

[श्री राज नारायण]

धोर सञ्जी, के साथ, तजी के साथधोर समय के साथ उचित कदम उठायेगो। जनता पार्टी की सरकार की भुजा लम्बी है उस लम्बी भुजा की मुट्टी कसी है। यह मत समझेंग यह हाथी की तरह लंबाघोंघों है। यह शर की तरह कसी है। इसलिए शेर की तरह कसी हुई मुट्ठी के साथ जितने भ्रष्ट लोग हैं उन भ्रष्ट लोगों को अपनी मुट्ठी से बाहर जाने नहीं देगी। इस बात को मैं पूरी तरह से एप्प्योर करता हूं।

श्री कंबर लाल गुप्त : बताइए न इसका क्या भ्रष्टाचार है या तो गृह मंत्री जी के पाम पहुंचा दीजिए।

श्री राज नारायण : सारी फाइल और सारी जो इस पर आज डिबेट हुई है यह सब लेकर घर मंत्री जी की सेवा में कल उपस्थित कर दूंगा और घर मंत्री जी से कह दूंगा कि इस की पूरी की पूरी जिम्मेदारी में उचित एन्क्वायरी हो सके उम ठंग में एन्क्वायरी कराएं। क्योंकि समय माटे तीन बजे तक का ही है, इसलिए मैं इतना ही कह कर सभी सदस्यों को बघाई देना हूं। इसमें कोई ज्यादा कहन का है नहीं।

सभापति महोदय : अब आप सोमवार को ले लीजिएगा।

श्री राजनाराय : अच्छा, ठीक है।

MR. CHAIRMAN: Just a minute. I have to correct one impression. We are meeting tomorrow. So, the hon. Minister is requested to resume his speech tomorrow.

15.39 hrs.

RESOLUTION RE: PROBE INTO ATROCITIES COMMITTED DURING INTERNAL EMERGENCY—Contd.

MR. CHAIRMAN: We now start the non-official business. We take up further discussion of the Resolution moved by Shri Jyotirmoy Bosu. Shri Jyotirmoy Bosu may resume his unfinished speech. But before I call him to resume his speech, we have to fix the time for this Resolution. Shall we fix 2 hours? 5 minutes have already been taken on this Resolution.

SHRI JYOTIRMOY BOSU (Diamond-Harbour): Sir, I have already conveyed to the Deputy-Speaker that, I am afraid, I may not be able to contain myself within that time. But I am also mindful of the fact that Mr. Hari Vishnu Kamath's Resolution is equally important. We must allow him to move his Resolution today. We will try to adjust that way.

Since I spoke last, many things have happened. The Home Minister and the Central Government have taken certain specific steps. We welcome and appreciate such steps. We also congratulate the Home Minister and the Government for holding Assembly elections which have been very correctly held at an appropriate time. But some public opinion with regard to the inquiries and the commissions has been placed on record, that is, about the delay and the redtape part of it. I know, soon after the formation of the Government, I was convinced by the hon. Home Minister that he was indeed very anxious to hurry up the matter. What is it that has stood in the way? Is it the bureaucracy the redtape or what else? What has stood in the way that from 25th March till today—it is almost touching 25th June—three months have already elapsed?

In this case, any delay is dangerous because information and documents are being destroyed; the evidences are being tampered with; the documents have been shifted and all that. The people have become impatient. It has to be expedited as best as possible. Let us take the J. C. Shah Commission's terms of reference. It says, "the political authorities, public servants, their friends and their relatives, etc." Then, it also says, "provided that the inquiry shall be in regard to acts of such abuse of authority, misuse of powers, excesses, mal-practices, etc. alleged to have been committed by public servants and provided further that the inquiry shall also cover the conduct of other individuals."

Will the hon. Minister kindly clarify this? I want this to go on record and I want, when the hon. Minister replies, him to clarify as to whether the misdeeds of Ministers and other political leaders or, for that matter, anybody are covered by this Inquiry Commission.

The terms of reference of the Mathur Commission say, "There was any abuse of power or position or contravention of law or normal official pressure procedure with the connivance of any person on authority or other person neglected, etc." Now, here my question is does it cover Sanjay as an individual? Does he do that? According to my information, individually, for his gain and for the gain of his mother, he entered into a business deal using his mother's position with her help and support and connivance and where Maruti is not involved.

I will give you one example. He had been connected with the organisation which had been supplying labour to the United Arab Emirates. This man had collected about Rs. 75 lakh from Indian labourers who went there for higher wages. Now, they are in a pathetic condition. I have got letters

from such areas. He also got a contract for earth filling by Rehabilitation Trilokpuri Rehala Colonies. Then he had manipulated in the earth work for measurement. Here Maruti is not involved, but he is taking full advantage of his mother's official position and making money by himself. Does the enquiry cover all these misdeeds?

Fortunately, the people of this country had thrown Mrs. Indira Gandhi and her family, lock, stock barrel, into Indian ocean. But the worst of all deals that would have come through is that he would have jeopardised the Indian nationals' security and at the same time would have taken hundreds of crores of rupees in foreign exchange. What is that deal? The deal was for the purchase of two squadrons of Indian Airforce aircrafts. These were needed after the Bangladesh operation. The Defence Department felt the need for such aircrafts for deep penetration operation. There were three quotations. To my information, one came from France (Mirage), second from Britain (Jaguar) and the third from Sweden (Viggen). Now Viggen American engine proved to be an expensive variety. Nedos are very urgent. They said that they wanted them for deep penetration squadron, as early as possible. Viggen were considered unsuitable by the Indian Airforce basically. Here the next question is that national security is involved.

I am told, I am subject to correction, that the estimated total and final cost was around Rs. 400 crore in foreign exchange. If this election had not thrown out the cheats of the exchequer of the country, the man would have robbed of Rs. 23 crore as commission in foreign exchange. Besides that the Viggen were proved to be unsuitable and defective and the Viggen aircraft had been grounded in most parts of the world because it developed spurring of the wings at certain height and altitude and it was totally unsuitable for deep penetration purposes for the Airforce.

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But the Prince of Wales, the Almighty of the Indian empire of Indira Gandhi, he was to have a commission at least of 5 per cent. Of course, he did not grease his palm; he did not touch it. He had taken advance—I gather it is between one crore and a half. It was from the Swedish people—with the promise that she would obtain an order. Therefore, he started pressurising the Indian Airforce and got a clearance chit from the Indian Airforce. The coined words used were very interesting. They are "suitable for limited profile." Therefore, the Indian tax-payers should buy at Rs. 400 crore two squadron aircrafts which will not serve the purpose. Therefore, they required another two squadrons for themselves.

A very knowledgeable foreigner told me that for any business even one was wise enough, he would contact Sanjay the only man who was capable of delivering the goods for almost all big sales and purchases, particularly involving foreigners and big money. He had a finger on the pie. Well, Sir, you would not find these in the Maruti inquiry: You would not find these in the Maruti's books of accounts. What about the United States Senate Sub-Committee's report—Frank Church's report? Senator Church's report has revealed the money paid to the Indian prince on account of purchase of Boeing. I have been writing frantically, but I have not been able to obtain a copy. I have to get somebody there to get a copy. How much was that? I know, the previous instalment was Rs. 50 lakhs handed over by the then Civil Aviation Minister to the Treasurer of the then ruling Party. But this is another deal. How much did they get?

Then I come to the wide-bodied air-buses. I know the lobby, Mrs. Jahanara Jaipal Singh, the former Deputy Minister of Civil Aviation and Tourism, was running. What is the cut there for this 100-crore project? Already the air-buses have started

developing defects. Where is Mr. Kaushik? He should tell us how good are these air-buses. How much was the commission there? International deals do not take place for anything less than two per cent; it could be between 2 and 50 per cent. In the Demag crane purchase, Sanjay made,—I have shown by calculation—by mark-up process, Rs. 60 lakhs of foreign exchange. I can take a bet on that.

What is happening to this—sale of sugar? They sent an STC official, of all places, to Milan in Italy, of course, Mrs. Indira Gandhi's son's in-laws are supposed to be there. In the process, along with them, Mr. Vinod Parekh, the STC Chairman, made a bucketful of money. Where is he? Are these going to be covered by the inquiry?

We would also like to have details about the business dealings, contacts and contracts with the Italian company ENI. Many business deals have been done at individual level. Crores are involved. About Sanjay's dishonesty with mother's help, we know. What about the Safdarjang fly-over scandal? Mr. Kanwarlal Gupta is a man from Delhi. He knows how Dewan Lal Chopra, because he demanded his dues for building, the Maruti factory, was treated. Dewan Lal Chopra told him, "I am going to the court of law if you do not pay my dues." He had built the Maruti factory. Where the Defence order was that not a wall beyond six feet could be raised, a 60-ft. factory belonging to the Prime Minister's son was allowed to be raised. The Defence prohibitory order was buried in the well. There are lots of wells in that area. So, Dewan Lal Chopra was humiliated; his family was humiliated beyond description; they were arrested, taken to police custody and what not. Later on, it was found that he did not really deserve this.

What happened to this most scandalous and heinous case, Miss Zagota's case? I am old enough to have a

daughter of her age. If I were to give the fullest description to the House. I am quite sure, Chaudhuri Saheb would leave this House in grief. Oh, how that little girl was penalised for the mischief committed by this boy! I am referring to Miss Zagota's case. Two of her brothers, I am told, were put behind the bars. Some old obsolete, navy maps were planted in their houses; a raid was conducted, they were caught under the Official Secrets Act and they were put behind the bars. I hear that the old man has gone naughty, almost insane. What happened to that little girl aged 22? What is the story behind gate crashing at night? Why were four security men suspended and then taken back? It is because they said, 'Mother, I have seen her coming for the last a year and a half; you did not tell us to stop her from coming in; and today you suspend us because we allowed her to come'. Let there be an inquiry because this is one of the worst crimes against humanity. I cannot give all the description because it is in bad taste. What about Sanjay Gandhi? Why did he set fire to different Government offices in Madras, Delhi, Bombay, Calcutta and many places? What did he want? He wanted to get the elections postponed. So he set fire to Government offices in various places to prove to the people of the country that subversion was taking place and so elections could not be held. This also must be covered by the Enquiry.

Incidentally, I go a little off the track, namely about Col. Anand. That really foxes me. I have some information but of course I am subject to correction. The Hon. Minister is here; he is a mature administrator and he can take the House into confidence as to who killed him. I have strong reasons to say that he has been killed by a foreign Intelligence agency, may be the CIA. He was a double agent; he was working under the law with the Border Security

Force and also in the Cabinet Secretariat and, being a Signalling officer, he had been organising the signalling arrangement of the internal communication radar system along with another, Mr. Aggarwal, an old Chief. They jointly did it. Therefore, he was very nervous when the election results came. He thought he lost his god-fathers and lost the balance of his head. In the meantime, somebody made him kick the bucket—they sent him upstairs. An enquiry should be conducted about this. We must know what happened.

One important thing is also noticeable. In the case of Justice Jagmohan Reddy's Commission, names like Nagarwala, Malhotra and Kashyap have been specifically and repeatedly mentioned. Also, in the case of the enquiry against Bansilal, his name has been clearly described. But when we come to the J. C. Shah Commission and the Mathur Commission, I would like to know why names like that of Indira Gandhi, the fountain of all corruption and the root of all misdeeds and atrocities and mischief that took place in the country, has not been mentioned specifically. In the other cases, specific names have been given like Nagarwala, Malhotra and Kashyap.

This Kashyap was a young man. When he went to a restaurant to have his lunch, some Intelligence man got inside the car and did all that was necessary. If you understand the hydraulic brake system of a motor-car all that one has to do is to undo one nut and press the brake twice. Not knowing what was done, the poor man got into the car. Four tongas came and rushed at him through the glass; he was hit and he died instantly. Let all this be covered by the enquiries.

Mr. Home Minister, Sir, many more names should have gone specifically into the enquiry. Why is it we don't see names of prominent and eminent people like D. P. Chatto, Pranab

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Mukherjee, Gokhale, Sidhartha Shankar Ray, Rajni Patel etc.? We want their names also to be included. If you have mentioned Malhotra and Kashyap etc., why are you losing sight of these people. (Interruption)

Where is Mr. Sanjay Gandhi's name? Why has his name not been specifically mentioned in the terms of reference. It is very important that his name should be included along with that of his accomplices like Dhawan. I am told that he was really the power behind the engine. Why has he not been brought within the purview of this Commission?

Then there is this N. K. Singh. His I hear, is making money by crores: there was the Japanese iron-ore deal—five dollars below the world-market price and so on. Where is his name? Why are you not proceeding against him? These are the people who reaped the harvest along with Mrs. Gandhi and her family.

Then there is the N. K. Singh. His baggage was searched at the Palam Airport because the INTERPOL had sent a message that so and so was carrying contraband jewels. I can give you the date if you like. I wrote to the then Prime Minister and she could not deny it because I had documents in my hands. Shri N. K. Singh followed Mrs. Gandhi and her party.

