

THE PRICE OF LOYALTY

THE SAMBA SPY SCANDAL

This book is a shocking spine-chilling first hand account of the rot that prevails in the Indian Army; of the brutal and inhuman torture inflicted on the officers and men who were falsely implicated in the so-called Samba Spy Case; and of the dishonour and immense suffering these unfortunate victims have had to undergo. A number of them, including the author, were jailed, and others dismissed from the service. A striking feature is that the civil Intelligence Bureau authorities steadfastly stuck to the truth and refused to bow before Army incompetence. Their actions, vindicating the innocence of truthfulness and professional honesty. The recent expose in the national press and on TV, highlighting the innocence of the victims brings out that it is always on the qui vive to vindicate right.

The account is a true exposure of the intrigues, corruption, greed, insensitivity, cowardliness, disloyalty, which mark the fabrication of the so-called Samba Spy Case.

The book is an essential reading for the country's leadership and the public who ought to know and judge the truth. It ought to be a text-book for the Army and defence administrators who are vested with vast powers over the destinies of those who man the army, and whose sacred duty is to be just and fair to those who give their all in the services of the motherland.

The author was born on 5 February 1945 in Himachal Pradesh State. Whilst studying in DAV College, Hoshiarpur, he gave up his studies to join the Indian Army. In 1962 due to patriotic fervor. He saw active service in 1965 and also in 1971. He was commissioned in 1969 in the Garhwal Rifles. The misfortunes and vicissitudes he has undergone followed in the wake of his posting as an Intelligence Officer at Samba (J & K State). He was falsely implicated in the infamous Samba Spy Case court-martialled by the Army and jailed in 1980. This book was written by him in Central Jail, Tihar, and is now being published. He has undying faith in the motto: "Satyam eva Jayate".

After his release from Jail in 1989, he struggled against heavy odds to rehabilitate himself and his family, which suffered enormous hardships. Today, he is the Managing Director of Serval Security Service and also of the Brown Dart Courier which are the two divisions of Serval Express Services (P) Ltd. His wife, Swaran, and two daughters Ritu and Rakhi, assist him in his business.

Captain Ranbir Singh Rathaur

PREFACE

The object of my writing this book - apart from vindicating my personal honour, a life force of a soldier - was to show to the people of my country, how a handful of military intelligence officers successfully conspired to inflict a blistering wound to the prestige of our army. It will continue to hound not only the army, but the entire nation for generations to come.

This is a case unparalleled in history where an entire brigade of our army was decimated through two confirmed Pakistan agents provocateur - Aya Singh and Sarwan Das. These agents were, due to the crass stupidity of the army top brass, able to achieve what was perhaps an impossibility for the entire Pakistan army.

This is a case that shows total lack of competence of the then army chief who had ordered arrests of the officers and men enmasse without evidence or without corroboration or verification of the statements given by the two gunners and other victims under extreme torture. It is a matter of analysis for future historians to make how this General could believe that so many honest officers could take to spying, that too from a single brigade overnight and indulge in transborder crossing as rightly observed by Lieut. General K. Chiman Singh, (as if there was a football match or a movie show) - in total disregard to their personal safety and throwing all norms of intelligence operations to the winds. He failed to see that no intelligence agency anywhere in the world could have acted in such a dilettante or amateurish manner in operating the alleged Indian army agents! Besides he failed to realise that not a single person was ever caught red handed, not a single document was reported missing, not a single person was found living beyond his means or had assets disproportionate to his known source of income, even though alleged to have been criss-crossing the border routinely for over four years. Even when he learned the truth instead of giving justice to the victims he sentenced them to long terms of imprisonment.

This is a case which shows how the officers and men of Indian army were brutally tortured for months together, insulted humiliated and robbed of their honour in an utterly disgraceful manner by none other than their co-brothers in uniform. The safeguards provided to persons in the army were thus openly and blatantly trampled. This case was directly handled by the Army Headquarters breaking all the chains of commands.

This is a case that will show the degeneration of successive army top brass to rubber stamp the false case. Even when the truth had become unquestionable and fully manifested itself, the army top brass has continued to maintain silence and resort to inaction under the cover of àrmy

discipline and morale'. It is left to wonder why do they want to build the army discipline and morale on the foundations of falsehood at the cost of the honour of the army and the victims of this great national fraud and betrayal.

This is a case that would show the imprudence of the members of the General Court Martial, of holding the Indian Post Kandra in Pakistan, the base of the Samba case, and the army top brass who confirmed my illegal sentence and thereby handing over this Indian piece of territory of Pakistan, albeit on paper.

This is a case that would show how the political leadership too failed to curb or check the unbridled powers of the army top brass despite the truth of the matter having been made known to them by their own agencies such as the Intelligence Bureau. The magnitude of their fault is no less than that of General Malhotra for perpetuating miseries to countless innocent persons and their families. I personally wrote petitions to each and every known leader of this country whether in power or opposition, telling them the inside story and cautioning them about the dangers it would present in case the truth was allowed to be suppressed.

Finally my petitions to civil courts also went unheard, being dismissed, until lately the strong stand taken by a Full Bench presided over by Hon'ble Mrs. Justice Sunanda Bhandare of the Hon'ble Delhi High Court in the case of Major N.R. Ajwani and others, that my dead hopes were once again revived. It is only after the judgement was upheld by the Hon'ble Supreme Court of India that fresh evidence came to light and the publication of this book became a possibility.

I wish to thank Shri V.K. Kaul, I.P.S., T.V. Rajeswar, I.P.S., the then DIB and former Governor of Sikkim and West Bengal, and Lieut. General K. Chiman Singh for speaking in favour of the truth and the media for exposing and highlighting this fraud.

I wish to thank Lieut. Colonel J.D. Desai, under whom I served as adjutant of 11 Garhwal Rifles and who became my defending officer at the trial, for encouraging me to write about this unfortunate episode. I thank Shri Samuel Israil, then working in Vikas publications for going through the first draft of this book and his valuable guidance for re-writing it. My thanks are due to Shri R.n. Kumar who read the manuscript and sent the same for circulation in India as well as abroad. I also thank Shri Jean Ecalé, a French mathematician for comparing the work with the best of Russian Dissident literature and publishing the story in a play form in "Indian Resurrection". I also wish to thank the "Evil Genius"- Gurmukh Charles Sobhraj for his invaluable help in lending his typewriter to me in jail.

I also wish to thank my wife Swaran Rathaur through whose untiring efforts my life and the lives of many victims were possibly saved and I was able to complete this book. She stood by me like a rock and inspired me at every stage when my inner spirit seemed to desert me.

And finally my debts are due to Shri Ashwani Kapoor, Chairman and managing Director, Competent Holdings Limited for his invaluable help in getting this book published. This contains a true account of what happened to me and how the Samba Spies were created. But let me confess; the account is only one fourth of what actually happened, because I lacked the expression to portray it in totality.

Temporary Duty

As July waxed into August 1978, I, Captain Ranbir Singh Rathaur of II Garhwal Rifles, returned to my unit full of enthusiasm having completed my 'pre-course' in preparation for possible selection for training at the prestigious Staff College, the ambition of every professional soldier. I was happy at my performance at the pre-course and therefore was not over-resentful when I was told that my long looked-forward leave would have to be postponed. There had been a sudden unexpected fall in the officer strength of my unit and I could not be spared.

The task assigned to me was completion of my Company's Annual Range Classification firing, but since the long range was at the time being used by another unit, I decided, pending allotment of the long range to my Company, to complete the preliminary zeroing of the weapons at the short range. While I was conducting the firing, the office runner brought me a message from the Commanding Officer (CO) : 'The CO wants you to report to him, sir.'

At what time does he want me'?

'Right away, sir.'

I handed over charge to my second-in-command, mounted my scooter and rode off to the office, wondering what it was that the CO wanted to see me so urgently about. 'Deepak,' I said to the Adjutant when I entered the office 'the CO has called for me.'

Please find out whether he is free to see me.'

The Adjutant checked over the intercom. 'You may go in right now,' he said, as he replaced the hand set,'

I'll finish your cigarette for you. Don't stub it.'

I smiled, handed over the cigarette I had just lighted and walked over to the CO's room.

'May I come in, sir'?

There was a deep growl of assent. I walked in, saluted and stood to attention. The CO did not raise his eyes from the papers before him, not even to see who had come in. Thereafter, shuffling among the letters in his dak folder, he sighed deeply and looked up.

'What are you doing at the moment, Rathaur'?

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I am putting my Company through weapon zeroing, sir, preparatory to annual range classification.

‘Well, don't bother about that any further. By the way how is your daughter - is she still in hospital?’

‘No, sir, I got her discharged, though she has not yet recovered.

We couldn't manage. With my wife having to stay with the elder girl in hospital the younger child was being neglected.’

‘Hmmm..... and how is the preparation for your examination getting on?’

I am at it, sir. Thank you for asking. It is going well and with your blessings, I should have no difficulty qualifying.’

‘Good! I sincerely hope you will...’

The CO fell silent for a moment; he looked down as if somewhat embarrassed.

I sensed that vaguely and wondered what was bothering my Commanding Officer.

Then, rather abruptly, the CO looked up and said, ‘I want to send you to collect our new identity cards... will you be able to go?’

‘Why, certainly, sir. You don't have to ask.’

‘Don't get me wrong, Rathaur. I asked because of your child's illness - I mean, would you be able to leave them for a couple of days? You don't have to leave right away - I had thought of sending Thakur, but as you know he is conducting a course for the promotion cadre and it wouldn't be good to pull him out of it for the two or three days it would take to collect the cards. That is why I thought I should ask you to go.’

‘There is no problem, sir,’ I said, ‘when do I leave?’

‘No hurry. You could leave on 18 August by which time I am sure your children will be alright.

You should be back quite soon. Since you have problems at home, I have asked the Quartermaster (QM) to handle your reservation by the Grand Trunk on the 18th. Actually I was hoping that there would be no need send you at all and that Major Tandon, who is also going to Army Headquarters (AHQ), could handle this... But he will be busy with something connected with

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interrogation of Chinese Prisoners of War (POWs).... He was himself a POW in 1962, you'll remember!

`Yes, sir. I do remember.'

`Well, since he is going in connection with the interrogation, nothing can be said with certainty about his stay; considering this I decided to send you independently... He would also leave by the same train.... I have already sent a signal arranging for your transport at New Delhi railway station and your stay in Delhi to the Military intelligence Directorate (MIDte) to Brigadier Pasricha, as I know him; he was at one time in our Regiment. Do you know him?', looking at me the CO asked.

`Yes, sir. I think I know him; but only by name. If I am not wrong he probably was in 3rd Garhwal,' I replied.

Exactly!... He is Brigadier Pasricha, now the DDML.... However, you're aware about the functioning in AHQs. One really should not expect much especially in such matters connected with administration. So, if you find no transport, I suggest you take a taxi and report to him. If you do that in all probability you shall be able to collect the Identity Cards on 19th i.e. Saturday.

What do you say?'

I shall do it the way you are suggesting. Indeed, I am grateful to you for asking the QM about the train reservation and the signal for reception', I said, expressing my gratitude.

Oh! Never mind. After all you are my officer... And if I know some one why should I not take his help to make the stay to my officers comfortable?'

I couldn't help but notice a kind of uneasiness while the CO talked. But, I tried to avoid it.

`By the way, I may remind you to be extremely careful while carrying the documents - any untoward incident can put you in a cesspool of trouble... I suggest, you carry a small box with a proper locking system - and don't trust anybody in the matter of its security, while you are travelling back... But don't take me as doubting your sense of responsibility - or intelligence. This is simply an advice to take necessary precautions... And, while you collect the identity cards, check them properly and if you find that the signatures of the officers are not proper - don't accept the cards till the defects are rectified.'

I was confused by the CO's briefing. I thought, may be the old man has gone out of his mind - or else is suffering from some mental disorder. I questioned, `That's this you are asking me to do, sir

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?... How can I or anyone else remove the defects in other officers' signatures? More so, I am in no position to see if the signatures are correct or defective... I'll request clarification.'

At this the CO turned pale. However, he was able to recover within seconds, and replied. 'No, you have got me wrong! When I said that, I implied, when you collect the cards, you must check each one to see if it is sealed properly.'

'Right, sir, that I'll do... Anything else you want me to do in Delhi; or convey any message to anyone you know in the AHQs?'

'No, Rathaur thank you... you may go.... But check up with the QM about the signal for train reservation - and also inform the Adjutant to detail another officer to conduct the firing.'

'Yes sir, may I.....'

'Yes. You may go now.' Saying this the CO resumed scanning through the dak with an air of importance.

I saluted and left. Once out of the office, I smiled. I was greatly amused at the absent-minded attitude of my Commanding Officer.

I traced my steps to the QM office, checked about the signal, went to inform the Adjutant about my proposed departure and finally reached the office of the Second-in-Command, Major S.N. Tandon Vr.C. We discussed together the plan of our move and stay in Delhi. At the end of our discussion, Major Tandon asked me to collect his Move order and the Rail Warrant when I was to collect my own.

I rode back to the short range and informed the JCO about my new duty; and regarding the detailing of some other officer for conducting the firing. I briefed the JCO regarding the conduct of firing in my absence - and finally directed him to wind up for day.

My mind then turned to thoughts of Delhi where I had my friends and sister, whom I had not met for many years; though I had passed through Delhi by train a number of times, I'd never had the opportunity to get down and meet them. The thought of meeting them sent a wave of happiness and warm feeling through me. I felt immensely pleased with the proposition of going to Delhi. It must be a completely changed place since I last saw it, I thought.

Deeply engrossed in thoughts, I was hardly aware that I had reached home. After parking the scooter, I climbed the stairs and went into the kitchen, where my wife was busy cooking. Quietly but mischievously I embraced her and planted a tender kiss at the back of her neck.

She screamed, obviously surprised.

Seeing her surprise I laughed at the successful act of my intimidating her for fun.

Though pleased at finding it to be her husband, she showed her woman-like anger. I don't like this habit of yours - even less when the children are around.'

I looked around and finding no children, said, 'Come off it my love. I find no children. So why don't you admit that you in fact, love these silly actions of mine! Eh..?.... Now don't say,' I kept my finger tenderly on her lips, 'what you are about it. I know it for sure that it's untrue,' and hugged her close to me.

Immediately, the children came running from the bedroom and shouted 'Papa has come!... Papa has come!! Good afternoon Papa', my elder daughter said, 'Papa I am feeling much better, there is no fever.' She then recounted her recovery from illness.

Releasing my wife from my affectionate hug, I turned to the children and lifted both of them up to me.

'How're my lords, my sweetos!! My Ritu and how is my Sonu?

While showing fatherly affection I carried them in my lap to the study room.

'What's happened today? You appear to be very happy - and back unusually early from the office?' my wife enquired from the kitchen.

'Yah, I feel happy ; isn't that sufficient reason to come early?' By then I had changed into my casual wear, a loose kurta and pyjama, and had come back to the dining room adjoining the kitchen, followed by the children.

The food was laid out on the table. I put the children on their seats, sat down on a chair, ate a piece of onion I picked up from the salad plate and inhaling the aroma of food, asked my wife to join me. She came with hot chappaties (a kind of Indian bread), and sat down in front of me.

I sincerely pray for happiness daily so that at least you come for lunch on time, and not at tea-time in the evening.

She mused and asked, 'what's the news?'

'Well, I'm leaving for Delhi in a couple of days.'

'Delhi?... What for?' she enquired impatiently, 'and you call this a happy news?'

'Temporary duty! What else,' I replied

Hearing this, she remained silent. In that silence I saw signs of irritation on her face. To put her mind at ease, I told her that I would not be away for long. I would be back in a couple of days and went on to explain that I'd be able to meet my sister and friends.

For some time she remained quiet ; then suddenly declared, 'In that case I'm coming with you.'

I would love you to do that but you know there's the problem of the children. I would only be touching Delhi and coming back, a sheer waste of money. Can we afford to do that?', I asked.

'What a problem!..... Wasn't there any other officer the CO could have detailed? The whole year has passed in separation. We've not stayed together for more than twenty days. What a wretched life!' Brooding over the impending separation, she said this aloud, though it was obviously meant only for her ears. Sympathetically, I looked up from the plate to her face and kept staring for a while; I proceeded to explain about the complex nature of duties intrinsic in the army service and how one should look at them while serving, in a broad and bright perspective.

And why do you say, "what a wretched life", in such a depressed tone. It is a life one can dream of - do you know what they say, 'A life without hardships and without its experiences is no life worth living,' saying that I looked at her and added, 'Here, in the army you experience a different life, and if one is to go with this saying; it becomes all the more worth living ! Why go far, look at ourselves. Whenever I come back from these temporary jaunts how much you respond

!... I mean the intensity of belonging to each other, which may easily start decaying over a period of continuously staying together ; and I may find you always in search of some silly pretext to quarrel with me.'

'Now, please! Stop this lecture. You can continue it after you have eaten. If you think you're a wise man to preach to others, you should know talking is not approved of, while eating,' she said

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exultantly looking at me. Ritu extended her unqualified support to her mother saying. `Yes papa. Mamma is right. My miss says one should not talk while eating.' `To hell with the talk,' I said, `let us eat the food in peace'. Thereafter, none spoke, except for the grumbling of children due to excessive chillies in the food.

After the meal my children and I went to the bedroom and lay down on the bed while my wife busined herself in clearing the table. Thereafter, she also came to the bedroom and dumped herself sullenly on the adjoining bed, beside me. Neither of us spoke. Who should speak first ? Both of us were thinking the other should be first to speak. Thus, for nothing, the atmosphere became tense. Seeing that I decided to break the gloom. `Sabu! Now look, why are you so sullen and annoyed? And annoyed for what? And with whom! Me!! Well in that case you are absolutely unfair to me.... You seem to think that it must be me who has volunteered to go! While leaving you in distress!! Let me most sincerely correct you - while it is true that I am happy to go it is highly unfounded to conceive that I find happiness in leaving you alone. It is absurd if you think that way. You are aware of the fact that I love you so much. It's the last thing I would think of; staying away from you...'

`Then you....'

`Now hold it', I interrupted, `let me finish. You know that service is service. It's wisely said that service, even under one's father is bad; and I am servant, that too in the army! One can't have both at the same time; happy living and painless death. It is silly to think in these terms... I never volunteered - I have been ordered. And as you know, I don't relish the habit of brooding and creating tumult over such a trifling matter. And even supposing, if I do, does that provide an escape? There is a popular saying in the Army "When rape is inevitable, enjoy it". I grinned and added, `So dear Sabu, taking recourse to this saying, I explored the brighter side of this duty - and so, I was feeling happy. Now tell me, what's wrong in it ; to find happiness in a bad situation? Isn't it a quality that very few are blessed with?.... In fact you should be happy; your partner is among those few'. Saying this, I started giggling.

My wife who, apparently, was feeling relaxed by then, joined in the laughter.

`You are really a marvellous person; with an art of bringing anyone from delirium to stability and cheerfulness'. Saying this, she looked at me fondly; then hugged me like a child very close to her.

`So...o...nu: Mummy'. She had become oblivious to the children's presence; hearing her daughter Ritu calling, she quickly pulled herself away; feeling slightly ashamed, turned her face away.

By then the initial heaviness suddenly eased and gave place to cheerfulness. Thereafter, we talked intimately. Before we slept she asked me not to prolong the stay in Delhi.

The Move Order

It was Thursday, the seventeenth day of August 1978. I went to the office in the afternoon to collect my Move Order and Rail Warrant.

‘Are the papers ready, Deepak?’ I enquired while entering the office.

‘Yes, sir, please sit down’ the Adjutant replied. He called the runner and asked him to bring the papers. When the papers were handed over, I at first casually and then carefully perused the move order. My face showed signs of irritation as I read through. Unable to contain myself I asked, ‘Where do you suppose you’re sending me Deepak - to a brigade HQs? Or the AHQs?’

‘What’s happened, sir?’ The Adjutant asked in surprise.

‘Now my friend look, the authority for move is given as "Battalion Order part I", I said, pointing at the relevant column of the move order .

‘What is wrong in that, sir?’ the Adjutant showed his surprise. Although I looked slightly angry at the ignorance shown by the Adjutant, I explained very gently.

‘Deepak, you should know, whenever there is an intercommand movement in the case of an officer, a sanction for such a move is needed from the AHQ - and that invariably becomes the authority for the Move. Since I am moving to AHQ, the authority for my move will be the letter which originated from the AHQs..... and according to which I am to collect the cards ! Do you understand that ?’

‘Yes, sir. I suppose so.’

‘Well you don’t have to suppose. Try and digest it for your future reference Now, have the authority filled in correctly...

And where is the authority letter for me, to collect cards... and then the niminal roll of officers whose cards I am to collect?’, I asked, shuffling through the papers and not finding the other two important documents.

‘What authority letter?’, enquired the perplexed Adjutant. I game him a contemptuous look and replied sarcastically, ‘Deepak, when a unit sends its `representative to collect any document / material from another unit / Hqs, an authority letter is given which reads: "Number so and so,

Rank XYZ, Name ABC, whose specimen signatures are appended below, is authorised to collect.... etc. etc. etc. on behalf of this unit". Then there are the specimen signatures preceded by signatures of the commander or the staff officer ... And, that is the authority letter I am talking about. Are you aware of that or not?'

'Sir, I think - ah - well I...'

'Now Deepak, you better stop thinking and concentrate on work. By the way where is the letter from ?' AHQs? Can I see that?', I demanded. 'I'm sorry, but I have not seen the letter,' the Adjutant admitted.

At this revelation, I was astonished. I asked the Adjutant, 'Tell me, what are you - a runner of the office - a post box! Or the Adjutant of this battalion? If the Adjutant of this battalion doesn't know about the letters received by the unit, then who would know that there should be a letter according to which Identity Cards are required to be collected from the Regimental Police Havildar ?'

'Sir, kindly don't be sarcastic. I will just find out from the Head Clerk.' Saying this, he pressed the buzzer.

I further scanned through the Move Order. My eyes stopped at one sentence 'On arrival he will report to the DDML, GSI(b)'. I looked more irritable and confused.

In the meantime, the Head Clerk appeared with a note book in his hand. I heard the Adjutant asking the Head Clerk, 'Sahib, where is the letter from AHQs according to which the Identity Cards are to be collected ?'

'I don't know, sir. I've not seen the letter.'

Hearing the Head Clerk, I lost my temper. I said, 'The Adjutant doesn't know! The Head Clerk doesn't know!! I wonder then, who knows. It appears the main office of the battalion has started showing efficiency ! Eh? And the boss says "Sir, don't be sarcastic. I will just find out". Find out my bloody foot.' And looking at both of them I added, 'Both of you should know that GSI (b) in the AHQs doesn't issue identity cards.' I then looked at the Adjutant and said, 'Deepak, I am completely dismayed to find my one time understudy with the least control over work and efficiency of the office.' I paused for a while and, giving back the papers, asked the Head Clerk to do the necessary corrections and to prepare the authority letters alongwith the nominal roll.

The Head Clerk kept standing while looking sickly pale.

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`Now Head Clerk Sahib, what is wrong? Didn't you hear me?' I asked.

`Sir, in fact the letter has been received from the AHQs. But since it was marked as "Personal for the CO", neither of us saw the contents.....'

`Letter marked as "Personal for the CO"?', I interrupted, expressing surprise and continued, 'A letter of so routine a nature as Identity Cards! It sounds completely absurd.'

`But that is how it is, sir,' The Head Clerk said and added,

`The CO personally dictated the contents of your as well Major Tandon's move order and directed me to prepare them accordingly... But I'll prepare the authority letter and the nominal roll.' Saying this he left.

By now I was completely preplexed and confused. I asked for the papers of Major Tandon. While perusing through the Move Order I read; 'Authority for move; Battalion part I Order ; Duty ; Proceeding in connection with interrogation of Chinese POWs: On arrival, he will report to DDML GSI (b)". Having read this, my mind raced like a wild horse in all directions, trying to solve the mystery of the letter marked as personal for CO and the "dictation" and "direction" to the Head Clerk, for preparing Major Tandon's and my Move Orders.

An Adjutant is a mouthpiece of the commanding officer in a unit. He takes decisions on behalf of the latter and acts as his close, confidential advisor; practically in all matters pertaining to Intelligence, Operations and Discipline of the unit. There is virtually no matter in a unit which remains a secret for him.

Identity Cards is a subject of a routine nature. It does not need such high secrecy. Why could the letter not be seen by or shown to the Adjutant ? Why should such a letter be marked as "Personal"? It also seemed highly absurd that the commanding officer should dictate the wording of a Move Order himself. Probably, it had never been done by any commanding officer in the history of such commands !

`While thinking so, I suddenly remembered the manner and the uneasiness of the CO at the briefing, a few days ago.

At that time I had thought "probably the old man has gone out of his mind or else is suffering from some mental disorder."

Was he? Or was there something else weighing on his mind ? I re-considered.

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It further dawned on me : The identity cards were issued by the formation Hqs and not by the Army Hqs.

At this fresh revelation my confusion was complete. 'What's all this nonsense ? I thought, and pressed my mind deeper. If major Tandon was going for interrogation in connection with Chinese POWs then there has to be a letter to that effect.

'Have you seen the letter regarding Major Tandon's move?' I enquired from the Adjutant.

'No, sir.'

'Humm...' I thought, Major Tandon, no doubt was a POW in 1962, but that was sixteen years ago. From where then, have the Chinese come as POWs in 1978? And, suppose they have; what could major Tandon do? He was not an interrogator. Also, he does not understand a word of the Chinese language. Why is he being sent at all, when there is no letter from the AHQs! And, even if there was a letter from the AHQ, why, has that also been hidden from the Adjutant?

Such were the questions that caught my attention. I further realised : although GSI(b)f didn't deal with identity cards, and that I knew for certain, but assuming it did, because the cards were of a new type being prepared and issued to the officers, for the first time, even then under no stretch of imagination had it ever dealt with Chinese interrogation. So why should then Major Tandon report to DDMI, GSI (b) ?

As a result of my quick analysis, I concluded that it was surely not for the collection of identity Cards that I was being sent on temporary duty ; whatever else it might be! Definitely there was something more to it, that was being worked out in highly suspicious circumstances. What could that be ?

GSI (b) is a branch of intelligence which deals with Security against Pakistan. So, automatically it follows my duty is connected with some security aspect. Could this be then connected with operation of sources while at Samba; this being my only connection with GSI (b) ? I speculated.

I had collected plenty of valuable information in regard to military matters, from across the border, from 1974 till 1976. I was given number of appreciation letters in recognition of my work by the senior Army Commanders. So, it was natural for me to presume that I was being sent to Delhi in that connection. However, this thought was dispelled when I considered about Major Tandon.

Why had Major Tandon been asked to report to GSI (b), while showing the duty as interrogation of Chinese POWs?... And, suppose I had been called in connection with my source operation, they could and they should have called me directly. This does not seem straight, I analysed.

The only logical conclusion I could draw from this was that I was to be interrogated in regard to some security matter.

May be ! I thought one of my sources / couriers have something to do with this ! Charming ! Then, concluding it was the duty of GSI (b) to investigate all such matters, I collected the papers, which had been prepared by then and left the office.

‘Good evening, sir,’ I greeted major Tandon, who with his wife was enjoying a cup of tea in the court of his bungalow, and good evening Mrs. Tandon.’

‘Good evening.’ both of them reciprocated simultaneously, while Major Tandon got up to welcome me.

‘Please, remain seated, sir. I’ll pull up a chair for myself.’

‘That’s all right Rathaur,’ and he shouted for the servant, asked him to bring a chair. The servant brought a chair and both of us set down together. in the meantime, Mrs. Tandon prepared a cup of tea and offered it to me.

‘Thank you madam,’ I said, took a quick sip and put the cup back on the table.

‘How is everything?’ Inquired Major Tandon

‘I’m not sure, sir.’

‘Why, what’s the matter?... Did you collect the papers?’

‘Yes, sir. I have just collected them and have come straight to you’.

Then I glanced at Mrs. Tandon forcing a courteous smile and said, ‘I could like to discuss something in private.’

Before Major Tandon could say anything , taking a hint Mrs. Tandon smiled and got up saying, ‘Well you’re free to talk or discuss anything you want. I was thinking of leaving, as I’ve got to prepare dinner.’

Looking gratefully at Mrs. Tandon, I apologetically said, 'I am sorry madam to trespass in your moment of privacy, but...'

'Aay! Come off if Captain Rathaur. I in fact was about to leave for the kitchen when you came. Right? So don't be apologetic.' Saying this, she departed.

Without speaking, Major Tandon focussed his eyes inquiringly at me.

'Sir, in fact there is nothing to get alarmed about but looking at the papers and deftly putting together various strands of staff work and the CO's dubious conduct at the briefing, I am sceptical in regard to the true nature of our temporary duty.... There is something more to it.' Saying this, I looked at Major Tandon's face exploringly, but failed to find anything; except that Major Tandon stirred in his chair becoming more attentive.

Taking a sip from his cup, Major Tandon said, 'Don't be so perfunctory! Tell me in detail.'

'Yes, sir, that's actually why I have come to you; to discuss in detail.' I explained to Major Tandon about my doubts, in detail. While explaining, I noticed continuous changes playing over the Major's face.

'No', he replied, 'I don't really think your suspicions are well-founded.'

'I hope they are not,' I said, 'but one can't deny the axiom from the logic, sir.' Saying that I took out Major Tandon's Move Order, showed it to him, and continued, 'Look at this, you're reporting to GSI(b), but your duty column speaks about Chinese POWs. Do you know, sir, GSI(b) doesn't deal with the Chinese!.... If you don't then you do.... But the only puzzle which I have not been able to solve, is about you. Why should you go?' I looked at Major Tandon who appeared ashen by then.

'Did the CO tell you or hint at anything that we can draw any further conclusions from?' I asked.

'No, he didn't. The only thing he told me was that you were also going to Delhi and that we should better go together.'

'Thank you, sir. I suppose that should give some indications.'

But before expressing my opinion let me ask you one more, pertinent question. Where did you serve before joining this battalion?'

‘I was in the 13th, you know that.’

‘Yes, that I know... But what I meant was, before you joined the 13th - you were a provost marshal. Where was that formation with reference to its tole; I mean the sector?’

‘Punjab sector. A...’

‘That will do,’ I cut him short and explained. ‘Now listen to what I have inferred from various details available. You’re aware for over two years, I served in the Intelligence. There, I operated sources and collected information. But the job, though full of interest is the dirtiest. In order to cultivate sources, one has to initially come, in close contact with rowdy and morally degenerate people like petty smugglers, cattle lifters, bootleggers and so on, so as to acquire a worthwhile contact that can give information. Till such time one gets the required person, one has perforce to provide protection and shelter to these people. Now, it is humanly impossible to screen their character, for they have little or no character. Thus, a fellow who works as your contact may be a double-crosser, getting the best of both sides. You must have read recently in the papers that there’s been a spurt in apprehension of spies in the Jammu and Kashmir sector. So naturally I presume one of my ex-contacts may also be among these celebrities and one who must have been such a double-crosser. And now, since he’s caught, he has incriminated me in some way - to get immunity or otherwise; I don’t know.’ I paused for a second, then said, ‘Perhaps for this reason, I have been called.’

‘What you say, appears to convey some sense. But then, why me?’, he asked worriedly.

‘Well, I’m coming to that, sir. There is still an ambiguity about your case, but I discern two things from this whole proposition. First: one of your men must be involved in trans-border activities who, upon his arrest, has tried to pull you in. Second: and that appears more plausible, you, are acting as my escort,’ I concluded and laughed.

‘Well, I don’t agree with you,’ he said assuringly, ‘If it were the case the CO would definitely have given me some sort of hint.’

I mused for some time and said, ‘Sir, it is your prerogative not to agree. I am sure about my deductions, unless the foregoing facts are the result of some foolishness.... In any case it does not bother me at all, except a feeling of sadness that my name may be tarnished in such a way. But I am looking at this from a different angle and am completely dismayed to find such faulty functioning of our Military Intelligence Directorate. If they expect to exist by maintaining this type of secrecy, then they could not have stopped me from a clear escape?’ Saying this I smiled and

added, 'Anyway check up, if you so desire with the CO. Though, I suggested 'why put him in embarrassment? Let him also be happy in his protective paradise of secrecy!... Let this be forgotten.... I'm sure you must have arranged transport for tomorrow?'

'Yes. I've done that'

'Then what time do we leave?'

'The train leaves at 1300 hours. Therefore, to be on time, we must leave by about a quarter to twelve. I'll first direct the vehicle to your place, then you come here and we will leave... Would that be okay?'

'Yes, sir, that is fine. By the way, tomorrow is Rakhi festival holiday; going to the temple is compulsory.... Do we attend or avoid it?'

'It'd be better if we go there for half an hour at least.'

'Okay, sir.' We'll do that.... I now beg your leave.' I got up and handed over the papers pertaining to Major Tandon.

'Good evening, sir and good night Mrs. Tandon.'

'You're leaving Captain Rathaur?' Asked Mrs. Tandon from the nearby kitchen.

'Yes madam, thank you and sorry for the disturbance.' Saying that, I went to where I'd parked my scooter. Abruptly, I stopped, then turning back, asked, 'Sir what time do we meet in JCO's Mess - for the farewell party of Subedar... or should I say Honorary Lieut. Udai Singh.'

'I think 20.00 hours' Major Tandon replied.

I wanted to ask if I could be excused from the party as I didn't want to waste previous time which could be spent studying. I suppressed the desire - thanked Major Tandon once more and went home.

With a drink in my hand, I moved around the Mess, mixing with the officers and the JCO's - talking to one - joking with another. I was enjoying myself. I deliberately avoided the commanding officer. Proud and passionate as I was, I felt very agitated at seeing the CO - whose presence reminded me of the disturbing inferences I had drawn from the day's events.

`Hee Puff. Believe what? Going to the capital? - on temporary duty? Collection of identity cards, Eh?', came a voice from behind.

Not letting any of the thoughts show on my face, I turned back and encountered Major P.D. Joshi's enquiring glance. I twinkle was in his eyes.

"Joshi"who also was known by the sobriquet "Speedy"was one of my best friends. We had known each other for more than eight years. There was no such thing as "seniority"between us, in our private lives. The friendship had become more owing to the fact that our wives were also close friends - a bond which was envied by other.

`Yah. I think so.' I replied `you want anything from there?'

`Nope.' But come aside. I want to talk to you'.

`You're welcome'.

Then both of us went outside. Speedy told me that my temporary duty was a pretext for something deeper.

`Thank you for mentioning this. What do you think, I don't know?'

`Well grant me this much common sense - after all I have also put in some service,' I replied nonchalantly.

`Then tell me what's this? I mean is it something to do with interrogation? How come your name has appeared?'

`Now Speedy, relax. Don't get jerky. Why my name has appeared is very simple.'

Thereafter I explained my deductions to Speedy in detail. Apart from your sources, tell me if any other person who knows you might have been caught in such an act?'

`Yes, I know one such officer, Capt. Nagial. He was apprehended in 1975. That time I was the Intelligence Officer" in Samba, I explained.

`You said it was in 1975?' Joshi asked.

`Yes, that was the time, but I find no reason why he should incriminate me. I served in Samba, whereas he was the "GSO 3 Intelligence" of a Corps Hqs - and if I correctly remember, I met him only once,' I replied.

`Well, I don't think him to be the case; you would have found your way to Delhi much before, as it did happen three years ago?'

Anyway Speedy, whatever it is, I am not bothered though I am a bit dismayed. But what can the authorities do if someone has been so kind as to dub my name? It's the duty of the authorities to screen the suspected names, is it not?'

`Well, I am highly relieved to hear that. Thanks. Otherwise I thought - or could it be?'

`Speedy don't bloody hurt me. Right?', I cut him short.

Joshi became cheerful and said `Come on boy, cheer up. It is nothing; just never mind'.

I gave a hearty laugh and said `Instead of me, it is you Speedy who required cheering up.'

The party was over by 22.00 hours, an early escape, as attending the temple was compulsory for everyone, very early the following morning. I returned home and, after discussing with my wife about my departure the following day, I went to sleep. I thought about whether to tell her of the "suspected duty" and decided against it, fearing she'd get nervous, when in fact there was nothing to worry about. In any case I'll be back soon', I concluded, going to sleep.

The following morning, after leaving the temple, my wife and I went to the unit Canteen. Leaving my wife to do her shopping, I went to the office, filled in my duty forms and returned in a short while to pick her up. She proffered a couple of her purchases for my inspection; I looked into her eyes and reminded her that time was short. We returned home and I immediately began a last minute check of my luggage. My transport vehicle arrived a few minutes later and, while chewing on my sandwich, I directed the orderly to serve my wife properly, promising to come back as soon as possible, oblivious to the evil fate which was about to befall me and my family. I was destined never to return home. When I did see my wife again seven months later, I was a changed man..

THE TRAIN JOURNEY

I picked up Major Tandon. On arrival at the railway station, to our dismay we found the train was late by two hours. We regretted not checking up about the timings. Bad planning. But it was too late for amendments for regrets. I exchanged the warrants for tickets and we went to the waiting room.

The train arrived. There was no reservation for us. But we were lucky to find two berths which were to be available from Bhopal.

‘Now, this is called murder of time, bad planning and the limit of carelessness,’ remarked Major Tandon.

‘What’s happened to warrant such remarks, sir?’

‘Happened? Damn it we waited solid two hours, doing nothing at the station; at least we could have found out about the reservation.’

‘Unnm...., to an extent, yes. But let us presume we did. So?’

What could we have done? The fact remains; no reservation! No reservation!! In no way would it have been better to check than not to check. I would say sometimes such carelessness indirectly pays and helps in controlling the rate of heart attacks, so common these days. If we’d checked and had found that there was no reservation, we would’ve been brooding over it for two hours with mounting tension in varying degrees of hope - causing unnecessary and increased fluctuation in the blood pressure.’ I said and looked at Major Tandon with a grin.

Major Tandon saw his carelessly made statement being torn to shreds by a person much junior in age, service and knowledge. It hurt him. So to drive home the point and prove his statement, he sat erect, thought for a minute and said.

‘You sound like a fatalist. Right?.... But I believe in timely action and proper planning. It leads to happy endings and results. Believing in and waiting for miracles to happen, in fact, is a domain of weaklings. In my opinion it is the cause for what you have said and many other ailments of the mind. Your argument is also stupid, in that, the blood pressure which was disturbed and shot up all of a sudden could be more dangerous than the slow tension,’ he continued, ‘Do you understand this Captain Rathaur?’

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I, looking quite amused, paused for some time and then countered Major Tandon. 'Yes, sir, I understand, - but I am not convinced with your self-contradictory argument....'

'Wait, sir, let me explain it first, and if you still want to improve upon what you said, you're welcome to do so', I said and continued, 'First let me put it straight. I never denied and disagreed that there should not be or there is no requirement of timely action and planning as you've said. Rather I hold that belief and till this point fully agree with you. Still, planning may not always bear fruit. Otherwise Alexander, Changez Khan and Hitler would have ruled the world. Sometimes even timely action and intelligent planning prove most disastrous. History is witness to such failure of the most-worked out plans - which, historians and intellectuals later came out with their comments that the plan was faulty because of this or that. If that had been worked out accordingly, history would have been different... Yes history would've been different if the reasons put forward later were adhered to But the word 'if' is a big factor. Without this word everything would've been different. And alas! The word 'if' exists and takes significance. It creates a belief in divine creation of the universe - without denial of revelation.

You may call it miracles.... otherwise persons of the calibre of Napoleon, Hitler, Churchill, Nehru and so on, would never have gone wrong with their superb intelligence and penchant to cater for the minutest possible details while planning the future... If that be so then it manifests that even while planning there's some unknown force at work which influences each action without making its presence felt; taking one towards success or failure. You may term this force anything. It means the same.' I paused for breath and added, 'Now the same analogy can easily be implied in the routine life of a common man. Anything which is bound to happen, will happen, despite any amount of good and intelligent planning. Hence, a fatalist will never allow his blood pressure to shoot up in the face of failure such as that we were about to experience a short while ago.' I stopped abruptly, looked at the face of Major Tandon for any sign then continued, 'And I am sorry to say that a staunch believer in planning, like you, has failed to plan our move.... But I say once again, even if you had resorted to detailed planning, we would've achieved nothing, except for staying two more hours more with the children. As for reservation, I still think we are better off without planning it.'

'No, but that means you don't attach any importance to planning.'

'I never said that. Rather I believe and value it the most. But only where it makes difference or is likely to, on my anticipation and expectation over certain problematic situations. I put every effort and stretch my imagination as far as the tissues of my brain allow.'

'What if your planning fails?'

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‘I try and work out alternatives, depending upon the situation.’

‘And if it still.....’

‘Fails. Then it fails. Haven’t I said, sometimes the best of plans fail?’

‘But you said you plan where you see impact.’

‘Yes, that’s correct.’

‘Do I take impact here means success or failure that can make you happy or miserable?’

‘So it is.’

‘Okay, if that is right then won’t you consider a night train journey without reservation as miserable?’

‘I do.’

‘In that case, I’ve proved my point. We would’ve planned our move and made efforts while at the station - and not wasted the time,’ said Major Tandon looking triumphantly at me.

I laughed and said, ‘Sir, you’ve come to square one. You’ve proved a point which is uncontested.’

‘What do you mean?’

‘Right. I’ll make myself clear this way - there are two things one is a plan and the other is spontaneous reaction to a situation. A plan involves number of factors. First is substance; i.e. the AIM, around which the whole plan revolves. For instance you wish to construct a house. Thus construction of house becomes your aim. The various factors to make your plan successful, are acquiring knowledge of houses, the material, its cost and the availability of labour, both skilled and unskilled - the time by which the house is required and, finally, the time available. Each of these factors is directly and proportionately responsible for the success or failure of the plan, in this case the house construction. Of these, time is the most important factor. Now let us go back a bit. Why do you require a house at all?.... The answer is to make yourself comfortable, to seek protection from the weather and in some cases from wild animals and reptiles. But one may question, couldn’t house providing the basic necessity of shelter be constructed without the plan? Yes, it can be. But it would not be a house of your choice - it would lack the desired amenities and may cost even more than one property planned and constructed according to one’s choice.

The planned house definitely has an edge over the unplanned. And Sir, this is planning and its advantage' After a pause I continued, 'I shall now come to the other aspect of our discussion.... Supposing we'd gone hunting in a dense jungle, planning to return before nightfall. But something happened and we lost our way and could not do so. Here we are confronted with an unexpected situation. It's too late for planning. Immediate action is required. This action could also be termed as an alternative which in this case are two: either to continue the search in the darkness or to spend the night with little make - do arrangements. How we react at this stage depends upon our state of mind and ingenuity. Here we can't plan. We simply have to make one of the two choices : Either we continue trying to find a home in the darkness or we rest in the jungle until daybreak. At this stage, no amount of worrying or planning would help. You've to take the situation at face value, relying on instinct. We were also put under similar conditions, by the circumstances in respect to our rail reservation. Miracles do take place but they are fragile and take a long time coming. No one gets reservation in no short a period as for days, when the choice is limited. A plan may succeed, but not always....'

'What do you mean, choice is limited?', interrupted Major Tandon.

'The only choice we'd was to travel by the Grand Trunk.. on 18th. Wasn't that so?' I replied.

'Hmmm.....'

'If that was so I continued, 'then no amount of planning and enquiries would've been of any use, except being an exercise in futility. On the other hand, without worrying and disturbing our minds we are better off now than we would have been, had we made a plan in detail', concluding, I looked at Major Tandon.

'I think I have got to agree with you. As we were lucky to get berths so you've scored a point. Eh? How do you say TIME is the most important factor of all?... What if you don't get labour or material?'

'I didn't say the other factors were not important, but that their importance is judged in relation to time. This then makes TIME as the most important,' I explained.

'You mean the importance of factors vary?'

'Exactly. Surely you know that?'

'If I say I don't?'

`Then, sir, I shall explain. But before that let me order tea for us', I said, seeing the waiter passing and ordered two teas.

`Would you like anything with tea?'

`Nothing', said Tandon.

At that I nodded to the waiter, then turning to Major Tandon said, `This was a must,'and smilingly continued, `Well sir, I will come back to the topic. If you have labour and no material then the latter becomes important and vice versa....'

`Then what of time?'

`The importance of time remains supreme : for, you can procure the material and labour from anywhere, if you have the means, But you can't procure TIME; not at any price.'

`But supposing you don't find labour and the material anywhere, then?'

`Then I am sorry to say - you may be called a pessimist,' I replied laughingly, and with a view to easing tension I abruptly changed the topic, asking, `Oh! Sir, by the way did you enquire from the CO about the true nature of our assigned duty?'

Major Tandon sensed the change in topic. Being an intelligent man he was aware of the weakness of the subject he was defending and looked wilted - picking up an argument which he himself was opposed to.

More often than not, a person takes up a topic carelessly, merely to establish his superiority over his opponent, even though his own ideas may coincide with those of his opponent. Same was the case with Major Tandon. Thus, he quickly availed himself of the opportunity to change the topic.

`Yes, I talked to him after the party in the JCO's Mess,' replied Major Tandon.

`And what did he....'

`He said, he was not aware,'interrupted Major Tandon and added, `I think your doubts are unfounded. Rathaur, this is the first time that a new type of cards were issued. We don't know which branch of the Intelligence set-up, deals with them.'

`I hope so,'I said and turned my face to glance through the window.

Outside, because of the train's motion, it appeared that stationary objects like trees and shrubs were possessed with a life that was their own and raced past the train window. I mused how the earth, because of the relative motion appeared to be trying to outflank the train faster immediately outside the window, gradually slowing towards a standstill on the horizon. A grove of kikar trees intruded upon the scene. The nests of bavas hanging down majestically, swinging to and fro in the gentle breeze of the sultry evening - rays of the dying sun percolating through the kikars scraggy branches - bayas winging through the trees; all silhouetted against the spectrum of the waning sun. I became totally immersed in this soothing tableau as the train moved on. As if in a trance I muttered, 'All Illusion', as if prompted by some deeper recognition. Major Tandon's voice intruded and dispelled my ruminations. 'What is this illusion?'

I, straightened myself, thought for a while and said, 'Everything is an illusion in this world. I mean what the eyes see may not be so - looking at the same object with the same set of eyes from a different angle at different times gives an entirely different view. Everything changes with the change of circumstances and environments... I was enjoying this spectre of illusion - looking at the Earth, at the horizon, moving in a circle with the speed of the train. Eyes are watching the movement of Earth, but factually it's the train which is moving and not the Earth. This is what I called as illusion..'

'Then what do you mean by all illusion?' Asked major Tandon.

'Right. This means, life of a person is nothing but an illusion in a wider ter.'

'Sir, you're becoming a philosopher!', quipped Major Tandon.

At that time the train was steaming into the station. There was great hustle and bustle inside the train and on the platform outside. The train jerked to a shaky halt. There were instant shouts for coolies - a jumble of voices - all incoherent, yet piercing to the ears; people running in and out of the train, some collecting their luggage, others counting and yet others searching and shouting for their lost kids who were actually standing beside their parents holding their hands, probably forgetting even themselves in the collective anxiety - running ahead of each other - pushing here and kicking there, as if to avoid some impending calamity. After some time, everything looked calm as if nothing had happened! Passengers were buying fruits, reading papers; sipping tea, some even searching for a water tap, but this time, all too patiently, faces beaming with joy at having overcome the crucial battle of securing a seat or a place for themselves in the train or some were even enjoying the spectacle of those less fortunate who were unable to secure a place.

I watched with intent each spectacular sign of this mad, mad world, where every one is concerned only about himself and himself alone!! There was a spate of uncontrollable feelings which I myself was not in a mood to analyse, or couldn't, due to a sudden overwhelming rush of feelings.

It was Bhopal. A conductor came and, after some enquiry about the entraining station, allotted two side-berths to us. The berths were vacated by a couple. The remaining occupants of the compartment were two persons, one an old man, looking like a manager of some concern and the other a young man, probably an executive or a travelling agent of some reputed firm. I found out after some courteous conversation that both of them were our travelling companions till the destination.

Here, dinner was served. After the meal, I fell asleep while turning the pages of INDIA TODAY a magazine I had bought at Bhopal.

The night journey was nice and peaceful.

THE RECEPTION

The following morning the train arrived at New Delhi. We checked at the station, in case any vehicle had been sent to pick us up. Vehicles we found, but none were for us.

I'm sure there was to be a vehicle for us,' I insisted when Major Tandon asked me to take a cab. 'Let us wait for sometime; we'll then proceed as you are suggesting.'

While we were waiting, a person in uniform approached, saluted and asked if we were to go to the Area Hqs.

'No, we've to go to the AHQs. A vehicle was supposed to come. But we find no vehicle,' replied Major Tandon politely and asked, 'why are you asking? Do you want to go to Area Hqs?'

'No, sir. I'm a driver. I've been sent to receive two officers coming from Nagpur by this train. I'm looking for them.'

We looked at each other's face and smiled.

Turning to the driver, Major Tandon said, 'We are the officers. But we've to go to the AHQs; not the Area Hqs.

'Well, sir, you're the ones I've been directed by the GSO 2 to take to the Area Mess. Your accommodation arrangements have been made there.... Kindly wait. I'll bring the jeep.' Saying this, the driver left.

We felt relieved, but for different reasons. Major Tandon was gay. He told me that had we not waited as suggested by me, we would have had to unnecessarily spend on the taxi fare.

The jeep arrived. We stowed our sparse luggage, an attache case each, in the jeep and seated ourselves. When the jeep set off Major Tandon said that he could have stayed with his parents who lived at Malcha, a place near the AHQs. But, because of the CO's instructions for both of us to stay together, he could not do so. He said that he would make efforts to seek permission for staying under his own arrangements.

It was obvious that Major Tandon was completely ignorant of any suspicions held by me, based on his deductions. I was more caught up with my eerie feelings which had overcome me. I

thought and, while doing so, an involuntary surge of feelings, as if caused by severe humiliation, gripped me. But rationalising the situation I checked them, pushing myself back to normal by sheer will - managing to joke and laugh, though the idea of my name being linked with interrogation kept nagging me.

`Please take us to the office,' Major Tandon said to the driver on reaching the Area Hqs.

Leaving our baggage in the jeep we went to the office.

I'm Major Tandon. Could you please show me to GSO 2's office?', he asked an officer passing by.

I'm Captain Shergil, the GSO 3,'the officer said, extending his hand for a shake. Pointing to one side he said, `that one is the desired office,'and left explaining,' excuse me, sir, I'm in a hurry.'

I suggest you wait here. I'll go and find out about the next course.' Saying that Major Tandon left.

I waited in the verahdah thinking, `I look like a fool standing in the way while the orderlies and the babus are frequently passing to and fro.' I moved aside - waited some time for Major Tandon to come out. Taking out a cigarette, I started smoking. I finished the cigarette but found no trace of major Tandon.

`What the hell, let me also go in'. Muttering this, I moved in that direction.

I had presumed, from my experiences, having served in Intelligence that they would take me straight. In fact while waiting I waited for the confirmation of my doubts. At the door, I hesitated for a second and walked in.

`Morning, sir. I'm Captain Rathaur,' I introduced myself to the GSO 2, shook hands and sat down in the chair offered to me. Major Tandon was frantically with the dial of the telephone, unable to get the wanted number. Exasperated, he put the handset on the cradle and looking at me saying, `Aray! Here no one knows anything about us, though arrangements have been made for accommodating us in the Area Mess.' He looked at GSO 2 and said, `kind courtesy the GSO 2.'

`Did you talk to anyone in the MI Dte?' I asked.

`Yes I did. But the officer to whom I talked doesn't know anything though he asked me to try and find out on Monday - as today is a half day in the AHQs.'

`Yes it is useless to rock your head and waste time. It is a mad outfit in the AHQs. Today being Saturday, there is practically no work done. Even if you try you wouldn't reach anywhere,'said the GSO 2.

`Who were you trying to ring up when I came in?', I enquired.

I was trying to contact Brigadier Pasricha - thinking he might be of some help.... I wanted to know if I could stay with my parents.' Saying this, Major Tandon once more tried to connect his number but failed.

We briefly discussed about the next programme and left the office. in the Mess we were astounded to find that the Mess Havildar showed his ignorance about our stay. He refused to allot any room unless instructed by the Mess Secretary. Major Tandon ordered the Mess Havildar to go and find out quickly, and turning to me, remarked, `This is the height of profanity!'

While waiting for the Mess Havildar to check and allot the accommodation, we went to the ante room-cum-bar.

`Good morning, sir.' Two young Captains taking beer at the bar got up and wished us when we entered. One of the two asked, `Would you like some beer?' It was meant only for courtesy. The officer continued, `but here, you'll get introduced to an unheard system of buying coupons for stores or wine, you may wish to obtain from this Mess'and added with a bitter smile, `for it is not a Mess, nor a Bar but all in one, called Area Officers Mess.'

`No, thanks. How come you are....'

`We are on temporary duty and have been here for the last nine days.' One of the two officers interrupted Major Tandon and said, it is a different matter that we don't know anything about our duty. Till yesterday, we made frantic efforts to contact people in the Area Hqs, without results. It is all quiet on the Central Front.' They all smiled and the officer further explained, `Sir, this is Delhi, the capital of India, but things here move at their own pace; have you also come on temporary duty?.... If so, then take it as a permanent one - doing nothing - a duty without duties - you are a free bird go around and see Delhi and its historical places. Where would you get such an opportunity? Free of cost! All on the exchequer! No one bothers about others'time', and concluded sarcastically, `there is a fuckin'complete rot in this Hqs... but never mind, Sir, after all this is the Army!'

It appeared the officers were very annoyed. They had found Major Tandon to give vent to their pent up feelings.

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Major Tandon and I looked at each other with amusement, when we heard the remarks passed by the two young officers, who were obviously upset.

I recalled the GSO2 blaming the functioning of AHQs. Here these officers were blaming the Area Hqs, and the GSO2 belonged to this HQ.

'Could things be in such a mess?' I quietly speculated. Work is sought to be done with precision, efficiency and quick speed at a Hqs from where control is exercised over the entire army and similarly at a Hqs which is next to the AHQs. No, that can't be true. There was something else to that. The comments passed should be the result of some personality conflict, I thought, while I heard Major Tandon commenting, 'Yes, I tend to agree with you gentlemen. Bigger the Hqs, the more staleness you find. I also encountered, just on my arrival two such situations. One pertains to AHQs. There, no one seems interested in even picking up the telephone. Second, which seems rather interesting, we were directed to this Mess with an assurance that everything was arranged. But, to my surprise, I found that the Mess Havildar does not know anything and he is not prepared to believe that we are officers!' He shook his hands in disgust and added, 'I pray I don't have to wait like you're doing. Otherwise, my course would suffer lack of preparations.' Major Tandon told the officers about the duties for which he and I had come.

When the initial outburst of temper subsided, we fell into normal conversation.

Finding no interest in the normal army-style talks, I busied myself viewing the large and impressive paintings hung on the ante-room walls. Portraits of generals and soldiers of the past in their contemporary and glamorous uniforms. Hunting and battle scenes and one odd painting depicting a bridge session - all legacies of the Britishers. I was completely lost in the paintings that generated a rush of incoherent feelings.

The Less Havildar returned. He was unable to locate the secretary without whose sanction, he was unwilling to hand over the accommodation. Major Tandon was furious, but he thought it useless to waste every by explaining to the Havildar. So he took leave of those officers whom we never met later, and, along with me, went to the Mess office. The office appeared to be that of the secretary, from the name plate hung outside. A retired Lieut Colonel, on introduction, revealed he was the club secretary. The Mess and the Club, though functioning independently, were dependent on each other.

The secretary showed his helplessness in helping us in regard to accommodation and, when Tandon asked if he could make a call to the GSO 2, declared, 'This is the only telephone; it can't be used by everybody. It's under my charge and I have got to account for each call. If I allow you

to make a call, who'll pay for it?... Sorry I can't do that,'and then he got busy in his work. The work was calling various people on the phone... Residential numbers - talking to the ladies, telling them about the picture which was being screened that day!

One wonders who is going to pay for such unwanted and objectionable calls', Major Tandon remarked aloud.

In every Army Officers' Mess a telephone is installed for the convenience of its members, even if they are temporary, and from there an officer can make a local call. But here was a Mess where a secretary could make unwanted calls without inhibition but two officers who had come from out-station, were declined permission. However, Major Tandon who had sufficiently controlled himself, let the retired colonel have it, who after Tandon's outburst meekly conceded and went even further to ring up the GSO 2 himself. Thereafter, things moved rather quickly!

A set of two rooms was allotted to us. It was in a most dilapidated condition, it looked as if no one had lived there. Piles of dust, broken cots, no furniture - bathroom in an unimaginable dirty condition - humming with mosquitoes which appeared to have bred unchecked. The mosquitoes were irritated with a sudden intrusion into their well established domain - the bathroom.

'Thank God', I said, seeing the fan working, At least something that we've found, is functional.'

With a little more firing by Major Tandon, the Mess Staff sprang into action! First the sweeper was traced and he came after an hour of intensive search. But there was no water in the taps. So what could the poor fellow do? Hence someone else was located who knew where the point for releasing the water was. This took another half hour. Thus, by the two of us, the set was brought near to a livable condition. By then it was lunch time. We found there was no lunch for us.

'No one told me about additional food,' informed the Mess Havildar.

I think Rathaur, if I stay with this lot for another day, I would go mad.' Saying this Major Tandon turned to the Mess Havildar and said,' When an officer comes to stay in a Mess, doesn't that mean he would dine, unless he informs otherwise? We've been here since ten-thirty and you've been with us. If you were doubtful as to whether we feel hungry, you should have clarified. Or do you people here consider the outsider some sort of junk...?'

'Leave it sir,' I interrupted, 'We didn't even have breakfast and I can feel rates dancing inside my stomach.' I asked the Mess Havildar to prepare an omelette and send a couple of bread pieces for us, and suggested to Major Tandon, 'Meanwhile we will quickly take a bath, change into civvies and have lunch outside.'

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It surprised us when the Mess Havildar informed, 'Sorry Sir, there are no eggs in the Mess, but I can send the bread.'

'Leave that also. You may need it for someone more needy!', I said in disgust.

'Malcha.' Major Tandon told the driver of the three-wheeler, who was looking back at us inquiringly.

After getting ready, we had taken a local bus upto Dhaula Kuan and waited for another bus which would have taken us to our destination. When the bus came, it was overloaded and we could not get on. Instead of waiting for the next bus, we took a three wheeler.

Getting the direction, the driver started off.

'So Rathaur do you still hold on to your suspicion regarding the duty?', asked Major Tandon

'Well, sir, I'm rather confused....'

Major Tandon looked at me and said that he also tended to share the suspicion, but not then, if it was interrogation, they would not have been so casual. 'We both or you alone would've been taken for questioning soon after our arrival', Major Tandon explained in detail about the casual reception.

'Where exactly do you want to go?,' slowing down, the driver asked. That put a sudden break to Major Tandon's speech.

'Have we come?' He asked himself - looked out and after confirmation said, 'Yes, we have.' He directed the scooter to his house.

In the house there was none except Major Tandon's father. The others were away visiting friends or relations. Hungry as we were, we raided the kitchen and helped each other in preparing an omelette and slicing the bread awkwardly. Neither knew the art of cooking, but were able to make "bhujia" or some sort of vegetable, which was neither an omelette nor a bhujia. Meanwhile, Major Tandon explained about our sudden visit to his surprised father. After the meal we relaxed for some time and went out to Connaught Place. We took our dinner at a restaurant and left for the Mess.

The next day we did a little shopping. I bought a pair of shoes and tooth brush which was necessary because my orderly had failed to pack one in my travelling toilet kit and I failed to notice it.

Despite the heat it was a wonderful day. We wanted to see a movie but were unable to procure tickets, due to a system of advance booking. There was however, no dearth of tickets at exorbitant prices in the black market. Both of us were opposed to buying anything in black market, a system so deeply ingrained in the life of an Indian.

'Nothing remains unaffected from this social disease. It's become part and parcel of our lives, surreptitiously eroding the moral values established by our predecessors and it is leading us nowhere', Major Tandon commented and looked at me to see the effect of his short speech.

'Sir, then what do you suggest as a cure?'

'Well it percolates from top to the bottom. By top here, I mean our politicians, the base of our society, who apparently have established a level of organised corruption, large scale financial fiddling, moral depravity and gangsterism,' looking at me, he sighed and added, 'nothing can protect the crops which are threatened by its fence.'

'Till this point I'm with you, but there has to be some alternative to solve this problem.'

'Well, sometimes a problem is allowed to advance to the point of no return, and that's my answer.'

'Sir, I agree that this problem has badly infected our lives, but to call it point of no return, is a rather weak statement. There has never been a problem which ever reached a point of no return. There are always ways out that will bring us to the starting point, though it may take long to traverse such a route.'

'That's a route, not a solution - not even an alternative....'

'Yes, the route is the alternative. I put it this way.... Come to think why this disease spreads. The time this word corruption came in existence was probably when God created the world. That is the story of Adam and Eve - and Satan, who coaxed Eve to eat the Apple. This was the start of corruption. It was started by Satan, the rival of God. It always flourished thereafter, though in a checked form. It has reached its astronomical dimensions in the present period of human civilisation. The quick spread of this disease can safely be attributed to an individualised personality and the lack of self restraint laid down in the books of all religions. Instead, curelties

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are committed in the name of religion. A person of moral character, whose neighbour, relation or associate is corrupt, slowly but surely comes under the bad influence of the latter. Initially, he criticizes the corrupt person but over a time he himself becomes one. He thinks, if others can indulge in corruption with pride, why can't he? He finds no satisfactory answer to this and, without hesitation, takes a plunge into the morass of this flourishing social evil; adding yet more to its number. This is what then, I think has caused the spread - to take a menacing form.'

'But this is the cause not a solution,... and, by the way, may be one of the many causes like socio-economic, ethical, ethnic and educational background of a person.'

'No sir, it is not. I think the cause I suggested is the main cause. The others are only secondary. However, while those are clearly apparent the main cause remains hidden.'

'Then what about...'

'The alternatives. Well it is simple. Don't bother what others do. See only about yourself. Decide firmly to follow a straight path, unmindful of others. Don't question why they are treading wrong path - instead question why should I do immoral things but, mind you, such a person will encounter many obstacles. Once you are determined, you have eradicated half the corruption. If everyone starts thinking this way, we have found a way out.'

'But who'll think that way?' Asked major Tandon.

'Sir, you've asked the same question - the cause of the spread. I say, why not start from you?', I looked quizzically at Major Tandon, who smiled in resignation.

We were so engrossed in our discussion that neither of us noticed when we got on to the bus, when that bus reached the stop where we should've alighted. It was only when we were interrupted by the bus conductor who was asking us to show our tickets which we had failed to buy. Tandon asked for two tickets. At that the conductor rebuked us, saying, 'God knows what types of people we've got to encounter. Now these gentlemen never bothered to buy tickets when I was shouting all the time; and when I ask them to show the tickets, one of them turns up and says 'give us tickets to a place which the bus had already passed!'

At that, almost all passengers either smiled or laughed - some even murmured a few comments. Both of us felt humiliated, but the fault was ours. We apologised and the conductor looked bloated over his victory. At the next stop, we got down, took a returning bus and reached the Area Mess.

`While trying to purge society, we were almost dubbed as corrupt,' Major Tandon said jokingly and added, `sometimes one pays much more than one can imagine for one's little mistake. In any case, it is always wise to admit one's mistakes and amend for the future. Lesson learnt: never take up discussions at wrong place;' Thus, both of us laughed away the sting of humiliation we had to suffer because of carelessness.

THE ARMY HQ

10 O'clock the following morning, we arrived at the AHQs and handed over the documents in one of the offices, as indicated in the Move Order. But we were shuttled from one office to another and from one block to the next till we finally reached the required office in Sena Bhawan.

It was surprising to see the mesh of indiscipline at a place from where control over the entire army is exercised. No one cared for anyone, irrespective of rank. Everyone, barring a few, looked busy in himself. In some offices, the officers and the clerks were alike busy reading novels or writing personal letters, behind the piles of files lying on their tables. Some of them felt hurt by even indicating or giving directions to a stranger who, because of ignorance about the place, felt completely lost in the vastness of the huge set-up. It looked as if there was no concern by anyone for anyone. No fear of admonition, utter disregard for any check and control, if there was any and lack of manners necessary in human beings.

I think these people are used to working in an emergency only,' remarked Major Tandon while looking at the PA of Colonel Grewal. On our arrival, since the boss was not free, we were asked to wait. And, we had been waiting for the last twenty minutes. Seeing no scope still, for the intended permission, Major Tandon asked the PA to checkup.

The PA was busy reading some Hindi novel, probably Gulshan Nanda. He felt irritated at this unwanted interruption and with a contorted face pressed the intercom into service. Then replacing it, he told us to go in with a wave of his hand and picked up the story from where he had just left off.

Major Tandon asked me to wait outside while he himself went in. He introduced himself of Colonel Grewal and apprised him of our duties. Tandon also expressed the doubts that I had and sought clarification.

Grewal looked quite disturbed by these and explained, 'Your doubts are completely unfounded.' He took from a pocket his laminated identity card and showing it to Major Tandon said, 'This is a new type of card; haven't you seen them before?... You'll be collecting these for the whole formation. 'Then, he continued absurdly,' but the cards are not ready as yet. I hope we shall have them ready by tomorrow or the day after the day after.' He asked Major Tandon to come the next day. However, major Tandon sought further clarification about his duty. i.e. Chinese Interrogation. Colonel Grewal passed it off as mistake by the unit. The Army Hqs had asked the unit for two officers to collect and carry the cards of the formation, as it meant a job of great responsibility.

Colonel Grewal happily gave permission to Major Tandon for staying with his parents, and assured further that by all means the cards would be handed over by Tuesday. But in case there was any delay, he would let Major Tandon go back. Major Tandon was supposed to be at Mhow by 26 August, for his 'Senior command Course'.

In that case, 'the Colonel replied, 'We would make some alternative arrangements to provide an officer or a JCO to accompany Rathaur back to Kamptee.'

After this assurance, Tandon happily left the office and came back to me.

'Let us go,' he said, 'we have to come tomorrow. The cards are not ready.'

'But why you? You've not come for the cards, your duty is different,' I asked.

'No, that was a mistake. I'll explain to you later.'

'In that case, could I talk to Colonel Grewal? I know him.'

'No, I think you could do it tomorrow. I've to meet a friend of mine, Major Vasudeva of my former battalion.'

As we walked, Major Tandon explained everything they had transpired between him and Colonel Grewal. He apprised me about the permission to stay with his parents, and said, 'I told you? Your suspicious were wrong,' and smiled exultantly. I kept pondering over the talk between Major Tandon and the Colonel.

Later we met Major Vasudeva and I was surprised to see it was the Vasudeva whom I had known well at Samba.

'How come you're wearing our 'Royal Rassi' (Lanyard)? I thought you were with the Gurkhas?', I enquired.

I took fancy to your regiment,'he replied cheerfully in his nasal accent. Major Vasu was always a vivacious officer with very charming manners : anyone meeting him for the first time would fall for his liveliness, which probably proved dangerous to many of the opposite sex and was a constant threat to his medico wife who herself was a Major in the Army Medical Corps, and a source of envy for many of his colleagues. Major Tandon asked how we knew each other. Vasu recounted our sweet association at Samba.

Vasu wanted to offer us a cup of tea but, despite his efforts, he failed to get it.

‘Sorry, actually tea is served at a particular time,’ Vasu said, resignedly and added, ‘and now it is lunch time.’

‘Yes! Yes!! I know your lunch time starts the time when you enter the office, till you leave!!!, I said mockingly and added,

‘By the way I saw, wherever we have gone since morning, the same sad state. Now here also you’ve asked four different peons for tea but not one came back, let alone bringing any tea. I would be going back from here with the impression of "Free for All". Do people, tell me. come here for marking time? How do you survive here in this suffocating atmosphere?’, I asked sarcastically.

‘My dear, who would call it Army Hqs, if such things don’t exist!... One must conform to the environment in order to survive.’ Perfect as Vasu was in twisting things, he smilingly changed the topic. He invited us to his residence for the evening. Noting the address, we parted to meet later.

After dropping, Major Tandon at his home, I went back to the Area Mess. I took my lunch, changed into civvies, caught a local bus and came back to Major Tandon. Earlier, we had made a programme to see a movie. So we went to Chanakya and saw the picture, an English movie ; a story of a British Royal Fighter Squadron, commanded by an able Wing commander, during the second world war. Having lost all his ace pilots, the Wing Commander had to struggle and carried on with teenagers, some of whom had as little as 14 hours flying experience. The crux of story : It revealed the spirit of a nation which never gave in and ultimately, through perseverance, came out victorious. Quite inspiring.

After the movie we returned home. I reminded Major Tandon about the invitation, but he said he wouldn’t be able to go. ‘Kindly apologise on my behalf of Vasu, for not turning up;’ requested Tandon.

I took a taxi and reached the officers Mess at Dhola kuan. There, I enquired about Major Vasudeva’s residence and proceeded to a nearby multi-storey building. Vasu lived on the 5th floor.

Upon reaching the building, I found a lift near the entrance, which was unattended. Entering it, I realised that I didn’t know how to work it. In fact, I had seen an elevator, for the first time in my life that day at the Sena Bhawan, There I didn’t have to worry because other people, familiar with its operation, were using it. But now I was alone. So, for some time I stood in the lift perplexed, trying

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to decide whether it would be wise to climb the stairs or take a chance by pressing a button. Finally I decided to take a chance. I read the few instructions written on the front panel with lots of push-buttons and lights. Which one to press? 'All right, I need to go to the 5th floor. I should, therefore, press a button numbered 5.' I looked around to see if there were some other switches to make the lift operative before pressing number 5, but found none, except two other black switches with the PU and PC markings. I pressed one of the two and was thrilled and surprised to see the door closing. I quickly pressed number 5 with an air of efficiency, and the lift moved. After some time I felt a slow jerk and the lift bounced to a stop. Thrilled at this unexpected success I stepped out. In the gallery I read the room numbers and was surprised to find myself in a different place. I was on the 7th floor. I wondered, how did I land up there. It was because I had, in the confusion, pressed a wrong button. I took another try - pressed a button affixed to the wall.... This time, I was on the target, and I muttered that it was so easy. However, it, took a little time to find the room where the Major was waiting for us.

