
(1986) 05 DEL CK 0018

In the Delhi High Court

Case No : Civil Writ Petition No. 1028 of 1986

Satwant Singh

APPELLANT

Vs

Union of India and Another

RESPONDENT

Date of Decision : 30-05-1986

Acts Referred:

Citation : (1986) ILR Delhi 451(2)

Hon'ble Judges : M.K. Chawla, J;B.N. Kirpal, J

Bench : Division Bench

Advocate : P.N. Lekhi, R.S. Sodhi, R.K. Anand and Y.K. Sabharwal, for the Appellant;

Judgement

B.N. Kirpal, J.

(1) The Main Challenge in this writ petition is to the decision of the Central Government in not laying before the House of the People the reports submitted by Mr. Justice M. P. Thakkar, who had been appointed as a Commission u/s 6 of the Commission of Inquiry Act, 1952 to inquire into certain definite matters of public importance.

(2) On 31st October, 1984 Smt. Indira Gandhi was assassinated at her residence 1, Safdarjang Road-1, Akbar Road, New Delhi. The petitioner, who was a constable in the Police and was thereon duty on that day was one of the accused in the First Information Report which was initially recorded u/s 307 Indian Penal Code and later on changed to Section 302, 307. 120-B and

34 Indian Penal Code and Section 27 of the Arms Act.

(3) Before the petitioner was tried for the aforesaid offence the Central Government vide Notification dated 20th November, 1984 appointed a Commission of Inquiry (hereinafter referred to as "the Commission") in exercise of its powers conferred by Section 3 of the Commission of inquiry Act, 1952. The said Commission was to be presided over by Mr. Justice M. P. Thakkar, a sitting

Judge of the Supreme Court of India. The Commission was required to inquire into the following matter :-

"(A)The sequence of events leading to, and all the facts relating to, the assassination of the late Prime Minister;

(B)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;

(C)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;

(D)the deficiencies, if any, in the procedures and measures as prescribed, or as operated in practice in attending to, and providing medical attention to the late Prime Minister after the commission of crime; and whether there was any lapse or dereliction of duty in this regard on the part of individuals responsible for providing such medical attention;

(E)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."

(4) On 21st January, 1985 the said Commission framed additional regulations u/s 8 of the Commission of Inquiry Act with regard to the procedure which was to be followed by it. The said regulations were duly notified and printed in the Gazette of India. Regulation 8 which was so framed is as follows :-

"IN view of the sensitive nature of the subject-matter of the inquiry, the proceedings will be in camera unless the Commission directs otherwise.

IN pursuance of the said regulation the Commission examined and recorded statements of various persons in camera.

(5) After the trial of the petitioner had started he moved an application dated 4th April, 1985 before the Commission. In the said application it was stated, inter alia, that the petitioner was a person who overtly and/or covertly was also under inquiry by the Commission. It was also submitted that the petitioner's reputation was under inquiry and, Therefore, the Commission could not inquire into both these aspects behind his back. The submission of the petitioner was that irrespective of the fact whether the proceedings were being conducted by the Commission in public or in camera, the Commission was obliged to invite the petitioner to take part in the proceedings and to give him an opportunity to exercise his right of presenting his version and to cross-examine, if necessary, the persons whose evidence was brought before the Commission by its investigating agency any other authority or agency/or otherwise. It was also the submission of the petitioner that Rule 5 of the rules, framed under the

Commissions of Inquiry Act, did not provide a lawful justification to hold the proceedings in camera. The Commission was accordingly requested to allow the petitioner's counsel to participate in the proceedings.

(6) The aforesaid application filed by the petitioner was not accepted by the Commission by its order dated 10th April, 1985. The order passed by the Commission was in the following terms:-

"WHILE the application is "signed" by the applicant himself as also by his learned Advocate, it is not supported by any affidavit. What is more, the application contains insinuations and allegations of scandalous character against the Commission as also wide-ranging, unnecessary and scandalous allegations against several persons.

2.The application deserves to be "filed" in as much as :

(I)Insinuations and scandalous allegations are made against the Commission.

(II)The facts stated and the allegations made in the application are not supported by any affidavit (much less an affidavit by a person having personal knowledge).

