

## Freedom Of Expression And Contempt Of Court

The issue relating to contempt of court has caught the attention of people from all walks of life in Malaysia, particularly, after the controversial incidents of the removal of Tun Salleh Abbas, the then Lord President, in 1988 and the dismissal of the former Deputy Prime Minister, Dato Seri Anwar Ibrahim, in 1998. The judiciary is attacked and its independence is questioned. The lawyers are placed under the threat of contempt proceedings when they tried to exercise their right to freedom of speech and expression and to exercise their duty to act for their clients without fear or favour. The Bar feels that the right to freedom of speech and expression is infringed. The Bar perceives that the contempt power was being misused by the judges. The Malaysian law of contempt of court is derived from the English common law tradition and is characterised by substantial flexibility. This flexibility results in variable approaches and perceptions by judges that leave uncertainties in this area of law. Consequently, a draft of Contempt of Court Act 1999 has been proposed to the Malaysian government with the main intention of overcoming uncertainties in the law. Placing the comprehensive rules in a statute will allow easier access to and greater clarity of the law because all the rules and procedures would be found in one piece of legislation. This thesis aims to state and explain the law and the practice of contempt of court in Malaysia. This study will examine the anomalies that derived from the substantial flexibility approaches by the judges in this area of law. Thorough examination and analysis would help identifying the problems and dilemma and the way that the draft Contempt of Court Act 1999 could provide remedies for the predicaments. To illuminate the understanding of the actual practical problem, this study incorporates in-depth interviews together with questionnaire surveys. A total of 15 in-depth interviews have been conducted among the Malaysian judicial officers,

'A refreshing complement to more venerable textbooks. Indeed, being both reflective and accessible, it is arguably a better first resort for aspirant hacks' Times Higher Education Supplement 'It is written in a clear and user-friendly style, avoiding the legalistic language that can be a problem with so many law textbooks. Particularly well written are the case studies that Ursula Smartt explains in each chapter' - Writing Magazine Media Law for Journalists functions as both an introduction and a reference guide to the main legal issues facing journalists. It is intended as a course textbook for students, first and foremost. However, it is also intended to help keep journalists out of jail and on the right side of the law. The book presumes no prior legal knowledge, but covers all the relevant areas including: defamation, privacy, contempt of court, freedom of expression, and intellectual property. It also looks at the difference between the English and Scottish legal systems as they pertain to the media. This book will be essential reading for all students of journalism as well a welcome guide to professional journalists.

A Comparative Study of the Constitutions of India and the United States

Fair Trial and Free Expression

Contempt of Court and Freedom of Speech

Freedom of Speech and the Administration of Justice in the Western World

New Perspectives on the Meaning of Freedom of Speech and Press

Media Coverage of Criminal Trials

In a collection of essays from selected European jurisdictions, this book assesses the legal situation of the offences associated with the criticism of judges. It undertakes a comparative study of the management of the conflicting demands between freedom of expression and the independence of judiciary within a European context.

This book is an appraisal of law and practice in light of International Human Rights Law and Best Practices book is essential reading for anyone who wants to grasp the scope of the freedom of speech for Members of Parliament and even the general populace in a democratic setting. The book provides valuable insights into why the freedom of speech for Members of Parliament is so important. One of the most important pivotal statements alluded in this book is that, freedom of speech is crucial in any democracy, because open discussions of members are essential for voters to make informed decisions during elections.

Freedom of the Press

Freedom of Expression and Rights of the Accused

Freedom of Speech and Its Limits

Media Law for Journalists

The Influence of Nineteenth Century Common Law

The Development of the Law of Contempt of Court and Freedom of Expression in English Law

The expression Sedition generally means of defamation of the State but the legal meaning of Sedition is different. Sedition is crime against the State and includes the misdemeanour of publishing verbally or otherwise any words or documents with the intent to create public disorder, contempt, against the Sovereign or the Government and Constitution of the Kingdom or either house of Parliament and the Administration of Justice. The gist of the offence of Sedition is incitement to violence, mere abusive words are not enough. The acts of public disorder or must cause reasonable anticipation or likelihood of public disorder in order to constitute disaffection. The intention of the speaker writer or publisher may be inferred from the particular speech, Article or letter. The requisite intention cannot be inferred from the mere awareness of the contents of the seditious publication. Feeling of hatred, contempt or disaffection would be excited towards the Government.

