



2026 INSC 209

REPORTABLE

**IN THE SUPREME COURT OF INDIA
[EXTRAORDINARY AND INHERENT CONTEMPT JURISDICTION]**

CONTEMPT PETITION (CIVIL) NO.5/2026 IN C.A. NO.7023/2025
ISRAR AHMAD KHAN **...PETITIONER**

VERSUS

AMARNATH PRASAD & ORS. **...RESPONDENTS**

AND

CONTEMPT PETITION (CIVIL) NO.6/2026 IN C.A. NO.7024/2025
MD. HANIF **...PETITIONER**

VERSUS

AMARNATH PRASAD & ORS. **...RESPONDENTS**

J U D G M E N T

AHSANUDDIN AMANULLAH & R. MAHADEVAN, JJ.

PRELIMINARY:

After some arguments, at the outset, Mr. Shoeb Alam, learned senior counsel, sought permission to be discharged from the matter. Permission granted; the learned senior counsel is discharged from representing the alleged contemnors.

2. Heard learned counsel for the parties and the alleged contemnors, who are present-in-person before the Court, pursuant to our Order dated 16.01.2026, which reads as under:

'Issue notice.

2. List on 24.02.2026.

3. If by that date the order of which non-compliance has been alleged is not fully complied and affidavit of compliance filed, the alleged contemnors no. 1 to 4 shall remain physically present in Court.

(emphasis supplied)

THE CONTEMPT:

3. Though an Affidavit-in-Reply stands filed on behalf of the alleged contemnor No.4, but on a perusal therefrom, we find that only excuses seem to have been offered. The said Affidavit, *inter alia*, contends '*...the answering respondent has taken several steps and efforts to try and comply with the order of this Hon'ble Court. However, due to exigent circumstances, compliance of the same has not taken place due to administrative hurdles and issues in implementation that have arisen.*' It goes on to state the background which led to the passing of the Order dated 20.05.2025, of which contempt is alleged herein, in Civil Appeals No.7023/2025 and 7024/2025. Further, it is averred that the Managing Director, Chhattisgarh State Minor Forest Produce Federation (hereinafter referred to as the 'MD') wrote a Letter dated 22.07.2025 to the

concerned Additional Chief Secretary, Government of Chhattisgarh (hereinafter referred to as the 'Government') for '*guidance in relation to compliance*' of the Order dated 22.05.2025. Be it noted, even this Letter dated 22.07.2025 was written after over 2 months of the 3 months' time given had elapsed. The concerned Under Secretary to the Government *vide* Letter dated 30.07.2025 then sought certain information/documents from the MD. It is urged that the MD provided information as sought to the Government. The MD later, on 26.09.2025, sent a Letter to the Government as a reminder on the issue. On 03.10.2025, the Government wrote back to the MD asking if all legal options had been exhausted against the Order dated 20.05.2025.

4. Clearly, while time to comply with Order dated 20.05.2025 ran out on 20.08.2025 itself, the MD's reminder Letter dated 26.09.2025 as also the Government's Letter dated 03.10.2025 came much after. Indubitably, and *prima facie*, a clear case of contempt stands made out, including against individuals not party to the Order dated 20.05.2025. We shall deal with the legal implication of our finding so a little later.

5. Blissfully, the Affidavit makes no reference as to why no Miscellaneous Application was preferred in the main Civil Appeals

seeking appropriate directions. Surely, if the difficulty was in implementing the Order dated 20.05.2025, instead of seeking a review, directions could have been sought for? Instead, a Review Petition [Diary No.57124/2025] was filed in October, 2025, as informed by learned counsel for the alleged contemnors. Defects therein, notified in November, 2025 are yet to be cured. As such, it is clear that there was no real intent on the part of the alleged contemnors and others in default of the Order dated 20.05.2025 to have the same either modified, clarified or reviewed. These facts speak for themselves. But then again, perhaps it is only us who are to be blamed. Giving parties an unduly long rope in the past has led us to this. Alas!

