CHHATTISGARH VIBHAGEEYA JANCH (SAKSHIYO KA HAZIR KARYAYA JANA TATHA DASTAVEZON KA PESH KARAYA JANA) ADHINIYAM, 1979.

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214 17 qi 27, 1901 1979 1801 197? 17 1979 C e; (qqra•tq)", qrT)' (R) (R) Q7r (%RtT qeiq) Qtr qr qtq qr zrxr 0, Ryr my 0. -) Qtq Q&r, qeoe; X ROG) (6) (q) qeye ("m qeYe) qeq) * ü, •ar We) era * irk 9@05) 1804 S"tions : I. 3. 4. 5. 6.0 7. Short Defin Poweri 1979 2 345 846* 19 -1979 348 (i) 1979 * ACT 59, KA HAZIR JANA X ÉpaciRe&in seédon 54 *Pöwef uiri@i R *productiön Territorial limits in which ppwers specified in. section 5 may be eærcisedi to make rules. ri7-9 Nv. of 1279 MÄDHZA JANCH SARSM*ON KA BAZIÄ EARAVA DAS*VEJON 805 . tbe auent 9tb Ma" sgBBasse.Åe first, .in• the "Madhya Pradesh Gazette" (Extra-ordinary, dated the 17tb Måy, 1999.1 An Act to provide the enforcement of attendance of' witnesses and producdon of dwuments in Departmegtal gn*ies ag4 or it enacted by tbe Madbya PEQdqb ip the, tupppublic Of 'Indh folio* Hazir Karaya Jana'TåtdDåståV+n Xa Ka Short title, and commence11Ent. (2) It extends to the of the Pfadesh, G) IDOL Omne into, fbrce: date •eke El BRPbinL. 2, '1%e ptoiün$ Inqt.A(y in DepartiEntal tor— (b) persme who, having to or #oStin• with the affairs of exe Snte, are in service or- pax of,— (i) IOC41. auth0Fity.;i esqbli*by• or Anyi +de by I*islature (d) coiporaüön md•i m.ed torchtr -u' the* (E) any Government of such Governnmt coæny; (W) my åociety registered NiadhY9•, Adhi- niyam, of 1973), which iogubject to tbc con&ol of-die Stä& Gove-n- 3, k*Eor NiiB an inquiry' héld under and in (O any law made by State Iægi81ature or any rule made åeretmder; or inquiries to which Act shall, apply. i>finition8, any role:made under proüb to article 309* •er 313,• the COAsdtadon bf Indie.- (b) 'f inqüingauåority" an offcer or appointed by State Govern- or by or bld a authority, Él:OJis' bj ahy Taw or G-tbe-time béing in fofce to hold suua tate Government i f opiniontbatfor purpose ofaay mental Po 4. (1) Where or-ete- •Gov. e9t. tan, anyr orn- as witn?8B,. call for any döc inquir •t iB necessary to 's authori of pe cise of p the power spe laiion toanypers within class tegoryandå 8 eEdin se power a y inquiry. on 5. upon be inquirin •throri" may i é by 3 au Power pf ">hail ve e same POWef8as e vested in i 'l .co force atendance maters, : ÆGO std.bsM" of witnesses and production of documents. node 'Edi eGfordi.ug"the him On oaå - teqtiring& Öea;e.ry and producible ag evidence .1 sl •tissH (d) issuing commigsions fot _ÄidåBiring ve Bank of India, the State Bank of India, any Bank as defiled (X) of Bection 2 of the State ank o ant rransfer 1970 (No. 5 of 1979), company d8 meaned an Ban-King Regulation Act, 1949 (No. 10 of 1949), a Regional Rural Bank 'ie Regional Rural Banks Act 1976 Developmenc Corooratiou Act, i 9 300.30 of 1963) and any banking institi.al notified b the , juder • oaisns Otis (a) to etIOdUCc any booRg account or other documeno 'bich th R Bank of of India, the gubsidiary bank, the Reginn914 or a confidentiaå %iature; at (b) make _ sucn of the iii - ; o give inspection y•ycb bpoks or pa5y åefore .01{) (3) prot&$ issued. by Inqtj.nng audi0rity for æattepda49e of any witness or fQi1' tbc produc.ticro 0! any may be_ t•.berein. eN1er by or if it were by a,,QQurt 190t •S 0$:1908). thio Act Jb be deemed to bc a court fov Of the Code of Criminal Procedure, 1973 (No. 2 of 19741. 6S Boreho r•påéc ethe' PowergSpø.éf€d in iimit9 *ich - . J inquiring authoti$y shau eo•tiBe this powers, Act in S may be - 7'. (f) Stnté *Governmeht ina.y, by riotifca•tion, make for pumqt;e tho provision's of thié iAct, (2) Ewer v .,iuar.ie under A.6sezni.i.i'?. 416 5 1997 29 199i gf; (3R118T@)" 5 1997 •-131) .31füfi•q-q, t. RY 81.98) ,31fhfi-qq fi-f& t) Y MIR. "yrfrq,a" t) "ya* YTffiü" (8M) (R), G) (Y) «t "y:rfäT7" Y. "'Y1frF" •rg. s 1997 348 (3) -1997 16 •q--Q 1997) MADHYA PRAL)ES.VY. THE MADHYA PRADESH VIBHAC,IYA JANCH (SAKSHIYON KA HAZIR JANA TATRA KA PESH KARAYA JANA) SANSI AI)'IINIYAM, 1997. [Received the assent of the Goveroor on the 29th March, 1997; assent first puhli'hcd in,the t 'Mudhyn Pradesh Gazette dated tbe.5tL April, 1937). An Act to amend the Mbdhya Pradesh Vibhagiya Japch (Sakshiyon Ka Hazir Karaya Jana rratha Dastavejon Ka Pesh Karaya Jana) Adhiniyam, 1979. Be it • enacted by the Madhya Pradesh Legislature in the Forty-eighth Year of the Republic ot' India as follows:— l. This Act may be called the Madhya Pradesh VibhagiyaJanch (Sakshiyon Ka Hazir Karaya Jana Dastavejon Ka Pesh Karaya Jana) Sanshodhan Adhiniyam, 1997