'Where's Tandon?', he enquired. I apologised for his inability to come. Vasu explained the setup of the buildings in general and gave a detailed account of the history of each of the items displayed in the room. During our conversation I learnt that Vasu had promised to visit one of his friends that evening but had cancelled the arrangements when he had invited Tandon and me to his flat. Realising that the visit had been cancelled because of us, I insisted that Vasu should either inform his friend or he should go.

I wouldn't like to spoil your visit.', I said.

'Don't be silly, your visit is more dear to me than the other,' Vasu replied and laughingly he added, I could have informed about the cancellation of my visit, but I forgot to do so from the office. Here I don't have a telephone, I mean the apparatus is here but it is not connected.'

'Well, it's not a question of comparison,' I said, 'but one of principle. I would not like anyone to do such a thing to me', I persisted that Vasudeva should inform his friend. 'You have the apparatus; show me any telephone line around here, if there is one.' Qualified in signals, I now had a proper opportunity to test my knowledge. Vasu showed me a line in the gallery. I asked for two pins which I inserted into the wires through the plastic insulation; connected each end of the cord to the pins - the telephone was functional. I asked Vasu to ring up the desired number while I held the ends close to pins with my hands. With a little effort Vasu got the number, spoke to his friend and jokingly told him how he was speaking. 'I can't give you my number, yet I can talk to you anytime,' he said and apologised for breaking the promise. Then, disconnecting the phone, he turned to me and said, 'You're great. Thanks for the discovery. I've found a way out for an emergency.'

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The entire officers' enclave was deserted.

'You know it's Delhi? in the evening, one doesn't find anyone here, unless one is sick in bed. Whoever comes here becomes a professional hunter. Now also the people are out hunting,' he looked quizzically at me, giving a meaningful smile and added, 'let's also leave this haunted place.'

We came to the Mess. Vasu led me to the bar which was air-conditioned. In the sultry and humid climate outside, it felt very pleasant. Laid out with a wall-to-wall, thick and aristocratically designed carpet; thickly padded sponge rubber cushions, crescent shaped sofas, closed off by a bar which was covered by a natural wood sunmica. The waiters wore white uniforms with red cummerbunds buckled by the brass insignia of Army Hqs, and peacock turbans. They moved briskly to and fro serving the members and their charming companions. The dim light gave the whole scene an air of mystic magnificence. Entering the bar, I gave the surroundings a cursory glance and, for a moment, felt a pang of nervousness at the unfamiliar surroundings. 'Superb!' I muttered, but aptly suppressed the feeling of awe which gripped me, almost knocking me over. I told myself with mixed feelings, 'So, after nine years of service, I've discovered today what it is to be an army officer. I should consider myself one of those few lucky ones to taste this life, even though it's for only a few hours,.... there are many who never see civilization - never know it. What they know, all through their service, are the snow-covered peaks, thick jungles of Naga hills and the like, the desert of Rajasthan, of course seeing various kinds of insects and reptiles which abound in nature....' I would've continued this exploration further, if Vasu had not checked me.

'What would you prefer?.... and don't ask for any such thing which, I am unable to procure - I mean no softs.' Vasu asked.

It wasn't that there were no softs drinks at the bar, rather a way to indicate that wouldn't get softs. Getting his meaning, I said, 'In that case, I wouldn't mind a glass of beer.'

We enjoyed the drinks at the bar for an hour, and then went to the dining hall. It was an extremely big and spacious hall, humming with numerous officers coming in and going out, stopping here and talking there, chatting to each other and some laughing at a crude joke. It buzzed as if one had entered a busy fish market, presenting a contrast to the snug and cool cozy bar.

After the dinner, Major Vasudeva dropped me at in the Area Mess. Here was another comparison; the Area Mess looked like a home for destitutes in comparison to the Dhaula Kuan Officers Mess.

The following morning I got up early, packed my scarce belongings, paid the Mess dues and waited for the jeep. The jeep came and I drove to Major Tandon's house, as directed the previous day, Major Tandon was waiting.

In the AHQs we found the cards were not ready. So Major Tandon collected his Move Order, back for the unit. I was to be provided with another officer or a JCO as an escort, to carry the documents. We left the AHQs. Tandon was dropped at his residence. I collected my suitcase and reported back to the Area Mess. I had left a message for my wife with Major Tandon that I would return in two days'time, unaware that fate was hovering over me like a dreaded dark cloud and would descend before that time was up.

Finding myself alone, I become said. So I decided to visit my sister. After a hurried lunch, I boarded a local bus and reached my sister's home. Despite her insistence that I stay, after dinner I returned to the Area Mess. Back in the room, I changed and lay supine on the bed thinking about the whole affair in retrospect. I analysed the conversation between Colonel Grewal and Major Tandon.

At first instance how can such a big mistake take place - between Chinese interrogation and collection of identity cards? looks absurd. Then why should a colonel take out his own card and show it to a major; saying. "this type"!! After all hadn't Major Tandon seen his own card at the time of filling in details and signing it? Except of course the sealed covering.... And then, even assuming it was a mistake, why call two officers in the first place and then send one of them back and why the people in the AHQs should turn so generous all of a sudden in providing a second escort? And if they were providing one, they could very well provide the second. Then why had they called the unit to send a collection party at all? And secondly, if the cards were for the entire formation to which I belong, then the directions should have been from that formation's Hqs and not the AHQs. Then it is all the more preposterous to detail officers from a unit stationed so awkwardly at a such a far off place as Kamptee, instead of from a unit of the same formation which was stationed in Delhi itself? They why should the cards be taken to Kamptee if they're meant for the whole formation? Thus I concluded, 'The whole affair is nothing but charged with doubts.' Putting all bits together, from the start, I formed a clear and coherent picture boiling down to my calculations which were coming correct. But I bitterly ridiculed the Intelligence, for hatching a "Top Secret"plan, catering to the misutest possible detail to make it an "Unclassified"one. I mused over their secrecy! An open secrecy!! Then, I went to sleep saying, ' May God bless them.'

The following day I again went to the AHQs. This time, instead of Colonel Grewal, I was asked to report to Lieut Colonel Jain. In the office Colonel Jain offered me a chair and a little later a cup of

tea. By then, I was absolutely clear about my "duty" but I did not show this in case it hurt their 'secrecy'. Acting ignorant, I asked if the cards were ready.

'Well Rathaur I'll find out a minute and let you know. Meanwhile I suggest you wait in my GSO 2's office.' Saying this, he left. I went to the directed office which was next door. There, Major Uppal the GSO 2, after customary introductions, invited me for lunch. While eating, Major Uppal asked me why I had come to Delhi. I explained about the identity cards. Hearing that, Major Uppal was surprised and said, 'No! How can it be? We don't issue identity cards! As far as I know the Identity Cards are prepared by the respective Commands' Hqs. We have prepared such cards here in the Army Hqs, but only for its officers. And even here, not by our branch!!! I suggest you check up with Colonel Jain; surely there is some mistake somewhere.'

I was completely surprised, not so much that it was not the duty I had been sent for, but at the type of secrecy being maintained by this branch of the Intelligence Directorate, where a GSO 2 did not know what was happening in GSO 1's office. Such security! When, with their close contact one officer did not know what the other was doing!!

'How would these people must be maintaining coordination that's so vital for office functioning?', I marvelled and smilingly said, 'I will do that, sir.' I finished the sandwich and quickly drank my tea. Then, thanking Major Uppal for having shared his lunch and for his tip about my duty, I walked out. I went to Colonel Jain, who'd returned to his office.

Are the cards ready, sir?' I enquired from Jain.

'Not yet. Come tomorrow, about 1100 hrs.' Colonel Jain replied.

I found myself in quite a predicament. Because of my impending exam, my time was precious. Yet, here I was wasting day after day, playing this silly game. I thought to put an end to that, and said sternly, 'Now, sir, don't play this hide and seek with me. I know, I've not been called for what's being told to me. Therefore, I request you, whatever it may be, to kindly act and soon,' and added in disgust, 'It's nothing but a waste of everybody's time and efforts.'

Jain turned pale and avoided looking at me. I was staring at him, observing the fast-changing colours of his face. Colonel Jain appeared hurt; probably finding a sudden dent in the otherwise well nurtured secret plan! He asked almost in dead voice, 'How do you know?... Who told you?' Then suddenly realising that almost certainly he was about to lift the curtain prematurely, added, 'No, No. You're wrong....'

`Now sir, please! Are you trying to tell me that your GSO 2 doesn't know that you issue cards?', I commented sarcastically.

I would have almost added everything I had deduced so far but, thinking about something, I checked myself.

In fact, Colonel Jain was so astounded that he was lost for words. Seeing him bogged down, I felt very amused and thought, `You'd get a bigger shock if I revealed everything I've deduced from all the holes in your supposedly well-made plan'. But, I didn't do that. Coming to Jain's rescue I said, `Well, if its really only the cards I request, that they are definitely ready by tomorrow.' Then I left.

THE CLOSE ARREST

While walking in the gallery, I read a name plate 'Lieut Col B S BHANDARI, VSM', hung outside an office. I recollected that I had known the officer at Jammu. I thought and went in the office to meet Colonel Bhandari, who recognised me and showed his happiness at meeting me after an interval of more than two years. I had decided to meet and spend the evening with my friend, so I was in a hurry. But the Colonel would not let me go without tea. We talked about the happy days spent in close association and the occasions, I was instrumental in sorting out the squabbles between Colonel Bhandari and Colonel Grewal over their common sources. Both the Colonels knew me and my work of acquiring information. I thought to apprise Bhandari of my suspicion but decided against it. He may not know. It would be very disconcerting for him, I thought and took leave.

I returned to the Area Mess. After lunch I informed the Mess Havildar about my dining out, came to the room, changed my dress and went to the bus stop.

During one of my visits to AHQs, I had met Major Jang from Intelligence. He had been a GSO 2 (Ops) in the formation when I was Int Officer. From Kang, I had known that major Midha, Officer Commanding 527 Int and Field Security Company, of which had been a member once, was posted to the Red Fort, as security officer.

While waiting at the bus stop, I thought of paying a courtesy call to major Midha. I took a bus and reached the Red Fort.

I remembered the area where I had spent about a year with my unit. I was a sepoy back in 1964, when my unit was stationed in the Red Fort. I did not find it difficult to orient myself to the surroundings, despite some major developments in the form of wide roads and some additional constructions that had since taken place.

After getting down from the bus, I walked inside the fort, near the portal which provided a guarded entry to the famous "Dewane Khas" and the Moti Masjid, the latter, built by Aurangzeb the last great Emperor of the muslim dynasty, famous for his cruelties to other sects of religion. I asked a sentry and finding that he did not know my security officer by the name of Major Midha, walked to the Officers' Mess of the unit stationed in the Red Fort - a unit from the Kumaon Regiment. There just by a stroke of luck, I changed to look at the name plate hung outside the house in the alley, next to the Mess. I was relieved to discover that it was the house I was looking for. I pressed the

buzzer and was very happy to find Havildar Ram Sarup, once my subordinate, opening the door. Hearing us chat excitedly, Major Midha also came over, and seeing me, he happily led me to the drawing room. Having enquired about the whereabouts of our pals I confidentially expressed my doubts to Major Midha. I asked him whether it was correct for me to go to the DDMI, if the next day also there was any dilly dallying. Major Midha expressed his amazement, saying it would be ridiculous if my suspicions turned out to be correct. How could aspersion be cast upon some one like me who had such a good record of acquiring highly valuable information, simply because a source I had operated, had turned out to be a double agent? He advised me to speak to the DDMI or even the DMI.

I learnt here about one sepoy Ajit Singh a former member of my Company, who had been convicted and sentenced to 14 years rigorous imprisonment for espionage. Could it be Ajit? He was apprehended in 1976! If it were him, I would have been called much before.

Havildar Ram Sarup who had come to take some orders from Major Midha, would not let me go without tea, a small token of his gratitude for my kindness to him and his colleagues when they had served under me. I had commanded respect by looking after the welfare of my men and boosted up the work standards through my incessant efforts and organisational capabilities. I found it difficult to turn down the ardent wish to the NCO. So I went to take tea with the Havildar, in the other ranks' lines.

During the talk with Ram Sarup, I found out that he was in the last year of his service. Thereafter, Ram Sarup would retire: oblivious of the impending disaster that would force him to retire not only from the army but from life itself. He appeared very contented with his posting at Delhi as his village was very near which made it possible for him to visit his aged parents and family on weekends to straighten up any domestic problems, while still in service.

I had to visit my old friends and for that I was getting late. So, I left the place, came out of the fort and took an auto-rickshaw. I shook hands with Ram Sarup who'd come to see me off - thanked him for his hospitality and expressed my gratitude once again for the unfaltering loyalty he and the men of the platoon had offered way back in Samba.

On the way, I wondered if anyone would recognise me after ten years. Ten years, I thought was big gap to reckon with. Great upheavals had since taken place, not only in socio-economic and physical appearance of the surroundings but also in the moods of people. How would my friend react? Would he recognise me? I thought. Even, I may find it difficult to recognise him. After all when we last parted, he was merely a lad of seventeen years. Now he must be a fully grown up

person, married, and might even have a couple of kids.' But I dismissed any such apprehensions, saying, 'Let me see it for myself.'

I got down at the Sabzimandi bus stop. It was s sabzimandi only till such time the market had not been shifted during the days of the emergency. Now it was a place, I found completely changed - beautifully decorated, lit with moon light even while there was day-light. Looking at the changed picture of the area, I found it difficult to orient myself. I became uncertain of finding the house, as I did not know the address. Not knowing the address was the reason I could never write to Pasha, my friend, even though I wanted to. For some time I felt lost. 'Whom should I ask, and for what, when I don't even know the name of the locality?' I questioned myself. Finally I thought to try and I was successful.

I pressed the buzzer on reaching the hose and was relieved to find that Pasha's mother, who opened the door, did recognise me. 'Beera! You!!... We thought you've got lost, and will not come to meet us.'

I replied jokingly, 'Well, I've a habit of surprising people by appearing out of the blue,' and enquired how was everything and everyone. 'Where are the other?' I asked, seeing her alone at home.

She asked me to first relax and went into the kitchen. She brought a plateful of assorted sweets with a glass of milk and affectionately pressed me to take them.

She briefly described everything that had happened since my last visit. Pasha was married and had two daughters; now he was living separately and Papu, the younger brother of Pasha had passed Bsc the same year. Papu was undecided whether to study further or to take up some job. And, as a rule, she left no stone unturned, criticizing, blasphemously attributing every small piece of bitterness to her daughter-in-law, Mrs. Pasha, while herself steering expertly clear from any behavioural defects. Then, breaking into tears, she said 'but who is here to listen to my woes, when my own son has deserted me in collaboration with yesterday's damsel. He's disowned us; his parents!.... I'm very old now, as you see, a chronic patient of arthritis. 'Tears now succeeded her sobs. She finally rounded up the criticism by giving it a touch of finality with an intense shower of curses. Then, she abruptly reversed the entire scene. Curbing her tears and smiling, she asked, 'You tell me about yourself. How have you been all these years?'

I suddenly woke up from the trance to which I had been reduced while listening to the story. It was indeed a poignant sight; still I found it difficult to believe that the girl could alone be blameworthy. A single hand can't produce a clap. I marvelled over the established custom of

mud-slinging between "sas" and "bahu" I held her also guilty. But, outwardly I fibbed all my sympathies with her, and then told her about myself.

Thereafter, I went and met my friend Pasha at his new house and engaged in unending tal. I had my dinner there. it was 11 P.M.

I got leave from the couple only once I'd promised to meet them the following day. The place for meeting was fixed by Pasha.

We were to see a picture, have dinner in a restaurant and go to the Birla Temple. It was "Janam-ashtmi" the following night.

The next day, I got ready, had my breakfast and waited for my transport. It was 10 A.M. and the vehicle had not arrived. Since the club secretary wouldn't allow the use of his telephone, I borrowed the Mess Havildar's cycle and paddled to the Area Hqs Officers. I requested the GSO 2 to make arrangements for the transport as the one detailed for me had not reported. After having made sure, I cycled back to the Mess and again waited. One hour passed. Yet there was no vehicle, so I again went to the Area Hqs and complained about the transport and about the delay, this time to the GSO 3. The GSO 2 was absent from duty.

I remembered the two young officers complaining to Major Tandon. It was being repeated on me. I was very annoyed to see the way things moved in both the Hqs. In a frenzy, I spoke aloud, and these people think themselves hell of smart. But in fact they are stupid and fools.'

Somehow I managed to reach the Army Hqs, but by then the time was 12:30 P.M. I explained about the delay when I was asked by Colonel Jain. Then, I was asked to go to Major Uppal's office and wait. The cards were ready, I was informed!

No sooner than I entered the office, I was called back. Jain informed me that there was a telephonic message for me from my CO and that the message was received by the Commandant, Raj Rif Centre. Colonel Jain asked me to go and receive the message there.

'Why should my CO said a message to the Raj Rif Centre and what was the emergency for such a message. Couldn't the message have been sent to you, if at all there was one?' I shot back.

'Well, I don't know that,' replied Jain.

`Why? Can't I receive that message here on the telephone, instead of going there and again coming back?', comprehending that the curtain was being lifted from the stage to enact a scene which had so far been rehearsed, I enquired.

Colonel Jain was hard-pressed to extend a satisfactory reply. Seeing him in that embarrassing situation, I came to his deliverance. I offered to go and receive the message, the contents of which I knew already!

When I was just about to leave, Major Uppal entered the room and requested Colonel Jain to allow him to go and see his ailing son in the hospital.

`But how will you go?' Colonel Jain enquired from Uppal, then turning to me said, 'I believe you've got some transport?'

`Yes,' I replied briefly.

`Then, could you give a lift to Major Uppal till the hospital?'

`He's most welcome.'

I fully understood the drama that was being played. 'Major Uppal is to guard me lest I run away before reaching the centre, where they will probably end up interrogating me,' I mused.

As was expected, Major Uppal never got down anywhere en route. On arrival, I went to the Adjutant's office and asked about the message. The Adjutant drew a blank.

`Kindly find out from the Commandant.' I asked him.

The Adjutant first talked to the Commandant on the intercom, and then went himself.

It was 2 P.M. I felt as if a gloom had descended over everybody's face. Seeing that, I also became tense with the thought that those people must be viewing me with suspicion.

Nothing about the message was told to me. I was led to the Officers' Mess by another officer, named Captain Sansar Chand and, after lunch, I found the Adjutant with the message.

'I'm very sorry to have been called upon to perform this dirty job - but I can't help it. You're placed under close arrest,' the Adjutant declared.

`By whom and for which offence?' I enquired.

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`By the Commandant, and I don't know for what offence,' the Adjutant replied.

`Well look, I suppose it is incumbent on the part of the Adjutant or the Commandant, to assign the reasons and show me the offence for which I'm being arrested.' I demanded my rights. But the Adjutant could tell me nothing and nothing was given to me in writing either.

My luggage had already been shifted from the Area Mess. I changed the dress and, smiling, lay on the bed ruminating over the entire drama from the start.

The Interrogation

‘Chaudhary sahib, who is he?... What's this thing sitting in front of us?... Doesn't he know how to wish?... Ohe! You son of a pig, who;re your? And how dare you look at us with your dirty eyes.....?’

I request you humbly gentlemen to restrain your tongues and stop using any abusive language. And don't expect me to wish you after what I have been made to undergo in the last twenty-four hours... I say, after all what's this?.... Why's this murderous torture being given to me?', I, who had suffered the humiliation and torture with restraint, asked in a tantrum charged with wounded emotions.

It was 10 P.M. on the day of my arrest. I was blindfolded and shifted to the interrogation centre. Being used to discipline, I felt terribly ashamed to see a guard on me on my arrest. I never dreamt that I'd be under a guard, but I was. I had forcibly pressed the outburst of tearing emotions.

In the interrogation centre, I was led to a room which, after a while, I knew to be a cell : eight by eight feet in size with only one sealed ventilator and a thick door, lined with rubber padding around its outer edges; to make it sound-proof. It had a circular peep-hole, four and a half feet above the floor. Then a person in civilian clothes came and removed the blindfold for a little while. The man had removed my badges of rank, despite my strong protest and had handcuffed me at the back. The blindfold was replaced and I was left to brood alone.

The slanting rays of the fiercely burning sun, while moving away from its axis in August, are like burning sticks in Central and in the northern part of India, at this time Delhi is generally at the pitch of a humid heat. It was during this time I was thrown into that enclosed cell, which was devoid of any passage for air. Hence, within minutes in the cell, I felt as if I was put into a burning pot and would surely die of suffocation. I felt thirsty; but no water was given to me. I shouted and asked for water, but none came to give me any. I found myself wasting my energy to no avail, and in exasperation I sat down. No sooner did I do that, I felt a strong tug at my shoulder and was instantly lifted up on my feet. I was repeated whenever I tried to sit.

I was forced to stand throughout the night and day, till confronted with two civilians, the next night. During this period I had sweated profusely due to heat of the cell. No water was given to me, except half a glass of salty water. I had gulped that with the avidity of a dog; only to feel more thirsty. Though I was offered breakfast and lunch, I could not take anything under those humiliating circumstances. My whole body pained miserably due to sleeplessness and

exhaustion; my whole energy consumed by excessive fatigue, had resulted in my fainting thrice. I was not allowed to remove my shoes and, as a result of standing for nearly twenty-four hours, the flesh of my feet had started showing over the shoes, due to swelling. I was fuming in anger over the indignities I was subjected to.

For some time, both gentlemen who had posed themselves as police officers from the Int Bureau found themselves at a loss for words. One of them, who later gave his name as Kanwar Shamsher Singh (KSS), got up, approached me and, asked me to get up and slapped me continuously across my face with force and said, 'look you son of a pig, it is high time you started behaving, otherwise we know how to make people like you behave.'

'I think you're very brave?... Is it? Hitting a helpless person who can't even react : You sons of bravadoes, just open my handcuffs and I'll send both of you to where you murderers should go to,' I was mad with anger. Saying that, I hurled the table with the force of my shoulder on to them. But they evaded the fall of the table with the dexterity of a monkey.

'Chotte Sahib! Chotte Sahib!!' KSS shouted at the top of his voice, and when the person called entered the room, he added, 'Take this bastard to the hot room and squeeze out the last drop of blood before you bring him to us next time.'

I was blindfolded and this time led to a different cell called the 'hot-room', which was similar in shape and size to the other one, except that it had a thousand watts bulb with red glass covering. That produced extra heat.

In the cell, I thought, 'How dare these pernicious fellows manhandle me? Is that called a fucking' interrogation?... Alright let this be over. I'll teach them a lesson.' But how mistaken I was, unaware of the future atrocities which were hovering over me.

I was again made to stand in the same position, but with the addition of beating. Beating in the forms of kicks and slaps. Food was forced through my mouth. I was given water to drink. By the time I was led to the same pair the next night, I was drained out properly as per the directions, though I still tried to recoup the last bit of my energy.

'Are you alright?.... Oh lover of your mother?' KSS enquired wickedly.

'Please I request you again not to abuse....'

'Shut up, you son of a bitch,' retorted KSS and hurled the filthiest abuses at me.

I found myself in a most bewildering position. The only thing which I could do was to abuse the unknown person responsible for my introduction to these scavengers called interrogators. And that I did.

'I think you're okay now. Aren't you?' Asked KSS.

'Gentlemen.....'

'Say sirs, you bastard, not gentlemen.' Restorted KSS.

'Alright, sirs. I will call you s-a-a-r-s, if that makes you happy. And sirs, I'm okay so far, you murderous sirs. For the last two nights and two days I've not been allowed to sit down, let alone sleep..... Now, would you killers let me, know before I die, as to what have I done to deserve this treatment,' I said in a fit of anger.

'Chaudhary sahib look at this Dracula! He's asking us!' said KSS and then looking at me continued, 'òhe! You son of a bitch, you tell us why have you come here?'

'I think in spite of my humble requests to spare my parents, you're deliberately abusing and giving me the impression that you've no regards for your own mother who brought you to this world and your father who is responsible for your birth.... And listen, I know nothing as to what for I've been brought here. It's not me who's come, but I've been brought; I thought for some sort of clarification in a proper way. And not definitely for getting mauled, the way I'm being. Do you, sirs, understand that?', I concluded with a mouth twitching, due to anger.

Hearing me say that, KSS got up, took out his chappal and started beating me mercilessly with that, saying, 'I thought you'd come on the track.'

'Alright. Beat me as much you like, even to death, you bastard. That is what you intend doing to me.' I shouted at the top of my voice, mustering all my depleted strength.

At that, the second interrogator, referred to as Chaudhury, intervened. 'Please KSS sahib leave him,' he said while pulling KSS back to the chair.

Chaudhary then turned to me and implored, 'Bloody man why do you want to get killed? KSS is a man without mercy. If you keep on behaving like this, he'll kill you.' and then he asked me to sit down on a chair.

`KSS Sahib don't be harsh. After all he is a man,' said Chaudhary and shouted fir Chotte Sahib, on who's arrival he asked them to remove one handcuff.

I felt terrible cramps in my arms. I moved my paining arms up and down for free circulation of blood. I felt great relief from the exhaustion caused due to continuous standing for forty-eight hours and enduring the intermittent beating.

`Look Rathaur, you know why you've been brought here.... You must have done something to warrant your arrest, for which you're here. Isn't that so? Otherwise, why has anybody else not been sent here?' Chaudhary asked sympathetically.

`Yes, sir. I know this much that I've been sent here for interrogation. But why and what interrogation, I don't know; unless you ask me how can I tell you the thing which you want....'

`Bastard, it is you who is going to tell,' interrupted KSS

`Well, I thought you were interrogating me! So unless you don't ask me questions, how can I clarify my position....'

`There's no question of clarifying : Your position is already clear to us. So you'd better start speaking.'

`That means you've already proved my case without even asking a single question! A case about which I don't even have the slightest idea. Eh?', I replied contemptuously.

`Don't try to show us your knowledge. We're fully aware about you. It's you who will speak, and not we. Is that clear to you?.... Now tell us', retorted KSS.

`In that case, I have nothing to tell you.'

`Please KSS sahib! Why are you annoying him?' Han.. so we were talking about the causes which led to your arrest. I mean you've been arrested for spying : why?'

`Spying?... Well sir, I have no knowledge about the cause. However I can only make a guess. Since I have operated sources while in the Intelligence, so it must be connected with one of them.'

`Do you know who were your sources?'

`Yes. I do remember some of them, I replied. Then I explained in detail about the particulars of my sources as per my memory adding, `but I'm unable to pinpoint who could have been a double agent.' Then seeking further information I said, `Unless you tell me about the whole matter, I'm not in a position to tell you anything.' I pleaded to show me the cause of my detention.

And, apart from your sources, do you suspect anyone?' Asked Chaudhary.

`No. I don't'

Thereafter, the interrogators subjected me to a cascade of questions. Questions such as : what is a captain-who is a source and why was I operating a source - who'd given me the authority; how can a General give me the authority to break international law - what was the name of the General, so on and so forth. The questions apparently, were irrelevant and stupid, serving no purpose. However, I replied to every question while keeping my balance of mind.

KSS demanded that I speak loudly, posing as deaf and that he couldn't hear. It was not difficult for me to guess the meaning of speaking loudly. My answers were being taped. But I didn't attach any importance to the jugglery played by the interrogators, as I'd nothing but the truth to tell. The questioning about finished and I was asked to narrate my life history. `Include your ancestors,' commanded KSS.

After I had given a portion of it, they stopped further interrogation. I was sent back to the cell - this time to the original cell. I made a request for allowing me to sleep and to change my clothes after a bath. I had started stinking. The request was very harshly turned down. However, I was allowed to remove my shoes, since my feet were badly swollen.

In the cell I requested one of the staff personnel called `Chotte sahib' to remove, if not both, at least one handcuff as tying hands at the back had resulted in cramps and wound injuries to the wrists due to instinctive tugs to get some relief;? He removed the blindfold but not the handcuffs.

I was made to stand. It was now the third night without any rest. I felt completely tired and drained. I started questioning God. Why was I suffering this punishment? What had I done to deserve this treatment? And I implored him to save me from those brutes.

At that time, the Chotte sahib entered the cell and asked me, `Why're you not coming out with the truth? Unless you come out with the true facts, you will be tortured continuously,' then, looking away from me, added, `Here we know how to bring out the truth.' He further informed that I was arrested with proofs in the forms of documentary evidence and photographs.

'Well, if you've so many proofs against me, then why the hell can't I be brought to trial, instead of being killed?... And I wonder, what shit you're talking!... documentary proofs and photographs. Eh? I know I've done nothing illegal and there is no question of any fucking evidence against me,' I replied, choked with anger.

The Chotte sahib, an aged person with white scraggly hair, round but sympathetic face, having heard my outburst and seeing my plight sympathised with me. He advised me to stick to the truth whatever that was; not to worry and remember God. Then he asked for a chair and allowed me to sit down, warning me at the same time not to sleep. The Chotte Sahib allowed me to sit on the chair against orders, which were to the extent of not to allow even bending and to shout numbers, starting from ten thousand, in a reverse order, till I had counted one and to repeat the process. But Chotte Sahib gave me the option to recite religious hymns, or any story, instead of counting numbers.

I felt relieved and a bit encouraged at the soft behaviour of the Chotte Sahib. I started reciting "Gayatri Mantra" the only hymn I remembered. But while reciting, I forgot that also and instead started narrating parts of "Ramayana". But I couldn't do that also and, because of the tremendous pressure of fatigue, fell asleep, only to find myself up again on my feet.

Despite my best efforts, I could not hold on to myself and slumped on to the ground; unconscious.

The Chotte Sahib took pity on my miserable condition. He opened the door of the cell, untied one handcuff and let me lie as I lay unconscious, while feeling the pulse for any sign of life in me. And of course there I was still alive.

I remained in that position for about two hours, till the Chotte Sahib woke me up and gave me a glass of water, then asked me to stand up. He explained. 'I'm sorry to wake you up but I can't help that. My duty is about to be over.'

'I'm grateful to you for the compassion shown to me,' I expressed my gratitude and added, 'but sahib I'm feeling very weak.... If you can, then kindly give me some tea..... so that I'm able to face the ordeal for some more time.'

Chotte Sahib obliged.

After tea, I felt a bit better but not for long; I found myself hallucinating. I started seeing figures of men moving in and out of the cell and passing clear through the walls, with moving pictures and the pictures staring at me. Thereafter, I forgot everything and found myself in a strange world. I

remained in this state, except at times when I was beaten up mercilessly. I was broken - physically and mentally. Yet I continued the struggle hopelessly.

The beginning of torture is always the worst. Thereafter, it becomes a parabola of agony : a crescendo leading up to a peak and then the nerves are blunted and react progressively less. My spirit held out till the long free wheel - down to the final blackout, culminating in a wonderful period of warmth and languor, where pain turned to pleasure and where hatred and fear of the torturers turned to a masochistic infatuation.

It was the fourth day when I was allowed to creep back into the limits of this strange world, into reality, and asked to narrate once again the story of my life.

February 5, 1945. I was born to Shri Jai Singh at Rakkar a village in district Kangra of Himachal Pradesh. My father, a devout follower of Gandhi ji, had taken part in the freedom struggle and several times had exerted his influence to benefit the scheduled caste people of his area. Therefore, he was well-respected, liked and had a good reputation. My father was 44 years old when I was born and, under the guidance and influence of this main, I grew up. I passed my matric and entered the college in 1961. In the wake of the emergency, precipitated by the Chinese invasion of North India, I dropped my studies to join the army without consulting or informing my parents. I did this through sheer enthusiasm and instinctive love for this profession. After serving and fighting the war against Pakistan in the Dogra Regiment in 1965, I applied for a Commission and was selected to undergo training in the Army Cadet College, the following year.

After the Army Cadet College, I joined the Indian Military Academy and was commissioned into the Garhwal Rifles in December 1969.

Having put in four years service in my parent unit, I was posted on ERE with one of the Intelligence Companies. While serving with that Company, I had acquitted myself well and earned a number of appreciation letters from the senior army commanders, for acquiring information from across the border. After having served as an Intelligence Officer for over two years. I was posted back to my parent unit. There I was promoted to the rank of Major.

I served as Adjutant till June 1978. Since I wanted to appear for the Defence Services Staff College exam in November that year, I had requested and was allowed to relinquish the appointment. I also had to relinquish my rank for want of vacancies.

And, as described above, I was sent on temporary duty to the AHQs, where I was placed under close arrest on 24th August. I also apprised the interrogators of my prior suspicions of the real

reasons Why I had been brought to Delhi, which apparently went against me. For the interrogators probably thought, how was that possible, unless what they believed about me was correct; ignoring my explanation of the facts that had led me to my conclusions.

No explanation was, however, enough to satisfy the biased minds of immature interrogators. They appeared too sure of my involvement. Otherwise, there was no reason to subject an officer to such inhuman torture.

But how was I to know what was against me, who was the person instrumental in incriminating me and the manner in which I was implicated. I was in complete dark about the situation. The only thing I knew about was my innocence. That I had tried to establish but it was not acceptable to the interrogators. They continued their questioning and asked me to explain in detail about my stay, work, my friends and other associates while I served in Samba.

BACKGROUND – THE POSTING

On December 23, 1973, I was posted to 527 Int and Field Security Company. Soon after joining the new unit, I proceeded on a part of annual leave. And when I rejoined my duties, I was directed to report to HQ 168 Infantry Brigade. The task : to command the Intelligence detachment at Samba and cultivate as well as operate sources.

It was 13 February, 1974 when I reached my new location. The day after my arrival, I presented my credentials to the Brigade Commander and acquainted myself with the other staff officers.

With a view to taking stock of intelligence before my arrival. From JCO who had commanded the detachment before my arrival. From the briefing of the JCO, I learnt that there were only a few Intelligence personnel who all stayed in the Brigade Hqs. There was no task assigned to them, and, in the absence of any work, they stayed in the Brigade Hqs. The only job they performed was occasional and purposeless visits to the Border Outposts (BOP).

There was no transport except a motor cycle which generally remained off the road. The Detachment Commander did not even have a map of the area. When I asked the JCO whether the Brigade Staff ever assigned any task to them, I was told that the staff were happy to leave them without any work. Rather, I learnt that the staff personnel were suspicious and apprehensive of their presence. It was because of the belief that the 'Int. Personnel' were deputed by the higher authorities to spy over their functioning. So, the staff were justified in viewing them with suspicion. This, I learnt later on, was a bitter fact.

The task, for which the Intelligence and Security cell was created in the Indian Army, has never been understood even by the top echelons. And the misconceived functions of these personnel, in the absence of clear direction, over the times, have boiled down to serving as personal spies of the formation commanders over their subordinates.

When I checked about the sources, to my surprise I found there were none. in fact there had been no source on the roster of that Company since its inception. The JCO showed his ignorance when he was asked about the Intelligence funds. I was disheartened to find the affairs highly disorganised. For me that meant starting from scratch. It appeared to me an insurmountable task. The effect multiplied when I learnt that every possible effort had already been made by different officers, including the Officer Commanding the Company. All had failed to contact a single person even on this side of the border. I marvelled over the responsibility given to me. 'What to do?' I thought. I had no practical knowledge of the strange task entrusted to me, except some

theoretical knowledge acquired in one of the Intelligence Courses, I had done a couple of years back.

Thought disappointed, disheartening as the situation was, I did not give up. I had not learnt to make turn-abouts when faced with a difficult situation, even if it were the most hopeless one. I had this motivation from King Bruce and the Spider.

I dismissed the JCO, went to the Brigade Major (BM) and asked him to give specific directions in regard to my work. I also asked for accommodation in order to establish my own office, for smooth functioning. Then, I enquired about the details of intelligence funds.

'We've no directions for you - accommodation is not available,' the BM replied and after checking from the records he said, 'there are five rupees in all in the MI fund.'

I looked at the BM and saw his eyes impregnated with distrust. Paying no attention to the hostile attitude of the BM, I took the records and was astounded to find the entry of Rs. 5/- that was carried forward from the first page of the Fund register. At the first page also the entry read : B.F. (Brought Forward) from old register. When I asked the BM, I was told that the old register may not be traceable, for the register, from the records of entry, was found to have been closed sometime in the year 1970.

Seeing that, I mused and speculated at nothing in particular. For sometime, I kept staring into space and then left the office.

As I came out from the BM's office, I concluded, 'If I am to succeed in this task for which I'm totally unprepared, having neither training nor experience in such work, the first thing I must do is to establish rapport with the brigade staff. That will be possible only if I'm able to quell the inherent distrust which seems deeply rooted in the hearts of these staff officers.'

I came to the GSO 3 (Int) office and requested the officer to give me a complete set of maps pertaining to the entire divisional sector, within the limits of which, I was to function. After collecting the maps, I again called my JCO and said, 'Sahib, there is no office for me, therefore, I'll convert my living room into one, till such time as I get a proper office.' Then I asked for the files. He went to his residential quarter and brought the only file in which there were a couple of interrogation reports of persons who in the past had crossed over the border, inadvertently. And that was of no help at all.

I made a mental plan to start afresh. I studied the map for about an hour and marked the BOPs. I decided to man the important one's pairing my men. For that I required additional manpower. I

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decided to get it from the Company Hqs at YOL, where there was practically no work. Then to go on the ground and familiarise myself with the terrain. I checked if the motor cycle was alright. It was not. Finding it off-road, in the workshop, I made a personal liaison with the officer commanding workshop and got the machine on road by about lunch time.

In the afternoon I called the JCO and both of us went to see the border. Systematically, I started from one end. After about two days, we had finished the entire sector. But that was not enough. In order to be fully conversant, I must walk the entire distance, I thought. But I left the exercise of walking for a later date. There were plenty of other things which I was required to attend to immediately.

I spoke to my Officer Commanding on telephone and asked him to send a minimum of ten more persons. The request was turned down : not even one man would be sent, I was informed. However, if I'm to function, things will have to move as required, I thought. That I could do only if I was able to satisfy the staff concerned in the Divisional Hqs.

I pondered over the proposition of cultivating sources. Which type of persons cross over the border, I thought. Such type had got to be thieves, cattle lifters or smugglers. That was okay. How to contact them, was the problem. 'Well, for that one requires a middleman,' I appreciated. But how? To some extent the problem could be solved, if I got extra men and posted them at the BOPs. Those personnel could then maintain a list of suspected persons, by mixing up and developing friendly contacts with the respective village headmen. I expected the plan to be successful, more so when I had personal knowledge of the local language to give me the desired advantage. Then there was the problem of money!

Having decided my course of action I went around and established contacts with the sister agencies viz. Intelligence Bureau and RAW. I was successful in establishing personal rapport not only with intelligence agencies but also with the police as well the civil administration, particularly the revenue department. I also received practical tips from Shri A.K. Chabra, the Deputy Central Intelligence Officer of the Int Bureau, who was reverentially known as 'James Bond of North India' - a very fine person who instantly made his personality felt by anyone he met. Thorough in his profession, he was widely known and respected in every branch of the Intelligence.

Thus having made a basae, the next step I thought was to overcome the problems of men, money and transport. I apprised the GSO 2 (Int) of the Divisional Hqs, Major G.S. Oberoi about my problems and was assured by him that he would look into them within a few days.

Luckily for me the new GOC (General Officer Commanding) major General G.s. Rawat, who had taken over the command of the division a couple of weeks back, dropped in the brigade officer's mess, en route Nagrota where the General was going to attend a conference.

The General, called me and enquired about the progress in the task given to me. The General was showing his keenness. I observed that and apprised him about the immediate problems I was facing. The General, besides conceding my requirements, gave me encouragement by extending practical advice on the operation of sources. This gave me an added impetus.

In the next few days, after the informal interview with the General, the required number of men reported to me, though money and transport were nowhere in sight.

After having brought the shabby and disorganised affairs on an even keel, I activated the detachment with full heart. Through my persistent and untiring efforts, I knitted the otherwise unmanageable, educated but disgruntled men of the Intelligence Corps into one of the finest functional teams of the entire command over the next two years. I extracted willing loyalty of every man in the detachment, by not only looking into their personal domestic problems but also by improving their financial lot. I obtained for them the clothing, detachment and travel allowances and provided them with the civilian clothing required in the functioning of Int.work, which had not been done in the past. Thus I had completely won over my men. I became so popular that everyone in the Company Hqs was very keen and volunteered to join the detachment at Samba.

The next thing I realised was, I've got to forget that I'm an officer. In that only lies the crux of my success.'

And I did, that.

In order to do my job, I had to mix with the locals and move about with them and do things the way they did; i.e. cultivate their habits - a really difficult task for any army officer who is exclusively trained in the art of arms, who takes pride in commanding his men, to go down to the lowest levels of life. If I wished I could keep the work rolled up like my predecessors and devote my time for professional studies or just while it away. There was none to challenge me. But, sincere and loyal, I upheld whatever the nature of work, as worship for me and plunged into the difficult life which ultimately cost me dearly.

By mid-March, I found a person willing to cross the border and bring someone from across. But to my exasperation, there was no money, in either currency. So I asked the divisional Hqs for the money. But they also did not have the required currency, although I received a meagre amount in

Indian currency, which was of little use. Without the money it was not possible for my new and highly coveted contact to go. I saw my untiring efforts of running around at times on my own scooter, in the absence of any requisite transport, spending money for entertaining various people from my own pocket, going waste. I felt very bitter, while wondering at the professional slovenliness of the intelligence staff at the divisional Hqs, who I thought, failed me and my efforts. How then do they expect me to function?, I wondered. Still the passionate innerman bent on making his valuable efforts a success, did not give up. I pressed my mind hard to find any alternative. I thought of Army Hqs Liaison Officer (ALO), Lieut Colonel Bhandari, with whom I had established contacts through several liaison visits.

I went to Colonel Bhandari in Jammu and requested him for some Pakistan currency as a loan. The latter conceded only after making some conditions which I did not welcome. But then, I thought, 'beggars cannot be choosers'; considered the situation and accepted the conditions; with a mind to resile as and when I was no longer at the mercy of others.

It was thus, through my persistent efforts, that I was able to embark on my subsequently successful journey.

When the information started pouring in, to my chagrin, I had to part with most of the vital pieces so acquired in return for the money I received. The only consolation I derived was, whoever forwarded the information, it served the organisation and the nation. It didn't matter even if the information represented someone else. I at least had the job satisfaction. So I continued to send the leftover information, such as topographical.

Finally as a result of my mounting pressure, I was successful in obtaining the currency. I bade a sincere farewell to Colonel Bhandari. Colonel Bhandari tried his level best to sidetrack me saying, 'Some information given by your sources are of strategic value and hence beyond the scope of your formation'.

'No sir, I'll send the reports as a whole, irrespective of the quality of information' I told Colonel Bhandari, who left very disappointed to lose the hen that probably laid silver eggs.

Inspite of this I always remained grateful to the colonel who'd helped me to make a start. I was overjoyed when the then Brigade Commander, Brigadier S.L. Malhotra, one day called me to his office and said, 'Rathaur congratulations... Your work has been highly appreciated by the Command Hqs. There is an appreciation letter for you, a copy of which you shall be getting soon. I've been asked to convey this to you in advance. And a pat from me! Well-done and keep it up.'

I felt exuberant and said with all humility, 'Thank you, sir. But the entire credit goes to you and your staff. Without their cooperation, nothing was possible for me.'

I feel proud of you my son. I've been watching you since your arrival and the hard work you have put in. I've been also told by my staff about your decent behaviour towards everyone. You have earned a good reputation, which generally is not the case with security men,' the Commander said and added, 'Whenever you find any problem come to me straight, so long I'm here.'

'So, finally I'm successful not only in the task given to me but in sucking out the distrust and replacing it with love in the hearts of the staff here,' I thought and heaved a sigh of great relief.

I called the senior NCO of the detachment, Havildar Raghubir Singh, and gave him the happy tidings. He said, 'Since day after tomorrow is the pay day, I suggest we get all the men together; here in the Hqs. They will be able to collect their pay personally and I shall be able to convey them the happy news apart from finding out if anyone's got any problem. Will you be able to call them?'

I'll do that, sir.' Saying that, the NCO left.

Slowly but steadily I continued expanding my sphere of operations, and gaining popularity with the help of my devout staff. By then, I had been equipped with one jeep and two additional motor cycles, and there was also no problem of money either.

By October, 1974, I had received two more appreciation letters from my formation Hqs.

It was September 1974. Seeing the acquisition of information as valuable, the Corps Hqs put their foot down. They wanted that the informations acquired by me should be sent to the Corps Hqs directly. This meant direct interference with the Division's Command.

The army command structure is similar to a ladder : the steps representing various levels of command. There's always a danger of falling for a person who takes two steps at a time while climbing up or down. Therefore, probably, taking two steps in either direction in the army, is not permitted. A Corps Hqs cannot interfere directly with a unit in any matter, nor can a unit approach or pass any communications to Hqs which is a step higher to the one to which the unit belongs, except in certain policy matters for which the rulings are always laid down.

Since there were no rulings in regards to the source reports, the divisional Hqs raised strong protest. But the protest was overruled by the Corps Hqs. The reasons : The reports were of a strategic value. It took considerable time for the reports to reach the Corps Hqs through the

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normal channels. If the information is delayed the same is denied, so the Corps Hqs were justified in their action.

I had no JCO. The one who served earlier with the detachment was posted out and had not been replaced, as there was no requirement for a JCO. But the Corps Hqs, felt the necessity and Naib Subedar JS Malhi from the Corps Field Security Section was attached with the detachment at Samba, to assist in the smooth functioning of the sources operation. I found him capable and outstanding, one who in fact, proved to be of great help.

And then Major S.C. Jolly the GSO 2 (Int) of Corps Hqs, took over from me, the briefing and debriefing of sources, against all rules of source operation. I strongly objected to this interference, but I'd to concede when I was told that Major Jolly being at the Corps Hqs had more insight to the nature of information needed. I realised that was true to an extent.

I remained oblivious to earning recognition and strove hard to widen the sphere of my activities. To an extent my work-load was lightened by Major Jolly and later by Major Madan in regard to briefing and debriefing of the sources. Thus I was able to cover a wide stretch of area across the border; from Okara in the South to Gilgit in the North.

I also procured the details of the Pak forces deployed in the Chamb sector, which till then were not known to the Indian intelligence after the 1971 war with Pakistan.

The Intelligence

My identification with the work was so complete that I even went to the extent of neglecting the welfare of my family.

In May 1995, my wife was expecting our second child. She asked me to take leave during the expected delivery period. I had however passed the matter off saying that since I was with her, there was no necessity of taking leave.

I was awaiting the arrival of my top class source and did not want to miss him. The brigade was out on an exercise. There was none in Samba except for Major S.P. Sharma, the BM, who attended to the routine operational work. The BM also insisted on me to take leave and attend to my wife. My taking leave was also necessary due to the fact that our first child was only a year and a couple of months old. 'How do you expect dammit, your wife to manage affairs alone? Take leave and stay home.' The BM advised. Still, I did not take leave, and the arrival of my source coincided with the arrival of our second daughter.

It was a stormy night; all light connections were snapped by falling trees, plunging the entire area into fearsome darkness. It was the time when my wife lay unconscious on the improvised delivery table. The civil lady doctor who was attending to the delivery case, found herself helpless. What could she do in the dark? There was no light nor were there any arrangements for such an emergency.

None else was at home except Mrs. Arya, the wife of my counterpart in the int Bureau. The cordial relations between me and Mr. Arya had slowly developed into a family friendship. It was because of this bond that Mrs. Arya, an extremely charming lady had come to stay with us to provide necessary help.

Seeing the lights off, the doctor woke up Mrs. Arya who had dozed off at the doctor's forecast that the delivery would take another two or three hours. She got up from the chair looking into the darkness and trying to regain control of her disturbed senses ; searching in vain for something which could produce light. Both of them tried to enquire from my wife, who was moaning in a semi-conscious state, whether there was any torch or even a matchbox in the house. But there was no reply from my wife, nor was I in the house to procure one. Suddenly, Mrs. Arya ran to the adjacent house, the house of the DAA and QMG of the brigade, and returned with a torch. And it was with the aid of that torch that the doctor, with her expert and deft hands, conducted the delivery.

The wife of the DAA and QMG, after giving the torch, went and woke up the ladies of the neighboring houses as the married officers' accommodation in the brigade Hqs was very compact. Within minutes, all rushed to my house. Mrs. Borwanker, wife of the Commander wisely, brought the emergency light from her house, which subsequently proved a great help.

Meanwhike, Ritu, my daughter, had woken up and was crying uncheched, probably due to the darkness and the noise in the adjoining room. She had fallen off the cot and, dragging herself on her knees to find the way out from the room, was calling "Papa-a-a-a", the only word she had learnt to utter. But Papa was nowhere within hearing distance.

Suddenly hearing the child carying, Mrs. Arya rushed to the room picked her up and brought her to where the congregation was enquiring about me.

`Where's that officer?' someone enquired, and every one abused me, when told that my source had come and I had gone to receive him.

It was 1:30 A.M. when I arrived in the jeep. I was so happy that I felt on top of the world. My joy multiplied, when I heard the cry of the new born babe, while entering the compound. But it was shortlived.

As I entered the house, I was greeted with rebukes by Mrs. Borwanker and the other ladies.

"Captain Rathaur, you're a fool - a stupid fool. Aren't you? Your wife lay on the deathbed and you.... oblivious of the danger running after your sources... Couldn't this damn work of yours have been done in the morning?" Mrs. Borwanker snapped at me and without further pause continued, "No male member is at home. God forbid, if something had gone worng, how did you expect these two ladies to have done anything? Do you know, delivery, is the second birth of a lady?... My son, we all know the craze you've for your work, but neither this craze nor anything else would have come to your deliverance, in case anything wrong had happened to your lady.... Look here! People are apt to pay lip service for a few days. Thereafter they forget. It's you, who have to face the brunt of life alone ! Understand?"

My happiness melted like a suger cube. I realised my grave folly of having shown utter disregard to my other duties - duties to my wife and the child. Even though such disregard was out of ignorance and the result of my enthusiasm, still it was a great folly. Realising my mistake, I felt a stab in my heart. My face looked ashen. I heard, as if in slumber, Mrs. Borwanker congratulating and assuring me : "Don't worry now, both child and the mother are okay."

I found myself overcome by a feeling of profound affection for my wife and the child. Casting a casual glance at other ladies who looked at me with contempt, I rushed inside, throwing the hand bag in the air, and not caring about the presence of so many ladies, embraced my wife while she lay on the table. Then, cupping her face in my hands, I planted a most affectionate and tender kiss on her lips, saying, "Please forgive me my Sabu my love...."

My wife tried to protest against this open display of love but could not stop me due to utter weakness.

"Captain Rathaur you're shameless, and have little consideration for the presence of others, that too ladies." Someone spoke among the crowd and then I heard a simultaneous burst of laughter. "Looks like he's suffering from mental disorder", remarked another, and there was more laughter.

Realising that I had made myself the centre of attraction, I felt ashamed. But to hide my feelings I lifted, our couple of hours old daughter - tenderly curled her up against my chest, then brought her to my face. I looked intently into her face and closed my eyes. Then muttering incoherently I placed my cheek affectionately against her delicate face. The child cried. "You're welcome my child in the happy trio," said I lovingly. Then I fondled the crying child and placed her back on the bed.

I faced the ladies - admitting my guilt in absenting myself at the crucial time and expressed my gratitude for each one separately for their kind act of coming at a time when their help came in handy.

In the morning, I could nor resist the temptation and confided to my wife, "Sabu I'm very sorry for last night. But I couldn't help it, and I would not repent it either: for, the news given by this source is such that it would make the higher-ups jump in their chairs. It is fantastic, and there is no reason to disbelieve it. The source's been placed as a very reliable one by the people concerned at the Corps Hqs." The information was about an entirely new corps that Pakistan was raising.

The outcome of war between hostile nations depends upon many factors, such as the ability to mobilise national resources at the correct time and place. But the most important of such factors is the battle fought on the ground between the opposing forces. The battles are again influenced by a number of factors, like the Order of Battle (Orbat), strength and disposition of the enemy; the type of weapons and the equipment used; the administrative backing, so on and so forth. One among these factors is the strength and location of the enemy reserve force. Victory in battle is ensured for the side that makes judicious and timely use of such a force. Thus every effort is made by both sides to maintain superiority of numbers over the other, by creating reserves. To

enable a commander to appreciate the situation and to make a proper plan, the opponent's reserves with special reference to their location must be known. Therefore, offensive intelligence plays a vital role in winning battles. Hence acquiring intelligence is a continuous process: it must not cease even for a day.

So raising a corps which consisted of three divisions, by Pakistan, was quite significant in itself. If my information was correct, then the balance of power had now swung heavily in Pakistan's favour. Not knowing about this corps would play havoc in the war.

A corps is not a small body of troops. To raise such a huge force, or to counterbalance it, is not a joke. It requires time, men and huge national resources. Such resources may have to be diverted which might otherwise be earmarked for different projects, thus affecting and jeopardising the economy of the nation. This has grave effects when such resources are required to be mobilised all of a sudden. However, if such a force is to be raised over a reasonable period of time, it is a much less burden on the economy. Therefore, timely information about the change in the Orbat of enemy forces assumes paramount importance.

Hence, it was natural for me to feel happy. I had already received the news from one of my sources that Pakistan was planning to raise a corps; but then, I had not forwarded the report owing to a fear that it might be a false one. In order to confirm its correctness, I had waited for the arrival of my ace source. And it was because of this reason that I had refused to take this most needed leave, to be with my wife during the birth of our second child.

After having told my wife, I went to the BM and broke the news. Then I waited for Major Jolly, to whom I had already conveyed the message on the telephone, about the arrival of the source.

Major S.C. Jolly arrived at the brigade Hqs about 10 A.M. I enquired about his late arrival.

"I was in the exercise location when I received your telephonic message," Major Jolly replied and continued, "I then went to Nagrota, collected the money and am now coming straight from there.... Why? Is there any news?"

"Yes, sir. And the news is too fantastic to be true. And if it is, then it will be a matter of real concern," I led Major Jolly to the safe house where the source was lodged.

The debriefing took approximately three hours. The report was prepared. It was the report on Pakistan raising a new XI Corps and its affiliated formations i.e. 9, 14 and 16 divisions. Major Jolly was hesitant to forward the report in case it was false. Both of us discussed the impact of this information separately for a considerable time. Finally, I prevailed upon him saying, "In case

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the report is correct, then?... We can't carry out spot evaluation. Let this be done at the higher Hqs. In any case, there are other means at the Army Hqs to confirm it."

So the report was finally forwarded and was confirmed by Army Hqs in Oct / Nov 1975. I was the first to receive and forward this vital piece of information at a time when the corps was just in an embryo after a few days of its inception. I was rewarded with an appreciation letter from the GOC 16 Corps.

I was being recommended for the Vishishta Seva Medal (VSM) for my outstanding services, but it was postponed following my own request. I was misled by Major Subhash the Officer Commanding and then by Major S.c. Jolly, who told me that I would be recommended for the Ati Vishishta Seva Medal (AVSM) if I could get the Operational Orders of either 8 or 15 Pakistan Infantry Divisions, preferably both; You see such recommendations are made only once in a while" I was advised. And I had agreed, because I was sure to do that.

It's said that; a thing which is not fated cannot be achieved. It was true in my case also. Major jolly had received his posting order.

Soon after Major Jolly's posting out, I found that my top sources did not turn up on the fixed dates, nor were they to come again in the future. My hopes were centred on the performance of these sources and they became extinct with the extinction of the sources.

I had taken all precautions for the safety of the sources and yet they were neutralized. But I did not lose heart and continued to direct my efforts to re-establish the work with the help of my other couriers and contacts. Although, I did so before I could re-establish my contacts properly, I found myself posted out.

Major Jolly's posting, I felt was a personal loss, because of the rapport we had established with each other. Jolly had always praised and pampered me. So I thought, 'My luck has probably run out with the posting of Major Jolly.'

Major Madan came as the relieving officer in place of Jolly. I tried to establish the same relations with Madan, but the efforts were like planting trees in barren rocks.

The misfortune did not stop here, I also fell from the high pedestal of esteem of my General Officer Commanding, by causing a personal annoyance to him.

The Security

It is a popular belief among the Indian public that its army is a very clean and honest organisation. They look at the army with awe and reverence. But paradoxically the amount of corruption prevalent in this so-called clean organisation if allowed to be exposed fully, would make the 'mafias' hang their heads in shame. However, an iron curtain is drawn to keep the army affairs secret from the public. Of course, in the army some of the people are very honest, upright and clean but exceptions cannot be termed as rules; corruption stems from the top and percolates to the lowest echelons. The best use is however, made by those who belong to its technical branches where there is plenty of scope to reveal the Indian character. To quote an instance: who does not know about the Indian General a GOC of an infantry division, who was removed from service along with many of his technical advisors, a couple of years ago. He was accused of misappropriation and misuse of vast public funds meant for the improvement of India's defence work in the Northern Sector. He is alleged to have made a glass-house on the banks of the famous Chenab river, and indulged in spree of naked dances. But one thing clearly goes in his favour, that he did it not for himself alone but made the others share the joys equally, and that he had the guts to do so openly, in defiance of any danger from the government. Many dare not do that. Anyway there is a popular saying in the army: an elephant may pass undetected and instead a needle may get stuck. But in most cases how dare even a needle get stuck! The saying goes: When the beloved is incharge of the police station then who is there to be afraid of ?

Apart from intelligence work, I was entrusted with security jobs also, specifically the security of material. If one is to do the job sincerely then it becomes a highly thankless one.

The high level security was however, not under my scope and purview as I was a mere speck in a dust storm. I had to placate were specific instructions to check and report upon the alleged underhand deals of selling damaged vehicles' spare parts en route Jammu and Pathankot. In order to do my job I created a network of informers all along my areas of responsibility.

The Army Supply Corps (ASC) convoys carry provisions for the troops deployed in forward areas. Such provisions are held by the forward depots and are further supplied to the troops. The provisions consist of a variety of stores such as coal, POL, cement rations etc. Some of these stores used to get diminished in quantity, through underhand deals, by the time convoys unloaded at the destination. The pilferage which took place (and who knows it must still be happening) was not in the form of a few odd bags of cement, rations or a couple of litres of POL. The ASC did believe in disposing of the entire load of a certain vehicle which may vary from three to ten tons or the entire POL tankers of three thousands litres capacity. The price of such stores

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was just nominal; clean and straight, one rupee a litre - thus leaving a vast margin of profit to the purchaser. Both parties were happy in their own ways. They had mutual love and affection. It became known during the course of investigation that the selling agent parted with a fraction of the money to please the in-charge at the unloading station / depot. Such amounts had already been settled through prior negotiations. But the bigger share went to the person who exposed himself to risk in contacting the purchaser and selling the material.

Initially, when I was told by my informer about these nefarious activities, I refused to believe it, but got a real shock when I saw it for myself. I immediately reported the matter to the Brigade Commander and to my OC at Yol. I was directed to impound such materials.

Such directions were wrong. It, by no stretch of imagination, fell under the scope of my duties. My task, being in the Intelligence and Field Security, was simply to locate the source and the place of pilferage: That I had done religiously. But I had to accept the directions even if reluctantly, as that meant exposing my men and myself to the offenders, because orders in the army are obeyed and not open to any just and reasonable arguments.

I was however, ensured help of the Military Police (CMP), whenever required.

There were only three NCOs with me in the Hqs. I could not nor did disturb the men already deployed on the border outposts (BOPs) along with the Border Security Force (BSF). The NCOs, viz. Havildar Puran Chand who, on posting, was replaced by Raghubir Singh, Ram Sarup and Naik Jagdish Chand were excellent and experienced in their job. But the same was not true when it came to policing and catching people. And why only the NCO, I myself was blank on that issue.

Though we were able to impound the vehicles selling the military stores to the civilians, I could not bring the culprits to book. I was unable to retain the evidence. Thrice, it so happened. My men, who did the job in pairs, caught the culprits, but the latter escaped clear, as one of the pair would leave the other alone in order to inform the CMP. By the time the CMP would reach the spot, the driver, after intimidating the loner with the help of his civilian friends, used to disappear. The civilian party would remove the unloaded little quantity of stores to a safer place. Under the circumstances, without any witness and the material for evidence, the vehicle numbers that were noted, were of no use. We had no jurisdiction over the civilian. To check and interfere with them amounted to stirring up a hornets' nest. But there was one advantage; such persons were identified. I informed the local civil police about their activities.

The efforts were not half-hearted, but misdirected, ill-planned and prematurely enacted. This was due to lack of experience and ignorance of the job in the intelligence personnel trained entirely for

jobs other than policing. However, these attempts, though failures, gave much-needed experience for future attempts, although, at the same time, it reduced the chances of success considerably. I and my men were exposed and there was a general alert among the offenders, who had switched over to more discreet methods of operations.

The major causes of failures were: premature raids, lack of strength to hold the offenders, uncertainty of the place and distance, speed with which the CMP could be summoned to the disturbed spot, presence of civil police to deal with the civilian and finally to immobilise the vehicle at the spot. The responsibility to affect these measures was ostensibly a complicated one.

I held a conference with my NCOs at length and devised a workable plan. According to this plan, selected places were to be kept under watch discreetly only during the convoy timings and from a concealed place, with full care, to avoid any alertness on the part of civilians. On detection of any underhand deal, one of the two persons was to leave instantly to inform the CMP and the civil police. The second person was to keep a vigil without interfering with the offenders' activities, till sufficient material was unloaded and then, if possible, to remove the ignition key of the vehicle, stealthily.

The act of pilferage was performed with great dexterity by ASC drivers. They would take the vehicle off the convoy under the pretext of a mechanical breakdown; then off the highway to a pre-selected hiding place and carry out the dubious transactions under the most favourable conditions. But the same could not remain a secret for long.

The incessant efforts at last bore the desired fruit. The opportunity was seized when one of the vehicles of the convoy first halted and then drove on to hide in a brick-kiln called 'Jai Jawan' ironically and paradoxically true to its name, for it apparently flourished on the magnanimity of the army Lawans!

The vehicle was impounded with great precision and speed while the coal was being unloaded. The owner of the brick kiln and the driver were caught while exchanging money. Mr. Handoo the Assistant Sub Inspector of Samba Police Station, a shrewd and intelligent officer, proved of great help in initiating the case against the civilian defaulter. The ASC driver of the vehicle was arrested, brought to the brigade Hqs and later on handed over to his parent unit from where he was finally shunted out from the army by a court martial.

This tight sequence of fool-proof vigilance brought many offers to me, in the form of vast sums of money. In exchange, I was asked to lift the security curtain and to let the drama go on. I scornfully rejected those offers. 'I am not the seed to grow in water' was the reply conveyed along with a

request to the gangsters to stop their criminal and immoral acts. However, it was only after a couple of more such raids that these activities were checked to some extent.

It is only one side of the multi-faceted story, of corruptions that breed, get shelter and flourish in our so-called honest and clean organisation.

Then there was the dirty business of selling and exchanging the damaged vehicles' spare parts while the vehicles were being evacuated from forward areas to OTG Pathankot.

In difficult terrain, when a vehicle meets with an accident, it is not recovered but written off as beyond economical recovery, Although it is written off on papers, it is salvaged and sold. Where the money goes, remains a guess.

Is it the end? Surely not; not even the beginning. There was the case of RSSD Pathankot. It's a rail-head where the stores meant for Northern Command are unloaded. Tens of wagons carrying coal enter the heavily guarded siding and, after all the strict checks, leave empty. But at times, despite all eye-wash called checks, one odd wagon conveniently comes out minimum with two third of its load and, at a preselected place, is unloaded and the contents sold. Similarly the POL tankers are unloaded in 200 litres barrels. There is a space provided inside a barrel over and above 200 litres capacity, mainly to safeguard against escaping gases. If a barrel is topped it contains an extra ten litres. And where thousands of barrels are filled, the deal becomes reasonably profitable. Of course to write off vast quantities as leakage on papers, is a matter of privileged routine. If this can be done then no one dare raise an accusing finger when CGI sheets and the like, part of the defence stores are utilized in making trunks and like things of utility for personal use at a much lower level in the chain of command. One need not ask how are these then counted? These are counted because such stores are committed - on the ground. It is a different matter if the ground where these are committed is not the one for which these were meant. In any case how does it matter; who dares to challenge the probity of Indian army affairs? Would that not harm the security of the nation!

A ditch-cum-bundh, an artificial obstacle, was being constructed in the Samba Sector. The construction of pill boxes on the Ditch-cum-Bundh (DCB) and certain strong points was the task entrusted to an Engineer Regiment.

One day, when I had gone to visit one of the BOPs, I found a large, mixed working party of Engineers and Infantry in Tarna River. The party was busy making flower pots. I also found some cement slabs meant for the pill boxes. When I questioned the in-charge of the work site, I was told about the nature of the task. It was to prepare slabs. And the party in-charge was quiet when

asked about the flower pots. I got suspicious and kept the site under watch for about one month. During that period, the slabs and the flower pots were prepared in the ratio of one to two. The pots were subsequently transferred to various army institutions, offices and finally to the houses of high ranking officials of the Northern Command. I thought the matter over with serious concern and realised that, apart from sheer misuse of manpower, the act amounted to playing with the lives of men and indirectly constituted an offence against the security of the nation. As such, it had to be reported. Before doing so I went to probe further. To my horror, the dastardly acts that I found through one of my highly reliable informers were enough to shatter the nerves and make a person insane. I at once reported this to my officer commanding.

The strong point, the name of which can not be revealed due to security reasons, was supposed to be of a certain length. Half a kilometre was however missing from the total length on the ground. It was not that someone had removed it, but at the time of construction the length was left less.

To construct a yard of DCB costs thousands to the exchequer. And, if miles of it can be reduced on the ground, for who will go with a tape to make sure of the length, then no business can be more profitable. The cost of a pill-box constructed on the DCB is a little over six thousand rupees, whereas a pill-box in the depth cost around four thousand. If there were to be twenty pill boxes and twelve of them were to be constructed on the DCB and eight in depth, then, while keeping the number intact, the ratio was reversed on the ground, but not on the papers. Then hundreds of cement bags were shown as 'set in' and destroyed by a board of officers, but in fact those were sold in the black market to civilians. Lacs of bricks were purchased from the local brick kilns but not more than half were ever lifted by the purchaser. Cement proportion for the pill boxes was supposed to be in the ratio of one is to three. In fact it was not even one is to five. Probably that had to be done otherwise from where would the cement have come for making flowers pots. Thus, under those circumstances a defence work which was being constructed as protection against a medium gun shell would not sustain, in practice, the impact of 81 mm mortar bomb.

What could be more preposterously murderour, profane and an act of devilry? Besides playing with the lives of innocent soldiers, it manifestly amounted to stabbing the nation in a broad daylight. Was there anything, that anyone could do against such patriots? No, surely not. Who could do anything to such people who were the prot ges of very senior officers of the Indian Army.

The report, though turned down initially by the officer commanding, was later, on my persistent goading and supplying more information forwarded. No action however, was ever taken and who was to take the action when the Commander of that Engineer Regiment was very close to the Army Commander. It was widely rumoured that a beautiful house for the Army Commander was

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constructed at Dharamsala by the commander of the Engineer Regiment concerned, making every use of the resources at his disposal, inclusive of the manpower.

Later there was a CBI enquiry against the Regiment. But nothing was known to me about the outcome of the case. The institution of CBI enquiry itself confirms that no action was ever taken by the army authorities concerned on my reports. On the other hand, I earned a title for myself - "Most Dangerous." The remark was conveyed to Brigadier SKA Borwanker, by the commander of the Engineer Regiment concerned, during one of the conferences. The same was communicated to me later on, and I had reciprocated with a broad smile.

I had caught one JCO carrying ammunition while he was proceeding on leave. The JCO was distantly related to the GOC of my division. So the General, naturally, was interested in saving him. Hence, the General tried to pressurise me and went even to the extent of saying, the ammunition was planted by my men. I did not yield to the pressure. My men could not plant the ammunition that had markings of the lot of ammunition belonging to the JCO's unit, nor was there a motive for my men to do so.

'Then why, where was the motive for the JCO to carry ammunition?', asked the General.

'May be for fishing. How do I know?' I had replied.

But there were no fish in Rajasthan according to the General and rightly so. But probably the General did not know, or he did not want to know, nor was I prepared to speak in the face of stiff opposition, that such ammunition and even the arms were used by the dacoits! From where did the dacoits procure army weapons and ammunition? So was not the ammunition carried by the JCO meant to be sold to such dacoits? A General Court Martial (GCM) was held to try the JCO. Every material evidence, including the recovery of ammunition was produced before the court, against the JCO. But the GCM trying him could not find him guilty! He was acquitted. There was a retrial and again acquittal!!

Such were the army courts. As a result of my efforts, I fell from the pedestal of esteem of my GOC.

The Devil Who came Out Victorious

I narrated a few more similar incidents and said, 'Those were my activities in detail, sir, while I served in Samba.' Then I looked up helpfully at the interrogators - wishfully thinking they would let me go.

'Who all were your good friends, and the colleagues, seniors and subordinates with whom you had close and cordial relations?' Asked KSS.

I recounted the names of all such persons adding, 'In fact I had cordial relations with everyone.'

At that moment, the door opened. I saw major S.C. Jolly entering the room dramatically. Bending a little forward, slowly lifting and placing each step in turn, hands swinging like the motion of leaves and shouting, 'liar! liar!! liar!!!. The bastard is a liar. Gentlemen, whatever he told you is a complete lie.'

The happiness which had flashed in me on seeing Jolly disappeared like lightning behind clouds, when I heard that everything had come to a standstill. I watched the scene helplessly like a stranger in a strange land. I found myself looking at Major Jolly and through him, to our sweet association of the past; marvelling at the changed attitude of this officer whom I always adored.

'Look you bastard, you have been fooling these innocent police officers for the past number of days. But you can't fool me.... your Pop, Pop who has known for complete two years.' Jolly shouted at me.

