

**MANUAL OF OFFICE PROCEDURE
ON JUDICIAL SIDE**

DISCLAIMER

The practice directions and other information contained in the Manual are meant only for internal use and for guidance of the staff of the Supreme Court Registry, and are not enforceable in any Court of Law or any other forum. The practice directions herein are subject to change at any time.

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**SUPREME COURT OF INDIA
MANUAL OF OFFICE PROCEDURE
(Judicial Side)**

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**MANUAL OF OFFICE PROCEDURE
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CHAPTER I

HISTORICAL PERSPECTIVE

**CONSTITUTION OF SUPREME COURT, SUPREME COURT
REGISTRY, ATTORNEY GENERAL AND ADVOCATES**

On the 28th of January, 1950, two days after India became a Sovereign Democratic Republic, the Supreme Court came into being. The inauguration took place in the Chamber of Princes in the Parliament building which also housed India's Parliament, consisting of the Council of States and the House of the People. It was here, in this Chamber of Princes, that the Federal Court of India had sat for 12 years between 1937 and 1950. This was to be the home of the Supreme Court for years that were to follow until the Supreme Court acquired its own present premises.

After its inauguration on January 28, 1950, the Supreme Court commenced its sittings in a part of the Parliament House. The Court moved into the present building in 1958. The building is shaped to project the image of scales of justice. The Central Wing of the building is the Centre Beam of the Scales.

The original Constitution of 1950 envisaged a Supreme Court with a Chief Justice and 7 puisne Judges - leaving it to Parliament to increase this number. In the early years, all the Judges of the Supreme Court sat together to hear the cases presented before them. As the work of the Court increased and arrears of cases began to accumulate, Parliament increased the number of Judges from 8 in 1950 to 11 in 1956, 14 in 1960, 18 in 1978 and 26 in 1986. As the number of Judges has increased, they sit in smaller Benches of two and three - coming together in larger Benches of 5 and more only when required to do so or to settle a difference of opinion or controversy.

The Supreme Court of India comprises of the Hon'ble the Chief Justice and not more than 25 other Hon'ble Judges appointed by the President of India. Supreme Court Judges retire upon attaining the age of 65 years. In order to be appointed as a Judge of the Supreme Court, a person must be a citizen of India and must have been, for atleast five years, a Judge of a High Court or of two or more such Courts in succession, or an Advocate of a High Court or of two or more such Courts in succession for at least 10 years or he must be, in the opinion of the President, a distinguished jurist. Provisions exist for the appointment of a Judge of a High Court as an Ad-hoc Judge of the Supreme Court and for retired Judges of the Supreme Court or High Courts to sit and act as Judges of that Court.

The proceedings of the Supreme Court are conducted in English only. Supreme Court Rules, 1966 are framed under Article 145 of the Constitution to regulate the practice and procedure of the Supreme Court.

(i) **SUPREME COURT ADVOCATES**

There are three categories of Advocates who are entitled to practise before the Supreme Court of India:

(a) **Senior Advocates**

These are Advocates who are designated as Senior Advocates by the Supreme Court of India or by any High Court. The Court can designate any Advocate, with his consent, as Senior Advocate if in its opinion by virtue of his ability, standing at the Bar or special knowledge or experience in law the said Advocate is deserving of such distinction. A Senior Advocate is not entitled to appear without an Advocate-on-Record in the Supreme Court or without a junior in any other court or tribunal in India. He is also not entitled to accept instructions to draw pleadings or affidavits, advise on evidence or do any drafting work of an analogous kind in any court or tribunal in India or undertake conveyancing work of any kind whatsoever but this prohibition shall not extend to settling any such matter as aforesaid in consultation with a junior.

(b) **Advocates-on-Record**

Only these Advocates are entitled to file any matter or document before the Supreme Court. They can also file an appearance or act for a party in the Supreme Court.

(c) **Other Advocates**

These are Advocates whose names are entered on the roll of any State Bar Council maintained under the Advocates Act, 1961 and they can appear and argue any matter on behalf of a party in the Supreme Court provided they are instructed by an Advocate-on-Record but they are not entitled to file any document or matter before the Court.

