

**COMMITTEE
ON
GOVERNMENT ASSURANCES
(1996-97)**

13

ELEVENTH LOK SABHA

THIRD REPORT

PURULIA ARMS DROPPING

(Presented on 7-5-97)



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to the Third Report of the Committee on Government Assurances (1996-97)-Eleventh Lok Sabha.

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INTRODUCTION

I, the Chairman of the Committee on Government Assurances having been authorised by the Committee to submit the Report on their behalf, present this Third Report of the Committee on Government Assurances.

2. The Committee was constituted on September 13, 1996.

3. At their sitting held on 5.5.97, the Committee considered and adopted the Third Report.

4. The conclusions/observations of the Committee are contained in this Report.

5. The Committee wishes to express their thanks to the officials of the Ministry of Home Affairs, Civil Aviation and Defence for their cooperation. The Committee also accord appreciations to the Secretariat staff/officers for the services rendered by them to the Committee in finalisation of this Report.

NEW DELHI;
May 5, 1997

Vaisakha 15, 1919 (*Saka*)

E. AHAMED,
Chairman,
Committee on Government Assurances.

PREFACE

The incident of arms dropping in Purulia which had shaken the whole country took place on the night of 17 December, 1995. The Government gave an assurance to the Lok Sabha on 29 February, 1996 that further investigation in the matter was handed over to the CBI and report was awaited. The Committee on Government Assurances took up this assurance to examine as to what extent it has been implemented and report the matter to the House.

Although the scope of examination by the Committee is limited to finding out the extent of implementation of the assurance, the Committee tried to take a closer look at the event with a view to getting a clearer perspective about the arms dropping and the totality of the responses of various governmental agencies to this extremely serious incident. This exercise was necessary as it would enable the Committee to calibrate the qualitative and quantitative aspects of implementation.

Representatives of the Ministries of Home Affairs, Defence and Civil Aviation were called to give evidence before the Committee. Their written as well as oral evidence was carefully sifted. The Committee has found alarming shortcomings in the functioning of these governmental agencies in respect of sharing of important intelligence information, operations of unscheduled aircraft in the Indian skies, radar surveillance and, above all, inter departmental co-ordination. The study of the facts of this case and the conclusions based thereon are contained in the following chapters.

REPORT

CHAPTER I

Question and Assurance

1.1 On February 29, 1996, S/Shri Ram Vilas Paswan, Manoranjan Bhakta, Ram Pal Singh, Rameshwar Patidar, Sanat Kumar Mandal, Dattatraya Bandaru, Santosh Kumar Gangwar, Maj. Gen. (Retd.) Bhuwan Chandra Khanduri, Sheela Gautam, Dr. Laxminarayan Pandey, Shri Ramashray Prasad Singh, Shri Basudev Acharia, Shri Nawal Kishore Rai, Shri Mohan Rawale, Shri Devi Bux Singh, Shri Nitish Kumar, Shri Srikanta Jena, Shri Indrajit Gupta, Shri Anna Joshi, Shri Surendra Pal Pathak, Shri George Fernandes, Shri Manjay Lal, Shri Tara Singh, Shri Chitta Basu, Shri Vilasrao Nagnathrao Gundewar, Shri Bolla Bulli Ramaiah and Shri Rabi Ray addressed the following Unstarred Question No. 339 for answer by the Minister of Home Affairs:—

- “(a) whether a foreign plane had recently dropped arms in huge quantity in Purulia (West Bengal);
- (b) if so, the details thereof;
- (c) whether any enquiry has been conducted in this regard;
- (d) if so, the outcome thereof;
- (e) the action taken against the persons found guilty; and
- (f) the action proposed to be taken by the Government to check the recurrence of such incidents in future?”

1.2 The then Minister of State in the Ministry of Home Affairs (Shri Syed Sibtey Razi) gave the following reply:—

- “(a) and (b) Yes, Sir. A list of arms, ammunitions and other articles recovered, as on 16.2.1996 is annexed.” (annexure-I)
- (c) and (d) Further investigation of the case has been handed over to the CBI. Its report is awaited by the Government.
- (e) Six crew members of the involved aircraft have been arrested. Two others travelling by the same Plane have been identified. CBI have taken various steps, including alerting of all exit points, seeking help of interpol and the State Police in speedy arrests of the remaining two members of the aircraft.
- (f) Government is alive to the situation and are taking all steps in this regard which include gearing up of intelligence machinery, stricter enforcement of existing regulations and a closer coordination between the concerned Central and State agencies.”

1.3 The reply to parts (c) and (d) of the question was treated as an assurance by the Committee and was required to be implemented within three months *i.e.* by May 28, 1996.

1.4 As the assurance remained unfulfilled, the Committee on Government Assurances (1996-97) decided to take oral evidence of the representatives of the Ministry of Home Affairs. The Committee were, however informed during the oral evidence of the representatives of the Ministry of Home Affairs on December 19, 1996 that the Ministries of Civil Aviation and Defence are also concerned with the incident. When the Committee asked why there could not be a coherent view even after such a serious and sensitive incident had taken place, the Home Secretary stated that unless all the agencies concerned were called by the Committee, there could not be any coherent view. Hence, the committee decided to take oral evidence of the representatives of the Ministries of Defence and Civil Aviation as well. Oral evidence of the Ministries of Defence and Civil aviation was taken by the Committee on March 19, 1997.

CHAPTER II

FACTS OF THE CASE AS PER THE INFORMATION SUPPLIED BY THE CONCERNED MINISTRIES

Ministry of Home Affairs

2.1 On the night of December 17, 1995, villagers in the area of Police station Jeypore in Purulia district in West Bengal heard the noise of a low flying aircraft followed by a sound of thud indicating a heavy drop on the ground. Early in the morning the next day, they found olive green boxes, other heavy packages and two parachutes. The villagers conveyed this information to police of PS Jhalda, District Purulia, West Bengal. The local police, within a short span of time was able to recover part of the consignment of firearms. On receipt of this information by Government of India the same day, detailed directions were given to the State Governments and the directors General of Police of West Bengal and Bihar to launch an extensive combing operation in the entire belt to ensure that no part of the dropped consignment was left unrecovered or moved out of the area. The continuing combing operations have so far resulted in the moping up of the bulk of the dropped consignment.

2.2 The arms and ammunition were air dropped by an AN-26 aircraft, which deviated from its assigned flight path-Varanasi to Phuket (Thailand). The Aircraft was force landed at Bombay Airport on 22.12.95 and six crew members that included one British national, (Peter Bleach) and 5 Latvians were taken into custody.

The latvians are (1) Klishin, (2) Gaidash, (3) Timmerman, (4) Moskovitin & (5) Antimenko. During the rummaging of the aircraft some arms, ammunitions, night vision equipments, a lap top computer, a Global Positioning system, various documents pertaining to the case were recovered,

2.3 In the course of their investigation, the West Bengal Police had conducted a raid on the Anand Marg Ashram at Anand Nagar (Purulia District) on December 23, 1995. In the raid, 11 persons were arrested, who have since been released on bail. The West Bengal Police had also arrested J.K. Malhan and S.K. Malhan of Air Charter Services India, which had obtained the flight clearance from the DGCA.

2.4 The Central Bureau of Investigation and the Intelligence Bureau have been associated with the investigation of this case with the approval of the State Government at all places. The CBI has informed that the investigation have led to the conclusion that the fire arms were meant to

be received by a certain section of **Anand Margis**. Ministry of Home Affairs is reviewing the progress of investigation of the case with CBI from time to time.

