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THE COMMISSIONS OF INQUIRY ACT, 1952

ACT NO. 60 of 1952.

An Act to provide for the appointment of Commissions of Inquiry and for vesting such Commissions with certain powers.
(14th August, 1952)

Be it enacted by Parliament as follows :-

Short title 1. (1) This Act may be called the Commissions of Inquiry Act, 1952.

Commencement * (2) It extends to the whole of India :

Provided that it shall apply to the State of Jammu and Kashmir only in so far as it relates to inquiries pertaining to matters relatable to any of the entries enumerated in List I or List III in the Seventh Schedule to the Constitution in applicable to that State.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette appoint.

Definitions 2. In this Act, unless the context otherwise requires,

(a) "Appropriate Government" means-

(i) The Central Government, in relation to a Commission appointed by it to make an inquiry into any matter relatable to any of the entries enumerated in List I or List II or List III in the Seventh Schedule to the Constitution; and

(ii) the State Government, in relation to a Commission appointed by it to make an inquiry into any matter relatable to any of the entries enumerated in List I or List III in the Seventh Schedule to the Constitution;

* Provide that in relation to the State of Jammu and Kashmir, this clause shall have effect subject to the modification that-

(a) in sub-clause (i) thereof, for the words and figures "List I or List II or List III in the Seventh Schedule to the Constitution", the words and figures "List I or List III in the Seventh Schedule to the Constitution as applicable to the State of Jammu and Kashmir" shall be substituted.

1st October, 1952, vide Notification No. S.R.O. 1670 dated 30th September, 1952, Gazette of India Extraordinary Pt. II, Sec. 3, P. 861.

* Substituted by Central Act No. 79 of 1971.

or List
III in

(b) in sub-clause (ii) thereof, for the words and figures "List II in Part III of the seventh Schedule to the Constitution", the words and figures "List III in the Seventh Schedule to the Constitution as applicable to the State of Jammu and Kashmir" shall be substituted.

(b) "Commission" means a Commission or Inquiry appointed under section 3;

(c) "Prescribed" means prescribed by rules made under this Act.

*2. Construction of references to laws not in force in the State of Jammu & Kashmir: Any reference in this Act to a law, which is not in force in the State of Jammu & Kashmir, shall in relation to that State, be construed as a reference to the corresponding law, if any in force in that State.

Appoint-
ment of
Commis-
sion.

3. (1) The appropriate Government may, if it is of opinion that it is necessary so to do, and shall, if a resolution in this behalf is passed by the House of the People of, as the case may be, the Legislative Assembly of the State, by notification in the official Gazette, appoint a Commission of inquiry for the purpose of making an inquiry into any definite matter of public importance and performing such functions and within such time as may be specified in the notification, and the Commission so appointed shall make the inquiry and perform the functions accordingly:

Provided that where any such Commission has been appointed to inquire into any matter -

(a) by the Central Government, no State Government shall except with the approval of the Central Government, appoint another Commission to inquire into the same matter for so long as the Commission appointed by the Central Government is functioning;

(b) by a State Government, the Central Government shall not appoint another Commission to inquire into the same matter for so long as the Commission appointed by the State Government is functioning, unless the Central Government is of opinion that the scope of the inquiry should be extended to two or more States.

(2) The Commission may consist of one or more members appointed by the appropriate Government, and where the Commission consists of more than one member, one of them may be appointed as the Chairman thereof.

(3) The Appropriate Government may, at any stage of an inquiry by the Commission fill any vacancy which may have arisen in the office of a member of the Commission (whether consisting of one or more than one member).

(4) The appropriate Government shall cause to be laid before the House of the people or, as the case may be, the Legislative Assembly of the State, the report, if any, of the Commission on the inquiry made by the Commission under sub-section (1) together with memorandum of the action taken thereon, within a period of six months of the submission of the report by the Commission to the appropriate Government.

Powers of Commission 4. The Commission shall have the powers of a civil Court, while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely :-

- (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any Court or office;
- (e) issuing commissions for the examination of witnesses or documents;
- (f) any other matter which may be prescribed.

Additional powers of Commission

5. (1) Where the State Government is of opinion that having regard to the nature of the inquiry to be made and other circumstances of the case, all or any of the provisions of subsection (2) or sub-section (3) or sub-section (4) or sub-section (5) or sub-section (6) or sub-section (7) should be made applicable to Commission, the State Government may, by notification, direct that all or such of the said provisions as may be specified in the notification shall apply to that Commission and on the issue of such a notification, the said provisions shall apply accordingly.

