

JANCH AAYOG AADHINIYAM, 1952.

ECO vo protr.qo for; the appointment of Comm133ions Inqu#yeand- for vesting stich Commissions with certain rowers. (14th Be enacted by Parliament as follevs • Short •title it. (This Act may bo called the Commissions of 1952. 'Conmenqemeht*nt) -Xt .extenas to the whole of India • Pr .tfiat It shall apply to the State of Jammy ahd: only in so far as It relates to pertaining. to matters rolatable• to any e.±tries enumerated' iw List' 1 Ill e the Constit:ttâOn in cãb16Vto• Chat •Statee Into, force on such date. as - Government may / Zby notification e 4,hé Gazette appo—nt. this v Act,tmless the context otherwise Pr Government" means— (i) r Thé Central Cotrernment,In relation to a Commissions appointed by It to make an Inquiry into, any matter relatable to any of the entries enumerated in L'Igt • iic.r List 11 or •List III in he Schedillo, to the Constitut ion ;and 3.) •the State Cotrernment, In relation to a ommission appointed by it to make an inqiliry -neo •any ratter tp any of the ontiies ,mime2ated in • I" or 14 st 111 in the Seventh che..iGle to the Consfl#llt ion ; ide that In râlatinÅ to the • State •of Jammu and olavse shâ11 hatre effect st)bject to lodlficatlon that— (a) In sub—clause (1) thereof, for the words and figures t 1st dated ddâae+ 1st I or List 11 or List 111 in the hodule Go the Constitution t', •the words and Figures l. 1st or List 111 in the Seventh Schedule to e Constitution as applicable to the State of nd, be s bgtitvtod. October, 1952,Üide ldt ficatlon •No.S • H. O. 1670 30th' September 1952, Gazette of India Extraor— s,B.86i. *'Stib titütOd by Centyal Ac' ITO. -99 of 1971 or Li 3 t ulst. the .3cædt'le cc •Lhe 111 in Constitut in the 'ot-eth tu the Constitut ion ag applicable to the 'itate , • and sr.a.u.l be (b) ion thneans a Cunni sslc,n or Incui.ry appointed lirans prescribed by rv]-es nade under this Any reference in this act to a. Ich not in in the State of Jararau & ic. pela t. ion to. that construed as Zhe ing any in f.urce in r: he Cc,,ernnent may, if it is cf opin— ion i. t -13 necessary to do, an l shall, if a resol— ig by the • the People l' T. ion na; De, the lueøislatirre uf the not i ficatlm In the official Gazette, appoint a uf f or the pvrpose of making an in— definite 'natter ppblic impertanee and stich ions and within such t irne as may be specirie(+, in the not icat ion, anu the Commission su app— uinteu rake the inquiry anu per furn t.he fuctions accuf:'dingly uinte(l Cor.ynlr:sien has been app— (b) 'oy G nu ßf,ate Government shall except with the of the Central tc into the same Conraissicn appointed by fvncit the tile Central Gcmernntent shall not Cenmiss:-un to inqvlre into the Z.a.ne su long ? s the Commission appointed (Rpre•cmrent •an less the is opinion that the scope the Inqvlry be extended tu ur more States. (2) The Ccm;nissien may consist une or nure members appointed Ly the apprupr iate G.Ärernmenv, and where the Ceramission c onslsts of than one member, •one them may be appointed as the Chairtaan ther eon * Trager ted by Aet 79 of 1971 he 11 mwers of') The App.rup.ri?.t.ct Gotrernment nay, at any st4ge of ;tnqüity he Comission f i IL any •t-acancy • wh:loh: may arizez-a in •the off ice raembr:r Commiss (whethea consisting one than une member) The approprrate Gc.me.rnment shallcavse to be laid •before the House •of •the people or; as the case be, the Assembl of the State, ion her •Wi-ich rmemorandvm of the action takæéh- •thereon within a per iud of months cf the 2. epu the; appr opeate overnmen . Thev-COMmlss-tun shall •hatre the powers of civil Court, while a suit •vnderv the Cede of Cirril udédvr.e, in respect of the(5 of 1908) folle— ng;raatters, namely J •Summoning anu enforcing the attendance cf any Versen from any part and ia and examining him oath;) requir Ing the discotrery anu prodvction cf any document ; (•) recei+ing evidence on () •equisitioning amy pvblic record occupy thereof f?cm any Covrt or office;) ing ions for the examination of nesses vr d ccurr,erits (f) eny matter wh.v.h may be prescr ibed. •Additional * 'til. (i) there the \$tate Government Is c, f cplnlen the t having regard +0 the nature cf the inqviry CCmdgs10n to be made anu ot,he.