श्री राम कंवार बेरवा : जब भी इस प्रकार के प्रश्न आते हैं, तो जिम्मेदार लोगों की तरफ से पार्लियामेंट के मेम्बरों को कहा जाता है कि सिलेक्शन में पक्षपात बरता जाता है । मैं यह जानना चाहता हूं कि क्या भर्ती करने के लिए सिलेक्शन कमेटी में शिड्यूल्ड कास्ट्स का कोई मेम्बर बैठता है, या नहीं; यदि नहीं, तो क्या प्रधान मंत्री जी इस की व्यवस्था करेंगे, ताकि अफ़सरों पर कोई दोषारोपण न हो सके ?

श्री मोरारजी देसाई : पब्लिक सर्विस कमीशन में तो है ही । ख़ास तौर से देखा जाता है कि वह रहे ।

एक माननीय सदस्य : ट्राइबल नहीं है ।

श्री मोरारजी देसाई : अगर नहीं है, तो हम उस की व्यवस्था भी जरूर करेंगे । अगर सिलेक्शन कमेटियों में नहीं है, तो मैं जरूर देखने का प्रयत्न करूंगा ।

Committee on Turkman Gate Incidents

*650. SHRI F. H. MOHSIN: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether a fact finding Committee has been constituted to go into the Turkman Gate incidents;

(b) if so, the constitution of the Committee and the terms of reference;

(c) whether the Committee will not have as wide powers as a Commission of Enquiry under the Commission of Enquiry Act; and

(d) the reasons for not appointing a Commission or ordering a judicial enquiry into the incident?

THE MINISTER OF HOME AFFAIRS (SHRI CHARAN SINGH): (a) and (b). The Government of India have appointed a fact finding Committee in respect of programmes for slum clearance, removal of encroachments, demolitions, beautification etc., carried out in the Union Territory of Delhi during the emergency including the demolitions and the firing incident in the Turkman Gate area in April, 1976.

The Committee consists of the following:—

(1) Shri R. C. Jain, I.A.S.

(2) Shri D. K. Agarwal, I.P.S.

The terms of reference of the Committee are to collect all the available information in respect of the following matters:—

(i) the circumstances in which programmes for slum clearance, removal of encroachments, demolitions, beautification etc. in the Union Territory of Delhi were decided upon and came to be given high priority during the period following proclamation of emergency on 25th June, 1975;

(ii) the manner in which such programmes were implemented and allegations in relation thereto;

(iii) the nature of the law and order problems which arose as a result of the implementation of such programmes; and

(iv) in regard to the Turkman Gate area, in addition to (i), (ii) and (iii) above, the specific facts relating to the firing that took place on the 19th April, 1976 with particular reference to:—

(a) the circumstances which necessitated the use of force;

(b) the quantum of force used;

(c) the number of deaths as a result of the firing;

(d) instances, if any, of looting of property or dishonouring of women in their houses or in the locality on that occasion;

(e) the arrangements made for providing medical relief to the

persons injured in the course of these incidents; and

(f) action taken on complaints, if any, made in regard thereto.

(c) and (d). The subjects covered by the fact finding Committee come within the purview of the Commission of inquiry headed by Shri J. C. Shah, appointed by the Government under Section 3 of the Commissions of Inquiry Act, 1952. The fact finding Committee has been constituted to collect all the information in respect of matters entrusted to it and it is proposed to place the material collected by it before the Shah Commission. In view of this, Government did not consider it necessary to order a judicial enquiry or to appoint a separate Commission for the Turkman Gate incident.

SHRI F. H. MOHSIN: The Home Minister has stated in his answer that the fact finding Committee will collect all information in regard to the specific facts relating to the firing that took place on the 19th April, 1976 with particular reference to the number of deaths etc....(*Interruptions*). Evidently, this is a very serious incident....(*Interruptions*): Some hon. Members *rose*

MR. SPEAKER: Please sit down, I am on my legs.

