

Secret

GOVERNMENT OF INDIA

MINISTRY OF EXTERNAL AFFAIRS

East Asia Division SECTION

NOTES/CORRESPONDENCE

File No. C/125/25/76-SP
Volume

Subject

Lok sabh. stand. Q. D. no 1587 by shri N.L. Sondhi regarding rescission of Tokyo Verdict against Netaji Subhas chandra Bose. and Indian Parliamentary group for the reversal of Tokyo Verdict.

Indexed on _____

Initials _____

Record A/B Destroy in 1980 - SPK
Record C.

To be noted _____ in Sectional Note Book
Not to be noted _____

Initials of S.O. / Suptd _____

Initials of Clerk _____

Comsyp. Sl. nos (1-10)

note (1-7)

P. Manaktale
SECTION OFFICER
MINISTRY OF EXTERNAL AFFAIRS

RECORDED

Previous References

Later References

Keep per
42083
APPROVED
NATIONAL ARCHIVES
OF INDIA

DECLASSIFIED

(Signature)
SAUTAM GUPTA
उप सचिव (ए एवं आर.एम.)
Dy. Secretary (A&RM)
विदेश मंत्रालय, नई दिल्ली
Ministry of External Affairs
New Delhi

Minister of External Affairs
East Asia Division

(1)

D. 11326-EA/70 sl. no 1

Our main file no C/551/25/64-JP ~~is~~
regarding miscellaneous correspondence ~~regarding~~
on Netaji Subhas Chandra Bose's death and whether he
was declared a war criminal was sent to the
Min of H.A. for the Pass in the Enquiry Commission
on Netaji S. C. Bose. However our file no.
85(21)-EA/57 is placed below for information. It
appears that the then Home Member Sardar Vallabhbhai
Patel declared in the Legislative Assembly on 30.10.
1946 that there is no restriction on Netaji's coming
back to India.

Submitted.

(u)
21/10

US (S)

MHA may pl. see.

Ureman

DS may please see the Parliament Question on
Netaji from MHA (FR).

We are not in a position to make any comment
on (a), (b), and (d) and as far as (c) is concerned,
our file No. C/551/25/64-JP regarding Netaji's death
and whether he was declared a 'war criminal' was
sent to the MHA.

We may inform the MHA accordingly.

Ureman
US(J)
26/10/70

~~DS(EA)~~

Yes please and also explain this
MHA is the competent authority to
deal with questions (a), (c) and (d).

Ureman
27/10

I have send a note ~~out~~ to
MHA and also had explained day phone
to Mr Agrawal.

EN (dis)

sl. no 2

te: 28/10
185

11856 - 100/70 - 56,000 3

The following information was obtained from the records of the
 Bureau of Land Management, Department of the Interior, Washington, D.C.
 on 11/18/70. The records show that the land described herein was
 acquired by the Bureau of Land Management in 1956. The land was
 acquired from the State of California. The land was acquired for
 the purpose of establishing a national monument. The land was
 acquired from the State of California. The land was acquired for
 the purpose of establishing a national monument.

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 acquired from the State of California. The land was acquired for
 the purpose of establishing a national monument. The land was
 acquired from the State of California. The land was acquired for
 the purpose of establishing a national monument.

PRIME MINISTER'S SECRETARIAT

I place below copy of a letter which Shri M.L. Sondhi, M.P., has addressed to the Prime Minister and would be extremely grateful for the comments of the Ministry of External Affairs on paragraphs 2-4 of the letter.

Dr. No. 6040
Dated 21/10
1211 (EA)

P. N. Haksar
(P.N. Haksar)
Secretary to P.M.
16-10-1970.

7825 / FS / 70
17/10

Foreign Secretary.

File No. pms - 23246
16/x

[Handwritten signature]
19/10

DEA

Mr. Sondhi is apparently trying to raise a hornets nest over nothing and it is difficult to accept any of his suggestions.

Now that a fresh one-man Commission has been appointed under Justice Khosla, his questions and conjectures could be referred to the Commission for such action as the Commission deems fit.

