

COMMITTEE OF PRIVILEGES

ELEVENTH REPORT

(THIRD LOK SABHA)

(Presented on the 30th November, 1966)



LOK SABHA SECRETARIAT
NEW DELHI

November, 1966
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CONTENTS

| | PAGE |
|---|-------|
| 1. Personnel of the Committee of Privileges | (iii) |
| 2. Report | I |
| 3. Minutes | 7 |
| 4. Evidence | 19 |
| 5. Appendices | 73 |

PERSONNEL OF THE COMMITTEE OF PRIVILEGES
(1966-67)

CHAIRMAN

Shri S. V. Krishnamoorthy Rao.

MEMBERS

2. Shri Frank Anthony
3. Shri N. C. Chatterjee
4. Sardar Kapur Singh
5. Shri L. D. Kotoki
6. Shri H. N. Mukerjee
7. Shri V. C. Parashar
8. Shri Purushottamdas R. Patel
9. Shri C. R. Pattabhi Raman
10. Shri Jaganath Rao
11. Shri Yuveraj Dutta Singh
- *12. Shrimati Ramdulari Sinha
13. Shri Satya Narayan Sinha
14. Shri Sinhasan Singh
15. Shri Sumat Prasad.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

*Nominated on the 3rd August, 1966.

ELEVENTH REPORT OF THE COMMITTEE OF PRIVILEGES

(THIRD LOK SABHA)

I—Introduction and Procedure

I, the Chairman of the Committee of Privileges, having been authorised to submit the report on their behalf, present this report, to the House on the question of privilege raised¹ by Shri Madhu Limaye, M.P., on the 18th August, 1966, and referred to the Committee by the House, against Colonel Amrik Singh *alias* Shri K. S. Sahi with regard to a letter² dated the 4th August, 1966 written by him to the Speaker, Lok Sabha, which mentioned of a document alleged to have been signed by Shri Jit Paul showing an entry of payment of a sum of Rupees forty thousand against the name of Sardar Hukam Singh, Speaker, Lok Sabha.

In his letter addressed to the Speaker, Colonel Amrik Singh had *inter alia* stated:—

“ * * * * *

A vital document submitted on record with statements u/s 164 Cr. P.C., shows details of bribe money paid to several persons, signed by the said Shri Paul, and a sum of Rs. 40,000 is shown against your name. The existence of these documents has been admitted by the Government before the High Court in proceedings relating to the connected cases (Cr. Writ No. 18-D/65)

* * * * *

.... in order to confirm what I have stated you have only to see and read the documents admitted by Government in Cr. Writ 18-D/1965 before His Lordship Mr. Justice S. K. Kapur of the Punjab High Court.”

2. The Committee held ten sittings. The relevant Minutes of these sittings form part of the Report.

3. At the first sitting held on the 19th August, 1966, the Committee decided that Sarvashri Frank Anthony and V. C. Parashar,

¹L.S. Deb. dated 18-8-1966, cc. 5496—5506.

²See Appendix I.

Advocates and members of the Committee, might go to the Circuit Bench of the Punjab High Court at New Delhi and inspect the records of the Criminal Writ Petition No. 18-D/1965 and all other documents connected therewith so as to find out whether the relevant document mentioned by Colonel Amrik Singh in his letter dated the 4th August, 1966, addressed to the Speaker, Lok Sabha, which according to him contained an alleged entry of payment of a sum of money to Sardar Hukam Singh, Speaker, Lok Sabha, existed.

4. At the second sitting held on the 23rd August, 1966, the Committee decided that Colonel Amrik Singh be asked to appear before the Committee in person.

5. At the fourth and fifth sittings held on the 1st September and 4th October, 1966, the Committee examined Colonel Amrik Singh and directed him to produce the following documents:

- (i) The original document, or a certified copy thereof, stated to be signed by Shri Jit Paul in which an entry of payment of Rs. 40,000 was alleged to be shown against the name of the Speaker, Sardar Hukam Singh.
- (ii) Certified copy of the application made by him to the Magistrate at Ambala applying for the return or recovery of the documents and the order of the Magistrate thereon.
- (iii) Certified copy of the order of the District Magistrate at Ambala returning his application stating that the documents were not traceable or the original order of the District Magistrate on his application.
- (iv) Certified copy of the application made by him to the Magistrate at Delhi/New Delhi applying for the return of the documents and the Magistrate's order thereon.
- (v) Certified copy of the petition or application made by him when the document in question was filed by him in the court.
- (vi) Certified copy of the Order Sheet or the original thereof in the case No. 3/49 State vs. Amrik Singh.
- (vii) Certified copy of any other documents relevant to the document in question.

6. At the sixth and seventh sittings held on the 3rd and 7th November, 1966, the Committee deliberated on the matter and arrived at their conclusions.

7. At the eighth sitting held on the 10th November, 1966, the Committee considered their draft report and adopted it.

II—Facts of the Case

8. On the 5th August, 1966, Shri Madhu Limaye, M.P. gave notice³ of a question of privilege, addressed to the Speaker, Lok Sabha, "against one gentleman styling himself as Colonel Amrik Singh alias K. S. Sahi (C/o No. 8A, Marina Arcade, Connaught Circus, New Delhi) for his having written a letter⁴ to the Speaker which speaks of a document signed by Mr. Jit Paul, partner of Amin Chand Pyarelal in which he had shown a sum of Rs. 40,000 against the name of the Hon. Speaker of the Hon. Lok Sabha".

9. On the 18th August, 1966, Shri Madhu Limaye, M.P. raised a question of privilege in the House on the subject. While raising the matter in the House, Shri Madhu Limaye urged that Colonel Amrik Singh should be brought before the House and be asked to produce evidence in support of his allegation about the existence of the document pertaining to Shri Jit Paul, and in case of his failure to do so, he should be severely punished. But, if it was proved that such a document existed, then Shri Jit Paul should be punished for making such a serious allegation against the Speaker.

10. After some discussion, the matter was referred to the Committee of Privileges by the House.

III—Findings of the Committee

11. Colonel Amrik Singh, in his letter dated the 4th August, 1966 addressed to the Speaker, Lok Sabha, had stated that the existence of the document signed by Shri Jit Paul and showing a sum of Rs. 40,000 against the name of the Speaker, Lok Sabha, had been admitted by the Government before Mr. Justice S. K. Kapur of the Punjab High Court in Cr. Writ Petition No. 18-D/1965.

12. The Committee, therefore, deputed Sarvashri Frank Anthony and V. C. Parashar, Advocates and members of the Committee, to go personally to the Circuit Bench of the Punjab High Court at New Delhi and inspect the records of the Cr. Writ Petition No. 18-D/1965

³See Appendix II.

⁴According to Shri Madhu Limaye's notice of question of privilege, a copy of Col. Amrik Singh's letter, dated the 4th August, 1966 addressed to the Speaker, Lok Sabha, was given to Shri Madhu Limaye by Col. Amrik Singh.

and all other documents connected therewith, so as to find out whether the relevant document mentioned by Col. Amrik Singh in his letter dated the 4th August, 1966 addressed to the Speaker, Lok Sabha, existed. Sarvashri Frank Anthony and V. C. Parashar, accordingly, went to the Circuit Bench of the Punjab High Court at New Delhi on the 22nd August, 1966 and examined the records of the Cr. Writ Petition No. 18-D/1965. Thereafter, certified copies⁵ of the relevant records in that case (*viz.* copy of Index, Memorandum of Parties, Writ Petition, Affidavit of Petitioner, Annexure, Government's reply dated the 26th February, 1965 and order of Mr. Justice S. K. Kapur dated the 26th July, 1965) were also obtained by the Committee from the Registrar of the Circuit Bench of the Punjab High Court at New Delhi.

13. The Committee, however, could not find any mention of the document in question either in the Government's reply dated the 26th February, 1965 to Colonel Amrik Singh's Cr. Writ Petition No. 18-D/65 or in the order of Mr. Justice S. K. Kapur dated the 26th July, 1965 on the said Petition.

14. The Committee find that the statement made by Col. Amrik Singh in his letter dated the 4th August, 1966 addressed to the Speaker, Lok Sabha, that the existence of the document in question had been admitted by the Government before Mr. Justice S. K. Kapur of the Punjab High Court in Cr. Writ Petition No. 18-D/1965, is not correct. No such document is even mentioned either in the Government's reply or in Mr. Justice S. K. Kapur's order.

15. Since the document in question was not mentioned in the records of the Cr. Writ Petition No. 18-D/65 as stated by Colonel Amrik Singh, the Committee decided to examine Col. Amrik Singh in person about the existence of the document. The Committee, accordingly, called and examined Col. Amrik Singh twice, on the 1st September and 4th October, 1966.

16. On the 1st September, 1966, when the Committee questioned Col. Amrik Singh about the existence of the document in question, he deposed that he had filed the document in question along with some other documents in some Court at Ambala in a case against him. He said that he had already filed applications in Courts at Ambala and Delhi applying for the return or recovery of the documents, that the District Magistrate at Ambala had returned his application stating that the documents were not traceable.

⁵See Appendix III.

The Committee, thereupon, directed Col. Amrik Singh to furnish by the 20th September, 1966, the document in question or a certified copy thereof, certified copies of the applications made by him to the Courts for the return or recovery of the documents and the orders of the Courts concerned on his applications, certified copy of the petition or application made by him when the document in question was filed by him in the Court and a certified copy of the Order Sheet or the original thereof in that case (case No. 3/49 State vs. Amrik Singh, as given by Col. Amrik Singh). He was also directed to appear again before the Committee on the 4th October, 1966.

17. None of the above-mentioned documents were, however, produced by Col. Amrik Singh in spite of the clear directions of the Committee.

When Col. Amrik Singh again appeared before the Committee on the 4th October, 1966, he alleged that the District and Sessions Judge, Delhi, had given a finding to the effect that the records in Col. Amrik Singh's case (including the alleged document signed by Shri Jit Paul containing an entry of payment of Rs. 40,000 against the name of Sardar Hukam Singh, Speaker, Lok Sabha) "have been tampered with and certain vital documents have been removed".

The Committee, thereupon, directed Col. Amrik Singh to submit the documents asked for by the Committee earlier, together with a certified copy of the alleged findings of the concerned District and Sessions Judge, Delhi, by the 31st October, 1966, at the latest.

18. Col. Amrik Singh, however, did not produce any document asked for by the Committee. On the 31st October, 1966, he simply sent an "affidavit" regarding the applications which, he stated, he had filed in certain Courts for certified copies of some documents.

19. The Committee observe that Col. Amrik Singh has, in spite of the ample opportunity given to him by the Committee, failed to furnish either the alleged document (stated to be signed by Shri Jit Paul) or a certified copy thereof. He has also failed to produce any of the other documents asked for by the Committee on the 1st September and 4th October, 1966.

20. The Committee consider that it is futile to pursue the matter any further with Col. Amrik Singh for the production of the document in question or a certified copy thereof. He has not submitted even certified copies of the applications which he stated he had made to the Courts from time to time for the return of the documents and the orders of the Courts thereon.

21. The Committee have, therefore, reached the conclusion that Col. Amrik Singh is unable to substantiate his allegation that the relevant document referred to in his letter dated the 4th August, 1966 stated to be signed by Shri Jit Paul and containing an alleged entry of payment of a sum of Rs. 40,000 against the name of Sardar Hukam Singh, Speaker, Lok Sabha was ever in existence or the same was ever filed in the Courts.

22. The Committee are of the opinion that the conduct of Col. Amrik Singh in writing a letter to the Speaker, Lok Sabha, alleging the existence of a document of this nature, which he is unable to substantiate, is very reprehensible and is a grave affront against the honour and dignity of the office of the Speaker and amounts to a gross breach of privilege and contempt of the House. This has been further aggravated by him by approaching a Member of Parliament, Shri Madhu Limaye, and handing over to him a copy of his letter addressed to the Speaker, Lok Sabha. The aforesaid conduct of Col. Amrik Singh *alias* K. S. Sahi is most condemnable and deserves severest reprimand.

23. The Committee are, however, of the view that the process of Parliamentary investigation should not be used in a way which would give importance to irresponsible or reckless statements or to persons of no consequence making such statements. The Committee feel that it would be inconsistent with the dignity of the House to give undue importance to a person of the antecedents of Col. Amrik Singh by pursuing the matter any further.

IV—Recommendations of the Committee

24. The Committee are of the opinion that the House would best consult its own dignity by taking no further notice of the matter. The Committee accordingly recommend that no further action be taken by the House in the matter.

25. The Committee, however, feel that Members of Parliament should be very discreet in entertaining and raising such matters in the House and unless they are genuinely satisfied about the authenticity of the information as well as the antecedents of the person giving that information, they should not seek to raise those matters in the House based on such reckless allegations.

S. V. KRISHNAMOORTHY RAO,

Chairman,

Committee of Privileges.

NEW DELHI;

The 10th November, 1966.

MINUTES

I

First Sitting

New Delhi, Friday, the 19th August, 1966

The Committee met from 16-30 to 17-00 hours.

PRESENT

CHAIRMAN

Shri S. V. Krishnamoorthy Rao.

MEMBERS

2. Shri Frank Anthony
3. Shri N. C. Chatterjee
4. Shri L. D. Kotoki
5. Shri H. N. Mukerjee
6. Shri V. C. Parashar
7. Shri Purushottamdas R. Patel
8. Shri C. R. Pattabhi Raman
9. Shri Yuveraj Dutta Singh
10. Shrimati Ram Dulari Sinha
11. Shri Sumat Prasad.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

* * * * *

3. The Committee then took up consideration of the question of privilege raised by Shri Madhu Limaye, M.P. regarding a letter written to the Speaker by one Colonel Amrik Singh *alias* K. S. Sahi about an alleged document pertaining to one Jit Paul (a partner of the firm Amin Chand Pyarelal) showing an entry of payment of a sum of money to the Speaker, Lok Sabha. The Chairman at the outset read out a letter dated the 19th August, 1966 received by him from Colonel Amrik Singh in which the latter had volunteered to appear before the Committee.

****Paragraph 2 relates to another case and will be included in the Minutes of the relevant Report.

4. The Committee decided that Sarvashri Frank Anthony and V. C. Parashar, members of the Committee, accompanied by an officer of this Secretariat, might go to the Circuit Bench of the Punjab High Court at New Delhi on Monday, the 22nd August, 1966 at 11-00 hours and inspect the records of the Criminal Writ Petition No. 18-D/1965 and all other documents connected therewith so as to find out whether the relevant document mentioned by Colonel Amrik Singh in his letter dated the 4th August, 1966, addressed to the Speaker, Lok Sabha, in which an entry of alleged payment of a sum of money to the Speaker, existed. The Committee also authorised these members to apply for certified copies of any documents in the records of the Court considered relevant by them for the consideration of the question before the Committee.

The Committee further directed that a letter should be addressed to the Registrar of the Circuit Bench of the Punjab High Court requesting him to afford the necessary facilities to the members for the purpose.

5. The Committee decided to meet again on Tuesday, the 23rd August, 1966 at 16-00 hours.

The Committee then adjourned.

II

Second Sitting

New Delhi, Tuesday, the 23rd August, 1966

The Committee met from 16-00 to 16-30 hours.

PRESENT

CHAIRMAN

Shri S. V. Krishnamoorthy Rao

MEMBERS

2. Shri Frank Anthony
3. Shri N. C. Chatterjee
4. Shri Purushottamdas R. Patel
5. Shri C. R. Pattabhi Raman
6. Shri Jaganath Rao
7. Shri Yuveraj Dutta Singh
8. Shri Sinhasan Singh
9. Shri Sumat Prasad.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. At the outset, the Chairman read out to the Committee a letter dated the 21st August, 1966, received by him from Colonel Amrik Singh *alias* K. S. Sahi in which he had again offered to help the Committee in proceeding with the matter. The Chairman also informed the Committee that in pursuance of the decision of the Committee at their last sitting, Sarvashri Frank Anthony and V. C. Parashar, Members of the Committee, had on the 22nd August, 1966, inspected the records of the Cr. Writ No. 18-D/1965, referred to in the letter of Colonel Amrik Singh *alias* K. S. Sahi in his letter dated the 4th August, 1966, addressed to the Speaker, Lok Sabha, in the Circuit Bench of the Punjab High Court, New Delhi.

3. Shri Frank Anthony gave to the Committee a resume of the documents inspected by him and Shri V. C. Parashar, M.P., in the Circuit Bench of the Punjab High Court.

4. The Chairman informed the Committee that certified copies of the following documents relating to Cr. Writ Petition No. 18-D/1965 had been asked for from the Court and would be made available to the members as soon as they were received:—

- (1) Copy of Index,
- (2) Memorandum of Parties,
- (3) Writ Petition,
- (4) Affidavit of Petitioner,
- (5) Annexure (Affidavit of S. Mohinder Singh),
- (6) Government's reply dated 26-2-1965,
- (7) Order of Mr. Justice S. K. Kapoor dated 26-7-1965.

5. The Chairman also read out to the Committee the proceedings in Lok Sabha dated the 5th March, 1956 relating to Starred Question No. 452 on Durgapur Steel Plant referred to in the letter dated the 4th August, 1966, addressed by Colonel Amrik Singh *alias* K. S. Sahi to the Speaker.

6. After some discussion, the Committee decided that Colonel Amrik Singh *alias* K. S. Sahi be asked to appear before the Committee in person on Thursday, the 1st September, 1966 at 16-00 hours.

The Committee then adjourned.

III

Third Sitting

New Delhi, Wednesday, the 31st August, 1966

The Committee met from 16-00 to 16-45 hours.

PRESENT

CHAIRMAN

Shri S. V. Krishnamoorthy Rao.

MEMBERS

2. Shri N. C. Chatterjee
3. Sardar Kapur Singh
4. Shri L. D. Kotoki
5. Shri H. N. Mukerjee
6. Shri V. C. Parashar
7. Shri Purushottamdas R. Patel
8. Shri C. R. Pattabhi Raman
9. Shri Jaganath Rao
10. Shri Yuveraj Dutta Singh
11. Shrimati Ramdulari Sinha
12. Shri Sinhasan Singh
13. Shri Sumat Prasad.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

* * * * *

3. The Chairman informed the Committee of the contents of two letters, dated the 25th and 27th August, 1966 received by him from Col. Amrik Singh. The Committee decided that no reply need be sent to Col. Amrik Singh in regard to the queries made by him in his letter, dated the 27th August, 1966 and that whatever submissions he might like to make should be made by him when he appeared before the Committee on the 1st September, 1966.

* * * * *

The Committee then adjourned.

****Paragraphs 2 and 4 to 9 relate to other cases and will be included in the Minutes of the relevant Reports.

Fourth Sitting

New Delhi, Thursday, the 1st September, 1966

The Committee met from 16-00 to 17-15 hours.

PRESENT**CHAIRMAN**

Shri S. V. Krishnamoorthy Rao.

MEMBERS

2. Shri Frank Anthony
3. Shri N. C. Chatterjee
4. Sardar Kapur Singh
5. Shri L. D. Kotoki
6. Shri V. C. Parashar
7. Shri Jaganath Rao
8. Shri Yuveraj Dutta Singh
9. Shrimati Ramdulari Sinha
10. Shri Sinhasan Singh
11. Shri Sumat Prasad.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

WITNESS

Col. Amrik Singh *alias* K. S. Sahi.

2. Col. Amrik Singh was called in and examined by the Committee on oath.

3. The Committee asked Colonel Amrik Singh to furnish the following documents by the 20th September, 1966 and to appear before the Committee in person on the 1st October, 1966:—

- (i) The original document, or a certified copy thereof, stated to be signed by Shri Jit Paul in which an entry of payment of Rs. 40,000 was alleged to be shown against the name of the Speaker, Sardar Hukam Singh.
- (ii) Certified copy of the application made by him to the Magistrate at Ambala applying for the return or recovery of the documents and the order of the Magistrate thereon.

- (iii) Certified copy of the order of the District Magistrate at Ambala returning his application stating that the documents were not traceable or the original order of the District Magistrate on his application.
- (iv) Certified copy of the application made by him to the Magistrate at Delhi/New Delhi applying for the return of the documents and the Magistrate's order thereon.
- (v) Certified copy of the petition or application made by him when the document in question was filed by him in the Court.
- (vi) Certified copy of the Order Sheet or the original thereof in the case No. 3/49 State Vs. Amrik Singh.
- (vii) Certified copy of any other documents relevant to the document in question.

(The witness then withdrew)

The Committee then adjourned.

V

Fifth Sitting

New Delhi, Tuesday, the 4th October, 1966

The Committee met from 11.00 to 13.15 hours and from 15.30 to 16.05 hours.

PRESENT

CHAIRMAN

Shri S. V. Krishnamoorthy Rao

MEMBERS

- 2. Shri Frank Anthony
- 3. Sardar Kapur Singh
- 4. Shri L. D. Kotoki
- 5. Shri H. N. Mukerjee
- 6. Shri Purushottamdas R. Patel
- 7. Shri Jaganath Rao
- 8. Shrimati Ramdulari Sinha
- 9. Shri Sinhasan Singh
- 10. Shri Sumat Prasad.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

WITNESS

Colonel Amrik Singh *alias* K. S. Sahi.

