

PART H—RULES MADE BY THE HIGH COURT U/S 23 OF  
THE CONTEMPT OF COURTS ACT, 1971, FOR  
REGULATING PROCEEDING UNDER THE SAID  
ACT.

PART I

Short title.

1. These rules may be called the Contempt of Court (Punjab and Haryana) Rules, 1974.

\*\*2) They shall come into force on such date as the Chief Justice may by notification in the Official Gazette, appoint in this behalf.

Definitions.

2. In these rules, unless there is anything repugnant in the subject or context,

(a) "Act" means the Contempt of Courts Act, 1971 (No. 70 of 1971);

(b) "section" means a section of the Act;

(c) "High Court" means the High Court of Punjab and Haryana;

(d) "Judge" means a Judge or an additional Judge of the Punjab and Haryana High Court or a Judge appointed thereto under Article 224A of the Constitution of India;

(e) "Advocate-General" means the Advocate-General for the State of Punjab or the State of Haryana, as the case may be;

(f) "Law Officer" means the officer specified under subsection (2) of Section 15 of the Act for the Union Territory of Chandigarh;

(g) "Registrar" means the Registrar of the High Court and shall include Joint Registrar and such Deputy Registrar or Assistant Registrar as may, from time to time, be specified by the Chief Justice:

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\*\*These rules have been enforced by the Chief Justice, with effect from 2nd January, 75 by a separate Notification.

- (h) all other words and expressions used in these rules but not defined therein shall have the meanings respectively assigned to them in the Act.

PART II—COGNIZANCE AND PROCEDURE  
A-GENERAL

3. (1) Every petition, reference or motion for taking proceedings under the Act, shall be registered as Civil Original Petition (Contempt) in respect of civil contempts and Criminal Original Petition (Contempt) in respect of criminal contempts.

(2) In proceedings initiated by petition the initiator shall be described as the "petitioner" and the opposite party as the "Respondent" and in other cases the description of the person proceeded against shall be as follows :—

"In re            A        son of        B son of C  
                  occupation \_\_\_\_\_ resident of \_\_\_\_\_."

4. (1) Every petition, motion or reference made under Rule 3 above shall contain in precise language a statement setting forth the facts constituting the contempt of which the person charged is alleged to be guilty and shall specify the date or the dates on which the contempt is alleged to have been committed.

(2) [Every petition shall be accompanied by –

(i) Such documents on which the petitioner relies or their certified or Photostat copies or copies attested either by the petitioner's counsel or sworn to by the petitioner to be true copies of the originals and where such documents happen to be in a language other than English, their translations certified by counsel to be correct; and

(ii) a correct copy meant for the use of the Court neatly typed or printed in double space on legal size paper.]

**[Sub-rule (2) of Rule 4, sub-stituted vide correction slip no. 145 Rules/II.D.4. dated 29.04.2011].**

(3) Every petition for taking action under the Act shall state the nature of the contempt (civil or criminal), shall be supported by an affidavit, and shall be presented in the manner required by rules contained in Chapter 1 of Part A (a) of Volume V of the Rules and Orders of the High Court.

5. (1) Every reference relating to contempt of a court subordinate to the High Court shall be

scrutinised by the Registrar who shall place the same before the Chief Justice or any other Judge nominated by him in this behalf for obtaining orders, after noting thereon the nature of the contempt.

(2) When any publication, application, letter or intimation received by post or otherwise calls for any action being taken under the Act by the High Court on its own motion, the matter shall be dealt with in the manner prescribed in sub-rule (1). In the case of criminal contempt of a subordinate Court, the Chief Justice or the Judge, as the case may be, may direct that the papers be sent to the Advocate-General of the State in which the subordinate Court is situate or to the Law Officer, if the subordinate Court is situate in the Union Territory of Chandigarh, to move the High Court for taking action under the Act.

<sup>[80]</sup>**[6.** (1) Every petition, motion or reference in relation to Civil [-]contempt shall, unless the Chief Justice directs it to be heard by a larger Bench, be laid for motion hearing before a Single Bench.]

<sup>[81]</sup> [Explanation omitted]

<sup>[82]</sup>**[2.** Every petition, motion or reference in relation to Criminal contempt shall, be laid for motion hearing before a Division Bench.]

<sup>[83]</sup>*[Explanation:* Nothing contained in sub-rule (2) shall apply to proceedings initiated by the High Court on its own motion. However, after service of notice on the persons charged, such petitions shall be heard and decided by a Bench of not less than two Judges.]

