

M.P. Vibhagiya Janch (Sakshiyon Ka Hazir Karaya Jana Tatha Dastavejon Ka Pesh Karaya Jana) Adhiniyam, 1979

MADHYA PRADESH

India

M.P. Vibhagiya Janch (Sakshiyon Ka Hazir Karaya Jana Tatha Dastavejon Ka Pesh Karaya Jana) Adhiniyam, 1979

Act 14 of 1979

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M.P. Vibhagiya Janch (Sakshiyon Ka Hazir Karaya Jana Tatha Dastavejon Ka Pesh Karaya Jana) Adhiniyam, 1979(M.P. Act No. 14 of 1979)[Dated 19th May 1979]Received the assent of the Governor on the 9th May 1979; assent first published in the Madhya Pradesh Gazette (Extra-ordinary), dated the 17th May, 1979.An Act to provide for the enforcement of attendance of witnesses and production of documents in Departmental inquiries and for matters connected therewith or incidental thereto.Be it enacted by the Madhya Pradesh Legislature in the Thirtieth Year of the Republic of India as follows :-

1. Short title, extent and commencement.

(1)This Act may be called the Madhya Pradesh Vibhagiya Janch (Sakshiyon Ka Hazir Karaya Jana Tutha Dastavejon Ka Pesh Karaya Jana) Adhiniyam, 1979.(2)It extends to the whole of the State of Madhya Pradesh.(3)It shall [come into force on such date] [W.e.f. 10-2-198) vide Notification No. F-6-1-81-3-1, dated 5-2-1981.] as the State Government may, by notification, appoint.

2. Departmental inquires to which 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, having been appointed to any public service or post in connection with the affairs of the State, are in service or pay of-(i)any local authority;(ii)any corporation established by or under any law made by the State Legislature and owned or controlled by the State Government;(iii)any Government company within the meaning of Section 617 of the Companies Act, 1956 (No. 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 Madhya Pradesh Societies Registrikaran Adhiniyam, 1973 (No. 44 of 1973), which is subject to the control of the State Government.

3. Definitions.

- For the purposes of this Act,-(a)"departmental inquiry" means an inquiry held under and in accordance with-(i)any law made by the State Legislative or any rule made thereunder; or(ii)any rule made under the proviso to Article 309 or continued under Article 313, of the Constitution of India.(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 a 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.

4. [[Omitted by M.P. Act 16 of 1997 (w.e.f. 5-4-1997).]

Omitted.]

5. Power of [x x x] [Omitted by M.P Act 16 of 1997 (w.e.f. 5-4-1997).] inquiring authority to enforce attendance of witnesses and production of documents.

(1)[Every inquiring authority] [Substituted by M.P. Act No. 16 of 1997 (w.e.f. 5-4-1997).] shall have the same powers as are vested in Civil Court under the Code of Civil Procedure, 1908 (No. 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 of office;(d)issuing commissions for the examination of witnesses or documents.(2)Notwithstanding anything contained in sub-section (1), the [x x x] [Omitted by M.P. Act 16 of 1997 (w.e.f. 5-4-1997).] 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 (No. 38 of 1959), or any corresponding new bank constituted under Section 5 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (No. 5 of 1970), a banking company as defined in the Banking Regulation Act, 1949 (No. 10 of 1949), a Regional Rural Bank constituted under the Regional Rural Banks Act, 1976 (No. 21 of 1976), Agricultural Refinance and Development Corporation constituted under the Agricultural Refinance and Development Corporation Act, 1963 (No. 10 of 1963), and any banking institution notified by the Central Government under Section 51 of the Banking Regulation Act, 1949 (No. 10 of 1949),-(a)to produce any books of account or other documents which the Reserve Bank of India, the State Bank of India, the subsidiary bank, the corresponding new bank, the banking company, the Regional Rural Bank, the Agricultural Refinance and Development Corporation or any notified banking institution claims to be of 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

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 [x x x] [Omitted by M.P. Act 16 of 1997 (w.e.f. 5-4-1997).] inquiring authority for the attendance of any witness or for the production of any document may be served on the person named therein either by post or as if it were summons issued by a Court under the Code of Civil Procedure, 1908 (No. 5 of 1908).(4)Every [x x x] [Omitted by M.P. Act 16 of 1997 (w.e.f. 5-4-1997).] 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 (No. 2 of 1974).

6. Territorial limits in when powers specified in Section 5 may be exercised.

- For the purpose of exercising the powers specified in Section 5, the territorial jurisdiction of every [x x x] [Omitted by M.P. Act 16 of 1997 (w.e.f. 5-4-1997).] inquiring authority shall extend to the limits of the territory to which this Act extends.

7. Power to make rules.

(1)The State Government may, by notification, make rules, for the purpose of giving effect to the provisions of this Act.(2)Even rule made under this section shall be laid on the table of the Legislative Assembly.