

# **FREEDOM OF SPEECH & EXPRESSION VIS-À-VIS CONTEMPT OF COURT IN 21<sup>ST</sup> CENTURY**

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## **Abstract**

When the court uses the contempt power, it does not do so to rationalize the majesty and reputation of the individual judge who is individually harassed or dismayed, but to sustain the magnificence of the law and of the administration of justice. The basis of the judiciary is the faith and the assurance of the persons in its capability to convey courageous and unbiased justice. When the basis itself is stunned by works which tend to generate disaffection and disrespect for the power of the court by creating disbelief in its working, the creation of the judicial system gets battered.

The courts are trusted with the extra-ordinary power of penalizing those who indulge in acts whether inside or outside the courts, which tend to weaken their authority and bring them in disgrace and disregard by scandalising them and obstructing them from discharging their duties without fear or favour. No doubt, that while applying the right of fair criticism under Article 19(1) of constitution of India, if a person genuinely exceeds the right in the public interest, the Court would be slow in using the contempt jurisdiction and will demonstrate nobility. However, when such a statement is intended in order to hurt the picture of judiciary, the Court would not remain a quiet viewer.

Therefore, A track record of contemners can be preserved. Those who commit contempt of courts instantly while exercising their right of freedom of speech should be dealt with a no punishment in the first instance. But the habitual offenders who do Contempt Act intentionally to undermine the majesty of courts should be properly punished.

**Keywords:** Criticism, Scandalous, Judiciary, Duty, Function etc.

## 1. Introduction

Contempt of court is an offense towards the court, a person could be found in the contempt proceedings, if intentionally an action of disobedience has been portraited against the court of law. This law of contempt has been inherited to our land from the England law, certainly the proceedings of contempt were brought to action in the enslaved India, by the very law created in the established boundaries of the parliament of England (which now commonly known as Great Britain), the reason India adopted this law after its freedom from colonialism that the representatives in the Constituent Assembly believed in certain restrictions upon the individuals' right to speech and expression.

If proceedings in contempt with regard to criticism of the judge are taken, the question which the court has to enquire is whether the criticism is of the judge as a judge of the court or it is the criticism of the judge individual personality.

The Court has no power to penalize for contempt if the criticism of the judge is as a person and he/she will be left to find personal solutions. In cases of contempt of court, the Court will continue to implement the authority and control with conscientious care. If the criticism is against the Chief Justice of India as a person and not as a Chief Justice of India of the Apex Court of India and as such, the actions of Contempt of Court would not be reasonable.

The Courts should be eager to overlook, by a royal tolerance, trivial and venial wrongdoings. Expression of thought with Freedom if reasonably used, sub serve public attention in logical measure, civic justice cannot choke it or chain it.

In the case titled "*P.N. Duda vs. P. Shiv Shanker & Others*<sup>1</sup>", the then Minister of Law, Justice and Company Affairs P. Shiv Shankar had made a speech making ferocious accusation to the effect, that the "Supreme Court was combined of elements from the privileged groups, that because they had their 'unconcealed kindness for the haves'. Court held that said was a belief about an institutional model. It was held that even in spite of such serious accusation the case for contempt was not made out.

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<sup>1</sup> (1988) 3 SCC 167

## 2. Contempt of Court<sup>2</sup>

The basis of authority of Supreme Court for continuing for an act of contempt is provided Article 129 of Constitution of India. That authority of Apex Court of India to commence contempt is not in some way restricted by the requirements of the Contempt of Courts Act, 1971. The Court is vested with the legitimate constitutional control to deal with the contempt and therefore just Section 15 of contempt of court act is not the basis of the authority to issue notice for contempt. It merely offers the procedure in which such contempt is to be started.

Once the Court takes cognizance, it is uniformly well established, the issue is merely between the Contemnor and the Court. The only requirement is that, the procedure to be pursued is to be fair and just and in accord with the beliefs of natural justice.

