
24	Shri Sushil S. Kavalekar, Advocate, Bombay.		5-10-69
25	Madhya Pradesh Bar Council, Jabalpur.	(i) Shankerlal Dubey, Advocate.	5-10-69
26	All India Newspapers Editors' Conference, New Delhi.	(i) Shri K. Subramaniam, Secretary-General. (ii) Shri B. N. Azad, Editor, 'Indian Nation', Patna.	9-10-69
27	Shri G. R. Raj gopaul, Special Commissioner, Cabinet Secretariat, New Delhi.		9-10-69
28	Shri K. R. Malkani Editor, 'Organiser', New Delhi.		9-10-69
29	Shri K. Narendra, Editor, 'Pratap', New Delhi.		10-10-69
30	Shri V. G. Ramachandran, Member, Official Languages Commission, New Delhi.		10-10-69
31	Shri Mahadeo Prasad Mishra, Jabalpur		10-10-69
32	Shri A.S.R. Chari, Advocate, Supreme Court, New Delhi.		1-10-69
33	Shri M. C. Setalvad, M.P.		11-10-69
34	Dr. R. C. Nigam, Advocate, Lucknow.		11-10-69
35	Shri Shanti Bhushan, Advocate-General, Uttar Pradesh, Lucknow.		11-10-69
36	Raikadhar Sewa Sangh, Tehri-Garhwal	Shri P. S. Ramola, President.	12-10-69
37	Shri Niren De, Attorney-General, India.		
38	Indian Federation of Working Journalists, New Delhi.	(i) Shri S. B. Kolpe, Secretary-General. (ii) Shri Prafulla Ganguly, Vice-President. (iii) Shri A. P. Rajbanshi, President, Delhi Union of Journalists.	12-10-69

APPENDIX V

(Vide para 12 of the Report)

REPORT OF THE SUB-COMMITTEE OF THE JOINT COMMITTEE ON THE CONTEMPT OF COURTS BILL, 1968

I, the Chairman of the Sub-Committee of the Joint Committee on the Contempt of Courts Bill, 1968, having been authorised by the Sub-Committee to submit the Report on their behalf, present this their Report.

2. The Sub-Committee was appointed by the Joint Committee at their sitting held on the 29th January, 1970 to consider the held-over clauses of the Bill including the amendments suggested thereto by the Members and to report to the Joint Committee their recommendation in the matter.

3. The Sub-Committee accordingly met on the 30th January, 1970 for the purpose. They adopted the report at their sitting held on the 19th February, 1970.

4. The Sub-Committee have considered the held-over clauses of the Bill and the amendments suggested thereto by the Members and suggest the following amendments to those clauses:—

CLAUSE 3

(i) Add the following new sub-clause:—

“Notwithstanding anything to the contrary contained in this Act or any other law for the time being in force, no act done or publication of any matter made before the pendency of the case in the court shall be deemed to constitute a contempt of court or be punishable as such.”

The Legislative Counsel was authorised to make drafting changes in the sub-clause, if necessary, and to insert it at a proper place in the clause.

(ii) For the existing Explanation, substitute the following:—

“Explanation.—For the purposes of this section, a judicial proceeding is said to be pending only after:—

- (i) in the case of civil proceedings, filing of a plaint or otherwise;
- (ii) in the case of criminal proceedings, filing of the charge-sheet or *challan*;
- (iii) issuing of process by the court upon information from any person other than a police officer or upon his own knowledge or suspicion that such an offence is committed or a complaint filed.”

The Legislative Counsel was authorised to make drafting changes in the Explanation wherever necessary keeping in view the provisions of the existing Explanation and also to make provision to cover offences under other laws and certain other acts which may not be in the nature of offences.

CLAUSE 4

Page 3, line 16, for the words "fair and accurate" substitute "fair and correct".

CLAUSE 6

Page 3, line 25, for "any court subordinate to a High Court to that High Court" substitute "any court to a higher court (not being the Supreme Court) to which it is subordinate".

CLAUSE 12

Page 5, after line 9, insert the following:—

"Explanation.—An apology shall not be rejected merely on the ground that it is qualified or conditional if the accused makes it bona fide."

NEW CLAUSE 19B

Add the following new clause:—

"19B. Act not to apply Nyaya Panchayats.—Nothing contained in this Act shall apply to Nyaya Panchayats."

5. The Sub-Committee recommend that the amendments suggested to the Bill in the foregoing paragraphs be accepted by the Joint Committee.

NEW DELHI;
February 19, 1970.

M. P. BHARGAVA
Chairman,
Sub-Committee of the
Joint Committee.

ANNEXURE

MINUTES OF THE MEETING OF THE SUB-COMMITTEE OF THE
JOINT COMMITTEE ON THE CONTEMPT OF COURTS BILL, 1968

I

FIRST MEETING

The Sub-Committee met at 11.05 A.M. on Friday, the 30th January, 1970.

PRESENT

1. Shri M. P. Bhargava—*Chairman*
2. Shri R. D. Bhandare
3. Shri Shri Chand Goyal
4. Shri Bhupesh Gupta
5. Shri A. P. Jain
6. Shri S. N. Mishra
7. Shri V. C. Shukla

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

Shri K. K. Sundaram, *Joint Secretary and Legislative Counsel,*
Ministry of Home Affairs

Shri J. M. Lalvani, *Joint Secretary*

Shri B. Shukla, *Deputy Secretary*

SECRETARIAT

Shri S. S. Bhalerao, *Joint Secretary*

Shri S. P. Ganguly, *Deputy Secretary*

2. The Sub-Committee considered the held over clauses of the Bill and the amendments suggested thereto and decided as follows:—

CLAUSE 3

(i) The following may be added as a new sub-clause:—

“Notwithstanding anything to the contrary contained in this Act or any other law for the time being in force, no act done or publication of any matter made before the pendency of the case in the court shall be deemed to constitute a contempt of court or be punishable as such.”

The Legislative Counsel was authorised to make drafting changes in the sub-clause, if necessary, and to insert it at a proper place in the clause.

(ii) The following may be substituted for the opening paragraph of the existing explanation:—

“*Explanation.*—For the purposes of this section, a judicial proceeding is said to be pending only after:—

- (i) in the case of civil proceedings, filing of a plaint or otherwise;
- (ii) in the case of criminal proceedings, filing of the charge-sheet or *challan*;
- (iii) issuing of process by the court upon information from any person other than a police officer or upon his own knowledge or suspicion that such an offence is committed or a complaint filed.”

The Legislative Counsel was authorised to make drafting changes in the explanation wherever necessary and also to make provision to cover offences under other laws, and certain other acts which may not be in the nature of offences.

CLAUSE 4

The following amendment may be made:—

Page 3, line 16 for the words, “fair and accurate” substitute “fair and correct”.

CLAUSE 6

The following amendment may be made:—

Page 3, line 25, for “any court subordinate to a High Court to that High Court” substitute “any court to a higher court (not being the Supreme Court) to which it is subordinate”.

NEW CLAUSE 7A

Shri A. P. Jain who had given notice of an amendment for the insertion of a new clause did not press the same.

CLAUSE 12

The following amendment may be made:—

Page 5, after line 9, insert the following:—

“*Explanation.*—An apology shall not be rejected merely on the ground that it is qualified or conditional if the accused makes it *bona fide*.”

NEW CLAUSE 19B

In pursuance of the decision of the Joint Committee while considering clause 11, the following new clause may be added:—

“19B. *Act not to apply to Nyaya Panchayats.*—Nothing contained in this Act shall apply to *Nyaya Panchayats.*”

3. The Sub-committee then adjourned at 12.25 P.M.

II

SECOND MEETING

The Sub-committee met at 11.10 A.M. on Thursday, the 19th February, 1970.

MEMBERS PRESENT

1. Shri M. P. Bhargava—*Chairman*
2. Shri R. D. Bhandare
3. Shri Bhupesh Gupta
4. Shri A. P. Jain

MINISTRY OF LAW

Shri K. K. Sundaram, *Joint Secretary and Legislative Counsel.*

SECRETARIAT

Shri S. S. Bhalerao, *Joint Secretary*
Shri S. P. Ganguly, *Deputy Secretary*

2. The Sub-committee considered their draft Report and adopted the same.

3. The Chairman was authorised to present the Report of the Sub-committee to the Joint Committee.

4. The Sub-committee then adjourned at 11.30 A.M.

APPENDIX VI

MINUTES OF THE MEETING OF THE JOINT COMMITTEE ON THE CONTEMPT OF COURTS BILL, 1968

I

FIRST MEETING

The Committee met at 3.00 P.M. on Friday, the 20th December, 1968.

PRESENT

1. Shri M. P. Bhargava—*Chairman*

MEMBERS

Rajya Sabha

2. Shri A. P. Jain
3. Shri M. Srinivasa Reddy
4. Shri C. L. Varma
5. Shri Devi Singh
6. Shri Bhupesh Gupta
7. Shri D. L. Sen Gupta

Lok Sabha

8. Shri Nathu Ram Ahirwar
9. Shri R. D. Bhandare
10. Shri Ram Dhani Das
11. Shri J. N. Hazarika
12. Shri B. P. Mandal
13. Shri Srinibas Mishra
14. Shri C. Muthusami
15. Shri Amrit Nahata
16. Shri K. K. Nayar
17. Dr. Sisir Kumar Saha
18. Shri Vidya Charan Shukla
19. Shri S. M. Siddayya
20. Shri Pravinsinh Natvarsinh Solanki

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

Shri K. K. Sundaram, *Joint Secretary and Legislative Counsel*

Shri R. V. S. Peri Sastri, *Additional Legislative Counsel*

Ministry of Home Affairs

Shri B. Shukla, *Deputy Secretary*

SECRETARIAT

Shri S. S. Bhalerao, *Joint Secretary*

Shri S. P. Ganguly, *Deputy Secretary*

Shri Kishan Singh, *Under Secretary*

2. The Chairman welcomed the Members of the Committee.

3. The Committee decided that a Press Communique be issued inviting opinions from various individuals, associations and public bodies interested in the subject-matter of the Bill and advising them to send memoranda thereon to the Rajya Sabha Secretariat by the 15th February, 1969.

4. After some discussion, the Committee desired that the following may be approached for giving their views on the Bill, namely:—

- (i) The Bar Council of India and State Bar Councils; and the High Court Bar Associations;
- (ii) Registrar of the Supreme Court;
- (iii) Registrars of the High Courts;
- (iv) Attorney-General and Solicitor-General of India;
- (v) Advocates-General of States;
- (vi) Registrars of all the Universities in the Country;
- (vii) The Press Council of India;
- (viii) Association of Working Journalists; and
- (ix) Indian Law Institute, New Delhi.