6. If only the story were to end there. The MD, by another Letter dated 06.10.2025, informed the Additional Chief Secretary to the Government that a Review Petition had been filed against the Order dated 20.05.2025, but '*a proposal for approval of the creation of supernumerary post of Godown Keeper, in accordance with the Hon'ble Supreme Court's judgment dated 20.05.2025, is being prepared and submitted separately so that in the event of a final decision on the petition not being in favor of the Federation, prompt*

further action can be taken.' Lo and behold, the implementation of Order dated 20.05.2025 was sought to be and made conditional on the outcome of a Review Petition. We must unequivocally state herein that while no fetter could be placed on preferring a Review Petition, it was the duty of the alleged contemnors to first comply with the Order. Depending on the outcome of the Review Petition, further steps/adjustment could have possibly taken place. But, it was not open to the alleged contemnors to not comply with an Order of this Court on the mere filing of a Review Petition, which, at the deliberate cost of repetition, remains defective due to want of rectification by the concerned Review Petitioner.

7. Incredibly, the Affidavit also states that if the Court '*does not find merit in the review petition*', immediate steps to comply will be taken '*as the logistical hurdles have been figured out*'! Therefore, it is quite clear that, at least as on date, the alleged contemnors could very well have purged the contempt but chosen not to do so.

8. In the above circumstances, we were of the view that Charge(s) ought to be framed against the alleged contemnors as they have all but admitted to being in contempt while offering inexcusable justifications for non-compliance.

9. While we have no doubt, been proponents of justice being tempered with mercy, incidents like this seriously make us question whether the 'liberal' jurisprudence on contempt requires a serious re-look. Such issue, having come to our attention, will definitely be gone into, in detail, in a more appropriate case.

10. Drastic measures, hence, are called for. This Court will not permit, much less tolerate, any alleged contemnors to, at this stage, raise any question on their respective capacity(ies) to comply with the Order dated 20.05.2025. The Order, of which contempt is alleged, was passed on 20.05.2025 and was to be complied with in three months, i.e., on/or before 20.08.2025. The Review Petition (noted *supra*) has been filed against the said Order, *inter alia*, on the ground that it was beyond the competence of the officers to comply with the order and that is why a request was made to the Government to do the needful.

11. Any apparent defence of a pending Review Petition also vanishes. We may state, and authoritatively so, that if any of the alleged contemnors actually believed that due compliance of the Order dated 20.05.2025 was beyond their respective competence and/or required the authority of the Government, it was their duty to

approach this Court well in time by way of an appropriate application. Moreover, it was incumbent on such alleged contemnors to bring to the notice of this Court any real difficulties faced by them, while also identifying the concerned individuals, who in their view, would need to be made parties and/or directions against whom would be necessitated. Nothing of the sort has been done. The pending Review Petition could not have been used for the purpose as aforesaid.

12. We have, once again, heard the alleged contemnors as also their learned counsel. We have no shadow of doubt in our mind that a clear-cut case of contempt is made out. Thus, the Court proposed to take the next logical step i.e., frame Charge(s).

LAST CHANCE:

13. At this juncture, the alleged contemnors and their learned counsel requested, in unison, that the cases be adjourned for 15 days so as to provide them a last and final opportunity to ensure that the Order dated 20.05.2025 is complied with fully, without any ifs and buts.

14. Having regard to the afore-submission, purely by way of

extraordinary indulgence, basis the afore-undertaking given to this Court by the alleged contemnors-in-person of their own accord, the present Contempt Petitions (Civil) be listed on 24.03.2026 at the Top of the Board as part-heard.

15. If by that date, affidavit(s) showing full compliance of the Order dated 20.05.2025 passed in Civil Appeals No.7023/2025 and 7024/2025 is/are filed, the alleged contemnors (as substituted *infra*) shall not be required to appear in person. Upon failure so to do, they shall be present in Court on 24.03.2026, whereupon this Court would proceed to frame Charge(s) against them.

16. It is made clear, for the avoidance of any doubt, that any person/authority which is part of the chain, directly or indirectly, and required to cooperate in the compliance of the Order dated 20.05.2025 is duty-bound to act accordingly. Any such person/authority cannot raise a plea on the ground that it was not a party in the original proceedings. We may record, *ex abundanti cautela*, that no such person/authority has moved this Court raising any such grievance till date.

