

Title: Moved the motion for consideration of the final report of Jain Commission and Memorandum of Action Taken on the Report (Not Concluded)

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF TOURISM (SHRI MADAN LAL KHURANA): Sir, on behalf of Shri L.K. Advani, I beg to move:

"That this House do consider the final Report of the Jain Commission and Memorandum of Action Taken on the Report laid on the Table of Lok sabha on 31.7.1998."

... (Interruptions)

SHRI BUTA SINGH (JALORE): Sir, please allow me to raise a very serious matter. **... (Interruptions)**

MR. SPEAKER: Shri Buta Singh, in the leaders meeting as well as in the Business Advisory Committee, it was decided to take up the discussion on the Jain Commission Report directly.

... (Interruptions)

SHRI BUTA SINGH : Sir, I am laying this paper on the Table of the House. **... (Interruptions)**

MR. SPEAKER: Today, there is no `Zero Hour'. How can you lay the paper? This is not the procedure.

... (Interruptions)

MR. SPEAKER: Today it is not possible for me to allow you to make your submissions. Tomorrow, I will allow you.

श्री बूटा सिंह : अध्यक्ष महोदय, आपने कल कहा था कि आज ले करने की परमिशन देंगे।

... (व्यवधान)

अध्यक्ष महोदय : कल देंगे।

... (व्यवधान)

डा. शफीकुर्रहमान बर्क (मुरादाबाद) : अध्यक्ष महोदय, उत्तर प्रदेश में मुसलमानों पर अत्याचार हो रहे हैं।

... (व्यवधान)

अध्यक्ष महोदय : कल सब को बोलने का मौका देंगे।

... (व्यवधान)

अध्यक्ष महोदय : जयपाल रेड्डी जी, आपको कल बोलने का मौका दिया जाएगा।

... (Interruptions)

MR. SPEAKER: Shri Buta Singh, I will allow you tomorrow.

... (Interruptions)

MR. SPEAKER: Shri Shiv Shankar may speak now.

SHRI MADAN LAL KHURANA: The Motion was moved from the Government side. So, a Member from the Treasury Benches should be allowed to speak. ... (Interruptions)

MR. SPEAKER: But Shri L.K. Advani is not present now.

... (Interruptions)

SHRI MADAN LAL KHURANA: I would request Shri Ram Jethmalani to initiate the discussion. ... (Interruptions)

MR. SPEAKER: Hon. Members, please do not interrupt. I will allow you to make your submissions tomorrow.

... (Interruptions)

MR. SPEAKER: Since Shri L.K. Advani has come now, he can initiate the discussion.

... (Interruptions)

... (व्यवधान)

डा. शफीकुर्रहमान बर्क : अध्यक्ष महोदय, यह बात आपके नोटिस में लानी है...

MR. SPEAKER: Please do not waste the time of the House. Hon. Members, please sit down. Tomorrow, I will allow and not today. Now, Shri L. K. Advani.

... (Interruptions)

डा. शफीकुर्रहमान बर्क : अध्यक्ष महोदय, उनके हाथ काट दिये गये हैं और उन्हें गोली से मार दिया गया है।

MR. SPEAKER: I called the hon. Home Minister to speak. Please take your seat. I called Shri Advani. Please take your seat.

... (Interruptions)

श्री बूटा सिंह: अध्यक्ष जी, मुझे कल एश्योरेंस दिया था कि आप ले कर सकते हैं। आपने परमीशन दी थी

... (व्यवधान)

MR. SPEAKER: Please take your seat.

... (Interruptions)

SHRI BUTA SINGH :Sir, you have promised me. What happened to your promise? ... (Interruptions)

MR. SPEAKER: I will allow you tomorrow and not today.

... (Interruptions)

SHRI S. JAIPAL REDDY (MAHABUBNAGAR): Sir, I gave a notice of breach of privilege. ... (Interruptions)

MR. SPEAKER: It is under my consideration. Please take your seat.

... (Interruptions)

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गृह मंत्री (श्री लाल कृष्ण आडवाणी): अध्यक्ष जी, मैं आरम्भ में क्षमा याचना करना चाहूंगा कि मैं समय पर नहीं पहुंच सका और मेरे सहयोगी ने औपचारिक रूप से वह प्रस्ताव रख दिया जिसके द्वारा इस सदन में जैन कमीशन की अंतिम रिपोर्ट और उस रिपोर्ट पर भारत सरकार की जो एक्शन टेकन रिपोर्ट है, उस पर हम चर्चा कर सकेंगे। मैं सदन के सभी माननीय सदस्यों की बातें सुनकर, सरकार को जो कहना होगा, कल अंत में कहूंगा। मैं आरम्भ में इतना ही कहना चाहता हूँ कि..

श्री मोहन रावले (मुम्बई दक्षिण-मध्य) : अध्यक्ष महोदय, मेरा पाइंट ऑफ आर्डर है। मेरे सामने इन्क्वायरी कमीशन एक्ट है जिसमें लिखा हुआ है:

"The Commission shall have the powers of a civil court while trying a suit under the Code of Civil Procedure, in respect of the following matters, namely:

...

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing commissions for examination of witness or documents; and

(f) any other matter which can be prescribed.

मैं आपको बताना चाहता हूँ कि इसके पहले भी यहां १९९१-९६ में इस संबंध में बहस हुई थी..

MR. SPEAKER: Under what rule you are raising the point of order? Please quote the rule.

... (Interruptions)

MR. SPEAKER: Under what rule you are raising this point of order?

... (Interruptions)

श्री मोहन रावले : मैं आपको यह बताना चाहता हूँ कि जो डाक्यूमेंट्स दिये हैं ... (व्यवधान).. जो अंतिम रिपोर्ट दी हुई है

... (व्यवधान)

.. इस सदन को मिसगाइड करने के लिये है

... (व्यवधान)

.. मैं अंडर रूल ३७६ बता रहा हूँ।

SHRI AJIT JOGI (RAIGARH): Sir, under Rule 376, no hon. Member has the right to raise a point of order. ... (Interruptions)

श्री मोहन रावले : जब १९९१-९६ में कांग्रेस सरकार थी, जस्टिस जैन ने डाक्यूमेंट्स मांगे थे जो नहीं दिये गये..

MR. SPEAKER: There is no point of order.

... (Interruptions)

श्री मोहन रावले :अध्यक्ष महोदय, जब डाक्यूमेंट्स नहीं दिये गये तो यह अंतिम रिपोर्ट कैसे हो सकती है, यह अंतरिम रिपोर्ट हो सकती है। इनके लायर, इनके कौंसिल ने कहा था कि हमें डाक्यूमेंट्स नहीं दिये हैं। यह जस्टिस जैन के सामने कहा गया था..

... (Interruptions)

MR. SPEAKER: Shri Rawale, please take your seat. There is no point of order.

... (Interruptions)

MR. SPEAKER: There is no point of order; please take your seat, Shri Rawale.

... (Interruptions)

श्री मोहन रावले :अध्यक्ष महोदय, श्री आई.के. गुजराल सरकार के समय.. (व्यवधान)..

MR. SPEAKER: Please take your seat. There is no point of order.

... (Interruptions)

श्री मोहन रावले :अध्यक्ष महोदय, मैं आपका आदर करता हूँ। मैं आपको बताना चाहता हूँ कि श्री आई. के. गुजराल सरकार के रिमार्कस थे। मैं इस रिपोर्ट की कापी के मुताबिक बता रहा हूँ: ‘

The Commission, therefore, told the Government to produce the requisite files for its perusal at the earliest possible."

यह कम्पलीट रिपोर्ट कैसे हो सकती है ?

... (Interruptions)

MR. SPEAKER: Shri Mohan Rawale, your point of order is out of order. Please take your seat.

... (Interruptions)

MR. SPEAKER: Shri Mohan Rawale, please take your seat. Your point of order is out of order.

... (Interruptions)

श्री अजीत जोगी (रायगढ़) : ये सच्चाई पर पर्दा डालना चाहते हैं ।

... (व्यवधान)

DR. SUBRAMANIAN SWAMY (MADURAI): Sir, I am on a personal explanation....(Interruptions)...I have a clarification to seek.

MR. SPEAKER: No clarification. This is not the time to seek clarification. Please take your seat.

... (Interruptions)

DR. SUBRAMANIAN SWAMY : Mr. Speaker Sir, please give me a hearing. I am only asking whether you would call me or not....(Interruptions)

MR. SPEAKER: I am not allowing you. This is not the time for clarification.

... (Interruptions)

DR. SUBRAMANIAN SWAMY :Sir, will you call me now because the ATR has targeted me? I think it is fair and just to call me now...(Interruptions)

MR. SPEAKER: No, this is not a clarification.

DR. SUBRAMANIAN SWAMY :Sir, I had met you in your Chamber.

MR. SPEAKER: You can come to my Chamber and discuss it. Now please take your seat.

श्री लाल कृष्ण आडवाणी: अध्यक्ष जी, इस समय मैं संक्षेप में केवल इतना ही कहना चाहूंगा कि हमारी सरकार श्री राजीव गांधी की जघन्य हत्या जिन परिस्थितियों में हुई, उसको इतिहास का एक काला अध्याय मानती है और एक बहुत ही दुखद घटना देश के लिए मानती है। इस सरकार ने जो अभी तक कार्रवाई इस संदर्भ में हुई, अपराधियों को पकड़ने के लिए, उनको प्रॉसीक्यूट करके उनको दंडित करवाने के लिए, उस संदर्भ में डेसिगनेटेड कोर्ट की फाईंडिंग्ज को मानकर, स्वीकार करके, उसके आधार पर इस कमीशन की रिपोर्ट को देखा है। इस कारण मैं आपके सामने बड़ी मुक्तता से कह सकता हूँ। किसी भी प्रकार का बंधन सरकार पर नहीं था, इस जैन कमीशन की रिपोर्ट पर विचार करने के लिए, सिवाय एक के, और वह बंधन यह था, मर्यादा यह थी कि हम ए.टी.आर. में ऐसी कोई बात न लिखें या कहें कि जिसके कारण डेसिगनेटेड कोर्ट ने जिन २६ लोगों को दंडित किया है, उनको फांसी की सजा सुनाई है, जो शायद क्रिमिनल इतिहास में एक अभूतपूर्व घटना होगी कि एक व्यक्ति की हत्या के लिए २६ लोगों को फांसी की सजा होगी।

... (व्यवधान)

श्री दत्ता मेघे (वर्धा) : एक व्यक्ति नहीं, वे देश के नेता थे।

... (व्यवधान)

श्री लाल कृष्ण आडवाणी : किसी भी व्यक्ति की हत्या हो तो यह दुखद बात है, लेकिन देश के एक इतने ऊंचे व्यक्ति जो कि सबसे बड़ी पार्टी के अध्यक्ष रहे, देश के प्रधान मंत्री रहे और जिनके बारे में हिन्दुस्तान के बहुत सारे लोग यह भी सोचते होंगे कि वे इसके बाद फिर प्रधान मंत्री बन जाएंगे, उनकी हत्या हो जाए तो यह एक असाधारण बात है। उस असाधारण बात के असाधारण महत्व को पहचानकर हमने सोचा कि इस मामले में अगर जैन कमीशन बनाया गया सत्य को खोजने के लिए, उसने जितनी छानबीन की और उसके संदर्भ में जितनी सिफारिशें कीं, सामान्यतः हमें उनकी सिफारिशें माननी चाहिए। अगर कोई अपवाद हो सकता है तो केवल उनके बारे में जहां हमको लगा कि यह सिफारिश अगर हमने मानी तो उसके कारण डेसिगनेटेड कोर्ट की फाईंडिंग्ज अपसेट हो सकती हैं। मैं केवल यह छोटी सी भूमिका सदन के सामने रखता हूँ और विश्वास दिलाता हूँ कि हमारी सरकार इस घटना की तह में जो भी सच्चाई है, जो भी सत्य है, वह सत्य षडयंत्र के रूप में देश के भीतर किसी को अपने अंदर अलिप्त करता है या देश के बाहर किसी शक्ति को उसमें लाता है।

हम किसी के बारे में भी निःसंकोच होकर सदन की इच्छा को पूरी करना चाहेंगे। इस मामले के प्रति यह सरकार का रवैया है। बाकी मुझे विश्वास है कि जब चर्चा होगी तो चर्चा में अनेक सुझाव आयेंगे।

अध्यक्ष महोदय, मैं एक बात और कहूंगा क्योंकि उसकी आलोचना सामान्यतः इधर-उधर से हुई है, उस सदन में हुई थी कि ऑपरेटिव पार्ट के नाते इसका फॉलो अप क्या होना चाहिए। इस प्रकार का एक जूडीशियल कमीशन बैठाया जाए, कई सालों तक परिश्रम करके वह कुछ तथ्य खोजे और कुछ सिफारिशें करे तो उन सिफारिशों को स्वीकार करते हुए कौन सी एजेन्सी खड़ी की जाए, इसके बारे में कुछ अलग प्रकार के मत प्रकट किये गये हैं। एक सुझाव आया कि एक और कमीशन बैठा दीजिए। इस सरकार को लगा कि एक और कमीशन बैठाना उपयुक्त नहीं होगा और इसीलिए जो भी बॉडी होगी, वह कोई जूडीशियल कमीशन न होकर एक एक्जीक्यूटिव इन्वेस्टीगटिंग बॉडी होनी चाहिए।

श्री भजनलाल (करनाल) : इंडिपेंडेंट होनी चाहिए।

श्री लाल कृष्ण आडवाणी: इंडिपेंडेंट का क्या अर्थ है, यह मैं नहीं जानता। वह कोई समझाए तो मैं समझ लूंगा।

श्री भजनलाल :वह आपको बता दूंगा।

श्री लाल कृष्ण आडवाणी: जो आप बतायेंगे वह मैं जरूर समझूंगा। अभी तक हम यह मानते थे कि जो भी एजेन्सी बनाई जाए, जिसको कह सकते हैं कि उसे स्टैट्यूटरी सैंक्शन चाहिए और उसको एम्पावर्ड होना चाहिए आर्बोर्ट्रीली ४ प्रमुख लोगों को हमने ढूँढ लिया और उनको बैठा दिया कि आप तहकीकात करिये - यह नहीं चलेगा।

It has to have statutory sanction.

यह स्टैट्यूटरी सैंक्शन को ध्यान में रखकर केवल मात्र क्रिमिनल इन्वेस्टीगेशन नहीं है। जैन कमीशन की रिपोर्ट और उसकी सिफारिशों में से कई पहलू निकलते हैं

apart from criminal investigation.

इसीलिए हमने एक मल्टी डिसिप्लिनरी मॉनीटरिंग एजेन्सी (एम.डी.एम.ए.) उसे नाम दिया है। यह एक पृष्ठभूमि है जो इस अवसर पर मैं आपके सामने रखना चाहता हूँ। बाकी जो भी सदन की राय हमारे सामने आयेगी, सरकार उसका प्रत्युत्तर देगी।

MR. SPEAKER: Motion moved:

"That this House do consider the final Report of the Jain Commission and Memorandum of Action Taken on the Report laid on the Table of Lok Sabha on 31.7.1998."

">SHRI P. SHIV SHANKER (TENALI): Mr. Speaker, Sir, death laid its icy hands on an internationally revered personality, a young man who had stirred the conscience of the international community by presenting a meaningful proposal for the gradual elimination of the nuclear weapons in the year 1988. There had been no substitute so far for such a proposal that had been put forth by him. Nationally and internationally, he earned the goodwill not only for himself but for the entire Indian society. It has in my view tried to say that a dastardly assassination has snapped out the eminently unfolding career, making the Indian scenery murkier and murkier. It is in the wake of this assassination, two Commissions were appointed.

The first Commission was presided over by a sitting Judge of the Supreme Court. The second Commission was presided over by a former Chief Justice of the High Court. The voluminous reports have come, be it of the Verma Commission or the Jain Commission. It is not possible for me to dilate on all the aspects in such a short period. But, nonetheless, it is necessary that some of the significant aspects have to be taken note of not only by this House but by the nation.

In my opinion, there is an inseparable link amongst all the Reports, commencing from that of Justice Verma and ending with that of Justice Jain recently. The Verma Commission was constituted to probe only into two aspects. One aspect was - "Could the assassination be averted?; the lapses and the dereliction of duty in this regard". The second aspect was - "the deficiencies in the system which contributed to the assassination". I need not go into those details at this stage.

The Interim Report of the Jain Commission, which is considerably voluminous, deals with the events leading to the assassination. The Final Report deals with two aspects. The first part mainly deals with the facts and

circumstances relating to the assassination and the second part, which is the most important, deals with the conspiracy aspect.

I would only briefly touch upon the aspects that have been decided upon by the Verma Commission so as to make out a case as to what has been decided, in that background, by the Jain Commission. I would not like to quote from the Report because, if quotations are necessary I can separately give them. I will refer to the page and paragraph numbers only.

The Verma Commission had observed that it did appear that the IB and the Ministry of Home Affairs continued to feel that the security provided to Shri Rajiv Gandhi after the withdrawal of SPG was inadequate. This is the finding at page 17 and page 40 of the Commission's Report. Further, Justice Verma found that there was laxity in the access and control of the area proximate to Rajiv Gandhi. This can be found at page 68. I am just making the references so that the hon. Home Minister who is taking notes could concentrate on these pages and find out what I am trying to say.

At page 67, the Verma Commission finds that the Intelligence had totally failed. At page 63, the Commission observes that at 8 p.m. or 8.30 p.m. on 21st May, 1991, it was clear to the police officials that the arrangements for the security of Rajiv Gandhi at the meeting were quite unsatisfactory and, in spite of that, nothing was done till after 10 o'clock when he reached there for the purpose of addressing the

meeting. At page 76, the Commission finds, it is a clear finding, "there is a contributory lapse on the part of the Central Government". This is the finding that has been given. At a later stage, at page 81, the Commission finds that the Central Government failed to provide a suitable alternative cover for Rajiv Gandhi's proximate security after withdrawing SPG cover as a result of Central Government's decision dated 30th January, 1990, despite the felt need and IB asserting even later. This is a serious finding that has been rendered by the Commission. At page 82, the Commission found that the Tamil Nadu Police had totally failed. It further says that the Intelligence Wing of Tamil Nadu Police equally failed and that the Tamil Nadu Police failed to provide the proximate security on that occasion. At page 82, the Commission says that the IB failed to share the entire intelligence information.

And, finally, the Commission comes to the conclusion, at page 107, that the assassination could have been averted but for the lapse of dereliction of duty of Tamil Nadu Police Force which constituted the proximate security. Consequently, the Government of Tamil Nadu, Ministry of Home Affairs, and the Central Government have to equally share the blame. It further says that the withdrawal of SPG cover, without provision of a suitable alternative for the proximate security by the Central Government, resulted in reducing the level of protection without any reduction in threat. Justice Verma further finds that the deficiency in the intelligence backup of Tamil Nadu Police Force by the IB, the other deficiencies mentioned in Chapter 16, were likely to have contributed to the assassination.

What I would like to submit is that, in spite of so many findings, the nation does not know as to what action has been taken in regard to these findings. It is not known whether any action has been taken against these police officials or whether any action has been taken against the Intelligence authorities. On our part, we have lost our leader. I would like to make the position absolutely clear that we have no malice towards anyone whosoever. We do not want that there should be any witch-hunting. However, we are absolutely clear that the truth should come out. We are in search of truth.

The Jain Commission which was pushed into the tunnel of investigation faced darkness all around. It could not see the end of the tunnel. That is precisely where our worry comes in. Despite the fact that the Commission worked practically for more than seven years, nothing has come out. If somebody reads the entire Interim Report and the Final Report, it is a sordid story. That is the impression given by those in power, be it the bureaucracy, be it the politicians who have to take decisions on the basis of the advice of the bureaucracy, particularly so in the case of the evidence that has been led. When the evidence of certain witnesses who have come to the witness box has been evaluated -- and equally the evidence of certain other personalities, be it the bureaucrats or the politicians -- it appears that they had more to hide than what they had tried to reveal before the Commission. This is an unfortunate situation. It is in this background that we are trying to seek the truth. I will come to the ATR slightly later but I would like to refer to the impediments that have been created in the way of the Commission. As I said, I would not like to view this Report from a purely political angle.

I would like to view this Report from the point of view of the cause for which it was set up, namely, an Inquisitorial Tribunal which was sought and which was expected to find the facts and to arrive at the truth. It is in this background, I feel very anguished that the Governments after the Governments, right from 1991, have acted in a manner where they did not want that the Commission should find the real facts and the real truth. It is here that it makes us anguished, it puts us into agony, and it brings us to a situation where we are totally depressed.

Sir, I would submit that right from the day when Shri Rajiv Gandhi took over, the situation appears to be and this is very clear by reading the various volumes of the Interim Report that the forces both within and outside, when I say 'within', I am sorry to say, possibly some of the forces within the Congress party as well, were not happy that he should head the Government. Consistent efforts were made - I can quote the Commission - to see that he is removed and somebody else is installed in his place. Sir, I would rather like to submit that some of the findings of the Judge, it is possible, may not be to our liking. (Interruptions)

SHRI SOMNATH CHATTERJEE (BOLPUR): Justice Jain.

SHRI P. SHIV SHANKER : I am sorry, Justice Jain, not Justice Verma. I am saying about Justice Jain. But one cannot deny that he has made a tremendous effort. I remember when I used to be the Law Minister between 1980 and 1982, complaints were made from this side, "Look, the Judges have been politically appointed." I have always held the view and I continue to hold the view that for a Judge, his loyalty is only to the Constitution and to name else. If a Judge in a given case cannot render the judgement against himself, he is not fit to be appointed as a Judge. This, I have said it on the floor of the House and I stand even now by that. I personally feel that Justice Jain has done a commendable job notwithstanding certain extravagant expressions here and there which might cause a little concern, but nonetheless which could be overlooked because a man who is called upon to write, we should not forget that the first witness who started deposing before the Commission was only in 1996 and for the last five years, a lot of impediments were there. While I would not like to go into the details, but certain significance can be attached to them and within two years after the commencement of the evidence, if he has come forth with the Interim Report and the Final Report with so many volumes, there is a possibility of certain extravagant expressions. Human error is bound to be there and it is there where I would rather think that he cannot be accused of any partiality.

Sir, as I said, we are only keen on seeking the truth in the total non-political manner. Sir, in regard to the Interim Report in Volume 7, at pages 80-85, I am just giving one or two aspects and then I will proceed further.

It was also dealt with by Verma Commission.

"On the question of security, Justice Jain says, it has been observed that on 9-12-1989, RAW reported that threats to Rajiv Gandhi had substantially increased. The reason was that the terrorists gunning for Gandhi family anticipated that the security for Rajiv Gandhi would be lowered making him more vulnerable."

Notwithstanding these reports, nothing was done.

Equally, I would like to bring to your notice, Volume No.12, pages 69 to 75 of the Interim Report. The Commission says:

"That the IB assessment from Bombay, Madras and Jaipur were to the same effect as to what RAW had observed."

Sir, unfortunately, the `Blue Book' which contains the security instructions for the most threatened individuals was never pressed into service in the case of Shri Rajiv Gandhi. The `Yellow Book', dealing with certain retired dignitaries, like the President, where the security need not be that tight, such a security was provided to him and he was exposed to the cruel hands of assassin.

In the Interim Report at Volume 7, page 942 -- I am just bringing to the notice because certain facts have to be noted by the House and the nation -- it is stated:

"that Sivarasan who led the assassination squad and who was the person responsible for massacring EPRLF leader, Padmanabhan and 15 others in Madras on 9th June, 1990, Justice Jain found a striking similarity between the two assassinations. It has been found in the investigation that after the assassination of Shri Rajiv Gandhi, Sivarasan was moving of and on between Jaffna and Tamil Nadu after the assassination of Padmanabhan. He was accused in both the cases and six accused are common in both the cases."

Sir, if you just permit me to refer to Volume No.6, it makes an interesting reading. Before I read, I would like to get back to yet another aspect. That aspect being that on the intervening evening of 7th and 8th of May 1991, there was a Dry Run, a Trial Run. In the meeting in Madras at Marina which was addressed by Shri V.P. Singh, a Dry Run, a Trial Run takes place where Sivarasan sits in the front seat. Dhanu is also there and the entire team which was responsible for annihilating and decimating Shri Rajiv Gandhi had

gone through a Trial Run. Could it be said that the authorities were unaware of it? It went on. He was sitting in the front row. The entire catena of these persons was there.

The unfortunate part of it, and where it agonises me, is that no action has been taken against any bureaucrat whatsoever. That is where I would like to warn the Home Minister. I have gone through the entire ATR and to me it appears that it is a cover up operation by the bureaucrats to save themselves. Unfortunately, what the political authorities have done, I will immediately come to that. Therefore, could it be said that, in spite of all the findings of Verma Commission, in spite of the fact that the Jain Commission also finds certain aspects including the Trial Run, the authorities were not aware of what was going to happen? Why is it that they have winked away the whole affair? If they have winked away, who are responsible? Why action has not been taken? Why no proceedings have been initiated against anyone of them?

This is something which had been an enigma to me. If you kindly see volume 6, page 63, the Commission observes:

"During these eleven long months, there is enough material and evidence gathered during investigation by the SIT that Sivarasan with some of the members of his group had been visiting Tamil Nadu from time to time. Other LTTE groups had also visited Tamil Nadu. Sivarasan was even sighted at Annanagar on 13-4-1991. He was present in the meeting of Shri V.P. Singh on the night between 7th and 8th May 1991 at Nandanam, Madras. Video films of the meeting were taken. The meeting must have been visited by the personnel of IB as well as the personnel of the Tamil Nadu CID.

After Padmanabhan killing, if a strict vigil of the coast or patrolling of the coast would have been undertaken, more particularly, at the landing point, the movement of Sivarasan and the members of his group and other groups would have come to the notice and even Sivarasan and some members of his groups could have been apprehended. The local Intelligence and the Central Intelligence were well aware of the landing points, particularly, Shanmugam's place, which the LTTE cadres including Sivarasan and some members of his group had used to visit and stay. But as a matter of fact, no water tight vigil was kept at such places whereby movements could be known.

Watching the video cassettes -- he has watched the video cassettes -- of the Dry Run by the Intelligence Personnel would have also revealed the presence of Sivarasan and his group in Shri V.P. Singh's meeting. But it appears that the existence thereof was not known."

This makes a sordid reading. Could they not take action at that stage? Could they not be alert? Were they not aware of the things which just passed off? Equally, Sir, this matter has also been referred to in the Interim Report.

Sir, after bringing to the notice of the House briefly about the various Commissions, I would like to submit that so far as my party is concerned, we have accepted the Report. We have no reservations whatsoever about the Report itself. But it was not possible for us, in any form, to persuade ourselves to accept the ATR.

I just observed that the bureaucrats have done a fine job and I will show to you at a latter stage also the manner in which the bureaucracy has tried to save one wing or the other, in some form or the other. But what has the political authorities done? The decision should have been taken by the political authorities. I will demonstrate that. What pains me is this.

At the same time, I am hundred per cent in agreement with what the hon. Home Minister has said here. But what pains me by reading the ATR is that Government had been highly political. It is nothing but a political decision that has been taken. You have tried to consolidate your ranks and you have tried to create divisions in the Opposition. I will demonstrate each and every aspect that I am trying to say. It is this which pains us. We wanted that you should have risen above this and you should have only gone to find out the truth. This is the approach which the ATR has taken. Wherever necessary, the ATR tries to

show the Commission in the wrong light, for no reason. I am going to demonstrate that. You totally rely on the Designated Court. I accept that. I am one with you, Mr. Home Minister when you are pleased to make an observation that any action that you take or any observation that we make here, should not in any manner prejudice the case pending in the Supreme Court. I entirely agree with you. I am grateful to you for this observation because it goes a long way. But notwithstanding that, certain aspects that are in the ATR have to be referred to. Since we have accepted the entire report of the Commission, I thought that it is useless for me to dilate on the findings of the Commission. It will be meaningless for me to go on dilating on that. Since I am finding some faults with the ATR that being a political document and, in my view, it is leading us nowhere, I am concentrating my attack on the ATR and its various aspects. That will also cover the various findings that have been arrived at by the Commission itself on the various points.

If you kindly see the first aspect, in the ATR, general observations have been made and among the general observations, one aspect is about the relevant documents having been filed before the Commission. It appears to me, after reading the ATR, that the Government seems to go with what has already been decided in respect of placing the documents before the Commission. Various documents have been placed on the persistent demands of the Commission. It has been so done partially that the consistent stand of the Government seems to be to give all relevant documents. If you kindly look at Volume-VI, you will find that that exposes the case about the documents having been filed.

Shri Zafar Saifullah was the Cabinet Secretary. I am reading from page 42. I will come back to the other pages a little later. At page 42, Shri Zafar Saifullah further deposed in one of the meetings that had taken place that the question of privilege was raised before the Prime Minister and the various Ministries and agencies had stated that there were many matters required by the Commission which were of such a sensitive nature that privilege should be claimed. After discussion, the Prime Minister decided that as part of the process of coordination, queries of this type should be put into three categories.

The first category is the one where privilege would be claimed, but there will be no objection to the Commission perusing the documents and instructing that the parties before the Commission would be under instructions to maintain confidentiality.

The second category would be the matters in which absolute privilege will be claimed even from the Commission. It was noted that this, however, would be subject to the decision of the Supreme Court which had laid down that this would not preclude perusal of the documents by the Commission.

The third category would be matters which were so sensitive that the existence of the documents would be stoutly denied! The very existence would be denied! That is, I would like to depose that the documents have been destroyed. I would not like to go and brief each and every thing because it unfolds many a thing. And then, therefore, it pains me, it is an anguish in my heart and I am speaking with more anguish.

Are we finding out the truth? Many a thing is there which I have tried to deliberately skip over. And the Commission finds :

"There was some file which was reported missing in the PMO. I have not seen that file."

I am reading his deposition, not the finding of the Commission.

"There was some file which was reported missing in the PMO. I have not seen that file. A thorough search was made and the file could not be located. It has not seen the light of the day till date."

And then, I will skip over many a thing, lot of documents have been destroyed and finally the Commission says, on the basis of the various statements of Shri Saifullah, besides this, at page 53, that -- "It is incorrect to state that all files and documents relevant to the terms of reference of the Commission were supplied to it. This is the finding. The Commission did not receive information which was sought by it from the hon. Minister vide my letter dated so and so. The information was sought on the basis of the note

dated 29.5.91 of the meeting of the Prime Minister and Arafat held on 24.5.91 which note recorded that Shri Yasser Arafat said that the PLO had some information,...etc., etc."

So, the Commission finds that all the documents that were sought by it were not produced before it.

SHRI MOHAN SINGH (DEORIA): Who was the Home Minister at that time?

SHRI P. SHIV SHANKER (TENALI): I am not concerned who the Home Minister was. I am only concerned with the document. Whoever was there, that is why, I said that the truth should be found out. Whoever was the Home Minister, whoever was the officer, I am not concerned with that part.

Further at page 58 it says:

"The public has been given an impression that the Commission is perpetuating its existence despite several extensions earlier."

In the Interim Report it has been very clearly brought out how the inquiry proceeded, how hurdles were put in the smooth conduct of the inquiry, how a non-cooperative attitude was adopted in furnishing documents, information, files and records. It makes a sordid story to read the whole thing.

Therefore, this is the first observation that has been made in the ATR in respect of the supply of the documents though, of course, specifically the ATR does not say so. But it does appear that they would go along with the previous Government's decision which unfortunately is unfair.

Then, on the question of winding up, I would rather submit without going into the details, the Commission's findings, in Volume number six, pages 21 to 37. The final finding is that consistent efforts were made from the date of the appointment of the Commission, by the bureaucracy, viz. by the C.B.I. that the Commission should be closed. It should be wound up. I am not deliberately reading the whole thing because even political authorities are involved in it. What is that we are doing? Then, why was the Commission appointed? It was within the powers of the Government to wind it up. What has happened? I would like to just make one submission which totally upsets me.

A Public Interest Litigation was filed by an advocate named Shri Mustaq Ahmad - Shri Somnath Chatterjee must be knowing it very well- in the High Court. In the High Court, two petitions were filed to wind up the Commission and the Central Government was a respondent. The Central Government does not say a word about it. The High Court dismissed that Public Interest Litigation and the Central Government filed an appeal in the Supreme Court saying that the High Court should not take any stand. (Interruptions).

SHRI E. AHAMED (MANJERI): There was a decision of the Cabinet. (Interruptions).

SHRI P. SHIV SHANKER : I am not going into those things. A number of things are there. (Interruptions). This is how things have happened. The same thing has happened with the two other Governments which have passed. If I start reading - somebody has time enough to read - it makes startling revelations. Are we finding a truth? What type of democracy are we running? Why is this false democracy? Why is this hypocrisy? The best thing is finish it up. I would like to submit that if you kindly read certain statements of certain important personalities, you would realise that it is hypocrisy par excellence and nothing else. This is the way we have behaved.

On the question of the information from the President Arafat, these are the three observations which have been made in the ATR, at the very outset, which are called general observations. It is rather unfortunate that in spite of the fact that on 24th May, 1991, Mr. Arafat had informed the Prime Minister, which has also been taken note of by the Ministries concerned, nobody has gone into it. I can appreciate so far as Shri Chandra Shekhar's Government was concerned, because that was a 'Caretaker Government' at that

time. Afterwards, nobody had gone into it at all. Nobody had investigated it. If you would like to see, I am prepared to give you the volume three...(Interruptions).

SHRI K. YERRANNAIDU (SRIKAKULAM): Sir, I want to know from Shri Shiv Shanker whom he is attacking. I cannot understand. (Interruptions).

SHRI P. SHIV SHANKER : I am in search of the truth. Therefore, whoever comes in my way, if you come in my way will be attacked.(Interruptions).

SHRI K. YERRANNAIDU : Who were in the Government? Who was the Prime Minister? Who was the Home Minister? Why were records not supplied? We want to know in that way. (Interruptions).

PROF. P.J. KURIEN (MAVELIKARA): We want to know the truth only (Interruptions). Whoever is responsible...(Interruptions). The truth should come out. That is all. (Interruptions).

SHRI P. SHIV SHANKER (TENALI): If Shri Yerrannaidu comes in my way, I will also give him the same treatment. (Interruptions).

MR. SPEAKER: Please continue your speech.

SHRI P. SHIV SHANKER : I would only make a reference because a very renowned and reputed lawyer is taking notes and the other is the hon. Minister of Home Affairs on this aspect of Mr. Arafat. If you kindly look to Volume III, page 170, the finding is- " I, therefore, find the information furnished by Mr. Arafat as genuine and on that basis, coupled with facts and circumstances dealt with above, there is no reason to disbelieve the information given by Mr. Yasser Arafat. However, in view of the information given, it is up to the Government to adopt such measures or take such action, as it may think proper, if it is to be pursued further." This is the final finding. But the unfortunate part of it is that nobody had tried to go into it. That is why, I just touched the finding. Again, at pages 91 to 93 also, the matter of Mr. Yasser Arafat has been referred to and considered in detail.

Then, the second aspect which the ATR deals with is the comments of the Commission on the scope of Final Report and its own clarification on its Interim Report. Here, at one stage, in the Interim Report, which has become a matter of public comment, the Commission had said that the assassination of Shri Rajiv Gandhi would not have been possible, the way it has materialised, without the deep nexus of LTTE operatives with the Tamils in Tamil Nadu. This is what he had written. It was unfortunate. I would have appreciated and every fair man would have appreciated, if the Commission were to straightaway say that 'I apologise. I am sorry for it.' It could be a draftsman's mistake, it could be a typographical mistake, etc. The Commission has explained and the Commission has now confined that by no stretch of imagination, such a meaning or sense can be given to the expression as has been given to it. It further explained that the expression was never intended to include all the Tamil-speaking people. The support of Tamil cause is different from having a deep nexus with the LTTE operatives in the materialisation of the assassination and by no stretch of imagination, such a meaning or sense can be given to the expression as has been given to it. As gentlemen, we should accept it. He has given a fair explanation. I would have gone a little further. I would have rather said that he would have rather enhanced his prestige in our eyes and in the eyes of the nation, if he were to say 'I am sorry.'

After that the other aspect where I would like to comment is the examination of the Final Report of the Commission in relation to its Interim Report. This is where I thought that I should say what is that that the Government wanted to do. They tried to bring in certain portions in both the Reports to show some contradictions. I found, and I am saying it with authority, except in the first one, where the expression 'clinching evidence has been referred to,' there is no contradiction whatsoever in the other aspect where the ATR brings in the Interim Report and the Final Report. There is absolutely none. I am prepared to read the whole thing.

And why? To me it appears that they want to show the Commission in a bad light. That is why in the interim Report this is what has been said and in the final Report this is what has been said. As I said, in the first case they have only said this much: "To hatch the conspiracy which ultimately culminated in the assassination of Shri Rajiv Gandhi, requires to be inquired into in depth". This is what was said in the interim report. And in the final Report what has been said is: "No definite clinching evidence establishing the link between the Khalistan extremists and the LTTE has come before the Commission." There is a slight deviation here where they put it 'clinching'. But that can be explained by saying that 'there is no definite clinching evidence'. That means he had found some evidence. That also could be explained. But apart from this, if you kindly read every other aspect in respect of outside powers, there is no contradiction between the interim Report and the final Report. There is no contradiction in the context of LTTE nexus in Tamil Nadu either in the interim Report or the final Report, and equally in respect of others. I do not see why this has been brought out in 4-5 pages for no reason. And to me it appears that the only motive behind this type of action was just to put the Commission into bad light.

About the comments on the SIT, they have not differed with SIT. The Government has accepted the judgement of the designated court and finally they say: "The Government accept the stand taken by the CBI on the role of the accused persons in the assassination of Shri Rajiv Gandhi as already established through the judgement of the designated court." But then they have gone through certain responsible persons. Various persons have been discussed. The ones who have been discussed include Mahant Sevadas, Chandraswami and others. I would not like to go into that aspect, but I would like to slightly make my submissions on the role of the suspects in the Rajiv Gandhi assassination. What has happened is that 41 persons have been prosecuted by the SIT, and the Commission has identified 21 more persons against whom investigations should have been proceeded with. It is in respect of these persons that the Commission says that the Government says that they are not prepared to accept 19, except two. One is Shrimati Jagdishan and the other is Shri Padmanabhan. Except these two, 19 have been let off by the Government.

I shall come to the MDMA at the last, but on this aspect what I would like to say is that if you just see the Report, what they say is that the role of these 21 persons was fully investigated by the SIT. This is wrong. More than me, my friend sitting on the other side is an expert on the criminal law. In the second column of the FIR, nobody has been mentioned as suspect. If nobody has been mentioned as suspect, there is no question of investigating about them. They were not investigated. No report was submitted. Then wherefrom these people come? This is where I said that the bureaucracy has prepared this ATR. The role of these 21 persons was investigated by the SIT is wrong. They have not been investigated. They were not prosecuted due to paucity of evidence. This is also wrong. The records thereof were placed before the designated court and the court accepted the SIT's findings and did not invoke the provisions of section 319(1). I would request the Home Minister to produce before the House if there is anything of this type as has been observed by the SIT. It is absolutely wrong. What are we achieving by this and where is the question of going into section 319? The court could have gone into 319 only if it must come to their notice. Nobody has brought it to the notice of the court. Then where is the question of section 319? And on that basis you want to reject the finding of the Commission. Today it is not a trial. Under section 319, it should be a trial and during the trial if it comes to the notice of the judge, it is only then that section 319 can be invoked. Where is the trial now? The Commission is finding this only now.

How do you invoke this? If this is the argument about what has been said that the SIT has considered, SIT has placed everything before the Court and the court, having considered, has rejected it, then how are you bringing in Shrimati Jagadisan and Shri Padmanabha? The Government are saying that they want to go against them. Sir, I would just like to bring to your kind notice Volume V. The entire Volume is the complete evidence with reference to these 21 persons. If you kindly look up some of the people - only for the sake of example I am saying; I am not going into the details because there is no time for me to go into the details in respect of each and every person - for example, if you read about Kanthan, not only in Volume V the findings of the Commission are given at length, even in Volume IV, from pages 14 to 17, the entire discussion there is about Kanthan. Volume V, page 264 also refers to Kanthan. I am only making

reference because it is not possible for me to read out all those things in such a short time. I have already taken quite some time and I have to take a little more time.

With reference to Nixon, there is a mention in Volume IV, page 17, apart from the full book Vol. V which contains the evidence about these 21 persons only. This whole book is devoted to the role of the suspects. I am reading at page 119 of Volume V. Here it says: "The available evidence before the Commission indicates that there are a large number of individuals whose involvement is prima facie apparent in the assassination in some way or the other and whose names do not figure in the charge-sheet laid by the SIT/CBI in the case relating to Shri Rajiv Gandhi. Many of these suspects are important and senior cadres in the hierarchy of the LTTE and continue to operate. In the case of some of such suspects, the available evidence appears to be somewhat akin to those who have been prosecuted by SIT/CBI and convicted by the designated court. In case of others, while their involvement in the assassination clearly emerges from the available evidence, further investigations were required to be conducted by the SIT/CBI and wherever necessary, a supplementary charge-sheet was required to be laid. The Commission has scrupulously refrained from examining the role of the 41 accused who have been charge-sheeted. However, it is essential to examine the role played by these important LTTE functionaries and their collaborators who have not been prosecuted and regarding whose involvement in the assassination evidence exists on the record of SIT itself." Then they further say: "The roles of the important suspects are brought out below". The whole book is there and they find that there is nothing in it!

Then, Sir, you kindly see the theories. The Commission mentions them in the same Volume at page 359 which I quote:

"I would not have conducted any inquiry based on oracles and meditations, but he came out with the version that he had investigated the matter and recorded the statements of certain witnesses."

Then, he says :

"But during his examination, no material was produced because he was rejecting the evidence of one Mr. Thomas in this regard. On these aspects, whatever material has come before the Commission, the Commission has dealt with the same and it has not confined to the view taken by the SIT in respect of certain leads. The SIT, no doubt, has conducted massive investigation and did a commendable job within the time-frame with the assistance of some governmental agencies like Coast Guard, IB, RAW, Tamil Nadu Police and other Ministries and Departments. It, however, has confined its case to LTTE alone in the light of the evidence collected by it. According to it, the evidence so collected has an integrity of its own. Hypothesis and surmises perniciously floated by whatever party for whatever reasons to serve whatever interests do not fit into the integrity of the SIT case and fall by the wayside under the weight of their own contradictions and incongruities and illogicalities."

He has tried to give a little bit of, I would say, compliment to the SIT. What I am trying to submit is that it is on a specious ground. I would just tell you what the specious ground is. The Government puts it : "The Commission has not brought out any additional evidence." I am placing the whole book before them, the entire Volume V. They may please read it. He has collected tremendous information and evidence. It further says:

"Therefore, no further action is called for except in respect of K P @ Kumaran Padmanathan and Shrimati Subbulakshmi Jagadeesan. In these two cases, in view of strong observations of the Commission, Government have decided to entrust the Multi Disciplinary Monitoring Agency with the responsibility to decide how to proceed further in the matter."

That is, with respect to these two persons, this Agency has to decide how to proceed further and it is not that they should proceed. What type of ATR is this?

Then, Sir, I would like to submit another aspect of the Naval intercepts. Sir, you will be surprised to know that in this case, it says:

"The Navy has intercepted lot of messages which have not been decoded at all and some of them have been decoded only before the Commission and if decoded, it would have been very clear as to what threats this young leader was facing."

Sir, you will be surprised if I bring to your kind notice the content of Volume IV page 34. The wireless messages had been received since March, 1991, just two months before the assassination took place. It says :

"Evidence has been placed before the Commission which indicates that coded wireless messages were being transmitted between the LTTE Intelligence Wing operatives, based in Madras and Sri Lanka, since March, 1991 onwards. These messages were being intercepted by Subsidiary Intelligence Bureau, Madras. However, they could not be decoded contemporaneously. They were not decoded. Their decoding, which could be done only after the assassination, has disclosed that these messages have a direct bearing on the planning and preparation being made to assassinate Shri Rajiv Gandhi. The decoded version of the intercepts, as furnished by the Intelligence Bureau, is as under."

He goes on giving all the details. I am prepared to read all of them, but because of the paucity of time I would not like to go into them. And these have not been decoded at all. They have been coming from March, 1991 and they are so clear. I would only read one, from Volume VI, which is very important. It says:

"Should attempt at Madras or at the Capital? If in Capital, it requires strenuous efforts and sufficient time. If to attempt on date, give reply."

This type of messages were coming and one says about a garland of bullets. There is a reference to a garland of bullets in Volume VI. This is the message that had come in. It says:

"We are preparing garland with bullets for the reception of Mr. R. Gandhi, on 18th June, 1988."

What I am trying to say is that from 1988 onwards consistent messages had been coming and, unfortunately, nobody had tried to decode them, except the decoding which was done before the Commission.

Sir, the other aspect is about the delay and the winding up matters. I would only just give a reference and leave the matter there. I do not want to go into them further. Volume VI, pages 21 to 37 deal with the winding up aspect, and pages 37 to 45 deal with the delays.

Then, there is yet another aspect which, I thought that it is very important and, I must bring to your kind notice. That is with reference to the formation of TNRT. This is an organisation which was formed of certain terrorist elements that had come to be developed in Tamil Nadu who were sent to Sri Lanka for the purpose of training, and they came back so that they could give a back-up for the purposes of assassinating Shri Rajiv Gandhi.

Sir, if you kindly see Volume IV, pages 7 to 11 cover the entire gamut of TNRT and the Commission finds that:

"There are a large number of people involved."

And when this issue was raised by the Commission, what is it that the ATR says? The ATR says:

"Ravichandran @ Ravi and M. Suseendran @ Mahesh, members of the TNRT are accused in the Rajiv Gandhi assassination case. They have been convicted by the Designated Court."

That is all You do not want to do anything with reference to other people. A large number of people are mentioned from pages 7 to 11 of Volume IV. You do not want to do anything; no investigation, nothing of the type. Two have been convicted. Therefore hands off!

This is your ATR. Sir, I would not like to go into that. I would just address myself to one aspect where you deal with Mahant Sevadas and the great friend of many a person sitting on that side and this side, the Swamy, Chandraswamy ... (Interruptions). Sir, I would like to make myself clear that all swamies are not Chandraswamies. It troubles me, that is why, I am making a comment. In the case of Mahant Sevadas, the ATR says:

"The Multi Disciplinary Monitoring Agency referred to earlier in this Memorandum will make an independent evaluation of the story of Mahant Sevadas for further necessary action in the matter."

That means, you want to give a go by to the Commission and to what all has been done. Why are you not clear? Why do you make an independent evaluation? Why do you not pursue what has been said by the Commission?

Sir, when it comes to the question of Chandraswamy, the ATR says:

"The Government accepts this recommendation of the Commission. Chandraswamy's alleged involvement and complicity should be probed further."

I agree with that and, I think, very rightly I would commend the Government for that. But in a large number of aspects, even with respect to Chandraswamy, the ATR does not want to investigate. This is where I find fault with the ATR. Equally, if you read paragraph after paragraph - there is no time for me to go into those paragraphs - you would find that some of the paragraphs have been left out. You do not want to say anything about them. I find that a large number of friends sitting on the other side are also closely connected with this Chandraswamy fellow... (Interruptions).

SHRI C.P. RADHAKRISHNAN :People from your side are connected with him... (Interruptions)

SHRI P. SHIV SHANKER: I have already said that people from both the sides are connected to him. But basically they are from your side... (Interruptions). Do you want me to read the names? I have got the report of this Commission and I can read the names who are from your side... (Interruptions). I will give it you.

SHRI C.P. RADHAKRISHNAN :You must try to give the real picture... (Interruptions).

SHRI SOMNATH CHATTERJEE :Sir, let us have the privilege of knowing who are the cohorts of Chandraswamy. We do not know who had been going there and what was happening? We are only seeing some Sadhus here. We would like to know how many Sadhus and semi Sadhus are there in this House.

SHRI P. SHIV SHANKER : Sir, what troubles me is that some of the aspects of the Commission have been left out from the discussion in the ATR. I am grateful to the hon. Minister of Home Affairs that he said that in finding the truth he will leave no stone unturned. We will assist in that. I am prepared to assist. My friends will be prepared to assist. What are the paragraphs that the ATR leaves out with reference to these personalities who have been pervading all over the society in a very dubious manner? Now even in this respect something has been mentioned about these persons in some of the paragraphs but nothing has been said clearly.

Why don't you want to say whether you accept it or not? You have neither said that you have accepted the report nor rejected the report.

SHRI SOMNATH CHATTERJEE :That has been officially prepared well.

SHRI P. SHIV SHANKER :It was finalised. They finalised it.

SHRI SOMNATH CHATTERJEE:(BOLPUR): It was finalised by politicians.

SHRI P. SHIV SHANKER : I have said that already. This aspect has to be looked into and gone through so that the whole thing is exposed.

Finally, I would like to come to one aspect which is most important and to which I think that I should draw the attention of my friends here because I did not have sufficient time to go through each and every aspect. But I have gone through certain aspects there. I found that it was necessary for the Government to have looked into this. It is with reference to MDMA. On page 19 of the ATR, what has been said is that "a Multi-Disciplinary Monitoring Agency has been set up in the CBI." One thing is not clear that the CBI has not tried to investigate with reference to a single bureaucrat. I have tried to read the whole ATR. The effort is to see that no bureaucrat or no bureaucratic institution is ever tried to be touched. On the contrary, a clear effort has been made to salvage it. If that is so, this MDMA is under the CBI. What has been said is that the FERA authorities will be there and the Customs authorities will be there, and others are there. I do not know. My friend on the other side is an expert on the criminal law. He is very well aware that if a customs matter is to be investigated and if the CBI is monitoring it, would that be admissible in a court of law? That is a matter which my friend will have to look into. It is not admissible. What is the purpose of this type of MDMA under the CBI when it is the CBI which is monitoring? That is why, we are saying 'independent authority'. Some authority which could infuse confidence should be there. It could be a Police Officer. I am not saying that there should be no Police Officer. Whatever may be the authorities, I am saying that that person must be an 'independent authority.' In fact, even the Supreme Court has found fault, if I correctly remember. The Supreme Court has said -Justice Verma has said -- that for the purpose of CBI Chief, it is the CVC and some other authority who must sit and decide who should be the Director of CBI. Therefore, we are insisting that in the MDMA, there must be an 'independent authority'. What is it that this MDMA is going to do? It is monitoring all movements of the accused in Shri Rajiv Gandhi's assassination case who are still absconding. That is, out of 41 persons, 26 having been convicted, some of them are absconding. So, their movements have to be monitored. Where are they going, what are they doing and what are their movements? They are the fellows who abscond. That is what is contained in (a).

What is contained in (b) is this. "Undertake further probe into the role and activities of those individuals against whom it has been so decided." What does this mean? Do you mean to say further probe into future activities of these persons or their past activities? It leaves a totally grey area. What I am trying to submit is that ultimately these are the only two aspects which the MDMA has to consider. If that is so, out of these 41 absconding persons, the probe into the activities of the individuals against whom it has been so decided is only about half-a-dozen or seven or eight persons.

What about the rest? Then, what happens to the entire theory of foreign hand, the entire theory of conspiracy? There is nothing. That is why, I am saying that it is a white wash. There is nothing in it. The MDMA is only a worthless piece of paper. Mr. Minister, you want to confine yourself only to seven to eight persons and those who are absconding. The real truth will never come out. Hon. Home Minister, I would like to beseech you one thing in view of what you have said in your opening remarks. You have stated that you want to find out the truth. If you want to find out the truth, then do you think that these terms will suffice for the purpose? It is a total white wash. There is absolutely nothing which can be relied upon.

I have gone into some of the suggestions. I was trying to find out what exactly I could suggest. The first suggestion is that the file relating to the proposal to winding up the Jain Commission has to be gone into. It is contained in the ATR pages 44 to 45 - Volume 6, pages 21 to 36 of the Jain Commission Report. It has to be dug out. The second one is about the failure to apprehend Sivarasan, Subha, Pottuamman, and above all, M. Shanmugham. If this had been done, it would have unraveled the conspiracy. Reference is to Volume-III, page 170. The third one is about the contents, fabrication and source of the Improvised Explosive Device used in the assassination. Justice Jain observes that if investigation had been conducted, it would have brought to light the whole gamut of persons involved. Reference is to Volume-IV, pages 118 and 120; ATR, Page-35. I have seen the ATR. I am sorry to say this. Let me make a mention about it.

In the ATR, in page 35, there is mention about the contents, fabrication and source of the Improvised Explosive Device. It refers to what the Commission has said. The Commission says that if this

investigation had been conducted, the whole gamut of persons involved in the conspiracy would have come to light. Then, it says that this possibility becomes stronger considering the other common features found which link the assassination of Padmanabha and the assassination of Shri Rajiv Gandhi. This has already been discussed in a separate chapter. It further says:

"During the deposition, Shri Kartikeyan admitted the possibility of a foreign agency or individual..."

The person who was investigating into that case admitted this. Justice Jain says:

"Kartikeyan admitted the possibility of a foreign agency or individual, beyond the accused persons facing trial having supplied material to the LTTE."

On that, what is it that the Government has to say? In the remarks, it has been stated that the contents of the IED used for assassination and other recovered firearms were subjected to expert scientific examinations and all evidence thereof were produced before the Designated Court. It further says that the material used to fabricate the IED, for example, the explosive, the pellets and the battery were available with the LTTE which had considerable expertise in fabricating them; the forensic, scientific aspects were fully covered with the help of experts in this field. Therefore, it is good. But there is nothing in it. Mr. Minister, you do not want to do anything about it. That is all.

So much has been said by the Commission. But you do not want to do anything about it. That is why, I have suggested something about the contents, fabrication and source of the Improvised Explosive Device... (Interruptions)

I will complete. I am sorry that I have taken quite a bit of time. Coming to the point, in the opinion of Justice Jain, in respect of 19 of the 21 persons, further investigation and supplementary charge-sheets were warranted. This is there in the ATR, pages 18, 39 and 43; Volume-V, page 358. I am not saying about everyone. I am only saying about the investigation. If independently you come to the conclusion that some of them should not be tried, that is a different thing. Mr. Home Minister, I would like to be guided by your judgement, not by the judgement of your bureaucrats who want to save them. There is a lot of effort that has been made. I would have read pages after pages. But I have already taken a lot of time.

They have tried to hide a lot of things. The link between the assassination of Padmanabha and Shri Rajiv Gandhi both of which had been probed together by the CBI would have resulted in the arraignment of some accused as well as citing of some persons as witnesses and recording of statements under Section 15 of the TADA. Kindly refer to Volume IV, pages 159-160, ATR pages 37-39.

Next is, failure to act on this Naval intercepts of 1988 - Volume IV, page 35, and Volume VI, page 3, ATR pages 43-44.

Then failure to decode or otherwise act on LTTE messages from Pottuamman to Sivarasam which was intercepted by the SID, Chennai in March 1991, two months before the assassination on the somewhat specious plea that the transcripts provided to the Commission were annotated and not decoded. You kindly see Volume VI, page 62 and ATR page 46.

Now the point is about the LTTE's land in Chennai city. These points have been referred to the State Governments to examine -- you have decided in the ATR page 47 that you are referring it to the State Government -- and give comments on the role of the State machinery. But the issue is not being entrusted at any rate as yet. I have already said about the MDMA. Please refer to Volume VI, page 63, ATR page 47.

The conspiracy began to unfold by putting hard-core LTTE in strategic locations in India. This is the finding of the Commission in Volume I, page 35. The matter will have to be gone further.

The failure to enforce orders relating to minimum of three PSOs who were required at all times to travel with Shri Rajiv Gandhi. This is the finding of the Commission in Volume I, pages 55-56. This was the

decision of the Government and in spite of that, when he had gone to Chennai, except one PSO, nobody was there with him. Why has it happened like that?

Shri Ramesh Dalal's accusations suggest the name of Chandraswami in August 1991, which has been just swept under the carpet. Investigations should have been conducted then. They were not done. Why? A thorough investigation is required to be done. This is what Justice Jain says in Volume II, page 202.

The former Cabinet Secretary Shri Zafar Saifulla's evidence says that there were Naval and IB intercepts of 1991 which had a considerable bearing on the security of Shri Rajiv Gandhi. This is his own statement. It is a matter of concern. Shri Chandraswami had strong links with CIA and Mossad. This is what Shri Saifulla has himself said in Volume II, page 205, Volume III, pages 167-168 and ATR page 57.

Having said this, I would only like to make a submission that my effort has been to show that the ATR had been totally wishy-washy. It has nothing but a political tinge. I am not satisfied with the agency that has been proposed for the purpose of going further into the matter. We are interested, as I said, only in truth and nothing but truth. We are not approaching this problem from a political angle at all. I make this position absolutely clear...(Interruptions)

SHRI R. MUTHIAH : You have cleverly left out page 43. This is just done with a political angle... (Interruptions)

SHRI P. SHIV SHANKER: I can talk about more persons. I have already said that all those responsible... (Interruptions)

MR. SPEAKER: Shri Muthiah, you will have a chance. You can react to it at that time.

... (Interruptions)

SHRI P. SHIV SHANKER : Shri Muthiah may be interested in one individual. I am interested in the truth...(Interruptions)

SHRI C. GOPAL (ARAKKONAM): You have spoken for nearly one and a half hours. Can you just yield for a minute to give a clarification?... (Interruptions)

... (Interruptions)

MR. SPEAKER: Hon. Members, you will also get a chance to speak. At that time, you can speak on those points. Now, please take your seats.

... (Interruptions)

SHRI C. GOPAL : Sir, I am on a point of order... (Interruptions)

SHRI P. SHIV SHANKER :I am not speaking from the Government side... (Interruptions)... I am saying very clearly... (Interruptions)

MR. SPEAKER: Shri R. Muthiah, please take your seat. When you get a chance, you can speak on those points.

... (Interruptions)

MR. SPEAKER: Hon. Members, what is this? Please take your seats.

... (Interruptions)

SHRI R. MUTHIAH : You tell out the truth... (Interruptions)

SHRI P. SHIV SHANKER : That is where they want to make it political... (Interruptions)

MR. SPEAKER: Shri Muthiah, please take your seat.

SHRI P. SHIV SHANKER : I am interested in the truth. You go into everyone against whom there is a mention. I am not saying anyone. (Interruptions)... I want that the truth must come out. I am grateful to the hon. Home Minister. That is what he has said.

Therefore, Sir, it is my submission that the authority which has to go into it, has to be a different authority and the truth must come out. This is all what I submit. Thank you very much.

... (Interruptions)

MR. SPEAKER: I have to make one observation.

... (Interruptions)

MR. SPEAKER: Shrimati Geeta Mukherjee, please hear me first.

... (Interruptions)

MR. SPEAKER: Madam, please take your seat.

... (Interruptions)

SHRIMATI GEETA MUKHERJEE (PANSKURA): What about the passing of the Women Reservation Bill?... (Interruptions)...Some people are attempting to assassinate the Women Reservation Bill. But we will try to rescue it... (Interruptions)

SHRI SOMNATH CHATTERJEE : Sir, we appreciate the anguish and agony of our good friend, Shri Shiv Shanker. We share the great agony of the assassination of a great leader. We have always said that it is matter on which the truth should be unravelled.

There are many people in this country who are feeling the anguish of the attempted assassination of the Women Reservation Bill. Therefore, we should exercise solidarity also. I am sure, all sections will join me... (Interruptions)

">12.53 hrs.

THE MINISTER OF URBAN AFFAIRS AND EMPLOYMENT (SHRI RAM JETHMALANI): Mr. Speaker, Sir, even while we discuss this Report, and the ATR which my friend Shri Shiv Shanker calls thoroughly a useless document, it is inevitable that in our minds, we recall the tragic day of 21st May, 1991. We cannot get away that from memory. There is no doubt that the nation lost an able and dynamic leader who captivated the hearts of millions of his countrymen who doubtless regarded him as the hope of the future of this country.

Sir, whatever my political differences with that great man, my respect and affection for him perhaps must be much more genuine because it survived the political differences. I am very happy that today's proceedings have been by and large devoid of politics.

They have been devoid of polemics and devoid of an attempt to score political points.

I have the greatest respect for my friend, Shri Shiv Shanker. Even he and I have belonged to different political camps. But whenever I have had a problem, he has never withheld help and cooperation from

me. Even I hope, he will do me the credit of having reciprocated in some small measure.

Let us today forget all our political differences and apply our mind to what Shri Shiv Shanker called `the search for truth. I can only assure him and I hope he will accept my sincerity and the sincerity of my Government when I affirm that at least none on this side has the wish to keep back the truth. We will suppress nothing. We are prepared to investigate all that you want to be investigated. We will investigate that which is within the bounds of reasonable possibility and which is likely to produce some useful and concrete result. After hearing me and my exposition of some of the reasons why the ATR is in this form and why we are not doing certain things which you expect us to do, you will perhaps change your minds but still I would welcome a discussion with any hon. Member of this House who has any suggestion to make on how to proceed to discover the truth.

This case was investigated by an SIT. I am not one of those who is a complete, blind admirer of the police and the CBI or any investigating agency in this country. But with all the scepticism that I entertain about them, I can say that the SIT in this case did a fantastically efficient job. After the long, elaborate investigation, they chargesheeted some. Maybe, in that some, one or two, here and there, may have been wrongfully convicted. Maybe, their appeals are pending in the Supreme Court and some one or two might get off. But by and large, the SIT did a job for which we have to complement them. The SIT which presented the chargesheet to the Court, had doubtless to act upon evidence or material which they believed was capable of being converted into legally admissible evidence in Court. The Jain Commission was under no such inhibition. But now that the trial has concluded and appeals are pending from the convicted persons, this House will agree with me that we must not do or say a word, a sentence or an expression of opinion which in any sense has the effect of adversely affecting the outcome of that judgement.

I have not the slightest doubt that our very able prosecutors will appear before the Supreme Court, present their arguments and to the limits of their professional ability sustain the judgement of the Designated Court and sustain the convictions and sentences that have been passed.

1259 hrs (Shri P.M. Sayeed in the Chair)

May I here accept for a moment and swallow a compliment which Shri Shiv Shanker paid to me. He said that I am an experienced criminal lawyer. Yes, I am. I have passed fifty-five years in the law courts. But trust me. Trust my judgement that if some of the things which you say we should have done or which the ATR should have proclaimed that it is supposed to be doing it would have affected the pending appeals. I am prepared to discuss with you or with any other criminal lawyer in this country or any other hon. Member of this House who is interested.

13.00 hrs.

I do not want these matters to be matters of public record. We know why and how what we say in this House is capable of being misused. The SIT rightly discovered, in my opinion, that the main conspirators were the LTTE; that they had a powerful motive to eliminate Rajiv Gandhi; that they executed this horrible conspiracy with meticulous care, with meticulous efficiency and that they were the primary and the direct conspirators. There is no doubt whatsoever, in my mind, about that. But a feeling has existed, a feeling which I fully share that though the LTTE were the primary conspirators, there were more persons, individuals, institutions and groups which instigated the LTTE into doing this horrible deed. Their motivations were different from the motivations of the LTTE. But the motivation of each who conspired in the larger sense ultimately required the elimination of that handsome young politician of India. Their final objectives agreed but their other motivations did not. But they used one another to perpetrate this horrible deed.

Sir, I am all with one or I am all in agreement that this wider conspiracy must be investigated. This wider conspiracy, the ramifications of which must be international in the nature of things. Some of the ramifications must necessarily be domestic. But there must be some persons and agencies who are outside

the country. I do not believe that the CBI could investigate that and I do not believe that the Jain Commission could have investigated that either.

My friend, Shri Shiv Shanker, is not right when he said that we have shut our mind to that tormenting feeling which oppresses everybody in this country that there is something more than what the trial has ultimately discovered. Not that the trial court was on the wrong track. The trial court rightly determined that the main conspirators and the direct conspirators were the LTTE, that the main executioners of that conspiracy were the accused before the court, but that there are others involved is a feeling which we cannot possibly escape.

