

THE WEST PAKISTAN TRIBUNALS OF INQUIRY ORDINANCE, 1969.

(W.P. Ord. No. II of 1969.)

[14TH April, 1969.]

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THE WEST PAKISTAN TRIBUNALS OF INQUIRY
ORDINANCE, 1969.

(WEST PAKISTAN ORDINANCE NO. II OF 1969.)
[14TH April, 1969.]

AN
ORDINANCE

to provide for the appointment of Tribunals of Inquiry and for vesting such
Tribunals with certain powers,

WHEREAS it is expedient to provide for the appointment of Tribunals Preamble.
of Inquiry and for vesting such Tribunals with certain powers.

NOW, THEREFORE, in pursuance of the Martial Law Proclamation
of 25th March 1969, read with the Provisional Constitution Order, the
Administrator of Martial Law, Zone A, in exercise of the powers of the
Governor West Pakistan conferred on him by the Chief Martial Law
Administrator, is pleased to make and Promulgate the following Ordinance:-

1. (1) This Ordinance may be called the West Pakistan Tribunals of Inquiry Short title, extent and
Ordinance, 1969. commencement.

(2) It extends to the whole of the '[Province of the Khyber
Pakhtunkhwa] except the Tribal Areas.

(3) It shall come into force at once.

2. In this Ordinance, unless the context otherwise requires, the following Definitions.
expressions shall have the meanings hereby respectively assigned to them:-

(a) "Government" means the Government of *[Khyber
Pakhtunkhwa.]

(b) "Prescribed" means prescribed by rules made under section 13:
and

1 Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

2 Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

(c) "Tribunal" means a Tribunal appointed or deemed to have been appointed under section 3, and includes a Commission or a Committee of Inquiry appointed under the said section.

3. (1) Government may, if it is of the opinion that it is necessary so to do, by notification in the official Gazette, appoint a Tribunal, Commission or Committee 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 Tribunal, Commission or Committee so appointed shall make the inquiry and perform the function accordingly.

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

4. The Tribunal 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 document;

(c) receiving evidence on affidavits;

(da) issuing commissions for the examination of witnesses or documents.

5. (1) Where Government is of the 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 Tribunal, 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 Tribunal, and on the issue of such a notification, the said provisions shall apply accordingly.

(2) The Tribunal 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 Tribunal, may be useful for, or relevant to, the subject matter of the inquiry.

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Tribunal.

(3) The President or the Chairman of the Tribunal, or any officer, not below the rank of a gazetted officer, specially authorised in this behalf by Government may enter any building or place where the Tribunal 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 accounts 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 Tribunal shall be deemed to be a civil court and when any offence as is described in section 175, section 178, section 179, 180 or section 228 of the Pakistan Penal Code, is committed in the view or presence of the Tribunal, the Tribunal 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 Tribunal shall be deemed to be a judicial proceeding within the meaning of section 193 and 228 of Pakistan Penal Code.

(6) The Tribunal 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 Tribunal shall subject him to, or be used against him in, any civil or criminal proceedings 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 Tribunal to answer; or

(b) is relevant to the subject matter of inquiry.

7. Government may, if it is of opinion that the continued existence of

Tribunal is unnecessary, by notification in the official Gazette, declare that the Tribunal shall cease to exist from such date as may be specified in this behalf in such notification, and thereupon, the Tribunal shall cease to exist.

8. The Tribunal 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.

Statements made
by persons to the
Tribunal.

Tribunal to cease to

exist when so notified.

Procedure to be followed by the Tribunal.

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

10. Every member of the Tribunal and every officer appointed or authorised by the Tribunal to exercise functions under this Ordinance shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code.

11. (1) 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 Tribunal the power to order a police investigation into any matter coming before it.

(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.

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

13. Government may by notification in the official Gazette, make rules to carry out the purposes of this Ordinance.

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