Then, what about Vinod Parekh? What is protecting this man. He has made millions through sale of sugar and other things. I still see his sign-board on Pant Marg. He was the righthand man of Bansi Lal. Why should he be allowed to have a peaceful sleep at night. I would earnestly request the Home Minister kindly to amend the terms of reference of the Commission and include these things.

Then comes the conduct of Shrimati Indira Gandhi and at her behest, her son. Take the case of import of ethyl alcohol. Shrimati Indira Gandhi

granted customs exemptions to Imperial Chemical Industries. ICI and Kilachand group are an inter-linked granted custom exemptions of Rs. and Chemicals. Together, they were granted custom exemptions of Rs. 232.19 crores. I have documentary evidence before me to that effect. There is evidence on record of PAC.

I had sent to the present Home Minister, a bundle of books in Tihar jail in October, 1975, which would have never reached him; I will send him another set.

The Joint Secretary, Ministry of Petroleum and Chemicals in evidence before the PAC stated:

"The review of the position in respect of UP took place in the room of Shri B. N. Tandon..."

Who was he? He was Special Secretary of the Prime Minister. Where did the meeting take place and who were the people present there. It is on record:

"The Minister of Petroleum and Chemicals had written to the Prime Minister on 30-5-72 and again on 4-7-72 regarding the difficult situation which was being faced owing to the shortage of molasses..."

It was absolutely bogus. Further:

"In his letter dated 4-7-72, the Minister had requested the Prime Minister to advise the Chief Ministers of the concerned State..."

"The meeting was attended by... Excise Secretary... Commissioner, Excise... Joint Secretary, Ministry of Petroleum and Chemicals and... of the Prime Minister's Secretariat. No agenda for the above meeting was drawn up, nor the minutes drafted for circulation."

The most important is that in the meeting Kilachands were present. With one stroke of pen, Shrimati Indira Gandhi had granted exemption

to the tune of Rs. 232.19 crores sitting in her Secretariat. She was capable of doing that. As we know, nothing is done without the palms being greased. I was told by an important man of the Central Board of Excise and Customs: Sir, you are chopping off our heads for what we were doing; we have to carry out the orders. In return for this concession, a substantial amount to the tune of Rs. 3 crores was paid.

Now, what about the rags scandal? Government has prohibited the import of garments. Duty plus penalty on the confiscated goods works out at about 260 per cent *ad valorem*. They were importing goods, almost new woollen garments as rags. In such cases, impounding of the carriers and vessels is also provided in the law, but nothing was done. Instead, smuggling was encouraged and it increased. What are the figures? In 1970-71—not the election year—the smuggling was for Rs. 59 lakhs worth; in 1971-72, the *garibi hatao* year, it went upto 190 lakhs. From Rs. 59 lakhs to Rs. 190 lakhs. 1972-73—Rs. 254 lakhs. Then the Prime Minister ordered the release of 17000 bales on 23rd March, 1973. What does the report say?

“During evidence it was stated by Member (Customs) Decisions were conveyed to us by the Cabinet Secretariat and which actually had the approval of the Prime Minister.”

She says, ‘Release the contraband,’ 17000 bales. Smugglers are not to be touched. Carriers are not to be impounded. Penalty not to be imposed. Customs duty not to be collected. I charge the country lost a minimum of Rs. 150 crores in internal revenue as well as in foreign exchange. It was loss of income tax, wealth tax and customs duty and there was a

heavy drain of foreign exchange in the black market because the purchases woollen garments are always under-invoiced. Otherwise the STC would not have permitted. In all these things Mrs. Gandhi is deeply involved. Therefore, the inquiry has to take note of these things.

A similar scandal of purchase of milo and other foodgrains from private suppliers in the States. Second-rate stuff, mixed with dhatura seeds. Dhatura seeds—they were known at the point of shipment. No. They are paying the royalty. Why bother about dhatura seeds? Somebody told them that this milo ‘we give to the cattle.’ The official from here said, ‘It is good enough for Indians.’ American cattle and the Indian citizens are to be equated. That is the Indira Government.

A parliamentary probe is a must. For what? For other things. These you cover in your official probes. What did they do to the Parliament? This parliament was reduced to a mockery and under absolute control of Mrs Gandhi. Nothing can take place in the precincts of the Parliament which did not have the prior approval of Mrs. Gandhi and her secretariat. It was a deliberate and wanton evasion and distortion of the established parliamentary practices during emergency. Never before the tions were not admitted. Debates were not properly recorded. They were tampered with. I got one Parliamentary Affairs Minister red-handed while tampering with the debates. The Speaker had to listen to the debate and he told the Minister; ‘Yes, Mr Raj Bahadur what you have stated is wrong and what Mr. Jyotirmoy Bosu has stated is correct’, and that is on record. Tampering of debates was there. Members’ letters were not replied. While in jail, I wanted a *resume* of a certain session of the Lok Sabha. The Reference Section headed by Mr. Kashyap refused to

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supply. I want to know if an officer in the Reference Section of the Lok Sabha is facing an inquiry of receiving money from the Asia Foundation. We want to know. If so, that man cannot remain in Lok Sabha Secretariat. We are a sovereign country and we cannot allow a foreign agency to dabble in our parliamentary matters. Parliamentary institutions were reduced to a nullity and extra-constitutional centres of power took charge of the whole government. Legislature employees were put under MISA. Then, it is a great shame that the emergency was declared by Mrs. Gandhi without telling her Cabinet colleagues. Can you imagine such a thing? It is illegal. I think those who were detained can go to courts of law with damage suits because they were detained under a law of emergency which was illegally declared. There was no emergency. In the meantime the Congress Leaderess and her family of Ministers and Congressmen made hay while the sun shone.

Then the Ministers were prevented from filing even the fig leaf of statement of assets and liabilities. I remember I had a row with her and I had to tell her: "Because it inconveniences you, you are precisely preventing the Ministers from filing their assets and liabilities returns." That was in 1962. That takes me back to 1962 when she received a sable coat from Mr. Khurshchev. The Sable coat at that time, I understand, was valued by a furrier in London at one million dollars because that belonged to a Czar. That is the antique value. It was not a mink. Minks were much cheaper. It was a sable belonging to Czars. When this was taken to furrier in London, he said, "Wherefrom have you got it? I cannot value it. It is a priceless thing. In those days—i.e. in 1962 its worth was \$ 1 million. Its worth is Rs. 2 crores." I would like to wear that sable coat. Mr. Home Minister you have to take charge of these things. You are really not....

16.00 hrs.

THE MINISTER OF HOME AFFAIRS (SHRI CHARAN SINGH):
The court also.

SHRI JYOTIRMOY BOSU: What about Sanjay Gandhi's tax concealment? If the Finance Minister does not produce the file, I shall have to take responsibility of producing the file before this House. The Chief Justice of the country who has been helping Mrs. Gandhi day in and day out, I am told, has been served with notice under 147(1) that is, concealment of income. Mrs. Gandhi needed this type of people to come forward to help her.

I come to the relation between the Prime Minister and the President at a later stage. His sudden death reminds us of what happened to Nagarwala. Now-a-days you do not require bombs, revolvers, guns, etc. A simple plastic needle is good enough for the purpose. You need not carry it all the time. You use it and throw it away. There is no need of sterilisation. If there is a doctor friend of mine in this House, he will agree with me, give the patient some coagulatory injection and the man will kick the bucket. Nagarwala had the same fate.

I know Kashyap. He was my neighbour. He was a young man from Haryana. He married a month earlier. Because he opened his mouth in Nagarwala case, so he had to see his end. Rs. 60 lakhs came from Haji Mastan. The money was frequently used.

What happened to Dr. Chugh? He treated late Prime Minister, Shri Lal Bahadur Shastri. When the car of Dr. Chugh was hit from behind by a truck, it did not kill him. When he came out of the car to see how much damage was there, the truck from behind had a reverse gear. It hit the car again and Dr. Chugh was crushed between the two vehicles. I would like to know the truth. His

daughter who was in the car was suffering from concussion of brain for one month. Was she totally senseless? Was a killing petition made before the Court? It is said that when she regained consciousness, she spoke of all these things. Mr. Home Minister, you are the custodian of all these things. Tell the people of this country how these things have happened.

I really do not know how Shrimati Gandhi and her brilliant offspring—a Doon School product—never crossed the door mat.

He is still avoiding arrest. I was made a State Guest. You were made a State Guest. If you and I could be made State Guests, is the boat not yet full enough to sink?

SHRI CHARAN SINGH: So that we may not be accused of the method which she employed against us.

SHRI JYOTIRMOY BOSU: The basket is full. Misuse of power went to a great extent. I will tell you to what extent. Babuji was touring Punjab. It was thought that he would create trouble. Immediately *hukam* went from the lady through the doctors to immobilise him for a fortnight. There was hardly 17 or 18 days left for election. Order went saying: Tell him that he was suffering from heart trouble. Tiwariji knows it. He is nodding his head. We know each other for a number of years. Babu Jagjivan Ram was to be told like that. Who is the doctor who told him about this? Who did it? It was one Bakshi, Joint Secretary, Ministry of Health. Where is Mr Raj Narain? But Babuji is a hard and seasoned bird. He said, nothing doing. A second telephone came; a third telephone came, that was at 9 O'clock in the night. But Babuji could not be immobilised. We went on touring the country and he did the electioneering to the extent he did.

What happened to Mrs. Gayatri Devi? I am not pleading for her. Is it not a fact that her late husband, the Maharaja, had created three trusts with Manhattan Bank, another foreign bank and also with the Swiss Bank? Also, is it not a fact that because they were close to the Congress, hobnobbing with the Congress, sharing power with the Congress, that the Reserve Bank readily and promptly gave permission for creation of trust in the foreign bank? Is it not a fact? It is very wrong. Why was the Maharaja given permission for keeping foreign money abroad? But, Sir, law is good for you, it may not be good for me. Here is a glaring case. He was made an ambassador. So, Reserve Bank's permission was readily available. But now Mrs. Gayatri Devi did not like to oblige them politically. So COFEPOSA was applied against her. Then what happened? Mrs. Gayatri Devi was asked to write a letter on certain lines. This was dated January 1, 1976. It is addressed to the Government saying that the petitioner had decided to abandon her political activities and had no objection to give any security or any undertaking which the authority may like to take in this behalf. She was released on parole, in fact, released for good. She was released once she gave an undertaking that 'I will not go for politics'. So the arrest was only to restrict her from dabbling in politics. It has nothing to do with foreign exchange.

Then, what have they done to the Press? It was the biggest casualty in this country. Mr Sanjay Gandhi, under orders of his mother, disconnected electric, telephone and telex lines. He took this first opportunity after the proclamation of emergency in this capital itself. Do we not know that many national dailies could not come out for days together? What was the reason? Is it not an act of crime? You will get many evidence, you will get many witnesses to support what I say.

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Then, Mr. Shukla, the great hero, says: 'We are re-structuring the entire newspaper industry so as to make it accountable to the people'. Oh, what a pious man, and what a pious wish it is! Here what happened? On the 1st of February four news agencies disappeared into one. Nobody was consulted in the matter. And, another great man was immediately installed on the chair.

चौधरी साहब आप तो यू० पी० वाले हैं, आप को मालूम होगा—यूनूस साहब को उस कुर्सी पर बैठा दिया गया, क्योंकि नेहरू परिवार के लिये वह इंडिस्पेंसिबल आदमी थे। उन को समाचार का चेयरमैन बना दिया गया।

Many intelligent people were planted from Information and Broadcasting Ministry down to the block level for cover jobs. The Home Minister understands my language of cover jobs. This was a new invention during Indira regime when an IPS Officer was going as a Deputy Secretary with a big suit. But he is a police officer whose job is reporting in the evening. In the Research and Analysis Wing Shri Ram Nath Kao and Shankaran Nair were there. The General Manager of Samachar appeared in delegation before Prime Minister pledging loyalty. What sort of policemen we are having?

Some of the journalists were forbidden to attend the Opposition Party meetings. The Chief of the *Economic Times* Shri Parim was sent abroad to report about the conduct of Indian people, journalists and to do a glory preaching mission on behalf of Mrs. Gandhi as to how happy the Indians are now under the emergency. Samachar, in fact, was converted at that time into a political P.I.B.; on the 30th January 1977 when your Janata Party launched its first elec-

tion campaign, Samachar took two hours to decide as to how to underplay it. I am now telling you some inside stories. On the 30th January 1977, when you first launched the Janata Party election campaign it took them two hours as to how they could underplay. Shri Jagjivan Ram's first creed was to resign. He resigned. But, after two hours, it was stated that he had defected. Sir, look at the poor service conditions of the employees of the newspapers. They are now suffering. They had one day's strike. Now, the *Indian Express* is locked up—closed down. Government should now come forward to see that they get a fair deal. There is no question about that. How can you avoid this responsibility? As regards repression of journalists, I can give you details. Shri B. M. Sinha, Chief Reporter of the *Indian Express* was first arrested under D.I.R. and then under MISA. The police wanted him to spy on the Indian journalists. He refused; naturally, he became a state guest like me. His mother was dying and so he wanted a little parole but that was not allowed. But, I know of one case of a particular Member of Parliament who was given parole for attending a wedding. But, in this case it was not allowed. Second case is about Shri Birendra Kapoor of the *Indian Express*. In November, 1975, Inter-Parliamentary Union—Commonwealth Parliamentary Union—meeting was taking place and there was a civic reception given to them. Sangharsh Samiti was distributing some leaflets. Shrimati Ambika Soni suddenly took charge of the whole thing and she furiously commanded the police to go and arrest all the boys. Shri Birendra Kapoor was there and he asked her to allow the police to do what they thought best as they could look after themselves very well. Then, immediately an order was given to arrest Shri Birendra Kapoor and so he was arrested. That is how things happened.

