

**CASE COMMENT: MANINDERJIT SINGH BITTA V. UNION OF INDIA  
(UOI) & ORS.***-Aum Purohit\****ABSTRACT**

The paper attempts to understand the application of extraordinary jurisdiction of the Courts which is Contempt. Through a detailed case analysis we will get critical knowledge about the offence of contempt and its procedure in rule of law. The main target of this paper is to make people aware of such jurisdiction of court ignoring which becomes a lacking point in the development of administration. The reason behind this landmark case was to set a precedent and aware many official that if no steps are taken in compliance with directions of Court, it shall constitute contempt of Court. People who are facing several problems due to lethargic attitude of senior officials for the compliance of orders given by Courts can take into consideration this case and it would be a great help in the overall improvement in implementation and compliance of orders given by Courts.

**I. FACTS**

As per the factual matrix, Government of India on 28<sup>th</sup> March, 2001, issued a notification introducing a new scheme to regulate the issuance and fixation of high security number plates (H.S.N.P.) on the vehicles in India. For which the government passed order on 22<sup>nd</sup> August, 2001 to implement. This would form uniformity in number plates in whole India.

The said scheme basically provides guidelines for the introduction of these high security number plates for the safety and security of people. These number plates come with 15 years guaranty and inbuilt security features like self-destruction which helps in identification of the engine number and chassis number of the vehicle. The plate also contains a hologram which is chromium based it is stamped on the front and rare number plate containing vehicle details like engine and chassis number and other vehicle details. The plates would also include the details of the manufacturer, dealer or supplier for whom the type approval certificate is issued. The registration numbers so printed also contain information of the vehicle.

In the year 2003 a Writ Petition was filed in the Supreme Court of India by the Association of Registration Plates where they challenged the terms and conditions for the tender process. This petition was dismissed and the Bench rejected the challenge made to for the provision of rules. The order and notification were passed by the central government to implement the scheme and starts providing H.S.N.P.

Further in 2005 a Writ Petition was filed by the petitioner i.e. All India Motor Vehicles Security Association regarding non compliance of the scheme by different states. Some states didn't even bother to start the tender process. Most of the states like Meghalaya, Haryana and many others were on initial stages and working very lethargically. Most of them are just repeating the process of tender those who have passed are not doing any progress.

While this scheme sets security measures and are issued for the security and safety of the people. It should be dealt effectively and states should act to implement as soon as possible. The court gave six months time to initiate and implement the scheme despite this, most of the states failed.

Thereafter, on 7<sup>th</sup> April, 2011 the Court found that a large number of states had not even initiated the implementation process. They decided to call the officers of concerned authorities of defaulting states and provided them with another opportunity for the compliance of directions issued by the court.

Some of the states filed Interim Applications for the extension of time. However with this casual conduct of the states the court passed a detailed order on 30<sup>th</sup> August, 2011 which classified states into different categories. The first category of states which had taken steps to implement and also awarded contract for supplying HSNP. The second category was of states which had not followed the correct procedure for the approval from Central Government to affix HSNP.

The third category of states who filed affidavits and assuring the court that they will be allotting tender and finalizing the dates. The last category of states which did not take any step to comply with the directions of the Court. The State of Haryana was one of such states which hardly took any steps for the implementation of HSNP.

On 30<sup>th</sup> August 2011 the Court issued notice that proceedings under the Contempt of Courts Act, 1971 will be initiated against such defaulting states and they would be liable to bare exemplary costs.

## **II. ISSUES**

1. Whether the court should provide another opportunity for implementation of HSNP scheme?
2. Whether there is intentional default on the part of concerned officers of defaulting states?
3. Whether the state transport authority of Haryana is liable for the offence of contempt?

## **III. ANALYSIS**

The facts of the present case surrounds around the question of law whether the Court should invoke and initiate proceedings under Contempt of Courts Act, 1971. It is been evident that after the court gave notice to the State of Haryana and initiated the proceedings after which only the State have woken up and did a feeble attempt.