SHRI F. H. MOHSIN: I am thankful to the Home Minister that he has understood the seriousness of the incident, but I am sorry to say that while he has thought it proper to appoint a Commission of Enquiry to go into the death of one dacoit, Sunder, he has not thought it proper to appoint a Commission of Enquiry to go into this incident, which is a very serious one. This is a very serious incident, otherwise I would not have put this question myself.... (*interruptions*). It is also a common knowledge that the Turkman gate incident was used by the Janata Party during its election campaign throughout the country, but here the Government have not treated the Turkman gate incident with all the seriousness. (*Interruptions*). Neither a Commission of Enquiry nor a judicial enquiry has been ordered to go into this incident.

MR. SPEAKER: If you do not put your question, I will disallow the question.

SHRI F. H. MOHSIN: I want to put my question, but I do not know, why the Janata Party members are allergic to the question....(*Interruptions*). My question is, why the Home Minister has not thought it proper to appoint a Commission of Enquiry to go into this incident considering that it is a serious one.... (*interruptions*).

SOME HON. MEMBERS *rose*—

MR. SPEAKER: Please sit down. Mr. Mohsin, please put your question; you are provoking the Members by not putting your question.

SHRI F. H. MOHSIN: My first question is: why the Home Minister has not thought it proper to appoint a Commission of Inquiry or a judicial inquiry into a very serious incident of this nature when he has appointed a Commission of Inquiry into the alleged murder of Mr. Sunder.

PROF. P. G. MAVALANKAR: Who was in charge at that time?

SHRI F. H. MOHSIN: My second question is this. The Committee consists of one IAS and one ICS officer. I want to know whether the Home Minister has not thought it proper to associate a non-official with this committee because as all these serious incidents have happened at the instigation of some DDA officers, they are likely to be protected by these IAS and ICS officers. Does he not think it proper to associate a Judge of the High Court for whom these people have always a high regard?

SHRI CHARAN SINGH: The hon. Member opposite is wrong in assuming that a judicial inquiry has been ordered into the causes of death of Mr. Sunder. No. It is a CBI inquiry. He has built up all his case on the assumption that the inquiry that was ordered into the death of Mr. Sunder was a judicial inquiry. So all the arguments he has advanced after that, fall to the ground.... (*Interruptions*).

Secondly, a judicial inquiry was not ordered into this incident because it is merely a fact-finding committee and all the facts it finds will be placed before the Shah Commission itself. So, it was unnecessary. I only said it.

I may add a word. I admire the courage of Mr. Mohsin.... (*Interruptions*). Being himself responsible for all these incidents, now he has the courage to speak up and hurl charges against the Janata Government.... (*Interruptions*).

SHRI F. H. MOHSIN: I have got my second question.

I am thankful to the hon. Home Minister for admiring my courage in putting this question. But the Home Minister has not thought it proper to have the courage to institute a judicial inquiry....

MR. SPEAKER: What is your second question?

SHRI F. H. MOHSIN: I want to know whether this committee has already begun its work and whether it has got the same powers as a commission of inquiry to record evidence .... (*Interruptions*). I know that. Let him say that.

I want to know whether it is only a fact-finding committee which is to collect information and submit it to the Shah Commission or whether the Shah Commission can again go into all these matters after receiving the report of the Comittee.

SHRI CHARAN SINGH: Although the government is not expected to give its opinion on a question of law—it is a question of law whether the judicial commission headed by Mr. Shah will have the right to go into findings of this fact-finding committee and take any other action as it thinks proper—still, I will, with your permission, tell my hon. friend that the Commission will be free to take any steps it thinks proper for arriving at the truth.

SHRI KRISHNA CHANDRA HALDER: This Turkman Gate incident took place in April 1976 when Mr. Mohsin was Deputy Minister (Home) .... (*Interruptions*). What he was doing—I do not know. Whether he was ignorant or not, I do not know....

SHRI M. RAM GOPAL REDDY: Is it a question, Sir?