Shri Raghavan, former Chief of the PTI was sent to Bhubaneshwar and

Shri Ramachandran, U.N.I. was sent to Ranchi and Shri Nikhil Chakravarty had to shut down because he was fearless in writing. (*Interruptions*). I must congratulate the journalist who showed courage. We must congratulate the journalists for that. At the same time, we feel sorry for those who had surrendered.

Censor was another fun. They not only gagged the press but they collected cash for Mrs. Gandhi and political certificates. I can give the example of Nargis. She was caught in London for the shop-lifting. That story came. But the censor said that it cannot be published. Soon after Nargis and her husband was given a certificate justifying the emergency. I do not know about the cash inflow. It must have been also substantial. The famous Goenka of Calcutta was a great friend of Mrs. Gandhi controlling the former British firms. One of them was caught for shop lifting in England. That news was blocked out by the sponsor. It was their job. But, for whom? There are so many cases of entertainments of journalists. There, of course, Mrs. Gandhi was liberal. In 1975-1976 it was Rs. 41,234; it was Rs. 1,06,448 in 1976-77. Press freedom was there. You flourished on wining and dining singing the song of that lady.

Coming to unprecedented repression, atrocities and tortures, in fact, they were much more widespread during the emergency than now, there is a case of Rajan. Not one Rajan's case, there are hundreds of Rajan's cases of tortures to death in India, specially, in Andhra Pradesh, West Bengal and Kerala.

Here is a book by Shri Kuldip Nayar. I quote:

"Tortures of various types were carried out—stamping on the bare body with heeled 'ammunition' boots; severe beating on the heels of feet; rolling of heavy police lathis over shin bones, with a constable sitting on the lathis; making the victims

crouch for hours in a fixed position; beating on the spine; slapping both ears till the victim lost consciousness; beating with the butt of a rifle; inserting live electric wires in the crevices of the body; stripping and making satyagrahis lie on slabs of ice; burning the skin with cigarettes or wax candles; denying food, water and sleep and making the victims drink his own urine; suspending him in the air with his wrists tied at the back and putting him up as an aeroplane."

Sir, I have a long catalogue of the methods of torture. I have still bigger details in a book called 'Torture'. If you go through this document you will have a sleepless night. There is what is called 'Hyderabad goli'. It means a steel rod pasted with chilly powder and pushed in the body of a man through his rectum. Then there is method of ice-slab treatment; then there is the 'addict' technique—shooting heroin into the victim and then there is the method of iron nails being hammered into the fingernails. Sir, I have a most disturbing picture of female naxalite made nude. An inspector named Rona Guha Neogi posted at the Lal Bazar police station had a special knack with women political suspects. After a few puffs at his cigar he would make the women strip and tell them: "You are married to the naxalite cause and, therefore, possibly will not get married... let me then trace out a garland for you..." His garment would be his lit cigar traced over the shoulders, small of the back and the breasts. So, Sir, how right are the people that they have thrown Mrs. Gandhi out of power?

In Andhra Pradesh alone no less than 274 names have been found out where political prisoners and political workers have been beaten to death in police lock up. These police people always gave a bluff of an encounter. They will always say that there was an encounter and so many deaths took place. In this connection I quote from

[Shri Jyotirmoy Bosu]

the Economic and Political Weekly
dated 21st May, 1977:

"As far as Andhra Pradesh is concerned, on a rough count based on government statements and statements made by the accused in various conspiracy cases in courts, it would seem that 77 citizens are claimed to have been killed in 'encounters' in this state alone during the Emergency. There is a widespread apprehension that the 'encounters' are staged, that in fact the citizens have been liquidated in cold blood by the police to terrorise potential dissenters in the state.

The Committee has called upon the Central Government to institute a judicial enquiry under the Commissions of Enquiry Act (1952) into all the deaths that are reported to have taken place during 'encounters' in Andhra Pradesh.

According to the Committee, the Andhra Pradesh government is so heavily involved in the crimes that an enquiry instituted by it cannot be impartial.

Fifth, as it is entirely probable that the police will try to intimidate and even harm those who have given evidences or those who will come to give evidence in future, the Committee has requested the Central Government to ensure the safety of these witnesses. The Committee is supplying the names as well as the statements of witnesses examined thus far to the Union Home Minister.

The Committee believes that it has collected sufficient evidence to warrant a judicial enquiry into all so called 'encounters' in Andhra Pradesh."

Sir, you have a very heavy task ahead of you. Unfortunately, you have taken a portfolio under which the malpractice, the atrocities and the repression has been so severe that you may not be able to fulfil the task—even if you work 20 hours a day—within few

months and years. In West Bengal most of the murders were organised. Mrs. Indira Gandhi said in the Rajya Sabha "fight to the finish". God knows whom did she want to finish. I know that she wanted to finish me. They had taken a group of youngsters in the age group of 12 to 28. What happened to them? Between 17-3-1971 and 29-10-1971, 202 deaths were reported. This is according to Caucutta newspaper controlled by the Congress. Then there was a Central Plan to liquidate the Police opponents. Mr. Ranjit Gupta, Commissioner of Police, then I.G. of West Bengal, with Research and Analysis Wing and Subsidiary Intelligence Bureau, created this guerrilla Police, killing Squads. Heavy rewards and promotions were given to them. My party alone lost 1100 lives. We have not got the real figures of the Naxalites. We tried to get it out we could not do so. In Barasat, 12 dead bodies were found. Police killed them. They were picked up from the Otcherlony monument and Shahid Maidan. In the previous night a young boy who managed to slip out came and reported the whole thing.

On 20-11-1970, in Belighata C.I.T. flat about 70 murders were arranged by Mr. Debi Roy, the then Deputy Commissioner Detective Department. He is still a free man. Mr. Ranjit Gupta is still a free man. Why are these people not arrested on charges of murder? This is the Government of the people. Why these people are still allowed to move freely? Again for the second time around 15-2-1971, murder was committed in Beliaghata. There was a mass murder in Baranagar. There were about 150 persons butchered under the command of Mr. Debi Roy. In Diamond Harbour 6 people were murdered. In Shyampur Road area, there were murders. Now the present Deputy Commissioner for Detective Department is Mr. Bibhuty Chakroborty. A person—Rajgopal Mukherjee—was duplicating the ballot papers in my constituency. 220 murders took place in Burdwan. What did the Police find? They found nude

photographs of tribal girls in bundles. Sir, this is the kind of Police we have got. I am sorry to say that. There was a rape in Police lock-up. Miss Nandita Ghosal was raped in Police lock-up. She conceived and they took her to the medical college for aborting her. The doctors refused to give certificate that she conceived prior to her arrest. She had not conceived prior to her arrest. No, Sir, there is another case. Mrs Sipra Roy of Asansol was raped. Mr. Ranjit Gupta of Indian Police used to kill "two birds with one stone". He managed to keep his own Policemen killed by his own trusted henchmen because these Policemen were unwilling to carry out his unlawful orders. They protested against the high-handedness and they wanted the lawful rights to be established. He used to go round to different Police Stations, etc. and tell them that one Policeman was killed and therefore there should be 10 killings and put the blame on the Naxalite or the CPM. He used to go and tell the policemen, incite them, if one Policeman is killed really, he would tell them 10 Policemen were killed. Sir, thus about 2000 murders were committed by him. The Calcutta Police Station which was created in 1939 by the British within Lal Bazar area was shut down and ransacked by the Police. Six of them were picked up for murder at Taratala Road and on way to Budge Budge other Police men were coming from a theatre party and when these people started yelling and shouting, they ran away with their rifles.

The point is that the West Bengal collaborators were under the orders of Mrs. Indira Gandhi. What about Mr. Siddhartha Shankar Ray? If Mr. Karunakaran could be forced to resign, why can't steps be taken against Mr. Ray? He has of course nothing to resign now; he has been totally rejected by the people of West Bengal this time. Yet we have to take legal cognisance of these things, the acts of crime. There are so many others who collaborated, police officers, Ranjit Gupta, Debi Roy, Bibhuti Chakravarty,

Renu Guha Neogy; they should be arrested at once. An enquiry commission should be set up against them. It is most important. People have been harassed, tortured, repressed. Therefore, I appeal to the hon. Minister, Shri Charan Singh; here is the time for you to take strong arm measures; get those people arrested. Let them prove their innocence before a court of law. Courts are there and they can be acquitted if they are innocent. I do not want to take more time: I conclude by saying that the hon. Home Minister will take note of what I have said.

MR. CHAIRMAN: Resolution moved:

"This House calls upon the Government to forthwith constitute a high powered Parliamentary body to probe into the alleged misdeeds, malpractices and atrocities committed by Central Government and State Governments, between 25th June, 1975 and 20th March, 1977 when the internal emergency was in force."

The Resolution of Shri Jyotirmoy Bosu is before the House. We have some amendments, two amendments by Shri Hukmdeo Narain Yadav. He may move them.

माननीय हुकम देव नारायण यादव जी,
आप दोनों संशोधन मूव कर रहे हैं ?

श्री हुकम देव नारायण यादव (मधुबनी):
जी हां ।

सभापति महोदय : ठीक है, मान लिया
गया कि आप ने मूव किया ।

श्री हुकम देव नारायण यादव :
सभापति जी, माननीय ज्योतिर्मय बसु के
संकल्प में मेरे निम्नलिखित दो संशोधन हैं

[श्री हुकम देव नारायण यादव]

जो मैं आप की अनुमति से प्रस्तुत करता हूँ :—

कि संकल्प में—

“राज्य सरकारों” के बाब “और सरकारी अधिकारियों” अन्तःस्थापित किया जाय। (1)

कि संकल्प के अन्त में यह जोड़ा जाये—

“जो तीन माह के अन्दर अपना प्रतिवेदन पेश करे और दोषी व्यक्तियों के विरुद्ध कार्यवाही की जाये।” (2)

सभापति महोदय, इमरजेंसी के दौरान सरकार और सरकारी अधिकारियों द्वारा जो ज्यादतियों की गई उन की जांच करने के लिए जो समिति बनाने का प्रस्ताव पेश है उस में मेरे संशोधनों का एक मात्र यही उद्देश्य है कि जो भी आयोग या समिति बने उस को पूर्ण अधिकार भी मिलना चाहिये। अब तक जितने आयोगों के प्रतिवेदन या समितियों के प्रतिवेदन आते रहे उन पर कोई कार्यवाही नहीं होनी रही है। जब तक जांच आयोग को यह अधिकार न दिया जाय कि जो दोषी व्यक्ति हो और जांच के दौरान जिसे दोषी पाया जाय उन के खिलाफ कार्यवाही की प्रक्रिया भी आयोग प्रारम्भ करे, तब तक कोई लाभ मिलने वाला नहीं है। यह नहीं हो कि आयोग की रिपोर्ट आये फिर उस पर सरकार कमेटी बैठाये और सोचे कि दोषी व्यक्तियों के सम्बन्ध में क्या कार्यवाही हो। इसलिये मैंने यह संशोधन रखे हैं।

बिहार में जब हम लोगों की संविद सरकार थी तो एक अइयर आयोग बनाया उस के द्वारा जो लोग दोषी पाये गये उनमें से किसी को भी सजा नहीं दी गई। लोग पकड़े गये, जनता के बीच में दोषी पाये गये कि यह सब अपराधी हैं लेकिन किसी को सजा नहीं मिली। इसलिये रिपोर्ट की जो आगे जांच होती है यह खत्म की जानी चाहिये। अब जो जांच आयोग बने उस को पूरा अधिकार

होना चाहिये कि वही जांच आयोग दोषी पाये जाने वालों के विरुद्ध कार्यवाही प्रारम्भ कर दे। तब कहीं जा कर ठीक से काम चलेगा।

इमरजेंसी के दौरान जो ज्यादतियां हुई हैं उन के बारे में जो भी जांच आयोग बैठे अगर वह पूरे देश में जनता को आमंत्रित करे तो अनेक उदाहरण उस के सामने आयेंगे। जेल के जो बाहर थे उन पर जो अत्याचार हुए वह तो हुए, जेलों के भीतर जिन्हें इमरजेंसी के दौरान रखा गया उन पर क्या क्या अत्याचार नहीं किये गये ?

