

THE CONTEMPT OF COURT RULES, HIGH COURT, MADRAS, 1975.

LAWYER STATUTES



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No. S.R.O. C20/75/P.Dis. No. 166/75.- In exercise of the powers conferred on the High Court under Articles 215 and 225, Constitution of India, Sec.23 of the Contempt of Courts Act, 1971 and all other powers hereunto enabling, the High Court makes the following rules:

1. These Rules shall be called the **Contempt of Court Rules, High Court, Madras, 1975**.
2. These Rules shall come into force from the date of publication in the Tamil Nadu Government Gazette.
3. Every case initiated for Contempt of Court under **the Contempt of Courts Act, 1971** or under any other law, shall be received by the First Assistant Registrar (Original Side) and registered as a contempt case.
4. Every application for contempt shall be in the form of a petition accompanied by an affidavit specifying details of the contempt alleged together with all the documents in support thereof.

****Author's Note:- Contempt of Courts Act, 1971 (70 of 1971) – Sec. 20. Limitation for actions for contempt.-** No court shall initiate any proceedings for 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.

5. (1). Every reference by a Sub-ordinate Court shall clearly specify the contempt of which the person charged is alleged to be guilty.

(2) Every such reference on receipt in the High Court shall first be dealt with in the Administrative Side and will be placed before the Judge-in-charge of the district in which the Sub-ordinate Court making the reference is situated, and the Chief Justice for directions to send the papers to the Advocate-General for taking appropriate action.

(3) Every application arising out of such reference for alleged Contempt of Subordinate Court shall be posted before a Division Bench for orders as to whether notice shall issue to the alleged contemner.

(4) Notice of such application if ordered by Court requiring the alleged contemner to appear on a day fixed, which shall be not less than four weeks from the date of order or as fixed by the Court, shall be sent out for personal service on the alleged contemner.

(5) No process fee shall be collected for service of process.

(6) Every such application shall on the date fixed be posted for hearing before a Division Bench dealing with such applications for the time being.

6. (1) Every application for Contempt of Court committed in respect of Judgment, Decree, Direction, Order, Writ or other process of the High Court shall be accompanied by two additional sets of all the papers in the case for the record of the Court and the required number of copies for service on the alleged contemner.

a*[(2) Every such application shall be posted before the Judge or Judges nominated by the Hon'ble Chief Justice.]

***[a] Sub-rule (2) before amendment is as follows** “ Every such application shall be posted before the Judge or Judges in respect of whose judgment, decree, direction, order, writ or other process the contempt is alleged, for orders as to whether notice shall issue to the alleged contemner. — **Published in TN Govt Gaz., Extra., Pt. III., Sec. 2., dt. 20.09.2007.**



b*(3) Notice of such application, if ordered, requiring the alleged contemner to appear on a date fixed, which shall be not less than four weeks from the date of order, or a date fixed by the Court, shall be sent out for personal service on the alleged contemner.

(4) No process fee shall be collected for service of process.

(5) Every such application shall on date fixed, be posted for hearing before such Judge or Judges as the case may be.]

***[b] Sub-rule 3 deleted and sub-rule (4) to 6 renumbered as (3) to (5) by ibid. And that Sub-rule 3 before amendment is as follows.-** “(3) In case the Judge or Judges concerned is or are not available, the Chief Justice may direct that the application be posted before some other Judge or Judges as the case may be for orders as to whether notice shall issue to the alleged contemner.”

Author’s Note: K.S. Illagovan vs. The High Court of Judicature, Madras rep by the Reg General. – W.P. No. 6240 / 2009 dt. 09.09.2009 (DB) – Amendment of the rule is consistent with the provisions of the Contempt of Courts Act, 1971 and hence valid.

7. (1) Every such application by a person or the Advocate-General for alleged contempt of any Court Subordinate to the High Court or of the High Court shall be accompanied by two additional sets of all the papers in the case for the record of the Court and the required number of copies for service on the alleged contemner.

(2) Every such application shall be posted before a Division Bench dealing with such cases, for the time being if the contempt alleged is of a Subordinate Court and before such Bench as the Chief Justice may direct, if the contempt alleged is in respect of the High Court, for orders as to whether notice shall issue to the alleged contemner.

(3) Notice of such application, if ordered by Court, requiring the alleged contemner to appear on a day fixed, which shall be not less than four weeks from the date of order or as fixed by the Court, shall be sent out for personal service on alleged contemner.

(4) No process fee shall be collected for service of process.

(5) Every such application shall on the date fixed, be posted for hearing before a Division Bench dealing with such cases for the time being.

8. Where a Judge of the High Court considers that any matter that might have come to his notice in any way requires initiation of proceedings in contempt against any person, the papers relevant thereto together with the direction of the Judge shall be placed before the Chief Justice for consideration as to whether the matter may be forwarded to the Advocate-General.

9. (1) Whenever notice of the application for contempt to the alleged contemner is ordered by the Court and the Court is satisfied that the person to whom notice is ordered is keeping out of the way to avoid service, or has absconded, the Court may Order substituted service and also order his arrest.

(2) If the person in contempt cannot be arrested by reason of his absconding or keeping one of the way to avoid arrest, the Court may, upon being satisfied thereof, grant an order for the attachment of the property of the person in contempt, to such an amount as the Court deems reasonable, which attachment shall be proceeded with in the same manner as upon execution of a decree for money. If, after such attachment, the person in contempt, appears ad shows to the satisfaction of the Court that he did not abscond, or keep out of the way to avoid arrest, and complies in all respects with judgment, decree, direction, order, writ or other process of the Court or the undertaking given to the Court, or shows sufficient cause for his failure to do so, the Court shall order the release of the property from attachment upon such terms as to costs, and otherwise, as the Court thinks fit.



