

Civil Contempt: Is the Beneficiary an Aggrieved Person?

Comparative authority shows that courts control contempt sanctions, while beneficiaries of disobeyed civil orders retain a direct legal interest in compliance.

Comparative legal research
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The short answer

The familiar statement that contempt is a matter between the court and the contemnor is correct, but it answers only who controls the contempt power. The applicant does not own the prosecution and cannot demand conviction, imprisonment, a fine, rejection of an apology or continuation of proceedings as a vested right.

That principle does not make the beneficiary of a civil order legally irrelevant. Where disobedience deprives a party of possession, payment, reinstatement, custody, access, status or the protection of an injunction, that party remains directly affected and may have a substantial interest in securing compliance. The sounder rule is therefore dual: the beneficiary has an enforcement interest, while adjudication and punishment remain under the court's exclusive control.

Contempt must nevertheless remain distinct from ordinary execution. A decree-holder cannot ordinarily replace the execution machinery provided by law with penal proceedings. Civil contempt becomes material where the governing requirements - including a clear order, knowledge, ability to comply and the required degree of wilfulness - are established.

Two questions that must not be confused

The proposition that contempt is between the court and contemnor concerns control of the jurisdiction. It protects the court's discretion over initiation, continuation, apology and sanction and prevents contempt from becoming a private criminal action.

A different question is whether the person for whose benefit the order was made has a legal interest in obedience to it. Civil disobedience may injure two interests at the same time: the successful party's interest in the fruits of adjudication and the judiciary's institutional interest in the effectiveness of its orders.

Recognising the first interest does not transfer the contempt power to the litigant. Denying it, however, would ignore the practical injury caused when a binding order made for an identifiable party is deliberately defeated.

Pakistan: the traditional rule and its qualification

In *West Pakistan Water and Power Development Authority v. Chairman, National Industrial Relations Commission*, PLD 1979 SC 912, a five-member bench stated the traditional rule that contempt is essentially between the court and the contemnor. If the court whose authority is engaged declines to act or accepts an apology, another court does not ordinarily compel a different exercise of the contempt power. The rule is institutional: punishment belongs to the court, not to the informant.

The Supreme Court expressly qualified that rule in *Abdul Baqi v. Haji Khan Muhammad*, PLD 2022 SC 546. After referring to WAPDA, it held that the general principle is not absolute. In exceptional circumstances, an order refusing to initiate civil contempt - particularly one made on the petition of an aggrieved party - may be examined under Article 185(3) where the refusal is arbitrary, perverse, ridiculous, improbable or contrary to settled law.

Abdul Baqi does not confer a private right to have another person punished. Its importance lies in recognising that a civil-contempt applicant may still be an aggrieved party. The absence of a vested right to punishment and the existence of a legally cognisable interest in compliance are compatible propositions.

Contempt is not a substitute for execution

Saeeda Sultan v. Liaqat Ali Orakzai, PLD 2021 SC 671, supplies the necessary restraint. The Supreme Court held that contempt cannot routinely replace execution proceedings under the Code of Civil Procedure. A decree-holder must ordinarily use the enforcement procedure created by law. Contempt carries penal and quasi-criminal consequences and requires facts establishing contempt, including wilful disobedience where that standard applies.

This is a rule about the proper remedy, not a declaration that the decree-holder has no interest in enforcement. A beneficiary may be directly prejudiced by non-payment or non-delivery and still be required to proceed through execution.

Dr Manzoor Hussain Malik v. Mahar Muhammad Khalid Ahmad, PLD 2024 Lahore 109, uses the restrictive language that the party supplying information is ordinarily an informer and has no vested right to press for contempt. Yet the judgment also distinguishes civil contempt, recognises its compliance function and acknowledges the redressal interest of an aggrieved party. Read with Abdul Baqi, the coherent position is that the applicant cannot control punishment but may remain an aggrieved beneficiary for compliance purposes.

Article 204 and the Federal Constitutional Court

Following Pakistan's constitutional restructuring, Article 204 places the contempt powers of the Federal Constitutional Court, the Supreme Court and the High Courts on a constitutional footing. In Siraj Ahmad v. Governor Punjab, C.P.L.A. No. 5312 of 2024, decided on 24 February 2026, the Federal Constitutional Court treated Article 204 as self-executing and linked contempt authority with effective enforcement of judicial orders.

