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ASSAM ACT VII OF 1947

THE ASSAM COMMITTEES OF ENQUIRY (APPOINTMENT AND EVIDENCE) ACT, 1947

(Passed by the Assam Legislature.)

[Received the assent of the Governor on the 29th March 1947.]

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*An Act to enable the Provincial Government to appoint Committees for the purpose of inquiry into matters of public importance, and to empower Committees so appointed to take evidence and administer oaths or solemn affirmations.*

Preamble. WHEREAS it is expedient to enable the Provincial Government to appoint Committees for the purpose of inquiry into matters of public importance, and to empower Committees so appointed to take evidence and administer oaths or solemn affirmations ;

It is hereby enacted as follows :—

Short title. 1. This Act shall be called the Assam Committees of Enquiry (Appointment and Evidence) Act, 1947.

Definitions. 2. In this Act,

(a) "the Chairman" means the person appointed as such under the provisions of section 3,

(b) "document" includes any book, book of accounts, record, map, plan, or written paper, and

(c) "prescribed" means prescribed by rules made by the Provincial Government.

Appointment of Committees. 3. The Provincial Government may, by Notification in the official Gazette, appoint a Committee for the purposes of inquiry into a definite matter of public importance, and in the Notification aforesaid shall appoint some person to be the Chairman of the Committee, and may provide that this Act shall apply to the proceedings of the Committee.

Duties of Chairman. 4. The Chairman, in the discharge of his duties as such, may, by written notice, require

(a) subject to the provisions of sections 132 and 133 of the Code of Civil Procedure, 1908, and of any rules made under section 13 of this Act, the attendance before the Committee for the purpose of giving evidence of any person, who, in the Chairman's opinion, may have knowledge of the subject matter of the inquiry, or

(b) the production before the Committee by any person of a document which, in the opinion of the Chairman, is relevant to the inquiry.

Obligation and remuneration of person served with notice. 5. (1) Every person who has received a notice under the provisions of clause (a) of section 4 shall be legally bound to attend at the time and place specified in the notice, and every person who has received a notice under the provisions of clause (b) thereof shall in like manner be legally bound to produce the document himself or to cause it to be produced.

Act V of 1908.

*Price 1 anna or 1d.*

(2) Every person who appears in obedience to a notice under either of the aforesaid clauses shall be paid such allowances as may be prescribed.

Arrangement to preserve the secret character of evidence.

6. Any person who is required to give evidence on any matter or produce any document may object that such evidence or document will disclose information which is likely to expose him or his employer to unfair competition, and on such objection being made, the Chairman shall consider whether such objection is valid and if this objection is accepted, the Chairman shall make arrangements to preserve the secret character of such evidence.

Oath or solemn affirmation.

7. The Chairman may require any person attending in pursuance of a notice under the provisions of section 4 to be examined upon an oath or solemn affirmation in accordance with the provisions of the Indian Oaths Act, 1873, and shall thereupon administer, or cause to be administered, such oath or solemn affirmation to such person; and such person shall be legally bound to take such oath or solemn affirmation.

Act X of 1873.

Penalties for contravention of sections 4 and 7.

8. (1) If any person who has received a notice under the provisions of section 4 omits or refuses or fails, without reasonable cause, to attend (or, having duly attended, departs from the place where he is bound to attend without the permission of the Chairman), or to produce the document, as the case may be, he shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

(2) Any person who refuses to take an oath or solemn affirmation when duly required to do so under the provisions of section 7 shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Penalty for false evidence.

9. Every person giving evidence before a Committee appointed under this Act shall be bound to state the truth. Any person intentionally making any false statement, or intentionally producing or causing to be produced any false or fabricated document, before any such Committee, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Restriction on cognizance.

10. No Court shall take cognizance of any offence punishable under section 8 or section 9 except on the complaint, in writing of the Chairman.

Procedure when a person's conduct is under enquiry.

11. If during the course of an inquiry the Committee consider it necessary, to investigate the conduct of any person, the Chairman shall give such person a reasonable opportunity to be present at the inquiry, and to take such part in it, either in person or by his legal representative, as the Chairman considers fair to the person concerned and relevant to the investigation.

Immunities and privileges of witnesses.

12. Every person giving evidence before a Committee appointed under this Act shall enjoy the same immunities and privileges as if he were giving evidence before a Court.

Power to make rules.

13. The Provincial Government may make rules

(a) for determining the allowances to be paid under sub-section (2) of section 5,

(b) for regulating the attendance before a Committee appointed under this Act of persons who are, or have been, in the service of the Crown in India, and for safeguarding confidential and privileged matters, whether official or otherwise, from disclosure, and

(c) generally for carrying out the purposes of this Act.