

ASSAM ACT XIV OF 1947.

**THE ASSAM COMMITTEES OF THE LEGISLATURE (EVIDENCE) ACT,
1947.**

[Passed by the Assembly]

[Received the assent of the Governor on the 11th October, 1947.]

[Published in the Assam Gazette of the 22nd October, 1947]

An

Act to invest Committees appointed by or in pursuance of Resolutions passed in either Chamber of the Assam Legislature with powers to enforce attendance of and to examine witnesses on oath or affirmation and to compel production of documents that are necessary for their inquiry and also to make provisions for punishment of persons who refuse to give evidence or produce documents before such Committees, on being duly required to do so.

Preamble.

Whereas by section 71(2) of the Government of India Act, 1935, the privileges of members of a Chamber of a Provincial Legislature shall be such as may from time to time be defined by an Act of the Provincial Legislature;

26 Geo. V,
Chapter 2.

And whereas it is expedient to invest Committees appointed by or in pursuance of Resolutions passed in either Chamber of the Legislature to inquire into definite matters described in the Resolutions with powers to enforce attendance of, and to examine witnesses on oath or affirmation, as also to compel production of documents relevant for their inquiry ;

And whereas by section 71 (4) of the said Act, the Provincial Legislature has been empowered to provide, by Act, for the punishment, on conviction before a Court, of persons who refuse to give evidence or produce documents before a Committee of a Chamber on being duly required to

do so ;

It is hereby enacted as follows:-

- | | | |
|---|-----------|---|
| Short title. | 1. | This Act may be called the Assam Committees of the Legislature (Evidence) Act, 1947. |
| Commencement. | 2. | It shall come into force at once. |
| Definitions. | 3. | <p>In this Act,</p> <p>(a) “document” includes any book, book of accounts, record, map, plan, photograph or written paper, and</p> <p>(b) “prescribed” means prescribed by rules made by the Provincial Government under section 13.</p> |
| Summoning of witnesses. | 4. | <p>(1) Any Select Committee appointed by either Chamber of the Assam Legislature to consider a Bill under consideration by that Chamber, or any Committee appointed by or in pursuance of a Resolution passed by a Chamber to inquire into definite matters described in such Resolution, whether such Committee includes or does not include any person who is not a member of such Chamber, may order any person to attend before such Committee or to produce himself or by any other person any document in the possession or under the control of such person.</p> |
| Issue of summons. | | <p>(2) Any order to attend or to produce a document shall be notified to such person by a summons in the prescribed form issued by the Secretary to the Committee under the orders of the Chairman of the Committee.</p> |
| Service of summons. | | <p>(3) Such summons shall be served in the prescribed manner. The person so served with summons shall be bound to attend in person or to produce the document, as the case may be, at such time, on such date and at such place as may be specified in the summons served upon him.</p> |
| Travelling and daily allowance of witnesses. | | <p>(4) Any person producing a document or attending in obedience to such summons shall be entitled to receive from the Secretary to the chamber such travelling and daily allowance as may be prescribed.</p> |
| Oath or solemn affirmation. | 5. | Any such Committee may require any such witness appearing before them to be examined upon an oath or solemn affirmation in accordance with the provisions of the Indian Oaths Act ; and it shall thereupon be lawful for the Secretary to the Committee or any person authorised by the Chairman of the Committee in this behalf to administer an |

Act X of
1873.

oath or solemn affirmation to such witness, who shall be bound to take such oath or solemn affirmation.

**Issue of
commission.**

6. (1) Any such Committee may, at its discretion, if circumstances so require, instead of issuing a summons under sub-section (1) of section 4, or even if such summons has been issued, at any time issue a commission for the examination of any person whose attendance before such Committee cannot be secured conveniently or without unreasonable delay or expense. Such commission may be issued to any person (hereinafter called the Commissioner) by a formal writ under the hand of the Secretary to the Committee, and such writ shall direct the Commissioner so appointed to examine the person concerned on oath or solemn affirmation and to return the writ of commission with the record of his proceedings to such Secretary within a date to be specified in such writ, or within such later date as may be subsequently fixed by the Committee. It shall be lawful for such Commissioner to administer, in accordance with the provisions of the Indian Oaths Act, an oath or solemn affirmation to such person, who shall be bound to take the oath or solemn affirmation.
- (2) Such Commissioner, at his discretion, may either proceed to the place of residence of the person to be examined according to the writ and examine him there, or he may issue a summons on such person requiring him to attend in person before the Commissioner at such time, on such date and at such place within a distance of one mile from the place of residence of such person as the Commissioner may fix in this behalf. The Commissioner may, by such summons, also require that such person shall, while so attending, produce himself any document, in his possession or under his control, which may, in the Commissioner's opinion, be necessary for, or in connection with, the examination of such person.
- (3) Such summons shall be served in the prescribed manner.
- (4) The person so served with summons shall be bound to attend in person, and to produce the document, at such time, on such date and at such place as may be specified in the summons served upon him.

