
COMMISSION OF INQUIRY: FACT-FINDING BODY OR POLITICAL INSTRUMENT? A CRITICAL LEGAL ANALYSIS

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ABSTRACT

The **Commissions of Inquiry Act, 1952** empowers the Central and State Governments to appoint Commissions of Inquiry to investigate matters of definite public importance. These commissions are intended to function as independent fact-finding bodies that uncover the truth, identify administrative failures, and recommend corrective measures. Although they possess several powers of a civil court, their findings are generally recommendatory in nature and are not legally binding on the Government. This has led to an important legal and constitutional debate regarding their effectiveness and independence. This article critically examines whether Commissions of Inquiry in India truly serve as impartial mechanisms for discovering facts and promoting public accountability or whether they have increasingly become political instruments used to delay action, influence public opinion, or target political opponents. The study analyses the statutory framework under the **Commissions of Inquiry Act, 1952**, the powers and limitations of such commissions, and the constitutional principles governing their functioning. It also evaluates landmark judicial decisions, including **Rama Krishna Dalmia v. Justice S.R. Tendolkar**, **State of Jammu & Kashmir v. Bakshi Ghulam Mohammad**, and **M. Karunanidhi v. Union of India**, to understand the judicial approach towards the appointment, powers, and scope of inquiry commissions.

The article further explores the practical challenges faced by Commissions of Inquiry, including executive control over their appointment, delay in submission of reports, non-implementation of recommendations, lack of enforceability, and concerns regarding political bias. It argues that while these commissions have played a significant role in investigating issues of public importance, their credibility depends upon independence, transparency, procedural fairness, and timely implementation of their recommendations.

The study concludes that meaningful reforms are necessary to strengthen the legal framework governing Commissions of Inquiry. It recommends ensuring greater institutional independence, prescribing fixed timelines,

enhancing parliamentary oversight, and introducing mechanisms for mandatory governmental response to commission reports. Such reforms would enable Commissions of Inquiry to function as effective instruments of public accountability rather than merely political tools.

Keywords: Commission of Inquiry, Commissions of Inquiry Act, 1952, FactFinding, Political Accountability, Public Interest, Executive Discretion, Judicial Review, Natural Justice, Rule of Law.

Introduction

The Commission of Inquiry is an important statutory mechanism established under the **Commissions of Inquiry Act, 1952** to investigate matters of definite public importance. The Central or State Government may appoint a Commission of Inquiry whenever an issue affecting public interest requires an independent investigation. The primary purpose of such commissions is to ascertain facts, identify the causes of a particular incident, fix responsibility where appropriate, and recommend measures to prevent similar occurrences in the future. Although these commissions exercise certain powers equivalent to those of a Civil Court, including summoning witnesses, examining documents, and recording evidence, their findings are generally recommendatory and not legally binding upon the Government. Over the years, Commissions of Inquiry have been constituted to examine communal riots, political scandals, custodial deaths, industrial disasters, and administrative failures. While they have contributed to transparency and accountability, their functioning has also attracted criticism due to political interference, delay in submitting reports, selective implementation of recommendations, and lack of enforceability.

Consequently, an important constitutional and legal debate has emerged regarding whether these commissions genuinely function as impartial factfinding bodies or whether they have increasingly become political instruments used to achieve executive or partisan objectives. This article critically examines the legal framework, judicial interpretation, practical challenges, and institutional effectiveness of Commissions of Inquiry in India.

Research Problem

The Commissions of Inquiry Act, 1952 was enacted to facilitate independent investigations into matters of public importance and to strengthen public confidence in democratic governance. However, despite its noble objectives, the practical functioning of inquiry

commissions has raised serious legal and constitutional concerns. In many instances, commissions have been accused of lacking independence due to executive control over their appointment, terms of reference, tenure, and functioning. Several commissions have taken years to submit their reports, while many recommendations have remained unimplemented because they are not legally binding upon the Government. These circumstances have created public scepticism regarding the actual purpose of such commissions. Instead of serving as independent fact-finding bodies, they are often alleged to be used for delaying political decisions, managing public opinion, or targeting political opponents. The absence of effective statutory safeguards ensuring impartiality and implementation further aggravates these concerns. Therefore, this study seeks to critically examine whether Commissions of Inquiry genuinely fulfil their statutory purpose or whether structural and political limitations undermine their credibility and effectiveness.

Review of Literature

Numerous constitutional scholars, legal commentators, and judicial decisions have examined the role and functioning of Commissions of Inquiry in India. M.P. Jain, in his work *Indian Constitutional Law*, discusses the constitutional basis of inquiry commissions and the executive power to establish them in matters affecting public importance. V.N. Shukla explains the relationship between commissions of inquiry, executive accountability, and judicial review under the Indian constitutional framework. H.M. Seervai critically analyses the constitutional validity of the Commissions of Inquiry Act, 1952 and highlights its limitations arising from the recommendatory nature of commission reports. Judicial pronouncements have also significantly contributed to the development of this area of law. In **Rama Krishna Dalmia v. Justice S.R. Tendolkar (1958)**, the Supreme Court upheld the constitutional validity of the Act and clarified the scope of governmental power in appointing commissions. Similarly, **M. Karunanidhi v. Union of India (1979)** examined the legal authority and procedural validity of inquiry commissions constituted in politically sensitive circumstances. Existing literature largely concentrates on statutory provisions and judicial interpretation. However, comparatively fewer studies have critically examined whether inquiry commissions function as genuine instruments of accountability or whether they have gradually become political mechanisms influenced by executive discretion. This study attempts to bridge that research gap.

