Contempt of Courts (CAT) Rules, 1992

Rules to Regulate Proceedings for Contempt of the Supreme Court, 1975

IndiaCode

THE CONTEMPT OF COURTS (CAT) RULES, 1992*

In exercise of the powers conferred by section 23 of the Contempt of Courts Act, 1971 (70 of 1971), read with section 17 of the Administrative Tribunals Act, 1985 (13 of 1985) and all other powers enabling it in this behalf and in supersession of all rules on the subject, the Central Administrative Tribunal hereby makes the following rules to regulate the proceedings under the said Act.

1. Short title and commencement.—(1) These rules may be called THE CONTEMPT OF COURTS (CAT) RULES, 1992.

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

2. Definitions.—In these rules unless there is anything repugnant to the subject and context:—

(*a*) "Act" means the Contempt of Courts Act, 1971 (70 of 1971);

(*b*) "Code" means the Code of Criminal Procedure;

(*c*) "Form" means the form set out in the appendix to these rules;

(*d*) "Member" means a Member, whether "Judicial" or "Administrative" and includes Vice-Chairman and Chairman;

(*e*) "Registrar" means Registrar of the Central Administrative Tribunal or its Benches where the contempt proceedings are taken and shall include Joint Registrar and Deputy Registrar, and the Section Officer authorised to discharge the functions of the Registrar;

(*f*) "Section" means a section of the Act;

(*g*) "Tribunal" means the Central Administrative Tribunal constituted under the Administrative Tribunals Act, 1985 (13 of 1985) or the Bench thereof, where the proceedings are taken cognizance of;

(*h*) Words and expressions not defined in these rules shall have the same meaning as defined in the Act.

3. Form of motion.— Every motion for initiating action for contempt of the Tribunal shall be in the form of a petition described as "contempt petition (civil)" in respect of civil contempt and "contempt petition (criminal)" in respect of criminal contempt.

4. Parties to the proceedings.—The party who presents the petition shall be described as the "Petitioner" and the alleged contemner shall be described as the "Respondent".

5. Content of the petition.—The petition shall set out the following particulars:—

(*i*)(*a*) Name (including as far as possible the name of the father/mother/husband) age, occupation and address of—

(*i*) the petitioner; and

(*ii*) the respondent.

If the alleged contemner is an officer, he shall be described by name and designation.

**Vide* G.S.R. 757(E), dated 8-9-1992, published in the Gazette of India, dated 8-9-1992.

(*b*) provisions of the Act invoked and the nature of the contempt, "civil" or "criminal".

(*c*) the grounds and material facts constituting the alleged contempt including the date of alleged contempt, divided into paragraphs, numbered consecutively, alongwith supporting documents or certified/photostat (attested) copies of the originals thereof;

(*d*) the nature of the order sought from the Tribunal;

(*e*) if a petition has previously been made by him on the same facts, the details, particulars and the result thereof;

(*f*) the petition shall be supported by an affidavit verifying the facts relied upon except when the motion is by the Attorney-General or the Solicitor-General or the Additional Solicitor-General;

(*g*) every petition shall be signed by the petitioner and his Advocate, if any, and shall show the place and date;

(*h*) draft charges shall be enclosed in a separate sheet;

(*i*) in the case of "civil contempt" certified copy of the judgment, decree, order, writ or undertaking alleged to have been disobeyed shall be filed alongwith the petition;

(*j*) where the petitioner relies upon any other document/s in his possession, or power, he shall file them alongwith the petition;

(*ii*) In the case of "criminal contempt" of the Tribunal other than a contempt referred to in section 14 of the Act, the petitioner shall state whether he has obtained the consent of the Attorney-General or the Solicitor-General or the Additional Solicitor-General and if so, produce the same, if not the reasons thereof;

(*iii*) The petitioner shall file three complete sets of the petition including the annexures in paper book form, duly indexed and paginated. Where the number of respondents is more than one, equal number of extra paper books shall be filed;

(*iv*) No fee shall be payable on a petition or any document filed in the proceedings.

6. Taking cognizance.—Every proceeding for contempt shall be dealt with by a Bench of not less than two Members:

Provided where the contempt is alleged to have been committed in view of, presence or hearing of the Member/(s), the same shall be dealt with by the Member/(s) in accordance with section 14 of the Act.

7. Initiation of proceedings.—(*i*) Every petition for "civil contempt" made in accordance with these rules shall be scrutinised by the Registrar, registered and numbered in the Registry and then placed before the Bench for preliminary hearing.

