

Mr. Charan Singh (*Interruptions*).

MR. SPEAKER: I had gone to item 14. Everything was over and the Home Minister was on his legs and then it is not proper to go on shouting live this.

THE PRIME MINISTER (SHRI MORARJI DESAI): I appeal to my friends on both sides to observe some decorum. I am not referring to any hon. Member individually. It is not for individual Members to regulate each other. I shall be very thankful to all the hon. Members if they refrain from regulating all these matters between themselves. I would seek the cooperation of the whole House in this matter.

MR. SPEAKER: I am glad that the Prime Minister has made this request. I do not think all of us could hear what was said after the Home Minister got up. I appeal to both sides not to indulge in cross-discussion, because then the trouble starts.

—

11.36 hrs.

STATEMENT RE: PROPOSAL OF GOVERNMENT TO ORDER INQUIRY INTO EXCESSES COMMITTED DURING THE PERIOD OF EMERGENCY

THE MINISTER OF HOME AFFAIRS (CHAUDHURI CHARAN SINGH): Sir, we have recently passed through one of the darkest periods of our history. The events following the proclamation of emergency have been a traumatic experience for all those who cherish the high ideals of our founding fathers and leaders of our struggle for independence. This is not so because some of us have undergone personal suffering, but because we saw before our own eyes the defilement of all the values for which we have lived and struggled. It is indeed a tribute to the political maturity of the people that there has been a peaceful

and orderly change and that we have now an opportunity to undo the wrongs of the past. We will, however, be failing in our duty if we do not take positive steps to ensure that the events of the recent past are not repeated in future and to expose the abuse of power by a handful of people who had unleashed untold repression and terror on the Nation.

Besides changes in the Constitution and other laws, this objective can be achieved only by bringing to book all those who are guilty of excesses, malpractices and misdeeds during the emergency, from the highest political authority down to the lowest functionary of the Government. We are not acting in a spirit of revenge or in anger (*Interruptions*) but only redeeming our pledge to the people and fulfilling their mandate. (*Shri K. Lakkappa*: All the guilty men are now in the Government). Even, otherwise, it is only fair that those who are guilty, do not escape punishment. We want this to be a lesson to all so that in future none may dare misuse authority for personal ends.

We are aware that a large number of officials acted out of fear and under trying circumstances. We have, therefore, no intention of being vindictive. Nor would we allow any kind of witch-hunt. But those few, who, going out of their way, indulged in excesses to please others cannot be allowed to escape the consequences.

The list of misdeeds of the emergency is indeed very large. There have been a large number of cases of gross abuse of the powers of arrest and detention. There have been instances of maltreatment and atrocities on detenus and political prisoners. There has been compulsion and use of force in the implementation of the Family Planning programme leading to a number of violent incidents. In the name of the beautification of cities, there have been illegal demolitions leaving thousands homeless and taking them miles away from their

vocation . . . (Shri K. Lakappa: You have no sympathy for hut dwellers). Eversince we assumed office, we have been giving anxious consideration to this matter. Keeping in view the importance of the subject and the anxiety of the Members of the House. I thought it appropriate to make a statement defining Government's thinking on the subject.

We propose to appoint a Commission of Inquiry under the Commissions of Inquiry Act 1952 to look into all complaints of excesses, malpractices, abuse of authority during the emergency and all matters related thereto. The Commission of Inquiry . . . (Shri Vayalar Ravi . . . of your choice) . . . will be headed by an eminent judge. The exact terms of reference and the mode of inquiry will also be determined after taking into consideration the advice of the Chairman of the proposed Commission of Inquiry.

We have already received some specific allegation which *prima facie* seem to deserve an inquiry. However, it is likely that due to the fear psychosis created during the emergency most people suffered in silence and did not have the courage to represent their grievances. It is intended hence that the Commission should be in a position to invite specific complaints within a specified time limit and decide which of such allegations should be inquired into. We would expect the Commission to give its findings within a period of six months. Also we hope that the Commission will be able to give interim reports which may enable us to initiate follow up action even before the receipt of the final report.

It is my ardent hope that our policy will be welcomed by all sections of the House. In particular, I will request Honourable Members to extend all possible assistance to the proposed Commission to enable it to discharge its onerous responsibilities.

SOME HON. MEMBERS rose—

SHRI DINEN BHATTACHARYYA (Serampore): One submission, Sir, is it a fact . . .

MR. SPEAKER: No please. I will have to ask you to resume your seat. I am on my legs. You cannot stand also. Please resume your seat. . . (Interruptions) Nothing will be taken down.

11.43 hrs.

STATEMENT RE PROPOSAL OF GOVERNMENT TO ORDER INQUIRY INTO THE DEATH OF DACOIT SUNDER SINGH IN THE CUSTODY OF DELHI POLICE

THE MINISTER OF HOME AFFAIRS (CHAUDHURI CHARAN SINGH): Sir, some doubts have been expressed regarding circumstances leading to the death of Shri Sunder Singh, who was in the custody of the Delhi Police in connection with a case under the Indian Arms Act. It is said that he was escorted to the Tughlakabad Fort area on 24-11-1976 and some arms and ammunition were recovered on the basis of the information disclosed by him. Another case u/s 25/26/27/54/59 of the Indian Arms Act was registered at PS Kalkaji, Delhi vide FIR No. 897 dated 25-11-1976. After the recovery, when the police party was returning to the East District of Delhi in early hours of the morning, one of the wheels of the vehicle in which Shri Sunder Singh was being escorted is said to have got punctured near the cremation ground, Geeta Colony. The driver stopped the vehicle. Other members of the party also came down to help the driver. Shri Sunder Singh is said to have sought permission to ease himself. In order to enable him to answer the call of nature one of his hands was released from the hand-cuffs. Taking advantage of the darkness and the fact that he was at that time escorted by one SI and one Constable only, he is reported to have