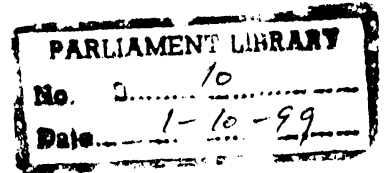


# LOK SABHA DEBATES

(English Version)



Second Session  
(Twelfth Lok Sabha)



*(Vol. V contains Nos. 31 to 38)*

**LOK SABHA SECRETARIAT  
NEW DELHI**

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## LOK SABHA DEBATES

### LOK SABHA

Wednesday, August 5, 1998/Shravana 14, 1920 (Saka)

(The Lok Sabha met at Eleven of the Clock)

[MR. SPEAKER in the Chair]

[English]

### OBITUARY REFERENCE

MR. SPEAKER : Hon. Members, I have to inform the House of the sad demise of one of our former colleagues, Maj. Gen. Rebert G. Williams.

Maj. Gen. R.G. Williams was nominated to the Tenth Lok Sabha to represent the Anglo-Indian community during 1991—96.

A veteran of the World War II, Shri Williams served in various responsible positions in Defence Establishments and was awarded the 'Param Vishisht Seva Medal'.

A leading representative of the Anglo-Indian community, Shri Williams was associated with various Anglo-Indian organisations. He worked relentlessly for the welfare of the Anglo-Indian community.

Maj. Gen. R.G. Williams passed away on the 16th July, 1998 at New Delhi at the age of 80.

We deeply mourn the loss of this friend and I am sure the House will join me in conveying our condolences to the bereaved family.

The House may now stand in silence for a short while as a mark of respect to the memory of the departed soul.

11.02 hrs.

*The Members then stood in silence  
for a short while.*

11.03 hrs.

### PAPERS LAID ON THE TABLE

[English]

#### Annual Report and Review by the Government of the working of the Federation of Indian Export Organisation, N.D.

THE MINISTER OF COMMERCE (SHRI RAMAKRISHNA HEGDE) : Sir, I beg to lay on the Table:—

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the Federation of Indian Export Organisations, New Delhi, for the year 1996-97 alongwith Audited Accounts.
  - (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Federation of Indian Export Organisations, New Delhi, for the year 1996-97.
- (2) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in Library. See No. LT 1456/98]

#### Annual Report and Review by the Government of the working of the National Institute of Public Co-operation and Child Development, N.D.

[Translation]

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT AND MINISTER OF SCIENCE AND TECHNOLOGY (DR. MURLI MANOHAR JOSHI): Sir, I beg to lay on the table:—

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the National Institute of Public Cooperation and Child Development, New Delhi, for the year 1996-97 alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the National Institute of Public Cooperation and Child Development, New Delhi, for the year 1996-97.

- (2) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in Library, See No LT 1457/98]

**Annual Report and Review by the Government of the working of the National Institute for Training of Highway Engineers, N.D.**

[English]

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS AND MINISTER OF SURFACE TRANSPORT (DR. M. THAMBI DURAI) : Sir, I beg to lay on the Table:—

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the National Institute for the Training of Highway Engineers, New Delhi, for the year 1997-98 alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the National Institute for Training of Highway Engineers, New Delhi, for the year 1997-98.

[Placed in Library. See No. LT 1458/98]

**Consolidated Review on the working of the Regional Rural Banks for the year ended 31st March, 1997.**

[Translation]

THE MINISTER OF FINANCE (SHRI YASHWANT SINHA) : Sir, I beg to lay on the Table a copy of the Consolidated Review (Hindi and English versions) on the working of the Regional Rural Banks for the year ended the 31st March, 1997.

[Placed in Library. See No. LT 1459/98]

**Annual Report and Review by the Government of the working of the Pharmacy Council of India, Regional Cancer Centre, Thiruvananthapuram and Cancer Hospital and Research Institute, Gwalior**

[English]

THE MINISTER OF STATE OF THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI DALIT EZHILMALAI) : Sir, I beg to lay on the Table :—

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the Pharmacy Council of India, New Delhi, for the year 1996-97 alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Pharmacy Council of India, New Delhi, for the year 1996-97.
- (2) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.
- [Placed in Library. See No LT 1460/98]
- (3) (i) A copy of the Annual Report (Hindi and English versions) of the Regional Cancer Centre, Thiruvananthapuram, for the year 1996-97 alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Regional Cancer Centre, Thiruvananthapuram, for the year 1996-97.
- (4) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (3) above.
- [Placed in Library. See No LT 1461/98]
- (5) (i) A copy of the Annual Report (Hindi and English versions) of the Cancer Hospital and Research Institute, Gwalior, for the year 1996-97 alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Cancer Hospital and Research Institute, Gwalior, for the year 1996-97.
- (6) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (5) above.

[Placed in Library. See No LT 1462/98]

**Annual Report and Review by the Government of the working of the Rajghat Samadhi Committee, New Delhi etc.**

THE MINISTER OF STATE IN THE MINISTRY OF URBAN AFFAIRS AND EMPLOYMENT (SHRI BANDARU DATTATREYA) : Sir, I beg to lay on the Table:—

(1) (i) A copy of the Annual Report (Hindi and English versions) of the Rajghat Samadhi Committee, New Delhi, for the year 1995-96 alongwith Audited Accounts.

(ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Rajghat Samadhi Committee, New Delhi, for the year 1995-96.

(2) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in Library. See No LT 1463/98]

(3) (i) A copy of the Annual Report (Hindi and English versions) of the Rajghat Samadhi Committee, New Delhi, for the year 1996-97 alongwith Audited Accounts.

(ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Rajghat Samadhi Committee, New Delhi, for the year 1996-97.

(4) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (3) above.

[Placed in Library. See No LT 1464/98]

**Annual Report and Review by the Government of the working of the Nehru Yuva Kendra Sangathan, N. Delhi.**

[*Translation*]

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (KUMARI UMA BHARATI) : Sir, I beg to lay on the Table:—

(1) (i) A copy of the Annual Report (Hindi and English versions) of the Nehru Yuva Kendra Sangathan, New Delhi, for the year 1992-93 alongwith Audited Accounts.

(ii) Statement (Hindi and English versions) regarding Review by the Government of the working of the Nehru Yuva Kendra Sangathan, New Delhi, for the year 1992-93.

(2) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in Library. See No LT 1465/98]

(3) (i) A copy of the Annual Report (Hindi and English versions) of the Nehru Yuva Kendra Sangathan, New Delhi, for the year 1993-94 alongwith Audited Accounts.

(iii) Statement (Hindi and English versions) regarding Review by the Government of the working of the Nehru Yuva Kendra Sangathan, New Delhi, for the year 1993-94.

(4) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (3) above.

[Placed in Library. See No LT 1466/98]

(5) (i) A copy of the Annual Report (Hindi and English versions) of the Nehru Yuva Kendra Sangathan, New Delhi, for the Year 1994-95 alongwith Audited Accounts.

(ii) Statement (Hindi and English versions) regarding Review by the Government of the working of the Nehru Yuva Kendra Sangathan, New Delhi, for the year 1994-95.

(6) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (5) above.

[Placed in Library. See No LT 1467/98]



11.04 Hrs

## MESSAGES FROM RAJYA SABHA

*[English]*

SECRETARY-GENERAL : Sir, I have to report the following messages received from the Secretary-General of Rajya Sabha:—

- (i) "In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha at its sitting held on the 4th August, 1998 agreed without any amendment to the Salary, Allowances and Pension of Members of Parliament (Amendment) Bill, 1998 which was passed by the Lok Sabha at its sitting held on the 4th August, 1998".
- (ii) "In accordance with the provisions of sub-rule (6) of rule 186 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Salaries and Allowances of Officers of Parliament (Amendment) Bill, 1998 which was passed by the Lok Sabha at its sitting held on the 4th August, 1998 and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."
- (iii) "In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha at its sitting held on the 4th August, 1998 agreed without any amendment to the Governors (Emoluments, Allowances and Privileges) Amendment Bill, 1998 which was passed by the Lok Sabha at its sitting held on the 4th August, 1998.
- (iv) "In accordance with the provisions of sub-rule (6) of rule 186 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the President's Emoluments and Pension (Amendment) Bill, 1998 which was passed by the Lok Sabha at its sitting held on the 4th August, 1998 and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

11.04<sup>1</sup>/<sub>2</sub> hrs.

## PRESENTATION OF PETITION

*[English]*

SHRI INDRAJIT GUPTA (Midnapore) : Sir, I beg to present a petition signed by Shri H.R. Khanna, former Justice of Supreme Court, and others of Voters' Forum Foundation of India regarding need for urgent reforms to be taken to prevent criminalisation and corruption in the election process by incorporating certain recommendations as suggested by the Voters' Forum.

11.06 hrs

MOTION RE: CONSIDERATION OF FINAL REPORT OF JAIN COMMISSION AND MEMORANDUM OF ACTION TAKEN ON THE REPORT

*[English]*

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.

[Translation]

SHRI BUTA SINGH : Mr. Speaker, Sir, you said yesterday that permission would be given today to lay it.  
... (Interruptions)

MR. SPEAKER : I will give you permission tomorrow.

... (Interruptions)

DR. SHAFIQR RAHMAN BARQ (Moradabad) : Mr. Speaker, Sir, atrocities are being committed against Muslims in Uttar Pradesh. ... (Interruptions)

MR. SPEAKER : I will give opportunity to all of you to speak tomorrow.

... (Interruptions)

MR. SPEAKER : Mr. Jaipal Reddy, you will be given an opportunity to speak tomorrow.

... (Interruptions)

[English]

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

... (Interruptions)

MR. SPEAKER : Shri Shiv Shankar may speak now.

... (Interruptions)

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)

[Translation]

DR. SHAFIQR RAHMAN BARQ : Mr. Speaker, Sir, I would like to bring this matter to your notice.

[English]

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)

[Translation]

DR. SHAFIQR RAHMAN BARQ : Mr. Speaker, Sir, their hands have been cut and they have been hit by bullets.

[English]

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

... (Interruptions)

[Translation]

SHRI BUTA SINGH : Mr. Speaker, Sir, I was given an assurance yesterday that I could lay it. You had given me the permission. ... (Interruptions)

[English]

MR. SPEAKER : Please take your seat.

... (Interruption)

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)*

11.11 hrs

*[Translation]*

THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI) : Mr. Speaker, Sir, at the outset I apologise as I could not reach in time and my colleagues have formally placed a resolution according to which we can discuss the final Report of Jain Commission and the action taken Report of Government thereon. After hearing to all the hon'ble Members views I would give a statement tomorrow in the end to reflect the Government's views. On the outset I would only say this ...

SHRI MOHAN RAWALE : Mr. Speaker, Sir, I am on the point of order. Enquiry Commission Act is before me wherein it is stated:

*[English]*

"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."

*[Translation]*

I would like to say that earlier a discussion was held on this issue in 1991-96. ...

*[English]*

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)*

*[Translation]*

SHRI MOHAN RAWALE : I would like to tell you that documents were given. . *(Interruptions)* the final report which is given. . *(Interruptions)* it is to mislead the House. *(Interruptions)* I am speaking under Rule 376.

*[English]*

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

*[Translation]*

SHRI MOHAN RAWALE : When Congress Government was there in 1991-96, Justice Jain asked for documents which were not provided with.

*[English]*

MR. SPEAKER : There is no point of order.

... *(Interruptions)*

*[Translation]*

SHRI MOHAN RAWALE : Mr. Speaker, Sir, when the documents were not provided how can it be a final Report it can be an Interim Report. His lawyer, Counsel has told that they were not provided with the documents. It was told before the Justice Jain. ... *(Interruptions)*

*[English]*

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.

[English]

... (Interruptions)

[Translation]

SHRI MOHAN RAWALE : Mr. Speaker, Sir, during the tenure of Shri I.K. Gujral. . (Interruptions)

[English]

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

(Interruptions)

[Translation]

SHRI MOHAN RAWALE : Mr. Speaker, Sir, I respect you. I would like to say that they were the remarks of Shri I.K. Gujral Government. I am quoting from the copy of the Report.

[English]

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

(Translation)

How can it be a complete Report

... (Interruptions)

[English]

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)

[Translation]

SHRI AJIT JOGI : He is trying to hush up the truth. ... (Interruptions)

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.

[Translation]

THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI) : Mr. Speaker, Sir, now I would like to say precisely that our Government consider the conditions, in which Shri Rajeev Gandhi was brutally assassinated and consider it as a black chapter in our history and it is very unfortunate event for the country. The Government has considered the commission's report on the basis of the findings of the designated court and action taken so far to arrest, prosecute and punish the culprits. That is why I can speak openly before you. The Government was not at all under any compulsion except one to consider the report of Jain Commission and the compulsion was, it would have been not proper to write or say anything in the A.T.R. due to which the designated court have punished 26 persons, they have been sentenced to death, it would be perhaps an unprecedented event in the criminal history when 26 persons would be awarded death sentence for killing one person. ... (Interruptions)

SHRI DATTA MEGHE (Wardha) : He was not one person, he was leader of the country. ... (Interruptions)

SHRI L.K. ADVANI : Murder of any person is very unfortunate, but when he is such a big personality of the country who was a President of the largest party in the country, who had been the Prime Minister of the country and whom many people of the country might be considering to him to become the Prime Minister in future, murder of such a personality is a unusual matter. Recognising the extra ordinary importance of the unusual thing we thought when Jain Commission has been constituted to enquire the facts therein, to investigate and make recommendations in this context, generally we should accept the recommendations made by it there were exceptions only when we realised that if these recommendations could affect the findings of designate court. I would like to present this small role before the House and assure you that our Government is concerned about the facts which involves anyone within the country or outside power. We would like to fulfill the wish of the House on any issue without any hesitation. This is attitude of the Government towards this issue. Rest I am sure that many suggestions would come up whenever discussion is held.

MR. SPEAKER : Sir, I would like to say another thing because it has been criticised from all corners. It was discussed in the House that being a operative part what should be its follow up. Such Judicial Commissions should be constituted which makes certain recommendations after putting years of efforts for fact findings. Which agency should be set up after accepting its recommendations, different views were expressed in this regard. There was a suggestion for constitution of another commission. The present Government felt that constitution of another commissions would not be proper and therefore, this body should not be a Judicial Commission but an executive investigating body.

SHRI BHAJAN LAL (Karnal) : It should be an independent body.

SHRI L.K. ADVANI : I do not know what independent means. I would follow if anyone explains.

SHRI BHAJAN LAL : You would be told about it.

SHRI L.K. ADVANI : I would certainly understand whatever you say. Till now we used to follow the practice whenever an agency was to set up which required statutory sanction and it should be empowered, we have selected 4 prominent persons arbitrarily and asked them to initiate the enquiry. Such practice would not continue.

[English]

It has to have statutory sanction.

[Translation]

The matter of statutory sanction should be kept in mind as it is not only criminal investigation. Many aspects come out of the report of Jain Commission and it's recommendations.

[English]

apart from criminal investigation.

[Translation]

Therefore we have named it a Multi Diciplinary Monitoring Agency (M.D.M.A.). This is the background which I would like to put before you on this occasion. Besides, the Government would answer to the opinion of the House putting before it.

[English]

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."

11.23 hrs.

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 putforth 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 know 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

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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 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 not to more 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 over looked 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 the regard to 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 assassination.

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 157 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 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 had 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



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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 to 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 has 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! 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 : 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.

12.00 hrs.

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 was 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—some body 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 nothings else. This is the way we have behaved.

On the questions 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 : 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 to 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

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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 mistakes, 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 Report 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 Sevasdas, 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 therefore 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 the 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 of 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

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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.S. 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 to 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 the 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 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 alias Ravi and M. Suseendran alias 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 (Coimbatore) : 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 : 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

[SHRI P. SHIV SHANKER]

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 authority. 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 authorities 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 movement? 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, if 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, page 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 Pottuannan 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 find 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 Zafer 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 (Periyakulam) : 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)



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 section will join me ... (Interruptions)

12.53 hrs.

## ANNOUNCEMENT BY THE SPEAKER

### Re : Sitting of the House

MR. SPEAKER : Hon. Members, as decided in the meeting of the leaders of various parties and groups in the Business Advisory Committee held today, the 5th August 1998, the House will sit late upto 10 p.m. today to discuss in detail the Report of the Jain Commission. The debate may conclude tomorrow, the 6th August, 1998 by 2 p.m., to enable the Members to leave for their constituencies in the evening. There shall be no lunch-break today and tomorrow. I hope, the House will agree to it.

Now, Shri Ram Jethmalani.

[Translation]

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF TOURISM (SHRI MADAN LAL KHURANA) : Mr. Speaker, Sir, since we have to sit at

night today, therefore, dinner has been arranged for all Members, Press, officers and especially for the staff because nobody bothers for them.

[English]

MR. SPEAKER : Some transport arrangements should also be made for the staff members and others.

[Translation]

SHRI MADAN LAL KHURANA : Arrangements of transport have also been made.

12.53 hrs.

**MOTION RE : CONSIDERATION OF FINAL  
REPORT OF JAIN COMMISSION AND  
MEMORANDUM OF ACTION TAKEN ON  
THE REPORT—Contd.**

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.

12.59 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.

[SHRI RAM JETHMALANI]

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 trail 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 in depth 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: we 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 the 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 on 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

[SHRI MURASOLI MARAN]

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 (SHRI P.M. SAYEED) : 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 JATHMALANI : 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 shrouded 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 discovered. 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 has been the other way round. Sometimes I had talked too much about independence of Judge 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

[SHRI RAM JETHMALANI]

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 : We want the truth, the whole truth. ... *(Interruptions)*

SHRI RAM JETHMALANI : You do. ... *(Interruptions)*

SHRI ARIF MOHAMMED KHAN : 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 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.

Thank you.

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 matter of outmost 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, out 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, that 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.



[SHRI INDRAJIT GUPTA]

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 to 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 shunted into a situation where it was fighting against the LTTE. It was a sort of a semi-guerrilla 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 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 up. 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 along with a lady correspondent of *The New York Times*. She was 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 matter 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 : Okay, it is Multi Disciplinary Monitoring Agency.

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

SHRI INDRAJIT GUPTA : 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

[SHRI INDRAJIT GUPTA]

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 who are 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 (Mavelikara) : 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 Minister 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. SATHIAMOORTY (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 quiet. 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 quiet.

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 suggestion given by the AICC Counsel R.N. Mittal to Shri Chandraswami during 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

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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: 'Isse Kuch banta nahi'.

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 heading. 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. Jethmalani 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*)

[Translation]

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF TOURISM (SHRI MADAN LAL KHURANA) : The number of 'Swamis' has increased manifold.

DR. SUBRAMANIAN SWAMY : You are too much vexed, that is why I tell you to give up politics based on religion.

[English]

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 defamation 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 (Raigarh) : 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 (Bankura) : 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)

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\*Expunged as ordered by the Chair.

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

[Translation]

I can speak in Hindi as well, but people from South India are listening to me. Therefore, for their convenience. I am speaking in English.

SHRI LALU PRASAD (Madhepura) : O.K. You speak in English. We understand English. We want that a clear cut picture of the background and situation should emerge and also about those who were involved should be clear. You are grasping the things well. Therefore, you speak.

[English]

DR. SUBRAMANIAN SWAMY : There is also a reference in the ATR and in the Jain Commission Report to the former Cabinet Secretary, Zafer 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 empty 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;

[Translation]

He was in my party. I had expelled him. ... (Interruptions) I did not expel him because he had given deposition. I had expelled him before that.

[English]

(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 29.8.1998.

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



[DR. SUBRAMANIAN SWAMI]

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 Shri 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 Janta 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 Janta 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 to two LTTE Tamils, in USA—at that time, in 1986, I had gone back to teaching at Hardward; 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 hm, "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.

[DR. SUBRAMANIAN SWAMI]

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-haloed 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 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 Prabhakaran'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 AIMDK 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.

[Translation]

This paper is no friend of yours. However, it has very aptly written in its editorial ...

"Whatever conclusion or logic has been presented by Milap Chandra Jain, sounds fictitious framed only to project some persons in prominence. These fictitious stories had become a gossip-front. Those who know Subramaniam Swamy, do understand pretty well that the allegations of commissions like Milap Chandra Jain are not at all going to affect him. It shall be better if political mileage is not gained out of this report, otherwise it shall affect the real investigation of Rajiv Gandhi's assassination which shall be detrimental to the country."

SHRI LALU PRASAD : Who has said this?

DR. SUBRAMANIAN SWAMY : This has been written in the editorial of 'Dainik Jagran' the proprietor of which is B.J.P. Parliamentarian Shri Narendra Mohan. ... (Interruptions) B.J.P. also has some leaders who are intelligent enough to rid themselves of R.S.S. ... (Interruptions)

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

"Even the Government does 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 Subramaniam 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 Khashoggi'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)

[Translation]

SHRI MOHAN SINGH : Vidyacharan Shukla's name is also there.

DR. SUBRAMANIAN SWAMY : I can provide you with a long list of names.

SHRI LALU PRASAD : Who is a conspirator according to you?

[Translation]

DR. SUBRAMANIAN SWAMY : Wait for some days. This government is for a short period. Then government of my people will take over. We will find out all things by enquiry.

[English]

MR. CHAIRMAN : 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 Karunandhi received 8-B 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 8-B notice and he participated in the proceedings. But I would not have brought the name of Shri Karunandhi 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 Karunandhi? 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 Karunandhi, they have said, 'role of suspects in the assassination'. Now, Shri Karunandhi 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 Karunandhi. Shri Karunandhi 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 Karunandhi as a 'suspect'? If Shri Karunandhi is a suspect, then how could a fair enquiry be conducted with Shri Karunandhi 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 : 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 Karunandhi'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.

THE MINISTER OF HOME AFFAIRS : It is in volume V.

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

THE MINISTER OF HOME AFFAIRS (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 Karunandhi 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 ...

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.

\* Expunged as ordered by the Chair.

\* Expunged as ordered by the Chair.

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.

[Translation]

SHRI LALU PRASAD (Madhepura) : Mr. Speaker, Sir, Swamiji has demonstrated a photograph and hon'ble Jethmalani ji has refused it by saying that it has been stolen. If that has been stolen then have you filed any F.I.R.?

