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Title: Further discussion on Report of Justice Mukherjee Commission of Inquiry regarding alleged disappearance of Netaji Subhas Chandra Bose and Memorandum of Action Taken by the Government on the Report laid on the Table of the House on the 17th May, 2006 raised by Shri Prabodh Panda on 2nd August, 2006.

MR. SPEAKER: The House will now take up Item No.15. The hon. Minister Shri Shivraj V. Patil to give the reply.

THE MINISTER OF HOME AFFAIRS (SHRI SHIVRAJ V. PATIL): Mr. Speaker, Sir, Pandit Jawaharlal Nehru, Netaji Subhas Chandra Bose, Maulana Abul Kalam Azad, Shri Babasaheb Ambedkar, Lok Nayak Jai Prakash Narayan were a few of the young leaders, who were most respected, by one and all in the country, and who led the freedom movement with great courage and confidence and contributed towards the development of the country.

MR. SPEAKER: Hon. Minister, if your speech is ready, it can be laid and circulated to the Members.

SHRI SHIVRAJ V. PATIL: Yes, Sir, I beg to lay my speech on the Table.

*Modern history of India cannot be written without mentioning the contribution of men like them towards the cause of freedom struggle and our country's development. They were the men of vision and indomitable courage who knew the country and the world, and the potential the people of India had. Their memories inspire the people of India and would keep doing so for many many years to come. If we forget them, or if we cease to remember as to how they worked, they struggled, they built the freedom movement, we would become weaker and poorer, and lose our capacity to face the challenges of the present and the future. On the eve of the attainment of the freedom, Netaji Subhas Chandra Bose vanished from our vision, and we were deprived of his support for the construction and building of our strong future.

* The speech was laid on the Table

We should know in clear terms as to how their memories can be respected, and as to how their spirit and vision can be used to build our future. We may be able to do it better by avoiding controversies and emphasising on the positive aspects of their and our lives. Unfortunately, there arose a controversy about the existence or otherwise of Netaji Subhas Chandra Bose, and his whereabouts, and that controversy has not been fully settled and has not been allowed to disappear.

He gave clarion call to his fellow patriots to march towards Delhi to hoist the national flag on the ramparts of the Red Fort. If he had come to the country on the eve of the Independence, he would have been welcomed with open arms by millions of masses of India. When he did not come after the second world war was concluded, and when the country was emancipated, the people were disappointed. Against their wishes, they began to think that he would not have been alive, otherwise he could not have resisted to come to his motherland, on the fulfilment of his dream of freedom for his country. They wished that he were alive, and feared that he might have breathed his last. That was why there was hesitation in the minds of his kith and kin, and the countrymen who made the government of the time to constitute a three-men committee to find out the truth about his existence and inform the country about it.

The committee consisted of a person who was in the Force of Independence built by him, his brother, and a senior administrator. The committee was constituted in 1956. The committee gave the report, after examining the witnesses and the evidence available in the country and outside the country. The majority in the committee came to conclusion that he was no more, and he died in the plane crash, and his ashes were kept in Renkoji temple in Tokyo. In fact, initially all the members, one of whom was his brother, had come to the same conclusion. However, later on, may be because, his brother's affection did not allow him to hold that he was no more, or may be, because the people in the country were unwilling to think that he had died, under the pressure of his own emotional inclination or of the people around him, he changed his views and gave a dissenting finding. However, the facts relating to the incident and the inquiry, and the initial view and later on the dissenting view, did convey the conclusion which was sad and not readily acceptable, however convincing it could have been.

This inquiry held was closer to the date of incident, than the enquiries held later on. The evidence given by the witnesses could have been more reliable and dependable. There was no valid reason for the witnesses to depose falsely and incorrectly. In matters of such inquiries, the oral evidence given by the witnesses, and more so the eye witnesses, is equally or on occasion more reliable than any documentary evidence. The accident had taken place in the time of war. After the war was over, the Governments in the country of accident and the neighbouring countries were changed. The documents relevant to the incident and things relating to it, could not have been safely preserved or stored or could have been destroyed or burnt in the accident. Absence of these documents would not weigh heavily against the oral evidence, given by the unbiased eye witnesses and others.

