

Government should also take early steps to clear JCI's outstanding dues.

[English]

MR. SPEAKER : Now, we take up Discussion under Rule 193.

(Interruptions)

SHRI SAIFUDDIN CHOUDHURY (Katwa) : Sir, I have got a point to make. Yesterday, during the Zero Hour, the Minister of State for Internal Security made an assurance that he would, today morning, lay on the Table of the House the Action Taken on the guilty about the 1984 riots. Where is that Report?

MR. SPEAKER : I have not gone through it.

(Interruptions)

SHRI SAIFUDDIN CHOUDHURY : It has been recorded in the proceedings. ... (Interruptions)

[Translation]

SHRI LAL K. ADVANI (Gandhi Nagar) : He stood up and intervened to say

[English]

That so far as the 1984 riots are concerned, killings are concerned, he would give a complete account of what the Government has done till now. ... (Interruptions)

SHRI GOPI NATH GAJAPATHI (Berhampur) : Sir, I may kindly be allowed to make the statement under Rule 377.

MR. SPEAKER : That is over.

SHRI GOPI NATH GAJAPATHI : My name was there. But I was not present here at that time.

MR. SPEAKER : We have gone to the next item. You cannot do it now. You can leave it.

(Interruptions)

MR. SPEAKER : I think we will take up Discussion under Rule 193. No other discussion will be taken up. I suppose it may not be necessary. As far as your query is concerned, I thought that you were asking me to lay it on the Table of the House.

SHRI SAIFUDDIN CHOUDHURY : No, you cannot do that.

MR. SPEAKER : At least, I have not received it. I do not know whether the office has received it.

SHRI SAIFUDDIN CHOUDHURY : I want to know what is the reply of the Government on this issue.

MR. SPEAKER : What do you want to know? From whom?

SHRI SAIFUDDIN CHOUDHURY : An assurance was made on the floor of the House. The Government must make it clear.

MR. SPEAKER : From whom do you want to know?

SHRI SAIFUDDIN CHOUDHURY : I want to know from the Government, through you, Sir.

MR. SPEAKER : Yes, ask the Government.

SHRI SAIFUDDIN CHOUDHURY : That is the common practice* ...

MR. SPEAKER : You follow the procedure, please. Please do not talk like that. I thought that you were asking me to lay it on the Table of the House.

SHRI SAIFUDDIN CHOUDHURY : How can you do that ?* ... You cannot lay it on the Table of the House.

MR. SPEAKER : You should understand how to use the language also.

SHRI SAIFUDDIN CHOUDHURY : The point is that he made an assurance. We want to know what they are going to do about it.

MR. SPEAKER : You ask the Government about it.

SHRI SAIFUDDIN CHOUDHURY : I cannot ask without going through you, Sir.

MR. SPEAKER : Is there anyone who wants to reply on behalf of the Government?

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MALLIKARJUN) : Sir, I will convey this matter to the Minister concerned ... (Interruptions)

PROF. PREM DHUMAL (Hamirpur) : Yesterday, the Minister has promised to lay it on the Table today morning... (Interruptions)

MR. SPEAKER : You find out from the Minister whether he is complying with the statement which he had made yesterday on the floor of the House. Let us know about it.

SHRI MALLIKARJUN : All right, Sir.

DISCUSSION UNDER RULE 193

Position/status of Jain Commission

18.13 hrs

[English]

SHRI ARJUN SINGH (Satna) : Hon. Speaker, Sir, at the very outset, I would like to place on record my deep

* Expunged as ordered by the Chair.

gratitude for having permitted this discussion at some inconvenience perhaps to everyone and I apologise for that inconvenience. Hon. Shri Chidambaram is sitting here. Since he can answer only for 90 days, since he became in-charge of the subject, I think I can legitimately request through you, hon. Sir, as to who is going to answer for the balance of the four years.

AN HON. MEMBER : Including yourself!

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MALLIKARJUN) : If he is directly in-charge of that only now, it does not mean that he does not know about the past events, whatever the Inquiry Commission was doing. He does know about it.

AN HON. MEMBER : He is here. He can say this.

SHRI ARJUN SINGH : I only preface my remarks to get the response which the hon. Minister has given. So, at least then, afterwards, it is not said that he will only answer for 90 days and for the rest I will have to look elsewhere.

Sir, I am going to, in my own limited knowledge and ability which is less limited, place on record what I know and what I think many of us know and also what many of us do not know because of reasons which I think one has to ask and I am quite sure the hon. Minister will enlighten all of us.

Before I go to the points, there is one central question, one crucial question which I want to pose because in the answer to this question will lie or what I would rather say not lie, the sincerity to really pursue all the ramifications of this tragic event, the sincerity of that purpose will be defined. If there are some other considerations which do not allow this single-minded pursuit to take place or which pose a problem for some one or the other, some agency or the other, then within the bounds of propriety and legal necessity, I think, this House and this country is entitled to know. We cannot fudge matters, we cannot slur over matters, we cannot prevaricate and we cannot disseminate.

I am saying this because the overall impression is and not only mine, but of eminent judges—Justice Verma headed the Verma Commission, one of the senior most judges of the Supreme Court, Justice Jain about whom Shri Chidambaram spoke yesterday, a very eminent Judge and the former Chief Justice of the Rajasthan High Court—that now if they have some misgivings, and if there were those misgivings, I think, ordinary people like us have every right to ask : Why such misgivings are being poisoned and what this Government is doing to answer those misgivings.

I will begin with Justice Verma. In this very very learned Report of the Commission which he headed. I do not want to go into the details or in many other aspects, but one important sentence out of that which forms one of the conclusions must be mentioned here and the attention of

this House drawn to it. He was referring to the deposition of Shri Narayanan, the Director of Intelligence Bureau. And this is what he had to say and I quote:

“Shri Narayanan did not appear to be satisfied with the security arrangement for Shri Gandhi and was apprehensive about his safety. But for some undisclosed reason, he was ineffective and has chosen to maintain silence even during his deposition before the Commission. Such disability in the holder of a high office is disturbing and its cause needs to be discovered and eradicated for the health of the polity.”

The sole sequence follows one of the most tragic events in the post independent India.

When a young leader, a leader who was the Prime Minister of this country—was cut down in his prime—some people may differ with his politics, some people may not even like his face, that is quite immaterial—but the fact remains that he served the nation devotedly and the nation had some more promise from him for the future.

The first thing, naturally which had to be inquired into diligently was about the threat perception to Shri Rajiv Gandhi at the time when he was assassinated. As I said, I do not want to go into the details, but the threat perception, Sir, you know—both as the Speaker of this hon. House and because you have held high office in Government—that the Intelligence Bureau is the Central agency which has the primary responsibility to evaluate, deliberate all the evidence that is available and decide on the threat perception to VVIPs. That responsibility rested on the shoulder of Mr. Narayanan and it is with respect to that responsibility, about which this is the conclusion of Justice Verma. In fact, if we look at the entire Verma Commission Report, one gets the impression that he was ultimately stymied by silence, not by information. We know this not only by the Commission's Report, but a unique thing has happened, Sir. I think may be for the first time in our judicial history, a senior judge of the status of Justice Verma gave an interview on 15 August, 1993 in a reputed weekly of the country, *The India Today* I know that there are certain limitations in reading out, but with your permission, since the matter is so serious, I will crave your indulgence to allow me to read out what Justice Verma had to say. In an exclusive interview to *The India Today* Supreme Court Judge, Justice J.S. Verma—of course, this is what the paper says—I would not say—accuses the Government of covering up. Excerpts:

Question: How have you substantiated your finding that the IB had withheld information?

Answer : It is too sensitive a matter to be spelt out in public report. The Government however knows what I am talking about. It is all there in the documents we returned.

Question : Is your finding based on the affidavit filed by senior RAW official, Shri S.A. Subbaiah?

Answer: Yes, Subbaiah's affidavit read with the one filed by the then IB Joint Director, Shri K.N. Thakur.

Question: Are you sure you have not read too much into those affidavit?

Answer: Being a Judge, I have used very restrained language throughout the Report. I have used a mild word where a stronger word was probably warranted. But if I still chose to say that IB had 'pointed and eloquent' information, you may rest assured that I used those words with care.

Question: The Government has rejected your findings? ... *(Interruptions)*

This is the gist. This is a very big interview. I am only quoting those questions which are directly relevant. Only two or three questions remain, Sir... *(Interruptions)*

MR. SPEAKER: Because the authenticity cannot be checked and all those things. You can give a gist and nobody can object, but verbatim or the quotation probably complicates the issue.

SHRI ARJUN SINGH : In these things I do not want to say what I feel because that would be much worse, I would rather not say anything about it from my point of view. If that has been said by an eminent person like a Judge of the Supreme Court. *(Interruptions)*

MR. SPEAKER : You can say what he has said. You can give a gist of what he has said without quoting.

SHRI ARJUN SINGH: That is a question I will answer subsequently.

Question: The Government has rejected your findings.

I am very sorry, an hon. Member from this party wants me to stop. Let the Leader say so.

Answer: You may have noticed that they did not give any reason. They said my finding was not based on facts. If that was really so, they would have given reasons for rejecting it. Their silence indicates that my finding was correct. Instead of indulging in a cover-up, the Government should have taken note of my findings and carried out corrective steps.

There is only one thing which I want to say about this. The question was:

Question: What did Mr. M.K. Narayanan say on the charge that the IB had withheld information?

Answer: He gave evasive or otherwise unsatisfactory replies.

The findings I have already quoted is part of the Verma Commission Report.

Sir, I had to mention this as a backdrop because that Commission was entrusted with the task of going into all

the security arrangements with regard to that event, whether there was any default, mistake or inadequacy. How can a Commission come to a conclusion when the primary person on whose shoulder the responsibility for security rests prefers to keep quiet for no obvious reason and is not ready to speak even before the Commission? This is actually symptomatic of the approach to this most tragic event.

My friend there and also some friends here say, 'you were a part of this Government'. Yes, I cannot deny that I was a part but I would also want to say with all humility that the task was entrusted to me as a member of a group of Ministers to go into the follow-up action on the Verma Commission's Report. I would like to remind the House that on two occasions this follow-up report on the action taken on the Verma Commission Report—twice, I think, if I am not wrong came to the House. The House did not accept it. It was asked to look into it again and it was in that background that, by a Cabinet decision, a group of Ministers was formed to go into the whole thing and prepare a follow-up report which would satisfy this august House. This meeting started in 1994, I think, June or July. I do not want to quote those letters because now they are part of public record having been appended in my reply to Shri Reddy, on a show cause notice which was served on me for my expulsion from the Congress party. If anybody is interested, he can go through them... *(Interruptions)* He is Shri Vijaya Bhaskar Reddy, the former Chief Minister of Andhra Pradesh and the Chairman of the Disciplinary Action Committee. ... *(Interruptions)* Well, you see, we do not believe only in discipline, we believe in duty also. So, discipline can only follow duty, it cannot precede duty.

SHRI SOMNATH CHATTERJEE (Bolpur) : In this Congress?

SHRI ARJUN SINGH : I do not want to go into all this. *(Interruptions)*

[Translation]

Who outs whom will be decided by the people.

[English]

Let us not fight over that.

In any case, that is not the subject matter of this debate.

I can only say this much that the silence of Mr. Narayanan was pointed out by me as the crucial issue which the GOM as they are called, 'Group of Ministers' must address itself, find out ...

SHRI JASWANT SINGH (Chittorgarh) : One minute Shri Arjun Singhji, if you do not mind. Mr. Speaker, Sir, I do not wish to dispute the essential point that the hon. Member is making. He referred to a former civil servant. I do believe that the political head of the civil servant is answerable to this House. But the silence or loquaciousness of a former civil servant is not certainly a question that we can address.

But if the hon. Member were to say that the former civil servant, the head of the Intelligence Bureau or whatever, is part of such and such Ministry and therefore, his silence is the responsibility of that Ministry, certainly we will then be a part of your concern. But if the concern is focussed about just one civil servant, I will have a real difficulty on that.

SHRI ARJUN SINGH : Well, I am happy that you intervened in the manner you did. I think, I am not as expert as you are in these matters. It is good that you have sharpened the focus. I was referring to the same thing. I think, the IB, ...

[Translation]

SHRI NITISH KUMAR : Is it romanticism?

SHRI ARJUN SINGH : It is not romanticism. The question is that I am quoting certain things.

[English]

I am quoting from the report.

[Translation]

SHRI SAIFUDDIN CHAUDHURY (Katwa) : He has helped you.

SHRI ARJUN SINGH : Yes, he has helped me. You will know at the end what I am saying.

SHRI SOM NATH CHATTERJEE (Bolpur) : What did Chavan Saheb say yesterday?

SHRI ARJUN SINGH : I will come to that later. It pertains to today. I do not know where Mr. Chavan is but now he has taken full responsibility.

[English]

Thanks to our Mallikarjunji. So, I do not have to go behind anyone. All I can say is that the Government as such, of which Shri Narasimha Rao is the Prime Minister is answerable to this House through the eminent person of Shri Chidambaram.

Sir, the whole thing stopped there because the point was that if there was an evidence factually available about the threat perceptions to Shri Rajiv Gandhi and if those who are responsible to calibrate and evaluate it, came to know about it, then they should have answered at least to this Commission; and they did not answer to the Commission and the Commission ultimately had to record as I have just read out; and then it is for the political leadership to go into it and see as to why it was not answered. And they have to answer it in the House also and outside also.

But the point is that all the information that was available in the entire set up of the IB in Madras up to Delhi, the communications that were exchanged, the letters that were sent, the information that was given—all these are clearly

indicative of a tragic event in the making. Yet this is ultimately what was placed before Justice Verma. That is what I want to say as the backdrop; and now I am coming to what has been suggested as the purview of Justice Jain Commission of Inquiry.

Sir, Justice Jain Commission was set up in June 1991; 23 June, to be exact. Since then, it has been labouring with utmost consciousness, diligence and judicial probity. There were many hiccups to which Justice Jain himself gave much more eloquent voice than I can do. He even went to the extent of saying that there is practically non-cooperation from the Government. All these are reports which have been reported in the Press as having been said in an open meeting of the Commission. I do not want to go into that.

Yesterday, hon. Shri Chidambaram said that all the information that has been asked for has been given and will be given subject to conditions, as he mentioned as an eminent lawyer also, about claiming privilege and also whether some documents affect other factors which should not be made public.

With Shri Chidambaram's permission, I would like to inform this House that though he has given himself these 90 days of acquaintance with this matter, in fact, this is not so. I have here an application which was made on behalf of the All India Congress Committee, signed by Shri Ahmad Patel, the General Secretary, filed in the Commission listing out, I think, about 25 specific issues on which information was asked for. Specific documents were asked for. All these things are listed in this letter. I do not want to read out. And I know you will not allow me to place it on the Table of the House.

SHRI HARI KISHORE SINGH (Sheohar): Why?

SHRI ARJUN SINGH: If you permit, I would very much like it to become the record of this House.

MR. SPEAKER: 'Why' has come from him, not from me.

SHRI HARI KISHORE SINGH: You can make a request for this.

SHRI ARJUN SINGH: I not only make a request but to the best of my information, this is an authentic copy. And I can authenticate it that it is a copy of a letter which was filled by the AICC. The entire draft of this letter, to the best of my knowledge—I would like to stand corrected if I am saying something wrong—was drafted and approved by Shri Chidambaram.

SHRI MRUTYUNJAYA NAYAK (Phulbani): Who is the signatory of this letter?

SHRI ARJUN SINGH: I said, Shri Ahmad Patel, General Secretary of the AICC.

AN HON. MEMBER: Please give us the date.

SHRI ARJUNG SINGH: 28 October, 1993
(Interruptions)

SHRI ARJUN SINGH: Well, Jaswant Singhji, this was not a Congress office document.

SHRI JASWANT SINGH: You said, it is from 'AICC'. It is only for that reason.

SHRI ARJUN SINGH: AICC is a party.

SHRI JASWANT SINGH: This much you uttered; the difference lay between the tables of the two Congress.

SHRI ARJUN SINGH: No, Sir. I think, you are trying to divert this discussion. And I would humbly request you that this is a prayer made to the Jain Commission, not to one another. And a prayer made to the Jain Commission is a document of the Commission.

SHRI SAIFUDDIN CHOUDHURY: What is the content of this document?... (Interruptions)

SHRI ARJUN SINGH: The Congress party is a party before the Commission.

[Translation]

SHRI NITISH KUMAR: Please tell us what is specific, by way of sample.

SHRI SOM NATH CHATTERJEE: What wrong Shri Chidambaram has done?

SHRI ARJUN SINGH: No wrong has been done.

[English]

The information that was asked for in this letter, as I said with the approval of Shri Chidambaram, is the same thing which is now being denied to the Commission by the Government.

Now, Sir, I can understand that in that request many things were written, which perhaps, on further inspection or further thinking it has been found that these need not be given. But, then, there has to be a cogent reason for this. We cannot prepare a document for the Commission and then ourselves go behind it and say that we cannot give these documents.

There is a long list. If you do not mind, I can read it out or place it on the Table ... (Interruptions)...

(i) Principal Secretary to the Prime Minister, Cabinet Secretary, Foreign Secretary and the Home Secretary, Government of India may be summoned to appear and produce the following documents :

(a) Rajiv-Jayawardane Accord dated 29 July, 1987

(b) Records including request by Sri Lankan Government to Indian Government to depute peace keeping force for restoration of peace in Sri Lanka.

(c) Report of various Central and State Agencies (RAW, CBI, IB, etc.) in respect of threat perceptions to Shri Rajiv Gandhi from the year 1988 to 21 May, 1991.

(d) IB/RAW records relating to meeting of Shri M. Karunanidhi with Shri Nateshan and Shri Kasinandan and the confidential information of Central Government which were conveyed to him and were leaked to LTTE by him.

(e) The decision of the Janata Government headed by Shri V.P. Singh in 1989 to withdraw SPG from protection to Shri Rajiv Gandhi and the alternative security provided under his orders.

(f) Various representations made to him and received by him from President of India, namely from Shri Kamalapati Tripathi, Shri P. Chidambaram, MP, AICC office-bearers, group of legal cell lawyers, women's wing and others with orders on them and replies, if any.