(2) The Commission shall have power to require any person, subject to any privilege which may be claimed by that person under any law for the time being in force, to furnish information on such points or matters as, in the opinion of the Commission, may be useful for, or relevant.

** Substituted by M.P. Act No. 29 of 1966.

*8 Inserted/amended by Central Act No. 79 of 1971.

For the subject matter of the inquiry and any person so required shall be deemed to be legally bound to furnish such information within the meaning of section 176 and section 177 of the Indian Penal Code (45 of 1860)".

(3) The Commission or any officer, not below the rank of a gazetted officer, specially authorised in this behalf by the Commission may enter any building or place where the Commission has reason to believe that any books of account or other documents relating to the subject matter of the inquiry, may be found, and may seize any such books of account or documents or take extract or copies therefrom, subject to the provisions of section 102 and section 103 of the Code of Criminal Procedure, 1898 (Act V of 1898) in so far as they may be applicable.

(4) The Commission shall be deemed to be civil court and when any offence as is described in section 175 section 178 section 179 section 180 or section 228 of the Indian Penal Code, 1860 (Act XLV of 1860) is committed in the view or presence of the Commission, the Commission may, after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, 1898 (Act V of 1898), forward the case to a magistrate having jurisdiction to try the same and the magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case had been forwarded to him under section 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

(5) If any person, by words either spoken or intended to be read, makes or publishes any statement or does any other act which is calculated to bring the Commission or any member thereof into disrepute, he shall be punishable with simple imprisonment which may extend to two years or with fine or with both.

(6) The provisions of Section 1983 of the Code of Criminal Procedure, 1898 (Act V of 1898) shall apply in relation to an offence under sub-section (5) as they apply in relation to an offence referred to in sub-section (1) of the said section 198-B subject to the modification that no complaint in respect of such offence shall be made by the public Prosecutor except with the previous sanction of the State Government.

(7) Any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the I.P.C. 1860 (Act XLV of 1860)

* 5A Power of Commission to utilise the services of certain officers and investigation agencies in conducting investigation pertaining to inquiry.

(1) The Commission may, for the purpose of conducting any investigation pertaining to the inquiry utilise the services -

(a) in the case of a Commission appointed by the Central Government, of any officer or investigation agency of the Central Government or any State Government with the concurrence of the Central Government or the State Government, as the case may be; or

(b) in the case of a Commission appointed by the State Government, of any officer or investigation agency of the State Government of Central Government with the concurrence of the State Government or the Central Government, as the case may be.

(2) For the purpose of investigating into any matter pertaining to the inquiry, any officer or agency whose services are utilised under sub-section (1) may, subject to the direction and control of the Commission -

(a) Summons and enforce the attendance of any person and examine him;

(b) require the discovery and production of any document; and

(c) requisition any public record or copy thereof from any office

(3) The provisions of section 6 shall apply in relation to any statement made by a person before any officers or agency whose services are utilised under sub-section (1) as they apply in relation to any statement made by a person in the course of giving evidence before the Commission.

(4) The officer or agency, whose services are utilised under sub-section (1), shall investigate into any matter pertaining to the inquiry and submit a report thereon (hereafter in this section referred to as the investigation report) to the Commission within such period as may be specified by the Commission in this behalf.

(5) The Commission shall satisfy itself about the correctness of the facts stated and the conclusions, if any, arrived at the investigation report submitted to it under sub-section (4), and for this purpose the Commission may make such inquiry (including the examination of the person or person who conducted or assisted in the investigation as it thinks fit):

Statements
made by
persons to
the Commission.

6. No statement made by a person in the course of giving evidence before the Commission shall subject him to or be used against him in any civil or criminal proceeding except a prosecution for giving false evidence by such statement :

Provided that the statement -

- (a) is made in reply to a question which he is required by the Commission to answer
- (b) is relevant to the subject matter of the inquiry .

*1 6.A. Persons not obliged to disclose secret process of manufacture of goods in certain cases.

Except in cases where a Commission is expressly required to inquire into the process of manufacture of any goods, nothing in this Act shall be deemed to compel any person giving evidence before the Commission to disclose any secret process of manufacture thereon.

