

[Shri V. Kishore Chandra S. Deo]

Then there is some killing which goes on in Punjab and immediate repercussions are felt in the Capital like the incidents which occurred in Delhi two days ago. So far as Delhi is concerned, I am told that this tension was building up over the last one or two months. People have been distributing Trishuls and making provocative speeches from so called religious premises. These are the kind of activities that are going on here. Why were you not able to apprehend these people in Delhi so that Shiv Sena or any such organisations attempting to disturb the peace and harmony were rounded up?

Sir, it is also unfortunate that a Bandh had to be called, after this tragic incident had taken place in Delhi. I am glad that friends from all sides of this House have condemned this. But I would like the hon. Minister to assure us that in Delhi, which is the very capital of this country, there will not be any complacency in arresting, booking and charge sheeting any of these people who indulge in inciting, arousing communal passion and are arousing this kind of communal hatred between these two communities which has been incessantly going on in a systematic manner to disturb peaceful conditions.

Mr. Deputy-Speaker, Sir, I again thank you for having given me a few minutes. I do not want to take the time of the House. I want the hon. Minister to specifically state as to the measures the Government will take to bring this situation under control.

15.16 hrs.

STATUTORY RESOLUTION RE :
DISAPPROVAL OF THE COMMISSIONS OF INQUIRY (AMENDMENT) ORDINANCE, 1986
AND
COMMISSIONS OF INQUIRY (AMENDMENT) BILL—Contd.

[English]

MR. DEPUTY-SPEAKER : Now, we will take up item Nos. 9 and 10 together.

Some of the Members have suggested that item No. 11 can be taken up separately. For three items, we have got 4 hours. Now, we will have 3 hours for item Nos. 9 and 10 and one hour for item No. 11.

SHRI SOMNATH CHATTERJEE (Bolpur) : You can allot $3\frac{1}{2}$ hours for items 9 and 10, and $\frac{1}{2}$ hour for item 11. There is nothing much remains in item No. 11.

I think, the House agrees to my suggestion.

MR. DEPUTY-SPEAKER : Now, there are some Amendments to the motion of consideration.

Shri Anil Basu.

SHRI ANIL BASU (Arambagh) : I beg to move :

“That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1986.” (16)

MR. DEPUTY-SPEAKER : Shri Basudeb Acharia—not present.

Shri Hannan Mollah—not present.

Shri Srirama Murthy Bhattam.

SHRI BHATTAM SRIRAMA MURTY (Visakhapatnam) : Mr. Deputy-Speaker, Sir, the Government has promulgated an ordinance and they now seek to replace it with a Bill. And they followed the Constitutional methods and procedures, according to the Minister, and therefore, there is no violation of Constitutional provisions. Now, according to the ordinance, the Government can issue a notification so that the report of any Commission of Inquiry need not be placed before Parliament. That is the power which they are taking now in their hands.

What is the main intention? The main intention is that such reports of the Commissions of Inquiry need not be placed before the House and with that purpose, they have brought forward this amending Bill and this ordinance has been

promulgated. What is the reason? What is the justification? (1) in the interest of the security of the State; or (2) in the public interest, the report need not be placed before the House. These are the two reasons, they have adduced. Sir, when the highest dignitary, highest person in office in a democratically elected state, has been done to death, has been assassinated, can the country not know what are the circumstances under which this was done, what is the position? When there is no security even to the person occupying the highest position, how does the Government say that in the interest of security, they are not going to place the report before Parliament? Therefore, the clause which says in the interest of security, we are not laying the report on the Table of the House, is highly untenable, unjustified and it cannot be accepted. In any way, It is obnoxious.

The second reason adduced is, "in the public interest", it is not desirable to place the report before the House. Let me first know what is the definition of public interest. I am not able to know the mind of the Government.

A Commission, can be constituted and charged with the responsibility of producing a report only on the matter of public importance and not any other matter. Please look into the provision of Section 3 'appointment of a Commission'. Under Clause 1 :

"The appropriate Government may appoint a Commission of Enquiry for the purpose of making an inquiry into any definite matter of public importance."

Unless it is a matter of public importance, no Commission can be constituted. You constitute a Committee because it is a matter of public importance. And you withhold from the public because it is a matter of public importance. ! What is this great idea? It is absolutely ridiculous. It is highly untenable and unacceptable. It does not stand to reason and common sense, therefore, it is in the public interest that the public are entitled to know what has happened to the late Prime Minister

on the tragic day and how her life could not be saved by the Government. Is this not a matter of public interest?

Now let me make a reference to the terms of reference of the Thakkar panel. What are the terms of reference of the Thakkar panel?

(1) The enquiry will cover a wide field and the terms of the enquiry include (i) the sequence of events leading to and all facts relating to assassination.

Can we not know what are the circumstances, what are the reasons which led to the assassination of the Prime Minister?

This is a matter which is gone into by the Thakkar Commission. Do you want to withhold it from the public? Is that the purpose with which you have appointed that Commission?

Point (i) certainly deserves consideration and therefore, the report should be placed before the House and cannot be withheld from the House. The House cannot be kept in the dark as far as that item is concerned. What are the other terms of reference before the Commission?

"Whether the crime could have been averted and whether there were any lapses or dereliction of duty in this regard, on the part of any of the individuals on security duty at the time of the commission of the crime and the individuals responsible for the security of the late Prime Minister and whether the crime could have been averted."

Is not the House entitled to know this? Do you want to prevent the House from knowing this? Why is the Commission appointed? Do you want to appoint a Commission with a view to confine its report to the vaults of North Bloc and not allow the report to be seen by any body in the country, much more so, by the Members of Lok Sabha? This is very unfortunate!

[Shri Bhattam Srirama Murty]

Let me refer to the third point.

“The deficiencies, if any, in the security system and arrangements as prescribed or as operated in practice which might have facilitated the commission of the crime.”

Now third term under reference, the deficiencies, if any, in the security system.

Can we not know this ? Do you want to keep us in the dark ? Do you want these things to recur again ? Cannot the public opinion come down heavily against the people who have committed this dastardly act ? This must be done. The Report must be placed before the House. You cannot prevent the House from knowing the details.

The fourth term of reference is :

“deficiency, if any, in the procedures and measures as prescribed or as you have pointed out in practice in attending to and providing medical attention to the Prime Minister after the commission of the crime, whether any person or persons or agencies were responsible for conspiring, preparing and Planning the assassination.”

Can we not know ? It was said there were foreign agencies and several other people, interested persons who have conspired and connived, who were actually responsible and behind the scenes and this is much talked about in this country. Can we not know who are responsible for this, what ramifications are there and who are all the people responsible for this ?

These are the terms of the Commission. The Commission is charged with this responsibility and its report is now sought to be kept in the dark ! And we are not allowed to have the privilege of knowing the facts which have come out in the course of the inquiry by the Commission. Now, whether Government seeks to publish it or place it before the House or not, we have got in this country a free press. They have their own way of knowing things. Reports can appearing in the

press ? Can you stop it ? Therefore shall we go by the reports appearing in the press ? Can we not know the facts ? I make a reference to some of the reports which have been published. The Interim Report was presented in the month of November. The Interim Report contains 300 pages. Check up whether it is true or not. In the Interim Report presented on 19th November, 1985, 23 officers were indicted. Please say whether it is true or not. Not only that, the major findings of this Commission contained in the Interim Report have been ignored by the Government. That has also come in the press. Should I go by this or do you want to correct me ? Do you allow me to know the truth ? How can I know the truth unless you place the Report before the House ? The Home Ministry has also decided not to take any serious action against the officials of the Intelligence Bureau. This is what is contained in the press report. The Interim Report was presented to the Government. The Home Ministry was of the view that any large scale action against officials of the I.B. and the Delhi Police would have a demoralising effect on the entire force. Therefore, they said, nothing should be done. This is the thing. We expect something more. Some steps should be taken to prevent recurrence of such happenings to prevent such things.

Before I go to the final Report, I would say this. About 30 names are mentioned here in the Interim Report. The names are here. Shall I read out ? The Minister knows. I think, it is not necessary. I am not interested in doing that also. Persons who were responsible for dereliction of duty are mentioned therein. The Interim Report was presented to the Government in the month of November. Six months are over. Government should have placed it before the House long back, before six months were over, according to the Act. Now, they are bringing forth an amendment today regarding the Interim Report also. This will have a prospective effect and not a retrospective effect. In future when any Interim Report is presented to the Government, then the Government they may not place it before the House. That is a different matter altogether. How can

this apply to an Intrim Report which was presented to the Government six months back? Why did Government violate the provisions of the existing Act? Why did they not place it before the House? They are bound to place it before the House. There is no escape from it. I want to make it clear.

In view of this Amendment, now, the Government's intention is very clear. The Interim Report indicts only some officers. The entire picture is not yet out. There may be various others who are responsible. What about the Anand Ram Commission? What happened to the Report of the Anand Ram Commission? We do not know anything about that. Hereafter, Report of every Commission will receive the same fate. The Anand Ram Commission Report will receive the same fate. The Thakkar Commission has received this fate. The Kirpal Singh Commission will also receive the same fate. The report of any other Commission which is going to be appointed in future will also meet with a similar fate. The conditions are so wide that, hereafter, no Commission's report need be placed before the House. If that is the case, why appoint a Commission at all? Why should there be this Commissions of Inquiry Act at all? Scrap that. Do not have any Inquiry Commission at all. If you have an Inquiry Commission, then its report should be placed here. Let me say a few words which are important Sir. It is very clearly mentioned that if only the Prime Minister kept her original schedule of meeting Mr. Peter Ustinov's film crew at 8.30 a.m., her life could have been saved. Somebody changed her schedule. Who is responsible for changing the schedule? Who is responsible for intimating this fact to Peter Ustinov in the hotel? Somebody, did this—who is he? It is not known. Who changed Mrs. Indira Gandhi's appointment with Mr. Peter Ustinov? And who called Mr. Ustirov in his hotel on phone to inform him of this change? Why did Beant Singh before pulling the trigger asked Satwant to make sure that Dhawan was not hit? Why did Beant Singh feel indebted to Dhawan? Who bungled in the removal of Sikh guards from Mrs. Indira Gandhi's security? Who was responsible for the

delay in verifying the antecedents of many persons in the security squad? We are expected to know all these things. We are bound to know all these things.