Ministry of Civil Aviation

2.5 On 17.12.95, a foreign aircraft AN-26 dropped arms at Purulia in West Bengal. But it was only on 21.12.95 that it was suspected that this aircraft had dropped arms on 17.12.95. This aircraft which was flying from Karachi to Yangon obtained flight clearance from DGCA on 15.12.95 to overfly India and make a halt at Varanasi at 1300 hrs IST on 17.12.95. The aircraft was expected to fly from Varanasi to Yangon overflying Calcutta. The aircraft, however, actually arrived and landed at Varanasi on 17.12.95 at 1734 hours IST *i.e.* 4 hours and 34 minutes behind schedule. At Varanasi the aircraft filed flight plans seeking permission to fly to Calcutta enroute to Yangon. The aircraft departed Varanasi at 2200 hours IST for Calcutta. It reported overhead Calcutta at 2343 hours IST. As reported since the visibility at Calcutta was poor, the pilot decided to proceed to Yangon. Yangon did not give the clearance to the aircraft and therefore the aircraft had to return to Calcutta and land. This aircraft was to return to Calcutta and Varanasi on 21.12.95. It however, came to Madras (Chennai) on 21.12.95 from where it was permitted to fly to Bombay. On 21.12.95, it was suspected that this AN-26 aircraft which had operated the flight on 17.12.95, had possibly dropped the arms in Purulia. By the time necessary instructions were given to hold this aircraft on its return flight, the aircraft had already taken off from Madras with due clearance from Indian Air Force, Customs, Immigration and Karachi. Immediately, Air Traffic Control (ATC), Bombay was advised to make this aircraft land at Bombay. Necessary action was taken and the aircraft was forced to land at Bombay when the aircraft was on its route from Chennai to Karachi.

Ministry of Defence

2.6 On receipt of some information regarding an attempt likely to be made to land an aircraft with arms in India, Air HQs stepped up activities on their air defence set up. As is well known, the Air Force do not have surveillance radars within the country. They merely have a network of radars on the borders. Since the AN-26 aircraft was a flight which had the prior approval of DGCA, an air defence clearance had been granted by the Air HQs and, hence, the IAF radars accepted the aircraft without challenge. The DGCA is the agency which gives authority for clearance of such flights; often, much in advance. In this particular case, as it subsequently came to light, the flight clearance had been sought as much as 7 days in advance. Since normal DGCA clearance had been granted to this flight, no information of any suspected flight came to the Air Force since this flight was treated as a routine flight.

2.7. The DGCA had cleared this flight from Karachi to Varanasi, Calcutta and Yangon. However the flight plan filed at the Karachi airport was only for the sector Karachi to Varanasi. The ADC was therefore issued to the aircraft for its flight from Karachi to Varanasi only by Bombay MLU. There was a mandatory requirement of obtaining ADC for the flight from Varanasi to Calcutta. No ADC was issued by the IAF for the flight from Varanasi to Calcutta as no such request had been made. As regards the sector Calcutta-Phuket, a fresh flight plan was filed by the AN-26 at Calcutta which was cleared by DGCA. Based on this, ADC was given by the IAF for the flight. For the sector Phuket-Madras ADC was neither sought by DGCA nor given by IAF.

2.8. The IAF is not required to track all civilian scheduled/non-scheduled flights which have been cleared by DGCA. Tracking of such aircraft is undertaken by civil ATC radars through way point reports to the Flight Information Centres (FIC). The IAF only undertakes specific tracking of PIA flights, foreign military aircraft and flights of special interest such as those of foreign Heads of States.

When the IAF provides air defence clearance (ADC) to scheduled/non-scheduled civil flights when they fly over Indian air space, it is merely to identify the aircraft as friend or foe should it be picked up by our radar units enroute. Air force normally comes into the picture only when a flight enters into Indian air space illegally and without clearance to enter and operate in Indian air space.

CHAPTER III

LAPSES OF THE GOVERNMENT AGENCIES CONCERNED AND THE CORRECTIVE STEPS TAKEN

Ministry of Home Affairs

(a) *Lapses*

3.1 On receiving the intelligence report, Ministry of Home Affairs had not conveyed the same to all the agencies concerned. Neither the Ministry of Civil Aviation nor Directorate General of Civil Aviation (DGCA), who have been assigned the task of clearing all the flights including unscheduled civilian flights, were informed of the intelligence report.

3.2 When the Air Traffic Control at Bombay ordered the landing of the aircraft at Bombay airport, no security man was found anywhere around at the time of landing of the aircraft. A jeep came in which the driver was the lone man present and Mr Kim P. Davy got into it and disappeared. He is the main accused and he has not been traced so far. Whatever happened at Bombay airport was a major lapse on the part of the Ministry of Home Affairs.

(b) *Corrective steps taken*

3.3 The incident had revealed certain gaps within the prevailing system relating to permission and clearance for operation of non-scheduled flights over the air-space of the country. Accordingly, an Inter-Ministerial Committee was set up to identify these gaps in order to strengthen the infrastructure and the coordination between the various agencies to prevent the recurrence of such incidents in the future. The Committee, *inter-alia* recommended as under:

(i) All non-scheduled flights should be checked by Customs at the International Airports under Section 106 of the Indian Customs Act, 1962.

(ii) All non-scheduled flights, making both authorised or unauthorised halts at the International Airports in India should be subjected to visual and random checking by Customs authorities under the above stated law and in case of suspicion, through rummage and search operations to be conducted. Certain flights of this category will have to be exempted for which a list will be prepared by the Ministry of External Affairs in consultation with the Ministry of Defence.

(iii) A list of aircrafts which are generally used for para dropping are also to be supplied to Customs so that their ground formations are sensitised.

(iv) The records maintained at Flight Information Centre of Airport Authority of India relating to permission procedure should be computerised for quick retrieval of information.

(v) It should be reiterated to all the countries that flights plans must be submitted well in advance to avoid any inconvenience to the incoming flights.

(vi) A clear drill should be prescribed by Airports Authority of India once a particular aircraft has been force landed. The Chairman, Airport Authority of India should prepare the guidelines in this regard.

(vii) Information emanating from any intelligence agency in such matters should be shared with principal consumers. If there is a time constraint, the intelligence agency should inform the consumers by telephone.

The Committee's report which contains all above wide-ranging recommendations has been accepted by the Government.

3.4 The Inter-Ministerial Committee, considered the modalities for affecting better co-ordination among the various agencies. It was felt that there was a need for having proper co-ordination mechanism at two levels, viz. Ground level and the Apex level.

(c) Ground Level:

3.5 At the ground level, there should be Co-ordination Committee at all the International airports as well as all other airports from where Inter-country flights land or take off. Such existing airports are Varanasi, Lucknow, Patna, Trichy, Agra, Amritsar, Goa, Ahmedabad, Calicut, Bangalore, Trivandrum and Hyderabad. This Committee would consist of representatives of Airports Authority of India, DGCA (where available), Customs, Immigration, Security Authorities, Defence Authorities, Bureau of Civil Aviation Safety (where available) and representatives of the Airports Authority would act as Coordinator of this Committee, which would meet once a month. The following points can be discussed and reviewed in the meeting of this Committee.

