
(1992) 02 AP CK 0043

In the Andhra Pradesh High Court

Case No : Contempt Case No. 84 of 1992

Puskuru Kishore Rao

APPELLANT

Vs

N. Janardhana Reddy and Others

RESPONDENT

Date of Decision : 19-02-1992

Acts Referred:

Constitution of India, 1950 — Article 31

Contempt of Courts Act, 1971 — Section 15, 15(1), 2

Citation : (1993) CriLJ 115

Hon'ble Judges : Neeladri Rao, J;M.N. Rao, J

Bench : Division Bench

Advocate : G. Suryam, for the Appellant; None, for the Respondent

Judgement

M.N. Rao, J.—Shri N. Janardhana Reddy, Hon"ble Chief Minister of the State of Andhra Pradesh, the first respondent herein, delivered a speech at the inaugural function of the Andhra Pradesh Judicial Academy in Secunderabad on 28-7-1991. The following is the relevant portion of speech as reported in the Hindu dated 29-7-1991 :

"Sometimes, the Chief Minister said, the judiciary was becoming an obstacle in the economic progress of the State by pronouncing arbitrary judgments in cases involving payment of compensation to the land acquired by Government for irrigation and other projects. In some cases, they were raising the compensation rate by 200 per cent (and in one case, it was 1500 times more). All this resulted in 70 per cent of the cost of the irrigation projects being spent on payment of compensations to land owners. Unfortunately, the land owners were also not getting this increased compensation as they had to shell out half of this amount to their lawyers. This had to be checked and Government should be helped in implementing more projects which would contribute to the economic growth of the State."

2. The petitioner herein, a practising advocate at Godavari Khani, Karimnagar District, on reading the speech of the Hon"ble Chief Minister as reported in the

newspapers, made an application to the Advocate General u/s 15(1)(b) of the Contempt of Courts Act, 1971 seeking his consent to initiate criminal contempt proceedings. That request was rejected by the Advocate General by his letter dated 12-9-1991 inter alia observing :

"The alleged words of contempt were admittedly uttered in the presence of the Chief Justice and other Judges, who apparently did not understand these remarks as reflecting in any manner on the conduct of the judiciary or as otherwise denigrating it. The incident occurred quite some time ago and evoked no particular indignation in any section of the public. I am not satisfied in the circumstances that there is any warrant for instituting any proceedings for criminal contempt."

3. The present contempt case was, therefore, filed by the petitioner u/s 15 of the Contempt of Courts Act, 1971 praying that this Court may take cognizance of criminal contempt against the first respondent and punish him.

4. In the affidavit filed in support of the case, it is averred by the petitioner that on a reading of the speech delivered by the first respondent as published in the newspapers "would definitely lead to the only conclusion that the Chief Minister was bent upon to launch scathing criticism against the judiciary, by virtue of which he has not only tarnished the image of the judiciary but also brought down the reputation of the judiciary". By stating that the judiciary at times is becoming an obstacle in the economic progress of the State by pronouncing arbitrary judgments involving payment of compensation to the land acquired by the Government for irrigation and other projects by hiking the compensation by 200 per cent,

"the Hon'ble Chief Minister has interfered with the functioning of the judiciary."

It is also alleged that the Chief Minister committed contempt of the Judiciary by,

"scandalising and lowering the authority of the judiciary. The statement also prejudices or tends to interfere and obstruct the judicial process, proceedings and the administration of justice The speech made by Sri N. Janardhana Reddy, Chief Minister of Andhra Pradesh did bring the administration of justice into disrepute or impair administration of justice."

5. Shri Ravindranath, learned counsel for the petitioner submits that the petitioner being an young advocate interested in upholding the high traditions of the judiciary, its independence and prestige was very much upset at the speech made by the first respondent. Any member of the public who reads the speech will lose faith in the judiciary as the Chief Minister himself has described it as an institution pronouncing arbitrary judgments blocking the economic progress of the State.

6. We are satisfied that this is not a fit case for admission. The speech of the Chief Minister was delivered at the inaugural function of the Andhra Pradesh Judicial Academy; it was not a public meeting but the persons present there were

all special invitees - Judges, lawyers and senior officials. In the context of inaugurating an institution intended to impart training for judicial officers, we feel that it is not inappropriate for the Head of the Government to advert to the functioning of the judicial system in his speech. The occasion was also intended to have introspection as to how the system has been functioning. What the Chief Minister said may or may not be correct - whether any arbitrary judgments were delivered by the judiciary and as a result of awarding higher rate of compensation in favour of landlords economic welfare measures received a set back. That was a general statement bereft of details. Even if it is true that because of enhancement in the compensation amounts awarded by the civil courts the Government was not able to allot sufficient funds for welfare measures, we are inclined to think, it would not amount to scandalizing the judiciary nor would it tend to lower the dignity of the institution of the judiciary, much less would it interfere with the administration of justice. It cannot, therefore, be said that the speech of the Chief Minister amounts to criminal contempt within the meaning of Section 2(c) of the Contempt of Courts Act, 1971.