2. At the outset, the Chairman informed the Committee that Colonel Amrik Singh had submitted copies of some documents certified by himself as true copies. They were neither original documents nor were they certified by any court as true copies. They were also not relevant to the case under consideration. They could not, therefore, be admitted as evidence in the case.

(Colonel Amrik Singh was then called in and examined by the Committee on oath.)

3. Colonel Amrik Singh produced a photostat copy of some typed document alleged to be a copy of a letter dated nil allegedly written by Shri Jit Paul to one Shri D. B. Thapa, Kathmandu (Nepal).

The Committee did not, however, admit the said photostat copy as valid evidence of the alleged letter of Shri Jit Paul, as it was neither a photostat copy of the original nor the one attested by any court under its seal.

4. As Colonel Amrik Singh had not submitted to the Committee any of the documents which he had been asked to do by the Committee at their sitting held on the 1st September, 1966 [*vide* items (i) to (vi) of para. 3 of the Minutes of the sitting held on the 1st September, 1966], the Committee directed him to submit those documents *by the 31st October, 1966* at the latest. The Committee also directed him to furnish by the said date a certified copy of the alleged findings of the concerned District and Sessions Judge, Delhi, to the effect that the records in Colonel Amrik Singh's case (including the alleged letter of Shri Jit Paul containing an entry of payment of Rs. 40,000/- against the name of Sardar Hukam Singh) had been tampered with and certain vital documents had been removed.

(The witness then withdrew)

* * * * *

The Committee then adjourned.

**** Paragraphs 5 to 9 relate to other cases and will be included in the Minutes of the relevant Reports.

Sixth Sitting

New Delhi, Thursday, the 3rd November, 1966

The Committee met from 16-00 to 17-05 hours.

PRESENT**CHAIRMAN**

Shri S. V. Krishnamoorthy Rao.

MEMBERS

2. Shri N. C. Chatterjee
3. Sardar Kapur Singh
4. Shri L. D. Kotoki
5. Shri V. C. Parashar
6. Shri C. R. Pattabhi Raman
7. Shri Yuveraj Dutta Singh
8. Shrimati Ramdulari Sinha
9. Shri Sumat Prasad.

SECRETARIAT

Shri M. C. Chawla—Deputy Secretary.

* * * * *

5. The Chairman then informed the Committee that Colonel Amrik Singh, who had been asked by the Committee on the 1st September and 4th October, 1966 (when he had appeared before the Committee in person), to furnish certain documents by the 31st October, 1966, at the latest, had submitted only an "affidavit" regarding the applications which he stated he had filed in certain courts for certified copies of some documents.

6. The Committee observed that Colonel Amrik Singh had, in spite of ample opportunity given to him by the Committee, failed to furnish either the alleged document (stated to be signed by one Jit Paul) or a certified copy thereof, which according to him, contained an entry of payment of Rs. 40,000/- in the name of the Speaker, Sardar Hukam Singh. Colonel Amrik Singh had also failed to produce the other documents asked for by the Committee on the 1st September and 4th October, 1966.

*** Paragraph 2 to 4 relate to another case and will be included in the Minutes of the relevant Report.

7. The Committee felt that it was futile to call Col. Amrik Singh again and that the Committee might now formulate their conclusions and report to the House.

8. The Committee decided to meet again on the 7th November, 1966 to deliberate on the matter.

The Committee then adjourned.

VII

Seventh Sitting

New Delhi, Monday, the 7th November, 1966

The Committee met from 16.00 to 17.05 hours.

PRESENT

CHAIRMAN

Shri S. V. Krishnamoorthy Rao.

MEMBERS

2. Shri N. C. Chatterjee
3. Shri L. D. Kotoki
4. Shri V. C. Parashar
5. Shri C. R. Pattabhi Raman
6. Shri Sinhasan Singh
7. Shri Sumat Prasad.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. The Chairman read out to the Committee a letter dated the 7th November, 1966 from Sardar Kapur Singh, M.P., urging the Committee to recall Colonel Amrik Singh for further examination and also to call certain other witnesses for examination before making a report to the House.

3. The Committee re-affirmed their earlier decision not to call Colonel Amrik Singh again and to conclude their deliberations in the matter. The Committee reiterated that Colonel Amrik Singh had been given ample opportunity to substantiate the existence of the document in question and that in the absence of the original document in question or a certified copy thereof, it was absolutely useless to pursue the matter further.

4. The Committee also decided that Sardar Kapur Singh's letter referred to above need not be appended to the report of the Committee, as urged by him.

5. The Committee further decided that it was not necessary to call Shri Madhu Limaye, M.P., before the Committee to hear him on the matter.

6. The Committee directed that a draft report might be prepared and circulated to the members of the Committee for consideration at their subsequent sitting.

The Committee then adjourned.

VIII

Eighth Sitting

New Delhi, Thursday, the 10th November, 1966

The Committee met from 15-30 to 16-15 hours.

PRESENT

CHAIRMAN

Shri S. V. Krishnamoorthy Rao.

MEMBERS

- *2. Sardar Kapur Singh
3. Shri L. D. Kotoki
4. Shri C. R. Pattabhi Raman
5. Shri Jaganath Rao
6. Shri Sinhasan Singh.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. The Committee considered their draft Eleventh Report and adopted it.

3. The Committee authorised the Chairman and in his absence, Shri Sinhasan Singh, to present the Report to the House on a date to be fixed by the Chairman, as soon as printed copies of the Report were made available by the printers.

* * * *

The Committee then adjourned.

*Sardar Kapur Singh left before the Committee considered their draft Eleventh Report.

****Paragraph 4 relates to another case and will be included in the Minutes of the relevant Report.

Ninth Sitting

New Delhi, Thursday, the 17th November, 1966

The Committee met from 15-30 to 16-40 hours

PRESENT

CHAIRMAN

Shri S. V. Krishnamoorthy Rao.

MEMBERS

2. Shri Frank Anthony
3. Shri N. C. Chatterjee
4. Sardar Kapur Singh
5. Shri H. N. Mukerjee
6. Shri V. C. Parashar
7. Shri C. R. Pattabhi Raman
8. Shri Jaganath Rao
9. Shri Yuveraj Dutta Singh
10. Shri Sinhasan Singh
11. Shri Sumat Prasad.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

* * * *

3. The Chairman then apprised the Committee of the contents of a letter, dated the 17th November, 1966 from Colonel Amrik Singh stating, *inter alia*, that he had obtained some documents which he might be allowed to produce before the Committee in person.

The Committee decided that as they had already arrived at their conclusions and adopted their report in the matter, the case need not be reopened. Sardar Kapur Singh, however, dissented from the decision of the Committee.

The Committee also decided that in view of the fact that there did not exist any provision in the Rules of Procedure to permit a Note of Dissent being appended to the Report of the Committee of Privileges, Sardar Kapur Singh's Note of Dissent should not be appended to their Report.

* * * *

The Committee then adjourned.

**** Paragraphs 2 and 4 relate to other cases and will be included in the Minutes of the relevant Reports.

Tenth Sitting*New Delhi, Friday, the 18th November, 1966*

The Committee met from 15-00 to 15-50 hours.

PRESENT**CHAIRMAN**

Shri S. V. Krishnamoorthy Rao.

MEMBERS

2. Shri N. C. Chatterjee
3. Shri L. D. Kotoki
4. Shri H. N. Mukerjee
5. Shri V. C. Parashar
6. Shri Yuveraj Dutta Singh
7. Shri Sumat Prasad.

SECRETARIATShri M. C. Chawla—*Deputy Secretary.*

* * * * *

4. With reference to the letter dated the 17th November, 1966 from Colonel Amrik Singh, which was considered by the Committee at their sitting held on the 17th November, 1966, the Committee decided that a reply might be sent to Colonel Amrik Singh that as they had already concluded their deliberations in this case, they saw no reason to reopen it as he had failed to produce the documents asked for by the Committee in spite of several opportunities given to him by the Committee.

* * * * *

The Committee then adjourned.

**** Paragraphs 2, 3 and 5 relate to other cases and will be included in the Minutes of the relevant Reports.

MINUTES OF EVIDENCE TAKEN BEFORE THE COMMITTEE OF
PRIVILEGES

Thursday, the 1st September, 1966.

PRESENT

CHAIRMAN

Shri S. V. Krishnamoorthy Rao.

MEMBERS

2. Shri Frank Anthony
3. Shri N. C. Chatterjee
4. Sardar Kapur Singh
5. Shri L. D. Kotoki
6. Shri V. C. Parashar
7. Shri Jaganath Rao
8. Shri Yuveraj Dutta Singh
9. Shrimati Ramdulari Sinha
10. Shri Sinhasan Singh
11. Shri Sumat Prasad.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

WITNESS

Col. Amrik Singh *alias* K. S. Sahi.

(The Committee met at 16.00 hours)

EVIDENCE OF COL. AMRIK SINGH *ALIAS* K. S. SAHI

Mr. Chairman : You are Colonel Amrik Singh ?

Col. Amrik Singh : Yes, Sir.

Mr. Chairman : Please take this oath.

Col. Amrik Singh : I, Colonel Amrik Singh, do swear in the name of God that the evidence which I shall give in this case shall be true, that I will conceal nothing and that no part of my evidence shall be false.

Sir, before you proceed, I wish to know whether I can take notes. Can I get a copy of these proceedings? If I could get a copy of these proceedings then I need not take notes.

Sardar Kapur Singh : You will get a copy of your statement.

Mr. Chairman : You can see and certify that it is correct. You can see what is taken down. You are not entitled for a copy.

Sardar Kapur Singh : You cannot take notes.

Mr. Chairman : What is your father's name?

Col. Amrik Singh : Sardar Bahadur Allam Singh.

Mr. Chairman : What is your age?

Col. Amrik Singh : 62 years.

Mr. Chairman : In your letter you referred to a document pertaining to one Jit Paul showing an entry of payment of a sum of money to the Speaker.

Col. Amrik Singh : To Sardar Hukam Singh.

Mr. Chairman : To Sardar Hukam Singh. Where is the document? Have you got the original document?

Col. Amrik Singh : That was filed by me in the Court of the Special Magistrate in charge of Special Police Estt. cases in Delhi.

Mr. Chairman : When was that filed?

Col. Amrik Singh : I have not got a record of the exact date. I don't remember.

Sardar Kapur Singh : Approximately what is the date?

Col. Amrik Singh : There are 3 statements made by me.

Mr. Chairman : Please answer the questions which we ask. We don't want anything else.

Col. Amrik Singh : At present I don't remember the date.

Mr. Chairman : What is the No. of the case in which it was filed?

Col. Amrik Singh : FIR No. 3 of 1949 of the Special Police, Ambala. It is under Ministry of Home Affairs. It is Ambala Branch of Punjab. The proceedings of that were reopened against me.

Mr. Chairman : It was filed in the FIR number so and so. Please give us approximate date.

Col. Amrik Singh : It was one of the statements made under Section 164 and an application under Section 250 Cr.P.C. I have

made 3 applications in that case. With one of these this document was filed.

Mr. Chairman : In which case this document was filed ?

Col. Amrik Singh : FIR No. 3. This is one of the cases of the Special Police Establishment, Ambala Branch, which was started in 1949. This was reopened.

Mr. Chairman : What is the number of this case ?

Col. Amrik Singh : Number is not given by the accused. Number is given by the police or the court.

Mr. Chairman : You must know what cases were filed against you.

Col. Amrik Singh : This case was started in 1949. This is, the STATE vs. COL. AMRIK SINGH. That comes under Ministry of Home Affairs, Special Police Establishment. It is under the Central Government, Ministry of Home Affairs.

Mr. Chairman : Central Government has launched a case against you.

Col. Amrik Singh : In 1949 the case was launched. I was declared a criminal offender. It was alleged that I had jumped the bails and ran away to some foreign country. Then the case was reopened when I was re-arrested in 1956. While the original proceedings were conducted in Ambala, the reopened proceedings were conducted in the Court of the Special Magistrate.

Mr. Chairman : Was the case filed against you ?

Col. Amrik Singh : Proceedings were reopened against me.

Shri Jaganath Rao : When did you file the document ?

Shri N. C. Chatterjee : In your letter to the Speaker, there is this sentence :—

A vital document submitted on record with statements under section 164 Cr.P.C., shows details of bribe money paid to several persons, signed by the said Shri Paul, and a sum of Rs. 40,000/- is shown against your name.

Where is that document ?

Col. Amrik Singh : That was filed by me in the Court of the Special Magistrate, Delhi.

Shri Frank Anthony : There are several Special Magistrates.

Col. Amrik Singh : This is Special Magistrate in charge of SPE cases in Delhi. There used to be one Magistrate who used to con-
1923 L.S.

duct all the cases submitted or challaned by the Special Police Establishment.

Shri Frank Anthony : You filed it in Ambala ?

Col. Amrik Singh : In Delhi. The reopened proceedings against me were in Delhi.

Shri Frank Anthony : Approximately when was it filed ?

Col. Amrik Singh : There were three applications.....

Shri Frank Anthony : Please answer my question. Approximately in which year, which month, you filed it ?

Col. Amrik Singh : I will explain this matter. I submitted three applications.

Shri Frank Anthony : In which month did you file this original document in which this allegation was there ? Then you can explain other things.

Col. Amrik Singh : I submitted three statements under sections 164 and 250.....

Mr. Chairman : You must give definite answers.

Col. Amrik Singh : I can search my papers and give it to you. I have not got all the records here. I wrote to you under what procedure these proceedings are conducted. Parallel proceedings are going on in the Court.

Shri Frank Anthony : You cannot say in which month or in which year you filed it ?

Col. Amrik Singh : I filed three statements and with one of them I filed it.

Shri Frank Anthony : You cannot say in which month or in which year ?

Col. Amrik Singh : At present I cannot. From my papers I can find it.

Shri Frank Anthony : Who was the presiding officer of the court in which you filed it ?

Col. Amrik Singh : There were 14 Magistrates who have handled this case.

Shri Frank Anthony : Please answer my question.' At the time you filed the document who was the presiding officer of the court ?

Col. Amrik Singh : Out of 14 Magistrates, this was the fifth Magistrate Mr. R. M. Singhal before whom I filed it. Another appli-

cation under section 250 was filed and that was before Mr. R. M. Mehrotra.

Mr. Chairman : We are only concerned with this document. You said you filed it before Mr. R. M. Singhal.

Shri Frank Anthony : You cannot give the name of the Magistrate before whom you filed the original document ?

Col. Amrik Singh : I will verify from my records and then give it to you.

Shri Frank Anthony : You cannot now give it. Did you file it before Mr. Singhal ?

Col. Amrik Singh : I filed a statement.....

Shri Frank Anthony : Did you file it before Mr. Singhal ? You can add your explanation later.

Col. Amrik Singh : I filed it before Mr. Singhal.

Shri Frank Anthony : Are you sure that you filed it before Mr. Singhal ?

Col. Amrik Singh : Either before Mr. Singhal or before Mr. Mehrotra or before Mr. Agarwal. During this period there were 14 Magistrates. But I filed my statement before one of these three.

Mr. Chairman : You cannot say definitely before whom you filed your statement.

Col. Amrik Singh : I can say definitely after I verify from my records.

Shri N. C. Chatterjee : When did you last see your records ?

Col. Amrik Singh : I last saw my records in 1963 or 1964.

Shri N. C. Chatterjee : Have you got a certified copy of the statement which you filed ?

Col. Amrik Singh : No.

Shri Frank Anthony : Have you got a photostat copy of the document ?

Col. Amrik Singh : My Counsel took a copy of it.

Shri Frank Anthony : You have got neither a certified copy nor a photostat copy of the document.

Col. Amrik Singh : My Counsel took a copy of it.

Shri Frank Anthony : Have you got with you a certified copy or a photostat copy of the document ?

Col. Amrik Singh : Not at present. But I took certain copies, photostat copies.

Shri Frank Anthony : Have you got with you whether here or anywhere a certified copy or a photostat copy of the document?

Col. Amrik Singh : I have not got at present. But my Counsel took a copy of it.

Shri Frank Anthony : When did you obtain that copy ?

Col. Amrik Singh : This case was conducted by my Counsel.

Shri Frank Anthony : Within your personal knowledge is there a certified copy or a photostat copy of this document anywhere, though not at present with you?

Col. Amrik Singh : A certified copy of this document was also filed in another murder case.

Mr. Chairman : The document copy certified by the Court ?

Col. Amrik Singh : One copy certified by the Court was also filed in another murder case.

Shri N. C. Chatterjee : When?

Col. Amrik Singh : Some time in 1963.

Shri Frank Anthony : Certified copy filed by you ?

Col. Amrik Singh : By me or by my Counsel on my behalf.

Mr. Chairman : Who was the accused in this case ?

Col. Amrik Singh : I am the accused. But that has been denied by the Police. They have given it a number—37/2 of 29th April, 1959. I got a certified copy of the order....

Mr. Chairman : We don't want all those informations. We only want to know whether you have got a certified copy of this document.

Shri Frank Anthony : You filed that certified copy in which Court ?

Col. Amrik Singh : This was in the Special Magistrate's Court, Delhi. At that time the presiding Magistrate was one Mr. Ambapakash.

Shri Frank Anthony : Approximately, when was that certified copy filed ?

Col. Amrik Singh : This certified copy was filed about the middle of 1963.

Mr. Chairman : How did you come by this document ?

Col. Amrik Singh : I would request you to allow me to explain this.

Shri Jagannath Rao : What is the nature of this document ?

Shri Frank Anthony : We have to find out first the existence of this document.

Mr. Chairman : How did you come by this document ?

Col. Amrik Singh : I came across this document in the course of preparation of my defence against charges of corruption levelled against me and also the charge of murder brought against me, along with 27 other cases.

Mr. Chairman : We are not concerned with all those cases. Who gave this document to you and how did you come by this document ?

Col. Amrik Singh : This letter, which bears the signature of Jit Paul was written by him to his associate in Nepal. I had been working previously in Nepal for about two years. Through my personal influence, I was given a copy of that to be used in my defence.

Shri N. C. Chatterjee : This letter was written by Mr. Jit Paul to his associate in Nepal.

Col. Amrik Singh : Yes.

Mr. Chairman : What was the name of that associate ?

Col. Amrik Singh : One Mr. D. B. Thapa.

Mr. Chairman : What was he ?

Col. Amrik Singh : He was the associate of Mr. Jit Paul, doing construction work and supply business, on the same lines like Messrs Aminchand Pyarelal.

Shri Frank Anthony : You intercepted it.

Mr. Chairman : How did you come by that document ?

Col. Amrik Singh : Mr. Thapa had worked for me when I was in the Foreign Service in Nepal. He knew me. Apparently they fell out. Apparently, Thapa and Jit Paul had fallen out over something. Then Mr. Thapa gave me that original letter to be used in my case. I did not intercept it.

Mr. Chairman : What is it to do with your defence ?

Col. Amrik Singh : Criminal cases were brought against me at the instance of the associates of Aminchand Pyarelal in 1956 and therefore I had every right to find out the bona fides and the character of the complainants against me. In that connection, I had to collect all the information.

Mr. Chairman : You did not know how Thapa came to get that letter.

Shri N. C. Chatterjee : He said that Jit Paul wrote to Mr. Thapa; it must have gone by post.

Col. Amrik Singh : Thapa personally came and delivered it to me.

Shri Frank Anthony : Approximately when did Mr. Thapa give you this document ?

Col. Amrik Singh : This was given to me either in 1961 or 1962. He used to come here frequently. I have record of his visits—more than 20 visits from Nepal—in connection with these cases against me.

Shri N. C. Chatterjee : He did not give you this letter in Nepal but in India he gave it to you.

Col. Amrik Singh : I was in Nepal long ago, nearly 16, 17 years ago. After these cases were started, he gave this document along with some other documents in 1961 or 1962. There are many other documents.

Mr. Chairman : We are not concerned with all those things.

Shri Sinhasan Singh : What happened in this particular case—were you acquitted or convicted by the Court ?

Col. Amrik Singh : I was neither acquitted nor convicted.

Shri Sinhasan Singh : Any case either ends in acquittal or ends in conviction.....

Shri N. C. Chatterjee : Or still pending.

Shri Sinhasan Singh : or ultimately withdrawn by the complainant. Either you must have been acquitted or convicted or the case should have been withdrawn by the complainant. One of these three must have happened.

Col. Amrik Singh : In this case it is a mixture of these three.

Shri Sinhasan Singh : Is the case still continuing or the case is consigned to the record room ? Is it simply in the record room ? Or, is it continuing ?

Col. Amrik Singh : Neither continuing, nor confined to the record room.

Shri Sinhasan Singh : I want to know whether you applied for withdrawal of these documents to be returned back to you. Docu-

ments are returned to the person filing it. Did you apply for the documents being returned to you ?