It is a violation, it is a blow to democracy. It curtails the powers and privileges of the Parliament and the right to know things for which....

MR. DEPUTY SPEAKER : Please conclude.

SHRI BHATTAM SRIRAMA MURTY : In the next few minutes I will complete Sir.

In the year 1970-71 an amendment was passed. In the year 1952 it was not necessary to place the Report on the Table when the Commissions' Inquiry Act was passed. It was not incumbent on the Government, it was not obligatory for them to place the report on the Table of the House. Even then they used to invariably place the report before the Parliament. After that in 1971 they found it necessary because certain lacunae were there. Certain deficiencies were there. The Law Commission gave its report. They went deep into the matter and then brought this amendment. At that time may I read what the Minister had said?

"It is exactly to meet the situation like this that a provision is made that within six months of the presentation of the report of the commission, Government are bound to bring before the legislature along with the manner in which they propose to implement it."

The report must be placed along with the manner in which they propose to implement it. So, this is the very purpose. After having done all this, they want to put the clock back. They want us to forget everything about democratic process, democratic procedures, constitutional rights, rights of the House and everything else. This is highly objectionable. This is reprehensible. We oppose it and we condemn it.

SHRI SOMNATH RATH (Aska) : I rise to support the amendment to the Commissions of Inquiry Act and also the Ordinance promulgated by the President.

[Shri Somnath Rath]

It is said that there are certain constitutional provisions about the promulgation of ordinances and that the spirit of these provisions is being violated. That is what one of the Hon. Members from the opposition said I want to invite your attention to Article 102 of the Constituent Assembly and the reply given by Hon. Dr. Ambedkar while the discussions took place about the ordinance.

He said "my submission to the House is that it is not difficult to imagine cases where the powers conferred by the ordinary law existing at any particular moment may be deficient to deal with a situation which may suddenly and immediately arise. What is the executive to do? The executive has got a new situation arisen which it must deal with. *Ex hypothesi* it has not got the power deal with that in the existing code of law. The emergency must be dealt with and it seems to me that the only solution is to confer upon the President the power to promulgate a law which will enable the executive to deal with that particular situation...

...because it cannot resort to the ordinary process of law because, again *Ex hypothesi*, the legislature is not in session.

That being so, any law made under the provisions of Article 102 would also be automatically subject to the provisions relating to fundamental rights of citizens, and any such law therefore will not be able to override those provisions and there is no need for any provision as was suggested by my friend, Mr. Pocker, in his amendment No. 1796.

The amendment suggested by my friend, Mr. Kamath i.e. 1793 seems to me rather purposeless. Suppose one House is in Session and the other is not. If a situation as I have suggested arises, then the provisions of Article 102 are necessary because according to this Constitution no

law can be passed by a single House. Both Houses must participate in the legislation. Therefore, the presence of one House really does not satisfy the situation at all.

Shri H.V. Kamath: Does it mean that when one House only is in Session, say the House of the people, the President will still have this power?

The Honourable Dr. B.R. Ambedkar: Yes, the power can be exercised because the framework for passing law in the ordinary process does not exist."

So, Sir, when this Ordinance matter was discussed it is said that if one House is in Session and the other House is not there the Ordinance can be promulgated. What is the criticism is soon after both the Houses were adjourned in the last Session this Ordinance was promulgated. How it is un-constitutional. Even if one House is in Session the Ordinance can be promulgated. We need not go to the different decisions of the High Courts or Supreme Court which have decided that promulgating Ordinance soon after the House are adjourned is not un-constitutional.

Sir, what is the intent of this Ordinance? An inquiry under this Act is not a judicial inquiry. The commission is only a fact-finding body for Government. Government may agree or may not agree. It may take action or may not take action. So, it is not a judicial pronouncement. It is a fact-finding body meant only to instruct the mind of the Government without producing any document of judicial nature. That is all the Commission of Inquiry Act is meant for.

Sir, Section 7 still exists. I quote :

"The appropriate Government may by notification in the official gazette declare that

- (a) a commission (other than a commission appointed in pursuance of a resolution passed by the House of People or as the case may be the legislative

Assembly of the State) shall cease to exist if it is of opinion that the continued existence of the commission is unnecessary."

The Act gives powers to the appropriate Government even to withdraw an enquiry. Of course, that cannot be done by the Government if the enquiry has been instituted by a Resolution of the House. This is the status of the Commission of Inquiry.

It was stated by some Hon. Members that it is unconstitutional. I say emphatically that it is not at all unconstitutional. Where does it take away the powers of the legislature? It does not take away the powers of the legislature at all. The amendment says that if the Government feels that for reasons mentioned in the Statement of Objects and Reasons, it is not in the public interest to place the report of a commission of Inquiry, it will bring the matter before the House. Then, it is for the House to decide, whether the Government should place it or should not place it before the House. The power of the House is not curtailed at all. It is not for the Government to take a decision. Only because of the changed times, it is necessary to amend the Act in the larger interest of the country and in the interest of maintaining peace and tranquillity in the country, not for any individual interest or in the interest of any party. If some sensitive matter has been referred to a Commission and if a sensitive reference has been made in the report by the Commission, it may not be possible for the Government, to place it before the House, but in that case, the Government will have to come before the House to seek its approval. For example, the House is discussing at present the Punjab situation and a few days back, we discussed the communal harmony in the country. If under such circumstances, it is considered essential that a report or a part thereof should not be made public for maintaining peace and tranquillity in the country, or safety of the country, or in the interest of the State, certainly it would not be wise on the part of the Government to place such a report before the House. What are we here for?

We are here to ensure peace and tranquillity in the country we are here to see that the interest of the country is served before anything else. If the interest of the country is going to be jeopardized by production of report of any Commission, it should not be placed before the House. The Government has done nothing; it has only brought forward an amendment providing that if the Government thinks fit not to place the report of a Commission before the House, the Government has to seek the approval of the House. The Government has not usurped any powers. This amendment has not been brought forward to usurp any powers of the House; on the other hand, the Government will have to seek the approval of the House, for doing so. If the House approves, then the Government will not place that report before the House, but if the House disapproves or the House wants that the Government should place that report before the House, Government is bound to do so.

In these circumstances, there is nothing wrong about it. As I mentioned, this amending Bill is not unconstitutional, it is not going to curtail the powers of the House. It is within the provisions of the Constitution and it is for the larger interest of the country. Further, this Act is not applicable to the Union Government alone, but also different States. Different States have 10 different Party Governments; it is not that in all the States, the Congress Party Government is there. We have different parties in different States. It must be viewed from that angle also.

As I said, it is not the intention of the Government to take away the powers of the legislature at all. Taking into consideration the situation now existing in the country, the crisis into which the country is passing, this amending Bill is in the larger interest of the country, in the interest of maintaining integrity, peace and tranquillity in the country. This amending Bill is, therefore, welcome and I hope the Hon. Members from the Opposition will not press for any voting on this.

[Translation]

*SHRI S. THANGARAJU (Perambalur) : Mr. Deputy-Speaker, Sir, on behalf of A.I.A.D.M.K., I would like to place before this august House my viewpoints on the Commission of Inquiry (Amendment) Bill, 1986.

Firstly, I would like to say that this amendment Bill does not mention anything that is expected of common people. Sir, by introducing this Bill and passing it into law, the Government will be armed with powers of not to lay the reports of the Inquiry Commission, on the Table of the House of the People or the Legislative Assembly as the case may be, on the grounds of maintenance of security and integrity of the nation as also for maintaining good neighbourly relations with the foreign countries. But it is also said in the Bill that such action of not placing the reports on the Table of the House would be notified by the Government, the reason being that it would, that is making it public, act against the interests of the country.

Sir, this act of not making the Inquiry Commission's Report public cuts at the very root of the Indian Democracy and questions the very basis of the Indian Republic. Sir, ours is a great nation; it is the largest democratic country and the people's representatives both in the Lok Sabha and the State Legislatures are elected by the common people and these representatives look after the interests of the people.

If the rights of the Members of Parliament, who represent to people's views, are likely to be put in peril through the present amendment Bill, then there is every likelihood of raising a doubt in the minds of the people that slowly the present democratic form of Government in our country is changing into dictatorship. I strongly feel that this amendment bill has been brought forward before this House, keeping in mind the atrocities and the sins committed about 1½ years ago by some terrorists in our country. The Government

should not bring forward this Bill keeping in mind this lone incident.

Sir, I take this opportunity of reminding the House of what 'Anna' used to say in those days. He used to say that the Prime Minister of India used to see the poor and the down-trodden only through Parliament. So, Sir, such great importance is attached to the House of the people. Hence, if the democracy in India should continue for ever, I would request the Hon. Home Minister kindly to reconsider this Amendment Bill. Thank you.

DR. G S. RAJHANS (Jhanjharpur) : Mr. Deputy Speaker, Sir, I support this amending Bill. It is high time we considered whether the country is greater or a handful of people; whether the individual is more important or the nation? The situation prevailing at present is not hidden from anybody. We are all aware of what is happening and what would happen if the situation is not brought under control.

