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PURPOSE, PRACTICE AND LIMITATIONS OF THE COMMISSION OF INQUIRY ACT, 1952- A CRITICAL ANALYSIS

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I. ABSTRACT

The Commission of Inquiry Act, 1952 constitutes the principal statutory framework through which the Central and State Governments in India establish Commissions of Inquiry to investigate matters of public importance. Conceived as independent fact-finding bodies, these commissions are expected to examine controversial incidents, ascertain facts, identify administrative or political failures, and recommend corrective measures. However, despite their significant role in democratic governance and public accountability, concerns persist regarding the effectiveness of commissions due to the non-binding nature of their findings and recommendations, prolonged delays in inquiry proceedings, and allegations of political influence in their constitution and functioning. This study critically examines the purpose, practice, and limitations of the Commission of Inquiry Act, 1952 through a doctrinal research methodology based on statutory analysis, judicial principles, governmental reports, and secondary legal literature. The paper analyses the legislative framework, powers, and procedural features of commissions constituted under the Act and evaluates whether they have fulfilled their intended objectives. Particular attention is given to landmark inquiries, including the Chagla Commission, Maruti Commission, Liberhan Commission, and Nanavati-Mehta Commission, to assess their contributions to accountability, governance reforms, and public confidence. The study finds that although commissions often succeed in uncovering facts and influencing public discourse, their recommendations frequently remain unimplemented due to the absence of statutory enforceability. Excessive delays, lack of institutional accountability, and political considerations further diminish their practical effectiveness. The paper concludes that while the Act remains an important democratic mechanism for fact-finding and transparency, substantial reforms are necessary. It recommends introducing

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implementation obligations, statutory timelines, independent appointment procedures, mandatory Action Taken Reports, and enhanced public accessibility to ensure that commissions function as meaningful instruments of accountability rather than merely advisory bodies.

II. KEYWORDS

Commission of Inquiry Act, 1952; Commissions of Inquiry; Public Accountability; Fact-Finding Mechanisms; Governmental Transparency.

III. INTRODUCTION

In every democratic society, the need for truth, accountability, and justice is strongest during disputes. Events like communal riots, political violence, corruption scandals, misuse of government power, and human rights violations seriously harm public trust in the administration. In these times, people want the State to not only punish those who did wrong but also to find out the truth behind the events and make sure the government is transparent. This is why the Commission of Inquiry Act, 1952 was created in India. It allows the Central and State Governments to set up Commissions of Inquiry to look into important public issues.

These commissions are meant to work as independent fact-finding bodies that investigate controversial events, gather evidence, find out what caused them, and give recommendations to the government. To handle these situations and rebuild public trust, the Act allows the Central and State Governments to set up commissions to investigate matters that impact society as a whole. These commissions are usually led by retired judges or skilled public officials and are expected to carry out fair investigations and provide reports to the government.

Even though the Act has good goals, many people say that commissions of inquiry do not work well and are influenced by politics. A big problem with the Act is that the results and suggestions from these commissions are just advice and do not have to be followed by the government. Because of this, after many years of looking into things and gathering a lot of evidence, governments can still ignore or only partly follow the reports from the commissions. This has made more people believe that commissions

are often set up not to bring about justice, but to handle political pressure and to quiet public anger for a while.

In this context, this study aims to carefully look at the Commission of Inquiry Act, 1952. It will explore its goals, legal structure, powers. The research will also review important commissions set up under the Act to see if they have truly helped with justice and accountability. By doing this critical analysis, the study focuses on the purpose and practical implications of the Act and its limitations with the purposeful suggestions.

A. Research Objectives

The present study seeks to achieve the following objectives:

1. To examine the legislative framework, scope, and key features of the Commission of Inquiry Act, 1952.
2. To analyse the powers, functions, and procedural mechanisms available to Commissions of Inquiry under the Act.
3. To evaluate the functioning and effectiveness of landmark commissions constituted under the Act.
4. To critically assess the implications of the non-binding nature of commission reports.
5. To identify the practical and structural limitations affecting the effectiveness of Commissions of Inquiry in India.
6. To suggest reforms for enhancing accountability, transparency, and efficiency in the operation of Commissions of Inquiry.

B. Research Questions

1. What are the objectives, powers, and procedural features of the Commission of Inquiry Act, 1952?
2. How have landmark Commissions of Inquiry contributed to public accountability and governance in India?
3. Does the non-binding nature of commission reports undermine the purpose and effectiveness of the Act?

4. What are the major legal, institutional, and practical limitations associated with the functioning of Commissions of Inquiry?
5. What reforms are necessary to strengthen the role of Commissions of Inquiry as instruments of democratic accountability and justice?