In *Pritam Pal v. High Court of Madhya Pradesh*<sup>3</sup>, Jabalpur through Registrar, a two Judge Bench of Supreme Court held as follows:

“Preceding the Contempt of Courts Act, 1971, it was held that the High Court has innate authority to deal with contempt of itself swiftly and to assume its own process, provided that it gives a reasonable and fair chance to the contemnor to shield himself. But the process has now been approved by Section 15 of the Act in exercise of the powers conferred by Entry 14, List III of the Seventh Schedule of the Constitution. Though the contempt jurisdiction of the Supreme Court and the High Court can be regulated by legislation by appropriate Legislature under Entry 77 of List I and Entry 14 of List III in exercise of which the Parliament has enacted the Act of 1971, the contempt jurisdiction of the Supreme Court and the High Court is given a constitutional foundation by declaring to be ‘Courts of Record’ under Articles 129 and 215 of the Constitution and, therefore, the innate power of the Supreme Court and the High Court cannot be taken away by any law short of constitutional amendment.....”

The Contempt of court act laid downs the procedure for the proceedings of the contempt of court. It does not resist court to punish for the contempt of itself<sup>4</sup>. To

<sup>2</sup> G.C.V. Subba Rao, *Commentary on Contempt of Courts Act*, (ALT Publications 4th edn. 1971).

<sup>3</sup> 1992 AIR 904

<sup>4</sup> Kapoor J.D., *Law of Contempt of Court*. (Universal Law Pub. Co., Delhi. 2ne edn. 2007).

understand the abyss of the act, it requires to investigate the provisions of this act, which defines the term contempt of court, ‘contempt of court means civil contempt or criminal contempt’. The definition of the contempt of court can be divided into parts:

1. Civil contempt

2. Criminal contempt

Therefore, both these terms are defined under the act hereinafter:

Civil contempt, means “wilful disobedience to any judgment, decree, direction, order, writ or other process of a court or wilful breach of an understanding given to a court”.

Criminal contempt, means “the publication (whether by words, spoken or written or by signs or by visible representation 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;

ii) Prejudices or interferes or tends to interfere with or obstruct or tends to obstruct, the due course of any judicial Proceeding;

(iii) interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner”

The supreme court and the courts subordinate to it, shall continue as per the provisions of the contempt of court act. The act describes the whole procedure of contempt of court. Interestingly the actions of contempt of court influence the individuals’ freedom granted in the Article 19(1)(a) of the constitution<sup>5</sup>.

### **3. Consent of Attorney General in Contempt Cases**

The respondent, Shri P. Shiv Shiv Shanker, who was an ex- judge & Law Minister of the High Court delivered a speech which was said to be disdainful. A petition was filed by the P. N. Duda who was an advocate but Court declined to begin contempt

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<sup>5</sup> Rajeev Dhavan, “Contempt of Court and the Press” *Indian Law Institute* (1982).

act<sup>6</sup>. It was held that Shri P. Shiv Shanker was not responsible of contempt of Court. Having held so, the Court went on to decide whether the petition could have been considered on behalf of Shri Duda. In the said petition, Shri Duda had written a letter to the Attorney General looking for consent for beginning contempt proceedings against Shri P. Shiv Shanker. A duplicate of the same letter was also posted to the Solicitor General of India. While seeking permission, the petitioner had also stated that the Attorney General may be uncomfortable to give permission for trial of the Law- Minister/Ex-Judge and in view of the said accusation; the Attorney General felt that the trustworthiness and power of the office of the Attorney General was damaged and therefore did not refute or allowed authorization for trial. The Court held that the for commencing contempt proceedings petitioner could not move the Court against the respondent without permission of the Attorney General.

#### **4. Scandalizing the Court**

Scandalizing the court can be done by a publication which attacks on individual judges or the court as a whole with or without reference to particular case, casting unnecessary and offensive aspersions upon the character or aptitude of the judges.

Such a behaviour will have a tendency to generate disbelief in the popular mind and harm the confidence of the people in the courts, which are of major significance to the litigants in the shield of their rights and liberties. Chief Justice Hidayatullah observed that, if the behaviour of a human being tends to bring the ability and administration of the law into disrespect the same would result into scandalising the Court. This conduct consists every act which bring the court into disgrace or which upsets its decorum, offend its magnificence or confronts its power.

