



RAMA UNIVERSITY

www.ramauniversity.ac.in

FACULTY OF JURIDICAL SCIENCES

SUBJECT: Professional Ethics and
Professional Accounting System

SUBJECT CODE: BAL 704/BBL704/ LL.B. 503

LECTURE: 34

NAME OF FACULTY: Ms. Anjali Dixit

Assistant Professor

Lecture-34



Contempt of Court Act, 1971

LECTURE 34: Constitutional validity of the contempt of
Courts Act, 1971

Article 129 of the Constitution of India says that the Supreme Court Shall be a a court of record and shall have all the power

According to article 215 of the Constitution of India, every High Court Shall be court of record and shall I have all the powers of such a court including the power to punish for contempt of itself.

Parliament and the State Legislature both have power to make laws with respect to any of the subject enumerated in list III(concurrent list) of the seventh schedule of the Constitution. The parliament has exclusive power to make laws with respect to any of the matters are subjects enumerated in list -I (Union list) of the 7th of the Constitution.

The state legislature has exclusive power to make laws with respect of any of the matter or subjects enumerated in list II(State list) of the seventh scheduled of the Constitution .

Entry 77 of the list is as follows-

Constitution , organization, jurisdiction and powers of the Supreme Court (including contempt for such a court) and the fees taken therein; persons entitled to practise before the supreme Court.

Entry15 of list II is as follows " contempt of court but not including contempt of Supreme Court ".The legislature is fully competent to legislate with respect to competent of court subject only to the qualification that the legislature cannot take away the power of the Supreme Court or the High Court to punish for contempt or vest that power in some other court.

Article 142(2) of the Constitution of India states that the Supreme Court shall have all and every power to make any order for the purpose of securing the attendance of any person, the discovery or production of any document, or the investigation or punishment of any contempt of itself . According to article 372 of Constitution of India, all the laws in force in the territory of India immediately before the commencement of this Constitution shall continue in force therein until altered or repealed or amended by a competent legislature or other competent authority. That is why section 22 of the competent of Courts Act 1971, it makes it clear that the provision of this Act shall be in Addison to and not in derogation of the provision of any other law relating to contempt of courts.

The contempt of Courts Act is not violation of guarantee of equality and article 14 as the classification of a founded on the intelligible differentia which distinguisher persons or things that are grouped together from other left out of the group and the differentia has a rational relation to the object thought to be achieved by the statute in question is reasonable.

As the existing law relating to contempt of court imposes reasonable restrictions within the meaning of article 19(2) and therefore, it is not violative of the fundamental right to freedom of speech and expression guarantee by article 19 (1)(2) of the Constitution.

According to clause 10 of the article 366 the existing law means any law ordinance order bye-law , rule or regulation passed or made before the commencement of this Constitution by a legislature, authority or person having power to make such a law., ordinance bye-law , rule or regulation.

The contempt of law is not violative of article 21 which provides that no person shall be deprived of his life or personal liberty except according to the procedure established by law as the existing procedure for contempt proceedings have statutory sanction. Section 10 of the contempt Act,1971, makes it clear that every High Court shall have and exercise the same jurisdiction powers and authority in accordance with the same procedure and practice in respect of contempts of courts subordinate to it as it has and exercise in respect of contempts of itself. beside this article 225 of the Constitution of India makes provision for its continuity.

Hence on the above grounds, it can be concluded that the contempt of court at 1971 is not violative of any provision of the Constitution and it is constitutionally valid.

SELF-TEST QUESTIONS

S.NO	Question	Option (a)	Option (b)
1.	Article 129 of the Constitution of India says that the Supreme Court Shall be a court of record and shall have all the powers of such a court including the power to punish for contempt of itself.	True	False
2.	According to article 215 of the Constitution of India, every High Court Shall be court of record and shall I have all the powers of such a court including the power to punish for contempt of itself.	True	False
3.	The Supreme Courts were in turn succeeded by the High Courts under the Indian High Courts Act of 1861.	True	False
4.	In 1866, the High Court of Allahabad was established under the Indian High Courts Act, 1861 and was constituted as a court of record with the power to punish for contempt	True	False
5.	Article 142(2) of the Constitution of India states that the Supreme Court shall have all and every power to make any order for the purpose of securing the attendance of any person, the discovery or production of any document, or the investigation or punishment of any contempt of itself	True	False

Answers: 1-(a),2-(a), 3-(a),4-(a),5-(a)