[English]

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

[Translation]

SHRI LALU PRASAD : You have said that the photograph has been stolen. If that was stolen then case should be filed.

SHRI RAM JETHMALANI : No need at all.

15.11 hrs.

[MR. SPEAKER *in the Chair*]

SHRI PRABHU DAYAL KATHERIA (Ferozabad) : Mr. Chairman, Sir, what is your decision about Rule 377?

MR. CHAIRMAN : We will take it up at 4.00 p.m.

SHRI BASU DEB ACHARIA (Bankura) : 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 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 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 overall situation in Tamil Nadu had altered considerably. After Operation Tiger, the Sri Lankan militants have become very suspicious of authorities. Pirabhakaran 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. Prabhakaran 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 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. RADHAKRISHANA (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 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 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? ...



[SHRI BASU DEB ACHARIA]

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 speaking. 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 : 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 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)*

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 Murali 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.

SHRI T.R. BAALU : Dr. Subramanian Swamy has spoken for one hour. Sir, you 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 enquiry. 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.

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

[*Translation*]

SHRI LALU PRASAD : How many pages are there in the Statement?

THE MINISTER OF COMMERCE (SHRI RAM KRISHNA HEGDE) : It is of five pages. Your interest is also there.

SHRI LALU PRASAD : You may delay the Indian Airlines Plane. What is in that?

## STATEMENT BY MINISTER

### (i) Special Package of Measures for Boosting Exports

15.50 hrs.

THE MINISTER OF COMMERCE (SHRI RAM KRISHNA HEGDE) : Hon. members are aware that the Government attaches utmost importance to export promotion and treats exports as a national priority. While announcing the Exim Policy on 13th April, 1998, I indicated that the aim is to achieve 20 per cent export growth in dollar terms during the current year. However, our export performance in the first quarter has been extremely disappointing. Exports were down eight per cent in dollar terms as compared to the value of exports during the corresponding period of last year. The trade deficit has widened to US\$ 2100 million during the period as against US\$ 1400 million during the first quarter of the last year.

An analysis of the preliminary data shows that while nearly two-thirds of our export items have reported positive growth, about 30 major export items constituting around 25-30 per cent of our export basket, have shown substantial decline. Among the various items are cotton yarn and fabrics which has shown a drop of 20 per cent, RMG man-made fabrics which has declined by about 35 per cent and transport equipment which has dropped by about 20 per cent. Hardware electronics has suffered the biggest setback of nearly 60 per cent. Oil meals, which used to be an important export item, has also shown a 50 per cent decline.

Some sectors have achieved creditable growth especially software, gems and jewellery, chemicals and pharmaceuticals.

The reasons for the poor performance can be attributed partly to the difficult economic situation in some of the South-East Asian countries, which are our important trading partners. During the first quarter of this year, exports to Indonesia, Thailand, Singapore, South Korea besides Japan have shown a substantial fall.

Government have been examining various measures required to arrest the declining trend in exports and give a fillip to export growth.

I have held wide-ranging discussions with the Finance Minister and also others involved in export promotion. I am glad to state that we have finalised a special package

of measures for boosting exports. The important elements of the package are as follow.

- (1) Reduction in the rate of interest on pre-shipment and post-shipment credit from eleven per cent to nine per cent. A major cited by the exporting community for the difficult export performance has been the high cost of export credit and hence, in consultation with the Reserve Bank of India, it has been decided that as a special temporary facility, export credit will be made available to exporters at nine per cent. This facility will be continued upto 31st of March, 1999.
- (2) Government shall pay interest to exporters if Government dues by way of duty drawback or refund of terminal excise duty is delayed beyond two months. In the case of duty drawback, this period will be reckoned from the date of shipping bill and in the case of terminal excise duty, the period will be from the date of payment to duty. This will be subject to the prescribed documents being furnished within 15 days of export or deemed export. This system will come into operation from 1st of September.
- (3) Manufacturer-exporters with a record of specified export performance and above one year of unblemished export record will be permitted the facility of Legal Undertaking subject to prescribed terms and conditions instead of Bank Guarantee to the Customs as security for import of duty-free raw materials, etc. This will not only help to reduce the cost to the exporter but also help to augment working capital.
- (4) Exporters who are permitted to give Bonds to Excise and Customs Bond Officers, will not be required hereafter to give separate Bonds for fulfilment of different obligations but only a single Mother Bond on an annual basis which will subsume all the Bonds required to be given for various purposes. This will also save time and expenses of the exporters.
- (5) Exporters have been representing that procedure difficulties and erosion of competitiveness are the major reasons for the slowdown in export growth in some sectors. A number of promotional measures

and procedural changes suggested by the exporters have been agreed to. They include:

- (a) Extension of Tax Holiday for EOUs/EPZ units from five years to 10 years, will be given and necessary amendments in the status will be made.
- (b) EOU will be permitted sub-contracting facility in the Domestic Tariff Area.
- (c) Private Software Technology Parks will be permitted the benefit of EPCG Scheme.
- (d) Export through courier will be permitted from the EPZs.
- (e) Bio-technology and small scale engineering industry to be specified will also be entitled to the benefit of zero duty EPCG Scheme under one crore threshold limit.
- (6) A specific package for Hardware Electronics sector will be finalised within a very short time.
- (7) Manufacturer exporters of specified turnover will hereafter be permitted clearance of goods on the basis of self-certification. Necessary notification laying down the procedure will be issued shortly.
- (8) To give a boost to export of processed foods, horticultural and floricultural products, etc., the duty on mobile cooling equipment and other cold chain equipment will be suitably revised to reduce the cost of such equipment.
- (9) Some more measures to simplify procedures have also been approved and necessary orders will be issued shortly.

Government trusts that the exporting community will respond positively to these measures and help to achieve an export growth of 20 per cent this year.

I also appeal to all the employees of departments and agencies connected with exports to treat exports as a national task and priority and deal with exporters problems in a positive manner and resolve their issues in constructive spirit and with utmost efficiency.

SHRI RAJESH PILOT (Dausa) : You did not mention anything about agro-based industry.

SHRI RAMAKRISHNA HEGDE : I have mentioned about agro-based industry. I have stated about export of horticultural and floricultural products.

SHRI VARKALA RADHAKRISHNAN : Mr. Speaker, Sir, I want to ask some clarifications.

PROF. P.J. KURIFN : It is not permitted under the rules.

MR. SPEAKER : Shri Radhakrishnan, no clarification is allowed after the statement. Please take your seat.

SHRI VARKALA RADHAKRISHNAN : Sir, the House is going to be adjourned *sine die* tomorrow. He has brought in a very important statement at the fag end of the Session. As a result of this, the House has been denied the opportunity of having a discussion on this subject. That is my point.

MR. SPEAKER : It is not going on record.

(Interruptions) ... \*

SHRI RAJESH PILOT : Mr. Speaker, Sir, tomorrow is the last day of the Session and he has brought in this statement today. The point is, the Government should have brought in such an important statement well in advance.

[Translation]

SHRI CHAMAN LAL GUPTA (Udhampur) : You have said that matter under Rule 377 will be taken up at 4.00 p.m.

[English]

MR. SPEAKER : We will take it up later.

16.00 hrs.

**MOTION RE : CONSIDERATION OF FINAL  
REPORT OF JAIN COMMISSION AND  
MEMORANDUM OF ACTION TAKEN  
ON THE REPORT—CONTD.**

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

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\* Not recorded.

[Translation]

SHRI LALU PRASAD : Mr. Speaker, Sir, I thank you. Mr. Mulayam Singh Yadav was to speak prior to me but I requested him that you have already spoken yesterday and I have to visit Bihar to see the flood situation, therefore, let me speak. I want to put across the feelings, worries and trouble of Loktantric Morcha in the House. We want to tell the people of the nation. Hon'ble Home Minister please listen carefully. Please listen carefully. What we are saying. We know that you are not interested in these things.

Nehru's family and the long history of Congress have contributed a lot to the freedom struggle. After the assassination of Mrs. Indira Gandhi, a regular chain of assassinations started in that family and for the people of this country especially those in social life, parties, which have faith in democracy and in non-violence, our country confronted a great challenge after the death of Late Shri Rajeev Gandhi. The challenge was before all of us. The entire country was deeply distressed and the fact was uncovered that this is the country of Gandhi where the roots of non-violence and democracy are strong, where a young man became Prime Minister of the country and he was murdered. When some great persons of this country or any State are murdered, every person from the State feels angry and deeply distressed. Every one starts thinking as to who these people are who have murdered our leaders. The Government immediately appoint a commission either sitting judge or retired judge under the Commission of Enquiry Act.

In this case it is a crime and offence and when Commission of Enquiry Act was formed then it would not have been taken under criminal cases. Criminal cases are different in which people get the punishment of hanging etc. But there are two or three points before us, like what were the circumstances, what was the background in which there are the aspects of conspiracy under which Rajeev Gandhi has been murdered. Seven years have elapsed. How the anger of people be cooled gradually. This Commission has taken seven years in enquiry, in study and in submitting their findings. There have been extensions after extension. Some Hon'ble Member have really said that 5 crores rupees have been spent by this Commission which is being discussed. Which point are we discussing? What did we and our nation get from the topic which we are discussing in the House? If some new things have been found you may tell us. Governments come and go. The entire nation is curious. We are pressurising to do it early and when the matter came before us after seven years it is being said again

that it may be extend more. Our friend who are giving speech here are saying that see the page of the volumes, see here and there. Advaniji, please do not desist from your responsibilities. Is there any mention of further enquiry in the report about the point which Hon'ble Shiv Shankarji has said?

You are speaking on ATR. What is this ATR? ATR means-Action Tamish Report. Finish the action, whatever has been done, should be hushed up. It is not ATR, but mislead action of BJP. Tamish the report and hand over it to CBI. You are also a sufferer at the hands of CBI. You were also chargesheeted. Now you are saying to hand it over to CBI and further complicate the matter and implicate the opponent. You may link here and there. All these activities may be brought to close. Today, there should be a discussion to identify such forces whether these are foreign organisations or the parties of the country, that must be brought before the House and the nation. Have you discharged your duties? Our senior leader Mr. Indrajit Gupta is not present in the House. Indrajit Baboo said this when he came to submit the report. Jain Sahab said in the meeting that the material which is needed to keep things in order is not being given to us. We discussed about the talks between the two nations. Today you are Home Minister and sometime back he held that portfolio. When we are finding facts about the assassination of a young and dynamic leader and ex-Prime Minister of the country, why don't we bother to know which were those two countries or the internal or external forces. We should have brought those things before us then the nation must have certainly thought over it. Someone says something somewhere. These people occupying influential position, take heavy bribe and nobody alleges them. On the other hand if a poor person, commits a small offence, then his name is also mentioned. The killers of Rajiv Gandhi must be treated like that following the findings but what is happening in this country. My colleague Mr. Kalpanath Rai is sitting here. He was dragged like an animal by the CBI on false allegations. Politicians of the whole country have been humiliated. On that very CBI, we have filed a petition in Bihar. They have filed 41 FIRs against the treasury looters. They have framed conspiracy against us. Hon'ble Member you do not mix up. ... (Interruptions) I am saying in connection with Jain. ... (Interruptions) It is demanded by CBI. It is doing ... what is this CBI. It is right to hand it over to the CBI. How much Swamiji is guilty, who is not guilty, we don't want to go into it. But you want that work should be shared by dividing it among opposing people. By saying further, further you have reaked the whole system of country. There is lack of security. Neither any person or party is above than the nation. BJP boasts

[SHRI LALU PRASAD]

of justice and honestly, then you shall have to bring forth all the things. You have finished all things in a hurry in the name of ATR hushing up all the things in hurry.

Mr. Speaker, Sir, I would urge upon the Congressmen, their leaders and the leaders of the country and you also that the case of assassins of Rajeev Gandhi should not be left so lightly. We will have to take the case seriously. Myself and my partymen believe that all the facts have been suppressed. Rajeev Gandhi's assassins have been saved.

Sir, the countrymen should know the truth. You are in power, you will have to disclose all the things before the nation within a time frame. Government is always a continuing process, but it is a coalition government. You find out the real assassins. People of our country are worshippers of non-violence. This is the land of Mahatma Buddha, it is Buddha land and still we could not identify the murderers. Has our system become a failure? Jain Sahed continued for seven years, I do not know who will come after him. Let the any party be satisfied but we are not contented with all these things. Rajeev Gandhi's assassination will be described as a blot in the history of the nation. No government could find out the reality about his assassination. A commission was constituted but with all that we could not get the best results. The nation will admit that commission is always to cool the anger, it is just an eye wash. You cannot identify the real assassins, no substantial results have emerged from what is described there. Subramanian Swamy ji has rightly said that this country is going towards fascism, or anarchy. Hon'ble Home Minister please do not believe that time is always the same. The leaders also demand their security but there is also discrimination leaders. To some you provide NSG security and to some CRP security is provided.

Sir, if any Act was framed in Bihar Assembly to provide security to its Chief Minister and his family on the demand of any Chief Minister in Bihar Assembly ... \*, have not signed and here members of your partymen are speaking on Security Affairs. I want to tell you that if anyone is assassinated here you will be directly responsible. I wonder how you are running the system under which the assassination case of Rajeev Gandhi is being neglected? ... (Interruptions)

\* Expunged as ordered by the Chair.

[English]

SHRI PRABHU DAYAL KATHERIA (Ferozabad) : Sir, I am on point of order. ... (Interruptions)

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

MR. SPEAKER : What is your point of order?

[Translation]

SHRI PRABHU DAYAL KATHERIA (Ferozabad) : Mr. Speaker, Sir, hon'ble member has named the hon'ble Governor. ... (Interruptions) The name of Governor should be expunged from the proceedings. ... (Interruptions)

SHRI LALU PRASAD : We will not expunge. ... (Interruptions)

SHRI PRABHU DAYAL KATHERIA : Naming anyone is not correct. ... (Interruptions)

SHRI LALU PRASAD : Mr. Speaker, Sir, not only Rajeev Gandhi has been assassinated but former Railway Minister Late Shri Lalit Narayan Mishra was assassinated in the platform in Samastipur. He was killed. ... (Interruptions) The case was referred to CBI. CBI could not arrive at a conclusion even after thirty years. He was a famous leader of Congress. ... (Interruptions)

SHRI SHANKER PRASAD JAISWAL (Varanasi) : You are in Government since eight years, what are you doing since these long years?

SHRI LALU PRASAD : I have done work since eight years, therefore you are sitting there, taking yellow napkin.

SHRI SHANKER PRASAD JAISWAL : I am not here because of your mercy, it is the public who have elected me. I have not begged for your mercy.

SHRI LALU PRASAD : You are likely to bid farewell. ... (Interruptions) This yellow towel is for last days.

SHRI SHANKER PRASAD JAISWAL : You should know some history. This is the history of thousand years. This towel will remain forever, the people like you will come and go. ... (Interruptions)

SHRI LALU PRASAD : You may say that this towel is of Pitambri era ... (Interruptions) Nation cannot forget the murder of Rajeev Gandhi.

MR. SPEAKER : What is the time of your flight Lalu Prasad ji?

SHRI LALU PRASAD : It is quarter past four now, I heard that the flight has already been delayed for one hour because of you.

MR. SPEAKER : Conclude now.

SHRI LALU PRASAD : Advaniji I want to say that don't take it on yourself, expose the truth and take it before the country in a particular timeframe. If you think that we will get satisfied with this report then forget it. The speech is delivered and printed; we all have spoken on it, but the criminals who are responsible for the politics of killing, get inspiration from this. You should take it seriously. What the Swamiji said is not important but none of these elite class continental class people, are aloof. They all are sitting in the shelter of swamis day in and day out. Chandra Swami had come to jail to meet me. A doctor told me that Swamiji had come. I asked the policeman to catch him by neck and throw him on the floor, and not let him see me. Khurana ji you are engaged in tantra-mantra during the whole day to remove Sahib Singh to procure Chief Ministership. We are not involve with the swamis. You are busy in tantra-mantra. We never care for these things. I don't want to talk about the bureaucracy. As the leader so is the Government. The officers have to follow the instructions of the Government. The truth should be brought forward.

Shivshanker ji is right. He did not indicate the name of any person. I also do not want to indicate anybody's name. All matters have ended. What has been done in it? Everything have tampered with in it. All facts have been finished, Sadhu Baba, I am not telling against you ... (Interruptions)... Shivshanker ji has rightly said that the truth should be brought forward. It may be related with any institution, or leader, from inside of outside. They should be brought forward within one month. If it can not be done then you should get out from the House and renounce the world.

Who prepared the A.T.R.? Tell me, was it you or Mr. Gujral? What was the A.T.R. meant for? The discussions have been held on Verma Commission and Jain Commission. Have you considered all the things? Did you come to some conclusion? You have simply prepared the A.T.R. You have made it an Action Tamish Report. The truth has been finished, if the speeches have been delivered, sentiments have been shown so the matter be closed, this is not proper. We are not satisfied with this. We are not satisfied with its findings. The leaders of Congress and all other people should sit together and consider about the actual culprit. I conclude now.

SHRI TAPAN SIKDAR : Lalu ji, you have only criticized it but not given any suggestion.

SHRI LALU PRASAD : You did not listen to it. I have made a suggestion that the leaders of Congress and all other parties should decide about the issue of A.T.R. and Mr. Speaker should give some preference to the Congress leaders in this matter. The truth should come out forward immediately and nothing should be spared. Once you handover the case to C.B.I., they will finish the case and prevail upon politics. The matter should not be given to the C.B.I. ... (Interruptions)... Mr. Speaker, thank you. I am going now. If any member will ask something in my absence, it should not be included in the proceedings.

[English]

MR. SPEAKER : Now, we come to the next item—  
Matters under Rule 377. Shri Chaman Lal Gupta.

... (Interruptions)

PROF. P.J. KURIEN : 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.

16.22 hrs.

#### MATTERS UNDER RULE 377 \*

- (i) **Need to set up a Regional Centre of Indian Council of Medical Research at Jammu**

SHRI CHAMAN LAL GUPTA (Udhampur) : The ICMR has, at present, 16 research institutes under its auspices. These institutes are mission-oriented research centres which undertake research programme designed to provide answers to problems confronting the country in their respective fields such as nutrition, reproductive biology, communicable diseases, virus diseases etc. These institutes carry out in-depth studies on both basic and applied aspects of research in their respective fields, stations or peripheral centres.

It would appear that there are obviously unequal facilities for development of research in some parts of the country and such imbalance calls for urgent remedial

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\* Treated as laid on the Table of the House.



[SHRI CHAMAN LAL GUPTA]

measures in the wake of ever growing need for establishment of more institutes in various other specialities. Large areas still remain without adequate facilities for research and investigations which are crucial to improve the quality of medical care, and also in reducing the expenditure by finding out appropriate technology for control of diseases.

In this context, it was proposed in the 50th meeting of the Governing Body of ICMR that five regional research centres may be set up at Guwahati, Andaman, Jammu and Kashmir, Bihar and Bangalore. Out of these five centres, four centres were set up except the one proposed at Jammu and Kashmir. Therefore, it is requested that the fifth centre may be immediately set up at Jammu.

**(ii) Need to Improve the Functioning of Telephones in Ferozabad and Agra, U.P.**

[Translation]

SHRI PRABHU DAYAL KATHERIA (Ferozabad) : Sir, I want to draw your attention to the deteriorating condition of telecommunication in my constituency Ferozabad and Agra.

The telecommunication system in my constituency is disrupted for last many months. At least 90% M.A.R.R. and telephone systems are not working in the area. These are several irregularities in the M.A.R.R. and telephone system in Agra and Ferozabad.

So, I request the Central Government to take some effective measures to improve the situation.

**(iii) Need to Take Steps for Providing Adequate Irrigation Facilities in Banaskantha in Gujrat**

[Translation]

SHRI HARIBHAI CHAUDHARY (Banaskantha) : I want to draw the attention of the Government through the House towards the water crisis of my constituency, Banaskantha. The farmers are facing problems in irrigation because of the water crisis. The crop are ruined due to the lack of water and because of this, the farmers have not got any enthusiastic result of their production. The prospects of rain this year are also dim and there is lack of rain in this area so that the fields do not get water. I am sorry to say that the Government has not considered to provide any facility of irrigation in these areas.

I want to request through you that a survey should be conducted in this area to provide proper irrigation facilities in Banaskantha district so that the farmers may not be left dependent on the rains for irrigation anymore.

**(iv) Need to Ensure Early Completion of Amrahat Pump Canal-Phase II in Kanpur Dehat, U.P.**

[Translation]

SHRIMATI KAMAL RANI (Ghatampur) : Sir, the work of the second phase of Amrahat Pump canal has been sanctioned in my constituency and the Central Government has already allocated funds to complete the project, but the work of the second phase of the project has not been started yet, so that the local farmers are facing lot of problems in the work of irrigation.

The local farmers are facing lot of problems because of the unnecessary delay in the project of the second phase of Amrahat pump canal. It is very necessary to complete this project on priority basis in public interest.

So I request the Government through the House to take effective measures to complete the second phase of Amrahat pump canal without any delay.

**(v) Need to Take Steps to Revive Sick Industrial Units in Himachal Pradesh**

[English]

SHRI K.D. SULTANPURI (Shimla) : There are many industrial units lying closed in Himachal Pradesh in which the Government of India has invested a lot of money in the form of subsidy. Machines worth crores of rupees in these industrial units are lying idle resulting in loss to the Exchequer and rendering the employees in these units jobless.

The target fixed by Government to provide employment to labourers in these industrial units has not been achieved. The loan advanced by the State Financial Corporation has also not been utilised. Government has no control over the industrialists to force them to pay the loan amount or revive these units. The buildings worth crores of rupees of these industrial units are in dilapidated conditions and need extensive repairs, otherwise they may collapse.

I urge upon the Government of India to revive these industrial units and these may be handed over to the workers and they may be helped to run these industrial units themselves.