I do not think my friend Shri Shiv Shanker applied his mind to a sentence in this document. I am sure it missed him. Have a look at page 32, paragraph 7.73. It is said:-

"The possibility of the foreign hand behind the LTTE in the assassination of Shri Rajiv Gandhi, therefore, cannot be ruled out, rather it is strengthened"

I accept this conclusion as indeed I have accepted all other conclusions. You kindly see what the ATR says. It says:

"The Government have noted this observation of the Commission and have decided to have it examined indepth through the Ministry of External Affairs, Ministry of Home Affairs and the Intelligence agencies". This kind of wider conspiracy cannot be investigated under the Code of Criminal Procedure. It requires adoption of other methods. I do not wish to take this House into confidence.

It is not necessary. If the House accepts our sincerity in unearthing the truth, then, it must also accept the sincerity of the efficacy of the methods which we employ to get at the truth. I do not know whether we shall succeed in getting at more truth; ultimately we may not and we may draw a blank. But please do not doubt; we are as much concerned in finding out the truth.

It is not a question of a murder of a great politician or a great statesman. Ultimately I have my sense of national loss; my sense of tragedy was compounded by a further feeling of national humility. The national humility was that in this mighty country of ours, a bunch of criminals could get in, crossed our borders, arranged this kind of a crime with so much efficiency and hoodwinked all the investigating agencies and the paraphernalia which we have created and on which we spend tonnes and tonnes of money. That is the sense of humiliation which bothered me and which continues to bother me.

Therefore, I am interested in resolving this problem first: how to save this nation from further tragedies of this kind because I do not want my nation to be humiliated any more. So, be sure that we are going to discover the truth. We are at least going to seriously try to discover the truth. I hope, with the cooperation of all of you, we shall be able to get at some truth.

My friend, Shri Shiv Shanker will perhaps withdraw much of his criticism which he has made, if I now indicate to him the basic principles upon which this ATR is framed.

I am not a great admirer of the bureaucracy. I believe that a great part of the bureaucracy is nothing but speed breakers in the way of progress of this country, but I cannot paint all with a dark brush. So far as this ATR is concerned, it is the Cabinet which is responsible; I do not wish to shift the blame to the bureaucracy or to the unknown members of the bureaucracy and get away with it. It is the product of thought, of application of mind of the entire Cabinet and not an individual Minister, though it is inevitable - that those of you who have great experience of the working of the Cabinet form of Government may know - that some may contribute more and some may contribute less. But ultimately the product is the property of all and each one is responsible for the document that has been produced.

We had adopted four vital principles which I enunciated and explained to the other House and I wish to repeat them here.

The first is this. We said that the findings of the designated court, at the conclusion of a long and regular trial, must be fully accepted and nothing should be done to throw the slightest shadow of doubt upon the veracity of those findings and the correctness of those findings. Hon. Members will not find - and my friend Shri Shiv Shanker may again have a look at it with a critical eye now at the ATR - one word in the document which has this pernicious tendency of trying to secure the ultimate release of those persons who have filed their appeals before the Supreme Court.

The second principle is this. Wherever the report expressly exonerated someone - any person or persons - we have respectfully accepted the exoneration. I hope, I am not absolutely wrong in saying that I have my own judgment about some people. But at the same time, I have a feeling that I do not have the monopoly or wisdom; and when a Judge, presiding over a Commission for so long - elaborate arguments were made by him and - ultimately comes to the conclusion, then I have the humility to think that my perception must be wrong and his perception is right.

Therefore, even though I may have some intellectual differences - some slight nuances of perceptions are different - yet we had accepted every part of the report in which he had exonerated some people.

For example, he has exonerated the previous Prime Ministers of this country. We have no intention of getting back on those reports and upon those conclusions nor do we wish to make or score any points. My friend, Shri Shiv Shanker will now evaluate his own criticism in the light of the second principle. Once I accept that the previous Prime Ministers, the previous Heads of Governments, have been exonerated and rightly exonerated, can I indulge in some of the things which Shri Shiv Shanker advised us to look into? There is no doubt that the Verma Commission is a Commission presided over by a judge of international reputation and a judge of highest integrity known to me in my professional career. That judge pointed out serious lapses in our security system. He pointed out not merely the defects in the system itself but also pointed out that the security precautions that are available in the existing system, though they are defective, were not followed by persons whose responsibility it was to carry out those precautions and to strictly observe them. The Verma Commission went to the extent of saying that this is a gross and culpable neglect. Sir, whom do I hold responsible today in retrospect? The Report of the Verma Commission was rendered in December, 1992. There was Action Taken Report which was considered by this House and the other House.

Now, regarding all cases of lapses on the security, at least, I do not have the arrogance to say that in the year 1998, I am going to invite this House to go into it all over again. That ATR was considered previously. Whatever criticism which the Parliament had to make must have been made at that time and I do not wish to go into that question now. I do not wish to trade upon those criticisms now. I was not even sure that this step on our part will be appreciated if we tried to get into the past conduct of people in power in the years 1992, 1993 and 1994. I do not know. You might have accused us of trying to settle political scores which we have no intention of doing. But if you still want fresh investigations to take place into those security lapses, we are prepared to appoint such machinery as you choose. Advise us on what kind of a machinery you want to go into those unfortunate incidents. I thought that let the by-gones be by-gones. We have too many problems for the future. We have the economic problems which face us. We have the problem of reservations which my friend, Shri Somnath Chatterjee just now raised. Let us think of the future more than delving into the past. But if you want it, then please do not doubt our sincerity and capacity to go into that problem as well.

Now, I come to the third principle where the Commission has recommended a further probe. We have accepted that recommendation wholeheartedly. This is the third principle on which we have acted. You kindly see the ATR only except those recommendations for a further probe. My friends of the DMK were a little excited. Please do not get excited.

SHRI MURASOLI MARAN (MADRAS CENTRAL): We never get excited.

SHRI RAM JETHMALANI: Thank you so much. All that the Reports said was that somebody who was in the know of things ought to have been interrogated. We have said in the ATR that let the interrogation

take place...(Interruptions)

SHRI MURASOLI MARAN : You are a great lawyer. I repeat the sentence. "Shri Karunanidhi was not interrogated". The Report does not ask you to interrogate once again...(Interruptions)

SHRI RAM JETHMALANI: Shri Maran, allow me to complete the sentence...(Interruptions)

SHRI MURASOLI MARAN : What is stated in the Interim Report?...(Interruptions)

MR. CHAIRMAN : Please do not interrupt, Shri Muthiah. Kindly allow him to speak. Do not interrupt him. When you get an opportunity, you may give your views.

... (Interruptions)

SHRI R. MUTHIAH : There are many more things against Shri Karunanidhi...(Interruptions)...Even today, the people of Tamil Nadu are saying it...(Interruptions)

MR CHAIRMAN : We are discussing a serious matter. Please do not take it lightly. Do not interrupt like this.

SHRI RAM JETHMALANI: I would request the Members of this House that this is not an occasion for excitement. This is not an occasion for anger. Let us do the job of discovering the truth. Interrogation is an opportunity for exoneration, clearance of doubts and removal of clouds hanging over the image and reputation of respectable persons.

SHRI MURASOLI MARAN : Only if there is a cloud or a doubt, then where is the misgiving?

SHRI RAM JETHMALANI: It is a valuable method of extracting truth from unwilling and uncooperative mouth. It makes the tongue move and clears the smoke screen of silence which sometimes is a shroud for untruth. So, interrogation serves the purpose of discovery of truth and no honest man in this country should be afraid of any interrogation. If somebody wants to ask me a few questions, I would welcome that person to come and ask me the questions. It would only help me to clear up doubts which might exist. Maybe no doubt exists. Please do not attribute anything to us.

The Jain Commission was not our creation. The Report was not our creation though some people say that at least the ATR was drafted by RSS. We have nothing to do with it. Somebody said that we should have interrogated. We said, "All right. Let it be interrogated".

The fourth principle on which we have acted upon - this is very vital - where the Commission has been ambivalent or has left the matter in a state of doubt, there we have exercised our own intelligence, our own common sense and applied our own criteria and decided whether or not further inquiry should be made. I can give you an illustration of that. On some points the Commission just left it vague, saying that it requires some consideration, some probe but did not advise a probe. We thought that this is like recommending a probe and therefore, we said , 'let a probe go through'. A probe is a probe. It discovers truth. It does not discover untruth unless some people fabricate evidence and so on.

There was a reference in Shri Shiv Shanker's speech about the relaxation and the withdrawal of the security cover. I wish to share my own views of the law and the Constitution with this august House. I do not know whether Shri Shiv Shanker would agree or whether he has ever acted upon that view of the law and the Constitution which I am about to share with him. I believe that whenever a statute lays down the kind of security and the circumstances in which that security should be provided to a person or a group of persons, that is the minimum compulsory security that one must provide. But there is a wider common law duty upon the State. Even if for the purpose of saving the life of one innocent man, it requires that we must call the whole Army, the State is bound to call the whole Army and save the life of one innocent man. That is the common law duty of the State which is outside and irrespective of any statutory provision.

I, therefore, wholeheartedly, agree with the attempt made in the previous ATR. Because the Act merely say that we must provide so much security to so and so, and, therefore, we did not provide, was a bad excuse. I would like to know as to who forwarded that bad excuse. It was not our Government. If our Government or somebody on this side would have been consulted, we would have given a right advice and the security would not have been withdrawn.

Bureaucrats are public men and are entitled to take advantage of the statutory provisions. They justified the withdrawal by saying that the statute asked them to go that far and no more. I say that the statute is not exhaustive to their common law duties for the protection of a citizen, they have to go much further. I hope this will at least satisfy Shri Shiv Shanker when officially on behalf of my Government, I am taking on this great duty of the State. Of course, the State's limitations are their own manpower, their own technology and their own financial outlay for the protection systems which they are able to create for the society and for individuals.

Shri Shiv Shanker said that no truth has been discovered. This was a slight exaggeration which sometimes happens in the course of rhetoric, particularly parliamentary rhetoric. Truth has been discovered but it is partial truth. Truth has been discovered by the SIT in the first instance. After all, they did discover that the LTTE was responsible. They did discover that those 26 accused along with other people were responsible for the murder. So, let Shri Shiv Shanker not say that the truth has not been secured. I agree with him that the whole truth has not been secured. We are quite prepared to embark upon any kind of investigation he suggests for the discovery of the whole truth.

Shri Shiv Shanker said that the Judge must be independent. I do not think we have ever differed on that view. We have never differed on that issue at all. In fact, our differences have been the other way round. Sometimes I had talked too much about independence of Judges and he has not fully agreed with me; he has not gone to the farthest limit to which I have gone in public life.

Mr. Chairman, Sir, there is a disturbing aspect of the investigations. The disturbing aspect of this investigation is the disclosure of what Shri Shiv Shanker called the 'trial assassination' which took place and the way the persons who were accused in the earlier murder of June, 1990 were still at large and going around enjoying hospitality. When I look back at it in retrospect, I am as much worried as anybody else. Such a thing should have taken place in this country is a matter of the deepest kind of regret. But, does it also not show that our enemies were more efficient and we were less efficient, and that is how they got away with it? It is a question of comparative efficiency. After all, the person who wishes to perpetrate a crime does plan it. He plans it with meticulous care. But those who are on the defensive often go to sleep and that kind of meticulous things do not occur every day. People are lulled into a false sense of security. I agree with him that a vigilant police force and a vigilant bureaucracy should have discovered it.

The most disturbing aspect to which Shri Shiv Shanker has drawn attention and which deserves great attention is the intercepted messages. Did those people who received those messages read them? Did they decipher them? Did they understand them? Did they then pass on the relevant information to the authorities whose duty it was to act upon that information? These are all questions which today, in the year 1998, I am afraid cannot possibly be resolved by any investigation. If Shri Shiv Shanker thinks that an investigation of this kind will serve some useful purpose, we will embark upon that investigation. But, I can say that after every day that passes after the deed is done, the memory of witnesses fades; witnesses die out; documentary evidence disappears and nothing is left ultimately based on which you can arrive at a conclusion. The conclusion will only remain that there were intercepted messages which, if properly intercepted and properly read, would have prevented occurring of this unfortunate tragedy and our nation would not have been thus dishonoured and humiliated. ...(Interruptions)

SHRI P. SHIV SHANKER :By saying so, would you not like to discover the truth?

SHRI RAM JETHMALANI: I want to discover the truth, but I am only sharing with you my own perception of the futility of the search at this stage. (Interruptions)

PROF. P.J. KURIEN :How can you prejudge that it will be futile?

SHRI RAM JETHMALANI: I prejudge certain things as you prejudge things every day. You decide whether a particular policy will produce a particular result, it will not produce a particular result. My experience shows that an investigation into the events of 1990, which investigation starts for the first time in the year 1998 or 1999 is unlikely to yield any useful results. But when the agency which we have created under the ATR proceed to investigate into other questions, this will be one more question which they will doubtless investigate and apply their mind to and be sure that that the clue will not be left unexplored. But if you want to make it a direct terms of reference of the new Agency, we are quite willing to do that. But, please let it remain on the sidelines. In their own investigative efficiency and their own art of investigation, it will assume the shape and the purpose and the large purpose which you have in mind and be sure that it will be investigated and will not be left unexplored.

Sir, Shri Shiv Shanker said that the bureaucracy has done a great job of whitewashing. The bureaucracy, whatever whitewashing it did, was done in 1992 and at that time this House, I speak with respect and great humility, ought to have been a little more vigilant. I do not know where my friend, Shri Shiv Shanker was at that time. What he was doing at time, I really do not recall now. Though I have kept a very strict watch over his movement, I do not know where he was at that time.

Now you talked of the missing documents; you talked of the failure to assist the Commission. It is a sordid story. It is a sordid story with which when I think of it, I feel ashamed, but I want to tell the Members of this House that if we seriously probe into that aspect of the matter, the evidence of the Home Secretary, the evidence of the Home Minister and the evidence of the then Prime Minister, the three stories are so conflicting that if we seriously probe into this and arrive at our own conclusions, one or at least two would have to be prosecuted for perjury and destruction of evidence. Do you want us to go that far? Do you want us to get into a hornet's nest? (Interruptions)

SOME HON. MEMBERS: Yes.

SHRI RAM JETHMALANI: If this House, by near-unanimity, tells us that that kind of matter requires to be investigated seriously, but I am telling you that it is, at least, against my nature now to fight a fallen foe. Some people have already been destroyed. It is no more necessary now to go any further into this. But if you want it, we shall certainly do it for your purposes and for your satisfaction. (Interruptions)

SHRI AKBAR AHMAD (AZAMGARH): We want the truth, the whole truth. (Interruptions)

SHRI RAM JETHMALANI: You do. (Interruptions)

SHRI ARIF MOHAMMED KHAN (BAHRAICH): Sir, if the hon. Home Minister yields for a second.... (Interruptions)

SHRI RAM JETHMALANI: I am encouraged by what the hon. Member is doing, but for some political constraints. (Interruptions) Now that you are encouraging me, we will do this. The Monitoring Agency will go into this aspect of the matter as well. (Interruptions)

SHRI ARIF MOHAMMED KHAN : If the hon. Minister yields for a second, I would like to just say a sentence. (Interruptions)

MR. CHAIRMAN :Are you yielding, Mr. Minister?

... (Interruptions)

SHRI ARIF MOHAMMED KHAN :Sir, it is not a question of taking action against the fallen foe as the hon. Minister has described. Basically the question is that a person sitting in that high position is

distorting the law, breaking the law, violating the law. It is not a question of taking action against him. It is a question of at least setting a precedent so that no one in future ever dares to violate the law.

SHRI RAM JETHMALANI: Sir, I take the hint and I take the suggestion.

SHRI ARIF MOHAMMED KHAN : It is not a question of hint.

SHRI RAM JETHMALANI: What else does he want me to tell him more politely?

Sir, let me now deal with the last complaint really, because in substance the four principles which I have enunciated meet, I think, almost every criticism levelled by Shri Shiv Shanker. Let us talk of the new investigating agency. If truth is to be discovered, there has to be a power of interrogation, there has to be a power of arrest where there is a reasonable ground for arrest. This power can only be exercised by a statutory authority. Therefore, it can only be the police. Do they want us to send it to the Tamil Nadu Police, the Delhi Police, etc.?

It has to be a police which have some experience of investigating crimes of this nature, huge conspiracies and other crimes which are as wide spread as this one. I cannot imagine of any other authority except the CBI as well.

All Members of this House can be sure that I am not a great admirer of the CBI. I was certainly a great admirer of the CBI, once upon a time that it was. There was a time, once upon a time, when the CBI never arrested an accused person. They investigated by intelligent interrogation, by intelligence examination of witnesses and when the investigation was over they would only tell the accused that on such and such date, come and appear in the court and get bail. Never was there the third degree practice, nothing was ever done. It was the most honest and the potent police force that we created in this country. The whole country had to be proud of it. I know that those days are gone. I am a critic of the CBI but hon. Members will bear with me when I say that there is no substitute. With all its faults, it is yet the best force available.

But even the best force available has been subjected to the scrutiny of the Supreme Court. A Public Interest Litigation was filed as to how to make the CBI independent, how to make it committed to truth and honest investigation. The Supreme Court has delivered a judgement in which they have said how a CBI Director should be appointed; who should be the Supervising Authority; how the Supervising Authority itself should be created; and how it should go about its job.

You have to give credit to my Government, though this has not received sufficient publicity, that we have whole heartedly accepted the judgement of the Supreme Court and we have even requested the Law Commission to institute a proper machinery of how it should work out in actual practice, because it requires division of functions and so on and so forth. Division of functions of the Government form the functions of the monitoring authority. It is quite a complex task.

We are committed to this and when I am talking of a monitoring agency within the CBI, I am talking of the CBI as purified by the precaution of the Supreme Court. I do not believe that any other better machinery would be available. But if the hon. Members have any suggestions to make, we will respectfully consider them and see for what they are worth. We are willing to discuss this matter. We do not have a closed mind.

Once again, I do not think, much more requires to be investigated than what the ATR has said, subject to suggestions which come from this House. We are in the hands of this House. We have nothing to hide. We are not in the picture anywhere. The BJP Government did not exist at the relevant time. We were only humble Members of the Opposition. Today, we happen to be in power. We will certainly carry out your wishes and certainly help in the discovery of truth into this great tragedy which overtook the nation.

">**SHRI INDRAJIT GUPTA (MIDNAPORE):** Sir, I am grateful to the hon. Speaker to whom I had made a request that since due to a previous and unavoidable engagement, I have to go out of Delhi within

another couple of hours and that I may be given a few minutes to say something about this matter.

He was very kind enough to grant my request. I can assure you, Sir, that I am certainly not going to take up even a fraction of the time which Shri Shiv Shanker and Shri Ram Jethmalani have taken.

After hearing these two speeches, I am now convinced that nothing is going to come out of this debate. Of course, in this discussion, people have a chance here to show their debating skill or also to try to show how much information they have got which others do not have. Apart from that, I think the outcome of this debate is going to be zero. It will be as futile as some of these investigative reports which we are referring to, but you have decided to spend two days on it.

I am reminded of the fact - How can I forget it? - that this is the second occasion when a Prime Minister of this country has been assassinated. I consider such happenings to be the matters of utmost concern and anguish for the entire country. Those people were Prime Ministers of the country. They were not simply leaders of some particular political party. Of course, they were leaders also. But a Prime Minister is a Prime Minister and he is the Prime Minister of the entire country. Therefore, when they are removed from the scene in this violent, brutal, and perhaps, conspiratorial manner, it is not a matter of anguish or grief only for that particular party which they were leading, but it should also be a matter of anguish for the entire nation and the entire country. I remember, during those days, when the Thakkar Commission was investigating the circumstances and the background of the factors leading to Shrimati Gandhi's assassination, I was particularly disturbed by the fact that in this House, in my view, not enough concern and impatience was being shown by the Members of the ruling party for that Thakkar Commission inquiry to be expedited. It dragged on also for a long long time and for the factors responsible for this ghastly crime had to be brought to book. In that case, the actual killers, murderers, whose fingers pulled the triggers, were never in doubt. You remember the circumstances. I do not have to go into all that. All that had happened was very clear, clear as day light. The motives behind the killings, at that time, were not proved by quoting any document or chapter and verse but circumstantial evidence was there in plenty to show that why certain people certainly had a motive to get rid of Shrimati Indira Gandhi. But the question was this: Was there any deeper or broader or bigger conspiracy behind it? Were there some other people involved apart from those who fired those fatal shots? To my mind, that Thakkar Commission failed to identify any conspiracy except by making some observation. Do you remember the final conclusion of the Thakkar Commission? It mentioned that there was a needle of suspicion.

A needle of suspicion is pointing at somebody. Beyond that, the Thakkar Commission could not go or was not prepared to go. Nothing happened to the person or persons at whom the needle of suspicion was pointing, according to Shri Thakkar, as far as I know except that one of them perhaps has got a sort of a promotion. There the matter ended; the curtain came down. After that we knew nothing more.

I really find it a peculiar matter. I am not talking of parties. I am a citizen of this country. A Prime Minister being bumped off like this is not something which happens every day in every country. It had never happened before in our country. But after that if the inquiries and investigations are taken as I consider in a somewhat casual way, then I think the ground is being prepared for a repetition of such events to take place again and again.

Now on this Rajiv Gandhi's assassination, the Jain Commission spent a long time, seven years or so, or more than that, got extension after extension which he was asking for and spent how much of the Government money, I do not know, may be some crores, a little over Rs.4 crore.

The Congress Party here of which Shri Rajiv Gandhi was the unquestioned leader has accepted Justice Jain's Report by which I suppose they mean the Interim Report as well as the Final report. According to Shiv Shanker they have accepted the Report fully in its entirety. Their only objections are to the ATR. The ATR, of course, in my opinion also suffers from many infirmities, which are being debated here and will be debated tomorrow also. But if the conclusion is that Justice Jain's Interim Report and the Final report are to be taken as one hundred per cent satisfactory and convincing, I, at least, am not prepared to subscribe to that view.

When I was in the Home Ministry in my official capacity, I had one or two occasions to come in contact with Justice Jain, especially when he arrived in my office one morning to present that Interim Report. Some 17 volumes or something he brought with him. I thanked him very much for that and kept those volumes there. I had some brief talk with him also.

He had been complaining that various documents and papers and so on which were relevant to his inquiry had not been supplied to him thus making the completion of his work very difficult.

Well, I cannot go into all those things now; I should not. But of course when a Judge, a respected Judge of a Commission like that complains, that certain document and papers had not been given to him and had not been made available to him, it is the bounden duty of the Government and the Ministry to go into his complaints and see how far they were justified. I can tell you that we went into all those matters. Those complaints, in our opinion, were not at all justified and we informed him the details of what had been given to him.

I may say, there were two directions in which it was not possible to meet his request and, I think, that was correct. One was that it is not normally done that conversations or dialogues which take place between Governments of two different countries should be revealed, even if he had got that material. It was with reference to the alleged information supplied by Shri Yassar Arafat, who is the Head of the Palestine Liberation Organisation, it was alleged that he had given some sort of a warning to Shri Rajiv Gandhi and said that he had got some information that there was a danger to his life. I do not know what exactly he told him. But, in any case, as I was informed, at that time, it is not the practice to make public the exchange of views and dialogues between the Heads of two Governments. We told Shri Jain that we are sorry, we cannot give him this particular information.

Secondly, he wanted an access to certain proceedings of the Cabinet meeting as to who had said what, which Minister had said what, whether any Minister had been in favour of stopping the inquiry and closing down the Commission. He wanted to know it. It is also not done that proceedings of the Cabinet, who has said what, which Minister has taken what stand, are made public. We told him that we were sorry, we could not give him this either. It is not done. But about all the other materials which he had asked for and which he was complaining that he had not been supplied, we satisfied him. I think, ultimately, he was satisfied because he did not go on repeating those complaints. It is true that we also tried to fix some kind of a time-bound schedule on him by suggesting that 'look this has already taken such a long time, so many years have passed, and now everything that was to be found out, should have been found out by now. All the evidence and materials are with you. So, please try to conclude and submit your Report by such and such time.' So, he grumbled about it, a bit and all that, but, ultimately, he had to carry out that directive.

Now, about the murder of Shri Rajiv Gandhi, as in the case of Shrimati Indira Gandhi, I think, it is fairly clear and it has been mentioned here also by the speakers that there were people, organisations and groups who definitely had a motive to do away with Shri Rajiv Gandhi because they were very much hostile to him, angry with him for his Sri Lankan Policy. He was the man who had ordered the IPKF to go to Sri Lanka, which I personally consider to be one of the biggest blunders ever committed by a Government in this country. However, let us not go into all that now. Thousands of lives were lost including lives of our Army people, the IPKF, without any result except to provoke feelings of hostility and animosity among the LTTE people and perhaps also among the non-LTTE ordinary-Tamil people because our Army was shrubbed into a situation where it was fighting against the LTTE. It was a sort of a semi-guerilla kind of an operation and in that, as we all know, a lot of casualties did take place.

Then ultimately the IPKF had to be withdrawn. But there is nothing much to show that. LTTE, of course, was very much, I should say, provoked into feelings of anti-Indian hostility and the symbol of that India was Rajiv Gandhi. I am not trying to make any analysis of this whole thing. I am not a lawyer, so I cannot go into all legal questions and aspects which have been raised by two very distinguished lawyers here. But one question keeps on haunting me. Is it not possible that Shri Rajiv Gandhi would not have been killed if he had not gone on that fateful night to Sriperumbudur to address that meeting at 10 o'clock or 11 o'clock

at night? He was taken there. Sriperumbudur is not such an important place or a big place. It is by the side of the road going from Chennai to Kanchipuram. It is a small place. It does not have a very great significance in any respect, I know that. He was a man for whom so much security was required. Of course, it is true, and I find from the reports, that many security agencies' people were complaining long before that also - perhaps they used to complain like that about his mother also -

that they did not bother much about security, that they were very careless or they did not bother about the threat to their own lives, that they were very foolhardy in that respect, that they did not carry out their instructions, that they went to various places and mixed with people and did all kinds of things which were certainly very dangerous and risky. The same thing was said about Rajiv Gandhi. Suppose, from their own point of view the security people were correct because he did do that kind of things, he used to go into the crowd to meet people - of course, he was very popular because of that - but how come the security agencies gave clearance for him to be brought to Sriperumbudur to address a meeting in the middle of the night in a wayside maidan by the side of the road?

Shri Shiv Shanker has referred to the fact. I was interested to hear from him how some of these groups of LTTE killers who, it was known, had been in Tamil Nadu and were roaming about and visiting various places and keeping a watch on Rajiv Gandhi's movements and all that. They were sitting in the front row, according to him. There was some kind of a trial run they were having. So, how come this Sriperumbudur thing took place, I am not able to understand it at all. People lined up there to greet him, to present him garlands and flowers and all that, and to touch his feet. Were those people checked? Obviously they were not checked because it was one of them who was the human bomb. Everybody knows this now. The person who actually pressed the button or pressed the trigger, whatever it was, and was also blown up in the explosion was that girl whose photograph and all that have appeared, who was waiting for Rajiv Gandhi to arrive at the meeting place and holding garland of flowers along with that gentleman Sivarasan, also known as one-eyed jack.

So, it really baffles me that how such a thing could take place unless there was the grossest type of negligence and dereliction of duty on the part of the police and the security forces. I do not know how far this aspect has been probed. I do not find much about it in Justice Jain's Report and findings. I do not know whether it will be covered by any subsequent investigation or not, if such a thing takes place. So, the Government should tell us. It is for the Congress Party to tell us whether they are keen or not on having this aspect also probed.

People are saying all sorts of things. I do not want to say all those things as to who else may be involved, who persuaded him and who persuaded the security agencies to allow him to go there, get down from his car and walk to the platform which had been constructed there, here. Within a few seconds, the whole thing took place. He was travelling in a car alongwith a lady correspondent of The New York Times. She has also given her testimony. She had written big articles about it, after she went back. She was present on the spot. At least, the circumstantial evidence is available. There are certain aspects which need to be looked into. How these people had come there? Had they been staying in anybody's house prior to that day, in that locality? If so, who had given them hospitality and whose guests were they? Who had actually escorted them to the meeting ground and who had made that lady stand in the queue of people who were to go and receive Shri Rajiv Gandhi? Are these the matters which should not be found out? I am raising this particular aspect only because it worries me a lot, very much.

If such things can take place and if the security agencies and the police fail so miserably in their duty, in spite of everything that Shri Ram Jethmalani has said of raising the police and all that, it is incredible. Anyway, I would like that if any further investigations are held, these aspects of it should also be covered. Who is to carry out that investigation? Is that the Multi Dimensional Monitoring Agency? ...
(Interruptions)

SEVERAL HON. MEMBERS: It is Multi Disciplinary Monitoring Agency.

SHRI INDRAJIT GUPTA (MIDNAPORE): Okay, it is Multi Disciplinary Monitoring Agency.

SHRI S. JAIPAL REDDY (MAHABUBNAGAR): Even when Shri Indrajit Gupta quotes incorrectly, he is more correct.(Interruptions)

SHRI INDRAJIT GUPTA (MIDNAPORE): As Shri Ram Jethmalani has said quite correctly that whatever investigating agency or body is set up, it must have some statutory backing, this Parliament will have to empower it by way of some special Act or something like that. Unless it is statutorily empowered to do so, who is it, who is going to bother about it and why should it have the power and capacity to make an investigation like this? So, I hope that such suggestions and proposals will come which will be helpful in setting up a competent authority, if that is what we want.

Sir, as far as Shri Karunanidhi is concerned, what shall I say? I was the Home Minister in the Government which was pulled down in the name of Shri Karunanidhi. This bogus plea was put forward for withdrawing support from our Government that Shri Karunanidhi, his Party, and his Government were all deeply involved with the LTTE and therefore, must be held responsible in some way for the murder which took place and therefore, the United Front Government must expel the DMK from its ranks, otherwise Shri Sitaram Kesri would withdraw his support.

14.00 hrs.

Now, Shri Jain, who, in the Interim Report, had said all kinds of things about the DMK and about Shri Karunanidhi, sings a different song in the Final Report and says: 'No, no, I never did like that; I never pinpointed anybody; I never put the blame on any particular person or Party'. He is now saying like this. But, in the meantime, a Government had gone; a Government had been pulled down. (Interruptions) No; I feel very bitter about it. It is all right if we are defeated in an election or on the floor of the House or something like that. Everybody accepts that. But what is this? Anyway, there are many gentlemen are who sitting here. They are good friends of mine who are also colleagues of Shri Sitaram Kesri and since they did not prevent him from doing this, I can understand somebody even pulling down a Government.

There is a Government here which many people would like to pull down. But I would give this advice to everybody. If you are defeated, if there is a majority and minority and all that, then nobody can complain. But if you want to pull down a Government, you should, first of all, be sure and be confident that you are in a position to replace that Government by something which will be equally viable or better. But Shri Kesri did not have any alternative like that available to him or maybe, he was thinking that by pulling us down he would be able to come to power; I do not know what his thought processes were.

PROF. P.J. KURIEN : Sir, You are a very senior Member and like the father of this House; why do you mention the name of the person who is not available here? It is not fair. Whatever you have to articulate, you can do that without taking the name.

SHRI INDRAJIT GUPTA : Anyway, Sir, what is over is over. The murder is over. The murder of Shri Rajiv Gandhi, the murder of the United Front Government, all things are over now. They cannot be brought back. Nothing can be done.

PROF. P.J. KURIEN : Your Government was not prepared to sacrifice three Ministers even for one month.

SHRI INDRAJIT GUPTA : Why should we do that? Is it that we have to do it just because you were demanding? We were not going to do that kind of a thing.

So, Sir, these are some of the points, issues, questions which come out of this whole murky affair. I hope that that part which is still to be investigated or inquired into should be done so by a competent body which is empowered to do so and I also hope that this would be the end of this series of crimes which are being committed by agencies which, in a sense, are foreign. This was a foreign agency, because the LTTE was not an Indian agency. The question as to whether still something more or somebody more were behind it or not remains to be probed into.

Sir, Shrimati Indira Gandhi also annoyed many people, not only people belonging to a particular religion and faith, but also others. But I supported her, because of many other things which she had done, which made her a thorn in the flesh of imperialism and I have no doubt in my mind that there were other powers behind the scene who would have been happy to get her out of the way. But, anyway, we are, here, the custodians of our own national security.

Shri Advani is here. He is such a strong and powerful Home Minister. He is not like me. So, we expect that now something should be done really to tighten up this whole machinery and to see that these types of attacks on our leaders and our Prime Ministers in this country cannot recur again.

I do not see this as a quarrel between the DMK and the AIADMK. I hope the debate will not bring it down to that level because that would really be pathetic and tragic. It is something much bigger than that. What is the quarrel between these two Parties in Tamil Nadu, I am not interested in that at all.

Therefore, I hope keeping these things in mind, the two major parties here - ruling BJP and the main Opposition Party - would try their best to see... (Interruptions)

SHRI V. SATHIAMOORTHY (RAMANATHAPURAM): Sir, I am on point of order. There may be major parties in this House. But once a major issue is going to be diluted by those parties, the minor parties will not keep quite. Arguing in the House should not be taken as a quarrel. He is a very senior Member.

SHRI INDRAJIT GUPTA : Nobody has asked you to keep quite.

So, I would appeal to everybody - major parties, minor parties and everybody - to try their best to see that something which is useful and in the country's as well as nation's interest comes out from this discussion and debate.

">**DR. SUBRAMANIAN SWAMY (MADURAI):** Sir, with your permission, may I address the House from here? I will deal with this subject in two parts. Since the ATR has directed me for an inquiry, I will deal with all the specific references to me in the final report and the ATR. If there is time, I will deal with certain general aspects of the Commission's Report.

Mr. Chairman, Sir, at the outset, I would like to say that a Government does not need anybody's permission to inquire into any citizen and no citizen can question or oppose an inquiry by the Government of the day. But if the Government seeks to inquire into its political opponents by using a non-existent basis of a Commission's Report -- the Commission itself does not recommend a probe or in fact, gives a basis for a probe -- then the impression in the country would be that this is an act of vendetta. So, I am not bothered if there is an inquiry. In fact, any time I oppose the Government, I expect that they would probe. But at the same time, I would like to say -that is my case, I will make today -- that the Jain Commission Report, final or interim, does not in any way -- not to talk of indictment or recommendation for prosecution -- this Government has recommended a probe against me. The ATR has been so designed that it has been deliberately contrived to bring my name in so that adverse publicity can be created all over the country. Of course, Justice Jain does make some adverse remarks about me. I will deal with them and what he should have done under the Commissions of Inquiry Act.

In the ATR, specific references to me occur on pages 17-18. There is a Section 11 called 'Alleged Involvement of Dr. Subramanian Swamy'. This is in roughly about a page but it carries on to the next page because it starts after a couple of paragraphs on page 17. Then, there is a reference to me on pages 31-32 dealing with the action taken.

In the Final Report, that is, on the conspiracy angle, in Volume II, pages 192-93 paragraph 3 towards the end, what Justice Jain says is as follows: -

"From the perusal of these statements, it is evident that the relations of Chandraswami did exist not only with Shri P. V. Narasimha Rao, as already seen, but also with Shri Chandraswami, Dr. Subramanian

Swamy and Shri O. P. Chauthala."

Of course, the list can be much longer from my personal knowledge. But this is what the Commission says. This will include a lot of people sitting here. "However, even if these relations may be taken to be thick, intimate and close, no inference or complicity in the conspiracy can be drawn although surveillance at 10-Janpath and the statement by Shri Zafar Saifullah may give rise to some doubt. It may be mentioned that there is no specific allegation, accusation or charge against any of them regarding any complicity in the conspiracy in question and the statements of some of the witnesses in this behalf are liable to be outrightly discarded."

This is the conclusion on the volume dealing with the conspiracy. But the ATR has completely left out this portion. It does not quote this portion at all, but instead has chosen a remark of Justice Jain that in 1995 I visited London and that remains a mystery as to for what purpose and object both, that is, Chandraswami and myself, visited London and it can be said that it is the his cross-examination that it was our attempt, that is, mine and Chandraswami's to make one Jagjit Singh Chauhan become an approver and depose before the Jain Commission. The suggestion of Mittal was that we went to London to persuade Jagjit Singh Chauhan to come to India and depose before the Jain Commission as an approver.

This suggestion, of course, was denied by Shri Chandraswami in cross-examination, but this suggestion by Shri Mittal in this form was, however, never put to me in my cross-examination. About my 1995 trip to London, queries were put to me by R. N. Mittal during my deposition on September 27, 1995 and, in that deposition which I have got -- it is not in the report -- but I have obtained from my records, I stated the following: -

"I have been to London in July, 1995. I stayed there for two days. I was on my way to Monte Carlo to collect some evidence. Mr. Chandraswami did travel along with me many times. He must have travelled along with me about six months ago. In my July visit, he met me in Monte Carlo because I wanted his help in connection with collecting some evidence. Both of us did not travel from India to London. I think he went on to America. Collection of evidence was not in connection with any conspiracy to kill Rajiv Gandhi or having any nexus with the terms of reference of this Commission. We travelled together about half-a-dozen times. I have stayed in the same hotel or in the same house sometimes. I stayed in Hyde Park area hotel in London. I do not remember whether I ever stayed in Kingston hotel in London. I never met Jagjit Singh Chauhan, Khalistan leader. Chandraswami never discussed with me about Jagjit Singh Chauhan."

None of the counsels was present when my cross-examination was going on, nor Justice Jain asked me what material to collect did I go there. If you did not go for collecting material on Rajiv Gandhi's assassination, as you say, for collecting what materials did you go there? Nobody asked me this question. But I recall today that when I volunteered to share the material with the Commission, Justice Jain said it was not necessary. Why?

Perhaps he thought that it was irrelevant to the Commission's task. But is it not curious that the Commission should show no interest in what materials I have collected? I have already given a copy of this material to the hon. Speaker with a note. If the House permits me, I will refer to it. I went there to collect some photographs and make a bank transfer. This was the photograph that I collected from Monte Carlo. It shows Shri Ram Jethmalani with Mr. Adnan Khashoggi, and, he has got his arm around Mrs. Khashoggi; Mr. Khashoggi has got his arm around Mr. Jethmalani's daughter Ms. Rani Jethmalani. The second photograph collected is about Shri Chandraswami, Shri Ram Jethmalani and Mr. Khashoggi celebrating his birthday, that is, Ram Jethmalani's birthday...(Interruptions)

SHRI INDRAJIT GUPTA : Are all these photographs available only in Monte Carlo?

DR. SUBRAMANIAN SWAMY : Yes, because the birthday party took place in Monte Carlo, on Mr. Khashoggi's yacht. I collected it because Shri Jethmalani has a habit of filing defamation cases. He has, right now, filed one against me. I have collected it to adduce evidence. I thought it would be useful. But

what I am saying is that I was pretty open. If you want photographs of this, I can give you copies later on...(Interruptions)

The Commission, on my London trip, however, concluded something. It is there in Volume-II, page 125. This is about my London trip on which they are now wanting to investigate me. The Commission concluded:

"Although on the basis of the information so gathered by the Commission, nothing turns out as regards the purpose of their visit."

"Nothing turns out" in Hindi means:

इससे कुछ बनता नहीं है।

The Commission further concluded:

"...Nothing turns out as regards the purpose of their visit. But the divergence in their statements on the question of the purpose of the visit does raise some suspicion."

What was the divergence of purpose? The divergence was this. Justice Jain explains it by saying that I said that I met Shri Chandraswami in Monte Carlo, and Shri Chandraswami said: "I met him in London." If this divergence was there, then I should have been called back for cross-examination, asked about this divergence. He should have asked me like this. "How do you explain it when Shri Chandraswami says that he met you in London? You say that you met him in Monte Carlo." I was never called back for cross-examination. Had he called back for my cross-examination, I would have referred to the photostat copy that I gave of all my passports, expired and unexpired, which show that I made one visit to London in the end of June and early July, and another visit to Monte Carlo via London in the end of July 1995. There was a confusion about which trip both of us were asked. I was only asked about the July 1995 visit. I was asked like this. "Did you meet Shri Chandraswami?" I said: "Yes, I went to Monte Carlo and met him." I was assuming about the second visit and Shri Chandraswami was specifically asked about the first visit. He said: "I met him in London." Shri Atal Bihari Vajpayee has met Shri Chandraswami numerous times in New York. I did not hatch conspiracies by meeting, that too in London. I had, at that time, a Cabinet Minister's status. I was the Chairman of the Commission. I came out and roamed around without the knowledge of the High Commission. The High Commission received me in London. The High Commission gave me a car. The High Commission gave me an officer. I had lunch with him and I attended a reception hosted by the then High Commissioner Dr. Singhvi. I could not hide myself when I was holding a Cabinet position. In case anywhere there was a divergence and it created doubt, he could have called me back for cross-examination, asked me questions and I would have explained it. But I do not know why he did not call me.

Now, I come to Justice Jain's uncharitable and adverse remarks. That indeed affects my reputation. He observed that Dr. Swami is an unreliable witness who, by his consistent and persistent effort not to answer questions which are most relevant, had thwarted the Commission from finding out the truth.

Now what is the basis for reaching this conclusion? In Volume VIII, Annexure C-53, the ATR says, has been thoroughly studied, Justice Jain has made these remarks. The ATR claims on page 32 that the Commission could have taken action against me for this. I will read out what the ATR actually says. I will read out the whole thing from page 31. It says:

"Dr. Subramanian Swamy, right from the very beginning, had been resisting not to disclose the source of information."

"Reading the statement of Dr. Subramanian Swamy in this regard as a whole about receiving of information by him through informants or through intermediaries anywhere, does not inspire confidence

at all and has further been rendered incredible when he does not disclose the names of the intermediaries and he prevaricates on the mode of communication."

"Dr. Subramanian Swamy therefore cannot be believed when he changes his version and when he is indefinite and more particularly when he does not support his version by any corroboratory evidence."

"From the tenor of the statement of Dr. Subramanian Swamy, it would appear that a consistent and persistent effort is there on his part not to answer the questions which are most relevant in order to find out the truth or otherwise of the statement which he has made."

"In such a situation, Section 179, IPC can be attracted in view of the applicability of Sub-Section 4 of the Section 5 of Commissions of Inquiry Act."

"He can be proceeded against for the offence under Section 193 IPC."

"...refusal to answer would be punishable under Section 179 IPC."

It is a fact that I refused to answer most of the questions that dealt with my sources on the LTTE. I first said, "I have informants in the LTTE." When it was pointed out to me that this means that they are LTTE people, I said, "No, that is not what I wanted to say. I could not have said that." I said, "I know people who can find out about the LTTE. They have told me the following." They played the tape of what I originally said where I had said, "I have sources in the LTTE." Now I am saying, "I have persons who know LTTE people, who tell me." Therefore, there is contradiction, as I said, a minor contradiction.

Second, I say to you today that I did not agree to reveal the sources of information of LTTE. The reason the Commission did not prosecute me is that I quoted a Supreme Court Judgment, whether you agree with the Judgment or not. The Commission by its action found my quotation of that Supreme Court Judgment a valid one and as having a base. The Judgment was Kiran Bedi Versus Commission of Inquiry Judgment, where refusal to take oath or to testify, if there are sufficient valid grounds, is permitted under the Constitution under article 21 on the ground of right to reputation. I was worried that if I reveal my sources of information, then these may jeopardise and they may be in danger. However, I must tell you that Justice Jain proposed, "I come to his residence and give my names of the sources and their addresses." I did give it to him. But he has not recorded it in the Commission's Report.

I will be very frank with you here. One of the reasons why I did not reveal the sources of information is that it is widely perceived. I can give you some supporting evidence. I cannot give you a conclusive or clinching evidence. I felt that Shri Ram Jethmalani who was cross-examining me there was a Legal Advisor to the LTTE. He is the only person today who has gone on record to criticise the TADA Court Judgment sentencing to death those 26 prisoners. I have given a copy of the cutting to the Speaker. I may read out from it.

This is the Mid Day of Thursday, 29 January, 1998. 'Centre's most foul' is the headline. It says:

"The former Law and Justice Minister(of the previous 13-day Government) Ram Jethmalani was shaken by the extraordinary verdict. Told Mid Day that the fact that the victim was a former Prime Minister probably played in the mind of the Judge. Jethmalhi hoped that the judgment would be corrected by the Apex Court. Maybe, the Judge simply wanted to pass the case on to the Supreme Court."

Shri Jethmalani also defended another Swamy... (Interruptions)... No. Chandraswamy earlier. I will come to that later. Shri Jethmalani defended another Swamy -- Premananda Swamy. Swamy Premananda has been described by The Indian Express as the 'LTTE Swamy'... (Interruptions)

संसदीय कार्य मंत्री तथा पर्यटन मंत्री (श्री मदन लाल खुराना): स्वामी बहुत हो गये हैं।

डा. सुब्रह्मण्यम स्वामी : आप बहुत परेशान हो गये हैं। इसीलिए कहता हूँ कि आप धर्म पर आधारित राजनीति छोड़ दीजिए।

Now, Premananda is known in the whole of Tamil Nadu as a man whose Ashram provided the heaven for the LTTE. He has been popularly described as the 'LTTE Swamy'. Shri Jethmalani, the senior counsel went to the City Court of Pudukotai to defend him. When the Judge was posed the question whether Premananda has the capacity to pay the huge fine of Rs. 66 lakh, the Judge observed:

"The accused were able to engage the best legal services available in the country, senior counsel, Shri Ram Jethmalani, and they were able to spend huge amounts of money in the trial of this case."

Now, I may be wrong. He may be very innocent. But you see, Shri Jethmalani. I have known of him for many years. I cannot claim the privilege of many years... (Interruptions)...I did tell the Jain Commission. I told, the Jain Commission all this. That is why, he has the defamation suit against me. I told the Jain Commission that 'I will not reveal the sources because Shri Jethmalani is there, and I suspect that he has LTTE connections.' And, on that basis of the Jain Commission's deposition, today there is dafamation case pending against me filed by Shri Ram Jethmalani.

Now, Shri Jethmalani has also been kept out of the TADA Court on Bombay Blasts because he was communicating with Dawood Ibrahim. The TADA Court so said that 'he cannot appear.' ... (Interruptions)

THE MINISTER OF URBAN AFFAIRS AND EMPLOYMENT (SHRI RAM JETHMALANI): He is being prosecuted in more than one Courts, and when the matter is sub judice, yet the man comes and talks about them. He knows nothing about the fact.

DR. SUBRAMANIAN SWAMY : I am not being prosecuted by any court. The only suit I have is his defamation suit, otherwise, I have no prosecution. But there is a TADA Court. I had the Press cutting with me. I have given it to the Speaker where the TADA Court Judge has said, "You cannot appear for any accused because under the Advocates Act, you are a material witness because of your connections and conversations with Dawood Ibrahim in the Bombay Blasts Case." I stand by it and I can prove it... (Interruptions)

SHRI RAM JETHMALANI: When I get a chance, I will show you what type of a you are... (Interruptions)

DR. SUBRAMANIAN SWAMY : Yes, we will have a breach of privilege motion against you. It is reported in the newspaper.

SHRI AJIT JOGI : Sir, that word is unparliamentary. So, it should be expunged from the proceedings.

MR. CHAIRMAN : Have you uttered the word ?

DR. SUBRAMANIAN SWAMY : The word ... is unparliamentary. But he is unparliamentary and I do not expect anything better from him... (Interruptions)

MR. CHAIRMAN: Dr. Swamy, please. If that word has been uttered by you...

DR. SUBRAMANIAN SWAMY : I have not uttered. He has uttered.

MR. CHAIRMAN: Mr. Minister, have you uttered that word?

SHRI RAM JETHMALANI: I did.

MR. CHAIRMAN: Kindly withdraw that word... (Interruptions)

SHRI BASU DEB ACHARIA :Sir, that word should be expunged from the records of the proceedings. (Interruptions)

MR. CHAIRMAN: I will go through the records. If that word has been uttered, I will expunge that. ... (Interruptions)

DR. SUBRAMANIAN SWAMY :I do not mind if he says that it is ...because he is bound to say that it is a (Interruptions)

मैं हिन्दी में भी बोल सकता हूँ, लेकिन मेरे दक्षिण भारत के लोग मुझे सुन रहे हैं। इसलिए मैं उनकी सहूलियत के कारण अंगरेजी में बोल रहा हूँ।

श्री लालू प्रसाद : ठीक है। आप अंगरेजी में बोलिए।

We understand English.

हम लोग चाहते हैं कि जो बैकग्राउंड और परिस्थितियाँ थीं और जिन लोगों का इन्वाल्वमेंट था, वह स्पष्टरूप से सामने आए। आप ठीक ढंग से पकड़ रहे हैं। इसलिए आप बोलिए।

DR. SUBRAMANIAN SWAMY :There is also a reference in the ATR and in the Jain Commission Report to the former Cabinet Secretary, Zafar Saifullah that he had seen transcripts of intercepts of telephone calls made by Mossad to me and that these were intercepted by the R&AW and the IB. That is, when he was the Cabinet Secretary, he deposed before the Commission: 'I had seen telephone transcripts of calls from Mossad to Subramanian Swamy'. This, by the way, is reflected in pages 239 and 240 of Volume II of the ATR and I quote:

"Shri Zafar Saifullah's statement does throw some doubt when he (Shri Saifullah) states that perhaps there were some intercepts emanating from Israel for information to Chandraswami and Dr. Subramanian Swamy for Jaffna or for Tamil Nadu. These intercepts have not come before the Commission. They would have been most material evidence if the same would have been produced. If Zafar Saifullah's statement is correct, then, certainly the intercepts would have thrown much more light on the question of complicity. But in the absence thereof nothing can be positively found in respect of involvement of Dr. Subramanian Swamy."

Justice Jain has done great injustice by not reporting in the Commission Report that he had sent an interrogatory to the Cabinet Secretary and the Cabinet Secretary, with full involvement of the R&AW and the IB, had filed on the 17th December, 1997 an affidavit in the Commission. There is an oblique reference to it in the ATR on page 27 and I quote:

"Shri Zafar Saifullah was examined in camera by the Commission on 4.9.1996 in the absence of the Central Government Counsel and hence there was no occasion for the Central Government to cross-examine him. In his deposition, Shri Saifullah has not given any specific details about the messages. However, after the deposition of Shri Saifullah, interrogatories were sent by the Commission to R&AW and IB and they have clarified the position to the Commission that they had no messages as referred to by Shri Saifullah."

In fact, the affidavit, I believe, categorically says that these intercepts never existed. In the system of Government records maintenance, they could not have been destroyed if they had existed. I do not know about it because it is not included. It was orally informed to me recently by somebody who said that he had seen the affidavit in the Commission but the ATR makes it amply clear that the R&AW and the IB said that there were no such intercepts; and, on that basis, Justice Jain does not say anything. He says that it creates some doubt. He does not recommend action. He does not recommend further probe. He only says that this has happened as a running commentary.

Now, one of the most rotten things done by this Government in this ATR - if I may be permitted to use the word, 'rotten' - and something which is in clear violation of the principles of natural justice is at page 17. The paragraph is headed, 'Alleged involvement of Dr. Subramanian Swamy'.

The Commission has examined Dr. Subramanian Swamy on the basis of

(a) What has been stated in the book written by Shri Govindan Kutty and Seshan - an Intimate Story; (b) an affidavit filed by one Shri Velu Swamy before the Commission;

वे मेरी पार्टी में थे। मैंने उनको निकाल दिया था।

... (व्यवधान)

इसलिए नहीं निकाला कि उन्होंने डिपोजिशन दिया था। उससे पहले ही निकाल दिया था।

(c) Dr. Swamy's interview to Mr. Haziz Hanifa, the Bureau Chief of India Abroad in New York; (d) Reference in a book Indian Intervention in Sri Lanka by Mr. Rohan Gunavardhane; and (e) Dr. Swamy's speech in Rajya Sabha on 29.8.1988.

Now, all that they quote is: "The Commission has held that it may be that he may have some links with the LTTE". The LTTE operates through so many wings like intelligence wing, political wing, propaganda wing and publicity wing. Having links with the LTTE or supporting the cause of Eelam does not necessarily mean that there may be complicity in the horrendous assassination of Shri Rajiv Gandhi. Strictly speaking, the ATR should have recorded all these five sources. What did the Commission conclude about these depositions? First, I shall take up the Parliament debate which in fact happened in 1988 when I was in Rajya Sabha and I shall quote from that Parliament debate. I have given a copy to this Commission. The Commission asked for it and I gave the Commission a copy of this. What does it say? It is my speech which Ram Jethmalani in my cross examination suggested to me that it is a pro-LTTE speech and that it proves that I was in link with the LTTE. While I was speaking, Shri V. Gopala Swamy - - he was also a Member in Rajya Sabha at that time -- got up and said, "All Tamils are with the LTTE. Mr Subramanian Swamy, you should know this. You are using this occasion to denigrate the LTTE." What was my speech? This was on 29th August, 1988, well before the assassination of Shri Rajiv Gandhi. I said, "LTTE, lay down your arms. You take the Gandhian path. The people of India will rise to the defence of Tamils in Sri Lanka. But because you are using weaponry and killing people, this violence we will never accept and that we will never accept any single organisation as a representative of all the Tamils of Sri Lanka". This is the demand of the LTTE. There are other organisations also. While I was speaking, Shri V.Gopala Swamy intervened. He cannot deny that he has sympathy for the LTTE. Maybe he has changed his mind since then. He said, "You are using the Parliamentary platform to denigrate the LTTE." This speech was used to say that I was having connections with the LTTE. The ATR does not mention what Justice Jain ultimately says. He says, "Just because you are supporting Eelam or even having sympathy for the LTTE does not mean you have complicity". In fact, I would say that I am the only politician who can claim to have opposed the LTTE right from day one. Five Governments have put me in 'Z' category because of the high LTTE threat to my life. I have given copies to the hon. Speaker. I have reports saying that the security should be stepped up for me because one team has come from Bangkok which wants to assassinate me. This was given to me. When I was the Chairman of the so-called GATT Commission my office was changed because the Delhi Police said I was in the hit list of the LTTE. So, the office should be in a better place.

Of course, I got a better office as a consequence. But the fact is that this is the truth.

The second one is Shri Velusamy. I do not know who is behind him. But in 1992, I had expelled him from the party. ... (Interruptions) It is Janata Party. We do not change parties every day. It may happen in Andhra Pradesh, but not here. ... (Interruptions) It does not matter; I do not mind being alone. But it is Janata Party; the symbol is the same as it was in 1977.

I expelled him in 1992. In 1995, he filed an affidavit stating that on the 21st of May 1991, I was not in Delhi as I claimed, but I was loafing around Sriperumbudur; that I went to Madras and then quietly went to Trident Hotel and from there, I went to make arrangements in Sriperumbudur.

The Commission in paragraph 5.9, at page 236 of volume 2, states:

"Thus the circumstance creating any doubt regarding the presence of Dr. Subramanian Swamy on the 21st May, has no basis. Shri Velusamy has not been able to establish what he averred in his affidavit. The statement of Dr. Subramanian Swamy thus gets support from official record."

I was a Minister at that time. How can I disappear? I mean, it is impossible for Ministers to disappear in this country. Maybe, some Ministers in this Government may have that capacity! But I certainly could not. I told the Commission when this affidavit came, that either you allow me to cross-examine Shri Velusamy - which he did not permit me - or you may ask the Government, because they would have a record of where I was.

I was there; on the 21st of May, Shri Mulayam Singh Yadav's election was countermanded; I accompanied him to the Election Commission and then when the assassination news came, he was in Orissa. I telephoned to him. At that time, I was the seniormost Minister present in Delhi. I telephoned him at Orissa and told him to come immediately; made arrangement for Mrs. Sonia Gandhi to go on a special Air Force flight; went to the airport to see her off. Then, I went with him to see the President of India to decide what to do about the elections. All this is recorded in the newspaper. And yet, the Commission entertained an affidavit about my presence in Delhi. I told all this, ultimately, of course, Justice Jain concludes that 'I get support from official record.'

Then the third one is Shri Haziz Hanifa, a Sinhali-based Washington Reporter; he concocted an interview with me and published in India Abroad, a weekly news tabloid which was published in the USA. In that concocted interview, I was quoted as saying that I introduced the LTTE to Mossad. I promptly denied the interview and my denial was published in the same article. My long denial was published in the Indian Express and the Hindustan Times. But in the original tabloid itself, the article carried my denial. But the ATR does not mention this and Justice Jain also says nothing about it. He says, Dr. Subramanian Swamy had denied it and stopped it at that. The Commission merely carries a narration of this at pages 236 and 237, but made no comment.

Then, there is Shri Rogan Gunarathne. He wrote an anti-Indian book titled 'Indian Intervention in Sri Lanka'. At page 409 he quoted that on behalf of two LTTE Tamils, in USA - at that time, in 1986, I had gone back to teaching at Harward; I was teaching at the Department of Economics - I tried, in January 1986, to promote the cause of Eelam with both Israel and the US Governments, but both rebuffed me.

This book of Shri Rogan Gunarathne which I again denied in cross-examination, reflects the typical stupidity of Sinhalese in regarding every Tamil as LTTE. On this matter too, the Commission merely has a narration, but has no comments; and the ATR does not record this fact.

There is, of course, the great Shri Seshan who had written a biography in which he said that he told me that it was not the LTTE which killed Rajiv Gandhi, but it was Mossad.

He has told that I got angry. In fact, I asked for Shri Seshan to be summoned and before Shri Seshan was summoned, I was summoned.

MR. CHAIRMAN : As Shri Seshan is not here, you cannot refer his name here.

DR. SUBRAMANIAN SWAMY : His name is there in the ATR.

MR. CHAIRMAN: Are you referring to ATR?

DR. SUBRAMANIAN SWAMY : It is on page 17 of the ATR.

SHRI AJIT JOGI : It is there both in the Report of the Commission as well as in the ATR.

DR. SUBRAMANIAN SWAMY : I am not going to go out of this because this is such a serious matter. I will not go out of it. Shri Seshan wrote a biography in which he has said that I got angry because he suggested to me that it was Mossad which was responsible and not the LTTE. I immediately wrote

a letter to the Commission asking them to call Shri Seshan for cross -examination. The Commission called me first for cross-examination and asked me. I told the truth and I would like to tell the truth here. Shri Seshan came to my house and said, "Mossad has killed Rajiv Gandhi and not LTTE." I asked him, "Are you in a shock or have you got any basis?" He said, "No, I can find the basis." I asked, "How?" He said, "You tell Shri Chandrashekhar to make me the Home Minister of India and I will find the basis." Shri Chandrashekhar is sitting here. He went and met Shri Chandrashekhar...(Interruptions)...I would not tell you what Shri Chandrashekhar told me after he heard Shri Seshan. But that was what he told me. What did the Commission say after the cross-examination of Shri Seshan?..(Interruptions)...Yes, I plead guilty and apologise to the House for appointing and inflicting Shri T.N. Seshan on the nation.

On page 63, Volume - II, the Commission has said like this.

"I have considered the deposition of Shri T.N. Seshan which I have found to be incredible in material aspects. Such is the 'Conscience of India'."

That is the joke that Justice Jain has cracked on Shri Seshan because Shri Seshan wrote a book titled 'Conscience of India'. The Commission further said:

"Such is the 'Conscience of India' and I close the subject of involvement of foreign agency as finds mention in the book here."

He dismissed it.

Now, Mr. Chairman Sir, strictly speaking, the ATR should have recorded, if they are going to record these depositions, that the Commission rejected everyone of them or made no comments. In fact, out of the five, they rejected four. Parliament thinks that he only said that just supporting LTTE does not mean that you are a part of the complicity. Now, when all the materials in the Report of the Commission are taken together, what do they mean? Nowhere in the Report - final or interim - has the Commission delivered an indictment or recommended prosecution or even an inquiry. It has not recommended an inquiry. It has said that "my London trip was a mystery in 1995". I could not have plotted the assassination of Rajiv Gandhi in 1995. Retrospectively, you can get pension. But you cannot get an assassination organised retrospectively. I find that this is absurd. He said that it was a mystery. What is the mystery? Is it that Shri Chandraswami said that I met him in London and that I said that I met him in Monte Carlo? Is this for a probe? You can probe. I am not objecting to a probe. I have been probed by many Governments. Whenever they do not like me, they probe me. Everytime there is an agitation, the Government is bound to do it. But do not use the Commission as the basis for your legitimacy. You can say that you do not like me and that I am going to topple your Government. If God gives me strength, I would have you toppled. You are unfit to rule. You have made a mess in all sectors. You have made us a laughing stock all over the world. I would like you to topple. If you want, you may take revenge through other methods. But do not use Rajiv Gandhi's assassination for that. Now, I would say that there is not even a suggestion for inquiry against me in the Report. On the contrary, a substantive allegation against me has been rejected by Justice Jain Commission.

Or he just ignored them. The ATR has just concocted an issue of my trip to London in 1995 which even the Commission has concluded that nothing turns on it and ordered an inquiry when the Commission did not recommend it. The ATR is thus politically motivated. It has trivialised Shri Rajiv Gandhi's assassination. The Commission's adverse comments on my reliability has been made without giving me an opportunity to address the Commission as required under Sections 8(b) and 8(c) of the Commissions of Inquiry Act. Let me quote from the Commissions of Inquiry Act. It is very clear. If you think that remark is an adverse remark, this is what the Commissions of Inquiry Act says and it is time-haloeed principle:

"8(b) Persons likely to be prejudicially affected to be heard: If at any stage of the inquiry that Commission considers necessary to inquire into the conduct of any person or is of the opinion that the reputation of any person is likely to be prejudicially affected by the inquiry, the Commission shall give that person a reasonable opportunity of being heard in the inquiry and to produce evidence in his defence provided nothing in this Section shall apply where the credit of the witness is being impeached."

Then there is Section 8(c):

"The appropriate Government: Every person referred to in Section 8(b) and with the permission of the Commission, any other person, whose evidence is recorded with the Commission, may cross-examine a witness other than a witness produced by it or by him, may address the Commission and may be represented before the Commission by a legal practitioner or with the permission of the Commission by any other person."

Shri Karunanidhi was given Section 8(b) notice. Shri V.P. Singh was given Section 8(b) notice. Twenty-one persons were given Section 8(b) notice. I was not given Section 8(b) notice. If you are going to conclude that I am an unreliable witness because I refuse to reveal the sources of my information, then, I should have been given notice and be given an opportunity. Justice Jain never did that. And as a clear violation of the Act, I am forced to challenge it in the Supreme Court at the earliest opportunity.

I still maintain that the reason I withheld information is I had a valid justification. And that valid justification argument is guaranteed to me by the Supreme Court in its interpretation of article 21.

With no recommendation for any action by the Commission, why is the Government still deciding on this vendetta? That is a question that we must ask. Why is my name being dragged in? Why is the publicity being organised? All over the country, the newspapers are publishing it. Shri Vinod Mehta is the editor of the magazine 'The Outlook'. Once he wrote an article in 'The Independent' that Shri Yashwant Rao Chavan was a CIA agent. There was an uproar in Mumbai. He had to resign and come away. The same Shri Vinod Mehta has put out a front-page story: 'Swamy: a Mossad Agent'. On what basis? It was on Shri Zafar Saifullah's evidence. But in the affidavit filed by the Government, the Cabinet Secretary or the Secretariat, that has not been included in that article. So, a massive publicity is being organised. I certainly consider it. I would like to say in this House because both the Members are present in this House and can be present in this House that there is enough material for me to suggest that two pro-LTTE Ministers, Shri Ram Jethmalani and Shri George Fernandes, are desperate to provide an argument to the LTTE who have been sentenced to death by the TADA trial court to plead their appeal in the Supreme Court as my newspaper cutting says. He said that they will be settled in the Supreme Court. They have to provide an argument. What is the argument? This is a dilution - maybe. But what about that big Indian conspiracy?