2. Section 4 of the Madhya Pradesh Vibhagiya Janch (Sakshiyon Ka Hazir Karaya Jana Talha Dastavejon Ka Pesh Karaya Jana) Adhiriiyam, 1979 (No.14 of 1979) (hereinafter referred to as the Principal Act) shall be omitted

3. In Section 5 of the Principal Act,—— (i) in thc marginal heading the word "authorised" shall be omitted; (ii) in sub-section (l), for the words, figure and brackets "Every inquiring authori(y authorised

under Section 4 (hereinafter referred to as the "authoriscd tr.quiring authority)"' the words "Every inquiring authority" shall bc substituted; (iii) in sub-sections (2), (3) and (4), the words "authorised" wherever it occur shall be omitted

4. In Section 6 (he. Principal Act, thc word "authorisc.d"gshall bd omitted. Short title. Omis•sion Section 4. A mend ment of Section 5. A end ment of Section 6. I *l/.81/3Zl 67 1979 Pa•rpfi-r 6-1 /81/5/r OF MADHYA PRAm3B o w! 1 F e A 2.2 J 3flCPAL, 5 In .exercise of the powers conferred Ill* my (3) of section I of the '•'adhya Pradesh 1- ihhag.iya Jaach (Sakghiyaon Ka Hazir Karaya natha Dastavejon Ka Pegh KarQ3.ra Jana) Adhiniyam, 1979 (Noel 4 of 1 979 the State Government hereby appoints the 10th February i 1 981 as the date Thich the gaid Act, gha Into force • By order and In name of the Governor of Ifadhya Pradesh, Secretary to Government Madhya iradesh, General mm1n1Bt1é+aIon Department 1979 14, .E19798 7 gr•r. 5 6- ?JTVT4 i 4 8 1 i) •FTefrQT æq t Ij •rjq _ 94. . -OTT ; gerrr 5 gn--r 5 * , crt , 1908 5 19081 828 gr-rr 5 g 38 Tqvfr I 138 .rrvr a-rat 8T?T 5 g-ri--jl grpu-q--a -4t en-v-r 2 89,79 i 979 4 Pav•z 1979 19798 5 $38 2- | 979 4 18 I qa; g-pa, aft TN-e- avr 1979 5 8 y-eaa-rfr/ Ue-p-a-f>-04a T.n--r Tq- 1908 i 2 1 828 a: _ 29— 1 1—1965 I 6-11/81/3/1 NOTIFICATIOI$ bierbläé" of u o•6Afarred by sub—sectlm (1) of section '7 of the Madhya.2rå"åeUhftV1bhagiya Janch. (Sakghiym Ka Hazir Pesh V n.r.aya Jana) Ehin"lyarn,• 1979 (No. 14 i 90), State Gov-ernment• hereby makés the follofin'g RIJLÉS * m Ies Madhy.a Pradeeh Vibhagiya ..Janch'• (Saks hiy.öh' Jana •Tatha Ka Yesh Karaya Janay 1981 2. Definetå ons : — In these rules, unlZsd the context otherwise requires , — mearxs. the Madhya Pradesb Vibhegiya Janch (Saksh±yon Ka Hazir Karaya Dana Tatha- Dastavejon Ka Pesh Karaya Jma) 1979K No. 14 of 1:1979) ; (b) nporm*' means a form appended to these: ; (c) "section" means a section of- the Abt• Procedure f.or summoninæ and enforcinx Attendance of witness : — The inquiring authority who is vested. with the powers of a Civil Court under gub-section (1) of geotion 5 of tho Aot shall follow departmental inquiry the procedure laid downi 'in of the Code. Of Civil Procedure, 1908, which apply matatis for the purposes .01 eümoning and enf&cing attendance -witness ana matters ancillary • tber•etø, 4. 6. form Of ct unaer (Li') of- s*ctiorÉ4 shall be ydrm •I. notitia; be (2) og sect± •Every *ü'tumons Issued Mode of, service. ef shall be served through District Judge Concerned*" bnd. for tbat purposQ the Bhall be t'Q-:-the Judge with aä?étter in

