

(2003) 09 AHC CK 0323
In the Allahabad High Court
Case No : Contempt Appeal No. 8 of 2003

Kunwar Narendra Narain Singh	Vs	APPELLANT
Vishveshwar Mathur		RESPONDENT

Date of Decision : 09-09-2003

Acts Referred:

Contempt of Courts Act, 1971 — Section 19

Citation : (2003) 3 ACR 2733

Hon'ble Judges : U. Pandey, J; M. Katju, J

Bench : Division Bench

Advocate : B.N. Singh, for the Appellant; K.C. Shukla, for the Respondent

Judgement

M. Katju, J.—Heard Sri B. N. Singh, learned Counsel for the Appellant and Sri K. C. Shukla for the Respondent.

2. This appeal has been filed u/s 19 of the Contempt of Courts Act against the orders dated 19.8.2003 and 1.9.2003 passed by the learned single Judge of this Court in Contempt Case No. 1997 of 2003 by which the contemnor Kunwar Narendra Narain Singh, Director, Small Industries Service Institute, Naini, Allahabad has been directed to be personally present in this Court by the learned single Judge.

3. With profound respect to the learned single Judge, we are of the opinion that the power to summon officials in contempt of Court petitions should only be exercised in rare and extreme cases and should not be so readily exercised by this Court. This Court has got tremendous powers, but the beauty lies in not exercising those powers. This Court should not have ego problems. It does not have to show the world that it has got great powers (though undoubtedly it does). In fact by showing humility and self-restraint, this Court enhances its prestige and dignity among the public.

4. As Lord Denning said in *Rex v. Commissioner of Police of the Metropolis* (1968) 2 QB 150:

Let me say at once that we will never use this jurisdiction as a means to uphold our own dignity. That must rest on surer foundations. Nor will we use it to suppress those who speak against us. We do not fear criticism, nor do we resent it. For there is something far more important at stake. It is no less than freedom of speech itself.

It is the right of every man, in Parliament or out of it, in the press or over the broadcast, to make fair comment, even outspoken comment, on matters of public interest. Those who comment can deal faithfully with all that is done in a Court of justice. They can say that we are mistaken, and our decisions erroneous, whether they are subject to appeal or not. All we would ask is that those who criticize us will remember that, from the nature of our office, we cannot reply to their criticisms. We cannot enter into public controversy. Still less into political controversy. We must rely on our conduct itself to be its own vindication.

5. Thus, the dignity of the Court is maintained when it inspires the confidence and respect of the public, and not by putting people in fear of contempt.

6. We may here refer to an episode from the Ramayan. When Lord Shiv's bow was broken by Rama, Parashuram appeared on the scene (in Raja Janak's darbar) and threatened to punish the person responsible. Lord Rama, who was the elder brother bowed down before Parashuram, with folded hands and showed great humility, while his younger brother Laxman challenged Parashuram to a fight. Thus, Lord Rama, being senior in age, showed humility and maturity, while Laxman, being younger did not.

7. Now Lord Rama had the power to destroy Parashuram (and indeed thousands and millions of Parashurams) in no time. But he did not exercise that power, and instead stood with folded hands before Parashuram and kept apologizing profusely. This shows that the more powerful a man becomes, the more humble he should become, and exercise greater self-restraint.

8. It must be realised that many of these official who are often summoned to be present in court are extremely busy persons, e.g., the Chief Secretary, Secretaries to the Government etc. The Government is really run by such persons, and every minute of their time is precious. Summoning them unnecessarily interferes with the performance of their duties and is not proper or desirable.

9. Similarly, we see no reason why Kunwar Narendra Narain Singh, Director, Small Industries Service Institute, Naini, Allahabad was required to be personally present in this Court. We, therefore, set-aside the order directing him to be personally present in Court.

10. We may further state that Rule 6 of Chapter XXXV-F of the High Court Rules provides that when a notice is issued to a Respondent in a contempt petition, the notice requires the person concerned to appear in person before the Court unless

otherwise ordered.

11. What often happens in this Court is that notices are often readily issued to a large number of contemnors in contempt of Court petitions and all of them have to appear in person when often their personal presence is wholly unnecessary. For example, if the Court orders a representation to be decided by some subordinate officer (say, the S.D.M. or A.D.M.) and if he does not decide it within the time specified, often a contempt of Court petition is filed in this Court making a large number of officials, including some senior officials who have nothing to do with the matter, as Respondents, and very often notices are issued to all these Respondents. The result is that often the Chief Secretary U.P. or a Secretary of the U.P. Government, or other senior official has to be present before the Court although they have nothing to do with the disposal of that representation. This surely does not enhance the dignity and prestige of this Court.

12. The time has come when this practice must be stopped. Of course, if it becomes absolutely necessary for this Court to order the personal presence of an officer, it can do so, but that should be done only in rare and extreme cases. This Court does not have to show to the World that it has power to send people to jail in contempt of Court proceedings. In contempt matters, the Court must observe humility and self-restraint. We, therefore, quash the impugned order to the extent it directs personal presence of Kunwar Narendra Narain Singh, and we direct that in future personal presence of a contemnor before the Court will not be necessary unless specifically directed by the Court, and such direction should only be given in rare and exceptional cases.

13. No doubt we are giving a strained interpretation of Rule 6, Chapter XXXV-E of the High Court Rules, but, in our opinion, this is an interpretation which should be adopted in the interest of justice and propriety and indeed the dignity of this Court. Maxwell, too, permits such strained interpretation in exceptional cases (see Maxwell's Interpretation of Statutes vide Chapter on "Exceptional Construction").

14. With these observations, this appeal is allowed.