**(vi) Need to Take Steps for the Elimination of Leprosy from the Country**

SHRIMATI JAYANTI PATNAIK (Berhampur) (Orissa):

It is a matter of great concern that the dreaded disease leprosy has not been eradicated from the country so far. According to an estimate, India ranks foremost among the countries saddled with the burden of leprosy sufferers. The survey report says that there are 2.5 million leprosy patients found in India out of 10 million cases of leprosy in the world. The disease is widely spread all over the country as revealed from the house to house survey conducted by the group of doctors, health workers, volunteers, NSS workers, scouts, village health guides and school teachers. About 15 per cent of leprosy sufferers are children below 14 years of age.

The National Leprosy Eradication Programme has not been able to eliminate leprosy from the country. The disease is spreading at a fast rate, particularly in Andhra Pradesh, Punjab, Chandigarh, Bihar, Assam, Nagaland, Sikkim, Dadra and Nagar Haveli, Tamil Nadu, Maharashtra, Gujarat, Orissa, Jammu and Kashmir and Daman and Diu. Unless immediate measures are adopted to check the spreading of this dreaded disease and to provide proper treatment, the situation will be further aggravated.

As such, I demand that the Government of India should take steps on war-footing for the elimination of leprosy from the country.

**(vii) Need to Ensure that Applicants for Prime Minister's Rozgar Yojana are Adequately Assisted by Banks**

SHRI S. AJAYA KUMAR (Ottapalam) : Sir, I would like to raise an important matter pertaining to the non-cooperation of nationalised banks in implementing the Prime Minister's Rozgar Yojana. When this programme was initiated, it was declared that the banks would finance the schemes of unemployed youth. Though the concerned Taluka Industrial Development Offices forward the Self Employment Schemes, the banks are reluctant to finance them. Thousands of such schemes are pending with various banks for approval. It is surprising to note that thousands of crores of rupees are given to the big business houses without any proper guarantee whereas the unemployed youth are not adequately assisted. This goes against the directive of the Centre and also the spirit of the Prime Minister's Rozgar Yojana. I would urge upon the Government to see that the banks fulfil the commitment.

**(viii) Need for Construction of Super Thermal Power Plant at Nabinagar, Bihar during Ninth Year Plan**

[*Translation*]

SHRI SUSHIL KUMAR SINGH (Aurangabad) (Bihar): Sir, I represent a very backward and terrorism affected area, Aurangabad of Central Bihar. There is very critical situation of electricity, road, irrigation and law and order in this area. The people of this area are escaping towards Gujarat, Punjab, Haryana and Delhi in the search of employment because there is a lack of opportunities in this area. There is more poverty than the average in this area. The construction work of a power project of Nabinagar super Thermal Power in this area is pending for the last ten years.

I demand from the Government of India through you that the prepared construction work of Nabinagar Super Thermal power of this excessively backward area be constructed during the ninth five year plan itself.

**(ix) Need to Direct State Government of Orissa to Formulate Contingency Plans to Help Agricultural Operations in the State**

SHRI ARJUN SETHI (Bhadrak) : Sir, due to less rainfall and continuous dry spells in the month of June and July, 1998 in Orissa in general and in the districts of Bhadrak, Balasore, Mayurbhanj and Keonjhar in particular, the prospect of Kharif crops has receded in the current year. Whatever sowing have been undertaken in unirrigated lands of the areas mentioned are being dried up. As a result, no agricultural operation have yet been started. The labourers, marginal, small and other category of poor people are becoming unemployed and have migrated to other States for earning their livelihood. Hence, I urge upon the Central Government to direct the State Government to save the people by providing them the employment and formulating a contingency plan to help agricultural operations in the State.

**(x) Need to Establish Small Scale Industries in Rural Areas to Mitigate Hardship of Rural Unemployed Youths**

[*Translation*]

PROF. PREM SINGH CHANDUMAJRA (Patiala) : Mr. Speaker, Sir, India is a country of villages. Seventy percent population of the country is compelled to depend on the rural economy, but it is very sad to say that even after fifty years of our independence rural economy has

[PROF. PREM SINGH CHANDUMAJRA]

not been developed properly. Consequently, millions of rural unemployed youth are migrating to cities as a result of which various problems are being faced in cities due to remarkable increase in population.

Therefore, I urge upon the Government to develop the rural economy in such a way that the rural youth has not to migrate to cities for employments.

So, I would suggest to encourage establishment of cottage industries in the villages and provide help towards marketing facilities of these products by these units.

**(xi) Need for Doubling of Sonarpur-Canning Railway Line during Ninth Plan itself**

SHRI SANAT KUMAR MANDAL (Joynagar) : Sir, the railway line from Sealdah to Canning on the Eastern Railway is said to be the second oldest railway line built in the country. Canning is the gateway to Sunderbans area, renowned for its unique flora and fauna and mangrove forests, but is poverty-ridden being no industry there and the local populace look to tourist traffic potential only. There is at present a double line between Sealdah and Sonapur. I would suggest that the Sonarpur-Canning line which is only 25 kms. may also be doubled during the Ninth Plan so as to boost tourist traffic and help these poor residents to sustain themselves. Till such time as this is done, I would also suggest the introduction of tokenless system on this section from Sonarpur to Canning which would very much help the tourists in saving their time in waiting for crossing of trains and improve the conditions of coaches on the Sealdah-Canning Branch Line and strengthen the existing arrangements in coaches so that the tourists, both domestic and foreign are not handicapped by missing window shutters and proper seating arrangements.

**(xii) Need to Formulate a Plan to Check Pollution in Delhi**

SHRI RAJO SINGH (Begusarai) : Today Delhi is one of the most polluted metropolitan cities of the world. In Delhi level of air and water pollution is very high. Most of the citizens of this metropolitan city are becoming victims of the pollution related ailments. Even the new born babies have to breath polluted air in Delhi. The dilly dally policy of the Union Government and the State Government has further worsened this alarming situation. High of the situation is that the courts are throwing suggestions to the Government in this regard. The Government have no policy regarding environment. In absence of such policy State Governments too are not able to discharge their responsibilities properly. The Union Government should formulate a scheme in consultation

with the Government of Delhi to overcome this difficult problem so that the citizens of Delhi are not deprived of their right to live. The Government should clarify its view in this regard and a discussion should be conducted on this issue in the House. The Government should give a statement in order to keep the citizens and future generation of Delhi hale and hearty.

16.25 hrs.

**MOTION RE : CONSIDERATION OF FINAL REPORT OF JAIN COMMISSION AND MEMORANDUM OF ACTION TAKEN ON THE REPORT—Contd.**

[Translation]

SHRI SATYA PAL JAIN (Chandigarh): Mr. Speaker, Sir, I am thankful to you for giving an opportunity to the only Jain Members of this House to speak on the report of Justice Milap Chandra Jain.

Mr. Speaker, Sir, first of all I would like to compliment Shri Atal Bihari Vajpayee and the Home Minister Shri Lal Krishan Advani as they have taken initiative to conduct discussion on this report in the House. Interim report of Justice Milap Chand Jain Commission was submitted in August last year. Following the report the then Government was out of office and I remember that we had demanded in the House that there should be a discussion on the report. But despite our repeated demand the then Government and Congress party which was supporting that Government was not prepared to discuss that report. Today we are having a discussion on that report for which I want to congratulate you.

Mr. Speaker, Sir, there is no difference of opinion or there can not be two opinions that there should not be any place for violence in politics. There is no place for violence in politics and similarly there should not be any interference of politics in violence. It is not first murder of its kind in India. Shri Shivshanker ji has rightly said that he was not only the leader of Congress but of entire country. It takes decades to make a leader. There can be some political differences but when that leader passes away like any other ordinary human being, it is a big loss not only to his party but to the entire nation for generations to come. People have to pay a heavy price for such a loss.

Mr. Speaker, Sir, if you ponder over it you will find that immediately after independence Mahatma Gandhi was assassinated Dr. Shyama Prasad Mukherjee was assassinated in 1950 and so was Pandit Din Dayal. Thereafter, Mrs. Indira Gandhi was assassinated in 1984 and Sant Harchand Singh Longowal who signed the

Punjab accord with Late Shri Rajiv Gandhi was assassinated in 1985 and in 1995, the then Chief Minister of Punjab, Shri Beant Singh was assassinated. He was trying to restore peace in Punjab in his own way. Not only this; during this period thousands of such leaders, workers who were not holding high posts, were killed in Punjab and Jammu and Kashmir due to political reasons. Mr. Speaker, Sir, there are two things to be noted in case of a murder. Firstly, there are those who are really involved and commit murders, the people who shoot at. Second, the people who just sit in the back seat and plan the whole scheme of murder or hatch the entire conspiracy.

Mr. Speaker, Sir, as far as criminal trial courts are concerned they only directly ensure that whether there is any proof against the accused or not? That proof has totally different standard.

[English]

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.

[Translation]

Mr. Speaker, Sir, after the assassination of Rajiv Gandhi two aspects emerged. One was the people who actually killed him and the other was as to which were the forces behind his assassination. The Government acted on both these aspects and Justice J.S. Verma Commission was constituted. This Commission submitted its report on 15th June, 1992. There were five such aspects in this report on which Justice Milap Chand Jain enquiry Commission was constituted. This commission was constituted on 23rd August and it submitted its report on 7th March, 1998. I am unable to understand, why Justice Mr. Milap Chandra Jain has used the words 'interim report' and 'final report' in his report? Mr. Speaker, Sir, if you go through these reports, you may find that these are complementary to each other. In this report he has recorded his findings on three points. In the second report he has dealt with the conspiracy aspect.

Mr. Speaker, Sir, on page 5 of the report Justice Jain writes that he was not provided with some papers. Shri Shivshanker ji has repeatedly said that he wanted

to know the truth. We are in search of truth and we want to know it. Actually the whole House wants to know it. But an important thing comes into notice that during the Congress regime in 1994 under the Prime Ministership of Shri P.V. Narsimha Rao, there was a move in the Home Ministry to windup this Commission. The situation is such that the people who want to know the truth today, were in favour of winding up of Justice Jain Commission while in power. On page 5 of the report Justice Milap Chand Jain writes that had the three people were not assassinated, we would have been able to know the truth. We will have to take all the three aspects jointly. What was the reason that the main accused could not be arrested? Justice Jain writes:

[English]

"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*]

At that time Tamil Nadu was under Presidents rule. You can also reveal the reasons for which these people have not been arrested. Coming to page 44 of A.T.R. there is something about the co-operation that your Government have extended to Justice Jain Commission. Justice Jain deals at length about the reasons thereof.

[English]

"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."

[Translation]

I am happy for the fact that you are trying to know the truth, but when it was the time to know the truth, your Government did not submit all the files to the said Commission. Further he says:

[SHRI SATYAPAL JAIN]

[English]

"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."

Further he writes—

"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."

[Translation]

Mr. Chairman, Sir, the Government should also consider this matter that the then Ministry of Home Affairs had moved in 1994 that this Commission should be wound up. At the same time some documents were not supplied and some delay was also made in supplying the documents. May be, it is related to the purpose of finding out the truth. Perhaps it is related with the conspiracy? It is such kind of issue which should be investigated into.

Mr. Chairman, Sir, today they have, a number of times, thrown hints indirectly and I would like to say that attention should be paid upon their manner. You said in the morning that

[English]

'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.

[Translation]

And I want that this matter should be taken up because he felt the need to say so and inquiry should also be made in this connection.

Mr. Chairman, Sir, Justice Jain not only considered a single point, but also different theories. He has also considered the roles of former Prime Minister. He has not exonerated any Prime Minister. If you go through page No. 9, you will find that he has merely said that, "I can not believe that those who were high positioned, could do so". The findings state that he was not provided full security.

[English]

"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 State 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."

[Translation]

Mr. Chairman, Sir, he has expounded three-four theories at page No. 7, 8, 9, 10 and 11 along with it. I would also like to draw your attention to it. At page No. 14 some Congressmen have accused other Congressmen in A.T.R. So in this connection, Jain Commission had dealt. In this connection the people from other parties were not saying that so and so people or so and so parties were involved in this assassination. If you come at page No. 14, you may find the seventh theory on that page and I have left out six theories out of seven. I would not like to go into the left out theories because of shortage of time. It has been stated therein.

[English]

"Alleged involvement of some Congressmen."

[Translation]

I am happy and satisfied and I would like to say that the out of all persons on which suspicion has been cast in the full report from A to Z in the full report there is not a single member of RSS and BJP. If anyone has been named in that report, the people of your party have named the men of your own party.

[English]

"Aathirai said that one Mr. Kalyana Raman who was working in the AICC was behind the killing."

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 case 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 Late Kannan and Kokila had not come with Late 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.

[Translation]

The thing I am going to tell you. ... (Interruptions)

[English]

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

[Translation]

SHRI SATYA PAL JAIN : They did not agree. I am also saying this. But my point is that Congress people had also gone to this Commission saying that there was hand of other people in it. Any opposition party did not go there. You yourself have levelled allegations on your partymen that they were involved in this murder.

Mr. Chairman, Sir, I would like to tell you a story that Shri Mahant Sewa Dass Singh is the President of Shiromani Akali Dal in Punjab. He has formed his own Akali Dal. That Akali Dal members are less in number but compared to the strength of the members, the number of security personnel provided them is high. They had

been roaming about in this House for three days. I don't know which M.P. has got his pass issued. He came to see the proceedings of this matter. He spoke before the Commission that I was present in that meeting. Where a murder conspiracy of Shri Rajiv Gandhi was hatched. I want to read it out that he said that I had told Shri Rajiv Gnadhi and Shri Chandra Shekharji about it. I am surprised to know that the person who himself is saying that I was present in that meeting as to why that man was not put on shackles and as to why this matter was not investigated whereas your party remained in power for a long time and thereafter it remained as a supported Government? I would like to read it out. ... (Interruptions)

PROF. PREM SINGH CHANDUMAJRA (Patiala) :  
Who is patronizing. Mahant Sewa Dass?

[English]

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 Mahan 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: ...

[Translation]

Whether the Commission acceded to his point or not, it is a different matter. But a person who is claiming even today that conspiracy has been hatched in front of him, and even planning has been made in front of him, is roaming about freely. But your Government did not take any action against him. Mr. Chairman, Sir, their Government did not take any action against him. It itself is a surprising matter and indicates as to what truth was in it.

Mr. Chairman, Point No. 9 be seen alongwith it. What did Prof. K.K. Tewari said, who is the prominent leader of your party.

[English]

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

[SHRI SATYAPAL JAIN]

[Translation]

Congress people did not hint directly today. I am reading it in full. I know when Narasimha Rao ji's name is dragged in this conspiracy, some of our friends feel jocuno saying that true picture has been brought to light now but some friends say that his name should not be dragged because there is no hand of him in it. What is the reason? You must know because it is your home politics. I do not want to say anything about it. Many people related to your party say this even inside the corridors as to why Narasimha Rao was left out and as to why his name was not mentioned. Such is to be audible in a hushed tone lest it be heard by someone. People of your party say this and today there is none in your party to defend them. He wrote that Prof. K.K. Tewari had said that Narasimha Rao was involved in it. On connection with Chandraswami and his involvement a full signing record has been maintained and commission writes:—

[English]

"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."

[Translation]

SHRI BHUPINDER SINGH HOODA (Rohtak) : Except K.K. Tewari, two-three names more have been mentioned. Why don't you read them out fully?

SHRI SATYA PAL JAIN : Yes, Sir, three names more have been mentioned, I read them out in full.

[English]

"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 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."

Mr. Chairman, our members were saying that this Commission has mentioned the name of Shri Karunanidhi on page 43. I admit that whatever our member has said in the morning is right. It has been stated that they were not interrogated. But why are D.M.K. members talking about overacting. I do not understand this. This is my humble request if Karunanidhi knows about it, he must tell that he is not aware of this matter. Therefore, I understand that this matter should be further investigated and further probe should be made.

Mr. Chairman, about Tamil Extremists and Sikh Extremists mention has been made. I am happy that they have corrected that impression and message that had went round the corner that all Tamilians were corrupt and all Tamilians are alike. They have corrected it afterwards. I am thankful to them. I understand if a person from any community does something wrong and in The society that community becomes ill-formed, the whole community is regarded as responsible for that, then I think that nothing can be biggest blunder than that. They have corrected this point. So, I would like to congratulate them.

Mr. Chairman, Shri P. Shivshanker ji has talked about it in detail. I agree with them fully that this Government should further proceed on Commission's report. You are opposing the Action Taken Report tabled, and if you are not satisfied with it then saying only this then is not sufficient. CBI has conducted inquiry and if you are not satisfied without then what do you want, you should have told, that you should also have suggested as to that by which agency you want inquiry to be conducted. If inquiry is not conducted by CBI whether Congress (I) Committee will investigate it?

Mr. Chairman, Hon'ble Advani ji today in the morning has said very rightly that inquiry of this case should be conducted by such agency which have some power. An agency which have no power, and investigation is done by such agency, has no significance of that investigation after investigation when case will be sent in the court of law for prosecution, investigation done by lawful authority will only be treated as binding. It is not like that investigation should be made by any three private agencies and on the very ground of the findings of those agencies court should be moved. This would not do because it does not have any legal accreditation. If you have no reliance on CBI then by which agency you want to be investigated this case that should also be intimated. If you want to submit a Challan in the court then it should have legal value.

Mr. Chairman, just now Subramanian Swamiji has said that this is a matter of few days only, you should

get ready shortly, we will topple this Government and then with you we will form a new Government and get it investigated a fresh and then send them all to jail. When I was listening to his speech on Television there used to be two serials one was 'Mungere Lal Ke Haseen Sapney' and second 'Wagle Ke Duniya'. They crept to my mind. The man who used to play the role of in 'Mungere Lal Ke Haseen Sapney', Mungere Lal used to see that he has become Prime Minister and I am being garlanded, I am being welcomed again he used to think that I have become principal of same college. After ten minutes when his father-in-law used to touch him, he used to be back in his senses knowing that I am nothing. Second was 'Wagle Ke Duniya' in which Mr. Wagle alongwith his wife used to start some new thing and in the end he would become confused and nervous. He was at a loss to understand what has happened? Again, the matter used to come an end in confusion and nervousness. I am thinking on what Mr. Swamiji has said. Today he was thinking like "Mungere Lal ke Haseen Sapney" that his Government will come. I want to say that today his condition is like "Mungere Lal ke Sapney" and his plans and projects are like "Wagle ke Duniya" and in end, of his point he would get nothing but confusion and nervousness. Our friends have said about 2-3 points, and attention should be paid to them Shri Shiv Shanker ji had said.

[English]

"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.

[Translation]

He has written the name of your main leader Shri R.K. Dhawan that needle of suspicion is pointed towards

him because his name was written in it. If you had been interested to find truth, you would not have allotted Lok Sabha ticket second time to Shri R.K. Dhawan but you would have taken action against Shri R.K. Dhawan and further proceedings would have made.

I want to say to Advani ji that history has given you a chance. Such opportunity rarely comes along. If anyone is involved in this assassination from your house but the people sitting in his party have said that there was such a force within the Congress which wanted to assassinate. Whether it was from outside. The hand which you mentioned has hand behind it, whether it was countrymen, Foreigner's hand, or whether it was a hand of any other man, it should be revealed. Whoever is involved, whosoever hand is involved in murder should be traced and they should be given punishment. History will be beholden to you for ever for this. I would like to finish my speech by saying one point to my Congress brethren. that I would like to mention the names of two assassins.

[English]

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?

[Translation]

SHRI SATYA PAL SINGH : Mr. Chacko, I am very happy that you have raised the subject here. If you want to have discussion on it from the core of your heart, then you would have a discussion made Thakkar Commission report inside the House and after getting the opinion of other members you would have investigated ... (Interruptions) then I would have agreed that you want true information ... (Interruptions) but you did not discuss it in this House.



[English]

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.

[Translation]

You can manipulate by sitting in the house and by keeping a man of your choice with you if you wish. But if you honestly want to lay a true report, you should have taken the whole House in confidence and after hearing everyone's opinion, you should have conducted an investigation. Only then I could have known what you really wished for.

Dr. Shyama Prasad Mukherjee was assassinated. We had also wanted his assassination to be investigated. But his assassination was not investigated. Pandit Dindayal Upadhyay was assassinated. I feel that my famous leader who was assassinated and to whatever party or group he belonged, it should have been investigated by delving into its depth and the guilty should have been punished after identifying them. But try to accept the difference between two assassinations. Indira Gandhi was assassinated. Rajiv Gandhi was assassinated. After saying a moral thing and making a humble submission, I want to sit. Please don't resent what I have said. Smt. Indira Gandhi was assassinated after the extremism that was engendered in Punjab. It's first incidence started from a dispute in Amritsar on 13 April, 1978. Its first action was the assassination of Lala Jagat Narayan. LTTE was first trained in Tamilnadu against a particular community and sent to the other countries. They were imparted military training and Rajiv Gandhi was assassinated as its last encampment. I request you to stop this policy of playing with the fire as it leads to destruction and further more it is not going to give you any benefit. You could call St. Genrail Singh Bhindrawala a religious saint, to harass the Akalis by a particular period. We knew about the end it met with. ... (Interruptions) You could discourage LTTE. We know what it resulted in. The policy of fire will never pay. Don't play with it. Thank you very much.

SHRI RAJESH PILOT (Dausa) : Mr. Chairman, Sir, we have been debating over such a terrible incidence since this morning which had rocked the whole nation. It

was such a personality who was born in the home of Prime Minister and became himself a Prime Minister later on. I have also had the opportunity of working with him on personal level. He was not born in a poor family but understand the feelings of the poor people. A hope was cherished when he became the Prime Minister. My brother in opposition be pleased to forgive me that in 1984 the people used to say that Rajiv Gandhi would take this country much ahead. All would say so and he had tried to do so. I feel that his feeling of taking all together and bringing about the country's progress was misunderstood by some people. Today, I was listening to everybody and surprising a bit little while sitting. I was realising that it does take time but everybody understands the truth in the long run.

