

The Commissions of Inquiry (U.P.) Rules, 1985

UTTAR PRADESH

India

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Rule THE-COMMISSIONS-OF-INQUIRY-U-P-RULES-1985 of 1985

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The Commissions of Inquiry (U.P.) Rules, 1985 Published vide Notification No. 132/1-79-CX-3, dated September 27, 1985., published in the U.P. Gazette, Part 1-ka, dated 7th June, 1986 In exercise of the powers conferred by Section 12 of the Commissions of Inquiry Act, 1952 (Act No. 60 of 1952), the Governor of Uttar Pradesh is pleased to make the following Rules, namely:

1. Short title, commencement and application.

(1) These rules may be called the Commissions of Inquiry (Uttar Pradesh) Rules, 1985. (2) They shall come into force on the date of their publication in the official Gazette. (3) They shall apply to a Commission of Inquiry appointed by the State Government under Section 3 of the Commissions of Inquiry Act, 1952 on or after the date of publication of these rules in the official Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires, - (a) 'Assessor' means an assessor appointed under these rules; (b) 'Commission' means Commission of Inquiry appointed by the State Government under Section 3 of the Commissions of Inquiry Act, 1952; (c) "State Government" means the Government of Uttar Pradesh.

3. Election of a Presiding Officer for a meeting.

(1) Where a Commission consists of three or more members, then during the temporary absence of the Chairman thereof, the members present and participating, in its proceedings may elect one member from amongst themselves to preside, for the time being, in respect of the said proceedings. (2) The member, who presides temporarily under sub-rule (1), shall not be deemed to be the Chairman of the Commission.

4. Issue and service of summons.

(1)A Commission may issue summons to persons whose attendance before it may be required either to give evidence or to produce documents.(2)Every summon issued by a Commission shall be in duplicate and shall be signed by the Chairman thereof or by such person as he may empower in this behalf. It shall be sealed with the seal of the Commission and shall specify the time and place at which the person summoned is required to attend and also whether his attendance is required for the purpose of giving evidence to produce a document, or for both the purposes.(3)A person may be summoned to produce a document, without being summoned to give evidence, and any person summoned merely to produce a document shall be deemed to have complied with the summons if he causes such document to be produced instead of attending personally to produce the same.(4)A summons to produce documents may be for the production of all documents of a certain description in the possession or control of the person summoned.(5)Every summons shall be served by sending it by post to the person for whom it is intended or in such other manner as the Commission may direct.(6)The provisions of sub-rules (1) to (5) shall apply, as far as may be, to every other process issued by a Commission.

5. Procedure of inquiry.

(1)A Commission may sit in public or in private as it thinks fit:Provided that a Commission shall sit in private on a request being made by the State Government in that behalf.(2)A Commission shall, as soon as may be after its appointment-(a)issue a notice to every person, who in its opinion should be given an opportunity of being heard in the inquiry, to furnish to the Commission a statement relating to such matters as may be specified in the notice; and(b)issue a notification, to be published in such manner as it may deem fit, inviting all persons acquainted with the subject-matter of the inquiry to furnish to the Commission a statement relating to such matters as may be specified in the notification.(3)Every statement furnished under clause (a) of sub-rule (2) shall be accompanied by an affidavit in support of the facts set out in the statement sworn by the person furnishing the statement.(4)Every person furnishing a statement under clause (a) of sub-rule (2) shall also furnish to the Commission along with the statement of list of the documents, if any, on which he proposes to rely and forward to the Commission, wherever practicable, the originals or true copies of such of the documents as may be in his possession or control and shall state the name and address of the person from whom the remaining documents may be obtained.(5)(a)A Commission shall examine all the statements furnished to it under clause (b) of sub-rule (2) and if, after examination, the Commission considers it necessary to record evidence, it shall first record the evidence, if any, produced by the State Government and may thereafter record evidence in such order as it may deem fit-(i)the evidence of any person who has furnished a statement under clause (b) of sub-rule (2) and whose evidence the Commission, having regard to the statement, considers relevant for the purpose of the inquiry; and(ii)the evidence of any other person whose evidence, in the opinion of the Commission, is relevant to the inquiry:Provided that the Commission may dispense with the attendance of any person for the purpose of giving evidence before it, in its opinion:(i)such attendance cannot be enforced except by causing undue hardship or inconvenience to that person; or(ii)such attendance should be dispensed with for any other sufficient reason to be recorded by it in writing.(b)If after all the evidence is recorded under clause (a), the Commission is satisfied that it is necessary for the

proper determination of any relevant fact to do so, it may recall any witness already examined or examine any new witness.(6)Travelling and other expenses, as the Commission may deem reasonable, shall be paid to a person who is summoned to assist the Commission at stage of preliminary investigation or to give evidence or to produce documents before the Commission.(7)The Commission shall have the power of a Civil Court to make local investigation, either personally or through any person, duly authorised by it, into any matter falling within its term of reference.(8)A Commission shall have the power to regulate its own procedure in respect of any matter for which no provision is made in these rules.

6. Appointment of assessors.

(a)The State Government or, with the previous approval of the State Government, a Commission may, from time to time, appoint one or more assessors to assist and advise the Commission on any matter connected with its inquiry.(b)It shall be the duty of the assessors to assist and advise the Commission on any matter on which the Commission may consult them in the course of its enquiry:Provided that the advice tendered by the assessors shall not be binding on the Commission.(c)The Commission shall have the power to regulate the manner in which it may consult the assessors.(d)The State Government or, with the previous approval of the State Government, the Commission may determine the travelling allowance, daily allowance and other incidental expenses that may be paid to such assessors.

7. Retention of records.

- The records of the Commission, including papers relating to its establishment, shall be retained for a period of five years from the date on which the report of the Commission is laid before the Uttar Pradesh Legislative Assembly and shall be preserved in the office of the District Judge having jurisdiction over the area in which the subject-matter of inquiry by the Commission has arisen, and in the case of such area being within the jurisdiction of different District Judges such one of them, as it specified by the High Court in this behalf.