सभापति जी, उस समय की सरकार ने लोगों के खिलाफ जो मीसा कानून बनाया, उसमें ए, बी, सी० कर के कई चीजें दे दीं, कागज पर तो दे दिया कि सारी सुविधाएं दी जा रही हैं, लेकिन बिहार में कई जिलों में आपातकालीन स्थिति के दौरान बहुत ज्यादतियां की गई हैं। मुझे जेल में 4 जिलों में स्थानान्तरित किया गया। दरभंगा जेल में जब बाढ़ का पानी घुस गया तो सब लोग पानी में डूबे रहे थे उस स्थिति में कैदियों के लिये कोई व्यवस्था नहीं की गई। आपातकालीन स्थिति में उसकी कोई सूचना नहीं दी गई, 4 दिन तक कैदियों को भूखा रखा गया। उस बाढ़ के पानी में 32 कैदी निकल गये तो हमारे ऊपर केस किया गया कि हुकम देव नारायण ने 32 कैदियों को जेल से भगा दिया। मेरे और श्री दुर्गादास राठी, जो अब विधान-सभा के सदस्य चुने गये हैं, उनके खिलाफ केस कर दिया गया। तो इस प्रकार के कागज पर ही सुविधाएं दी गई थीं, लेकिन जेल में न खाना मिला, न कपड़ा मिला और कोई सुविधा नहीं थी।

बक्सर जेल में जो कि काले पानी की तरह से है, राजनीतिक कैदियों को भयंकर अपराध वाले कैदियों के साथ रखा गया और अपराध वाले कैदियों से राजनीतिक लोगों को

। [श्री हुकम देव नार यण यादव]

अकारण पिटवाया जाता था । इतना ही नहीं, जेलों के अन्दर नसबन्दी भी की गई और बक्सर की जेल में राजनीतिक बंदियों की नसबन्दी की गई । इस तरह से आपातकालीन स्थिति के दौरान लोगों पर अन्याय और अत्याचार हुए हैं जो कि मामूली नहीं हैं ।

16.32 hrs.

[SHRI D. N. TIWARY in the chair.]

इस संशोधन में जो दिया गया है कि केन्द्रीय सरकार और राज्य सरकार मैंने इसका अर्थ समझा कि केन्द्रीय और राज्य सरकार का अर्थ मंत्रिमंडल तक ही सीमित हो जाता है । इसीलिये मैंने अपना, संशोधन में यह दिया है कि इसमें सरकारी अधिकारियों को भी जोड़ा जाये । चाहे दिल्ली में हो या पटना में हो, कोई भी सरकारी आदेश हो, उसमें सरकारी अधिकारी ने भी कोई गलती की है, जनता के साथ जोर-जबरदस्ती की है तो वह केवल मंत्रिमण्डल के विरुद्ध ही नहीं उसमें सरकारी अधिकारी भी दोषी पाया जाये । इसीलिये सरकारी अधिकारी शब्द जोड़ने का मैंने संशोधन दिया है ।

जो भी आयोग बनाये जायें, उनके सामने सारे तथ्य रखे जायें और जहां चाहे, कोई घटना घटी हो, वह भी उसके सामने रखी जाये । यह संयोग की बात है कि अब देश की जनता का गृह-मंत्री में पूरा विश्वास है और देश की जनता को यह आशा है कि अब मजबूत गृह-मंत्री हिन्दुस्तान को मिले हैं । और वह जनता के साथ जो जोर-जुल्म हुए हैं, उसके बारे में मजबूती के साथ कार्यवाही करेंगे । इसीलिये मैंने यह संशोधन रखा ।

आपातकालीन स्थिति में जो ज्यादातियां की गई हैं, वह कोई दुर्घटना ऐसी नहीं है कि यहां उर का जिक्र किया जाये, वह तो एमजेंसी

के दौरान की गई इन्दिरा जी के जुल्मों की लम्बी कहानी है—'हरि अनन्त, हरि कथा अनन्ता' वह तो अनन्त कहानी है, 5, 7 मिनट में उन कुकृत्यों का खान इस लोक-सभा में नहीं हो सकता । वह तो जनता की अदालत में जो इस लोक-सभा के बाहर हैं, वहां जांच आयोग बैठे, तो वह असली लोक-सभा होगी और उसके सामने सारी बातें रखी जा सकेंगी । लेकिन मैं कहना चाहता हूं कि जो समिति बने, वह साधिकार बने और तुरन्त उस पर कार्यवाही शुरू हो जाये । ऐसे नहीं जैसे कि दिल्ली में इससे पूर्व भी कई समितियां सरकार के जरिये बनाई गई, काका कालेलकर समिति, वांचू समिति बनाई गई, जिनके प्रतिवेदन आये हुए हैं, लेकिन उन पर कोई कार्यवाही नहीं हुई, अगर अब ऐसा होता है तो इस जांच कमीशन और जांच कमेटी के जरिये जो जांच करायेंगे, वह बिल्कुल बेकार हो जाएगी, अगर उस पर कार्यवाही न हो तो ।

अन्त में इस संशोधन को सभा के सामने रखते हुए मैं आग्रह करता हूं कि इस संशोधन के साथ ही इस प्रस्ताव को पारित करें कि जांच समिति को पूरा अधिकार हो और वह समिति दोषी व्यक्तियों पर कार्यवाही भी प्रारम्भ कर दे और उसकी सिफारिशों पर जो भी कानूनी कार्यवाही करनी हो वह शुरू हो जाये ।

श्री एम० राम गोपाल रंझी (निजामा-बाद) : सभापति जी, अभी जो हमारे श्री ज्योतिर्मय बसु जी का भाषण हुआ है और उसमें जो उन्होंने आंकड़े बताये हैं, अगर उन सब को इकट्ठा किया जाये तो वह इतनी रकम हो जायेगी कि पूरे देश का एक साल का बजट जितना होता है, उतना पैसा वह बन जाता है । तो इस तरह के इल्जामात गवर्नमेंट पर लगाना उचित नहीं है ।

[श्री एम० राम गोपाल रड्डी]

जब इस बारे में कमीशन को नियुक्त कर दिया गया, तो उस के बाद सदन में ऐसा भाषण देना ठीक नहीं है, क्योंकि कमीशन के काम पर इसका प्रभाव पड़ेगा और वह इम्पार्शली काम नहीं कर सकेगा। कमीशन के सामने जा कर एविडेंस देना एक गलत बात है, लेकिन सदन में एक रेजोल्यूशन पेश कर के इस तरह का भाषण देना उचित नहीं है।

माननीय सदस्य ने यह इल्जाम लगाया है कि हमारे देश में जो बहुत सी हत्याएँ हुई हैं, उन की सब जिम्मेदारी भूतपूर्व प्रधान मंत्री, श्रीमती इन्दिरा गांधी पर है। अभी अभी जनता गवर्नमेंट के समय में कुछ लोगों को जिन्दा जला दिया गया है, तो क्या मैं उस की जिम्मेदारी गृह मंत्री या प्रधान मंत्री पर डाल सकता हूँ? देश में ऐसे क्राइम्स होते ही रहते हैं। क्या उन की पूरी जिम्मेदारी गवर्नमेंट पर डालना उचित है? वैंस्ट बंगाल में किसी जगह कोई क्राइम हुआ है, और माननीय सदस्य उस को सीधे श्रीमती इन्दिरा गांधी से जोड़ रहे हैं। क्या यह सही है? अगर सामने के माननीय सदस्य अपनी मैजोरिटी के बल पर इस तरह के रेजोल्यूशन पास करना उचित समझते हैं, तो वे बड़ी भारी भूल और गलती कर रहे हैं।

मेरा कहना है कि जब यह मामला कमीशन के मुपुर्द कर दिया गया है, तो अब उस के डिमीशन का इन्तजार करना चाहिए। सब लोग उस के सामने एविडेंस दे सकते हैं। सदन में इस बारे में भाषण करना मैं मनासिब नहीं समझता हूँ। इस लिए मैं श्री ज्योति बसु से प्रार्थना करता हूँ कि वह अपने प्रस्ताव को वापस ले लें।

SHRI S. KUNDU (Balasore): Sir, this is a very important topic for discussion and I must thank the mover who has very ably presented the case. The whole discussion will lead us to the irresistible conclusion that during the emergency which was there from

1971 and thereafter, there has been a systematic and deliberate planning to see that through the constitutional apparatus, the whole democratic set-up of the government and the whole democratic functioning of the government should be changed into dictatorship. Perhaps after Hitler this is the only example to show how the constitutional means, how the Parliament and other forums one by one have been used for turning the entire set-up into a dictatorship. If Hitler had been alive today, perhaps he would think twice before turning the entire set-up into a dictatorship in a civilised country. (Interruptions).

Our difficulty with the Congress people is that they never understand. If they had understood, then they would not have put up a man as President of their organisation who was the worst instrument of oppression and coercion during the Emergency. This is the whole difficulty with them. They don't understand. The whole thing is this. I warn, it is nothing personal, it is nothing subjective. Why don't you agree on these things? There has been ample evidence of how you systematically wanted to finish the democratic norms, the foundations of democracy, one by one. Are there two opinions about it? I don't want to personally involve you over the torture. Torture is the one act which the dictators do. But I would like to be tortured for upholding democratic norms. But here torture for what? Torture for completely finishing the democratic norms replacing them by a dictatorship. Putting up the facade of democracy, one or two people really ruled the country. That is what has happened in this country. Can anybody say that it is completely different from what Hitler started? Hitler completely conquered and finished the parliamentary norms. Then there was complete dictatorship. Then he announced the 25-point programme. Have you forgotten? Did not Hitler use storm troopers and the gas chamber to finish the people who opposed him? Perhaps you have not put

people in the gas chamber. You could have, I don't know, but perhaps you thought you were caught in a dilemma to be or not to be in the democratic form. In this dilemma you were caught and held elections in a democratic manner. So don't get jittery about it. If we compare what Hitler did in those days in 1930's and thereafter, then anybody would say that perhaps even today after all this talk of democracy in the world today, you could think of finishing democratic norms completely throttling the judiciary and everything! Therefore, dear friend, don't get jittery about it. Even during the British days the Emergency rules were not as hard. Everybody knows that even the emergency provisions of the Defence of India Act of 1939 could not last after war for more than six months. This Constitution was given to all of us to use it keeping the base of the democratic norms. But you finished this and used this Constitution to perpetuate complete dictatorship. Under the cloak of Emergency you made the entire Constitution unitary. You could send directions and orders to the State Governments whatever you pleased and year after year under the Constitution you could go on extending endlessly the life of Parliament. We were in jail. Perhaps you thought that we would never see the light of the day sitting in the prison for many years. I used to read in the press that some prisoners somewhere in Spain were released after 30 years from the jail. Thereafter, I read in the press that 11000 prisoners were released after 11 years in Indonesia. So, we were talking to ourselves that probably it would be a long journey and we were prepared for it, never mind. But this was what was impossible. When the framers of the Constitution thought that it was impossible, you made it possible. Could you deny it? Could anybody have checked you? If the people had not risen in anger, finished you completely as they did in some other countries, you would have gone on extending Parliament year after year which you wanted to

do. Had not your Intelligence people advised, had the people and the press and the workers not risen against you and your Government, you would not have held the elections.

Had not the bureaucracy given an alluring statement that Madam Gandhi could also have had a facade of democracy and held an election during the Emergency in the country; and that through that election obtained victory and thus told the world that even in spite of the many dark acts that she committed during the Emergency, the people of India supported her, the elections would not have been held. But this bluff has been called rightly by the millions of our people.

You must be thankful to the people. To-day you are here, you are speaking and participating in this debate because millions of people have given back the right to you and to me. You must be proud of them, in spite of pulling legs because you know that we have passed through all the agonies, troubles and tortures. And now the time has come to see how we can ensure that they do not recur. My point is that now the time has come for these tortures to be enquired into. All these events must be enquired into through judicial forums, commissions or departmental or parliamentary committees. As I had said, Hitler would not perhaps, in this late 20th century, have dared to do these things. All this must be gone into. They must be put on record. The records would show how Madam Gandhi used this democratic forum to perpetrate completely all her black deeds, and establish a reign of terror through this democratic process. The people who will come after us will then at least know how the democratic forum, and how even some of the bureaucrats and people who swore in the name of democracy came to Parliament, and did all this, when the entire Parliament was gagged. When you made speeches here at that time, it would not be known outside. Mrs

[Shri S. Kundu]

Gandhi went on lecturing about democracy, but at the same time, bit by bit, you were cut off from under your feet. The greatest attack has been on the poor people, the workers and the common man. They were robbed of every single right. Some of my friends here were hands in glove with that government. To some extent they can give explanations. But if they had supported the MISA and all the machinations under the MISA, they cannot say that that government harassed only some persons and not others. This is an entirely wrong assessment of the whole situation, into which my friends in the non-Congress political parties were led. I hope they will correct themselves.

The need of the hour is to find out how these black holes can be plugged permanently, so that nobody, not even persons like Mr. Charan Singh or anybody in the Janata Party could revive these black deeds practised by Mrs. Gandhi. How can we do this? We should go into the details to find out the extent of tortures and atrocities. We should also find out where did the constitutional lacunae lie. While we find them out and fill them up, we should not at the same time forget the saying, "Eternal Vigilance is the price of Liberty." How can eternal vigilance come in? I am really sorry to say that we expected some people to rise like a rock and fight this tyranny back; but they had failed. I thought that perhaps in the land of Gandhiji, people's voice will not be roused and that perhaps people will submit to the wrongs of Mrs. Gandhi for a long time. External vigilance could be maintained, could be furthered through the help of the State apparatus. We should find out how that could be done through some sort of institution.

