
(2014) 02 CAL CK 0110

In the Calcutta High Court

Case No : W.P. 4893(W), 4895(W) and 4896(W) of 2014

Raj Kamal Johri

APPELLANT

Vs

The State of West Bengal

RESPONDENT

Date of Decision : 26-02-2014

Acts Referred:

Commissions of Inquiry Act, 1952 — Section 12, 3, 4, 5, 5(2)
Constitution of India, 1950 — Article 20, 21

Citation : (2014) 2 CALLT 175 : (2014) 2 CHN 678

Hon'ble Judges : D. Datta, J

Bench : Single Bench

Advocate : Joydeep Kar, Mr. Kishore Datta, Mr. Biswaroop Bhattacharya, Mr. Mayukh Maitra and Mr. A. Banerjee, Advocate for the Appellant; Shyamal Sanyal in W.P. 4893 (W)/2014, Mr. Suman Sengupta in W.P. 4895 (W)/2014, Ms. Munmun Tewary in W.P. 4896 (W)/2014, Mr. Ashoke Kumar Banerjee, Ld. G.P. and Mr. Amitesh Banerjee in W.P. 4893(W), 4895(W) and 4896(W) of 2014, Advocate for the Respondent

Judgement

Dipankar Datta, J.—These three writ petitions present common grievance, of the petitioners on points of law and hence have been heard together. This common order shall dispose of the same. The State Government, vide a notification dated November 4, 2012, appointed a Commission of Inquiry consisting of Hon"ble Justice Susanta Chatterjee (since retired) (hereafter the Commission) to inquire into an incident of police firing on July 21, 1993 at Central Calcutta during a "Mahakaran Abidjan", resulting in the death of 13 (thirteen) persons and injury to several others. The terms of reference of the Commission read as follows:

a) To inquire into the events leading to killing of 13 (thirteen) persons in police firing and injury of several others on the 21st date of July, 1993 during the said Mahakaran Abhijan Programme held in Kolkata.

b) To inquire into the people involved and/or responsible for the incident.

c) To inquire into the details of the victim and/or persons affected.

- d) To inquire into the result of the complaints lodged on behalf of the victims, if any.
- e) To inquire into the role of the police and/or other authorities.
- f) To inquire into the present condition of the families of the victims.
- g) To inquire into the status of the police cases registered on the incident.
- h) To assess and recommended compensation if any, required to be paid to the victims.
- i) To examine any other matters relevant to or incidental thereto above questions which the Commission may deem fit and proper to investigate.

2. Mr. Dinesh Chandra Vajpai (hereafter Mr. Vajpai), Mr. Nawal Kishore Singh (hereafter Mr. Singh) and Mr. Raj Kamal Johri (hereafter Mr. Johri), the three petitioners were Additional Commissioner of Police, Deputy Commissioner of Police (South Division) and Joint Commissioner of Police, Calcutta Police, respectively on the date the incident of firing occurred. All these officers, however, have since retired from service.

3. Since Mr. Singh and Mr. Johri were holding responsible positions on the relevant date, the Commission was of the view that their versions in respect of such incident would be material and relevant for deciding the terms of reference. Accordingly, a summons dated October 10, 2012 u/s 4 of the Commissions of Inquiry Act, 1952 (hereafter the Act) was issued to Mr. Singh directing him to appear in person before the Commission on November 20, 2012. By a notice dated February 27, 2013 issued u/s 4 read with section 8B of the Act, Mr. Johri was called upon "to appear and to depose on or before the Commission" on March 26, 2013. Mr. Singh and Mr. Johri presented separate writ petitions before this Court feeling aggrieved by such summons/notice. The basic point, among other points, that was canvassed before the Court was that the Commission erred in the exercise of its jurisdiction in calling upon the noticees to bare their defence even before statements of the private witnesses (having knowledge about the incident of firing) were received. They had also challenged the very constitution of the Commission by the Government. The writ petition of Mr. Singh was disposed of on November 21, 2012 whereas that of Mr. Johri was disposed of on March 25, 2013. Limited relief was granted to Mr. Singh and Mr. Johri on the authority of the decision of the Supreme Court reported in Smt. Kiran Bedi Vs. Committee of Inquiry and Another, . The challenge to the constitution of the Committee was not examined, being premature and liberty was granted to raise such point in future proceedings, if required. One particular paragraph from the order dated November 21, 2012 passed on the writ petition filed by Mr. Singh, which was also directed to apply mutatis mutandis to Mr. Johri by the order dated March 25, 2013 passed on his writ petition, reads as follows:

In view thereof, it is observed that the petitioner shall present himself before the Commission on 04.12.2012, which I am told has been fixed as the next date,

along with his lawyer only for the purpose of examination-in-chief to the extent he would like to have his version placed on record. The petitioner shall not be cross-examined and, in particular, he shall not be under any obligation to disclose his defence at this stage. It is only after the oral evidence of the statement makers is received and the Commission is of the prima facie view on the basis of the materials on record that the petitioner's conduct is required to be inquired into or that its recommendation is likely to prejudicially affect the petitioner's reputation that he shall be given reasonable opportunity of being heard and to produce evidence in his defence, which necessarily would include the opportunity to produce witnesses in support of his version. The petitioner shall also have the right to cross-examine the statement makers who have deposed and would depose in future, and also to cross-examine any other witness who might depose in course of the inquiry.

4. Mr. Singh and Mr. Johri appeared before the Commission on December 4, 2012 and June 10, 2013 respectively.

5. Mr. Singh was administered oath. On being asked as to whether he would like to make any statement, Mr. Singh answered that at that stage he would wish to maintain silence; however, to the immediate next question he answered that a comprehensive report was prepared by him in relation to the incident of firing and submitted to the then Commissioner of Police. He further referred to a statement having been made by him before the Additional Commissioner of Police, who was deputed to conduct "executive enquiry", and stated that whatever he knew about the incident were reflected in those documents. Answer to the question as to under whose order the police opened fire was "I cannot say anything at this stage". Right to make any comment was reserved by Mr. Singh when the Commission showed a record to him to suggest that there was an order not to open fire under any circumstances. He also declined to file any written statement at that stage but stated that "after the private parties" depositions before the Commission, I may like to file my statement, on my behalf.

6. Mr. Johri, upon oath being administered, answered that he "was in-charge of South Area including Mayo Road as a supervisory officer; beside ... had no other specific duty". He failed to recollect as to whether Mr. Singh was there as supervisory officer or "who were the higher police officers present in the Control Room on 21.7.1993". He did not answer the direct questions put by the Commission as to whether there was any police firing on July 21, 1993, under whose order the police firing had taken place and further as to whether any of them had ordered police firing. Towards the end when he was asked as to when he would answer, Mr. Johri's reply was "after completion of all the deposition of witnesses".

7. Insofar as Mr. Vajpai is concerned, he did not approach this Court with any independent writ petition earlier. He appeared before the Commission. However, the questions put to him by the Commission and the answers given do not form part of his writ petition.

8. Mr. Vajpai, Mr. Singh and Mr. Johri are now aggrieved by separate notices dated January 29, 2014, issued by the Secretary of the Commission invoking the power conferred on the Commission by section 5(2) of the Act. All the noticees have been called upon thereby to file written defence within a fortnight from date and to appear before the Commission on varying dates between February 19 and 25, 2014. These three writ petitions are directed against the said notices.

9. Mr. Kar, learned advocate appearing for the petitioners contended that the impugned notices have been issued in colourable exercise of power and are bad in law. It was contended by him that a notice u/s 5(2) of the Act could be issued if the Commission were of the opinion that information on points or matters, which in its opinion would be useful for or relevant to the subject matter of the inquiry, were required. Referring to the impugned notices bearing similar contents, he contended that apart from referring to certain events following commencement of the proceedings by the Commission, no specific point or matter has been indicated on which the Commission wishes the petitioners to furnish information. The notices were further attacked on the ground that the opinion which the Commission was required to form in terms of the statutory mandate is apparently lacking. According to him, there is possibility of the petitioners' conduct being inquired into or their reputation being affected by reason of the recommendation of the Commission and since the Court on the earlier occasion had granted protection to Mr. Singh and Mr. Johri, the Commission could not have called upon them to present their written defence even before the stage contemplated by section 8B of the Act was reached. It was urged that section 5(2) of the Act would have no application in respect of a person who could be categorized as "information giver", if he enjoys privilege under any law for the time being in force, and since the petitioners have a privilege u/s 8B of the Act, which is protected by Article 21 of the Constitution, calling upon the petitioners to furnish information at this stage is entirely an unauthorized act. The Commissions of Inquiry (Central) Rules, 1972 (hereafter the Rules) were referred to in support of the contention that there has been clear breach of the procedure for inquiry prescribed therein. It was finally contended that since the impugned notices do not conform to the mandate of the statute, the same are indefensible. Prayer was, accordingly, made to set aside the impugned notices and to allow the writ petitions.

