

problem is eating away or consuming all the revenues and income of the State and that is being spent mostly on police and security forces. That is why the development of the State is very much affected.

16.00 hrs.

And whatever remains, there is rampant corruption in the Administration, in all levels in the security forces and the police. We are proud and we always say that there is no communal problem in Punjab. Punjab is the State where there is no communal tension even at present, even in the face of so much provocation when we can see communal clashes and riots in all parts of the country. But in Punjab.....

MR. SPEAKER: We will take it up later.

SHRI CHARANJIT SINGH WALIA: I will continue later, Sir.

16.01 hrs.

STATUTORY RESOLUTION RE.:
APPROVAL OF NOTIFICATION NO. S.O.
223 (E) DATED 23RD MARCH, 1989. ON
LAYING OF THAKKAR COMMISSION'S
REPORTS

[English]

THE MINISTER OF HOME AFFAIRS
(S. BUTA SINGH): Sir, I beg to move the following Resolution:

"That in pursuance of sub-section (6) of Section 3 of the Commissions of Inquiry Act, 1952, this House approves the notification of the Government of India in the Ministry of Home Affairs No. S.O. 223 (E) dated the 23rd March, 1989, by which the Notification of the Government of India in the Ministry of Home Affairs No. S.O. 260 (E) dated the 15th May, 1986, has been rescinded."

Sir, Shrimati Indira Gandhi, the then Prime Minister of India, was assassinated on

31st October, 1984. On 20th November, 1984, Government appointed a Commission of Inquiry for the purpose of making an inquiry into the assassination of Shrimati Indira Gandhi. Justice M.P. Thakkar, a sitting Judge of the Supreme Court of India, constituted the Commission.

The Commission submitted its Interim Report on 19th November, 1985. The Final Report, including the Appendices forming part of the Final Report, was submitted by the Commission on 27th February, 1986.

In its Final Report, the Commission recommended that in the larger public interest the Report may not be made public. As will be clear when the reports are placed on the Table of the House, the Commission has recommended further investigation by appropriate agencies into certain matters identified by the Commission. In support of its recommendation that the report may not be made public, the Commission observed that the publication of the report would hamper the further investigations and also cause embarrassment or prejudice to certain persons. The Commission itself described its effort in this behalf as an "exploratory exercise" and pointed out that the material gathered in the course of the exercise was not on the basis of an enquiry held by the Commission as contemplated under section 8 (B) of the Commissions of Inquiry Act, 1952, or under Rule 5 of the Commissions of Inquiry (Central) Rules, 1972.

Government accepted the recommendation of the Commission. Accordingly, the Commissions of Inquiry Act, 1952, was amended by Ordinance No. 6 of 1986 dated 14th May, 1986. Following the Ordinance, a notification was made on 15th May, 1986 in exercise of the powers under section 3 sub-section (5) of the Act, as amended by the Ordinance. Hon. Members are aware that the Ordinance No. 6 of 1986 was replaced by the Commissions of Inquiry (Amendment) Act, 1986, which received the assent of the President on 20th August, 1986.

A special Investigation Team (SIT) had

[S. Buta Singh]

been established on 15th November, 1984, to investigate the crime of assassination of the late Prime Minister. The team was headed by an officer of the rank of Director General of Police and consisted of many senior officers. The SIT took up the investigation of the crime. The assailants of the late Prime Minister and other accused persons connected with the crime were prosecuted. The SIT also took up investigation of the question whether there was a larger conspiracy to eliminate the late Prime Minister. This question was thoroughly investigated over a period of four years. It is my duty to inform the House that the SIT has been able to complete its investigations and unravel the conspiracy to eliminate the late Prime Minister. Action, according to law, would be taken against those who have been identified by the SIT as participants in the conspiracy.

Since the SIT has completed the task entrusted to it, there is no longer any impediment to releasing the interim report and final report of the Commission. It is under these circumstances that the Prime Minister announced in the Lok Sabha on 17th March, 1989 that steps would be taken to place the reports on the Table of the House immediately after the House re-assembled, after recess, on 27th March, 1989.

PROF. MADHU DANDAVATE (Raj): Records or reports?

MR. SPEAKER: Reports.

S. BUTA SINGH: Government have been advised that in order to lay the reports on the Table of the House, it would be necessary to rescind the notification dated 15th May, 1986. Government have also been advised that the notification rescinding the earlier notification should be approved by a Resolution of the Lok Sabha. Hence, Government have made a notification under section 3, sub-section (5) of the Act on 23rd March, 1989 rescinding the notification dated 15th May, 1986. A few minutes ago, I moved the Resolution seeking approval of

the House to the notification dated 23rd March, 1989.