I would give a small illustration. It is an example from my own constituency, and it has a rural background as I belong to the rural areas myself. I was in my constituency when it all happened. It began when two persons picked up a quarrel. The person called Ram abused a person called Shyam. When the latter's son returned home in the evening and enquired as to what Ram had said, his father informed him that Ram had said nothing. The son was not willing to be satisfied by his father's reply for he had heard from the villagers that his father was abused a great deal. However, when his father insisted, he had to accept it. I asked Shyam as to why he had not spoken the truth. Shyam replied that if he had done so, then his hot blooded son, would have set Ram's house on fire, which was adjoining to his own house. As a result, his own house would not have remained unaffected. Again, as it was the month of April, the fire would have spread rapidly and engulfed the entire village. This was a small example to illustrate how dangerous it would be to make the inquiry report public. You accuse us of being undemocratic. But have you ever pondered

*The speech was originally delivered in Tamil.

upon what you are saying? Are you understanding its implications and if you are, then why are you bent upon embarrassing us. You are trying to put the entire country into trouble. Therefore, you must try to comprehend the gravity of the situation.

SHRI GIRDHARI LAL VYAS : It is beyond their comprehension.

DR. G.S. RAJHANS : They will not understand. Your children are more intelligent. Only three days ago you had said that the newspapers of this country are irresponsible, they publish everything which results in the spread of riots. Today you are telling us to make the report of the Commission public. Why this double standard? Do you want that the entire country should be engulfed in flames? Besides, nowhere in this amending Bill or the ordinance is it mentioned that no inquiry reports would be presented in the House. This applies only in the case of sensitive issues. And it cannot be presented in the House because then it would become public and all the newspapers would publish it. Therefore, it is essential to comprehend the gravity of the matter. We want that if our enemy's house is afire, our house should be safe. (*Interruptions*). If our house catches fire, your house too cannot be saved. It is only when our nation is safe, that you and I will be safe. This is not an ordinary report, about which you are saying that if it is not presented in the House then our democracy will be in danger. Our democracy will be strengthened and not weakened by not presenting sensitive matter in the Parliament. You must make an effort to comprehend this matter with due seriousness.

A doctor recommends several types of investigations for his patients. When the investigations are over, the patient wishes to know the results thereof. However, the doctor refuses to reveal the information and tells the patient that he should continue to take medicines and not get worried about the results. The doctor acts in this manner because he knows that if he informs the patient about the details of the report, then it will affect him psychologically and he might die much

earlier than he was supposed to. In several cases, the doctors do not reveal the actual nature of the disease even to the family members of the patient. Efforts are made to save the family members also from the trouble and to cure the patients.

Why do you think the Minister take the oath of Secrecy? It is to ensure that they do not utter something which may be against the interest of the nation and cause damage to the country. That is why I am saying that this amendment in regard to the Inquiry Commissions is in national interest and you must bear in mind that from 1952 to 1970, such an obligation was not there. But the situation in 1986 is not what it was in 1970. The conditions have deteriorated so much that every day of our life is filled with tension.

Hence, I would request the people in in opposition not to insist upon opposing the amending Bill because it is in the interest of the country. Besides, the Foreign Press would distort the contents of the report and would present a completely wrong picture of it. The other day I saw a picture of the riots in 'London Times. One person was shown as dead and four-five people were shown standing around him. It seems that the intention of this picture was to create mutual distrust amongst the different Indian communities living abroad.

Similarly, if the contents of any inquiry report are made public which are otherwise not in national interest, the foreign newspapers might magnify hundred times any minor lapses mentioned in the report. Not all foreign powers are our friends which is known to you as well as to us. Therefore, by keeping in view the fact that this Bill is in national interest, you must support it. Besides, we are passing through a very critical phase.

There is no need to say any more in regard to this Bill. I would only say that those who do not talk in terms of national interests, are not thinking in terms of the good of the nation. I would again emphasize, that our country is passing through a very critical phase and,

[Dr. G.S. Rajhans]

therefore, all of us must support this amending Bill.

[English]

SHRI SOMNATH CHATTERJEE (Bolpur): Mr. Deputy-Speaker, Sir, I was listening to a valued colleague who was a former Speaker of a Legislative Assembly with some dismay when he supported this Bill. But I know he had been whipped to do it. But on our part we shall be failing as members of this august House in our duty if we do not register our strongest protest and express our feeling of abhorrence at this executive aberration which has denigrated the Parliament and which mocks at its privileges and which is now sought to be sanctified under a pretended notion of public interest. This government, I find, has mastered, like its predecessor, the art of not practising what it preaches. We have been told *ad nauseam* of a so called open society being heralded by much trumpeted Mr. Clean. But what we find today that the society we have is engulfed in darkness; people are kept ignorant of the real state of affairs and are led through blind alley. The Bill and the Ordinance which has preceded it, to my mind are typical example of the nervous reaction of the government which find itself more and more alienated from the people, which wants to keep people uninformed obviously to cover up its monumental inefficiency, if not criminal negligence and all its administrative lapses in protecting the precious life of the Prime Minister of this country, which necessarily vitally concerns every person in this country and the nation as a whole. The government suppresses facts from the people because it wishes to hide them from the people and it wishes to hide facts from people when they are not sure of the people's reaction if they are disclosed and they are not sure of the people's reaction to the disclosure of the facts because they find themselves more and more alienated from the people having lost touch with the people; that has caused to our mind this atrocious legislative proposal.

Yesterday I was amazed to hear from a suave Minister, a temporary Minister; I believe his term is not secured.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): All of us are temporary in this world; and I am happy to be temporary. (*Interruptions*)

SHRI SOMNATH CHATTERJEE: I do not mean anything. I have respect for my colleague. So far as I know, he has been temporarily put in charge of this Department. If my expression was not very categorical, I am sorry. I did not mean to wish any disrespect to my friend. I admire his suavity, although he is in a bad company. It is an example of how a good person, a good lawyer at that makes a mess of the whole thing because he has to support lawless laws. I know that. He said, it is almost like a claim of privileges in a court of law, whatever is being done, namely we claim, government says, I shall not produce something before a court of law; it is similar. Here, we say to the people of this country, I would not place it before you and I come and tell the Parliament that I would not place it before the Parliament. What is the difference? I am sure, many hon. members appreciate what is meant by a claim of privileges. Government wishes to withhold certain documents from the court of law.

Now, I am sure that my hon. friend knows that when a claim of privilege is made before a court of law it is the duty of a court, and the court has a right to decide whether the claim is to be sustained or not. And before that decision is taken by the court, the court has a right to see the document.

Oh, I see, you have forgotten the law. This is why I felt so, that is why I brought this. This is a Supreme Court judgment—not published by me—where the Supreme Court has said:

“If the Court would yet like to satisfy itself it may see the document.

Courts should have the fullest possible access to all relevant materials. This will be the inspection of the document by the Court. Objection as to production as well as admissibility contemplated in Section 162 of the Evidence Act is decided by the Court in the enquiry. If the Court finds on inspection that any part of the document is innocuous in the sense that it does not relate to affairs of State it can order disclosure of the innocuous part.. of the document."

Therefore, the Court is given an opportunity to decide whether it will allow disclosure to the parties or not. Here you are not giving an opportunity even to Members of Parliament and they do not know the contents. Therefore, how can we decide whether this is a claim which has to be sustained or not? Therefore, when they try to compare it with a claim of privilege before a court of law. It is totally unjustified and baseless.

16.00 hrs.

Sir, some hon. Members have spoken as if our opposition to the Bill is something like treason. In 1952 when this original Act was brought into the statute book, Dr. Katju—You have heard the name of Dr. Katju. I hope, he was the Home Minister of India in the year 1952—said ; I am reading from the Lok Sabha debates :

"Government is not going to appoint Committees and Commissions every day as a matter of amusement, Committees and Commissions are appointed rarely, for matters of great public importance, whenever there is a great demand or when there is some sort of scandal in respect of an industry, or as one hon. friend referred to here, for the promotion of some legislation or to enquire into some deep-seated evil and so on where information is required."

Now, that was the reason. We have..
(Interruptions)

DR. G.S. RAJHANS : Dr. Katju's contest it is not true today.

SHRI SOMNATH CHATTERJEE : You see, you are not even following the contest of Indira Gandhi. Katju is far off. I know it.

At that time, there was no provision for laying the report before Parliament, or the legislatures.

Now, in 1971 a Bill was consciously brought, preceded by the Law Commission report, which suggested that the report should be placed before the House. Otherwise what is the good of having an inquiry which nobody knows and no action is taken on that.

Sir, when the 1971 Bill came, the notes on Clauses of the Select Committee stated,

"During the course of evidence given before the Joint Committee it was brought to their notice that many a time reports of Commissions on important issues of national interest could not see the light of the day even though considerable money from public funds had been spent thereon."

Now that was the *raison d'etre*.

Now, Sir, Mr. Mirdha—he is still in your Government in the twenty first century government, he is a Minister—I was then piloting the Bill in 1971. Dr. Katju was an old fashioned chap. What exactly did, Mr. Mirdha say during his speech ?

He said,

"It is exactly to meet a situation where Governments appoint commissions and take no action on them, that this provision has been made that within six months of the presentation of the report, governments are bound to bring it before the legislature along with the manner in which they propose to implement it."

[Shri Somnath Chatterjee]

Mr. Ram Niwas Mirdha said it in 1971—a conscious amendment to the Commissions of Inquiry Act to make it a sort of accountable to the public. The whole inquiry procedure was not a private matter between the Government and the Inquiry Commission. That was how deliberately the law was amended. Today we are here and there are many things about the disclosure of facts..
(Interruptions)

I know you are feeling uncomfortable. Because these are all news to you. You do not know what Mr. Mirdha had said.

The position is this what has happened that you are changing the law again to pre-1971 position? What is being sought to be justified, you please look at the Statement of Objects and Reasons or the notification that has been issued. It says :

“The Commission of Inquiry Act, 1952, did not have any enabling provision to meet the situations where the fulfilment of statutory obligation to lay the report of the Commission before the House of the People or the Legislative Assembly of the State involves practical difficulties...”

What are the practical difficulties we have not been told.

“...Or where a Commission of Inquiry is appointed to enquire into sensitive matters of public importance and the inquiry report may contain matters of sensitive nature on account of which it may not be desirable in public interest to lay such report before the House of the People...”