(g) The report submitted to the then Prime Minister from 1989 to 21 May, 1991 by various intelligence agencies like RAW, CBI, IB, State Intelligence from different States, Interpol and other national and international agencies with orders passed by the then Prime Ministers.

(h) Various statements made by Shri V.P. Singh or by the Home Minister in Parliament or outside Parliament in connection with security to Shri Rajiv Gandhi including where he gave details of expenditure being incurred by the Government.

(i) The reports with IB, RAW, CBI, State Intelligence agencies in connection with and activities of LTTE particularly in Tamil Nadu in period of 1989 to 1991.

(ii) The Secretary to President of India to produce the representations received from various delegations regarding reduction of security of Shri Rajiv Gandhi by Shri V.P. Singh's Government in 1989 to 1990 orders/actions thereon and correspondence, if any.

(iii) The Secretaries-General, Lok Sabha and Rajya Sabha be requested to produce Parliament proceedings in respect of discussion on question of security of Shri Rajiv Gandhi.

(iv) The Defence Secretary be requested to produce the following documents: ... (Interruptions)

(1) Records from Secretary, Tamil Nadu Government/ Home Secretary, Tamil Nadu Government regarding following:

(a) Records of installation of DMK Government in 1989. Agencies reports regarding their relations with LTTE.

- (b) Agencies reports from 1989 to 1991 about security risk to Shri Rajiv Gandhi for the period of 1989 to 1991.
- (c) Report on LTTE activities, during the period of DMK Government, of the Intelligence agencies regarding smuggling, running of Arms factory, drug trafficking, setting up of camps by LTTE, wireless sets communication centres. Tamil Nadu Government's decision for providing them funds in the name of rehabilitation schemes or otherwise from State Exchequer.
- (d) Records of killing of Shri Padmanabha, leader of EPRLF in Madras City in June, 1989. The investigations conducted by the State Government.
- (e) Records of Shri Gopaldaswami, MP having gone to Sri Lanka and met LTTE leader in violation of law without visa and permission. Records of their discussion and action of Shri Karunanidhi and Central Government thereon.
- (f) Exchange of reports between Tamil Nadu and Central Governments agencies particularly of May 1991 and actions thereon in respect of LTTE activities and security of Shri Rajiv Gandhi and actions thereon.
- (g) Reports regarding DMK-LTTE links in 1989 to 1991.
- (h) Records regarding registration of Sri Lankan nationals in Tamil Nadu and orders to house owners to notify renting out of houses to Sri Lankan nationals and its implementation, records of this scheme.
- (i) Records of various crimes committed by LTTE personnel in the Tamil Nadu and records of arrest, if any.

Sir, if you want, I would prefer to place it on the Table and not take up much time of the House ... (*Interruptions*) ... It further says:

"The State Government to produce records, whether there was any bomb squad or sniffer-dog squad brought to Sriperumbudur on or about 21 May, 1991 or that it was taken deliberately to Madras Airport."

These are some of the important things, and with your permission if it is allowed, the hon. Members can see it.

The complaint that I am trying to make is that these requests were made so that the Commission was in a position to come to a certain clear-cut-decision. Now, if, after having made the requests those very documents—on one pretext or the other—are not supplied to the Commission, that is the real subject of my complaint.

SHRI HARI KISHORE SINGH : Who was the President of the All India Congress Committee at that time?

SHRI ARJUN SINGH: I think that let us not divert ourselves to something which is not relevant.

SHRI HARI KISHORE SINGH: You are quoting the document supplied by the General Secretary of the All India Congress Committee. Who appointed him as General Secretary of the All India Congress Committee? You were the President.

SHRI ARJUN SINGH: Sir, the President appoints the General Secretary. It happens in the case of your party also unless you get appointed by yourself ... (*Interruptions*)

SHRI HARI KISHORE SINGH: Why are you shy?

SHRI ARJUN SINGH: I am not shy. I am only saying what I need to say.

[*Translation*]

SHRI NITISH KUMAR : Arjun Singh ji, you are tired.

SHRI ARJUN SINGH : I don't get tired, Nitish Kumar ji.

[*English*]

SHRI SAIFUDDIN CHOUDHURY: What was the date?

SHRI ARJUN SINGH: It was 28 October, 1993.

Sir, this request, to the best of my knowledge, was granted in substance. It concerns the records of the Commission. So, I cannot say, what orders have been passed with regard to each and every request. But in substance, it was done.

The question of privilege comes, as has been mentioned by Shri Chidambaram. I know, though I am not a lawyer—I studied law but I did not practise—and certainly the eminence of Shri Chidambaramji is something too high for me to even understand the question. But from the little that I know of law is I can say that 'yes, a privilege can be claimed'. That is the prerogative of the prosecution or the defence or whatever it is, in any court. But the right to grant privilege does not lie with the person who requests for it.

Here it appears that both those roles of claiming privilege and deciding, what is privilege has been assumed by the Government itself. Otherwise, why would the document requested to be placed before the Commission not be sent there at all? I am not talking about those documents that have been sent. But not being sent at all arrogating to oneself that right which I do not think exists; and I do not think that Shri Chidambaram will say that it exists.

Sir, ultimately when the Commission began its hearings after a lot of hiccups—as I have already said, which are well documented in the Media—on 10 February 1994, a proposal came before the Cabinet which is also now well known to every one—to wind up the Jain Commission.

It was not agreed to; for reasons, I cannot say it here; but it was not agreed to. Within a month, one Shri Mustaq Ahmad filed a public interest petition in the Delhi High Court

requesting - *inter alia* on so many grounds - that the Commission be wound up. That petition came up for hearing and the High Court in its wisdom laid down certain conditions while not accepting straightway to the request to wind up the Commission. The High Court laid down certain very clear guidelines—that all matters prior to July, 1987 could not be looked into by the Commission; and all matters post-1987 July would be the area in which the Commission could look into. It was accepted all round—by the Commission, by all the Councils and obviously by the Central Government. I do not want to go into the question of what was the *locus standi* of Shri Mustaq Ahmad. That question has not been answered. But the answer is also not relevant today because the Order of the High Court has been accepted.

SHRI SOMNATH CHATTERJEE: Who is he?

SHRI ARJUN SINGH : One Shri Mustaq Ahmad.

[Translation]

SHRI NITISH KUMAR : When you have mentioned the name and know him, please tell us something about him.

[English]

SHRI AMAL DATTA (Diamond Harbour): Do you know him?

SHRI ARJUN SINGH : Well, it is not my responsibility to go after everyone and find out.

Sir, the point is, after this Order was passed by the High Court, an application was made to the Jain Commission by the Government lawyer that the Commission should stay its proceedings till the final judgement in this petition is made; which means whether the Court wants to order the winding up or not, after this order of the Court, the Government advocate's application was made in the Jain Commission.

Sir, I think, I am quite sure and I fully concur with the view, that the Commission should only look into the post-1987 July events. There is no dispute on that now—for reasons of State, which we all understand. But why should everyone try to persevere in the effort that in spite of that order the Commission should be wound up. The matter became so serious that some hon. Members of this House had to plead to be made intervenors in that case and they are intervenors in that case. But the fact remains that today investigations before the Jain Commission are going on and this dividing line has been strictly observed.

Sir, now I come to the 90 grace days—days of grace—of Shri Chidambaram. He, I agree is a man of great conviction, competence and he would always do any job given to him with great alert. But the point is that there are certain events which took place in those 90 days.

[Translation]

SHRI SOM NATH CHATTERJEE: If you give them more certificates will it not create trouble?

[English]

SHRI ARJUN SINGH : Sir, after the discussion is over, I will withdraw all those certificates to ensure his safety.

[Translation]

SHRI SOM NATH CHATTERJEE: Well said.

[English]

SHRI ARJUN SINGH: Sir, the Commission fixed 27, 28 and 29 July for the appearance of the Heads of the Central Agencies for evidence before the Commission.

They had also filed affidavits. But naturally the parties there and the Commission felt that they should also come and give evidence. It was agreed to. Subsequently—now that is what Shri Chidambaram has to elaborate as to on whose suggestions and orders—it was given out that they will not come for oral evidence and their affidavits which have been filed are enough. When this intimation reached the Commission, naturally the parties were agitated that why is this being done when an order exists, that they have to be examined on these three days. They filed objections in the Commission; argument was held and ultimately the Commission ordered that they have to come and present themselves to the Commission for cross-examination. Now, Sir, that cross-examination, as the Commission has decided, has to proceed *in camera* and, therefore, I can hardly say anything about that. We would like to know as to why this order of their appearance was changed, and by whom.

There is a slight inconvenience that started to be caused to the Jain Commission because the Counsel of the Commission hon. Shri Arora, a senior Advocate, resigned for certain reasons. For some time—I think for about a couple months or some more than a month—there was no Counsel for the Commission. Anybody who is conversant with the proceedings of a Commission of Inquiry understands the crucial role that the Counsel for a Commission has to play in assisting the Commission. I am sure Shri Chidambaram was aware of this fact. An appointment was made and eminent lawyers were appointed, but, Sir, this appointment was only made on the 24 of August, 1995. ... (Interruptions)... Yes, Sir, I have taken the date, this cannot be retrospective; it has to be the day before yesterday.

Now, I do not know why it had to be made on the 24th to be exact, but it was. Now, this was something which was done normally in the process of helping the Commission, but the delay was there. Justice Jain is enquiring into a subject matter. Sir, which is of grave importance and also opens him up to a lot of security risks. All of us will concede that. There was a need and it has been accepted and previously, perhaps, there was on security advisor to the Jain Commission, or to Justice Jain. That post is lying vacant for a long time. I am sure Shri Chidambaram would like to see that all the achievements that he has described, this would also be included in that.

Sir, I would now come to some of the documents which were asked for and did not come to the Commission. Sir, I have here a letter addressed to the Commission by Dr. Subramaniam Swamy. ... (Interruptions)... I think you know Dr. Subramaniam Swamy. ... (Interruptions)...

[Translation]

AN HON'BLE MEMBER: Add some spice into it.

SHRI ARJUN SINGH: I am not in the habit of adding any spice. I speak and draw inference on the basis of facts.

[English]

SHRI SOMNATH CHATTERJEE: You know Dr. Subramaniam Swamy. That itself is sufficient.

SHRI ARJUN SINGH: That is sufficient mirch-masala. ... (Interruptions)... No, Sir, but I am very sorry, hon. Member, that I had to do this much to your dislike but the subject matter is such that I would not like to ignore.

19.00 hrs.

In this, he has, of course, said that he would like to appear before the Commission and help the Commission and all that. He has said:

"I am enclosing with this letter a transcript of interception between the LTTE personnel in Tamil Nadu and Jaffna which I have already released in a Press Conference."

It is not a secret. It has been released in a Press Conference. *India Today* had also published this about a year-and-a-half back. But, Sir, these interceptions are privileged documents. I would like, with your permission, to read out some excerpts from these interceptions.

MR. SPEAKER: You can read out but not as quotations.

SHRI ARJUN SINGH: I will not read out as quotations.

THE MINISTER OF STATE OF THE MINISTRY OF COMMERCE (SHRI P. CHIDAMBARAM): I would not, normally, interrupt a senior Member like Shri Arjun Singh.

These interceptions were interceptions made by Intelligence Agencies of secret wireless transmissions between 'A' and 'B', and I cannot mention who these 'A' and 'B' were. They had been de-coded and have been marked as 'exhibits' in the trial before the designated Court at Poondamalli, Madras which is trying the case of assassination of late Shri Rajiv Gandhi. The Jain Commission summoned copies of these intercepted messages. They had been produced before the Jain Commission with the claim, of course of privilege, which I am sure everybody understands. It is completely beyond my understanding—I say with great respect—and completely beyond my comprehension how a secret intercepted message which is a vital prosecution document filed before a Trial Court, a judicial case which is *sub judice*, and also the Jain

Commission, the proceedings of which are judicial in nature and which is also *sub judice*, how this debate is unfolding and how Shri Arjun Singh, who has a sense of responsibility, wants to read this vital piece of evidence before this hon. House? I do not know how it is available to him. I am not in a position to say, now. Even if I have the knowledge or not, whether what had been published in a newspaper is a correct message or not, I am not in a position to say that. It is a document in the court.

SHRI HARI KISHORE SINGH : Shri Subramaniam Swamy may know many things. He is also enjoying the Cabinet status given by this Government. So, he is not an ordinary person. After release of these documents, he was given the Cabinet status. This is what he means.

THE MINISTER OF STATE OF THE MINISTRY OF STEEL (SHRI SONTOSH MOHAN DEV): I would like to appeal one thing to you. I am speaking with a reason. Rajiv Gandhi was dear and respectable to us as for everybody. Nothing should be done here which harms the prosecution evidence.

MR. SPEAKER : That is exactly what I am trying to say.

SHRI SONTOSH MOHAN DEV: I am not against producing any document but I am humbly appealing to you that we should not do anything here which can harm prosecution, and which Shrimati Sonia Gandhi is asking for. She is asking for justice which the whole House, irrespective of any Party, shares with her. So, kindly do not do anything which harms the prosecution.

MR. SPEAKER: Let me understand what Shri Chidambaram was trying to say. He was saying: "This cannot be read out. This is a privileged document."

SHRI P. CHIDAMBARAM: If Shri Arjun Singh claims that that was an intercepted message, then I wish to point out that the document marked as "Evidence" before the Trial Court and before the Jain Commission, had been claimed as a privileged document.

SHRI SOMNATH CHATTERJEE : What had been decided by them?

MR. SPEAKER: I have to understand this. This is very important. Is it exhibited or exhibited with a condition that the Judge will take the decision on that document at a later stage?

SHRI P. CHIDAMBARAM: It is exhibited in the Trial Court.

MR. SPEAKER: Then, it is an evidence.

SHRI P. CHIDAMBARAM: It cannot be disclosed because that is *in camera* trial under TADA.

MR. SPEAKER: This is exactly what I am saying. You shall have to tell me that the Judge does not want it to be disclosed.

SHRI P. CHIDAMBARAM: It is *in camera* trial, TADA court proceedings.

MR. SPEAKER: Is everything *in camera*?

SHRI P. CHIDAMBARAM: This is *in camera* proceeding. Nothing can be published. There is an Order of the Trial Court.

MR. SPEAKER: Shri Arjun Singhji, I would like to see that document first before taking a decision. The proceedings were *in camera* and they were exhibited. If the proceedings were not *in camera* and they were exhibited, I would have allowed you to read that document. But if the proceedings were *in camera*, before you refer to that particular matter, I would like to see what is it that you are trying to bring on the record.

... (Interruptions)

SHRI ARJUN SINGH: Sir, I will neither dispute what my hon. friend, Shri P. Chidambaram, has said nor certainly defy what you have said.

MR. SPEAKER: It is not defying. We are trying to be very correct.

SHRI ARJUN SINGH : Please bear with me, Sir. It is not a question of defiance in that sense. It is your wish, which I will certainly agree with you ... (Interruptions)

MR. SPEAKER: Shri Arjun Singhji, supposing what Shri Chidambaram is saying, I did not really realise that everything which is going on before the Jain Commission is *in camera*.

SHRI P. CHIDAMBARAM: Sir, it is not the Jain Commission. The trial in the designated court, which is trying the case against 41 accused into the assassination of late Shri Rajiv Gandhi, is completely *in camera* proceedings.

MR. SPEAKER: If that is *in camera* and even if it is exhibited, I shall have to have a look at it before I allow that to come on record.

SHRI ARJUN SINGH: Sir, as I said very clearly and I said this with a sense of responsibility that I accede and agree with what you say. Obviously I do not even have to say something about this kind, as far as you are concerned. I am asking only one question, which you must also, in all fairness, ask the Government about this document. I will not read one sentence out of it ... (Interruptions)

MR. SPEAKER: Before I take any decision, I should know what is that you are trying to read.

SHRI ARJUN SINGH: That is why I am saying, Sir. I am not reading it. I will not read it. I am only requesting you that you must have asked them...

MR. SPEAKER: About what?

SHRI ARJUN SINGH: ...about one central fact that whether this document (Interruptions)

MR. SPEAKER: But, which document, I should know.

SHRI ARJUN SINGH: Sir, you will know it. I will submit it to you. I will give it to you.

MR. SPEAKER: Now, leave that aside. Please give it to me. Let me read it and then I will take a decision.

SHRI ARJUN SINGH: Sir, I do not know how to use the word. But you are the most appropriate person to decide it. How can anybody else decide it?

MR. SPEAKER: Shri Arjun Singhji, it is not like that. Supposing you say something and it becomes a matter of record, if it is disclosed, then there is no point in saying that it cannot go on record, this and that, at least it is disclosed in the House.

SHRI ARJUN SINGH: Well, Sir, I will abide by that. But there is one thing which I must say, as part of my duty, that facts in this document, which I will not refer to ... (Interruptions)

[Translation]

SHRI NITISH KUMAR : It is 'India Today'.

SHRI ARJUN SINGH: Leave aside. 'India Today'. It pertains to the House.

SHRI NITISH KUMAR: It is published in 'India Today'... (Interruptions)

SHRI LAL K. ADVANI: Mr. Speaker Sir, your ruling is quite correct. There is another aspect also. As Arjun Singh ji said, it is published in 'India Today'. If he mentions what has been published in 'India Today' I cannot say anything about its authenticity but it has become quite clear to us as to what things he is now a day interested in.

[English]

There is nothing secret about it even though the trial may be going on *in camera*, at least what the *India Today* has published as being an intercepted message; whether it is true or not, I do not know; we have no way of knowing it ... (Interruptions)

MR. SPEAKER: We are not for shutting out anything which can certainly come on record.

But at the same time we have a responsibility to the country. If anything is said on the floor of the House or disclosed by the Minister or a Member, whether it is correct or not, that has to be judged later on. But then it has some sanctity and that sanctity is little more than what appears in the newspapers. I shall have to be careful if it is a matter between two countries. If it is a matter relating to something of that nature, I shall have to look into it. I am not saying that I am saying 'yes' or 'no' to it. I am saying, let me read it what it is and then, I will decide whether it should go on record or not.

If the Court was not sitting *in camera* and if it is exhibited, I would have just said that it is an exhibit in the Court record and so it is a sort of public document and it should be allowed. Because it is *in camera* I shall have to be careful and I hope Arjun Singhji, you will agree with me.

