REGISTERED No. M - 302
L.-7646

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, THURSDAY, AUGUST 3, 2023

PART I

Acts, Ordinances, President's Orders and Regulations

GOVERNMENT OF GILGIT-BALTISTAN
LAW AND PROSECUTION DEPARTMENT
GILGIT-BALTISTAN SECRETARIAT

Gilgit, the 15th June, 2023

GILGIT-BALTISTAN COMMISSION OF INQUIRY ACT, 2023

(ACT NO. V OF 2023)

AN

ACT

To provide for the constitution of Commissions of Inquiry

No. ALA-1(1)/2023-GBA.—WHEREAS it is expedient to provide for the constitution of Commissions of Inquiry and to provide for matters connected therewith and ancillary thereto;

Price: Rs.10.00

[1506 (2023)/Ex. Gaz.]

Scanned with CamScanner

It is hereby enacted as follows:—

1. **Short title, application, extent and commencement.**—(1) This Act may be called the Gilgit-Baltistan Commissions of Inquiry Act, 2023.

(2) It shall apply to all Commissions of Inquiry constituted by the Provincial Government.

(3) It extends to the whole of Gilgit-Baltistan.

(4) It shall come into force at once.

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

(a) "Commission" means a Commission of Inquiry appointed under section 3;

(b) "Chairperson" means the Chairperson of the Commission;

(c) "CrPC" means the Code of Criminal Procedure, 1898(Act V of 1898);

(d) "PPC" means the Pakistan Penal Code, (Act XLV of 1860); and

(e) "Rules" means rules made under this Act.

3. **Constitution of Commission of Inquiry.**—(1) Whenever it is expedient to conduct an inquiry into any definite matter of public importance, the Provincial Government may, by notification in the official Gazette, constitute a Commission of Inquiry in accordance with the provisions of this Act.

Explanation.—"matter of public importance" includes a matter of general interest or direct or vital concern to the public.

(2) The Provincial Government shall, by Notification in the official gazette, appoint the members of the Commission and where more than one member are so appointed, the Provincial Government shall designate one of the members to be the Chairperson of the Commission.

(3) The Commission shall conduct the inquiry and perform its functions in accordance with the Terms of Reference specified in the notification.

(4) The Commission shall have all the powers vested in it under this Act.

Scanned with CamScanner

(5) The Provincial Government shall specify the time period within which such inquiry shall be concluded:

Provided that the Provincial Government may, on the request of the Chairperson of the Commission, for reasons to be recorded, extend the time so specified.

(6) The Commission shall cease to exist on the conclusion of the inquiry conducted by it and submission of Final Report in respect thereof to the Provincial Government.

4. **Powers under the Code of Civil Procedure, 1908.**—(1) The Commission shall have the powers of a civil court under the Code of Civil Procedure, 1908 (Act V of 1908) for the purposes of this Act.

(2) Notwithstanding the generality of the powers given under sub-section (1), the Commission shall have the following powers, 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; and

(e) requisitioning any public record or copy thereof from any court or office.

(3) The Commission shall also have the power to require any person or authority, subject to any privilege which may be claimed by that person or authority under any law for the time being in force, to furnish information or documents on such points or matters as, in the opinion of the commission, maybe useful for, or relevant to, the subject-matter of the inquiry.

5. **Powers to forward case to magistrate.**—When any offence as is described in section 175, section 178, section 179, section 180 or section 228 of the PPC is committed in the view or presence of the Commission, the Commission may, after recording the facts constituting the offence and the statement of the accused as provided for in the CrPC, forward the case to a magistrate having jurisdiction to try the same, who shall proceed to hear the complaint against the accused as if the case had been forwarded to him under section 482 of the CrPC.

Scanned with CamScanner

6. **Powers of entry, search etc.—**The Chairman or any officer, not below the rank of an officer of BS-18, specially authorized in this behalf by the Chairman,—

(a) may enter any building or place where the Commission has reason to believe that any books of account or other documents relating to the subject matter of the inquiry may be found; and

(b) may seize any such books of account or documents or take extracts or copies there from, subject to the provisions of section 102 and section 103 of the CrPC, in so far as they may be applicable.

7. **Power to order police investigation.—**The Commission shall, for the purposes of this Act, have the power to order a police investigation into any matter coming before it.

