

release of political detenus and so on, the Home Ministers, Englishmen at that time would get up in the Treasury Benches and flamboyantly declared that the cases were being reviewed. How long must we hear all these cock-and-bull stories, false charges and platitudes? Therefore I say that the time has come for him to take a political decision. say, take my words. He listens to the astrologer but must he not listen to the Opposition sometimes? We are also sometimes people who give wise counsel. It may not be connected with the movement of stars and so on but certainly it is connected with the currents of political life and therefore sometimes he should listen to us. I think there sits the gentleman, with a stroke of the pen, who arrested 1,000 people including Members of Parliament legislators, Leaders of the Opposition and others and marched them to prison. For eighteen months they have been languishing in the prisons and today I ask him, as we approach the Fourth General Elections, that he should use another stroke of the pen to take a political decision and set all of them free. There should be a general political amnesty of all political prisoners under detention and others. Kerala is there in their own hands directly. You do not have to depend on Profulla Sen. You do not have to depend vicariously on Atulya Ghosh. You do not have to depend on Sukhadia and Mr. Mishra or Mr. Sahai. Some may be your factional friends, others may not be so but here it is. You can do it yourself. You do not have to take counsel with anybody. You can do it. Why are you not doing it? If you do not do it, we can draw only one conclusion that you want to take cover and leave the thing in other hands as if you are willing to do it and they are not when none is willing to do it but still I would appeal to you. As I sit down all I can say is, this is a matter of serious importance. This is a matter of very urgent importance. We want, before we go to the general elections the political decks to be cleared of all kinds of things that have been created by them. We want to go into a free and fair election as far as possible under this system without emergency, without the D. I. R., without detentions, without any party suffering from any impediments and inhibitions. I hope Kerala deserves immediate attention on the part of the Central Government and now I sit down and we

shall hear the Home Minister on a more recent subject and then we may have something more to say.

I once again appeal to him on this subject.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Any remarks on this?

SHRI GULZARILAL NANDA: I am not called upon to say anything about it.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): The question is:

"That the Bill be returned."

The motion was adopted.

STATEMENT RE DISTURBANCES IN JAGDALPUR, MADHYA PRADESH.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): We now go to the statement about Bastar. The Home Minister.

THE MINISTER OF HOME AFFAIRS (SHRI GULZARILAL NANDA): Mr. Vice-Chairman, we have learnt with deep regret and distress the tragic incident at Jagdalpur on March 25 and 26, 1966 resulting in the loss of several lives including Shri Pravin Chandra Bhanjdeo, ex-Ruler of Bastar.

The Chief Minister, Madhya Pradesh, has already made several statements in the State Legislature on the incident and there' after a Commission of Inquiry under the Commissions of Inquiry Act, has been appointed to enquire into the matter. A sitting Judge of the Madhya Pradesh High Court has been nominated by the Chief Justice and appointed by the Madhya Pradesh Government to make this inquiry. I place on the Table of the House a copy of the notification appointing this Commission.

The observations made by some hon. Members contained reflections on the impartiality of the Judge, nominated by the Chief Justice of Madhya Pradesh High Court, who has been appointed to hold an inquiry. May I submit that such statements are totally unwarranted and regrettable. In addition, I would like to add that it is an absolutely unacceptable contention that a sitting High Court Judge cannot be trusted to hold an impartial inquiry into a matter concerning the State in which the High Court is situated.

(Shri Gulzarilal Nanda)

I would like to inform the House that when this question came up in the Madhya Pradesh Vidhan Sabha on the 28th March, a prominent Member of the Opposition, who was one of the sponsors of the Adjournment Motion, made it emphatically clear that his Party had full confidence in the Judge of the Madhya Pradesh High Court who had been appointed to conduct the inquiry. I quote the relevant portion of the speech of Shri Sundarlal Patwa:

“श्री सुन्दरलाल पटवा : अध्यक्ष महोदय, मुख्य मंत्री जी ने जो अभी कहा है कि हाई कोर्ट के न्यायाधीश पर हमारा विश्वास नहीं है, हम बिल्कुल जोर के साथ कहना चाहते हैं कि यह बात गलत है। हमारा पूर्ण विश्वास है कि वह जांच न्यायाधिक रीति से करेंगे।”

As a matter of fact, no Member of the Opposition in the State Legislature expressed any lack of confidence in the Judge who has been appointed. I may also inform the House that, while parts of Bastar have been notified as scheduled areas, Jagdalpur itself does not constitute a scheduled area.

Before I close, Sir, I would like to mention that the Chief Minister, Madhya Pradesh, received information about the death of Shri Bhanjdeo in the afternoon of the 26th March. He immediately decided to order a judicial inquiry and contacted the Chief Justice of the Madhya Pradesh High Court at Jabalpur requesting him to appoint a High Court Judge for the purpose. At 5 p.m. the same day he made a statement in the Vidhan Sabha announcing his decision to have a judicial inquiry made by a High Court Judge.

श्री अटल बिहारी वाजपेयी (उत्तर प्रदेश) : श्रीमान्, मुझे खेद है कि मंत्री महोदय ने मध्य प्रदेश विधान सभा के विरोधी दल के सदस्य के जिस भाषण का उल्लेख किया है उस भाषण को उन्होंने न तो पूरा पढ़ा है न उसके बारे में पूरी जानकारी प्राप्त की है। मैं उनसे जानना चाहूंगा, अगर उन्होंने इस बात की कोशिश नहीं की है, कि क्या यह सच नहीं है कि उन्हीं सदस्यों ने विधान सभा में कहा कि बस्तर में जो कुछ

हो रहा है उसके द्वारा पुलिस सारे प्रमाणों को समाप्त कर रही है, जो लोग प्रत्यक्षदर्शी थे उनकी गोली से हत्या कर दी गई है, महल में खून के दाग मिटाये जा रहे हैं, आतंक पैदा किया जा रहा है और इसलिये इस बात की आवश्यकता है कि जांच में केन्द्रीय सरकार हस्तक्षेप करे। उस दिन इस सदन में भी सदस्यों ने मांग की थी, उसमें कांग्रेस के सदस्य भी शामिल थे, कि मध्य प्रदेश की सरकार ने हाईकोर्ट के जज को नियुक्त कर दिया है लेकिन इसमें क्या आपत्ति है अगर उस हाईकोर्ट के जज के साथ मध्य प्रदेश के बाहर की हाईकोर्ट का एक जज और सुप्रीम कोर्ट का एक जज भी शामिल कर लिया जाए। क्या मंत्री महोदय ने इस संबंध में मध्य प्रदेश सरकार की प्रतिक्रिया जानी, और वह प्रतिक्रिया क्या है, कौन सी कठिनाई इसमें है कि एक “वन् मैन कमिशन” को “थ्री मैन कमिशन” कर दिया जाए और दो जज और जोड़ दिये जायें? दूसरी बात यह है कि इस सदन में जोर दिया गया था कि मध्य प्रदेश की पुलिस में किसी को भरोसा नहीं है, विधान सभा में भी सदस्यों ने यह बात कही कि पुलिस वहां प्रमाणों को नष्ट कर रही है, सारे मामले पर परदा डालना चाहती है और इसलिये हमने कहा था कि सेंट्रल ब्यूरो आफ इन्वेस्टीगेशन को सच्चाई का पता लगाने के लिये कमीशन आफ इन्क्वायरी को मदद करनी चाहिये। क्या मध्य प्रदेश की सरकार इसके लिये तैयार है? क्या हम यह समझें कि भारत सरकार के गृह-मंत्री महोदय का ‘रिट’ मध्य प्रदेश में नहीं चलता। सवाल कानून और व्यवस्था का नहीं है, सवाल लोकतंत्र का है। प्रवीणचन्द्र भंजदेव कांग्रेस में थे तब वे अच्छे थे, तब वे राजा थे, कांग्रेस से उन्होंने संबंध तोड़ दिया, तो उन्हें गद्दी से हटा दिया गया, उन्हें पागल करार करने की कोशिश की गई और अब उनकी हत्या की गई है इसीलिये कि राजनैतिक प्रतिशोध लिया जाए। इस तरह के आरोप लगाये गये हैं, तो मध्य प्रदेश की सरकार के भरोसे सब कुछ कैसे छोड़ा जा सकता है। क्या गृह-मंत्री

इस मामले में कुछ हस्तक्षेप नहीं कर सकते ? क्यों नहीं कर सकते, यह सदन जानना चाहेगा । इस सवाल पर गृह मंत्री महोदय का वक्तव्य बिसकुल चुप है ।

सभापति जी, बस्तर के महाराज, जिनकी हत्या कर दी गई, जो अब नहीं हैं, उनके भाई जो आजकल बस्तर के महाराज हैं उन्होंने क्या वक्तव्य दिया है मैं गृह मंत्री महोदय का ध्यान उस ओर खींचना चाहूंगा । उन्हें कांग्रेस सरकार ने राजा बनाया, बड़े भाई को हटा कर छोटे भाई को गद्दी पर बिठाया गया । लेकिन वह छोटा भाई क्या कह रहा है, क्या गृह मंत्री महोदय ने उसको पढ़ा है ? क्या उसका वक्तव्य उनकी आत्मा को नहीं कुरेदता ? क्या यह कानून और व्यवस्था को संविधान की आड़ लेकर पाटना नहीं है ? बस्तर के महाराज कहते हैं : "मेरे भाई प्रवीणचन्द्र भंजदेव की निर्दयतापूर्वक कुत्ते की मौत की तरह से हत्या कर दी गई । उन्होंने एक भेंट में बताया कि मैंने अपने भाई का शव खून से लथपथ पाया और उनका एक हाथ कटा हुआ था । उन्होंने कहा 'पोस्ट मार्टम' के बाद जब लाश मुझे लौटाई गई तो हाथ उसमें जोड़ दिया गया । महाराज विजयचन्द्र ने कहा, मुझे अपने भाई की हत्या की सूचना सबसे पहले मेहलरानी ने दी, "स्वीपरेस" ने सूचना दी, मध्य प्रदेश की सरकार ने, जगदलपुर के सरकारी अफसरों ने नहीं दी । जब मैं अपने भाई के अंतिम दर्शन करने के लिये गया तो मुझे मेहल में नहीं घुसने दिया । बाद में कमिश्नर के कहने पर मैं मेहल में जा सका । उन्होंने अपने भाई की मृत्यु का विवरण देते हुये कहा कि पुलिस ने श्री प्रवीणचन्द्र को आदिवासियों को शांत करने के लिये बाहर बुलाया था, वे मेहल में थे, उनसे कहा गया कि वे मेहल से बाहर आये आदिवासियों को शांत करने के लिये, और ज्यों ही वे बाहर निकले उन पर गोलियों की बौछार कर दी गई । उनकी पत्नी दिल्ली में थी, वह जगदलपुर में पहुंचती और पति की अंतिम क्रिया के साथ शामिल हो सकती थीं,