SHRI ARJUN SINGH: I have acceded to your ruling in the very beginning.

MR. SPEAKER: Thank you.

SHRI ARJUN SINGH: What I am trying to say is that apart from what you come to the conclusion after seeing it, the information—I am not referring to the document - clearly indicates that as far back as in March 1991, knowledge had come to the Government that an effort was on to assassinate Shri Rajiv Gandhi. What was the kind of preparation that was being made, how it was being organized and whether the assassination was to be in Madras or in Delhi—now I am at a loss to say anything. Because of your direction, I am sitting quiet. I will not read it.

MR. SPEAKER: What we are all interested is, in knowing; as well as knowing rightly and correctly.

SHRI ARJUN SINGH: All right. I just close it like this. But I will say one thing that these questions will haunt all of us, much more the country and in times to come, posterity also; all of us will have to answer it in our own way. With that I close my reference to it.

MR. SPEAKER: Arjun Singhji, let me have a look at it. You please be there. Somebody will collect it. You can go on to the next point and then come back to it.

SHRI ARJUN SINGH: Sir, yesterday, the subject was brought up in the Upper House also and I think it would be of relevance for me to point out two or three very relevant features of the statement of the hon. Home Minister of India.

SHRI SONTOSH MOHAN DEV: Sir, I would like to know whether the debate of the Upper House can be quoted here. I do not know. That is why I am asking. Is there a precedent?

MR. SPEAKER: Either you put it in the form of a point of order or you read the book.

SHRI SONTOSH MOHAN DEV: You are helping him. You help me also. You kindly help me. This is the only point I want to know.

MR. SPEAKER: This is exactly I am doing. If you are sure that it cannot be quoted, you read the rule and say that it cannot be quoted and put it in the form of a point of order.

SHRI SONTOSH MOHAN DEV: Then you have to give me time to study it also.

MR. SPEAKER: I think I will have to supply the book also. Generally we do not quote this discussion in that manner.

SHRI ARJUN SINGH : Generally we do not quote it and I would not have quoted it generally.

SHRI LAL K. ADVANI: So far as Ministers are concerned, it is a different matter.

MR. SPEAKER: That is exactly why he is putting in. I am reading this.

SHRI ARJUN SINGH : I will not quote any hon. Member.

Sir, he says two things:

"There is another case which is of conspiracy. Justice Jain is dealing with the matter which, in fact, involves the conspiracy of other countries and even some persons in the country".

Then, I will not quote what an hon. Member asked. But the reply of the Home Minister was:

"Yes. Some persons in the country and also outside. I won't be surprised if other agencies are also involved in a matter of conspiracy; and in a matter of conspiracy there are certain issues which we have to consider, whether it is worthwhile revealing certain documents and so on."

Sir, this is the question I put in the very beginning. How serious are we in unravelling the conspiracy behind the assassination of Shri Rajiv Gandhi? What is going to come in the way? What are those extraneous considerations which will make it worthwhile just because some agency is involved or some person is involved? Whom are we going to protect? Why are we evading this basic issue? And if it had not been said by a person of Home Minister's eminence, I would not have referred to it at all.

Also, he had something to say about Shri Chidambaram:

"So far as the Home Ministry is concerned, at least Mr. Chidambaram has never told me, 'This document is required. Please supply this document'. I am prepared to supply."

That is between him and Shri Chavan. I do not want to get into that matter at all.

The second point which he has made — and which has been widely reported in the Press is this: I am sure that Shri Chavan made this reference to events relating to the post-1987 events, because that was the subject matter which was before the Jain Commission and nothing can be gone into the pre-1987 period. So, actually he must have been referring to this; and he says,

"We did not want the name of the family also unnecessarily to be maligned by different countries and that is why I had personally gone to see Shrimati Sonia Gandhi."

Does this mean that in the post-1987 scenario which is under investigation, there is something which the Home

Minister does not want to share which, after this he should share with us. (*Interruptions*) There was nothing.

Sir, purposely today I had no intention to mention that name and yesterday I had no intention to say anything else except the sentiments which we had all shared. I did not want to go into any controversy. But this is not the way to do it. This, unfortunately, creates a very bad taste in the mouth. I can only say that from A to Z this is only the tip of the iceberg. There is no time for me to go into all the documents and details. But the unerring impression that is created is that people do not want to speak up where the security scenario is being reviewed. They do not want to say why they could not protect. The Verma Commission is stunned. Now the Jain Commission is going into something. Privilege after privilege is being claimed. I do not know, at the end of everything what will happen.

This is not the way to deal with a matter of such a serious import and I add, I want to repeat the words "of serious import" to this country which involves the tragic assassination of a leader of this country.

If this is the manner in which we are going to approach it, then questions will be raised: Are we trying to protect somebody? Is a cover up operation in operation?

Even an eminent judge of the Supreme Court has mentioned in his interview the word 'cover-up.' Is this the attitude that we want to demonstrate to the country, to the nation? And how does it fit in to our sense of outrage, our sense of total utter sorrow, which brings us to the words of tears?

With these words, I would like these questions to be answered in this House and with your permission I will sum it up, if I have to say anything more in my reply.

SHRI R. PRABHU (Nilgiris) : Sir, I am on a point of order before the hon. Member speaks. The Secretary-General of Lok Sabha rang me up at 3 O' clock today since I had written a letter to you at 1 O' clock...

MR. SPEAKER: Under what rule you are on a point of order? It is because I will refer to it and take a decision.

SHRI R. PRABHU: He rang me up and said, "the hon. Speaker had received your letter and he would give you permission to speak". But I find now that my name is not in the list. Is it a change of heart because I moved a privilege motion against Mr. Chidambaram for a statement yesterday?

MR. SPEAKER: What is it you are saying? You repeat it.

SHRI R. PRABHU: I am saying that the Secretary-General of Lok Sabha rang me up at 3 O' Clock today and said that the hon. Speaker had received my letter which I wrote to him at 1 O' clock. The letter says that I have been raising and requesting for a discussion under Rule 193 for many a time during the last few Sessions and it has never reached and in this Session also under Rule 193, Shri Arjun

Singh has given a notice. I am the first co-signatory to that and I have requested you for permission to speak. Now, I find that my name is not in the list of speakers.

MR. SPEAKER: Which list? Who has that list?

SHRI R. PRABHU: Sir, I found out from the Marshal and he said that my name is not there. If I am allowed to speak, then I will sit down.

MR. SPEAKER: No, no. Let me know it because you have said something which you should not have said.

SHRI R. PRABHU: I did not say anything.

MR. SPEAKER: Which list do you mean? Where is that list?

SHRI R. PRABHU: The list is there.

MR. SPEAKER: Where is that list? Who has prepared the list?

SHRI R. PRABHU: The list of speakers is there.

MR. SPEAKER: Your statement is irresponsible. I am going to allow you afterwards. There is no list about it and you refrain from making an irresponsible statement.

SHRI R. PRABHU: I apologise, Sir, if I have made any aspersions against the Chair.

MR. SPEAKER: Thank you.

SHRI JASWANT SINGH (Chittorgarh): Before I come to today's discussion, may I, Sir, with your permission, quote from the Lok Sabha proceedings? This is an assurance given by the hon. Minister of State in the Ministry of Home Affairs.

"Something has been said about Delhi riots. I was listening very carefully about what the hon. Member said about the 1984 riots. Tomorrow morning—that is, this morning—"I will lay on the Table of the House the whole report. ..."

I would not read out the whole thing. I said that before I proceed with today's discussion, as the hon. Minister of State in the Ministry of Home Affairs is here and as he had given as assurance that details about 1984 riots would be laid on the Table of the House this morning—perhaps he had some other things to do and even if he does it now—then we can proceed further. I am ready to yield to him.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI RAJESH PILOT): I have said it yesterday. I have said that I am ready to report or inform the House as to what all actions the Government has taken. I have said that. I have got this. The Lok Sabha proceedings came to me today for correction. I have read that. I reached me today for correction. In that when Shri Jaswant Singh had raised the point yesterday, I said that "we have taken action against those found guilty and I am ready to inform

the House what action the Government has taken." I have brought the list with me. After the debate is over, if I could be permitted, I will read out as to what all actions we have taken.

SHRI JASWANT SINGH : There must be an error. In my understanding there must be an error. I did not want to quote the whole thing. I am sure I am in error. But may I, with your permission, read the proceedings of the Lok Sabha?

SHRI SOMNATH CHATTERJEE: What is your error?

SHRI JASWANT SINGH: It is because that is what the hon. Minister has said. This is what he has said. So, I am starting on the presumption that I am referring to what the proceedings of the Lok Sabha contain. This was when the hon. Minister asked me to yield when I was on my legs. Then, he said and I quote:

"Something has been said about Delhi riots. I was listening very carefully about what the hon. Member said about the 1984 riots. Tomorrow morning I will lay on the Table of the House the whole report as to what action we have taken against those who were found guilty.

The whole report about what action he has taken, would be laid on the Table of the House. He further said:

"Even we have ordered an enquiry against one of the M.Ps., who belongs to our Party, and we have cleared the Court to go ahead as per the law to take its course. We will put it on the Table of the House."

SHRI RAJESH PILOT: Sir, I have received this copy for correction from the Lok Sabha Secretariat. There was a lot of noise going on. I think what I had said was that 'I shall inform the House about what action Government had taken. I have brought the details because I had said it yesterday. I had checked up that in between the Private Members' Business, I shall not be permitted. The moment this is over, I shall be readily available. If the hon. Speaker permits me, I shall speak out what all actions have been taken and what the Government has done about it.

SHRI LAL K. ADVANI: This is not fair, Sir. After all, we know that a Minister can, on the spur of the moment, stand up to say: "I shall clarify the situation tomorrow. I shall inform the House of the action taken". But here it is a categorical statement. It is not an error. Now he is trying to say that he did not mean this. When he says that he will lay the report on the Table of the House, it has a very specific meaning.

SHRI RAJESH PILOT: Action report.

SHRI LAL K. ADVANI: This means that he will not only lay the report, he will convey it to the Lok Sabha Secretariat and give a copy of the Report, and that would be available to any Member, the moment he asks for it.

SHRI RAJESH PILOT: Yes, that is the right procedure.

SHRI LAL K. ADVANI: I say that a Minister can always say that in this regard he proposes to inform the House of the action taken. If he had said only that, he would be perfectly valid in doing what he is doing, But having made a statement of this kind, it is going back upon the statement. He could, with your permission, tell you that he has not been able to prepare the report but he will make a statement. And that too should have been incorporated in the List of Business that he would make a statement in regard to the action taken about the 1984 killings. This is wrong, Sir. I wish you should point out to the Government that this is not the way in which they handle the Parliament.

SHRI SOMNATH CHATTERJEE: Obviously he had some desire yesterday. He has been made either to change his statement or ... (*Interruptions*)

SHRI RAJESH PILOT: That is not the point, Sir. My intention was very clear to inform the House because the impression I had got yesterday was that nothing had been done on 1984 riots. In reply to questions, we had told this. So, my intention was to tell what all actions we have taken. I am ready to inform the House that... (*Interruptions*)

SHRI SOMNATH CHATTERJEE: Sir, it is not that the words will mean what he wants to them to mean. It is in 'Alice in Wonderland' that words will have that meaning what he wants them to mean. That cannot be. Words have their own meaning.

SHRI RAJESH PILOT: Sir, if the hon. House feels that there should be a statement, I have brought the details with me and whatever direction of the Chair would be, I shall follow that.

MR. SPEAKER: Well, I think some of us who are in the Parliament, are enthusiastic that he makes a statement. Let us make some amends to it and let us leave it at that please.

SHRI JASWANT SINGH: Sir, I am really not on the issue of scoring points on that. 1984 riots is central to what we have to say, and I had referred to 1984 riots earlier also. Anyway, it does not matter. I am not on the technicality of the matter. I shall proceed further.

MR. SPEAKER: I think whatever information is there, he will just pass it on to you.

AN HON. MEMBER: To all the Members, Sir.

SHRI JASWANT SINGH: It is the end of the matter, as far as I am concerned, Sir.

For one, I shall be much more brief. That I can assure you. I have tried to graph as to what is the core of all these veiled illusions, these cloaked references and all varieties of insinuations. The hon. Mover of the discussion used a word 'dissimulation'. At the end of it, I am really left completely confused as to what is the hon. the initiator of the discussion's charge against this Government.

[Translation]

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI GHULAM NABI AZAD): Today you are speaking English like Shri K.K. Tiwari.

[English]

SHRI JASWANT SINGH: We have no hesitation in charging this Government with delay. When we charge this Government we say this Government is an inefficient Government; it is tardy; it is a lax Government and it is pathologically prone to letting things drift. ... (Interruptions)

SHRI SOMNATH CHATTERJEE: Your use of the dictionary is very good. ... (Interruptions)

SHRI JASWANT SINGH: Sir, they do not want me to be so harsh. ... (Interruptions)

I, therefore, say that tardiness and inefficiency in whatever they do shows up in all matters and at all times. Delay, therefore, is the inevitable outcome. Delay has been so in all cases. And I do not have to list all the cases because I have done so earlier on numerous occasions. ... (Interruptions)

SHRI SOMNATH CHATTERJEE: It is despite day-to-day monitoring.

SHRI JASWANT SINGH: Yes. It is despite day-to-day monitoring, in Bofors for example, we are still to unravel the unsolved mysteries of Bofors.

Thus, the House, therefore, does have reason to be concerned and, therefore, we express our concern ... (Interruptions) Here my point is they are pathologically prone to delay. Delay is the nature of this Government. Indecisiveness is the characteristic of the Government.

Now what thereafter? If this delay is deliberate — that I believe is the charge that is levelled against this Government

SHRI SOMNATH CHATTERJEE: And also suppression of facts.

SHRI JASWANT SINGH: I try to say. There are three things that the hon. the Mover of the Motion and a very senior parliamentarian and as I said yesterday also, a one-time number-two of this Cabinet, has charged this Government with delay. He has charged this Government with a cover-up which is far more serious. He has charged this Government of protecting somebody. Now this is very mystifying because protecting somebody in a criminal case, a criminal case involving a very high crime of the assassination of a former Prime Minister is a very big charge and you have to answer it. And he has charged about lack of cooperation with the Commission.

Now I must and I will be very brief in what I have to say. Today I am left mystified. I am really left mystified by the

context and the relevance and the timing of this discussion. But, nevertheless, when you decided that it will take place, we said: 'Fine, we will discuss it' because we will never shy from discussing issues of high public importance, though after this and what I have said yesterday, I am still left with an overriding impression that the timing and context of this discussion is primarily yet another example of a disintegrating political Party and it is tearing apart. It is really tearing apart. It is yet another example of a political organism attempting to eat its own inerts. And I really cannot call it anything else because if you wish to discuss this very issue, if you had concern about the delay and lack of cooperation and protection—protection is a very serious charge—...

SHRI SOMNATH CHATTERJEE: Waited till the end of the speech in Amethi. ... (Interruptions)

SHRI JASWANT SINGH: I do not wish to refer to it. But, nevertheless, I am left with yet another example of the Congress Party's inner turmoil and if it is yet another example of the Congress Party's inner turmoil and if it is yet another example of the Congress Party's inner turmoil, we certainly do not want to have anything to do with your inner turmoil or your political indigestion. ... (Interruptions)

Now, Sir, I also reflected on the fact of the discussion under Rule 193. I am informed that the synopsis of what references were made yesterday contained no reference to what I had said, for example, or what others have said.

[Translation]

SHRI LAL K. ADVANI: Even the name of Arjun Singh ji has not been mentioned.

[English]

SHRI JASWANT SINGH: I am given to understand that even hon. Arjun Singhji is not mentioned in the Parliamentary Synopsis and the reference is only to hon. Shri Chidambaram, who had got up on behalf of the Government to respond something, and all that it says is that hon. Shri Chidambaram got up and responded to what some Members had to say. I am left somewhat bewildered by that. Is that how the Synopsis are prepared? Perhaps, that is how they are prepared—I do not know.

SHRI SOMNATH CHATTERJEE: Is it the Zero Hour Synopsis?

SHRI JASWANT SINGH: Yes, it is the Zero Hour Synopsis. Well, anyway that is a different matter altogether.

SHRI LAL K. ADVANI: May be, because it is the Government's view-point therefore it is included. The private Members' statements are not included.

SHRI JASWANT SINGH: But, Sir, I must say and I have said so yesterday and I have no difficulty in saying so that personally I found that hon. Shri Chidambaram's intervention of yesterday's voicing of concern was a carefully worded intervention. And he is piloting the whole matter now in his responsibility it was very carefully worded. It was limited and confined to what his immediate charge is and, I think, he

managed with his characteristic ability to tread the path on an issue of sensitivity, which is an issue of personal sensitivity as, indeed, also of public sensitivity. After that, for a discussion to arise from what he had said in the House leaves me somewhat confused. However, now that the discussion has started...

SHRI ARJUN SINGH: Mr. Speaker, Sir, I think, the hon. Member is aware that this is not a decision of mine that this discussion should take place. This is the decision of the hon. Speaker.

SHRI JASWANT SINGH: Yes, Sir. I am very well aware of that. But the Speaker does not decide independently. He does not pluck out subjects from the air.

SHRI ARJUN SINGH: We all helped him to take this decision yesterday and the hon. Member was also present.

SHRI JASWANT SINGH: Yes; I was there. The point that I am trying to make is that the Speaker does not initiate a subject.

SHRI ARJUN SINGH: No, I am not saying that.

SHRI JASWANT SINGH: We certainly and I said so in the meeting also that if you want to have a discussion, we, certainly, want a discussion. But I am referring to the discussion under Rule 193 and I am referring to the timing and the context of the discussion. Of course, I said and I reassert that I said, Sir, that if everyone wanted a discussion, we would go along with it.

Sir, the questions that have been asked are really for the Government to answer. They are not for me to answer. But I am really observing that as far as the Jain Commission's functioning is concerned, we really do not have any knowledge of how the Jain Commission is functioning or not functioning. It still leaves me bewildered. Whatever Mr. Chidambaram had to say, he said and I found that they are carefully worded.

