

Geeta Kumari & Ors vs Pramod Kumar on 27 March, 2025

Author: Prathiba M. Singh

Bench: Prathiba M. Singh

\$~15

* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 27th

+ CONT.APP.(C) 13/2018

GEETA KUMARI & ORS

.....App

Through:

Mr. Abhik Chimni, Ms. Pr

Mr. Gurupal Singh, Ms. S

and Mr. Rishabh Gupta, A

versus

PRAMOD KUMAR

.....Re

Through:

Ms. Monika Arora, Mr. Su

Saha and Mr. Prabhat Kum

Advocates (Mob. 98102463

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

2. The present appeal has been filed by the Appellants- Geeta Kumari, Simone Zoya Khan, Duggirala Srikrishna and Shubhanshu Singh, under Section 19 of the Contempt of Courts Act, 1971 assailing the judgment dated 3rd July 2018 passed the Id. Single Judge of this Court in Cont. (C) No.110/2018 titled 'Jawaharlal Nehru University v. Geeta Kumari, President JNUSU & Ors'.

3. Vide the said judgment dated 3rd July 2018, the Id. Single Judge has convicted the Appellants, who were students of the Jawaharlal Nehru University, New Delhi (hereinafter, 'University'), under the Contempt of Courts Act, 1971 and imposed a fine. The operative portion of the order reads as under:

"34. Accordingly, taking into consideration that the respondents are students who are pursuing higher studies, and are on the threshold of their careers, the interest of justice would be served if a fine of Rs. 2,000/- is imposed on each of the respondents. It is ordered accordingly. The fine shall be deposited before the Registrar General of this Court within two weeks from today. Contempt petition is disposed of"

4. An unfortunate situation had arisen in 2017, in the University, which is a university of eminence in India. There were large scale protests being carried out by various students in the University

which led to complete collapse of the administration in the University as access to the administration building itself was totally impeded. The Vice Chancellor of the University himself made repeated requests to the students to allow the administration to function which was unfortunately not acceded to by the students.

5. At that stage, the University was compelled to file a writ petition before this Court being W.P.(C) 1896/2017 titled 'Jawaharlal Nehru University v. Commissioner of Police & Ors.' The Id. Single Judge, who had heard the said writ petition, had given clear directions vide order dated 9th August 2017, in respect of the area of protest. It was also observed that the protest would be peaceful and in a manner that the administration should not be held up. The relevant paragraphs of the said order are set out below:

"4. It is important for the students to have an environment in which they can freely exchange their thoughts, give vent to their feelings and express themselves unreservedly, including entering their protest. The spirit of the students must be nurtured and not curtailed. However, it is also necessarily to ensure that the functioning of the petitioner university does not come to a standstill. And, the university cannot be permitted to be reduced to a battle ground between the authorities and the students. XXXX

5. Considering the present situation, it is directed that no protest of any sort shall be undertaken by the students within 100 meters radius of the Administrative Block. The University authorities shall earmark an area where the students can congregate freely to protest. XXXX

8. Needless to state that in the event, the aforesaid orders are not complied with, the petitioner would be at liberty to request the police authorities for assistance to maintain law and order in the campus. The police authorities shall act only on the evidence of obstruction to ingress/ egress to the Administrative Building, being provided by the Authorities, which may be in the form of CCTV footage."

6. The dharna, sit-in, 'gherao' demonstration by the students of the University, was going on since 09th February, 2017 continuing for a period of 15 days in which the administration block was completely surrounded and the building itself was bolted from the outside. The Vice Chancellor along with 250 University officials were unable to enter the administrative block. The order dated 9th August, 2017 of the Id. Single Judge clearly captures that the ingress and egress to the building shall not be obstructed. The police were also given some directions vide the said orders.

7. Unfortunately, the University was again compelled to file a petition under Article 215 of the Constitution of India and Section 11 of the Contempt of Courts Act, 1971 being Cont. Cas. (C) 110/2018 titled 'Jawaharlal Nehru University v. Geeta Kumari, President JNUSU & Ors.'

