

BEFORE JUSTICE RANGANATH MISRA, COMMISSION OF INQUIRY
5, DR. RAJENDRA PRASAD ROAD, NEW DELHI.

Reply on behalf of Union of India to the application of
Citizens Justice Committee for supply of copies of
affidavits etc.

MOST RESPECTFULLY SHOWETH:

PRELIMINARY OBJECTIONS:

1. That the affidavits have been filed by the deponents before this Hon'ble Commission in response to the Notification No. 3/1/85-MCI dated the 9th July, 1985. The deponents have filed their affidavits either personally or by post or through a lawyer or some agency. An assurance has been given by the Hon'ble Commission to the deponents through the said Notification (para 5) which is as follows:
" All affidavits made in response hereto shall be treated as confidential unless otherwise directed by the Commission after hearing the deponent".
2. That in view of the provision contained in para 5 of the said notification all affidavits are confidential documents. Their contents cannot be revealed to any person or organisation without hearing the concerned deponent.
3. That since this Hon'ble Commission is handling a very sensitive issue involving amity between various communities and religious groups and ultimately the integrity of the Nation, it is in the fitness of things that the Hon'ble Commission has framed the said rule of procedure to keep the affidavits as confidential documents. Keeping in view the rising wave of terrorism and such other anti-national and violent activities of anti-social elements it is all the more proper that the contents of the affidavits should not be revealed without hearing the deponent.
4. That the proceedings before this Commission are inquisitorial. There is no lis between the parties. The various organisations who have voluntarily come forward to assist the Commission cannot claim the status of a party in the popular sense. As such the Citizens' Justice Committee has no right to the disclosure of the affidavits and to obtain their copies.
5. The Citizens' Justice Committee does not possess any representative capacity as such they cannot claim to represent the interest of any particular community.

ON MERITS

6. That regarding para 1 of the application under reply it is submitted that the affidavits have been filed before the Hon'ble Commission in response to notification No. 3/1/85-MCI dated 9th July, 1985. The number of affidavits filed are not known to the Union of India.

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It is quite possible that the Citizens' Justice Committee might have motivated 350 persons to file their affidavits and thus they might be in possession of their copies. The answering respondent has no knowledge about the number of copies of the affidavits in possession of the Committee.

7. That the Union of India has no knowledge about the contents of para 2 of the application. Hence denied.
8. That para 3 of the application is a matter of record.
9. That para 4 of the application is denied. The Committee can always suggest the names of the deponents whom they consider material and important. The affidavits are confidential documents. The contents, subject matter or particulars of the affidavits cannot be disclosed to any organisation unless the deponents are heard. This Hon'ble Commission has the sole discretion to find out material and important witnesses to be examined for the purpose of present inquiry.
10. That para 5 of the application is denied. The applicants are not entitled to obtain copies of the affidavits as prayed for.

It is, therefore, prayed that the application may kindly be dismissed.

Sd/- S.N. KHARE

Government Counsel for the Union
of India.

New Delhi
29th November, 1985.