

## **GUJARAT COMMISSIONS OF INQUIRY (PROCEDURE) RULES, 1969**

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## **GUJARAT COMMISSIONS OF INQUIRY (PROCEDURE) RULES, 1969**

### GUJARAT COMMISSIONS OF INQUIRY (PROCEDURE) RULES, 1969

#### **1. Short title and application :-**

- (1) These rules may be called the Gujarat Commissions of Inquiry (Procedure) Rules, 1969.
- (2) They shall apply to commissions of Inquiry appointed by the Government of Gujarat.

#### **2. Short title and application :-**

#### **3. 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 inquiry, 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 inquiry 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.

(3) Every person furnishing a statement under sub-rule (1) shall also furnish to the Commission along with the statement a list of the documents, if any, on which he proposes to rely and forward to the Commission, wherever practicable the original 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.

#### **4. Recording of evidence. :-**

(1) The Commission shall examine all the statement furnished to it under rule 3 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 3 and whose evidence the Commission, having regard to the statement consider relevant for the purpose of the inquiry;

(b) the evidence of any other person whose evidence, in the opinion of the Commission, is relevant to the inquiry.

(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:

Provided that the Commission may dispense with the attendance of any person for the purpose of giving evidence before it if in its opinion.

(i) such attendance cannot be enforced except without causing undue hardship or inconvenience to that person; or

(ii) such' attendance should be dispensed with for any other sufficient reason to be recorded by it in writing.

#### **4A. Powen of Commission :-**

<sup>1</sup> The Commission shall have the powers of a civil Court to make

local investigation, either personally or through any person duly authorised by it, into any matter falling within its terms of reference.]

1. Inserted by Notfn. GK/81 /29/COI-1078 (i)D, dt. 14-9-81. GuJ. Govt. Gaz. Pt IV-A, dt. 14-9-1681, p. 128.

**5. Persons Ukeiy to be prejudicially affected to be heard. :-**

If at any stage of the inquiry, the Commission,

(a) considers it necessary to Inquire into the conduct of any person;

(b) is of the opinion that the reputation of any person is likely to be prejudicially affected by the inquiry, the Commission shall give to that person a reasonable opportunity of being heard in the inquiry and to produce evidence in his defence.

**6. Right of cross-examination and representation by legal practitioner. :-**

The State Government, every person referred to in rule 5 and with permission of the Commission, any other person whose evidence is recorded under rule 4.

(a) may cross-examine a witness other than a witness by it or him;

(b) may address the Commission; and

(c) may be represented before the Commission by a legal practitioner or, with the consent of the Commission, by any other person.

**6A. Appointment of assessors. :-**

**1**

(a) The State Government or, with the previous approval of the State Government, a Commission may from time to time, appoint one more assessors to assist and advise the Commission on any matter connected with its enquiry.

(b) it shall be the duty of the assessors to assist and advice the Commission on any matter on which the Commission may consult them in the course of its enquiry: Provided that the advice tendered by the assessor shall not be binding on the Commission.

(c) The Commission shall have the power to regulate the manner in which it may corisult the assessors,

(d) The State Government, or with the previous approval of the State Government, the Commission may determine the travelling allowance, daily allowance and other incidents} expenses that may be paid to such assessors.]

1. Inserted by Notfn. GK/79/27/COL-1079 (i) D, dt. 10-9-1979. Guj. Govt. Gaz. Pt IV-A, dt. 10-9-1979, p.131.

**7. 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.