

RULES TO REGULATE PROCEEDINGS FOR THE CONTEMPT OF THE SUPREME COURT, 1975

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RULES TO REGULATE PROCEEDINGS FOR THE CONTEMPT OF THE SUPREME COURT, 1975

G.S.R. 142.-In exercise of the powers under Sec. 23 of the Contempt of Courts Act, 1971, read with Art. 145 of the Constitution of India and all other powers enabling it in this behalf, the Supreme Court hereby makes, with the approval of the President, the following rules :

PART 1

1

1. 1 :-

(1) These Rules may be called the Rules to Regulate Proceedings for the Contempt of the Supreme Court, 1975.

(2) They shall come into force on the date of their publication in the official Gazette.

2. 2 :-

(1) Where contempt is committed in view of presence or hearing of the Court the contemner may be punished by the Court before which it is committed either forthwith or on such date as may be appointed by the Court in that behalf.

(2) Pending the determination of the charge, the Court may direct that the contemner shall be detained in such custody as it may specify : Provided that the contemner may be released on bail on such terms as the Court may direct.

PART 2

2

3. 3 :-

In case of contempt other than the contempt referred to in rule 2, the Court may make 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 consent in writing of the Attorney-General or the Solicitor-General.

4. 4 :-

(a) Every petition under rule 3 (b) or (c) shall contain-

(i) the name, description and place of residence of the petitioner or petitioners and of the person charged;

(ii) nature of the contempt alleged, and such material facts, including the date or dates of commission of the alleged contempt as may be necessary for the proper determination of the case;

(iii) if a petition has previously been made by him on the same facts, the petitioner shall give the details of the the petition prevlound made and shall also indicate the result thereof;

(b) The petition shall be supported by an affidavit.

(c) Where the petitioner relies upon a document or documents in his possession or power, he shall file such document or documents

or true copies thereof with the petition.

(d) No court-fee shall be payable on the petition, and on any documents filed in the proceedings.

5. 5 :-

Every petition under rule 3 (b) and (c) shall be posted before the Court for preliminary hearing and for orders as to issue of notice. Upon such hearing, the Court, if satisfied that no prima facie case has been made out for issue of notice, may dismiss the petition, and, if not so satisfied direct that notice of the petition be issued to the contemner.

6. 6 :-

(1) Notice to the person charged shall be in Form I. The person charged shall, unless otherwise ordered, appear in person before the Court as directed on the date fixed for hearing of the proceeding, and shall continue to remain present during hearing till the proceeding is finally disposed of by order of the Court.

(2) When action is instituted on petition, a copy of the petition along with the annexures and affidavits shall be served upon the person charged.

7. 7 :-

The person charged may file his reply duly supported by an affidavit or affidavits.

8. 8 :-

No further affidavit or document shall be filed except with the leave of the Court.

9. 9 :-

Unless otherwise ordered by the Court, seven copies of the paper books shall be prepared in the Registry, one for the petitioner, one for the opposite-party and the remaining for the use of the Court. The paper book in the case shall be prepared at the expense of the Central Government and shall consist of the following documents :

(i) petition and affidavits filed by the petitioner,

(ii) a copy of, or a statement relating to, the objectionable matter constituting the alleged contempt,

(iii) reply and affidavits of the opposite-party.

(iv) documents filed by the parties,

(v) any other documents which the Registrar may deem fit to include.

10. 10 :-

The Court may direct the Attorney-General or Solicitor-General to appear and assist the Court.

11. 11 :-

(1) The Court may, if it has reason to believe, that the person charged is absconding or is otherwise evading service of notice, or if he fails to appear in person or to continue to remain present in person in pursuance of the notice, direct a warrant bailable or non-bailable for his arrest, addressed to one or more police officers or may order attachment of property. The warrant shall be issued under the signature of the Registrar. The warrant shall be in Form II and shall be executed, as far as may be in the manner provided for execution of warrants under the Code of Criminal Procedure.

(2) The warrant shall be executed by the officer or officers to whom it is directed, and may also be executed by any other police officer whose name is endorsed upon the warrant by the officer to whom it is directed or endorsed.

(3) Where a warrant is to be executed outside the Union Territory of Delhi, the Court may instead of directing such warrant to police officer. forward it to the Magistrate of the District or the Superintendent of Police or Commissioner of Police of the district within which the person charged is believed to be residing. The Magistrate or the police officer to whom the warrant is forwarded shall endorse his name thereon, and cause it to be executed.

(4) Every person who is arrested and detained shall be produced before the nearest Magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the Court of Magistrate and no such person shall be detained in custody beyond the said period without the authority of a Magistrate.

12. 12 :-

The Court may, either suo motu. or on motion made for that purpose, order the attendance for cross-examination, of a person whose affidavit has been filed in the matter.

13. 13 :-

The Court may make orders for the purpose of securing the attendance of any person to be examined as a witness and for discovery or production of any document.

14. 14 :-

The Court may pass such orders as it thinks fit including orders as to costs which may be recovered as if the order were a decree of the Court.

15. 15 :-

have as otherwise provided by the rules contained herein, the provisions for the Supreme Court Rules, 1966 , shall, so far as maybe, apply to proceedings in relation to proceedings in contempt under this Part.

PART 3

3

16. 16 :-

Where a person charged with contempt is adjudged guilty and is sentenced to suffer imprisonment, a warrant of commitment and detention shall be made out in Form IV under the signature of the Registrar. Every such warrant shall remain in force until it is cancelled by order of the Court or until it is executed. The Superintendent of the Jail shall in pursuance of the order receive the person so adjudged and detain him in custody for the period specified therein, or until further orders.