Act X of
1873.

**Refusal or
failure to
appear.**

7. (1) Subject to the proviso to section 71(4) of the Government of India Act, 1935, if any person duly summoned under the provisions of this Act to appear or to produce any document omits, refuses or fails, without reasonable cause, to appear (or, having duly appeared,

26 Geo. V,
Chapter 2.

departs from the place where he is bound to attend without the permission of the Chairman or the Commissioner as the case may be) or to produce such document in accordance with the directions given under such summons, he shall be punished with simple imprisonment which may extend to three months or with fine which may extend to one thousand rupees or with both.

Refusal to take oath or solemn affirmation.

- (2) Any witness who refuses to take an oath or solemn affirmation in contravention of the provisions of section 5 or sub-section (1) of section 6 shall be punished with simple imprisonment which may extend to three months or with fine which may extend to one thousand rupees or with both.

Punishment for false evidence and refusing to give evidence.

8. (1) Every person giving evidence on any matter before any Select Committee appointed by either Chamber, or before any Committee appointed by or in pursuance of a Resolution passed by a Chamber of the said Legislature, or before a Commissioner appointed under sub-section (1) of section 6, shall be bound to state the truth on such matter. Any such person intentionally making any false statement on any matter or intentionally producing or causing to be produced any false or fabricated document before such Committee or Commissioner, as the case may be, shall be punished with imprisonment of either description which may extend to three years and shall also be liable to fine.
- (2) Any person refusing to give evidence, after having taken oath or affirmation, before such Committee or Commissioner, as the case may be, shall be punished with imprisonment of either description which may extend to one year or with fine which may extend to one thousand rupees or with both.

Restriction on taking of cognisance of Offence

9. (1) No Court shall take cognisance of any offence punishable under section 7 or section 8 except on the complaint in writing of the Chairman of the Committee or the Commissioner, as the case may be.
- (2) The Commissioner shall make a complaint only when authorised in writing to do so by the Chairman of the Committee which appointed him.
- (3) The Chairman of such Committee or a Commissioner making such complaint shall be deemed to be a public servant acting or purporting to act in the discharge of his official duties within the meaning of proviso (aa) to section 200 of the Code of Criminal Procedure, 1898.

Act V of
1898.

- Immunities and privileges of witnesses.** **10.** Every person giving evidence before any Committee to which this Act applies shall enjoy the same immunities and privileges as if he were giving evidence before a Court.
- Arrangement to preserve secret character of evidence.** **11.** Any person who is required to give evidence on any matter or produce any document may object that such evidence or document will disclose information which is likely to expose him or his employer to unfair competition, and, on such objection being made, the Chairman of a Select Committee shall consider whether such objection is valid and if such objection is accepted as valid, the Chairman shall make arrangements to preserve the secret character of such evidence.
- Procedure when a person's conduct is under investigation.** **12.** If a Committee, appointed by or in pursuance of a Resolution of a Chamber of the Legislature, consider it necessary during the course of the inquiry to investigate the conduct of any person, the Chairman shall give such person a reasonable opportunity to be present at the inquiry, and allow him to take such part in it, either in person or by his duly appointed representative, as the Chairman considers fair to the person concerned and relevant to the investigation.
- Power to make rules.** **13.** (1) The Provincial Government may, subject to the condition of previous publication, make rules-
- (a) for prescribing the form of summons for the purposes of section 4, the manner of service of such summons, and of service of a summons under sub-section (3) of section 6,
 - (b) for determining the travelling and daily allowance to be paid under sub-section (4) of section 4,
 - (c) for safeguarding confidential and privileged matters, other than official matters, from disclosure, and
 - (d) generally, for carrying out the purposes of this Act.
- (2) All rules made under sub-section (1) shall be laid before both Chambers of the Provincial Legislature, as soon as possible after they are made, and shall be subject to such modifications or amendments as may be agreed on by both the Chambers.