Therefore, it would not be judicially prudent to attach less importance to the findings given by the Shahnawaz Committee. The findings given were not inconclusive. They were unambiguous, clear and convincing. It is not easy to disbelieve the findings and brush them aside and in their place, to accept the findings given in an inquiry which took place nearly fifty years later, and which was not conclusive, and according to which, no definite finding could be pronounced in the matter of inquiry. While assessing the credibility of

the finding, we cannot afford to lose sight of these facts.

The finding of the Shahnawaz Committee convinced many, and it seems, for reasons known to them, failed to convince a few. The fact that inquiries made by an Indian journalist, an American, and a British, which were of the same kind, also did not find favour with the few persons who entertained doubts about the findings. It seems that majority of the population in the country did not suspect the findings and were inclined to think that, the great leader was no more in his physical form in the world.

Khosla Commission was constituted to look into the matter again. It was done to remove the doubts entertained by a few citizens. The Commission was headed by a judge, and had to function under the Inquiry Commission Act. It went to the country where the accident took place, to the country where the ashes were kept, and examined the witnesses who were available at that time. Legal acumen to assess the validity and reliability of the evidence given by the witnesses and the evidence produced certainly was used by the Commission. The report given was unambiguous and conclusive. A few lines of it can be quoted to point out the nature of the report.

"I, therefore, find it proved beyond all reasonable doubt that Bose travelled in a Japanese bomber from Touraine to Taihoku on the morning of 18th August 1945. The plane crashed to the ground, broke into two parts and caught fire. In this fire, the pilot and Gen. Shidei died instantaneously and of the other men on board, co-pilot Ayoagi died later and Bose also succumbed to his burn injuries during the course of the following night. His body was cremated and ashes were taken to Tokyo." Page 49 para 4.129.

The question before us is why a report of this nature should be discarded in favour of a report which is of inconclusive nature. There was no reason for the Khosla Commission to arrive at wrong conclusions. There was no reason for the witnesses to depose falsely. If all facts are borne in mind, it would be easier to rely upon this report than any other report of inconclusive nature.

It is argued that in 1978, then Prime Minister of India expressed his doubts about the reliability of the findings given in the two inquiries held. It is said that he had doubted the reliability in view of the documents available in the offices of the Government. No dates, no names or no numbers to identify the said files were given which could help to find out the documents mentioned by the then Prime Minister. They could not have been found out in the offices, if particulars about them were not provided. The fact that, then Prime Minister had formed the Government by defeating the Government which was in power when the two inquiries were conducted, cannot be easily brushed aside, to come to the conclusion that his statement could have been motivated, not by reasons of law, but by reasons political. The two previous Prime Ministers had two inquiries conducted to find out the facts and in a way, accepted the reports of the inquiries. The third Prime Minister had expressed doubt about the facts held proved, but had not constituted another inquiry which he could have done without difficulty, as it was done about twenty years later.

The third inquiry was ordered in the period of the previous Government, and a judge of the Supreme Court was given the responsibility to discover facts. This inquiry was expected to do its job in six months' time. It completed its task in six years' time. The Commission could have asked for the documents from the Government, which had brought it into existence. Enough time was available for it to get the necessary documents. Nearly more than four years were at its disposal. Why the documents were not got from the previous Government? Could it be explained in a convincing manner? I think, it cannot be done.

On the following points, the Commission had to give its findings.

1. Whether Netaji Subhas Chandra Bose is dead or alive.;
2. If he is dead, whether he died in the plane crash, as alleged;
3. Whether the ashes in the Japanese temple are the ashes of Netaji;
4. Whether he has died in any other manner at any other place and if so, when and how and,
5. If he is alive, in respect of his whereabouts.

The findings given are as follows :

It has said that Netaji Subhas Chandra Bose may not be alive. He, however, might not have died in the plane crash. The following are the findings given on the issues mentioned just now:

1. Netaji Subhas Chandra Bose is dead.
2. He did not die in the plane crash as alleged.
3. The ashes in the Japanese temple are not of Netaji.
4. In the absence of any clinching evidence, a positive answer cannot be given.
5. Answer already given in (1) above.