- (a) How many flights operated during the past month.
- (b) Whether all such flights underwent the prescribed procedural checks.
- (c) Whether any deviation/abnormality found in the following of procedures.
- (d) What was the response of the concerned agency to the deviation from the established procedure and to examine its adequacy or otherwise.
- (e) To check up and ensure that fresh Air Defence Clearance is obtained in case of flights over staying at any airport.
- (f) Whether any procedural deficiencies have been detected and recommended steps for overcoming these deficiencies.

(d) Apex Level

3.6 At the Apex level, the Coordination Committee should be headed by Chairman, Airports Authority of India. It would consist of representatives from all the Ministries/Departments/Organisations which were represented in the Jain Committee as well as DG, Bureau of Civil Aviation Safety. The task of the Apex Level Committee can be as follows:

- (a) Scrutinises the minutes of the meeting of the various Ground Level Committees for further appropriate suggestions/actions.
- (b) Examine the inputs received from other Ministries/Departments/Organisations and take action as deemed appropriate.
- (c) Undertake conduct of simulated exercises at all the airports once a year in order to ensure that the ground level staff are alert and remain in the State of Preparedness.
- (d) The Apex Committee may meet on a quarterly basis.

7. The above recommendations of the Jain Committee were considered by the Meeting of the Core Group held on 17.1.96 and approved the same. Necessary instructions for constitution of the above Committees have been issued to all concerned. It has been reported that the meetings of the above Committees are being held on regular basis.

3.7 Steps have already been taken for ensuring the proper sharing of the information by the concerned agencies and the tightening security measures. Steps have also been initiated for a more thorough checking of the non-scheduled flights and over delayed halts at airports, for detecting that they do not carry contraband cargo. A drill has also been evolved for better co-ordination procedure between various agencies for handling the aircraft, crew and cargo in the eventuality of its being forced to land.

Ministry of Civil Aviation*(a) Lapses*

3.8 The aircraft reported late by 4 hours and 34 minutes at Varanasi airport and they halted there for about 4 hours, 30 minutes. This did not arouse the suspicions of the airport authorities. When the aircraft was declared as a ferry (an empty aircraft), it was simply accepted by the authorities concerned at the airport and they made no security check at all.

3.9 Ministry of Defence have stated that no Air Defence Clearance (ADC) was sought by Civil Aviation authorities for the aircraft's flight between Varanasi and Calcutta. This was a mandatory requirement. Civil Aviation authorities themselves have stated that aircraft needed ADC validation for its flight between Varanasi and Calcutta as the aircraft halted for more than half-an-hour at Varanasi. But they did not act accordingly.

3.10 When the whole world knew about the arms dropping, Civil Aviation permitted the aircraft to land in Madras. Particularly when it was given permission to land only in Calcutta and unsuspectingly they cleared the aircraft for its flight between Madras-Karachi.

(b) Corrective Steps Taken

3.11 A series of meetings were taken by the Cabinet Secretary and Special Secretary, Ministry of Home Affairs. Based on the decision taken in the meetings, the following guidelines, in addition to (iv), (v) & (vi) as mentioned in para 3.3, have been issued to prevent recurrence of such incidents.

(i) Indian Air Force have identified 27 types of aircraft which are capable of air dropping. Broad guidelines for detailed examination of non-scheduled international flights to be operated by such aircrafts have been prepared and approved by the Committee headed by Shri V.K. Jain, the then Special Secretary MHA, which are now being followed.

(ii) No non-scheduled flight will be allowed by the Air Traffic Control (ATC) of Airport Authority of India to enter into Indian airspace without the Air Defence clearance.

(iii) Chairman, AAI will hold periodic meetings with various concerned departments functioning at airports for better and prompt coordination.

(iv) Permission for non-scheduled flights will be given strictly as per guidelines on the subject and any application with incomplete information, will be rejected.

(v) The feasibility of stopping or forcelanding the aircraft flying over the country's air space, for customs check, was considered in consultation with Ministry of Law and MEA keeping in view the International Conventions. MEA is of the opinion that forcelanding may take place on case by case basis depending on the extent of intelligence information available regarding the particular flight and the extent of deviation made by an aircraft from a specified route.

(vi) Director, Intelligence Bureau has been requested to sensitise on security aspects, the officers responsible for handling non-scheduled international flights.

(vii) As decided by the Core Group, DGCA has furnished to the Department of Revenue, description, photograph, etc. of the 27 aircraft types which could be used for dropping payloads. The DGCA has also advised to its officers located at airports where international flights operate (wherever DGCA offices exist) to provide assistance to customs officers whenever requested for inspection of aircraft.

Ministry of Defence**(a) Lapses**

3.12 They did not act immediately on receiving intelligence report. They did not contact Civil Aviation and both did not act together in handling such an aircraft.

3.13 They did not make any enquiries with Civil Aviation authorities while granting ADC to the aircraft for its flight between Calcutta and Phuket as the Civil Aviation authorities had not approached them for the aircraft's ADC for its flight between Varanasi and Calcutta. Again without any ADC, the aircraft landed at Madras airport but the Defence granted ADC for its flight between Madras and Karachi.

3.14 When the Ministry of Defence were well aware of the arms dropping on December 17, 1995 and even suspected that aircraft be the one which might have dropped the arms, they had given their clearance for the aircraft's flight between Madras and Karachi and failed to impound the aircraft at Madras itself.

CHAPTER IV

PROGRESS OF THE INVESTIGATION

4.1 When the Committee desired to know the position regarding Purulia Arms Dropping, the Home Secretary replied that the investigation involved a lot of foreign countries. The flight was loaded in Bulgaria, it came to Malaysia and halted there for some time and flew over to India. On the way back, it was supposed to go to Bangladesh, in fact, it was to go to Myanmar, but it flew to Phuket in Thailand. Then, they flew to so many other countries. There were so many countries involved in this and the people involved were foreigners in great number, though there were some Indians also. As lot of foreign hands were involved, inquiries had to be made in quite a number of countries. Investigations were going on in full swing. There was a regular monitoring by the Home Secretary but they had not reached any conclusions. He further stated that they filed chargesheets on fourteen persons, out of them, seven are absconding. CBI, Director also added that the supplementary evidence to connect certain people had been collected. He further stated that look out notices had been issued as far as absconding persons were concerned and rewards of rupees one lakh had been announced per person.

4.2 When the Committee observed that incident took place more than a year ago and no conclusion had yet been reached on this and they desired to know approximately how much time would it take to complete the investigations. Director, CBI replied that investigation in foreign land was a laborious process. Once that was approved by the concerned Ministry, that was sent to the Ministry of the country concerned and that country, in turn, examined that. It was also seen whether the offences were covered by the bilateral agreement or not and then the investigation was conducted. Sometimes that takes years together. The countries involved were, U.K. Denmark, Latvia, Bulgaria, Bangladesh, Pakistan, Singapore, Thailand, Hong Kong and Taiwan. It would depend upon their cooperation which they give to us. He further stated that their teams had already gone to foreign countries to expedite the investigation and that it was rather difficult to give a time frame because this would depend on these countries' cooperation.

