

372/3/2007-AVD-III (Vol. 10)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated: 14th October, 2013

Office Memorandum

Subject: Recommendations of the Committee of Experts on Disciplinary & Vigilance Inquiries (Hota Committee) - Para 31 of the Committee's Report on amendments to the Departmental Enquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1972 - Government's decision thereon - reg .

The undersigned is directed to say that the Government had appointed a Committee of Experts to review the procedure for Disciplinary/Vigilance Inquiries and recommend measures for their expeditious disposal. The Committee comprised the following:

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| (i) | Shri P.C. Hota, Former Chairman, UPSC | ----- Chairman |
| (ii) | Shri Arvind Varma, Former Secretary, DoPT | ----- Member |
| (iii) | Shri P. Shankar, former CVC | ----- Member. |

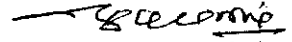
2. The Expert Committee has, in para 31 of its Report, observed that, at present, for each Departmental Inquiry, the Central Government has only powers to issue a notification under the Departmental Enquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1972 (Act of 1972), empowering an Inquiry Officer to enforce attendance of witnesses or ensure production of documents. The Committee has opined that a separate notification in each case of a Departmental Inquiry empowering an Inquiry Officer under the Act of 1972 is a time-taking process and does not serve any useful purpose. The Hota Committee has accordingly recommended that the Departmental Enquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1972 may be amended to confer powers on all Inquiry Officers to exercise powers of a Civil Court for enforcement of attendance of witnesses and production of documents.

3. The aforesaid recommendation of the Hota Committee has been considered by a Committee of Secretaries (CoS) under the chairmanship of Cabinet Secretary. The CoS has observed that the need to enforce attendance arises only in a few cases and hence there may not be any need to amend the Departmental Enquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1972 to confer powers on all Inquiry Officers to exercise powers of a Civil Court for enforcement of attendance of witnesses and production of documents and that the purpose may be served by issue of administrative instructions laying down specific time lines for consideration of requests for issuance of notifications under the said Act. The above recommendation of the CoS has been accepted by the Government.

4. Accordingly, it has been decided that every reference from an inquiring authority, seeking the issuance of a notification by the Central Government/competent authority under section 4 of the Departmental Enquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1972, to confer powers on an Inquiring

Authority to exercise powers of Civil Court for enforcement of attendance of witnesses and production of documents, shall be decided within 30 days from the date of receipt of such reference.

5. The above decision of the Government is brought to the notice of all Ministries/Departments for strict compliance.



(V.M. Rathnam)

Deputy Secretary to the Govt. of India

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All Ministries/Departments of the Government of India

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