But the question that I am left with, Sir, is this whole matter of the politics of Commission, then politics through Commissions — the Thakkar Commission, for example with regard to Thakkar Commission, to my mind, after a long time we, finally had to egg it out of the Government's mouth that we must have a discussion on the Thakkar Commission. I have said so earlier in the House, Sir, and therefore I have no difficulty in observing that it is one of the most illiterate documents on a crime of such enormity. Certainly, the crime must be investigated. There have been Commissions. But the Commission must not become an issue of politics.

Sir, what is the other issue. I think, the other issue is—no doubt, and I fully share the sentiment expressed by hon. Arjun Singhji—early justice, visible justice and then the aspect of a compassionate and a caring Government. Now, we do not expect this Government to be a compassionate and a caring Government.

We also do not expect early justice because the judicial system itself is now so clogged up and we—collectivity of all of us—have practised politics through Commission and the politics of Commission. Therefore, when a distinction is

made about the concern relating to the assassination of a former Prime Minister the timing and context become important. We too, in this Party, have past our many political colleagues to assassination and to murder. We have also lost Party Presidents—late Shri Shyama Prasad Mukherjee and late Pandit Deendayal Upadhyaya. Their cases too remain unsolved till today. But we do not hear, on a daily basis, the badge as a mark of our sorrow — as a kind of badge of political fidelity — or raise this issue on a daily basis simply because it is a domestic issue of the BJP. We certainly do not subscribe to the political theory of the Congress Party. If I have accepted it I would have sat with them. But because I do not subscribe to their political theory, I sit here and I would always sit here. We do not use personal tragedies. There are two of my most illustrious leaders who were personal colleagues to both these late leaders of ours sitting here with me. But they do not wear their sense of personal loss as a kind of badge to be forever worn and displayed in public without which our credibility is there or not there. I say so with great hesitation. But I am compelled to say so.

Sir, I have a political colleague who sits here on these benches. Her late husband, a distinguished and a gallant police officer, was killed in a direct encounter with terrorists. It was because he, while fighting for his country, had the sense of commitment to his job and bravery and he went up knowing the danger, but she do not raise this issue on a daily basis despite the fact that she is a Member of Parliament. The causes and the circumstances relating to the death of that gallant police officer remain unsolved. Does it mean that we raise it, on a daily basis here that the Central Bureau of Investigation is not functioning satisfactorily? That is why yesterday also I had said this. How to treat this whole business of personal grief and public grief and the grief of one being heavier than the grief of another and on which scale do I weigh that the grief of my companion and a colleague here in Parliament is less than the grief of another? How am I to do this? I have to meet on a daily basis the widows whose husbands were either soldiers or who had lost their lives in the North-East or Kashmir or wherever it is. Should I tell you, Sir, that this very Ministry of Defence had been despaired and tired of writing to your Ministry of Petroleum that you have the freedom to give petrol pumps to your maidservants, to your drivers and to your drivers' brother but you have not the freedom or the sense to give those petrol pumps or gas agencies to the widows of ex-servicemen who have given up their lives for the sake of the country? Am I, therefore to judge that the grief of my ex-servicemen companion and the widows that they have is less than the grief of another Indian citizen? I cannot make a distinction between the grief of one human being and another human being. I have not that ability and I have not that scale in which to weigh it. That is why again, Sir, I point out that I am amazed if this is to be yet another example of the manifestation of a disintegrating Congress Party eating its own innards, then, we certainly do not wish to be a party to this kind of constant rubbing on an issue which is a matter of personal and public tragedy.

This nation has lived through many tragedies. This nation did not start in 1947 and this nation will not end. The

graveyards of the world are full of those who thought that their lives were indispensable to their countries. No one is indispensable to this country. Every single individual that is lost to India is a loss to India and certainly I am not able to share great many of the concerns that have been voiced for the last two or three days.

I do not wish to proceed further on the questions and clarifications that have been asked. It is for the Government to answer. You stand charged by a very senior Member of your Party, a one time number two of your Cabinet, you stand charged with delay, you stand charged with cover up, you stand charged with protecting the guilty and you stand charged with lack of cooperation. It is for you to answer these charges.

SHRI R. PRABHU: Sir, let me at the outset apologise to you again, if I have hurt your feelings. It is not my intention.

MR. SPEAKER: No. There was some misunderstanding. I am not carrying that in my mind. Please continue.

SHRI R. PRABHU : Thank you. The hon. Minister made a long statement yesterday. My perception was that in that statement he made some capacity assessments of some judges who are dealing with the Jain Commission and the designated court. I am not sure whether it has formed part of the record. You would look at the record. But I would like to say that, being a senior advocate who has got a lot of experience in court, he knows the judicial prerogatives and judicial system and he should not make character assessments of judges lest it be misconstrued that he is trying to influence them in any way. I am not sure it has formed part of the record, but if it has formed part of the record, I would like my statement also to go on record. If it has not formed part of the record, my statement also need not go on record. I do not want to repeat the sentences that he has said.

MR. SPEAKER: I do not remember them.

SHRI R. PRABHU: Can I quote the sentences with your permission, even though I would not like it to go on record?

MR. SPEAKER: All right. You can quote it that will not be recorded and if I find that there is anything, that will also be removed from the record. Please note it.

SHRI R. PRABHU: With your permission, I just quote that sentence:

"Nevertheless, the judge whom I believe to be very courageous, straight forward and honest judge has conducted 212 days of hearings etc. etc.

This is the statement about the judge of the designated court. Another statement is there about Justice Jain:

"Justice Jain is a respected judge. He has been Chief Justice of Delhi High Court. I believe he knows what he is doing and what he likes to do and what he would like to do etc. The Judge would, no doubt, sift the grain from the chaff."

MR. SPEAKER: I do not find it derogatory. All the same. I will go through the entire record and then I will take the decision. If there is slightest doubt in my mind that it may hurt and that it will go against his dignity, I will put it off the record.

(Interruptions)

SHRI R. PRABHU: It is unfortunate that they can leave the place and charge the parties and come and sit here .
(Interruptions)

I was pained that such a senior Member like Shri Jaswant Singh was saying that the discussion today is an internal matter of the Congress Party.

The assassination of a former Prime Minister of India, especially when the elections were going on and in the few days he would have become the Prime Minister of India, the darling of the masses of India from North to South, East to West, is not the internal matter of the Congress Party. Yes, yesterday, the whole House unanimously—I thank every Member for that—shared the anguish and grief of Madam Sonia Gandhi. But we are not discussing this.

AN HON. MEMBER: Including 1984 riots ...
(Interruptions)

SHRI R. PRABHU: Please let me finish. You can talk, if you want. If you want me to interrupt also when you people are speaking, we can do it ... *(Interruptions)* Telugu Desam Party has now come to the Congress Party. Telugu Desam is split. Please, you sit down. ... *(Interruptions)*

SHRI K.P. REDDAIAH YADAV (Machilipatnam): ...*

SHRI R. PRABHU: I never said that I am a courageous man. ... *(Interruptions)*

MR. SPEAKER: This is not going on record. This is uncalled for. Please do not interrupt like this.

(Interruptions)

SHRI K.P. REDDAIAH YADAV: Sir, he has told me that ... *(Interruptions)*

SHRI R. PRABHU : I never talked to that Member in my life.

MR. SPEAKER: Up to this time, he has not used it. If anybody uses it, I will put it off the record.

SHRI K.P. REDDAIAH YADAV: He has used it. That is why I was provoked. ... *(Interruptions)*

SHRI R. PRABHU: We are talking about the assassination of the former Prime Minister of India. He has been dear to a lot of people in this House, be it in the Congress or Members of the Opposition also. Besides being a Prime Minister of India, as a man, he was a very generous, kind man. Everybody knew that. We are not talking about that. We are not talking about the person or the husband of any lady. We are talking about the assassination of the

Prime Minister of India and the man who stood for secularism, a man who stood for socialism, a man who stood for the unity and integrity of this country, a man who believed that development has to be done by taking along the poor masses of this country. I had the privilege of being a Minister in his Cabinet and I worked very closely with him in certain matters. I know how the liberalisation process was started. But his main concern was the poor people of this country, the rural masses should always be protected. This is also what Madam Sonia Gandhi had said in Amethi but nobody said that yesterday. These ideals have been given a go-by. We are not talking about politics here. But we are talking about, like hon. Member Shri Jaswant Singh said it, cover up. There have been so many assassinations before. But there were no allegation of cover up in Inquiry Commissions. Yes, delays were there. I am not going into all the points Shri Arjun Singh made because he has covered most of the points about the various Inquiries. But I would like to add a few things and if I skip any, I seek your indulgence because I do not want to repeat anything.

We all know that there are three proceedings. One is the Designated Court in Madras. The SIT has filed a chargesheet after two years; the second, the Verma Commission which submitted the report on June 15, 1992 and the third, the Jain Commission which was constituted in August 1991 to go into the conspiracy behind the assassination.

Sir, the hon. Minister yesterday said he was directly responsible for post-May 24, 1995. When Shri Arjun Singh was speaking, an hon. Minister from there, probably he is in-charge of Parliamentary Affairs, responded that he also knows what happened before. Now, Sir, whether he knows or whether he does not know, is not the point. But when a man takes charge of a certain portfolio or a certain matter which is so sensitive and being a senior Advocate that he is, he should have probably seen the status of all the inquiries on the date he took over. So, he knows what has been going on for the last four years. He did not share that information with this august House. I wish he had.

I will first go to the Jain Commission. The Jain Commission was to take the Verma Commission Report as its basis and then work up from there. But the Government did not even make an official copy of the Verma Commission Report available to the Jain Commission for a long time.

And I do not think, it ever made it available. It came from some other sources and Justice Jain had a look at that Report. No lawyer was appointed in the Jain Commission when the Jain Commission was constituted for a long time. The then Attorney General of India comes to the Jain Commission and says, 'you do not have the jurisdiction, you do not have the *locus standi*. The Jain Commission should be wound up.' Then a lawyer is appointed to assist the Jain Commission. He resigns and so on and so forth. Then like Shri Arjun Singh said, the paper came before the Cabinet to wind up the Jain Commission. A petition was filed in the Delhi High Court to wind up the

Jain Commission by a lawyer called Mustaq Ahmad. He is a junior lawyer. I know these details because I was one of the Members of Parliament who had to intervene in that petition to see that the Jain Commission was not wound up. As a public interest litigant, normally a lawyer argues his own case. He tries to become big. But in this case, the same lawyer who was appearing before the Jain Commission for the Government had appeared for Shri Mustaq Ahmad in the Delhi High Court. And I am sure, the hon. Minister knows because he has been his colleague for many years and they are both from probably the same generation and same State. The Jain Commission have had seven extensions till now. And like Shri Arjun Singh has said so many other things, I would not like to repeat them.

As far as Verma Commission was concerned, Justice Verma has himself said, 'there is a cover-up.' I brought up this matter in this august House on 5 August, 1993. I quoted from the same document, Shri Arjun Singhji has quoted today. And I requested the Government to respond to it on 5 August, 1993. There has been no response from the Government. I have not accused the Government. Justice Verma has said, 'there is a cover-up in as much as certain reports which the RAW had passed on to the intelligence agencies were not passed on to the Tamil Nadu Government and the local authorities when Shri Rajiv Gandhi was supposed to visit Tamil Nadu.'

The SIT had filed a chargesheet after two years in Madras. In two years normally the CBI or any branch of the CBI could have interrogated more than 1000 witnesses but not even half of those witnesses have been interrogated in this case and they filed it after two years. Any way, I will not say more on these delays, there are certain aberrations in case of certain officers. I do not want to mention their names. One IG is given Padmashree, a man who was present when Shri Rajiv Gandhi was assassinated. Trial is not over, the conspiracy angle is not yet gone into; but somebody is given Padmashree. Recently another DIG from the SIT has been awarded a President's Medal. And the meritorious service that he has done, besides others was that there was a gentleman called Shanmugham who was a link between the LTTE and certain people in Tamil Nadu. He was the supplier of arms. He was detained in the jail in one of the districts in Madras. He committed suicide. Now this DIG was the man incharge of that Camp. Later on this DIG went on a roving inquiry all over the world to collect some information. He had the unique distinction of losing a whole suitcase full of documents in London. Now this DIG has been given a President's Medal. These are aberrations which the House can themselves understand what is happening here.

I am coming to the post-24 May, 1995, the cut-off date, Mr. Chidambaram said yesterday, from which he took charge. In his statement, if you read it, you get to understand that he vaxed eloquent yesterday saying that all cooperation was being given to the Jain Commission and he would take all steps to see that all the enquiries were immediately gone into and he would give full cooperation. But Justice

Jain himself had said on June 26, that there is non-cooperation from the Government. If you allow me, I would just like to probably give a gist of what he has said. I am not quoting anything.

20.00 hrs.

Sir, Justice Jain has said that he expects the Central Government to come out voluntarily and give information and documents but they are not coming out. Nothing comes out from them, unless they are insisted upon. The AICC Advocate, Mr. Mittal is on record saying that the Central Government was being obstructed by not providing documents and records. I do not know why the Government is trying to conceal documents and whom they are trying to protect? I am not making any allegation. This is after the first cut off date of Mr. Chidambaram. I am just putting the facts as I know them. It is for the House to decide for itself what is happening.

Sir, much was said by the Home Minister yesterday in the other House and today we have read it in the newspapers also that there have been delays in the judicial processes. When you talk about judicial process, why delay is there? Delay is there because the client wants to delay the case, may be some small judicial officers want to delay things. Here, who are the clients? Who are the parties in Designated Court? Who are the parties in the Jain Commission? Why are they being delayed? Why those judicial delays are there? Things cannot just be explained that the judicial system is like that, so there is delay. This is not acceptable to any of us. As I have the greatest respect for the hon. Minister who has given the Statement yesterday, for his legal acumen, because he is on record also advising the international companies like Enron and others. But, Sir, for the last four years ... (*Interruptions*)*

MR. SPEAKER : All these things, the interjections and Interruptions do not form part of the record. You please continue.

SHRI R. PRABHU: (Nilgiris): He made out very eloquently that he had some private conversation with Madam Sonia Gandhi. Though I would say that the etiquette demands that we do not reveal private conversations.

But, for the last four years, we have been raising this issue in this august House. I have raised it many times about the delay in the Jain Commission; the delay and no action being taken on what I have said about the Verma Commission; on what Justice Verma said? I have never in this House or anywhere else made any statement by myself. I was only conveying to this august House what Justice Verma said and what Justice Jain said. What was our friend doing for the last four years when he was not a Minister for two years? What was he doing? Could he not have come to this august House? Could he not have gone to the Prime Minister? I have been in correspondence with the Prime

Minister from August, 1993. I have written many letters on this issue. If you allow me, I would like to place the correspondence on the Table of the House. I have not heard your response, Sir.

MR. SPEAKER: You shall have to follow the rules. Before you ask for my permission, I should know what you are laying on the Table. You should give notice; you should give copies; and then you should ask for the permission. I am not very capable of taking the decision instantaneously, even without going through the document.

SHRI R. PRABHU: It is regarding the correspondence with the Prime Minister of India on the delay in the Jain Commission and the delay in various probes. There is no other subject. This is the only subject.

Sir, lastly, before I conclude, I would like to mention here that I was constrained—even though I did not want to do it, I was constrained—to move a Motion of breach of privilege against the hon. Minister for his statement yesterday, for misleading this august House, for concealing information from this august House. I request you to give your decision on this Motion of breach of privilege at the earliest and I join Mr. Arjun Singh in demanding that the Government apologise to the nation through this House for any cover-up, any deliberate delay in any of the enquiries in the Rajiv Gandhi assassination case.

With these words, I thank you for giving me time to speak on this.

MR. SPEAKER: Mr. Mani Shankar Aiyar, please, Mr. Aiyar, why do you not come to one of the front benches?

...(*Interruptions*)

SHRI MANI SHANKAR AIYAR (Mayiladuturai): I think it is appropriate that I should speak from Mr. Kumaramangalam's seat ... (*Interruptions*) Mr. Speaker, Sir, yesterday when Shri Arjun Singh initiated the discussion here during Zero Hour on the question of delays with regard to the Rajiv Gandhi assassination case as well as the Commissions of Inquiry, we were witness to something that I, as a first term Parliamentarian had never seen before—a unanimity of opinion all around this House about the need to deal with this problem in a very serious manner and then, during this unauthorised part of our proceedings in Zero Hour, the Speaker himself expressing the will of the House and that being recorded in the documents that are now being circulated. ... (*Interruptions*) The Speaker has told us more than once how Zero Hour is an hour that is never in order... (*Interruptions*)

SHRI SOMNATH CHATTRJEE: A lawless hour... (*Interruptions*)

SHRI MANI SHANKAR AIYAR: Yes, it is a lawless hour. In that hour, there is unanimity in the House. There is then

an expression from the Chair of the highest significance and thereafter we schedule a discussion on this subject. I had thought that perhaps there was going to be information made available to us, which was necessary for us to have and in the absence of which, the expression of an opinion from the Chair was not in itself enough, something more needed to be done. I, therefore, came to the House today with a considerable sense of anticipation and very great concern on my part because I need not labour the relationship I had with our former Prime Minister. I have not been able to understand at all, despite the interventions of Sarvashri Arjun Singh and Prabhu, as to why we had to take this issue up again under Rule 193 after what was decided yesterday. For what did we decide yesterday?

Mr. Speaker, Sir, you said and I quote, from the synopsis that is being circulated:

"We should do our best to book the culprits and punish them as per the law of the land expeditiously."

In other words, you accorded primacy to the trial that is going on, in camera, in Madras. That is our first and foremost priority and it is in the light of that priority and the circumstances of that trial that we have to evaluate whatever else is being taken up for consideration. That is the place where we are going to book and punish, as per the law of the land, the culprits, who were responsible for the assassination of Shri Rajiv Gandhi.

We have decided very wisely; and I think, every section of the House agrees with this, that in order for that trial to reach a conclusion expeditiously and correctly—the other word that has been used by you, Sir— it is necessary for it to be conducted *in camera*; and that nothing should happen in any other form, be it another Commission of Inquiry or be it even the floor of this House, which stands in the way of that trial in Madras coming to, what you call, a correct and speedy conclusion.

That is our primary responsibility and for the first time since 1991, yesterday, a Minister of the Government of India, speaking on the floor of this House in his capacity as a Minister, assured us that every nerve of this Government would be strained to ensure not merely a decision by that court by the end of this year, but the conviction of these heinous culprits. That is what we should attach the highest importance to.

