



## THE PAKISTAN COMMISSIONS OF INQUIRY ACT, 1956



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\*[THE PAKISTAN COMMISSIONS OF INQUIRY ACT, 1956]

<sup>1</sup>ACT NO. VI OF 1956

[11<sup>th</sup> April, 1956]

*An Act to provide for the appointment of Commissions of Inquiry and for vesting such Commissions with certain powers.*

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

It is hereby enacted as follows:—

**1. Short title, extent and commencement.**—(1) This Act may be called the Pakistan Commissions of Inquiry Act, 1956.

(2) It extends to the whole of Pakistan.

(3) 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 or deemed to have been appointed under section 3 ; and

(b) “prescribed” means prescribed by rules made under section 12.

**3. Appointment of Commission.**—(1) The <sup>2</sup>[Federal Government] may, if it is of opinion that it is necessary so to do, by notification<sup>3</sup> 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.

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<sup>1</sup> For Statement of Objects and Reasons, see Gaz. of P., dated the 4<sup>th</sup> April, 1956, Ext., p. 537.

The provisions of sections 2, 4, 5, 8, 9, 10 and 12 of this Act have been applied to Committee set up by Order no. 1/7/59-SB, dated the 15<sup>th</sup> May, 1959 (Gaz. of P., 1959, Ext., pp. 795-796), see Gaz. of P., 1959, Ext., p. 832.

<sup>2</sup> Subs. by the Pakistan Commissions of Inquiry (Amdt.) Act, 1975 (24 of 1975), s. 2. for “Central Government”.

<sup>3</sup> For such notifn., see Gaz. of P., 1956, Ext., p. 1995.

\*Rep. by IX of 2017, s. 19(1), Act shall continue in force for purposes of clause (3) of Article 155 of the Constitution of the Islamic Republic of Pakistan.

(2) The Commission may consist of one or more members appointed by the <sup>1</sup>[Federal Government], and where the Commission consists of more than one member, one of them may be appointed as the President thereof.

**4. Powers of Commission.** 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.

**5. Additional powers of Commission.**—(1) Where the <sup>1</sup>[Federal 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 (2) or sub-section (3) or sub-section (4) <sup>2</sup>[or sub-section (4A)] or sub-section (5) or sub-section (6) should be made applicable to a Commission, the <sup>1</sup>[Federal 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 time being in force, to furnish information on such points or matters as, in the opinion of the Commission, may be useful for, or relevant to, the subject matter of the inquiry.

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<sup>1</sup> Subs. by the Pakistan Commissions of Inquiry (Amdt.) Act, 1975 (24 of 1975), s. 2, for “Central Government”.

<sup>2</sup> Ins. *ibid.*, s. 3.

(3) The President or any officer, not below the rank of a gazetted officer, specially authorised in this behalf by the President 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 may seize any such books of account 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 (Act V of 1898), in so far as they may be applicable.

(4) The Commission shall be deemed to be a Civil Court and when any offence as is described in section 175, section 178, section 179, section 180 or section 228 of the Pakistan Penal Code (XLV of 1860), 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 Code of Criminal Procedure, 1898 ( Act V of 1998), 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.

<sup>1</sup>[4A. Where a Commission consists of, or the President thereof is Judge of the Supreme Court or a High Court, the Commission shall have the same power as the High Court has 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 ;

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<sup>1</sup> Ins. by the Pakistan Commissions of Inquiry (Amdt.) Act 1975, (24 of 1975), s. 3.