Shri Needu Maran has already made a statement in Madurai. Shri Needu Maran stayed with Shri George Fernandes when he came to Delhi. Everybody knows that he is the LTTE commissar in India. He has said, "The entire trial should be started again and Dr. Subramanian Swamy should be made the primary accused." The LTTE's propaganda machine is already working on it. This was what they wanted to do. They have sought to dilute my regular and consistent demand for Pirabhakaran's extradition by raising questions whether I am connected with the LTTE. If you raise questions, then, people will naturally wonder whether I am really serious or this is all a sham. That is the purpose. By the ATR, the RSS-controlled BJP leaders hope that I am isolated from the AIDMK Front, kept at an arm's length by the Congress.

This was their goal. This is why they have done it. But I am thankful to a large section of the media who have condemned the ATR and have debunked my name for an enquiry.

Mr. Chairman, Sir, with your permission I would like to quote from two newspapers and then conclude. I have one point to make about Shri Karunanidhi also because he has been using my testimony, which I

used against Ms. Jayalalitha which was rejected by the Jain Commission. I have to put the records straight. I hope, you will allow me some time for that.

Sir, first I would like to quote from the Dainik Jagran, dated August 2, 1998. This is a paper which is widely sold and is owned by a Member of Parliament of the Rajya Sabha belonging to the Bhartiya Janata Party, Shri Narendra Mohan.

आपका दोस्त नहीं हैं लेकिन एडीटोरियल अच्छा लिखा है:

‘मिलाप चन्द्र जैन ने जो भी निष्कर्ष या वे तर्क प्रस्तुत किए हैं, वे कल्पनाओं पर आधारित जान पड़ते हैं जिन्हे कुछ लोगों ने मात्र सुखियों में जगह पाने के लिए गढ़ा था। ये कल्पित कथाएं सुनने-सुनाने का मंच जैसा बन गया था। सुब्रहमण्यम स्वामी को जानने वाले ये अच्छी तरह से जानते हैं कि मिलाप चन्द्र जैन सरीखे आयोग के आरोपों का उन पर असर पड़ने वाला नहीं है। अच्छा यह होगा कि इस रपट को लेकर राजनैतिक राग-द्वेष न भुनाए जाएं अन्यथा राजीव गांधी हत्याकांड की वास्तविक जांच पर भी इसका असर पड़ेगा जो देश हित में नहीं होगा।’

श्री लालू प्रसाद (मधेपुरा) : यह किसने कहा है।

डा. सुब्रहमण्यम स्वामी : यह ‘दैनिक जागरण’ के एडीटोरियल ने लिखा है जिसके मालिक बी.जे.पी. सांसद श्री नरेन्द्र मोहन है।

... (व्यवधान)

बी.जे.पी. में भी आज ऐसे लोग हैं जिनकी थोड़ी अकल है और जो आर.एस.एस. के चंगुल से बचकर आए हैं।

... (व्यवधान)

Sir, the Indian Express dated August 4, 1998 skirting the truth says and I quote:

"Even the Government does not seem to have been aboveboard when it prepared the ATR. If the findings of the Commission were anything to go by, the best course open to the Government would be to debunk the whole Report and get on with more important jobs. Therefore, while trying to please, it did a little politicking of its own by targeting Shri Karunanidhi and Shri Subramanian Swamy. In the name of further enquiry, the Government will be able to turn the screws on them if the political situation so demands. But in the excessive obsession about gaining something from the Jain Report, no Party is prepared to state the obvious that the Report was an exercise in inanity".

Sir, The Tribune calls it a 'farce unlimited'. Almost every newspaper editorial has condemned the ATR as politically motivated, particularly in my case that I have been targeted because I am working against them. They have utilised the heinous crime of the assassination of late Rajiv Gandhi for this purpose.

Mr. Chairman, Sir, I would not like to go into my friendship with Shri Chandraswami. I know him only for the last ten years. But Shri Atal Bihari Vajpayee knows him for the last twenty years. Shri Bhairon Singh Shekhawat has known him for even longer and Shri Ram Jethmalani has been on the Monte Carlo Khashoggi Yacht having parties with Adnan Khasoggi's wife while Adnan Khashoggi had been doing something else. Therefore, if I look around, I can name many people. It looks like a who's who of the BJP. I am surprised to see the faces of the people from the BJP when I go to Chandraswami's ashram. There is a who's who of the BJP present there. I have no hesitation in saying that I am his friend. But if he has done something wrong, then let him be prosecuted. I would not come in the way. He can look after himself. But just because I am his friend does not mean that I have engaged in whatever my friends engage in. If I am his friend, they have to explain.

Sir, in fact, if I may say, the Commission itself has recorded Shri Ram Jethmalani's involvement with Chandraswami and Shri Ramanath Goenka to topple the Rajiv Gandhi Government. Shri Jethmalani has confessed in a court in Mumbai that he received money from Chandraswami to carry on his tours on Bofors.

15.00 hrs.

That was all before the assassination. If our Government comes, if I am in the Government and if I wanted to do the same skulduggery that they have done, then I can always investigate Shri Ram Jethmalani and his involvement in the preparation for the assassination of the late Rajiv Gandhi instead of the retrospective effect that they have tried to bring in my case. I want to mention of my friendship. I am his friend. But I would like to say in the end that ... (Interruptions)

श्री मोहन सिंह (देवरिया): उसमें विद्याचरण शुक्ल का भी नाम है।

डा. सुब्रह्मण्यम स्वामी : दुनिया भर के नाम मैं दे सकता हूँ।

श्री लालू प्रसाद : आपके विचार से कांसपिरेटर कौन है?

डा. सुब्रह्मण्यम स्वामी (मदुरै): थोड़े दिन इन्तजार करिए। यह सरकार गिरेगी। उसके बाद अपने लोगों की सरकार आएगी। हम पूरी जांच करके सबका पता कर लेंगे।

MR. CHAIRMAN (SHRI P.M.SAYEED): Dr. Swamy, please conclude now. You have taken quite some time.

DR. SUBRAMANIAN SWAMY : Sir, this is my last point and it is a very small point. Shri Karunanidhi received 8B notice and he, after a short boycott, fully participated in the proceedings. He cannot complain about the Jain Commission. He cannot complain about it. He received 8B notice and he participated in the proceedings. But I would not have brought the name of Shri Karunanidhi here. But he has brought my name in. He addressed Press Conference after Press Conference. The new Political Advisor of Ms. Jayalalitha said this in the Jain Commission about Ms. Jayalalitha. Now, what about Shri Chidambaram, the new Political Advisor of Shri Karunanidhi? What did he say on the floor of the Lok Sabha on 25th February, 1991?

Sir, I am little curious about one thing which I would like the hon. Home Minister to explain. In my case, they have put it as 'alleged involvement of Subramanian Swamy' but in the case of Shri Karunanidhi, they have said, 'role of suspects in the assassination'. Now, Shri Karunanidhi has already been made a suspect. I had been hearing the speeches of the DMK Members who were praising the statesmanship of Shri Advani and tall leader that Shri Atal Bihari Vajpayee. I know in Madras, the Hindu Munnani and RSS have free access to Shri Karunanidhi. Shri Karunanidhi has agreed to eat, what we in Tamil we call as koyaketta with them in the Vinayak Chaturthi festival. There have been statements from the RSS that the DMK Government should not be dismissed. They were very cosy about it. They were having a honeymoon about the fact that something has happened. Now they have put his name as a 'suspect'. How could the Government conduct an enquiry against Shri Karunanidhi as a 'suspect'? If Shri Karunanidhi is a suspect, then how could a fair enquiry be conducted with Shri Karunanidhi in the office of the Chief Minister? In my opinion, he should resign if there has to be a free and fair enquiry.

In conclusion, I may say that the ATR has boomeranged on them; it has backfired on them. They are fascists and they have misused the assassination of the late Rajiv Gandhi. It is the duty of all of us to save this country by throwing out this Government. This is what I would like to request to all of you.

THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI): Sir, on the question of 'role of suspect' I would like to make it clear that it is a caption of the chapter by the Jain Commission. It has not been given by the Government.

DR. SUBRAMANIAN SWAMY (MADURAI): That is all the more reason.

SHRI MURASOLI MARAN : Sir, it is wrong. Some mistake has been done. It is there in the previous chapter. But Shri Karunanidhi's name appears in the next chapter. It is a mistake. It appears in chapter IX whereas this 'suspect' is there in chapter VIII. So, there is a mistake.

SHRI L.K. ADVANI: It is in volume V

SHRI MURASOLI MARAN : Yes. I am talking of volume V only. It is a mistake.

SHRI L.K. ADVANI: It is from volume V.

SHRI MURASOLI MARAN : The 'role of suspects in the assassination' comes in Chapter VIII. Whereas the name of Shri Karunanidhi has appeared in chapter IX under the heading, 'Stand of the SIT on theories beyond LTTE'. It is a mistake. If it is a mistake, you should remove it ... (Interruptions)

MR. CHAIRMAN: Now, Shri Ram Jethmalani wants to make a personal explanation.

MR. CHAIRMAN : Order please.

SHRI RAM JETHMALANI: Mr. Chairman, Sir, with your kind permission granted to me under rule 357, I wish very very briefly, within the course of less than five minutes, to deal with three false allegations that were made against me in this august House. It was said ... (Interruptions) You may look at the photograph. It is a photograph which has been stolen from my daughter's drawing room (Interruptions)

MR. CHAIRMAN: Please continue.

SHRI RAM JETHMALANI: It was said that some TADA Court in Mumbai had prohibited my entry into the court room because I had got something to do with Dawood Ibrahim. I have never heard more monstrous and irresponsible falsehood that was uttered. The TADA Court, which sits in Mumbai, is the highest security court. A list of every person who enters that Court, every advocate who appears in that court, is given to the security staff and only those persons whose list is given to the entrance door security are allowed to enter the court. I was appearing for two accused before the TADA Court. One was the famous actor, Sanjay Dutt, about whom everybody knows. The other was a gentleman by the name Mr. Azami. As a lawyer, I am entitled to believe that Shri Azami was totally innocent. We argued his case threadbare but the judge was, according to me, so perverse and wrong that he refused to admit him even to bail. We decided that we would not appear any longer in that court and I told my junior that hereafter I would not be appearing before this unreasonable judge. The judge asked my junior, "Is this the final decision of Shri Jethmalani that he is not coming to my court?" My junior told him that, "No, he will not". Thereafter the intimation was given to the security at the gate that Shri Jethmalani is no longer one of the Counsels who would be appearing in the case. This is all that has happened. I cannot understand how any responsible person, a person who should be a responsible person, has been judicially determined to be a * by the Commission. At least I have not been judicially determined so. Something has been alleged against me by a person who himself has been judicially determined as a.....

Let us now talk about the photograph because that seems to be a little more interesting. In 1988, there is no doubt that not only I was appearing for Chandra Swami because I believed that at that time he was being harassed but he also offered to help us in the Bofors investigation which doubtless I was doing at that time along with some other colleague. September 14 is my date of birth. On 13th of September, I was on way to the United States because my children stay in the United States and they decided to celebrate my birthday in the United States. I was on my way through Europe when Shri Chandra Swami said, "If you come to Monte Carlo, Mr. Adnan Khashogi is in possession of a document concerning Mr. Martin Ardbo." At that time he was trying to get a job for Mr. Martin Ardbo. He had been dismissed from Bofors. He was trying to get him a job with Sultan of Brunei. He said, "If you pass through Monte Carlo, we will give you that document". I badly needed that document, I, my daughter and my son passed through Monte Carlo on the 13th of September. On the night of 13th September they did have a big party in my

honour. I was very happy that I was there. I was enjoying myself fully. I was with my daughter. A photograph was taken with Mr. and Mrs. Khashogi in which I was a somewhat westernised type. That was the photograph which my daughter had kept in her drawing room. Somebody has stolen it. He went in 1995 to secure a photograph of 1988.... (Interruptions) You can circulate it here.

SHRI BASU DEB ACHARIA : Did you get that document?

MR. CHAIRMAN : Mr. Acharia, this is not Question Hour.

SHRI RAM JETHMALANI: Yes, I got that document in Monte Carlo which I produced in the criminal court.

Mr. Chairman, Sir, Shri Swami claims that Justice Jain has been very unfair to him. Whether he has been unfair to him or not, I can not decide. He may be right that Justice Jain has been unfair to him. But, today, so far as we are concerned, there is a finding recorded that he had not helped the Commission; that he had spoken* and that he had kept truth back from the court which was determining the cause of Rajiv Gandhi's death. This at least requires to be investigated further by somebody. If he refused to cooperate with the fact-finding body, you have to probe into his conduct further. He can go on complaining. He may be innocent -- I hope he turns out to be innocent -but he cannot find fault with everybody under the Sun; with Shri Atal Bihari Vajpayee and Shri L.K. Advani, people of undoubted and impeccable integrity. People whom the whole world acknowledges to be persons of impeccable integrity are being maligned by this kind of a man who has been judicially held to be a

* Expunged as ordered by the Chair.

SHRI AJIT JOGI : Mr. Chairman, Sir, the words ...and ...have been used three times. They should be removed from the record because they are unparliamentary words.

SHRI ARIF MOHAMMED KHAN : Use of these words is a terminological inexactitude. Under the rules of Parliament, these words cannot be used on the floor of the House.

SHRI RAM JETHMALANI: I am sorry. Let it be taken that I have used the words 'far from the truth'. ... (Interruptions)

MR. CHAIRMAN: That amounts to withdrawal.

श्री लालू प्रसाद : सभापति जी, स्वामी जी ने फोटोग्राफ को डैमोस्ट्रेट किया और माननीय जेठमलानी जी ने उनको यह कह कर रिफ्यूज किया कि वह चोरी किया गया। अगर चोरी गया तो क्या आपने कोई एफ.आई.आर. लिखाई है।

SHRI RAM JETHMALANI: I am very happy that somebody has this photograph.

श्री लालू प्रसाद (मधेपुरा) : आपने कहा कि फोटोग्राफ चोरी चला गया। चोरी चला गया तो केस होना चाहिए था।

श्री राम जेठमलानी: कोई जरूरत नहीं है।

1511 hours (Mr. Speaker in the Chair)

श्री प्रभुदयाल कठेरिया (फिरोजाबाद) : सभापति जी, नियम ३७७ के बारे में आपका क्या डिजीजन है।

सभापति महोदय : चार बजे लेंगे।

1511 hours

">SHRI BASU DEB ACHARIA : Mr. Speaker, Sir, Jain Commission was appointed to inquire into the brutal assassination of Rajiv Gandhi and to find out facts of some of the aspects of the case. The entire country is interested to know as to who are the culprits and as to what is the conspiracy behind it. Before the Jain Commission was appointed, another Commission was appointed to go into certain other aspects of the case. Apart from these two Commissions, the Special Investigation Team was entrusted with the task of investigation and prosecution of the culprits.

I would like to draw the attention of this august House to the nature and the credibility of the Jain Commission Report. After the appointment of Verma Commission, Shri P.V.Narasimha Rao, the then leader of the Congress Party, wrote to the then Prime Minister of India Shri Chandra Shekhar, asking for enlargement of the terms of reference of the Commission. This was referred to Justice Verma.

What Justice Verma said - when this was referred to, when the proposal was made to enlarge the terms of reference of the Verma Commission - and I quote:

"The existing terms of reference alone fall within the purview of legitimate function of a sitting Judge of the Supreme Court of India. The suggested additions to these terms of reference being outside the domain of judicial function, the Government would also be aware that the Supreme Court subscribes to this view when it made an exception and agreed to spare the services of a sitting Judge to head the Commission."

He also adds -

"The matters covered by the suggested additional terms of reference do not fall within the scope of legitimate function of a sitting Judge and by its nature are within the scope and function of the investigating agency, which are engaged in the the task of investigation of crime."

Sir, when the Interim Report was presented, our party, the Communist Party of India (Marxists), observed that the Interim Report is a concoction of unsubstantiated and wild observations which are not expected from an Inquiry Commission. If we go through the Interim Report, the Final Report and also the ATR, all that what we said at the time when the Interim Report was presented, is correct.

Sir, I wish to refer to page 60 of Volume VI of the Final Report. It is a very interesting passage. What is there in page 60 of Volume VI of the Final Report? About the Interim Report, Justice Jain said:-

"I further feel that there is no clear perception in the general public about the scope of the Interim Report, which was confined to sequence of events and not the conspiracy aspect." Then again, he says -

"That the Interim Report did not go into the conspiracy aspect. There is no indictment in the Interim Report of any individual or organisation or party regarding any criminal conspiracy to assassinate Shri Rajiv Gandhi."

This was what Justice Jain said in regard to the Interim Report.

Sir, the political party which relied on this Interim Report and brought down the United Front Government owes apology to the entire nation for destabilising the elected Government. The BJP is happy because after elections it has come to power and now the BJP is utilising the Final Report for its sustenance and to continue in office.

That is why the ATR, which is a totally politically motivated Action Taken Report, has dragged one or two persons in order to placate one of its allies and to keep somebody under pressure.

Now, I will come to the Interim Report where militancy of Tamils has been referred to. There is a complete turn around in the Final Report. This is what Justice Jain has said and I am quoting it from Para 73.15, Page 936 of Volume 7 of the Interim Report.

"As the year 1988 drew to a close, the over all situation in Tamil Nadu had altered considerably. After Operation Tiger, the Sri Lankan militants had become very suspicious of authorities. Pirbhakaran had left India and the LTTE establishments in Tamil Nadu were operating with caution after deportation of 57 LTTE cadres activities of Sri Lankan militant groups were effectively subdued. It is seen by the end of 1988. The problems of militancy in Tamil Nadu have been overcome to a large extent.

The Indian Government of the day openly and overtly supported the militants and V. Pirbhakaran was quite close to him. The Centre had also helped the militants in training and arming the leaders then, while making militants, to devise peaceful solution of the ethnic issue, not for encouraging militant activities. But by then they were not indulging in anti-national activities which are required to be stopped totally when LTTE made Tamil Nadu an Air Base and launching pad for fighting IPKF. Injured LTTE Cadres were treated in Tamil Nadu, etc.

LTTE was getting its supplies including arms, ammunition, explosives and other essential items from Tamil Nadu to continue its fight against IPKF. That too with the support of the DMK Government administration, connivance with the Law enforcement agency."

This is very important.

"Prior to 1989, the militancy, particularly LTTE activity was not anti-national in character, although, smuggling activities in and out of Tamil Nadu source might be affecting Tamil Nadu economy maybe anti-national in that sense and contrary to the laws of the country which it appears were overlooked and not dealt with firmly having regard to the feelings, views, wishes and interest of the Indian Tamils. It had also some political consideration to gain favour of the local Tamils."

Prior to 1989, supporting, abetting, helping and assisting LTTE was not an anti-national activity as per Jain Commission Report.

But, since 1989 this has become anti-national activity. Sir, we will have to see why is it so. It is because in 1989, the National Front Government headed by Shri Vishwanath Pratap Singh came into power and the DMK Government was there in Tamil Nadu. How was the action which was not anti-national, rather patriotic, suddenly converted into anti-national activity? So, Sir, we have come to the conclusion that the Interim Report, the Final Report and also the Action Taken Report are politically motivated. ... (Interruptions)

SHRI C.P. RADHAKRISHNAN (COIMBATORE): The difference is the presence of IPKF in Sri Lanka and their coming back. That is the difference. ... (Interruptions)

MR. SPEAKER: Shri C.P. Radhakrishnan, are you giving a reply?

...(Interruptions)

SHRI BASU DEB ACHARIA : Sir, another serious observation in regard to the former Prime Minister had been made in the Interim Report. It says:

"A very serious question which requires very anxious consideration by the Commission is whether Shri V.P. Singh was actuated by malaise, bias or animus in not providing security of such nature and level as would have protected Shri Rajiv Gandhi. So far as animus is concerned, it is very difficult to fathom the heart and mind of any human being. It can be inferred by the circumstances. Extraneous considerations also appear to have been very much on focus. Can the action be said to be motivated on the part of Shri V.P. Singh and his Government? ... Serious anxiety and concern was lacking and responsibility for security was shifted to States without taking into account the non-availability of the required nature and quality of proximity, security, etc."

The next sentence says:

"The personal relations of Shri V.P. Singh with Shri Rajiv Gandhi were too strained and were far from normal and satisfactory. However, I leave this matter for soul searching by Shri V.P. Singh himself."

The next sentence says:

"The consequent assassination may not have been intended, but the devising of such inadequate alternative security schemes resulted into such unintended consequences."

In the Final Report, it is just the reverse. How did the Jain Commission come to the conclusion that the consequent assassination may not have been intended but devising of such inadequate alternative security schemes resulted into such unintended consequences? The Final Report says:

"Whatever has been alleged by Prof. Tewari against Shri V.P. Singh, Shri Chandra Shekhar, and Shri P.V. Narasimha Rao does not at all make out any case of conspiracy on their part. It is a figment of imagination and his own phraseology and manner in which he presented the matter. All the three occupied the high office of the Prime Minister and by on any stretch of imagination, can it be said that any one of them entertained any such intention to be in any way connected with the conspiracy to assassinate Shri Rajiv Gandhi."

The same person was casting a doubt about the sincerity of those former Prime Ministers and this led to another election in the country.

In the Final Report, Justice Jain has said something. He said:

"By no stretch of imagination can it be said that any of them entertained any such intention to be in anyway connected with the conspiracy to assassinate Rajiv Gandhi".

He tries to justify whatever he has said about the Tamils. I am quoting from Volume-VI, page 64. The expression used in the Interim Report is "that the assassination of Rajiv Gandhi would not have been possible, the way it has materialised, without the deep nexus of LTTE operatives with the Tamils in Tamil Nadu". It has damaged the Tamils. The expression in regard to such nexus with all the Tamils in Tamil Nadu, has created a lot of criticism not only in Tamil Nadu but also in the entire country. In the Final Report, Justice Jain has turned around. What has he said? He continues to say "It was never and could never have been intended to mean that such nexus was with all the Tamil-speaking people in Tamil Nadu. All the Tamils in Tamil Nadu cannot be even in the know of the activities and operations of LTTE". Then in the Interim Report, how could Justice Jain observe about the Tamil people that the assassination of Shri Rajiv Gandhi would not have been possible, the way it has materialised without the deep nexus of LTTE operatives with the Tamils in Tamil Nadu? He has not even said 'some of the Tamils, or a section of the Tamils', but said, 'the entire Tamil population'. Sir, if we see page 925 of Volume-VII, ...

(Interruptions)

SHRI C.P. RADHAKRISHNAN : Whenever there is a problem in a particular place, without the help of the local people it cannot arise. That is what the Report says. It should not apply, in general, to all the Tamils in Tamil Nadu. Justice Jain has very clearly given his Report. Why is he putting like this? May I request this hon. House through you, Sir, that nobody should try to take a political mileage out of this?

MR. SPEAKER: Shri Radhakrishnan, he is not yielding. Please take your seat.

SHRI BASU DEB ACHARIA : You have already explained. In the Interim Report, how could he write like this? How could he blame the entire Tamil population? After doing the damage, he turns around in the final report.. (Interruptions)

SHRI C.P. RADHAKRISHNAN : Tell me.

SHRI BASU DEB ACHARIA : I will come to that. I am not blaming. (Interruptions)

MR. SPEAKER: Please understand this is not a 'Question Hour'.

... (Interruptions)

SHRI C.P. RADHAKRISHNAN : That is very important.

SHRI BASU DEB ACHARIA : That is the responsibility of the Government. .. (Interruptions)

MR. SPEAKER: Shri Radhakrishnan, please take your seat. This is not a 'Question Hour'.

SHRI BASU DEB ACHARIA (BANKURA): At page 925, Volume II, it has been said:

"At different periods the nature and levels of militancy varied and a period came when it assumed an anti-national character penetrating into the social fabric of the Tamil population. The political parties too were intrigued. The ethnic issue was an emotional issue with all the Tamils."

On the assassination of Rajiv Gandhi I have already said what has been said about the Tamil people, later on in the Final Report he has changed.

I have already stated that Justice Jain himself said that in the Interim Report there was no indictment of any person or any political party. There is no such indictment in the Final Report also. How has the Government come to the conclusion to initiate an inquiry against Shri Karunanidhi? (Interruptions)

MR. SPEAKER: Please address the Chair, not the Members.

SHRI BASU DEB ACHARIA : He is disturbing me.

SHRI C.P. RADHAKRISHNAN : A national leader was killed on the Tamil soil.

SHRI BASU DEB ACHARIA : What is the conclusion in the Final Report in regard to Shri Karunanidhi? Shri Karunanidhi was also not interrogated. On many matters his interrogation was quite relevant. It was also so. Then who who are the other persons who have not been interrogated? (Interruptions)

MR. SPEAKER: Do not disturb him.

SHRI BASU DEB ACHARIA : What is there in the Action Taken Report?

On the role of Shri Karunanidhi the Commission has made serious observations in the Interim Report. What is the serious observation? There was no serious observation. It has stated :

"From an evaluation of the material the conclusion is irresistible that there was tacit support to LTTE by Karunanidhi and his Government and law enforcement agencies."

Who had not supported the LTTE? Prior to 1988 the MGR Government and the AIADMK Government also supported the LTTE, directly or indirectly.

SHRI R. MUTHIAH : We had supported the LTTE for a common cause, not to kill Rajiv Gandhi, nor to kill others.

SHRI BASU DEB ACHARIA : The support to LTTE was for a noble cause.

SHRI C.P. RADHAKRISHNAN : This is a matter of national importance. (Interruptions)

MR. SPEAKER: Shri Radhakrishnan, what is this? Please take your seat. When your time comes you can speak.

... (Interruptions)

MR. SPEAKER: Shri Radhakrishnan, please take your seat.

(Interruptions)

... (Interruptions)

MR. SPEAKER: Shri Radhakrishnan, what is this?

... (Interruptions)

SHRI BASU DEB ACHARIA :In 1986, in Madurai, who were supporting Eelam for Tamil? They were Shri Murasoli Maran, M.P., M. Karunanidhi, N.T. Rama Rao, K. Anbazhagan and A.B. Vajpayee MP, Shri V. Gopalasamy MP, N.V.N. Somu, MP and L. Ganesan.

SHRI R. MUTHIAH :In which year? (Interruptions).

MR. SPEAKER: What is this? You should not disturb him.

... (Interruptions)

SHRI R. MUTHIAH : Sir, he has not quoted. (Interruptions).

SHRI BASU DEB ACHARIA :This ATR is a political document. (Interruptions).

MR. SPEAKER: Shri Acharia, please conclude. You have already taken more than 30 minutes. There is one more speaker from your party.

... (Interruptions)

SHRI BASU DEB ACHARIA:Sir, the House will sit up to 10 o' clock. Please do not restrict me because I have many more points to make. (Interruptions). They are interrupting me every time. Actually, they have taken my time.

should give more time to all the hon. Members. (Interruptions).

MR. SPEAKER: Shri Acharia, please conclude.

SHRI BASU DEB ACHARIA: This ATR is a political document. It has just mentioned only one sentence, to utilise against Shri Karunanidhi, to keep him under pressure and to placate one of their allies. It is a national question. After the assassination of Shri Rajiv Gandhi, in West Bengal, we observed bandh. We had many differences with late Shri Rajiv Gandhi. However, we condemn this dastardly killing of one of the tallest leaders of our country.

The Interim Report has mentioned about the foreign hand. I do not agree with the last sentence of an eminent Barrister and Minister, Shri Ram Jethmalani that everything has been stated here. What has been stated about the foreign hand? What has been stated in the Interim Report? In Volume III, page 170, it has been stated:

"In such like international conspiracies, the task is to find as to where and when and by whom the conspiracy was hatched and how the conspiracy was to be executed is very difficult, almost impossible to unravel as neither the conspirators nor their aides would come forward.

The conspiracy behind the assassination could have unraveled if Sivarasan, Subha and Shanmugham, Intelligence Chief Pottu Amman and LTTE Supremo V. Prabhakaran had been apprehended..."

This is mentioned in the Action Taken Report. But there is another paragraph just before that, mentioning about certain international agencies that the Government has completely ignored. The Government now says that it is very difficult to find out the conspiracy because they are not available, they are not coming forward to give evidence about the conspiracy. But Justice Jain himself says on page 169 of Volume III:

"Further, the question requires examination in the background of the likelihood of CIA-MOSSAD links with the LTTE, the track record of CIA, Shri Rajiv Gandhi's views on re-fuelling and on regional security system, his utterances against the policy and programmes pursued by the U.S., contrary to India's national interests, and the strong probability of Shri Rajiv Gandhi coming to power and the emergence of India as the Third World leader and leader of NAM movement. I, therefore, find the information furnished by Shri Yasser Arafat as genuine and on that basis, coupled with the facts and circumstances dealt with above, there is no reason to disbelieve the information given by Shri Yasser Arafat. However, in view of the information, it is up to the Government to adopt such measures or take such action as it may think proper, if it is to be pursued further."

What has been proposed in the Action Taken Report? Nothing. Only one Multi Disciplinary Monitoring Agency has been entrusted with further inquiry. Does it have any legal status? It has no legal status... (Interruptions)

MR. SPEAKER: Shri Acharia, should I say 'thank you' now? Please complete. There is another Member also from your party to speak. You have taken more than half-an-hour.

SHRI BASU DEB ACHARIA :I strongly feel that such an organisation which has no legal status cannot be entrusted with such an inquiry. Some independent agency should be entrusted this task. A Multi Disciplinary Monitoring Agency cannot be entrusted the task of inquiring into the circumstances. This is for the future also. This conspiracy is there in the Third World countries to assassinate the political leaders. So, for the future also we should see that such things do not happen. For this, a proper inquiry should be made to find out the hand of some foreign agency, the conspiracy of some foreign agency in regard to the assassination of Shri Rajiv Gandhi.

Thank you, Sir.

(ends)

MR. SPEAKER: Before I call Shri Lalu Prasad, the hon. Minister of Commerce wants to make a statement.

श्री लालू प्रसाद : कितने पेज की स्टेटमेंट है ?

वाणिज्य मंत्री (श्री रामकृष्ण हेगड़े) : पांच पेज की है। इसमें आपका भी इंटरस्ट है।

श्री लालू प्रसाद : इंडियन एयरलाइन्स के प्लेन को लेट करवा दीजिए, उसमें क्या है ?

MR. SPEAKER: Now, we will continue the discussion on the Jain Commission Report. Shri Lalu Prasad.

">1600 hrs.

श्री लालू प्रसाद (मधेपुरा) : अध्यक्ष महोदय, मैं आपको धन्यवाद देता हूँ। हम से पहले मुलायम सिंह यादव जी को बोलना था लेकिन हमने आग्रह किया कि कल आप बोले हैं और चूंकि मुझे बिहार में बाढ़ की स्थिति देखने जाना है, मैं और मेरी पार्टी, लोकतांत्रिक मोर्चा का जो विचार, फीलिंग, चिंता और तकलीफ है, उसे मैं सदन में रखना चाहता हूँ। राष्ट्र के लोगों को हम लोग बताना चाहते हैं। गृह मंत्री जी जरा ध्यान से सुनिए। आप हम लोगों की बात को ध्यान से सुनिए। हम लोग जानते हैं कि आपको इन चीजों में कोई रुचि नहीं है।

नेहरू जी के परिवार का और कांग्रेस के लम्बे इतिहास का इस देश को आज़ाद कराने में बड़ा भारी योगदान रहा है। श्रीमती इंदिरा गांधी जी की हत्या के बाद उस परिवार में जो हत्या का सिलसिला लगातार शुरू हुआ और इस देश के लिए खासकर जो सामाजिक जीवन में काम करने वाले लोग हैं, पार्टीज हैं, जिनका लोकतंत्र में विश्वास है, अहिंसा के रास्ते में जिनका विश्वास है, स्वर्गीय राजीव गांधी जी की हत्या के बाद बड़ी भारी चुनौती इस राष्ट्र के सामने आई। हम सभी लोगों के सामने आई। सारा देश मर्माहत हुआ और दुनिया में हमारी पोल खुल गई कि क्या यही बापू का देश है, गांधी का देश है जहां अहिंसा और लोक तंत्र की जड़ें मजबूत हैं जहां एक नौजवान देश के प्रधान मंत्री बने और उनकी हत्या की गई। जब इस देश में या किसी राज्य में किन्हीं बड़े लोगों की हत्या हो जाती है तो राज्य के हर व्यक्ति का गुस्सा फूट पड़ता है, प्रत्येक व्यक्ति मर्माहत हो जाता है और सारे चिंता जताते हैं कि आखिर वे कौन लोग हैं जिन्होंने नेताओं की हत्या कर दी। सरकारी कमीशन ऑफ इंकवायरी एक्ट के तहत चाहे सिटिंग जज हो या रिटायर्ड जज हो, सरकार तत्काल ही कमीशन नियुक्त करती है।

इस मामले में जहां यह अपराध है, क्राइम है, जब यह कमीशन ऑफ इंकवायरी एक्ट बना तो इसे क्रिमिनल केसेज के अंतर्गत नहीं लिया गया होगा। क्रिमिनल केसेज अलग हैं, जिनमें लोगों को फांसी की सजा होती है वगैरह-वगैरह। लेकिन दो-तीन बिन्दु सामने आते हैं कि मुल्क में आखिर वह कौन सी परिस्थिति थी, वह कौन सी बैक-ग्राउन्ड थी जिसमें षडयंत्र के पहलू आते हैं और जिसके अन्तर्गत राजीव गांधी जी की हत्या हुई। सात साल गुजर गए। कैसे धीरे-धीरे लोगों का गुस्सा ठंडा किया जाए, इस कमीशन को जांच करने में, अध्ययन करने में, अपनी फाइंडिंग्स देने में सात साल लग गए। विस्तार पर विस्तार होता रहा। किसी माननीय सदस्य ने ठीक ही कहा कि "चार-पांच करोड़ रुपया इस पर खर्च हुआ है जिस पर हम विचार कर रहे हैं। कौन सी बात पर हम विचार कर रहे हैं? जो सदन में हम बहस कर रहे हैं और चर्चा चला रहे हैं, हमें और राष्ट्र को इस रिपोर्ट से क्या मिला है? कोई अगर नई बात सामने आई है तो बताएं। एक सरकार जाती है, दूसरी आती है। सारा राष्ट्र इच्छुक है। हम लोग दबाव डाल रहे थे कि जल्दी ले करिए और जब बात सामने आई तो उसमें पुनः सात साल के बाद यह कहा जा रहा है कि आप आगे इस चीज को और बढ़ाइए। हमारे जो साथी यहां पर भाषण कर रहे हैं और कहते हैं कि उस पेज के वॉल्यूम को देखो, यहां देखो, वहां देखो, आडवाणी जी, आप हाथ धोकर दरकिनारा मत करिए, आपकी जिम्मेदारी है। क्या कहीं भी रिपोर्ट में आगे जांच की बात कही गई है? जिस बात की चर्चा आदरणीय शिव शंकर जी ने की।

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का मतलब है - एक्शन टार्निश रिपोर्ट। एक्शन को खत्म कर दो, जितना भी हुआ, उस पर लीपापोती कर दो। यह

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को दे दो और मामले को और काम्प्लिकेट करो और अपने विरोधियों को फंसाओ। कहीं से कहीं खूंटा जोड़ो, मैं कहता हूँ कि इस काम को बन्द कर दीजिए। आज चर्चा होनी चाहिए कि ऐसी दो-चार-पांच कौन सी शक्तियाँ थीं, चाहे विदेशी हों या देश के अन्दर के संगठन हो या पार्टी हो, आपको वह बात सदन के सामने, मुल्क के सामने लानी चाहिए थी। क्या आपने अपनी जिम्मेदारी को निभाया? हमारे सीनियर लीडर, इन्द्रजीत गुप्त जी, सदन में उपस्थित नहीं हैं। इन्द्रजीत बाबू ने कहा, जब अन्तरिम रिपोर्ट देने के लिए आए, तो इनकी मुलाकात हो गई। उसमें जैन साहब ने कहा कि जो-जो मैटिरियल हमको चुस्त-दुरुस्त करने के लिए चाहिए, वह नहीं मिल रहा है, प्राप्त नहीं हो रहा है। दो राष्ट्रों के वार्तालाप की चर्चा हुई। आज आप होम मिनिस्टर हैं, कल वे होम मिनिस्टर थे। जब हम इस देश के एक होनहार उदीयमान नेता और भूतपूर्व प्रधान मंत्री की हत्या के बारे में पता लगा रहे हैं, सच्चाई को जानने चले हैं, तो हमने इस बात पर ध्यान क्यों नहीं दिया कि वे दो देश कौन हैं, देश के अन्दर या बाहर वह कौन सी शक्ति थी, आप उन चीजों को हमारे सामने लाते, तो राष्ट्र निश्चित रूप से उन चीजों पर विचार करता, सोचा और समझता। कहीं कोई बोलता है, उसका हाथ, इसका हाथ या किसका हाथ, ये बड़े लोग ऊंची कुर्सी पर बैठने वाले लोग, पूरा डकार जाने वाले लोग पाप करें, इनको कोई नहीं पकड़ता। अगर कोई गरीब आदमी कहीं छोटा भी अपराध करता है, तो उसका नाम लेकर बताते हैं। सच्चाई का पता लगाकर आज राजीव गांधी के हत्यारों की हालत ऐसी करनी चाहिए थी, लेकिन इस देश में हो क्या रहा है। यहां हमारे साथी, श्री कल्पनाथ राय जी, बैठे हैं। जैसे जानवर को, एनीमल को, गाड़ी में डालकर लायाजाता है, उसी प्रकार

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के झूठे आरोपों में ऐसे व्यक्ति को जेल में डाला गया। पूरे देश के पोलिटिशियन को अपमानित करने का काम हुआ। उसी

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पर हमने बिहार में मुकदमा किया। उन्होंने ट्रेजरी लूटने वालों के खिलाफ ४१

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किए। हमारे खिलाफ षडयन्त्र रचने का काम किया। महोदय, आप घालमेल मत करिए।

... (व्यवधान)

जैन से ही संबंधित बोल रहे हैं।

... (व्यवधान)

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क्या संस्था है, यह मांग हो रही है।

CBI

को देने का काम किया तो ठीक कहा, स्वामी जी कितने दोषी हैं, कौन निर्दोष हैं, हम इसमें नहीं जाना चाहते हैं। लेकिन आप चाहते हैं कि विरोधी लोगों आपस में बांट कर काम करो और बला को टालते रहो। फर्दर, फर्दर करते-करते आपने देश की सारी व्यवस्था को चरमरा दिया है। सिक्मोरिटी का अभाव हो गया है। अगर कमियाँ थीं, चाहे जो भी दोषी हो, यह राष्ट्र से बड़ा कोई व्यक्ति या दल नहीं है।

BJP

इन्साफ और ईमानदारी की दुहाई देती है, तो आपको भी सारी चीजों को सामने लाना चाहिए था, जल्दी-जल्दी रिपोर्ट-ले करके और

ATR

के नाम पर आपने सारी चीजों को नेस्तनाबूद कर दिया है, समाप्त कर दिया है।

महोदय, कांग्रेस पार्टी के लोग, इनके नेता और देश के नेता, अध्यक्ष जी, मैं आपसे भी आग्रह करना चाहता हूँ कि आसानी से, इतनी लाइटली राजीव गांधी जी के हत्यारों के मामले को नहीं छोड़ देना चाहिए। इसके लिए हमें गहराई में जाना पड़ेगा। ये जो चारों तरफ बातें चल रही हैं, मैं मानता हूँ और हमारी पार्टी मानती है कि इन सारी चीजों को दबाया गया, दफनाया गया। राजीव गांधी जी के हत्यारों को बचाया गया है।

महोदय, देश के सामने सच्चाई आनी चाहिए। आप सरकार में हैं, आपको इन चीजों को राष्ट्र को समय-सीमा के अंदर बताना पड़ेगा और इसका हिसाब देना पड़ेगा। गवर्नमेंट कंटीन्यूइंग प्रोसेस हुआ करता है, लेकिन यह मिलीजुली सरकार है। आप सही हत्यारों का पता लगाएं। हमारे मुल्क में लोग अहिंसा के पुजारी हैं। यह देश महात्मा बुद्ध का है, यहां बुद्धा लैंड है और यहां हमने हत्यारों को पहचानने का काम नहीं किया। क्या हमारा तंत्र फेल हो गया? सात साल तक जैन साहब रहे, अब इसके बाद पता नहीं कौन साहब आएंगे। भले ही कोई दल इससे संतुष्ट हो लेकिन हम इन चीजों से संतुष्ट नहीं हैं। राजीव गांधी जी की हत्या राष्ट्र के लिए कलंक है, काला दाग है, यह इतिहास में लिखा जाएगा। इस देश में चाहे जो भी सरकारें रही हों लेकिन कोई भी सरकार इसका पता नहीं लगा सकी। कमीशन बनाया, लेकिन उससे भी ठीक से नतीजे सामने नहीं आए। मुल्क मान लेगा कि जो कमीशन होता है - ‘

eye wash"

गुस्से को ठंडा करने के लिए होता है। आप सही हत्यारों को क्या ढूंढेंगे, इससे तो नकली बात भी कुछ नहीं निकली, जो बात सही है वह तो है ही। इसमें जो लिखा हुआ है, इससे कहीं भी कोई नतीजा नहीं निकलता है। सुब्रहमण्यम स्वामी जी ने ठीक कहा कि यह देश फासिज़्म की ओर, नादिरशाही की ओर जा रहा है। गृह मंत्री जी, आप यह मत समझिए कि सब दिन एक बराबर रहते हैं। यहां नेता सुरक्षा की मांग करते हैं, उसमें भी भेदभाव होता है। आप किसी को एन.एस.जी. और किसी को सी.आर.पी. की सुरक्षा देते हो।

महोदय, बिहार असम्बेली में यदि किसी भी मुख्य मंत्री द्वारा, मुख्य मंत्री एवं उसके परिवार की सुरक्षा की मांग के लिए कोई एक्ट बना तो उस पर । ने दस्तखत नहीं किए और यहां आपकी पार्टी के लोग सुरक्षा के मामले में बोलते हैं। अगर कहीं किसी की हत्या हुई तो उसके लिए आप सीधे जिम्मेदार होंगे, यह मैं आपको बताना चाहता हूँ। आप राजीव गांधी जी की हत्या के मामले को जिस तरह नजरअंदाज कर रहे हैं, उससे आप देश में कौन सी व्यवस्था चला रहे हैं ?

* Expunged as ordered by the Chair.

... (व्यवधान)

श्री प्रभुदयाल कठेरिया (फिरोजाबाद) : महोदय, मेरा प्वाइंट ऑफ आर्डर है। ... (व्यवधान)

SHRI C.P. RADHAKRISHNAN :Sir, he is on a point of order.

MR. SPEAKER: What is your point of order?

श्री प्रभुदयाल कठेरिया : अध्यक्ष महोदय, माननीय सदस्य ने राज्यपाल महोदय का नाम लिया है

... (व्यवधान)

राज्यपाल महोदय का नाम कार्रवाई से निकाल दिया जाना चाहिए

... (व्यवधान)

श्री लालू प्रसाद : हम नहीं निकालेंगे।

... (व्यवधान)

श्री प्रभुदयाल कठेरिया :नाम लेना ठीक नहीं है।

... (व्यवधान)

श्री लालू प्रसाद :अध्यक्ष जी, सिर्फ राजीव गांधी की ही नहीं रेल मंत्री स्वर्गीय ललित नारायण मिश्र की हत्या समस्तीपुर में प्लेटफार्म पर हुई, उन्हें मार दिया गया

... (व्यवधान)

सी.बी.आई. को मामला दिया गया, सी.बी.आई ३० साल बाद भी किसी निष्कर्ष पर नहीं पहुंच पाई। वह कांग्रेस के मशहूर नेता थे।

... (व्यवधान)

श्री शंकर प्रसाद जायसवाल :आप आठ साल तक वहां शासन में रहे, आप आठ साल तक इसमें क्या करते रहे?

श्री लालू प्रसाद : आठ साल तक काम किया, इसलिए आप पीला गमछा लेकर बैठे हैं।

श्री शंकर प्रसाद जायसवाल :मैं आपकी दया से यहां नहीं बैठा हूं, हम जनता के बलपर चुनकर आए हैं, आपकी दया की भीख मांगकर नहीं आये हैं।

श्री लालू प्रसाद :आपकी विदाई होने वाली है

... (व्यवधान)

यह पीला गमछा कब का है, अंतिम समय का पीला गमछा है।

श्री शंकर प्रसाद जायसवाल :आपको इतिहास की जानकारी लेनी पड़ेगी। यह पांच हजार वर्ष का इतिहास है। यह गमछा तो रहेगा, आप जैसे लोग आएंगे और चले जाएंगे। यह हमेशा रहा है और रहेगा।

... (व्यवधान)

श्री लालू प्रसाद :आप पीताम्बरी ले लो।

... (व्यवधान)

राजीव गांधी की हत्या को राष्ट्र भूल नहीं सकता।

अध्यक्ष महोदय : लालू प्रसाद जी, आपकी फ्लाइंट कितने बजे की है?

श्री लालू प्रसाद :अब सवा चार बज रहे हैं, सुना है कि फ्लाइंट एक घंटा आपकी कृपा से लेट भी हो गयी है।

अध्यक्ष महोदय : अब समाप्त करिये।

श्री लालू प्रसाद (मधेपुरा) : आडवाणी जी, मैं कहना चाहता हूं कि यह बात अपने कंधों पर मत लीजिए, सच्चाई को उजागर करके समय सीमा के अंदर राष्ट्र के सामने लाइये। इन बातों को छोड़े दें कि इसी रिपोर्ट पर संतुष्ट होकर हम बैठ जाएं। भाषण हुआ, छप गया, हम भी बोले, वे भी बोले, लेकिन जो अपराध करने वाले लोग हैं, हत्या की राजनीति करने वाले लोग हैं इससे उनका मनोबल आगे और बढ़ेगा। इस चीज पर आपको गंभीरता से विचार करना चाहिए। स्वामी जी क्या बोले, क्या नहीं बोले, लेकिन ये जो एलीट क्लास वाले लोग हैं, कॉन्टिनेंटल क्लास वाले लोग हैं, कोई भी उनसे वंचित नहीं है, ये सुबह-शाम दिल्ली में स्वामियों की शरण में बैठे रहते हैं। चन्द्रा स्वामी हमको जेल में मिलने गये थे। एक डाक्टर लेकर पहुंचे कि स्वामी जी आए हैं। हमने पुलिस को बोला कि गर्दन पकड़कर पटक दो, हमारे पास स्वामी को नहीं आने देना। ये जो रोज आप तंत्र-मंत्र करते हैं, खुराना जी, आप रात-दिन इस काम में लगे रहते हैं कि कब यहां से साहब सिंह वर्मा जाए।

और हम कब बनेंगे, आप इस काम में लगे रहते हैं। हम लोग स्वामी लोगों के फेरे में नहीं हैं। आप तंत्र-मंत्र के फेरे में हैं। हम कोई ब्यूरोक्रेसी की बात नहीं करना चाहते। जैसा नेता, वैसी सरकार। अफसरों को सरकार के इशारे पर काम करना पड़ता है। सच्चाई को सामने लाना चाहिए।

शिवशंकर जी ने ठीक बात कही। उन्होंने अपनी तरफ से किसी का नाम नहीं लिया। मैं भी किसी का नाम नहीं लेना चाहता हूँ। सारी बातें समाप्त हो गई हैं। इसमें क्या हुआ? इसमें सब कुछ लीपा-पोती हुई। सारी बातें समाप्त कर दी गईं। ... (व्यवधान) साधु बाबा, मैं आपके खिलाफ नहीं बोल रहा हूँ।

... (व्यवधान)

शिवशंकर जी ने सही बात कही है कि सच्चाई को सामने लाया जाए - चाहे कोई संस्था हो, कोई नेता हो, वह अन्दर का हो या बाहर का हो, उनको एक महीने में सामने लाना चाहिए। अगर यह नहीं हो सकता तो आप इस हाउस से बाहर निकल जाएं और संन्यास ले लें।

ए.टी.आर. किस ने बनायी? आपने बनायी या गुजराल साहब ने बनायी, यह हम को बताइए? वह ए.टी.आर. किस बात के लिए थी? यहां पर वर्मा कमीशन और जैन कमीशन की रिपोर्ट पर चर्चा हुई। क्या आपने सभी चीजों का ख्याल किया? क्या आप किसी निष्कर्ष पर पहुंचे? केवल ए.टी.आर. बना दी। आपने उसे एक्शन टर्निश रिपोर्ट बना दी। सच्चाई को खत्म कर दिया। यहां भाषण हो गए, सैटिमेंट्स जाहिर हो गए इसलिए इस बात को समाप्त कर दो, यह बात नहीं होनी चाहिए। हम इससे संतुष्ट नहीं होंगे। हम इसकी फाइंडिंग्स से संतुष्ट नहीं हैं। कांग्रेस के नेता और सभी दूसरे लोग इस पर बैठ कर विचार करें और देखें कि कौन दोषी है और कौन बरी हो सकता है? मैं इतना ही कह कर अपनी बात समाप्त करता हूँ।

श्री तपन सिकंदर (दमदम): लालू जी, आपने तो केवल क्रिटिसाइज ही किया, सुझाव कोई नहीं दिया।

श्री लालू प्रसाद (मधेपुरा) : आपने उसे सुना नहीं। मैंने अंत में कहा कि कांग्रेस पार्टी के लीडर्स और दूसरी सभी पार्टियों के लीडर्स ए.टी.आर. के मामले में फर्दर क्या करना है, इस मामले में अध्यक्ष महोदय विशेष कर कांग्रेस पार्टी के नेताओं को तरजीह दें। सच्चाई तुरन्त सामने आनी चाहिए। कोई बात रहनी नहीं चाहिए। इस मामले को जिस दिन सी.बी.आई. को हैड-ओवर किया, वह इसे समाप्त करके राजनीति को प्रीवेल करेगी। यह मामला सी.बी.आई. को नहीं देना चाहिए।

... (व्यवधान)

अध्यक्ष महोदय, मैं "> आपको धन्यवाद देकर जा रहा हूँ। मेरी गैर-हाजिरी में अगर कोई मैम्बर बोले तो उसकी बात को प्रोसिडिंग्स से बाहर रखें।

MR. SPEAKER: Now, we come to the next item -- Matters under Rule 377.

Shri Chaman Lal Gupta.

... (Interruptions)

PROF. P.J. KURIEN (MAVELIKARA): Sir, I propose that the Matters under Rule 377 listed for today may be laid on the Table of the House... (Interruptions)

MR. SPEAKER: All right. The Matters under Rule 377 may be treated as laid on the Table of the House.

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श्री सत्य पाल जैन (चंडीगढ़): अध्यक्ष महोदय, आज इस सदन में न्यायमूर्ति मिलाप चंद जैन की रिपोर्ट पर सदन के एकमात्र जैन सांसद को बोलने का आपने अवसर प्रदान किया, उसके लिये आपका आभारी हूँ।

अध्यक्ष महोदय, मैं सबसे पहले श्री अटल बिहारी वाजपेयी और गृह मंत्री श्री आडवाणी जी को बधाई देना चाहता हूँ कि उन्होंने आज सदन में इस रिपोर्ट पर चर्चा करवाई। इससे पहले पिछले साल अगस्त में न्यायमूर्ति मिलाप चंद जैन की अन्तरिम रिपोर्ट आई थी। वह रिपोर्ट आने के बाद जब हिन्दुस्तान की एक सरकार गिर गई थी, मुझे याद है कि हम लोगों ने इस सदन के अंदर मांग की थी कि इस रिपोर्ट पर चर्चा होनी चाहिये लेकिन हम लोगों द्वारा बार-बार मांग करने के बावजूद उस समय की सरकार और उस सरकार का समर्थन करने वाली कांग्रेस पार्टी इस रिपोर्ट पर चर्चा कराने के लिये तैयार नहीं हुई। आज इस रिपोर्ट पर चर्चा हो रही है जिसके लिये मैं आपको बधाई देना चाहता हूँ।

अध्यक्ष महोदय, राजनीति में हिंसा का कोई स्थान नहीं होना चाहिये, इस बात पर किसी का मतभेद नहीं है, कोई दो राय नहीं हैं। लेकिन इस देश में जैसे राजनीति में हिंसा का स्थान नहीं होना चाहिये, वैसे ही हिंसा के अंदर राजनीति का किसी किस्म का दखल नहीं होना चाहिये। हिन्दुस्तान में इस तरह की यह पहली हत्या नहीं हुई है। श्री शिवशंकर जी ने ठीक कहा कि स्व. राजीव गांधी मात्र किसी पार्टी के नेता नहीं थे, वे सारे देश के नेता थे। किसी नेता को बनने में दशक लगते हैं। किसी के साथ राजनैतिक मतभेद हो सकते हैं और जब वह नेता कौड़ियों के भाव चला जाता है तो उससे न केवल उस पार्टी का नुकसान होता है बल्कि सारे देश की कई पुरतों का नुकसान होता है। लोगों को एक लम्बे अरसे तक उसकी कीमत अदा करनी पड़ती है।

अध्यक्ष महोदय, यदि आप थोड़ा गहराई में जायें तो पायेंगे कि आजादी के तुरंत बाद महात्मा गांधी की हत्या हुई, डा. श्यामा प्रसाद मुखर्जी की १९५० में हत्या की गई, पं. दीन दयाल उपाध्याय की हत्या की गई, उसके बाद १९८४ में श्रीमती इन्दिरा गांधी की हत्या की गई, १९८५ में श्री हरचंद सिंह लॉगोवाल की हत्या की गई जिन्होंने स्व. राजीव गांधी के साथ पंजाब का समझौता किया था, सन् १९९१ में श्री राजीव गांधी की हत्या की गई, १९९५ में पंजाब के तत्कालीन मुख्यमंत्री श्री बेअंत सिंह की हत्या की गई जो अपने दंग से पंजाब में शान्ति स्थापित कर रहे थे। इतना ही नहीं, इस दौर में ऐसे सैंकड़ों-हज़ारों नेताओं, कार्यकर्ताओं की, जो उच्च पदों पर नहीं थे उनकी राजनैतिक कारणों से पंजाब एवं जम्मू कश्मीर में हत्या कर दी गई। अध्यक्ष महोदय, हत्या के अपराध में दो तरह की बातें होती हैं। पहले वे लोग होते हैं जो वास्तव में हत्या करते हैं- वे गोली चलाते हैं और अपने हाथ से हत्या करते हैं। दूसरे वे लोग होते हैं जो पीछे बैठे होते हैं, हत्या की पूरा योजना बनाते हैं, उसका षडयंत्र करते हैं।

अध्यक्ष महोदय, जहां तक क्रिमिनल ट्रायल कोर्ट का ताल्लुक है, ट्रायल कोर्ट सीधे तौर पर यह देखता है कि जिसके खिलाफ दोष लगाया गया, उसके खिलाफ कोई सबूत है या नहीं? उस प्रूफ का स्टैंडर्ड बिलकुल डिफ्रेंट होता है:

In a trial court, you have to prove each and every accusation beyond any reasonable shadow of doubt. Therefore, in the trial court, you try those persons who are directly involved in the murder. So far as inquiry commissions are concerned, the pattern of trial and the mode of proof is also different and the total working is different. You cannot draw any presumptions in the trial court but you can certainly draw presumptions in an inquiry commission.

अध्यक्ष महोदय, इसलिये राजीव हत्या कांड के बाद दो पहलू उभरे कि किन लोगों ने वास्तव में हत्या की, और उनके पीछे कौन-सी शक्तियां काम कर रही थीं? इन दोनों बातों पर सरकार ने कार्यवाही की और जस्टिस जे.एस. वर्मा कमीशन का गठन किया। इस आयोग की रिपोर्ट १५ जून, १९९२ को आई। इसमें पांच विषय ऐसे थे जिन पर जस्टिस मिलाप चंद जैन इन्क्वायरी कमीशन बैठाया गया। इस कमीशन का २३ अगस्त को गठन किया गया जिसने अपनी अंतरिम रिपोर्ट २८ अगस्त, १९९७ को दी तथा फाइनल रिपोर्ट ७ मार्च, १९९८ को दी। मैं नहीं समझ पा रहा हूँ कि उन्होंने अपनी रिपोर्ट में 'अंतरिम रिपोर्ट' और 'फाइनल रिपोर्ट' शब्द का प्रयोग क्यों किया? अध्यक्ष महोदय, यदि आप दोनों रिपोर्ट्स देखें तो दोनों रिपोर्ट्स अपने आप में कम्पलीट हैं। उन्होंने रिपोर्ट में तीन मुद्दों पर अपनी फाइंडिंग रिपोर्ट की हैं। उन्होंने जो दूसरी रिपोर्ट दी है, उसके अंदर कांस्पिरीसी वाला पार्ट डील किया गया है

अध्यक्ष महोदय, रिपोर्ट के पेज-५ पर जस्टिस मिलाप चंद जैन लिखते हैं कि उन्हें कुछ कागज़ात नहीं दिये गये। श्री शिवशंकर जी ने बार बार कहा कि वे टुथ जानना चाहते हैं।

हम सत्य की खोज में हैं, हम सत्य जानना चाहते हैं। वास्तव में सारा सदन सत्य जानना चाहता है लेकिन अपने आप में महत्वपूर्ण बात जस्टिस मिलाप चंद जैन की रिपोर्ट पढ़ने के बाद ध्यान में आती है कि १९९४ में जब कांग्रेस पार्टी की, नरसिम्हा राव जी की सरकार थी, तब के गृह मंत्रालय में आपकी सरकार के अंडर एक मूव चला था कि इस कमीशन को वाइंड अप कर दिया जाए। आज सत्य जानने का जो लोग प्रयास कर रहे हैं, उनकी अपनी सरकार जब थी तो विषय आया था कि इस जस्टिस जैन कमीशन को समाप्त कर दिया जाना चाहिए। अगर आप पेज पांच पर जाएं तो जस्टिस मिलाप चंद जैन जी ने लिखा है कि अगर तीन लोगों का असेसिनेशन न होता तो शायद हमें सत्य ढूँढने में आसानी होती। इन तीन विषयों को जोड़कर देखना पड़ेगा। क्या कारण था कि मेन ऐक्च्यूज़ड पकड़े नहीं जा सके? जस्टिस जैन लिखते हैं --

"The conspiracy behind the assassination could have been unravelled if Sivarasan, Subha, Shanmugham, Intelligence Chief Pottu Amman and LTTE Supremo V. Prabhakaran had been apprehended."

16.31 hrs. (Shri V. Sathiamoorthy in the Chair)

उस समय तमिलनाडु में सेन्ट्रल रूल था। आप सीधे तौर पर तमिलनाडु में भी राज कर रहे थे और सेन्टर में भी राज कर रहे थे। उन कारणों को आप भी बता सकते हैं जिन कारणों से ये लोग नहीं पकड़े गए हैं। ए.टी.आर. के पेज ४४ पर आएँ तो इसके साथ जुड़ी हुई चीज़ वह सहयोग है जो आपकी सरकार ने जैन कमीशन को दिया। जस्टिस जैन विस्तार से लिखते हैं कि इसमें क्यों वैसा हुआ। वह लिखते हैं --

"I had been expressing that the inquiry is highly sensitive and sensitive material is required to be examined in such a sensitive enquiry. It is unthinkable that in such serious and sensitive inquiries the existence of the documents can be denied. It is not certain that all relevant documents have actually been produced before the Commission. If the statement of Shri Zafar Saifullah is to be believed then certainly it can be said that some more material documents could have been produced before the Commission.

आज मुझे खुशी है कि आप सत्य जानने की कोशिश कर रहे हैं, लेकिन जब सत्य बताने की बात आई थी, उस समय आपने सारी फाइलें कमीशन के सामने नहीं रखी थीं। अभी भी वह लिखते हैं --

Besides that, it is incorrect to state that "all files and documents relevant to the terms of reference of the Commission were supplied to it". The Commission did not receive information which was sought by it from the Hon'ble Home Minister vide my letter dated 17.10.1997."

आगे चलकर वह लिखते हैं। --

"In the statement of witnesses, it has come that some documents have been destroyed. If those documents were relevant, then no documents should have been destroyed. Soon after the assassination, investigation had begun and Commissions were constituted. Even if there is any time fixed for weeding out the records, still looking to the nature of the documents, if needed in the inquiry or investigation, such documents ought not to have been destroyed."

सभापति महोदय, इस मामले में भी सरकार को विचार करना चाहिए कि जो १९९४ में तब के गृह मंत्रालय ने एक मूव चलाया था कि इस कमीशन को वाइड अप कर दिया जाए, एक साथ कुछ डॉक्यूमेंट सप्लाई नहीं किये गए, कुछ डॉक्यूमेंट देने में डिले हो गई। कहीं ऐसा तो नहीं है कि उसका भी संबंध इस सत्य को जानने के साथ हो, कहीं इसका संबंध भी षडयंत्र के साथ तो नहीं है? यह भी ऐसा मामला है जिसकी जांच की जानी चाहिए।

सभापति महोदय, आज बहुत सारे इशारे उन्होंने इनडायरेक्टली किये हैं और मैं कहना चाहता हूँ कि इसकी तरफ भी ध्यान दिया जाना चाहिए कि जिस तरह आप आपस में एक दूसरे की तरफ इशारा कर रहे थे। आपने सुबह कहा कि ठ

'Within the Congress also there were some political forces who never wanted to see Rajiv Gandhi in power.' These are the words that Shri Shiv Shanker used this morning.

और मैं चाहता हूँ कि इस मामले को और आगे बढ़ाया जाना चाहिए। क्यों उनको यह बात कहने की आवश्यकता महसूस हुई, इसके संबंध में भी आगे जानकारी लेनी चाहिए।

सभापति जी, अपनी रिपोर्ट में जस्टिस जैन ने एक नहीं, अलग-अलग थ्योरीज़ पर विचार किया। उन्होंने फॉर्मर प्राइम मिनिस्टर्स के रोल के बारे में विचार किया है। उन्होंने किसी भी प्रधान मंत्री को ऐक्ज़ोनरेट नहीं किया है। अगर आप पेज ९ पर देखें तो उन्होंने मात्र इतना कहा है कि ठमै विश्वास नहीं कर सकता कि जो बड़े पदों पर बैठे हुए लोग थे, वे ऐसा काम कर सकते हैं, लेकिन जो इंटरिम रिपोर्ट में उन्होंने फाइंडिंग्स दी हैं, वह मैं पढ़ना चाहूंगा, जिसमें उन्होंने लिखा है कि उनको पूरी सेक्यूरिटी नहीं दी गई। उन्होंने लिखा है --

"A very serious question which requires very anxious consideration by the Commission is whether Shri V.P. Singh was actuated by malice, bias or animus in not providing security of such nature and level as would have protected Shri Rajiv Gandhi. So far as animus is concerned it is difficult to fathom the heart and mind of any human being. It can only be inferred by circumstances.

"Extraneous considerations also appear to have been very much in focus. Thus, the action can be said to be motivated on the part of Shri V.P. Singh and his Government. The required seriousness, anxiety and concern was lacking and responsibility for security was shifted to States without taking into account the non-availability of the required nature and quality of proximate security unit in States and such a casual consideration of the question cannot be said to be prompted by genuine and bonafide intentions. The personal relations of Shri V.P. Singh with Shri Rajiv Gandhi too were strained and were far from normal and satisfactory. However, I leave this matter for soul-searching by Shri V.P. Singh himself. The consequence (assassination) may not have been intended by the devising of such an inadequate alternative security scheme resulted into such an unintended consequence."

सभापति महोदय, इसके साथ-साथ पेज नम्बर ७,८,९,१० और ११ पर जो उन्होंने तीन-चार थ्योरीज़ प्रतिपादित की हैं, उनकी तरफ मैं आपका ध्यान दिलाना चाहता हूँ। पेज नम्बर १४ ए.टी.आर. में कुछ कांग्रेस के लोगों ने कांग्रेस के ही दूसरे लोगों पर आरोप लगाये हैं, इस संबंध में जैन कमीशन ने डील किया है। इसमें दूसरी पार्टी के लोग यह कहने नहीं गये थे कि इस कत्ल में ये लोग इन्वोल्व हैं, इस षडयंत्र में दूसरी पार्टियों के लोग हैं। आप अगर पेज नम्बर १४ पर आये, उस पर सातवीं थ्योरी है, छः मैंने छोड़ दी हैं, मैं उनमें नहीं जाना चाहता, चूंकि समय कम है, उसमें कहा गया है - ठ

Alleged involvement of some Congressmen'.

