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CONTEMPT OF COURTS ACT, 1971

An act to define and limit the powers of certain courts in punishing contempts of courts.

Be it enacted by Parliament in the Twenty-second Year of the Republic of India as follows-

1. Short title and extent.

(1) This Act may be called the Contempt of Courts Act, 1971.

(2) It extends to the whole of India:

Provided that it shall not apply to the State of Jammu and Kashmir except to the extent to which the provisions of this Act relate to contempt of the Supreme Court.

COMMENTS

(i) The law of contempt of Courts is for keeping the administration of justice pure and undefiled. While dignity of the court is to be maintained at all costs, the contempt jurisdiction, which is of a special nature, should be sparingly used;

Shakuntala Sahadevram Tewari v. Hemchand M. Singhania, (1990)

(ii) Proceedings of contempt are summary in nature and also are sui generis;

Golcha Advertising Agency v. The State of Maharashtra, (1990)

(sui generis means 'of its (his, her, their) own kind; in a class by itself; unique')

2. Definitions.

In this Act, unless the context otherwise requires-

(a) “**Contempt of court**” means civil contempt or criminal contempt”

(b) “**Civil contempt**” means wilful disobedience to any judgement, decree, direction, order, writ or other process of a court or wilful breach of an undertaking given to a court.

(c) “**Criminal contempt**” means the publication (whether by words, spoken or written, or by signs, or by visible representation, or otherwise) of any matter or the doing of any other act whatsoever which-

(i) Scandalizes or tends to scandalize, or lowers or tends to lower the authority of, any court, or

(ii) Prejudices, or interferes or tends to interfere with the due course of any judicial proceeding, or

(iii) Interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner.

(d) “**High Court**” means the High Court for a State or a Union territory and includes the court of the Judicial Commissioner in any Union territory.

3. Innocent publication and distribution of matter not contempt.

(1) A person shall not be guilty of contempt of court on the ground that he has published (whether by words, spoken or written, or by signs, or by visible representations, or otherwise) any matter which interferes or tends to interfere with, or obstructs or tends to obstruct, the course of justice in connection with any civil or criminal proceeding pending at that time of publication, if at that time he had no reasonable grounds for believing that the proceeding was pending.

(2) Notwithstanding anything to the contrary contained in this Act or any other law for the time being in force, the publication of any such matter as is mentioned in sub-section (1) in connection with any civil or criminal proceeding which is not pending at the time of publication shall not be deemed to constitute contempt of court.

(3) A person shall not be guilty of contempt of court on the ground that he has distributed a publication containing any such matter as is mentioned in sub-section (1), if at the time of distribution he had no reasonable grounds for believing that it contained or was likely to contain any such matter as aforesaid:

Provided that this sub-section shall not apply in respect of the distribution of-

(i) any publication which is a book or paper printed or published otherwise than in conformity with the rules contained in section 3 of the Press and Registration of

Books Act, 1867;

(ii) any publication which is a newspaper published otherwise than in conformity with the rules contained in section 5 of the said Act.

Explanation-

For the purposes of this section, a judicial proceeding-

(a) is said to be pending,

(A) in the case of a civil proceeding, when it is instituted by the filing of a plaint or otherwise,

(B) in the case of a criminal proceeding under the Code of Criminal Procedure or any other law-

(i) where it relates to the commission of an offence, when the charge-sheet or challan is filed, or when the court issues summons or warrant, as the case may be, against the accused, and

(ii) in any other case, when the court takes cognizance of the matter to which the proceeding relates, and in the case of a civil or criminal proceeding, shall be deemed to continue to be pending until it is heard and finally decided, that is to say, in a case where an appeal or revision is competent, until the appeal or revision is heard and finally decided or, where no appeal or revision is preferred, until the period of limitation prescribed for such appeal or revision has expired;

(b) which has been heard and finally decided shall not be deemed to be pending merely by reason of the fact that proceedings for the execution of the decree, order or sentence passed therein are pending.