The incidence of 1991 did not take place suddenly. May 1991 did not come abruptly. I do not understand the atmosphere which was created in 1989, in the whole country. Our all brothers are sitting here. What languages were spoken, how a try was made to create hatred against Rajiv Gandhi and at whose indication was it done. I fail to understand all these things. I will speak briefly and will speak on 3-4 points because prior to me my friend, Shri Shiv Shanker and other brothers have covered most of the points. I was listening. All the members were saying that there was lack of security; why was the security not given? On 3 February, 1990 the Intelligence Bureau itself sent a report to the Government that the threat to Rajiv Gandhi increased from Sikh Extremists and other extremists and it increased further when he ceased to be the Prime Minister. This I.B. Report goes to the Government and the Government ignores it. Again a report is sent that Talvinder Singh Parmar from Sikh Extremists who was the leader and activist of Babbar Khalsa had said that Rajiv Gandhi would not live after 1990 because we had planned so. It was like a written intuition which was being sent to the Government. Not even so, they were also asking what was decided in the International Youth Federation. Satnal Singh 'Satta' from the Minocha Group of BSF has said—

[English]

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

[Translation]

This report comes. After that in 1989 our Government left the scene. They were the leaders from the opposition. Shri Chidambaram was with us on the party's behalf. He went to the Ministry of Home Affairs and a meeting was held there and wherein it was decided that SPG

should not be removed at this time because such are the conditions of the country and such are the conditions of the security of Rajiv Gandhi. Mr. Seshan was the Cabinet Secretary and Shri M.K. Narayanan was DIB. Both of them had requested the Government not to remove SPG. These reports were stating that the risk to Rajiv Gandhi has further increased and his security has also jeopardised. Both of these were stated in writing that there was serious threat to his life. All our members were saying this, our colleagues were also saying this and the members of other parties were also saying this. Just now our colleague Mr. Jain was speaking passionately. All these people were unanimous in 1989. When this Government was deciding not to take care of security, all these members were supporting the Government. Perhaps Shri Vinod Pandey was the Cabinet Secretary. Cabinet Secretary writes a letter that in so and so country there are not certain things as in S.P.G. It carried sense Ex-PM is not covered by the SPG.

[English]

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.

[Translation]

When the report of D.I.B. came, Cabinet Secretary sent a Note to the Office of the Prime Minister that he was sending cabinet proposals. At the same time, he directs the Ministry of Finance to provide routine security by withdrawing the S.P.G. security. I have never heard that action is taken before the paper reaches the cabinet. I have also been in the Cabinet. I have also been in the Government. What right of withdrawing do the Cabinet Secretary and Home Ministry have got as long as the Cabinet does not take any decision over the proposal which comes for its consideration? But no Member mentioned it because at that time we had closed our eyes and it was the only thought that anyhow Rajiv Gandhi should be diluted, anyhow he should be let down. This was the feeling in the political atmosphere political ideology of making Rajiv Gandhi weak by every way had been formed.

I was a big surprised since morning today after hearing the speech. These BJP Members are saying that in 1989, their Government was not there. Today we have been answering the queries of Davegowda ji and Gujral ji. You would also sit with them in 1989. There used to be a dinner on every Friday. Advanji and Atal Bihari Vajpayee would be there in the dinner.

[English]

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

[Translation]

There used to be a dinner. All the Allies would attend the dinner and they all would decide. They were partners at that time though they accept it today or not. At that time none of them said that they might have disagreements with Rajiv Gandhi. Nobody said that his security should be taken care of fully despite the fact that he had been the Prime Minister. Some of our friends were saying and probably he was Lalu Prasad ji that at the time of his death, his P.S.O. had not even a pistol, because the other P.S.O. could not relieve him while the pistol lay with the previous P.S.O. This is in the record that Shri Gupta who was killed while he was sitting in the security of Rajiv Gandhi and he was without a pistol. This was the state of the security at that time. Anyway, they decreased the security. We kept raising this issue in the Parliament, we kept saying, our party kept speaking here but nobody paid the attention. The security was decreased and it was decreased so much. After that Shri B.G. Deshmukhji was Cabinet Secretary probably and Shri K.R. Venugopalan was under him. They had correspondence with each other. K.R. Venugopalan was saying that no it is a wrong decision, his security is in danger. There were the reports of RAW and IB that security should not lowered to it.

But nobody paid the attention. Today, I am feeling sorry because the institutions are waning away. There was a time of the institutions. It was time of bureaucracy. If Sardar Patel would say something, V.P. Menon would write a note to the Home Secretary that no, this decision is not correct, think over it again. At that time political maturity was to this extent that nobody would feel that we should not consider the suggestion which is coming from bureaucracy. But today we have to say this with great pity that all our three pillars are heading towards weakness. This is only because of weakening of the institution. Had this Government respected the institutions in 1989, the security of Rajiv Gandhi would not have been reduced. But the institutions got weak continuously and the institutions got so weak that the institution restrained its to writing only. But it did not feel its duty of getting it done. Bureaucracy is a strong pillar of our democracy. It is right.

[English]

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

[SHRI RAJESH PILOT]

[Translation]

But they had supplied information that the security was in danger, the risk was high and after that they went and slept in their homes. As a result of the weakness of these institutions we have reached the stage that we are debating on this issue. When institutions get weak in democracy, gradually democracy gets weak. When they were not heard, threat perception kept increasing and the conditions reached at this stage after 1991 that institution again gave a notice to the Government, again I.B. report came that the security of Rajiv ji was to be further strengthened. ... (Interruptions)

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.

[Translation]

SHRI RAJESH PILOT : Mr. Chairman, Sir, when institutions get weak, all these things get weak.

17.00 hrs.

Now after that I said about security that substantial security was not provided. It was the responsibility of the Government of that time and the people sitting therein.

Mr. Chairman, Sir, there are three angles in this debate. First is that of security, second is that the murder was detected and the third is who conspired it. Jain Commission has looked into this conspiracy. But I think it has not looked into this matter, so much as we expected the information. Our Jain brethren were saying that you were also in the Government. It is true that we were also in the Government. We came soon after the martyrdom of Rajiv Gandhi. You must see the seat we had prior to his death and it was exalted later on. We feel and say this with heavy heart that we stayed for six years in the Government from 1991 to 1997 but could not do much. Our foremost duty was to do the works strictly which we are speaking of today. We are not running from this. This has been our weakness. We do not want to hide it from the country. But we did as much as we could do at that time. Therefore, Shiv Shanker ji has said in the clear words that there had been our weakness somewhere. But today there should not be your weakness in this matter. If we commit mistakes,

you correct them so that the country may get the reality, the country may reach on a true path and the reality may come before the country.

[English]

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.

[Translation]

Mr. Chairman, Sir, I am not saying that security is everything. Indira Gandhi was provided with full security and even today the Prime Minister is provided with full security. But even today, there can be any lapses anywhere. I donot say that security is the only means of protection. But security is certainly needed. But you did not provide the security which was needed at that time.

Conspiracy was talked about. Everybody expressed his opinion. I do not want to go in detail. Our brothern Advocate Ram Jethmalani and Subramanian Swami spoke. I have listened to their speeches. Whether be it Masad's matter, or a statement of Afafat, whether be it statement about Sevadas, it is true and the whole House accepts it that there was a conspiracy. I remember it clearly that when I was the Minister in the Ministry of Internal Security, I had ordered to arrest Chandraswami Ji because I was feeling that there is something which will reveal this matter. The activity in which Chandraswami was indulging in had made me sure of this fact that as long as we do not go into the depth of this man's activities, we shall not be able to get the truth. I was hearing when Subramaniam Swami was asking me to read out Chandraswami's who is who. Mr. Chairman, Sir, I request the Government that many tricks have been played with the country and there must not be any harm to the country from his who's who. I request the Government to put up the white paper before the country regarding the matters like why and with whom Chandraswami had relations with and for what purpose he had his relations. Please accomplish this responsibility. It is also true that you will not be able to accomplish it. I know it very well, when I had issued the orders of arrest, many leaders of BJP had made statement that

Rajesh Pilot is giving orders like an Inspector. We Welcome this statement if you are saying so today.

White paper be brought out on Chandraswami as to since when he has had connections with politicians, who are they and why. I feel, I heard the speeches of Subramanian Swamy and Ram Jethmalani ji today and I am convinced that if you bring it out, all things will come forward, nothing will be hidden from the country. But you prepare for the white paper now.

DR. SANJAY SINH (Amethi) : When it was your time the CBI was OK, now it is not.

SHRI RAJESH PILOT : Sanjay, Sinh ji, I did not mention CBI. I am saying that the enquiry be conducted by any agency whatsoever, which should tell the country and Parliament as to where this person has got connections, what are his activities because this person has played with the politics of the nation. Laluji has rightly said today.

SHRI RAMCHANDRA BAINDA (Faridabad) : This playing is not done by us, it has been done in the Congress regime, you have allowed it to do played with ... (Interruptions)

SHRI ARIF MOHAMMAD KHAN : Why was your order not complied with?

SHRI RAJESH PILOT : Arif Mohammad Khan ji is saying why your order was not complied with. Well, it was not done during our Government, you also know it, I admit that it could not be done, but I want to say to this Government that now you show that it gets complied with. I assure that if you open the whole affair, you will get all the things, the whole conspiracy will come forth, foreign and inland all will, become clear. My belief is that this is the biggest crux, this is what you should do.

Mr. Chairman, Sir, all have talked great, but did not pay attention to two things.

The way Ram Jethmalani was saying that the news came from 'Mosad' Subramanian Swamy replied to it in a remarkable way that if somebody is at fault in it then he is also ready to help in it. Today the whole country is witnessing it. The incident that took place with Rajiv Gandhi ji, as I said earlier, that the institution became weak, bureaucracy could not do before the political wing and it kept functioning from the political angle. They made up their mind that security was not to be provided to

Rajiv Gandhi and the position became such that when the matter kept deteriorating neither the institution nor the political wing cared for it. Its consequence was that Rajiv ji was killed.

Today I am happy that people here are talking above the party lines. Today we have to bring the truth before the country. We all are interested to know the truth. Not we alone but the whole country wants to know the truth. Today if a ten year old boy ask as to how the Prime Minister of the country was murdered and we are unable to answer then it is a matter of shame for the country. I request the Government that the agency which has been talked of should have the power. That agency should not be such that going to any corner of the country it says that the matter is out of the state Government's purview, they cannot help in it. I request the Hon'ble Home Minister to convene a meeting of the political leaders to consult therein that an agency be formed which would be timebound. Laluji was rightly saying that after seven years the news has come now, if it takes the next seven years then the whole matter will end.

Today the files have been mentioned, and that some files are missing. If any other thing happens in the next seven years, the country would not be able to come to any conclusion. I would ask the Government to form special agency, by any name whatsoever, whose duty should be to interrogate in any corner of the country, to enquire from anybody.

[English]

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.

[Translation]

You get it done in that time. The language that Jain Sahib just used, George Fernandes ji is sitting near you; expose Chandraswami, the country needs nothing. The whole country would understand. But your cabinet may not also witness the same thing as used to be there in other cabinets. You will have to keep this in view. You had this debate, so I am thankful to you. Shri Shiv Shankarji has very plainly put forth his point of view.

[SHRI RAJESH PILOT]

Those two only are our issues. One of our issues was to catch those who had a hand in it since it is essential. It has been known as to how there was the murder but it is also necessary for the country to know as whose hand was there in it.

In 1980, I remember, I was very new to the Parliament, Indiraji used to say that some foreign powers did not want the country to be stable. It is true that some foreign powers are involved in making the country weak. Some of our friends from the Akali Dal were just laughing when Bhindarwale was mentioned. When the Punjab situation had been worse these people used to give 'saropa' to those who killed and the Congress used to go to the houses of those who were killed. Had we encouraged them. ... (Interruptions)

PROF. PREM SINGH CHANDUMAJRA (Patiala) : Enquiry be conducted about this fact only as to who generated militancy in Punjab. To whose house these people used to go and to whose we used to go? How many of our people were killed and how many theirs? This may also be settled as to whose people were killed most? Who generated militancy in Punjab? After him, I will speak and then tell who created militancy in Punjab. ... (Interruptions)

[English]

MR. CHAIRMAN : Please resume your seats.

...(Interruptions)

MR. CHAIRMAN : Shri Pilot, are you yielding?

[Translation]

SHRI RAJESH PILOT : The Congress Party has been in power for fifty or forty five years. We do not say this that we did not make any mistake or that each of our steps has been correct, but you will have to understand and admit the contribution of the Congress Party. Wherever these powers have tried to come up, whether in the north-east or Kashmir or Punjab, the Congress has always been ahead of all the rest in combatting militancy. Buta Singh ji is sitting here who was the then Home Minister. He knows how worse the situation had been in Punjab and our friends from the CPM used to stand up and voice it. Some of our friends from the BJP had also been killed there. It is correct that these power have been strengthened.

Sir, with this sentiment only we have proposed that a special team be made and the work should be done whole-heartedly. Yes, something has been mentioned about ATR and as well have said, you have given some political angle in ATR. This feeling should not be there if you have to have access to the truth. I admit, that the truth could not be revealed in our times. For that we admit our laxity, but we have the hope that you would bring the truth before the country and the position would get clear.

In the end, I thank you for giving me the opportunity to speak. I support the proposal given by Shri Shiv Shankar ji. With this demand of mine—Chandraswamy if you don't give the paper this time, you would not be able to speak, and you come out. Keep this in view.

[English]

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 : 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 : 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)*

*[Translation]*

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF TOURISM (SHRI MADAN LAL KHURANA) : We have adjusted you. You also adjust a little. ... *(Interruptions)* If we take five minutes, what would happen. We obeyed you, can you not give five minutes.

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.

[SHRI SOMNATH CHATTERJEE]

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)

[Translation]

SHRI MADAN LAL KHURANA : Yesterday, you said that the sitting of the House be extended for a day ... (Interruptions) As per your request we have extended the sitting of the House and now you are saying like this. ...

[English]

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)

[Translation]

SHRI MADAN LAL KHURANA : I request you please sit down. ... (Interruptions) The time you have taken, George ji could have read it with in that time.

[English]

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

17.18 hrs.

## STATEMENT BY MINISTER

### (ii) The Situation Along the Line of Control in Jammu & Kashmir

THE MINISTER OF DEFENCE (SHRI GEORGE FERNANDES) : Sir, I would like to apprise the House about the development, which have taken place on the Indo-Pak Line of Control from 27th July 1998 till date.

On 27th and 28th July 1998, Pakistan resorted to unprecedented and unprovoked firing of artillery and mortars on our posts and in the civilian areas of Batalik and Kargil. We were compelled to retaliate appropriately on 30th July 1998. This resulted in casualties to civilians and troops, as well as damage to military and civilian property on both sides. Sporadic exchange of fire has been going on since then. The intensity of firing, however, has come down since yesterday in most of the areas except Keren, Tangdhar, Uri and Rampur sectors. Kargil sector has been quiet for the last two days. The casualties from 27th July to 4th August are 10 Army soldiers, 6 BSF constables and 31 civilians killed, and 77 Army soldiers, 4 BSF constables and 77 civilians wounded. Details of the casualties are appended to this Statement, which is available.

Pakistan has always resorted to firing along the LOC to facilitate infiltration by Pakistani and foreign militants, who are organised, trained, equipped, financed, armed and finally infiltrated with active covering fire and support from Pakistani Army deployed along the LOC. In recent months, especially since May 1998, our security forces have been able to intercept and reduce the level of infiltration, thereby frustrating Pakistan's designs. As if to give vent to its frustration, Pakistan has started targeting not only our Army posts but also civilian inhabited areas, with Batalik, Kargil, Kanzalwan, Tangdhar, Keren and Uri becoming the main targets.

These actions by Pakistan are in consonance with its calculated design to obstruct and stall peaceful bilateral dialogue and to create a sense of alarm by orchestrating incidents on the border which will project Jammu &

Kashmir as a 'flashpoint'. Pakistan's desperation is becoming acute in view of the fast declining Kashmiri support in the Valley to militancy, control of which has passed into the hands of Pakistani militant organisations, patronised by Pakistani political figures; and foreign mercenaries directed by the Pakistan's Inter Services Intelligence.

I do not have to emphasise that India has never engaged in any provocative action and has always desired that the International Boundary and the Line of Control should be peaceful and tranquil. India has exercised the utmost restraint and will continue to do so. We expect Pakistan to reciprocate. We also expect that the

established diplomatic and military channels will be effectively used to prevent such incidents.

I visited Kargil, Kupwara and Baramulla on August 4, 1998. I also visited two posts in the valley along the LOC. The GOC 15 Corps accompanied me. Thereafter, I visited the 92 Base Hospital and the Bone & Joint Hospital in Srinagar to see the injured army and civilian personnel.

Let me assure the House that the security forces guarding our borders in Jammu & Kashmir are in fine fettle and in full preparedness to meet every eventuality that may arise.

#### *Appendix*

##### *Details of Army Casualties (Killed)*

1. Rtn Ajit Pradhan	—	3/4 GR.
2. Rtn Man Bahadur Gurung	—	3/4 GR.
3. L/Nk Abdul Khalik	—	118 Engineer Regiment
4. Gnr Sham Yadav	—	57 Field Regiment
5. Gnr (TA) Nilesh Narayan	—	200 Heavy Mortar Regiment
6. Sep VK Raut	—	12 MAHAR
7. Capt Gautam Gurung	—	3/4 GR
8. L/Nk Prem Pal Singh	—	19 GARH RIF
9. Hav Harbansh Singh	—	10 SIKH LI
10. Sep Gurdayal Singh	—	10 SIKH LI

##### *Details of BSF Casualties (Killed)*

1. Const DK Bhatt	—	92 Bn BSF
2. Const Labh Singh	—	107 Bn BSF
3. L/Nk NS Bisht	—	92 Bn BSF
4. Const Robin Tikka	—	92 Bn BSF
5. HC DN Singh	—	92 Bn BSF
6. Const Ram Bahadur Singh	—	92 Bn BSF



*Details of Civilian Casualties*

S. No.	Name of Civ.	Village	Area
<i>FATAL</i>			
<i>Kupwara Sector</i>			
1.	Asha Begum, W/o. Abdulla Gumai	Hajinagar	Tangdhar
2.	Abdul Khaliq Bhatt, S/o Jamal Bhatt	-do-	-do-
3.	Sugulta Pano, W/o Abdul Kaiq	-do-	-do-
4.	Shamli, W/o Md. Bhatt	-do-	-do-
5.	Manjoor Ahmed Bhatt S/o Khaliq Bhatt	-do-	-do-
6.	Salamuddin, S/o Kalumudin	Muchana	-do-
7.	Iasaquq, S/o Abdui Latif Khan	Truboni	-do-
8.	Istaq Ahmed, S/o Latif Khan	-do-	-do-
9.	Khursheeda Begum, W/o Latif Khan	-do-	-do-
10.	Akhar Jan W/o Abdul Rashid	-do-	-do-
11.	Nur Mohd, S/o Mirza Guzar	Amrui	-do-
12.	Khaliq Ahmed, S/o Alafdin	-do-	-do-
13.	Shamsdin, S/o Singindi	Hazitra	-do-
14.	Dakhaut Nur, D/o Roshandin	-do-	-do-
<i>Baramula Sector</i>			
15.	Noordin, S/o Shamsudin	Churunda	Uri
16.	Gularr Madi, S/o Mangi	Garhkot	-do-
17.	Nursat Begam, W/o Mushtaq Ahmed	Sultan Dhaki	-do-
18.	Arab Zann, W/o Abdul Rashid	-do-	-do-
19.	Munni	Jabla	
20.	Kausar		
21.	Sitar Ali		

NB: Particulars of the remaining civilian casualties are yet to be received.

THE MINISTER OF DEFENCE (SHRI GEORGE FERNANDES) : Mr. Chairman, Sir, with your permission, I would like to make a clarification about the matter which was raised in the House earlier in the morning. It related to again Kashmir and a newspaper item which said that our troops did not occupy as the summer months started, the posts they had vacated during the winter months.

Sir, I will read a brief note on the facts. The news item, 'Pak's winter take over, keeps LOC heat on' in *The Indian Express* by Aasha Khosa, from Srinagar on 3rd August, 1998 mentions the grabbing of two high altitude border posts by Pakistan.

MR. CHAIRMAN : Mr. Minister, the statement given to the Speaker's office did not contain this.

SHRI GEORGE FERNANDES : Sir, I am not making a statement. I am only making a clarification. ... (Interruptions)

MR. CHAIRMAN : If you give the paper name and other things, then the Members would again ask clarifications, questions. That cannot be allowed.

SHRI GEORGE FERNANDES : Sir, this was raised in the House. If you do not permit me, then I will sit down.

MR. CHAIRMAN : The statement is enough.

17.29 hrs.

MOTION RE : CONSIDERATION OF FINAL REPORT OF JAIN COMMISSION AND MEMORANDUM OF ACTION TAKEN ON THE REPORT—*Contd.*

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

SHRI R. MUTHIAH : 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 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 : 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 become 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 Jagadeesan 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.

SHRI T.R. BAALU : She was also a Minister in the AIADMK, MGR Government. Why 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

[SHRI R. MUTHIAH]

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 : 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 and 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 T.R. BAALU : It is only in one line!

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.

SHRI T.R. BAALU : Let me also quote. ... *(Interruptions)*

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

SHRI T.R. BAALU : I will also quote. ... *(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)*

SHRI R. MUTHIAH : What is this? Everbody 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)

SHRI T.R. BAALU : It is relevant to the deposition that he has made before the 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 Kodiakarai, which is more than 300 kilometres from Chennai, without any hindrance. They had gone there and prepared biryani there. ... (Interruptions)

SHRI T.R. BAALU : Sir, he was with those people who prepared biryani.

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 Muthiah, 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 Prabhakaran. 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 Kalaigarnar 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 to 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 T.R. BAALU : Shri Veerasekaran has already denied it.

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

SHRI T.R. BAALU : It is not his handwriting. ... (Interruptions)

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 Kalaigarnar (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..."

It was stated by Shri Karunanidhi.

SHRI T.R. BAALU : Sir, I do not want to interfere ... (Interruptions)

MR. CHAIRMAN : But this is the interference.

... (Interruptions)

SHRI T.R. BALLU : Sir, he is misleading the House.