मुझे खुशी है, मुझे संतोष है और मैं कहना चाहता हूँ कि सारी रिपोर्ट में ए. से जैड. तक जितने लोगों पर शक की सुई गई है, जिनके नाम कहीं आये हैं, उनमें न तो कोई राष्ट्रीय स्वयं सेवक संघ का सदस्य है और न ही भाजपा से किसी का ताल्लुक है। इसमें अगर किसी का नाम लिया गया है तो आपकी पार्टी के लोगों ने अपनी ही पार्टी के लोगों का नाम लिया है।

"Aathirai said that one Mr. Kalyana Raman who was working in It further says:

"According to this witness before the Commission, Lata Kannan and Kokila who were found standing by the side of the assassin girl, 'Dhanu', had come to the scene of crime in the car of Lata Priyakumar, Daughter of Mrs. Maragatham Chandrashekar -- who was also a Congress leader. However, the Commission rejected the version of Kumudavalli as it found overwhelming independent evidence to show that Lata Kannan and Kokila had not come with Lata Priyakumar in her car.

Allegations against Shri Ashwathanarayana

Dr. Subramanian Swamy made accusation against Shri E. Ashwathanarayana for having rented out his house to the killers of Shri Rajiv Gandhi, namely, Sivarasan and Subha. He had also alleged that he was patronised by Mrs. Margaret Alva. Shri Ashwathanarayana was examined by the Commission and the Commission found no substance in the allegation of any involvement of Shri Ashwathanarayana in the assassination of Shri Rajiv Gandhi."

I am sorry, I am not able to pronounce the South Indian names properly.

जो बात मैं आपसे कहने जा रहा हूँ

... (व्यवधान)

SHRI AJIT JOGI (RAIGARH): The Commission did not accept this.

श्री सत्य पाल जैन (चंडीगढ़): उन्होंने नहीं माना, यही मैं कह रहा हूँ। लेकिन मेरा प्वाइंट यह है कि इस कमीशन के पास कांग्रेस के लोग भी गये कि इसमें दूसरे लोगों का हाथ था। किसी विपक्षी पार्टी से नहीं गये। अपनी पार्टी के लोगों पर आपने ही इल्जाम लगाये कि वे इस मर्डर में इवोल्व थे।

सभापति महोदय, एक स्टोरी मैं आगे बताना चाहता हूँ कि श्री महंत सेवा दास सिंह पंजाब में शिरोमणी अकाली दल के अध्यक्ष हैं। उन्होंने अपना अकाली दल अलग बनाया हुआ है। उस अकाली दल के मैम्बर कम हैं, जितनी उनको सिक्कोरिटी मिली है, अर्थात् सिक्कोरिटी गार्ड्स ज्यादा हैं। वह तीन दिन से इस हाउस में घूम रहे थे। मुझे नहीं मालूम कि किस एम.पी. ने उनका पास बनवाया है। वह इस मामले की प्रोसीडिंग्स देखने के लिए आये हुए थे। उन्होंने कमीशन के सामने बोला कि मैं उस मीटिंग में मौजूद था, जहां श्री राजीव गांधी की हत्या की साजिश बनाई गई थी। मैं पढ़ना चाहता हूँ, उन्होंने कहा कि मैंने आकर श्री राजीव गांधी को बता दिया था, श्री चंद्रशेखर जी को बता दिया था। मैं हैरान हूँ कि जो व्यक्ति स्वयं कह रहा हो कि मैं उस मीटिंग में मौजूद था, आपकी सरकार लम्बे अरसे तक रही, उसके बाद आपकी समर्थित सरकार रही, उस आदमी को आपने हथकड़ी क्यों नहीं लगाई, उसकी आपने जांच क्यों नहीं की? मैं आपको पढ़कर सुनाना चाहता हूँ।

... (व्यवधान)

प्रो. प्रेम सिंह चन्दूमाजरा (पटियाला) : महंत सेवा दास को कौन पैट्रोनाइज कर रहा है ?

SHRI SATYA PAL JAIN :It says:

"According to Shri Mahant Seva Dass, a Sikh leader, there was a meeting in England in the Khalistan House of the self-styled president of Khalistan, Shri Jagjit Singh Chohan, in December, 1990 in which he was also present. The Sikh extremists along with the LTTE and other terrorist groups in that meeting had hatched a conspiracy to kill Shri Rajiv Gandhi very soon. Shri Mahant Seva Dass claimed that he immediately returned to India and reported the matter to the then Prime Minister, Shri Chandra Shekhar, among others. On this matter, the Commission has arrived at the following conclusion: ...

कमीशन ने उनकी बात मानी या नहीं मानी, यह एक अलग विषय है। लेकिन एक व्यक्ति आज भी क्लेम कर रहा है कि उसके सामने घडयंत्र हुआ है, उसके सामने प्लान बनाया गया और वह आदमी आज भी खुलेआम घूम रहा है। आपकी सरकार ने उसके खिलाफ कोई कार्रवाई नहीं की।

श्री सत्य पाल जैन: सभापति महोदय, आपकी सरकार ने उसके खिलाफ कोई कार्रवाई नहीं की, यह अपने आप में बहुत हैरानी वाली बात है और इस बात को भी इंडीकेट कर रही है कि इसके अंदर सच क्या था।

सभापति जी, इसके साथ पार्क नंबर ९ पर देखिए, प्रो. के.के.तिवारी ने क्या कहा, जो आपकी पार्टी के मुख्य नेता हैं-

Point No.9 is about Prof. K.K. Tewari's version regarding the role of Shri V.P. Singh, Shri Chandrashekhar and Shri P.V. Narasimha Rao.

आज हमारे कांग्रेस के लोगों ने सीधा इशारा नहीं किया। मैं इसको पूरा पढ़ रहा हूँ। मुझे मालूम है कि जब नरसिंहराव जी का नाम इस घडयंत्र के साथ जोड़ने की बात आती है, तो हमारे कुछ मित्र बहुत खुश होते हैं कि सही बात तो अब सामने आई है और कुछ मित्र कहते हैं कि नहीं, ऐसी बात नहीं और ऐसा कुछ नहीं है। इसका क्या कारण है, यह आपको पता होगा क्योंकि यह आपके घर की राजनीति है। मैं इस बारे में कुछ नहीं कहना चाहता हूँ। कोरीडोर के अंदर भी आपकी पार्टी से जुड़े बहुत से लोग इस बात को कहते हैं कि नरसिंहराव जी को छोड़ क्यों दिया गया, उनका नाम क्यों मॉशन नहीं हुआ। दबी जवान में ऐसी बात सुनाई पड़ती है ताकि कोई सुन न ले। यह आपकी पार्टी के लोग बोल रहे हैं और आज भी उनको डिफेंड करने वाला आपके यहां कोई नहीं है। उन्होंने लिखा है कि प्रो. के.के.तिवारी यह बोलते हैं कि नरसिंहराव जी की इसके अंदर इन्वाल्वमेंट थी। चन्द्रा स्वामी और उनकी इन्वाल्वमेंट के सम्बन्ध में पूरी साइनिंग रिकार्ड की है और कमीशन लिखता है-

"The Commission has devoted considerable amount of attention to examining the possible role of Shri Chandraswami in the assassination of Shri Rajiv Gandhi.

It has concluded that:

Taking the entire evidence, material and circumstances brought on record into consideration, a doubt does arise regarding Shri Chandraswami's complicity and involvement. So, the matter requires further probe."

श्री भूपिन्द्र सिंह हुड्डा (रोहतक): के.के. तिवारी के आलावा और दो-तीन नाम लिए गए हैं। आप उसको पूरा क्यों नहीं पढ़ते।

श्री सत्य पाल जैन : जी हां, तीन नाम और लिए गए हैं। मैं पूरा पढ़ देता हूँ-

"Prof. K.K. Tewari had alleged that the three former Prime Ministers - Shri V.P. Singh, Shri Chandrashekhar and Shri Narasimha Rao had close association with those persons who were supposed to have masterminded the conspiracy - viz. Shri Chandra Swami, Dr. Subramanian Swamy and Shri O.P. Chautala. According to him, the three former PMs, at different points of time, in their own ways, acted and performed their assigned tasks. The Commission, however, dismissed the theory of Shri Tewari as a figment of his imagination."

सभापति जी, आज सुबह हमारे सदस्य कह रहे थे कि पेज ४३ पर श्री करुणानिधि का जिक्र इस कमीशन ने किया है। मैं मानता हूँ कि हमारे लोगों ने यह सुबह कहा, यह बात सही है। इतना ही कहा गया है कि उनको इंटरोगेट नहीं किया गया है, लेकिन इस पर ओवर एक्ट करने की बात डी.एम.के. के लोग क्यों कर रहे हैं, यह बात मेरी समझ में नहीं आती। मेरा आग्रह है कि अगर करुणानिधि जी को जानकारी है, तो वे इसके बारे में आकर बताएं कि हमें जानकारी नहीं है। इसलिए मैं समझता हूँ कि इस मामले में और आगे इन्क्वायरी की जानी चाहिए, फरदर प्रोब किया जाना चाहिए।

सभापति जी, इसी प्रकार से इसमें तमिल एक्स्ट्रीमिस्ट के बारे में जिक्र किया गया है और सिक्ख एक्स्ट्रीमिस्ट के बारे में जिक्र किया गया है। मुझे इस बात की खुशी है कि उन्होंने इस बात को करैक्ट किया है कि जो एक ऐसा इम्प्रेशन गया जो एक ऐसा मैसेज गया कि सारे तमिलियन करुप्ट हैं या सारे तमिलियन इस प्रकार के हैं। इस बात को उन्होंने बाद में करैक्ट किया है। इसके लिए मैं उनका धन्यवादी हूँ। मैं समझता हूँ कि किसी कम्युनिटी का कोई एक आदमी यदि कोई गलत काम करता है और पूरे समाज में यदि वह कम्युनिटी बदनाम होती और सारी कम्युनिटी को दोषी माना जाए, तो मैं समझता हूँ कि उससे बड़ी गलत बात कोई और नहीं हो सकती। उन्होंने इस बात को ठीक किया, इसके लिए मैं उनको बधाई देना चाहता हूँ।

सभापति महोदय, श्री पी. शिवशंकर जी ने बड़े विस्तार के साथ बात कही। मैं भी उनसे पूरी तरह सहमत हूँ कि इस कमीशन की रिपोर्ट पर सरकार को आगे कार्रवाई करनी चाहिए। सरकार द्वारा जो एक्शन टेकन रिपोर्ट रखी गई है उसका आप विरोध कर रहे हैं और उससे आप संतुष्ट नहीं हैं, तो सिर्फ इतना कहने से काम नहीं चलता है। सी.बी.आई. ने इन्क्वायरी कर ली, आप उससे संतुष्ट नहीं हैं, तो फिर आप क्या चाहते हैं, यह भी तो आपको बताना चाहिए था। आपको यह

सुझाव भी देना चाहिए था कि कौन सी एजेंसी से आप इन्क्वायरी कराना चाहते हैं। सी.बी.आई. इसकी इन्क्वायरी न करे, तो क्या कांग्रेस (आई) कमेटी इसकी जांच करेगी?

सभापति महोदय, माननीय आडवाणी जी ने आज सुबह बहुत सही कहा कि इस केस की इन्क्वायरी ऐसी एजेंसी को करनी चाहिए जिसके पास कुछ पावर हो। जिसके पास पावर न हो, उसके द्वारा जांच करने का कोई मतलब नहीं है क्योंकि केस में जांच करने के बाद प्रौसीक्यूट करने के लिए केस जब न्यायालय में जाएगा, तो कानूनी अख्तियार रखने वाली एजेंसी द्वारा की गई जांच ही कोर्ट में मान्य ठहराई जाएगी। ऐसा नहीं है कि किन्ही तीन प्राइवेट डिटैक्टिव से जांच करा ली गई और उसकी फाइंडिंग पर केस कोर्ट में ले जाएं, ऐसा केस चल नहीं पाएगा क्योंकि उसकी कोई लीगल मान्यता नहीं है। इसलिए आपको अगर सी.बी.आई. के ऊपर विश्वास नहीं है, तो आप किस एजेंसी द्वारा इस केस की जांच कराना चाहते हैं वह भी आपको बताना चाहिए। अगर कचहरी में चालान प्रस्तुत करना है, तो उसकी लीगल वैल्यू होनी चाहिए।

सभापति जी, अभी सुबहमण्यम स्वामी जी ने यहां निवेदन किया कि थोड़े दिन की बात है, आप तैयार रहिये। हम इस सरकार को जल्द ही गिरा देंगे और फिर आपके साथ मिलकर नई सरकार बनाकर नये सिरे से जांच करायेंगे और फिर उन सबको जेल भेज देंगे। मैं जब उनका भाषण सुन रहा था, टेलीविजन पर आने वाले दो सीरियल आया करते थे-एक तो मुंगेरी लाल के हसीन सपने और दूसरा वागले की दुनिया, वे ध्यान में आ गये। मुंगेरी लाल के हसीन सपने में मुंगेरी लाल का जो रोल करते थे, उनको बैठे-बैठे ध्यान आता था कि मैं प्रधान मंत्री बन गया, मेरे गले में हार डाले गये, मेरा स्वागत किया गया या मैं किसी कालेज का प्रिंसिपल बन गया हूँ, ऐसा उसको ध्यान आता था। दस मिनट बाद जब उनके ससुर उनको हिलाते तो उनको ध्यान मैं आता था कि मैं कुछ नहीं हूँ। दूसरा, वागले की दुनिया आता था जहां वागले अपनी पत्नी के साथ कुछ काम शुरू करने का प्रयास करते थे और करते-करते अंत में बहुत कंप्यूज्ड और नर्वस होकर टूट जाया करते थे। उनकी समझ में नहीं आता था कि यह क्या हुआ है? फिर कंप्यूजन और नर्वसनेस में मामला खत्म हो जाता था। मुझे स्वामी जी की वह बात याद आ रही थी। आज वह मुंगेरी लाल के हसीन सपने की तरह सोच रहे थे कि बहुत जल्द उनकी सरकार आयेगी। मैं कहना चाहता हूँ कि उनका मुंगेरी लाल के सपने की तरह हाल है और उनकी जो योजना है, वह बिल्कुल वागले की दुनिया जैसी होगी। जब वह इस मामले में अंतिम चरण में पहुंचेंगे तो उनको अहसास होगा कि कंप्यूजन और नर्वसनेस के अतिरिक्त उनके पल्ले कुछ नहीं पड़ा है। दो-तीन पाइंट के बारे में हमारे साथियों ने कहा, उस की तरफ भी जरूर ध्यान देना चाहिए। श्री शिव शंकर जी ने कहा था।

"There are certain forces within the Congress(I) who did not want Shri Rajiv Gandhi to occupy high office."

If you know that within your party, there were certain forces which did not want Shri Rajiv Gandhi to occupy the high office, what more truth do you want to find out? To know that, why do you not come out? Why do you not give that information to the CBI? Why do you not give that information to the Government that these are the forces within our party who never wanted Rajiv Gandhi to occupy the high office? The Government will investigate into the matter. You cannot have the best of both the worlds. You will not disclose the names also, at the same time, you wish and desire that truth should come out. If you are really interested in the truth, I doubt it very much because if you were interested in find out the truth, you would have brought the report regarding the assassination of Shrimati Indira Gandhi which was given by Justice Thakkar many years back. You never brought that Report before the House. You never discussed that Report. I have got the recommendations.

आपकी पार्टी के प्रमुख नेता श्री आर.के.धवन का उन्होंने नाम लिखा है कि शक की सुई इस पर जाती है कि उनका नाम उसमें लिखा था। अगर आप सच जानने में इंटरैस्टेड होते, तो आप श्री आर.के.धवन को दुबारा लोक सभा का टिकट न देते। श्री आर.के.धवन के खिलाफ कार्यवाही करते और उनके खिलाफ आगे प्रोसीडिंग चलाते।

मैं आडवाणी जी से कहना चाहता हूँ कि आपको इतिहास ने एक मौका दिया है, अवसर दिया है। कभी-कभी ही ऐसा अवसर आता है। इस हत्याकांड के अंदर यदि आपके घर का कोई आदमी इन्वॉल्व है, इस पार्टी के अंदर बैठे लोगों ने कहा कि विद इन दी कांग्रेस ऐसी फोर्सिस थी, जो एसीसिनेशन करना चाहती थी, वह चाहे बाहर की हो। जिस हाथ का आपने जिक्क किया कि इसके पीछे हाथ है, चाहे देशी हाथ हो, विदेशी हाथ हो या किसी का भी हाथ हो, उसे बेनकाब कराइये। जो भी आदमी इन्वॉल्व है, जिसका भी इस कत्ल के षडयंत्र को करने या करवाने में हाथ है, पंजा है, अंगुली है, विदेशी है, देशी है, जो भी इन्वॉल्व है, उसका पता करके सजा दीजिए। इसके लिए इतिहास हमेशा आपका ऋणी रहेगा, आपका आभारी रहेगा। मैं अपने कांग्रेस भाइयों से एक बात कहकर अपनी बात समाप्त करता हूँ। मैं दो हत्याओं का जरूर जिक्क करना चाहूंगा।

SHRI P.C. CHACKO (IDUKKI): Will you yield for a minute? You are a responsible Member. When Shri Rajiv Gandhi was the Prime Minister...

MR. CHAIRMAN :Have you completed?

SHRI SATYA PAL JAIN ::No. I have yielded.

SHRI P.C. CHACKO :Mr. Chairman, Sir, he has yielded for a minute. Do not get annoyed. A Special Investigation Team was appointed which completely absolved Shri R.K. Dhawan. You have been going on saying this again and again. The fact being this, why do you repeat it again?

You know that he was totally absolved by the Special Investigation Team after going into a detailed inquiry for two years. You are again quoting. Is it not unfair?

श्री सत्य पाल जैन :चाक्को साहब, मुझे बहुत खुशी है कि आपने विषय को यहां रोज किया है। अगर आप इस पर ओपन दिल से चर्चा करवाना चाहते, तो आप भी इस सदन के अंदर ठक्कर कमीशन की रिपोर्ट पर चर्चा कराते और सदन के सभी मैम्बर्स का ओपीनियन लेने के बाद आप इन्वेस्टीगेशन कराते

... (व्यवधान)

तब मैं मानता कि आप सच की जानकारी चाहते हैं।

... (व्यवधान)

आपने सदन के अंदर इसकी चर्चा नहीं की।

SHRI P.C. CHACKO :Why do you not answer my specific question? ... (Interruptions) My question is very specific. Why do you not answer that?

SHRI SATYA PAL JAIN :I am replying to that.

SHRI P.C. CHACKO :Do not try to run away from that.

SHRI SATYA PAL JAIN :I am replying to your query.

श्री सत्य पाल जैन :घर में बैठकर अपनी मर्जी का आदमी रखकर आप जोड़-तोड़ लेना चाहें तो ले सकते हैं। अगर आप ईमानदारी के साथ सच्ची रिपोर्ट रखना चाहते हैं तो सारे सदन को कांफ़ीडेंस में लेकर सबके विचार सुनने के बाद जांच कराते तब मैं मानता कि आप क्या कुछ चाहते थे।

डा. श्यामा प्रसाद मुखर्जी की हत्या हुई। हम लोग भी चाहते थे कि उनकी हत्या की जांच हो। लोगों ने उनकी हत्या की जांच नहीं की। पंडित दीनदयाल उपाध्याय की हत्या हुई। मैं ऐसा महसूस करता हूँ कि किसी भी बड़े नेता की हत्या हुई हो, वह किसी पार्टी से संबंध रखता हो, किसी ग्रुप से संबंध रखता हो, उसकी तह में जाना चाहिए था, उसकी तह में जाते, उसके बाद जो दोषी पाए जाते, उनका पता करके उनको सजा दी जाती। लेकिन आप दो हत्याओं में अंतर मानने की कोशिश करें। इंदिरा गांधी जी की हत्या हुई, राजीव गांधी की हत्या हुई। मैं एक मोरल बात कह कर आपसे निवेदन करके बैठना चाहता हूँ। मेरी बात का बुरा नहीं मानें। श्रीमती इंदिरा गांधी की हत्या उस उग्रवाद के बाद हुई जो पंजाब में पैदा हुआ, जिसकी सबसे पहली घटना १३ अप्रैल, १९७८ को अमृतसर में झगड़े से शुरू हुई और जिसका पहला कांड लाला जगत नारायण की हत्या था। लिट्टे को पहले तमिलनाडू के अंदर एक पार्टिकुलर कम्युनिटी के खिलाफ ट्रेंड किया गया, दूसरे देशों में भेजा गया, उनको मिलिट्री ट्रेनिंग दी गई, उसके अंतिम पड़ाव के रूप में राजीव गांधी की हत्या हुई। मैं आपसे निवेदन करना चाहता हूँ कि आग से खेलने की नीति बंद करनी चाहिए, आग से खेलने की नीति में विनाश होता है, उससे कोई लाभ नहीं होने वाला है। आप एक पार्टिकुलर समय तक अकालियों को परेशान करने के लिए संत जर्नेल सिंह भिंडरावाले को धार्मिक संत कह सकते थे। लेकिन उसका अंत क्या हुआ इसका हमको एहसास था।

... (व्यवधान)

आप लिट्टे को डिस्ऑरेज कर सकते थे। उसका अंत क्या निकला, इसका हमको एहसास है। आग की राजनीति कभी पे नहीं करेगी, इससे मत खेलिए। आपका बहुत-बहुत धन्यवाद। जय हिन्द, जय भारत।

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श्री राजेश पायलट (दौसा) : सभापति महोदय, आज सुबह से हम लोग एक ऐसे हादसे पर बहस कर रहे हैं जिस हादसे से सारा देश हिल गया था, एक ऐसा व्यक्तित्व जो प्रधानमंत्री के घर में पैदा हुआ था, फिर प्रधानमंत्री बना। मुझे भी उनके साथ व्यक्तिगत तौर पर काम करने का मौका मिला। वह गरीब घर में पैदा नहीं हुए थे लेकिन गरीब की भावना को समझते थे। जब प्रधानमंत्री बने तो इस देश में उम्मीद जाग गई थी। मेरे विरोधी भाई माफ करेंगे, १९८४ में एक ही बात हुआ करती थी कि राजीव गांधी इस देश को बहुत आगे ले जाएंगे, सब यही कहते थे और उन्होंने कोशिश की। मैं महसूस करता हूँ कि जिस भावना से उन्होंने देश को एक साथ लेकर आगे बढ़ाने की कोशिश की थी, उस भावना को कुछ लोगों ने गलत समझा। आज मैं सभी की बातें सुन रहा था और बैठा-बैठा थोड़ा सा चकित हो रहा था, मन में थोड़ा महसूस कर रहा था कि आखिर मैं तो हर आदमी सच्चाई को समझने लगता है, देर जरूर लगती है।

१९९१ का हादसा एकदम नहीं हुआ, मई १९९१ एकदम नहीं आ गई। जैसा वातावरण १९८९ में पैदा कर दिया गया था, सारे देश में जो वातावरण पैदा हुआ था, हमारे सब भाई यहां बैठे हुए हैं, क्या भाषाएं बोली गई थीं, किस तरीके से राजीव गांधी के खिलाफ घृणा पैदा करने की कोशिश की गई थी, किसके इशारे पर की गई थी, मैं नहीं समझता। मैं अपनी बात बहुत छोटी करूंगा और ३-४ बिन्दुओं पर बोलूंगा क्योंकि मेरे से पहले मेरे साथी श्री शिव शंकर और दूसरे भाइयों ने ज्यादातर सभी पाइंट्स कवर कर दिए हैं। मैं सुन रहा था, सभी भाई कह रहे थे कि सिक्योरिटी की कमी थी, सिक्योरिटी क्यों नहीं दी गई। ३ फरवरी, १९९० को इंटीलीजेंस ब्यूरो ने सरकार को खुद रिपोर्ट भेजी कि राजीव गांधी का ग्रैंट प्रधानमंत्री पद से हटने के बाद सिख ऐक्सट्रीमिस्ट्स और दूसरे ऐक्सट्रीमिस्ट्स ग्रुप से और बढ़ गया है। यह आई.बी. रिपोर्ट सरकार को जाती है और सरकार इग्नोर करती है। फिर दुबारा एक रिपोर्ट भेजी जाती है कि सिख ऐक्सट्रीमिस्ट्स में तलविंदर सिंह परमार, जो लीडर बम्बर खालसा ऐक्टिविस्ट थे, ने कहा कि १९९० के बाद राजीव गांधी जिंदा नहीं रहेगा, यह हमने योजना बना ली है। यह लिखित में जैसे आई हुई इन्टेलिजेंस सरकार को भेजी जा रही थी। यही नहीं, वे यह भी कह रहे हैं कि इंटरनेशनल यूथ फेडरेशन में क्या फैसला हुआ। सतनाल सिंह 'सत्ता' जो बी.सी.एफ. के मिनीचा ग्रुप से हैं, उन्होंने कहा है -

The members of the Gang have been directed to carry out special annihilation including Shri Rajiv Gandhi.

यह सारी रिपोर्ट आती है। उसके बाद १९८९ में हमारी सरकार चली गई। वे विपक्ष के नेता थे। पार्टी की तरफ से श्री चिदम्बरम हमारे साथ थे। वे गृह मंत्रालय गए, वहां मीटिंग हुई और यह फैसला हुआ कि अभी आप एस.पी.जी. मत हटाइए, देश के हालात ऐसे हैं, राजीव गांधी की सिक्योरिटी के हालात ऐसे हैं। कैबिनेट सिक्रेटरी सेशन साहब थे, डी.आई.बी. श्री एम.के. नारायणन थे। दोनों ने सरकार से कहा कि आप एस.पी.जी. मत हटाइए।

सारी रिपोर्ट्स ऐसी आ रही हैं कि राजीव जी को रिस्क और बढ़ गया है, उनकी सिक्योरिटी और खतरे में आ गई है, दोनों लिखित रूप में कहते हैं। आज हमारे सारे भाई यहां कह रहे हैं, इधर के भाई भी कह रहे थे, वे भाई भी कह रहे थे। अभी हमारे भाई जैन साहब बहुत जोश में बोल रहे थे। ये सब १९८९ में एक साथ बैठे हुए थे। ये भी उस सरकार को सपोर्ट कर रहे थे, जब यह सरकार फैसला ले रही थी कि हम सिक्योरिटी की परवाह नहीं करेंगे। कैबिनेट सिक्रेटरी एक लैटर लिखता है, शायद श्री विनोद पांडे कैबिनेट सिक्रेटरी थे कि फलां-फलां देश में एस.पी.जी. में यह नहीं है, वह नहीं है, जो कायदे की बात थी। एक्स. पी.एम. एस. पी.जी. में कवर नहीं होता।

A Cabinet paper is under submission that the responsibility to provide protection to Shri Rajiv Gandhi and his family is under consideration of the Cabinet.

लेकिन जब डी.आई.बी. की रिपोर्ट आई तो कैबिनेट सिक्रेटरी एक नोट प्रधान मंत्री के दफ्तर में भेजता है कि मैं कैबिनेट प्रपोजल भेज रहा हूँ, लेकिन साथ-साथ मिनिस्ट्री ऑफ़ फाइनेंस को डायरेक्ट करता है कि अब आप सिक्योरिटी हटाकर रूटीन सिक्योरिटी कर दीजिए। मैंने यह कभी नहीं सुना कि कैबिनेट को तो पेपर जा रहा है और एक्शन उससे पहले हो रहा है। मैं भी कैबिनेट में रहा हूँ, मैं भी सरकार में रहा हूँ। अगर कैबिनेट के कंसिडरेशन के लिए प्रपोजल आ रहा है तो फिर कैबिनेट सिक्रेटरी और होम मिनिस्ट्री को विथड्रॉल का क्या हक है, जब तक कैबिनेट उस पर डिसेशन नहीं ले लेती? लेकिन किसी भाई ने इसका जिज्जा नहीं किया, क्योंकि उस वक्त हमने आंख बन्द कर ली थी और एक ही भावना थी कि राजीव गांधी को जिस तरीके से डाइल्यूट कर सकते हो, करो, जिस तरीके से इनकी बात को नीचे कर सकते हो, करो। यह भावना पोलिटिकल एटमोस्फियर में आ गई थी। राजनैतिक विचारधारा यह बना ली गई थी कि राजीव गांधी को किसी तरीके से, जिस तरीके से भी कमजोरी ला सको, लाई जाये।

आज मैं सुबह से भाषण सुनकर थोड़ा चकित हो रहा था। अगर ये बी.जे.पी. के भाई कह रहे हैं कि १९८९ में हमारी सरकार नहीं थी, जिस तरह आज हमें देवेगौड़ा जी और गुजराल जी की बातों का जवाब देना पड़ रहा है, आप भी १९८९ में उनके साथ बैठते थे। हर शुक्रवार को डिनर होता था, उसमें आडवाणी जी जाते थे, अटल बिहारी वाजपेयी जी जाते थे।

It may be Tuesday, Thursday or Friday, I do not know.

एक डिनर होता था, उसमें सारे एलाइज़ बैठते थे और सब बैठकर फैसला करते थे। उस वक्त ये उसके भागीदार थे, आज ये मानें या नहीं मानें। उस वक्त इनमें से किसी ने नहीं कहा कि राजीव गांधी से हमारा विरोध हो सकता है, वे देश के प्रधान मंत्री रहे हैं, उनकी सिक्योरिटी का आप पूरा ख्याल कीजिए। हमारे कोई साथी बोल रहे थे, उन्होंने सच कहा, शायद लालू प्रसाद जी बोल रहे थे, जब उनकी डैथ हुई थी, उनके पी.एस.ओ. के पास पिस्टल भी नहीं थी, क्योंकि दो पी.एस.ओ. की ड्यूटी थी। दूसरे उनको रिलीव नहीं कर पाये और वह पिस्टल पुराने पी.एस.ओ. के पास रह गई। श्री गुप्ता, जिसकी डैथ हुई है, यह रिकार्ड में है, वह बिना पिस्टल के राजीव जी की सुरक्षा में बैठा हुआ था। सिक्योरिटी के ये हाल उस वक्त थे। खैर, सिक्योरिटी इन्होंने कम की। हम लोग इस बात को पार्लियामेंट में उठाते रहे, हम कहते रहे, हमारी पार्टी यहां कहती रही, लेकिन किसी ने गौर नहीं फरमाया। सिक्योरिटी कम हुई और सिक्योरिटी भी जब इतनी कम हो गई, उसके बाद श्री बी.जी. देशमुख जी शायद कैबिनेट सिक्रेटरी थे और श्री के.आर. वेणुगोपाल उनके नीचे थे, उन दोनों की कोरस्पोंडेंस हैं। के.आर. वेणुगोपाल कह रहे हैं कि नहीं, यह गलत फैसला है, इनकी सिक्योरिटी को खतरा है, राँ और आई.बी. की रिपोर्ट्स हैं, हमें सिक्योरिटी लोअर नहीं करनी चाहिए, लेकिन किसी ने कोई परवाह नहीं की।

आज मुझे इसलिए दुख हो रहा है कि इंस्टीट्यूशंस खत्म होते जा रहे हैं। एक जमाना था, इंस्टीट्यूशंस का, ब्यूरोक्रेसी का जमाना था, सरदार पटेल कुछ कहते थे तो वी.पी. मेनन होम सिक्रेटरी एक नोट लिखकर भेज दिया करते थे कि नहीं, यह फैसला ठीक नहीं है, इसको दोबारा सोचिये। उस वक्त पोलिटिकल मैच्योरिटी भी इतनी थी कि यह भावना नहीं आती थी कि नीचे से जो सुझाव ब्यूरोक्रेसी का आ रहा है, उसको हम कंसीडर न करें। आज दुख के साथ कहना पड़ता है कि आज हमारे तीनों पिलर कमजोरी की तरफ जा रहे हैं। यह नतीजा सिर्फ इंस्टीट्यूशंस कमजोर होने का है। अगर यह सरकार १९८९ में इंस्टीट्यूशंस की इज्जत करती तो

कभी राजीव गांधी की सिक्योरिटी कम नहीं होती। लेकिन इंस्टीट्यूशंस कमजोर होती चली गईं और इंस्टीट्यूशंस इतनी कमजोर हो गईं कि इंस्टीट्यूशन ने लिखने तक अपनी ड्यूटी समझी, लेकिन करवाने की अपनी ड्यूटी नहीं समझी। ब्यूरोक्रेसी हमारी डैमोक्रेसी का एक मजबूत पिलर है। ठीक है,

in democracy, political power is the supreme power but bureaucracy is equally important and strong enough to take action and advise action.

लेकिन उन्होंने भी इन्फोर्मेशन दे दी कि सिक्योरिटी खतरे में है, रिस्क बहुत हाई है और उसके बाद घर आकर सो गये। इन इंस्टीट्यूशंस की कमजोरी से आज हम इस हालत में पहुंच गये हैं कि हमको इस पर बहस करनी पड़ रही है। जब इंस्टीट्यूशंस डैमोक्रेसी में कमजोर हो जाती हैं तो डैमोक्रेसी आहिस्ता-आहिस्ता कमजोर होती चली जाती है। जब उनकी बात नहीं सुनी गई, थ्रेट परसैप्शन बढ़ता रहा और हालत यह हो गई कि जब १९९१ आया तो उसके बाद फिर इंस्टीट्यूशन ने फिर सरकार को एक नोटिस दिया, फिर आई.बी. की तरफ से खबर आई कि राजीव जी की सिक्योरिटी और बढ़ानी है।

... (व्यवधान)

MR. CHAIRMAN :The Jain Commission Report is a voluminous Report. You have already spoken for ten minutes but till now you have not touched the Jain Commission Report.

श्री राजेश पायलट :सभापति जी, जब इंस्टीट्यूशंस कमजोर हो जाती हैं तो फिर ये सारी बातें कमजोर हो जाती हैं।

अब उसके बाद मैंने सिक्योरिटी की बात कही कि सबस्टेंशियल सिक्योरिटी नहीं दी गई। यह उस वक्त की सरकार की जिम्मेदारी थी और जो सरकार में बैठे थे, उनकी जिम्मेदारी थी।

सभापति जी, इस बहस में तीन एंगल हैं। एक सिक्योरिटी का, दूसरा कि हत्या का पता लग गया और हत्या किसने करवाई। जैन कमीशन उस कांसपिरेसी में गया है, लेकिन मैं समझता हूँ उतना नहीं गया, जितनी इन्फार्मेशन और आनी चाहिए थी। हमारे जैन भाई कह रहे थे कि आप भी सरकार में थे। यह बात सही है कि हमारी भी सरकार थी। राजीव गांधी की कुर्बानी पर ही हम आए। आप देखें कि उनकी डेथ से पहले हमारी क्या सीट थी और बाद में उसमें बढ़ोत्तरी हुई। हम महसूस करते हैं, बड़े भारी मन से कह रहे हैं कि हम सरकार में रहकर छः साल उतना नहीं कर पाए। जब १९९१ से १९९७ तक थे। हमारा सबसे पहला फर्ज था कि हम सख्ती से इन कामों को करते जो आज हम कह रहे हैं। हम उससे दूर नहीं भाग रहे, यह हमारी कमजोरी रही है। हम इसको देश से छिपाना नहीं चाहते। लेकिन जितना कर सकते थे, उस वक्त किया। इसीलिए शिव शंकर जी ने आज साफ लफ्जों में कहा है कि हमारी कहीं कमजोरी रह गई, आज आपकी कमजोरी इस बात में नहीं रहनी चाहिए। अगर हमसे गलती हो गई तो आप उसको दूर करें, ताकि देश को सचाई मिल जाए, देश सच्चे रास्ते पर पहुंच सके और देश के सामने सचाई आ जाए।

SHRI SATYA PAL JAIN : May I ask one question? You are talking about security again and again. Shrimati Indira Gandhi was given full security. There was no lack of security for her. Still, how is it that she was assassinated? Is lack of security the only reason for the assassination?

SHRI RAJESH PILOT :I am not saying that security is everything.

सभापति जी, मैं यह नहीं कह रहा कि सिक्योरिटी ही सब कुछ है। इंदिरा गांधी को पूरी सिक्योरिटी थी, आज के दिन भी प्रधान मंत्री जी को पूरी सिक्योरिटी है, लेकिन आज भी कहीं कोई लैप्स हो सकता है। मैं यह नहीं कहता कि सिर्फ सिक्योरिटी ही सुरक्षा का साधन है। लेकिन सिक्योरिटी की जरूरत होती है और जिस सिक्योरिटी की उस वक्त जरूरत थी, जो आप लोगों ने उस वक्त नहीं की।

कांसपिरेसी की बात आई। सबने अपनी-अपनी बात कही, मैं ज्यादा विस्तार में नहीं जाना चाहता। हमारे वकील भाई राम जेठमलानी और सुब्रमण्यम स्वामी बोले, मैंने उनके भाषण सुने हैं। चाहे मसाद की बात हो, चाहे अराफात का स्टेटमेंट हो, चाहे सेवादास के बारे में कहा हो, यह सही है और सारा सदन मानता है कि कांसपिरेसी थी। मुझे खूब याद है जब मैं आंतरिक सुरक्षा मंत्रालय में मंत्री था। मैंने चंद्रास्वामी जी को हिरासत में लेने का आदेश क्यों दिया था, क्योंकि मेरी समझ में यह आ रहा था कि कोई ऐसी बात चल रही है जो इस बात को उजागर करेगी। जिस तरह की एक्टीविटी चंद्रास्वामी जी की चल रही थी, उससे मेरे मन में यह बात पक्की थी कि जब तक हम इस आदमी की गतिविधियों को जड़ में नहीं जाएंगे, तब तक सारी बात सामने नहीं आएगी। मैं सुन रहा था जब सुब्रमण्यम स्वामी जी कह रहे थे कि चंद्रास्वामी की टहूज हूँ पढ़कर सुनाऊँ। सभापति जी, मैं इस सरकार से प्रार्थना करता हूँ कि अब देश के साथ बहुत खिलवाड़ हो चुका है, चंद्रास्वामी की टहूज हूँ से इस देश को नुकसान नहीं होना चाहिए। मैं प्रार्थना करता हूँ सरकार से कि वह व्हाइट पेपर देश के सामने रखे कि चंद्रास्वामी के किस से ताल्लुक रहे क्यों रहे और किसलिए रहे हैं। आप यह जिम्मेदारी निभाइये। यह बात भी सही है कि आप नहीं निभा पाओगे। मुझे खूब पता है, जब मैंने हिरासत के आदेश दिए थे तो बी.जे.पी. के कई नेताओं का बयान आया था कि राजेश पायलट तो इंस्पेक्टर की तरह आदेश दे रहा है। आज आप कह रहे हो तो हम इस बात का स्वागत करते हैं। चंद्रास्वामी के ऊपर व्हाइट पेपर निकले कि कब से उनके पोलिटिशियन्स के साथ कनेक्शन रहे हैं, किस के साथ रहे हैं और क्यों रहे हैं। मैं महसूस करता हूँ, आज मैंने सुब्रमण्यम स्वामी को और राम जेठमलानी जी के भाषण सुने और मैं इस बात से कंवीस हूँ कि अगर आप इसे उजागर कर दोगे, सारी बातें सामने आ जाएंगी, कोई चीज देश से छिपी नहीं रहेगी। लेकिन अभी आप व्हाइट पेपर की तैयारी करो।

डा. संजय सिंह (अमेठी): जब आपका समय था तो सी.बी.आई. ठीक थी, अब नहीं है।

श्री राजेश पायलट :संजय सिंह जी, मैंने सी.बी.आई. का जिक्र नहीं किया। मैं यह कह रहा हूँ कि किसी भी एजेंसी से जांच करवाएं जो देश और संसद को बता दें कि इस आदमी के कनेक्शन कहां-कहां हैं, इस आदमी की गतिविधियां क्या-क्या हैं, क्योंकि इस आदमी ने देश की राजनीति से खिलवाड़ किया है। आज लालू जी ने ठीक कहा।

श्री रामचन्द्र बैदा (फरीदाबाद) : यह खिलवाड़ हमारे से थोड़े हुआ है, कांग्रेस के शासन में हुआ है, आपने खिलवाड़ कराया है।

... (व्यवधान)

श्री आरिफ मोहम्मद खां :आपके आदेश पर अमल क्यों नहीं हुआ था?

श्री राजेश पायलट : आरिफ मोहम्मद खां जी कह रहे हैं कि आपके आदेश पर अमल क्यों नहीं हुआ। चलो, मेरी सरकार में नहीं हुआ, आपको भी यह पता है, मैं मानता हूँ कि नहीं हो पाया, लेकिन इस सरकार से मैं कहना चाहता हूँ कि अब आप अमल करके दिखाओ। मैं भरोसा दिलाता हूँ कि अगर आपने इनका पूरा खाका खोला, आपको सारी बातें मिल जाएंगी, सारी कांसपिरेसी सामने आ जाएगी, फारेन एंड इनलैंड सारा साफ हो जाएगा। मेरा अपना भरोसा है कि यह सबसे बड़ा क्रकस है, जो आपको करना चाहिए।

सभापति जी, सबने बड़ी बातें कहीं हैं, लेकिन दो बातों पर गौर नहीं किया।

जिस तरीके से अभी राम जेटमलानी कह रहे थे कि ठमौसाद' से खबर आई, सुब्रहमण्यम स्वामी ने उसका जवाब दिया और बड़े बेहतरीन तरीके से जवाब दिया कि अगर उसमें किसी का कसूर है तो वह भी उसमें मदद करने के लिए तैयार है। उन्होंने बड़े खुले शब्दों में आज यह भी बताया कि क्या-क्या एक्शन थे, क्या क्या रहा। आज सारा देश इसे देख रहा है। जो हादसा राजीव जी के साथ हुआ, जैसा मैंने पहले कहा कि इंस्टीट्यूशन कमजोर हुआ, ब्यूरोक्रेसी की पोलिटिकल विंग के सामने नहीं चल पाई और वह पोलिटिकल एंगल से चलती रही। उन्होंने मन बना लिया कि राजीव गांधी को सिक्योरिटी नहीं देनी है और हालत यह हो गई कि जब बात बिगड़ती चली गई तो न इंस्टीट्यूशन ने परवाह की और न पोलिटिकल विंग ने परवाह की। उसका परिणाम यह हुआ कि राजीव जी की हत्या हुई।

आज मुझे खुशी है कि यहां सभी लोग पार्टी से ऊपर उठकर बात कर रहे हैं। आज देश के सामने हमें सच्चाई लानी है। सच्चाई जानने के लिए हम सभी इंटरस्टेड हैं। हम ही नहीं सारा देश सच्चाई जानना चाहता है। आज कोई दस साल का बच्चा पूछे कि देश के प्रधान मंत्री की हत्या कैसे हुई और हम जवाब न दे पाएं तो यह देश के लिए शर्म की बात है। मैं सरकार से प्रार्थना करता हूँ कि जो एजेंसी की बात हुई है, उस एजेंसी के पास पॉवर होनी चाहिए। वह एजेंसी ऐसी न हो कि देश के किसी कोने में चली जाए तो यह कहे कि यह स्टेट गवर्नमेंट के दायरे से बाहर की बात है, उसमें हम मदद नहीं कर सकते। मैं गृह मंत्री जी से प्रार्थना करता हूँ कि वह पोलिटिकल लीडर्स की एक मीटिंग बुलाए और उसमें बैठकर सलाह करें कि एक एजेंसी स्थापित करनी चाहिए जो कि टाइम बाउन्ड हो। लालू जी सही कह रहे थे कि सात साल में अब खबर आई है, अगले सात साल और इसमें लग जाएंगे तो सारी बात खत्म हो जाएगी।

आज फाइलों का जिक्र हुआ है कि कुछ फाइलें गुम हो गई हैं। अगले सात साल में और कुछ हो जाएगा तो देश किसी नतीजे पर नहीं पहुंच पाएगा। मैं सरकार से कहूंगा कि एक स्पेशल एजेंसी बताइए, नाम कुछ भी रख लीजिए, उस एजेंसी का कर्तव्य होना चाहिए कि वह देश के किसी भी कोने में जाकर इंटेरोगेशन कर सके, किसी से भी पूछताछ कर सके।

SHRI SATYA PAL JAIN : Name the agency.

SHRI RAJESH PILOT : You can call it a task force. It can be formed with experienced police officers, who may or may not be in service, whose integrity and capabilities are known all over the country. You can form a special team with them and give a time-bound programme to it.

उस टाइम में आप उसे करके दें। जैन साहब ने जिस भाषा में अभी बोला है, जार्ज फर्नांडीज जी आपके पास बैठे हैं, चन्द्रा स्वामी का एक कच्चा चिट्ठा दे दीजिए, देश को कोई जरूरत नहीं है। सारा देश समझ जाएगा। लेकिन आपके कैबिनेट में भी वह बात न हो जाए जो और कैबिनेटस में होती थी। इस पर आपको गौर करना पड़ेगा। आपने बहस कराई, इसके लिए मैं आपका आभारी हूँ। अपनी पार्टी की तरफ से श्री शिवशंकर जी ने काफी सफाई से बात रखी है। हमारे वही दो मुद्दे हैं। हमारा एक यह मुद्दा था कि जिनका हाथ था, उनको भी पकड़ना जरूरी है। यह तो पता चल गया कि कैसे हत्या हुई लेकिन किसका हाथ था, यह भी देश को जानना जरूरी है।

१९८० में, मुझे याद है मैं नया-नया पार्लियामेंट में आया था, इंदिरा जी कहा करती थी कि कुछ विदेशी ताकतें देश को स्टेबल नहीं होने देना चाहती हैं। यह बात सही है कि कुछ विदेशी ताकतें इस देश को कमजोर करने में लगी हुई हैं। अभी हमारे अकाली दल के कुछ भाई हंस रहे थे जब भिंडरावाले का जिक्र आया था। जब पंजाब में हालत खराब हुई थी, ये लोग उनको सरोपा देते थे जो मारते थे और कांग्रेस उनके घर जाती थी जो मरते थे। हम लोगों ने उनको आगे बढ़ाया था?

... (व्यवधान)

प्रो. प्रेम सिंह चन्दूमाजरा :इसी बात की इक्वायरी हो जाए कि पंजाब में किसने मिलिटेंसी पैदा की? ये लोग किसके घर में जाते थे और हम किसके घर जाते थे? हमारे कितने लोग मारे गए और उनके कितने मरे? यह हिसाब भी कर लें कि किसके ज्यादा मरे? पंजाब में मिलिटेंसी किसने पैदा की? इनके बाद मैं बोलूंगा और तब बताऊंगा कि पंजाब में मिलिटेंसी किसने पैदा की?

... (व्यवधान)

MR. CHAIRMAN : Please resume your seats.

... (Interruptions)

MR. CHAIRMAN: Shri Pilot, are you yielding?

श्री राजेश पायलट :कांग्रेस पार्टी पचास साल या पैंतालीस साल सत्ता में रही है। हम यह नहीं कहते हैं कि हमसे कोई गलती नहीं हुई है या हमारा हर कदम सही रहा है लेकिन कांग्रेस पार्टी के योगदान को आपको समझना और मानना पड़ेगा। जहां-जहां ऐसी ताकतों ने सिर उठाया है, चाहे नॉर्थ ईस्ट हो, कश्मीर हो या पंजाब हो, मिलिटेंसी के खिलाफ लड़ने में कांग्रेस हमेशा सबसे आगे रही है। यहां बूटा सिंह जी बैठे हुए हैं जो तत्कालीन गृह मंत्री थे। उनको मालूम है कि किस तरह से पंजाब में हालत खराब रही है और सी.पी.एम. के भाई खड़े होकर कहते रहते थे। बी.जे.पी. के भी कुछ साथी वहां पर मरे थे। यह सही है कि ये ताकतें आगे बढ़ी हैं।

महोदय, इसी भावना को लेकर हमने प्रस्ताव दिया है कि स्पेशल टीम बनाकर पूरे मन से काम करना चाहिए। हां,

ATR

के बारे में कुछ बात चली है और आपने

ATR

में थोड़ा सा पोलिटिकल एंगल दिया है, जैसा सब लोगों ने कहा है। यह भावना नहीं होनी चाहिए, अगर आपको सच्चाई तक पहुंचना है। मैं मानता हूं, सच्चाई हमारे जमाने में नहीं निकल पाई। उसके लिए हम अपनी ढील मानते हैं, लेकिन हम यह उम्मीद रखते हैं कि आप देश के सामने सच्चाई को लायें और स्थिति साफ हो सके।

अंत में, मैं आपको धन्यवाद देता हूँ कि आपने मुझे बोलने के लिए मौका दिया। शिवशंकर जी ने जो प्रस्ताव रखा है, मैं उसका समर्थन करता हूँ। अपनी इस मांग के साथ चन्द्रास्वामी अबकी बार तुमने पेपर नहीं दिया, तो बोलने के लायक नहीं रहोगे और बाहर निकल जाओ। इस बात का ख्याल रखिएगा।

MR. CHAIRMAN :Now, a statement by the Minister on the situation along the LOC in Jammu and Kashmir.

... (Interruptions)

MR. CHAIRMAN: Let the Minister make the statement.

THE MINISTER OF DEFENCE (SHRI GEORGE FERNANDES): Sir, I would like to apprise the House...(Interruptions)

PROF. P.J. KURIEN (MAVELIKARA): Why every Minister is choosing only today to make the statement? (Interruptions)

SHRI AJIT JOGI :Every Minister wanted to make the statement only today.

MR. CHAIRMAN: They are having their own responsibilities to make the statements. Please wait for a few minutes.

... (Interruptions)

SHRI AJIT JOGI :Every Minister has chosen the end of the Session to make statements. (Interruptions)

SHRI BHUBANESWAR KALITA (GUWAHATI): Why do you make a statement in the extended day of the Session, why not earlier? (Interruptions)

PROF. P.J. KURIEN :Even if the Minister wanted to make the Statement, he could have intimated to us early. That is the rule and the hon. Minister knows that. Do not take the House by surprise. (Interruptions) Why he wants to make the Statement during the end of the Session. (Interruptions) This is not the way. (Interruptions)

MR. CHAIRMAN: Mr. Minister to make a statement on the situation along the LOC in Jammu and Kashmir.

(Interruptions)

PROF. P.J. KURIEN :No, that cannot be. We have decided in the BAC that today, the discussion will be only on Jain Commission Report. (Interruptions)

MR. CHAIRMAN: The Minister wants to make the statement because the situation has arisen.

... (Interruptions)

SHRI K. YERRANNAIDU (SRIKAKULAM): We want to know the position?... (Interruptions)

MR. CHAIRMAN: Only after getting the permission from the hon. Speaker, the hon. Minister is making the statement.

... (Interruptions)

PROF. P.J. KURIEN :It should have been intimated to the House in advance. It should have been circulated that a statement is being made. ... (Interruptions)

MR. CHAIRMAN: Prof. Kurien, you are wasting the time of the House.

... (Interruptions)

PROF. P.J. KURIEN :Mr. Chairman, Sir, please listen to me.... (Interruptions)

MR. CHAIRMAN: Prof. Kurien, you are wasting the time of the House.

... (Interruptions)

PROF. P.J. KURIEN :Mr. Chairman, Sir, you are violating the decision of the BAC. The Business Advisory Committee has decided nothing else but only the Jain Commission Report should be discussed. (Interruptions)

MR. CHAIRMAN: At the time of the meeting of the BAC, this question has not arisen.

... (Interruptions)

PROF. P.J. KURIEN :Mr. Chairman, Sir, you are violating the decision of the BAC. It has been decided. ... (Interruptions)

SHRI RAJESH PILOT :Mr. Chairman, Sir, in the BAC, the Government should have come out that they are doing this today. Let us not violate the decision of the BAC. ... (Interruptions)

PROF. P.J. KURIEN :It was not decided in the BAC. ... (Interruptions)

MR. CHAIRMAN: Mr. Minister, how many minutes you require to make the statement?

... (Interruptions)

SHRI AJIT JOGI (RAIGARH): They do not want to discuss the Jain Commission Report seriously. ... (Interruptions)

संसदीय कार्य मंत्री तथा पर्यटन मंत्री (श्री मदन लाल खुराना): हमने आपको एडजस्ट किया। आप थोड़ा सा एडजस्ट कर लीजिए।

... (व्यवधान)

हमने पांच मिनट ले लिए, तो क्या हो जाएगा। हमने आपका इतना बड़ा कहना माना, आप पांच मिनट नहीं दे सकते हैं।?

PROF. P.J. KURIEN :This is not done. You agreed that you will take three days for completing the business and after that the Jain Commission Report will be taken up. ... (Interruptions) You have give only two days for discussing this Report. ... (Interruptions)

MR. CHAIRMAN: Mr. Minister, to make the statement.

... (Interruptions)

SHRI AJIT JOGI : Let the hon. Minister table the statement at that time. ... (Interruptions)

SHRI SOMNATH CHATTERJEE : May I take a minute? Certainly, hon. Minister, in many such circumstances, are expected to make statements. Only thing is, sometimes it is generally intimated to the Members by circulation of a Revised List of Business that the Minister will make a statement. Why is this not being followed? This is what, I believe, hon. Members are saying. It is as if, any time - it is between the Chair and the Minister - the Chair can give the permission and someone can stand up and make a statement.

I would request them not to take Parliament for granted. They are taking everybody for granted. Let us follow whatever remains still of Parliament. I would also request them not to ignore whatever little conventions or the procedures that still remain. So, let the statement be made but in future, I would request Khuranaji that if he comes back and sits there, he should follow this... (Interruptions)

MR. CHAIRMAN :If you are really interested in discussing the Jain Commission Report, then let the statement be allowed to be made. You are unnecessarily wasting the time of the House.

... (Interruptions)

PROF. P.J. KURIEN Sir, this is against the decision of the BAC. This is against the Direction 119 of the Speaker... (Interruptions)

श्री मदन लाल खुराना: कल तो आपने कहा था कि एक दिन के लिए हाउस बढ़ा दीजिए। ... (व्यवधान) आपके कहने से हमने एक दिन के लिए हाउस बढ़ा दिया और अब इस तरह बोल रहे हैं।

... (व्यवधान)

PROF. P.J. KURIEN Please read Direction 119 of the Speaker... (Interruptions)

SHRI MADAN LAL KHURANA: This is not the way... (Interruptions)

PROF. P.J. KURIEN :Let the hon. Minister place it on the Table of the House... (Interruptions)

MR. CHAIRMAN: Hon. Minister, you please go ahead. This is usual in the House.

... (Interruptions)

PROF. P.J. KURIEN : Sir, can any Minister come with any statement any time? That is the issue... (Interruptions) This is not the way... (Interruptions)

श्री मदन लाल खुराना: मेरी आपसे प्रार्थना है कि आप बैठ जाइए।

... (व्यवधान)

जितना समय आपने लिया है इतनी देर में तो जार्ज जी पढ़ भी लेते।

PROF. P.J. KURIEN : There would be no more statements, Khuranaji should ensure that... (Interruptions)

17.29 hrs.

MR. CHAIRMAN Now, I call upon Shri R. Muthiah to speak.

">1729 hours

SHRI R. MUTHIAH (PERIYAKULAM): Mr. Chairman, Sir, thank you for giving me this opportunity to speak on the Final and Interim Reports of the Jain Commission and also the Action Taken Report of the Government on the assassination of Shri Rajiv Gandhi in 1991.

Sir, after hearing the arguments of some of our Members here, I am naturally having an apprehension that some more Members may come forward to say that nobody had killed Shri Rajiv Gandhi but he himself had gone there with a bomb in his pocket and that is why he had faced such a brutal accident. ... (Interruptions)

MR. CHAIRMAN: Hon. Members, please take your seat. You are not expected to speak with the officials from the House.

SHRI R. MUTHIAH Like that, some of the Members may speak here. After hearing the speeches of of Shri Basudeb Acharia and even the speech of Shri P. Shiv Shanker, I have got that apprehension.

On 21st May, 1991, Shri Rajiv Gandhi was brutally murdered by a human bomb of LTTE in Sriperumbudur. This Jain Commission was formed to inquire into the brutal murder. It has gone through so many exercises. Last year, it had given its Interim Report. During March this year, the Final Report was given. After that, this Government came to power. They have gone through the Final Report and submitted its Action Taken Report to this House. The Jain Commission has taken eight months of laborious exercise to bring out this final report.... (Interruptions)

SHRI AJIT JOGI (RAIGARH): It has taken seven years.

SHRI R. MUTHIAH This Final Report has stated that some conspiracy is there in the murder of Shri Rajiv Gandhi. To find out that conspiracy, some of the organizations, some of the international agencies and some of the individuals have to be examined and, then they have to come to a conclusion. They have decided in this way. In its Final Report, the Commission has come to a conclusion that there is a conspiracy and because of that conspiracy, some individuals too should be interrogated. Those individuals include Shri Chandraswami, Dr. Subramanian Swamy, K.P alias Shri Kumaran Padmanabha and Shrimati Subbulakshmi Jagadeesan. They have quoted these names in the Final Report as well as in the

Action Taken Report. Shrimati Subbulakshmi Jegadeesan is not an ordinary lady. She was the Social Welfare Minister of erstwhile Shri Karunanidhi's Government. I want to bring this fact before this House.

do you hide this fact?..(Interruptions)

MR. CHAIRMAN: Shri Baalu, please sit down.

SHRI R. MUTHIAH Sir, I would like to tell Shri Baalu that she was a Minister during MGR period from 1977 to 1980. Then you had toppled our Government with the help of Shrimati Indira Gandhi. She ran away from us. She had betrayed MGR. That is why, she is facing the consequences now. I would say even this that anybody who has betrayed MGR would face the consequences. Even your leader betrayed our MGR. That is why, he is facing the extraordinary consequences. So, Sir, that lady, Shrimati Subbulakshmi Jagadeesan was a Social Welfare Minister in the erstwhile Shri Karunanidhi's Government during 1989-91. Even now, she is an MLA of DMK in the Tamil Nadu Assembly. The fifth man is our present Chief Minister, Shri M. Karunanidhi. Against all these five persons, some proper investigation should be done. ... (Interruptions)

SHRI SOMNATH CHATTERJEE Either investigation or article 356!

SHRI R. MUTHIAH (PERIYAKULAM): Yes, yes, I am coming to it. Our Chief Minister has got so many formulas. He has himself evolved a formula how he has to be examined, how he has to be interrogated. He has got his own formula. I am coming to those things. If anybody has to be interrogated, the formula of our Chief Minister for that is that he should be brought before the Police Station, an FIR should be filed and after filing an FIR he should be arrested and only in the police custody he should be interrogated. That is the formula of our Chief Minister.

After going through the question of interrogation of those five persons now some political equations have been brought into these incidents. Even our Chief Minister, had said during the course of his interview to the Press that, "my name is found only in one place". Shri Karunanidhi's name has been found in the Commission's Report at only one place. "There are so many others whose names are there on so many pages in the Final Report but on one page only my name is there. For that one page report I am going to be interrogated by the MDMA." That is the Chief Minister's version during a Press Conference. It is not only on one page. (Interruptions)

SHRI R. MUTHIAH :Yes, I am coming to that. (Interruptions) Not only on one page but on so many pages his name may be there. (Interruptions) What all the things he had done when he was the Chief Minister during 1989-91 are there in these reports.

In the Interim Report there was a specific mention about the Chief Minister:

"From the evaluation of the material the conclusion is irresistible that there was tacit support to the LTTE by Shri M. Karunanidhi and his Government and the law enforcement agencies."

We have to note this. The support was not only by himself, but also by his Government and by the law enforcement agencies. This is there in the Interim Report.

Justice Jain had never denied this statement in the Interim Report when he was delivering this Final Report. It is there. Along with this statement in the Interim Report, in the Final Report he has categorically stated that "Shri M. Karunanidhi was also not interrogated." He is telling about so many persons. (Interruptions)

MR. CHAIRMAN :Shri Baalu, please avoid giving a running commentary. You please resume your seat.

... (Interruptions)

MR. CHAIRMAN: All the Members may please be seated.

MR. CHAIRMAN: Shri Gopal, Shri Chinnasamy, please sit down. There is no meaning in shouting. Please sit down.

... (Interruptions)

MR. CHAIRMAN :Shri Baalu, you are not entitled to argue with him. You are not entitled to argue with the Member who is speaking. Please take your seat.

... (Interruptions)

MR. CHAIRMAN: All the Members should take their seats. Let him proceed with his speech.

... (Interruptions)

SHRI R. MUTHIAH What is this? Everybody is keeping quiet. Why is this statement disturbing Shri Baalu? (Interruptions).

MR. CHAIRMAN: Please do not interrupt him. Let him proceed with the discussion.

... (Interruptions)

SHRI R. MUTHIAH In the Final Report, the Jain Commission has categorically mentioned that Shri P.V. Narasimha Rao, Shri Chandra Shekhar, Shri T.N. Seshan and my leader have not been interrogated since they are all irrelevant in this case. However, Shri Karunanidhi was also not interrogated. On many issues, the interrogation of Shri Karunanidhi was quite relevant. Why is it relevant? (Interruptions).

MR. CHAIRMAN: Your Party is getting a chance. Then, you can speak whatever you want to speak.

... (Interruptions)

Commission. (Interruptions).

MR. CHAIRMAN: You must listen to him patiently.

... (Interruptions)

SHRI R. MUTHIAH It is there in the Reports. The other people have not been interrogated since their cases are not relevant to this particular aspect whereas Shri Karunanidhi's interrogation is quite relevant because the earlier Interim Report had categorically mentioned his nexus with the LTTE. Shri Rajiv Gandhi was assassinated at Sriperumbudur. (Interruptions).

Some of our Congress leaders have said that they are rejecting the ATR. (Interruptions). What are they going to do with all those things? The Jain Commission has investigated the conspiracy behind Shri Rajiv Gandhi's murder. It has mentioned the assassination of Padmanabha who came to this country with full faith that he could get protection against the attack by the LTTE people. Shri Padmanabha had been assassinated at Chennai on 19th June, 1990. At that time, who was the Chief Minister?

The same Shri Karunanidhi was the Chief Minister.(Interruptions) After the murder of Padmanabha, 16 others simply ran away from Madras to Kodiakkarai, which is more than 300 kilometres from Chennai, without any hindrance. They had gone there and prepared biryani there.(Interruptions) It is mentioned there in the Report(Interruptions)

SHRI R. MUTHIAH His native place is near Kodiakkarai.(Interruptions) In the trial court, all these facts have been put before the Magistrate.(Interruptions)

MR. CHAIRMAN Shri Muthiah, you address the Chair. Then, they will not unnecessarily intervene.

SHRI R. MUTHIAH Sir, I am raising a very important point ">that those who had escaped include Sivarasan who is one of the killers of Shri Rajiv Gandhi. This Report specifically indicates lack of vigil on the coast and the failure of the intelligence. After this massacre, requisite steps to keep a continuous track of the LTTE operatives were not taken by the State agency. In this regard, I want to emphasise on one of the affidavits submitted to this Commission mentioning the letter written by Senior Additional Director, IB to the Home Secretary on 30.01.1990. This letter is mentioned at page 6 in Volume IV. It says :

"Meanwhile, the LTTE has been taking full advantage of sympathetic attitude of the ruling DMK in Tamil Nadu. A noticeable support in LTTE activities is seen coinciding with the initiative taken by the Chief Minister of Tamil Nadu in resolving the ethnic issue."

It further says :

"They are easily coming and going by the boats. A tri-weekly service has been there from Velvettithurai to Mallipattinam in Thanjavur district. The traffic involves transport of medicines, foodstuffs, arms and ammunition. Besides, wounded persons are also brought to Tamil Nadu from time to time for the treatment."

Again, it says :

"Local DMK leaders in the coastal region of Thanjavur have also been collaborating with LTTE in this illegal traffic in the hinterland."