SHRI KRISHNA CHANDRA HALDER: I want to know if, after the receipt of the report of the fact-finding committee, it is found that the Deputy Minister at that time, Mr. Mohsin or the Home Minister, Mr. Brahmananda Reddy....

SHRI SOMNATH CHATTERJEE: Super Home-Minister, Mr Brahmananda Reddy.

SHRI KRISHNA CHANDRA HALDER:....are responsible for the firing at the Turkman Gate.... (*Interruptions*). What steps will the Government take in this regard? I want to know the number of people who died because of that firing? How many people were wounded and the total number of people evicted at the Turkman Gate incident?

SHRI CHARAN SINGH: This Government does not know all the facts. These facts are probably in the knowledge of Shri Mohsin.

SHRI HARISHANKAR MAHALE: May I know when the Report of the fact finding Committee will be submitted to the Government?

SHRI CHARAN SINGH: I think they will do so early. No particular date has been fixed.

श्री कंवर लाल गुप्त : अध्यक्ष महोदय, एक कहावत है ---100 चूहे खाकर बिल्ली हज को चली, अब ये हज को जा रहे हैं। वहां दर्जनों लोगों को मरवाया गया, उन की बेइज्जती की, हजारों मकान गिराये गये और ये लोग देखते रहे, सब कुछ इनके सामने हुआ---इनमें एक ये डिप्टी मिनिस्टर थे, एक होम मिनिस्टर थे, और एक सुपर होम मिनिस्टर थे। मैं मंत्री महोदय से जानना चाहता हूं कि क्या इस एन्कवायरी में यह चीज़ भी आ जायेगी कि जो डिमोलीशन हुआ, वह किसी सुपर-होम मिनिस्टर की तरफ से हुआ---या संजय गांधी के आर्डर से हुआ था, क्या टर्म्ज आफ़ रैफ़ैंस में यह चीज़ भी आ जायगी ? जब डिमालीशन हुआ, उस समय डिप्टी होम मिनिस्टर और होम मिनिस्टर ने उसके ख़िलाफ़ कोई कार्यवाही नहीं की, इसलिये क्या इनके ऊपर एबैटमेंट आफ़ मर्डर का केस चलाया जायगा ?

SHRI MOHD. SHAFI QURESHI: I am on a point of order.

MR. SPEAKER: There is no point of order in question hour. Please sit down.

SHRI MOHD. SHAFI QURESHI: I would like to know whether you are going to create a precedence in this House that nobody can ask two questions.

MR. SPEAKER: No, no. Unless other people are allowed you cannot have preference.

SHRI MOHD. SHAFI QURESHI: This side should also be given preference.

MR. SPEAKER: I am going to every side.

SHRI CHARAN SINGH: I have to repeat what have already said. The Commission will enquire into all the circumstances in which clearance and removal of encroachment, etc. was made in Delhi and the circumstances in which these programmes were decided upon and came to be given high priority during the period following proclamation of emergency. I think the specific question which the hon. member has asked will fall within this term of reference.

SHRI KANWAR LAL GUPTA: What about abetment of murder? Has any action been taken?

SHRI CHARAN SINGH: I may add a word. Whatever is necessary and is left out by this fact finding Committee owing to any deficiency in the terms of reference can be looked into by the Shah Commission itself.

श्री हुकम चन्द कछवाय : अध्यक्ष महोदय, यह बात बिल्कुल सिद्ध है और देश की जनता और इतिहास इस बात को कभी नहीं भूलेंगे कि पिछली सरकार के हाथ खून से रंगे हुए हैं। मैं मंत्री महोदय से जानना चाहता हूं कि जो लोग गोली से मरे हैं, क्या उन को कोई मुआवजा दिया गया है या जिन को उजाड़ा गया है, उनके बसाने की कोई व्यवस्था की गई हैं ? यदि हां, तो कितने मरने वाले परिवारों को मुआवजा दिया गया और कितनों को बसाया गया ?