é blrcvmstances cf the case, a IIL ur any the .pre+lsiencl svbsection (2) cr svb—sectlcn (3) cr süb—section (4) cr sÜb— section (5) cr sub—sect icn (6) cr s?b— section shovld be maue applicable tu Ccmmission, the State Government may, . by notificat Ion,d lrect that all er svch cf the said prot'isicns as may be, spedlfled . in the hot. ifieatil,n shall apply to that *Commission anu on the issue of such a ncti— e fication, the said pr ut'isicns shall apply accc.r— d In gly. (2) The •Commission shall have power tum reqvlre any person, -sub: ect to any pr,nrllege may be egairned by that per sun ander any -Lew fer the t Irne being -in force, tu furnish rmatü.n silCh pcnlts cr patters ag, the of the Comm- is.s.i-c,n-s ** Svbetlt.vteu , •IQ66 • 79 of 1971. •che r:iatt.er. cf the Inquiry apd shall be- tc he inferrnaticn wi-th:t.t. CJ.t Ion uf the Inca law Code (45 cf -iFJ60) (3) The Ccmmlsg:yn Offlcer,. net • be a Ed zatted cfflee:, specia±ly .avthc•rlseâ • 1 the Cc_rnmmission nay enter any cr: p Ccmmission has I?eason to believe -that apy . •'trac may be fonnd,and. may séize any svcN

books c ments or take 0.7 copies "therefrert, visicns cf section and section 503 of (Act V cf 1698). In sc far 'as perscn and' •w ;thg feank cf this ce where*he cf acceant ur bjct t "J the pro— e —Code -Gvirainai• héy may (4) The Ccmmisslcn .sh&l-l- be deemed to be v 11 and *hen any effence as Is describeu In -sect Ic s 175' sectlcn 178 section 179 section c.w section '228' cf e Jndien Penal Code, 1 060 (Let %860) cccrmitted å.n •the Ä*éw presence cf the Ccmtnissicr: , +.he Ccrnniss.icn may,after facts ccnsti•tvtn€ the eff.ance and the statement the accused as prc.vi;aed in the Ccde cf Criminal Pmoce@re, (Act V 1896), forward •the eape a magistrate, hav• g jvrisdlcation to try the same and the 'magistrate tc, any •such • case Is fer— warded shall prc,ceeå to hear the ccmlplalnt ega±nst the accused as if the case hau been fc.rwarded to hiyn ' vnge.t• sect ion -462 cf the CCde cf Procedure, 1b98(Act V Of (5) If any perscn, by words either speken Intended tv be read, makes c? publi?hes any statement cr d es any Cther act which is calcvlatod to bring the Ccmmlssicn cr any member ther— of intc Qisrepvte; he shall be punishable w#th simple Imprison— ment which extend •tc two years cr 'with Ines or with both., (6) The previsioncf Sectilcn 1963 the e cf .Criminal krccedvre, 1698 V cf te9S) shall apply In relation to an effence vnuer sub—sect Icn (5) as they apply\$iti relat ion to an c f fence) G tpe •paid section 198—b subject to the race. if icat Ion thatc nc respect Of such effence shall 'oe •raat-le by the except with the prev sanct,lcn the State . Governme (7) Any proceeding before the. Ceram.tséåon s all deemed to a 3üQicial receedihpt within •the meanihg sections*193 and 228 the 1860 (Act of <850) 5A The Commission may, for the .pvrpose of ccnductlng igatfi.en pe?ta-tring to t';me ingv -12 y utilise the*sctrlees - 1. 3 S' (d) (b? (21 (a (b (e) (3) —b F' the case of a ion appointed by the Central Government, cf any of? Icer cr invegt,l— gag ion agency of the Central 00Trenment or State Government with the oc nct2.rence the Central Gotyernment or the State Government, as the ease may be; or in the case or a Commiss ion appointed by the State Gctrernment,. any or investiga— 3 ion agency of the State Government o? Central Go+ernnent wit.h concur: erne o the Scate Gcye.rnmetü. Che Central Gc.• ernment, as the case mey For the purpose of igatlng into any matter per±aining the invqiry, any officer or agency whose sertrices aze 'at ilised under sub—sect ion (I) to the q irect Ion and ocntrJl 0? ygay, sub: ee+. zhe Cqmrnisgion - Summons and enforce the attendance of any person examine him; regulre the diseo.,ery and production of any documeht; anö. requisition any public record or copy thereof any off. ice Thé protrisions of sect ion 6 shall apply in to any czatement made by •a person before any officers or agency whose se.vtrices are uhili— under sub—sent ion (I) as they apply in rela— to any statement made by a person in the ctj.frse ef gi"ing e"idence before tho Commission • Thb officer or ageney, whose semrices are utili- sed Under Sub•section shall lrrhrestigate in to; ahy mat*er, pertaitJing tâ the inquiry