Listening to Jolly, for a few seconds, I was completely dumb. And when I spoke, I felt my words coming from a far off place. I said, 'Jolly, sir tell me, have you gone out of your senses? Whatever shit you're talking from which it appears you have you're saying this!.... this to me? To me whom you always loved and liked. And more so when you know me, know my morality and my dedication to the work which you have admitted so many times and that too before the senior officers?' I stopped for a pause and, looking into Jolly's eyes, added, 'It's terrible. Terrible to listen to this rubbish from your mouth.'

'Shut up you traitor,' shouted Jolly and added, 'Yes I know you, I know bastards like you. I have to know, otherwise how can they be brought to book?... if you think you've a little sense and if you love your life, then blurt out the dirt.'

In my derelict and precarious condition, I found a surge of bitterness and anger overpowering me. When I spoke, I spoke with charged emotions. 'Don't fuckin' well call me a traitor. Understand? And now, speak what? I'm fed up with listening to this speak out, speak out, speak of what, when I've spoken out my heart. Now listen you all, and carefully. I have nothing to....'

I was cut short with a slap with chappal on my face by Jolly, my best friend! I felt a stabbing pain for a moment and thereafter, I could not remember anything as I slumped to the ground, unconscious.

I remained senseless for hours on end. When revived I felt excruciating pain tearing my mind apart. I remembered the behaviour of Jolly with remorse. 'Incredible', I uttered to myself. Then, slowly I opened my eyes and inspected the surroundings. I found the door of the cell was open and the iron bars shutter was pulled on the door. At least some fresh air, I thought.

I saw a sentry standing in the gallery looking at me with a kind of pity in his eyes. Then suddenly, I felt terribly thirsty. 'Can I have a glass of water?', 'I pleaded in my weak voice to the sentry. The sentry kept his finger on his lips, an indication to remain quiet. Then, slowly he moved away and brought a glass of water, hidden in his pouch. Looking nervously for any sign of danger, yet with a desire to help me, the sentry slid the glass quickly through rectangled space of the iron shutter. In the process, half of the water spilled out. I quickly grabbed the glass and gulped the water down in half a breath. Then licking my dry lips with the tongue, I looked at the sentry with imploring looks for some more water. 'I shall bring more, a little later,' the sentry coughed to assure himself that nothing had happened, stood erect, then winked at me giving an indication of the approaching danger and telling me in a whisper to keep lying and pose as unconscious. While telling this the sentry looked at the ceiling. At that moment, I heard the voice of Chotte Sahib asking the sentry. 'Has he come to his senses?'.... Then a voice came from closeby - the jingling of the shutter. The Chotte Sahib entered the door and said, 'My God! It's killing!!!' These remarks were a reference to the foul smell permeating the air from a source, the unwashed, unwashed, with thick coat of sweat mixed in blood resulting from nose bleeding and other small wounds - my skeleton. The Chotte Sahib took my wrist in his hand to feel the pulse. Then, he placed one of his hands on my burning head. The placing of his hand by Chotte Sahib gave lot of relief to me. But I remained unmoved, pretending unconsciousness.

I heard Chotte Sahib saying, 'The bastard is hell of a tough guy. After so much torture and beating, he's not given in. But anyway how long can he stand up to this..... Well let me try.' I found my body being shaken by Chotte Sahib who was asking me to get up. And then he gave up.

I was in my senses. But I pretended successfully to be out of senses. So, the Chotte Sahib, instructing the sentry to awaken him when I was revived, left. After about fifteen minutes, the sentry gave me a tumbler full of water and said, 'Your life is spoiled sahib. The way they are torturing you makes our blood boil. But what then? We are quite helpless; we can't do any thing.' Then he asked innocently, 'Sahib are you really a spy?'

Hearing that, for a moment I forgot all the pains, then looking at the sentry asked, 'What do you think?'

'We can't believe it. But they are saying they have all the proofs against you,' replied the sentry.

'Well brother, I don't know what proofs they are talking about. It all sounds absurd.... But there has to be something, which rightly or wrongly they know about and believe to be correct. Otherwise, they would not have reduced me to the present state.... Now, what is that, how do they know and who is responsible for incriminating me? I've no answers to these questions; I don't know.... It's a mystery to me. I wish they ask me directly. Only then can I clear their doubts. But alas!..... 'Staring into space, I muttered,' God alone knows why I'm made to suffer this humiliation and disgusting brutal torture... or.... How long this will continue; whether I will be pull myself through or die.... I don't know.' I breathed deeply and looked at the sentry.

Anyway sahib, if you're innocent God will see to it, don't worry.' The sentry consoled and offered me a biree to smoke.

Despite my crushing pains, I felt emotionally moved at this humane gesture of the sentry. I was disallowed smoking since the day I had been brought to this slaughterhouse. So I greedily accepted the offer. The sentry lit two birees and nervously, gave one to me, retaining the other for himself.

'Thank you.... Thank you so much brother,' I expressed my gratitude and smoked with relish till there was nothing left of the biree. After smoking, I asked the sentry, 'What's the time?' It was 2:30 A.M. and the date 30 August.

'30 August?' I asked in surprise.

'Yes. And, sahib I have strict orders to make you stand, the moment you regain consciousness. But seeing your condition, the only thing I can do to help you is to allow some rest. So, you better sleep,' advised the sentry.

'Thank you, dear,' I said closing my eyes.

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There was a chain of disorderly thoughts, like the cast of a film screened before the start of a picture - some readable, the others half read and remaining unread, when the viewer unable to keep pace with the fast changing cast, just stares, without any further attempt to read. I let my thoughts go astray, and along with the thoughts fell asleep on the only item in the cell; the rough coir mat, despite all the shooting pains in my body.

`However, the sleep didn't last long. I found myself up on my feet, after I had received a hard kick from the Chottee Sahib, and like an automation started counting the numbers. `Nine thousand nine hundred ninety eight... ninety seven.... six...'

It was the fifth or sixth or even the seventh day, since it was difficult for me to keep count, without sleep, rest, all the time either standing and counting the numbers or receiving severe beating, except when I was unconscious. I started losing control over my senses, giving way to an unknown fear. I started trembling at the mere sight of Chotte Sahib or the interrogators. I saw my death looming large in them.

I was led to the interrogation room. Instead of two, now there were three butchers ready to suck the marrow from my bones.

`Heh - heh - heh. See here comes your friend Major sahib!' remarked KSS in sarcasm. Jolly looked at me for a few seconds and said, `Sit down you bastard.' And I obeyed.

`Ohe! Why the hell are you keeping your hands under your arse?' shouted KSS.

I didn't answer, but looked at KSS with the eyes of a goat taken for slaughter. At that, KSS got up, came near me and muttering, `You heard me, what did I ask?' slapped my face, adding, `You better answer fast, when I ask you. Understand, you mother fucker?'

I saw myself trapped in an utterly hopeless situation, where I could do nothing. Then I said, `Can't you see, my hands are cuffed behind?... where do you expect me to keep them? Under' I wanted to say `your arse', but kept quiet.

`Why? Why are you handcuffed? You must have done something wrong to annoy Chotte Sahib' said KSS stupidly.....

`Didn't you hear what I'm asking?', KSS shouted at the top of his voice.

What answer could I give? Didn't they know the answer. Was it not on their orders that the things were moving? Then what answer did they expect from me? But as I was afraid of another slap, I

answered quickly, 'I don't know sirs.... I really don't know what have I done to annoy anyone.... So what can I say?'

'Okay. This time I shall make you comfortable, but be careful in future. If I find you again handcuffed by the Chotte Sahib, then it might prove hard for you. And, bastard you're an officer; don't you feel ashamed if these inspectors handcuff you?' Saying this, KSS shouted for Chotte Sahib and, when he came, asked him to open the shackles.

Listening to the childish and irrelevant questions and finding myself forced to reply, to avoid beating, I was puzzled and lost. I did not understand nor did I know, what I should do to avoid getting slowly, but surely killed. 'Oh God! How to pull through', I thought in utter desperation.

Logic and intelligence succeeds, but only when there is some one to appreciate to analyse such logic; not where the people are devoid of the intelligence to analyse such logic; not where the minds are pre-biased; not where the fools entertain a wrong notion of being intelligent. And such I thought were my interrogators.

'All right. Now tell us, where all did you go and who all did you meet, after your arrival in Delhi?.. And don't try to hide anything or befool us. You have befooled us enough,' commanded Major Jolly.

'Well sir, you think so. I didn't. Nor have I any reason to befool you. But if you're thinking so, then how can I help that...'

'Shut up, and proceed to do what you've been asked to.'

I told them in detail about the places I had gone to and the people I had visited after my arrival in Delhi.

'Whose telephone numbers are lying in your sut case?'

'My sut case? How do you know there are telephone numbers?' so my box too has been opened in my absence: I want to know why? Who's got the right to do so? Why? Couldn't my box be opened in my presence? It's not that it matters, but a question of principles...'

'Chaudhary sahib I think we got to teach him principles first, before we asked any thing else,' KSS suggested. The Chotte Sahibs were called and I was laid on the table; flat on my stomach pressed by Chotte Sahibs, Jolly and Chaudhary. Thereafter KSS started hammering the soles of my feet with a ruler mercilessly, the feet which had become like feet of an elephant due to

swelling caused by continuous standing. I shouted like a madman. It was beyond my physical or mental powers to bear this extreme brutal beating. I pleaded for mercy, I pleaded that I would not annoy them and I should be spared. At that I was left to cry. And cry I did, like an orphan child, but without any effect on the brutes who were devoid of any human feelings, I told them, the numbers were that of my friend Pasha and my sister's son.

`But we have checked; at these numbers no one knows you,' Jolly said.

`It's because, sir, the telephones belong to other people who live nearby. So obviously the owners don't know me, but they know my friend and my nephew,' I replied while wiping my tears with the torn sleeve of my stinking shirt.

`Okay, now tell us about Major Midha and Havildar Ram Sarup? What all did you talk to them?' Queried Major Jolly.

`I have already told you in detail; the time the date and the talk. Haven't I, sir? But if you again want I'll again tell you,'

`Hmmm, leave that. But you have been telling people here that you know about the interrogation. Haven't you?'

`Yes, sir. I did tell a few people and I told them also,' I said pointing to KSS and Mr. Chaudhary.

`Well if you're innocent then how the hell did you know it was interrogation?' asked Chaudhary.

I looked at all the three in contempt then suddenly remembering the beating, changed my expression. Then I explained in detail once again, about all the emaciated efforts to make the plan workable. I said, `sir, who under these circumstances would not know what it was? If one is a bit intelligent.'

`The problem with you bastard is that you are not only intelligent but super intelligent. Anyway rest assured; unless you come out with the dirt yourself, we will smash this brain of yours and throw it to the ants. Remember that. You think we can't do that?' said Jolly.

`Yes, sir, you can. I have no illusion that you cannot. You not only can do it, but you'll do so. Because I have no dirt in me to take out. And under the circumstances the only thing left for you to do is to smash my brain,' I looked at each of them and added, 'so, sirs, I have a request. Kindly smash the brain quickly and relieve me of this inhuman torture.'

`Don't worry son. We'll not let you die so soon. Have you seen a dog dying?... You shall meet your end worse than a dog's death. If you have not seen one dying, you would soon see it for yourself.... tst..... tst. Sorry but you won't live to narrate your experience to others,' spoke KSS, grinding his teeth and twitching his face. Then turning to his other companions he said, `I think we should give him an hour or two. In that let him decide. Which way he would like to be treated,' and turning to me said `Did you hear that, you burn, son of a dog.'.....

`Chotte Sahib, take this Dracula away,' KSS commanded. Thereafter I was sent back to the cell.

Immediately after lunch I was led back to the interrogation room. My blindfold was removed and I saw Major Midha sitting with the interrogators. Seeing him I saw a little streak of hope, an illusion which was soon dispelled. Major Midha strongly refuted any talk between us or having advised me to see the DMI. I could see clearly the contemptuous face, reflecting extreme hatred. He denied and belittled any knowledge about me or anything to do with my work.

It was a short interview. When Major Midha left, Havildar Ram Sarup was brought in. The interrogators asked Ram Sarup in my presence, if the latter had any talk which I had told the interrogators, that I had with him. Like Midha, Ram Sarup also denied it. I saw clearly but with remorse, that my friends whom I held in esteem, were turning their faces away like strangers. What could I do? My friends had just tried to falsify the truth. In a desperate attempt to remind Havildar Ram Sarup about the talks between us, I said, `But Ram Sarup I told.....'

`You told me nothing and don't tell lies Sahib,' interrupted Ram Sarup. I looked at him in disgust, only a week ago, I remembered this worthy and loyal NCO swearing by his loyalty and here he was lying innocently. Phew!

I gave a derisive glance and looked away. I heard KSS shouting. `You are an intelligent liar but your game is now over.' Then KSS turned to Ram Sarup and said, 'Thanks very much for telling us the truth. You may go.' Ram Sarup gave a nervous look at me and left.

Was Ram Sarup driven by the unknown forces of fate when he had denied a simple truth? Probably, yes. Because it was a look which turned out to be the last. I was never to see him again; except to hear the heart shattering cries, at the same place nearly after a month, before he was killed. He was tortured to death by the same persons who had thanked him for `telling the truth'. Was it fate that had contrived against the NCO? Once Ram Sarup left, the interrogators fell on me like hungry vultures on a carcass, denuding it of flesh with their sharp curved beaks and then breaking even the bones, one after the other. They slapped me, hit the soles of my feet with a ruler, bashed me up in my hips; and beat me with any weapon that was available to them. They

pricked under the finger nails of my left hand with a needle, mercilessly and this was the most painful of all the tortures. Then they pulled away the hair of my moustache, one by one.

Under this hopeless situation I dragged on for two more days. Physically I was in hopelessly precarious condition. I was once again in the throes of agony which led me to the extreme and beyond it. But the devils took that as a part of my toughness. I was too tough to be broken easily, the interrogators thought. But alas! There is nothing known to the human mind which is not broken. When the strongest matter can be broken, then what was I? A simple human being. And the human body is more vulnerable to such forces of brutality, as I was undergoing and mind deprived of physical support is fallible. So, the devils finally came out victorious!

`Do you know Captain Nagial?' Asked Jolly.

I looked at Jolly in surprise. Because Nagial was the GSO-3 (Int) under Jolly in Hq 16 Corps. Of course I knew Nagial as we had served together in 8 Dogras prior to our commission. We had applied and were selected to undergo pre-commission training together, in the Army Cadet College. I was put in a zero term and thus Nagial had passed out six months before me. That was in June 1969. After our respective commissions we had met each other for the first time in Major Jolly's office at Nagrota, in June 1975. This was known to major Jolly. Hence I was surprised at the question.

`Don't you know that, sir?' I asked

`But I'm asking you?'

`Yes, I know him,' I replied.

`Wasn't he your friend.'

`Well, if to know a person while in service is called friendship, then yes.'

`The problem with you is that you know everything, but donkeys like you refuse to move unless kicked.'

`I don't get you, sir.'

`You will. Now, when was he posted as GSO 3 (Int)?'

`I don't know. I only met him in 1975 in your office.'

`Don't you know Sepoy Ajit who was s relation of Captain Nagial?'

`Yes, sir, I know him. He was for sometime in my platoon before he was recalled to the Company Hqs'.

`Didn't he ever tell you he was related to Captain Nagial?'

`Yes, he did.'

`How and when?'

`How can I say that, when I don't remember. But may be during the short period he was my orderly.'

`When was it?'

`I don't exactly remember but I think when he served in Samba in March or April 1974.'

`Where did he go there after?'

`I said he was recalled to the Company Hqs.'

`Where is he now?'

`In some Jail, but where; that I don't know?'

`Why is he in a Jail?'

`For spying against India. Didn't I tell you?'

`How do you know this?'

`I was told by Major Midha.'

`Bastard you know every thing. You know in which jail he is but you are bent upon getting yourself mauled. Aren't you?'

`I am completely exhausted replying to you time and again that I know nothing; nothing whatsoever about where either Nagial or Ajit is. However, since you are bent upon killing me, I am helpless-drifting in a rudderless boat. I'm being washed away under your tortures, like in an

unknown swift current. By the way sir, can I dare to ask you, what relevance it has I know where Ajit is? Why don't ask me instead the circumstances, you know, to be the cause of my involvement with Ajit and Nagial. I can then clarify your doubts.' I said in a weak voice.

`Look Rathaur,' Jolly asked, `When was Nagial apprehended?'

`Well I think, sir, in September or October 1975.'

`When and how did you come to know about his arrest?'

`I came to know about Nagial's arrest from an Assistant Commandant (AC) of the BSF Intelligence, and if I correctly remember, his name was Ashok. This he told me during one of our joint interrogations, which we were carrying out at Samba, of a person apprehended at the border. It was probably mid November 1975,' I replied.

`Nagial's arrest was kept a high secret, then how did Mr. Ashok know?' Asked Jolly.

I wanted to say that was not my move to Delhi and arrest also kept a secret? So probably Nagial's arrest was also kept a secret similarly. Because that was the way the Military Intelligence tried to keep every thing a secret! Instead I said, `I don't know, sir. May be he knew that through the Intelligence Bureau sources, I can't say for sure how he did know.'

`But why did he volunteer the information to you?'

`I don't know why he did. May be out of mutual confidence being in the same profession, or may be out of revenge.

`What revenge? Why should he have any feelings of revenge?'

`Well, sir, if you may remember about Havildar Santokh Singh of the BSF who was apprehended for spying by the BSF and who, later had escaped from their custody. It was on your directions that I had indirectly investigated the case, and submitted the report to the Corps Hqs. And the draft of that report was prepared by you.....! I said `looking at Jolly and asked, `Do you remember that, sir,?'

`Yes I know that.'

`Thank God! You remember at least that!! Then you would also remember that there was a big tumult over his interrogation. The army wanted to take him over but the BSF had not conceded.

Then he escaped from their custody. And the BSF was openly ridiculed by the army. And I know it was all done under your investigation. It was you who used to say that Santokh Singh was deliberately allowed to escape from the BSF's higher direction...'

Yes, of course it was a preplan. Not only used to say, but I still say that,' Major Jolly interrupted and said,' and it was planned because there were a lot many BSF personnel including their officers who were involved. And the BSF didn't want their names to come out.'

'But how do you know, with such surety, that there were so many people involved and if you were or are still sure, then what action has been taken against them?'

'The action certainly will be taken. You don't have to worry about that. And bastard I'm not here to reply to your questions. And don't try to distract us. You've still not answered my question.'

'I 'm not distracting you, sir, rather I'm leading you to the answer. And to continue, there was lot of bitterness and mudslinging; though it was not on the surface. Prpbably Ashok also was bitter. So they had found a missile in the form of Captain Nagial to catapult on the army in exchange. Ashok had told me, "why blame a poor BSF Havildar, when in your army, officers are busy in spying, and what information can a Havildar give in comparison to an army officer, that too a GSO 3 (Int) of a Corps Hqs." And on my further asking about who the officer was Ashok had disclosed the name of Captain Nagial.'

'What was your reaction on hearing about his arrest?'

'Well, of course it was a shock to hear about an officer indulging in such dastardly acts, that too someone whom I knew.

At that I saw all three of them looking at each other with flashing eyes and crooked smiles on their lips.

At that moment it suddenly dawned on me and I thought, 'Then was it Captain Nagial who incriminated me? Oh God! but why should he have done so? I had no enmity with him. And what could he have achieved by implicating an innocent person? But then if it was Nagial, then they should have called me earlier.'

Why have they done this after three years?

I got to know the answers to all the 'why's', but that was much later.

`What did you do after hearing about Nagial?' Asked Major Jolly.

`Was I required to do anything, sir...?'

`Don't question, shouted Jolly,' answer precisely what is being asked.'

`Since I was not required to do anything, I didn't do anything. Out of sheer curiosity, I checked from Major Madan and disclosed the news to Captain V.K. Dewan the GSO 3 (Int), who was a friend of mine. Later. I also learnt about Nagial from Mr. A.K. Chabra from the Intelligence Bureau, who had probably arrested two serving personnels earlier; one of them was a relation of Nagial...'

`What else did Chabra tell you?'

`He told me that this relation of Nagial was instrumental in the arrest of Nagial.'

`And?'

`And, sir, he had expressed his shock over the way the army was interrogating, by treating a person worse than an animal: Then I had disagreed with his views. But how wrong I was! I know now, why he had condemned the army interrogators.'

Hearing this all three of them laughed at me, and Major Jolly said, `Son, your friend was correct and so are you. But you're a little mistaken at that. You haven't yet seen the real show. I'll tell you, we have mastered as many as thirty six techniques of inflicting torture. What you are undergoing is not even the third completed. So you can well imagine what might happen to you, in case you force us to apply all thirty six,' and giving a devilish smile he asked, `What is the name of that serving personnel who was instrumental in Captain Nagial's arrest?'

`I don't know, sir.'

`Don't worry we will make you remember.'

And remember, they made me. The beating was till then restricted to the interrogators and the Chotte Sahibs, and afterwards it was free for all. The sentries on duty were also made to test their strength against my misconceived toughness. I was made to suffer, the tortures of the worst kind and subjected to less unspeakable humiliation and disgrace. My whole body was lacerated with injuries, my ears were disfigured and my left hand had paralysed due to the insertion of needles under the fingers nails. My body had swollen like a balloon as a result of excessive pounding and

continuous standing. There was hardly a part of my body which didn't have abrasions or that didn't pain. It was surely the eighth wonder of the world, to see me still breathing.

And finally I was lead again to the interrogation room, for the real show down; preliminary, to the bigger massacre of innumerable innocent lives which followed subsequently and a little later, not only the nation but the entire world knew it as `The Samba Spy Scandal', the worst of its kind in espionage history!

The Confession

I lay on the table, pressed by three men, leaving KSS free to show his bravery. He matched his strength with my resistance. KSS struck the soles of my feet with all the force he could muster. While hitting, KSS asked me with every stroke, 'Speak your bastard, did you not go to Pakistan?' The remaining heroes of the gang who had pressed me and pinned me to the table created an ear shattering noise. The noise so created was enough to drive even a healthy person insane. And me? I was already a tatterdemalion; with an appearance of a ghost which had risen from a century old grave. A ghost with a difference; majority of human beings are afraid of ghosts, but was a ghost who was under a morbid fear of the human beings.

The sound proof interrogation room thundered and vibrated with incoherent shouts; emanating from the patriotic mouths. 'Bastard....d ... d. Traitor... r ...r. Kill him .. klm .. klm. No.. o.. o. Pak spy.. spy.. ee.. ee. Don't let him move..ov ..ov. Went to Pakistan..an..an..an. He has a lot of strength, Chotte Sahib press his hands with force..orce..orce. He's a sula..a..a Did you go to Pakistan or did you not..ot..ot. No he didn't int..int..int. Janwar Sahib you appeared to be tried..ied..ied. Come out..ot..ot..' In addition the hum was arrayed with abuses.

My body arched in an involuntary spasm. My wrinkled face seemed like a winter apple, contracted in a soundless scream and my swollen lips were drawn away from my teeth. My head flew sideways with a jerk showing the taut sinew of my neck and the muscles stood out in knots all over my depredated body. My fingers clenched in a fist until they were white. Then my body sagged and perspiration, mixed with blood came out from my body on to the table. I uttered a deep groan and then there was a complete black out.

When I came back to my senses, they again started beating the soles of my feet with a ruler. I pleaded for mercy and incoherently told them with each stroke that I did not go to Pakistan. The pain ripped my heart apart. I remembered and beseeched God to come to my rescue, and save me from the torture or to take me away from this senseless world. But it's said "When fate strikes, then even one's own shadow leaves him alone to suffer." It was true in my case. My own toughness and strength of conscientiousness, about which I was so proud, could not keep with me. In an attempt to pull through the calamity that had befallen me, I had tried beyond the limits that are not conceivable to a human mind. And thus when I could bear it no longer I said, "Oh leave me. I had gone to Pakistan but please don't beat me." Even then, before effecting the cease fire, I received five or six more strokes; each followed by dirty abuses. And then suddenly a hush descended upon the room. The interrogators were charged with a relief of Hitlerian victory over Poland. The only sound which disturbed the calm atmosphere of the room were my mute

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sobs. I was looking at the miserable state of my feet and trying to caress them with my hand which was paining as much.

It certainly is a matter of great pride for any soldier to die at the hands of his enemy; either in a battle or in custody. It's a matter altogether different for him to die at the hands of his own people, his close friends, for their unfounded misconceived sense of patriotism; for their perverted minds fantasies; for reasons unknown to him. Such a death is highly noxious. I also faced the latter situation. I sincerely wished that I had died in a battle in the 1971 war. Then at least I wouldn't have to see this day, but the inevitable always happens and disregards wishes; and for that I was alive, to face the incredible drama.

A clip board with papers clipped to it and a pen was handed over to me. I was asked to write down about my having gone to Pakistan and to sign it. I took the clip board and the pen, hesitated for a moment the clip board to Major Jolly. Looking at what I had written and smiling crookedly Jolly said, 'Heh, heh, heh! Clever bastard. Aren't you?' And then displaying anger with deep furrows on his forehead, added 'Write down the whole story from the beginning till the end. Do you understand that?'

'But I don't know the story,' I replied.

At that KSS leapt from his seat, apparently with an intention to hit me, but he was pulled back by Jolly who said, 'Kanwar Sahib leave that. So what if he does not remember. 'What are we here for?' He then turned to me and producing a few written sheets from his bag said, 'Sign it... here.' He pointed to the place where my signature was required, with the tip of ruler, which he kept swinging in his hands. I closed my eyes, thought for a second; hesitated but when I heard Jolly shouting 'Sign it you bastard,' I quickly put my signature down, while wondering what could the contents be, then dismissings the thought that, whatever it may be, let fate now takeover. I returned the signed sheet.

Once I had appended my signature, Jolly came to me and patted me most lovingly. I looked at the trio and found a kind of happiness radiating from their faces, which mostly manifests in a person on finding his hard and strenuous labour turning into a profitable one. And why not? Had they not stretched their every muscle and used every bit of their strategy to turn an innocent person to be a traitor? It was most remarkable that not a single senior officer of the Intelligence ever came to see what was happening in the Interrogation Centre. But what of senior officers, when the Commandant responsible to put me under arrest did not think it necessary to find out where the officer was. It would be very interesting to note that Colonel Harbhajan Singh, responsible for putting me under close arrest never showed up. It would do good to analyse the

most irresponsible and unbecoming acts of the so called senior officers of the Indian Army. It proves the death of their morality and conscience. What of it, if I had died? How would Colonel Harbhajan Singh have accounted for his responsibilities? Was he not under the legal obligations to provide protection to me, as the law demanded? Alas no; there are plenty of escape routes for the senior officers that are intrinsic in the Indian army, which is nicely guarded with a tight iron curtain drawn on it by virtue of its being a highly secret organisation! Here the lives of innocent people really don't matter, is a conclusion one reaches after such analysis.

A physical wreck with my senses paralysed I became dumb. I had neither the strength nor the capability of thinking or appreciating anything. I was drifting without wings in the air; treading on unknown and hostile paths, stumbling with the reflexes of my new masters of destiny, who were to become the masters of the destinies of countless innocent people and that of the army itself.

`Jolly Sahib, I think you should let him write the whole story in his own handwriting...' it was suggested. I was sitting with closed eyes, thinking about nothing, almost asleep.

`Rathaur, don't sleep. You'd get plenty of time to do so, I'll make sure you get all available comforts due to an officer, but before you get that, write down the confession in your own handwriting,' Jolly said. `It would not take very long... I shall dictate it to you to make it quicker.' Then he passed the clip-board and a pen to me. On dictation I started writing.

`While I was posted in Samba, one day Captain Nagial came to me some time in third week of July 74. We met....'

`Sir, third week of July 1974?' I stopped writing and asked in surprise, `In third week of July I was not in Samba, but in my village...'

`Bastard stop wasting our time your game is over now. You cannot detrack us,' interrupted Jolly.

I looked at Major Jolly unbelievably and thought to myself, so he is a friend of mine, who is not even prepared to listen to what I was going to say, eh? Then I decided something and said. 'I'm sorry, sir, I will not interrupt you.' And I continued writing.

`.....affectionately and talked about our past. While talking Nagial asked me about my work. Then changing the topic he talked about smuggling. He said that there was a lot of money in smuggling, that was easy for them. He tried to lure me into smuggling. I told him categorically that I did not want to earn a bad name and to put the name of my family into disrepute by indulging in unpatriotic and anti national activities. And when I enquired if he was already indulging in that, Nagial denied saying, don't be silly. After sometime, he left for his home in Manwal Camp.

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He came again to meet me about a week late, in a taxi No. JKT 5290 belonging to his brother Rup Lal. I asked him, where was he going in the taxi. He told me, he had come to leave a girl in one of the border villages, Nanga; and that the girl was a game. He asked me if I was interested in enjoying her. I consented. He invited me to his place at Manwal Camp. I went to him...." What was the date, 30 or 31 July 74?' Jolly asked.

Whatever it may be, how does it matter?' I thought and said, 'I think it was 31 July.'

'Well then write it down,' said Jolly and I wrote it.

'... on 31 July 1974 I went to Manwal Camp, in my civil jeep. When I reached his house, I learnt that Nagial was at his in-laws house in Kishanpur Camp. In the house, his aunt Shrimati Shahni Devi was present. I was disappointed and I wanted to leave when suddenly gunner (Gnr) Aya Singh came. He made me wait while he went to fetch Captain Nagial. After about half an hour, Captain Nagial, his wife Bechno Devi, Gnr Aya Singh and his wife, came in my jeep. Nagial introduced me to his wife and the others. Then he asked me to send the driver and the jeep back to Samba. He said he would drop me in Samba en route to Nanga, where he had to go to attend the marriage party of one of his friends Dr. R.K. Sharma. Thereafter, we started taking drinks..." What drinks did you take?' Asked Jolly.

'Scotch,' I replied mechanically.

Hmmm... scotch! Bastard you took whisky. Didn't you?' Corrected Jolly.

'Yes, sir, it was whisky.' What else did I know?

'Then write it down,' And I wrote, "... We took whisky.

It was over two hours past since we had started drinking, I started losing my senses. Nagial told me, let us go, and if you wish you can have the girl tonight, the one I promised to you. I agreed. Thereafter we set off in the taxi to Dr. Sharma's house, Gnr Aya Singh was also with us. We reached Ramgarh...."

'Which way did you drive?' Queried Jolly.

'Via Jammu.'

`No, no you clown. You drove via Samba.'

`Yes, sir, we came via Samba.' I conceded.

`Then why the hell do you say, Jammu?'

`I think, sir, as you say I was drunk, so probably I didn't know which way.'

`Well, that's okay. Then where did you go from Ramgarh?'

`....'

`I say where did you go from Ramgarh?' repeated Jolly

`Yes, sir. I think to, Nanga. Where else?'

"From Ramgarh we drove to Nanga. Then from Nanga we drove to Kamore, and from there to Palota. Near Palota the taxi broke down. Nagial suggested, that since the village was near by we should walk down to the house. Nagial asked me to open my bright shirt and Gnr Aya Singh went running to a nearby pond and returned with a wet towel. He placed the towel on me saying, it would ease me from my drunken state. Gnr Aya Singh was carrying a knife. He asked us to wait for him, while he went to leave the knife at one of his friend's house. He said, carrying a knife to attend a marriage party was improper.

While waiting for Aya Singh, we were suddenly surrounded by the Pakistan's rangers. I told Nagial to run away, but he kept standing and dissuaded me from running too. The rangers overpowered us saying, we were in Pakistan. I pleaded to the rangers to let us go, since we had inadvertently crossed over the border while going to attend a marriage party. They refused and took us to Pak Post Gandial and there we were confined in a small room. After about an hour, a person came and introduced himself as Major Khan of the Pak Field Intelligence Unit (FIU). He shook hands with us, and thereafter persuaded us to work for Pakistan. After a little hesitation we gave in. Then we were entertained with the drinks, that Khan had brought with him. While we were drinking, another person in civilian clothes and dark glasses came in. He was introduced as Major Akhtar Mahmood of the Pak FIU. Then we were taken to separate rooms. I was asked to give information...'

`What information did they ask from you? Did they or did they not?' Questioned Jolly.

`Yes, sir, they must have, but since I was drunk already and as you say, had consumed liquor offered by Khan, so naturally I was not in my senses. Won't anyone else had become the same?'

`Major Jolly looked at me, smiled, and then said, `That's all right son, you keep writing.'

"... of my formation Hqs. The information passed were as under :-

(a) Orbat HQ 168 Inf Bde.

(b) The name of the Commander and the COs.

(c) The detail of the Bde defences and its area of responsibility.

(d) The battle location of flanking formations.

Then I was photographed with Majors Khan and Akhtar Mahmood.

Major Khan gave me an envelope containing....." `How much money was there in the envelope?' Asked Jolly.

I thought for a second calculating how much would I have paid to my sources for the above information, and replied `Sir, I think there were five hundred rupees.'

`Humm. Five hundred! And how much did you pay to Gnr Aya Singh?' Asked Jolly. Asked Jolly.

`You see, sir, since I didn't want to work, I gave all the money to him.'

`Heh, heh - heh!' Major Jolly laughed, twitching his lips and said, `Clever bastard, aren't you? - so you gave all the money to Aya Singh. tst-tst-tst,' he looked at me mockingly and said, `any way you keep writing.'

"... rupees 15,000/-. Then I was made to fill in a contract form and sign it."

`Weren't you? And were you not photographed with that form standing beside Khan?' Jolly suggested and said, `And son, those photographs are with us now.... in this bag... here,' and pointed to the bag usually carried by KSS. He further said, 'You thought we just laid our hands on you!... Didn't you?... Son never underestimate us. We did, what we did to you to hear this from your mouth and make you realise the damage you have done. But it's okay now.'

Is it from my mouth that you're hearing? I wanted to say, 'Yes. Yes devils, you don't have even an ant's brain to analyse things. You can't differentiate facts from fiction. Otherwise there was no reason for me to suffer the extreme torture and the ignominy, I've suffered. All the same never mind and let me get out of this cell, then you'll see every evidence including my photographs with Khan, and you'll keep seeing them for the rest of your life. You'll forget torturing people.

I said none of it, of course. I was too frightened to the people who had inhumanly tortured me and frightened of their biased minds. So instead, I feigned surprise and asked as if shocked, 'Oh my God! I never thought you'd collected my photographs, infact, so much evidence against me! Why then didn't you tell me earlier!!' I said quizzically and muttered to myself, you visionary enthusiasts!

'That's okay son. Now you continue writing', Major Jolly thundered, assuming an air of authority.

"Then, from nowhere, suddenly Gnr Aya Singh appeared. I was surprised to see him there, and when I enquired, he just smiled. Thereafter we left. En route I asked Nagial, why did they do so to me, and asked if Nagial was already in the game. He told me, he wasn't but Gnr Aya Singh was. In the taxi I gave Rs. 200/- to Aya Singh as a reward, and asked them to work whole heartedly and earn as much money as was possible. Because I knew one day we would be caught.

They dropped me at the forest check post near Samba. I caught a bus and reached at the Bde Hqs. After three or four days Nagial came to me and told me that Sepoy Ajit was already working for Pakistan and hence he would act as my courier. I handed over an envelope to Nagial containing some information."....

'And what were those informations?'

'Well, sir, the same information as I gave verbally to Khan. This time they were in writing and in more detail.'

'Was it not the detailed deployment of the Brigade and its units, and the alignment of the DCB?' suggested Jolly.

'So, you know those details also which were contained in the envelope I handed over to Nagial, which subsequently, as it seems, must have been passed over to Pakistan?' I enquired tauntingly, but in such a way, so that the effect was not noticed by the interrogators.

Jolly said, 'Damn it. You still think we don't know? We know each and everything.'....

`Son when you people used to enjoy' KSS interrupted, `wine and women we used to suffer all the unimaginable hardships to keep a track of your moments.....'

`... And wherever you have even pissed, we have put a circle around that place.' it was Chaudhary, giving the talk, a final touch.

I thought, while trying to resist the drowsiness due to utter exhaustion, great detectives and big talks. One wonders why they wasted their efforts, putting only circles, instead of apprehending me? Alas! I wish I had done, what you're claiming. Then I wouldn't have been here... You're nothing but a wicked and vicious bunch of biased minds. That is what exactly you are. But I refrained from saying anything.

`And you were also given the task by Major Khan to submit the Orbat of 39 and 26 Infantry Divisions, and you gave that to Captain Nagial, did you not?' It was Major Jolly who was supplying me with answers that I was being made to write.

At that moment the light went out and the room was pitched into complete darkness. I wanted to take advantage of the darkness; to assault and kill them. I tried to raise my left hand which was handcuffed. But instantly it was evident to me, that the handcuff chain was too heavy for my hand to lift let alone strike. So even as the idea came to me, I let it pass. The adventure was too risky to undertake.

`The bastard is stinking like a decayed garbage heap,' Jolly uttered in disgust; apparently they had not realised earlier, because the ceiling fan running at its full speed, had warded off the nauseating smell, emanating from my unwashed and uncleaned body, which by then was covered with a thick paste of a mixture of blood and sweat. Meanwhile, the generator was switched on and the lights came on.

Everyone had blocked their smelling holes with handkerchiefs. I saw them with their disgusted looks, pulled up faces and contorted eyes. It was a wonder to see the scavengers acting aristocratically.

`Ohe Rathaur,' said Jolly, `Dammit, are you man? When did you take a bath? And since when have you not changed your clothes?' Then making his voice sound sympathetic, `After all you're an officer. At least you could have looked after yourself, by taking baths and changing your clothes! shouldn't you have?'

I remained silent. infact I could not speak a word, as I found my voice choked, to listen to a sympathetic voice, of a person, whom I thought was my very close friend. I knew, the sympathy
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was nothing but a very hurting and painful joke. I considered. 'He has a face to say that "who stopped you." And out of helplessness, the tears gave vent to the voice.

'Come on now, don't cry. You shall have a bath with a massage. Forget what all has happened,' Jolly consoled me.

I controlled myself and requested, if the remaining story could be dictated later on. I said, I was utterly exhausted and so, unable to do anything. The request was turned down. The important task must be completed first, in case I changed my mind, was what they probably thought.

'So where were we,' asked Jolly and then looking at the paper held his hands, said, 'we were at the deployment of 26 Infantry Division.... Am I correct? Now that's the deployment of this formation?' Asked Jolly.

'I don't know, sir.'

'What? What did you say, you don't know?'

'I'm sorry, sir, what I mean is I don't remember.. I don't remember it now,' I tried to evade the question. In fact, I did not know the deployment of that formation as I had no concern with it, ever.

'Don't worry. What for I am here? I'm here to remind you everything.' said Jolly and dictated the deployment of 26 Infantry Division. Since I knew the deployment of 39 infantry Division, I wrote that myself.

'What next?'

'Nothing, sir. Because I decided not to work against my own organisation,' I replied.

'Heh - heh - heh. Look at the well wisher of the organisation!', Jolly said mockingly to me. 'Son as yet your friend Ajit has not figured. What do you say to that?'

Oh! Where the hell are you dragging me? Now what about this fucking Ajit? What's he going to say? And you Nagial bastard, you shall never live in peace. You accused me, why did you have to do that?' I cursed God and every one alike. Though I was soon to learn why Nagial incriminated me, if at all it was Nagial who did that! But not then. That time I cursed and cursed Nagial.

`I am asking you something,' shouted Jolly, `Don't try to evade and start cooking fresh stories.... You can't. Your game is long over. Do you understand that?' Jolly squawked.

`Yes, sir, I understand that, but I cannot remember anything in the present state of mind, can I? Can't you see and realise my condition?' I said and then suggested, `It is better if you keep on dictating instead asking me questions...'

`All right, all right, now don't be jumpy. I shall do that,' Major Jolly said, and the rest of the story followed.

"... I was introduced to Ajit by Nagial later in December 1974 when he met me again. In March, 1975 before proceeding to attend the Junior Command Course, Nagial came to me. And we both, along with Ajit, crossed over to Pakistan. On Major Khan's arrival we all gave him the information that we had carried separately. This time I was given the task to expand my sphere of activities towards 11 Corps. I received rupees seven thousand and how much was given to the others, I don't know.

In July or August 1975, Nagial who had been posted to HQ 16 Corps as GSO 3 (Int), came to me and broke the sad news of Gnr Aya Singh's arrest. Though Nagial encouraged me by saying that Aya will not give our names. Through my contacts with the local Intelligence agencies, I came to know that Gnr Aya Singh was lodged in the quarter guard of 5 Sikh Li. I sent Ajit to contact him and to warn him not to give our names. I also gave him Rs. 200/- to give to Aya Singh. Ajit came back and apprised me in the affirmative. I felt relieved. But in September 1975 Nagial was also arrested. I was perturbed. I learnt that Aya Singh had not disclosed my name during his interrogation, and that after the interrogation he was attached to 4/1 Gurkha Rifles at Dharamsala. I once again sent sepoy Ajit to meet Aya Singh and to tell him, not to disclose my name even if he was called for reinterrogation. And that I would help to fight his case. Later, Nagial was also attached with the same unit.

Thereafter I called Ajit and talked to him about the situation. We decided that I should provide help, while remaining undercover, whereas Ajit could do that openly, being a relation of Aya Singh and nobody would suspect him. While we were discussing sepoy Ajit disclosed to me that Sardar Ram Singh, father-in-law of Nagial was also working for Pakistan. Hence we decided to take Ram Singh with us. Accordingly we crossed over. On Khan's arrival we apprised him about Nagial's arrest. Major Khan was grieved to hear the sad news. He gave us Rs. 30,000 and asked us to hire a top lawyer in the country for fighting Nagial's case. He also assured further help. On return I told Ajit to contact Major Ajwani, the DJAG, with whom I had already discussed the case after having taken him into confidence, soon after Captain Nagial's arrest..."

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`Well now what happened thereafter? We would like to hear from you,' asked Major Jolly.

I thought for a while and wrote, "Thereafter I proceeded on leave. While on leave, I received my posting order. I felt very happy at the posting order, as I had become weary, because of my friends arrest. It was a break for me. And thereafter I did not work.."

God alone knows what the date was, but I was made to sign the confession dated as 31 August 1978. Then I was asked to read it loudly. I understood the meaning of reading it aloud. It was being tape recorded.

After the writing of confession was over, I was given a VIP treatment. I was led back to the cell where my injuries were nursed, antiseptic creams were applied to the wounds; a massage by one of the sentries was given, then I was ceremoniously led to the bathroom and given a hot bath treatment. I accepted everything with great relief, and was fast asleep in the cell. The sleep was much needed and hard earned! I was feeling content even after having signed the confession. At that time I did not want to think about anything, till I was fresh to do so.

During the entire period, since my arrest, I had not thought about my wife and my ailing daughter, except on occasional fleeting moments, which I was unable to hold due to the forced struggle for survival.

The following morning when I was woken up I realised, and said to myself, My God, how selfish had I been! Despite my chain of unending love for my wife and children, I could not think of them; nor even once. So it was true; nothing is dearer than self. Even a claim of a true love is only a dictate of selfishness! And why, had Jolly not showed his true love for me.'

The Foundation Stone

I was ushered into the bathroom, where hot water was given to me. I found my shaving kit neatly arranged on the shelf, above the wash basin. I went near the wash basin and looked into the mirror, on the wall. I saw my reflection in the mirror; a swollen head, the disfigured cartilage of my ears, the patch work of injuries and abrasions on my face, a high blob that was my nose with a little hole for the air to pass when I breathed. My lips were swollen, and a few strands of my moustache which had apparently, escaped uprooting, stood out like twigs in a haphazard clearing in a thick hungle. My appearance was so changed that I did not recognise the face that the mirror reflected. It was a ghastly sight. It sent a cold shiver to the bottom of my spine. Closing my eyes in horror, I thought, did I really live through it? I stood in that position stupefied. Then I lifted up the shaving brush to my face. It pained. I dropped the idea of shaving and turned to take a bath.

The nursing of my body the previous night had not produced any significant wonder except that there was a little relief to me. And now that I had a complete rest, I found pains shooting from the joints and muscles of my body. I took a bath and allowed my feet to remain in hot water, given for the purpose, for about fifteen minutes. Then I was led back to the cell blind-folded. I was made to change my clothes and thereafter I was taken to the interrogation room.

In the interrogation room I found myself confronted by a man in his early fifties. The man had a round face, grey eyes, wheatish complexion and a grey moustache that matched the colour of the hair of his small round head. He was wearing civilian clothes.

`Do you know me?' Asked the man.

`No, sir,' I replied.

`Very good. I think as an introduction it is sufficient for you to know me as a senior officer (SO),' said the man and then kept looking at me for a very long time. Then the SO suddenly asked, `Rathaur, do you smoke?'

`Yes, sir, but I have not been allowed to smoke since my arrest,' I replied.

`Would you like it now?'

`I shall be grateful.'

`Which brand?'

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`Anything, but if possible Gold Charminar.'

The cigarettes were brought and the SO offered one to me. I felt intoxicated, because I had smoked a cigarette after a long time. Then the SO opened up.

`Rathaur, your work of acquiring information was highly laudable. The army had recognised it and we still do. But it's most unfortunate for the same person, that is, you to have fallen in the trap laid by the Pakistan FIU. Tell me why didn't you report to your Commander or even to Major Jolly who was always around you, when you were deceived? He could have exploited the situation to our advantage. So you see, you helped and then damaged the interest of the army and the nation! Why? Because you didn't have the moral courage? Asked the SO

Moral courage, Eh I thought to myself.

What reply could I give? Where did the question of moral courage arise? What could I report; a thing which never took place nor had I ever dreamt of such a thing to happen! If the present situation was the product of biased minds, then what could I or anybody, possibly do?

I remained a silent and a passive listener. The SO was saying. `Pakistan knew about the damage you were causing to them. They wanted to stop you from causing further damage to their country. So they made out a plan. And according to the plan if you were not neutralised, then they would have got you killed. They were, however successful in trapping you through agents such as Nagial and Aya Singh.'

I agreed when the SO said that Pakistan laid a trap for me. They did. But not as per the story dictated and which is believed by framing me falsely. And God willing I shall not allow their attempt to succeed. I thought to myself.

`.... And we knew about your activities as early as October 1975...', the SO said.

`And was that the reason of my unexpected posting?' I asked interrupting the SO.

The SO looked at me for a while and then said, `Yes, that was the reason.'

I wondered if that was a wise step taken by the Intelligence. On the other hand, if they suspected me, was that not a heavenly opportunity for the Intelligence people to keep my activities under surveillance and catch me in the act? It certainly was. Then why had they resorted to posting me away from the target area and reduce practically every chance of apprehending me?

`.... And we could not arrest you earlier, because of your highly inflated service records. The outgoing Chief did not give permission for your arrest, unless we produced substantial evidence. So, the government had to spend colossal amount of money in procuring the evidence against you. Only then did the Chief, General OP Malhotra give his assent for your arrest.'

I marvelled at the ease, with which the SO was speaking every work which was a lie in regard to the evidence against me. Firstly the theory that Pakistan's FIU knew about my activities as early as July 1974, did not fit at all in the designed conspiracy against me by the FIU. I had just taken off in my work of acquiring information. It was thus not possible for me to have become so important a target for the FIU as early as August 1974. I must have become a target but not then. A proper analysis of the story did not stand the test of reasoning. And the reasoning was :

I was allegedly introduced to the FIU in July 1974, at their instance. It suggests FIU's early knowledge of the damage which I was causing to them. To make and execute such a plan, it requires considerable time and effort. And before making such a plan it was necessary to gauge the extent of such damage. This required first information and then confirmation, which also needed time. As no importance is attached to first information of this type, little interest may be created on the second, and serious considerations given on the third. This is not as easy a task as it might look. So a minimum of a give months period can safely be set aside, for collection and confirmation of the information. That means the first information about me was received by the FIU sometime in February end or beginning March 1974. It coincided with the period when I had just arrived in Samba. And it is necessary to grant that I must have worked for a minimum period of two to three months for such an exposure to the FIU. That brings it to December 1973, a time when I probably had not even received my posting order!!

And as it was, to start my first operation, a period of two months was needed. So it was November 1973, a time when I was serving with my parent unit. And to believe the evidence being talked about against me by the interrogators and the SO, suggested and indicated a possibility that the seeds of conspiracy were sown by the FIU at a time, when there were no grounds to even conceive of such a proposition! It was preposterous, stupid and completely absurd to believe the story in the above light.

Credence, inspite of it being a conspiracy by the FIU, can however be given, if someone who knew the extent of the damage that was being caused, was a person who knew about the type of information obtained by me and who was an agent of Pakistan. Could such a person be Ajit? Certainly not, because, for one : he was simply a sepoy and as such had no access to the information, two : He was not in Samba but at Yol, so there was no scope of his knowing the details about the activities. Then was it Nagial? Yes, he could be the person. But then Nagial

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himself was allegedly introduced to the FIU as late as the third week of July 1974, only a couple of weeks before, my alleged introduction. Thus this, possibility was also ruled out. And the only person left was Aya Singh. But I did not know him, as it would also be seen later, that Aya was asked by Major Khan if the former knew me, and Aya had said that he did not. Then who was it?

I was not in a position to solve the mystery then. I held Nagial responsible.

`... So you see, that's how you are here,' said the SO.

Here? I thought, I am here, but not because of what you bastards believe to be correct, but because you're victims of your own whims. You have no minds to differentiate between facts and fiction; no minds to determine a concocted story. A story, even without going into the roots of which, looks so incredible. How's it possible that a person who was not prepared to indulge even in smuggling, terming it as unpatriotic and anti-national, would have meekly or to be more precise enthusiastically, taken to spying, when deceived! Instead of expressing shock and reporting the matter to the higher ups, I had gone a step further by giving rewards to Aya Singh! Sure enough, I concluded to myself, they are misled totally by unscrupulous people like Nagial.

Could it be that Nagial, purposely implicated me, while his accomplice is still busy trying to cause damage to the army in complete freedom? The idea of such a possibility flashed like a lightning. I became conclusive in that, and waited for the right moment to come.

The moment came. The SO who was none other than Colonel Gupta, the then Colonel Intelligence of Northern Command, when I was in Samba, asked, `Rathaur tell me, why did resist so much?'

`Resist? Resist what?' I replied, `Sir, you resist a fact which is known to you. There was no question of my resisting, when I am innocent. I don't have any knowledge of the contents of the statement which have been signed by me under the torture.' I then pointed out my badly mauled body. `And,' I said, `if I had not signed and statement, I would have been dead and not living in front of you.' I looked at my tense audience and proceeded to clarify his doubts. `.... Sir, this is a game which appears to have been played by the incriminator of my name, while his actual accomplice is someone else.... I can help you to trace the real culprit. For that I request you to act on the directions I give you... If you don't believe me, you are welcome to keep me under your custody, here, till you have been able to track....'

`Shut up you bastard of a director,' shouted Colonel Gupta and then looking at the trio, who had got up and were moving towards me in their slow but measured steps, said, `Devil! Gentleman

the devil in him, is up again and I direct you to crush the devil in such a way that it does not raise its head again.'

And the trio was already at the job, crushing the devil.

Lifeless as I already was, and seeing the malicious attitude of Colonel Gupta and the revived torture, I succumbed to the pressure. I said, 'I am sorry, sir. Please don't beat me.'

Colonel Gupta pulled out a tape from his brief case, got up and then showing it to me said, 'Look here you clown, this is your graveyard! Because you have already cut your hands. It has already been played on and heard by the Chief...' then after a pause he continued, 'I was thinking of recommending a lesser amount of punishment for you, considering the work you have done. But that can't be done unless you cooperate.... You are a wise man,... to appreciate what is good for you.... I shall not be available hence after, to give you advice... You shall get nice officer like treatment by your sincere cooperation. And in case you decide the other way, then you've seen just now what can happen'.

Before departing Colonel Gupta asked me about my sources.

'I believe your sources got dried up just before you were posted out of Samba. Was it your deliberate act to compromise them?'

I looked at Colonel Gupta for a while and then said, 'It's wrong to say in the first place that my sources were dried up just before my posting. That happened immediately after Major Jolly's posting to Hqs Northern Command. And that was in July or August 1975. And, Sir, the gardener, it's seldom heard, would destroy the plants, watered by him with his sweat and blood. And that is what exactly were my sources to me.'

'Then could it be Ajit?'

'Ajit. Certainly not. He never came in contact with my sources.'

'But you had maintained their records in a file.'

'Yes, that is correct, sir. I did maintain a file on them, and so was a record maintained by the Hqs 16 Corps Intelligence Staff, that is by Major Jolly.'

'But, Ajit could have an easy access to such records maintained by you.'

`Firstly, no one could, let alone Ajit. The records were always kept under lock and key, and the key was always with me or with Havildar Raghubir Singh, in my absence from the station. Secondly, even to assume that Ajit did have an access to the records he would have been unable to decipher the records.'

`Why?'

`Because those records were coded. The code was my own invention. And no one but my successor knew the key to that code; not even Havildar Raghubir Singh.'

`Then how was it possible that your sources were dried up just after my posting?' Asked major Jolly.

`I don't know, sir, how they were neutralised. It may be that one of the rare coincidences... And in any case that is not the question in issue.....'

`You're right. That's not the question in issue,'Colonel V.P. Gupta repeated the sentence, and then he left saying, `So I leave you to these gentlemen to handle the questions in the issue.'

After Colonel Gupta's exit, I was led back to the cell where I kept wondering as to what they meant by "cooperate sincerely" and "to handle only the questions in issue". Now what else did they want, I thought. And I was soon to know the answer. I was being laid as the foundation stone to the inverted pyramid that was to be built later.

The Great Detectives

I was given enough time to straighten out my limbs and nurse my cramps and wounds, but in complete isolation; I took full benefit of the time in bringing my lost senses back to normal and then tried to form a picture by putting various bits and pieces together. It was apparent to me that Nagial was the only person to involve me. And his motive to involve me, was to mislead the Army authorities away from his real accomplice, whoever he was, so that the accomplice could work in freedom. And Ajit, I was convinced, was also a part of same gang. There was no doubt in my mind about that.

I felt pity at the interrogators and also Colonel Gupta, who had fallen prey so easily to the conspiracy hatched by either the FIU or Captain Nagial. I tried hard, but I failed to understand one thing. Why should have Colonel Gupta refused to listen to me. Was that also a result of a biased mind?

I expected the case to be initiated against me, hence I was waiting to be shifted back to the Mess. Though I was wrong to think as I did, because I was put through further interrogation. There was no torture this time. I was asked to reveal the other contacts. They were sure no person ever stopped working once he was into spying. They said they knew and there was every piece of evidence to support their claim. They said, I had taken my jeep driver, personnel of my staff and also my relieving officer, Captain A K Rana. For three days I was kept under a great pressure. But I stood my ground, because of that I was put through the second round of torture.

Weary as I was of the previous torture, my nerves gave away. I agreed with the interrogators that I had taken my driver, Havildar Raghubir Singh, Havildar Ram Sarup and Captain Rana across the border.

Before relenting I had thought, even if I say I did take these people since they were so insistent that I did, it will make hardly any difference. Because these persons will be called for interrogation only once my trial is over. And since I shall bring out the truth about the conspiracy at my trial, the question of these people coming for interrogation will not arise. I had drawn this conclusion from the fact that my name was given in 1975, as I presumed, by Captain Nagial whereas I was called for interrogation after three years. And it was a logical conclusion for me to draw. Thus I will be able to escape the torture, I had thought.

There was nothing wrong with my thinking. But where I went wrong was, I did not take into consideration the type of brains which constituted the Intelligence Corps of the Indian Army. I had

personal experience as an example. If I had taken this factor into account I would have reached some other deduction and avoided the disaster which ensued. And when I realised my mistake, I committed another blunder in an attempt to correct my earlier mistake. I had now, understood the meaning of "sincere cooperation" and that of the "question in issue."

Full assistance was rendered to me in the concoction of stories involving the above named persons. The stories were written and re-written, while removing any snag in the concoctions. Yet such a concoction could never replace the truth. And the truth was that, the stories were false. As such the stories could not be perfect. For instance I said I took my driver Karam Singh in January 1975. The truth was that Karam Singh was not even posted to the detachment in January 1975, let alone me having taken him to Pakistan. However, if I thought by doing so, I had circumvented the interrogations, then I had surely mistaken the capabilities and the powers of my friends, the murderers. They were perfect in applying switches. As much later, when forcing me to corroborate the period I had intentionally put while writing the story I was told by KSS, 'Son, you thought you could take us for a ride. I grant you your intelligence, but take a word of advice, and a warning as well. We have been born, brought up and are living in the profession.

How correct KSS was! Though, at that time I did not give any credence to the statement. But I was to experience subsequently the stark truth in the statement and also realise the powers of the great detectives!

Content at having saved my skin, I waited again, to be shifted. But alas, that was not to be in the foreseeable future. The destiny had contrived against me. It had something ridiculously profane in store for me, of which I had not the slightest idea.

One day while brooding in the wilderness of my cell, where I lay circumscribed, I heard pathetic cries from the adjoining cell, above the abusive uproar created by the Chotte Sahibs. I recognised the cries as those of my jeep driver Karam Singh.

Oh God! What's happened!! So they have arrested him!!! I thought while under complete shock. How could they verify the wrong facts as disclosed by me?

This was infact where I had gone wrong. What of facts?

Was I not arrested on the basis of such facts, which remained unverified? Had the authorities verified a single fact as disclosed in my so called confessional statement? None. Then was I not wrong in thinking what I had thought? Yes, I was.

So this is how the Intelligence Wing of the Indian army functions. They arrest a person for an offence where such a person is not even present let alone committing the offence, I thought in bitterness, and, of course, with shattered illusions.

When I could bear it no longer the nerves shattering cries of unfortunate Karam Singh, I banged the locked door of my cell and shouted for the Chotte Sahibs. And when a Chotte Sahib came I said, please stop beating him. He's innocent. Please don't beat him. I begged and implored them, but they were not prepared to listen to me.

I was told to remain shut up, unless I also wanted to be included for beating. So I was forced to spend the night restlessly praying while waiting for the trio to come.

The next day, I told the interrogators, 'Now look, sir, I'll tell you what, I am innocent. I had succumbed to the torture and signed the statement. And if I am innocent how can others whose names were taken from me be traitors? They are not, sir. Please. For God's sake don't commit these atrocities on innocent lives,' I continued while the trio listened to me contemptuously, 'Sir, I don't know the contents of my so called confession; I've no knowledge at all. How could I have, sir? I had already told you about my leave dates a number of times prior to the confession. And I again tell you, sir, I was on leave at the time I'm alleged to have been taken to Pakistan by Nagial.' I paused and laconically surveyed their faces for any reaction, and continued, 'And Sir, I had no jeep, civil painted or otherwise with me in the detachment, in July or August, 1974. How then could I have gone in my civil painted jeep to Manwal Camp when I had none? You've been saying that you have put circles wherever I pissed; but I deeply regret to say let alone putting circles nobody apparently, has bothered to check upon such basic facts. I wish you'd done so. But alas! The only thing that appears to have been done is to hatch the story like a hen over an egg, a rotten egg!'

There was a death like silence. It was broken by KSS.

"You bastard, you think you've been arrested without any checks?... We, have been telling you ever since that your game is over. We know that you were on leave but you have spent the leave in the station..."

"But sir, there is one Aya Singh in the story. I have never met him ever in my life. To ascertain this fact, I request you to kindly arrange for an identification parade. You'll then get to know the truth.' I said, cutting short KSS.

The trio looked at one another dubiously, and grinned mischievously. Then I was sent back to the cell, where I kept listening to the pathetic cries of Karam Singh.

The next day I was led back to the interrogation room; for interrogation.

My blindfold was removed and I found an additional person sitting in the chair. I looked at the interrogators and found them grinning.

'Do you recognise me?' The stranger asked me.

'No, sir. I don't know you,' I replied.

'Well, you see, I am Gnr Aya Singh. You're finding it difficult to recognise me, because one, I have put on a lot of weight and two, I've changed my hair style. Do you now recognise me?'

My heart sank with an unknown fear and eerie feelings. But I managed to say, while looking at the interrogators, 'This is highly profane and dirty! You're playing with my life Jolly, sir!! Remember you won't be spared the wrath of God..... Is this your friendship, that you are knowingly playing this dishonourable game?' Then looking at the person who had introduced himself as Gnr Aya Singh I said, 'And look you mister whoever you are, I don't know you. What have I

I was not allowed to complete the sentence. At a pre-arranged signal Gnr Aya Singh got up, caught my arm nearest to him with one hand and twisted it to an angle, where, I thought the arm was broken, and with other hand he started beating me. I was helpless and kept refusing that I did not know him. But how long could I do that? There was no option. So when I could no longer hear the beating and realising it was of no use of argue, I said, alright, leave me I have to know you. So I know you.

At that interrogators who were watching the drama in peace sent Aya Singh away from the room. Then KSS got up and slapped me across my bruised cheeks. Then he said, you better stop your drama, if you wish to get out alive from here.

What a sincere advice it was?

Back in the cell I cried and cried till there was no tears left in the already exhausted tear bank.

Is this how an identification is carried out? Why are these stupid and wicked people after my blood? Why are they not prepared to believe me when I am speaking the facts? Why is there no

one to recognise and understand a simple truth? Is this how this stinking Intelligence Organisation has started to function? I brooded over these questions bitterly over and over again but I had no answers. Nor was there anyone from whom I could ask. It was too late, now to retrieve. I had foolishly lost my trump cards which I had for so long, kept up my sleeve.

'Where did I go wrong?! I tried to analyse.' Should I have told them about these facts when I signed the statement? But I had tried then. They did not listen to me. So what's all this?'

Whatever it was, I was certainly doomed playing the cards at this belated stage. I was wrong to do that. But then I was always wrong. I thought.

'It was wrong in the first place for me to have taken birth and then not die. But that was beyond my powers to avoid. I was wrong when I joined the army, became an officer, and served the organisation with devotion and loyalty. Then I was wrong in accepting the posting to the Intelligence. The gravest mistake which I committed was in putting every bit of my energy and carrying out the task given to me successfully and in that neglecting even my children, my personal comforts, and pulling the reins hard on my men in order to produce such quality work which was never done there before by anyone at that level, inspite of the meagre resources at my disposal. Now the same has become the cause of destruction of my loyal and innocent men. And of course the gravest mistake of all the wrongs which I have committed is not to have died before putting the signatures on the fucking fake story..... Everything thereafter, is now irrelevant. If I died now, it will be disastrous for other innocent people whose lives I have put in a burning crucible.... I must think of some alternatives, to come out alive from this burning bell.'

And an alternative I did find. I remembered, the best way to cope with danger is to keep continuous and intimate contact with it, How to remain so, was the problem.

I as a commando, was aware of one such a tactic : When you're cut off by the enemy, then first hold your ground, but if you are unable to, don't try to break through the enemy lines at that point. If you do that, it will be disastrous. The best way to counter such a threat, is to penetrate deeper inside enemy territory, cause damage, and then attempt an exit at a point where enemy is the weakest.

This was possible if I could somehow convince my biased interrogators, that I was a type of traitor, never born before, and yet create loopholes, for escape, whenever the opportunity came; which of course I never got till the end. I was wrong here also. My own sacrifice and the sacrifice of other innocent people proved insufficient, in laying off the brutal torture.

I was horror struck, when with a deluge of dirty abuses my bedding, consisting of a ground sheet, given to me after I had signed the confession, was pulled from under me and taken away. I was made to stand and shout, this time in addition to numbers, songs like ; "Main Jasoos hun", (I am a spy), "Danda Peer Jasooson ka", (Rod is the God for Spies), and "Pakistan Painda bad". I was repeatedly threatened.

What exactly did the interrogators take me for, a spy? Or a recruiting agent for Pakistan? Was Pakistan enlisting an army from within the Indian Armed Forces, or were they interested only in the military information? If it was information they were interested in, then was not one officer of my calibre, enough to damage the entire Command? Certainly - if I did so! Then what additional information could be given by my friends and men of my platoon ? And that too from the same Brigade! Was it believable? Certainly not.

However, there are two more possibilities for my indulging in this nefarious act, the interrogators could think of: one, that Pakistan was doing a long term planning, and two, that I introduced the entire Brigade and my men to Pakistan's FIU, with a view to covering up my own activities and remove any danger to my own activities and personal self. But if the interrogators thought either or both the possibilities existed, then they should have also known the procedures for long term planning, It is invariably done by planting one's own person with a proper cover-up job in the target country. And such persons who are highly qualified and trained in the job, work most discreetly. Even then it is clear and history bears witness to it, that no spy ring of this type has remained functional for long. If that has to be taken as a fact, then which is the organisation that would throw away huge sums of money, for such type of planning? May be the personnel of the Indian Army Intelligence!

And if I did it to cover up myself, then was that a wise step? Was I not afraid of someone who might report if I tried to deceive him? Or was that a fact that none of the persons I alleged or believed to have taken across, were without moral courage? If they were, then how was it possible for me to know the fact in advance? It was not. No one in his right senses would have ever attempted to pull each and every person into spying, as the interrogators believed about me. And if I, who knew the game how to operate sources, was spying for Pakistan, than no one else could have advised me better than I myself. Such a job was done with utmost care discretion and alone I would definitely have not included so many people at the risk of being exposed. Thus none of the possibilities fitted into the logically drawn up picture.

I couldn't help smiling with contempt even under that painful condition, to see such an erratic functioning of the Intelligence people. It was stupid and incredible! I thought while shouting, 'Main Jasoos hun.'.....'

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Now the entire complex where I was confined in one of the cells, hummed, despite all its sound proof system, and vibrated with pathetic cries; shouting of numbers and the abuses by Chotte Sahibs, while they beat the unfortunate victims.

The atmosphere of the entire complex matched possibly Hitler's extermination camps!

This was the third round of tortures and it lasted till the first week of October, 1978; a period of twenty one days, I calculated later.

By the time I was excused further tortures, the number of persons whose names were forced out of me had probably reached a dozen. I wondered why there was no torture, but I did not realise that the attention had been shifted to others' my victims! May be, it was not possible for the interrogators to deal with so large an influx which followed. Or may be that they had realised in time, that I had been reduced to a state of physical depredation, where I would have died with even half a day's extra torture. And probably they could not afford to lose such a precious foundation stone of the inverted pyramid, they were busy constructing, as myself.

The atom had blasted and the fission started.

The Corrobrations

During the third round of tortures, in addition to the three techniques, of the proclaimed thirty six, I had already experienced, the fourth and the fifth were also put into practice. The fourth was, inserting a beer bottle and an iron rod up the anus after making me naked in front of the sentries, the fifth was tying weight to the testicles, dragging me on the floor, by the leg, while one person sat on my back. Under these circumstances I forgot to remain close to the danger, in a bid to save other innocent people. I tried but failed. I was reduced to a state where I could have shown having taken across the entire Brigade including the Commander. And why only the Commander, for that matter anyone, including the Chief, General OP Malhotra. It was a different matter that nobody would have given any credence if I had been forced to involve the Chief. Brigade Commander? Probably yes. And it was a different matter if I didn't, because someone else did that for me!

I once again started visualising, men going out and coming in through the walls; the plain white walls of the cell with figures of men and animals, changing shapes every now and then. At times it was birds flying then disappearing into animals figures. Then everything taking the shape of all 33 crores Hindu Gods; and then the process was repeated. I would at times find myself floating in the air; wingless. Then I would see myself at different places - with my parents in my village, and wondering how did I reach, when only a moment ago I was with my wife and children at Kamptee. Then home would also turn into something else. Samba. Yes I am in Samba, but how did I reach here? I would think, when I was in the Interrogation Centre. Then I would visualise the entire complex in Samba instead of Delhi! Sometimes I would find myself as the Director of Military intelligence ordering the interrogators to stop the torture. I would believe my imagination was real though there were no interrogators. Then I would order the sentries to open the door, while trying to establish my identity. To convince them I would ring up the Chief asking him to send his ADC immediately. And then telling them sometimes, look you don't believe me, he is coming. I would then take out from pockets of my torn trousers my Identity Card and produce it to the sentry. I then saw the Prime Minister, Mr. Desai, along with the Chief of the Army Staff enquiring from me and I telling my story, and thereafter giving assurances to others that there would be no torture.

Of course, neither the walls allowed anyone to come or go through them, nor were there any Gods, Neither did I fly nor was I at home nor were there any telephones, identity cards or a DMI. Nor was there the Chief or the Prime Minister enquiring from me. Such and plenty more inexplicable fantasies were the result of hallucination or my state of subconsciousness or unconsciousness, to which I was reduced. The phenomena of imagining things and yet thinking them to be true, day in and out (there was no difference between day and night for me) increased

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in intensity each day. The indescribable varying fantasies, used to be shattered only by severe beating, the pain of which would pierce through the hallucinations.

I was made to write and rewrite a number of statements of which I never had any account, barring a few which I was later made to corroborate.

I had become spiritless, senseless and was under a complete grip of morbid fear created by the interrogators. Under that fear I believed each word that was spoken to me as a threat by the interrogators. They would pick up a name from the list of my friends, and ask, how did you take him? I would say, I have not taken him, please sir. But my refusal would only last for two or three days. That depended on the severity of the beating. Then I would agree and sign the story. Back in the cell I would shed a few tears; knowing similar torture awaited my fresh victim. But the sense of guilt used to remain only for sometime. Because by then the interrogators would have asked me the next name in the list. The interrogators used to ask, you a wicked fiend, why were you resisting the name? And I had only one answer to offer. Sir, I was considering his children. Thus the number of spies increased each day. When it reached to Colonel BR Kayastha and Major SP Sharma, I became adamant. My tactic to remain close to the danger was proving disastrous for others.

I categorically said, sir, they are innocent. What would you achieve if I gave the names of innocent people?

But then, was I not innocent? Were the other innocents not being arrayed in the hot crucible? They were. But I did not want to increase the number of such people, and to make them undergo the untold miseries and atrocities perpetuated in that slaughter house, called the Interrogation Centre.

I was told, and was convinced, that my entire family including my aged parents were put under arrest.

One of those days a message was dictated to Major Jolly by KSS, who, by then was reflecting an air of absolute authority, in front of me. It read: "Captain Parkash Chand ex 62 Field Regt (.) Brother-in-law Captain Rathaur high grade security suspect (.) Place officer under close arrest forthwith (.) Attach property and seal bank accounts of officer (.) Despatch officer for interrogation."