5. The Committee also decided that some eminent jurists may also be approached for their views and the Chairman requested Members to send their suggestions in the matter so as to reach the Rajya Sabha Secretariat by the 1st week of January, 1969.

6. The Committee authorised the Chairman to decide, after examining all the memoranda, as to who might be invited to give oral evidence before the Committee. The Chairman also requested Members to suggest names of persons or associations whom they would like to be considered for being invited to give oral evidence.

7. The Committee desired that copies of the following literature be circulated to Members:—

- (1) Report of the Committee on Contempt of Courts (SANYAL COMMITTEE) (To be supplied by Ministry of Law)
- (2) Debates in both Houses of Parliament on the Motion for reference of the Bill to the Joint Committee.
- (3) Foreign Legislation on the Contempt of Court especially in U.K. (To be supplied by the Ministry of Law).
- (4) A note on the Law of Contempt (To be supplied by the Ministry of Law).

8. The Committee decided to meet on Saturday, the 22nd February, 1969 to chalk out their future programme.

9. The Committee then adjourned at 3.50 P.M. to meet again at 10.30 A.M. on Saturday, the 22nd February, 1969.

SECOND MEETING

The Committee met at 10.50 A.M. on Saturday, the 22nd February, 1969.

MEMBERS PRESENT

1. Shri M. P. Bhargava—*Chairman*

Rajya Sabha

2. Shri A. P. Jain
3. Shri M. Srinivasa Reddy
4. Shri Muhammad Ishaque
5. Shri C. L. Varma
6. Shri J. S. Tilak

Lok Sabha

7. Shri R. D. Bhandare
8. Shri Chand Goyal
9. Shri Ghayoor Ali Khan
10. Shri V. Viswanatha Menon
11. Shri Srinibas Mishra
12. Shri Pilo Mody
13. Shri Anand Narain Mulla
14. Shri Bhaljibhai Ravjibhai Parmar
15. Shrimati Savitri Shyam
16. Shri Vidya Charan Shukla
17. Shri Pravinsinh Natavarsinh Solanki

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

- Shri K. K. Sundaram, *Joint Secretary and Legislative Counsel*
 Shri R. V. S. Peri Sastri, *Additional Legislative Counsel*

Ministry of Home Affairs

- Shri J. M. Lalvani, *Joint Secretary*
 Shri B. Shukla, *Deputy Secretary*

SECRETARIAT

- Shri S. S. Bhalerao, *Joint Secretary*
 Shri S. P. Ganguly, *Deputy Secretary*
 Shri Kishan Singh, *Under Secretary*.

2. The Chairman read out the names of witnesses suggested by the Members for giving oral evidence before the Committee and also of those persons/organizations who had volunteered themselves for giving evidence. Some members of the Committee also suggested a few more names. The Committee after some discussion decided to invite the following for giving oral evidence before the Committee:—

1. Shri M. C. Chagla
2. Shri A. S. R. Chari

3. Shri N. C. Chatterji
4. Shri C. K. Daphtary
5. Shri V. B. Gogte
6. Shri Mohan Kumaramangalam
7. Shri V. K. Krishna Menon
8. Shri K. L. Misra, Advocate-General, U.P.
9. Shri E. M. S. Nambodripad, Chief Minister, Kerala
10. Dr. R. C. Nigam
11. Shri N. A. Palkhivala
12. Shri K. N. Phadke
13. Shri K. Shankaran
14. Shri H. M. Seervai
15. Shri A. K. Sen
16. Shri M. C. Setalvad
17. Dr. P. B. Gajendragadkar
18. Shri A. K. Sarkar
19. Shri K. Subba Rao
20. Shri K. N. Wanchoo
21. Shri P. Subramanian Pothi, Advocate-General, Kerala
22. Shri Tenneti Viswanathan
23. Shri Shanti Bhushan
24. Shri K. R. Malkani, Editor, "Organizer"
25. Shri Sushil Kavalekar, Advocate, Bombay High Court
26. Shri Rama Rao Adik, Chairman, Maharashtra Bar Council
27. Shri G. R. Rajagopaul
28. Shri S. Mahapatra
29. Shri R. K. Das
30. Attorney General of India
31. Shri B. V. Subramaniam, Advocate-General, Andhra Pradesh
32. Shri R. K. Karanjia, Editor, "Blitz"
33. Shri B. Narasa Raju, ex-Advocate-General, Andhra Pradesh
34. Shri M. Chalapati Rau, Editor "National Herald"
35. Shri Purshottam Trikamdas
36. Shri V. G. Ramachandran
37. Shri Mahadev Prasad of Jabalpur
38. President, Raika Dhar Seva Sangh, Tehri Garhwal (U.P.)
39. Representatives of the All-India Newspaper Editors' Conference
40. Representatives of the Indian Federation of Working Journalists

} Retired Judges, Orissa High Court

3. Members of the Committee were of the view that in order to facilitate the work, the Committee should meet at Calcutta, Madras and Bombay besides at Delhi to hear oral evidence from the witnesses. As required under the Rules of Procedure and Conduct of Business in the Rajya Sabha, the Chairman of the Committee was authorised to approach the Chairman of the Rajya Sabha for permitting the Committee to go to these places for holding their sittings.

4. Subject to the permission of the Chairman, Rajya Sabha, the Committee finalised the following programme for their future sittings:—

- (i) *Sittings at Calcutta*—from the 16th June, 1969 onwards provided there are at least 6 witnesses appearing before the Committee from that area.
- (ii) *Sittings at Madras*—from the 30th June, 1969 onwards.

(iii) *Sittings at Bombay*—from the 4th July, 1969 onwards in continuation of the sittings at Madras.

Thereafter the Committee decided to meet at Delhi from the 17th July, 1969 onwards to hear oral evidence from witnesses and for clause-by-clause consideration of the Bill.

The Chairman was authorised to modify the above programme if the circumstances so demanded.

5. The Committee directed that the State Bar Councils and Bar Associations should be informed of the programme of the Committee so that their representatives may appear before the Committee, if they so desire.

6. The Committee decided to ask for extension of time up to the last day of the 69th Session of the Rajya Sabha for the presentation of their Report and the Chairman was authorised to move the necessary motion in the House.

7. The Chairman informed the Committee that a letter had been received from one Shri Gurcharan Dass of London containing his views on the Contempt of Court generally and that since it contained extraneous matters, it was not being circulated to Members.

8. The Committee desired that the following literature might be circulated to the Members of the Committee:—

- (i) A note on the powers of the Nyaya Panchayats in the various States in the matter of their contempt (action—Ministry of Law).
- (ii) Contempt of Courts Act, 1952 (action—Rajya Sabha Secretariat).
- (iii) Freedom of Publication (Protection) Bill, as introduced in the House of Commons (action—Rajya Sabha Secretariat).

The Committee then adjourned at 11.35 A.M.

III

THIRD MEETING

The Committee met at 3.30 P.M. on Monday, the 28th April, 1969.

MEMBERS PRESENT

1. Shri M. P. Bhargava—*Chairman*
Rajya Sabha
2. Shri Muhammad Ishaque
3. Shrimati Vimal Punjab Deshmukh
4. Shri C. L. Varma
5. Shri Devi Singh
6. Shri N. K. Shejwalkar
7. Shri Bhupesh Gupta
8. Shri D. L. Sen Gupta
9. Shri K. S. Ramaswamy

Lok Sabha

10. Shri Nathu Ram Ahirwar
11. Shri C. Chittibabu
12. Shri Kanwar Lal Gupta
13. Shri Maharaj Singh
14. Shri B. P. Mandal
15. Shri V. Viswanatha Menon
16. Shri C. Muthusami
17. Dr. Sisir Kumar Saha
18. Shri Vidya Charan Shukla

MINISTRY OF LAW

Shri K. V. K. Sundaram, *Joint Secretary and Legislative Counsel*
 Shri R. V. S. Peri Sastri, *Addl. Legislative Counsel.*

SECRETARIAT

Shri S. S. Bhalerao, *Joint Secretary*
 Shri S. P. Ganguly, *Deputy Secretary*
 Shri Kishan Singh, *Under Secretary.*

2. The Chairman of the Committee informed Members that the Chairman, Rajya Sabha had granted permission to the Committee to visit Calcutta, Madras and Bombay for recording oral evidence on the Bill.

3. The Chairman drew the attention of the Members to the dates fixed by the Committee earlier to visit the places referred to above. He informed the Committee that information has been received that the Legislative Assemblies of the States of Maharashtra and West Bengal would be in session at about the time the Committee would be visiting these States. The Committee, therefore, decided to revise the programme of their sittings as follows:—

1. *In Madras*—30th June, 1st and 2nd July, 1969 (provided there are at least 6 witnesses, who have agreed to appear before the Committee).
2. *In Bombay*—16th, 17th and 18th July, 1969 and also 19th July, 1969, if necessary.
3. *In Calcutta*—23rd, 24th and 25th July, 1969 and also 26th July, 1969, if necessary.
4. *In Delhi*—30th, 31st July and 1st and 2nd August, 1969.

4. The Chairman gave information to the Committee about the acceptance or otherwise of invitations by witnesses who had been addressed so far. The Committee decided that the following persons should also be invited to appear before the Committee:—

- (1) Shri Tushar Kanti Ghosh, Editor, Amrita Bazar Patrika.
- (2) Shri K. Ramaswamy Gounder, Retired High Court Judge, Madras.
- (3) Shri Somnath Lahiri Ministers, Government
- (4) Shri Bibhuti Das Gupta of West Bengal.
- (5) Shri P. W. Sahasrabuddhe, Gwalior.

5. The Chairman also agreed to consider more names of persons for being invited to appear before the Committee, if suggested by any member of the Committee, by the 15th May, 1969.

The Committee then adjourned at 4.00 P.M.

IV

FOURTH MEETING

The Committee met in the Central Hall, First Floor, Old Legislators' Hostel, Madras from 10.00 A.M. to 12.15 P.M. on Monday, the 30th June, 1969.