Col. Amrik Singh : These documents are returned by the courts after the conclusion of the case.

Shri Sinhasan Singh : According to you neither you have been acquitted nor withdrawn. It is not that the case was withdrawn. Don't you know anything of the case?

Col. Amrik Singh : I know. I tell you. The position is this. When this case was started and I submitted my application under Section 250.....

Shri Sinhasan Singh : We are concerned only with the case and at what stage it is. Is it pending; if so, in which court is it pending ?

Col. Amrik Singh : That is what I am explaining.

Shri Sinhasan Singh : It is pending in what court ?

Col. Amrik Singh : When I made an application under Section 250, the prosecution said.....

Shri Sinhasan Singh : You have filed the document pertaining to money being paid etc. That particular document is there. If that is pending, in which court is it pending ? Please answer that.

Sardar Kapur Singh : Let him speak for a while.

Shri Frank Anthony : We will ask questions.

Col. Amrik Singh : I will refer to a judgment of the High Court.

Shri Sinhasan Singh : You have taken oath. The witness has to reply to certain questions asked by the court.

Shri N. C. Chatterjee : In which court it is pending ?

Shri Sinhasan Singh : In which court it is pending ?

Col. Amrik Singh : I want to give an intelligible answer to a vital question that is raised by your Honour. That is given in the judgment of the High Court itself. I will refer to it.

Mr. Chairman : Give us the name of the court in which this case is pending. We don't want other things.

Col. Amrik Singh : The case is pending in Special Magistrate's Court of Delhi.

Shri Frank Anthony : There are so many Special Magistrates. Which Special Magistrate ?

Col. Amrik Singh : This is a judgment.....

Shri Sinhasan Singh : In which court the case is pending ?

Col. Amrik Singh : The records of this case shows.....

Shri Sinhasan Singh : When we ask about judgment, you give us the judgment. You filed some document in a case. That case is still pending. In which court the case is still pending?

Shri N. C. Chatterjee : He said Special Magistrate.

Col. Amrik Singh : Sir, this needs an explanation.

Mr. Chairman : What is the court where the case is pending? You may refer us to the document and tell us case No. so and so and the court.

Col. Amrik Singh : It is under orders of the High Court. Now the case is being brought in the court of Special Magistrate for disposal.

Sardar Kapur Singh : Col. Amrik Singh, the Committee is anxious to get at the document, which has given rise to these privilege proceedings. If you can help us to get at those documents we will be grateful to you.

Col. Amrik Singh : That is what exactly I am trying to do. That must be in the judicial files of the case in which I submitted that. Actually I will not be able to answer this in one or two words. That is why I am craving your honour's indulgence to explain this case.

Shri N. C. Chatterjee : Where is that vital document which is referred to in your letter?

Col. Amrik Singh : That must be on the judicial files. That must be on the judicial files of the case in which I submitted it.

Mr. Chairman : You should not say 'must be'. You have made the allegation against the Speaker. We want to find out where the document is. You give us information where we can find this document.

Col. Amrik Singh : If you permit me to explain this matter.....

Shri Sinhasan Singh : He has to supply the document.

Shri N. C. Chatterjee : He says he has not got it. You say, you have submitted it with the court. Where shall we go and find it out?

Col. Amrik Singh : You kindly permit me to explain that.

Mr. Chairman : Give us that information by which we can find the document.

Col. Amrik Singh : I have submitted that document in my defence in the court of the Special Magistrate in Delhi. After I have

submitted all the documents and made application under Section 250 Cr.P.C. for false prosecution, the prosecution took the stand that they had no proceedings against me. They did not want to proceed against me. There must be the finding of the court. The prosecution is not competent to say after starting the proceedings that they no longer want any proceedings. I want to say this, that before the High Court, the Public Prosecutor has admitted that these proceedings were there. The prosecution says I should apply for the return of the documents. It is not for me to apply for the return of the documents.

Mr. Chairman: Are you referring to your writ petition ?

Col. Amrik Singh: This is not the writ petition.

Shri Sinhasan Singh: The High Court has ordered that he must go and get the documents.

Shri N. C. Chatterjee: The High Court said that you should apply and get the documents.

Col. Amrik Singh: They said, I should make an application to the Court.

Shri Sinhasan Singh: You have made this allegation. You don't know the importance of this document. You have to file the document to us. You know the consequences.

Col. Amrik Singh: I know fully well.

Shri Sinhasan Singh: High Court ordered the same thing.

Shri Frank Anthony: Whatever documents are filed, let him apply.

Shri Sinhasan Singh: You take time, you take one day or two days, whatever you like. Kindly get us the documents. You may come and say: I have not got the documents. We don't want anything further.

Col. Amrik Singh: I have not got the document with me.

Shri Sinhasan Singh: You say you filed the document.

Col. Amrik Singh: If you give me that order.....

Shri N. C. Chatterjee: Document still exists in the Court. That also you say. You have not withdrawn it. It must be on Court record. You must show either certified copy or give us details.

Mr. Chairman: Please give us original or certified copy.

Col. Amrik Singh: I can't get the original. I have filed it in the Court. You have that power to ask.

Mr. Chairman : The High Court passed an order that you may take them back from the Court. That is High Court's order. It is for you to produce that document.

Shri Sinhasan Singh : The High Court's order says :

The petitioner himself voluntarily submitted a signed statement before the Magistrate concerned and appended certain documents thereto and his proper remedy was to approach the Magistrate concerned for return of the said documents. I am in agreement with the submissions of Mr. Mehta. The writ petition deserves to be dismissed in view of the aforesaid statement of Mr. Mehta that no prosecution is pending against the petitioner in pursuance of the said First Information Report No. 3 of 1949. So far as the prayer of the petitioner regarding the return of documents is concerned, his proper remedy is to apply to the Magistrate concerned for that purpose.

Shri N. C. Chatterjee : After this judgment of Justice Kapur, did you make an application for the documents?

Col. Amrik Singh : I made an application.

Shri Frank Anthony : When?

Col. Amrik Singh : After this judgment.

Shri Frank Anthony : On what date?

Col. Amrik Singh : I do not have the date.

Shri Frank Anthony : In which Court you made the application?

Col. Amrik Singh : Under Sec. 164....

Shri Frank Anthony : We all know Sec. 164. After this judgment when did you apply for return of the documents?

Col. Amrik Singh : I do not have the date.

Shri Frank Anthony : In which Court?

Col. Amrik Singh : In the court of the District Magistrate and Special Judge, Ambala.

Shri Frank Anthony : What is his name ?

Col. Amrik Singh : Name I do not remember.

Shri N. C. Chatterjee : What did they say?

Col. Amrik Singh : They said they could not trace.

Shri Jaganath Rao : Have they returned your application?

Col. Amrik Singh : Yes, the District Magistrate has returned.

Shri N. C. Chatterjee: Have you made any application before Justice Grover?

Col. Amrik Singh: That is another case. It is not one case.

Shri Frank Anthony: After Justice Kapur passed an order, you made an application to the District Magistrate and Special Judge, Ambala for the return of these documents and you said it was very recently?

Col. Amrik Singh: It was after this judgment.

Shri Frank Anthony: Approximately when?

Col. Amrik Singh: I do not remember. I can find out that.

Shri Frank Anthony: An order has been passed on that?

Col. Amrik Singh: The Special Judge has passed no order.

Shri Frank Anthony: Is it pending?

Col. Amrik Singh: The District Magistrate said that there is no trace of it.

Shri Frank Anthony: Who is the District Magistrate?

Col. Amrik Singh: I do not remember the name.

Shri Jaganath Rao: Have they communicated it to you?

Col. Amrik Singh: Yes. I have got it in my records.

Shri Frank Anthony: Can you produce the order of the District Magistrate?

Col. Amrik Singh: Yes.

Shri Jaganath Rao: Have you got it here?

Col. Amrik Singh: No.

Shri Frank Anthony: Can you produce it tomorrow—the order of the District Magistrate saying that there is no such document?

Col. Amrik Singh: He said he could not trace them. They have to be found by the Court in which they were filed. That is a manifestly contradictory position.

Shri Frank Anthony: You can produce that order?

Col. Amrik Singh: Yes.

Shri Frank Anthony: Can you produce a copy of your application asking for the return of the documents?

Col. Amrik Singh: Yes.

Shri N. C. Chatterjee: The District Magistrate said that the document was not in the Ambala Court?

Col. Amrik Singh : He has not said that. I did not say : Please give me that document, because I wanted all the documents.

Shri Sumat Prasad : You did not mention it in the list of documents?

Col. Amrik Singh : Not for the return of the documents.

Mr. Chairman : You have got a list of the documents filed?

Col. Amrik Singh : Yes.

Mr. Chairman : We want only a certified copy of the document.

Shri V. C. Parashar : In the judgment, this sentence appears :

The petitioner himself voluntarily submitted a signed statement before the Magistrate concerned and appended certain documents thereto and his proper remedy was to approach the Magistrate concerned for the return of the said documents.

That means nobody asked you to present the documents; you voluntarily presented.

Col. Amrik Singh : Yes.

Shri V. C. Parashar : Now are you not in a position to tell us in what Court you have filed it?

Col. Amrik Singh : This is a eleven-year old case.

Shri Sinhasan Singh : He cannot say that.

Shri Frank Anthony : This case is pending before the Special Magistrate, Delhi?

Col. Amrik Singh : Judicial proceedings in this case were reopened against me in Delhi.

Shri Frank Anthony : It is pending in Delhi ?

Col. Amrik Singh : Judicial proceedings were reopened against me in connection with FIR 3/1949.

Shri Frank Anthony : In the reopened proceedings you filed it?

Col. Amrik Singh : Yes.

Shri Frank Anthony : It is pending in the court of the Spl. Judge?

Col. Amrik Singh : It did not reach that stage. It only remained at the Special Magistrate's Court. He was in charge of the SPE cases in Delhi.

Shri Frank Anthony : That record is in Delhi?

Col. Amrik Singh : That record was filed in Delhi. I cannot say where that record is now. That was filed in the Court in which these proceedings were reopened against me.

Shri Frank Anthony : The case is pending in Delhi?

Col. Amrik Singh : The case has not been disposed of. I have not been given any finding.

Shri Frank Anthony : Is it pending in Delhi?

Col. Amrik Singh : The case is not disposed of.

Shri Frank Anthony : Why did you apply to the District Magistrate of Ambala?

Col. Amrik Singh : It is mandatory that any statement or document filed under Sec. 164 should be sent to the Court where the main case is tried.

Shri Frank Anthony : I do not worry about Sec. 164. This original document was filed in the Delhi Court?

Col. Amrik Singh : I filed it. Those proceedings are pending against me in the Delhi Court.

Shri Frank Anthony : You have made an application in Delhi.

Col. Amrik Singh : I have made an application to the Delhi Courts.

Shri Frank Anthony : When?

Col. Amrik Singh : After the judgment. I have not got the date.

Shri Frank Anthony : Can you bring us a copy of the application? What was the result of that application?

Col. Amrik Singh : No orders have been passed on that.

Shri Frank Anthony : Can you give us the name of the Presiding Officer?

Col. Amrik Singh : I will refer you to....

Shri Frank Anthony : Give us the name of the Presiding Officer.

Shri Sinhasan Singh : You applied for the return of the documents. The only question is : In which court?

Col. Amrik Singh : I have not only applied for the return of the documents, but the recovery of the documents.

Shri Frank Anthony : You said, not to the Spl. Judge, but to the Special Magistrate. Who is the Presiding Officer?

Col. Amrik Singh : Fourteen Magistrates have handled the case

Shri Frank Anthony : That was 11 years ago. When you applied who was there?

Col. Amrik Singh : When I applied there was Mr. R. M. Mehrotra.

Mr. Chairman : You said that the case is pending here. When did you appear last in the case?

Col. Amrik Singh : Last time I appeared was in 1963.

Mr. Chairman : Have you got any summons from the Court to appear on a particular date?

Col. Amrik Singh : Even without getting summons, I have a right to appear.

Shri Jaganath Rao : Don't tell us all that.

Mr. Chairman : Have you any summons from any Court to appear in that particular Court?

Col. Amrik Singh : I was taken to the Court and from that day I had to attend every day. One does not get summons.

Mr. Chairman : You do not have it?

Shri Sinhasan Singh : After 1963 was any date fixed for the hearing of this case?

Mr. Chairman : Can you produce before us any summons or warrant to appear on a particular date in that case?

Shri Sinhasan Singh : You kindly produce the order sheet of the court. That will show the definite date. You also produce the copy of your application made to the court. You can produce these tomorrow or day after tomorrow.

Col. Amrik Singh : This needs a little explanation.

Shri N. C. Chatterjee : Kindly give us the document. You are making a serious charge against a responsible person. That vital document is on court record according to you.

Col. Amrik Singh : My submission is that I submitted that document in the Court.

Shri N. C. Chatterjee : We want to verify whether it is correct.

Col. Amrik Singh : You can verify it from the Court concerned.

Shri Sinhasan Singh : You are the complainant here. You have to produce the proof. Either you or Mr. Madhu Limaye has to produce the proof.

Col. Amrik Singh : I am not the complainant. I am the informant. I have brought this fact to the notice of the Speaker.

Shri Sinhasan Singh : Complainant or informant—you choose any name. You have said certain things against a high officer. Those charges are contained in the document. That document is filed in the Court. The High Court has also said that you have to get the document. Apply for the return of the document and produce it here.

Mr. Chairman : You said that you produced the document in the Ambala Court.

Col. Amrik Singh : I beg your pardon. I have not said that. I want to say another point. May I respectfully draw your attention to the procedure you supplied to me? It says that the witness should answer specific questions put to him either by the Chairman or the Members of the Committee or by any other person authorised by the Chairman. After that there is another sentence. It is on this sentence I rely upon. It says that the witness may be asked to place before the Committee any other points that have not been covered and which the witness thinks are essential to place before the Committee. Under this provision, please allow me....

Shri Sinhasan Singh : That is only after you are able to produce the document.

Shri N. C. Chatterjee : That document has been filed before the Court. That document contains details of bribe money paid to A, B and C. We want to get that vital document.

Mr. Chairman : You give us either the original or a certified copy of the document and then we shall hear you.

Col. Amrik Singh : I crave your honours' indulgence to allow me to explain this matter.

Shri Sumat Prasad : You stated just now that you applied for the return or recovery of the document. What do you mean by recovery?

Col. Amrik Singh : According to the findings of Courts, the records of these cases have been tampered with and certain vital documents have been removed from the judicial files by the SPE.

Mr. Chairman : We are not concerned with all those things. You have made very serious allegations against the Speaker. Now it is upto you to produce either the original or a certified copy of the documents which, according to you, mentions the payment of Rs. 40,000 to the Speaker by Aminchand Pyarelal or tell us the place from where we can find out this document.

Shri V. C. Parashar : What is your actual stand? Do you say that the document is with some courts and you want to get it from them

a certified copy or you want to recover the original from the Courts? Or, do you say that you cannot get it?

Col. Amrik Singh : That is exactly what I wanted to explain. You please see what I have stated in my letter to the Speaker.

"A vital document submitted on record with statements under Section 164, Cr. P.C. shows details of bribe money paid to several persons signed by the said Shri Paul and a sum of Rs. 40,000 is shown against your name. The existence of these documents has been admitted by the Government before the High Court in proceedings relating to the connected cases (Cr. Writ No. 18-B/65), after denying the very existence of the proceedings for 11 years."

Shri V. C. Parashar : Again you are repeating. My question is what do you say about this document, whether you say that it has been tampered with and you cannot produce it or you say that you can get a certified copy from the Courts?

Col. Amrik Singh : I cannot produce the original document from my possession. But I have made an application for the recovery of this document from those persons who have tampered with it.

Shri V. C. Parashar : Your stand is that you are not able to substantiate your allegations with your documents.

Col. Amrik Singh : I am prepared to substantiate my statement which I have made and I have submitted my application for the recovery of the document, which I had submitted earlier to the Court.

Shri Srinhasan Singh : You must have referred to the names of three documents when you put in your application for the return or recovery of them.

Mr. Chairman : When will you be able to produce before the Committee these documents?

Shri Frank Anthony : Let us tell him what we want. We want the following documents. (1) The original or a certified copy of the document where it is shown that Rs. 40,000 was paid by Aminchand Pyarelal to the Speaker and which you filed before the Ambala Court in original.

Col. Amrik Singh : I have not got it with me and it was Delhi and not Ambala Court.

Mr. Chairman : If the document is there in the Court, you get a certified copy of the same.

Shri Frank Anthony : (2) Your application to the Magistrate in Ambala asking for the return or the recovery of the document—a copy of your application. (3) A certified copy of the order of the District Magistrate stating that the documents were not traceable or the original itself. (4) Your application to the Magistrate in Delhi for the return of the document. (5) A certified copy of the petition or application made when you filed this document with the Court, that is, at the time of filing this document.

Mr. Chairman : Do you have a list of the documents filed with the Court?

Shri Sinhasan Singh : A copy of the order sheet of the case 3/49 State *versus* Amrik Singh. According to the High Court it is not pending, but he says it is pending.

Mr. Chairman : When will you be able to produce them?

Col. Amrik Singh : I will apply tomorrow morning. But it depends upon my getting them from the Courts.

Shri ~~Amrik~~^{Sinhasan} Singh : You apply for urgent copies; you will get them in two days; it will take one month to get ordinary copies.

Col. Amrik Singh : I am an indigent person, being out of job for 11 years. It would be easier for the Committee to get them.

Shri Sinhasan Singh : If the documents are there, they will give you in a week's time.

Col. Amrik Singh : I may have to go to Delhi and Ambala Courts to get the copies.

Mr. Chairman : You may produce also any other documents relevant to this particular document—certified copies.

Col. Amrik Singh : I have already applied for them in some other case, but they have not been supplied to me. If you want me to get the document, I have to pay exorbitant fees.

Shri Sinhasan Singh : You may take your own time. You may say that this document is needed for the Privilege Committee and you have to mention that. You may say it is needed for reference of the Parliament of India. You may say it is an urgent case.

Col. Amrik Singh : I will definitely say it is needed for the Privilege Committee of the Lok Sabha.

Mr. Chairman : Do you hold any military rank?

Col. Amrik Singh : Yes.

Mr. Chairman : Where were you serving? In what Company?

Col. Amrik Singh : Engineers—right in Delhi.

Shri Frank Anthony : What is your IC No.?

Col. Amrik Singh : I left the army several years ago.

Shri Frank Anthony : When were you discharged? Are you pensioned from the army?

Col. Amrik Singh : Discharged from the army. I will give you the date.

Shri Frank Anthony : When were you commissioned?

Col. Amrik Singh : I was commissioned in 1939. I was commissioned in Delhi.

Shri Frank Anthony : Where did you get the training?

Col. Amrik Singh : Kirkee.

Shri Frank Anthony : What year?

Col. Amrik Singh : 1939-40.

Shri Frank Anthony : When you left the army?

Col. Amrik Singh : I was discharged in 1947.

Shri Frank Anthony : You are not getting a pension?

Col. Amrik Singh : No. I have three criminal murder cases hanging on me for an indefinite period.

Shri Frank Anthony : Can you give us your IC Number?

Col. Amrik Singh : I can give.

Shri Frank Anthony : You were discharged for what reasons? Were you permanent commissioned officer?

Col. Amrik Singh : I was not permanent commissioned officer. I will produce all the records I have got in original.

Shri N. C. Chatterjee : There is this letter addressed by you to the Speaker. You have addressed this letter to Sardar Hukam Singh. It is dated 4th August and you said: "Respected Sardar Sahib, out of my profound respect for you and the august office of Speaker held by you with almost divine functions and sublime dignity attached to it, I am taking the liberty of pointing out these facts." Can you give us some facts? In the last but one para you said: "They are propagating with amazing impunity that I am saying so because I am a dismissed official with 2 names given by themselves". Is it correct that you are a dismissed official?

Col. Amrik Singh : I said, they are propagating with amazing impunity that I am so and so, not that I am a dismissed official. This is the allegation they make against me.

Mr. Chairman : Are you not dismissed?

Col. Amrik Singh : No.

Mr. Chairman : You were in Durgapur as an officer.

Col. Amrik Singh : Yes.

Mr. Chairman : You were dismissed from there.

Col. Amrik Singh : No.

Sardar Kapur Singh : He says, my enemy says that I am a dismissed officer, but that I am not a dismissed officer.

Col. Amrik Singh : Admitting I am dismissed officer, what difference does it make?

Shri Frank Anthony : We want to know about all this as it is so very vague.

Col. Amrik Singh : They are alleging.

Mr. Chairman : We want to know the facts. You are called K. S. Sahi *alias* Col. Amrik Singh.

Shri Frank Anthony : Are you a Colonel?

Col. Amrik Singh : I am a full Colonel.

Shri Frank Anthony : Why were you discharged?

Col. Amrik Singh : My civil employers wanted back my services in U.P.

Shri Frank Anthony : Were you commissioned in Indian army?