Consulting other Governments' archives:

- i) The Commission, if it deems fit, could ask for the archives lying with the US State Department and the Japanese Government through this Ministry.
- ii) Associating other foreign judges:
It will be unfair, improper and beneath our dignity to associate any internationally well-known jurist to the Commission implying thereby that Justice Khosla is not good enough.

iii) Pal's judgement:

Mr. Sondhi seems to be even more confused when he talks about the Tokyo trial. All the persons who were tried on the charges of being war criminals in Tokyo, were Japanese and we have no evidence to suggest that Netaji was ever included in the list as a war criminal. Although Radhabinod Pal gave a dissenting judgement acquitting all the Japanese of war crimes, Government of India itself did not associate with the judgement.

Prime Minister Nehru himself characterized Pal's judgement in the following words:

"In this judgement wild and sweeping statements have been made with many of which we do not agree at all". (Prime Minister's telegram No. 1787 dated 29.11.1948 to the then Governor General).

Government of India even considered informing all Governments concerned informally that we were in no way responsible for Pal's judgement.

Mr. Sondhi's ideas seem to be based on superficial evidence ^{and} a hasty judgement and deserve no serious attention, and all that we can do is to refer them to the Khosla Commission for whatever they are worth.

[Handwritten signature]

(V.V. Paranjpe)
October 31, 1970

F.S.

As directed by P.M. a draft letter to Sondhi is prepared. *[Signature]*
[Signature]
[Signature]
"1/11"

1141-459/70
16/11
6557-202
18/11
12320 *[Signature]*
19/11
D1017/S-F M/70
18/11
4949-252A/20
16-11-70
to *[Signature]* *[Signature]*

F.M.
Draft approved by P.M. issued *[Signature]*
14-11-70
DIR(EP)
Dr. M. Kufar *[Signature]*
14/11

Ref. F.R.

1. Discussed with F.M.
2. Pl report quickly as to what was the verdict - if any - re. Netaji in the War Crimes Trial in Tokyo. Consult Historical Division.

Sd- S.K. Banerji
Secretary(E)
23.11.1970

Dir.(EA)

Pps. pl.

sd- V.V. P
24-11-1970

US(J)

Submitted with papers.

Jahangir
US(J)
24-11-1970

Director(EA)

Mr Sawli had sent a letter earlier on the same subject to I.D. and F.D. has sent a reply on 14.11. No other reply to Mr. Sawli. Hence, need called for. Mr. Sawli's catch is seen to be based on wrong emphasis.

Jahangir
25/11

Secy E

I have discussed this with Secretary(East). He would also like to have the opinion of DHD in this matter.

2. Even though Netaji Bose may not have been mentioned as an accused at the Tokyo trials, there might be a possibility of his being indirectly treated as such - particularly on the question of mal-treatment of POWs by the Japanese in South East Asia and elsewhere.

3. Will DHD please examine and give us his considered

-6-
-4-

from pre-page

opinion on the points raised by Shri Sondhi in his latest letter?

V.V. Paranjpe
(V.V. PARANJPE)
Director (East Asia)
25-11-1970

~~AD~~
DHD

Historical Division

The International Military Tribunal for the Far East at Tokyo, tried 28 war-time Japanese leaders for (a) Crimes against Peace, (b) Murder and (c) Conventional War Crimes and Crimes against humanity. Netaji Subhas Bose's name does not find a place in the indicted list. Hence the question of Netaji being directly treated as a war criminal does not arise.

The next alternate question could be whether there might be a possibility of his being indirectly treated as such - particularly on the question of mal-treatment of POWs by the Japanese in South East Asia and elsewhere. A scrutiny of the available material on the subject provide no evidence to suggest that there could be even a remote possibility of Netaji Subhas Bose being construed as a war criminal by sheer implication, particularly on the question of mal-treatment of Prisoners of War by the Japanese in South East Asia and elsewhere.

The International Tribunal's findings relating to war crimes and atrocities place the blame squarely on the Japanese War Ministry in particular. Justice R.B. Pal too, in his dissenting judgment has put the responsibility for the treatment of Prisoners of War on the then ^{Japanese} Government.

