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The Departmental Inquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1972

(ACT NO. 18 OF 1972)

[*As on the* 9*th Dec*, 2025]

LIST OF ABBREVIATIONS USED

G.S.R.	*for*	General Statutory Rules.
S.O.	„	Statutory Order.
Notifn.	„	Notification.

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THE DEPARTMENTAL INQUIRIES (ENFORCEMENT OF ATTENDANCE OF WITNESSES AND PRODUCTION OF DOCUMENTS) ACT, 1972

ARRANGEMENT OF SECTIONS

SECTIONS

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THE DEPARTMENTAL INQUIRIES (ENFORCEMENT OF ATTENDANCE OF WITNESSES AND PRODUCTION OF DOCUMENTS) ACT, 1972

ACT NO. 18 OF 1972

[31*st May,* 1972.]

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.

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

1. Short title and extent.—(*1*) This Act may be called the Departmental Inquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1972.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir*.

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

(*a*) persons appointed to public services or posts in connection with the affairs of the Union;

(*b*) persons who, having been appointed to any public service or post in connection with the affairs of the Union, are in service or pay of,—

(*i*) any local authority in any Union territory,

(*ii*) any corporation established by or under a Central Act and owned or controlled by the Central Government,

(*iii*) any Government company within the meaning of section 617 of the Companies Act, 1956 (1 of 1956), in which not less than fifty-one per cent. of the paid-up share capital is held by the Central Government or any company which is a subsidiary of such Government company,

(*iv*) any society registered under the Societies Registration Act, 1860 (21 of 1860), which is subject to the control of the Central Government.

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3. Definitions.—For the purposes of this Act,—

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

(*i*) any law made by Parliament or any rule made thereunder, or

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

into any allegation of lack of integrity against any person to whom this Act applies;

(*b*) "inquiring authority" means an officer or authority appointed by the Central Government or by any officer or authority subordinate to that Government to hold a departmental inquiry and includes any officer or authority who is empowered by or under any law or rule for the time being in force to hold such inquiry;

(*c*) "lack of integrity" includes bribery or corruption.

4. Power of Central Government to authorise the exercise of powers specified in section 5.—(*1*) Where the Central Government is of opinion that for the purposes of any departmental inquiry it is necessary to summon as witnesses, or call for any document from, any class or category of persons, it may, by notification in the Official Gazette, authorise the inquiring authority to exercise the power specified in section 5 in relation to any person within such class or category and thereupon the inquiring authority may exercise such power at any stage of the departmental inquiry.

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* *Vide* Notifn No. S.O. 3912(E), dated 30th October, 2019, this Act is made applicable to the Union territory of Jammu and Kashmir and the Union territory of Ladakh.

(*2*) The power conferred on the Central Government by sub-section (*1*) may also be exercised by such authority, not being an authority inferior to the appointing authority in relation to the person against whom the departmental inquiry is being held, as the Central Government may, by notification in the Official Gazette, specify in this behalf.

5. Power of authorised inquiring authority to enforce attendance of witnesses and production of documents.—(*1*) Every inquiring authority authorised under section 4 (hereafter referred to as the "authorised inquiring authority") shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 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*) 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 (*k*) of section 2 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), or any corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 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.

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(*3*) Every process issued by an authorised inquiring authority for the attendance of any witness or for the production of any document shall be served and executed 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, and, for the purpose of taking any action for the disobedience of any such process, every such process shall be deemed to be a process issued by the District Judge.

(*4*) Every authorised inquiring authority making any departmental inquiry under this Act shall be deemed to be a civil court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 (5 of 1898).

6. Territorial limits in which powers specified in section 5 may be exercised.—For the purpose of exercising the powers specified in section 5, the territorial jurisdiction of every authorised inquiring authority shall extend to the limits of the territory to which this Act extends.

7. Power to make rules.—(*1*) The Central Government may, by notification in the Official Gazette, make rules for the purpose of giving effect to the provisions of this Act.

(*2*) Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that the modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The Santhanam Committee recommended that powers to summon and compel attendance of witnesses and production of documents should be conferred on the inquiring authorities in departmental proceedings by suitable legislation. The Central Vigilance Commission had also stressed the need for conferring such powers on the Inquiry Officers.

Inquiry Officers appointed to conduct departmental inquiries have at present no statutory powers to enforce the attendance of witnesses or to compel the production of documents. Experience has shown that persons, not in Government employment, are very unwilling to attend departmental inquiries and they try to avoid attendance on one plea or the other. It is, therefore, necessary to clothe inquiring authorities with statutory powers to enforce the attendance of witnesses and the production of documents. The Bill seeks to achieve the said object.

NEW DELHI; RAM NIWAS MIRDHA.

The 25*th October*, 1971.

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