The message then was handed over to Chotte Sahib with the instruction to hand over the message, in some TP centre. Thereafter KSS himself left to pass the message.

`Tell me, you bastard, what has that poor man done to you? Was it a sin for him to have betrothed his sister to you? Is this the way you should have expressed your gratitude? Why did you put this man in trouble? Why?

At this point I was completely exasperated because of the desperation caused by helplessness. The only way to overcome the situation, I thought, was to end myself. It took one thousandth of a second to decide. I dashed headlong with an intention to smash my head against the wall. But had the interrogators not said, we would not let you die.....'

They checked me with great alertness and then swung me on to the table. And it was how Major SP Sharma and Colonel Kayastha became spies!

Each moment of the ordeal had become a nightmare during the last couple of days. It is beyond any imagination of a human mind to contemplate or to describe the brutal tortures and the resultant agony that I underwent. My body was mutilated and so was my brain. The pain the bones of my feet, which I had presumed were broken and had become useless, was so severe and intense that the remaining badly scarred body became painless. The soles of my feet burned as if I was walking on fire. I wished I was without feet or that someone should cut my feet off, only to relieve me of the burning sensation, which had become unbearable. I used to plead to the sentries or anyone I saw to do the merciful act. Then I would plead for a doctor or medicines or anything including poison, which could rid me from that hell. But I always got the same reply; "Thumhare baap ne khairati hospital khole rakka hai. Wahin se bulaenge doctor" (Your father has opened a charity hospital and we will call a doctor from there). The only time I felt relieved was when I lay either sprawled on the ground, unconscious or while hallucinating. How long and how often, there were no counts.

However I did remember one thing, that among the numerous blood thirsty vultures, human butchers, there was one Chotte Sahib with great respect and deep feelings towards the suffering of another human being. He was the same person who had given me rest and provided me with tea during the first round of tortures. The Chotte Sahib, always allowed me to lie down and place my feet up against the wall, during his tenure of duty. Despite the warning given by him not to sleep, I would sleep undisturbed. But alas,! This angel used to appear very rarely.

I was in the grip of a complete nervous breakdown. I started shivering with fear at the mere sound of an interrogator. And paradoxically, I saw the declaration made by KSS, "You and your twenty generations to come will remain haunted on hearing my name." True enough; if not my twenty generations, but I certainly was haunted and remained so for many months to come. And under

these circumstances I was forced to commit an act which otherwise, was nowhere near even my dreams!

Once again a VIP treatment was given to me. But this time I was in a every precarious physical condition. I lay on the bed provided to me, unable to move. Most of the time I was in coma, not knowing whether I was alive or dead. I kept hanging on between life and death, day after day. Still no proper medical aid was being given. Probably the interrogators didn't want to show my condition to any outsider. They depended on naturopathy for me to get better. However, finding the condition, worsening instead of improvement, a doctor was called to nurse me. The doctor thereafter continued nursing me, twice a day, till I remained in the cell. Due to the sincere efforts of the doctor, whose name like most of others, remained unknown to me, I was able to move a bit on the bed, though I was unable to walk for a long time to come. My right ankle was fractured, and most of my joints suffered due to broken and damaged ligaments.

Initially I had lost all my WILL to live. Now I wanted to live, if not for myself, then for others. I made up my mind with complete determination.

Before I think of making any plan, it is necessary for me to know whatever has happened and all that I have written. I thought, and pressed my mind to think.

The shouting of Chotte Sahibs at the unfortunate victims and inmates of my neighbouring cells, pathetic cries, counting of numbers and various other slogans, similar to what I was made to do, constantly disturbed me. From the different voices emanating from the cells, I counted there were five more cells, excluding my own. A voice coming from a cell used to cease and be replaced by an entirely new one. This continued to happen till I was there and even after.

Whatever had happened I remembered, I have been able to insert, wide loopholes, despite close scrutiny of the trio and their every care to obliterate any weakness in the concoctions. However, nonstop screams of the influx, which followed apparently as a result of my stories, caused a lot of mental disturbance to me. I wondered if any one responsible for ordering arrests, carried out any verification! But as the people came to the SPY PRODUCING FACTORY, and stamped as they left, with a brand of A SPY, was certainly a discouraging thought. Apparently no one bothered to check the facts, and were busy flushing out the traitors! A little commonsense would have avoided the biggest massacre of innocent persons of the Indian Army.

I no more cursed Captain Nagial. I sympathised with him and many others, who, I had learnt by then, had fallen prey to the conspiracy hatched by Gnr Aya Singh and his accomplice, Gnr Sarwan Dass. It was crystal clear to me, how was I implicated by Nagial and the story

corroborated by Ajit. And why Aya Singh had to go for REINTERROGATION. I, remembered a line from my statement, "... and I told Ajit to convey to Gnr Aya Singh not to disclose my name, even if you are called for re-interrogation" and then, "... I conveyed to him that I would fight his case and that Aya should not worry." How very nice; a fitting statement!

Gnr Aya Singh was a relation of Captain Nagial. During his interrogation Aya Singh incriminated Nagial, and may be also Ajit. Why he did that to his own relations, was not clear to me. It could be due to torture. The question was, why Aya did not disclose my name if he knew me as his accomplice, or even otherwise, when he was first interrogated? Why should the question of Aya Singh's reinterrogation have arisen, once he had already been cleared? And how would have I known that Aya Singh would be called for re-interrogation? Which he was! Was the requirement of his reinterrogation attributable to the incompetence of his interrogators, who first carried out the interrogation? Or was it a simple fact that Aya had not met me ever, let alone having taken me across to Pakistan? Who would fight the case better, a close relation, or a third person that was me, whom Aya as the statement also said, had met only once? Who was dependable between the two? It was obvious that poor Nagial was also tortured at the instance of Gnr Aya Singh. Then during similar tortures Nagial must have confessed to a false story and given the names of others including mine, as I did, I thought. And thus Gnr Aya Singh was called for reinterrogation, to corroborate Nagial's version. And the meaning of above lines in my statement were now clear to me.

I also remembered, but only vaguely, the remoulding of my fresh confession which had been dictated to me a number of times. I had to pay the price for playing my trump cards at a wrong time. The vital evidence so disclosed by me was erased. I was made to re-write my confession which read, "though I was on leave, I spent the leave in station.", and the words "... on 31 July 1974 I went to Manwal Camp in my civil painted jeep... Then he asked me to send the driver and the jeep back to Samba." Were either replaced with the better sense or erased completely. A vital piece of evidence for stamping the story as false, was thus lost.

I was made to fabricate stories about a number of persons. Among these officers picked out, each was known for his high competence and professional knowledge, intelligence and morality, like Major SP Sharma, Captain VK Dewan and Lieut Colonel BR Kayastha. Major Sharma was subsequently defamed through press, by reliable sources, of the Army intelligence as the ring leader. Then there was a bunch of other like Major Ajwani, who presumably was the DJAG responsible for tendering advice against prosecution in the case of Captain Nagial; Captain Sajjan Singh the Adjutant of the unit responsible for Nagial's custody, the CO of that unit and finally the Presiding Officer of Nagial's GCM, whom I had neither known, nor ever heard of, but was supposed to have bribed all these men and taken a few to Pakistan, I recalled sadly, and that

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presumably was the cause for Nagial's getting less punishment, which the trio had repeatedly asserted. How, I thought, these celebrities of the vital army organ, could be so stupid, unrelenting in the face of facts and not be prepared to recognise the truth? How could they be behaving completely without sense? Could the whole scandal be attributed to what I thought about the interrogators; or was there something deeper in the matter? Why would the interrogators have defaced the evidence? Who was more credence worthy, Gnr Aya Singh, admittedly a trained Pakistan agent or me? Or still was it a fact, that Gnr Aya Singh, had won over their confidence and misled them to an extent where every analysis failed in favour of Aya Singh?

Whatever it was, I did not blame the 'Chief'. After having made a profound study of the art of corroboration that was followed by the interrogators, I thought, anybody would believe the stories so corroborated, without checking in detail such disclosures physically. The Chief has no time to do that himself nor had he time to see to the methods applied for the actual production of such blue prints, as he is already burdened with intricate responsibilities of his office. But then what was wrong with the steps of the ladder, the army channel of command responsible for placing the masterpieces before the Chief? Could they not see or they did not want to deduce from the stark naked lacunae in the uncorroborated briefs?

Deductive reasoning is an absolute necessity in a military man. It is inculcated at each stage of his career, right from the day of academic training. Whenever the necessity of deductive reasoning has been allowed to be ignored before embarking on any plan, disasters, have invariably followed. A military man in a war does not live to correct his blunders. That becomes a lesson for others. He corrects himself and learns from the past experiences of others. Therefore, and not without reasons, a great amount of stress is laid to teach as well learn this art.

I saw clearly, nothing of the sort was done. Every one had closed his eyes, if at all there was any eye open. Probably a result of hate due to the spies, the traitors. Who was to be blamed if at all, for the ensuing disaster?

I remembered the three questions which were repeatedly asked by KSS. These were : THE QUESTIONS ARE THE SAME THREE, AND WHO WILL ANSWER THESE QUESTIONS? AND I quickly used to say I WILL, SIR. AND WHAT ARE THE QUESTIONS?

'SIR, HOW MANY TRIPS TO PAKISTAN - WHAT ALL DOCUMENTS HAVE I PASSED?'

AND?

'.... AND, SIR HOW MANY MEN I HAVE TAKEN TO PAKISTAN?

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And whenever KSS asked the above questions it meant an addition in the list of my accomplices. And thus my confession had grown thicker and bigger with the passage of each day. I had given the names of imaginary files - scores of them that I was supposed to have handed over to the Pakistan FIU, in answer to the question WHAT ALL DOCUMENTS..? Apart from the documents, there was the information of all such formations wherein I had served, and the exercise papers in which I had participated. As regards the number of trips and persons introduced, it was understood. The trips were equal to the number of persons introduced. They even forced me to make statements against Lt. Gen. Chandorkar and Lt. Gen. (later Chief of the army staff) K.V.K. Rao. I had supposedly deceived them also. But I told them, how could they have been deceived? Because no General goes to border area alone. He is always accompanied by members of his staff and subordinates. They realised this fact and I was spared the torture to implicate them further.

Having recollected whatever details, I could, I set about making plans. I made and remade a number of plans and then discarded them. Finally I made a plan which was the simplest of all. As soon as I was better enough to move around, I would be shifted to the Raj Rif Centre, officers mess. Once I was out of the dreaded place, I would apprise the Commandant about the unconstitutional approach adopted at the Interrogation Centre and that the Commandant himself was to blame for his failure in protecting my interest, due to an accused, under the Army Act, and which is the responsibility of the officer putting an accused under arrest. I would then insist for my early trial.

I was able to make out from the talk of the interrogators, about the culpability of Aya Singh, in that Aya Singh had already incriminated and deposed falsely against a number of innocent people and thus had brought disaster on them. The man who damaged the country and the organisation by acting as a spy first, was busy, after he was caught for his obnoxious act, damaging not only the organisation but he was also responsible for the miseries, and the suffering of innocent, loyal officers and men, their unfortunate families, who all had become the civtims of his nefarious designs. This he was able to achieve by winning over the confidence of the Intelligence authorities. How Aya did that, was as simple as that. Because, majority of collection in the Intelligence Corps is a discarded lot from other arms and services. Most of them opt for this branch of the army, not because of professional aptitude, but for pecuniary gains. They join this branch when their career prospects, in their parent arms and services, are bleak because of their professional incompetence. Their sole aim to join the branch is to serve for a longer period and mark time. Such people would still render a great service to the nation, the army and humanity, in general, if they stuck to their original aim. They neither have the knowledge and training nor the required capabilities. Under the circumstances it is not difficult for shrewd people like Gnr Aya

Singh to mislead and exploit their weakness. Once such weak persons are misled, with their unlimited powers being security men, they become very dangerous, and ruthless.

And it is also very easy to mislead them like Hajaj the Khalif of Suleman, who killed his intelligent brave and the most loyal nephew, Mohd-bin-Qasim. However that was an altogether different subject. I intended to deal with, once this trial was over. The immediate task I set for myself was to prove that Gnr Aya Singh was fake and then redeem so many of my victims. That I could do only once Aya had deposed against me in the trial. I was not bothered about my confession, as I was sure to prove it as untrue from its details, and involuntary, from my medical examination. Even though I had lost the trump cards, there were enough points for me to win the case and then get Aya Singh for perjury.

But alas; even the best of plans fail when pitted against the imponderable. I was wrong in underestimating the wisdom of my interrogators, wisdom that was without innocence! I failed to realise, even when I had sufficient experience to realise, the devilry enacted by the interrogators. And they themselves had made it clear to me, when KSS had said. `... We are born, brought up and are living in this profession.' I should have recognised the cocoon of profligacy. But even if I did that, as I did recognise a little later, what could I do under the claustrophobic circumstances.

An Approver

It was probably 15 October 1978. Major Jolly and Mr. Chaudhary made a dramatic appearance in the cell where I was confined. Jolly forcing his voice to appear tender and sympathetic which reflected concern for me asked, 'How are you my son?.... Damnit whatever you underwent, it was all because of your foolishness. Why did you act so adamantly? Why did you want to save others, that too at your own cost?... When you had already accepted your mistakes...'

'Jolly sahib', interrupted Mr. Chaudhary, 'You don't know, he was chasing a false hope of getting help from Major Khan through his, what should I say, pals?'. Then looking at me, he asked, 'weren't you?'

I remained silent.

'It's no use Rathaur, trading in dead horses,' said Jolly, 'You were once a friend of mine, and I still have the same regard for you. With this relationship in mind, listen to my advice. Will you or will you not?'

'Of course Jolly sahib he will. Why shouldn't he?' Chaudhary affirmed on my behalf.

'... Well then remember, whenever a person suffers from an illness, he always goes to a doctor for its cure. So I don't have to remind you that you are a sufferer and we are the doctors.. Don't worry even if you have raped the army. I'll make sure nothing happens to you.... but we will talk about that later on,' He then produced a letter from his pocket and said, 'My friend we are not your enemies. Though I know that is how you're thinking about us. This letter is from your wife. She had come to meet you in the Raj Rifle Centre, and left the letter alongwith some items of clothing.'

'What did you say, my wife? My wife had come to meet me?' I asked with surprise and relief. 'I thought, you told me she was also under arrest?'

Chaudhary and Jolly looked at each other with crooked smiles. Then Jolly said, 'Well that was almost correct. She would have been arrested, had I not intervened and left that to KSS.'

'You should be grateful to Major Jolly for that.' Chaudhary interrupted to complete the sentence. He apprised me that they did not know about her arrival otherwise she would have been allowed to meet me. And if not that, at least she could have talked to me on the telephone. And now she had gone to Dehradun to stay with her brother, who had come to receive her at Delhi.

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So the arrest of Captain Parkash was also a farce, I thought to myself and felt relieved at least on that score.

I took the letter and read through it avidly in a single breath. I kept reading it over and over again, till the letter was completely drenched in tears, and the tears smudged the ink. At that Jolly handed over a cheque slip to me to fill in and sign whatever amount I wanted to. The slip was given by my wife, who was in dire need of money. I had left only rupees one hundred with her when I had left for Delhi. Then a small sheet of paper and a pen was given to me and I was asked to write a letter to my wife, with instructions not to write anything about my arrest or the interrogation. 'Simply write that you have received the letter and the clothing sent by her, and that you are perfectly fine. Okay?'

I quickly filled in the cheque slip and scribbled a few lines, while the interrogators stood, supervising the writing. Then a receipt was obtained from me and they left. They did not allow me to keep the letter of my wife. 'What'll you do with the letter that you have just read,' Jolly had said. Probably thinking the letter might give me an emotional strength, and that they did not want.

I marvelled how Jolly had become sympathetic all at once. It was not without purpose I knew that. Did they expect me to give more names? Or what else was that a veil of decency all about? Why should Jolly think of helping me, when he is the one responsible for reducing me to this state of paralysis, I thought. And to say that they did not know about my wife's arrival is nothing but another farce. And at least this time I was right. How could the interrogators have allowed her to see her husband who was almost on his death bed, with his mutilated body? People who were responsible had deftly and surreptitiously engineered, directed and executed the spy operation, were not fools, to have endangered their own lives, by permitting my wife to meet me in my present state. Or to have given an opportunity to me to talk to her on telephone least the information of their barbarism leaked out from the sound proof walls of the human slaughter house. I knew everything, their each and every move, and yet I was unable to do anything except feign ignorance. Atleast I had to do so till such a time I found an opportunity for an escape from the sword which hung on me, ready to chop my head at any wrong move.

I found it simple to deduce from the letter, the miseries and the nightmarish time my wife had to undergo in Kamptee, without any communication from me, or from anyone else, who could inform my whereabouts to her. I had left on temporary duty for just two days, and even after two months she had no information official or otherwise to which she was entitled to by law immediately after my arrest. My own Commanding Officer, who knew everything about my arrest, had not bothered to inform the hapless lady. It was not difficult to imagine the agony and mental torture she was made to undergo, alongside my physical one. It was not only Colonel Harbhajan Singh who failed

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in his duties, but my own Commanding officer too. The Commanding Officer whom I had served with complete devotion; my own head of the family, my own Regimental Officer, not only failed me, but went a step further by contriving against me, dubiously, I recalled bitterly. Wasn't it the duty of the CO's to find out where the officer, whom he had sent on temporary duty, had disappeared? And to assume that the CO was informed about my having confessed the crimes then was he not duty bound to tell the same to my wife? Why couldn't he have met me personally, if not for other reasons, at least to admonish me, for having put the name of the finest Regiment into a stinking morass of spying!

It indeed was the duty of my CO, Lieut Colonel KM Nanda to have asserted his rights and found out for himself, the truth. Thus the CO not only failed his officer to protect him from becoming a prey to the hungry wolves, but also, as I had to learn later with remorse, had harassed my wife by asking all sorts of stupid questions, let alone looking after her husband's absence. It would go and remain in the history of the unit as a BLOT, to have discarded one of its loyal and innocent members to be disgraced and to disappear into obscurity.

I felt aggrieved to miss the opportunity, fate had almost brought to my door and then snatched away, even before I could look at it. Yet this was nothing compared to disappointments, fate still had in store for me.

After a couple of days the "duo", the oppressors, the masters of my destiny appeared in the cell. Of course the master of tyrants, KSS was spared the efforts to see me following my own request, to avoid the nervous breakdown which I would have experienced on seeing him. I was given another letter from my wife; which she had written care of Colonel Harbhajan Singh; after reaching Dehradun.

`So what have you decided?' asked Jolly.

`Decided?' I asked expressing surprise, `decided what? What is there to decide, sir.'

`Look Rathaur, in a way yes, there is nothing to decide. Yet there is whole range of things to decide. I have thought of making you an approver. This is the only course open for you. In a few days we intend to start with the recording of Summary of Evidence (S of E) of those persons who stand cleared. Now I want you to stand up against them boldly. As a reward for doing so, we will do everything within our powers to get you the least amount of punishment..." And after a pause he said, `but that is only possible if you side with us.'

I remained silent.

`From our side you stand cleared. If you wish you can be shifted to the Mess.' Jolly said.

I felt my blood pumped with the force of happiness. But alas! It was not even momentary. For I heard Chaudhary say at the same time, `but this is my sincere advice, you better stay here. In the mess you may have to bear the numerous eyes full of hatred prying at you. In any case think it over.'

I took the advice as a sufficient warning to desist from the thought of getting shifted. If I showed any enthusiasm, they might as well put me through another round of dreaded tortures. And if they did that, I would not pull through it, this time. It did not matter, if I died. The only thing that mattered for me, was to save the innocent persons. I had pulled into the morass. That I could only achieve by surviving. Then also, there was a consideration not to die as a traitor. I may even be shifted without showing any interest, I thought.

The same day, an hour after they had left, Chaudhary returned with a clip board, handed it over to me and said, `Rathaur your CO wants that you be shifted to the mess. But as you desire we have told him that you do not want to be shifted?'

`But, sir, I want to be shifted,' I insisted desperately and said, `I never told you that I did not want?'

`Well... Well, even if you don't want, we desire that you should be here. After all you're our approver and naturally we don't want that someone should kill you.'

`But, sir I never said that I want to be your approver. I don't want to be anything please, sir kindly shiftme', I said, thrilled with the idea that the CO wanted me to be shifted, as revealed by Chaudhary.

`So Rathaur, there you! Anyway we will tell your CO that you have yet not been cleared from us; that you are still keeping some names up your sleeve.' Saying this Chaudhary laughed wickedly and added, `You can forget it if you're still nursing the idea of taking us for a ride Eh? So tell me what do you want, an easy life or back to square one? Well it's upto you to select what way you want us to treat you.'

Whatever it was, I certainly did not want to undergo another round of torture. The very thought of it sent a cold shiver through my spine. So I relented in the face of this threat. I wrote, as dictated.

"Respected, sir,

I am ashamed of my unpatriotic and anti-national activities. Because of these I am also ashamed to face people. Then there is an acute danger to my life from my accomplices. Therefore, I request that I may not be shifted.

Thanking you,

Yours faithfully,

sd/-

R.S. Rathaur

31 Aug 78."

After signing and dating it as 31 August 78, I nervously handed over the letter to Chaudhary.

There might have been other options, but under the circumstances I found none except to act as an approver. It was an irrefutable fact, that they would not allow me to go in this present state, and let others see the fruits of their labour! The glass house which was being prepared would have been broken for sure if I was shifted.

If I was helpless, was Colonel Harbhajan Singh also helpless? Could he not or did he not find time to see, if I, whom the Colonel was responsible for having got arrested, was alive or dead? Was it not his duty to come and enquire personally from the officer? Or was the Colonel merely acting as the figurative head, stripped of all powers and functions? Whatever it was, the Colonel proved himself to be unworthy of his rank. He showed his cowardly self, and irresponsibility towards me, an unfortunate officer. It's left to wonder with what face Colonel Harbhajan Singh told my wife, 'I don't know where your husband is, though I have put him under arrest,' and adding, 'but your husband is very fine and healthy.' When on 09 Oct 78 my wife had met him regarding information about me, how did the Colonel know, that I was fine and healthy, when he did not even know where I was? One can do nothing but spit at people like Colonel Harbhajan Singh. They are responsible for the precious lives of persons under their Commands! They are the guardians of national security!!

Finding myself pushed into a corner I could do nothing but weep. Then I realised that weeping would not help. I had to think of something even if my earlier plans had not worked out,' I thought. However my plans were stripped piece by piece, I tried to find out the reasons, the weak points, which had led to the neutralisation of my appreciations, and the plans. But no logic can ever work where might prevails. There was nothing wrong otherwise in my thinking. At times I started

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suspecting the act of interrogators and was reluctant to view it as the result of biased minds. No one, I thought, could be biased to that extent. I decided to cope with the danger once again by remaining close to it. The only way I could do that was to play in the hands of my masters.

I had understood that the interrogators were trying to devise a suitable ruse to further their plans. And sensing that, I enacted a counter ploy to foil their schemes, performing an act to deceive them at their own game. I must win over their confidence I thought, while leading them away from my real intentions.

However, I failed to realise that the people with whom I dealt, were, more clever than me. I was not sure whether I ever was successful in winning over their confidence but they did behave with me in a slightly relaxed atmosphere; though still holding the key to the temporarily locked sword, the torture!

Confrontations

By the end of October, I was given another letter from my wife. In the letter she'd written that she would go to the Defence Minister to seek permission for meeting me, but would do so after she had received the reply.

`Tell her not to do so. It's futile for her to run around. No one can do anything in espionage cases; not the Defence Minister, nor the Chief. They can do fuck all. In fact the President of India also can't do anything. So, write to your wife accordingly not to think of such things, and when the time comes you would do everything yourself. Okay?' said Jolly, `It is only we, who can help you no one else.'

How correct Jolly was when he had said that! I had to see the truth of the statement, when my wife had to run from pillar to post and ultimately was forced to go to the Defence Minister, Shri Jagjivan Ram, and write to scores of other personalities, whether they were able to do anything or not. And it remained a fact that not even a leaf stirred when the storm passed.

The interrogators definitely could help, but only in the event if I agreed to become their approver. And I, as per my plan had agreed, while I lay in wait for the opportunity, to strike back.

On 22 October 1978, prior to the above incident, I was carried to the interrogation room. There, after my blindfold was removed, I found Naik Jagdish, one of my erstwhile subordinates, standing in a pretty bad condition. Who gave his name I wondered to myself? Then I realised quickly, that I was not the only hero, to incriminate innocents. Those who were my victims could also become heroes like me. And heroes they not only could, but in fact, had become; ready to sacrifice anyone just on the mere sign of a raised ruler.

Seeing Naik Jagdish, I forgot about my miseries. I heard the interrogators who were asking Jagdish, did you or did you not go to Pakistan? Jagdish was still blindfolded and handcuffed. And he was shivering like a soldier, caught without clothing in a snow storm, while out on a patrol. He said, `No I did not, no, sir, no. Why should have I gone to Pakistan? What for?'

Thereafter Jagdish's blind fold was removed, and he was asked if he knew me, whom of course the wretch had to recognise.

I was stunned to learn that the hero who involved Jagdish was none else than myself. When and how I did that, I failed to recollect. And disgusted, I tried to remember, how many more such

persons had I involved, which I don't remember? But it was a difficult question for me, to answer. The story was obviously signed by me when I was semi-conscious.

The 'duo', Jolly and Chaudhary, told Jagdish to look at my mutilated body and then warned him, 'if we can do this to an officer, it is left to your imagination, what can happen to you.'

Jagdish still held the ground. Then the duo asked me to persuade him. However, instead of persuading, I claimed myself as innocent.

The Duo laughed derisively first and then started beating me and also Jagdish, while they muttered, we thought you were on the right track.

My nose started bleeding, and I cursed my emotions for not sticking to my plan; for showing my innocence, an innocence which I had tried to show a number of times before. I saw Jagdish also, squirming under the torture. So quickly retracing my steps, I apologised for my wrong conduct!

I said, I would take over Jagdish provided they left us alone but the interrogators refused. They said, 'You better take over only in our presence.' I thought for a while, then suddenly got up, limping on one leg and with my back towards the interrogators. Then looking at him, I winked frantically while telling him, 'Jagdish it is no use getting yourself mauled. You're seeing my condition, and you have seen what's happened just now.... look at my body... I can't even stand, and see my nose which is still bleeding...'

The message that I wanted to convey had probably, gone home. I again winked and said, 'If you don't remember, don't worry they will remind you... or even I will dictate to you.' And then I took the story, made for Jagdish, from the interrogators and proceeded to dictate.....'

I was given a pat by the interrogators and carried back to the cell. In the cell I wept and wept to see the degradation of my conscience. What could I do? Except taking consolation from me fact that by doing so I had saved Jagdish further tortures.

The 'Duo' entered the cell, and expressed their annoyance. They asked me, 'Why did you have to behave the way you did? It's not even the beginning. You have yet to face them during the trials. And if you don't change your attitude, then I am afraid', said Jolly, 'You're inviting a disaster for yourself!.... and why the hell did you wink at him?'

So the trick was caught, I thought. But I tried to cover it up by expressing surprise, 'Winked? Winked at whom?... May be what you saw, was involuntary reflexes of my eyes, as....'

`Now don't try to fool us,' interrupted Jolly and added, `whatever the reason, we couldn't care less. We only want that you should try and become like a man, and then stand on your own feet.' Then they left.

The new entrants were better placed in regard to the torture. The doctor who was introduced into the slaughter house, had laid a restraint on the degree of infliction of the tortures, and had also probably warned the interrogators for any untoward happening. With the result, the vultures were restrained from going beyond the first technique of the thirty six. Even if at times they crossed the laid down limits, the doctor would not allow to do that, since he visited me twice, daily. Consequently, the factory that produced spies faced recession. So to boost up the production they had turned to utilise, my expert services. Nevertheless the influx of raw material kept on pouring in unabated. The real reason of the doctor laying down restraint was not out of compassion, but of fear as Havildar Ram Sarup, I learnt later, was killed due to tortures on the last day of Sept. 1978. And this was probably the reason why my life was spared.

It was November, 3rd, when I found myself confronted by Captain Rana, who as per the concoction, had reached up the border, but was adamant not to proceed any further. The story that I was made to concoct for Rana was -

".... After I rejoined from leave, I met Captain Rana, who had come to Samba, as my relief. On 10 January, 1976, at about 1800 hours I met Rana in the Mess while he was taking whiskey. He was alone. I told him that a source was to come and that I was required to meet the source on the border. So I asked Rana to come with me. He agreed.

I thereafter went to the MT garage on my scooter and asked Rana to meet me at the crossing near the Brigade offices area. When I came in the jeep, Rana was waiting for me at the crossing.

We reached SM Pur post via Ramgarh. At the post we parked the jeep and went to the border, to meet the source. I was carrying four files of top secret nature. On arriving at the rendezvous, I asked Rana to wait there while I went ahead, wondering why the source had not come. I slipped across to Pakistan Post Kandral; informed the post commander about the location of Rana, who sent a few rangers to apprehend him. Thereafter I contacted Major Khan on the telephone at Sialkot.

After sometime I found Rana on the post surrounded by the rangers. Rana was worried but I consoled him. After an hour, one JCO of the FIU came and told us that since he was sick, Khan had sent him to pick us up.

Rana was reluctant, but I persuaded him. We reached Sialkot and, I introduced Rana to Major Khan. We were entertained with drinks and then provided with a company of charming girls. The girls whom we enjoyed, were extremely charming and beautiful, like I had never seen before.

I apprised Major Khan about my posting. He showed his unhappiness but was relieved to find Rana as my relief. We were photographed and Rana was made to sign a contract form. Then we were briefed separately. Rana was paid Rs. 5000/- and Rs. 3000/- was paid to me. We left for Kandral post. From the post we crossed back the border, came to our own post SM Pur and in the jeep reached Samba." And there after the story continued. It read that I again went with Rana to Pakistan in June 1977.

Looking at the story, which was hatched, suggested and dictated to me, appears to be absolutely correct, but only to a layman and not to a person who has got detective reasoning. Such a person would simply dub it as false and throw it in the dustbin. But how could the initiators of such stories and the likes have done that? Would an examiner who'd set his own questions and then answered, himself, fail his own creation?

To start with, no officer goes to the Mess before 7:30 P.M, but Rana went and that too alone and he was drinking whiskey even before six P.M! Then Rana, who was in the Mess dress, went to the border without even caring to change his dress? He neither questioned, where the jeep driver was, nor did he care to question about the four files that were alleged to be of TOP SECRET nature! The BSF personnel at the BOP are always informed through their battalion Hqs, about anyone who wishes to go to any BOP.

This practice is followed very strictly especially when the intended visit is at night.

Then at the BOP, the visitor is not allowed to walk towards the border in the first instance, but presuming meeting the source was an important work, the visitors are not allowed alone. They are accompanied by a protection party. But as per the above story nothing of the legal necessities was followed, and nor were there any objections raised by the people concerned. These were some of the points which would have struck an expert eye, before even checking the other detailed in the story :

On the night of 10/11 January '76, Major Manocha, the signal officer, and I were dined out. The party, in the officer's mess, had dragged till late night. If I was being dined out that night then, how could I have gone across to Pakistan with Rana? Then the Pakistan Post KANDRAL where I had taken Rana, was an INDIAN BORDER OUT POST, and not of Pakistan. In fact there was no BOP or any other post called KANDRAL in Pakistan!

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If my interrogators were clever, I had also left no stone unturned to defeat them at their own game. Apart from my first alleged visit, when I was supposed to have been deceived by Nagial across to Pakistan's GANDIAL BOP, I had shown having gone to Pakistan during my subsequent visits to KANDRAL POST. I knew and as such had mentioned the name of Kandral Post not only in my statement, but also in the stories I concocted for each and everybody. And since there was no one to check and find the truth of the various facts as written on the confessional statement and stories cooked for others, the Kandral Post was taken for granted to be in Pakistan! And when the stories were fed to the victims under the brutal torture, they wrote whatever was dictated to them. And when they, in turn were tortured to disclose their accomplices, they apparently followed the venue of meeting Major Khan of the FIU, at KANDRAL Post itself!.

In fact to concoct a story for anyone was the easiest thing. The only thing one required, was, the names of the victims; the rest of everything was decided; a jeep to travel, the route which was always via Bajpur and Ramgarh, then a Pakistan Post to meet FIU persons and that was KANDRAL and then of course the FIU officer who doled out huge sums of money to the Indian army officers and Jawans, offered them beautiful and sultry begums and finally made them sign contract forms. Then the ceremony was followed by the usual fanfare of a photography session. And at the end, the legendary Major Khan asked the victim to bring new person on the next visit! And needless to say, there never was a dearth of new persons!

That was a set pattern of obtaining false confessions and cooking further stories!

Surprisingly there was not a single person either in the military intelligence or in the Adjutant General's Branch, who utilised his brains. It's shocking for anyone to know that even the Chief failed to see before ordering arrest en masse, that Kandral Post as referred to in the statements was not a Pakistani post. Can there be anything more ludicrous than that? It amounted to surrender of our own post without any hesitation to Pakistan. Did it not mean to accept without any claim from the other side, that Kandral is not Indian Post but yours.

What could be more ridiculous than the lack of knowledge about this fact, by the guardian of the Indian territory; the Generals of the Indian Army? For, if the authorities concerned, knew about this fact then they had no business to sanction the arrest. They should have been taken the profligates to task. And to say, that they did not know, could they have not checked this fact from the formation concerned, or better still, from the maps they always hung in the operation rooms? Yes they could have! But here the fact was that everyone had got carried away by the wave of spies! No one thought it proper to check the circumstances disclosed by the so called spies. Alas! If only this had been done. But that was not to be.

If such glaring mistakes were made while going through the confessions, then minor facts, such as: that an officer who has only two days to hand over the charge before proceeding on a posting out, would not have the time to go to the border even during the daytime let alone at night. As it is a common military tradition and custom for the officer to be invited for meals not only in the officers' mess, but by his colleagues, senior and subordinates at their individual houses. And as such, I was the busiest person during these two days attending such dinners and lunches. Thus under the circumstances, even if I wanted to take Rana to Pakistan, I could not have done so, practically!

As has been already said, there was no one to bother about these facts. Everyone, it seemed was carried away by an enthusiasm of breaking the biggest spy ring that was ever unearthed in the history of espionage!

The entire said episode would be a matter of bitterness and a sad analysis for the future historians. A matter of shameful deed, an unworthy act of the worthy name of the Indian Armed Forces, a sad take to be recounted by future generations. It may provide a lesson for them, but a costly one at that! It would be a lesson on the graves of innocent and loyal officers and men of the Indian Army!

I heard Capt Rana recounting the contents of the above story. But, he would not cross the border. Once again I found myself drifting into a situation similar to the one at the time of Naik Jagdish's confrontation, and was once again brought down to earth by the duo. Seeing Rana being beaten mercilessly, I pleaded and asked the interrogators, 'Please stop that.... I would see to that, he agrees.' I turned to Rana.

It's futile Rana. No one is prepared to listen to your innocence. Look at me,' saying this I showed my scarred body, 'I have achieved this in trying to prove my innocence. Rana look! This is a slaughter house, where any live stock does not go back alive - It's either killed and if not then it would die of a disease.' While telling this, I tried to give ample hints to Rana about my innocence. Of course, I dared not wink, lest I was caught. Then I thought quickly of a way for putting across to Rana about my innocence and that I had no hand in whatever was happening. I said, 'Do you believe in God, Rana?'

'Yes.'

'Do you believe in truth?'

'Yes, I do.'

`Then Rana you know the truth as much as I do.... and then truth is, I did not take you even to the border. However since you've already come up to it,..... then without a second thought proceed further.' It was conveyed in such a way that the interrogators thought, I was taunting Rana and at the same time I had conveyed what I wanted.

I looked at Rana and assured him while Rana was looking at me in a disgusting helplessness, `I have tried everything to resist, so much that no one can imagine. Yet I could do nothing except reaching where I have at the rock bottom of my morality. But that is it! I could not help!' Then I added, `You know these people say, they have collected all the evidence against us; including our photographs!... But never mind, and start writing..'

Rana was given the clip board and the papers. I dictated to Rana. But once I had reached the border, Rana again became adamant. `Rathaur, you know I told you not to go ahead and you had agreed. So we had come back...'

Rana was not allowed to complete the sentence. The interrogators began pounding him with chappals, rulers and even their hands!

`Okay, you are beating me and forcing me to accept a false story under brutal torture. I'll write whatever you want but I am going to reveal this in the court that...'

`Yes. You traitor tel them whatever you want. If you so wish we will corroborate your statement. We will say we have tortured you; now you proceed,' said Jolly mockingly.

Thereafter without a single question or objection the confession was written by Rana and signed. The date was 03 November 1978.

Hibernations

I was never taken out of my cell, except at the time of confrontation with Jagdish and Rana. For a month and half I never saw even the toilet, because of my inability to move due to my fractured ankle, and also a severe pain in the bones of my feet, which I used to feel while walking. The soles were battered so badly that even after a considerable lapse of time, walking for me was like stepping on burning coals. And when, the swelling of the body was reduced, it produced excessive itching and the skin peeled away, erasing the evidence of beating except the wound injuries, that healed but left multiple scars; or the broken limbs that were deformed. The ear injury, apart from deformity, had caused partial deafness.

Although there was to be no further physical torture, I was to face the worst type of mental torture. The fear.. the fear of a constantly hanging sword, the absolute solitary confinement, no one to talk to - no reading material to distract my mind - nothing to look at except the plain white walls of my habitat, was an atmosphere well suited to make even a mentally sound person insane. I felt that life was being slowly squeezed out of me. I was swimming with a strength which was long since lost, without any sign of a shore. I was horrified under the conditions in which I was made to live. At times I started comparing if the physical torture was better. At least there was something to do while undergoing the physical tortures. The mental pain was even more severe than the physical one. I would shudder to remember the horrors I had recently undergone. 'Under the circumstances I am surely going to die. Either I will die of torture or I will die of a heart attack', I would think while feeling my violently throbbing pulse and wild pounding of the heart. Then I would drift into a thought of committing suicide, but shake the idea off for two considerations, one: it was a cowardly act and two; everything would be lost if I died.

Life is a gift of God. It is an untouchable sin to allow the devil to crush it - to snatch it, without putting up a formidable struggle. Mahatmaji preached, I remembered, "A tyrant who commits atrocities upon the innocent, no doubt is a sinner but those who suffer meekly are sinners equally". Determined to live, I thus took the help of my imagination, to keep myself busy. For hours at an end I would keep imagining fantastic things. The imaginations gave vent to my religious feelings and finally led me to meditation.

The lives of great seers and sages, the stories about whom were told to me by my father in my childhood, stood by me in my most trying time and became a source of a strange strength to pass the time. 'After all those great men embraced solitude voluntarily, in search of the truth.... so I should consider this as a gift of God.' And I did consider the confinement, a gift.

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At times my mind used to revolt, causing excessive excitement and nervous breakdowns, which used to only calm down the tears that came like a cloud that had burst.

The other thing which I detested, like I detested the interrogators, was the cooing and crooning of pigeons, which had nested and were breeding in the false ceiling of my cell. I could only hear but could never see them. So when the pigeons cooed, I felt my heart was being stabbed. At such moments I used to shut my ears to avoid the sharp and unwanted sounds. However the forlorn squawks of an unknown bird in the darkness of the night, would tear the shroud of gloom and give me an eternal peace. Maybe I had found a companion of my grief, in that bird. After hearing the squawking, I would drift into oblivion, to find out the cause.... what the bird had lost - what it searched for in the wilderness of dark - what made it remain awake? Comparing myself to the bird, I would seek the differences between the two of us, always to varying conclusions, till suddenly, I would be brought back to the world of hard reality, by the pathetic cries, shouting of numbers and other slogans by the inmates of the neighbouring cells. I lived in a disturbed routine. Sleep for me, had become a matter of past. I would keep staring at the ceiling and count the squares, which were nine in all. The squares helped me to keep a count of days and the dates.

Then I considered myself very fortunate to find live companions in a pair of rats. They were very small, probably a week old when they started intruding into the cell through the thin space between the floor and the lower edge of door, to eat the crumbs of food I used to scatter. After some time as the rats grew fat, they could not despite, their best effort leave the cell, through the same space they used to enter from. So the rats, first forcibly and later willingly, shared the cell with me. Since they could not leave the cell, the rats dug a rat hole under the wooden plank. Slowly I started feeding them with my own hands. Though, initially scared and hesitant, with the passage of time, they became friendly with me. I trained them to play with me. During the night, as in the day time, they remained in the rat hole, I used to play with them for hours - watching them running, chasing each other, and jumping from corner to corner. Sometimes the rats would climb the wall unsuccessfully - and fall with a thud, and then would look at me with scorn, finding me laughing at them for their unsuccessful efforts.

I did not know what happened to the rats after I left the cell. I often remembered my friends of grief and speculated about their fate; whether they ever left the cell or not, or provided similar company to some other victim who occupied the cell after me, or yet they simply perished.

I learnt a bitter lesson from this friendship with the rats! Humans proclaim themselves to be intelligent and better civilised than animals. But paradoxically, they are nothing but a collection of degenerates, worse than even animals. They claim to be loyal and faithful, but they are cheats, civilised but barbaric; wise but stupid: kind out wicked. They are always on the look out to skin

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anyone for trivial gains. On the contrary animals maintain their friendship till they live, if some one has been able to cultivate and understand their friendship.

I was even disallowed cigarettes. I would try to crush the desire in vain. Then imploringly, I would beg for a cigarette or a biree from occasional visitors to my cell, including the doctor. However, the doctor never spoke to me and the remaining visitors gave me only abuses. So I turned to the sentries. The sentries were afraid, but out of pity they occasionally gave me, the only brand they smoked; birees. And the birees became the most valuable commodity for me. I relished birees as if it were the costliest and the finest imported brand. While I smoked, I inhaled in such a way, so as to leave no evidence while exhaling; and kept a sharp eye on the sentry through the peep-hole, ready for action to remove any evidence of smoke, in case of a visit from the Chotte Sahibs or the interrogators. on such occasions I would quickly extinguish the biree and kick the stub out of the cell through the space between the door and the floor, with the tip of my finger and would start limping to show, if I was exercising my fractured ankle. Though I and the donor of birees, exercised great caution, one day the latter was almost caught. The sentry had hardly slipped the lighted biree through the space, when I heard the Chotte Sahib growling and approaching with the swiftness of the wind. I saw, a deathly paleness descend on the face of the sentry, and immediately heard the door of my cell being opened, like a storm; and with that the Chotte Sahib appeared and snapped, 'What? What were you doing? Why weren't you getting your monther f _____?'

Though I had become immune to the abuses, I took them, poignantly. Smiling outwardly, to hide the bitterness within, I offered the sahib to search for himself saying, 'Sir, I was only trying to walk.'

The Chotte Sahib, disbelieving me and rightly so, searched every inch of the cell, for any trace of biree. But the act had been done and the evidence obliterated.

Not finding anything, yet sure of himself, Chotte Sahib tried to locate the evidence by smelling Rathaur's mouth. But alas! He couldn't, for the himself smoked biree and the little scent that Rathaur might have was, thus neutralised. Chotte Sahib then turned to the sentry, who, by then had been assured by me and was smiling contently. I had winked at the sentry in assurance while the Chotte Sahib was busy searching the cell.

'Why? I saw you squatting and throwing a biree to him?' Chotte Sahib enquired from the sentry while looking puzzled. 'Why were you squatting?' He thundered.

`Well Sahib, I have got to stand for two hours, `the sentry replied and explained that he was not squatting, but trying to relax his back by bending a little and swinging his hands a bit.

Thereafter the Chotte Sahib left muttering, probably cursing or still speculating about, his perceptory senses which had failed him.

Once the Chotte Sahib had gone, the sentry enquired with the help of sign language, where the biree was. I replied in the same language, indicating that I had swallowed it. The sentry smiled and left more confident about supplying me with the precious commodity; the birees.

Later I gradually developed and won over the friendship not only of my guard, but also the guards of the other inmates of the cell. They looked at me with awe and wondered, how I had stood the most horrifying torture. The truth dawned upon the guards, through a whispering campaign, started by me. I conveyed it to each one of them, about mine and the others innocence, by asking simple questions, like, if you were brought to the this place and tortured the way we are being, then how long could you have sustained it? - Then there were only two alternatives for you, to either die or to accept the dictates! I resorted to the campaign only to avoid the poignant looks of the sentries who considered me a traitor. I could bear the torture or any such thing, but it was difficult for me to bear, their hostile looks charged with hatred.

The simple theory propounded by me, was to my surprise, and relief accepted by the guards without a stutter. They believed in what was a stark truth, the tortures. Though the same was not believed by the interrogators and their staff, who obviously were oblivious to the degree of human resistance to torture. However, what could the sentries have done, even if they knew and understood what the truth was, except to commiserate with the victims. For the sentries themselves were extremely scared, lest someone out of them was put through that horrible torture. Those among the guards who had participated in beating me, were full of remorse. They requested me to forgive them as they had acted on the stern orders from the interrogators, without the least wish of their own. `Our hearts burn, sahib to see this massacre.' some of them would at times express their feelings. And why only the sentries, none could do any thing. Though ironically there was no dearth of such people who could do things to put an end to the sordid drama. But they did not do so; not even till the end.

I would find myself torn between several emotions, struck with different plans overriding each other - passing and then rejecting each one, and again reviewing them seriously to put the best of all, in action.

One such plan was to snatch a rifle from the sentry, lock the sentry inside the cell - disarm others who stood in the gallery at rifle point, liberate the victims from other cells, overpower the guard room and then the Chotte Sahibs complex... ask one among the Chotte Sahib to ring up interrogators and inform them to come at the earliest, saying one person had died. On their arrival overpower and lock up the interrogators in one of the cells... cut the telephone wires and then using the interrogators jeep, rush to the Army Chief's residence and apprise him about the massacre.

The plan was most alluring. In fact I worked out each detail including the timings minutely. Innocently enquiring from the sentries, I found out the location and distances of the guard room and resting place of the Chotte Sahib. Fifteen steps away was the guard room from and in the line of my cell; and after thirty steps if I turned right and walked another fifteen steps, I would find the Chotte Sahib asleep at around 2 A.M. The guard room had only one door and the windows were fitted with iron bars. The best place to impound the interrogators was the gate somewhere outside.

It was no problem to call the sentry since it was a normal practice for sentries to enter the cell, blind fold me and then lead me to the bath room, anytime I wanted. And the sentry often would keep his loaded rifle inside the cell against its wall.

I also studied the exact location of the interrogation centre. The aids I used to ascertain the location were, the sounds and rumbles of aeroplanes during landing and take off at Palam airport and the firing range often used by some army units. I made out a mental sketch and drew out a route for escape. 'The Airport is in the direction of North West whereas the long range to the South West. Halfway between the two is the slaughter house, somewhere near Mehrauli village,' I concluded.

However, I also knew fully well, that the plan was fraught with dangers. Failure at any point would give conclusive evidence against me as well as the others. That we tried to escape was sufficient to earn conviction. Could I afford to undertake such a risk? What was the guarantee, the plan would succeed? More so, when I was handicapped. Even if I had recuperated from the effect of tortures, yet I could not walk properly due to fractured limbs. Nothing succeeds like success, I knew, but I also calculated the disaster which inevitably was to follow in case of failure of the plan. I would in that case jeopardise the lives of the poor guards without any fault of theirs. The plan was also rigid in nature. The failure would mean stripping clear any alteration and modification which otherwise I might command. Considering the risks, I decided ultimately to forsake it.

Though I abandoned the plan outwardly, I plunged into a reverie, considering the plan was put into action and it had failed, I would think, I was convicted and sent to a jail. From the jail I had broken away and become a dacoit... After having organised a gang of dacoits on a commando pattern, in which I had ample training. I would raid the army units, stripping the kots and magazines of weapons and ammunition. I knew the weak points which were to be exploited. My own unit was to be the first target. I would then visualise my gang being expanded, of which I was the Chief. Then I would abduct the interrogators and the Chotte Sahibs who had inflicted upon me untold miseries. I would avenge by torturing them similarly. I would kill them denuding them off flesh bit by bit and make them pay for their devilry, I would grit my teeth in anger. After all wasn't it a service to God, to erase from this earth the devils like the interrogators? Thus I would justify my proposed action. This used to be the pitch of my thinking against the perpetrators.

At this point I would start considering and would be overwhelmed upon realising the resulting horrors of innocent people ensuing from my proposed actions. I would shudder to imagine the miseries inflicted upon countless innocent people and their children. To just punish a handful of people, those whom I considered satans, was great price which the innocent had also to pay. And, at this point I would outrightly discard my thoughts because I knew by then what the pain was like and what it meant to bear such a pain. A person who himself was made to bear the brunt, would never imagine or wish inflicting similar pain on others!

As I lived with torn emotions, I then would turn my mind to invent other means to weigh the failure of my original but discarded plan. I would consider joining the underground Nagas or Mizo rebels.

From time immemorial it is the society which is responsible for turning simple, sincere and loyal people into hardened criminals, for trivial gains and at time not even that.... Why does it happen? I and my friends today are being termed forcibly as traitors just at the instance of profligates like Gnr Aya Singh. Where did I lack in devotion, in loyalty to the army and patriotism to the Nation? Why is everything being washed away in a flood of rain, when there is not a speck of cloud? So if this is the price to be paid, by calling me disloyal, when in the act of loyalty I have not hesitated to sacrifice the welfare and comforts of myself and my family - if I am termed as a traitor, when I was always ready to embrace discomforts and made the men under my command, work squeezing out every last bit of energy when it came to duty and if the same men alongwith me have been termed and branded as they are, then why shouldn't I, with the same devotion and loyalty destroy this decaying and corrupt organisation called the army? I would think in a highly agitated, state of mind. When I cooled down, I would however, discard the thought as usual. It's too profane to even, consider and entertain such thoughts. After all whatever it may be, the organisation is like my mother, feeding me and my family. Mothers are not dishonoured. They are meant to be served, respected and protected. And if viewed correctly, it was not the doing of the army. The

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responsibility is, apparently, of the interrogators or at the most of some one responsible in the Military Intelligence Directorate, and that also only to the extent of making faulty plans, selecting untrained, unscrupulous and highly prejudiced and biased minds, with immense unconstitutional powers and lastly for leaving so delicate an affair to such persons as the interrogators in complete seclusion, I would think.

It's well known that power corrupts, it may corrupt even the strongest willed person. If such unlimited powers are given to a weak person he is bound to entail a belief of a super human. And the more weak a person is, the greater tyrant he becomes. Thus the interrogators who were equipped with such unlimited powers, were the weakest people in mind, logic and thoughts. For them, the power entrusted in good faith is beyond their capacity to handle. Intoxicated with power they thought themselves as super human beings, who were holding the strings of numerous lives. They unleashed a reign of terror on such lives outdoing the soldiers of the great Nadir Shah, notorious for his cruelties, in their quest of unearthing an imaginary spy ring of the ramification.

Why were such things allowed to happen? Why did no one show any interest to find out, what was happening and why all of a sudden so many officers and men had taken to spying? These questions baffled me. May be, soldiers are generally simple and straight. Espionage for them is the worst crime. So the top brass felt outraged and, instead of making enquiries callously chose to believe in the nicely corroborated cooked-up stories about spies. Alas! If only he would try and find out. I would console myself by indulging in such wishful thinking. And when caught in the whirling grip of extreme state of agitation which would lead towards tranquility, ultimately ending up in my decision to renounce the world and become a hermit.

It was the most unfortunate that no one looked into the vital facts and to term the stories as a farce; not even the Army Chief, who probably felt outraged and deceived by the so called spies. He blindly resorted to sign the arrest warrants.

It was at the end of November 1978 that I was shocked to learn from the Chotte Sahibs that Rana had disclosed the names of no less than 51 officers and men including the Brigade Commander. I also learnt that the entire Defence Ministry including the army Chief were running around in circles. I also learnt a number of other things from the Chotte Sahibs, with whom by now I was able to make a little friendship. And why not, after all I was their approver! What could they do without me?

Sentries told me that Rana would incriminate anyone just on the mere sign of a raised ruler or a chappal.

The Defence Ministry and the Chief of Army Staff were highly justified, running around in circles. The security of India and the prestige of its armed forces was at stake! But alas! They ran in wrong circles. Their actions directly helped the perpetrators. They cured the disease without diagnosing it.

Hearing about Rana, and not knowing what to do, I burst into an uncontrollable laughter. I laughed and continued laughing even when my weak guts were miserably paining. The duo came and while trying to make me stop laughing they themselves burst out into laughter; each laughing for a different reason. Then they asked me to disclose why I was laughing, but I did not know why I had laughed.

'I want to know about Rana' I asked.

'Why? What do you want to know about him,' replied Jolly.

'I understand he's alleged to have named so many persons, which sounds unbelievable.'

'Hmmm. Rathaur if you can take over a dozen in a short period of little more than a year, then Rana has to account for his full tenure of stay at Samba.... You know we are trying to flush out the last spy,' Mr. Chaudhary replied in a voice full of arrogant authority.

So that was their way of calculating the numbers. I signed.

I once again became serious and decided to bring the affair to a conclusion. That I could only do it if I was taken out of the cell for the recording of S of E (Summary of Evidence). I could also bring out the sad state of the human slaughter house, if my wife was allowed to meet me. The interrogators had promised me, that she would be allowed to meet me shortly. So out of the two situations, whatever took place earlier, I decided to react. I thought, 'Rathaur you got to react before the situation gets worst.'

It was December the 4th, 1978, when Mr. Chaudhary came to my cell and asked in a most affectionate voice, 'Rathaur get ready. You're required to give evidence in respect of Sepoy karam Singh. Are you prepared?'

'So finally the day has come,' I murmured and said, 'Yes, I am.' I put on the uniform which was given to me. I waited to be taken out, while trembling like a leaf. I didn't know whether the trembling was due to an excitement of seeing the sun and the day and bringing the atrocities to light, after a period of nearly four months of darkness; or due to the lurking fear in case the plan would also fail. Whatever it was, at least I felt a surge of real joy overwhelming me.

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Of course the same was to be very short lived ; as usual.

Leading to the Trails

I, no doubt saw the day light, but not from the place I expected it to see.

I was given a hair cut for first time since my arrest, made to shave and bathe in hot water.

The blindfold, was comparatively a decent one, cut to size from a black hued linen cloth then the earlier one, a napkin which, due to overuse and without ever having being washed, was similar to a dirty cloth wrapped by lepers on their wounds was clamped are my eyes. Thereafter I was ceremoniously led into one of the rooms which looked like a vacated office.

The blindfold was removed and I found myself faced with a Sikh Officer, a gunner. The other occupant of the room was Mr. Chaudhary.

`Rathaur this officer is recording the S of E of Sepoy karam Singh. As you requested to call him here for the recording of your evidence, we have accordingly done so,' revealed Mr. Chaudhary smiling wickedly.

At the revelation I was dazed. I found myself being paralysed while nothing the surreptitious moves, but quickly recovered from the shock, made up my mind not to give in to their dirty tactics and replied, `Well, sir, I never told you to do so. But all the same it does not matter,' and giving a meaningful smile asked `does it, sir?'

The officer asked Mr. Chaudhary to produce the accused. Mr. Chaudhary shouted for Chotte Sahib to bring in Sepoy Karam Singh but Karam Singh was not there. Probably he was not even informed that his S of E was being recorded. The officer insisted that Karam Singh be produced and thus he was produced, exactly after an hour's delay.

Karam Singh was trembling; trembling under the known fear. He looked at me with the eyes of a sacrificial goat before the slaughter.

Chaudhary asked me to make Karam Singh cheerful! A crude joke!

When the officer got ready to record my statement, precisely at that moment major Jolly interrupted. Jolly took the officer away for some secret discussion.

I saw, while giving my statement, the twosome standing near the door. `To hell with them. I must proceed according to my plan I thought and started disclosing about the torture, just after

mentioning about my stay in Samba where Karam Singh was my driver. As soon as, I spoke about the torture, the officer asked me to restrict to, only Karam Singh's case.

`But, sir, how can I do that, unless I have given the background to the circumstances which led to the disclosure of Karam Singh,' I protested.

`Look here. I'll read over the charge to you. And if you have anything to say strictly about the charge, then say so. Don't go into what happened to you. I am not here to enquire about you. There will be ample opportunities to say what you want to, when your S of E will be recorded. Okay?', the officer replied in bitterness.

Thus finding him uncooperative and venomous in his attitude, I saw death, clearly, hanging around. In desperation I looked at the door where the demons were standing, listening to my statement. The expression on their faces was such, as if they would eat me alive. I felt my strength was failing me. And in a hopeless bid, to make the officer relent to at least one of my requests, I said `Sir, please! I beg you to note down whatever I am saying and save me from these murderers. They will otherwise kill me, for sure. Sir, for God's sake even if you don't want to write what I say, I implore you and request you to at least give me a sheet of paper, where I can write a note to the Commandant, and I'll request you to give the same to him in the Rajputana Rifles Regimental Centre.....'

`Sorry' the officer interrupted, `I can do nothing. I am a neutral person; friend of neither party - I realise your problem, but am in no position to help you.'

I suddenly found myself enraged at the attitude of the officer. I thought to myself, why couldn't he do this much? Just to give the note to his CO? Eh? And he thinks himself a gentleman, and an army officer! My bloody foot. But anyway if I have now taken the plunge, then let me either sink or swim.

Then I gave the statement and denied any knowledge of Karam Singh's activities as per his charge.

The officer explained the contents of my statement to Sepoy Karam Singh in Hindi, and asked Karam Singh if he wanted to ask any questions from me. Karam Singh denied.

At this point the officer showed his real colours.

`Look Karam Singh, in your statement you have said that it was Captain Rathaur who gave the package which you handed over to Major Khan, in first week of January 1976. Then why don't you want to ask any questions?,' thundered the officer.

Karam Singh, probably drawing courage from me said, `Because I was terrorised and pressured to do so.'

`But who did that?' The officer interrupted shouting at karam Singh.

`Please, sir!,' I butted in, `You're doing that now and still asking who did that? What does this mean?... If you're neutral as you have claimed yourself to be, then kindly note down whatever is being replied by the accused. Don't goad him and speak to him in threatening language, as you're doing.' I said, in a raised voice.

However, the scene of the drama changed. The demons appeared on stage to play their part. They told the officer to record the remaining portion of the statement after lunch.

I was led back to the cell, and with my spirits dampened, brought to the mother earth, under threats and beatings.

After lunch, I found myself cowering before the demons, like a victim of an inescapable fate.

The recording went off peacefully as it was desired by the interrogators. No questions were asked by the co-passenger of the rudderless boat, poor Karam Singh.

That was the way I found each of my plans fated to wither and fall.

Back in the cell I wept and cursed each and everyone, I did not spare even God as I had done a number of times earlier. What else could I do?

I again viewed everything in retrospect. I could not make out anything of the situation.

I thought, I have lost the false confidence that I was probably able to create among the interrogators.' Could I revive that? even if it was yes, then what? What could I achieve?

There was still one more card, I could play. That was only possible if my wife was permitted to see me. I may then be able to restore the situation.

December 6th was the day of my marriage anniversary. Yet I had no time, nor was I in a position to think of such pleasantries. My brain was racing day in and day out, like a wild horse, contriving some fresh plans.

I was taken to the interrogation room.

`Congratulations dammit' greeted Jolly. `Dash it, today is your marriage anniversary and you did not tell us? Why?'

I looked forlorn and confused. How did they know it, I wondered.

`It was your own doing. Otherwise today you would have been with your wife.... we had decided to send a telephonic message on December 4th, but because of your stupid and adamant behaviour, we cancelled the programme,' said Jolly.

I knew it was farce - a tactic which had lost or rather had no significance for me. Still I enquired, `And when do I meet her now?'

They looked at each other and then Jolly said, `Sorry friend, you have shattered our confidence. A meeting can now only be arranged once you show up yourself in the GCM (General Court Martial) of Karam Singh.'

`When would that be?' I enquired.

`Within a month.' Jolly informed.

I quickly weighed the proposition in relation to time, when I would have to appear in the court.

Apprising the court about the brutalities with which the scandal was being created, was another alternative in the event I failed to meet my wife till then. I considered everything and said, `Anyway, sirs, now you will not find me lacking in my determination while deposing in the court.' And justifying my earlier action I assured, `You see I have seen no one since my arrest, except you. So it was natural for me to become nervous and falter falter when all of a sudden without any warning, I was confronted by that officer.'

`Don't worry. Whatever has happened is in the past. From now onwards you would be given every facility, we'll give any amount of cigarettes you want and make you sit in the sun..... and listen we will also give you paper to write your autobiography, Elaborate on the details since the time you were first taken across, till date.... add some humour while you're writing, include the

methods of PAK FIU's functioning and of course a little write up about the beautiful and sultry begums and the various other methods used by them to lure our officers and men into their sexual laps.' At the end Jolly added, 'But mind you Rathaur, this brief would be put up to the Chief... So write in a decent handwriting.'

It was another, but the most dangerous tactic being employed by the tacticians and I knew it. It was a decoy, if successful it could cut me to size; entrap and then suffocate me to death.

Why was such a different tactic being used on me? It was not difficult for me to guess. When I guessed I could not help smiling. A sad smile at the vicissitude of fate. The interrogators I guessed, had fallen prey to their own designs. Thinking about their fate I was moved; forgetting the atrocities perpetrated by them.

I thought in retrospect, 'Gnr Aya Singh and Sarwan Dass, for reasons best known to them had played havoc with the lives of countless innocent people, by misleading the authorities. In that chain I was the last link, who could be trapped by them or against whom they could depose. For others they could not, because of the time of their arrest in 1975. Though Aya Singh did not know me, nor had he any chance of meeting me, yet Aya corroborated the story, concocted by Nagial, at the time of his reinterrogation! Why did Aya not disclose my name when he had disclosed the name of his own relation during his first interrogation? Why should have Aya spared me. Was this fact alone not sufficient to doubt any involvement of mine? Yes it was. Provided the interrogators had used their minds.

'... And now with me ends their nefarious game. Because I am now the base stone of the inverted pyramid which is being raised by them. With me it will fall, crushing these masons; the interrogators. This fact is probably, known to them. So they are trying to solidify the base, I pondered and then deciding about something said, 'Okay, sir, give me the papers, I'll start writing it.

In the cell Mr. Chaudhary gave three letters to me from my wife, and I knew the source of their knowledge about my marriage anniversary. I was also given papers to write my autobiography.

I was under a constant morbid fear of claustrophobia. Weighed down under this fear, yet realising my responsibilities I wanted to advise the interrogators once again, about the true facts. However, from the past experience, I neither had the nerve to explain, nor were the detectives prepared to listen to my reasoning. I stood a chance if I explained the facts in writing. Though I knew the consequences in the event I failed to justify my action. This time I was all prepared to face it; even if it meant death.

Accordingly, the first thing I did, was to write a letter to my wife. The letter was last will; asking for her forgiveness in case I died; and that whatever was written and signed by me, was not my doing. I was forced under brutal torture to write down whatever was dictated, and that I was as pure and innocent as I was born.

Then I wrote a letter and addressed it to Major S.C. Jolly. I wrote :

"My dear Major Jolly,

I am indeed grateful to you for asking me to have moral courage to stand up against the wrong doers. I thought it over at length and I have finally decided to show to you that I have moral courage. But unfortunately the wrong doers are not the ones you people are thinking of. Ironically the wrong doers are Gnr Aya Singh and you, the interrogators. I know you'll be very annoyed to read this and will throw the letter in the dustbin. But be warned! Before you do that read this carefully.

...You were also one of my good friends. Suppose you did not participate in my interrogation, then your name would have also appeared, as in fact it did, in the list of my unfortunate friends. And it was certain at one point I would have been asked, what about Major Jolly? And pointing to the brief, as it was done in other cases, the interrogators would have said, all the evidence against him, in the form of photographs and agreement forms is with us... We only want the story from you. And as it's happened I would have of course said, 'No, sir. I did not do that to him.' The interrogators would not have listened to me. They would have then stepped up the torture. After two days I would have been left with only two options, either to die or give your name. And you know I am still alive!

The story cooked by me would have been as follows :

It was end of May 1975. Major Jolly was attending an exercise with the Corps Hqs, when my source arrived. He came to Samba for debriefing the source. I asked Jolly to come with me up to border, because another source was to come that day, and I wanted Jolly should give him the briefing there itself. Jolly agreed.

We arrived at Kandral Post....."

Jolly sir, thereafter the story would be the same as it has been cooked in case of Rana. Here after you can read your name in place of Rana. In fact you can read your name in place of anyone about whom I have made the stories. Aren't the stories same?

But it did not happen, because you are one of the interrogators. As regards the evidence in your briefcase against us, I knew it even then and I am telling you now. If a person is innocent then there is no question of any evidence against him. Your bag is as fake as my stories. But as it is, biased minds don't entertain logic. So, you too would have found your way eventually to this butchery. And Jolly, sir, I now request you to kindly place your self in my or for that reason in anyone's else position who's undergone the torture, and then try to realise and see the truth..... I have withstood the torture for an unimaginably long time but I know, you could not have stood the same torture for more than three days. And once you'd reached the critical stage where it is not possible to differentiate between life and death, you would have written the story which would have been either dictated to you by the interrogators or me. Once that was done, you would have been made to do something to your friends, as in was."

In the letter I ridiculed their action to neutralise the evidence about the jeep and the type of identification parade which was carried out with Aya Singh. Then I wrote, 'Whatever might happen to me, but under no circumstances shall I ever depose falsely against anyone in the court. And if you still decide against this, then you're welcome. But let me forewarn you. I will tell you about the atrocities perpetrated by you people; and physical condition of my body would act as a silent witness. I will tell the court how the confessions were obtained and corroborations effected. Let me also try and make you wise; not to live under wrong notions that if not me, then you will get others to act as your approvers. Take this out of your mind. Every single person is innocent. They might as I have agreed till now, be your approver because of threat and pressure of torture. But they will do so only till they enter the court room. Don't expect any innocent person to depose falsely against another. No one with a decimal fraction of morality would do that. And, sir, remember, you in the past have foiled each and every effort of mine to confront you with the true facts. I could have deceived and misled you till reaching the court, and then made you pay for your atrocious acts. But I understand that you have already been misled sufficiently and made to commit blunders, by traitors like Gnr Aya Singh. I feel consciously compelled and obliged being an officer to tell you about these facts. 'And in the end I wrote: 'I am prepared to pay a share for you misdeeds, provided you are ready to accept your mistakes and make amends. I will try and atone for your sins.'

I finished writing and read the letter with tears in my eyes. Thereafter I slept peacefully for the first time since my arrest. I felt relieved of an immense burden.

When the interrogators arrived the following morning. I sent for Major Jolly and handed over the letter. I said, 'This is my autobiography. I request you to kindly read this with an open mind.'

'What does it mean?' enquired Jolly.

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`Once you read it, you will find it out for yourself.'

Major Jolly asked for a chair and sat down.

He read the letter, while occasionally glancing at me.

`Hmmm....' Jolly sighed and said, `So that is it?'

`Yes, sir.'

`But you don't know bastard, if you had done that to me, I would have shot you dead and then reported the matter.'

`So you think you would have shot me dead. Now I want to ask you only one question. Are you the only one who's got morality? Because none among so many, either taken by me or by anyone else deceptively across the border, have shot us dead. Why? No one among them had the morality to do so?'

Jolly was quiet.

`Believe me, sir, I would have also shot Nagial or anyone else if he had done that to me. But can you do that when you don't even know what has happened? I know you would have killed me. But you could do that only if I had deceived you. That I have not done either to you or any one else. Yet the story, under the threat of torture would have been made as I have done in the letter. In fact that is why I have written the letter to explain to you.....'

`But even if you had made up the story, I have proofs to refute it.'

`Yes, you could refute, provided some one listened to your arguments. And did you listen to me? Instead of listening you've gone to the extent of obliterating the proofs which I had put forward in my defence. Haven't you?'

Jolly looked at me and then left the cell without saying anything.

It was Sunday, December 7, 1978. I was led to the interrogation room. There, Major Jolly and Chaudhary were sitting with drawn faces.

They tried every trick to persuade and pressurise me to side with them. They even went to the extent of assuring me of getting the Chief's pardon. They said they had done that in a number of cases in the past. But I stuck to my decision.

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I was led back to my cell which I found was stripped off the bedding and the wooden plank. That of course was inevitable. I knew the torture would follow. And I prepared myself to face the ordeal for the last time, before I thought I died.

In the evening I was again led to the interrogation room this time a different one, and found myself confronted with a new face. The man sat flanked by Major Jolly and Chaudhary. Apparently the man was another Senior Officer.

The SO, without wasting a second let loose a rain of abuses.

`You bastard, a mangy wretched dog of the street, you mother fucker, you son of a pig.....'

`Stop this, I requested you, sir to stop abusing,' I interrupted. I had already prepared myself for the inevitable death. `I shall not listen anymore of these abuses and disgrace, at least not before dying'. I thought, and said, `Stop using any filthy language. I shall listen to no more, I have had enough of it. Though I know I can do nothing which might hurt you. But before dying I can do one thing, that is to abuse you back in the same language. I am sure sir, you would not like that', I said.

The SO was very puzzled and confused and took time to find correct words for an answer, and when he found them, the SO spoke in a deep growl.

`All right, ... all right. I shall not abuse you. But tell me what is the meaning of all this?'

`Meaning of what, sir?' I questioned.

`That now you say you're innocent and so is everyone else. Then why the hell didn't you say it earlier? And I wonder how the hell everyone of you know kandral Post and Major Khan?'

`I have sufficiently elaborated in the letter to major Jolly how it happened. And before that too, not once but a number of times I have told them about my innocence. I even told Colonel Gupta. And the reward I received for telling the truth was torture. As far as Kandral Post and Major Khan are concerned, I suggest it would be better if you ask this question from these gentlemen. They would explain it better.' I said this sarcastically looking at jolly and Chaudhary.

`What torture are you talking about?'

`Sir, the torture, as a result of which I have been mutilated here,' I told this to the SO by pointing to the marks on my face, and added `this type of torture.'