इसके लिये भी मध्य प्रदेश सरकार नहीं रुकी, रहस्यात्मक ढंग से उनकी लाश को जला दिया गया । ये क्या ऐसी चीजें हैं जो हमारे लोकतंत्र को, हमारे गणराज्य को, हमारी नैतिक मान्यताओं को चुनौती नहीं देती ? और गृह मंत्री महोदय कानून की आड़ लेकर बैठे हैं कि एक जज नियुक्त कर दिया गया है, हम इस मामले में कुछ नहीं कर सकते । अभी भी मध्य प्रदेश सरकार से कहा जा सकता है कि अगर उसका दामन साफ है, उसके हाथ खून से रंगे नहीं हैं, तो मध्य प्रदेश सरकार को मानना चाहिये कि जो जज नियुक्त किये गये हैं उनके साथ बाहर के राज्य के हाई कोर्ट का एक जज और सुप्रीम कोर्ट का एक जज तैनात किया जाए और सारा इन्वेस्टीगेशन सेन्ट्रल ब्यूरो आफ इन्वेस्टीगेशन करे, मध्य प्रदेश की पुलिस नहीं ।

SHRI M. N. GOVINDAN MAIR (Kerala): Sir, I feel that the Central Government is not taking this matter with the seriousness it deserves. Since my friend, Vajpayee, has detailed the develop/rrenu there, I do not want to go into thtm. I expected a clarification from the Heme Minister and also an assurance from him by which we expected that not only the Member* of this House, but the entire public in India, and especially the tribals will be pacified, so that they might feel that justice will be done in this case. Unfortunately, the Home Minister has surrendered to the Madhya Pradesh Government the suggestion put forward from this House that a Supreme Court Judge and a High Court Judge from another State should be associated with the investigation together with the High Court Judge from Madhya Pradesh, and that the investigation should be conducted not by the Madhya Pradesh police, but by the Central Bureau of Investigation. I do not know why that was rejected. I hear that some people, some responsible political leaders, who had been to that place, were not permitted to go to this Jagdalpur. I do not know why they were prevented. One Lok Sabha Member, and the Leader of the S.S. P. Mr. S. M. Joshi, went there, but they were not permitted. This morning we read the news that some people of the P. S. P., who went there, were arrested—I do not know

{Shri M. N. Govindan Nair] why. If misunderstandings among the people are to be clarified, if people are to know what happened there in the proper way, it is better that people are allowed to go there to study the situation there. Why should the Government stand in the way of permitting other people to go and study the situation there? We were planning to go there; tomorrow we are going; Mr. Kumaran and I are going to that place to see what has happened there. Why should you stand in the way? Why should you arrest people? Why should you prevent people from going there?

SHRI P. K. KUMARAN (Andhra Pradesh): They are afraid of something.

SHRI M. N. GOVINDAN NAIR: Well, perhaps they are afraid of something else. Instead of this statement about the real state of affairs, we expected from the Home Minister a more detailed statement, and I think, in his reply he will give more facts about the incidents.

SHRI BHUPESH GUPTA (West Bengal): Mr. Vice-Chairman, you will agree that what has happened is extremely serious, in some ways unprecedented. Some people have been found, including the former Maharaja, dead, riddled with bullets along with some others. Here we have got the statement of his brother. We presume that his brother was not a *persona non grata*. Or else he would not have been appointed to the *gaddi*. Here he makes the statement in which he makes it absolutely clear that with a view to wreaking some kind of a revenge, his brother was called outside, decoyed out and then bullets were showered upon him. From other papers we gather that as many as eight wounds were on the body, bullet wounds. That could not have possibly happened had it not been for the fact that it was cold-blooded pre-arranged and there were instructions behind it. Now we should like the whole thing to be gone into, not merely by the Commission of Inquiry but by the Government also, in order to inform Parliament and the country. Let the other things be found out by that inquiry, by the Commission of Inquiry under the Commission of Inquiry Act. But it is surprising that the Central Government has yet not taken any step to send its own authoritative representatives to the place in order to make an on the spot study at first hand

and to bring to Parliament the findings and reports *prima facie*. On the contrary, I read in the paper that the Home Secretary, Mr. L. P. Singh and the Director of Central Intelligence have been sent to Calcutta to deal with the strike that is scheduled to take place on April 6. It is a strange thing. Therefore, I say that here the Central Government must own up its responsibility. Imagine what would have happened if another government was there in Madhya Pradesh, a government other than the Congress government. They would have rushed and they would have stormed the heavens in order to haul down that particular government. Now, nothing of the kind is there. May I not, Mr. Vice-Chairman, infer from it that the only consideration why they are behaving in this faltering manner is party consideration? What else is there? Mr. Mishra is a very powerful party man, I am told, some kind of a king-maker, along with many others. Therefore, I think even Mr. Nanda, even the all-powerful Mr. Gulzarilal Nanda, is fighting a little shy in this matter. Therefore, I would demand this.

First of all I demand an immediate investigation of the whole matter by the Central Intelligence Agency. The Madhya Pradesh Police must be put outside this enquiry and paralysed as far as the enquiry goes. The Madhya Pradesh Police is at the bar of the country as murderers, criminals. We do not trust them. Therefore, we say that they must have no say or finger in the matter of investigation whatsoever. How to conduct this enquiry and all that, I do not wish to go into details. The Central Government must cordon off, shall we say, that area of enquiry from encroachments by the Madhya Pradesh Government or its agencies. The suggestion for enlarging the committee should be taken account of.

Then I should also like to have from the Government a proper report immediately. Surprisingly enough the Home Minister has told us only what the Madhya Pradesh Chief Minister has been good enough to do. We do not know how the Central Government is reacting on the situation, what steps they are taking. Mr. Vice-Chairman, our democracy has been wounded in many ways, molested and raped in some cases. But we have not yet entered the law of the jungle. We have not made bandits and gangsters

the minions of the law, that they can in this manner shoot down people. Therefore, I say it is very very important that the matter should be taken as an issue of conscience and as an issue of democracy. Take it as that. If we do not do that now, it may be too late. Therefore, I suggest that a committee of Members of Parliament of both Houses should be immediately appointed and sent there to make an on the spot study and to make a report to Parliament. Mr. Vice-Chairman, that was done in the case of the Assam riots. We appointed immediately under the lead of Mr. Jain a committee which went to Assam and brought a report and gave it to Parliament. All parties were represented. So here a one-party handling of the situation will not do, certainly not the ruling party, for that will not be trusted in this matter. Therefore, I say and I appeal to the Home Minister that the Government should consider the advisability of immediately forming an all-parties committee of Members of Parliament and send them there in order to investigate and bring such reports as are available to them after a proper objective investigation. This is what I would like to suggest.

As far as the Madhya Pradesh enquiry is concerned I don't know what to say. I should have liked; Mr. Vice-Chairman, to get here the Chief Minister of Madhya Pradesh and to ask him questions because I should like to know how he can answer them. He appointed immediately—remember immediately—this commission of inquiry. Why so quick? In Calcutta it took days and days to convince Shri Prafulla Sen to agree to a commission of inquiry. Two Ministers had to go from here to Calcutta to persuade the gentleman to agree to that inquiry. But here the shooting takes place and before even the sounds of the guns have died out, the enquiry commission is appointed. May I not surmise from this that this was also part of the plan?

SHRI JOSEPH MATHEN (Kerala): Are you against an immediate enquiry?

SHW BHUPESH GUPTA: Not at all I like it. I like it and it should be done. But it should not be a part of the conspiracy, an attempt to assuage the feelings of the people and to screen everything. Sometimes you know dacoits go in the garments or uniforms of policemen. Do they become

policemen thereby? No, they don't. Similarly I say this is very significant and our suspicion is this. Here, as soon as it came to his knowledge this commission of inquiry was ordered. Certainly from the circumstances of the case it does not look as if the Chief Minister was genuine in this matter. It may be that some reasons prompted him to take these steps or it might have been pre-planned even. Therefore the whole thing is mysterious. We have been landed in mystery. Cold murder and blood-bath was there and the whole thing is shrouded in mystery. And the party that is responsible for it, accountable and answerable to the people, is the party that sits on these benches. Therefore, I would ask the Government and say this. Do not try to lead our democracy into a situation where the Al Capones come to rule the scene and behave as members of the government or as members of the police force. Sir, I know such things happened in other countries. You know what happens when such things occur. Well, everything is shocking. Everything is bewildering. Therefore, I suggest that the matter should be seized by the Centre in its fullness and entirety and the Central forces must be put into operation at once so that we know what has happened and who are guilty, so that we do not have an enlargement of this kind of gangsterism, murder and revanchist activities on the part of the power that be.