Before I conclude, I would like to share with the House my anguish and regret over certain developments that have taken place in the last 10 days. In taking the decision not to lay the reports on the Table of the House, in 1986, Government had acted in the larger public interest. Government's action was also supported by law as made by Parliament. Whatever may have been said during the heat of the debate in 1986, by and large, the nation accepted that decision of the Government, as approved by Parliament in 1986. There was no criticism or controversy for a period of three years. (*Interruptions*)

During this period of 3 years, the SIT continued to carry out its duties with quiet efficiency, diligence and thoroughness. The efforts of the SIT led to the prosecution and conviction of the assailants and those directly connected with the crime. The investigation by the SIT into the larger conspiracy has also resulted in identifying other conspirators. In January, 1989, the SIT had completed its investigations and was preparing to take the steps required under law to prosecute the persons involved in the larger conspiracy. Once the SIT had complied with the requirements under section 173 of Cr. P.C., Government would have, in the normal course, placed the reports before the House. However, at this stage and, perhaps anticipating that the SIT had completed its work, a version of a chapter of the final report of the Commission appeared in a newspaper, thus kicking off a wholly unnecessary and painful controversy. In order to set at rest rumour-mongering and speculative discussion, Government decided to lay the reports of the Commission on the Table of the House. Notwithstanding this decision, a section of the media as well as certain political leaders have continued to indulge in speculation, insinuation and innuendo. In the last 10 days, they have attributed motives to the Government and tried to bring into ridicule the institutions of the State and those holding responsible positions in Government. When the reports are laid before Parliament, and

when they are read by reasonable men and women, the truth will be known and the utter depravity of the campaign launched by certain section will stand exposed.

The Indian State has weathered many storms in the past and, I am sure, it will, weather this storm too. Actually those who would raise a storm, live in a world of myths and fantasies. They do not serve the people of India nor do they have the larger public interest at heart.

With these words, I move the Resolution and seek the approval of this House.

MR. SPEAKER: The question is:

"That in pursuance of sub-section (6) of Section 3 of the Commissions of Inquiry Act, 1952, this House approves the notification of the Government of India in the Ministry of Home Affairs No. S.O. 223 (E) dated the 23rd March, 1989, by which the Notification of the Government of India in the Ministry of Home Affairs No. S.O. 260 (E) dated the 15th May, 1986 has been rescinded."

The motion was adopted

16.10 hrs.

PAPERS LAID ON THE TABLE—*CONTD.*

Interim Report and Final Report of Thakkar Commission of Inquiry on the assassination of Shrimati Indira Gandhi, Memorandum of Action taken on the Reports and Statement explaining reasons for not-laying simultaneously Hindi version of the documents

THE MINISTER OF HOME AFFAIRS (S. BUTA SINGH): Sir, I beg to lay on the Table

- (a) A copy each of the following Reports under sub-section (4) of Section 3 of the Commissions of Inquiry Act, 1952:-

(i) Interim Report dated the 19th November, 1985 of Justice Thakkar Commission of Inquiry on the assassination of the late Prime Minister Smt. Indira Gandhi; [Placed in Library. See No. LT-7589/89]

(ii) Final report including the appendices forming part of the final report dated the 27th February, 1986 of Justice Thakkar Commission of Inquiry on the assassination of the late Prime Minister Smt. Indira Gandhi.

(iii) Memorandum of Action taken on the Reports.

(b) A statement explaining reasons for not laying simultaneously the Hindi version of the documents mentioned above. [Placed in Library. See No. LT-7590/89]

[*English*]

SHRI S. JAIPAL REDDY (Mahbubnagar) : It is a victory for democracy.

PROF. MADHU DANDAVATE (Rajapur): I am on a point of order.

SHRI V. SOBHANADREESWARA RAO (Vijayawada): Its is a victory of the people.

PROF. MADHU DANDAVATE: I have already told you that I am raising on a procedural point. (*Interruptions*)

SHRI ASUTOSH LAW (Dum Dum): What procedural point? (*Interruptions*)

PROF. MADHU DANDAVATE: I am seeking your permission, not the permission of the hon. Members of this House. (*Interruptions*)

MR. SPEAKER: Am I to decide or are you to decide?