According to Section 41(3) of the Motor Vehicles Act, 1988 it is clear that, if any Central Government issues any notification or any scheme which is in public good by Official Gazette than it should be followed and implemented by the concerned authorities strictly. Here, the Central Government did issue such a notification for implementation of HSNP scheme. Regardless of the scheme many states did not take any steps for the effective implementation of scheme.

Moreover, Section 41(6) of the Act gives authority to the Central Government to issue notification regarding display of registration plates and can pass any order related to it. Here, also for the public security and safety the Central Government brought the HSNP scheme which came into effect very late due to carelessness of the defaulting states.

All controversies regarding the Central Government's control over the scheme and control over terms and conditions were put to an end by the court's order dated 30<sup>th</sup> November, 2004. Prior to this the states couldn't have acted as the matter was under the court. But post this order, for 7 years there was no deliberate effort made by the states to begin implementation of the scheme. There was

very less or no progress made in the due course of 7 years. Even after the order of 7<sup>th</sup> April, 2011, which expressively asked these states to act, the concerned states were recalcitrant in their approach.

It was also observed that petitioners claimed that even though the states couldn't begin their task since the beginning because the matter was in court. But for a long period of 7 years there was no progression in the matter from their part. As this was matter of public importance, the officers should have been more cautious and effective while implementing the same and shouldn't treat it like any regular office task. The fact that the process was on a halt for more than 7 years is in and of itself an indication of the intentional negligence of the officers. They failed to respond to this cardinal notification for a very long period of time. Hence, such a default is anyway intentional in nature. Inaction for years by the officers is self-explanatory that the officers were intentionally at default.

The observation by the bench were that even though the implementation of the scheme couldn't be started immediately in 2001 because of the court cases against it, but once the matter was settled in 2004, the court expected the states to begin positive progress as this was a matter of public interest. But when there was no response through conduct by the defaulting states for 7 years, it can be concluded that the states are not performing their duties diligently.

Moreover, the court also stated that a time extension could be given if the reason provided for the delay was justified. Hence, the court finds no justified reason on part of the respondents for the said delay. Leaving them without charging some sort of fine would be wrong in many regards. Charging them would set a precedent wherein authorities would understand that matters of public safety should be prioritized and court's orders should be diligently followed in order to respect the rule of law.

After the establishment of mistake done by the states the bench examined certain principles of law in order to exercise extraordinary jurisdiction of the courts. It was further elaborated upon two main heads of jurisdiction *Firstly*, Criminal Contempt and, *Secondly*, Civil Contempt. Further, Section 12 of the Contempt of Courts Act, 1971 defines the punishment for the offence of contempt. Also, Section 15 mentions about cognizance of criminal contempt.

Criminal Contempt can be classified from the cases where by words, spoken or written, signs or any matter or doing any act which scandalizes, prejudices or interferes, obstructs or even tends to

obstruct the due course of any judicial proceedings, any court and the administration of justice in any other manner. On the other hand, Civil Contempt would be willful breach of an undertaking given to the court or willful disobedience of any judgment or order of the court.

The court laid more emphasis on the civil head of contempt because many state authorities defaulted and did not follow the directions given by the court. The court also observed Justice J.D. Kapoor's Law of Contempt of Court, Second Edition, 2010;

*"In England and Wales most forms of contempt have been regarded as of criminal character, and as such, are called 'criminal contempt'. In Scotland contempt of court is not a crime nor is a distinction between criminal and civil recognized. What is of particular importance is that it is branch of the law in which breaches are investigated by a special and summary procedure and where, once established, they may be severely punished."*

The bench also supported the view that every party before the court is equal, be it the government itself. All parties are expected to follow the orders of the court and respect its conduct. If there were any obstructions in the completion of the implementation of the scheme, the least that was expected from the defaulting states was to approach the court for extension of time or clarifications, if called for. But here the states neither obeyed the court orders nor approached the court making appropriate prayers demanding extension of time or variation of order, the only possible inference that the court can make is that these states have knowingly disobeyed the orders of the court. This lackadaisical approach of the authorities implies that they have undermined the authority of the court by not respecting its decision.