4.3 The Committee conceded that the investigations that were going on in other countries would take some time but enquired where they would fix the responsibility as far as internal lapses were concerned. A representative of the Ministry of Home Affairs replied that the Customs, the immigration, the Airports Authority of India, the Directorate General of Civil Aviation and Indian Air Force were the agencies involved in this incident. He further added that two chargesheets in Purulia case have been

filed under the sections of Indian Penal Code, the Arms Act, the Indians Explosives Act, the Explosive Substances Act and the Aircraft Act on March 20, 1996 and September 5, 1996 respectively. He further stated that they had come to a preliminary finding and this preliminary evidence was confidential because they were waiting for the reports from the foreign investigation agencies. They could not say conclusively that none of the officials of these agencies might have been involved in the air dropping conspiracy. They had found some lapses. In case they found evidence against the Indian Officers about their complicity in this case, they should be, first and foremost, thinking of prosecution. They were waiting for the results of the investigation and they would be filing charge-sheets after assessing the evidence. If they found the officials were not involved, then it was quite likely that the matter would be assessed and the report would be sent to the Chief Vigilance Officers of the concerned department with a recommendation for taking departmental action for the lapses.

CHAPTER V

EVALUATION OF EVIDENCE AND THE CONCLUSIONS OF THE COMMITTEE

5.1 The representatives of the Ministries of Home Affairs, Defence and Civil Aviation who appeared before the Committee to give evidence showed uncanny skill in blaming each other for not being able to prevent the arms dropping by a foreign aircraft. Each Ministry tried to justify its inaction and said that it was the job of the other Ministry. The Committee is not very much impressed by this skillful attempt on the part of the Ministries to pass the buck. The fact is that a foreign aircraft loaded with sophisticated arms flew into the Indian skies, halted at a few places, dropped arms at a place while flying between two stations, went out of India and again came back to India after two days and remained in the country for a day without being detected. As per the statement of the Secretary, Civil Aviation it was sheer luck that the aircraft was identified just two hours before it flew out of India.

5.2 The Committee have carefully considered the facts placed before it. The Committee accept and appreciate the frank admission by the Home Secretary that there was a total failure on the part of the governmental agencies and that there was total lack of co-ordination among them. The Home Secretary admitted that information from the Intelligence Bureau was available to the Government suggesting that an aircraft would drop arms near about the date of which the actual arms drop took place. The areas specified was Dhanbad in Bihar. He has taken the plea that although the likely place indicated by the IB was Dhanbad, the actual arms drop took place in Purulia which is in West Bengal. He himself has admitted that in a case like this intelligence information cannot be always precise. Certainly the intelligence information can point to only probabilities in such cases. But it was the duty of the Home Ministry to alert all the agencies and ask them to look for a plane loaded with arms so as to intercept it before it fulfils its mission. Instead the Home Ministry alerted the Defence Ministry, Government of Bihar and later sent a routine letter to the Government of West Bengal informing them about the intelligence report.

5.3 One startling fact, that came out during the evidence was that the Home Ministry had not passed on the intelligence information to the DGCA and the Ministry of Civil Aviation. It is the DGCA which gives permission to the planes to overfly India and therefore, this agency should have been informed about it. This, the Committee hold, is a serious lapse on the part of the Home Ministry which contributed in no small measure to the Arms Dropping in Purulia.

5.4 The Home Secretary conceded that at the Bombay Airport where the plane was forced landed, there was total security foul-up which enabled Mr. Kim Davy, the chief culprit to escape with great ease. The Home Secretary's statement that the Air Force authorities which forced landed the aircraft at Bombay did not inform anybody and that the control tower did not inform the police and thus there was a communication gap between the Air Force authorities and the security agencies, helps only to add to the confusion especially in view of the statement by the Defence Secretary that the plane landed in the Civil Airport and the Airforce had nothing to do with the security arrangements. The Committee are convinced that despite the fact that all the concerned governmental agencies bestirred themselves after the arm drop and were constantly monitoring the movements of planes and analysing the data obtained from three days of study and the plane was identified at last and force landed, the Home Ministry could not make any kind of security arrangements at the Bombay Airport in order to take into custody the culprits. It is disgraceful that Kim Davy could escape without any difficulty whatsoever.

5.5 As per the evidence the Defence Ministry had prior knowledge about the arms drop as it was given the intelligence information. But it did not act on the information or shared the information with the DGCA. So, the Committee is not convinced by the attempts made by the Defence Secretary to exculpate the Airforce in this matter. While it is true that the Airforce does not have a radar surveillance throughout the country and it is not its function to monitor the civilian aircraft criss-crossing the country's airspace, it could have co-ordinated its efforts with the DGCA and tried to track down the unscheduled flight. The fact is that it did not care to act on the intelligence provided to it. The Committee consider that it is a serious lapse on the part of the Defence.

5.6 The Committee do not share the Defence Secretary's perception of the arms drop. He stated that it is a case of aerial smuggling of arms as distinct from a threat from the air. While reacting to a statement from the Chairman that the non-pressurised aircraft like the one which was used for arms drop can drop arms and also bombs, the Secretary in the Ministry of Civil Aviation said that whenever any permission is given, this aspect would be kept in mind. This clearly shows that the plane which dropped arms in Purulia could have dropped even bombs on some other selected target. The Committee presumes that this fact is known to the Defence Secretary and therefore, the Committee can only conclude that the Defence Ministry too was trying to minimise the seriousness of the Purulia Arms Drop.

5.7 The Committee carefully examined the evidence given by the Secretary, Ministry of Civil Aviation, with a view to getting a clear understanding of the role and responses of this Ministry in this episode. The Committee is convinced that there was a total failure on the part of the Civil Aviation authorities at Varanasi where the plane loaded with Arms waited for over four hours and no one went and checked it. Although as per the Secretary, Civil Aviation, it was a ferry flight and therefore, no checking needed to be done, Committee did not accept the very fact that it was bound for Yangon and has for no reason stayed at the Varanasi Airport for as long as over four hours should have aroused the curiosity of the Airport Authorities at Varanasi. Both the Defence Secretary and the Home Secretary have clearly stated before the Committee that the Airport Authorities at Varanasi should have checked the plane. If they had done so, the arms drop would never have taken place.

5.8 The Home Secretary in his statement before the Committee stated that the very next day of the incident of arms drop all precautions were taken. He also said that by the time the plane landed at Madras every one knew about it. So, the plane should not have been allowed to land at Madras. However, according to the Secretary, Civil Aviation the aircraft was identified only on the night of 21st December, 1995 and that by the time it was decided and communicated to the ATC in Madras by the Air Force the aircraft had already taken off from Madras and was flying on its way to Karachi. Of course it was force landed in Bombay, the Committee feel that since the arms drop was reported in the entire press the very next day and whole world came to know about it and immediately, thereafter all the concerned agencies started the exercise of identifying the plane, the behaviour of the plane landing at Varanasi very late, staying there for over four hours, overflying Calcutta and going to Yangon and coming back immediately to Calcutta saying that Yangon authorities did not allow it to land, flying to Phuket, coming back to Calcutta, but actually landing at Madras due to reason of bad weather should have naturally aroused the suspicion of the Civil Aviation authorities especially after the incident of arms dropping was known. The Committee feel that if the authorities were more alert even after the incident, the plane could have been intercepted much before it reached Madras. The Civil Aviation authorities were callous in letting the aircraft fly wherever it wanted without even the mandatory ADC. The Committee find a collective irresponsibility on the part of three very important Ministries of Home, Defence and Civil Aviation.

