

17.15 Hrs.

MESSAGE FROM RAJYA
SABHA

[English]

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

“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 Appropriation (Railways) No. 3 Bill, 1991, which was passed by the Lok Sabha at its sitting held on the 25th July, 1991, 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.”

17.16 Hrs

DISCUSSION UNDER
RULE 193

Escape from the custody and subsequent death of Shri Shanmugam, an accused in the Rajiv Gandhi Assassination case

[English]

Shri Anbarasu Era (Madras Central): Madam, it is not merely that India having a population of 85 crores of people mourned the tragic death of our leader Shri Rajiv Gandhi. The people of the world felt that they have lost their kin in the death of Shri Rajiv Gandhi. To quote the former President of the USA., Mr. Ronald Reagan, in tears he said that Rajiv Gandhi was like a son to him. The President of the USSR Mr. Mikhail Gorbachev bemoaned that he has lost his bossom friend. The

French President Mr. Mitterand expressed in unequivocal words that the world had lost its dynamic champion of democracy and the down-trodden.

Madam, it is in the history of the world that for the first time, the United Nations passed a Resolution paying glorious tributes to Shri Rajiv Gandhi. The rose has been plucked but then the smell, he fragrance will go on for ever.

Shri Rajiv Gandhi's love for the people was higher than his love for his life. Shri Rajiv Gandhi epitomised the concern for India of Shri Motilal Nehru, Pandit Jawarharlal Nehru, Shrimati Indira Gandhi.

Madam, without casting any aspersion on the investigating agencies, I would like to raise certain questions regarding the episode of the escape of Shri Shanmugam. This episode of the escape of Shri Shanmugam is a very simple one. It is not a complicated one. On 17th July, he volunteered, surrendered himself before the police, before the Court with an advocate that he was ready to reveal certain facts about the plot that has been hatched in respect of the assassination of Shri Rajiv Gandhi. Then, he was arrested and brought to Vedaranyam. Shri Shanmugam was brought to Vedaranyam and then at Kodikarai reserve forest he revealed certain facts about the concealment of transmitters, high explosives including petrol cans and all these were dug out. After finding out all these arms and ammunitions, he was taken back to the Inspection Bungalow where the SIT officials were staying. He was given food at 9.45 P.M. in the same Inspection Bungalow. After taking his food, under the guise of washing his hands, he escaped from the Inspection Bungalow. He went for washing his hands and then he escaped.

Shri Indrajit Gupta (Midnapore) : Where did he go to washing his hands —to the bath-room ?

Shri Anbarasu Era : He was stated to have escaped. Here, I would recall that on 17th he was arrested. (Interruptions).

Shri Sudarshan Raychaudhary (Serampore) : The Police have washed their hands off. (Interruptions).

Shri Anbarasu Era : Three days were left. When he himself volunteered, surrendered naturally he would not have any mind of escaping from the police custody. We should find out this aspect. When he himself volunteered, how could he have escaped? Within these three days, who met him, under whose instance he made his bid to escape? Or, who instigated him to escape from the custody of the police? It is not only that. There were two constables guarding him when he went for washing his hands and one DSP was there. We do not know whether they chased him or not. But the next day his body was found hanging from a tree, that too, fifty yards away from the Inspection Bungalow. It is really very strange.

Another question here is, had he made up his mind to run away from the police, he would have ran away and hidden himself somewhere: had he decided to kill himself, he would have consumed some poison or cyanide cubes: or had he got into the hands of somebody, they would have murdered him there itself and his body would have been thrown. But the police say that his body was found fifty yards away from the Inspection Bungalow hanging from the tree. It is really a very strange thing. (Interruptions).

Shri Sudarshan Raychaudhary : From where did he get the rope?

Shri Anbarasu Era : That is also there. I am coming to that point also. Were the police not vigilant

throughout the night? What were they doing? Who gave him the rope?

Another thing is about the dress. When he ran away he was having a white shirt and a *dhoti*. But when his body was found hanging, a *lungi* was found below him and he was having an underwear. How did he change the dress? That means, within three days, somebody would have advised him, somebody would have instigated him to escape from the police custody. And they would have been waiting there to take him. It is probable that they would have taken him to some house or some other place of abode and killed him and brought the body there and hanged him to the tree. It is probable that this man had this in connivance with the local police. It is admitted that Shri Shanmugam was a well-known smuggler and was a friend of LTTE people. It appears that the entire Thanjavur police was under his control. If you go through the history of that man, God only knows, how many times the Superintendent of Police of that particular district was transferred. Whenever Shri Shanmugam wanted SP to be transferred he would have transferred him. That is how he had the control and even the influence over the then DMK Government. The then DMK Government was responsible for the LTTE menace in Tamil Nadu. I know the hon. Minister Shri Chidambaram is here, he was very vociferous time and again in warning the DMK Government about this. The Labour Minister Shri Ramamurthy was warning time and again that the LTTE menace was spreading in Tamil Nadu. Nobody cared for that. So the DMK Government patronised the LTTE people. You can look at the history of the police and see how many were transferred during that period. Police force was kept as per the whims and fancies of Shri Shanmugam. Who brought the body? These facts have not been properly explained by the hon. Minister.

And again what were the police doing at that time? When he made that escape, did they chase him? I would like to know whether all the roads were blocked; whether the police force—SIT and other CBI force—which were staying in the Bungalow were sleeping or were awake. All these facts are to be properly probed into.

Again, immediately the police force or the CBI could have caught hold of the wife of Shri Shanmugam. The wife of Shri Shanmugam might be knowing all the facts with whom he had talks. Who were the accomplice of Shri Shanmugam?

These facts were also not known. Soon after his arrival at Vedaranyan, Mr. Shanmugham had called some of his persons—his henchmen—and he had instructed them to go and show the places wherever these arms and ammunitions were hidden. In fact, I was told, even Shanmugham did not know the places where all these arms and ammunitions were hidden. Only his henchmen, his accomplices were knowing all the facts. Whether all these persons were arrested; were these persons under custody or not; what is the information they have received from them? It is not yet known to this august House.

Another thing I would like to ask is who are the political party leaders; or the persons; or the local political party people shielding Mr. Shanmugham? That question should also be gone into. It may be DMK; it may be DK or it may be even Congress. I do not want to shield anybody here. Even if it is the Congressmen, they should be properly interrogated and they should be booked. Because I loved my leader than anybody else here. I was told there were also some congressmen here, who were shielding him. Therefore, I once again request our hon. Home Minister to investigate as to who are the persons involved, who

were shielding and helping Mr. Shanmugham. This should be enquired properly and it should be brought to light.

I do not want to cast any aspersions or I do not want to question the integrity of the Chief of SIT, Mr. Kartikeyan. I know him personally. I do not want to accuse. I know, he is a man of integrity, a man of high order. Because of his strenuous efforts, I know, so many facts were brought to light. But the pity is that such a man of high integrity, under whom investigation is being carried on, how come this lapse had happened. How did Mr. Shanmugham escape? This is really strange. I cannot believe, how a man who volunteered himself to disclose certain facts and personalities who were associated in the plot of the assassination can escape himself. It is really a strange episode.

Further, Sir, I understand that there is no coordination between the CBI and the local police. The local police give one version regarding the escape of Mr. Shanmugham, the CBI and the SIT gives a different version. I, therefore, request the hon. Home Minister, through you Madam, to set right the House first, so that the real culprit be booked.

I am of the opinion that when Mr. Shanmugham escaped somebody would have been waiting there to take him. Perhaps, it may be LTTE men; it may be some DMK people; or his own accomplices or may be any man from Congress. What I feel is that probably some LTTE people would have been waiting for him to catch him and they would have taken him and strangled him to death. It is definitely not a suicide. It should be a strangulation to death.

Therefore, what I demand from the Home Minister is that a special investigation team headed by a sitting Judge of the High Court should be appointed exclusively for the purpose of investigating this Shanmugham episode. This episode should not be

clubbed with the main issue of the assassination of Shri Rajiv Gandhi; otherwise the main issue will be side-tracked.

I would like to point out here that the State police claimed that they were able to nab all the LTTE people from Tamilnadu; but still I have information that area as like Vedaranyam, Muthupettai, Adhirama-pattinam, Mallipattinam and Kottai-pattinam and Mimisal are all not free from LTTE movements. Therefore, I want to request our Home Minister that these areas also should be brought under the control of military besides the coastal areas.