A very pertinent point was made. A Commission of Inquiry can be appointed only when a definite matter of public importance is involved. Therefore, at the time when Thakkar Commission was appointed—we are assuming that this is the reason for issuing this ordinance—on 20th November, 1984 the Government of

India solemnly thought, believed that it was necessary to make an inquiry into a definite matter of public importance, namely, the assassination of Shrimati Indira Gandhi. At that time, the Government knew that they would have to lay it before Parliament. Knowing that they framed the terms of reference which dealt with the causes, the sequence of events leading to the assassination of Mrs. Gandhi, then so many other things as to how the intelligence process can be improved, whether there was a remissness on the part of any officer, knowing the position in law that they were required to submit the report, they appointed the Commission of Inquiry. A criminal trial was going on. They never wound up the inquiry. They allowed the Commission of Inquiry to continue. They obtained an interim report on 19th November, 1985. They slept over it. Three days before the deadline of six months was to expire, they brought in this ordinance which today is supported by many of our friends here, no doubt, under party whip. What does this ordinance seek to do? We know that public interest is not very easy to define. It is very easy to take cover under public interest. Even if Parliament refuses to sanction this, mischief has been done because the ordinance has already changed the law. Non-confirmation of an ordinance does not change the law retrospectively. Therefore, their obligation to submit the report has already been given a go by by means of an ordinance which was promulgated only to avoid facing the House by means of a legislative enactment. This is the way this House is being treated. My hon. friends here are very happy. They go on thumping their tables; they are cheering the Ministers. Have you realised as to what is your position, how they are treating you, the representatives of the House, the representatives of the people? A Commission is appointed to ascertain the facts. Mr. Somnath Rath has correctly said that it is a fact finding body. Its report is not binding on the Government. Government need not accept its findings. But the Government should disclose the report. You may say that you are not accepting the findings. The Government may reject it altogether. They could have submitted the report with a statement saying that

this is the reason why they are not accepting the report. This is why I say that this is a nervous reaction of a Government which is unable to face the people, which wants to keep the facts suppressed from the people. There are skeletons in the cupboard. That is why, they want to suppress this. This is a direct attack on the democratic framework of our Constitution. They talk of parliamentary democracy.

SHRI NARAYAN CHOUBEY : What is your opinion, Sir ?

MR. DEPUTY-SPEAKER : I am not having any opinion. It is for the House to say. Everybody is having his own opinion. I cannot have my opinion ; I cannot express my opinion.

SHRI SOMNATH CHATTERJEE : We know everything.

That is why, this is a conscious and deliberate act of keeping the country in dark. I would like to know from the hon. Minister a simple thing Does this Government feel that the assassination of the former Prime Minister Shrimati Indira Gandhi is a matter of national interest or not ? Should the people know the circumstances leading to of her assassination ? Whether there was ineptness on the part of the administration ? Who were responsible ? Is it correct that some officers have been suspended on the ground of their supposed negligence as intelligence officers or as security officers and whether some of them who have been indicted in the Thakkar Commission's Report are still working without any suspension because they are close to the power that be. Is this the reason that this Report is being suppressed ? Rangnath Mishra Commission's Report may be suppressed. It is going to be published in a few days' time. The Report is to be submitted. Then the whole country is kept in dark because you say it is not in public interest. Supposing it is not in public interest, the final authority is the Central Government. They have become the final authority ? If it is not submitted, then what will happen ? Kindly see this Ordinance and the Bill. It says, "If the House of the People does not approve of

it or changes it, then the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be". But by that time the decision not to submit it has been taken earlier which will have no effect on this. Thereafter it will cease to have effect. Kindly see the choice of language which is very significant. That is why we feel.....
(Interruptions.)

MR. DEPUTY SPEAKER : Please wind up now.

SHRI SOMNATH CHATTERJEE : Sir, the country is being wound up. We have to wind up this also. What was said by the Prime Minister ? Well, I hope he agrees—he is still young—"that no ugly facts will be suppressed and guilty persons will not be protected". But the country does not know what are the ugly facts, if any. The country will not know who are the guilty persons, if any. It will be only in the archives of the Government. This is the way people of this country are being treated. This Government has, in a sense, clearly expressed its total lack of confidence in the people and in the legislators who have been elected by the people to represent them and they are not trusted today. We oppose this Bill every word, comma, semicolon of this Bill.

[Translation]

SHRI DHARAM PAL SINGH MALIK (Sonepat) : Mr. Deputy Speaker, Sir, I support the Commission of Inquiry (Amendment) Bill, 1986. Just before me, an hon. member, Shri Chatterji strongly criticised this amendment Bill. But in my view he has not tried to go deep into the Bill. If you look into the basic intention behind the Bill, his criticism does not hold good. But it seems that if our Congress Party or the ruling party wants that a certain piece of information should not be made public, the opposition parties make it a point to make an issue of it to derive undue advantage out of it. But I want to tell it in clear terms that if you look into the past history of this Act, you will find, as Shri Chatterji has said, that from 1952 to 1971 there was no provision in this Act under which it was obligatory

[Shri Dharampal Singh Malik]

to lay the report of the Inquiry Commission on the Table of the House. Here, I want to remind them that if they look into the proceedings of the House, they will find that when in 1971 the first amendment in the Act was introduced to make the

16.15 hrs.

[SHRI SOMNATH RATH *in the Chair*]

presentation of the report of the Inquiry Commission before the House obligatory, at that time the opposition parties had criticised the amendment on the ground that government wanted to use this amendment only to exploit adverse comments against some opposition leaders if made in the report of any Inquiry Commission. And today they themselves stress that the report of the Inquiry Commission should be laid on the Table of the House. My brothers from the Opposition parties are not aware that the Government is only conceding the demand made by them in 1971. How is it that they are opposing it now? At that time they demanded that the report of the Inquiry Commission should not be presented before the House and now they demand its presentation in the House. But you must see the reasons of not presenting the report in the House. It is not applicable in all the cases, it would be invoked only in extra-ordinary circumstances. If a report or a part thereof is so sensitive that it affects the people of the country or our friendly relations with some other country, only then the report is not to be presented in the House. I think that my friends from the Opposition parties should have no objection to this provision. I have not been able to understand why the opposition members are objecting to it.

Mr. Deputy Speaker, Sir, an hon. Member preceding Shri Chatterji went to the extent of saying that this type of amendment should not be introduced in this poor country. I have not been able to understand what is the relation of this amendment with the poor of this country? If we carefully look into the reasons provided in it, it becomes clear that the intention of the Government is not to cause harm but to extend benefit. The Bill provides for addition of sub-section (5) and (6) to the Principal Act i.e.. The

Commission of Inquiry Act, 1952; sub-section (4) was added in 1971. Sub-section 5 is very clear. It does not require any lengthy discussion which the hon. Members of our opposition parties intend to carry on. Its provision are very clear. It is a sort of proviso :

[*English*]

“The provisions of sub-section (4) shall not apply if the appropriate Government is satisfied that in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States or in the public interest”.

[*Translation*]

It contains the word “appropriate”. Now it is for the Government to see whether the report attracts any of the aforesaid reasons, if so, it would take a decision that the report should not be laid on the Table of the House. If the report is of a general enquiry commission, the Government has no objection. The same thing applies to the State Governments and all the states are not ruled by the Congress party. It applies to them also. So it is not true to say that the amendment has been brought to serve the interest of the ruling party. With this I want to state one more thing about the notification in this regard—

[*English*]

—The report of such and such a Commission shall not be laid down before the House.

[*Translation*]

That notification will have to be laid on the Table of the House and if the House i.e the hon. Members are of the opinion that the notification which recommends that the report be not laid on the Table of the House is not correct, the House can reject the notification also. In these circumstances, I do not think there can be any objection. Many incidents have happened in this country. Whenever an incident or accident occurs in this country, the opposition parties

demand for the appointment of a Commission.

I would like to remind the Members of the Opposition of the history of any small village. Although this Commission of Enquiry Act does not apply there, yet many conflicts and quarrels take place in the villages and when the mediator decides the issue under the principles, to which both the parties agree, the party which does not agree to the verdict is punished. But I have to say it regretfully that when some incident happens, the opposition parties make a demand for the appointment of a Commission. But when the Commission submits its report, instead of abiding by the verdict of the report, they condemn it.

Recently, a few days back a commission was appointed to inquire into the activities of the Chief Minister of a State. That commission was appointed on the request of the Opposition parties. The commission in its report mentioned that all the allegations were baseless. But even to date that matter has not been settled and is raked in newspapers every-day.

My point is that an amendment should also be made in the commission of Enquiry Act to the effect that the report of Commission will be binding on the opposition as well as the ruling party. No one should question that report otherwise it amounts to contempt of the mediator or the judge. It affects our social set up. The villagers mock at us that they are more prudent because after appointing a common man as mediator they abide by his decision. When a person is appointed as commission or judge then it becomes his duty never to give a wrong report or make a wrong observation. The Government proposes to amend the Act not with any bad intention. In case there are adverse references in some report about religion, cast or region which are likely to affect the integrity or peace of the country, only in that case, the provisions would be invoked.

With this I want to say that if sub-section (6) of section 2 is studied carefully, it becomes apparent that the intention of

the Government is not wrong. It is quite clear. Had there been any mala fide intention, the omission of section 4 would have been suggested; but section 4 has not been omitted. It contains the provision that all reports would be laid on the Table of the House and only in exceptional circumstance it could be invoked when the issue is sensitive and tends to vitiate or distort the environment. Only the Government and ruling party has to see to the proper application of this Act and the opposition parties are there only to exploit the situation and derive undue advantage out of it. If riots take place somewhere, they would like to know why did they take place and if firing is resorted to in order to quell it, the opposition parties object to it and would like to know why harsh measures were taken when the situation could have been handled with tact. Why was leniency shown in this case? Can the disputes be resolved through appeals? It is for us to see how disputes can be resolved in such circumstances.