and ar Beport thereon (hereafter In this sect ion rete— as the lhtrestigation report) to the Cornm— seton rélthin such perlod as may -be specified by thé •Commission •in this behalf Thé - Commission shall sat itself abovt the of .the facts stated and the conclu— siohSßf any,arrrltred at the, Investigation report submitted to tinder sub-section (4) ,and for (•examinat ion of the person or per— who .conducted o sss+-sted in the Ion 'as it thiill:s f it intrestlga— c tatements made hy per cons to 60 No statem made by a person in he couree c i b ecore the Corrn:Lssl n' shall su lm t.u against ny the lca. exceptÆ prose , for biviag false• evidence by such statement Provided that the •statement is, mcade in reply to a, quest* ic bv the Comm±ssiå rc:.l.etrano to tt.he r) Persons not obliged to discl R2D Except. in cases Idyere a Comm expressly required to Int(i t: matüfactvre afay goods , nothing • In n whiOh he tO• answem tter. of th e secret Sion Is pr@cess; his Act S (b) (2) be deemed to compel any person glxring evidence before the Commission to disclose any pr esz of manufacture theoreo (1) The appopr.\$.ate Goveertntent may, b notifloa— t in the Gazette, declare hat — •)ummission (other than Commission' appointed c: a 5.teso.7-ütion passed by the House, of oeuple •i;he case may_ be, theaeglsla— Assembly o? the State) shall cease to exist is of that the continued • existence 072 ; A Cornrn±sslon appointed In pvrpuance of resolu— t i on passed bv the of the People r, as the may be, the Léktslat±tre AssemblY of the Sta shall cease to exist a reeclvtionon Tor di;-continvance of tho Commission Is passed by the Hovse- of the People or , as the case may be, th Legislat#re Asseribly of the State . FJt,ery notißlcation Issued under sub—section (1) shall specify the dat%\$rom which the Commission Shal the Commission shall cease to exist with effect from the date specif led therein . Inserted Central Act No.. 79 of i 971 Sect. 7 substituted by Central Act 110.79 of 971 : 01. " •the. ütree LI, sub for eh he th 2) ret 1. 8B ce pr of 1st Ice he . S Ehe Cc:rm.tssicn shall, silhLieet to any that' he nn.åe 'in this power to i-,e 1+,s ovm ple.ces• antl t i. of w.heü?G2? 'nhere the Commission consists of two or more notv•lth.s+rjna.-fzg the % ce of +-he Cha vacancy among its raerr.bors dur•lng course of an invqiry before- a Cc:nm'xcscion, a ehange has taken

place in the constitution? the Commission-Hon on reason cf. any has in regard to be on full-fledged or by any other authority - { not be regarded as a factor for the reason, Commission to commence the afresh and the Inn'Iry may be the stage at which the change place be heard; it, at any stage of the Commission - F(a) considers It necessary to inquire into the conduct of any person; or (b) Is of opinion -that the reputation of any person is likely to be prejudicially affected - Obed by The Commission -shall give to that person a reasonable opportunity being heard in the inquiry and to produce evidence in defence that nothing this section shall apply where a 13 being Impeached SBC Right of cross-examination and representation by appropriate Government, every person referred to in section the permission the Commission a lawyer, person whose evidence is recorded by the Commission - () may cross-examine a witness other a witness produced by it or himself () may address the Commission ;and () may be represented before the Commission by practitioner or witness with the permission of the Commission, by any other person? aot jcn. taken govt Members, etc., to be public Servants . Act to apply to other In Q'ir in regard to it s in certain Cases Elle ,--cvfi E.?e ox 1.0 Ing shall It again iom or 'any ion elt or of C-he Commisgi. 'e,dlic.h good acne or to of the 'LY o: author i zy o the approp 'the of .9.ny -ren . 1 C. &ery 'r of the Commission and officer appointed or authorised by the Commission 'to exerd se ffects under this 'Act shall deemed 'to be a publ sorr7c.nfr0 within the meaning of section 21 the' India Penal Cr.:ie OA Penalty for acts calculated to >rip the me (1) (2) 11, iPtQ If any per (by words either spokenä.or Intended to be read, •kak •or publishes •any statement or doey any other act: which is ealcvla •ed to bring Commission -or any member thereof Into _dispute he shali be pvnshable WI th s irnplö- :i.mp--• isonment for a which nay extend to nths, or wi fine. with both The provisions of section 198B of t Code. of Criminal. Pr or.edure. 