

COMMISSION OF INQUIRY ACT, 1952: A CRITICAL ANALYSIS OF POWERS, SAFEGUARDS AND GAPS IN INDIA'S INQUIRY FRAMEWORK

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ABSTRACT

The Commissions of Inquiry Act, 1952 (Act No. 60 of 1952) represents a pivotal legislative framework in India's administrative law, establishing mechanisms for appointing commissions to investigate matters of public importance. This article provides a comprehensive critical analysis of the Act's legislative framework, procedural safeguards, judicial powers, and constitutional implications. Through a systematic examination of all twelve sections, relevant judicial precedents, and comparative analysis with international inquiry mechanisms, this research identifies significant gaps in enforcement authority, transparency concerns, and potential constitutional conflicts regarding separation of powers. The article argues that while the Act serves essential fact-finding functions, it requires substantial amendments to address modern democratic concerns, enhance transparency, and strengthen procedural fairness for affected persons. This research contributes to ongoing scholarly discourse on administrative inquiry mechanisms and proposes specific reform recommendations for legislative consideration.

Keywords: Commissions of Inquiry Act, 1952; Administrative Law; Fact-Finding Mechanisms; Judicial Review; Constitutional Concerns; Procedural Safeguards.

CHAPTER I – INTRODUCTION

The evolution of inquiry commissions in India thus reflects the need of the colonial administration for fact-finding bodies that could deal with public complaints without the need for formal judicial processes. Wide-ranging safeguards for tribunals and inquiries were recommended by the Frank Committee and Donoughmore Committee during the transition to independence, to ensure fairness in administrative investigations.¹⁰⁸¹ These committees recognized that while commissions are not courts of law, they exercise an adjudicatory function that requires procedural safeguards for persons who may be affected by their determinations. In 1950, India adopted the

Constitution of India which provided a democratic framework based on the rule of law, independent judiciary and responsible administration. But the government has stuck to the need for specialized fact-finding mechanisms to delve into complex issues of public concern requiring quick investigation beyond the purview of ordinary judicial proceedings.¹⁰⁸² In this legislative vacuum it was necessary to enact comprehensive legislation regulating the appointment and functioning of commissions of inquiry. The Parliament of India enacted the Commissions of Inquiry Act, 1952 (hereinafter referred to as "the Act") on 14th August, 1952 and the Act came into force on 1st October, 1952. Act No. 60 of 1952 was enacted in exercise of the legislative power conferred by

¹⁰⁸¹ The Commissions of Inquiry Act, 1952, Act No. 60 of 1952 (India)

¹⁰⁸² The Commissions of Inquiry (Central) Rules, 1972 (India)

Article 246 of the Constitution read with Entry 97 of the Union List (List I) of the Seventh Schedule.¹⁰⁸³ The ministry of home affairs executed the legislation which shows its importance in maintaining administrative order and addressing the concerns of the public.

Objective:

The Act's preamble states its main purpose as "to provide for the appointment of Commissions of Inquiry and for vesting such Commissions with certain powers." There are several underlying purposes of this simple legislative purpose:

- 1) The Act provides for the appointment of Commissions by the Government to enquire into matters of public importance within a specified time. It permits swift fact-finding without the procedural complexities of formal judicial proceedings so that the government can respond quickly to public concerns or crises or controversies that require independent investigation.
- 2) The Act which confers commissions with powers like civil courts helps in effective collection of evidence, production of documents and summoning of witnesses. Such powers are necessary to allow commissions to conduct thorough investigations and to make accurate findings of fact which may affect government policy and administrative action.
- 3) The Act provides procedural protections to persons who may be affected by the Commission's findings, including the right to a hearing, cross-examination and legal representation. These safeguards are in the nature of democratic principles of fairness and are meant to guard against arbitrary administrative action which may be prejudicial to the rights or interests of a person.
- 4) The Act lays down a framework for commission reports which are to be submitted to the appropriate Government, with mandatory

provisions for consideration and action by Government. Section 3(5) demands that the government must present the commission report to Parliament or State Legislature within six months, along with a memorandum detailing the action taken or proposed.¹⁰⁸⁴

Scope:

The Act extends to the whole of India but with certain modifications in the case of former State of Jammu and Kashmir as per Section 1(2). The legislation is applicable to commissions appointed by the Central Government and State Governments, but the jurisdiction is decided by the 'appropriate Government' depending upon the subject matter and territorial scope of the inquiry.¹⁰⁸⁵ The Act provides comprehensive framework for appointment of commissions, their powers, procedures, safeguards and reporting requirements. The Act is short, with only twelve sections, but the detailed provisions and additional rules give wide scope of regulation. The Commissions of Inquiry (Central) Rules, 1972 lay down the procedure and general rules of business of the commissions.