(III)Unnecessary, irrelevant and scandalous allegations are made against a number of persons; and

(IV)To entertain such an application is to permit, with impunity, misuse of the process of law.

3.The application is, for these reasons, and under these circumstances, ordered to be filed. The Secretary to the Commission is directed to send to the applicant, Satwant Singh, a copy of this order passed in his application for his information."

THE Petitioner has not taken any steps to challenge the aforesaid order of the Commission.

(7) The Commission was originally required to submit its report within six months of its constitution. This time was however extended. It is an admitted case between the parties that the Commission submitted a report to the Government on 19th November, 1985, and another report was submitted by it on 27th February, 1986. It is these reports the production of which is sought by the petitioner.

(8) By judgment dated 22nd January, 1986 the petitioner was found guilty of the offences alleged to have been committed by him. He was, inter alia, sentenced to death for the offences stated to have been committed u/s 302 read with Section 120-B Indian Penal Code . Thereafter, the Addl. District Judge, who had convicted the petitioner, made a reference to this Court for confirmation of the sentence being Murder Reference Nos. of 1986. The petitioner has also filed Criminal Appeal No. 28 of 1986 wherein he has challenged his conviction.

(9) It was during the hearing of the aforesaid murder reference and the criminal

appeal that the petitioner filed the present writ petition. It was contended by the petitioner that the Commission was required to cover the same points which were involved in his trial. It was further alleged that during the cross-examination of several prosecution witnesses it was proved that most of them had made statements and given evidence before the Commission. According to the Petitioner, such prior statements of those witnesses were relevant in his murder trial u/s 145 of the Evidence Act. Reference was made in the petition to various reports which had appeared in the newspapers and the magazines in India and it was sought to be contended that according to the report of the Commission there was no conspiracy to kill Smt. Indira Gandhi. While alleging that the three terms of reference, namely, terms (a), (b) and (e) were identical with the questions involved in the trial, the petitioner prayed that the Central Government should be directed, by a writ of mandamus, to lay before the House of the People, the report of the Commission together with a memorandum of action taken thereon before the aforesaid murder reference and criminal appeal were heard. It was also the contention of the petitioner that under the provisions of Section 3(4) of the Commission of Inquiry Act it was incumbent upon the Government to lay before the House of the People the reports submitted by the Commission. According to the petitioner the terms of Section 3(4) of the said Act required the reports to be laid before the House of the People within six months of their being submitted to the Government.

(10) At the time of preliminary hearing the learned counsel for the petitioner confined his prayer only for a direction that the respondents should comply with the provisions of Section. 3(4) of the said act. Notice was issued to the respondents to show cause why the petition should not be admitted and this notice was limited only to this ground.

(11) After the respondents had taken time for filing a reply to this show cause notice, on 14th May, 1986 the President of India promulgated an ordinance (Ordinance No. 6 of 1986) whereby sub-sections (5) and (6) have been inserted to Section 3 of the said Act. These sub-sections read as follows :-

"(5)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, it is not expedient to lay before the House of the People or, as the case may be, the Legislative Assembly of the State, the report, or any part thereof, of the Commission on the inquiry made by the Commission under Sub-section (1), and issue a notification to that effect in the Official Gazette.

(6)Every notification issued under sub-section (5) shall be laid before the House of the People or, as the case may be, the Legislative Assembly of the State, if it is sitting as soon as may be after the issue of the notification, and if it is not sitting, within seven days of its re-assembly, and the appropriate Government shall seek the approval of the House of the People or, as the case may be, the Legislative Assembly of the State, to the notification by a resolution moved within a period

of fifteen days beginning with the day on which the notification is so laid before the House of the People, or, as the case may be, the Legislative Assembly of the State and if the House of the People or, as the case may be, the Legislative Assembly of the State, makes any modification in the notification or directs that the notification should cease to have effect, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be."

(12) In purported exercise of the powers under newly added sub-section (5) of Section 3 of the Act the Governments also issued a notification dated 15th May, 1986 in which it was stated as follows :-

"S.O.269(E).-In exercise of the powers conferred by sub-section (5) of Section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government being satisfied 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 that 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, appointed under the notification of the Government of India in the Ministry of Home Affairs No. S.O. 867(E), dated the 20th November, 1984, hereby notifies that the said reports shall not be laid before the House of the People."