4. Fair and accurate report of judicial proceeding not contempt.

Subject to the provisions contained in section 7, a person shall not be guilty of contempt of court for publishing a fair and accurate report of a judicial proceeding or any state thereof.

COMMENTS

(i) The words “**judicial proceeding**” means day-to-day proceedings of the court. The media reports must represent a fair and accurate report of a judicial proceeding and not be a one-sided picture;

Subhash Chand v. S.M. Aggarwal, 1984.

(ii) Fair and accurate reporting of the judgment is essential for the healthy administration of justice; *Progressive Port and Dock Workers Union, 1984*

5. Fair criticism of judicial act not contempt.

A person shall not be guilty of contempt of court for publishing any fair comment on the merits of any case which has been heard and finally decided.

COMMENTS

Judgments are open to criticism that must be done without casting aspersions on the judges and the courts and without adverse comments amounting to scandalising the courts;

Advocate General v. Abraham George, 1976

6. Complaint against presiding officers of subordinate courts when not contempt.

A person shall not be guilty of contempt of court in respect of any statement made by him in good faith concerning the presiding officer or any subordinate court to-

- (a) Any other subordinate court, or
- (b) The High court to which it is subordinate.

Explanation-

In this section, "subordinate court" means any court subordinate to a High court.

COMMENTS

Immunity is provided to a citizen making a complaint to the High Court against a Presiding Officer of a subordinate court so long as the complaint is made in good faith;

Court on its own motion (in re:), 1973

7. Publication of information relating to proceeding in chambers or in camera not contempt except in certain cases.

(1) Notwithstanding anything contained in this Act, a person shall not be guilty of contempt of court for publishing a fair and accurate report of a judicial proceedings before any court sitting in chambers or in camera except in the following cases, that is to say-

- (a) Where the publication is contrary to the provisions of any enactment for the time being in force.
- (b) Where the court, on grounds of public policy or in exercise of any power vested in it, expressly prohibits the

publication of all information relating to the proceeding or of information of the description which is published.

(c) Where the court sits in chambers or in camera for reason connected with public order or the security of the State, the publication of information relating to those proceedings.

(d) Where the information relates to secret process, discovery or invention which is an issue in the proceedings.

(2) Without prejudice to the provisions contained in sub section (1) a person shall not be guilty of contempt of court for publishing the text or a fair and accurate summary of the whole, or any part, of an order made by a court sitting in chambers or in camera, unless the court has expressly prohibited the publication thereof on grounds of public policy, or for reasons connected with public order or the security of the State, or on the ground that it contains information relating to secret process, discovery or invention, or in exercise of any power vested on it.

8. Other defences not affected.

Nothing contained in this Act shall be construed as implying that any other defence which would have been a valid defence in any proceedings for contempt of court has ceased to be available merely by reason of the provisions of this Act.

9. Act not to imply enlargement of scope of contempt.

Nothing contained in this Act shall be construed as implying that any disobedience, breach, publication or other

act is punishable as contempt of court which not be so punishable apart from this Act.

10. Power of High Court to punish contempt's of subordinate courts.

Every High Court shall have and exercise the same jurisdiction, powers and authority, in accordance with the same procedure and practice, in respect of contempt's of courts subordinate to it and it has and exercise in respect of contempt's of itself:

Provided that no High Court shall take cognizance of a contempt alleged to have been committed in respect of a court subordinate to it where such contempt is an offence punishable under the Indian Penal Code.

COMMENTS

The phrase “courts subordinate to it” used in section 10 is wide enough to include all courts which are judicially subordinate to the High Court even though administrative control over them under Article 235 of the Constitution does not vest in the High Court;

S.K. Sarkar, Member, Board of Revenue, U.P. Lucknow v. Vinay Chandra Mishra, 1981

11. Power of High Court to try offences committed or offenders found Outside jurisdiction.

A High Court shall have jurisdiction to inquire into or try a contempt of itself or of any court subordinate to it, whether the contempt is alleged to have been committed within or outside the local limits of its jurisdiction , and whether the

person alleged to be guilty of contempt is within or outside such limits.

