

The Rajasthan State Commission of enquiry (Procedure) Rules, 1969

RAJASTHAN

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Rule

THE-RAJASTHAN-STATE-COMMISSION-OF-ENQUIRY-PROCEDURE-F of 1969

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The Rajasthan State Commission of enquiry (Procedure) Rules, 1969Published vide Notification No. F. 16 (2) H. (A-1) 69, dated 5-7-1969, published in Rajasthan Gazette, Extraordinary, Part 4-C(1), dated 5-7-1969, pages 89 to 91G.S.R. 25. - In exercise of the powers conferred by section 12 of the Commission of enquiry Act, 1952 (Central Act No. 60 of 1952), the State Government hereby makes the following rules, namely:-

1. Short title and application.

(1)These rules may be called the Rajasthan State Commission of enquiry (Procedure) Rules, 1969.(2)They shall apply to Commissions of enquiry appointed by the State Government.

2. Notice to persons for giving evidence.

(1)The 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 enquiry, to furnish to the Commission a statement relating to such matters as may be specified in the notice;(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 enquiry to furnish to the Commission a statement relating to such matters as may be specified in the notification.(2)Every statement furnished under sub-rule (1) shall be accompanied by an affidavit in support of the facts set out in the statement sworn by the person furnishing the statement.[Provided however that where a statement has been furnished or is to be furnished by a public servant in his official capacity on the basis of official record, it shall not be

necessary to support it by and affidavit of the person laying such statement before a Commission.] [Added by Notification No. F. 1 (6) (2) Home 5/78 vide G.S.R. 151 dated 27-2-1978, published in Rajasthan Gazette Part IV-C(1), dated 4-1-79 at page 418.](3)Every person furnishing a statement under sub-rule (1) shall also furnish to the Commission along with the statement a list of 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 power and shall state the name and address of the person from whom the remaining documents may be obtained.

3. Recording of evidence.

(1)The Commission shall examine all the statements furnished to it under Rule 2 and if, after such 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 in such order as it may deem fit, -(a)the evidence of any person who has furnished a statement under Rule 2 and whose evidence the Commission, having regard to the statement, considers relevant for the purpose of the enquiry; (b)the evidence of any other person whose evidence, in the opinion of the Commission is relevant to the enquiry. (2)If after all the evidence is recorded under sub-rule (1), the State Government applies to the Commission to recall any witness already examined or to examine any new witness, the Commission shall, if satisfied that it is necessary for the proper determination of any relevant fact so to do, recall such witness or examine such new witness.

4. Persons likely to be prejudicially affected to be heard.

- If, at any stage of the enquiry, the Commission, -(a)considers it necessary to enquire into the conduct of any person; or (b)is of the opinion that the reputation of any person is likely to be prejudicially affected by the enquiry, the Commission shall give to that person a reasonable opportunity of being heard in the enquiry and to produce evidence in his defence.

5. Right of cross examination and representation by legal practitioner.

- The State Government, every person referred to in Rule 4 and with the permission of the Commission, any other person whose evidence is recorded under Rule 3, -(a)may cross-examine a witness other than a witness produced by it or him; (b)may address the court; and (c)may be represented before the Commission by a legal practitioner or with the consent of the Commission, by any other person.

6. Procedure in matters not provided in the rules.

- The Commission shall have the power to regulate its own procedure in respect of any matter for which no provision is made in these rules.