



THE PAKISTAN COMMISSIONS OF INQUIRY ACT, 1956



CONTENTS

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 to notified.
8. Procedure to be followed by the commission.
9. Protection of action taken in good faith.
10. Members, etc., to be public servants.
- 10 A. Federal government.
11. Act to apply to other inquiring authorities in certain cases.
12. Power to make rules.
13. Repeal of ordinance XXIV of 1955.

THE PAKISTAN COMMISSIONS OF INQUIRY ACT, 1956

¹ACT 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. Short title, extent and commencement.—(1) This Act may be called the Pakistan Commissions of Inquiry Act, 1956.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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

(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. Appointment of Commission.—(1) The ²[Federal Government] may, if it is of opinion that it is necessary so to do, by notification³ in the official Gazette, appoint a Commission 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 Commission so appointed shall make the inquiry and perform the functions accordingly.

¹ For Statement of Objects and Reasons, see Gaz. of P., dated the 4th April, 1956, Ext., p. 537.

The provisions of sections 2, 4, 5, 8, 9, 10 and 12 of this Act have been applied to Committee set up by Order no. 1/7/59-SB, dated the 15th May, 1959 (Gaz. of P., 1959, Ext., pp. 795-796), see Gaz. of P., 1959, Ext., p. 832.

² Subs. by the Pakistan Commissions of Inquiry (Amdt.) Act, 1975 (24 of 1975), s. 2, for “Central Government”.

³ For such notifi., see Gaz. of P., 1956, Ext., p. 1995.

(2) The Commission may consist of one or more members appointed by the ¹[Federal Government], and where the Commission consists of more than one member, one of them may be appointed as the President thereof.

4. Powers of Commission. 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.

5. Additional powers of Commission.—(1) Where the ¹[Federal 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) ²[or sub-section (4A)] or sub-section (5) or sub-section (6) should be made applicable to a Commission, the ¹[Federal 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.

¹ Subs. by the Pakistan Commissions of Inquiry (Amdt.) Act, 1975 (24 of 1975), s. 2, for "Central Government".

² Ins. *ibid.*, s. 3.

(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 (Act V of 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 the Pakistan Penal Code (XLV of 1860), 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 (Act V of 1998), 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.

¹[4A. Where a Commission consists of, or the President thereof is Judge of the Supreme Court or a High Court, the Commission shall have the same power as the High Court has to punish any person who —

- (a) abuses, interferes with or obstructs the process of the Commission in any way or disobeys any order of the Commission ;
- (b) Scandalizes the Commission or otherwise does anything which tends to bring the Commission or a member of the Commission in relation to his office into hatred, ridicule or contempt ;

¹ Ins. by the Pakistan Commissions of Inquiry (Amdt.) Act 1975, (24 of 1975), s. 3.

(c) does anything which tends to prejudice the determination of a matter pending before the Commission ; or

(d) does any other thing which, by any other law, constitutes contempt of court;

Provided that fair comment made in good faith and in the Public interest on the working of the Commission or on its final report after the completion of the enquiry shall not constitute contempt of the Commission.

(4B) The exercise of the power conferred on a Commission by sub-section (4A) shall be regulated by rules made by the Supreme Court.]

(5) Any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Pakistan Penal Code (XLV of 1860).

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

6. Statements made by persons to the Commission. 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 :

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.

7. Commission to cease to exist when notified. The 1[Federal Government] may, if it is of opinion that the continued existence of a Commission is unnecessary, by notification in the official Gazette,

¹ Subs. by the Pakistan Commissions of Inquiry (Amdt.) Act, 1975 (24 of 1975), s. 2, for "Central Government".

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.

8. Procedure to be followed by the Commission. 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.

9. Protection of action taken in good faith. No suit or other legal proceedings shall lie against the ¹[Federal Government], the Commission or any member thereof, or any person acting under the direction either of the ¹[Federal 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 ¹[Federal Government] or the Commission, of any report, paper or proceedings.

10. Members, etc., to be public servants. 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 Pakistan Penal Code (XLV of 1860).

²**10A.—**(1) The ¹[Federal Government] may, by notification in the official Gazette and subject to such conditions or restriction, 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 Subs. by the Pakistan Commissions of Inquiry (Amdt.) Act, 1975 (24 of 1975), s. 2 for "Central Government".

² Section 10A ins. by the Pakistan Commissions of Inquiry (Amdt.) Ordinance, 1959 (38 of 1959), s. 2.

(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.]

11. Act to apply to other inquiring authorities in certain cases. 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 ¹[Federal Government] for the purpose of making an inquiry into any definite matter of public importance and the ¹[Federal Government] is of opinion that all or any of the provisions of this Act should be made applicable to that authority, the ¹[Federal 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.

12. Power to make rules. The ¹[Federal Government] may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

13. *[Repeal of Ordinance XXIV of 1955.] Omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and II Sch.*

¹ Subs. by the Pakistan Commissions of Inquiry (Amdt.) Act, 1975 (24 of 1975), s. 2 for "Central Government".