Here I will narrate an interesting story. After Hitler had raped Poland, there was a shortage of food and other things in Poland. So, all the dogs were running to Czechoslovakia to get food. On the border they

found that the dogs from Czechoslovakia were running to Poland. The dogs from Poland asked them "what is the matter? Why are you running out of Czechoslovakia to Poland, where there is no food?" The dogs from Czechoslovakia replied "we are going to Poland, because there is no freedom here. You do not have the food, but we have no freedom to bark. We are going out so that we will have the freedom to bark."

Those who think of socialism and democracy should remember that without a base nothing can be done for democracy. Otherwise, it would be something funny like the Stalin era. Mr. Chairman, as you perhaps know, Stalin used to go to the polls and once he got 99.8 per cent votes. Some friend asked him "Stalin, how is it that you have got only 99.8 per cent? What happened to the other 0.2 per cent?" Stalin replied laughingly: "Don't you know that there is an election?"

My hon. friends, Shri Unnikrishnan, Shri Lakkappa and others, the whole bunch of them, must know what they are defending.

SHRI K. P. UNNIKRISHNAN
(Badagara): I am not defending anything.

SHRI S. KUNDU: The veil of fear of Mrs. Gandhi is covering them. I am sorry to say. Otherwise, these people should not have accepted her nominee as the President. It is not an internal matter. As I said earlier, they have accepted as President a person who was the worst weapon of terror during the emergency. It does not show any direction.

I am sure the Home Minister will give an able reply to all the points raised. Like many of us he had also been in jail. I do not know what sort of agonising stories he has to narrate about his friends who have been beaten and tortured. I may tell you that within 15 days of our arrest the entire jail rule was changed. You would be surprised to know that even the Gita

was not allowed inside the jail. It was censored for two months. Similarly, Quran was not allowed. The SP would sit over it and seek permission from the top. They would not allow even letters, little communications.

SHRI JYOTIRMOY BOSU: Biography of Jawaharlal Nehru was not allowed.

SHRI S. KUNDU: A book on revolutionaries in Oriya, called *Agni Yuga Ahman* (the age of struggle for freedom), a biography of many patriots, was not allowed by the SP. When I was arrested for the second time, the SP checked the same book. Even when I was released, the SP knew that I was going to be arrested and brought back again the next day morning. Once he told me "some of your books I like very much". I asked him "when do you get time to read the books? You are so busy with the *danda*." He did not give any reply.

Would you believe when I say that 11 of us were confined and locked up in one room and only one bucket was provided as latrine? There was no fan because there was no electricity. We had to file a writ. All our letters were censored. The treatment meted out to some of the jail inmates was really horrible. May I tell Shri Unnikrishnan that a young man in jail was tortured so much that he had to have 24 stitches?

SHRI K. P. UNNIKRISHNAN: Why is he bringing in my name? I had nothing to do with the police.

SHRI S. KUNDU: I do not mean them individually, I mean the Congress.

The hon. Home Minister has passed through all this fire of the emergency, through the agony of jail life as a fighter. Therefore, I support what our friend Shri Jyotirmoy Bosu, has

so ably said. In addition, we will have to put our heads together to see how a recurrence of these things can be prevented. If there is any loophole in the Constitution, it must be plugged. Besides, these democratic norms, the air of freedom and democracy must be there. Everybody right from the school and university must feel that they have these rights and that nobody can take them away. This sort of condition has to be created, and for that, I am sure my Government, under the able leadership of Shri Charan Singh, will definitely act.

सभापति महोदय : आप गृह मंत्री जी कितना समय लेंगे ?

गृह मंत्री (श्री चरण सिंह) : मैं 15 मिनट लूंगा ।

सभापति महोदय : बोलने वाले काफी लोग हैं । इसलिए मैं बोलने वालों के लिए पांच मिनट की सीमा निश्चित कर रहा हूँ ।

PROF. P. G. MAVALANKAR (Gandhinagar): It is a good thing that this resolution has been brought forward today by my hon. friend Shri Jyotirmoy Bosu, and I am glad and grateful that it got top priority to be discussed straightaway.

The internal emergency from 25th June, 1975 till it was lifted this year was a period which was the darkest not only in the history of India, but in the history of the democratic world. I do not think that any country in the democratic world saw a more naked, more authoritarian, more Cavalier regime when a few persons and ultimately one and a half or one and a quarter persons tried to dictate and dominate the destinies of millions of people in our ancient land.

Partly because it is Private Members' Business and partly because of the kind of attitude that friends on

[Prof. P. G. Mavalankar]

the opposition side have shown, this debate is not being taken seriously. It is not a thing to be joked about, taken in a casual manner. We must all learn from these tragedies, and unless we learn from these tragedies how are we going to be sure about the future not only of our lives, but also of posterity for which we are responsible as policy-makers?

This internal emergency has been unprecedented in every respect. Many atrocities have been uncovered and many more will be uncovered in the next couple of months. But I am quite sure that even after the various commissions have gone into these atrocities, malpractices, misdeeds etc., those which are uncovered may be only the tip of the iceberg, only one-tenth and the remaining may remain permanently underground. Nobody will ever know all the tremendous humiliations and harassments that this unfortunate country underwent during this most tragic period. It is not only jails. Jails were there even during the British time but the harassments and humiliations that were inflicted on the people during this period in free India have been unprecedented. I am ashamed to admit on the floor of the House that in dependent India, the Britishers treated Indians far better than my congress friends did when they were in power. They humiliated and insulted the spirit of the individual, the spirit of the community that India represented for hundreds of years in its history. Personal rule, family or dynastic rule, was sought to be introduced in the democratic republic of this country. And authoritarianism, arbitrariness, dictatorship which was total, naked and wretched was inflicted. There is no parallel to this, not only in the whole country but in the whole of the democratic world.

17 hrs.

Government's decisions and actions so far have been most appropriate

and welcome, namely, the appointment of commissions, etc. I would request the Home Minister to see that these commissions may not take us into far-reaching time so that the people's patience may not be tried too much and some of the evidence may not get destroyed. If the evidence is destroyed and these commissions come to nothing, undoubtedly the people will feel that the guilty escaped! So, I request the Home Minister to see that the commissions must work speedily, but not of course haphazardly and the delay or dilatory tactics should be avoided.

I have another suggestions for the Home Minister to consider. If the Home Minister can, from the working of these commissions, get a sizeable evidence which could be used against this or that individual—I am not afraid or worried as to how big such an individual is or whosoever he or she may be—then he should locate those individuals, try them promptly and put them behind the bar, if possible, under the law.

Then, again, I feel that the mess created during the emergency and the heaps of political and administrative garbage left over by the previous Government is so great that I am afraid, it will take several months, if not years, for the Janata Government to clear that and do some significant work in terms of ameliorating the conditions of the people. So, I would like the people of India to remember that Government will take its own time to adopt the Gandhian line for reconstruction of India because it can only be done after clearing the garbage.

So, Sir, I conclude by saying that institutions had been twisted and curtailed during the emergency, individuals were tortured, the system was sabotaged and values were subverted and thrown overboard. Parliament, press, radio, TV, Government machinery, political parties and political life, educational scene, labour and intellectuals, all were suppressed, humbled and humiliated. In short, the

spirit of the community was crushed. Those of us who were not detained under the MISA, our agony and mental tortures were indescribable. But we knew that we were in a larger jail. The Parliament was made a handmaid of the Indira caucus. We felt tortured every minute of our life. Some of us had thought that it would have been better if we were behind the bars. But, then I thought, no, we must continue the struggle against that action of dictatorship and we did that both inside the Parliament and outside. Our speeches did not reach our constituents; they did not reach the people of the country unfortunately, although they reached the outside world. Therefore, I would say that a parliamentary probe is certainly required as to how Indian Parliament was humiliated and brought to a zero during the emergency. The people especially the poor and down-trodden were cheated. But the people of India must be saluted that they have given twice within three months an electoral verdict on the basis of their judgment and rejected the Congress Party. Now, Sir, when even smugglers can learn, I do not know why the Congress men cannot learn! It is not that they cannot learn. I am not going to say that because they are Congressmen, they are always bad and that Janata men are always good. But if they believe in democratic principles and ideals and democratic processes, let them throw over-board all those individuals, Mrs. Indira Gandhi to begin with, and all the rest who have been completely identified with the Emergency and with all the ugly things that happened during the black days of 19 months of Emergency. If that is done, it will help in building up the faith of our people in democratic principles and ideals of our ancient India, our motherland.

SHRI K. SURYANARAYANA (Eluru): Mr. Chairman, Sir, I am grateful to my hon. friend, Shri Jyotirmoy Bosu, for bringing forward the Resolution about the alleged atrocities committed in the name of the former Prime Minister and in the

name of her son. But how far that is correct is to be seen. If anybody has committed such atrocities, let it be the former Prime Minister or anybody else, he should be punished. Even the Congress party will support that.

In Andhra, we have been elected not only in the name of Mrs. Indira Gandhi but our State Government also have implemented in a peaceful way, in a systematic way, the 20-point programme and other programmes. In the same way, if the other State Governments had also implemented it in a peaceful manner, I think, the Janata Party may not have come to power. I think, they must also thank Mr. Sanjay Gandhi who has brought them to power. If he had not committed the atrocities which are alleged to have been committed by him, they would not have come here.

I would like to say that three months have passed since the Janata Government came to power and our party, the Congress party, was thrown away in a peaceful and democratic manner by the great people of our country. We must also thank the people who have brought about the transfer of power in a democratic way, who once supported us and who defeated us.

Now, my hon. friend, Shri Jyotirmoy Bosu, has brought forward charges 75 per cent of which relate to the period before Emergency, from 1962—67 even. Shri Sanjay Gandhi is the son of the great man, late Shri Feroze Gandhi who brought before the Parliament the Mundhra case. In a democratic country like ours, we have to expect that good results will come out. They have appointed a Commission of Inquiry. We do not want to interfere with that. If they want to appoint a Parliamentary Committee, personally I have no objection to that. As to the manner in which the cases like these are to be inquired into, it is their look-out because they have got the responsibility now. It is not a simple thing.

[Shri K. Suryanarayana]

So many things have been said. If anybody has committed atrocities like these, he should be put behind the bars and the maximum punishment should be given to him under the law. We are not only bound by law. We are only going by the commissions which work according to law. We believe in the Gandian philosophy. If the law is going to punish anybody, the people cannot protect him. The people will take their own action in their own way. So, we need not bother about it. Whatever my hon. friend, Shri Ram Gopal Reddy, has said is not a different view.

Already a Commission of Inquiry has been appointed. We have no objection to appointing a Parliamentary Committee. But there cannot be a Commission of Inquiry and also a Parliamentary Committee. They must stick on to either a Commission of Inquiry or appoint a Parliamentary Committee. I would request the hon. Home Minister to consider to have either a Commission of Inquiry or a Parliamentary Committee whichever is feasible to inquire into all these things.

Some of our friends who are supporting them now and who have supported it openly in the party and in the Parliament are going to their party.

They have already joined you. You have taken them. You have also admitted all these friends. It is no use blaming one party who has already been defeated. The people should know about it. It is almost three months since the Congress Government at the Centre was thrown out in a democratic way by the great people of this country. The alibi cannot carry any weight any longer. I request the Home Minister, who is a strong man in the country who has been an agriculturist for the last 30 years, to see that this should be done in a proper way. Previously, Mr. Morarji Desai was not paying any heed to anything. Now he is the Prime

Minister; now he is trying to adjust himself according to the circumstances. We were supporting like anything Mrs. Indira Gandhi and Mr. Sanjay Gandhi day-in-and-day-out. Now their cases are coming to you.

There is no necessity for a majority for you for the sake of Presidential election. You should not take all these people who had voted for all these things. Once again, I request you to clean your House. We have no objection if you constitute these enquiry commissions.

सभापति महोदय : बहुत से माननीय सदस्य बोलना चाहते हैं, लेकिन इतना समय नहीं है। मैं गृह मंत्री को 5. 20 पर बुलाऊंगा। मैं चाहना हूँ कि श्री मोहसिन, जो पिछली गवर्नमेंट में मिनिस्टर थे, हाउस को एनलाइटन करें।

SHRI F. H. MOHSIN (Dharwar South): Mr. Chairman, Sir, I am not surprised at the speech that has been made by Mr. Jyotirmoy Bosu. As we all know him, he is a man who brings very sensational information cock and bull stories and all such information as cannot be believed or which cannot be taken as correct. He had been doing it not only during the emergency but even before also. It has been his practice. However, the resolution that is before the House today is meant for constituting a parliamentary body to go into the alleged misdeeds, mal-practices and the atrocities committed by the Central Government and the State Governments during this period.