12. Punishment for contempt of court.

(1) Save as otherwise expressly provided in this Act or in any other law, a contempt of court may be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both:

Provided that the accused may be discharged or the punishment awarded may be remitted on apology being made to the satisfaction of the court.

Explanation-

An apology shall not be rejected merely on the ground that it is qualified or conditional if the accused makes it bona fide.

(2) Notwithstanding anything contained in any law for the time being in force, no court shall impose a sentence in excess of that specified in sub section for any contempt either in respect of itself or of a court subordinate to it.

(3) Notwithstanding anything contained in this section, where a person is found guilty of a civil contempt, the court, if it considers that a fine will not meet the ends of justice and that a sentence of imprisonment is necessary shall, instead of sentencing him to simple imprisonment, direct that the he be detained in a civil prison for such period not exceeding six months as it may think fit.

(4) Where the person found guilty of contempt of court in respect of any undertaking given to a court is a company, every person who, at the time the contempt was committed, was in charge of, and was responsible to, the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the contempt and the punishment may be enforced, with the leave of the court, by the detention in civil prison of each such person: **Provided** that nothing contained in this sub section shall render any such person liable to such punishment if he proves that the contempt was committed without his knowledge or that he exercised all due diligence to prevent its commission.

(5) Notwithstanding anything contained in sub section (4) where the contempt of court referred to therein has been committed by a company and it is provided that the contempt has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the contempt and the punishment may be enforced, with the leave of the court, by the detention in civil prison of such director, manager, secretary or other officer.

Explanation-

For the purpose of sub sections (4) and (5)-

(a) “**Company**” means any body corporate and includes a firm or other association of individuals, and

(b) “**Director**” in relation to a firm, means a partner in the firm.

COMMENTS

(i) Court dealing with application for contempt of court cannot traverse beyond the order. It cannot test correctness or otherwise of the order or give additional direction or delete any direction. That would be exercising review jurisdiction with an application for initiation of contempt proceedings. The same would be impermissible and indefensible;

Prithavi Nath Ram v. State of Jharkhand, AIR 2004

(ii) The various different modes of execution of orders and decrees, as recognised by law, cannot be resorted to by the Court in a contempt proceeding;

Bonbehari Roy v. Kolkata Metropolitan Development Authority, AIR 2004

(iii) The common English phrase “he who asserts must prove” has its due application in the matter of proof of the allegations said to be constituting the act of contempt. As regards the standard of proof, be it noted that a proceeding under the extraordinary jurisdiction of the court in terms of the provisions of the Contempt of Courts Act is quasi judicial, and as such, the standard of proof required is that of a criminal proceeding and the breach shall have to be established beyond reasonable doubt;

Mrityunjoy Das v. Sayed Hasibur Rahaman, AIR 2001

(iv) The power of the Supreme Court to punish for contempt of court, though quite wide, is yet limited and

cannot be expanded to include the power to determine whether an advocate is also guilty of “professional misconduct” in a summary manner;

Supreme Court Bar Association v. Union of India, AIR 1998

(v) Breach of an injunction, or breach of an undertaking given to a court by a person in a civil proceeding amounts to contempt;

Noorali Babul Thanewala v. K.M.M. Shetty, AIR 1990

(vi) Committing the contemner to prison is always discretionary with the court;

Shakuntala Sahadevram Tiwari v. Hemchand M. Singhania, (1990)

(vii) The court can, even when accepts the apology, commit an offender to prison or otherwise punish him;

Rupert J. Bamabas v. N. Bharani, 1990

13. Contempts not punishable in certain cases.

Notwithstanding anything contained in any law for the time being in force,-

(a) no court shall impose a sentence under this Act for a contempt of court unless it is satisfied that the contempt is of such a nature that it substantially interferes, or tends substantially to interfere with the due course of justice;

(b) the court may permit, in any proceeding for contempt of court, justification by truth as a valid defence if it is satisfied that it is in public interest and the request for invoking the said defence is bona fide.

