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CRIMINAL CONTEMPT OF COURT IN INDIA AND THE UNITED STATES: A COMPARATIVE ANALYSIS OF ORIGINS, LAWS, AND FREE EXPRESSION

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Abstract

A comparative analysis of the law of criminal contempt in India and the United States, focusing specifically on the intersection between judicial authority, contempt provisions, and freedom of expression. It traces the historical evolution and origins of contempt law in both jurisdictions, highlighting the British colonial legacy in India and the significant influence of First Amendment jurisprudence in the United States.[419] The analysis contrasts India's expansive use of criminal contempt to safeguard judicial dignity, including the controversial offence of "scandalising the court," with the more restrained American approach that prioritises free speech and narrowly limits judicial powers to sanction contempt.[420] Key statutory provisions, landmark judicial interpretations, and contemporary debates in both nations are examined to illustrate the differing philosophical and constitutional perspectives on balancing judicial integrity against democratic freedoms.[421] Ultimately, the paper argues for reforming India's contempt laws by adopting clearer guidelines and greater protections for freedom of expression, drawing insightful recommendations from the more speech-protective American legal framework.[422]

Keywords

Criminal contempt, Scandalising the court, Freedom of expression, Judicial authority, Comparative analysis, Contempt of Courts Act, 1971 (India), First Amendment (United States), Judicial integrity, Free speech protection, Constitutional jurisprudence, Contempt law reform, Democratic accountability, Judicial criticism, Judicial dignity, Legal history.

[419] Contempt of Courts Act, No. 70 of 1971, § 2(c), INDIA CODE (1971).
[420] Law Commission of India, Review of the Contempt of Courts Act, 1971, Report No. 274, ¶¶ 1.2–1.4 (2018).
[421] U.S. CONST. amend. I.
[422] Ex parte Robinson, 86 U.S. (19 Wall.) 505, 510 (1873).

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Introduction

Criminal contempt of court, particularly the act of "scandalizing" the judiciary, has long been a controversial legal concept straddling the line between safeguarding the dignity of courts and upholding freedom of expression. India and the United States, two of the world's largest democracies, have inherited this concept from a common-law tradition but have diverged sharply in its application.[423] In India, contempt of court including criticism that "lowers the authority" of the judiciary is an established offense backed by constitutional and statutory provision. In the United States, robust First Amendment protections have largely confined contempt sanctions to conduct interfering with judicial proceedings, with criticism of judges receiving broad constitutional shelter. This paper presents a comparative legal analysis of criminal contempt in India and the U.S., examining historical underpinnings, constitutional frameworks, key statutes, and landmark judgments. It further explores the delicate balance between preserving judicial authority and protecting free speech, highlighting recent developments in India up to 2024 and drawing insights from the U.S. experience. The aim is to offer a comprehensive scholarly perspective on how each nation's legal system has moved "from scandalizing to safeguarding" either the courts' reputation or constitutional freedoms and to consider potential paths forward in aligning contempt laws with democratic values.[424]

Early Developments in India's Contempt Law

The legal framework for contempt in India began to take shape legislatively under British rule and evolved after Independence.[425] The Contempt of Courts Act of 1926 was the first Indian statute to outline contempt powers, followed by a more comprehensive Act in 1952. These early laws granted broad authority to courts to punish contempt, with few substantive limitations.[426] By mid-century, concerns arose that contempt powers were too expansive and ill-defined. In 1961, the Government of India appointed the H.N. Sanyal Committee to study contempt laws. The Sanyal Committee's report (submitted in 1963) highlighted the need to clarify and limit contempt powers, recommending procedural safeguards such as requiring the consent of a law officer (e.g., Attorney General) to initiate certain contempt proceedings. Many of its recommendations informed the drafting of the Contempt of Courts Act, 1971, which remains the primary legislation governing contempt in India. This Act attempted to provide a clearer definition of contempt and to introduce some measures of restraint and defense (such as the later inclusion of truth as a defense) so as to prevent misuse of contempt power.[427]