Col. Amrik Singh : I was in Indian army and I was in civil employment in Bihar, U.P. and Delhi. When war broke out I was recalled. That was during the last war. I was first posted in Poona where I also had my training. I then came here in the General Headquarters.

Shri Frank Anthony : What was your post in the army before you were discharged?

Col. Amrik Singh : Chief Engineer in U.P. and Senior Grade Staff and Field Officer in General Headquarters. I will refer your Honour to what the Honourable Speaker has said that he has got information that there are 27 criminal cases against me and a murder case. I would request your Honour to call for the records of those cases. . . .

Mr. Chairman : We are only concerned with this matter.

Shri Sinhasan Singh : We are concerned with this document only. We are not a court of justice. We think you to be an honourable man. You have made an allegation against another honourable person. You have made an allegation against another honourable officer. We want to know whether your allegations are correct. We don't challenge the veracity of what you say. You take your own time, 10 days, or 15 days.

Shri Frank Anthony : You were the project engineer in Durgapur.

Col. Amrik Singh : Yes.

Shri Frank Anthony : How long?

Col. Amrik Singh : For about 1 year.

Shri Frank Anthony : What was your name?

Col. Amrik Singh : K. S. Sahi *alias* Col. Amrik Singh.

Mr. Chairman : Why?

Col. Amrik Singh : There was change of name suggested. I have been engaged also on some security work. Therefore my name was changed with the authority of the Government of India, with the knowledge of the Prime Minister. All those original papers are on record. All the original documents are also on record of the murder case against me. Home Ministry has also corroborated this. They have said so in the Affidavit before the High Court.

Shri Frank Anthony : In your Writ Petition your name is given as Gen. Amrik Singh.

Col. Amrik Singh : That is the name given by the Government, in the murder case to show that I am an imposter.

Shri Frank Anthony : But you have never assumed the rank of a General?

Col. Amrik Singh : They have registered this murder case against me as State Vs. General Amrik Singh Chindit.

Shri Frank Anthony : You have never posed as Gen. Amrik Singh?

Col. Amrik Singh : No.

Shri Frank Anthony : But you have assumed the name of K. S. Sahi.

Col. Amrik Singh : Yes. In the Writ Petition I have given all the names attributed to me. There are about 14 names.

Shri Frank Anthony : Under which name you have been operating?

Col. Amrik Singh : I have given a list to the High Court or Supreme Court in which I said that I assume responsibility or liability for all these names. Otherwise, they will turn round and say that I want to avoid responsibility and am changing the name.

Sardar Kapur Singh : On page 175 of these papers the then Industries Minister is reported to have said that he was employed by the Iron & Steel Ministry and at the moment he is under suspension.

Shri Frank Anthony : No name was given there.

Shri Sinhasan Singh : We are not concerned with that issue. We are concerned only with the document.

Sardar Kapur Singh : I see the point. I just mentioned it for information.

Mr. Chairman : Do you want 15 days for the production of the document?

Col. Amrik Singh : I will make an application in the Delhi Court tomorrow and in the Ambala Court on Tuesday next.

Mr. Chairman : You produce them as soon as you get on the 24th or 25th and appear before the Committee on 1st October.

Col. Amrik Singh : I will apply. I want to make one submission. Your procedure permits me to place before you any other matter.

Mr. Chairman : Any matter relevant to this case.

Col. Amrik Singh : I reaffirm that there was such a document which I filed in the Court and I am also prepared to prove it even in a court of law.

Shri Sinhasan Singh : We are sitting as a Committee of Privileges to enquire into the fact whether a man has committed any breach of privilege of the Parliament or not. According to your letter there is said to be some document containing certain things against the Speaker. If that document exists, and if it is true then there is no breach of privilege; if it is false then there is breach of privilege.

Shri N. C. Chatterjee : We are only on the factum of the valid document.

Mr. Chairman : You produce either the original or a certified copy.

Col. Amrik Singh : I can straightway say that I have not got the original in my custody. I can apply for a certified copy.

Mr. Chairman : You must tell us where the original is.

Col. Amrik Singh : That original I filed in a criminal case and I am prepared to prove it with independent evidence.

Mr. Chairman : You can send the document by 20th and on 1st October you appear before this Committee.

(The witness then withdrew.)

Tuesday, the 4th October, 1966.

PRESENT

CHAIRMAN

Shri S. V. Krishnamoorthy Rao.

MEMBERS

2. Shri Frank Anthony
3. Sardar Kapur Singh
4. Shri L. D. Kotoki
5. Shri H. N Mukerjee
6. Shri Purushottamdas R. Patel
7. Shri Jaganath Rao
8. Shrimati Ramdulari Sinha
9. Shri Sinhasan Singh
10. Shri Sumat Prasad.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

WITNESS

Colonel Amrik Singh *alias* K. S. Sahi.

(The Committee met at 11-00 hours)

EVIDENCE OF COL. AMRIK SINGH *alias* K. S. SAHI

Col. Amrik Singh : I, Col. Amrik Singh, do swear in the name of God that the evidence which I shall give in this case shall be true, that I will conceal nothing and that no part of my evidence shall be false.

Mr. Chairman : Have you got those documents we asked you to produce ?

Col. Amrik Singh : With your permission, Sir, I have one or two preliminary points to raise.

Mr. Chairman : We want to know whether you have got the documents we asked you to produce. That is all that we are concerned with today. Other things we are not concerned. Either the original of Jit Paul's letter or the certified copy of that letter or a photostat copy of that letter we want you to produce. Have you got that ?

Col. Amrik Singh : I am producing a photostat copy. This is a photostat copy (passed on a copy of letter to the Chairman) certified by my counsel.

Mr. Chairman : This is not a photostat copy of Jit Paul's letter. Where is the photostat copy of Jit Paul's letter ?

Col. Amrik Singh : Jit Paul's letter, as I have already said, has been filed in the court.

Mr. Chairman : This is not a copy of that ?

Sardar Kapur Singh : The original document—Jit Paul's letter, after which we all of us are—he says, has been filed with statement under Section 164 of the Criminal Procedure Code in the court of Shri R. N. Singhal, Special Magistrate, in the reopened judicial proceedings of case under FIR 3 of 1949 Ambala SPE, reopened by SPE, Delhi.

Shri Sinhasan Singh : We are not concerned with this.

Col. Amrik Singh : This is a copy. The original has been filed in the court, as I have submitted.

Mr. Chairman : I am sorry, we cannot accept the photostat copy.

Col. Amrik Singh : Even if this is rejected, let it be kindly placed on record, saying I have produced it.

Mr. Chairman : I am sorry. This is not what we want.

Col. Amrik Singh : I have received a letter from your Secretariat, asking me to produce anything which I consider relevant. I respectfully suggest that this may be recorded, because I have the written instruction from your Secretariat, calling upon me to file any documents which are considered by me as relevant to the main issue.

Shri P. R. Patel : The documents should come from the proper person. Either it should come from Shri Thapa, because it was addressed to him or from Jit Paul.

Mr. Chairman : When we get the document, we will ask questions about that. First of all, we must get the document.

Col. Amrik Singh : With your permission, I would like to read out the letter which I have received from your Secretariat :

“.....The original document or a certified copy thereof, said to be signed by Jit Paul, in which an entry of Rs. 40,000 was alleged to be made against the name of the Speaker, Sardar Hukam Singh.....”

Shri H. N. Mukerjee : If I can interrupt, have you got a certified copy from a court official to the effect that this is the exact fascimile of a statement filed in the court in connection with that case? Without that kind of a statement, this is worth nothing at all.

Col. Amrik Singh : Permit me to explain it. Afterwards, you can ask questions and come to a judgment. I want only to make my submission. Coming to the letter which I wrote to Sardar Hukam Singh, I have from the beginning stated that this letter has been filed in the court. Therefore, to ask me to produce the original or a certified copy of that.....

Sardar Kapur Singh : Is that a copy of the letter written by Col. Amrik Singh to.....

Col. Amrik Singh : I would like to read that out so that that forms part of the record.

Shri Sinhasan Singh : We are going off the track. We must go according to the procedure we have adopted. In the last meeting we decided to get the original letter written by Jit Paul to somebody. We had asked him to get a copy certified by the court. Now he is filing a photostat copy of a copy of the letter.

Shri Frank Anthony : Why should you assume that it is a copy? This is the alleged photostat copy of some alleged typed document.

Shri Sinhasan Singh : Yes, this is an alleged copy of a copy. We do not know what the original is. Somebody has taken a photostat copy of a copy. We do not know whether it is genuine.

Sardar Kapur Singh : I think there is some confusion. Let us at least be clear about the facts. Then, we can come to the conclusion.

Shri Sinhasan Singh : We have brought him down to this extent that he will apply to the court to get a copy of the original ; or let the court come with the statement that it is not traceable.

Sardar Kapur Singh : You can pin him down to anything you want. But the fact remains that the original letter he has written to Sardar Hukam Singh merely says that.....

Shri Sinhasan Singh : That is not here.

Sardar Kapur Singh : You cannot pin him down to something which is impossible. After all, this matter has to be thrashed out.

Shri Sinhasan Singh : We must go step by step.

Mr. Chairman : Col. Amrik Singh, have you got that document which you filed in court where Jit Paul has made that allegation ?

Col. Amrik Singh : That letter has been filed in the court.

Sardar Kapur Singh : He has never claimed that he has got it with him.

Mr. Chairman : He has claimed that he has filed it in the court. We wanted him to get either the original, or a certified copy or a photostat copy of it from the court.

Sardar Kapur Singh : I have a submission to make on the document which is before us.

Shri Frank Anthony : Did he make an application for a certified copy to the special magistrate ?

Col. Amrik Singh : I think it would be better if some procedure is laid down or the Chairman asks me questions. Now I am confused by a volley of questions from four sides.

Mr. Chairman : I want to know whether you have got the original or the copy of the original which you have produced in court.

Col. Amrik Singh : I will answer that. I hope it will be reported verbatim. The original document, as originally reported by me to the hon. Speaker was filed in courts as I wrote in my letter dated 4th August 1966.....

Mr. Chairman : You answer the point, without bringing in other matters.

Col. Amrik Singh : When I answer a question, it has to be in my own words. Otherwise, I am prepared to give any answer which you want.

Mr. Chairman : Do not go on rambling. I want you to give a straight answer. Say, 'yes' or 'no'.

Col. Amrik Singh : I am giving a straight answer. But if I am asked "have you stopped beating your wife ?" I cannot give either "yes" or "no".

Shri H. N. Mukerjee : Please do not behave like this. You have to remember that you are before a court.

Col. Amrik Singh : I am conscious of that.

Shri H. N. Mukerjee : When a straight question is asked, you have to give a straight answer.

Col. Amrik Singh : I hope I have a right under your own statute to explain these things in my own way when any question is put to me.

Mr. Chairman : The Committee asked you to produce the original document here after taking it back from the court. Have you got that document? Please say, "Yes" or "No".

Col. Amrik Singh : It is not going to be "Yes" or "No". I will explain this. I would respectfully submit that this needs an explanation. This is how the confusion was caused last time and the necessity has arisen of all this cross-examination. The document is filed in the court as originally reported by me to the Speaker.

Mr. Chairman : We asked you to take it back and produce it here. Have you applied for the return of the document?

Col. Amrik Singh : I applied for the certified copies and the return of those documents, but in view of the delicacy of the matter I have made an application before the hon. High Court that the courts concerned may be instructed to forward those relevant documents to the Privileges Committee of the Lok Sabha direct, because I am now not willing to touch them or have them come through my medium because of the delicacy of the situation and I want them to be produced from the court direct to the Privileges Committee in their original form.

Mr. Chairman : You have not applied to the court, where you produced it, for the return of the document.

Col. Amrik Singh : I produced it in the court in Delhi and have applied in that court too.

Mr. Chairman : To whatever court you have produced it, did you apply for the return of the document?

Col. Amrik Singh : I applied for the return of these documents.

Mr. Chairman : You can understand my question. Have you applied for the return of these documents to the court where you produced them?

Col. Amrik Singh : I made an application in that court.

Mr. Chairman : On what date?

Col. Amrik Singh : The dates are given in the letters also that I have already submitted to you. I have got the copies of the letters in which I have already supplied this information.

Sardar Kapur Singh : Have you supplied a copy of your application for the return of the documents to the Secretariat?

Col. Amrik Singh : I have already supplied it to the Secretariat. I have already done it. I do not want to give any conflicting version. The information will come out of your own Secretariat files. I thought, I would not be asked the same information again which I have already supplied.

Sardar Kapur Singh : Tell us approximately from memory.

Col. Amrik Singh : It is an eleven years old matter.

Shri Frank Anthony : Not eleven years old, but it is eleven weeks old.

Sardar Kapur Singh : Perhaps you have not understood us. The Committee asked you to apply for a certified copy of the letter of Jit Paul which makes certain allegations.

Col. Amrik Singh : I have made applications in so many courts which are supposed to deal with the said proceedings.

Sardar Kapur Singh : After you appeared here, have you filed that application?

Col. Amrik Singh : Yes.

Mr. Chairman : On what date did you make that application and to what court?

Col. Amrik Singh : I have already supplied it to this hon. Committee, through the Secretariat.

Mr. Chairman : We are not concerned with what happened before. You were here before the Committee on the last date and we asked you to produce five documents. Have you applied for the return of those documents? The first document we wanted you to produce is :—

“The original document or a certified copy thereof stated to be signed by Shri Jit Paul in which an entry of Rs. 40,000 was alleged to be shown against the name of the Speaker, Sardar Hukam Singh.”

Have you got that; or, have you applied for the return of that document or a certified copy of it?

Col. Amrik Singh : I have not only applied but I have given information of my application to the Secretariat.

Mr. Chairman : I am sorry, you have not given it. It is not correct. We know what you have given here.

Shri H. N. Mukerjee : If I heard you aright, when you took the oath you described yourself as "Colonel Amrik Singh". I take it that you are a Colonel, retired or in service, of the Indian Army. Are you or are you not ?

Sardar Kapur Singh : Let us proceed point by point.

Shri H. N. Mukerjee : If a witness comes and says, he is an officer of my country's army and he is not, I will not deal with him any longer. I have no questions to ask of this witness, if this witness comes and says on oath that he is a Colonel of the Indian Army and then he says that he does not know.....

Col. Amrik Singh : I have never said that I do not know.

Shri Frank Anthony : Have you got your IC number ?

Col. Amrik Singh : That also I have supplied.

Shri Frank Anthony : Where is it ? Give it to us.

Mr. Chairman : Let us take it up afterwards.

Col. Amrik Singh : Would your honour kindly allow me to answer that question first ?

Shri H. N. Mukerjee : He has perjured himself if he is not a Colonel of the Indian Army.

Shri Frank Anthony : We will not deal with him until he gives his IC number.

Sardar Kapur Singh : Then let us leave alone about that document and let us first of all see whether he is a perjurer or not. Let us leave any matter alone and first take this matter up. Let us not get ourselves confused and confuse him also.

Shri Sinhasan Singh : If the witness is not what he claims himself to be, then no reliance can be placed on the witness.

Sardar Kapur Singh : First of all, the witness has to give his evidence and then you test his credibility. Let his evidence finish and then test him whether he is a Colonel or this or that.

Shri Frank Anthony : Then we will not treat him as Colonel Amrik Singh. Let us have his IC number. No Indian officer can in his lifetime forget it. What is his IC number ? I want his IC number.

Sardar Kapur Singh : Let us hand over the witness to the hands of Shri Anthony.

Shri Frank Anthony : We cannot proceed until we know that he is Colonel Amrik Singh.

Shri Sinhasan Singh : You see the proceedings of the last day, the questions put to him and the replies.....

Shri Frank Anthony : Has he got the I.C. Number ? That is what we want to know.

Col. Amrik Singh : He refers to two documents.....

Mr. Chairman : What is your I.C. No.?

Col. Amrik Singh : The I.C. No. has already been supplied to your honour. I have already given that information which is in your secretariat. I thought I was not going to be asked this question again. I am giving you that information.

Shri Frank Anthony : We must know who he is. Otherwise, we may adjourn.

Col. Amrik Singh : You may kindly see my letter addressed to you dated 20th September, 1966..... Contents of them 11 (statement of court witness).

Shri Frank Anthony : Is your I.C. No. in that ?

Col. Amrik Singh : Not in the letter but in the information given in the said enclosure item No. 11.

Shri Frank Anthony : Give it to us your I.C. No.

Col. Amrik Singh : That is what I am doing. I am searching the papers.....

Shri Frank Anthony : What is your I.C. No.?

Col. Amrik Singh : I am only one person answering questions from 15 persons.....

Shri Frank Anthony : Give me in one sentence your I.C. No.

Col. Amrik Singh : I am doing that. You may kindly note down my answer. Under item 11 of my letter dated 20th September, 1966 addressed to the Chairman and acknowledged by the secretariat, on p. 1 of the enclosure, there is the question :—

“What is the last rank of the accused ?”

The reply is :—

“Ostensibly, he was re-commissioned in the Army as an engineer but his security appointment was separate as evident from the security file entries.....

Mr. Chairman : We do not want that. We want only your I.C. No.

Col. Amrik Singh : I crave your indulgence. Allow me to complete my answer. I cannot answer questions from 15 sides.....

Shri Frank Anthony : Have you got your I.C. No. or not ?

Col. Amrik Singh : I am doing that. I am searching the papers.

Shri Frank Anthony : You cannot say that the Indian Army officer can ever forget his I.C. No.

Col. Amrik Singh : If you doubt that, kindly allow me to give an answer in my own way.

Shri Frank Anthony : I want the I.C. No. That is all.

Col. Amrik Singh : My humble submission is that I have already supplied the information in the enclosures of my said letter.

Shri Frank Anthony : What is your I.C. No.? Otherwise, we may adjourn.

Mr. Chairman : We do not want all that.

Col. Amrik Singh : In the Corps of Royal Indian Engineers it was I.C.E. 3377 in the security appointment. I can reply if the top secret record is shown to me. This is contained in item No. 11 of the document forwarded to the hon. Chairman under my letter dated 20th September, 1966.

Sardar Kapur Singh : Col. Amrik Singh, you style yourself as Col. Amrik Singh. We want to know whether it is a genuine rank in the Army or is it a spy name ?

Col. Amrik Singh : It is a security service rank, Col. in the Indian Army in the Corps of Royal Indian Engineers, the I.C.E. 3377 the hony. rank is Major and the security appointment rank being that of a Col. That is contained in item 11 of the enclosures to my letter dated 20th September, 1966. I have already supplied the information. If that is not enough and if you ask me again, I will have to go through it again.

Shri P. R. Patel : He may be asked to narrate in his own way and then we can cross-examine him.

Mr. Chairman : We want the documents first.

Col. Amrik Singh : You have not only put down in your rules and regulations which are binding, I suppose, on everybody but also under item 7 you have instructed me to submit any other relevant document which is relevant to this question.

Mr. Chairman : It must be relevant.

Now, I am reading the list of documents you are asked to produce. One is the original document or a certified copy thereof said to be signed by Jit Paul in which there is an entry of Rs. 40,000 paid

to the Speaker. Have you got that document in original or a copy thereof ?

Col. Amrik Singh : The original document is in the court. It is better that it is obtained by the hon. Committee from the court direct. I have made an application before the High Court that all the relevant documents may be sent direct to the Privileges Committee. I have today submitted before your honour a photostat copy of the original document filed in court as certified by an Advocate who is also an officer of the court.

Mr. Chairman : Have you applied for the return of the document ?

Col. Amrik Singh : Formerly, I applied for the return of the documents.....

Mr. Chairman : On what date did you apply and to which court did you apply ?

Col. Amrik Singh : It is in your files. If you want me to go through that, you have to give me time.

Shri Sinhasan Singh : Have you got a copy of that ?

Col. Amrik Singh : The application has been kept by the Magistrate concerned who is vitally interested in the matter.

Sardar Kapur Singh : You get us a copy of the application you made.

Mr. Chairman :

- (ii) Certified copy of the application made by you to the Magistrate at Ambala applying for the return or recovery of the documents and the order of the Magistrate thereon.
- (iii) Certified copy of the order of the District Magistrate at Ambala returning your application stating that the documents were not traceable or the original order of the District Magistrate on his application.
- (iv) Certified copy of the application made by you to the Magistrate at Delhi/New Delhi applying for the return of the documents and the Magistrate's order thereon.
- (v) Certified copy of the petition or application made by you when the document in question was filed by you in the court.
- (vi) Certified copy of the Order Sheet or the original thereof in the case No. 3/49 State vs. Amrik Singh.

(vii) Certified copy of any other documents relevant to the document in question.

Have you got any of these documents that we asked you to produce ?

Col. Amrik Singh : Yes Sir. I think the documents which are in my possession.....

Sardar Kapur Singh : Let us take them one by one.

Mr. Chairman : What about item No. (i)? That is, the original document of Shri Jit Paul.

Col. Amrik Singh : The original document of Shri Jit Paul, as already reported to your honour and to the Secretariat, is filed in the court.