17. We are informed that the person arrayed as Respondent

No.1-Mr. Amarnath Prasad, is the Secretary (Technical) in the Department of Forest and Climate Change, Government of Chhattisgarh, but the final decision has to be taken by the Additional Chief Secretary concerned, namely, Ms. Richa Sharma, the Additional Chief Secretary, Forest and Climate Change, Chhattisgarh. Hence, let the name of Mr. Amarnath Prasad be substituted by Ms. Richa Sharma.

18. It is further submitted that in place of Respondent No.2-Mr. V. Sreenivasa Rao, Principal Chief Conservator of Forest and Head of Forest Force, Government of Chhattisgarh, the name of Mr. Anil Kumar Sahu, Principal Chief Conservator of Forests and Managing Director, Chhattisgarh State Minor Forest Produce Cooperative Federation be substituted. Hence, let the name of Mr. V. Sreenivasa Rao be substituted by Mr. Anil Kumar Sahu.

19. The reason for the aforesaid substitutions lies at the door of the learned counsel for the Petitioners. We excuse the said mistake, albeit only this time. Notices were issued to the initially impleaded respondents no.1 to 4, as they were holding the posts as indicated in the pleadings. After the above dictation, this Court was informed that respondents no.1 and 2 are not the persons who at present are

holding the concerned posts. However, apart from respondent no.1 (as substituted) and respondent no.2 (as substituted), other respondents 3 and 4 have appeared, no separate notice is required to be issued to the respondents no.3 and 4.

20. Let the newly-impleaded/substituted respondents no.1 and 2 be served with Court Notice alongwith the Order dated 16.01.2026 and this Judgment through the learned Standing Counsel, State of Chhattisgarh, as well as directly by the Registry forthwith.

LIABILITY OF THIRD/NON-PARTIES FOR CONTEMPT:

21. Before resting the pen¹, we are duty-bound to indicate as to how third-parties/non-parties to the original proceedings can also be proceeded against for contempt. This question has cropped up before this Court in the past. We need only cite the leading judgment on the point.

22. Without verbiage, we straightaway refer to the *dicta* enunciated by a learned 3-Judge Bench in ***Sita Ram v Balbir @ Bali, (2017) 2 SCC 463***:

'40. Wilful disobedience to a direction issued by this

¹ Rather, the keyboard.

Court on 24-10-2013 [Sita Ram v. Balbir, (2014) 13 SCC 489: (2014) 5 SCC (Cri) 722] on the part of the respondent is quite evident. He was party to the proceedings and bound by the order and as such his liability on that court stands established. Further, by his defiance of the direction so issued, he also obstructed administration of justice. He is thus liable for committing civil contempt as well as criminal contempt. But the medical professionals, namely, Dr Munish Prabhakar and Dr K.S. Sachdev were not parties to the matter where the direction in question was passed.

41. As regards the liability of the aforesaid medical professionals, questions that arise are : (1) whether a person, who is not bound by a direction issued by the court could be held guilty for committing contempt of court for his conduct in either directly aiding and abetting violation on the part of the person who is bound by such direction; and (2) what is the extent of liability of such person.

42. In Seaward v. Paterson [Seaward v. Paterson, (1895-99) All ER Rep 1127: (1897) 1 Ch 545 (CA)] the landlord of the premises concerned had obtained an injunction against Paterson i.e. his tenant restraining him from doing or allowing to be done anything on the premises which would be a nuisance to the landlord and from using the premises otherwise than for the purposes of a private club. Alleging that the tenant had committed contempt of the court by allowing the premises to be used for boxing matches, the landlord applied for committal of two other persons, namely, Sheppard and Murray on the ground that they had aided and assisted the tenant in his disobedience to the injunction. The following passages from the judgment of Lindley, L.J. are quite instructive: (All ER pp. 1130 F-G & 1131 B-D)

Now, Let us consider what jurisdiction the court has to make an order against Murray. There is no injunction against him—he is no more bound by the injunction granted against Paterson than any other member of the public. He is bound, like other members of the public, not to interfere with, and not to obstruct, the

course of justice; and the case, if any, made against him must be this, not that he has technically infringed the injunction, which was not granted against him in any sense of the word, but that he has been aiding and abetting others in setting the court at defiance, and deliberately treating the order of the court as unworthy of notice. If he has so conducted himself, it is perfectly idle to say that there is no jurisdiction to commit him for contempt as distinguished from a breach of the injunction, which has a technical meaning.