PRESENT

MEMBERS

1. Shri M. P. Bhargava—*Chairman*

Rajya Sabha

2. Shri S. N. Mishra
3. Shri A. P. Jain
4. Shri M. Srinivasa Reddy
5. Shri Muhammad Ishaque
6. Shri Sukhdev Prasad
7. Shrimati Vimal Punjab Deshmukh
8. Shrimati Yashoda Reddy
9. Shri C. L. Varma
10. Shri N. K. Shejwalkar
11. Shri D. L. Sen Gupta
12. Shri K. S. Ramaswamy

Lok Sabha

13. Shri Nathu Ram Ahirwar
14. Shri R. D. Bhandare
15. Shri Ram Dhani Das
16. Shri Shri Chand Goyal
17. Shri Maharaj Singh
18. Shri V. Viswanatha Menon
19. Shri Piloo Mody
20. Shri C. Muthusami
21. Shri Bhaljibhai Ravjibhai Parmar
22. Shrimati Savitri Shyam
23. Shri Vidya Charan Shukla
24. Shri S. M. Siddayya
25. Shri Pravinsinh Natavarsinh Solanki

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

Shri K. K. Sundaram, *Joint Secretary and Legislative Counsel.*

Ministry of Home Affairs

Shri B. Shukla, *Deputy Secretary*

SECRETARIAT

Shri S. S. Bhalerao, *Joint Secretary*

Shri Kewal Krishan, *Deputy Secretary*

WITNESS

Shri S. Mohan Kumaramangalam, Advocate

2. The Chairman informed the Members that it would not be possible to hold the sittings of the Committee at Bombay, Calcutta and Delhi from the 16th to the 18th July, 23rd to 25th July and 30th July to the 2nd August, 1969, respectively in view of the sessions of the Maharashtra Legislature and the Parliament taking place on those dates. The Committee then decided to postpone their sittings at Bombay, Calcutta and Delhi to some future dates. The Committee directed that the witnesses invited to give oral evidence before them at these places may be informed accordingly.

The Committee decided to meet sometime in August, 1969 to fix their future programme of sittings at the above mentioned places and authorised the Chairman to fix the date therefor.

3. The Committee decided to ask for further extension of time upto the 1st day of the 70th Session of the Rajya Sabha for the presentation of their Report and the Chairman was authorised to move the necessary motion in the House.

4. The Committee then heard the oral evidence tendered by Shri S. Mchan Kumaramangalam.

A verbatim record of the evidence was kept.

5. The Chairman informed the Committee that the other two witnesses, viz. Shri P. M. Sundaram, Advocate and Shri B. Ranganatha Mudaliar, Advocate who were to tender oral evidence before the Committee during the day have communicated that they will not be in a position to appear before the Committee.

6. The Committee then adjourned at 12.15 P.M. to meet again 10.00 A.M. on Tuesday, the 1st July, 1969, in the Central Hall, First Floor, Old Legislators' Hostel, Madras.

FIFTH MEETING

The Committee met in the Central Hall, First Floor, Old Legislators' Hostel, Madras from 10.00 A.M. to 1.10. P.M. on Tuesday, the 1st July, 1969.

PRESENT

MEMBERS

1. Shri M. P. Bhargava—*Chairman*
Rajya Sabha
2. Shri S. N. Mishra
3. Shri A. P. Jain
4. Shri M. Srinivasa Reddy
5. Shri Sukhdev Prasad
6. Shri Muhammad Ishaque
7. Shrimati Vimal Punjab Deshmukh
8. Shri C. L. Varma

9. Shri N. K. Shejwalkar
10. Shri D. L. Sen Gupta
11. Shri K. S. Ramaswamy

Lok Sabha

12. Shri Nathu Ram Ahirwar
13. Shri R. D. Bhandare
14. Shri Ram Dhani Das
15. Shri M. Deiveekan
16. Shri Shri Chand Goyal
17. Shri Kanwar Lal Gupta
18. Shri Maharaj Singh
19. Shri V. Viswanatha Menon
20. Shri Srinibas Mishra
21. Shri Piloo Mody
22. Shri Anand Narain Mulla
23. Shri C. Muthusami
24. Shri Bhaljibhai Ravjibhai Parmar
25. Shrimati Savitri Shyam
26. Shri Vidya Charan Shukla

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

Shri K. K. Sundaram, *Joint Secretary and Legislative Counsel.*

Ministry of Home Affairs

Shri B. Shukla, *Deputy Secretary*

SECRETARIAT

Shri S. S. Bhalerao, *Joint Secretary*

Shri Kewal Krishan, *Deputy Secretary*

WITNESSES

1. Shri E. M. S. Namboodiripad, Chief Minister, Kerala.
2. Shri Tenneti Vishwanatham, M.P.

2. The Committee heard the oral evidence tendered by the following witnesses:—

(i) Shri E. M. S. Namboodiripad

(ii) Shri Tenneti Vishwanatham

A verbatim record of the evidence was kept.

3. The Chairman informed the Committee that Prof. A. Palaniswami, Director of Legal Studies and President, Faculty of Law, University of Madras, who was to tender oral evidence before the Committee later during the day has communicated that he will not be in a position to appear before the Committee.

4. The Committee then adjourned at 1.10 P.M. to meet again at 10.00 A.M. on Wednesday, the 2nd July, 1969, in the Central Hall, First Floor, Old Legislators' Hostel, Madras.

VI

SIXTH MEETING

The Committee met in the Central Hall, First Floor, 'Old Legislators' Hostel, Madras from 10.00 A.M. to 1.30 P.M. on Wednesday, the 2nd July, 1969.

PRESENT

MEMBERS

1. Shri M. P. Bhargava—*Chairman*
Rajya Sabha
2. Shri A. P. Jain
3. Shri M. Srinivasa Reddy
4. Shri Muhammad Ishaque
5. Shri Sukhdev Prasad
6. Shrimati Vimal Punjab Deshmukh
7. Shri C. L. Varma
8. Shri N. K. Shejwalkar

Lok Sabha

9. Shri Nathu Ram Ahirwar
10. Shri R. D. Bhandare
11. Shri Ram Dhani Das
12. Shri Shri Chand Goyal
13. Shri Maharaj Singh
14. Shri V. Viswanatha Menon
15. Shri Srinibas Mishra
16. Shri Pilo Mody
17. Shri Anand Narain Mulla
18. Shri Bhaljibhai Ravjibhai Parmar
19. Shri Vidya Charan Shukla

MINISTRY OF LAW

Shri K. K. Sundaram, *Joint Secretary and Legislative Counsel.*

SECRETARIAT

Shri S. S. Bhalerao, *Joint Secretary*
Shri Kewal Krishan, *Deputy Secretary*

WITNESS

Shri T. Narayanan Nambiar, *Advocate, Tellicherry (Kerala), representative of the Bar Council of India.*

2. The witness invited to tender oral evidence before the Committee at 10.00 A.M., namely Shri E. V. Dasaratha Rajan, *Advocate*, did not appear before the Committee.

The Committee held general discussion on the various provisions of the Bill for some time.

3. The Committee thereafter heard the oral evidence tendered by the representative of the Bar Council of India.

A verbatim record of the evidence was kept.

4. The Chairman expressed grateful thanks of the Committee to the Legislative Assembly Department, Tamil Nadu for the arrangements made for the meetings of the Committee in the Central Hall, First Floor, Old Legislators' Hostel, Madras.

5. The Committee then adjourned at 1.30 P.M.

VII

SEVENTH MEETING

The Committee met at 4.15 P.M. on Thursday, the 14th August, 1969.

PRESENT

MEMBERS

1. Shri. M. P. Bhargava—*Chairman*

Rajya Sabha

2. Shri S. N. Mishra
3. Shri M. Srinivasa Reddy
4. Shri Muhammad Ishaque
5. Shri C. L. Varma
6. Shri Bhupesh Gupta

Lok Sabha

7. Shri Nathu Ram Ahirwar
8. Shri R. D. Bhandare
9. Shri Kanwar Lal Gupta
10. Shri Ghayoor Ali Khan
11. Shri Maharaj Singh
12. Shri V. Viswanatha Menon
13. Shri Piloo Mody
14. Shri Anand Narain Mulla
15. Shri Bhaljibhai Ravjibhai Parmar
16. Dr. Sisir Kumar Saha
17. Shrimati Savitri Shyam
18. Shri Vidya Charan Shukla

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

Shri K. K. Sundaram, *Joint Secretary and Legislative Counsel.*
 Shri R. V. S. Peri Sastri, *Addl. Legislative Counsel*

Ministry of Home Affairs

Shri M. C. Narasimhan, *Deputy Secretary*

SECRETARIAT

Shri S. S. Bhalerao, *Joint Secretary*
 Shri S. P. Ganguly, *Deputy Secretary*
 Shri Kishan Singh, *Under Secretary.*

2. The Committee considered their future programme of sittings and decided to meet at Calcutta, Bombay and Delhi as per the following programme:—

- | | | |
|--|---|--|
| (i) 23rd, 24th and 25th September, 1969, at CALCUTTA. | } | for recording oral evidence of witnesses. |
| (ii) 3rd, 4th and 5th October, 1969, at BOMBAY. | | |
| (iii) 9th, 10th and 11th October, 1969, at NEW DELHI and also on 12th October, 1969, if necessary. | | |
| (iv) 25th, 27th and 28th October, 1969, at NEW DELHI. | | for clause-by-clause consideration of the Bill. |
| (v) 8th November, 1969 at NEW DELHI (Provisional) | | for consideration and adoption of the Report of the Committee. |

3. The Committee then adjourned at 4-30 P.M.

VIII

EIGHTH MEETING

The Committee met in the Council Chamber, West Bengal Legislative Assembly Building, Calcutta from 10-30 A.M. to 1-05 P.M. and again from 3-00 P.M. to 4-30 P.M. on Tuesday, the 23rd September, 1969.

PRESENT

MEMBERS

1. Shri M. P. Bhargava—*Chairman*

Rajya Sabha

2. Shri S. N. Mishra
3. Shri A. P. Jain
4. Shri M. Srinivasa Reddy
5. Shri Muhammad Ishaque
6. Shri Sukhdev Prasad
7. Shrimati Vimal Punjab Deshmukh
8. Shri C. L. Varma
9. Shri N. K. Shejwalkar
10. Shri D. L. Sen Gupta
11. Shri K. S. Ramaswamy

Lok Sabha

12. Shri Nathu Ram Ahirwar
13. Shri R. D. Bhandare
14. Shri Ram Dhani Das
15. Shri Kanwar Lal Gupta

16. Shri J. N. Hazarika
17. Shri Maharaj Singh
18. Shri B. P. Mandal
19. Shri Piloo Mody
20. Shri Anand Narain Mulla
21. Shri C. Muthusami
22. Shri K. K. Nayar
23. Shri Bhaljibhai Ravjibhai Parmar
24. Dr. Sisir Kumar Saha
25. Shrimati Savitri Shyam
26. Shri Pravinsinh Natavarsinh Solanki

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

Shri R. V. S. Peri Sastri, *Addl. Legislative Counsel*

Ministry of Home Affairs

Shri B. Shukla, *Deputy Secretary*

SECRETARIAT

Shri S. P. Ganguly, *Deputy Secretary*

WITNESSES

- (1) Shri Tushar Kanti Ghosh, Editor, Amrita Bazar Patrika.
- (2) Shri Jyoti Das Gupta, Editor, 'Kalantar'
- (3) Shri Bibhuti Das Gupta, Minister of Panchayats, West Bengal

2. The Committee heard the oral evidence tendered by the following witnesses:—

- (i) Shri Tushar Kanti Ghosh
- (ii) Shri Jyoti Das Gupta
- (iii) Shri Bibhuti Das Gupta

A verbatim record of the evidence was kept.