Mr. Chairman : It is in the Court. Is it ?

Col. Amrik Singh : I have stated that I have filed it in the Court.

Mr. Chairman : You said, it is in the court.

Col. Amrik Singh : I and my counsel filed it in the court of the Special Magistrate. There have been about 14—Shingal, Mehrotra, Aggarwal and many others.

Mr. Chairman : In whose court was this document filed ? We want to pin you down to that.

Col. Amrik Singh : Let me explain this first because this needs an explanation. I am trying to assist your honour. If you want from me an answer without any details, I am prepared to sign on the dotted lines.

Mr. Chairman : You have to answer properly.

Col. Amrik Singh : I shall answer your question. It is my duty to give you full information.

Mr. Chairman : In whose court was it filed ?

Col. Amrik Singh : This document is a letter from Mr. Jit Paul to D. B. Thapa. The advance copy was sent by hand through a messenger. The confirmation copy was sent by post.

Mr. Chairman : We do not want all those things. We only want to know where was this original document filed. In which court has it been filed ?

Col. Amrik Singh : The advance copy of that document was filed.....

Mr. Chairman : Can you not say in whose court it was filed ? In whose court the original document was filed ?

Col. Amrik Singh : There are three documents—the advance copy, the confirmation copy and the certified copy.

Mr. Chairman : We want to know only about the original document signed by Mr. Jit Paul making that allegation.

Col. Amrik Singh : Two of them bear the original signatures of Mr. Jit Paul and one of them is the certified copy.

Mr. Chairman : Where was the original document filed ? In whose court ?

Col. Amrik Singh : The advance copy of the original document was filed in the court of Mr. Shingal. The certified copy in the court of Mr. Mehrotra and the confirmation copy was filed in the court of Mr. Aggrawal.

Mr. Chairman : Can you give the case number ?

Col. Amrik Singh : Last time also your honour said that there can be no case in the world without a case number. Now I come to a government affidavit dated 14th December 1956 giving only F.I.R. number.

Mr. Chairman : We are not concerned with those things. What is the case number before Mr. Shingal and Mr. Aggrawal ?

Col. Amrik Singh : Here the system has been that they go by F.I.R. number.

Sardar Kapur Singh : What is that number ? That is the case number.

Col. Amrik Singh : That is no case. They are the re-opened judicial proceedings of case under F.I.R. No. 3/49 of S.P.E.

Mr. Chairman : You said there was a case before Shingal.

Col. Amrik Singh : Yes, they are the re-opened proceedings of a criminal, pending case of Ambala Special Police Establishment under F.I.R. 3/49.

Mr. Chairman : Please give us the number of the case.

Col. Amrik Singh : Judicial Proceedings re-opened against the accused under main case under F.I.R. No. 3 of 49 under section 120(b).....

Mr. Chairman : We do not want those section numbers. What is the number of the other case before the other gentleman ?

Col. Amrik Singh : This information would not be complete without that. This has been given in the government affidavit dated 4th December, 1956.

Mr. Chairman : What is the number of the other case ?

Col. Amrik Singh : In the same case, it is F.I.R. No. 3/49 of S.P.E. in which the confirmation copy bearing the signature of Shri Jit Paul filed in the court of Shri Aggrawal too. The court ordered that copies should be kept in all the cases including the murder case which has been mentioned by the hon. Speaker and by you.

Mr. Chairman : Have you filed for the return of the document ?

Col. Amrik Singh : I have applied. I have been advised legally that in view of the criminal proceedings pending against me.....

Mr. Chairman : Have you applied ?

Col. Amrik Singh : I have also applied before the High Court that all the relevant documents may be submitted direct to the hon. Committee.

Mr. Chairman : Have you applied for it from Mr. Shingal ?

Col. Amrik Singh : Shingal is no longer there.

Mr. Chairman : His successor is there. Have you applied to that court ?

Col. Amrik Singh : Yes, there are now two magistrates dealing with the matter.

Sardar Kapur Singh : Who are they ?

Col. Amrik Singh : Mr. Mehrotra and Mr. N. C. Jain.

Mr. Chairman : Have you applied to their courts ?

Col. Amrik Singh : I have made an application to the two courts and also in the Ambala courts.

Mr. Chairman : Have you got an endorsement ?

Col. Amrik Singh : An endorsement from Ambala was received that those documents have not been sent and application may be made in the trial courts etc. I have not brought the endorsement but I can produce in a day or two.

Mr. Chairman : What about the other two courts ? Have you received any endorsement ?

Col. Amrik Singh : No reply has been received. In the meantime, I have applied before the hon. High Court that those original documents may be submitted to the Privileges Committee of Lok Sabha direct.

Mr. Chairman : We are not concerned with that. Can you tell us where is that particular document ?

You do not know ?

Col. Amrik Singh : Yes, it was filed in the court.

Mr. Chairman : That is all right. The second point is this. Last time you said that you applied to the Magistrate at Ambala for the return or recovery of the documents and the order of the Magistrate thereon. Have you got the order of the Magistrate? We wanted you to produce a certified copy of the application. Have you got that?

I am talking about item No. (ii).

Col. Amrik Singh : I have already given this information in the letter and I can produce it again.

Mr. Chairman : You give us a straight answer. You were asked to produce those documents. Have you got those documents? We asked you to produce a certified copy of the application made by you to the Magistrate at Ambala applying for the return or recovery of the documents and the order of the Magistrate thereon. We gave you a list also.

Col. Amrik Singh : Under legal advice I have since made an application that the relevant documents may be sent to the Committee direct.

Mr. Chairman : You give a straight answer. We don't want all that. We asked you to produce a certified copy of the application made by you. Have you or have you not got it with you?

Col. Amrik Singh : A certified copy does not help, I have applied for all documents to be sent direct to hon'ble Committee.

Mr. Chairman : It may or may not help. But, have you got a certified copy with you?

Col. Amrik Singh : Which document, Sir?

Mr. Chairman : Certified copy of the application made by you to the Magistrate at Ambala applying for the return or recovery of the documents and the order of the Magistrate thereon.

Shri Jaganath Rao : On an earlier occasion he said that the District Magistrate returned his application. Let him produce that

Shri Liladhar Kotoki : He has not yet given the answer to the Chairman's question.

Mr. Chairman : Shall I take it that you have no answer?

Col. Amrik Singh : I made an application to all these courts and gave the information to the honourable Secretariat in my letter.....

Mr. Chairman : We have got those letters. We want to know

whether you have got certified copies of the documents which we wanted you to produce before the Committee.

Col. Amrik Singh : It is in item 5 of my letter dated 20 September, 1966, I want them to be sent direct to this hon'ble Committee.

Mr. Chairman : You have not got those documents. We wanted you to produce them.

Col. Amrik Singh : Those documents are not with me.

Mr. Chairman : You now see item No. 3: Certified copy of the order of the District Magistrate at Ambala returning your application stating that the documents were not traceable or the original order of the District Magistrate on your application. Have you got a certified copy of this document ?

Col. Amrik Singh : The record of this document is in the Court of the District Magistrate at Ambala.

Mr. Chairman : Have you got the application which was returned to you by the District Magistrate ?

Col. Amrik Singh : I have this application.

Mr. Chairman : And also the order of the District Magistrate thereon ?

Col. Amrik Singh : There is an order on the application.

Shri Frank Anthony : You said last time that there is an order stating that the documents were not traceable.

Mr. Chairman : It is on the basis of your statement that these questions were framed.

Col. Amrik Singh : I was not allowed to take any notes.

Mr. Chairman : We cannot allow a witness to take notes.

Col. Amrik Singh : I would like you to record that the witness is not allowed to take notes of his own evidence.

Mr. Chairman : We are not going to record all those things.

Col. Amrik Singh : If this is not recorded, then I will be at a loss to make any reference or representation later on.

Mr. Chairman : Have you got a certified copy of the documents mentioned in item No. 3 ?

Col. Amrik Singh : I have not got them at present. But I can supply these in a few days. I think the original application was returned by the Distt. Magistrate.

Mr. Chairman : Item No. 4: Have you got a certified copy of the application made by you to the Magistrate at Delhi/New Delhi applying for the return of the documents and the Magistrate's order thereon ?

Col. Amrik Singh : These documents were kept by the courts concerned.

Mr. Chairman: We wanted you to produce certified copies of these documents. Have you got them with you?

Shri Frank Anthony: We gave you three weeks time also.

Col. Amrik Singh : An application for certified copies was made and is now pending in the Copying Department.

Mr. Chairman : You have not got any reply to that.

Col. Amrik Singh : I will make enquiries today or tomorrow and let you know.

Mr. Chairman: On what date did you make that application ?

Sardar Kapur Singh : If he has made an urgent application, he would have got them.

Col. Amrik Singh : I told the honourable Committee earlier also that I would not be able to bear all these expenses. I suggested that your honours can get everything free.

Mr. Chairman: You make serious allegations about important officials. When we ask you to produce the documents, you want the Committee to summon them. It is your duty to prove the allegations.

Col. Amrik Singh: I am prepared to prove every word of what I have said.

Mr. Chairman: Have you applied for these documents?

Col. Amrik Singh: I have also applied before the High Court stating that all these documents may be sent in original here directly.

Shri Frank Anthony: Have you applied for a certified copy of the order of the District Magistrate at Ambala returning your application stating that the documents were not traceable or the original order of the District Magistrate on your application?

Col. Amrik Singh : Yes, I have also applied for them before the High Court.

Shri Frank Anthony: Have you applied to the Court of District Magistrate at Ambala? You were asked to do so.

Col. Amrik Singh: Yes. I have applied.

Shri Frank Anthony: When did you apply?

Col. Amrik Singh: I don't remember the exact date, but I can let you have it in a day or two.

Mr. Chairman: Did you apply also to the Court of District Magistrate, Delhi?

Col. Amrik Singh: Yes, to the courts of the Magistrates concerned.

Mr. Chairman: When did you apply?

Col. Amrik Singh: I have not got the exact dates. It was a few days after the last meeting of this honourable Committee. I can supply the particulars within a day or two.

Mr. Chairman: Item No. 5: Have you got a certified copy of the petition or application made by you when the document in question was filed by you in the court?

Col. Amrik Singh: I have got copies of my own Petitions certified by me.

Mr. Chairman: That is useless. We do not want them. Have you got a copy certified by the court?

Col. Amrik Singh: I have got the copies of the applications made by me.

Mr. Chairman: Are they certified by the court?

Col. Amrik Singh: Instead of being certified by the court, I have also requested the High Court that they may be sent in original to you direct.

Mr. Chairman: You have not got a certified copy.

Col. Amrik Singh: I have applied to the High Court that they may be sent in original to the Committee.

Mr. Chairman: You said that you produced along with other documents a list to the Court. Have you got a copy of that list certified by the Court?

Col. Amrik Singh: As already reported, those documents have already been secreted from the Courts.

Mr. Chairman: You are going astray. We want to know whether you have got a copy of the list of documents certified by the court.

Col. Amrik Singh: I have a list of documents filed by me in the Court.

Mr. Chairman: You are prevaricating.

Sardar Kapur Singh: The question put by the Chairman is a very simple one. There are certain documents, supposed to be the letters, which were filed by you in certain courts. When you file the documents, it is customary that you attach a list showing the documents filed by you. That list forms part B of the file. The Chairman wanted to know whether you can give us a copy of that list certified by the Court?

Col. Amrik Singh: Yes, the list is a part of my petition and I can give a copy.

Sardar Kapur Singh: That copy would not help because the honourable Members would like to be sure in their minds.

Col. Amrik Singh: The honourable Members can be sure by comparing it with the original, which they can obtain from the court direct.

Mr. Chairman: A certified copy of the list—certified by the Court—that these documents have been filed either by Col. Amrik Singh or by Jit Paul or Counsel....

Col. Amrik Singh: Certified by my Counsel?

Mr. Chairman: Have you got a certified copy of the documents mentioned in item No. 5?

Col. Amrik Singh: Certified by my counsel?

Mr. Chairman: We are not prepared to accept a certified copy by your counsel.

Col. Amrik Singh: The Counsels are officers of the Court.

Mr. Chairman: It must be certified by the Court with the seal of the Court. Have you got such a certified copy?

Col. Amrik Singh: I have not got, but it can be obtained by the honourable Committee direct.

Mr. Chairman: No. 6.

Sardar Kapur Singh: Why didn't you make an application to the court saying "Sir, supply me with a copy of the list of the documents which I filed"?

Col. Amrik Singh: I made that application.

Shri Frank Anthony: When did you make that application?

Col. Amrik Singh: Within a few days of the last meeting.

Shri Frank Anthony: Which court?

Col. Amrik Singh: Both Ambala court and Delhi court.

Mr. Chairman: So in respect of Item No. 5, you have made an application to the courts concerned to supply you with a certified copy of the list of documents that you filed?

Col. Amrik Singh: Copy of the list of documents as well as copies of all the connected documents.

Mr. Chairman: No. 6: Have you got that—a certified copy of the order sheet?

Sardar Kapur Singh: There is the order sheet; it gives a life history of the case. Did you make this application mentioned in Item No. 6?

Col. Amrik Singh: There are so many orders on different dates...

Mr. Chairman: Col. Amrik Singh, please look here. We have given you the list of documents which you had to produce. You must have got them ready. Have you got them?

Col. Amrik Singh: I have made the applications in the courts concerned and also when I have been frustrated in my attempts, I have applied to the High Court to order the sending of the original records and documents to the Hon'ble Committee of Privileges direct.

Mr. Chairman: We are not concerned with it. The last thing is Item 7, 'any other document relevant to this'. If it is not relevant, we are not going to accept it.

Col. Amrik Singh: I request that if this is not considered relevant, what else is relevant that may kindly be recorded because in my opinion and of the legal advice I have obtained....

Shri Frank Anthony: You are not an accused yet. You are a witness and only relevant answers will be recorded....

Col. Amrik Singh: Let the Chairman finish his questions. Then I will deal with my being accused or not....

Mr. Chairman: Regarding these six documents, you have told us that you have made applications for certified copies. Can you give us their case numbers and where you have applied for?

Col. Amrik Singh: I have applied in the courts of the Special Magistrate....

Mr. Chairman: Don't be vague. Take No. 1. What is the court and the case number?

Col. Amrik Singh: FIR No. 3 of 49, reopened judicial proceedings pending in the court of the Special Magistrate at Delhi and also at

the court of the District Magistrate, Ambala and Special Judge's Court Ambala where the main case was tried.

Mr. Chairman: Item No. 2.

Col. Amrik Singh: Reopened proceedings of Case No. FIR 3 of 49 at Ambala—by SPE under Sections 120, 420 and 5(2) of the Prevention of Corruption Act.

Mr. Chairman: No. 3.

Col. Amrik Singh: The application was returned by the District Magistrate with this endorsement. I can produce it in one or two days. I have not brought it here.

Mr. Chairman: Item No. 4.

Col. Amrik Singh: Sir, one Magistrate has passed no orders and has kept the application with him. The other Magistrate....

Mr. Chairman: What is the court?

Col. Amrik Singh: The court of Mr. Mehrotra. He has not passed any orders and he has not returned my application. The case number is the same; it relates to the same case. The other is the court of Mr. N. C. Jain. He has forwarded the application to the Copying Department. The case number is the same.

Mr. Chairman: Item No. 5.

Col. Amrik Singh: I have got a copy of the application with me and I request Your Honour....

Mr. Chairman: Is it a certified copy?

Col. Amrik Singh: Certified by me.

Mr. Chairman: We don't accept it. It should be certified by the court, with the court seal.

Col. Amrik Singh: It may kindly be recorded that I am prepared to offer my own copies of my own applications....which may be compared by you with the originals in courts.

Mr. Chairman: It is not admissible. We are not accepting them.

Shri Sinhasan Singh: Let it be recorded.

Col. Amrik Singh: Because my humble contention has been that the Hon'ble District Judge, Delhi, has found that vital documents have been tampered with, secreted by the interested parties...

Mr. Chairman: You may make all sorts of allegations....

Col. Amrik Singh: This is the finding of the Hon'ble District Judge, Delhi. It is his finding and that finding has become final. It has not been appealed against or revised.

Mr. Chairman : Item No. 6.

Sardar Kapur Singh: He is saying something very vital.

Col. Amrik Singh: This is a most important thing from my point of view and from the point of view of all concerned.

Sardar Kapur Singh: He says that the vital original documents have been tampered with and secreted and the judicial court has given a finding to that effect.

Shri Frank Anthony: Let him produce the relevant document.

Col. Amrik Singh: I will produce the orders.

Sardar Kapur Singh: You say that some court has given a judicial finding that some documents that we are after have been secreted. Can you give us that judicial finding?

Col. Amrik Singh : I will give you in a day or two.

Shri Sinhasan Singh: If it is relevant

Col. Amrik Singh: If this is not relevant, what else is relevant? The District Judge, Delhi, arrived at a finding that these vital documents of the connected cases have been tampered with and secreted.

Shri Jaganath Rao : Give us a certified copy of the order of the Court.

Col. Amrik Singh: Certified copy will take me very long.

Shri Jaganath Rao : If it is an urgent application, it can be got within three days.

Col. Amrik Singh: I can apply, but that will cost me money. I have not got that. There is one point. I can give the numbers of the documents in the court and you can tally with the original and if that does not tally and if it is not substantiated, then you can haul me up for contempt

Mr. Chairman: We can't go about fishing for documents all over the world.

Col. Amrik Singh: It is not fishing; asking for original documents is not fishing

Mr. Chairman: You have made certain allegations. You have to prove them.

Col. Amrik Singh: I will prove the allegations to the hilt as stated by me.

Mr. Chairman: Any documents you produce should be certified copies. Item No. 6—to which court have you applied? Oh, you have given the case number.

Col. Amrik Singh: Under Item No. 7, I want to produce certain documents.

Mr. Chairman: Not until you produce these documents.

Col. Amrik Singh: Why you do not want these documents to be produced by me.

Shri Sinhasan Singh: After those documents have been produced, you can produce these.

Col. Amrik Singh: I can respectfully submit that these are the vital connected links.

Shri Sinhasan Singh: No, only after those documents have come.

Mr. Chairman: "certified copy" means certified by court and not by Col. Amrik Singh.

Col. Amrik Singh: You have not made that clear in your letter to me.

Mr. Chairman: It means only that according to the Evidence Act. It must have the seal of the court or it must be a public document.

Col. Amrik Singh: In that case, the best thing would be to get the original. Your Honour has the powers to get it. Those documents have been admitted by the Government Advocate before the High Court.

Mr. Chairman: We are not concerned with it.

Sardar Kapur Singh: You say the originals are gone.

Col. Amrik Singh: The findings of the Hon'ble Sessions Judge are that the tampering with these and the connected vital documents has been done by the SPE. The Special Police Establishment are not beyond Your Honour's jurisdiction. You can ask them.

Sardar Kapur Singh: If you can produce some evidence to show that a judicial court has found that the original documents have been secreted away, then after seeing that evidence we shall be in a position to take up the secondary evidence. Otherwise how can we take up secondary evidence.

Col. Amrik Singh: The question arises because the original report submitted by me contains the statement that the documents have been secreted.

Shri Jaganath Rao: This leads us nowhere unless you file a copy of the judgment where the court observed that the documents have been secreted.

Col. Amrik Singh: The documents have been tampered with. I crave your indulgence for two minutes, Sir, to explain this matter.

Shri Jaganath Rao: No. No. We must proceed according to the rules.

Col. Amrik Singh: I have submitted that the finding of the Hon'ble Sessions Judge who is incharge of this area for all judicial and criminal work is that the documents of the connected cases with this case have been tampered with by the Special Police Establishment.

Sardar Kapur Singh: Are you in a position to produce that document here?

Col. Amrik Singh: If you want a certified copy to be produced by me, it will take a long time. Your Honour can get it tomorrow from the Court direct.

Mr. Chairman: It is your duty to produce them. I want to know—you said you will produce certified copies within 2/3 days—when can you produce them?

Col. Amrik Singh: Not these documents, Sir. I am sorry to interrupt you again and again. When Your Honour put me the question about this letter (copy of the letter returned by the District Magistrate, Ambala) I had that somewhere in my papers. I am not able to find it. I may be in a position to give it straightaway after finding it in 2/3 days. I might have left it at my place.

Mr. Chairman: You have said you have applied for certified copies and he has ordered the Copying Department to give you the same. We want those certified copies, not certified by Col. Amrik Singh, but certified by the Court's seal that they are true copies. Can you produce them? When will you produce them?

Shri Sinhasan Singh: Let him take his own time.

Mr. Chairman: If you cannot produce within 24 hours, we can give you one week's time.

Col. Amrik Singh: Your Honour can get them in no time direct from the courts.

Mr. Chairman: We are not going to fish out evidence like that. It is up to you. The onus is on you to prove that this is a genuine case. You have to produce those documents. They have to be the original or certified copies, certified by the court that they are true. If you do not produce, we will take action against you. We have been too indulgent to you. So it is up to you now to produce those documents. What time do you want?