The issue of whether things have been delayed in the past or not, was I think, admitted by inference when Shri Chidambaram, who has no responsibility in the Ministry of Home Affairs or in the Ministry of Law, was asked to take upon himself as his special responsibility of expediting this issue; therefore, the action that needs to be taken, granting delay, and I for one, agree that there has been unconscionable delay, the action necessary to prevent that delay from afflicting this case in the future, has already

been undertaken by the appointment of none other than Shri Chidambaram. I say 'none other than' because both in a public capacity as the most distinguished lawyer that we have in the ranks of the Congress party and in a private capacity as one of the close associates of Shri Rajiv Gandhi. We have a competent and an able person being asked to expedite matters. That is his charge and that is his responsibility. The statement that he made here yesterday, was very kindly endorsed by Shri Jaswant Singh. I say 'kindly' because it is difficult for a Member of the Opposition to be kind about a Minister of the Government. I also endorse it entirely, that the statement made yesterday showed the seriousness of intent which we now see. In the middle of this, for us to do anything in the Jain Commission or here on the floor of the House that might jeopardise the outcome that we look forward to from the special court in Madras, an outcome which must not merely be a decision, but it must be the conviction of these people who were responsible for this heinous crime. That must be strictly avoided with a deep sense of responsibility. And it is in that light, then I ask as to whether any useful purpose has been served by the discussion which has been initiated here. We have to distinguish I think, between the Verma Commission, the Jain Commission and the trial.

In regard to the Verma Commission, there is no allegation and there has never been an allegation about any delay in its proceedings. The Verma Commission was constituted in June 1991; and within eleven months its report was ready and it was in the hands of the Government. The Government took six months to study that report and it was after the Cabinet had cleared the Action Taken Report that - as per the practice of this House—the Verma Commission Report and the Action Taken Report were jointly presented here in December 1992, if my memory is right, it was the 23rd of December 1992 that we had the Verma Commission Report. I am not a Member of the Government; I have never been a Member of the Government. So, I have no responsibility whatsoever, I repeat, I have no responsibility whatsoever for the decision taken by that Government in December 1992. I profoundly disagreed with a very important element of the Action Taken Report, the element which exonerated ... (*Interruptions*)* of his own responsibility, despite the indictment in clear and in no uncertain terms by the Verma Commission in paragraph after paragraph of that Report.

I expressed my concern here when I moved a motion. And you kindly admitted it. You gave me the privilege of moving it here in which I expressed my total disagreement with the conclusion of the ATR which should have been 'endorsed' by the Cabinet of which there were several Members then, who are no longer Members of the Government. Therefore, my charge against that Government decision on the ATR applied as much to the Members who are no longer Members of the Government but who are there. I was supported by the same gentleman who today

is the Minister in charge of the Rajiv Gandhi case and who was there—back-bencher like me—Shri P. Chidambaram.

The two of us pleased on the Floor of this House that we must take cognisance of what the Verma Commission itself says especially with regard to what we called the root-cause of the assassination which was the withdrawal of the SPG and the failure of the then Government to provide an adequate alternative security cover especially because the Government of the day had in its ATR said that adequate alternative arrangements had been made. And as a result of the intervention made by myself and Shri P. Chidambaram, we were able to secure the following day a statement by the Home Minister.

[Translation]

SHRI SHARAD YADAV (Madhepura): Mr. Speaker, in the question that he is raising, ATR has been mentioned. But in the question about our government and Shri. V. P. Singh, the word 'negligence' is there. We want that what he is saying be accepted. At present he is speaking. I will speak after him.

[English]

SHRI MANI SHANKAR AIYAR: We pleaded that there should be some identification of that and there was a statement by the Home Minister which went some way, if not all the way, towards the satisfaction of what we were demanding.

I would wish to stress that the expression of dissatisfaction, which Justice Verma made, had a contractual relationship with that discussion. I do not see what the connection is with this discussion. The work of the Justice Verma Commission is over. It was over very quickly. This Report has been presented. It has been discussed in this House. And there has been, as a result of action taken from the Congress benches, a modification of the Government's position. Let us see how it proceeds in that. In the Action Taken Report and in a subsequent statement made in this House, one of the persons who has been asked to show-cause why he should not be proceeded against is the same Shri M.K. Narayanan to whom Shri Arjun Singh made a reference.

I have had a very long association with Shri M.K. Narayanan. I know and anyone who was associated with Rajiv regime knows that this was an officer who was very closely associated professionally with the work of the Prime Minister. He enjoyed the respect and the affection of the Prime Minister. And because the profile of his relationship with Prime Minister Rajiv Gandhi was as high as it was, one of the first things that the successor Government did was to remove him from the sensitive post to which he belonged. And he returned to it only after the fall of the V.P. Singh Government. And while he was in office as Director of IB in the second round, there are few cries of agony which are louder, more sincere or more anguish than those which Shri

M.K. Narayanan is uttering as per the Report of the Verma Commission for this even on the 20 May, 1991 with the clock of fate ticking away to 10.20 p.m. at Sriperumbudur that this same Shri M.K. Narayanan begs and pleads that at least NSG cover be provided to Rajiv Gandhi even if, for legal reasons, SPG cover cannot be given.

It is about this officer's silence that mention has been made by Justice Verma. He has his reasons for being silent. I do not know what they are. The Government has written to him asking him to explain why he is persistent in being silent but I am unable to understand why Shri M.K. Narayanan's silence is, in any way, as Shri Arjun Singh said, symptomatic of the approach of this Government. It seems to be symptomatic of his conception of his duties. He was a police officer who went into Intelligence as an Intelligence Officer.

Here, I may strike a personal note, Sir. The Desk Officer responsible refused me entry into the Indian Foreign Service on security grounds because I used to be a student activist of Shri Somnath Chatterjee's persuasion. So, I was rejected from all civil services for several months until I was able to prove that I had grown up and no longer dependent. These were the opinions that I used to have ... (Interruptions)...

He was the Desk Office then. He believes that, as a police officer dealing with Intelligence matters, there are things that he should not say and reveal. Here, we have attempted to get him to say it and the Government has taken that action to the extent that it can take action to fill lacunae. I do not just understand the charge that Shri M.K. Narayanan's silence is symptomatic of the approach of this Government. I do not understand that. What is symptomatic is that when we established the Verma Commission and the Jain Commission in quick succession, we seemed to have failed at that time to understand that the Jain Commission could not really get going until the Verma Commission Report was available. It is Shri Prabhu himself who has said on the floor of the House that the work of the Jain Commission would necessarily have to be based on the work of the Verma Commission. So, we know that the first one-and-a-half years of the existence of the Jain Commission was overshadowed by the work that was taking place in the Verma Commission and that the Jain Commission could not really get going until, in 1993, after the Verma Commission Report became a public document. When the Jain Commission got going, at that time, immediately, a question arose. The question arose as to how far back in time do we go in order to discover the roots of the international conspiracy, if any, which existed round the death of Shri Rajiv Gandhi and that issue of whether the inquiry should stretch beyond July 1987 or should take off from 29 July, 1987 was not, in fact, resolved till the middle of 1994. The root cause of the delay that took place was the initial argument within Government, between the Commission and the Government and subsequently, before the legal authorities as to how far back should this issue stretch. The issue was resolved by a court of law in the

middle of 1994. We did waste one-and-half years further on the resolution of this issue. But I do not know whether 'waste' is the right word to use or not. I think all of us here have agreed that 29 July, 1987 was truly the appropriate cut-off date but obviously, until that cut-off date was established and accepted—now it is accepted by everyone including Shri Arjun Singh—it was not till then that we could really get going. And I do agree with Shri Arjun Singh and I do certainly agree with Shrimati Sonia Gandhi that between June 1994 and May 1995, we could have gone faster than we had gone and it is because I personally was sensitive to this issue, like Shri Prabhu took it up with the Prime Minister, I even suggested that the right man to handle this matter was Shri P. Chidambaram—if I may reveal a privileged communication between myself and the Prime Minister. I am glad now that a really competent person is in charge of this matter.

I am glad now that a really competent person is in charge of this matter. In other words, this discussion should have taken place sometime in the past. It could not take place in the past partly because the gentleman who has now brought it—was then the Member of the Government. He obviously could not bring it in discussion under Rule 193 at that time. In these circumstances, I do not know, what is the purpose that is being served by bringing up issues of delay in the Jain Commission all of which are true and all of which are palpable and all of which took place when there was a Group of Ministers which included Shri Arjun Singhji who, as the Number Two in the Government of India, was necessarily in some sense, was the Chairman of the Group of Ministers. It was at that time that all these... (*Interruptions*)... I am sorry.

SHRI ARJUN SINGH: I would like to clarify before you continue. Otherwise, a wrong impression may be created.

I know, not only the Home Minister was the Chairman but the group of Ministers that was constituted, had nothing to do with the Jain Commission.

SHRI MANI SHANKAR AIYAR: Okay, thank you for the clarification.

But the Government did and the Government of India was seized of this issue as is seen by the fact that a proposal came on the 10 February, 1994 for winding up the Jain Commission. A very significant step, a more significant step is that the Government of India turned it down. Yes, there was somebody in the Government of India who thought it would be a good idea. But what the Government of India did, was to turn down that proposal and say 'we must persist with the Jain Commission'. And, I think, the germane fact is that. That fact of the 10 February, 1994, a paper coming before us is not significant as the decision that we took, which was the right decision 'not to wind up that institution.'

So, the delays that have taken place—how serious they were—I am giving an outside view—that it seems to me

that there were delays, it seems to me that many of the delays were unconscionable and it seemed to me—as a backbencher, with certain personal relationship with Shri Rajiv Gandhi—to agitate for something to be done about it and that 'something' has been done. But perhaps there was a scope in 1991, in 1992, in 1993 and in 1994 for more dramatic action to be taken by those concerned in the Council of Ministers.

I honestly say, Sir, that if I had been the Member of the Council of Ministers, on the day that ATR on the Verma Commission was tabled in this House, I would have resigned. I would have resigned on the ground that ... (*Interruptions*) ... was not indicated. But as far as I know, no Minister resigned. They were powerful...

SHRI HARI KISHORE SINGH: You could have resigned from the Congress party.

SHRI MANI SHANKAR AIYAR: No. It is because I know that you lot are even less interested in finding an answer than my lot is. I have, therefore, no question of resigning from the Congress party. What I would have done, 'had I been made a Minister, it is good reason for not being made. The point is, there were two backbenchers—Shri P. Chidambaram and myself—who actually took concrete action on the floor of this House and Shri Chidambaram, as an ex-Minister, may be, he has certain amount of seniority. I really put my neck on the line in being the person who put it out because I disagreed and fortunately, my party is a democratic enough party to allow me to express my point of view on the floor of this House. If a mere backbencher could raise this issue on the floor of this House, how much more, could a Member of the Government, the Number Two Member of the Government have done, or the Minister of State who was personally in charge of negotiating with the VHP could have done. And, these were the people who were entirely capable of having raised the issue in the Cabinet at the right time, instead of which they wait until the Speaker...

SHRI RANGARAJAN KUMARAMANGALAM: Can I intervene?

SHRI MANI SHANKAR AIYAR: One second, let me finish, I am just going to yield ... (*Interruptions*) ... They wanted until the Speaker has expressed the view of the whole House and having raised an issue under Rule 193.

SHRI SOMNATH CHATTERJEE: He has yielded and concluded.

SHRI MANI SHANKAR AIYAR: I have only yielded and not concluded... (*Interruptions*)...

SHRI RANGARAJAN KUMARAMANGALAM (Salem) : I was never responsible for any negotiations to be held with the Vishwa Hindu Parishad. To say that I was, is a little unfair and uncalled for. Secondly, I must say that when Mr. Mani Shankar Aiyar as backbencher, as he put it—of course

now, he has moved forward and decided to take my seat and occupied my seat—did he raise it at that particular period of time? I did join within the Government, I could not have joined on the floor of the House, obviously and did join forces and in voice to say that the ATR did not meet the issue and was not correct especially with regard to... (Interruptions)... and his involvement and the Verma Commissions's remarks on that.

I am saying this because this is a fact that within the Government also there are very strong feelings. It is not that it is limited to two backbenchers only.

SHRI MANI SHANKAR AIYAR: I would like to conclude because I agree with Shri Somnath Chatterjee that this matter needs to be concluded.

Sir, the essential matter here now is, we have got the Jain Commission going along with the Trial Court and since the priority is to obtain a conviction in the Trial Court—we have to understand, whereas the Trial Court proceedings are *in camera*, Jain Commission's proceedings are in the open. Consequently, a decision has been taken that documents which are essential to securing the conviction of the culprits should not be compromised in that trial by according a different status in a different organisation. But as Shri Chidambaram explained to us yesterday, an additional decision that has been taken is that if Justice Milap Chand Jain wishes to see any particular document because it has been asked for by himself or asked for by the Counsel but is not being presented on the grounds of privilege, that document 'is shown to Justice Jain' if not made available to everybody at this stage.

So, the information as it comes forth or the information as it is demanded is not being hidden from the Commission even now, even if it is true that it is not being given in a manner in which it can be usefully processed by Counsels attached to the Commission.

SHRI SOMNATH CHATTERJEE : See the *India Today* publication.

SHRI MANI SHANKAR AIYAR: I will come to that in a minute. But let us take this key issue first. We do have an inherent contradiction between the nature of proceedings in the Trial Court and the nature of the proceedings in the Jain Commission. It is obvious that it is feasible to wind up the trial quicker than it will be possible to wind up the Jain Commission proceedings. It is also clear from the Speaker's statement that the House itself desires that the trial be given priority. That trial, we have been assured, will be completed within the next 3 or 4 months, that is by December, 1995. I think, every effort should be made to ensure that it is so done and the convictions are obtained within that time, especially given the record of the Tamil Nadu Government, which is unable to ensure the security...

SHRI BHUPINDER SINGH HOODA (Rohtak): Shri Chidambaram has said that the evidence would be completed by the year end.

MR. SPEAKER: Shri Chidambaram himself is sitting here. Why should we...

... (Interruptions)

SHRI MANI SHANKAR AIYAR: It seems to me that following the presentation and completion of evidence, we should be in a position to get the conviction very soon thereafter. Therefore, I am not going to assume any very major hiatus between presentation of evidence and judgement being given...(Interruptions) Thereafter, the constraints that apply to the proceedings in the Trial Court will no longer apply to the proceedings before the Jain Commission and that will enable us to expedite the work of the Jain Commission which is of the highest importance. I do hope that we will be able to get a satisfactory conclusion before the Jain Commission and that the action taken by the Government on the Jain Commission's findings will be more satisfactory than they were with respect to the Verma Commission's findings.

Having had, therefore, this opportunity of once again ventilating my grievance with regard to the action being taken by the Government on the Verma Commission findings, I would plead with them once again to understand and underline that Rajiv Gandhi would never, never have been killed if ...* had not utterly arbitrarily decided to withdraw SPG cover from him on the 30 January, 1990 and further that the letter addressed by Shri P. Chidambaram—as the Security Advisor to the Leader of the Opposition—to the Government of India at that time had been replied to, 'even replied to', by the Government then. There was a total lack of any sense of responsibility with regard to Shri Rajiv Gandhi's life—first, on the part of the ... *Government; and second on the part of the Chandra Shekhar Government whose Minister-in-Charge of these affairs was none other than...* who has been mentioned by Shri Arjun Singh.

I wish to underline, on the floor of this House in conclusion, Sir, that while Shri Chandra Shekhar has had the grace to state here on the floor of the House that he does not abdicate any of his responsibilities as Prime Minister for what happened, there has been no similar expression of regret by ...* or any of the members of his Party. Therefore, it remains an even greater duty on the part of the Government of India to properly indict...* for the basic wrong decision and to ask itself why the Minister in-charge of these matters on the 21 of March, 1991, one...* ... has not been further investigated with a view to discovering what was his role in this conspiracy. I trust the Jain Commission will address itself to this matter as well ... (Interruptions)...

SHRI SRIKANTA JENA (Cuttack): I am on a point of order, Sir.

MR. SPEAKER: Yes.

SHRI SRIKANTA JENA: Can a Member raise an issue about an action taken by... * the then Prime Minister, charging that in the Verma Commission Report... * ... and his Government were indicted and, therefore, then action taken by the present Government is not sufficient? His view and Mr. Chidambaram's view seem to be the same. He was a Member in the House then but he is a Minister now. The Member said that if he had been in the Cabinet then, he would have resigned immediately on the very day when the Action Taken Report was approved in the Cabinet. It seem Shri Chidambaram is also of the same opinion. He is now the Minister in-charge of the Jain Commission proceedings and the Rajiv Gandhi murder case and he was in the Government which had accepted the Action Taken Report... (Interruptions)... I do not know, when Shri Aiyar was expressing his view, Mr. Chidambaram was nodding his head. It means that he was accepting the view of Mr. Aiyar.

The point I would like to make is: ... * is not here and so, he cannot defend himself even as a Member in this House. The first question is ... (Interruptions)... because the point has been raised ... (Interruptions)... by a senior Member from the Congress party and it is being accepted by Shri Chidambaram who is the Minister in-charge. I would request you to in all fairness direct the Government to ask the Prime Minister to be present in the House because it is only the Prime Minister who can clarify the position as to why in the Action Taken Report... * was not charged. It is ... * the then Principal Secretary of the Government... (Interruptions)...

SHRI MANI SHANKAR AIYAR: He was also a collaborator in that decision.

SHRI SRIKANTA JENA: Mr. Chidambaram read out a letter of the then ... (Interruptions)...

MR. SPEAKER: I think the names of all those people who cannot defend themselves on the floor of this House will go off the record, and designations may continue.

SHRI SOMNATH CHATTERJEE: It goes for collaborator even.

MR. SPEAKER: Collaborator is not a designation.

SHRI SRIKANTA JENA: The point is this issue of Verma Commission Report was discussed in this House itself. Then also a caution was given to him, and certain references were removed from the proceedings even at that point of time. In spite of that he is repeating it time and again only to cover up the real culprit.

MR. SPEAKER: Is this the point of order.

SHRI SRIKANTA JENA: By taking the name 'of ... * he is only trying to cover up the assassins and culprits, He is politicising the whole issue.

MR. SPEAKER: Now, it is not going on record.