Research Objectives

1. To examine the legal framework governing Commissions of Inquiry under the Commissions of Inquiry Act, 1952.
2. To analyse the powers, functions, and limitations of Commissions of Inquiry.
3. To study the judicial interpretation of the Commissions of Inquiry Act through landmark case laws.
4. To evaluate whether Commissions of Inquiry function as independent fact finding bodies or political instruments.
5. To suggest legal and institutional reforms for improving the effectiveness and independence of Commissions of Inquiry.

Research Questions

1. What is the legal status and constitutional basis of Commissions of Inquiry in India?
2. Do Commissions of Inquiry function as independent fact-finding bodies?
3. To what extent does political influence affect the functioning of Commissions of Inquiry?
4. Why are the recommendations of Commissions of Inquiry often not implemented?
5. What reforms are necessary to strengthen the credibility and effectiveness of Commissions of Inquiry?

Research Hypothesis

The study proceeds on the assumption that although Commissions of Inquiry were originally intended to function as independent fact-finding institutions promoting transparency and accountability, their practical effectiveness has been considerably weakened by executive control, political influence, delays in investigation, and the non-binding nature of their reports. Accordingly, the alternative hypothesis of this study is that political considerations substantially affect the functioning of Commissions of Inquiry, thereby reducing their institutional independence and limiting their ability to serve as effective mechanisms of public

accountability. Conversely, the null hypothesis assumes that inquiry commissions continue to function independently and objectively in accordance with the statutory framework established under the Commissions of Inquiry Act, 1952.

Significance of the Study

This study is significant because Commissions of Inquiry occupy an important position within India's democratic and constitutional framework as mechanisms intended to ensure transparency, accountability, and responsible governance. The findings of this research contribute to a better understanding of the legal status, constitutional relevance, and practical functioning of inquiry commissions. By critically analysing the statutory framework, judicial interpretation, and institutional challenges associated with these commissions, the study identifies the strengths and weaknesses of the existing legal system. The research also contributes to academic literature by addressing the ongoing debate regarding the independence and effectiveness of inquiry commissions. Furthermore, the recommendations offered by this study may assist policymakers, legislators, legal practitioners, and researchers in developing reforms that enhance the credibility, impartiality, and public confidence in the Commission of Inquiry system in India.

Research Methodology

The present study adopts a **doctrinal legal research methodology**, as it primarily examines legal principles, statutory provisions, constitutional provisions, judicial precedents, and scholarly writings relating to the Commissions of Inquiry Act, 1952. The research is descriptive, analytical, and critical in nature, aiming to evaluate both the legal framework and its practical implementation. Data for the study is collected from primary sources such as the Constitution of India, the Commissions of Inquiry Act, 1952, relevant Supreme Court and High Court judgments, and official Commission Reports. Secondary sources include textbooks on constitutional and administrative law, legal journals, research articles, government publications, law commission reports, and recognised online legal databases such as SCC Online, Manupatra, HeinOnline, and JSTOR. The collected materials are analysed through doctrinal interpretation, comparative evaluation of judicial decisions, and critical examination of statutory provisions to determine whether Commissions of Inquiry effectively function as independent fact-finding bodies or whether political influence undermines their intended purpose. This methodology enables a comprehensive legal analysis of the strengths,

limitations, and future reforms of the Commission of Inquiry system in India.

THEORETICAL FRAMEWORK

The present study is grounded in the Rule of Law Theory, Doctrine of Separation of Powers, Administrative Accountability Theory, and the Public Trust Doctrine. These theories provide the constitutional and legal foundation for evaluating whether Commissions of Inquiry established under the Commissions of Inquiry Act, 1952 function as independent fact-finding bodies or whether they have increasingly become political instruments. Together, these theories explain the importance of transparency, accountability, institutional independence, and constitutional governance in the functioning of inquiry commissions.

Rule of Law Theory

The Rule of Law, propounded by **A.V. Dicey**, is one of the most fundamental principles of constitutional governance. According to Dicey, every individual and every public authority must act strictly in accordance with the law, and no person is above the law. Governmental power must always be exercised within legally prescribed limits and should never be arbitrary. The Rule of Law requires fairness, equality before the law, procedural justice, and accountability in every governmental action.

The Commission of Inquiry Act, 1952, reflects this principle by empowering governments to appoint independent commissions for investigating matters of definite public importance. Such commissions are expected to discover facts objectively, determine the causes of public controversies, and recommend appropriate remedial measures. Their primary purpose is to ensure that governmental actions remain transparent and accountable before the public.

However, the practical functioning of inquiry commissions raises important Rule of Law concerns. Since governments possess the power to appoint commissions, determine their terms of reference, extend their tenure, and decide whether their recommendations should be implemented, questions often arise regarding institutional independence. Reports submitted by inquiry commissions are generally recommendatory rather than legally binding. Consequently, governments may selectively accept, reject, or ignore the recommendations without violating any statutory obligation. This weakens the accountability mechanism envisioned by the Rule of Law.

