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USE AND MISUSE OF COMMISSIONS OF INQUIRY IN CONTEMPORARY INDIA: A STUDY UNDER THE COMMISSION OF INQUIRY ACT, 1952

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I. ABSTRACT

The Commissions of Inquiry Act of 1952 created a proper legal way to investigate important issues using groups of people who could find out the facts without being told what to think. In contemporary India, commissions are frequently constituted in response to political controversies, communal violence, administrative failures, corruption allegations, and other matters affecting public confidence in governance. They should make things more open, make those in power answer for their actions and make the public trust the government, but how they work in reality is a complicated mix of being used properly and being used to manipulate a situation. This study critically examines the role of commissions as mechanisms for fact-finding and political accountability. The Nanavati Commission illustrates their constructive role in documenting historical wrongs and recommending institutional reforms, whereas the prolonged duration and limited implementation of the Liberhan Commission highlight structural inefficiencies and diminished public confidence. The article also considers what judges think, specifically the guidelines from the case of Ram Krishna Dalmia v. Justice Tendolkar, which explain that these commissions don't actually make judgements, they just give advice. The study concludes that commissions remain valuable democratic institutions despite persistent challenges arising from political interference, procedural delay, and the non-binding nature of their recommendations. Through statutory analysis, judicial interpretation, and institutional examples, it distinguishes legitimate public inquiries from their misuse and proposes reforms to strengthen independence, efficiency, and implementation of commission recommendations.

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II. KEYWORDS

Commissions of Inquiry Act, 1952; Political Accountability; Judicial Interpretation; Institutional Credibility; Governance Reform.

III. INTRODUCTION

The Commissions of Inquiry Act, 1952 constitutes an important statutory framework for the investigation of matters of definite public importance through formally constituted fact-finding bodies. Enacted in the early post-independence period, the Act reflects the constitutional values of transparency, accountability, and responsible governance. Passed early in the years after India became independent, the Act shows the government's dedication to openness, being answerable for its actions, and good governing. In a diverse constitutional democracy such as India, where public administration may be confronted with communal disturbances, political controversies, corruption allegations, and administrative failures, an independent mechanism for ascertaining facts assumes considerable significance.

The Act therefore provides a legal basis for constituting commissions to inquire into such matters in a structured and quasi-judicial procedural manner, without conferring adjudicatory authority upon them. So, the Act provides the legal basis for creating commissions to investigate these kinds of issues in a methodical and almost court-like way.

According to the Act, either the central or a state government can establish a commission whenever it believes doing so is in the public interest. These commissions are almost always led by judges who are currently working or have retired, adding to their trustworthiness and seriousness. They have similar powers to a civil court as outlined in the Code of Civil Procedure, 1908²; they can make people appear as witnesses, force the showing of documents, accept sworn statements as evidence, and request official government documents. These powers allow the commissions to

² The Commissions of Inquiry Act, 1952, No. 60 of 1952, secs. 8B-8C (India).

investigate completely and collect a lot of evidence, often going further than a normal administrative investigation would.

Throughout history, commissions have been formed in response to big national events with large political and social consequences. The Shah Commission, for example, looked into the abuse of power during the Emergency (1975-1977), and is one of the first and most important examples of the Act being used. The Nanavati Commission investigated the large amount of violence between religious groups that happened after Prime Minister Indira Gandhi was assassinated, and the Liberhan Commission was created to investigate what happened surrounding the tearing down of the Babri Masjid in 1992. These illustrate how commissions are used to deal with problems that strongly influence what people think and the integrity of the country.³

Despite their institutional importance, the functioning of commissions of inquiry reveals both constructive uses and serious limitations. Their non-adjudicatory character, advisory recommendations, procedural delays, and dependence upon executive action have created persistent concerns regarding their effectiveness as instruments of accountability. A key characteristic of these commissions is that they don't judge anything. As the Supreme Court made clear in *Ram Krishna Dalmia v. Justice Tendolkar*,⁴ they aren't courts, don't decide who is legally responsible for what (civil or criminal), and don't give punishments. Their main purpose is to find out the facts and make suggestions. While this respects the division of powers in the constitution and stops commissions from stepping on the courts' toes, it also limits their ability to make people truly accountable.

Another important problem is that commission reports aren't something the government has to act on. The government can completely decide whether to accept the recommendations, reject them, or only put some into practice. In reality, this often means only some recommendations are followed, or nothing at all happens, which defeats the point of the investigation. Also, commissions are often delayed for a long time, with some investigations lasting years, even decades. The Liberhan

³ Shah Commission Report (1978) (India).

⁴ *Ram Krishna Dalmia v. Justice Tendolkar*, A.I.R. 1958 S.C. 538 (India).

Commission, for instance, took almost seventeen years to publish its report, leading to serious questions about how efficiently and cheaply it worked, and whether it was even relevant by the end.⁵

Political influence further complicates things. Because the government chooses who is on the commission, what they should look at, and when and how the report will be published and put into action, there's a real danger of leaning or manipulation. Some people who criticize them say commissions are sometimes created not to honestly discover the truth, but to postpone making decisions, calm down the public, or move the blame to someone else. This has led to a decrease in how much faith the public has in commissions as a way to hold people accountable.

Nevertheless, commissions of inquiry cannot be dismissed as ineffective institutions. In several instances, they have contributed to historical documentation, public disclosure of facts, identification of institutional failures, and formulation of reform-oriented recommendations. Their reports often assist courts, policymakers, scholars, and civil society in understanding events of significant public importance. In many situations, they've been important in recording events, keeping a historical record, and revealing facts that were hidden. Their reports are often helpful in court cases, when creating new policies, and for academic study. Therefore, commissions have a contradictory position within India's legal system: they are essential for democratic government, but also could be used for political advantage.⁶

A. Research Problem

In order to address the issues of significant public concern and the need to increase the accountability of government, the Commission of Inquiry Act of 1952 was established to help with accountability and good governance of India. The task of these Commissions is to inquire impartially into issues of national importance such as communal disturbances, government scandals, administrative blunders, corrupt activities, and other matters concerning the public. Although they possess powers similar to those of civil court concerning evidence gathering and witness interviews,

⁵ Nanavati Commission Report (2005) (India).

⁶ Liberhan Commission Report (2009) (India).

their reports and recommendations have the potential of only serving advisory purpose and do not obligate the government legally. In this scenario, how the governments of India address the recommendation will dictate the functioning of these Commissions.

However, over the last few decades, the operation of these Commissions of Inquiry has increasingly been of major concern due to various factors, such as: prolonged investigations resulting in delays; increased public skepticism toward their ability to deliver unbiased recommendations; higher financial cost to the taxpayers; loss of public interest and decreased significance of their findings; political interference at all levels – starting with the appointment of Commission members, the setting of the terms of reference of inquiry, and ending with selective report implementation; the formation of a commission for only appeasing public sentiment or diverting attention; the deliberate manipulation of the inquiry process to delay accountability and to advance specific political agendas, among other reasons.