C. Research Methodology

This study adopts a doctrinal and analytical research methodology. The research is primarily based on the examination of statutory provisions contained in the Commission of Inquiry Act, 1952, relevant constitutional provisions, official commission reports, and judicial decisions relating to commissions of inquiry. Secondary sources, including books, journal articles, legal commentaries, government publications, and scholarly writings, have also been consulted to analyse the legal framework and practical functioning of commissions in India.

The study further undertakes a critical examination of selected landmark commissions, including the Chagla Commission, Maruti Commission, Liberhan Commission, and Nanavati-Mehta Commission, in order to assess the effectiveness, limitations, and contemporary relevance of the Act. The research is qualitative in nature and focuses on legal interpretation, institutional analysis, and policy evaluation.

IV. THE COMMISSION OF INQUIRY ACT 1952 – FRAMEWORK AND FEATURES

In India, the Commissions of Inquiry Act was made in 1952. This law allows for the creation of a Commission of Inquiry to investigate any matter that is important to the public. If the conditions in Section 3² of this Act are fulfilled, either the Government of India or a State Government can use this Act to appoint a commission to investigate the problem.

² The Commission of Inquiry Act, 1952 (60 of 1952), s. 3

A. Background of the Commission of Inquiry Act, 1952

The Commission of Inquiry Act, 1952 is a central legislation enacted by Parliament under its legislative competence derived from the Seventh Schedule of the Constitution of India, particularly the relevant entries contained in the Union List and the Concurrent List relating to matters of public administration and inquiries. The Act was enacted to provide a uniform legal framework empowering the Central and State Governments to constitute Commissions of Inquiry for investigating matters of definite public importance. As reflected in its preamble, the primary objective of the Act is to enable the appointment of such commissions with adequate powers to conduct independent fact-finding inquiries and submit recommendations on issues affecting public interest and governance. Before this law was enacted, usually inquiries were done through executive orders or by creating inquiry bodies through separate laws. However, after independence, the need for appointing such Commissions grew. The main goal is to keep a high standard of public administration and public importance and to build public trust in its administration and conduct.³

The list of Commissions of Inquiry appointed by the Central Government or State Governments would show that these powers were used when important public issues came up. The reports from some of these Commissions had serious effects on the national policy.

1. The Chagla Commission was appointed to look into the affairs of Haridas Mundhra, which led to the resignation of the then Finance Minister, Mr. T.T. Krishnamachari.
2. The Vivian Bose Commission was appointed to investigate the affairs of the Dalmia Group of Companies.
3. The Das Commission was set up to look into the corruption allegations against the Punjab Chief Minister, Pratap Singh.

³ Varun Yadav, "Commission of Inquiry Act, 1952, an analysis", available at, <https://www.scribd.com/document/319426605/Commissions-of-Inquiry-Act-An-Analysis-docx> (last visited on 18th April 2026)

4. The Gupta Commission focused on the Maruthi affairs, called the maruthi commission
5. The Liberhan Commission looked into the demolition of the Babri Masjid.
6. The Nanavathi Mehta commission was appointed to look into the godhra train incident and the Gujarat riots, initially it was constituted under the chairmanship of the justice shah and the justice Nanavathi was appointed alongside to look into the matters of the commission, during the course of the commission justice shah was dead and hi place was filled by justice Mehta. Therefore, this commission was called the Nanavathi Mehta Commission.

These are some of the important Commissions of Inquiry that have been appointed in the past to investigate significant matters with far-reaching consequences.

B. Key definitions and scope of the Act

This Act provides for the appointment of Commissions of Inquiry to investigate matters of definite public importance. The Act extends to the whole of India. Section 2 of the Commissions of Inquiry Act, 1952 defines the term 'appropriate Government'. Under the Act, the Central Government may appoint a Commission of Inquiry in respect of matters relatable to the Union List, State List, or Concurrent List of the Seventh Schedule to the Constitution, whereas a State Government may appoint a Commission only in respect of matters falling within the State List or Concurrent List. This distinction reflects the constitutional distribution of legislative and administrative powers between the Union and the States.

The term 'commission' is defined as a commission of inquiry appointed under Section 3, while 'prescribed' refers to the rules established under this Act. The appointment of the commission is addressed in Section 3, and Section 4 outlines the powers granted to the commission. Section 5 confers additional powers upon the commission. Section 6 pertains to the provisions regarding statements made by individuals to the commission, indicating that the commission cannot compel anyone to reveal confidential manufacturing processes, except in certain circumstances.

Section 7 states that the commission may be dissolved whenever it is officially notified. Section 8 outlines the procedures that the commission must adhere to. Section 9

addresses the protection of actions taken by individuals acting in good faith. Section 10 stipulates that any member appointed to the commission must be a public servant. Section 11 indicates that this Act is also applicable to other inquiry authorities in exceptional situations or as deemed necessary. Finally, Section 12 empowers the commission to establish rules to fulfill the objectives of this Act.⁴

C. Appointment of the commission

Section 3⁵, allows the central government and the state government to constitute the commission of inquiry in matters of public importance.

