

THE KARNATAKA ADMINISTRATIVE TRIBUNAL (CONTEMPT OF TRIBUNAL PROCEEDINGS) RULES, 1987

In exercise of powers conferred under Section 17 of the Administrative Tribunals Act, 1985, Section 23 of the Contempt of Courts Act, 1971, and all other powers enabling it in that behalf, to regulate the proceedings for Contempt of itself, the Karnataka Administrative Tribunal makes the following rules:

1. Title:

- (i) These rules shall be called "**The Karnataka Administrative Tribunal (Contempt of Tribunal Proceedings) Rules, 1987**".
- (ii) They shall come into force on the date of publication in the Karnataka Gazette.

2. Definition: In these rules, unless the context otherwise requires, the words and expressions shall have the meaning as defined in this rule:

- (i) "**Act**" means the Contempt of Courts Act, 1971 (Act 70 of 1971):
- (ii) "**Code**" means Code of Criminal Procedure, 1973 (Act 2 of 1974);
- (iii) "**Administrative Tribunal**" means the Karnataka Administrative Tribunal;
- (iv) "**Form**" means the Form set out in the Appendix to these rules;
And
- (v) All other words and expressions shall have the same meaning as defined in the Act.

3. Form of Motion: Every motion for taking action for contempt of the Administrative Tribunal shall be in the Form of a petition and shall be entitled "In the matter of Proceedings for Contempt of Administrative Tribunal under Section 17 of the Administrative Tribunals Act, 1985 and the Contempt of Courts Act, 1971."

4. Parties to proceedings:

- (i) The party who presents the petition shall be described as 'Complainant' and

1. Published in the Karnataka Gazettee, Extraordinary, dated 25-03-187 vide Notification No.KAT/RPS/77/87..

- (ii) In all proceedings for Contempt, the alleged Contemner shall be described as 'Accused'

5. Contents of Petition:

- (i) the Petition shall set out the following particulars:

- (a) The name, age, occupation and address of the Complainant and of the accused;
- (b) The grounds and material facts on the basis of which action is sought;
- (c) The nature of the order sought from the Administrative Tribunal; and
- (d) If a petition has previously been made by the Complainant of the same facts, the details and the decision thereof.

- (ii) When the Complainant relies upon any document or documents in his possession, he shall file them along with the petition;

(iii) In case of 'Civil Contempt', the certified copies of the Judgment, decree, order, writ or undertaking, which is alleged to have been disobeyed shall be filed along with the petition;

(iv) In the case of 'Criminal Contempt' of the Administrative Tribunal other than contempt referred to in Section 14 of the Act, the Complainant shall state whether he has obtained the consent of the Advocate General and if so, produce the same.

Nothing shall preclude the Administrative Tribunal from taking action suo-motu on the basis of the information disclosed.

(v) The petition shall be accompanied by an affidavit verifying the facts relied upon and that the documents produced are true copies of the originals if they are not originals, or certified copies of the originals.

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

Provided a proceeding under Section 14 of the Act shall be dealt with by the Member or Bench in whose presence or hearing the offence is alleged to have been committed and in accordance with the provisions thereof.

7. Initiation of Proceedings at Information:

(i) Any information other than a petition or reference shall, in the first instance be placed before the Chairman on the administrative side.

(ii) If the Chairman or other Member may be designated by him for the purpose, consider it expedient or proper to take action under the Act, he shall direct that the said information be placed for preliminary hearing;

(iii) On such direction the matter shall be dealt with in accordance with rule 8 treating the information as a petition.

8. Preliminary Hearing and Notice:

(i) Every petition or reference shall be posted for preliminary hearing before the appropriate Bench;

(ii) (a) The Bench of the Administrative Tribunal if satisfied that a prima-facie case has been made out, may direct issue of notice to the accused; otherwise it shall dismiss the petition or reject the reference;

(b) The notice shall be in Form No.1 and shall be accompanied by a copy of the petition or reference or information, annexures, if any, thereto.