The Supreme Court of India has consistently recognised the importance of the Rule of Law as part of the basic structure of the Constitution. The principle requires that investigative mechanisms operate independently and without political influence. Therefore, this theory provides an appropriate framework for evaluating whether inquiry commissions actually promote legality and accountability or merely create an appearance of governmental action without producing effective legal consequences.

Doctrine of Separation of Powers

The Doctrine of Separation of Powers, developed by **Montesquieu**, emphasises that legislative, executive, and judicial powers should remain institutionally separate in order to prevent concentration and abuse of governmental authority. Although the Indian Constitution does not prescribe a rigid separation of powers, it establishes functional independence among constitutional institutions while permitting necessary coordination.

Commissions of Inquiry occupy a unique position within this constitutional framework. They are established by the Executive but frequently investigate matters involving executive misconduct, administrative failures, police excesses, political corruption, communal violence, or large-scale public controversies. Consequently, concerns arise regarding the independence of a body appointed by the same executive whose actions may become the subject of investigation.

Unlike courts, inquiry commissions do not exercise judicial power. They neither determine civil liability nor impose criminal punishment. Their primary responsibility is limited to fact-finding and making recommendations. Nevertheless, because their findings often influence subsequent criminal investigations, administrative action, and public opinion, their independence becomes essential.

The Doctrine of Separation of Powers requires that institutions performing oversight functions should remain sufficiently independent from executive interference. Where governments exercise excessive control over appointments, tenure, procedural matters, or publication of reports, the institutional autonomy of inquiry commissions may be compromised. Political considerations may influence the scope of inquiry or the implementation of recommendations.

Judicial review serves as an important constitutional safeguard against such abuse. Courts have

repeatedly examined whether commissions have acted within their statutory powers and whether governments have exercised their authority lawfully. Through this framework, the study evaluates whether the present legal structure adequately protects the institutional independence necessary for genuine fact-finding.

Administrative Accountability Theory

Administrative Accountability Theory provides another important framework for analysing the functioning of inquiry commissions. In democratic governance, every administrative authority must remain answerable for the exercise of public power. Accountability requires that governmental decisions be transparent, lawful, efficient, and capable of independent scrutiny.

Commissions of Inquiry constitute one of the principal mechanisms through which administrative accountability is promoted in India. Whenever incidents involving public importance occur—such as communal riots, custodial violence, industrial disasters, corruption scandals, electoral violence, or administrative failures—the government may appoint an inquiry commission to investigate the circumstances objectively.

The objective is not merely to determine factual responsibility but also to identify institutional weaknesses, procedural failures, and administrative deficiencies requiring reform. Effective inquiry commissions therefore strengthen public confidence in democratic institutions by ensuring that governmental actions remain subject to independent examination.

Nevertheless, several practical challenges weaken administrative accountability. Many inquiry commissions experience prolonged delays extending over several years before submitting their reports. Recommendations are frequently ignored or implemented only partially. Changes in political leadership sometimes result in discontinuation of ongoing inquiries or non-publication of completed reports. In certain cases, commissions are criticised for being constituted primarily to reduce immediate political pressure rather than to secure genuine accountability.

Administrative Accountability Theory emphasises that oversight institutions should not merely investigate but should also produce meaningful institutional reform. Unless governments respond seriously to commission recommendations, the accountability process remains incomplete. Therefore, this theory enables the present study to evaluate whether

inquiry commissions effectively fulfil their accountability function or merely perform symbolic investigations without producing substantial legal or administrative consequences.

Public Trust Doctrine

The Public Trust Doctrine is another important theoretical basis for the present study. The doctrine recognises that governmental authority is exercised in trust for the benefit of the public rather than for private or political interests. Every public institution must therefore function honestly, transparently, fairly, and in the larger public interest.

Although originally developed in environmental jurisprudence, the Public Trust Doctrine has gradually expanded into broader principles of public administration and constitutional governance. It requires that governmental institutions maintain public confidence by acting impartially and responsibly.

Commissions of Inquiry directly relate to this doctrine because they are constituted to investigate matters affecting society as a whole. Their legitimacy depends upon public confidence in their independence, fairness, and objectivity. Where inquiry commissions are perceived as politically motivated, lacking impartiality, or functioning under executive influence, public trust in democratic institutions is significantly weakened.

The doctrine further requires transparency in governmental decision-making. Commission reports should ordinarily be made available to the public unless confidentiality is legally justified. Public access to inquiry findings strengthens democratic accountability and enables citizens to evaluate governmental performance. Similarly, governments should provide adequate reasons whenever they decline to implement commission recommendations.

The Public Trust Doctrine therefore provides an important constitutional standard for assessing whether inquiry commissions truly function in the public interest or whether political considerations undermine their credibility. Strengthening institutional independence, ensuring transparency, and promoting implementation of recommendations are essential for preserving public confidence in inquiry mechanisms.

CONSTITUTION PROVISION

The combined application of these four theories provides a comprehensive analytical

framework for the present study. The Rule of Law emphasises legality, equality, procedural fairness, and governmental accountability. The Doctrine of Separation of Powers examines institutional independence and limits executive influence over investigative mechanisms. Administrative Accountability Theory evaluates whether inquiry commissions effectively promote responsible governance and institutional reform. The Public Trust Doctrine focuses upon transparency, impartiality, and maintenance of public confidence in democratic institutions.