Another fact about the main issue which I would like to bring to the notice of the august House is that on the day of the assassination, the State police was very careless in providing security for Shri Rajiv Gandhi. You are aware that Shri Rajiv Gandhi was classified as a 'Z' person who was facing imminent danger of life from terrorists. When such a personality goes to a meeting, every individual should have been frisked; they should have been checked properly and a list of those who wanted to garland him should have been prepared and they should have been arranged in a row. I have my own information that nothing of the sort was conducted. Nobody was checked. Simply whoever came there were allowed to stand in the row.

It is really strange that the assassin lady was wearing a *kurta* and *pyjama*. In Tamilnadu, to identify such person is very easy. Normally in Tamilnadu ladies wear sarees. But this lady was wearing a *kurta* and *payjama*. Very easily the police could have picked her up. It is due to the sheer carelessness and colossal carelessness of the State police that this assassination took place. I do not know why the IG of Police who was in charge of security arrangement on that particular day was spared. He should be taken to task. Till

now no action has been taken. I do not know who is shielding him further. It was such a bad arrangement; only half barricade was there near the dais; backside there was no barricade. These are all the factors which should be taken into consideration.

I was so dear to him and I also liked him so much. Even when I was taking part in the debate on the Railway Budget, I insisted that the place Sriperambathur should be connected to Madras with an electric train. Because it has now become a pilgrimage centre rather than a tourist centre. Once again I demand and the Home Minister should also recommend that the place should be connected by an electric train from Madras to Sriperambathur.

Another factor is that Sriperambathur is such a small place where there are only three roads. Soon after the incident took place if all the three roads had been blocked definitely we would have arrested the culprits. One road leads to Thiruvellavur, another road leads to Bangalore and the third road leads to Madras. If all the three roads had been blocked, naturally we would have arrested Sivarasan and Subha. But the police did not take any interest in carrying out such a security arrangement. Therefore it is really a pity and a national shame that even after the assassination of such a leader, the police force have not taken sufficient interest to arrest the culprits. Even in the Shanmugam episode it has happened only due to the carelessness of the investigating agency—maybe the local police or maybe in connivance with some political bigwigs.

So I demand that a judicial enquiry by a sitting judge of the High Court should be held. A proper enquiry should be conducted in respect of all the aspects that I have narrated just now.

With these words, I conclude.

[Translation]

Shri Ram Naik (North Bombay) : Madam Chairman, some people were caught after the assassination of former Prime Minister Shri Rajiv Gandhi. After the arrest of Shanmugam, it was said that he was one of the 14 people arrested.

[English]

He was the kingpin in Rajiv Gandhi assassination case.

[Translation]

After the arrests, some of them were taken to Vedarnayam and from the information in the newspapers and from the statement made by the hon. Minister, it is known that 121 boxes of explosives, 50 handgrenades and 20 wireless sets were recovered. It is very shameful for the Union Home Ministry or the State Home Department that person escapes from custody like this, when he has fully co-operated in finding these ammunitions. Why there has been so much "Sloppiness" ?

[English]

I do not know.

[Translation]

Was this a police custody or a friendly custody? When such a dangerous criminal gets away after being caught, it appears to me that the Home Minister owes an explanation to the country.

[Translation]

But what is this ?

The statement made by the hon. Minister gives no explanation. Another thing, which has been mentioned in the statement, appears to me quite serious. In the para 3 of the statement, it has been mentioned who was Shanmugam ?

[English]

As per information received from the CBI, Shri Shanmugam was a well-known smuggler and was found to have been helping LTTE elements with shelter etc., etc.

[Translation]

Is a smuggler well-known? A statement is being made by the Home Minister.

[English]

I can understand and you can say that he was a notorious smuggler.

[Translation]

It appears to me.

[English]

Do not take it that lightly.

[Translation]

The graveness of the issue was not taken into account at the time of the drafting of the statement. The Home Minister should revise this statement, as it will go in the record. It is not good for the Home Minister to say such a thing in the Lok Sabha. Therefore, some change should be made in it. This should not happen in the future.

It appears to me that some incidents have taken place after this statement was made on the 24th. If the Home Minister had given some information earlier, more details could have been known at the time of discussion. I have to say something on the basis of the information gathered from the newspapers and from his statement in the Rajya Sabha. We should have known earlier whether those policemen have been suspended, from whose custody he escaped? Two constables were suspended. Has his work finished by just suspending the two of them ?

I still remember that during the tenure of Shri Lal Bahadur Shastri as Railway Minister, there was a train accident and so, he resigned.

He was not at fault for that accident, but, being the Railway Minister, he resigned. He immediately owed the responsibility of that accident. I don't know who is responsible for this incident—the State Home Minister, the Union Home Minister or the Incharge of the C.B.I.

[English]

Do not leave it only to the two constables.

[Translation]

Only two constables have been punished. He has said that an enquiry had been ordered and a Magistrate would inquire into it. It has been mentioned in this Statement that (English) "A Magisterial inquiry has been ordered."

[Translation]

And an Additional Director of C.B.I. has been ordered to inquire into it. Therefore, it appears to me that there will be no proper inquiry.

[English]

The country wants to know because the case about assassination of Shri Rajiv Gandhi, is concerned.

[Translation]

We certainly had political differences with Shri Rajiv Gandhi, but after all, he was the former Prime Minister of the country and therefore, this inquiry should be done by a person equal to the Judge of the High Court. Otherwise there is no difference between a thief and an assassin of Rajiv Gandhi so far their escape is concerned.

[English]

We are treating the both on par. In this way it will serve no purpose. I demand that this inquiry should not be just a Magisterial inquiry, but a High Court Judge should be ordered to inquire into it. It has also been given to understand.

[English]

I do not know how far it is true.

[Translation]

At the time of the cremation of Shanmugam, the people of neighbouring villages had warned the police not to attend the cremation, fearing which some quarrel might take place. The police was threatened like this. Is it true? If so, I would like to know whether the police had attended the cremation?

There is an editorial in the 'Indian Express' of today, the 29th (English) under the heading "Utterly Irresponsible". I would just read only two lines: "Mr. S. B. Chavan's theory about certain forces in super power countries conspiring to kill Mr. Rajiv Gandhi is so utterly preposterous at this stage in the investigation that one must wonder about the Home Minister's capacity about logical thinking."

[Translation]

I do not want to cast aspersions, the way they have been cast in it. However, I would like to know whether the Government have decided as to how the enquiry ordered by it, who would be conducted.

[English]

Let him find out. If the Home Minister in-between says.

[Translation]

That they have come to this conclusion, then I think, the enquiry may not be continued. You must have made a statement outside, you should make it clear to the House also whether the Government suspect the involvement of any International power in it and also elaborate the words used—

[English]

“Super power countries are involved.”

[Translation]

The number of super power countries is not large.

[English]

To whom are you hinting at?

[Translation]

You should make that point also clear. If this is done the country would be assured that the rest of the investigation in regard to the assassination of Shri Rajiv Gandhi will be carried out properly. I would like the Minister of Home Affairs to clarify the situation. With these words I conclude.

[English]

Shri K. V. Phangkabalu (Dharmapuri): Madam Chairperson, this country has witnessed a great deal of violence from the day of our Independence. The great leaders, who were responsible for bringing this nation up, sacrificed their lives. The first one, as we all know, Mahatma Gandhi was murdered by the bullets. Subsequently, during the recent years, we lost another great leader, Shrimati Indira Gandhi. Again in the recent past, we have lost one of the greatest statesmen and dynamic leaders of our country—Particularly the Congress—Shri Rajiv Gandhi by violence. An act of this kind is a regular occurrence in this country today. Everyone feels that it should not have happened. But such acts are happening continuously. Our Home Minister is sitting here and of course he is going to reply this point. But today's discussion is pertaining to the incident which had taken place in Tamil Nadu. We know that there was an announcement of the CBI's investigation particularly under the dynamic leadership of Shri Kartikeyan, a well-known disciplined and outstanding officer of the police cadre. After his induction

and stewardship, we heard and we are also knowing that effective steps are taken to get the culprits of the assassination. What was surprising Madam, with regard to Shanmugam's case is that, as may honourable colleague also has said, a person was in police custody and he was allowed to go out and the next morning, he was seen hanging near the guest house where he was interrogated. This is a strange incident. Madam, I would ask the hon. Home Minister as to how was it possible for him to escape. We want to know whether the officers who were involved in this incident belong to the CBI or the State Police. Under whose custody was he able to go out of the tourist bungalow?