श्री विमलकुमार मन्नालालजी चोरडिया (मध्य प्रदेश) : उपसभाध्यक्ष महोदय, माननीय मंत्री जी ने अभी जो वक्तव्य दिया उसमें उन्होंने न तो यह बतलाया कि इस दुर्घटना के घटने का कारण क्या है, न यह बतलाया कि क्या घटनाक्रम है और न कुछ ही यह बतलाया कि कितने लोग मारे गये। इन तीनों बातों से यह स्पष्ट हो जाता है कि हमारी मध्य प्रदेश सरकार इस मामले को दबाने के लिये कितनी इच्छुक है। यदि वह ईमानदार होती इस मामले में, तो वह कम से कम केन्द्रीय सरकार को यह इन्फार्मेशन देती कि इस सारी दुर्घटना का घटनाक्रम इस तरह से हुआ, इस घटनाक्रम के अनुसार यह झगड़ा हुआ और इस झगड़े के परिणामस्वरूप इतने लोग मारे गये। लेकिन खेद के साथ कहना पड़ता है कि माननीय मंत्री

[श्री विमलकुमार भन्नालालजी चौरङ्गिया] जी ने अपने वक्तव्य में यह भी नहीं बताया कि कितने लोग मारे गये, उनकी संख्या न बताने का क्या कारण है। क्या अभी तक मरे हुये लोगों की संख्या प्राप्त नहीं कर सके हैं या अभी तक महल में खोज चल रही है कि किस जगह पर लोग मरे पड़े हुये हैं और उन्हें अभी तक नहीं निकाल पाया गया है? वहाँ पर जो इस तरह की भीषण बात हुई है उससे यह स्पष्ट हो जाता है कि हमारी मध्य प्रदेश सरकार जानबूझ कर घटना को छिपाना चाहती है और इसीलिये उसने इसकी जानकारी नहीं दी।

उपसभाध्यक्ष महोदय, एक बात और है। अभी श्री वाजपेयी जी ने श्री विजयचन्द्र भंजदेव का वक्तव्य पढ़कर सुनाया और वह आज सबरे के अखबारों में आ चुका है। उसके बारे में भी अगर हमारे केन्द्रीय सरकार को सारी जानकारी होती तो इस समय जो आलोचना हुई थी उसके बारे में मालूम हो जाता कि कहां तक सत्य है और कहां तक असत्य है? किन्तु हमारे नन्दा जी ने इतना कष्ट नहीं उठाया कि जो खबर बड़े सबरे अखबार में छपकर आ गई है, उसमें स्पष्ट शब्दों में श्री विजयचन्द्र भंजदेव ने कहा है कि मेरे भाई को कुत्ते की मौत मारा गया, मेरे भाई का हाथ काट डाला गया और पोस्टमार्टम के बाद हाथ सी दिया गया। इस तरह की जो सारी बातें हुई हैं उससे बिल्कुल शंका पैदा होती है।

उपाध्यक्ष महोदय, हमारी मध्य प्रदेश सरकार और श्री प्रवीण चन्द्र भंजदेव के बीच में झगड़ा था। जब वे कांग्रेस में शामिल थे तब तक वे ठीक थे। किन्तु आजकल के दिनों में वे आदिवासियों के एकमात्र सहारे थे और जब अन्न संकट होता तो वे लोग प्रवीण चन्द्र भंजदेव के पास जाते क्योंकि हमारी सरकार के जो काम करने वाले हैं वे उनकी बातों को नहीं सुनते थे। वे उनके एकमात्र सहारा थे। उनकी देवी जो दंतेश्वरी है उसके पुजारी होने के नाते वे उनके श्रद्धा के पात्र थे, वे एक्सकलर होने के नाते उनके श्रद्धा के पात्र थे और उनके दुःख के समय सरकार से बात करने के कारण

वे उनके श्रद्धा के पात्र थे। 18 तारीख को जब वहाँ के आदिवासी लोग महल में एक डंडा ले कर आये और वे अपना नवरात्र का त्योहार मनाना प्रारम्भ करना चाहते थे तभी पुलिस ने उनको रोका। उस रोकने पर प्रवीण चन्द्र भंजदेव बाहर आये और शायद कलेक्टर और एस० पी० को बुरा भला कहा। धार्मिक कार्यक्रम में रुकावट डालने की वजह से संभव है कि उन्होंने कुछ अपशब्द भी कहे होंगे और उसका प्रतिशोध लेने के लिये यह सारी घटना घटी। इसमें प्रांतीय सरकार की भी शह होनी चाहिये अन्यथा कलेक्टर इतने छोटे कारण पर ऐसी कार्यवाही नहीं करता। उस झगड़े के कारण पहले ही बार में वहाँ पर लाठीचार्ज हुआ और उसके परिणामस्वरूप सारा झगड़ा प्रारम्भ हुआ। मैं मंत्री जी से यह भी जानना चाहता हूँ कि कुल कितनी गोलियां चलाई गईं और क्या यह बात सही नहीं है कि पहले बार में 61 राउन्ड गोलियां चलाई गईं। मैं यह भी जानना चाहता हूँ कि कितने बजे से कितने बजे तक गोलियां चलाई गईं? और जैसा कि श्री विजय चन्द्र भंजदेव ने अपने वक्तव्य में कहा है, क्या यह बात सही नहीं है कि उनको घोखा देकर बाहर बुलाया गया और प्रवीण चन्द्र भंजदेव जब बाहर आये तो वहाँ पर एकदम गोलियों की बौछार हुई और उसके कारण उनकी हत्या हुई और इस तरह की सारी दुर्घटना हुई। इन सारी बातों के बारे में माननीय मंत्री जी अपना स्पष्टीकरण तो दें ही, मगर मेरी यह प्रार्थना है कि केन्द्रीय सरकार का इस मामले में इंटरफियरेंस हुये बिना, केन्द्रीय सरकार द्वारा वहाँ पर निष्पक्ष जांच की व्यवस्था किये बिना, सारी एविडेंस कलेक्ट किये बिना और आप का जो आयोग शैड्यूल्ड कास्ट्स और शैड्यूल्ड ट्राइब्स का बैठा हुआ है उसका सहयोग लिये बिना इस मामले की व्योरेवार विवेचना और पूरी जांच नहीं होगी। इस वक्त यह संभव नहीं है कि मध्य प्रदेश सरकार कुछ कर सके। मध्य प्रदेश के मुख्य मंत्री ने जब से हमारे

प्रधान मंत्री के चुनाव में मुख्य भाग लिया है तब से वे अपने आप को तानाशाह और शहं-शाह मानकर चल रहे हैं। इस लिये मैं प्रार्थना करूंगा कि अपने को सदाचार का साधक मानने के नाते माननीय मंत्री जी कृपा कर के जो उनके विश्वास के लोग हों उनसे वहाँ की जांच करवायें जिस से जो दोषी हैं उनको दंड मिल सके और जो वहाँ अराजकता का राज्य चल रहा है वह समाप्त हो सके। तो जो मैंने प्रश्न पूछे हैं उनका जवाब देते हुये वे वहाँ ठीक व्यवस्था करने का कष्ट करें।

SHRI DAHYABHAI V. PATEL (Gujarat): Mr. Vice-Chairman, Sir, a very serious matter has been brought to the notice of this House. It is surprising that in a very very brief statement the Home Minister has conveyed hardly any information. Is the idea to hide information or hide facts from this House or is the idea to give information to this House? By this procedure it seems that the attempt of the Government is to put bullets into the body of democracy and hurriedly cremate democracy in this country as they have done with the body of Pravin Chandra Bhanjdeo. No enquiry is going to satisfy this House and the public unless people from outside the State, people of the status of Supreme Court Judges are associated with it and I would urge the Home Minister to do so. Also I would urge upon him to give answers to the questions that have been raised in this House and published in the daily newspapers.

SHRI P. RAMAMURTI (Madras): Sir, after the number of questions that were raised when this matter was taken up for discussion the other day I expected that the Home Minister in his statement would answer those points, would consider those points that had been raised in this House and if he rejected those suggestions he would give convincing reasons for his rejecting them. Instead of that the statement that he has made today gives us nothing; it is only a justification for the appointment of a particular Judge and says that the Madhya Pradesh Opposition has got complete confidence in him. The other day I pointed out that it is not a question of having confidence in a particular Judge or somebody

else. With the best will in the world the Court of Inquiry or the Commission of Inquiry can only assess the evidence that is placed before the Commission. The Commission is not going to go about gathering evidence and on the basis of that evidence come to some judgment. Here is the Madhya Pradesh police which has been accused rightly or wrongly. I do not know the facts and therefore I do not want to go into details but it is widely believed in the country, and accusations are made by very responsible people, by newspapers and others, that the Madhya Pradesh police committed a gruesome murder; Therefore the Madhya Pradesh police is in the role of the accused. Now to leave the investigation of the whole matter to the very persons who are accused of having murdered somebody is not correct. Naturally human nature being what it is we do not expect that the Madhya Pradesh police will place evidence before the Commission against itself. On the other hand knowing as we do how these police people behave, they will be very anxious to cover up any evidence against them. Therefore particularly in a place which consists primarily of Adivasis who are extremely backward the police would already have started cowering them down. Therefore under the circumstances it will not be possible for any Judge whoever he might be—you may appoint a Supreme Court Judge—to get the real evidence. He will be able to get only that evidence that will be placed before him by the Madhya Pradesh police, that is, by the very people who are accused of this. Therefore it was, it was suggested that in order to see that the people of that area are free from fear and come forward before the Commission of Inquiry and place the facts as they know them without the fear of being intimidated and without the fear of reprisals—and when I made that suggestion many Members of the Congress Party themselves admitted that it is a very good suggestion and it must be looked into; even Mr. Hathi, said that it is a good suggestion and it must be looked into—pending the enquiry, so long as evidence is gathered and placed before the Commission, that area where this gruesome tragedy has taken place be taken away from the administration of the Madhya Pradesh Government. The Central Government itself might take over the administration of that area temporarily for a short period if the Central Government is really

[Shri P. Raraamurti] anxious to get at the truth of it. Therefore the Central Government must take over the administration for a short time; not only that, the gathering of the evidence should not be left only to the official agencies because whatever might be the position you will always be open to the charge later on; even if the Central Bureau of Investigation goes and investigates it, you will be open to the charge later on that after all the Central Bureau of Investigation also is run by the Congress Party and the Madhya Pradesh Government is also run by the Congress Party and therefore pressure was brought to bear on the Central Government. This charge may not be true but you will be always open to that charge. Therefore in order to see that justice is not only done but it also appears to be done, it is absolutely essential that a Committee of this Parliament should be appointed consisting of members drawn from all parties so that that Committee is able not only to make a report to Parliament but also to gather whatever evidence it can and place it before the Court of Inquiry so that ultimately the real truth of the matter can come out. When I made this suggestion the other day many Members of Parliament said that it is a good suggestion and I would like to ask the Home Minister whether he has considered all these things and also considered the desirability of creating an atmosphere in the country, not only in that area but in the entire country, that the Central Government is anxious to get at the truth and that it will do everything in its power to see that all available evidence comes before the Judge and on that basis it is prepared to create those conditions and take steps in order that the truth might come out. What difficulty has the Government got in agreeing to the suggestion for the appointment of a Committee of Parliament to go into the whole matter particularly when we find that even yesterday members of political parties who go there are prevented by the police from going there? This is the clearest evidence that the police there do not want the truth to come out. Therefore in order to inspire confidence—am only asking you to inspire confidence; why should not the Central Government inspire that confidence in the entire public—which is in its own interests and in order that the Central Govern-

ment might go before the people in the country and tell them that whatever might have happened in Madhya Pradesh, whatever might be the crimes of anybody, they are not here to defend it but they are here to get at the truth and are interested in seeing that the truth comes; before the people and before the Court in an untarnished way, that suggestion should be accepted. Therefore, why should the Central Government fight shy of this suggestion? I would like to ask the Home Minister to consider this question once again and not just give a statement, which tells us nothing, which answers not points that have been raised in this House. Therefore, even now, to create confidence, let the Government agree to the appointment of a Parliamentary Committee, which will go there and get all assistance from the authorities, and in order that the assistance might be forthcoming, take away that particular part from the administration of the Madhya Pradesh Government for a temporary period.

