

THE COMMISSIONS OF INQUIRY (AMENDMENT) ACT, 1988

No. 63 OF 1988

[10th December, 1988.]

An Act further to amend the Commissions of Inquiry Act, 1952.

BE it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Commissions of Inquiry (Amendment) Act, 1988.

Short title.

60 of 1952.

2. After section 5A of the Commissions of Inquiry Act, 1952 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

Insertion of new section 5B.

“5B. The Commission may, for the purpose of conducting any inquiry, appoint persons having special knowledge of any matter connected with the inquiry as assessors, to assist and advise the Commission in the inquiry and the assessors shall be entitled to such travelling and other expenses as may be prescribed.”

Power of Commission to appoint assessors.

3. In section 10A of the principal Act, for sub-section (2), the following sub-sections shall be substituted, namely:—

Amendment of section 10A.

2 of 1974.

“(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, when an offence under sub-section (1) is alleged to have been committed, the High Court may take cognizance of such offence, without the case being committed to it, upon a complaint in writing, made by a member of a Commission or an officer of the Commission authorised by it in this behalf.

(3) Every complaint referred to in sub-section (2) shall set forth the facts which constitute the offence alleged, the nature of such offence and such other particulars as are reasonably sufficient to give notice to the accused of the offence alleged to have been committed by him.

(4) No High Court shall take cognizance of an offence under sub-section (1) unless the complaint is made within six months from the date on which the offence is alleged to have been committed.

(5) A High Court taking cognizance of an offence under sub-section (1) shall try the case in accordance with the procedure for

the trial of warrant cases instituted otherwise than on a police report before a court of a Magistrate:

Provided that the personal attendance of a member of a Commission as a complainant or otherwise is not required in such trial.

(6) Notwithstanding anything contained in the Code of Criminal Procedure 1973, an appeal shall lie as a matter of right from any judgment of the High Court to the Supreme Court, both on facts and on law.

2 of 1974

(7) Every appeal to the Supreme Court under sub-section (6) shall be preferred within a period of thirty days from the date of the judgment appealed from:

Provided that the Supreme Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of thirty days."

Amend-
ment of
section
12.

4. In sub-section (2) of section 12 of the principal Act, after clause (c), the following clause shall be inserted, namely:—

"(cc) the travelling and other expenses payable to assessors appointed under section 5B, and to persons summoned by the Commission to give evidence or to Produce documents before it".