

[Sh. Dinesh Goswami]

should be the Prime Minister to decide about the action on the recommendation of the Lokpal and in the case of the Prime Minister, it is left to the House of the People as ultimately that political functionary is responsible to the people through their chosen representatives in this House. To enable the persons constituting the Lokpal to perform their functions with highest objectivity and to ensure their independence it is also provided that their salary, other conditions of service including removal from office shall be those of the Chief Justice of India in the case of the Chairman and Judges of the Supreme Court in the case of other Members.

Sir, I beg leave of the House to introduce this Bill and I hope, when time comes, this will get the unanimous approval of the House. *(Interruptions)*

MR. SPEAKER: Please take your seat. The Minister is on his legs.

*(Interruptions).....*

MR. SPEAKER: Do you want to hear him or not? Please sit down.

*(Interruptions)...*

[*Translation*]

MR. SPEAKER: Please take your seat.

SHRI MADAN LAL KHURANA (South Delhi): Mr. Speaker, Sir, when you were in jail, Shrimati Indira Gandhi had got a law enacted which was implemented with retrospective effect. If that could be done, why cannot this be done now.....*(Interruptions).....*

[*English*]

SHRI DINESH GOSWAMI: The hon. Members have raised that it should have a retrospective effect. I will only ask the hon. Members to go through the provisions.

In sub-clause (3) of clause 9, what has been said is:

"The Lokpal shall not inquire into any complaint if the complaint is made after the expiry of five years from the date on which the offence mentioned in such complaint is alleged to have been committed."

Therefore, a time limit has been put. The time-limit is if an offence is committed and a complaint is made within five years from the date on which the offence is alleged to have been committed, the Lokpal has the jurisdiction to inquire into because for eternity, we cannot permit a man to complain. Therefore, it has to be done.

SHRI JANARDHANA POOJARY: You must know the Supreme Court decision. *(Interruptions)*

MR. SPEAKER: The question is:

"That leave be granted to introduce a Bill to provide for the establishment of the institution of Lokpal to inquire into allegations of corruption against public functionaries and for matters connected therewith."

*The motion was adopted*

SHRI DINESH GOSWAMI: I introduce the Bill.

12.37 hrs.

COMMISSIONS OF INQUIRY (AMENDMENT) BILL

[*English*]

MR. SPEAKER: Now Shri Mufti Mohammad Sayeed to move for leave to introduce a Bill further to amend the Commission of Inquiry Act, 1952.

**THE MINISTER OF HOME AFFAIRS (SHRI MUFTI MOHAMMAD SAYEED):** I beg to move for leave to introduce a Bill further to amend the Commissions of Inquiry Act, 1952.

Sir, sub-section (4) of section 3 of the Commission of Inquiry Act, 1952 casts an obligation on the appropriate Government to lay the report of the Commission of Inquiry appointed under sub-section (1) thereof before the House of the people or, as the case may be, the Legislative Assembly concerned, together with a memorandum of action taken thereon, within a period of six months of the submission of the report. However, in 1986, section 3 had been amended so as to provide therein that under certain circumstances the report of the Commission of Inquiry may not be so laid.

A Commission of Inquiry is always set up for the purpose of making an inquiry into any definite matter of public importance. As such, the report submitted by such a Commission should not be withheld from the House of the People or the Legislative Assembly under any circumstances and the public should have access to information which is a vital importance and interest to them. It is felt that the amendments made in 1986 should be done away with.

The Bill seeks to achieve the above object.

**MR. SPEAKER:** The question is:

"That leave be granted to introduce a Bill further to amend the Commissions of Inquiry Act, 1952."

*The motion was adopted*

**SHRI MUFTI MOHAMMAD SAYEED:** Sir, I introduce the Bill.

12.40 hrs.

**CONSTITUTION (SIXTY-THIRD AMENDMENT) BILL\***

[English]

**THE MINISTER OF HOME AFFAIRS (SHRI MUFTI MOHAMMAD SAYEED):** I beg to move for leave to introduce a Bill further to amend the Constitution of India.

As the House is aware, Clause (5) of Article 356 of the Constitution which sets a normal limit of one year for President's Rule in a State was made inapplicable in respect of President's Proclamation issued on 11th May, 1987 in relation to the State of Punjab by virtue of Section 2 of the Constitution (Fifty-ninth Amendment) Act, 1988. With this amendment, President's Rule in Punjab could be extended up to a maximum period of three years, unlike in other States where it could be only up to one year, subject to the approval of both Houses of Parliament for continuation of the Proclamation for a period of six months on each occasion as stipulated under article 356 (4) of the Constitution. The Resolution regarding continuation of President's Proclamation in the last six month phase had been approved by both Houses of Parliament on 12-10-1989. The three-year period will now expire on 10-5-1990. In view of what I have submitted above it will appear that the part of amendment dealing with Article 356 of the Constitution is no longer needed.

By Section 3 of the Act, a new Article 359 (A) was inserted in the Constitution making far-reaching changes in Article 352 of the Constitution as applicable to Punjab. By this, Article 352 of the Constitution was amended to make "internal disturbance" as one of the grounds for declaration of emergency in respect of the State of Punjab only and consequential amendments were made to Articles 358 and 359 of the Constitution. But the most significant change was the

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