Points of interest from the verdict are:

- (a) On the question of mal-treatment of Prisoners of War no other foreign leader except the Japanese has been blamed.
- (b) The evidence adduced does not mention any specific instance of mal-treatment wherein the Indian leader was involved.
- (c) On the question of treatment of Prisoners of War the verdict at no place discusses the role of any other leader like Netaji.

Mr. Sondhi has raised the question whether the verdict of the Tokyo Trial vis-a-vis Netaji Bose in international law may be construed to establish his indictment with Gen. Tojo and others who were declared to be war criminals.

4-30 PM

26/11/70

700 70
30/11

Dy. No. 297. S/DHO/70
30/11/70

Japan ratified the Hague convention of 1907 respecting laws and customs of war on land which provided for humane treatment of Prisoners of War and condemned treacherous and inhuman conduct of war. Japan signed the Geneva Convention of 1929 on treatment of Prisoners of War but never ratified it. The Japanese domestic law, peace law, army and navy penal code and court-martial law were in some respects not compatible with the Geneva Convention. Mr. Sondhi's question is to be viewed in this context probably.

However varied the Japanese concept of the treatment of Prisoners of War may be, it is hard to comprehend how Netaji could be implicated with no evidence to establish his association with the war crimes. In view of the lack of evidence, even looking at the question from the point of view of International Law may prove untenable and become a futile exercise. The strong motivation to have the International verdict vacated somehow or other appears to be the principal reason to have Netaji implicated as war criminal - of course, for no reason.

Another point of incidental interest is that Netaji's name is not included in the list of war criminals by the United Nations War Crimes Commission.

153 DBA/7
11/1
74/5-20/7
18/12

B.K. Basu
(B.K. Basu)
Director
18.12.70

Director (EA)

Scry (E) hold like to su.

LA in
- 18/12

11-1
21/1/71

Scry (E) = a return

Bany
8/1/71

~~Dir EA~~

Part 4 finished. - we may

only file this

LA 2
11/1

141-DS(EA)/71
11-1

29-US5/71
11/1

US/71
12/1

2742/02EA/71
18/5

EA (Sw)

12/1

①

Most Immediate
Parliament Question

Subject:- Starred Question Dy.NO. 1587 for
11.11.70 regarding Rescission of the
Tokyo Verdict against Netaji Subhash
Chandra Bose.

A copy of Lok Sabha Secretariat UO.NO. SQ 1587/
11-11/70-Q, dated 23rd October, 1970 together with a
copy of the Starred Question Dy.NO. 1587 is enclosed.
Ministry of External Affairs may kindly furnish relevant
material immediately to enable this Ministry to furnish
the facts to the Lok Sabha Secretariat.

11326/EA 8/70
24/10/70

T.R. Agnani

(T.R. AGNANI)

UNDER SECRETARY TO THE GOVT. OF INDIA

MEA (Shri T. Chempoot, Under Secretary)

MHA UO NO. F. 18749/70-Poll. U Dated:- 24th October, 1970

WS (C)
24/10/70

QUESTION FOR THE LOK SABHA

O.P. III

D.No. 1587

Ministry to which the day has been
allotted.

HOME AFFAIRS

The question will be put down for the
sitting on the:- 11.11.1970.

RESCISSION OF THE TOKYO VERDICT
AGAINST NETAJI SUBHAS CHANDER BOSE

SHRI M. L. SONDHI: .

Will the Minister of Home Affairs be pleased to
state:

- (a) whether it is necessary for the success of the Netaji Inquiry Commission (1970) that the Tokyo Verdict should be vacated;
- (b) whether it is a fact that according to the law laid down in the Tokyo Trial verdict, Netaji Subhash Chandra Bose is considered as a 'War-Criminal';
- (c) whether Government of India have accepted the Tokyo verdict; and
- (d) if so, whether Government propose to take steps to rescind the Tokyo verdict nationally and internationally?

2

MOST IMMEDIATE

PARLIAMENT QUESTION

Ministry of External Affairs
(East Asia Division)

...