Appearance in Court

A person represented by an advocate is not permitted to argue in person, though he can remain present in the Visitors Gallery, after obtaining the requisite pass for this purpose. A person not represented by an Advocate can however argue his case in person and for this purpose, he can remain present in the Court, where his matter is listed.

ii) **ESTABLISHMENT/MACHINERY OF THE SUPREME COURT REGISTRY ON THE JUDICIAL SIDE**

The Judges of Supreme Court are assisted and day-today work of the Court is managed by a Registry headed by the Court Administrator-cum-Registrar General and the work of the Registry has been divided into 45 sections. Division of Judicial work in various sections is based mainly on geographical basis i.e. State/High Court wise. However, there are some sections dealing exclusively with special subject categories such as Writ Petitions and Public Interest Litigations. Also, there are ancillary judicial sections such as Filing Section where all the cases are filed, Listing and Computer Sections dealing with listing of cases, Record Room, Paper-Book Section, Decree Sections, where final decrees are drawn in terms of the

In exercise of the powers conferred by Article 145 of the Constitution of India and all other powers enabling it in this behalf, the Supreme Court with the approval of the President made the Supreme Court Rules, 1966. The work on the judicial side is mainly performed as per the provisions of the Supreme Court Rules, 1966.

iii) The powers of the Court in relation to the following matters may be exercised by the Registrar under Order VI, Rule 1 of Supreme Court Rules 1966 :-

- 1 Applications for discovery and inspection.
- 2 Applications for delivery of interrogatories.
- 3 Applications for substituted service, or for dispensing with service of notice of the appeal on any of the respondents to the appeal under rule 10 of Order XV.
- 4 Applications for time to plead, for production of documents, and generally relating to the conduct of cause, appeal or matter save those coming under rule 2 of this Order.
- 5 Applications for leave to take documents out of the custody of the Court.
- 6 Questions arising in connection with the payment of court-fees.
- 7 Applications by third parties for return of documents.
- 8 Applications for grant of copies of records to third parties.
- 9 Applications for the issue of a certificate regarding any excess court-fee paid under a mistake.

- 10 Applications for requisitioning records from the custody of any Court or other authority.
 - 11 Applications for condoning delay in paying deficit court-fees or delay in representation.
 - 12 Applications for condonation of delay in filing statement of cases: Provided that where the Registrar does not think fit to excuse the delay, he shall refer the application to the Court for Orders.
 - 13 Applications for appointment and for approval of a translator or interpreter.
 - 14 Applications for withdrawal of appeal by an appellant prior to his lodging the petition of appeal.
 - 15 Applications for substitution, except where the substitution would involve setting aside an abatement.
 - 16 Applications for production of documents outside Court premises.
 - 17 Applications for change or discharge of advocate on record.
 - 18 Applications to withdraw suits.
 - 19 Applications for payment into Court.
 - 20 Applications for payment out of Court of money or security, or interest or dividend on securities.
 - 21 Applications for extending returnable dates of warrants.
 - 22 Applications to appoint or discharge a next friend or guardian of a minor or a person of unsound mind and direct amendment of the record thereon.
 - 23 Application for refund of security deposit or part thereof, or for payment out of security deposit.
- {***} Deleted w.e.f. 2-7-1983.
- 25 Applications for consolidation of appeals and writ petitions for purposes hearing and preparation of record.

- 26 Applications for directions regarding preparation of record.
- 27 Applications for exemption from filing of certified copies of judgments, decrees, orders, certificates or orders granting certificate.

Provided that applications for exemption from filing of certified copies of judgments or orders accompanying a special leave petition shall be posted before the Court along with the Special Leave Petition.

- 28 Application for condonation of delay in re-filing, provided the delay does not exceed 90 days from the date of notifying the defects.
- 29 Application for condonation of delay in filing process fee.
- 30 Issue of fresh summons and notices.
- 31 Application for extension of time for filing pleadings, provided that the Registrar shall not grant more than two extensions for the same purpose.
- 32 Application for cancellation of date on the written joint request of the appearing parties, provided the matter has not appeared in the final cause-list, on the date of filing of application.
- 33 Application for amendment of pleadings with the consent of all the appearing parties, or where the other side has not appeared.
- 34 Office Report for renewal of Fixed Deposit Receipts and Bank Guarantees.
- 35 Application for exemption from filing official translation.
- 36 Application for exemption from filing process fee and/or spare copies.
- 37 All uncontested Interlocutory Applications of formal nature.
- 38 Any matter which in accordance with orders or directions issued by the Court, is required to be dealt with by the Registrar.
- 39 Imposing costs on the party in default of compliance of the orders

passed by the Registrar.

iv) The powers of the Court in relation to the following matters may be exercised by a Single Judge sitting in Chambers under Order VI, Rule 2 of Supreme Court Rules 1966:-

- 1 Applications by advocate on record for leave to withdraw.
- 2 Applications for leave to compromise or discontinue an appeal where permissions was granted to sue as an indigent person.
- 3 Applications for striking out or adding party or for intervention in a suit, appeal or other proceeding.
- 4 Applications for separate trials of causes of action.
- 5 Applications for separate trials to avoid embarrassment.
- 6 Rejection of plaint.
- 7 Applications for setting down for judgment in default of written statement.
- 8 Applications for better statement of claim or defence.
- 9 Applications for particulars.
- 10 Applications for striking out any matter in a pleading.
- 11 Applications for amendment of pleading and for enlargement of time to amend any pleading.
- 12 Applications to tax bills returned by the Taxing Officer.
- 13 Applications for review of taxation.