`That's all? The SO as if the marks had no significance for him.

`Show him the others also' Mr. Chaudhary intervened. I looked at Chaudhary contemptuously and said, `Is it of any use?'

`Do you know my dear Captain Rathaur, what you're asking for?' The SO said derisively.

`Yes, sir. I know that. But let me make myself clear to you. I am prepared for the worst. And worst is the only thing that I can expect from people like you. You're saying as if I have not seen during this period what can be expected... death? I don't think you or these gentlemen can give me more than that. Can you. sir?' I said bitterly.

`Rathaur, please calm down and listen to me carefully. I assure you of the Chief's pardon. Dammit what more do you want?... And if you still want to be adamant like a fool, then don't worry we'll get you a fair trial. But remember you will surely be sent away for rotting in the jail for the rest of your life.'

`Fair trial. Eh?' I smiled and said, `I shall be grateful to you, if you can bring me to trial at the earliest. I also thank you for your valuable advice. However, I would prefer to face the trial and if required spend the rest of my life in jail. But definitely, under no cost will I play with the lives of innocent people anymore than what I've been made to do already.'

`Then listen you are a blackmailer. You're trying to blackmail us and the authorities. But remember you're not the only one. There are scores of them begging us; begging to become approvers. I still give you a last chance to think it over.....'

`Blackmailing?' I interrupted, blackmailing whom, sir? And why should I blackmail? What do I achieve more than what you have already offered to me The Chief's pardon? Sir, black mailing you would be to obtain the assurance given by you in writing and then attach a copy of that with the proceedings of the first person, I am sent to depose against in the court. And that is a blackmail. What I thought was my responsibility, I have discharged that. Discharged it even under the morbid fear that I am living. I have told you the truth. Now it would amount to wasting your precious time if you're still going to insist... As for other persons, if they are really begging, than most certainly give them the opportunity. Yet before doing that think it over, what I have already said. They are all innocent.... Now, sir, I have done my duty in bringing out the truth to the best of my capabilities and so, absolved myself of any such remark as blackmailer or the likes.'

There was no answer.

`By the way, sir, why ask at all for approvers. These detectives have every evidence against us, collected and locked in their briefcase,' I said looking at the interrogators.

`Shut up. Don't fucking well pass any remarks.' The SO said. He got up and then left saying, `You shall repent this day my son.'

The Fairy Tales

I did repent as warned by the SO. But only for telling the truth. Alas! if I had not done so and revealed everything in the court. Because the tactic played by them was an entirely different one. They treated me in a most unexpected manner. There was no physical torture as I had expected, except that my bed had been removed. The torture was only to the extent that I had to rough out the wintry days and nights without a bed, or clothes, except for the polyester shirt and a pyjama.

They had devised another ruse to further their plans. They wanted to extract information which they knew I had kept up my sleeves. So jolly offered to help me.

`Rathaur I am feeling very sorry.' Major Jolly said, when he visited my cell alongwith Chaudhary. `And now I want to help you out of this rut. But I am helpless. So you must give me some points which I know you have, to refute Gnr Aya Singh's statement. Rest assured, I will take this bastard to task.'

`Well, sir, I don't have any. Whatever there was I, gave them all to you. However, I'll think over... if I can find any more.'

`Please do that and do it quickly. Okay?' and then the Duo left.

There was not one but a number of loopholes, apart from my being on leave, and the civil painted jeep. That of course already stood neutralised.

`How do I believe they would not play the remaining, if I tell them, against me?' I thought. `And supposing if I insist that I did not spend the leave in station but at my home, and that I did not avail the leave from Samba in July August 1974, but from Yol and what if they make me change the period in the confession for a period when I actually was in Samba? Well then I am doomed. So I must not under any circumstances give away this vital proof.' But I further considered and speculated. `But if they are actually concerned this time, then won't it be a killing on my part? Yes it would be.

I thought over every aspect and decided to take a middle course.

The next day the duo came to my cell. They asked me to show if I had any evidence. I told them that I did not have much. And the little that I had, I would disclose it in my own way.

I requested the presence of three senior officers, of at least Brigadier rank, and that the officers should be outside the Intelligence Corps. I also requested them to include Colonel Anand Singh, the Delhi Area Adm. Commandant.

'Sir' I said, 'then let Gnr Aya Singh state whatever he wants to in the presence of these officers. One of the officers would record Aya Singh's evidence. I would then ask a few questions from Aya Singh, and request you all to verify the answers given by him to check how truthful they are.' I paused and then added, 'sir, this unscrupulous fellow has played havoc in the army and misled you people properly...'

'Rathaur, brother I am shocked to hear you asking for senior officers. It seems you have no faith left in us. When I have offered to help you, I meant it, then why can't you tell those points to us?' Major Jolly asked me sympathetically, reproaching me for his mistrust towards them.

I remained silent.

'Rathaur listen we're also human. If you're innocent, we will not like you and your children to suffer. We know you have already suffered so much due to our ignorance. Then, let us, dammit, repay you for whatever wrong we have already done to you.... I can assure you, we will make this rascal Aya pay for what he has made us do.' Jolly said, looking very concerned.

I was thus cornered by the twosome, who exhibited every concern with full commiseration, and promised to help me.

It is a known fact if there is anything more dangerous, vicious, wily and savage than a blood thirsty devil, then it is a man; a wicked man who is completely degenerated to the very depths of indecency. And such were the persons in whose hands fate had contrived to place me.

I was compelled under the persuasion of a show of humanity, to give them the points, though at the same time I was apprehensive about the genuineness of their professed concern and doubtful of their sincerity.

I quickly made up my mind to throw a piece of meat to test whether what they said was true or not. Instead I threw the last piece of bone.

Village Nanga is at an approximate distance of six kms to the South of Ramgarh, and villages Keso and Kamore approximately two kms towards East, from Ramgarh. Village Palota is about a hundred and fifty yards away from Ramgarh. The international border runs in inverted (^) 'V'shape near Nanga. The Pak BOP Gandial is located at a distance of approximately three

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hundred yards from the border. This post is situated at a distance of roughly 1/2 km south west of village Nanga.

All these villages are connected with cart tracks from Ramgarh, except Nanga, which then had a loose gravel lined road. Nanga could also be approached from three directions. The approaches are : Ramgarh - Keso - Kamore - Nanga ; Ramgarh - Palota - Bhamochak - Nanga, and Ramgarh - Nanga. There were no laterals between Palota and Keso - Kamore, except the DCB service track which could not be used after the rains due to the slushy condition of the track. Except Ramgarh - nanga track, none of the remaining tracks were fit for vehicular traffic. And during the monsoon no vehicle could ply on these tracks, other than the bullock carts.

Having explained on a sketch the geography of the area, I proceeded to unarm myself. Though skeptical about their intentions, yet hoping against hopes, they might improve.

`Now, sir, no one could have deceived me in my own area of operational responsibility. In an area where I knew every inch of the ground,' I impressed upon them.

`That's why you were made drunk,' Chaudhary led a suggestion.

`Well, sir, if I was drunk, then it becomes all the more simple to prove the story as foolishly concocted by Aya Singh or Nagial or by anyone who did it. For if I was drunk, then how could I remember the taxi number, a taxi in which I am alleged to have sat only once and that too during the night. And not only that, I still continue to remember it even after four years. Then how could I remember the name of Dr RP Sharma a friend of Nagial, whom I had never even met? How could I remember, "We drove to Nanga from Ramgarh and from Nanga to Palota via Keso and Kamore", and how could I remember the taxi broke down at Palota? How could I remember all similar details as in my alleged statement? If to say that I was drunk.'

`But by the time you reached there you were not so drunk as not to remember the details.'

`Sir, that is simply a preposterous idea. If I was not so drunk, then I would have known the area well. And in that case no one could have deceived me. Right? There was only one way for Nagial and Aya to take me to Pakistan, and they could avail the chance only if I was unconscious. But then there was no question of my having remembered the details with so much clarity and certainty.' I paused and thought to myself that it was sufficient to stamp the confession as false and forced on me. I further added, `But even if to say that I was drunk and I still remembered the details then also the story is proved wrong. Tell me, sir, where was the requirement to first go to Nanga and drive all the way in an opposite direction, on a route entirely away from the Post

Gandial, to Palota? Couldn't I have been deceived from Nanga? Where was the requirement of coming back to Palota, a place 6 kms inside my own territory? And if they had to deceive me from Palota then where was the requirement of driving in a 380 degrees circle? Sir, I don't know by what stretch of the imagination it is believed that Pak Rangers came to abduct me on the instance of Gnr Aya Singh, as far inside as six kms from the border, and in so short a time as is suggested in the story. Sir, its nothing but a fairy tale told by a mother to her children who believe her completely. Eh? And not only that it's here that the Pak Rangers told us "You're in Pak territory", and I pleaded, "We have corssed inadvertently." It's the height of absurdity. Not only this I wonder how could Nagial drive the taxi on tracks, where it is practically impossible to drive even a jeep with its four wheel drive in the monsoons, because that is the alleged period of my deception. Sir, I am telling you once again, though earlier I have done the same a number of times, that I had not met Aya Singh before you confronted him with me, nor have I, till this day been to Udampur, let alone going to Manwal Camp. I don't even know Mrs. Shahni Devi of the wife of Aya Singh as it has been alleged in the story.... If you still wish to insist that I went to Manwal Camp, you mean the first thing I did on reaching there was to start enquiring the names of ladies?.... Sir, simple courtesy demands not to ask the names of ladies. I don't know the names of wives of my unit officers with whom I have been associating every day and I am sure neither do you. If one does not know the names of ladies one meets daily, then how can it be believed that I knew the names of Shahni Devi and Bachno Devi, whom I am alleged to have met only once for a few hours. Doesn't my remembering all these names after an elapse of four years make it incredible?

`But these names were told by us.' It was their turn to be confused.

Exactly.' I said, of course the names as well as the entire confessional statement was dictated by you. Otherwise no one can remember such details even supposing one was an offender. Can you remember, sir?'

They were silent.

`I know, sir, you have been badly misled by your prejudiced minds.... You were biased and did not carry out any scrutiny either of Aya Singh's alleged statement against me nor did you scrutinise my statements made against others. If you had done so you, would have found out a long time ago, that the Kandral post which I have been referring to in all the stories is not a Pak BOP. It is our own Post, a deserted BOP.

I found the interrogators had turned ashen. They took the sketch I had drawn in order to explain to them, and went away.

It was simple and easy for me to have deduced and seen the wickedness under the garb of sincerity; to recognise the wolves in sheep clothing. I had only to consider the ease with which my earlier evidence were neutralised. The most vital evidences, of course the identification parade would have been carried out under a similar situation, even if I had not asked for it. Otherwise what did they have against me, except Aya Singh?

Alas! if I had not told them, "I did not have a jeep then", it would have been easier to take the scoundrel for perjury.

I did not probably to make sure that what I thought about the interrogators was correct. And it was correct, though I paid highly for acquiring the knowledge. I thought, they are venomous snakes who want to bite innocent people.

The cover of humaneness made them all the more dangerous. Were these patriots playing with the lives of people, bringing untold miseries upon them and their families, or were they playing with the interest of the army and that of the nation, under the pretext of maintaining "security"? Or worse still, were they trying to save their skin by refusing to recognise my innocence?

The belief that they were biased and did whatever they did in good faith, and were still doing so was not maintainable after the above disclosures. It can also not be believed that they did not see the true facts. They definitely saw them. That was why they defaced and twisted the facts deliberately.

Why did these sentinels of "national security" have to guard it as they did?

After a few days, I was informed that whatever I had disclosed, was found incorrect on checking. And even if I was innocent I would not be able to come out of the mess I was in. The only escape route for me lay in cooperating with them. Cooperation meant, deposing against other persons. As a reward I was to get my freedom!

I declined the offer.

The factory functioned as usual - the massacre continued - the spies kept increasing each day - in a geometrical progression. Surprisingly, however, I was spared the physical torture. Maybe they had nothing more to take from me. Or may be I was required to be produced against Sepoy Karam Singh in the court in the near future.

In the cell I craved every second to be shifted to the mess and to be brought to trial at the earliest.

The letter written by me on 06 December was not posted to my wife. I was asked to write to her another encouraging letter, which I did.

That however, was a part of another tactic. They wanted to keep her away from taking any action. How could she have known, that the letters she received from her husband were written by him under the direction and supervision of his masters?

I knew about this move. It was to protect their brutalities lest they came to the limelight. But alas, I could do nothing!

I was never allowed to make any mention about the reasons and cause of my arrest in the letters. Even if I made an occasional attempt to write them, my letters were never posted.

On December 26th, I was made to sign on a receipt for the clothes sent to me by my wife, without telling me who'd brought them. Though I guessed my wife was in station and had come to meet me.

On December 27, I was given a hot water bath, after nearly a fortnight and was allowed to shave. Then a set of washed clothes, a trouser and a shirt was given to me to put on. A sweater was also given to me in the afternoon. Then I was blindfolded, handcuffed, with my hands at the back and was led out from the slaughter house. Once out I felt the warm and soothing rays of the afternoon sun, comforting me. I was overjoyed.

I thought that my wife was in Delhi and she was being allowed to see me. So I was taken to a place where the meeting was probably arranged.

My guess about my wife being in Delhi was correct, but I was wrong to think they were taking me to meet her. I was being taken away from her; to an unknown place.

I found myself inside the train when I was asked to sit down, by a sentry. I sat down while speculating about my destination, and was disappointed to know that it was not the meeting with my wife as I had thought. However I felt relieved from a thought that at least I had come out alive from the burning crucible.

Putting together various, bits of talk between the occupants of the compartment, I guessed that the station was New Delhi and the train was Srinagar Express.

In that case either I am being taken to Yol or to Jammu, I thought. It can also be Nagrota and Udhampur. But why are they taking me there when I am supposed to have been attached with the Raj Rif Centre?'. 'Maybe they are taking me to give evidence against Karam Singh.

I no doubt had suffered the worst type of humiliation and disgrace in the interrogation centre, still I was overwhelmed with a sense of acute shame seeing the way I was being carried in public. Though blindfolded, I felt the piercing eyes of countless spectators tearing me into pieces.

'How would they know,' I thought, 'the object of hatred was in fact a victim of someone's nefarious designs.'

When the train started I requested Captain Dube, one of the two escort officers, if my blindfold and cuffs could be removed. But Dube had no orders to use his discretion.

Captain Dube seemed to be shocked, that I knew the train and the destination. 'How? Who told him?' He must be thinking. I mused.

And sure enough the officer asked me in a surprised voice how did I know Captain Dube was his name and that the train was Sri Nagar Express.

'I knew your name from the conductor who was checking about the reservation and I guessed the train was bound towards Jullundur after hearing a passenger who was requesting the conductor to give him one berth. And I knew that the only train at this time which travels towards Jullundur is Srinagar Express. Since it starts from New Delhi, I guessed the station was New Delhi. This also gave me a hint about my tentative destination.' I explained and asked, 'can you now tell me where I am being taken?'

Dube said that I would find out myself when they reached the destination.

They asked me how I fell in the trap of Pakistan. And I explained to them in brief about the torture. 'Well diehards like you deserve torture,' was the comment passed by Dube.

However, when the whole thing was explained to them, both sympathised with me. Their attitude towards me, was thereafter tolerable.

Though I remained handcuffed, they removed the blindfold as long as I was in that compartment.

I also learnt that I would be attached to some unit around Jammu and that my trial would be held there.

Out of the Frying Pan into the Fire

The train steamed into Jammu railway station with the majestic grace of a proud bride and glided to a halt.

Jammu is the last city in J & K connected by rail, with rest of the country. It was the same place I had, a few years ago, moved about with princely pride.

I was ushered out of the compartment, blindfolded, handcuffed, and led away from the platform, to where the transport meant to carry our party was parked.

I felt terribly humiliated. I could count in my mind the numerous eyes staring at me with contempt and curiosity. Among the spectators there might have been a few who knew me, I thought. But I brushed the thought aside the thought better of it.

Once inside the vehicle, I speculated about the destination. Could it be Jammu, Nagrota or Udhampur? But how to find out?

The escort officers had stopped talking to me as soon as they'd alighted from the train. So I tried to orientate myself from the speed and turns, the vehicle took.

'So its not Jammu,' I thought the moment the vehicle stopped at the traffic check post.

It did not matter where I was being taken. What mattered and troubled my mind was my financial condition. It was beyond my means to engage and pay the fees of a civil lawyer even if the trial was held in Jammu. And if the trial was held at a far away place, then that meant I would be required to meet the additional charges of the counsel. So I considered the possibility of opting for a suitable defending officer. I tried to remember if I knew any such officer.

The vehicle stopped. I heard people talking in subdued and muffled voices, I could make out nothing except that the destination was Nagrota.

I was led up the stairs into a room, my blindfold was removed. And for the first time after my arrest, I saw the rays of the rising sun.

Inspite of shivering due to lack of clothing in the bitter cold of the Jammu region, I found my dead spirits stirring within my body. Automatically my hands were folded in salutation to the Sun God rising behind the misty mountains.

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After a brief prayer I opened my eyes and looked to the side through the open door and felt a great relief to find myself in a different situation and among different people. At least I thought so, but this was also short lived.

There was some delay in the handing and taking over, and after the formalities were over, the escort officers came, shook hands with me and bade me luck and good bye.

At the same time two officers, one a Lieut. Colonel and the other a Major, entered my room. The Major left immediately along with the escort officers.

'I am your Commanding Officer,' The Colonel said, 'from now onwards, you have been attached to my unit for discipline. I have been ordered to record your S of E ... Now I would command you to behave ... while you're here... under my command please don't try to escape. There are two sentries on guard. They have not been given any ammunition. But at the slightest hint of your intention, I'll do that. Do you understand that?'

'Yes, I do. I do understand my liabilities as an officer under arrest and the duties of a Commanding Officer. I'll give you no problems at all. In fact let me assure you that there is no cause of any anxiety or alarm due to my behaviour,' I said and after a pause added, 'But since you're my Commanding Officer I would like to inform you briefly that I have been tortured brutally. Therefore, I request for an immediate medical check-up I am completely innocent and I have been made to sign a false confession that was dictated to me at the interrogation centre in Delhi.'

Then I showed him various injuries on my body. But to my surprise I found, the CO took an indifferent attitude. I noted a marked disinterest on the CO's face.

Without further talk the CO, a Sikh gentleman, started to leave, but I stopped him.

'Please wait a minute, sir.' the CO looked back and I continued, 'May I know the name of my CO, and the unit he commands; I mean the unit to which I now belong?'

'Anything else?' The CO questioned in reply.

This is no reply, I thought. However, it was not difficult for me to gauge the intensity of hatred. Infact I had to some degree, expected the attitude of people, as it was being shown by the Colonel. In the army, since espionage is the worst crime, so a mere word of it is sufficient to send a surge of hatred directed towards any offender. No one is prepared to listen or believe a word of such an alleged offender, although he may be innocent.

Probably I would have done the same or even worse, if some one else was in my position. And why not, haven't I done so, when I had first heard about Captain Nagial, I analysed the situation.

I said, 'Yes, sir. I want to request for some favours from you,'

'And what are these?'

'First, I be permitted to sit in the sun. I need the sun badly as I have not seen the sun for a very long time. Two, I have no bedding. Three, I be provided with some reading material. And lastly my wife be informed officially about me and the charges levelled against me. I also request you to arrange for her meeting with me so that she is in a position to arrange for her meeting with me so that she is in a position to arrange for a legal advisor for me.'

'Is that all?' The CO asked.

'Yes, sir, for the time being,' I replied.

It was about lunch time when I was startled and shocked to see KSS, enter my room.

'How are you bastard?' KSS roared and continued, 'so, what have you been doing in Delhi?' Eh? you thought Kanwar Sahib has disappeared so you could play around with your YAR Hmmm. Well if you think so then you're fooling yourself my son. I won't leave you till you're in your grave ...'

I was numb with fear. KSS continued abusing me. But my senses were so paralysed that I ceased to make any sense out of all that was being said to me. It was the fear of the torturer who was not human.

I came to my senses only when I heard the Colonel saying,

'I have been ordered to record your S of E. Do you know what are the charges against you?'

Before I could say anything, KSS took the paper, presumed to be the charge sheet from Colonel, saying, 'yes Colonel Sahib, of course he knows.' And then looking towards me said, 'You son of a bitch, don't you know?' Then without even waiting for me to reply, turned to the CO and said, 'Kindly leave us alone, if you don't mind Colonel? I have to talk about something to this dirty bastard.'

The Colonel obliged.

I once again tried to establish the identity, when I saw KSS literally bossing over the CO, but failed. On the contrary I was overcome by a renewed wave of fear. I did not miss the fear even in the CO's eyes. The Colonel was also scared of KSS.

Thus I was forced to conclude that whoever KSS might be, he has been given unlimited powers. And on reaching this conclusion, I decided to confront him.

'All right you clown, now tell me what have you decided? look, you know me much better by now. So don't by any chance suppose that you can fool around with me, as you did with your friend, Major Jolly. And by the way give a cool thought to the possibility of what can happen to you in case you opt to act stubbornly. As a suggestion I can tell you it might be worse than anything you have already undergone. Having served in the Intelligence, I am sure you know the existence of an interrogation centre very close from here,' KSS paused expecting an answer, then added, 'I give you a chance to think. I would be back by evening. Meanwhile do consider the promise given to you earlier - notwithstanding your rash acts till now. The option is yours. You gain by standing on the right side and lose most miserably if you opt out of it.'

KSS went away leaving me in a confused and bewildered state. I felt torn between fear of renewed torture and my efforts to save the situation. And I decided to face the truth even if it meant torture.

On 28 December 1978, 4 P.M, a Major wearing the Gorkha uniform without a name tag, entered the room. He woke me up, from the ground where I lay sprawled. There was no item of any furniture in my new cell which was called single officers room.

The Major whom I later got to know during my trial, as Satpati, literal meaning the Lord of Truth, told me that he has been appointed to record my S of E. He asked if I wanted to make a statement vide Army Rule 23.

I declined. At this, the Major looked at me conveying the impression 'What to do'signed, got up and left.

He again came back after an hour and asked me, 'Do you wish to make a statement?'

'Haven't I already told you, that I don't?'

'Well, in that case what about your 45 page statement which you have already given?' The Major asked.

`I thought that was not your business to ask me to seek clarification, about what I have already done. You're supposed to be a neutral body, the past should not interest you. And sir in any case my CO has not yet heard my case. The recording of evidence, I suppose can only take place after he has given me the opportunity to hear me.' I said while trying to check my temper.

From the attitude of the people and my CO, I was convinced about the unsympathetic behaviour, but not to the extent of ignoring my rights, being accused and directly violating the rules and regulations to that effect.

Major Satpati produced two sheets of paper and said `I am not concerned what you do. But if you accept your statement given earlier, then sign on this or else you may sign the other one.'

I took the sheet which read, "The accused declines to make any statement". I signed and dated it 28 December 1978.

When Major Satpati prepared to leave, I asked him, `When would the other witnesses, if any, be recorded?'

`Tomorrow,' Saying the Major left.

After lunch the same day the CO had come along with a working party and I was moved into the adjoining room which was interconnected by a door with the room where I was first taken to, and locked.

The light connections were snapped, all windows and door panes were covered by pasting papers. In the door pane a peephole of 6 by 4 inches size was left for the sentries to look through. Thus the room was turned to a proper "cell" with an only exception, the room was bigger in size and it also had an attached bath room. Though there was no water in it, because like the electric connections, water taps were also made non-functional.

Shifting me from one room to another, blocking the glass panes and snapping the water and light connections had taken a little more than half an hour. During this period, the CO had personally supervised the work and given directions, without ever once looking at me.

After he left, the side and the main doors were locked from outside, shutting me, completely away from the outside world. To make the matter worse a pair of handcuffs with an unusually heavy and long iron chain, was clamped on to my hands.

This was highly ridiculous, and it unnerved me completely. I could not dream of this treatment, being meted out to an army officer in the officers mess, not to talk of the secret interrogation Centre. It was most horrrifying. The intentions of the authorities to fix me were visible from their attitude. But I assured myself, the time had come where I should strive to foil the plans of the trimurty of Military intelligence.

None of the requests made to the CO were complied with. I spent the night shivering, in almost four degrees centigrade temperature, without a bed or any proper clothing except for a bed sheet and a Khes, the only items I had carried with me while leaving Kamptee in August that year.

Everytime I went to the bathroom for urinating I had to shout for the sentry to send the guard commander to open the handcuffs, one end of which was tied to the window bar. By morning, my badly mutilated body became numb due to cold.

Seeing me convulsing in pain the guard commander took pity on me and gave his own blanket to me, saying, 'Sahib use this but please don't tell anyone that I gave it to you.'

I was moved by the show of kindness by the NCO. I remembered my benefactor, the sentry in the interrogation centre who used to give birees and occasionally a word of encouragement. I compared the behaviour of officers and men, and felt terribly ashamed to learn that I too, belonged to the cadre of brutes, but timid people, called officers!

The next morning I sent the NCO to find out the progress on the requests made by me to the CO. But the NCO couldn't do anything since there was no one to listen. However, I was able to get a bedding later, due to his frantic efforts. The bedding consisted of eight blankets! The gross weight of these shreds called blankets was not more than three kilos. It appeared after looking at the blankets, that special pains and efforts were made to search them out from a salvage dump.

But these blankets were still better than none at all.

Nothing happened till the first day of the new year. No one came to see me. Neither my CO nor the Lord of Truth for recording my S of E. I kept speculating why no one came. And when I knew the cause, it was too frightening and horrible.

On the night of first january 1979, I was asleep when I suddenly heard a shout, then clicking of door lock and before I could wake up properly some one kicked me on the shin. I howled in pain, but shivered with fear when I saw KSS accompanied by Gnr Aya Singh.

Both of them tried to persuade me for about half an hour.

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`Now, look Rathaur, I give you my word that nothing will happen to you if you only do what you'd earlier promised to do... you can ask Aya Singh, he is a free man now. He's not even been charged with the offence. So you see its up to me to help you similarly,' explained KSS.

`Yes Rathaur, kanwar sahib is a man of word. So you agree. Agree you damn fool.' It was Gnr Aya Singh suggesting to me, a Captain of the army!

`And if you don't then the consequences would be unimaginable for you.... You won't even be alive to repent this mistake of yours. Do you understand?'

During the whole length of the conversation, I did not talk. I listened to everything in a state of dizziness. Then KSS left ordering the NCO to bring me out, while Aya Singh stayed on.

`Damn it, you agree. You know that if I did not spare my own relation Captain Nagial, I would not spare you either.' Aya Singh whispered.

`What have I done to you Aya? Why do you want to take the curse of God, by implicating a person like me. We don't know each other to conceive of any enmity. Then?.... And what about Nagial, is he also an innocent victim of yours?'

Aya nodded in affirmation and said, `So you see.... and it will do no good to you either unless you fall in line like me.'

So after all I was correct about Aya Singh. I thought.

Blindfolded and handcuffed I was led out of the cell, while I shivered more due to fear than the cold. I thought about where I was being taken.

The place was not far away. I found Major Satpati sitting across a table. There was another officer sitting in the corner of the room, whom I recognised as the officer who had received the escort party at the railway station. I did not know his name. Though I learnt during my trial that he was Captain Ranvir Singh GSO 3 (Int) of HQ 16 Corps and was supposed to be the "Independent witness" of the recording of my S of E. Then there was KSS sitting on a table horizontally across Satpati. Gnr Aya Singh however, sat next to me.

The place was a store room stacked with furniture. It had a small gallery as a passage near the door that blocked the door from sight.

`Sit down,' commanded Major Satpati, and once I had occupied the stool, he asked, `do you wish to make a statement?'

I was too shocked to say anything.

`Did you hear me? ... I am asking, do you wish to make a statement?'

A sad smile passed over my lips. I said, `Sir, how many times would you wish to know? Haven't I already signed the statement while declining to say anything?'

`Heh... heh.. heh.. Well done. Well done my son. You think its so easy to decline?' said KSS, gloating. He was interrupted by Aya Singh who said, `Please KSS Sahib don't speak to him like that,' then turning to me he said, `come on Rathaur, don't be stupid. What's the problem? Damn it, you will be soon out of this like me. So be nice and get rid of the miserable conditions you're living in.'

`Nice? What do

`Stop it, you fucking traitor.' Cupping my face with hands and leaning forward, he spoke in a most threatening language, `And look bastard if you don't sign over the acceptance of your confession, then you won't live to plead your case. Do you know what can happen to you? If you don't then I'll tell you. Its simple... you can be taken out during night as you have been taken out,' he, paused and munching each word said, `shot dead and then it would be declared that you were trying to run away... Okay? Everything is possible in the army and I am sure you know that. To kiil you becomes all the easier, to cover up we have your confessional statement. Now make your option, quick. Don't waste our time?'

I had not even dreamt that such a course of action could also be taken in the army. However, there was no reason to disbelieve what I heard. Yes that way everything was possible. They can shoot me and all can come clean out of it. I believed each word that was said.

When Satpati reminded me to hurry up a second time, I quickly appended my signatures, with a trembling hand, wherever Saptati pointed me to sign.

Everything had turned dark for me. I was happily being led back into the dungeon.

I enquired the time from the guard NCO. It was 12.30 in the night. The recording of my S of E was thus over.

In no organisations of any civilised country has it ever been heard to adopt a barbaric and unconstitutional approach while carrying out investigations into allegations against its members!

And India also, claims to be among civilised countries!

It was a different thing that nothing about its civilised ways was known to the outside world.

I remorsefully thought: I have come out alive from the frying pan and have now been thrown into the fire!

The Army Procedure

An accused person in the army has enough safeguard against any type of exploitation, provided these are adhered to.

Any person subject to the Army Act, who is charged with an offence, may be taken into military custody. Any such person may be ordered into military custody by any superior officer.

It is the duty of every commanding officer to take care of that person under his command when charged with an offence and he is not detained in custody for more than forty-eight hours after the committal of such a person into custody is reported to him, without the charge being investigated, unless investigation within that period seems to him to be impracticable.

The case of any person being detained in custody beyond the period of forty eight hours, and the reason thereof, must be reported by the Commanding Officer to the General or any other officer to whom an application would be made to convene a general or district court martial for the trial of the person charged.

In case of an officer, custody means "arrest". It may be either close or open. And if the circumstances require it the officer may be placed under the charge of a guard, piquet, patrol, sentry or a provost marshal.

An officer in close arrest is placed in charge of an escort consisting of another, if possible, senior officer or of the same rank. He must not leave his quarter or tent except to take such exercises under supervision, as the medical officer thinks necessary.

An officer who is placed under arrest should always be informed in writing of the nature of the arrest which will be governed by the circumstances of the case and any change in the nature of the arrest should be notified in writing to him.

As a rule, a CO will not place an officer under arrest without investigation of the complaint or the circumstances tending to incriminate him. The CO will always place an officer under arrest against whom he decides to prefer a charge and it is his duty to report each case of arrest without unnecessary delay to the proper superior authority.

An officer is placed under arrest either directly by the officer who orders it or by some subordinate carrying out his orders. That is by the Adjutant of the unit when the arrest is ordered by a superior officer of commander. The order may be verbal or written, the latter as being more formal, being

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the preferable method, except where the offence is committed actually in the presence of the CO or the superior officer.

The charge against every person taken into military custody must be investigated without unnecessary delay. The CO is responsible to ensure that the investigations are begun within forty eight hours of the committal of the person. Every case of a person being detained in custody beyond 48 hours and the reasons for the delay in disposing of the case must be reported to a superior authority.

The manner in which the investigation of charges by a subordinate commander or CO is to be carried is, regulated by Army Rules (AR) 22 to 25. His duty requires deliberation and the exercise of temper and judgement, in the interest alike of discipline and of justice to the accused. And the investigations must be conducted in the presence of the accused.

After the nature of the offence charged has been made known to the accused, the witnesses present on the spot who depose to the facts on which the charge is based, are examined. The accused must have full liberty of cross examination. The CO after hearing what is stated against the accused, will, if he is of the opinion that no offence at all, or no offence requiring notice has been made out, at once dismiss the case. Otherwise, he must ask the accused what he is to say in his defence and whether he has any witnesses to call, and will give him full opportunity both of making a statement and of supporting it by evidence. The CO will then consider whether to dismiss the case, or to deal with it himself or proceed with the case by reducing the evidence in writing.

The CO may record the S of E himself, or he may direct another officer to do so. But the S of E will always be recorded in the presence of the accused.

During the investigation, the officer conducting it, must be careful not to let fall, before the disposes of the case, any expression or opinion as to the guilt of the accused, or one which might prejudice him at a subsequent trial. It may happen that officers who have been present at the investigation are detailed as members of the court convened in consequence of it. Therefore nothing should be said or done which might, though unconsciously, bias their judgement before hand.

The charge sheet must be signed by the CO of the accused. It contains the place and date of such signatures.

The accused is given full opportunity to obtain legal advice at any time after his arrest.

Were these safeguards given to me? Was my case investigated as per the rules? The Army Act (AA) or the AR or even the Defence Services Regulation do not say anything of "interrogation" of an accused by any one. The conduct of the investigations can be done by the commanding officer alone and none else except by a subordinate officer whom the CO might direct. No one else is entitled to carry out such investigations, not the interrogators; not even the DMI. The DMI, at the most could feed information or lay down guidelines on which the CO may conduct the investigations.

Under what authority was then I interrogated for such a prolonged period and detained in the secret interrogation centre? Was a complaint made to my CO Lieut Colonel K.M. Nanda? Why was I not arrested in Kamptee if there was sufficient evidence to incriminate me, instead of calling me dubiously to Delhi as I was, and there also, I was put under close arrest by the Commandant Raj Rif Centre, Colonel Harbhajan Singh, instead of by Colonel Grewal, the superior officer? Why was I not given the reasons for my arrest even when I had asked for them? There was no charge sheet given to me either, so how could I be arrested? The delay report initiated by the Commandant said the nature of offence was not known. That meant that I and subsequently Captain Rana were arrested by the Commandant without any charge against us since I did not know what offence was committed. Why? Who knew it then? The DDMI(b) Colonel Grewal? Then why did he not arrest the officers himself?

Not only that, I was arrested by Colonel Harbhajan Singh, interrogated by the "Trimurty" under Colonel Grewal, and then shifted to Nagrota and placed under yet another commanding officer for the recording of S of E. There too every safeguard given to an accused under the AA, was ruthlessly violated. Why?

Why did my new CO not investigate the case as per the provisions of law and why did he not record the S of E himself?

Major Satpati was officer commanding Defence and Employment Company of the Hqs 16 Corps. Then under what authority was he detailed to record the S of E?. Who directed Major Satpati to do so? The CO? But the CO could not direct Major Satpati, an officer commanding a different unit. There was no provision under which Satpati could record my S of E because he belonged to a different unit. Who was behind that sort of unconstitutional jugglery in the army of a constitutionally democratic nation; India? It was surely someone among the higher echelon of the army. But who was he?

These were some of the questions which remained unanswered.

Let alone the procedures, I had signed my statement at the S of E without its contents being made known to me. Till of course I was handed over a copy of the S of E just a couple of days before the start of my trial.

Back in the cell, I could not sleep the whole night. My mind went wild with thoughts. I considered the idea of reporting the matter of my CO in protest. But unable to analyse the CO's attitude, I realised the futility of such an attempt. Without the CO's assent, my statement could not have been signed. This made me lose complete faith in my CO.

I was in any case, to be loser. My fate was as usual contriving against me.

I had not heard from my wife for over a month. I tried to distract my mind but could not help imagining for plight of my family, while living in dread in total solitary confinement to which I was subjected. I was physically broken and mentally unbalanced. But, there was nothing for me to do except to bear the excruciating pain of such sufferings. Spiritually too, I was in absolute darkness.

It was 03 January '79. Captain Ranvir, the independent witness, entered the cell. The officer told me that he had been deputed to look after, any problem I had.

'Rathaur, there are two letters for you from your wife. But the letters at the moment are with your CO for censor,' The officer told me and then producing a letter from the Corps Hqs asked, 'kindly sign the receipt.'

I was too happy to think about anything except the news of my wife's letters, so I quickly signed the receipt. After the receipt was obtained the officer confided in me.

'You will not get these letters. They will never be given to you. I advise you Rathaur, not to sign on any receipt in future, till you have actually received the things. I really sympathise with you but I am helpless. Tell me why are these people after you? I am sorry for the way they're treating you. Also the way you were forced to sign the other night....'

I kept staring at the officer.

'I will tell you, but for God sake don't quote me, it all was done on the express directions from the Corps Commander; Lieut General Chandorkar.... He was mighty wild when he was told that you'd refused to make a statement. And Rathaur sorry to tell you..... if you'd not signed that night, then they would surely have carried out the threats.... Tell me why are they doing this to you...?'

Hearing words of sympathy, I broke down, Then I told the officer, briefly about the case and the tortures I had undergone. 'I can tell you, sir, people have committed unimaginable and unspeakable atrocities on me and there appears to be no end to this sickening sad drama. Seemingly everyone appears to have become obsessed with the idea of unearthing spies, without caring to know the truth... I can say one thing... when the truth will surface, then they will live only to repent, and repent for the rest of their lives.... If you can then, do tell them not to feel happy by obtaining tortured and false confessions from innocents. I know they think they have donned diamond necklaces of the spies, but what they don't know that each diamond is a deadly cobra and each cobra will bite them, with its deadly fangs. And even if they are able to escape from these cobras, they, still will not be able to escape from the SHESH NAG. (As per Hindu mythology, a serpent with a thousand heads). And that is me.'

Captain Ranvir looked embarrassed. He said, 'Well you know, I do understand your position and infact I sympathise with you. But sorry brother, I can't help you. I hope you understand my predicament... And don't worry about your wife. I've read the letters, she is fine. Presently she is in Delhi, staying with one of your relatives. Okay?... If you need anything, do let me know.'

'Well, sir, I shall be grateful, if you could kindly replace the blankets. And, I had asked the CO to give me some reading material, if you can look into that.... Also, I went to write to my wife. Therefore, I request you to kindly get me an envelope alongwith a pen and a sheet of paper.'

'Okay. I'll see to that, but kindly don't take it as assurance', Saying this and wishing me good luck Captain Ranvir left.

True to his words Captain Ranvir managed some how to send two blankets and one inland forces letter, though much later I learnt that the letter was never posted.

I analysed the whole situation in the light of fresh revelation made by Captain Ranvir. The attitude of my CO and the atrocious treatment being given to me, by side stepping the provisions of the AA and the general law of the land, became clear. After all a Lieut. Colonel and others are ancillary to the bigger command structure. A Corps Commander, who is a Lieut. General is no small authority. He is beyond the comprehension of the present day commanding officers of the Indian army. They would (not all but most of them) do anything including licking the arse of the big boss, the Corps Commander. And if the Corps Commander desired that the statement must be obtained with signatures from me, then it must be got. If I refused to sign, I definitely faced extinction. Anything could be done to please the Corps Commander. The threat could still be carried out, no one would question why I was killed. (It was, as it will be seen, no question was ever raised at the death of Havildar Ram Sarup), because any act of the Generals in the Indian

army is always for the security and interest of the nation! Then who is there, and why should anyone question such patriotic acts in our democracy!!

I wisely put off the idea of reporting.

One day KSS came to me and surprisingly asked affectionately, 'So Rathaur, what should we do with this driver?' The driver he meant was Sepoy Karam Singh.

'What do you mean, sir?', I questioned in reply.

'You know we're starting off with the trial of your driver Karam Singh, very soon. So what should we do about that?'

'Well, sir, if you've included me when you said "we" then kindly count me out. If there's anything required to be done, then it's you who will have to do it, not me.'

I was under a morbid fear of KSS, still I felt overjoyed to learn about Karam Singh's trial. I had chalked out my plan of action in a split second. But I did not allow the happiness to show on my face while replying.

'Count you out?..... What do you mean by counting you out? Dammit you've already pleaded guilty, so where is the question of counting you out?'

I chuckled, without showing any sign of contempt on my face, over the way I was being pressurised. One doesn't plead guilty at the S of E. At the most it can be termed as a statement, which may be taken in evidence against the accused. Pleading guilty or not guilty is done only at the court martial.

However, I did not say anything. I was afraid of being put to some other tests, a number of which I had already undergone. The memories were too vivid to forget.

I said, 'Even though I've pleaded guilty, as you say, sir, the fact, which is known to you also, is that I am innocent. But anyway it doesn't matter what happens to me, I am not prepared to play with the lives of other innocent people and put them to untold sufferings; since I have undergone them, I know what the pain is like.'

KSS continued coming to me for 3 to 4 days. Every day he tried to lure me into becoming an approver. He would try to put across the advantages that would accrue on becoming an approver. Then KSS would lure me by saying that Havildar Raghubir Singh and Captain Rana had already

turned approvers and were enjoying every facility given to them. But I did not give in. I held the ground even at the face of renewed threats of sending me back to the interrogation centre. I announced, if I was taken to court I would only tell the truth.

`You will never get the opportunity to speak in the court against the prosecution. Because if you say a word against us, you will be declared a hostile witness, and bear this in mind, what'll happen to you after the court?'

Whatever may happen after the court, but I was sure they cannot afford to give me any physical torture. It was however a different thing if I could still be killed. So I counted and depended upon this fact that I would have to be taken to the court.

The injuries though healed, were present on my body and were sufficient to cause a major stirup. For that I had to reach the court. If I am able to manage till then somehow, then I think I have achieved my aim. I thought. And in court, I did reach.

On 8 January '79, I was told to get ready. Although the bitter cold winter of North India was at its peak, I had only my summer clothes to put on.

`Where am I being taken?' I asked the escort officer Captain Murty.

`I don't know,' replied the escort officer indifferently. But I had guessed correctly. I was blindfolded, handcuffed and driven to the place where Karam Singh was being tried.

Outside the court room, my handcuffs and blindfold were removed and I was marched in. It took all the strength out of me to control my emotions which stirred up, seeing the members of the court martial after a long period of torture and solitary confinement. While taking the oath, I stole a glance at the accused and felt a deep compassion for him. I was responsible in reducing Karam Singh and a number of others to a confirmed state of miseries. Was I ? In any case the time had come and I could pay everyone for their sufferings, I thought. But fate was against me for a long time to come.

As a Witness

You know the accused?' The Prosecution Counsel Mr. Gupta asked.

`Yes, I do, sir.'

`Please look at the accused and then reply to the court.'

I did as I was asked to do.

`How do you know him?'

`He was the driver of my jeep in 1975, when I was the intelligence Officer at Samba.'

`Did you ever take the accused across the border to Pakistan?'

`No, I never did so.'

`You never took him to Pakistan?' The counsel asked feigning surprise.'

`That's what I have just told the court.'

`But what about you? Did you go yourself or you did not do that either?' The counsel asked jeeringly.

`I object to this question,' the counsel for defence Mr. T.R. Thakur raised the objection.

`Objection overruled,' The Presiding Officer of the court announced.

`Well, sirs, I did not do that either.' I replied.

At this, the Prosecution Counsel declared the witness as hostile and requested for his withdrawal. But the defence counsel raised an objection on the plea that the witness could not be withdrawn as he was under oath. Then both sides extended the arguments.

The court was declared as closed for consideration.

After one and half hours deliberation the court reassembled and sustained the objection. I was allowed to be cross examined by the Prosecution Counsel.

Showing the statement, recorded at the S of E Sepoy Karam Singh signed by me on 04 December 1978, the Prosecution Counsel asked, 'Are these your signatures?'

'Yes, these are mine.'

'Do you know giving a false statement in S of E even though it is not under oath, is an offence in the army?'

'Yes, I am aware of that.'

'Then read the contents of your statement. And if you still deny that means that as an officer you have committed an offence, under your direct knowledge. What have you to say to that?'

'Looking at the face of it yes, it is an offence. But its not so, knowing the circumstances under which I was made to sign. It was under duress that I signed it,' I answered and then I gave a detailed account of the circumstances under which the S of E Karam Singh was conducted and his statement recorded, to the court.

'Did you use to visit a post called Nanga during your tenure at Samba?'

'Yes, I used to. Infact not only Nanga I used to visit all the BOPs within the area allotted. But such visits were always official and as such recorded in the vehicle car diary.'

'Captain Rathaur I suggest you are lying. The fact is that you sent the accused across the border with a package, meant for Major Khan of the Pak FIU, in the last week of December 1975 or the first week of January, 1976.'

'Your suggestions are incorrect. I never sent the accused or anybody across the border with or without a package. The fact is that I was on leave during the alleged period. And I was spending the leave away from Samba in my village.'

On further cross examination I told the court that, in the first week of December, I had left Samba alongwith my family on a one month leave, that I had spent the leave at home at my village, and that this fact could be verified from people of the area, because during the leave I was made to inaugurate a "Shaheedi Diwas" ceremony, organised in the memory of a soldier, who had died during the 1971 war with Pakistan. The function was organised by Shri Desh Bandhu, the President of the Gram Sudhar Sabha, a registered organisation.

Later I learnt that verification was done. Shri Hem Raj Sharma a shopkeeper, Shri Roshan Lal the Surpunch and Secretary, Cooperative Society and Shri Desh Bandhu, had come and deposed on the strength of official records that I was present in the village, during the alleged period.

My examination as a witness took two full days. I brought out all the circumstances under which, my statement called confession was obtained and how I was made to implicate other people falsely and that the accused was one of them.

I showed the injuries on my face to the court. I requested the court to observe and record the same in the proceedings.

At the end I pleaded, 'I most humbly submit in front of the Hon'ble members of the court to kindly make a note. My life is in acute danger. Threats have been given to me that if I don't cooperate with interrogators then I would be killed and it will be declared that I was trying to escape. Sirs, I am not at all afraid of death, but of dying as a traitor I am - there is no question of my running away or trying to escape. I am innocent. Therefore, if I am found dead tomorrow, I request you to take my death as a gruesome murder for further investigations.'

There was death like silence which persisted for nearly a minute till it was broken by the Presiding Officer. He said, 'Who has given you the threats and when were these given?'

'Sir, it was given to me by the officer who recorded my S of E at a time when he re-recorded my statement on the night of 01/02 January 1979.'

The Presiding Officer showed signs of bewilderment. Looking at the members he said, 'Well this is entirely a new thing for the court. We got to record this.' He then looked at the DJAG for approval.

The DJAG (Deputy Judge Advocate General) is from the Judge Advocate General branch of the army. His functions are, to assist the court on legal points. He's also responsible for the recording of witnesses, preparations, maintainance and safe custody of the court proceedings.

When the Presiding Officer asked his approval, the DJAG declined to record the statement with a comment that it was purely an administrative matter and as such had nothing to do with the case the court was convened to try. The DJAG then told me, 'We all sympathise with you. But we cannot do anything since the matter in this issue, is out of the jurisdiction of this court.'

'But, sir, the court at least can make a representation to the higher authorities in writing, recommending it to set up an enquiry for investigation....'

The Price of Loyalty – Samba Spy Sacndal – By Capt R S Rathaur

'Why did you not do so?'.... Aren't you an officer? Have you reported this matter to your CO or anyone else?' The DJAG questioned back, irritated.

I did not know what to say why I did not report. Could I say that I did not report because the matter which was to be reported was not only in the knowledge but had been done under the directions of a person no less than the Corps Commander himself! Even if I said that, who was there to believe me? They would ask me the source of such knowledge. I could not give the name of Captain Ranvir, in any case by then I did not know his name, lest he was also accused of being a spy! And so the allegation could not be proved. Hence considering the futility I tried to explain the reasons of my doing so, indirectly. I said, 'sir, what was the use of reporting it to the CO, or any one else. Could I have expected any favourable action from him? Was not the S of E recorded at the instance of the CO, as it was? I mean could anyone come to my unit from outside during night without his consent?'

'Well, you're talking out of presumptions. We therefore, advice you to take the CO into confidence,' said the Presiding Officer, concluding the matter.

Back in the cell, I pleaded to the duty officer, who had escorted me to the court, to send the CO.

After an hour the CO came and I objected to the treatment being given to me. I also informed the CO about the manner and the circumstances by which my signatures were obtained on the statement by the officer recording the S of E. 'Sir, I don't even know what is the charge and who all and what all has been deposed against me. I request you to kindly hear my case and if you still consider the charge against me out to proceed, then record my S of E according to the provisions of law and not the way it has been done.'

The CO appeared guilt ridden. He dared not to look at me. And it was obvious the CO was aware of the complete picture of the happenings. However, he explained the reasons of his inability to do anything. He said, 'Rathaur, I am helpless to do anything. It's a very delicate and sensitive issue which is directly controlled by the Corps Hqs. I am sorry to say that your S of E cannot be re-recorded. I cannot do anything in this regard.'

At that I considered and submitted that at least the CO could do one thing. He could stop any interrogator from meeting and harassing me.

I also repeated my request, for medical aid and to be provided with some reading material.

The CO suggested that I should appeal in writing for the medical aid and then he would forward the request to the higher authorities.

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When I asked for papers to write the appeal, it was not easily given and it was only the next day, that a paper torn from an old register was handed over to me for writing the appeal! I wanted to make a duplicate copy of the appeal, for my records, so I asked for an additional sheet of paper and a sheet of carbon. It was however not given.

In the appeal I wrote that I was brutally tortured, therefore a medical officer should be detailed, to carry out a physical examination to ascertain the extent of my injuries and to render a medical certificate. I also requested to be handed over my two letters for which my signatures were obtained without my receiving them; not to censor my mail, give proper facilities which are due to an officer under close arrest, to place an officer as my escort instead of an NCO, and to discontinue handcuffing inside the cell, I pleaded innocence and requested not to be treated like an animal, for permission and facilities to write to my wife and parents, that official information should be given to my wife about my arrest and the circumstances of the arrest, and finally for a special permission for my wife to meet me.

It was 10 January when the appeal was submitted. I asked in the appeal, that if the requests made were not under the powers of the CO to grant, my appeal should be forwarded to the authorities concerned who had jurisdiction and powers. The decision taken by such authority on my appeal should be conveyed to me in writing.

I never knew if there was any action taken on the appeal. My conditions were better at least in some respect, than the ones in the cell at Delhi. Here I was free to have a glimpse of outside world through the peephole. It was a different matter if the view was obstructed by the trees. Then I also saw the sun daily from the cold cell and yearned desperately to bathe in it. Since it was not possible, I bathed in my imagination only. I also used to stare at the moon and the stars undisturbed for hours together.

A day went and night came to bring yet another day. Under the immense mental pressure and the prolonged confinement I often thought and believed, that I always lived in these conditions. Time appeared to me as if centuries had passed. I even forgot at times that I was once an army officer with natural ambitions and had lived a free and highly respectable life. My heart burnt every moment. And anything which burns produces light. The intensity of light depends upon the source of burning. The more intense the burning, greater is the light. Similarly the burning of the heart also produces light. Though its often covered with smoke in the form of emotions. Control the emotions and you'll see the light. The more the burning, I thought, the nearer one is to salvation through enlightenment.

Yet I neither saw the enlightenment nor could I control my emotions to see the fire. The sun has tremendous light, it brightens the whole world and produces heat. It has no use and meaning for a traveller who's lost his way in the dark night. For him a tiny earthen lamp has more value than the sun if it's able to lead the traveller to his destination. And the burning of my heart, even if it produced tremendous heat was not worth even a tiny lamp; as it did not show me the path.

The hopes of getting better treatment faded into thin air. The courage and confidence gained after the deposition in the court, disappeared. I had an army man's belief that after people knew the truth, the atrocities would be checked and there would be investigations. While still waiting and expecting something honourable to happen, a small incident shattered my faith in the army command structure and melted my last hope like a sugar cube.

Due to the physical torture I had undergone, I had developed a slow but persistent backache. Sometimes the pain used to become unbearable.

It was 14 January 1979. The pain became very intense. Finding it unbearable I requested for medical aid through the guard NCO. The next evening, I saw the door open and a medical officer, who, I later learnt was Captain Verma from the Army Medical Corps (AMC), entered the cell.

The doctor when told the severity of the pain, replied in a contemptuous voice, 'Well, you deserve this. In fact you deserve more than what you're already made to suffer. Thank your stars that you're born in this country. Otherwise you would have been dead by now. Do you know the punishment for treason in other countries? And here you are complaining of pain! Hum? You deserve a dog's death... In any case authorities have decided to give you the maximum, what you deserve.'

I was horrified listening to the doctor. I knew that I could not expect a fair investigation of the case from the authorities. I must do some thing to make my voice heard. But what could I do? It was beyond my comprehension. It was evidently clear that the atmosphere was highly charged with prejudice against me. The interrogators were successful in impregnating the minds of people with bias.

It was not that I did not contemplate such prejudice as shown by the doctor, but I had expected the defusion after my deposition of the facts in the court. And it was certainly distressing to hear what I heard from the doctor.

I found myself unable to control the rumbling rage which erupted like a repressed volcano. I said, 'Look, the job of a doctor is to relieve a person of pain, and not induce pains. You should leave

that to the people who're doing it. It is a most noble profession, don't abuse it. Its not the wont of doctors. Even if you believe me to be a traitor, let others who have and are sparing nothing to make my life miserable, do that. And, if you still can't resist the temptation to cause me suffering, then you're welcome to give me some poison, which being a doctor you can easily do. So that you can take credit for having eliminated a traitor!... And if you are a coward to do that, then I suggest you recommend to the authorities to shoot me dead!! I am sure this way also you would get at least a share of participation in a noble job, of eliminating me.... a traitor!! That's what you say is the punishment for treason. Right?.... But let me ask you a question doctor, how do you know that I am a traitor? What do you know about me? How did you reach this conclusion?... listening to one side of the story which is being religiously propagated?

The doctor came back to earth. He said, 'Well, I've nothing to do with what you are... its only because everyone else is saying that.... Anyway show me where the pain is, I shall send the best medicine.'

'Thanks doctor, but I don't suppose there is any pain now, in my body after the treatment you've just given me. And the pain which I am suffering now, is beyond your professional competence to cure. I request you to leave me alone!' I said in disgust turning my back on the doctor.

The doctor tried to pacify me but when he found that I was too disturbed to listen, he left saying, 'I will send the best medicine.'

The medicine was sent but I threw it in the commode and with it washed clear whatever little faith I had still left. I could not have any faith in the army doctors either.

It was futile for me to have asked for the medical examination. Firstly a medical examination could not be done and even if it was done, the medical examination would have been only an eyewash.

And apprehensions, that I had, later proved genuine.

No action was taken on my appeal except one. I was no longer chained to the window.

It became impossible for me to pass the time in the silence of the cell. There was every possibility for me to suffer from a brain haemorrhage due to excessively intense tension caused by thinking and the fear, unless I did something to divert my mind. But there was nothing; no reading material or anything with which to occupy my mind. So I decided to improvise something.

I started collecting empty packets of cigarettes and when there were enough of them, I devised various games. I would make castles, bridges, houses, tanks, guns by placing one packet on the other adjusting them here and there to give different shapes, for hours at an end. This, I found was a good past time.

I was bored playing the same games time and again. So I made a chess board on the floor by scratching lines into squares with a nail that I had removed from the wall, though it was not possible to see the squares due to the semidarkness in the room. To overcome the hurdle, I collected some cigarette packs, with the help of my uncut finger nails, into rounds and other shapes. I also made a pack of playing cards, out of the cigarette packs cut into rectangles, and engraved on them the four suits with the help of my nails, and then coloured each of them with burnt match sticks.

Thus putting the empty cigarette packs into multiple use, I had to myself three different games to keep my mind occupied.

Authorities, I thought to myself, seemed to wish me dead, but I would not give them the opportunity for celebrating, by dying. And I would feel a strange power lift my heart.

The Meeting with Family

On January 21, 1979, I was handed over three letters from my wife. I felt very happy, but it was short lived. This time the happiness disappeared for different reasons.

I read the letters time and again. From the letters it was clear that my wife was at a point of mental breakdown. She was in complete darkness. She didn't know why her husband was arrested, where he was and why she did not receive any letter from him and why she was not allowed to meet him.

From the letters which were written on 01, 05 and 06 January 1979, it was evident that she was in Delhi, treading unknown and hostile paths in the search of her husband in total darkness. The authorities were too cruel to pity a hapless lady. There was no one to help her or give her the reasons.

I had been shifted on 27 December 1978 from Delhi and she was searching for me there till as late as 6 January 1979.

'Didn't someone have the decency to tell her not to waste her time? Wasn't there any one to show a little compassion to a helpless lady with two small children, if not respect? How can I tell her there was nothing bad about me, except the mutilation of certain limbs of my body and that they were trying to implicate me in a false case of spying. But then there was no cause of worry as I have every possible evidence to rebut that has been obtained from me under brutal torture. Oh God! how could I take her out from this extreme mental torture?'

I requested an interview with CO and to give me an envelope to write a letter. But neither the interview was granted nor was an envelope given to me.

It was on January 27, when another letter from my wife, made me mentally imbalanced. So the CO had to come.

When the CO came I asked him to read the letter and I abused the CO for his callous attitude. I said that the CO would face the consequences for his incompetence, and that I would kill him if some thing went wrong with my wife.

The CO became nervous. He said, 'You'r unnecessarily shouting at me. You have no business to insult me. I am your CO, remember that. And...'

`That's exactly why I am shouting at you, sir', I interrupted `for you are my CO. And it's under you that not only I, but my wife is also undergoing a hellish time..... If I'm accused, does this give any right to you or anyone else, to do whatever you feel to my wife?'

Looking concerned over my helplessness the CO confided in me.

`Rathaur, you're not realising my difficulties. I have already told you that everything is being done from the top. Do you know that I have strict directions? You are not even supposed to be given the food from the officers mess; at least.....'

`Sorry. Listen to me first. Your wife has been permitted to meet you. A few days back a letter to the effect has been sent to her... But you're not supposed to be told. However, considering your condition I am doing it. For God's sake don't tell this to anyone. Okay?'

Was not the CO a hypocrite? There was no one who came to my cell. Then who could I tell? And I said so to the CO.

The CO promised to send a telegram to my wife informing her that four of her letters had been received; and here, at least the CO kept his words.

Accompanied by her brother, my mother and daughters, my wife met me on 08 February 1979.

Seeing the human wreck that her husband was, she broke down.

present as an escort officer, was Lieut. Colonel SS Sohi, Commander EME, Hqs 16 Corps Troops, the CO. It was the first time he wore his name tag, with the help of which I learnt the name and the unit to which he belonged!

I narrated the tale of atrocities and showed all the left over marks of the grievous tortures. I further narrated how a false statement was obtained from me under the threats of eliminating me and my entire family; how at each step I'd tried to establish my innocence and how that evidence was compromised by the interrogators.

While I was narrating all about my arrest, tortures, false confession and the implication of other innocent people, my wife who was in a continuous flow of tears, asked questions from Colonel SS Sohi, if such things were ever done in the Army. The Colonel kept quiet except occasionally expressing either his helplessness or ignorance of the matter!

When she asked why the medical checkup was not done, the CO said that he had forwarded the request, but no directions were received from the higher authorities till then!!

In the army, as is evident from the army procedures, a commanding officer does not need the permission from higher Hqs for a medical examination of any person under his command. He simply refers the person to the medical authorities. Why then was the permission sought by Colonel Sohi, from the higher Hqs in my case?

The meeting was allowed for about three hours. My wife had to go back since there were no accommodation arrangements made for her.

It was surprising that the authorities did not do so. My wife was staying at Dehradun and had to come from there to a place called Nagrota, where it was impossible for her to arrange accommodation in a day or two.

Nagrota was a family station and if the authorities wished, the accommodation could have been easily made available but how then was the harassment possible to the wife of a traitor?

The authorities had taken a hostile and arbitrary approach.

A couple of days prior to the meeting there had been a little improvement in the cell. The blankets were replaced a cot was given and the light connection was restored. I was also given reading material, like magazines which were as old as two years! Still it was a great relief from the drudgery of the long isolation. Though what was provided to me must have been near the minimum living standard of a prisoner in the fourteenth century. It was certainly not for me, who lived in the twentieth... But after what I had undergone, it appeared for me like a gift from the heavens.

I would have continued living in isolation playing my improvised games, but for the fact that my wife was permitted to meet me. The army authorities did not want to disclose the atrocities being committed upon her husband, hence the change.

Before leaving Kamptee, I had told my wife, I would return within four or five days. She had also received a letter from me through Major Tandon stating that I would return in the next three or four days.

When considerable time lapsed and there was still no news about me, she started worrying. initial enquiries from the CO, Lieut. Colonel KM Nanda revealed nothing except that I was held up in Delhi due to some important work.

The Price of Loyalty – Samba Spy Scandal – By Capt R S Rathaur

A month passed and yet there was no news.

In September, 1978, there were unprecedented floods in Delhi which had caused enormous loss to life and property. Could something had gone wrong in the floods? If not then why had I not written a word about my welfare? It was unlike me considering the past! My wife was overridden with anxieties.

Her persistent enquiries to the CO revealed after one and half months that I was under close arrest in Delhi. Why and who had arrested me? It was not told.

She had no money with her, no information where to locate her husband, where could she go with her two small kids. There was nothing she could do except weep. Who could she turn to for assistance?

It was not an easy task for a lady who had never ventured outside the four walls of her house. Everything was in absolute darkness, but she decided to take a plunge in that darkness with a resolve to meet me.

Taking a cue from the CO she left Kamptee for Delhi and after wandering from place to place she was able to find out that I was arrested by Colonel Harbhajan Singh; the Commandant, Rajputana Rifles Regimental Centre.

On 09 October 1978, she went to him, but it was of no use. She was not allowed to meet me. However she obtained an address care of which she could write to me. Thereafter she left for Dehra Dun to stay with her brother who was also a captain in the army.

It was then, that I received the first ever communication from her, when the letter had been handed over by Major Jolly and Mr. Chaudhary; and she too was able to get a brief letter from me in the last week of October 1978; and continued getting a letter fortnightly.

She however could not make out why I was put under arrest. Persistently she asked in her every letter to give the reasons, but no reason was ever given. thus apprehending foul play she had assured me in one of her letters that she would go to the Defence Minister. But she always received letters forbidding her from taking any such action!

Alas! how would she have known, such letters were written under compulsion and threats imposed on me by the masters of my destiny. A destiny that had taken a dramatically serious turn, which was to completely destroy the peace of mind and reduce her to absolute destitution.

She was persistent, at the same time in her efforts. She had approached the DMI through letters seeking permission to meet her husband. In reply she kept receiving false assurances, from the authorities concerned. In his letter dated 21 October 1978, the DMI assured her. He wrote :

"Dear Mrs. Rathaur,

1. I have received your undated letter regarding your husband Captain RS Rathaur.
2. Captain Rathaur is not attached with my Headquarters. However, I have made enquiries and found out about him.
3. Captain Rathaur is in perfect health and there is no cause for you to worry on that account. I have found out and I assure you that he is being treated absolutely properly.
4. I do appreciate your worry and as a brother officer, share it also. But from what I have found out, it appears to me that it would not be in Captain Rathaur's interest if you meet him.
5. I would like to assure once more about Captain Rathaur's good health.

With all good wishes.

Yours sincerely

Sd/-

(Maj. Gen. H Kaul, AVSM)"

Such were the assurances given by no less a person than the DMI, at a time when I lay physically wrecked, nearly on my death bed.

It's ironical, my arrest was in direct knowledge, in fact on the direction of the DMI, yet he denied it.

Even if he had to deny it then why did the DMI make false and misleading assurances to a helpless lady? Why was the meeting her "that time" not in my interest? Was it bad for me or for the DMI's interest if she had met? (It was because Havildar Ram Sarup was killed on 01 October, and my contact at that time to the outside world would have given definite proof against the murder).

The answer lay in the designs of the Intelligence Directorate.

The Price of Loyalty – Samba Spy Sacndal – By Capt R S Rathaur

They were apprehensive of two things. The sacred job; that was unearthing the biggest spy ring would have failed prematurely if my wife had then met me and secondly their atrocities would have come out in the open!

She waited till December 1978. Finding no response she once again ventured and went to Colonel Harbhajan Singh.

It was 26 December when she begged the Colonel to allow her, not to talk to, but at least see me.

Colonel Harbhajan Singh after consulting some one on the telephone granted her permission. However, due to administrative difficulties she was allowed to meet me only after two or three days. She was, therefore, asked to come after three days!

And when she went, to her dismay she was asked to wait for another three four days and then finally told that I was not in Delhi, but had been shifted to 437 Signal Regiment somewhere in J & K.

Thus ended her venture in utter frustration. Broken hearted she returned to Dehradun.

And then my letters, the only source of her for passing time, also stopped coming. There was nothing on which she could pin her hopes. It was most tormenting and unbearable for her, everyone my parents and the children asked : where is our son; where is our Papa?

In reply she had only tears, and slowly the tears also left her. She became a victim of the worst mental torture that reduced her to a mere skeleton.

After returning from Delhi she wrote a personal letter to the Chief of the Army Staff. It mentioned in detail the list of harassments to which she was subjected to and a request to grant her the permission to meet her husband. If the Chief also did not take any action in that regard, she wrote, then she would go to the President to seek her rights as a citizen of India.

A similar letter was written to the Colonel, General Staff Officer Intelligence Hqs 16 Corps. And then she finally received a letter from Hqs 16 Corps, permitting her to meet me. She was overjoyed at the success of her long drawn effort. But did the joy last long?

She was shocked beyond belief to see my condition. But there was nothing she could do when we met.

I had been requesting my CO to provide me with requisite stationery, after my deposition in the court. I wanted to apprise the Chief, while there was still enough time to put the SPY TRAIN into a reverse gear, before it became too late. Ultimately my request was conceded. I wrote a letter of eight sheets and handed it over to the CO for further despatch.

In the letter after pleading my innocence, I explained in detail about the atrocities which were being perpetrated by the interrogators on innocent people. I wrote, "I always cherished the idea that the interrogation centre was like a temple, a sacred place where the innocent were segregated from the wrong doers, but to my horror I have found the Indian Army Interrogation Centres are nothing less than butcheries; human butcheries, where any live stock coming in does not go back alive. It is either, slaughtered or it dies of disease. If a person is made to stand day in and day out without sleep or rest with unimaginable beating, then a day will come when the body of the victim will refuse to endure anymore and his mind will revolt, for the human body is vulnerable to the outside force of torture and the mind deprived of any physical support, fallible. And if at that point a story, is fed to the victim, without any thought, the victim is bound to accept it." I gave a couple of instances of persons about whom I was made to cook up stories. The excerpts of such stories were quoted pointing out at the so called disclosures, to prove them as cock and bull stories.

I made a request to the Chief to put a stop to sending any more persons to the SPY PRODUCING FACTORY, to have the entire SPY CASE investigated through an impartial tribunal consisting of members outside the Intelligence Directorate. The letter was handed over on 01 February, 1979.

What happened to the letter was never known, but it remained a fact, that the factory never stopped production!

Writ of Habeas Corpus

After she met me, my wife went back to her village. On 9th February she wrote to the Chief of Army Staff, detailing in the letter, every thing that she had either observed or was told to her by me, and asked for an interview to explain in person, the atrocities which had been and were being committed on me; but the interview was never granted.

Disillusioned as she already was, and finding no response from the army authorities, Mrs. Swaran went to the Defence Minister Mr. Jagjivan Ram, alongwith the MP (Member Parliament) Mr. Ranjit Singh, of her area and submitted to him a written petition; bringing out briefly the illegalities and atrocities committed on her husband. In the petition she wrote, "These barbarous atrocities perpetrated on my husband have surpassed all the existing records available in history. This is never heard of, that a democratic civilised organisation will adopt such rough methods to insult, harass and humiliate an innocent man. It is very strange that such contemptuous things are performed in our holy land.... I would like to tell you that when my husband was not permitted to write to me or to read my letters, he was kept under most disgraceful, unhygienic conditions. Does our Constitution permit such unkind treatment?' She also enquired from the Minister in question the reasons why she was not permitted to meet me. "They did not grant the permission because they did not want me to see him in that deteriorated and tormented physical condition. At that time all wounds due to torture were fresh on his body."

In the petition as well as personally, she requested the Minister to have the whole matter investigated and give permission to get her husband medically examined.

Copies of the petition were forwarded to all concerned including the Prime Minister. Nothing happened except that she received an acknowledgement which said "Your petition has been forwarded to the Chief of Army Staff for necessary action." And of course the Chief was busy taking necessary "actions". Any further correspondence, the acknowledgement read, should be made directly with him.

She even went to Mrs. Indira Gandhi, though of course the latter had her own problems as the Janata Government was trying to crush her.

Disappointed from all sides she approached the Supreme Court and filed a writ of Habeas Corpus. Thus for the first time the matter came into the Press.

I started getting regular letters but I was perturbed to find that none of the letters written by me were received by my wife. I complained of the matter of my CO, but without results. My letters were held up because they reflected the incompetence of the commanders concerned and about the details of constitutional violations.

The authorities had found another way to continue the harassment, by holding the letters of my wife and denying her the access to information which could have been very damaging to the Intelligence Directorate.

On February 28, 1979, at about 5 P.M, Major Sharma alongwith a doctor entered my cell. He told me that a doctor had been sent to conduct my medical examination. He asked if I was willing to be examined.

It was after a lapse of exactly one and half months since my appeal for a medical examination, that the army authorities were able to spare a doctor! Was the medical examination such a serious operation that required so long a period to arrange? Was there any planning involved in simply sending a doctor? Or still, were the authorities trying to deceive me? Why did they send the doctor at that belated stage when the same authorities had not taken any cognizance of my request?

I considered the above questions to reach at a deduction :

The medical examination was nothing but an eye wash.

Sending of a doctor by the army authorities was probably the result of my wife's petition to the Defence Minister and others. However, the action of my wife was not an effective blow to cause any noticeable impact on the echelons of the army command.

It was observed by them without any efforts.

Since I was apprehensive of the real intentions, I refused to get myself examined by the army doctor. Was Captain Verma not a doctor? Verma had hinted at the way authorities were looking at me. Hence in response to the doctor's request I gave a written certificate of denial. I would have my medical examination carried out by impartial civil doctors.