Shri Chatterjee referred to the Supreme Court judgement. It is true that any document can be called, but at the same time it is also ensured that it does not contravene the Evidence Act. If the document is such that it can help in dispensing justice, the court has every right to ask for it. This Amendment does not contravene the Evidence Act in any way.

Sometimes situations arise when the report of the Enquiry Commission is not in the public interest. It is essential to deal with such situations. An hon. Member said that this Amendment has been brought so that the report of Thakkar Commission is not made public. I would like to remind the hon. Member that the demand for appointing this Commission never came from the opposition. The Congress Party had demanded the appointment of this Commission so that the facts could be revealed. This Amendment has not been brought forward with the Thakkar Commission's report in view; it has been brought to deal with other situations as well. Anything can happen any-time which might be detrimental to the interest of our country. If the opposition wants the rule of the law it should fully

[Shri Dharampal Singh Malik]

support this Amendment. Laws are made keeping in view the interests of the country. It becomes all the more necessary to amend a law if it can pose danger to the country's unity and integrity. This amendment has been brought to deal with such situations. I fully support this Amendment for this reason and oppose the Motion of Disapproval that has been moved by the opposition in this regard.

With these words I conclude.

[English]

SHRI DINESH GOSWAMI
(Guwahati): Mr. Chairman, Sir, I take my stand here to support the Resolution of disapproval of the ordinance and to oppose this Bill which I feel is against the spirit of democracy and open government in this country.

My first objection is regarding the promulgation of the Ordinance because I feel that there was no ground whatsoever, even if the Government wanted to bring a legislation of this kind, to bring an ordinance. The Government should have come in the normal and natural course to the House by bringing a Bill and enact the piece of legislation by ordinance.

Let us take some dates, Sir. The Thakkar Commission gave its interim report on 19th of November 1985, and its final report on the 22nd of February 1986. The Parliament, if I am correct, or the Lok Sabha adjourned on the 7th of May, the Ordinance was promulgated on the 15th of May. But the Government had this interim report of the Thakkar Commission as early as on 19th November 1985. Even after going through the report of the Thakkar Commission, if the Government felt that this report should not be made public because publication of the report would be against public interest, the Government had all the time at their command to bring a Bill during the Budget Session as a purely legislative measure. They had November, December, January, February, March, April and May. 7 months were at the command of the Government in which the Government

could have discussed it with the Opposition. We have met the Home Minister; we have met the Prime Minister a number of times on important issues, including also issues concerning Punjab. We just now had a meeting with the Home Minister and also the Prime Minister, and our cooperation was sought in a particular matter. I think the Prime Minister and the Home Minister, at no point of time, can complain that on such sensitive important matters concerning the country the Opposition has not given cooperation to the Government. If the Government thought, "Yes, this report ought not to be made public", at least the Opposition could have been taken into confidence and its cooperation could have been sought. Supposing the Government was not keen to take the opposition into confidence, then the Government ought not to have shown the contempt that it has shown to Parliament. The Bill ought to have been brought before the 7th of May, because after all, promulgation of ordinance is an extraordinary measure. Promulgation of ordinance means denial of the legislative power to Parliament because, by promulgation of ordinance, the Executive takes into itself the power of legislation which normally it does not pass. If the Government had the *bona fide* intention, then, before the last Parliament was adjourned on the 7th of May, the Government ought to have introduced a Bill in this House. As the Government had the majority, they could have got the Bill passed. The fact that the Bill was not brought before the 7th of May when the Lok Sabha adjourned shows that the intention of the Government was not *bona fide*, at least, the Government does not have the respect that it should have for Parliament.

I oppose this Bill even on merit because I feel that it is against the principle of open government, a principle which is proclaimed so open by the hon. Prime Minister. Secondly this mania of secrecy is always associated with ulterior motive. My third objection is that this Bill tries to establish that the ruling Party is the repository of all wisdom needed to evaluate a report which I contradict fully. Also it has been our experience that "public interest" varies accord-

ing to political expediency. There have been cases in the past when the Party interests and even individual interests have been equated with "public interest". I can quote umpteen number of cases. (*Interruptions.*) Against Mr. Karunanidhi a commission of inquiry was appointed when the DMK was not an ally of Congress, and when the alliance came out between Mr. Karunanidhi and the Congress, then immediately, criminal prosecutions against him were withdrawn. And both these acts were done by the Government on the ground of public interest. Some one asked me about the Janata period. During Janata rule, I was in the Rajya Sabha. We fought for a commission of inquiry against Mr. Morarji Desai and Chaudhury Charan Singh. And the same thing was said—it was not in the public interest. It is because the "public interest" of a ruling Party or a minister has, in this country, unfortunately, been identified with the interest of an individual on many occasions.

Sir, it should also be remembered that truth hurts but truth never harms. Suppression of truth not only hurts but suppression of truth also harms the individuals, harms the community and harms the country. And this has been established times without number. Originally whether Commission of Inquiry Act was enacted in 1952, this provision was not there and the last speaker referred to it. But it was seen that the very purpose and the objective with which the Commission of Inquiry Act was promulgated was virtually negated because the Government—at led it was alleged—by the Central Government then that in the States, whenever the report of Commission of Inquiry was against the State Government not why it did not take any action but even it did not make it public. And that is why, in 1971, this amendment had to be brought and this amendment was hailed not only by those who believe that truth and facts should come to the public but also the legal community at large.

I may only quote Das Commission. Das Commission referred like this :

"While enacting the Commission of Enquiry Act, Parliament could never

have envisaged a situation where the Government would not even trust the legislature and withhold from it facts found by any Enquiry Commission."

We are in this unfortunate position today. We call this, the Supreme House in this country. But the Supreme House and its Members are not entitled also to know the facts of life in this country! We cannot be trusted! After all, the members have appointed realised while supporting this Bill that the Government is indirectly telling them that they cannot also be trusted so far as sensitive matters are concerned? It is not only the Opposition. The ruling party Members also cannot be trusted. This is the position to which all of us are reduced! It is not only in this country. These points have been debated even in other countries. May I point out?

Profumo scandal was enquired into in secrecy because the Government thought that this scandal was of such a nature that it would hurt the image of the British public and of the British Government. Lord Denings conducted the enquiry in such a manner that even after the report was made public it did not hurt, rather it enhanced the reputation of the British Government and thereafter a Royal Commission of Enquiry went into this matter, whether the Commission of Enquiry should be in private or public and the report was :

"Secrecy increased the quantity of evidence but tend to debase its quality."

This is the finding of the Royal Commission of Enquiry that when you try to conduct the enquiry in secrecy, when you do not make things public, that the quality will suffer and suffer badly.

What have you achieved today by keeping it secret? "India Today" has come out with a lengthy article at page 119 May I read from the report of the "India Today" ?

"We do not know what happened to the Thakkar Commission report,"

MR. CHAIRMAN : It is not to be quoted.

SHRI DINESH GOSWAMI : Under what rule ? I am entitled to quote. There is no rule about it. I am entitled to quote it.

MR. CHAIRMAN : That will not go on record.

SHRI INDRAJIT GUPTA (Basirhat) : He is not quoting from any private paper. Anybody can go to the Library of Parliament.

MR. CHAIRMAN : Order please. My ruling is, it is said to be a part of a Commission report which is not placed in the House. (*Interruptions*).

MR. CHAIRMAN : Please hear me. If you want to read a part of a Commission report, you must place it in the House with permission.

SHRI SOMNATH CHATTERJEE : He is reading from a magazine, not as a report.

SHRI SAIFUDDIN CHOWDHARY (Katwa) : The Government is admitting that this report is genuine. Why ? (*Interruptions*). You can quote it.

SHRI P. CHIDAMBARAM : The question is whether this Bill should be passed and whether the notification should be approved. I have nothing against this magazine or any other magazine. My learned friend says if anything is printed, they can read it in the House. That is what it amounts to. Anything is printed by anybody it can be read in this House. (*Interruptions*). Does the hon. Member say that he is quoting from an authentic document ? He says "just because it is pirnted, I can read it" ? I can publish a magazine tomorrow. If anything is printed, can you read it in this House ? Anything hand-written, can it be read in this House ?

SHRI DINESH GOSWAMI : I am not entering into that controversy. I am not quoting from any book.

SHRI P. CHIDAMBARAM : Why quote anybody ? You say, according to your knowledge...

SHRI INDRAJIT GUPTA : I must thank you that you have ensured that all those Members who never go to the Library will now take the trouble of going there and reading it.

SHRI P. CHIDAMBARAM : I cannot understand this kind of insinuation.

SHRI DINESH GOSWAMI : I am not quoting. What I am pointing out is this. You want to keep these matters away from Members of Parliament. But these things are coming to the public. How are we to know whether this is true or the other thing is true ? The moment you make things confidential, rumours spread and those rumours have a much more harmful effect to the unity, integrity and sensitivity of the country than making things public. I am not quoting from the Report. I hope you will permit me to quote this :

"Embarrassing disclosures like this are one reason why..."

(*Interruptions*)

SHRI DINESH GOSWAMI : I am not quoting from the Report.

MR. CHAIRMAN : He is not quoting.

SHRI P. CHIDAMBARAM : If that is your view, you can say it as your view, you can put it as your view. Because it is printed on a piece of paper, does it become an authenticated document ?

SHRI RAM SINGH YADAV : Sir, on a point of order.

MR. CHAIRMAN : What is your point of order ?

SHRI RAM SINGH YADAV (Alwar) : Please refer to Rule 349. It reads :

"Whilst the House is sitting, a member - shall not read any book, newspaper or letter..."

(*Interruptions*)

MR. CHAIRMAN : Please allow him. Let him have his say.

SHRI DINESH GOSWAMI : I am happy the hon. Member has referred to Rule 349..

MR. CHAIRMAN : Leave it now, He has resumed his seat.