5. The Committee then adjourned at 4.30 P.M. to meet again at 10.30 A.M. on Wednesday, the 24th September, 1969.

IX

NINTH MEETING

The Committee met in the Council Chamber, West Bengal Legislative Assembly Building, Calcutta from 10-30 A.M. to 1-25 P.M. and again from 3.15 P.M. to 6.00 P.M. on Wednesday, the 24th September, 1969.

PRESENT

1. Shri M. P. Bhargava—*Chairman*

MEMBERS

Rajya Sabha

2. Shri S. N. Mishra
3. Shri A. P. Jain
4. Shri M. Srinivasa Reddy
5. Shri Muhammad Ishaque

6. Shri Sukhdev Prasad
7. Shrimati Vimal Punjab Deshmukh
8. Shri C. L. Varma
9. Shri N. K. Shejwalkar
10. Shri D. L. Sen Gupta
11. Shri K. S. Ramaswamy

Lok Sabha

12. Shri Nathu Ram Ahirwar
13. Shri R. D. Bhandare
14. Shri C. Chittibabu
15. Shri Ram Dhani Das
16. Shri M. Deiveekan
17. Shri Shri Chand Goyal
18. Shri Kanwar Lal Gupta
19. Shri J. N. Hazarika
20. Shri Ghayoor Ali Khan
21. Shri Maharaj Singh
22. Shri B. P. Mandal
23. Shri V. Viswanatha Menon
24. Shri Piloo Mody
25. Shri Anand Narain Mulla
26. Shri C. Muthusami
27. Shri K. K. Nayar
28. Shri Bhaljibhai Ravjibhai Parmar
29. Dr. Sisir Kumar Saha
30. Shrimati Savitri Shyam
31. Shri Pravinsinh Natavarsinh Solanki

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

Shri R. V. S. Peri Sastri, *Addl. Legislative Counsel*

SECRETARIAT

Shri S. P. Ganguly, *Deputy Secretary*

WITNESSES

- (1) Representatives of the Bar Council of West Bengal:
 - (i) Shri B. Barman
 - (ii) Shri D. P. Chaudhuri
- (2) Representatives of the Incorporated Law Society, Calcutta:
 - (i) Shri P. K. Sen
 - (ii) Shri R. C. Kar
- (3) Shri S. K. Acharya, Advocate-General, West Bengal.
- (4) Shri Sudhir Kumar Bhowse, Advocate, Supreme Court.

2. The Committee heard the oral evidence tendered by the following witnesses:

- (i) Representatives of the Bar Council of West Bengal
- (ii) Representatives of the Incorporated Law Society of Calcutta.

(iii) Shri S. K. Acharya

(iv) Shri Sudhir Kumar Bose

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 6-00 P.M. to meet again at 12-00 NOON on Thursday, the 25th September, 1969.

X

TENTH MEETING

The Committee met in the Council Chamber, West Bengal Legislative Assembly Building, Calcutta from 12-00 NOON to 12-50 P.M. and again from 4-00 P.M. to 6-25 P.M. on Thursday, the 25th September, 1969.

PRESENT

1. Shri M. P. Bhargava—*Chairman*

MEMBERS

Rajya Sabha

2. Shri S. N. Mishra
3. Shri A. P. Jain
4. Shri M. Srinivasa Reddy
5. Shri Muhammad Ishaque
6. Shri Sukhdev Prasad
7. Shrimati Vimal Punjab Deshmukh
8. Shri C. L. Varma
9. Shri N. K. Shejwalkar
10. Shri D. L. Sen Gupta
11. Shri K. S. Ramaswamy

Lok Sabha

12. Shri Nathu Ram Ahirwar
13. Shri S. M. Banerjee
14. Shri R. D. Bhandare
15. Shri Ram Dhani Das
16. Shri M. Deiveekan
17. Shri Shri Chand Goyal
18. Shri Kanwar Lal Gupta
19. Shri J. N. Hazarika
20. Shri Ghayoor Ali Khan
21. Shri Maharaj Singh
22. Shri B. P. Mandal
23. Shri V. Viswanatha Menon
24. Shri Pilloo Mody
25. Shri K. K. Nayar
26. Shri Bhaljibhai Ravjibhai Parmar
27. Dr. Sisir Kumar Saha
28. Shrimati Savitri Shyam
29. Shri Pravinsinh Natavarsinh Solanki

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

Shri R. V. S. Peri Sastri, *Addl. Legislative Counsel*

Ministry of Home Affairs

Shri B. Shukla, *Deputy Secretary*

SECRETARIAT

Shri S. P. Ganguly, *Deputy Secretary*

WITNESSES

- (1) Shri Hamendra Chandra Sen, Advocate, Supreme Court.
- (2) Representative of the Bar Council of Orissa:
Shri M. Mohanti
- (3) Shri Subodh Banerjee, Minister of Public Works Department,
West Bengal.

2. The Committee heard the oral evidence tendered by the following witnesses:—

- (i) Shri Hamendra Chandra Sen
- (ii) Representative of the Orissa Bar Council
- (iii) Shri Subodh Banerjee

A verbatim record of the evidence was kept.

3. The witness invited to tender oral evidence before the Committee at 3-00 P.M., namely the representative of the Patna High Court Bar Association did not appear before the Committee.

4. The Chairman expressed grateful thanks of the Committee to the Speaker, West Bengal Legislative Assembly and his Secretariat and other Officers for making excellent arrangements for the meetings of the Committee and for their willing cooperation in the matter.

5. The Committee then adjourned at 6-25 P.M. to meet again at 12-00 noon on Friday, the 3rd October, 1969, in the Congress Party Hall of Council Hall, Bombay.

XI

ELEVENTH MEETING

The Committee met in the Council Hall, Bombay from 12-00 noon to 2-30 P.M. and again from 3-30 P.M. to 5-25 P.M. on Friday, the 3rd October, 1969.

PRESENT

1. Shri M. P. Bhargava—*Chairman*

MEMBERS

Rajya Sabha

2. Shri S. N. Mishra
3. Shri A. P. Jain
4. Shri Muhammad Ishaque
5. Shri Sukhdev Prasad
6. Shrimati Vimal Punjab Deshmukh
7. Shrimati Yashoda Reddy
8. Shri C. L. Varma
9. Shri N. K. Shejwalkar
10. Shri D. L. Sen Gupta
11. Shri J. S. Tilak

Lok Sabha

12. Shri Nathu Ram Ahirwar
13. Shri R. D. Bhandare
14. Shri C. Chittibabu
15. Shri Ram Dhani Das
16. Shri M. Deiveekan
17. Shri Shri Chand Goyal
18. Shri J. N. Hazarika
19. Shri Ghayoor Ali Khan
20. Shri Maharaj Singh
21. Shri B. P. Mandal
22. Shri V. Viswanatha Menon
23. Shri Piloo Mody.
24. Shri Anand Narain Mulla
25. Shri Amrit Nahata
26. Shri K. K. Nayar.
27. Shri Bhaljibhai Ravjibhai Parmar
28. Dr. Sisir Kumar Saha
29. Shrimati Savitri Shyam
30. Shri Vidya Charan Shukla
31. Shri S. M. Siddayya
32. Shri Pravinsinh Natvarsinh Solanki

Ministry of Home Affairs

Shri B. Shukla, *Deputy Secretary*

SECRETARIAT

Shri S. S. Bhalerao, *Joint Secretary*

Shri Kishan Singh, *Under Secretary.*

WITNESSES

- (1) Shri R. K. Karanjia, Editor 'Blitz', Bombay.
- (2) Shri D. R. Sinha, Advocate, Supreme Court, Amravati.
- (3) Shri Gobind L. Bhatia, Advocate, High Court, Bombay.

2. The Committee heard the oral evidence tendered by the following witnesses:—

- (i) Shri R. K. Karanjia
- (ii) Shri D. R. Sinha

A verbatim record of the evidence was kept.

3. The Chairman informed the members that Shri Gendalal N. Shah, Pleader, Dahod, who was to appear for oral evidence before the Committee after Shri Sinha was not in a position to do so. The Chairman further informed the Committee that in place of Shri Shah he had invited Shri Gobind L. Bhatia to tender oral evidence before the Committee.

The Committee thereafter heard the oral evidence tendered by Shri Bhatia.

A verbatim record of the evidence was kept.

4. The Committee then adjourned at 5-25 P.M. to meet again at 10-00 A.M. on Saturday, the 4th October, 1969.

XII

TWELFTH MEETING

The Committee met in the Council Hall, Bombay from 10-00 A.M. to 12-00 NOON and again from 2-00 P.M. to 6-00 P.M. on Saturday, the 4th October, 1969.