SHRI R. MUTHIAH (Periyakulam) : 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 the 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 version is also 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

[SHRI R. MUTHIAH]

and Shrimati Maragatham Chandrashekar 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)

SHRI T.R. BAALU : He was from SIB. I am only helping you. I have gone through 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)

SHRI T. R. BAALU : He is totally misleading the House. Shri Muthiah is wasting 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 (Periyakulam) : 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 : 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 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*)

SHRI T.R. BAALU : What is the other formular ? ... (*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.

18.13 hrs.

SHRI MURASOLI MARAN : Mr. Chairman, Sir, the tone and tenor of the debate was set by Shri Shiv Shanker this morning, and he has raised the standard of debate to the highest level. But we have also seen the low side. 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 great leader of the 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 his words because in our country, the largest and the greatest democracy of the world, some foreigners could come and do the crude job, and escaped. It is a national shame.

That is why I share the sentiments of this side and also of 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 MURASOLI MARAN]

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 strangled 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 prediction. It is happening everywhere.

So, the Government and the powers that 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 the BJP Government. In Tamil there is a saying: '*Kuzhipinathai thondikundu 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 (Ramanathapuram) : 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 taken that some satisfactory solution be arrived at with the LTTE so that the Indo-Sri Lanka 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 remitting this to it.

[SHRI MURASOLI MARAN]

Then, we have Chandraswami's connections with the BCCI. 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 indepth. 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 that to the hon. 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)

SHRI T.R. BAALU : Why are you getting agitated? Sir, please keep the House in 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 Muthia. 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 then Dhanu, the human bomb. You know that she is Themozhi alias Dhanu, the suicide bomber of Shri Rajiv Gandhi. She was trained in the seventh batch of LTTE in Sirumalaij 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)*

SHRI T.R. BAALU : Dr. M.G. Ramachandran had financed them by giving Rs. 4 crore. It was given by AIADMK. I can prove it. ... *(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 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 Varma 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 (Krishnagiri) : 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.

SHRI T.R. BAALU : Sir, you know Tamil. ... (Interruptions) 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 Members 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 : 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)*

SHRI T.R. BAALU : Dr. Swamy, I have already  
requested him to expunge it ... *(Interruptions)*

SHRI K.P. MUNUSAMY : He should apologize for it  
... *(Interruptions)*

DR. SUBRAMANIAN SWAMY : Sir, why do they  
make these anti-women remarks?

SHRI MURASOLI MARAN : Dr. Swamy, please do  
not divert it ... *(Interruptions)*

DR. SUBRAMANIAN SWAMY : 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 : I am sorry for what has  
happened ... *(Interruptions)*

MR. CHAIRMAN : Shri Baalu, have you uttered that  
sentence?

... *(Interruptions)*

SHRI K.P. MUNUSAMY : Yes Sir. ... *(Interruptions)*

MR. CHAIRMAN : Kindly resume your seat.

... *(Interruptions)*

SHRI T.R. BAALU : Sir, I have only said, 'Amma  
would appreciate'. What is wrong in it? ... *(Interruptions)*  
I withdraw it ... *(Interruptions)*

DR. SUBRAMANIAN SWAMY : Sir, he cannot make  
such anti-women remarks ... *(Interruptions)*

MR. CHAIRMAN : He himself has withdrawn it. Now,  
please cooperate with the chair.

... *(Interruptions)*

DR. SUBRAMANIAN SWAMY : Sir, Shri Maran has  
expressed regret for these remarks. ... *(Interruptions)*

MR. CHAIRMAN : Shri Baalu has withdrawn the  
remarks.

DR. SUBRAMANIAN SWAMY : 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 : I feel sorry for what has  
happened. Is it enough now? ... *(Interruptions)*

MR. CHAIRMAN : Now, let us have peace.

SHRI MURASOLI MARAN : 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*)

SHRI T.R. BAALU : Who armed 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 : Shri Muthiah, we will meet this argument when we will have our chance to speak ... (*Interruptions*)

SHRI MURASOLI MARAN : 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 (Periyakulam) : No, this was not immediately after the assassination ... *(Interruptions)* He is misleading the House ... *(Interruptions)*

MR. SPEAKER : Shri 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 foreward 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.



[SHRI MURASOLI MARAN]

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 SIT 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 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 so 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, 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 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 : 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 Rajivj 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 : 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 warned a 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.

19.06 hrs.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS AND MINISTER OF SURFACE TRANSPORT (DR. 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 then the 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 : 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)

DR. 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 the murder. ... (Interruptions)

MR. SPEAKER : Shri Thambi Durai.

DR. M. THAMBI DURAI : I want to make this submission, Sir.

SHRI MURASOLI MARAN : 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 : Killer team of Sivarasan, 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 : 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 : 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 : Please do not start a new convention.

SHRI RAM VILAS PASWAN : 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 : 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*)

[*Translation*]

SHRI RAM VILAS PASWAN : Mr. Speaker, Sir, I would like to say that yesterday we sat in the House till 10.30 p.m. without taking any meals, but today there is an arrangement for dinner. Instead of upto 10 p.m. today the House can sit upto 11 p.m. or till midnight or 6 a.m., the next day but before this the House has never met before 11 a.m. Therefore, this convention should not be broken otherwise you will be calling the House sometime at 10 a.m. and the other time at 9 a.m. or early in the morning. If this is a special case, it is good and if required the House can sit tonight.

[*English*]

MR. SPEAKER : What do you say, Prof. Kurien?

PROF. P.J. KURIEN (Mavelikara) : It is upto the House.

[Translation]

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF TOURISM (SHRI MADAN LAL KHURANA) : It is upto the members of the Congress Party to decide, we are ready to accept what they decide. If the House is required to sit till 11 p.m., we are ready to sit till 11 p.m.

[English]

SHRI ARIF MOHAMMED KHAN : 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 : 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 : 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 : 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 : As the House decides.

MR. SPEAKER : The Chair wants to know the sense of the House.

SEVERAL HON. MEMBERS : Sir, as usual at 11 o'clock.

[Translation]

SHRI MADAN LAL KHURANA : Mr. Speaker, first we shall have to decide as to what time the Hon'ble Home Minister would give his reply to the entire debate tomorrow. ... (Interruptions)

[English]

because by 2 p.m. the Hon'ble Speaker wants to complete this debate.

[Translation]

AN HON'BLE MEMBER : Let the reply be given at 2 p.m.

SHRI MADAN LAL KHURANA : No, they want to complete it by 2 p.m.

MR. SPEAKER : The reply will be given at 2 p.m. Today we will sit late.

[English]

SHRI RAM VILAS PASWAN : As it was decided in the leader's meeting, the hon'ble Home Minister should reply at 2 p.m.

SHRI MADAN LAL KHURANA : The Hon'ble Speaker is not agreeing to it.

[English]

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 : Sir, what is your ruling on his request?

MR. SPEAKER : It cannot be treated because there are a number of notices.

19.10 hrs.

[Translation]

SHRI BHAGWAN SHANKER RAWAT (Agra) : Sir, this is a subject with which emotions are attached. But

[SHRI BHAGWAN SHANKAR RAWAT]

I feel pained at the way the emotions are expressed here, I have no hesitation in saying this and rather I am saying so with a heavy heart that the story of the minds of the political leaders in India had started long ago. This story commenced with the murder of Dr. Shyama Prasad Mukherjee. Shri Deen Dayal Upadhyay was brutally murdered.

SHRI ARIF MOHAMMAD KHAN : Mahatma Gandhi's name was not mentioned first. There is no mention of Mahatma Gandhi in R.S.S. training ... (*Interruptions*) I am addressing Khurana ji.

SHRI BHAGWAN SHANKAR RAWAT : The way Dr. Shyama Prasad Mukherjee was killed in a jail in Kashmir, Deen Dayal Upadhyay was killed at the Mughal Sarai Railway station and before that Mahatma Gandhi was killed under suspicious circumstances. Had the gravity of national and international conspiracy been assessed seriously at that time and a resolution could be passed to uproot the violence for ever, the murder of Indira Gandhi and Rajiv Gandhi would have been averted. But unfortunately Nagarwala was killed under suspicious circumstances, Longowal was killed, Bhinderwala was promoted to fulfil the political ambitions and he was the only person responsible for the spread of terrorism and flooding the rivers in Punjab with human blood and the innocent and helpless people were killed mercilessly and Indira Gandhi and Rajiv Gandhi became the victim of this wave of terrorism.

I would like to say that the murder of any political is condemnable. There is no place for killings in the land of Lord Krishna, Rama, Mahavira and Buddha. But still the murders take place and we view these murders from a political angle. We adopt dual standards. Today my friends sitting on opposite benches are not satisfied with ATR but they are satisfied with the Jain Commission Report. This is quite contradictory. In Rajya Sabha Shri Kapil Sibal was telling that he had agreed to the recommendations made in the interim report which was submitted earlier. Here my friends say that they are not satisfied. They said that it was a complete document and here my friend is talking in different tone. This dual criteria is responsible for these brutal killings. All political parties need not to follow the dual standards to run the Government. Murder of Rajiv Gandhi was the result of these dual standards. Terrorism was given protection and the result was that terrorism was promoted in Punjab resulting in the murder of Indira Gandhi. Rajiv Gandhi first encouraged LTTE and later on ditched them which led to the killing of Rajiv Gandhi.

In Jain Commission report various aspects have come to the light which need to be scrutinized.

My friends talk about another inquiry but when I mentioned about the constitution of multi-dimensional, multi-disciplinary monitoring agency, then they show reluctance. They say that this should not be multi disciplinary agency. If that agency will not be there, then which agency will be constituted? Will the inquiry be conducted by a private detective agency? When all these things will be brought before the legally authorised agency and it will enquire about International conspiracy or national conspiracy or individual conspiracy or party conspiracy, it will act impartially. They say that they are not satisfied with the report of the Jain Commission. Has the Jain Commission ever stated that this matter needs to be scrutinized? When you are satisfied then why do you raise objection.

Therefore, I would say that if Shri Subramanian Swamy had been here, it would have been good. He had also cooked up a number of stories but when he appeared before the commission for evidence, he evaded reply or he declined to reply. The report of Jain Commission is a proof that the commission was forced to give its suggestion that the contempt of court, and the rules and provisions of the contempt of court ought to be effected in the functioning of this commission. Under the rules of the contempt of court powers should be given to the said commission to take stern action against those witnesses who try to conceal the facts or do not convey the correct picture.

By hiding the facts and concealing the evidence, people like Dr. Subramanian Swamy are guilty of contempt of court. Whatever he has said in his defence, is condemnable. Hence, this should be investigated.

The Commission has the facts. Dr. Subramanian Swamy spoke about a Congress leader and two other persons. He said at the Raj Bhavan, Chennai, that LTTE has been paid one crore rupees to assassinate Rajiv Gandhi. Who were those two persons? Why nothing was said about those evidences. Not only the people of India, but the world wants to know. But, it seems that the political dreams of my friends, sitting before me are going to be fulfilled. Therefore, your attention is not being attracted. What has been mentioned in the report, regarding these facts of Dr. Subramanian Swamy.

Hence do not adopt double standards. This issue needs to be investigated. My friend Shri Ajit Jogi just asked me to stop, so that he would understand the matter later. But the truth is that Rajiv Gandhi approached Karunanidhi so that the dispute between the Tamils and

the Sinhalese remained. And that the dispute between the LTTE and the Sri Lanka's President remained unsolved. And when Karunanidhi refused, attempt was made to prevent talks between Sinhalese and Tamils. Therefore, this point needs to be investigated. Who were the Indian officials responsible for sending the army into Sri Lanka where 1200 Indian soldiers were sacrificed and thousands wounded. After all, why did we, pay the price for this? The responsibility for this lies on Rajiv Gandhi and those officials of the Indian Government. But attempts are being made to suppress these facts. According to the Cabinet Secretary and the Home Secretary correspondence and records are not traceable. Who is responsible for this? After the assassination of Rajiv Gandhi which persons had joined the Government? Was it not the Congress Government? If this was their Government why did the records disappear? This reveals that the conspiracy was due to the dirty politics of the Congress (party). Who will expose this politics? My friends are not demanding that some agency should investigate as to why did all this happen? Why did the files disappear and why were the correspondences tampered with? Not only this, the ex-Home Minister, Shri S.B. Chavan—who today is the leader of opposition in the other House made a public statement.

[English]

Certain records were withheld because it would have maligned a family. We did not want the name of the Rajiv Gandhi to be dragged.

[Translation]

Rajiv Gandhi has been assassinated. Now they do not want to expose Rajiv Gandhi. They say that the family would be maligned. The matter is not simply related to assassination of an ex-Prime Minister. This is not a private matter of his family. Its impact has been felt all over the country and the world. Terrorism was taking roots. The country and the world wants to know why did this happen irrespective of the fact whether it was a national or an international conspiracy or whether they belonged to the party, or any other enemy.

I want to say one more thing. It is a bit awkward. But my conscience is also not allowing me to remain silent. I have been a student of history. I have studied history of Algeria. An attempt was made to destroy democracy in Algeria by putting obstacles in elections, through murders and by attempting to break the seal of ballot box. I feel that we have certain leaders who were aware that the minority Government of Shri Chandra Shekhar under the shadow of Dr. Subramanian Swamy, was not going to last long. They knew that this

Government will not going to come back to power again. Therefore, they wanted to postpone the election somehow. This is also one side of the view. And people like Dr. Subramanian Swamy, who took pride in those relations, has also admitted here. And during evidence he fumbled and tried to conceal the facts. He enjoyed the benefits of being in the Government and attempt was made to increase it. Now the suspicion arises whether it was not a conspiracy to attempt to repeat the history of Algeria in India. Was Rajiv Gandhi a victim of this? These are some of the issues, which arise in the mind of the people. If a multi disciplinary agency is constituted, it would look at all points and the truth would be revealed.

Now, I want to speak about the news published in the *Business Standard*. In this newspaper it was published in 91 that Prabhakaran has been called to Delhi, at Ashoka Hotel. He was given five crore rupees by Rajiv Gandhi to keep quiet. But this was not contradicted. I can even give a copy of this newspaper. Therefore, I want to say that we have to ponder over such activities. Hence, I would like to quote, from the first report:

[English]

The sequence of events leading to and the facts and circumstances relating to the assassination of Shri Rajiv Gandhi at Sripurumbudur and other matters covered by the terms and reference for the Verma Commission.

[Translation]

Light was shed in this regard. On the basis of the first report the Congress withdrew support from that Government and it fell. Now this very Congress Party's thinking has undergone a change. Therefore, when you agree with this report, nothing needs to be said further. Another thing which has been mentioned in this report is:

[English]

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.

[Translation]

If any investigation needs to be done in this regard, there are several related issues. It is also said regarding the Home Secretary of Tamil Nadu that he was contacted. Advocate K.B. Ramaswamy's name also comes up,

[SHRI BHAGWAN SHANKER RAWAT]

regarding his relationship with Kittu. He has said this. It needs to be elaborated, which I do not want to do. My friends from Tamil Nadu are going into those details and they would explain in detail. The scope of MDMA is :—

[English]

To monitor the movements of all accused in Rajiv's assassination case who are still absconding and bring them to trial.

[Translation]

Nothing remains to be said further. It is said names of 21 persons came up, but investigations were conducted only against two or three. My friends forget that after the case is referred to the court, charge-sheet is filed, evidence is taken, and when the court concludes that there is insufficient evidence against them then there is no possibility of doing anything in this matter. Therefore, ATR is legally correct, and its recommendations, the action taken are as per the legal provisions. Secondly, the MDMA scope mentions:

[English]

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.

[Translation]

After this MDMA was opposed. Attempt was made to conceal facts and to gain political mileage. I would like to remind the Congress friends that it was being emphatically asked whether it was more important to discuss the Jain Commission Report regarding the assassination or to hold discussion on scheduled castes. At that time, Shri Kuriengi was speaking in very emotional manner. Today, I would like to make an appeal to them, that if you are sincere and serious, then have a discussion on the outcome of the Jain Commission Report, which investigated all the matters related to the assassination, should be taken to its logical conclusion. And instead of opposing you should cooperate to find the truth in this regard. Give any evidence which you have and unmask those who are still hiding. Government files are being withheld and evidence is being concealed. Attempt is being made to re-write history. This should be exposed. Else, history will not forgive you.

Sir, this spate of assassinations of leaders in free India must come to halt. There stands the Ashoka wheel so that politics may be non-violent, it denotes peace and not blood shed. Let every political leader's life be protected and the political parties must realise the fact that they should not encourage, atrocity and terrorism and should desist from such activities. Let us all work in consonance with the Directive Principles enshrined in the Indian Constitution. Let us act on the policy of peaceful co-existence. With these words. I conclude. Thanks.

SHRI AJIT JOGI (Raigarh) : Sir, we are discussing the brutal assassination of our beloved departed leader. I want to initiate my contention with a two line homage to him:

"Khil ke ghul kuchh to baharein ja fijan dikhla gaye, harsat un gunchon pe hai jo bin khile he murjha gaye."

A lovely flower was blooming up and it was there to lead us in the 21st century and to usher India in the line of front ranking countries of the world. He was brutally killed. I do not accept that he was snatched away by the cruel hands of destiny. My contention is that his was not an ordinary murder. Sir, it is not only that Priyanka and Rahul lost their father and respected Sonia ji widowed herself on the feet of Mother India. The fact is that so many youthful dreams of crores of youth shattered and the aspirations of multitude of depressed, tribals, labourers and farmers were washed away with his assassination. So I tell with heavy heart that this issue has a meaning for four crores of Congress people and their families, it is a serious issue which we want to discuss upon with all seriousness. One point has got manifest in today's discussion and we all agree to the fact that there was a conspiracy behind Rajiv Gandhi's assassination and it was no ordinary murder. It was a national conspiracy and probably there were some Mir Zafars and Jaichands among us involved in this conspiracy who were reading the writings on wall and knew that Rajiv Gandhi shall once again emerge as the Prime Minister. Those who knew that Rajiv Gandhi shall once again become Prime Minister and did not wish him to be the Prime Minister. They hatched a conspiracy inside the country and another bigger conspiracy was there on international scale which has been referred to by the Commission a number of times. I do not wish to throw away any light on its dimension, but, then, I shall definitely like to say that the international forces do contend that if this country has to be weakened, let a weak person be installed on Delhi's saddle. History stands witness to the fact that whenever strong persons like Ashoka The Great, Akbar and even the British were in the saddle, the country in its entirety never disintegrated. This too is a fact that whenever a

weak person was in the saddle here, the country disintegrated. This was known to the international forces and that is why, they hatched this conspiracy. They snatched Rajiv Gandhi away from our hands since he could provide strong leadership. While we were coming back after putting that golden body on a sandalwood pyre, our eyes were welled up and our hearts were ablaze with anger. Even today, those tears have not dried up and that fire has not cooled down. We still nostalgically remember him and say—"While the world was hearing you so happily, you yourself went into slumber with your tales mum on your lips." The entire nation was looking up to Rajiv with a lot of expectations. We congressmen want only this much that we should transcend over party lines and trace out those forces with honesty which snatched Rajiv ji from our hands after hatching out a conspiracy. Let us trace out those involved in that conspiracy, it does not matter whether these people are ours or others. This is our only request to the Government of day. We do not have any grudge against this Government. We are not here to complain against anything; we are only entreating since this issue pertains to our feelings and sentiments. A lot many things can be said about the issues which have discussed upon in the Commission.

Mr. Speaker, Sir, time remaining is very scant. So I shall like to touch upon only a few points. Something as an allegation was repeatedly hurled upon us by our friendly parties. This was said by Indrajit Guptaji, Acharyaji and others. They have said that we unnecessarily pulled down the Gujrat Government. I stand to oppose vehemently this allegation on my own behalf and also on behalf of my party. We did not withdraw our support from that Government on our own. We did not make that Government collapse. We had a very small demand. I have said earlier too that this is an issue concerned with feelings and sentiments. Things were very clear in the interim report of the Jain Commission"—and definitely it was a judge who wrote it and not we. Justice Jain has observed in page No. 944, Vol. VII of the interim report as follows:

[English]

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

[Translation]

After that we did not have any other option. It was an issue pertaining to our sentiments. A judge declares in the Commission report that the reason behind this assassination was the relationship between LTTE and

DMK. According to him, it was an irresistible conclusion. This is how a judge said: we did not say that ...  
(Interruptions)

[English]

SHRI T.R. BAALU : Sir, the late Rajiv Gandhi himself supported them ... (Interruptions)

SHRI AJIT JOGI : Sir, I am not yielding ...  
(Interruptions)

MR. SPEAKER : Shri Baalu, he is not yielding.

PROF. P.J. KURIEN : Shri Baalu, we have listened to your leader silently. Just before Shri Maran spoke and we heard him patiently ... (Interruptions)

SHRI T.R. BAALU : It is mentioned in Volume VII, Chapter III, page 786 of the Interim Report that after the induction of IPKF in Sri Lanka, the late Rajiv Gandhi himself orderd 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 : I will reply to it.

[Translation]

I wish to putforth a request before you all. I have already said that this is an issue pertaining to the sentiments of mine and all of my colleagues. Hence we want to talk it out while being above impediments of party lines. We do not have any complaint against anyone. We do not have any grudge against you. We are out in pursuit of truth only. We wish it to be traced out. No one should have any objection to it. Let me know, who is there unwilling to unearth the truth? It is an issue of assassination of Rajiv Gandhi, assassination of the Prime Minister of the country and assassination of a Congress President. There was a conspiracy behind it. The Congress leaders are merely demanding to unearth the truth.

[Translation]

I am very sorry if anyone has any objection to it. We are only requesting to find out the reality. We are not accusing anyone. We had not told you even at that time that we would withdraw our support. We had made a humble request to you that this point had been uttered



[SHRI AJIT JOGI]

against you. If commission utters any point in Commission of Enquiry Act, that is neither considered true nor certified. We too understand the law. Therefore it is investigated. After investigation, the case proceeds in the court. Thereafter it is proved. Therefore, we had made a humble request. We had asked the Gujral Government to constitute a committee of three prominent jurists selected by the Government itself. Those jurists would make an enquiry of allegations levelled on D.M.K. Those jurists should be asked to complete their enquiry within 15 days, 30 days and three months but you should keep your three ministers out of the Cabinet only for one month and after that if the allegations are not proved, all those three ministers should be inducted in the Cabinet again with respect. Which demand of ours was undue? We have not said that we would withdraw our support ...  
*(Interruptions)*

[English]

SHRI T.R. BAALU : It is a stigma on our back.