SHRI DINESH GOSWAMI : I am relying on it. Rule 349 reads :

“Whilst the House is sitting, a member shall not read any book, newspaper or letter except in connection with the business of the House?”

This is in connection with the business of the House. Therefore, I have a right to read it. But I am not going to read. In deference to your ruling, Sir, I am not going to quote anything that has been quoted so far as the Report is concerned. Everything relating to the Report has been quoted here. But I am not going to quote it because, after all *India Today* is a magazine which has the largest circulation. You cannot prevent any Member from reading it. But let me quote this.

“Embarrassing disclosures like this are one reason why the Commission’s report is being treated as one of the most sensitive documents the vaults of North Block.”

You know what will be the public sentiment? There are embarrassing disclosures in the Report and that is why, the Report is not being made public. In another place the author of the write up in *India Today* writes :

“But another reason why the Government is shy of releasing the report is the basic message it contains : that there might have been a deep conspiracy.”

(Interruptions)

SHRI P. CHIDAMBARAM : This part cannot go. How do you allow this? He is going far beyond what he is entitled

to. (Interruptions) This is an extraordinary situation. Because something is printed on paper, can he read it as an authentic document?

AN HON. MEMBER : What is your objection?

SHRI P. CHIDAMBARAM : My objection is, he cannot quote it as something from an authenticated document. It is the view of somebody.. (Interruptions).

SHRI SOMNATH CHATTERJEE : He is not saying anything unparliamentary. (Interruptions)

MR. CHAIRMAN : Mr. Goswami, please continue.

SHRI DINESH GOSWAMI : The point I am making is this.

(Interruptions)**

MR. CHAIRMAN : No cross-talking. Only what Mr. Goswami says will go on record. Nothing else will go on record.

SHRI DINESH GOSWAMI : The point I am making is this. I have not quoted what has come out in the *India Today* about the Report. I do not know whether it is correct or incorrect. But these things are coming. If we feel that the Indian people are such that they are guided by the report of a Commission, then we are living in a fool’s paradise. The Indian people are never guided by a Commission’s report. As we have always said, we have a tremendous confidence in the Indian people. Indian people can judge what is truth and what is untruth. But when you try to suppress the truth, you give an opportunity to those who are remour mongers.

I would like to know from Mr. Chidambaram whether he knows that in 1971 allegations were made by no less a person than the Prime Minister Smt. Indira Gandhi that State Governments do not publish reports. Do you think that after this the State Governments will publish reports if they are against them? In

[Shri Dinesh Goswami]

fact, commission of public inquiry became virtually a toothless weapon because the inquiry reports used to gather dust for years together and nobody used to take action.

I only end by quoting Justice V.R. Krishna Iyer :

“public inquiry legislation was becoming an antiquated, impotent and dubious instrument and needed legislative surgery”.

In fact, it would become more antiquated, more impotent and more dubious. Therefore, on this ground I support the disapproval resolution and oppose wholeheartedly and fully the Bill that has been brought before the House.

[Translation]

SHRI GIRDHARI LAL VYAS (Bhilwara) : Mr. Chairman, Sir, I rise to support the Commission of Enquiry (Amendment) Bill 1986.

Many things have been stated in this regard but I want to say only the thing in this connection. In 1952, there was no provision in this Act that the report of Enquiry Commission would be tabled in the Parliament or any Legislature. But in 1971, an amendment was passed that the report of Enquiry Commission should be laid in the Parliament or the Legislature, as the case may be within six months of the submission of report by the Enquiry Commission and the Parliament or the Legislature along with the action taken thereon. Now an Amendment has been brought to deal with the situations which may be detrimental to the country's interest - as an hon. Member also pointed out that the report might contain references to a caste, a religion or even a State which may incite the feelings of the people thereby vitiating the atmosphere and even leading to revolt. There can be situations where if a report of an Enquiry Commission is made public, it may lead to turmoil in the country. Therefore, the Government thought that as it would not be in the nation's interest

to make such reports public it was necessary to bring an amendment whereby it could withhold such reports by issuing a notification after seeking prior approval of the Parliament or the State Legislature. This provision has been in this Bill but the Opposition leaders say that the intentions of the Government are not good. They apprehend that if any irregularity is committed by Government in future and they demand the appointment of a Commission to enquire into it and if the Commission gives an adverse report, the latter would withhold it from the Parliament under this law. The opposition feel that these restrictions have been imposed with this motive. But I would like to assure them that this has never been the intention of Government. The Government is only interested in maintaining the unity and the integrity of this country at all costs and that is why this provision has been made. It is not at all interested in suppressing any information from the Parliament or the State legislature. This provision is not intended to do so. Mr. Chatterjee, you should at least understand it, being yourself a Supreme Court lawyer. This provision has been made to check those who indulge in sabotage. I, therefore, urge you to pay serious attention to it. Your Government (CPM) is ruling in West Bengal. What is happening there these days? What type of administration is being run there? Suppose a Commission of Enquiry is instituted against the Government there and its report is laid on the Table of the legislature and everybody comes to know what the communist Government is doing there, it would be extremely difficult for you to stay in office. You should bear this in mind and support this Bill. This is applicable not only to your State but to all other States also. (Interruptions)

I am not yielding. Mr. Chairman, Sir, just now Shri Goswami was speaking. I would like to remind him what happened in Cachar. Riots were sparked off there because of certain land laws and suppose an Enquiry Commission is set up to look into it and the report is submitted to the Assembly. It would only add fuel to the fire. Somnathji, you may kindly understand these issues and ponder over them. There is a big difference between your

profession, and practice. You are well versed at twisting the laws. I dare say that you do not think about the problems of the country in the right perspective.

(Interruptions)

Mamataji aptly remarked that your sympathies are with China. That is true. You do not have any sympathy with this country. That is why you are keen to encourage those laws which create turmoil rather than the ones which try to ensure peace in the country.

You say that the Government is afraid to bring this report to Parliament? I would like to ask you after all why should it be afraid? The strength of Congress Party at present in this House is 417 out of the total strength of 542 Members. The Government can get anything passed in the Parliament. We have more than 2/3 majority and we can even pass constitutional amendments. Whatever you say is just for the sake of opposition. The Government did whatever it thought was in the interest of our country. Besides this it has been stated that the Government does not want to lay the reports on the Table of the House because it wants to hide certain facts, particularly in the case of Thakkar Commission report. I would like to ask that even if Thakkar Commission report is laid in the House what difference will it make? Will the opposition be able to get it passed? They do not have that much of strength.

But there are many sensitive matters which are against the interest of the country and all of us should give a serious thought to them. Mr. Chairman, Sir, they oppose only for the sake of opposition. They do not have any constructive programme or suggestions. They never express the right opinion.

I would like to submit that you are responsible persons and over 10.12 lakh people have elected you. You should, therefore, speak in the interest of the country.

The opposition says that Government is going against the Constitution. There

is such a provision in the Constitution and that is why the Government thought it proper that this amendment was in the interest of our country. Those sensitive matters which may be detrimental to the unity of the country or may cause turmoil or may not be in the interest of the country at all, should not be made public. This Amendment has been brought particularly to secure the interest of the country. Secondly, it is being said that the Government wants to impose an authoritarian set up but our Government has held elections even when the situation was not favourable. Shrimati Indira Gandhi held elections in 1977 at a time when we were against holding elections. But Shrimati Indira Gandhi, knowing that the atmosphere was not favourable to her, held elections. Then how do we want to bring authoritarian or dictatorial system? On the contrary our Government believes in democratic values which forms the basis of all its actions.

Therefore, I conclude by supporting this Bill.

[English]

SHRI SHANTARAM NAIK (Panaji) : Mr. Chairman, Sir the Commissions of Inquiry Act, 1952 is on the Statute Book for about three decades. In other democratic countries of the world too, similar legislations are there. For instance, in England, there is the Commissions of Evidence Act, 1921. But in both these countries, the statute differs in some aspects. For instance in India, the Government has got the power to appoint Commissions. The State Governments also have the power, and the powers are vested in legislatures and Parliament to pass the legislation to that effect. In India if a resolution is passed to appoint a commission, it is binding upon the Government, whereas in countries like England, if a resolution is passed to that effect by the Parliament, it is not binding on the Government, but it is a normally accepted by parliamentary practice. This sort of distinction is there between the Commissions of Inquiry Act here and similar legislation in England.

Now the Opposition Members have started opposing the Bill from the very

[Shri Shantaram Naik]

beginning, from the introductory stage itself. For introduction, what is laid down in the rules of business of the House is this. If this House has no legal competence to introduce this Bill, only in that case, it can be opposed. For instance if the subject is not mentioned, in any of the lists of the Constitution it could be opposed. Despite this fact, the Opposition parties are opposing this Bill. If due notice was not given of the Bill, then it could be opposed or for any other reasons that are mentioned, the Bill can be opposed. But despite the fact that there is nothing of that sort, the Opposition people are opposing this Bill right from the introduction itself, just for opposition's sake. They are opposing it without clarifying as to which part of the Constitution is being infringed upon. They are not able to quote a single article in their defence to oppose the Bill, except Article 123 which relates to ordinances. And we are converting the ordinance into a law, into a statute.