PRESENT

1. Shri M. P. Bhargava—*Chairman*

MEMBERS

Rajya Sabha

2. Shri S. N. Mishra
3. Shri A. P. Jain
4. Shri M. Srinivasa Reddy
5. Shri Muhammad Ishaque
6. Shri Sukhdev Prasad
7. Shrimati Vimal Punjab Deshmukh
8. Shrimati Yashoda Reddy
9. Shri C. L. Varma
10. Shri N. K. Shejwalkar
11. Shri D. L. Sen Gupta
12. Shri J. S. Tilak

Lok Sabha

13. Shri Nathu Ram Ahirwar
14. Shri R. D. Bhandare
15. Shri Ram Dhani Das
16. Shri Shri Chand Goyal
17. Shri Kanwar Lal Gupta
18. Shri J. N. Hazarika
19. Shri Ghayoor Ali Khan
20. Shri Maharaj Singh
21. Shri B. P. Mandal
22. Shri V. Viswanatha Menon
23. Shri Anand Narain Mulla
24. Shri K. K. Nayar
25. Shri Bhaljibhai Ravjibhai Parmar
26. Dr. Sisir Kumar Saha
27. Shrimati Savitri Shyam
28. Shri Vidya Charan Shukla
29. Shri S. M. Siddayya
30. Shri Pravinsinh Natavarsinh Solanki

MINISTRY OF HOME AFFAIRS

Shri B. Shukla, *Deputy Secretary*

SECRETARIAT

Shri S. S. Bhalerao, *Joint Secretary*

Shri Kishan Singh, *Under Secretary*

WITNESSES

- (1) Shri N. A. Palkhivala, Advocate, Bombay.
- (2) Shri V. B. Gogte, Advocate, Poona.
- (3) Representatives of the Maharashtra Bar Council:
 - (i) Shri R. W. Adik

- (ii) Shri G. G. Kulkarni
- (iii) Shri J. T. Desai
- (iv) Shri B. A. Masodkar

(4) Representatives of the Gujerat Bar Council:
Shri K. J. Shethana

2. The Committee heard the oral evidence tendered by the following witnesses:—

- (i) Shri N. A. Palkhivala
- (ii) Shri V. B. Gogte
- (iii) The representatives of the Maharashtra Bar Council
- (iv) The representative of the Gujerat Bar Council

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 6-00 P.M. to meet again at 10-00 A.M. on Sunday, the 5th October, 1969.

XIII

THIRTEENTH MEETING

The Committee met in the Council Hall, Bombay from 10.00 A.M. to 1.00 P.M. and again from 3.35 P.M. to 5.00 P.M. on Sunday, the 5th October, 1969.

PRESENT

1. Shri M. P. Bhargava—*Chairman*

MEMBERS

Rajya Sabha

- 2. Shri S. N. Mishra
- 3. Shri A. P. Jain
- 4. Shri M. Srinivasa Reddy
- 5. Shri Muhammad Ishaque
- 6. Shri Sukhdev Prasad
- 7. Shrimati Vimal Punjab Deshmukh
- 8. Shrimati Yashoda Reddy
- 9. Shri N. K. Shejwalkar
- 10. Shri J. S. Tilak

Lok Sabha

- 11. Shri Nathu Ram Ahirwar
- 12. Shri R. D. Bhandare
- 13. Shri Ram Dhani Das
- 14. Shri M. Deiveekan
- 15. Shri Kanwar Lal Gupta
- 16. Shri Ghayoor Ali Khan
- 17. Shri Maharaj Singh
- 18. Shri B. P. Mandal
- 19. Shri V. Vishwanatha Menon
- 20. Shri Anand Narain Mulla
- 21. Shri Amrit Nahata
- 22. Shri K. K. Nayar
- 23. Shri Bhaljibhai Ravjibhai Parmar
- 24. Shri K. Narayana Rao

25. Dr. Sisir Kumar Saha
26. Shrimati Savitri Shyam
27. Shri Vidya Charan Shukla
28. Shri S. M. Siddayya
29. Shri Pravinsinh Natavarsinh Solanki

REPRESENTATIVES OF THE MINISTRIES

MINISTRY OF HOME AFFAIRS

Shri B. Shukla,—*Deputy Secretary.*

SECRETARIAT

Shri S. S. Bhalerao—*Joint Secretary.*

Shri Kishan Singh—*Under Secretary.*

WITNESSES

- (1) Shri H. M. Seervai, Advocate-General, Maharashtra.
- (2) Shri A. S. Bobde, Advocate, Nagpur.
- (3) Shri Sushil S. Kavalekar, Advocate, Bombay.
- (4) Representative of the Madhya Pradesh Bar Council.
Shri Shankerlal Dubey.

2. The Committee heard the oral evidence tendered by the following witnesses:—

- (i) Shri H. M. Seervai.
- (ii) Shri A. S. Bobde.
- (iii) Shri Sushil S. Kavalekar.
- (iv) The representative of the Madhya Pradesh Bar Council.

A verbatim record of the evidence was kept.

3. The Chairman expressed grateful thanks of the Committee to the Chairman and the Speaker of the Maharashtra Legislature, the Secretary and other officers of the Maharashtra Legislature Secretariat for making very good arrangements for the meetings of the Committee and for their willing cooperation in the matter.

4. The Committee then adjourned at 5.00 P.M. to meet again at 10.00 A.M. on Thursday, the 9th October, 1969, in the Parliament House, New Delhi.

XIV

FOURTEENTH MEETING

The Committee met from 10.00 A.M. to 1.30 P.M. and again from 3.20 P.M. to 5.50 P.M. on Thursday, the 9th October, 1969.

PRESENT

1. Shri M. P. Bhargava—*Chairman.*

MEMBERS

Rajya Sabha

2. Shri S. N. Mishra
3. Shri A. P. Jain
4. Shri Muhammad Ishaque
5. Shri Sukhdev Prasad
6. Shrimati Vimal Punjab Deshmukh
7. Shrimati Yashoda Reddy
8. Shri Devi Singh
9. Shri N. K. Shejwalkar

10. Shri D. L. Sen Gupta
11. Shri J. S. Tilak
12. Shri K. S. Ramaswamy

Lok Sabha

13. Shri Nathu Ram Ahirwar
14. Shri S. M. Banerjee
15. Shri R. D. Bhandare
16. Shri C. Chittibabu
17. Shri Ram Dhani Das
18. Shri Shri Chand Goyal
19. Shri Kanwar Lal Gupta
20. Shri J. N. Hazarika
21. Shri Ghayoor Ali Khan
22. Shri Vikram Chand Mahajan
23. Shri B. P. Mandal
24. Shri V. Vishwanatha Menon
25. Shri Pilo Mody
26. Shri Anand Narain Mulla
27. Shri C. Muthusami
28. Shri Amrit Nahata
29. Shri K. K. Nayar
30. Shri Bhaljibhai Ravjibhai Parmar
31. Dr. Sisir Kumar Saha
32. Shrimati Savitri Shyam
33. Shri S. M. Siddayya
34. Shri Pravinsinh Natavarsinh Solanki

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

- Shri K. K. Sundaram, *Joint Secretary and Legislative Counsel.*
 Shri R. V. S. Peri Sastri—*Addl. Legislative Counsel.*

Ministry of Home Affairs

- Shri B. Shukla,—*Deputy Secretary.*

SECRETARIAT

- Shri S. P. Ganguly,—*Deputy Secretary.*
 Shri Kishan Singh, *Under Secretary.*

WITNESSES

- (1) Representatives of the All India Newspapers Editors Conference, New Delhi:—
 - (i) Shri K. Subramaniam, *Secretary-General, A.I.N.E.C.*
 - (ii) Shri B. N. Azad, Editor, 'Indian Nation', Patna.
 - (2) Shri G. R. Rajagopaul, Special Commissioner, Cabinet Secretariat, New Delhi.
 - (3) Shri K. R. Malkani, Editor, Organiser, New Delhi.
2. The Committee heard the oral evidence tendered by the following witnesses:—
- (i) Representatives of the All India Newspapers Editors Conference.
 - (ii) Shri G. R. Rajagopaul.
 - (iii) Shri K. R. Malkani.

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 5.50 P.M. to meet again at 10.00 A.M. on Friday, the 10th October, 1969.

FIFTEENTH MEETING

The Committee met from 10.20 A.M. to 1.35 P.M. and again from 3.10 P.M. to 6.30 P.M. on Friday, the 10th October, 1969.

PRESENT

MEMBERS

1. Shri M. P. Bhargava—*Chairman.*

Rajya Sabha

2. Shri S. N. Mishra
3. Shri Muhammad Ishaque
4. Shri Sukhdev Prasad
5. Shrimati Vimal Punjab Deshmukh
6. Shrimati Yashoda Reddy
7. Shri C. L. Varma
8. Shri N. K. Shejwalkar
9. Shri D. L. Sen Gupta
10. Shri K. S. Ramaswamy

Lok Sabha

11. Shri Nathu Ram Ahirwar
12. Shri R. D. Bhandare
13. Shri C. Chittibabu
14. Shri Ram Dhani Das
15. Shri M. Deiveekan
16. Shri Kanwar Lal Gupta
17. Shri J. N. Hazarika
18. Shri Ghayoor Ali Khan
19. Shri Vikram Chand Mahajan
20. Shri B. P. Mandal
21. Shri V. Viswanatha Menon
22. Shri Piloo Mody
23. Shri Anand Narain Mulla
24. Shri C. Muthusami
25. Shri Amrit Nahata
26. Shri K. K. Nayar
27. Shri Bhaljibhai Ravjibhai Parmar
28. Chaudhuri Randhir Singh
29. Dr. Sisir Kumar Saha
30. Shrimati Savitri Shyam
31. Shri S. M. Siddayya
32. Shri Pravinsinh Natavarsinh Solanki

REPRESENTATIVES OF THE MINIS

Ministry of Law

- Shri K. K. Sundaram, *Joint Secretary and Legislative Counsel.*
 Shri V. S. Bhashyam, *Deputy Legislative Counsel.*

Ministry of Home Affairs

- Shri B. Shukla, *Deputy Secretary*

SECRETARIAT

- Shri S. P. Ganguly, *Deputy Secretary*
 Shri Kishan Singh, *Under Secretary*

WITNESSES

- (1) Shri K. Narendra, Editor, 'Pratap', New Delhi.
- (2) Shri V. G. Ramachandran, Member, Official Language Commission, New Delhi.
- (3) Shri Mahadeo Prasad Mishra, Jabalpur.
- (4) Shri A. S. R. Chari, Advocate, Supreme Court, New Delhi.

2. The Committee heard the oral evidence tendered by the following witnesses:—

- (i) Shri K. Narendra
- (ii) Shri V. G. Ramachandran
- (iii) Shri Mahadeo Prasad Mishra
- (iv) Shri A. S. R. Chari

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 6-30 P.M. to meet again at 10-00 A.M. on Saturday, the 11th October, 1969.

XVI

SIXTEENTH MEETING.

The Committee met from 10-00 A.M. to 1-00 P.M. and again from 3-10 P.M. to 5-25 P.M. on Saturday, the 11th October, 1969.