Using these theories together enables a critical evaluation of the effectiveness of Commissions of Inquiry under the Commissions of Inquiry Act, 1952. The framework facilitates analysis of whether existing statutory provisions adequately protect institutional independence, whether political considerations affect fact-finding processes, and whether inquiry commissions continue to fulfil their original constitutional purpose of promoting accountability, transparency, and the rule of law in India.

Article 14 – Equality Before Law and Equal Protection of Laws

Article 14 of the Constitution of India guarantees equality before the law and equal protection of the laws to every person within the territory of India. It is one of the fundamental principles governing the functioning of every public authority, including Commissions of Inquiry. Since a Commission of Inquiry is constituted by the Central or State Government to investigate matters of public importance, it is expected to perform its functions impartially, fairly, and without discrimination. The Commission must provide equal opportunities to all persons whose rights or interests are likely to be affected by its proceedings. Arbitrary selection of persons for investigation or politically motivated inquiries would violate the constitutional mandate of equality under Article 14. The Supreme Court has repeatedly held that arbitrariness is antithetical to equality. Therefore, every inquiry commission must adhere to the principles of fairness, reasonableness, and non-arbitrariness while conducting investigations. Article 14 thus serves as an important constitutional safeguard ensuring that Commissions of Inquiry function as neutral factfinding bodies rather than instruments of political discrimination.

Article 19(1)(a) – Freedom of Speech and Expression

Article 19(1)(a) guarantees every citizen the fundamental right to freedom of speech and expression. Judicial interpretation has expanded this right to include the right to receive

information concerning governmental affairs. Since Commissions of Inquiry investigate matters affecting public interest, such as corruption, communal violence, industrial disasters, custodial deaths, and administrative failures, their findings contribute significantly to informed public discussion. Publication of inquiry reports promotes transparency and enables citizens to assess governmental accountability. However, disclosure of certain information may be restricted under Article 19(2) if publication threatens national security, public order, or the fairness of ongoing investigations. Therefore, inquiry commissions must maintain an appropriate balance between transparency and legitimate confidentiality. The constitutional guarantee of free expression strengthens democratic oversight by ensuring that citizens have access to information relating to matters investigated by public authorities.

Article 21 – Right to Life and Personal Liberty

Article 21 provides that no person shall be deprived of life or personal liberty except according to the procedure established by law. Over the years, judicial interpretation has considerably expanded the scope of Article 21 to include the right to dignity, fair procedure, and protection against arbitrary State action. Many Commissions of Inquiry are constituted to investigate incidents involving custodial violence, police encounters, communal riots, industrial accidents, environmental disasters, and other violations affecting life and liberty. Although inquiry commissions cannot impose criminal liability or award compensation, their findings often reveal violations of constitutional rights and recommend corrective measures. Their reports may subsequently influence criminal prosecutions, disciplinary proceedings, and judicial review. Consequently, inquiry commissions indirectly contribute to the protection and enforcement of Article 21 by ensuring that allegations of serious human rights violations receive independent examination. Their effectiveness therefore directly influences public confidence in constitutional governance and the protection of fundamental rights.

Article 32 – Right to Constitutional Remedies

Article 32 confers upon every individual the right to approach the Supreme Court for enforcement of Fundamental Rights. Dr. B.R. Ambedkar described Article 32 as the "heart and soul" of the Constitution because it guarantees effective constitutional remedies against violations of fundamental rights. Although Commissions of Inquiry do not possess judicial powers and cannot enforce constitutional rights, their reports frequently become relevant in proceedings before constitutional courts. Individuals aggrieved by the unlawful constitution,

functioning, or findings of an inquiry commission may invoke Article 32 where their fundamental rights are affected. Similarly, findings recorded by inquiry commissions may be relied upon during constitutional litigation involving allegations of governmental misconduct. Thus, Article 32 strengthens judicial supervision over executive action and ensures that the functioning of inquiry commissions remains subject to constitutional scrutiny whenever fundamental rights are involved.

Article 226 – Powers of the High Courts

Article 226 empowers every High Court to issue writs for the enforcement of Fundamental Rights as well as for any other legal purpose. This provision confers wider jurisdiction than Article 32 and enables High Courts to examine the legality of executive decisions relating to Commissions of Inquiry. Governments may constitute commissions, prescribe their terms of reference, appoint members, extend their tenure, or modify their functioning through executive notifications. Such actions remain subject to judicial review under Article 226. High Courts may examine whether commissions have exceeded their statutory jurisdiction, violated principles of natural justice, or acted arbitrarily. Judicial review under Article 226 therefore acts as an important constitutional safeguard ensuring legality, fairness, and procedural propriety in the functioning of inquiry commissions. It also reinforces public confidence that executive power remains subject to constitutional limitations.