(3) Every person arrested for contempt shall be brought before the Court forthwith, and may be examined orally, if he confesses the contempt committed by him, and submits to the judgment of the Court thereon, his submission and confession shall be recorded, and the Court may, in its discretion either commit him to jail or accept bail for his appearance before the Court, at such time as may be appointed, to receive the judgment of the Court for his contempt.

(4) If the person in contempt appears or is brought before the Court and fails or refuses without lawful excuse to comply in all respects with the judgment, decree, direction, order, writ or other process of court or undertaking given to the Court, the Court may commit him to jail for such limited time as the Court thinks fit, subject to the provisions of ****Section 12 of the Contempt of Courts Act, 1971**, unless and until he complies in all respects with the judgment, decree, direction, order, writ or other process of court or the undertaking given to the Court in which case he shall be entitled to apply, to the Court, for his discharge from imprisonment.

(5) If, at the end of the time limited in the warrant of imprisonment, the person in contempt persists in his disobedience of the judgment, decree, direction, order, writ or other process of Court or the undertaking given to the Court, his property may be attached in the manner provided for the attachment of property in execution of a decree for money, and the said attachment shall continue until the said person complies with the judgment, decree, direction, order, writ or other process of court or the undertaking given to the Court in all things to be immediately performed and gives such security as the Court directs for compliance with the other parts of the judgment, decree, direction, order, writ or the process of Court or the undertaking given to the Court, of any, at the future days and time thereby appointed or until the Court orders the property to be released.

(6) Any stage of a suit, appeal, application, petition or any other proceedings, the Court may of its own motion direct the attachment of the property of the person alleged to be in contempt.

****Author's Note: The Contempt of Courts Act, 1971 – Sec. 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 bonafide.

(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 (1) 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 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 the 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 proved 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 of 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.

10. (1) Every appeal filed under the **Contempt of Courts Act, 1971**, shall be numbered as contempt appeal.

(2) Every such appeal, shall be posted before a Division Bench for orders as to whether notice shall issue to the respondent.

(3) The procedure for regulation of such appeals shall be the same as for appeals under ****clause 15 of the Letters Patent.**

****Author’s Note:- Letters Patent of Madras High Court – clause 15.- Appeal from the Courts of Original Jurisdiction to the High Court in its appellate jurisdiction.-** And we do further ordain that an appeal shall lie to the said High Court of Judicature at Madras from the judgment (not being a judgment passed in the exercise of appellate jurisdiction in respect of a decree or order made in the exercise of appellate jurisdiction by a Court subject to the superintendence of the said High Court, and not being an order made in the exercise of revisional jurisdiction, and not being sentence or order passed or made in the exercise of the power of superintendence under the provisions of section 107 of the Government of India Act, or in the exercise of criminal jurisdiction) of one Judge of the said High Court or one Judge of any Division Court, pursuant to section 108 of the Government of India Act, and that notwithstanding anything hereinbefore provided an appeal shall lie to the said High Court from a judgment of one judge of the High Court or one Judge of any Division Court, pursuant to section 108 of the Government of India Act made (on or after the 1st day of February, 1929), in the exercise of appellate jurisdiction in respect of a decree or order made in the exercise of appellate jurisdiction by a Court subject to the superintendence of the said High Court, where the Judge who passed the judgment declares that the case is a fit one for appeal, but that the right of appeal from other judgments of Judges of the said High Court or of such Division Court shall be to Us, Our Heris of Successors in Our or Their Privy Council as hereinafter provided.

Contempt of Courts Act, 1971 (70 of 1971) - Section. 19. Appeals.- (1) An appeal shall lie as of right from any order or 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 satisfies 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.

11. It shall be the duty of the First Assistant Registrar, Original Side, to draw up orders made in respect of contempt matters and to see that fines and costs, if any, imposed are paid and that the orders of Court are carried out.

Order XIX of the Rules of the High Court of Judicature at Madras in its Original Jurisdiction, 1956 is repealed.

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Statutes Up date:

Amendment of Rule. 6

Statutes Referred in this Rule:

1. Contempt of Courts Act, 1971 – Sec.12
2. Letters Patent – Clause 15



Case Laws:

(2013) – 6 – CTC – 705 (Mad) (FB) – Peter Ramesh Kumar - in a Suo Motu Contempt Petition of Madras High Court.

Sec. 14 of Contempt of Courts Act, 1971 r/w. Rule. 8 of Contempt of Court Rules, High Court, Madras, 1975. - Application of Rule. 8 - When can be dispensed with and scope of Principles of Natural Justice.

(2010) – 5 – CTC – 129 – R. Muthukrishnan vs. Collector of Tiruvallur Dist.

Ss. 2 (b) & 12 of Contempt of Courts Act, 1971 r/w. Rr. 4, 5, & 9 of the Contempt of Court Rules, High Court, Madras, 1975 - Contempt Petition filed by Petitioner against Dist Collector without mentioning name of Dist Collector was returned by Registry – Whether Contempt petition can be entertained and is maintainable against State or Authority, without specifying, disclosing name and description of person against whom contempt is filed.

(2008) – 5 – CTC – 844 (SC) – Tamilnad Mercantile Bank Share Holder’s Welfare Association vs. S.C. Sekar & ors.

Contempt of Courts Act, 1971, Sec. 19 r/w. Letters Patent Clause 15 – Maintainability of Appeal by persons not parties to proceedings against interim order passed in Contempt Petition – Scope.

Note of Disclaimer

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