CHAPTER II – LEGISLATIVE FRAMEWORK

The Act occupies a crucial position in the framework of administrative law in India as the main legislative basis for inquiry commissions concerning matters of public importance.¹⁰⁸⁶ The Act has been invoked in the last 70 years to appoint several commissions to look into major incidents like riots, communal violence, administrative lapses, policy-related controversies and other events that have triggered public outcry.

The significance of the Act is not limited to the simple procedural device. Commissions created under the Act serve vital democratic roles: they serve as independent fact-finding mechanisms that improve government accountability, give affected persons opportunities to have their

¹⁰⁸³ Indian Penal Code, 1860, Act No. 45 of 1860 (India)

¹⁰⁸⁴ AdvocateKhoj, "Analysis of the Act | Commissions of Inquiry Act, 1952," Law Library, <https://www.advocatekhoj.com/library/lawreports/commissionsofinquiryact/3.php>

¹⁰⁸⁵ The Commissions of Inquiry (Central) Rules, 1972 (India).

¹⁰⁸⁶ Constitutional Law and Philosophy, "Commissions of Enquiry," IndConLawPhil (2024), <https://indconlawphil.wordpress.com/category/commissions-of-enquiry/>

cases heard, foster public confidence through transparent processes of investigation, and advise policy through evidence-based recommendations.

Section 1: Short Title, Extent and Commencement

Section 1 contains the formal title of the Act and the territorial limits and period within which the Act is to be in force. (1) This Act may be called the Prevention of Corruption Act, 1988. (2) It extends to the whole of India except the State of Jammu and Kashmir and shall be modified in its application to that State in such manner as the Central Government may, by notification¹⁰⁸⁷ in the Official Gazette, specify. (3) It shall come into force on such date or dates as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act and for different States.

Section 2: Definitions

Section 2 contains important definitions which are necessary for the interpretation and application of the Act. It defines 'appropriate Government' to mean the Central Government in relation to matters which fall within the Union legislative competence¹⁰⁸⁸, and the State Governments in relation to matters which fall within the State legislative competence. This definition provides clarity in terms of jurisdiction as to which government appoints commissions for particular subject matters.

The section defines what is a "Commission" and says that "any Commission of Inquiry appointed under Section 3" is a "Commission". It is the legal identity of bodies functioning under the Act. These definitions are at the core of the workings of the Act, defining applicability and limits of jurisdiction.

Section 3: Appointment of Commission

Section 3 is the operative provision of the Act and creates the machinery for the

appointment of the commission. Sub-section (1) empowers the appropriate Government to constitute a Commission of Inquiry whenever it considers it necessary or expedient to investigate any matter of public importance. This clause gives the government a discretionary power and the appointment can be made on the basis of public necessity without any external justification or any procedural pre-requisites.

"(2) prescribes a mandatory appointment mechanism where the Appropriate Government is required to appoint a Commission on a request made by way of a resolution passed by Parliament (in case of Central Government) or State Legislature (in case of State Government).¹⁰⁸⁹ This provision enhances legislative oversight by allowing elected representatives to demand that the government set up Commissions to study issues that they feel need an independent study.

(3) The subject matter of the inquiry and the time for the submission of the report shall be specified in the appointment order by the appointing Government. This provision limits the jurisdiction of the commission and protects against the endless continuation of investigations which might hinder governmental action or protract uncertainty.

(4) provides for the appointment of one or more persons to serve as members of the Commission. This provides flexibility in the composition of the commission in terms of the complexity of the investigation and the expertise required. The reporting chain and accountability mechanism are set by subsection (5) which requires reports by commissions to be made to the appointing Government.