Article 50 – Separation of Judiciary from Executive

Article 50 forms part of the Directive Principles of State Policy and directs the State to separate the judiciary from the executive in public administration. Although Directive Principles are not enforceable by courts, they provide important constitutional guidance for governance. Commissions of Inquiry are executive bodies and not judicial institutions. Nevertheless, many commissions are headed by retired or sitting judges because matters under investigation often involve serious legal and constitutional issues requiring impartial adjudicative experience. Article 50 emphasises that institutions entrusted with quasi-judicial responsibilities should remain free from executive interference. While governments possess statutory authority to appoint inquiry commissions, excessive executive influence over appointments, tenure, procedure, or implementation of reports may compromise institutional independence. Therefore, Article 50 supports the principle that inquiry commissions should function objectively and independently, thereby strengthening public confidence in their findings.

Article 73 – Executive Power of the Union

Article 73 defines the extent of the executive power of the Union Government. It provides that the executive power of the Union extends to matters upon which Parliament has legislative competence. The Commissions of Inquiry Act, 1952 authorises the Central Government to appoint inquiry commissions for investigating matters of definite public importance falling within its jurisdiction. Article 73 thus provides the constitutional basis for the exercise of executive authority under the Act. However, the exercise of such power must always conform to constitutional principles including fairness, reasonableness, and non-arbitrariness. The Central Government cannot constitute inquiry commissions for purely political purposes or exercise its statutory powers in a manner inconsistent with constitutional guarantees. Therefore, Article 73 establishes both the authority and constitutional limitations governing Union executive action concerning inquiry commissions.

Article 162 – Executive Power of the State

Article 162 defines the executive power of State Governments in a manner similar to Article 73. It authorises State Governments to exercise executive authority over matters falling within their legislative competence. Accordingly, State Governments frequently constitute Commissions of Inquiry to investigate incidents such as communal disturbances, police misconduct, administrative failures, industrial accidents, or allegations of corruption occurring within their respective States. The exercise of executive power under Article 162 must remain consistent with constitutional principles and statutory requirements under the Commissions of Inquiry Act, 1952. State Governments are therefore expected to appoint commissions objectively, ensure fair procedures, and avoid political misuse of the inquiry process. Judicial review remains available whenever executive action exceeds constitutional or statutory limits.

Article 246

Article 246 distributes legislative powers between Parliament and the State Legislatures through the Union List, State List, and Concurrent List contained in the Seventh Schedule. Entry 45 of the Concurrent List relates to **"Inquiries and statistics for the purposes of any of the matters specified in List II or List III."** This constitutional entry empowered Parliament to enact the

Commissions of Inquiry Act, 1952. Since the subject falls within the Concurrent List, both Parliament and State Legislatures possess legislative competence, subject to the constitutional rule that parliamentary legislation prevails in the event of inconsistency under Article 254. The constitutional allocation of legislative competence under Article 246 therefore provides the legal foundation for the enactment and operation of the Commissions of Inquiry Act throughout India. This provision ensures uniform statutory regulation of inquiry commissions while permitting both Union and State Governments to establish commissions within their respective jurisdictions.

CASE LAW

Rama Krishna Dalmia v. Justice S.R. Tendolkar, AIR 1958 SC 538

The landmark decision in **Rama Krishna Dalmia v. Justice S.R. Tendolkar** is regarded as the foundation of the law relating to Commissions of Inquiry in India. The Government appointed the Justice Tendolkar Commission under the **Commissions of Inquiry Act, 1952** to investigate allegations concerning the affairs of certain companies controlled by industrialist Rama Krishna Dalmia.

The petitioner challenged the constitutional validity of the Act and argued that the Commission violated his fundamental rights under Articles 14, 19, and 21 by subjecting him to discriminatory treatment and public criticism without judicial safeguards. The Supreme Court rejected these arguments and upheld the constitutional validity of the Act. The Court held that a Commission of Inquiry is merely a **fact-finding body** established to investigate matters of definite public importance and does not exercise judicial powers. It neither determines civil rights nor imposes criminal liability. The Court further held that the Government possesses the constitutional authority to appoint inquiry commissions whenever public interest requires an independent investigation. However, such commissions must function within the limits prescribed by the Act and must observe the principles of natural justice. This judgment established that inquiry commissions are investigative bodies rather than courts of law and remains the leading precedent governing their constitutional validity.

State of Jammu & Kashmir v. Bakshi Ghulam Mohammad, AIR 1967 SC 122 In the Supreme Court examined the legality of appointing a Commission of Inquiry to investigate allegations of corruption and abuse of public office against a former Chief Minister. The

principal issue before the Court was whether the Government could appoint an inquiry commission to investigate allegations involving former public officials. The Court upheld the validity of the Commission and observed that the expression "**matter of definite public importance**" under the Commissions of Inquiry Act, 1952 must receive a broad and liberal interpretation. Allegations involving corruption, misuse of official authority, and abuse of public office directly affect public confidence in democratic governance and therefore justify the appointment of inquiry commissions. The Court clarified that the objective of an inquiry commission is not to punish individuals but to discover facts and recommend corrective measures in the larger public interest. This judgment considerably expanded the scope of inquiry commissions by recognising that they may investigate any matter affecting governmental integrity and public administration.