8. The allegation of the University in the said petition was that there was large scale violation of the order passed by the Id. Single Judge in WP. (C) 1896/2017. Pamphlets were being put out for mass

presence at the administrative block. The Chief Proctor tried to speak to the students but the same was to no avail. A human chain was formed by the students going on to the Vice Chancellor's residence and public property was vandalised. Further, the details of all the incidents which took place on 04th January, 2018, 10th February, 2018, 11th February, 2018, 12th February, 2018, 13th February, 2018 and 15th February, 2018 are all captured in the judgment of the Id. Single Judge.

9. The students took a position that they only did a peaceful expression of solidarity and sought to justify their conduct on the ground that imposition of exorbitant fines were done by the University and, therefore, they were gathering peacefully and protesting.

10. Some of the staff members of the University were also mishandled by the students and scuffles had ensued in the University. The University then prayed for action to be taken under the Contempt of Courts Act, 1971.

11. The Court took a very strict view of the matter. The Court also looked at various videos which were produced before it. The videos were fully analysed by the Id. Single Judge and the transcripts were also considered.

12. The Id. Single Judge then expressed enormous anguish to the sequence of events that had happened, and finally in judgment dated 3rd July, 2018 observed as under:

"32. My above discussion shows, the respondents have in fact, reargued the writ petition by contending that they have a right to protest that too at the administrative block, de hors the direction already given. In other words, the attempt has been to justify their conduct. During the arguments, the respondents have not expressed any regret / remorse for violating the orders. It is not a case of non- compliance of order by mistake, inadvertence or by misunderstanding of meaning and purport of the order. This I say so, the respondents herein are pursuing post graduate studies. They are educated persons, surely knowing the purport / intent of the order passed by this Court on August 09, 2017, which is clear and explicit. The interpretation sought to be given to the order by the learned counsel for the respondents is only an attempt to wriggle out of their contemptuous acts. So it must be held, on the basis of the photographs and the admissions made by the respondents, that they did congregate / held protests in the administrative block, which was in willful violation of the order dated August 09, 2017. The Supreme Court in the case reported as (2006) 11 SCC 114 Rama Narang v. Ramesh Narang and another, has held that in order to maintain sanctity of the orders of the court, it has become imperative that those who are guilty of deliberately disregarding the orders of the Court in a clandestine manner should be appropriately punished. It was further held that the Majesty of the Court and the Rule of Law can never be maintained unless this Court ensures meticulous compliance of its orders. Similarly, a Division Bench of this Court in Mohan Nair Vs. Rajiv Gupta 220 (2015) DLT 332 held that to say that the orders of the Courts are unimplementable and unenforceable has the tendency of making the law and the Court, a laughing stock and it is the duty of every Court to prevent its machinery from

being made a sham, thereby running down the Rule of Law and rendering itself an object of ridicule.

33. The Supreme Court in Sukhdev Singh v. Hon'ble C.J.S. Teja Singh & Ors. AIR (1954) SCR 454 while recognizing that the power of the High Court to institute proceedings for contempt and punish the contemnor when found necessary is a special jurisdiction which is inherent in all Courts of Record, the Bench opined that "the maximum punishment is now limited to six month's simple imprisonment or a fine of 2000/- or both" because of the provision of Contempt of Courts Act.

34. Accordingly, taking into consideration that the respondents are students who are pursuing higher studies, and are on the threshold of their careers, the interest of justice would be served if a fine 2,000/- is imposed on each of the respondents. It is ordered accordingly. The fine shall be deposited before the Registrar General of this Court within two weeks from today. Contempt petition is disposed of."

13. As can be seen from the above order, the Court holds the students guilty of contempt and then imposed a fine of Rs. 2000/- to each of them.

14. The contemnors have filed the present appeal assailing the judgment passed by the Id. Single Judge in Cont. Cas. (C) 110/2018 .

15. Mr. Abhik Chimni, Id. Counsel for the Appellants has submitted that these students i.e. Appellants have tendered an unconditional apology, and that they had no intention to violate the directions passed by the Id. Single Judge of this Court. The affidavits have been filed by all the four Appellants. The content of the one of the affidavits, illustratively, is set out below:

"1. That I am Appellant No. 2 in the captioned Contempt Application (Civil) and as such am conversant with the facts and circumstances of the case and therefore competent to file and swear this affidavit.

