

Punjab Tribunals Of Inquiry Ordinance, 1969

2 of 1969

[14 April 1969]

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An Ordinance to provide for the appointment of Tribunals of Inquiry and for vesting such Tribunals with certain powers Preamble.- WHEREAS it is expedient to provide for the appointment of Tribunals of Inquiry and for vesting such Tribunals with certain powers; Now, THEREFORE, in pursuance of the Martial Law Proclamation of 25th March, 1969, read with the Provisional Constitution Order, the Administrator of Martial Law, Zone A, in exercise of the powers of the Governor West Pakistan conferred on him by the Chief Martial Law Administrator, is pleased to make and promulgate the following Ordinance:-

1. Short Title, Extent And Commencement :-

(1) This Ordinance may be called the [3][Punjab] Tribunals of Inquiry Ordinance, 1969.

(2) It extends to the whole of the Province of [4][the Punjab], except the Tribal Areas.

(3) It shall come into force at once.

2. Definitions :-

In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them-

(a) "Government" means the [5][Provincial Government of the Punjab];

(b) "prescribed" means prescribed by rules made under section 13; and

(c) "Tribunal" means a Tribunal appointed or deemed to have been appointed under section 3, and includes a Commission or Committee of Inquiry appointed under the said section.

3. Appointment Of Tribunal, Commission Or Committee Of Inquiry :-

(1) Government may, if it is of opinion that it is necessary so to do, by notification in the official Gazette, appoint a Tribunal, Commission or Committee of Inquiry for the purpose of making an inquiry into any definite matter of public importance and performing such functions and within such time as may be specified in the notification, and the Tribunal, Commission or Committee so appointed shall make the inquiry and perform the function accordingly.

(2) The Tribunal may consist of one or more members appointed by Government, and where the Tribunal consists of more than one member, one of them may be appointed as the President or Chairman thereof.

4. Powers Of Tribunal :-

The Tribunal shall have the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908[6], in respect of the following matters, namely:-

(a) summoning and enforcing the attendance of person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) issuing commissions for the examination of witnesses or

documents.

5. Additional Powers Of Tribunal :-

(1) Where Government is of opinion that, having regard to the nature of the inquiry to be made and other circumstances of the case, all 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) should be made applicable to a Tribunal, Government may, by notification in the official Gazette, direct that all or such of the said provisions as may be specified in the notification shall apply to that Tribunal, and on the issue of such a notification, the said provisions shall apply accordingly.

(2) The Tribunal 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 Tribunal, may be useful for, or relevant to, the subject matter of the inquiry.

(3) The President or the Chairman of the Tribunal, or any officer, not below the rank of a gazetted officer, specially authorised in this behalf by Government may enter any building or place where the Tribunal 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 extracts or copies therefrom, subject to the provisions of section 102 and section 103 of the Code of Criminal Procedure, 1898[7], in so far as they may be applicable.

(4) The Tribunal shall be deemed to be a civil court and when any offence as is described in section 175, section 178, section 179, section 180 or section 228 of the Pakistan Penal Code[8], is committed in the view or presence of the Tribunal, the Tribunal may, after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, 1898, forward 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[9].

(5) Any proceeding before the Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Pakistan Penal Code[10].

(6) The Tribunal shall have the powers of a civil court, while trying

a suit under the Code of Civil Procedure, 1908[11], in respect of requisitioning any public record or copy thereof from any court or office.

6. Statements Made By Persons To The Tribunal :-

No statement made by a person in the course of giving evidence before the Tribunal shall subject him to, or be used against him in, any civil or criminal proceeding except a prosecution for giving false evidence by such statement:

Provided that the statement-

(a) is made in reply to a question which he is required by the Tribunal to answer; or

(b) is relevant to the subject matter of inquiry.

7. Tribunal To Cease To Exist When So Notified :-

Government may, if it is of opinion that the continued existence of a Tribunal is unnecessary, by notification in the official Gazette, declare that the Tribunal shall cease to exist from such date as may be specified in this behalf in such notification, and thereupon, the Tribunal shall cease to exist.

8. Procedure To Be Followed By The Tribunal :-

The Tribunal shall, subject to any rules that may be made in this behalf, have power to regulate its own procedure (including the fixing of places and times of its sittings and deciding whether to sit in public or in private) and may act notwithstanding the temporary absence of any member or the existence of a vacancy among its members.

9. Protection Of Action Taken In Good Faith :-

No suit or other legal proceedings shall lie against Government, the Tribunal or any member thereof, or any person acting under the direction either of Government or of the Tribunal in respect of anything which is in good faith done or intended to be done in pursuance of this Ordinance or of any rules or orders made thereunder or in respect of the publication, by or under the authority of Government or the Tribunal, of any report, paper or proceedings.

10. Members, Etc., To Be Public Servants :-

Every member of the Tribunal and every officer appointed or authorised by the Tribunal to exercise functions under this Ordinance shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code[12].

11. Conferment Of Powers :-

(1) Government may, by notification in the official Gazette, and subject to such conditions or restrictions, if any, as may be mentioned in the notification confer upon the Tribunal the power to order a police investigation into any matter coming before it.

(2) In conducting an investigation ordered under sub-section (1), the police shall exercise the powers conferred on the police in respect of a cognizable case by Chapter XIV of the Code of Criminal Procedure, 1898[13].

12. Act To Apply To Other Inquiring Authorities In Certain Cases :-

Where any authority (by whatever name called), other than a Tribunal appointed under section 3, has been or is set up under any resolution or order of Government for the purpose of making an inquiry into any definite matter of public importance and Government is of opinion that any of the provisions of this Ordinance should be made applicable to that authority, Government may, by notification in the official Gazette, direct that the said provisions of this Ordinance shall apply to that authority, and on the issue of such notification that authority shall be deemed to be a Tribunal appointed under section 3 for the purpose of this Ordinance.

13. Powers To Frame Rules :-

Government may, by notification in the official Gazette, make rules to carry out the purposes of this Ordinance.