PROF. P.J. KURIEN : Is it for one month?

MR. SPEAKER : Prof. P.J. Kurien, your Member is not yielding for you also!

[Translation]

SHRI AJIT JOGI : Mr. Speaker, Sir, I do not want to accuse anybody. I am a member of 113 years old majestic party. I do not want to accuse anybody without any rhyme or reason. We had not been accusing anybody and still we are not doing so. If my any M.P. friend is enjoying. While I am standing and accusing anybody, there is no need to be happy. I am on my eggs to trace the truth and demand the same. I am a Jogi and ask for this dole that the truth should be traced as to how our leader was killed. It should be traced and we should be intimidated. I had made it clear in the very beginning that we did not throw out your government unnecessarily and without any reason and rhyme. You were not ready to admit our one humble point. You were adamant to your consistency. I myself had gone to talk to your prominent leaders. I do not want to name them. I requested all of them that it was a matter of just one month long and you should get the enquiry done. If allegation does not prove, you will be taken back in the Cabinet, but you did not accede to it. Therefore, that Government could not survive. Our condition is the same even today. We are asking even today we were saying that if commission has said that this matter should be looked into on one should feel scared of the enquiry. If I am accused, I am ready to go in for enquiry. I am also

ready that matter should be enquired. If I am not at fault why should I feel scared if I request that person against whom a demand for enquiry has been made in this report, should get an enquiry done and not feel scared at the enquiry.

Mr. Speaker, Sir, as stated in the interim report, I have read out from it as to why I felt the need of enquiry in this matter. Since, there is shortage of time, so I would like to mention a couple of incidents briefly. Though I had brought some 15-20 incidents with me in writing but I would like to mention emphatically one-two incidents. Why do we say that enquiry should be instituted? What sort of proof do we have? Why are we spiring that this matter should be enquired. All the people have said that Rajiv Gandhi assassination was a brutal one. Prior to that, on 19th June, 1990 Padmanabhan and his 16 associates were murdered. Everybody knows about it. Everybody knows that whose Government was in power at that time in Tamilnadu. Everybody knows that whose Government was it in the Centre at that time. I want to say as to why we want an enquiry and why we want to know the truth? I am giving you the reasons. It was such a very big assassination wherein the leader of EPRLF, Mr. Padmanabhan and his 16 associates were killed. What happened after that? Mr. Speaker, Sir, I would like to read out a brief statement of TADA court. Though this statement is in English but I am giving its translated version in Hindi. Shri Nagrajan is an I.A.S. officer who used to be private secretary to the present Chief Minister of Tamilnadu.

[English]

AN HON. MEMBER : He was Home Secretary at that time.

SHRI AJIT JOGI : I know. Please do not guide me.

[Translation]

There was a time when he used to be the private secretary to him. Then Secretary to Minister for Home Affairs stated before the TADA Court that when Padmanabhan was brutally murdered. The then and present Chief Minister were in Delhi on that day. I am reading out Shri Nagrajan's statement in Hindi:

"I was directed not to take any action against LTTE. I asked the Chief Minister Shri Karunanidhi. He was in Delhi. He said not to take any action until he come."

It was such a big assassination but despite this it is being directed not to take any action until his arrival. It

is in detail at the pages between 718-732 of Volume-II in the interim report. I do not want to read out that.

About this very assassination the speech of sitting M.P., Shri Chidambaram was made on 25th February, 1991 and his statement is also received. What did he say? He went ahead of it. He said:

[English]

"The DMK Government informed the LTTE about the arrival and movement of Mr. Padmanabha ..."

MR. SPEAKER : Please conclude.

SHRI AJIT JOGI : I have just begun.

MR. SPEAKER : You have taken more than 15 minutes, not begun just now.

... (Interruptions)

SHRI T.R. BAALU (Madras South) : He has taken more time to mislead the House ... (Interruptions)

SHRI AJIT JOGI : 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."

[Translation]

Shri Chidambaram has said it about the then State Government.

[English]

SHRI T.R. BAALU (Madras South) : Shri Jogi, you could not prevent Shri Satwant Singh and Shri Beant Singh from being planted in Shrimati Indra Gandhi's security ring. They were within the proximity of Shrimati Indra Gandhi ... (Interruptions) The then Government could not prevent them from committing that murder and save her. Now, they are finding fault with us ... (Interruptions)

[Translation]

SHRI AJIT JOGI : I am not accusing you at all. I am saying that these were the facts and these should be investigated. When a Secretary to Home Affairs is narrating before a judge in a statement that I was directed not to catch them. When a senior Minister and sitting

M.P. is stating here that they were deliberately allowed to go 350 kms. When such statements are coming, I would like to request that it is a serious matter and it should be investigated. One eyed Jack Shivrasan or one-eyed Shivrasan who murdered Padmanabhan and 16 people is the accused who has murdered Rajiv Gandhi also. This was the focal point of Rajiv Gandhi's assassination. Six accused are common in Padmanabhan's murder case and Rajiv Gandhi's murder case. Everything is the same even people, team, weapons, explosive materials and the method is the same. I say with authority that if these accused people of Padmanabhan's assassination had been caught immediately, Rajiv Gandhi would not have been assassinated. So, we feel pain in our heart. We are not aggrieved and pained on any other things. What happens after that? After that the same State Government was in power there. Somebody has read out just now. So, I do not want to read out that same the Shivrasan, who had assassinated Rajiv Gandhi, who was the main accused of conspiracy of Rajiv Gandhi's assassination, who had constituted a Team, was staying in a rented room in Tamilnadu, who was imparting training in Tamilnadu, who was doing a dress rehearsal in Tamilnadu, had made a dress rehearsal of murder when V.P. Singh held a meeting there on 8th May, 1991 just fifteen days before Rajiv Gandhi's assassination and in the very meeting as to how he will pass over the garland to Dhanu and as to how he will garland V.P. Singh by Dhanu and in the V.P. Singh's meeting Shivrasan, the one eyed was sitting in the first row. Who will believe that the then Government was not aware of this that these people who are accused of Padmanabhan's assassination are present there? Who will believe? I will not believe ... (Interruptions)

SHRI T.R. BAALU (Madras South) : At that time, it was the Home Ministry which 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 : 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

[SHRI AJIT JOGI]

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.

[*Translation*]

We want that the truth may be found out. Please cooperate with us to find out the truth. Who will believe that the dress rehearsal was going on before 15 days of assassination of Rajiv Gandhi. The same girl Dhanu was garlanding Shri V.P. Singh. Shivrasan was sitting in the front row and listening his speech. I am not reading all these things but just telling. You are, ringing the bell, otherwise I would have read all these things from the report. These are very heart rendering things. The wireless messages were flashed and intercepted that Rajiv Gandhi would be gunned down. The Chief of their Intelligence Bureau Pottuannan was sending message about the assassination of Rajiv Gandhi ... *(Interruptions)*

[*English*]

SHRI T.R. BAALU : It was 1988. LTTE people knew about it but not the Defence people ... *(Interruptions)*

SHRI AJIT JOGI : I will say everything ... *(Interruptions)*

MR. SPEAKER : What is this Shri Baalu?

... *(Interruptions)*

SHRI T.R. BAALU : The Defence people could not know this. When 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 : 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.

[*Translation*]

Therefore, I would like to submit that the truth may be found out you said that it was the incident of 1988 but the message of 1991 was tapped. If you allow me I read out the wireless message which is a 2 line message of 21.3.1991.

MR. SPEAKER : Please conclude Shri Jogi. There are other Members also from your Party.

PROF. P.J. KURIEN : 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.

[*Translation*]

SHRI AJIT JOGI : Sir, I just heard that wireless message to save the time. I have brought all the books but I am not reading anything from them. Since you are giving orders. This is a wireless message which was received just three days earlier on 21/22.3.91 ... *(Interruptions)*

[*English*]

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

[*Translation*]

It is being asked by the Chief of the Intelligence Bureau of L.T.T.E. Shivrasan. This wireless message is going on between both of them that Rajiv Gandhi should be killed in Chennai or in Delhi. If he is to be killed in Delhi then it needs more preparation and time. But give your orders. Such messages were given we are working in the administration and we are told that the message of 21st and 22nd March, 1991 has not been decoded even after the death of Rajiv Gandhi till June. To whom you are befooling. Since I have worked in the administration I know when the message is intercepted it is immediately decoded. It is an important message regarding assassination of Rajiv Gandhi. It is being said that this message had not been decoded. I would like to say that an inquiry should be conducted and that which person is responsible for it. You said that enquiry should not be conducted. Therefore, I request you with folded hands that the inquiry should be conducted and I want to mention one or two points.

[English]

Volume VII, Interim Report, page 190 says: "DMK provided safe sanctuary to LTTE."

[Translation]

That DMK has provided safe sanctuary to LTTE.

[English]

Page 728 says. "Militants of LTTE were hand in glove with the DMK".

[Translation]

At page 785 Shri J.N. Dixit who was the High Commissioner in Srilanka had given this statement.

[English]

"DMK was supporting LTTE even after IPKF was sent to Sri Lanka."

[Translation]

It is not new thing which being said that the LTTE was supported with your consent. I want to express ... (Interruptions)

[English]

SHRI T.R. BAALU : You kindly read page 786 also where it is mentioned that Shri Rajiv Gandhi helped LTTE ... (Interruptions)

SHRI AJIT JOGI : I am coming to that ... (Interruptions)

SHRI T.R. BAALU : He should read page 786 also ... (Interruptions)

MR. SPEAKER : Shri T.R. Baalu, what is this? Please do not interrupt.

[Translation]

SHRI AJIT JOGI : Mr. Speaker, Sir, I would request you that there should be some distinction. We agree to this that talks were held between Rajiv Gandhi and Karunanidhi in 1989. I know this that is why I am telling this.

[English]

SHRI T.R. BAALU : You should not forget things. What did you do 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 : I am saying the same thing ... (Interruptions)

PROF. P.J. KURIEN : You should not interrupt. You can reply in the end. Let him speak ... (Interruptions)

SHRI T.R. BAALU : I am with you. I am not against you. The only thing is that you should say, what has happened.

SHRI AJIT JOGI : You are not listening. I am saying just the same thing that you are saying.

[Translation]

Sir, I am saying this because I have personal knowledge about this I know that Rajiv Gandhi called on Murasoli Maran and told him that he was in trouble. He said that they had good relations with them so they should mediate in this matter. It was requested before sending I.P.K.F. there. They had earlier said that he wanted to peacefully solve this problem so they should help him in this regard. He made the same request after sending I.P.K.F. I know all these developments because during those days I was closely associated with him. He requested for the peaceful settlement of this matter. He never said to help the I.P.K.F. to set up hideouts in Tamil Nadu to dump explosives in Tamilnadu or killed Padmanabhan there. Shri Rajiv Gandhi has never mentioned all this. Shri Rajiv Gandhi requested for peaceful settlement of this problem. I agree with you of this problem. I agree with you that you cooperate for quite long time.

[English]

SHRI T.R. BAALU : The arms and ammunition were sent by you ... (Interruptions)... But they thought, they should kill Sri Lankans only ... (Interruptions)

SHRI AJIT JOGI : I partly agree with him.

[Translation]

Sir, I partially agree that Rajiv Gandhi requested for that. The people give their views on the basis of interim report. But I am mentioning all these things on the basis of final report.

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 : Sir, this is something which relates mainly to my Party. Kindly cooperate.

MR. SPEAKER : No. Please complete now.

SHRI AJIT JOGI : 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 says:

"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)

SHRI T.R. BAALU : The LTTE had got information 20 days ahead of 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) ... \*

MR. SPEAKER : You are a senior Member. Please take your seat.

... (Interruptions)

MR. SPEAKER : Whatever Shri Baalu says will not go on record.

(Interruptions)... \*

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)

[Translation]

SHRI KANTILAL BHURIA : (Jhabua) : He is reading out Jain Commission's Report ... (Interruptions) You please, try to understand ... (Interruptions) This is Jain Commission's Report ... (Interruptions) Your clarification will not do anything here ... (Interruptions) What is this ... (Interruptions) Please, try to listen to him ... (Interruptions)

[English]

SHRI AJIT JOGI : 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. Gopalaswami, 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

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\* Not recorded.

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."

[Translation]

Let me explain one or two more facts. At that time, the highest officer of Navy, Admiral Ram Das, was commanding officer in Madras. He said in his statement that:

[English]

"The LTTE people arrested by the Coast Guard were released by the State Police".

[Translation]

Whenever LTTE men were arrested and handed over to police by Navy, the local police always released them. Shri Chandra Shekharji was just sitting there; he himself had dismissed the D.M.K. government. You may ask him as to what were the reasons behind the dismissal of that Government? When he found it difficult to put a check on the increasing activities of LTTE, which were on its peak at that time, he decided to send some commando force from Delhi to the State to destroy the LTTE camps in the State. When he took this decision, he thought it proper to intimate the same to the state Chief Minister, which he did. But what happened after that? Shri Nagrajan, the then Home Secretary, has submitted before the TADA Court that no sooner than the Chief Minister received this information from Shri Chandra Shekhar, he immediately conveyed the same to LTTE. Resultantly, when the commando brigade arrived there, they found nobody there. This was the reason why the State Government was dismissed. I am making this request to you. You are not giving me time ... (*Interruptions*)

[English]

MR. SPEAKER : Shri Ajit Jogi, now you have to complete. Already you have spoken for more than half an hour.

[Translation]

SHRI AJIT JOGI : My point is that he was the one eyed Jack, same Shivrasan who had murdered Padmanabhan. He was the same Shivrasan who had hired a place there wherein he accommodated his team-

mates and kept his arsenal there. It was used as hideout for his team. It was this rented place where his team-mates were provided training everyday. He was talking on wireless everyday from there. Everyday he was getting ammunition from Srilanka. Everyday he was doing his preparation. Even, he managed to conduct the final dress rehearsal in the meeting of V.P. Singh. Why all this became possible for him, we want to get these things investigated. We want to get this matter investigated. We do not charge you of any guilt but we want that the guilty should be brought to book which is possible only after a thorough investigation. We should investigate into the matter and ascertain as to whether assassination of Rajiv Gandhi was allowed to take place knowingly by some people? Whether they showed any amount of carelessness in respect of his security measures? My question is that after the assassination of Rajiv Gandhi, out of 46 accused people, so many have been sentenced to death but it is surprising that none of the officers has been found guilty. Mistake was made by the officers and intelligence agencies also. Had they been a bit little more vigilant and careful and taken certain precautionary measures, this incident would have been averted. Had they caught the murderers of Padmanabhan and Shivrasan immediately alongwith his gangsters and had the intelligence agencies informed us in advance when the trial run was going on, this incident would not have taken place? These are the reasons which lead us to believe that somewhere at some place some or other officer or intelligence agency or political figure was involved in the whole episode but why has he or she not been nailed and punished so far? Could you tell me the name of even a single intelligence officer who has been booked and sent to jail for showing carelessness on his or her part? This is quite evident that trial run was going on, messages were being flashed, ammunitions were being supplied, explosives were being piled up but surprisingly nothing was in the knowledge of the then Government. Not even a single person of the then administration has been found guilty. Let alone punishing someone. How do you expect us to tolerate all this? Our leader has been assassinated, how can we, the Congressmen, tolerate this? We want that the truth is unearthed and the guilty are punished.

One last request I want to make. Something has been earlier said and I want to make that clear. It is being said that findings of the final report are in total contrast against the Interim Report. This is height of distorting the facts. There are two reports, namely, Interim Report and final report but the words used therefore are not chosen properly. Actually, these two reports are on two different subjects. The report of Justice Verma who on some different subject and if you see the terms and reference of that commission, you will find that it was on security lapses and

[SHRI AJIT JOGI]

[English]

the Interim Report is about the sequence of events leading to the assassination of Rajiv Gandhi.

[Translation]

The Interim Report is about the sequence of events which led to the assassination of Rajiv Gandhi and Interim Report is in respect of

[English]

persons and agencies responsible for the assassination of Rajiv Gandhi, the conspiracy thereof and its dimension thereof.

[Translation]

All the three reports have dwelt on three different issues as they have got their own terms and references. All the three reports have given three different conclusions. If certain recommendations have been made by the Jain Commission then Government should have taken adequate action on all of them. This is the demand of Congress Party. Due to time constraint, I have got here with me only three or four recommendations in writing. If certain recommendations have been made in Interim Report, nobody can escape from it on the pretext that something totally different has been said in the final report. Actually Interim Report forms Part-I of Jain Commission's Report and final report forms part-II of Jain Commission's Report.

[English]

It is actually part of Jain Commission's Report.

[Translation]

My point is that nobody should assume that the recommendations made in three reports are independent of one-another. Our demand is that action should be taken on all the recommendations made in Interim Report and also in Final Report.

[Translation]

Rajiv Gandhi has been assassinated. He was the greatest leader of the country and the biggest benefactor of the poor. he has been snatched away. While paying homage to him, Sir, through you, I would like to request the Government to find out the truth. I have already said that we have no complaints against Advaniji or the

Government. Our only request is to find out the truth. All that I have said is mentioned in the Report. Please find out the truth and give punishment to the guilty. Do not be misguided by M.D.M.A. Constitute a statutory agency. If necessary, make a special law and give that agency special powers as given to the police. So that it can investigate directly and punish the guilty. This has already taken seven years. If another agency is constituted, who knows how many years would it take and no one would be found guilty because it has taken 7 years. Therefore, act quickly. If any one is not guilty, he would be absolved of the charge. Hence this should be investigated quickly. Please constitute a statutory agency. Lastly, in the memory of Shri Rajiv Gandhi, I will say only these lines.

"Aise mame wale marne to hain, par fana hote nahin, ve markar bhi hamse juda hote nahin."

Rajiv Gandhi is still with us. His thoughts are still with us. Mahatma Gandhi was assassinated to stifle his ideology. Indira Gandhi was assassinated to weaken the country. Rajiv Gandhi was assassinated because the internal forces did not want a strong leadership in the country. The country has been betrayed. Therefore, I want that whatever you have to investigate, start it immediately.

SHRI PRABHUNATH SINGH : Mr. Speaker, Sir, the House is discussing the Jain Commission Report. With this, once again, after several years emotions, anger and pain have been rekindled in a new way. The Late Rajiv Gandhi was not an individual and a Congress leader, infact, he was a great leader of the country ... (Interruptions) Mr. Minister, please listen, you are disturbing me. Please listen. He was the benefactor of the poor, and in this country ... (Interruptions)

SHRI P. SHIV SHANKAR : Addressing the Minister as 'Aly mantri ji' is not parliamentary etiquette.

SHRI PRABHUNATH SINGH : It is Bhojpuri. It is in no way objectionable. I have said that in Bhojpuri language.

20.11 hrs.

[DR. RAGHUVANSH PRASAD SINGH *in the Chair*]

After seven years under these circumstances the people of the country are again reminded of the black day i.e. 21.5.1991, on which day this incident took place. Generally we say that Rajiv Gandhi's assassination was the result of a well planned conspiracy. We say this because in 1988, Indian intelligence had warned in a report that there was a threat to Rajiv Gandhi's life from

the national and international terrorists. You know for three years from 1986 to 1989 there was infighting in the Congress. The character assassination of Rajiv Gandhi took place not only in the House but also in the villages across the country. After which, his Government fell and a new Government came to power. After this, in a report submitted in 1990 by the Intelligence Bureau it was mentioned therein that there was a threat to Rajiv Gandhi's life.

Not only this, through his sources in the international intelligence organisation, Yasser Arafat the leader of P.L.O. gave the information that there was a threat to Rajiv Gandhi's life. At that time Shri Seshan was the Cabinet Secretary. He too wrote that the S.P.G. cover provided to Rajiv Gandhi should be retained. After a few days a new Government came to power. My belief is that, if the then Prime Minister, by overlooking the infighting in the Congress and by taking a humane view of the threat to his life and continued with the S.P.G. security to the ex-Prime Ministers by passing a Bill in this House, then this security cover provided to him would not have been withdrawn. Such an incident took place. Your intelligence agency gives you the report of the threat. The Cabinet Secretary wrote to you about the security arrangement. However the intelligence agency did fail on one count. The Government Intelligence agency did not give prior information, when the incident took place. But, legally the Intelligence Agency did warn you that there was a threat to Rajiv Gandhi's life. In spite of that no proper security arrangement was made.

The Verma Commission was constituted through a notification issued on 27.5.91. The Commission investigated three points. In it, the lapses regarding the security of Rajiv Gandhi was mentioned in detail. The Verma Commission report should be considered seriously. A video cassette was also shown by the Department of Home Affairs. I had read in the newspapers, as far as I can remember, in the cassette a leader was shown with his back to the camera, was talking to LTTE, and saying that if Rajiv Gandhi came to power this time, it would be disastrous for the LTTE. Who was that person? Was he a Congressman or a leader of Tamil Nadu or the Chief Minister of Tamil Nadu? The people of the country are anxious to know the identity of this leader. They want to know about all those who are responsible for the death of Rajiv Gandhi. It is your responsibility to identify all such persons.

Shri Ajit Jogi was speaking very emotionally. It seemed as he was speaking factually. Shri Rajesh Pilot also presented a factual position by rising above the party lines. But Pilotji left out one point. He said that when he was the Minister he was trying to get Chandraswami

arrested but he could not succeed. We would like to know what was the cause of his failure to get him arrested. Who were responsible for this? Why did he not reveal the name? Regarding Chandraswami, I had read in a magazine that when he was engaged in 'Yagna' and 'tantra-mantra', for the former Prime Minister. Narasimha Rao, he said at that time that there is no need to worry and that he would not rest until he made him the Prime Minister. Does the needle of suspicion, regarding the killing of Rajiv Gandhi points towards the Government which came into power after him. My view is that Rajiv Gandhi was assassinated under a conspiracy hatched by the persons occupying high position in the country. Today, while explaining the factual position, Shri Ajit Jogi was deeply anguished.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF TOURISM (SHRI MADAN LAL KHURANA) : Mr. Chairman, Sir, I want to request that dinner has been arranged from 8 p.m. For the Members and journalists, it is in Room. No. 70 and for the staff it is in Room. No. 73. Those who want to have food, can go there.