PRESENT

MEMBERS

1. Shri M. P. Bhargava—*Chairman*
Rajya Sabha
2. Shri S. N. Mishra
3. Shri Muhammad Ishaque
4. Shri Sukhdev Prasad
5. Shrimati Vimal Punjab Deshmukh
6. Shrimati Yashoda Reddy
7. Shri C. L. Varma
8. Shri D. L. Sen Gupta
9. Shri K. S. Ramaswamy

Lok Sabha

10. Shri Nathu Ram Ahirwar
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12. Shri Ram Dhani Das
13. Shri Shri Chand Goyal
14. Shri Kanwar Lal Gupta
15. Shri J. N. Hazarika
16. Shri Ghayoor Ali Khan
17. Shri Vikram Chand Mahajan
18. Shri B. P. Mandal
19. Shri Pилоo Mody
20. Shri Anand Narain Mulla
21. Shri C. Muthusami
22. Shri K. K. Nayar

23. Shri Bhaljibhai Ravjibhai Parmar
24. Dr. Sisir Kumar Saha
25. Shrimati Savitri Shyam
26. Shri S. M. Siddayya
27. Shri Pravinsinh Natavarsinh Solanki

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

Shri K. K. Sundaram, *Joint Secretary and Legislative Counsel.*
 Shri V. S. Bhashyam, *Deputy Legislative Counsel.*

Ministry of Home Affair.

Shri K. P. Singh, *Under Secretary.*

SECRETARIAT

Shri S. P. Ganguly, *Deputy Secretary*

WITNESSES

- (1) Shri M. C. Setalvad, M.P.
- (2) Dr. B. C. Nigam, Advocate, Lucknow.
- (3) Shri Shanti Bhushan, Advocate-General, Uttar Pradesh.
- (4) Representative of the Raikadhar Sewa Sangh, Tehri-Garhwal.

2. The Committee heard the oral evidence tendered by the following witnesses:—

- (i) Shri M. C. Setalvad, M.P.
- (ii) Dr. R. C. Nigam
- (iii) Shri Shanti Bhushan
- (iv) Representative of the Raikadhar Sewa Sangh, Tehri-Garhwal.

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 5-25 P.M. to meet again at 10-00 A.M. on Sunday, the 12th October, 1969.

XVII

SEVENTEENTH MEETING

The Committee met at 10-00 A.M. on Sunday, the 12th October, 1969.

PRESENT

MEMBERS

1. Shri M. P. Bhargava—*Chairman*
Rajya Sabha
2. Shri S. N. Mishra
3. Shri Muhammad Ishaque
4. Shri Sukhdev Prasad
5. Shrimati Vimal Punjab Deshmukh

6. Shrimati Yashoda Reddy
7. Shri C. L. Varma
8. Shri N. K. Shejwalkar
9. Shri Bhupesh Gupta
10. Shri K. S. Ramaswamy

Lok Sabha

11. Shri Nathu Ram Ahirwar
12. Shri S. M. Banerjee
13. Shri R. D. Bhandare
14. Shri Ram Dhani Das
15. Shri M. Deiveekan
16. Shri Shri Chand Goyal
17. Shri Ghayoor Ali Khan
18. Shri B. P. Mandal
19. Shri Anand Narain Mulla
20. Shri C. Muthusami
21. Shri K. K. Nayar
22. Shri Bhaljibhai Ravjibhai Parmar
23. Dr. Sisir Kumar Saha
24. Shrimati Savitri Shyam
25. Shri S. M. Siddayya
26. Shri Pravinsinh Natavarsinh Solanki

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

- Shri K. K. Sundaram, *Joint Secretary and Legislative Counsel.*
 Shri R. V. S. Peri Sastri, *Additional Legislative Counsel.*

Ministry of Home Affairs

- Shri K. P. Singh, *Under Secretary.*

SECRETARIAT

- Shri S. P. Ganguly, *Deputy Secretary*

WITNESSES

- (1) Shri Niren De, Attorney-General, India
- (2) Representatives of the Indian Federation of Working Journalists:—
 - (i) Shri S. B. Kolpe, Secretary-General
 - (ii) Shri Prafulla Ganguly, Vice-President
 - (iii) Shri A. P. Rajbanshi, President, Delhi Union of Journalists.

2. The Committee heard the oral evidence tendered by the following witnesses:—

- (i) Shri Niren De
- (ii) Representatives of the Indian Federation of Working Journalists.

3. The Committee, as per their earlier decision, will hold their next series of sittings on the 25th, 27th and 28th October, 1969. The Committee further decided to hold a general discussion on the provisions of the Bill from 10-00 A.M. onwards on the 25th October, 1969 and thereafter consider the Bill Clause-by-Clause in those sittings.

4. The Committee also decided that Members desirous of giving notices of amendments to the Bill should send them so as to reach the Rajya Sabha Secretariat by the 21st October, 1969. The Committee desired that the Ministry's amendments together with explanatory notes thereon be sent to the Secretariat by the 17th October, 1969.

5. The Chairman informed the Committee that the Ministry of Home Affairs will supply to the Committee a statement containing analysis of oral evidence tendered before the Committee by the 17th October, 1969.

6. The Committee then adjourned at 1-10 P.M. to meet again at 10-00 A.M. on Saturday, the 25th October, 1969.

XVIII

EIGHTEENTH MEETING

The Committee met from 10-00 A.M. to 1-00 P.M. and again from 3-00 P.M. to 4-25 P.M. on Saturday, the 25th October, 1969.

PRESENT

MEMBERS

1. Shri M. P. Bhargava—*Chairman*
Rajya Sabha

2. Shri S. N. Mishra
3. Shri A. P. Jain
4. Shri Muhammad Ishaque
5. Shri Sukhdev Prasad
6. Shrimati Vimal Punjab Deshmukh
7. Shrimati Yashoda Reddy
8. Shri C. L. Varma
9. Shri Devi Singh
10. Shri N. K. Shejwalkar
11. Shri Bhupesh Gupta
12. Shri D. L. Sen Gupta
13. Shri J. S. Tilak
14. Shri K. S. Ramaswamy

Lok Sabha

15. Shri Nathu Ram Ahirwar
16. Shri Y. B. Chavan
17. Shri Ram Dhani Das
18. Shri Shri Chand Goyal
19. Shri Kanwar Lal Gupta
20. Shri Ghayoor Ali Khan
21. Shri Vikram Chand Mahajan
22. Shri B. P. Mandal
23. Shri V. Viswanatha Menon
24. Shri Srinibas Mishra
25. Shri Pilloo Mody
26. Shri Anand Narain Mulla
27. Shri C. Muthusami
28. Shri Amrit Nahata
29. Shri K. K. Nayar
30. Shri Bhaljibhai Ravjibhai Parmar

31. Chaudhuri Randhir Singh
32. Dr. Sisir Kumar Saha
33. Shrimati Savitri Shyam
34. Shri Vidya Charan Shukla
35. Shri S. M. Siddayya

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

Shri K. K. Sundaram, *Joint Secretary and Legislative Counsel.*
 Shri R. V. S. Peri Sastri, *Additional Legislative Counsel*

Ministry of Home Affairs

Shri J. M. Lalvani, *Joint Secretary*
 Shri B. Shukla, *Deputy Secretary*

SECRETARIAT

Shri Kewal Krishan, *Under Secretary*

2. The Committee had a general discussion on the various provisions of the Bill.

3. The Committee then adjourned at 4-25 P.M. to meet again at 11-00 A.M. on Monday, the 27th October, 1969.

XIX

NINETEENTH MEETING

The Committee met from 11-00 A.M. to 1-00 P.M. and again from 3-00 P.M. to 3-45 P.M. on Monday, the 27th October, 1969.

PRESENT

MEMBERS

1. Shri M. P. Bhargava—*Chairman*
Rajya Sabha
2. Shri S. N. Mishra
3. Shri A. P. Jain
4. Shri Muhammad Ishaque
5. Shri Sukhdev Prasad
6. Shrimati Vimal Punjab Deshmukh
7. Shrimati Yashoda Reddy
8. Shri C. L. Varma
9. Shri N. K. Shejwalkar
10. Shri Bhupesh Gupta
11. Shri D. L. Sen Gupta
12. Shri J. S. Tilak
13. Shri K. S. Ramaswamy
Lok Sabha
14. Shri R. D. Bhandare
15. Shri Y. B. Chavan
16. Shri C. Chittibabu
17. Shri Ram Dhani Das
18. Shri M. Deiveekan
19. Shri Shri Chand Goyal
20. Shri Kanwar Lal Gupta

21. Shri Ghayoor Ali Khan
22. Shri Vikram Chand Mahajan
23. Shri B. P. Mandal
24. Shri V. Viswanatha Menon
25. Shri Srinibas Mishra
26. Shri Piloo Mody
27. Shri Anand Narain Mulla
28. Shri C. Muthusami
29. Shri Amrit Nahata
30. Shri K. K. Nayar
31. Shri Bhaljibhai Ravjibhai Parmar
32. Chaudhuri Randhir Singh
33. Dr. Sisir Kumar Saha
34. Shri Vidya Charan Shukla
35. Shri S. M. Siddayya
36. Shri Pravinsinh Natavarsinh Solanki

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

Shri K. K. Sundaram, *Joint Secretary and Legislative Counsel.*

Shri R. V. S. Peri Sastri, *Additional Legislative Counsel*

Ministry of Home Affairs

Shri J. M. Lalvani, *Joint Secretary*

Shri B. Shukla, *Deputy Secretary*

SECRETARIAT

Shri Kishan Singh, *Under Secretary*

2. The Committee took up clause-by-clause consideration of the Bill.

At the outset the Committee considered the question of insertion of a suitable definition of "Contempt of Court". After some discussion the Committee accepted the following amendment in Clause 3:—

'Pages 1 & 2, for lines 11-12 and 1—9 respectively, substitute the following:—

- "3(1) Whoever by words, either spoken or written or by signs or by visible representation or otherwise
- (a) interferes or attempts to interfere with or obstructs or attempts to obstruct the administration of justice; or
 - (b) scandalises or attempts to scandalise or lowers or attempts to lower the authority of a Court of Justice; or
 - (c) publishes or makes false or misleading reports of, or comments on pending proceedings, commits Contempt of Court."

CLAUSE 2

The following amendment was accepted:—

Page 1, line 8, for the word "State", substitute "State or a Union Territory".

The Committee had not concluded consideration of the Clause when they rose for lunch.

3. When the Committee reassembled after lunch, the Minister of Home Affairs, Shri Y. B. Chavan, drew the attention of the Members to the definition of "Contempt of Court" accepted by the Committee. He said that he was accepting the decision of the Committee about definition. However, he requested that Government might be given 3-4 weeks time to examine the implications of the definition and also other provisions of the Bill in the light thereof. After some discussion the Committee acceded to the request of the Minister.