Firstly, this resolution was brought first in April 1977 before the commission of enquiry was appointed. Now that the commission of enquiry has been appointed, I don't think that this resolution has got any bearing. If the commission is not necessary, then the Parliamentary Committee can enquire into the matter. I do not hold any brief for any person, neither Mr. Sanjay Gandhi, Mrs. Indira Gandhi nor anybody else. There might have been misdeeds, malpractices and the atrocities also during the emergency,

because the emergency itself gave vast power to the then authority which could be misused and which must have been misused.

As we hear, in the North, the debacle has occurred. The Congress was thrown out of power during the Lok Sabha polls. But let me tell the Janata Party people here that the South has rejected you. You do not get any seat in Kerala; you have got only one seat in Andhra, two in Karnataka and three in Tamil Nadu. What does it show? South does not want Janata rule. It has been proved recently in Goa. So, it cannot be said that the emergency was misused everywhere. It was misused only in some places where the malpractices occurred. Of course, the people must have raised their voice. I do not blame them.

SHRI JYOTIRMOY BOSU: The Congress has fared very badly in the West Bengal Assembly elections.

SHRI F. H. MOHSIN: The Janata Party has fared worse.

SHRI K. P. UNNIKRISHNAN: The Home Minister, who is as straight as a rod, has admitted the other day in the other House that no other Government would have taken such action.

SHRI F. H. MOHSIN: It may be that some over-enthusiastic bureaucrats, some officers, the men in authority, might have misused their powers. Let them face the inquiry. I have no objection to any inquiry being held. Commissions have been appointed. Mr. Jyotirmoy Bosu or Mr. Kundu might give evidence before the Commissions. Let the Commissions decide. Mr. Jyotirmoy Bosu is giving the verdict even before the Commissions have gone into them. He is sitting in judgment over the Commissions. He has indicated Sanjay Gandhi, he has indicated Mrs. Indira Gandhi, he has indicated so many

other people. Is it proper? Commissions have been appointed and they are going into them. The Mathur Commission is there, the Jag Mohan Reddy Commission is there, the Shah Commission is there; all these Commissions are there; eminent judges are sitting....

MR. CHAIRMAN: These Commissions are not for inquiring into these matters.

SHRI F. H. MOHSIN: The terms of reference are wide enough to cover all these misdeeds. I have got a copy of the terms of reference of the Shah Commission before me. They are wide enough to cover all alleged misdeeds quoted by my friend. Let all these be inquired into. I have no objection at all. In fact, I congratulate the Home Minister for having appointed these Commissions. Everything will become clear. If nobody has done anything, then that will also come before the people. I must thank the Home Minister for what he has done. We will get a clear picture.

However, the feeling is there that this Government is a Government of Commissions and probes; they have appointed so many Commissions and instituted so many probes. That is because they believe in witch-hunting. Mr. Jyotirmoy Bosu is a past-master in witch-hunting. The Janata Party is following a policy of switch-hunting even today. Even the Chief Ministers of peaceful States like Karnataka and Andhra Pradesh were given notice because these assemblies could not be dissolved; they had rejected the Janata Party in the Lok Sabha elections. So, Commissions of Inquiry have been appointed against those two Chief Ministers. This is their attitude. Let them not think that they will be in power for ever. Within a few years, or even a few months, they will go out of power. Their Party has already started cracking. We have seen Mr. Satyendra Narain Singh's statement, Mr. Ram Dhan's statement and so many other statements. Their

[Shri F. H. Mohsin]

Party has started cracking. They will not remain in power for long. Already the Assembly elections in the States have shown that Congress has regained in those States where they had lost completely in the Lok Sabha elections: in Madhya Pradesh, we have got 84 seats; in Bihar where the total revolution was started, we have got more than 47 or so; in U.P. we have got many seats; in Rajasthan also we have got a good number of seats; in all these States we had got nil in the Lok Sabha elections. In the case of Rae Bareilly, which had defeated Shrimati Indira Gandhi, five Assembly constituencies out of six have returned Congress. This only shows that the Janata Party is not going to remain in power for long. If you want to put fear into the minds of the politicians by appointing Commissions, the same things will be one to you when you go out of power.

I only want that the Home Minister should not create fear among the police. Crimes cannot be investigated if a certain amount of pressure or a certain amount of coercion is not applied by them. The accused is not going to come and confess before you without pressure. I saw a cartoon in a newspaper—a police officer was falling at the feet of the accused, requesting him to confess! Is a murderer or rapist going to confess before you without pressure? Therefore, let there not be demoralisation of the police of course I don't approve of such things as the Hyderabad pill or something which Mr. Basu mentioned, but a certain amount of pressure is required. Let there not be demoralisation of the Police.

With these remarks, I would say, let us await the report of the Commission of Enquiry and then give our judgment and the people will give their judgment also.

श्री हरिकेश बहादुर (गोरखपुर) :
माननीय सभापति जी, एमर्जेन्सी के दौरान हमारे देश की जनता पर जो अत्याचार किये गये, उसे सभी लोग जानते हैं और इस का

पूरा वर्णन कई बार इस सदन में आ चुका है। मैं सिर्फ इतना ही कहना चाहता हूँ कि कांग्रेस सरकार ने इस देश की जनता पर जो अत्याचार किये और उस के लिये जो नियम बनाये, जिस के अधीन पुलिस के अधिकारियों और आई एं एस एं अफसरों ने इस देश की जनता पर जो अत्याचार किये, उस को भुलाया नहीं जा सकता है। उसी के सन्दर्भ में मैं श्री बसु के इस प्रस्ताव का पूरा समर्थन करता हूँ और चाहता हूँ कि जो कुछ उन्होंने कहा है उस की पूरी जांच होनी चाहिये। मैं जानता हूँ—किम तरह से आई एं एस एं और आई एं पी एं एस एं अधिकारियों ने सरकारी आदेशों का पालन करने के लिये बहुत उत्साह दिखाया, लोगों पर घोर अत्याचार किये, क्योंकि उन को इस बात का विश्वास था कि कांग्रेस सरकार इस देश से हटनेवाली नहीं है, वह सरकार बनी रहेगी, इस लिये वे जो कुछ भी कर रहे हैं, उस को आगे भी करने रहेंगे और उस के लिये उन को सरकार की तरफ से पूरी ताकत मिलेगी।

मैं माननीय गृह मंत्री जी का ध्यान इस बात की ओर आकृष्ट करना चाहता हूँ कि वर्तमान व्यवस्था में आई एं एस एं और आई एं पी एं एस एं अफसरों को दण्डित करने के लिये जो नियम हैं, उन में संशोधन किया जाय। जिस प्रकार में किसी भी सरकारी कर्मचारी को दण्डित किया जाता है, उसी तरह से अगर जरूरत पड़े तो उन को भी दण्डित किये जाने की व्यवस्था होनी चाहिये। इस के लिये हमें यदि संविधान में संशोधन करना पड़े। तो करना चाहिये। अन्यथा ये लोग निरंकुश रहेंगे और सरकार द्वारा बनाये गये नियमों के पालन के नाम पर अत्याचारों की सीमा को पार कर जायेंगे।

SHRI C. K. CHANDRAPPAN (Can-
nanore): I am thankful to Shri Jyotirmoy Bosu for bringing up this matter for discussion. It provides an opportunity to discuss about the excesses

committed by people in power during the Emergency.

But I would like to know the opinion of the House on one aspect of the matter. I would say that this country rejected all those who committed excesses on the people; it is not that only the Congress was rejected. I agree with all that was said by Mr. Jyotirmoy Bosu that Mrs. Gandhi, her son and the caucus around them were responsible for misusing their powers and creating an extra-constitutional authority and trying to perpetuate a reign of repression on the people in this part of the country. So here, as a result of that, the Congress was rejected. But if you take the example of Tamil Nadu, it is not the Congress which was rejected. In that State, it was the D.M.K. which was rejected, a counterpart of those who represented corruption, repression and nepotism etc. And what happened in Kerala? In Kerala, under the Emergency the Congress, the Communist Party and other partners of the United Front could provide a Government and it could do something good for the people. You need not have any doubt about it. That Government was voted back to power and those who opposed the policies, the radical policies of this Government, were rejected by the people completely. I do not want to hurt anybody's feelings, but I would say that not only Janata Party, but everybody, who opposed that Government was rejected. There was the Rajan case. We need not make a trump card of it, but in Kerala that is the only Government which took courage in its hands to accept the political responsibility for this and sacrificed its own Chief Minister and also put two DIGs behind the bar as also other top police officials. They did not want to make anybody else a scapegoat for this and disown the responsibility. An enquiry was instituted and the Home Minister stated in this House that the Kerala Government was doing what was normally expected of a Government.

Now, what was rejected by the Indian people was excesses of emergency, whether it was done by Congress or DMK or anybody else. All of them were rejected by the people. That is the result of the elections. I only want to appeal to the Home Minister, and I do not understand why there is delay in instituting an enquiry into the excesses during emergency. In the last House, promises were made that enquiries will be made into all cases of excesses. Even the newspapers friendly to Janata Party have been commenting on the delay in instituting enquiries into the excesses. I do not believe that there is any horse-trading going on. People are saying that Shrimati Indira Gandhi is meeting the Janata Party leaders and that some horse-trading is going on. I would appeal to the Home Minister to make it explicitly clear that all those who are responsible for the crimes during emergency, whether it is Shrimati Indira Gandhi, whether it is Sanjay Gandhi or the gang of four should be booked and put in jail. If you put all the people responsible for the misdeeds in jails, the people will have confidence that something good will happen.

One more request and that is that the Naxalites have not yet been released. I am very much pained at this. I hope, the Home Minister will make a statement about this. I have a feeling—I do not want to cast any aspersions on that side—that there is a kind of discrimination made. While the Government decided to release RSS and Anand Margis, the Naxalites are still behind the bars. I would request the Government to make a statement about this.

I fully support Shri Jyotirmoy Bosu's Resolution for setting up a Parliamentary Committee for a probe in the matter if the other enquiries ordered are not sufficient. I am fully in agreement with that. The truth should be brought before the world and the world should know who was responsible for these

[Shri C. K. Chandrappan]
excesses and they should be booked
and jailed.

गृह मंत्री (श्री चरण सिंह): सभापति महोदय, मेरा इरादा सदन का अधिक समय लेने का नहीं है। आवश्यकता भी नहीं है। अभी जो माननीय मित्र बोल रहे थे, मैं समझ रहा था कि आखीर वक्त तक जो वे कहेंगे, मैं उन से सहमत हो पाऊंगा, लेकिन चलते चलते वे उस लालच को नहीं रोक सके कि कुछ न कुछ तो हिट करना ही चाहिए। उन्होंने यह कहा कि देर क्यों हो रही है। अखबारों में इसकी चर्चा है और जो जनता पार्टी के अनुकूल अखबार हैं वे भी थोड़ा इधर इशारा कर रहे हैं कि कहीं मौदेवाजी तो नहीं हो रही है। उन्होंने 'होसट्रेंडिंग शब्द का इस्तेमाल किया। सभापति महोदय, मैं नहीं समझता कि उन का ऐसा कहना कोई शोभा की बात है। बाजार में कोई चर्चा हो और बिना किसी सबूत के वह चर्चा सदन में हो, तो यह सदन के सम्मान के विरुद्ध पड़ती है। मैं इसके खिलाफ बड़े अदब के साथ प्रोटेस्ट करना चाहता हूँ। देर क्यों हो रही है, हम लोगों को जल्दी से जेल में क्यों नहीं डाल देते जैसे कि हम लोगों को इंदिरा जी ने संजय जी ने जेल में डाला, उसके वारों में मेरा ख्याल यह है कि हम लोगों का एमर्जेंसी के बाद ऐसा भिजाज हो गया है या ऐसा मन बन गया है। इस संबंध में मैं आम जनता की स्वाहिष तो समझ सकता हूँ लेकिन हम लोग जो एक जिम्मेदार लोग हैं, हम भी इस री में ह जाएँ और देर की आलोचना करने लगे तो तकलीफ की बात हो जाती है।

कांग्रेस रिजिम के, कांग्रेस शासन के विरुद्ध हमारी सबसे बड़ी शिकायत क्या थी? वह यह थी कि उन्होंने रूल आफ ला को अवालिष्ण कर दिया था, नियम और कानून के राज को उन्होंने समाप्त कर दिया था। हमारी यह बेसिक शिकायत उनके खिलाफ थी। इस पर लोगों को गुस्सा था, तकलीफ थी और आज भी लोगों को गुस्सा

है, मुझे भी गुस्सा है। मैं भी उन लोगों में था कि कई दफा भावनावश गुस्से में बात कह देता था। जब हमारे ऊपर जिम्मेदारी आयी है तो क्या वही गलती हम भी करें, जो हमारे माननीय मित्रों ने की थी? अगर हम वही रवैया अपनाते तो प्राइम मिनिस्टर जो रहे हैं, चीफ निनिस्टर जो रहे हैं, मुमकिन है यहां पर जो सदस्य बैठे हुए हैं उन सब को जेल में डाल देते और लोगों का गुस्सा शान्त हो जाता। लेकिन इससे रूल आफ ला तो रेस्टोर नहीं होता। रूल आफ ला के मुताबिक चलने में, डेमोक्रेसी में रूल आफ ला से कदम-ब-कदम चलना होता है, सबको अपने बचाव का मौका देना होता है। इसलिए कहा जाता है—

'In a democracy the wheels of justice grind slowly but surely.'