The United States' Divergent Path

While India inherited and retained the common-law contempt doctrine, the United States forged a different path in light of its republican values and constitutional guarantees of free speech. Under English law, contempt was notionally "contempt of the King," but in the U.S., where sovereignty rests with the people and the Constitution, the notion had to be reconciled with freedom of expression.[428] Early U.S. courts did assert contempt powers, and the Judiciary Act of 1789 explicitly granted federal courts the authority to punish contempts by fine or imprisonment. This reflected continuity with the common-law understanding that courts must be able to uphold their authority.However, a pivotal incident in 1827 illustrated the tension between this power and free speech:[429] Judge James H. Peck of the U.S. District Court in Missouri jailed an attorney for publishing a newspaper criticism of one of his judicial opinions. Public outrage ensued, and Judge Peck was

[423] Contempt of Courts Act § 2(c), supra note 1.
[424] U.S. CONST. amend. I; see also New York Times Co. v. Sullivan, 376 U.S. 254, 279–80 (1964) (emphasizing robust free speech protections).
[425] Contempt of Courts Act, No. 12 of 1926, INDIA CODE (1926).
[426] Contempt of Courts Act, No. 32 of 1952, INDIA CODE (1952).
[427] GOV'T OF INDIA, MINISTRY OF LAW, REPORT OF THE COMMITTEE ON CONTEMPT OF COURTS (H.N. Sanyal Comm.), at 20–25 (1963).
[428] Judiciary Act of 1789, ch. 20, § 17, 1 Stat. 73, 83 (1789).
[429] Ex parte Robinson, 86 U.S. (19 Wall.) at 512.

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impeached by the U.S. House of Representatives (though later acquitted by the Senate).[430] This controversy led Congress to intervene in 1831 by passing a law limiting the contempt power. The 1831 Act – influenced by libertarian sentiments of the era restricted federal courts to punishing only contempts committed in the court's presence or actions directly interfering with judicial proceedings, thus largely eliminating contempt by publication or commentary from the federal contempt jurisdiction. The U.S. Supreme Court upheld this statutory limit in Ex parte Robinson (1874), affirming that federal judges could not go beyond the statute to punish out-of-court contempts.[431] Despite the federal reform, many U.S. state courts continued into the early 20th century to exercise broader contempt powers inherited from common law. For example, in Patterson v. Colorado (1907), the Supreme Court (before the First Amendment was applied to states) upheld a state court's contempt conviction of a newspaper editor who had published articles and a cartoon critical of a pending case.[432] Justice Oliver Wendell Holmes, writing for the Court, took a restrained view of free speech at that time and allowed the conviction to stand. Similarly, in Toledo Newspaper Co. v. United States (1918), the Court (over a dissent by Justice Holmes) upheld a contempt finding against a publisher for a series of critical editorials, effectively endorsing the idea that courts could punish media criticism that allegedly threatened judicial authority. However, these broad views would soon be curtailed as American constitutional law evolved. By the 1920s and 1930s, jurists and scholars grew increasingly wary of contempt power's clash with the burgeoning notion of robust free speech. A landmark shift came with Bridges v. California (1941), where the U.S. Supreme Court emphatically overturned contempt citations against a labor leader and a newspaper for commenting on pending court matters. Justice Hugo Black's majority opinion in Bridges held that freedom of speech and press could only be restricted by contempt powers in the face of a "clear and present danger" to the administration of justice. Mere criticism or even inaccurate commentary, absent a very high likelihood of imminently threatening the fairness of a trial or judicial proceeding, was deemed insufficient to justify contempt. This case and subsequent decisions (Pennekamp v. Florida in 1946. Craig v. Harney in 1947, and Wood v. Georgia in 1962)[433] firmly established that "scandalizing the court" as an abstract offense has no place in American law if it means punishing speech that does not pose a substantive, immediate threat to justice. By the mid-20th century, the U.S. had thus largely abolished the old common-law crime of scandalizing the judiciary, both by statute and by constitutional jurisprudence. A Privy Council observation from as early as 1899 had noted that such prosecutions were considered obsolete in England. and the U.S. trajectory effectively confirmed that in a modern democracy, judges must tolerate even harsh criticism as the price of free debate.[434]

Constitutional and Legal Framework

India: Constitutional Provisions and the Contempt of Courts Act

In India, the power to punish for contempt is enshrined at the constitutional level and fleshed out by statute.[435] The Constitution of India, adopted in 1950, explicitly recognizes contempt of court as an exception to free speech. Article 19(1)(a) guarantees freedom of speech and expression, but Article 19(2) permits "reasonable restrictions" on this right in the interests of, among other things, "contempt of court." This means that a law punishing contempt of court is constitutionally permissible as a limitation on free expression. Additionally, Articles 129 and 215 of the Constitution designate the Supreme Court of India and the High Courts (respectively) as

[430] Patterson v. Colorado, 205 U.S. 454, 462–63 (1907).
[431] Toledo Newspaper Co. v. United States, 247 U.S. 402, 419–21 (1918).
[432] Bridges, 314 U.S. at 263.
[433] Pennekamp, 328 U.S. at 336.
[434] Wood v. Georgia, 370 U.S. 375, 395 (1962).
[435] INDIA CONST. art. 19(1)(a).