Sub: Starred Question Dy.No.1587 for 11.11.70
regarding rescission of the Tokyo Verdict
against Netaji Subhash Chandra Bose.

...

Ref. Ministry of Home Affairs' u.o. No.F.18/49/70-
Poll.II, dated 24 October, 1970, on the above subject.

This Ministry is not in a position to make any
comment on a), c) & d) of the question.

Insofar as b) is concerned, our file on the
subject whether Netaji was declared a war criminal
(No.F.C/551/25/64-JP) has since been transferred to
MHA.

tw
(T. Cherpoot)
Under Secretary(J)

MHA(Shri T.R. Agnani, Under Secretary)
MEA u.o. No. C/125/25/70-JP dated 28 Oct.1970

JSSmad
[Signature]
28/x

Plw h
[Signature]
28/x

Ch

3

4

Confidential

Ministry of External Affairs
(E.A. Division)

In 1948, the International Military Tribunal for the Far East tried 28 war-time Japanese leaders. The Tribunal with a bench of 11 judges was instituted to represent the 11 nations participating in the Far Eastern Commission. Among the judges was Mr. Justice R.B. Pal from India.

Seven of them were sentenced to death, mostly ex-Generals. One to 20 years', one to seven years' imprisonment and the rest were sentenced to life imprisonment.

Justice Pal was one of the three judges who dissented from the verdict; the other two (being from Holland and France) dissenting in part. In his opinion the crimes that the Tribunal could try must be limited to those committed in, or in connection with, war. He remarked that, in his judgement, the alleged overall conspiracy has not been proved. Justice Pal said "I would hold that each and every one of the accused must be found not guilty of each and every one of the charges in the indictment and should be acquitted of all charges".

0.1185-6 EAO/2-
7/11

Regarding Justice Pal's judgement, there was some suspicion that Government of India had inspired his judgement but Government said that "we are in no way responsible for it". At one time the Government was thinking of informing the other Governments concerned accordingly but in the absence of any serious controversy or criticism of Justice Pal's judgement, it was found not necessary to issue any statement.

However, under instructions, Shri B.N. Chakravarty, who was then Head of the Indian Liaison Mission in Tokyo, suggested commutation of the sentences of death to those of life imprisonment, on the basis that Government of India was averse to death penalty and in this case, in view of marked divergence of opinion, it is clear that imposition of death sentences would be improper.

There was a starred question No.1939 in the Lok Sabha on whether it has been ascertained that the list of war criminals contained the name of Netaji, on 14 May, 1956. It was said in reply that there was no question of Netaji Subhash Chandra being in the list of war criminals and that the Government proposed to take no action in this matter.

Director (E.A.)

US(J)
31.10.1970

15/11/70
4/14
6/11
EA-DW
6/11

(5)

Ref: MHA file no. F 18/49/70 - Part II
on Parl. question.

I have spoken to Dir. Lee should sort
our files to them. te 31/10

Ministry of External Affairs
(East Asia Division)

...

Ref. MHA u.o. No.18/49/70, Poll. II dated
31.10.1970, above.

We are forwarding herewith MEA file No.601(54)
CJK/49, regarding the judgement of International Military
Tribunal for the Far East. I have glanced through the
file and have not come across the name of Netaji having
been mentioned anywhere as a war criminal. MHA may
also like to look through it.

Forwarded herewith are also the undermentioned
files:

1. F.21(15)FEA/56
2. F.21(19)FEA/56
3. F.21(22)FEA/56

regarding the Parliament Question on "Whether Netaji's
name was in the list of war criminals".

We are also returning herewith file No.551/25/64-JP.

Our files, when no longer required, may kindly
be returned to us.

- f -
Under Secretary(J)
Tel.373100

(6)
(COPY)

M.L. Sondhi
Member of Parliament
(Lok Sabha)

C-I/6, Lodi Gardens,
New Delhi-3.

15th October, 1970.