श्री गंगाशरण सिंह (बिहार) : जनाब चैयरमैन साहब, मैंने यह उम्मीद की थी कि जनाब होम मिनिस्टर साहब के बयान से इस घटना पर प्रकाश पड़ेगा, लेकिन उसके बजाय ठीक उलटा हुआ। बजाय प्रकाश पड़ने के होम मिनिस्टर के बयान से, इस पर अन्धकार की छाया और गहरी हो गई है, रहस्य और अधिक गहरा हो गया है। मुझे निकट अतीत की ऐसी एक भी घटना स्मरण नहीं है जिसने देश को इतना हिलाया हो जैसा इस घटना से देश के एक छोर से दूसरे छोर तक हुआ है। मैं यहां से काफी दूर पर था जब अखबारों में यह चीज पढ़ने को मिली। 24 घंटे ट्रेन में रह कर दिल्ली पहुंचा। हर जगह ट्रेन में इसकी चर्चा थी, जो आता था वह कहता था, और मुझे ताज्जुब है कि जहां इस घटना के चलते देश हिल उठा है, वहां हमारी केन्द्रीय सरकार के कानों पर जूं भी नहीं रेंगी है और उसका इस तरह से बिल्कुल तटस्थ भाव है जैसे कोई असर नहीं हुआ है। एक बॉल्ड स्टेटमेंट लेकर सामने आते हैं। इससे यह मामला और ज्यादा रहस्यमय हो जाता है। इससे लोगों को और ज्यादा शंका होने लगती है कि कोई चीज छिपाई जा रही

है। मुझे पता नहीं, घटना क्या है, वास्तविकता क्या है, लेकिन जिस तरह घटना बूंद-बूंद होकर अखबारों में निकली, जिस तरह से बातें कही गईं, सरकार की तरफ से उनके बारे में चुप्पी साधी गई, सरकार की तरफ से जो कार्यवाहियां की गईं उन्होंने इस शंका को और गहरा बना दिया है कम करने के बजाय। बजाय इसके कि सफाई की जाती और ज्यादा शकशुबाह पैदा हो गया है और उस पर आज के बयान ने अपनी और गहरी छाप दे दी है।

बहुत सी बातें उठाई जाती हैं। जो बयान दिया गया उसमें मैं समझता हूं कि अखबारों में जितनी खबरें निकली हैं उनके संबंध में होम मिनिस्टर साहब ने यह साफ नहीं किया है कि कौन सी गलत है, कौन सी सही है। यह बयान उन अखबारों की नोटिस ही नहीं लेता है। जो बातें कही गई हैं, अखबारों में जो बयान निकले हैं, अखबारों में जो समाचार निकले हैं, मालूम होता है उनको बिल्कुल इग्नोर किया गया है, उनकी उपेक्षा की गई है, उनके ऊपर क्यूल ही नहीं किया गया है।

यह प्रश्न आज केवल एक व्यक्ति की हत्या का नहीं है, यह प्रश्न कुछ व्यक्तियों की हत्या का नहीं है, आज जिस तरह इस प्रश्न ने देश को हिलाया है उससे हमारे जनतंत्र के भविष्य का सबाल उठता है। आज इस हत्या ने जो बस्तर में, जगदलपुर में हुई—पता नहीं वह हत्या है, क्या है, मुझे मालूम नहीं है—लोगों के दिमाग में जनतंत्र की जो आस्था है उसको एक तरह से हिला दिया है और जो जनतंत्र में विश्वास रखते हैं उनको भी ऐसा लग रहा है कि जनतंत्र में यह क्या चीज हो रही है।

कई बातें ऐसी आई हैं। घटनाओं के बारे में कहा जाता है कि पुलिस 8-9 बजे सुबह गई तो उसने पाया लोग मरे हुये थे। 12 बजे चीफ मिनिस्टर विधान सभा में बयान देते हैं और उसमें मृत्यु का कोई जिक्र नहीं करते हैं सिवाय इसके कि वह अराष्ट्रीय हैं और मिजो

हिल्स वालों की तरह उन लोगों का बर्ताव है। उसके बाद पांच बजे शाम को जब असेम्बली खत्म होने पर है तब बयान दिया जाता है। कहा जाता है कि चीफ मिनिस्टर, चीफ सेक्रेटरी और आई० जी० पुलिस जो वहां गए थे ये मिल कर बातें करते हैं और उसके बाद यह निर्णय होता है—जिससे असेम्बली में मेम्बरों को अधिक बातें कहने का मौका न मिले—कि शाम को बयान दिया जाए। वे मरे तो उनकी पत्नी को क्यों नहीं खबर दी गई, उनके भाई को क्यों नहीं खबर दी गई, क्यों ऐसी सारी परिस्थिति पैदा की गई, क्यों ऐसा सारा वातावरण बनाया गया जिसमें सन्देह की गुंजाइश थी? उनकी पत्नी यहां दिल्ली में थी। उनके भाई को उनकी पत्नी की बुला कर उनके दाह-संस्कार का क्यों ठीक प्रबन्ध नहीं किया गया? ये सारी चीजें ऐसी हैं जिनसे सन्देह पैदा होता है। इस परिस्थिति में, इस देश के रहने वाले हम जानते हैं कि कहीं भी कमीशन मुकर्रर करने के बारे में सरकार कितनी आनाकानी करती है, कितना आगापीछा सोचती है—तब तक कोई मांग भी नहीं हुई थी, घटना की सूचना दी जाती है, उसके साथ ही साथ कमीशन बनाने की बात भी कही जाती है। इससे भी लोगों को शक-शुबाह हुआ है। इस घटना की जितनी खबरें अखबारों में निकली हैं न तो केन्द्रीय सरकार की तरफ और न ही प्रान्तीय सरकार की तरफ से उनकी सफाई की गई है। नतीजा यह हुआ है कि आज जो लोग निष्पक्ष राय रखते हैं, जो तटस्थ विचार रखना चाहते हैं, जो तह में जाना चाहते हैं उनके लिये आप कोई रास्ता नहीं दिखा सकते कि वे तटस्थ दृष्टि से विचार कर सकें। जो बयान आज हमारे सामने होम मिनिस्टर साहब का आया उससे इस दुर्घटना के प्रति उदासीनता ही नहीं मालूम होती है, उसमें हृदयहीनता भी नजर आती है। इतनी बड़ी घटना हो गई है, आदिवासियों का इलाका है, इसका असर सारे देश पर पड़ सकता है, दूसरे हिस्सों पर पड़ सकता है। इसकी क्या-क्या प्रतिक्रियाएँ हो सकती हैं इसकी कल्पना होम मिनिस्टर साहब कर सकते

[श्री गंगाशरण सिंह]

हैं। इसके साथ इस प्रकार की निरपेक्षता दिखलाना जैसे सोये हों मैं समझता हूँ कि देश के लिये बहुत ही घातक है। आज कानून की आड़ लेकर यह कहना कि वहाँ उन्होंने कमीशन बना दिया है, हम कुछ नहीं कर सकते हैं, केन्द्र का मामला यह नहीं है, यह स्टेट का मामला है कुछ जंचता नहीं। इस तरह के बहुत से सबाल उठ सकते हैं। सदन में उस ओर हमारे सामने दो कानून के दिग्गज मौजूद हैं और वे तरह-तरह के तर्क सरकार की तरफ से रख सकते हैं, लेकिन मैं यह कहना चाहूँगा कि यह प्रश्न सिर्फ कानून का नहीं है, यह प्रश्न देश की भावना का है, यह प्रश्न देश की रक्षा का है, यह प्रश्न जनतंत्र का है, यह प्रश्न लोगों में विश्वास पैदा करने का है। दुर्भाग्य आज देश का यह है कि—चाहे वास्तविकता जो कुछ भी हो—पब्लिक ओपीनियन की जो बार है, जनमत की जो कचहरी है, उस कचहरी में आज मध्य प्रदेश की सरकार कठघरे में खड़ी है। इसका जो भी कारण हो, उसमें मैं नहीं जाना चाहता पर आज परिस्थिति यह है कि देश के अधिकांश लोगों के सामने मध्य प्रदेश की सरकार मुजरिम की तरह कठघरे में खड़ी है। इसलिये उस सरकार का बनाया हुआ जो कमीशन होगा उस पर देश का विश्वास नहीं होगा, चाहे वह कानूनी दृष्टि से कितना ही सही कमीशन क्यों न हो। इसलिये देश में विश्वास पैदा करने के लिये और देश में जनतंत्र को जमाने के लिये आज यह आवश्यक है कि जो भी साधन उपलब्ध हों उसके जरिये से देश को विश्वास दिलाया जाए कि इस मामले में निरपेक्षता बरती जा रही है। हो सकता है कि मध्य प्रदेश सरकार का कुछ हाथ न हो, लेकिन आज जो परिस्थिति पैदा हो गई है उसमें मध्य प्रदेश सरकार का कसूर है। जिस तरह से सारी कार्यवाहियाँ उन्होंने की हैं उससे आज देश में यह आशंका पैदा हो गई है, देश के बहुत से लोगों के दिल में यह शक पैदा हो गया है कि मध्य प्रदेश की सरकार और उसके अधिकारी इस हत्या के पीछे हैं, इस जुर्म के पीछे हैं। ऐसी