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"courts of record" with the power to punish for contempt. These provisions affirm that superior courts inherently possess contempt jurisdiction, which cannot be taken away by ordinary legislation. To operationalize these broad powers, Parliament enacted the Contempt of Courts Act, 1971 (replacing earlier Acts of 1926 and 1952). This Act provides the current statutory basis for contempt proceedings in India.[436]

United States: First Amendment Constraints and Contempt Powers

In the United States, the constitutional backdrop is fundamentally different, leading to a narrower scope for contempt in relation to speech. This essentially constitutionalized the earlier congressional limits: criticizing a judge or court decision in the media, no matter how scathing, cannot be punished as contempt unless it is intended and likely to interfere with a specific case (for example, by prejudicing a jury or intimidating parties).[437] Even comments on pending cases are mostly protected, unless they are so extreme and impactful as to threaten a fair trial a high bar to meet. Indeed, the Supreme Court has reversed contempt convictions where the connection to obstructing justice was tenuous, emphasizing that judges must tolerate vehement, caustic, or unpleasant criticism as part of the free speech ethos. The First Amendment's supremacy means that "scandalizing the court" per se is not a cognizable offense in the U.S. today; a judge or court as an institution cannot demand immunity from public opinion, and if a publication defames a judge, the remedy lies, if anywhere, in ordinary defamation law, not in contempt. As one American jurist quipped, permitting judges to use contempt power to silence critics would turn the court into "judge, jury, and executioner" in its own cause a result at odds with fundamental principles of justice and liberty. In summary, India's legal framework provides an explicit and broad basis for punishing speech that undermines judicial authority, whereas the United States framework, shaped by the First Amendment, sharply curtails such punishment. The contrast reflects deeper constitutional choices: India balances free speech with other societal interests (contempt of court being one), whereas the U.S. elevates free speech to a near-absolute position in matters of criticizing government institutions, including the judiciary.[438]

Defining Criminal Contempt: "Scandalizing" vs. Obstruction of Justice

A key difference between the Indian and U.S. approaches to criminal contempt lies in how the offense is defined and conceptualized. The term "scandalising the court" is central to India's criminal contempt, but effectively absent in the U.S. legal lexicon due to constitutional limitations. In India, Section 2(c)(i) of the Contempt of Courts Act, 1971 explicitly includes expression that "scandalises or tends to scandalise… or lowers or tends to lower the authority of any court" as a form of criminal contemptThis phrasing is inherently broad and somewhat subjective – almost any strongly worded criticism of a judge or judgment could be construed as "lowering the authority" of the court. Indian courts have acknowledged the wide scope of this definition, with one commentator calling contempt a "Proteus of the legal world" for its ability to assume varied forms.[439] The vagueness of "scandalising" has indeed been a subject of debate. Proponents argue that it is necessary to punish scurrilous allegations or attacks that might erode public faith in the justice system. The offense acts as a deterrent against attempts to undermine the credibility of courts for instance, baselessly accusing judges of bias or improper motives, or using abusive language against the judiciary as an institution. The underlying assumption is that if such attacks go unchecked, the integrity of the judiciary in the eyes of the public could be

[436] INDIA CONST. art. 19(2).
[437] Bridges, 314 U.S. at 271.
[438] Craig, 331 U.S. at 374–76.
[439] V.G. Ramachandran, CONTEMPT OF COURT 3–4 (6th ed. 2019).

