

## CHAPTER XIII

### EXAMINATION OF WITNESSES AND ISSUE OF COMMISSIONS

**80. Procedure for examination of witnesses, issue of Commissions.-** The provisions of the Orders XVI and XXVI of the Code of Civil Procedure, 1908, shall mutatis mutandis apply in the matter of summoning and enforcing attendance of any person and examining him on oath and issuing commission for the examination of witnesses or for production of documents.

**81. Examination in camera.-** The Tribunal may in its discretion examine any witness in camera.

**82. Form of oath or affirmation to witness.-** Oath shall be administered to a witness in the following form :

“ I do swear in the name of God/solemnly affirm that what I shall state shall be truth, the whole truth and nothing but the truth”.

**83. Form of oath or affirmation to interpreter.-** Oath or solemn *affirmation shall be administered to the Interpreter in the following form before his assistance is taken for examining a witness :*

“I do swear in the name of God/solemnly affirm that I will faithfully and truly interpret and explain all questions put to and evidence given by witness and translate correctly and accurately all documents given to me for translation.”

**84. Officer to administer oath.-** The oath or affirmation shall be administered by the Court Officer or the Commissioner of Oaths.

**85. Form recording of deposition.-** (1) The Deposition of a witness shall be recorded in Form No. X .

(2) Each page of the deposition shall be initialed by the Members constituting the Bench.

(3) Corrections, if any, pointed out by the witness may, if the Bench/Commissioner is satisfied, be carried out and duly initialled. If not satisfied, a note to the effect be appended at the bottom of the deposition.

**86. Numbering of witnesses.-** The witnesses called by the applicant or petitioner shall be numbered consecutively as PWs and those by the respondents as RWs.

**87. Grant of discharge certificate.-** Witness discharged by the Tribunal may be granted a certificate in Form No. XI by the Registrar.

**88. Witness batta payable.-** (1) Where the Tribunal issues summons to a Government servant to give evidence or to produce documents, the person so summoned may draw from the Government traveling and daily allowances admissible to him as per rules.

(2) Where there is no provision for payment of TA and DA by the employer to the person summoned to give evidence or to produce documents, he shall be entitled to be paid as batta, (a sum found by the Registrar sufficient to defray the traveling and other expenses), having regard to the status and position of the witness. The party applying for the summons shall deposit with the Registrar the amount of batta as estimated by the Registrar well before the summons is issued. If the witness is summoned as a court witness, the amount estimated by the Registrar shall be paid as per the directions of the Tribunal.

(3) The aforesaid provisions would govern the payment of batta to the interpreter as well.

**89. Records to be furnished to the commissioner.-** The Commissioner shall be furnished by the Tribunal with such of the records of the case as the Tribunal considers necessary for executing the Commission. Original documents will be furnished only if a copy does not serve the purpose or cannot be obtained without unreasonable expense or delay. Delivery and return of records shall be made under proper acknowledgement.

**90. Taking of specimen handwriting, signature etc..-**The Commissioner may, if necessary, take specimen of the handwriting, signature or fingerprint of any witness examined before him.