

Now it is the writ of the administration... (Interruptions) ... You do not know the situation. What was the situation earlier? Now it is the writ of the Government of India, it is the writ of Mr. Jagmohan, the Governor, it is the writ of the State administration which is running. We will not relax curfew when militants ask us to do so. That is not our job. That is what our job is. We will not succumb to any pressure... (Interruptions) ...

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): Please don't interrupt the Minister. Let him complete his reply first... (Interruptions) ... Now, we shall take up the Commissions of Inquiry (Amendment) Bill, 1990. Shri Mufti Mohammad Sayeed ... (Interruptions) ... I have called the Home Minister ... (Interruptions) ... The Commissions of Inquiry (Amendment) Bill. I can't force the Minister. If he is willing to make a statement, it is O. K. ... (Interruptions) ... If he is ready, he can make a statement. I have no objection. But I cannot force the Minister to come forward with any statement. We can now take up the Commissions of Inquiry (Amendment) Bill. If the House agrees, we can pass this Bill without discussion. ... (Interruptions) ... Yes, Mr. Minister.

#### COMMISSIONS OF INQUIRY (AMENDMENT) BILL, 1990

THE MINISTER OF HOME AFFAIRS (SHRI MUFTI MOHAMMAD SOYEED): Madam, I beg to move:

"That the Bill further to amend the Commissions of Inquiry Act, 1952, as passed by the Lok Sabha, be taken into consideration."

Madam, under sub-section (1) of section 3 of the Commissions of Inquiry Act, 1952, the Central Government or the State Government may appoint a Commission of Inquiry for the purpose of making an inquiry into any definite matter of public importance. Before the Commissions of Inquiry Act, 1952 was amended in 1986, it was obliga-

tory for the appropriate Government under sub-section (4) of section 3 of the Act of 1952 to lay the report of the Commission of Inquiry appointed under sub-section (1) thereof before the House of the People or, as the case may be, the Legislative Assembly concerned, together with the Memorandum of Action Taken thereon within a period of six months of submission of the report. However, in 1986, it was considered by the previous Government that when a Commission of Inquiry is appointed to inquire into sensitive matters of public importance such as those having a bearing on defence, national security, personal security of high dignitaries, friendly relations with foreign powers, the inquiry report may contain materials of a highly sensitive nature and, as such, it may not be in the public interest to lay such reports before the Lok Sabha or the Legislative Assembly of the State. In order to cover situations like these, section 3 of the Commissions of Inquiry Act, 1952 was amended by a Presidential Ordinance promulgated on 14-5-86 under subsection (5) and sub-section (6) of section 3 of the Act. The Ordinance was replaced by an Act of Parliament in August 1986. This amendment provided that if the appropriate Government is satisfied that, in the interest of the sovereignty and integrity of India, security of the State, friendly relations with foreign States or in public interest, it is not expedient to lay the report before the Lok Sabha or the Legislative Assembly of the State concerned, the report of the Commission of Inquiry may not be so laid provided a notification to that effect is issued within six months of the submission of the report and approval of the Lok Sabha or the Legislative Assembly of the State to the notification is obtained.

The present Government has reconsidered the matter and is of the view that the people have a right in any circumstances and the public to information. A Commission of Inquiry is set up for the purpose of making an inquiry into any definite

[Shri Mufti Mohammad Sayeed]

matter of public importance and, as such, the report submitted by such a Commission should not be withheld from the House of the People or the Legislative Assembly under any circumstances and the public should have access to information which is of vital importance and interest to them.

The Government, therefore, considers that the amendments made in 1986 should be done away with and the Bill seeks to achieve the above object.

I, therefore, commend the Bill for the consideration of this august House.

*The question was put and the motion was adopted.*

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): We shall now take up clause-by-clause consideration of the Bill. There is one amendment by Shri V. Narayanasamy.

*New Clause—1A*

SHRI V. NARAYANASAMY (Pondicherry): Madam, I beg to move:

"That at page 1, after line 4, the following new clause be inserted, namely:—

"1A. In Section 3 of the Commissions of Inquiry Act, 1952, in sub-section (1) and (4) for the words "the House of the People or, as the case may be, the Legislative Assembly of the State" wherever they occur, the words "each House of Parliament or, as the case may be, the Legislature of the State" shall be substituted.