Purpose of the appointment of the commission:

The commission is set up to look into matters of more public importance such as

1. Riots
2. Corruption scandals
3. Abuse of power
4. Human rights violations
5. Political violence
6. Administrative failures
7. Industrial disasters etc.,

The government appoint the commission by notifying in the official gazette of India and they have the discretion to decide whether such inquiry is necessary, issues to be investigated and the commission to be formed.

D. Appointment by Legislative Resolution

If both Houses of Parliament and the State Legislature agree on a resolution asking for an inquiry, the government must legally appoint the commission.

The commission can have:

1. One member or more

⁴ The Commission of Inquiry Act, 1952, available at: <https://indiankanoon.org/doc/1788561> (last visited on 18th April 2026)

⁵ The Commission of Inquiry Act, 1952 (60 of 1952), s. 3

2. Typically, retired judges from the Supreme Court or High Courts are chosen because they are thought to be fair.

The central government and the state government cannot constitute commissions for the same matters at a time, but the central government can appoint a commission of same matter if one or more state is involved.

E. Powers of the commission

The powers of the commissions established under the Commissions of Inquiry Act, 1952 are conferred under Section 4 of the said Act.⁶

1. The commission shall have the powers of the civil courts
2. They have the power to summon the witnesses
3. They can ask for the production of the documents
4. They have the power to record the evidence upon affidavits
5. They have the power to request the records from the courts
6. They have the power to appoint commission to examine the witnesses
7. Also, they can enjoy certain other powers prescribed in the rules

Section 5⁷ deals with the additional powers of the commission

This section gives the commission to give summons to the person for the inquiry of the matters being put before them and the person called has the obligation to answer and give relevant information regarding the subject matter but if such person has a legal privilege they can withhold such information.

It also empowers the commission to have the power to enter, search, seize. Such powers can only be exercised by the authorized officers under the commission of inquiry Act.

If any person is refusing to give information or withholding the information by not answering is punishable under the then Indian Penal Code, now Bharatiya Nyaya Sanhita 2023.

⁶ The Commission of Inquiry Act, 1952 (60 of 1952), s. 4

⁷ The Commission of Inquiry Act, 1952 (60 of 1952), s. 5

Section 5A and 5B⁸, states that the commission has the power to utilize the services of the officers and also the investigative agencies. Where the officer or the investigative agencies can conduct the inquiry and submit the report.

The commission has the power to appoint people with expertise or special knowledge to assist the commission of inquiry

Section 6⁹ protects the statements given by any person before the commission are to be protected.

Section 7¹⁰ states the whenever the appropriate government finds it unnecessary for the commission to exist, it shall cease to function. If such commission has been established through a resolution passed by the parliament or the state legislative assembly, it should be dissolved by passing a resolution again.

Section 8 states the procedure to be followed by the commission that has been constituted, where the procedure to be followed (general rules) are prescribed by the central government. Such procedure includes the daily procedures like the venue, meetings to be held are managed by the commission of inquiry.

Section 8A, 8B, 8C¹¹ , all these three sections deals with the vacancy (where the vacancy should not affect the functioning of the commission, or a new member if included in the commission to inquire shall continue the inquiry from the stage where it has stopped, the need not start as a fresh inquiry), opportunity to be heard (to be given to the person on whom the commission conducts the inquiry) and the right to have legal counsel and the right to examine, cross examine the witnesses has also been given to person mentioned under the section 8B.

Section 9¹² states that any action taken in good faith by the commission of inquiry is not liable for any suit or proceedings if acted under the pursuance of law.

⁸ The Commission of Inquiry Act, 1952 (60 of 1952), s. 5A, 5B

⁹ The Commission of Inquiry Act, 1952 (60 of 1952), s. 6

¹⁰ The Commission of Inquiry Act, 1952 (60 of 1952), s. 7

¹¹ The Commission of Inquiry Act, 1952 (60 of 1952), s. 8A, 8B, 8C

¹² The Commission of Inquiry Act, 1952 (60 of 1952), s. 9

Section 10¹³, states that the officers under the commission are public servants and they are punished the same as the public servant who violates the law. Section 10B deals with the penalty that any words spoken or written that brings dispute to the commission shall be punished with simple imprisonment for 6 months and shall also be liable to pay the fine.

These are the features and the major functions of the commission of inquiry Act.