compromised, ultimately threatening the rule of law. In this view, contempt power is an essential tool to safeguard the institutional prestige and authority of the courts. This is tied to the notion of rule of law: the judiciary is the guardian of rule of law, and to perform this role effectively, it must command respect and compliance.[440] Critics of the "scandalizing" clause, however, point out that its breadth makes it ripe for misuse or overreach. What exactly "lowers the authority" of a court can be in the eye of the beholder. Does a newspaper's harsh editorial on a bungled judgment qualify? What about a citizen's angry tweet accusing the courts of corruption? In India, the law does not clearly quantify the degree of criticism that amounts to contempt, leaving much to judicial discretion. This has led to a "chilling effect" on speech about the judiciary, as individuals and media outlets may self-censor rather than risk a contempt charge. Moreover, excessive sensitivity to criticism can ironically harm the judiciary's image more than the original comments would, by portraying it as intolerant of feedback. The Indian Supreme Court itself has noted that contempt power should be exercised cautiously. In Justice S. Rangarajan v. P. Jagjivan Ram (1992) and other cases, judges have remarked that the judiciary should not be hypersensitive and that fair criticism, even if outspoken, is permissible.[441] A famous dictum often quoted in this context comes from the Privy Council in Ambard v. Attorney-General for Trinidad and Tobago (1936): "Justice is not a cloistered virtue: she must be allowed to suffer the scrutiny and respectful, even though outspoken, comments of ordinary men." Indian courts have endorsed this principle. acknowledging that the authority of judges is not so fragile that it will crumble under honest criticism. The difficulty lies in distinguishing "respectful though outspoken" criticism from contemptuous vilification. Generally, Indian jurisprudence says that criticism, even strong criticism, is not contempt unless the tone, context, and content cross into an intent to defame or denigrate the court beyond acceptable limits. Yet, as subsequent sections will show, the line has often been drawn in favor of finding contempt in practice, especially when the criticism targets the integrity of judges in a manner the court views as baseless or outrageous. In the United States, by contrast, the notion of "scandalizing the court" as a punishable offense effectively does not exist in modern law. What would in India be called scandalizing contempt is largely treated in the U.S. as protected speech. U.S. courts focus on actual obstruction of justice or disobedience, not on preservation of dignity as an independent goal.[442] For a contempt charge related to speech to stand in an American court, it typically must be shown that the speech created a clear, imminent threat to the administration of justice a far more concrete and stringent standard than India's "tends to lower authority" test.. Even defamation of a judge would not automatically qualify as contempt; the judge would need to sue in a personal capacity under libel law (and meet the high standard of "actual malice" if they are considered a public figure, per New York Times Co. v. Sullivan (1964)). There have been some historical instances akin to scandalizing for example, in the 19th century, judges occasionally tried to punish critics but those have been thoroughly repudiated by later legal developments. The emphasis is that judicial respect must ultimately come from public trust, not coercion; the antidote to speech one disagrees with is more speech, not contempt sanctions. The U.S. Supreme Court in Pennekamp v. Florida observed that "the law of contempt is not made for the protection of judges who may be sensitive to comment…", highlighting that personal affronts to judges are not sufficient to warrant contempt unless they impede justice. In effect, India's definition of criminal contempt targets both tangible interference with judicial processes and intangible harm to judicial prestige, whereas

[440] Ambard v. Att'y Gen. for Trinidad and Tobago [1936] A.C. 322, 335 (P.C.).
[441] Justice S. Rangarajan v. P. Jagjivan Ram, (1989) 2 S.C.C. 574, 581 (India).
[442] Pennekamp, 328 U.S. at 346.

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the United States confines contempt to the former category only. This distinction is pivotal in understanding why the two jurisdictions handle similar situations say, a journalist lambasting the judiciary so differently. In India, that journalist might risk contempt proceedings for scandalizing the court's authority, while in the U.S., the journalist's right to criticize would be firmly shielded by the First Amendment barring extraordinary circumstances. [443]