Just now, Shri Baalu told me that I was with those people who had prepared the biryani. Here is a mention of local DMK leaders of Thanjavur district. He belongs to that district. This is a letter of Senior Additional Director, IB which states that the local DMK leaders in the coastal regions of Thanjavur have also been collaborating with LTTE in this illegal traffic in the hinterland.

This was a letter written by the Senior Additional Director of the Intelligence Bureau to the Government on 30.01.1990. At that time, Shri Murasoli Maran was a Minister in the erstwhile Government headed by Shri V.P. Singh. I am quoting this letter only to prove what was the collaboration in those days.

**Sir, I now come to a vital point to show what is the nexus between the DMK and the LTTE. Some letters were seized from the house of Shrimati Subbulakshmi Jagadeesan. They are there in Volume VI of the Final Report of the Jain Commission. One letter was written by one advocate Shri D. Veerasekaran who was the counsel for LTTE and another letter was written by one LTTE cadre, Shri Natesan.
(Interruptions)**

He can be a Legal Advisor to Shri Veeramani. I am not bothered about any political equation. In the Action Taken Report, it is even stated that interrogation should have been ordered against our hon. Member Shri Subramanian Swamy, who is an ally of our Party. He can face any enquiry. That shows the confidence he has got. (Interruptions)

MR. CHAIRMAN Shri Muthaiah, please address the Chair. You need not respond to the comments.

... (Interruptions)

SHRI R. MUTHIAH So, Shri Veerasekaran is also a Legal Advisor. In those days he was the Counsel for LTTE. He wrote a letter to Shri Kittu who was number 2 in the LTTE, next only to Shri Prabakaran. He says:

"My dear brother Kittu, Vanakkam.

It was published in the newspapers that you are visiting Delhi, but on the next day itself there was a news that you are not coming to Delhi."

This letter was written on 26th June, 1990. At that time, Shri V.P. Singh was the Prime Minister and Shri Murasoli Maran was a Minister in his Government. The letter further says:

"However, your contacts and talks with the Chief Minister Kalaignar was also published in the papers. At present, newspapers, TV, radio etc. are broadcasting only the Sri Lankan Government's news about the happenings in Tamil Eelam at present, when the news about the genocide in Eelam given by the LTTE should be released to TV."

Sir, how can the news given by the LTTE be broadcast in our television? It could have been done only with the help of these people in the Government in those days.

SHRI M. SELVARASU (NAGAPPATTINAM): Mr. Chairman, Sir, the Government of India gave arms training to the LTTE and Shrimati Indira Gandhi also supported the LTTE.

SHRI R. MUTHIAH Not in those days. That was done earlier. After the IPKF was sent to Sri Lanka, the Central Government never supported these people.

Sir, the letter further says:

"Apart from the above, kindly contact the Chief Minister and discuss with him about the murders that are taking place in Tamil Eelam. Like that, kindly contact Shri Veeramani and speak to him."

This House has to take note of this letter. In that letter it is stated:

"If possible, please keep contacting with the Home Secretary, Shri Nagarajan, IAS. You can use my name while contacting."

The telephone numbers of office as well as residence have also been quoted. In those days, the Government of Tamil Nadu was at the disposal of the LTTE ... (Interruptions). Why is he in so much hurry?... (Interruptions)

MR. CHAIRMAN Shri Baalu, you can speak when your turn comes.

... (Interruptions)

MR. CHAIRMAN: Nothing will go on record except the speech of Shri Muthiah.

(Interruptions)*

SHRI R. MUTHIAH Sir, when I started my speech, I had mentioned that we had also supported the LTTE. But we did not support them for killings like this. We had supported them for the Tamils cause. But they had supported the LTTE, according to this letter, for killings and murders.

SHRI R. MUTHIAH It is his own handwriting in Tamil. How can he deny his own handwriting?

MR. CHAIRMAN: Next speaker is Shri Maran. He is going to participate in the discussion. Why are you in so much hurry?

SHRI R. MUTHIAH Sir, in another piece of letter written by Nadesan who was one of the LTTE cadres, it is stated:

"We met Kalaignar (Shri Karunanidhi) during night and discussed with him. He spoke on our behalf (on behalf of LTTE) as well as in support of us. He said that if he is informed about each action taken by them in advance, he would make necessary arrangements. This includes bringing of injured persons and despatch of materials.

If we give the addresses of all the houses where we are staying, he will see to it that those houses are not approached..."

* Not Recorded.

It was stated by Shri Karunanidhi.

MR. CHAIRMAN: But this is the interference.

... (Interruptions)

SHRI R. MUTHIAH It is there with you. You can go through this... (Interruptions).

Shri Pilot, you had been the Home Minister for so many years.

One of your Chief Ministers, Shri Karunanidhi is there. He is deputing his Police for what purpose? If we give the addresses of all the houses where we are staying, he assured, he will see to it that those houses are not approached by the Police. You register your protest against bomb attacks. That is how he will protect you with bombs and arms. Only after stopping all these, we will plunge into action immediately. He took the list of medicines.

As regards weapons, he said it is not within his power, but however after discussion with the Government of India, he will inform about that.

17.56 hrs (Shri P. M. Sayeed in the Chair.)

Then Shri V. P. Singh was in power and Shri Karunanidhi had assured to have a meeting with LTTE, but however after discussion with the Government of India, he will inform about that.

In the notings of that letter, it is mentioned that "he told that Padmanabhan incident had put him in tight corner. He said that Padmanabhan himself should be killed. Shri Karunanidhi said that Padmanabha deserves to be killed. He is a traitor who should have been killed in Orissa or in some other place. He also told, Varadaraja Perumal is also a traitor and he will also face the same consequences. He also told, by killing in Tamil Nadu, you have made him garland the dead body of a traitor. He also told that Mr. Murasoli Maran had requested him not to participate in the funeral procession of Padmanabhan because of which he did not participate." Varadaraja Perumal is still alive. He is none other than the Chief Minister of the Northern Province in Sri Lanka. After the accord made by our Rajiv Gandhi with Sri Lankan Government, he is the product of our Rajiv Gandhi. After Rajiv Gandhi has lost power here in Delhi, Shri Karunanidhi, the then Chief Minister and now also Chief Minister, is painting him as a traitor. Who is a traitor? Is anybody who has served the cause of India in Sri Lanka a traitor? Or, the man who is painting him as a traitor is himself a traitor?(Interruptions) Who is a traitor?

MR. CHAIRMAN Please conclude.

SHRI R. MUTHIAH Our Chief Minister has in one place asked to see in how many places his name is there in the report.

SHRI SOMNATH CHATTERJEE:Where has he said like that?

SHRI R. MUTHIAH :He is telling that in the Press Conference. It is mentioned in Volume IV page No. 18. The Tamil version also is there. He said "By killing him in Tamil Nadu, you have made him garland the dead body of a traitor. Otherwise, I would not have been there to garland that traitor. He also told that Murasoli Maran had requested him not to participate in the funeral procession. He shall not participate

in the funeral procession of Padmanabhan." One of his associates is writing a letter saying only on the advice ... (Interruptions) He was there only on the advice of ... (Interruptions)

MR. CHAIRMAN: Shri Murasoli Maran, you can give reply at the time when you speak.

18.00 hrs.

MR. CHAIRMAN : Please do not disturb him. Do not interrupt him. We do not have time. When Shri Murasoli Maran speaks, he can touch upon all these points. Let us have some order in the House. Shri Baalu, please take your seat.

... (Interruptions)

SHRI R. MUTHIAH I am quoting only from the report of Justice Jain. I have never quoted anything outside the Reports. All along, from the days the Inquiry Commission started its work, some concocted efforts were being made to divert the attention of the Commission from focussing on them.

Now, I come to Volume-I...(Interruptions)

SHRI RAM VILAS PASWAN (HAJIPUR): How many more Volumes are there to quote?

SHRI R. MUTHIAH There are totally nine Volumes...(Interruptions)

MR. CHAIRMAN: Shri Muthiah, please address the Chair. Do not answer him. Otherwise, you will be losing your time.

... (Interruptions)

SHRI R. MUTHIAH The Chief Minister is saying that only in one place his name is there. But there are the other pages...(Interruptions)

MR. CHAIRMAN: You argue your case looking here. Otherwise, you will always be disturbed from that side.

... (Interruptions)

SHRI SOMNATH CHATTERJEE Shri Muthiah, in how many places has his name been mentioned?... (Interruptions)

SHRI RAM VILAS PASWAN He has finished only one Volume. There are the other Volumes!... (Interruptions)

SHRI R. MUTHIAH Coming to my point, how can he say like that? On 21st May, 1991, on the day of the assassination of Shri Rajiv Gandhi, all the meetings including that of Shri Karunanidhi had been cancelled in the last minute. The Commission had inquired into those things. Shri Mani Shanker Aiyar, Shri K. Ramamurthy and Shrimati Maragatham Chandrashekhar deposed before the Commission telling that it was true. But Shri Karunanidhi, while deposing before the Commission on 17.1.1997, denied that statement. They tried to corroborate the statement of Shri Karunanidhi. On 17.1.97, he had deposed before the Commission. On 20.1.97, one Shri N.V. Vatsan, who was the Joint Director in the SIB in Madras was brought before the Commission. My friend knows about it very well. That is why, they have brought that gentleman before the Commission...(Interruptions)

the paper. But you have not read it. What is this?...(Interruptions)

MR. CHAIRMAN: Shri Muthiah, please conclude.

SHRI R. MUTHIAH I am coming to my point.

MR. CHAIRMAN: You have started your speech at 5.22 p.m. Now, it is six of the Clock. A large number of speakers are there.

SHRI R. MUTHIAH To corroborate the statement, they had brought the Joint Director on 20.1.97 before the Commission. On 20.1.97, they were in power. The United Front Government was in power at the Centre. So, they had easily brought that person to depose before the Commission saying that it was not true. He went on telling like this. "In fact, I happen to mention to the Director IB also orally." On the other hand, we learn that the DMK leaders were totally soft at the dastardly assassination. This is there. I am going to tell this House one thing. Shri Vatsan had already deposed before the Commission. This is contained in Volume IX. Some four letters had been submitted to the Commission. In those letters, nothing had been dealt with to this effect.

Then, of late, when these people were in power in Delhi, they had brought the gentleman Shri Vatsan before the Commission to depose in order to see that there is nothing on record.

What happened in Tamil Nadu? On the day of the assassination, the general public in the entire Tamil Nadu got agitated. Everywhere the DMK people were speaking in the open platform saying that if Shri Rajiv Gandhi would come to Tamil Nadu, he would not be able to go back to Delhi alive...(Interruptions)

SHRI MURASOLI MARAN Sir, that has been denied by Justice Jain himself. He should not tell the untruth...(Interruptions)

the time of the House...(Interruptions) He is saying all this with some mala fide intention...(Interruptions)

MR. CHAIRMAN Please cooperate with the Chair.

... (Interruptions)

SHRI R. MUTHIAH Justice Jain has come to the conclusion that it is not so because of Vatsan. Like that, they have tried their level best to divert the attention.

During the course of inquiry held here on 27th March, 1997, they published a photograph in the Indian Express, Dinamani and other weekly. In that publication, they said, "Here is a photograph wherein Ms. Jayalalitha is seen with the assassins of Shri Rajiv Gandhi, Sivarasan and Dhanu." Why did they publish it? They wanted to divert the attention of the Commission and to sidetrack the issue...(Interruptions)

DR. SUBRAMANIAN SWAMY (MADURAI): This is forgery...(Interruptions)

SHRI R. MUTHIAH The next day we came to know that those two persons who had resemblance of Sivarasan and Dhanu, were our own party advocates, Shri Nanje Gowda and Shrimati Dakshayayni from Hosur in Dharmapuri District...(Interruptions) We are asking for the CBI Inquiry on this. We have already demanded a CBI Inquiry on this photo episode. We have lodged a complaint with the Tamil Nadu police. No action has been taken on this. They have tried their level best to divert the attention which was getting focussed on them. The Chief Minister, Shri Karunanidhi had told on the floor of the Assembly itself about a probe into this photo episode. This news also appeared: "Karunanidhi promises probe." Still, they have not ordered any probe on the photo episode. Like that, they have tried their level best to divert the attention from the Commission's findings. After that, the Commission has come to the conclusion that Shri Karunanidhi should be interrogated by some agency. This Government is going to form a MDMA which is going to interrogate him.

There is a specific formula followed by the Chief Minister, Shri Karunanidhi. The formula is that if anybody has to be interrogated, before that, an FIR should be filed against him. That is the formula adopted by the Chief Minister, Shri Karunanidhi.

Sir, they have said that if any FIR is filed against anybody, and if he happens to be a former Chief Minister, as in the case of our Madam, there is every possibility of tampering the evidence. They have told this to the High Court itself:

"Since she happens to be a former Chief Minister, there are every possibility of tampering the evidence. After filing the FIR, if one has not been arrested, there is every possibility of tampering the evidence."

This was the formula adopted by Shri Karunanidhi. Similarly, in this case also, to interrogate Shri Karunanidhi, his own formula can be adopted, and an FIR can be filed against him... (Interruptions)

MR. CHAIRMAN Shri Muthiah, please conclude now.

... (Interruptions)

MR. CHAIRMAN: Madam, please resume your seat.

... (Interruptions)

MR. CHAIRMAN: No cross talks please. I can follow Tamil.

... (Interruptions)

SHRI R. MUTHIAH That is why, I am appealing to this Government that as far as Shri Karunanidhi is concerned, his own formula can be adopted in this case and an FIR can be filed against him. Without filing an FIR, nobody can interrogate him.

MR. CHAIRMAN: Shri Muthiah, please conclude.. It is almost one hour now that you have taken.

SHRI R. MUTHIAH Within a minute, I am concluding.

It is my request to the Central Government to file an FIR against him and then arrest him. After arresting him, they can interrogate him for any number of days, as he has done against our leader... (Interruptions)

MR. CHAIRMAN: Shri T.R. Baalu, please take your seat.

... (Interruptions)

MR. CHAIRMAN: Shri C.P. Radhakrishnan, please take your seat. He is capable of defending himself.

... (Interruptions)

SHRI R. MUTHIAH Sir, it is also my appeal and request to all the Congress leaders and all other friends here that if they want to solve this issue, they should not soften this issue, otherwise the great soul of the great leader, late Rajiv Gandhi, would not forgive them.

With these words, I conclude. Thank you.

">SHRI MURASOLI MARAN Mr. Chairman, Sir, the tone and tenor of the speech made by Shri Shiv Shanker this morning, has raised the standard of debate to the highest level. We also had the warning from hon. Shri Indrajit Gupta. He said, "Do not make it a quarrel between the DMK and the AIADMK." Sir, I do not want to make it a bickering between the DMK and the AIADMK. Just like, Shri Shiv Shankerji has stated, our aim should be to find out the truth, the whole truth, nothing but the truth.

Sir, I also want to share the view of the hon. Minister, Shri Ram Jethmalani. He said:

"What has happened is a national tragedy. A great leader of India, an international leader, a leader of the great world, one of the future stars has been assassinated in a dastardly manner."

Sir, it is a national tragedy. At the same time, it is a national humiliation to use these words that in our country, the largest and the greatest democracy of the world, some foreigners could come and do the job, and escaped. It is a national shame.

That is why I share the sentiments of this side and also of the hon. Minister, Shri Ram Jethmalani that we should find out the truth. But my worry is that nobody should try to throw a red herring. What is happening is that somebody is planning to throw some red herring to divert the attention. Our main attention is to find out who the people beyond those twenty-six who have been condemned are and what the conspiracy is. But what is happening is not to that extent. That is my agony.

In the Interim Report, Justice Milap Chand Jain has made some outrageous remarks, and outrageous attacks on Shri Chandra Shekhar and Shri V.P. Singh. I know Shri V.P. Singh very well. Whenever I used to meet Shri V.P. Singh, I found that he was on the verge of collapse because he could not bear the baseless accusations of Justice Jain. Whatever he may say, Shri V.P. Singh was the creation of Shri Rajiv Gandhi. So, he was on the verge of collapse. In fact, his health deteriorated because of the remarks of Justice Jain. Similarly, Justice Jain made some unwarranted, brutal remarks about the Tamils of Tamil Nadu and I quote:

"The assassination of Shri Rajiv Gandhi would not have been possible the way it has materialised without the deep nexus of the LTTE operatives with the Tamils of Tamil Nadu."

By painting the Tamils as being instrumental in this heinous crime, he has termed every Tamil a heartless criminal. (Interruptions) But what does he say now? He has withdrawn the statement about all the three Prime Ministers. He now says and I quote:

"By no stretch of imagination it can be said that any one of them entertained such intentions to be in a way connected with the conspiracy to assassinate Shri Rajiv Gandhi."

He says, 'By no stretch of imagination ...' How and at what stretch of imagination could he make such a statement about Shri Chandra Shekhar and Shri V.P. Singh and include a brutal and inhuman remark in the Interim Report?

Then, about the Tamils also, after having stated something which caused the downfall of a Government, now, he says and I quote:

"All the Tamils in Tamil Nadu may not be even in the know of the activities and operatives of the LTTE."

When they are not even in the know of things, how can there be a deep nexus of them with the LTTE operatives? This is what we are asking.

What has happened in the meanwhile? A Government has fallen. He has wounded the feelings of the Tamils of Tamil Nadu and hit not only the Tamils but the national integration itself.

What I want to suggest is this. He has backtracked after making thoughtless statements. When he backtracks in many ways, what is the value that we can attribute to the Interim Report? Everything foul was in the Interim Report. In the Final Report - the Government has given a list - he has changed his views about the three former Prime Ministers, about the Tamils and about three or four other items. How? I would like to know what kind of value or importance you would attach to the Interim Report.

In the Final Report, he himself says and I quote:

"There is no indictment in the Interim Report of any individual or organisation or party regarding any criminal conspiracy to assassinate Shri Rajiv Gandhi."

Had he said this before, things would have been different. So, how do you attribute this? He had created a demon called the 'Interim Report' and now in the Final Report he has strangulated it and says something different. This is something atrocious.

The eminent constitutional expert Ivor Jennings once said: 'In India, commission proposes and government disposes.' Yes, commissions have been used as tools and instruments or weapons. They can make the needle of suspicion to move around according to their predilection. It is happening everywhere.

So, the Government and the powers that be are acting like the traffic constables. They act like traffic constables and direct the needle of suspicion. What does the Government do? I am asking this BJP Government. In Tamil there is a saying: 'Kuzhipinathai thondikonddu azhuvadhu'. You dig out a corpse which has been already buried and then cry. That is what you are doing. They have taken a sentence from the Interim Report. What is that sentence? That sentence is: "

"Conclusion is irresistible that there was tacit support to the LTTE by Shri Karunanidhi and his Government and the law-enforcing agencies."

What does the Action Taken Report say of the then Government, the United Front Government? It is very clear. It says, "The policies of the State Government have all along been in consonance with the policies of the Government of India and the national interest." That is what the Action Taken Report of the previous Government says.

Sir, once a Government takes a decision about the action taken, the next Government generally does not change it. In one sense they have adopted this principle. Please refer to page 20 of the Action Taken Report. It says, "Confusion in the security arrangements because of snag in the aircraft to Vishakhapatnam".

What does the Action Taken Report of the new Government say? Since it has been already placed in Parliament on 23rd December, 1992, it need not be taken up. That is what it says. How about this Action Taken Report? What about this sentence which talks of tacit support? The Action Taken Report on the discarded Interim Report had already been tabled on 20th November, 1997. Why are you changing it now and adopting double standards? I am asking the hon. Home Minister. In the first Action Taken Report on the Final Report prepared by the officials and approved by the hon. Home Minister no such reference to change the previous Government's decision was there. Now, I am told, because of the pressure, it has been included. You know from where the pressure came. It is very well known to everybody. What does the Report say? It talks of tacit support to the LTTE. ... (Interruptions) Sir, I am not mentioning anybody's name.

The Interim Report which has been discarded by Justice Milap Chand Jain himself says, "There was a tacit support to the LTTE By Karunanidhi". I would like to say that it was not a tacit support. Tacit means silent and implied. I would like to declare that we gave open support to the LTTE at the instance of the then Central Government. ... (Interruptions)

SHRI V. SATHIAMOORTHY They have given open support to the LTTE in order to fight the IPKF. ... (Interruptions)

SHRI MURASOLI MARAN Shri Karunanidhi, our leader, was sworn in as Chief Minister on 27th January, 1989. Within a few days, that is on 9th and 10th February, 1989 he came to Delhi to pay his respect to the then Prime Minister, Shri Rajiv Gandhi. Sir, at that time Shri Rajiv Gandhi himself has asked him to interfere in the Sri Lankan affairs and help him. I am not saying this for the sake of saying. Now, I would like to refer to page 939 of Volume VII of the Interim Report. It says,

"The then Prime Minister, Shri Rajiv Gandhi was keen that some satisfactory solution be arrived at with the LTTE so that the Indo-Sri Lankan Accord could be implemented in letter and spirit. He discussed his concern with Shri Karunanidhi and sought his assistance".

As he sought the support of the great leader, MGR, before, and he sought the assistance of our leader, Shri Karunanidhi also. Justice Jain himself accepts it. I would say there is nothing wrong in it.

Shri Rajiv Gandhi was a gentleman; he was generous enough to accept this assistance openly in public meetings. During election time, we were opposing him. Whatever word he uttered - especially a man of his stature - had great value. He was very plain; he was so gentlemanly that he said this and I quote it from The Indian Express.

"Rajiv Gandhi thanks Karunanidhi; the Prime Minister also thanked the DMK Government in Tamilnadu and the Chief Minister Karunanidhi for offering the cooperation during the last several months in finding solution to the Sri Lankan Tamil problem."

He said this while addressing election meetings in Tiruchi on 5.11.1989. We were fighting an election and he did not bother that such things will help us. In fact, he wanted us to be with him; we could not. That was the situation.

Again on 6th November, The Indian Express says:

"Mr. Rajiv Gandhi again patted the DMK Government at a public meeting at Coimbatore for extending fullest cooperation in the Sri Lankan Tamil issue. But was sore that the DMK has joined hands with the opposition parties."

So, even at that time, he was so generous. He accepted the help and the response given by the DMK and the Government. ... (Interruptions) This is the situation. What I want to say is that we did not give a tacit support, but open support because we want to be in line with the policies of the then Central Government, whether it was under Shri Rajiv Gandhi as the Prime Minister or whether it was under Shri V.P. Singh as the Prime Minister which was a Government supported by the BJP itself. So, we followed that policy in the national interest. There was nothing wrong in that and we have nothing to hide.

Now, they want to create MDMA, Multi-Disciplinary Monitoring Agency. The point is, if the Commission points an accusing finger against X or Y or Z, then it is okay, you can go ahead. I have no doubt about it.

Let us take the story of Mahant Sewa Dass Singh. The Commission says that the circumstances considered-above do warrant further probe. Here, the Commission recommends further probe. Secondly, let us take Chandraswami and his involvement. It says that a doubt does arise regarding Chandraswami's complicity and involvement. So, the matter requires further probe. Therefore, there is a recommendation by the Commission. Thus, you are creating MDMA and As regards this, probe is already on and now, the probe will continue and it will be entrusted to the MDMA.

Then, we have the involvement of foreign hand. It is examined already and it should be examined now in depth. The Ministry of External Affairs, the Ministry of Home Affairs and the Intelligence agencies will probe this. Then, about the death of one Shanmugam is there; the Final Report says that this requires further probe and thus, you are remitting it to MDMA - because of the recommendation of the Final Report. Then, we have the roles of suspects in the assassination. In this case also, you are remitting it to the MDMA.

I would like to say this to the hon. Home Minister that in no case you are going back to the Interim Report for support or sustenance to remit to MDMA. But in the case of Mr. Karunanidhi alone, you are lifting one sentence from the Interim Report which has been already disposed of by the previous Government in their ATR and putting it; and saying that there are certain misgivings. Regarding Shri Karunanidhi there was no doubt expressed by the Commission; there was no suspicion expressed by the Commission; there was no misgiving expressed by the Commission. But due to the pressure, due to the threat that the oxygen tube will be pulled out, you are doing this. I accuse you and if it is not so, I want the hon. Home Minister to be frank enough to say the reason.

What is the duty of the MDMA? What is it going to do? Let us start with this. Let them come to me first. The first question which may arise is this. Was there any tacit support to the LTTE? I would say, "Yes, there was." Then, the next question can be this: when did it start supporting the LTTE? I would say that it goes as far back as on 5th May 1986.

Here, this morning, Dr. Subramanian Swamy showed a photo. Here, there is another photo. It is about a Conference called TESO.

It stands for Tamil Eelam Supporters Organisation. This Conference was held in Madurai. You know who participated in it! Almost all Opposition Leaders participated in it. Dr. Swamy was there. No less a person than the Prime Minister, Shri Vajpayee was there...(Interruptions)

SHRI R. MUTHIAH Everybody participated there...(Interruptions)

order. He is referring to only history....(Interruptions)

MR. CHAIRMAN Shri Muthiah, please take your seat.

SHRI MURASOLI MARAN Sir, it was not tacit support, open support to LTTE in May, 1986. The name of the Conference itself was Tamil Eelam Supporters Organisation. The Deputy-Chairman of the Planning Commission, Shri Jaswant Singh was also in the Conference. Shri Upendra was also there. It was held in May, 1986...(Interruptions)

SHRI R. MUTHIAH Sir, all these things are not relevant to this discussion...(Interruptions)

MR. CHAIRMAN: Shri Muthiah, please let him speak.

... (Interruptions)

MR. CHAIRMAN: Do not interrupt, Shri Muthiah. What is this?

... (Interruptions)

MR. CHAIRMAN: Shri Muthiah, I am on my legs. We are deliberating a very serious matter. If there is any unparliamentary word, I would ask him to withdraw it. For that matter, it applies to any Member. Now, if you interrupt every second, it will not be good. We have a number of speakers in the list. I would request you not to interrupt, Shri Muthiah.

... (Interruptions)

MR. CHAIRMAN: Shri Sathiamoorthy, please take your seat. Let there be order in the House.

... (Interruptions)

MR. CHAIRMAN: Shri Radhakrishnan, please take your seat.

... (Interruptions)

SHRI C. GOPAL (ARAKKONAM): Sir, I am on a point of order.

MR. CHAIRMAN: There is no point of order. Shri Maran, you may please continue.

... (Interruptions)

SHRI V. SATHIAMOORTHY Sir, they were involving themselves in anti-national activities by supporting it. Even after sending IPKF, they were supporting them. That is the point....(Interruptions)

MR. CHAIRMAN: Please resume your seat.

SHRI C. GOPAL All party leaders had participated in it. What for is he quoting it now? ...(Interruptions)

SHRI MURASOLI MARAN Sir, in fact, our open support goes back to 1983. Today morning, Dr. Swamy showed a photograph. Now, I will show another photograph. I think he also must have seen it....
(Interruptions)

SHRI V. SATHIAMOORTHY Did they stop it after IPKF was sent to Sri Lanka? That is the point now.

SHRI MURASOLI MARAN I will come to that point. Here is a photograph with me. Dr. Swamy might also know about it. A girl is leading a group of several girls. They are all in military uniforms. Do you know who is that girl leading the group? She is none else than Dhanu, the human bomb. You know that she is Thenmozhi alias Dhanu, the suicide bomber of Shri Rajiv Gandhi. She was trained in the seventh batch of LTTE in Sirumalai Camp, Dindigul District, Tamil Nadu. So, we have given training. It is not only that. Look at another photo in which two men are firing with two guns. One man is watching. Do you know who is the man who is watching? It is no less than Prabhakaran who is now, according to the SIT, absconding. Here, the book published in U.K. says `Prabhakaran reviewing LTTE third batch training camp in Kulathur, Tamil Nadu, India". Our support goes back to 1984 or even earlier. Sir, I will tell you one thing which many people may not know...(Interruptions)

SHRI R. MUTHIAH We are not interested in all these things. He is talking about what happened before sending IPKF to Sri Lanka....(Interruptions)

crore. It was given by AIADMK. I can prove it...(Interruptions)

... (Interruptions)

MR. CHAIRMAN Shri Muthiah, please resume your seat.

... (Interruptions)

MR. CHAIRMAN: No interruptions please.

SHRI MURASOLI MARAN There were camps in Tamil Nadu. We have given training to the LTTE and others. We have given training in Dehradun. We have given training in Ramakrishna Puram here. We have given training at Delhi Airport. Who gave them training? It was by our RAW people. ...
(Interruptions) What I am going to tell is that Shri Rajiv Gandhi did not know that he was feeding a monster. ... (Interruptions) They nourished a to the Frankenstein's monster. It killed him. What I am saying is that there were 30 training camps.

Shri T.V.R. Shenoy writes in praise of this Government. He says:

"If the facts come out of what happened from 1982, to date, New Delhi will have to much blush for." Probably, if we release all the details, I am worried. I do not want to go further because we will be declared as a terrorist producing country. So, I do not want to go further into it. Now, all the friends are saying, "It all happened before the Indo-Sri Lankan Accord. Later on, nothing has happened." The Accord was signed on 27th July, 1987.

I am reading a book by Shri J.N. Dixit. You know that he was a High Commissioner in Sri Lanka. Then, he was also Secretary in the Ministry of External Affairs. He has written in his book "Assignment Colombo":

"Shri Rajiv Gandhi was adopting a two-track policy regarding Sri Lanka."

(Interruptions)

MR. CHAIRMAN: No, no, Shri Sathiamoorthy.

... (Interruptions)

MR. CHAIRMAN: You are not to decide. I have to decide.

... (Interruptions)

MR. CHAIRMAN: Do not shout like that.

... (Interruptions)

MR. CHAIRMAN: There is nothing wrong in quoting from some relevant books.

SHRI MURASOLI MARAN I quote:

"It is in this context that he - 'he' means Shri Rajiv Gandhi agreed to the suggestion made by Shri Anand Verma of the Cabinet Secretariat."

Do you know what it means? It means 'RAW'.

SHRI V. SATHIAMOORTHY When Shri Chandra Shekhar dismissed their Government, they attacked the LTTE. ... (Interruptions)

SHRI MURASOLI MARAN I quote:

"He should be allowed to keep in touch with the LTTE leadership as well as with Shri Jayawardhane through back channels to see if LTTE could not be persuaded to abide by the Indo-Sri Lankan agreement.

... (Interruptions)

MR. CHAIRMAN: What is this?

... (Interruptions)

MR. CHAIRMAN: No, no.

... (Interruptions)

MR. CHAIRMAN: Please resume your seats.

... (Interruptions)

MR. CHAIRMAN: Order please.

... (Interruptions)

MR. CHAIRMAN: Shri Muthiah, please ask your Members. They should not behave like that.

... (Interruptions)

MR. CHAIRMAN: He is quoting some information.

... (Interruptions)

SHRI MURASOLI MARAN I want to quote another instance: ...

"Shri Rajiv Gandhi was following a two-track policy."

SHRI K.P. MUNUSAMY (KRISHNA GIRI): This is too much.

MR. CHAIRMAN: He is quoting it.

... (Interruptions)

SHRI K.P. MUNUSAMY :What is meant by `Amma Partha Podhum'? ... (Interruptions) Let him explain it.

Nothing is unparliamentary. ...(Interruptions) You may expunge it. You know Tamil. ... (Interruptions)

MR. CHAIRMAN: If he has uttered anything objectionable, I will expunge it.

... (Interruptions)

MR. CHAIRMAN: You please resume your seats.

... (Interruptions)

MR. CHAIRMAN: Do not interrupt now.

... (Interruptions)

MR. CHAIRMAN: No interruptions please.

... (Interruptions)

MR. CHAIRMAN: If there is anything objectionable, I will see the record. Will you please resume your seat?

... (Interruptions)

MR. CHAIRMAN: I am on my legs.

(Interruptions)

MR. CHAIRMAN :If he has uttered any objectionable sentence, then I will go through the records and I would expunge it. Please do not disturb him. We do not have time. There are a number of Mmembers still to speak. Kindly cooperate.

... (Interruptions)

SHRI K.P. MUNUSAMY :Sir, we are not disturbing. What does he mean by Amma Partha Podhum? ... (Interruptions) Please expunge it from the records ... (Interruptions) Otherwise, I will not sit here ... (Interruptions) What is this ... (Interruptions)

SHRI AJIT JOGI (RAIGARH): A serious discussion is going on here ... (Interruptions)

SHRI MURASOLI MARAN :Sir, we are discussing a serious matter ... (Interruptions)

SHRI K.P. MUNUSAMY :Sir, what is this comment? ... (Interruptions) Kindly expunge it from the record ... (Interruptions) Otherwise I am not going to sit here ... (Interruptions) Sir, let him withdraw his words ... (Interruptions)

MR. CHAIRMAN: Order please.

... (Interruptions)

SHRI K.P. MUNUSAMY : Sir, I am not going to sit here ... (Interruptions)

MR. CHAIRMAN: Please resume your seat.

... (Interruptions)

SHRI K.P. MUNUSAMY : Let him withdraw his words ... (Interruptions)

DR. SUBRAMANIAN SWAMY: Sir, have you understood the comment he made? ... (Interruptions) It is a comment on the womanhood ... (Interruptions)

(Interruptions)

SHRI K.P. MUNUSAMY : He should apologise for it ... (Interruptions)

DR. SUBRAMANIAN SWAMY : Sir, why do they make these anti-women remarks?

SHRI MURASOLI MARAN (MADRAS CENTRAL): Dr. Swamy, please do not divert it ... (Interruptions)

DR. SUBRAMANIAN SWAMY (MADURAI): I always hear such kind of remarks ... (Interruptions) Sir, just because Ms. Jayalalitha is a woman ... (Interruptions) he cannot make such derogatory remarks ... (Interruptions)

SHRI MURASOLI MARAN (MADRAS CENTRAL): I am sorry for what has happened ... (Interruptions)

MR. CHAIRMAN: Shri Baalu, have you uttered that sentence?

... (Interruptions)

SHRI K.P. MUNUSAMY (KRISHNA GIRI): Yes Sir ... (Interruptions)

MR. CHAIRMAN: Kindly resume your seat.

... (Interruptions)

appreciate'. What is wrong in it? ... (Interruptions) I withdraw it ... (Interruptions)

DR. SUBRAMANIAN SWAMY (MADURAI): Sir, he cannot make such anti-women remarks ... (Interruptions)

MR. CHAIRMAN: He himself has withdrawn it. Now, please cooperate with the ... (Interruptions)

DR. SUBRAMANIAN SWAMY (MADURAI): Sir, Shri Maran has expressed regret for these remarks ... (Interruptions)

MR. CHAIRMAN: Shri Baalu has withdrawn the remarks.

DR. SUBRAMANIAN SWAMY (MADURAI): Sir, we cannot permit such anti-women remarks ... (Interruptions) We understand the double meanings ... (Interruptions)

MR. CHAIRMAN: Dr. Swamy, he himself has withdrawn the remarks.

... (Interruptions)

MR. CHAIRMAN: Now, please cooperate with the Chair.

SHRI MURASOLI MARAN (MADRAS CENTRAL): I feel sorry for what has happened. Is it enough now? ... (Interruptions)

MR. CHAIRMAN: Now, let us have peace.

SHRI MURASOLI MARAN (MADRAS CENTRAL): Sir, in another place Shri Dikshit says: " the late Rajiv Gandhi followed a two-track policy continuing military operations, while trying to remain intact with the LTTE through our intelligence agencies".

It is because of this two-track policy what happened was that he asked our Chief Minister to be in touch with the LTTE and in fact, Shri Karunanidhi was leaving for Chennai urgently ... (Interruptions)

SHRI V. SATHIAMOORTHY :At one point of time they appreciated the late Rajiv Gandhi and now he is being described as a ... (Interruptions)

MR. CHAIRMAN :Now, Shri Sathiamoorthy, please allow him to speak. Shri Sathiamoorthy, this is not the way to conduct.

... (Interruptions)

MR. CHAIRMAN: It is too difficult to control this House.

... (Interruptions)

SHRI MURASOLI MARAN :This is what the former diplomat has said ... (Interruptions)

SHRI R. MUTHIAH :Sir, these things are not relevant here ... (Interruptions) Some relevant things could be discussed here ... (Interruptions)

SHRI MURASOLI MARAN :Sir, I was carrying on the discussion with the late Rajiv Gandhi. We decided to send a delegation to Jaffna to meet Shri Prabhakaran. It was called the "DMK Initiative" by Rajivji. In the letters, with the signature of the late Rajiv Gandhi, it was printed in a booklet ... (Interruptions) The team was to consist of myself, Shri V. Gopalswamy and Shri Kandappan.

SHRI AJIT JOGI :The late Rajiv Gandhi requested you only for peaceful purposes ... (Interruptions) Not for arming them and weaponising them ... (Interruptions)

18.46 hrs (Mr. Speaker in the Chair)

SHRI MURASOLI MARAN :Sir, it was a top secret matter ... (Interruptions)

MR.SPEAKER: Shri Muthiah, please take your seat.

... (Interruptions)

SHRI AJIT JOGI (RAIGARH): Shri Muthiah, we will meet this argument when we will have our chance to speak ... (Interruptions)

SHRI MURASOLI MARAN (MADRAS CENTRAL): It was kept as a top secret. The delegation would go there, the IPKF would be informed and it would have a dialogue with Shri Prabhakaran. But in the meanwhile, unfortunately, our dear brother, Thiru Gopalsamy went to Sri Lanka and everything collapsed. Otherwise, history would have been different. Even now I say this.

Sir, what I want to say is that until the brutal and cruel assassination took place, almost everybody was in support of the LTTE. There is nothing wrong in it. That is what has been submitted by Dr. Subramanian Swamy in the morning. I would now like to quote from Volume II, chapter V. It has been mentioned at page number 2239:

"Having links with LTTE or supporting the cause of Eelam does not necessarily mean that there may be complicity in the horrendous assassination of the late Rajiv Gandhi".

Sir, again in the chapter under heading, 'DMK - Shri Gopalswamy and Shri Karunanidhi' it is mentioned that Shri Gopalswamy has made a clandestine trip to Jaffna and all those things. He was examined during the trial of the Rajiv Gandhi assassination case and declared hostile when he resiled from his statement and, etc. Finally what does the Report say? It says:

"The efforts of Shri Gopalswamy were apparently to get support for LTTE's cause, provide assistance to the Indian LTTE cadres and give them such other political support for the success of their objectives".

He has made it very clear. The report says:

"That this open support to LTTE from politicians of significance like Shri Gopalswamy was only for the cause that they are fighting for. There is no evidence at all to show that this support was in pursuance of any conspiracy to assassinate the tallest Indian leader of the day Shri Rajiv Gandhi".

Sir, Shri Jain also mentioned in his Report:

"The support for Tamil cause is different from having deep nexus with the LTTE operating in the materialization of the assassination".

Has anybody got any association or complicity in the conspiracy? That is the crucial test. Now, I would like to quote what the Joint Director of the Subsidiary Intelligence Bureau (SIB) said. This is in page 89 of Volume I of the final Report:

"Soon after the assassination, we made detailed and secret enquires about the possible involvement of the DMK along with LTTE and we did not get information against the DMK. On the other hand, we learnt that the DMK leaders including Shri V.Gopalswamy were totally shocked at the dastardly assassination. This fact I happen to mention to Director (IB) also orally".

This is what he said immediately after the assassination.

SHRI R. MUTHIAH :No, this was not immediately after the assassination ... (Interruptions) He is misleading the House ...

(Interruptions)

MR. SPEAKER: Shir Muthiah, I have been observing you. This is not good. Please take your seat.

... (Interruptions)

SHRI R. MUTHIAH :Sir, he is misleading the House ... (Interruptions) It was not immediately after the assassination ... (Interruptions) It was only on the 20th ... (Interruptions)

MR. SPEAKER: Shri Muthiah, I have been observing you. This is not good. You are the leader of your Party.

... (Interruptions)

MR. SPEAKER: Please take your seat. You are not supposed to reply now. Please take your seat first.

... (Interruptions)

SHRI R. MUTHIAH : Sir, he is misleading the House ... (Interruptions)

MR. SPEAKER: I have been observing you. This is not good. Please take your seat. You are the leader of the Party. This is not good.

... (Interruptions)

MR. SPEAKER: I have been observing both the sides. This is not fair.

... (Interruptions)

MR. SPEAKER: Blaming each other is not a good thing.

SHRI MURASOLI MARAN : Later, we were having election meetings at thousand Lights in Madras. Shri Jethmalani came un-invited to the meeting and he spoke: "I have come here uninvited because I am totally satisfied that DMK has nothing to do with the assassination." Did he say it or not? He spoke like that. Shri Vijay Karan, the Director of CBI has given a foreword to the book called, 'Beyond the Tigers'. Please permit me to read it.

"When Ms. Jayalalitha became the Chief Minister of Tamil Nadu, I decided to call on her. Shri Kartikeyan (who later became the Chief of SIT) came with me. A lot of infrastructure on SIT has been provided by the State Government..."

SHRI V. SATHIAMOORTHY : The same Party had then said that the Jain Commission Report should be thrown in the dustbin.... (Interruptions)

MR. SPEAKER: You are in the Panel of Chairmen also. You must know the procedure.

SHRI MURASOLI MARAN : I quote:

"She received us at her Poes Garden residence. After I have given her a brief account of our investigation, her first question was, "When are you going to arrest Shri Karunanidhi?" I told her that if any evidence came our way that shows Karunanidhi's involvement, we would not hesitate to arrest him. I told her categorically that we were investigating the case with an entirely open mind and that if she or anybody else has any leads or any clues pointing to the involvement of Karunanidhi or the DMK or anybody else in the assassination, they should be shared with us so that we could look into them thoroughly. Ms. Jayalalitha said nothing. Nor did we come across any evidence linking Karunanidhi or the DMK"

Two CBI Directors who later became Chiefs have told like that. Here I would like to say that about 26 persons were convicted. They have gone to the Supreme Court. Not a single fellow is from DMK or a DMK sympathiser. I would like to tell Shri Madan Lal Khurana, we know each other for years. We would never resort to or support violence of any kind. When our culture was invaded, when there was a threat to our language, our people did not kill anybody. They resorted to self-immolation during anti-Hindi agitation. We would rather give up our lives for a cause than take to other course. Therefore, if people accuse us, I would say it is a heartless accusation. It is an inhuman accusation.

Now, I would talk about the 'Role of Suspects in the Assassination'. In the morning I had made it very clear, I had shown it to Shri Advani also, that there is some confusion here. In Volume-V, there is Chapter 8, 'Role of Suspects'. The names of about 21 persons are there out of which only two persons are referred to MDMA. Why is it so? One of the persons is Ms. Subbulakshmi. The reason is, she belongs to DMK. Is there any other reason? Not only that, she was kept under TADA for one year for the same accusation. Later on she was not found guilty and then released by TADA Court. The Minister of Law is here. I would like to know from him whether under article 20 (2), can a person be arrested twice for the same accusation? No. One cannot prosecute a person for the same accusation twice.

SHRI AJIT JOGI :That was a different case, not this.... (Interruptions)

SHRI MURASOLI MARAN :Let the Minister say this. What is painful is, they have included the name of my Leader also in the list of Role of Suspects in the Action Taken Report. It would have been a different thing if it had come under Chapter 9, because his name is mentioned only in that Chapter under the heading "Stand or the SII on theories beyond LTTE" whereas now they have clubbed it. I understand there was some kind of a mix-up. If it was a mix-up, who did it? Who included it in the Role of Suspects? If it was a mistake, it should be corrected, otherwise it would be construed as a fraud. What does it say? I now come to the main point. I would like to quote:

"The SIT also did not interrogate Shri Chandra Shekhar, Shri T.N. Seshan, Dr. Subramanian Swamy, Ms. Jayalalitha and Shri P.V. Narasimha Rao, as it was not considered relevant at that time. Shri D.R. Kartikeyan, deposed so. Shri M. Karunanidhi was also not interrogated. On many matters his interrogation was quite relevant."

I know there are many people who know English better than me. What does it mean, 'Shri Karunanidhi also was not interrogated? On many matters ANITA

his interrogation was relevant." The case was over in the TADA Court. Twenty-six people have now filed an appeal in the Supreme Court. I would like to know, what does it mean in plain English?

Does it indicate an accusing finger against Shri Karunanidhi? It does not. I want to know as to how his name could be included. Shri Karunanidhi stood before the Jain Commission for five days. He was examined and cross-examined on oath. He was not accused like some of the other witnesses. Justice Jain did not say that Shri Karunanidhi was withholding information. Justice Jain did not say that he was hiding something. Justice Jain did not find anything at all against him. Justice Jain was happy with the deposition made by him and probably that is what he meant by what he stated. To consider the meaning, take up the first sentence of the para. It says: If the SIT had investigated Chandraswami and Mahant Sevasdas Singh, it would have helped the Commission. "If the stories were found to be fake" - it goes like this and that is the phraseology. Likewise he could have said, "If Karunanidhi had been interrogated, it would have been relevant, and so he should have been interrogated". Is there any such recommendation? There is none. Then, why is the Government including it?

I am very sorry, Sir, that they mentioned about 'misgivings' in the Report. The ATR says, 'together with misgivings'. I challenge them to show where the misgivings are. 'Misgiving' means a doubt or apprehension. I want to know as to where misgivings are mentioned in these nine volumes running into two thousand pages. Where is the doubt? Where is the apprehension raised by Justice Jain against our leader? I am sorry to say, the Government has succumbed to pressure. It is nothing but survival politics. If this is not survival politics, nothing else is.

Several issues have been raised in the morning. There are certain crucial things which have been left out by the Jain Commission. Shri Indrajit Gupta elaborated on them in the morning. I want to bring to your notice only one thing. If the MDMA is to go into the warning of Yasser Arafat, about which we know already, it is good. If it is going to interrogate on that line, it is good. If it is going to probe the aspect of foreign hand, it is good. If they probe Chandraswami, it is very good. But if they resort to this kind of diversions, they would be misusing ... (Interruptions)

SHRI C.P. RADHAKRISHNAN (COIMBATORE): The House must understand their policy. If everybody else is probed, it is correct. But, if their leader is probed, it is not correct.

SHRI MURASOLI MARAN (MADRAS CENTRAL): Yes Sir, because it would be an exercise in futility and throwing a red herring. I have already said that. We would say before the MDMA what I have said now elaborately. That is known to Advaniji; that is known to our Prime Minister; and that is known to everybody. We are an open book.

Finally, I would like to ask one question. It is the missing link as Shri Indrajit Gupta has put it very clearly. I want to know how Sriperumbudur meeting was organised at such a short notice? How was Rajivji persuaded to accept the invitation when some senior leaders of the Congress were not enthusiastic about it? Where did the human bomb obtain local hospitality? That is very important. Whose guest was she? She could have been a guest of somebody else. How was she able to approach the target breaking the security cordon? ... (Interruptions) This is called access theory. Shri K. Subrahmanian, of the Institute of Defence Studies and Analysis pointed out that there is unwillingness to go into those issues because of the fear that such an exercise would reflect ... (Interruptions)

MR. SPEAKER: Shri Maran, please conclude.

SHRI MURASOLI MARAN (MADRAS CENTRAL): I would conclude shortly, Sir.

There was unwillingness. I want my friends to note that if they want to get to the truth, it is very important to examine the aspect of access to the target. Generally, in the investigation of a murder case, it is very important to know as to how the murderer approached the victim. That question was not taken up at all. We are not afraid of MDMA because we have nothing to fear and nothing to hide. We know the BJP leaders for several years. ... (Interruptions) We have warmed lot of these benches in this House and the other House for more than three decades. We have seen a lot of politics together. I always carried a lofty impression about the BJP leaders like hon. Prime Minister Atalji and hon. Home Minister Advaniji - I still do. But I am shocked to see how the great leaders, the tall leaders, could descend to such a low level. I am sorry for them. We understand their political compulsions. So be it! Thank you. (ends)

>THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS AND MINISTER OF SURFACE TRANSPORT (SHRI M. THAMBI DURAI): Shri Maran has mentioned my name. Till now we are discussing the Jain Commission Report. We are discussing only the circumstantial evidence which the Jain Commission has gone through but we are forgetting the fact, that is, the support given to various political parties and persons of LTTE at different times. Then after the murder of Padmanabha, our IPKF had also entered Sri Lanka. At that time, how that Government behaved. All these are the most important factors which we have to consider because after the murder of Padmanabha, some people escaped. Without any hindrance they escaped. Once again they came back and they moved in Tamil Nadu. Those persons had also planned the assassination of Rajiv Gandhi. If that is the case, why the then Government had not taken any action and arrested those persons? We are discussing those circumstantial evidence. If you are forgetting all these things and going into other things, what is the point of discussing the Jain Commission Report? That is why, that point has been taken in the ATR, not in any other sense. Let him prove his innocence, we are not going to intervene. ... (Interruptions) Circumstantial evidence is most important. What circumstantial evidence led to the assassination of Rajiv Gandhi, that is most important. (Interruptions) Some persons escaped after the murder of Padmanabha. ... (Interruptions) If you had, at that time, taken timely action, Rajiv Gandhi could have been saved. That is my point. ... (Interruptions)

SHRI MURASOLI MARAN (MADRAS CENTRAL): Okay. ... (Interruptions) You go to Tihar Jail or any Central Jail in any State.... (Interruptions) You can see people who have committed multiple murders, escaped in some offence and arrested subsequently. This is not new. (Interruptions)

SHRI M. THAMBI DURAI: I know Rajiv Gandhi. I moved with Rajiv Gandhi. I know what type of relationship I had with Rajiv Gandhi. I am very sorry for that. (Interruptions) You are forgetting the circumstantial evidence and discussing some other matter, thereby diverting the whole issue. That is not correct. Who allowed them to escape after that murder. ... (Interruptions)

MR. SPEAKER: Shri Thambi Durai.

SHRI M. THAMBI DURAI: I want to make this submission, Sir.

SHRI MURASOLI MARAN (MADRAS CENTRAL): Shri Pilot said that two codes were not decoded. First message stated: "Rajiv Gandhi is coming to Madras on this 30." Second message stated "Attempt at Madras or at Capital? If in Capital, it requires strenuous effort and sufficient time. If to attempt on (Date), give reply." These messages were decoded only after the assassination. ... (Interruptions)

MR. SPEAKER: This is not Question Hour.

... (Interruptions)

MR. SPEAKER: No explanation please.

... (Interruptions)

MR. SPEAKER: You need not explain everything.

... (Interruptions)

SHRI MURASOLI MARAN (MADRAS CENTRAL): Killer team of Sivarasam, Dhanu, Subha and others reached Madras on 2.5.91, 20 days prior to the assassination. ... (Interruptions)

MR. SPEAKER: Shri Maran, please.

... (Interruptions)

SHRI MURASOLI MARAN (MADRAS CENTRAL): This information was given to the IB three months before. ... (Interruptions) No action was taken. Instead of dwelling on these major factors, you are mentioning some minor things. It is nothing but throwing red herring along the path of investigating the truth. ... (Interruptions) I want an inquiry on this also. ... (Interruptions)

SHRI S.S. PALANIMANICKAM (THANJAVUR): I want to know from the hon. Minister, through the Chair, why on that day, your leader, the allies' leader had not attended the meeting? We want to know. ... (Interruptions)

MR. SPEAKER: Hon. Members, as announced in the House, today the discussion on the Jain Commission Report has to conclude by 2 p.m. tomorrow, the 6th August, 1998. The House has already decided to sit late up to 10 p.m. I have received suggestions from the hon. Members that in order to provide more time for debate on the Jain Commission Report, the House commence its sitting at 10 a.m. instead of 11 a.m. As the House is aware, we have been dispensing with the Zero Hour for the last two days. You may accordingly take up the Zero Hour at 10 a.m. If the House agrees, its sitting may commence tomorrow, the 6th August, 1998 at 10 a.m. All notices which are required to be given before the commencement of the sitting, shall be entertained up to 9 a.m., the 6th August, 1998 instead of the usual time 10 a.m.

SHRI RAM VILAS PASWAN (HAJIPUR): If we want to extend the time, extend from 10 p.m. to 11 p.m. today. Actual time of commencement of the House is 11 a.m. We should not change that.

SHRI ARIF MOHAMMED KHAN (BAHRAICH): Please do not start a new convention.

SHRI RAM VILAS PASWAN (HAJIPUR): If we want to sit today up to 11 p.m. or 12 at night instead of 10 p.m, we can sit. If you change it to 10 a.m., it will be a bad precedent.

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS, MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF PLANNING AND PROGRAMME IMPLEMENTATION (SHRI RAM NAIK): There is only one point which needs better understanding. If we announce it now, quite a good number of Members are not present and they would not know that their 'Zero Hour' notices are to be submitted at 9 o'clock. I would

suggest that sitting one hour before is all right but 'Zero Hour' should be taken up from 11 to 12. Those who want to give notices for 'Zero Hour' should be allowed to give notice up to 10 a.m. They will not lose their chance. So, in between the debate, we can have 'Zero Hour' from 11 to 12 and then the discussion can go on. This would be helpful to the hon. Members who wish to give notices for 'Zero Hour'. That is what I want to suggest.

SHRI RAM VILAS PASWAN (HAJIPUR): At what time the House would meet?

SHRI RAM NAIK: 10 o'clock!... (Interruptions)

MR. SPEAKER: Let him complete.

SHRI RAM NAIK: Sir, it is an important issue, no doubt, and tomorrow is the last day of the Session, if we adjust for one day there is nothing wrong in it. More Members can participate this way... (Interruptions)

श्री राम विलास पासवान (हाजीपुर) : अध्यक्ष महोदय, मैं आपसे आग्रह करूंगा कि कल रात में भी हम लोग १०.३० बजे तक बिना खाये-पिये बैठे, आज तो खाने की व्यवस्था है, आप १० बजे के बजाय ११ बजे तक बैठ जाइये, १२ बजे तक बैठ जाइये, मॉर्निंग में छह बजे तक बैठ जाइये, लेकिन आज तक हाउस कभी ११ बजे के पहले मीट नहीं हुआ है। इसलिए इस कन्वेंशन को तोड़ा नहीं जाये, नहीं तो फिर आप १० बजे करेंगे, कभी नौ बजे करेंगे, कभी मॉर्निंग में बुलाया जायेगा। यदि यह स्पेशल केस है तो यह तो और भी अच्छी बात है, यदि जरूरत पड़े तो आज रात में बैठिये।

MR. SPEAKER: What do you say, Prof. Kurien?

PROF. P.J. KURIEN (MAVELIKARA): It is upto the House.

संसदीय कार्य मंत्री तथा पर्यटन मंत्री (श्री मदन लाल खुराना): कांग्रेस के फ्रेंड्स जो तय करें, हमें मंजूर है। आज रात के ११ बजे तक बैठना है तो ११ बजे तक बैठिये।

SHRI ARIF MOHAMMED KHAN (BAHRAICH): Please do not set a wrong precedent. Members are required to give notices till 10 in the morning. If you once you start the sitting of the House before 11, then it will become a precedent.

PROF. P.J. KURIEN (MAVELIKARA): Tomorrow, as I understand, there may be so many Members who wish to speak during 'Zero Hour'. Even today, there are more 30 notices for 'Zero Hour'. Tomorrow some more will come. If this House can restrict 'Zero Hour' exactly to 12... (Interruptions) let me complete. If the discussion on Jain Commission Report is started exactly at 12 noon, then I can agree... (Interruptions) Let me say. Otherwise, we will not have time for completing the discussion. All those who want to participate in the debate, on the Jain Commission Report, should be allowed because many more Members are to speak. At 2 p.m. the hon. Minister has to reply, according to the Direction of the hon. Speaker. Where is the time tomorrow?... (Interruptions)

SHRI RAM VILAS PASWAN (HAJIPUR): Why do we not sit for the whole night?... (Interruptions) If it is necessary, let us sit for the whole night.

SHRI ARIF MOHAMMED KHAN (BAHRAICH): Sir, let us sit for the whole night, but let us not start the House before 11 a.m... (Interruptions) Those who are interested will sit... (Interruptions)

PROF. P.J. KURIEN (MAVELIKARA): As the House decides.

MR. SPEAKER: The Chair wants to know the sense of the House.

SOME HON. MEMBERS: Sir, as usual at 11 o'clock.

श्री मदन लाल खुराना : अध्यक्ष जी, कल होम मिनिस्टर इस सारी बहस का जवाब किस समय देंगे, वह टाइम तय हो जाना चाहिए।

... (व्यवधान)

because by 2 p.m. the hon. Speaker wants to complete this debate.

एक माननीय सदस्य : दो बजे रिप्लाइ करवा दीजिए।

श्री मदन लाल खुराना : नहीं-नहीं, दो बजे तो ये पूरा करना चाहते हैं।

अध्यक्ष महोदय : दो बजे का रिप्लाइ है न? आज लेट बैठेंगे।

SHRI RAM VILAS PASWAN (HAJIPUR): As it was decided in the Leaders' Meeting, the hon. Home Minister should reply at 2 p.m.

श्री मदन लाल खुराना : स्पीकर साहब नहीं मान रहे हैं।

MR. SPEAKER: No, 2 p.m. is the time for reply by the Home Minister. Today, we will sit late.

SHRI V.M. SUDHEERAN (ALLEPPEY): Sir, we have been giving notices to raise matters in the 'Zero Hour' for the last two days. I request you to treat all the notices received today as valid for tomorrow also.

MR. SPEAKER: There are a number of notices. It is impossible.

PROF. P.J. KURIEN (MAVELIKARA): Sir, what is your ruling on his request?

MR. SPEAKER: It cannot be treated because there are a number of notices.

1910 hours

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श्री भगवान शंकर रावत (आगरा): मान्यवर, यह एक ऐसा विषय है, जिससे भावना जुड़ी हुई है। लेकिन जिस प्रकार की भावनाओं का यहां प्रदर्शन हो रहा है, उससे कुछ कष्ट भी होता है। मुझे यह कहने में कोई संकोच नहीं और मैं बड़े भारी मन से कह रहा हूँ कि राजनैतिक नेताओं की हत्याओं की कहानी भारत में बहुत दिनों से प्रारम्भ हुई है। डा. श्यामा प्रसाद मुखर्जी की हत्या से यह कड़ी प्रारम्भ हुई। श्री दीन दयाल उपाध्याय की जघन्य हत्या हुई।

श्री आरिफ मोहम्मद खां (बहराइच): महात्मा गांधी को पहले से नहीं बताया। जो आर.एस.एस. की ट्रेनिंग है उसमें महात्मा गांधी का नाम नहीं है।

... (व्यवधान)

मैं तो खुराना जी से कह रहा हूँ।

श्री भगवान शंकर रावत (आगरा): जिस प्रकार डा. श्याम प्रसाद मुखर्जी की हत्या कश्मीर में जेल में हुई, दीन दयाल उपाध्याय की हत्या मुगलसराय के रेलवे स्टेशन पर हुई और उससे पहले महात्मा गांधी की हत्या जिन संदेहास्पद परिस्थितियों में हुई, काश उस समय राष्ट्रीय और अंतरराष्ट्रीय षडयंत्र को अगर गम्भीरता से लेकर आंकलन कर लिया होता और हिंसा को हमेशा-हमेशा के लिए खत्म करने का संकल्प इस देश ने लिया होता, तो इंदिरा गांधी और राजीव गांधी की हत्या नहीं हुई होती। लेकिन दुर्भाग्य है कि नागरवाला की हत्या जिन संदेहास्पद परिस्थितियों में हुई, लोंगोवाल की हत्या हुई, भिंडरावाला जैसे व्यक्ति को प्रोत्साहन दिया गया, राजनीतिक उद्देश्यों की पूर्ति के लिए, जिसने सारे पंजाब की नदियों के पानी को खून से लाल कर दिया, उससे आतंकवाद और निरीह व्यक्तियों की हत्याओं का दौर चला और इंदिरा गांधी का अंत भी उसी हत्याओं के दौर में हुआ, वही हथ्र राजीव गांधी का हुआ।

मैं कहना चाहूंगा कि हत्या किसी भी राजनेता की हो, वह निंदनीय है। भगवान कृष्ण, राम, महावीर और बुद्ध की धरती पर हत्याओं के खेल की आवश्यकता नहीं है। लेकिन हत्या होती है और हम राजनीतिक चश्मे से उसे देखते हैं। हम दोहरे मापदंड अपनाते हैं। आज हमारे सामने वाले मित्र कहते हैं कि हम ए.टी.आर. से संतुष्ट नहीं हैं, लेकिन जैन आयोग की रिपोर्ट से संतुष्ट हैं, यह कितना बड़ा विरोधाभास है। राज्य सभा में श्री कपिल सिब्बल बता रहे थे कि हम इस बात से सहमत हैं कि पहले जो अंतरिम रिपोर्ट आई थी उसकी संस्तुतियों से सहमत हैं। यहां मेरे मित्र कहते हैं कि हम संतुष्ट नहीं हैं। वे कहते हैं कि वह पूरा दस्तावेज था और यहां हमारे मित्र दोहरे मापदंड से बोल रहे हैं। यह दोहरा मापदंड ही सारी हत्याओं के धिनौने खेल के लिए उत्तरदाई है। राजतंत्र को चलाने के लिए सभी राजनैतिक दलों को दोहरा मापदंड नहीं अपनाना चाहिए। राजीव गांधी की हत्या की परिणति ऐसे ही दोहरे मापदंड का परिणाम थी। आतंकवाद को संरक्षण दिया

गया, उसका दुष्परिणाम यह हुआ कि पंजाब में जिस प्रकार से आतंकवादियों को प्रश्रय दिया गया, उसकी परिणति इंदिरा गांधी की हत्या से हुई। राजीव गांधी ने जिस प्रकार से लिट्टे को प्रोत्साहन दिया, फिर उनके साथ विश्वासघात किया, उसका दुष्परिणाम यह हुआ कि राजीव गांधी से हमें हाथ धोना पड़ा।

कुछ महत्वपूर्ण बिंदु जैन आयोग की रिपोर्ट में उभर कर आए हैं, जिन पर जांच होनी बाकी है।

मेरे मित्र एक और जांच की बात करते हैं लेकिन जब मल्टी-डाइमेंशनल, मल्टी-डिसिप्लिनरी मोनीटरिंग एजेंसी की बात की गई तो उससे वे कतराते हैं। कहते हैं कि मल्टी डिस्प्लिनरी एजेंसी नहीं चाहिए। अगर यह एजेंसी नहीं होगी तो फिर आखिर कौन सी एजेंसी होगी? क्या प्राइवेट डिटेक्टिव से जांच करानी है? एक कानूनी रूप से अधिकृत एजेंसी के सामने जब ये सारी चीजें आएंगी तब जहां-जहां भी केन्द्र के घेरे में समस्याएं बताई जा रही हैं, चाहे वह अन्तर्राष्ट्रीय षडयंत्र था, राष्ट्रीय षडयंत्र था, किसी इंडिविजुअल का षडयंत्र हो या किसी पार्टी का षडयंत्र हो, उन सारे षडयंत्रों की बात उस आयोग को बता दो, उस डिस्प्लिनरी मोनीटरिंग एजेंसी को बता दो और उसे काम करने दो। वे कहते हैं कि हम जैन आयोग की रिपोर्ट से संतुष्ट हैं। क्या जैन आयोग ने कभी कहा कि इस मामले पर जांच की आवश्यकता है? जब आप संतुष्ट हैं तो फिर इस पर आपत्ति क्यों है?