4. In view of the above decision, the Chairman pointed out that it would not be possible for the Committee to present their Report to the Rajya Sabha on the first day of the Seventieth Session as scheduled. He suggested that the time for the presentation of the Report be sought to be extended upto the 1st day of the 71st Session (Budget Session 1970) of the Rajya Sabha. The concensus of opinion of the Committee was in favour of seeking such extension. Some members objected to extension upto that date.

5. The Chairman was authorised to fix a date during November for the next meeting of the Committee after receiving the amendments from the Ministry.

The Committee then adjourned at 3-45 P.M.

XX

TWENTIETH MEETING

The Committee met at 4-30 P.M. on Monday, the 1st December, 1969.

PRESENT

MEMBERS

1. Shri M. P. Bhargava—*Chairman*
Rajya Sabha

2. A. P. Jain
3. Shri C. L. Varma
4. Shri N. K. Shejwalkar
5. Shri K. S. Ramaswamy

Lok Sabha

6. Shri R. D. Bhandare
7. Shri Y. B. Chavan
8. Shri Shri Chand Goyal
9. Shri Kanwar Lal Gupta
10. Shri Ghayoor Ali Khan
11. Shri V. Viswanatha Menon
12. Shri Piloo Mody
13. Shri Anand Narain Mulla
14. Shri K. K. Nayar
15. Shri Bhaljibhai Ravjibhai Parmar
16. Shri K. Narayana Rao
17. Shri Vidya Charan Shukla

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

Shri K. K. Sundaram, *Joint Secretary and Legislative Counsel.*
 Shri R. V. S. Peri Sastri, *Addl. Legislative Counsel*

Ministry of Home Affairs

Shri J. M. Lalvani, *Joint Secretary*
 Shri B. Shukla, *Deputy Secretary*

SECRETARIAT

Shri S. S. Bhalerao, *Joint Secretary*
 Shri S. P. Ganguly, *Deputy Secretary*
 Shri Kishan Singh, *Under Secretary*

2. The Chairman informed the Committee that he had received a communication from the Ministry of Home Affairs about the progress of work done by the Ministry in the matter of examination of the definition of the term "Contempt of Court" adopted by the Committee. Thereafter, Shri Y. B. Chavan, Minister of Home Affairs, explained to the Committee the implications of that definition in the light of the consultations he had with some eminent jurists.

3. After some discussion the Committee decided to hold next series of their meetings from the 23rd January, 1970 for the consideration of the Bill Clause-by-Clause.

4. The Committee desired that the members should be supplied with the following material well before the date of the next meeting of the Committee:—

- (i) Definitions of the term "Contempt of Court", occurring in the legislations of foreign Countries.
- (ii) Instances of Civil Contempt not covered by the definition of "Contempt of Court" as accepted by the Committee.
- (iii) Draft definition of the "Contempt of Court" which the Ministry would like the Committee to consider together with consequential amendments that would have to be made in the Bill in the light of the definition.

The Minister of Home Affairs promised to make available the above-mentioned material by the first week of January 1970.

5. The Committee then adjourned at 4-55 P.M. to meet again at 10-00 A.M. on Friday, the 23rd January, 1970.

XXI

TWENTY-FIRST MEETING

The Committee met at 10-10 A.M. on Friday, the 23rd January, 1970.

PRESENT

MEMBERS

1. Shri M. P. Bhargava—*Chairman*
Rajya Sabha
2. Shri S. N. Mishra
3. Shri A. P. Jain

4. Shri M. Srinivasa Reddy
5. Shri Muhammad Ishaque
6. Shri Sukhdev Prasad
7. Shrimati Vimal Punjab Deshmukh
8. Shri Devi Singh
9. Shri N. K. Shejwalkar
10. Shri Bhupesh Gupta
11. Shri J. S. Tilak
12. Shri K. S. Ramaswamy

Lok Sabha

13. Shri Nathu Ram Ahirwar
14. Shri S. M. Banerjee
15. Shri R. D. Bhandare
16. Shri Y. B. Chavan
17. Shri Ram Dhani Das
18. Shri M. Deiveekan
19. Shri Shri Chand Goyal
20. Shri Kanwar Lal Gupta
21. Shri P. N. Solanki
22. Shri Ghayoor Ali Khan
23. Shri Vikram Chand Mahajan
24. Shri Maharaj Singh
25. Shri B. P. Mandal
26. Shri V. Viswanatha Menon
27. Shri Pилоo Mody
28. Shri Anand Narain Mulla
29. Shri C. Muthusami
30. Shri Amrit Nahata
31. Shri K. K. Nayar
32. Shri Bhaljibhai Ravjibhai Parmar
33. Chaudhuri Randhir Singh
34. Dr. Sisir Kumar Saha
35. Shrimati Savitri Shyam
36. Shri Vidya Charan Shukla
37. Shri S. M. Siddayya

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

- Shri K. K. Sundaram, *Joint Secretary and Legislative Counsel.*
 Shri R. V. S. Peri Sastri, *Addl. Legislative Counsel*

Ministry of Home Affairs

- Shri J. M. Lalvani, *Joint Secretary*
 Shri B. Shukla, *Deputy Secretary*

SECRETARIAT

- Shri S. S. Bhalerao, *Joint Secretary*
 Shri S. P. Ganguly, *Deputy Secretary*

2. The Committee reconsidered the definition of "Contempt of Court" adopted by them at their sitting held on the 27th October, 1969, in the light of the revised definition submitted by the Minister of Home Affairs.

After a detailed discussion the committee adopted the following definition clause:—

Definitions “2. In this Act, unless the context otherwise requires,—

- (a) “contempt court” means civil contempt or criminal contempt;
- (b) “civil contempt” means wilful disobedience to any judgment, decree, direction, order, writ or other process of a court or wilful 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 representations, or otherwise) of any matter or the doing of any other act whatsoever which—
 - (i) scandalises or tends to scandalise, 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 a Union territory.”

The clause, as amended above, was adopted.

3. The Committee then adjourned at 1-00 P.M. to meet again at 11-00 A.M. on Saturday, the 24th January, 1970.

XXII

TWENTY-SECOND MEETING

The Committee met from 11.10 A.M. to 1.05 P.M. and again from 3.15 P.M. to 5.10 P.M. on Saturday, the 24th January, 1970.

MEMBERS PRESENT

1. Shri M. P. Bhargava—*Chairman.*
Rajya Sabha
2. Shri S. N. Mishra
3. Shri A. P. Jain
4. Shri M. Srinivasa Reddy
5. Shri Muhammad Ishaque
6. Shri Sukhdev Prasad
7. Shrimati Vimal Punjab Deshmukh
8. Shrimati Yashoda Reddy
9. Shri Devi Singh
10. Shri N. K. Shejwalkar
11. Shri Bhupesh Gupta
12. Shri J. S. Tilak
13. Shri K. S. Ramaswamy

Lok Sabha

14. Shri Nathu Ram Ahirwar
15. Shri S. M. Banerjee

16. Shri R. D. Bhandare
17. Shri Y. B. Chavan
18. Shri C. Chittibabu
19. Shri Ram Dhani Das
20. Shri Shri Chand Goyal
21. Shri Kanwar Lal Gupta
22. Shri Ghayoor Ali Khan
23. Shri Vikram Chand Mahajan
24. Shri B. P. Mandal
25. Shri V. Viswanatha Menon
26. Shri Piloo Mody
27. Shri Anand Narain Mulla
28. Shri Amrit Nahata
29. Shri Bhaljibhai Ravjibhai Parmar
30. Chaudhuri Randhir Singh
31. Dr. Sisir Kumar Saha
32. Shri Vidya Charan Shukla
33. Shri S. M. Siddayya
34. Shri Pravinsinh Natavarsinh Solanki

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

Shri K. K. Sundaram, *Joint Secretary and Legislative Counsel*
 Shri R. V. S. Peri Sastri, *Addl. Legislative Counsel*

Ministry of Home Affairs

Shri J. M. Lalvani, *Joint Secretary*
 Shri B. Shukla, *Deputy Secretary*

SECRETARIAT

Shri S. S. Bhalerao, *Joint Secretary*
 Shri S. P. Ganguly, *Deputy Secretary*

2. The Committee resumed clause-by-clause consideration of the Bill.

CLAUSE 3

The following amendments were accepted:—

- (i) Page 2, for lines 1 and 2, substitute—
 “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”.
- (ii) Page 2, line 3, delete the words “or imminent”.
- (iii) Page 2, lines 5-6, delete the words “or, as the case may be imminent”.

The Legislative Counsel was authorised to carry out amendments in the clause as well as in the other provisions of the Bill, if necessary, consequential to the deletion of the word “imminent” from sub-clause (1) (a).

- (iv) Page 2, lines 19-20, for the words “contained any such matter as aforesaid or that it was likely to do so” substitute “contained or was likely to contain any such matter as aforesaid”.

7. Shrimati Vimal Punjab Deshmukh
8. Shrimati Yashoda Reddy
9. Shri N. K. Shejwalkar
10. Shri Bhupesh Gupta

Lok Sabha

11. Shri Nathu Ram Ahirwar
12. Shri S. M. Banerjee
13. Shri R. D. Bhandare
14. Shri Shri Chand Goyal
15. Shri Ghayoor Ali Khan
16. Shri Vikram Chand Mahajan
17. Shri B. P. Mandal
18. Shri V. Viswanatha Menon
19. Shri K. K. Nayar
20. Shri Bhaljibhai Ravjibhai Parmar
21. Chaudhuri Randhir Singh
22. Dr. Sisir Kumar Saha
23. Shri Vidya Charan Shukla
24. Shri S. M. Siddayya

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

Shri K. K. Sundaram, *Joint Secretary and Legislative Counsel*

Ministry of Home Affairs

Shri J. M. Lalvani, *Joint Secretary*

Shri B. Shukla, *Deputy Secretary*

SECRETARIAT

Shri S. S. Bhalerao, *Joint Secretary*

Shri S. P. Ganguly, *Deputy Secretary*

Shri Kishan Singh, *Under Secretary*

2. The Committee resumed clause-by-clause consideration of the Bill.

CLAUSE 7

The clause was adopted subject to the following amendments:—

- (i) Page 3, insert the following at the beginning of sub-clause (1):—
“Notwithstanding anything contained in this Act.”
- (ii) Page 4, line 2, for the word “vesting” substitute “vested”.
- (iii) Page 4, for lines 14—16, substitute “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”.

NEW CLAUSE 7A

The consideration of the new clause given notice of by Shri A. P. Jain was held over.

CLAUSE 8.

The clause was adopted subject to the substitution of the words "any proceedings" for "an action".

CLAUSE 9

The clause was adopted without any change.

