

MANIPUR GAZETTE



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No. 103

Imphal, Tuesday, August 29, 2023

(Bhadra 7, 1945)

GOVERNMENT OF MANIPUR SECRETARIAT: HOME DEPARTMENT

NOTIFICATION

Imphal, the 26th August, 2023

No.H-1701/187/2023-HD-HD: Whereas, the Central Government has constituted a Commission of Inquiry for the purpose of making an inquiry into a definite matter of public importance, namely, incidents of violence in Manipur vide MHA Notification No. S.O. 2424(E) dated 04-06-2023 published in the Gazette of India with the following composition:

I	Honourable Justice Ajai Lamba, former Chief Justice of Gauhati High Court	Chairperson
II	Shri Himanshu Shekhar Das, IAS (Retd.): AM: 1982	Member
III	Shri Aloka Prabhakar, IPS (Retd.): TL:1986	Member

2. Whereas, the Commission of Inquiry (Manipur Violence) so constituted, under the power conferred to it under Sec 8 of the Commission of Inquiry Act - 1952 as amended from time to time and Sub Rule 8 of Rule 5 of the Commission of Inquiry(Central) Rules -1972, had issued notification vide No.GSR(E) dated 09-08-2023 with File No.COI/Manipur/2023 **"the Regulation of Procedure for the Commission of Inquiry(Manipur Violence), 2023"** (Copy enclosed as ANNEXURE-A);

3. Now, the Governor of Manipur is pleased to notify for information to the general Public and all concerned for strict compliance, **"the Regulation of Procedure for the Commission of Inquiry(Manipur Violence), 2023"** on this 26th August, 2023 in public interest.

By orders & in the name of Governor,

T. RANJIT SINGH,
Commissioner (Home), Government of Manipur.

**OFFICE OF THE SECRETARY TO THE COMMISSION OF INQUIRY
(MANIPUR VIOLENCE), 2023**

**Room No. 13, First Floor, Heritage Building,
Major Dhyan Chand National Stadium, New Delhi-110001.**

NOTIFICATION

New Delhi, the 9th August, 2023

No GSR (E) - In exercise of powers conferred by Section 8 of the Commissions of Inquiry Act, 1952, as amended from time to time and Sub Rule (8) of Rule 5 of the Commissions of Inquiry (Central) Rules, 1972, the Commission of Inquiry (Manipur Violence), 2023 hereby makes the following regulation to conduct its procedure:

1. These regulations may be called the Regulation of Procedure for Commission of Inquiry (Manipur Violence), 2023
2. They shall come into force on the date of their publication in the official Gazette.

[No COI/Manipur/2023]

(Devesh Deval)
Secretary to the Commission

(REGULATION OF PROCEDURE) ORDER, 2023**Number:****Date:**

The Commission of Inquiry has been appointed under Section 3 of the Commissions of Inquiry Act, 1952 (hereinafter referred to as the 'Act') vide Notification No.CG-DL-E-04062023-246274, dated June 4, 2023, S.O. 2424(E) issued by the Ministry of Home Affairs in the Gazette of India : Extra Ordinary (hereinafter referred to as the 'Commission') with its Chairperson Justice Ajai Lamba, Former Chief Justice, Gauhati High Court, and members Shri Himanshu Shekhar Das, IAS (Retd.) and Shri Aloka Prabhakar, IPS (Retd.).

And whereas in exercise of powers conferred by Section 8 of the Act, as amended from time to time, Rule 5 Sub Rule (8) of the Commissions of Inquiry (Central) Rules, 1972 (hereinafter referred to as the 'Rules'), the Commission makes the following order to regulate its procedure:-

1. Headquarters of the Commission shall be at Room No. 104, First Floor, Hotel Imphal (By The Classic), North AOC, Imphal, Manipur - 795001.

The Camp Office of the Commission shall be at Room No 13, First Floor, Heritage Building, Major Dhyan Chand National Stadium, New Delhi -110001.

