

1915.

Present : Pereira J.

In re VANNY AIYAR.

118—P. C. Point Pedro, 3,866.

Contempt of Court—Appearing in Court without removing his shawl.

A Ceylon Court of Justice is a British Court of Justice, and, therefore, when a person enters a Court here clad in a manner agreeable to British ideas and conceptions of respectful attire he commits no contempt. It is only where the attire offends against such ideas and conceptions that a question can arise as to whether a contempt was intended.

THE facts appear from the judgment.

Talavasingham, for appellant.—The appellant had no intention of being disrespectful to the Court. He was a priest, and he came dressed in his usual fashion. It was held in *3 Lor. 171* that appearing in Court with a shawl covering one's shoulders was not contempt of Court.

Cur. adv. vult.

February 22, 1915. PEREIRA J.—

In this case a witness (Muttusamy Aiyar) appeals from an order of the Magistrate fining him Rs. 7.50 for contempt of Court. It appears that the appellant appeared in Court without "removing his shawl," and the Magistrate thereupon promptly called on him to show cause why he should not be punished for contempt of Court. The appellant stated: "Usually I come in this way. I bring two shawls: one I put under my arm, and one on shoulder." The Magistrate was not satisfied with this explanation and fined him for contempt. The appellant says in the petition of appeal that when questioned by the Magistrate he immediately removed the shawl, and he further states that he is a Brahmin priest, and it is "customary for Brahmin priests of his class to have shawls on the shoulder, and they never remove them." The Magistrate has not informed this Court whether the first statement is true or false. However, the statements are verified by affidavit, and I shall take no notice of them. The simple question in the case is whether a person entering a Court of Justice in Ceylon with a shawl on his shoulder *inro facto* commits a contempt of Court. A Ceylon Court of Justice is a British Court of Justice, and so long as a person enters a Court here clad in a manner agreeable to British ideas and conceptions of respectful attire he commits no contempt. It is only when the

attire offends against such ideas and conceptions that a question can arise as to whether a contempt was intended. I need only say that I think that these ideas and conceptions are less partial to naked shoulders than to shoulders becomingly covered.

A case similar to the present occurred some years ago. It is reported at page 171 of Part III. of *Lorenss's Reports*. There, according to the report, one Appasamy appeared in the Police Court of Point Pedro with the upper part of his body completely covered over with a shawl of white cloth, and a large white umbrella under his arm. The Magistrate required him to bare his shoulders and put the umbrella down. He bared his shoulders partially and put his umbrella down, but (as recorded by the Magistrate "laughed in the very face of the Court in so very markedly unbecoming and contemptuous a manner that the Court considered it absolutely necessary at once to commit him for contempt." The late Mr. Lorenz in arguing the appeal submitted to the Supreme Court whether it was "surprising that a man should laugh at such an absurd request in a Court of Justice," and he said that he regretted being under the necessity of arguing such a point as that involved in the case. In the course of the argument, Rowe C.J. observed that when he was in Jaffna he saw several Tamil gentlemen in Court in their muslin robes, and it never struck him that they intended any disrespect to him, and he quashed the conviction, having made the caustic remark: "It appears to me that if these young men (meaning the Magistrates) are more careful about their judgments than of their dignity, much good will be the result." I have no hesitation in following this case, and I set aside the order appealed from.

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 Aiyar

Set aside.