A motion to commit a man for breach of an injunction, which is technically wrong unless he is bound by the injunction, is one thing; and a motion to commit a man for contempt of court, not because he is bound by the injunction by being party to the cause, but because he is conducting himself so as to obstruct the course of justice, is another and a totally different thing. The difference is very marked. In the one case the party who is bound by the injunction is proceeded against for the purpose of enforcing the order of the court for the benefit of the person who got it. In the other case, the court will not allow its process to be set at naught and treated with contempt.

43. In *Z Ltd. v. A-Z and AA-LL* [*Z Ltd. v. A-Z and AA-LL*, (1982) 1 All ER 556: 1982 QB 558: (1982) 2 WLR 288 (CA)] the plaintiff had obtained injunction against certain defendants and the assets of one such defendant against whom the injunction was granted, were held by a bank. The bank was served with a copy of the injunction but the defendant concerned had not yet been served. While considering the question whether any disposal of assets belonging to the defendant by the bank would make it liable for committing contempt of court, it was stated as under :

(All ER pp. 566g-j & 567a-b)
 "I think that the following propositions may be stated as to the consequences which ensue when there are acts or omissions which are contrary to the terms of injunction : (1) The person against whom the order is

made will be liable for contempt of court if he acts in breach of the order after having notice of it. (2) A third party will also be liable if he knowingly assists in the breach, that is to say if knowing the terms of the injunction he wilfully assists the person to whom it was directed to disobey it. This will be so whether or not the person enjoined has had notice of the injunction.

I will give my reasons for the second proposition and take first the question of prior notice to the defendant. It was argued that the liability of the third person arose because he was treated as aiding and abetting the defendant (i.e. was an accessory) and as the defendant could himself not be in breach unless he had notice it followed that there was no offence to which the third party could be an accessory. In my opinion this argument misunderstands the true nature of the liability of the third party. He is liable for contempt of court committed by himself. It is true that his conduct may very often be seen as possessing a dual character of contempt of court by himself and aiding and abetting the contempt by another, but the conduct will always amount to contempt by himself. It will be conduct which knowingly interferes with the administration of justice by causing the order of the court to be thwarted."

44. The extent of liability of third party in such actions was considered by the House of Lords in Attorney General v. Times Newspapers Ltd. [Attorney General v. Times Newspapers Ltd., (1991) 2 All ER 398: (1992) 1 AC 191: (1991) 2 WLR 994 (HL)] In that case the Attorney General had brought action against two newspapers seeking permanent injunction restraining them from publishing material from a book written by a person who was formerly a member of the security service and by terms of his employment was bound by confidentiality which would stand breached if his memoirs were published. While the interlocutory injunctions restraining publication of the material pending trial of such action were granted against those two newspapers, three other newspapers published

extensive extracts and summaries of the book following which proceedings for criminal contempt against them were brought by the Attorney General. At the trial of those proceedings those three other newspapers were held to be guilty of criminal contempt. Lord Brandon of Oakbrook concluded as under : (All ER pp. 405j & 406a-c)

"... The claims of the Attorney General in the confidentiality actions were for permanent injunctions restraining the defendants from publishing what may conveniently be called Spycatcher material. The purpose of the Millett injunctions was to prevent the publication of any such material pending the trial of the confidentiality actions. The consequence of the publication of Spycatcher material by the publishers and editor of The Sunday Times before the trial of the confidentiality actions was to nullify, in part at least, the purpose of such trial, because it put into the public domain, part of the material which it was claimed by the Attorney General in the confidentiality actions ought to remain confidential. It follows that the conduct of the publishers and editor of The Sunday Times constituted the actus reus of impeding or interfering with the administration of justice by the court in the confidentiality actions."

