

The Tripura Departmental Inquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1974

TRIPURA

India

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Act 3 of 1974

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The Tripura Departmental Inquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1974 Tripura Act No. 3 of 1974 Last Updated 18th February, 2020 Published in the Tripura Gazette, Extraordinary No. 60, dated 22-4-1974, vide Notification No. F.2 (23) Law/Leg/73, dated 10-4-1974. Notification No. F. 2 (23) Law/Leg/73, dated 10th April, 1974. - The following Act of the Tripura Legislative Assembly received assent of the Governor on the 30th March, 1974 and is hereby published for general information. An Act to provide for enforcement of attendance of witnesses and production of documents in certain departmental inquiries and for matters connected therewith or incidental thereto Be it enacted by the Legislative Assembly of Tripura in the Twenty-fifth Year of the Republic of India as follows:

1. Short title and extent.

(1) This Act may be called the Tripura Departmental Inquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1974. (2) It extends to the whole of Tripura.

2. Departmental inquiries to which the 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 of Tripura; (b) persons who, having been appointed to any public service or post in connection with the affairs of the State of Tripura, are in service or pay of,—(i) any local authority in the State of Tripura, (ii) any corporation established by or under a State Act and owned or controlled by the State Government, (iii) any Government company within the meaning of Section 617 of the Companies Act, 1956 (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 Societies Registration Act, 1860 (21 of 1860) 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 Tripura Legislative Assembly or any rule made thereunder, or(ii)any rule made under the proviso to Article 309 of the Constitution of India or continued to be in force in Tripura with effect from the appointed day notified under Clause (b) of Section 2 of the North-Eastern Areas (Re-organisation) Act, 1971 (81 of 1971);(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;(c)"lack of integrity" includes bribery or corruption.

4. Power of State Government to authorise the exercise of powers specified in Section 5.

(1)Where the State Government is of opinion that for the purposes of any departmental inquiry it is necessary to summon as witnesses, or call for any document from any class or category of persons, it may, by notification in the Official Gazette, authorise the inquiring authority to exercise the power specified in Section 5 in relation to any person within such class or category and thereupon the inquiring authority may exercise such power at any stage of the departmental inquiry.(2)The power conferred on the State Government by sub-section (1) may also be exercised by such authority, not being an authority inferior to the appointing authority in relation to the person against whom the departmental inquiry is being held, as the State Government may, by notification in the Official Gazette, specify in this behalf.

5. Power of authorised inquiring authority to enforce attendance of witnesses and production of documents.

(1)Every inquiring authority authorised under Section 4 (hereinafter referred to as the "authorised inquiring authority") shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (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 or office.(2)Notwithstanding anything contained in sub-section (1), the authorised 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 (38 of 1959) or any corresponding new bank constituted under Section 3 of the Banking Companies (Acquisition and Transfer of

Undertakings) Act, 1970 (5 of 1970)-(a)to produce any books of account or other documents which the Reserve Bank of India, the State Bank of India, the subsidiary bank or the corresponding new bank 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 authorised inquiring authority for the attendance of any witness or for the production of any document shall be served and executed through the District Judge within the local limits of whose jurisdiction the witness or other person, on whom the process is to be served or executed, voluntarily resides or carries on business or personally works for gain, and, for the purpose of taking any action for the disobedience of any such process, every such process shall be deemed to be a process issued by the District Judge.(4)Every authorised inquiring authority making any departmental inquiry under this Act shall be deemed to be a civil court for the purposes of Sections 480 and 482 of the Code of Criminal Procedure, 1898 (5 of 1898).

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

- For the purpose of exercising the powers specified in Section 5, the territorial jurisdiction of every authorised 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 in the Official Gazette, make rules for the purpose of giving effect to the provisions of this Act.(2)Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before the Tripura Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the Tripura Legislative Assembly agrees in making any modification in the rule or the Tripura Legislative Assembly agrees 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 the modification or annulment shall be without prejudice to the validity of anything previously done under that rule.