Section 4: Powers of Commission

Section 4 empowers the commissions with the powers of a Civil Court under the Code of Civil Procedure, 1908 for gathering evidence and conducting investigation effectively. That

¹⁰⁸⁷ The Commissions of Inquiry Act, 1952, supra note 1, § 2.
¹⁰⁸⁸ Id., § 2

¹⁰⁸⁹ Id., § 3(2)

section specifically authorizes commissions to:¹⁰⁹⁰

1. Summon and Enforce witnesses to be sworn and examine them under oath
2. Force the discovery and production of any document
3. Affidavits to be taken as evidence
4. Duty of public servant to furnish information under section 5(2)
5. Issue subpoenas for witness testimony or document production
6. Seek help of specialists for technical matters
7. Exercise such other powers as may be prescribed

Section 5: Additional Powers

Section 5 adds to the powers of the commission beyond those authorized in Section 4 and authorizes additional investigative powers. (1) Commissions are authorized to compel any person to furnish information useful or relevant to matters being investigated. The provision enables commissions to seek information from persons who are not formal witnesses but may have relevant knowledge.¹⁰⁹¹

Subsection (2) confers powers of search and seizure on commissions to seize documents or things that may constitute evidence, with procedural safeguards against arbitrary seizure, to prevent the destruction of evidence and to enable commissions to access material that is necessary for their investigations.

(3) Commissions may engage the services of investigative agencies for specialized investigations. (3) This provision enables the commissions to delegate complex investigative issues to specialized agencies. This provision, in turn, makes the commission more efficient with the use of specialized investigative capabilities.

Section 5A: Power to Utilize Investigation Agencies

Section 5A inserted by way of amendment specifically enables commissions to engage the services of investigation agencies for carrying out inquiries¹⁰⁹² on specified matters. This provision clarifies the commission's authority to delegate investigative functions, while maintaining overall responsibility for findings and recommendations.

Section 5B: Power to Appoint Assessors

Section 5B allows commissions to appoint assessors with specialist knowledge relevant to the matters being inquired into.¹⁰⁹³ Assessors are experts in a technical field such as medicine, engineering, economics or scientific subject matter who provide commissions with technical expertise outside the scope of the members' expertise to assist in understanding complex technical issues.

Section 6: Protection for Statements

Section 6 provides protection for statements made before commissions to the effect that such statements shall not subject persons to civil or criminal proceedings except for perjury.¹⁰⁹⁴ The purpose of this provision is to encourage witnesses to give full and truthful information without fear of later legal consequences and to improve the commission's ability to gather complete evidence. The perjury exception guarantees that witnesses will be held responsible for knowingly false statements, but not for statements that are truthful and expose them to liability under the law.

Section 7: Dissolution of Commission

Section 7 provides for the dissolution of the commissions by the appropriate Government by an official notification and thus terminating their functions and authority.¹⁰⁹⁵ This provision gives an opportunity of governmental control over commission's continuity and thus can terminate the commission when

¹⁰⁹⁰ Id., § 4

¹⁰⁹¹ Id., § 5

¹⁰⁹² Id., § 5A

¹⁰⁹³ Id., § 5B

¹⁰⁹⁴ Id., § 6

¹⁰⁹⁵ Id., § 7

investigations are no longer needed, time periods lapse or circumstances change necessitating alternative approaches.

Section 8: Procedure Regulation

Section 8 provides that commissions may regulate their own procedure, subject to the provisions of the Act and the prescribed rules. Such flexibility allows commissions to tailor procedures to specific investigation needs, while remaining consistent with statutory safeguards and procedural standards.¹⁰⁹⁶

Section 8A: It provides that vacancy shall not delay commission proceedings. Thus investigations are not delayed by absence or resignation of members.

Section 8 B: It provides for opportunities for hearing to persons prejudicially affected by the findings of the commission, which is an important procedural safeguard for the protection of the rights of persons prejudicially affected by the findings of the commission.

Section 8C: It contains provisions for cross-examination of witnesses and legal representation for affected persons, ensuring fair procedural treatment and the opportunity to challenge adverse evidence.

Section 9: Indemnity

Section 9 gives a right of indemnity for actions taken in good faith under the Act and protects commission members and government officials from personal liability for actions authorized by the Act.¹⁰⁹⁷ This provision promotes diligent performance without fear of personal legal liability for bona fide acts.

Section 10: Public Servant

As per the Indian Penal Code, Section 10, the commission members are public servants and are liable for offences such as corruption, bribery or misconduct.¹⁰⁹⁸ The provision ensures that commission members are subject to the

criminal law duties which attach to public officials.