Secondly, the police and the CBI version say, that in the next 24 hours, they were searching for him. He had escaped and they were searching him. Who was on the search? Who is responsible for this and what was their responsibility? And they are saying that the next morning, he was found hanging near the same premises of 50 meters. This is not only mysterious but the people who were having lot of hope in the CBI are now losing hope. That very hope is destroyed. I would like to know whether such kind of officers who were involved in the incident are a party to the conspirators or the persons who made Shanmugam to be killed. Who was the real instrumental behind this scenario? This is to be found out.

Madam, another point is that, which appeared in the Press, Shanmugam was supposed to go out of the house to wash his hands after having food. When there was a wash basin within the guest house, where was the necessity for him to go out and wash his hands? It means that somebody, in connivance with the Police or the officers in charge, allowed him to go out of the guest house. This point is very clear. Only the Home Minister will be knowing as to what had happened truly. The investigating agencies, the

vigilance agencies and so many other officers are also trying to find out the truth. But so far no information is known to the public or the people concerned.

Another point is that he went out at night and in the next morning, he was hanged to death or supposed to be hanging. Everybody's understanding is that while one is hanging to death, his feet will certainly be above the ground level. But Shanmugam's feet was touching the ground. So, certainly he must not have hanged himself. Certainly, he was made to die and after he was dead he was brought to the tree and was hanged down. That must have happened. The common sense says that if someone hangs himself to death then his body will always be hangnig above the earth. But the photo clearly shows that he was hanging with his feet touching the ground. I think the Home Minister knows it and we wish him to clarify this point.

Then there is another news in the Tamil Nadu Newspaper. I would like to quote from a Tamil Nadu evening Daily, the Makkal Kural. It says that one Superintendent of Police was not allowed to go inside the bungalow where the investigation was going on and also that the police authorities are supposed to help them to coordinate with the CBI. So, the S.P. was not allowed to go into the guest house. The C.B.I. authorities now say that the two police constables who are now suspended clearly shows that they are responsible for the escape of Shri Shanmugam. If that is so then the action is right but the State Police says that the two constables were responsible to help the C.B.I. and they were not responsible to guard Shri Shanmugam.

SIT, that is the Special Investigating Team consisting of the CBI officers, the I.B. officer and the State Police. The Hon. Home Minister may be knowing the composition of this team exactly. Contradictory versions

are being given to the Press and public and this shows that they are not going in the right direction; that there is some confusion and they are thus accusing each other. It appears that they are not going in the right direction in which they are assigned to go.

I would like to ask the hon. Home Minister that if this is the fate of the case of a leader of the great stature like Shri Rajiv Gandhi then what will happen to the case of an ordinary common man of this country. I remember that when Shri Rajiv Gandhi died everybody in this country wept as if he was their own brother or a family member. The way this case is being handled, I very much doubt whether we will be able to do justice or whether we will be able to reach to the culprit who was behind his assassination. Whosoever he may be, whomsoever they may be supported by, the Government's duty is to bring them to light and punish them. This is the duty of the Government.

In Tamil Nadu, everyday, a number of people are being nabbed in the guise of militants. The militant activity is going on.

I would urge upon the Government of India to come forward with a concrete plan to curb the menace of militancy in the State of Tamil Nadu. This is not only happening in Tamil Nadu but also in many other States. Unless and until you curb this, the very purpose of governance will be defeated.

Madam Chairman, I would urge upon the Government and the Home Minister to take firm steps to nab the culprits of this episode along with the culprits of the Rajiv Gandhi assassination case. It should be dealt with by the honest officers and they should be given free hand in order to bring the culprits to book.

Mr. Chairman : The time allotted for this discussion under Rule 193 is 2 hours. It is already over. So, I

would now seek the consent of the House for extending the time of the House till 7 o'clock.

Several hon. Members : Yes.

Mr. Chairman : The time for this discussion is extended till 7 o'clock.

Shri Chandra Jeet Yadav (Azamgarh) : Madam Chairman, this is one of the saddest comment on the security of our country. In a situation when a lot of violence was growing in our country, when terrorist activities were increasing day by day and it was a well-known fact that the risk on lives of many of our political leaders is there and it was also very well-known that there are certain forces which were planning to kill some of the leading personalities, political leaders of our country, in such circumstances, the assassination of Rajiv Gandhi is such a big shame to our nation that we could not save his life.

Whatever facts that have come to light, it seems to be a very well planned conspiracy to kill Rajiv Gandhi. It was not the act of a mad man. It was not the act of some one who had had some ideas on the spot to kill him. It was a very well planned conspiracy.

17.59 Hrs.

(Rao Ram Singh in the Chair)

I have lot of doubts in mind regarding the way the investigation is going on. It is going on in a hapazard manner, in a most irresponsible manner. The persons comprising of the Special Investigating Team are coming out openly by making allegations against each other and holding one another responsible for this kind of negligence. This act only proves that we will not be able to catch the culprits and we will not be able to unearth the real conspirators who were responsible for killing Shri Rajiv Gandhi.

Over and above—I have not heard the statement of the Home

Minister in Rajya Sabha but I had read it in the newspaper—the Home Minister did make a statement in the Rajya Sabha saying that there is a possibility of foreign hand in his assassination. He said it very categorically.

18.00 hrs.

I would like to know from the Home Minister what is the basis of his statement that he has made in the Parliament? The Home Minister is a very senior Minister. He is a responsible person. He cannot make such a statement on the Floor of this House without having some concrete proof. He should take this House into confidence. Once he has made this statement, he must reveal what are the sources of making this statement or how he has come to this conclusion that foreign hands are involved in it? If foreign hands are involved in it, then it becomes more serious. Then a Special Investigating Team cannot do that. After making this statement, what the Home Minister is going to do?

This Shanmugam, who was killed or escaped from the police custody, was not an ordinary culprit or accused or witness. He was a very vital link in the entire episode, a person who revealed certain very important things, a person who was likely to reveal much more important evidence in future. It means that it was not just an ordinary escape; because there was a lapse on the part of two Constables that he had escaped; and the mysterious condition in which he was found hanging. If he escaped that night and the next day, as my friend Shri Anbarasu Era says, his body was found hanging and the police went for all-out search; it means that the police must have searched that whole area and he must have gone may be one km or two km to some hiding place for changing his clothes; he was found hanging the next day within 15 km of that bungalow. It means the whole thing

is much more mysterious. And according to the statement of the Home Minister, DIG police, if I remember correctly, SP and many other high police officers and CBI officers were sitting in the next room. What a carelessness in the case of such a very vital witness, who was involved in the assassination of the former Prime Minister, on the parts of the Special investigating Team? He was such a vital witness who revealed so many important things. And by that time, his background must have been known that he was, if not a well-known notorious person, at least a well-known notorious smuggler. That person was handed over to the care of two ordinary Constables and all officers are sitting very merrily in the next room. That person was escaped and he was found dead the next day.

Any person with a little intelligence should have known that in such cases the vital witnesses always tried to liquidate the things, eliminate the witnesses. What happened in Kennedy's case? What happened in many other cases of important persons? Therefore, at least, they must have used some common sense to take necessary steps. That happened in the night; it was night when the gentleman was taking his dinner; and then he escaped.

I think the whole episode is a sad commentary on our administration. It could have rocked the whole country had it happened in another country. We are taking it so lightly that just by suspending two Constables, we seem to be fulfilling our great national responsibility. After this episode, does the Home Minister still have confidence in the same SIT? Or has he taken any steps to change the team and appoint some other responsible senior officer for the further investigation? That is one.

Secondly, I would like to know whether any officer has been held responsible for not making proper arrangements to see that this kind of witnesses are well guarded, when there is a history behind them. We have

seen that history of LTTE people. They carry poison. They carry weapons, they commit suicide. They are so desperate and they are like a suicide squad. After knowing all this history was it enough that he was given so much freedom? He was not even hand-cuffed! Nothing. There were no guards in front of the bungalow and there were not even enough lights at least for them to see in front of the bungalow! How does this gentleman escape when all those officers were sitting? He was not a very young man who could go on a race and nobody could chase him.

All this creates a very serious doubt. My serious doubt is that this is all part of a bigger conspiracy. Of course Shri Rajiv Gandhi was assassinated, he became the victim of a well-planned conspiracy. Fortunately or unfortunately, there was President's rule at that time. Otherwise any State Government would have been held responsible for that. But the State happened to be under President's rule and therefore the Government of India is itself responsible for running the Central administration and they cannot go scot-free. They also have a responsibility.

Shri Anbarasu Era: Do you mean the Governor of Tamil Nadu?

Shri Chandra Jeet Yadav: Everybody. Tamil Nadu Governor, the President of India, I do not know, who else? Because it was the President's rule.