0? 1398) hall ap ply in relation t.c; an oftenctp, vi2der) as they In +0 an offe ce referred to in cf the Æald se t ion 1 eeE sübäect to Che •i110d if ieatation that no mplaint in respect of offenee Shall beragde the public except with the provisions anct ion — the case of a Commission, or member •of a C: r:m-i.ssi.on anpointed by t.he. Central overnment. c! the CentraVI Government; 02' *h.e case of a Commission, or member ot a Ccm:nlss ao pointed by the State Gorgernment, Of the State Government ohv author whatetre.? narne.nlled) , cot ner than a appointed •under sect. ion 3, has been oris set any resoifitidn or order . of the approp i:ate Government COX' the purpose of Xmaking dn into anyc3 matter public d.mprtdance a that Governmc:nt i 3 coin-ion. that ail •or tany of the p: orris ions cf should be. nude app\$icable to tl that may, svbäect tp the prohibi t icq contained in the proviso to seet@n (1) of section 3. by notificat ion jn the Official Gazette, dj-I ect thåt, tho said premision d.t thi3 Act shall app.' 9 or 'Pr 31 i-a •Pewer make x•ulec. ef th-*c. Act nde.7 seat t on , , in G purpose 3 0 thig (2) In anhi v! t.h011t irn tc genera• furegulng• puex•, sven nay f u? all or any the fullowing matte? s, (b) (c) tho term of office and the it ions ser— ee of the membeTs the ; r.he manner In which inquiries may be tinder this Act and the procedure to be followed by the Ccmrmission in respect cf tho before It; the powers of Cc','trt nay be ,.osted in the Comr-lission ; any other ma+,Lez• Which has to be, •or may be -pres cr ed. Etrery rple made by the Cen G•al Gorrernnt under this section shall be • laid, as soon as may be after is made, lbefore each house Parliament while it In possiou a •tvta-l period thirty days which may be e tession in two sessions; Üne expiry the sess ion i which it 3b the. immediately f • lowing, but.}' agree in rnak±ng any modifica— tién the rule orboth ees a Evree •that the shOvld not made. the- rule shall thereafter hutte effect only_ in such furn ur beef no effect as the ease, nay be; so, however, that any such modi- f atlen shall bo without prejudice tu th 4taliüity of anything pre.,iou sly u one 'ander that Ehe Principal Act; as mended by this Act, s 11 cume lhto force In, the State uf Jammu & Kashmir •and orn Ga 1 21 in the u Istr icts uf Kashmir and Mukukhvng in thA e Nagaland. on such uate as the Central Gu.,er— t may / by nctifioation into tho Offic lal tte,appoint. o. 79 1971 by; Central• instance see the '.,nculry eg•sors) 11 33. P. 756. . Crazet%e ur 4: 9 F' 1987 11 THE COMMISSIONS OF INQUIRY (AMENDMENT) ACT, 1986 (Act 36 of 1900) [First published ih the "Gazette of India" (Ex- traordinary), Part 11. Section 1, dated 21st August 1986.1 An Act to further amend the Commissions of Inquiry Act, 1952. Be it enacted by Parliament in the Thirty- seventh Year of the Republic of India as follows :— 1. Short title and This Act may be called the Commissions of Inquiry (Amendment) Act. 1986. (2) It shall be deemed to have come into force on the 14th day of May, 1986

2. Amendment of Act 60 of 1952.—In section 3 of the Commissions of Inquiry Act, 1952, (hereinafter referred to as -the principal Act). after sub-section (4), the following sub-sections shall be inserted, namely :— '(5) The provisions of sub-section (4) shall not apply if the appropriate Government is satisfied that in'

the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States or in the public interest, it is not expedient to lay before the House of the People or, as the case may be, the Legislative Assembly of the State, the report, or any part thereof, of the Commission on the inquiry made by the Commission under sub-section (1), and issues a notification to that effect in the Official Gazette. Explanation.