14 Applications for enlargement or abridgement of time except applications for condonation of delay in filing Special Leave Petitions.

15 Applications for issue of commissions.

[***] Deleted w.e.f. 2-7-1983

17 Applications for assignment of security Bonds.

18 Questions arising in taxation referred by the Taxing Officer.

19 Applications for orders against clients for payment of costs.

20 Applications for taxations and delivery of bill of costs and for delivery by an advocate of documents and papers.

21 Applications for registration of advocates as advocates on record.

22 Applications for leave to proceed as an indigent person.

23 Applications for grant of bail where the petitioner is confined in jail.

24 Applications for stay of execution of a sentence or order in criminal proceedings.

25 Applications by accused persons in custody for being produced before the Court at the hearing of the appeal.

26 Consent applications in interlocutory matters.

27 Applications by accused persons for engagement of advocate under rule 25 of Order XXI.

28 Fixing the remuneration of a guardian ad litem.

[***] Deleted

[***] Deleted

- 31 Summons for non-prosecution under Order XV, Rule 30 of Supreme Court Rules.
- 32 Office Report on default.
- 33 Application for exemption from paying court fee.
- 34 Application for condonation of delay in seeking substitution and application for substitution where it would involve setting aside an abatement.
- 35 Application for condonation of delay in re-filing where the delay exceeds 90 days from the date of notifying the defects.
- 36 Application for refund of security.
- 37 Application for withdrawal of any appeal/petition with the consent of all the appearing parties or where the other side has not appeared.
- 38 Application for exemption from surrendering.

(v.) **Offices of the Court: Sitting and Vacation etc.**

- (a) Except during vacation and on Saturdays and holidays, the offices of the Court, shall, subject to any order by Hon'ble the Chief Justice, be open daily from 10 A.M. to 5 P.M. but no work unless of urgent nature, shall be admitted after 4.30 P.M.
- (b) The offices of the Court shall, except during vacation, be open on Saturdays from 10.00 A.M. to 1.00 P.M. but no work, unless of an urgent

nature, shall be admitted after 12 Noon.

(c) Except on the days which are holidays both for the Court and the offices of the Court, the offices of the Court shall be open during summer vacation and Christmas and New Year holidays of the Court at such times as the Chief Justice may direct.

(d)(i) The Court shall sit in two terms annually, the first commencing from the termination of the summer vacation and ending with the day immediately preceding such day in December as the Court may fix for the commencement of the Christmas and New Year holidays and the second commencing from the termination of the Christmas and New Year holidays and ending with the commencement of the summer vacation.

(d)(ii) The period of the summer vacation shall be seven weeks.

(d)(iii) The length of the summer vacation of the Court and the number of holidays for the Court and the offices of the Court shall be such as may be fixed by the Chief Justice and notified in the official Gazette so as not to exceed one hundred and three days (excluding Sundays) not falling in the vacation and during holidays.

(e) The Court shall not ordinarily, sit on Saturdays, nor on any other days notified as Court holidays in the Official Gazette.

(f) The Chief Justice may appoint one or more Judges to hear during

summer vacation or winter holidays, all matters of an urgent nature which under these rules may be heard by a Judge sitting singly, and, where ever necessary, he may likewise appoint a Division Court for the hearing of urgent cases during the vacation which require to be heard by a Bench of Judges.

CHAPTER II

JURISDICTION OF THE SUPREME COURT

The jurisdiction of the Supreme Court can broadly be categorised as (1) Appellate Jurisdiction (2) Original Jurisdiction, and (3) Advisory Jurisdiction.

A. APPELLATE JURISDICTION

Appeals permitted under the Constitution

(i) **Article 132 of the Constitution** provides for an appeal to the Supreme Court from any judgment, decree or final order of a High Court, whether in civil, criminal or other proceedings, if the High Court certifies that the case involves a substantial question of law as to the interpretation of the constitution.