अवस्था में उस सरकार का कमीशन बहाल करना चाहे वह कोई भी आदमी हो उस सरकार के लिये भी उचित नहीं है, हाईकोर्ट के जज के लिये भी उचित नहीं है और यह भी मैं कहना चाहता हूँ कि देश के लिये उचित नहीं है। इसलिये आपको इन्क्वायरी का कोई ऐसा जरिया करना चाहिये जिससे देश को विश्वास हो सके।

कहा जा रहा है कि वहाँ जो चिन्ह है इस हत्याकांड के वे मिटाए जा रहे हैं, खून के धब्बे धोए जा रहे हैं, तरह-तरह की बातें कही जा रही हैं, और सरकार चुप्पी साधे हुये है। इन बयान पर अंग्रेजी की मशहूर कहावत जो आँकड़ों के संबंध में है वही लागू होती है। होम मिनिस्टर साहब ने जो कुछ कहा, 'व्हाट हो हैज सेड इज सजेस्टिव' उसमें जो कुछ प्रगट किया, वह सजेस्टिव है इशारा मात्र है और जो कुछ छिपाया वह वाइल है, वह मुख्य है।

इसलिये, मैं समझता हूँ कि पार्लियामेंट के लोगों की कमटी जाए, उसके अलावा सुप्रीम कोर्ट के जज या दूसरों का कमीशन बनाया जाए।

जहाँ तक राष्ट्रीयता का प्रश्न है, अगर वे अराष्ट्रीय काम कर रहे थे तो मैं समझता हूँ कि इस सदन का कोई भी हिस्सा ऐसा नहीं होगा जो इस मामले में सरकार का समर्थन करने को तैयार नहीं होगा, लेकिन आज सबाल हो गया है विश्वास का। उस विश्वास को स्थापित करने के लिये सरकार को ऐसा काम करना चाहिये जिसमें किसी को भी शक करने का मौका न मिले और वह कदम शक से दूर हो। यही मेरा कहना है।

प्रो० मुकुट बिहारी लाल (उत्तर प्रदेश) : उपाध्यक्ष महोदय, प्रवीणचन्द्र भंजदेव कोई साधारण व्यक्ति नहीं थे। वे एक राज्य के राजा थे, अपने निधन के समय वे राजा तो नहीं रहे थे, फिर भी बस्तर के निवासियों के वे श्रद्धा के पात्र अवश्य रहे। वे एक राज्य के राजा के होने के नाते विभिन्न राज्यों के राजाओं के कुटुम्बों से घनिष्ठ सम्बन्ध रखते थे और इसलिये प्रवीणचन्द्र भंजदेव के निधन से

उन राजाओं को भी विशेष शोक होने की संभावना है। उन्होंने अपने राज्य दिए, पर राज्य देते समय उन्हें इस बात का जरूर विश्वास था कि जिस देश में वे एक नागरिक की हैसियत से रहेंगे, उस देश में उनकी जान और माल की ठीक तरह से रक्षा होगी। और पुलिस के थोड़े से कर्मचारी या राज्य का कोई कर्मचारी उनके मान या उनकी जान और उनके माल पर कोई विशेष आघात नहीं करेगा। वे अपने राज्य के आदिवासियों के प्राण थे। राजा न रहे, तब भी उन आदिवासियों की श्रद्धा में कोई भी कमी नहीं हुई। उनका निधन उन आदिवासियों के लिये एक बड़ी दुःखद घटना है। जिन परिस्थितियों में उनका निधन हुआ, उन परिस्थितियों में उन आदिवासियों के लिये यह समझ लेना कि उनके प्राण के प्रति अन्याय हुआ, एक साधारण सी बात है। मध्य प्रदेश के अंदर आदिवासियों की बहुत बड़ी संख्या है और हो सकता है कि इस घटना का प्रभाव वस्तर के आदिवासियों पर ही नहीं, सारे मध्य प्रदेश के रहने वाले और आदिवासियों पर पड़े और वह यह समझ बैठें कि उन जैसे साधारण व्यक्तियों पर ही नहीं बल्कि उनके जो थोड़े बड़े-बड़े नेता हैं, उनकी भी प्राण की रक्षा की आशा नहीं की जा सकती। अगर यह भावना आदिवासियों में पैदा हुई तो यह भावना देश के हित में नहीं होगी, देश के जनतंत्र को खोखला करने वाली होगी।

इसके साथ ही साथ, जैसा कि श्री गंगाशरण सिंह जी ने कहा, इस घटना के समाचार से सारा देश क्षुब्ध है। सभी विरोधी दलों ने मध्य प्रदेश की विधान सभा में, लोक सभा में और राज्य सभा में, इस घटना के प्रति शोक प्रकट किया है। सब को इस बात का संदेह है कि किसी राजनैतिक कारण से मध्य प्रदेश की सरकार ने प्रवीणचन्द्र भंजदेव की हत्या करायी है। यह भावना केवल विरोधी दलों के सदस्यों में ही नहीं बल्कि सरकारी दल के भी कई सदस्य, शायद सभी सदस्य इस घटना से क्षुब्ध हैं और समझते हैं कि इसकी पूरी जांच

होनी चाहिये और यदि जांच के बाद सरकार के कर्मचारी दोषरहित सिद्ध हों तो अच्छी बात है पर यदि वे दोषी करार दिये जायें तो उनके ऊपर एक पूरा नियंत्रण हो, उन्हें उसके लिये पूरा दंड मिले। ऐसी परिस्थिति में, मैं समझता हूँ, केन्द्रीय सरकार को भी इसमें विशेष दिलचस्पी लेना जरूरी है। केवल मध्य प्रदेश की सरकार द्वारा दी गई सूचना को ही यहाँ पढ़ लेने से काम नहीं चलेगा। केन्द्रीय सरकार अपने कर्तव्य का पालन नहीं कर पायी, उस समय जब कि प्रान्तीय सरकार के ऊपर, राज्य सरकार के ऊपर, देश की सारी जनता का यह संदेह है कि इस घटना में राज्य सरकार का हाथ है, राज्य सरकार द्वारा जांच के जरिये से या राज्य सरकार द्वारा नियुक्त जज के द्वारा जांच कराना काफी नहीं होगा। मैं समझता हूँ कि लोक सभा के सभी दल, राज्य सभा के सभी दल और मध्य प्रदेश के सभी विरोधी दलों ने इस बात की मांग की है कि जो कमेटी मुकर्रर की जाय उस कमेटी में मध्य प्रदेश के जज के साथ ही साथ मध्य प्रदेश के बाहर की एक हाईकोर्ट का जज और सुप्रीम कोर्ट का जज भी शामिल हो। मैं समझता हूँ हमारी सरकार को, जिस ढंग से विरोधी दलों ने इस बात को रखा है, उसको अच्छी तौर से समझना चाहिये। वे मध्य प्रदेश की सरकार द्वारा नियुक्त जज के ऊपर कोई लाइन नहीं लगा रहे हैं। वे उन्हें इस जांच कमेटी का सदस्य बनाए रखना चाहते हैं और यह चाहते हैं कि उस जज के साथ दो और जज शामिल कर लिये जायें। मैं समझता हूँ, अगर केन्द्रीय सरकार मध्य प्रदेश की सरकार को इस बात का मशविरा देगी, यह बताएगी, कि जनमत यह है, जनता की यह मांग है, लोक सभा के और राज्य सभा के सदस्यों की यह मांग है, तो मध्य प्रदेश की सरकार अवश्य ही इस सुझाव को स्वीकार करने के लिये तैयार हो जायेगी।

पार्लियामेंट के मेम्बरों का एक डेलीगेशन बहाँ जाय, यह भी बहुत तरफ से सुझाव आए हैं। मध्य प्रदेश के विरोधी दलों ने एक कमेटी

[प्रो० मुकुट बिहारी लाल]
बना दी, वे वहाँ जांच के लिये जाना चाहते हैं। मैं नहीं जानता कि सरकार उनको जांच के लिये जाने से कैसे रोकेंगी ?

श्री अटल बिहारी वाजपेयी: रोक रही है।

प्रो० मुकुट बिहारी लाल : अगर सब लोक सभा के सदस्य, राज्य सभा के सदस्य, विधान सभा के सदस्य जो वहाँ जाना चाहें, सरकार उनको रोकेंगी तो फिर सरकार के संबंध में क्या धारणा जनता की बनेगी, या विरोधी दलों की बनेगी, इसको स्वयं हमारी केन्द्रीय सरकार विचार कर सकती है। इस परिस्थिति को सुधारने के लिये सबसे अच्छी बात यह होगी कि सरकार की देखरेख में सब विरोधी दलों से मशविरा लेकर, किसी कांग्रेसी दल के प्रमुख व्यक्ति के नेतृत्व में, सभी दलों का एक संसदीय मंडल जाय और वह एक बड़ी जिम्मेदारी के साथ उस पर जांच करके अपनी राय दे। जांच करते समय और राय देते समय उस संसदीय मंडल को इस बात का भी ध्यान रखना होगा कि एक जुडीशियल इन्क्वायरी कमेटी बन चुकी है और इसलिये क्या बातें कही जा सकती हैं और क्या बातें नहीं कही जा सकती हैं।