(Interruptions)...

SHRI SOMNATH CHATTERJEE: Sir, now, the whole direction has been changed. It is because, they are saying that one part of the Verma Commission's comment was very good viz., indictment of Shri V.P. Singh and not the Verma Commission's comment about the cover-up. You have not made any comment on that. Sir, where should we go from here? We are trying to find out whether we can really give some direction from this debate so that in the interest of the country, it can be expedited or what you had observed can be achieved. That, Sir, was the objective of this discussion.

(Interruptions)

SHRI SRIKANTA JENA: Let Shri Chidambaram, resign right now.

MR. SPEAKER: What is this Shri Jena? All this is not going on record.

(Interruptions)...

MR. SPEAKER: Please, let us understand this. The simple point which could have been raised as a Point of Order is this. Can the names of the persons who are not here to defend be mentioned? That would have been the end of the matter. If you make a long speech on that and take it in all directions, it becomes difficult for me also to decide. So, it should end here only. Culprits include conspirators.

[Translation]

SHRI SHARAD YADAV (Madhepura): Mr. Speaker, Sir, the focus of today's debate is the assassination of Shri Rajiv Gandhi. Shri Arjun Singh raised many questions here. The criminals who assassinated Shri 'Rajiv Gandhi' have not so far been punished. It is a fact that considerable delay has taken place in this matter. Rajiv ji was the ex-Prime Minister and an eminent personality of the country. He commanded love and respect of a larger section of our people. Delay has occurred in resolving the question of the death of such a great personality. It is the central point of today's debate. I feel that delay has been caused in this matter deliberately. Government is enable to do justice in this case because it has assumed political overtones. The internal manoeuvrings of the Congress Party are also involved in this issue. Delay took place in booking the culprits who committed this crime. I feel that some cover-up has also been attempted in this case.

20.44 hrs

[SHRI NITISH KUMAR in the Chair]

India is a very helpless and hopeless country. The assassination of Rajiv Ji is widely under discussion

throughout the country. When Smt. Sonia Gandhi speaks in the Amethi ground the debate assumes the form of an earthquake. A very heated discussion is often sparked off on this issue in and outside the House. The representative representing a population of 90 crores are sitting here. This subject is on the fifth page of today's agenda. Since the day Sonia Gandhi spoke on the issue in Amethi, a spirited debate has ensured throughout the length and breadth of the country.

Besides big men, poor people should also be discussed at times. Jaswant Singh ji and Som Nath Ji wanted to know the details of other murders in which such delays occurred. Nagarwala was too murdered in the same manner and his assassing have also not been traced till today. Many persons were killed in Maliana, Bhagalpur and in 1984 riots. We saw the tragedy as silent spectators.

20.46

[Mr. SPEAKER in the chair]

We saw people being burnt after dousing them in oil or putting tyres around their necks. Section 302 of the IPC applies to all equally. At times when feelings are aroused, we become more vigilant. There is nothing unnatural about it. But I regard the death of Rajiv Ji as unnatural. We had our differences with Rajiv Ji but bore no ill-will in our hearts. We were really feeling aggrieved by this assassination. But before law all are equal. In 1984 riots people were locked in their houses and burnt. In our neighbourhood a man was burnt alive. Shri Mani Shankar Aiyar referred to Verma Commission Report which was submitted to the Cabinet. I would deal with it later but the CBI in its report said that there are two big persons of the Congress party. About one of them Shri Pilot said very rightly. Yesterday he spoke from the bottom of his heart. He might have been on the point of submitting the report. There must have been some rebukes in it. That was why he did not lay it.

[English]

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI RAJESH PILOT): Mr. Speaker, Sir, I tell you honestly, you kindly recollect that yesterday after the speech you gave a Ruling that actions to be taken on this must be expedited. So, I took it as a Ruling and the Speaker wants that the actions must be expedited. Still, as a precautionary step I have brought all the details with me. Whenever the hon. Speaker permits me, I will lay, I will give here whatever information you want ... (Interruptions)

MR. SPEAKER: I think, you lay it now itself.

SHRI RAJESH PILOT: I have brought the information. I do not mind in doing so... (Interruptions)

[Translation]

SHRI SHARAD YADAV: I felt that yesterday he was speaking from the love of his heart but today he is looking

somewhat disturbed. How can we understand what he has in his mind? But I know him that yesterday he spoke from his heart and today he is looking a bit upset. Rajiv Ji was assassinated in a very brutal manner. In our country whether those were Maliana riots or Bhagalpur riots or the riots of 1984 in Delhi where as many as 3000 people were murdered most cruelly—it was not like the Tandoor case where a person was just killed and then her dead body was burnt in a Tandoor in these riots, people were burnt alive most seriously and the most unfortunate part of it is that we have not so far been able to book even a single killer. We become careless while looting ordinary people. I remember when I was in University the Late Lal Bahadur Shastri Ji died of heart attack. Through newspapers, we came to know that he went on ringing the bell but the doctor did not turn up. When we get used to being so careless in the treatment of a poor person in the hospital, such negligence becomes our second nature. And then even if a person like Rajiv Gandhi is assassinated we are unable to fathom the reason therefore. The reason obviously is our habit of negligence.

When Sonia Ji raised this matter in Amethi, it was also raised in this House soon thereafter. Some people became very sentimental and in the Rajya Sabha some members wept bitterly. I agree all of us were filled with anguish to hear this unfortunate news. People in our country are famous for weeping. When someone dies we weep in our houses and when some guest from outside comes, we all weep very loudly in a chorus. We have a very wonderful capacity for weeping. We can laugh and weep at any time. Yesterday many people were weeping.

MR. SPEAKER: Your second opinion that we can laugh at any time is perhaps not correct.

SHRI SHARAD YADAV: You are right Sir, you have told me the right thing. Our country is matchless and an expert in weeping. We start weeping even over a trifle. We are far ahead in this respect because our country is sad, helpless and poor. That is why sas songs become so popular in our country (Interruptions)

Mr. Speaker, I have a very interesting story to tell. When we were defeated by China, a song was sung in our country — 'Aye Mere Watan ke logon, Zara Ankh Main Bhar Lo Pani; Jo Shaheed Huyen hain Unkee Jara Yaad Karo Kurban'. This last line is alright. At that time I was 13-14 years of age and my father was a Congress man. He was listening to the radio. Hearing this song, he began weeping bitterly. I also burst into tears. The second day I came to know that the late Jawahar Lal Ji had also wept very bitterly. Oh, my countrymen, weep because we were badly defeated. We are experts in weeping.

Mr. Speaker, I was in Lucknow when Sonia Ji went there. I too had my programme but not so grand as was hers. There I saw wonderful things. I also respect Sonia Ji and Rajiv Ji and also remember the sacrifices of Jawahar Lal Ji but there I saw that all limits of sycophancy and servitude had been crossed. I saw in a photo that Jitendera

Ji and Tiwari Ji were standing side by side glued to each other. They were at loggerheads but were standing glued to each other thinking that if Sonia Ji, chanced to have a look at them this would also appear in the Press the next day and the whole country would know it. Tiwari Ji was garlanded and this became a subject for editorial in the newspapers of the country. Leave aside the persons inside, persons on the roads of the country are more scared.

Yesterday Arjun Singh ji had hinted that if this proposal was made from your side, it would be better. For ten seconds, it looked as if all was quite and I had no regrets but scare was there on this side as well. People were stunned for ten seconds and there was the silence of the graveyard. I, seeing this scenario, said as to what has happened to all of you and why don't you speak?

Mr. Speaker, Sir, delay has positively taken place in investigating the causes of the death of Rajiv Ji and it is because of the manoeuvring of the Congress Party. Shri Chidambaram has arrived. He is a very competent person and his mind is quite clear on the issue. I feel that his relations with Rajiv Ji were very honest. The pace of investigation must have picked up since he joined. I appeal to the Government to accelerate the pace of investigation in the matter because Rajiv Ji was our former Prime Minister and his assassination was something most unfortunate.

All the ministers sitting here are looking very tired because it is going to be 9.00 by the watch. I request them as also the Government to move swiftly even in the cases of murders of other people. Whatever may be the status of a person, death is the same for all. All human beings high or low are important just as the fingers of our hands irrespective of their size because they help each other. Rajiv Ji may be compared with the biggest finger but the other fingers should not be so short that the hand stops working. Therefore all heinous crimes should be treated on equal footing and the delay that has been caused in booking the killers in the 1984 riots or in Maliana and Bhagalpur riots is equally sorrowful. It is not an ordinary thing. The killers have not so far been punished. One delay in the case of the assassination of Rajiv Ji has taken place due to our habit of not pursuing the cases in right earnest.

Shri Mani Shankar Aiyar in his speech, raised the question of the Government of National Front and Shri V. P. Singh. He raised the question of ATR. His anger was justified. On ATR, Verma Commission referred to our Government and V.P. Singh Ji and desired that action should have been taken thereon. During our time Chidambaram Ji was responsible for ensuring the security of the People and it was Rajiv Ji's Government which had recommended for removal of SPG cover up. That law was not in force during his time. If we need more time for this debate, we should not mind it. As you had also suggested, no culprit should be allowed to go scot free. I would like to submit that from our side as also from the side of Shri V.P. Singh, his security was ensured with full responsibility. There was no slackness in this regard.

21.00 hrs

If there was any slackness attributed to us, I would request you to implement the ATR in full. You have a resolution passed on ATR. If there is anyone in the wrong from amongst us, you have us punished positively but if there is anyone in the wrong from your side he should also be punished.

You are in the habit of putting off things. The names of the persons found guilty in the Bofors case are yet to be declared. The Prime Minister had said in the House that this matter was under his consideration. My submission is that whatever matter rested with him, was doomed. He took over Kashmir issue and Charare-Shariff was doomed and when he took over the Railways, passengers in Ferozabad were doomed. We have reached the present impasse because of our following the policy of procrastination.

Mr. Speaker, our Prime Minister has been assassinated and we are unable to trace out the assassins. The persons who were very close to Rajiv Ji had no political base and were non entities at that time, but they had got high positions because of Rajiv Ji. They are also sitting here and have not succeeded to find out any clue of the assassins. Even today you are continuing with your manoeuvrings. You are not sparing even the officers of our time.

Mr. Speaker, Sir, I, with malice towards none and with all the force at my command, submit that no slackness was shown in the security of Rajiv Ji during our time. I say it because I know it very well. I am in the know of all the things since the time of Shri Kamalpathi Tripathi. I would not like to go into the details. Shri Mani Shankar Aiyar today said certain right things. Today all the members spoke in a balanced way as if they were walking on the edge of a sword. No one dared to differ as if all were taking precautions to see that in the countries where there is dynastic rule, the people of a particular dynasty may not be able to enter politics. That is why all of you were speaking in a very balanced manner. I mentioned the word dynasty because in our country we have dynasties ruling at the national level, state level and district level. In our country also, dynastic rule is gaining ground. Mr. Speaker, some people are apprehending danger. That is why the people who spoke today, spoke in a balanced way. Today none indulged in any abusive language and they spoke in a very balanced way. Mani Shankar Aiyar ji had best of both the worlds. That is why he spoke ill towards none and when he realised that we could do him no harm, he gave us a jolt. Today he gave a jolt to the National Front and to a person like Shri V.P. Singh who has a clean political image.

SHRI MANI SHANKAR AIYAR: The person sitting beside you will give you a push. His slogan is, 'Give one more push'.

SHRI SHARAD YADAV: When he gives a push, we will see but today you were giving us a push because you did not get any push from persons sitting beside you. That is why you gave us the jolt.

SHRI MANI SHANKAR AIYAR: Please excuse me, I have not given you any jolt or push. I am charging that *(Interruptions)*... have committed a sin. As they are not present here to tender apology. You please do so on their behalf.

SHRI RAM KRIPAL YADAV (Patna): What sin have they committed? Why should they apologise? The law had been enacted at that time. They have acted in accordance with that law.

SHRI MANI SHANKAR AIYAR: Their sin was that they had removed SPG cover-up and it is because of that Shri Rajiv Ji today is not in our midst. That is the basic reason.

[English]

SHRI SRIKANTA JEA (Cuttack):*...

MR. SPEAKER: No, no. This is most objectionable. You should not have used that word.

...*(Interruptions)*

SHRI SRIKANTA JENA: In spite of your directions, he is behaving that way.

MR. SPEAKER: No, no, You have no business to get up and speak like that.

SHRI SRIKANTA JENA: Who? *(Interruptions)*.

MR. SPEAKER: You are not the controller of the House.

...*(Interruptions)*

MR. SPEAKER: You are going beyond your limits.

...*(Interruptions)*

[Translation]

SHRI SRI KANTA JENA: Mr. Speaker, Sir ...

...*(Interruptions)**

[English]

The way he is behaving, I have every right to express my opinion.

MR. SPEAKER: You have to express it in parliamentary language.

...*(Interruptions)*

SHRI SRIKANTA JENA : I have the right *(Interruptions)**

MR. SPEAKER: I will send this matter to the Privileges Committee to take proper action.

...*(Interruptions)*

SHRI SRIKANTA JENA: OK Sir. You can send it, You send it right now.

MR. SPEAKER: I have said this. It is going to the Privileges Committee and they will take proper action.

...*(Interruptions)*

SHRI SRIKANTA JENA: OK Sir, You can send it ... *(Interruptions)*

MR. SPEAKER: It is no good flouting rules all the time. You sit down now.

...*(Interruptions)*

SHRI SRIKANTA JENA: I do not mind. I will fight. You must also ...

MR. SPEAKER : You sit down now.

...*(Interruptions)*

MR. SPEAKER: I am not going to withdraw these comments from the Privileges Committee. I am sending it to the Privileges Committee.

SHRI SRIKANTA JENA : You please send it Sir. I also mean it.

MR. SPEAKER: I am sending it.

...*(Interruptions)*

SHRI SRIKANTA JENA: I also mean it. You are a spectator to the way he is behaving right from the beginning. You have to control him. ... *(Interruptions)*. You have to control him. This is not the way he should behave here ... *(Interruptions)*

MR. SPEAKER: It is a little too much.

SHRI SRIKANTA JENA: Sir, it is also too much for him to behave in this fashion ... *(Interruptions)* I am prepared for action.

MR. SPEAKER: I am sending it. You have wanted it. I am sending it and I am asking for a decision.

...*(Interruptions)*

SHRI SRIKANTA JENA: I am prepared to face it ... *(Interruptions)*

I am in the Parliament for the last *(Interruptions)*

MR. SPEAKER: You are not beyond law. You are not beyond rule.

SHRI SRIKANTA JENA: Who is beyond rule?

MR. SPEAKER: Nobody is and you should understand that.

...(Interruptions)

MR. SPEAKER: All these things are going to go to the Privileges Committee.

...(Interruptions)

MR. SPEAKER: Mr. Sharad Yadav, please speak if you want to.

...(Interruptions)

MR. SPEAKER: He had not said anything. I had removed it from the records and it is unnecessary for any Member to use language which should be used on the floor of the House. This is Parliament. Let us understand it.

SHRI SRIKANTA JENA: What is objectionable in what I have said? I have only referred to him* ...(Interruptions)

MR. SPEAKER: It will be decided by the Privileges Committee.

SHRI SRIKANTA JENA;*...

MR. SPEAKER : Let it be decided by the Privileges Committee.

...(Interruptions)

[Translation]

SHRI DEVENDRA PRASAD YADAV (Jhanjharpur): Mr. Speaker, I want to know it.

MR. SPEAKER: You need not know.

SHRI DEVENDRA PRASAD YADAV: I want to know because he has categorically stated whereas** is not in the House.

MR. SPEAKER: That will be expunged from the record. You are bringing in his name time and again.

[English]

You have said dozen things against others.

[Translation]

SHRI DEVENDRA PRASAD YADAV: He has said that** has committed a sin (Interruptions) :.....** could not commit such a crime (Interruptions). The business of the House is conducted as per the rules... (Interruptions) Chair is Supreme. You cannot ignore our feelings (Interruptions).

MR. SPEAKER: That is why it has been expunged from the record. You are bringing his name on record over and over again ..

(Interruptions)

[English]

SHRI SRIKANTA JENA: I do not mind for this. I will resign from Parliament if I am wrong. What business has he to say like this? I can resign from Parliament. (Interruptions)*

[Translation]

SHRI DEVENDRA PRASAD YADAV: I want to know whether Mani Shankar Aiyar Ji has the liberty to say anything he likes deliberately (Interruptions)

[English]

MR. SPEAKER: Do not think that this House is not in a position to take action against a Member. If we do not take action against a Member it is because we want to keep camaraderie and friendship here.

...(Interruptions)

[Translation]

AN HON'BLE MEMBER: Is there any precedent to say things about a Member who is not present in the House?

MR. SPEAKER: We shall see.

SHRI SHARAD YADAV: Mr. Speaker, I conclude my speech but I would certainly like to say not ** is not here.

MR. SPEAKER: Sharad Ji, his name has been expunged from the record. You are bringing that name repeatedly

...(Interruptions)

MR. SPEAKER: His name, wherever it occurred, will be deleted from the record.

[English]

Please do not repeat it. I had said that it will be removed.

[Translation]

SHRI SHARAD YADAV: Mr. Speaker, Sir, my submission is that what Shri Mani Shankar Ji said, he has said in all seriousness. You please order for its expunction from the record. Shri V.P. Singh is very truthful and clean. We have full faith in his honesty and he discharged his responsibility. Therefore, you please permit a debate on the suggestion made by me as I have to say a lot on it. The day this suggestion was to come up for discussion here, it was discussed in the Rajya Sabha and, therefore, I could not express my views on it.

*Expunged as ordered by the Chair.

**Not recorded.

Mr. Speaker, certain Members made some uncharitable remarks like lost equilibrium, balance, control out the mind etc. etc. Shri Srikant Jena Ji reacted so strongly only because Shri V. P. Singh is the leader of our Party. In the end, I wish to submit that we too can have so strong feelings as he had. He said in a very authentic way that the assassination of Rajiv Ji took place because of the negligence of our Government. It is a very serious accusation. You have rightly expunged it from the record.

MR. SPEAKER: Anything which is not fit to become part of the record, will be expunged.