Dear Prime Minister,

Please permit me to draw your attention to a reference to Netaji's death which was published in the American version of Goebbel's Diary in its first edition. As you will notice in the enclosed copy of a page of this book, it has been mentioned in the explanatory note that Netaji was arrested and shot by the American troops. This American edition of Goebbel's Diary was withdrawn from circulation by the American Government, but we have been able to trace a copy of this book and I am drawing your attention to this particular matter because of the Netaji Inquiry Commission (1970) the Government have formed with Justice G.D. Khosla as its Chairman.

2. We are all very thankful to you for having agreed to make another effort to clear the mystery of Netaji's death, but in my view this mystery is surrounded with so much secrecy that unless this Committee of Enquiry has also some members from other countries, the Committee will not be able to achieve anything very substantial. In the first place, Government of India should request the State Department of the U.S. Government to release from its archives all the secret files in connection with Netaji's death and the same approach should also be made to the Japanese and other Governments.

3. May I, therefore, suggest that you should kindly review the composition of the Enquiry Committee and include in it some internationally well-known jurists and ensure that the injustice done by the Shah Nawaz Commission of 1956 is not repeated.

4. I have to draw your attention to a related matter which is the Verdict of the Tokyo Trial vis-a-vis Netaji. The consistent position taken by our informed citizens is that the Tokyo Trial was a grave injustice to the Japanese people and to Netaji. There is a popular demand among Indian intellectuals that the Government of India should take concrete steps to undo the Verdict of the Tokyo Trial. It is a matter of some comfort that the renowned Indian judge Radha Binod Pal in his dissenting judgement exposed by implication the malafides of the other Allied judges on the Tokyo tribunal. Reflecting the wishes of the overwhelming majority of millions of our countrymen who respect and admire the cooperation of Subhas Chandra Bose and the Japanese people, I propose

-contd.-

to bring in the next session of Parliament a motion placing on record the heartfelt thanks of the Indian people to the Japanese people and calling upon the Government of India to take steps to get the Tokyo Verdict vacated by all diplomatic means at its disposal. I trust I shall receive your support in this.

With kind regards,

Yours sincerely,

Sd/- M.L. Sondhi.

Smt. Indira Gandhi,
Prime Minister of India,
No. 1, Safdarjang Road,
New Delhi.

Encl. one.

18

EXTRACT FROM
FIRST AMERICAN EDITION OF
THE GOEBBELS DIARIES
Translated and edited by
Louis P. Sochner

Page 107 - March 1942

The Indian crisis is on the upgrade. We have succeeded in prevailing upon the Indian nationalist leader, Bose, to issue an imposing declaration of war against England. It will be published most prominently in the German press and commented upon. In that way we shall now begin our official fight on behalf of India, even though we don't as yet admit it openly.

(Subhas Chandra Bose was head of the Zentrale freies Indien (Central Bureau for a Free India), which had its Berlin office at No.2 Lichtenstein Allee. With Pandit K.A. Bhatta as editor, he brought out a monthly magazine, Azad Hind, with Nazi money. It was published with the English text on the right side, the German on the left. Later he left for Japan and, according to reports, was seized there by the Americans, tried and executed for treason).

We have held back for a very long time, for the simple reason that things had not advanced far enough as yet in India and that one must not waste one's powder as long as the enemy is near.

N.B. Dr. Louis P. Lochner was for 20 years Chief of the Associated Press and he was President of the Foreign Press Association in Berlin.

No. 136 /70-FM

(4)
Sw.
14/11
New Delhi,
14th November 1970.

Dear Shri Sondhi,

I write this to acknowledge your letter dated October 15, 1970, addressed to Prime Minister, regarding enquiries into Netaji's death.

2. Since the Government has already appointed a one-man Commission under an eminent Indian jurist, Justice G.D. Khosla, it would be more appropriate if you could address all your suggestions to the Commission, who, I am sure, would give them due weight.

3. As regards para 4 of your letter, I am afraid there seems to be some misunderstanding. The persons tried at the Tokyo Trial were all Japanese and there is no evidence to suggest that Netaji was tried by the said court.

4. If there is any aspect that requires further discussion, I will be glad to do so.

With kind regards,

Yours sincerely,

(Swaran Singh).

Shri M.L. Sondhi, MP.,
C-I/6, Lodi Gardens,
New Delhi-3.