—For the purpose of sub-section (5), "report" includes an interim report and all proceedings of a Commission. (6) Every notification issued under sub-section (5) shall be laid before the House of the People or, as the case may be, the Legislative Assembly of the State, if it is sitting, as soon as may be after the issue of the notification, and if it is not sitting, within seven days of its re-assembly and the appropriate Government shall seek the approval of the House of the People or, as the case may be, the Legislative Assembly of the State, to the notification by a resolution moved within period of fifteen days beginning with the day on which the notification is so laid before the House of the People or, as the case may be, the Legislative Assembly of the State and if the House of the People or, as the case may be, the Legislative Assembly of the State makes any modification in the notification or directs that the notification should cease to have effect the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; 3. Repeal and saving.—(1) The Commissions of Inquiry (Amendment) Ordinance, 1986, (6 of 1286) is hereby repealed. (2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act. THE MINES AND MINERALS (REGULATION AND DEVELOPMENT) AMENDMENT ACT, 1986 (Act No 37 of 1986) [First published in the "Gazette of India" (Extraordinary), Part 11, Section 1, dated the 22nd August 1986.] An Act further to amend the Mines and Minerals (Regulation and Development) Act, 1957. Enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows: 1. Short title and commencement.—(1) This Act may be called the Mines and Minerals (Regulation and Development) Amendment Act, 1986. (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. REGISTERED No. Gazette of India EXTRAORDINARY PUBLISHED BY AUTHORITY PART 11—Section 1 28] * 14, 1986/24, -1908 (TG) DELHI, WEDNESDAY, MAY 14, 1986/VAISAKHA 24, 1908 (SARA) paging is given to this part in order that it may be a separate compilation MINISTRY OF LAW AND JUSTICE (Legislative Department) Delhi, the 14th May, 1986/Vaisakh 24, 1908 (Saka) THE COMMISSIONS OF INQUIRY (AMENDMENT) ORDINANCE, 1986 No. 6 OF 1986 Promulgated by the President in the Thirty-seventh Year of the Republic of India. GAIT Ordinance further to amend the Commissions of Inquiry Act, 1952. The House of the People is not in session and the President is satisfied at circumstances exist which render it necessary for him to take immediate action; Now, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance: — 1. (1) Ordinance may be called the Commissions of Inquiry Short title (Amendment) Ordinance, 1986. (2) shall come into force at once. and commence- ment 2, In section 3 of the Commissions of inquiry Act, 1952, after sub- Amendment. section the following sub-sections shall be inserted, namely:— (4) The provisions of sub-section (4) shall not apply if the Government is satisfied that in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States or in the public interest, it is not expedient to lay before the House of the People or, as the case may be, the Legislative Assembly of the State, the report, or any part thereof, of the Commission on the inquiry made by the Commission under sub-section (1), and issues a notification to that effect in the Official Gazette. (6) Every notification issued under sub-section (5) shall be laid before the House of the People or, as the case may be, the Legislative Assembly of the State, if it is sitting, as soon as may be after the issue of the notification, and if it is not sitting, within seven days of its re-assembly, and the appropriate Government shall seek the approval of the House of the People or, as the case may be, the Legislative Assembly of the State, to the notification by a resolution moved within a period of fifteen days beginning with the day on which the notification is so laid before the House of the People or, as the case may be, the Legislative Assembly of the State and if the House of the People or, as the case may be, the Legislative Assembly of the State makes any modification in the notification or directs that the notification should cease to have effect, it shall thereafter have effect only in such modified form or be of no effect, as the case may be."- Additional Secy. to SINGH, President. MENON govt. of India. PRINTED BY THE GENERAL MANAGER, GOVERNMENT NEW DELHI AND PUBLISHED BY THE CONTROLLER OF INDIA

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