8. **Power to punish for contempt.—**(1) The Commission shall have the same powers as that of a High Court to punish any person who—

(a) abuses, interferes with or obstructs the process of the Commission in any way or disobeys any order of the Commission;

(b) scandalizes the Commission or otherwise does anything which tends to bring the Commission or a member of the Commission in relation to his office into hatred, ridicule or contempt;

(c) does anything which tends to prejudice the determination of a matter pending before the Commission; or

(d) does any other thing which, by any other law, for the time being enforce constitutes contempt of court: Provided that fair comments made in good faith and in the public interest on the working of the Commission or on its Final Report after the completion of the enquiry shall not constitute contempt of the Commission: Provided further that if the Chairperson of the Commission is a Judge of the Supreme Court the Commission shall have the powers of Supreme Court for the purposes of this sub-section.

Explanation.—For the purposes of this sub-section, "Judge" includes the Chief Justice.

(2) Exercise of the powers conferred on a Commission by this section shall be regulated by rules made by the Supreme Court.

Scanned with CamScanner

9. **Power to receive information.**—A person shall have the right to provide any information or document, relating to a matter before the Commission, and the Commission may consider such information or document.

10. **Additional powers of the Commission.—**In case the specific nature of the inquiry so requires, the Provincial Government may, by notification in the official gazette, confer the following additional powers on the Commission for the purposes of this Act, namely:—

(a) all the powers of a criminal court under the CrPC;

(b) power to constitute special teams, consisting of officers from the executive authorities and experts in specific fields, for the purposes of assisting the Commission in conducting an inquiry. The special teams shall have such powers as may be prescribed;

(c) powers to constitute an international team and seek international cooperation from foreign countries or agencies to get information, documents, evidence and record or issue letters and interrogatories in accordance with applicable international instruments;

(d) powers to issue, in accordance with the provisions of Order XXVI of the Code of Civil Procedure, 1908 (Act V of 1908), a Letter Rogatory or Letter of Request to the competent judicial authority in another country seeking its assistance in examination and recording evidence of a witness residing within the jurisdiction of such authority; and

(e) such other powers as are deemed necessary for conducting the inquiry.

11. **Judicial proceedings.—**Any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of PPC.

12. **Members etc., to be public servant.—**Every member of the Commission and every officer appointed or authorized by the Commission to exercise functions under this Act shall be deemed to be a public servant within the meaning of section 21 of PPC.

13. **Executive authorities to act in aid of Commission.**—(1) It shall be the duty of all executive authorities in the Federation and the Provinces to act in aid of the Commission in the discharge of its functions and to comply with any of its directions.

Scanned with CamScanner

(2) The Provincial Government shall provide all necessary funds and facilities to enable the Commission to perform its functions under this Act.

14. **Procedure of the Commission.**—(1) The Commission shall have the power to regulate its own procedure.

(2) The Commission shall fix the places and times of its sittings and decide whether its proceedings shall be open or in camera.

(3) The Commission shall act notwithstanding the temporary absence of any member or the existence of a vacancy among its members.

15. **Report to be public.**—The Final Report or an interim report of the Commission shall be made public:

Provided that Final Report of the Commission shall be made public within thirty days of the submission of the report to the Provincial Government:

Provided further that the Commission may, in the public interest, recommend to the Provincial Government that all or any part of the Final Report or an interim report may not be made public.

16. **Statements made by persons before the Commission.**—No statement made by a person in the course of giving evidence before the Commission shall, except in accordance with law, subject him to, or be used against him in, any civil or criminal proceeding 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 Commission to answer; or

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

17. **Protection of action taken in good faith.**—No suit or other legal proceedings shall lie against the Provincial Government, the Commission or any member thereof, or any person acting under the direction either of the Provincial Government or of the Commission in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made there under or in respect of the publication, by or under the authority of the Provincial Government, or the Commission, of any report, paper or proceedings.

18. **Power to make rules.**—The Provincial Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

Scanned with CamScanner

19. **Repeal.**—(1) The Pakistan Commissions of Inquiry Act, 1956 (VI of 1956) is hereby repealed.

(2) Notwithstanding the provisions of sub-section (1), the Pakistan Commissions of Inquiry Act, 1956 (VI of 1956) shall continue in force for purposes of clause (3) of Article 155 of the Constitution of the Islamic Republic of Pakistan.

SYED AMJAD ALI ZAIDI,
Speaker
Gilgit-Baltistan Assembly.

SYED MEHDI SHAH,
Governor
Gilgit-Baltistan.

PRINTED BY THE MANAGER, PRINTING CORPORATION OF PAKISTAN PRESS, ISLAMABAD.
PUBLISHED BY THE DEPUTY CONTROLLER, STATIONERY AND FORMS, UNIVERSITY ROAD, KARACHI..

Scanned with CamScanner