In authoritarian states, the discourse on freedom of speech, conducted by those opposed to non-democratic governments, focuses on the core aspects of this freedom: on a right to criticize the government, a right to advocate theories and ideologies contrary to the government. But in a by-and large democratic polity, where these fundamental benefits of freedom of speech are generally enjoyed by the citizens, the public and scholarly discourse on freedom of speech hovers about the peripheries of that freedom; that is, not at the central territory of freedom of speech. Those borderline cases, in which people who are otherwise genuinely committed to the core aspects of freedom of speech may sincerely disagree, include pornography, racist hate speech and religious bigotry and of private persons, contempt of court, incitement to violence, disclosure of military or commercial secrets, advertising of merchandise such as alcohol or cigarettes or of services and entertainment such as gambling and prostitution.

THE CONTEMPT POWER: A SWORD OR A SHIELD? - A STUDY OF THE LAW AND PRACTICE OF CONTEMPT OF COURT IN MALAYSIA.

The Cloistered Virtue

Concerning Libel, Privacy, Contempt, Copyright, Regulation of Advertising, and Postal Laws

A handbook for legal practitioners

"P. V. D.

Legal Control of the Press

*Fifty controversial cases decided by the Supreme Court show how the First Amendment protects freedom of speech and freedom of the press.*

*Freedom of speech and a free and fair justice delivery system are two most important components of democracy, and striking a balance between them is a must for its smooth running. The law of contempt of court in India has assumed immense social and political significance due to growing judicial tendency to gag and often to subjugate the democratic aspirations and dissent. This book presents a critical assessment of the freedom of speech as enshrined in the Indian Constitution and encroachment on it by the proactive approach of judiciary through the instrument of the law of contempt of the court. Tracing the history of the contempt of court, it discusses at length the various aspects of democracy and freedom of speech, the status of contempt of court in various countries, the law of contempt and constitutional guarantees, and judicial accountability. It also tries to explore gender biases in the delivery of justice in the cases related to the contempt of court.*

*The Russian Experiment and After*

*The First Amendment Reconsidered*

*Sub Judge Contempt, Freedom of Expression and the Right to a Fair Trial*

*A Judgment [i.e. Judgement] Showing Contempt for Freedom of Expression"*

*The Real Truth Unraveled About Sedition and Free Speech in India*

3. Canada, by Jan Bauer.

European Convention on Human Rights - Article 10 - Freedom of expression 1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises. 2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary. In the context of an effective democracy and respect for human rights mentioned in the Preamble to the European Convention on Human Rights, freedom of expression is not only important in its own right, but it also plays a central part in the protection of other rights under the Convention. Without a broad guarantee of the right to freedom of expression protected by independent and impartial courts, there is no free country, there is no democracy. This general proposition is undeniable. This handbook is a practical tool for legal professionals from Council of Europe member states who wish to strengthen their skills in applying the European Convention on Human Rights and the case law of the European Court of Human Rights in their daily work.

Controversies Over Free Speech

Progress Stalled : Setbacks in Freedom of Expression

Fair Trial Rights, Freedom of Expression and the Internet

Rethinking Publication Contempt in the Modern Age

A Comparative Study of Press Freedom in European and Other Democracies

Freedom of Expression and the Criticism of Judges

Most liberal societies are deeply committed to free speech, but there is evidence that some kinds of speech can be harmful in ways that are detrimental to important liberal values, such as social inequality. This volume draws on a range of approaches in order to explore the problem and determine what ought to be done about allegedly harmful speech.

Contempt of CourtFreedom of Expression and Rights of the AccusedContempt of Court and Freedom of SpeechExploring Gender BiasesReadworthy

Papers from the Conference on American Freedom [about] Press, Privacy, Religion, Speech

Contempt by Publication

A Background Report Prepared for and Presented to the Subcommittee on Constitutional Rights of the Committee on the Judiciary, United States Senate

The watchdog concept

The Origins of the Watchdog Concept of Freedom of the Press

Exploring Gender Biases

Fully revised and updated, this title examines topical issues such as free speech and freedom of the press, as well as considering other important developments and legislation.