45. In a separate concurring opinion Lord Jauncey of Tullichettle stated as under : (Attorney General case [Attorney General v. Times Newspapers Ltd., (1991) 2 All ER 398: (1992) 1 AC 191: (1991) 2 WLR 994 (HL)] , All ER p. 426j)

"I turn to consider whether there is any reason why established principle should not be applied to the situation in this case. I do not accept the proposition that to apply established principles in the foregoing circumstances would effectively be to convert every injunction from an order in personam to an order contra mundum. That proposition ignores the distinction between the breach of an order by the person named therein and interference with the course of justice

resulting from a frustration of the order by the third party.”

47. We thus hold that the respondent is guilty of having violated the order dated 24-10-2013 [Sita Ram v. Balbir, (2014) 13 SCC 489: (2014) 5 SCC (Cri) 722] passed by this Court and for having obstructed administration of justice. We also hold Dr Munish Prabhakar and Dr K.S. Sachdev guilty for having helped the respondent in his attempts and thereby obstructing administration of justice. Having held so, we could straightaway have imposed appropriate punishment under the Act. However, we deem it appropriate to grant one more opportunity to these contemnors. The respondent has not filed any affidavit nor tendered an apology. At the same time for Dr K.S. Sachdev, Managing Director of the company that owns the hospital is said to be 76 years of age. Considering the fact that these are medical professionals with sufficient standing, in our view ends of justice would be met if one more opportunity is granted to them to present their view on the issue of punishment. In the circumstances, we direct presence of these three contemnors on 2-1-2017. The respondent is in custody and therefore appropriate production warrant shall be issued under the signature of the Registrar of this Court ensuring presence of the respondent before this Court. The police concerned is directed to facilitate such production of the respondent. The contemnors can also present their views and make appropriate submission in writing on or before 23-12-2016.’

(emphasis supplied)

23. Simply put, thus, it is no longer *res integra* that a party, once becomes or is made aware of an Order of this Court, if yet acts in wilful default or deliberate non-compliance or any such like conduct against/in breach of the Order concerned, makes itself liable to face

the full wrath of Contempt Jurisdiction. In the cases at hand, the Government and the Additional Chief Secretary have been aware of the Order dated 20.05.2025, at the very least from 22.07.2025 and onwards, as clear from the correspondence placed on record in the Affidavit adverted to hereinbefore. Nothing more requires to be stated on the factual matrix. In any event, we are bound by **Sita Ram** (*supra*), which squarely applies herein.

QUESTION BEFORE THE CONTEMPT COURT:

24. It is beyond the pale of any doubt that when *in seisin* of a contempt application, the question before the Court is only whether or not the decision, of which contempt is alleged, has been complied with. In **Union of India v Subedar Devassy PV**, (2006) 1 SCC 613, after adverting to a similar view in **K G Derasari v Union of India**, (2001) 10 SCC 496, a 2-Judge Bench held:

'2. While dealing with an application for contempt, the court is really concerned with the question whether the earlier decision which has received its finality had been complied with or not. It would not be permissible for a court to examine the correctness of the earlier decision which had not been assailed and to take a view different from what was taken in the earlier decision. A similar view was taken in K.G. Derasari v. Union of India [(2001) 10 SCC 496: 2002 SCC (L&S) 756]. The court exercising contempt jurisdiction is primarily concerned with the question of

contumacious conduct of the party who is alleged to have committed default in complying with the directions in the judgment or order. If there was no ambiguity or indefiniteness in the order, it is for the party concerned to approach the higher court if according to him the same is not legally tenable. Such a question has necessarily to be agitated before the higher court. The court exercising contempt jurisdiction cannot take upon itself the power to decide the original proceedings in a manner not dealt with by the court passing the judgment or order. Though strong reliance was placed by learned counsel for the appellants on a three-Judge Bench decision in Niaz Mohd. v. State of Haryana [(1994) 6 SCC 332], we find that the same has no application to the facts of the present case. In that case the question arose about the impossibility to obey the order. If that was the stand of the appellants, the least it could have done was to assail correctness of the judgment before the higher court.

