

attacked the Harijans. Two Harijans died in the attack. The Nadars are further reported to have plundered the houses of Harijans and looted their personal belongings and set fire to their houses and sheds. About 19 persons have been hospitalised. Three more persons died later in the hospital but the condition of others is stated to be normal. 45 persons have been arrested so far.

Heavy police pickets had been posted in the Unjanai village and all the surrounding villages. The district Supdt. of Police is camping at Devakotta to supervise police arrangements. The collector has appealed to the public to maintain peace and not to create any communal tension. Harijans have been assured adequate police bundobust in case they desire to celebrate the "Kuthirai Yeduppu" festival.

**स्वर्गीय एल० एन० मिश्र की हत्या के संबंध में तारकुण्डे समिति का प्रतिवेदन**

348. श्री कलराज मिश्र :

श्री हरिशंकर भाभड़ा :

श्री जगदीश प्रसाद माथुर :

क्या गृह मंत्री 'यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि स्वर्गीय एल० एन० मिश्र की हत्या के संबंध में तारकुण्डे समिति ने अपना प्रतिवेदन दे दिया है; और

(ख) यदि हां, तो समिति के जांच-परिणाम क्या हैं और केन्द्रीय सरकार ने उन पर क्या कार्यवाही की है ?

† Report of the Tarkunde Committee on the murder of late L. N. Mishra

348. SHRI KALRAJ MISHRA;  
SHRI HARI SHANKAR  
BHABHRA:

† [ ] English translation.

SHRI JAGDISH PRASAD  
MATHUR:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that Tarkunde Committee has submitted its report on the murder of late Shri L. N. Mishra; and

(b) if so, what are the findings of the committee and the action Central Government have taken thereon?]

**गृह मंत्री (श्री एच० एम० पटेल) :**

(क) और (ख) बिहार के भूतपूर्व मुख्य मंत्री ने दिनांक 5-2-79 को तारकुण्डे से बातचीत की और उसके बाद उनसे यह अनुरोध करते हुये 9-2-79 को पत्र लिखा कि स्वर्गीय श्री ललित नारायण मिश्र की हत्या के संबंध में दस्तावेजों का अध्ययन करें और उस पर अपनी राय दें। श्री तारकुण्डे ने तत्सम्बन्धी दस्तावेजों का अध्ययन किया और उन्होंने श्री एम० वी० महाय, पुलिस उप महानिरीक्षक तथा बिहार सरकार के कुछ अन्य अधिकारियों से तीन बार भेंट की। इस प्रकार एकत्रित की गई सूचना के आधार पर उन्होंने अपनी कानूनी राय नैयार की और उसे बिहार के तत्कालीन मुख्य मंत्री को दिनांक 15-2-79 को भेज दिया जिन्होंने अपनी ओर से प्रत्येक राय की एक प्रति प्रधान मंत्री को 17-2-79 और गृह मंत्री को भेजी।

श्री तारकुण्डे की राय के मुख्य मुद्दों और उस पर सरकार की टिप्पणी के विवरण को जितनी जल्दी सम्भव हो सकेगा, मभा के पटल पर रख दिया जाएगा।

नई सरकार के सत्ता में आने के बाद कतिपय व्यक्तियों ने केन्द्रीय अन्वेषण ब्यूरो द्वारा की गई जांच पड़ताल की वास्तविकता पर संदेह व्यक्त किए थे। एक अभियुक्त की तरफ से प्रतिवेदन भी प्राप्त हुए हैं।

सार्वजनिक रूप से व्यक्त किए गए इन संदेहों को देखते हुए तत्कालीन गृह मंत्री ने जुलाई 1977 में निदेश दिया था कि पहले की गई जांच में जो तथ्य प्रकट किए गए हैं उनकी पहली जांच से पूर्ण रूप से असंबद्ध एक वरिष्ठ अधिकारी द्वारा पुनः जांच कराई जाए। इसकी जांच पड़ताल जांचकर्ता अधिकारियों के एक दल की सहायता से की गई उनमें से प्रत्येक व्यक्ति पहली जांच से असंबद्ध था। केन्द्रीय जांच ब्यूरो ने फरवरी 1978 में रिपोर्ट दी कि पूर्ण रूप से पुनः जांच करने पर यह पाया गया है कि पहली जांच पूर्ण रूप से की गई थी।

विधि मंत्रालय के माथ परामर्श करके सम्पूर्ण मामले पर सावधानी से विचार करने के बाद यह निर्णय किया गया था कि श्री कार्ल खण्डालावाला विचारण न्यायालय के प्रमुख वकील से अनुरोध किया जाए कि वे सावधानी से इस मामले के सभी तथ्यों का अध्ययन कर यह सुनिश्चित करें कि क्या यह मामला जो निर्णयाधीन है सच्चाई के बारे में कोई उचित संदेह है। तदनुसार श्री खण्डालावाला से दिसम्बर 1978 में अनुरोध किया गया था।

