

**STATUTORY RESOLUTION RE : COMMISSIONS OF INQUIRY ACT, 1952**

[English]

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) : On behalf of Shri Buta Singh, I beg to move :

“That in pursuance of sub-section (6) of section 3 of the Commissions of Inquiry Act, 1952 this House approves the Notification of the Government of India in the Ministry of Home Affairs No. S. O. 260 (E) dated the 15th May, 1986 by which it has been notified that it is not expedient in the interest of the security of the State and in the public interest to lay before the House of the people the reports submitted to the Central Government on the 19th November, 1985 and the 27th February, 1986 by Justice M. P. Thakkar a sitting Judge of the Supreme Court of India.”

New Sub-section 5 of the Commission of Inquiry Act, 1952 permits the Government to issue a Notification to the effect that if the Government is satisfied that in the interest of the sovereignty and integrity of India, the security of State, friendly relations with foreign States or in the public interest, it is not expedient to lay before the House of the people, the report or any part thereof of the Commission appointed under the Act. New Sub-section 6 of the Act enjoins upon the Government that such a Notification should be approved by the House of the People.

The Government of India having satisfied themselves that it would not be expedient in the interest of the security of the State and in the public interest, issued such a Notification No. S. O. 260 (E) on 15th May, 1986 in respect of the reports submitted to the Government on the 19th November, 1985 and 27th February, 1986 by Justice M.P. Thakkar, a sitting Judge of the Supreme Court of India, appointed under the Noti-

fication of the Government of India in the Ministry of Home Affairs No. S. O. 867 (E) dated 20th November, 1984 to inquire into the assassination of Smt. Indira Gandhi, the late Prime Minister on 31st October, 1984.

I humbly request the House to approve this Notification of the Government of India in the Ministry of Home Affairs No. S. O. 260 (E) dated 15th May, 1986 which was laid on the Table of the House on 18th July 1986.

**MR. DEPUTY SPEAKER :** Resolution moved :

“That in pursuance of sub-section (6) of section 3 of the Commissions of Inquiry Act, 1952, this House approves the notification of the Government of India in the Ministry of Home Affairs No. S. O. 260 (E) dated the 15th May, 1986, by which it has been notified that it is not expedient in the interest of the security of the State and in the public interest to lay before the House of the People the reports submitted to the Central Government on the 19th November, 1985 and the 27th February, 1986 by Justice M P. Thakkar, a sitting Judge of the Supreme Court of India.”

Mr. Madhav Reddi, are you moving your amendment ?

**SHRI C. MADHAV REDDI (Adilabad) :** Yes.

**MR. DEPUTY SPEAKER :** Mr. Banatwalla, are you moving your amendment ?

**SHRI G. M. BANATWALLA (Ponnani) :** Yes.

**MR. DEPUTY SPEAKER :** Dr. Chinta Mohan is not here.

**SHRI C. MADHAV REDDI (Adilabad) :** I beg to move :

That in the Resolution, add at the end—

“and resolves that the said notification shall cease to have effect after 31st December, 1986. (1)

SHRI G. M. BANATWALLA (Ponnani) :  
Pbeg to move :

“That in the Resolution, add at the end—

“Provided that the Government shall file with the Hon’ble Speaker within two months a summary of the recommendations made in the two reports submitted to it on 19th November 1985 and 27th February 1986 and a Memorandum of action thereon and the Hon’ble Speaker shall report to the House as soon as may be after the receipt of the summary and the memorandum about his satisfaction or other wise as regards the action taken by the Government on the recommendations contained in the said reports.” (2)

SHRI C. MADHAV REDDI : The amendment for which I gave the notice relates to the Statutory Resolution which has been moved just now for the vote of the House. We have no Act as yet before this House.

Though there is an Ordinance, this action is being taken in Parliament, now itself because this Bill has been just passed by this House. It has yet to go the Rajya Sabha, then the President has to give his consent to it, then only it becomes an Act. The action that is being taken by the Government is in consonance with the Ordinance. It is not proper. I feel that the Government should wait till it becomes an Act, and then after the Act is there, the Government can place this Resolution before the House.

16.31 hrs.

[SHRI SHARAD DIGHE *in the Chair*]

SHRI G. M. BANATWALLA : The terms of reference of the Thakkar Commission are—let me mention them, I am mentioning them—that this Thakkar Commission was supposed to go into and report on—

- (1) The sequence of events leading to the assassination of Shrimati Indira Gandhi and the persons or agencies responsible for the assassination;

- (2) to point out dereliction of duty in regard to the assassination;

- (3) deficiencies or lapses in providing medical attention to the late Prime Minister; and

- (4) deficiencies in prevailing the security system.

Now, one can understand that such portions of the report which may deal with the deficiencies in the security system may not be placed on the Table of the House in the interest of the security of the State. But how can you withhold all other parts of the report ?

Sir, how is the security of the State jeopardised by placing those parts of the report which establish the sequence of events leading to the assassination and which point out to the dereliction of the duty on the part of the officers or which point out the lapses and deficiencies in the medical attention that was given to the late Prime Minister ?

