

JUSTICE R.S. PATHAK INQUIRY AUTHORITY

Vigyan Bhawan Annexe,
Maulana Azad Road, New Delhi – 110011

JUSTICE R.S. PATHAK INQUIRY AUTHORITY [REGULATION OF PROCEDURE] ORDER 2006

WHEREAS in pursuance of a Resolution of the Government of India in the Ministry of Finance (Department of Revenue) Number 8/35/2005-E.S., dated 11th November 2005, an Authority named the Justice R.S. Pathak Inquiry Authority, consisting of Mr. Justice R.S. Pathak, former Chief Justice of India and former Judge of the International Court of Justice, has been set up to go into the root of certain matters of definite public importance as set out in the terms of reference specified in the said Resolution;

AND WHEREAS in the said Resolution the Justice R.S. Pathak Inquiry Authority has been empowered to regulate its own procedure including fixing the times of its sittings and deciding whether to sit in public or not;

AND WHEREAS in exercise of its powers under Section 11 of the Commissions of Inquiry Act, 1952, the Central Government in the Ministry of Finance (Department of Revenue) has published a notification in the Gazette of India [Extraordinary, Part II-Section 3-Subsection (ii)] No. 1186 dated November 11, 2005 directing that certain provisions of the Commissions of Inquiry Act, 1952 be made applicable to the Authority.

AND WHEREAS the Justice R.S. Pathak Inquiry Authority hereby makes the following order to regulate its procedure:

1. The Headquarters of the Authority shall be at Delhi.
2. The Authority shall hold its sittings at Vigyan Bhawan Annexe, Maulana Azad Road, New Delhi or at any other place as it may deem fit and necessary.
3. The office of the Authority shall ordinarily function from 9 A.M. to 5:30 P.M. on all days other than the gazetted and declared holidays observed by the Central Government. The

Authority, however, may function on such days as may be convenient and expedient to it.

4. The proceedings of the Authority shall be conducted in English. However, the Authority may in its discretion, keeping in view the peculiar facts and circumstances, allow the proceedings to be conducted in Hindi. Where the proceedings are conducted in Hindi, its English translation shall take place simultaneously.
5. The proceedings of the Authority shall not be open to the public. However, the Authority may in its discretion direct the proceedings be held in public in respect of a particular person or persons or any specific subject matter.
6. Entry to the official premises of the Authority shall be regulated by prior permission to be obtained in writing from the Secretary to the Authority. No person shall be allowed to enter the official premises of the Authority without having first obtained the aforesaid written permission.

7. The entry of visitors to the premises where the Authority may intend to hold public sitting may be regulated by issuance of necessary directions in this behalf from time to time.
8. No person will be permitted to photograph, video tape or tape-record or record with the help of any electronic item or device or reproduce in any electronic form or show/telecast via the Internet or any other medium the proceedings of the Authority without the specific written permission of the Authority.
9. All communications to the Authority shall be addressed in writing to the Secretary of the Authority at its Head Quarters at New Delhi at the above address till a change, if any, in the address is notified. The Authority will not entertain any oral communication.
10. The Authority may at any stage of the proceedings:
 - (i) issue a notification, to be published in such manner as it deems fit, inviting all persons acquainted with the subject-matter of the inquiry to furnish to the Authority a statement relating to such matters as may be specified in the notification. The said notification shall indicate the

manner in which such statement is to be submitted including the time period of submitting the said statement;

- (ii) issue a notice to every person, who in its opinion should be given an opportunity of being heard in the inquiry, to furnish to the Authority a statement relating to such matters as may be specified in the notice.

11. Every statement made in response to the notice issued under Regulation 10 above shall be accompanied by an affidavit in support of the facts set out in the statement sworn by the person furnishing the statement. Where it appears to the Authority that the statement does not contain all the relevant facts, the Authority may direct such person to submit an additional statement making a full disclosure of the facts known to him. The Authority may also direct the said person to produce any documents, objects, materials or things including video tapes and records or any other electronic item or device in possession or in control of the said person.