M. Karunanidhi v. Union of India, AIR 1979 SC 898

The decision in is one of the most significant cases concerning politically sensitive inquiry commissions. Following allegations of corruption against the former Chief Minister of Tamil Nadu, the Central Government constituted the Sarkaria Commission to investigate the allegations. M. Karunanidhi challenged the legality of the Commission, contending that it had been established for political purposes and that the inquiry was motivated by partisan considerations. The Supreme Court upheld the validity of the Commission and held that the Government has statutory authority under the Commissions of Inquiry Act, 1952 to appoint inquiry commissions whenever it considers an investigation necessary in the public interest. The Court observed that the mere existence of political consequences does not invalidate the constitution of a commission if the subject matter genuinely concerns public importance. At the same time, the Court emphasised that inquiry commissions must remain impartial and adhere strictly to the principles of fairness and natural justice. This judgment demonstrates that although inquiry commissions may investigate politically controversial matters, their legitimacy depends upon procedural fairness and independence from political influence.

Kiran Bedi v. Committee of Inquiry, (1989) 1 SCC 494

The Supreme Court in reaffirmed the importance of the principles of natural justice in the functioning of inquiry commissions. The case arose from disciplinary proceedings and an inquiry concerning the conduct of senior police officer Kiran Bedi. The Court emphasised that whenever the findings of an inquiry may adversely affect the reputation, career, or legal

interests of an individual, procedural fairness becomes mandatory. Every affected person must receive adequate notice of the allegations, an opportunity to produce evidence, the right to cross-examine witnesses wherever appropriate, and an opportunity to present his or her defence. The Court held that although inquiry commissions are not courts, they must nevertheless observe fundamental principles of fairness because their findings may seriously affect individual rights and public reputation. This decision significantly strengthened procedural safeguards applicable to inquiry proceedings.

5. A.K. Kraipak v. Union of India, (1969) 2 SCC 262

Although was not decided directly under the Commissions of Inquiry Act, it is one of the most influential decisions concerning administrative fairness. The Supreme Court held that the distinction between administrative and quasijudicial functions has gradually diminished and that every administrative authority exercising public power must observe the principles of natural justice. The Court recognised that fairness, absence of bias, and reasonableness constitute essential requirements of every administrative decision affecting rights or legitimate interests. Since inquiry commissions perform important investigative functions capable of influencing criminal proceedings, disciplinary action, and public opinion, the principles laid down in A.K. Kraipak equally govern their functioning. This judgment provides the constitutional foundation for requiring impartiality and procedural fairness in every inquiry conducted under the Commissions of Inquiry Act, 1952.

6. Maneka Gandhi v. Union of India, (1978) 1 SCC 248

The landmark judgment in transformed Indian constitutional law by expanding the scope of Article 21 and introducing the requirement that every procedure established by law must be fair, just, and reasonable. Although the case did not concern inquiry commissions directly, its constitutional principles have profound relevance to inquiry proceedings. Whenever a Commission of Inquiry investigates allegations affecting an individual's reputation, liberty, or legal interests, the procedure adopted must satisfy constitutional standards of fairness. Arbitrary procedures, denial of hearing, or biased investigations would violate the constitutional guarantees recognised in Maneka Gandhi. Consequently, this judgment reinforces the obligation of inquiry commissions to conduct transparent, impartial, and legally fair investigations.

7. Union of India v. Tulsiram Patel, (1985) 3 SCC 398

In **Union of India v. Tulsiram Patel**, the Supreme Court extensively discussed the doctrine of natural justice and recognised that procedural fairness forms an integral part of constitutional governance. Although the case arose in the context of disciplinary proceedings, the Court observed that whenever governmental action adversely affects an individual's rights or reputation, the principles of natural justice generally apply unless expressly excluded by law. This principle is directly applicable to inquiry commissions because commission reports often contain findings that may affect the public standing or future legal proceedings involving individuals. Therefore, inquiry commissions are expected to provide adequate opportunities of hearing and maintain procedural fairness throughout their investigations.

Legislative Role in Advancing Constitutional Protection

Enactment of the Commissions of Inquiry Act, 1952 The enactment of the Commissions of Inquiry Act, 1952 represents Parliament's legislative commitment to promoting constitutional governance, transparency, and accountability in public administration. Prior to the enactment of this legislation, there was no uniform legal framework governing the appointment and functioning of inquiry commissions in India. Recognising the need for an independent statutory mechanism to investigate matters of definite public importance, Parliament enacted the Act under Article 246 read with Entry 45 of List III (Concurrent List) of the Constitution. The Act authorises both the Central and State Governments to constitute inquiry commissions whenever circumstances require an impartial investigation. By providing a statutory basis for independent fact-finding, the legislation advances constitutional values such as the Rule of Law, equality, fairness, and responsible governance. It ensures that issues affecting public confidence in governmental institutions are investigated through legally recognised procedures rather than through arbitrary executive action.

Promotion of Transparency and Governmental Accountability

The Commissions of Inquiry Act, 1952 serves as an important legislative instrument for promoting transparency in governmental functioning. Democratic governance requires that governments remain accountable to the people for their actions and decisions. Whenever allegations relating to corruption, communal violence, custodial deaths, administrative failures, industrial disasters, or misuse of public office arise, the Act enables governments to

establish independent inquiry commissions to investigate the facts. The findings and recommendations of such commissions provide an objective assessment of governmental conduct and help identify administrative deficiencies requiring reform. Although commission reports are recommendatory in nature, they contribute significantly to public accountability by placing factual findings before the Government and society. Through this statutory framework, Parliament has strengthened democratic oversight and reinforced constitutional principles of responsible government.