Col. Amrik Singh: I will produce only those documents, copies of which are given to me by the Court. I will make the maximum effort, but the documents which have been secreted or which are not in my control can be produced by those who have secreted them.

Mr. Chairman: You are making all sorts of reckless allegations that the officers have secreted those documents

Col. Amrik Singh: Sir, that is a statement of fact. This is the finding of the court of District Judge, Delhi.

Shri Sinhasan Singh: You had the order of the Committee on the previous day to produce certain documents or produce copies thereof or produce the order of the Court about giving of copies of those five documents that are mentioned in the order sheet. You have not produced them today. You can take your own time. Produce them if you can at all by a certain date.

Mr. Chairman: What time do you want?

Col. Amrik Singh: I am very much obliged to you, Sir, but I may explain this matter

Mr. Chairman: No explanation. By what time will you produce—say two weeks, three weeks. You ask for any time.

Col. Amrik Singh: Your Honour will realise it is not in my hands.

Shri P. R. Patel: You have already applied for them. You have asked for the copies. Some amount must have been paid for the copies. A receipt is given. You said that you applied for certain copies in certain courts. You must have paid the money.

Col. Amrik Singh: I have with great difficulty.

Shri P. R. Patel: You must have also received the receipts of the money paid. Have you got those receipts?

Col. Amrik Singh: No receipts are given by the courts. Court fees stamps are put on the application.

Mr. Chairman: When do you want to produce them? What time you want us to give you to produce those documents.

Col. Amrik Singh: Give me about a month's time.

Shri Jaganath Rao: We cannot give you that time. Can you produce within a fortnight?

Col. Amrik Singh: I will make the maximum effort straightaway, Sir, and if I can get those documents earlier, I will report to the Committee.

Mr. Chairman: By the 20th of this month ?

Shri Sinhasan Singh: Let it be by the end of this month.

Mr. Chairman: All right, you produce them by the 30th of this month.

Shri P. R. Patel: May I put some questions.

Sardar Kapur Singh: Let us finish with this.

Shri P. R. Patel: No. No. It is very important. One paper is submitted today by the witness. I want to know from him one thing.

Shri Sinhasan Singh: But that has not been admitted.

Shri P. R. Patel: But it has been produced today before the Committee.

Mr. Chairman: It has not been admitted. I am not allowing it.

Shri P. R. Patel: Let me ask. Can't I ask? I want to know from him whether you consulted Jit Paul over the letter that is said to have been addressed to Thapa. Did you consult Jit Paul or ask him whether this is genuine or anything about the letter?

Col. Amrik Singh: I dare not go to him. He is after my blood for the last 11 years. My exposures that I seek to make are going to ruin Jit Paul and his associates, and therefore he is after my blood. I dare not go within a radius of 10 miles of him.

Shri P. R. Patel: Did you ask Thapa Sahib?

Col. Amrik Singh: Yes, Sir.

Shri P. R. Patel: Did he say that he had received the letter?

Col. Amrik Singh: Yes, Sir.

Shri P. R. Patel: You asked him?

Col. Amrik Singh: Yes, Sir.

Shri P. R. Patel: He said he had received the letter from Jit Paul.

Mr. Chairman: Who is Thapa?

Col. Amrik Singh: He is one of the associates of Mr. Jit Paul's firms.

Sardar Kapur Singh: He could only receive those letters from the possession of Thapa. From where else could he get?

Shri P. R. Patel: Thapa is alive?

Col. Amrik Singh: Yes, Sir.

Shri P. R. Patel: Would you like to examine him?

Col. Amrik Singh: I would very much like to. This is most important, Sir. He is the key man. I would like to examine him before Your Honours. I would like to examine him myself before Your Honours.

Shri P. R. Patel: It says that the original filed with statement under section 164. That is your statement? Was it filed along with your statement?

Col. Amrik Singh: Yes, Your Honour. I will give you copies of the statement.

Shri P. R. Patel: I do not want that. I want to know, "the original filed with the statement"—whose statement?

Col. Amrik Singh: Sir, my statements under section 164 read with sections 250, 476 and 540 Criminal Procedure Code.

Sardar Kapur Singh: I want to assure you, Col. Amrik Singh, on behalf of myself and the Committee, that we are friendly towards you and we want to help you in every possible way to improve certain things you have said or to give us whatever evidence you possess so that we can come to our own conclusions. I will put you one or two questions. If my impressions are wrong, please say so.

The whole trouble has arisen about certain letters written by Jit Paul to one Thapa making certain serious allegations implicating certain high-ups in the country. You say or you allege that those documents came into your possession somehow. Am I correct?

Col. Amrik Singh: Yes, Sir.

Sardar Kapur Singh: Then you say that you filed those documents in judicial documents in connection with certain proceedings which were being conducted against you under some FIR made by the SPE. Am I correct?

Col. Amrik Singh: Yes, Sir.

Sardar Kapur Singh: Then you have told us that the original documents, namely, the letters of Jit Paul to Thapa making those serious allegations against high-ups in India, those letters have been secreted from the judicial files.

Col. Amrik Singh: Yes, Sir.

Sardar Kapur Singh: You told us that there is a judicial finding to the effect that these documents, namely, the letters of Jit Paul, have been secreted by somebody.

Col. Amrik Singh: This question will need some explanation. I will take only two minutes. My explanation is, when proceedings

against me were started in 27 cases including a murder case, as was also pointed out by the hon. Speaker,—I submitted that I had been working with the late Prime Minister, Shri Jawaharlal Nehru—I went to the Prime Minister personally, explained to him the whole matter, placed before him the matter. and he, after the exposure was made....

Mr. Chairman: All that is irrelevant here. Why do you want to bring in the name of Shri Jawaharlal Nehru ?

Col. Amrik Singh : I am not bringing in his name. This is Your Honour's battle. I have nothing to lose in this. Sardar Hukam Singh has been kind to me. He has been helping me in this case. Your Honour will be surprised to know that Sardar Hukam Singh and Sardar Swaran Singh have been helping me in this matter. I have no personal animosity in this matter or any axe to grind.

Sardar Kapur Singh: This Committee is neither for nor against Sardar Hukam Singh as far as this matter is concerned, whatever our personal relationship with Sardar Hukam Singh might be. Please confine yourself to my simple question. You have told this Committee that there is a judicial finding to the effect that the original documents, namely, the letters of Jit Paul to Thapa, have been secreted from the judicial files. Is it so or is it not so?

Col. Amrik Singh: When these exposures were going to be made, the prosecution....

Sardar Kapur Singh: Is there a judicial finding or not?

Col. Amrik Singh: I will have to explain the position. I will take less time than the time Your Honour takes in stopping me.

Sardar Kapur Singh: Is there a judicial finding?

Col. Amrik Singh: There is a judicial finding of the hon. District and Sessions Judge. In a judicial file in which the prosecution has dumped all these documents of different cases including the murder case, the findings of the hon. District and Sessions Judge are that the records have been tampered with and certain vital documents have been removed.

Mr. Chairman: What is the case number?

Col. Amrik Singh: I will give you. There he has said that the judicial records have been tampered with and there is justification in claiming that these things have been done by the staff of the Special Police Establishment, Delhi.

Sardar Kapur Singh: We cannot do anything against the staff of the SPE, no matter how evil they are. That is our trouble.

Col. Amrik Singh: I have some friends even there. I am not seeking any action against them. I am only telling the truth. Those findings of the hon. District and Sessions Judge have been finalised now. Nobody has appealed against those findings and they have not been sought to be revised. The Government has accepted them as correct.

Sardar Kapur Singh: You have told us that these documents which we are after, namely, the letters of Jit Paul to Thapa have been secreted from a judicial file and that a judicial finding confirms this fact of secretion.

Col. Amrik Singh: The judicial finding makes no specific mention of different letters. The judicial finding is that records have been tampered with and that vital documents have been removed.

Sardar Kapur Singh: Thank you very much. We are now clear. There are judicial findings that vital documents have been tampered with and there is a likelihood that these two documents are also among those which have been secreted. That is the position.

Now, you produced before us a document which we rejected. I want you to understand why we rejected this. The Law of Evidence says that either it must be proved that the original documents are not available or we cannot accept secondary evidence in lieu of original documents. Therefore, do not make a grievance of it that we are rejecting the photostat copy which you are producing today, which is certified by your counsel that it reproduces the original letter verbatim. We are rejecting it because we are helpless. The law itself says that we must not have secondary evidence unless it is proved to our satisfaction that the primary evidence is not available. Therefore, either convince this Committee that the primary evidence is not available or we do not have your photostat copy howsoever genuine it might be.

Col. Amrik Singh: I also take the responsibility of producing the original of the photostat copy I am producing before you today.

Mr. Chairman: He has given you the legal position.

Col. Amrik Singh: The impression created is that I have made certain allegations against Sardar Hukam Singh or some Members of Parliament. It is not a fact. My allegations are against the corrupt people, including Jit Paul. For all that I know, he may have some motive, some scheme, some selfish motive in doing that.

I have only sought to expose that and give an opportunity to the hon. Speaker and others to vindicate their honour on this point.

Sardar Kapur Singh: The members of this Committee are quite clear on this point.

Mr. Chairman: Can you produce these documents by the 29th of this month?

Col. Amrik Singh: On the 29th I have the same case of the SPE coming before the Trial Court in the District Courts at Delhi. I will produce them the next day.

Mr. Chairman: 30th is Sunday. You produce those documents on the 31st.

Col. Amrik Singh: I have brought here the original records of the United Nations, foreign Governments, our own Ministry of External Affairs and so on. The insinuation made last time was that I am an impostor or a dismissed officer. These are the original records of the United Nations. I want you to have a look at them.

Mr. Chairman: You can produce them later if there is a case against you for being an impostor.

Col. Amrik Singh: I have a letter here signed by Pandit Jawaharlal Nehru himself.

Sardar Kapur Singh: We believe you, you are not an impostor, you are not a dismissed officer. We are not going into that at all here.

Col. Amrik Singh: When Mr. Frank Anthony was here, this point was urged by him again and again. I think you have to decide whether the participation of Shri Anthony in the deliberations of this committee is proper because he has been the legal adviser of Amin Chand Pyarelal in their activities at Jubalpur and Nagpur.

Shri Sinhasan Singh: When the question of Aminchand Pyarelal comes up, if it is proved that he is a counsel for them we will consider this point. Now, he is not a counsel either for you or against you. Therefore, that question does not arise.

Mr. Chairman: You may raise that point when the question comes up and we will consider it.

Col. Amrik Singh: I am not asking you to exclude Shri Frank Anthony; I am merely requesting you to record this.

Shri Sinhasan Singh: When the question of Aminchand Pyarelal comes up, we shall ask him to go away.

Sardar Kapur Singh: I hope Shri Frank Anthony is not in any way connected with this particular transaction, alleged in Jit Paul's letter to Thapa.

Col. Amrik Singh: He has been the legal adviser for that firm.

Mr. Chairman: If you have any documentary evidence that he is interested in Jit Paul, you may produce that document; we will consider it. Till then, we cannot take that into consideration.

Col. Amrik Singh: My counsel, Shri Mathura Das Mathur, a leading advocate of the Punjab High Court had advised me on this.

Sardar Kapur Singh: Please write to us in detail on this point.

Col. Amrik Singh: I have already written to your office.

Mr. Chairman: Yes, I have seen it.

Col. Amrik Singh: I have said:

"I was shocked to read the name of Frank Anthony shown to me today. In this connection, I beg to place on record that according to irrefutable evidence in my possession...."

Mr. Chairman: You can raise this point at the proper stage. Now we are in the preliminary stage of getting the document. You have to produce it before the Committee. You have now taken nearly two months.

Col. Amrik Singh: May I respectfully submit one thing? Certain documents have been admitted by the Government in the High Court. Why could the Committee not send for those documents? That will relieve everybody of this tension.

Sardar Kapur Singh: We will not call for those documents.

Col. Amrik Singh: Then you have to take the documents given by me.

Shri P. R. Patel: So long as the original evidence or document is available, secondary evidence cannot be taken. That is the law.

Col. Amrik Singh: I will take legal steps to produce it.

Mr. Chairman: Please produce the documents on the 31st of this month.

Sardar Kapur Singh: Apart from Shri Frank Anthony, is there anybody else in this Committee who is biased?

Col. Amrik Singh: I respectfully submit this is an unchairtable insinuation and I feel hurt at that. You should not misunderstand my objections. If there is any such thing, I would have mentioned

it. Even in the case of Shri Frank Anthony I have done it with the greatest reluctance.

Mr. Chairman: Now, thank you.

Col. Amrik Singh: Can I bring my legal adviser next time?

Shri Sinhansan Singh: Not so long as you are a witness. When you become an accused, you can have a legal adviser.

(The witness then withdrew)

APPENDICES

APPENDIX I

(See para 1 of Report)

(REGISTERED ACK. DUE)

From:

Colonel Amrik Singh *alias*: K. S. Sahi &c;
C/o No. 8-A, Marina Arcade,
Connaught Circus, New Delhi,
Dated, the 4th August, 1966.

To:

The Hon'ble Sardar Hukam Singh,
Speaker, Lok Sabha,
New Delhi.

RESPECTED SARDAR SAHIB,

Out of my profound respect for you and the august office of Speaker held by you, with almost divine functions and sublime dignity attached to it, I am taking the liberty of pointing out these facts, in the greater national interest, for such action as you may deem necessary in connection with the current 'Bhoothalingam affair' and especially the activities of Mr. Paul for the sake and on behalf of the interested parties such as Messrs. Amin Chand Pyare Lal, Ramkrishen Kulwant Rai etc. etc.

In this connection I beg to invite your attention to the Lok Sabha Debates (Vol. 1 No. 12, Part 1, Questions & Answers, dated Monday the 5th March, 1956) Question No. *452 (Starred) (Dr. Gidwani, M.P., Shri K. K. Basu, M.P., Shri Bogawat, M.P., Shri Kanungo, Minister of Industries & the Hon'ble Deputy Speaker taking part) during which 'inter alia' the Lok Sabha was solemnly promised that the decision of the Law Courts was going to be obtained and as the case was 'subjudice' further action would be taken in the Courts after the investigations were completed etc. etc.

Thereafter the said case has been the subject of judicial proceedings in various Courts including that of the Special Magistrate, Special Judge, Dist. & Sessions Judge, High Court and the Supreme Court of India. During which it has transpired and placed on record

that irrefutable evidence submitted before the Hon'ble Courts including the Statements u/s 164 Cr. P.C., Applications u/s 250 Cr. P.C., Police Report u/s 173 Cr. P.C., F.I.R. along with vital documents submitted therewith, Statements of Witnesses u/s 540 Cr. P.C., together with Annexures, Exhibits etc. etc. has proved, beyond any shadow of doubt, that the Police Report has been rejected as false and malafide, the case has been declared as fabricated and 'grand Conspiracy' by corrupt officials and their collaborators, Government Security (along with some other vital documents) has been forged, false affidavits have been submitted by the Corrupt officials and their collaborators. False Reports have been made by them before the Courts, Government and the Parliament, Vital documents have been 'secreted' in a manner constituting Criminal Offence punishable with rigorous imprisonment for Life under the Indian Penal Code and the Criminal Procedure Code etc. etc.

That, amongst other details, irrefutable evidence has come on record of the case that several persons, including Shri Bhoothalingam, Shri Paul, 4 Ministers (names to be disclosed during the Court proceedings Ordered by the High Court after 11 years) have taken part in the Conspiracy and concealment of the design to commit criminal offences punishable with Life Imprisonment. A vital document submitted on record with statements u/s 164 Cr. P.C., shows details of bribe money paid to several persons, signed by the said Shri Paul, and a sum of Rs. 40,000/- is shown against your name. The existence of these documents has been admitted by the Government before the High Court in proceedings relating to the connected cases (Cr. Writ No. 18-D/65) after denying the very existence of the proceedings for 11 years.

The High Court has now ordered that the pending proceedings "have been very much protracted, I (His Lordship Mr. Justice A. N. Grover) order that they should be disposed of with the utmost expedition". This Order has been passed after rejecting the version and claim of the Corrupt Officials submitted through Affidavits (made on behalf of the Government of India) that NO PROCEEDINGS EVEN EXISTED.

Now they are propagating, with amazing impunity, that I am saying so because I am a dismissed official with 2 names given by themselves. Are the Hon'ble Judges of the Supreme Court & High Court also 'dismissed Officials' with 2 names?

Their other weapon is that instead of showing the documents submitted with the statements u/s 164 Cr. P.C., in case under FIR 3/49 of the S.P.E. Ambala (Punjab) they show the documents of an entirely different case under FIR 2/56 of the S.P.E. Delhi. This trick has also been detected by the High Court and rejected by the Judges.

I beg to suggest, that in order to confirm what I have stated you have only to see and read the documents admitted by Government in Cr. Writ 18-D/of 1965 before His Lordship Mr. Justice S. K. Kapur of the Punjab High Court. In compliance with the High Court Orders, and the specific Rulings of the Supreme Court, the Judicial proceedings and all records (admitted by Government) are coming up in open Courts in due course. Everything will then be clear like crystal. In the meantime S. Swaran Singh, present Foreign Minister, who was Minister in-charge Iron & Steel for the longest period during the pendency of the judicial proceedings under those cases (FIR 5/56 & FIR 3/49) and has studied the details of this and connected matter thoroughly is being kept informed along with some other M.Ps. who took interest. Let the solemn undertaking given to Lok Sabha 11 years ago and High Court Orders be respected without fear or favour.

Yours most obediently,

Sd./- AMRIK SINGH.

Colonel Amrik Singh *alias*

K. S. Sahi, &c.

APPENDIX II

(See para 8 of Report)

From:

Madhu Limaye, M.P.

168, North Avenue,

New Delhi-1.

Dated 5th August, 1966.

To:

The Speaker,

Lok Sabha.

Sir,

I hereby give notice of a privilege motion against one gentleman styling himself as Colonel Amrik Singh *alias* K. S. Sahi (C/o No. 8-A, Marina Arcade, Connaught Circus, New Delhi) for his having written a letter to the Speaker which speaks of a document signed by Mr. Jit Paul, partner of Amin Chand Pyarelal in which he had shown a sum of Rs. 40,000/- against the name of the Hon. Speaker of the Hon. Lok Sabha. Either this document exists or it does not exist. If it is a figment of the letter-writer's imagination then he is guilty of a very grave contempt of the House. If the document exists, then Mr. Jit Paul, against whom a breach of privilege motion is already pending in the House, would be guilty of another grave breach of privilege. It is not for me to say whether this document exists or not. All I know is that this constitutes a scurrilous attack on the Hon. Speaker. It is for the House and the Privilege Committee to look into the existence or otherwise of this document and haul up Col. Amrik Singh or Mr. Jit Paul as the case may be for breach of privilege.

I told the Colonel that he was making a very serious allegation involving the Hon. Speaker and thus the Hon. House and that he should first authenticate the copy of the letter and state clearly that he had sent it to the Speaker by Registered A.D. Having taken the precaution to obtain his authentication in the presence of a third person, Mr. Tulsi Boda, I decided to make a formal motion under Rule 222 of the Rules of Procedure of Lok Sabha.

However, this being a very grave and important question I would not like to mention it in the House till I have had an opportunity of discussing the matter with you personally.

With regards,

Yours sincerely,

Sd./- MADHU LIMAYE.

Col. Amrik Singh's letter enclosed.

APPENDIX III

(See para 12 of Report)

Certified copies of the records in Cr. Writ Petition No. 18-D/1965.
**IN THE CIRCUIT BENCH OF THE PUNJAB HIGH COURT AT
NEW DELHI.**

In Re.—Col. Amrik Singh: Petitioner Versus State: Respondents.
Cr. Writ petition under Articles 226 and 227 of the Constitu-
tion of India.

INDEX

| | | |
|----|---|----------------|
| 1. | Memorandum of parties | Page 1 |
| 2. | Writ Petition | Page 2 to 16. |
| 3. | Affidavit of the petitioner | Page 17. |
| 4. | Annexure (Affidavit of M. Mohinder Singh) | Page 18 to 19. |

Dated, New Delhi the 5th February, 1966. (Sd.) Amrik Singh,
Petitioner.
(Col. Amrik Singh).

**IN THE CIRCUIT BENCH OF THE PUNJAB HIGH COURT AT
NEW DELHI.**

Cr. W. 18-D/65.

In Re.—Colonel Amrik Singh: Petitioner Vs. State—Respondents.
Cr. Writ Petition under Articles 226 and 227 of the Constitu-
tion of India.

MEMORANDUM OF PARTIES

1. Colonel Amrik Singh, alias, K. S. Sahi, alias, Gen. Amrik Singh
—Chindit &c; &c; s/o S. B. Allam Singh, aged about 61 years, c/o
8-A, Marina Arcade, Connaught Circus, New Delhi-1.
--Petitioner.

Versus

2. State: through the Secretary to the Government of India,
Ministry of Home Affairs, Central Secretariat, New Delhi.
—Respondents.

