

COMMISSIONS OF INQUIRY (CENTRAL) RULES, 1972

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COMMISSIONS OF INQUIRY (CENTRAL) RULES, 1972

G.S.R. 899, dated 13th July, 1972. 1 -In exercise of the powers conferred by Section 12 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby makes the following rules, namely :

1. Short titles, commencement and application :-

(1) These rules may be called the Commissions of Inquiry (Central) Rules, 1972.

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

(3) They shall apply to a Commission of Inquiry appointed by the Central Government under Sec. 3 of the Commissions of Inquiry Act, 1952.

2. Definitions :-

In these rules, unless the context otherwise requires,-

(a) 'assessor' means an assessor appointed under these rules.

(b) 'Commission' means a Commission of Inquiry appointed by the Central Government under Sec. 3 of the Commissions of Inquiry Act, 1952.

3. Election of a Presiding Officer for a meeting :-

(1) Where a Commission consists of three or more members, then

during the temporary absence of the Chairman thereof, the members present and participating in its proceedings may elect one member from amongst themselves to preside, for the time being, in respect of the said proceedings.

(2) The member who presides temporarily under sub-rule (1) shall not be deemed to be the Chairman of the Commission.

4. Issue and service of summons :-

(1) A Commission may issue summons to persons whose attendance before it may be required either to give evidence or to produce documents.

(2) Every summons issued by a Commission shall be in duplicate and shall be signed by the Chairman thereof or by such person as he may empower in this behalf. It shall be sealed with the seal of the Commission and shall specify the time and place at which the person summoned is required to attend and also whether his attendance is required for the purpose of giving evidence or to produce a document, or for both the purposes.

(3) A person may be summoned to produce a document, without being summoned to give evidence and any person summoned merely to produce a document shall be deemed to have complied with the summons if he causes such document to be produced instead of attending personally to produce the same.

(4) A summons to produce documents may be for the production of all documents of a certain description in the possession or control of the person summoned.

(5) Every summons shall be served by sending it by post to the person for whom it is intended or in such other manner as the Commission may direct.

(6) The provisions of sub-rules (1) to (5) shall apply, as far as may be, every other process issued by a Commission.

5. Procedure of inquiry :-

(1) A Commission may sit in public or in private as it thinks fit: Provided that a Commission shall sit in private on a request being made by the Central Government in that behalf.

(2) A Commission shall, as soon as may be after its appointment-

(a) issue a notice to every person, who in its opinion should be given an opportunity of being heard in the inquiry, to furnish to the Commission a statement relating to such matters as may be specified in the notice;

(b) issue a notification, to be published in such manner as it may deem fit, inviting all persons acquainted with the subject matter of the inquiry to furnish to the Commission a statement relating to such matters as may be specified in the notification.

(3) Every statement furnished under Cl. (a) of sub-rule (2) shall be accompanied by an affidavit in support of the facts set out in the statement sworn by the person furnishing the statement.

(4) Every person furnishing a statement under Cl. (a) of sub-rule (2) shall also furnish to the Commission along with the statement a list of the documents, if any, on which he proposes to rely and forward to the Commission, wherever practicable, the originals or true copies of such of the documents as may be in his possession or control and shall state the name and address of the person from whom the remaining documents may be obtained.

(5)

(a) A Commission shall examine all the statements furnished to it under Cl. (b) of sub-rule (2) and if, after such examination the Commission considers it necessary to record evidence, it shall first record the evidence, if any, produced by the Central Government and may thereafter record evidence in such order as it may deem fit-

(i) the evidence of any person who has furnished a statement under Cl. (a) of sub-rule (2) and whose evidence the Commission having regard to the statement, considers relevant for the purpose of the inquiry; and

(ii) the evidence of any other person whose evidence, in the opinion of the Commission, is relevant to the inquiry :

(i) such attendance cannot be enforced except by causing undue - hardship or inconvenience to that person; or,

(b) If, after all the evidence is recorded under Cl. (a) of sub-rule (5), the Central Government applies to the Commission to recall any witness already examined or to examine any new witness, the Commission, if satisfied that it is necessary for the proper

determination of any relevant fact to do so, shall recall such witness or examine any such new witness.

1 [(6) The Commission may pay the travelling and other expenses to a person who is summoned to assist the Commission at the stage of preliminary investigation or to give evidence or to produce documents before a Commission as prescribed from time to time by the Central Government.]

(7) The Commission shall have the powers of a Civil Court to make local investigation, either personally or through any person, duly authorised by it, into any matter falling within its terms of reference.

(8) A Commission shall have the power to regulate its own procedure in respect of any matter for which no provision is made in these rules.

1. Subs. by G.S.R. 783, dated 16th October, 1989.

6. Appointment of assessors :-

(a) **1**[* * *] A Commission may, from time to time, appoint one or more assessors to assist and advise the Commission on any matter connected with its inquiry.

(b) It shall be the duty of the assessors to assist and advise the Commission on any matter on which the Commission may consult them in the course of its inquiry : Provided that the advice tendered by the assessors shall not be binding on the Commission.

(c) The Commission shall have the power to regulate the manner in which it may consult the assessors.

2 ["(d) The Commission may pay the travelling allowance, daily allowance and other incidental expenses to assessors according to their entitlement as prescribed from time to time by the Central Government."]

1. The words "The Central Government or, with the previous approval of the Central Government" omitted by G.S.R. 783, dated 16th October, 1989.

2. Subs. by The words "The Central Government or, with the previous approval of the Central Government" omitted by G.S.R. 783, dated 16th October, 1989.

7. Retention of records :-

The report of a Commission and the papers relating to its Secretariat, its establishment matters and all other matters handled by or in the Commission including the evidence tendered before the Commission shall be preserved intact by the Commission and shall be remitted with the report of the Commission.

8. Repeal and savings :-

(1) The Commissions of Inquiry (Assessors) Rules, 1954, the rules for the issue and service of summons by a Commission of Inquiry, published with the notification of the Government of India in the Ministry of Home Affairs, No. 16/1/55-Judicial (1), dated the 27th July, 1955. The Central Commissions of Inquiry (Procedure) Rules, 1960 and the Central Commissions of Inquiry (Central Investigation) Rules, 1970, are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action under the provisions of any of the rules referred to in sub-rule (1), shall be deemed to have been done or taken under the corresponding provision of the Commissions of Inquiry (Central) Rules, 1972.