जो न्याय का चक्र है वह देर में घूमता है, लेकिन वह अपने मकसद पर पहुंचता जरूर है। मैं माननीय मित्रों को और आपके जरिये मे इधर के लोगों को भी यह यकीन दिलाना चाहता हूँ, डेमें मैंने सात अप्रैल को भी कहा था कि बड़े से बड़े राजनीतिक सत्ता प्राप्त व्यक्ति से लेकर, छोटे से छोटे अधिकारी तक को, जो भी दांपी पाया जाएगा, उसको कानून के मातहत मजा मिलेगी। इस मामले में कोई डील दिखाने का हमारा कोई इरादा नहीं है। लोगों में गुस्सा है, जैसा कि मैंने कहा, मुझे भी गुस्सा है और वह गुस्सा अभी शान्त नहीं हुआ है मेरा कहना तो यह है कि अगर कोई शासक गुस्सा न करे, शांत रहे तो वह शासन करने के योग्य नहीं है। किन्तु मेरा गुस्सा गलत चीजों के खिलाफ था और बना रहेगा। लेकिन जो चीज हम कर रहे हैं वह बदले की भावन से नहीं कर रहे हैं। केवल इसीलिए कर रहे हैं कि भविष्य में कोई बदमाता आदमी प्राइम मिनिस्टर हो जाए और वह ऐसा करे, जैसा कि हमारे साथियों ने किया तो वह देश के लिए घातक होगा। हम चाहते हैं आगे कोई ऐसा न करे और हम

इसके लिए मिसाल कायम करना चाहते हैं। किसी को बिना किसी कसूर के सजा दे। या किसी से बदला लेना, या बदले के लिए किसी को तकलीफ में डालना हमारा मकसद नहीं है।

कहा जाता है कि डिले क्यों होती है। अब मैं आपको मिसाल दूँ। कमीशन को मुकर्रर करने की बात थी। इसके लिए कम के कम सात जजों ने इंकार किया, बड़े से बड़े जजों ने इंकार कर दिया। ये आठवें जज इसके लिए तैयार हुए। अब जब उन्होंने इस कमीशन की अध्यक्षता करना स्वीकार कर लिया तो उनके नाम की घोषणा के साथ ही टर्म्स आफ रेफरेंस की घोषणा करनी थी। अब टर्म्स आफ रेफरेंस का तय करने का सवाल था जो कि आसान काम नहीं है। यह सबूतों के आधार पर ही तय की जा सकती है। अगर किसी चीज का सबूत नहीं होगा तो वह चीज साबित नहीं होगी। अगर चीज साबित नहीं होगी तो उसमें हमारी बदनामी होगी और जो हमारा न्याय करने का मकसद है वह पूरा नहीं होगा। तो टर्म्स आफ रेफरेंस ऐसे होने चाहिये जिनके हमारे पास सबूत हों। सबूत हम आफिशियल फाइलों से ही ले सकते हैं या हमारे अफसरान ने जो सबूत इधर उधर से इकट्ठे किये हैं, वही हो सकते हैं। अध्यक्ष महोदय, 18 जून को नोटिफिकेशन निकला है। यह शाह कमीशन की तरफ से निकला है कि जिनके पास एमर्जेसी के दौरान जो अत्याचार लोगों पर हुए हैं, उनके सम्बन्ध में कोई सामग्री हो, सबूत ही वह भेजने की कृपा करें। इस तरह का अनाउन्समेंट हम नहीं कर सकते थे। वह कमीशन ही कर सकता था। मतलब यह हुआ कि हम पब्लिक से ऐवीडेंस नहीं मांग सकते। जो हमारी फाइल पर हो उसी की बिना पर टर्म्स आफ रेफरेंस बनायें और वह ऐसे होने चाहियें जो व्यापक हों। इसलिये देर हुई। फिर हर एक कमीशन के साथ इन्वेस्टीगेशन एजेन्सी

नियुक्त करनी है। उस के कौन अधिकारी हों उनको बुलायें उनके डिप्टीज एपोइंट करें। तो इन सब कामों में देर होती है। कमीशन गवर्नमेंट आफ इंडिया एपोइंट कर चुकी है, शायद 6 या 8। इमरजेंसी एट्रोसिटीज कमीशन मारुती अफेयर्स कमीशन, जो एट्रोसिटीज कमीशन से कम महत्व का नहीं है। लेकिन यह एक इंडस्ट्रियल एम्पायर हो गई थी इसलिये हमने लफज लिखा मारुति ऐफयर्स। तो उस कमीशन की नियुक्ति की, नागरवाला की और बंसी लाल जी की...

श्री ज्योतिर्मय बसु : हमने आप को कई केमेज बताये जिस में संजय गांधी ने अपने नाम में इंडिविजुअली इकोनामिक बेनिफिट्स इंप्रोपनी अपने लोगों के लिये उठाये। यह मारुति के अन्दर नहीं आना चाहिये था। एयर क्राफ्ट परचेज का जो मामला है वह भी है।

श्री चरण सिंह : मैं उस का जवाब दूंगा मैं कह रहा था कि उस में देर हुई है और जनता की तथा माननीय सदस्यों की जो बेसब्री है उसको मैं समझता हूँ। लेकिन कोई रास्ता इस के अलावा नहीं था जो हमने अपनाया।

अभी मैं कह रहा था कि बंसी लाल वाले कमीशन में बंसी लाल का नाम है और नागरवाला कमीशन में तीन अधिकारियों का नाम है और एक आध नाम है। लेकिन इमरजेंसी एट्रोसिटीज कमीशन में या मारुती अफेयर्स कमीशन में आप का कहना है कि इन्दिरा जी और शहजादे का नाम क्यों नहीं है। और बहुत से नाम गिना दिये। लेकिन मेरे माननीय मित्र यह देखेंगे कि नागरवाला केस में सिर्फ 3,4 नाम ही हो सकते थे। बंसी लाल जी के मामले में केवल उन का नाम मेशन हो गया। लेकिन मारुति अफेयर्स में अनेक नाम हैं जिनको मैं तो बिल्कुल नहीं जानता और अधिकारी भी सब को नहीं जान सकते, और माननीय ज्योतिर्मय बसु भी नहीं गिना सकते। उन्होंने 15, 16 नाम गिना दिये इमरजेसी कमीशन के मुताल्लिक। लेकिन और बहुत से नाम हो

[श्री चरणसिंह]

सकते हैं। इसलिये हमने नाम गिनाना मुनासिब नहीं समझा और जैसा मैंने कहा, जो मैंने 7 अप्रैल, 1977 को बयान दिया था उस में लफज है। कांस्टीट्यूशन का बहुत जिक्र किया तो उसमें है ही :

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, malpractice and misdeeds during the emergency from the highest political authority down to the lowest functionary of the Government. The wordings are 'All those who are guilty.'

मेरे माननीय मित्र मनेगे कि इस के अन्दर इन्दिरा जी आ जाती हैं। अननेम्ड है। नाम अगर देने तो एक दस्तावेज हो जाता। यह ठीक है कि प्राइम मिनिस्टर का बड़ा ऊंचा स्थान होता है और उस का हम सब को सम्मान करना चाहिये, और पी० एम० का नाम हम लिखें तो दुनिया भर में हमारी बदनामी होती है, और खास तौर से जब महिला प्राइम मिनिस्टर हो।

श्री ज्योतिर्बय बसु : बहुत हो चुकी है।

श्री चरण सिंह : हां हां तो चुकी है। लेकिन यह ऐसा नाजुक मामला है, हमने जिक्र इसलिये नहीं किया कि और ज्यादा बदनामी होगी। मतलब लगाने की बात है, बस और कुछ नहीं है। तो इतना व्यापक सैन्टेस रखा है कि उस से कोई बच नहीं पायेगा।

सभापति महोदय, मैं बसु साहब से अर्ज करना चाहता हूँ कि जो कुछ मामली उनके पास है, वह कमीशन को भेजने की मेहरबानी करें। मैं नहीं समझता कि वह स्वयं भी उस मामली को पढ़ पाये है, क्योंकि अभी मेरी उन से बात हुई थी। उनका जो यहां भाषण हुआ है, वह भी मैं कमीशन को भिजवा दूंगा। जो माननीय मदस्यों ने स्पैसिफिक एबीडीस दिये हैं वह भी कमीशन के सामने भिजवा दूंगा। जो अनरल

एबीडीस का नोटिफिकेशन निकला है वह तो 18 जून का निकला है।

आपने कहा कि टर्म्स आफ रैफरेंस का संशोधन होना चाहिये। अगर आप उनको पढ़ेंगे, तो मैं नहीं समझता कि किसी संशोधन की आवश्यकता होगी। लेकिन अगर कोई सज्जन बता सक कि अमुक किस्म का मामला इन टर्म्स आफ रैफरेंस में नहीं आता तो मैं उसे कैबिनेट में लेजाकर इन टर्म्स आफ रैफरेंस को अमड करा दूंगा, लेकिन कोई बतलायें तो कि फलां बात हममें नहीं आती।

अब प्वाइन्ट यह है कि जितने सवालान इस एमजेंन्सी के जमाने में हुए, एमजेंन्सी के मिसडीडज, क्राइम और वेईमानी के बारे में इस सदन में और राज्य सभा में हुए मैं गवर्नमेंट की तरफ से उनकी इन्क्वायरी करा लुंगा कि कितने सवालान उसके मुताल्लिक हैं और क्या गवर्नमेंट ने जवाब दिया है। उस मैटीरियल को भी, जैसा बसु साहब ने मुझाब दिया है, कमीशन के पास भेज दिया जायेगा।

डा० चुष की डैथ के बारे में भी उन्होंने कहा है। उसका मुझे भी मालूम नहीं कि क्या हो रहा है। एमजेंन्सी कमीशन के अधिकार क्षेत्र में आयगा या नहीं, मुझे तारीख मालूम नहीं। अगर 20, 21 मार्च के बाद हुआ है तो उसमें नहीं आयेंगा, उसकी हम अलग इन्क्वायरी करा लेंगे अगर उसके अन्दर है तो वह शाह कमीशन के अधिकार क्षेत्र में आ ही जायगा।

बसु साहब ने वैस्ट बंगला का भी जिक्र किया, ठीक ही किया। अब तो वहां उनकी गवर्नमेंट बन गई है। आपका अधिकार होगा कि कमीशन मुकर्रर करें और किसी भी प्रकार की तहकीकात करायें। बल्कि मैं यह सोच रहा हूँ कि गवर्नमेंट की तरफ से वैस्ट

बंगाल की सरकार से निवेदन करूँ कि आप कमीशन मुकर्रर करें ताकि बसु साहब को यहां स्पीच देने का मौका ही न आये ।

सभापति महोदय : आप उनका मुंह बन्द कर रहे हैं ।

श्री चरण सिंह : मैं उन का मुंह बन्द करना चाहता हूँ, अगर आप इजाजत दें, यह कहीं कंटेंम्प्ट आफ हाउस न हो जाये ।

माननीय हुक्म देव नारायण ने कहा कि कमीशन की रिपोर्ट आती हैं, लेकिन एक्शन नहीं लिया जाता है । मैं उनको यकीन दिलाता हूँ कि एक्शन लिया जायगा । अगर एक्शन नहीं लिया गया तो सदन की गलती मैं समझूंगा । हाथ में तो आपके है, अगर आप ही मो गये तो दूसरी बात है, आप जागते रहे तो एक्शन जरूर होगा ।

एक सज्जन ने यह कहा था कि दस्तावेज डैस्ट्राय न हो जायें । हो सकता है, आपका डर बिल्कुल बेवुनियाद नहीं है । लेकिन आमनौर पर दस्तावेज डैस्ट्राय नहीं होते हैं, क्योंकि गवर्नमेंट की एक फायल के एक कागज का सम्बन्ध दूसरे कागज से होता है । इसके अलावा सैक्रेटैरिएट में जो फाइल है, उसकी दूसरी कापी डायरेक्टरट में, जो हैड आफ डिपार्टमेंट है, उसमें होती है । कोई डिपार्टमेंट बिल्कुल अकेल आइसोलेशन में फक्शन नहीं करता है । दूसरे डिपार्टमेंटों का भी सैक्रेटैरिएट में सम्बन्ध होता है । एक पुरानी कहावत है—

Murder will always be out. Truth will always be out.