5.9 As regards investigation into this case both the Home Secretary and the Director of CBI have placed before the Committee the relevant information relating to the progress in the investigation. According to them 14 persons were involved in this operation out of whom seven are absconding. The Home Secretary has stated that there is no evidence that they have left India. So, look out notices for them have been issued and also a reward of Rs. One Lakh has been announced by the Director CBI.

**APPENDIX I
MINUTES**

SEVENTH SITTING

**MINUTES OF THE SITTING OF THE COMMITTEE ON
GOVERNMENT ASSURANCES HELD ON DECEMBER 19, 1996 IN
COMMITTEE ROOM NO. 'E', PARLIAMENT HOUSE ANNEXE,
NEW DELHI**

The Committee met on December 19, 1996 from 15.00 hours to 15.45 hours.

PRESENT

Shri E. Ahamed — *Chairman*

MEMBERS

2. Shri Rajendra Agnihotri
3. Shri Mukhtar 'Anis'
4. Shri Illiyas Azmi
5. Shri L. Balaraman
6. Shri Dileep Singh Bhuria
7. Shri Paban Singh Ghatowar
8. Dr. Ramkrishna Kusmaria
9. Shri Hannan Mollah
10. Dr. C. Silvera
11. Shri Tilak Raj Singh

SECRETARIAT

1. Shrimati Reva Nayyar — *Joint Secretary*
2. Shri P.D.T. Achary — *Director*
3. Shri K. Chakraborty — *Under Secretary*
4. Km. J.C. Namchyo — *Committee Officer*

MINISTRY OF HOME AFFAIRS

1. Shri K. Padmanabhaiah, Home Secretary
2. Shri V.S. Mathur, Special Secretary
3. Shri Joginder Singh, Director, CBI
4. Shri R.C. Sharma, Special Director, CBI
5. Shri J.K. Dutt, Joint Director, SC-II, CBI

The Committee took oral evidence of the representatives of the Ministry of Home Affairs and Central Bureau of Investigation in connection with the pending assurance in reply to USQ No. 339 dated 29.2.96 regarding Dropping of Arms in Purulia.

At the outset, the Committee asked the Home Secretary (Shri K. Padmanabaiah) to explain the position in connection with Dropping of Arms in Purulia.

In reply, the Secretary, Ministry of Home Affairs explained that he had nothing more to add to the reply given in Parliament that 'further investigations were handed over to the CBI and their report was awaited by the Government'. He stated that the people involved were foreigners in great number, though there were some Indians also. It was also informed by the Home Secretary that investigations were going on in full swing. There was a regular monitoring by the Home Ministry, but they had not reached any conclusions. He also stated that there was no concrete proof to show the involvement of ISI. However, major investigations have to be done in Pakistan, where the materials were repacked in order to make it easy for them to push the weapons out of plane. Moreover, he stated that they had filed chargesheets against fourteen persons.

The Home Secretary also stated in reply to a question that out of fourteen, seven were absconding. Four of them were Indians. There was no evidence to show that they had left India. Ministry had issued lookout notice to them. Those Indians were part of Anand Marg set-up and the Director, CBI had announced a reward of Rs. 1,00,000/- for apprehension of each one of them, he added.

When the Committee sought a clarification as to whether the letter written by a Joint Secretary to the Chief Secretary of West Bengal informing him of what was going to happen was authentic and that it was not received in time and was not acted upon. The Home Secretary replied that letter written was an authentic one and that the relevant information was received from the Intelligence Bureau. The Home Ministry had also passed on the same information.

Asked why the letter was taken in such a casual way, the Home Secretary replied that it was not taken casually. In the information received by them it was indicated that it would be in the border. That gave an impression that the location would be in Bihar. So, Bihar was informed immediately and by way of additional information, it was sent to West Bengal also. He also informed that as per some directive, the letter was sent by Regd. Post and it reached late, but that had not come in the way of investigation.

The Committee then enquired, why the plane was not intercepted, when they had prior information, the Home Secretary replied that it was not strictly within the purview of Home Ministry. When a plane violates the territorial jurisdiction of India, it was the Civil Aviation and Military authorities who were aware that the plane is coming from a particular

place and had deviated from its original flight path. The Home Secretary, however, conceded that there was a lack of communication and co-ordination between the Civil Aviation Authorities and the Military Authorities. The Committee then pointed out that the Minister of State in the Ministry of Home Affairs had indicated in Lok Sabha some time back that there was a plan to deliver arms from a small plane in Dhanbad area of Bihar, but no prompt action had been taken to intercept the plane.

The Home Secretary replied that they had information that small plane would land at Dhanbad to deliver the arms. But instead a big plane landed in West Bengal carrying lot of arms. Whatever information was there, the Ministry had acted upon that and had alerted the people in Bihar, he added.

The Committee pointed out that the security aspect falls under the Ministry of Home Affairs, and brought in the sequence of events in order to make it more explicit. Attention of the Secretary was invited to the fact that after dropping of arms at Purulia, the aircraft had landed at Calcutta as it was refused landing at Myanmar. After refuelling, it again flew off to Thailand. Three days later it flew to Madras from Thailand for the purpose of refuelling. No security man was found anywhere around at the time of the landing of the aircraft after the air traffic control ordered the landing of the aircraft at the Bombay airport as a result of which Mr. Davy got into a jeep and disappeared. He has not been traced so far.

The Home Secretary further stated that the permission for landing of the aircraft at Calcutta or Madras should not have been given. By that time everybody knew of it. The aircraft should not have been allowed to land in these places. He further stated that there had been a total lack of coordination. He agreed that it was the total responsibility of Ministry of Home Affairs and the security agencies as far as the lapse at Bombay was concerned. He also added that the Air force authorities which force landed the aircraft did not inform anybody. The Civil Aviation authorities also did not mention anything to the Civil authorities. The Committee were also informed that an enquiry in this regard was going on and that the CBI was investigating into the causes of arms dropping as also causes of the lapses into the matter and that a preliminary report has been received.

A representative of CBI (Shri J.K. Dutt) provided information to the Committee regarding lapses on the part of the agencies and the officials. He mentioned that the Customs, the Immigration, the Airports Authority of India, the Directorate General of Civil Aviation and the Indian Air Force were the agencies involved. He added that the charge-sheets in Purulia case have been filed under the sections of Indian Penal Code, the Arms Act, the Indian Explosives Act, the Explosive Substances Act and the Aircraft Act on 20.3.96 and 5.9.96. It was further stated that they had come to a preliminary finding and this preliminary evidence was

confidential because they were waiting for the reports from the foreign investigation agencies. They could not say conclusively that none of the officials of these agencies might have been involved in the air dropping conspiracy. They had found some lapses. In case they found evidence against the Indian Officers about their complicity in this case, they should be, first and foremost, thinking of prosecution. It was further stated that as they were waiting for the results of the investigation, they would be sending charge sheets after assessing the evidence. If they found the officials were not involved, then it was quite likely that the matter would be assessed and the report would be sent to the Chief Vigilance Officers of the concerned department with a recommendation for taking departmental action.

The Committee then wanted to know about the steps that had been taken to see that such an incident does not recur. The Home Secretary replied that two Committees had been formed, one at the airport level and the other at central level. Committees at all airports are functioning and they are supposed to meet every month to review cases of unscheduled flights. Airport Control Tower is required to inform the landing of a plane to the Chairman of the Airports Authority, who in turn would inform the police, Customs and all those agencies involved at airports. Committee at the central level is headed by the Chairman, Airport Authority of India. The Chairman then review once in a quarter the minutes of the meetings and take necessary action.