Foreign Minister's Office
Date: 18/11
No. 139.../F.M.



सत्यमेव जयते

FM Sample 18/11
copy (E)

Dy. No. 7518/Secy. (East)
Date 18/11

INDIAN PARLIAMENTARY GROUP FOR THE REVERSAL OF THE TOKYO VERDICT

Convenor :
PROFESSOR M. L. SONDHI
MEMBER OF PARLIAMENT - LOK SABHA

1. Discussed with FM.
2. Pl. report quickly
as to what was the
verdict - if any - re.
in the War Crimes Trial in
Tokyo. Consult
Historical Division
November 11, 1970.

6, LODI GARDENS,
NEW DELHI - 3
INDIA

Netaji 125 26/EM/11
24/11

Div EA

Dear Honourable Member, and Minister for External Affairs,

In the context of the Khosla Commission (Netaji Inquiry Commission (1970)) I have to draw your attention to a related matter which is that the verdict of the Tokyo Trial vis-a-vis Netaji Subhas Chandra Bose in international law may be construed to establish his indictment with General Tojo and others who were declared to be war-criminals.

There is clearly an obligation on the Government of India if it is serious and sincere in setting up the Netaji Inquiry Commission (1970) to first of all declare that the Tokyo Verdict is rejected by India and to simultaneously take steps to internationally secure the reversal of the Tokyo Verdict.

In the absence of the reversal of the Tokyo Verdict the work of the Netaji Inquiry Commission (1970) must remain farcical. The matter therefore assumes urgency.

I trust you will signify your approval to supporting the Indian Parliamentary Group for the Reversal of the Tokyo Verdict which will secure the following objectives:

- (1) Establish beyond a shadow of doubt that Netaji Subhas Chandra Bose's role in South East Asia was the highest manifestation of the universal ideals of freedom and human rights.
- (2) Clear the way for a fruitful and constructive enquiry which Members of Parliament have continuously demanded.

P. T. O.

6776-24/11
H. B.
24/11
W. G.



भारत गणराज्य

12/11
12/11

INDIAN PARLIAMENTARY GROUP FOR THE REVERSAL OF THE TOKYO VERDICT

6, LODI GARDENS
NEW DELHI-1
INDIA

PROFESSOR M. L. SONDLHI
MEMBER OF PARLIAMENT - LOK SABHA

(3) Give full value to the dissenting
judgment of the renowned Indian
Judge Radha Binod Pal.

I shall be grateful if you will kindly give
thought and deliberation to the issues involved and
I am confident that you will be led to such conclusions
as will enable our Parliament to proclaim the fair name
of Netaji in Asia and in the whole world without the
impediment which follows from the grave Injustice of
the Tokyo Trial.

Thanking you and with kind regards,

Yours sincerely,

M. L. Sondhi

(M. L. SONDLHI)

Shri Swaran Singh,
Minister of External Affairs,
7, Hastings Road,
New Delhi.

- (1) Established beyond a shadow of doubt that
Netaji Subhas Chandra Bose's role in
South East Asia was the highest merit
realization of the universal ideals of
freedom and human rights.
- (2) Clear the way for a truthful and com-
prehensive enquiry which Members of Par-
liament have continuously demanded.

⑤

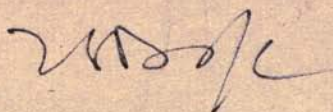
①

November 18, 1970.

Dear Sir,

I am desired by Sardar Swaran Singh to acknowledge receipt of your letter dated November 11, 1970 regarding reversal of the Tokyo verdict vis-a-vis Netaji Subhas Chandra Bose, and to say that the same is receiving the Minister's attention.

Yours faithfully,



(Z. S. Bains)

Shri M.L. Sondhi, MP,
6, Lodi Gardens,
New Delhi-3.

188/11
1971

7

Most Immediate

Parliament Question

No. 15518/70 SP

Ministry of External Affairs
(East Asia Division)

...

Placed below is MHA file on Parliament Question regarding Khosla Commission.