The findings on the point no.4 (d) are not conclusive. Therefore, it is not possible to rely upon them.

The findings given in the previous reports are conclusive and hence more reliable. Therefore, the question is why the

previous findings should not be preferred and the third finding should be referred.

The Government has preferred the findings of the two previous enquiries and, not the third finding, because it is inconclusive and not definite. I think, the government has not done any mistake or wrong in doing so.

The Government was criticized for having delayed the submission of the Action Taken Report, and the report of the Commission in time. The law provides that it should be submitted to the legislature in six months' time. They were submitted in six months and a few days' period. The reasons given for delay are not unexcusable. The Commission was appointed to give a report in six months' time, and it took more than six years' time. This reality should be compared with the delay of a few days, caused in submitting the report of the inquiry and the action taken report. That would put the matter in correct perspective.

It was also said that no cogent reasons were given for having not accepted the report, and for having rejected it. The reasons were given only thing is they were not reported fully. The reasons are given fully on this occasion when all aspects relating to the report and its comparison with other two reports are done. I do not know if all the points given in the discussions today would be reported or not. If they are not reported, allegations can be made that no valid reasons were advanced even in the debate on the subject. Two or three columns in a newspaper, or a few seconds' visual on the T.V. cannot cover the valid points and all cogent arguments. Lacunae in reporting could generate mistaken perception and misunderstanding. Netaji Subhas Chandra Bose was the darling of the masses and more revered by the Congressmen and patriots of all shades and opinions. Whenever doubts were raised about his whereabouts and existence, steps were taken to find out the facts. Not once, but three times. And all the help and assistance was provided to unravel the factual position. In view of these facts, should we hold that, no steps were taken to know if were alive or not? The Government had decided to confer the Bharat Ratna on him, posthumously to revere his memory. If a person is not found to be living for seven years, generally, he is supposed to have died. This fact should have been borne in mind while objecting to conferment of the highest award in the country. The reports given could also have been borne in mind. But that was not done. Why? This should be explained. Comments can be given. But we do not want to enter into dispute of this nature, and, we leave this issue to the people to decide. The statues and portraits put in the Parliament and other official buildings are indications of the desire to respect and perpetuate his memory. He is always mentioned in a very respectful manner. All the leaders pay obeisance to his memory and try to put his view and opinion in practice to strengthen the country and develop our people. The concept of planning was very near and dear to him. That was adopted to build our country's infrastructure and industry, trade and agriculture, science and technology. He was for democracy, social, economic and cultural justice for one and all. These principles have been incorporated in the basic law of the country and in the policy of the Government. If these are not the ways to pay homage to the great souls, what are the other ways in which respect to them can be shown?

Let us not fall prey to political considerations. Small concepts cannot produce great and good results. Great men are great, because of their great thoughts and concepts. Let us follow them in their foot-steps by avoiding to fall in traps of narrow-mindedness.

Why any Government would not be interested in not respecting the great hero of the freedom struggle? Are we respecting him by keeping this dispute alive, or trying to disrespect other great leaders? Let this be understood by the people.

Anything which is acceptable to all of us, to respect his memory can be done by us. If there is anything of the nature, please suggest and we would accept it.

The Government is not in a position to say that the Commission gave its report, which is conclusive and acceptable. The report has not said as to how Netaji died, where he lived, and why he lived away from his dear motherland. How can this kind of ambiguous report be accepted by all of us?

...(Interruptions)

MR. SPEAKER: The House stands adjourned to meet tomorrow, the 8th August at 11 a.m.

14.33 hrs.

The Lok Sabha then adjourned till Eleven of the Clock

on Tuesday, August 8, 2006/Sravana 17, 1928 (Saka). [r14]

[R2]G1cd

[rpn3]d(Cd..by h1)

[c4]Cont in eng

[R5]Speaker cd

[c6]cont in eng

[R7]speaker cd

[c8]cont by l1.h

[r9]fd by m1

[snb10]Fld by n1.e

[R11]cd. by o1

followed by P

[R13]Fd. by q1.e

[r14] Friday, March 10, 2000/Phalguna 20, 1921 (Saka).