COMMENTS

(i) Section 13 postulates no punishment for contemptuous conduct in certain cases and the language used therein seems to be with utmost care and caution when it records that unless the court is satisfied that the contempt is of such a nature that the act complained of substantially interferes with the due course of justice, question of any punishment would not arise. It is not enough that there should be some technical contempt of court but it must be shown that the act of contempt would otherwise substantially interfere with the due course of justice which has been equated with “due administration of justice”;

Murray & Co. v. Ashok Kumar Newalia, AIR 2000

(ii) Technical contempt's are to be ignored;

Baradakanta Mishra v. The Registrar, Orissa High Court, AIR 1974

(iii) A party (or person) can be committed for contempt only owing to any willful or deliberate or reckless disobedience of the order of the Court;

Jiwani Kumari v. Satyabrata Chakraborty, AIR 1991

(iv) Exemplary costs may be awarded instead of imposing a fine;

Naamunnissa Shaukat Ali v. Municipal Corporation of Greater Bombay, (1990)

14. Procedure where contempt is in the face of the Supreme Court or a High Court.

(1) When it is alleged, or appears to the Supreme Court or the High Court upon its own view, that a person has been guilty of contempt committed in its presence or hearing, the court may cause such person to be detained in custody, and, at any time before the rising of the court, on the same day, or as early as possible thereafter, shall-

(a) Cause him to be informed in writing of the contempt with which he is charged.

(b) Afford him an opportunity to make his defence to the charge.

(c) After taking such evidence as may be necessary or as may be offered by such person and after hearing him, proceed, either forthwith or after adjournment, to determine the matter of the charge, and

(d) Make such order for the punishment or discharge of such person as may be just.

(2) Notwithstanding anything contained in sub section (1) where a person Charged with contempt under the sub section applies, whether orally or in writing, to have the charge against him tried by some Judge other than the Judge or Judges in whose presence or hearing the offence is alleged to have been committed, and the court is of opinion that it is practicable to do so and that in that interest of proper administration of justice the application should be allowed, it shall cause the matter to be placed, together with a statement of the facts of the case, before the Chief Justice

for such directions as he may think fit to issue as respects the trial thereof.

(3) Notwithstanding anything contained in any other law, in any trial of a person charged with contempt under sub section (1) which is held, in pursuance of a direction given under sub section (2), by a Judge other than the Judge or Judges in whose presence or hearing the offence is alleged to have been committed, it shall not be necessary for the Judge or Judges in whose presence or hearing the offence is alleged to have been committed to appear as a witness and the statement placed before the Chief Justice under sub section (2) shall be treated as evidence in the case.

(4) Pending the determination of the charge, the court may direct that a person charged with contempt under this section shall be detained in such custody as it may specify: **Provided** that the shall be released on bail, of a bond for such sum of money As the court thinks sufficient is executed with or without sureties conditioned that the person charged shall attend at the time and place mentioned in the bond and shall continue t so attend until otherwise directed by the court:

Provided further that the court may, if it thinks fit, instead of taking bail from such person, discharge him on his executing a bond without sureties for his attendance as aforesaid.

COMMENTS

If the court did not take action under section 14 then the

procedure of section 15 cannot be adopted later;
Manisha Mukherjee v. Ashoke Chatterjee, 1985

15. Cognizance of criminal contempt in other cases.

(1) In the case of a criminal contempt, other than a contempt referred to in section 14, the Supreme Court or the High Court may take action on its own motion or on a motion made by-

(a) the Advocate-General, or

(b) any other person, with the consent in writing to the Advocate-General, or

(c) in relation to the High Court for the Union territory of Delhi, such Law Officer as the Central Government may, by notification in the Official Gazette, specify in this behalf, or any other person, with the consent in writing of such Law Officer.

(2) In the case of any criminal contempt of a subordinate court, the High Court may take action on a reference made to it by the subordinate court or on a motion made by the Advocate-General or, in relation to a Union territory, by such Law Officer as the Central Government may, by notification in the Official Gazette, specify in this behalf.

