

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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[Sh. Mufti Mohammad Sayeed]

suspension of the citizens' right to life and liberty under Article 21 when any Proclamation of Emergency is made for Punjab.

The part of the Constitution (Fifty-ninth Amendment) Act, 1988 which dealt with emergency powers has been the subject of criticism from various quarters because they are stringent in character and particularly because of power to deprive a citizen of his right to life and liberty. The Government considers that there is no need to retain such drastic powers. Sir, I may also mention that this provision has never been invoked so far. It is therefore proposed to repeal this part of the Act as well.

The present Bill seeks to repeal the Constitution (Fifty-ninth Amendment) Act, 1988. I now request the august House to approve the motion.

MR. SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted

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

12.44 hrs.

STATEMENT BY MINISTER CONSTITUTION OF AN EXPERT COMMITTEE FOR THE ASSESSMENT AND EVALUATION OF THE CENTRE FOR DEVELOPMENT OF TELEMATICS

[English]

THE MINISTER OF SURFACE TRANSPORT AND MINISTER OF COMMUNICATIONS (SHRI K.P. UNNIKRIISHNAN): The Centre for Development of Telematics (C-DOT) was set up in April, 1984 and formally

registered as an autonomous society in August, 1984 Primarily for developing a Digital Main Automatic Exchange (MAX) of 16,000 lines capacity which was later upgraded to 40,000 lines by the Department of Telecommunications (DOT). This exchange was to be developed for commercial production within 36 months commencing from August, 1984 and within a budget of Rs. 36 crores.

This project was considered crucial to enable the DOT to phase out electro-mechanical exchanges and to induct modern electronic switching systems; primarily for providing efficient telephone services and subsequently for developing Integrated Services Digital Network (ISDN) facilities. Since the C-DOT was envisaged as an autonomous society, it was provided with requisite funds on a cost sharing basis by the Department of Electronics and the Department of Telecommunications.

More than 5 years have passed since C-DOT started the project, but a commercially produceable MAX has not yet gone into manufacture. The final designs even for a 500 Line Exchange are yet to be frozen and now it is apparently planned to be passed on to the manufacturers by April 1990 only.

It is most vital that this indigenous effort should be speeded up to strengthen our technological muscle but at the same time it is necessary for the Government to know as to where we stand in meeting the needs of a viable Communication System for the nineties and within what time frame the MAX will be developed to sustain this communication network.

The Government is reviewing the Communications policy and the structures built up to achieve the ends of this policy like the Telecom Commissions, C-DOT, etc. In the first instance it has been decided to constitute the following committee of experts to evaluate the on-going schemes and the future progress of the C-DOT project. The terms of reference of the High Level Committee will be as under:—