Further the reports from commissions often go ignored and unheeded without legal accountability or obligation to respond, thereby exacerbating the divide between the policy goals of the Commission of Inquiry Act, 1952, and their actual results. Moreover, the courts have upheld the Commission's position as that of merely a fact-finding, not a judicial body, as illustrated by *Ram Krishna Dalmia v. Justice Tendolkar*, which limits their ability to hold perpetrators accountable despite revealing facts pertinent to wrongdoings.

The fundamental research challenge then lies in defining if commissions continue to serve as successful tools for democratic accountability and clear governance, or if structural flaws, government control, political meddling, slow procedures, and unbinding outcomes have effectively undermined their intended objectives. This research aims to delve into the legislative framework for these commissions, appraise their actual operation through judicial and institutional evaluations, highlight the root causes and impact of their abuse, and suggests reformist measures to reinforce their credibility, efficiency and independence within India's constitutional framework.

B. Aim And Objectives of the Study

This research is looking carefully at how commissions of inquiry work in India, specifically using the 1952 Commissions of Inquiry Act as a way to understand them. It's especially interested in telling the difference between when they are used correctly and when they could be abused within how the country is run now. We're trying to decide if these commissions actually do what they are meant to do - bring openness, make people in power answer for their actions, and find out the truth. Or is the way they are built and the influence of politics getting in the way of their goals? The study will also think about how useful commissions are in really delivering justice and making sure those who run things in the government are responsible, when important issues affecting the public come up.

C. Research Objectives

1. To examine the legal framework and statutory provisions governing commissions of inquiry under the Commissions of Inquiry Act, 1952,
2. To analyse the role and functioning of commissions as fact-finding bodies in India,
3. To evaluate the effectiveness of commissions in ensuring accountability and transparency in governance,
4. To identify instances of misuse, including political influence, delays, and non-implementation of reports,
5. To study judicial interpretations, particularly in *Ram Krishna Dalmia v. Justice Tendolkar*, to understand the scope and limitations of commissions,
6. To assess the impact of the non-binding nature of commission recommendations,
7. To suggest legal and institutional reforms for improving the efficiency, independence, and credibility of commissions.

D. Research Questions

1. To what extent do commissions of inquiry constituted under the Commissions of Inquiry Act, 1952 effectively ensure accountability in public administration, given their fact-finding and non-adjudicatory nature?

2. How does the non-binding character of commission recommendations affect their implementation, and does it undermine their role in delivering meaningful outcomes?
3. To what extent are commissions of inquiry independent and free from political influence, particularly in light of executive control over their appointment, terms of reference, and report acceptance?
4. How do delays in the functioning and reporting of commissions impact their relevance, credibility, and overall effectiveness in addressing matters of public importance?

E. Research Hypothesis

Political interference in the appointment and functioning of Commissions of Inquiry, executive control over their terms of reference, procedural delays in completing inquiries, and the non-binding nature of their recommendations significantly reduce the effectiveness of Commissions of Inquiry under the Commissions of Inquiry Act, 1952, thereby weakening transparency, accountability, and public confidence in governance in contemporary India.

F. Research Methodology

The present study adopts a doctrinal research methodology, primarily involving the analysis of statutes, constitutional principles, judicial interpretations, and the practical operation of Commissions of Inquiry in India under the Commissions of Inquiry Act, 1952. The research relies on both primary and secondary legal sources to critically examine the legal framework governing commissions of inquiry and their role in promoting or limiting accountability, transparency, and good governance. The primary sources include the Constitution of India, the Commissions of Inquiry Act, 1952, relevant provisions of the Code of Civil Procedure, 1908, and landmark judicial decisions, particularly *Ram Krishna Dalmia v. Justice S.R. Tendolkar* and *State of Karnataka v. Union of India*, together with reports of major Commissions of Inquiry such as the Shah Commission, Nanavati Commission, and Liberhan Commission. These primary materials provide the statutory, constitutional, and judicial foundation for analysing the legal framework governing commissions of inquiry in India.

The secondary sources include textbooks of constitutional law, administrative law, research articles published in various law reviews, research papers published in journals and magazines, reports of various commissions such as the Law Commission of India reports, governmental reports, scholarly books, contemporary newspaper accounts and authentic on-line law resources which are of good repute. Methodological Approaches The research uses a doctrinal approach in as much as the primary focus of the research paper is the examination and study of the statutory, constitutional, and case law provisions regulating commissions of inquiry and an analysis of their practical application, as it takes a qualitative approach to explain and interpret how commissions of inquiry function and affect good governance. The research shall be confined to the study of the functioning of commissions constituted under the Commissions of Inquiry Act, 1952.

G. Literature Review

The existing literature on Commissions of Inquiry in India demonstrates that these institutions occupy a significant position within the constitutional and administrative framework by facilitating independent investigations into matters of public importance. The Commissions of Inquiry Act, 1952 has attracted considerable academic attention due to its role in promoting transparency, accountability, and democratic governance while simultaneously raising concerns regarding political interference, executive dominance, and ineffective implementation of commission reports.

M.P. Jain, in *Indian Constitutional Law*, explains that commissions of inquiry constitute an important mechanism of administrative accountability by enabling governments to investigate issues affecting public interest through independent fact-finding bodies. However, Jain observes that the advisory nature of commission reports and the absence of statutory enforcement considerably limit their practical effectiveness in ensuring governmental accountability. S.P. Sathe, in his writings on *Administrative Law and judicial control over commissions of inquiry*, argues that commissions serve an essential democratic function by uncovering facts and recommending institutional reforms. Nevertheless, he highlights those prolonged

delays, lack of procedural efficiency, and dependence upon the executive substantially weaken public confidence in such institutions.

Upendra Baxi views commissions of inquiry as important constitutional instruments capable of exposing institutional failures and encouraging administrative reforms. He contends that their value lies not merely in fixing responsibility but also in documenting historical events and influencing future public policy. However, he recognises that their recommendations often remain unimplemented because of political considerations. A.G. Noorani, in his analysis of commissions of inquiry, critically examines the tendency of governments to constitute commissions primarily for political purposes rather than genuine accountability. According to Noorani, commissions are sometimes employed to postpone difficult political decisions, diffuse public criticism, or shift responsibility without ensuring meaningful legal consequences.

Judicial interpretation has significantly contributed to the understanding of commissions of inquiry. In *Ram Krishna Dalmia v. Justice Tendolkar*, the Supreme Court clarified that commissions constituted under the Commissions of Inquiry Act, 1952 are purely fact-finding bodies and do not exercise judicial or quasi-judicial powers. The judgment established that commission reports are recommendatory in nature and do not determine civil or criminal liability, thereby preserving the constitutional separation of powers while simultaneously limiting the enforceability of commission findings.