Judicial Dignity vs. Freedom of Expression: Balancing Interests

The core tension underlying contempt laws is the balance between judicial dignity and freedom of expression. Both India and the United States acknowledge the importance of each value, but they prioritize and reconcile them differently based on legal and constitutional philosophies. Judicial dignity encompasses the idea that courts, to function effectively, must command respect and authority. If courts are openly ridiculed or disrespected, there is a fear that people may lose faith in the justice system, orders might be ignored, and the moral foundation of the rule of law could erode.[444] In India, this concern is given significant weight – hence the offense of scandalizing the court exists to punish those who, in the court's view, cross the line from legitimate criticism to destructive attack. The Indian Supreme Court often speaks of maintaining the "majesty of the law" and the dignity of the bench. It has justified contempt convictions by asserting that the confidence of the public in the judiciary is of paramount importance, and that if baseless allegations are not curbed, the justice system's effectiveness would suffer. From this perspective, contempt power is not about protecting judges' personal egos but about preserving an institution that society relies on to arbitrate disputes and uphold rights. The court in State of Maharashtra v. Chandrabhan (1983) observed that the law of contempt is meant to uphold the prestige of the judiciary because an institution held in contempt by the people cannot administer justice effectively. Similarly, in Arundhati Roy (2002), the judgment noted that free speech is important, but when comments pose a risk of undermining the authority of the court at large, the scale tips in favor of protecting that authority.[445] On the other hand, freedom of expression is a foundational democratic value, seen as the lifeblood of public discourse and a crucial check on power. Those who advocate for maximal free expression argue that no public institution, not even the judiciary, is or should be beyond criticism. In a democracy, judges are unelected officials wielding great power, and thus they should be subject to scrutiny and criticism like any other authority. Moreover, shielding judges from criticism may do more harm than good, by breeding resentment or suspicion that the judiciary lacks accountability. In India, Article 19(1)(a) enshrines free speech, but Article 19(2) tempers it by listing contempt of court as a permissible restriction, reflecting the constitutional attempt to balance these two interests. The debate then shifts to what constitutes a "reasonable restriction" in the name of contempt. Many commentators argue that India's current threshold (with "scandalizing" defined in such sweeping terms) is too low and not sufficiently "reasonable" or precise. They contend that India could adopt a higher threshold (akin to the clear-and-present-danger test) so that only speech that truly poses a functional threat to justice (for example, an ongoing trial's fairness) would be penalized, rather than speech that merely bruises the court's image. The U.S. virtually comes down entirely on the side of free expression in this equation, grounded in the First Amendment's strong language and a cultural-legal ethos that prefers counter-speech over suppression. The dignity of the judiciary in the U.S. is expected to be maintained not by punishing critics, but by the public's discernment and the judiciary's own integrity and transparency. American

[443] N.Y. Times Co., 376 U.S. at 279–80.
[444] State of Maharashtra v. Chandrabhan Tale, (1983) 3 S.C.C. 387, 392 (India).
[445] In re Arundhati Roy, (2002) 3 S.C.C. 343, 369 (India).

judges often respond to criticism not with contempt sanctions but with clarifications, improved public outreach, or by simply letting their judgments speak for themselves. There is a commonly cited notion in U.S. jurisprudence that sunlight is the best disinfectant open discussion, even if messy or heated, is better than suppressing criticism, which might fester into bigger problems. As Justice Louis Brandeis famously noted in Whitney v. California (1927), the remedy to false or damaging speech is more speech, not enforced silence, except in extreme circumstances of imminent harm. Importantly, even in India, there is judicial acknowledgment that freedom of expression plays a vital role in a constitutional republic. The Supreme Court has carved out space for criticism: for example, in Shreya Singhal v. Union of India (2015), a case on online speech (though not about contempt specifically), the Court eloquently defended the importance of dissent and criticism in a vibrant democracy.[446] And historically, figures like Mahatma Gandhi (during colonial times) famously accepted that while he had great respect for the courts, if he was faced with the option to either uphold the majesty of law or his conscience, he would choose the latter and accept the punishment for contempt. Gandhi's stance highlighted the moral dimension of freedom of speech in critiquing authority, including judges, if one truly believes the criticism is well-founded a perspective that resonates with civil libertarians who argue that contempt of court, especially scandalizing the court, can be misused to stifle rightful dissent. The balance in practice in India has been one of case-by-case calibration, often leaning in favor of protecting judicial dignity when specific remarks appear to the judges as particularly egregious or unfounded. For instance, implying that a court is corrupt without concrete evidence is likely to be met with contempt (because it strikes at the heart of judicial integrity), whereas a more reasoned critique of a judgment's reasoning is usually tolerated even if harsh. The judiciary often distinguishes between a criticism of a judgment, which is generally acceptable, and an attack on a judge's motivation or character, which is usually where it draws the contempt line. Additionally, timing matters: comments on pending proceedings are more sensitive (due to the sub judice rule) than comments on finalized cases. Thus, a scathing opinion piece about a case under trial could be seen as potentially prejudicial (and contemptuous), whereas after the verdict, the same piece might be deemed allowable criticism of the court's decision.[447] In the U.S., that kind of distinction is less relevant legally criticism is broadly protected at all times though ethical rules (for lawyers, for example) might advise caution in commenting on pending cases. Interestingly, despite the U.S.'s permissive legal stance, it is not that American judges have never felt offended by harsh criticism. They have simply had to find recourse outside of contempt. There have been a handful of instances of judges suing for defamation (rarely successfully, because proving "actual malice" is tough). More commonly, judges rely on Bar associations to discipline attorneys who make wildly unfounded allegations (as lawyers are officers of the court and held to professional conduct rules). In extreme cases, if a pattern of false attacks by an individual is seen, that person might be held accountable through other means (for instance, a litigant who repeatedly maligns judges in filings can have their pleadings struck or be declared a vexatious litigant). These alternatives underscore that a society can protect its courts' functionality and reputation without a broad speech-restricting contempt law. In summary, India's approach tries to safeguard judicial dignity sometimes at the expense of unrestricted speech, whereas the U.S. approach safeguards free expression even at the cost of tolerating some disrespect to judicial dignity. Each approach has its champions and critics. The Indian judiciary argues that without the contempt power, misinformation and