अध्यक्ष महोदय : इसका जवाब नहीं है।

श्री हुकम चन्द कछवाय : कुछ तो जवाब दें, हां बोलें या न बोलें। . . . . .

(व्यवधान) . . . . . .

जिन परिवारों के लोग मरे हैं, क्या उन को नई सरकार ने कुछ मुआवजा देने का विचार किया है और कितना मुआवजा दिया है ? यदि नहीं दिया है तो उन को

बसाने की कोई व्यवस्था सरकार ने की है ? इसका जवाब 'हां' या 'ना' में दे दें ।

SHRI CHARAN SINGH: This question does not arise out of the main question.

श्री मोहम्मद शफ़ी कुरेशी : मैं यह कहना चाहता हूं कि इस किस्म के जो सवाल होते हैं, वे थोड़े सैंसेटिव होते हैं लेकिन यह समझना कि इधर जो बैठे हैं, वे सब गुनाहगार हैं और उधर जो बैठे हैं, वे सब फरिश्ते है, यह सही नहीं है । यहां पर इधर जो लोग बैठे है, वे भी अच्छे लोग हैं ... (**व्यवधान**) ...

मैं आनरेबिल होम मिनिस्टर साहब से यह पूछना चाहता हूं कि यह जो फैक्ट-फाइंडिंग कमेटी बनाई गई है, इसी सदन में एक माननीय सदस्य ने यह कहा है कि ये जो श्री आर० सी० जैन हैं, लैंड ग्रेब जो यहां पर हुआ था, उस में इन का नाम था, तो क्या उनका नाम इस में था ? पहली बात तो मैं यह जानना चाहता हूं ।

दूसरा मेरा सवाल यह है कि इमाम साहब, जामा मस्जिद, दिल्ली सैयद अब्दुल्ला बुखारी ने जामा मस्जिद के मामले में काफ़ी दिलचस्पी ली थी, तो उन को भी क्या आप इस इंक्वायरी के साथ बाबस्ता करेंगे ?

SHRI CHARAN SINGH: He asked about the conduct of Mr. R. C. Jain. The judge of the Supreme Court himself appointed Mr. Banerjee to look into the VIP land-grab affair and they have come to the conclusion that Mr. R. C. Jain was innocent and there is no charge against him.

श्री मोहम्मद शफ़ी कुरेशी : चौधरी साहब कोई इंक्वायरी तो ठीक से करवाइए । यह आप क्या मजाक बनवा रहे है । .... (**व्यवधान**) ...

PROF. P. G. MAVALANKAR: I want to ask the present Home Minister whether he knows that Mr. Mohsin was Deputy Minister of Home Affairs when this serious incident took place last year. I want also to know whether the present Home Minister knows that the then Deputy Home Minister had replied in answer to Mr. Somnath Chatterjee's pointed question in the Lok Sabha at that time, and when at that time he made a statement, he did not say that the thing was serious at all.

SHRI F. H. MOHSIN: It is wrong. I have never said that it was not a serious thing.

PROF. P. G. MAVALANKAR: Sir I would like to know whether it is a fact that not only Shri Mohsin who, at that time, was the Deputy Minister but also Shri Om Mehta and also Shri Brahmananda Reddy and others including the then Prime Minister gave inadequate and misleading statements before the House by not giving the correct statement of facts and if so, may I know from him whether, in view of all this, the present Home Minister, Shri Charan Singh will also go into all these matters to find out whether the then Home Minister had given any wrong information?

If that were so, I want to know whether he would come before the House correcting the statement of the former Home Minister.

MR. SPEAKER: I do not propose to allow this question. (*Interruptions*) You will, please sit down. If there was any incorrect statement made, there are other procedures and so, this question will not be allowed.

PROF. DILIP CHAKRAVARTY: Apart from the report to be received from the Facts Finding Committee, is he aware that certain crimes had already been committed? In the Turk-

man Gate incidents, the crimes were committed against humanity. How long is he going to wait for this? Does he intend taking firm steps against the persons who committed crimes against humanity?

