Nuances of Reporting with consensus by the Internal Committee

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How the Internal Committee members with different prejudices needs to sit together and agree to a Report Preparation which is acceptable by a court of Law, was elaborately perused in the case of of *Jaya Kodate V/S Rashtrasant Tukdoji Maharaj Nagpur University, Hon'ble Mumbai High Court* has ruled as per the following:

Para 46.

- **Hon'ble Apex Court has found a "combined report" by all the members of the inquiry committee must. It qualifies this requirement by employing the words "whether consenting or otherwise". Thus, every member has a right either to agree or to disagree with the majority.**
- **Disagreement is possible when a single or combined report is attempted. The above observations of the Hon'ble Apex Court also hold good qua Section 13 of the 2013 Act.**
- **It expressly uses the words like " a report of its findings", "such report" or "arrives at the conclusion," implying a singular number and therefore, a combined single report. Section 13 speaks of a ICC as one entity.**
- **When there are total 4 members on ICC, a report or decision by the majority is not ruled out. But when the ICC is a single committee and there is provision for quorum, it is expected to function as a single body.**
- **When such fact finding body is comprised of more than one member, it is inherent that all hear the controversy together and are benefited by the experience and expertise of each other by sharing/exchanging their views. If every body sits as an individual without any dialogue with the other members and then submits his findings also without deliberations or consultation with the others, very purpose of providing a multi-membered body gets frustrated.**
- **Such separate report then becomes a separate report of the several individuals submitting it and may suffer from individual's prejudices or drawbacks.**

- **A joint inquiry committee is prescribed to eliminate such elements specific to every individual and to bestow advantage of the expertise of every individual in his own field. Persons from different walks of life with varied knowledge and experience as also different approaches come together to form one committee.**
- **This artificially created person i.e. one committee (here ICC) therefore must get colour of personality of its every constituent and in the process, bias or prejudices of one are bound to be diluted by the character of the others.**
- **Such an artificial body acquires its personality only when the several members forming it sit together, share their view points and gain advantage of the perspective of the other members.**
- **This exchange may lead to a combined single inquiry report i.e., a unanimous decision by all. In a given case, one of the learned member may not agree with the view of majority but then, he will be electing to disagree after having advantage of the wisdom of others. His disagreement therefore evidences itself or surfaces in joint deliberations and others also get an opportunity to weigh his view-point.**
- **Other members therefore get a chance to know the view of minority and to decide to disagree with it by majority.**
- **Thus, reasons for agreement or disagreement are not pre-decided and evolve out of process of joint discussion.**
- **When an individual on such multi-membered ICC avoids to speak with others, he robs the artificial person of one facet of its character desired by the Parliament and such ICC is therefore never legally complete or born.**

Thus, report signed and submitted by majority members of such an ICC without undertaking exercise of joint deliberations is void and unacceptable.

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