(*ii*) Every petition for "criminal contempt" made in accordance with these rules and every information other than a petition, for initiating action for criminal contempt under the Act on being scrutinised by the Registrar shall be placed on the administrative side before the Chairman in the case of the Principal Bench and the concerned Vice-Chairman in the case of other Benches or such other Member as may be designated by him for this purpose and he considers it expedient and proper to take action under the Act, the said petition

or information shall be registered and numbered in the Registry and placed before the Bench for preliminary hearing.

(*iii*) When *suo motu* action is taken, the statement of facts constituting the alleged contempt and copy of the draft charges shall be prepared and signed by the Registrar before placing them for preliminary hearing.

8. Preliminary hearing and notice.—(*i*) The Bench if satisfied that a *prima facie* case has been made out, may direct issue of notice to the respondent; otherwise, it shall dismiss the petition or drop the proceedings.

(*ii*) The notice shall be in Form No. I and shall be accompanied by a copy of the petition or information, and annexures if any, thereto.

(*iii*) Service of notice shall be effected in the manner specified in the Central Administrative Tribunal (Procedure) Rules, 1987 or in such other manner as may be directed by the Bench.

9. Compelling attendance.—(*i*) The Tribunal may, if it has reason to believe, that the respondent is absconding or is otherwise evading service of notice, or has failed to appear 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 belonging to such person. The warrant and the writ of attachment shall be issued under the signature of the Registrar. The warrant shall be in Form No. II and shall be executed as far as may be, in the manner provided, for execution of warrants under the Code.

(*ii*) 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.

(*iii*) Every person who is arrested and detained shall, if he cannot be produced before the Tribunal within twenty-four hours of arrest excluding the time necessary for the journey from the place of arrest to the Tribunal, be produced before the nearest Magistrate within the said period, who may authorise detention till such person is produced before the Tribunal.

(*iv*) Every person who is arrested and detained when produced before the Tribunal, may be released on bail on a bond for such a sum of money as the Tribunal thinks sufficient with or without sureties, with the condition that the person so released shall attend the Tribunal at the time and place mentioned in the bond and shall continue to so attend until otherwise directed by the Tribunal:

Provided that the Tribunal may, if it thinks fit instead of taking bail from such person, release him on personal bond for his attendance. The provisions of the Code shall, so far as may be, apply to all arrests made and bonds executed under the rules.

10. Appearance of the respondent.—Unless ordered otherwise by the Tribunal, whenever a notice is issued under these rules, the respondent shall appear in person in the case of "criminal contempt" and in person or through an advocate in the case of "civil contempt", at the time and place specified in the notice and continue to attend on subsequent dates to which the petition is posted.

11. Reply by the respondent.—The respondent may file his reply duly supported by an affidavit on or before the first date of hearing or within such extended time as may be granted by the Tribunal.

12. Right to be defended by an advocate.—Every person against whom proceedings are initiated under the Act may, as of right, be defended by an advocate of his choice.

13. Hearing of the case and trial.—Upon consideration of the reply filed by the respondent and after hearing the parties,—

(*a*) if the respondent has tendered an unconditional apology after admitting that he has committed the contempt, the Tribunal may proceed to pass such orders as it deems fit;

(*b*) if the respondent does not admit that he has committed contempt, the Tribunal may—

(*i*) if it is satisfied that there is a *prima facie* case proceed to frame the charges in Form No. III (subject to modification or addition by the Tribunal at any time); or

(*ii*) drop the proceedings and discharge the respondent, if it is satisfied that there is no *prima facie* case, or that it is not expedient to proceed;

(*c*) the respondent shall be furnished with a copy of the charge framed, which shall be read over and explained to the respondent. The Tribunal shall then record his plea, if any;

(*d*) if the respondent pleads guilty, the Tribunal may adjudge him guilty and proceed to pass such sentence as it deems fit;

(*e*) if the respondent pleads not guilty, the case may be taken up for trial on the same day or posted to any subsequent date as may be directed by the Tribunal.

14. Assistance in the conduct of proceedings.—The Attorney-General/ Solicitor-General/Additional Solicitor-General, or any other advocate as may be designated by the Tribunal shall appear and assist the Tribunal in the conduct of the proceedings against the respondent.

15. Procedure for trial.—(*i*) Except as otherwise provided in the Act and these rules, the procedure prescribed for summary trial under Chapter XXI of the Code shall as far as practicable be followed in the trial of cases for contempt.

(*ii*) The Tribunal may, at its discretion, direct that evidence be produced in the form of affidavits.

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

(*iv*) The Tribunal may, at its discretion, direct any person to be examined as Tribunal witness.