(3) Every motion or reference made under this section shall specify the contempt of which the person charged is alleged to be guilty.

Explanation-

In this section, the expression “**Advocate-General**” means-

(a) in relation to the Supreme Court, the Attorney-General

or the Solicitor-General;

(b) in relation to the High Court, the Advocate-General of the State or any of the States for which the High Court has been established;

(c) in relation to the Court of a Judicial Commissioner, such Law Officer as the Central Government may, by notification in the Official Gazette, specify in this behalf.

COMMENTS

(i) The whole object of prescribing procedural mode of taking cognizance is to safeguard the valuable time of the Court from being wasted by frivolous contempt petitions;

Bal Thackrey v. Haris Pimpalkhute, (2005)

(ii) Where an advocate who had apparently no case on the Board of Bench, shouted slogans in the open court and thereafter hurled his shoe towards the court thereby interrupting the court proceedings, his action, both by his words and deeds, in the presence of court amounts to gross criminal contempt of court;

(iii) Procedure of making a reference cannot apply in a case when the Presiding Officer of a subordinate court himself is guilty of contempt of court;

Berely v. Xavier, 1988

(iv) It is always open to the High Court to take action **suo motu** in respect of a subordinate court;

State of Orissa v. R.N. Patra, 1976

(v) Nobody has a right to compel the subordinate court to make a reference to the High Court;

Jomon v. State of Kerala, (1987)

16. Contempt by judge, magistrate or other person acting judicially.

(1) Subject to the provisions of any law for the time being in force, a judge, magistrate or other persons act in judicially shall also be liable for contempt of his own court or of any other court in the same manner as any other individual is liable and the provisions of this Act, so far as may be, apply accordingly.

(2) Notwithstanding in this section shall apply to any observations or remarks made by a judge, magistrate or other person act in judicially, regarding a subordinate court in an appeal or revision pending before such judge, magistrate or other person against the order or judgement of the subordinate court.

COMMENTS

(i) Only a Judge of a subordinate court can be said to have committed contempt of his own court i.e. the court in which such judge is presiding;

Harish Chandra v.S. Ali Ahmed, 1987.

(ii) A judge can foul judicial administration by misdemeanours while engaged in the exercise of the functions of a Judge;

Baradakanta v. The Registrar, Orissa High Court, AIR 1974

(iii) The Magistrates should be conscious of their heavy responsibilities and should not act in a manner prejudicial to the litigants;

B.N. Choudhary v.S.M. Singh, 1967

17. Procedure after cognizance.

(1) Notice of every proceeding under Section 15 shall be served personally on the person charged, unless the court for reasons to be recorded directs otherwise.

(2) The notice shall be accompanied-

(a) In the case of proceedings commenced on a motion, by a copy of the motion as also copies of the affidavits, if any, on which such motion is founded and,

(b) In case of proceedings commenced on a reference by a subordinate court, by a copy of the reference.

(3) The court may, if it is satisfied that a person charged under Section 15 is likely to abscond or keep out of the way to avoid service of the notice, order the attachment of his property of such value or amount as it may deem reasonable.

(4) Every attachment under sub section (3) shall be effected in the manner provided in the code of [Civil procedure, 1908](#) (5 of 1908), for the attachment of property in execution of a decree for payment of money, and if , after such attachment, the person charged appears and shows to the satisfaction of the court that he did not abscond or keep out of the way to avoid service of the notice, the court shall order the release

of his property from attachment upon such terms as to costs or otherwise as it may think fit.

(5) Any person charged with contempt under Section 15 may file an affidavit in support of this defence, and the court may determine the matter of the charge either on the affidavits filed or after taking such further evidence as may be necessary, and pass such order as the justice of the case requires.

