

Commissions Of Inquiry (Madhya Pradesh Amendment) Act, 1966

29 of 1966

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An Act to amend the Commissions of Inquiry Act, 1952 in its application to the State of Madhya Pradesh. Be it enacted by the Madhya Pradesh Legislature in the Seventeenth Year of the Republic of India as follows : 1. Received the assent of the President on the 17th October, 1966; assent first published in the "Madhya Pradesh Rajpatra, Extraordinary" on the 22nd October, 1966.

1. Short Title :-

This Act may be called The Commissions of Inquiry (Madhya Pradesh Amendment) Act, 1966.

2. Substitution Of New Section For Section 5 :-

For Section 5 of the Commissions of Inquiry Act, 1952 (LX of 1952), the following section shall be substituted, namely :-

"5. Additional powers of Commission.-

(1) Where the State Government is of opinion that having regard to the nature of the inquiry to be made and other circumstances of the case, or any of the provisions of sub-section (2), or sub-section (3), or sub-section (4), or sub-section (5), or sub-section (6), or sub-section (7) should be made applicable to Commissions the State Government may, by notification, direct that all or such of the said provisions as may be specified in the notification shall

apply to that Commission and on the issue of such a notification, the said provisions shall apply accordingly.

(2) The Commission shall have power to require any person, subject to any privilege which may be claimed by that person under any law for the time being in force, to furnish information on such points or matters, as, in the opinion of the Commission may be useful for, or relevant to, the subject-matter of the inquiry and any person so required shall be bound to furnish such information.

(3) The Commission or any officer, not below the rank of a Gazetted Officer, specially authorised in this behalf by the Commission may enter any building or place where the Commission has reason to believe that any books of account or other documents relating to the subject-matter of the inquiry, may be found, and may seize any such books of account or documents or take extract or copies there from, subject to the provisions of Section 102 and Section 103 of the Code of Criminal Procedure, 1898 (Act V of 1898), in so far as they may be applicable.

(4) The Commission shall be deemed to be a Civil Court and any offence as is described in Section 175, Section 178, Section 179, Section 180 or Section 228 of the Indian Penal Code, 1860 (Act XLV of 1860) is committed in the view or presence of the Commission may, after regarding the fact constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, 1898 (Act V of 1898), forwarded the case to a magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case had been forwarded to him under Section 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

(5) If any person, by words either spoken or intended to be read makes or publishes any statement or does any other act which is calculated to bring the Commission or any member thereof into disrepute, he shall be punishable with simple imprisonment which may extend to two years or with fine or with both.

(6) The provisions of Section 198B of the Code of Criminal Procedure, 1898 (Act V of 1898), shall apply in relation to an offence under sub-section (5) as they apply in relation to an offence referred to in sub-section (1) of the said section 198B, subject to the modification that no complaint in respect of such offence shall be made by the public prosecutor except with the previous sanction of the State Government.

(7) Any proceeding before the Commission shall be deemed to be a

judicial proceeding within the meaning of Sections 193 and 228 of the Indian Penal Code, 1860 (Act XLV of 1860)".

1. See now Code of Criminal Procedure, 1973 (No. 2 of 1974)

3. Repeal :-

The Commission of Inquiry (Madhya Pradesh Amendment) Ordinance, 1966 (No. 8 of 1966) is hereby repealed.