(*v*) The Tribunal may make such order as it deems fit for the purpose of securing the attendance of any person to be examined as a witness and for discovery or production of any document.

16. Expenses of witnesses.—(*i*) Where any person is summoned by the Tribunal to appear as a witness in any proceedings under the Act, the expenses of such witness as may be determined by the Tribunal shall be borne by the party who has cited him as a witness.

(*ii*) Where the Tribunal summons any witness other than the witnesses cited by the parties, his expenses as determined by the Tribunal shall be paid by the Registrar from the funds for contingencies.

17. Execution of sentence.—(*i*) If the respondent is found guilty and is sentenced to imprisonment other than imprisonment till rising of the Tribunal, a warrant of commitment and detention shall be made out in Form No. IV under the signature of the Registrar. Every such warrant shall remain in force until it is executed or cancelled by order of the Tribunal. The Superintendent of Jail specified in the order shall, in pursuance of the warrant, detain the contemner in custody for the period specified therein subject to such further direction as the Tribunal may give.

(*ii*) When the Tribunal awards a sentence of fine and the fine amount is not paid at once or within such time as may be granted by the Tribunal, the Registrar shall take action in any one of the ways provided in section 421 of the Code.

(*iii*) Warrants to be issued under sub-rule (*ii*) shall be in Form Nos. V and VI, as the case may be.

(*iv*) The report of the action taken by the Superintendent of the Jail or the Police Officer or District Collector to whom the warrant under sub-rule (*iii*) might have been addressed shall be filed in the records of the case.

18. Execution of processes.—Processes issued by the Tribunal shall, except as otherwise specifically provided, be executed by the Superintendent of Police/Commissioner of Police, as the case may be.

19. Procedure on forfeiture of the bond.—If any bond given for appearance of the respondent is forfeited due to his absence, the Tribunal may, after giving opportunity to the respondent or the surety, as the case may be, levy the whole or any part of the amount mentioned in the surety bond, as penalty and direct the same to be recovered as if it were a fine imposed on the respondent/surety under the Code.

20. Apology at any stage of the proceedings.—(*i*) If at any time during the pendency of the proceedings, the contemner tenders an apology, the same shall be placed expeditiously for orders of the bench.

(*ii*) If the Tribunal accepts the apology, further proceedings shall be dropped.

21. Costs.—(*i*) The Tribunal may award costs as it deems fit in the circumstances of the case.

(*ii*) The costs so awarded shall be recovered in the same manner as a fine imposed under the Code.

22. Application of other rules of the tribunal.—In matters not specifically provided for in these rules, the procedure prescribed in the relevant rules of the Tribunal as amended from time to time shall *mutatis mutandis* apply to proceedings under these rules.

23. Application to pending proceedings.—These rules shall as far as practicable be applicable to pending proceedings.

IndiaCode

FORM NO. I

NOTICE TO RESPONDENT

[*See* rule 13(*b*)(*i*)]

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

(Name of the Bench)

Place

Contempt Petition Civil/Criminal No.....

Petitioner.....

Vs.

Respondent.....

(here mention the name and address of the person to whom notice is being sent.

WHEREAS information is laid/a petition is filed/motion is made by.....that you (here mention the gist of the accusation made in the information/petition/motion).....

And whereas a petition has been registered for action being taken against you under the Contempt of Courts Act, 1971;

You are hereby required to appear in person or through a duly authorised advocate* on.....day of.....at.....and on subsequent dates to which the proceedings are adjourned, unless otherwise ordered by the Tribunal, and show cause why such action as is deemed fit under the Contempt of Courts Act, 1971 should not be taken against you.

Given under my hand and the seal of the Tribunal this.....day of.....20.....

Seal

Registrar

Central Administrative Tribunal

*Strike off whichever is not applicable.

FORM NO. II

WARRANT OF ARREST

[*See* rule 9(*i*)]

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

(Name of the Bench)

Place

Contempt Petition Civil/Criminal No.....

Petitioner.....

Vs.

Respondent.....

To

.....

.....

(Name, designation and address of the Officer/s authorised to execute the warrant.

WHEREAS Shri/Smt.....of.....is charged with committing contempt of the Tribunal, you are hereby directed to arrest the said.....and to produce him/her before this Tribunal.

Herein fail not.

(If the Tribunal has issued a bailable warrant, the following endorsement shall be made on the warrant.

IndiaCode

If the said.....shall give bail in the sum of Rs.....with one surety in the sum of Rs.....(or two sureties each in the sum of Rs.....) to attend before this Tribunal on the.....day of.....20.....and to continue so to attend until otherwise directed by this Tribunal, he may be released.