Siraj Ahmad principally concerns the court's jurisdiction and institutional power; it is not a direct ruling on the standing of a private beneficiary. It strengthens the public side of the doctrine without eliminating the separate private injury caused by non-compliance.

India: the clearest direct formulation

Niaz Mohammad v. State of Haryana, (1994) 6 SCC 332, directly addresses the beneficiary's position. The Supreme Court of India explained that, where non-compliance concerns an order made in favour of a party, that person may move the court to initiate civil contempt with a view to enforcing the right flowing from the order. The successful party is entitled to the benefit of the order, but contempt is not equivalent to execution and punishment requires wilful and intentional disobedience.

D.N. Taneja v. Bhajan Lal, (1988) 3 SCC 26, and Commissioner, Agra v. Rohtas Singh, (1998) 1 SCC 349, repeat that contempt is between the court and alleged contemnor. Their context matters. D.N. Taneja concerned whether an applicant had a statutory right of appeal after the alleged contemnor was not punished. The formula regulates control of prosecution and appeal; it does not erase the civil right protected by the original order.

Midnapore Peoples' Co-operative Bank Ltd v. Chunilal Nanda, (2006) 5 SCC 399, adds that contempt proceedings must not become a forum for reopening or deciding the merits of the underlying dispute. Ashok Paper Kamgar Union v. Dharam Godha, (2003) 11 SCC 1, and Ram Kishan v. Tarun Bajaj, (2014) 16 SCC 204, reinforce the need to establish wilful disobedience rather than accidental, impossible or bona fide non-compliance.

Bangladesh and Sri Lanka

Bangladesh gives direct procedural recognition to the beneficiary. Order XXVII rule 1 of the Supreme Court of Bangladesh Appellate Division Rules, 1988, generally permits cognisance of contempt on the court's own motion or on a petition by any person. Its proviso specifically permits a petition by the aggrieved person where wilful disobedience of a judgment, decree, direction, order, writ, process or undertaking is alleged.

That language distinguishes an aggrieved beneficiary from a generic informer. It does not give the applicant ownership of punishment. Proshika Manobik Unnayan Kendra v. Dr Qazi Faruque Ahmed, Civil Rule No. 3 (Vio)(R) of 2024, decided on 10 February 2026, also illustrates the limit: party status, clarity of the injunction

and the applicant's legal relationship with the order remain material.

Sri Lankan authority describes civil contempt as having both an inter-partes enforcement aspect and a public penal or disciplinary aspect. In *Upali Dharmasiri Welaratne v. Wesley Jayaraj Moses*, S.C. Appeal No. 65 of 2003, decided on 27 May 2009, the Supreme Court recognised that disobedience may deprive the other party of the benefit of an order while also impairing the administration of justice.

Sri Lanka's Contempt of a Court, Tribunal or Institution Act No. 8 of 2024 now includes wilful disobedience of judgments, decrees, directions, orders, writs and other judicial process, as well as wilful breach of an undertaking. Earlier Sri Lankan authority also warns that contempt should not be used as a coercive shortcut where ordinary execution is the proper legal route.

England and South Africa

English law has long recognised the same duality. *Phonographic Performance Ltd v. Amusement Caterers (Peckham) Ltd* [1964] Ch 195 described civil contempt as resembling civil execution between the parties while invoking the court's penal or disciplinary authority in the public interest.

In *M v. Home Office* [1994] 1 AC 377, the House of Lords explained that breach of an order may constitute civil contempt punishable at the instance of the party for whose benefit the order was made. That does not reduce committal to a purely private remedy; the court retains its own substantial interest in obedience.

Fakie NO v. CCII Systems (Pty) Ltd, 2006 (4) SA 326 (SCA), states the South African position directly. A private party seeking committal has a manifest private interest in securing compliance, while the court acts in the broader public interest of obedience to orders and the rule of law. *Pheko v. Ekurhuleni Metropolitan Municipality* (No. 2), 2015 (5) SA 600 (CC), likewise treats contempt as serving both the vindication of judicial authority and the compulsion of performance.