2. The Commission shall hold its sittings either at its Headquarters in Imphal, or its Camp Office in New Delhi, or at any other place in India as the circumstances might demand, in the considered opinion of the Commission. The date, time and venue of sitting of the Commission shall be notified from time to time. The proceedings conducted by the Commission, including recording of evidence, may be done by virtual/ hybrid mode, in case the Commission deems it convenient and possible in the prevailing circumstances.
3. The office of the Commission shall function from 10:00 AM to 01:00 PM and 02:00 PM to 04:00 PM on all days, other than the gazetted and declared holidays observed by the Government of India or the Government of Manipur.

4. The proceedings of the Commission shall be conducted in English. However, the Commission may in its discretion, keeping in view peculiar facts and circumstances allow the proceedings to be conducted in Hindi. If the proceedings are conducted in Hindi, at the same time, its English translation shall be taken down/recorded.
5. All hearings of the Commission shall be open to the public except when the Commission may think it fit to direct, either in public interest, or in relation to any specific subject matter, or for any other good reason to hold the proceedings in camera or in private.
6. The entry to the official premises of the Commission shall be regulated by passes which can be obtained from the Reception office.
7. The entry of the visitors to the Court Room where the Commission intends to hold sittings may be regulated by issue of necessary directions in this behalf from time to time.
8. No person will be permitted to take photographs or record the proceedings (audio or video) by any means whatsoever inside the official premises of the Commission without the specific permission of the Commission.
9. All communications to the Commission shall be addressed to the Secretary/Registrar of the Commission at its Camp Office in Delhi, at the above given address, until a change of address, if any, is notified.
10. The Commission may at any stage of the proceedings require a person, persons, association or authority, who in its opinion are likely to be acquainted with the facts relating to the matters specified in Notification S.O. 2424(E) dated June 4, 2023, above mentioned, to furnish information by way of affidavit on such matters or points, which in the opinion of the Commission may be useful for, or relevant to the subject matter of the inquiry. Where it appears to the Commission that the affidavit does not contain the complete information, the Commission may direct the deponent to submit an additional affidavit, or

appear before the Commission for making a full disclosure of the facts known to him.

11. The Secretary/ Registrar of the Commission, or any other official of the Commission duly authorised in this behalf may receive any document or record on behalf of the Commission, and shall be authorised to sign the Summons or any other process or order issued by the Commission.
12. The affidavits filed, on being invited by the Commission, or otherwise, shall be attested by such Court, Judge, Magistrate or persons who are empowered to administer oath in terms of Section 3 of The Oaths Act, 1969. All statements, complaints or allegations that may be made before the Commission by any individual, authority or association are required to be supported by affidavit(s).
13. Affidavits may be presented personally to the Secretary/ Registrar, or an official authorised by the Commission in this behalf between 11:00 AM to 01:00 PM on any working day, or may be sent by Registered Post with Acknowledgement Due, or Speed Post to the Camp Office of the Commission, in Delhi, at the above given address.
14. The affidavits so filed shall ordinarily be in English. However, if the same is in any other language, it shall be accompanied by true translation of the same in English, duly authenticated to be true translation by the attesting authority as envisaged in Order 12 herein above. Likewise, if any document is filed with the affidavit in a language other than English, the true translation of the same, duly authenticated to be true translation shall be filed. The affidavits filed before the Commission shall be drawn on A4 size paper, typed on one side.
 - (i) The opening of the affidavit shall clearly state the full name, age, description, occupation, postal address, mobile number, e-mail id (if any) and current place of abode of the deponent;
 - (ii) The affidavit shall be drawn in first person and divided into paragraphs to be numbered consecutively;

- (iii) Statement of material facts relating to each subject matter shall be in separate paragraphs;
- (iv) A separate affidavit, if possible, should be filed in regard to each matter in respect of which the Inquiry is being conducted. In the beginning of the affidavit, a reference to serial number of the matter in respect of which the affidavit is being filed should be given. Single affidavit in regard to diverse/different matters should, as far as possible, be avoided;
- (v) If a deponent intends to file more than one affidavit, he shall indicate in each affidavit the total number of affidavits filed by him, and serial number of each affidavit;
- (vi) Each affidavit shall carry verification at the end, in the following manner:

“Verified that the statements made in paragraphs of the above affidavit are true and correct to my personal knowledge, and those in paragraphs from information received and believed to be true”.