Given under my hand and the seal of the Tribunal this.....day of.....20.....

Seal

Registrar

Central Administrative Tribunal

FORM NO. III

CHARGE

[*See* rule 13(*b*)(*i*)]

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

(Name of the Bench)

Place

Contempt Petition Civil/Criminal No.....

Petitioner

Vs.

Respondent.....

Central Administrative Tribunal.....Bench hereby charges you.....(name of the alleged contemner) as under:—

That you, on or about.....day of.....at.....(here give the gist of the material.....allegedly constituting contempt) and thereby committed the contempt of this Tribunal punishable under section.....(here give the relevant section of the Contempt of Courts Act, 1971), within our cognizance.

You are hereby directed to be tried by this Tribunal for the aforesaid charge.

Signature of the Hon'ble Member

The charge was read over and explained to the alleged contemner and his plea was recorded as under:—

(1) Do you plead guilty to the charge?

Answer:

(2) Do you have anything else to say?

Answer:

Signature of the alleged contemner

Signature(s) of the Hon'ble

Member/s presiding over the Bench

FORM NO. IV

WARRANT OF COMMITMENT TO PRISON

[*See* rule 17(*i*)]

(Name of the Bench)

Place

Contempt Petition Civil/Criminal No.....

Petitioner.....

Vs.

Respondent.....

IndiaCode

To

The Superintendent

(Name of the Jail)

Place.

WHEREAS the Central Administrative Tribunal.....Bench has on this.....day of.....adjudged.....(name/description of the contemner) guilty of wilful contempt of the Tribunal and sentenced to undergo simple imprisonment for.....(here specify the term) and/or to pay a fine of Rs.....and in default of payment of fine to undergo simple imprisonment for.....(specify the period).

This is to authorise and require you, the Superintendent of the.....Jail, to receive the said (name of the contemner) into your custody together with this warrant and keep him safely in the said jail for the said period or for such period as may hereinafter be fixed by the order of this Tribunal and intimated to you. You are directed to return this warrant with an endorsement certifying the manner of its execution.

You are further directed that while the said.....is in your custody, produce the said.....before this Tribunal at all times when the Tribunal so directs.

Given under my hand and the seal of the Tribunal this.....day of.....20.....

Seal

Registrar

Central Administrative Tribunal

FORM NO. V

WARRANT FOR ATTACHMENT OF MOVABLES

[*See* rule 17(*ii*) & (*iii*)]

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

(Name of the Bench)

Place

Contempt Petition Civil/Criminal No.....

Petitioner

Vs.

Respondent.....

To

(Name and designation of the Police Officer or other officer authorised to execute the warrant).

WHEREAS the Central Administrative Tribunal on (this day) has adjudged (name and description of the contemner) guilty of wilful contempt of Tribunal and sentenced to pay a fine of Rs.....and whereas the said.....(name) although required to pay the said fine has not paid the same or any part thereof.

This is to authorise and require you to attach any movable property belonging to the said.....(name) which may be found within the district of.....and if within.....(state the number of days or hours allowed) next after such attachment, the said sum shall not be said to sell movable property attached or so much thereof, as shall be sufficient to satisfy the said fine, returning this warrant, with an endorsement certifying that you have done under it, immediately upon its execution.

Given under my hand and the seal of the Tribunal this.....day of.....20.....

Seal

Registrar

Central Administrative Tribunal

FORM NO. VI

WARRANT OF ATTACHMENT BY DISTRICT COLLECTOR/DY. COMMISSIONER

[*See* rule 17(*ii*) & (*iii*)]

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

(Name of the Bench)

Place

Contempt Petition Civil/Criminal No.....

Petitioner.....

Vs.

Respondent.....

To

The District Collector/Dy. Commissioner.....District.

WHEREAS the Central Administrative Tribunal on (this day) has adjudged (name and description of the contemner) guilty of wilful contempt of Tribunal and sentenced to pay a fine of Rs.....and where as the said.....(name) although required to pay the said fine has not paid the said fine/the sum of.....being the part thereof.

This is to authorise and require you to realise the amount by execution according to civil process against the movable or immovable property or both of the respondent aforesaid in the manner provided by section 421 of the Code of Criminal Procedure, 1973 (2 of 1974).

This order shall be deemed to be a decree and you the decree-holder within the meaning of the Code of Civil Procedure, 1908 (5 of 1908) and the order shall be executable as such decree.

Given under my hand and the seal of the Tribunal this.....day of.....20.....

Seal

Registrar

Central Administrative Tribunal

IndiaCode