To a query as to how much time would it take as the incident took place more than a year before and no conclusion has yet been reached on this, the CBI Director (Shri Joginder Singh) replied that investigation in foreign land was a labourious process. Once it was approved by the Ministry here, it was sent to the Ministry of the country concerned for the examination at their end. It was further seen whether the offences were covered by the bilateral agreement or not and then the investigation was conducted. Sometimes it would take years together. In that particular case, the Director added that countries involved were U.K., Denmark, Latvia, Bulgaria, Bangladesh, Pakistan, Singapore, Thailand, Hong Kong and Taiwan. CBI teams had already been sent to foreign countries to expedite the investigation. However, he was afraid to give a time-frame as this would depend on these countries cooperation. He also informed that the accused persons had already been charge-sheeted.

When the Committee asked for the reasons for the five hour dropover and also wanted to know why Calcutta authorities had not taken any action against those people, the Home Secretary replied that they were not to be blamed. The Aircraft was to go to Myanmar and Calcutta Airport was informed that Myanmar was refusing permission and hence permission was sought for landing. In such a situation, the Airport Authorities are supposed to give permission. They could not

refuse fuel also. The Home Secretary however informed the Committee that Madras could not exonerate itself from the blame.

When the Committee queried why there could not be a coherent view even after such a serious and sensitive incident had taken place, the Home Secretary replied that unless all the agencies concerned are called by the Committee, there could not be any coherent view.

Asked whether Anand Margis were the brain behind that incident and that they financed and arranged for air dropping, the Home Secretary replied that they did not know whether Anand Margis financed it or not. But they knew that those arms were clearly meant for them.

The CBI representative also informed the Committee that they were making enquiries and they expected to gather some vital information about the funding aspect. He also informed the Committee that the lap-top computer recovered also indicated that the arms were meant for a section of Anand Margis. When the Committee indicated that Anand Margis were involved in anti-national activities earlier also and asked whether they anticipate any action from them in future, the Home Secretary replied that Anand Margis had done irregular things in the past and there were reports of their having killed a lot of people. They eliminated those who had not got faith in their organisation. He informed the Committee that there was a tussle between the Communist Government in West Bengal and the Anand Margis. They did not see eye to eye. He added that the arms were dropped on a two storey building of the Anand Marg. This aspect was established by the photographs too. The Home Secretary emphatically said that it was absolutely crystal clear that Anand Marg was involved whether the organisation as such, or some members of Anand Marg was however not clear. The Home Secretary also stated that IB was keeping an extremely close eye on this.

The Committee then desired that they might be informed broadly about the progress of investigations in this regard. Home Secretary was also asked to furnish additional information concerning the points discussed and supplement those which have not been covered adequately.

The Committee then adjourned.

APPENDIX II

MINUTES

NINTH SITTING

MINUTES OF THE SITTING OF THE COMMITTEE ON GOVERNMENT ASSURANCES ON MARCH 19, 1997 IN COMMITTEE ROOM No. 'E', PARLIAMENT HOUSE ANNEXE, NEW DELHI

The Committee met on March 19, 1997 from 15.00 hours to 16.00 hours.

PRESENT

Shri E. Ahamed — *Chairman*

MEMBERS

2. Shri Illiyas Azmi
3. Shri L. Balaraman
4. Shri Dileep Singh Bhuria
5. Shrimati Bhavana Chikhalia
6. Shri Paban Singh Ghatowar
7. Dr. Ramkrishna Kusmaria
8. Shri Sanat Mehta
9. Shri Hannan Mollah
10. Dr. C. Silvera

SECRETARIAT

1. Shri P.D.T. Achary — *Director*
2. Shri K. Chakraborty — *Deputy Secretary*
3. Miss J.C. Namchyo — *Assistant Director*

MINISTRY OF DEFENCE

1. Shri T.K. Banerjee, Defence Secretary
2. Shri P.M. Nair, Additional Secretary
3. Shri Vinod Rai, Joint Secretary (AIR)
4. Air Vice Marshal M. Mc Mahon ACAS (ops).

The Committee took oral evidence of the representatives of the Ministry of Defence in connection with an assurance pending against Ministry of Home Affairs in reply to USQ No. 339 dated 29.2.96 regarding "Dropping of Arms in Purulia".

At the outset, the Committee asked the Defence Secretary (Shri T.K. Banerji) whether it was proper for the Ministry of Defence to simply grant Air Defence Clearance to such as aircraft solely on the basis of DGCA

clearance (ADC) and without making any enquiry, especially when the Cabinet Secretariat had already warned on 25th November, 1995 that an attempt was likely to be made to land an aircraft with arms in India. In reply, the Defence Secretary explained that the regulation of authorised civilian air traffic across India was primarily the function of the Civil Aviation authorities. Civil aircrafts of all types, which overfly India, report to the Civil Aviation authorities and they acknowledge that and grant them permission. On the day and near about the time when the flight actually takes off, the flight plan was filed again with Civil Aviation and a copy of that flight plan was then given to the Liaison unit for air defence Clearance. The idea was to convey to the Air Defence the fact that a particular flight had sought permission and was given permission. Therefore, the presumption *ipso facto* was that it was a legitimate flight. He further stated that charter of air force was not to curb smuggling. The incident was in a way contraband air smuggling into India. Had the Air Force assumed that it was the violation of Indian air space, then the air force would have looked at that aircraft more closely as to whether it was a bomber or hostile aircraft or something like that. Once that had taken permission from DGCA, Air Force treated that as a legitimate civil commercial flight. It was true that there was a warning earlier. But between the day of the warning and the day of the occurrence many thousands of flight would have come. The warning was given towards the end of November, but the incident occurred one month later.

The Committee then wanted to know about the present position regarding surveillance and radars in the country and also the radar system of the Ministry of Defence. The Defence Secretary replied that there were broadly two kinds of radars. There are radars which are used at the Air Force bases for controlling the air space and for regulating the flight operations and also for the exercise of routine surveillance in the neighbourhood of the air force stations. The second type of radars are the air defence radars installed on the threatened boundaries. These radars are positioned in those areas where at the time of hostilities they could be used for air defence systems or air defence alertness. So, these radars are not positioned country-wide, but are installed in certain specific areas.

The Committee then wanted to know whether these surveillance radars are operational for twenty four hours. The Committee also desired to know the procedure followed in other countries in this regard. One of the representatives of the Ministry (Air Vice Marshall M.Mc Mohan) replied that it is not possible to keep the radars on for twenty four hours for the reason that they would actually burn out. In other countries also surveillance radars are not operational all the time.

The Committee then enquired whether there was any system of sharing views and information between the Defence Ministry and the Civil Aviation Ministry. The Defence Secretary stated that the Civil Aviation radars had a limited range. They are optimised for traffic control on

approaches to major airports. They track the aircraft only when it was taking off from and approaching a particular airport and an aircraft was not under constant surveillance by the Civil Aviation authorities. Civil Aviation radars did not monitor the length and breadth of the country. He further stated that in the South, airforce has no surveillance radars.

While replying to a question regarding range of radar system installed at Baroda, the Defence Secretary stated that a network of radars were needed to cover the entire border. For the 100% foolproof coverage of the border, scores of radars are to be operational at any given point of time. Additional radars are also needed in case some of radars burn out.

