

**THE MANIPUR DEPARTMENTAL INQUIRIES (ENFORCEMENT OF
ATTENDANCE OF WITNESSES AND PRODUCTION OF DOCUMENTS)**

~~BILL~~, 1989
~~Act~~

~~An~~
~~BILL Act~~

to provide for the enforcement of attendance of witnesses and production of documents in certain departmental inquiries and for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of Manipur in the Fortieth Year of the Republic of India as follows :

1. Short title, extent and commencement:—(1) This Act may be called the Manipur Departmental Inquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1989.

(2) It extends to the whole of the State of Manipur.

(3) It shall come into force at once.

2. Departmental inquiries to which the Act shall apply:—The provisions of this Act shall apply to every departmental inquiry made in relation to—

- (a) persons appointed to public services or posts in connection with the affairs of the State;
- (b) persons who are in the service of or hold any post under—
 - (i) any local authority;
 - (ii) any Board or Corporation (not being a company within the meaning of Companies Act, 1956) (Act 1 of 1956) owned or controlled by the State Government;
 - (iii) any Government company within the meaning of section 617 of the Companies Act, 1956 (Act 1 of 1956), in which not less than fifty one per cent of the paid-up share capital is held by the State Government or any company which is a subsidiary of such Government company;
 - (iv) any society registered under the Societies Registration Act, 1860 (Act 1 of 1860) or the Manipur Co-operative Societies Act, 1976 (Manipur Act 14 of 1976), which is subject to control of the State Government.

3. Definitions:—In this Act, unless the context otherwise requires,—

- (a) “departmental inquiry” means an inquiry held under and in accordance with—
 - (i) any rule made under the proviso to article 309, or continued under article 313 of the Constitution, or
 - (ii) any law made by Parliament or by the State Legislature or any rule made under any such law,
 into any allegation of misconduct against any person to whom this Act applies;

(b) “inquiring authority” means an officer or authority appointed by the State Government or by any officer or authority subordinate to that Government to hold departmental inquiry and includes any officer or authority who is empowered by or under any law or rule for the time being in force to hold such inquiry;

(c) “State Government” means the State Government of Manipur;

(d) “State” means the State of Manipur.

4. Power of State Government to authorise the exercise of power specified in section 5:—(1) Where the State Government is of opinion that for the purposes of any departmental inquiry it is necessary to summon as witness belonging to or call for any document from any class or category of persons, it may, by order, authorise the inquiring authority to exercise the power specified in section 5 in relation to any person within such class or category, and thereupon the inquiring authority may exercise such power at any stage of the departmental inquiry.

(2) The power conferred on the State Government by sub-section (1) may also be exercised by such authority, not being an authority inferior to the appointing authority in relation to the person against whom the departmental inquiry is being held, as the State Government may, by notification in the official Gazette, specify in this behalf.

5. Power of authorised inquiring authority to enforce attendance of witnesses and production of documents:—(1) Every inquiring authority authorised under section 4 (hereinafter referred to as the "authorised inquiring authority") shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Act 5 of 1908), while trying a suit, in respect of the following matters, namely,—

- (a) the summoning and enforcing the attendance of any witness and examining him on oath;
- (b) requiring the discovery and production of any document or other material which is producible as evidence;
- (c) the requisitioning of any public record from any court or office.

(2) Notwithstanding anything contained in sub-section (1), the authorised inquiring authority shall not compel the Reserve Bank of India, the State Bank of India, any subsidiary bank as defined in clause (k) of section 2 of the State Bank of India (subsidiary Banks) Act, 1959 (Act XXXVIII of 1958) or any corresponding new Bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Act V of 1970),

- (a) to produce any books of account or other documents which the Reserve Bank of India, the State Bank of India, the subsidiary bank or the corresponding new Bank claims to be a confidential nature, or
- (b) to make any such books or documents a part of the record of the proceedings of the departmental inquiry, or
- (c) to give any inspection of any such books or documents, if produced to any party before it or to any other person.

(3) Every process issued by an authorised inquiring authority for the attendance of any witness or for the production of any document shall be served and executed through the District Judge, within the local limits of whose jurisdiction the witness or other person, on whom the process is to be served or executed, voluntarily resides or carries on business or personally works for gain and for the purpose of taking any action for the disobedience of any such process, every such process shall be deemed to be a process, issued by the District Judge, as the case may be.

(4) Every authorised inquiring authority making any departmental inquiry under this Act shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973 (Act 2 of 1974).

6. Power to make rules:—(1) The State Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the House of Manipur Legislative Assembly, while it is in session, for a total period of fourteen days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid the House agree in making any modification in the rule or the House agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any modifications or annulment shall be without prejudice to the validity or anything previously done under that rule.