

THE COMMISSIONS OF INQUIRY ACT, 1956

CONTENTS

SECTIONS

1. Short title, extent and commencement
 2. Definitions
 3. Appointment of Commission
 4. Powers of Commission
 5. Additional powers of Commission
 6. Statements made by persons to the Commission
 7. Commission to cease to exist when so notified
 8. Procedure to be followed by the Commission
 9. Protection of action taken in good faith
 10. Members, etc., to be public servants
 11. Act to apply to other inquiring authorities in certain cases
 12. Power to make rules
 13. [*Repealed*]
-

THE COMMISSIONS OF INQUIRY ACT, 1956

ACT NO. VI OF 1956

[11th April, 1956]

An Act to provide for the appointment of Commissions of Inquiry and for vesting such Commissions with certain powers. *

WHEREAS it is expedient to provide for the appointment of Commissions of Inquiry and for vesting such Commissions with certain powers;

It is hereby enacted as follows:-

1. (1) This Act may be called the ¹[* * *] Commissions of Inquiry Act, 1956. Short title,
extent and
commencement

(2) It extends to the whole of ²[Bangladesh].

(3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context,- Definitions

(a) “Commission” means a Commission of Inquiry appointed or deemed to have been appointed under section 3; and

(b) “prescribed” means prescribed by rules made under section 12.

3. (1) The Government may, if it is of opinion that it is necessary so to do, by notification in the *official Gazette*, appoint a Commission of Inquiry for the purpose of making an Appointment of
Commission

* Throughout this Act, the word “Government” was substituted for the words “Central Government” by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

¹ The word “Pakistan” was omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President’s Order No. 48 of 1972).

² The word “Bangladesh” was substituted for the word “Pakistan” by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

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 Commission so appointed shall make the inquiry and perform the functions accordingly.

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

Powers of
Commission

4. The Commission shall have the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any documents;
- (c) receiving evidence on affidavits;
- (d) issuing commissions for the examination of witnesses or documents.

Additional
powers of
Commission

5. (1) Where the 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 Commission, the 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 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.

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

(4) The Commission 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 the¹[* * *] Penal Code, is committed in the view or presence of the Commission, the Commission 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.

(5) Any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the²[* * *] Penal Code.

(6) The Commission shall have the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908, in respect of requisitioning any public record or copy thereof from any court or office.

6. No statement made by a person in the course of giving evidence before the Commission 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:

Statements
made by
persons to the
Commission

¹ The word "Pakistan" was omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

² The word "Pakistan" was omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

Provided that the statement-

- (a) is made in reply to a question which he is required by the Commission to answer; or
- (b) is relevant to the subject matter of inquiry.

Commission to
cease to exist
when so
notified

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

Procedure to be
followed by the
Commission

8. The Commission 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.

Protection of
action taken in
good faith

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

Members, etc.,
to be public
servants

10. Every member of the Commission and every officer appointed or authorised by the Commission to exercise functions under this Act shall be deemed to be a public servant within the meaning of section 21 of the ¹[* * *] Penal Code.

²[**10A.** (1) The 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 Commission the power to order a police investigation into any matter coming before it.

¹ The word "Pakistan" was omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

² Section 10A was inserted by section 2 of the Pakistan Commissions of Inquiry (Amendment) Ordinance, 1959 (Ordinance No. XXXVIII of 1959).

(2) In conducting an investigation ordered under subsection (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.]

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

Act to apply to other inquiring authorities in certain cases

12. The Government may, by notification in the *official Gazette*, make rules to carry out the purposes of this Act.

Power to make rules

13. [Repeal of Ordinance No. XXIV of 1955.- Repealed by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).]
