

Fazalur Rehman and Others

Vs

State of U.P. and Others

Writ Petitions (C) Nos. 11742-44 of 1984

(CJI Dr A. S. Anand, S. Rajendra Babu, R. C. Lahoti JJ )

16.09.1999

ORDER

1. Our order dated 14-10 1998 shall be treated as a part of this order.

2. Mr. N. Ravi Shankar, Secretary, Home Department, Government of Uttar Pradesh has filed an affidavit dated 8-12-1998 in this Court on 11-12-1998. Along with the affidavit, he has also filed a summary of the justice C.D. Parekh commission Report. From the affidavit of Mr. Ravi Shankar it transpires that the Parekh Commission Report. From the affidavit of Mr. Ravi Shankar it transpire that the Parekh Commission Report, which was submitted as early as in 1998, relating to the riots which took place in Meerut in September 1982 was considered by the state Cabinet and the following decision were taken by it:

"(i) the Report of the commission be tabled on the floor of House in accordance with the provisions of section 3(4) of the commissions of Inquiry Act, 1952.

(ii) the 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 in 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 or community any 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."

3. 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. The 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.

4. 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 Commissions are appointed under the Act only as an eyewash acquires credibility.

5. 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 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.

6. 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 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.

7. 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.