Official commission reports such as the Shah Commission Report, Nanavati Commission Report, and Liberhan Commission Report provide valuable empirical material illustrating both the strengths and weaknesses of inquiry commissions. While these reports have contributed significantly to historical documentation, institutional accountability, and policy recommendations, they also reveal recurring concerns relating to excessive delays, political interference, selective acceptance of findings, and inadequate implementation of recommendations.

Comparative legal scholarship demonstrates that countries such as the United Kingdom, Canada, Australia, and the United States have developed stronger

procedural safeguards, greater institutional independence, mandatory governmental responses, and enhanced parliamentary oversight for public inquiries. These comparative experiences indicate that legal reforms can substantially improve the credibility and effectiveness of inquiry commissions.

Although considerable scholarly work exists regarding the legal framework and constitutional status of commissions of inquiry, relatively limited research comprehensively examines the growing misuse of these institutions in contemporary India by integrating statutory analysis, judicial interpretation, comparative perspectives, and practical experiences of major commissions. The present study seeks to bridge this gap by critically evaluating both the constructive role and institutional limitations of commissions of inquiry under the Commissions of Inquiry Act, 1952, while proposing reforms to enhance their independence, transparency, accountability, and public credibility.

IV. JUDICIAL INTERPRETATION: RAM KRISHNA DALMIA V. JUSTICE TENDOLKAR⁷

The 1952 Commissions of Inquiry Act, and how we understand inquiries under it, were hugely impacted by the Supreme Court of India's decision in *Ram Krishna Dalmia v. Justice Tendolkar*. Ram Krishna Dalmia, an important industrialist, had the affairs of his companies investigated by a commission the Central Government had appointed. Dalmia then went to court claiming the commission was unconstitutional and went against his fundamental rights specifically Articles 14 and 19 of the Indian Constitution. The main things the Supreme Court had to decide were if appointing a commission of inquiry could be seen as biased or unfairly treating people differently, and if these commissions were using the sort of powers a court would use, which could affect fundamental rights. The Court also needed to confirm if the 1952 Commissions of Inquiry Act itself was in line with the Constitution and to be clear about what powers commissions of this kind actually have.

⁷ *Ram Krishna Dalmia v. Justice Tendolkar*, A.I.R. 1958 S.C. 538 (India).

The Supreme Court decided the Act was constitutional and set out key principles about what commissions of inquiry are for. They said commissions are for finding facts and investigating, not for acting like a court or a quasi-judicial authority. They don't solve disputes, decide what someone is legally entitled to, or give out punishments. They only gather information and give suggestions to the government. Furthermore, the Court said simply appointing a commission doesn't break someone's fundamental rights, as long as the reason for the commission is sensible and is for the good of the public. In doing this, the Court clarified Article 14, stating that categorizing things reasonably is allowed if there's a clear difference and a logical connection to what you're trying to achieve. This judgment is important because it definitively says commissions of inquiry aren't about making judgements; they are different to courts and tribunals. This ensures commissions don't take over the work of the courts, and upholds the separation of powers. Because of this difference, commission reports aren't legally binding, they are just advice. The ruling also allows the government a lot of choice in how it acts under the Act, while using Article 14 to provide some constitutional control. This ensures the power to appoint commissions isn't used in a biased or unfair way.

However, while the judgment makes commissions of inquiry clearer and gives them a constitutional base, it also indirectly points out their weaknesses. By saying commissions are purely for investigation, the Court limits their ability to make anyone be responsible for their actions. Their findings, no matter how thorough or important, rely completely on the government to act upon them. This is a problem in its structure, because the authority being looked into often controls what happens with the investigation. Additionally, the judgement doesn't completely deal with worries about political manipulation, particularly when it comes to choosing who is on the commission or changing the specifics of what they are looking at. Therefore, while this case strengthens the legal standing of commissions, it also confirms how much they depend on what the government wants.

The principles from *Ram Krishna Dalmia v. Justice Tendolkar* are still at the centre of examining how commissions of inquiry are used and misused in India. The case

explains both the legality and the limitations of these organizations, supporting their role in discovering facts, while simultaneously revealing the natural restrictions which affect how well they can actually ensure accountability.

V. LEGAL FRAMEWORK OF THE COMMISSIONS OF INQUIRY ACT, 1952

In India, the Commissions of Inquiry Act of 1952⁸ is the law that allows for the creation and operation of commissions to look into things. The goal when this law was passed was to allow the government to investigate important issues that affect the public in a way that is both fair and organized. It shows how a democracy needs openness and a way of being held responsible, especially when there is public disagreement, the government hasn't worked well, or there's been a lot of upheaval in society. The law sets out all the steps for how these investigations should happen, but how well the law actually works depends on how well the government follows those steps.

1. Appointment of Commission (Section 3)

Section 3 of the law says the central or state government can set up a group to investigate anything the government believes is a significant issue for the public. They announce this setup in the Official Gazette. It looks simple enough, but this section does give the government a lot of freedom to decide things, because a commission is formed based on what they think is needed. However, the law does put a bit of a limit on this freedom; the government must form a commission if both the upper and lower parts of Parliament (or the State Legislature) vote to have one.⁹ Even with that protection, the government still has a lot of power over when an investigation begins, and that makes people worry they might use investigations for political gain.

2. Powers of the Commission (Sections 4 and 5)

Commissions are given a lot of authority through section 4 and 5 of the Act, so they can work well as groups that get at the truth of things. Specifically, Section 4 gives a commission pretty much the same powers as a civil court did in 1908, meaning they

⁸ The Commissions of Inquiry Act, 1952, No. 60 of 1952, sec. 3 (India).

⁹ The Commissions of Inquiry Act, 1952, No. 60 of 1952

can order people to appear in front of them, make sure people actually show up, demand to see paperwork, and accept evidence in the form of written statements. Because of all this, the commission can get the information it needs and investigate fully.

Furthermore, Section 5 allows the government to give the commission even more abilities. These could involve making people give details, or permitting the commission to go onto and examine property. Although these rules increase how much a commission can investigate, they also raise the chance of the commission going too far unless they are carefully managed. So, the broad powers in these sections are both helpful to the commission, but could also be abused.

3. Procedural Safeguards and Fairness (Sections 8, 8B, and 8C)

The Act incorporates procedural safeguards to ensure fairness and compliance with the principles of natural justice. Section 8 empowers the Commission to regulate its own procedure, thereby allowing flexibility in the conduct of inquiries. However, this procedural discretion is controlled by the safeguards contained in Sections 8B and 8C of the Commissions of Inquiry Act, 1952.¹⁰

Section 8B ensures that any person whose conduct is under inquiry, or whose reputation is likely to be prejudicially affected, is given a reasonable opportunity of being heard and of producing evidence in defence. Section 8C further strengthens procedural fairness by recognising the right of cross-examination and representation by a legal practitioner. Taken together, these provisions preserve the fact-finding character of the Commission while ensuring that persons affected by the inquiry are not denied basic procedural protections.

