

## PARLIAMENT

# Passing The Buck

**N**EARLY two months after a shocked Parliament was rocked by the Nellie and Gohpur massacres and the bloodbath that had drenched Assam during February's election week, the issue had all but been forgotten by both government and opposition. Suddenly last fortnight it was revived by journalist Arun Shourie's scathing exposé in the last issue of INDIA TODAY (May 15) titled *Assam Elections: The Avoidable Tragedy*, and opposition members seized the opportunity to put the Government once again in the dock.

The first salvo was fired in the Rajya Sabha on May 2. For two days, however, the Government effectively stalled the debate's escalation, although opposition leaders in both houses demanded a White Paper from the Government giving the truth about Assam. Then, in a surprising and yet unexplained move, Home Minister P.C. Sethi voluntarily presented a seven-page statement to both houses on May 4.

Sethi's statement took in both the report by Shourie and the issues it had raised. Setting the theme for the Government's defence—which consisted mostly of taking up an unspecific offensive—Sethi said it was "unfortunate that the same old viewpoints based on half-truths are being advanced to give a distorted picture of events". The Government was not culpable, he said. "The responsibility lies with the agitators and those who encourage them unwittingly or otherwise."

"At this stage to form an opinion on the basis of reproductions of some wireless messages in the journal," added Sethi, "would be pre-judging the issue." He sought to show that the intelligence and police messages reproduced, in fact, proved the Government's alertness, and charged that there had been "perversity in interpretation of facts".

**Irked Response:** Failing to deny the authenticity of the messages, which proved conclusively that the Assam administration had had prior warning about the massacres, that the state police had been too preoccupied with the conduct of the elections to rush protection to the threatened minorities, and that there had been a cover-up of epic proportions, Sethi chose instead to conjure up coincidences between publication of photographs of the Nellie massacre and the Non-aligned movement summit in Delhi in March. Congress(I) General Secretary C.M. Stephen later alleged in the Lok Sabha that Shourie's report came in conjunction with a British House of Commons move to debate "unlawful and deliberate" political

killings in India and 22 other countries.

Stephen undertook the role of the Government's chief sabre-rattler. Shourie had brought out no new fact, he alleged, and yet spoke for almost an hour on May 5 with the bluster and invective that have characterised his speeches in the lower house. Charging Shourie with having committed an "unpatriotic and seditious" act, he said the report tarnished India's fair image abroad.

The Stephen-Shourie exchange intensified when Shourie wrote to Balram Jakhar, speaker of the Lok Sabha, requesting him to expunge Stephen's remarks and, failing that, asking for guidance on how to gain redressal from a member of Parliament who flouted convention by using his privilege to defame a person not present in the house. Stephen went on to charge Shourie with sinister motives in quoting wireless messages prefaced by the word 'cipher'. When Shourie offered to pinpoint the files and reports in which those



Sethi: blaming the agitators

messages existed, Stephen said that "with the translation in hand, anybody who had intercepted the coded message would be able to break the code. That is a serious disservice against the security of the country".

**Continuing Debate:** Shourie countered by saying that "the senior-most officers—both of the police and the civilian administration—as well as senior members of Mr Stephen's party are peddling these messages around to pass the blame on to others... should a judicial inquiry or parliamentary committee want to locate the wireless messages that are recorded in plain English, I shall be happy not just to pinpoint the files, reports and records in which they exist, but also identify the senior-most officers and members of Mr Stephen's own party who are peddling them".

Ironically, on the very day the debate exploded in the Rajya Sabha, Deputy Minister for Labour and Rehabilitation Dharam Vir told the house that the official death toll in Assam during the recent violence stood at 1,774. Two days later, in the midst of the acrimony, Sethi had to admit that the death toll was actually 3,000.

That was not all. On March 14, Sethi had told the Lok Sabha that the Assam Government would set up a "high level administrative inquiry" to investigate the massacres, and on March 19 the state's Chief Minister Hiteswar Saikia had vaguely promised that the inquiry would be "possibly" completed within a year. But no action had been taken by the Government afterwards.

Then, on May 6, again at the height of the furore over Shourie's report, Sethi announced that T.P. Tiwari, deputy chairman of the Uttar Pradesh State Planning Board, would constitute a one-man inquiry committee on Assam. The announcement itself was odd because the Union home minister was setting up a state-level inquiry. Moreover, he had refused all along to issue a White Paper, or to set up a full-scale judicial inquiry.

**Weak Defence:** At best, therefore, the Government's defence was weak and self-

## HOUSE OF COMMONS

## Wrong Notion

**W**HEN Congress(I) MP C.M. Stephen took exception to the alleged coincidence between Arun Shourie's article and a move to censure India for "political killings" in the House of Commons, he had evidently got his facts all wrong. The motion was apparently inspired by an Amnesty International report, released a week earlier, in which the reference to India was confined to the killing of 'Naxalites' in Andhra Pradesh. This vital fact was not

mentioned in the London-dated Press Trust of India report which appeared in the Delhi newspapers on May 2, when the Shourie article first figured in Parliament.