(3) <sup>1</sup>[Every notice/e-notice issued by the High Court shall be in the form appended to these rules and shall be accompanied by a copy of the motion, petition or reference as the case may be, together with the copies of the affidavits, if any.]

(4) The notice shall be signed and dated by the Registrar and shall be sealed with the seal of the High Court.

(5) Notice of every proceeding under the Act shall be served personally on the person charged, unless the High Court for reasons to be recorded directs otherwise.

<sup>[84]</sup> [(6) The High Court may, if satisfied that the person charged is absconding or likely to abscond or is keeping or likely to keep out of the way to avoid service of the notice order the issue of warrant of his arrest in the form appended to these rules which, in the case of criminal contempt, may be in lieu of or in addition to the attachment of his property under sub-sections (3) and (4) of section 17 of the Act. Bailable warrants shall be issued in the form appended to these rules, in terms of the order of High Court.]

(7) Whenever the High Court issues a notice, it may, if it sees reasons so to do, dispense with the personal attendance of the person charged with the contempt and permit him to appear *by* his Pleader, and may, in its discretion, at any stage of the proceedings, direct the personal attendance of such person, and, if necessary enforce such attendance in the manner hereinbefore provided.

7. (1) When any person charged with contempt appears or is brought before the High Court and is prepared, while in custody or at any stage of the proceedings, to give bail, such person shall be released on bail, if a bond for such sum of money as the High 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 to so attend until otherwise directed by the High Court :

Provided further that the High 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, or without executing such bond.

(2) Notwithstanding anything contained in sub-rule (1), where a person fails to comply with the conditions of the bail-bond as regards the time and place of attendance, the High Court may refuse to release him on bail, when on a subsequent occasion in the same case he appears before the High Court or is brought in custody and any such refusal shall be without prejudice to the powers of the High Court to

call upon any person bound by such bond to pay the penalty thereof.

(3) The provisions of sections 422 to 448 and 450 of the Code of Criminal Procedure, 1973, shall, so far as may be apply, to all bonds executed under by rule.

#### B--CRIMINAL CONTEMPTS

8. (1) Any person charged with criminal contempt, other than a contempt referred to in section 14, may file an affidavit in support of his defence on the date fixed for his appearance or any other date fixed by the High Court in that behalf.

(2) If such person pleads guilty to the charge, his plea shall be recorded and the High Court may, in its discretion, either convict him thereon or accept bail for his appearance at such time, as may be appointed, to receive its judgement.

(3) If such person refuses to plead or does not plead, or claims to be tried or the High Court does not convict him on his plea of guilty, it may determine the matter of the charge either on the affidavits filed or after taking such further evidence as may be necessary.

#### C-CIVIL CONTEMPTS

9. In the case of a civil contempt other than a contempt referred to in section 14, the High Court may take action

- (a) on its own motion; or
- (b) on a petition presented by the party aggrieved;  
or
- (c) in the case of any civil contempt of a subordinate court, on reference made to it by that Court.

10. (1) In the case of civil contempt, other than a contempt referred to in section 14, the person charged may file his affidavit by way of reply to the

Vol. V charge and shall serve a copy thereof on the petitioner<sup>6</sup> on his counsel at least seven days before the date of hearing. Ch. 7-H.

(2) No further return, affidavit or document shall be filed except with the leave of the High Court.

11. In the case of a civil contempt, the High Court may determine the matter of charge either on affidavits filed or on such further evidence as may be taken by itself or recorded by a subordinate court in pursuance of a direction made by it, and pass such order as the justice of the case requires, having regard to the provisions of sections 12 and 13 of the Act.

### PART III—APPEALS

12. Appeals under section 19 of the Act shall be filed in accordance with rules contained in Chapters 1-A(a) and 2-C of Volume V of the Rules and Orders of the High Court in so far as the same may be applicable.

### PART IV—MISCELLANEOUS

13. Every person against whom proceedings are initiated under the Act may of right be defended by an Advocate of his choice competent to appear before the High Court.

14. A paper-book consisting of the documents specified in rule 4 shall be filed by the petitioner or the Advocate-General or the Law Officer, as the case may be, in triplicate in a case of criminal contempt and in duplicate in a case of civil contempt. Thereafter, as many copies of the paper-book as there are respondents to whom notice is issued, shall also be furnished along with the process-fee prescribed in rule 16.