A commitment to free speech is a fundamental precept of all liberal democracies. However, democracies can differ significantly when addressing the constitutionality of laws regulating certain kinds of speech. In the United States, for instance, the commitment to free speech under the First Amendment has been held by the Supreme Court to protect the public expression of the most noxious racist ideology and hence to render unconstitutional even narrow restrictions on hate speech. In contrast, governments have been accorded considerable leeway to restrict racist and other extreme expression in almost every other democracy, including Canada, the United Kingdom, and other European countries. This book considers the legal responses of various liberal democracies towards hate speech and other forms of extreme expression, and examines the following questions: What accounts for the marked differences in attitude towards the constitutionality of hate speech regulation? Does hate speech regulation violate the core free speech principle constitutive of democracy? Has the traditional US position on extreme expression justifiably not found favour elsewhere? Do values such as the commitment to equality or dignity legitimately override the right to free speech in some circumstances? With contributions from experts in a range of disciplines, this book offers an in-depth examination of the tensions that arise between democracy's promises.

Chile

Scandalising the Court, a Consultation Paper

Press Law and Practice

Scandalising the Court

Freedom of Speech and Press in America

Freedom of Speech and Expression Under the Constitutions of India and the United States

The essays discuss the restrictions imposed by contempt of court and other laws on media freedom to attend and report legal proceedings. Part I contains leading articles on the open justice principle. They examine the extent to which departures from that principle should be allowed to protect the rights of parties, in particular the accused in criminal proceedings, to a fair trial, and their interest in being rehabilitated in society after proceedings have been concluded. The essays in Part II examine the topical issue of whether open justice entails a right to film and broadcast legal proceedings. The articles in Part III are concerned with the application of contempt of court to prejudicial media publicity; they discuss whether it is possible to prevent prejudice without sacrificing media freedom. Another aspect of media freedom and contempt of court is canvassed in Part IV: whether journalists should enjoy a privilege not to reveal their sources of information.

Scandalising the court is a form of contempt of court and a consultation paper (No.207 ISBN 9780118405324) was published and ended in October 2012. An amendment to the Crime and Courts Bill designed to abolish the offence brought the Commission's consideration forward in order to produce recommendations in time to be considered within this legislative process. This report looks at the arguments for and against abolition as well the conclusions the Commission comes too.

The Sunday Times Thalidomide Case

A Comparative Study of European Legal Standards

Freedom of Speech for Members of Parliament in Tanzania

Extreme Speech and Democracy

Free Speech, Free Press, and the Law

The Contempt of Court Under the Constitution

***The common law offence "contempt of court" is the legal mechanism dating back to the early 1100 s by which the judiciary ensures its independence, effectiveness and dignity. It is the means by which the court avoids interference with the administration of justice thereby ensuring that the accused has a fair trial. It is the means by which the court punishes scandalous acts . With the rising of the new constitutional era by which all laws, be they common or statutory, are to conform to the deemed contemporary values of a new democratic society, the offence of contempt has to be in conformity with the values of the Namibian Constitution. One of these values is the fundamental right to freedom of speech and expression bestowed upon the media. The media includes the press, radio, the Internet, and the television. The essence of this book is thus to examine to what extent the common law crime of contempt is in conformity with these constitutional values. In other words, does this offence reasonably restrict the free legal speech of the media as required by a democratic society such as ours? Or is the restriction unwarranted?***

***The Law Commission's work on scandalising the court forms part of its wider project on contempt. Work on this aspect of contempt has been brought forward to tie in with the Government's consideration of the possible abolition of the offence under the Crime and Courts Bill. A well-publicised case in spring 2012 highlighted the historic common law offence of scandalising the court. This offence covers conduct likely to undermine the administration of justice or public confidence in the administration of justice, where the conduct does not impinge on particular proceedings. Scandalising the court has been defined as "any act done or writing published calculated to bring a Court or a judge of the Court into contempt, or to lower his authority". There has not been a successful prosecution for scandalising the court in England and Wales since 1931, although it has been used more recently in other common law jurisdictions. The controversy surrounding this offence is in relation to: the lack of clarity about both the conduct element and the mental element; the lack of clarity about the defences available; the justification for retaining such an offence in a well-established democracy; and the compatibility of the offence with freedom of speech and the European Convention on Human Rights. The consultation considers whether the current offence of scandalising the court should be abolished or, in the alternative, whether it should be retained but modified and, if so, how***

***Speech and Harm***

***Constitutionality of Contempt of Court - Media Freedom of Speech***

***Contempt of Court***

***Contempt of Court and the Freedom of the Press***

***Protecting the right to freedom of expression under the European Convention on Human Rights***

***Media Freedom and Contempt of Court***