Another thing I would like to know from the hon. Home Minister is this. Has he received the *post-mortem* report by now? What does the *post-mortem* report say? If the gentleman was killed and hanged the *post-mortem* report would very clearly say that it was not a suicide by hanging and that he was killed and hung and by this time the *post-mortem* report must be in hands of Home Minister. I hope that the Home Minister when he replies, would place the *post-mortem* report before the

House, so that the House could know, really speaking, as to how he died and what was the position.

An Hon. Member: Is it not a classified document?

Shri Chandra Jeet Yadav: Certainly not. It is not.

Now, while concluding my intervention, I would like to know from the Home Minister, how he wants to assure the country that in this case of Rajiv Gandhi's assassination, the culprits will be found and will be punished? At least it should not go on for a long time because the Home Minister's statement gives some scope for the investigating agency to say that because foreign hands are involved, they had to send their teams to foreign countries and other places to find out the foreign hands etc

Also there is a danger and there is a serious doubt that all this can unnecessarily delay the investigation and the investigators would say that they were not able to procure proper evidence because certain foreign hands and their elements were involved and they had no access to reach them, and, therefore, really speaking, they could identify the culprits.

Another thing I would like to know is, whether the Government had taken up this matter at the political level with the Government of Sri Lanka. I am asking this question because many people are connected with all these things and particularly that organisation and their main base is another country, i.e., Sri Lanka. I want to know from the Home Minister whether at political level the Government of India, for investigation purposes and to reach to the right conclusion, has approached the Government of Sri Lanka so that they can get help in mobilising the necessary steps to reach to the right conclusion.

These are certain things, which I would like to know from the Home Minister.

Mr. Chairman: Before I call the next name, I request Dr. Laxmi Narayan Pandey to present the report of the Business Advisory Committee.

18.11 hrs.

BUSINESS ADVISORY COMMITTEE THIRD REPORT

[English]

Dr. Laxmi Narayana Pandeya (Mandsaur): Sir, I beg to present the Third Report of the Business Advisory Committee.

DISCUSSION UNDER RULE 193

(Escape from the custody and subsequent death of Shri Shanmugam, an accused in the Rajiv Gandhi Assassination case—Contd.)

[English]

Mr. Chairman: Shri P. G. Narayanan.

Shri B. Rajaraviverma (Pollachi): I would like to speak.

Mr. Chairman: Now I call the next person, Shri V. S. Rao. Shri Rao is also not here.

Now I call Shri Ramanna Rai.

Shri B. Rajaraviverma: Sir, the leader of my party sent a note to you.

Mr. Chairman: I can only call the names that have been forwarded to me by the Chief Whips of the parties concerned.

Shri B. Rajaraviverma: My name is also there. I have sent a note.

Mr. Chairman: Okay, I will try to fish it out. Now Shri Ramanna Rai will speak.

Shri M. Ramanna Rai : (Kasargod) : Mr. Chairman, Sir, this is a very serious matter which we are now discussing.

This matter was discussed in Rajya Sabha also and the Home Minister gave a reply to the discussion in Rajya Sabha. In reply to the discussion he said :

“I sincerely feel that it is not only the LTTE but there are other forces also which, in fact, are very deeply involved. It is not so easy to point out which exactly is the agency.”

It is very clear. (*Interruptions*).

Shri A. Charles (Trivandrum) : May I know whether the proceedings of the other House can be quoted here ?

Shri Somnath Chatterjee : (Bolpur) : The Minister's statement can be quoted. That is the Government's view. (*Interruptions*).

Mr. Chairman : Unless there is some particular objection, I feel that there is no harm in quoting it.

Shri M. Ramanna Rai : It is very clear that foreign hand was involved and there is suspicion about that. We are not only having suspicion in Shri Rajiv Gandhi's assassination but even prior to that, we had such kind of doubts about Shrimati Indira Gandhi's assassination also.

The report of the inquiry conducted by the Judges about the assassination of Shrimati Indira Gandhi was not placed before the House. As per the report placed before the House, it made very very clear and pointed out that particular individuals are involved and further investigation is necessary to fix the real culprits. But that report was suppressed from this House. There also the hand of foreign agency is suspected. Had that report been made available to the Members of Parliament and the public we would have definitely understood the real hand which was behind the assassination of Indira Gandhi and also Shri Rajiv Gandhi. Since that report was

not acted upon, the tragedy i.e. Rajiv Gandhi's assassination had happened. Now my submission is that it is very very necessary to widen the scope of inquiry in the present case. Only by that process the country will be able to know the real hand behind the assassination of Rajiv Gandhi.

In the other House, the Home Minister made a statement and said :

“An attempt was made to see that the Congress was being defeated and in order to defeat the Congress everybody in the country and outside thought that if Rajiv Gandhi was eliminated then, of course, the Congress would not have any future in the country.”

I do not agree with this statement because it is contrary to the facts. We know that one instalment of polling took place in the country prior to Rajiv Gandhi's assassination and two instalments of polling took place after his assassination. If the Home Minister is correct, then in that case, in the polling that took place prior to Rajiv Gandhi's assassination Congress (I) must have won. But actually what happened was that in the polling that took place prior to Rajiv Gandhi's assassination, the Congress (I) Party was routed and it is only in the polling that took place after the assassination of Rajiv Gandhi that Congress (I) had a surprise victory. It shows that Rajiv Gandhi's assassination favoured Congress (I) because of the sympathy wave.

Mr. Chairman : That has hardly any relevance with the present discussion.

I request you that the discussion is on the statement made by the Minister of Home Affairs in the House on the 24th July, 1991 regarding escape from custody and subsequent death of Shri Shanmugam, an accused in the Rajiv Gandhi assassination case. I would, therefore, request you to restrict your discussion only to the statement made by the Home Minister.

Shri M. Ramanna Rai : Shanmugam surrendered on 17-7-91. He was

remanded and handed over to police on 18-7-91. On 19-7-91 he escaped. On 20-7-91 his body was found hanging and on 21-7-91 he was cremated. This is the position. Now, whether actually *de facto* arrest of Shri Shanmugam was there? That is a real point for consideration by this august House because even according to the Home Minister and Police also. Shanmugam was a powerful and a notorious man, and he surrendered. He was not arrested but, he was not chained. My suspicion is that the investigating authorities intended to make him approver. So, he was given all the freedom because actually they got hold of Shanmugam to make him an approver. That is why he was not actually handcuffed. That is why there was no police guard. He had a free movement throughout. The report of the police also is that his uncle's house is very close to the bungalow where the police officer was conducting investigation. Probably Shanmugam was allowed to go and sleep or spend the night in his uncle's house. Something had happened there. That is why his *Dhoti* and *Banian* was found somewhere else. He happened to wear a lungi. Otherwise, from which place from where his lungi came. All these things go to show that actually Shanmugam was brought to help the investigation as an approver. That is why he was given full freedom. Otherwise, the police have to explain how he escaped. (*Interruptions*). In this connection, my own experience in my Constituency is very very relevant. As you know on 21st May, Rajiv Gandhi was assassinated, on 22nd and 23rd onwards, the Congress (I) people in their election propaganda said the first accused is Shri V. P. Singh, second accused is Shri Karunanidhi and the third accused is Shri EMS Namboodripad. This was the approach of the Congress immediately after the assassination of Rajiv Gandhi. This is the real thing. Now, Congress (I) did not want to come to the truth about Indira Gandhi assassination and Congress (I) does not want to find the truth regarding Rajiv Gandhi's assassination. This is my point. (*Interruptions*).

So, my submission is that in the death of Shanmugam, everything is fishy and Home Minister should come forward to clear the doubts in the minds of the Members. With this submission I suggest that the scope of enquiry must be expanded to find out the real truth.

[*Translation*]

Shri Vijay Kumar Yadav : (Nalanda) : Mr. Chairman, Sir, it is a very unfortunate matter for the country and the manner, in which the Central Government is conducting the investigations, shows that they are not as much serious as they should have been in this regard. The most conspicuous example of it is the way the enquiry into the assassination of Shrimati Indira Gandhi was handled. People of this country were kept in the dark as to who were the real culprits behind the assassination and what did the report reveal.

Mr. Chairman : Sir, common people cannot be involved in the murder of the sitting Prime Minister or the would-be Prime Minister of a country or even of great leaders like Shri Rajiv Gandhi. The policies pursued by the Government of this country have also do something with their assassination. Shrimati Indira Gandhi and Shri Rajiv Gandhi carried on a struggle for adherence to certain basic principles, especially in respect of foreign affairs to the utter dislike of a cast super power and every citizen of this country knows that super power which wanted to let down Shrimati Indira Gandhi and Shri Rajiv Gandhi, but could not succeed in its mission. It won't serve any purpose by merely saying that some super power or an external agency is involved in it.