7. This was not the first occasion when a Head of the State Government had chosen to comment about the functioning of the judiciary, nor is the present application the first of its kind in this Court. On 20th January, 1982, the then Chief Minister of the State, while inaugurating Rangareddy District Court, in the presence of the then Chief Justice, the Judges of the High Court, advocates and other invitees, made certain comments about the functioning of the judiciary. A practising advocate, by name Shri V. Rama Rao who was also a Member of the Legislative Council, moved this Courts Act to punish the then Chief Minister for criminal contempt. A Division Bench of this Court dealt with that case, V. Rama Rao v. T. Anjaiah 1982 (1) ALT 181 : (1982 Cri LJ 1429). The comments made against the functioning of the judiciary by the 1st respondent therein, the then Chief Minister, inter alia, are as under :

"(ii) That the 1st respondent requested the Judges to,

(a) consider before granting stays whenever a public cause was involved adding that if the judiciary helped to this extent, Government was prepared to allocate additional funds for Judges' houses and other facilities.

(b) and (c)

(d) the 1st respondent said that he was quite often pained to learn that courts have set free anti-social elements on flimsy grounds and remarked that a notorious criminal detained under the N.S.A., was released by the High Court on the ground that the detention order was written in a language not understood by the detainee.

(e)

(iii)(a) The 1st respondent is reported to have also appealed that Courts should

not interfere frequently with social welfare programmes adding that due to orders of stay, and the like being issued by the courts, Government is unable to complete its developmental activities as speedily as desired.

(b) that by releasing rowdies, there is every possibility of considerable danger to the society and so courts should not consider the language in which the detention order is written.

(c)

While negating the contention that the remarks of the then Chief Minister amounted to Contempt of Court, the Division Bench observed :

"6. The statements in paras (ii) and (iii) amount to an expression of opinion of the difficulties faced by the executive in the implementation of socio-economic policies and collection of revenue on account of orders to stay, if liberally granted by the courts. This statement further refers to the difficulties in the maintenance of law and order if rowdi elements and other detenus were released on untenable grounds. We do not think the aforesaid statements either taken individually or cumulatively, lowers or tends to lower the authority of any court, or interfere or tends to interfere with, or obstructs or tends to obstruct the administration of justice in any other manner. The statements do not at all question the impartiality and integrity of the judiciary and at best, it may amount to a fair criticism of the judicial administration."

The Division Bench took note of the fact that the contempt jurisdiction would not be exercised upon a mere question of propriety or comments made in good faith in private or public. The Division Bench expressed agreement with the test laid down in *Emperor v. V. B. Kolte*, AIR 1941 Nag 241. The Division Bench also expressed its agreement with the following view taken by the Delhi High Court in *Uma Dutt Vs. R.K. Sardana*, :

2. "Contempt of court is a summary and a drastic process which the High Court is very slow to resort to, except in cases of gross affront to the dignity of the court or in cases where the judicial process has been sought intentionally to be seriously interfered with illegally. It is resorted to only in the interest of the sanctity of the judicial process and the dignity and majesty of the court of justice."

The statement of law laid down by the Supreme Court in *Rustom Cowasjee Cooper Vs. Union of India (UOI)*, , that fair and temperate criticism may not be actionable but attributing improper motives or tending to bring Judges or courts into hatred amounts to contempt was followed by the Division Bench.

8. In *P.N. Dua Vs. P. Shiv Shanker and Others*, , certain remarks made by Shri P. Shiv Shanker, the then Minister for Law, Justice and Company Affairs on November 28, 1987 at a meeting of the Bar Council of Hyderabad amounted to criminal contempt came up for consideration before the Supreme Court. In his speech, Shri Shiv Shankar stated :

"The Supreme Court composed of the element from the elite class had their unconcealed sympathy for the haves i.e., the Zamindars. As a result, they interpreted the word "compensation" in Article 31 contrary to the spirit and the intendment of the Constitution and ruled the compensation must represent the price which a willing seller is prepared to accept from a willing buyer. The entire programme of Zamindari abolition suffered a set back. The Constitution had to be amended by the 1st, 14th and 17th Amendments to remove this oligarchic approach of the Supreme Court with little or no help. Ultimately this rigid reactionary and traditional outlook of property, led to the abolition of property as a fundamental right."

Rejecting the contention that the above statement made by Shri Shiv Shankar amounted to criminal contempt, the Supreme Court speaking through Mukharji, J. (as he then was) held :

"In the speech as we have set out hereinbefore it appears that Shri P. Shiv Shankar was making a study of the attitude of this Court. In the portion set out hereinbefore, it was stated that the Supreme Court was composed of the element from the elite class. Whether it is factually correct or not is another matter. In our public life, where the champions of the down-trodden and the politicians are mostly from the so-called elite class, if the class composition is analysed, it may reveal interesting factors as to whether elite class is dominant as the champions of the oppressed or of social legislations and the same is the position in the judiciary. But the Minister went on to say that because the Judges had their "unconcealed sympathy for the haves" they interpreted the expression "compensation" in the manner they did. The expression "unconcealed" is unfortunate. But this is also an expression of opinion about an institutional pattern. Then the Minister went on to say that because of this the word "compensation" in Article 31 was interpreted contrary to the spirit and the intendment of the Constitution. The Constitution therefore had to be amended by the 1st, 14th and 17th Amendments to remove this "oligarchic" approach of the Supreme Court with little or no help. The intention of the decisions of this Court and the constitutional amendments have been viewed by the Minister in his speech, but that is nothing new. This by itself does not affect the administration of justice. On the other hand, such a study perhaps is important for the understanding of the evolution of the constitutional development."

9. We are satisfied, after giving our due consideration to the facts and circumstances of the case, that the speech of the first respondent, the Chief Minister, on 28-7-1991 does not amount to criminal contempt of court.

10. The criminal contempt case is, therefore, dismissed at the admission stage.

11. Application dismissed.