4. Protection of Witnesses (Section 6)

section 6 of the law safeguards people as they answer questions for the commission. What they say during the investigation won't be used to get them in trouble in later lawsuits or criminal cases, unless they are lying in court. This is really important for getting witnesses to be honest, and to tell the whole story, because they won't be

¹⁰ Id. sec. 8, Id. sec. 8B, Id. sec. 8C.

punished by the law for what they say. Also, it shows that commissions are for discovering what happened, not for deciding who's to blame. They are about finding facts, as opposed to judging.

5. Submission and Nature of Report (Section 3(4))

Upon completion of its inquiry, the Commission submits its report to the appropriate Government. Section 3(4) of the Commissions of Inquiry Act, 1952 requires the Central or State Government, as the case may be, to lay the Commission's report before Parliament or the State Legislature, together with a memorandum indicating the action taken thereon, within six months from the date of submission of the report. Although the Act promotes transparency by requiring legislative placement of the report, the recommendations of the Commission remain advisory in nature and are not legally binding upon the Government.

As recognised by the Supreme Court in *Ram Krishna Dalmia v. Justice S.R. Tendolkar*, a Commission of Inquiry is merely a fact-finding body and does not possess adjudicatory powers or authority to impose legal liability. Consequently, the effectiveness of a Commission ultimately depends upon the Government's willingness to act upon its recommendations, which continues to be one of the principal limitations of the statutory framework. Even though the law seems thorough and logically arranged, it isn't perfect. All the power being with the executive branch - from choosing who's on the commission to deciding what to do with the final report - could easily be affected by political considerations. And because the commission's recommendations aren't mandatory, they are less useful for making sure people are accountable.¹¹

However, the law does give commissions important ways of going about things and a lot of power to investigate. These help them find out what happened and get people talking. So, the legal structure is both a strong way to investigate things and, because of how it's set up, easily open to being used badly.

¹¹ The Commissions of Inquiry Act, 1952, No. 60 of 1952, sec. 3(4) (India).

VI. USE OF COMMISSIONS OF INQUIRY IN INDIA

1. Role as Instruments of Democratic Accountability

Commissions constituted under the Commissions of Inquiry Act, 1952 perform an important role in strengthening democratic accountability in India. In matters involving allegations of maladministration, abuse of authority, communal violence, corruption, or institutional failure, such commissions provide an independent forum for fact-finding outside ordinary departmental processes. Their constitution signifies formal acknowledgment by the State that a matter of public importance requires impartial inquiry and public scrutiny. Because of complicated bureaucracy and what politicians want, it's often difficult to find out what the government is doing. These commissions are outside groups that can carefully examine what the government has done. When one is created, the government is officially saying that something needs to be looked into by someone separate from the usual workings of departments and processes. They investigate claims of wrongdoing, carelessness, or someone in power using their position improperly and, by doing this, make people in the public service and the organizations they work for responsible for their actions. This supports how a democracy should work and the rules in the constitution for governing.¹²

2. Fact-Finding and Construction of Authoritative Narratives

The primary function of a commission of inquiry is to ascertain facts through evidence-based investigation. In situations involving public disorder, administrative failure, or politically sensitive events, factual narratives are often contested. Commissions address this difficulty by examining witnesses, reviewing documents, analysing official records, and presenting an authoritative account of the circumstances under inquiry. When a lot of people are hurt, institutions mess up, or politics are at the heart of a problem, we often don't have good, consistent details. Commissions fill this hole by getting people to tell their stories, looking at paperwork, and seeing what trends are in how people behaved, so they can give a definitive explanation of what occurred.¹³ The Shah Commission, as an example, extremely

¹² M.P. Jain, *Indian Constitutional Law* 1235–1237 (8th ed. 2018).

¹³ S.P. Sathe, *Administrative Law* 318–322 (7th ed. 2004).

thoroughly recorded how much power the government wrongly used during the Emergency and the detailed story it gave is still used in legal and political discussions today. In the same way, the Nanavati Commission was important for working out when things happened and finding out where the administration failed during the anti-Sikh riots. These kinds of reports are valuable for holding people responsible right away, but also for keeping the real history safe and making sure the facts aren't changed.¹⁴

3. Catalysts for Policy and Institutional Reform

Commissions also operate as catalysts for policy and institutional reform. Their reports frequently identify systemic deficiencies in governance and recommend changes in law, administration, policing, intelligence coordination, public order management, and protection of civil liberties. Although their recommendations are not binding, they may influence legislative debate, administrative reform, and public policy. What they write isn't just about what happened, it includes ideas for improving the laws, how things are done in the administration, and the ways organizations themselves are designed. They might propose improvements to policing, how intelligence is shared, dealing with emergencies, and safeguarding people's rights and freedoms. While people aren't forced to do what the commission recommends, these suggestions very often shape how the public talks about policy and what new laws are considered. Essentially, commissions are groups to give advice, and they help government systems improve and work better over the long run.¹⁵

4. Enhancing Transparency and Public Participation

In comparison with ordinary internal administrative inquiries, commissions of inquiry generally provide a more transparent mechanism for investigation. Public hearings, examination of witnesses, production of records, and eventual publication of reports may enable citizens, the media, and civil society organisations to engage with matters of public importance. This participatory dimension enhances democratic

¹⁴ A.G. Noorani, *Commissions of Inquiry: A Study in Abuse of Power*, 10 *Econ. & Pol. Wkly.* 145 (1975).

¹⁵ Upendra Baxi, *Commissions of Inquiry and the Quest for Accountability*, 12 *J. Indian L. Inst.* 321 (1970).

oversight and promotes informed public debate. The fact that there are public hearings, witnesses are questioned in front of everyone, and the reports are eventually available to all of us provides a place for things to be openly discussed and examined. Because of this openness, people, the news, and groups who work to improve society can all get involved with what's happening, and this strengthens people's ability to take part in democracy. Simply forming a commission can start to get the public to trust the government again, especially when people have lost faith in the government. By showing they will investigate and reveal what they've found, the government tries to appear lawful and to show they are listening to what the public is worried about.¹⁶

5. Supplementing Judicial and Administrative Mechanisms

Although commissions of inquiry are not courts and do not determine civil or criminal liability, their findings may assist subsequent judicial, administrative, or investigative processes. Commission reports can provide factual material for disciplinary proceedings, criminal investigation, policy review, or legislative discussion. In this respect, commissions supplement, but do not replace, ordinary legal and administrative mechanisms. Commission reports, with all their thorough evidence and detailed examination of things, can be what police investigations, criminal charges or professional punishments start from. The Liberhan Commission is a good example - it helped get more extensive law and politics debates going about who is to blame and who should be held responsible. Basically, commissions fill in the judiciary by giving a full, detailed account of what happened, although they don't have the power to give out punishments under the law.