When Shrimati Indira Gandhi was assassinated the Congress Government had issued a similar same statement. I don't know why does the Congress feel afraid of giving correct information to the people. A pertinent question that arises is that when Shanmugam had a history of being a notorious smuggler and had high contacts in police quarters, why was he kept in

the bungalow. I think that the investigating agency cannot escape their responsibility for the lapse. Generally the criminals are kept in handcuffs and shackles. Therefore, it was not proper to keep free such a notorious criminal, who was involved in the assassination of such a great political leader, in a bungalow. Anybody would escape in such a situation. In view of the fact that he had links even in foreign countries, contacts with influential people, it was not very difficult to get him out of the police custody. Therefore, the question is why the CBI and the other agency which were entrusted the work of conducting enquiry were careless. It is also clear that the Chief of the CBI is responsible for the negligence in this matter and therefore he should be removed. I doubt very much if an enquiry can be conducted properly till such people are there.

It was said that Shri Kartikeyan is an efficient and sincere officer. He may be an efficient and sincere officer but in view of the negligence committed in this case, the enquiry can not be conducted properly, unless he is removed from his post. The culprit was kept in a Dak Bungalow. I would like to know from the Minister of Home Affairs whether police force was deployed all around the Bungalow as a precaution any measure to thwart any possible attempt by him to escape; if not, who is responsible therefor and what action has been taken against him. When the Government says that he was arrested and the court granted police remand, it appears that he had divulged some information on the basis of which a large number of incriminating articles were seized. It is but natural when he was arrested the elements with whom he had links must have realised that if the man lives, many more culprits would be apprehended. It is very unfortunate that the CBI officials could not anticipate this. I think that the plot as to how to get him out of the police custody and clear him of the way, must have been prepared the day he surrendered.

His body was said to have been sent for post-mortem, but no reference has so far been made regarding the report of the post-mortem. In the last report, the Minister of Home Affairs had stated that the body was sent for post-mortem. We have yet to know its findings. In these circumstances, I would like to know when a powerful gang, a big power is behind the incident which wanted to erase all evidence what happened to the post-mortem report, who conducted the post-mortem, one or more than one person. Was any precaution taken in this regard? I suspect that we may face the concocted report corroborating the concocted story in this case. All the Members of this Parliament, as well as the whole of the world know that CIA is such an agency as has been involved in assassinations of a number of Prime-Ministers and Presidents. In these circumstances, the Minister of Home Affairs should make it clear as to which foreign hand is involved in it and what precautions will be taken in this regard in future.

[English]

Shri Sobhanadreeswara Rao Vadde (Vijayawada): Mr. Chairman, Sir, the people of this country are to bear the tragic assassination of the former Prime Minister. Close on the heels of it, the people have to bear another surprising incident where a very important accused in this assassination case was able to escape from the police custody.

Though the Special Investigating Team of the C.B.I. has done a commendable work to a great extent in unearthing the plot, the manner in which the plot was implemented and the culprits who have taken part in that most heinous crime, this is a very very serious lapse. One cannot really believe—more so understand—how this has happened. The hon. Home Minister himself has stated in his statement that “this Shanmugam was a well known smuggler”. I would like to know from the hon. Home Minister, during his reply, as to what concrete

action has been taken against this well-known smuggler who had been in the smuggling operations since a very long time and got enriched so much with these operations. It appears that he was a very key personality in continuing the links of the LTTE with several people in that part of our country.

It is told that two police constables were suspended. I wonder very much. While a DIG, a SP and a DSP were all there, these petty small police constables only were penalised for their lapses; because they are just constables, these higher-ups could lay their hands on them.

Shri Nirmal Kanti Chatterjee (Dum Dum): It could never be underestimated. They rocked a Ministry—two constables only.

Shri Sobhanadreeswara Rao Vadde: The DIG who was very much present and the SP who was very much present in that bungalow, are they not responsible for these lapses? It is because of this carelessness or laxity that person was able to go out from that Inspection Bungalow, and the next day he was found hanging from the tree. I would like to have a clarification from the hon. Home Minister that after Shanmugham had left the Inspection Bungalow whether attempts were made to find out from his father-in-law's house whether he had been to that place. Mr. Chairman, Sir, when a sniper dog was utilised in this search operation, it went to the father-in-law's house first and from there it went to that mango tree where his body was found hanging. Let the hon. Home Minister clarify on this during his reply.

Sir, it is not the first time that such a very serious lapse has taken place. I will recollect a very serious lapse which had taken place on 2nd October 1986. When the present Rashtrapati and the then Prime Minister Shri Rajiv Gandhi and several other dignitaries went to Rajghat to pay their homage to our Bapuji on that day, a person by name Karamjit Singh tried to assault the Prime Minis-

ter by using a country-made gun. You will remember that in spite of all the very very elaborate security arrangements, there were so many special cadets or black cats and what not, there were so many cadets in these security forces, but none of them tried to find out whether somebody was there in the bush. He had hidden there and he tried to kill the then Prime Minister. When he was interrogated as to why he had done this thing, he said, 'So many of our Sikhs, thousands of our Sikhs, were killed after Madam Gandhi's assassination in Delhi. I wanted to retaliate'. That was the reply given by Karamjit Singh. What I want to bring to your kind notice is, this type of very serious lapses are taking place now and then which are costing very dearly. So, Sir, I would seek a clarification from the hon. Minister on this. Mr. Shanmugham, as my friends have said, surrendered himself to the police. He was not caught by the SIT or the police. He himself surrendered and he expressed the apprehension of danger to his life and to the lives of the members of his family. When that is the situation, how this man was allowed to go out singlehanded? And, Sir, if he really wanted to commit suicide, he would not have surrendered himself to the police. If it was a homicide or somebody killing him, then there must be a very big reason for that because this man was a very pivotal person. Sir, he was given the title of 'Commander' by Shri Pirabhakaran and the LTTE. There were some instances when Shri Pirabhakaran addressed some letters to this man Shanmugham calling him as 'Commander'. When that was the vital role played by this Shanmugam, how careful was SIT or CBI team that was there with him? So, I would like to have a clear clarification from the hon. Home Minister to take this House into confidence and please come out with the facts and let this country not have an agony that already we lost the former Prime Minister and now it appears there are very strong hidden hands who are able to even deal with this investi-

gation, and people have lot of doubts about what will be the outcome of this investigation.

So, I request the hon. Home Minister to come out clearly and clarify all the doubts that have been expressed.

Mr. Chairman : The time of the sitting was extended till 7.00 p.m. and still a number of Members want to speak on this subject. As only 20 members are left, I will have to ask the Home Minister to reply now, unless the hon. Members want to extend the time further.

Shri E. Ahamad (Manjeri) : Sir, all the parties should be given an opportunity to speak on this subject. *(Interruptions)*.

Shri Guman Mal Lodha (Pali) : Sir, the time may be extended. *(Interruptions)*.

[Translation]

Shri Dan Dayal Joshi (Kota) : Mr. Chairman, Sir, no member of the Bhartiya Janata Party has got a chance to speak, hence, I may be allowed to speak.

Mr. Chairman : A member of the Bhartiya Janata Party has already spoken. How do you say that none has got a chance. Shri Ram Naik has spoken and one member of each party has done so.

Shri Rajnath Sonkar Shastri (Saidpur) : This is not the question of one member of each party to speak. This issue is a very important issue, so all those, who want to speak, should be given a chance. If there is no time to-day, you may postpone it for to-morrow.

Mr. Chairman : I cannot say about tomorrow's programme but I am prepared to sit as long as you want to sit.

Shri Rajnath Sonkar Shastri : We may sit late if it is required.

Shri Dan Dayal Joshi : Please postpone it till tomorrow as it is an important discussion. The hon. Minister may reply tomorrow. *(Interruptions)*.

[English]

Mr. Chairman : Shall we extend the time by 15 minutes or half-an-hour ?

The Minister of Home Affairs (Shri S. B. Chavan) : Sir, I have got an appointment at 7.30 p.m. I cannot force the House because of my appointment, but at the same time, I am expressing my difficulty.

Mr. Chairman : All I can say is that the hon. Home Minister will make his reply sharp at 7.00 p.m. Will that suit you ?

Shri S. B. Chavan : Yes *(Interruptions)*.

Shri Guman Mal Lodha : Sir, till now, he has not placed the post-mortem report on the Table of the House; the inquest report is not available and we do not know whether it is a suicide or homicide.