प्रश्न साफ है। पुलिस के हथियारों द्वारा प्रवीण चन्द्र भंजदेव का निधन हुआ। अब कोई दूसरी पुलिस के द्वारा ही इस घटना की जांच कराई जाय तो ज्यादा अच्छा होगा। मैं तो नहीं जानता कि मध्य प्रदेश की सरकार ने क्या किया। मैं तो समझता हूँ कि कम से कम बस्तर के जो अधिकारी लोग हैं उन अधिकारियों को तो वहाँ से हटा देना चाहिये और उनके स्थान पर दूसरे ऐसे अधिकारियों को, जिनके ऊपर मध्य प्रदेश के विरोधी दलों को भी उनकी न्यायप्रियता के लिये विश्वास हो, लाना चाहिये, यह जरूरी है। प्रश्न महत्वपूर्ण है जैसा कि श्री गंगाशरण जी ने बताया। प्रश्न जनता के विश्वास को दृढ़ करने का है। क्या जनता यह समझ ले कि इस जनतंत्र के अंदर भी,

जिसके हाथ में लाठी है उसकी भैंस है, जिसके हाथ में हथियार है वह साधारण नागरिक ही नहीं प्रवीण चन्द्र भंजदेव जैसे व्यक्ति की भी जिस प्रकार चाहे हत्या कर सकता है। अगर ऐसी धारणा, हम चाहते हैं कि हमारी जनता में न पैदा हो, अगर हम यह चाहते हैं कि हमारी जनता को न्याय पर विश्वास बना रहे तो इस बात की आवश्यकता है कि हम इस प्रश्न की इस तरह से जांच करें कि सारे देश की जनता, मध्य प्रदेश की जनता और विशेषरूप से मध्य प्रदेश के आदिवासी, इन सबका उस जांच के प्रति विश्वास हो सके और जो निर्णय हो वह ऐसा हो जिससे वे संतुष्ट हो सकें।

SHRI I. K. GUJRAL (Delhi): I join my friends who have spoken before me in expressing my deep regret at the tragic incident that has taken place and I also joint them in conveying my sadness and condolence to the members of the family. It is a very unfortunate posture which some friends from the Opposition have taken up and have decided to prejudge the issues. On very flimsy data, a judgment has been passed. It has not been appreciated that the Chief Minister of Madhya Pradesh, immediately on getting the information, goes to the farthest extent, that he contacts the Chief Justice there and appoints a High Court Judge for conducting the enquiry. Up till now, we had believed that whenever a High Court Judge was appointed, the Opposition always—and I say always—expressed their joy, always expressed their confidence in the impartiality of the High Court Judge. The High Court Judge was not appointed by the Chief Minister himself, he contacted the Chief Justice of the High Court and the Chief Judge . . .

SHRI GANGA SHARAN SINHA: Many people unfortunately feel that that was also a part of the plan.

SHRI I. K. GUJRAL: If it is a part of the plan to appoint a High Court Judge to conduct the enquiry, if it is a part of the plan to appoint somebody who sits on the Bench on the advice of the Chief Justice, then I am sorry that my learned friend—who is very able and whom I very much respect—feels that the whole High Court is involved in the plan itself. I am very sorry . . .

SEVERAL HON. MEMBERS: No, no.

(Interruptions)

SHRI I. K. GUJRAL: That is the reflection. The exact implication is, when a Chief Justice appoints a High Court Judge and when you reflect on him and says that it is a part of the plan, what else does it mean?

HON. MEMBERS: No, no.

SHRI I. RY GUJRAL: It means only this thing . . .

(Interruptions)

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Mr. Gupta, he did not interfere when you were speaking.

SHRI GANGA SHARAN SINHA: Sir, what we have said was not about the Judge personally but that the enquiry itself was also a part of the plan.

(Interruptions)

SHRI I. K. GUJRAL: The crime of the Chief Minister is that he lost no time in appointing a High Court Judge to conduct the enquiry. The crime of the Chief Minister is that when he came to the House, he named a person . . .

SHRI ATAL BIHARI VAJPAYEE: You dare not order a judicial enquiry about Panipat and you talk of such a decision about Jagdalpur. A judicial enquiry . . .

SHRI I. K. GUJRAL: I wish and I support that a High Court Judge be appointed about Panipat also because it would unmask him and his party there.

SHRI ATAL BIHARI VAJPAYEE: Yes, yes. I am prepared to face an enquiry. Are you prepared to face an enquiry?

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Order, please. One at a time.

SHRI ATAL BIHARI VAJPAYEE: You should institute an enquiry there first but you were not prepared to do that. Hold a judicial enquiry about Panipat.

SHRI BHUPESH GUPTA: It is a very serious thing, what he has been saying . . .

SHRI I. K. GUJRAL: I shall not be side-tracked. But I shall say only one thing and that is that his partymen burnt three Congressmen alive. I want it to be enquired into.

SHRI ATAL BIHARI VAJPAYEE: I repudiate this. You hold a judicial enquiry. You cannot level such a charge.

SHRI I. K. GUJRAL : I do like . . .

SHRI P. N. SAPRU (Uttar Pradesh): It is wrong on the part of an hon. Member to accuse another party of having burnt anybody.

SHRI I. K. GUJRAL : They have done it.

SHRI ATAL BIHARI VAJPAYEE: You hold a judicial enquiry.

PROF. M. B. LAL: Sir, I beg to submit . . .

SHRI ATAL BIHARI VAJPAYEE: Hold an enquiry.

SHRI P. N. SAPRU: I do not want that . . .

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Order, please.
(Interruptions)

PROF. M. B. LAL: Let us discuss the incidents concerning the ex-Ruler of Bastar. Let us not get ourselves involved in other issues.

SHRI P. N. SAPRU: We must not accuse the other party of having burnt some people.

SHRI C. D. PANDE: Three Congressmen.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): I request the Members not to get excited and to say whatever they have to say in a graceful and dignified manner. Yes, Mr. Gujral . . .

SHRI I. K. GUJRAL: Sir . . .

SHRI ATAL BIHARI VAJPAYEE: Nobody cast any reflection on the High Court of Madhya Pradesh or the Judge of that High Court. Why has he brought in these factors?

SHRI I. K. GUJRAL: I am glad that even indirectly my friend has conceded the point that he has full confidence in the High Court Judge. And if he has full confidence in the High Court Judge who has been named to enquire into the incident, then I am certain that he will be satisfied with the findings that the High Court Judge makes.

Sir, a high Court Judge has been appointed. His name was mentioned in the very first instance in the Madhya Pradesh Assembly itself and the Madhya Pradesh Assembly, including the Opposition, unanimously approves of the name and yet, my friend takes objection to that.

I am told—it is being said here—that not that particular Judge but some other Judge should also be there, that not one Judge but three Judges would be better, that not that Judge but a Parliamentary Committee would be better, that not that Judge but the Central Bureau of Investigation would be better. What else is required for the expression of non-confidence? Sir, I would only like to say to my friends here that it would be a sad day when in this country, in order to gain a point of argument or a point of debate, we start expressing distrust in the High Court Judges also and I think in this House we have . . .

SHRI BHUPESH GUPTA: None of us have expressed our distrust.

SHRI I. K. GUJRAL: I think the only thing which the speeches of so many friends of mine, speaking from various angles, have expressed or exposed here, is that when Shri Bhupesh Gupta talks of Bastar, he thinks of Calcutta, when Shri Vajpayee thinks of Bastar, he talks of Panipat. There are more of other ghosts in their cupboard which are haunting them. I personally feel that it is only a bit of confusion on their part, and I think this House has sufficient reason to ask the Madhya Pradesh Government not to lose any time but let the enquiry be conducted in a correct fashion by the High Court Judge. And the moment the enquiry report comes to us, then we will have reason to discuss it.

I think any day or any time or for any party today to say this thing that the incident was not a sad one, would be wrong. We all join in that sadness. We all feel

that it is a great tragedy and this tragedy, the ghastliness of it, has dawned upon us, and I think we have reason to express our thanks to the Chief Minister of Madhya Pradesh that he has lost no time whatsoever in appointing a High Court Judge to look into it.

SHRIMATI SHAKUNTALA PARANJPYE (Nominated): Sir, a very blood-curdling murder has been committed and the person on whom this atrocity has been perpetrated was the ex-Ruler of Bastar State which is bigger in area than Kerala. We must not forget that.

SHRIM. N. GOVINDAN NAIR: Bigger than Kerala,

SHRIMATI SHAKUNTALA PARANJPYE: Yes, bigger than your beloved Kerala. This person commanded the respect and the faith of all the tribals I say this from what I have read in papers, I have never been to Bastar. But I expected a very much more detailed and informative statement from the Home Minister but I was disappointed.

Now, several allegations, very serious allegations, have been made against the Government of the State, which has instituted a one-man Commission to go into this matter. I have nothing to say against it. But Sir, the allegations are so serious that I feel that it would be in the interests of the State Government itself to have a Central Government enquiry held into the matter*, if a Central Government enquiry is held by the State Government into the matter, it would be in its own interests because there is a saying in Marathi :

ज्याला कर नाही
त्याला डर कशाळा ?

One who has not committed any offence, why should he be afraid of any enquiry?

SHRI P. K. KUMARAN: That does not apply here.

SHRIMATI SHAKUNTALA PARANJPYE: I agree with the suggestion that has been made that a Parliamentary Committee should go into the matter and a Commission with the present High Court Judge who has been appointed from Madhya Pradesh plus a Judge from some other State plus a Judge of the Supreme Court should be appointed,

One more point I would like to mention. It is that it is a very, very sad occurrence that has taken place in our country. It is, as Ganga Sharan Sinha has pointed out, having repercussions in every corner of the country. But, Sir, what I am really worried about is that it might have a repercussion outside the country. And certainly we are not showing a good face outside. I am sorry that conditions are very bad at present both inside and outside India. We want friends for India and happenings like this are not going to bring forth any more friends than we have.

Thank you.

SHRI D. P. KARMARKAR (Mysore): I just wish to say two things. The first thing is that the anxiety about this matter is really not confined to the Opposition. Naturally, with very great respect to all that fell from the lips of the Opposition, I thought about the matter and I just came to the conclusion that apart from the passions that are naturally roused, we all feel very deeply for the Rajah of Bastar. Whatever may have been his fault, he was the leader of his community and his tribe and things like that. Now, that by itself makes the probability of anyone interested in putting him down, at that moment to have chosen to kill their head, as the most stupid act to be indulged in by anyone who just did not want to provoke him. To my mind, if I have to say *prima facie*, it just occurs to me that it just could not have been the result of a deliberate killing because killing the Rajah of Bastar is creating the biggest difficulty for themselves whosoever indulged in it.