CLAUSE 10

The clause was adopted without any change.

CLAUSE 11

The clause was adopted without any change.

During the discussion on the clause, the Committee decided that the provisions of the Bill should not apply to *Nyaya Panchayats*. The Legislative Counsel was accordingly asked to submit a suitable draft in the matter for the consideration of the Committee.

CLAUSE 12

The Committee decided that an Explanation should be added to the proviso to sub-clause (1) of the clause to provide that an apology may not be rejected merely on the ground that it was qualified or conditional. The Legislative Counsel was asked to submit a suitable draft for the purpose.

The Committee also decided to consider the new sub-clauses (3) & (4) suggested by Shri N. K. Shejwalkar (Amendment No. 97 in the Second Consolidated List) when they would discuss clause 19 of the Bill.

CLAUSE 13

The clause was adopted subject to the following amendments:—

(i) The marginal heading was substituted by the following:—

"Contempts not punishable in certain cases."

(ii) Page 5, for lines 17-18, substitute "such a nature that it substantially interferes, or tends substantially to interfere, with the due course of justice".

NEW CLAUSE 13A

The following new clause was added:—

"13A. No court shall initiate any proceeding for contempt, either of its own or otherwise, after a year of the committal of contempt."

The Legislative Counsel was authorised to make drafting changes in the clause, if necessary.

CLAUSE 14

The following amendments were accepted:—

(i) Page 5, lines 23-24, for the words "at any time convenient to it", substitute "on the next following working day".

The Legislative Counsel was authorised to make drafting change in the amendment, if necessary.

- (ii) Page 5, line 25, for the word "orally" substitute "in writing".
- (iii) Page 6, delete lines 3 and 4 and the words "should be allowed" in line 5.
- (iv) Page 6, line 23, delete the words "by him".
- (v) Page 6, after line 26, insert the following:—

"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".

The clause, as amended, was adopted.

3. The Committee then adjourned at 1-30 P.M. to meet again at 9-15 P.M. on Thursday, the 29th January, 1970.

XXV

TWENTY-FIFTH MEETING

The Committee met at 10-00 A.M. on Thursday, the 29th January, 1970.

PRESENT

MEMBERS

1. Shri M. P. Bhargava—*Chairman*
Rajya Sabha
2. Shri S. N. Mishra
3. Shri A. P. Jain
4. Shri M. Srinivasa Reddy
5. Shri Muhammad Ishaque
6. Shri Sukhdev Prasad
7. Shrimati Vimal Punjab Deshmukh
8. Shrimati Yashoda Reddy
9. Shri N. K. Shejwalkar
10. Shri Bhupesh Gupta

Lok Sabha

11. Shri Nathu Ram Ahirwar
12. Shri R. D. Bhandare
13. Shri Ram Dhani Das
14. Shri Shri Chand Goyal
15. Shri J. N. Hazarika
16. Shri Ghayoor Ali Khan
17. Shri V. Viswanatha Menon
18. Shri Bhaljibhai Ravjibhai Parmar
19. Chaudhuri Randhir Singh
20. Dr. Sisir Kumar Saha
21. Shri Vidya Charan Shukla
22. Shri S. M. Siddayya.

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

Shri K. K. Sundaram, *Joint Secretary and Legislative Counsel*

*Ministry of Home Affairs*Shri J. M. Lalvani, *Joint Secretary*Shri B. Shukla, *Deputy Secretary*

SECRETARIAT

Shri S. S. Bhalerao, *Joint Secretary*Shri S. P. Ganguly, *Deputy Secretary*Shri Kishan Singh, *Under Secretary*

2. The Committee resumed clause-by-clause consideration of the Bill.

CLAUSE 15

The following amendments were accepted:—

- (i) Page 6, line 35, for the words "on a motion made by the Advocate-General", substitute "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."
- (ii) Page 7, line 6, for the words "the State", substitute "the State or any of the States for which the High Court has been established".

The clause, as amended, was adopted.

NEW CLAUSE 15A

The following new clause was added:—

- "15A (1) The Presiding Officer of a Court shall also be liable for contempt of any other Court or of his own Court, in the same manner as any other individual is liable, and the procedure for trying such contempt shall as far as be the same as laid down in sections 14 and 15 of this Act.
- (2) Nothing in this section shall apply to any observations or remarks made by the Presiding Officer regarding a subordinate Court in an appeal or revision pending before it against the order of judgment of the subordinate Court".

CLAUSE 16

The clause was adopted without any change.

CLAUSE 17

The clause was adopted subject to the substitution of the words, figure and brackets "sub-section (1)" for "this section" in sub-clause (2).

CLAUSE 18

The following amendments were accepted:—

- (i) Page 8, line 18, for the words "purged himself of the contempt" substitute "purged his contempt".
- (ii) Page 8, line 25, for the word "twenty" substitute "thirty".
- (iii) Page 8, lines 26-27, delete the words "a period of".

The clause, as amended, was adopted.

CLAUSE 19

The following amendment was accepted:—

At page 9, for sub-clause (2) substitute the following:—

“(2) 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 the 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.

(3) Notwithstanding anything contained in sub-section (2), 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 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 (2) and (3),—

(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.”.

The clause, as amended, was adopted.

The Legislative Counsel was, however, authorised to insert the provisions of the clause at a more appropriate place in the Bill; if considered necessary.

NEW CLAUSE 19A

The following new clause was added:—

“19A. *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 court”.

CLAUSES 20-21

The clauses were adopted without any change.

3. After some discussion, the Committee appointed a sub-committee consisting of the following members to consider the held-over clauses of the Bill including the amendments suggested to them and to report to the Joint Committee their recommendations in the matter:—

1. Shri M. P. Bhargava—*Chairman*
2. Shri S. N. Mishra
3. Shri A. P. Jain

4. Shri Bhupesh Gupta
5. Shri R. D. Bhandare
6. Shri Shri Chand Goyal
7. Shri Vidya Charan Shukla

The Chairman informed the Committee that the sub-committee would meet at 11-00 A.M. on the 30th January, 1970, for considering the work allotted to them.

4. The Committee decided to meet at 12-30 P.M. or half an hour after the rising of the Houses of Parliament whichever is later on Friday, the 20th February, 1970, to consider the report of the sub-committee and take final decision on the said held over clauses.

5. The Committee then adjourned at 12-20 P.M.

XXVI

TWENTY-SIXTH MEETING

The Committee met at 1-55 P.M. on Friday, the 20th February, 1970.

PRESENT

MEMBERS

1. Shri M. P. Bhargava—*Chairman*
- Rajya Sabha*
2. Shri S. N. Mishra
 3. Shri Sukhdev Prasad
 4. Shrimati Yashoda Reddy
 5. Shri C. L. Varma
 6. Shri N. K. Shejwalkar
 7. Shri Bhupesh Gupta
 8. Shri D. L. Sen Gupta
 9. Shri J. S. Tilak
 10. Shri K. S. Ramaswamy

Lok Sabha

11. Shri Y. B. Chavan
12. Shri Shri Chand Goyal
13. Shri Ghayoor Ali Khan
14. Shri V. Viswanatha Menon
15. Shri Pilloo Mody
16. Shri K. K. Nayar
17. Shri Bhaljibhai Ravjibhai Parmar
18. Shri Vidya Charan Shukla
19. Shri S. M. Siddayya

REPRESENTATIVES OF THE MINISTRIES

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Shri B. Shukla, *Deputy Secretary*

SECRETARIAT

Shri S. S. Bhalerao, *Joint Secretary*
 Shri S. P. Ganguly, *Deputy Secretary*
 Shri Kishan Singh, *Under Secretary*

2. The Report of the Sub-Committee of the Joint Committee on the Contempt of Courts Bill, 1968, was presented to the Joint Committee.

3. The Committee took up consideration of clauses held-over by the Committee in the light of amendments suggested thereto by the Sub-Committee.

CLAUSE 3

The following amendments were accepted:—

(i) A new sub-clause was added:—

“(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.”

(ii) The explanation to the clause was adopted in the following revised form:—

“*Explanation.*—For the purposes of this section, a judicial proceeding—

(a) is said to be pending—

(A) 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 Code of Criminal Procedure, 1898, or any other law—

(i) 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

(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;

(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.”

The clause, as further amended was adopted.

CLAUSE 4

The clause adopted without any change.

CLAUSE 6

The clause was adopted subject to the following amendment:—

“For the words “subordinate to a High Court to that High Court”, substitute “to a higher court (not being the Supreme Court) to which it is subordinate”.

CLAUSE 12

The following explanation was added to sub-clause (1):—

“*Explanation.*—An apology shall not be rejected merely on the ground that it is qualified or conditional if the accused makes it *bona fide*.”

The clause, as further amended, was adopted.

CLAUSE 14

Sub-clause (1) as amended earlier was reconsidered and the following amendment was accepted therein:—

For the original words “at any time convenient to it” substitute “as early as possible”.

NEW CLAUSE 20

The clause which was adopted earlier as Clause 13A was reconsidered and adopted in the following revised form:—

“*Limitation for action for contempt.*—20. No court shall initiate any proceedings for 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.”

NEW CLAUSE 21

The following new clause was adopted:—

“21. *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.”

CLAUSE 1, THE ENACTING FORMULA AND THE TITLE

The Committee also took up for consideration Clause 1, the Enacting Formula and the Title and adopted the same subject to the following amendments:—

- (i) Page 1, line 3, for the figure “1968” substitute “1970”.
- (ii) Page 1, line 1, for the word “Nineteenth” substitute “Twenty-first”.

4. The Committee took up consideration of the draft Report and the Bill, as amended, and adopted the same with changes necessitated by amendments accepted in the preceding paragraphs.

5. The Committee decided that the whole of the evidence tendered before them may be laid on the Table in both the Houses.

6. The Committee decided that the Minutes of Dissent, if any, may be sent so as to reach the Rajya Sabha Secretariat by 10-30 A.M. on Monday, the 23rd February, 1970.

7. The Committee authorised the Chairman or, in his absence, Shri S. N. Mishra to present the Report on their behalf and to lay the evidence on the Table of the Rajya Sabha after the presentation of the Report.

8. The Chairman announced that the Report would be presented to the Rajya Sabha on Monday, the 23rd February, 1970 and that the Evidence would also be laid on the Table on the same day.

9. The Committee also authorised Shri Shri Chand Goyal or, in his absence Shri Pilo Mody to lay the Report of the Committee and the evidence on the Table of the Lok Sabha on Monday, the 23rd February, 1970.

10. The Committee then adjourned at 2-15 P.M.