Mr. Chairman : Leave it to the Home Minister. *(Interruptions)*.

Shri Pius Turkey (Alipurduar) : Sir, I am on a point of order. I want to share this information which has come from the Prime Minister's office. I want to read the letter. *(Interruptions)*.

Mr. Chairman : There is no point of order. *(Interruptions)*.

[Translation]

Shri Rajnath Sonkar Shastri : Are you not going to permit us to speak, Sir ?

Mr. Chairman : Within the scheduled time limit. ...*(Interruptions)*.

Shri Rajnath Sonkar Shastri : The time has just been extended by the Chairman who was presiding prior

to you. The whole House is requesting you to extend the time because each of us has to submit some new points about this important issue and you are not allowing us.

Mr. Chairman : Mr. Sonkar, you may say whatever you like. But do not attribute thing, to me as I am saying that I am ready to sit here upto 10 p.m. But the Home Minister has to attend an important meeting at 7.30 p.m. And for tomorrow, I can only request the hon. Speaker.

Shri Rajnath Sonkar Shastri : The hon. Home Minister should listen to our submissions first. He should give his reply only when all of us have spoken. ...*(Interruptions)*.

[English]

Shri Basudev Acharia (Bankura) : Mr. Chairman, Sir, the inquiry report and the post-mortem report should be placed on the Table of the House.

Mr. Chairman : Kindly sit down. The Home Minister has got the floor.

Shri S. B. Chavan : If you agree, you may allow the Members to speak up to 7-30 p.m. I will give the reply tomorrow. *(Interruptions)*.

Mr. Chairman : Whosoever's name is there. I will allow to speak. But I will go according to the list up before me.

Kindly restrict your time to 5 minutes each so that everybody gets the time to speak. *(Interruptions)*.

Mr. Chairman : No. Please sit down. You are only wasting the time of the House. Shri Rajaraviverma.

Shri B. Rajaravivarman (Pollachi) : Mr. Chairman, the statement of the hon. Home Minister made in the House on the issue of the death of Shri Shanmugam is totally unbelievable. Shanmugam, an accused in the assassination of the former Prime Minister, Shri Rajiv Gandhi and he surrendered voluntarily to the police

on 17-9-1991. It was not that the CBI or SIT caught him. Therefore, it is not at all believable that he escaped on 19-7-1991 and committed suicide just two days after surrender. If he wanted to escape from the issue, there was no question of his voluntary surrender and then escaping and committing suicide. So, we want to know whether it is a suicide or homicide.

When Shanmugam was washing his hands, the constables were not around him. They were supplying food for the CBI and SIT officials. I would like to know that the State police who had been posted there were meant to keep a watch on Shanmugam or to serve food for the CBI and SIT officials. The services of our State police had been misused by the CBI and SIT officials.

It is stated that Shanmugam escaped under the cover of darkness. The question of darkness could come only after Shanmugam escaping from the building. Therefore, I strongly suspect the role played by the CBI and SIT officials behind this issue.

The Tourist Bungalow at Vadanyam in Thanjavur district where the accused Shanmugam was under arrest is having all facilities like wash basin and bath rooms within the premises. Then, how had Shanmugam been allowed to go outside to wash his hands ?

We feel surprised that how an accused under the custody could have a 15 feet rope with him with which he was reported to have hanged himself?

By the by, he was not accustomed to wearing *lungi*, even then how *lungi* was found at the site ?

Sir, is it true that his feet were touching the ground while hanging ? If so, how can anybody hang himself like that ?

I want to ask the hon. Home Minister, through you, why the post-mortem was done at Nagapattinam General Hospital instead of teaching

medical institution at the Tanjavur Medical College which is equi distant from Vedaranyam and where there are latest sophisticated instruments and forensic experts available to pronounce an expert opinion ?

Has the post mortem concluded that asphyxiation is due to hanging or otherwise ? Moreover, is it true that the place in which he was found hanging also belongs to a private individual who is in any way connected with the smuggling activities ? The Home Minister says that he himself is not satisfied with the replies and the reports furnished by the officials of SIT.

What is the nature of the suspicion ? Will you take this House in confidence by informing the same ?

The officials who are responsible for this incident should be identified and they must be enquired first, before Shivarajan.

With this I conclude.

Shri Guman Mal Lodha (Pali) : Mr. Chairman, I am very sorry to say that our debating this matter in the absence of a post-mortem report and inquest report showing the cause of death, is just like constructing a bridge where there is no water and where there is only sand. *(Interruptions)*.

The first important bedrock for such a matter to be discussed is that the Members must know what is the cause of that, according to the medical report in the post-mortem report and the inquest report which is done, under the Cr.P.C., immediately after death. Both these documents are very vital and are the bedrock for any inquiry or discussion or debate or dialogue. Unfortunately, in spite of time being granted, in spite of the fact that a statement has been made by hon. Home Minister, both these documents are missing and unless they are seen, it cannot be said whether it is a case of suicide or homicide.

It is a very important matter again which requires examination. In

the statement which was given by the hon. Home Minister, it is written

[Translation]

[English]

There were some stains of semen. What is this ? It gives very new dimensions. The whole thing is mysterious. What is this semen in the underwear of the deceased ? What does it hint at ? Was it superimposed under mysterious circumstances ? The whole thing is shrouded in mystery that it appears that there is a great conspiracy to kill him and to remove evidence so that the actual conspiracy is not unfolded.

According to the experience of the persons who are here, hon. Members have remained in jail for a long time. I have remained in jail half-a-dozen times or more. Nowhere in the night, an under-trial or a person is taken out of the barracks or place even for having urination or for answering the call of nature. There is a place provided inside for this purpose. How can such a dangerous person who was the prime suspect, who came with a confession, such a serious witness, be left out and there also, they say in the darkness he just went out.

Mr. Chairman : Probably there was no urinal inside there.

Shri Guman Mal Lodha : They say nearabout this bungalow or guest house, there was a dry canal in which two clothes were found of the deceased. What is this ? Near about the guest house, two clothes were found, a dhoti and a banian. What does this mean ? That particular incident of murder took place inside the dak bungalow or the guest house or immediately after, outside it and in a very planned manner, by persons who were serious criminals or experts in the case of murder and in eliminating evidence.

My submission is that the whole thing is shrouded in great mystery and it is a very serious matter. It must

be talked about, discussed, debated and dialogued in the House after these two documents, the inquest report and the post-mortem report are disclosed.

I would also request that a Medical Board should be set up in order to find out what is the implication of this chemical report about the semen, whether it was taken or not and, if so, what is the relevance of it.

Similarly, the first important thing to be ascertained is whether it was a case of suicide or a case of homicide. This must be done by experts of Medical Board who must be detached and independent persons. Unless that is put before the House, my respectful submission is that our entire debate is just like constructing a bridge where there is no water.

Mr. Chairman : Next, Shri Pius Tirkey to speak.

Shri Pius Tirkey (Alipurduar) : Sir, I have got a very important letter addressed to the then Prime Minister Shri Chandra Shekhar, dated the 23rd November, 1990. The address of the letter reads : 49, Western Court, New Delhi. It was addressed to the Prime Minister Shri Chandra Shekhar, New Delhi.

Mr. Chairman : Shri Pius Tirkey, what are you reading from ?

Shri Pius Tirkey : This is a letter written to the Prime Minister. It is exactly related to this case. I have received this letter.

Shri A. Charles : Will you give a copy of that letter ?

Shri Pius Tirkey : Yes. (*Interruptions*).

Mr. Chairman : Shri Pius Tirkey, this letter is from whom ? Who is it addressed to ? Is it an authenticated one ?

(*Interruptions*)

Shri Pius Tirkey : I am going to read it out. It is well connected with this case. It says : Dear Prime Minister, Yesterday I went to the Indira Gandhi International Airport...

Shri A. Charles : Sir, I am on a point of order. Unless a paper is laid on the Table of the House, how can he quote ? It should be authenticated. I want a ruling on this. He has to authenticate it.

Shri Pius Tirkey : I am going to quote only three or four lines. That is all. (*Interruptions*).

Shri Basu Deb Acharia : Your name is not there. Don't worry.

Shri Pius Tirkey : The letter reads like this : Dear Prime Minister, Yesterday I went to the Indira Gandhi International Airport to receive a friend from Birmingham. Among the VIPs, one was Shri Musurath Iqbal. I knew him from my Birmingham days. (*Interruptions*).

Mr. Chairman : Shri Pius Tirkey, please listen. If you are reading out from some documents, you must authenticate that document and give a copy before you quote.