Form 111. 7 id.i%ümmonB under section 5 ( ) Ev•ery• ündeit.:'.lCheu Act shall— (a) (b) (c) (O be Bithed by the. enquire—ing authmlty; be- gealed official • seal of the authority; specify -the."_ date time. and place which the zuisand and also person summoned. is required to whether : his attendance is required- for the purpose of Tiving evidence or to discover produce a or e,théF material, or for the purp_oses ; by encßiir•lng authority and .be postw to the • District Judge within the limits of whose Jurisdiotim the specified person m. on. whom. Bruch summons is to. be served, aetu:a11y: resides or carries on 1 0 tness or personally works .for -gain... •for . e e •rråce— Tp 'the Digtiict. Juago take of the 4 pßvthéVeAoæt'jå$Éh6i'i'siæ:' 8 Procoss, htQ$ be, .Sö+ved' pioeésUkieeuéd *the pérs or 'P*oéösg authorised authorl#y fört the atte_hdaneæ of any witness or for thd*i pioduction of any« dAéument of gnction 5v Of thö Act, may be "served' on the. pereon namedu therein eithezt by orgas •If it wore summons tBBUea.. by a, Ccmrt unanr the Code of Civill* Pfocedürej* 1908 (Nd; 5 of 1908)• Subdect to the provisions of (3 j Of (2) section 5 of: the; the piocegS shålld ordinarily be first sortrod by registered post, acknowledgement due • If the process. serire,d in accordance with sub—mle (2) (3) -I-s returned— undelxveréa by the posti then the process shall be served either by Revcnuo Police or by Process Server through the District Judge; as may be considered suitable by the' inquiring authority, providéd in clause Of 4' 9 • Procecure for seeking permission to invoko thc provisions of the Act by tho inquiry office:r;— Attendance • of vitnesSes 4nd produc— tion of documents before a depnrt— mcntål inquiry shall or4inari1y omtinu6 to •bc; secured tho' månner ag hitherto profådod• Y,thorc.€'in thev ease-ioß a de>artméntal Inquiry; thefiiiqåiring authority is satisfiod that,, ig neeessnry to summon a pordon as witness Or tozcall for person- a document from him and that the attendance of a . or. not othe rwi-se ba securod, it rnmy, after recording the reas on for doing go, make a reference to the Stnte Government seeking authorisation under section 4 Of the Act to exercise the in section 5 {n relation to such person. 10, Power to authorise an inquiring Officer under Section 5 : — The power to authorise an inquiring officer under section 5 of the Act shall be exercised by the State Govemment if It is Of the opinion that for the purposeg of any departmental inquiry It Is necessary to do go in relation to any employee or class or category fff employees specified in clauses (a) and (b) of section 2 Of the Act. FORM -1! Cee 123-e 4) OF MADHYA PRADPSH I, • •Department OR D P.ÅR Bhop al, *Dated the thec.S.tate is of ppinion that for the OS eg Of the departmental inquiry in relation to 3hri ig neoessary to summon • • as witnesses and/or call for document from In exercise of the powerg conferred by sub— section (l) of section 4 of a the* •Madhya Pradesh Vibhagiya Janch (Sakshiyon J'a Hazir Karaya,,iJana. Tatha Dastavejon Ra P(.tsh Y •aræ.ya •Tana) Adhiniyam, 1979 (Noel 4 .OfÅÄ 979 State Government h: reby authorlees Shri dxxqu:i.-ri-ug au$h.02±tyxx to exercise the powers goec.ified , in tgeotlon 5 of the said ldh.tniyam in relation to the above named person. the • • • • • , conferred by gub-section the y.Madhyä', janöh Tatha Dasta+ejow Ka Pesh 3>975: z? 979 the,. State Governments hereby; th±Y••— to exercise i the: poweæ•s: éonfei•réd»- On, (It. by 4 gub—section (I) section 4 Of the said, Act.vt.for purposes) of the departmerital inquiry held. against ** Specify the name of the •authority. _ — Specify' the name-k of the' person againät whom «aeiartmenta1t.:inQuiry is being helde FORM 111 (See m Ie 6) To (Name and address of (the Judge concerned). Under the provisions of sub—section (3) of section 5 of the Madhya Pradesh Vibhaglya Janch (Sakshiym Ka Haz ir Karaya Jana Tatha Dastavejon Ka Pesh Karaya Jana) Adhiniyam, 1 979 (No. 14 of 1979) a summons in duplicate is herewith forwarded for service on the witness (Name) (address), Yaa are remaegted to cause a copy Of the said summons to be served upon the said witness and retum thé original •to 'me duly s-igxed by" -the -said witness, with •a statement of service endorsed thereon. by ya-I, A copy Of the notification No, 2. issu-ed by the State Government in dated the Department urider sub-section (I) of section 4 of the Pradesh - Vibha-giyåTJånch (Sakshiyon La Hazir Varaya dana Tatha 'Oastaveion V. a Pesh T." a.raya Jana)Adhiniyam, 1 979 *the undérsigxed the poweN specified in eroti on 5 Of the said Act, is enclosed, S i $31ature bes Ion Re.bber Stamp bearing name des By order and in the name ef the Governor • , f TRadhya Pradesh, Bee) to government Madhya Pradesh, General rvpartment Pradesh working the Aåhin€liyam; 1979 Shri/Smt (Department/ Office) • WTÄREAS'j•$ attendanoeÉ t6 (give exiideÅce/pm4ude documents) on behalf of dp-the defendÜit/• departmental inquiry, yaz are hereby required poi'S onasny: to: appear before this inquiring authori±y' on' the- day . of (name of the month), 19 at O' clock in the forenoon/ afternoon, and to bring with yaz (or to send ta this inquiring authority) (description of the documents required) • laar travelling allowance and daily allowance will be paid by this Inquiring Authority on the conclusion of yazr evidence. If yaa fail to comply with this order without