मैं इसलिए कहना चाहूंगा कि श्री सुब्रहमण्यम स्वामी यहां होते तो अच्छी बात होती। उन्होंने भी सफाई में अनेक कहानियां गढ़ दी लेकिन आयोग के समक्ष जब वह गवाही देने के लिए गए तो पूछे गए प्रश्नों के उत्तर वे या तो टाल गए या फिर उत्तर नहीं दिया। जैन कमीशन की रिपोर्ट उस बात की साक्षी है कि आयोग को सुझाव देने के लिए विवश होना पड़ा कि न्यायालय की अवमानना, कंटेम्प्ट ऑफ कोर्ट के जो रूल्स एंड प्रोवीजन्स हैं, उन्हें इस आयोग की कार्य प्रणाली में अधिकृत किया जाए। कंटेम्प्ट ऑफ कोर्ट के रूल्स से शक्ति मिलनी चाहिए, इसलिए कि आयोग के समक्ष गवाही देने के लिए अगर कोई गवाह शैतानी करता है या तथ्यों को छुपाने की कोशिश करता है तो उसके खिलाफ कंटेम्प्ट ऑफ कोर्ट की कार्यवाही की जाए। श्री सुब्रहमण्यम स्वामी जैसे लोगों ने तथ्यों को छुपाकर, साक्ष्य को दबाकर, न्यायालय की अवमानना की है। उन्होंने यहां जो सफाई दी है, वह वास्तव में निंदनीय है। इसलिए मैं कहना चाहूंगा कि उनके बारे में जांच होनी चाहिए।

आयोग के सामने तथ्य हैं। सुब्रहमण्यम स्वामी ने कांग्रेसी नेता और दो व्यक्तियों के बारे में बताया था। उन्होंने चेन्नई के राज भवन में बताया कि राजीव गांधी की हत्या के लिए लिट्टे को एक करोड़ रुपया दिया गया है। वे दो व्यक्ति कौन थे? आखिर उन साक्ष्यों के बारे में क्यों नहीं बताया? हिन्दुस्तान की जनता ही नहीं विश्व की जनता जानना चाहती है लेकिन मेरे सामने बैठे मित्रों के राजनैतिक मंसूबे पूरे होते दिखते हैं, इसलिए श्री सुब्रहमण्यम स्वामी के इन तथ्यों के बारे में रिपोर्ट के अंदर जो बात कही गई है, उनकी ओर आपका उनका ध्यान आकर्षित नहीं हो रहा है।

अतः मैं कहता हूँ कि दोहरे मानदंडों से मत चलिए। यह जांच का विषय है। मेरे मित्र श्री अजीत जोगी अभी कह रहे थे कि रुक जाइए, बाद में मैं मामले को समझूंगा। लेकिन वास्तविकता इस बात की है कि राजीव गांधी ने करुणानिधि को इस बात के लिए एप्रोच किया कि तमिलों और सिंधलियों में विवाद रहना चाहिए। लिट्टे का श्रीलंका के राष्ट्रपति से विवाद सुलझाना नहीं चाहिए और जब करुणानिधि ने मना कर दिया तो उसके बाद यह कोशिश की गई कि सिंधलियों और तमिलों में बातचीत न होने दें। इसलिए यह बिन्दु जांच का विषय है। आखिर भारत सरकार के वे कौन से अधिकारी थे, कौन सी मशीनरी थी जिसने श्रीलंका में सेना भेजने और हिन्दुस्तान के उन १२०० सैनिकों को मौत के घाट उतारने, बलिदान होने के लिए मजबूर कर दिया और हजारों जवान घायल हुए। आखिर इस बात की कीमत हमें क्यों चुकानी पड़ी? इसका उत्तरदायित्व राजीव गांधी और भारत सरकार के उन अधिकारियों पर है लेकिन इन तथ्यों को छुपाने की कोशिश की जा रही है। कैबिनेट सेक्रेटरी और गृह सचिव का कहना है कि पत्रावलियां नष्ट की गईं, अभिलेख गायब हैं- आखिर इसकी जिम्मेदारी किसकी है? राजीव गांधी की हत्या के बाद सरकार में कौन लोग आए थे? क्या कांग्रेस की वह सरकार नहीं थी? अगर कांग्रेस की सरकार थी तो आखिर वे अभिलेख क्यों गायब किए गए?

इससे जाहिर होता है कि कोई भी षडयन्त्र कांग्रेस के अन्दर धिनौनी राजनीति थी। उस राजनीति का पर्दाफाश आखिर कौन करेगा? मेरे मित्र इस बात की मांग नहीं करते कि इसकी जांच किसी एजेंसी से कराई जानी चाहिए कि आखिर यह सब क्यों हुआ फाइलें क्यों गायब हुईं और पत्रावलियों में हेरफेर क्यों किया गया। इतना ही नहीं, भूतपूर्व गृह मंत्री, श्री एस.बी. चव्हाण, जो दूसरे सदन में विपक्ष के आज भी नेता है, उन्होंने एक सार्वजनिक बयान में कहा है -

Certain records were withheld because it would have maligned a family.

We did not want the name of the Rajiv Gandhi to be dragged.

राजीव गांधी की हत्या हो गई और उसके बाद वे राजीव गांधी के नाम को आने नहीं देना चाहते हैं। वे कहते हैं कि फैमिली मेलाइन हो जाएगी। लेकिन सवाल इस बात का नहीं है कि राजीव गांधी की हत्या भूतपूर्व प्रधानमंत्री की हत्या थी। यह उनके निजी परिवार का मामला नहीं है, इसका इम्पैक्ट सारे देश और विश्व में पड़ रहा है। देश के अन्दर आतंकवाद पनप रहा था और इस तरह की हत्या करने वाले चाहे अन्तरराष्ट्रीय षडयन्त्रकारी हों या देश के अन्दर के षडयन्त्रकारी हों, चाहे पार्टी के अन्दर छिपे हुए आस्तीन के सांप हों, चाहे कोई अन्य दुश्मन हों, विश्व और देश का जनमत यह जानना चाहता है कि वह क्यों हुआ?

मैं एक बात और कहना चाहता हूँ। यह बात थोड़ी अटपटी जरूर है और मेरा मन भी नहीं मान रहा है, मैं उस बात को कहना चाहता हूँ। मैं इतिहास का विद्यार्थी रहा हूँ। अल्जीरिया के इतिहास को मैंने पढ़ा है। अल्जीरिया में डैमोक्रेसी को नष्ट करने के लिए चुनाव में बाधायें डालकर, हत्या करके, बैलेट बाक्स की सील को तोड़ने की कोशिश की गई थी। मुझे लगता है कि यहां भी हमारे कुछ ऐसे नेता हैं, जिन्होंने यह कोशिश की कि श्री चन्द्रशेखर की लूली-लंगड़ी सरकार, जो श्री सुब्रहमण्यम स्वामी के साये में चल रही थी, ज्यादा दिन टिकने वाली नहीं थी। वे जानते थे कि यह सरकार चुनाव के अन्दर लौटकर दोबारा आने वाली नहीं है, इसलिए चुनाव को किसी प्रकार स्थगित कराया जाए। यह भी एक पक्ष है और सुब्रहमण्यम स्वामी जैसे लोग, जिन संबंधों पर गर्व अनुभव कर रहे थे, उन्होंने यहां भी स्वीकार किया है और जिस तरह से गवाही देते समय अटपटा रहे थे और तथ्यों को छिपाने की कोशिश कर रहे थे। जब शंकाओं की सुई दौड़ती है कि मुफ्त में सरकार में रहने का जो आनन्द उन्हें मिला, उस सरकार से सुख और आनन्द को बढ़ाने की कोशिश की गई, लेकिन वह कहीं अल्जीरिया के इतिहास की पुनरा

वृत्ति भारत के अन्दर करने का कोई षडयन्त्र तो नहीं था। राजीव गांधी कहीं इसके शिकार तो नहीं हुए। ये भी कुछ मुद्दे हैं, जो लोगों के मन को कौंध रहे हैं। इन सारी चीजों की जांच करने के लिए मल्टी डिप्लिनेरी मॉनिटरिंग एजेंसी बनेगी, तो सारे बिन्दुओं को देख पाएगी और सारे सत्य का अन्वेषण हो सकेगा।

अब मैं बिजनैस स्टैंडर्ड अखबार में छपे समाचार के बारे में बताना चाहता हूँ। इस समाचार पत्र में १९९१ में एक समाचार छपा कि अशोक होटल में प्रभाकरण को दिल्ली बुलाया गया है। राजीव गांधी से चुप रहने के लिए पांच करोड़ रुपए दिए थे। लेकिन इस बात का कन्ट्रिब्यूशन नहीं हुआ। मैं इस समाचार पत्र का जिक्र कर रहा हूँ और चाहें तो मैं इसकी कापी भी दे सकता हूँ। इसलिए मैं कहना चाहता हूँ कि जब इस तरह की गतिविधियां चल रही हैं, घटनाओं के स्किवेंस मिल रहे हैं, तो इस बारे में सोचना होगा। इसलिए मैं कहना चाहूंगा कि जैसा पहली रिपोर्ट में कहा गया है -

The sequence of events leading to and the facts and circumstances relating to the assassination of Shri Rajiv Gandhi at Sriperumbudur and other matters covered by the terms and reference for the Verma Commission.

इस बारे में प्रकाश डाला गया। पहली रिपोर्ट के आधार पर कांग्रेस ने उस सरकार को गिरा दिया, आज उसी कांग्रेस का हृदय परिवर्तन हो गया है। इसलिए जब इस रिपोर्ट से आप सहमत जाहिर करते हैं, तो उसके बाद कुछ कहने के लिए बचता नहीं है। दूसरी बात, जो इस रिपोर्ट में है, वह यह है कि -

Whether any person or persons or agencies were responsible for conceiving, preparing and planning the assassination and whether there was any conspiracy in this behalf and, if so, what are the ramifications.

इसके बारे में अगर कोई जांच-पड़ताल करनी है, हालांकि इसमें कहानियां बहुत सी हैं। तमिलनाडु के होम सैक्रेट्री के बारे में भी कहा जाता है कि उनसे सम्पर्क कर लिया। के.बी. रामास्वामी, एडवोकेट का नाम भी आता है कि उनका किडू से संबंध है। इन्होंने इस बात को कहा है, लेकिन यह डिटेल की बात है और मैं डिटेल में जाना नहीं चाहता। मेरे तमिलनाडु के मित्र उन डिटेल्स में जा रहे हैं और वे डिटेल में बताएंगे। एमडीएमए का जो स्कोप है, उसमें कहा गया है-

To monitor the movements of all accused in Rajiv's assassination case who are still absconding and bring them to trial.

इसके बाद कोई भी चीज नहीं बचती। २१ आदमियों के बारे में कहा जाता है कि उनके नाम आए, लेकिन उनमें से दो या तीन के बारे में जांच की बात कही गई है। मेरे मित्र इस बात को भूल जाते हैं कि कोर्ट में जाने के बाद, चार्जशीट और एविडेंस जाने के बाद जब कोर्ट ने यह कन्क्लुड कर लिया कि इनके खिलाफ पर्याप्त साक्ष्य नहीं हैं तो फिर उसके अन्दर कोई गुंजाइश नहीं रह जाती। इसलिए एटीआर में ठीक कानूनी प्रावधानों के अनुरूप काम किया गया है और जो संस्तुति की गई है, एक्शन लिया गया है वह उसके अनुरूप है। दूसरा एमडीएमए स्कोप में यह कहा गया है-

To undertake further probe into the role and activities of those individuals against whom it has been decided in the Memorandum of Action Taken.

The third thing which has been said in this is to look into any other matter related to above that may emerge in future.

इसके बाद एमडीएमए का विरोध, तथ्यों को छिपाना राजनैतिक माइलेज़ लेने की कोशिश करना है। इसलिए मैं अपने कांग्रेसी मित्रों से कहना चाहूंगा कि कल बड़े जोर से कहा जा रहा था कि राजीव गांधी की असेसिनेशन की जांच, जैन आयोग की रिपोर्ट पर चर्चा करना ज्यादा महत्वपूर्ण है या अनुसूचित जाति पर बहस करना ज्यादा महत्वपूर्ण है उस समय बड़े भावनात्मक ढंग से कूरियन जी बोल रहे थे। मैं आज उनसे अपील करना चाहता हूँ कि अगर आप वास्तव में सिन्सियर और सीरियस हैं तो सारे हत्याकांड के बारे में जांच कराने के लिए जैन आयोग की रिपोर्ट का आखिरी आउटकम निकाल कर सामने आएँ, उसकी अंतिम परिणति हो, उसके बाद जहां शक की सुईयां जा रही हों वहां सत्य का सही प्रकार से अन्वेषण हो सके, आप इसमें सहयोग करिए, इसका विरोध मत करिए। जो एविडेंस आप पर आता है, उस एविडेंस को दीजिए और जो लोग अभी तक छिपे पड़े हैं उनको भी बेनकाब करिए। सरकारी फाइलों को दबा कर, साक्ष्यों को दबाकर कुचला जा रहा है और दबाया जा रहा है, इतिहास के पन्ने बदलने की कोशिश की जा रही है। इसका पर्दाफाश होना चाहिए अन्यथा इतिहास आपको माफ नहीं करेगा।

महोदय, स्वतंत्र भारत के अंदर नेताओं की हत्याओं का दौर समाप्त होना चाहिए। राजनीति अहिंसा के माध्यम से चले, इसके लिए अशोक चक्र लगा हुआ है और इसका अर्थ शांति है, खून-खच्चर नहीं है। हर राजनैतिक नेता के जीवन की सुरक्षा हो और राजनैतिक दलों को भी यह समझ लेना चाहिए कि अत्याचार और आतंकवाद को प्रोत्साहन न दें, इन सबसे दूर रहें। भारतीय संविधान में हमारे जिस तरह के नीति निर्देशक सिद्धान्त हैं उनके माध्यम से उनके अंतर्गत हम काम करें। शांतिपूर्ण सह-अस्तित्व की नीतियों पर हम काम करें। इन्हीं शब्दों के साथ मैं अपनी बात को विराम देता हूँ। धन्यवाद।

(इति)

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श्री अजीत जोगी (रायगढ़): महोदय, अपने प्रिय दिवंगत नेता की नृशंस हत्या पर हम चर्चा कर रहे हैं, उनको दो पंक्तियों में श्रद्धाजलि देकर मैं अपनी बात प्रारम्भ करना चाहता हूँ-

'खिल के गुल कुछ तो बहारें जा फिजां दिखला गए,

हसरत उन गुन्चों पे है जो बिन खिले ही मुरझा गए।'

एक ऐसा प्यारा गुन्चा जो खिल रहा था, पुष्प जो प्रस्फुटित हो रहा था, जो २१वीं शताब्दी में हमारी रहनुमाई करने को, भारत को दुनिया के अग्रणी देशों की पंक्ति में खड़ा करने को हमारे साथ तैयार था।

उसकी नृशंस हत्या की गयी। मैं यह नहीं मानता कि प्रकृति के क्रूर हाथों ने उनको हमसे छीन लिया। मैं यह मानता हूँ कि उसकी हत्या साधारण हत्या नहीं थी। महोदय, केवल प्रियंका और राहुल ने अपने पिता को नहीं खोया, केवल आदरणीय सोनिया जी ने अपने सुहाग को भारत माता के चरणों पर न्यौछावर नहीं किया, बल्कि राजीव गांधी की हत्या से करोड़ों नौजवानों की तरुणाई के ख्वाब ध्वस्त हो गये, करोड़ों दलितों, आदिवासियों, मजदूरों, मेहनतकशों, किसानों की आशाओं पर पानी फिर गया। इसलिए भरे दिल से मैं यह कह रहा हूँ कि यह प्रश्न चार करोड़ कांग्रेस जनों के लिए और उनके चार करोड़ परिवारों के लिए भावनाओं का प्रश्न है, एक गंभीर प्रश्न है, जिस पर हम पूरी गंभीरता से चर्चा करना चाहते हैं। एक बात आज की चर्चा में सामने आ गयी है और हम सब इस बात से इतफाक करते हैं, इस बात से सहमत हैं कि राजीव गांधी की हत्या के पीछे षडयंत्र था, साजिश थी, यह कोई एक साधारण हत्या नहीं थी। एक राष्ट्रीय साजिश थी, जिसमें हो सकता है कि हमारे बीच के से मीर जाफर, जयचंद, हममें से कुछ लोग जो यह जान रहे थे, मई १९९१ में यह बात दीवार पर लिखी हुई दिख रही थी कि राजीव गांधी फिर से प्रधान मंत्री बनेंगे। जो लोग यह जान रहे थे कि राजीव गांधी फिर से प्रधान मंत्री बनेंगे और जो लोग यह चाह रहे थे कि राजीव गांधी को फिर से प्रधान मंत्री बनने नहीं देना है उन लोगों ने देश के अंदर साजिश की और एक दूसरी साजिश इससे बड़े पैमाने पर अंतर्राष्ट्रीय स्तर पर हुई जिसकी चर्चा इस कमीशन ने जगह-जगह पर की है। मैं उसके आयाम पर यहां प्रकाश डालना नहीं चाहता हूँ, पर यह कहना जरूर चाहता हूँ कि अंतर्राष्ट्रीय ताकतें यह मानती हैं कि इस देश को अगर कमजोर करना है तो दिल्ली की गद्दी पर कमजोर आदमी को बैठाया जाए, क्योंकि जब-जब दिल्ली की गद्दी पर मजबूत आदमी बैठा है, इतिहास इस बात का साक्षी है कि जब यहां अशोक महान बैठा, जब यहां अकबर बैठा, जब यहां अंग्रेज बैठे तो पूरा देश कभी विघटित नहीं हुआ। लेकिन जब-जब यहां की गद्दी पर कमजोर आदमी बैठा है तब-तब देश टूटा है, यह बात वह अंतर्राष्ट्रीय शक्तियां जानती थीं इसलिए उन्होंने यह साजिश की। राजीव गांधी जो इस देश को मजबूत नेतृत्व दे सकते थे हमसे छीन लिया। कंचन की उस काया को चंदन की चिता पर अग्नि देकर जब हम वापस आ रहे थे तो हमारी आंखें डबडबा रही थीं और दिल के अंदर एक क्रोध का दावानल जल रहा था। आज भी वह आंसू कम नहीं हुए हैं और वह दावानल शांत नहीं हुआ है। हम उन्हें आज भी बार-बार याद करके कहते हैं 'बड़े शौक से सुन रहा था जमाना, तुम्हीं सो गये दास्तां कहते-कहते'। पूरा मुल्क बड़ी आशाएं लगाकर राजीव की तरफ देख रहा था। हम कांग्रेस के लोग केवल यह चाहते हैं कि दलों की दीवारों से ऊपर उठकर जिन ताकतों और शक्तियों ने षडयंत्र करके राजीव जी को हमसे छीना है उनका सच्चाई के साथ पता लगाया जाए। कौन लोग उस साजिश में शामिल थे उनका पता लगाया जाए, चाहे वे लोग हमारे बीच के हों, चाहे कोई दूसरे हों। हम आज की सरकार से केवल यही निवेदन कर रहे हैं। हमें आज की सरकार से इस बारे में शिकायत नहीं है। हम कोई शिकायत करने के लिए नहीं आए हैं, हम केवल एक गुजारिश कर रहे हैं क्योंकि यह प्रश्न हमारे लिए जजबातों और भावनाओं का प्रश्न है। बहुत सी बातें जैन कमीशन में जिनकी चर्चा हुई है, उसके बारे में कही जा सकती हैं।

अध्यक्ष महोदय, समय बहुत कम है। रात हो रही है। इसलिए मैं एक-आध बात पर ही बोलना चाहूंगा। हमारे मित्र दलों की तरफ से एक बात हम लोगों पर बार-बार आरोप लगा कर कही गई। वह बात इन्द्रजीत गुप्त जी, आचार्य जी और दूसरे साथियों ने कही। उन्होंने कहा कि हमने श्री गुजराल जी के नेतृत्व वाली सरकार को अनावश्यक गिराया। मैं इस आरोप का अपनी तरफ से, अपनी पार्टी की तरफ से, पूरी ताकत के साथ खंडन करने के लिए खड़ा हुआ हूँ। हमने उस सरकार से खुद समर्थन वापस नहीं लिया। हमने उस सरकार को नहीं गिराया। हमारी एक छोटी सी मांग थी। मैंने पहले भी कहा कि यह जजबातों और भावनाओं की बात है। जब जैन कमीशन की अंतरिम रिपोर्ट हमारे सामने आई और उसमें साफ लिखा गया, वह हमने नहीं लिखा, एक जज ने लिखा था। जैन कमीशन की अंतरिम रिपोर्ट के वोल्यूम सात के पेज नम्बर ९४४ में जस्टिस जैन ने लिखा :

"From the evaluation of the material, the conclusion is irresistible that there was tacit support to the LTTE by Shri Karunanidhi and his Government and law enforcement agencies."

इसके बाद हमारे सामने दूसरा कोई विकल्प या रास्ता नहीं था। वह हमारे जजबातों की बात थी। एक जज कमीशन की रिपोर्ट में यह कहता है कि इस हत्या के पीछे कारण एल.टी.टी.ई, और डी.एम.के. के बीच सम्बन्ध था। उसके अनुसार यह इरिस्टेबल कनक्लूजन था। ऐसे एक जज के निष्कर्ष थे। हमने यह नहीं कहा था

... (व्यवधान)

them... (Interruptions)

SHRI AJIT JOGI (RAIGARH): Sir, I am not yielding... (Interruptions)

MR. SPEAKER: Shri Baalu, he is not yielding.

PROF. P.J. KURIEN (MAVELIKARA): Shri Baalu, we have listened to your leader silently. Just before Shri Maran spoke and we heard him patiently... (Interruptions)

page 786 of the Interim Report that after the induction of IPKF in Sri Lanka, the late Rajiv Gandhi himself ordered to send money, arms and ammunition, light and heavy infantry weapons and ammunition; food supply for LTTE cadres, different kinds of electrical batteries for military purposes including manufacture of improvised explosive devices and kerosene. It has also been stated that two trucks were supplied... (Interruptions).

SHRI AJIT JOGI (RAIGARH): I will reply to it.

मैं सब लोगों से एक निवेदन करना चाहता हूँ। मैंने पहले ही कहा कि यह मेरे और मेरे सभी साथियों की भावनाओं का प्रश्न है। इसलिए हम यह बात विभिन्न दलों के लोगों के दिलों की दीवारों से ऊपर उठ कर करना चाहते हैं। हमें किसी से कोई शिकायत नहीं है। हमें आपसे कोई शिकायत नहीं है। हम केवल सत्य की खोज में निकले हैं। हम चाहते हैं कि सच ढूँढ लिया जाए। इसमें किसी को कोई आपत्ति नहीं होनी चाहिए। कौन ऐसा है जो नहीं चाहता कि इसमें सच्चाई का पता लगाया जाए? राजीव गांधी जी की हत्या हो गई, देश के प्रधान मंत्री की हत्या हो गई, कांग्रेस अध्यक्ष की हत्या हो गई। इसके पीछे साजिश थी। कांग्रेस के नेता केवल यह मांग कर रहे हैं कि सच्चाई का पता लगाया जाए। उसमें अगर किसी को आपत्ति हो रही है तो मुझे बहुत खेद है। हम केवल सच्चाई का पता लगाने का अनुरोध कर रहे हैं। हम किसी पर दोष नहीं लगा रहे हैं। हमने उस समय भी नहीं कहा था कि हम आपसे समर्थन वापस लेते हैं। हमने आपसे एक छोटा सा निवेदन किया था कि आपके खिलाफ यह बात कही गई है। कमीशन ऑफ इनक्वायरी एक्ट में कमीशन अगर कोई बात कहता है तो वह सत्य और प्रमाणित नहीं मानी जाती। हम भी कानून को समझते हैं। इसके बाद उसकी जांच होती है। जांच के बाद न्यायालय में मुकदमा चलता है। उसके बाद वह बात सिद्ध होती है। इसलिए हमने एक छोटा सा निवेदन किया। हमने गुजराल जी की सरकार से कहा कि तीन बड़े न्यायविदों की एक कमेटी बना दीजिए। वे तीन न्यायविद खुद चुन लीजिए। वे डी.एम.के. के खिलाफ लगाए गए आरोपों की जांच करें। वे जांच १५ दिन, ३० दिन और तीन महीने में कर लें, लेकिन केवल एक महीने के लिए आप अपने तीन मंत्रियों को मंत्रिमंडल से बाहर रखें, उसके बाद अगर आरोप प्रमाणित नहीं होते तो तीनों को इज्जत के साथ वापस ले आएँ। हमने कौन सी नाजायज मांग की थी? हमने यह नहीं कहा था कि हम समर्थन वापस ले लेंगे।

... (व्यवधान)

PROF. P.J. KURIEN (MAVELIKARA): Is it for one month?

MR. SPEAKER: Prof. P. J. Kurien, your Member is not yielding for you also!

श्री अजीत जोगी (रायगढ़): अध्यक्ष महोदय, हम किसी पर कालिख नहीं लगाना चाहते। हम ११३ साल पुरानी गौरवशाली पार्टी के सदस्य हैं। हम किसी पर बिना कारण कालिख नहीं लगाना चाहते हैं, हम किसी पर दोषारोपण नहीं कर रहे थे और आज भी नहीं कर रहे हैं। अगर यहां कोई सांसद दोस्त यह सोचकर खुश हो रहा हो कि मैं खड़ा होकर किसी पर दोषारोपण कर रहा हूँ तो खुश होने की जरूरत नहीं है। मैं सच की खोज करने और उसकी मांग करने के लिये खड़ा हुआ हूँ। मैं जोगी हूँ और यही भीख मांगता हूँ कि सच की खोज की जाये कि हमारा नेता कैसे मारा गया, इसका पता लगाकर हमें बताया जाये। मैंने पहले ही यह बात साफ कर दी थी कि हमने आपकी सरकार अनावश्यक रूप से नहीं गिराई थी, बिना कारण नहीं गिराई थी। आप हमारी छोटी सी बात को मानने के लिये तैयार नहीं थे। आप अपनी जिद्द पर अड़े हुये थे। मैं खुद आपके बड़े नेताओं से बात करने गया था। मैं उन नेताओं के नाम नहीं लेना चाहता। मैंने सबसे निवेदन किया कि एक महीने की बात है, आप जांच कराइये। यदि आरोप सिद्ध नहीं होगा तो आप लोगों को केबिनेट में वापस ले लेंगे परन्तु आप लोग नहीं माने, इसलिये वह सरकार गिर गई। हमारी आज भी वही स्थिति है। हम आज भी कह रहे हैं कि यदि कमीशन ने कहा है कि इस मामले की जांच होनी चाहिये तो किसी को जांच कराने से कभी डरना नहीं चाहिये। यदि मुझ पर आरोप लगा है, मैं जांच कराने के लिये तैयार हूँ, उस मामले की जांच कर ली जाये। अगर मैं दोषी नहीं हूँ तो जांच कराने से क्यों डरूँ? मैं निवेदन करता हूँ कि जिसके खिलाफ इस रिपोर्ट में जांच की मांग की गई है, उसे जांच करानी चाहिये और उस जांच से डरना नहीं चाहिये।

अध्यक्ष महोदय, जैसा अन्तरिम रिपोर्ट में कहा गया है, उसे मैंने पढ़कर सुनाया कि मुझे इस मामले में जांच की आवश्यकता क्यों महसूस हुई। चूंकि समय की कमी है इसलिये मैं एक-दो घटनाओं का संक्षेप में वर्णन करना चाहूँगा। वैसे मैं १५-२० घटनायें लिखकर लाया था लेकिन एक-दो घटनाओं की ताइद करना चाहता हूँ। हम क्यों कह रहे हैं कि जांच होनी चाहिये, हमारे पास क्या सबूत हैं और हम क्यों चाह रहे हैं कि मामले की जांच होनी चाहिये? यहां सब लोगों ने कहा कि राजीव गांधी नृशंस हत्याकांड हुआ। उसके पहले १९.६.९० को पद्मनाभन और उसके १६ साथियों की हत्या की गई, इसे सब जानते हैं। उस समय तामिलनाडु में किसकी सरकार थी, यह भी सब जानते हैं। उस समय केन्द्र में किसकी सरकार थी, यह भी सब जानते हैं। मैं कहना चाहता हूँ कि हम जांच क्यों चाहते हैं, हम क्यों सच्चाई जानना चाहते हैं? मैं इसके कारण बता रहा हूँ। इतना बड़ा हत्याकांड हो गया जिसमें ई.पी.आर.एल.एफ. के नेता पद्मनाभन और उसके १६ साथियों को मार दिया गया। उसके बाद क्या हुआ? अध्यक्ष महोदय, टाडा कोर्ट का एक बयान पढ़कर संक्षेप में बताना चाहता हूँ। वैसे तो यह बयान अंग्रेजी में है लेकिन इसको हिन्दी में अनुवाद करके बता रहा हूँ। श्री नागराजन, आई.एस.आई. अधिकारी हैं जो तामिलनाडु के वर्तमान मुख्यमंत्री के प्राइवेट सैक्रेटरी हुआ करते थे।

AN HON. MEMBER: He was Home Secretary at that time.

SHRI AJIT JOGI (RAIGARH): I know. Please do not guide me.

किसी जमाने में उनके प्राइवेट सैक्रेटरी हुआ करते थे। उस समय गृह सचिव थे। उनका टाडा कोर्ट के सामने बयान हुआ जिसमें उन्होंने कहा कि जब पदमनाभन की नृशंस हत्या हुई, उस दिन तत्कालीन मुख्यमंत्री और आज के मुख्यमंत्री दिल्ली में थे। मैं श्री नागराजन के बयान को हिन्दी में पढ़कर बता रहा हूँ:

'मुझे निर्देश था कि एल.टी.टी.ई. के खिलाफ कोई कार्यवाही न करें। मैंने मुख्यमंत्री श्री करुणानिधि से पूछा। वे दिल्ली में थे। उन्होंने कहा कि मेरे आने तक कोई कार्यवाही मत करना'

इतना बड़ा हत्याकांड हो गया और निर्देश दिया जा रहा है कि मेरे आने तक कोई कार्यवाही मत करना। अंतरिम रिपोर्ट के वाल्युम-

क्ष

में पेज ७१८-७३२ के बीच में इसका विस्तार से वर्णन है। मैं उसको यहां पढ़ना नहीं चाहता।

इसी हत्याकांड के बारे में श्री चिदम्बरम जो वर्तमान लोक सभा के सदस्य हैं, उनका भाषण २५.२.९१ को हुआ था और उनका बयान भी आया। उन्होंने क्या कहा? उन्होंने इससे आगे बढ़कर बात कही थी। उन्होंने कहा था --

"The DMK Government informed the LTTE about the arrival and movement of Mr. Padmanabha..."

MR. SPEAKER: Please conclude.

SHRI AJIT JOGI (RAIGARH): I have just begun.

MR. SPEAKER: You have taken more than 15 minutes, not begun just now.

... (Interruptions)

House...(Interruptions)

SHRI AJIT JOGI (RAIGARH): Again, I quote:

"The DMK Government informed the LTTE about the arrival and movement of Mr. Padmanabha. They allowed them to cover 550 kms. to Thanjavur and to escape by sea."

यह उस समय की राज्य सरकार के बारे में श्री चिदम्बरम ने कहा है।

Singh and Shri Beant Singh from being planted in Shrimati Indira Gandhi's security ring. They were within the proximity of Shrimati Indira Gandhi...(Interruptions) The then Government could not prevent them from committing that murder and save her. Now, they are finding fault with us...(Interruptions)

श्री अजीत जोगी (रायगढ़) : मैं आप पर कोई आरोप नहीं लगा रहा हूँ। मैं कह रहा हूँ कि ये तथ्य थे और इनकी जांच होनी चाहिए। जब जज के सामने बयान में गृह सचिव कह रहा है कि मुझे निर्देश दिया गया कि इनको मत पकड़ो, जब यहां का एक वरिष्ठ मंत्री और आज का सांसद बयान दे रहा है कि उनको जान-बूझकर ३५० किलोमीटर जाने दिया गया, भागने दिया गया। जब ऐसे बयान आ रहे हैं तो मैं निवेदन करना चाहूंगा कि यह गंभीर बात है। इनकी जांच होनी चाहिए। वन आइड जैक शिवरासन या शिवरासन काना, जिसने पद्मनाभन और १६ लोगों की हत्या की, वही अभियुक्त है जिसने राजीव गांधी की भी हत्या की। वही राजीव गांधी की हत्या का केन्द्र बिन्दु था। दोनों प्रकरणों -- पद्मनाभन मर्डर केस और राजीव गांधी मर्डर केस में छः अभियुक्त कॉमन हैं। वही लोग, वही टीम, वही शस्त्र, वही बारूद, वही तरीका -- सब कुछ वही। मैं दावे के साथ कहता हूँ कि अगर पद्मनाभन हत्याकांड के इन अभियुक्तों को तत्काल पकड़ लिया गया होता, अगर उनको उसी समय पकड़ लिया गया होता, तो राजीव गांधी की हत्या नहीं होती। इसलिए हमारे दिल में दर्द है। हमें और किसी बात का दर्द नहीं है। उसके बाद क्या होता है? उसके बाद भी वही राज्य सरकार वहां चल रही थी। अभी किसी ने पढ़कर सुनाया। मैं इसलिए पढ़कर नहीं सुनाना चाहता हूँ कि यह शिवरासन जिसने राजीव गांधी की हत्या की, जो राजीव गांधी की हत्या के षडयंत्र का केन्द्र बिन्दु था, जिसने टीम बनाई थी, जो तमिलनाडु में आकर मकान किराये पर ले रहा था, जो तमिलनाडु में आकर ट्रेनिंग दे रहा था, जो तमिलनाडु में आकर डेस रिहर्सल कर रहा था -- जब राजीव गांधी हत्याकांड से १५ दिन, पहले ८ मई, १९९१ को वी.पी.सिंह साहब ने वहां मीटिंग ली तो बाकायदा मर्डर का डेस रिहर्सल किया कि मैं कैसे धनु को हार पहुंचाऊंगा, कैसे धनु से वी.पी.सिंह साहब को हार पहनवाएंगे और जो वी.पी.सिंह साहब की मीटिंग हुई, उसकी प्रथम पंक्ति में शिवरासन काना बैठा हुआ था। कौन विश्वास करेगा कि उस सरकार को मालूम नहीं था कि ये लोग जो पद्मनाभन हत्याकांड के दोषी हैं, वहां पर उपस्थित हैं। कौन विश्वास करेगा? मैं विश्वास नहीं करूंगा।

... (व्यवधान)

was in charge of the affairs. Governor's rule was there. Before that, whenever Shri Rajiv Gandhi came to Tamil Nadu, he was safely sent back to Delhi...(Interruptions) Dr. Kalaingar Karunanidhi sent him back to Delhi safely when he was the Chief Minister of Tamil Nadu. It was only during the Governor's regime that it had happened. That Government was supported by you and not by us...(Interruptions) At that time, you were supporting the Government at the Centre. You could not give proper protection to Shri Rajiv Gandhi...(Interruptions)

SHRI AJIT JOGI (RAIGARH): I know about it. I will reply to that. Please have some patience. I am placing the facts before you...(Interruptions) I am not accusing you. I am just telling the facts. I am not making any allegation. I am just saying that these are the facts. We want the facts to be verified. We want the facts to be investigated. I am not saying that you are to be blamed. I am not pointing an accusing finger at anybody. I am nobody to point an accusing finger at anybody...(Interruptions) But these are the facts. Therefore, we demand that the facts be verified. We demand that justice be done. We demand that the guilty be punished. This is our demand. This is what I am requesting the Government to do. I am not saying that you are guilty. I am not saying that "A" or "B" is guilty. I am requesting the Government with folded hands to find out the truth and only the truth.

हम चाहते हैं कि केवल सच्चाई का पता लगाया जाए। हमें आप सच्चाई का पता लगाने में सहयोग करिये।

कौन विश्वास करेगा कि राजीव गांधी को मारने से १५ दिन पहले डैस रिहर्सल हो रही थी। वही धनु वी.पी.सिंह साहब को हार पहना रही है। वही शिवरासन पहली पंक्ति में बैठा हुआ उनकी मीटिंग सुन रहा है। मैं ये सब बातें रिपोर्ट से नहीं पढ़ रहा हूँ, यूँ ही बता रहा हूँ। क्योंकि आप घंटी बजा रहे हैं, नहीं तो मैं रिपोर्ट से पढ़कर सुनाता। यह दिल दहलाने वाली बातें हैं। वायरलैस मैसेजिज आ रहे थे, इंटरसेप्ट किये जा रहे थे, कहा जा रहा था कि राजीव गांधी को बुलेट का गारलैंड पहना देंगे, राजीव गांधी की हत्या के बारे में उनकी इंटेलेजेंस ब्यूरो का चीफ पोडूअन्नन मैसेज भेज रहा था

... (व्यवधान)

the Defence people...(Interruptions)

SHRI AJIT JOGI (RAIGARH): I will say everything...(Interruptions)

MR. SPEAKER: What is this Shri Baalu?

... (Interruptions)

the LTTE people could understand the PM's tour programme well in advance, why could the Defence people not know about that?... (Interruptions)

SHRI AJIT JOGI (RAIGARH): I remember each and every date. I can quote pages after pages. I have read it because it relates to my leader. You perhaps remember the month. But I remember the date; I remember the month; and I remember the year; I remember everything. I have read all the volumes. That is why, I am speaking from the core of my heart. My heart bleeds. I am speaking with a heavy heart.

इसीलिए मैं आपसे निवेदन कर रहा हूँ कि हमें सच्चाई का पता लगाने दीजिए। इस तरह की घटना हो रही थी। आपने कहा कि यह १९८८ का मामला है, लेकिन इसके बाद १९९१ का भी संदेश पकड़ा गया। उसमें वह क्या पूछता है। अगर आप कहें तो मैं उस वायरलैस मैसेज को पढ़कर सुना दूँ, जो २१.३.१९९१ का दो लाइन का मैसेज है।

MR. SPEAKER: Please conclude Shri Jogi. There are other Members also from your Party.

PROF. P.J. KURIEN (MAVELIKARA): You give him time. He is making very important points.

MR. SPEAKER: Is he the last speaker from your Party? You are giving the list of speakers also from your Party.

श्री अजीत जोगी (रायगढ़): सर, मैं समय बचाने के लिए उस वायरलैस मैसेज को केवल पढ़ देता हूँ। मैं सारी किताबें लाया हूँ, लेकिन उनमें से कुछ नहीं पढ़ रहा हूँ, चूंकि आप हुक्म कर रहे हैं। इसी तारीख २१/ २२.३.१९९१ का यह मैसेज है। यह केवल तीन दिन पहले का वायरलैस मैसेज है।

... (व्यवधान)

"Should attempt at Madras or at Capital, if in Capital, it requires strenuous efforts and sufficient time. If to attempt on date, give reply."

एल.टी.टी.ई. की इंटेलीजेन्स ब्यूरो का चीफ शिवरासन पूछ रहा है। दोनों के बीच वायरलैस मैसेजिज चल रहे हैं कि राजीव गांधी की हत्या चेन्नई में करूं या दिल्ली में करूं। अगर दिल्ली में करने का आदेश है तो ज्यादा समय लगेगा, ज्यादा तैयारी करनी पड़ेगी। फिर भी जो आपका आदेश है, वह सूचित करिये। इस तरह से मैसेजिज का आदान-प्रदान हो रहा है और हमें यहां सिखाया जा रहा है। हम लोग प्रशासन में रहे हैं, हमें यह बताया जा रहा है कि २१ और २२.३.१९९१ का जो मैसेज है वह राजीव गांधी की हत्या के बाद जून तक डीकोड नहीं हुआ, पता नहीं चल पाया, हम उलथा नहीं कर पाये। किसे बेवकूफ बनाने की कोशिश की जा रही है। जब मैसेज इंटरसेप्ट होता है, उसको तत्काल डीकोड किया जाता है, इसे हम जानते हैं, हम प्रशासन में रहे हैं। यह इतना महत्वपूर्ण मैसेज है जो यह पूछ रहा है कि राजीव गांधी की हत्या मद्रास में की जाए या दिल्ली में की जाए, आदेश दीजिए। अगर दिल्ली में करनी है तो हमें और अधिक तैयारी करनी पड़ेगी लेकिन यह कह रहे हैं कि मैसेज को डीकोड नहीं किया गया। हम कह रहे हैं कि इसकी जांच की जाए कि उसके लिए कौन जवाबदार था। आप कहते हैं कि इसकी जांच नहीं होनी चाहिए। मैं इसलिए आपसे हाथ जोड़कर निवेदन कर रहा हूँ कि जिस जांच की हम मांग कर रहे हैं, वह जांच होने दीजिए और बहुत सी बातें बहुत जगह कही गई हैं जिनमें से मैं एक-दो बातें पढ़ना चाहता हूँ।

Volume VII, Interim Report, page 190 says: "DMK provided safe sanctuary to LTTE."

अर्थात् डी.एम.के. ने एल.टी.टी.ई. को सुरक्षित अभयारण्य उपलब्ध कराया।

Page 728 says: "Militants of LTTE were hand in glove with the DMK."

पेज ७८५ पर श्री जे.एन.दीक्षित जो श्रीलंका में हमारे हाई कमिश्नर थे, उनका बयान है। उन्होंने कहा है - ‘

DMK was supporting LTTE even after IPKF was sent to Sri Lanka."

यह बात पहले की नहीं है, जो कही जा रही है कि हम आपकी सहमति से एल.टी.टी.ई. को समर्थन दे रहे थे। मैं इस बात का

... (व्यवधान)

mentioned that Shri Rajiv Gandhi helped LTTE...(Interruptions)

SHRI AJIT JOGI (RAIGARH): I am coming to that... (Interruptions)

(Interruptions)

MR. SPEAKER: Shri T.R. Baalu, what is this? Please do not interrupt.

श्री अजीत जोगी (रायगढ़): अध्यक्ष महोदय, मैं आपसे यह निवेदन कर रहा हूँ कि इस बात में फर्क करना पड़ेगा। हम इस बात से सहमत हैं कि राजीव गांधी जी की श्री करुणानिधि जी के साथ १९८९ में बात हुई थी। मैं इस बात को जानता हूँ इसलिए यह बात कह रहा हूँ।

SHRI AJIT JOGI (RAIGARH): I am accepting it.

after the induction of IPKF?... (Interruptions)

MR. SPEAKER: Shri T.R. Baalu, this is too much. How can you speak like that?

... (Interruptions)

MR. SPEAKER: Shri T.R. Baalu, please take your seat.

SHRI AJIT JOGI (RAIGARH): I am saying the same thing... (Interruptions)

PROF. P.J. KURIEN (MAVELIKARA): You should not interrupt. You can reply in the end. Let him speak... (Interruptions)

thing is that you should say, what has happened.

SHRI AJIT JOGI (RAIGARH): You are not listening. I am saying just the same thing that you are saying.

महोदय, मैं यह इसलिए कह रहा हूँ क्योंकि यह बात मेरी व्यक्तिगत जानकारी में है। मुझे मालूम है कि राजीव गांधी जी ने मुरासोली मारन जी को बुलाकर अनुरोध किया था और कहा था कि हम समस्या के बीच में धिर गए हैं, आई.पी.के.एफ. भेजने के पहले कहा था कि आपके उनके साथ संबंध हैं इसलिए आप मध्यस्थता करो और आपके संबंधों का लाभ हमें दो। हम इस समस्या का शांति पूर्ण तरीके से राजनीतिक हल निकालना चाहते हैं। आप उनसे बात कर के इस समस्या का यदि शांति पूर्ण तरीके से कोई हल निकलता है, तो निकालने में हमारी मदद कीजिए। आई.पी.के.एफ.भेजने के बाद भी उन्होंने यही कहा था। मुझे मालूम है क्योंकि उन दिनों मैं उन लोगों में से था, जो उनसे बहुत नजदीक थे। उन्होंने शांति पूर्ण समाधान निकालने के लिए कहा था। उन्होंने कभी यह नहीं कहा था कि आई.पी.के.एफ. की मदद करो, तमिलनाडु में अपने अड्डे बनाओ, तमिलनाडु में बारूद बिछा दो या वहां जाकर पद्मनाभन की हत्या कर दो। राजीव गांधी ने कभी ऐसा नहीं कहा था। राजीव गांधी ने समस्या के शांति पूर्वक समाधान का अनुरोध किया था। मैं इस बात को भी मानता हूँ कि आपने बहुत दिनों तक सहयोग भी किया था।

(Interruptions)... But they thought, they should kill Sri Lankans only... (Interruptions)

SHRI AJIT JOGI (RAIGARH): I partly agree with him.

महोदय, मैं इनकी बात से आंशिक रूप से सहमत हूँ कि राजीव गांधी जी ने यह निवेदन किया था। लोग तो यहां इंटरिम रिपोर्ट के आधार पर बात कर रहे हैं। मैं फाइनल रिपोर्ट के आधार पर कह रहा हूँ।

MR. SPEAKER: Shri Ajit Jogi, you have already taken about half-an-hour.

SHRI AJIT JOGI (RAIGARH): Sir, I will take 10 more minutes. My Party has enough time.

MR. SPEAKER: No, not 10 minutes, you please conclude now.

SHRI AJIT JOGI (RAIGARH): Sir, this is something which relates mainly to my Party. Kindly cooperate.

MR. SPEAKER: No. Please complete now.

SHRI AJIT JOGI (RAIGARH): Sir, I will just read one sentence from the Final Report, Volume VI, page 192. It is written:

"The transmission was intercepted on 29.5.1998 which mentioned that they were preparing garland with bullet for the reception of Shri Rajiv Gandhi on 18.6.1988."

Now, I will read from page 6. This is a letter from Senior Additional Director(IB) to the Home Secretary. I will just read three to four sentences. There he say:

"Meanwhile, the LTTE has been taking full advantage of the sympathetic attitude of the Ruling DMK in Tamil Nadu, and noticeable spurt in LTTE activity, it seems, is coinciding with the initiative taken by the Chief Minister of Tamil Nadu."

... (Interruptions)

that incident... (Interruptions)

MR. SPEAKER: Shri Baalu, he is not yielding. Your clarification is not required.

... (Interruptions)

MR. SPEAKER: Please take your seat. You are not supposed to give any clarification. This will not go on record.

(Interruptions) ... (Not recorded)

MR. SPEAKER: You are a senior Member. Please take your seat.

... (Interruptions)

MR. SPEAKER: Whatever Shri Baalu says will not go on record.

(Interruptions) ... (Not recorded)

SHRI AJIT JOGI (RAIGARH): I also want this to be inquired into. You please sit down. **(Interruptions)**

MR. SPEAKER: Shri Baalu, please understand that he is reading out from the Report and not saying anything on his own.

... (Interruptions)

श्री कांतिलाल भूरिया (झाबुआ) : वह जैन कमीशन की रिपोर्ट पढ़ रहे हैं। ... (व्यवधान) आप समझने की कोशिश कीजिए।

... (व्यवधान)

यह जैन कमीशन की रिपोर्ट है।

... (व्यवधान)

आपकी सफाई से यहां काम चलने वाला नहीं है।

... (व्यवधान)

आपकी सफाई से कोई मतलब नहीं है।

... (व्यवधान)

यह क्या तरीका है ?

... (व्यवधान)

आप उनको सुनने की कोशिश कीजिए।

... (व्यवधान)

SHRI AJIT JOGI (RAIGARH): I am not saying anything from my side. Whatever I have said has been on the basis of Reports submitted and tabled in this hon. House. I will now read out from the letter of the Additional Director, IB.

"The local DMK leaders in the coastal regions of Thanjavur have also been collaborating with the LTTE in this illegal traffic in the hinterland. There is also a move on the part of the LTTE to open a regular office for its political wing the PLFT in Tamil Nadu with the blessings of its patron Shri V. Gopalaswamy, MP and the Chief Minister. While the State Police is under constraint to act firmly against the LTTE's illegal activities, the Customs personnel in the State are the demoralised lot after the abduction of a Customs patrol in December last and their subsequent release at the intervention of the DMK higher ups with the LTTE."

मैं एक दो तथ्य और बता दूँ। उस समय मद्रास में नेवी के सबसे बड़े अधिकारी एडमिरल रामदास जी कमांडिंग आफिसर थे। उन्होंने अपना यह बयान दिया कि:

"The LTTE people arrested by the Coast Guard were released by the State Police."

जब कभी नौसेना के लोग एल.टी.टी.ई. के लोगों को गिरफ्तार करते थे, वे उनको स्थानीय पुलिस को सौंप देते थे लेकिन स्थानीय पुलिस उनको छोड़ देती थी। श्री चन्द्रशेखर जी अभी यहां बैठे हुए थे, उन्होंने डी.एम.के. की सरकार को बर्खास्त किया था। आप उनसे पूछिये कि बर्खास्त करने के पीछे क्या कारण थे? जब एल.टी.टी.ई. की गतिविधियां इतनी बढ़ गईं और उनको लगा कि वह एल.टी.टी.ई. की गतिविधियों पर स्थानीय प्रशासन से रोक नहीं लगा पा रहे हैं तो उन्होंने फैसला किया कि दिल्ली से कमांडो फोर्स भेजी जाये, जो एल.टी.टी.ई. के तमिलनाडु में बने हुए अड्डों को ध्वस्त करे। यह फैसला करके उन्होंने सोचा कि मुझे राज्य शासन को इसकी खबर देनी चाहिए और उन्होंने वहां के मुख्यमंत्री को इसकी खबर दी। तब क्या हुआ? श्री नागराजन, जो उनके गृह सचिव थे, उन्होंने टाडा कोर्ट के बयान में कहा कि जैसे ही चन्द्रशेखर जी ने यह खबर वहां के मुख्यमंत्री को दी, वहां के मुख्यमंत्री ने यह खबर एल.टी.टी.ई. को बता दी। जब यहां से कमांडो वहां पहुंचे तो उनको वहां कोई नहीं मिला। इसी बात को लेकर वह राज्य सरकार बर्खास्त की गयी थी।

मैं आपसे यह निवेदन कर रहा हूँ। आप समय नहीं दे रहे हैं।

... (व्यवधान)

MR. SPEAKER: Shri Ajit Jogi, now you have to complete. Already you have spoken for more than half an hour.

श्री अजीत जोगी (रायगढ़): मैं यह निवेदन कर रहा हूँ कि वही शिवरासन, वही टीम, वही शिवरासन वन आईड जैक, वही शिवरासन जिसने पदमनाभा का मर्डर किया था, वही उसकी टीम थी, उसके वही बारूद थे, उसको इतने समय तक किसने इजाजत दी कि वह वहां मकान लेता रहा कि मेरे लोग छिपकर कहां रहेंगे, इतनी बड़ी टीम को तैयार करता रहा, रोज उनको ट्रेनिंग देता रहा, रोज वायरलैस संदेश से बात हो रही थी, रोज उसे श्रीलंका से अस्त्र आ रहे थे, रोज वह तैयारी कर रहा था, यहां तक कि अंत में उसने वी.पी. सिंह साहब की मीटिंग में ड्रेस रिहर्सल करवा ली। यह सब क्यों संभव हुआ, हम इसकी जांच करवाना चाहते हैं। हम चाहते हैं कि इसकी जांच हो, हम आप पर दोष नहीं लगाते, अपने पर दोष नहीं लगाते, हम कहते हैं कि जो भी दोषी है, उसकी जांच होनी चाहिए, पता लगना चाहिए कि ये सब गफलतें, ये सब लापरवाही क्या जान-बूझकर की गई, क्या जान-बूझकर राजीव गांधी की हत्या को होने दिया गया? यदि जान-बूझकर नहीं किया गया, मैं यह पूछता हूँ कि राजीव गांधी की हत्या के बाद ४६ में से इतने लोगों को मौत की सजा हो गई लेकिन उसमें अधिकारियों ने भी गलती की, गुप्तचर एजेंसियों ने भी गलती की। यदि थोड़ा सा भी सतर्क होते, थोड़ी सी भी कार्यवाही करते, पदमनाभा के मर्डरर्स को, यदि शिवरासन और उसके साथियों को तत्काल पकड़ लिया जाता, यदि गुप्तचर एजेंसियां हमें पहले से खबर कर देतीं, जब ट्रॉयल रन हो रहा था, यदि उस दिन की खबर पहले से दे दी जाती, कोई न कोई अधिकारी, कोई न कोई गुप्तचर एजेंसी, कोई न कोई राजनैतिक व्यक्ति इसमें जवाबदार तो जरूर होगा, आज तक उनमें से किसी को क्यों सजा नहीं दी गई? एक अधिकारी बताएं जिसे आपने इस लापरवाही के कारण जेल भेजा है? एक इंटरलीजेंस एजेंसी का अधिकारी बताएं जिसने गफलत की, लापरवाही की। यह तो बिल्कुल साफ दिख रहा है, कैसे संदेश आ रहे थे, खबर नहीं कर रहा था, ट्रॉयल रन हो रहा था, खबर नहीं कर रहा था, वहां पर शस्त्रागार बन रहे थे, खबर नहीं कर रहा था, बारूद बनाया जा रहा था, खबर नहीं कर रहा था, अस्त्र आ रहा था, खबर नहीं कर रहा था। ऐसा प्रशासन तंत्र जो वहां चल रहा था, उसमें से एक भी दोषी नहीं है, आज तक किसी को दोष नहीं दिया गया। कांग्रेसी इसे कैसे सहेंगे। हमारे नेता की हत्या हुई है, हम चाहते हैं कि वे लोग दंडित किए जाएं, हम चाहते हैं कि सत्य का पता लगाया जाए।

एक अंतिम बात निवेदन करना चाहता हूँ। जो बात पहले कही गई है, उसे स्पष्ट करना चाहता हूँ। यह कहा जा रहा है कि अंतरिम रिपोर्ट में जो बात कही गई थी, अंतिम रिपोर्ट में उसकी उल्टी बात कह दी गई है। यह तथ्य की पराकाष्ठा है। अंतरिम रिपोर्ट और अंतिम रिपोर्ट, शब्दों का चयन ठीक से नहीं हुआ है। यह असल में दो अलग-अलग मुद्दों पर, जस्टिस वर्मा की रिपोर्ट एक अलग मुद्दे पर थी, यदि आप उसके टर्मस ऑफ रैफरेंस देखेंगे तो वह सिक्युरिटी लैप्सेस पर थी और

The Interim Report is about the sequence of events leading to the assassination of Rajiv Gandhi.

वह घटनाक्रम जिसके चलते राजीव गांधी की हत्या हुई, उसके बारे में अंतरिम रिपोर्ट है और अंतिम रिपोर्ट-

Persons and agencies responsible for the assassination of Rajiv Gandhi, the conspiracy thereof and its dimensions thereof.

इसके बारे में है। तीनों रिपोर्टों का अलग-अलग मुद्दा है, तीनों रिपोर्टों के टर्मस ऑफ रैफरेंस अलग-अलग हैं, तीनों रिपोर्टें एक-दूसरे से स्वतंत्र हैं, तीनों रिपोर्टों में अलग-अलग मुद्दों पर निष्कर्ष निकाले गए हैं। यदि वर्मा कमीशन की रिपोर्ट पर कुछ कहा गया है तो कांग्रेस यह मांग करती है कि जो सिफारिश वर्मा कमीशन ने की है, समय कम है नहीं तो मैं तीन-चार मुख्य सिफारिशें लिखकर लाया हूँ, उन सब सिफारिशों पर आपको कार्यवाही करनी चाहिए। यदि इंटरिम रिपोर्ट पर कोई सिफारिश की गई है तो यह कहकर कोई नहीं बच सकता कि अंतिम रिपोर्ट में उसके विपरीत बात कह दी गई है। इंटरिम रिपोर्ट ऐक्चुअली पार्ट-

ऑफ जैन कमीशन रिपोर्ट है, अंतिम रिपोर्ट पार्ट-

II

ऑफ जैन कमीशन रिपोर्ट है।

It is actually part of Jain Commission's Report.