SHRI PRABHUNATH SINGH : Mr Chairman, Sir, I want to say that the relation between the Tamils of Lanka and the Chief Minister of Tamil Nadu has been mentioned in the Jain Commission report also. Jogiji gave facts and mentioned four incidents to prove the good relationship between the Tamils (of Lanka) and the Chief Minister of Tamil Nadu and between the extremists of Prabhakaran's group and the Chief Minister of Tamil Nadu. And the messages on the wireless related to the conspiracy to eliminate Rajiv Gandhi. But this is being revealed after the assassination of Rajiv Gandhi. We want to know why was this is not revealed before? Ajit Jogi had mentioned the dismissal of Tamil Nadu Government by Chandra Shekharji ... (Interruptions) During that period I was associated with Chandra Shekharji. And I remember that the day the Government was dismissed, there was a big uproar in this House. I was also sitting in the visitors' gallery. Shri Chandra Shekhar was asked as to why he dismissed the Government in the absence of report from the Government? I remember, that Chandra Shekharji had said, that the Governor's Report was not necessary when he was convinced that there was a nexus between the Sate Government and the terrorists. I want to ask Rajesh Pilotji and Jogiji that there was so much evidences against the Tamil Nadu Government because it had relation with LTTE and your party was in power for five years. We used to read daily in the newspapers that the Government was not providing requisite documents to the Jain Commission.



[SHRI PRABHUNATH SINGH]

We want to know as to why the papers were not given? The Government was yours? Pilot ji was the Minister in that Government, and so was Jogi ji. But what prevailed that made them to harp in this House that they enabled two Governments to run with their support, within the two Governments, you never tried to ascertain the truth and today you are trying to find out truth. The truth should be whatever has been certified ...\* and you should demand that Tamil Nadu Government should be dismissed. But Jogi ji and Rajesh Pilot ji did not demand this. You can dismiss the State Government, on the charge of tampering with the report, you can hold elections by spending huge money of the exchequer but you simply do not demand the dismissal of that Government led by a Chief Minister against whom proof has been gathered. If you want to find out the truth, then demand for the dismissal of Tamil Nadu Government. We will also answer the Government on behalf of the Samta Party ... \* and their Government will be dismissed, \* ... but we know that you will not demand.

Once when elections were held after the assassination of Rajiv Gandhi, you exploited the sympathy phenomenon to your advantage and you want to do the same once again. Seven years have elapsed since the assassination of Rajiv Gandhi. Today after seven years you are crying hoarse over it while you have already operated as many as two Governments in these seven years. After all, how long are you going to befool the public? For God sakes please don't mislead the populace of the country. The people of the country know the facts. If you keep on misleading the people of the country, it shall take too much time for you to come over this side. Therefore, I request you to speak truth in the House and provide punishment to the real culprits.

There are some friends of ours who get hysteric whenever CBI is mentioned I can understand when you object to a person, but to say that CBI institution in itself is wrong, is not appropriate. One hon'ble Member of the House, Mr. Lalu Prasad Yadav, who is right now not present in the House, was saying that he was jailed. I want to say that there are many political figure in Bihar and many Chief Ministers too. There, out of them, some of them are dead and even now five to six ex-Chief Ministers are alive in Bihar. Have they ever been touched by anyone? Nobody has even sent them to jail. The coalition Government was in power when CBI sent him to the jail ... (Interruptions)

SHRI SURENDRA PRASAD YADAV (Jhanjharpur) : Home Minister, Shri Advaniji himself has suffered ... (interruptions) Khuranaji is sitting, what was his fault that

\* Expunged as ordered by the Chair.

he was dethroned from the chair of Chief Minister. Now that his innocence has been established shall he get back the Chair of Chief Minister ... (Interruptions) If you on your part can provide him Chief Ministership, please do so ... (Interruptions)

SHRI SHIVRAJ SINGH CHAUHAN (Vidisha) : The House is discussing the assassination of Rajiv Gandhi and you are merely laughing away the issue ... (Interruptions)

SHRI PRABHU NATH SINGH : Mr. Chairman, Sir, the House is discussing the assassination of Rajiv Gandhi. When Ramvilas Paswanjee was restlessly demanding the House to adopt the discussion on the problems of Harijans, the Congressmen who were making noise in the House. Thus a fealer was being sent of people that the issue of Jain Commission was being buried. Today serious discussion started on Jain Commission in the House and Congressmen standing and cracking jokes every now and then. Therefore ... (Interruptions)

MR. CHAIRMAN : Prabhunath Singh ji, please conclude now ... (Interruptions)

SHRI BHUBANESWAR KALITA : You can talk like this about some party. We too can pay you back in the same coin. Please do not talk like this ... (Interruptions)

SHRI PRABHUNATH SINGH : This is the joke you are cutting ... (Interruptions)

SHRI BHUBANESWAR KALITA : You are in the habit of cutting jokes ... (Interruptions) You are not serious on the topic ... (Interruptions)

MR. CHAIRMAN : Now, conclude.

SHRI PRABHUNATH SINGH : Sir, I am still going to speak on a number of points ... (Interruptions)

MR. CHAIRMAN : What has been left which you want to speak on. Others had volumes to speak on what is there with you? ... (Interruptions)

SHRI PRABHUNATH SINGH : Sir, I want to say something regarding to witnesses deposed before Jain Commission, I want to mention some witnesses, who by taking oath gave their statements before Jain Commission. On oath Mahant Sevasdas said that he was sitting at the place where assassination of Rajiv Gandhi was being planned and after coming to Delhi, it was he who informed first the then Prime Minister Shri Chandrashekhar and others. I do not know how much truth is there in his

statement but then I want to say that when he himself is saying before the commission that he was involved in that conspiracy he should be arrested first of all. An investigation should be made into the other aspects after arresting him so that truth should come out. Likewise I also want to say that Rajani Ranjan Sahu who belongs to your party and who was formerly a member of Rajya Sabha, has given a statement before Jain Commission after filing an affidavit. He has said in his statement that Prabhakaran had no intention of killing Rajiv Gandhi but he ultimately killed Rajiv Gandhi because of the temptation of more than hundred crores of rupees. He has also said that this was told by Dr. Subramanian Swamy to him at a private place. We want to know that if this is the fact that Prabhakaran was given more than hundred crores of rupees for the killing of Rajiv Gandhi then who was that person of the country who gave this amount? This point should be investigated into in right earnest. The highest investigating institution of the country should be appropriately engaged for that. Do not doubt upon the intentions of the Government. This is not the Government of Narsimha Raoji who by framing charges against its own people, get them on investigation by CBI. This Government would investigate into the charges impartially and action shall be taken against anyone who found guilty.

Have faith in the intention of the Government and please cooperate so that impartial enquiry could be conducted. Jogiji, you are requested to cooperate with us so that you have to lament and find facts. You have faith on the enquiry of CBI. Truth shall come out and every culprit should get severe punishment, this is our wish. We believe that with Rajiv Gandhi's assassination some of youth of this country has been killed. Therefore, keeping in view the seriousness of this issue, an enquiry by CBI should be conducted and the guilty be punished. With these words, with your permission, I conclude.

SHRI ARIF MOHAMMAD KHAN : Sir, thank you very much for giving me the permission to participate in this discussion. It is a very serious subject, the country lost a very great leader, a former Prime Minister and the head of the largest political party, in the form of Shri Rajiv Gandhi ji. The country lost that person from whom its people had great expectations. I think that no sorrowful words or agony can meet it. So when Ajit Jogi ji or Rajesh ji was speaking, that agony could be understood. I felt that it was a matter of sentiments for sure, but even after seven years of the incident, rising above sentiments, this is also to be considered a little, as our friend said that even after seven years we had to beseech and had to say that we wanted the truth. We could not find that truth in seven full years. I don't think the occasion today was to go into this details, rather it was to see

today that the findings and report of the Jain Commission have come, and as to what was the reaction of the Government thereto. What is the Action Taken Report? But I understand the agony of Ajit Jogi ji. That Government ruled this country for five years for which the present Congress President Shrimati Sonia Gandhi said in the Rae Bareilly meeting that it was formed out of the blood of her husband. But the Government made out of the martyrdom and the blood of her husband was refusing to give even those papers to the Commission which were essential to get to the truth.

If it all there was a day to be emotional, it was that day when Sonia ji had delivered the speech in Rae Bareilly. But I am sorry to say that none of the Congress people had become emotional that day. They had also not become emotional who had the responsibilities, but since yesterday it seems in this House that the discussions alone would unveil the merciless killing of Rajiv ji. Exposure should have been on that day when Sonia ji had referred to the Government. That day could not stimulate your heart and feelings, as the Home Minister from that Government forward out of that blood was saying in the House that if the relevant facts were told then it a family would be affected. What family was that? What family was being referred to that day? Certainly it was a loss to the nation but there should have been the feelings for that family besides the nation. Sonia ji lost her husband, children lost their father and the Home Minister from the Congress Government was saying that if the facts in that connection we revealed then a family would be affected. Where were the sentiments that day, why they were not stirring that day? Why that Home Minister was not stopped and asked as to at whom he was throwing the mud. If Advani ji had been here in the House today. I would have congratulated him but now even Madan Lal Khurana ji is also not here, he also has left. I want to congratulate Advani ji that the way an appeal has been made to him, it seems to me that the Congress people have more confidence in him than in themselves. They are stretching out their hands towards you that you tell them the truth. Those who were our own were saying that if the truth was told then a family would be affected. Our own people were not ready to give even the relevant papers. We were in the Government but we did not have the courage. I think that even this much courage was not there that is there today and it is also there because the Congress is not in power. For God's sake, change this strange political culture! Congress is the biggest party of the country and it is a party that has fought for the freedom of this country. What is there that we become tongue-tied as soon as we come to power we do not know how to raise our voice even at the harshest of the facts! When the others; Government comes there we are standing and begging

[SHRI ARIF MOHD. KHAN]

for justice and telling about our sentiments. Emotions are arising after seven whole years! Emotions were to be there on the day when the mother of those orphaned children was saying from the bottom of her heart that the Government was made from the blood of her husband and it did not want to unveil it. No emotions arose that day. Whatever I heard here has surprised me a lot. But I know that this culture has been here for the last so many years. I am not saying it out of emotions because if I will do so then only that damage will be seen which has been done to me. So I am saying it with full consciousness that the truth of related to the ruthless killing of Rajiv Gandhi should certainly come forward. The question of assassination of Mahatma Gandhi and Rajiv Gandhi, people killed by the bullets of terrorists in Punjab, people dying in any part of the country or fighting terrorists in the streets of Kashmir or the localities of Jammu is a very big question. It was just four days ago that in Muzaffarpur Distt. Five people who had gone to see their relatives in Meerut were called criminals and taken to the forest killed by bullets. I have taken so much exception.

I am coming to the fact of emotions. What tendency is this? This tendency of violence, of taking the law into one's hand, of improving one's wishes on others—we don't have to tolerate it. If our views are not conceded to, we would be forced to indulge in violence, if even than they are not conceded to, we would forcibly make you concede to our views. This tendency is absolutely against the ethos and values of democracy. Unfortunately this tendency has been there in this country for the last so many years. It is no simple matter. This tendency began at the higher level.

Sir, whatever happend in Ayodhya in 1992 was nothing else. So long as you see it as a matter of temple and mosque, it will appear to be a communal matter. A few people tried to impose their wishes over and above the law. This is the tendency of taking the law in one's own hand. The day you understand it, you will know that it is the tendency to take the law in one's hand.

[English]

This is against the rule of law. This is against the constitutional existence.

[Translation]

We have the constitutional existence. Peace and order should be established as per the law. Its principle goes against that. In this House I had said earlier also that Rajiv Gandhi was a very great leader. The country had

many expectations from him. If a common innocent man has committed no crime then the law of the country says that:

[English]

'No person shall be deprived of his life or personal liberty except according to the procedure established by law'.

[Translation]

We cannot snatch away life or freedom of any person as per the procedure established by law. Here such cases are taking place daily. Today the life of the people is hard and they are troubled. We keep our mouth shut, allow the atrocity to be perpetrated there when the incident takes place, law is broken, the tendency to take the law in one's hand becomes strong. When the atrocity has already been perpetrated, they stand up to cry over it. The resolve needed to check the atrocity is not visible to us even at a far distance.

Personally my sentiments in this matter are different. After tendering my resignation in 1986 I had first met Rajiv ji 10-15 days after the Government was formed in 1990. When he come to know that I wanted to say something do to him he became very happy. He had come to know that I had said something to the Cabinet with regard to his security. After the meeting with me he said a lot of good things to me. I asked Rajiv Gandhi ji not once but twice or thrice. It was related to his security. I am not saying that there were many arrangements but if it could at lest once be heard from him that the security arrangements were not enough ... (*Interruptions*) I myself am saying that it was his greatness that inspite of his slack security and my asking about it he said nothing about it. Why my sentiments were there in this matter? Its cause is that when I had resigned from his Government in 1986, what the matter, you know it very well what emotions had been there in us at that time. Bid to my life was made three times. In one of the attacks two policemen got badly wounded and their faces have not been recognizable even today. A bomb was thrown onto me in Calicut. Thus, I was attacked thrice including the attack at Delhi. My whole security was withdrawn. It is my per.onal experience—when you are sensing the danger your security is withdrawn! That year whitewashing of the Government Houses was not done. The boundary wall of my house was raised from 4 ft. to 9 ft. saying that there was a threat to my security. As soon as the construction of the wall was over my security was withdrawn. So I can well understand your feelings, as I have been the sufferer. I had raised this issue at that time that there should not be any cut in security.

Mr. Chairman, Sir, in the end I want to say that the conspiracy in behind the assassination of Rajiv Gandhi should be exposed. If we gain access to the truth today, further conspiracy can be foiled. I want this also that at least today such circumstances may not be allowed to be there as may cause the recurrence of such incidents.

Today Shri Atal Bihari Vajpayee is the Prime Minister of the country. I fail to remember whether he was the leader of opposition on June 3, 1995 of this House or not. He had raised an issue regarding an attack on Ms. Mayawati in a guest house in Lucknow at that time. Why am I talking about it today? It is so because I am being threatened everyday that after this session is over my security will be withdrawn and I will be killed. The name of the person which has been enlisted as an accused in the inquiry report has been removed from the list and he has been appointed as an S.S.P. of Lucknow by the U.P. Government. I want to ask whether there is any conspiracy or it is just coincidence that such a person has been appointed to such a post. I am not telling this fact for Ms. Mayawati only but also for the people who have threat to their life. This is the basic responsibility of the Government to protect property, life and dignity of the citizens of the country. If an attempt is made to kill somebody only because of his or her political opinion or creed, it would be tantamount to attack on the freedom of citizens and the democratic system of the country. I had written a letter to the hon. Home Minister just 15-20 days ago regarding the arrangements of security of an ex-M.P. of the Congress. And further I had written that the security issue was being treated in a peculiar way for last 10 years. The arrangements of security have not been made taking the threat to life of a person into consideration but to give protection to a person in the caravan. I am saying that you yourself also have been expressing your worries on this matter. You are the Home Minister now. At least now it should be ensured that the matters would be decided on the basis of threat perception. The matter should be decided on the basis of the danger to life of particular person. Do not decide it on the basis of political faithfulness or political differences. I have already said it before your arrival that I do not see any reason behind it as to why you do not found the truth when lot of confidence is being shown in you. You have said it in your morning speech that you will consider over our suggestions about the matter. And I am fully confident that you will try to expose the truth.

[English]

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)

SHRI T.R. BAALU : You cite an example. You produce the relevant records about it. He is misleading the House. He should produce proper records. He should show evidence ... (Interruptions)

SHRI R. MUTHIAH : Why is he unnecessarily disturbing him? Sir, you should not allow him to disturb like this ... (Interruptions)

[Translation]

MR. CHAIRMAN : Please keep quiet. I see it. You please sit down.

... (Interruptions)

[English]

SHRI T.R. BAALU : You should produce the evidence. ... (Interruptions)

[Translation]

MR. CHAIRMAN : I see it.

... (Interruptions)

[English]

MR. CHAIRMAN : You please sit down.

SHRI R. MUTHIAH : 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)

SHRI T.R. BAALU : He is misleading the House. ... (Interruptions)

[Translation]

MR. CHAIRMAN : Shri Baalu, you please sit down.

... (Interruptions)

MR. CHAIRMAN : You please address the chair.

[English]

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 Samta 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 Sevaka 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 T.R. BAALU : He is talking of RSS.

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 Kokila. They switched over from DMK just two months before that to Congress. Shrimati Margatham 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.

SHRI T.R. BAALU : Will you please yield?

MR. CHAIRMAN : Shri Baalu, please sit down.

SHRI C.P. RADHAKRISHNAN : It is a totally pre-planned one. Again my beloved hon. Member had 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.

21.00 hrs.

This Sivarasan is involved in both the cases. When Rajiv Gandhi 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 T.R. BAALU : Where was Shri Vazhapady K. Ramamurthy? ... (Interruptions)

SHRI C.P. RADHAKRISHNAN : Shri Ramamurthy was on the stage. ... (Interruptions) I was going with my leader ... (Interruptions) Even I was with Shri Advani on that day. ... (Interruptions)

SHRI T.R. BAALU : Shri Ramamurthy was not there ... (Interruptions)

SHRI C. SREENIVASAN : Where was Shri Chidambaram? Where was Shri Moopanar? (Interruptions)

SHRI T.R. BAALU : Only Shrimati Jayanti Natarajan and Shri 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 : I will expose the reality of the DMK. Shri Advani had come to Coimbatore. ... (Interruptions)

SHRI C. SREENIVASAN : On that day, Shri Chidambaram was not there. ... (Interruptions)

SHRI T.R. BAALU : It is a shame on the part of the BJP Government to have Shri Vazhapady K. Ramamurthy ... (Interruptions) Are they not ashamed? ... (Interruptions)

SHRI C.P. RADHAKRISHNAN : They want that everybody should be got killed. ... (Interruptions) How can he tell this? ... (Interruptions) I want to expose them in this House? ... (Interruptions)

[Translation]

MR. CHAIRMAN : This is not right. No one should interrupt when any hon. Member is speaking. This is not right. Leaving the seat again and again is not right. The members of the both sides stand up unnecessarily.

[English]

SHRI T.R. BAALU : When he is misleading the House. I had to intervene. He should not mislead the House.

[Translation]

MR. CHAIRMAN : Please keep quiet. You can insist me to look into the facts which are objectionable and are not according to the rules of Parliamentary procedure. But hon. Members stand up together and start speaking. It is of no use. It causes interruptions in the House and is responsible for wastage of time. So if any hon. Member is speaking, you have to listen to him patiently and put your answer only when your turn comes. But this is not the parliamentary convention to stand up in between the speech. Time and again the members of both sides stand up in between the proceedings of the House. This is not correct. Former incumbents of the chair have given adverse decision in this regard and has thought it to be improper. So, it is not right to stand up and speak and create interruptions in the functioning of the House again and again. No hon. Member should be prevented. If you got any objectionable point, you may draw the attention of the Chair.

[English]

SHRI T.R. BAALU : The only thing is that we are not here to 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 : 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.

SHRI T.R. BAALU : It is the DMK Government which has saved him. ... (Interruptions) We have saved Shri Advani. ... (Interruptions) Does this point have any relevance in the debate?

[Translation]

MR. CHAIRMAN : The speeches of the hon. Members who are speaking without permission will not go into the records of the proceedings.

... (Interruptions)

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF TOURISM (SHRI MADAN LAL KHURANA) : Shri Baaluji has just now said that the D.M.K. Government had saved Advaniji ... *(Interruptions)* I want to say that his flight was late. The D.M.K. Government had said at that time that there was not any human bomb and they were saying just like that. This is the statement of his govt. ... *(Interruptions)*

*[English]*

SHRI T.R. BAALU : Mr. Chairman, Sir, I want to respond to this point.

SHRI C.P. RADHAKRISHNAN : Sir, I am not yielding to him. ... *(Interruptions)* I am not going to yield to him anymore.

Sir, I would request that whatever time was wasted by others may be given me. ... *(Interruptions)*

SHRI V. SATHIAMOORTHY : Mr. Chairman, Sir, if he is inside the House, he will never allow the discussion to go on smoothly.

SHRI C.P. RADHAKRISHNAN : 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. KRISHNAN : How did he come late then?

SHRI C.P. RADHAKRISHNAN : ...\*

SHRI T.R. BAALU : Mr. Chairman, Sir, these remarks should be 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?

*[Translation]*

MR. CHAIRMAN : This will not go into the records of the proceedings.

... *(Interruptions)*

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\* Expunged as ordered by the Chair.

MR. CHAIRMAN : You please speak only in the reference of Jain Commission Report.

... *(Interruptions)*

*[English]*

SHRI C.P. RADHAKRISHNAN : 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)*

*[Translation]*

MR. CHAIRMAN : You can object to it and raise the point of order.

... *(Interruptions)*

MR. CHAIRMAN : You can speak with the permission of the Chair.

*[English]*

SHRI C.P. RADHAKRISHNAN : I do not know Hindi. Otherwise, I can speak in your style also. Please allow me and let me continue my speech.

SHRI T.R. BAALU : Mr. Chairman, Sir, I am on a point of order. He is insulting the Chair. ... *(Interruptions)* This is highly objectionable.

*[Translation]*

MR. CHAIRMAN : I know it.

... *(Interruptions)*

MR. CHAIRMAN : I am listening. Please speak.