law-EU I excuse, wili be subject to the consequences ot non— attendance •laid down in Rile 1 2 of XVI of the Code of 'li. Zi 1 2 rocedure, 190B. -2- Given under my hand and the seal Of the. inquiring authority this month 19 day of (name of the Inquiring Althority If yoa are summoned only to disc over and produce a document other material and not to give evidence, yaa shall be deemed to have complied with *the •summons •if. you cause such document or other material to be discovered and produced be.fON this In.quiring Authority On the day and hcmr afores aid • Rates of Travelling A110wahoe : — 'Su•tfimoned . Rfhä - départmental inquiry shall be paid travelling and daily 'allowances ccording to thé endt• 3024/1ViR-.T1/Bhopa1 dated 29,11 .1 965 Of the . Finance Department „(copy enclosed 3. .Copy of G imment ••Of•3MadhjaNPrad6ßh,' Firianee— Depa'rtment •Memo 20th SéptemS6r;1965 addressed to 'Ghe nder •Government-„ Of of Home en Ors ail u •ject: "Rediprocal? äri•.ångemqrft• • with dther Gqvemrgents In and Fto±he'zr oxpengeå' •tovwitneSs eS-iäri for gomb past the ?volving uriiform procedur6e In regard to *the payment öthör IOé*åeng6B to iGrson appéaring tender evidence, has beeh Stat-e Govemmerité copy of the ånstmotiQåg- the "Silbj•öctv issued iri consultati&l with ymxr fo+ information• No. 3024/1V/R-11/Bhopa1, Copy forwarded to: — Yoa rs— f-ai-th-ftrlly, Sd/- Burse Under Secretary to Government of Madhya Pradesh, Finance Dcptt. Dated the 29th November 1965 Agrahanyana 7, 1887 A1 IL' Departments of Government Thev President, Board of Revenue, Madhya Pradesh, Allu; Commissioners 4 of .Divisions , A1-x1 : Heads tof Departments, Madhya Pradesh, 'l IliSTRUCTIONS TO OF TRAVELLING AND OTHER TO WITNF.SS The following instructions are Issued Ito regxlåte thc payment of travelling and expenses to persons appearing as in nopartmental Enquiries : — Every person, whether he is a State or Central Government servant or not, who ig called to give evidence in a departmental Enquiry by either the Government or the Government servtmt against whom the enquiry is made shall be enttitled to payment of travelling and Other expenses as laid down in these instrac— t ions The bfficer or Board holding the enqüiry shall furnish 2. ccrt.ifieate in form to every person appearing before him Or it to give evidence 3. (i) Ttmere the witness a Gove razaer-t- servant Of this State he shall be entitled to receive, in respect bf the attendance before the authority holding the departmental enquiry from the Department under which is serving for the time being, payment of travelling allowance as on ta.xr, under S •R' 112 • (ii) Where the. Government servant is called in the depart— mental enquiry to give evidence as to facts have come to its knowledge in the discharge Of his public duties, . the mininmm time required to be åpent by him on the $a.xmey to and from the place where the enquiry ig held and the days on which he is required to remain present boforc the •authority holding the cnquiry shall be treated .as duty. Provided that if the Govern— ment servant on leave the entire time spent shall be treated ag part of the leave and he Bhall not be deemed to have been recalled •to duty. ( ) Where a Government servant is called by any authority holding the departmental enquiry to give evidenee as to facts which have come to his knowledge • at a time when he was not In Government service, he may be paid travelling allowance as provided in sub—rale Whore the witness is a servant of Ithe Goverrument of 4. India or (my other State Government, he shall be . entitled to recoivo in respect of the attendance before the authority holding the depa•rtmental enquiry, from the Central or the State Govemmont concemed, such travelling allowance and/or daily allowance as may be admissible •to him under the m Ies to him in that behalf in respect Of a journey undertaken on taar and the amount so åpaid shall bc paid by this State Government to the Central Government or the State Govemment concerned who shall raiso a debit in respqct the--c of ngninst this State Government servant Whoro a person who has been a GovernmontLig called to to f Qcts which have come to his knowledge in who is not a Stat> •t U give* tvldenöe* a, departmentnl?$ö. • enqu•ihü, such person entitled'(tö',-claim from> depe ment Or •whom servan# Ihstvwhom the onqup helld rf-p*the; t aülo*tmce S ;R•• 136 StJß1STANCB*A.taTJffiANß batr) d: dthgr oris.Å% B'. Ar igan etiltivatorg*, shopkeepers and dther gtmilar persona Teachqrg *Jéaders» Doctors, Basinessmen Rs • etom exoOed3ÅRB• 2•00

