

Telangana Departmental Inquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1993

TELENGANA

India

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Act 7 of 1993

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Telangana Departmental Inquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1993(Act No. 7 of 1993)Last Updated 3rd January, 2019The Andhra Pradesh Departmental Inquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1993 received the assent of the Governor on the 1st February, 1993. The said Act in force in the combined State, as on 02.06.2014, has been adapted to the State of Telangana, under section 101 of the Andhra Pradesh Reorganisation Act, 2014 (Central Act 6 of 2014) vide. the Telangana Adaptation of Laws Order, 2016, issued in G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.

1. Short title and extent.

(1)This Act may be called the [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] Departmental Inquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1993.(2)It extends to the whole of the State of [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.].

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)officers and servants of High Court and Courts subordinate to the High Court in the State;(b)persons appointed to the judicial service of the State;(c)persons appointed to public services or posts in connection with the affairs of the State;(d)persons, who having been appointed to any public service or post in connection with the affairs of the State are on deputation to,-(i)any local authority in the State;(ii)any corporation (other than a local authority) established by or under

any law for the time being in force and owned or controlled by the State Government;(iii)any Government Company, within the meaning of section 617 of the [Companies Act, 1956 (Central Act 1of 1956)] [Now see the relevant provisions of the Companies Act, 2013 (Central Act No.18 of 2013).] 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 to such Government Company;(iv)any society registered under the [Societies Registration Act, 1860 (Central Act 21 of 1860)] [Now see the provisions of the Telangana Societies Registration Act, 2001 (Act 35 of 2001).] or [the Telangana Public Societies Registration Act, 1350F (Act I of 1350F)] [Now see the provisions of the Telangana Societies Registration Act, 2001 (Act 35 of 2001).] in its application to the State of [Telangana] [Substituted by G.O.Ms.No. 45, Law (F) Department, dated 01.06.2016.] which is subject to the control of the State, Government.

3. Definitions.

- In this Act, unless the context otherwise requires -(a)"Competent Authority" means the authority competent to appoint the Inquiring Authority;(b)"Departmental Inquiry" means an inquiry under and in accordance with -(i)any law made by the State Legislature or any rule made thereunder; or(ii)any rule made under articles 229, 234 or the proviso to article 309 or continued under article 313 of the Constitution of India;held into any allegation of lack of integrity against any person to whom this Act applies;(c)"Government" means the State Government of 6Telangana;(d)"Inquiring Authority" means an officer or authority appointed by the competent authority 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;(e)"lack of integrity" includes bribery or corruption and any mala-fide act of omission or commission;(f)"Notification" means notification published in the [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] Gazette and the word "notified" shall be construed accordingly;(g)"Prescribed" means prescribed by rules made under this Act;(h)"State" means the State of [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.].

4. Authorisation of Inquiring authority to exercise the powers specified in section 5.

- Where in any departmental inquiry it is necessary to summon as witness or call for any document from, any person or a class or category of persons, the Inquiring Authority may exercise the power specified in section 5 in relation to any such person or a person within such class or category, at any stage of the departmental inquiry if he is authorised by order in writing in this behalf by such officer not below the rank of Secretary to Government as the State Government may, by notification in the Official Gazette designate, and different officers of such rank may be designated for different class or classes of departmental inquiries or for different local areas of the State.

5. Power to authorise 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 inquiry authority") shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 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)receiving evidence on affidavits;(d)requisitioning of any public record or copy thereof from any court or office;(e)issuing commission for the examination of witnesses or documents;(f)any such other matters as may be prescribed.(2)Notwithstanding anything contained in sub-section (1), the authorised inquiring authority shall not compel,(i)the Lokayukta or Upa-Lokayukta or any member of their staff to appear before him to give any evidence relating to any information obtained by them in the course of, or for the purposes of, any investigation under the [Telangana] [Adapted in G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] Lokayukta Act, 1983 (Act 11 of 1983) or to produce evidence recorded or collected by them in connection with such information;(ii)The Reserve Bank of India, the State Bank of India and subsidiary banks as defined in clause (k) of section 2 of the State Bank of India (Subsidiary Banks) Act, 1959 (Central Act 38 of 1959), any corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Central Act 5 of 1970) or the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (Central Act 40 of 1980) or a Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976 (Central Act 21 of 1976), the Industrial Development Bank of India established under section 3 of the Industrial Development Bank of India Act, 1964 (Central Act 18 of 1964), the Export-Import Bank of India established under section 3 of the Export- Import Bank Act, 1981 (Central Act 28 of 1981), the National Bank for Agriculture and Rural Development established under section 3 of the National Bank for Agriculture and Rural Development Act, 1981 (Central Act 61 of 1981), the Industrial Reconstruction Bank of India established under section 3 of the Industrial Reconstruction Bank of India Act, 1984 (Central Act 62 of 1984), the Industrial Credit and Investment Corporation of India established under the Indian Companies Act, 1913 the Industrial Finance Corporation established under section 3 of the Industrial Finance Corporation of India Act, 1948 (Central Act 15 of 1948), State Financial Corporations established under the State Financial Corporations Act, 1951 (Central Act 63 of 1951), National Housing Bank established under section 3 of the National Housing Bank, 1987 (Central Act 53 of 1987), or any company or co-operative society carrying on the business of banking as defined in clause (b) of section 5 of the Banking Regulation Act, 1949 (Central Act 10 of 1949) or any other public financial institution so notified by the Central Government,-(a)to produce any books of accounts or other documents which Reserve Bank of India, the State Bank of India, the Subsidiary Bank of State Bank of India, any corresponding new bank, the Regional Rural Bank, the Industrial Development Bank of India, the Export-Import Bank of India, the National Bank for Agriculture and Rural Development, the Industrial Reconstruction Bank of India, the Industrial Credit and Investment Corporation of India, the Industrial Finance Corporation of India, the State Financial Corporations, the National Housing Bank, or any company of Co-operative Society carrying on the business of banking as defined in clause (b) of section 5 of the Banking Regulation Act, 1949 (Central Act 10 of 1949), claims to be of a confidential nature or any other public financial institution so notified by the Central Government; 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 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 345 and 346 of the Code of Criminal Procedure, 1973.

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 whole of the State of [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.].

7. Power to make Rules.

(1)The Government may, by notification, make rules to carry out all or any of the purposes of this Act.(2)Every rule made under this Act shall immediately after it is made, be laid before the Legislature of the State if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following the Legislature agrees in making any modification in the rule or in the annulment of the rule, the rule shall from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.