The Committee then desired to know the main issues which could not be looked into, particularly the carelessness on the part of concerned agencies and the reasons why the aircraft was not intercepted, when there was no ADC to fly between Varanasi and Calcutta. The Defence Secretary replied that the failure was at Varanasi, because when they took off from there, they were required to file another flight plan. This second flight plan, would have been communicated to the MLU for air defence clearance for the Varanasi to Calcutta. He also explained that the air force did not have the system to monitor a flight. Air defence set up functions against air force violations from across the border and not against civil flights already cleared by DGCA to fly through Indian Territory.

On being pointed out that ADC was not there from Phuket-Madras Sector, Defence Secretary clarified that between Phuket to Madras, he had no flight plan as such. On December 22, 1995 the aircraft appeared at Madras and told the Civil Aviation that it had not been able to make the leg between Phuket-Calcutta because of adverse weather conditions and instead it was redirecting and coming to Madras. Civil Aviation accepted the aircraft. So, there was no defence or air-defence clearance. It was taken as a diversion from Calcutta to Madras. The Committee then pointed out that the aircraft came from a foreign country, landed at several places, refuelled and finally went to Purulia and dropped arms. They wanted to know the normal procedure followed in such cases if an aircraft comes with full of sophisticated arms - as in this case, lands here for refuelling and takes off. The Committee also desired to know the persons responsible for this. The Defence Secretary replies that Civil Aviation were responsible for this. When an aircraft lands, that must be examined, if there is a suspicion. In this case, it was for the local authorities at Varanasi to satisfy themselves as to what the aircraft was carrying, etc.

The Committee wanted to know how far our Defence establishments are safe from such aircrafts with a mission to drop arms, etc. The Defence Secretary replies that an aircraft requires prior permission for landing at airports which are meant for airforce. No chartered flights with tourists are allowed to land at such airports without making full enquiries and putting it to security verifications.

The Defence Secretary further stated that Purulia question should not be seen as an aerial threat but instead a threat from clandestine smuggling of arms. There was a slight conceptual difference. He further stated that in Bombay bomb blast case, ships were used to land explosives and it was not a threat from sea. Thousands of civilian aircrafts crisscross the country on a given day including Private, chartered, businessmen flights and it was not practically possible for civil aviation and customs authorities to rummage each and every civilian aircraft. As far as military aircrafts are concerned, they are authorised by defence services and there was full security.

The Committee then pointed out that there were reports that Purulia like incident could take place again. The Defence Secretary replies that they were trying to identify what could be done to strengthen India's radar coverage and also informed the Committee that it would not be possible in the near future to visualise a scenario in which India could cover the entire country so that every flight is closely monitored. As to time, direction, cause and attitude, he added that neither US, Canada, Russia nor perhaps China had this.

The Defence Secretary said that to prevent the recurrence of such incident, intensive surveillance is called for involving setting up of a network capable of monitoring each and every flight which goes along the main corridor, to any part of the country. According to him, it was not likely to be practicable to cover the entire country with such a network.

The Committee, thereafter, observed that the above incident could have been avoided, if the minimum rules regarding physical checking of the aircraft etc. had been followed by the authorities concerned. The Committee wanted to know whether any blue print has been prepared by the Ministry so that it would not recur in future. The Defence Secretary replies that they are certainly trying to see as to what could be done to improve the overall surveillance, radar system though it is very expensive and involves time.

The Committee then adjourned.

APPENDIX III

MINUTES

TENTH SITTING

MINUTES OF THE SITTING OF THE COMMITTEE ON GOVERNMENT ASSURANCES ON MARCH 19, 1997 IN COMMITTEE ROOM NO. E, PARLIAMENT HOUSE ANNEXE, NEW DELHI

The Committee met on March 19, 1997 from 16.30 hours to 17.30 hours.

PRESENT

Shri E. Ahamed—*Chairman*

MEMBERS

2. Shri Illiyas Azmi
3. Shri Dileep Singh Bhuria
4. Shri Paban Singh Ghatowar
5. Shri Sanat Mehta
6. Shri Hannan Mollah
7. Dr. C. Silvera

SECRETARIAT

- | | | |
|------------------------|---|---------------------------|
| 1. Shri P.D.T. Achary | — | <i>Director</i> |
| 2. Shri K. Chakraborty | — | <i>Deputy Secretary</i> |
| 3. Miss J.C. Namchyo | — | <i>Assistant Director</i> |

MINISTRY OF CIVIL AVIATION

1. Shri Yogesh Chandra, Secretary
2. Shri Ranjan Chatterjee, Joint Secretary
3. Shri S.C. Tripathi, Commissioner of Security
4. Shri H.S. Khola, Director General
5. Shri P.C. Goel, AAI, Dir. (ops)

The Committee took oral evidence of the representatives of the Ministry of Civil Aviation in connection with an assurance pending against Ministry of Home affairs in reply to USQ No. 339 dated 29.2.96 regarding "dropping of arms in Purulia".

At the outset, the Committee enquired whether the AAI did not have the flight plan of the aircraft and if so, what action the authorities had taken for receiving the flight plan. Why no ADC was sought from IAF for aircraft flying between Varanasi and Calcutta. The Secretary

(Shri Yogesh Chandra), Ministry of Civil Aviation explained that Ministry of Civil Aviation were looking after Civil aspect of aviation, i.e. safe flying of the aircraft within and outside the countries. The Ministry was not much concerned with security aspects. The Secretary further informed that their primary responsibility was to ensure air safety, air worthiness, availability of sufficient number of aircrafts to transport the people of India from one part of the country to another, the building of airports, the provisioning of airports with the navigation system, etc. He further stated that the Civil Aviation authorities were not aware of the intelligence report though DGCA was the licensing authority or the permit giving authority for unscheduled flights coming to this country. Neither the Ministry of Civil Aviation nor the DGCA was ever informed that there was a possibility of arms dropping by an aircraft. Had they got the proper intelligence report, they would have geared themselves up.

The Committee desired to know the norms for the aircraft which was in the air space beyond its scheduled time and the system in Civil Aviation to know about the time taken by a particular flight as in the instant case the flight landed at Varanasi much after the scheduled time of arrival. The Secretary replied that it was a normal occurrence that the flights were delayed especially the unscheduled flights of private airlines. There were various reasons for the delay. Therefore, they did not take notice of that. He further added that it was not possible to provide radar coverage for the whole country. There was no system by which one could find out whether a particular plane had taken off or not.

The Committee desired to know whether it was not mandatory to obtain ADC for the aircraft's flight between Varanasi and Calcutta. The Secretary clarified that whenever the aircrafts enter the Indian space, first the ADC was required. In this case, clearance was sought when it was coming from Karachi and ADC was to be taken for the next flight between Varanasi and Calcutta. When the Committee pointed out that it was not taken and desired to know whose lapse it was, a representative of the Ministry (Shri P.C. Goel) replied that ADC which was obtained from the Air Defence Unit at Bombay was supposed to be valid right upto Yangon provided the flight was halting at Varanasi for half-an-hour. At Varanasi, the aircraft halted for more than half-an-hour and for that reason a validation was necessary. The ATC at Varanasi transmitted the flight plan data to the Calcutta centre in this regard and Calcutta gave that to the MLU of the air force because only the MLU could amend or validate the same ADC.

The Committee then asked why Yangon did not permit the aircraft to land and the reasons for granting permission in India. A representative (Shri P.C. Goel) of the Ministry replied that they did not have the information why Yangon refused permission.