Sir, the Hon. Minister owes it to the House to explain how public interest is jeopardised by telling the public as to what lapses were there in providing medical attention to the late Prime Minister. In public interest I demand that the report be placed on the Table of this House, except such portions which deal with the deficiencies of the security system, or the intelligence. But certainly, the nation must know the sequence of events which led to the assassination, how our medical system failed, and what is being done in order to improve our medical system over there.

Therefore, Sir, I say that this Resolution saying that the entire report will be withheld is not founded on proper grounds.

Sir, the grounds that are given in the Notification do not refer to friendly relations with other countries. I, therefore, presume that there is nothing in the report that may jeopardise friendly relations with other countries. That is what I presume.

AN HON. MEMBER : They may.

SHRI G. M. BANATWALLA : That is what I presume, because the plea has not been indicated.

These are the terms of reference. We find that while one portion can be withheld on those grounds, there is no reason why the entire report should be held back.

Therefore, I must make an appeal to this House and to the Government, to reconsider and to see that the entire report is placed on the Table of the House, save and except such portions as may have reference to the deficiencies in the security and the intelligence systems. I must also say that withholding the entire report will be obstructing the process of justice also in our country. It will be unjust, unfair and against the public interest to withhold the other portions to which I was referring. I urge on the Government to re-consider its decision.

**SHRI SAIFUDDIN CHOWDHARY**  
(Katwa) : The immediate effect of what has happened just now, will be felt with this notification. The terms of reference of the Thakkar Commission are known to us. Just before me, Mr. Banatwala, has spelt them out. I will just refer the terms of reference again. They are—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 other individuals responsible for the security of the late Prime Minister, deficiencies in the medical attention or whether any person or persons or agencies were responsible for conceiving, preparing and planning the assassination and whether there was any conspiracy in this behalf; and if so, all its ramifications. The Commission was also told to suggest corrective measures. About corrective measures, I can understand that they could be withheld. But the point is that why we are not allowed to know the sequence of events that led to the assassination of the Prime Minister. The Minister has said that the terms of reference given to the Thakkar Commission were unprecedented in nature. No doubt about it. The incident itself was very unprecedented. But when you gave it to the Thakkar Commission, did you not know that it was very much unprecedented and the Commission had to proceed only to unearth the truth as to who were the persons who were responsible? Then why did you not, before appointing the Thakkar Commission, amend this particular Act which

you did just now? Did you not feel that this was very unprecedented in nature?

Yesterday, in a lighter vein I said, who advised this Government to bring this Bill—the Bill which we passed just now. One Hon. Member said: It is not the question who advised them to bring the Bill but who advised them to set up the Commission itself. What they are going to do is to undermine the democratic process, open functioning of the society. A commission is appointed. They are to work in certain direction. They are to reveal the truth before the people. That is now shut down. Why? Now, the Government has to tell us whether the terms of reference given to the Thakkar Commission were adhered to by them properly, whether they acted on that direction. Then what they did is completely relevant for us to know and for the people to know as to what were the lapses and who were responsible. Of course, Mr. Banatwala has said that the words friendly relations with other countries are not mentioned here. In this case, it may not be. But what is the public interest in this? Here in the Bill it is written sovereignty and integrity of India, the security of the State. What will be revealed by the Thakkar Commission, that will not jeopardise our security. They will pinpoint certain lapses. What is being done by this act of the Government is that people will lose faith in all inquiry commissions. Take, for instance, the Ahmedabad riots. After last year's riots there was a demand for an inquiry commission. The Government took one year to set up the inquiry commission and to declare the name of the judge. Now, in this riot, the same demand came. With this kind of amendment or with this kind of Act of withholding the report, how people will be convinced that this is a process by which the crime or the torture committed on them, will be properly investigated and the culprits will be taken to task. Now the conflagration inside the country among the people will increase. If say they that the friendly relations of our country will be hampered, as one Hon. Member has rightly said, and we have been demanding that if they have any hand, then a white paper on their involvement should be brought out. They are not coming out with the truth by making the white paper available to us. Even whatever indication that may be there in Thakkar Commission Report that also they are suppressing. I must

[Shri Saifuddin Chowdhary]

say that the crime that was committed—by whom, I do not know; we said there is a foreign conspiracy; we told that the imperialist agents were very much active behind the murder of the late Prime Minister—was an anti-national and a criminal act. If that was an anti-national and a criminal act, then suppressing this Report is no less an anti-national act. And what will happen indeed? People will indulge in rumour mongering. Confusion will be worse than more in future. Here is a copy of *India Today*. They have said about the Thakkar Commission's proceedings and all that. I do not know whether it is genuine or not. Nobody has told us. Even the Government has not said that it is not genuine... (*Interruptions*).

SHRI SOMNATH CHATTERJEE (Jadavpore) : That is what the amendment now covers.

MR. CHAIRMAN : Please don't bring in that.