... *(Interruptions)*

*[English]*

SHRI N.N. KRISHNAN (Palakkad) : Mr. Chairman, Sir, he is insulting the Chair. ... *(Interruptions)*

SHRI T.R. BAALU : Sir, he is insulting the Chair ... *(Interruptions)*

SHRI C.P. RADHAKRISHNAN : Sir, this is a very relevant point ... *(Interruptions)*. Sir, let me explain.

[Translation]

MR. CHAIRMAN : Shri Lalu Prasad can speak out of the reference by the permission of the Chair but now I will not allow to speak out of the reference of Jain Commission. Please discuss the report of Jain Commission.

... (Interruptions)

[English]

SHRI C.F. RADHAKRISHNAN : Sir, we have to bring certain facts to put the reality before this House ... (Interruptions)

[Translation]

MR. CHAIRMAN : You should cooperate to run the House. Why did you stand up?

... (Interruptions)

[English]

SHRI C.P. RADHAKRISHNAN : 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 meters away from the dais and in the drainage lines. Everything was checked. But only the snifer 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)

[Translation]

MR. CHAIRMAN : I am not allowing them also. The Chair can not coerce. The hon. Members shall be told about rules and regulations, It is upto you to follow them. The House will be run only with the cooperation of the hon. Members. If everybody stands up and behaves like that then no one will appreciate it. Harsh things can be spoken and their answers can also be given but if every hon. Member stands up during the proceedings then will anybody appreciate it.

... (Interruptions)

MR. CHAIRMAN : Are you speaking on the Jain Commission Report?

SHRI C.P. RADHAKRISHNAN : 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)

SHRI T.R. BAALU : Sir, I am on a point of order.

[Translation]

MR. CHAIRMAN : Is there any point of order.

[English]

SHRI T.R. BAALU : Sir, he has cast aspersion on the Members of this august House ... (Interruptions). He has said that they can hide anything ... (Interruptions).

SHRI C.P. RADHAKRISHNAN : Sir, I am not referring to any particular Member.

[Translation]

MR. CHAIRMAN : Your rulings will not be applicable to the point of order, I will provide my rulings to it. Please you speak here.

... (Interruptions)

[English]

SHRI C.P. RADHAKRISHNAN : 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.

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.



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 Mahatma ji 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 Shaker 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 leakage? 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, the 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 Minister 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 reopen 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 of 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 is a very important matter as far 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.

[Translation]

PROF. PREM SINGH CHANDUMAJRA (Patiala) : Thank you, Sir. Who was behind the murder of Shri Rajiv Gandhi; was it a political murder? Jain Commission was set up to find it all. The Government has put up that report and I feel that the Government should be thanked and congratulated. It is not right to say as my friend Mr. Jogi was saying that the Congressmen were sentimentally linked to Rajiv Gandhi. If only the Congressmen's sentiments were linked to Rajiv Gandhi, the truth could have come out before us at that time. The Congress Government was in power for five years after his assassination. Moreover, Governments on the support of Congress followed and the truth could have come out then. Rajiv Gandhi was the leader of nation

and the Prime Minister of our country. Our relations also were cordial with him. He worked with his own mind and kept away his flatterers. That time he bravely implemented Punjab treaty as Rajiv-Longowal Accord and had adopted such things which none did since last fifty years. Many demands of Shiromani Akali Dal had been held correct by him.

This is altogether different that after he was influenced by his flatterers, he refused to yield. But it is true that he led the country and today's Government has realised its duty to project truth before the people. Due to terrorism, not only Sonia ji, but also thousands of our sisters were widowed and this country has been destroyed because of militancy. My friend was telling that Congressmen have themselves accepted that Jain Commission's Report is true. When they accept it as true then which truth they want to know from the Government and Mr. Advaniji, I do not understand it. If they wanted to know the truth, they had got enough time. My friend Rajesh Pilot realised that they could have found out the truth if he was not forced and arrest order of Chandraswami was not taken back. I want to ask that who are those people who impeded the arrest of Chandraswami. That truth also must come before the people of the country. They could have found out the truth while they had time. I have studied Jain Commission Report. I feel that he has touched all the aspects. I do not know whom Advaniji will arrest. He has also submitted ATR before the House. Some matters are left to be known and if he hands it over to the C.B.I., then they say that it is a political activity.

I want to say that if we have to save the nation, and to put an end to the political murders, then we all have to think over it as to why this terrorism has come forth and who is responsible terrorism in the country? If the truth comes before us, the country could be saved. Some time earlier Rajesh Pilot was blaming Akalis and he was talking about Punjab. We want that an enquiry should be made by either Supreme Court judges, by parliamentarians or by the intellectuals of this country regarding the people linked to terrorism in Punjab. Mr. Chairman Sir, if we have to lead the country in a right direction and to stop these killings then truth should be brought out.

There are three causes of militancy in the country. First, when the peoples sentiments are not understood correctly. Secondly, the democratic system is compelled to fail. Thirdly, when black mailing is done for political benefit. These are three causes of growing militancy. I have experience of two states in this regard, i.e. Punjab and Kashmir. When Jammu-Kashmir was burning then Sheikh ji was given charge to rule by putting him out of

the jail and then Kashmir became peaceful. Elections were held after the death of Sheikh Abdulla. I have also gone there with Shiromani Akali Dal from Punjab. People voted in a large scale in favour of his son and he got majority. But he was compelled to make a coalition with Congress. When he did not agree, his brother-in-law was throned. That Government became a failure. Ever since then, Jammu-Kashmir is burning. The same happened in Punjab. Barnala's Government has been praised much in this very House. Army was sent to Akal Takht Sahab. People become very angry on this. After that, a Government was formed and there was an accord. Peace came in Punjab. I was then a Minister. One day in morning I came to know that my Government has been dissolved and I was no more a Minister. After this, once again militancy in Punjab started growing. When democracy fails and people's sentiments are crushed, militancy picks up.

The third issue is about black-mailing. I can say with certainty that had Thakkar Commission's report been properly projected before the people then Congressmen might have learnt something and Rajiv Gandhi would have been saved. After Indira Gandhi's murder had political mechanisations not been afoot, Congressmen would not have gone in for the same plan. Had it not been so, Rajiv Gandhi too could have been saved. Army was sent in our State to teach us the lessons of Emergency. However, it was too found that Akali's could not be corrected by putting in Jail. A long line be drawn to correct them. Time left is short. When long line was drawn, the meetings were held. If a committee of Parliamentarians, or of Supreme Court Judges is formed then we can show the world as to how militancy picked up in Punjab, Jammu-Kashmir, Nagaland and Assam. They have sent Army in Sri Lanka to provide training. They helped financially and 1200-1300 jawans were also made to die. What did we get by this? In 11th Lok Sabha, the D.M.K. Members submitted the documents at a time when they were to go. I think, it is not true that a man like Rajiv Gandhi take Karunanidhi as mediator for talks with LTTE. We thought that it was perhaps a wrong document. We came to know the truth. My friend Mr. Jogi too agreed that all those actions were taken for peace. When you bring in mediators for any work, then things go wrong. Our mothers and sisters are telling about their grief ... (*Interruptions*) When things like this happen, naturally something is left out. When the truth comes with open hearts, the country can be saved. If you try to make political gains associating your sentiments with Rajiv ji, then I will have to say, "Kahan dhundate Hain, Lal Gawache, Mitti na Flor Jogaya." Now you will find nothing is soil. The political situation which is coming up, has to be stopped and we have to change our own thinking. Only then this country will progress ahead.

[PROF. PREM SINGH CHANDUMAJRA]

[Translation]

This is very distressing that neither our friends nor members sitting in opposition have said truth. Our friend Shri Satyapal Jain, has praised Jain Commission Report in which it has been mentioned that all Tamils are not militants. It is explained therein. But nothing has been mentioned about Sikh militants on Page-7. Are all sikhs are militants? Why this matter was not raised. This is objectionable thing. Hon'ble Home Minister is sitting here. I would like that ...

SHRI SATYA PAL SINGH : The Hon. Home Minister has clarified in Rajya Sabha. It would have been better if regarding Sikhs of Punjab it is explained in same manner. Whatever you said, we agree on that.

PROF. PREM SINGH CHANDUMAJRA : If the Hon. Home Minister has explained in Rajya Sabha, it is good. If he explained it in Lok Sabha, then it would be better. I would like to submit that when the entire community is branded in this way the whole country suffers, we should improve such things.

21.47 hrs

SHRI SHAILENDRA KUMAR (Chail) : I am grateful to you for giving me an opportunity to speak on Jain Commission report regarding assassination of Shri Rajiv Gandhi.

Mr. Chairman, Sir, I belong to Allahabad. We were deeply hurt when we came to know that Rajiv Gandhi is no more. Today seven years have passed but truth did not come out. Today we are discussing how the conspiracy has been hatched or how the murder was committed. When we see Anand Bhawan and Swaraj Bhawan in Allahabad, our heart thunders because this Bhawan is connected with Motilal Nehru, Pt. Jawahar Lal Nehru, Smt. Indira Gandhi and Shri Rajiv Gandhi. We cannot forget that dark night of 21st June, 1991, when we got this news that Rajiv Gandhi is no more. It was terribly shocking news. Allahabad city was stunned by this news. One day before Rajiv Gandhi visited my constituency Bharwari Kausambi from where I was contesting M.L.A.'s election. He landed there from helicopter, and mixing with people by breaking police cordon. He affectionately met every person and I was thinking that there may be threat to his life. He met Gram Pradhan, Zila Pramukh and Block Pramukh and said, If our Government come to power we would do every possible thing for this place. We left that place safely. From Allahabad he went to Banda and from there

he went to Delhi and then to Perumbhudur. All Hon. Members said in one voice that there was lapse of security. Two days before his death when he was in Allahabad near Barawari there was not adequate security arrangements. We were apprehending at that time also that he may be attacked.

Today all hon. Members have expressed the views on Jain Commission report. Some members said that distorted version of the Jain Commission report has been presented. Today people of the country want to know true facts of the report? This 200 page report contains 105 pages on a topic titled "Chandraswamy and his involvement". On other 40 pages there is mention of Mahant Sewadar ji and other persons. Today people of this country want to know that although 21 persons who were suspected to be involved in this case have been punished, but we do not look deeper into such aspects as to who had hatched the conspiracy and who committed his murder. The suspicion is still there. The entire House, every party and whole country wants to know correct information in this regard. We have to rise above party lines and to think over this issue as to how long we will sacrifice lives of our leaders. The people of the country want to know who had hatched this conspiracy. It is very unfortunate that innocent people are being killed in Jammu and Kashmir or militancy in Punjab is going on but recently 43 people are killed in Himachal Pradesh where it was not heard so far. I would like to say on behalf of my party that we should again thoroughly study A.T.R. and interim report and try to find out who had hatched this conspiracy and killed our great leader. I would like to made this demand to the Government that this report may be studied thoroughly and investigate, who are the guilty persons and they must be punished so that this should not be repeated again and leaders of all parties remain safe and serve the country.

With these words I conclude.

21.53 hrs

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 and issue, appoint a Commission. This is the fate of all Commission. In Bihar, there is a story in Hindi. A gentleman was serving an English man. You know that Sonepur *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 Commission.

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.

22.00 hrs

One bloc 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

[SHRI C.P. THAKUR]

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 Commission 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.

[Translation]

SHRI PRABHU DAYAL KATHERIA (Ferozabad) : Mr. Chairman, Sir, the House had to sit till 10.00 p.m. it is already 10 o'clock now, so please extend it.

[English]

SHRI AJIT JOGI (Raigarh) : There was an announcement from the Chair that the House will sit up to 2300 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 Advani ji 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 inquire 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, Rajiv ji 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 : 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



[SHRI K.S. RAO]

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 : During which Minister's period that particular file was missing? ... (Interruptions)

SHRI BIJOY HANDIQUE (Jorhat) : Is he intervening on behalf of the hon. Minister? ... (Interruptions)

SHRI K.S. RAO : 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 : Same Interim Report.

SHRI L.K. ADVANI : Which Volume?

SHRI K.S. RAO : 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 : 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 : Please do not interrupt.

SHRI V. SATHIAMOORTHY : 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 : 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 : Please conclude.

SHRI K.S. RAO : 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 : 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 House 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 : Whose Government was there?

SHRI K.S. RAO : 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 : 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 : 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".

[SHRI K.S. RAO]

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 : Please conclude now.

SHRI K.S. RAO : 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 : 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 : In the ATR—hon. Minister mentioned it also—it is found that the Government had extended full cooperation of 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 : 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 : 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 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.

[Translation]

SHRI RAM DAS ATHAWALE (Mumbai North-Central): Mr. Chairman, Sir, seven years, two months and 15 days have gone since the assassination of Rajiv Gandhi ji. Rajiv Gandhi was a famous leader who brought about changes in the country. When the alliance of the Congress and the Republican party took place in Maharashtra on 10 May, 1991 Rajiv Gandhi went to Mumbai for election campaign and party meetings were held there. He is not among those who fear and sit quiet. He had the tendency of mixing with people because he was the leader of crores of poor people. This Report should have come earlier. The Report of Verma Commission came after two years. Then, Jain Commission was set up and after so many years the murder of the country's Prime Minister and popular leader of the young generation we are discussing this issue in the House today. He has said in the Interim Report of the Jain Commission that.

[English]

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 brare to the life of Shri Rajiv Gandhi.

[Translation]

It has mentioned in the Final Report that

[English]

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

[Translation]

I say if the external forces were supporting the LTTE in assassination of Rajiv Gandhi, the Commission kept its studies on about it and the Jain Commission has tried to know in its report about which outside powers there were in this conspiracy. This conspiracy was plotted by

the countrymen or by the people of other country. There should have been some information about it in the report. When we have been debating here to know the truth about the murder of a famous leader, the truth about the lanning of murder was needed to come in the Commission's report. I do not understand why it is not there in the Report. The Congress Government lasted for five years and during that time Jain Commission needed a file for study to reach on a conclusion which vanished from the office of the Prime Minister. This is a very serious matter for the administration. After the murder of Rajiv Gandhi, resorting to politics is not needed. A famous leader has been murdered. This should not have happened ... (Interruptions) When Rajiv ji was assassinated, he was no longer a Prime Minister. Whether it is some leader or an activist, if police gets any information regarding the threat to their lives, the responsibility of protecting him lie with both police and the Government. Even the security of common person should be ensured. To safeguard all whether he is Prime Minister, Minister or M.P., is the responsibility of the Police Administration. Rajiv Gandhi was a good leader. Wherever he would go, thousands and lakhs of people would assemble there. Whether it be the police of center or of the state, but they should know about his arrive. It was necessary to inform Rajiv Gandhi ji that there was a threat to his life at the Rail when he was going to address a rally. Such information was not given to Rajiv ji. Police Department and Intelligence Department did not give such a report. Still no action was taken against them. The action was taken against 26 people. It is necessary to take action against other 15 people also. This should be examined. We do not know what the Government is going to do about it. The Government must take action regarding this. There is need to trace out who were behind the Rajiv's murder. I conclude with this demand.

SHRI BASWARAJ PATIL SEDAM (Gulbarga) : Hon'ble Chairman, Sir, this discussion which we have started on the report of Jain Commission, should have been started at the time when coalition Government fell and the earlier report came. Some points could be ascertained if Jogi ji could have made this statement with the same feeling two years ago and if he had discussed that report for two days in the House. Being the responsible people, we are sitting here. Having feelings only will not accomplish anything. We should know our duties. Making our hearts strong, we shall have to take decisions and accomplish the works.

I have tried to listen to many people in the House today. The C.B.I. was slandered here. According to them, C.B.I. will not do any good work. One gentleman said that we are the only great leaders in the world. The name of this gentleman appeared in the Action Taken

[SHRI BASWARAJ PATIL SEDAM]

Report. While justifying he said many things. He requested the Congress with folded hands that effort should be made to seize the real culprits. Somebody attacked D.M.K. here.

Some results have come out of today's discussion. This is certain that according to this Report some culprits have been arrested and some are yet to be arrested. Hon'ble Shivshankar ji said here in the beginning while reading the last part of the Action Taken Report.

[English]

"a monitor movements of all the accused in Shri Rajiv Gandhi's assassination case."

[Translation]

Having read this, he left the topic. Had he read it fully and said the general truth, I would have admitted it. Shri P. Shiv Shanker said:

[English]

"... who are still absconding and bring them to trial;"

[Translation]

He did not read these words.

[English]

You can go through the record. I have minutely observed that thing.

[Translation]

Besides, our hon'ble Home Minister has said in three parts in A.T.R.

[English]

"look into any other matter related to the above that may emerge in the future."

[Translation]

He has said that if anything new comes up then it would be taken up in that order. We should be careful while saying this. We feel satisfied regarding the talks that are going on here. We all should adopt the path

which ensures country's interest. I have a request to Congress leaders to rise above party-politics and think in terms of country's interest. We have lost leaders like Pt. Deen Dayal Upadhyaya and Shri Lal Bahadur Shastri in our country. While Shri Upadhyaya was assassinated on 11th of February, 1968, Shastri jee had breathed his last on the negotiating table. About three lakh people had welcomed Pt. Deen Dayal at Calicut. He was a leader of populace. In the same way. Shri Rajiv Gandhi had kindled confidence in the new generation. I had paid him a lot of thanks from the core of my heart when after becoming Prime Minister, he declared 23rd January to be celebrated as Youth Day in the college and had called forth to link Swami Vivekanand. During today's Mammoth discussion, sometimes foreigners and sometimes some particular State Government have been alleged to be involved in the incidents. Definitely these discussions have provided a way to think in a definite way. I believe that some truth will come out from a time bound programme prepared in context of the report presented and the country shall get on to a new path. In future, such things could not be concealed in the interests of the country. The Congress Members here have made to conceal the truth. We have tolerated it for five to seven years even after knowing this fact. However, we would have appreciated in case you could have sacrificed yourself in this tolerance. We have simply crushed the country's honour. My request is that it would not be proper for any party to sacrifice the country on account of its internal dissensions. Therefore, I shall request the hon. Home Minister to provide a best direction to this country after taking immediate decisions on this ATR.

With this, I conclude.

[English]

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 Inquires 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.

The 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 : You have already taken time.

SHRI VARKALA RADHAKRISHNAN : 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 : 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 affiance must be disclosed. What is the offence that the Commission's Report has disclosed regarding 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 prevents 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 ATF 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

[SHRI VARKALA RADHAKRISHNAN]

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 Please conclude Shri Radhakrishnan.

Next speaker is Shri C. Gopal. He is the last speaker.

... *(Interruptions)*

SHRI T.R. BAALU : Sir, are you going to allow the second round? ... *(Interruptions)*

SHRI C. GOPAL : The Chair has permitted me ... *(Interruptions)*

SHRI T.R. BAALU : There are other party leader also who would like to speak ... *(Interruptions)*

MR. CHAIRMAN : Please resume your seat.

... *(Interruptions)*

MR. CHAIRMAN : Shri Baalu, are you dictating the Chair?

... *(Interruptions)*

SHRI T.R. BAALU : I would like to know whether you have taken up the second round ... *(Interruptions)*

MR. CHAIRMAN : Shri Baalu, please allow him to complete.

... *(Interruptions)*

MR. R. MUTHIAH : Sir, who is Shri Baalu to dictate the Chair? ... *(Interruptions)*

MR. CHAIRMAN Please conclude Shri Radhakrishnan.

... *(Interruptions)*

SHRI VARKALA RADHAKRISHNAN : 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)*... \*

MR. CHAIRMAN : You allow him to complete. You cannot do this. Nothing will go on record.

... *(Interruptions)*... \*

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\* 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)

SHRI T.R. BAALU : I am on a point of order. Have you taken the sense of the House to extend the time beyond 11 o'clock?

MR. CHAIRMAN : There is no point of order.

... (Interruptions)

SHRI T.R. BAALU : Are you going to extend the House? I want a 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)

SHRI T.R. BAALU : I want to know whether you are going to extend 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 : 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.

MR. CHAIRMAN : 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)

SHRI T.R. BAALU : Sir, I know how to respect the Chair. I give 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.

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 27.5.1991, the then Government appointed a Commission of Inquiry, consisting



of Justice Verma, a Judge of the Supreme Court, to inquiry 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 event 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)

SHRI T.R. BAALU : The Chair' can allow anything. There is nobody 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 : You, please leave it to me.

... (Interruptions)

SHRI T.R. BAALU : I am leaving everything to you only.... (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) \* Why are you disturbing? ... (Interruptions)

MR. CHAIRMAN : This is too much. It is impossible to maintain order with these two groups here.

... (Interruptions)

SHRI T.R. BAALU : Mr. Chairman, Sir, I am on a point of order. I 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)

SHRI T.R. BAALU : He, should withdraw that word. He has made some derogatory remarks. ... (Interruptions) He has cast aspersions on me. ... (Interruptions)

SHRI C. GOPAL : I will not withdraw any word. It is not an unparliamentary word. ... (Interruptions)

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\* Expunged as ordered by the Chair

SHRI T.R. BAALU : Mr. Chairman, Sir, please ask him to withdraw 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)*

SHRI T.R. BAALU : Sir, \* Are you going to allow it? *(Interruptions)*

MR. CHAIRMAN : 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 : 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 threat 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 : Sir, on 6th November, 1989, 12 armed militants were heading towards Ramanathapuram coast in 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 : 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 DMK 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 : Yes. this is your last sentence.

SHRI C. GOPAL : 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.

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\* Expunged as ordered by the Chair.

SHRI C. GOPAL : I will continue tomorrow, Sir.

MR. CHAIRMAN : No, You have to conclude now.

SHRI C. GOPAL : I want two minutes, Sir.

SHRI CHAIRMAN : You have to conclude now. You may say your last sentence.

SHRI C. GOPAL : 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 : That is why, my humble submission would be that further action must be taken against the Chief Minister of Tamil Nadu because he

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 : So, an FIR must be filed and immediately criminal action must be taken against him.

MR. CHAIRMAN : Thank you.

Now, the House stands adjourned to meet tomorrow, the 6th August 1998 at 11 a.m.

**23.21 hrs.**

*The Lok Sabha then adjourned till Eleven  
of the Clock on Thursday, August 6, 1998/  
Shravana 15, 1920 (Saka)*

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