The Committee then enquired whether any check was made by agency at the Varanasi airport. The Secretary replied that in case of a declared

cargo, the customs people go and check and in case any aircraft was declared as ferry then they would not check it. When enquired how it was possible to know about the content of the aircraft without checking, the Secretary replied that after this particular incident suitable steps were being taken. A Committee was appointed under the Chairmanship of Shri V.K. Jain, special Secretary in the Ministry of Home Affairs and that Committee considered all points of failure. As a result the systems were greatly tightened. He further stated that they had identified 27 types of non-pressurised aircrafts which could drop arms and whenever permission was given they would keep in mind that aspect.

The Committee stated that in normal procedure, police officer checks at a halt between two places and enquired why that aircraft was not checked in the like manner. The Secretary replied that in a passenger aircraft, the security people and police check the boarding card at the time of departure at halting station between two stations to tally the number of passengers, to see whether the luggage had been taken away by the leaving passengers and to tally whether any baggage had been left behind. But such type of so-called empty planes which were used for ferrying, for carrying materials or defence equipments between two places, those planes were not checked by our security police.

The Committee desired to know whether the aircrafts which seek permission specify if they were carrying passengers, cargo, military equipments or other things. The Committee also enquired whether the Civil Aviation authorities would insist on what kind of passengers or cargo they are carrying. The representative of the Ministry (Shri H.S. Khola) replied that in case of ferry car, there would not be any mention of that, like in the instant case. But in case of a cargo flight, they had to give a specific information. Further, he stated that even if that was an empty flight from one place to another place, aircraft people have to specify that also.

The Committee then observed that the aircraft had taken permission to land only in Calcutta but that went to Madras and permission was given to land there. The Committee wanted to know the reason for permitting the aircraft to land in Madras. A representative (Shri H.S. Khola) replied that they planned to land in Calcutta but they had to make a technical landing in India for refuelling because that was a small aircraft of 30 seats and that did not have the capacity to fly from Phuket over India without refuelling on the return flight. He further stated that the aircraft had the sanction to return via Calcutta, that it planned to return via Madras and they made a technical landing there for refuelling. He further stated that the non-scheduled flights which were permitted to land in India could not opt to overfly and the flight must land in India. Aircraft had the permission to land in Calcutta, but instead it landed in Madras. So, there was no reason to question the aircraft as that was having permission to land in India.

Then the Committee enquired why did they allow them to take off from Madras. The Committee also observed that they should have intercepted the aircraft at Madras and wanted to know the reasons for intercepting it so late. A representative of the Ministry (Shri P.C. Goel) stated that aircraft had sanction to go to Karachi when that landed in Madras and it was a civilian flight. That was the reason, why clearance was given. In regard to interception, he stated that primarily the intelligence decide about interception and the intelligence department did not inform Civil Aviation at all. Then the Committee pointed out that the whole world knew about the dropping of arms and that came in every newspaper, but the Civil Aviation authorities were not aware of that. There upon the Secretary, Civil Aviation further clarified that the possible aircrafts were identified only by 21st December, 1995. A meeting to discuss this issue was called on that day and it was attended by the Home Ministry, Intelligence Bureau, and DGCA to identify the possible aircraft which could have dropped the arms. The flight timings and flight movements of all the aircrafts in the country during that particular period were analysed and it was only on the night of 21st December, 1995, suspicion arose about the aircraft which might have dropped these arms. He further stated that by the time it was decided and communicated to the ATC by the Air Force, the aircraft had taken off from Madras for Karachi. So, they had to ask Bombay to intercept that aircraft and make it land.

The Committee further reiterated that knowing fully well that they had permission to land at Calcutta only, they had flown to Madras and Civil Aviation also allowed them to land and enquired whether there is any system to check this. A representative of the Ministry (Shri Ranjan Chaterjee) replied that Indian flags were flying the world over. When an accident happened, a plane was forced to land anywhere and that was the reason India was a signatory to the International Air Transport Service Agreement, which provided for following six freedoms to every airline:—

Freedom to fly, Freedom to land in a country for technical reason (one of the technical reasons could be that the fuel was finished),

Freedom to carry traffic from one country to another country, Freedom to pick up passengers, Freedom to pick up at intermediate traffic points, and Freedom to fly beyond.

The first three freedoms allow the international airlines to land and operate in the country. When a plane report that it had got some technical problem and sought permission to halt in our country or to pick up fuel, no body asks the reasons for that.

Then the Committee wanted to know about the other suggestions which the Government are having apart from 10 points programme. The Secretary replied that those ten points were exhaustively gone into. Even

to implement those, there were some major problems. The important point was that when India takes action against the international airlines, they would also reciprocate. When it was insisted that they should file flight plan ten days in advance, they were also insisting that India should also file that ten days in advance.

The Committee then concluded the discussion and was adjourned.

APPENDIX IV
MINUTES
TWELFTH SITTING

MINUTES OF THE SITTING OF THE COMMITTEE ON GOVERNMENT ASSURANCES HELD ON MAY 5, 1997 IN COMMITTEE ROOM NO. 62, PARLIAMENT HOUSE, NEW DELHI

The Committee met on Monday, May 5, 1997 from 15.00 hours to 16.00 hours

PRESENT

Shri E. Ahamed — *Chairman*

MEMBERS

2. Shri Dileep Singh Bhuria
3. Shrimati Bhavana Chikhalia
4. Shri Paban Singh Ghatowar
5. Shri Hannan Mollah
6. Shri Tilak Raj Singh

SECRETARIAT

1. Shri P.D.T. Achary — *Director*
2. Shri K. Chakraborty — *Deputy Secretary*
3. Km. J.C. Namcho — *Assistant Director*

2. The Committee considered the draft 2nd and 3rd Reports and adopted the same. The Committee authorised the Chairman to present the report during the current budget session of Parliament.

3. The Committee also decided to undertake a study tour during the month of June, 1997. Details in this regard are to be worked out.

The Committee then adjourned.

Statement referred to in Parts (A) and (B) of the Lok Sabha Unstarred
Question No. 339 Dated 29 February, 1996

**LIST OF ARMS AMMUNITIONS AND OTHER ARTICLES
RECOVERED TILL 16.02.96 IN CONNECTION WITH RC 11(S)/95
CAL.**

1. ROCKET LAUNCHERS	—	10
2. 9MM PISTOL	—	11
3. TELESCOPE FOR ROCKET LAUNCHERS	—	6
4. CANVAS POUCH	—	9
5. ASSAULT RIFLE (AK-47/56)	—	241
6. HAND GRENADE	—	62
7. DVM LIQUID BOX	—	9
8. ANTI TANK GRENADE	—	77
9. CLEANING BRUSH	—	59
10. OIL PCTS	—	61
11. CLEANING ROD	—	4
12. PARACHUTES	—	3
13. CANVAS CARRIER	—	9
14. EMPTY MAGAZINES	—	909
15. BOOSTER FOR ROCKET LAUNCHERS	—	67
16. 7.62 AMMUNITION	—	20, 543 rounds
17. 9MM AMMUNITION	—	3835
18. GUARD HAND FOR ANTI TANK LAUNCHERS	—	8
19. SLING	—	102
20. SMALL POUCH	—	152
21. REVOLVER HOLSTER	—	19
22. NYLON ROPE	—	1

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