10. Answering Mr. Kar's contentions, Mr. Banerjee, learned Government Pleader submitted that no legal rights of the petitioners have been infringed warranting interference of the Court of writ on these writ petitions. It was submitted by him that the earlier orders passed on the writ petitions of Mr. Singh and Mr. Johri were duly complied with by the Commission and they were never compelled to answer any question against their will. He referred to the statements made by Mr. Singh and Mr. Johri as witnesses and submitted that they themselves assured the Commission to answer the questions or to give their statement after recording of depositions of the private witnesses was over. My attention was drawn to the impugned, notices recording that the depositions of all the private

witnesses were over, and it was urged that the stage for making statement had arrived. According to him, the petitioners are required to furnish information by saying before the Commission what they personally know about the incident of police firing, which they declined to say before on the ground that recording of depositions of the private witnesses was yet to be over. The Commission in exercise of power conferred by section 5(2) of the Act, it was contended, was certainly justified in issuing the impugned notices. It was also argued by him that the petitioners have been approaching the Court unnecessarily and that too a few days prior to the dates they are required to appear before the Commission, and a clear attempt to stall the process of inquiry is discernible. He prayed for dismissal of the writ petitions and for an immediate direction on the petitioners to present themselves before the Commission so as to facilitate smooth completion of the inquiry.

11. I have heard the parties and perused the materials on record.

12. In view of the arguments advanced on behalf of the parties, they seem to have joined issue on the following points:

(i) whether invocation of power conferred by section 5(2) of the Act by the Commission at this stage is justified?

(ii) does the notice u/s 5(2) of the Act conform to the statutory mandate? and

(iii) what relief, if any, the petitioners are entitled to?

13. Before proceeding to answer the above points, consideration of the scheme of the Act, the powers conferred on a Commission of Inquiry (hereafter COI) thereby, and the procedure laid down therein that a COI appointed by a State Government is required to follow to answer the terms of reference, may be necessary.

14. In terms of section 3 of the Act, a COI may be appointed for making an inquiry "into any definite matter of public importance". Decisions are legion that the purpose of an inquiry under the Act is more suited to find out the truth to learn lessons for the future and to enable the Government to make up its mind as to what legislative or administrative measures should be adopted to eradicate the evil found or to address the lapses detected or to implement the beneficial objects it has in view, instead of punishing the guilty. A COI is a fact finding body, which is not required to adjudicate the rights of the parties. Its recommendations are not binding on the Government that appoints it nor is its report a definitive judgment, and by its very nature, it has no adjudicatory functions. The observations and findings in the report of the COI are only meant for the information of the Government and such report has no evidentiary value in a civil or criminal trial. Although proceedings before the COI are judicial and it has the trappings of a Court, the COI is not a Court.

15. It seems to be clear that upon entering the reference, the function of a COI is inquisitorial. There is no lis and hence no parties; there is also no prosecutor

or accused, no charges or accusations. A COI under the Act is a machinery set up by the appropriate Government, which is necessarily involved in the collection of material facts from the evidence adduced before or brought to its notice and the recording of findings by it on those facts. Such findings in the report are regarded as ancillary to the enquiry itself; for, the COI ought to express its own view on the facts found by it for consideration of the appropriate Government to enable it take such measure as may be considered fit and proper in the circumstances. There can hardly be any doubt that the recommendations of a COI are of great importance to the appropriate Government.

16. However, despite the Act being in existence for more than half a century, the futility of the proceedings under the Act has attracted more attention in comparison to the utility thereof. One cannot lose sight of the general public perceptions. Setting up of a COI is sometimes viewed as applying a balm to heal the wounds of the family members of deceased victims, without any effective result in sight. At times, it is perceived to be a weapon of political vendetta by a Government actuated by mala fide motives. Timing of appointment of a COI has also often been contentious. Even in cases where a COI gives its recommendations condemning any public functionary, he does not suffer much from any serious disability in his public life because the recommendations lack teeth and fail to bind him to suffer some legal disqualification. It is time that the legislation ought to be looked upon and applied as an instrument for restoring public confidence rather than allowing it to survive as an impotent and ineffective instrument.