6. Role in Conflict Resolution and Social Reconciliation

When communities turn on each other in violence or widespread trouble, inquiry commissions do something almost like helping people get along again. They say what people are upset about, write down what wasn't fair, and work out why the fighting happened. This gives the whole of society a chance to think about what happened and begin to recover. They don't solve the issues immediately, but what they discover can

¹⁶ S.P. Sathe, *Judicial Control over Commissions of Inquiry*, 18 J. Indian L. Inst. 45 (1976).

start conversations and give those who suffered some feeling of fairness. This is especially important in a country with so many different groups like India, because if old complaints aren't addressed, they can cause lasting damage to how well everyone gets on.¹⁷

7. Limitations within the Positive Role

The constructive role of commissions must, however, be assessed with caution. Their effectiveness varies according to the independence of the commission, cooperation of public authorities, availability of resources, procedural efficiency, and the willingness of the government to act upon their recommendations. Thus, while commissions remain valuable instruments of democratic inquiry, their practical impact depends upon institutional design and post-report implementation. Their success is very much tied to things like how much politicians actually want to do something, how well the civil service helps them, and if people are involved. Some commissions have actually managed to change how we talk about things and even get changes made, but others haven't had much of a real effect because their suggestions weren't put into practice or their reports took too long to come out. So, even as they do good, commissions are limited by the way things are set up and this impacts how useful they can be overall.¹⁸

VII. MISUSE OF COMMISSIONS OF INQUIRY IN INDIA

Although commissions of inquiry are intended to function as neutral fact-finding mechanisms, their use in India has frequently attracted criticism on account of political manipulation, delay, selective implementation, and excessive executive control. In some instances, commissions are constituted not primarily to secure accountability, but to manage public criticism, defer immediate decision-making, or create an appearance of official action without ensuring meaningful consequences. A major worry is that governments use these investigations for political gain. They often set one up after a big event, like a riot, corruption, or failure in administration, not really to find out what happened, but to calm the public down and seem to be doing

¹⁷ Law Commission of India, Report No. 195: Public Order (2006).

¹⁸ V. Venkatesan, Delay and Inefficiency in Commissions of Inquiry, 44 Econ. & Pol. Wkly. 12 (2009).

something, and often with no intention of properly dealing with the problem. This turns them into tools for managing politics, rather than actual ways to hold people to account.

A major limitation in the functioning of commissions is prolonged delay in completing inquiries and publishing reports. Extended proceedings increase public expenditure, weaken evidentiary reliability, and reduce the practical relevance of findings. As time passes, witnesses may become unavailable, memories may fade, records may become difficult to verify, and the political context may substantially change. Delay therefore undermines both accountability and public confidence. Many go on for years and years, losing their importance and impact. The Liberhan Commission, for example, took almost seventeen years to report. These long delays not only cost a lot of money, but also make the findings less reliable as witnesses can't be found, people forget things, and the situation has changed. Often people think these delays are intentional, letting the government put off being held responsible until the public loses interest.¹⁹

Another recurring concern is the non-implementation or selective implementation of commission reports. Since the recommendations of commissions are advisory and not legally binding, the appropriate Government retains discretion to accept, reject, or partially implement them. This discretion may result in important findings being ignored, diluted, or used selectively for political purposes, thereby reducing the inquiry to a symbolic exercise rather than an effective accountability mechanism. Because the recommendations aren't legally required to be followed, those in power can decide if and how to act on them. This frequently leads to reports being ignored, only partially put into practice, or used to help with political aims. As a result, even well-thought-out conclusions don't actually change anything, defeating the point of the inquiry and making it mostly a show.

Executive control over the constitution and functioning of commissions further contributes to concerns regarding misuse. The Government determines the appointment of members, terms of reference, administrative support, publication of

¹⁹ M.P. Singh, *Accountability and Administrative Law in India*, 35 J. Indian L. Inst. 210 (1993).

reports, and implementation of recommendations. Such concentration of control may affect perceived independence, particularly where the subject matter of inquiry involves politically sensitive allegations or actions of the Government itself. The government chooses who's on them, what they're looking at (the terms of reference), and how much of the report becomes public or is followed. This much power in one place makes people very concerned about whether the commission is independent and fair. By carefully deciding the terms of reference, the government can guide the investigation and its outcome, stopping it from looking at difficult or embarrassing issues.

Commissions may also be used as substitutes for prompt administrative or legal action. Instead of initiating immediate investigation, prosecution, disciplinary proceedings, or policy correction through established mechanisms, the State may appoint a commission in a manner that postpones responsibility. In such cases, the commission becomes an instrument of delay rather than a means of timely accountability. Instead of a speedy investigation or prosecution using the usual legal ways, the government may use a commission to delay making a decision. This slows down justice and weakens the systems we have for holding people accountable. In these situations, commissions are a way of postponing responsibility, not solving the problem.

The courts have even admitted that commissions have weaknesses. In *Ram Krishna Dalmia v. Justice Tendolkar*,²⁰ the Supreme Court made it clear that commissions are purely for investigating and don't have the power to make judgements. They can't decide legal rights or give punishments, and what they find isn't something that must be done. This respects the boundaries of the constitution, but at the same time limits what commissions can actually do, making them dependent on the executive branch to do anything with their findings.

These concerns cumulatively weaken public confidence in commissions of inquiry. When inquiries are delayed, politically influenced, inadequately resourced, or

²⁰ *Ram Krishna Dalmia v. Justice Tendolkar*, A.I.R. 1958 S.C. 538 (India).

followed by limited implementation, citizens may perceive them as instruments of political expediency rather than genuine mechanisms of truth-finding. Accordingly, while the statutory framework seeks to promote transparency and accountability, its effectiveness depends upon independence, procedural discipline, public disclosure, and meaningful governmental response. When inquiries take too long, are affected by politics, and then nothing happens, people stop seeing them as a good way to make sure things are done correctly. So, even though the law that sets them up is meant to be open and seek the truth, how it works in reality shows a lot of misuse and raises serious questions about their place in how India is governed today.

VIII. COMPARATIVE PERSPECTIVE ON COMMISSIONS OF INQUIRY

Looking at how commissions of inquiry work in various places, it's clear that lots of democracies use broadly the same ways to look into things people should know about. But how well those investigations work depends on how the commission is set up, the laws protecting it, and the general way politics functions in that country. India's system - based on the 1952 Commissions of Inquiry Act - is structured much like those of other countries with legal systems developed from English common law. Yet, when you compare it with how these inquiries are handled internationally, its problems in reality are much easier to see.