(ii) **Article 133 of the Constitution** provides for an appeal to the Supreme Court from any judgment, decree or final order in a civil proceeding of a High Court if the High Court certifies that the case involves a substantial question of law of general importance and in its opinion the said question needs to be decided by the Supreme Court.

Vide Circular dated 2nd December, 2006 fresh directions have been issued with regard to listing of the Statutory Appeals which are to the following effect:-

“When the Hon'ble Court condones the delay and issues notice it may be taken as admission of appeal and the same be listed for hearing on a regular day.

When the Hon'ble Court condones the delay and issues notice for admission then it should be put up for motion hearing on a miscellaneous day”.

(iii) **Article 134 of the Constitution** provides for an appeal to the Supreme Court from any judgment, final order or sentence in a criminal proceeding of a High Court if (a) it has on appeal reversed an order of acquittal of an accused person and sentenced him to death or (b) has withdrawn for trial before itself, any case from any Court subordinate to it and has in such trial convicted the accused and sentenced him to death or (c) it certifies that the case is a fit one for appeal to the Supreme Court.

Appeal by Special Leave:

Article 136 of the Constitution provides that the Supreme Court may in its discretion grant special leave to appeal from any judgment, decree,

determination, sentence or order in any case or matter passed or made by any Court or tribunal in the territory of India except the Court or tribunal constituted by or under any law relating to armed forces.

Statutory Appeals:

(i) Section 379 of Code of Criminal Procedure, 1973 read with **Section 2 of the Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Act, 1970**, as amended by the **Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Amendment Act, 1972**, provides for an appeal to the Supreme Court from any judgment, final order or sentence in a criminal proceedings of a High Court, if the High Court (a) has on appeal reversed an order of acquittal of an accused person and sentenced him to death or to imprisonment for life or to imprisonment for a period of not less than ten years; (b) has withdrawn for trial before itself any case from any Court subordinate to its authority and has in such trial convicted the accused person and sentenced him to death or to imprisonment for life or to imprisonment for a period of not less than ten years.

(ii) Section 130E of the Customs Act, 1962 provides for an appeal to the Supreme Court from any judgment of the High Court on a reference made under Section 130, in any case which the High Court certifies to be a fit one for appeal to the Supreme Court, or any order passed by the Appellate

Tribunal relating, amongst other things, to the determination of any question having relation to the rate of custom duty or the value of goods for the purpose of assessment.

(iii) Section 35L of Central Excise and Salt Act, 1944 provides for an appeal to the Supreme Court from any judgment of the High Court delivered on a reference made under Section 35G, in any case which the High Court certifies to be a fit one for appeal to the Supreme Court, or any order passed by the Appellate Tribunal relating, amongst other things, to the determination of any question having a relation to the rate of duty of excise or to the value of goods for purpose of assessment.

(iv) Section 23 of the Consumer Protection Act, 1986 provides for an appeal to the Supreme Court from an order made by the National Consumer Disputes Redressal Commission, entertaining complaints where the value of the goods or services and compensation, if any, claimed exceeds Rupees One Crore, and alongwith the appeal, a demand draft in favour of Registrar. Supreme Court is required to be deposited for the 50% of the amount awarded or Rs. 50,000/-, whichever is less.

(v) Section 19(1)(b) of Contempt of Courts Act, 1971; provides for an appeal to the Supreme Court, as of right, from any order or decision of Division Bench of a High Court in exercise of its jurisdiction to punish for

contempt.

(vi) **Section 38 of Advocates Act, 1961**; provides for an appeal to the Supreme Court from an order made by the Disciplinary Committee of the Bar Council of India under Section 36 or 37 of the said Act.

(vii) **Section 116A of Representation of People Act, 1951**; provides for an appeal to the Supreme Court on any question, whether of law or fact, from every order passed by a High Court under Section 98 or Section 99 of the said Act.

(viii) **Section 10 of the Special Court (Trial of offences relating to Transaction and Securities) Act, 1992**; provides for an appeal to the Supreme Court from any judgment, sentence or order not being interlocutory order, of the special court, both on fact and on law.

(ix) **Section 55 of the Monopolies and Restrictive Trade Practices Act, 1969**; provides for an appeal to the Supreme Court from certain orders passed by the Central Government or by MRTP Commission.

(x) **Section 18 of the Telecom Regulatory Authority of India Act, 1997**; provides for an appeal to the Supreme Court against any order not being an interlocutory order, of the Appellate Tribunal, on one or more of the grounds specified in Section 100 of Code of Civil Procedure.