जब श्री खण्डालावाला अपने कार्य में व्यस्त थे तो श्री तारकुंडे द्वारा व्यक्त की गई राय प्राप्त हो गई और इससे पहले कि श्री खण्डालावाला अपना निष्कर्ष निकालें यह मत भी श्री खण्डालावाला को परिकलन के लिए भेजा गया।

श्री खण्डालावाला ने अपनी राय सरकार को 2-5-79 को प्रस्तुत की।

सरकार सभी भाषों एवं श्री कार्ल खण्डालावाला और श्री तारकुंडे की सलाह का सावधानी से अध्ययन करने के बाद इस निष्कर्ष पर पहुंची है कि मामले की इसी रूप में केन्द्रीय जांच ब्यूरो द्वारा जांच की अनुमति दी जाए।

†[THE MINISTER OF HOME AFFAIRS (SHRI H. M. PATEL) (a) and (b) The former Chief Minister of Bihar talked to Shri Tarkunde on 5-2-79 and subsequently wrote to him 9-2-79 requesting him to go through the documents in relation to the murder of late Shri L. N. Mishra and give his opinion thereon. Shri Tarkunde went through the relevant documents and had three conferences with Shri S. B. Sahai DIG and some other officers of Bihar Government. On the basis of the information so collected, he prepared his legal opinion and sent it to the then Chief Minister on 15-2-79, who in his turn, forwarded a copy each of this opinion to the Prime Minister on 17-2-1979 and to the Home Minister.

A statement setting out the main points from the opinion of Shri Tarkunde and the Government's comments thereon will be laid on the Table of the House as soon as possible.

After the new Government came into power, several persons expressed misgivings about soundness of the investigation made by the CBI. Representations were also received on behalf of one of the accused.

In view of these doubts publicly expressed, the then Home Minister directed in July 1977 that the facts disclosed in the earlier investigation should be re-checked through a senior officer to tally unconnected with the

† [ ] English translation.

earlier investigation. This was undertaken with the help of a team of investigators, each one of whom was similarly unconnected with the earlier investigation. The resultant report was submitted in February, 1978, to the effect that on a thorough recheck, it had been found that the earlier investigation was on sound lines.

The whole matter was carefully examined in consultation with the Ministry of Law and it was decided that Shri Karl Khandalawala, an eminent trial court lawyer, should be requested to go into all the facts of this case very carefully, consider all the evidence documentary or otherwise, to determine whether there was any reasonable doubt in regard to the truth of the case which was *sub judice*. A request was accordingly made to Shri Khandalawala in December, 1978.

While Shri Khandalawala was engaged in his task, the opinion given by Shri Tarkunde was received and this opinion was also forwarded to Shri Khandalawala to be taken into account before he formulate his conclusions.

Shri Khandalawala furnished his opinion to Government on 2-8-79.

The Government, after carefully going through all the evidence and the opinions of both Shri Khandalawala and Shri Tarkunde, have come to the conclusion that the CBI case should be allowed to proceed as it is.]

#### National wage policy for weavers

349. SHRI S. KUMARAN:  
SHRI LAKSHMANA MAHA-  
PATRO:  
SHRI YOGENDRA SHARMA:

Will the Minister of INDUSTRY be pleased to state:

(a) whether it is a fact that the Weavers Association has urged Government to evolve a national wage policy for weavers; and

(b) if so, what are the details thereof and Government's decision thereon?

THE MINISTER OF INDUSTRY (SHRI GEORGE FERNANDES): (a) It is not clear as to which weavers Association the Honourable Member refers. However, a memorandum has been received from Tamil Nadu Handloom Workers Federation which contains among other things, a resolution for the fixation of minimum wages Act for handloom weavers.

(b) Minimum wages legislation already exists in Andhra Pradesh and Kerala. At the moment, there is no proposal for any Central legislation for minimum wages for handloom weavers.

#### Place of Chief Justice of India in the warrant of precedence

350. SHRI SHRIKANT VERMA:  
SHRI BIPINPAL DAS:  
SHRI DEVENDRA NATH  
DWIVEDI:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that the Chief Justice of India has been pushed down by two places in the warrant of precedence; and

(b) if so, what are the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI DHANIK LAL MANDAL): (a) No, Sir.

(b) Does not arise.

#### Nepalese youth crossing into India

351. SHRI SHRIKANT VERMA:  
SHRI BIPINPAL DAS:  
SHRI DEVENDRA NATH  
DWIVEDI:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that a number of Nepalese students and youth have crossed into India recently; and