SHRI CHARAN SINGH: As soon as the report is received, Government will consider what steps should be taken.

श्री हुकमदेव नारायण यादव : अध्यक्ष महोदय, मैं गृह मंत्री जी से यह जानना चाहता हूं कि इस काण्ड में गोली भी चली, लोग मारे भी गये, सब कुछ हुआ और इन सब बातों को लोग जानते भी हैं तो इस पर फिर जांच कमेटी बिठाने से क्या फायदा है? क्यों नहीं अपराधियों को सीधे पकड़ा जाता है, क्यों नहीं उन्हें अदालत के सामने पेश किया जाता है, क्यों नहीं उन पर मुकद्मा चलाया जाता है? इस सीधे-सादे मामले में जांच पड़ताल की क्या जरूरत है? जैसे साधारण व्यक्ति पर भारतीय दण्ड विधान के अन्तर्गत कार्यवाही की जाती है उसी तरह उन लोगों पर कार्यवाही क्यों नहीं की जाती है?

श्री चरण सिंह : माननीय हुकमदेव जी ने जो सवाल पूछा है, वह बड़ा सही सवाल पूछा है। यह सही है कि गवर्नमेंट सीधे भी पुलिस के जरिये इक्वायरी करा कर दोषी लोगों को अदालतों में भेज सकती है, मुकद्मा चला सकती है। हम ने ऐसे कुछ मामलों में सीधे मुकद्मा करने का इरादा कर भी लिया था लेकिन वे ऐसे मामले थे जिनमें कुछ पेचीदगियां थीं और तथ्य बहुत ज्यादा थे। उनमें कुछ विस्तृत तथ्यों का पता लगाने के लिए कमीशन नियुक्त करना जरूरी समझा गया। फिर भी माननीय सदन ने देखा होगा कि जो भी पर्टिकुलर केसिज नोटिस में आये उनके मुतल्लिक एफ०आई०आर० दायर हुई, अदालत में मुकद्मे दायर हो चुके हैं लेकिन अक्यूज्ड लोगों ने एन्टीसिपेटरी बेल अदालत से ले ली। पुलिस को यह अधिकार है कि बिना एफ० आई०आर० के, बिना तहकीकात किये भी सीधे किसी को गिरफ्तार कर सकती है। अब मैंने सी०बी०आई० और अपने अफसरान को यह कह दिया है कि जो भी ऐसे मामले हों उनमें सीधे दोषियों को गिरफ्तार कर लिया जाए, चाहे वह कितना ही बड़ा आदमी क्यों न हो, उनमें तहकीकात की कोई जरूरत नहीं है। (**व्यवधान**)

श्री सुरेन्द्र बिक्रम : माननीय मंत्री जी ने अभी उत्तर दिया कि यह दुखद घटना तुर्कमान गेट में हुई और उस समय श्री मोहसिन उप मंत्री गृह थे। अब माननीय गृह मंत्री जी ने फेक्ट फाइंडिंग कमेटी मुकर्रर की है। क्या उस कमेटी ने श्री मोहसिन का कोई बयान लिया है क्योंकि उन्हें इस बारे में पूरी जानकारी है? अगर नहीं लिया है तो क्या वह कमेटी उनका बयान लेगी या नहीं लेगी?

श्री चरण सिंह : श्री मोहसिन को भी पता है कि बयान लेगी या नहीं लेगी। लेकिन अगर कमेटी जरूरी समझेगी तो जरूर लेगी।

चौधरी बलबीर सिंह : इस अहम सवाल को करने के लिए मैं मोहसिन साहब को मुबारिकबाद पेश करता हूं। उन्होंने खुद इस सवाल को करके वह बात जो मैंने कही थी कि सौ जूतियां भी खाईं और सौ प्याज भी खाए, अपने पर लागू कर ली है.... (**व्यवधान**) . . .

SHRI F. H. MOHSIN: These words should be expunged. (*Interruptions*)

MR. SPEAKER: Please, sit down.

