

MR. SPEAKER: There is only one minute to go for the private members' business. So we may take it up now.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS
 FIFTY-EIGHTH REPORT

श्री कृष्ण चंद्र पांडे (खलीलाबाद)

में प्रस्ताव करता हूँ—

“कि यह सभा गैर-सरकारी सदस्यों के विधेयकों तथा संकल्पों सम्बन्धी समिति के 58वें प्रतिवेदन से, जो 15 जनवरी, 1976 को सभा में प्रस्तुत किया गया था, सहमत है।”

MR. SPEAKER: The question is:

“That this House do agree with the Fifty-eighth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 15th January 1976.”

The motion was adopted.

15.30 hrs.

RESOLUTION RE: REPORT OF COMMISSION OF INQUIRY INTO THE DISAPPEARANCE OF NETAJI SUBHAS CHADRNA BOSE.—*contd.*

MR. SPEAKER: We now take up further discussion of the following Resolution moved by Shri Samar Guha on the 11th April, 1976:—

“This House strongly deprecates all the slanderous remarks made against Netaji Subhas Chandra Bose in the report of the ‘One-man Commission of Inquiry into disappearance of Netaji Subhas Chandra Bose’, particularly on pages 7, 16, 30, 31, 37, 124 and 125, by Justice G. D. Khosla, as its Chairman, and urges upon the Government to expunge these disparaging, distorted, factually incorrect and unwarranted observations before the report is made available for public circulation as they militate the patriotic sentiment of our countrymen and further, in consonance with our national feeling in this regard, this

highest forum of the will of the Indian people once again affirms nation's solemn homage to the greatest revolutionary pilgrim of our motherland, who played the historic role, like an epical hero, in the war of liberation of United India”.

This was sufficiently discussed by the House. I would now call upon the Minister to reply.

SHRI S. M. BANERJEE (Kanpur): This is a very controversial matter. Mr. Samar Guha has brought out certain things from the report which are highly objectionable. I have great respect for Justice Khosla but he has gone out of his way to say certain things which are derogatory as far as Netaji is concerned. Let the Resolution be postponed for the next session.

MR. SPEAKER: The time allowed for this was three hours of which two hours and 32 minutes had already been taken and only 28 minutes are left. It has been sufficiently debated and therefore I thought I would request the hon. Minister to reply to the debate.

15.33 hrs.

[SHRI VASANT SATHE in the Chair].

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F. H. MOHSIN): I have listened closely to the speeches made by Prof. Samar Guha and other hon. Members on this resolution. It is no doubt true that in the liberation struggle Netaji Subhash Chandra Bose has occupied and still continue, to occupy unique position. When we think of Netaji or speak about him, what comes upper most in our mind is his unbending patriotic fervour which made him carry our liberation struggle beyond the borders of India, culminating in the formation of the INA. His call, on assuming the command of the INA ‘to do or die in the cause of India's freedom’ inspired

[Shri F. H. Mohsin]

not only the brave man of the INA but millions of Indians everywhere. His services to our country are worth writing in letters of gold and for the younger generations he will continue to be a legendary figure. Many of our young will be inspired by his undaunted courage. We fully support the sentiments expressed by Members on either side. I am sure that Netaji will be gratefully remembered by generations of our people for his passionate love of freedom and his dauntless courage.

SHRI DINEN BHATTACHARYYA (Serampore): 23rd January should be observed as Netaji's birthday; but here you want to sit in Parliament on that day.

MR. CHAIRMAN: That is how he would have liked you to behave—to work on that day for the nation.

SHRI F. H. MOHSIN: Professor Guha naturally spoke with a great deal of passion and emotion.

SHRI DINEN BHATTACHARYYA: That is why he is in jail.