MHA wants us to see their draft reply to the Rajya Sabha Secretariat and at the same time request us to accept the transfer in case the question is admitted.

While agreeing to the DFA, we may, however, object to the transfer of the question even if it is admitted on the ground that this is purely the subject concern of the Khosla Commission.

Chung

US(J)

6-11-1970

4733-DSRM/70
6-11-70
4732-DSRM/70
6-11-70

~~DS(EA)~~

Director(EA)

We may have no objections to the draft but MHA should deal with this.

JRS
6/11

~~Di(EA)~~

PA 53/DK/70
6/11

1108/US/70
7/11

It is as proposed in the draft that Khosla Commission works under MHA. It has a copy of Rajya Sabha resolution. *6/11*

~~DS(EA)~~
~~US(J)~~
JRS
6/11

Please send MHA file back & also send enclosed copy to Rajya Sabha Secretariat

SA (Div)

Chung
7/11

125/33/70

Ministry of External Affairs
(East Asia Division)

...

Ref. MHA u.o. No.7/21/70, dated 4.11.70, regarding
Rajya Sabha starred question Dy.No.3460 by Shri
Chitta Basu, in connection with Khosla Commission's
probe about disappearance of Netaji.

This Ministry concurs in the proposed draft
reply to the Rajya Sabha Secretariat but regret
that they cannot agree to the transfer of the
question since Khosla Commission works under the
Ministry of Home Affairs and as such it is their
responsibility.

(T. Cherpoot)
Under Secretary (J).

Ministry of Home Affairs (Shri R. Vasudevan, DS (Poll. II))
MEA u.o. No.C/551/8/70-JP dt. 7.11.1970

Copy forwarded to the Rajya Sabha Secretariat,
New Delhi, for information.

te
Under Secretary (J)
MEA, New Delhi.

9/11

Ministry of External Affairs
(East Asia Division)

...

Ref. MHA u.o. No.7/21/70-Pol.II, dated 19.11.1970,
above.

Even on reconsideration we cannot agree to the
transfer of the Lok Sabha question in view of reasons
mentioned in our u.o. of even number, dated 7.11.1970
(p.2/n).

MHA may, however, if they so desire, consult

I have consulted
Director
to
20/11

Swa-110)

Ministry of External Affairs
(L&T Division)

...

It would appear that when the linked file No. C/551/25/64/IP was referred to us in 1964, Dr. Jagota Director(L&T) had suggested that the file should be resubmitted to us after some time. This does not seem to have been done.

2. The judgement of the Tokyo Tribunal is very bulky and it would need considerable time for a detailed examination. In view of the urgency of the matter due to the Parliament question tabled now, we have tried to do a quick examination of the judgement to see what is its relevance to the work of the Netaji Inquiry Commission.

3. Our comments are as follows: We have not been able to find any reference to the name of Netaji Subhash Chander Bose in the list of war criminals with which the Tokyo Tribunal was concerned. It would appear from these papers that in the past also a statement has been made on behalf of Government in Lok Sabha that Netaji Subhash Chander Bose's name was not included in the lists of war-criminals drawn up from time to time by the United Nations War Crimes Commission and no reference had been made to the Government of India at any time by a foreign Government on this subject. Hence, we do not see why it is necessary for the success of the Netaji Inquiry Commission to have the Tokyo verdict vacated.

4. As regards the question whether, according to the law laid down in the Tokyo Verdict, Netaji Subhash Chander Bose is considered as a war-criminal, it is not possible for us to say anything in the absence of any particulars regarding allegations or charges against the Netaji.

5. We do not see how the question of the Government of India having "accepted" the Tokyo Verdict arises and in any case we do not see how the Government of India can take any steps to 'rescind' the Tokyo Verdict nationally or internationally. The Tokyo Tribunal was established by the Supreme Commander for the Allied Powers for a specific purpose, viz., the trial of certain persons charged individually or as members of certain organisations or in both capacities for war crimes and crimes against peace. After the Tribunal performed its work in accordance with its Charter approved by the Supreme Commander it was wound up. There is, therefore, no forum in which the verdict of the Tribunal can be rescinded.

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