A. Recent Reforms in the United Kingdom: Lessons from the House of Lords Statutory Inquiries Committee (2024)

The United Kingdom has continued to strengthen its statutory inquiry framework through recent institutional reforms.²¹ A significant development is the report of the House of Lords Statutory Inquiries Committee, titled *Public Inquiries: Enhancing Public Trust* (2024), which comprehensively reviewed the functioning of public inquiries established under the Inquiries Act, 2005. The Committee observed that while public inquiries remain an important mechanism for investigating matters of national importance and maintaining public confidence in government, many

²¹ The Inquiries Act 2005, c. 12 (U.K.).

inquiries have been criticised for excessive delays, escalating costs, and the slow implementation of their recommendations. The Committee recommended several reforms to improve the efficiency and credibility of statutory inquiries. These include clearer terms of reference at the time of constitution, better project management, stricter timelines for completion, periodic public reporting on the progress of inquiries, and greater transparency regarding governmental responses to inquiry recommendations. It also emphasised that governments should publish Action Taken Reports within a reasonable period after receiving inquiry reports to ensure accountability and maintain public confidence.

These developments provide valuable lessons for India. Although the Commissions of Inquiry Act, 1952 provides a legal framework for constituting commissions of inquiry, it does not prescribe comprehensive mechanisms to ensure timely implementation of recommendations or periodic monitoring of governmental action. Adopting reforms similar to those recommended in the United Kingdom—particularly mandatory Action Taken Reports, fixed implementation timelines, and enhanced parliamentary oversight—could substantially improve the effectiveness and credibility of commissions of inquiry in India. Consequently, the recent reforms in the United Kingdom demonstrate how statutory inquiry mechanisms can evolve to address concerns relating to efficiency, transparency, and public accountability while preserving their fundamental role as independent fact-finding institutions.²²

B. United States: Legislative Oversight and Investigative Power

In the US, when something needs investigating, it's usually done by Congress looking into things, or by special groups like the group formed after 9/11.²³ India is different; the people in charge of the executive branch pretty much control the investigations. However, in America, Congress very strongly watches over what the executive does. This is a way of keeping the executive branch from having too much power.

Congress's committees have a lot of ability, including the ability to demand people to appear with documents (subpoenas), to make people give evidence, and to hold

²² Mark Elliott & Robert Thomas, Public Law 780–785 (3d ed. 2017).

²³ Law Commission of England and Wales, Public Inquiries Report (2004).

meetings open to the public. What they discover often changes laws and can even start criminal cases. Because investigations are tied to the job of making laws, people are more likely to be held responsible, and the results of the investigations are much more likely to actually do something. Though, it's true that how divided people are politically can occasionally make it harder to be completely fair.

C. Canada and Australia: Transparency and Procedural Safeguards

Canada and Australia, for example, use a mix of official laws and robust steps to ensure a proper process. When something is investigated by a public inquiry in those places, they really focus on being open with information, being just to everyone involved, and letting the public have a say. These investigations usually happen within a certain timeframe and the final reports are available for anyone to read.²⁴

They also have ways of limiting the government from sticking its nose in, which makes the investigations more independent. Because of all this, inquiries (or commissions) in Canada and Australia are typically more believable and better at actually getting things done than commissions in India.²⁵

IX. COMPARATIVE POSITION OF INDIA

The Indian system of inquiries, as set out in the Commissions of Inquiry Act of 1952, looks good on paper, being very thorough in its laws, but in reality, isn't as strong.²⁶ The government has a lot of power over who is on the commission, what they look into, and how they work, and that makes people worry about whether they'll be truly independent and fair. Plus, because there aren't firm deadlines, inquiries go on and on for ages, and then aren't as useful or important.

A big problem is that recommendations from commissions aren't something the government has to act on, and aren't legally required to be followed. Britain has unwritten rules for how politicians should behave that pretty much make them be responsible, but India doesn't have a strong, official way of making sure

²⁴ Canadian Judicial Council, *Public Inquiries and Accountability* (2005).

²⁵ Australian Law Reform Commission, *Managing Justice: A Review of the Federal Civil Justice System* (2000).

²⁶ The Commissions of Inquiry Act, 1952, No. 60 of 1952 (India).

recommendations are put into practice. And Parliament isn't as much involved as it is in the United States, so isn't able to do as much to supervise.

Looking at these other countries, it's clear that how well an inquiry commission works depends on the laws about them, but also on how the system is run and how people are held to account. India has a very clear legal framework for these, but the way it actually works has issues. Specifically, the government being in charge, the length of time they take, and the fact that their suggestions don't have to be followed, all lessen the effect of the commission.

From what other countries have learned, India needs to make commissions more independent, set deadlines for them to finish, get Parliament to keep a closer eye on them, and be much more open about how their recommendations are used if the commissions are to be taken seriously and actually be of value.²⁷

X. CHALLENGES IN THE FUNCTIONING OF COMMISSIONS OF INQUIRY

Even though India has the Commissions of Inquiry Act of 1952 to give them a legal foundation, Indian commissions of inquiry have a lot of problems in how they're set up and how they work, and these problems really hurt how well they can do their jobs. The biggest of these is they don't have enough freedom from the government. Because the government chooses who is on the commission, decides what they should look into, and then decides whether to make the report available and actually do what it says, the commissions are easily open to political pressure. This understandably makes people question if they are fair and trustworthy, especially when the issue is politically charged.

Another major issue is the extremely long time these inquiries take. Many go on for years, and sometimes for decades! This not only makes them much more expensive but also makes the findings less useful as time passes. Witnesses might not be around anymore, people's memories aren't the political and social situation will likely have shifted, so the investigation won't have as much impact. It's common for people to

²⁷ 9/11 Commission, The 9/11 Commission Report (2004) (U.S.).

believe the delays are a way of putting off having to answer for things, rather than getting justice quickly.

What a commission suggests isn't something the government has to do. Even after thorough work and very detailed reports, the government doesn't have to legally act on the advice. Consequently, the advice is frequently ignored or only parts of it are followed, which makes commissions as a way to hold people accountable much less valuable. Often the reports are just left to sit, and the whole inquiry becomes something that is done to look good, but doesn't really change much.²⁸

Commissions also frequently don't have enough resources, suitable personnel, the correct specialized skills, or have to rely on the government for the actual investigation. This reliance impacts how efficiently they operate, and how neutral they appear. And not many people know about the inquiries or get to participate in them, reducing how much good comes from the public being involved.

All of these difficulties reveal a huge difference between what commissions are meant to be: independent groups to find out the facts, and what they are in reality. If we want commissions to genuinely promote openness and accountability, instead of being slow and open to abuse, we really need to solve these issues.

XI. NEED FOR REFORMS AND STRENGTHENING THE FRAMEWORK

The way commissions of inquiry operate under the 1952 Commissions of Inquiry Act have had ongoing problems, so we really need to broadly improve how well they work, how free from control they are, and how much people believe in them. The law itself is actually pretty good as a base, but in reality, it's got flaws in its structure that must be fixed if these commissions are going to do what they are supposed to do: hold people accountable and be open about what's going on.