SHRI F. H. MOHSIN: The report which has been made the subject matter of this resolution, is the result of a painstaking inquiry conducted by an eminent judge. The conclusions set out in it are based on evidence tendered by a large number of witnesses, the shifting of the evidence by the judge and his own assessment thereof, and detailed arguments advanced by counsel. What the Government has done, as has been said earlier in this House, is to accept the basic findings of the Commission relating to the fact of Netaji's death. This does not mean—nor is it necessary to do so—that Government assumes responsibility for everything that is contained in the report. I hope this House will concede that when a Judge is appointed to head a Commission of Inquiry, he should have the unfettered right to express him-

self freely and frankly on the issues before him. He analyses the different sets of circumstances placed before him, judges each situation as he sees it, and formulates his opinion. The judgements are given by the High Courts and the Supreme Court. The Judges' opinions on various points still stand on the record because on the overall assessment of the evidence before him he comes to some conclusions. What we are concerned with is his conclusions, his findings on Netaji's death.

Now, it is in this background I would like Hon'ble Members to consider Prof. Guha's Resolution. It seeks to "deprecate" what Guhaji has chosen to describe as "all the slanderous remarks" made against Netaji in the Report and urges upon Government to "expunge these disparaging distorted, factually incorrect and unwarranted observations". I have read the report, and more particularly the pages mentioned by Prof. Guha in his Resolution, with great care. In the earlier pages, the Judge gives, in his own words, a historical narrative of the events leading to Netaji's reported death and analyses the evidence and the arguments placed before him. In doing so, he has made a glowing tribute to Netaji in the following terms:—

"Netaji occupies such an eminent and incomparable position in India's history that he needs no honorifics to emphasise or to enhance his intrinsic greatness. Just as titles, trappings and dignity have, in the course of time, been dissociated from the names of Caesar, Ashoka, Akbar, Nehru and Gandhi, it is enough to say Bose and yet remain completely respectful and conscience of his political greatness and splendour."

So, these are the words in which the Judge has described it. It does not mean that he meant to slander him or to have disparaging remarks. For example, at pages 30 and 31 the Judge

has dealt with the Japanese attitude towards Netaji and has described how they looked upon him from their own interests in the war situation. But these should not be confused with the Judge's own views of Netaji's personality. We should not take a word or an expression here or there in the Report out of context and try to draw inferences or conclusions. We must read the Report as a whole and try to understand the several passages in it in their proper perspective.

Even while referring to the Japanese attitude towards Netaji, the Judge records in his findings:

"They nevertheless had considerable respect for him because they saw that he was a man of remarkable courage and unquestioned patriotism."

I do not think it is necessary for me to go over more passages from the Report. Towards the end of his findings, the Judge has described as "completely false and unacceptable" the numerous stories about encounters with Netaji at various times and various places after 1945 and has made certain observations in this regard. He has made them obviously according to his best judgement and understanding of the evidence led before him.

This Commission was appointed under the Commissions of Inquiry Act, 1952, and functioned in accordance with the provisions of that Statute. Government cannot, and should not, interfere with its functioning; nor would it be proper for the Government to interfere with the contents of its Report by editing or expunging portions thereof. What is contained in the Report are essentially the views of the Commission. We have instances of judgements given by courts in India which sometimes contain observations which are critical. But, then, that is the very essence of judicial independence and judicial integrity. I would appeal to this

House and more especially to those persons who are very critical of the Report, that we should not say or do things which might amount to questioning that independence and integrity. We should not cast reflections on judicial probity.

SHRI S. M. BANERJEE: Sometimes, we did question the judgement of the Allahabad High Court.

SHRI F. H. MOHSIN: It is an accepted convention that we should not cast disparaging remarks on the judgement given by the Judges. You may differ from the findings but it has been the convention that we should not comment on a judgement in a disparaging manner.

As for the last part of the resolution, I have already referred to the nation's abiding gratitude to Netaji as one of our foremost leaders. He will continue to inspire millions of our people both in the present and the coming generations into purposeful action in the cause of the service of the country.

Of course, I would appeal to Mr. Guha to withdraw the resolution, but he is not here. Therefore, I would appeal to the House to reject the resolution.