मैं कह रहा हूँ कि यह गलतफहमी किसी को नहीं होनी चाहिए, ये रिपोर्टें अलग-अलग हैं, सिफारिशें अलग-अलग हैं, अंतरिम रिपोर्ट में जो सिफारिश हुई है, अंतिम रिपोर्ट में जो सिफारिश हुई है, हमारी यह मांग है कि सब पर कार्यवाही होनी चाहिए। राजीव गांधी जी की हत्या हो गई है। हमारी निगाह में देश का सबसे बड़ा नेता, देश के गरीबों की निगाह में जो देश का सबसे बड़ा रहनुमा था, देश से छीन लिया गया है। उसे श्रद्धांजलि देते हुए महोदय, मैं आपसे और आपके माध्यम से आज की सरकार से, मैंने पहले कहा, आडवाणी जी, आपसे हमें शिकायत नहीं है, आपसे हम केवल एक गुजारिश कर रहे हैं, हमने आपसे निवेदन किया है कि सच्चाई का पता लगाया जाए। जितनी बातें मैंने कहीं हैं, ये बातें रिपोर्ट में उल्लिखित हैं। सच्चाई का पता लगाइए, जो भी दोषी है, उसे सजा दिलाइए। एम.डी.एम.ए. के चक्कर में न पड़ें, एक ऐसी स्टैचूटरी एजेंसी बना दीजिए, उसे यदि जरूरत हो तो यहां से हम एक स्पेशल एनैक्टमेंट करके, स्पेशल कानून बनाकर उसे वैसे अधिकार दे दें जैसे पुलिस को होते हैं।

उसको वैसे अधिकार दे दें, जैसे पुलिस को अधिकार होते हैं। वह सीधे तफतीश करें, सीधे इन्वेस्टीगेशन करे और जो दोषी है, उसको सजा हो। अगर हम फिर से किसी एजेंसी के चक्कर में पड़ जाएंगे तो सात साल इसमें लग गये, न जाने कितने साल उसमें लग जाएंगे और कोई भी दोषी नहीं ठहरेगा, इसलिए जल्दी करें। अगर कोई दोषी नहीं है, किसी के चेहरे पर कालिख नहीं है तो साफ हो जायेगा कि वह दोषी नहीं है, इसलिए उसकी जल्दी जांच करा दीजिए। एक स्टैचूटरी एजेंसी बना दीजिए।

मैं अन्त में राजीव गांधी जी को याद करके आपसे यही कहूंगा कि:

'ऐसे मरने वाले मरते तो हैं, पर फना होते नहीं,

वे मरकर भी हमसे जुदा होते नहीं।'

राजीव गांधी आज भी हमसे जुदा नहीं हैं, उनकी भावना हमारे साथ है। महात्मा गांधी की हत्या इसलिए की गई थी कि एक विचारधारा का गला घोंटा जाये, इन्दिरा गांधी की हत्या इसलिए की गई थी कि देश को कमजोर किया जाये तो राजीव गांधी की भी हत्या इसलिए की गई, क्योंकि देश के अन्दर की ताकतें नहीं चाहती थीं कि देश में मजबूत नेतृत्व रहे। यह देश के साथ विश्वासघात हुआ है। इसलिए हम चाहते हैं कि इस विश्वासघात के चलते आपको जो भी तफतीश करनी है, जो भी जांच करनी है, वह तत्काल प्रारम्भ करें। धन्यवाद।

(इति)

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२०.११ बजे

श्री प्रभुनाथ सिंह (महाराजगंज): अध्यक्ष जी, जैन आयोग के प्रतिवेदन पर आज सदन में चर्चा चल रही है और साथ में वर्षों के बाद फिर एक बार देश के लोगों के मन में एक नये ढंग से भावना, क्रोध और पीड़ा जगने का काम हुआ है। स्वर्गीय राजीव गांधी जी मात्र एक व्यक्ति नहीं और कांग्रेस के एक नेता ही नहीं, बल्कि देश के एक महान नेता थे।

... (व्यवधान)

मंत्री जी, जरा सुनिये न। मंत्री जी, आपसे ही हम डिस्टर्ब हो रहे हैं, जरा सुनिये। वे गरीबों के रहनुमा थे और इस देश में

... (व्यवधान)

श्री पी. शिव शंकर (तेनाली): ऐ मंत्री जी कहकर मंत्री को सम्बोधित करना संसदीय नहीं है।

श्री प्रभुनाथ सिंह (महाराजगंज): वह भोजपुरी है, वह कहीं से अपमानजनक नहीं है। वह हमने भोजपुरी में कहा है।

२०.११ बजे (डॉ. रघुवंश प्रसाद सिंह पीठासीन हुए)

वैसी परिस्थिति में सात सालों के बाद फिर देश की जनता के मन में राजीव गांधी जी की जो घटना हुई थी, जो २१.०५.१९९१ का काला दिन था, फिर से एक बार याद आया है। जैसे तो हम यह कहते हैं कि राजीव गांधी की हत्या एक सोची समझी साजिश के तहत की गई। हम इसलिए यह बात कहते हैं कि वर्ष १९८८ में भारतीय जासूसी संगठन ने एक प्रतिवेदन दिया था, उसमें लिखा था कि राजीव गांधी जी की जान को खतरा देश के आतंकवादियों से और अन्तर्राष्ट्रीय आतंकवादियों से है। आप जानते हैं कि १९८६ से लेकर १९८९ तक तीन वर्ष तक कांग्रेस में कैसा अन्तर्द्वन्द्व चला है, किस तरह राजीव गांधी जी के चरित्र पर हमला किया गया। मात्र सदन में नहीं, देश के गांव-गांव में घूमकर किया गया। उस हमले के बाद राजीव गांधी की सरकार चली गई और इस देश में एक नई सरकार आई। नई सरकार आने के बाद भी आई.बी. की रिपोर्ट १९९० में आई, उसमें भी आई.बी. द्वारा यह दिया गया कि राजीव गांधी की जान को खतरा है।

इतना ही नहीं, पी.एल.ओ. के नेता यासेर अराफात ने भी अन्तर्राष्ट्रीय जासूसी संगठन से पता करके यह सूचना दी थी कि राजीव गांधी जी की जान को खतरा है। उस समय कैबिनेट सचिव शेषन साहब थे, उन्होंने भी लिखित रूप में राजीव गांधी जी को एस.पी.जी. की सुरक्षा बरकरार रखने का सुझाव दिया था।

कुछ दिनों के बाद नई सरकार आई, हम यह मानकर चलते हैं कि जो उस समय के प्रधान मंत्री थे, अगर भीतर का अंतर्द्वन्द्व भुलाकर मानवीयता के दृष्टिकोण से पूर्व नेता पर होने वाले खतरे को दिल से देखते, तो इसी लोक सभा से बिल पास कराकर भूतपूर्व प्रधानमंत्रियों को एस.पी.जी. की सुरक्षा बरकरार कराते, तो उनसे यह सुरक्षा छीनी नहीं जाती। इतनी बड़ी घटना घटती है, आपकी खुफिया एजेंसी रिपोर्ट देती है, सुरक्षा व्यवस्था के बारे में आपको कैबिनेट सेक्रेटरी लिखकर भेजते हैं। उसके बाद एक बिंदु पर जरूर खुफिया एजेंसी फेल हुई। जिस दिन घटना घटी, उसकी जानकारी सरकारी खुफिया एजेंसी ने नहीं दी, लेकिन खुफिया एजेंसी ने आपको सतर्क किया था, कानून की नजर में सूचना दी थी कि राजीव गांधी की जान को खतरा है। उसके बावजूद उनकी सुरक्षा की व्यवस्था माकूल नहीं हुई।

वर्मा आयोग २७.५.९१ की अधिसूचना के आधार पर बना था। उस आयोग ने तीन बिंदुओं पर जांच की। उसमें राजीव गांधी की सुरक्षा के बारे में लिखा था कि क्या कमियां थी, उसका पूरा जिक्र उसने किया था। वर्मा आयोग के प्रतिवेदन को गम्भीरता से देखना चाहिए। गृह विभाग द्वारा एक वीडियो कैसेट भी दिखाई गई थी। हमने अखबारों में पढ़ा था, जहां तक मुझे स्मरण है, उस कैसेट में एक नेता की कमर का हिस्सा यानी पीठ वाला पोर्शन दिखाया जा रहा था और वह लिट्टे से कह रहा था कि अगर इस बार राजीव गांधी सत्ता में आ गया तो लिट्टे को खतरा होगा। वह व्यक्ति कौन था, क्या कोई कांग्रेसी था या तमिलनाडू का कोई नेता था या तमिलनाडू के मुख्य मंत्री थे? इसलिए उस वीडियो कैसेट के माध्यम से उस नेता का नाम जानने को सारे देश की जनता उत्सुक है और मर्माहत है। वह जानना चाहती है कि राजीव गांधी की हत्या में कौन-कौन से लोग हैं, उनकी पहचान करने की जिम्मेदारी आपकी बनती है।

अजीत जोगी जी बहुत भावना में बोल रहे थे। ऐसा लगता था कि तथ्यों के आधार पर बोल रहे हैं। राजेश पायलट जी ने भी दल से ऊपर उठकर सही स्थिति को रखने का काम किया। लेकिन पायलट जी ने एक बात नहीं बताई। वे कह रहे थे कि जब चन्द्रास्वामी को गिरफ्तार करने की प्रक्रिया वे कर रहे थे, सफल नहीं हुए, जबकि वे मंत्री थे। हम उनसे यह जानना चाहेंगे कि आखिर उनको कहां से बाधा पहुंच रही थी, कौन लोग बाधा पहुंचा रहे थे? उन्होंने नाम क्यों नहीं लिया? चन्द्रास्वामी के सम्बन्ध में एक पत्रिका में हमने पढ़ा था कि जिस समय देश के पूर्व प्रधान मंत्री नरसिंह राव जी के लिए वे ताप-जाप और जंत्र-मंत्र कर रहे थे उस समय उन्होंने कहा था कि चिंता की जरूरत नहीं है, हम इन्हें प्रधान मंत्री बनाकर ही दम लेंगे। क्या राजीव गांधी की हत्या की घटना की शंका की सुई उधर नहीं जाती है, क्या राजीव गांधी की हत्या की शंका की सुई राजीव गांधी के उत्तराधिकारी की सरकार बनी, उसकी तरफ नहीं जाती है? हम यह मानकर चलते हैं कि राजीव गांधी की हत्या में बड़े-बड़े लोग जो देश के ऊंचे-ऊंचे पदों पर बैठे हैं, उनकी साजिश के तहत की गई।

आज अजीत जोगी जी ने तथ्यों के आधार पर बताया है, वे बहुत मर्माहत थे।

संसदीय कार्य मंत्री तथा पर्यटन मंत्री (श्री मदन लाल खुराना): सभापति जी, मैं निवेदन करना चाहता हूँ कि डिनर का प्रबंध रात के ८ बजे से किया गया है। सांसदों और पत्रकारों के लिए कमरा नम्बर ७० और स्टाफ के लिए कमरा नम्बर ७३ में खाने की व्यवस्था है। जिन्होंने खाना खाना हो वे वहां जा सकते हैं।

श्री प्रभुनाथ सिंह (महाराजगंज): सभापति महोदय, मैं कहना चाहता हूँ कि लंका में तमिल और तमिलनाडु के मुख्य मंत्री दोनों का संबंध जैन आयोग की रिपोर्ट में भी दर्शाया गया है। जोगी जी ने तथ्यों के बारे में चार घटनाओं का जिक्र करके प्रमाणित किया कि तमिल और तमिलनाडु के मुख्य मंत्री, तमिल के उग्रवादी ऽ भाकरण का ग्रुप और तमिलनाडु के मुख्य मंत्री का गहरा संबंध था, जैसे भी वॉयरलैस पर जो संवाद आते थे, उनमें राजीव गांधी जी की हत्या की चर्चा होती थी। राजीव गांधी की हत्या की साजिश की बात होती थी लेकिन उनकी जानकारी और उनका खुलासा तब किया जा रहा है जब राजीव गांधी जी की हत्या हो गई। हम यह जानना चाहते हैं कि इससे पहले सूचना क्यों नहीं दी गई? अजीत जोगी जी ने जिक्र किया था कि चन्द्र शंकर जी ने तमिलनाडु की सरकार को डिसमिस किया था।

... (व्यवधान)

उस जमाने में हम चन्द्र शंकर जी के साथ रहते थे और हमें याद है कि जिस दिन सरकार डिसमिस हुई थी तो इस सदन में बड़ा हंगामा हुआ था। हम भी दर्शक दीर्घा में बैठे थे। चन्द्र शंकर जी से पूछा गया था कि आपने सरकार को क्यों डिसमिस किया जबकि गवर्नर का भी प्रतिवेदन नहीं आया था? याद है, चन्द्र शंकर जी ने कहा था कि जिस राज्य सरकार के विषय में स्वयं हम कनविंस्टड हैं कि वह राज्य सरकार आतंकवादियों से सांठ-गांठ रखती है, वहां गवर्नर के प्रतिवेदन की

आवश्यकता नहीं है, इसलिए हमने डिसमिस किया है। हम राजेश पायलट जी और जोगी जी से पूछना चाहते हैं कि इतना बड़ा प्रमाण तमिलनाडु सरकार के विरोध में है क्योंकि उनके लिट्टे से संबंध है और पांच साल तक आपका इस देश में राज रहा। रोज हम अखबार में पढ़ते थे कि जैन आयोग को सरकार जांच से संबंधित कागजात नहीं दे रही है। हम जानना चाहते हैं कि कागजात क्यों नहीं दिए गए? सरकार तो आपकी ही थी? पायलट जी उस सरकार में मंत्री थे। जोगी जी उस सरकार में थे लेकिन वह कौन सी मजबूरी थी कि इसके बाद इस सदन में रोना रोते हैं कि हमने दो-दो सरकार को अपने कंधों पर चलाया। दो सरकारों के बीच में ही आपने कहीं भी सच्चाई का पता लगाने का प्रयास नहीं किया और आज आप सत्य ढूंढने का प्रयास कर रहे हैं। सत्य तो यह होना चाहिए कि अभी तक जो प्रमाणित हो चुका है कि ... (अध्यक्षपीठ के आदेशानुसार कार्यवाही-वृत्तान्त से निकाल दिया गया।) तथा तमिलनाडु सरकार को डिसमिस कर देना चाहिए, मांग यह करनी चाहिए। लेकिन जोगी जी ने और राजेश पायलट जी ने यह मांग नहीं की। प्रतिवेदन में हेराफेरी के लिए आप राज्य सरकार को हटा सकते हैं, देश का अरबों रुपए का खर्चा कराकर आप चुनाव करा सकते हैं लेकिन जिस मुख्य मंत्री के विरोध में प्रमाण इकट्ठा हुआ, उसकी सरकार को डिसमिस कराने की मांग भी आप नहीं कर सकते। अगर आप सत्य ढूंढना चाहते हैं तो तमिलनाडु सरकार को डिसमिस कराने की मांग कीजिए। समता पार्टी की तरफ से हम भी आपके साथ सरकार पर जबाब देंगे कि ... (अध्यक्षपीठ के आदेशानुसार कार्यवाही-वृत्तान्त से निकाल दिया गया।) तथा उनकी सरकार डिसमिस होगी,

... (अध्यक्षपीठ के आदेशानुसार कार्यवाही-वृत्तान्त से निकाल दिया गया।)

लेकिन आप मांग नहीं कीजिएगा, हम जानते हैं।

एक बार राजीव गांधी जी की हत्या के बाद जो चुनाव हुआ था, उसके रौने की रोटी सेंककर कुछ दिनों तक आपने दुकान चलाई और फिर राजीव गांधी का रोना रोकर दुकान चलाना चाहते हैं। राजीव गांधी जैसे व्यक्ति की हत्या हुए आज सात वर्ष हो चुके हैं। आज सात वर्ष के बाद आप सदन में राजीव गांधी की हत्या का रोना रो रहे हैं जबकि इन सात वर्षों में दो-दो सरकारों को अपने कंधों पर चलाने का आपने काम किया है। जनता को कितने दिन बेवकूफ बनाएंगे? देश की जनता को बेवकूफ नहीं बनाइए। देश की जनता यह हकीकत जानती है। देश की जनता को गुमराह करते रहेंगे तो इधर आने में बहुत समय लगेगा, इसलिए सदन में सत्य बोलकर सत्य के आधार पर जो दोषी हैं, उनको सजा दिलवाइए, हमारा यही अनुरोध है।

कुछ हमारे मित्र हैं, जब सी.बी.आई. की चर्चा चलती है तो उनको सी.बी.आई. का बुखार हो जाता है।

किसी व्यक्ति पर आपत्ति कर सकते हैं, यह बात तो हमारी समझ में आती है, लेकिन यह कहना कि

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संस्था ही गलत है, उचित नहीं है। इस सदन के एक माननीय सदस्य, अभी वे, लालू प्रसाद जी, सदन में नहीं हैं, कह रहे थे कि उनको जेल भेज दिया गया। मैं कहना चाहता हूँ कि बिहार में बहुत राजनीतिक लोग हैं और बहुत सारे मुख्य मंत्री हैं, जिनमें से कुछ स्वर्गवासी हो गए हैं और अभी भी पांच-छः मुख्य मंत्री बिहार में जिन्दा हैं, जो भूतपूर्व मुख्यमंत्री हैं, कहीं किसी ने उनको छुआ है? कहीं किसी ने उनको पकड़कर जेल में भेजा है। जिस समय आपको

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ने जेल भेजा था, उस समय गठबन्धन की सरकार थी।

... (व्यवधान)

श्री सुरेन्द्र प्रसाद यादव (झंझारपुर) : स्वयं गृह मंत्री, श्री आडवाणी जी, भुक्तभोगी हैं।

... (व्यवधान)

खुराना जी बैठे हुए हैं, इनका क्या दोष था और इनको मुख्यमंत्री की कुर्सी से हटा दिया गया। अब यह बात साबित हो गई है कि वे निर्दोष हैं, तो क्या इनको मुख्यमंत्री की कुर्सी मिल जाएगी।

... (व्यवधान)

आप स्वयं मुख्यमंत्री की कुर्सी दिला सकते हैं, तो दिला दीजिए।

... (व्यवधान)

श्री शिवराज सिंह चौहान (विदिशा): राजीव गांधी की हत्या पर सदन में चर्चा चल रही है और आप हंस कर इधर-उदर की बातें कह रहे हैं।

... (व्यवधान)

श्री प्रभुनाथ सिंह (महाराजगंज): सभापति महोदय, सदन में राजीव गांधी की हत्या पर चर्चा हो रही है। जब रामविलास पासवान जी बेचैन थे कि हरिजनो की समस्या पर चर्चा को सदन में लिया जाए, तो जिस तरह के कांग्रेस के लोग हंगामा कर रहे थे, उससे लोगों को लग रहा था कि जैन आयोग के मामले को दबाया जा रहा है। आज जैन आयोग पर सदन में इतनी गम्भीर चर्चा शुरू हुई है और कांग्रेस के लोग खड़े हो कर हर बात में मजाक कर रहे हैं। इसलिए

... (व्यवधान)

सभापति महोदय (श्री रघुवंश प्रसाद सिंह): प्रभुनाथ सिंह जी, आप अपनी बात समाप्त करें।

... (व्यवधान)

श्री भुवनेश्वर कालिता (गुवाहाटी): आप किसी पार्टी के बारे में ऐसे कह सकते हैं। हम भी ऐसे कुछ बोल सकते हैं। आप ऐसे बात मत करिए।

... (व्यवधान)

श्री प्रभुनाथ सिंह (महाराजगंज): यही है मजाक, जो आप कर रहे हैं।

... (व्यवधान)

श्री भुवनेश्वर कालिता (गुवाहाटी): आपकी मजाक करने की आदत है।

... (व्यवधान)

आप विषय पर सीरियस नहीं हैं।

... (व्यवधान)

सभापति महोदय : अब आप खत्म करिए।

श्री प्रभुनाथ सिंह (महाराजगंज): महोदय, मैं तो अभी कई बिन्दुओं पर बोलना चाहता हूँ।

... (व्यवधान)

सभापति महोदय : ऐसी कौन सी बातें रह गई हैं, जो आप बोलना चाहते हैं। दूसरे वक्ताओं के पास तो बोलने के लिए वोल्युम्स थे, आपके पास क्या है ?

... (व्यवधान)

श्री प्रभुनाथ सिंह (महाराजगंज): महोदय, जैन आयोग के समक्ष जो गवाहियां हुई हैं, मैं उनके बारे में कहना चाहता हूँ। मैं कुछ गवाहियों का जिक्र करना चाहता हूँ, जिन्होंने शपथ लेकर जैन आयोग के सामने अपना बयान दिया। महंत सेवादाम ने बयान देते हुए कहा है कि जहां राजीव गांधी की हत्या की प्लानिंग हो रही थी, साजिश हो रही थी, मैं वहां पर बैठा था और सबसे पहले दिल्ली में आकर सूचना मैंने उस समय के प्रधान मंत्री, श्री चन्द्रशेखर जी, और अन्य लोगों को दी। मुझे नहीं मालूम कि उनकी बयान में कितनी सच्चाई है या नहीं है, लेकिन मैं कहना चाहता हूँ कि जब वे इतनी बात स्वयं आयोग के सामने कर रहे हैं कि हम उस साजिश में शामिल थे, तो सबसे पहले उनको गिरफ्तार करना चाहिए।

उनको गिरफ्तार करके अन्य पहलुओं पर इनके बयान के आधार पर जांच करनी चाहिए ताकि हकीकत का पता चले। इसी तरह हम आपको यह भी बताना चाहते हैं कि रजनी रंजन साहू, जो आप ही की पार्टी के हैं और जो पहले राज्यसभा के सदस्य थे, उन्होंने एक शपथ पत्र दाखिल करके जैन आयोग के सामने बयान दिया। उन्होंने अपने बयान में कहा कि प्रभाकरण को मारने का इरादा नहीं था लेकिन सौ करोड़ रुपए से ज्यादा रुपए का उसको लोभ हो गया, जिसके कारण उसने राजीव गांधी जी की हत्या कर दी। उन्होंने यह भी कहा है कि यह बात हमको डा. सुब्रहमण्यम स्वामी ने एक प्राइवेट स्थान पर बताई। हम यह जानना चाहते हैं कि अगर यह सत्य है कि प्रभाकरण को सौ करोड़ रुपए से ज्यादा रुपए राजीव गांधी जी की हत्या के लिए दिए गए तो वह सौ करोड़ रुपए देने वाला देश का कौन सा व्यक्ति था? जिसने सौ करोड़ रुपए देकर राजीव गांधी जी की हत्या करवाई। इस बिन्दु पर गंभीरता से जांच करानी चाहिए। देश की सर्वोच्च संस्था, जो जांच एजेंसी है उससे ठीक से जांच करवाएं। सरकार की नीयत पर संदेह मत कीजिए। यह नरसिंह राव जी की सरकार नहीं है कि अपने ही लोगों को जाल में फंसा-फंसा कर सीबीआई से जांच कराती रहेगी। यह सरकार निष्पक्ष जांच कराएगी और जो दोषी होगा उस पर निश्चित तौर पर कार्यवाही होगी।

आप सरकार की नीयत पर विश्वास कीजिए और साथ दीजिए ताकि निष्पक्ष ढंग से जांच हो सके। जोगी जी कल को आपको रोने की जरूरत न पड़े, सत्य ढूँढने की जरूरत न पड़े, इसलिए आप हमारा साथ दीजिए। आप सीबीआई की जांच पर विश्वास कीजिए, सत्यता सामने आएगी और एक-एक दोषी को गंभीर सजा मिले, ऐसा हम चाहते हैं। राजीव गांधी जी की हत्या हुई है, हम तो यह मान कर चलते हैं कि देश के नौजवानों के आत्मा की हत्या हुई है। इसलिए इस गंभीर मामले को गंभीरता से लेकर सीबीआई की जांच कराई जाए और दोषियों को दंड दिया जाए। इन्हीं शब्दों के साथ मैं आपकी आज्ञा का पालन करते हुए अपनी बात समाप्त करता हूँ।

(इति)

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श्री आरिफ मोहम्मद खां (बहराइच) : महोदय, मुझे इस चर्चा में भाग लेने की अनुमति देने के लिए आपको बहुत-बहुत धन्यवाद। यह बहुत गंभीर विषय है, श्री राजीव गांधी जी की शक्ति में देश में एक बहुत बड़े नेता को, पूर्व प्रधानमंत्री को, देश के सबसे बड़े राजनैतिक दल के मुखिया को खोया। उस व्यक्ति को खोया जिसके प्रति देश के लोगों की बड़ी आशाएं थीं। जितने भी दुख भरे शब्दों का इस्तेमाल हो, जो वेदना व्यक्त की जाए, मैं समझता हूँ कि उतनी ही कम है। इसलिए जब अजित जोगी जी बोल रहे थे या राजेश जी ने कहा तो वह वेदना समझ में आती है। मुझे ऐसा लगा कि निश्चित तौर पर भावनाओं का मामला है, लेकिन इस घटना के सात साल गुजर जाने के बाद भी भावनाओं से ऊपर उठ कर थोड़ा यह भी विचार करने की जरूरत है, जैसे अभी हमारे मित्र ने कहा कि सात साल के बाद भी झोली फैलानी पड़ रही है और यह कहना पड़ रहा है कि हमें सच्चाई चाहिए। सात साल तक हम उस सच्चाई को तलाश नहीं कर सके। मैं नहीं समझता कि आज का यह मौका इस विस्तार में जाने का था बल्कि आज तो यह देखना था कि जैन कमीशन की रिपोर्ट, फाईंडिंग्स आई हैं और उन फाईंडिंग्स पर सरकार की क्या प्रतिक्रिया है। एक्शन टेकन रिपोर्ट क्या है। लेकिन मैं अजित जोगी जी की वेदना समझता हूँ। पांच साल तक वह सरकार इस देश में रही, जिस सरकार के लिए इस वक्त मौजूदा कांग्रेस अध्यक्ष श्रीमती सोनिया गांधी ने रायबरेली की मीटिंग में कहा कि यह सरकार मेरे पति के खून से बनी है। लेकिन पति की शहादत और खून से बनने वाली सरकार कमीशन को वह कागज देने से भी इनकार कर रही थी, जिन कागजों की जरूरत सत्यता तक पहुंचने के लिए थी।

अगर भावुक होने का कोई दिन था तो वह था जिस दिन सोनिया जी ने रायबरेली में भाषण दिया था। लेकिन मुझे अफसोस है कि उस दिन कोई भी कांग्रेस जन उस दिन भावुक नहीं हुआ था। वे लोग भी भावुक नहीं हुए थे जिनके ऊपर जिम्मेदारियां थीं, लेकिन आज यहां हाउस में कल से ऐसा लग रहा है कि अकेले चर्चा करने से राजीव जी की निर्मम हत्या का पर्दाफाश हो जाएगा। पर्दाफाश तो उस दिन होना था जिस दिन सरकार का सोनिया जी ने इस्तेमाल किया। अगर वह दिन आपके दिल और आपकी भावनाओं को नहीं जगा सका क्योंकि उस खून से बनने वाली सरकार में जो गृह मंत्री था वह सदन में कह रहा था कि अगर इस सिलसिले में सही तथ्य बता दिये जाएंगे तो एक परिवार के ऊपर आंच आ जाएगी। वह परिवार कौनसा था? उस दिन किस परिवार की तरफ इशारा किया जा रहा था? उस दिन किसी की भावनाएं नहीं जगीं? कितना बड़ा चरित्र-हनन था वह? निश्चित तौर पर वह देश का नुकसान था लेकिन देश के अलावा उस परिवार के लिए तो भावनाएं होनी चाहिए थीं। सोनिया जी ने अपना सुहाग खोया, बच्चों ने अपना बाप खोया और कांग्रेस की सरकार का गृह मंत्री कह रहा था कि अगर इस सिलसिले में सच्चाई बता दी गयी तो एक परिवार के ऊपर आंच आयेगी। कहां गयी थीं उस दिन भावनाएं, क्यों उस दिन भावनाएं नहीं जाग रही थीं? क्यों नहीं उस गृह मंत्री को रोका और पूछा कि तुम किसके ऊपर लांछन लगा रहे हो। आज अगर आडवाणी जी यहां सदन में होते तो मैं उन्हें बधाई देता लेकिन अब तो मदन लाल खुराना जी भी नहीं हैं, वे भी चले गये। मैं आडवाणी जी को बधाई देना चाहता हूँ कि जिस तरह से अपील उनसे की गयी है, उससे मुझे ऐसा लगता है कि कांग्रेस जनों का विश्वास आपके अंदर ज्यादा है, अपने अंदर नहीं है। आपकी तरफ हाथ फैला रहे हैं कि हमें सच्चाई बता दीजिए। हमारे अपने जो थे वे दो कह रहे थे कि अगर सच्चाई बता दी गयी तो एक परिवार के ऊपर आंच आ जाएगी। हमारे अपने जो थे वे तो संबंधित कागजों को देने के लिए भी तैयार नहीं थे। हम सरकार में भी थे लेकिन हमारे अंदर हिम्मत नहीं थी। मैं समझता हूँ कि इतनी भी हिम्मत नहीं थी जितनी आज है और यह हिम्मत भी इसलिए आई है क्योंकि कांग्रेस सरकार में नहीं है। खुदा के लिए इस विचित्र राजनैतिक संस्कृति को बदलिये। कांग्रेस देश का सबसे बड़ा दल है और यह वह दल है जिसने इस देश की आजादी की लड़ाई लड़ी है। ऐसा क्या है कि अपनी सरकार आते ही हमारे मुंह पर ताले पड़ जाते हैं। सख्त से सख्त बात पर भी हम आवाज उठाना नहीं जानते। दूसरे की सरकार आई तो हम खड़े होकर इन्साफ की भीख मांग रहे हैं, अपनी भावनाएं बता रहे हैं। पूरे सात साल के बाद भावनाएं जग रही हैं। अगर भावनाएं जगनी थीं तो जिस दिन उन यतीम बच्चों की मां रायबरेली में अपना दिल खोलकर कह रही थी कि यह सरकार मेरे पति के खून से बनी है लेकिन यह सरकार उस पर से पर्दा उठाना नहीं चाहती। उस दिन कोई भावनाएं नहीं जगीं। जो कुछ मैंने यहां सुना, उसे सुनकर मुझे बड़ा आश्चर्य हुआ है। लेकिन मैं जानता हूँ कि यह संस्कृति पिछले बहुत सालों से यहां चल रही है। मैं कोई भावना से नहीं कह रहा हूँ क्योंकि अगर भावना से कहूंगा तो मुझे अकेले जो नुकसान हुआ है वही नजर आयेगा। इसलिए मैं पूरे होशोहवास में कह रहा हूँ कि राजीव गांधी की निर्मम हत्या से जुड़ा हुआ जो प्रश्न है उसकी निश्चित तौर पर सच्चाई सामने आनी चाहिए। महात्मा गांधी की हत्या से लेकर राजीव गांधी की हत्या तक, पंजाब में आतंकवादियों की गोलियों से भूने जाने वाले लोगों, कश्मीर की गोलियों में, जम्मू के इलाके में आतंकवादियों का मुकाबला करने वाले लोगों या देश के किसी भाग में मरने वाले लोगों का प्रश्न बहुत बड़ा प्रश्न है। अभी चार दिन पहले की बात है।

मुजफ्फरनगर जिले में पांच लोगों को जो मेरठ में अपने रिश्तेदारों से मिलने गए थे, उन्हें अपराधी कह कर जंगल में ले जाकर गोली से मार दिया गया।

I have taken so much exception.

मैं भावनाओं की बात पर आ रहा हूँ। यह क्या प्रवृत्ति है? यह हिंसा की प्रवृत्ति, कानून को अपने हाथ में लेने की प्रवृत्ति, अपनी मर्जी दूसरों पर थोपने की प्रवृत्ति, वह हमें बर्दाश्त नहीं करनी है। अगर हमारी बात नहीं मानी जाएगी तो हम हिंसा करेंगे, अगर फिर भी नहीं मानोगे तो हम जोर-जबर्दस्ती से अपनी बात मनवाएंगे। यह प्रवृत्ति लोकतांत्रिक मर्यादाओं और मूल्यों के सर्वथा विपरीत है। यह प्रवृत्ति बदकिस्मती से इस मुल्क में पिछले कई सालों से चल रही है। यह कोई मामूली बात नहीं है। यह प्रवृत्ति बड़े लैवल पर शुरू हुई।

श्रीमन्, १९९२ में अयोध्या में जो कुछ हुआ, वह कुछ और नहीं था। जब तक आप उसे मंदिर मस्जिद का मामला बना कर देखेंगे तो लगेगा कि यह एक साम्प्रदायिक मामला है। चन्द लोगों ने अपनी मर्जी कानून से ऊपर थोपने की कोशिश की। यह कानून को अपने हाथ में लेने की प्रवृत्ति है। जिस दिन आपकी समझ में आ जाएगी कि कानून को अपने हाथ में लेने की प्रवृत्ति है

This is against the rule of law. This is against the Constitutional existence.

हमारा संवैधानिक अस्तित्व है। कानून के मुताबिक शांति व्यवस्था स्थापित होनी चाहिए। इसका जो सिद्धांत है, वह इसके विरोध में जाता है। मैंने पहले भी इस सदन में कहा था कि राजीव गांधी बहुत बड़े नेता थे। उनके प्रति देश को बहुत आशाएं थीं। अगर किसी मामूली निर्दोष आदमी ने कोई अपराध न किया हो तो देश का कानून यह कहता है कि

No person shall be deprived of his life or personal liberty except according to the procedure established by law.

विधि द्वारा बनाए तरीके के अनुसार हम किसी व्यक्ति की जान या उसकी स्वतंत्रता को छीन नहीं सकते। हमारे यहां रोजाना ऐसे किस्से हो रहे हैं। आज लोगों की जिन्दगी तंग है और वे परेशान हैं। जिस वक्त घटना घटती है, जिस समय कानून को तोड़ा जाता है, जिस वक्त कानून को हाथ में लेने की प्रवृत्ति जोर दिखाती है, हम उस वक्त अपनी जबान को बंद रखते हैं, जुल्म होने देते हैं। जब जुल्म हो जाता है तो रोने के लिए खड़े हो जाते हैं। जुल्म को रोकने के लिए जिस निश्चय की जरूरत होती है, वह हमें दूर-दूर तक दिखाई नहीं देता।

निजी तौर पर मेरी भावनाएं इस मामले में अलग हैं। १९८६ में इस्तीफा देने के बाद मैं पहली बार १९९० में सरकार बनने के १०-१५ दिन बाद राजीव जी से मिला था। जब उन्हें पता चला कि मैं उन्हें कोई अच्छी बात कहना चाहता हूँ तो उन्हें बहुत खुशी हुई। उन्हें पता चला था कि मैंने उनकी सुरक्षा की कोई बात कैबिनेट में कही है। उनसे मिलने पर उन्होंने मुझे बहुत सी अच्छी बातें कहीं। मैंने राजीव जी से एक बार नहीं दो-तीन बार पूछा।

उनकी सिक्यूरिटी के ताल्लुक से है। मैं यह नहीं कह रहा कि बहुत इन्तज़ामात थे लेकिन अगर एक बार भी उनके मुंह से सुनने को मिल जाता कि सिक्यूरिटी के इन्तज़ामात कम हैं

.... (व्यवधान)

.. मैं खुद कह रहा हूँ कि यह उनकी महानता थी कि उनकी सिक्यूरिटी कम होने और मेरे पूछने के बावजूद उन्होंने इस बारे में कुछ नहीं कहा। मेरी इस मामले में भावनायें क्यों थीं? इसका कारण यह है कि जब १९८६ में मैंने उनकी सरकार से इस्तीफा दिया था तो क्या मामला था। आपको अच्छी तरह मालूम है कि उस समय हमारी कितनी भावनायें उभरी थीं? मुझ पर तीन बार जानलेवा हमला किया गया। एक हमले में दो पुलिस वाले बुरी तरह से जख्मी हो गये जिनका चेहरा आज तक नहीं पहचाना जा सका। कालीकट में मुझ पर बम फेंका गया। इस प्रकार दिल्ली समेत तीन बार मुझपर हमला किया गया। मेरी सारी सिक्यूरिटी विदडा कर ली गई। यह मेरा निजी तौर पर तजुर्बा है कि जब आप खतरा महसूस कर रहे हैं और उस वक्त आपकी सिक्यूरिटी वापस ले ली जाये। उस साल सरकारी मकानों की व्हाईट-वाश नहीं हुई थी। मेरे घर की बाउंड्री वाल को ४ फीट से ऊपर उठाकर ९ फीट यह कहकर किया गया कि आपकी सिक्यूरिटी को खतरा है। जैसे ही दी वार पूरी हुई, मेरी सिक्यूरिटी हटा दी गई। इसलिये मैं आपकी भावनाओं को अच्छी तरह से समझ सकता हूँ क्योंकि मैं भुक्तभोगी हूँ। मैंने उस समय इस मामले को उठाया था कि सिक्यूरिटी में कमी नहीं होनी चाहिये।

सभापति महोदय, मैं आखिर में यह कहना चाहता हूँ कि राजीव गांधी की हत्या के सिलसिले में जो साजिश थी, वह खुलकर सामने आनी चाहिये। अगर आज सच्चाई तक पहुंच जाते हैं तो आगे की साजिश को रोका जा सकता है। मैं यह भी चाहता हूँ कि कम से कम आज ऐसी परिस्थितियां पैदा न होने दी जायें जिसमें ऐसी घटना की पुनरावृत्ति हो।

श्री अटल बिहारी आज देश के प्रधानमंत्री हैं। शायद ३ जून, १९९५ में इस सदन में विपक्ष के नेता थे या नहीं, मुझे याद नहीं। जब लखनऊ में सुश्री मायावती पर गैस्ट हाउस में हमला हुआ था तो इन्होंने इस मामले को सदन में उठाया था। मैं आज यह बात क्यों कर रहा हूँ? इसलिये कि मुझे रोज़ाना धमकियां मिल रही हैं कि इस सेशन के खत्म होने के बाद आपकी सिक्यूरिटी वापस लेकर आपको खत्म कर दिया जायेगा। जिस आदमी को इन्क्वायरी रिपोर्ट में एक्यूज्ड नेम दिया गया हो, उसे उत्तर प्रदेश की सरकार ने एक्यूज्ड लिस्ट में निकालकर लखनऊ का एस.एस.पी. बना दिया। मैं पूछना चाहता हूँ क्या यह साजिश नहीं है या मात्र संयोग है कि आपने ऐसे आदमी को बनाया है। मैं यह बात अकेले सुश्री मायावती के लिये नहीं कह रहा हूँ। मैं उनके लिये कहता हूँ जिन्हें जान का खतरा है और यह सरकार की बुनियादी जिम्मेदारी है कि देश के नागरिकों के जान-माल और इज्जत की हिफाज़त करे। यदि किसी को पार्लिटिकल क्लीड या ओपीनियन के तहत खत्म करने की कोशिश की जाये तो यह न केवल नागरिकों की स्वतंत्रता पर आघात नहीं बल्कि देश की लोकतांत्रिक प्रक्रिया पर आघात है। मैंने इससे पहले १५-२० दिन पूर्व माननीय गृहमंत्री जी को एक खत लिखा है जिसमें मैंने एक पुराने कांग्रेसी एम.पी. की सुरक्षा के बारे में इन्तज़ाम करने के लिये कहा है। इससे आगे बढ़ कर यह लिखा कि पिछले १० साल से सुरक्षा के साथ बड़ा विचित्र व्यवहार किया जा रहा है। इस आधार पर किसी की सुरक्षा नहीं कि किसी की जान को खतरा है बल्कि इस आधार पर किया गया है कि काफिले के साथ सुरक्षा के फ़ैसले किये गये हैं।

मेरा यह कहना है कि आप खुद भी इस बारे में चिंता व्यक्त करते रहे हैं। अब आप गृह मंत्री हैं, कम से कम यह देख लीजिए कि अब जो सिक्योरिटी से संबंधित फ़ैसले हों, वे श्रैट परसेप्शन के आधार पर हों। किसी व्यक्ति विशेष को जो खतरा है, उसके आधार पर फ़ैसला लिया जाए। इस आधार पर नहीं लिया जाए कि आज किसका आपसे राजनीतिक मदभेद है या कौन राजनीतिक तौर पर आपके पक्ष में हैं। मुझे उम्मीद है और मैंने आपके आने से पहले भी कहा कि जब आपके ऊपर इतना विश्वास व्यक्त किया जा रहा है और आपसे कहा जा रहा है कि सत्यता का पता लगाइये और ऐसा न करने का मुझे कोई कारण नहीं दिखाई देता।

आज जो सुबह आपका भाषण हुआ है उसमें आपने कहा है कि आपके जो भी सुझाव होंगे कि कैसे इस मामले में सच्चाई तक पहुंचा जा सके और मुझे पूरा विश्वास है कि आप सच्चाई तक पहुंचने की पूरी कोशिश करेंगे। धन्यवाद।

(इति)

">2051 hours

SHRI C.P. RADHAKRISHNAN (COIMBATORE): Sir, I come from Tamil Nadu. The Tamil-speaking Hindustanis are ashamed that a great son of Bharat Matha, Shri Rajiv Gandhi, got murdered in our soil. There are issues which should be taken above politics. I personally feel Rajiv Gandhi's assassination is one among such important issues. Nobody should politicize this issue. Otherwise, the real culprits will escape. Nobody should politicize this issue because this will get diluted.

There are two important forces behind this assassination. The one who had really executed the assassination is the LTTE. That is the first force. Another force which is behind this assassination, which has done all the ground works, which has helped the LTTE in and out, which wanted to get Rajiv Gandhi finished on that day, which had known very well that Rajiv Gandhi was going to be finished on that day, is the DMK. (Interruptions)

records about it. He is misleading the House. He should produce proper records. He should show evidence... (Interruptions)

SHRI R. MUTHIAH (PERIYAKULAM): Why is he unnecessarily disturbing him? Sir, you should not allow him to disturb like this. (Interruptions)

सभापति महोदय (डॉ. रघुवंश प्रसाद सिंह) : शांति। मैं देखता हूँ। आप कृपा कर बैठ जाइए।

... (व्यवधान)

(Interruptions)

सभापति महोदय : मैं देखता हूँ

... (व्यवधान)

आप कृपा करके बैठ जाइये।

SHRI R. MUTHIAH (PERIYAKULAM): Why is he unnecessarily disturbing him? (Interruptions)

SHRI C. SREENIVASAN (DINDIGUL): Is DMK an unparliamentary word? Then, you should expunge that word. He only mentioned this. Is it an unparliamentary word?.. (Interruptions)

SHRI S.S. PALANIMANICKAM (THANJAVUR): This is like the fox shedding tears on seeing the drenching lamb. I do not know why the AIADMK is more worried than the Congress. (Interruptions)

सभापति महोदय : श्री बालू, आप कृपा कर बैठ जाएं।

... (व्यवधान)

सभापति महोदय : आप चेयर को एड्रेस कीजिए।

SHRI C.P. RADHAKRISHNAN (COIMBATORE): My friend is telling that the Congress would plead for them. If a leader of the Congress or BJP or Samata Party or any other Party sheds blood for the nation, then, he is no more considered to be of that particular party leader. We treat him as a national leader. So, the sovereignty of this nation has been challenged by the LTTE; some forces have helped the LTTE to challenge the sovereignty of this nation. That is why, we are worried. The real culprits should be punished under any circumstances. That is what we want. For that only, I am raising my voice in this august House. The real interest of the LTTE is not only Tamil Eelam.

It is very clearly stated in this Report in Volume VI, page No.14:

"The immediate struggle of LTTE was against the Government of Sri Lanka for the establishment of a Tamil Eelam. In the North-East province of Sri Lanka its larger and ultimate objective is to form a larger Tamil country including some areas of India where the Tamils live."

They want to make a broader Tamil Nadu with the Tamil-speaking people of Tamil Nadu, that is, India. Yes, I am from that State. I agree. As long as one Swayam Sevak lives in Tamil Nadu, nobody can separate parts of that State from this Motherland, the holy Bharat. Nobody can change it. Let them challenge it. We will give all our life for unified country and nobody can any more separate us from this holy land.

SHRI C.P. RADHAKRISHNAN (COIMBATORE): Yes, I am proud to say that I am an RSS worker. If you are proud of being of the DMK, why should I not be of RSS?

The LTTE got angry with Shri Rajiv Gandhi during the Thimpu Conference. What Rajiv Gandhi had done was that he supported the Sri Lankan Government which was the best thing for any Central Government to do. They wanted a separate State within Sri Lanka. No separation of the country can be allowed by India. This is the real interest of India and it should be real interest of the Government of India. That was mentioned by Rajiv Gandhi and they did not agree to it. And Rajiv Gandhi forced them to agree to it. That was the only sin he had committed. For that purpose he was killed by the LTTE.

There are incidents. The whole nation was supporting the LTTE. Just as we supported the Mukti Bahini during the fight for freedom of Bangladesh, we had supported them. Also, most of the Tamils were getting suppressed by the Sri Lanka authoritarianism. That is the reason why we had supported them without knowing the real notion of the LTTE. So, because without knowing the real cause somebody had supported in the earlier days. It should not be misunderstood that they could do anything, that they could kill even Rajiv Gandhi. It should not be taken in that sense and I like to say that the actions of the DMK are very clear.

If you take the last photograph of Rajiv Gandhi, we find one lady and one girl near Rajiv Gandhi; they are Lata Tandon and Koila. They switched over from DMK just two months before that to Congress. Shrimati Maragatam Chandrashekar and Priya Latakumar had done a wrong thing with us without knowing the real notions of those people. They allowed them to join the Congress. That is only a political changeover. They were thinking like that and they allowed them.

MR. CHAIRMAN (SHRI RAGHUVANS PRASAD SINGH): Shri Baalu, please sit down.

SHRI C.P. RADHAKRISHNAN (COIMBATORE): It is a totally pre-planned one. Again my beloved hon. Member has brought it to the notice of this House how the killers of Padmanabha had escaped from Tamil Nadu. This is a very very important point, that should be taken note of that the killers of Padmanabha had escaped. The same people had come back to Tamil Nadu and they have killed Rajiv Gandhi.

This Sivarasan is involved in both the cases. When Rajiv Gandhi got killed, then Dhanu, the human bomb, was stopped by one woman SI. Some argument was going on that Rajiv Gandhi had asked that SI to allow her. If you take only that into account, then, the DMK people will say that only Rajiv Gandhi got himself killed. We should not come to that conclusion. The same DMK people will say why Shrimati Sonia Gandhi had not come and therefore, there is a connection between his assassination and Shrimati Sonia

Gandhi. Then, they can say why Ms. Jayalalitha had not come, and there is a direct connection between this and that. This is the way they will dilute it. They want to escape if they can get a small gap. This is what the real intention of the DMK is.(Interruptions)

SHRI C.P. RADHAKRISHNAN (COIMBATORE): Shri Ramamurthy was on the stage.(Interruptions) I was going with my leader.(Interruptions) Even I was with Shri Advani on that day.(Interruptions)

....(Interruptions)

SHRI C. SREENIVASAN (DINDIGUL): Where was Shri Chidambaram? Where was Shri Moopanar? (Interruptions)

Moopanar was there on the scene of occurrence.(Interruptions) But Shri Ramamurthy was not there on the scene of occurrence.(Interruptions)

SHRI C.P. RADHAKRISHNAN (COIMBATORE): I will expose the reality of the DMK. Shri Advani had come to Coimbatore.(Interruptions)

SHRI C. SREENIVASAN (DINDIGUL): On that day, Shri Chidambaram was not there. (Interruptions)

Government to have Shri Vazhapady K. Ramamurthy(Interruptions) Are they not ashamed? (Interruptions)

SHRI C.P. RADHAKRISHNAN (COIMBATORE): They want that everybody should be got killed. (Interruptions) How can he tell this?(Interruptions) I want to expose them in this House? (Interruptions)

सभापति महोदय (डॉ. रघुवंश प्रसाद सिंह) : यह ठीक नहीं है। कोई माननीय सदस्य बोल रहे हैं तो उसमें बाधा नहीं करनी चाहिए। यह उचित नहीं है। बार-बार सीट से उठना ठीक नहीं है। दोनों पक्ष के सदस्य उठ जाते हैं।

intervene. He should not mislead the House.

सभापति महोदय : शांति। कोई ऐसी बातें जो आपत्तिजनक और संसदीय प्रणाली के नियमों के अनुसार नहीं हैं, आप हमसे आग्रह कर सकते हैं, लेकिन कई माननीय सदस्य उठकर एक साथ बोलने लगते हैं, उसका कोई मतलब नहीं है। इससे सदन के कार्य में बाधा होती है और समय अनावश्यक नष्ट होता है। इसलिए यदि कोई माननीय सदस्य बोल रहे हों तो उनको सुनना चाहिए और जब आपको मौका मिले तब आपको जवाब देना चाहिए, लेकिन बीच में उठना संसदीय परिपाटी नहीं है। बीच में बार-बार उठकर दोनों पक्षों से सदस्य खड़े होते हैं। यह उचित नहीं है और इसे अच्छा नहीं कहा जाएगा। पुराने सभाध्यक्षों ने इसके विपरीत निर्णय दिया है, इसको बुरा माना है। इसलिए बार-बार उठकर सदन के कार्य में बाधा करना और माननीय सदस्यों को बोलने से रोकना, उनके भाषण के बीच में अवरोध उत्पन्न करना उचित नहीं है। कोई आपत्तिजनक बात हो तो आप आसन का ध्यान आकृष्ट कर सकते हैं।

waste the time of the House. At the same time, whosoever is the speaker, whether from this side or that side, he should not mislead the House and should not waste the time of the House.(Interruptions)

SHRI C.P. RADHAKRISHNAN (COIMBATORE): Sir, I am not misleading the House. (Interruptions) The difficulty of hon. Member Shri Baalu is, when I bring the facts before the House, it creates a problem for him. I am going to bring another fact before the House now and that is going to be another big problem. Our leader Shri Advani had come to Coimbatore for election propaganda.

(Interruptions) We have saved Shri Advani. (Interruptions) Does this point have any relevance in this debate?

सभापति महोदय (डा. रघुवंश प्रसाद सिंह) : इजाजत के बिना बोलने वाले माननीय सदस्यों की बातें प्रोसीडिंग में नहीं जायेंगी।

... (व्यवधान)

संसदीय कार्य मंत्री तथा पर्यटन मंत्री (श्री मदन लाल खुराना): अभी बालू जी ने कहा कि डी.एम.के. गवर्नमेंट ने आडवाणी जी को सेफ किया

... (व्यवधान)

मैं कहना चाहता हूँ कि उनकी फ्लाइट लेट हो गयी थी। डी.एम.के. गवर्नमेंट ने तो यह कहा था कि वहाँ कोई ह्यूमन बम नहीं है, यह ऐसे ही बोल रहे हैं। यह इनकी गवर्नमेंट का स्टेटमेंट है।

... (व्यवधान)

SHRI C.P. RADHAKRISHNAN (COIMBATORE): Sir, I am not yielding to him. (Interruptions) I am not going to yield to him any more.

Sir, I would request that whatever time was wasted by others may be given to me. (Interruptions)

SHRI V. SATHIAMOORTHY (RAMANATHAPURAM): Mr. Chairman, Sir, if he is inside the House, he will never allow the discussion to go on smoothly.

SHRI C.P. RADHAKRISHNAN (COIMBATORE): Sir, on that day, Shri Advani was supposed to be there on the dais at 4 o'clock. As you know very well, the meetings of the BJP start in time and end in time. The meeting was supposed to start at 4 o'clock and end at 6 o'clock on that day. This was the original programme.

SHRI N.N. KRISHNADAS (PALAKKAD): How did he come late then?

SHRI C.P. RADHAKRISHNAN (COIMBATORE):... (Expunged as ordered by the Chair)

expunged from the record. (Interruptions) He is casting aspersion on our Party. No; I cannot allow this. (Interruptions) Please go through the record and expunge those remarks. (Interruptions) I take very strong objection to these remarks. Whatever Shri Radhakrishnan has said just now, those sweeping remarks against our party, should be expunged from the record. (Interruptions) Will you allow these remarks to be on record?

सभापति महोदय : प्रोसीडिंग में नहीं जायेगा।

(Interruptions)

सभापति महोदय : जैन कमीशन की रिपोर्ट के घरे में आप बोलिये।

... (व्यवधान)

SHRI C.P. RADHAKRISHNAN (COIMBATORE): All right. Even your leader Shri Lalu Prasad has spoken about Shri L.N. Mishra and the Chair has allowed it. So, please allow me also. (Interruptions)

सभापति महोदय : आप आपत्ति उठा सकते हैं। प्वाइंट ऑफ आर्डर उठा सकते हैं।

... (व्यवधान)

सभापति महोदय : आप आसन से इजाजत लेकर बोल सकते हैं।

... (व्यवधान)

SHRI C.P. RADHAKRISHNAN (COIMBATORE): I do not know Hindi. Otherwise, I can speak in your style also. Please allow me and let me continue my speech.

He is insulting the Chair. (Interruptions) This is highly objectionable.

सभापति महोदय : मैं देख रहा हूँ।

... (व्यवधान)

सभापति महोदय : मैं सुन रहा हूँ। आप बोलिये।

... (व्यवधान)

SHRI N.N. KRISHNADAS (PALAKKAD): Mr. Chairman, Sir, he is insulting the Chair. (Interruptions)

SHRI C.P. RADHAKRISHNAN (COIMBATORE): Sir, this is a very relevant point... (Interruptions). Sir, let me explain.

सभापति महोदय (श्री रघुवंश प्रसाद सिंह) : श्री लालू प्रसाद आसन की इजाजत से घेरे से बाहर बोल सकते हैं लेकिन मैं अभी जैन कमीशन से बाहर बोलने की इजाजत नहीं दूंगा। जैन कमीशन के प्रतिवेदन पर बहस कीजिए।

... (व्यवधान)

SHRI C.P. RADHAKRISHNAN (COIMBATORE): Sir, we have to bring certain facts to put the reality before this House... (Interruptions).

सभापति महोदय : सदन को चलाने में सहयोग करना चाहिए। आप बीच में क्यों खड़े हो गए।

... (व्यवधान)

SHRI C.P. RADHAKRISHNAN (COIMBATORE): Sir, I agree with you. But my humble request to you is that when an hon. Member has referred to Shri Advani, it is my duty to reply to it. So, I am replying.

Sir, the bombs were everywhere in and around the stage. They were everywhere ten metres away from the dais and in the drainage lines. Everything was checked. But only the sniffer dogs found out the first bomb. All the bombs got blasted between 4.40 o'clock to 5 o'clock. The God only saved Shri Advani on that day... (Interruptions)

सभापति महोदय : मैं उनको भी मना करता हूँ। आसन से डंडा नहीं चलाया जा सकता। माननीय सदस्यों को नियम-कानून की बात कही जाएगी, मानना आपका काम है। माननीय सदस्यों के सहयोग से ही काम चलेगा। सब खड़े हो जाएंगे और इस तरह से व्यवहार करेंगे तो सदन की कार्यवाही को कोई अच्छा नहीं कहेगा। कठोर बातें कही जा सकती हैं, उनका उत्तर भी दिया जा सकता है लेकिन यदि बीच में सब माननीय सदस्य खड़े हो जाएंगे तो क्या इस विवाद को कोई अच्छा कहेगा?

... (व्यवधान)

सभापति महोदय : क्या आप जैन कमीशन की रिपोर्ट पर बोल रहे हैं ?

SHRI C.P. RADHAKRISHNAN (COIMBATORE): Sir, fortunately, the flight of Shri Advani came late. That is the intention of the DMK. The hon. Members of this House should understand this. They can hide anything. They are having the capacity to hide anything. It should not be allowed. My humble request to the hon. Home Minister... (Interruptions).

सभापति महोदय : क्या पाइंट ऑफ आर्डर है ?

this august House... (Interruptions). He has said that they can hide anything... (Interruptions).

SHRI C.P. RADHAKRISHNAN (COIMBATORE): Sir, I am not referring to any particular Member.

सभापति महोदय : पाइंट ऑफ आर्डर पर आपकी रूलिंग नहीं चलेगी, उस पर हम रूलिंग देंगे। आप इधर बोलिए।

... (व्यवधान)

SHRI C.P. RADHAKRISHNAN (COIMBATORE): When the hon. Member, Shri Maran was speaking he said that they know the BJP leaders for many years. Of course, they know them for many years. He has good friends. They want to utilize that opportunity and get rid of their responsibility with this assassination.

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It should not be done. That is my request and through you I request our hon. Home Minister. There is nexus between LTTE, DMK and there are two more organisations which are fast coming up in Tamilnadu, the Puthia Tamizhagam and Tamil Nadu Muslim Munnetra Khazagam. These are again very active in Tamil Nadu.

I request the Home Minister to take right action at the right time. That is the only solution to save Tamil Nadu. My final submission is the Groups which have done this assassination of the national leader, Shri Rajiv Gandhi should be taken before law and they should be punished and I request the Government that Prabhakaran should be taken back from Sri Lanka and he should be tried and within Tamil Nadu, whoever has helped LTTE to eliminate Shri Rajiv Gandhi on Tamil soil should be punished without any mercy and with this submission, I thank you very much and I conclude my speech.

(ends)

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SHRI N.K. PREMCHANDRAN (QUILON): Mr. Chairman, I thank you for giving me an opportunity to express my views on the Jain Commission report and on the Memorandum on Action Taken Report. I, on behalf of my Party, RSP, also share the anguish and deep sorrow on the tragic assassination of Shri Rajiv Gandhi. This is the third national tragedy which took place in our country. Firstly, the Father of the

Nation Mahatmaji was assassinated in the year, 1948 and subsequently Shrimati Indira Gandhi was also brutally assassinated and finally, the former Prime Minister, the President of the biggest Party in India, the national leader of our country was also brutally assassinated. He was assassinated seven years back. After a gap of seven years, we are discussing who are the real culprits behind this conspiracy and behind this brutal assassination. I am very happy to learn from the opening speech of the eminent speaker, Shri P. Shiv Shanker who started his speech by saying that this is to be discussed beyond political barriers. In response to his speech, Shri Ram Jethmalani has also spoken in plain words that it is to be beyond every political barrier. Most of the speakers are speaking beyond political barriers. I allege and it is not an allegation that it is true that there are politics. Still there are politics and the assassination of Shri Rajiv Gandhi was used as a political weapon several times. I am not going into details of this. In 1991 elections, the main plank of election was the assassination of Shri Rajiv Gandhi and subsequently in the year, 1996, the UF Government was pulled down using the same weapon, that is the interim report submitted by Jain. That is, the Jain Commission's first report. I do not say this is an interim report. That is the first part of the report. That is also a political weapon that is used.

I would like to submit that even before the Commission report is submitted, there was a strong and huge cry in this House that the report is leaked even months before, even before the report was submitted to the House. Even at the moment when the report is submitted, the demand for the resignations of the three DMK Ministers has taken place.

So, I would like to know what action the Government did take and what CBI inquiry has been conducted by the former UF Government. What is the report behind the CBI leak? How has it come out? Everything shows that there is a political manipulation. Who are using this as a political manipulation? There is no sincerity and commitment and nothing is there.

If we are sincere enough to know the truth or to bring out the truth, we should unite together; we should fight against the terrorist forces, we should fight against the anti-national forces and we should isolate them whoever it may be and how much strength it may be having. During the course of the discussion itself, the international connections have come out. It is all good to say that the thief is inside the ship. It is not inside alone. It was being done by the foreign agencies with the help of persons and eminent personalities in our country. So, that has to be checked up if we are sincere enough. If we desire that such a crime should not happen in future, then, we should all unite together for this cause, especially the assassination of national leaders. But in such a case also, we are taking a political stand even now.

What is the BJP Government doing? The BJP Government is also using the same plank for using the same weapon. The BJP Government also wants to divide the Opposition. It has already been illustrated here that Shri Karunanidhi's name has also been included in the interrogation that is to be conducted. That aspect has also been elaborately discussed here. But I am not going into the details of it. So, it is to be looked at beyond political barriers. It means that we should be sincere and we should be beyond political intentions.

Regarding the history of it also, I would like to say that first the J.S. Verma Commission was appointed. That Commission was appointed only to inquire into the security angle. Its term of reference was:

"Is there any dereliction of duty by the security forces or the security system?"

That aspect had to be inquired into. At that time also, there was a demand that the conspiracy angle should also to be inquired into. But Justice Verma had bluntly denied it. He expressed vehemently saying that it was not the duty of the Judiciary and so it could not be inquired into. He felt that since it was a crime, it had to be inquired into by a crime investigating agency. So, that did not come within the purview of Justice Verma Commission. Simultaneously, the Special Investigation Team had gone into the factum of this assassination. I think the Special Investigation Team has done the best. At least, 26 persons were punished or convicted by the court. They were brought to book and they were either punished or convicted. At least that much has been done.

Immediately after this, Justice Jain Commission was appointed. For what reason was it appointed? The terms of reference were two. The first one was about the circumstances and the sequence of events leading to the death of Shri Rajiv Gandhi and the second one was very specific. It was regarding the conspiracy angle. Here, I would like to go through it word by word. It was:

"Whether any person or persons or agencies were responsible for conceiving, preparing and planning the assassination and whether there was any conspiracy in this behalf and if so all its ramifications."

That was the second terms of reference. What is the result of it? During the course of seven years of investigation and inquiry, Justice Jain perused 4400 documents. There were so many depositions and so many witnesses were examined. After the investigation of seven years, the Commission has come out with the conclusion to have a further probe. This is the result! The result of seven years of investigation is to have a further probe into the international conspiracy!! Then, for what purpose was this Commission appointed? Justice Verma had bluntly rejected the demand for inclusion of the investigation of conspiracy angle. So, Justice Jain was appointed for that purpose. About the Jain Commission also, already the relevant things have been read out. Justice Jain had already expressed in the open Bench that even some inadmissible evidence could be taken up by that Commission and the procedural formalities and the technical formalities need not be looked into according to the Commission of Inquiries Act, 1952. That was the statement made by Justice Jain. If that be the case, that Commission, after seven years of investigation and after giving nine volumes of report is saying that the Government should appoint some crime investigating agency and fight the case. It will continue for years. For this, we have spent more than rupees five crore. This Commission submitted a voluminous Report. It examined so many materials and journalists. So many persons were examined. But it has given nothing. The result is nothing. It recommended to have another probe. Even the SIT knew very well about one thing. The Special Investigation Team of the CBI is well aware that there is a conspiracy. For that matter, even any investigation agency can say that there is a conspiracy.

What are the terms of reference? For what purpose, did we appoint the Commission that the result was not achieved by this Commission? So, I cannot understand how the Report of the Commission has been accepted. The stand taken by learned Shri Shiv Shanker is that the Congress is accepting the Jain Commission Report. I cannot understand on what basis they have accepted it. Nothing has come out of this. I would like to refer even to the sentence he used. He has already spoken that the truth has not been discovered after the investigation by Justice Jain. If the truth has not been discovered, how could the Report of the Commission be accepted? So, it is to be further investigated, further inquiry is required. That is the position after seven years. That is the fate of this nation. This is not only the case as far as this Commission is concerned but it is the case with almost all the Commissions. So, I would like the drastic changes in the Commission of Inquiries Act by bringing in amendments. We are appointing Commissions just for the namesake. After that it is forgotten. Then the voluminous Report will be submitted in which nothing is result-oriented. This has to be inquired into.

Regarding the Interim Report and the Final Report, I do not want to use the word 'contradiction'. While going through the Interim Report, we find that as far as Tamils are concerned, there is a mention about them. As far as Shri V.P. Singh and Shri Chandra Shekhar are concerned, stringent observations have been made against them. Now the Final Report has come with a clean chit to them. So many things have come which I can highlight. But due to constraint of time, I am not going to do it.

There are so many questions. About international conspiracy, we accept that. That has to be inquired into by a Multi-Disciplinary Monitoring Agency which is going to be formulated by seeking the consensus of the House. There are some questions which are still unanswered.

First question is about this Dhanu, the human bomb, which has to be answered. It has not been probed or answered in the Commission's Report as to who has given permission to this human bomb to enter into the premises and to garland Shri Rajiv Gandhi. This is a question being posed by an ordinary prudent man in this country. An ordinary man wants to know as to who killed Shri Rajiv Gandhi? Who has given permission to Dhanu to garland Shri Rajiv Gandhi? That has to be inquired into. Who gave shelter to

Dhanu and all other culprits for one month? All these questions have to be inquired into. This could have come out very well in the evidence itself.

Another very important and material point which I would like to suggest is that, as recommended by Shri Shiv Shanker, I also strongly support his version about the denial to submit certain documents. It is very important. It cannot be taken as a very simple thing. He has also agreed to this. Even the Action Taken Report also says that the only record which the Government has declined to make available to the Commission is the file pertaining to the proposal of 1994 to wind up the Jain Commission Inquiry. In this connection, subsequently, a detailed summary along with an affidavit has been submitted before the Commission and the Commission is satisfied with it. The Commission itself said it. That is why, it is a double-edged weapon that has been used. What is the difficulty in submitting the file pertaining to the proposal? Why has it not been submitted? Subsequently, the Home Secretary had gone through it and given an affidavit in this behalf. What are the contents of the file? That is there in the summary statement also. This is a file pertaining to 1994 Cabinet decision about the winding up of the Jain Commission. Why did the Cabinet decide to wind up the Commission? This is a very material thing. Shri Ram Jethmalani also while responding to this question said, "If you are going back to this, then there will be so many difficulties as former Prime Ministers will have to be interrogated, the Home Secretary will be questioned." Everybody is saying, "We want to know the truth beyond political barriers. We want to know the truth, truth has to come out." At the same time, the hon. Minister says, "If we have to re-open all this, there will be some difficulty as the former Prime Ministers, the Home Secretary and former Ministers will have to be questioned." There is a clear and stringent observation in the Action Taken Report about this. The Action Taken Report has also to be brought into light so that truth is made more clear to the people of this country.

It is also admitted by Shri Shiv Shanker in so many words that even the Action Taken Report regarding the Verma Commission has given very serious findings regarding security and all these things.

But the House wants to know what action has been taken. We also want to know about that Action Taken Report. "Governments after Governments do not want the truth to come out." That is the allegation made there.

So, it is a very serious matter. The investigation made by Justice Jain is not upto the mark or satisfactory. A further probe is required. If a further probe is required, it should be independent, it should be time-bound and all the facts should come out.

The political motivation of this Government is very clear, which has already been illustrated, as far as the Chief Minister, Shri Karunanidhi is concerned. Out of the 21 suspected persons, nine were not there. Even the sentence used in the Action Take Report, on page 43, goes on to say that "Shri Karunanidhi was also not interrogated. On many matters, his interrogation was quite relevant." Sir, I have gone through the statement of Shri Karunanidhi. I feel that the argument suggested by him is correct. What is the word used by the Government or the Home Ministry in this? That is 'the misgivings'. "Taking such observations in the Interim Report into consideration together with the misgivings expressed by the Commission...".

Sir, the Law Minister or the concerned authority has to explain, what is the meaning of the words 'the misgivings' here? Is it 'he has to be interrogated' a misgiving or a misconception or a doubt or an apprehension?

It is said that the interrogation was quite relevant. For five days he has been examined. According to his statement that 'interrogation' means 'his deposition before the Commission.' So, as per the Commission's observations, according to him, and I also feel it as correct, 'interrogation was relevant' means the deposition made by him before the Commission was relevant.

If that be the approach, if that be the attitude of the Commission, why should he be interrogated further? Why should there be a probe against him? That is also to be looked into.

With these words, once again, I would like to say that this a very important matter as for as this country is concerned. Shri Rajiv Gandhi was not only the President of the Congress, he was not only the Prime Minister of this country, he was a young dynamic person having vision, having political vision. Such a dynamic person has been assassinated and this nation is not able to find out the real culprit even after seven years have lapsed! It is shameful to the nation and it is a national humiliation.

So, a very serious, stringent, independent and time-bound inquiry into this matter has to be conducted without political barriers. With these words, I conclude. Thank you, Sir.