15. (1) In a case where any proceedings are taken on a reference by a Subordinate Court or by the High Court on its own motion, the Registry shall prepare the paper-book in triplicate in a case of criminal contempt and in duplicate in a case of civil contempt.

Such paper-book shall consist of the following documents

- (i) Reference or motion.
- (ii) The objectionable material, if any, alleged to constitute contempt.
- (iii) Any other document which the Registrar may deem fit to include or which the High Court may require.

(2) All relevant material brought on the record from time to time shall be included in each paper-book.

(3) In any such case, the Court may, at any stage, appoint an Advocate for the conduct of the proceedings.

16. . The rules contained in Chapter 1-F of Volume V of the Rules and Orders of the High Court shall, in so far as they may be applicable, govern the processes issued under these rules.

17. . The rules relating to the grant of copies and translation of records contained in Chapter 5-B of Volume V of the Rules and Orders of the High Court shall, in so far as they may be applicable, govern proceedings under the Act.

18. . When any person is summoned by the High Court to appear as a witness in any proceedings under the Act, the expenses of such witness, as determined according to the rules for the time being in force, shall be paid by the Registrar out of the Contingency Fund; provided that the Court may direct any party to such proceedings to pay such expenses.

19. . The High Court may direct any party to a proceeding under the Act to pay the costs thereof as determined by it to any other party thereto.

20. . It shall be the duty of the Registrar to carry out, enforce and execute the orders passed by the High Court in any proceeding under the Act, and in particular, orders imposing fines or awarding costs.

[Notification No. 150/CA70/1971/S.23/74, dated 23<sup>rd</sup> November, 1974]

## ANNEXURE

*Form of Notice**[See Rule 6(3)]*IN THE HIGH COURT OF PUNJAB AND  
HARYANA AT CHANDIGARH*Notice*CRIMINAL/CIVIL ORIGINAL SIDE  
CRIMINAL/CIVIL ORIGINAL (CONTEMPT)  
PETITION No. OF 20Proceedings under the Contempt of Courts  
Act, 1971 (Act No. 70 of 1971).

Whereas from the material laid before this Court. it has been made to appear that you are guilty of contempt of court, punishable under section 12 of the Contempt of Courts Act, 1971, the proceedings in the matter will be laid before this Court for the determination of the charge on the \_\_\_\_\_20\_\_\_\_\_(Actual).

You are hereby directed to attend this Court at a.m. on the \_\_\_\_\_ 20\_\_  
<sup>1</sup>[in person or through counsel to answer the charge and to file in person]\*  
an affidavit  
an affidavit at least 7 days before the said date\*\* in support of your defence, if any.

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

By Order of the High Court.

SEAL

Registrar,  
High Court of Punjab and  
Haryana, Chandigarh.

<sup>1</sup>*[\*Note 1.—The respondents shall be required to appear in person if an express order in this behalf has been passed by the High Court.]*

*\*\*Note 2.—This alternative is to be mentioned only in cases of civil contempt.*



[85] Form of Bailable Warrants

[See Rule 6(6)]

No \_\_\_\_\_ Judl/dated \_\_\_\_\_

In the High Court of Punjab and Haryana at Chandigarh  
Judicial Department  
Civil Original Contempt Petition

Petitioner(s)

Versus

Respondent(s)

To

The Chief Judicial Magistrate,

Whereas the Civil Original Contempt Petition No. \_\_\_\_\_ of 19 \_\_\_\_\_ versus \_\_\_\_\_ came up for hearing on \_\_\_\_\_ before Hon'ble Mr. Justice \_\_\_\_\_ and whereas respondent(s) \_\_\_\_\_ was/were not present on \_\_\_\_\_ in spite of service and the case has been adjourned to \_\_\_\_\_ (Actual)

You are hereby directed under rule 6(6) of the Contempt of Courts (Punjab & Haryana) Rules, 1974, to cause the respondent /respondents \_\_\_\_\_ arrested and produced before this Court on \_\_\_\_\_ unless he/they furnishes/furnish bond in the sum of Rs. \_\_\_\_\_ with \_\_\_\_\_ surety/sureties in the like amount to attend this Court on \_\_\_\_\_ and to continues so to attend until otherwise direct.

Given under my hand and the seal of this Court today the \_\_\_\_\_.

Assistant Registrar (Judicial)  
for Registrar.