SHRI SHARAD YADAV: But so many people have heard it. So it is a serious matter. I, therefore, want to submit that there should be a debate in this behalf in the next session, so that we may put forth our point of view also. Today is the last day of the session and you have also to go to U.S.A. I request you (*Interruptions*)

MR. SPEAKER: I shall talk to you in this regard in my chamber. I have only this much to say that our treatment here is better but that does not mean that action cannot be taken.

[*English*]

We are not interested in action. We are interested in friendship.

[*Translation*]

When we have not to do a thing, we apologise also. But it does not mean that action cannot be taken. Such feelings should not be harboured. I only want to tell this much to you.

[*English*]

But I will talk to you later on.

SHRI AMAL DATTA (Diamond Harbour): Mr. Speaker, Sir, we all share the anguish of the widow of the late Prime Minister, Rajiv Gandhi and because of her speech in Amethi two days ago, the House is discussing the matter today. It has discussed the matter once yesterday. That discussion, perhaps, was not found to be adequate by some parties and probably you have given the consent for the discussion today, because of that dissatisfaction.

Sir, the course the debate has taken so far and the acrimony it has raised, is quite different from the spirit in which the discussion was conducted yesterday. I think that when the discussion was raised today, there must have been some hope that today's discussion will lead to some action by the Government, something which will secure the Prime Ministers in future or the Opposition Leaders in future, so that the VVIP security is properly spruced up and things of that sort. But I am afraid that no such constructive suggestions have come, not even queries have come as to what has been done by the Government, pursuant to the

Verma Commission's Report except that we are told—and which we know—that an Action Taken Report was laid on the Table of the House. That was done in December or later than December, 1992. But since then, more than three years have elapsed. What has happened? Has any action been taken by the Central Government or the State Governments? This is a main recommendation of the Verma Commission's Report. This is not stated in that Action Taken Report and I am surprised that nobody has asked this question.

Sir, the Jain Commission and the TADA Court, where the trial of the culprits who have been charge-sheeted are being carried out, are very important, no doubt. We have been told here that the conviction of these people who are being tried in the TADA Court is the most important thing. Sir, I do not agree with it. It is true that there is a criminal justice and justice must be done so that the criminals are punished. But it is also important and—in this case because of the enormity of the crime and the future security of people of that stature—it is necessary that the Jain Commission also completes its report as quickly as possible. There should be and there ought not to be any disharmony between the functioning of the two. We have been told by Mr. Aiyar that it is the prime necessity that this TADA Court functions properly and brings these culprits to conviction which is assured by December or something like that.

Sir, let me take that a little bit in depth. Sir, what has been happening is that we are told by yesterday's statement of Mr. Chidambaram that for 212 days, the trial court has sat and it has already examined 190 to 193 witnesses. I do not remember the exact figure. Sir, another 100 witnesses are there to be examined. So, the procedure of trial, as it is now contemplated will take much more time than December of this year. But apart from that there has been either lack of coordination or foresight or deliberate attempt to delay. Initially they were going to produce more than 1000 witness and it is only much later that the wisdom dawned and they reduced the number of witnesses to around 250. This is what I read from the reports in the Press because the TADA court proceedings are in-camera that is why nobody exactly knows what is happening. Now, the thing is that in a debate of this kind if we are to debate on some accurate facts, some basic and correct facts should have been supplied by the Government. The Government has not seen fit to do any such thing in spite of the fact that the debate was consented to by the Government definitely and they are here to reply. But they have not seen it fit to make the Members of this House—who are debating on this issue—to see what is the exact current position of the TADA Court proceedings. There are, I am told, more than 700 documents which have been submitted to the TADA court and these documents were wanted by the Jain Commission. The TADA court has said that we cannot give these documents to the Jain Commission because the Special Investigating Team have objected to it. They have objected to it and upholding their objection the TADA court has said, 'sorry we cannot give these 700 documents'. I am sure that the Commission of Inquiry can carry on the inquiry with the

xerox copies authenticated by the Court Officer of the TADA Court. Is it not important to find out the people who are involved in the conspiracy? And if there is a conspiracy who are involved in it and what is the ambit and extent of that within the country and outside the country? Is it not as important or perhaps more important in the public interest and in the interest of the future security of the Prime Minister, ex-Prime Ministers, Opposition leaders and other VVIPs of this country to punish, as quickly as possible, the 26 accused people who are now being tried; and the other three persons who are still at large to be convicted. Conviction does not mean that they will be immediately punished or they can be immediately punished because there are appeals available to them. Sir, unfortunately, it appears from what has been said from their side — both main Congress and ex-Congress leaders—that they want to bring out a domestic quarrel and fight it out in the Parliamentary forum. I think, it is an abuse of Parliament forum the way the debate has proceeded so far. This is a personal fight being fought out without adding an inch to the interest of the nation. Dirty linen has been washed out by their speeches and innuendoes. From their speeches, one has to know exactly what is the Congress politics to be able to understand who is being blamed and who is sought to be protecting whom and that kind of things. The questions have been asked by Mr. Jaswant Singh, I do not know whether Mr. Chidambaram will be able to answer that. The Commission has definitely said that somebody is being covered up, somebody is protecting somebody and that the delay is deliberate and there is no cooperation. So, there are a lot of things and questions one can ask. These questions could have been culled out and they could have answered themselves and then the debate could have taken place for constructive solution as to what is going to be the course in future. Sir, in the Action Taken Report on the Verma Commission's recommendation, the Government has said that we have asked the State Government to do this and that, we have asked these people but what has happened after that? Now, a few days ago, we saw in the newspapers that for the security of VVIPs, the Government is going to send police people abroad for special training for use of weapons and other Defence equipments and things like that. Three and half years have passed and now the Government is going to do that. So, what do we gain by this kind of debate?

This debate means nothing. It is a barren debate. What is the public interest involved in this, if we are not going to learn a lesson and if we are not able to tell the executive what action they take and make them accountable to this body?

We are all very sorry that this has happened in the case of an ex-Prime Minister. Some people say that it is because of the next Prime Minister. I do not agree. I think that things happened much later. The threat assessment cannot be a static affair. It is dynamic. It can fluctuate from day to day. It can definitely fluctuate from month to month. Non-election and election time, all this will make changes in the threat perception. Somebody should have got the threat

perception before assessment of the actual requirement of security needed before the election came. Who was there at that time? I do not know what the Verma Commission said. I have been the recommendation which is somewhat in the line but not quite in the line because he said that approximates Tamil Nadu police's negligence and lapse and they had no idea. They did not send it either to Tamil Nadu Government's Intelligence Branch, and the Central Government's Intelligence Branch did not disclose the information at their disposal in the proper way to the Tamil Nadu Intelligence Branch. That kind of things are all there. A lot of coordination is necessary. That is Verma Commission report. They said that 'we are arranging for it'. But what coordination has been arranged and in what way, so that this House can be assured that in future this is not going to be the cause for another such miracle? I think that nothing is gained today by this kind of debate.

This is most unfortunate that when it is a case of ex-Prime Minister, we should definitely debate. The credibility of the country is affected if we cannot find what was behind this. But this has happened before also. This has happened in case of Mrs. Indira Gandhi's assassination. What has happened to other cases of riots following the assassination of Shrimati Indira Gandhi? Three thousand people died. What has happened to book those people? Nothing has happened? What has happened to those people who have demolished the mosque at Ayodhya? People were killed. People died. If the judicial system is not attended to properly and if these matters are discussed in the House, only at this time, for personal or factional advantages, then nothing will be gained. We have to address ourselves to this fundamental thing. Why people say that judicial delay is inevitable? Is it inevitable in other countries? If it is not inevitable in the judicial system itself, if it does not happen in other countries from whom we have borrowed and we have imitated the system, why it happens here? Has anybody addressed himself to this problem? In connection with kind of thing only, the question of delay is discussed. Why is it not discussed when ordinary criminal trials do not take place for seven, eight or ten years? When we appeal, the criminal trials carry on for 20 or 25 years. That is happening. But in this particular case, when four years have elapsed, people start shouting. I do not mind shouting. But let something concrete come out for the benefit of the people of this country. The litigants of this country are afraid of going to court. They do not think that they will get justice because justice so much delayed has no meaning at all. This is the current position of the judicial system.

So, in that case, this debate should have been channelised into more constructive channels as to understand what is deficient in this country and not to lay blame and say that this Prime Minister was responsible or that ex-Prime Minister was responsible and all that.

MR. SPEAKER: You have made that point.

SHRI AMAL DATTA: I have made that point but that point needs hammering because these people do not

understand the lesson. It is easy to see that a report has been laid and it is very difficult to take a lesson from the report and to apply it. I am afraid that in not a single case where such judicial inquiries have taken place, we have been able to take the report and to apply that. (*Interruptions*). You are now controlling the House. Is it?

MR. SPEAKER: We have discussed for three-and-a-half hours.

SHRI AMAL DATTA: I am very much out of tune with what is happening. But this acrimony today in the House has really shocked me and I hope that in future you will not allow a debate of this kind where this kind of personal acrimony takes place and where the House is used for factional battles to be fought out.

[*Translation*]

SHRI MOHAN RAWALE (Bombay South Central): Mr. Speaker, Sir, it has been stated before the Jain Committee that the Government would submit the required documents. Just now, Shri Mani Shankar Aiyar has said that the documents are being shown to them. But the Chairman of the Committee, Shri Jain, has given a statement that

[*English*]

So far, only ten per cent of the documents the Commission had asked for have been made available to it.

[*Translation*]

Moreover, the advocate of the Congress Party has also said that he has not been receiving the said documents. The Government does not want to make public these documents. He has further said:

[*English*]

They have got vast machinery and resources. Everything is with the Government. It is not in common man's hands.

[*Translation*]

It means that what Shri Mani Shankar Aiyar and the Commission have stated is true. It is very unfortunate that the things are moving at a Snail's pace. Death of a former Prime Minister or the husband of a woman is the most unfortunate incident. Even Smt. Sonia Gandhi, wife of our late Prime Minister, has also expressed her concern over the slow progress of this case.

It is very good that Shri Arjun Singh has raised this matter. But it seems that he has raised it so seriously with political purpose. He could have expedited this matter when he has a member of the Congress Party as well a minister in the Union cabinet. But it is unfortunate that he did not do so at that time. I feel that he has raised these points to put the Government in the dock. The Chief Secretary, Shri

Deshmukh had also said this. When Rajiv Gandhi was assassinated, Shri Chidambaram had given a statement.

[*English*]

It expressed satisfaction over the security provided to Mr. Rajiv Gandhi following the withdrawal of the Special Protection Group. It was satisfactory.

[*Translation*]

Therefore, it should be revealed whether the statement of Shri Chidambaram was true or not.

I do not want to take much time of the house. My submission is that Shri Deen Dayal Upadhyaya and Shri Shyama Prasad Mukherjee were also killed. When a person dies, people expressed apprehensions and demand setting up of a Commission of enquiry. Allegations are being levelled against Shri Chandra Shekhar for security lapse. Therefore, Commission's report should come out at the earliest. The way our former Prime Minister was killed and Shri Chandra Shekhar has been ... (*Interruptions*) ... I want to submit that report should be made public at the earliest. I do not know whether it will tarnish their image or not, but the names of the people actually involved in it, should come out.

[*English*]

Dirty political game played by dirty people.

[*Translation*]

This is the feeling of the people when Shri Lal Bahadur Shastri had expired. I had read a statement of his wife Smt. Lalita Devi Shastri which had been published in the 'Dharmayug' magazine. She was not allowed to have a glimpse of the dead body. I am not making any allegation but people feel that perhaps, behind this ... (*Interruptions*)...*

[*English*]

MR. SPEAKER: This is going out of record.

[*Translation*]

SHRI MOHAN RAWALE: Therefore, I want to submit that if people feel so, an inquiry should be conducted and a clarification should be given.

SHRI BHOGENDRA JHA (Madhubani): Mr. Speaker, Sir, we have already taken a very long time. It is not proper to take more time. Some friends, particularly Sharadji said and Shri Amal Dutta also said and I wanted to dig out something new but could not do so. I am afraid, the unanimous decision that we took yesterday is not dimmed by today's discussion. There would not be any new resolution today. But we should not allow yesterday's resolution to be dimmed by today's discussion. That resolution should be implemented in its better spirit. The House passed that

resolution unanimously and the hon. Speaker had brought it forward in deference to the feelings of the Members. In the light of today's debate, that resolution should not be relegated to the background. Sharadji rightly said that our mass media are postmasters in exaggerating things and misguiding people. For many years, through All India Radio and the press, it has been propagated that Sinhalese are our enemies and the persons belonging to LTTE are our friends. At that time I used to tell that they all had gone from India and they were not our enemies. At that time Government and the mass media were of the same view. We are witness to the later developments and murders that took place there.

Sir, our friends rightly said that at that time there was no law to provide SPG cover to the former Prime Minister or the Leader of the Opposition. But the Government can formulate new law. This point had been raised during discussion at that time. When a Government officer was repeatedly demanding, we could enact such a law at that time but we did it much later when we actually felt the need for it. But the way Ayyarji called it a sin, it snacked of mal-intention. By doing so, Ayyarji has done a very wrong thing. I too can use the word 'sin' because

"Patyati Iti Papam, Papaya Parpitam".

(The action that results in loss to some one and is against the public interest is sin.)

But the intention was not involved. There was no law to that effect at that time. Sharadji was then in Government I feel that the Government could make the law and implement it. But after the unfortunate event, we cannot say that there was no need for such a law. But by the way he has tried to raise an accusing finger, he has indulged in a sort of factionalism. I would not call it politics because I regard politics as something sacred and pure and not something unholy and impure, requiring a person to steal here and worship there. But Ayyarji has, by his action, left a bad taste in the mouths of all of us here and has spoiled the atmosphere of the House.

Mr. Speaker, Sir, Shri Chidambaram had assured the House yesterday I need not repeat that all the evidences will be placed before the House by December. If he worked in right earnest, he may perhaps succeed. Since 1939, we have been referring to this legal system about which our friend Shri Amal Datta said that in other country, such a system did not exist ... (Interruptions) In the British Legal system, it is mandatory and that is why they have a dictum—

[English]

Justice delayed is Justice denied.

[Translation]

It is not our dictum; it is theirs. Therefore, it is natural in the British judicial system, that if one has the sources and capacity to fight, one can continue to fight for an

indefinite period. We all want that no guilty person should go scot free and no innocent person should be punished for the life once lost will not come back. We can spend a little more on security but the Government, in order to cover up their failure or negligence, should not have an innocent person punished and claim that the guilty has been punished. This should not happen. Law will undoubtedly take its own course but I will request Chidambaramji to ensure that any more serious mistake is not committed in haste or due to any slackness. Yesterday also, the issue of murders of some innocent persons was raised. Some people were very angry with Rajivji. That was why he was assassinated after a conspiracy. But in riots in Delhi in 1984 and in Bhagalpur in 1989, anger was not directed against any particular guilty person; it was against a particular group. If we do not discuss the massacre committed in these riots—it could not figure in yesterday's resolution as it was not the subject of the resolution and today also Shri Arjun Singh has placed before us this proposal—this House will be guilty of acquiescing in the inaction of this Government in respect of the mass killings in those riots. We will give the impression that despite change of Governments, we are crippled. If we do not raise voice in this House, we will be compounding our guilt. Shrimati Soniaji is the citizen of our country. She is aggrieved. But she gave vent to her grief in Amethi and not in Delhi and that too after 4 years and before the Lok Sabha elections. So it appears to be a case of politics and of factionalism. At this time, she has the right to express her grief. She controlled herself for 4 years and then gave expression to her grief in Amethi. Our mass media are also engaged in this very issue. Therefore, I request that this issue should be considered in isolation with groupism and the factionalism of the Congress party.

(Interruptions)

MR. SPEAKER: It is all right. Now you please wind up.

(Interruptions)

SHRI BHOGENDRA JHA: Sir, the cases of riots that had taken place in 1984, 1989 etc. should also be disposed of expeditiously (Interruptions)

MR. SPEAKER: This was stated yesterday itself.

[English]

THE MINISTER OF STATE OF THE MINISTRY OF COAL (SHRI AJIT PANJA): Mr. Speaker, Sir, I find that whatever was obtained by this august House yesterday, if you pardon me to say so, has been totally demolished by the situation created today. I was present all through yesterday and also today. The discussion under Rule 193, which you were kind enough to approve and allow was 'a discussion on the matter arising out of the statement of Shri P. Chidambaram, Minister of State for Commerce on the 25 August, 1995 in regard to the position/status of the Jain Commission and the trial of the accused in the assassination of the former Prime Minister, Shri Rajiv Gandhi.'

This was done yesterday, Yesterday. Mr. Arjun Singh, who started by saying the very first line that 'I humbly submit that there is neither any occasion for acrimony nor for any controversy.' Thereafter, Mr. Chidambaram gave a detailed reply and after that reply, after the full reply, Mr. Arjun Singh himself said, 'I am denying myself time and again from going into this matter in detail because it would raise a controversy and controversy is the last thing that I want to raise at this moment of time. I again say, I am not pressing for anything. The Chair should do it in its own wisdom.' I do not know what happened suddenly. Today, this motion is brought in suddenly. After hearing Mr. Arjun Singh, I did not find anything but politics. I did not have that impression. I have a great regard for him. Yesterday, you were very kind enough to sum up and these were the words, 'Well, I would like to say that the way in which the matter has been discussed on the floor of the House is quite appreciable and understandable and it is on occasions like this that the House appears to be rising to very high levels. So, I thank all the hon. Members' Sir, I must say that we could not rise upto your expectations. After what has happened today, the message which yesterday went throughout the country and to all the persons concerned in Parliament—I am very sorry to say—and the message which would go tomorrow would be just the opposite.

Sir, we must not do anything here nor can we say anything, whether it is a matter under *sub judice* or otherwise, by which the guilty may escape. It should not happen because of any statement of ours. We are protected under the rule of this country, the law made by us and the convention of the House. One good thing we did yesterday, that is, we were unanimous, let alone the party to which one may belong. But today, there was acrimony on all sorts of things. Even laugh came from one hon. Member; jokes came from another Member which were absent yesterday. Therefore, I will respectfully submit that this is a matter on which I will make one or two submissions before you as to what is necessary to be done about the entire proceedings. But I must answer the charge made by Shri Arjun Singh today. What is delayed? This charge was there yesterday, but he said that he did not want to raise it because of acrimony. We all know that 'Justice delayed is Justice denied'. But we also know that 'what is done in a hurry is undone in a hurry too'. The verdict of the trial court, which is a designated court, is subject to appeal by the High Court and subject to appeal and supervision by the Supreme Court.

