



महाराष्ट्र शासन राजपत्र

असाधारण भाग चार-अ

वर्ष ४, अंक १८(२)]

शुक्रवार, फेब्रुवारी ९, २०१८/माघ २०, शके १९३९

[पृष्ठे २, किंमत : रुपये १५.००

असाधारण क्रमांक ३८

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाने केंद्रीय अधिनियमांन्वये तयार केलेले

(भाग एक, एक-अ आणि एक-ल यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांव्यतिरिक्त) नियम व आदेश.

HOME DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 9th February 2018

NOTIFICATION

COMMISSIONS OF INQUIRY ACT, 1952.

No. PRO. 0218/CR-70/SPL-2.—Whereas certain incidents occurred at Koregaon-Bhima, District Pune on 1st January 2018, which severely affected the law and order situation ;

And whereas, considering the nature of the said incidents, the State Government considered it expedient to inquire into the exact sequence of the incidents, causes thereof and the person and organization responsible for the same and the role of the police machinery during the said period, and also to identify the measures to prevent recurrence of such incidents through a Commission appointed under section 3 of the Commissions of Inquiry Act, 1952 ;

And whereas on 4th of January 2018 the State Government requested the Hon'ble The Chief Justice of the Bombay High Court to nominate a sitting judge of the Bombay High Court as a Commissions of Inquiry under sub-section (2) of section 3 of the Commissions of Inquiry Act, 1952, to inquire into the above aspects ;

And whereas the Hon'ble Chief Justice of Bombay High Court *vide* letter dated 6th February 2018 conveyed that in view of the observations and various aspects laid down by the Hon'ble Supreme Court, in its judgments, it is not possible to recommend a sitting judge as the Commissions of Inquiry ;

And whereas, pursuant to a further request by the State Government, the Hon'ble Chief Justice, Bombay High Court has, *vide* letter dated 9th February 2018, forwarded the names of 3 retired Chief Justices of High Courts ;

And whereas, the Government having regard to the nature of incidents and the matter, being of definite public importance, is of the opinion that the said incidents be inquired into by a Commissions of inquiry.

Now, therefore, in exercise of the powers of conferred by section 3 of the Commissions of Inquiry Act, 1952, the Government of Maharashtra hereby appoints a Commissions of Inquiry, for the purposes of making inquiry into the aforesaid incidents, which are definite matters of public importance consisting of the following :—

1. Shri Jay Narayan Patel, Chief Justice (Retired), Calcutta High Court—Chair Person;
2. Shri Sumit Mullick, Chief Secretary, Government of Maharashtra—Member.

The Terms of Reference (ToR) for the Commission of Inquiry shall be as under :—

(i) The sequence of events that happened at Koregaon-Bhima on 1st January 2018 and the causes and consequences thereof ;

(ii) Whether any individual or group of individuals or organization was directly or indirectly responsible for said incident ;

(iii) The adequacy or otherwise of the planning and preparedness by the district administration and police machinery for maintaining law and order;

(iv) Whether the steps taken by the police in handling the aforesaid situation were appropriate ;

(v) To fix responsibility with respect to points Nos. (ii), (iii) and (iv) ;

(vi) To suggest short term and long term measures to be taken by the district administration and the police in order to avoid reoccurrence of such incidence ;

(vii) Any other important suggestion incidental to the above issues ;

The Government of Maharashtra, in the context of aforesaid Terms of Reference and having regard to the nature of inquiry to be made, directs that the Commission of Inquiry shall have additional powers under :—

Section 5(2)—*Power to require any person to furnish information ;*

Section 5 (3)—*Power to enter or authorize to enter into any building or place and seize any books of accounts or documents etc ;*

Section 5(4)—*The Commission to be deemed to be a civil court ;*

and

Section 5(5)- *proceedings before the Commission be a judicial proceeding ;*

The Commission of Inquiry shall conduct the inquiry and submit the report within four months from the date of its notification;

The Commission of Inquiry shall determine its Head Quarter and regulate its own procedure.

The terms and conditions of appointment of the Chair Person as to the entitlement of emoluments shall be issued separately.

By order and in the name of the Governor of Maharashtra,

J. L. PAWARA,
Joint Secretary to Government.