

**The Public Servants (Inquiries) Act, 1850**  
( ACT NO. XXXVII OF 1850 )

**For regulating Inquiries into the behaviour of Public Servants.**

WHEREAS it is expedient to amend the law for regulating inquiries into the behaviour of public servants not removable from their appointments without the sanction of the Government, and to make the same uniform throughout <sup>1</sup>[Bangladesh]; It is enacted as follows:-

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| <b>[Repealed]</b>  | 1. [Repealed by the Repealing Act, 1870 (Act No. XIV of 1870).]  |
| <b>Articles of charge to be drawn out for public inquiry into conduct of certain public servants</b> | 2. Whenever the Government shall be of opinion that there are good grounds for making a formal and public inquiry into the truth of any imputation of misbehaviour by any person <sup>2</sup> [in the service of the Republic] not removable from his appointment without the sanction of the Government, it may cause the substance of the imputations to be drawn into distinct articles of charge, and may order a formal and public inquiry to be made into the truth thereof. |
| <b>Authorities to whom inquiry may be committed<br/>Notice to accused</b>                            | 3. The inquiry may be committed either to the Court, Board or other authority to which the person accused is subordinate, or to any other person or persons, to be specially appointed by the Government, commissioners for the purpose: notice of which commission shall be given to the person accused ten days at least before the beginning of the inquiry.  |
| <b>Conduct of Government prosecution</b>   | 4. When the Government shall think fit to conduct the prosecution, it shall nominate some person to conduct the same on its behalf.  |
| <b>Charge by accuser to be written and</b>   | 5. When the charge shall be brought by an accuser, the Government shall require the accusation to be reduced to writing, and verified by the oath or solemn affirmation of the accuser; and every person who shall wilfully and  |

**verified.**

**Penalty for  
false  
accusation.  
Institution  
of inquiry  
by  
Government**

maliciously make any false accusation under this Act, upon such oath or affirmation, shall be liable to the penalties of perjury, but this enactment shall not be construed to prevent the Government from instituting any enquiry which it shall think fit, without such accusation on oath or solemn affirmation as aforesaid.

**Security  
from  
accuser left  
by  
Government,  
to  
prosecute**

6. Where the imputations shall have been made by an accuser, and the Government shall think fit to leave to him the conduct of the prosecution, the Government before appointing the commission shall require him to furnish reasonable security that he will attend and prosecute the charge thoroughly and effectually, and also will be forthcoming to answer any counter-charge or action which may be afterwards brought against him for malicious prosecution or perjury or subornation of perjury, as the case may be.

**Power of  
Government  
to abandon  
prosecution  
and to allow  
accuser to  
continue it**

7. At any subsequent stage of the proceedings, the Government may, if it think fit, abandon the prosecution, and in such case may, if it think fit, on the application of the accuser, allow him to continue the prosecution, if he is desirous of so doing, on his furnishing such security as is hereinbefore mentioned.

**Powers of  
commissioners.  
Their  
protection  
Service of  
their  
process  
Powers of  
Court, etc.,  
acting  
under  
commission**

8. The commissioners shall have the same power of punishing contempt's and obstructions to their proceedings, as is given to Civil and Criminal Courts by the Code of Criminal Procedure, 1898, and shall have the same powers for the summons of witnesses, and for compelling the production of documents, and for the discharge of their duty under the commission, and shall be entitled to the same protection as the Zila and City Judges, except that all process to cause the attendance of witnesses or other compulsory process, shall be served through and executed by the Zila or City Judge in whose jurisdiction the witness or other person resides, on whom the process is to be served. When the commission has been issued to a Court, or other person or persons having power to issue such process

in the exercise of their ordinary authority, they may also use all such power for the purposes of the commission.

**Penalty for disobedience to process**

9. All persons disobeying any lawful process issued as aforesaid for the purposes of the commission shall be liable to the same penalties as if the same had issued originally from the Court or other authority through whom it is executed.

**Copy of charge and list to be furnished to accused**

10. A copy of the articles of charge, and list of the documents and witnesses by which each charge is to be sustained, shall be delivered to the person accused, at least three days before the beginning of the inquiry, exclusive of the day of delivery and the first day of the inquiry.

**Procedure at beginning of inquiry  
Non-appearance of accused and admission of charge**

11. At the beginning of the inquiry the prosecutor shall exhibit the articles of charge to the commissioners, which shall be openly read, and the person accused shall thereupon be required to plead "guilty" or "not guilty" to each of them, which pleas shall be forthwith recorded with the articles of charge. If the person accused refuses, or without reasonable cause neglects, to appear to answer the charge either personally or by his counsel or agent, he shall be taken to admit the truth of the articles of charge.

**Prosecutor's right of address**

12. The prosecutor shall then be entitled to address the commissioners in explanation of the articles of charge, and of the evidence by which they are to be proved: his address shall not be recorded.

**Evidence for prosecution and examination of witnesses.  
Re-examination by prosecutor**

13. The oral and documentary evidence for the prosecution shall then be exhibited; the witnesses shall be examined by or on behalf of the prosecutor and may be cross-examined by or on behalf of the person accused. The prosecutor shall be entitled to re-examine the witnesses on any points on which they have been cross examined, but not on any new matter, without leave of the commissioners, who also may put such question as they think fit.