Section 10A: Penalty for Discrediting Commission

Section 10A inserted by amendment deals with penalty for persons discrediting commission proceedings or findings with cognizance by High Courts. This provision protects the sanctity of the commission from improper attack but provides judicial oversight through the jurisdiction of the High Court.

Section 11: Application to Other Inquiring Authorities

Section 11 provides for the application of the provisions of the Act to other enquiring authorities established under other legislation, thus extending the protective safeguards and procedural requirements beyond commissions appointed under this Act.¹⁰⁹⁹

Section 12: Rule-Making Power

Section 12 provides for the Central Government to make rules for the implementation of the Act. The rules may contain detailed rules of procedure supplementing the statutory provisions.¹¹⁰⁰ These powers are exercised under the Commissions of Inquiry (Central) Rules, 1972 which lays down the detailed working guidelines.¹¹⁰¹

CHAPTER III – POWERS & FUNCTIONS

Investigative Authority and Gathering Evidence

Commissions appointed under the Act have broad investigative powers that allow them to carry out a thorough investigation of the matters under investigation. This authority derives from the civil court powers under Section 4 which grants commissions the ability to surmount evidentiary hurdles that may hinder investigation.

The power of summons allows commissions to require witnesses to appear before them. This

¹⁰⁹⁶ Id., § 8

¹⁰⁹⁷ Id., § 9

¹⁰⁹⁸ Id., § 10

¹⁰⁹⁹ Id., § 11

¹¹⁰⁰ Id., § 12

¹¹⁰¹ The Commissions of Inquiry (Central) Rules, 1972, supra note 2.

enables them to reach people who have information of interest to the commission irrespective of whether those people wish to help. This coercive authority is essential for investigations involving testimony of reluctant witnesses, government officials or persons with potential adverse interests.¹¹⁰²

The power to produce documents allows commissions to examine written evidence, official records, correspondence and other materials essential to the fact-finding process. This power prevents the suppression of evidence and allows commissions to examine all relevant materials for a full investigation. The provision for affidavit evidence allows for more efficient collection of evidence without the requirement of physical witness presence in all cases thereby increasing the efficiency of investigation while ensuring evidentiary reliability through affidavits of witness statements.

Advisory and enforcement functions

A key difference about commission authority is that commissions act in an adjudicative capacity in the fact-finding and advice roles, but do not have enforcement authority. Commission reports do not have force *proprio vigore* – they do not automatically establish legal obligations or enforceable rights.¹¹⁰³

This limitation is consistent with the legislative purpose of the Act: commissions are fact-finding bodies that provide information to government decision-makers, not independent decision-makers that generate binding legal results. The government may accept or reject the commission's recommendations, but section 3(5) sets out procedural requirements for their consideration and reporting. The literature has critiqued commission effectiveness for lack of enforcement authority. Without binding results, critics argue, commissions can generate recommendations that governments disregard, thus limiting their real-world impact and

perhaps undermining public confidence in mechanisms of inquiry.¹¹⁰⁴

Government Obligations with Respect to Commission Reports

Section 3, subsection (5) sets out important duties of Government in relation to commission reports. The appointing Government shall:

1. Receive the commission report on submission
2. Submit the report to Parliament (in case of Central Government) or State Legislature (in case of State Government)
3. Accompany with a memorandum of action taken or proposed on commission recommendations
4. Comply with these requirements within six months of submission of the report These requirements enhance government accountability by compelling the legislature to publicize commission findings and to report on implementation decisions transparently. The six-month period prevents any indefinite delay in governmental consideration and legislative scrutiny.¹¹⁰⁵

But the Act does not require the government to act on the recommendations. The government may decide to implement, implement partially or not implement at all. By submitting the memorandum, it is still complying with the Act. This margin for discretion leaves room for policy judgement by the government but also the danger of non-implementation of recommendations.