V. THE COMMISSION OF INQUIRY ACT- WHY NON-BINDING?

The Commissions of Inquiry Act, 1952, in India makes sure that commission reports are not binding. This is to allow the government to have flexibility when dealing with public issues. Commissions are meant to find facts and give advice, not to enforce laws.¹⁴

The Commissions of Inquiry Act, 1952 was made to allow the Central and State Governments to set up commissions to look into issues of "clear public importance." These commissions are usually led by retired judges or experts and are formed to investigate controversial events, corruption, riots, accidents, failures in administration, or other problems that affect society. Even though the commission does some functions like a court, it is not a regular court of law. Its main job is to find facts and make recommendations, not to punish people.

The Act has been very important in Indian governance and accountability because many well-known commissions have been set up under it to look into politically and socially sensitive issues. Although the findings of a commission are usually just suggestions and not mandatory, their reports often affect government policy, administrative changes, criminal investigations, and public opinion.

One important part of the Commission of Inquiry Act is that its findings are not legally binding. The Act does not have a way to enforce the recommendations made by the

¹³ The Commission of Inquiry Act, 1952 (60 of 1952), s. 10A, 10B

¹⁴ "Mandatory Opportunity of Hearing under the Commissions of Inquiry Act, 1952: A New Precedent", CaseMine, available at: <https://www.casemine.com/commentary/in/mandatory-opportunity-of-hearing-under-the-commissions-of-inquiry-act,-1952:-a-new-precedent/view> (last visited on May 11th, 2026).

Commission, so it is up to the government to decide whether to implement them. This non-binding aspect comes from the idea of separation of powers, since commissions are not courts and cannot make enforceable decisions. Also, their reports usually do not have value as evidence in courts unless they are proven independently. Because of this, commissions act only as advisory groups, and their success relies heavily on the government's political will. This limitation weakens their role, turning them into organizations that create findings without ensuring accountability.¹⁵

VI. LANDMARK COMMISSIONS UNDER THE COMMISSION OF INQUIRY ACT

A. Chagla Commission of Inquiry

The Chagla Commission was a one-man commission constituted in the year 1957 under India's Commissions of Inquiry Act, 1952, to look into the Mundhra scandal related to the Life Insurance Corporation (LIC). It was led by Justice M.C. Chagla, it shows the Act's goal of finding facts and to submit report to parliament with the recommendations and the action taken report.¹⁶

1. **Mundra scandal:** LIC purchased shares worth ₹1,26,86,100 (approximately ₹1.27 crore) in six financially troubled companies associated with Haridas Mundhra. The investment was allegedly made under pressure exerted through the Finance Ministry, with the objective of providing financial support to Mundhra's struggling business interests. Feroze Gandhi revealed this in Parliament, which led Prime Minister Nehru to appoint justice Chagla for a quick public inquiry commission. This inquiry was completed within 24 days, which is a record for such investigations.
2. **Findings:** Although the Commission did not establish personal criminal liability against Finance Minister T.T. Krishnamachari or senior officials such as H.M. Patel, Justice Chagla concluded that the finance minister bore

¹⁵ Siddhi vaidhya, "understanding the commission of inquiry", available at: <https://www.scribd.com/document/853598844/COMMISSION-OF-INQUIRY> (last visited on 11th May 2026)

¹⁶ Sayid sahid ali, "chagla commission- LIC mundra scandal" available at, <https://www.scribd.com/document/802928400/Chagla-Committee>, (last visited on May 11th, 2026)

ministerial and moral responsibility for the circumstances that led to the transaction, which led to the resignation of TT Krishnamachari and Mundhra's imprisonment. The report pointed out improper government interference in public sector companies (PSUs) like LIC.

3. Recommendations: Chagla presented recommendations for PSU's independence -

- No interference from the government;
- Chairpersons with business knowledge;
- Civil servants focusing on corporate responsibilities;
- LIC funds used only for policyholders unless they serve the national interest;
- Ministers updating Parliament;
- Complete accountability of ministers for their staff.

These recommendations are in line with the Act's advisory role, shaping governance practices without being legally enforceable.

B. Maruti Commission of Inquiry

The Maruti Commission of Inquiry was set up in 1977 under the Commissions of Inquiry Act, 1952. It looked into claims of corruption and misuse of power in the Maruti car project that Sanjay Gandhi led. Justice A.C. Gupta chaired the commission, which revealed how government support and rule-breaking and the violation of the procedures led to the project's mismanagement.