On April 19, the motion was given notice of by Ernie Roberts, Labour MP for East London Suburb, and signed by 20 other Labour MP's mostly leftwingers including Tony Benn and Ian Mikardo. Its text read: "That this House, being appalled at the unlawful and deliberate killings of men, women and children carried out for political reasons by order of government or with their complicity in countries such as El Salvador, Guatemala, the Philippines, India, Chile

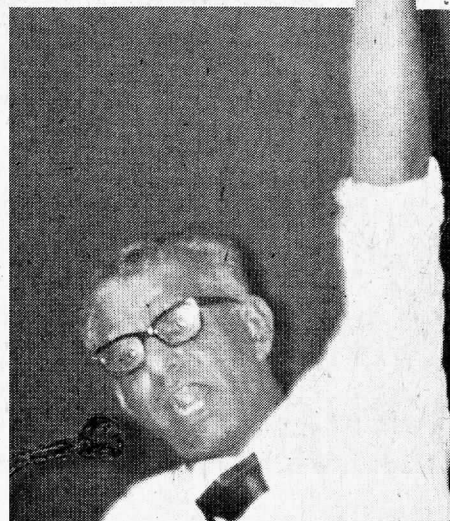
contradictory. On May 4, Sethi reluctantly admitted in the Rajya Sabha: "I have also not said that whatever (Shourie) has said about these reports is wrong." When opposition members demanded that the Government table a report by Assam's inspector general of police (Special Branch) on the massacres, Sethi first denied that the reports had been sent to the Central Government, then went on to say: "Now of course, one or two copies are available in the office although they were not officially sent." And, admitting that the official machinery had failed to protect the minorities, Congress(I) member Rafiq Zakaria said the reason was that "innumerable state officials (were) working hand-in-glove with the agitators"

Trying to absolve the Government of the blame for not having taken steps to prevent the Nellie massacre despite the frantic wireless message sent by the Nowgong police station in-charge at least 72 hours before the massacre, Stephen argued that after the massacre had occurred, "immediately action was taken, a report was submitted, and the officers who were prima facie found guilty were placed under suspension". He also played the Government's pet theme of insinuating a foreign hand behind the Assam exposure.

**T**HROUGHOUT the angry exchanges, opposition members tried in vain to force the Government to issue a White Paper, to set up a judicial inquiry, and to withdraw its derogatory remarks against the press. When all its efforts failed, the non-communist opposition walked out from the Rajya Sabha on May 4, after Era Sezhiyan of the Janata Party attacked the concept of an administrative inquiry in the Assam situation, and Jaswant Singh of the BJP attacked the Government's definition of journalistic responsibility. "Who will teach the Government propriety, who will teach us, the politicians, a code of conduct?" asked Singh, and charged the Government with perfecting "the malevolent art of exploiting fear by first creating it"

The national press rallied around to rebut the Government's allegations. Editorialised *The Times of India*: "Exposure of the Government is a tribute to the society in question... vague charges and insinuations are more appropriate to regimes which survive by terror and not to democratic ones which derive their mandate from the people in free and fair elections." Added *The Tribune*: "Government credibility will never be improved by abusing journalists. On the contrary, allegations of treachery and sedition will boomerang on the accusers."

Central to the ruling party's response to Shourie's investigation was the charge made by Stephen that he had committed a seditious act. Section 124A of the Indian Penal Code defines sedition as "whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffec-



Stephen: wild allegations

tion towards, the Government established by law in India, shall be punished...."

**Sedition Law:** According to legal authorities the law of sedition rests on two vital distinctions: between the Government of the day and the State; and between means permitted by the Constitution and those that lie outside it. Thus, an opposition candidate fighting an election against the ruling government is in a sense attempting to dislodge a "government established by law", but he is not held to be guilty of sedition as, while he is attempting to overthrow a government, he is not attempting to overthrow the State and secondly, as the means he is adopting are those permitted by our laws and the Constitution.

In *D. Soren versus State of Bihar* (1953), however, the Patna High Court had ruled: "But the section has taken care to indicate clearly that strong words used to express disapprobation of the measures of government with a view to their improvement or alteration by lawful means would not come within the section. Similarly, comments, however strongly worded, expressing disapprobation of actions of the Government, without exciting those feelings which generate the inclination to cause public disorder by acts of violence, would not be penal. In other words, disloyalty to government established by law is not the same thing as commenting in strong terms upon the measures or acts of government, or its agencies, so as to ameliorate the condition of the people...."

Commenting on Shourie's complaint to the speaker that he had unfairly made defamatory allegations while covered by parliamentary privilege, Stephen said: "The first opportunity I get to make a speech, I will make the statement openly and I will be challenging him to prosecute me." At fortnight's end, therefore, the debate over Assam in Parliament had once again subsided, save for the rancour it had succeeded in stirring up. But the Government had finally to acknowledge a death toll far higher than its earlier estimate, and it had also been unable to deny that Assam's police force, preoccupied with the conduct of the elections, had failed to prevent a massacre of Nellie's magnitude.

A little of the silence that lay over the Assam cover-up had been peeled off, but it was clear that any administrative inquiry would avoid placing guilt on any of the higher officials who had set in motion the process that had peaked at Nellie. The horror and anguish that Nellie had aroused throughout the country would ensure that a few scapegoats would be led to the sacrificial altar; it was also clear, therefore, that there was a limit to accountability despite a vigilant press.

—CHAITANYA KALBAG

be introduced following letters from Dr V.A. Seyid Muhammad, India's high commissioner to Britain, which sought to end the motion with the words "but regret that India, a country with undoubted democratic institutions including a free press and free elections, should be included in a charge of murder which cannot possibly be substantiated...."

When last fortnight Prime Minister Margaret Thatcher ordered a general election for June the motion had still not come up for discussion. The House of Commons will be dissolved on June 13. Naturally, it will never see the light of day.

—BONNY MUKHERJEE in London

and Iran, and at least 17 other countries in Asia, Africa and Latin America, and offering its support for the Amnesty International campaign against 'murder by government', urgently calls upon her Majesty's Government to raise its concern with representatives of the offending governments in every appropriate forum."

**Totally Unrelated:** Said Roberts to INDIA TODAY: "It is a very general motion that is part of a campaign of the Amnesty International." When he was asked if the motion related to the Assam killings, the MP pleaded ignorance.

Later, an amendment was sought to