I thought that the exercise of sending a doctor was planned due to the persistent letters from my wife asking the authorities to permit the examination by a civil doctor. How could such authorities allow it? Wouldn't that have exposed their shroud to the public and affect the security of the Nation? Or contrawise it would mean pointing a finger at the efficiency of the army doctors?

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There is no denying that the army has highly qualified and an adequate number of doctors!

Why when I pleaded, was no doctor made available, then?

The intention of the authorities concerned were soon realised through a letter written to my wife by the assistant Adjutant General (AAG), Lt. Colonel DN Tankha of Hqs 16 Corps. The letter which was signed on 01 March 1979, read :

"Dear Madam, 1. Kindly refer to your letter dated 09 February 1979. 2. Your husband, Capt. RS Rathaur, has been medically examined and found fit. He has been provided full medical facilities including attendance by a medical officer and there should be no cause of anxiety for you."

This letter was marked as CONFIDENTIAL!

Two things emerge from the contents of this letter. One : there had been no medical facilities given to me earlier; Two : there was a requirement of a doctor to attend to me regularly.

If that was not so, the letter would have not been written as it was, notwithstanding that the assurance was only in paper. Practically neither the medical examination nor the facilities of a doctor were given to me.

Couldn't the authorities inform my wife that I had refused for me medical examination, instead of issuing a fake letter? Where was the requirement to act dishonourably?

My wife got an opportunity in the first week of March to meet me for the second time. She had come to Nagrota to depose in the case of Sepoy Karam Singh.

The incident took place at the instance of the defending officer Captain Chaturvedi. I had stated while deposing, that I was on leave during the alleged period. So to have this statement verified, I had sent a written message through the brother of Karam Singh, to bring any material proof to show that I was in my village, on leave, during December '75 and January '76.

Following this, Shri Hem Raj the shopkeeper and Roshan Lal the secretary of cooperative society had come and deposed.

During my wife's visit she told me that she had approached the Defence Minister, and about the representations that she'd filed to various other dignitaries.

I was pleased with her efforts. I told her about the doctor who'd come to carry out my medical examination and that I had declined to get myself examined by the army doctors, as I was apprehensive about their attitude and their intentions.

After her return to the village my wife found the above letter of the Corps Hqs sent by AAG, Lt. Colonel DN Tankha. It was this letter which made her lose faith in the army authority. It could be, that they were afraid of their atrocities becoming public.

Whatever it was, she realised the things were not moving as per the law. Thus forced by the unconstitutional actions of the military dictators, she had filed the writ with the Hon'ble Supreme Court at the end of March 1979. The court while admitting the writ issued notice to the Union Government and Director of Military Intelligence, returnable by 3 April 1979. The court also gave her the right / liberty to apply for the production of her husband by 04 April 79. This was reported by all the news papers, in India.

The news was given to me the same day by the CO, who looked very worried. From his talk and his actions the CO conveyed an impression of complete innocence against atrocities and illegalities which were being perpetrated upon me under his command. He said, 'The people who have wronged you will pay for their deeds. Rathaur tell me, have I not given you full cooperation? You see everything was being controlled by the Corps Hqs I have nothing to do with your case. You must understand my position. Right? You know I went out of my way to send a telegram to your wife informing her that you have received four of her letters. That was on my own initiative the Corps Hqs does not know about that?'

'Well, sir, I really thank you, for that,' I believed what the CO told me.

'By the way you'd asked me to permit you to sit in the sun. That has been now clarified. I have been told, you can sit in the sun for an hour daily. Okay?'

'That's fine I am grateful to you, sir. But I don't need any sun during this season of the year, Instead of this, I will now request you whether the ceiling fan can be made functional?'

'Of course it can be done but I suggest you utilise the time given to you for exercise. In your state of physical debilitation it would do you good,' The CO suggested, and before leaving he stressed upon me not to tell anybody that he had disclosed the news to me!

Under the excitement of good news I raved. I could not sleep the entire night. I read and re-read the news that had appeared in the paper, specially sent for me by the CO, till I could remember each word by heart. I imagined and pictured the future, the way I thought it would happen.

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Overcharged by my emotions and unable to control them, I started praying while I cried out my heart to God.

The next day, I found my wife reflecting a contented happiness over her success. But was she successful?

Since the court had given the liberty for the production of her husband, my wife had applied accordingly. Hence she returned to Delhi the day after of her arrival in Nagrota.

We expected to meet on 04 April. By April 3rd I was very hopeful of being sent to Delhi, unaware, that this time also, my hopes were to be dashed to the ground as usual. I kept waiting hopelessly to be shifted. When I found there was no hint of any action being taken in that direction, I once again went into morbid depression, wondering why I was not shifted to Delhi. I wanted to find out from the CO the reasons, instead he became once again, hardened in his attitude, as he had been earlier.

On 9 April '79, the doctor who had earlier come for my medical examination, and whose name I later came to know as Captain Asis De, came accompanied by the CO.

The CO said that I was required to be examined medically. I apprised the CO that I had already refused to get myself examined by any army doctor. But the CO insisted that the "particular" medical examination was required in connection with my trial, which was being held shortly.

I was carried away by the news. I was very happy thinking the day had come when I would bring out the whole conspiracy in the open. I conceded and the medical examination was carried out. Helping the Medical Officer in the examination, was Lt. Colonel SS Sohi, an officer from the Electrical and Mechanical Engineering (EME) branch of the Indian army!!

The medical examination was not carried out, for the purpose as was told to me. In fact the report was to be produced in the Supreme Court. The report realised my apprehensions about the credibility and impartiality of army doctors. It was simply a report.

My medical examination was of a clinical nature. Captain De was not qualified to conduct such an examination. The maximum he could do was to refer me to a specialist.

Captain De did not think it appropriate to do so. Was he pressurised from the top?

On April 11, 1979, my wife was back in Nagrota. She met me and told me the reasons why I was not produced in court. During the transit I could be killed by either my accomplices or the Pak

Masters! The Solicitor General had contended on behalf of the army, and the court would not take the risk.

Dismissing the writ the court observed that since my GCM was already in progress, the writ had become infructuous. However the court upon the complaint of torture, gave its directions Justice should not be actually done, but it must appear to have been done. In the circumstances therefore, if the petitioner makes an application to the military authorities for getting the detainee examined by the Principal Medical College Jammu, the said authorities will seriously consider the desirability of doing so in order to illustrate the principle that Justice must appear to have been done. Such examination by a civil doctor should not be taken as casting any reflection or aspersion on the impartiality or competence of the doctors of the Military department. Nor shall this be treated as precedent in other cases."

With these observations the petition was dismissed on 28 April. There were two striking aspects. One ; the writ of Habeas Corpus was heard *in camera*, probably for the first time in the history of such writs. Two; I was never produced in the court even after the highest court of the land had given liberty to the petitioner and the court declared the writ as infructuous on the grounds that the trial was already in progress. The trial had not started when the writ was filed and the same was admitted.

My trial was held on 17 April 1979, whereas the writ had been admitted on 28 March and at that time there was no possibility of commencing the trial. In fact the Solicitor General himself was not sure when the trial would commence. When the Hon'ble Judges asked him to specify, the dates of GCM was initially given as May, then advanced to April 1979. In April too, he changed two dates and gave 17 April as the date, after pressure from the court.

Why the Hon'ble Judges of the Supreme Court declared the writ as infructuous and allowed the trial by the GCM? May be they considered the matter and refrained from interfering in the army matters affecting the security of the country! Alas! if only the writ had been allowed and the case decided by the Judge of the Supreme Court. But it was not to be!

A counter affidavit filed by the Army authorities was completely false, but the counsel for the petitioner Mr. Danial Latif could not argue, possibly without correct information. And the correct information was not known to Mrs. Swaran Rathaur the petitioner! It would have been a different matter had I been allowed and produced in court in person.

The Death of Democracy

October 02, 1978. It was a fine morning before dawn. The cool breeze was soothing and pleasant before the approaching scorching heat of the day. The dim street lights were showing last glimpse of their pale glow and the people were enjoying their last snatches of slumber.

It was calm and pleasant, disturbed occasionally by the barking of stray dogs. But the police patrolmen, were pounding their beats with heavy thuds due to the night's tiresome job while returning to their respective police stations.

It was then that one of the two patrolmen of Sadar Police Station of Delhi Cantt, stumbled over someone lying by the road side. 'Who's there at this time,' The patrolman enquired while abusing. However there was no response. He touched the lying person in an enraged temper. But alas! the person was ice cold and stiff, it was a corpse.

The patrolman examined and it was found that the person was a victim of some gruesome crime. Leaving the other to guard the corpse, the patrolman rushed to the Police Station and informed the Senior Officer.

The police officer reached the spot and conducted the procedural investigations. An examination of the body revealed that it had multiple injury marks. The person was beaten mercilessly and thrown on the road side as if it were the body of a stray dog.

The police officer in an endeavour to fix the identity searched and found a chit in the pocket of the deceased. It revealed that the man was number 576833 Havildar Ram Sarup of Field Security Section, at Red Fort Delhi and was the resident of village Udaka, Tehsil Nuh in Gurgaon district of Haryana state.

The police officer after having completed the initial formalities required for the inquest, sent the dead body for post mortem.

The information was sent to the army authorities and a constable despatched to the deceased's village to convey the news of his demise to his near and dear ones.

How did the body of an army personnel come on the road and who had kept the chit in his pocket?

Havildar Ram Sarup was the only son of his aged parents. He had a wife and two small children. He had joined the Indian Army Supply Corps in late fifty's and later, had got himself transferred to the Intelligence Corps. In the Intelligence Corps Ram Sarup had acquitted himself well and in the last year of his service, had obtained a home posting in Delhi, with the aim to straightening out his domestic affairs before retirement.

Ram Sarup had gone on casual leave, when on "Janamashtmi" Nain Subedar Om Parkash of his unit, went to the village to recall him. It was over a month since he had been recalled. His wife, children and parents were eagerly waiting for him to come on leave.

Instead the unfortunate family received a police constable from Sadar Police Station Delhi Cantt, who gave the news of the sad demise of Ram Sarup and asked them to collect his body from the police mortuary.

The news was the biggest blow to the parents of a lone child. It was also the end of the world for the young widow of the deceased.

The news was a fact, but none were prepared to accept it as the truth. How could a young and healthy person like Ram Sarup die without any cause? And of course the real cause of the death was suppressed in connivance which was a result of ignorance and short sightedness of a person, at the helm of affairs of India.

The father, along with a few elderly persons of the village left for Delhi to collect the dead body.

A few days after he was recalled from leave Ram Sarup was taken to interrogation centre and was confronted with me.

Subsequently when I was tortured to implicate him, he was arrested and attached with an Arty unit and from there, was brought to the interrogation centre on 26 September. He was fated never to return and see the light of the world.

It was too much for Ram Sarup to sustain the brutal torture so as a result he succumbed to the cruel atrocities on 01 October 1978. Not knowing what to do, the tyrants, in a bid to escape responsibility, in consultation with the DMI or possibly the Chief, threw the body of Havildar Ram Sarup on the road under the cover of darkness. It was presumed that some vehicle would run over the body and thus the heinous crime of the interrogators would never be known.

However, the plan failed. The body was found by the police and they conducted a postmortem. There were 39 injury marks including electric burns on the body.

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The authorities were puzzled and scared too, their cover was about to blow away. But was it?

The body was taken over by the army authorities for obvious reasons. They wanted to and were successful in keeping the abnormal circumstances of the death in the dark.

After having taken over from the police the body was kept in Army Base Hospital's mortuary. The Intelligence authorities wanted to destroy all evidence by cremating the body. As a rule the body should have been handed over to the next of kin for the last rites. But Ram Sarup's next of kin were not lucky enough.

Major Midha the officer commanding the unit of the deceased was approached and pressurised to collect and cremate the body, but he refused.

Ram Sarup was no longer under Major Midha's command, following his arrest in September. Ram Sarup was attached to 76 Medium Regiment. The Regiment detailed a JCO to collect the body of the deceased but the authorities at the mortuary refused to hand over the body to any one except the relatives of the deceased.

The matter was then taken up with Brig. T.s. Grewal (who had been promoted) of the MI Directorate. The relatives of the Ram Sarup had already arrived at the mortuary to collect the body. Major Midha informed the MI Directorate accordingly. Soon after Major Midha received a message that the body had to be handed over to the Military Base Hospital to ensure that it was cremated; and he was asked to confirm by telephone even if it was late at night. The order was duly complied with. And thus the family of the Havildar was denied even the last glimpse and the right to cremate his body. In this case three postmortem were conducted - one by Delhi Police and the two by Army Authorities of Base Hospital Delhi Cantt. The report by Delhi Police and Major (Mrs.) Indira Pahnani showed 39 injury marks antemortem. But the one by Major Mathur of Base Hospital falsified these reports. He observed the death was due to drug addiction!

Later, to complete for paper formalities a court of inquiry was instituted by the army authorities, inspite of the fact that the case was registered by the Delhi Police after their inquiries against some officers. The Army did not want any investigation but the police insisted. The matter went up to the Home Minister who wanted the case to be handed over to the police for investigation. The Prime Minister agreed with the Home Minister and directed the Army Hqs to hand over the case to the police.

The Prime Minister's instructions caused considerable worry to the MI Directorate which, feared that the police investigation would bring to light what the others would call a skeleton in its

cupboard. The handling of the security suspects in the Samba spying case would also be exposed to the public which might provoke strong criticism of the Directorate. A top level meeting of senior army officers was held and a decision was taken to tell the Prime Minister about the hazards, the security of the country would face if the police investigation was not stopped. The Prime Minister was accordingly informed and misled by exaggerated accounts of the dangers of spies to the security of the state. How did it matter if one of the numerous spies had died at the hands of interrogators, while they were trying to flush out the spies and purge the army!

Instead of charging the interrogators with murder they were awarded in the form of promotion and for exceptional courage!!

The Prime Minister, Mr. Morarji Desai a great servant of the poor, as it is claimed to be, and a great humanist had given amnesty of prosecution to the interrogators for their excellent job of killing a spy, Havildar Ram Sarup.

At the court of inquiry, Major Midha was called as a witness and was pressurised by the Presiding Officer to depose that the Havildar was an addict of hashish and heroin. Those responsible for the death wanted to prove it was a natural death, probably due to an overdose of these drugs, and the injuries, were probably the puncture marks. The Major did not give in the pressure. He deposed what the truth was.

His evidence was not recorded in the proceedings. The death was declared as natural and the matter was hushed up. Major Midha of course had to pay for his arrogance of defying the authorities. He was arrested for spying and taken to Udhampur.

At Udhampur while in the solitary confinement of the staging camp he was pressurised by Brigadier (Later Major General) PM Pasricha to implicate major General K Gauri Shanker and a number of other senior officers. As the reward, charges of espionage against him were to be dropped but the Major preferred the charges instead.

Later when the wives of affected officers made the matter public, a second court of inquiry to ascertain the cause of the death of the Havildar was conducted. It was done at the direction of the Defence Minister, Mr. Jagjiwan Ram. However, that too was a mere eyewash.

Army authorities have no jurisdiction to conduct any court of inquest. Nor is any person of any branch of the army qualified for the job. The responsibility is solely that of the civil police.

If any person subject to the army act dies except in war or in field area, the death is reported to the police immediately for further action. It is then the responsibility of the police to conduct the

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postmortem and complete the investigation under section 174 of the Code of Criminal Procedure in case the death is natural. If, however, there is an evidence in the form of abrasions or injuries on the body to suggest that there was violence, a case of murder under section 302 of the Indian Penal Code is registered. And if the death of such a person is caused due to a rash or negligent act, a case under section 304-A of the IPC is registered and further investigation is made. The case is then handed over to the court for a trial. The police did their job but the army prevailed even when it had no jurisdiction. And thus in this democratic state legal safeguards provided to a citizen under the Constitution were allowed to be violated openly from the TOP, in a manner which probably does not happen even under a dictatorship!

Subsequent representation by the aggrieved family fell on the government's deaf ears.

Havildar Ram Sarup's case was not unique. Such rights were violated and people tortured almost to death in most of the cases.

The interrogation Centre at Delhi had only six cells. Therefore, not more than six persons could be interrogated at one time. Whereas the number of spies were increasing in geometrical progression.

In order to accommodate larger number of spies, special cells were constructed in a record time of one month in Jammu, Nagrota, Udhampur and Janglot.

These camps had a special touch of the Nazi Concentration Camps. The treatment of the confined persons in these cells was a harrowing tale. The cells were fully enclosed and measured 8 feet by 6 feet. They were painted black and were without basic amenities. Not a ray of sunshine was permitted inside the cells.

No books, not even religious books were allowed, despite several requests to the authorities. The cells were infested with all kinds of insects, mosquitoes and bugs. All sorts of atrocities were committed in these camps.

These were obviously the staging camps. As and when a cell in Delhi was vacated, an unfortunate victim from the camp was moved to the slaughter house, where he was tortured physically till he either died or admitted to being a spy.

No one, not even the General Officer Commanding, under whom the officer and other ranks were confined in the camps, and by whom the investigations of their cases were supposed to be conducted, knew what the case was. Forwarding an application, of one of the arrested officers to the Army Commander, the letter from the Hqs of the GOC read :

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"1. An application dated 28 Feb 1979, in respect of IC 23451N Rank : Captain, Name : N.D. Sharma at Hqs 26 Inf Div addressed to GOC-in-C Northern Comd is fwd herewith in duplicate for further action please.

2. No comments are offered as the case is not known to this...."

A Divisional Commander convenes and confirms the punishment passed by the GCM. But here was an example that the GOC of a division of Indian Army did not know even the case of persons arrested and detained under him for spying!

Probably the only persons who knew were the DMI and the Chief of the Army Staff, General OP Malhotra, PVSM.

In reply to another request of one of the other arrested officers the GOC wrote :

"1. I am in receipt of your letter dated 06 Feb 1979. You will appreciate that the nature of investigation in which you are concerned is outside my jurisdiction and consequently there is little that I can do at the moment.

2. When investigations are complete, I assure you justice will be done."

Surely, the GOC was aware that once the investigations, as they were being conducted, were allowed to be completed there was no question of any justice!

4 It was very clear how the investigations as per the AA and AR were conducted. Yet here was a GOC, let alone the Commanding Officers, who felt the conduct of investigations was outside his jurisdiction. How did he then assure "justice will be done"? Was it not a fact that nothing was under the jurisdiction of any one except the CHIEF and the DMI?

The persons in the slaughter house were deprived of all rights and remedies after being inflicted the most horrendous tortures, as if the Constitution and the Jurisprudence had become obsolete. Such atrocities were committed upon the victims that anyone could challenge any claim to India being a civilised nation, with due regards to human dignity and decency, the treatment meted out to these unfortunate officers and men, was a testament to the animals that even civilised beings can fall!!

The whole affair brought the memories afresh of the atrocities committed by HEINRICH HIMMLER of the SS and Chief of the Nazi State Police, who was an incarnation of Satan in the

guise of a human. And why only he, I thought. Were there not others in our nation, among us, wolves in a sheep's skin?

It was shocking, how loyal and sincere people were eliminated namely the generals of Hitler's army under false charges of treason. Their torture was horrendous. Were those tortures anymore severe than the ones by the Gestapo of the Indian Army Intelligence? Here too attempts were made to falsely implicate generals and other senior officers. Then what was the difference I analysed, between the two? Surely one was inhuman in case of those who suffered in their fatherland, but barbaric in the case of those who are suffering in their motherland. There is a marked difference between the two: That was under DICTATORSHIP and this under DEMOCRACY! It was a death of the democracy, I concluded.

The Trial

On April 12, 1979 two letters were handed over to me in the afternoon. One was an official notice. My trial was to commence on 17 April; vide other, the charge sheet was served on me and I was given a copy of the S of E.

It was thus, since my arrest, I was given a copy of the charges for the first time.

On 06 April also, I was approached and asked to submit the name of any officer, to be my defending officer, but no date was specified when the trial was to commence. Accordingly I had submitted a list of such names.

Subsequently, I was told that the officers mentioned as per the list, were not available and I was asked to submit fresh names, which I did. I received a reply that none of the officers given by me in the list, were available. They asked me, 'You may like to give a choice of some other officers, which may be intimated to this HQ. However, a defending officer will be provided to you in case of non availability of the officers of your choice.'

Since it is a right, it becomes incumbent on the convening authorities to provide such officer given as a choice by the accused.

It was surprising that the army authorities were finding it difficult to make available one officer to me, of my choice from the list of names given. 'Could this be a coincidence or is it a preplan?' I thought.

I furnished a fresh list and wrote categorically "... if still no officer of my choice is available, then I will go without one. But I shall not accept any officer who is detailed by the authorities".

As a result of this denial, I was given Lieut. Colonel JD Desai as my defending officer.

Colonel Desai, a Rimollian was an intelligent, fearless and highly outspoken officer. The added advantages for me, having him as my defending officer, were immense. No one knew me better than him. I had served under Colonel Desai as the Adjutant of the battalion. Hence he knew me very closely. Once Desai was sure that I was not involved in the espionage case, he would spare no efforts to protect me from the conspiracy. And sure enough when the time came, he proved his mettle. He did not fall in line as desired by the higher commanders. And it was probably for this reason that Colonel Desai received an indirect punishment and had to perform menial jobs of

a peon. He was made to serve summons in person to the defence witnesses; a responsibility of the prosecution!

Nothing was more ridiculous than detailing a Lieut Colonel, a fairly senior rank in the army hierarchy, for a task which was always done by an office runner! No worse degradation of this rank can be visualised. Factually, it was meant to humiliate the defending officer. But did the defending officer feel so? Probably no. No one can ever humiliate a person of integrity and moral courage, by such actions. The rank of a Lieut. Colonel was abused and a precedent was set of sending an officer of a Colonel's rank to deliver the documents!

No one is to be blamed, from outside, for lowering the image of army officers. Some of them, rather most of them, like the AAG Colonel D.N. Tankha are always responsible for bringing the state of officer cadre to the lowest ebb of degradation and undermining their morality by such actions!

I hurriedly went through the S of E to find out who the witnesses were, and what they had said against me. The witnesses were :-

a) Captain Sudhir b) Gnr Aya Singh; and then there was a copy of one of my many statements obtained from me in the interrogation centre and another admission of my having made the statement.

That was the evidence according to which I was being arraigned on the charges of espionage.

For the first time the mystery of the identity of KSS was solved. KSS, in fact was Captain Sudhir, an Intelligence Officer of one of the intelligence and Field Security Companies. Looking at his personal number I found that Captain Sudhir was years junior to me.

Why did the military intelligence Directorate detail such a junior and inexperienced officer like Captain Sudhir? And then gave him so much power! I was wonderstruck.

I also found out "Mr. Chaudhary" was Major PS Solanki, an officer from the GSI (b) of MI Directorate. The only witness was Gnr Aya Singh. I read the statement and thought, so it was from the statement of Gnr Aya Singh that the confession was dictated.

It was a verbatim statement that was dictated to me with very few alterations and exceptions. In the opening para, Gnr Aya Singh had stated, that he was taken across the border by Gnr Sarwan Dass, a Pakistani agent, sometime in April 1974. Thereafter it read:

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"... On my return from Pakistan I took Sepoy Ajit Singh of 527 Int and Field Security Company, across the border and introduced him to major Khan.

During one of my visits Major Khan asked me if I knew Captain Rathaur. I told him that I knew Major Rathore of 3 Dogra, but Major Khan categorically asked about Captain Rathaur from Intelligence, working in Samba. I did not know and I asked Khan if I should contact him. Major Khan declined and asked me to bring Captain Nagial instead. Captain Nagial was related to me.

On my return I checked up from my wife, who was a niece of Captain Nagial about Captain Rathaur. She told me that Rathaur was a friend of Nagial and serving in Samba as an intelligence Officer, She knew Rathaur because she had been brought up at Nagial's house.

I had found out about Nagial's willingness to work for Pakistan. Consequently on 17 July 74 we crossed over the border. While returning Nagial disclosed to me that he had been given the task of bringing Captain Rathaur. Accordingly we discussed and made a plan to lure him into smuggling and then deceive him to go across to Pakistan....."

And it was according to his plan that Nagial is alleged to have tried to lure me into smuggling and I had categorically denied to participate, terming the act as antinational and unpatriotic. Consequently a second plan, to lure me with sex and wine was made out and according to the confession, as well as Aya Singh's statements, was executed successfully.

The statement, thereafter was similar in content to the confessional statement; except that there was a variation in the route.

"..... We reached Ramgarh and from there we drove to Kese-Kamore and then turned to Palota. At Palota the taxi, as per plan, was declared defective."

"We have found out, the details given by you are wrong but whatever you have told us will not be disclosed, everything will remain with us..." I remembered the statement of Chaudhary alias Major PS Solanki, and was happy that only very little had been changed.

I do not know whether it was the generosity of interrogators or the confused state of their minds, that vital facts given by me in December 1978, did not have much changes except in the route. This was not known till the court, where while deposing, Gnr Aya took a plunge and contradicted his own statement given at the S of E that we went ahead to Bhamo Chak, a village South of Palota and near the international border. It was done on the tutoring of the interrogators. Probably they had realised their mistake and corrected it when still there was time!

I further scanned Gnr Aya Singh's statement and read : "... After that I rejoined my duty in the unit. Though I had overstayed the leave granted to me, no action was taken against me. This became possible because my Battery Commander (BC) Major Gallawat was also a Pakistan Agent. I had carried a message for him from Major Khan. In the message Major Khan had told Major Gallawat to see that no action was taken against me."

Gnr Sarwan Dass had also overstayed his leave but he was court martialed and sentenced to six years RI in military prison. I knew this because Sarwan Dass and I belonged to the same unit...

In April 1975 Sarwan Dass rejoined his duty from the military prison. One day we discussed about our spying activities. He was not happy over the money we used to get in comparison to the risk involved and he suggested that we act as double agents. But I told him that the risk involved was very serious as some of our Intelligence officers were working for Pakistan. When he asked who the officers were, I told him about Captain Rathaur. But I did not tell anything about Nagial.

Later we were arrested. I was kept in 5 Sikh Li near Jammu. One day I ran away from the unit Quarter Guard (QG) but was rearrested the following day.

In the unit QG Sepoy Ajit came to me and gave me Rs. 150/- saying that the money was sent by Captain Rathaur and that he had conveyed to me, not to give away the name of anyone... From there I was sent to Delhi for interrogation. In the course of my interrogation I disclosed the name of Captain Nagial. Thereafter, I was attached with 4/1 GR at Dharamsala. Nagial was arrested following the disclosure of his name, interrogated and attached to the same unit.

At Dharamsala Ajit once again came to me and told me that Rathaur had sent him asking me not to give away his name even if I was called for re-interrogation. He had given a promise to fight my case whole-heartedly.

But during my re-interrogation by Captain Sudhir, I disclosed to him the name of Captain Rathaur in March, 1978.

It was written in the end of his statement, "I wanted to clear my conscience as I had realised the damage we have caused to the nation."

Having read Gnr Aya's statement, I scanned what Captain Sudhir had to say.

"For the first time Captain Rathaur's name was revealed to me in March, 1978 through Gnr Aya Singh, whom I had interrogated, as one of his accomplices. I reported the matter to my superior officer.

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In August, 1978, I was called to Army Hqs GSI (b). There I was told to go to the Intelligence "Residential Complex" (A refined term for the slaughter house) and to question an officer who was suspected of spying.

The next day I found out that it was Captain Rathaur. I appealed to his sense of patriotism and he came out with a "confessional" statement. Thereafter I went back and reported the matter to my superior officer and requested him that since Rathaur was willing to give a voluntary statement incriminating himself in espionage, I should be given two independent officers to witness the recording. Majors S.C. jolly and PS Solanki were detailed, and accordingly Rathaur wrote a "confessional statement" which has been attached as appendix to the S of E".

The third statement was my own recorded by Major Satpati on the night of 01/02 January 1979. It was amusing that though the statement was my own, but I did not know what the contents were! I read : "The confessional statement given by me to Captain Sudhir on 31 August 1978, comprising of 21 pages, written in my own handwriting is correct. I plead guilty. But I request that a lenient view should be taken, keeping in view my young wife and two children."

And this was the evidence which was supposed to be produced in the court! Strictly speaking the statement of Gnr Aya Singh was the only material and the basic evidence upon which the Army Chief General OP Malhotra, had ordered my arrest!

Was the DMI wise to put up the statement of Gnr Aya Singh without any consideration of the facts disclosed therein, to the Chief of the Army Staff? Was it to the experience and position of the Chief to sanction the arrest of an officer merely based upon the statement of a confirmed PAK AGENT?

Then came the question of hiring a lawyer. Once again the burden fell on my wife. To her dismay and horror she learnt that no advocate was prepared to take up the case. "Since in the army the courts do not allow the ethics of civil law, in fact it does not understand what that law is, we do not take army cases,' was the general comment of every lawyer contacted by her. However, with persistent efforts she was able to engage Mr. RP Sethi an ex Additional Advocate General of the J and K state.

The trial was to commence on 17th April and with difficulty the lawyer was able to spare some time on 15 April. He came to meet me at the place of my confinement in the evening. But Lieut Colonel SS Sohi the CO treated the counsel very badly. The counsel was so humiliated and harassed that he refused to take up the case. However, the situation was controlled by the wise and timely intervention of Colonel Desai, but it proved a great set back. The counsel never once

came to meet me in custody. I could not brief the lawyer properly in the preparation and arguments of the case. It was not that Mr. Sethi left any stone unturned to prove the charges as false and baseless. He was successful in proving my innocence beyond any shadow of doubt. Still a handicap was created.

The Prosecution Case

When the court assembled for the trial, I challenged the jurisdiction of the GCM to try me for the charges on which I was arraigned.

I was charged with, committing a civil offence under section 69 of the Army Act read with section 3(1)(c) of the Indian Official Secrets Act. The charges were two. In both charges Pak Kandal was the base!

The Indian Official Secrets Act was not applicable to the state of Jammu and Kashmir, was the first ground for challenging the jurisdiction.

In the Army any person subject to its act committing any civil offence other than rape and murder is subject to trial under section 69 of the Army Act. The definition of a civil offence, in the said Act is; "Civil offence" means an offence which is triable by a criminal court. And according to the definition of Criminal Court as per the same Act; "Criminal Court" means a court of ordinary criminal justice in any part of India; (Auth: Ordinance No. 3 of 1975).

An offence under the Indian Official Secrets Act Section 3(1) (C) cannot be tried in the court of an ordinary magistrate, meaning the court of ordinary criminal justice. Therefore the same was not a civil offence within the meaning and scope of section 69 of the AA. The GCM constituted to try me was illegal and without jurisdiction, was the second ground of challenge.

The third ground was signing of the charge sheet by Lieut. Colonel SS Sohi. He could not be presumed to be the CO of the accused. Because neither had the alleged offence been committed under him nor had he carried out the investigations of the case. My S of E was recorded in his absence by Major Satpati. Major Satpati was not competent to record the same, as he was neither the officer commanding nor was he under the command of Lieut Colonel SS Sohi. According to AR 23 only Colonel SS Sohi could record my S of E or the CO could direct any other officer to do so on his behalf. And the directions can only be given by a commander to a person under his direct command. Since Major Satpati was not an officer under the command of Lieut Colonel SS Sohi, the recording of the S of E by Major Satpati, on which the charges were framed, was illegal; was the fourth ground on which the Jurisdiction was challenged.

The court after some deliberations overruled the challenge and proceeded to try me.

For the safety and the security of the state, the court decided to hold the proceedings incamera!

The place, the duration and the authorities responsible for my arrest and custody were dubiously and surreptitiously suppressed despite repeated efforts of the defence counsel and the court to find out from the prosecution witnesses namely Captain Sudhir, Major S.C. Jolly and P.S. Solanki.

It is obvious for a person obtaining such an important confession, as was alleged to have been given voluntarily by me, to read its contents. Yet, surprisingly, none of the witness said that they had read it. They all denied any knowledge of the contents of a statement on the basis of which the Prosecution demanded the conviction! These were not read even by Captain Sudhir, who said, he had appealed to my sense of patriotism!!

There was no answer either, when the court asked Captain Sudhir why was he detailed to interrogate me, a far more senior officer in service and experience in the Intelligence than Sudhir, especially since Sudhir had no requisite qualification in the art of interrogation.

Not only in Army but in any branch of the Intelligence it is common knowledge and a basic requirement of follow the essentials of an interrogation. An interrogator must have sufficient experience in the work of interrogation. Apart from such experience the interrogator must have a "superimposed personality" over the person being interrogated. Otherwise in all possibility the interrogator would find himself being interrogated; unless of course, the interrogation implied massacre, as had been the case with me.

Why was an inexperienced officer who was junior in service, detailed to interrogate me? Who was the person responsible for taking such a dangerous step? Were there not any senior officers in the MI Directorate? "And Sudhir, how come you were able to appeal to the sense of Rathaur's patriotism and talk him out instead of him talking you out". Such were the questions asked by the court which remained unanswered.

Interestingly a suggestion was extended, that Sudhir was misled by gnr Aya Singh who was still serving the interest of Pakistan by involving innocent officers and men of the Indian Army, in false cases of espionage. Captain Sudhir defended Gnr Aya Singh, and said that the suggestion was incorrect.

How and on what basis Sudhir went to defend an admitted agent, against an officer? How did Sudhir vouch for the character of a profligate like Aya Singh?....

Under the expert cross examination of Mr. R.P. Sethi, Captain Sudhir could not hold on. A time came when instead of answering a question he started counting his fingers and looking at the ceiling.

Major S.C. Jolly admitted his knowledge of me having operated class A sources and also the fact that he himself used to brief and debrief these sources. However, he admitted so, with a great amount of hesitation. Probably he visualised that there was no escape from facts and was forced to admit it. He deposed that he had gone to Delhi in the Army Hqs while he was asked by a "superior officer" to go and witness the recording of a confessional statement being written by an officer voluntarily, at the Intelligence Residential Complex. When he went he found it was me whom he already knew so he advised me not to write and if I still wrote it, it would go against me. Since I was insistent to clear my heart. "I witnessed the recording and signed as independent witness." He admitted that he had no knowledge of what was written in the confessional statement.

Major P.S. Solanki also deposed as regard to witnessing the recording as an "independent witness". He too like Jolly, was detailed by a "superior officer". Who the superior was, the name was not revealed by any one. Like Jolly, Major Solanki also did not know the contents of the confessional statement as he had not read it. Nobody knew where I was after 31 August 1978.

Seeing their house of cards collapsing, the army authorities introduced fresh witnesses.

I was clever enough and able to learn certain facts, despite my emaciated mental and physical condition, on the basis of which I expected to prove the statement as involuntary and a direct result of the torture. As per the confessional statement I was, supposed to have passed the details of certain exercise to Pakistan FIU in July or August 1977. One of the two charges levelled against me was concerning passing of details of these exercises. Factually the said exercises were conducted in May 1978. If the exercises were conducted in 1978, then how could I have passed the details of these exercise in 1977, was the question which probably caused insomnia to the concerned authorities. But nothing is impossible for people who are in authority, who are without any intellect for reasoning and first rate cowards, to face the consequences of their blunders.

Major RK Bajaj, an officer of my unit was called as a prosecution witness, and made to depose that though the alleged exercises were conducted in 1978 but due to the similarity of names of the exercise which were conducted in 1977, there was a general confusion. The exercise which were referred to by the officers of the division, were those exercise which were in fact conducted in 1977.

Probably the prosecution wanted to establish that I had mentioned the names of those exercises in my statement under the confusion which was created due to the similarity of names and that the confession was in fact voluntary!

This was obviously thought of and fabricated at the instigation of either the DMI or the Chief of Army Staff himself who alone could pressurise the Divisional Commander to send officers under his command to depose falsely.

The deposition by Major Bajaj was completely false. There was no confusion as he had stated, nor was there any scope for such a confusion. Otherwise also, Major Bajaj was a Captain at that time only a second-in-command of Rifle Company. And maximum an officer in that appointment is required to know, are the events of the unit to which his Company belongs. Also it is very rare for such an officer, in the first place, to come in contact with other officers of the division when such exercise are conducted and in the second, there was no need at all to confuse the names of exercise being conducted in 1978 with those that were conducted in 1977. Apart from this fact, Major Bajaj was away on a Quartermasters Course, at a time when the so called confusing exercises were conducted!

The saddest and the most painful aspect of the incident, for me, was the fact that it was my own Regimental Officer who deposed under the oath knowing fully well that his statement was false! I, could do nothing except laugh at the degeneration of the morality of the persons called army officers!!

Major Bajaj, however could not give the details of exercises, except the confusing names, nor could he state whether any part of the exercises was prejudicial to the safety and security of the state. probably this was left for the members of the G.C.M. to take "judicial notice" of military matters!

While reading the statement of Gnr Aya Singh I did not understand why Aya Singh had said, "... But I told him the risk involved was very serious as some of our Intelligence officers were working for Pakistan. When he asked me who the officers were, I told him about Captain Rathaur, but I did not tell him anything about Captain Nagial..." Infact I had laughed at that ambiguity. How could there be any risk if the Intelligence officers as alleged, were involved in spying? It becomes rather easier for persons like Aya Singh to operate more freely, I had thought.

I was to learn that nothing was ambiguous. Everything was worked down to the minutest detail; with precision. Possibly efforts were being made, at the time when aya Singh's statement was

recorded, to induce Gnr Sarwan Dass, as a prosecution witness. Why his statement was not recorded at the S of E was not known.

A notice was issued to the Defence Counsel about producing Gnr Sarwan Dass as a witness with a brief, what the witness was to depose. It read :

"He and Gnr Aya Singh were serving together in 253 Med Regt. Sometime in 1975 gnr Aya Singh disclosed to him that Captain R.S. Rathaur was working for Pakistan. He further stated that he started working for Pakistan in 1975 and knew Captain R.S. Rathaur. He introduced Aya Singh as a Pakistani agent on 20 March '74. In July '75 he escaped from custody while travelling on a train near Jullundur under escort and crossed over to Pakistan via RS Pura sector. Sometime in early Jan '76, while he was at Lahore awaiting to be operated, for skin grafting to change his appearance (Plastic surgery), for subsequently planting him as a Resident agent in India, he went to Sialkot and was staying in the officers accommodation. One day while in Sialkot when he went to look up the ailing Major Khan, he was told that two sources from India namely Captain R.S. Rathaur and another person accompanying him had just arrived at Pakistan Post Kandral and since he was not well, he (Sarwan) should represent him and receive these sources to Sialkot. They were debriefed by Major Khan. The other person he came to know was Captain a.K. Rana. After the briefing, he escorted them back to Kandral."

While deposing in the court Sarwan Dass said, 'I was allotted a bungalow in officers lines near Major Khan's residence. It was two or three days before 13 January 1976, that Major Khan sent one of his JCOs, and asked me to collect two very important sources. I remember the time because it was Lohri (A Hindu festival celebrated in North India, which always falls on 13 January) when the incident had taken place.....'

It certainly was a wonderful piece of evidence that the prosecution could produce. It was not only applicable for me but also for Rana. That was how the story was concocted for Rana. It also gave corroboration to a portion of my confessional statement where it was written, 'In early January I crossed over to Pak Post Kandral... This time I handed over four files to Major Khan.'

However, the corroboration was instead the contradiction of the so called statement by this witness because Captain Rana's name (infact, no name of any person incriminated by me) was mentioned anywhere in the entire confessional statement.

The stories implicating other persons, obtained from me were separate and were not made part of the statement which was produced in the court. The main Prosecution witnesses (the

interrogators) had categorically denied my having made any other statement except the one produced in the court.

From that, two contentions could follow; one, that the interrogators were lying (which of course they were). Why did they lie in the court refuting that I had made numerous statements was not understood, except that they were afraid lest the tortures were proved, which would make the confessional statement valueless. Two, that I had not disclosed the name of Captain Rana while making the confession. This seems highly absurd that a person who confesses his crimes after his "sense of patriotism" had been awakened, decides to hide the name of this very important accomplice, who was causing great harm to the national security. Therefore, the absence of the name in my statement was a sufficient indication of the involuntary nature of my statement.

Sarwan Dass also corroborated the statement regarding the handing over of four files of secret nature to Major Khan. As per the disclosure in my statement and the deposition made by Sarwan Dass, these four files were proved still to be in the custody of Pak FIU Major Khan. Since the files were claimed to be of a secret nature, they automatically become accountable documents, the loss of which from the parent Hqs must be reported, investigated and these investigations recorded.

Thus it was the paramount duty of the prosecution to have produced the documents showing the loss but they did not, because they could not do so. As no files were ever lost or any of the information as disclosed, ever passed to the Pak Intelligence.

Sarwan Dass said in the court that in Feb 1976 he came over to India on few days casual leave and surrendered himself to the police at RS Pura. He also admitted to have deposed in the past against a number of army personnel involving them in espionage. He denied the suggestion of the defence, that he did not surrender but was arrested by the police.

Sarwan Dass was arrested on the basis of the information of the Intelligence Bureau alongwith Aya Singh in 1975 but had escaped from custody in transit.

He was not only wanted by the army but also by the Jammu and Kashmir police, for violation of "Enemy Ordinance", and a number of other cases.

In the second week of 1976 he was apprehended by Assistant Sub Inspector of Police, Shri Sewa Ram at the RS Pura bus stop, on a tip off by an informer and handed over to the army authorities following their request. Army authorities preferred not to press charges of espionage against him. "I was tried for desertion and sentenced to seven years RI by a G.C.M.". While undergoing the

sentence, Sarwan Dass was contacted by Captain Sudhir in Feb '79. Sarwan Dass admitted that he disclosed my name only in March '79 to Captain Sudhir. Thereafter he disclosed the name for the second time to the AAG HQ 16 Corps on 15 April 1979. The reasons why Sarwan Dass failed to disclose the name immediately after his re-arrest were not given.

Why he was not charged for espionage by the army authorities, Sarwan Dass could not explain. How did he first contact Captain Sudhir and then the AAG to disclose my name while Sarwan Dass was undergoing sentence in a jail? The answer to the question was evaded and instead he said that his sentence had been suspended by the army authorities when he had moved an application to the authorities and he was retained in the service. No grounds for the suspension of Sarwan Dass's sentence were given by the

army authorities, when the defence asked for the same.

It was interesting to hear from Sarwan Dass when a question was asked. He said, 'I had surrendered to the police not because of any sense of "patriotism" but at the instance of my mother.' He also admitted that he had been given special training at the Pak Army GHQ, Rawalpindi for carrying out the espionage activities against India.

Apart from Gnrs Aya Singh and Sarwan Dass, there was no evidence as the prosecution tried to prove, that I had any links with the Pak FIU prior to the period for which I was charged with. The other witnesses failed to establish anything against me.

Major Satpati refuted the suggestion of the Defence counsel that the S of E was recorded by him during the night and under threats (in this also only my statement). He said, 'The recording of evidence was done during the day in the presence of the accused, witnessed by an independent officer, Captain Ranvir Singh.

Captain Ranvir supported the statement of Major Satpati. Both of them admitted that they belonged to HQ 16 Corps and were not under the command of Lt. Colonel SS Sohi, the CO and that they were detailed through verbal message, by the AAG.

The CO Lt. Colonel SS Sohi, when produced as a court witness, denied all the allegations levelled by me. He however, admitted to the harassment of the defence counsel, indirectly, and covered up saying that though it was not written anywhere nor had he the direction to say so, yet he felt it was his duty to subject the defence counsel to personal search. And the personal search meant stripping of the clothes of the counsel for any hidden weapon or poison that he might have carried.

The CO stated that the accused had never complained to him regarding the torture, nor had he observed any abnormalities in the physical appearance of the accused, 'The physical conditions were the same, at it is now, when he was attached to my unit for the first time in December 1978,' the CO deposed.

He also denied any knowledge of the accused having told his wife facts regarding torture, in his presence when she had met me on 08 Feb 1979.

He admitted that Major Satpati and Captain Ranvir were not his subordinate officers. They were detailed by the AAG on his request.

When the CO was asked to produce the letter vide which he had made a request to the AAG, he said, 'It was a verbal request'. "I did so because I did not have any officer whom I could detail for the recording the S of E".

The court asked the CO why he did not record the evidence as required by the rules.

'I did not know whether I could record it myself.' was the answer given to the court by Lieut Colonel SS Sohi.

To another question from the court he admitted that he had not heard the case of the accused before recording the S of E, nor was he present when the evidence was recorded.

On the directions of the court, the CO produced two documents. The first was the only copy of the Appeal submitted by me to the CO on 10 January 1979 and the second was the duplicate copy of the letter written to the Chief of the Army Staff, General OP Malhotra, PVSM, on 01 Feb 1979.

It was shocking to learn that a Lieut Colonel of the Indian Army, commanding a unit, was not even aware of his duties and obligation to the men under his command, let alone discharging them. And it was surprising that there was no one either in the Corps Hqs to apprise the CO about his functions and duties. Still more pathetic and degrading was the deposition by Lieut Colonel SS Sohi. Everything he deposed under an oath was false. For even if it was to be assumed that I did not complain about the torture and the rough and shabby treatment given under his command, verbally, how could the contents of the "appeal" which was produced by the witness himself, be explained? Was it not written in the appeal that I was brutally tortured by the interrogators and their staff called Chotte Sahibs and that there were injury marks still on my body; and had I not made a request for a doctor to carry out my medical examination? How then could the CO have been informed? What was the basis on which the CO deposed that the accused never complained to him regarding torture?

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Though under the legal obligations one is bound by law to produce such persons as witnesses whose names appeared in the confessional statement, the prosecution did not produce Captain Nagial, Sepoy Ajit Singh and many others who could either give necessary corroboration or contradict the confessional statement, before demanding the verdict of guilt merely on the strength of the confession.

Not a single piece of evidence was produced by the prosecution to sustain the charges against me. The confessional statement remained uncorroborated till the end of the prosecution case. Instead, it was contradicted by the so called important material witnesses, Gnrs Aya Singh and Sarwan Dass, while trying to establish their earlier links with the Pak FIU.

Every witness produced by the prosecution was cross examined and proved a liar under the expert examination of Mr. Sethi. All material evidence as disclosed in the confessional statement was not produced, in fact it was surreptitiously suppressed even when I asked for the production of such evidence in my defence. If the facts disclosed by me, as mentioned in the confessional statement, were correct, then such evidence must exist with the prosecution. For example if I had spent the leave "in station" as disclosed by me, the fact could have been easily proved from my mess bill records, the permission letter of the station commander to spend the leave in station and through oral testimony.

To stay in station during leave, it is a legal necessity, to obtain the written permission, for any officer in the army, from the station commander. Then the confessional statement, as in fact the testimony of Gnr Sarwan Dass, could have been proved, if the prosecution was able to show to the court the loss of four files of secret nature which were alleged to have been passed over to the Pak FIU.

It was an accusation that the accused had been spying for the sake of money. I was, as per the allegation, supposed to have worked for a period of four years before I was caught. The total amount received during this period as per the disclosure in the Confessional Statement (CS) was Rs. 53,000/-. Although the official release in the press said the money received by me was in lakhs and that I had a house in Chandigarh fitted with modern gadgets.

It was a matter of conjecture if any officer can put his rank, position and life at stake for half the sum of his pay, by indulging in the most heinous crime against the security of the nation? But, yes, there were people who believed it. The DMI did so. The Chief did so.

What of belief? That way anything could be believed. But it is most damaging in the long run, to believe, as was done by the army authorities concerned. It implied that anyone could level

allegations against another and the allegation would be believed. If that is so then no one is safe. It not only could happen, but had happened and that is why the entire brigade was almost engulfed by the fire of false allegations of spying.

In case the prosecution believed that I had infact reached the rock bottom of my morality for the sake of money, then it was the legal duty and moral obligation on the part of prosecution to have proved the existence of such money. They could impound the property, seal the bank accounts search the house to show that the officer had created property or he had the money.

It was not that they could not do it, but they knew if they did so, the only property they would have found, was a fridge, a scooter and a sum of Rs. 5,000/- as a fixed deposit, acquired within ten years of service as an officer!

They still had an opportunity, which they did not avail of. Evidence could have been led to show that the accused did not have money or property because he had spent the money on fun and frolic!

Thus the prosecution closed its case by the end of April 1979. The Court, allowing the defence to prepare its case, adjourned till 04 May 1979.

The Defence

Nagrota was a family station. Yet when my wife applied for accommodation, it was denied to her. She was forced to make temporary accommodation arrangements. A small room was rented in "Dogra Brahman Sabha (Regd)" one of the inns in Jammu.

Even there she was not allowed to stay. The incharge of the inn forced her to vacate the room. It was done under the pressure of some people posing as the representatives of CBI. The incharge was threatened with dire consequences, if he allowed my wife to stay in the inn, who, they told the incharge, was followed by them for a serious offence. The process was repeated when she hired a room in another inn.

It was a most trying time for my wife. There was nobody to help her. She felt lost in the wilderness of the world, accompanied only by her two small daughters and everyone else wanting to harass her.

If there are bad specimen of humanity, there are good people also. And probably this could explain the reasons why this treacherous race is still in existence; tough, resting on the point of explosion.

The accommodation problem was finally solved and for the better of it by the help of an officer, who was one of the rare officers who had shown courage without fear of retribution, for his action of helping the harassed family of an alleged traitor.

It happened, when my wife had come from Jammu to meet me and had broken down in tears while telling the tales of harassment to me. The officer on duty supervising the meeting, offered to get a house for her. She got a small room in Nagrota.

The CBI persons, were none other than the people of the DMI, who continued to harass my wife in Nagrota as well. They threatened the owner of the house with similar consequences as they had possibly conveyed to the incharge of the Dogra Brahman Sabha and others. Such a harassment was at his peak at the time when my wife had also to search, contact and engage a counsel for defending my case. So finally, fed up after suffering continued harassment, she requested for an interview with the Corps Commander, Lieut General D.K. Chandorkar.

The General was a DMI before he took over the command of a Corps in 1974, other than the one which he was presently commanding. I had know him well because the General was related to the Brigade Commander of Samba Brigade and apart from the official visits, he used to visit his

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sister the wife of Brigadier S.K.A. Borwanker, occasionally. I had conducted the General along the border on two occasions when the latter was in Samba. Apart from that, I was the one who always looked after the reception part of the V.I.Ps alongwith Captain V.K. Dewan, the GSO (Int) of the brigade.

Later when the Brigadier died in July 1975, in the floods, the Chandorkars came to stay in Samba for a week to perform the last rites of Brigadier S.K.A. Borwanker.

During the stay the Chandorkars had come to know every officer of the brigade intimately, because of their concern and help to the aggrieved family.

With that in mind my wife met and apprised the General about the harassment, caused by some of the personnel of the Army Intelligence Staff, posing as CBI men.

The General's behaviour with a harassed lady was not only unsympathetic and callous but also unbecoming and demeaning of his rank.

He shouted at her saying, 'If you think you can threaten us by filing writs in the Supreme Court and elsewhere, then you're mistaken...'

Why should the General have mentioned writs and Supreme Court? The time and the place didn't require it! She had gone to the General to seek help and not offer a challenge. My wife who was very surprised, said, 'Every human being who feels terribly wronged, tries to seek justice. I also, tried to seek justice from every nook and corner, first in the army and later in the government, but failed. Now General, tell me then what wrong have I done by going to the Supreme Court?

Although further harassment of the kind stopped, it was evident that the Indian Army had already made up its mind and was bent upon taking revenge. I was asked by the court and I submitted a list of my defence witnesses to my CO.

In the army all expenses of the Defence Witnesses (DW) are borne by the State. The accused is required to pay the expenses of the defence witness only if he is charged with offences involving money bills. But I was not aware of this clause. And I was asked to undertake in writing that I would pay the expenses, quoting army rule (AR 137 (2)). I was given a certificate which read : * I shall comply with AR 137 (2) "

The CO was bound by law to explain the provisions of the rights to the accused, such as this but instead of doing so the CO brought back the certificate and forced me to write at the end of the certificate.

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"And also undertake to defray the cost on the attendance of the Dws."

After having obtained the certificate, the CO discouraged and dissuaded me from calling the witnesses saying that the Dws may be at places as far away as Hyderabad; some of them may be under arrest. If you insist on calling them, then you will have to pay for the 1st class rail fare not only of the witness, but also that of the guard.

This indeed was beyond my financial powers. So I cut down the list of the bare minimum. And sure enough when one of the Dws had later forwarded the claim, the Corps Hqs directed the claimant to take the money from me.

Such similar facilities were given by the army authorities to me for the preparation of my defence.

In any case who could I call in my defence? The officers and the men of the brigade with whom I had served? If it was so then I could have taken consolation. The great spy masters had made sure they had arrested every such person.

My wife also broke the news of Havildar Ram Sarup's death in custody. Hearing the news, I lost the balance of my mind. I started raving. I abused and cursed saying the bastard had finally tortured an innocent person to death. I cried, while asking to my wife, 'Sabu, where's God? Its only the might that is God... And why, why did I not die? I am responsible, for the death and similar miseries to God knows how many people. I do not want to carry a part of the sins on me for the rest of my life and beyond. I wish to clear the debts here'. I kept brooding for days together.

As per the direction of the Supreme Court of India, an application was immediately moved on behalf of the accused. But the authorities replied that they were not aware of the direction. In the same letter they also wrote :

".... It is not understood why you are insisting. Your husband's medical examination was carried out on 09 April 79. In fact he was being medically examined daily... He is in a perfect health..... the medical report would be shown to him on 04 May 79.... alongwith other documents."

The other and the only document shown to me were the appeal submitted to the CEME on 10 January and the letter written by me to the COAS on 01 February 1979.

While writing the appeal and the letter, I did not envisaged the requirement of producing them in my defence. This combined with other factors, I had not mentioned about the manner, time and place of the recording of the S of E, thinking that to be irrelevant to the facts in issue. And the fact

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in issue was the time of medical examination which I had requested in the appeal. Other facts I had already declared in the court while deposing in the trial of Karam Singh. I had also apprised and heard the reply of the CO. While writing the appeal I had apprehended being sent to the Interrogation Centre and avoided mention of the illegal recording of the S of E and while writing to the Chief, I had not thought of myself but had pleaded the case in general, with a request to stop further arrests till my trial was over.

My apprehensions were not unfounded. The people who raised any protest in the case were sent back to the interrogation Centre at Delhi. Havildar R.S. Karki one of the victims was brought from Delhi and attached to an army unit in Palampur. He had refused to make any statement and was consequently taken back and tortured in Delhi, till he signed on a blank sheet of paper purporting that to be his statement under Army Rule 23'.

And even if I had mentioned the circumstances, and even if it is assumed that I was not taken to the torture centre, it was definite that the document would not have been produced. The existence of this document would have been suppressed, as they suppressed the other documents viz. mess bills and the appreciation letters, according to which the work of acquiring valuable information was commended by the higher commander.

The prosecution took advantage of the lapse, when the appeal and letter to the Chief were produced by the CO on the direction of the court. The prosecution argued, that I would have mentioned about the circumstances in the appeal if the S of E was recorded as I had alleged. They, however, were silent when they were asked why should the accused have declared his innocence in the GCM of Karam Singh, within a week of recording of the S of E, if the statement was to be believed as voluntary. Not only that, why should the accused have written the appeal claiming himself to be innocent, if it is to be believed that there was no pressure and coercion to which I was subjected to, even after the recording of the alleged S of E.

The most vital factor in my favour was the medical examination, if it had been conducted in time. Yet it was not done when I had asked for it and nor was it done when my wife had appealed to the authorities concerned. The permission for such an examination was not given, even when there was a direction of the Supreme Court to the army authorities to do so. On the other hand, I was subjected to such an examination but without records, later, by the army surgical specialists like Lieut Colonel S.K. Dass. It was apparent that such oral examinations were done with the sole aim of ascertaining the extent and to mark time, beyond which it was not possible to fix the period of the injuries before they gave permission.

Since this was in the knowledge of the army authorities, despite playing delaying tactics, they were apprehensive lest the torture was proved. And when the counsel for defence Mr. R.P. Sethi moved the G.C.M., for the medical examination by the Principal, Medical Collage Jammu, the Prosecution opposed the application vehemently. The objections were :

"The application of the accused is misconceived and does not deserve any consideration by this Hon'ble Court on the following grounds :

a) that from the moment the accused was brought to the present location and till date he has been medically examined by two army doctors namely Captain Asis De and Lieut Colonel S.K. Dass Surgeon Specialist of Command Hospital. The reports of these doctors are available with the authoritiess and the accused is at liberty to summon these doctors alongwith their reports.

b) In view of the submission made in para (a) above, the prayer of the accused is wholly malicious in as much as that there is no reason or ground for the accused to be examined by a civilian doctors when he has already been examined by the army doctors. In this regard, it is also submitted that if on some account the examination of the accused by the aforesaid army doctors was deficient, the Hon'ble court may consider the desirability of the accused being examined by another army doctor or a board of army doctors.

c) The prayer is apparently motivated and the prosecution is at a loss to understand as to why the accused has been pressing hard on a particular civilian doctor. it may be pertinent to observe, that it appears that the accused is perhaps harbouring under a mischievous, mistaken and unfounded notion that the army organisation as a whole has conspired together to harm him, otherwise there is no reason as to why the accused, a serving officer should insist for any examination by a civilian doctor to the entire exclusion of the army doctors and that too from a particular civilian doctor and no one else.

d) That from the proceeding held so far and from the contents of this application the only requirement of the accused appears to be that he was, allegedly tortured.

In the absence of any motive imputable to army doctors, the application of the accused warrants rejection."

The denial of medical examination proves the guilt of the authorities. I was right in refusing, to be examined by the army doctors. Was not the treatment given to me from the beginning, a clear indication of the authorities concerned' designs who were sufficiently misled by the interrogators? Then how could the prosecution have said "accused is wholly malicious?" Had I not made

repeated requests to my CO for getting me examined by the army doctors? Then why was I not given a doctor when I had asked for one, not a civilian but an army doctor; and then how could the army doctors have been put to disrepute if the medical examination was allowed to be done by a civil doctor? Unless of course, there was enough evidence to prove the torture, which the army doctors had either under pressure or the direction of the higher authorities, suppressed.

Why should the prosecution have contended "If on some account the medical of the accused by the army doctors was deficient" unless they knew it was deficient?

I did harbour a notion that if not whole, then a section of the army, has conspired to harm me and such a notion was neither mischievous and mistaken, nor was it unfounded. And the prosecution knew that well. The contention of the prosecution, tantamounted to prejudice the minds of the Hon'ble court.

Then was it I, pressing for my medical from a particular civilian doctor, or was I merely following the direction of the highest court of justice of the land? And had not the Supreme Court said while passing the directions, that "... such examination by a civil doctor should not be taken as casting any reflections or aspersions on the impartiality or competency of the doctors of the Military department".

If it had, then where was the necessity of contending for imputing the motives of the Army doctors?

The GCM hearing the arguments, closed the Court for deliberations. It directed the convening authority to get me medically examined from the Principal medical College, Jammu and at the same time by a board of army doctors.

Why did the GCM pass the conflicting order? Did the GCM doubt the impartiality of the Dean of a Medical College and his team of doctors, or was it merely a coincidence that the GCM wanted to make doubly sure of the medical evidence. In that case, was I not already examined by the Army doctors as the prosecution had claimed? Then why have a second board of Army doctors? Or was it that the GCM also was not ready to rely on those reports by Capt De and Lt. Colonel S.K. Dass!

After having made sure of everything, the convening authorities sent me to the civil hospital under an escort of an Army Medical Corps (AMC) Major, a doctor; who during the examination started interfering by giving suggestions to the civil doctors. I objected to his interference and even his presence during the course of examination. Then I was told by the CO who had also

accompanied me, that the AMC Major was detailed as the second escort! It certainly was a virgin attempt in the Armed Forces for a doctor to be detailed as an escort officer, for an alleged criminal. Could that be without a motive?

The medical examination was this finally carried out on 14 June 1979. The medical examination by the Army Medical Board was conducted on 27 June 1979.

It was very amusing to find that all the three reports differed in finding the injuries and in their opinions.

The medical report prepared by Captain De did not show any injury or evidence of the alleged torture. It was a clean report declaring the accused as physically fit in all respects.

The injuries mentioned in the report of the Army Medical board were termed as old injuries. They also had not mentioned about the main defects in their reports, which had otherwise been mentioned in the report of the principal, according to whose report there were multiple injuries including an injury which looked unnatural. The X ray of the right ankle showed fracture. The left ear was found thickened and distorted with conductive deafness. And the slurring of speech that was caused due to severe mental torture.

However the duration of any injury could not be given by the doctors. As per medical evidence any healed injury is termed as old. Such an injury could be either three months, or three years old, since the duration cannot be ascertained.

The slurring of speech was termed as deliberate feigning by the Army doctors who had, six to seven years experience as doctors, as against the Dean of a Medical College who had thirty years of experience. The Dean had categorically said that the defect was not due to feigning, nor can such a type of defect be feigned. 'I have examined people, not one or two, not in even hundreds but in thousands with this type of defect, in thirty years of my medical experience. Such defects are caused due to a nervous breakdown of the victim,' the Principal deposed. He went on to explain, when the court asked, the exact nature of the functioning of certain nervous systems of the vocal cords, the tissues of which are linked with the brain, and the causes of the breakdown of the system as in my case.

The Army Medical Board had not made any mention of the fracture of the right, chip fracture in the right wrist and about the conductive deafness of the left ear. However, while deposing in the court they admitted to the existence of such defects as they were mentioned in the report of the civil doctors.

`Why were the defects,' the court enquired, `not shown on the report,' the army doctors replied that it was not necessary since they had been asked to check only the medical category of the officer. The army doctors also claimed the injuries were eighteen months to two years old, even when, as per the medical evidence book the duration of old injuries cannot be determined.

In any case, if the prosecution wanted to prove through their doctors that the injuries were two years old and were not the result of torture, then it would have been easier for them to substantiate their claim by producing my medical records. Due to the nature of the injuries, the fracture would have required me to be hospitalised for a minimum of one month, if I had received the injuries during the normal course of my duties. Thus such records then should have been available with the authorities. Why was any effort not made to produce such records, was a difficult question to answer.

The prosecution could also not argue that the injuries were prior to my having joined the army and that as such there were no records available. Because no person with fractured ankles, wrists and conductive deafness is enrolled and specially commissioned as an officer in the Armed Forces. Thus the torture stood proved.

The Press

"Established fact: greatest weapons of tyranny are silence and false reports."

After they met my wife on 03 and 04 April 1979, in the Supreme Court, the wives of other affected officers tried to approach the DMI and various other authorities concerned in the army, with a view to obtaining justice and early conclusion of the investigation of the cases involving their husbands, who were suffering the ingominy of false charges and inhuman torture.

They were not allowed to meet their husbands nor was there any information about their whereabouts. So in desperation they went on a "dharna" in front of the residence of the Defence Minister Shri Jagjivan Ram, on 24 April 1979.

The Press came into action and the entire nation knew for the first time about the existence of the biggest spy ring unearthed by the Army Intelligence.

There was no end to the rumours and the false news, reported in various papers. With each passing day, such rumours gained momentum. Every day there were conflicting reports which appeared in different newspapers, each stating the news was from a "reliable source".

Some papers quoted the number of those arrested between two to three hundred, while others quoted about four hundred.

Under the confusion the voice of the aggrieved wives went all unheard. No one cared to listen to them. Infact nobody was aware about the true facts, except the ones who were spreading the rumours. No one, except the effected officers and men, knew the truth.

24 April, the UNI reported, "THE OFFICERS WERE SUMMONED ON THE PLEA OF GENERAL MOBILISATION AND ARRESTED ON REACHING THEIR NEW UNITS..... FORTY EIGHT OFFICERS AND 150 OTHER RANKS NEARLY ALL OF THEM POSTED AT SAMBA NEAR JAMMU WERE TAKEN INTO CUSTODY ABOUT THREE MONTHS AGO, IN A SERIES OF CASES CONCERNING PASSING OF MILITARY INTELLIGENCE SECRETS TO PAKISTAN"... Bringing up the news about dharna the ENS said,... "EVEN THOUGH ONE ARREST IS NOT LINKED WITH THE OTHER THE FACT THAT SO MANY CASES ARE BEFORE THE COURT MARTIAL HAS HIT THE HEAD LINES, BECAUSE THE WIVES OF SOME OF THOSE ARRESTED HAVE CHOSEN TO BRING THE ISSUE TO PUBLIC NOTICE BY JOINTLY ISSUING PRESS STATEMENTS... OFFICIALS ARE TIGHT LIPPED ABOUT THE ARRESTS, EVIDENTLY BECAUSE THE MINISTER IS EXPECTED TO MAKE A STATEMENT IN
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PARLIAMENT... THE MILITARY INTELLIGENCE HAD BEEN OBSERVING THE ACTIVITIES OF ABOUT 20 ARMY OFFICERS AND 30 OTHER RANKS FOR THE PAST FEW MONTHS IN DIFFERENT PARTS OF THE COUNTRY BEFORE ARRESTING THEM ONE BY ONE OVER A PERIOD OF TIME ON ALLEGATION OF SPYING FOR PAKISTAN.

Then there was the news of my death in custody. The news obviously shook my relations and my old parents, knocking them almost out of breath. The news about my death was contradicted the following day and instead of death it said, "RATHAUR HAS BEEN SENTENCED TO 14 YEARS RI."

This news was published by the reliable sources at the time when proceedings against me had not even commenced properly in the court : As per the same reliable sources, "THE SPY HAD RECEIVED RUPEES 30 LAKHS IN CASH OR IN THE FORM OF RADIOS, ELECTRONIC WATCHES, TV SETS, TAPE RECORDERS AND GOLD BISCUITS.... THE INVESTIGATING OFFICERS HAD FOUND THAT THE CAPTAIN HAD BUILT A BEAUTIFUL HOUSE IN CHANDIGARH..."

Who the sources were and why were the news knowing them to be false, i.e. the death and 14 years RI and all about the cash, having a modern house and so on, released and published? and why had then the prosecution held back such an important evidence as a house fitted with modern gadgets?

The efforts with which the affair was brought to the open by the officers wives' was ridiculed and laughed at by majority of the public and the press. Even the responsible officers of the AHQs did not lag behind in harassing and ridiculing the wives of the officers by comparing their husbands with the most dreaded and hated criminals like Ranga and Billa, who were held responsible for rape and murder of the Chopra children. One of the India's top journalists Shri Inder Malhotra also did not lag behind in projecting the image of the MI Directorate. He wrote,.... "THE TACTICS FOLLOWED BY THE LADIES WAS UNWARRANTED..." Probably because he must have believed the stories put forward by the Army Intelligence. Wine and women were the motives attributed for the fall of the morality of so many officers... "THE PAKISTAN INTELLIGENCE USED SULTRY BEGUMS AS BAITS..." He said.

The officials, however, remained tight lipped even when there was lot of mud slinging. The matter came up for a brief discussion in the Rajya Sabha, where some of the Mps raised a doubt that there could be a hand of a foreign power behind the scandal but it was denied by Shri Jagjivan Ram, the Defence Minister. How the minister reached that conclusion, was not explained. Could he?

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No one believed that the incredible drama could be false. Even when there were ample and simple hints to draw the inferences. No accused or his relation would ever come forward and agitate the matter in the public unless the accused were falsely involved. No accused would have the matter agitated in the Supreme Court, if he had even the lightest involvement.

Shri Inder Malhotra wrote on 22 September 1979, that the sporadic agitation by the wives slowed down soon enough and that the secrecy produced precisely the opposite result. In the absence of any official statement putting the unpleasant facts in perspective the wildest of rumours gained importance "UNFORTUNATELY THIS CONTINUES TO BE THE POSITION TILL TODAY BECAUSE THE DEFENCE MINISTRY'S PENCHANT FOR SECRECY ABOUT THE SAMBA SPY SCANDAL AND ITS NASTY FALL OUT REMAINS UNSHAKEN. WITH THE DISSOLUTION OF THE LOK SABHA EVEN THE PARLIAMENTARY PRESSURE FOR EXPOSING THE FACTS TO THE LIGHT OF THE DAY HAS DISAPPEARED, THOUGH IT IS ONLY FAIR TO ADD THAT, AS DEFENCE MINISTER, MR. JAGJIVAN RAM MANAGED TO SIDE STEP ALL SUCH PRESSURE EASILY... THE WHOLE ISSUE IS THUS BEING CLOUDED BY A MIASMA OF FEARS AND SUSPICION... EVEN SO THE PRESENT POSITION IS THAT OF THE 53 CASES ARISING FROM THE DISMAL SAMBA EPISODE, 13 HAVE BEEN FINALLY DISPOSED OFF THOUGH THE DEFENCE MINISTRY REMAINS CURIOUSLY COY ABOUT PUBLISHING THIS FACT. OF THESE, EIGHT CASES HAVE LED TO CONVICTION AND SENTENCES OF RIGOROUS IMPRISONMENT RANGING FROM SIX TO 14 YEARS. SUCH HARSH SENTENCES AGAINST WHICH APPEALS LIE TO THE HIGH COURT AND SUPREME COURT AND WHICH HAVE TO BE CONFIRMED IN THE FIRST PLACE BY THE ARMY CHIEF IN THE CASE OF OTHER RANKS AND BY THE DEFENCE MINISTER IN THAT OF OFFICERS, WOULD NOT HAVE BEEN POSSIBLY AWARDED WERE NOT THE COURT MARTIAL CONVINCED THAT THE SECRETS DIVULGED WERE VITAL"

Were they and was there any secret divulged at all?

Shri Inder Malhotra sceptical as he seemed himself exposed another but disturbing factor in the same article, "IN ARMY IF THE INVESTIGATION OF A CASE CANNOT BE COMPLETED WITHIN THREE YEARS IT HAS TO BE DROPPED. SOME OF THE ACCUSED MILITARY PERSONNEL INCLUDING ONE OF THE TWO ALLEGED RING LEADERS OF THE SPY RING ARE SAID TO BE ADOPTING EVERY POSSIBLE TACTIC TO DELAY PROCEEDINGS LONG ENOUGH TO INVOKE THE THREE YEARS RULE... IN SUCH CASES THE ARMY'S POLICY SEEMS TO BE TO TAKE ADMINISTRATIVE ACTION AGAINST THE PERSONS CONCERNED AND HAND OVER THEIR CASES TO THE CIVILIAN AUTHORITIES FOR TRIAL IN ORDINARY COURTS OF LAW....