*1 7. Commission to cease to exist when so notified

(1) The appropriate Government may, by notification in the official Gazette, declare that -

(a) A Commission (other than a Commission appointed in pursuance of a resolution passed by the House of the People or, as the case may be, the Legislative Assembly of the State) shall cease to exist if it is of opinion that the continued existence of the Commission is unnecessary ;

(b) A Commission appointed in pursuance of a resolution passed by the House of the People or, as the case may be, the Legislative Assembly of the State shall cease to exist if a resolution for the discontinuance of the Commission is passed by the House of the People or, as the case may be, the Legislative Assembly of the State .

(2) Every notification issued under sub-section (1) shall specify the date from which the Commission shall cease to exist and on the issue of such notification, the Commission shall cease to exist with effect from the date specified therein .

*1 Inserted by Central Act No. 79 of 1971 .

*1 Sec. 7 substituted by Central Act No. 79 of 1971 .

Procedure to be followed by the Commission.

*1.8 The Commission shall, subject to any rules that may be made in this behalf, have power to regulate its own procedure (including the fixing of places and times of its sittings and deciding whether to sit in public or private).

*1.8A Inquiry not to be interrupted by reason of vacancy or change in the constitution of the Commission:

- (1) Where the Commission consists of two or more members, it may act notwithstanding the absence of the Chairman or any other member of any vacancy among its members.
- (2) Where during the course of an inquiry before a Commission, a change has taken place in the constitution of the Commission by reason of any vacancy having been filled or by any other reason, it shall not be necessary for the Commission to commence the inquiry afresh and the inquiry may be continued from the stage at which the change took place.

*1.8B Persons likely to be prejudicially affected to be heard; in, at any stage of the inquiry the Commission -

- (a) considers it necessary to inquire into the conduct of any person; or
- (b) is of opinion that the reputation of any person is likely to be prejudicially affected by the Inquiry.

The Commission shall give to that person a reasonable opportunity of being heard in the inquiry and to produce evidence in his defence;

Provided that nothing in this section shall apply where the credit of a witness is being impeached.

*1.8C Right of cross-examination and representation by legal practitioner.

The appropriate Government, every person referred to in section 8B and, with the permission of the Commission, any other person whose evidence is recorded by the Commission -

- (a) may cross-examine a witness other than a witness produced by it or him;
- (b) may address the Commission; and
- (c) may be represented before the Commission by practitioner or with the permission of the Commission, by any other person.

Protection
of action
taken in
good faith

9. No suit or other legal proceeding shall lie against the appropriate Government, the Commission or any member thereof, or any person acting under the direction either of the appropriate Government or of the Commission in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder or in respect of the publication, by or under the authority of the appropriate Government or the Commission, of any report, paper or proceedings.

Members,
etc. to be
public
servants.

10. Every member of the Commission and every officer appointed or authorised by the Commission to exercise functions under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

*110A Penalty for acts calculated to bring the Commission or any member thereof into disrepute

- (1) If any person by words either spoken or intended to be read, makes or publishes any statement or does any other act, which is calculated to bring the Commission or any member thereof into dispute, he shall be punishable with simple imprisonment for a term which may extend to six months, or with fine, or with both.
- (2) The provisions of section 198B of the Code of Criminal Procedure, 1899 (5 of 1898) shall apply in relation to an offence under sub-section (1) as they apply in relation to an offence referred to in sub-section (1) of the said section 198B subject to the modification that no complaint in respect of such offence shall be made by the public prosecutor except with the previous sanction -
 - (a) In the case of a Commission, or member of a Commission appointed by the Central Government of the Central Government; or
 - (b) In the case of a Commission, or member of a Commission appointed by the State Government, of the State Government.

Act to apply
to other
inquiring
authorities
in certain
cases

11. Where any authority (by whatever name called), other than a Commission appointed under section 3, has been or is set up under any resolution or order of the appropriate Government for the purpose of making an inquiry into any definite matter of public importance and that Government is of opinion that all or any of the provisions of this Act should be made applicable to that authority, that Government may, subject to the prohibition contained in the proviso to sub-section (1) of section 3, by notification in the official Gazette, direct that the said provision of this Act shall apply

provisions of this Act shall apply to that authority, and on the issue of such a notification, that authority shall be deemed to be a Commission appointed under section 3 for the purpose of this Act.

Power
make
rules.

12. (1) The appropriate Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) the term of office and the conditions of service of the members of the Commission;
- (b) the manner in which inquiries may be held under this Act and the procedure to be followed by the Commission in respect of the proceedings before it;
- (c) the powers of Civil Court which may be vested in the Commission;
- (d) any other matter which has to be, or may be prescribed.