(13) At this stage it is necessary to consider and examine the full effect and import of the amendment to the Act brought about by the promulgation of the ordinance. Section 3(1) empowers the Government to appoint a Commission of Inquiry for purposes of making an inquiry into any definite matter of public importance, if in its opinion it is necessary to do so. It is not incumbent upon the Government to appoint such a commission whenever a definite matter of public importance arises. On the other hand, when the House of the People or the Legislative Assembly of a State passes a resolution to this effect, then the appropriate government, u/s 3(1) of the said Act, is bound to appoint a Commission of Inquiry. The Commission so appointed, whether at the initiative of the Government or of the House of the People or the State Legislative Assembly is required to perform its functions within the time specified in" .the notification. Such commissions are usually appointed, as observed by the Supreme Court in order to enable it (Government) to make up its mind as to what legislative or administrative measures should be adopted to eradicate the evil found or to implement the beneficial objects it has in view. From this point of view, there can be no objection even to a Commission of Inquiry recommending the imposition of some form of punishment which will, in its opinion, be sufficiently deterrent to delinquents."

(14) Prior to the incorporation of sub-section (4) of Section 3 in 1971 there was no provision in the Act which made it obligatory on the Government to place before the House of the People or the Legislative Assembly, as the case may be, any report submitted by a Commission of Inquiry. It was felt that it was necessary that there should be a specific provision in the Act requiring the appropriate Government to cause the report of every Commission of Inquiry to

be laid before the House of the People or the Legislative Assembly, as the case may be together with a memorandum in regard to the action taken thereon, within a period of six months from the date of the submission of the report. With this end in view, sub-section (4) of Section 3 was inserted by Amending Act 79 of 1971. Section 3(4) did not leave any discretion to the Government as to whether or not it should place the report of a Commission of Inquiry before the House of the People. It was immaterial whether the Commission of Inquiry had been constituted as a consequence of a resolution having been passed by the House of the People or the Legislative Assembly or whether it had been constituted by the Government on its own initiative. In each case it had become incumbent upon the appropriate government to comply with the mandatory requirement of sub-section (4) of Section 3 of the said Act. The Amendments brought about by the impugned ordinance, however, appear to whittle down the provisions of sub-section (4) of Section 3.

(15) Under sub-section (5) the appropriate Government may issue a notification stating that it is not expedient to lay before the House of the People or as the case may be, appropriate assembly of the State, the report or any part thereof of the Commission of Inquiry. This power can be exercised by the appropriate government only if it is satisfied that the issuance of the notification is in the interest of sovereignty and integrity of India or in the security of the State or in the friendly relations with foreign States or in the public interest. The action of the Central Government of the issuance of a notification under sub-section (5) is not absolute. Sub-section (6) provides that every such notification issued under sub-section (5) shall be laid before the House of the People or the Legislative Assembly, as the case may be, within the time specified in the said sub-section. The approval of the House of the People or the Legislative Assembly has to be obtained by a resolution being moved within a period of 15 days beginning with the day on which the notification is so laid by the appropriate government. Ultimately it is for the House of the People or the Legislative Assembly, as the case may be, to decide by a resolution whether it approves of the notification or it may direct the notification to be modified or not to have any effect at all. In other words, whether the report is to be laid before the House of the People or the State Assembly is a matter which has finally to be decided by the House of the People or the State Assembly, as the case may be, and the decision of the appropriate government under sub-section (5) of Section 3 of the Act is neither final nor conclusive. It may, Therefore, happen that even though the appropriate government issues a notification under sub-section (5) the House of the People or the Legislative Assembly, as the case may be, may come to a different conclusion and may direct the appropriate government to place on the Table of the House of the People or the Legislative Assembly, the whole or part of the report submitted by a Commission of Inquiry.

(16) The petitioner then sought leave of this Court to amend the writ petition, in order to challenge the aforesaid ordinance and the notification issued there under. Reply to the application seeking amendment and to the proposed

amended writ petition was filed by the respondents. The petitioner, however, was allowed to amend the writ petition and thereupon Rule Nisi was issued. The counsel for the respondents stated that he did not wish to file any further reply and that the reply already filed may be regarded as the reply to the amended writ petition. With the agreement of the counsel for the parties the Court then proceeded to hear the petition on merits.