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प्रो. प्रेम सिंह चन्दूमाजरा (पटियाला) : महोदय, धन्यवाद। श्री राजीव गांधी की हत्या के पीछे किस का हाथ था, क्या यह राजनीतिक हत्या थी, सब कुछ जानने के लिए जैन कमीशन बिठाया गया। उसकी रिपोर्ट सदन में सरकार ने रखी, मैं समझता हूँ कि सरकार इसके लिए बधाई और प्रशंसा की पात्र है। यह कहना किसी तरह से ठीक नहीं है जैसा अभी मेरे मित्र जोगी जी कह रहे थे कि कांग्रेसियों की भावनाएं राजीव जी के साथ जुड़ी हुई हैं। अगर अकेले कांग्रेस के लोगों की भावनाएं राजीव जी के साथ जुड़ी होती तो यह सच्चाई उस समय लोगों के सामने आ सकती थी। कांग्रेस की सरकार पांच साल तक उनकी हत्या के बाद चली और ऐसी सरकारें भी आईं जो कांग्रेस के सहारे पर चलती रही, उस समय यह सच्चाई सामने आ सकती थी। राजीव जी देश के नेता और देश के प्रधानमंत्री रहे। हमारे भी उनके साथ अच्छे संबंध थे। उन्होंने अपने दिमाग से काम लिया था और अपने खुशामदियों को दूर रखा था। उस समय उन्होंने बड़ी दिलेरी के साथ राजीव लॉगोवाल अकाई के रूप में पंजाब का समझौता किया था और ऐसी बातें मानी थीं, जिन बातों को पिछले ५० वर्षों में किसी ने नहीं माना था और शिरोमणि अकाली दल की बहुत सी मांगों को सही ठहराया था।

यह अलग बात है कि बाद में जब कुछ खुशामदी लोगों के घेरे में आ गये तो वे बातें नहीं मानी गयीं। लेकिन यह सच्चाई है कि उन्होंने देश की अगुवाई की और आज की सरकार ने अपना यह कर्तव्य समझा कि देश के लोगों के सामने सच्चाई आनी चाहिए। उग्रवाद के कारण केवल सोनिया जी ही विधवा नहीं हुईं बल्कि देश की हजारों बहनें भी विधवाएं हुई हैं और यह देश मिलिटेंसी के कारण बर्बाद हुआ है। अभी मेरे मित्र बोल रहे थे कि कांग्रेस वालों ने आप ही मान लिया कि हम इस जैन रिपोर्ट को सच मानते हैं। जब वे इसे सच मानते हैं तो वे आडवाणी जी से और सरकार से क्या सच्चाई जानना चाहते हैं, यह मेरी समझ में नहीं आया। सच्चाई जाननी ही थी तो इन्हें समय मिला था। मेरे मित्र राजेश पायलट ने माना कि वे सच्चाई ढूँढ सकते थे अगर उन्हें अगर उन्हें मजबूर न किया जाता और चंद्रास्वामी के अरैस्ट आर्डर वापस न लिये जाते। मैं पूछना चाहता हूँ कि वे कौन लोग थे जिन्होंने चंद्रास्वामी के अरैस्ट को रोकना। वह सच्चाई देश के लोगों के सामने भी आनी चाहिए। जब इन्हें समय मिला था उस समय सच्चाई का पता लगा सकते थे। यह बात सही नहीं हुई। जैन रिपोर्ट का मैंने अध्ययन किया है। मुझे लगात है कि थोड़ा-थोड़ा प्रसाद उन्होंने सब को दे दिया है। आडवाणी जी किसको गिरफ्तार करेंगे, किसको नहीं करेंगे। उन्होंने ए.टी.आर. भी सदन के सामने रख दी है। जो बातें जानने की रह गयी हैं अगर उसके लिए सी.बी.आई. को देते हैं तो ये कहते हैं कि यह राजनैतिक एक्टिविटी है।

मैं कहना चाहता हूँ कि अगर देश को बचाना है, देश के लोगों को बचाना है, राजनैतिक हत्याएं खत्म करनी हैं तो हम सभी को मिलकर इस बात पर सोचना होगा कि आखिर यह उग्रवाद पैदा क्यों हुआ, देश में उग्रवाद किसने पैदा किया? अगर यह सच्चाई सामने आ जाए तो देश बच सकता है। थोड़ी देर पहले राजेश पायलट जी अकालियों को ब्लैम कर रहे थे, पंजाब की बात कर रहे थे। हम तैयार हैं कि सुप्रीम कोर्ट के जजों से, सांसदों से या देश के बुद्धिजीवियों से इस बात की इंक वारी करा ली जाए कि पंजाब में जो मिलिटेंसी आई वे कौन लोग लाए। सभापति जी, अगर सही रूप से देश को आगे बढ़ाना है और इन हत्याओं को रोकना है तो सच्चाई को सामने लाना होगा।

देश में तीन कारणों से मिलिटेंसी पैदा होती है। पहला, जब लोगों की भावनाओं को सही रूप में समझा नहीं जाता है। दूसरा, जब जम्मू-कश्मीर को नाकाम कर दिया जाता है। तीसरा, जब राजनैतिक लाभ उठाने के लिए ब्लैकमेलिंग होती है। ये तीन कारण हैं जिनसे मिलिटेंसी पैदा होती है। मुझे इस बारे में दो प्रदेशों का अनुभव है। पहला पंजाब और दूसरा जम्मू-कश्मीर। जम्मू-कश्मीर जब जल रहा था तो शेख जी को जेल से बाहर लाकर सत्ता सौंप दी तो जम्मू शांत हो गया। शेख अब्दुल्ला जी के जाने के बाद चुनाव हुए। हम भी शिरोमणि दल के साथ पंजाब से वहां गये। उनके पुत्र को लोगों ने भारी मात्रा में वोट डाले और वे मैजोरिटी में आए। लेकिन उन्हें मजबूर किया गया कि कांग्रेस को कॉलेशन में लाया जाए।

वह जब नहीं मानें तो उनके बहनोई गुल मोहम्मद को गद्दी पर बैठा दिया। वह सरकार चल नहीं पाई। उस समय से जम्मू-कश्मीर जल रहा है। ऐसे ही पंजाब में हुआ। इसी हाउस में बरनाला जी की सरकार की बहुत तारीफ की गई। अकाल तख्त साहब पर फौज भेजी गई। इसको लेकर लोगों में बहुत गुस्सा था। उसके बाद सरकार बनी और एकोर्ड हुआ। पंजाब में शांति आई। मैं उस समय मंत्री था। एक दिन सुबह हमें पता लगा कि हमारी सरकार नहीं रही और हम मंत्री नहीं रहे। इसके बाद फिर पंजाब में मिलिटेंसी बढ़ने लगी। जब जम्मू-कश्मीर फेल हो जाता है, लोगों की भावना को कुचल दिया जाता है तो मिलिटेंसी आगे बढ़ती है।

तीसरी बात ब्लैकमेलिंग की है। मैं निश्चय और विश्वास के साथ कह सकता हूँ कि ठक्कर कमीशन के जो निर्णय आए थे, वे अगर सही रूप में लोगों के सामने आते और उससे कांग्रेस वाले कुछ सीखते तो राजीव जी की हत्या नहीं होती। अगर श्रीमती इन्दिरा गांधी की हत्या के बाद राजनीतिक रोटी नहीं सेकी जाती तो शायद कांग्रेस के लोगों में यह हॉसला नहीं आता कि हम ऐसा ही एक तंदूर और मंगा लें जिससे उनमें भी राजनीतिक रोटी सेकी जाए। अगर ऐसा नहीं होता राजीव जी की हत्या नहीं होती। एमरजेंसी का सबक सीखाने के लिए हमारे यहां फौज भेजी मगर ऐसा भी सोचा गया कि अकालियों को जेलों में रख कर ठीक नहीं

किया जा सकता। उनको ठीक करने के लिए उनके बराबर लम्बी लाइन खींच दी जाए। जब लम्बी लाइन खींची गई तो मीटिंग्स हुईं। इस बारे में बहुत लम्बी कहानी है। समय नहीं है क्योंकि आपने बोलने से रोक देना है। अगर संसद सदस्यों की कमेटी बन जाए, सुप्रीम कोर्ट के जजों की कमेटी बन जाए तो हम दुनिया के लोगों को यह दिखा सकते हैं कि पंजाब, जम्मू-कश्मीर, नागालैंड और असम में मिलिटैसी कैसे पैदा हुई? इन्होंने श्रीलंका में ट्रेनिंग देने के लिए फौज भेजी। पैसा भी दिया और १२००-१३०० जवान भी मरवाए। इससे क्या मिला? ११वीं लोक सभा में डी.एम.के. वालों ने उस समय डाकुमेंट दिए जब उनकी सराकर जाने वाली थी। हम समझते थे कि यह सच्चाई नहीं है कि राजीव जी जैसे लोग लिट्टे के साथ बातचीत करने के लिए करुणानिधि जी को बिचौलिए के रूप में लाए थे। हम समझते थे कि वह शायद गलत डाकुमेंट थे। हमें उस समय सच्चाई का पता लगा कि जब हमारे मित्र जोगी जी ने भी मान लिया कि वे सब काम शांति के लिए किए गए थे। जब आप किसी काम के लिए बिचौलिये लाते हैं तो वह कुछ न कुछ काम ऐसा- वैसा करते हैं। हमारी माताएं, बहनें अपना दर्द बता रही हैं।

... (व्यवधान)

जब ऐसी बात होती है तो कुदरती तौर पर इसमें कुछ न कुछ बात रह जाती

है। दिल खोल कर सच्चाई आगे आएंगी तो देश बच सकता है। इसमें अगर राजनीतिक रोटी सेकना चाहेंगे कि राजीव जी के साथ हमारे जजबात जुड़े हैं तो मैं यही कहूंगा 'कहां ढूंढते हैं, लाल गवाचे, मिट्टी न फ्लोर जोगया' अब मिट्टी में ढूंढने से कुछ नहीं मिलेगा। जो राजनीतिक कारण बन रहे हैं, जो स्थिति पैदा हो रही है,

उस स्थिति को रोकना होगा और अपनी सोच बदलनी होगी तभी यह देश आगे बढ़ सकता है। यह बड़े दुख की बात है कि न हमारे मित्रों और न हमारे विरोधी पक्ष के लोगों ने यहां सच्चाई कही है। हमारे सांसद मित्र श्री सत्यपाल जैन ने जैन कमीशन की प्रशंसा तो कर दी जिसमें कमीशन ने लिखा था कि सारे तमिलियन्स तमिल मिलिटैटस नहीं हैं। इस बात को एक्सप्लेन कर दिया। मगर पेज-७ पर सिक्ख मिलिटैटस के बारे में नहीं लिखा। क्या सारे सिक्ख मिलिटैटस हैं? यह मसला क्यों नहीं उठाया गया? यह आब्रैक्शनेबल बात है। माननीय गृहमंत्री जी बैठे हैं। मैं चाहूंगा कि...

श्री सत्य पाल जैन (चंडीगढ़): माननीय गृह मंत्री राज्यसभा में क्लैरिफाई कर चुके हैं। अच्छा होता यदि पंजाब के सिक्खों के लिये भी उसी प्रकार एक्सप्लेन कर देते। जो आपने कहा, उससे हम सहमत हैं।

प्रो. प्रेम सिंह चन्दमाजरा (पटियाला) : जब माननीय गृह मंत्री जी राज्य सभा में कर चुके हैं तो अच्छी बात है। अगर लोकसभा में कर दें तो और अच्छा होगा। मैं निवेदन करना चाहता हूँ कि सारी कौम को एक लाइन में खड़ा कर दिया जाता है तो उससे देश को नुकसान होता है। ऐसी बातों को हमें सुधारना चाहिये।

(इति)

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श्री शैलेन्द्र कुमार (चैल): आपने स्व. राजीव गांधी से संबंधित जैन आयोग रिपोर्ट पर बोलने का मौका दिया, उसके लिये आपका आभार मानता हूँ।

सभापति जी, मैं इलाहाबाद से आता हूँ। हम लोगों को उस समय बहुत ठेस पहुंची जब मालूम हुआ कि राजीव जी नहीं रहे। आज इस बात को सात वर्ष हो गये हैं फिर भी सत्यता तक नहीं पहुंचे हैं। यह हत्या किसी राज्य में हुई है या किसी और साजिश के अंदर की गई है, आज हम इस मामले पर विचार कर रहे हैं। जब हम इलाहाबाद में आनन्द भवन और स्वराज भवन को देखते हैं तो हमारा दिल दहल उठता है। यह भवन पं. मोती लाल नेहरू, पं. जवाहर लाल नेहरू, श्रीमती इन्दिरा गांधी, श्री राजीव गांधी से जुड़ा हुआ है। वह २१ जून, १९९१ की काली रात को भूल नहीं सकते जब हमें यह खबर मिली थी कि राजीव जी नहीं रहे। यह एक दैवी आपदा की तरह तूफान था। इस खबर से सारा इलाहाबाद उजड़ गया था। इस दिन से पूर्व राजीव जी हमारे निर्वाचन क्षेत्र भरवारी में आये थे जहां से मैं एम.एल.ए. का इलैक्शन लड़ रहा था। वे उस समय हैलीकाप्टर से उतरे थे। पुलिस का घेरा तोड़कर सारी पब्लिक से मिलने के लिये आ गये। मेरे मन में आशंका उत्पन्न हुई कि कहीं इनको खतरा न हो। वे बड़े प्यार से एक-एक व्यक्ति से मिले थे। वे ग्राम प्रधान, जिला प्रमुख और ब्लाक प्रमुख से बातचीत करने के बाद बोले कि यदि हमारी सरकार आई तो वहां के लिये बहुत कुछ करेंगे। हम लोगों ने उन्हें सकुशल विदा किया। वे इलाहाबाद से बांदा और वहां से दिल्ली तथा बाद में पैरम्बुदूर चले गये। यहां सभी माननीय सदस्यों ने कहा कि उनकी सुरक्षा में कहीं न कहीं कोई कमी रह गई थी।

यह बात सही है कि अपनी मृत्यु से दो दिन पूर्व जिस वक्त वह इलाहाबाद में भरवारी में हमारे बीच भाषण देकर गए, वहां पर भी सुरक्षा नाम की कोई चीज नहीं थी। हम लोग वहीं डर गए थे कि कहीं ऐसा न हो कि कोई अटैक हो।

आज जैन आयोग की रिपोर्ट पर तमाम माननीय सदस्यों ने अपनी बात रखी है। कई सदस्यों ने कहा कि बड़ा ही तोड़-मरोड़कर इस रिपोर्ट को प्रस्तुत किया गया है। आज देश की जनता यह जानना चाहती है कि वाक्यी इस रिपोर्ट में सत्यता क्या है। एक २०० पृष्ठों की रिपोर्ट में १०५ पृष्ठ ठचंद्रास्वामी ऐंड हिज़ इनवॉल्वमेंट' शीर्षक पर हैं। दूसरे ४० पृष्ठों पर महंत सेवादर जी के लिए लिखा गया है और तमाम लोगों के बारे में उसमें उल्लेख किया गया है। आज इस बात की भी जानकारी देश की जनता चाहती है कि हत्या के संदेह की भूमिका में जो २१ लोग हैं, उन लोगों को तो सज़ा दी गई है, लेकिन बहुत से ऐसे पहलू हैं जहां तक हम नहीं पहुंच पाते हैं कि किस साजिश के तहत किन लोगों ने उनकी हत्या की। आज एक संदेह के घेरे में बात कहने के लिए रह गई है। जो भी हो, पूरा सदन और हर पार्टी तथा पूरा देश चाहता है कि इस पर सही जानकारी होनी चाहिए। दलगत राजनीति से ऊपर उठकर इस पर विचार करना होगा कि अपने देश के नेताओं

की इस तरह की कुर्बानी हम कब तक देते रहेंगे। देश की जनता यह जानना चाहती है कि किसकी साजिश से यह हुआ है। यह दुर्भाग्यपूर्ण है चाहे वह बेगुनाह लोग जम्मू-कश्मीर में मारे जा रहे हों या पंजाब के उग्रवाद की बात रही हो, हिमाचल में अभी तक सुना नहीं गया था कि उग्रवाद हुआ मगर अभी परसों ही ४३ लोग वहां पर मारे गए। मैं अपने दिल की ओर से कहना चाहूंगा कि तमाम तथ्य, चाहे ए.टी.आर. हो या इंटरिम रिपोर्ट हो, गहराई से उस पर पुनः अध्ययन करके उसकी तह तक हमें जाना होगा कि कौन सी साजिश थी और कौन से व्यक्ति थे जिन्होंने हमारे महान नेता की हत्या की। मैं सरकार से मांग करता हूँ कि इस रिपोर्ट के अंदर तक जाकर जो भी करना पड़े, इसकी जांच करके जितने भी कातिल हैं, उनको सज़ा मिले ताकि इसकी पुनरावृत्ति न हो और हमारे देश में सभी पार्टियों के नेता महफूज़ रहें और देश की सेवा करें।

इन्हीं शब्दों के साथ मैं अपनी बात समाप्त करता हूँ।

(इति)

">2153 hours

DR.C.P. THAKUR (PATNA): Mr. Chairman Sir, I am grateful to you for giving me this opportunity to say a few words on the Jain Commission Report.

I have not read the Verma Commission Report. I have not read the Jain Commission Report. I have not read the ATR. Do you know why? There is an old English saying that if you want to shelve an issue, appoint a Commission. This is the fate of all Commissions. In Bihar, there is a story in Hindi. A gentleman was serving an English man. You know that Sonapur mela is famous there. That employee wanted leave to see that mela. His employer asked the reason and he told the reason. He asked whether he saw it last year. The employee replied that he saw it last year. He again asked whether he saw it the year before last. He replied that he saw it the year before last also. Then the employer told him that if he closes his eyes, he would see the faces of horses, cows, etc. The same applies to most of the Reports of the Commissions.

In this country, when several big leaders were assassinated, the whole nation was shocked.

It started with Mahatma Gandhi, Shri Shyama Prasad Mukherjee, Shri Deen Dayal Upadhyay, Shrimati Indira Gandhi, Shri Rajiv Gandhi. But after that, especially in the State of Bihar, we have become immune to murders. Everyday, there is a murder in Patna town, what to speak of whole of Bihar. These murders are punctuated with mass murders. Now, if somebody talks about murders, it does not stir us. It does not actually prick us. We go there and simply sit by the side of that person. We say nothing because we cannot offer anything. So, that is the situation now.

Sir, about this Report, I have decided that I should say something because I became worried. I read two reports in newspapers. I became worried about my leaders. One was a very categorical statement by our hon. Prime Minister, Shri Atal Bihari Vajpayee, on nuclear issue. The second was by our hon. Minister of Home Affairs today about militancy. He said, "If I am not able to eradicate militancy, I will resign." Whenever India started asserting, wherever India wanted to be independent, the leaders were killed or the progress of India had been slow. This is under a big conspiracy. Shri Rajiv Gandhi was doing the same thing. He was removed from the scene.

I remember that I told Shri Rajiv Gandhi thrice that he would be killed. Once it was in private, the second time before the MPs and the third time, it was three days before his death when he went to Patna for canvassing. I am neither an astrologer nor a soothsayer. But this story was revealed by a diplomat. I have not seen a diplomat like him so far. He predicted that this was going to happen in India. And this had happened.

Actually, we were discussing Fairfax in this House. All the old Members, who are here, might be remembering about that. There was an evening party. In that party, everybody was drinking except me because I am a teetotaler. I do not drink. After some time, an Ambassador was also sitting there. He enquired from me, "Doctor, what is being discussed in your House?" I said, "We are discussing Fairfax." Do you know about this agency? I said, "Not much." This is an agency of the CIA. He said, "Now, the CIA is against your country." I said, "Why?" He replied, "It was because when Shri Rajiv Gandhi

became Prime Minister, they expected that this very sophisticated young man is of Rightist temperament. He will lean towards America." Have you seen the ovation given to him when he visited America? I said, "Yes, I have seen that on television." Shri Rajiv Gandhi went to America. There was a lot of ovation. But he did one mistake. After visiting America, he went to Russia. Some of my old friends might be remembering that.

Then, he said, "He did that mistake." Now, they calculated that this fellow was not going to yield. So, the first thing they did was that they stepped up terrorism in Punjab. Then, they realised that this terrorism is not going to change him. So, they changed the tactics saying, "All right; this will continue." He said, "They want to make a bloc facing the Communist Bloc. In one bloc, Russia and China were there from that area.

One block consisted of Turkey, United Arab Emirates, Pakistan and Bangladesh. The only country which exercised its independence was India. So, what they wanted in India is a weak Government or a coalition Government or a Government of their choice. What did they do to achieve their aim? They studied the Indian psychology and formed an opinion that in India a Party revolves around a particular leader, say, the late Rajiv Gandhi for Congress; or Shri N.T. Rama Rao for the TDP and so on.

Now their thinking is that if one or two or a few corruption scandals come against the late Rajiv Gandhi then what would happen? I was told that they have assessed that if they wanted to destroy a man politically then they would have to bring in a few corruption scandals against him in this country. After succeeding to bring in a few corruption scandals against a particular person they would assess whether that man became politically weak or not. Now, if the person lost his leadership or if he had become politically on account of this, then they would spare him. But if they found that even after every effort, the person concerned had a chance to come back, then they would eliminate that person from the scene.

What has happened? Many hon. Members here would remember there was once a controversy between the Prime Minister and the President. What was the importance of that? This controversy was engineered to weaken the chances of that political Party in Kerala and West Bengal Elections. But they were not satisfied. They were then planning to hatch a bigger conspiracy to weaken him in the Hindi heartland. So, that person named three persons - two of them have died and one of them is partially dead and so I would not like to name him here. But that person definitely named the persons. One of those persons occupied the highest Office in this country, another person also held almost a similar position and the third person was a journalist. I was told that they were influencing the journalists of this country through this particular journalist and influencing the politicians through the other two persons.

Indicating that incident to Shri Rajiv Gandhi I told him to be careful and that a conspiracy is being hatched against him. He told me that he would take all precautions etc. Again before he left for Tamil Nadu I reminded him of this story in Patna. The newspapers by that time had already started writing, particularly The Week and some foreign papers also, that he was going to be the next Prime Minister of our country and India would have to choose between corruption and development. Such articles were published in the newspapers then. Finally he was eliminated from the scene. He was killed as a result of a very big conspiracy.

I was very much worried in the morning when our hon. Home Minister introduced this subject for discussion and said that he would accept any suggestion with an open mind. Shri Shiv Shanker is a very learned man and when he introduced the subject from the other side, he spoke very well but he did not conclude. He said that he wants to seek the truth.

Lord Buddha devoted his whole life for seeking truth. From seven years now or, I think 15 to 20 years more - some of the Members will not be here and truth will not come out.

One thing more was said in that story. What they actually follow is the one-chain plot. If somebody tries his best to know about a thing, he cannot proceed beyond a particular chain. So, that happens. On that

particular situation, some of the things have been told by our friends from DMK and AIADMK. Since they were fighting with each other, we could not hear their argument.

Once the IPKF was sent, Shri Rajiv Gandhi did not favour LTTE because he was deceived by it. He knew that LTTE has deceived India. Certainly India helped LTTE before but not after that. Shri Jogi spoke very well in beautiful Hindi but he also did not conclude. He also wanted to seek the truth. Seeking truth will take a lot of time. Jain Commission or other Commissions could not find the truth. So, it will take very very long time.

The House has to decide what should be done, whether we should combine and frame some time bound action to find out the truth. The culprit should be punished. This is going to be a challenge not for the Members of Parliament but for the country as a whole. This nation is emerging as a very powerful nation. We have to take very decisive decisions. All the Members here feel that something positive should be done so that the image of the country is enhanced and the grief of the people is mitigated. In that direction, we have to take certain positive decision. I think we all should combine and form a time-bound action Committee to find out the plot behind the murder of Shri Rajiv Gandhi. With these few words, I thank the Chairman for giving me time.

(ends)

श्री प्रभुदयाल कठेरिया (फिरोजाबाद) : सभापति जी, हाउस का टाइम तो दस बजे तक था। अब दस बजे गये हैं इसलिए आप टाइम और बढ़ा दीजिए।

SHRI AJIT JOGI (RAIGARH): There was an announcement from the Chair that the House will sit up to 2300 hours.

">2208 hours

SHRI K.S. RAO (MACHILIPATNAM): Chairman, Sir, after so many years of the death of Shri Rajiv Gandhi, we are today discussing the Jain Commission Report.

Shri Rajiv Gandhi was not the leader of the Congress Party alone. He joined politics very reluctantly. He told it openly that he had no love for politics. He was living a peaceful life. It seems that since the nation had asked for his services, that he entered into the politics. He was a person whose wavelength was a wavelength of the post-Independence generation, unlike the past. In those days with the very name and thought of Shri Rajiv Gandhi the entire youth of the country used to get thrilled. He was a dream man for them. Irrespective of the affiliation or convictions, throughout the country youths belonging to all parties, post-Independence generation including BJP or TDP, voted for Shri Rajiv Gandhi in November 1984. As a result of this, out of 508 seats Congress won 401 seats. This has never happened in the history of post-Independence generation.

What kind of a man was he? He was a person who got the courage. He took decisions knowing fully well that there was a threat to his life. Not on one occasion, on many occasions, in spite of the fact that many of the Congress men advised him that his decision would lead to this, he never cared for it.

He said, "My interest is the interest of the nation. I am prepared to sacrifice my life for it." We never thought that it will become a reality some day.

I remember that even the Opposition leaders admired him in 1985 -- I do not remember whether Advaniji had expressed it or not -- for his quick grasp of things, for his ability, for his performance as the Prime Minister of the country. Not only Indian leaders but the world leaders also praised him and recognised him as an international leader. Leaders of others parties going out of their party limitations openly came out and said that they did admire him. That was the kind of leader whom we had lost.

This raises the apprehension that if all those leaders like Mahatma Gandhi, Indira Gandhi, and Rajiv Gandhi, who had the mass following and who could rouse the people were to meet with such fate, can any leader tomorrow, to whichever party he might belong to, take bold decisions in the interest of the nation? When we limit ourselves to party lines and not take any action on these matters, we prolong for years the case for finding the people who conspired for this assassination. I only request the hon. Home Minister that the same should not be repeated in future. We are not saying things merely because we have love for Rajiv Gandhi; or because we belong to Congress party; or because he happened to be the Prime Minister from the Congress party or because he was the leader of the Congress party. As a person and as a leader, what crime had Rajiv Gandhi committed? Had he done anything wrong affecting the interest of the nation or of the people? The moment he took over the reins of the country, at a time when there were disturbances in Punjab, with his skills of negotiation he brought into the effect the Longowal Accord by which terrorism in Punjab could be controlled. It was he who brought the Assam Accord and the Mizoram Accord. He could maintain good relations with Pakistan. Many people thought that because of lack of experience in politics, he might not succeed. But his success had created fear among the forces which opposed him not only inside the country but also outside.

Here I want to quote from what the then Home Minister, Shri Chavan, while speaking in Rajya Sabha, had to say in this regard. It can be seen at page 20 of Volume-I of the Interim Report. It reads:

"As we are very much interested to find out who are the conspirators behind the whole thing, whether there are any other international forces behind this conspiracy is the main thing which we will have to enquire into. At least I feel confident that some of the agencies are known. But we should get some kind of a clue, some kind of evidence that these are the agencies which are connected. This doubt is created in my mind because of the fact that this assassination took place when, unfortunately or fortunately, Rajivji declared that Congress is going to come to power and he is going to be the Prime Minister. If he was going to emerge as the leader of the third world, whether he should be allowed to remain or he was to be finished so that India would not have any leader of his stature who can possibly take up the issue and fight with the super powers..."

What I would like to submit is, if any leader were to emerge tomorrow and create a similar impression among the world nations, it is very likely that he also would meet the same fate. What protective action should we take now to see that these things are not repeated in future?

Rajiv Gandhi, in the short spell of time in which he was in power in the initial days of his political career, took bold decisions. He encouraged the youths. He encouraged women also and was even thinking in terms of providing reservation for them in the Legislative Assemblies and Parliament. His vision is known to everybody. Everybody knows that he was the first man to visualise that India with its large technical manpower and with no less intelligence, can excel among the advanced nations of the world including the USA in no time, if only we can motivate the people to work.

It is he who has brought all these new ideas into this country because of which he also took the decisions in regard to decentralisation of power.... (Interruptions)

SHRI VIJAY GOEL (CHANDNI CHOWK): Are we discussing decentralisation or assassination? ... (Interruptions)

SHRI K. BAPIRAJU (NARSAPUR): It does not matter. He has his own views. ... (Interruptions)

SHRI K.S. RAO (MACHILIPATNAM): I am just formulating. Do not worry, I will come to the point. ... (Interruptions) Should this forum, which is the highest forum in this country, think of shedding the hypocrisy or shall we also continue to have hypocrisy in this House? Is it the sole goal for everyone of us to win the elections only? Is it the sole goal to be in the Lok Sabha or in the Legislative Assembly or win the power? Shall we throw away all the values? Shall we forget the words of sacrifice and service to the nation and the people? Shall we retain these values for ever for future generation? Unless we think in these terms or rise above party lines, Sir, I am afraid that the same things will repeat. So, my humble request to the

House is that at least on such occasions we should not think in terms of speaking on party basis or we should not take political advantages in these matters.

My friend, Shri Premchandran was telling earlier that 1991 elections were fought by Congress on the sentiments of the death of Rajiv Gandhi. Maybe he has forgotten that half of the elections were over before his death. We never imagined that Rajiv Gandhi would be killed in that manner. Sir, leaders of all parties must take some firm decisions to the effect that in certain aspects, we must work above party lines. At least in this House we should speak some truth and we must live up to some expectations.

Coming to the Report, in page 31, Volume I of the Interim Report, it says:

"The Bhargava Commission has asked, why did Shri Bhargava choose to include in the notification of 27th May, 1991 only a part of the terms of reference, which his predecessor, Shri Prem Kumar had listed in the 28th November, 1984 notification, when both the notifications related to the similar subject, namely, the assassination of the former Prime Minister of India and were issued by the same Ministry?"

Unfortunately the Government could never give a proper reply and they said that the file was missing. If responsible people placed in high positions were to answer in the same way, where does this Government lead to or where does the nation lead to? I am not interested in speaking to find fault with the BJP or some other party or the Congress, but I wanted it to be discussed threadbare. Irrespective of the party, if the Government were to say that they have missed the file of such a serious case. ... (Interruptions) I do not want to take advantage of it. Now, I am not telling that the DMK or the AIADMK is responsible or some other party is responsible, I am just telling that you can go through the Report, it is written there. I am not speaking anything on my own but whatever is written in the Report. ... (Interruptions)

SHRI C. GOPAL (ARAKKONAM): During which Minister's period that particular file was missing? ... (Interruptions)

SHRI BIJOY HANDIQUE (JORHAT): Is he interrupting on behalf of the hon. Minister? ... (Interruptions)

SHRI K.S. RAO (MACHILIPATNAM): He said, 'The Commission has asked at whose behest or orders of the higher authority, including the Cabinet Secretary or the Home Minister or the Prime Ministers, it was done?' Still there is no reply.

He said because of the doubts expressed, 'that the Government had deliberately decided to set up Verma Commission of Inquiry with restrictive and truncated terms of reference and it was not serious or had no intention to find out -- You know, which Government was there at that time -- the truth about the entire fact and circumstances surrounding the assassination of Rajiv Gandhi, particularly, the persons or forces of power inside or outside the country which would have been involved or in concealing, preparing and planning the assassination of Rajiv Gandhi.'

Everyone of us may note that in such cases the Government was telling that the file was missing and the Prime Minister or the Prime Minister's Secretariat was not answering for in spite of several reminders from the concerned authority or the Jain Commission.

They said, 'the file could not be traced.' On page 33 of the same Interim Report, they clarified that the file could not be traced and prayed for time to the Commission and said that they were not able to locate it even now.

SHRI L.K. ADVANI: Is this from the Interim Report?

SHRI K.S. RAO (MACHILIPATNAM): Same Interim Report.

SHRI L.K. ADVANI: Which Volume?

SHRI K.S. RAO (MACHILIPATNAM): Volume I.

They said, 'subsequently they have reconstructed the file.' The reconstruction of the file was not totally the same file which was initially built up. It was also felt later that it did not contain all that what was to be there. This reflects the interest evinced by the Government present at that time to find out the truth behind which everyone of us including this Government perhaps are interested in finding out the truth.

SHRI V. SATHIAMOORTHY (RAMANATHAPURAM): Chairman Sir, the person who is responsible for the missing file is also missing today for the discussion. He is the former Minister, Shri Chidambaram... (Interruptions)

MR. CHAIRMAN (SHRI P.M. SAYEED): Please do not interrupt.

SHRI V. SATHIAMOORTHY (RAMANATHAPURAM): Who is responsible for that missing file? The concerned Minister, Shri Chidambaram, is himself missing from the House today. I want to put it on record... (Interruptions) The absence of Shri Chidambaram is very important... (Interruptions)

SHRI K.S. RAO (MACHILIPATNAM): On page 39, it is stated that when the file was not received back for some time, the Ministry of Home Affairs issued numerous reminders to the Prime Minister's Office at various levels to return the aforesaid file. The Prime Minister's Office was again reminded but with no result. Ultimately, no response was received from the Prime Minister's Office and extension of time in this regard was sought.

The first meeting of the Jain Commission was held on 27-8-1992. The reasons were clear that it was because the Attorney General, Shri Ramaswamy raised objection in the very first meeting on the technical grounds that this Commission could not have the jurisdiction. Similarly, when one Shri Mushtaq Ahmad -- it is stated on page 57 -- had filed a writ petition in the High Court of Delhi challenging the orders of 2-7-93, the High Court gave a decision by dismissing the petition.

The Government of India which has constituted this Commission, itself went to Supreme Court. Obviously, the Government which has constituted this Commission itself says that it has no jurisdiction to go into the same thing. It is very pathetic.

MR. CHAIRMAN (SHRI P.M. SAYEED): Please conclude.

SHRI K.S. RAO (MACHILIPATNAM): I will just complete.

I wish to bring to the notice of this hon. House some of the comments made in regard to the proposal for winding up the Commission. At page 21 of Volume-VI of the Final Report, it is said:

"A direction was given to the SIT to make the case diaries, documents, records and materials concerning the investigations available to the Commission."

From page 22, we find that the Central Government counsel had said that the Commission should not go into the charge-sheet, the material gathered by the SIT during the course of investigation, or examine the witnesses, accused or the suspected persons. So, the Central Government counsel advised the Commission that it has the following options:

"The Jain Commission of Inquiry could be either wound up by the Government or the terms of the reference of the Commission could be amended so as to exclude SIT investigation from the purview of the Jain Commission."

MR. CHAIRMAN: Please conclude. You have taken more than 25 minutes.

SHRI K.S. RAO (MACHILIPATNAM): I will just conclude. I will just make one or two points only. Surprisingly, the Verma Commission of Inquiry has already probed the security-related aspects. This is

there in the Cabinet note. It is available at page 24.

"The Verma Commission of Inquiry has already probed into the security related aspects of the assassination of Rajiv Gandhi and submitted its Report. The Report has already been laid on the Table of both the Houses of Parliament in December, 1992 and, further follow-up action is taken. Thus the circumstances that led to the assassination of Rajiv Gandhi are no longer shrouded".

They say that is why the Commission is not required. It is really a surprising argument for winding up the Commission, telling that the Verma Commission has already done. But the same people have said that the Verma Commission is not going into the conspiracy and the Jain Commission is meant mainly to find out the conspirators. The same Government itself says since the Verma Commission has already given the Report, there is no need for the Jain Commission. How surprising and amazing! Sir, it is shocking.

SHRI SATYA PAL JAIN (CHANDIGARH): Whose Government was there?

SHRI K.S. RAO (MACHILIPATNAM): That is what I am telling that if it were my intention, I would have thrown mud on you.

MR. CHAIRMAN: Shri Satya Pal Jain, please do not interrupt.

SHRI K.S. RAO (MACHILIPATNAM): If you respect us in the same way we respect you. Then what my request to the hon. House and to the hon. Members is that please do not take advantage of certain things. I do not want to take advantage of certain things.

MR. CHAIRMAN: Please conclude. One or two persons are still to speak.

SHRI K.S. RAO (MACHILIPATNAM): Normally it is said that the PM approves the agenda. There is a note of Cabinet at page 31 for winding up the Commission. I will just give one or two points. At page 32, they said:

"It is a matter of record which hampered the proceedings of the Commission and it can be confirmed from the records".

I deny this. The Government wanted to help Shri Chandraswami and others and with that end in view, the Government hampered the proceedings of the Commission. I would like to reproduce what is written at pages 36 and 44.

"The statement of Shri P.V. Narasimha Rao is contrary to the record. The proposal was mooted in the Home Ministry, rather it was decided at the level of the Prime Minister in the meeting taken up by him."

People at the helm of affairs should be careful. It is not a question of an ordinary MP, or an ordinary citizen. Let it be any Prime Minister of any party. There must be some values. Unless we maintain certain values, unless we speak truth, I do not think that we deserve to be occupying those positions. We can as well be doing something else outside the House.

My point here is, it is not the name of a particular individual. When we come to this position, the sole aim should be to serve the nation, to serve the people. It is not for serving our personal interests that we are elected. If it is for personal interests, do we want to cheat the people whom we represent in our own constituencies and the nation?

MR. CHAIRMAN(SHRI P.M. SAYEED): Please conclude now.

SHRI K.S. RAO (MACHILIPATNAM): Another surprising thing is that while discussing, on some ground or the other they wanted to see that the Commission was not given an opportunity to inquire into the matter. They discussed about three categories.

MR. CHAIRMAN: I will call the next speaker now.

SHRI K.S. RAO (MACHILIPATNAM): The first category is the one where the privileges will be claimed but there will be no objection.

The second category would be matters in which absolute privilege would be claimed even from the Commission.

Surprisingly, the third category would be of matters which were so sensitive that the existence of the document would be stoutly denied!

That means, the people here also will utter some untruths or they would say that they are constrained to reiterate or deliberately deny giving them to a Commission, or to Justice Jain, appointed by law by themselves.

My request to the hon. Prime Minister as I have been telling is, that everyone of us knows the party to which party he belongs but we must have some qualms, some values, some ethics, some qualities in life. If I take advantage of what the Congress has done, if they take advantage of what the BJP has done, it would be entirely entangling ourselves in the country.

MR. CHAIRMAN: Next speaker, Shri Amar Roy Pradhan. Nothing will go on record. I have been asking you to stop. You have taken more than half an hour. There are so many other speakers to speak.

SHRI K.S. RAO (MACHILIPATNAM): In the ATR -- hon. Home Minister mentioned it also -- it is found that the Government had extended full cooperation to the Commission. In page 3 of the ATR also, till the last day of its functioning, he also said it, that all the relevant documents were made available to it.

MR. CHAIRMAN: Shri Rao, kindly stop. I am asking you to stop. I am calling another Member.

... (Interruptions)

SHRI K.S. RAO (MACHILIPATNAM): My request is, at least, this is contrary to what is written by the Jain Commission. Justice Jain time and again said that he did not get the cooperation from the Government. Their telling that they were giving all the cooperation and documents is contrary to the facts given by the Jain Commission. I wish that their intentions are clear; they should be reflected in the efforts to find out the truth, and in finding out who the conspirators are.

My request to the Government is not to repeat the same things which are mentioned in the ATR. We want justice. We want them to rise above party lines, create some understanding in finding out the truth.

SHRI K. YERRANNAIDU (SRIKAKULAM): Mr. Chairman, just one minute. I am agreeing with Shri K.S. Rao. Please cooperate.

(Interruptions)

SHRI K. YERRANNAIDU (SRIKAKULAM): Mr. Chairman, Sir, Shri P. Shiv Shanker said that for five years, records were not supplied to Jain Commission. I would like to clarify that it was done by the Congress Government and not the UF Government. The UF Government cooperated with the Commission.

MR. CHAIRMAN (SHRI P.M. SAYEED): Shri Amar Roy Pradhan - not present. Shri N.N. Krishnadas - not present. Shri Shakuni Choudhary - not present. Dr. S. Venugopalachary - not present. Shri Anand Mohan - not present. Prof. Saifuddin Soz - not present.

Shri Ramdas Athawale.

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२२३५ बजे

श्री रामदास अठावले (मुम्बई उत्तर-मध्य) : सभापति जी, राजीव गांधी जी की हत्या को सात साल दो महीने और १५ दिन हो गये हैं। राजीव गांधी अपने देश में परिवर्तन लाने वाले बड़े नेता थे। महाराष्ट्र में जब कांग्रेस और रिपब्लिकन पार्टी का एलाइंस हुआ था तब १० मई १९९१ को राजीव गांधी चुनाव प्रचार हेतु मुम्बई आये थे और वहां उनकी सभाएं हुई थीं। वे डरकर बैठने वालों में नहीं थे। उनमें लोगों के साथ मिक्स-अप होने की प्रवृत्ति थी क्योंकि वे करोड़ों गरीब लोगों के नेता थे। इसलिए वे जहां-जहां भी जाते थे लोगों में मिक्स-अप हो जाते थे। जो रिपोर्ट आई है उसे जल्दी आना चाहिए था। वर्मा कमीशन की रिपोर्ट दो साल बाद आई। उसके बाद जैन-कमीशन बैठा और आज इतने सालों के बाद देश के प्रधान मंत्री और युवा पीढ़ी के पॉपुलर नेता की हत्या के बाद हम हाउस में चर्चा कर रहे हैं। जैन कमीशन की जो अंतरिम रिपोर्ट है उसमें उनका कहना यह है कि

possibility of a foreign hand behind the LTTE. Evidence placed before the Commission also indicates that certain outside powers were also behind stocking the flames of the militancy in India and were abetting the hostile terrorist elements in their plans to bring harm to the life of Shri Rajiv Gandhi.

फाइल रिपोर्ट में बताया गया है कि ‘

The possibility of a foreign hand behind the LTTE in the assassination of Rajiv Gandhi, therefore, cannot be ruled out, rather it is strengthened."

मेरा कहना है कि अगर बाहर की शक्तियों का एल.टी.टी.ई द्वारा राजीव गांधी जी की हत्या कराने में सपोर्ट था, इसकी कमीशन स्टडी करता रहा और कौनसी बाहरी शक्तियों का यह षडयंत्र था इसे जानने की कोशिश जैन कमीशन ने अपनी रिपोर्ट में की है। लेकिन षडयंत्र देश के लोगों का था देश के बाहर के लोगों का था इस बारे में रिपोर्ट में कुछ न कुछ आना चाहिए था। जब हम एक बड़े नेता की हत्या की सच्चाई जानने के संबंध में यहां बहस कर रहे हैं तो हत्या की प्लॉनिंग के संबंध में सच्चाई कमीशन की रिपोर्ट में आने की आवश्यकता थी। लेकिन वह क्यों नहीं आई यह बात मेरी समझ में नहीं आया। पांच साल कांग्रेस की सरकार थी और जैन कमीशन को स्टडी करने में, कंकलून तक पहुंचने में एक फाइल की आवश्यकता थी जो प्रधान मंत्री के कार्यालय से गायब हो गयी।

यह प्रशासन के लिए बहुत गम्भीर बात है। राजीव जी की हत्या के बाद राजनीति करने की आवश्यकता नहीं है। एक बड़े नेता की हत्या हुई है। ऐसा नहीं होना चाहिए था। ... (व्यवधान) जिस समय राजीव जी की हत्या हुई, उस समय वह प्रधान मंत्री नहीं थे। चाहे कोई नेता हो, या कार्यकर्ता हो, अगर उनकी हत्या के बारे में पुलिस को कोई सूचना मिलती है तो उसकी सुरक्षा की जिम्मेदारी पुलिस और सरकार दोनों की है। चाहे कोई कितना भी सिम्पल आदमी क्यों न हो, उसकी सुरक्षा की व्यवस्था होनी चाहिए। कोई प्रधान मंत्री हो, मंत्री हो या एम.पी. हो, सब की सुरक्षा करने की जिम्मेदारी पुलिस प्रशासन की है। राजीव गांधी एक अच्छे लीडर थे। वे जहां जाते थे, वहां हजारों-लाखों लोग जमा होते हैं। उनके आने की जानकारी चाहे सेंटर की पुलिस हो या स्टेट की पुलिस हो, उसे होनी चाहिए। राजीव जी को यह खबर देने की आवश्यकता थी कि वह जिस सभा में जा रहे हैं, वहां धोखा होने की सम्भावना है। ऐसी सूचना राजीव जी को नहीं दी गई। पुलिस डिपार्टमेंट और इंस्टेलिजेंस डिपार्टमेंट ने इस तरह की रिपोर्ट नहीं दी। फिर भी उनके खिलाफ कार्यवाही नहीं हुई। २६ लोगों के खिलाफ कार्यवाही हुई। अन्य १५ लोगों के खिलाफ भी कार्यवाही करने की आवश्यकता है। इसकी जांच होनी चाहिए। यह एक गम्भीर बात है। हम अपनी पार्टी की तरफ से मांग करते हैं कि दोषी लोगों के खिलाफ कार्यवाही होनी चाहिए। इस बारे में सरकार क्या करने वाली है, हमें नहीं मालूम? सरकार इस बारे में एक्शन ले। राजीव जी की हत्या के पीछे किन लोगों का हाथ था, इसे देखने की आवश्यकता है। इतनी मांग करके मैं अपनी बात समाप्त करता हूं।

(इति)

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२२४३ बजे

श्री बासवराज पाटिल सेडाम (गुलबर्गा): माननीय सभापति जी, जैन कमीशन की रिपोर्ट पर आज जो चर्चा शुरू हुई है, वह चर्चा, जब पहले रिपोर्ट आई थी और संयुक्त मोर्चा की सरकार गिरी थी, उस समय होनी चाहिए थी। जिस भावना के साथ आज जोगी जी ने अपनी बात कही, शायद दो साल पहले उसी भावना से वे बात करते, दो दिन तक उस रिपोर्ट को लेकर इस सदन में चर्चा कराते तो कुछ बातें पहले मिल जातीं। हम यहां जिम्मेदार व्यक्ति होने के नाते बैठे हैं। केवल भावनाएं रखने से काम नहीं होगा। हमें अपने कर्तव्य की जानकारी होनी चाहिए। हमें दिल को कठोर बना कर निर्णय लेने होंगे और काम करने होंगे।

मैंने आज सदन में कई लोगों की बात सुनने की कोशिश की। यहां सी.बी.आई. पर कीचड़ उछाला गया। उनके विचार में सी.बी.आई. कोई अच्छा काम नहीं करने वाला है। एक सज्जन ने कहा कि हम ही दुनिया में महान नेता हैं। उस सज्जन का नाम एक्शन टेकन रिपोर्ट में आया। उन्होंने सफाई देते हुए बहुत सी बातें कहीं। उन्होंने कांग्रेस से हाथ जोड़ कर कहा कि असली दोषी लोगों को पकड़ने की कोशिश की जाए। यहां किसी ने डी.एम.के. पर अटक किया।

आज की चर्चा से कुछ नतीजे भी निकले हैं। यह बात निश्चित है कि इस रिपोर्ट के अनुसार कुछ अपराधी पकड़े गए हैं और कुछ पकड़े जाने हैं। यहां माननीय शिव शंकर जी ने प्रारम्भ में ऐक्शन टेकन रिपोर्ट का आखिरी भाग पढ़ते हुए कहा :

"to monitor movements of all the accused in Shri Rajiv Gandhi's assassination case..."

इतना ही पढ़कर उन्होंने छोड़ दिया। अगर वे पूरा पढ़ते और सामान्य सत्य की बात कहते तो मैं मान लेता। श्री पी.शिव शंकर जी ने कहा:‘...

who are still absconding and bring them to trial;"

इन शब्दों को उन्होंने नहीं पढ़ा

You can go through the record. I have minutely observed that thing.

इसके अलावा हमारे माननीय गृह मंत्री जी ने ए.टी.आर. के अंदर के तीन भागों में कहा है-

"look into any other matter related to the above that may emerge in the future."

यदि कोई नयी चीज़ आयेगी तो उसे क्रम से लेंगे, ऐसा उन्होंने कहा है। इस बात को कहते समय हमें ध्यान रखना चाहिये। यहां जो चर्चा चल रही है, उसके बारे में संतोष की बात है। हम सभी को देश हित में सोचने का रास्ता अपनाना चाहिये। मेरा कांग्रेस नेताओं से अनुरोध है कि उन्हें दलगत राजनीति से ऊपर उठकर देश हित में सोचना चाहिये। हमने अपने देश में पं. दीन दयाल उपाध्याय और श्री लाल बहादुर शास्त्री जैसे नेताओं को खोया है। श्री उपाध्याय की हत्या ११ फरवरी, १९६८ को की गई थी जब कि शास्त्री जी ने अपने प्राण टेबिल पर गंवा दिये। पं. दीन दयाल का स्वागत तीन लाख लोगों ने कालीकट में किया था। वे जनमानस के नेता थे। ऐसे ही श्री राजीव गांधी ने नई पीढ़ी को विश्वास दिया था। जब वे प्रधानमंत्री बने और २३ जनवरी देश के नवयुवकों का दिवस मनाने की सूचना कालेज में दी, स्वामी विवेकानन्द जन्म दिवस को अपने देश की संस्कृति से जोड़ते हुये आह्वान किया तो मेरे हृदय ने उन्हें कोटिशः धन्यवाद दिये। आज की इस दीर्घ चर्चा के दौरान यह कहा गया कि कहीं विदेशियों का हाथ है तो कहीं किसी राज्य सरकार का हाथ है, ऐसी बातों से निश्चित रूप से सोचने के लिये कुछ रास्ता मिला है। मेरा विश्वास है कि इस सदन में जो रिपोर्ट पेश की गई है, उस संदर्भ में एक टाइम बाउंड प्रोग्राम बनाकर कुछ न कुछ सच्चाई निकलेगी और देश को एक नया रास्ता मिलेगा। भविष्य में देश हित में ऐसी चीज़ें छिपाई नहीं जायेंगी। यहां कांग्रेसी सांसदों ने कहा है कि कहीं न कहीं सत्य को छिपाने की कोशिश की गई है। हम लोगों ने इस बात को जानते हुये भी ५-७ साल तक सहा है लेकिन इस सहने में आपका बलिदान होता तो हम मानते। आप लोगों ने देश की गरिमा का बलिदान किया है। मेरा अनुरोध है कि भविष्य में किसी भी पार्टी द्वारा अंदरूनी झगड़ों के कारण देश का बलिदान करना ठीक नहीं होगा। इसलिये मैं माननीय गृह मंत्री जी से चाहूंगा कि इस ए.टी.आर. पर तीव्रता से डिस्मिशन लेकर इस देश को एक नई दिशा देने का काम करें।

इतना कहकर मैं अपनी बात समाप्त करता हूँ।

(इति)

">2249 hours

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): Sir, first of all, I must thank the present Government for bringing this Report to the House. Though, they have done so under pressure from this side, yet it is a good thing. For, the report on the assassination of Shrimati Indira Gandhi could not be discussed as it was not presented before the House. But this Report was presented and we are having a very good discussion also. That is quite welcome. Now, at the same time, there are certain things which I would like to mention about the report in general.

Sir, the purpose of the Commission of Inquiries Act is to find out a fact. But its powers are limited.

I have experience of appearing before many Commissions. The Commission being a fact-finding agency, it has its own limitations. It can examine witnesses, but by itself it cannot take any action. I feel that the Commission itself has recommended that the Commission of Inquiries Act is to be amended. I welcome this suggestion, but not in the sense that the Commission has recommended. The Commission has recommended in the sense that the Commission is more or less to be defined.

The Commission's proceedings are published in the Press, thus lowering the status and dignity of the Commission. But I am proposing amendments on another ground. I will submit them, if I get time afterwards.

This Commission took seven years. What is the net result? Apart from Party considerations, let us examine what is the net result. The Commission was asked to inquire into certain matters which were referred to it. We know that after taking seven years, normally no Commission of Inquiry will make an Interim Report. They will file only one Report and that is the final Report. But here in this case, it is abnormal. I do not say that it is illegal. Normally, the Commission is always filing only one Report and no Interim Report. What made this Commission to submit an Interim Report of a particular type? Even that Interim Report was published in the Press before it was submitted to the Government and this report also, the so-called Final Report, also appeared in the Press. So, there is a general feeling about all Commissions that the Commissions are not trustworthy. But so far as the Jain Commission's Report is concerned, it has lost its credibility. I am sorry to put it. Why? Why has it lost its credibility? It is because people at large reasonably apprehended that it is politically motivated.

The first thing I would suggest is that another Commission should be appointed to inquire into the conduct of this Commission because already there is a CBI inquiry regarding the publication of the interim report that is pending. Here also there is another case that the recent report also appeared in the Press. How was this Commission's report got leaked in the Press and what is the timing of the submission of the report? You and I know that when the Interim Report was published, it caused a general election in the nation. I have to come over here from Kerala because of this wrong decision.

MR. CHAIRMAN (SHRI P. M. SAYEED) You have already taken time.

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): I have to complete it.

MR. CHAIRMAN : You complete it. Shri Varkala Radhakrishnan, before we adjourn, one more speaker is there. We will have to cover him.

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): The second aspect is, apart from Shri Chandraswami, the name of no other person is revealed in the Commission's report. You will have to file a case or an FIR. If you want to file an FIR, the offence must be disclosed. What is the offence that the Commission's Report has disclosed as regards Shri M. Karunanidhi except that he did not give certain answers or it was not satisfactory? Would it amount to an offence? If at all the witness refused to give evidence before a Commission, the Commission itself can take action.

In the case of Dr. Subramanian Swamy, in the Report, it has been stated that he has refused to divulge certain matters. I do concede the position. In matters of national importance, in an inquiry like this, every witness is bound to give whatever information is known to him and whatever is within his powers. That must be disclosed before the Commission. If anybody refuses to disclose the information, he can be prosecuted. What prevented this Commission from taking action against Dr. Subramanian Swamy? The Commission itself could have proceeded against him. That is why, I say that it is a politically-motivated document. There is a legal provision in the Commission of Inquiries Act that if a witness is refusing to divulge the information, action can be taken against him. I think the Government would also agree to this argument.

Mr. Minister, you have also stated in the Action Taken Report that in the case of Dr. Subramanian Swamy, the Commission itself could have launched a prosecution case. Criminal action could be taken against him. But it has not been taken. It has left the job to you. The ATR is a politically-motivated document.

About Dr. Subramanian Swamy, the Commission purposefully and intentionally did not take any action against him even though it has powers of doing it. It was left to the Government. If the Government takes action, it will be deemed as a politically-motivated action. That is the situation. That is why, I say that the Commission's certain conduct has to be investigated in respect of Dr. Subramanian Swamy's case.

There are other matters regarding Shri Chandraswami. He had violated certain foreign exchange regulation rules. He had received money. Further, Dr. Swamy's London trip will have to be investigated. Those matters were not disclosed. The Commission itself could have taken action in those matters. But the Commission refrained from taking any action in those matters. There is no valid explanation offered by the Commission why it did not act against these people. The Commission could have very well acted against Shri Chandraswami.

There is one point. My learned friends, I have the greatest regards for you. But I must tell you that your Government was in power for five years. What prevented you from taking action? Shri Rajiv Gandhi was the tallest leader. I will tell you one thing. When he was assassinated, I was facing an election. On the eve of the election, all my election offices were set on fire. I was in such a situation. Of course, I can understand your feelings. Throughout Kerala, election offices were set on fire on the eve of the elections. In my own case also it happened. You may deny it. But it is a fact. A very feeling was aroused among the public. That was the situation. As I said, Shri Rajiv Gandhi was the tallest person and the act was most tragic. It was a murderous act.

Friends, before concluding, I would like to tell my friends sitting that side that in that case also, you did not take any action. What prevented you from taking action? At the same time, your Prime Minister had written that the Inquiry must be wound up. Why had the Prime Minister written like that? My friends should answer. He had written saying that the Jain Commission Inquiry should be wound up. If it is due to the influence of Shri Chandraswami, then, should it not be inquired into? What was the influence that Shri Chandraswami had on that Prime Minister whom I respect very much. The then Government had taken a decision not to inquire into it further. What was the motive behind that action? Now, you are asking those people to do something. If the MDMA proceedings are not sufficient, you would pass a legislation. The point is that this House will pass a statute and under that statute you want to take action. This will go on and on in an unending manner. I will tell you that we must find out the truth. It should not be dragged on and on. Seven years were over.

So, I again urge upon the Government that the conduct of the Jain Commission must be inquired into...
(Interruptions)

MR. CHAIRMAN (SHRI P.M. SAYEED): Please conclude Shri Radhakrishnan.

Next speaker is Shri C. Gopal. He is the last speaker.

... (Interruptions)

round?... (Interruptions)

SHRI C. GOPAL (ARAKKONAM): The Chair has permitted me... (Interruptions)

like to speak... (Interruptions)

MR. CHAIRMAN: Please resume your seat.

... (Interruptions)

MR. CHAIRMAN: Shri Baalu, are you dictating the Chair?

... (Interruptions)

the second round... (Interruptions)

MR. CHAIRMAN: Shri Baalu, please allow him to complete.

... (Interruptions)

SHRI R. MUTHIAH (PERIYAKULAM): Sir, who is Shri Baalu to dictate the Chair?...**(Interruptions)**

MR. CHAIRMAN: Please conclude Shri Radhakrishnan.

... **(Interruptions)**

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): Sir, I conclude by saying that the Government should make an independent inquiry...**(Interruptions)**

MR. CHAIRMAN: Shri Baalu, on everything, you stand up and interrupt. Do you think, nobody else should speak in this House? I am very sorry.

... **(Interruptions)**

MR. CHAIRMAN: Nothing will go on record.

(Interruptions) ... (Not recorded)

MR. CHAIRMAN: You allow him to complete. You cannot do this. Nothing will go on record.

(Interruptions) ... (Not recorded)

MR. CHAIRMAN: Shri Radhakrishnan, you please conclude.

... **(Interruptions)**

MR. CHAIRMAN: Please cooperate with me.

... **(Interruptions)**

MR. CHAIRMAN: You are not here to dictate the Chair. I have to conduct the House. It is very bad.

... **(Interruptions)**

sense of the House to extend the time beyond 11 o'clock?

MR. CHAIRMAN: There is no point of order.

... **(Interruptions)**

clear ruling from the Chair...**(Interruptions)**

MR. CHAIRMAN: I am on my legs. Please sit down. I said that as per the list, only Shri Gopal's name was left and I had exhausted all other names as per the list. I thought of giving five minutes to him so that he could also speak. That is why, I shortened the speech of Shri Radhakrishnan. Meanwhile, you stood up and started saying that there were other Members also. That is unfair on your part.

... **(Interruptions)**

MR. CHAIRMAN: I am still on my legs. Therefore, do not dictate. I have taken everybody into account.

... **(Interruptions)**

the House after 11 o'clock. The Speaker had said that the House would end up by 11.00 p.m. You have not taken the sense of the House. That is my contention.

MR. CHAIRMAN: That was not your contention. The question does not arise.

Shri Radhakrishnan, you please conclude.

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): I would request the Central Government that the conduct of the Jain Commission must be inquired into. Secondly, the truth must be found out. For that, the Multi-Disciplinary Monitoring Agency is not sufficient. It must be a fair, independent judicial inquiry. The investigation can be conducted by an independent agency and not by the Government, as suggested. The truth must come out. The people who are liable for the death of Shri Rajiv Gandhi should be brought and the conspirators who are the real culprits in this drama, should come out. For this purpose, there must be an independent judicial inquiry and not the inquiry, as is suggested by the Government.

(ends)

MR. CHAIRMAN (SHRI P.M. SAYEED): Let me take the sense of the House. Hon. Members, from today's list, all other speakers have been covered except Shri C. Gopal. He is present here. If it is the sense of the House, we will extend the time of the House for about five minutes so that Shri C. Gopal may also be covered today.

... (Interruptions)

MR. CHAIRMAN: Shri C. Gopal, please finish your speech within five minutes.

... (Interruptions)

MR. CHAIRMAN: My friend, Shri Baalu will also cooperate with me.

... (Interruptions)

due respect to the Chair. But when they raise something, I have to seek clarification... (Interruptions)

MR. CHAIRMAN: Shri Muthiah, please cooperate. I would request you to kindly hear for five minutes. Then we will adjourn the House.

2306 hours

">**SHRI C. GOPAL (ARAKKONAM):** Mr. Chairman, Sir, I am very much thankful to you and all the Members present here for giving me the opportunity to participate in the discussion on the Jain Commission Report. I am again and again thankful to all of you because to accommodate me, you have even extended the time of the House after 11.00 p.m.

Sir, an eminent, experienced personality and ex-Prime Minister of India, the lover of youngsters in the nation, Shri Rajiv Gandhi was assassinated at Sriperumbudur on 21.5.1991. Consequently, on 27.4.1991, the then Government appointed a Commission of Inquiry, consisting of Justice Verma, a Judge of the Supreme Court, to inquire into the security lapses. After that on 23.8.1991, the Jain Commission was appointed. The Jain Commission submitted its Interim Report to the Union Home Minister on 28.8.1997. It was examined by the then United Front Government. The UF Government then placed this Report before the Parliament along with the Memorandum of Action Taken on 20.11.1997.

We all know, what happened after that. The Congress which was giving support to the United Front Government, because of submission of this Report, withdrew their support. As a result of all this, mid-term polls came and we contested in the elections again, and we are here now.

Sir, it is very unfortunate that the debate on the Jain Commission was initiated by Shri Shiv Shanker. After seven years, this Final Report was presented to this House. I expected something different from Shri Shiv Shanker when he was citing instances from this Report. Sir, I want to say before this House that the

soul of late Rajiv Gandhi must have been very happy, even more happy after hearing the speech of Shri Ajit Jogi than that of Shri Shiv Shanker.

In the Interim Report submitted by Justice Jain, at page 314, Volume VII, it has been mentioned:

"If the LTTE's activities would have been completely curbed and presence removed such an even would not have occurred."

It is a very well known fact, whether from the Interim Report or from the Final Report that the LTTE people were responsible for the assassination of Shri Rajiv Gandhi. Nobody can deny that. It is the suggestion and report given by Justice Jain. But why has Shri Shiv Shanker not mentioned anything about the inferences drawn here? He said that this Final Report was politically motivated.

I want to draw the attention of the eminent and experienced Congressmen here. On 20.11.1997, Justice Jain submitted his Interim Report. That Report was examined by the then Government and placed before Parliament along with the Memorandum of Action Taken. They are now saying that this Final Report is politically motivated. In the Interim Report, in Volume VII, Chapter III at para 50, pages 937-938, it has been said:

"Soon after the DMK Government took over the reins of power in Tamil Nadu, the LTTE slowly began to consolidate itself. All the clandestine activities of the LTTE, yet dormant, became more and more pronounced." (Interruptions)

to interfere on that. (Interruptions) But it is only a matter of conscience. If anything goes wrong, you will have to expunge it. That is all I want to say. (Interruptions)

MR. CHAIRMAN (SHRI P.M. SAYEED): You please leave it to me.

... (Interruptions)

(Interruptions)

SHRI C. GOPAL: Sir, I continue here the quote:

"All the activities of the LTTE at this stage towards resource mobilisation, propaganda and treatment of their wounded cadres had taken an anti-national dimension."

The United Front Government has not taken any action. What was the remark by that Government? It was, 'No action is required.' Why? Have they questioned it? Have they mentioned about it here? The Congress people have mentioned nothing about that here in this discussion today. Why have they hidden it? What is the politics behind it? (Interruptions) ... (Expunged as ordered by the Chair) Why are you disturbing? (Interruptions)

MR. CHAIRMAN: This is too much. It is impossible to maintain order with these two groups here.

... (Interruptions)

have not interfered at all. (Interruptions) He was just heard saying something. He has mentioned a particular word which he should withdraw. (Interruptions)

MR. CHAIRMAN: I told you Shri Baalu that any expression here against ... (Interruptions)

derogatory remarks. (Interruptions) He has cast aspersions on me. (Interruptions)

SHRI C. GOPAL (ARAKKONAM): I will not withdraw any word. It is not an unparliamentary word. (Interruptions)

that word. (Interruptions)

MR. CHAIRMAN: Let me speak now. Kindly sit down.

... (Interruptions)

MR. CHAIRMAN: I will request the hon. Speaker now to give you some other seat. A short while ago, you said some word in Tamil which I was not able to hear. I wanted you to repeat it and get it withdrawn. Similarly, if he uses some words, how can I know it immediately?

... (Interruptions)

Are you going to allow it? (Interruptions)

MR. CHAIRMAN (SHRI P.M. SAYEED): Shri Sathiamoorthy, please sit down.

... (Interruptions)

MR. CHAIRMAN: Shri Sathiamoorthy, please sit down. I am on my legs.

... (Interruptions)

MR. CHAIRMAN: Hon. Members, will you please resume your seats?

... (Interruptions)

MR. CHAIRMAN: I will go through the records. If there is anything objectionable, it would be expunged.

... (Interruptions)

SHRI C. GOPAL (ARAKKONAM): Sir, it is a well-known fact that the LTTE was annoyed with Shri Rajiv Gandhi. Various security and Intelligence agencies were reporting to the Government of the day about the threats to the life of Shri Rajiv Gandhi. I would like to point out some of the points from the Interim Report as well as from the Final Report which would be very helpful for conducting further probe. ... (Interruptions)

I would like to refer to some of the materials from which the House would know who is behind this assassination. You can come to a conclusion. Shri Karunanidhi took charge as Chief Minister in January, 1989. On 22nd May, 1989, Shri K.C. Pant, the then Minister of Defence wrote a letter to Shri Karunanidhi, Chief Minister of Tamil Nadu, expressing his concern about the LTTE activities in Tamil Nadu. ... (Interruptions) He stated,

"We have received reports that during the past few months there has been a marked increase in the LTTE traffic between Tamil Nadu and Sri Lanka."

MR. CHAIRMAN: Please conclude.

SHRI C. GOPAL (ARAKKONAM): Sir, on 6th November, 1989, 12 armed militants were heading towards Ramanathapuram coast in two Gypsies. When the convoy was questioned by two police constables at a check post on the outskirts of Trichy, the militants shot at them, killing one policeman on the spot. The Tamil Nadu Government did not take any action against them.

Again on 11th February, 1989 a Railway Protection Force jawan, Shri V.Ravi was shot by two LTTE men in a train near Chengalpattu railway station.

MR. CHAIRMAN: Shri Gopal, please conclude.

SHRI C. GOPAL (ARAKKONAM): By far the most glaring of these incidents happened on 12th June, 1990. A group of militants led by Sivarasan and his associate, Santhan, who were subsequently arrested by the police, left Madras after killing EPRLF leader, K. Padmanabha, along with 14 others. These are the remarks of the Interim Report. ... (Interruptions)

In June, 1990, the Tamil Nadu police raided the premises of a small factory, run by a break away faction of the DK on a tip off that it was an arms manufacturing unit. Six persons, including two LTTE men, who ran the factory were arrested. However, the police were not allowed to proceed further due to political interference.

However, the police were not allowed to proceed further due to political interference. Here, I would request you to take note of the last sentence.

MR. CHAIRMAN (SHRI P.M. SAYEED): Yes, this is your last sentence.

SHRI C. GOPAL (ARAKKONAM): It was said that there was a political pressure. What is the political pressure? That was the DMK Government's political pressure.

MR. CHAIRMAN: Okay, you may please conclude. This is your last sentence.

SHRI C. GOPAL (ARAKKONAM): I will continue tomorrow, Sir.

MR. CHAIRMAN: No. You have to conclude now.

SHRI C. GOPAL (ARAKKONAM): I want two minutes, Sir.

MR. CHAIRMAN: You have to conclude now. You may say your last sentence.

SHRI C. GOPAL (ARAKKONAM): Sir, I would appeal to the Congress Members and I would also appeal to the House. Only from these occurrences and from these reports that this Government has included in the Final Report, the name of the Chief Minister of Tamil Nadu, Shri Karunanidhi for further probe by the MDMA.

MR. CHAIRMAN: Thank you.

SHRI C. GOPAL (ARAKKONAM): That is why, my humble submission would be that further action must be taken against the Chief Minister of Tamil Nadu because he is the person who had given enthusiasm to the LTTE; and because of the LTTE's activities, the assassination took place.

MR. CHAIRMAN: Thank you.

SHRI C. GOPAL (ARAKKONAM): So, an FIR must be filed and immediately criminal action must be taken against him.

(ends)

MR. CHAIRMAN: Thank you.