17. Be that as it may, it would now be profitable to examine how a COI ought to proceed to conduct the inquiry for which it is constituted. Section 4 of the Act ordains that a COI shall have all the powers of a Civil Court, while trying a suit under the CPC (hereafter the CPC) in respect of the matters mentioned in clauses (a) to (f) thereof. By section 5 of the Act, certain powers titled "additional powers" are vested in a COI. Sections 5A and 5B of the Act are intended to empower a COI to utilize the services of certain officers, investigation agencies and assessors for performing the task of inquiry. The statement made by any person before the COI is, u/s 6 of the Act, wholly inadmissible in evidence in any future proceedings, civil or criminal, except a prosecution for giving false evidence by such statement and that too if it is covered by the proviso thereto. Section 8 empowers a COI to regulate its own procedure, subject to rules that may be framed under the Act. The procedure required to be followed if a COI intends to inquire into the conduct of any person or is of the opinion that the reputation of any person is likely to be affected by the inquiry, is envisaged in sections 8B and 8C of the Act.

18. Apart from section 4 of the Act empowering a COI to exercise powers (akin to powers exercisable by a Civil Court) in terms of the CPC in respect of the specified matters, section 5 confers wide ranging powers. Persons who in the opinion of the COI are capable of giving information on specified points or

matters and who are otherwise not disabled from giving such information may be called upon and if called upon, they shall be bound to furnish such information within the meaning of sections 176 (omission to give information to a public servant by a person upon whom an obligation is imposed by law to furnish certain information to a public servant) and 177 (punishment for furnishing false information by a person legally bound to furnish information on any subject to a public servant) of the Indian Penal Code.

19. Section 8B provides a statutory protection to the classes of persons comprehended either within clause (a) or clause (b) and ensures certain safeguards in their favour i.e. a reasonable opportunity of being heard and to produce evidence in defence. Coupled with this is the safeguards envisaged by section 8C. If in a given case a COI is inclined to hold that section 8B is attracted, it must indicate with clarity the circumstances appearing in the evidence against a person so as to provide such person a meaningful opportunity to put across his version supported by evidence in defence apart from permitting him take recourse to any or all the clauses mentioned in section 8C. Notice u/s 8B must, therefore, issue only after a prima facie view is formed by the COI based on the evidence on record in respect of wrongs done or committed by any person.

20. Drawing from experience in respect of earlier Commissions of Inquiry appointed by the State Government, one may recall that by issuance of public notice, members of the public in general having knowledge of the incident being inquired into are invited either to depose on oath as witness or to give evidence on affidavit. A private notice to an individual member of the public or to a public functionary to depose or to file affidavit is also issued for collection of evidence. In course of its inquisitorial functions, a COI on its own may require any person to answer a question put by it and refusal to reply could only be based on a privilege that the witness may enjoy under any law for the time being in force. One privilege has been recognized in the decision in Kiran Bedi (supra). If any witness is likely to fall within the category of persons contemplated by section 8B of the Act, such a witness can legitimately claim that his evidence be recorded after other witnesses record their evidence and not at the beginning of the inquiry, lest such witnesses be in a position to re-fashion their statements upon knowing the defence of such person which would normally constitute the basis for the line and object of cross objection.

21. Bearing in mind the above principles, all the points in issue are now taken up for answer together.

22. For the purpose of decision on these writ petitions, the relevant provisions of the Act are sections 3, 4, 5, 6 and 8B. It has not been brought to my notice that the State Government in exercise of power conferred by section 12 of the Act has framed rules to carry out the purposes of the Act. Since the Rules apply in respect of a COI appointed by the Central Government, the same would not ex proprio vigore apply to a COI appointed by the State Government. However, in

the absence of any contrary provision for the time being in force, there is no impediment for the Commission to follow the provisions of the Rules having regard to section 8 of the Act. Failure to meticulously follow the Rules would not, however, render the proceedings before the Commission vitiated and I am of the view that the contention of Mr. Kar that the Commission has failed to conduct its proceedings abiding by the Rules, rendering it vulnerable, is not well-founded.

23. The State Government having constituted the Commission, it is only too obvious that death of 13 (thirteen) persons in police firing was considered by it to be a "definite matter of public importance". The terms of reference have been framed for unearthing the truth in respect of such incident. Since, the common grievance of Mr. Singh and Mr. Johri in relation to appointment of the Commission was not examined earlier on the ground that it was not the appropriate stage and the question has been left open for decision in future, if at all the situation so demands, I shall proceed on the prima facie view that appointment of the Commission is valid and the terms, of reference framed are not for a purpose alien to the statute.