Protection of Fundamental Rights

The legislative framework established under the Commissions of Inquiry Act indirectly contributes to the protection of fundamental rights guaranteed by the Constitution. Inquiry commissions frequently investigate incidents involving violations of Articles 14 and 21, including custodial violence, police encounters, communal disturbances, discrimination, and abuse of executive authority. Their investigations help identify violations of constitutional rights and recommend corrective measures to prevent similar occurrences in the future. Although inquiry commissions cannot themselves enforce fundamental rights or impose legal penalties, their findings often assist constitutional courts, criminal investigations, and disciplinary authorities in ensuring justice. Thus, the Act functions as an important legislative mechanism supporting the constitutional protection of life, liberty, equality, and human dignity.

Legislative Recognition of Natural Justice

The Commissions of Inquiry Act incorporates procedural safeguards that reflect the constitutional principles of natural justice. The Act empowers commissions to summon witnesses, receive evidence, examine documents, and provide affected persons with opportunities to present their case. These statutory powers ensure that inquiries are conducted fairly and objectively rather than arbitrarily. Judicial decisions have further strengthened these safeguards by requiring commissions to observe procedural fairness whenever their findings may adversely affect an individual's reputation or legal interests. Through these provisions, Parliament has ensured that inquiry proceedings remain consistent with constitutional guarantees of fairness, equality, and due process.

Balancing Executive Power with Constitutional Oversight

One of the most significant constitutional functions of the Commissions of Inquiry Act is its role in balancing executive authority with democratic accountability. Although the Executive possesses broad administrative powers under Articles 73 and 162 of the Constitution, those powers must remain subject to legal scrutiny. The Act enables governments to investigate allegations involving administrative misconduct, corruption, abuse of power, and failures in governance through independent inquiry commissions. Such investigations prevent arbitrary exercise of executive authority and strengthen public confidence in constitutional institutions. Furthermore, the functioning of inquiry commissions remains subject to judicial review under Articles 32 and 226, thereby maintaining constitutional checks and balances between different organs of the State.

Strengthening Democratic Governance

The Commissions of Inquiry Act strengthens democratic governance by creating an institutional mechanism through which matters affecting public interest can be examined independently. In a constitutional democracy, public confidence depends upon the willingness of governmental institutions to investigate serious allegations transparently and impartially. Inquiry commissions provide a structured legal process for identifying facts, examining evidence, and recommending reforms. Their reports often contribute to improvements in administrative practices, public policy, police procedures, and governmental decision-making. Consequently, the legislation supports constitutional democracy by encouraging openness, accountability, and informed public debate on matters of national importance.

Legislative Challenges and Need for Reform

Despite its significant constitutional role, the Commissions of Inquiry Act, 1952 suffers from several legislative limitations that affect its effectiveness. The recommendations of inquiry commissions are not legally binding upon the Government, allowing executive authorities to disregard reports without legal consequences. The Act also does not prescribe mandatory timelines for completing inquiries or implementing recommendations, resulting in prolonged delays that diminish public confidence. Additionally, concerns have been raised regarding executive influence over appointments, terms of reference, and extensions of tenure. These shortcomings indicate the need for legislative reforms aimed at strengthening institutional

independence, ensuring timely completion of inquiries, improving transparency, and requiring governments to formally respond to commission reports. Such reforms would enhance the constitutional objectives underlying the Act and reinforce its role as an effective mechanism for protecting democratic values and the rule of law.

Conclusion

The present study establishes that the **Commission of Inquiry under the Commissions of Inquiry Act, 1952** is fundamentally intended to function as an independent fact-finding mechanism for investigating matters of definite public importance. It is not a court of law and does not ordinarily possess the power to determine criminal guilt or impose punishment. Its principal purpose is to collect evidence, ascertain facts, identify administrative or institutional failures, and make recommendations for appropriate corrective measures. The existence of such a statutory mechanism is important in a democratic system because it enables serious allegations involving public authorities, corruption, administrative failures, custodial violence, communal disturbances, and other matters of public concern to be subjected to formal investigation.

The constitutional analysis demonstrates that the functioning of Commissions of Inquiry is closely connected with the fundamental principles of **Articles 14, 19 and 21**, natural justice, judicial review, separation of powers, transparency, and the Rule of Law. The commission must act fairly, reasonably, impartially, and within the limits of its statutory authority. The powers given to commissions under the Act, including powers similar to those of a Civil Court for specified purposes, are necessary for effective fact-finding. However, these powers must be exercised responsibly and cannot be used arbitrarily against individuals or institutions.

The judicial decisions relating to Commissions of Inquiry demonstrate that the Supreme Court has generally recognised their legitimacy as investigative and fact-finding institutions. The principles emerging from **Rama Krishna Dalmia v. Justice S.R. Tendolkar**, **State of Jammu & Kashmir v. Bakshi Ghulam Mohammad**, and **M. Karunanidhi v. Union of India** show that the mere involvement of political personalities or politically sensitive issues does not make an inquiry legally invalid. Nevertheless, the legitimacy of a commission depends significantly upon the purpose for which it is established, the fairness of its procedure, the independence of its functioning, and its adherence to the statutory framework.