That apart, it was said that the facts given by the Home Minister were not adequate. I am not also satisfied with the amount of facts given. At the same time I can understand his difficulty. Now he cannot afford, though he is the Home Minister, to go and make a personal enquiry, it is out of question. He will have to rely on reports. He cannot, like other parties, depute an all-Party Member committee to go and enquire. I have been a lawyer but it was so long back that I could not entrust myself with judicial proceedings. I am not quite sure whether I will not fly away with passions. Then what about people who are not used to law if it is so with those who are used to it? I can

understand his handicap. The best that he could do is to give the official version that he received from the Madhya Pradesh Government. And obviously that is suspected. I do not blame those who suspect it because the atmosphere is like that. It may or may not be justified. There are times when people's minds rise against such a situation.

Sir, when I read the things of the first day, if I might share my feelings with my neighbour and good friend, Mr. Vajpayee, my feelings were no less passionate than his, that some may be a deposed Rajah, may be anything, should be killed in this way. My first impression after getting the news was that somebody stepped into the palace which was his and killed him. Later on I found that half the palace was surrendered by the Rajah to the Government for having a judicial lockup and all that, and all that had happened, had happened here and things like that. Now when it came in the news that his body was found and things like that, there is difficulty unless we have sufficient information in that matter. I can appreciate and I share the feelings of the Opposition, of my friends here at the inadequacy of information. But whatever the information that the Home Minister will give hereafter, now that the matter is *subjudice*, he is subject to a certain restraint to which I am also subjected to a certain extent but to which the Opposition is certainly not. Now this side has to think what is proper—the Opposition also thinks what is proper—and the Home Minister has also to think of matters in which he is bound by the Constitution. Now here are two suggestions made about which I will give my personal reaction. Though not one single Member in this House, I am quite sure, has nothing but active interest in the case, whosoever has gone wrong must pay for it by anything that he deserves. There is no question about that. If it is the police officer, he must go. If it is a magistrate he must go. If it is the Government, it must go. Whosoever has committed the guilt, it must be first established. But let us not hang an accused before we try him.

There is this enquiry. I can well appreciate when passions run high, naturally one runs to conclusions. Look here, that High Court Judge belongs to that State. He is available on the telephone to the Chief

[Shri D. P. Karmarkar.] Minister. He might have spoken something to him. Therefore, it is easy to surmise. But then what can the Home Minister do ? I mean to say, you have to understand his position, right or wrong. If there is an error in this matter, you have to understand his position. Let us assume there is an error, but it is an error that has arisen out of the Constitutional limitations which none of us can gainsay unless for this special case we amend the Constitution which we can. As a sovereign body, we can amend the clause which says that a certain law and order belongs to the States except in this matter of the Baster State where the Rajah lived. We can do that on grounds of emotion, on grounds of passion. There is substance in that. But the Home Minister has to go by the Constitution.

SHRI BHUPESH GUPTA : It is in the Concurrent List.

SHRI D. P. KARMARKAR : Whenever Mr. Bhupesh Gupta intervenes, there is something that has gone home. That is the conclusion. I shall be grateful to..... him.

SHRI BHUPESH GUPTA : Under the Concurrent List we can declare a state of emergency there.

SHRI D. P. KARMARKAR : The last Man I provoke in this House is Mr. Bhupesh Gupta. That is my highest respect for him.

Now there is this constitution. I can sympathise with the feelings behind it. But how is it that as a Member of Parliament—if I am not a Member of Parliament I might have said that—I am not supposed to have information about the Constitution ? This law and order belongs wholly to the State, and there is no executive, or the Home Minister or the Government of India or any one that can intervene. (*Interruption by Shri Bhupesh Gupta.*) Listen.

SHRI BHUPESH GUPTA : After Proclamation of Emergency it is in the Concurrent List.

SHRI D. P. KARMARKAR : That is the strongest point that I have known for ten years now. But the point that I was making was that there are certain matters which will look to be appropriate in one case. What happens tomorrow ? Supposing in another case where the Central

Government may be charged with the idea of having intervened in Bengal or in Punjab or somewhere else, there I am quite sure that the Members of the Opposition, their leaders, will come with copies of the Constitution in their hands and throw that article in the face of the Home Minister. Therefore, here is one limitation which we cannot cross. That is absolutely a matter of law and order. That is one thing.

The Home Minister is a very generous-minded man, and I am praying that he will not intervene in this matter at any stage of the case because it would be wrong for him to intervene.

Secondly, I can also understand and appreciate the point that a local High Court Judge is appointed. Now let us go into the matter. One of the factors was—I accept completely what my friend, Mr. Vajpayee, said or what the opposition Leader said in the Vidhan Sabha there. Let us agree with that also—that Mr. Vajpayee could not deny what the Opposition Leader had said there. Let us assume what the Leader of the Opposition had said there is all right. But Mr. Vajpayee also will agree—he has to agree because it is there in the speech—that the best possible attempt that was made by him was that it was read out of context. Now each sentence has to be read separately. There is no other way. Now those speeches apart, they are not exactly relevant on this point at all in spite of all that the Opposition Leader has said. He agrees that he has no objection to a High Court Judge being appointed. Let us be logical,

SHRI BHUPESH GUPTA : No wonder you are a lawyer.

SHRI D. P. KARMARKAR : I have no particular brief in this matter, hearing entirely the feelings of the Opposition Members that justice must be done, that if somebody has done wrong, he must be given the biggest punishment possible. If they do not do it I shall join with them, not cross the floor, but join with them in their attempt. That is item No. one.

Do we realise what we are doing by asking for the appointment of a Supreme Court Judge ? It all looks well in this particular case asking for a High Court Judge, a

Judge from another State and a Supreme Court Judge. Now if there is anything of which we may be proud and if (here is any one thing which we should not tamper with, it is the judicial system. Now a High Court Judge—because it happens to be in the Madhya Pradesh Government—has got the powers of life and death over the Chief Minister and over everybody in the State. Where the State is a party in the criminal proceedings, the same High Court Judge can sit in judgment over the State. Here it happens to be the Rajah of Bastar. Since the Chief Justice has to appoint a Judge, naturally he, combining administration plus justice, he knows best whom to appoint, a person who will not give himself up to passions either way, who will do the best possible justice. There would be different types of Judges in the the various High Courts. Now, for one moment, may I respectfully request the Opposition that what they are suggesting by way of having another High Court Judge or a Supreme Court Judge is not only gnawing but it is cutting at the roots of the integrity of the judiciary for which we have the highest respect ? Supposing that High Court Judge misbehaves, then there are ways to deal with it and things like that. Therefore, just as on the first point I put on the constitutional impossibility for the Home Minister to intervene, on this also I say it is constitutionally impossible. And even if it were possible, it is absolutely improper for any one to ask for and for the Government to concede to it. It means that we have already passed a verdict, without an enquiry, on that High Court Judge. You say that only you are not reliable. You are otherwise quite all right for other matters. But in this matter we think that you are unreliable. So to keep a watch on you here we put another High Court Judge and a Supreme Court Judge. May I plead with the Opposition, because I have the highest respect for them, that if it were within my purview to appoint a Parliamentary Committee into the matter—which is also absolutely impossible—it would not be any better panel than the panel of the speakers of the opposite parties. I am quite sure I am prepared to trust them in any matter as I trust my own faith. But that is impossible. That is not possible'.- Whatever one desires, sometimes is not possible. That is the whole diffi-

culty, and howsoever much we might desire, we, Parliament—I am commenting upon myself also—are window of the whole nation. Therefore we represent the nation but we should not forget the Constitution itself. There are certain matters laid down for Parliament in the Constitution itself. Let us limit ourselves to that and not cross it. Our anxiety is there, everything is there and things like that are there. I may have the power but I cannot interfere with the peace in my garage, in my driver's family. He says 'no'. The State Chief Minister says : 'No, well, the Constitution has given me certain powers which you gentlemen, including even the President of India, cannot interfere with unless justified by the Constitution'. *(Interruptions)* I am ending so that you can speak after I finish.

My third plea would be for them to appreciate is this. Let us not put forward any suggestion. Information is lacking and the worst part I regretted very much was when my friend Shri Vajpayee, for whose passion in the right cause, for which I have always admiration, allowed that to appear in reading that newspaper statement. One question occurred to me this morning when I was told that the Maharaja of Bastar had a wife living. What is the position of the police ? The police wants the body for a post-mortem. Till then, nobody allows it to be interfered with. I had a little experience both in the Health Ministry and as a lawyer of these post-mortems. How or what do they do in the post-mortem ? They open up the whole body. They open up the stomach, the stomach contents, the heart and things like that. Now I am only thinking about myself. A very great drama was made in the Hindustan Times report where the brother says that the arm was cut. I can well fancy, I do not know, I speak in ignorance, but if there is a bullet wound and if there is a bullet inside, the arm has to be cut and a cut arm cannot be just let like that. It has to be sewn up. It is just possible, one does not know; I am not prepared to pit my word against because I do not know. The brother knows that it was sewn up. Is it the case that when a body is opened for post-mortem, when everything is opened up, the abdomen is opened, etc. the body

[Shri D. P. Karmarkar.] should be given to the relatives unsewn ? It is absurd. It has to be sewn up. Therefore if an arm has been opened, it has to be sewn up.

SHRI ATAL BIHARI VAJPAYEE : The arm was cut before the post-mortem, not after.