9. Appearance of Accused:

(i) In every case of Criminal Contempt, the accused shall appear in person before the Administrative Tribunal on the first date of hearing on every subsequent date to which the case is posted, unless exempted by an order of the Administrative Tribunal;

(ii) In every case of Civil Contempt, the accused shall appear either in person or by Counsel before the Administrative Tribunal, on the first date of hearing and on every subsequent date to which the case is posted, but shall appear in person whenever directed by the Administrative Tribunal.

10. Hearing of Cases and Trial:

(i) The accused may file his reply duly supported by an affidavit on or before Tribunal the first date of hearing or within such extended time as maybe granted by the Administrative Tribunal;

(ii) Upon consideration of the reply filed by the accused and after hearing the parties, the Administrative Tribunal may drop the proceeding and discharge the accused;

(iii) If the Administrative Tribunal upon hearing is satisfied that there is a prima-facie case, it shall proceed to, frame the charge and furnish a copy of the same to the accused;

(iv) The charge shall be read over and explained to the accused and the Administrative Tribunal shall record his plea, if any;

(v) If the accused pleads guilty, the Administrative Tribunal may adjudge him guilty and proceed to pass such sentence as it deems fit.

(vi) If the accused pleads not guilty, the case may be taken up for trial on the same day or posted to any subsequent date as directed by the Administrative Tribunal.

11. Conducting of Proceedings: The Administrative Tribunal may direct the Advocate-General or any other Advocate to appear and conduct the proceedings against the accused.

12. Compelling Attendance:

(i) The Administrative Tribunal may, if it has reason to believe that the accused is absconding or is otherwise evading service of notice, or if he fails to appear in person or 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 offices or may order attachment of property. The warrant shall be issued in Form No.2 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 Police 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 whom it is directed or endorsed;

(iii) Where a warrant is to be executed outside the State of Karnataka, the Administrative Tribunal may forward it to the Magistrate of the District or the Superintendent of Police or Commissioner of Police of the District within which the accused is believed to be residing or to any Police Officer in Karnataka. The Magistrate or the Police Officer to whom the warrant is forwarded shall endorse his name thereon, and cause it to be executed.

(iv) 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.

13. Procedure for Trial: Except as otherwise provided in the Act and these Rules, the procedure prescribed for summary trials under Chapter XXI of the Code shall as far as practicable be followed in the trial of cases for contempt.

14. Power to Order Attendance for Cross-Examination: The Administrative Tribunal 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.

15. Power to order attendance of Witnesses and Discovery or production of Documents: The Administrative Tribunal may make order for the purpose of securing attendance of any person to be examined as a witness and for discovery of production of any document.

16. Execution of Sentence:

(i) If the accused is found guilty and is sentenced to imprisonment other than imprisonment till rising of the Administrative Tribunal, a warrant of commitment and detention shall be made out in Form No. I under the signature of the Registrar of the Administrative Tribunal. Every such warrant shall remain in force until it is cancelled by order of the Administrative Tribunal or until it is executed. 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 Administrative Tribunal may give;

(ii) When the Administrative 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 Administrative 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 No. IV and V as the case may be;

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

17. Execution of Processes: Processes issued by the Administrative Tribunal shall, except as otherwise specifically provided, be executed by the Superintendent of Police/Commissioner of Police as the case may be.

18. Costs:

(i) The Administrative Tribunal may award such costs as it deems fit in the circumstances of the case;

(ii) The costs so awarded shall be recovered in the same manner as costs awarded in the Application.

19. Procedure at Forfeiture of the Bond: If any bond, given for the appearance of an accused is forfeited due to the absence of the accused, the Administrative Tribunal may, after giving opportunity to the accused or the surety, as the case may be, levy the whole or any part of the amount mentioned in the bond as penalty and direct the same to be recovered, as if it were a fine imposed on the accused under the Code.