Now, the question is this. What are the cases in which we seek exemption? In such cases where the sovereignty and integrity of India are involved. Would anyone question that under such circumstances, a given report should be placed before the House? Then comes the aspect of security of the state. Who will oppose this aspect? Can we ignore the aspect of public interest? We do so many things in public interest. In the Joint Committee Reports, this particular clause was added; "Joint Commissions with due respect also did not go into the detailed aspect as to why the notification has to be placed and what are the other consequences, whether any exemption, any qualified exemption to be made...etc, etc," Nothing was said on that also. This is the only one para which gives the reasons for introduction of that clause which requires that a notification should be placed, a report should be placed within six months of giving the report. But exhaustive study with respect to this was never made. In the course of last ten years, we have not thought that such sort of an exemption is required. For instance, where does exemption not exist? In our Constitution there are important provision. Article 14 says: The State shall not deny to any person equality before the

law or the equal protection of the laws within the territory of India." But still we have given an exemption. Article 16 says: There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State." But still we have made an exemption even in this regard. Nothing in this Article shall prevent the Parliament from making any law prescribing in regard to a class or classes of employment or appointment to an office. What I am submitting is this. In all these major articles in our Constitution, in each of these articles, which are very important, we have made exemptions. For instance when communal riots take place, it is an accepted norm that a community

17.00 hrs.

cannot be mentioned. This is also an exemption which is accepted, because there are certain things which have to be made in public interest. For example, during the Janata regime, the fundamental right to property was deleted. For a considerable number of years it was considered to be a fundamental right. But in public interest, ultimately it was decided that such a right should be deleted; and nobody objected to it. We also did not object to it. So, it was deleted from the Constitution by the Janata Party's Government. We say, rightly so. Has the Congress Party deleted any of the fundamental rights mentioned in the Constitution? No. We have made only exemptions.

I will make some other submissions also. In fact, from our experience now I would say that some people outside, including the Press may come out with some material purporting to be a Commission's Report, which is notified. I consider that that such an action by these persons should also be punished. They may not get a copy of the Report. But they may publish something purporting to be that Report. But I think that such things should be punished. Therefore, I have moved an amendment to that effect.

I was saying that even in respect of the procedure of the courts, we say that proceedings and trials should be held in

public; but there are instances when some personal, delicate matters are involved, when all the parties concerned agree to hold the sittings *in camera*. There also, it is required, in the public interest, that public trial should not be held. That does not also violate any Statute. Those Statutes are also passed by Parliament: the Indian Penal Code and the Criminal Procedure Code have been passed by Parliament. But there has never been any objection to such things at any moment of time. Therefore, the opposition to this Bill is just opposition—for the sake of opposition. That too, even at the introductory stage it has been opposed. Subsequently also, at the consideration stage it has been opposed. This shows that the Opposition has not applied its mind to any relevant facts with regard to this Bill. So, I consider that their opposition is against public interest.

SHRI INDRAJIT GUPTA (Basirhat) :

I have been listening very intently to the arguments put forward by members of the ruling party in defence of this Bill, and the Ordinance which preceded it; but what I cannot understand is; why all this wisdom has dawned on people only subsequent to the tragic assassination of the Prime Minister of this country. Nobody thought of these things earlier. It is only when the Thakkar Commission's report has appeared on the scene that now the necessity is felt, not only for non-disclosure of the Thakkar Commission's report, but to bring in a general Bill, an ordinance followed by a Bill, giving Government a general, entirely subjective power to withhold any report of any Commission of Inquiry if it so thinks expedient.

When this Commissions of Inquiry Bill was brought in many years ago, what was the idea behind it? Why was it brought in after-all; and why has so much importance and value been put on it? Because it was felt—and I hope the Minister will not disagree—that Parliament has got a basic right to get authentic and reliable, impartial information and facts. Many things come up which are disputed hotly within Parliament or an Assembly. Sometimes the Ministers are accused of various

things. That becomes a matter of controversy. In such cases, it was always felt that it is much better that there should be an enquiry conducted by some people who command the confidence of the country, and can be relied on to be objective and impartial and through a machinery of such an enquiry, authentic and reliable facts and information will be made available to the Parliament. This is the whole object behind the Commissions of Enquiry Act.

I can quite understand though I am very much pained about it. The government may have some reasons for not wanting publication of a particular report which relates to the circumstances surrounding assassination of the Prime Minister, Shrimati Indira Gandhi. They could have taken us into confidence. There are so many things which are discussed around the table; they are not decided always here in this House; they could have told us what is the difficulty in the way; there is some honest difficulty. For example, I can think of the fact that they could have come and told that in some way or the other it might affect or prejudice the trial which was going on in the court; they could say that; they could convince us and they could persuade us and we might agree with them by consensus that all right this particular report may not be disclosed at least at the present moment, exception should be made; later on, if circumstances permit, it may be brought to light. But have they taken that course of action? Not at all; apart from the fact that I think the entire country, the people of this country, who are waiting very anxiously and eagerly to know the result of this enquiry because the country has suffered a big shock; the whole security of the administration, of the top-most level of the administration has been brought into doubt, and whatever light could be thrown on it by this Commission which has submitted two reports, in between, one interim report and one final report, was something which the people of this country wanted to know about. However, if there was something, some valid reasons coming in the way, the government should have taken us into confidence, the House into confidence, leading members of the opposition as well as leading members of the ruling party in trying to come to a

[Shri Indrajit Gupta]

consensus about this particular report. But that is not the course they have taken. They have brought in a sweeping Bill in which the only thing which matters now is the subjective opinion of the government; it confers on the Central Government and on the State Government also a blanket power to withhold publication of a report which they consider not to be expedient on certain grounds. I would say that though it may sound a bit strong that it is virtually a slap on the face of Parliament.

From 1952, we had this Act which has given us this access to reliable, authentic reports which are made available through the machinery of an impartial Enquiry Commission in which later on Supreme Court Judges and everybody was brought in.

Now, I have to make a reference to the fact that even under the British rule, there was a Hunter Commission appointed to go into the Jallianwala Bagh massacre. That Hunter Commission Report was published in full including the dissenting note attached to it by Sir Chaman Lal Setalvad; both the report and the dissenting note of Sir Chaman Lal Setalvad were published even in the days of the Britishers. It must have been embarrassing at least the dissenting note; the dissenting note was certainly embarrassing. Now I wish to say that Article 19—our young friends over there had argued just now on the ground of legality and constitutionality and so on. That nothing can be said against this Bill which is now commonly held in this country that freedom of speech as guaranteed under Article 19 (1) (a) cannot be restricted or circumscribed except on the ground of sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, these are the grounds given; public interest is not mentioned here at all; there is no mention of public interest as bring one of the reasonable restrictions on the freedom of speech which is guaranteed under Article 19 (1); and it is established in every country, democratic country that freedom of speech includes freedom to get information; you cannot exercise freedom of speech unless you have an access to infor-

mation and reports. This is accepted. Supreme Court has accepted it. There are three judgments. I cannot go into the details because there is no time. In Indira Gandhi's election case, in January 1975, in Maneka Gandhi's case in 1978 and in the High Court Judges case in December 1981, the Supreme Court has held that there is a indissoluble link between the right to speak and the right to know, the freedom of speech and the freedom of information. Please go through the judgments of our own Supreme Court and see what they have said.

And, Sir, also there is a thing called the International Covenant of Civil and Political Rights which has been ratified by India many many years ago. Article 19(2) of the International Covenant also speaks about freedom to speak and to receive, and impart information. The two are linked together.

Now, what is being done? The decision on non-disclosure has been left entirely to the subjective satisfaction of the Government without stating the reasons. And I agree with my friends here who say that this Ordinance and this Bill which will become an Act will only put a premium on unauthorised disclosures, on leakages and rumours. You are encouraging that, and it will boomerang on us. It will boomerang on us. There will be disclosures which you may say are not authentic, not authorised and so on, but the curiosity of the public has been roused. Should they be blamed for that?

When, for the first time in our history an elected Prime Minister is gunned down and butchered, is it a normal thing? Is it an easy thing to digest by anybody in this country. We know, it has been going on in many neighbouring countries and in the adjoining countries, but it was something to which our country was totally alien by history, by tradition, by culture, by everything and when such a thing happens and an inquiry commission is appointed to find out the circumstances, now the Government comes forward and under the shelter of this blanket powers of this Bill decided that their first action is that it is not in the public interest that the Thakkar Commission report is put before Parliament. Now, first of all

public interest does not come in the picture at all. It can only be restricted under those restrictions which are defined under Article 19(2).

Secondly, technically speaking, I must also say that this Ordinance was promulgated at time—technically—it can only be promulgated when both the Houses of Parliament were not in session. Was that the case? It was promulgated on a day when the Rajya Sabha—the Lok Sabha had been prorogued already—was not prorogued.

SHRI P. CHIDAMBARAM : My hon. friend is reading the Article wrongly. It says, except when both the House are in session you cannot promulgate : you are reading it the other way round. "When both Houses are not in session". There is a world of difference between the two. "Except when both the Houses are in session", that is the only restriction.

SHRI INDRAJIT GUPTA : That means you consider Parliament to consists only of two Houses. Even one House is half the Parliament. The Rajya Sabha had not been prorogued. Rajya Sabha had only adjourned *sine die*. It had not been prorogued. The Lok Sabha had been prorogued. Technically, the Rajya Sabha was in session and therefore the Rajya Sabha was still in session. If they want to observe the norms of democratic functioning they should at least have come before the Rajya Sabha and taken its consent on this.

SHRI P. CHIDAMBARAM : If you will yield for one moment, hon. Prof. Madhu Dandavate had quoted Kaul and Shakdher ; I shall quote the same author :

"The Ordinance making powers of the President arises as soon as either House is prorogued." I think the other side is supporting my contention.

SHRI INDRAJIT GUPTA : I am not a lawyer.

SHRI SOMNATH CHATTERJEE : For once you are right.

SHRI INDRAJIT GUPTA : I am not a lawyer. If the two of you are agreed on this, I am not making a big point out of it. It matters little to me whether you brought the Ordinance two days earlier or two days later. I am not concerned with it, but it is a matter of principle in this thing.

SHRI SOMNATH CHATTERJEE : It is a matter of principle.

