



The Uttar Pradesh Departmental Inquiries (Enforcement of Attendance of
Witnesses and Production of Documents) Act, 1976
Act 4 of 1976

Keyword(s):
Departmental Inquiry, Inquiring Authority, Charges

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

153843

L. A.
15/76.4
Cop. 1

विधान पुस्तकालय
(राजकीय प्रकाशन)
इत्तर प्रदेश, लखनऊ

THE UTTAR PRADESH DEPARTMENTAL INQUIRIES (ENFORCEMENT OF ATTENDANCE OF WITNESSES AND PRODUCTION OF DOCUMENTS) ACT, 1976.

[U. P. ACT No. 4 OF 1976]

[Authoritative English Text of the Uttar Pradesh Vābhagiya Janch (Sakshiyon Ko Hazir Hone Aur Dastavez Pesh Karne Ke Liye Badhya Karnā) Adhīniyam, 1976].

AN
ACT

to provide for the enforcement of attendance of witnesses and production of documents in certain departmental inquiries and for matters connected therewith or incidental thereto.

IT IS HEREBY enacted in the Twenty-seventh Year of the Republic of India as follows :—

1. (1) This Act may be called the Uttar Pradesh Departmental Inquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1976. Short title
extent and
commencement

(2) It extends to the whole of Uttar Pradesh.

[For Statement of Objects and Reasons, please see *Uttar Pradesh Gazette (Extraordinary)*, dated March 31, 1976].

(Passed in Hindi by the Uttar Pradesh Legislative Council on March 31, 1976 and by the Uttar Pradesh Legislative Assembly on April 2, 1976).

(Received the Assent of the Governor on April 12, 1976 under Article 200 of the Constitution of India and was published in the *Uttar Pradesh Gazette, Extraordinary*, dated April 13, 1976.)

Ordi-
no. 6
76.

Ordi-
no. 33
75.

PRICE 20 PAISE

(5) It shall be deemed to have come into force on September 17, 1975.

Departmental inquiries to which the Act shall apply.

2. The provisions of this Act shall apply to every departmental inquiry made in relation to—

(a) persons who are members of any civil service of the State or who hold any civil post under the State ;

(b) persons who are in the service of or hold any post under :—

(i) any local authority ;

(ii) any Board or Corporation (not being a company within the meaning of the Companies Act, 1956) owned or controlled by the State Government ;

(iii) any Government Company, within the meaning of section 617 of the Companies Act, 1956, in which not less than fifty per cent of the paid-up share capital is held by the State Government, or any company which is a subsidiary of such Government Company ;

(iv) any society registered under the Societies Registration Act, 1860, the governing body whereof consists, under rules or regulations of the society, wholly of public officers, or nominees of the State Government, or both ;

(c) persons who have ceased to be members of a service or holders of a post referred to in clause (a) or clause (b), in relation to their acts or omissions while they were members of such service or holders of such post.

Definitions.

3. For the purposes of this Act—

(a) "departmental inquiry" means an inquiry held under and in accordance with—

(i) any law made by the State Legislature or any rule made thereunder, or

(ii) any rule made under the proviso to Article 309, or continued under Article 313 of the Constitution,

into any charges against any person referred to in section 2 ;

(b) "inquiring authority" means any officer or authority who is empowered by or under any law or rule for the time being in force to hold a departmental inquiry, and includes an officer or authority to whom the power to hold such inquiry is delegated by the competent authority ;

(c) "charges" include any allegation in respect of which disciplinary action is proposed to be taken against a person while he is in service or while he holds a post, or where he has ceased to be in service or to hold a post, any misconduct or negligence on account of which action by way of withholding or withdrawing pension or any part of it or of recovery from pension of any pecuniary loss caused to the employer is proposed to be taken against him.

Power of authorised inquiring authority to enforce attendance of witnesses and production of document.

4. (1) Every 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) subject to any claim of privilege (in respect of which sections 123 and 124 of the Indian Evidence Act, 1872 shall *mutatis mutandis* apply but section 162 thereof shall not apply), the requisitioning of any public record from any court or office.

(2) Notwithstanding anything contained in sub-section (1), the authorised inquiring authority shall not compel the Reserve Bank of India, the State Bank of India, any subsidiary bank as defined in clause (h) of section 2 of the

Act XX of 1956

Act I 1860.

Act 5 1908.

Act I 1872.

Act XX III of 1956

Act V of 1970.

State Bank of India, (Subsidiary Banks) Act, 1959, or any corresponding new Bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970,—

(a) to produce any books of account or other documents which the Reserve Bank of India, the State Bank of India, the subsidiary bank or the corresponding new bank claims to be of a confidential nature, 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.

राजकीय प्रशासन
उत्तर प्रदेश, लखनऊ

XI
56.

(3) Any process issued by an inquiring authority for the attendance of any witness or for the production of any document may be served and executed either direct (by post or by messenger) or 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.

(4) Where a process is served and executed through the District Judge in accordance with sub-section (3), it shall, for the purposes of taking any action for the disobedience thereof, be deemed to be a process issued by the Court of the District Judge.

(5) Where a process is issued by a tribunal constituted under the Uttar Pradesh Disciplinary Proceedings (Administrative Tribunal) Rules, 1947, and is served and executed without its being routed through the District Judge, the tribunal shall, for the purposes of taking any action for the disobedience of any such process, have the same powers as are vested in a civil court under rules 10 to 18 of order 16 in the First Schedule to the Code of Civil Procedure, 1908.

Act V of 1908.

(6) Every inquiring authority making any departmental inquiry under this Act shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973.

Act 2 of 1974.

5. For the purposes of exercising the powers specified in section 4, the territorial jurisdiction of every authorised inquiring authority shall extend to the limits of the territory to which this Act extends.

Territorial limits in which powers specified in section 14 may be exercised.

6. The State Government may, by notification make rules for the purpose of giving effect to the provisions of this Act.

Power to make rules.

Act XXI of 1953.

7. (1) The Uttar Pradesh Disciplinary Proceedings (Summoning of Witnesses and Production of Documents) Act, 1953, is repealed with effect from September 17, 1975.

Repeal and savings.

U.P. Ordinance no. 1 of 1976.

(2) The Uttar Pradesh Departmental Inquiries (Enforcement of Attendance of Witnesses and Production of Documents) Ordinance, 1976 is hereby repealed.

(3) Notwithstanding such repeal or the repeal of the Uttar Pradesh Departmental Inquiries (Enforcement of Attendance of Witnesses and Production of Documents) Ordinance, 1975, by the aforesaid Ordinance of 1976, anything done or any action taken under the said Ordinances shall be deemed to have been done or taken under the corresponding provisions of this Act, as if this Act was in force on all material dates.

50

XX
959