Shri Pius Tirkey : I am quoting it to find out whether it is true or not. The Home Minister is here.

Mr. Chairman : Some document you are reading out which is addressed to Shri Chandra Shekhar. How can the Home Minister say whether it is correct or not. You have to authenticate that as to whether from your knowledge you can say that that document is a correct document or not.

(*Interruptions*)

Shri Pius Tirkey : It has been written here and the signature is also here. It has been informed that the same gang was involved in the assassination of Shrimati Indira Gandhi. (*Interruptions*).

Mr. Chairman : You must know one thing. Please sit down when I am

on my legs. I would request hon. Members that if you read out a document, it is not up to the Home Minister to authenticate that document. You know the source of the document. You know from where you got it. You know whether it is an authenticated one or not. If it is true or if you have doubts about the correctness of that document, the person who is reading it out can only say that. You have to know that. You cannot expect the Home Minister to authenticate the document. So, it is your responsibility to authenticate that document. If you are convinced that it is a correct, true document, then by all means I allow you to read it out. Now, you have to say that you are satisfied about the correctness of the document.

Shri Pius Tirkey : I will lay it on the Table of the House.

Mr. Chairman : You have to say whether you are satisfied or not.

Shri Pius Tirkey : Yes, I am satisfied. *(Interruptions)*.

Shri S. B. Chavan : Let him first authenticate it, put it on the Table of the House. Without that, I don't think merely because he is saying that it is correct, he can quote it. *(Interruptions)*.

Mr. Chairman : Please sit down. Hon. Members. I will read out the concerned rule from the 'Directions by the Speaker', Rule 118A which says :

"When a Member seeks permission of the Speaker to lay a paper or document on the Table of the House under direction 118, he shall record thereon a certificate in one of the following forms, as the case may be :—

- (a) 'I certify from my personal knowledge that this is the original document which is authentic.'
- (b) 'I certify from my personal knowledge that this document is a true copy of the original which is authentic.'

19.00 hrs.

If you are prepared to give one of these certificates and lay it on the Table of the House, then you can read out that document. Otherwise, I am sorry, I cannot allow you to read out this from the document.

(Interruptions)

Shri Ram Naik : I am on a point of order. It is 7 O'clock. The time of the House should be extended.

Mr. Chairman : There is no point of order. Time has been extended. Extension of time is no point of order.

(Interruptions)

Shri Pius Tirkey : The then Prime Minister Shri Chandra Shekhar was informed on the 23rd November through a letter by somebody that the Birmingham gang, the most notorious gang, was being supported by some sections of the police and the Government. And it has been apprehended that the same gang was involved in Shrimati Gandhi's assassination also. It is very much likely that the same gang has arrived now. This information was given to the Prime Minister through a letter cautioning him to beware of this Musrut Iqbal Gang. This gang was given a VIP treatment from the Airport onwards. And those who were looking after the gang were some police officers and Ministers. We suspect that this gang has done this repeated killing of Shri Rajiv Gandhi. I do not know why the Government is so much afraid of this gang when they are having so much of military and police force. I do not know what kind of arrangement this Government has with this gang. They have not caught even a single member of this gang. This gang is perhaps, still operating in India. In the case of Shrimati Gandhi, poor sikhs were killed and sikhs were suspected to be involved in the case. In this case, LTTE is suspected to be involved. I say that the LTTE should not be found guilty and accused of on this count by saying that LTTE has done it. I want to know whether the Home Minister is aware of this Musrut Iqbal

Gang of Birmingham who is operating in India. I would like to know whether the Minister will take stringent step from today onwards itself in this regard.

Shri S. B. Chavan : What is the name that you mentioned ?

Shri Pius Tirkey : It is the Musrut Iqbal Gang, Birmingham.

Shri E. Ahamed (Manjeri) : Mr. Chairman, Sir, I thank you for calling me to speak. Shri Rajiv Gandhi's murder case is a heinous, gruesome crime of the century. This can be compared only to the assassination of Mr. Kennedy and that of Shrimati Indira Gandhi. Much has been said about Shri Shanmugam's alleged custody and escape and later his suicide or homicide, whatever we may call it. But I might say that Government should view the entire case in its totality. There were lapses. There were omissions and commissions on the part of several agencies. I may just invite the attention of the House to the lapses which I can put into three categories; one is the disgraceful behaviour of the policemen at Sriperumbudur on the fateful night. It was reported that the policemen have fled away from the scene. To them life was dearer than duty. Had the *khaki* heroes remained there the "kurta villains" would not have escaped and they could have been apprehended. It was a serious lapse on the part of the police who were on duty and taking into consideration of the fact that they were in charge of the security of a 'Z' category personality.

Secondly, the laxity on the part of the police from taking care of the camera left behind by Haribabu, the photographer who was killed in the incident at the scene. Thanks to *Hindu* newspaper and *Frontline* magazine, the people were able to see those photographs after it has been seized by the CBI. It will not be fair to make a wholesale blame on the CBI. Some of the breakthrough that the CBI has achieved, as rightly pointed out by my hon. friends, were really

commendable which cannot be lost sight of. But at the very same time some of the actions taken by the local police and also the subsequent events have led us to believe that there were lapses, commissions and omissions on the part of the investigating agencies.

The third and the most surprising lapse according to me is the Shanmugam case. Many of my friends have dealt with it in detail; so I don't go into the details. One factor I just would like to remind the Home Minister is that Shanmugam is reported to have given the names of some of the police officials who were hands in glove with the persons involved in some undesirable and illegal activities that were taking place in Tamilnadu. That might be one of the causes for what actually happened there. We are not the only people concerned about Shanmugam's escape. The very enquiry ordered by the Government according to me is a matter of concern for the people of the whole country. May I just invite the attention of the hon. Home Minister to the notifications issued on 27th May, 1991 appointing the Verma Commission? Later our Prime Minister has assured in Hyderabad that the scope of the enquiry will be widened. The reports appearing now, as a matter of fact, are all very much appalling for a citizen of this country. One report says that a judge has said something and later it has been denied by another report. Therefore we want to know, the people want to know and the country wants to know as to what is that the Government going to do in the matter of Verma Commission of Inquiry.

The two matters in the terms of reference mentioned are that :

- (1) whether the assassination of Shri Rajiv Gandhi could have been averted and whether there were lapses or dereliction of duty in this regard on the part of any of the individuals responsible for his security; and

- (2) deficiencies, if any, in the security system and arrangements as prescribed or operated in practice which might have contributed to the assassination.

The most important things according to me have been omitted in this. In this respect I would invite the attention of the hon. Home Minister as to what happened after the assassination of Kennedy wherein the Executive Order issued by the then President of America, Lyndon Johnson on November 29, 1963 appointing the Chief Justice of America Earl Warren to head the Special Commission on the assassination of John F. Kennedy says :

"The purposes of the Commission are to examine the evidence developed by the Federal Bureau of Investigation and any additional evidence that may hereafter come to light or be uncovered by federal or state authorities; to make such further investigation as the Commission finds desirable; to evaluate all the facts and circumstances surrounding such assassination including the subsequent violent death of the man charged with the assassination..."

The Government should also take the contents of this terms of reference into consideration which would definitely be a guiding principle for the Inquiry Commission which enquires into the Rajiv Gandhi assassination case.

All these controversies about the appointment of the Commission and the reservation reported to have been stated by the Judge of the Supreme Court will be a matter of much concern.

Mr. Chairman : Please wind up.

Shri E. Ahamed : I just want to quote the Warren Commission's findings.

Mr. Chairman : You have taken more than your time.

Shri E. Ahamed : Sir, a portion of Warren Commission of Inquiry will be very much useful for good in deciding the Commission of Inquiry in this case.

The Commission says :

"The Commission has functioned neither as a Court presiding over an adversary proceedings nor as a prosecutor determined to prove a case, but as a fact finding agency committed to the ascertainment of the truth. In the course of the investigation of the facts and rumours surrounding these matters, it was necessary to explore hearsay and other sources of information not admissible in a Court proceedings obtained from persons who saw or heard and others in a position to observe what occurred".

In the light of these facts, I submit before this House that what quoted here is the pat case and this is the apt observation : it will be very much useful in going through the circumstances which led to the death of the great Indian, undisputed leader of millions of this country. Therefore, I hope that the Home Minister will make a mention about this in his reply.