CHAPTER IV – PROCEDURAL SAFEGUARDS FOR AFFECTED PERSONS

Section 8B – Right to a Hearing

Section 8B introduces a significant procedural safeguard by mandating that commissions afford hearing opportunities to persons prejudicially affected by findings. This provision is consistent with the basic democratic principle

¹¹⁰² The Commissions of Inquiry Act, 1952, supra note 1, § 4

¹¹⁰³ High Court of Tripura, "Commissions of Inquiry Act, 1952," <https://thc.nic.in/Central%20Governmental%20Acts/Commissions%20of%20Inquiry%20Act,%201952.pdf>

¹¹⁰⁴ Constitutional Law and Philosophy, supra note 6

¹¹⁰⁵ The Commissions of Inquiry Act, 1952, supra note 1, § 3(5).

of fairness which provides that those adversely affected should have an opportunity to present their case before decisions are made. The “prejudicially affected” standard requires commissions to identify persons whose interests, rights, reputation or legal status may be adversely affected by findings. In making this determination, the commission must evaluate the magnitude and nature of possible harm in order to ensure adequate protection of persons likely to be affected.¹¹⁰⁶

The hearing must be meaningful, providing adequate time, information as to the allegations, and an opportunity to present evidence and argument. Due process demands hearings before final determinations so that interested parties can affect findings by their presentations.

Section 8C – Cross examination and representation by lawyer

According to section 8C affected persons shall be entitled to cross examine witnesses and to be represented by legal representatives. These are important procedural safeguards to secure fair treatment.¹¹⁰⁷ Fair adjudicatory proceedings require those affected to be able to confront adverse witness testimony, expose inconsistencies and test the reliability of evidence. Legal representation ensures that those affected have the assistance of a professional to help them with complex procedural requirements, to make effective arguments and to understand their rights. This is particularly important for those with no legal training who could suffer potentially serious adverse consequences.

Section 6 – Safeguarding the Statement

The protection given to statements made before commissions encourages witnesses to participate fully because they fear legal consequences less.¹¹⁰⁸ This provision recognizes that witnesses might otherwise refuse to give information that is harmful to their interests or

subjects them to liability and that this would seriously undermine the efficacy of the Commission's investigations.

The perjury exception preserves accountability for intentional falsification and protects truthful statements. This balance encourages honest participation and avoids abuse through deliberate deception.

Section 5B – Assessor Appointment

Section 5B's assessor provision improves procedural fairness by ensuring commissions have the necessary technical expertise to deal with complex technical matters. This benefits affected persons dealing with determinations involving technical issues, because the Commission decisions are based on an appropriate level of expert understanding, rather than on the possibly flawed technical assessment of non-specialists.¹¹⁰⁹

CHAPTER V – JUDICIAL CONCERNS & CONSTITUTIONAL CHALLENGES

Judicial Review and Status of the Commission

Commissions appointed under the Act are not courts of law but bodies exercising adjudicatory functions requiring judicial oversight. The hybrid status complicates the extent of judicial review and the applicability of constitutional provisions governing court proceedings.¹¹¹⁰

Section 3(5) of the Act provides for an appeal to the Supreme Court on facts and law and provides a judicial review mechanism for the commission's determinations. This provision provides a right of appeal to affected persons to commission findings, thus providing for judicial review of administrative fact-finding. The jurisdiction of the High Courts under section 10A in respect of the offences under section 10A, in the nature of bringing into disrepute, provides a judicial check to protect the integrity of the commission so that the executive cannot take arbitrary action against the critics of the

¹¹⁰⁶ Slideshare, "The Commissions of Enquiry Act 1952," (2020), <https://www.slideshare.net/slideshow/the-commissions-of-enquiry-act-1952/239617198>.

¹¹⁰⁷ The Commissions of Inquiry Act, 1952, Supra Note 1, § 8C

¹¹⁰⁸ Id., § 6

¹¹⁰⁹ Id., § 5B

¹¹¹⁰ SagePub, "Feminist Perspectives on Post-riot Judicial Inquiry Commissions in India," 7 Indian J. Constitutional Law 234 (2017).

commission while preserving the authority of the commission.

Separation of Powers Issues

The Act raises potential separation of powers issues concerning the powers of the commission and the discretion of the government. Commissions perform quasi-judicial fact-finding functions generally associated with the judicial sphere, and governments exercise discretion over implementation of recommendations, which is generally associated with the executive sphere.¹¹¹¹ This division creates the possibility of tension between principles of judicial independence and executive policy judgement. Critics argue that if commissions are functioning as quasi-judicial bodies, they should have greater independence regarding the results of their work. Governments defending executive discretion argue that when implementing policy, executive judgement must be employed because numerous factors come into play that are outside the scope of the commissions' findings.