The hon'ble Members should not use harsh words.

श्री चरण सिंह : मैं समझता हूं कि मेरे दोस्त को कुछ गलतफहमी है। माननीय सदस्य ने केवल एक कहावत बताई है। अगर आप मुनासिब समझें तो कहावत की कहानी पूरी तफसील के साथ पूछ लें तो फिर वह शिकायत नहीं रह जाएगी।

चौधरी बलबीर सिंह : मैं कोई सख्त अलफाज इस्तेमाल नहीं करता। लेकिन अगर कहानी बयान कर दी जाए तो मेरे खयाल में ठीक हो होगा। कहानी यह है कि एक आदमी... (**व्यवधान**)... होम मिनिस्टर साहब ने कहा है कि सुना दी जाए.... (**व्यवधान**)..मैं सवाल करता हूं।

मेरा सवाल यह है कि मोहसिन साहब ने सवाल उठाया है और इसमें जितनी उनकी जिम्मेदारी है क्या उसके बारे में इस हाउस की कमेटी मुकर्रर करके उसमें मोहसिन साहब के खिलाफ जो जो चीजें हैं रखी जायेंगी और हाउस की कमेटी उसके बारे में फैसला करे क्या सरकार इसके लिए तैयार है?

MR. SPEAKER: I do not allow this question.

SHRI SHAMBHU NATH CHATURVEDI: Sir, I would like to know whether government will initiate proceedings on the basis of this Fact Finding Committee's report or after the Shah Commission has submitted its report?

SHRI CHARAN SINGH: I can't say that yet. It may be we may send some findings of this Committee to the Commission and on others after deliberation we may decide to take action directly.

श्री शिव नारायण : मैं होम मिनिस्टर साहब से यह जानना चाहता हूं कि यह कमेटी जो मुकर्रर हुई है इसके कितने मेम्बर हैं और कौन कौन मेम्बर हैं... (**व्यवधान**).. इस तरह से हाउस चल नहीं सकेगा। जनता पार्टी के लोगों को तो आप कंट्रोल करें।

तुर्कमान गेट में जो कुछ हुआ उसकी पूरी डिटेल्ज आप हाउस को बता दें ताकि हाउस उन से अवगत हो जाए। क्या आप ऐसा करेंगे?

श्री चरण सिंह : मुझ को पूरा वृत्तान्त मालूम होता तो इस कमेटी की नियुक्ति की आवश्यकता ही नहीं होती।

श्री चन्द्रशेखर सिंह : माननीय अध्यक्ष जी, माननीय मोहसिन साहब ने इस सदन का और इस देश का इस सवाल के जरिये एक बार फिर उपकार किया है। हां, एक बार पहले किया था जब तुर्कमान गेट पर एक भूतपूर्व जंगली सरकार के जंगलीपन के पैशाचिक कृत्य किये गये थे। श्रीमन्, तुर्कमान गेट की घटना भूतपूर्व तानाशाही के आतंक और तनाव को इस मुल्क में हमेशा के लिए कायम रखने के लिये की गई थी, और क्या इसलिये भी की गई कि जो अल्पसंख्यक इस देश में हैं उनको इस तरह से डरवा दिया जाये कि वह कभी भी तानाशाही के खिलाफ़ सर न उठा सकें?

SHRI CHARAN SINGH: This is a question of opinion.

Super Thermal Power Station in North Bengal

*651 SHRI SAUGATA ROY: Will the Minister of ENERGY be pleased to state:

(a) whether he is aware of the acute power shortage obtaining in North Bengal impeding the development of industries there;

(b) whether there is a need of a super thermal power station in North Bengal to meet this shortage; and

(c) steps Government are contemplating to meet this shortage?

THE MINISTER OF ENERGY (SHRI P. RAMACHANDRAN): (a) to (c). A statement is laid on the **Table of the House.**

Statement

(a) The present availability of power in North Bengal just balances the load demand in that area. How-