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ACT 24 OF 1960

THE KERALA ENQUIRIES AND SUMMONSES ACT, 1960^[1]

An act to *make provisions* to facilitate *enquiries into certain matters* and to empower certain officers to issue summonses for the attendance of persons or the production of documents enquiries

Preamble. — whereas it is expedient to make provisions to facilitate enquiries into any matter connected with the administration of revenue or any other matter of public interest and into the conduct of public servants and to empower certain officers to issue summonses for the attendance of persons or the production of documents in enquiries which they are authorised to hold;

Be it enacted in the Eleventh Year of the Republic of India as follows:-

1. Short title, extent and commencement.—(1) This Act may be called the Kerala Enquiries and Summonses Act, 1960

(2) It extends to the whole of the State of Kerala

(3) It shall come into force at once.

2. *Revenue Officers empowered to summon persons to appear or to produce any document before them.*— The Members Board of Revenue, the collectors, Deputy Collectors, Revenue Divisional Officers, Tahsildars and Deputy Tahsildars shall have power to summon any person whose evidence may to them to be necessary for the investigation of any matter in which they or any of the officers subordinate to them are authorised to hold an enquiry, and also to require, subject to any privilege in the matter of production of document which may be claimed by that person under any law for the time being in force, the production of any document relevant to the matter under enquiry, which may be in the possession or under the control of such person:

Provided that such power shall be exercisable only within the local limits of the jurisdiction of the respective officers.

3. *Term of summons.*—The summons issued by virtue powers conferred by section 2 shall be in writing and authenticated by the signature and seal of the officer by whom it is issued. It shall require the person summoned to appear before the said officer at a stated time and place, and shall specify whether his attendance is required for the purpose of giving evidence, or to produce documents, or for both purposes; and any particular document, the production of which is required, shall be described in the summons with reasonable accuracy.

4. *Service of summons.*—The summons shall be served by delivering a copy thereof to the person summoned or to his authorised agent or to some adult male member of his

family residing with him, who shall be required to sign an acknowledgement of service endorsed on the original summons. If such person refuses to acknowledge service of the summons as aforesaid, or if the person summoned cannot be found there is no other person on whom the service can be made, the serving officer shall affix a copy of the summons on the outer door of the house in which the person summoned ordinarily resides and return the original with an endorsement attested by two respectable witnesses stating that he has so affixed a copy and the circumstances under which he did so.

5. Persons summoned to produce documents may send them by third party.—Any person may be summoned to produce a document, without being summoned to give evidence; and any person summoned merely to produce a document shall be deemed to have complied with the summons if he causes such document to be produced, instead of attending personally to produce the same.

6. When personal attendance of witnesses may be dispensed with and procedure in such cases.—When a person whose evidence may be required is unable from sickness; infirmity or other sufficient cause to attend before the officer issuing the summons, or is a person who is exempted from appearance in civil courts, or is a woman who according to the custom of her community does not appear in public, the officer issuing the summons may, on his own motion or on the application of the party whose evidence is desired, dispense with the appearance of such person, and order such person to be examined by a subordinate deputed by him for the purpose or may himself examine such person at the place where the latter resides.

7. Travelling and other expenses of persons summoned.—Subject to such rules as may be made by the Government in this behalf, any person summoned under this Act shall be entitled to his travelling and other expenses.

8. Examination of witnesses.—Any officer making any enquiry referred to in section 2 may examine orally any person supposed to be acquainted with the matter under enquiry or any fact relevant thereto, and may reduce into writing any statement by the person so examined.

Such person shall be bound to answer truly all questions relating to such matter put to him by such officer, other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.

Any such statement against a person, unless it is taken in his presence and signed by the deponent, shall not be used in evidence against him in any judicial proceedings.

9. Investment of powers on other officers.—The Government may, by notification in the Gazette, invest any officer deputed by them to make an enquiry into any matter of public interest or into the conduct of any public servant as such with power to summon any person to appear before such officer or to produce any document or thing in the possession or under the control of such person, the production of which in the opinion of

such officer is necessary for the conduct of such enquiry, and thereupon the provisions of sections 3, 4, 5, 6, 7 and 8 shall apply in regard to such enquiry.

10. *Repeal.* —The Acts mentioned in the Schedule as in force in any part of the State of Kerala are hereby repealed.

THE SCHEDULE

- The Madras Revenue Summonses Act,1869(Madras Act III of 1869).
- The Madras Revenue Enquiries Act,1893(Madras ActV of 1893).
- The Departmental Enquiries Act(Travancore Act VI of 1073).
- The Travancore-Cochin Revenue Enquiries and Summons Act,1950 (Travancore-Cochin Act XXX of 1950).

ACT 10 OF 1962

**THE KERALA ENQUIRIES AND SUMMONSES (AMENDMENT)
ACT, 1962^[1]**

An Act to amend the Kerala Enquiries and Summonses Act, 1960

Preamble.— WHEREAS it is necessary to amend the Kerala Enquiries and Summonses Act, 1960, for the purposes hereinafter appearing;

Be it enacted in the Thirteenth Year of Republic of India as follows: —

1. *Short title* —This Act may be called the Kerala Enquiries and Summonses (Amendment) Act, 1962.

2. *Amendment of Section 9, Act 24 of 1960.* — Section 9 of the Kerala Enquiries and Summonses Act, 1960 (Act 24 of 1960), shall be renumbered as sub-section (1) of that section and—

(i) in sub-section (1) as so renumbered, the words " or into the conduct of any public servant as such " shall be omitted;

(ii) after sub-section (1) as so renumbered the following sub-section shall be added, namely:—

" (2) The Government may, by notification in the Gazette, invest any officer deputed by them to make an enquiry into the conduct of any public servant with the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 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 ;

(d) requisitioning any public record or copy thereof from any court or office;

(e) *issuing* commissions for the examination of witnesses or documents;

(f) any other matter which may be specified in the notification."

3. *Repeal* .—(1) The Kerala Enquiries and Summonses (Amendment) Ordinance, 1962 (Ordinance No. 4 of 1962), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any powers conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act were in force on the day on which such thing was done or action was taken.