(3) Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each house of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses 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 such modification or amendment shall be without prejudice to the validity of anything previously done under that rule.

*1 Principal Act as amended to come into force in Jammu & Kashmir and in certain districts in Nagaland.

The Principal Act, as amended by this Act, shall come into force in the State of Jammu & Kashmir and in the districts of Kashmir and Mokokchung in the State of Nagaland on such date as the Central Government may, by notification in the Official Gazette, appoint.

*1 Inserted by Central Act No. 79 of 1971
For instance see the Commission of Inquiry
(Assessors) Rules, 1954 Notification No. S.N.O.
1218, Gazette of India, 1954, Pt. II sec. 3, S.P. 756.

*1 Inserted by Central Act No. 79 of 1971

THE COMMISSIONS OF INQUIRY (AMENDMENT) ACT, 1986

(Act No. 36 of 1986)

[First published in the "Gazette of India" (Extraordinary), Part II, Section 1, dated 21st August 1986.]

An Act to further amend the Commissions of Inquiry Act, 1952.

Be it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Commissions of Inquiry (Amendment) Act, 1986.

(2) It shall be deemed to have come into force on the 14th day of May, 1986.

2. Amendment of Act 60 of 1952.—In section 3 of the Commissions of Inquiry Act, 1952, (hereinafter referred to as the principal Act), after sub-section (4), the following sub-sections shall be inserted, namely :—

(5) The provisions of sub-section (4) shall not apply if the appropriate Government is satisfied that in the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States or in the public interest, it is not expedient to lay before the House of the People or, as the case may be, the Legislative Assembly of the State, the report, or any part thereof, of the Commission on the inquiry made by the Commission under sub-section (1), and issues a notification to that effect in the Official Gazette.

Explanation.—For the purpose of sub-section (5), "report" includes an interim report and all proceedings of a Commission.

(6) Every notification issued under sub-section (5) shall be laid before the House of the People or, as the case may be, the Legislative Assembly of the State, if it is sitting, as soon as may be after the issue of the notification, and if it is not sitting, within seven days of its re-assembly and the appropriate Government shall seek the approval of the House of the People or, as the case may be, the Legislative Assembly of the State, to the notification

by a resolution moved within a period of fifteen days beginning with the day on which the notification is so laid before the House of the People or, as the case may be, the Legislative Assembly of the State and if the House of the People or, as the case may be, the Legislative Assembly of the State makes any modification in the notification or directs that the notification should cease to have effect, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be;

3. Repeal and saving.—(1) The Commissions of Inquiry (Amendment) Ordinance, 1986, (6 of 1986), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the Principal Act as amended by this Act.

THE MINES AND MINERALS (REGULATION AND DEVELOPMENT) AMENDMENT ACT, 1986

(Act No. 37 of 1986)

[First published in the "Gazette of India" (Extraordinary), Part II, Section 1, dated the 22nd August 1986.]

An Act further to amend the Mines and Minerals (Regulation and Development) Act, 1957.

Be it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Mines and Minerals (Regulation and Development) Amendment Act, 1986.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

भाग II—खण्ड 1
PART II—Section 1

सं० 28] नई दिल्ली, बुधवार, मई 14, 1986/वैशाख 24, 1908 (शक)
No. 28] NEW DELHI, WEDNESDAY, MAY 14, 1986/VAISAKHA 24, 1908 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 14th May, 1986/Vaisakh 24, 1908 (Saka)

THE COMMISSIONS OF INQUIRY (AMENDMENT)
ORDINANCE, 1986

No. 6 of 1986

Promulgated by the President in the Thirty-seventh Year of the Republic of India.

An Ordinance further to amend the Commissions of Inquiry Act, 1952.

WHEREAS the House of the People is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Commissions of Inquiry (Amendment) Ordinance, 1986. Short title and commencement

(2) It shall come into force at once.

2. In section 3 of the Commissions of Inquiry Act, 1952, after sub-section (4), the following sub-sections shall be inserted, namely:— Amendment of Act 60 of 1952.

“(5) The provisions of sub-section (4) shall not apply if the appropriate Government is satisfied that in the interests of the sovereignty and integrity of India, the security of the State, friendly

relations with foreign States or in the public interest, it is not expedient to lay before the House of the People or, as the case may be, the Legislative Assembly of the State, the report, or any part thereof, of the Commission on the inquiry made by the Commission under sub-section (1), and issues a notification to that effect in the Official Gazette.