But when the time came were the cases handed over to the civilian courts? No; they were not when the army authorities realised there were no evidence to press charges against so many officers, instead of setting them free, the authorities resorted to administrative action by dismissing them summarily from the service.

Why did the army not hand over the cases to civil courts and give the traitors their deserving punishment?

"AND THIS BRINGS A PAINFUL AND STILL UNTOLD PART OF THE SAMBA STORY. NORMALLY IN THE SPY SCANDAL OF THE RANGE AND RAMIFICATIONS THAT THE SAMBA AFFAIR UNDOUBTEDLY HAD, THE MILITARY AND CIVILIAN AUTHORITIES ARE EXPECTED TO ACT IN CLOSE COOPERATION TO DETERMINE THE PREVISE NATURE OF SECRETS THAT MAY HAVE BEEN PASSED ON TO PAKISTAN, TO SEE HOW FOR THE PRESENT CASE FITS IN WITH THE INDIAN ASSESSMENT OF THE GRAND DESIGNS OF THE PAKISTAN SPY MASTERS IN RELATION TO THE COUNTRY AND TO FERRET OUT SUCH AGENTS AS MIGHT STILL BE LURKING IN THE SHADOWS. BUT THIS IS FAR FROM BEING THE CASE... INSTEAD THE IB IN THE UNION HOME MINISTRY WHICH IS RESPONSIBLE FOR ALL ASPECTS OF COUNTER ESPIONAGE.... HAS BEEN COMPLAINING THAT IT HAS BEEN STUDIOUSLY EXCLUDED FROM LOOKING INTO THE SAMBA MESS. THE MATTER WAS INFACCT REFERRED TO THE CABINET'S POLITICAL AFFAIRS COMMITTEE BUT THE JANTA GOVERNMENT THEN WAS TOO BUSY FIGHTING THE LOOSING BATTLE FOR ITS LIFE TO DEVOTE ANY ATTENTION TO THE PROBLEM. NOR HAS THE PRESENT CARE TAKER GOVERNMENT SHOWED ANY INCLINATION TO GRASP THE NETTLE". He wrote in the same article.

All leading papers and magazines started singing their own tunes and modulating frequently. But slowly everyone became sceptical about the truth behind the Samba affair.

Shri RP Singh wrote in the August 1979 in an issue of the Debonair, "It was the Jawan who was instrumental in drawing the Captain into the racket. How he did it sounds like a silly Hindi film story but those who tell it swear that it is true...."

It was Lieut Colonel Mohinder Singh (Retd) who tried for the first time to check the direction of wild thoughts. In his article "what happened to Samba Brigade", published in New Delhi Journal in its 15 October 1979 issue, after giving a correct background to the case which he followed systematically and wrote, "... The hullaballu surrounding the spy case had died, but the mentality has not changed. Now the prisoners have been arraigned, no one has yet been tried and convicted.... There is widespread belief that the suspicion of spying was unfounded and the

arrests made in an unseemly hurry. The continued detention of these officers is largely to save face. What has been done cannot be undone, but further miscarriage of justice must be stopped. The memories of the famous DREYFUS CASE which rocked the French Army at the beginning of the century looms large. It is not too late for the authorities to own up their mistakes and restore morale in the army."

But alas! The vicious thread was not broken. Finding the callous attitude of the army authorities in handling the cases of their husbands, the wives went on a relay hunger strike, this time in front of the Divisional Hqs. They broke the fast only when they were assured of a speedy conclusion of their husbands cases.

There was one distinct advantage of my wife's going to the Supreme Court. It foiled the designs of the interested people of the MI Directorate. Since the spy case had become known to the public as well the tortures given to the victims, the interrogators became apprehensive. So the tide which had threatened to engulf a large section of the army in espionage was suddenly checked. No further confessions could be dictated, nor could any corroboration be made. There was no evidence to support the illegalities perpetrated by the MI Directorate upon numerous officers and men of its army. It was an irreparable loss to the self esteem, prestige and integrity of the affected personnel in particular and to the army and nation in general.

Not knowing what to do they started issuing false statements to the press; misleading and misinforming the nation. They tried to establish through the press that some of the ring leaders were caught red handed.

Major S.P. Sharma the Brigade Major was "knighted" as the ring leader of the Spy Net. It was reported that the Major was caught at the border while passing a face plan paper to the Pakistan's FIU. "The face plan", the report said, "was intentionally prepared and passed on to Major Sharma, following the disclosure of his name by one of our agents."

The period when Major Sharma was alleged to have been arrested, on the border, as per the news, he was at that time physically attending the senior command course, thousands of miles away from the border in MHOW. It was also alleged that Major Sharma had constructed a modern house in Samba, which was not true. He in fact did not have any house; not even an ancestral one!

Similar propaganda was made by the MI Directorate against each and every person who was arrested.

The second advantage was in the treatment given to the wives of the other officers. Everyone of them was provided with a proper accommodation and transport facilities, including the one for acquiring legal advisory help in the investigation of their husband's cases.

The accused were allowed to consult their advocates at the time of recording of their S of E. The only persons who had been singled out for such a help were the ones whose S of E was recorded before March 1979. However, in my case, my wife was not given any facilities which were given to the others, even after the conclusion of my case.

I followed the news in papers systematically. I was pained more than the torture to see the events which had taken such a frightening turn for the reputation of the army. I had tried to make a number of attempts to save the situation but had failed. I wrote a number of letters to the editors of various papers projecting the truth in them, but none of them was reciprocated.

The situation would not have reached where it had, if the authorities had taken timely action in the right direction, after the deposition made by me on 08 and 09 January 1979, or even after my letter which I had written to the Chief of the Army Staff. The Chief, General Malhotra, should not have got carried away with the mere word espionage and sanctioned the arrest of officers en masse, without using the mind. Even if the Chief was not prepared to believe the innocence as asserted by me who, after all was an officer, without a single blemish in my record, he would have been wise to stop further arrests and to order a high level inquiry to find out the truth.

But instead, he ordered the arrests, may be believing that so many officers and men of the army under him, belong to a single Brigade were in fact involved in spying.

He failed to see that what information could have been supplied by so many spies from one single Brigade. Not only that, he went to the extent of doubling the morality of so many officers of the Indian Army!

There was no doubt that the perpetrators were able somehow to win over the confidence of the Chief and it was under his direct protection that all sorts of false reports were being circulated against the arrested personnel. Of course the technique adopted by the authority concerned was one of the oldest: first you isolate his victim, then pull the switches on him, cut off his power supply, spread false reports, and then it is as of the plague or the pox, no body wants to know any more.

However, as time passed the papers and magazines had become doubtful about the truth propagated by the army authorities.

Shri Inder Malhotra wrote a third article on the Samba Spy Case in april 1980... "For nearly three months the country did not hear a word about the grave development. The Army top brass and the Ministry of Defence, then headed by Mr. Jagjivan Ram, were torn between two contrary pulls - their determination to mete out exemplary punishment to the guilty and their anxiety to protect the good name of the army. But nothing could have been more self defeating than the thick blanket of secrecy that they threw around the whole affair... The atmosphere of suspicion, misgivings and mistrust continued throughout the uneasy and admittedly slow progress of the Samba Case. The Defence Ministry remained wedded to the doctrine of secrecy. And such parliamentary pressure as there was for exposing the affair to the light of day, disappeared with the dissolution of the Lok Sabha on August 22. Now the case has been brought to the point of decision almost as messily as it had first hit the headlines..." Then he wrote, "... the three year dead line applies only to court martial proceedings. There is no such bar to prosecutions in the civilian court of law. Several armed forces personnel have indeed been tried in camera, in the civilian courts both before and after the Samba Affair. It may therefore legitimately be asked why the Defence Ministry refrained from putting up for trial those against whom it thought it had sufficient evidence and got rid of them by taking recourse to administrative powers under section 18 of the Army... Despite repeated and categorical statements by the previous Defence ministers and the present Chief of Army Staff that no third degree methods have been used during the investigation into Samba case reports of "brutal torture" of the imprisoned officers persist. In fact such complaints are believed to have been reiterated in a memorandum submitted by the aggrieved officers to the Prime Minister. In the circumstances Mrs. Gandhi will do well to review the Samba case herself or get this done by an informal committee with impeccable credentials. Only then can the atmosphere be cleared of the accumulated poison. Otherwise the nagging question will persist and this will do no good to the army's reputation and morale... On the admission of the Military Intelligence itself, not all those allegedly involved in the racket had sold their souls for the traditional lure of wine, women and wealth. Quite a few of them are said to have been tricked into crossing the line of control and subsequently blackmailed." And Shri Inder Malhotra very rightly asks a question, if the conscience was not sold then "why on their return, did they not have the courage to go to their commanding officers, make a clean breast of what had happened and thus present the Indian counter - espionage with an invaluable opportunity to "turn them around" and feed Pakistan Intelligence gross misinformation?"

By June 1980 the Press had turned hostile to the cause of the Military Intelligence. All leading papers like 'Sunday', Indian Today', 'Caravan', 'Probe,' 'Maya', and the 'Blitz' came forward asking the government a number of questions like; "What were our counter Intelligence agencies doing while this wide spread spying was going on? Were any of the alleged spies apprehended red handed, which should be easy with such vast resources at our disposal? Have incriminating

documents or maps been recovered from them? Have any documents or maps been found missing? Why were most of the personnel arrested charged under section 63 of the Army Act, that is conduct prejudicial to good order and military discipline and not under Official Secrets Act?...."

"Maya" in its editorial of May 1980 issue, wrote.... "This is a matter of surprise that it was Pakistan Intelligence to receive the news first or such a big dimensional spy ring. 527 Intelligence and Field Security Company had accomplished notable progress in acquiring vital information from Pakistan. It is obvious then that the Pakistan FIU wanted to destroy this organisation. Therefore, it believed that could this be a conspiracy against the achievements of the Indian soldier and to cause irreparable loss to their morale?"

The Blitz said, "It was a foul play by the Military Intelligence."

India Today said, "Whatever the truth of the matter the case has certainly not been conducted in a normal routine manner, politics it appears, is not the exclusive preserve of politicians."

So much mud was thrown on the army and the government. Yet there was no action taken to investigate and bring the culprits to book.

A joint enquiry by the civil intelligence agencies headed by Shri V.K. Kaul, the Deputy Director of the intelligence Bureau, had been constituted on the personal intervention of the then Home Minister Shri Y.B. Chavan. However nothing was known about its report; that obviously was against the MI Directorate as Shri Kaul had openly declared my innocence after interrogation and assured me of full justice.

There was however one action taken by the authorities concerned. They pressurised the people who were probing and writing the damaging articles. Colonel (Retd) N.S. Bains, the counsel of most of the aggrieved officers, was a man of impeccable character, determined to expose the scandal, was pressurised and threatened of serious consequences if he did not drop the cases. When he did not budge they tried to bribe him by offering him lakhs of rupees, without any success.

Thus every tactic possibly known to a human mind was applied by the Army authorities and the cases concluded in a complete shroud of mystery with which the scandal had started. And the saga of the Samba Spy Scandal shrivelled to a significance less than that of a graffiti scrawled on a wall, washed away by the rains of time.

And the "official lips" remained closed forever.

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Rebuttal of the Prosecution and the Verdict

There was no evidence whatsoever led by the prosecution to substantiate the charges on which I was arraigned. The whole case of the prosecution hinged around the confessional statement. And the prosecution did not, as they could not, lead any evidence required to give corroboration to the circumstances which were allegedly disclosed by me. Interestingly the statement was instead, contradicted by the prosecution witnesses. More interesting was the deposition by Captain Sudhir, who said that he was the person who obtained the confession and by Majors Jolly and Solanki who said that they were the independent witnesses to see to the recording; neither of them said they had read the contents of the statement to which they claimed they were the witnesses.

The statements of Gnrs Aya Singh and Sarwan Dass were the only evidence which showed my connection with the Pak FIU. But their statements were inadmissible in evidence because of various factors like the "immediacy and spontaneity" of the disclosure of my name as their accomplice, as both of them deposed for 3 years in retrospect. Otherwise too, they were materially contradicted.

At the time when I was forced to write that though I was on leave, I had spent the leave in station, I had wanted to insist that I did not, but as I had become apprehensive of the pernicious designs of my interrogators I had refrained from saying so. I could insist on further proofs that as per their story I was in my village and not in Samba, but I was afraid lest they played the proofs against me by changing the period of my deception for a time when I was infact in Samba. If they do so, I have cooked my goose, I thought.

I was allotted a house in Samba in June 1974. But I had not brought my wife to the station because of my child was very small. Hence I had stayed in the house along with Captain VK Dewan, the GSO 3(Int) of the Brigade and dined in the officers mess.

Following the news of my child's sickness in the first week of July 1974, I had gone to Yol and applied for a month's leave, which was the balance of my annual leave. However I was sent back to Samba to conduct the interrogation of a Pak National named Barkat Masih, apprehended by the BSF at the border while corssing it. After the interrogation I had proceeded again to Yol on 14 July 1974 on a temporary duty. From there I had left for my home on 17 July 1974 for a period of one month. (This was the date when Captain Nagial was alleged to have been taken across the border by the Aya Singh for the first time).

While I was absent from Samba, there was a sudden requirement of an Intelligence Officer at Samba. So Captain Gulshan Kumar the Intelligence Officer of 527 Int. and Fd. Security Company, was sent on temporary duty. He stayed there till the first week of August 1974.

Thus apart from other evidence, Captain Gulshan was the officer who could smash the story of prosecution. He could depose from the documentary evidence to show that I had never spent the leave in station as he was the officer who had been sent to Samba in my absence. Then there was plenty of other evidence to show that I had spent the leave in my village, during the period when I was alleged to have been deceived across the border.

During the leave I had filed a number of applications in the office of State Electricity Board, in order to obtain an electricity connection for my house. This I had done on the advice and with the help of Shri OP Sawhney whom I had been meeting almost daily.

I could also show my presence in the village from the credit detail register of a local Baniya, from whom I used to take items of daily use on credit. Thus if I could show my presence away from Samba, as I was, then the evidence on which I was arrested by the MI Directorate would be proved as false and deliberately created with some ulterior motive. And if the basic evidence was fake then the confessional statement could not be held as voluntary. This fact was required to be proved.

Captain Gulshan Kumar was summoned as a DW. I requested an interview with him before his deposition in the court. And when I reminded him, Captain Gulshan denied that he came to Samba during the alleged period. He was not prepared to remember even when I apprised him that there were documents like the Move Order and the TA/DA claims to show that he in fact, was an officer present at Samba during the alleged period.

In a desperate bid to remind him, I said, 'Gulshan look, I distinctly remember that you had gone to Samba, during my absence in the last week of July and first week of August 1974. I remember this also because of the fact that it was I who paid your mess dues of the period on my return, following your request. I implore you to kindly check up the documents. This is very important.... You see it is not a question of my life alone; there is something much deeper, pernicious, which must come out...'

'Rathaur you are unnecessarily stressing upon it. I told you I don't remember going to Samba in your absence. Hence there is no question of checking anything,' replied Gulshan.

`Alright; tell me if you remember that I proceeded on leave from Yol and the person who'd signed the leave certificate was you?', I asked contemptuously.

I felt a stabbing pain to find the callous attitude of the army officers known as gentleman and who were once my close associates. They were not prepared to support my plea even on the strength of documents! And the most painful part of the story was the meanness with which Captain Gulshan had denied to remember the facts. Because it was for Gulshan that I had to probably undergo the torture. I had suspected Captain Gulshan and had said to Colonel Gupta, ".... while their real accomplice appears to be some one else, I can help you to trace the real culprits..." But the Colonel had not listened to me then, and later I had refrained from even thinking about Gulshan let alone giving his name and revealing to the interrogators that it was not me but Gulshan who was present in Samba during the alleged period. I thought, "The poor fellow will not be able to rebut the allegation if this is put on him." And it was this same officer denying everything, including the existence of documents.

While deposing in the court Captain Gulshan, however, did say that I had proceeded on leave from Yol. He also deposed that my work of collecting Intelligence was praised by the authorities concerned.

Though various other documentary evidence and oral testimonies, I was able to establish my presence in my village Rakkar, during the period when I was alleged to have been deceived across to Pakistan by Captain Nagial and Gnr Aya Singh.

Captain Nagial was summoned and produced as DW. He categorically denied having met me in July 1974, let alone deceived me.

`.... I met Rathaur, after my passing out from the academy in June 1969, for the first and the last time in May or June 1975, in the office of the GSO 2 (Int) Major SC Jolly,'deposed Nagial.

During the cross examination Nagial said that he was arrested under suspicion of spying following the false disclosure of his name by Gnr Aya Singh, who was also the only witness from the prosecution, against him.

Nagial was charged for committing a civil offence under the Official Secrets Act Sec 3 (1) (c), under AA Section 69, but was acquitted by the court that tried him, of the charges.

"I was sentenced to 7 years RI under Section 63 of the AA i.e. Prejudicial to good order and military discipline and in that the court, probably suspected that I had knowledge of Gnr Aya Singh's activities, which I did not. Gnr Aya Singh was a relation of mine who had not only
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implicated me in spying but had also tried to implicate me in the false charge of murdering his wife, who was a niece of mine."

Nagial also revealed that he had obtained stay orders against his conviction from the High Court at Simla. However, notwithstanding the orders of the court, the army authorities had confirmed the punishment and committed him to Central Jail Jammu.

It showed the gross neglect and the respect for the orders of even the High Court, by the Indian army authorities!

Nagial also denied any responsibility for my involvement, "I did not incriminate Captain Rathaur at anytime during or after my interrogation under torture."

Then who did it? And why was it done? It was a question which baffled me, as I had thought that my name was given by Nagial under the threat of torture. This it became a question which was very hard to answer.

Though no evidence whatsoever was produced by the prosecution to show that I, as per the charge was seen in or around Samba, let alone at or even around the border, for the purposes of spying or otherwise, I produced documentary evidence to show that during my leave from June to August 1976 and June to July 1977, I was present in my village. The evidence so produced was in the form of Central Bank of India, Nadaun branch office records, the records of the village Cooperative Society and through the testimonies of the village Surpanch and Secretary of the Cooperative Society. Thus there was nothing which stood against my acquittal except for one most pertinent question: what will happen to the top brass who had already convinced the Central Government about the involvement of the spies of Samba, if I, the first stone of the inverted pyramid, was acquitted?

In order to give credence and strength to the allegation of torture, I insisted, against the advice of my counsel, to call Lieut Colonel SN Tandon, the then 21C who'd accompanied me to Delhi. Lieut Colonel Tandon was the last person from my unit who had seen my physical condition just before the torture.

I was sure that Major Tandon, who had served with me for two years and had not only seen me at close quarters but had also eaten from the same place and slept under the same roof, would tell in the court about my two injuries, mutilation of left ear cartilage and the slurring of speech. These defects did not exist earlier; the defects which were at present, noticeable clearly. But I was wrong. Lieut Colonel Tandon, no doubt, had been pressurised and tutored. Probably he was

afraid of saying anything which was unfavourable to the prosecution, except that he had to admit about the slurring. But he also gave his unqualified opinion, 'I dont know if it is due to feigning.' About the ear he denied any knowledge.

During the cross examination he said that I knew about the impending interrogation which I had discussed with him.

'Did you ask the accused as to how he knew, it was interrogation?' The counsel for the prosecution asked.

'Yes. He told me what the cause of his suspicion was, and why we two were going,' replied Tandon.

Since a DW prosecution, objected to any suggestion or leading question put to him by the defence counsel with a view to reminding Tandon, of the correct and complete circumstances under which I had discussed about my apprehension regarding the nature of our duty.

Was that a coincidence that Tandon had forgotten all about the manner of discussion of various points put forward by me, leading to my suspicions?

In order to further refute the story of Gnr Aya Singh, I requested to summon the revenue authorities of the area and accordingly Shri Bishan Singh Girdawar (a rank junior to a Naib Tehsildar in the hierarchy of Indian revenue department) alongwith the patwaries of the area subordinate to him came and deposed in the court. It was established that no taxi could ply on the route described by Aya Singh, let alone on the route described in my CS, during the period as it was alleged.

The distances as mentioned by Aya Singh during his deposition were contradicted materially by the witness who deposed after having ascertained the distances on the ground physically. It was also established through the revenue records that the BOP Kandral as well Kandral village were in India (Revenue records were referred because the military map was not made available) There was no village Kandral in Pakistan in that area.

I had brought out in my statement in the court that I had become a victim of Pakistan's Intelligence conspiracy. Since I had collected valuable information and hampered their interests, the Pakistan FIU wanted to neutralise me. In order to render my operations suspect, they utilised the services of their trusted and trained agents like Aya Singh and Sarwan Dass. In that, not only was I neutralised, but the entire Intelligence Organisation at Samba wiped out. The motives were as follow :

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(a) To obtain pardon for their agents

(b) To create a sense of insecurity, demoralisation and frustration among the troops serving on the border areas, by implicating loyal officers and men of the Indian army in false cases of espionage.

In closing address of the prosecution, my earlier knowledge of the interrogation was the only main argument for demanding conviction. The other was, "Since in such cases another country is involved it is neither possible nor feasible to acquire evidence from across the border. So if the prosecution has been able to create even a "little doubt" in the minds of the members of the Hon'ble court, it has been "proved" its case. Since the offence has been committed by an officer he should be given the maximum permissible punishment", was the contention of the prosecution.

The defence counsel had intelligently proved by quoting various rulings of the Supreme Court and High Courts of the country that the "confession" was not voluntary and it could not be made the basis of the charges framed against me; testimonies of the Gnrs could not be relied upon, because, they had been in the past, proved to be liars by other courts, their character was shady, the manner of their deposition in the court was questionable, the fact that they themselves were not tried alongwith the accused or otherwise for the offence committed by them i.e. espionage, and that they have been materially contradicted by the defence witnesses. "There are two options for the court either to believe Gnr Aya Singh, or Shri OP Sawhney the Junior Engineer, and Shri Bishan Singh Girdawar the independent witnesses who have nothing to do with the outcome of the case. And there is no reason to disbelieve these witnesses who have deposed on the basis of the documentary evidence against the oral testimony of the Gnrs...."

But everything else was ignored by the court, except the prosecution!

On 2 August, 1979, the sky was overcast with clouds and the atmosphere was changed with eariness. But I did not notice what was happening outside my cell, as I was busy talking with my defending officer, who had come to meet me early in the morning.

`Your case has gone extremely well; even beyond my expectations, Rathaur,... but I've my own apprehensions,' Colonel Desai told me, `I just cannot visualise the very thought of what would happen, to so many people right from the top after your acquittal... so dónt feel overjoyed till the final outcome.'

It was the day of verdict.

The inevitable always shows in advance. I had also seen it coming on the day when the arguments in my defence were led. It had taken over five hours to argue the defence case on the day of its closing. Some of the senior members except the Presiding Officer who looked forlorn, while listening, were observed dosing off, when the same set of members listened to each word with full attention during the prosecution arguments.

Notwithstanding such indication I was sure I would be acquitted and was overjoyed. And why not, had I not waited for that day to come, the day I would breathe in freedom!

The court was ordered to assemble at 0900 hours. Accompanied by the guard, I was led to the waiting room and from there shifted to the veranda, a place reserved for the Prosecution.

All members of the G.C.M. had arrived in time except the Presiding Officer Brigadier Anand Keleor, who was absent. At a quarter to ten he rang up the court room. The call was attended by the Prosecutor. The Presiding Officer asked, 'Has Mr. Sethi come?'

'No, sir,' replied the Prosecutor.

Then the Prosecutor asked me if the Defence Counsel was coming, which he was not. The Prosecutor informed the Presiding Officer accordingly... The Presiding Officer disclosed to the Prosecutor that he was speaking from the MI Room and that he would come after ten or fifteen minutes.

The Presiding Officer did not come even till 10.30 A.M. Instead Lieut SS Sohi came. He enquired from the escort officer if the verdict was over he had been called to produce the character roll of the accused.

The character roll is required to be produced in the Army Courts to ascertain the extent of punishment after an accused has been held guilty of the offence he is charged with.

Then where was the requirement of calling the Commanding Officer at a time when the court had not even assembled let alone considering its decision.!

When the Presiding Officer did not come even till around 11 A.M., a senior officer Lieut Colonel Surinder Nath rang up the MI Room.

'The Presiding Officer did not come here,' replied someone from the MI Room attending the phone.

`But he said he was talking from the MI Room,' enquired Colonel Surinder Nath.

`No, he did not,' was the short reply.

Thereafter Colonel Surinder rang up the residence of the Brigadier and finally the AAG at the Corps Hqs, but the Presiding Officer was not to be traced at any of these places.

Brigadier Anand, the Presiding Officer came to the court at about 00.45 PM.

Where could he have disappeared, I had been speculating. Of course I could deduce an answer by the evening of the same day. He was attending a "secret conference" of senior delegates of the MI Directorate.

So my case has been decided even before the court could do so, I thought to myself. The closing address by the DJAG was read out and the court was closed for "deliberations". After about thirty five minutes, I was marched in and the verdict was read. "... You have been found guilty of both the charges," The Presiding Officer announced and he declared the court adjourned for lunch.

It reassembled at 4 P.M for deciding my fate. And finally, the price of my loyalty, sincerely and devotion was announced:

"1. Dismissal from service.

2. To be cashiered; and

3. Sentenced to undergo 14 years of Rigorous Imprisonment."

The Aftermath

On the same evening of the verdict my wife was returning, depressed, dispirited and drained having met me, when Lieut Colonel SS Sohi contacted and relayed to her a message from the "top"!

'Nothing has gone wrong as yet,' said the colonel, 'the punishment can be set aside. "People" from the army Hqs have approached and asked me to convey, it to you... Its upto you to advice your husband. Look here, you're young and you have two small children - 14 years is not a small punishment. You have to see to your future and avail of the opportunity being offered to you.'

The condition for setting aside the punishment was that I should depose against other arrested officers and men.

Who were the people in AHQs passing the directions? Was such a direction in the knowledge of the Army Chief? If yes, then did he expect to take an advantage of the situation in which I and my family were put purposely?

If the planning was made only for this purpose, then disappointment was awaiting them. My wife had made up her mind to play a game of deceit against the MI Directorate. Without committing herself directly, she replied to the Colonel that it was not possible for her to advice her husband within the short time given to her for the meeting.

The very next day the time for the meeting was increased from half an hour to 4 hours a day, which was always recorded in the visitors book; thus the first step to create evidence to that effect, was achieved.

Without knowing the real cause for increasing the visiting time I was moved, considering that it was a sympathetic gesture on part of the CO.

My wife was again contacted by Captain Sudhir at the residence and in the presence of Lieut Colonel SS Sohi, within four or five days of the verdict. She was told by Captain Sudhir that if I cooperated with the authorities in deciding the cases of the arrested officers and men, then I would, after the cases were over, be helped in settling down in any foreign country of my choice.

My wife had confided in the Defence Counsel, who had supported the course of action she had proposed, 'I will then take up the first case where Rathaur will come to depose on behalf of the

Prosecution. But before that you obtain the assurance given by them in writing,' the counsel had advised.

However, after a planning of nearly two weeks when she confided in me, I was enraged. 'How did you conceive this idea? Do you know the miseries of the persons against whom I would be deposing in the S of E? Listen it takes two to three months thereafter for the case to come up in the court. Would that person be alive till the start of his trial? No. Swaran no. I cannot do that even if it was for the benefit for all of us. Since I have and am suffering, I know what misery is. I wouldn't like even my enemy to suffer this way. It would be the most heinous crime - Believe in God. God alone knows everything. So let him alone convert the dirt into purity.'

Probably the course adopted by her was the best, but I refused. I became very furious when I learnt that proposal was initiated by Colonel SS Sohi on same day of the verdict. I wanted and asked for an interview with the Corps Commander Lieut General Kanwar Chiman Singh.

The Interview was however granted only after a period of two months. On October 22, I was marched up to the Corps Commander. Present during the interview were, Lieut Colonel SS Sohi the CO, Lieut Colonel DN Tankha the AAG and the Brigadier General Staff (BGS).

'Sir, before explaining some of the facts about the case, I would like to ask one question from the Corps Commander, 'I said.

'Yes, go ahead,' conceded the General.

'Was the GCM that tried and held me guilty, an eyewash to show to the outside world that I was given a fair trial and that it was the GCM which had found me guilty?... I request the Corps Commander to give me a single ground on which the GCM has held me guilty.'

'I have not read the proceedings, so what can I say?,' replied the General.

'Then I request the General to read and show me any ground where the court could have found me guilty.' I said.

Thereafter I explained to the General in detail all the circumstances from the time I was sent on temporary duty to Delhi till the day of my verdict. Apprising the Corps Commander, I said, 'And sir, what can be more demeaning, degrading and heinous than trying to subvert the mind of a lady by advising her to press her husband for deposing falsely against other innocents; trying to take advantage of the unfavourable situation...?'

`But who did that?' Asked the General in surprise.

`Ask Lieut. Colonel Sohi,' I replied, indicating with my eyes towards the CO.

`No, sir. I did not tell her,' replied the CO.

`Well he says he didn't,' said the General.

`He? Of course he will deny. It requires guts to admit one's misdeeds. In any case has he not done so already, while deposing in the court? He has denied everything that was done in violation of the rules and regulations, even when there were documents to prove the facts denied by him,' I replied, looking contemptuously at the CO, and then turning to the AAG, I continued, `and, sir, why only Colonel Sohi for that matter, ask your AAG, what he has done? Why, first of all did he issue a fake letter to my wife?'

There was no answer from anyone.

`And, sir, even after one year of my arrest and the verdict of the GCM, I am still subjected to inhuman mental torture. I am being kept locked up day and night in a small room like a caged animal. Why? I request you to kindly put an end, at least of this dehumanised approach and allow the door of my room to be open, if not at night at least during the day.'

The General obviously was not aware of this locking business. Looking surprised he asked the AAG, `Why?... Is he correct in saying that?'

`Sir, the window of his room is kept open,'

`I am not asking about the window,' said the General, `is the door of his room locked?' he asked in a raised voice.

`I think, sir there are orders on the matter,' replied the AAG.

`Stop thinking and better show me the order,'demanded the General.

Whether there were orders or not I never came to know, nor did I know whether the orders were shown to the Corps Commander or not. The only thing I knew was that I continued to live locked inside the room.

Towards the end of the interview, I reiterated my innocence and said that if the authorities could prove my presence at Samba even for a single day between 17 July and 14 August 1974, then I
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would accept the verdict of the GCM as it was, without taking up the matter anywhere. Even if they cannot prove the presence, I offered another option. Let any taxi be driven on the route as described by the Prosecution's "main witness" which allegedly, had been taken, when they planned and deceived me across to Pakistan.

`Aya Singh alleged to have driven me in July / August i.e. during the monsoon. If a taxi can be driven even now, that is in October, I shall forfeit my right to appeal against the verdict. And if this also cannot be done, I still offer a third option, check whose post "Kandral" is. If its found to be a Pakistani post then I will keep quiet.'

The interview lasted for two hours and I put the Corps Commander, who had taken over the command from Lt. General DK Chandorkar in early July, into the full picture, who I found had been misled from the true facts.

On asking, I submitted the points brought out during the interview, in writing to the GOC. I also, on the advice of the General filed an appeal under AA Section 164(1) to the confirming authorities. The interview was held in a cordial atmosphere, so I thought.

I was taken to Jammu in early September as a Prosecution witness to depose in the S of E Major SP Sharma, the alleged "ring leader" of the gang. I, despite my request, was not told where and why I was taken from Nagrota.

In the S of E, I once again brought out the circumstances under which I was forced to involve not only Major Sharma, but so many other people, including Captain Rana.

During his cross examination Major Sharma asked, `Major Jolly was your best friend. He always praised you with me and other officers for the good work you were doing in Samba. In fact he always came to brief and debrief your sources and went back happily with good reports. Before leaving he invariably came to meet me in my office and said so about the reports. Then tell me Rathaur, why did he first of all accept to interrogate you and then turned against you as you have just revealed?'

`Well, sir, I have the reasons, but it may be premature to tell at this stage of our case. In fact why he chose to interrogate me, seems a mystery to me as well.

`Why should Major Jolly have forced you and Captain Rana to implicate me and in fact the entire Brigade? What could be the motive?' asked Major Sharma.

`Let me put it straight, it was not only I and Captain Rana, who were forced to implicate others, but many more. It'll not be absurd if I said that you were lucky not to have reached the stage of the torture which we underwent or else you would also have been forced to implicate other people like we were.... And why was it done? According to me it appears to be a part of some mysterious designs... and if the mystery is solved, it will be found to be sinister and damaging to the morale of the army...'

`And what is the mystery according to you?' asked Major Sharma.

The question was objected to by the officer recording the S of E. However, Major Sharma argued, he had the right to ask any such question from a witness which had direct bearing upon his defence, and the question was thus allowed.

I answered the question.

`Well, sir, it has been amply proved that Gnrs Ays Singh and Sarwan Dass are trained agents of Pakistan. The fact has also been admitted by them while deposing against me in the court. Both were apprehended on the information of IB for spying against India. From the JIC Jammu they were taken over by the Army authorities for further interrogation. However, the army authorities chose not to charge them for spying. Instead, they were charged with minor offences like desertion from service and accordingly the punishment was awarded to them. Surprisingly, their punishment was not only suspended, they were retained in service, but shocking as it would be to learn, that they have been absorbed in the Indian Army Intelligence Corps! Presently both of them are serving as orderlies of the interrogators. And, sir it was on the word of these two profligates that a havoc has been wrought in the lives of so many people of the army by the MI Directorate... here the mystery deepens. While analysing, two things stand out clearly. First, both the gentlemen have been successful in misleading the interrogators that their word became law... Second, the aspect of mystery is that someone or all the members of the interrogating team have been bought by the Pakistan's Intelligence masters and it was on their direction that the present scandal has been created by the interrogators with the following motives:

- a) To obtain pardon for their co-agents from the army authorities.
- b) To create frustration-demoralisation and a sense of insecurity among the Indian troops serving on the border areas; and
- c) To present their image to the army and the public as patriots.

`Rathaur, you have said that you were pressurised and given other incentives to depose against other arrested personnel; Do you think similar pressure and incentives could be given to other people who are arrested?' questioned Major Sharma.

`Yes, I know at least two of them - Captain Rana and Havildar Raghubir Singh. This fact was told to me by Captain Sudhir, the "James Bond" among the interrogating team. There can be more people but I don't know about them... However, I know from my personal experience that "they" are very apt at the job. They aim at absolute demoralisation of the intended victim through unending methods of their tactic. To quote the news about my death, published in the papers, it was also a part of the same tactic. It was purposely done with an aim, which obviously was to pressurise their victim by showing him the news and threatening him with similar consequences if the victim did not relent to their pressure. And, sir, in that ruinous state of physical and mental health, to what limits of immorality can a person fall, I know fully well by now. Some others including you would have known, had the scandal not become public.'

Later, in January 1980, I was taken to Delhi where the Joint Interrogation was carried out by a joint team headed by Shri VK Kaul, the Deputy Director of the Intelligence Bureau. During the Interrogation, I once again brought out all the circumstances under which confession was dictated to me and I was made to implicate other innocent people.

`What are the motives? Could the interrogating officers of the Army Intelligence have created the scandal for the sake of obtaining promotion and medals?', was the question asked by Shri Kaul at the end of the interrogation which lasted for four days, culminating with "lie detecting" machine tests.

`Sir, you may be right in thinking so. But I don't see any reason in that; for no person in his healthy mind would create such a scandal just for the sake of promotions and medals,' was my reply.

I hinted to the Deputy Director the possibility of someone's involvement with Pak FIU from the interrogating team. I supported my suspicion through some facts.

Six months had passed since the GCM had given its verdict. But it had not yet been confirmed. Nothing the delay, I became hopeful for a favourable decision by the Army Chief. The fact generating the hope was that while in Delhi I had found out about the proceedings which were supposed to be confirmed by the Defence Minister, and were still lying in the AHQs.

They cannot afford to send the proceedings to the Defence Minister for fear of exposure, I thought.

If they could not afford to expose the proceeding to the Defence Ministry, they could very well afford to confirm the punishment themselves. It was a fact that was not known to me.

It was 16 February 1980, the day of full eclipse of the sun, the eclipse which shadowed my life too. I was marched in, without being informed in advance, into the office of the Corps Commander.

The Corps Commander read to me the "confirmation of the verdict" passed by the GCM, by the Army Chief.

The stars and the insignia of my regiment, of which I was once a proud officer, were plucked away, like the feathers of a dead bird, one after the other. I was cashiered.

I now stood like an ordinary convict, yet smiling at the irony of fate. The army had after all rewarded me. It was an entirely different matter if the reward was in the form of 14 years of rigorous imprisonment!

My wife was at home and she was to come to Nagrota same day when I was cashiered. Since the army authorities had decided to send me to Delhi, Central Jail Tihar, the some day, I made a request that I should as per the established rules, be sent to the nearest jail; that was Central Jail Jammu or my despatch order to Delhi should be postponed by a day, so that I could meet and advice my wife. But the request was turned down. And rightly so because there is no place for "human emotion in the army".

It was early morning of 17 February 1980 when I entered the main portal of the Tihar Jail to find myself in the company of people about whom I had always thought of with pity. And now I was one of them, to be pitied.

From the jail I applied for a copy of my trial proceedings and it was only after my repeated requests that I heard from the authorities, "due to the safety and security of the State the proceedings cannot be given."

In the absence of the proceedings I prepared an appeal and forwarded it to the President of India with copies to other wings of the government concerned, and hopefully awaited their decision, for a long time.

During his visit to Tihar Jail, the Minister of State for Home Affairs, Shri YS Makwana met me and I briefly brought out the atrocities which had been perpetrated by the army upon me and the others.

A few days after his visit, a little interest was shown by the Ministry. A copy of the appeal submitted to the President was asked for the perusal of the Minister. The same alongwith fresh representation was forwarded, but that was the end. Nothing further was heard.

Forwarding another representation to Smt. Indira Gandhi, the Prime Minister, I wrote, "... That spying is such a word as to inspire immediate feelings of disgust and hostility in the heart of any moral and upright citizen. Such feelings are entirely justified and more intensely directed against the perpetrator when such an act is committed against a nation, by a citizen of the same. Such a situation is for more serious in implication because the internal security, well being and morale of the nation as a whole, is at stake. That value of the creation of such a situation by agents of a hostile country need hardly be stated. Obviously if such a situation were to exist, it would be the aim of such agents to implicate those more trusted and worthy members of the said nation. In order to create and maintain such a situation in a constitutionally democratic nation, it would obviously demand a great deal of non-constitutional jugglery among the higher echelons of power - Such statements are proven in their entirety by a brief examination of my case, the copy of which as an appeal was submitted to your honourable self on 14 April 1980. During the course of the Samba case, the then Defence Minister Shri Jagjivan Ram in answers to questions raised in the Parliament, replied that the officers implicated were (a) found spying as per the evidence which then existed (b) were fairly treated and no torture was being meted out to them, and that the officers implicated would be given the right to appeal to higher courts. Even the briefest examination of the procedure would prove the above statements to be baseless, the scars upon my body serving only to amplify this fact. It seems to me to be highly disturbing that such a prominent member of the government could be so misinformed by his advisors. Subsequent exposure in the press and unearthed several disturbing questions in regard to the case and thus for no answers have been proffered by the government. Such a silence would seem to aggravate the situation, as such "scandals" never die lying down. The question, why should senior officers seek to discredit and falsely implicate fellow officers who are innocent, is a serious question which needs to be officially answered, if the perpetrators of the whole affair are to be thwarted in their designs and the morale of the Indian army is to be restored. That the case has come to public light almost ensured the failure of such designs, but if the poignant question remains unanswered then the instigators will remain in our midst and their success will be ensured. The argument that civil involvement in military matters is not conducive to the discipline and security of the nation, is rendered invalid in view of the consequences of involvement specially in the

present case. That there are glaring examples of the army misusing the powers vested in them eg. The dismissal of so many officers implicated in the case was done summarily, indicating a basic lack of evidence on which to form a case and press charges. Or contrawise to argue that sufficient evidence did exist but that the cases were subjected to the Army Act three years limitation clause is also refutable, considering that the alleged offences constituted crimes under civil jurisdiction. All would seem to amplify the inference that the army authorities were reluctant to expose the affairs in the entirety to civil authorities and the public, thereby losing the veil of secrecy which enshrines this whole affair...

.... Every citizen owes part of himself to the nation as a whole. In the case of a soldier, a moral obligation is conferred upon him to sacrifice his life if necessary in the service of the nation. However, if the blood of loyal and innocent people is allowed to flow purposelessly, then the stains will blemish the reputation of the nation to eternity.

With this, it is my humble submission and request that:

a) The case of Havildar Ram Sarup's death be reopened and investigated by an impartial tribunal.

b) The Samba Spy Case be investigated in its entirety by an impartial tribunal, headed by a judicial authority.

c) After ascertaining the facts of my case submitted in appeal to the President of India, with a copy to your Hon'ble self I further request that:

i) I be honourably exonerated immediately and forthwith or

ii) I be given a special right of appeal to the Supreme Court of India;

or

iii) An order be given to have my case retried in any civil court in India.

In conclusion, I may say that I am one voice for the many innocents, affected in this case and that on behalf of them all and myself, I state that our eternal gratitude is extended to your Hon'ble self for intervening and alleviating the suffering of many innocents and at the same time bringing this whole disreputable affair to an honourable conclusion."

Nothing was heard about the fate of this petition. May be the Prime Minister was too busy looking into the Assam and Moradabad problem, which had then engulfed the country.

In early December 1980, I received a brief letter from the Defence Ministry. The appeal was rejected.

Meanwhile I had appeared as a DW in the case of Rana and once again had brought to the light, all the facts to the members of the GCM. However Rana, as expected, was also sentenced for an equal term i.e. 14 years. He immediately filed a petition in the Delhi High Court, pending confirmation and obtained stay orders. Seeing the little success achieved by Rana, I also filed my petition.

While awaiting the decision of the High Court, I wrote and received a reply from Rana, which was very moving, and upon reading which, I tasted the tears once again, after a long time. By the time the reply was received, the High Court had given its decision. It had upheld the verdict of the GCM.

The important features of the judgement were, "... if error was committed in the rightful exercise of authority, we cannot correct it," in reply to the plea of the defence counsel that findings of the court martial were vitiated because of various illegalities in recording the confession and the admissibility of evidence. The bench further observed, "If there was legal evidence available on which a finding could be given, the sufficiency or otherwise is for the authority to decide and this court cannot substitute its opinion for that of the court martial." It also said, "Special considerations are applied where procedural errors had been committed by the authorities administering military discipline. The courts have always shown a marked aversion from seeking to interfere with the proceedings of military authorities except where the rights of an individual have been infringed." The court ruled, "where the court martial acts within jurisdiction, habeas corpus would not issue to interfere with its decision on the ground of mere insufficiency of evidence or irregularity or procedure, except where there has been no hearing at all or the rules of natural justice had not been followed."

What is natural justice?

The court, urged the government to consider whether armed forces personnel convicted by a court martial could be permitted another forum of appeal, apart from making representations to the Chief of Staff or the Union Government. Mr. Justice Rajinder Sachar and Mr. Justice R.N. Aggarwal observed that some more liberty and safeguard may be provided in the Army Act so that armed personnel are assured that objective considerations are given to their case. Calling for

a second look at the Army Act, the division bench noted that, though the soldier has to perform and maintain a high degree of discipline, some exceptions may be permissible in the case of military men. Yet it may add to the satisfaction and a greater sense of confidence in the fairness of procedure to members of the armed forces if there was at least one review of those serious cases in which punishments have been given by the court martial. In Britain, from where the Indian Army Act had been copied, there is a provision of a right to appeal where the conviction involves a sentence of death or if a court of appeal thinks that the finding of the court martial is unreasonable or cannot be supported on evidence or involves a wrong decision on a question of law or any ground or there is a miscarriage of justice. No such right can be exercised in India in view of Article 136(2) of the Constitution. Article 136(2) states no petition to the Supreme Court would lie against any judgement determination, sentence or order passed or made by any court of the tribunal constituted by or under any law relating to the armed forces. The court pointed out that under the uniform code of military justice in the United States, a court of military appeal has been established which reviews all cases of death sentence. They said, that some more reforms had been brought about and incorporated in the Military Justice Act, 1968, which brings many of the provisions of civilian criminal justice in military justice. There was demand in our country also, for changes in the Army Act. It would be in all fairness, if a second look at some of the features of the Army Act is given by the concerned authorities."

It was more than apparent that the court was convinced about the gross unfairness and injustice given by the army courts, where the errors had been committed and the procedures had been violated, yet the High Court could do nothings but uphold the verdict.

Taking courage, after reading the book of Shri BM Sinha, "The Samba Spy Case", I wrote a personal letter to Mr. Charan Singh, the erstwhile care taker Prime Minister, and the leader of the opposition, expecting a favourable action from him. However, this front also proved quiet. And here to quote Sinha in his book, while analysing the case. "... If even 10 percent, of what is being alleged, is true, then every Indian should hang his head in shame..." But that was all!

Does it prove that, Indians have no head to hang or they have no shame? In either case, therefore, no head can be hanged: let the loyal, sincere and innocent wither away, so that the nation may flourish.

Tracing The Mystery

After analysis of the circumstances under which the entire Samba affair was created, the conclusion that automatically one would arrive at, was that, it was a conspiracy of the Pakistan's FIU aimed at complete destruction of the fibre of mutual confidence and belief that binds the command structure of any organisation. May be the action was in "proper retaliation" to the hijacking of the Fokker Friendship plane, in 1971, by the Indian Intelligence.

In order to understand the above point one is required to know, as I have tried to explain in the letter to the Minister of State for Home Affairs, that in all military organisations there is the necessity of an Intelligence Wing which amongst its other duties is responsible for the collection of intelligence data regarding, economic, industrial and military operational details of the foreign countries, more specially those that share a common border. It is therefore, the continuing endeavour of the intelligence Organisation of one such country to stay a few steps ahead of the similar organisation of the other country and at the same time to contain or neutralise the alien's Intelligence Organisation.

This purpose is achieved by a counter intelligence and among other means one of the common ways adopted to infiltrate the alien "Int Org" if possible to neutralise it. And Samba Spy Scandal was a glaring and singularly unique example of a successful blow by Pak FIU, in which a whole intelligence set up at Samba alongwith its Brigade was virtually obliterated.

The Pak FIU evidently, conceived, planned and affected the conspiracy through their trained and trusted agents like Aya Singh and Sarwan Dass who admittedly were promoted to the rank of officers (at least one of them) in the Pak Army. The initial aim of the Pak FIU may have been to neutralise the intelligence setup, if they had come to know about the damage which my sub unit was causing to them. But subsequently, as it appears, the aim was expanded when they saw it being aided by the blundering of the not too keen officers of the Indian Army.

Gnr Aya Singh and Sarwan Dass were apparently planted as decoys. Since their arrest and till I was arrested, they had already implicated as many as 17 officers and men, a fact which no one knew till the end. On the contrary, the figure of these 17 personnel was used by the official sources to justify their actions; for instance one of the magazines published a chart tabulating the figures year wise starting from 1975 and wrote, "... Samba Spy Scandal is not a first example of the army personnel spying for the enemy country. Before this also, there have been cases where army men were caught for such involvement..." Yes no doubt the information was correct, but the

nature of such arrests was withheld. Because they were also caught on the disclosure of their names, by the same two gunners.

The interrogations of these personnel were also carried out by the same set of interrogators. These persons were tried and convicted. The only evidence to support such convictions were the testimonies of the gunners and the confessions which were dictated under torture. However, the conviction of these persons by the GCMs gave immense courage and power to the interrogators, for further indulgence, where they surpassed all known limits of human torture and decency in a civilised country.

No doubt it certainly was a conspiracy in which the gunners played a significant role. However, the question is whether they alone did it by misleading the interrogators and creating emotional hate against the alleged offenders or were they aided by someone among the interrogators willingly?

According to my analysis there was one of the following factors involved behind the entire episode:

- a) The interrogators were misled.
- b) The interrogators were initially misled, and when they realised their mistake of having fallen prey to the designs of the FIU it was too late for them to retrace their steps.
- c) Someone in the interrogating team or possibly all of them were part of the conspiracy.

First possibility

Though most of the persons out of the 17 implicated by either Gnr Aya Singh or Sarwan Dass belonged to their (Gnr's) unit except a few who were from different units. It was thus perfectly right for the interrogators and army authorities concerned to assume that the allegations were infact correct. Though such assumptions can be based solely on suspicion. There was no evidence otherwise to substantiate the charges. For instance, the charges levelled against Nagial were not proved, yet he was sentenced to 7 years RI. In one of these 17 cases Major Ajwani the DJAG, had passed strictures against the interrogators, yet the person tried to that court was sentenced. And of course Major Ajwani had to pay a very heavy penalty for his righteousness. He was also involved in the Samba Case. This was probably done by the interrogators in order to disprove the strictures passed by him and to improve their image in the eyes of the higher commanders. They could claim as they did, Major Ajwani had passed the strictures because of his own involvement.

Similar was the case of Major Midha. He was arrested because he had refused to give false evidence in the court of inquiry constituted to find the circumstances of Havildar Ram Sarup's death. Then Major Subhash Juneja, who on the instructions of Command HQ, had carried out interrogation and then termed the report of these interrogations, as myth. He too was implicated.

However, to justify these circumstances, it can be presumed that the interrogators were misled, by those two decoys. They were genuine in their belief of what was said by the gunners. Thus under a false sense of "patriotism" coupled with emotional hate they would act completely without compassion. In order to avenge the imaginary "traitors" they chose to forsake humanity and became demons. They perpetrated unspeakable atrocities on the unfortunate victims. The whole Brigade was thus implicated.

But could it be presumed that the interrogators were misled to such an extent where they believed the involvement of an entire Brigade to be true? It was incredible if they did, because even a laymen would not subscribe to this idea that so many officers from a single Brigade would indulge in spying.

Coming to the torture, even if it is to be granted, was justifiable because the "die hards" as Captain Dube had commented, "would not speak otherwise", they were then the stories, first concocted and later dictated? Why were the "die hards" not allowed to speak, if they had anything to speak themselves? It is more than evident that the so called confessional statements were indeed dictated, because all those from whom the interrogators claimed to have obtained "voluntary statements" have said in their statements: "then we went to Pak Post Kandral... and after about an hour or so Major Khan of the Pak FIU came." This had become the set pattern of statements called confessions!

Post Kandral (which the reader by now should be familiar with in an Indian Border Out Post) was introduced by me, as a Pak BOP, when I was convinced about their attitude which initially I thought was "biased", and on which I showed took my accomplices, with the specific aim to disprove at a later date, any claim of the interrogators to the voluntary nature of the statement.

Was then the dictation of confession an act of the interrogators' misled and biased minds?

I had pleaded to the interrogators a number of times about my false involvement in the espionage by some one with ulterior motives. I had put forward foolproof evidence to refute the allegation of Aya Singh. But such evidence was either neutralised or obliterated. Could this action of obliterating the evidence, by the interrogators, be attributed to their "prejudiced minds"? If so, it certainly would be a baseless argument in the face of such revelations as above that the

interrogators were misled. There was indeed something else hidden more deeply. No officer could be misled to such an extent by any force, let alone the gunners.

Second possibility

Then what was it? Could it be that the interrogators were initially misled and when they realised the mistake it was too late for them to retrace their steps?

It does seem plausible enough. The interrogators were initially misled and subsequently when the truth of the case dawned on them, they did not have the courage to correct themselves. If they did so, they probably thought they were doomed. Hence instead of retracing their steps from the wrong path, they went ahead sprinting.

If that be so, the question arises, at what stage of the case, did the truth dawn on them?

The truth, as it appears from the case, should have dawned, on them that Gnrs Aya Singh and Sarwan Dass were playing a heinous game of involving loyal men of the army in espionage for their own gains. They should have realized at least, when Major Ajwani in the capacity of a DJAG had passed strictures on them, and Major Subhash Juneja termed the interrogation report as 'myth'.

And if at that time it was difficult to have realised the game played by the Pak FIU through their decoys, there was every scope for such a realisation when they had arrested me. But then also they preferred to ignore the truth, which was an open truth. On the contrary they sided with Aya Singh and went even a step further to distort the evidence. Had they corrected themselves even at that stage, nothing wrong would have come to them,; and perhaps the real traitors would have been caught. And so whatever damage had been caused prior to my arrest could have been mended, the prestige of the army thus would have been saved and its moral restored. Also, if planned, a counter blow could have been delivered to the Pak FIU, by playing the game in reverse order. However, nothing of the sort was done, and thus this possibility also stands ruled out.

Third possibility

Under the third circumstance two possibilities may be considered. One; the interrogators knew the stories were false, but with a view to obtaining promotions and medals, as was hinted by Shri VK Kaul, the Deputy Director of IB, they resorted to tortures of the kind where the victims had only two alternatives, either to accept the dictates or die. However, looking at the damage done to the army and national reputation, apart from the atrocities that were committed upon countless

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people, it looks quixotic, to believe that it was done for promotions and medals. Yet one knows not the depths of degradation sick minds may descend to in pursuit of self-aggrandisement!

It may also be said that I was made a target because of personal enmity. But I had no enemy who would have tried to harm me so blasphemously. While it is true that I had reported against certain people while in Samba for their misuse of government property and public funds, such reports were never initiated by accusing any one by name, rather those were against a unit and its commander. It may however, be presumed that it was the commander or Commanding Officer who had tried to harm me. But to do so for such an officer was not only difficult but impracticable. And then it is most unbelievable that such an officer would have been behind the creation of "this" scandal. The maximum, that such a person could do was to neutralise me alone and not so many people. This proposition, also therefore, does not stand the test of reasoning. Because prior to my arrest, 17 persons had already been similarly arrested, interrogated and convicted. Two; Under this possibility, only thing left to presume is that some one or all among the interrogating team were bought by the Pak Intelligence and what they did was in their knowledge.

The plan, it is assumed, was conceived, prepared with the minutest possible details, initially to neutralise or destroy the intelligence setup, then the Brigade and if possible, to engulf a large section of the Indian Army in false cases of espionage, as was evident at a certain stage of the Samba affair, and effected by the Pak Intelligence in collaboration with some one in the Indian Army Intelligence; taking of course the advantage of the hate which is generally generated against the offenders of such a crime. To start the plan the two gunners were planted as decoys.

The Samba Brigade and the Intelligence sub unit affiliated to this Brigade became the target, because of the strategical importance due to its very location, which is a key to the guarding or cutting off, of the entire J and K with rest of the country, and the damage, which the latter was causing to Pak interests by way of collecting information.

It has already been said that the plan, a masterpiece of the Pak Intelligence, was aimed in order to break the fibre of mutual confidence and belief of the Indian Army. If cohesion is broken and a sense of insecurity is allowed to prevail, it would result in tremendous demoralisation and frustration. It would also, render the activities of any commander in the army, suspect.

The Pak Intelligence, was more than successful in effecting this plan. To gauge the extent of demoralisation which was caused because of this scandal, I deem it proper to quote an exact statement of Major General SL Malhotra the GOC of 26 Infantry Division made in reply to one of the questions raised by my wife during an interview in September, 1979. He said, "Mrs. Rathaur, what's coming to our army? I have no knowledge nor any idea. To tell you the truth, I have lost

confidence even in myself, whom to believe and what to believe!" And if a Divisional Commander can lose self-confidence, what could then happen to the moral of others, is only a matter of guess.

To effect this plan for the people who were also the guardian of security, was not difficult. They could, as they did mislead the top brass into believing that infact so many officers from a single Brigade were spying for Pakistan. By doing so they also aimed at strengthening their own image and reputation.

Misleading the army Higher Command was not difficult, by the interrogators through their uncommon tactics. They first isolated a victim, broke him under torture and then dictated the pre-prepared stories and finally tortured the victims to implicate more people. The process was repeated by the people so implicated. Thus the story signed by one got corroboration from many. The standard of work to make a plan which had been prepared to arrest me, under the pretext of a temporary duty would give a glimpse into the type of minds which could possibly be termed as the "Higher Command". And it was through these corroborated briefs that this "Higher Command" got carried away and extended its protective hand for the mass massacre that ensued. Till my trial I also kept entertaining the notion of "biased minds" thinking that the interrogators had succumbed to the innocent tactics of the Pak stooges and had got carried away under a false sense of patriotism. Though many a times, my mind revolted to accept this theory. No officer in his right senses could be misled to such an extent as the interrogators were. However I could not conceive of any idea with which to support the directions of their minds.

Since I also under the threat of torture, was forced to incriminate numerous people whom I had known; or even not known, I had concluded that it was Captain Nagial who under the same circumstances was forced to incriminate me. This presumption of mine also took strength from a fact as it was disclosed in the story that Gnr Aya Singh was called for reinterrogation in which he alleged to have given my name. Gnr Aya Singh as I had thought, was called for reinterrogation to only corroborate and thus support the version of Nagial.

But the stupor was shattered when during the trial, I learnt from Nagial that he did not give my name. If Nagial was correct in his version to state that he did not give my name, as he was; looking at the fact that Aya disclosed my name in March 1978, whereas Nagial had been arrested in September 1975, just after Aya Singh's arrest, then who did it? Aya Singh? But we had never known each other and there was no question of his giving my name, since he did not know me. In the interrogating team also no one except Jolly knew me, who, then could suggest my name? Could Major Jolly, a very close friend of mine have gunned me down? If so, then for what reasons? Could Major Jolly alone, or alongwith the interrogating team be the Pak collaborator?

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If this assumption could be proved correct, then it would no doubt be a tale, horrifying more in intensity to assimilate than even the similar case of Captain Dreyfus, of the French army. Also it would be nerve shattering and demoralising to the army and the nation alike. Though it would become at the same time a priceless storehouse for leaders at the helm of government affairs to draw lessons, to save not only the lives of the victims of international political vendetta, but also any similar organisation from destruction.

In order to refresh the reader, I deem it obligatory to introduce a few interrogatories based upon circumstances which were created during my stay at Samba and thereafter during the period of my illegal incarceration, by the MI Directorate.

Major Jolly, originally an officer from the Gorkha Rifles, had transferred himself into the Army Intelligence Corps, and most of time as such, had served as Corps Officer in the J and K sector. During 1974, he was the GSO 2 (Int) of the Corps Hqs, when I came to Samba as an Intelligence Officer. I organised as would be evident from the story, the operation of sources from scratch and started collecting information which ultimately reached Jolly through normal channels, as he was the officer concerned for receiving them in the Corps Hqs. Under the pretext that the information so collected were of a strategic value, the established channels of command were side stepped and the reports prepared by me were sent to the Corps HQ directly. But the Corps Hqs did not remain content with this changed system. Major Jolly was introduced to carryout the briefing and debriefing of my sources against all ethics of the source operation.

Jolly not only briefed and debriefed them, but also maintained a separate file of my sources. A JCO from the Corps Field Security Section was, then attached to the Brigade in order to render me necessary help. Thus Major Jolly pretended successfully to be my inseparable friend.

Was Major Jolly's staying in J and K sector for such a long time a normal routine or had he manipulated it? If so, for what reasons? Was side stepping the channels of command, interfering with sources under the pretext of better briefing and debriefing, maintaining separate records for them and sending a JCO on attachment to render me help, all a legal necessity?

In 1975 CQMH Santokh Singh of the BSF was apprehended by the BSF Intelligence Wing, for spying, who later escaped from their custody. Major Jolly and shown a keen interest to take over Santokh Singh for interrogation. And when he escaped, Major Jolly started floating rumours against the BSF. He said and maintained that many BSF personnel were involved in spying and that it was for this reason, Santokh Singh was allowed to escape.

First of all why should have Jolly insisted to take over a BSF personnel for interrogation when he knew the BSF had its own, better intelligence setup than the army? And then what were the basis on which he spread the baseless rumours? If to concede the rumour was not baseless, then the question arises, who were his "sources" from where he had learnt about the involvement of the BSF personnel?

Immediately after Major Jolly's posting in June or July 1975, my ace sources were neutralised. Was this a coincidence?

During the same period both the gunners were apprehended on the information of Mr. AK Chabra, the DCIO of the Intelligence Bureau. Although generally if any person, irrespective of the fact whether he is a civilian or a military personnel, is arrested by the Intelligence Bureau he is charged in a civil court, Aya Singh and Sarwan Dass were taken over by the Army (under the direction of HQ 16 Corps when Jolly was the GSO 2 (Int) for interrogation and follow up action. However, no action on allegation of spying was ever taken against them and surprisingly both were retained in the army despite confirmation that they were Pak agents and that too in the Intelligence Corps.

Why was no action taken against them and why were they retained in service? Was such an action of the concerned army authorities out of compassion or still was it a professional requirement?

Following the interrogation of Aya Singh, Captain Nagial was arrested and interrogated. The GCM trying Captain Nagial could not hold him guilty for the charges of crossing the international border for purpose of spying or otherwise. Still Nagial was sentenced on the basis of suspicion because an orbat sheet, an important document under the custody of Major Madan was found missing and the loss was attributed to Nagial. It would be of interest to keep in mind while analysing the mystery of this scandal that a similar document was found missing from the custody of this officer earlier also, when he was the GSO 2 (Int) of a different Corps that incidentally was again commanded by Lieut General D.K. Chandorkar. Why was it that everytime the documents were found missing from the custody of the same officer? Could the loss of a document in some one's custody be attributed to a third person just on suspicion? By what were the grounds of suspicion of the GCM when it had already disbelieved the story of Gnr Aya Singh, which incidentally was again the only evidence against Captain Nagial? (Major Madan also took effective part in the interrogation, being a member of the team, though he never interrogated me).

I was suddenly and unexpectedly posted out from Samba. The posting was unexpected because of the assurance given to me by the Higher Commanders to retain me at Samba because of my

work for at least one more year. In fact there had been proposals to absorb me permanently in the Intelligence Corps.

Was this posting of mine a first step to neutralise me? If so, who was behind this all?

According to the ethics of interrogation, a person is not interrogated by an interrogator if the latter is known to the former and vice versa.

Major Jolly not only knew me but was supposed to be my best friend. Under the circumstances even if he was detailed by an order, he was within his rights to have refused it.

Why did Major Jolly choose to interrogate me? And after having done so why did he perpetrate all sorts of atrocities, illegalities and even went to the extent of obliterating and concealing the evidence? Was such an action of Major Jolly, a friend of mine, justified even in an exceptional circumstance?

It will be pertinent to mention that Major Jolly was not a qualified interrogator. In fact, it would be interesting to note, that none of the officers who constituted the Interrogation team were qualified as such.

Why did the MI Directorate detail these unqualified officers to the exclusion of an expert and highly trained officer like Major RS Chordia, who were renowned for such a job, to tackle such a delicate issue? Was this also a matter of routine? or was it again a coincidence? Not only me, but a number of others were pressurised to become approvers. Even senior officers like Brigadier PM Pasricha, the DDMI (later promoted as Major General), also did not lag behind. Under what necessity was such a pressure applied?

As DMI Maj. Gen. Kaul was replaced by Maj. Gen. K. Gauri Shanker by the end of 1978, Maj. Gen. Kaul was appointed as the Director of Military Operations, (DMO). Maj. Gen. K. Gauri Shanker was the divisional Commander under which came the Samba Brigade. Interestingly the appointment of the Divisional Commander as the DMI came through at a time when a whole lot of officers who had served under him were arrested. In the normal course, as the situation dictated, Maj. Gen. K. Gauri Shanker should have resigned. And in case he didn't do that, he should have been forced to resign. Because it was under him that the scandal was created and as such he could not absolve himself of the responsibilities. But surprisingly he was given a highly lucrative appointment.

Was this also a coincidence, in the routine of events or was there something sinister in his appointment? Or still, was his appointment as the DMI and that of the previous DMI as the DMO, a part of the bigger plan to make Maj. Gen. K. Gauri Shanker the sacrificial goat?

Why were then the army authorities adamant not to allow the Intelligence Bureau to participate in the investigation? Was this denial of the army authorities a result of professional rivalry, or were they apprehensive of something unwanted coming on to the surface? There surely was something of the kind which the authorities didn't want to disclose; otherwise why was the investigation by the Intelligence Bureau, obstructed at every stage?

And finally, why did the official lips remained sealed for ever, even when there was a lot of mud hurled and the questions asked by the press?

Shri Dalip Bobb and Prabhu Chawla in their article "Samba Spy Case" in India Today, of 16 April 80 issue, wrote :

"... The prosecution theory that a large number of officers crossed the Indian border, - drove a distance of 260 Km and returned to their base at Samba all in a space of eight hours wears exceedingly thin.... There is also an indication that the arrests and dismissal order were pushed through in undue haste ... This is also questionable as to why the Intelligence Bureau which is the principal agency involved in counter espionage activities should have been kept completely out of the picture. However, the tight lipped silence on the part of officials to divulge any information on the case is perhaps the most damaging. The new government has also seemingly preferred to ignore the various memoranda sent, claiming that the case is a fraudulent one and certain senior officers have raked up the muck in order to obtain promotions for themselves, - Whatever the truth of the matter, the case has certainly not been conducted in a normal routine manner. Politics it appears, is not the exclusive preserve of politicians..."

The news was known about the scandal to the Pak FIU much before it was known to anyone in India. How could such a news reach Pakistan, when it was kept a guarded secret to the extent that even the wives of the arrested personnel, were in absolute dark about the arrest of their husbands, let alone the allegation on which their husbands were arrested. Who could then inform the Pak authorities, other than a person who knew about it? And who were the persons who knew about it?

Could all these interrogatories be the result of those coincidences? But it is said, "If previous coincidences are traced, it becomes inevitable."

And now I shall trace back the coincidences, to provide an answer; possibly the only answer.

If it is presumed, that Major Jolly was on the pay role of the Pak FIU (which invidently provides an answer to his unusual and unreasonably prolonged stay in the J and K sector) then he saw my reports, at the Corps Hqs. He appreciated the speed with which I had spread my probing fingers across the border. He became apprehensive. As a counter to check the threat of exposure to himself, Jolly played a very innocent looking trick with complete success. He first asked for my reports to be sent to him directly and then butted in between me and my sources. By doing so he practically minimised the chances of his own exposure, at least through my sources. Still he had a reason to worry. I may not have informed him about the arrival of every source I had; he probably thought and if that was the case then he was doomed. Therefore, in order to check mate this threat, he got a JCO from the Corps Field Security Section attached with the Brigade. The JCO made sure that Jolly was informed telephonically every time a source came. Thus he was successful in sealing off all the loopholes which could have led to his exposure. This also explains the reasons why a JCO from the Corps Hqs was attached to the exclusion of the JCO of my own Company who were present at Yol Camp.

Jolly developed his friendship with me in such a manner that there was no reason for me to suspect his real motives. On the other hand he was able to win over my confidence to such an extent that I started considering him not only a foresighted and intelligent person, which he undoubtedly was, but also my benefactor. So when he maintained a separate file on my sources I had no objection whatsoever.

After having maintained the records of the sources he waited for an opportune moment to expose them to Pak authorities. And the opportunity was realised when his posting came. Jolly no doubt could have exposed the sources earlier also, but he was cunning enough to not give any chance for suspicion to anyone by exposing the sources prematurely.

He saw the threat looming large on him when CQMH Santokh Singh of the BSF was apprehended. Probably Santokh Singh knew about Jolly's involvement, so he was naturally apprehensive about his own exposure. Therefore he applied lot of pressure on the BSF to handover Santokh Singh to the army. Such a pressure was generated through the letters written by me at the instigation of Jolly, to the Corps Hqs directly. The contents of such letters were also drafted by Jolly. When Santokh Singh escaped from the BSF custody, Major Jolly took the opportunity to defame the BSF by spreading rumours, that Santokh Singh was, in fact, allowed to escape purposely by the BSF.

I do admit that I also believed that time, whatever was being propagated by Jolly. Others must have also believed it. Because his actions were so well timed, it was not possible for anyone to judge, his real intentions.

Since Jolly was in direct touch with the Pak FIU he passed on the information to them regarding the damaging information which my sub unit was acquiring. So to wipe me out of the scene they made a plan which was natural for any well organised Intelligence setup to do. To effect the plan, Major Jolly provided the required pivot.

According to the plan, it may be said that the arrest of the two gunners by the Indian Intelligence agencies was worked out with precision by the Pak Intelligence in collaboration with Major Jolly. After their arrest, the gunners were to be taken over by the army for interrogation, where Major Jolly was to interrogate them. During the interrogation they were to incriminate some persons of the army, whom they knew. Persons so incriminated were to be arrested and interrogated. During their interrogation, which implied nothing but torture, such persons were to be made to accept the fake stories.

Any officer who had served under a particular formation, would know its number, and the orbat in general. Such an officer would also know if there had been any exercise conducted by the formation; he may also remember the names of such exercises apart from the names of commanders. Such information would be asked from him and taped.

And thus, once the stories told by the gunners (Jolly) were got signed by the victims, the above details were to be included, which in fact was the practice to show, that the information was "passed to Pak FIU", in the stories termed as "confessional statements". Since the persons so incriminated would be serving at the border, it would be natural for the GCM to draw its inference about the correctness of "such stories", even if these were refuted by the victim during his trial. The gunners were then to testify as per the tutoring against the person being tried. Through their "act" of helping the Indian Military Intelligence in flushing out the "spies", pardon was to be obtained for them by Jolly.

And since the plan had been effected successfully the gunners were not only pardoned but retained in the Indian Army Intelligence.

Jolly in his ability tried to reach me through Captain Nagial, who was a victim of the initial round up. He chose Nagial, because the fact of our acquaintance was known to him. But Nagial could not be held guilty for crossing the border by the GCM during his trial. So how could I be arrested upon the story which probably had been prepared as early as 1975. Hence Jolly deemed it wise

to put off my arrest for a later date. But I still was like a thorn for Jolly, if I stayed at Samba. Though at that time I could not conceive of any such move. Jolly probably was afraid of my staying in Samba, as he thought I may cultivate fresh sources, as in fact I did, and since his posting to the command Hqs, as it was not possible for him to come from there for the briefing and debriefing of my sources.