(xi) Section 15(z) of Securities and Exchange Board of India Act, 1992; provides that any person aggrieved by any decision or order of the Securities Appellate Tribunal may file an appeal to the Supreme Court on any question of law arising out of such order.

(xii) Section 261 of Income-tax Act, 1961; provides for an appeal to the Supreme Court from any judgment of the High Court (delivered on a reference made under Section 256 against an order made under section 254 before 1st October, 1998 or on appeal made to the High Court in respect of an order passed under section 254 on or after that date), in any case which the High Court certifies to be a fit one for appeal to the Supreme Court.

(xiii) Section 19 of Terrorists and Disruptive Activities (Prevention) Act, 1987; provides an appeal to the Supreme Court from any judgment, sentence or order not being an interlocutory order, of a Designated Court, both on facts and on law. The Act has since been repealed.

(xiv) Section 125 of the Electricity Regulation Act, 2003; provides that any person aggrieved by any decision or order of the Appellate Tribunal may, file an appeal to the Supreme Court within sixty days from the date of communication of the decision or order of the Appellate Tribunal to him, on any one or more of the grounds specified in section 100 of the Code of Civil Procedure, 1908 (5 of 1908).

Provided that the Supreme Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within a further period not exceeding sixty days.

(xv)Section 14 of the Terrorist Affected Areas (Special Courts) Act, 1984 provides that notwithstanding anything contained in the Code, as appeal shall lie as a matter of right from any judgment, sentence or order, not being interlocutory order, of a Special Court to the Supreme Court both on facts and on law. Except as aforesaid, no appeal or revision shall lie to any court from any judgment, sentence or order of a Special Court. Every appeal under this section shall be preferred within a period of thirty days from the date of the judgment, sentence or order appealed from.

Provided that the Supreme Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of thirty days.

B. ORIGINAL JURISDICTION:

(i) Writs

(i) **Article 32 of the Constitution** guarantees the right to move the Supreme Court for enforcement of fundamental rights. Supreme Court has power to issue directions or orders or writs including the writs in the nature of Habeas Corpus, Mandamus, Prohibition, Quo warranto and Certiorari, whichever may be appropriate, for enforcement of these rights.

(ii) Original Suits

Article 131 of the Constitution grants exclusive jurisdiction to the Supreme Court in any dispute between a) Government of India and one or more States or b) between Government of India and any State or States on one side and one or more other States on the other side c) between two or more States, insofar as such disputes involve any question on which the existence or extent of a legal right depends.

(iii) Transfer of cases

(a) **Article 139A(1) of the Constitution**, provides that where cases involving the same or substantially the same questions of law are pending before the

Supreme Court and one or more High Courts or before two or more High Courts and the Supreme Court is satisfied, on its own motion, or on an application made by the Attorney-General for India or by a party to any such case, that such questions are substantial questions of general importance, the Supreme Court may withdraw the case or cases pending before the High Court or the High Courts and dispose of all the cases itself.

(b) Article 139A(2) of the Constitution, provides that the Supreme Court may, if it deems it expedient so to do for the ends of justice, transfer any case, appeal or other proceedings pending before any High Court to any other High Court.

(c) Section 25 of Code of Civil Procedure, 1908; provides that Supreme Court may transfer any suit, appeal or other proceedings from a High Court or other civil court in one State to a High Court or other civil court to any other State.

(d) Section 406 of Code of Criminal Procedure, 1973; provides that Supreme Court may transfer any particular case or appeal from one High Court to another High Court or from a criminal court subordinate to one High Court to another criminal court of equal or superior jurisdiction, subordinate to another High Court.

(iv) Election disputes:

Article 71 of the Constitution, provides that all doubts and disputes relating to election of President or Vice-President are required to be enquired into and decided by the Supreme Court.

(v.) ARBITRATION PETITIONS

Under Section 11 of the Arbitration & Conciliation Act, 1996, Arbitration Petitions can be filed praying Hon'ble the Chief Justice of India or any person or institution designated by him for the appointment of arbitrator(s) and the decision on a matter entrusted by Sub-section(4), (5) or (6) of Section 11 to the Chief Justice of India or the person or institution designated by him to appoint arbitrator is final. In exercise of powers conferred on the Chief Justice of India under Sub-section(10) of Section 11, a scheme has been made and the Arbitration Petitions are dealt with accordingly.

Process Fee of Rs.15,000/- is payable on the Arbitration Petition.

(vi.) CONTEMPT PETITIONS

Under Article 129 of the Constitution of India, the Supreme Court is a Court of Record and has all the powers of such a Court including the power to punish for contempt of itself.

In exercise of the powers under Section 23 of the Contempt of Courts