SHRI D. P. KARMARKAR : He has seen that it was sewn. What the brother has seen is that the arm has been sewn. He has not seen the arm being cut ; otherwise he would have been the first witness there either way but the difficulty is, and the worst that I felt about it was, let us not prejudge. When the brother said it, his brother is bound to feel. I have heard some people speaking of surgeons who tried to save the patient, the child, certain things. Do you know what a parent's caustic remark was : "The surgeon killed my child". I can understand the brother feeling though it was very bad manner to have said—even if I have to say that, I would not say—that the Maharaja was wontonly murdered. I would not like him to have tarred that he was murdered like a dog. It is absolutely bad taste and it was bad taste on his side and I would not comment on that but what I regretted was that my esteemed friend, who otherwise is sober, in this particular case, took it upon himself to support that particular information. Therefore, subject to these observations, these three particular points, let us not shake the Constitution, let us not try to do these things, and understanding the feelings, disturb the State Government's discretion and let us not also misunderstand the limitations placed on the Home Minister. Under these circumstances I think he has done well. He has not tried to suppress. My ears, both of them, are deaf at the moment and so I do not hear what Mr. Gupta says. Therefore my final sentence is, let us not try to misunderstand the Home Minister, because he was cryptic. He has allowed himself to be cautious. Let us wait a while. But one thing we have to insist is that the High Court Judge who has been appointed must finish his enquiry as early as possible because we are all, on this side and on that side, anxious to know the truth and let us abide by the truth.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): I will now call upon the Home Minister.

श्री राम सहाय (मध्य प्रदेश) : मैं भी दो मिनट अर्ज करना चाहता हूँ । मैं मध्य प्रदेश से अभी आया हूँ, मुझे कुछ समय दीजिए ।

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): We have spent already seventy five minutes on this subject. Many speakers have spoken and it is high time to conclude the discussion.

SHRI P. N. SAPRU : Because

श्री राम सहाय : अपोजीशन के सिवा और किसी ने कुछ नहीं कहा है । कम से कम मध्य प्रदेश . . .

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): If I allow, I will allow all the names which I have got before me. If the House is prepared to sit for an hour more I have no objection.

HON. MEMBERS : No, no.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : So, I will call upon the Home Minister. Mr. Ram Sahai, I have names in priority. Either I call all or nobody.

SHRI P. N. SAPRU : I will not want more than two minutes.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : That is everybody's case. Please, Mr. Sapru. The Home Minister.

SHRI GULZARILAL NANDA : Mr. Vice-Chairman, I shall immediately concede that the hon. Members of the opposition, their hearts, have been deeply stirred, their feelings roused by the accounts of the happenings which they have seen in the newspapers and which have come to them through other channels. I also will concede that in the every strongly worded, strongly expressed sentiments, there were no political considerations on their side. They should also allow to us that we here also are not devoid of human feelings and sympathies. But I do not want to labour that point. The first question was, why I did not make a full statement ? Why did I not give the fact!

ai to how many persons died, when, and how and what happened there in that far-off place ? I recognise the restraints under which have to function. Hon. Members there may not be deterred by those considerations. They have a latitude and liberty which I do not allow to myself. If I had given all that, I had with me, I have the statement, the information from the Madhya Pradesh Government, sheafs of it—should I place them here?—then they will say that I am giving an account, a version which is likely to prejudice the outcome of the inquiry. Therefore it was that I had to act in a responsible way. Here is one version about the arm having been cut before or after. Here are other versions about things having happened. Then if I also add my version to it, how is it going to be decided ? Are you going to decide the matter, Sir ? Therefore I had no other course open to me but just to give the fact that there is a judicial inquiry going to be held and we have to await the judgment or the decision of the tribunal. There is nothing else for us at the moment. Then another question was asked. What did this Home Minister do ? He must have suppressed something vital. Is any suppression on my part going to have any consequence, any influence on what is going to follow ? Everything that is there is going to be revealed and disclosed and will be dealt with on its merits. So I will go on to the other points. Why an immediate inquiry ? That is, I understand why this question is raised. Why there is no enquiry ? There certain things we are charged with. On one side, why are you leaving this matter unexplored at judicial hands and here on the other why an immediate enquiry ? That is also our fault. I understand what has happened. Because they would have liked very much preferred that we should tarry about this enquiry, let a few days elapse so that they got a chance to come up with complaints, with allegations, with demands and then they will say that we, out of the pressure of the Opposition, have now conceded that enquiry and submitted to that. Here without wasting any time the Chief Minister arranges for an enquiry through the Chief Justice of the State and the name given by the Chief Justice is accepted and the appointment is made. Then all the other things which, could have been said if there

had been any delay, are avoided, obviated completely. Here is an immediate arrangement made, a Commission of Inquiry set up and from that point of time that Commission takes charge.

About the impartiality of the Judge, no question is raised. It has been said that there is no question of any lack of confidence in the Judge. Then why do we proceed to raise other questions about associating Judges from here or there because in the first place, it should be understood that once a Commission of Enquiry has been appointed by the State under the Commission of Inquiries Act, then the jurisdiction of the Centre is ousted,

"If any Commissioned has been appointed to enquire into any matter by a State Government, the Central Government shall not appoint another Commission."

We cannot do anything at all in this matter but why should we ? What has happened ? If there had been any question raised against this Judge—well, some people here say some things about him—it would have been somewhat different. But not a single voice has been raised on the floor of the Assembly about the competence, about the impartiality of the Judge. Certainly we can have all kinds of ideas but let us not, as was pointed out, tamper with this judicial system. Well, it is the mainstay of the need, of the fulfilment of the need that in this country there will be equality before law, there will be justice. Now, if we go on tampering with that in this way, I think we will be undermining that great institution.

Now another question was raised : Why can't we associate our organisation here with the investigations ? Well, a variety of suggestions have been put forward. First, that we may have this Central Investigation Bureau, they say. But they mean the Intelligence Bureau perhaps, that we should associate with, and they should undertake the inquiry. Regarding that I may say immediately, Sir, that this Commission is in control of this whole matter, and always it is open to the Judge to ask for any assistance from anywhere and, certainly, if the Court needs any assistance from the Centre in this matter, it will be readily and gladly be made available. **But**

[Shri Gulzarilal Nanda.]

it is not for us ; it is not for the State Government either. The whole question now entirely rests with the Judge, with this Tribunal.

And what were the other suggestions ? The appointment of a Parliamentary Committee that is to go and investigate and, I believe, possibly they will also pronounce a judgment. *(Interruptions)* Well, how else ? The Congressman is there, the other person is there, a third person is there, and then they have to see what the facts are. I believe, Sir, except that hon. Member perhaps some others might not have thought of that. In other words we are going to make the majority Parliamentary Committee to sit in judgment and the judicial processes are not to be there. That way some people can settle all these matters in the streets. Now this will be a Committee to go and investigate — *(Interruptions)* What exactly does it mean then ?

SHRI BHUPESH GUPTA : I say, Mr. Vice-Chairman, in a comparable situation it has been done.

SHRI GULZARILAL NANDA : What else is it here ? Has it anywhere happened that when a Court is in charge of a case, then some people go and try to dig out this thing and that thing from dozens of people of all kinds ? Now, Sir, the point is being made, no, not regarding matters which are within the purview of that Tribunal, then, if there are matters which are not within the purview of that Tribunal, then what is the use of those things being discussed and investigated in this context ? And if they are matters which concern that Tribunal, there, well, we are out of court. After all, it is not open to us, it is not permissible for anybody to interfere there. It is for the Court entirely what, methods to use. Here the whole procedure, etc. the Act lays down, and it is for the Court to decide what the procedure is going to be and how it is going to deal with these matters.

SHRI BHUPESH GUPTA : These points have to be clarified a little, because many things are taken for granted. We shall show from the practice of this Parliament and by quoting precedents that these things have been done.

SHRI GULZARILAL NANDA : There may be that these committees of esteemable friends on the other side that go up there for certain purposes, but not where a Court is in charge of a case. There cannot be a parallel inquiry going on, and they come out with certain things, and the other investigating agencies have found some other facts. How can this matter be dealt with like that ?

SHRI GANGA SHARAN SINHA : In Assam there was a Parliamentary Committee and a judicial inquiry, both the things were done.

SHRI BHUPESH GUPTA : You will see that we are not suggesting that we should have ourselves judicial powers and so on.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Please let him finish.

SHRI GULZARILAL NANDA : Sir, let him cite a case where a judicial inquiry is in progress, where a Judge has been appointed and then, simultaneously, someone else was permitted. All the other things which he was saying are irrelevant in this context, and I believe in some outbursts these suggestions have been made ; something had to be said by my friends who had been making their speeches, but I believe this at any rate, they do not take seriously, and this is that, whenever there is a Court sitting, then they also will go and try to have a separate parallel Court and conduct the inquiry. *(Interruptions)* It does not mean anything else.

SHRI M. N. GOVINDAN NAIR : Why do you misinterpret things ?

SHRI ATAL BIHARI VAJPAYEE : What about the political aspect of the whole matter ? The Commission will deal with the legal aspect.

(Interruptions)

SHRI GULZARILAL NANDA : Yes, there may be other aspects possibly.

(Interruptions)

SHRI M. N. GOVINDAN NAIR : He may not agree to our satisfaction.

SHRI GULZARILAL NANDA: I am trying to evaluate the suggestion as it is. They may kindly offer other ideas but not something which is not worth consideration at all.

SHRI BHUPESH GUPTA : The Panipat incidents took place. The Congress Party sent Mr. Kamaraj to go and investigate and report to the party. We are not a party here ; can't we ask that let us go there, find out the facts and tell Parliament about them ?

SHRI AKBAR ALI KHAN : Not when a judicial inquiry has been ordered.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Order, order.

SHRI GULZARILAL NANDA : Then the question of political aspects, the question whether somebody did something with certain motives. Well, these things have been put and there have been some insinuations of that kind. Any way that also, whether anything else has to be done will arise out of the investigations leading

to a certain decision. All these facts will be unfolded out of that. Then we can be in a position to say. Now, apart from what the Judge says, what the decision is strictly regarding the case before him, whether the material which has been disclosed takes us on to other aspects which, therefore, will have to be dealt with, certainly we are prepared to deal with all those aspects, political and other, which will arise, after this inquiry has been completed, but nothing before, because anything that we try to do, certainly it would touch the basis of the whole case and, therefore, it will be absolutely improper, and I believe it will be barred by all canons of legal procedure and, therefore, I do not think I need say anything more on this.

THE VICE-CHAIRMAN (SHRI M. P.) : The House stands adjourned till 11 A.M. the day after tomorrow.

The House then adjourned at twenty-seven minutes past six of the clock till eleven of the clock on Friday, the 1st April, 1966.