(17) The first contention of the learned counsel for the petitioner was that the statements made by witnesses who had appeared before the Commission, prior to the trial of the petitioner before the Sessions Court, were admissible and usable as per Section 145 of the Evidence Act and that Section 6 of the Commissions of Inquiry Act did not bar the use of such prior statements before the trial Court. Reliance was placed on and . The learned counsel elaborated his arguments by submitting that a number of prosecution witnesses had stated that they had made statements before the Commission. It was contended by Mr. Lekhi that Article 21 of the Constitution required that the procedure established by the law should be followed and Section 145 of the Evidence Act was a part of the said procedure. The submission was that the petitioner had a right to be given copies of the statements of the witnesses recorded by the Commission so that the petitioner was in a position to, if necessary, confront those witnesses when they appeared at the time of the trial, with a view to contradicting them. The learned counsel submitted that a direction should be issued to the respondents to make available to the petitioner the statements of the witnesses who had deposed before the Commission.

(18) Mr. Anand, learned counsel for the respondent however, submitted that the petitioner has not been able to make out a case u/s 145 of the Evidence Act. According to the learned counsel, the petitioner had no right to get the statements which had been recorded by the Commission. In this connection it was contended that the previous statement of a witness can be used only for contradicting him and not as substantive evidence. There was, according to the learned counsel, no allegation made by the petitioner anywhere that any of the witnesses had contradicted himself with his previous statement. It was also contended on behalf of the respondents that the Commission had directed that the proceedings before it should be in camera, and, this being so, the statements recorded in the course of these proceedings could not be made available to any party. According to the respondents the Commission itself had recommended that its report should be kept confidential. It was lastly contended that the trial Court had rejected the application of the petitioner to summon the statements of witnesses made before the Commission and an appeal against judgment of the trial court was pending in this Court and, Therefore, this question could at best be raised in that appeal and not in these proceedings under Article 226 of the Constitution.

(19) In our opinion it will not be proper for this Court while exercising its jurisdiction under Article 226 of the Constitution to go into the question as to

whether the petitioner was or was not entitled to get copies of the statements of witnesses recorded by the Commission. It is an admitted fact that during the course of his trial the petitioner had requested the trial court for the summoning of the statements of witnesses recorded by the Commission. This application was rejected by the trial court. There after, the trial proceeded and the petitioner has been convicted. If the petitioner had any grievance in the trial court not allowing the statements being summoned, then it was open to the petitioner to challenge the action of the trial court in the appeal which is pending in this Court. Mr. Lekhi, learned counsel for the petitioner informed us that, in the appeal and the murder reference, he has raised the contention that the trial court was in error in rejecting his application for the summoning of the statements of the witnesses recorded by the Commission.

(20) This question, if it is so raised, will have to be decided by the Bench which is hearing the appeal and the murder reference. Therefore, apart from the fact that an alternative avenue to ask for the said statements is open to and availed of by the petitioner, we feel that it would in any case be more appropriate that this contention of the petitioner is dealt with in the criminal appeal itself. The Court would, while hearing the murder reference and appeal, have an occasion to see whether, on the evidence and on the facts and circumstances on record, the provisions of Section 145 of the Evidence Act are attracted to the case or not. The contentions which have been urged before us in this petition can be urged at the time of hearing of the appeal. The petitioner is asking for a direction for being supplied with the copies of the statements of the witnesses only for the purpose of his criminal appeal and the murder reference which is pending before this Court. When this very contention is stated to have been raised in the murder reference and the criminal appeal, we see no reason why we should deal with this contention in this petition. The petitioner cannot be permitted to raise a contention in the writ petition which he could have and, as contended by the learned counsel for the petitioner, has already raised it in the criminal appeal filed by him.

(21) For the view which we are taking it is not, Therefore, necessary to refer to any of the decisions which had been cited by the counsel for the parties. Nor is it necessary for us to express any opinion on the question of what is the effect of the Commission having directed that "the proceedings should be conducted in camera.