2. That I have been found guilty of the civil contempt of order dated 09.08.2017 in WP(C) No. 1896/2017 by this Hon'ble Court vide its order dated 03.07.2018 passed in Contempt Petition (C) No. 110/2018.

3. That this Affidavit is being filed tendering an unconditional apology to this Hon'ble Court for the civil contempt of order dated 09.08.2017 passed in WP(C) No. 1896/2017.

4. That I had no intention to violate the directions made by this Hon'ble Court vide order dated 09.08.2017.

5. That I have highest regard for this Hon'ble Court and its majesty.

6. That I express my unconditional apologies and regret any violation of the order dated 09.08.2017 in WP(C) No. 1896/2017.

7. That my above statements are true and correct."

16. Identical affidavits have been filed by all the Appellants. It is further submitted by Mr. Chimni that the Appellants have now moved on in life, they have completed their education and they are now employed. The Appellants are concerned that they do not want the finding of contempt to be continuing against them. They express complete remorse for their actions.

17. On behalf of the University, Ms. Monika Arora, Id. Counsel submits that until the order on contempt was issued by the Id. Single Judge, there was tremendous unease and disturbance within the University complex. It was only when the Court took a strict view of the matter that students stopped their protest and some peace was restored to the University.

18. Heard. There can be no doubt that in educational institutions, protests which are violent, abusive or which in any manner disrupts the functioning of the University cannot be accepted. The manner in which the University officials have been treated and the scuffles that have ensued, leave no doubt that in general, the students were aware of what they were doing. Their conduct was deliberate and with an intention to bring the functioning of the University to a stand-still. Any form of protest by some students disrupting administration and teaching has an impact on other students who may in fact become victims of such protests. The protesting students cannot ignore the interest of their own peers and colleagues, as also the Faculty and Staff of the University who may be silently suffering. It has to be borne in mind that protesting students are also not causing damage only to the administration of the University but also to other students who want to attend classes, and may be prevented from doing so due to unauthorised protests.

19. The order of the Id. Single Judge in WP. (C) 1896/2017 dated 9th August, 2017, was also clear and categorical that within the 100 metres radius of the administrative block, no protest could be undertaken.

20. Various facts were brought to the notice of the Id. Single Judge in the contempt petition i.e. Cont. Cas. (C) 110/2018, which led to the conviction of the Appellants under the Contempt of Courts Act, 1971. Section 12 of the Contempt of Courts Act, 1971 is relevant and is set out below:

"12. Punishment for contempt of court.--(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 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."

21. A perusal of Section 12 of the Contempt Courts Act, 1971 would show that as per the first proviso to Sub-Section (1), the punishment may be remitted by the Court on an apology. The Explanation to Sub-Section (1) also holds that if the apology is conditional or qualified, it would not be rejected as long as the apology is bona fide.

22. The Appellants being students of the University are in the prime of their youth. They may have indulged in unacceptable conduct during their university days as part of a large protest.

23. There can be no condoning of the stand that they took before the Id. Single Judge even in the contempt petition, which led the Id. Single Judge to convict the Appellants.

24. However, conviction in such a matter can have grave consequences to individuals as also on their families. The conviction would become life-long and could also jeopardise their careers. Students ought to be aware that they could be punished in strict terms for violations of orders of Courts.

25. Taking an empathetic view of the matter and in view of the apology which has been tendered, this Court is inclined to remit the punishment of the Appellants and accept the apology tendered by them.

26. The same shall however be on the condition that all the four Appellants shall, render free service in the administration department of an academic institution for a period of two weeks, in whichever city they are located. Alternatively, they will render two weeks service in the JNU itself, as may be directed by the Registrar. This may be during vacations or otherwise.

27. The Appellants shall submit a certificate showing compliance of the above, to the Registrar-Jawaharlal Nehru University by 30th September, 2025.

28. Subject to the above condition being fulfilled, the punishment awarded shall stand remitted.

29. Needless to add that the present order shall not be viewed as a relaxation to commit contempt by students in the University, which if committed, would be strictly dealt with in accordance with law, including with imprisonment and fine, if required, as indiscipline in the University cannot be tolerated.

30. Accordingly, the present appeal is disposed of in these terms. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH JUDGE RAJNEESH KUMAR GUPTA JUDGE MARCH 27, 2025/MR/ck