24. It has not been disputed by the petitioners that 13 (thirteen) people died as a result of police firing on July 21, 1993. The Commission has been appointed to inquire into, inter alia, the cause(s) for such incident, who were responsible for the incident and the role of the police and/or other authorities. The three petitioners were senior officers of the Calcutta Police Force on the relevant date. The Commission considered that they might be in a position to throw some light on the incident of firing. Summons and notice were initially issued to Mr. Singh and Mr. Johri. The privilege that Mr. Singh and Mr. Johri enjoyed was recognized and protection, though limited, was granted on their writ petitions by this Court resulting in Mr. Singh and Mr. Johri not being under any compulsion to give any answer against their will. Since Mr. Singh and Mr. Johri did not answer several questions at that stage and while the former expressed to give a statement and the latter agreed to answer the questions put by the Commission after recording of evidence of the private witnesses was over, recording of their evidence at that stage stood deferred. In the normal run of events, therefore, there was no impediment in recording the evidence of Mr. Singh and Mr. Johri after the private witnesses had deposed before the Commission. It is recorded in the impugned notices that "the deposition of all the private witnesses is over". It is noteworthy that the notice issued by the Commission u/s 4 of the Act to Mr. Johri referred to the depositions of the then General Secretary, West Bengal Youth Congress and the then Officer-in-Charge, Hastings Police Station to the effect that an executive enquiry may have been conducted by Mr. Vajpai on the orders of the then Commissioner of Police and that both Mr. Singh and Mr. Johri were present at Mayo Road on July 21, 1993 in their official capacity and police firing had taken place at Mayo Road. Such notice further recorded that the Commission had to find out the relevant facts relating to police firing on July 21, 1993 and accordingly required Mr. Johri to either file "a written statement or deposition on Affidavit as to the role played by ... and also to place on record the relevant

deposition made bybefore the said Executive Enquiry, if at all held, in accordance with law". The summons issued to Mr. Singh required him to adduce evidence and produce necessary documents relating to the incident of police firing. In course of their appearance before the Commission, both Mr. Singh and Mr. Johri were informed in clear terms what the Commission desired to know from them. Not having answered most of the questions then and regard being had to the stage of inquiry the Commission has now reached, it is the deferred proceedings that are sought to be resumed by calling upon Mr. Singh and Mr. Johri to say what they know about the incident, what role was played by them and whether they have in their possession the relevant deposition made by them before such executive enquiry. They would, in the circumstances, be obliged now to answer all questions relevant for the inquiry including but not limited to the questions that they chose not to answer earlier.

25. It is axiomatic that if allegations and criticisms are received in regard to activities of public functionaries, which desirably should always be above board, the matter ought to be promptly inquired into and appropriate follow-up action taken to restore credibility in the system of governance. The need is all the more important in matters relating to death of people due to firing by police. It is indeed the police officers present at the site of firing to assess the degree of force required to disperse an assembly, which in their perception is unlawful. The police action of resorting to gunfire has to be justified by referring to any lawful procedure established by law, since precious lives were lost and those who passed away were entitled to protection of their life and liberty by the State. Would the police officers present at the site be not in a better position to answer as to whether the situation was so grave that firing was the only option and further as to who gave the order for firing? That the situation was extremely grave necessitating gunfire to disperse an unlawful assembly may legitimately be raised in defence before the Commission for its due consideration, or else the Commission would be disabled from expressing its view on such defence, which might lead to issuance of a notice u/s 8B of the Act. To prevent such issuance, the petitioners ought to be well advised to appear before the Commission to place their respective versions of the incident in full and then to answer the questions posed by the Commission.

26. A plea of privilege has been raised by Mr. Kar referring to section 8B of the Act and to no other statute. Whatever privilege Mr. Singh and Mr. Johri could legitimately claim based on the decision in Kiran Bedi (supra) has been recognised and relief granted. The privilege that could be claimed u/s 8B would operate so long recording of evidence of the private witnesses is not over. That being over, Mr. Singh and Mr. Johri cannot now complain of breach of privilege. The contention is overruled.

