

obligatory on the court to answer the reference.<sup>29</sup> Further in Special Reference No 1 of 1964 the Supreme Court (Seven Judges bench) observed that it is not obligatory on the Supreme Court to answer a Reference under Article 143(1), the word used in that Article being "may" in contrast to the word "shall" used in Article 143(2).<sup>30</sup> Besides this, section 53K of Competition Commission Act, 2002 confers advisory jurisdiction upon the Supreme Court.

There are provisions for reference to this court under Article 317(1) of the Constitution, section 257 of the Income-tax Act, 1961 and section 35H of the Central Excise and Salt Act, 1944, section 14(1) and section 17(1) of the Right to Information Act, 2005.

**E. Miscellaneous Jurisdiction.**

Appeals also lie to Supreme Court under section 116A of the Representation of the People Act, 1951; section 55 of Monopolies and Restrictive Trade Practices Act, 1969; section 38 of Advocates Act, 1961; section 19(1)(b) of the Contempt of Courts Act, 1971; section 130E of Customs Act, 1962; section 35L of Central Excise and Salt Act, 1944; section 14 of Terrorist Affected Areas (Special Courts) Act, 1984; section 16 of Terrorist and Disruptive Activities (Prevention) Act, 1985; section 17 of Terrorist and Disruptive Activities (Prevention) Act, 1987; section 10 of Trial of Offences relating to Transactions in Securities Act, 1992 and section 23 of Consumer Protection Act, 1986, section 379 of the Code of Criminal Procedure, 1973 read with section 2 of the Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Act, 1970, section 18 of the Telecom Regulatory Authority of India Act, 1997, section 15(z) of the Securities and Exchange Board of India Act, 1992, section 261 of the Income-Tax Act, 1961.

Under Articles 129 and 142 of the Constitution, the Supreme Court has been vested with power to punish for contempt of court including the power to punish for contempt of itself. In case of contempt, other than the contempt referred to in rule 2, Part I of the Rules to Regulate Proceedings for Contempt of the Supreme Court, 1975, the court may take action (a) *suo motu*, or (b) on a petition made by Attorney General, or Solicitor General, or (c) on a petition made by any person, and in the case of a criminal contempt with the consent in writing of the Attorney General or the Solicitor General. For exercising the *suo motu* power for contempt under Article 129 of the Constitution of India, the limitation provided in section 20 of the 1971 Act has no application. Under Article 142 the Supreme Court can grant appropriate relief for doing complete justice (i) where there is some manifest illegality, or (ii) where there is manifest want of jurisdiction, or (iii) where some palpable injustice is shown to have resulted. It is advisable to leave this power undefined and uncatalogued, so that it remains elastic enough, to be moulded to suit the given situation. There cannot be any defined parameters, within the framework whereof, the Supreme Court would exercise jurisdiction under Article 142 of the Constitution. The complexity of administration, and of human affairs, would give room for the exercise of the power vested in the Supreme Court under Article 142, in a situation where clear injustice appears to have been caused, to any party to a *lis*. In the absence of any legislation to the contrary, it would be open to this court, to remedy the situation.<sup>31</sup> The power under Article 142 is not limitless. It authorises the court to pass orders to secure complete justice in the case before it. Article 142 embodies both the notion of justice, equity and good conscience as well as a supplementary power to the court to effect complete justice.<sup>32</sup>

The scope of contempt jurisdiction extends to, punishing contemnors for violating the court's orders; punishing contemnors for disobeying the court's orders; punishing contemnors for breach of undertakings given to the courts. It also extends to enforcement of the court's orders. Contempt jurisdiction even extends to punishing