1. Background of the maruti affairs: After the emergency, the Janata government set up a one-man commission to investigate Maruti's operations. This was in response to claims of improper influence from Sanjay Gandhi, the son of Prime Minister Indira Gandhi, and officials such as Bansi Lal. The commission looked into licenses, imports, and financial

issues related to the creation of India's first "people's car," which ultimately did not come to failure despite significant government backing.¹⁷

2. **Maruti Project Origins:** Launched in 1970 as a private project by Sanjay Gandhi to create an affordable "people's car," Maruti was granted unusual government support: an industrial license for 50,000 units even without the necessary expertise, 300 acres of valuable land in Haryana at a low price (displacing farmers), and relaxed rules for imports. Haryana Chief Minister Bansi Lal, a supporter of Sanjay, misused the law and approved through the Prime Minister's Office, breaking regulations for local production using the foreign technology or currency was not permitted, yet German designer Willy Muller was secretly hired by Sanjay Gandhi to setup the prototype and by 1976, there was just a defective prototype left after fake tests (for example, a crash was blamed on driver error). In April 1977, they appointed Justice A.C. Gupta under the Commissions of Inquiry Act to investigate licenses, finances, imports, and official involvement in this "extortion and manipulation."¹⁸
3. **Findings:** The report, which is 471 pages long, explained issues with procedures, favoritism in giving out import licenses worth crores, and conflicts of interest among public servants. It accused Sanjay Gandhi of misleading authorities about technology transfers and held officials responsible for breaking rules, but no criminal charges were made because the Act is not legally binding.¹⁹
4. **Government responses:** In 1978, the Maruti Commission of Inquiry released a critical 471-page report, but because it was non-binding under the 1952 Act, it had little enforcement. The Congress government that returned in 1981 completely dismissed it, claiming it was a political attack.

¹⁷ Sunil sethi, prabhu chawla, "Maruti Commission report documents the story of Sanjay Gandhi's dream of building an automobile empire gone awry", *India today*, (jan. 22, 2015)

¹⁸ Editorial, "july 29 1981, forty years ago: Maruthi panel report", *Indian express* (July. 21, 2021)

¹⁹ Smrithi srivatsava, "maruthi commission report: analysis of corruption and power of abuse", available at, <https://www.studocu.com/in/document/jagran-lakecity-university/criminal-law-and-criminal-justice/research-paper-on-maruti-commision-report/44507179> (last visited on May 11th, 2026)

5. **Government Rejection:** Indira Gandhi's Cabinet rejected the report's findings and took no action against those accused, including Sanjay Gandhi and officials like Bansi Lal. There were no prosecutions or significant recoveries, such as the ₹12 lakh shares that were taken by force, showing how leaders can ignore troubling investigations.
6. **Limited Fallout:** Only a few bureaucrats received minor penalties, while Sanjay remained active in politics until he died in 1980. The assets of Maruti were transformed into Maruti Udyog Ltd. in 1981 with Suzuki, leading to the launch of the successful Maruti 800 turning a scandal into a national automotive success without facing any accountability.²⁰
7. **Criticism:** The Maruti Commission report received intense political backlash, mainly from Indira and Sanjay Gandhi's supporters, instead of facing real procedural issues. They called it unimportant and labeled it a revenge.

Even though the report pointed out misconduct by officials, there were no legal actions taken, making the 471-page document ineffective. Some people believed it revealed societal complicity in the abuse of power without bringing about any real changes.

C. Liberhan Commission of Inquiry

The Liberhan commission was one of the most important commissions of inquiry constituted in India. It was the one- man inquiry which was set up by the Indian government to look into and investigate the matters of the 1992 Babri Masjid demolition in Ayodhya.

The commission examined the events that led to the demolition of the monument and the figures involved in the conspiracy of such demolition.²¹

²⁰ Sunil sethi, prabhu chawla, "Maruti Commission report documents the story of Sanjay Gandhi's dream of building an automobile empire gone awry", *India today*, (jan. 22, 2015)

²¹ NDTV correspondent, "what is liberhan commission?", available at: <https://www.ndtv.com/india-news/what-is-the-liberhan-commission-405380> (last visited on May 11th, 2026)

1. **Background:** The commission was appointed immediately 10 days after the demolition of the Babri Masjid happened on December 6th at the Ram Janmabhoomi- Babri Masjid complex. This incident created huge amounts of violence among the people. The commission was headed by the then high court judge of the Punjab and Haryana, justice Liberhan who was mandated to find the probing sequence of events and the involvement of the politicians towards letting the destruction of the Babri masjid.
2. **Timeline:** The commission was originally set up to report within three months of the happening of the incident, but the reality is they received 48 extensions over 17 years and became the India's longest ran commission of inquiry and the cost incurred during the investigation was more than 8cr. They had finally submitted the report in June 2009 to the then prime minister, Manmohan Singh after 399 sittings and examined certain key figures involved in the incident. The major finding was that the demolition was not a spontaneous event, but the mob violence was. It was a systematic deliberate communal intolerance.
3. **Recommendations and action taken:**
 - They recommended enacting strict regulation over the exploitation of religion for the political end.
 - To strengthen the National Integration council
 - There should be no dual roles including religion and politics
 - To stop the criminalization of politics
 - There should be strict punishment given for the misuse of religion for political purposes.
 - To step up a separate criminal justice commission
 - To handle communal violence strictly
 - To stop communalism and support secularism
 - To build strong public support
 - To have a national level central agency to look into the interstate disputes
 - The police to be free from political pressure