One of the most important changes is to set a time limit for finishing an inquiry. Having a definite deadline, with a few extensions allowed only if there's a good

²⁸ M.P. Jain, *Indian Constitutional Law* 1235–1238 (8th ed. 2018).

reason, will stop delays and make sure the results are still useful. Getting the reports out quickly is vital for people to remain interested and for the suggestions in the report to be acted on quickly.

We also need to make sure the institutions are more independent. Right now, the government has a lot of power over who is on a commission and how it works, and this makes people question if it's fair. A better way to choose commission members, perhaps with the courts or Parliament involved, could lessen the power of politics and make the public have more faith in the commission being neutral.²⁹

The fact that recommendations aren't followed is a big issue, and it needs to be addressed. While we might not be able to force the government to do everything a commission suggests, the law could be altered so the government has to give a detailed, good reason for its response to a commission report, and do so within a certain timeframe. This would make the government more accountable and discourage it from ignoring or dismissing findings without a good explanation.

Also, making commissions more open and letting the public get involved is key to getting them seen as legitimate. We can do this by making sure reports are always released to the public, having hearings in public whenever possible, and making information available to people and the news media. This more open approach would build trust and allow for a more informed public conversation.

Commissions also require enough money and technical help, importantly including access to independent investigators and specialists. If they don't have to rely on government departments for things like logistics and investigations, they can operate with more freedom and get things done more efficiently.

Finally, Parliament should have more power to watch over what commissions are doing and what they find. If Parliament regularly looks at commission reports, it will be more closely examined, and recommendations are more likely to be put into practice. In short, we have to really change how things are currently set up to close the gap between what commissions of inquiry should achieve and what they actually

²⁹ S.P. Sathe, *Administrative Law* 320–325 (7th ed. 2004).

do. If we make them more independent, faster, more transparent and more accountable, they can become truly effective parts of our democracy, instead of being easily misused.³⁰

XII. RECENT DEVELOPMENTS IN CONTEMPORARY INDIA: THE JUSTICE ARUNA JAGADEESAN COMMISSION (STERLITE, THOOTHUKUDI, 2018)

The continuing relevance of the Commissions of Inquiry Act, 1952 is evident from the constitution of several commissions in recent years to investigate incidents involving significant public concern. One of the most prominent contemporary examples is the Justice Aruna Jagadeesan Commission of Inquiry, established by the Government of Tamil Nadu to investigate the police firing that occurred during the anti-Sterlite protests in Thoothukudi (Tuticorin) on 22 May 2018. The protests were organised against the operations of the Sterlite Copper Plant, with local residents expressing concerns regarding environmental pollution, public health, and ecological degradation. During the demonstrations, police opened fire on the protesters, resulting in the deaths of thirteen civilians and injuries to many others. The incident attracted nationwide attention and raised serious questions regarding the legality and proportionality of police action.

Recognising the gravity of the incident, the Government of Tamil Nadu constituted a Commission of Inquiry under Section 3 of the Commissions of Inquiry Act, 1952, appointing Justice Aruna Jagadeesan, a retired Judge of the Madras High Court, as the sole member of the Commission. The Commission was entrusted with examining the circumstances leading to the protests, the administrative decisions taken by various governmental authorities, the conduct of the district administration and police officials, the necessity and proportionality of the use of force, and the adequacy of the preventive measures adopted before the incident. The Commission was also

³⁰ Liberhan Commission Report (2009) (India).

authorised to recommend appropriate administrative, disciplinary, or legal measures based on its findings.³¹

During the inquiry, the Commission conducted extensive hearings over several months, examined numerous documentary records, government files, medical reports, video recordings, forensic materials, and police records, and recorded statements from hundreds of witnesses, including affected civilians, police personnel, government officials, experts, journalists, and representatives of civil society organisations. The proceedings reflected the broad investigative powers conferred upon Commissions of Inquiry under the Act, particularly their authority to summon witnesses, compel the production of documents, administer oaths, and regulate their own procedure while observing the principles of natural justice. The Commission submitted its report in 2022, concluding that the police had resorted to excessive and disproportionate force during the dispersal of the protesters. It observed that several instances of firing did not conform to established legal and administrative guidelines governing the use of force by law enforcement agencies. The report criticised deficiencies in planning, intelligence gathering, crowd-control measures, communication between administrative authorities, and decision-making at various levels of the district administration. It recommended departmental action and criminal investigation against certain police officials whose conduct was found to be inconsistent with legal standards governing public order management.³²

Apart from determining responsibility, the Commission made several recommendations aimed at preventing similar incidents in the future. These included strengthening police training in crowd-control techniques, improving coordination between civil administration and law enforcement agencies, enhancing transparency in public decision-making, ensuring better environmental governance, adopting non-lethal methods of crowd management wherever possible, and reinforcing mechanisms for public consultation before undertaking projects likely to generate

³¹ Government of Tamil Nadu, Home (Courts-II) Department, **G.O. Ms. No. 375**, dated 22 May 2018 (constituting the Justice Aruna Jagadeesan Commission of Inquiry under the Commissions of Inquiry Act, 1952).

³² Government of Tamil Nadu, Justice Aruna Jagadeesan Commission of Inquiry Report (2022).

widespread public opposition. These recommendations reflected the preventive and reform-oriented nature of commissions of inquiry, whose primary objective is not merely to determine facts but also to improve governance and institutional accountability.

The Justice Aruna Jagadeesan Commission illustrates both the strengths and limitations of the Commission of Inquiry mechanism in contemporary India. On the one hand, it served as an independent fact-finding body capable of conducting a detailed investigation into an incident of considerable public importance. Through extensive evidence collection and public hearings, it provided an authoritative account of the events and identified administrative failures that might otherwise have remained inadequately examined. The inquiry also promoted transparency by placing governmental actions under independent scrutiny and restoring public confidence in the investigative process. On the other hand, the Commission also highlights the inherent limitations of the existing statutory framework. Like all commissions constituted under the Commissions of Inquiry Act, 1952, its findings and recommendations are advisory rather than legally binding.

The implementation of its recommendations depends entirely upon the willingness of the Government to initiate disciplinary proceedings, prosecute responsible officials where appropriate, and adopt the suggested institutional reforms. Consequently, despite comprehensive factual findings, delays or reluctance in implementing recommendations may substantially reduce the practical impact of the inquiry. This demonstrates one of the most significant criticisms of commissions of inquiry in India—that while they effectively establish facts and promote accountability, they often lack sufficient legal mechanisms to ensure enforcement of their recommendations.

