

**Andhra Pradesh Departmental Inquiries (Enforcement Of
Attendance Of Witnesses And Production Of Documents)
Act, 1993**

7 of 1993

[02 February 1993]

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PREAMBLE

An Act to provide for the Enforcement of Attendance of witnesses and production of Documents in certain Departmental Inquiries and matters connected therewith or incidental thereto.

BE it enacted by the legislative Assembly of the State of Andhra Pradesh in the Forty-Fourth year of the Republic of India, as follows:--

1. Short title and extent :-

(1) This Act may be called the Andhra Pradesh Departmental Inquiries (Enforcement of Attendance of Witnesses and ; Production of Documents) Act, 1993.

(2) It extends to the whole of the State of Andhra Pradesh.

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 (sic) of the Companies Act, 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 to such Government Company;

(iv) any society registered under the Societies Registration Act, 1860 or the Andhra Pradesh (Telangana Area) Public Societies Registration Act, 1350F in its application to the State of Andhra Pradesh 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 Andhra Pradesh.

(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 Andhra Pradesh 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 Andhra Pradesh.

4. A authorization 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 persons 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 authorize 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, 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 Andhra Pradesh Lokayukta and Upa-Lokayukta Act, 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, any corresponding new bank constituted under Section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 or the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 or a Regional Rural Bank established under Section 3 of the Regional Rural Banks Act, 1976, the Industrial Development Bank of India established under Section 3 of the Industrial Development Bank of India Act, 1964, the Export-Import Bank of India established under Section 3 of the Export-Import Bank Act, 1981, the National Bank for Agriculture and Rural Development established under Section 3 of the National Bank for Agriculture and Rural Development Act, 1981, the Industrial Reconstruction Bank of India established under Section 3 of the Industrial Reconstruction Bank of India Act, 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, State Financial Corporations established under the State Financial Corporations Act, 1951, National Housing Bank

established under Section 3 of the National Housing Bank, Act, 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, or any other public financial institution so notified by the Central Government,-

(a) to produce any books of accounts or other documents which the Reserve Bank of India, the State Bank of India, the Subsidiary Banks 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 Corporation of India, the State Financial Corporations, the National Housing Bank, 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 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 Section 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 Andhra Pradesh.

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 Legislative Assembly 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 Legislative Assembly 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.