#### **5. Hindering the due administration of justice**

In the case of *C. K. Daphtary & Ors. vs. O. P. Gupta & Ors.*<sup>7</sup> Court was dealing with a contempt made under Article 129 of the Constitution by the Bar Association, President and a few other Lawyers. By the said contempt motion, the petitioners had brought to the notice of Court the leaflet published and printed the respondent No.1 (O.P. Gupta) therein, wherein scandalous remarks were made against the judges of

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<sup>6</sup> *P.N. Duda v. P. Shiv Shanker*, (1988) 3 SCC 167

<sup>7</sup> (1971) 1 SCC 626

Supreme Court. It will be relevant to refer to the following observations of Court: “We are unable to concur with him that a scandalous attack on a Judge in respect of a judgment or past conduct has no unpleasant effect on the due supervision of justice. This sort of attack in a country like India has the unavoidable effect of destabilization the confidence of the public in the Judiciary. If confidence in the Judiciary goes, the due administration of justice absolutely suffers.”

It has been evidently held by the Constitution Bench, that an adverse effect on the due administration of justice will be done by the scandalous attack on a judge in respect of a judgment or past conduct. The Constitution Bench has unequivocally hold the contemnor O.P. Gupta responsible for contempt and refused to acknowledge the apology tendered by him after discovering that the apology coupled with fresh abuses can hardly be taken note of. However, taking a compassionate outlook to the case, Court sentenced him to undergo simple imprisonment for 2 months<sup>8</sup>.

In the case of *Pritam Pal vs. High Court of Madhya Pradesh, Jabalpur through Registrar*<sup>9</sup>, Court was considering an appeal filed by an Advocate, who failed in getting a sympathetic judgment in his own case, moved a contempt petition against the judges of the High Court, who had dismissed his petition, therein casting outrageous remarks against their conduct in the discharge of their judicial job which bore reflections on their integrity, sincerity and judicial neutrality. The High Court invoked the jurisdiction under Article 215 of the Constitution had started suo motu proceedings against him and had convicted him for having committed criminal contempt. While dismissing the appeal, Court observed thus:

“The maxim “salus populi suprema lex”, that is “the Wellbeing of the people is the supreme law” sufficiently enunciates the idea of law. This can be achieved only when justice is directed lawfully, judicially, without fear or favour and without being hampered and dissatisfied, and this cannot be effectual unless admiration for it is maintained.

To penalize an advocate for contempt of court, no doubt, must be regarded as an tremendous measure, but to protect the procedures of the courts from being deflected

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<sup>8</sup> M.P. Singh (ed), *Constitution of India*, (Eastern Book Company, Lucknow, 1994).

<sup>9</sup> 1993 Supp (1) SCC 529

with, and to keep the streams of justice pure, serene and undefiled, it becomes the duty of the Court, though painful, to punish the contemnor in order to protect its dignity.”

In the case of *Dr. D.C. Saxena vs. Hon’ble the Chief Justice of India*<sup>10</sup>, a writ petition was filed under Article 32 by way of a Public Interest Litigation making scandalous accusation against the Chief Justice of India. Court observed thus:

“A resident of India is entitled to bring to the notice of the public at large the issues from which any institution including the judiciary is going through. Indeed, the right to tender healthy and constructive criticism which is fair in spirit must be left unimpaired in the interest of the organization itself. Critics are instruments of reform but not those actuated by malice but those who are enthused by public weal. Bona fide criticism of any system or institution including the judiciary is meant at inducing the administration of the system or institution to look inward and improve its public image.”

It has been held, that a citizen is at liberty to bring to the notice of the public at large the issues from which any institution including judiciary suffers from and constructive public criticism even if it slightly oversteps its limits thus has productive play in preserving democratic health of public institutions<sup>11</sup>.

The Constitution Bench of Supreme Court in the case of *Supreme Court Bar Association vs. Union of India and another*<sup>12</sup>, held thus:

“The contempt of court is a particular jurisdiction to be exercised carefully and with care whenever an act unfavourably affects the management of justice or which tends to obstruct its path or tends to tremble public belief in the judicial institutions. This jurisdiction may be exercised when the act complained of unfavourably affects the magnificence of law. The purpose of contempt jurisdiction is to sustain the majesty and dignity of the courts of law. In the broad interest of the society, it is very important that the power of courts should not be put in danger and there should be no unwarrantable meddling in the administration of justice.”

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<sup>10</sup> (1996) 5 SCC 216

<sup>11</sup> Cyrus Das and K. Chandra “Judges and Judicial Accountability” *Universal Law Pub. Co* (2005).