अभी एक केस हुआ, जिसका मैं जिक्र नहीं करना चाहता । उसकी तहकीकात चल रही है । मैं समझता हूँ कि जो गिरफ्तारियां हुई हैं, उससे हम सब को संतोष होगा, जनहित में

संतोषजनक तरीके से इन्क्वायरी हो रही है । जब आदमी जुर्म करता है तो बड़े बड़े अफसर मिलकर हर तरह की सावधानी बरतते हैं कि कोई सबूत न रह जाये लेकिन फिर भी सबूत भी हो जाता है । और भी कन्फेशन्स हो गये हैं बड़े-बड़े ।

मुझे यहां पर किसी के नाम का जिक्र करना शोभा नहीं देता है, लेकिन दिल्ली एडमिनिस्ट्रेशन के बड़े बड़े जिम्मेदार अफसरान भी, जिन के नाम माननीय सदस्य, श्री ज्योतिर्मय बसु ने भी नहीं गिनाये हैं, इस कमीशन के सामने आये हैं, और बड़े बड़े जिम्मेदार लोगों के कन्फेशन हो रहे हैं । आखिर आदमी जब गलती करता है, तो कभी कभी उसे रिमोर्स होता है, और कभी कभी पैन्ज आफ कानशेंस जैसी चीज भी होती है ।

एक माननीय मित्र ने कहा है कि नक्सलाइट्स को क्यों नहीं छोड़ा जा रहा है । अगर्चे नक्सलाइट्स का इससे कोई वास्ता नहीं है, लेकिन हम ने उन्हें छोड़ने के लिए इतना किया है कि एक प्रकार से हम ने बिल्कुल खतरा उठाया है, यह रिस्क लिया है कि पुलिस आफिसर्स डीमारेलाइज हो सकते हैं । जितना हम कर सकते थे, उतना किया है ।

600 के करीब नक्सलाइट डेटेन्यूज थे, और 62 को छोड़ कर सब रिलीज किये जा चुके हैं । 57 बंगाल में हैं और केवल 5 तमिलनाडु में हैं । बंगाल के बारे में तो अब किसी को कहने का मौका नहीं रहेगा, और तमिलनाडु के बारे में भी, क्योंकि दोनों जगह पापुलर गवर्नमेंट्स हैं । लेकिन ला एंड आर्डर के सिलसिले में लास्ट वर्ड स्टेट गवर्नमेंट्स के पास है । हम केवल सलाह देने का ही अधिकार रखते हैं । हम यहां से कोई आर्डर नहीं भेज सकते हैं कि यह करना होगा । लिहाजा जो 62 नक्सलाइट डेटेन्यूज बचे हैं, उन को स्टेट गवर्नमेंट्स छोड़ सकती हैं ।

[श्री चरण सिंह]

हम ने यह भी तय किया है कि चाहे कितना ही शदीद जुर्म क्यों न हो, अगर वह पांच साल से अंडर इनवेस्टीगेशन है, अंडर ट्रायल चल रहा है, तो भी हम ने स्टेट गवर्नमेंट को यह मशवरा दिया है कि ऐसे लोगों को भी छोड़ दिया जाये। चाहे मर्डर का केस था, चाहे कुछ और था, अगर पांच साल का कनविकशन का पीरियड पूरा हो चुका है, तब भी छोड़ दिया जाये। जहां तक एक्सकांडर्ज का सम्बन्ध है, उनके केसिज अलग अलग एग्जामिन किये जायेंगे।

कुछ केसिज में स्टेट गवर्नमेंट्स, गवर्नर्ज, और चीफ मिनिस्टर्ज, ने हमें लिखा है कि आप इस बारे में मोच लीजिए, इतना बड़ा क्राइम है, पुलिस आफिर्मर्ज का एम्बुश कर के मर्डर हुआ था। उन के फायर-आर्म्ज छीन लिये गये थे, अगर आप का मशवरा है, तो हम छोड़ देते हैं, लेकिन इस का असर ला एंड आर्डर पर पड़ेगा। हम ने उन्हें पर्सवेड करते हुए लैटर लिखा है कि जो कुछ हुआ है, उस में उन का कोई व्यक्तिगत वार्थ नहीं था। अब वे अपनी सेंट्रल कमेटी के रेजोल्यूशन से सहमत हैं, जिम में कहा गया है कि हम क्लास एसेसिनेशन या एनिहिलेशन की पालिसी में विश्वास नहीं करते हैं। जो उस रेजोल्यूशन को सब क्राइव करते हैं, केवल उन्हीं को हम छोड़ रहे हैं। हम समझते हैं कि वे आनरेबल व्यक्ति की तरह इस बात पर कायम रहेंगे।

वैसे हर, आदमी आनरेबल है। जो व्यक्ति देश के लिए, या किनी काज के लिए, अपनी लाइफ झोकने के लिए तैयार है जिन का अपना कोई स्वार्थ नहीं है, तो वे आनरेबल ही हैं। लेकिन हर जीशऊर, अक्ल रखने वाले के लिए यह सोचने की बात है कि क्या आज की दुनिया में कोई वायलेंस के जरिये से गवर्नमेंट को गिरा सकता है। नहीं गिरा सकता है—इनएफिशेंट गवर्नमेंट को भी नहीं गिरा सकता है। साईंस और

टैकनोलाजी ने पुलिस और फौज को ऐसे हथियार दिये हैं कि इस तरह की वायलेंस का इस्तेमाल करने में गवर्नमेंट को नहीं उखाड़ा जा सकता है। वह जमाना खत्म हो गया, जब मुगलों की हुकूमत में बंगाल या महाराष्ट्र में रिवाल्ट हो गया, तीन महीने में वहां फौज पहुंची और उतने में रिवाल्ट करने वालों ने तैयारी कर ली। उस वक्त रेबल्ज के पास जो हथियार थे, वही हथियार आर्गनाइज्ड गवर्नमेंट के पास थे।

ईस्ट जर्मनी के पेट्रियट्स ने अपने देश को यू० एस० एस० आर० के पंजे से आजाद कराने की कोशिश की। नतीजा क्या हुआ कि ब्लड-बाथ हो गया और उस कोशिश को खत्म कर दिया गया। पोलैंड, हंगरी और दूसरी जगह भी यही हुआ।

आग्निर इलैक्शन क्या है? इलैक्शन भी तो रेवोल्यूशन का एक तरीका है। बैलट के जरिये रेवोल्यूशन हो सकता है जहां फ्री एंड फेयर इलैक्शन हो सकता है, मेरी समझ में नहीं आता कि वहां कोई जीशऊर वायलेंस में कैसे विश्वास करेगा, खास तौर से आठ दस साल तक जेल में रहने के तजुबों के बाद।

मैं समझता हूं कि कोई खतरा नहीं है ला एंड आर्डर को, अगर्चे पिछला तजुर्बा हमारा खराब है।

इन शब्दों के साथ मैं आप के जरिये श्री बसु से प्रार्थना करूंगा कि वह अपने रेजोल्यूशन को विदड़ा कर लें। उन का रेजोल्यूशन बहुत ही सीधा-सादा है। शायद उन्हें वक्त नहीं मिला है, वरना वह दो पेज भर सकते थे तो इससे तो कहीं हमारा 'टर्म्स' आफ रेफरेंस ज्यादा वाइड और व्यापक है,

माल-एम्ब्रेसिंग है । मैं समझता हूँ कि वह मुझ से इस बात में सहमत होंगे और इसको वापस लेंगे ।

SHRI JYOTIRMOY BOSU: I am delighted to see Mr. Mohsin here because he was adorning the Home Ministry then. Clause 30 of the MISA rules of Haryana states that a copy of the MISA rules has to be provided to every detenu as soon as he enters the jail gate. That was never done to me. I had to fight. I could not get it. I was transferred to Tihar jail for a short time when Chaudhry sahib was also there. I asked the Superintendent of Tihar jail to give me a copy of the MISA rules covering detenus in Delhi Administration. I wrote to Mr. Mohsin but there was no reply. I sent first reminder, even then there was no reply. I sent the second reminder and then I got a reply from one Deputy Secretary that they were instructing the Delhi Administration to provide me with the copy of the rules. For your information, Mr. Mohsin, I have not so far received the copy and today you are preaching sermons from the high dais I feel sorry for you. You were spineless carriers of Mrs. Gandhi. You have no right to speak on the Floor of the House.

SHRI F. H. MOHSIN: I am not getting angry with him. It is usual with him.

SHRI JYOTIRMOY BOSU: The hon'ble Home Minister in his wisdom has made some observations on my suggestion about arresting Mrs. Indira Gandhi and Sanjay Gandhi. I am am giving a specific instance when I say that on the morning of 26th June Mr. Sanjay Gandhi was responsible for disconnecting the telephone, teleprinter and electric lines in the national dailies in Delhi. Is that not an act of crime? Is that not a cognisable offence justifying arrest and

prosecution. I have given you a concrete instance whereby Sanjay Gandhi could be arrested.

श्री चरण सिंह : अध्यक्ष महोदय, आप की इजाजत से बताना चाहता हूँ कि संजय गांधी या उन की मां के प्रति यहां कोई साफ्टनेस नहीं बरनी जा रही है । अभी चार केसेज में उन को ऐटिसिपेटरी बेल लेनी पड़ी है ।

श्री ज्योतिर्मय बसु : लेकिन यह ऐक्ट आफ फ्राइड है ।

Then he took to the wheels of an aircraft. He did not have the licence. Is that not a cognisable offence? Then there is Jagota case. What has been done in that case. I can assure you, Chaudhry Sahib, if you get the details from your Ministry about this case both the mother and the son can be netted together at the same time. Mr. Raj Narain has said today in the afternoon that the CBI report on Lalit Narain Mishra's death was a cock and bull story. Who wanted Lalit Narain Mishra to be murdered and killed? He made two or three irresponsible speeches where he said that he was going to be the Prime Minister of India by March. The wife and son of late Shri Lalit Narain Mishra were never heard by the Commission. Give them an opportunity and you will come to know whether that constitutes a cognisable offence or not. Then there is Bansi Lal case. It is not Bansi Lal alone. The Chairman of the Haryana State Electricity Board was his henchman. You may get hold of the special audit report given by the Auditor General and you will know the details. As regards the terms of reference of this Commission, I want to know whether that will include political authorities Mr. Shanti Bhushan is here and he can tell us whether it includes all and sundry. That is what I wanted to know. Then there is one more important thing, that is, that continuation

[Shri Jyotirmoy Bosu]

of malpractice and misdeeds which had started prior to 25th of June 1975 should also not be left out. This is a request that I am making to you. The hon. Minister will kindly bear with me. Sitting on the Public Accounts Committee as Chairman for two terms, I have learnt my life's lesson. When I had asked for rags scandal file, Mrs. Gandhi herself sided with these smugglers for a consideration and gave the clearance for 17,000 bales of contraband goods. I wanted the file, but the whole file never came. Part-file came and the file which contained Mrs. Gandhi's own order in writing, was never brought. Chaudhuri Saheb, there are so many ifs and buts. I am glad that you have told the Bihar Government. I want to thank you that Mr. Santosh Rana who has been elected as M.L.A. is going to be released and freed on bail so that he can take oath in West Bengal Assembly and he can do his duty in a manner which befits a society like this.

MR. CHAIRMAN: Are you withdrawing your Resolution?

SHRI JYOTIRMOY BOSU: Since the hon. Minister considers that the scope of the commissions that have been constituted is wide enough—I wish him all good luck—I think that they would be able to deliver the goods. I have no intention of pressing my Resolution.

MR. CHAIRMAN: There are two amendments. First, they have to be disposed off. Does the hon. mover want to press his amendments?

SHRI HUKMDEO NARAIN YADAV: I seek leave of the House to withdraw my amendments.

Amendments Nos. 1 and 2 were, by leave, withdrawn

SHRI JYOTIRMOY BOSU: I seek leave of the House to withdraw my resolution.

The resolution was, by leave, withdrawn

RESOLUTION RE. SUBVERSION OF DEMOCRATIC NORMS BY THE FORMER PRIME MINISTER

SHRI HARI VISHNU KAMATH (Hoshangabad): Mr. Chairman, in the name of God, I move in all humility but with all earnestness the following resolution for the consideration of the House:

"This House deeply deplores the cynical sub-version of democratic norms, the steep erosion of ethical standards and spiritual values, engineered by the then Prime Minister, Shrimati Indira Gandhi and her gang during the dark days of tyranny and terror that followed the Proclamation of emergency on June 25, 1975, pays its heartfelt homage to the innumerable victims and martyrs in the crusade for liberty and freedom which the proclamation sparked throughout the country, places on record, humbly yet joyfully, its profound appreciation of the historic role played by our fearless people, through the ballot-box, in ousting a vile authoritarian regime, and solemnly pledges its earnest endeavour for the speedy accomplishment, in close cooperation with the people and by peaceful, legitimate methods, of a socio-economic revolution, illumined by democratic standards, vivified by socialist ideals, and firmly founded on moral and spiritual values, for which Lokmanya Tilak, Mahatma Gandhi and Netaji Subhas Chandra Bose suffered and sacrificed, lived and died, and for which Lok Nayak Jayaprakash Narayan, three years ago, called the nation to battle."

It is a strange coincidence, yet perhaps a very significant coincidence, that it has fallen to my lot to move this Resolution on the eve of the Second anniversary of the Proclamation of emergency. Today is 24th June 1977 and tomorrow will be the 25th. On the eve of that Proclamation all our minds go back to those dark, dismal days which followed