SHRI SAIFUDDIN CHOWDHARY : The journalist who has given this report, has exclusively given the details of the proceedings of the Commission. Now one amendment has come from Shri Buta Singh that proceedings will also be covered. This makes us feel that this is genuine. This is how they are doing. Only we are devoid of all the Reports, others are not. I am not making a demand that they must place the Report before the House and then they should make us to support them to withhold it. It could be done if you had hold an in camera session. You could do that. Even Shri Indrajit Gupta has said that you should call the Opposition Leaders. We could make a resolution that would allow you not to place it before the House. But that could not be done in this case, in the case of Thakkar Commission. We do not find any legal or valid reason for withholding this Report from this House. So, I must say that this is very very ill-conceived and ill-consequenced and in future it will have had effect on the whole security system, on the unity and integrity of our country. So, I oppose the Resolution brought by the Government.

SHRI P. CHIDAMBARAM : Sir, I do not wish to take much time of the Hon.

House. I am only happy to note that when I went out of the House for a few minutes and came back, I found that among those who opposed tooth and nail the introduction of sub-section (5) and sub-section (6) at least two of them realised that there will be occasions, there will be times when some portions of the Reports will have to be withheld. I am grateful to them... (*Interruptions*).

SHRI C. MADHAV REDDI : That does not mean that we have not protested. We have registered our protest and we walked out.

MR. CHAIRMAN : This is without prejudice to that stand.

SHRI P. CHIDAMBARAM : The point is, as my Hon. friend has said, this is an unprecedented inquiry and, therefore, please do not equate it with other commissions of inquiry. There is a place for decision, there is a place for a certain amount of solemnity. Unfortunately, Hon Member Shri Somnath Chatterjee never observes any solemnity, he is derisive all the time and I do not want any derisive comments when he says something .. (*Interruptions*).

SHRI SOMNATH CHATTERJEE : I have not said anything to him.

SHRI P. CHIDAMBARAM : When I am saying something in all seriousness, at least he should listen to me in all seriousness... (*Interruptions*).

SHRI E. AYYAPU REDDY (Kurnool) : The main argument that is being advanced in the assassination case is that the Report is different from the prosecution story. How are you going to meet that? And then the truth has been suppressed.

SHRI P. CHIDAMBARAM : I once again say that this is an un-precedented situation where the Prime Minister of the country was assassinated and I hope there will never be another occasion like that. I spoke about the gravity of the situation and the very careful and agonising consideration that we have given to the matter when we say that, to-day, in the context of the law as it stood before amendment, we cannot place

this Report before Parliament, this is something which I cannot ..

**SHRI NARAYAN CHOUBEY** (Midnapore) : This is also unprecedented..... (Interruptions).

**SHRI P. CHIDAMBARAM** : We are not speaking for our own satisfaction. We are speaking to the people of this country through this House and I may most humbly submit this : Look into the terms of reference, look into the manner in which the Commission was obliged to conduct its enquiry in camera, look into the corresponding, parallel and supplementary investigations which are going on, look into the circumstances in which certain trials and appeals are pending, look into the great responsibility which rests upon the Government to conduct the investigation to its logical conclusions. Take all this into account and kindly judge whether Government is right or wrong when it says that it cannot place its Report before the Parliament. There is no point in really trying to find fault with us. We have come before Parliament. We have said as much as we can say, and to-day we live in such perilous, sensitive and dangerous times that, I am afraid, I cannot accept any of the amendments moved by the Hon Members to the Resolution and I once again pray that the Statutory Resolution be adopted as moved by me and the Notification be also approved.

**MR. CHAIRMAN** : I now put amendments moved by Shri Madhav Reddi and G. M. Banatwalla to the vote of the House.

*Amendments Nos. 1 and 2 were put and negatived*

16.50 hrs.

[**MR. DEPUTY SPEAKER** in the Chair]

**MR. DEPUTY SPEAKER** : Now I shall put the Resolution moved by Shri P. Chidambaram to the vote of the House.

The question is :

“That in pursuance of sub-section (6) of section 3 of the Commissions of

Inquiry Act, 1952, this House approves the notification of the Government of India in the Ministry of Home Affairs No. S.O.260(E) dated the 15th May, 1986, by which it has been notified that it is not expedient in the interest of the security of the State and in the public interest to lay before the House of the People the reports submitted to the Central Government on the 19th November, 1985 and the 27th February, 1986 by Justice M. P. Thakkar, a sitting Judge of the Supreme Court of India.”

*The motion was adopted*

16.51 hrs.

#### APPRENTICES (AMENDMENT) BILL

[English]

**THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA)** : Sir, I beg to move :

“That the Bill further to amend the Apprentices Act, 1961, be taken into consideration.”

As Hon. Member are aware, the Apprentices Act was enacted in 1961 with the objectives of regulating programme of training of apprentices in industry for imparting training. The Act was amended in 1973 to bring within its purview the training of graduates and diploma holders in Engineering/Technology as graduates/technician apprentices in addition to the trade apprentices.

The vocationalisation of higher secondary education has been attempted in this country as part of the efforts to provide meaningful education leading to suitable employment opportunities at the appropriate levels. It is also hoped that this would relieve the pressure on our higher education system. Vocationalisation implies education through work experience and hence adequate facilities are to be provided for the vocational stream to learn the practical aspects of the subject through field studies and to supplement the