27. I am also not persuaded to agree with Mr. Kar that in all cases where an individual notice is issued u/s 5(2) of the Act, it must specify the points or matters as in the opinion of the COI are useful for or relevant to the inquiry. If in

a given case a witness has to project his own imagination to discover all the facts and circumstances that may be in the contemplation of the COI to be used against him, Mr. Kar's contention could have been accepted. However, the situation would not be quite the same in a case of the present nature. It would be sufficient if the points or matters, in respect whereof information is sought, could be gathered from the attending facts and circumstances. At the risk of repetition, it may be observed that the petitioners are well and truly aware of the questions that the Commission wished them to answer, which they chose not to answer at that stage and how they ought to put across whatever they know of the incident and to furnish information on such points or matters by answering the questions that may be posed by the Commission.

28. Much has been argued on behalf of the petitioners by referring to section 8B of the Act that the stage has not yet reached for asking them to raise" defence by submitting a statement. I am afraid, I cannot agree with Mr. Kar. If a person who has been called upon to furnish information before a COI chooses to withhold information or does not justify a particular act of omission/commission on his part, the matter remains largely unexplained at his end leaving room for such COI to form an opinion that the conduct of such a person requires to be inquired into. What section 8B, inter alia, envisages is that an opportunity to produce evidence in defence shall be extended. It is not the correct interpretation of section 8B that defence can be asked to be raised only after a notice thereunder has been issued and not prior thereto. The ratio of the decision in Kiran Bedi (supra) is not that a person who is called upon to furnish information to the COI cannot be asked to state his defence after the evidence of the statement makers is recorded for the purpose of dissuading the COI from forming an opinion that the conduct of such person has to be inquired into. In my opinion, once recording of the evidence of the statement makers or the private witnesses is over, a COI would well-nigh be free to call upon that person to say what his defence is, without he being necessarily required to produce evidence in support of such defence prior to issuance of section 8B notice, and for that person to opt either to raise defence or not. It is only after the COI prima facie is of the view that any of the clauses of section 8B is attracted and such notice is issued, that the notice may produce evidence in defence to dissuade the COI to report against him. Mere mention in the impugned notices that the petitioners may state their defence, per se, does not vitiate the same.

29. As is evident from the present terms of reference, the Commission is required, inter alia, to ascertain the causes for police firing, to identify persons responsible for the incident and to inquire into the role of the police and other authorities. Identification of any wrong doer, in course of such exercise, is ancillary to the inquiry itself. Such an exercise would, as of necessity, require the Commission to record the version of every single individual who claims to have knowledge regarding the incident and every public functionary having a semblance of obligation to ensure the law and order situation on the fateful day. The petitioners fall in the second category and the privilege that they could claim

has already been exhausted by reason of due compliance of the decisions of this Court while disposing of the writ petitions of Mr. Singh and Mr. Johri. Since a proceeding before a COI is not a trial and the person whose conduct is inquired into is not an accused, clause (3) of Article 20 of the Constitution would have no application and a person can be compelled to make an incriminating statement against himself. If indeed the petitioners seek a further privilege citing section 8B and are inclined to stay away from the Commission by not answering the questions that were put forth earlier or may be put forth in the days to come, they would do so at their own risk and peril, for, that might allow the Commission to draw adverse inference against them. Since it is recorded in the notices impugned that recording of evidence of the private witnesses is over, the question of such witnesses being in a position to re-fashion their statements does not and cannot arise and the petitioners have no legal peg for a justiciable claim to hang on. They shall be free to appear before the Commission and give their own account of the incident and also reply to the questions that might once again be put to them by the Commission.

30. I hold that having regard to the attending facts and circumstances, it was not necessary for the Commission to indicate in the impugned notices what were the specific points or matters, which in its opinion, are useful and relevant for furnishing of information by the petitioners regarding the subject matter of the inquiry.

31. Needless to observe, the stage of producing evidence in defence has not arisen and such stage would arise should the Commission record its prima facie view in respect of either clause (a) or (b) of section 8B against any or all the petitioners.

32. The points in issue are answered accordingly. There is no reason to interfere in the impugned notices. Consequently, the writ petitions stand dismissed without order for costs.

33. There can be no doubt that the Commission shall proceed in accordance with law. It would, however, be desirable if the petitioners are given at least 7 (seven) days advance notice for their appearance before the Commission. Copy of this order, duly counter-signed by the Assistant Court Officer, shall be retained on the files of W.P. Nos. 4895(W) of 2014 and 4896(W) of 2014.

Urgent photostat certified copy of this order, if applied for, shall be furnished to the applicant at an early date.

Later:

Prayer for stay of operation of this order made by Mr. Mitra, learned advocate for the petitioner, is considered and refused.