So it is plausible to believe that it was Jolly who got me posted out from Samba, as his plan to get me arrested, then, had temporarily failed. This was not difficult for him to accomplish through his personal influence, of which he had enough.

And so I was neutralised, a first step to my complete and shameful destruction.

Many a time strictures against the interrogators had been passed by the JAG branch officers, acting as DJAG. This probably annoyed them, but the interrogators by then had exhausted the stock of spies implicated by the gunners. There was nothing with which the plan could further blossom. However, they had yet to teach a lesson to whoever had spoken against them during the trials.

So the attention was turned to me after nearly three years. A story which had been prepared before, was got corroborated by Aya Singh. It was made to look as if Gnr Aya Singh had given it during his reinterrogation, showing me as one of his accomplices. However, when this story was put up to the then Chief General T.N. Raina, in March 1978, seeking his permission to arrest me, the same was refused by him. As Colonel Gupta had said, "... Because of your inflated records the previous Chief did not give permission for your arrest..." However, the permission was obtained soon after he was succeeded by General OP Malhotra.

Their detailment as interrogators, even when Jolly and team were not qualified interrogators, was to some extent justified. Because, they had established their worth as interrogators beyond any shadow of doubt in the eyes of Higher Command, through the interrogation of the gunners first and of 17 people subsequently. No one had bothered to find out and even believe what was described by the victims later. So much so, that no one tried to interfere and stop the torture even when Havildar Ram Sarup had died as a result of such torture. Not only that, the interrogators were given a protective hand by no less a person than the Chief himself. probably because of the nature of the offence, the Higher Command was prejudiced. Nothing was being considered on facts. All facts were ignored and the versions of the interrogators was apparently taken as the "universal truth."

Thus under the circumstances, the unqualified interrogators became the chief whips and thereby the masters of destiny, not only of the victims but also of the Indian Armed Force.

And since the plan had been worked out by Major Jolly he must have volunteered to participate in my interrogation. Because he knew my "confessional statement", was his own creation, and he alone knew the methods under which I could be made to accept that. This probability explains, why Jolly obliterated the evidence given by me. Not only that, it also explains why an officer of the Indian Army was allowed to be beaten up and humiliated not only by the interrogators, but also the JCOs (Chotte Singh), the sentries and the worst of all by the traitor like gunner Aya Singh, that too in the presence of the interrogators, called brother officers of the same army. It may be said here that I was not only one to suffer such degradation at the hands of the traitors, there must have been similar incidents before and after my arrest. And this must be a singular example in the Armed Forces of any nation, so far, where an officer is beaten up by an other rank in the presence of other officers of the same army. And this was how the identification parade was carried out!

Since it was known to the authorities concerned that there was no evidence to corroborate their fake stories termed as "confessions", they resorted to the tactics of offering the release of any particular victim, if he turned an approver!

Major Gen Kaul was seemingly appointed as the DMO when he was already the DMI. Both these appointments are equal in importance and status. So the only reason for such a hasty change was that Maj. Gen. Kaul had smelled the truth of the case at one particular stage, from where he thought it unwise to correct it for fear of admonition. But he apprehended at the same time that the spy scandal may boomerang at any stage. Hence he wanted to be out of it. The same was not difficult for him to achieve, as he was already in the good books of the Chief. Maj. Gen. Kaul was also close to the Army Chief because of his brother, who once was an ambassador (Mr TN Kaul) in Russia. The Chief had served under the Ambassador as a military attache.

And since it is a tradition in the Indian army to place a sacrificial goat, Major Gen. K. Gauri Shanker was appointed as the DMI. Some officials of the Intelligence Directorate came out openly to take undue advantage of the situation created by the interrogators. They tried to implicate the new DMI in the same mudpool where most of us, who had served under him or his Division, were being drowned. Brigadier PM Pasricha tried to pressurise Major Midha, when the latter was confined at Udhampur, to implicate the DMI. He was offered freedom, in exchange as a reward!

The authorities concerned aimed at and succeeded in confining me in complete isolation where the voice raised in protest was subdued within the four walls of the cell. By the time I was taken out from the dungeon and again confined at Nagrota, I was only a "human wreck", physically as well mentally. Even in that condition, I did try to raise my voice. But to my horror, I found they had already done away with the media, through which I could communicate my feelings. They had created a situation by maligning me through false propaganda so that everyone had become deeply prejudiced. Therefore, my attempts to bring out the truth were met with only failure. Instead I had to face a wave of hate and hostility. Threats of killing me and declaring that I was trying to escape were given to me. My constitutional rights the rights which were due to me under the Army Act and Army Rules were all violated openly. This certainly was the result of biased minds who were directed from the higher command advised by the interrogating team, of which Major Jolly was the head!

By now (the time when Maj. Gen. Kaul had sensed the truth) the MI Directorate was probably aware about the true position of the case (not that Jolly was a collaborator but that it was a mistake to have believed the gunner). But knowing the consequences that would follow, if the mistake was corrected, they preferred to hide it. The Directorate instead of apprising the Chief correctly, kept him in absolute dark.

The present Army Act is the spawn of the Indian Army Act 1911, a legacy left over by the then rulers. The Indian Army Act gave absolute powers to the Commander-in-Chief. However, the political scene that time was entirely different. As such the framer of the Act had envisaged their interests while passing the enactment.

After 32 years of Independence the only significant amendments that have so far been made are the words; "Crown" and "transportation" that have been amended to read "President" and "Imprisonment", respectively' wherever these words occurred in the Army Act.

After freedom India became a democratic first and then a socialist democratic country. Its constitution was framed and amended from time to time. It enshrines the basic rights of freedom of an individual citizen. However, the Armed Forces of the same Socialist Democratic Republic continues till this day, to be subjected to the dictatorial Republic continues till this day, to be subjected to the dictatorial laws framed by the erstwhile rulers.

It will not be an exaggeration to term the army as a state ruled by a dictator i.e... the Army Chief, within a democratic State. The army provides unlimited powers to the Army Chief and through him the command below. And since he is the head of Executive and the Judiciary, it depends

upon his discretion to violate the existing laws also, in case such laws are required to be violated with a view to safeguard his own interest or the interests of commanders below him!

Under these circumstances justice depends entirely on the whims and fancies of any commander. Because there is neither any person, nor is there any law to challenge such actions which are purely unconstitutional in spirit; which unfortunately, invariably exist!!

So justice in the army becomes directly proportional to the commander's interest, in the outcome of the case. This statement is proven in its entirety after one look at the Samba Affair.

A citizen of India, a Socialist Democratic Republic, has the right conferred to him under article 136 of the Constitution of India, against any dictatorial exploitation to seek justice in appeal against the verdict passed by a lower court. But ironically the same citizen has been denied such rights of appeal vide clause 2 of the same Article, if he joins the Armed Forces.

The only person to whom aggrieved personnel of the Army can appeal, is the commander; the same commander who initiates the proceedings against the aggrieved.

Such appeal no doubt, also lies to the Central Government, but the question arises; Is the government a law deciding body? If yes, then why have the Judiciary at all? And if no, then why this discrimination?

The Chief probably felt torn emotionally when he was first informed about the numerous spies. It was so, because the matter was projected in a manner, by no less a person than the DMI, Maj. Gen H Kaul considered to be the eyes and ears of the Army Chief, that he had no reasons to disbelieve the report. Thus, his belief about the spies was genuine. Though it was here that the mistake had been committed.

The Chief was, no doubt, failed not only by the DMI but also by Lt. Gen. Chandorkar, the then Corps Commander. Had the Corps Commander apprised him correctly, regarding the deposition made by me on 08 and 09 January 1979, he would have surely taken corrective steps and refused to sanction the mass arrests of officers and men, which took place in the third week of January 1979. I am doubtful if he ever received the letter which I wrote to him on 01 Feb 1979, giving the correct information in the case.

Even if it was in good faith, the blunder had been committed. Since he could not afford to keep the mystery of the biggest spy ring as secret, the Chief referred it to the Defence Minister.

This was his second mistake, of referring the matter. He should have made absolutely sure before reporting, that in fact the mystery of many spies was correct.

Later, realising his mistake, he spoke about it to the ladies who had approached him with a memorandum. He conceded; "...I have committed the biggest mistake of my life by sanctioning the arrests enmasse. But I cannot help it now, All those who will be found guilty by circumstantial evidence will have to be sentenced while those remaining would be set free...."

What did he do when there was not a single circumstantial evidence found against the alleged spies?

If General Malhotra could not think of any solution himself to solve the issue, he should have followed the examples set by various commanders of his equivalent rank and position in the past. A more recent example or to say a contemporary one, set by the Japanese Chief of Army Staff was before him. The latter resigned from service when only two of his officers were allegedly apprehended for espionage.

Why then General Malhotra did not follow this example, especially when such a large number of them were alleged to have indulged in espionage. And still so if he had believed the allegation to be true?

Instead of correcting the wrongs, by bringing the culprits to book, or facing the consequences boldly, he undertook a course which he probably thought was safer. He took a plunge and did the same thing to the government which was done to him initially. He applied every switch to keep the government misinformed. It was a clear breach, rather a daylight murder of the trust that the nation had entrusted in him.

It was because of these reasons that the IB was kept out of enquiring into the Samba Affair. It was due to the same reasons that the "official lips" remained sealed forever.

Every effort was openly made to establish the case against the alleged offenders. When such efforts failed, the Chief resorted to the use of Summary Power under the Army Act, and dismissed from service, most of the arrested officers, without attributing any reason for such an action.

Since the matter had come out in the open, something was required to justify their action, and to satisfy the curiosity of the public and the Press too, something was required to be done. So some of us were made the sacrificial goats at the alter of the Samba Spy Scandal....

Can any nation live and prosper on such a GUILT?"

The Price of Loyalty – Samba Spy Scandal – By Capt R S Rathaur

The Postscript

In jail I wanted to write. This urge, I feel, was there in some hidden slot of my subconscious mind all along, though occasionally emerging to the conscious surface. It disturbed me with varying degrees of intensity, coaxing and driving me to take up the pen. But whenever I tried to translate and give a form to my thoughts, I got bogged down. Was it a lack of ideas? Maybe I did not have anything concrete, or the thoughts were so many that confused my mind. The incoherence of thoughts forced me to abandon the attempt, leaving it to a latter date.

The thoughts were innumerable like the rain bubbles in a tank. A thought would come, swell, float for a while and then die. In exasperation, I would give up the effort of arranging them in a pattern, letting them take their own course. At this, the thoughts would slowly submerge in the cast ocean of the subconscious mind, leaving me drained and tired. I would gaze in the endless void not knowing what I was doing. Perhaps it was the inner force driving me to find an anchor, where I could halt the aimless drift of my existence and find some meaning for its base continuation.

The vitality of life was oozing out in a continuous flow, inducing a painful calmness, devoid of any desire for action. Truly speaking, in jail, one is forced to be in a state of inaction. This situation is brought about by the very surroundings. Here, time ceases. the feelings and emotions that separates the present from the past, fades away. There is no present only the past. To some extent one is free to dream about the future. But future never comes. So one is left with only the past, which is dead, where one finds denial and security. And so is the life in jail. Yet there is something deep within that connects a prisoner to the present and drives him to continue even though the existence is of the lowest level.

This inner something is a great motivating force that absorbs the pains and shocks and balances life, pushing one to struggle.

My struggle became two fold. I had to contend with the outer objective existence to recover from the fatal wound inflicted by the army; and I had to struggle with my inner subjective urges which I felt were deserting me.

The nature of allegations had alienated me from my surroundings and made it hostile. I was lonely-utterly lonely. A wife is a true companion who provides solace to the tormented soul. But I was separated from her. A few contacts with her in the form of interviews conducted in the dim babel of voices, was not enough. It only increased the pain. The awareness of lonely existence in the hostile surroundings further tortured my mind and soul. Its weight was choking. I was in a

terrible agony. I realised, for me, there were two options; either to drift along the course destiny seemed to have carved for me and sink, or swim and survive. I knew only too well that swimming was not easy. It presented innumerable odds, and every odd was unmistakably against me. But if I were to think of survival, the latter course was the only hope. I decided to follow it.

So far my efforts to project the truth, had been unsuccessful. I failed to elicit any response from my letters I wrote to Smt. Indira Gandhi, Shri Charan Singh, General KVK Rao, the Chief of Army Staff and many other leading personalities of the country.

In a way I was in no doubt about the seriousness of allegations against me. After all 'spying' is such a word that creates instant hate and hostility against the alleged person or accused in everyone's mind. It was the most powerful emotion that nullified my efforts. But I continued to move ahead sluggishly. I would brood for days in search of finding an answer for my unjust sufferings, from which I could see no escape.

Apparent injustice can only be explained by the theory of past Karma. But this philosophical outlook, a life force of a common India, too was of no avail. On the contrary it only added to the mental agony, I was destined to suffer for a considerably long period.

I suspected a hand of some senior army officers behind the disaster, a national betrayal, from the beginning itself. As enumerated in the last chapter. I had tried to pick up the scrambled threads and arranged them into a pattern. The story so formed was discernible, but it lacked the force of direct evidence. It was based on some facts and mostly conjectures. I was looking for some positive evidence.

Then the story of Larkin brothers involved in spying hit the headlines. Maj. Gen. F.D. Larkin (Retd) alongwith his brother, an Air Vice Marshal (Retd), with many officers was arrested by the Special Branch of Delhi Police. He was passing on the secrets since 1972, it was reported. I was happy because I thought this case might provide a link to unravel the mystery of our case. I expected at least a few among the Larkins case suspects to be behind the creation of the Samba case. My expectations were not illogical. A retired General could not supply vital secrets of the army without the active connivance of serving officers. Such an officer had to be at least of his own rank, if not senior. I scanned daily every paper minutely, to find out the anticipated details, that never came. The Army Headquarters had closed the iron screen and thus protected the possible offenders within its own ranks. If F.D. Larkin was spying, how and from where had he obtained the secrets? Due to his retirement, he had no access to the vital information. He had retired from active service in 1971. Then who was or were the serving officers who had obliged

him? It was a vital question and the people of this country had the right to know the answer. But it too had been consigned to the recess of unwritten pages of dark history.

In fact, I have read some recent history, which to me is simply a farce. I am a competent witness to the actual reality that was brutally mutilated, distorted, published, and made a "history". I am referring here to the 1971 Indo-Pak war.

Having taken an active part in the war, I am aware of the conduct of certain operations, particularly in what became Bangladesh. It is natural, who knows the reality, to distrust 'history'. History lies. It only serves those in power. Because it is they who shape history - the written history as per their convenience that meets their political end. Putting it idiomatically; the written history is as good as the unwritten pages of dark history. Since it contains events of historical magnitude in the distorted form, it is misleading. That makes it worse. Napoleon Bonaparte, the Great Emperor of France, history informs us, dies of failing health on 5 May 1821, in captivity at St. Helena Island.

But it does not say that he was slowly poisoned to death, by no one else than Montholon, his most trusted minister in attendance. Similarly, it had become history that the Indian officers of the Samba Brigade, en masse, traded army secrets to Pakistan. That they were innocent victims of a deadly conspiracy and that they were tortured, insulted and humiliated and condemned to a living hell without the slightest evidence against them that they still were loyal to the army and the nation, would never be known. They were condemned to eternal ignominy. My struggle was to tear the pages of this written history and to recreate it as per the reality. But, for this I was powerless, resourceless and lacked direction. My petition filed in the Delhi High Court too, had been dismissed.

Shri B.M. Sinha, a journalist suspecting foul play, had investigated the entire case in detail. He wrote a book, 'The Samba Spy case'. It was reviewed by a number of newspapers and magazines. Most of the reviews, as with the press earlier, cried foul play and demanded justice for the accused innocent. But the government remained a silent spectator, it was not prepared to disbelieve the false stories spun by Chief of the Army Staff. The book is a living testament of the army's atrocities, tortures and humiliations to its own loyal and patriotic members. But it is not history. At the most, it is a private history, that could also be consigned to wilderness with the passage of time. The thought of this, would put my soul on fire and that was the only weapon I had.

The long drawn hopeless struggle, was wearing off my soul. Its futility, because I was fighting against a power divorced of logic and reason, added to my inner tiredness. I would become

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pessimistic and would consider to give it up as a hopeless case. At such moments I would be saved from passing into oblivion, by a sudden surge of anger, released from the unknown depths of my being, with an impact, that would cause tremors, in my mind. I would be up with renewed determination. I sensed that my existence depended on the continuation of my fight for justice. To cease it, meant instant death. I could not live with the dishonour. Fight signified hope to retrieve it. And, there was hope in struggle, even if it was a hopelessly unmatched one. It certainly was quixotic.

I had tried all avenues and failed. I tried them again with identical results. My will began to sink. At this moment Ram Narain Kumar, of the famous melodramatic South Avenue Hostage case, entered my life and acted like an anchor to my drifting energy. A young lad of about 25 years, a social worker, he was fully committed to the cause of the neglected, exploited and down trodden. Though physically weak, his mind was exceptionally powerful. He was well read and he had in-depth knowledge. He could speak with authority on any subject ranging from, world history, literature, philosophy, religion and politics. He was intimate with the renowned world philosophers and their theories. In fact he himself was a top class intellectual and a philosopher - deeply concerned about the ills of our society. Religion, he said, was the cause for the enslavement of the Indian Society. Its individualistic essence did not permit a man to think beyond himself. He suffers himself, but is oblivious of his neighbour's sufferings. This tendency is rooted in the Indian philosophy, a synthesis of the supreme wisdom of the Upanishads and the practice of lower forms of religions which over the ages, killed the spirit and retained only the form. Today, we are sticking to the spiritless form - long decayed. Perhaps the Upanishads contained the supreme truth. Unlike the Vedas, it stressed on single supreme power - God, and the relation between Him, Being and Non Being. When the thought percolated down to the masses, it was allowed to be distorted. Its purity was allowed to be defiled by dogmas. Possibly the decay started from there.

Our so called glorious past has greatly contributed to the degeneration of our character. We promptly go back to the past and dig out some outstanding achievement of our ancestors from the epics and mythology and rejoice over our failures. When we see or hear of development, and technological advancement of countries, we content ourselves by referring to our past, our ancestors achieved millennia before. Rejoicing thus, we have reached the nadir of decay. It has corrupted our mind and soul. We preach old values without adhering to them. The decay so caused has made us timid and brutalised our conscience. We readily commit heinous sins without a pinch of remorse. Under the cover of 'Satyam Eva Jayate' which is our national motto, we perpetuate every type of falsehood, and yet try to look noble. Ram Narain Kumar believed in trying to rejuvenate the dying or already dead spirit of India. But he too had failed. Then to shock

the conscience of people, he had held people hostage at the residence of Shri Dalbir, Singh an MP from Shadol constituency in MP. Kumarji had been fighting for basic amenities, like drinking water and medical facilities for Jhaghrakhand coal mine workers.

I was not only impressed by him but his personality also influenced me. Much junior in age to me, he was way ahead in maturity and perception. The casual introduction to him turned into a bond that was to infuse me with fresh vigour and vitality.

He insisted I tell him my story. It took three nights, for me to relate the entire episode, including giving answers to his occasional questions. Doing so, I relived the agony. At the end I felt exhausted and utterly tired. He was the first person after Lt. Col. J.D. Desai, my defending officer at the trial, who had listened to my tales of woe with attention and concern. He too was convinced of my innocence and shocked at what I had to undergo. He asked me for a copy of the manuscript I had written and alongwith an interview he created out of our conversation, managed to smuggle it out of the jail, and finally out of India. He sent it to France, to Mr. Jean Ecalé, Kumar's friend and editor of 'Indian Resurrection', a quarterly on Indian affairs.

I was immensely pleased to read a small review by the magazine, shown by Kumarji. It compared the work on par with the best of Russian dissident literature.

The interview with Kumarji and the radio version of my book, appeared in the magazine. This increased the number of people who were convinced of my innocence. I personally posted its copies to many dignitaries including the army Chief General K.V.K. Rao. Still there was no response. I became bitter and wrote two articles in a series; 'The Pervasive wrongs' and 'The leadership crises in the army'. I shot these darts to provoke the army command for retaliation. I thought if they did so, I may get an opportunity to be heard. They did not. Obviously, the darts had failed to pierce the rhinoceros hide.

I was deeply concerned about the education and future of my daughters. I wanted my wife and children to stay with my parents in the village. It was necessary, because I was penniless. Being in jail, I could not think of supporting them, when I myself needed support. The elder daughter, had been separated from her mother and sister. My bhabiji had taken her to Chandigarh for her studies. It became necessary to recall and to admit her to the village school. But she refused to study in that school. To make the child understand our adversity was impossible, without seriously affecting her psyche. At this point, my wife again rose to the occasion. She took a final decision, came to Delhi and stayed with my sister, who lived in Paharganj, in a two room house, with her large family. Though poor, she was rich in heart. She gave the smaller room to my wife.

I was happy to learn that within a short period of one month, she got both our daughters admitted to St. Anthony's Girls School, and had set up her home. She adjusted to the changed circumstances and learnt to live in them. For a living she gave tuitions. The meagre earnings were augmented by the help her brother gave. Living for her was, however, very difficult.

The fate, it looked, was working in an adverse direction ready to wipe out my family. My aged parents were unable to bear the shock. My father had taken to bed leaving everything to mother who was utterly alone at home. The shock of her only son being in prison finally took its toll. She died of a broken heart craving to see me till her last breath, on 7th June 1983. I was not destined to see her mortal remains consigned to fire. This event was to cause me permanent distress.

However, I drew a little satisfaction of having met her about five months before she expired. After many efforts I had been able to obtain parole in January 1983, on my father's medical grounds. Five years in custody had cast me in the mould of a captive for whom time ceases or at best retards the advance in the opposite direction. When I stepped out of the jail gate, I was terrified. For a few seconds I stood rooted to the ground, unable to move. I realised some terrible force was pulling me back to the jail. With great efforts I trudged forward and pulled myself out of the field of that unknown force. Once safe on the road, I found my body was trembling and sweating, even in the severe cold of the January night. It was an entirely unknown experience. It was weird. It never ever repeated during the subsequent paroles. I tried to search for its cause(s) but no theory could explain it satisfactorily. Though consciously I didn't care, perhaps my sub conscious mind contained the fear how would I be received by the people I knew, because of the stigma of a 'traitor' attached to me. Was it then, the cause of inner terror? Maybe it was not. Because, many long term prisoners when released temporarily for the first time, on investigation, reported similar experiences. It fascinated me, and has remained a subject of interest ever since.

I was not overtly conscious of people, though I was keen to judge their feelings about the case. It was vital for my subsequent struggle. In the event of failure to obtain justice from the courts and the government, I had to go to people for it, as a last resort. To know the direction of their feeling was therefore, necessary.

This response, I found, was overwhelming. The news of my release spread quickly and people flocked to see me, hear me, feel me, and touch me, to make sure I was alive. They had heard the stories of the tortures given to me and read the news of my 'death' published by certain papers, as supplied by army's 'reliable sources'. Indeed it was due to shock, the outcome of such wild rumours and the taunts of a few neighbours, that had killed my mother's spirit a precursor, to her final departure. I learnt how, for hours she used to seep in a lonely place. It was only after she met me in Nagrota with my wife, that she returned to normalcy. The courage with which my wife

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faced the tragedy and fought to protect me, had restored my parents' morale. Her bold actions had also earned deep respect of people of the area. They called her Durga - the goddess, the killer of demons.

In the beginning, a few people, I learnt, had passed adverse comments about me. But a majority of them did not believe that I was a traitor. Subsequently no one doubted my innocence. Even layment in the area knew I was a victim of the frame - up. They were keen to help, but did not know how to do that.

When my parole was ending, mother fell sick. My wife had left for Delhi with the children because of their school. I was alone at home. Hence I got the opportunity to serve her. I would sit beside her talking, oiling and combing her hair, or pressing her body. She would stare at me with motherly affection for long periods and then burst into tears. On such occasions I would take her in my arms and hug her close to my heart, kissing her head, while giving her encouragement about the positive outcome of the case, which was her greatest concern.

I cannot forget the scene when I left for Delhi. She had come a long way, despite my objecting, to see me off. At the time of my departure, she stood looking at me. I could not bear that look. I would come back and placing my head at her bosom, ask her to go. But she did not. I had to concede defeat and leave her. Did she know by some inner power that we would never see each other again? Her last look would keep hounding me till the end of my life.

My wife who had lived in comfort all along her life till struck by the tragedy, I found was living in sub human miserable conditions, and that too, at the mercy of my kind sister. She got up at 4.30 am. Her day started with standing in queue for milk, getting the children ready for school, preparing breakfast for them, leaving them at school, fetching water from a public tap meant for more than a hundred families and washing clothes. By the time she finished preparing lunch, it was time to bring the children back from school. In the afternoon and evening she gave tuitions to earn whatever little she could. She had no time for rest. To discharge her dual responsibility, she had become like a machine. She was simply consuming herself. This pained and worried me. But beyond this I could not do much. I had no means to salvage her. But courageously, boldly and with single minded devotion she had in the storm that blew, saved the boat from its inevitable disintegration and steered it clear from the centre of a vortex. She had almost brought it to the shore, when exhaustion over took her. She became a patient of TB.

During parole, I made personal contact with many people who believed in my innocence. They all were sympathetic. But beyond that, they too were powerless to change the course of events. A few of them, however, came out with the suggestion, asking me to leave the country with my

family. they offered their help to take me out and settle me anywhere I wanted. The lure of free life looked sweet. The prospect of living with my family and to provide them with their wants was overpowering. To go back to the prison meant stagnation and decay of my own and my family's life. It meant bleak existence full of hardships devoid of hope. I was split between two thoughts. To choose between freedom outside the country and slavery within it. The decision was difficult to make. The thought of leaving my country, snapping all links with it, choked my soul. Beside, the perpetrators in the army would seize the occasion, if I left, to further discredit me. My disappearance would confirm that indeed I was a traitor. It was precisely for these two reasons that I chose the latter course and surrendered to the jail authorities, after the expiry of my parole.

The life in jail was dark and cheerless. I felt caught in the centripetal force of inertia that threatened to swallow up the very existence. The expanse of inaction was terrifying. It was, therefore necessary to find ways and means to overcome that situation, if only to prevent disintegration of the self. It was essential to protect and maintain my identity. Here too, that young revolutionary, Kumar came to my rescue. He gave me a base to carve my new self. "Share others sufferings" he said, "your own will then turn into joy. Happiness lies in movement and struggle. It is the essence of the life". He taught that fighting against odds in the unhappiest circumstances is the true happiness - that is joy. What he said was not from books. It was from his personal experience of life, devoted wholly to the betterment of the poor, crushed under the weight of neglect in our so called egalitarian society. He struggled and suffered, for restoration and protection of fundamental human values. Being an active member of the JP movement, he suffered in jail for raising his voice against the emergency, for 18 months. If he wanted, he could have become a minister or an MP during the Janata regime. But he shunned politics willingly, knowing the evil power of its corruptible nature. He fought against the inertia and wrongs committed by Janata Government also. And he was suffering to improve the lives of Jhagrakhand coal mine workers. He struggled and suffered without expecting any reward. His selfless sufferings, raised him in my eyes as a revolutionary, saint and a soldier.

In jail too, he fought for the rights of parisoners. His fight brought far reaching reforms. The juveniles, who were exploited, physically abused and raped by hardened criminals in connivance with the jail staff, were in particular, its benefactors. He became their messiah. I tried to provide him with whatever little help I could. I took to teaching the juveniles. I must confess, that it became a solace of my tormented soul. It diverted my thoughts and saved me from becoming a victim of self pity due to repeated failure of my own struggle for search of justice and truth. I discovered, that though for people I was teaching the juvenile prisoners, in reality I had begun to learn seeing new light and finding different meanings for things.

Old concepts were slowly falling or undergoing a subtle change due to the interaction caused by the new circumstances in life. Change is not always pleasant. The values learnt from childhood, become a part of one's personality. In fact, they assume the role of self and the very identity of a person. Hence, the change signifies the destruction of that self. This change even for the better, means pain and sadness. At times I would become very sad and forlorn, looking at this vast world, as if from a distance, reeling under purposeless madness. The inner conflict gave rise to two distinct but opposing emotions that stabilised into strong feelings of extreme hate and detachment. I found myself split between these two giants. I was terribly wronged. This awareness put my hurt ego into the advance guard of my thoughts, leading into an area of consciousness where every atom of my personality became thirsty for revenge. I could easily achieve it. The jail was the best place to plan. The deadly criminals, vicious murderers and dacoit gangs were ready to call my biddings. I was liked by all of them. Many of them, infact, seriously advised me to take such a course and offered their help. Many times I was tempted to take the plunge. I was aware that with the background of my knowledge I could organise a deadly composite force, plan operations and paralyse the system. I could get my tormentors and their families, kidnapped, tortured and killed. Only then the goddess of vengeance would be propitiated. Indeed this feeling of retribution was born during the period I spent in solitary confinement. But then, it was only in the abstract. In jail, I had the facilities and resources to change it to reality. The emotion would then calm down giving place to detachment. I would start seeing the futility about the madness of this world. Is it necessary for me to be part of the evil because I was evilly treated? Would I not become a part, of the forces that I hated, if I took revenge? Even if I was able to propitiate the goddess of revenge, will it give me peace of mind? 'No' was always the answer to these questions that prevented me to take the first course.

I had no option but to continue the battle by legal means and wait for the opportunity; my inner voice told, the nature would provide sooner or later. This wait in itself was a terrible agony. Hence my struggle was chiefly to overcome it.

But let me admit in the army all was not lost. There were some good people also. One of them was Colonel Ashok Bhan, incharge of the Army Welfare Association under Adjutant General Branch and also the Adjutant General himself, Lt. General Cheema. They came to the rescue of my family. They not only gave her financial help but got my daughters admitted in to the Army Public School. It is due to them that my daughters' education could be completed. Beside my wife was also given a knitting machine to enable her earn with dignity. And in the year 1989, when I had practically undergone the entire sentence, I was pleasantly surprised to find that the President was pleased in the changed circumstances of the case, to sanction me half of my

retiring benefits. This too, I attribute to the AG's Branch efforts. At least indirectly they had accepted my innocence and did whatever they could within their means.

Then in January, 1985, a small news appeared in Punjab Kesari, a Hindi Paper, electrified me. Gnr Aya Singh, the 'patriot' of the army, had been arrested for spying for Pakistan. It was insignificant for people. Because the case of infamous Coomer Narain spy network broke out at the same time and appeared on the front pages of every newspaper for weeks. All accused in this case were very close to the seat of national power. It shook the nation. Shri P.C. Alexander had to resign because his personal secretary T.N. Kher was one of the accused. Hence the news of Aya Singh's arrest was totally overshadowed even when the national dailies taking a lead from Punjab Kesari, front paged the news on 02 Feb 1985. But his arrest had presented me with the opportunity I was looking for, for the last many years. I was overwhelmed with happiness. My stand taken at the court martial had been vindicated. Aya Singh was a Pakistan trusted agent and the chief protagonist in the conspiracy. Here was the missing link of the chain of conspiracy - the key to solve the riddle. The news galvanised me into action. Suddenly there was so much to do. It practically paralysed me. Confused, I did not know where to start. Shri R.T.L. D'souza, the then Dy. Supdt. who was liked by the prisoners for his love, honesty and sincerity, extended his valuable help. Being a law graduate, he undertook the task of drafting a petition for me. I gave him whatever little papers I had with me, that pertained to the case. On his advise, I wrote many letters to various people. Similarly the then chief of Central Jail Tihar, Mr. A.B. Shukla, the best and ablest Superintendent who had for the first time initiated many reforms in jail, rendered me every possible help, to project the truth.

Shri V.K. Kaul, the then Deputy Director, Intelligence Bureau, had conducted the inquiry into the case in 1979 and submitted his findings to the government. Though his report was not made known, it was clear it had vindicated the Samba accused and termed the case of Military Intelligence, a myth incapable of belief.

I inquired and found out that he had been transferred to Rajasthan, his parent cadre, where he was serving as the Inspector General of Police. I sent him a letter reminding him about the gravity of the case that impinged directly on the safety, interest of the nation and its security. I requested him to extend his help so that the interrogation of Aya Singh could bring out the truth of the case. I sent a copy of this letter to the Director Intelligence Bureau. The Director IB, I learnt from most reliable sources, had referred the matter to the Central Government seeking necessary directions to pursue the case afresh. But no directions came from that quarter surprisingly, even when Madam Gandhi had asked the Minister of Defence to reopen the case.

Aya Singh was back to his old tricks. As per the newspapers he had named a score of Indian army officers as his accomplices, and the army had taken them into its custody for interrogation. How could any one become Aya Singh's accomplice, let alone officers, after he had been exposed! No doubt he was a trained agent of the Pak FIU, who had successfully destroyed what the entire Pak army could not possibly do collectively, the entire Samba Brigade by virtually implicating each of its officers and further in sowing the seeds of suspicion amongst its other members. To believe him now, was simply absurd and ridiculous, but the news about the arrest of officers and their interrogation indicated the army's belief in him.

I had suffered tortures, disgrace and humiliation. It was painful I was trying to heal the wounds caused by consoling the soul, that I was a sacrifice for the nation, even if the manner was a disgraceful one. Similar sacrifices were again in the offing! The great patriot was naming another set of army officers, possibly to clear his conscience!

If my experience was any teacher, I had no illusions about the army's simplicity and naivete. It had amply been demonstrated, by its planning to arrest me and by the subsequent events. Aya Singh, a gunner, the lowest rank of army, took it for a mighty ride. Its top brains had failed to detect his ulterior designs in our case. The same brains appeared to have fallen once again in the trap laid down by the gunner.

I wanted that the army officers must not be arrested on the disclosures of Aya Singh. But how could I stop that from prison? So I decided and wrote a letter to General A.S. Vaidya, the Army Chief, pointing at the danger of indiscriminate arrests and requesting him not to play, like General Malhotra the then Chief did, with the honour of officers and to not let them be disgraced by the likes of Aya Singh.

With his arrest, a new dimension had been cast on one of the most shameful episode in the history of the Indian army. A pertinent question has been raised: How was it that the Pakistan Intelligence had recruited an agent, who had allegedly exposed its biggest spying ring? He was pardoned. He gave evidence in several court martials against Indian army officers, and men accused of spying for Pakistan. A person who had totally decimated the Pak Intelligence services in India would be absolutely persona-non-grata in Pakistan. The Pakistan Intelligence would not touch such a person with even a barge pole.

But the fact demonstrated by his arrest clearly indicated the Pak FIU's continued trust in Aya Singh and Sarwan Dass. The former was under arrest and it was necessary to find out the truth from him. He was one person who could throw light on several unanswered questions related to

the Samba Case. To find out the truth from Aya Singh, was not only important to me and other victims, but it was vital for the security of whole nation.

In my series of letters to the Army Chief I warned him of the danger of taking Aya Singh lightly and apprised him of the fall out of such a course and sought an interview with him.

The moral imperative of my claim, I wrote, far transcends the mundane issue of protocol and formal procedure. It is the light of truth that has kept me alive for all these years. So far I have carried the burden of disgrace and sufferings in silence, but I cannot and will not do so now" I further wrote, "all I seek is the truth and as a soldier trained in the finest tradition of army, I will continue to fight for it".

My whole energy was focussed to some how make authorities realise the blunder and make them correct it. I wrote a similar letter to Shri Rajiv Gandhi, the Prime Minister.

Meanwhile I had smuggled out a copy of my letter to General Vaidya to the Times of India, newspaper. I learnt the board of editors of that paper were apprehensive, but reluctantly gave its clearances. The contents of the letter was then front paged in its Feb 7, 1985, issue. Initially the management was afraid of the army's reaction. It waited for two days, and found none. emboldened, a reporter named Rattan Mal was deputed to investigate and follow-up the matter further.

With Aya's arrest the logic and reason had heavily swung in favour of my stand, though putting the army and the government at an adverse situation. Still, it was also an opportunity for both to show moral courage and demonstrate to the nation the firmness of dealing with falsehood boldly. I did not ask that I be released at once. I was asking to open the case and evaluate the possibility of conspiracy in the light of changed circumstances because of the fresh dimension created by Aya's arrest. If a sib had been committed unconsciously, it was only natural to wash it by opening the case and finding out the exact truth. No stigma would attach to authorities for taking such a course. On the contrary, it would enhance the esteem of people for the army and government.

Thus, I hoped the army would break its silence and take corrective steps. I expected those treacherous and guilty to be picked up and shown me the daylight. Unfortunately I received no response to my letters from the Army Chief and the Prime Minister. Was it due to fear of the loss of face, or was there something more sinister, the inquiry would reveal, which was more fearsome than the simple loss of face!! What was it?

Having failed to obtain response, and seeing the continued silence and indifference of the government, I shifted my attention to the petition being prepared by Shri D'Souza. It was not an easy task. I was not given a copy of the trial proceedings by the authorities. So much so, a copy of the Summary of Evidence had also been illegally withdrawn from me soon after the trial was over. It was of great importance, because it contained the only evidence, on which charges against me were framed; in the form of Aya's statement implicating me in the spying.

I was, however able to recreate the sequence of events relating to case from memory, and a few letters. The chief help came from the closing address. I had its copy prepared by Shri R.P. Sethi, my defence counsel at the trial. Thus equipped with material though scanty, we were able to prepare a petition over a period of about two months. The major omissions and violations of the Army and Civil Laws were incorporated. Giving a brief history of the case that led to my conviction, stress was laid on the stand I took 7 years ago at my trial warning the members of the Court Martial about Aya Singh, the principal and the star prosecution witness, being a decoy in the hands of his Pak masters, whom he still served by misleading the Military intelligence. He had falsely implicated scores of innocent and loyal officers in espionage for definite gains: "Today", I said in the petition, "the tide has turned and it brings to shore the truth of this country's motto: 'Satyam Eva Jayate' from the Muduka Upanished."

The purpose of infiltration and espionage by the enemy is to subvert the Constitution, to try and gain complete control of the State, or to create disorder in justice and similar circumstances to weaken it so as to take over control subsequently. For such a purpose moles are planted in various departments by an interested power. The highly vulnerable in this regard are intelligence services. Vital informative can be gathered by infiltrating into the intelligence network. Gnr Aya, who implicated the army officers, was a self confessed spy, serving Pak FIU, whose purpose was to infiltrate into Military intelligence and cause discord.

The past history gave enough knowledge of such tactics played by hostile countries, subversive elements were infiltrated into the armed forces and ministers of countries like Albania, Bulgaria, Czechoslovakia, Hungary, Poland, Romania and Yugoslavia. These countries lost their freedom due of subversive elements inducted by hostile power (opinion cited: International Relations by Palmer and Perkins, 3rd Indian edition) More recently, Afghanistan and Cambodia lost their freedom. Such elements participated in "popular front" governments and also joined other democratic parties, only to destroy them. They ensured that persons loyal only to them occupied most of the important posts in the armed forces and the police. With the help of these two instruments, they took over the state machinery. The opposition was intimidated and gradually liquidated. War crimes and treason trials became vehicle for public "confessions" extracted by

methods which combined mediaeval tortures with the diabolic application of modern techniques to break the human mind and spirit.

Use of powers absolute, unchecked and unrestrained in nature given to the army through Parliament by Article 33 of the Constitution, restricting the fundamental rights of army personnel, though necessary to ensure discipline and proper discharge of duties, essentially opens vast avenues for interested elements like gunner Aya Singh and his 'protectors' to infiltrate army with the sole object of creating unfavourable circumstances. The aim of powers employing such elements could be much worse for the overall interest of the nation.

This theory, in my case, was not without substance. It was, therefore, very necessary to scrutinise the use of such powers if only to avoid the inherent danger to the Republic. I made this point in the petition. The prayer to the court was to strictly construe Article 33 for the purpose, to ensure proper discipline and discharge of duties. For this, it was necessary to scrutinise the functioning and orders of the Court Martial, affecting military justice by the courts of law. The law relating to the armed forces must be in consonance with the general law of this country. The restriction imposed by means of Article 33 of the Constitution must be reasonable. The connection between the restriction and the object of Article 33 i.e. discipline in the armed forces must be proximate and direct.

The courts ought to develop law of military justice so as to make it more just, fair and equitable. Lord Denning in case, *Candler versus Christmas* (1951 2 KB 164) remarked: "Even if you do get Parliament to pass statute, you will still have many of the same problems. I hope the judges of the future will do as the judges used to do in the past. They should develop the law according to the needs of the times, They should be among the bold spirits. They should not be timorous souls feebly saying. 'It is for Parliament, not for us'".

In India also the various High Courts and the Supreme Court had on a number of occasions felt the need to change the outdated and outmoded Army Act and expressed their desire to make it more humane. Of course, the government or the Parliament took no steps in that direction. Army, for them as Shri B.M. Sinha said, is a sacred cow. No one dare touch the army for the fear of defiling it.

The petition was shown to Shri Danial Latifi Senior Advocate of Supreme Court who had earlier filed and argued the habeas corpus petition of my wife. On his advice a Special Leave Petition against the order of Delhi High Court dismissing the earlier petition in limine was also prepared. It was in a skeleton form praying inter alia, that it be heard as part of the main petition that contained the main grounds. The petition with the SLP was filed on April 20, 1985. A prayer was

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made that Shri Danial Latifi and Major R.S. Murgai, Advocates be appointed as amicus curie. In August 1985 I met the Deputy Registrar of the Supreme Court, in custody and requested him to appoint only those advocates who were named in the petition, as they had the background knowledge of the case. On his assurance I sat content. But the case had not been listed for hearing till Jan 1986.

During my one month parole, granted in Jan 86, I went and again met the Deputy Registrar to find out the cause of delay. I found that in place of Maj. R.S. Murgai, Shri Qammarudin advocate had been appointed as the AC (Amicus Curie). The case had still not been listed. I was alarmed at the unexpected appointment. not that I doubted his professional ability but Shri Qammarudin was ignorant of the case and was least expected to do justice to it. I was angry. The Dy. Registrar summoned the case file. I found that he had, in keeping with the assurance, he gave me six months earlier, approved the appointment of Maj. RS Murgai and Daniel Latifi. Thus how and why Qammarudin was appointed the AC! Finally after lengthy discussion the matter was resolved. Maj. RS Murgai was to be the AC. Later an official letter was released informing Murgai of the appointment. A copy of the letter was also given to me.

The official information of Murgai's appointment as AC relieved me of the mental pressure and I felt relaxed.

In the meantime the press once again picked up the case, it was "Week End Review", a weekly of the Hindustan Group of Publications, that came out with a lead story on the case, carrying my letter in full, which had earlier been published in the Times of India, in its February 24, 1985 issue, followed by The Week, another weekly. The Surya India carried an article under the caption "The spy who tripped" saying the Samba case wont die! in its May 85 issue.

Sometimes in Jun / July 1985, Shri Rajinder Puri (Rap) one of the erstwhile General Secretaries of the Janata Party and a leading Journalist came inside Jail for an offence of inciting the Jhuggi Jhopari dwellers to occupy some DDA house forcibly. Though not met I had known him through R N Kumar. The meeting was a strange event. One evening I came out of cell and found, a number of prisoners mostly `Torries's - a slang used for `Dada' of jail - were making an introduction with a new prisoner. Now introduction in the jail means ragging that involves physical manhandling and even beating. on an impulse I went and intervenced and was able to save him the possible humiliation. On learning who he was I brought him to my cell and tried to make him comfortable. He had heard about me and the case but casually. He did not know the details of the case. I explained him the case and answered all his questions. Once released, he wrote a personal letter to Shri Rajiv Gandhi. "With all the influence at my command," he wrote, "I request you to order the case to be reopened."

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He also sent Coomi Kapur a well known lady journalist who interviewed me in the jail. She filed a powerful story in the Sunday Mail, in its inaugural issue Jan 26, 1986 under the caption "The Samba Spy Hoax". She compared the case with Dreyfus'. It also carried an interview with Shri B.M. Sinha, the author of the book "Samba Spy Case! Ritu Sareen, from the 'Sunday' had also taken my interview which was published in one of its December 1985 issues.

In January 1986, when I was out on parole, I received a letter from Nikhil Laxman, feature editor of the Illustrated Weekly, requesting for an interview. I showed it to Dibang a free lance journalist, who used to come to jail in search of stories. He had interviewed Charles Sobhraj and had written a lot about him. He was fully aware of my case also. One of his colleagues, Ms. Mayuri Chawla another free lance journalist had taken my interview for the Frontline. In fact that was her joint venture.

Seeing the letter, he became very keen to write about me. He spoke to Nikhil and took the clearance for filing a detailed interview. He tried his very best in the matter. Having spoken to me afresh and getting the story straight from my side, he went to take the army version. For this he spoke to the Director of Military intelligence, who asked him to speak to the Defence Secretary. The Defence Secretary asked him to establish his credential which he did by producing a letter from the editor authorising him to conduct the interview. He was kept shuffling between the Ministry of Defence and the Army HQ. He drew a blank. No one spoke to him in the matter. The army and the government remained silent.

General K. Chiman Singh and Gen. SL Malhotra, the then GOC 16 Corps and GOC 26 Infantry Division, were the two known officers who had cautioned against the indiscriminate arrests. They had toward the end of case put down their foot and refused to toe the Army HQ. line blindly. It was General K. Chiman Singh with whom I had a lengthy interview and who had advised me to submit the points I explained to him in writing. With Gen. Malhotra my wife had an interview. He had himself expressed his apprehension when he had said: "Mrs. Rathaur, I don't know what is coming to this army. I have lost confidence in myself."

K. Chiman Singh had recently retired from Army as the Army Commander Eastern Command. malhotra was still in the army, and in Delhi, posted as Director N.C.C.

On a tip Dibang contacted Malhotra and spoke to him on phone. Dibang had taped the conversation. The gist of his conversation was that the entire was a fraud. But he was not permitted to speak officially. He would surely speak in the matter once retired. He suggested, Dibang should talk to Gen. K. Chiman Singh who was retired and settled at Saket in Delhi.

On the last day he was to file the report Dibang traced K Chiman Singh at the latter's residence. He spoke about the nature of the case in detail and that how the Army HQ. had been taken for a big ride. He had also spoken about me.

"I know Capt. Rathaur, he was a fine officer I had a lengthy interview with him. He is totally innocent. His only offence is that he did not have any Godfather,". But he too shied away from being quoted.

The interview was carried as a cover story. Under the caption to "Hell and Back" in the March 3, 1986 issue of the weekly. It called the case a `witch-hunt'.

The date for hearing of my case was fixed. It was March 31, 1986. One month parole granted was to expire on 14th Feb 14, 1986. I had applied for extension on the grounds that the Advocate had to be briefed. Since copy of the trial proceedings had been denied to me, the same were required to be inspected with my advocate for which permission had been asked. Till Feb 13, no reply had been received. So I decided and spoke to the Adjutant General on phone. I contacted him the next day he was pleased to extend the parole by ten days. The permission to inspect the proceedings was granted and we inspected them. Murgai noted all the procedural violations and found the DJAG had failed in his duty, as he is the only legal expert, to advise the court correctly on matters pertaining to the violations of law committed by the prosecution. He was pleasantly shocked at the manner in which the entire case was handled. `Pleasantly', because he became confident to win the case.

Murgai took an entirely different plea. The trial was vitiated due to lack, or absence or wrong advice given by the DJAG, amounting to misdirections to the court, culminating in a wrong, decision by the latter, thereby causing miscarriage of Justice.

Once convinced of my innocence Maj. R.S. Murgai spared no efforts to prepare the case. In fact he practically abandoned all other cases and devoted full time to my case. `Aya Singh, he maintained, was a double spy twice crossed.

On March 10, 1986, I received a letter in jail from Supreme Court. It stunned me. "Your SLP came up for hearing on Feb 10, 1986 and was dismissed. Shri Qammarudin had appeared as the AC on my behalf! The foul trick had been played but by whom ? It was difficult to resolve the matter. I had prayed for the SLP to be heard as part of the main petition that alone contained the main points. Why was then it isolated from the main petition and heard?

I had been assured by the Registrar concerned in writing for dropping Shri Qammarudin as AC. In fact in his place Maj. Murgai, fully up-to-day with the case had been appointed. Something had gone amiss. The case had been torpedoed. I, however, did not attach much importance to its significance which was only to become visible on the date of hearing of the main petition.

Maj. Murgai was able to procure affidavits of six officers involved in the case and later dismissed from the service. In essence all of them contained the same theme: All rules and regulations were flagrantly violated. None of them were given the charge before arresting them. The authorities arresting themselves did not know what the charges were. They were kept in subhuman conditions. Their next of kin were kept in dark about their arrest for months, and a large number of the arrested officers was among those, who had criticised the case of the military intelligence, or who had refused to cow down to the illegal pressure. But the affidavits of Maj. Midha and Maj. Subhash Juneja disclosed certain details, that were to become vital for me to complete the picture latter on.

Maj. Midha's affidavit disclosed the extraordinary and illegal interest shown by Brigadier T.S. Grewal, who was the officer incharge security Pakistan. It was under him that the case was fabricated, planned and executed - Most important was the revelation made by Maj. Subhash Juneja in his affidavit Gnr. Aya Singh had named certain persons of the army, who were arrested and interrogated by a team of intelligence officers headed by Major SC Jolly and Capt. Sudhir. During interrogations, the accused had "confessed" indicating a chain of 'probable spies'. Having approved the confessions the 16 Corps sent them to the Northern Command for action. But the Army Commander disbelieved them. He ordered fresh investigations. For this Maj. Subhash Juneja with another officer, trained in interrogation, were appointed for the job. After getting the facts through detailed interrogations the new team arrived at a conclusion. The confessions obtained by jolly and party were false and had no relation or relevance to the reality. The only base of the "confessions" was the insensible torture. This made Maj. Jolly and party a suspect.

Surprisingly the Col. T.S. Grewal and Col. V.K. Gupta - Colonel Intelligence HQ. Northern Command rejected the report. The accused were tried on the basis of their confessional statements obtained earlier. It was in one of these trials that Maj. N.R. Ajwani, in the capacity of DJAG had passed strictures against Maj. Jolly and team. As a result Major Subhash Juneja and Ajwani found themselves involved in the same case.

This piece of evidence was vital to uncover the shroud in which the case was clothed.

Having prepared the case from his angle Major Murgai visited me in jail to show it to me. I was more than satisfied with the job done. He however, became concerned when I told him about the

fate of my SLP. He expressed his fear that some juggling was on in the Supreme Court Registry to frustrate the efforts of bringing the truth of light. But at the same time he was convinced of the break through.

Dibang, on the other hand, was trying his best to gain support of the Press and other organisations like the PUCL (Peoples Union for Civil Liberties). In fact, he took me and Major Ajwani to Shri Inder Malhotra, President of the PUCL Delhi wing. The object of the meeting was to make a public litigation petition filed simultaneously, through such an organisation.

Every thing was going smooth when suddenly fate struck. Charles Sobhraj, the known international criminal and my jail friend winged his way through the jail main gate, taking six prisoners with him by putting the jail security staff to a temporary sleep. It was on March 16, 1986. The escape stunned the nation and pulverised the jail administration. Charles had done the unbelievable. Everywhere, everyone was raising accusing fingers., The entire police of the country was on the chase. But Sobhraj seemed to have vanished in this air. At the same time he had put many people in the dock. Dibang became one of the suspects. For he was intimate with Charles. Dibang had written about Charles. He had also helped get Charles' stories published, in other magazines. In fact he had visited Charles on March 14, 1986. Dibang wanted his promise to give an interview to Nikhil Laxman who had come to Delhi for the purpose. The meeting was fixed. It was for the day, Charles was to play his trump card.

On March 17, 1986, Dibang came with Nikhil Laxman. Following the escape all interviews inside the 'deori' had been stopped. So I met them through the jungla.

Nothing much could be talked across the fence over the babel of voices in the jungla. I gave him copies of my letters I had written to Prime Minister, and his principal secretary - Ayanger. Nikhil had kindly consented to hand them over personally, which he did.

Dibang wrote a cover story on Charles' escape. It was appreciated all over as the best piece of journalism. It also was the first to appear in any magazine. He was already being shadowed by the crime branch, and as the story on Charles appeared in the magazine, he was picked up for interrogation. That was the end. All efforts made by him were washed off. He was an accused himself. Even the best of his friends avoided him. It affected my case adversely.

In the jail I had known Charles since 1980. In due course we had become friends. He helped my family financially, was a fact, commonly known. Besides he wanted me to sign a contract for getting this book published. A copy of the manuscript and the unsigned contract was seized by the Crime Branch, with his other belongings. I too was questioned like Dibang and his other close

associates, I had no inkling about his impending escape, Hence I could give the police nothing. Charles had written the address of my wife in his diary he left behind. A team of them went and questioned my wife also. If the police thought it a lead, then it only wasted the time and resources.

I was also questioned by Shri Lakhra, the officer who headed the inquiry to find out the circumstances leading to escape and to fix responsibility.

It was Sunday when I was called to Shri Sommal, the Superintendent's office. The other person sitting with him was Shri Lakhara. He said "You are Capt. Rathaur,". It was more a statement than a question. "Yes, I am," I replied.

I am told, Charles used to give you money. Is it correct?" He asked.

"Yes, he used to." I replied.

"Tell me, Rathaur, you didn't know it was bad money?" He further asked.

To me it appeared an irrelevant and a stupid question. I knew who he was. But still I looked at him straight and said, "before I answer this question, may I know with whom I am speaking?"

Lakhra was put off. He looked confused and looked at the Supdt. Sommal smiled and told him "Sir, he is wanting to know your identity," Then addressing me he said, "Capt., he is Mr. Lakhra inquiring into the escape case".

"Yes, yes Capt. I am Lakhra," he said while recovering from the shock. Possibly he had never imagined a prisoner could ask him in the manner I did.

"Well, Mr. Lakhra, let me tell you that money is never bad. It is only the source or the manner of acquiring it which is bad. Charles was my friend in the jail. I was not concerned what he did in the past. And, I knew his source of money. It was the royalty from his two books and the articles he wrote, or the interviews he gave to the press. Thus, there was no question of it being bad money. But, let me tell you, say even if the money was bad, I could not decline the help. The reason for doing so is clearly stated in the article from where you learnt Charles giving me financial help. People like me who have been treated callously, unjustly and reduced to a stage where they find the mere survival impossible, have no consideration for the type of morals you are trying to impose on me. Let me make it clear further. You surely have read my story had the injustice meted out to me, by the so called 'upright' and 'moral' people. You never thought to remind them of their morality. May be you thought they are powerful. Instead you are teaching me morality

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because I am weak, defenceless and utterly helpless. Is it your morality? ... Listen Mr. Lakhra. Charles saved my family, by giving me financial help, from the impending ruins, when your moral world cast me away. Whatever, he is to you, for me he is a person capable of tender emotions. Yes, I never thought and will never think, the money he gave me was bad", I spoke with charged emotion. Mr. Lakhra did not say anything. He remained silent for sometime, and then asked me if I could give my statement in writing. I agreed and did so. When he finally submitted the report, I was amused to read it. My name was there, suggesting though indirectly, that Charles helped me, and I must have helped him in influencing the officers in his favour. It surely was a fantastic piece of imagination, that undermined the wits, cleverness and Charles' capability of being the century's smartest operator. Certainly he did not need anyone's help to do so insignificant a thing as influencing officials. That he had done the world over singly, and escaped from every jail.

March 31, 1986, was a crucial day. The case was listed for hearing. I passed the whole day between hopes and despairs without news. I asked D'Souza and rang up Maj. Murgai. I had fixed my eyes on his find out the result that would be clear from the change of colour on his face. The colour had changed. I braced up myself to hear the word "dismiss". It is very bad news Capt., he spoke with heavy heart. I thought the petition was dismissed and waited for him to speak.

"He is dead.. Maj. Murgai died in the court" he informed. It was unexpected. The news hit me with a tremendous force. In him I had lost one of my best friends and the best counsel. Back in my cell, I cried in silence. For many nights I could not sleep well.

I learnt the next day from newspapers, that the report had been filed declaring the case "hit by res judicata". But Murgai had argued at length on the importance of the case and to evaluate the new evidence, he had collected in the form of affidavits of six officers. Mr. Justice 'O' Chinnappa Reddy became inclined to hear the case and gave April 14, 1986 for its bearing and admission.

Murgai, had made a break through, by taking a date, cutting through the snag of res judicata. He was overjoyed. He declared to his colleagues, he had won the case. But the joy proved extremely costly. He was a heart patient. The unexpected happiness caused a massive heart attack that took his life. He died in the court premises. His death eclipsed my case. The hearing was deferred to April 28, 1986. That was also the end of it. Shri Danial Latifi argued the case. But the judges said, it was not a fit case to call for records and reopening the entire case. The petition was dismissed.

It was another shock. Though I had become used to them, it certainly was a great setback.

I knew it was the end. There was no remedy. Yet I did not give up. I kept on the struggle. Back in jail I prepared and sent a review petition, This too was dismissed.

Simultaneously I sent a letter to Gen. K. Sunderji also and released it copy to the press. It was published in the Illustrated Weekly as open letter under the caption "Je'Accuse". This also brought unprecedented response from the public including some army officers. But not from the Chief. Then in exasperation I wrote a letter to the editor making grievous and terrible allegations.

Meanwhile, on 23.7.86 Major Mohan of 3 Engineers came and met me in jail. He came after reading my story. He said when serving officer had come to meet, I should consider myself exonerated. Obviously I felt very happy and enquired about the reaction of the army officers to my letter and the story that appeared in the Illustrated weekly. He looked pensive and said it was just "an apple polish".

This was an entirely new term for me. I asked him to explain what he meant by "apple polish".

"No one bothers", he explained "If you think you have thrown a bomb you are mistaken."

Through the iron meshing, I looked straight in his eyes. I suspected something was wrong. He may be Major Mohan but he was not an Engineer come to brigade my fate but to torpedo it. His remark instantly put me on guard.

"Then why have you come if there is as you say, no reaction?" I shot at him. His reply was unconvincing. I knew who he was! Then on purpose I spoke against the army adding that I did not care if there was no reaction in the army, because where it mattered the things were on fire.

"Do you know, Major, "I informed him, "I am getting immense response from the people and organisations. By the way it also include the army officers". He insisted I tell him the names of such officers, so that by writing to them, a group could be formed to take up my case with authorities. He had given away himself, yet he wanted me to tell him the name of officers! Within myself I laughed at the working of military intelligence.

Seeing me raving that I did on purpose, he could not contain himself. "Rathaur", he said, "without knowing properly who am I, you are talking too much." I smiled and said, "Major Mohan You introduced me as a soldier. Being a soldier I believed in what you said. I spoke what I feel is correct. As for who you could be, is of little significance to me. I have nothing to hide. I am clean. My issue is already before the people. So why should I bother."

Possibly he had realised his mistake. To correct that he too, smiled and said, "What I mean, I would be in a position to help you. I may be a capable person". To probe further, I said, "Let me be frank, Maj. Mohan. I don't know your capabilities unless you specify."

"Well, I can act as you liaison officer - between you and the press or if you wish I would go to any minister whom you know," he specified. I thanked him for his proposed help. He gave me two large mangoes and left with a promise to come again.

Back in the cell I analysed the purpose of the visits. It was clear he was sent to spy on my activities and moves and to find out my contacts who helped me in my struggle. The guess was simple. No army officer would have the courage to come and meet me at a time when I was attacking the army relentlessly and exposing the injustice through press. Those army officers who wrote me under headings like "brother officer in uniform", "An officer who trusts your innocence, or "yours sincerely in uniform" etc. No one disclosed his name. But here was Major Mohan, not only come to meet me but ready to take my messages to the press and my other friends! Then if there was no reaction, as he said, why had he alone reacted. I decided to feed him all that was crap once he came on his second visit. I knew he would. And he did. It was on August 6, 86. He had been to the house where my wife lived. He showed his distress at her condition. Surprisingly, this time, his tone was a changed one. He exhorted me to continue the struggle and refuse even if offered reprieve. Then quite suddenly he asked how was my wife managing. I informed him, on tuitions, and charity of others. Then explained to him in detail, the help Charles Shobhraj gave me.

During his next visit he, brought food for me and sought my permission to invite my wife and daughters over lunch. I thought about it and consented :

Due to some misunderstandings with the Jail Administration, I was transferred to Jail No, 2 upon the express orders of the IG Prisons, Shri P.V. Sinari, on September 3, 1986. Swaran was to come the next day. I was perturbed. But Major Mohan came and met me. He informed that he was going to pick up my wife for the lunch. He had already made arrangements to collect the kids directly from the school.

He brought my wife and daughters to the jail after the lunch. He sat with Sh. A.K. Khanna, Asstt. Supdt., when I talked with my wife and daughters.

My letter to the editor had been published under the caption "Open Challenge" in its August 31, 1986 issue by the Illustrated Weekly.

Khanna, told me later that "your friend was shown the letter. He was unhappy to read it. "He had passed certain remarks," he informed, "which can not be said by a friend." "What sort of friend is he?", Khanna enquired. I remained silent.

After this incident Major Mohan did not come. I too, forgot about him. Then on November 16, 1986, Sh. Rajinder Puri, wrote an article in "Sunday Observer". After this I suddenly found Major Mohan one day sitting with the Dy. Supdt. He apologized for not coming earlier. Then he said that majority of officers believed I was involved in sexual exploits. "There is an officer in my unit who was an escort officer on you in Nagrota. He keeps disparaging you" he confessed.

I was stunned. I asked who the escort officer was who belittled me, and the reasons for his doing so. "For no reason. He does not say why, yet he does so", said the Major.

It was amusing I was being belittled by the officer without reasons!

"I am above all these insinuation based on no facts or reasons", I retorted, and added, "Neither do I care. If it is considered I was a sex maniac and unfaithful to my wife she would not worship and wait for me as she does and you Major Mohan, have seen it for yourself. Besides I was not sentenced for sexual exploits but for spying. What do they think about this charge?

Obviously I noticed he tried to dampen my spirit. Finding me, instead, in an aggressive mood he pleaded I should not talk wrong about the army. The army is helpless.

"The Chief", he informed, "cannot do anything in your case because he had confirmed it". He advised me to petition the Defence Minister. I said, I won't, Because I had done so in the past without any results. In any case the Defence Minister, I told, would again refer the case to the Army Chief. However, he insisted and offered to prepare and file the petition if I gave him the relevant points and the documents. I agreed and asked him to come again to collect the documents. He did, but the jail authorities refused to allow me to give the papers, I wanted to hand over to Major Mohan. The refusal was illegal. So I created a row. Finally the i.g. Prisons agreed. But Major Mohan never came again.

Later, Sh. V.K.S. Chauhan, the Supdt., with whom I had developed a close rapport informed me that the military intelligence people had contacted him. They wanted to monitor my interviews. But Chauhan had declined to allow them.

It was clear Major Mohan, developed "friendship" with me at the instance of some army top brass., in order to find out any weak point so that the Army, could react to my allegations. Alas, they failed. Then they tried to do it more directly. For that they deputed another Major.

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His name was Major Subhash gupta. But here too, they failed. For I had no secrets - not even a pretence of having them. I wondered what did they want to find out! Their search was futile. I had nothing which they could take. Only my spirit - which I had already given them through my unmatched struggle.

At times I felt sad, but not for me. the sadness stemmed from the fact that I had tried to put the army bosses to shame, not realising, the army top brass was beyond it : not realising one can dishonour a person who has honour. A person without honour cannot be dishonoured. This awareness brought total disenchantment and put a big question mark at the much talked about morality in the army. Morality in army, it boiled down, was a cliché used only for convenience. The sadness was to see the state to which this noble profession of arms had been reduced by none else than the successive army chiefs.

God bless this army and this nation!

Annexure I

Ex Capt. R.S. Rathaur
Central jail No. 2 Tihar
Military Convict
New Delhi-110 064

05 February, 1987

Dear General,

Even though, I am confident that you must have already gone through the article on the Samba Case in Sunday Mail of January 18-24, 1987, its clippings are enclosed. After a good deal of thought and inner conflict. I have decided to write to you once again and to try to impress upon you the need for looking at this case afresh in the light of yet another revelation.

The mystery shrouding the creation of 'Samba Spies' has begun to dissolve into a definite pattern. The picture that is emerging though, still hazy, is nevertheless clear in some of its contours. The reality cannot be suppressed for ever. it has a queer way of slipping to the surface. The indications of the truth of this case taking such a course can only be ignored at the peril of the army's ultimate prestige. If the eight long years and the might of the army have not been able to silence the remblings of the truth, it is unlikely that the continued indifference by the army's top brass towards the revelations which call for admission of a mistake would succeed in aborting its total anifestation in the future. But then the truth so revealed and coming as the negation of the forces which try to abort it today may want to avenge those who conspire and connive with the perpetuation of an untruth and the collateral sufferings of patriotic soldiers and their family members who have become its victims. The truth so revealed may blemish the conspirators of untruth as traitors to the eternity. It may also irreparably damage an organisation which stands to protect the nation against its eternal enemies. I implore you, sir, therefore, to consider what is at stake!

This case directly impinges on the nation's security, integrity and unity. The enemy conspired and succeeded, through this case, in giving a fatal blow to the prestige of the army's entire officers corps and in causing demoralisation among them. Right from the beginning I cried foul. I got in return nothing but indifference and derision. However, independent investigations and analysis of the case especially by the press, have strengthened the plea of conspiracy put forward by me. While in Samba I was responsible for creating, setting up and operating an efficient apparatus for

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gathering information. The fact that I operated class 'A' sources is borne out from the official records of the relevant period. It was admitted by even those who perpetrated this case. Today the very same people are found to have links with the extremists in Punjab.

Such movements, as is well known, take years of underground planning and activities before emerging on the surface. The latest revelation confirms that the Samba Spy case was a part of this subterranean preparation. The chief coordinator of this scandal Brig. T.S. Grewal is today publically accused of having links with extremist who are backed by Pakistan. It was under his directions that the main protagonists of the case - Aya Singh and Sarwan Dass - were hailed as patriots and retained in service. Today they have been declared as proclaimed offenders and anti India agents with active links with the terrorists in Punjab. A vicious nexus between the Protectors and the protected has been established. This in itself speaks volumes and goes to prove conclusively that the conspiracy was hatched by Pakistani Intelligence in collusion with its cohorts on the Indian side.

Had I been allowed to function at Samba for another six months or so, it was highly possible that this nexus would have been busted sooner or later. Since my manner of functioning and the damage my sources caused to the Pak interests was known to the extremists sympathisers and activities, they were afraid of their premature disclosure / exposure. Possibly at this point they started to conspire. As the first move I was quietly eased out from the post and replaced by another officer. It was in the beginning of 1976.

Meanwhile the two gunners were arrested and taken over by the army intelligence for interrogation in June / July 1975. And who "interrogated" them? Maj. Jolly and the party under the directions of the chief coordinator, Brig. T.S. Grewal! They may have presumed, then, that the threat of exposure had been averted with my posting out of Samba. So I was not implicated at that time. However, Rana, my successor too, picked up the momentum in his intelligence work, though starting late. At this the conspirators decided to cast their net to obliterate for ever the intelligence apparatus at Samba that threatened their exposure. It was thus that the belated patriotism of Aya Singh and Sarwan Dass was aroused after three years of being under arrest. Admittedly this character disclosed my name as his "accomplice" on 28 March 1978, three years after his own arrest and confession. Possibly I would have been spared. But they could not strike the intelligence without bringing me in, as Aya Singh was under arrest since June 1975 and my successor had taken over from me in January 1976. My involvement thus became a necessity for them (and this will also prove the undoing of their act). That provides answer: why Aya Singh implicated me after THREE years of his arrest and confession, instead of earlier. The evidence was already manufactured. The victims were isolated and mercilessly tortured not for a day or a week but for months together and made to sign the confessions. In the process some even died.

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Perhaps the aim of the conspirators was to cause disaffection and dissension within its (the army's) ranks. Admittedly attempts were made to implicate even the senior generals. Had it not been for the press that exposed the scandal in April 1979, the damage this case could have caused is unthinkable.

The army having got rid of us through its kangaroo courts sat smug in the belief that the case had been safely concluded. The smugness was despite the warning and advice of the inquiry report jointly conducted by the IB and the RAW. It has since maintained absolute silence even in the face of mounting evidence against its justification of the case.

The false prestige has already cost the country dearly and given enough room to the conspirators for maneuvering. Had this case been pursued earnestly in the right direction following the report of the IB in 1979 itself, possibly the nation would not have had to hear of the sanctuaries provided to the extremists, today in Pakistan. The movement would have been traced and nipped in the bud. The damage, no doubt, has been very deep, yet it is still not too late to make amends and try to retrieve the losses, before it is really too late.

I assure you, sir, that in any other case I would have gladly suffered the victimisation. But I cannot do so under this stigma of being a traitor. The stigma simply chokes the foundation of my existence. Further the awareness of what is behind this national betrayal adds to my determination to continue my unequal fight.

I am not against the army as few think. The army is like a mother to me. I cannot, therefore, even conceive the idea to blaspheme it. On the contrary my struggle is directed to restore its honour and prestige that was destroyed when 52 of its officers were falsely accused of spying under a definite plan. It was the greatest dishonour that the army has suffered.

I, therefore, once again request you to consider in the light of the fresh revelations that are now in your notice, what is at stake and order a fresh investigation. Consider this, that I am not asking to be freed, for the freedom, after what I have undergone has lost its meaning for me. In any case I have already suffered the ignominy for the major portion of my sentence. Please consider the matter from the angle of national interest, in view of the fresh revelation which strongly point in favour of the action I have been praying for - to re-open the case. Such an action, irrespective of the outcome would go a long way in putting the army on the pedestal of esteem it rightly deserves.

I hope, at least this time, the General would take steps in the right direction.

THROUGH THE SUPDT JAIL

Yours sincerely

Sd/-

(R.S. Rathaur)

General K. Sundarji, P.V.S.M.

Chief of Army Staff

Army HQ, DHQ PO

New Delhi-110 011

Copies of the letter forwarded to -

1. Shri Rajiv Gandhi, The Prime Minister of India
2. Shri V.P. Singh, The Defence Minister of India
3. Shri Madhu Dandavate, M.P.

The Sunday Mail, 5, Ansari Road, New Delhi.