SHRI INDRAJIT GUPTA : Therefore, Sir I would like to say that now many undesirable consequences may flow from the suppression of this Thakkar Commission Report, because so many things are appearing in the Press, they are neither contradicted nor denied nor affirmed by anybody. One report says, that a whole lot of officers who were connected with the intelligence activities, and I believe that the Thakkar Commission—I have no means of knowing it—has put the overall, major responsibility on the failure of intelligence—not so much on the failure of security as on the failure of intelligence. But the strange thing is that even if reports appearing in the Press are to be believed, a whole lot of officers connected with the intelligence services—nothing has been done to them, no action has been taken against them, subsequently they have even been promoted, they have been elevated and all that—while a number of officers who are connected only with the Police part of it, security part of it, they have been still kept under suspension, without giving them any charges or charge sheet,—because no charge sheet was given or no charges have been brought against them. So, while this kind of discrimination is being practised, all these things will lead to unhealthy sequences and now they cannot proceed also against the suspended officers, without reference to the report and the report cannot be disclosed, therefore no action can be taken. They will remain suspended indefinitely in perpetuity or what, I do not know. While the people connected with the intelligence have been rewarded and allowed to be promoted and so on, that also is something at least a part from the report also we should be told by what standard,—because it is very much connected. The young Minister with Personnel and Ad-

[Shri Indrajit Gupta]

ministration and all that, he will tell us. What is the basis on which they have proceeded? I am not going into anything, I am not asking him to reveal the contents of the reports. Security officers and intelligence officers both were connected. A whole lot of intelligence officers have been let off the hook, remained as they were, getting promotions etc., while some of the security people, that is the Policemen actually, belonging to the Police service, a number of them have been suspended, kept suspended now for twenty months not given any kind of charges and cannot be proceeded against because the report cannot be revealed. So, what kind of administration or personnel is this, I do not know.

SHRI SOMNATH CHATTERJEE : Who is promoted and who is not? Why?

SHRI INDRAJIT GUPTA : I would say now that we have many apprehensions about the blanket power which is now being given, which obviously—I put a charitable view—that the Government might have not liked to reveal this report because of its possible repercussions on the trial which is going on in the High Court. But an other interpretation may also be put because the report may have revealed many embarrassing things and there may be many disclosures in that. So, in future I can say there are going to be reports of commissions of inquiry into communal riots and all the rest of it. This blanket power can be used now to suppress all kinds of unpleasant and embarrassing things which may be brought to light about the involvement of some people in these communal riots. The door has been opened now for a very vicious kind of system, vicious kind of practice to be followed, which will mean also Sir, that Parliament can be denied now at any time of the right to have authentic information which is the purpose of this Commission of Inquiry Act.

I totally oppose the Bill, and I join my friend Prof. Dandavate in the disapproval of the Ordinance and in advance—because we have not so far yet come to that—I oppose the notification which is

suppressing the publishing of the Thakkar Commission report. It is an insult not only to Parliament but a great blow to the people of the country—who are not allowed to know how their Prime Minister was butchered and shot at. How such a thing may not be repeated again. How are we to know? Unless that report is made public, how can adequate steps be taken to see that such a thing does not happen again?

SHRI SAIFUDDIN CHOWDHARY : Who advises this Government?

SHRI INDRAJIT GUPTA : I do not know. What type of advice they get?

SHRI SOMNATH CHATTERJEE : All sorts of advice is given.

SHRI INDRAJIT GUPTA : I hope I have made my position clear.

AN HON. MEMBER : Yes.

[Translation]

SHRI RAJ KUMAR RAI (Ghosi) : Mr. Deputy Speaker, Sir, the House is discussing a subject which is of much academic interest and I am grateful to you for providing me an opportunity to speak on it.

Mr. Deputy Speaker, Sir, I have heard with rapt attention the views of the hon. Members of this side as well as of that side. The sum total of this discussion, as Prof. Dandavate and just now Shri Gupta has, also said, is that they are not opposing for the sake of opposition and they agree to the things which are genuine and proper. They have in their support quoted the instances of bonus etc. I agree that there have been occasions where Opposition has agreed with us and I agree to their contention that no point becomes proper only because the majority has accepted it. But I do not agree when they say that it is a fraud on constitution and on Parliamentary democracy; checks and balances must be there.

It is true that at the time of promulgation of the Ordinance many journalists, who were in our favour, did not support

it. The Bill presented in this august House seeks to replace the Ordinance promulgated in May. On the day the Ordinance was promulgated, Shri P.N. Lekhi, a very good orator and a Supreme Court advocate had said that it is a ploy to delay the Thakkar Commission report. The entire Opposition concedes that had the Government wanted it could have blocked the release of the whole report but there is no propriety in stopping the whole report.

I would submit that two things have been stated in this Bill. As Shri Gupta has stated, these are blanket subjective powers and can be misused to a large extent. His first attack is on the Thakkar Commission's report. But he has this much understanding that he could have persuaded them to agree to the release of the Thakkar Commission report. But in the meantime nothing has happened which might have shown Government's malafide intention. They have no reason to doubt Government's bonafides, particularly when this Act makes it clear that the Government can withhold the report only in 4 situations i.e., when there is danger to the sovereignty and integrity of the country, security of the State or it is likely to affect relations with foreign countries, or if it is not in public interest.

The question arises that when a judge appointed to enquire a particular matter under the Commission of Enquiry Act, makes reference to matters which may be irrelevant, in-admissible, and also to problems which are unnecessary, will the hon. Members, who are intellectuals and people's representatives as well, agree to the release of such a report? No Government which has wisdom and discretion, which has to protect the public interest and has to maintain friendly relations with other countries would make public a report which is not in public interest.

[English]

Government, after all, is Government. It has to see the public interest. It has to see the interest of the people at large.

[Translation]

If there is any Ordinance or any law to protect the interest of the people, that

cannot at all be termed wrong. There can be no reason for opposition in such cases.

Now a days judges are appointed to enquire into several matters and they give many decisions. Before this a Bill was passed with a thumping majority which was stated to be controversial Bill by many people. The Bill was discussed here. A judge gave the judgement that graves in Varanasi, which were hundred years old, should be shifted.

The Supreme Court delivers several judgements and these are shown all respect. Commissions of Enquiry are chaired by persons of their status. All the facts are placed before them and they decide after considering all the aspect.

[English]

But it is the human mind.

[Translation]

There are different ways of producing evidence. Several things sometimes become irrelevant in the enquiry. They go against the security, sovereignty and integrity of the country. Is it necessary to put the country in danger? Whatever judges say is not the gospel truth that their judgements will remain valid for ever and no improvement can be made in them.

The world is moving fast today and we have to maintain public and foreign relations. Mistakes can be committed by anyone and irrelevant things can be said anywhere. If the Government feels that it is not proper to bring a particular things before the House or to make it public, then it can amend any law. It is the bounden duty of the Government to do so. No Government worth the name can remain silent on such matters. Therefore, such laws must be enacted. When there is danger to the unity and the integrity of the country, no Government can remain a silent spectator. If there is provision in our Constitution for amending the laws, the relevant laws must be amended.

Prof. Madhu Dandavate feels that wrong decisions are taken on the basis of

[Shri Raj Kumar Rai]

majority. So long as Congress was in power no wrong decisions were taken on the strength of majority but when Shri Dandavate's Government was formed and the Janata Party came into power in which he was a powerful Minister, at that time his party openly misused its majority in this House by debarring duly elected Shrimati Indira Gandhi from her membership. He should not expect that we shall do such things in this House with our majority. We do not do any unlawful act on the strength of our majority. We keep the interest of the country foremost before us. Our party has all along been fighting for the protection of the country. Therefore, I welcome and support his amendment and oppose the motion of disapproval moved by the Opposition.

17.27 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

DISCUSSION RE : SITUATION IN
PUNJAB—*contd.*

[*English*]

MR. DEPUTY SPEAKER : The hon. Home Minister to reply to the debate.

THE MINISTER OF HOME AFFAIRS (S. BUTA SINGH) : Mr. Deputy-Speaker, Sir, first of all I express my grateful thanks to the hon. Members of this House for discussing the situation in Punjab at length.

Prof. Dandavate is again the champion of bringing the most important issue, a national issue, for discussion in this House. Punjab has occupied the focus of this august House... (*Interruptions*)

I happened to be the humble servant of this House for quite some time. What is happening in Punjab is not the law and order situation, is not a matter pertaining to one State or even to some communities. It has deeper roots. Its ramifications are very very serious, affecting the whole national life and, therefore, naturally it is the right thing that the House should

devote as much attention as we can to see that Punjab is kept peaceful ; there is respect for law and order, and communal harmony, peace, is maintained in Punjab.

The immediate cause for this discussion is the gruesome tragedy at a place called Muktsar. I immediately rushed. The hon. Prime Minister asked me to go and see for myself how such a dastardly act has taken place especially when there was incident-free fortnight in Punjab. In the two Districts, Gurdaspur and Amritsar, where the terrorists had occupied the central place, we had worked out a plan in co-operation with the State Government, the central forces. We had thoroughly and very carefully drawn up a plan in which every village was looked after. We created some kind of a strategy in which we were able to really monitor the whole operation very closely. Also, while we were satisfied with the operation we were trying to go into some of the hideouts of the elements who are out to destroy life in Punjab. Suddenly, from one remote corner very near the international border—only a few kilometres away from the international border—this tragedy has taken place. Every act of terrorism sends waves of fear and terror throughout the country. This particular act (which was the largest of all the acts so far done in Punjab) sent a wave of fear and reaction throughout the country and indignation that the fall-out was felt in Punjab and in Delhi, as a result of which, during the past 3 or 4 days, Delhi also was upset ; certain parts of Delhi witnessed tragedies, arson, loot and other lawlessness. But, fortunately, Sir, with the cooperation of the people of Delhi and the Delhi Administration, it was possible for us to control the thing in a short time. Therefore, we were able to really contain it in Delhi. There are parties who take even political mileage out of such gruesome tragedies. Instead of cooperating, with the forces and the law and order enforcing machinery in such occasions, they thought it better to launch some kind of a Bandh, —Mini—Bharat Bandh,—Madhya Pradesh Bandh, Himachal Bandh, UP Bandh, Delhi Bandh etc. Even after my repeated appeals,—personal appeals—to the honourable leaders of political parties,