

The Orissa Disciplinary Proceedings (Summoning of Witnesses and Production of Documents) Act, 1954

ODISHA

India

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Rule

THE-ORISSA-DISCIPLINARY-PROCEEDINGS-SUMMONING-OF-WITNESSES-OF 1954

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The Orissa Disciplinary Proceedings (Summoning of Witnesses and Production of Documents) Act, 1954 Statement of Objects and Reasons. - An Administrative Tribunal has been constituted for eradicating corruption form amongst the services of Government. The proceedings of the Tribunal are held in camera and in conducting inquiries the Tribunal is guided by natural justice and rules of equity. In conducting such inquiries both public and official witnesses are examined. But the Tribunal has no powers to compel the attendance of a non-official witness in any disciplinary proceedings against an officer under the Disciplinary Proceedings (Administrative Tribunal) Rules, 1951. In one or two cases some witnesses failed to appear and some avoided to appear. As a result the cases had to be kept pending as it was felt that if the evidence of those witnesses are not recorded, the case cannot be dealt with justly. Government consider that some powers should be given to the Administrative Tribunal to compel the witnesses to appear before the Tribunal. This bill is meant to give effect to this proposal. Published vide Orissa Gazette, Part X/29-10-1954. For Statement of Objects and Reasons, see Orissa Gazette Extraordinary No. 160/3.9.1954 and for Proceedings in the Assembly, see Proceedings of the Orissa Legislative Assembly, 1954, Volume VI, No. 23. An Act to compel the attendance of witnesses and the production of documents in disciplinary proceedings against persons appointed to public services and posts in connection with the affairs of the State of Orissa Whereas it is expedient to make provisions for compelling the attendance of witnesses and the production of documents in disciplinary proceedings against persons appointed to public services and posts in connection with the affairs of the State of Orissa; It is hereby enacted by the Legislature of the State of Orissa in the Fifth year of the Republic of India as follows :

1. Short title, extent and commencement.

(1) This Act may be called the Orissa Disciplinary Proceedings (Summoning of Witnesses and Production of Documents) Act, 1954. (2) It extends to the whole of the State of Orissa. (3) It shall come into force at once.

2. Provisions to apply to departmental inquiries.

- The provisions of this Act shall apply to all departmental inquiries against persons appointed to public services and posts in connection with the affairs of the State of Orissa.

3. Definitions.

- In this Act, unless there is anything repugnant in the subject or context-(a) [* * *] [Deleted vide Orissa Act No. 9 of 1988.](b) "Government" means the State Government; (c) "Departmental Inquiry" means an inquiry held against a person under and in accordance with any law or rule made under Article 309 or any rule constituted under Article 313 of the Constitution of India; [(c-1) "Disciplinary Proceedings : Tribunal" means the Tribunal constituted under the Disciplinary Proceedings Tribunal Rules, 1951] [Inserted vide Orissa Act No. 9 of 1988.]; (d) "Inquiring Officer" means the [Disciplinary Proceedings Tribunal] [Substituted vide Orissa Act No. 9 of 1988.] and includes any officer appointed by the state Government or by an officer or authority subordinate to the said Government, to conduct a departmental inquiry into the conduct of a person.

4. Powers of Inquiring Officer and penalty for disobedience to process.

(1) Any Inquiring Officer shall have the same powers in the matter of summoning of witnesses and compelling the production of documents as are conferred upon the Commissioner under Section 8 of the Public Servants (Inquiries) Act, 1850 (Act XXXVII of 1850) : Provided that all process to cause the attendance of witnesses or production of documents or other compulsory process shall be served through and executed by the District Magistrate or the Sub-divisional Magistrate, as the case may be, in whose jurisdiction the witness or other person resides and on whom such process is to be served. (2) The provisions of Section 9 of the said Act providing for penalty for disobedience to process shall apply to any process issued by an Inquiring Officer as they apply to such process issued by the Commissioners aforesaid.

5. Rules.

- The State Government may make rules for the purpose of giving effect to the provisions of this Act.