Dated, New Delhi the 5th February, 1965. (Sd.) Amrik Singh,
Petitioner.
(Col. Amrik Singh)

IN THE CIRCUIT BENCH OF THE PUNJAB HIGH COURT AT
NEW DELHI

Criminal Writ No. 18-D of 1966

In *re*: Col. Amrik Singh *alias* K. S. Sahi *alias* Gen. Amrik Singh—
Chindit &c, &c, s/o S. B. Allam Singh Sahi, aged about 61 years,
c/o 8-A, Marina Arcade, Connaught Circus, New Delhi—*Petitioner*.

Versus

State (through the Secretary to the Govt. of India, Ministry of
Home Affairs, Central Secretariat, New Delhi)—*Respondents*.

Cr. Writ Petition under Articles 226 and 227 of the Constitution of India for the issue of appropriate Writs and directions to the respondents, after examining the records of the Police and judicial proceedings instituted against the petitioner, for quashing the said proceedings against the petitioner in the criminal case under F.I.R. No. 3 of 1949 of the Special Police Establishment, Ambala (Punjab) u/s 120-B, and 420 I.P.C., &c Sec: 5(2) of the Anti-corruption Act No. II of 1947; or for early disposal of the said 16 years old case and return of the documents and property submitted by, and seized from, the petitioner, respectively, with his Application u/s 250 Cr. P.C., and statement u/s 164 Cr. P.C. relating to the connected cases forthwith.

Respectfully showeth:—

1. That during his tenure of service as Consultant and Technical Adviser to the National Defence Council and The Commander-in-Chiefs' Defence Consultative Committee when the petitioner was engaged as a Senior Grade Field and Staff Officer at the General Headquarters (India Command), on Special assignments of secret Military Intelligence and counter-espionage work (for which the petitioner was specially selected, beyond and above the scope of his normal official duties, as evidence from the official records verified and submitted by the Respondents on the judicial file of case No. 37/2 of the Court of the Special Magistrate, Delhi, in-charge of the S.P.I. cases) the petitioner was entrusted with the formulation of plans and proposals for the disposal of the property and munitions becoming surplus, during the closing stages of the hostilities, to the requirements of the Allied Forces in the India-Burma Sector of the South-East Asia Command.

2. That the petitioner's work including his report, inventories and proposals in the light of the then existing and impending world situation and the conditions confronting the Government of India were

appreciated and highly commended by eminent War-Leaders including Lord (Admiral of the Fleet) Lewis Mountbatten, Supreme Commander Field Marshal Sir Claude J. E. Auchinleck, General Stilwell etc. etc. as evident from the official records submitted on the judicial file of the above noted case No. 37/2 and verified by the Respondents.

3. That subsequently the Prime Minister of free India (Pt. Jawahar Lal Nehru) also found the petitioner's work so useful that, amongst other matters, he was guided by the petitioner's reports and findings and recommendations after obtaining his verification of the previous reports and proposals, when the sale and purchase of the said war materials became the subject matter of the investigations by the Respondents' Special Police Establishment in connection with their Criminal Case registered under F.I.R. No. 5 of 1953, against Dalmia-Jain people, as evident from the official documents submitted by the petitioner and placed by the Respondents on the judicial file of the said case No. 37/2 in the Court of the Special Magistrate in-charge of S.P.E. cases.

4. That the petitioner's work mentioned above, under the auspices of the National Defence Council, was highly commended by the authorities thus ".....In connection with my activities as a Member of the Viceroy's National Defence Council and the C-in-C's Defence Consultative Committee during the critical years of War I was acquainted with the very excellent work done by this Officer in several highly technical and administrative appointments, INCLUDING MILITARY INTELLIGENCE OF RARE VALUE BEYOND THE SCOPE OF HIS ORDINARY DUTIES. His outstanding capacity for responsible work and specialized qualifications were displayed to the best advantage throughout his War Service.....", as evident from the official records mentioned above.

5. That during the petitioner's subsequent special appointment/ assignments on important work in India and foreign countries in collaboration with and under the auspices of the United Nations' Organization and the Technical and Economic Assistance Administration of the U.S. Government etc. etc. including Nepal and Burma, he was asked by the then Prime Minister to verify material details of the alleged offences which subsequently formed the subject matter of the criminal case registered against under F.I.R. No. 5 of 1953 against the Dalmia-Jain people, and the petitioner held several consultations with the authorities concerned including Shri Tika Ram (who registered F.I.R. No. 5 of 1953), General Mahabir Shamsher Jang Bahadur Rana (who became a Minister of the Government of

His Majesty the King of Nepal, and is now cited as one of the Prosecution Witnesses in the said case) and several others as evident from the judicial records mentioned above.

6. That in 1953 the petitioner's statement was recorded by Shri Tika Ram of the Special Police Establishment who recorded the F.I.R. No. 5/53 against Dalmia-Jain people and afterwards the Petitioner was asked to hand over all the documents and records relating to the said case as it was suggested by Shri Tika Ram and Shri B. R. Seth, Registrar of the Joint Stock Companies, Delhi (on whose behalf Shri Tika Ram was acting in his dealings with different matters and people in connection with the said case) that the Prime Minister (late Pt. Jawaharlal Lal Nehru) was anxious that all the said records and documents should be kept with either the Police authorities or the Registrar of the Joint Stock Companies.

7. That the Petitioner, knowing the Prime Minister personally having worked as his Adviser and otherwise known to him and his family for several years, did not agree to the said suggestion conveyed through Shri Tika Ram against whom (along with others) the Petitioner had previously reported to the Prime Minister of India and the then Prime Minister of Nepal (who in turn reported the matter to His Majesty the King of Nepal) in connection with the corrupt and *mala fide* conduct of the said Shri Tika Ram, and others, including Shri B. R. Seth who were associated with the illegal collection of funds by cheating and misrepresenting facts which were detected by the Petitioner during his counter-espionage and secret 'intelligence' work in India, Nepal, Burma etc., etc., over and above his normal official duties as evident from the records and judicial files of the connected cases including case No. 37/2 mentioned above, as evident from the said file.

8. That apart from the Petitioner's personal knowledge and experience of the *mala fides* of the above-noted persons who were trying to get hold of the vital records and documents from the possession of the Petitioner, he contacted the Prime Minister personally for verification of the facts and was surprised to know that the Hon'ble P.M. was misquoted by Shri Tika Ram with ulterior motives, as evident from the above-noted judicial records sought to be produced before Your Lordships.

9. That thereafter the corrupt authorities of the Special Police establishments and their collaborators in highly placed positions of

the Country's Politics, Public-life, Administration, Judiciary, Police etc. etc. have made several attempts, directly and indirectly, to obtain the vital records and documents from the possession of the petitioner who has succeeded in saving the bulk of the documentary evidence to satisfy Your Lordships as to the proof of his allegations and statements as evident from the Judicial records mentioned above.

10. That in the process of their illegal attempts the corrupt officials of the Special Police Establishment and their highly collaborators have resorted to many devices, during the last more than 10 years, including the launching of police and court proceedings against the petitioner on the basis of manifestly false and fabricated evidence and the testimony of a special set of stock witnesses (including a large number of those who have been cited as Prosecution witnesses in their case under F.I.R. 5/53 against Dalmia-Jain people) who have attributed several offences including the capital offence of Murder to the petitioner as evident from the above-noted records.

11. That the Petitioner has also been charged with using different names in order to derive some benefit in spite of the fact that he had been officially given pseudonyms for his counter-espionage and secret intelligence work for the Government as evident from the above-noted judicial records sought to be produced before Your Lordships.

12. That in any case in order to set all the doubts at rest, the Petitioner has repeatedly undertaken in writing that lest there should be any misunderstanding in this regard "the petitioner undertakes to accept all the liabilities and responsibility for every offence attributed to him and/or proved against him under any one or more of the several names under which he may be prosecuted or which had been used by him during his lifetime as evident from the judicial records mentioned above.

13. That the Petitioner is confining himself only to the connected and direct details and facts of the case reopened against him under F.I.R. No. 3/49 of the S.P.E. Ambala u/s 120-B, 420 I.P.C. and Section 5(2) of the Anti-Corruption Act No. II of 1947 admitted during the course of the Respondents' affidavit dated 4th December 1956 in Criminal Writ No. 3-C/56 before this Hon'ble Court, and as mentioned in para No. 5 of the Annexure hereto and the remaining cases' proceedings before the Police and courts are being dealt with separately for the sake of clarity and the court rule of 'separate petition' for

every case'. The relevant details of case No. F.I.R. 5/53 against Dalmia-Jain people are mentioned only to the extent to which they are inextricable and common to other cases.

14. That after the respondents corrupt officials in the S.P.E. became desperate due to their failure to obtain the vital records and documents in the abovesaid manner from the petitioner, they attempted to 'legalize' their action by seizing the same material by searching the premises of the residence of the petitioner and his son under the guise of fabricated and imaginary cases as evident from the abovenoted judicial records and the following extracts from independent evidence of most respectable witnesses on record of this Hon'ble Court's files in Cr. W. 3-C/56:— (a) relevant extracts from the affidavit of Shri U. S. Dhillon, B.Sc. Hons., of the Ministry of Home Affairs, Govt. of India, New Delhi:— "at the time of leaving Shri Roshan Lal Khanna (Investigating Officer of the Special Police Establishment) took away several papers and photographs from the house of Shri Devinder Singh Sahi and refused to give any receipt for the same." That after a few days I learnt that Shri K. S. Sahi was admitted in the Willingdon Nursing Home at New Delhi. I went there to inquire after his health etc. and on one such occasion Shri Roshan Lal Khanna, who was present in Shri Sahi's room told me that Shri K. S. Sahi was a Proclaimed Offender in several cases including Murder, and that his name was not K. S. Sahi but he was in fact Colonel Amrik Singh the absconder."

(b) relevant extracts from the affidavit of Shri V. S. Suri, ret. Airforce Officer:

"On the same date 12th January 1956, after hearing what Shri C. N. Guha told me, I went to see Shri K. S. Sahi at about 10 A.M. at the Constitution House and was surprised to find in his room No. 57, nearly six persons headed by Shri Roshan Lal Khanna (about whom I learnt later that he was the Deputy Superintendent of Police S.P.E., New Delhi) surrounding Shri K. S. Sahi and ransacking his trunks, almirahs, drawers etc. etc., and removing bundles of articles including documents from the said room. They immediately took Shri K. S. Sahi in custody and I heard Shri K. S. Sahi protesting against the highhandedness of the Police and demanding to see the legal warrants of arrest and search. Thereupon Shri Roshan Lal Khanna told Shri K. S. Sahi rudely that no such Warrants were necessary for absconders and proclaimed offenders in cases of murder etc. Thereafter they forcibly took Shri K. S. Sahi outside the Constitution House and showed him in car No. DLA-4877 and drove in

the direction of 'India-Gate' with the Pickup Van No. DLC-409 following the said car No. DLA-4877. Before leaving Shri Roshan Lal Khanna took down my name and address; and upon my asking him what was the matter he told me that Shri K. S. Sahi was in fact Colonel Amrik Singh a proclaimed offender in serious cases....". "He also took some papers etc. from the house of Shri Devinder Singh Sahi before leaving without giving any receipt etc. "After a few days Shri Roshan Lal Khanna started visiting me at my residence from time to time. He asked me to sign certain seizure Memos of the searches alleged to have been carried out by him at the residence of Shri K. S. Sahi and his son, with back dates. I refused to do so as I was not a regular witness of any legal search and what I actually saw should be better described as vandalism rather than a regular or legal search. Shri Roshan Lal Khanna has also sent to me several persons including Shri C. N. Guha, Shri P. K. Mukherji and Shri P. K. Chatterji of the Neo-National Construction Ltd. and Shri Ganeriwalla and Shri Iyre of the Mansfield & Company, Calcutta who have offered me temptation of reward etc. for keeping mum about what I saw and heard of this episode. On certain occasions Shri Roshan Lal Khanna has himself also accompanied the abovenamed persons in batches of 2 or 3 for the same purpose. The abovenamed representatives of Neo-National Construction Ltd. and Mansfield & Co., Calcutta, have told me several times that they are interested in fabricating evidence in support of their cases against Shri K. S. Sahi and are willing to spend considerable funds for the purpose.

15. That most of the above-noted documents and records illegally taken by the Special Police Establishment from the house of the Petitioner and his son related to the case under F.I.R. No. 5/53 against Dalmia-Jain people as evident from the judicial file and court orders on the file of case No. 37/2 of the Court of the Special Magistrate in-charge of the S.P.E. cases.

16. That the reference to the Petitioner being an absconder and Proclaimed Offender in cases of Murder mentioned under sub-paras (a) and (b) of para 14 above, relates to the case of Murder u/s 302 I.P.C. (State vs. Amrik Singh) for the crimes committed at Ambala on February 15, 1950, and the Sessions Court concluding the Petitioner's trial, for murder according to the Respondents' allegations, sentenced him to death on 27th September, 1954.

17. That according to the Respondents' allegations the Petitioner is supposed to have succeeded in breaking away from his Police

Guards and escaped carrying with him his handcuffs and half the length of chain attached to them with links of tampered-steel of regulation size and quality.

18. That according to the Respondents' allegations the Petitioner at the age of over 50 years in 1954 is supposed to have added nearly 5 inches to his height from... 5 ft. 8 inches to 6 ft. $\frac{1}{2}$ inch, with the knowledge and judgment of the Respondents at the very moment when the Petitioner was arrested for the capital offence of Murder and proceedings were launched against him as evident from the judicial records mentioned above and sought to be produced before Your Lordships.

19. That after the conviction of the Petitioner on the basis of the evidence produced by the Respondents, fully accepted by all the assessors and the hon'ble Sessions Judge, the Petitioner was sentenced to 'death' upon the charge of murder and to 7 years plus 6 months rigorous imprisonment on the remaining three charges of attempted murder and suicide, as evident from the judicial records mentioned above.

20. That the Petitioner's appeal against the abovenoted sentence and the reference made by the Respondents for the confirmation of the 'death sentence' came up before Your Lordships' Division Bench consisting of 3 eminent Judges including the present Chief Justice (Sir Donald Falshaw) and a retired Chief Justice (His Lordship Shri G. D. Khosla) before whom the Respondent strongly urged and maintained their ground to convince Your Lordships that the petitioner was the same person who had committed the alleged foul crimes, with the result that the Petitioners' appeal was dismissed, as evident from the judicial records sought to be produced as mentioned above.

21. That because the Petitioner had absconded from Police Custody and could not therefore be punished personally, the Respondents caught hold of another citizen, subjects to the legal and constitutional protection under Your Lordships jurisdiction, Amar Sarup and made him undergo the sentence in spite of his protestations and in spite of all the witnesses of the Prosecution vehemently denying in open court of the Sessions Judge as well as Your Lordships' Court that the substituted person Amar Sarup (nearly 5 inches shorter in height than the Petitioner) was the same person as the Petitioner, as evident from the judicial evident from the judicial records mentioned above.

22. That after the dismissal of the Petitioner's appeal, the Respondents kept up their search of the accused without informing Your Lordships in their zeal to track down the murderer at any cost, as evident from the abovenoted judicial records.

23. That such monstrosities in the name of law and justice were resorted to by a few highly and debased officials of the Respondents, and their highly placed collaborators, and made possible through contrivances with the singular object of obtaining vital documents and records which were fatal to their allegations in the registered case under F.I.R. No. 5/53 against the Dalmia-Jain people as evident from the judicial records of the case No. 37/2 of the Special Magistrate in-charge of the S.P.E. cases sought to be produced before Your Lordships.

24. That thereafter the Petitioner made several attempts to bring the facts to the personal notice of the honest authorities and Courts of law, who were rendered impotent by the contrivances of the few corrupt officials, for 'for suomoto' action as the Petitioner was absolutely against creating any sensation or scandal out of which any individuals, especially the Dalmia-Jain people for whom the Petitioner had instinctive hatred as a class of exploiters of the common man, as evident from the judicial records sought to be produced before Your Lordships.

25. That the Petitioner also submitted an Application before Shri S. G. Bose-Mullick District Magistrate, Delhi u/s 44(2), 94 and 540 Cr. P.C. read with section 382 IPC., in connection with the pending case under F.I.R. No. 5/53, on 20th July 1964, detailing some of the relevant facts of the case which may be read as part of this petition alongwith other judicial records sought to be produced before Your Lordships. This application was taken back on 27th October 1964 on the undertaking that 'suomoto' action will be taken by the authorities without the intervention of the Petitioner but nothing has been done so far as evident from the judicial records sought to be produced before Your Lordships.

26. That in the course of the judicial proceedings on the record of the S.P.E. case No. 37/2 in the Special Magistrate's Court the Respondents have several times given an undertaking, duly recorded by the hon'ble Court, that in view of the vital documentary evidence produced by the Petitioner relating to the case under F.I.R. No. 5/53 against Dalmia-Jain people the said case shall not be

proceeded with if the incriminating documentary evidence submitted by the Petitioner was allowed to be removed from the records on grounds of 'security' as evident from the proceedings of the said case No. 37/2 sought to be produced before Your Lordships.

27. That the hon'ble Sessions Judge Delhi, detected on 2nd January 1965, during inspection of the judicial file in the presence of the Respondents' Advocate, of the said case No. 37/2 that the records of the file had been tampered with and vital documents removed by the Special Police Establishment Staff in an illegal manner as evident from the records sought to be produced.

28. That previously the matter was also reported by Shri C. N. Guha to the Prime Minister and the Court to the effect that, among other matters, the corrupt members of the Staff of the S.P.E. and some highly placed authorities including Shri T. T. Krishnamachari, were threatening and forcing him to desist from any action tending to disclose facts against the S.P.E.'s case registered under F.I.R. No. 5/53 against Dalmia-Jain people, as evident from the records sought to be produced.

29. That the said Shri C. N. Guha was killed at Delhi in order to prevent him from exposing the secrets of the case and the matter was duly reported to the Police and also raised in the Lok Sabha *vide* Question No. 203 at Column No. 579 which was answered by the Home Minister in direct and deliberate contradiction of the facts evident from the official records sought to be produced in court.

30. That the abovenamed false answer in Parliament was given at the instance of authorities of the Special Police Establishment as evident from letter of the I.G.P. Delhi No. 22475 of 4th August 1960, in order to suppress the evidence and judicial orders fatal to the case under F.I.R. No. 5/53 of the S.P.E. against the Dalmia-Jain people, as evident from the records sought to be produced.

31. That the murder in such a foul manner of Shri C. N. Guha was committed by hired men through Shri Partap Singh Kairon the then Chief Minister of Punjab.

32. That the same men who killed Shri C. N. Guha also attempted to kill Shri D. S. Garewal, former S.P. of Karnal who was returning by Road from Delhi to Karnal after his acquittal from the murder case fabricated against him by the Respondents as evident from the record sought to be produced. |

33. That the Murder case reopened by the Respondents against the Petitioner in the manner explained under paras 14, 16, 17, 18, 19, 20, 21 and 22 hereof, is one of such cases the details of which are kept secret by the corrupt officials of the Respondents even from the Ministers and the Courts of law as evident from the records sought to be produced before this Hon'ble Court from Cr. W. 3-C/56 and the Respondents case No. 37/2.

34. That while reporting the said Murder case for Your Lordships' information *vide* the Respondents' affidavits in Cr. W. 3-C/56, they have deliberately concealed the essential details of the said case and have merely mentioned it as "a criminal case of U.P.", in order to cheat Your Lordships and keep you in the dark regarding the illegal use to which the Respondents have been putting their authority under the garb of this case for the collection of vital information and documentary evidence relating to their case under F.I.R. No. 5/53 against the Dalmia-Jain people, as evident from the records submitted by the Petitioner and the judicial orders of the Special Magistrate, Delhi, kept on the file of the case No. 37/2 of the S.P.E.

35. That a Senior Advocate of the Punjab High Court (Shri Mathra Das, Advocate) personally ascertained from the District Magistrate and Sessions Judge of Pilibhit in U.P. that the said Murder case was treated as 'secret' as a special case under the orders of the Special Police Establishment of the Ministry of Home Affairs as evident from the original remarks of the said authorities on the said Advocate's application for the inspection of the file of the said case.

36. That formal representations in writing as well as in person, touching upon the abovementioned matters, made to the President of India (Dr. S. Radhakrishnan), last President (Dr. Rajendra Prasad), last Prime Minister (Pt. Jawahar Lal Nehru), present Prime Minister (Shri Lal Bahadur Shastri), Home Minister (Shri Gulzari Lal Nanda), Foreign Minister (S. Swaran Singh) and the Finance Minister (Shri T. T. Krishnamachari) have eventually resulted in all these personages expressing their approval that the details of these cases, including the one the proceedings of which are sought to be quashed through this Petition, should be thoroughly thrashed out in all their aspects as their suppression will constitute a standing blot on the name of law and justice, in spite of the

fact that the gross misconduct of some of the highly placed individuals might be exposed with salutary effect on the morale of the general public whose confidence in the rule of law must be reinforced without fear or favour.

