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MR. FAZALUR REHMAN AND ORS.

v.

THE STATE OF U.P. AND ORS.

SEPTEMBER 16, 1999

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[DR. A.S. ANAND, C.J., S. RAJENDRA BABU AND  
R.C. LAHOTI, JJ.]

*Commissions of Inquiry Act, 1952:*

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*S.3(4)—Parekh Commission Report on Meerut riots—Commission not identifying any particular person as responsible for riots nor did it fix responsibility for dereliction of duty on any official—Decision of State Cabinet not to take any further action, with a view to maintain religious and political harmony in the city and to avert any flare-up in any particular class or community—Held, the Report be consigned to records.*

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*Commission of Inquiry Report—Inaction by State Government on for more than a decade—Held, prompt notice of the Report which was expected to be taken of the Report was not taken—This is not a healthy trend and delay gives rise to avoidable suspicions about the motives for delay—On account of such inaction for a long period of time, the very purpose of constitution of a Commission of Inquiry gets frustrated—It would be appropriate that when in a matter of 'definite public importance' a Commission of Inquiry is appointed, State Government should examine the Report expeditiously and take a decision about the action, if any, to be taken on that Report promptly—Copy of order to be sent to Chief Secretary, Union of India to bring the observations to notice of all State Governments/Union Territories.*

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CIVIL ORIGINAL JURISDICTION: Writ Petition (C) Nos. 11742-44 of 1984.

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(Under Article 32 of the Constitution of India.)

Musharaf Choudhary and P.H. Parekh for the Petitioners.

A.B. Rohtagi and R.B. Misra for the Respondents.

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The following Order of the Court was delivered :

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Our order dated 14th October, 1998 shall be treated as a part of this order.

Mr. N. Ravi Shankar, Secretary, Home Department, Government of Uttar Pradesh has filed an affidavit dated 8th of December, 1998 in this Court on 11th of December, 1998. Alongwith the affidavit, he has also filed summary of the Justice C.D. Parekh Commission Report. From the affidavit of Mr. Ravi Shankar it transpires that the Parekh Commission Report, which was submitted as early as in 1988, relating to the riots which took place in Meerut in September, 1982 was considered by State Cabinet and the following decisions were taken by it.

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- (i) Report of the Commission be tabled on the floor of the House in accordance with the provisions of Section 3(4) of the Commissions of Inquiry Act, 1952.
- (ii) Report relating to the incident of 20.9.1982 was received by the State Government in November, 1988. Since then up till now no former Government considered it proper to take any decision. The Commission did not find any particular person responsible and in spite of expressing the opinion that the Local Administration did not apply proper discretion to control the riots on several places it did not recommend to punish any particular official. In order to maintain the religious and political harmony established by the present Government in Meerut City and also to avert any flare-up in any particular class of community and action on the report of the Commission has not been found expedient in public interest.
- (iii) The Report of the Commission is disapproved and it be consigned to records.

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It appears that the State Cabinet with a view to 'maintain religious and political harmony in Meerut City and to avert any flare-up in any particular class or community' has decided not to take any further action on the basis of the Parekh Commission Report, which itself did not identify any particular person as responsible for the riots nor fixed responsibility for dereliction of duty on any official. State Government having considered the report and taken a decision, this writ petition does not require any further consideration, and we direct that it be consigned to records.

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A However, before parting with this case, we would like to express our anguish at the manner in which reports of the Commissions of Inquiry are being treated by the States. In this case, it has taken more than a decade for the State Government to take notice of the Report of the Commission of Inquiry headed by a former Judge of the High Court. On account of such inaction for a long period of time, the very purpose of the constitution of a Commission of Inquiry under the Commission of Inquiries Act, 1952 gets frustrated and the argument that such Commissions are appointed under the Act only as an eye-wash acquires credibility.

C It is appropriate that when in a matter of 'definite public importance', a Commission of Inquiry is appointed under the Commissions of Inquiry Act, 1952, the State Government should examine the Report expeditiously and decide what action, if any, is required to be taken on that Report promptly. To keep a report pending for years together and, as, in this case, for a decade, does no credit to anybody. Reports of Commissions of Inquiry should not be allowed to gather dust for years together as it reflects adversely on the utility of such commissions and would affect the credibility of the entire exercise.

E We are conscious of the fact that in this particular case, between the period when the riots took place in September, 1982 and the final decision taken by the Cabinet in 1998, a number of Governments had changed in the State of Uttar Pradesh. But be that as it may, the fact, still remains that prompt notice of the Report which was expected to be taken of the Report was not taken. This is not a healthy trend and delay gives rise to avoidable suspicions about the motives for delay. It is best avoided. We hope we shall not have any other occasion to say this in any other case.

F A copy of this order shall be sent to the Home Secretary, Union of India, with a request to bring the above observations to the notice of all the State Governments/Union Territories.

R.P.

Petitions disposed of.