- To have intelligence agencies to share information and to work independently
- In case of any religious cultural disputes, the historians and the experts and the archaeologist to look into the matters and decide
- To create a national expert commission
- To create a strong strict press and media regulation and to ensure their accountability and also to impose stricter punishments for the depiction of the fake news in media and so on

After all these recommendations, the main action was very descriptive but not punitive and there were no major criminal sanctions given against the names involved in the report.²²

D. Nanavati Mehta Commission of Inquiry

The Nanavati-Mehta Commission, led by retired Supreme Court Justice G.T. Nanavati and later by Justice Akshay H. Mehta, looked into the 2002 Godhra train fire and the following Gujarat riots that resulted in the deaths of more than 1,000 individuals, primarily Muslims.

- 1. Background:** On 6 March 2002, the Government of Gujarat constituted a one-member Commission of Inquiry under the chairmanship of retired Gujarat High Court Judge Justice K.G. Shah to investigate the Godhra train burning and the subsequent communal disturbances. Subsequently, retired Supreme Court Judge Justice G.T. Nanavati was appointed as Chairman alongside Justice Shah, and the inquiry became known as the Nanavati-Shah Commission. Following Shah's passing in 2008, retired Gujarat High Court judge Akshay H. Mehta was appointed, leading to the renaming of the commission to the Nanavati-Mehta Commission. In 2005, the terms of reference were broadened to investigate Modi's involvement, as well as the actions of ministers and police during the riots. Although initially expected to complete its inquiry within a limited period, the Commission received

²² Government of India, "LIBERHAN AYODHYA COMMISSION REPORT", (ministry of home affairs 2009)

multiple extensions and ultimately functioned for over a decade before submitting its final findings, the inquiry received 22-24 extensions over a span of 12 years, examining over 40,000 documents, more than 1,000 witness statements, and conducting site visits. Part I (Godhra) was submitted in 2008/2009, while the final Part II was completed in 2014 and presented in 2019.²³

- 2. Key findings:** The commission determined that the Godhra burning was a "pre-planned conspiracy" carried out by a Muslim mob, rather than an accident, based on testimonies and forensic findings. It gave clean chit to the then-Chief Minister Narendra Modi, his cabinet, the police, BJP, VHP, and Bajrang Dal of any wrongdoing, suggesting that the riots were a result of public outrage over Godhra instead of being orchestrated by the state. The police response was considered timely despite difficulties, and there was no proof of interference from ministers.²⁴ These are the few landmark commissions constituted under the commissions of inquiry Act.

VII. CRITICAL EVALUATION OF THE ACT

The Commissions of Inquiry Act, 1952 allows Indian governments to set up commissions to investigate issues that are important to the public. However, it has been criticized for being ineffective and allowing political delays.

- 1. Absence of Binding Authority:** Since commission recommendations are not legally enforceable, governments may choose not to implement them. For instance, the Liberhan Commission's 2009 report on the Babri Masjid demolition identified 68 individuals as responsible for the events leading to the demolition. However, the Commission's findings were advisory in nature and did not themselves result in criminal convictions. In a separate criminal

²³ Shankar IAS Academy, "Nanavati Commission:2002 Godhra Riots" (12 December 2019) available at: <https://www.shankariasparliament.com/current-affairs/nanavati-commission-2002-godhra-riots> (last visited on May 11th, 2026)

²⁴ Government of Gujarat, "Report of the Commission of Inquiry Consisting of Justice Nanavati and Justice Mehta" available at: https://home.gujarat.gov.in/upload/Volume-1_111219.pdf, (last visited on May 11th, 2026)

proceeding, a Special CBI Court in 2020 acquitted 32 accused persons after holding that the charge of criminal conspiracy had not been proved. This distinction highlights the limited legal effect of commission reports and reinforces the perception that commissions often function as fact-finding bodies without enforcement powers.

2. No Deadlines or Responsibility, Original three-month agreements keep getting extended (48 times for Liberhan over 17 years; 24 extensions for Nanavati-Mehta commission), costing crores (Liberhan: over Rs 8 crore). There are no penalties for delays or failure to implement.
3. Political Bias where the Governments choose members, usually supporting their allies which results in claims of partisanship. Reports from opposition voices are often censored or postponed.
4. It can compel witnesses to testify and later use their statements against them. Without strong protection, negative reports can damage reputations without any court evidence.
5. Governments are not required to take action or provide reasons for inaction. Most of the 400 plus commissions established since 1952 have been ineffective. Courts consider reports to be merely opinions, rather than evidence.