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6. If any party concerned is aggrieved by the order which in its opinion is wrong or against the rules or its implementation is neither practicable nor feasible, it should always either approach the court that passed the order or invoke jurisdiction of the appellate court. Rightness or wrongness of the order cannot be urged in contempt proceedings. Right or wrong, the order has to be obeyed. Flouting an order of the court would render the party liable for contempt. While dealing with an application for contempt, the court cannot traverse beyond the order, non-compliance with which is alleged. In other words, it cannot say what should not have been done or what should have been done. It cannot traverse beyond the order. It cannot test the correctness or otherwise of the order or give additional direction or delete any direction. That would be exercising review jurisdiction while dealing with an application for initiation of contempt proceedings. The same would be impermissible and indefensible.'

(emphasis supplied)

25. **J S Parihar v Ganpat Duggar, (1996) 6 SCC 291** was a case where this Court considered the limited scope of contempt proceedings. In **Snehasis Giri v Subhasis Mitra, (2023) 18 SCC 529**, after taking note of **J S Parihar (supra)**, a Co-ordinate Bench of this Court opined:

‘12. ... Court, in lawful exercise of contempt jurisdiction, cannot examine the merits of a decision, whether the State or the madrasah's stand that any of the petitioners is entitled to the benefits of being treated as an employee, having regard to the rules and regulations concerned. ...’

(emphasis supplied)

26. As pointed out in **Subedar Devassy PV (supra)**, if an alleged contemnor is of the view that the Order apropos which contempt is alleged is, *inter alia*, impracticable or impossible, it will have to take recourse to appropriate proceedings. We may add that a defence of administrative hurdles or even impossibility to perform what has been ordered, may not be open to an alleged contemnor, if he/she has not moved the appropriate Court by recourse to appropriate proceedings in time, promptly and within the prescribed period of limitation, subject to condonation, if and as applicable, on sufficient cause being shown. As narrated above, even the defective Review Petition in the present case was filed after lapse of time granted for

implementation/obedience of the Order dated 20.05.2025. We say no more on this count.

BELATED/DELAYED APPEALS TO DELAY/DEFEAT IMPLEMENTATION:

27. Delayed filing of appeals should be the exception, but in recent times, the exception has practically evolved to become the rule. Orders passed by the Courts are not complied with for a long time, and when Contempt Petitions are filed, belated appeals, with tremendous delay, are preferred.

28. The (alleged) continuing contumacious conduct of the defaulting party is sought to be justified on the mere production of a Diary/Filing/Stamp Reporting Number showing that an appeal has been preferred, so as to obtain multiple adjournments in contempt matters.

29. We, in no uncertain terms, deprecate these practices. It is felt that by such *modus operandi*, disobedient litigants act brazenly which has the further effect of bringing down the authority and majesty of the Courts and the rule of law, interfering in the administration of justice. The same may well, in certain situations, border on criminal contempt.

30. The High Courts should deal with such unscrupulous litigants, moreso when they happen to be 'State', within the meaning of Article 12 of the Constitution, or like bodies, with an iron hand. Unless the High Courts, so also this Court deal with these aspects firmly, we run the clear risk of erosion of the unflinching faith that the ordinary litigants of this country repose in the Judiciary at all levels. It is the solemn duty of all of us manning the Courts across the hierarchy to ensure that the public faith never wavers.

PROCEDURAL DIRECTIONS:

31. Registry to forthwith place Review Petition bearing Diary No.57124/2025² before the appropriate Bench, after obtaining due permission from Hon'ble the Chief Justice of India. A copy of this Judgement shall be placed with that Review Petition.

32. Copies of this Judgment be also circulated to the Union Secretary, Department of Personnel and Training; the Chief Secretaries to all State Governments, Union Territory Administrations and the Government of the National Capital Territory of Delhi, with a direction to take note of what we have stated above,

² It is evincible that the same was filed on 04.10.2025 at 16:56 hours and defects therein notified on 21.11.2025. As at the time this Judgment is passed, the said review petition remains in defects.

in respect of Contempt Petitions, whether pending before this Court or the High Courts, where officers stand arrayed as individuals. They are at liberty to transmit this Judgment onward as deemed fit to other officers and concerned persons.

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[AHSANUDDIN AMANULLAH, J.]

.....
[R. MAHADEVAN, J.]

NEW DELHI
24th FEBRUARY, 2026