<sup>12</sup> (1998) 4 SCC 409

The observations of the Constitution Bench reiterate that the contempt jurisdiction, which is an extraordinary jurisdiction has to be implemented carefully and with vigilance, whenever an act unfavourably affects the management of justice or which tends to obstruct its course or tends to tremble community confidence in the judicial institutions. It has been repeated, that no such act can be legalized, which may have the propensity to tremble the community assurance in the fairness and impartiality of the management of justice<sup>13</sup>.

## 6. Position in United States of America<sup>14</sup>

The right to condemn has come into disagreement with contempt of court on plentiful occasions in USA. Justice Black in *Bridges v. California*<sup>15</sup> upheld and applied the obvious and current danger doctrine devised by the court in *Schenck v. U.S.*<sup>16</sup>. This rule implies, that to comprise contempt the publication or statement must be of such a nature that it has incredible potential to interface with the management of justice. Mere 'reasonable tendency' or 'inherent tendency' would not be sufficient.

In United States though the courts have held that the distinction between the civil and criminal contempt is hazy, formally the two kinds of contempt are distinguished. This becomes evident from the observations of US Supreme Court in *Maggio v. Zetiz*,<sup>17</sup> wherein it was observed that "A major factor in determining whether a contempt is civil or criminal is the purpose for which the power is exercised. Where the primary purpose is to preserve the courts authority and to punish for disobedience of its orders, the contempt is criminal. Where the primary purpose is to provide a remedy for an injured suitor and to coerce compliance with an order, the contempt is civil."

Oswald has distinguished the two contempt's in the sense that where the contempt involves a public injury, it is criminal in nature, and the proper remedy is committal-but where the contempt involves a private injury only it is not criminal in its nature.

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<sup>13</sup> Varma B.R., *The Law of Contempt of Court* (N.M. Tripathi, Bombay 1986).

<sup>14</sup> American Jurisprudence, 2nd edn. (1975) The Lawyers Cooperative Publishing Co., Rochester, New York & Bancroft -Whitney Co., San Francisco, California

<sup>15</sup> 314 US 252 (1941).

<sup>16</sup> 249 US 47 at 52

<sup>17</sup> 333 US 56.



## 7. Freedom of Speech and Expression<sup>18</sup>

The growth of the jurisprudence in shielding the medium for expression can be traced to the case of *Indian Express v. Union of India*<sup>19</sup>, wherein Supreme Court had recognized that the liberty of print media is covered under the freedom of speech and expression.

In *Odyssey Communications Pvt. Ltd. v. Lokvidayan Sanghatana*<sup>20</sup>, it was held that the right of people to display films on Doordarshan is subject to the conditions to be forced by the Doordarshan, is a element of the fundamental right of freedom of expression defined Under Article 19(1)(a), which can be limited only under circumstances set out Under Article 19(2). Further, Supreme Court expanded this shield to the utilization of airwaves in the case of *Secretary, Ministry of Information & Broadcasting, Government of India*<sup>21</sup>. Supreme Court in a catena of judgments has recognized free speech as a fundamental right, and, as technology has evolved, has recognized the freedom of speech and expression over different media of expression.

It is well established that a resident of India while exercising right under Article 19(1) of constitution of India is allowed to make a bona fide criticism of a judge and the courts in India and their functioning. However, the right under Article 19(1) is subject to constraint under clause (2) of Article 19. An effort has to be made to correctly stabilise the right under Article 19(1) and the reasonable restriction under Article 19(2). If a resident of India while exercising his right under Article 19(1) surpass the confines and makes a statement, which tends to outrage the judges and establishments of management of justice, such an act would come in the scope of contempt of court. If a citizen makes a announcement which tends to weaken the dignity and authority of Court, the same would come in the ambit of ‘criminal contempt’. When such a statement tends to tremble the community self-belief in the legal establishments, the same would also come within the ambit of ‘criminal contempt’.

There is no denying the fact that when a statement is made against a judge as a person, the contempt jurisdiction would not be available. However, when the

<sup>18</sup> Denning, Lord, *Landmarks in the Law, Part 10 — Freedom of Press*, 1st Indian Report (1993) Aditya Books Pvt. Ltd., New Delhi at pp. 281-304.