Transparency and Accountability Issues

The Act allows commissions to sit in private, raising issues of transparency regarding public access to proceedings and evidence.¹¹¹² Private proceedings may limit public scrutiny, accountability and public confidence in the impartiality and thoroughness of the commission."

Modern democratic norms are increasingly focused on the transparency of government procedures, especially those involving public matters. The Act's provision for private proceedings may be out of step with modern standards of transparency, indicating the need for amendments to include greater public access requirements.

Judicial Review and Constitutional Validity

The validity of the Act has been challenged in the courts on the grounds of violation of fundamental rights and the principles of separation of powers and independence of the judiciary. Courts have generally upheld the validity of the Act, but have stressed the importance of procedural fairness, adequate safeguards and availability of judicial review. The courts have set legal precedents that demand commissions provide adequate opportunities for hearings, rights to cross-examination and legal representation for affected parties, to meet constitutional standards of fairness.¹¹¹³ Courts have also underlined the enforceability of the procedural requirements imposed by Section 3(5) as a means to ensure legislative accountability.

Critical Analysis

The Act's limited length and lack of any enforcement powers constrain its ability to address complex investigative situations. While additional rules provide further detail, the simplicity of the statutory framework may not be able to accommodate modern challenges such as digital evidence, international cooperation, specialized investigative techniques, and modern standards of transparency.¹¹¹⁴ The most serious shortcoming of the Act is the absence of enforcement power for commission recommendations; governments can ignore such recommendations with impunity, diminishing the importance of the commission and perhaps even undermining public confidence in inquiry mechanisms as tools of accountability.

The most significant limitation of the Act is the non-enforceability of the commission's recommendations, which may be a potential threat to its practical effectiveness.¹¹¹⁵ The governments can ignore the commission's recommendations without any legal

¹¹¹¹ Constitutional Law and Philosophy, supra note 6

¹¹¹² The Commissions of Inquiry Act, 1952, supra note 1, § 8

¹¹¹³ CaseMine, "Mandatory Opportunity of Hearing under the Commissions of Inquiry Act, 1952: A New Precedent," Commentary (2025),

<https://www.casemine.com/commentary/in/mandatory-opportunity-of-hearing-under-the-commissions-of-inquiry-act-1952-a-new-preced>

¹¹¹⁴ AdvocateKhoj, Supra Note 4

¹¹¹⁵ Constitutional Law and Philosophy, Supra Note 1086

consequences, which may reduce the significance of the commission and lower public trust in the mechanisms of inquiry as tools of accountability. Jurisdictional conflicts between the Central and State Governments may cause ambiguity regarding the authority to appoint commissions, especially in cases of matters of Union and State legislative competence.¹¹¹⁶ Clarification provisions would cut down on jurisdictional disputes and delay in appointments to the commission.

The Act was passed in 1952, long before the advent of modern concerns such as digital technology, international cooperation, specialized investigative techniques and increasing expectations of transparency. Act effectiveness and contemporary relevance would be enhanced by broad-based amendments to address these modern concerns.

CHAPTER VI – CONCLUSION

The Commissions of Inquiry Act, 1952, a significant piece of legislation, lays down a framework for important fact-finding exercises on matters of public interest in the realm of administrative law in India. While the Act performs vital democratic accountability functions through independent investigative mechanisms, its limitations in enforcement powers, transparency and modern adaptation call for legislative reforms to preserve its contemporary relevance and efficacy.

The identified comprehensive amendments would fill in the gaps and improve the effectiveness of the commission, build public confidence and ensure that the Act continues to perform essential democratic functions in India's evolving constitutional democracy. The reform recommendations proposed provide concrete directions for legislation that strike a balance between enhanced accountability and the necessary policy discretion of government.

This article deals with the Commissions of Inquiry Act, 1952 with ample critical analysis with respect

to legislative framework, powers, procedural safeguards, judicial review and constitutional implications. Major findings include:

1. The Act establishes basic fact-finding mechanisms which perform important democratic accountability functions
2. Powers of civil courts to obtain evidence are effective, but have limited practical impact without power to enforce
3. But there are procedural safeguards in sections 8B and 8C to protect affected persons and these should be applied uniformly
4. Judicial review is available to provide oversight in event of tensions in separation of powers
5. Brevity of legislation and lack of transparency are creating gaps that need to be filled by modern amendments.

¹¹¹⁶ The Commissions of Inquiry Act, 1952, supra note 1, § 2.