(22) It was then contended by Mr. Lekhi, learned counsel for the petitioner that the aforesaid ordinance and notification violate Article 21 of the Constitution in as much as they purport to place an absolute privilege from disclosure of the reports of the Commission, According to the learned, counsel Article 21 of the Constitution is violated if procedure established by law is not followed. If the ordinance debars the disclosure of the statements made before the Commission, and prevents the petitioner from making use of them u/s 145 of the Evidence Act, then it was submitted that the ordinance should be regarded as being

vocative of Article 21 of the Constitution because the petitioner is deprived of following the procedure which is established by the law.

(23) On a specific query raised by us both Mr. Lekhi and Mr. Anand stated that the statements and evidence before the Commission did not form part of the report of the Commission. This being so, it is obvious that the Ordinance, which only deals with the report made by a Commission, is not concerned with the statements and evidence which were recorded before a Commission. Therefore, the question as to whether the statements and evidence recorded before the Commission should or should not be made available to the petitioner, is in no way affected by the promulgation of the ordinance. The position in law with regard to the production of the said evidence and statements remain unchanged. The petitioner as such cannot contend that the ordinance and the notification, which deal with only the report of a commission, is vocative of Article 21 of the Constitution on the ground that absolute privilege is given to the statements and evidence recorded before the Commission. As we have already observed, it is open to the petitioner to agitate this contention in the appeal against his conviction and the ordinance and the notification does not in any way debar him from raising this contention.

(24) As regards the reports of the Commission are concerned, it is not doubt true that the effect of the Ordinance, as well as the impugned notification, is that there is a possibility that the reports will not be laid in the House of the People-If it is not so laid, and the House approves of the notification issued u/s 3(5) of the Act, the reports will not become public and the petitioner will not know about the contents thereof. Whether the non-disclosure of the reports violates the petitioner's rights under Article 21 of the Constitution is, Therefore, the next question to be decided.

(25) It is now well settled that the only power that a Commission, constituted u/s 3 of the commissions of Inquiry Act, has is to inquire into and make a report and give its recommendations. The Commission, as observed by the Supreme Court in has no power of adjudication in the sense of passing an order which can be enforced proprio vigore. The report of the Commission cannot be looked upon as a. judicial inquiry. A commission is constituted, inter alia, to inquire into definite matters of public importance, and the report which is made by the Commission informs the Government about the matters referred to the Commission, and presumably helps the Government in chalking out the future course of action. The report of a Commission is nothing more than an opinion of the Commission on the matters referred to it and we fail to see as to how the non- disclosure of such a report can in any way violate the petitioner's rights under Article 21 of the Constitution. Even if we assume that the report of the Commission had been made public, and was made available to the petitioner during the course of the trial, we are doubtful whether the said report would even be admissible as a substantive piece of evidence. At best it may be admissible, if at all, only as an opinion expressed by the Commission. Any opinion so expressed can under no

circumstances be binding on any Court of Law. No provision of law has been brought to our notice which would enable the petitioner to rely on the report itself as a substantive piece of evidence.

(26) In any case Article 21 guarantees that life or liberty will not be deprived except according to the procedure established by law. This does not mean that the procedure itself cannot be changed. Assuming, for the sake of arguments, that the procedural laws did permit a report of a Commission to be taken in evidence, there is nothing in the Constitution which would debar the Parliament from enacting a valid law changing such a procedure. It would be open to the law-makers to enact a law which will prevent the report of a Commission being produced in evidence. The procedure so laid down by the laws so enacted would be regarded as "procedure established by law", as envisaged by Article 21 of the Constitution, and so long as such a procedure is always followed there would be no violation of Article 21. In other words. Article 21 does not and cannot prevent the Parliament from validly changing the procedural law, and the Procedure so laid down, by amending the law, would of course have to be followed before a person can be deprived of his life or liberty.

(27) It was lastly contended by Mr. Lekhi and that the notification issued on 15th May, 1986 u/s 3(5) of the Act was bad in law as no material had been placed on record justifying the subjective satisfaction of the Government, that it was in the interest of security of the State or in the public interest, to withhold the two reports submitted by the Commission. We are unable to agree with this submission. Firstly, there is no averments in the petition in which it is categorically stated that there was no valid satisfaction of the Government u/s 3(5) of the Act. The petitioner had been permitted to amend the writ petition in order to challenge the said notification. The question as to whether there was subjective satisfaction or not is a question of fact. Without alleging in the petition about the absence of a valid satisfaction, the petitioner cannot be permitted to raise such a contention at the time of arguments. Nevertheless, the respondents have in their affidavit in reply to the amended petition stated as follows :-

"14. That the Central Government, after careful consideration of the matter, is satisfied that it is not in the public interest and in the interest of security of State to lay the report before the House of the People. Even the Commission of Inquiry itself has noted about the sensitivity and confidentiality of the matters forming part of the Report and the Chairman of the Commission who is a sitting Judge of the Supreme Court of India, has also stated in the Report to that effect.