The Commissions of Inquiry Act, 1952 has important strengths in allowing detailed investigations into public matters, but it also has major weaknesses, like outcomes that are not legally binding and the possibility of delays. Although it has helped shape policy in certain situations, its varied success shows that there is a need for careful reforms to improve its effectiveness while maintaining independence. In general, specific updates could help it better meet today's accountability requirements.

VIII. THE COMMISSION OF INQUIRY ACT: PURPOSE AND REALITY

1. **Intended purpose:** The Commissions of Inquiry Act, 1952 was created to assist governments in quickly addressing major public issues. Consider events like riots, scams, disasters, or the deaths of leaders. Regular courts can be slow, so this law allows leaders to form a special team usually made up of retired judges. This team has powers similar to a court: they can summon witnesses,

collect documents, and ask difficult questions under oath. The main objectives are straightforward: uncover the truth, hold accountable those at fault, recommend improvements for laws or police practices, and inform the public. This process fosters trust and prevents future occurrences. It reserves regular courts for criminal cases and maintains oversight on authority.²⁵

2. **Reality:** However, in reality, it fails significantly. Commissions take an eternity. Liberhan lasted 17 years for the Babri Masjid incident, and Nanavati-Mehta took 12 years for the Gujarat riots. They drain crores from taxpayers but end with reports that are ignored. Recommendations are merely suggestions; there is no obligation to act on them. Politics disrupts the process: leaders choose sympathetic judges, resulting in reports that either conceal figures or unfairly blame one side. Witnesses go through harsh questioning, their names spoil the media, yet they receive no protection or fairness. Of the 400+ commissions since 1952, fewer percentage result in arrests or changes in rules. Many reports remain confidential or are left to gather only the dust not the truth.²⁶

To align goals with actual outcomes, set essential deadlines, ensure important recommendations are mandatory, allow judges to select teams, and impose penalties for delays. This would transform it into a genuine instrument for justice, rather than a political tool.

IX. LIMITATIONS OF THE ACT

1. The main problem with the Act is that the government does not have to follow the Commission's advice. The report is just a suggestion.
2. Many commissions take a long time, sometimes years or decades, to finish their work, which slows down justice and makes people less interested.

²⁵ Varun yadav, "commission of inquiry Act, 1952 , an analysis", available at, <http://www.scribd.com/document/319426605/Commissions-of-Inquiry-Act-An-Analysis-docx> (last visited on 11th May 2026)

²⁶ P.K. Tripathi, "Problems Arising under the Commission of Inquiry Act" available at: http://14.139.60.116:8080/jspui/bitstream/123456789/16893/1/014_Problems%20arising%20under%20Commission%20of%20Inquiry%20Act%20%28160-172%29.pdf (last visited on May 11th, 2026)

3. Since the government chooses the commission and sets its rules, there can be political pressure or bias.
4. The Commission can look into things and gather evidence, but it cannot punish anyone or make things happen directly.
5. Even after spending time and money on an investigation, the government might ignore the report or not follow the suggestions.
6. There is no strong way to check if the government has acted on what the Commission found.
7. Similar investigations might already be done by courts, police, CBI, or Special Investigation Teams, making commissions sometimes not needed.
8. The Act does not require commissions to finish their work at a certain time, which can lead to unnecessary delays.
9. Commission reports are usually not seen as final proof in courts and cannot take the place of court decisions.
10. Long-running commissions cost a lot of money for the government without ensuring good results.
11. Sometimes commissions are set up mainly to avoid immediate political backlash instead of truly seeking justice.
12. Since the executive branch controls appointments and operations, the Commission may not always be independent.
13. The Act does not have a strong system to make sure that findings lead to real changes or prosecutions.
14. Victims and affected people may not get justice on time because inquiries can take many years without real action.

X. CONCLUSION

The Commission of Inquiry Act, 1952 was created to make sure that the government is open, responsible, and trusted by the public. It allows the government to set up commissions to look into important public issues. In theory, this Act seems like a key democratic tool meant to find the truth and help the State deal with serious social, political, and administrative problems. But, when we look closely at how these

commissions work, we see that the real situation is very different from what was intended. Over time, these commissions have become more like symbols, and their findings are often ignored, delayed, or only acted on when they suit political needs.

The work of several important commissions shows this weakness in institutions. The Liberhan Commission took almost seventeen years to submit its report, showing the issue of long delays and less public interest. Likewise, the Nanavati Commission found serious political and administrative failures, but their suggestions were only partly put into action. These cases show that commissions often act as short-term political answers to calm public anger instead of being true ways to achieve justice and accountability.