[Translation]

Shri Rajnath Sonkar Shastri (Saidpur) : Mr. Chairman, Sir, this incident is as shocking as Shri Rajiv's assassination. The hon. Home Minister's statement regarding the escape of Shanmugam is very irresponsible one. Sir, as we all know and this is obvious from the Home Minister's statement also that he was a notorious smuggler. He had a huge stock of weapons and he owned crores of rupees. A parallel Army was working under him. Not only this, he was one of the important LTTE men and he had contacts with many political figures. These matters have already come to light, so I would not waste time of the House by referring to these things.

A woman went there to garland Shri Rajiv Gandhi and she assassinated him. This very person, Shanmugam was present there, when Shri Rajiv Gandhi was killed. And later on Shanmugam surrendered to the police. Now we would like to know from the hon. Home Minister as to whether the C.B.I. or the Government was not aware that he was coming to them for surrendering himself or with some other motive. It has been said that he escaped on the pretext of washing his hands. Why the Police did not arrange adequate security for such an important criminal, an assassin. Our friend Shri Chandra Jeet Yadav has asked whether such a dreaded person was handcuffed or not. If not, what was the reason therefor? It has been said that his Baniyan and Lungi were recovered from the embankment of the canal near which he is said to have committed suicide. Now the question does arise as to wherefrom he managed to get a rope to hang himself on the tree? Thus a suspicion arises that the C.B.I. personnel, who are investigating the case, might have deliberately murdered him to serve their own interest. Thereafter a drama was enacted. I want to know many things from the hon. Minister but due to shortage of time I would like to ask only one thing. I am putting only one query before the hon. Home Minister that post-mortem of Shanmugam's body was done on 20th and the hon. Home Minister reached there on 25th. I would like to know as to whether that post-mortem report was submitted to you or not. Why that report could not be submitted to you even when five days had passed? Why was post-mortem performed by an ordinary doctor in an ordinary hospital. It was a gruesome assassination. When the country's sovereignty, democracy and security is at stake then why was the post-mortem of such a conspirator done in an ordinary Hospital. I would like to request the hon. Minister to give details of that post-mortem report here in this House.

Sir, one more thing, this House witnessed uproarious scenes over the Bofors issue and ultimately the for-

mer Prime Minister constituted a Parliamentary Committee to inquire into the issue. This issue is in no way less important than that of the Bofors. So, will the hon. Home Minister constitute any such Parliamentary Committee to inquire into this issue? Sir, a few days ago I had gone to Varanasi where I came to know that Sivrasan who was wanted in this case had stayed there for two days and the local police was very much aware of it. There is a South Indian Hotel at Bhelupura where he stayed for some time. The police knew about this but they did not take any initiative and he got a chance to flee. He got down from the train at Raipur Station of Madhya Pradesh but the local police did not take any interest. He could not be apprehended by the police at any of the places i.e. Varanasi, Karnataka, Raipur where he was seen. Is there no possibility of our police being involved in this particular case? We do not like to suspect our police but such sordid incidents compel us to think in that direction?

Mr. Chairman: I think you should not level charges against the police.

Shri Rajnath Sonkar Shastri: I demand constitution of a Parliamentary Committee to inquire into this case and the progress in the investigations should be closely monitored leaving no chance for any laxity. Does the C.B.I. not come under suspicion as despite there being so many senior officers he succeeded in committing suicide? If the role of the C.B.I. is under cloud, why can we not doubt the action of the provincial police. I, therefore, request the hon. Minister to give clearly all the details in this regard in the House. He should pay attention to this issue which is concerned with the unity and integrity of our country so that there is no recurrence of such incidents in the country.

[English]

Mr. Chairman: I have received a request from honourable Dr. (Mrs.) Padma that she belongs to the same place as of Shanmugam.

Shri Manoranjan Bhakta (Andaman-Nicobar): I have also sent a request.

Mr. Chairman: Your name is much down.

(Interruptions)

Mr. Chairman: I have gone according to the list. I have made a deviation only in the case of Dr. Padma because she belongs to the place from where Shanmugam came. Now, Dr. Padma, please finish your speech in five minutes.

Dr. (Smt) Padma (Nagapattinam): Mr. Chairman Sir, since all other hon. Members have spoken much about the death of Shanmugam, I do not want to waste the time of the House by repeating the points made by them. Moreover, I am told that the Minister has to attend a function.

As a doctor, I would like to say that it would have been better if the body of Shanmugam would have been sent to a teaching institution for post-mortem. So far as the post-mortem report is concerned, to know whether it is homicide or suicide, have they taken the X-ray of the hyoid bone or preserved the hyoid bone? These are the points on which I would like to know.

Shri K. Ramamurthee Tindivanam (Tindivanam): Sir, I will make a very brief speech. It is shameful for us to discuss about the disaster which has taken place—the assassination of a great leader who had led the country with confidence and who gave the younger generation of the country the biggest confidence in life. So far as the investigation part is concerned, I will speak point by point.

Shanmugam had surrendered himself through a lawyer in the High Court. When he had surrendered himself through a lawyer, it means that he wanted to live and he wanted protection also. The importance of Shanmugam was felt more by the investigation team than anybody else

because when he was taken to Vedaranyam, he was not taken by road or rail, but he was taken by a helicopter. And such a person, after reaching Vedaranyam, did not have that much of protection and was not guarded. He escaped from the place where he had been kept. And after he escaped, a case was registered against him for escaping from police custody. Then suicide or murder, whatever it may be, came to the notice of the investigation team. After that, a case was registered against Shanmugam for suicide. But there is no case against the police for having allowed him to escape. There is no case against the police for having allowed him to commit suicide or for having allowed the murder to take place. When he escaped, a very few police men were guarding the place who say that they were not in a position to run after him to catch him or to find him out. But immediately after he escaped, within hours, several hundreds of men were put on duty to search him out. Wherever the person was kept, whether in Vedaranyam or Kodikarai, police should have been guarding the bungalow or the guest house where he was kept. I do not know as to why the investigation was not pushed in that direction and why action was not taken in that regard. Shanmugam, as is revealed by the SIT, was a very well-know smuggler in that very area and the sea coast is known for several smugglers. There must have been a competition among these smugglers. As my other friend had put it, there are other people in that area who are involved with the LTTE or the Sri Lankan terrorists who came there. There was a report in the Press also that there may be very many politicians there who were on the pay rolls of Shanmugam. Who knows that they were not afraid of Shri Shanmugam's revealing the facts which may give some new clues to Shri Rajiv Gandhi's assassination case. Smuggling was already taking place with the connivance and active assistance of the local police. It is not that Shri Shanmugam escaped from the police custody all of a sudden. It was

expected and keeping this fact in view. The SIT should have guarded him more carefully. But that was not there.

When Shri Karunanidhi was the Chief Minister, at that time the Statehood accepted that the LTTE was intercepting the wireless messages of the Government. If that is true then it is possible that the LTTE was also intercepting whatever message was sent by the SIT to Government. Even otherwise SIT was giving undue publicity to what they were doing. Suppose a man is caught; the next moment the Press comes out with a big news that so and so person is caught, he is being taken to such and such place and from there he will be taken to another place tomorrow. This is the type of publicity which was given by the SIT. So, the persons who were interested in Shri Shanmugam, could very well keep track of all that was happening. This aspect was not considered by SIT.

There is yet another case. Shri Subha Sundram, the photographer has got very powerful political links. If such people's arrest are given wide publicity then we can very well see the result of it. These are the problems which should have been considered.

Regarding the working of SIT, I can admire the efficiency of the top officers who are manning this team but their efficiency is also being questioned today because of their incapability to see that the officers who work under them also work effectively. If a particular person defaults or fails to do what is expected of him,

the top officer should pull him up. If this is the way the investigation of Shri Rajiv Gandhi's assassination case is going on, I don't know what will happen to the common man. Government should take care of all these things.

There are a number of people who in the past 7 or 8 years have enjoyed the hospitalities of LTTE, the Sri Lankan terrorists and the Sri Lankan Tamils as Tamil Scholars and on whose expenses they have gone to foreign countries to attend the cultural programmes and Tamil conferences. They have encouraged the activities of LTTE. I think their activities should be screened. Many of them may be having links with these smugglers.

The Tamil Nadu Sea Coast between Nagapatnam and Rameshwaram has become a den of the smugglers who have got the active support of our politicians. This sea coast must be protected and special arrangement should be made for safeguarding the sea coast from smugglers and foreign terrorists.

Thank you, Sir.

Mr. Chairman : The hon. Home Minister will make a reply tomorrow, before the commencement of the discussion on the General Budget and now the House stands adjourned to re-assemble tomorrow at 11.00 A.M.

19.30 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, July 30, 1991/Sravana 8, 1913 (Saka).