(6) Every notification issued under sub-section (5) shall be laid before the House of the People or, as the case may be, the Legislative Assembly of the State, if it is sitting as soon as may be after the issue of the notification, and if it is not sitting, within seven days of its re-assembly, and the appropriate Government shall seek the approval of the House of the People or, as the case may be, the Legislative Assembly of the State, to the notification by a resolution moved within a period of fifteen days beginning with the day on which the notification is so laid before the House of the People or, as the case may be, the Legislative Assembly of the State and if the House of the People or, as the case may be, the Legislative Assembly of the State makes any modification in the notification or directs that the notification should cease to have effect, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be."

ZAIL SINGH,

President.

C. RAMAN MENON,

Additional Secy. to the Govt. of India.

जांच आयोग (संशोधन) अध्यादेश, 1986

(1986 का अध्यादेश संख्यांक 6)

भारत गणराज्य के सैंतीसवें वर्ष में राष्ट्रपति द्वारा प्रख्यापित

[14 मई, 1986]

जांच आयोग अधिनियम, 1952

का और संशोधन

करने के लिए

अध्यादेश

लोक सभा सत्र में नहीं है और राष्ट्रपति का यह समाधान हो गया है कि ऐसी परिस्थितियां विद्यमान हैं, जिनके कारण तुरंत कार्रवाई करना उनके लिए आवश्यक हो गया है;

अतः, राष्ट्रपति, संविधान के अनुच्छेद 123 के खंड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित अध्यादेश प्रख्यापित करते हैं:—

1. संक्षिप्त नाम और प्रारंभ—(1) इस अध्यादेश का संक्षिप्त नाम जांच आयोग (संशोधन) अध्यादेश, 1986 है।

(2) यह तुरन्त प्रवृत्त होगा।

2. 1952 के अधिनियम 60 का संशोधन—जांच आयोग अधिनियम, 1952 की धारा 3 की उपधारा (4) के पश्चात्, निम्नलिखित उपधाराएं अंतःस्थापित की जाएंगी, अर्थात्:—

“(5) उपधारा (4) के उपबंध लागू नहीं होंगे यदि समुचित सरकार का यह समाधान हो जाता है कि भारत की प्रभुता और अखंडता, राज्य की सुरक्षा, विदेशी राज्यों के साथ मैत्रीपूर्ण संबंधों के हित में या लोकहित में, उपधारा (1) के अधीन आयोग द्वारा की गई जांच के संबंध में आयोग

की रिपोर्ट या उसके किसी भाग को, यथास्थिति, लोक सभा या राज्य की विधान सभा के समक्ष रखना समीचीन नहीं है और वह इस आशय की कोई अधिसूचना राजपत्र में निकालती है।

(6) उपधारा (5) के अधीन निकाली गई प्रत्येक अधिसूचना, यथास्थिति, लोक सभा या राज्य की विधान सभा के समक्ष यदि उसकी बैठक हो रही है तो, ऐसी अधिसूचना के निकाले जाने के पश्चात् यथाशीघ्र, और यदि उसकी बैठक नहीं हो रही है तो, उसके पुनः समवेत होने के सात दिन के भीतर रखी जाएगी। समुचित सरकार किसी ऐसे संकल्प द्वारा, जो ऐसी तारीख से जिसको ऐसी अधिसूचना, यथास्थिति, लोक सभा या राज्य की विधान सभा के समक्ष इस प्रकार रखी जाती है, प्रारंभ होने वाली पंद्रह दिन की अवधि के भीतर प्रस्तावित किया जाता है, ऐसी अधिसूचना के संबंध में, यथास्थिति, लोक सभा या राज्य की विधान सभा का अनुमोदन प्राप्त करेगी। यदि, यथास्थिति, लोक सभा या राज्य की विधान सभा उस अधिसूचना में कोई परिवर्तन करती है तो तत्पश्चात् वह ऐसे परिवर्तित रूप में ही प्रभावी होगी। यदि, यथास्थिति, लोक सभा या राज्य की विधान सभा यह निदेश देती है कि वह अधिसूचना नहीं निकाली जानी चाहिए तो वह निष्प्रभाव हो जाएगी।”

जैल सिंह,
राष्ट्रपति।

सी० रमन मेनन,
अपर सचिव, भारत सरकार।