15. It was, Therefore, considered to be expedient in the interest of the security of the State and in the public interest not to lay before the House of the People the aforesaid two reports submitted by Justice Thakkar Commission. A proposal in this regard was submitted to the Minister of State in the Department of Internal Security and was approved by him on 14-5-1986. Thereafter, Notification No. 260(E) dated 15th May, 1986 was issued in the Official Gazette to the effect that the Central Government, being satisfied 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 that Government on the 19th November, 1985 and 27th February, 1986 by Justice M. P. Thakkar notify that the said Reports shall not be laid before the House of the People."

(28) The said affidavit has been sworn to by Shri R. D Pradhan, Secretary to the Government of India, Ministry of Home Affairs and we see no reason to disbelieve the contents thereof. The paragraphs quoted above clearly indicate the application of mind by the Central Government before coming to the conclusion that it was in the public interest and in the interest of security of the State to not to lay the reports before the House of the People. Mr. Lekhi then contended that according to the said return the proposal not to lay the reports before the House of the People was approved by the Minister of State in the Department of Internal Security and there is nothing on record to show that the Minister of State was authorised to take this decision on behalf of the Government of India. It is true that the impugned notification has not been authenticated in the manner provided by Article 77(2) of the Constitution. Nevertheless, it is open to the respondents, if called upon to do so, to prove and show to the Court that a decision on behalf of the Central Government has been taken by a person who had been duly authorised and empowered to take such a decision. If the petitioner, Therefore, wanted to challenge the authority of the Minister of State to take a decision to issue the said notification, then the petitioner ought to have raised this contention in the writ petition itself and it is only thereafter that the respondents would have had an opportunity of placing on record evidence to show that the Minister of State in the Ministry of Home Affairs, and in-charge of the Department of Internal Security, was duly empowered and authorised to take a decision u/s 3(5) of the Act. We cannot allow the learned counsel for the petitioner to raise such a question of fact for the first time at the time of arguments. We may, however, take note of the statement made at the Bar by the learned counsel for the respondents that according to the Government of India Allocation of Business Rules, 1961, all matters relating to law and order are required to be dealt with by Department of Internal Security of which the Minister of State is in-charge.

(29) For the aforesaid reasons we are satisfied that there is nothing of the record of this case which may possibly lead us to the conclusion that the impugned notification is in any way illegal. Furthermore, we are clearly of the opinion that the impugned Ordinance is not ultra vires. The only challenge to the Ordinance, which was raised before us at the time of arguments, was that it was violative of Article 21 of the Constitution. In our opinion for the reasons mentioned hereinabove there is no force in this contention and, Therefore, the challenge to the validity of the said Ordinance must necessarily fail.

(30) Before concluding we may notice that amongst the various contentions which had been raised by Mr. Anand, on behalf of the respondents, he had strenuously contended that the final decision as to whether the reports of the

Commission is to be laid before the House of the People or not has to be taken by that House and as this question has not yet been decided by the House, this Court should not pre-empt the right of the House of the People to approve or disapprove the notification dated 15th May, 1986. It is no doubt true that the ultimate decision as to whether the reports of the Commission should be laid down before the House or not is yet to be taken by the House of the People u/s 3(6). There is considerable force in the contention of the learned counsel that the House of the People must take a decision before this Court goes into the question as to whether the notification, and the consequent decision of the House of the People, is valid or not. In view, however, of the view which we are taking it is not necessary for us to go into this contention in any great detail because we are satisfied that the Ordinance as well as the notification issued u/s 3(5) of the Act are both valid and legal.

(31) For the aforesaid reasons, the writ petition is dismissed. The parties are, however, left to bear their own costs.