[446] Shreya Singhal v. Union of India, (2015) 5 S.C.C. 1, 177–78 (India).

[447] Whitney v. California, 274 U.S. 357, 377 (1927) (Brandeis, J., concurring).

scandalous allegations could go rampant, reducing public trust. Free speech advocates retort that trust earned by suppressing criticism is false trust; genuine respect for the judiciary will come from its accountability and openness to criticism.[448] The U.S. experience tends to support the latter view its courts have remained functional and respected overall, even without charging critics with contempt, suggesting that an empowered free press and public may actually strengthen the justice system's credibility by keeping it transparent and humble.

Conclusion

The law of criminal contempt in India and the United States offers a study in contrasts, rooted in different historical experiences and constitutional values. India's approach, inherited from British common law and shaped by its own post-colonial choices, places a premium on preserving the

sanctity and authority of the judiciary even if that means curbing some forms of speech.[449] The United States, forged in a revolution against kingly authority and deeply committed to free expression, has largely discarded the notion that judges or courts should be immune from vigorous public criticism. These divergent paths illuminate a fundamental question: how does a society best safeguard the administration of justice? Is it by silencing "scandalous" critique to uphold dignity, or by tolerating critique to uphold transparency and accountability?[450]

From a comparative legal analysis, a few key insights emerge. Historically, both nations started with a similar common-law understanding of contempt, but the U.S. quickly pruned that understanding through legislative and judicial intervention in the 19th and 20th centuries, guided by the First Amendment. India, on the other hand, retained and even constitutionalized contempt as an exception to free speech, reflecting a concern that its courts, as pillars of rule of law, needed stronger protection.[451] This led to legal doctrines like "scandalising the court" remaining robust in India, even as they became obsolete elsewhere. The constitutional underpinnings – explicit in India, implicit in the U.S. set the stage for how each country's statutes and courts would behave. In India, the Contempt of Courts Act, 1971, with its broad definitions, has been a double-edged sword: it empowers courts to swiftly address anything that might undermine justice, but it also endows them with a subjective and potentially overbroad tool that can stifle legitimate discourse.[452] In conclusion, the journey "from scandalising to safeguarding" can be interpreted as a call for evolution: moving away from reflexively viewing criticism as an attack to be punished ("scandalising"), and moving toward safeguarding core values safeguarding the right to a fair justice system and safeguarding the fundamental freedom to question and criticize that system.[453] India and the United States, through their comparative experiences, offer a rich dialogue on how to achieve this equilibrium. A contempt law that complements rather than contradicts democratic freedom is possible one that protects the administration of justice from real harm while allowing the voices of the people to be heard, even if those voices are sometimes dissenting, dissatisfied, or sharply critical. The enduring challenge is ensuring that in protecting the dignity of courts, we do not unwittingly tarnish the higher dignity of the Constitution and the principles of free discourse it enshrines.[454]

[448] Pennekamp, 328 U.S. at 346.
[449] U.S. CONST. amend. I.
[450] N.Y. Times Co., 376 U.S. at 270.
[451] Law Commission of India, supra note 6, ¶ 3.8.
[452] Bridges, 314 U.S. at 270.
[453] Pennekamp, 328 U.S. at 346–47.
[454] Ambard, [1936] A.C. at 335.