<sup>19</sup> MANU/SC/0406/1984: (1985) 1 SCC 641

<sup>20</sup> MANU/SC/0350/1988: (1988) 3 SCC 410

<sup>21</sup> MANU/SC/0246/1995

statement is made against a judge as a judge and which has an unfavourable consequence in the management of justice, the Court would surely be at liberty to raise the contempt jurisdiction. No doubt, that while applying the right of fair criticism under Article 19(1), if a person genuinely exceeds the right in the public interest, the Court would be slow in using the contempt jurisdiction and will demonstrate nobility. However, when such a statement is intended in order to hurt the picture of judiciary, the Court would not remain a quiet viewer. When the ability of Supreme Court is itself under attack, the Court would not be a bystander.

Expression through the social media/web pages has achieved modern significance and is one of the main ways of information dissemination. Therefore, the freedom of speech and expression through the means of internet is an essential part of Article 19(1)(a) and for that reason, any constraint on the identical issue must be in accordance with Article 19(2)<sup>22</sup> of the Constitution.

### **8. Rule of law is the basis of a Democratic Society**

In a democratic system the rule of law is the basis. The rule of law is protected by the judiciary. Hence judiciary is not only the 3rd pillar, but the main pillar of the democratic State. In a democratic system like ours, where there is a written Constitution which is over and above all individuals and institutions and where the power of judicial review is vested in the superior courts, the judiciary has an extraordinary and additional duty to perform, viz., to supervise that all individuals and institutions including the executive and the legislature act within the framework of not only the law but also the fundamental law of the land.

This duty is apart from the function of adjudicating the disputes between the parties which is necessary to peaceful and orderly development of the society. If the judiciary

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<sup>22</sup> (i) Restriction on freedom of speech and expression may include cases of prohibition. (ii) There should not be excessive burden on free speech even if a complete prohibition is imposed, and the government has to justify imposition of such prohibition and explain as to why lesser alternatives would be inadequate. (iii) Whether a restriction amounts to a complete prohibition is a question of fact, which is required to be determined by the Court with regard to the facts and circumstances of each case. [refer to State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat, MANU/SC/1352/2005: (2005) 8 SCC 534].

is to carry out its duties and function efficiently and remain true to the strength with which they are sacredly entrusted to it, the decorum and authority of the courts have to be appreciated and protected at all costs. Otherwise, the very foundation stone of our constitutional scheme will give way and with it will vanish the rule of law and the civilized life in the society. It is for this purpose that the courts are trusted with the extraordinary power of punishing those who indulge in acts whether inside or outside the courts, which tend to weaken their authority and bring them in disgrace and disregard by outraging them and hindering them from discharge their duties without fear or favour.

When the court uses the contempt power, it does not do so to rationalize the majesty and reputation of the individual judge who is individually harassed or dismayed, but to sustain the magnificence of the law and of the administration of justice. The basis of the judiciary is the faith and the assurance of the persons in its capability to convey courageous and unbiased justice. When the basis itself is stunned by works which tend to generate disaffection and disrespect for the power of the court by creating disbelief in its working, the creation of the judicial system gets battered.

The judiciary is the protector of the rule of law and is the main pillar in a democratic State. In India, the written Constitution is over and above all individuals and establishments and the judiciary has a particular and extra duty to perform i.e., to oversee that all persons and organizations including the executive and the legislature, act within the structure of not only the law but also the original law of the land.

If the judiciary is to carry out its duties and function efficiently and stay factual to the spirit with which they are sacredly entrusted to it, the decorum and authority of the courts have to be appreciated and protected at all expenses. The courts are trusted with the extra-ordinary power of penalizing those who indulge in acts whether inside or outside the courts, which tend to weaken their authority and bring them in disgrace and disregard by scandalising them and obstructing them from discharging their duties without fear or favour. When the court exercises this power, it does not do so to justify the dignity and honour of the individual judge who is in person scandalised, but to uphold the majesty of the law and of the administration of justice. The basis of the courts is the trust and the self-assurance of the people in its capability to deliver

courageous and neutral justice. When the basis itself is shaken by acts which tend to make estrangement and disregard for the authority of the court by creating distrust in its working, the creation of the judicial system gets battered.