SHRI ERASMO DE SEQUEIRA (Marmagon): What is the use of appealing to Mr. Guha to withdraw his resolution when he is not able to be present here?

SHRI DINEN BHATTACHARYYA: He should be able to know what you have said in reply.

SHRI F. H. MOHSIN: He will get copy of the debate.

SHRI SAMAR MUKHERJEE (Howrah): He should have been brought here today at least on parole.

SHRI S. M. BANERJEE: On a point of order, Sir, Mr. Guha, who moved

[Shri S. M. Banerjee]

the resolution has got the right of reply. He cannot reply because he is in jail. But because of that he does not lose his right to reply. This should be kept pending till he comes back to the House. This is an extraordinary situation and I request you to give an extraordinary ruling.

MR. CHAIRMAN: There is no point of order. This is as good as the member remaining absent. Whatever may be the reasons, we will not go into that. If a member, who has the right to reply, remains absent, I proceed on the basis that he is absent. The resolution has been moved and it is in the custody of the House. It is for the House to accept it or reject it. The question is:

"This House strongly deprecates all the slanderous remarks made against Netaji Subhas Chandra Bose in the report of the 'one-man Commission of Inquiry into disappearance of Netaji Subhas Chandra Bose', particularly on pages 7, 16, 30, 31, 37, 124 and 125, by Justice G. D. Khosla, as its Chairman, and urges upon the Government to expunge these disparaging, distorted, factually incorrect and unwarranted observations, before the Report is made available for public circulation as they militate the patriotic sentiment of our countrymen and further, in consonance with our national feeling in this regard, this highest forum of the will of the Indian people once again, affirms nation's solemn homage to the greatest revolutionary pilgrim of our motherland, who played the historic role, like an epical hero, in the war of liberation of United India."

The motion was negatived.

सभापति महोदय : श्री विभूति मिश्र ।

श्री एस० एम० बनर्जी (कानपुर) :
 सभापति महोदय, मैं यह कहना चाहता हूँ कि विभूति मिश्र जी का प्रस्ताव बहुत इम्पार्टेन्ट

है लेकिन श्री इन्द्रजीत गुप्त का प्रस्ताव भी बहुत इम्पार्टेन्ट है इसलिए आप एक मिनट उसके लिए भी छोड़ दीजिएगा, यही मैं आपसे कह रहा था ।

सभापति महोदय : कौन मूव करेगा ?

श्री एस० एम० बनर्जी : श्री चन्द्रपन्न को उन्होंने अयराइज किया है ।

सभापति महोदय : अभी बहुत टाइम है ।

15.45 hrs.

RESOLUTION RE: IMPLEMENTATION OF 20-POINT PROGRAMME

श्री विभूति मिश्र (मोतीहारी) : चेंबरमैन साहब मैं अपने प्रस्ताव को प्रस्तुत करना चाहता हूँ जिसका सम्बन्ध इस प्रकार है :-

"This House while expressing its deep appreciation of the 20-Point programme initiated by Government, notes that its implementation at the State, district, block and village level has not been quite satisfactory so far and, therefore, recommends that necessary steps may be taken by Government immediately to remove all legal and administrative hurdles in the implementation of the programme."

सभापति जी, मैं अपने प्रस्ताव के सम्बन्ध में सर्वप्रथम प्रधानमंत्री जी को धन्यवाद देना चाहता हूँ कि एक बहुत श्रममूल्य 20 सूत्री कार्यक्रम उन्होंने देश के सामने रखा है । जिस परिस्थिति से देश गुजर रहा था उस में उन्होंने एक श्रममूल्य रत्न देश को दिया जिस का हम सभी को पालन करना चाहिये चाहे हम कहीं भी हो ।

प्रधान मंत्री ने अपने 20 सूत्री कार्यक्रम के सम्बन्ध में, आर्थिक मोर्चे पर कान्फ्रिकारी कार्यक्रम में बयान देते हुए उन्होंने कहा कि