Canada, the United States and European human-rights law

In *Carey v. Laiken*, 2015 SCC 17, the Supreme Court of Canada described civil contempt as a discretionary enforcement mechanism. Its elements include a clear order, actual knowledge and an intentional act or omission that breaches the order, proved beyond a reasonable doubt. Canadian law does not formulate fault in precisely the same way as Pakistan and India, so its test should not be transplanted without qualification.

In *International Union, United Mine Workers of America v. Bagwell*, 512 U.S. 821 (1994), the United States Supreme Court explained that a civil contempt sanction is remedial where it coerces compliance or compensates the complainant for loss. The procedural character of a sanction depends on its purpose and operation, not only its label.

The European Court of Human Rights does not decide the common-law categories of civil contempt. Its relevance is narrower but important. *Hornsby v. Greece*, application no. 18357/91, held that execution of a final, binding judgment forms an integral part of the right to a court under Article 6. *Burdov v. Russia* (No. 2), application no. 33509/04, treated prolonged non-enforcement as a violation of Article 6 and recognised that an enforceable monetary judgment may amount to a possession for the purposes of Protocol No. 1.

These cases support the beneficiary's substantive interest in effective enforcement. They do not require domestic law to use contempt rather than execution, coercive orders, compensation or another effective mechanism.

The qualified rule

The comparative authorities support the following formulation:

- The court exclusively controls contempt adjudication, continuation, apology and punishment.
- The beneficiary of a disobeyed civil order may remain an aggrieved person with a direct and substantial interest in compliance.
- Standing to invoke or assist the jurisdiction does not create a vested right to conviction or punishment.
- Contempt must not decide new merits, enlarge the original order or replace an adequate execution procedure.
- Penal or coercive relief requires proof of the elements prescribed by the governing law and observance of fair-trial safeguards.

The traditional court-and-contemnor rule and the beneficiary theory operate at different levels. The first identifies ownership of judicial power. The second identifies the person whose adjudicated right is being frustrated.

A practical test for civil contempt

Before treating non-compliance as civil contempt, a court should ask:

- Is there a clear, operative and unambiguous judgment, decree, direction, writ, injunction or undertaking?
- Was the alleged contemnor bound by it and did that person have sufficient knowledge or notice?
- Was compliance legally and practically possible?
- Has actual non-compliance been proved?
- Has the degree of wilfulness, bad faith, contumacy or intentional conduct required by the governing law been proved?
- Is the applicant the beneficiary whose legal interest is affected, or merely a stranger supplying information?
- Does an adequate statutory execution or enforcement mechanism provide the proper route?
- Is coercive relief needed to secure compliance, or is only punishment for completed past conduct being sought?
- Would the contempt proceeding reopen the merits or enlarge the original order?
- Is any proposed direction or sanction proportionate and consistent with due-process safeguards?

This sequence keeps enforcement effective without allowing contempt to become an appeal, execution petition or private prosecution in another form.

Conclusion

Civil contempt is neither exclusively private nor exclusively institutional. The court owns the contempt power; the beneficiary owns neither prosecution nor punishment. Yet the beneficiary remains the person whose adjudicated legal benefit is defeated by disobedience and may therefore retain a direct interest in compliance.

For Pakistan, the safest formulation is that WAPDA's traditional rule governs judicial control, while Abdul Baqi recognises that the rule is not absolute and that an aggrieved party may exist in civil contempt. Saeeda Sultan preserves the execution boundary. Siraj Ahmad reinforces the constitutional importance of enforceable judicial orders without deciding private standing as a separate issue.

Accordingly, contempt is between the court and contemnor for adjudication and punishment, but civil contempt is not exclusively theirs for every legal purpose when disobedience defeats an order made for an identifiable beneficiary. The beneficiary may seek compliance, subject to the governing procedure and the court's discretion, but cannot demand punishment as of right.

This article is comparative legal research for general information. Binding Pakistani authority, the current constitutional and statutory text, applicable procedural rules and later judicial treatment should be checked before reliance in proceedings.