- (vii) The Magistrate or the authority before whom the affidavit is sworn shall make the following endorsement:

“Sworn before me by the deponent who is identified to my satisfaction by or is personally known to me. The affidavit has been read out in full to the deponent who has signed it after admitting its contents to be true and correct, this day of 2023 at”

- (viii) If the information stated in the affidavit is derived from any document, or record, electronic or otherwise, the particulars and nature of such document, or record, the person in custody or control thereof should be clearly indicated. The said document or record, if available, should be filed along with the affidavit. If any part of the affidavit is verified on

the basis of information received by the deponent, he shall disclose the source of such information;

- (ix) The deponent shall file along with the affidavit a list of such documents on which he intends to rely. He shall also file a list of witnesses with their full particulars and addresses whom he would like to examine in support of his statement in the affidavit, along with summary of the facts they are likely to disclose. Against the names of each witness, the deponent shall indicate briefly the fact or facts which the witness is expected to prove in his examination, and give reasons, why instead of oral examination, his examination on affidavit will not suffice;
- (x) A party or person filing affidavit shall file 5 (five) copies thereof. If the affidavit is filed in any language other than English, same number of copies of its true translation shall be filed;
- (xi) A deponent who relies on any document and/or record (electronic or otherwise), the original document or duly certified copy thereof shall be filed along with the affidavit. If such a document/ record is not in possession or control of the deponent, he shall disclose the particulars of the person or authority in whose custody the same is, along with the particulars of the document. In case the document is an official record, the department or the officer in whose custody and control the document is, shall be indicated;

15. On examination of all the statements/ affidavits that may be furnished in response to the notices issued under Section 4 and/or Section 5 of the Act, or Rule 4 and/or Rule 5 of the Rules, the Commission may, if it considers necessary in the interest of justice, call upon any person filing an affidavit to give oral evidence and submit himself to Cross Examination. The affidavit filed by the person shall be treated as part of his Examination in Chief.

16. No person/ party shall have the right to insist on oral examination of any deponent of an affidavit. The Commission may in its discretion refuse to call any person for oral examination or cross examination, and instead, allow him to be examined on affidavit through interrogatories delivered to him; or issue a commission for examination on interrogatories, or otherwise. The Commission may refuse to summon any witness whose evidence in its opinion is unnecessary, irrelevant, scandalous, frivolous, vexatious or which may tend to prejudice, embarrass or delay the proceedings; or which is otherwise an abuse of process of the law.
17. Registered documents in original, or their certified copies issued by the concerned Department will, as a rule, be admitted without requiring formal proof of their execution. Similarly, official records pertaining to Government Departments, Statutory Bodies, State Undertakings, including Office Notings, Orders etc. may, subject to any valid claim of privilege, be admitted without formal proof, unless the Commission, in a particular case requires it to be proved in terms of The Indian Evidence Act, 1872.
18. After receipt of the affidavits, it shall be the discretion of the Commission to take up all the matters that are subject matter of inquiry at once, in convenient groups, or in seriatim.
19. Technical rules of The Indian Evidence Act, 1872, as such do not govern the recording and admissibility of evidence before the Commission. However, the fundamental principles of natural justice underlying the primary provisions of The Indian Evidence Act, 1872 shall be followed as a guide keeping in view equity and justice, as required by the circumstances.
20. The Commission may, either suo moto or on an application made by any person or party, delete or expunge any matter from any application, petition, affidavit or other document; or return any document presented to the Commission, which, in the opinion of the Commission is irrelevant or offensive, scurrilous or scandalous. Any statement not made on affidavit, or

which does not conform to the above-mentioned requirements would be liable to rejection by the Commission.

21. The Commission may, in its discretion, utilise the services of officers of any department or investigation agency for conducting any investigation; or for eliciting the views of person(s) having expertise in the field relating to the Inquiry.
22. Further regulations of procedure will be devised as and when the necessity for the same arises.
23. The Commission reserves its right to alter, modify, delete or add to any of these regulations of procedure at any time during the inquiry, as and when it considers necessary.

By Order of the Commission

Dated: 03/08/2023


Secretary