12. The Secretary to the Authority, or any other official of the Authority duly authorized in this behalf, may receive any document on behalf of the Authority and shall be authorized to sign the summons and every other process issued by the Authority.
13. Any affidavit(s) filed on being invited by the Authority or otherwise, shall be attested by a Metropolitan Magistrate or Judicial Magistrate (1st class) or any other authority empowered under law to administer oath.
14. The statement accompanied by an affidavit may be presented under acknowledgement either in person or through a duly authorized representative to the Secretary or an official authorized by her during office hours or may be sent by Registered, acknowledgement due post. No communication by e-mail shall be entertained unless specifically permitted in writing by the Authority.
15. All communications to the Authority, including statements and the accompanying affidavits so filed, shall be in English. However, if the same are in any other language, they shall be

accompanied by a true translation of the same in English, duly authenticated by an affidavit of the person making the communication to be such true translation.

16. Statements of material facts relating to each subject matter shall be in separate paragraphs.
17. If information contained in the statement is derived from any document or records, the precise particulars and nature of such documents, the specific person in custody or control thereof should be indicated and specific source of such information should be disclosed. If any part of the statement is based on information received by the person making the statement, he shall disclose the specific source of such information.
18. The person making the statement shall file along with the statement a list of such documents on which he intends to rely.

19. The person filing a statement shall file five copies thereof. If the statements and/or affidavits are filed in any language other than English, the same number of copies of its true translation shall be filed.
20. A person making a statement shall file along with the statement the originals or copies thereof of the documents upon which he relies. If such a document is not in possession or control of the person making the statement, he shall disclose the precise particulars of the person in whose custody the same is available along with the precise particulars of the document. In case the document is an official record, the specific department or the officer in whose custody and control the document is shall be indicated.
21. The affidavit shall be drawn up in the first person and divided into paragraphs to be numbered consecutively. The opening paragraph of the affidavit shall state the description, occupation, postal and the permanent address of the deponent of the affidavit.

22. Each affidavit shall carry a verification in the end in the following manner:

“Verified that the statements made in paragraphs ____ of the above statement/ affidavit are true to my personal knowledge and those of paragraphs ____ are true to information received and believed to be true”.

23. The Metropolitan Magistrate or the Judicial Magistrate (1st Class) or the authority duly constituted in this behalf before whom the affidavit is sworn, shall make the following endorsement:

“Sworn before me by the deponent who is identified to my satisfaction by ___ or is personally known to me. The affidavit has been read out in full to the deponent who has signed after admitting it to be correct, this ___ day of ___ 2006 at ___

Seal and signature of the Magistrate/ Authority”

24. On examination of all statements that may be furnished in response to the notices issued under Regulation 10, the Authority may, if it considers necessary in the interest of

justice, call upon any person filing a statement accompanied by an affidavit to give oral evidence and submit himself to further examination by the Authority.

25. The Authority may in its discretion allow a person to be examined by interrogatories issued by the Authority and delivered to him or issue a commission for examination by interrogatories or otherwise. Instead of the Authority recording a statement, the Authority may appoint a person before whom the statement shall be recorded.
26. Technical rules of the Evidence Act, as such, do not govern the recording and admissibility of evidence before the Authority. However, the Authority shall be broadly guided by the fundamental principles of fairness, equity and justice as required by the circumstances.
27. The Authority may delete or expunge any portion from any statement, affidavit or other document, or return any document presented to the Authority which, in its opinion is irrelevant, offensive, scurrilous or scandalous. Any statement not accompanied by an Affidavit or which does not conform to

the requirements of these Regulations may be liable to rejection by the Authority.

28. The Authority may, in its discretion, utilize the services of any officers of any department or investigating agencies for conducting any investigation.
29. The Authority may take the assistance of an Advocate or Advocates in its proceedings and in the performance of its functions.
30. The Authority may elicit the view of persons having expertise in the field relating to matters pertaining to the inquiry.
31. The Authority reserves its right to alter, modify, delete, or add to, any of these Regulations at any time during the inquiry, as and when it considers necessary.
32. In case of any doubt, dispute or difference regarding the provisions of these regulations, the decision of the Authority in this regard shall be final and binding.

By order of the Authority

[Sudha Pillai]
Secretary

Dated _____
New Delhi