COMMENTS

(i) The period of one year has to be reckoned from the date on which a notice under this section has been issued;

K.K.R. Nair v. Mohan Das, 1990

(ii) An order initiating proceeding for contempt by a notice issued under section 17 is not appealable under section 19 of the Act;

The Union of India v. Mario Coural Sa, AIR 1982

(iii) The position of a contemner is that of an accused person;

M.R. Parashar v. Dr. Farooq Abdullah, 1984

(iv) Personal appearance, unless dispensed with, of a contemner is mandatory;

B.N. Jaisimha v. N.T. Prabhakar, (1985)

18. Hearing of cases of criminal contempt to be by Benches.

(1) Every case of criminal contempt under section 15 shall be heard and determined by a Bench of not less than two Judges.

(2) Sub section (1) shall not apply to the court of a judicial commissioner.

COMMENTS

(a) The jurisdiction rests exclusively with a Bench of not less than two Judges of the High Court;

B.R. Karandikar v.M.Y.Joshy, (1983)

(b) However, it was observed that a single Judge can also deal with criminal contempt's committed in facie curium;

In re: Court on its own motion, AIR 1980

19. Appeals.

(1) An appeals shall lie as of right from any order to decision of High Court in the exercise of its jurisdiction to punish for contempt-

(a) Where the order or decision is that of a single judge, to a Bench of not less than two Judges of the Court.

(b) Where the order or decision is that of a Bench, to the Supreme Court:

Provided that where the order or decision is that of the Court of the Judicial Commissioner in any Union territory, such appeal shall lie to the Supreme Court.

(2) Pending any appeal. The appellate court may order that-

- (a) The execution of the punishment or order appealed against be suspended.
- (b) If the appellant is in confinement, he be released on bail, and
- (c) The appeal be heard notwithstanding that the appellant has not purged his contempt.

(3) Where any person aggrieved by any order against which an appeal may be filed satisfied the High Court that he intends to prefer an appeal, the High Court may also exercise all or any of the powers conferred by sub section (2).

(4) An appeal under sub section (1) shall be filed-

- (a) In the case of an appeal to a Bench of the High Court, within thirty days.
- (b) In the case of an appeal to the Supreme Court, within sixty days, from the date of the order appealed against.

COMMENTS

(a) When the High Court acquits the contemner, no appeal lies;

Subhash Chandra v.B.R. Kakkar, (1992)

(b) It is not each and every order passed during the contempt proceedings that is appealable;

S.P. Wahi v.Surendra Singh, (1983)

(c) An Appeal does not automatically operate as a stay of the order appealed against;

Hans Raj v.State of Himachal Pradesh, (1985)

20. Limitation for actions for contempt.

No court shall initiate any proceedings if contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed.

21. Act not to apply to Nyaya Panchayats or other village courts.

Nothing contained in this Act shall apply in relation to contempt of Nyaya Panchayats or other village courts, by whatever name known, for the administration of justice, established under any law.

22. Act to be in addition to, and not in derogation of, other laws relating to contempt.

The provisions of this Act shall be in addition to, and not in derogation of the provision of any other law relating to contempt of courts.

23. Power of Supreme Court and High Court to make rules.

The Supreme Court or, as the case may be, any High Court, may make rules, not inconsistent with the provisions of this Act, providing for any matter relating to its procedure.

24. Repeal.

The Contempt of Courts Act, 1952 (32 of 1952) is hereby repealed.

The Contempt of Courts (C.A.T) Rules, 1992

FORMS (Contempt of Courts Rules, 1992)

How to be a successful Lawyer?

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

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 of their publication in the official Gazette.

(Note:- Published in the Gazette of India, dated 1st February, 1975 and came into force from that date.

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.

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 petitioners 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) Whether 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. 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 1. 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 annexure 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 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) Replay and affidavits of the parties,
- (iv) Documents filed by the parties,
- (v) Any other document 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 execute by the officer to 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 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, for 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 of production of any document.

14. The court may pass such orders as it thinks fit including orders as to costs which may 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.

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 on until it is executed. The Superintendent of the Jail shall in pursuance of the order receive the person so adjusted and detain him in custody for the period specified therein, or until further orders.

Source/Inspiration - <http://doj.gov.in/>

Contempt of Courts (C.A.T) Rules, 1992

FORMS (Contempt of Courts Rules, 1992)

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