

The Commissions of Inquiry (Second) Ordinance, 1958 (East Pakistan Ordinance No. LI of 1958).

(Ordinance NO. LI OF 1958)

¹♣ WHEREAS by a Proclamation dated the 25th day of June, 1958, under Article 193 of the Constitution of the Islamic Republic of Pakistan, the President has assumed to himself all the powers vested in, or exercisable by, the Governor of East Pakistan;

AND WHEREAS the President has, in pursuance of sub-clause (i) of clause (c) of the said Proclamation, been pleased to direct by notification No. 22/11/58-Pol. (1), dated the 4th July, 1958, published in the Extraordinary Gazette of Pakistan, dated the 4th July, 1958 that the power vested in or exercisable by the Governor under the Constitution shall be exercised by the Governor;

AND WHEREAS it is expedient to provide for the appointment of Commissions of Inquiry and for vesting such Commissions with certain powers;

AND WHEREAS the National Assembly is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the power conferred by Article 102 of the Constitution of the Islamic Republic of Pakistan and of all other powers enabling him in that behalf, the Governor is pleased to make and promulgate the following Ordinance, namely:-

**Short title,
extent and
commencement**

1. (1) This Ordinance may be called the ²[* * *] Commissions of Inquiry (Second) Ordinance, 1958.
- (2) It extends to the whole of ³[Bangladesh].
- (3) It shall come into force at once.

Definitions

2. In this Ordinance unless there is anything repugnant in the subject or context,-
 - (a) "Commission" means a Commission of Inquiry appointed or deemed to have been appointed under section 3;

(b) "prescribed" means prescribed by rules made under section 12; and

(c) "President" means the President of the Commission.

**Appointment
of
Commission**

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

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

**Powers of
Commission**

4. The Commission 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 documents;

(c) receiving evidence on affidavits;

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

**Additional
powers of
Commission**

5. (1) Where the Government is of 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 (4) or sub-section (5) or sub-section (6) of this section should be made applicable to a Commission, the 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 Commission and on the issue of such a notification, the said provisions shall apply accordingly.

(2) The Commission shall have power to require any person, subject to any privilege which may be claimed by that person under any law for the