The Justice Aruna Jagadeesan Commission therefore represents a significant contemporary example of the operation of the Commissions of Inquiry Act, 1952. It demonstrates that commissions continue to play an important role in investigating incidents involving alleged administrative excesses, violations of human rights, and failures of public governance. At the same time, it reinforces the long-standing debate

regarding the need for legislative reforms that would strengthen the implementation of commission reports, prescribe clearer timelines for governmental action, and enhance the overall effectiveness of commissions as instruments of democratic accountability.³³

XIII. SUGGESTIONS AND RECOMMENDATIONS

The study reveals that although the Commissions of Inquiry Act, 1952 provides a comprehensive statutory framework for investigating matters of public importance, its practical implementation is weakened by executive dominance, political interference, procedural delays, inadequate enforcement of recommendations, and limited public accountability. To strengthen the effectiveness of commissions of inquiry and restore public confidence in these institutions, the following legal and institutional reforms are recommended:

1. Reform the Appointment Process

The appointment of members of Commissions of Inquiry should be made through an independent and transparent mechanism rather than being left exclusively to the executive. A selection committee comprising representatives of the judiciary, Parliament, and independent constitutional authorities may be constituted to ensure impartiality and institutional independence.

2. Introduce Statutory Time Limits

The Commissions of Inquiry Act, 1952 should be amended to prescribe a fixed time frame for completing inquiries. Extensions should be granted only in exceptional circumstances with recorded reasons. Time-bound investigations will prevent unnecessary delays, preserve evidence, and ensure that commission reports remain relevant for policy and legal action.

3. Mandate Government Action-Taken Reports

Although commission recommendations need not become legally binding, the Government should be statutorily required to submit an Action Taken Report before

³³ The Commissions of Inquiry Act, 1952, No. 60 of 1952, § 3 (India).

Parliament or the concerned State Legislature within a prescribed period. If recommendations are rejected, detailed reasons should be recorded to enhance governmental accountability and transparency.

4. Strengthen Parliamentary Oversight

Parliamentary committees should periodically review the functioning of commissions and monitor the implementation of their recommendations. Legislative oversight will reduce executive arbitrariness and ensure that commission reports contribute meaningfully to governance reforms.

5. Ensure Independence in Investigation

Commissions should have access to independent investigative agencies, forensic experts, auditors, and technical specialists rather than relying solely on government departments. Independent investigative support will enhance the credibility, neutrality, and accuracy of inquiry proceedings.

6. Restrict Political Interference

The executive should not be permitted to alter the terms of reference of an inquiry without adequate justification and legislative scrutiny. Safeguards should be introduced to prevent commissions from being constituted merely to delay political accountability or manage public criticism.

7. Make Reports Public by Default

Commission reports should ordinarily be published immediately after submission, except where publication would endanger national security or ongoing criminal investigations. Public access to inquiry reports will strengthen transparency, facilitate informed public debate, and enhance institutional legitimacy.

8. Improve Procedural Transparency

Wherever possible, commission proceedings should be conducted openly through public hearings, digital publication of evidence, and regular progress updates. Greater transparency will increase public participation and improve confidence in the inquiry process.

9. Enhance Protection for Witnesses

A comprehensive witness protection framework should be adopted for commission proceedings to encourage truthful testimony without fear of intimidation or retaliation. Adequate legal safeguards will improve the quality and reliability of evidence collected during inquiries.

10. Provide Adequate Financial and Administrative Support

Dedicated budgets, professional research staff, modern technological infrastructure, and independent secretarial assistance should be provided to every commission. Sufficient institutional support will enable commissions to complete inquiries efficiently and maintain professional standards.

11. Promote Coordination with Judicial and Investigative Authorities

Where commission findings disclose prima facie evidence of criminal misconduct, corruption, or serious administrative failures, appropriate mechanisms should facilitate coordination with investigating agencies and competent judicial authorities for further legal action in accordance with law.

12. Periodic Review of the Commissions of Inquiry Act, 1952

Considering the changing nature of governance and public administration, the Commissions of Inquiry Act, 1952 should be periodically reviewed by the Law Commission of India or a parliamentary committee. Such reviews would ensure that the legislation remains effective, addresses emerging challenges, and incorporates international best practices.

Commissions of Inquiry should function as genuinely independent, transparent, and efficient institutions dedicated to discovering the truth and promoting democratic accountability rather than serving as instruments of political expediency. Implementing the above reforms would strengthen the credibility of commissions, improve public confidence in governmental institutions, ensure timely investigations, and enhance the role of inquiry commissions in promoting transparency, good governance, and the rule of law in contemporary India.

XIV. CONCLUSION

The establishment of an independent statutory framework for inquiry into matters of public importance, with the objective of enhancing accountability, transparency and good governance in India, was facilitated through the enactment of the Commissions of Inquiry Act, 1952. Over the years, Commissions of Inquiry have conducted inquiries into cases of communal violence, corruption, maladministration, political controversies, among others. It is undisputed that these commissions have made invaluable contributions by documenting facts, pinpointing institutional weaknesses, preserving a historical record, and recommending policy reforms. This establishes the continued significance and continued value of the commissions in the constitutional and administrative framework of India.

However, this study illustrates that the functioning of the Commissions of Inquiry has often fallen far short of its envisioned objectives. A number of structural impediments, including executive domination of the establishment and functioning of these commissions, politically influenced interventions, protracted procedural delays, a lack of financial and administrative support, and the fact that their recommendations have only been advisory in nature, have significantly undermined the institutional efficacy of such commissions. Since the governments are under no obligation to accept or implement commission reports, many a times these are either only partially implemented or are altogether ignored, thereby impeding their potential to deliver accountability and institutional reforms. As the apex court ruled in *Ram Krishna Dalmia v. Justice Tendolkar*, the commissions are merely fact-finding bodies and not adjudicating tribunals. As such they do not have any authority to decide any legal rights nor to pass any order that would have binding legal effects upon the parties. While this decision helps in upholding the separation of powers in the constitutional framework of India, it significantly dilutes the enforceability of commission reports and increases dependency on the executive's willingness to implement its reports.

A study of comparative jurisdictions such as the United Kingdom, United States of America, Canada and Australia revealed that effective independence, statutory obligations for a governmental response, legislative oversight, and time-bound

procedures are important measures that enhance the legitimacy and efficacy of public inquiries. Comparative approaches to such commissions also provide key learnings that would contribute to reforms in the Indian context. The study thus concludes that it is not the existence of the Commissions of Inquiry per se that needs re-evaluation, but their procedural and structural inefficiencies. Strengthening the independence of these bodies, improving the transparency of the appointment of commissioners, prescribing statutory timelines for inquiry and response to their reports, requiring a parliamentary response, and making their procedures transparent would considerably enhance the effectiveness and relevance of such commissions. The overall objective should be to make Commissions of Inquiry impartial, credible, truth-telling, and capable of strengthen democratic governance, instilling confidence in constitutional institutions. Comprehensive legal and institutional reforms would make such commissions fully effective instruments for accountability, transparency, and rule of law in contemporary India.

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