The central question of this research—whether a Commission of Inquiry is a **fact-finding body or a political instrument**—cannot be answered simply by categorising all commissions as either one or the other. In law, a Commission of Inquiry is clearly a fact-finding body. However, its practical functioning may be affected by political considerations because the executive generally possesses significant control over its constitution, terms of reference, tenure, and implementation of its recommendations. Therefore, the possibility of political influence cannot be completely ignored. The real challenge is to ensure that executive power to establish an inquiry does not become an opportunity for political manipulation.

Another major issue identified by the study is the **non-binding nature of commission reports**. A commission may spend considerable time examining witnesses, documents, and other evidence and may make significant recommendations, but the recommendations generally do not possess the same binding legal force as a judgment of a court. If the Government fails to act upon important recommendations or does not provide adequate reasons for rejecting them, the effectiveness of the entire inquiry process may be weakened. Similarly, prolonged delays in completing inquiries can reduce their relevance and public value.

The study therefore concludes that Commissions of Inquiry remain an important instrument of constitutional governance, but their effectiveness depends upon **independence, impartiality, transparency, procedural fairness, timely completion, and meaningful governmental action**. The objective should not be to convert commissions into courts, but to strengthen their ability to conduct credible investigations and ensure that their findings receive appropriate institutional consideration. A properly functioning Commission of Inquiry can strengthen public confidence in democratic institutions, whereas a commission affected by political interference, unnecessary delay, or selective implementation may lose its credibility and become perceived as a political instrument.

Recommendations

The first and most important recommendation is to strengthen the **independence of the appointment process**. Since the Government ordinarily possesses the power to establish a Commission of Inquiry, there is a possibility that political considerations may influence the selection of its members. A more transparent appointment mechanism should therefore be developed, particularly in politically sensitive matters. Members should be selected on the

basis of professional competence, integrity, experience, and independence so that the commission can command public confidence.

The **terms of reference** of a Commission of Inquiry should also be clearly and precisely defined. The subject matter, scope of investigation, relevant period, and specific questions to be examined should be clearly stated at the time of appointment. Vague or excessively broad terms of reference may result in unnecessary expansion of the inquiry and prolonged proceedings. Any subsequent modification should be supported by legitimate reasons and should be made transparently.

There is also a strong need to introduce **reasonable time limits for completing inquiries**. Delayed investigations reduce the effectiveness of factfinding because witnesses may become unavailable, evidence may become difficult to obtain, and public interest may decline. Therefore, the law should establish a reasonable period for completion, while permitting extensions in exceptional circumstances when adequate reasons are recorded. The objective should be to achieve both timely investigation and procedural fairness.

The statutory framework should provide stronger protection for the **principles of natural justice**. Any person whose reputation, career, or legal interests may be adversely affected by the findings of a commission should be given adequate notice and a reasonable opportunity to present their case. The person should be permitted to produce relevant evidence and respond to adverse allegations in accordance with the applicable procedure. Such safeguards are essential to ensure that the commission's findings are based on objective evaluation rather than predetermined conclusions.

Greater **transparency in the publication of inquiry reports** is also necessary. Reports relating to matters of significant public importance should ordinarily be made available to the public within a prescribed period, subject to lawful restrictions relating to national security, privacy, confidentiality, or ongoing legal proceedings. Public access to reports would enable citizens, researchers, legislators, and civil society to assess the findings and evaluate whether appropriate action has been taken.

A further important reform should be the introduction of a **mandatory governmental response to commission reports**. The Government should be required to state whether it accepts or rejects the recommendations and provide reasons for its decision. Where

recommendations are accepted, the Government should specify the measures taken to implement them. Where recommendations are rejected, reasons should be formally recorded. This would prevent important inquiry reports from simply being ignored and would strengthen administrative accountability.

Parliamentary or legislative oversight should also be strengthened. Important inquiry reports should be placed before the appropriate legislature within a specified period and may be examined by the relevant legislative committee. Such oversight would ensure that the executive remains accountable for its response to the findings and recommendations of the commission. It would also strengthen the democratic legitimacy of the inquiry process.

The law should further provide safeguards against **political interference after the constitution of the commission**. Once appointed, the commission should have sufficient functional independence to determine its investigative procedure, examine evidence, and record findings without improper executive interference. The Government should not influence witnesses, evidence, procedural decisions, or conclusions. Independence during the actual investigation is essential if the commission is to retain its character as a genuine fact-finding institution.

Finally, there should be a proper **follow-up mechanism** after submission of the report. The inquiry process should not effectively end when the commission submits its findings. A mechanism should exist to assess whether recommendations have been implemented and whether necessary administrative or institutional reforms have actually taken place. This is particularly important in cases involving human rights violations, custodial violence, corruption, communal violence, and serious administrative failures.

Overall, the **Commissions of Inquiry Act, 1952** should be strengthened through reforms relating to independent appointment, clear terms of reference, reasonable timelines, natural justice, transparency, legislative oversight, mandatory governmental response, and effective follow-up. These reforms would help ensure that Commissions of Inquiry remain **credible and independent fact-finding bodies serving the public interest rather than instruments of political convenience**. Such a framework would strengthen the Rule of Law, constitutional accountability, transparency, and public confidence in democratic governance.

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