XI. SUGGESTIONS

1. The government must be legally obligated to act on key suggestions from the Commission. If the suggestions are turned down, clear reasons should be provided for the public.
2. Commissions need to finish their investigations in a set time, like one or two years, to prevent delays in justice.
3. Members of the Commission should be chosen by an independent committee, not just by the government, to lessen political influence.
4. The government must present an 'Action Taken Report' to Parliament or the State Legislature that explains what actions were taken based on the Commission's findings.
5. Evidence gathered by commissions should be shared properly with the police, CBI, or courts to ensure real legal action against wrongdoers.
6. Inquiry processes and reports should be public to boost accountability and public trust.
7. Governments should not use commissions for political gain or to stall public pressure and accountability.
8. A different authority or parliamentary committee should check if commission recommendations are being followed correctly.

9. Reports should be easy for the public to access so that citizens can understand the findings and recommendations.
10. The Act should be updated to fit today's needs and to make commissions more effective, accountable, and focused on results.

XII. REFERENCES

A. Statutes

1. The Commissions of Inquiry Act, 1952 (Act No. 60 of 1952).
2. The Constitution of India, 1950.
3. Bharatiya Nyaya Sanhita, 2023.
4. Indian Penal Code, 1860 (for historical references).

B. Cases

1. Ram Krishna Dalmia v. Justice S.R. Tendolkar, AIR 1958 SC 538.
2. State of Karnataka v. Union of India, (1977) 4 SCC 608.
3. Kehar Singh v. State (Delhi Administration), 1988 Supp SCC 711.
4. A.K. Roy v. Union of India, (1982) 1 SCC 271.
5. P.V. Jagannath Rao v. State of Orissa, AIR 1969 SC 215.
6. T.T. Antony v. State of Kerala, (2001) 6 SCC 181. (Referenced for investigative accountability context.)

C. Government Reports and Commission Reports

1. Report of the Chagla Commission of Inquiry into the Life Insurance Corporation-Mundhra Affair (1958).
2. Report of the Vivian Bose Commission of Inquiry on the Dalmia-Jain Group Affairs.
3. Report of the Das Commission of Inquiry on Allegations against Pratap Singh Kairon.

4. Report of the Maruti Commission of Inquiry (Justice A.C. Gupta Commission), Government of India.
5. Liberhan Ayodhya Commission Report, Ministry of Home Affairs, Government of India (2009).
6. Report of the Commission of Inquiry Consisting of Justice G.T. Nanavati and Justice Akshay H. Mehta on the Godhra Incident and Subsequent Disturbances in Gujarat, Government of Gujarat.
7. Action Taken Reports relating to various Commissions of Inquiry, Government of India.

D. Books

1. M.P. Jain, *Indian Constitutional Law* (LexisNexis, Latest Edition).
2. V.N. Shukla, *Constitution of India* (Eastern Book Company, Latest Edition).
3. H.M. Seervai, *Constitutional Law of India* (Universal Law Publishing, Latest Edition).
4. Durga Das Basu, *Introduction to the Constitution of India* (LexisNexis, Latest Edition).
5. P.M. Bakshi, *The Constitution of India* (Universal Law Publishing, Latest Edition).

E. Journal Articles

1. P.K. Tripathi, "Problems Arising under the Commission of Inquiry Act," *Journal of the Indian Law Institute*.
2. Articles relating to public inquiries and accountability published in the *Journal of the Indian Law Institute (JILI)*.
3. Articles on commissions of inquiry and democratic accountability published in the *Indian Bar Review*.
4. Scholarly articles on fact-finding commissions and public administration published in *Economic and Political Weekly (EPW)*.

F. Online Sources and Commentaries

1. India Code, The Commissions of Inquiry Act, 1952.
Available at: <https://www.indiacode.nic.in>
2. Indian Kanoon, The Commissions of Inquiry Act, 1952.
Available at: <https://indiankanoon.org>
3. Ministry of Home Affairs, Government of India, Liberhan Ayodhya Commission Report.
Available at: <https://www.mha.gov.in>
4. Government of Gujarat, Nanavati-Mehta Commission Report.
Available at: <https://home.gujarat.gov.in>
5. CaseMine, "Mandatory Opportunity of Hearing under the Commissions of Inquiry Act, 1952: A New Precedent."
6. Shankar IAS Academy, "Nanavati Commission: 2002 Godhra Riots."
7. India Today, "Maruti Commission Report Documents the Story of Sanjay Gandhi's Dream of Building an Automobile Empire Gone Awry."
8. The Indian Express, "Forty Years Ago: Maruti Panel Report."
9. NDTV, "What is the Liberhan Commission?"
10. Scholarly and archival materials relating to the Mundhra Scandal and the Chagla Commission.

G. Comparative Legal Materials

1. Inquiries Act 2005 (United Kingdom).
2. Royal Commissions Act 1902 (Australia).
3. House of Lords Select Committee Reports on Public Inquiries (United Kingdom).
4. UK Cabinet Office Guidance on Public Inquiries.