

ORISSA ACT XVI OF 1954

**THE ORISSA DISCIPLINARY PROCEEDINGS
(SUMMONING OF WITNESSES AND PRODUCTION
OF DOCUMENTS) ACT, 1954**

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AN ACT TO COMPEL THE ATTENDANCE OF WITNESSES AND
THE PRODUCTION OF DOCUMENTS IN DISCIPLINARY
PROCEEDINGS AGAINST PERSONS APPOINTED TO
PUBLIC SERVICES AND POSTS IN CONNECTION
WITH THE AFFAIRS OF THE STATE OF ORISSA

WHEREAS it is expedient to make provisions for
compelling the attendance of witnesses and the produc-
tion of documents in disciplinary proceedings against
persons appointed to public services and posts in connection
with the affairs of the State of Orissa ;

It is hereby enacted by the Legislature of the State
of Orissa in the Fifth year of the Republic of India as
follows :—

Short title,
extent and
commence-
ment.

* 1. (1) This Act may be called the Orissa Disciplinary
Proceedings (Summoning of Witnesses and Production of
Documents) Act, 1954.

(2) It extends to the whole of the State of Orissa.

(3) It shall come into force at once.

Provisions
to apply to
depart-
mental
inquiries.

2. The provisions of this Act shall apply to all depart-
mental inquiries against persons appointed to public
services and posts in connection with the affairs of the
State of Orissa.

Definitions

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

(a) "Administrative Tribunal" means the Tribunal
constituted under the Disciplinary Proceedings (Admini-
strative Tribunal) Rules, 1951 ;

(b) " Government " means the State Government ;

(c) " Departmental Inquiry " means an inquiry held against a person under and in accordance with any law or rule made under article 309 or any rule continued under article 313 of the Constitution of India ;

(d) " Inquiring Officer " means the Administrative Tribunal and includes any officer appointed by the State Government or by an officer or authority subordinate to the said Government, to conduct a departmental inquiry into the conduct of a person.

Powers of
inquiring
officer and
penalty for
disobedience
to process.

4. (1) Any inquiring officer shall have the same powers in the matter of summoning of witnesses and compelling the production of documents as are conferred upon the Commissioner under section 8 of the Public Servants (Inquiries) Act, 1850 :

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of 1850.

Provided that all process to cause the attendance of witnesses or production of documents or other compulsory process shall be served through and executed by the District Magistrate or the Subdivisional Magistrate as the case may be, in whose jurisdiction the witness or other person resides and on whom such process is to be served.

(2) The provisions of section 9 of the said Act providing for penalty for disobedience to process shall apply to any process issued by an inquiring officer as they apply to such process issued by the Commissioners aforesaid.

Rules

5. The State Government may make rules for the purpose of giving effect to the provisions of this Act.