## **9. Conclusion**

Indian courts/judiciary is regarded with high esteem by the citizens of India. The judiciary is regarded as a last expectation when a citizen is not successful to get justice anywhere. The Supreme Court is the essence of the Indian judiciary. An attack on the Supreme Court does not only have the result of tending an normal petitioner/appellant of losing the confidence in the Supreme Court but also may tend to lose the confidence in the mind of other judges in the country in its highest court.

A possibility of the other judges getting a feeling that they may not stand guarded from hateful attacks, when the Supreme Court has failed to protect itself from scandalous remarks, cannot be ruled out. As such, in order to defend the larger public interest, such attempts of attack on the highest court of the country should be dealt with steadily. No doubt, that the Court is required to be generous, when criticism is made of the judges or of the institution of management of justice. However, such nobility cannot be stretched to such a degree, which may amount to flaw in dealing with a hateful, insulting, intended attack on the exceptionally basis of the institution of the judiciary and thereby harming the exceptional basis of the democracy.

The Indian Constitution has given a extraordinary position to the constitutional courts of India. The Supreme Court is a guardian of the fundamental rights of the citizens, as also is gifted with a responsibility to keep the other pillars of democracy i.e., the Executive and the Legislature, within the legitimate limits. If an assault is made to tremble the belief that the public at large has in the establishment of judiciary, such an attack has to be dealt with steadily. No doubt, that it may be enhanced in many cases for the judiciary to adopt a generously forgiving attitude even when utterly uncharitable and unfair criticism of its operations is made out of bona fide concern for improvement. However, when there emerge some scheme and design to bring about results which have the propensity of harming the belief in our judicial system and

discourage the Judges of the highest court by making terrible attacks, those paying attention in upholding high principles of fearless, neutral and unbending justice will have to stand strongly.

If such an attack is not dealt with, with necessary degree of determination, it may influence the nationwide reputation and stature in the comity of nations. Courageous and impartial courts of justice are the bulwark of a healthy democratic system and the belief in them cannot be allowed to be damaged by nasty attacks upon them.

The basis of the judiciary is the faith and the elief of the people in its aptitude to deliver brave and neutral justice. When the basis itself is sought to be shaken by acts which tend to produce estrangement and disregard for the authority of the court by creating disbelieve in its working, the creation of the judicial system gets battered. The judiciary in India is not only one of pillars on which the Indian democracy stands but is the main pillar. The Indian Constitutional democracy stands on the foundation of rule of law. The faith, trust and confidence of the citizens of the country in the judicial system is sine qua non for continuation of rule of law. An effort to tremble the extremely basis of constitutional democratic system has to be dealt with an iron hand.

## **10. Suggestions**

1. The notion of scandalizing the court has transformed with the passage of period. In previous time, a human being who called a judge a fool in England was definitely held up in contempt, today he would, not. The basis for this change is very easy. Today, the contempt power is not used for justifying the authority of the judge but only far permitting them to function. If for example a individual keeps shouting or whistling in a court and does not discontinue in spite of frequent requests clearly such a person makes the judge unable to function. Such person will be accountable for contempt but if the criticism of a person does not affect the functioning of the court he cannot be made liable for contempt of court. Thus, there is vital need to accept a new and contemporary viewpoint like that of England, USA and other western countries. Contempt jurisdiction is now extremely carefully exercised in the western countries. In

India also, the same open-minded approach should be taken- up. The freedom of speech and expression should be given priority over the right of contempt of court. The Parliamentary standing committee has noted the suggestion made by the committee on Judicial Accountability that the words “Scandalising the court or lowering the authority of the court” should be altogether removed from the definition of contempt. It is used to stifle speech, accusation and comments against Judges.

2. A track record of contemnors can be preserved. Those who commit contempt of courts instantly while exercising their right of freedom of speech should be dealt with a no punishment in the first instance. But the habitual offenders who do Contempt Act intentionally to undermine the majesty of courts should be properly punished.
3. The concept of a ‘qualified apology’ in Section 12 of contempt of court Act should be elucidate so that judges are clear that a person may plead his case on merits and make an apology as a choice. If apology is tendered genuinely a person should not be penalized for contempt of court.
4. Also, Section 13 of the contempt of courts Act, 1971 should be amended so that a human being would not be found responsible of contempt unless there is a considerable interference with the administration of justice