48. ALLOWANCE 1,025, 2•00 per diem, 5900 per diem'é •For* All exponges ineux•Nd subject, to a maxirmam of 16 per Kilometer• €2), •For*ij.öxrnei by; rail 'k DoraÅÅtness.ü of' the * Ah and % class. md for class -C second railway faro • First class raiivay fare shQ1d be allqwed only In gx•cptional circum— s t anaes••, Thm foregoing instnctions shall Algo apply to a _person by Displinary- mthority—to preBent the oase In support of tho charge béfore the authority holding the depart— mpntal enquiry, : ort assisting the Govemment gervant agains.t whom thå enquiry hcld In presenting hig cage, as provided In sub—mlo (6) Of mle 12 of thc Madhya Pradesh Civil Services (glassifioation- Control and Appeal) m leg, 1955 videx correspon— ding sub—n.zle. of m 14 of the Mep 3emr1ces Control, cmd Appeal) m Ibe Such person shall , a •certificate in

Form IT by thø holding -thé, Departme*ltal 111 on travelling- paid to a Government Bewant under these instractions Gall be charg)d Go th9'h*0ßdF of aocoant to is defi€able which salary ±håt Shri offideZetd.: ") appoa.rea megas , , tho,, i"ry Shri (Name, . • 'Z % and.cwas discharged on hirxg; been* paid to him on accaznt ot hisÄÅis,.i 4' trav.el'likæra$$öthdr expenses • (Si Clature) Disciplinary mthOrity/Board Enquiry/ Bnqairlng Department/ Eice Copy forwarded. FORM 11 This is certify tthat Shri office eotc•) • • • • at,tonded the, in the, departmental enql.*ryo agningt dosigaation etc. present tho oago in support of tho chargcö to assist the Bald Shri '(Name) • • In presenting his oaae on (Place) • Nothing has been pnid to him on aceaant af his travelling and other expenses • Place and Date : — Oopy to fon Discipligary Authority/ Board of Enquiry/&xmxiring Officere information - • Department/ Office