The court relied upon the case of *Re: Vinay Chandra Mishra*<sup>1</sup>, where the Supreme Court held that judiciary has a special and additional duty to perform, to oversee that all individuals and institutions including the executive and the legislature act within the framework of not only law but also the fundamental law of the land.

In addition to this, another very important aspect of Civil Contempt is where the contemnor commits acts and deeds leading to actual disobedience of the orders of the court. Such contemnor may flout the orders of the court openly, intentionally and with no respect of rule of law. Such a

---

\* Aum Purohit is a student at Institute of Law, Nirma University, Ahmedabad.

<sup>1</sup> (1995) 2 SCC 584

dormant attitude of inaction may result in the violation of the orders of the court and he can be held liable for an action of contempt.

The case comes in direct contravention of the observations made in the case of *M.C. Mehta v. Union of India and Ors.*<sup>2</sup>,

*“Even if there was not deliberate or willful disregard for the court orders, there has clearly been a lackadaisical attitude and approach towards them. Though no further action in this matter need be taken for now, but such lethargic attitude if continues may soon become contumacious.”*

Returning to the realities of the present case, it is undisputed that for a considerable length of time together the State of Haryana has neglected to conform to the headings of this Court and actualize the plan. It has not just made preference people in general everywhere except has even undermined the poise of this Court. The demeanor of the State of Haryana and the particular officials has been languid and of willful dismissal.

In spite of rehashed orders, they have neglected to make viable strides and whatever means were taken the equivalent are not in similarity with law. Despite what might be expected, there is clear noncompliance of the Orders of this Court and no consistence with the Orders of this court, by their totally aloof and lethargic conduct. This conduct, other than causing major issues in the compelling execution of statutory plan, has even undermined the nobility of this Court and encroached upon the essential standard of law.

At the expense of redundancy, we may see that there isn't even an expression of clarification about why no means were taken by the State of Haryana for a significant stretch of seven years and why delicate has not been granted till date. The obscure averments made in the testimony are only a faltering reason to by one way or another maintain a strategic distance from the present procedures. The State of Haryana and the concerned officials, to be specific, the Secretary, Transport and the Commissioner, State 19 Transport Authority have disregarded the Orders of this Court and are obligated for the outcomes of such rebellion.

We would have anticipated such high officials of the State to act reasonably, speedily and as per the sets of this Court. This duty is very important apart from the function of adjudicating the disputes

---

<sup>2</sup> (2001) 5 SCC 309

between the parties which is essential to peaceful and orderly development of the society. Dignity and authority of the Courts have to be respected and protected at all costs.<sup>3</sup>

#### **IV. CONCLUSION**

Thus, in the present case, the Supreme Court laid that repeated chances of performance were offered to the respondents to which there was no response through conduct. *Firstly*, the authorities lacked in progressing the task for 7 years post court's orders offering clarity on the matter. *Secondly*, even after that when the court pointed out the defaulting states to perform their task, the authorities of these states were reluctant in performing any task for the pursuance of the same.

The court have no faltering in arriving at the resolution that the Secretary, Transport and commissioner, State Road Transport Authority of the State of Haryana as, *Firstly*, They are rebuffed to pay a fine of Rs.2,000/- each and in default, they will be subject to experience straight forward detainment for a time of fifteen days; *Secondly*, They force praiseworthy expense of Rs.50,000/- on the State of Haryana, which sum, at the primary occasion, will be paid by the State to the Supreme Court Legal Services Committee.

In perspective on the rule that the courts likewise summon disdain purview as an instrument for consistence of its requests in future, the punishment is necessary and we therefore direct the State Government and the condemner thus currently to emphatically consent to the requests and execute the plan. This is very important to understand that officials do not consider the orders strictly thus, they should be ready for the repercussions of contempt. Ignoring the court orders shows disrespect towards the authority of the court and hence, amounts to contempt, making them liable under the relevant laws.

---

<sup>3</sup> Supra Note 1.