*The question was proposed.*

SHRI V. NARAYANASAMY: Madam, this Government is telling that they are for keeping the dignity of persons and institutions. I would like to say something about the Commissions of Inquiry which the present Government has appointed.

To go into the Delhi riots, the Subramaniam Potty Commission of Inquiry was appointed by this Government.

SHRI JAGDISH PRASAD MATHUR (Uttar Pradesh): Your Government was taking commissions and this Government is appointing Commissions!

SHRI V. NARAYANASAMY: Madam, do you know the background of this person who is heading this Commission? He was a Judge and a respectable person. But he was a candidate of the LDF in Kerala and he was a defeated candidate in Kerala in the Parliamentary elections.

SHRI M. M. JACOB (Kerala): In the recent Parliamentary elections,

SHRI V. NARAYANASAMY: Yes, he was a candidate in the recent Parliamentary elections and he has been appointed as the Chairman of this Commission.

SHRI M. A. BABY (Kerala): Will you yield for a minute?

SHRI V. NARAYANASAMY: No; I am not yielding.

Then, Madam, the previous Government appointed the Sarkaria Commission and that Commission submitted its report. With regard to the appointment of Governors, the Sarkaria Commission recommended that as far as possible, persons with political background or affiliation should not be appointed. They quoted this when they were on this side. Now, I will remind Mr. Dipen Ghosh, an honourable Member of this House, who was telling that the previous Government was appointing only politicians as Governors. What are they doing now? All political personalities are appointed as Governors of various States. Mr. Satyanarayan Reddy from this House has been

made a Governor... (Interruptions)... Then, Mrs. Chandravati is the Lt.— Governor of Pondicherry and she is an active political leader of the Janata Dal in Haryana. And, Madam, so many politicians have been appointed by this Government. Mr. Wadhwa submitted a report to the Government. Both the Houses of Parliament are sitting today. But, so far, that report has not been placed either here or in the Lok Sabha. This Government is telling about the dignity of institutions and individuals and yet what they are doing is contrary to what they say. They have no respect for the Commissions of Inquiry and now they are going to stop the provisions which were introduced by the previous Government. I would only say that they have no intention to respect either individuals or institutions. They are telling that previous Government was only politicising every issue. But I would say that the present Government is politicising each and every issue and they are only pointing their accusing fingers at the Congress(I) and they have not changed their attitude.

Since there is no bonafide intention on the part of this Government, I am moving this amendment of mine. Thank you, Madam.

**THE VICE-CHAIRMAN (SHRI MATI JAYANTHI NATARAJAN):**  
The question is:

“That at page 1, after line 4, the following new clause be inserted, namely:—

‘1A. In Section 3 of the Commissions of Inquiry Act 1952, in sub-sections (1) and (4) for the words “the House of the People or, as the case may be, the Legislative Assembly of the State” wherever they occur, the words “each House of Parliament or, as the case may be the Legislature of the State” shall be substituted.’”

*The motion was adopted.*

*New Clause 1A was added to the Bill.*

*Clause 2 was added to the Bill.*

*Clause 1, the Enacting Formula and Title were added to the Bill.*

**SHRI MUFTI MOHAMMAD SAYEED:** Madam, I move:

“That the Bill, as amended, be passed.”

*The question was put and the motion was adopted.*

### STATEMENT BY MINISTER

#### Bomb blast in Batala on 3rd April 1990

**THE MINISTER OF HOME AFFAIRS (SHRI MUFTI MOHAMMAD SAYEED):** Madam, I rise to inform the House of the sad and disturbing incident of bomb explosion in Batala.

There was powerful bomb blast on April 3 at about 2.45 pm when Ramnavami procession of about 3500/4000 persons was passing near Subzi Mandi in Batala City of Gurdaspur District.

According to reports available 31 persons have been killed and 70 have been injured. The injured were immediately rushed to the hospital. Those seriously injured were shifted to the SGTB hospital at Amritsar.

The District Administration had taken precautions to provide security arrangements with the procession. Two BSF companies under the command of a Deputy Commandant had been deployed. One Inspector, 5 NGOs, 20 Head Constables and 100 Constables of the District Police under the command of S.P. (Operations) along with the Dy. S. P. Batala and SHOs of Police Station (City) and Police Station (Sadar) Batala were on duty along the route and with the procession.

There were some disturbances after the incident but these were soon brought under control. Curfew was imposed as a precautionary measure,