THE RULES TO REGULATE PROCEEDINGS FOR CONTEMPT OF THE SUPREME COURT, 1975[1]

In exercise of the powers under section 23 of the Contempt of Courts Act, 1971 read with article 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:—

1. (1) These rules may be called THE RULES TO REGULATE PROCEEDINGS FOR CONTEMPT OF THE SUPREME COURT, 1975.

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

PART I

2. (1) Where contempt is committed in view or 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 II

3. In case of contempt other than the contempt referred to in rule 2, 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.

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 persons 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 petition previously 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.

1. *Vide* G.S.R. 142, dated 24-1-1975 (w.e.f. 1-2-1975).
2. Brought into force on 1-2-1975.

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. (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 a petition, a copy of the petition along with the annexures and affidavits shall be served upon the person charged.

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

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

9. Unless otherwise ordered by the Court, seven copies of the paper book 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. The Court may direct the Attorney-General or Solicitor-General to appear and assist the Court.

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 the Magistrate, and no such person shall be detained in custody beyond the said period without the authority of a Magistrate.

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. 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. 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. Save as otherwise provided by the rules contained herein, the provisions of the Supreme Court Rules, 1966, shall, so far as may be, apply to proceedings in relation to proceedings in contempt under this Part.

PART III

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.

FORM I

Notice to a Person Charged with Contempt of Court

(*See* rule 6)

IN THE SUPREME COURT OF INDIA

[Original Jurisdiction]

Whereas your attendance is necessary to answer a charge of contempt of Court by (here briefly state nature of the contempt).

You are hereby required to appear in person (or by Advocate if the Court has so ordered) before this Court at New Delhi on the.....day of.....20.....at 10.30 o'clock in the forenoon.

You shall attend the Court in person *on the.....day of.....20....., and shall continue to attend the Court on all days thereafter to which the case against you stands adjourned and until final orders are passed on the charge against you.

Herein fail not.

Dated this.....day of.....20.....

(SEAL)

.....

Registrar

*To be omitted where the person charged is allowed or ordered to appear by Advocate.

IndiaCode

FORM II

Warrant of Arrest

(*See* rule 11)

IN THE SUPREME COURT OF INDIA

[Original Jurisdiction]

To

(Name and designation of the person or persons who is or are to execute the warrant).

Whereas.....of.....is charged with committing contempt of this Court, you are hereby directed to arrest the said.....and to produce him before this Court on the..... day of.....20....., at 10.30 o'clock in the forenoon.

Herein fail not.

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

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 Court on the.....day of....., 20....., at 10.30 o'clock in the forenoon and to continue so to attend until otherwise directed by this Court, he may be released.

Dated this.....day of.....20.....

(SEAL)

.....

Registrar

FORM III

Bond and Bail-Bond After Arrest Under a Warrant

IN THE SUPREME COURT OF INDIA

[Original Jurisdiction]

I,.....(name) of.....being brought before the District Magistrate of.....(or as the case may be) under a warrant issued to compel my appearance to answer to the charge of contempt of the Supreme Court do hereby bind myself to attend the Supreme Court on the.....day of.....next, to answer to the said charge, and to continue so to attend, until otherwise directed by the Supreme Court; and, in case of my making default herein, I bind myself to forfeit to Union of India, the sum of rupees.....

Dated this.....day of.....20.....

.....

Signature

I do hereby declare myself surety for the above-named of.....that he shall attend before.....in the Supreme Court on the.....day of.....next, to answer to the charge on which he has been arrested, and shall continue so to attend, until otherwise directed by the Supreme Court; and, in case of his making default therein, I bind myself to forfeit to Union of India, the sum of rupees.....

Dated this.....day of.....20.....

FORM IV

Warrant of commitment for contempt

(*See* rule 16)

IN THE SUPREME COURT OF INDIA

[Original Jurisdiction]

To the Superintendent (or Keeper) of the jail at.....

Whereas at the Court holden on this day (name and description of the contemner) has been adjudged by the Court guilty of wilful contempt of Court, and he has been sentenced to

suffer imprisonment for the period.....(here specify the term) and/or to pay a fine of rupees.....

This is to authorise and require you, the Superintendent (or Keeper) of the said Jail, to receive the said (name of the contemner) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (term of imprisonment) or for such shorter period as may hereafter be fixed by order of this Court 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 the Court, at all times when the Court shall so direct.

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

.....

(SEAL) Registrar

IndiaCode