37. That the above noted Murder case and the case the proceedings of which are sought to be quashed through this Petition, was brought to the notice of Pt. Jawahar Lal Nehru for necessary action but the corrupt authorities of the Respondents managed to mislead Panditji in such a manner that a reply sent to the inquiring Member of the Parliament *vide* letter No. 132/PMO 6, dated 3rd March, 1966, from the Prime Minister's Office, excluded even any reference to these cases as evident from the records sought to be produced before this hon'ble Court from proper custody.

38. That similarly another Member of Parliament (Smt. Ganga Devi) wrote to the Prime Minister *vide* letter dated 15th November 1960 which was replied to under the signature of Shri K. Ram, I.C.S., stating that under no circumstances could the relevant papers be shown to the Petitioner. This was done without the authority of the Prime Minister and the object was to conceal the papers which proved fatal to the Respondents' case under F.I.R. No. 5/53 against Dalmia-Jain people as evident from the records sought to be produced before Your Lordships.

39. That during the crucial months of the year 1953, when the magisterial inquiry of the Murder case (before commitment to the Court of Sessions) against Shri Amar Sarup *alias* Amrik Singh was going on at Ambala, the preparations were being made to complete and register the case under F.I.R. No. 5/53 against Dalmia-Jain people, and the Petitioner was brought to New Delhi from Burma on his United Nations' assignment (as evident from the Respondents' records including (i) D.O. Letter No. B/53/5631/4, dated 5th September 1953 from the Ministry of External Affairs to the Petitioner, (ii) Letter No. D. 6326/53-A2 of 14th September 1953. from the Ministry of Education to the Petitioner, (iii) D.O. No. 197 (PA), dated 8th September 1953, from the Secretary to the Government of Bihar, Patna addressed to the Petitioner) prolonged consultations were held at Delhi, in which the Petitioner was specially instructed to partake in view of his past knowledge and experience of the disposal property in which the Dalmia-Jain people were alleged to have invested large sums of public money in the name of Allenberry & Company, and it was then pointed out that a criminal case had to be made out in spite of the authoritative view that there

was no justification for attributing any criminal liability, as evident from the records sought to be produced before Your Lordships as stated above.

40. That previously all these facts including the role of certain highly placed officials posted to Nepal, in connection with the activities of the said officials through the agency of many *benami* parties including New Nepal Corporation Ltd. of Calcutta, and the basic details were reported by the Petitioner to the Prime Minister of Nepal *vide* his letter dated 4th February 1952, when it was definitely agreed that no further proceedings shall be taken against any party in which those details and facts were to be mentioned in any form, as evident from the records sought to be produced.

41. That the abovementioned letter, dated 4th February 1952, in connection with the Nepal case, was also brought to the notice of Pt. Jawahar Lal Nehru and subsequently its formal receipt was sent to him along with the Petitioner's letter, dated 15th September 1958 and 28th July 1963, when Panditji agreed that its significance was all the time concealed by a few corrupt officials with ulterior motives. He also assured the Government of Nepal and His Majesty the King of Nepal that if and when any link between these facts mentioned in the said Nepal case in 1951-52 and the case under F.I.R. No. 5/53 of the S.P.E. against Dalmia-Jain people was established the proceedings will be dropped forthwith, as evident from the records sought to be produced from proper custody.

42. That after the death of the former Prime Minister (Pt. Jawahar Lal Nehru) the Petitioner has written to the present Prime Minister (Shri Lal Bahadur Shastri) many times for the return of all the documents, relating to these cases, which were sent by the Petitioner but, although Shastriji himself has agreed to the return of all the Petitioner's documents, the corrupt officials and certain highly placed individuals whose personal misconduct is likely to be exposed in connection with the relevant details of these cases and certain closed cases (including the transaction of advancing large sums of the L.I.C. funds to Shri Hari Das Mundhra by the authorities including Shri T. T. Krishnamachari against whom the Chief Justice of the Bombay High Court held a judicial inquiry) have prevailed upon the Prime Minister to keep his mouth shut otherwise they would come to grief as evident from the records sought to be produced before Your Lordships from proper custody.

43. That the Petitioner has tried to obtain certified copies of these documents and records, along with other records, for production in courts, but the same have also been refused and the only manner in which they can be produced is to summon them in a formal manner according to the procedure laid down in Chapter VII of the Code of Criminal Procedure.

44. That the Special Magistrate, Delhi, while disposing of the Petitioner's representation relating to the S.P.E. case under F.I.R. No. 5/53., in connection with his Statement u/s 164 Cr. P.C., in the presence of the P.P., S.P.E. in open court, stated *inter alia* that the "surprisingly striking resemblance" of the signatures and handwriting on the various documents common to several cases cited by the Petitioner in his statement and representation in court (on the file of case No. 37/2) relating to cases in Nepal and India, led to the inescapable conclusion that the key documents were the receipt for Rs. 50,000 attributed to the Petitioner in case under F.I.R. No. 5/56 of the S.P.E., (ii) signature of Sahdi Lal Saluja on the Memorandum and Articles of Association of the Dalmia-Jain Airways, (iii) signature of 'Baljeet Kaur' on the Cloak-Room receipt recovered from Amar Sarup (alias; Amrik Singh) at the time of his arrest and later produced in the Sessions Court and the High Court of Punjab during the trial and [confirmation proceedings of the Murder Case at Ambala (Punjab)], (iv) signatures on the Memorandum and Article of Association of the New Nepal Corporation Ltd., of Calcutta and the subsequent proceedings in the Nepal case in 1951-52 stated above, and (v) 85 documents seized by the S.P.E. during the searches of the Offices of the Dalmia-Jain Group of Companies in November-December 1953 in connection with the allegations against them, and all these clearly showed that there were many strong common links between these cases, including the case the proceedings of which are sought to be quashed against the Petitioner through this petition, and therefore all these matters should be heard and decided jointly in the same court.

45. That upon the court orders mentioned in the foregoing paragraph, the P.P., S.P.E. stated that he had instructions from the Government to the effect that the cases under F.I.R. No. 5/53 and 5/56 should not be pressed for reasons of State and that Statement was recorded by the Court and signed by the P.P., S.P.E., as evident from the records sought to be produced from proper custody.

46. That the page of the Jail Register of Ambala Jail, containing the entries relating to Amrik Singh's admission as undertrial

prisoner in 1950 in connection with the capital offence of Murder (which was reopened against the Petitioner in 1956 by the Respondents corrupt officials) including the thumb prints of the Accused, which was reported by the Police to be 'missing' from the jail records, was also submitted by the Petitioner along with his Statement u/s 164 relating to the case under F.I.R. No. 5/53 to show the *mala fides* of the Prosecution, as evident from the records sought to be produced, alongwith the report of the expert who declared that the thumb print of Amar Sarup was entirely different from that of Amrik Singh.

47. That on account of the Petitioner submitting his Cr. Writ Petition No. 4-D/65, dated 14th January 1965, the facts of which are closely related to these cases, including the case sought to be quashed under this Petition, the corrupt officials of the Respondents have been so much enraged that they have repeated their barbaric tactics of 1956 when the Petitioner was arrested and tortured and the corrupt officials of the Respondents got away with the explanation vide their affidavit in Cr. W 3-C/56 to the effect; "The Petitioner apprehending that he might be formally arrested, which would entail his being kept in the lockup offered voluntarily to stay on the S.P.E. promises, and was given all conveniences for sleeping there." as evident from the judicial records of this Hon'ble Court. Their main object was simply to justify their illegal attempts to obtain material relating to F.I.R. 5/53.

48. That again on the evening of 4th February 1965, (only a few days after the Petitioner filed his Writ No. 4-D/65) the Petitioner was waylaid by the Police personnel and treated in a most illegal and barbaric manner as explained in the enclosed Annexure (affidavit of a most respectable independent witness) which may be read as part of this Petition.

49. That after the witness left at about 10 P.M. and the Petitioner made his way towards the Bus-stand for No. 17 Bus the Policemen again overtook him in the lawns of the Connaught Place and threatened him with dire consequences if he persisted in his allegations against the Police in connection with his Writ Petition before Your Lordships.

50. That certain other facts which constitute greater national shame and/or which fall within the mischief of the Indian Official Secrets Act have been excluded from the scope of this Petition for obvious reasons.

PRAYER:—It is respectfully prayed that:—(i) Appropriate Writs and directions may be issued, after examination of the relevant records of the proceedings before the Police and courts of law, and after obtaining the version of the Respondents, for quashing all the proceedings against the petitioner relating to the case under F.I.R. No. 3/49 of the S.P.E. Ambala, u/s 120-B and 420 I.P.C., and sec. 5 (2) of the Anti-Corruption Act of 1947;

OR (ii) The charges and allegations against the Petitioner should be brought in open court for trial according to legal procedure as early as possible;

and (iii) The documents and property submitted by the Petitioner with his Statement u/s 164 Cr. P.C., and seized by the Police from the Petitioner's and his son's residence, should be returned to him, or should be placed on the court records of the connected cases without further delay;

and (iv) The judicial file of case No. 37/2 (on which the Respondents have contrived to place the documents and records of all the Petitioner's cases), now lying in the court of Shri S. C. Chaturvedi, Magistrate 1st Class, Delhi, may be seized for verification without prior notice to the Respondents.

Dated, the 5th day of February, 1965.

Sd./- Amrik Singh,

Petitioner.

(Colonel Amrik Singh *alias* K. S. Sahi etc, etc.)

IN THE CIRCUIT BENCH OF THE PUNJAB HIGH COURT
AT NEW DELHI.

In *re*: Colonel Amrik Singh: Petitioner Vs. STATE: Respondents.
Cr. Writ under Articles 226 and 227 of the Constitution
of India.

Affidavit of Colonel Amrik Singh, s/o S. B. Allam Singh, aged about 61 years c/o 8-A, Marina Arcade, Connaught Circus, New Delhi-1.

I the above named colonel Amrik Singh, do hereby solemnly affirm and declare:—

1. That the facts mentioned in my enclosed Cr. Writ Petition under Articles 226 and 227 of the Constitution of India, entitled Colonel Amrik Singh Vs. STATE, are true to my knowledge.

2. That I am prepared to fully substantiate all the allegations and statements made by me, including the facts and statements made in the Annexure (Affidavit of Shri Mohinder Singh) with irrefutable evidence to the entire satisfaction of Your Lordships.

3. That I have made no such petition, relating to this case, before the High Court at Chandigarh.

Sd/- Amrik Singh,
Deponent.
 (Col. Amrik Singh)

Verification:—

I, the above named Colonel Amrik Singh, do hereby solemnly affirm and declare that the contents of my affidavit are true to my knowledge. Verified at New Delhi the 5th Day of February, 1965.

Sd/- Amrik Singh,
Deponent.
 (Col. Amrik Singh)

Annexure

IN THE CIRCUIT BENCH OF THE PUNJAB HIGH COURT AT
 NEW DELHI

In re: Colonel Amrik Singh: Petitioner Vs. STATE: Respondent.
 Cr. Writ Petition under Articles 226 and 227 of the Constitution of
 India.

Affidavit of S. Mohinder Singh s/o S. Dhanna Singh, aged about 31 years, Managing Proprietor, Transport Service, 8-A, Marina Arcade, Connaught Circus, New Delhi-1.

I, the above named S. Mohinder Singh, Deponent, do hereby solemnly affirm and declare:—

1. That I am a graduate of the Punjab University and as Managing Proprietor of my firm of Transport Services earning considerable foreign exchange as well as my income from local business in Indian currency. I regularly pay income-tax to the Government. I also possess a current Life Insurance Policy of Rs. 25,000 for the last several years.

2. That I know, and can identify, the petitioner Colonel Amrik Singh (Sahi) personally.

3. That last evening at about 9 P.M. while I was leaving for my mother's house, I saw a Sub-Inspector of Police, in Uniform, along

with three Police Constables, catching hold of the said Petitioner and violently pushing him towards the corner of the Marina Hotel Verandah in darkness. At the Petitioner's protests the Sub-Inspector stated that he had a Warrant for the arrest of the Petitioner, Colonel Amrik Singh (Sahi) who was an absconder and proclaimed offender in several cases of offences including that of murder in Punjab and U.P. and that therefore he was being taken to the Police Station under arrest.

4. That on demanding to see the said Warrant of arrest the Petitioner was told by the Sub-Inspector that he had instructions from the higher authorities and the Court not to show the warrant to anyone as it "related to secret matters;" whereupon the Petitioner refused to move and on account of intervention the Policemen suddenly changed their attitude and started throwing hints of sympathy and assistance to the Petitioner who was reminded of his arrest and proceedings instituted against him in January/February 1956 by the Special Police Establishment who got him identified as a proclaimed offender and absconder on the basis of the testimony of 'reliable witnesses' and subsequent proceedings by the Delhi Police on the basis of the testimony of the same witnesses and after reminding the petitioner in this manner the Sub-Inspector gave a 'friendly' advice to the effect that if the Petitioner "continued the follow-up action in the Writ Petition in the Punjab High Court and connected applications in the lower courts, he would come to grief and proceedings of all the cases started against him in 1956 would again be started with serious results and consequences for the Petitioner" and he was shown several documents bearing the signatures of Judges and Magistrates (with seals) of the Courts in Punjab, Delhi and U.P. under the authority of which the Petitioner could be 'hailed-up' at any time.

5. The said documents shown by the said Sub-Inspector related to Criminal cases under F.I.R. No. 5 of 1953 against Dalmia-Jain people, Nepal case file reported by the Petitioner to the Prime Minister of Nepal during his assignment in the country on foreign service, Case No. 87/47 of the Simla Police, case under F.I.R. No. 3 of 1949 of S.P.E. Ambala (Punjab), and murder case u/s 302 I.P.C. in U.P. and certain others of which I could not remember the details and particulars for shortage of time. The petitioner took notes of them.

6. The said Sub-Inspector also said that no follow-up action by the petitioner could be of any avail for obvious reasons. One of the

Judges mentioned in the records has now been appointed to investigate and try the charges against Bakshi Ghulam Mohamed of Kashmir and person named Colonel Amrik Singh is already undergoing sentence of life imprisonment after his appeal was dismissed by Mr. Justice Falshaw and Mr. Justice Khosla. He also said that the missing and tampered-with documents detected by Shri P. P. R. Sawhny, Sessions Judge mainly related to these cases named above and the documents had been removed under orders of the Home Minister with the previous consent of the Judges of the High Court, Punjab. Even the President and the Prime Minister were informed about it. Afterwards I left the place at about 10 p.m. when the Policemen also went away.

Sd/- Mohinder Singh,
Deponent.

Verification:—I, the above named Mohinder Singh, do hereby solemnly affirm and declare that the contents of my affidavit are true to my knowledge, verified at New Delhi, the 5th day of February, 1965.

Sd/- Mohinder Singh,
Deponent.

IN THE HIGH COURT OF JUDICATURE FOR THE STATE OF
PUNJAB CIRCUIT BENCH AT NEW DELHI
Criminal Writ No. 18-D of 1965.

In re:

Col. Amrik Singh.....*Petitioner.*

Versus

State..... *Respondents.*

In reply to the Criminal Writ Petition No. 18-D/65 filed by the petitioner, the respondents respectfully submit as under:—

1. That in the writ petition the petitioner has prayed for the issue of an appropriate writ and direction *inter alia*, for quashing all the proceedings against the petitioner relating to the case under F.I.R. No. 3/49 of the S.P.E. Ambala under sections 120-B and 420 I.P.C. and section 5(2) of the Anti-Corruption Act, 1947.

2. That a case F.I.R. 3/49 was registered in the Ambala Branch of the Special Police Establishment in the month of June 1949 against one Col. Amrik Singh and others. The said Col. Amrik Singh absconded and proceedings under section 512 Cr. P.C. were taken against him.

3. The petitioner has, as submitted above, prayed for the quashing of the proceedings in the said case F.I.R. 3/49 of S.P.E. Ambala.

4. The petitioner is not being prosecuted under F.I.R. 3/49 S.P.E. Ambala nor are any proceedings being taken against the petitioner in that case.

5. The averments and allegations made by the petitioner in the writ petition are entirely irrelevant to the relief sought for in the petition and as such they do not call for any detailed reply from the respondents.

6. There being no material with the Respondents to connect the petitioner with the absconding accused Col. Amrik Singh, it is respectfully submitted that the petitioner has no *locus standi* to pray for the quashing of the proceedings in F.I.R. 3/49 S.P.E. Ambala. For this reason the Writ Petition filed by the petitioner is liable to be dismissed.

7. Regarding the prayer by the petitioner for the return of documents said to have been submitted by him with an alleged statement under section 164 Cr. P.C. it is respectfully submitted that the petitioner has not indicated in the writ petition that he has moved the Court of the Magistrate for the return of the documents, in the first instance. It is submitted that the petitioner should have in the first instance moved the Court of the learned Magistrate for the relief sought for and as such the prayer in the writ petition for the return of documents is liable to be rejected on that ground.

Sd./- Avtar Singh,

*Public Prosecutor Dy. Legal Adviser,
Special Police Establishment, New Delhi.*

Dated: 26th February, 1965.

IN THE CIRCUIT BENCH OF THE PUNJAB HIGH COURT AT
NEW DELHI

Criminal Writ No. 18-D of 1965.

Colonel Amrik Singh, *alias* K. S. Sahi, *alias* Gen. Amrik Singh—
Chindit etc. etc., son of S. B. Allam Singh Sahi, aged about 61 years,
c/o 8-A, Marina Arcade, Connaught Circus, New Delhi—*Petitioner.*

Versus

State (through the Secretary to the Government of India, Ministry of Home Affairs, Central Secretariat, New Delhi)—*Respondents*.

Petition under Articles 226 and 227 of the Constitution of India praying that:—

- (i) Appropriate writs and directions may be issued, after examination of the relevant records of the proceedings before the police and courts of law, and after obtaining the version of the Respondents, for quashing all the proceedings against him relating to case under F.I.R. No. 3/49 of the S.P.E. Ambala, u/s 120-B and 420 I.P.C. and section 5(2) of the Anti-Corruption Act of 1947.
- (ii) The charges and allegations against the petitioner should be brought in open court for trial according to legal procedure as early as possible.
- (iii) The documents and property submitted by the petitioner with his statement u/s 164 Cr. P.C. and seized by the Police from the petitioner's residence and his sons' residence, should be returned to him, or should be placed on the court records of the connected cases without further delay.
- (iv) The judicial file of case No. 37/2 (on which the respondents have contrived to place the documents and records of all the petitioner's cases), now lying in the court of Shri S. C. Chaturvedi, Magistrate 1st Class, Delhi, may be seized for verification without prior notice to the respondents. This the 26th day of July, 1965.

PRESENT

Hon'ble Mr. Justice S. K. Kapur.

Petitioner By:—In person.

Respondent By:—R. L. Mehta and Mr. P. S. Safeer, Advocates.

ORDER

The petitioner prays for three reliefs:—

- (1) Proceedings pending against him in pursuance of First Information Report No. 3 of 1949 at the instance of the Special Police Establishment, Ambala, under sections 120-B and 420, Indian Penal Code, and section 5(2) of the Anti-Corruption Act of 1947 be quashed.
- (2) Proceedings taken against the petitioner by way of his identification etc. after the reopening of the case in pur-

suance of the aforesaid first information report be quashed.

- (3) The documents and property submitted by the petitioner with his statement under section 164, Criminal Procedure Code, and seized by the police from the petitioner at his sons' residence should be returned to him or should be placed on the Court record of the connected cases.

Mr. Mehta, learned counsel for Special Police Establishment, states that the writ petition should be dismissed on the short ground that the petitioner is not the person who is being prosecuted in pursuance of the aforesaid first information report and no proceedings with respect to the said first information report are pending against him. Mr. Mehta also submits that in case any proceedings had been taken against him earlier in pursuance of the said first information report, contrary to law, the petitioner's remedy was not by way of writ petition. So far as the statement under section 164, Criminal Procedure Code, is concerned Mr. Mehta points out that no such statement was recorded at the instance of either the Special Police Establishment or the State. The petitioner himself voluntarily submitted a signed statement before the Magistrate concerned and appended certain documents thereto and his proper remedy was to approach the Magistrate concerned for return of the said documents. I am in agreement with the submissions of Mr. Mehta. The writ petition deserves to be dismissed in view of the aforesaid statement of Mr. Mehta that no prosecution is pending against the petitioner in pursuance of the said First Information Report No. 3 of 1949. So far as the prayer of the petitioner regarding the return of documents is concerned, his proper remedy is to apply to the Magistrate concerned for that purpose. Regarding the petitioner's submission for quashing of certain illegal proceedings alleged to have been taken earlier I am of the view that a petition under Article 226 of the Constitution is not the appropriate remedy. This petition must, therefore, fail and the same is dismissed.

July 26, 1965.

Sd/- S. K. Kapur,
Judge.

Words: 900

Fees: 2-25

True Copy.

Examiner.