Hurrying them up, having a hot haste, having a fast track of judiciary and saying that the Parliament wants it; and so, expedite the things — all this reminds me of a story of a Judge of the House of Lords who was criticised of delaying in dispensing justice. So, one day he came to the Court and asked the *peshkar* to divide the files into two groups. The *peshkar* divided the 100 files into two groups of 50 and 50. The Judge, showing one group of 50 files to him, said that these 50 cases are allowed and the other 50 cases are dismissed. This is the sort of disposal he did!

Now, we are supposed to be the law-makers and we must, in my respectful submission, not do anything in hot haste. If a hot haste is given or a message is given that everybody is asking, all the Members or the representatives of the people are asking or the legislature is asking to make it in hot haste, then there may be lacunae in cross-examination of material witnesses. In that case, whom would we add? We would add to the culprits and he would go scot-free. It is stated that a hundred more witnesses are there. They have to be cross-examined properly. If they are not cross-examined or the case is not put to such witnesses, then they would go scot-free. there are umpteen number of cases to show that the guilty went scot-free even though everybody knew that 'X' or 'Y' or 'Z' was guilty.

Therefore, my submission is this. What is being delayed? If we see what is being delayed, we would find that there are 41 accused. I will just go one by one. Out of them, 12 dead and therefore, whatever were their activities, they would not be known. Three are absconding; twenty-six are on trial by the designated court. I will give one or two facts more. When did the trial actually start? The charge was framed and the trial actually started on the 24 November 1993, to be exact. The first witness was examined on the 19th of January 1994. What did the court do? The court had entertained and disposed of 399 petitions, twenty-five are before the High Court and three before the Supreme Court. For how many days the court heard? They heard for 212 days; they have examined 183 witnesses; they examined 908 documents and filed them. Five hundred and fifty-seven material objects were already exhibited there. I have been practising for a period of 35 years.

Kindly cite one case in the whole of the world where such a case was disposed of within one year's time or two years' time. Kindly cite one case in India since Independence or even the British period or a case of the House of Lords or any other appeal court. How can you hurry justice in such a case involving an important personality? The admitted facts are: (a) Prime Minister—ex-Prime Minister—was killed; and (b) he is killed in circumstances which show that there was a conspiracy. Not one person or two persons did it. Not one lady with a suicide bomb did it. There is a conspiracy of so many people.

It took about two years to find out and taking the entire thing with the highest type of intelligence agency and with whom? Not only intelligence; but also people from outside. It may be our neighbour or whatever it may be. People from outside were there.

So, to establish a case of conspiracy, a circle had to be established and if there is a delink of one part of that circle, the entire list of accused get acquitted and they go scot-free. They will just start smiling. And what will the nation feel about the judicial system for making it hurry? This is about the designated court.

The next one is the Jain Commission. It held 65 sittings. Mr. Jaswant Singh made all sorts of allegations. He found

some pathological defect in this Government. I do not know what type of x-ray he is using to find out the pathological defect. But I will request him, with his experience as a parliamentarian, to stand up and cite one case in such circumstances which has been disposed of and effectively bringing the culprit to book. All of us agreed yesterday and it was felt by you that culprits must be booked. The same was uttered by Mr. Arjun Singh. But what is there today; nothing but political drama. Nothing else has happened. You have allowed this motion to come as a resolution to be discussed on the last day.

Thereafter comments were made about Verma Commission's silence about some top witness of Intelligence Wing.

Then there is the third perception. As I said, the first charge started on 24 of November, 1993. And I found Arjun Singh—the Government was formed in 1991—up to 1993. Where was he at that time? Why did not he have the courage to resign and go and tell the people that 'this is what has happened if he loves Rajiv Gandhi so much'? We used to love him. We adore him and we still love him. We respect Soniaji, the widow of our great leader. But he cannot claim that he is the only innocent man and say: 'cover up'; 'cover up'.

I challenge Mr. Arjun Singh to go before the court. What he said today is in the record that he knows many facts. Therefore, he must be a material witness. He must go to the court and stand up for cross-examination and disclose it to the world what has happened. This is what is required. He has stated on oath in this House. He is on oath. We are all under oath. Therefore, he must not only go before the Jain Commission but also before the court of law, be under the oath of the court and give evidence there.

I have no opportunity to cross-examine him. What are his evidences? Who is covering up besides the gentleman sitting there who moved this Resolution for ulterior motives and ulterior purposes. My respectful submission is about the non-cooperation to Jain Commission, the affidavit of Mr. Ahmad Patel, dated in 1993. Is it a new thing that Mr. Arjun Singh is getting for the first time? With greatest respect, I went out and I found there that a message has gone to the country about Rajiv's assassination. We are going to see the light and the culprit should be booked. What I know today is a very sad state of affairs in which we have brought in. It is my respectful submission.

I can only say this in conclusion that we must not do or say anything by which the pending case before the Commission or before the designated court is prejudiced in any way either for the prosecution or for the defence because I do not want that any part of this debate is cited anywhere in court of appeal or in Supreme Court saying that these are the statements made. And, therefore, I have been booked and I have been punished for this reason. This has gone in the mind of the Judge and this is what has happened in the apex body so far as democracy in this august House of Parliament is concerned.

Sir, this is a dangerous stage which might go in and create such a thing and I am very much doubtful that whatever happened today is being manoeuvred in such a manner that Shri Rajiv Gandhi's real assassin is just scot free. What was this up to? If it is this purpose, then I protect it vehemently.

Secondly, guilty must be punished and must not take any shelter under what we say or do in these circumstances. It is not only that; a designated court was formed and you know how it went on. You cite another example since Independence or in any other country that a Minister has been given special charge to see that the conduct of the case goes on properly. We have to wait for some time. The Prime Minister cannot appoint somebody by saying that on the next day, the case should start and say that he appoints a Minister to look after the case. There must be a cause for the Prime Minister to give charge to the hon. Minister, Mr. Chidambaram. And very rightly, everybody knows that he is an astute lawyer. What else could be done? Therefore, in my wishful submission, there is no delay; I fully share the anguish expressed by Soniaji because it is quite natural that she has expressed that anguish. I would have done the same thing if there would be a death in my family to ask as to what the police is doing and what the Government is doing. We always do so. But that does not mean that somebody else will start rejoicing in such and such camps, laughing, garlanding and distributing sweets. Is that the cause for which Shri Rajiv Gandhi laid down his life? Therefore, the last but not least, I am sure that the whole House is aware of it. A Committee of Presiding Officers decided as to what should be done in such circumstances. The first thing that the Committee decided is there in the Page Committee Report at paragraph 30 quoted by Kaul and Shakhdar. Kindly let us all know this.

"Freedom of speech is a primary right whereas rule of *sub judice* is a self-imposed restriction. So, where need be, the latter must give way to the former."

Therefore, I request you that the latter, namely, the rule of *sub judice* which we have self-imposed—there is no law—must give way to our right to speak for a simple reason and very good reason. Out of the nine or ten principles, they have quoted it as the first principle that the case must not be prejudiced neither for the prosecution nor for the defence under any circumstances, so that the guilty may not go away. The law of the country is, guilty may escape but innocent must not suffer. We always forget that the guilty may escape but innocent must not suffer. So, we must not do something by which the guilty escapes and the innocent suffers. Hon. Members should realise that it is a criminal case. It is a criminal case in which there should not be even a benefit of doubt. Had I been the Defence Counsel, I will go and say, "Here is a Cabinet Minister, Mr. Arjun Singh. He has stated this inside the floor of the House and therefore, there is a great doubt; the entire facts have not been brought before you, My Lord. Therefore, you please allow me to go scot free as there is a benefit of doubt." This is what you are at, Mr. Arjun Singh, and wanted me to do. This is what

has been done today and not yesterday. I am very sorry to say this. Therefore, my earnest appeal to you is, kindly go through the entire record and if you find anything there which may prejudice the case pending before the Commission or the trial court, please do expunge it from the proceedings. I know that the rule you have got is it should not be expunged ordinarily and you may say that I may limit the argument but here you have allowed it in an extraordinary way. It was discussed yesterday, and again, you have allowed it to be discussed today under Rule 193 ... (Interruptions)...

MR. SPEAKER: Everybody wanted this discussion.

SHRI AJIT PANJA: I am sure that everybody wanted this discussion but kindly go through the record. My only appeal is this ... (Interruptions)

SHRI HARI KISHORE SINGH (Sheohar): I am on a point of order ... (Interruptions)...

SHRI AJIT PANJA: I am not yielding.

MR. SPEAKER: It is a point of order; you have to yield.

SHRI HARI KISHORE SINGH: Sir, in his long oration in this House, I think, he is casting aspersions on the Chair by saying, 'you allowed this discussion under Rule 193.' He is casting aspersions on the Chair.

SHRI AJIT PANJA: What aspersions?

SHRI HARI KISHORE SINGH: Sir, you go through the proceedings and if you find also remove it.

MR. SPEAKER: I do not think he is casting aspersions on the Chair.

SHRI AJIT PANJA: That is the problem. They do not know what is 'aspersion' even.

SHRI HARI KISHORE SINGH: I do know. I am not as learned as you are. I did not get my degree from London but from oxford. (Interruptions) I know you are rejuvenated after you were treated in London.*

SHRI BHOGENDRA JHA: Sir, these things should be expunged from the proceedings. How are we discussing this issue?

MR. SPEAKER: I will expunge the conversation between them.

... (Interruptions)

SHRI AJIT PANJA: Sir, I know, at the end of my submission I am making a point on which they will feel agitated. This was not the position yesterday in the House. This has come in today.

Sir, therefore, my last point is, keeping in view the rules and procedures I cited, kindly go through the entire proceedings and please delete and expunge such things which may not help the culprits...

MR. SPEAKER: What is the evidentiary value of the statement on the floor of the House is a different issue. Let it be decided by the Judge.

SHRI HARI KISHORE SINGH: Sir, I had sent a notice to participate in this debate through the leader of my Party Shri Chandra Jeet Yadav.

MR. SPEAKER: Do you want to speak?

SHRI HARI KISHORE SINGH: Yes Sir.

MR. SPEAKER: You will be given a chance.

SHRI SRIKANTA JENA (Cutback): Sir, Shri Ajit Panja has raised certain issues which needs your ruling.

MR. SPEAKER: Which ruling?

SHRI SRIKANTA JENA: Sir, Shri Ajit Panja has said that his debate may be a hindrance in the proceedings in the designated Court.

MR. SPEAKER: I do think that this kind of a debate can be argued upon for this purpose. But then there is a law of evidence which will be applicable to it. Yes, Shri Hari Kishore Singh.

SHRI HARI KISHORE SINGH: Sir, we are not interested in the ding-dong battle between Shri Arjun Singh and the Members of the Treasury benches. What we are interested in is certain issues which have been raised in this House. The first point is, accusing fingers have been raised against the National Front Government about the negligence or neglect or *paap* of the National Front Government for which Rajivji, unfortunately could not be with us today.

Sir, I strongly deny this. There was no neglect by the former Prime Minister of the National Front Government. If there is any accusation, this should be cleared once for all. Then Shri P. Chidambaram was the Security Advisor to late Rajiv Gandhi there were some correspondences between Shri Chidambaram and the Government of the day. I had the occasion of meeting regularly Shri Kamalapati Tripathi— for whom I have great respect—and also discuss with him about it. He was very much satisfied with the security arrangements that the Government was making at that time.

Sir, Shri B.G. Desmukh—the Principal Secretary to then Prime Minister and also Principal Secretary to late Shri Rajiv Gandhi when he was occupying that office in his observations in an article in *The Times of India* maintained that there was no negligence on the part of the National Front Government in providing security to late Rajiv Gandhi.

*Expunged as ordered by the Chair.

22.00 hrs.

Now, Sir, I would also like also to remind the House of the senior police officers who accompanied Shri Rajiv Gandhi at that time and died along with him. That was the highest number of security people ever died in a case of assassination any-where in the world. That should also be noted.

Sir, it is very unfortunate that after the Second World War, one after another, every country in South-East Asia had suffered because of assassination of its leaders beginning from our Father of the Nation. That conspiracy as to who was responsible for the assassination of the Father of the Nation—not a particular Nathu Ram Godse who pulled the trigger—is yet to be unveiled. The same thing had happened in Burma where Mr. Aung Sang was assassinated. The same had happened in Sri Lanka where Mr. Bhandaranayake was assassinated. The same thing had happened in Pakistan where Nawab Liaquat Ali Khan was assassinated. And in our country not only a former Prime Minister who was also a scion of from an illustrious family of freedom fighters was assassinated near Madras, but and a serving Prime Minister was assassinated in her own house.

So, the perception of security threat and the efforts to save lives is a very serious problem and I have not yet heard of any conclusive evidence in the case of any conspiracy of any assassination of this sort anywhere in the world. I have even gone through the reports of the Warren Commission of the United States which had gone into the case of assassination of President Kennedy. Nothing concrete had come out of it. Sir, we have not been able to expose the conspirators behind the assassination of late Shrimati Indira Gandhi for whom I have great respect. We are not able to expose the conspirators of the assassination of several people and officers some of whose names have been referred to by Shri Jaswant Singh ji, Shri Sharad ji, Shri Bhogendra Jha ji, Amal Datta Ji and others.

Sir, in this context I would like to raise a few specific questions. Sir, we charge this Government of incompetence in this case, not from any partisan angle. Sir, Shri Arjun Singh ji has referred to an affidavit or a letter addressed by the General Secretary of the Congress Party Shri Ahmed Patel to the Jain Commission. That is a public document. I would like to know whether that letter sent to the Jain Commission was authorised by the President of the All India Congress Committee or not. If that was authorised by the President of the All India Congress Committee, why has the Government not provided those papers to the Jain Commission when both the President of the All India Congress Committee and the Prime Minister of the country is one and the same person. I would like to know as to why and how this dichotomy has occurred. I would like to know this from Shri Chidambaram. He should clarify whether that document was authorised by the President of All India Congress Committee or not. If that was authorised by the President of the All India Congress Committee, why this

Government is denying those documents to the Commission?

Secondly, various charges and allegations have been made before the Jain Commission against two former Prime Ministers, Shri V.P. Singh Ji and Shri Chandra Shekhar Ji by the lawyer representing the All India Congress Committee, Mr. Mittal. I would like to know whether these are authorised versions or not. The House would like to know whether Mr. Mittal was authorised by the President of the All India Congress Committee to make those charges. If it is so, what is the response of the Government to those charges?

Sir, we are interested in knowing the truth, not that this truth viz., the exposure of the conspirators, is going to bring Shri Rajiv Gandhi back to life; not that it will give any substantial solace to the bereaved families, but we want to ensure that such things should not happen due to human error to other Leaders of our country.

Sir, we have discussed in this House the issue regarding nexus between criminals and politicians of every hue and cry; criminalisation of politics. So, there is a danger to the security of our important national Leaders. You yourself can see the kind of security or threat perception which is there in our country. That, of course, we can see in our own Parliament House everyday where various modes of people come with black guards or black cats and all that. So, I would like that this House, on a future date, should discuss this problem threadbare so that the security of our Leaders can be guaranteed, that can be secured to the extent it is humanly possible. I do not want to impute any motives. I would like that the atmosphere of yesterday should prevail here and we should discuss this thing in an atmosphere befitting the dignity of this august House and the response from very sober person like Shri Chidambaram should come the way it had come yesterday so that the country may know what we are going to do to clear the doubts which have shrouded this assassination and the process of trial and the inquiry and also ensure that in future we are not made to suffer because of neglect by our administration or because of human error.

THE MINISTER OF STATE OF THE MINISTRY OF COMMERCE (SHRI. P. CHIDAMBARAM): Mr. Speaker, Sir, I thought that my statement yesterday in the House would have set at rest any doubt about this Government's commitment to pursue diligently both the trial in the designated court and inquiry before Justice Jain Commission. It is my misfortune that I could not carry conviction, at least, with some hon. Members of this House. I had premonition of this yesterday. I said there is truth and there is perception. Truth is eternal, truth is unchangeable, truth cannot be altered, but perceptions can change. The perception of truth can change from person to person, can even change from day to day.

Yesterday, Sir, I said, it is not enough to be truthful. The world must perceive one to be truthful. If I have failed to communicate yesterday that this Government will be diligent,

is determined to take the trial and inquiry to their logical conclusion, then that failure is entirely mine.

This Government has entrusted to me today the responsibility of coordinating these matters. Whatever may have happened until the 23rd of May, 1995, after the 24th of May, 1995, I am responsible not only to discharge these functions but to convince Shri Arjun Singh and others like him as well as this House, as well as this country that this Government will be diligent and is determined.

Sir, many things have been said today. It is four hours and ten minutes since we started this debate. Many answers have been given. The people of India will read about it tomorrow. May be many of them will see us speak, at least parts of our speeches will be seen tomorrow. In an insensible way this will affect the minds of the people. We cannot wish that away. My duty is to achieve two objectives. One, the Special Investigation Team appointed by the then Government within days after the assassination of late Shri Rajiv Gandhi has filed a report that 41 people, out of whom 12 are dead, were the conspirators and were the assassins. I am not the Judge. My duty is to ensure that those who stand trial before the designated Court get Justice according to law. My duty is to ensure that that trial does not end in a mistrial; that the accused, if guilty, are punished, that not tomorrow, not next year, not the year after, not before the Trial Court, not before the Appellate Court, not before the President of India, anyone found guilty escapes the clutches of law. That is my first duty. And I shall not say or do anything which will compromise that duty which I hold to be the highest duty.

Sir, my second duty, speaking as a Minister for the Government, is to assist the Jain Commission of Inquiry, to complete its inquiry on the terms of reference made to it and to report to the Government, who, in turn, will report to this Parliament whether there were any other conspirators, whether there was any other conspiracy and then direct what shall be done about that conspiracy and those conspirators. Please look into the terms of reference of the Justice Jain Commission. My duty, Sir, as a Minister, is to assist the Jain Commission of Inquiry, not to obstruct it. My duty is to provide all information that the Commission wants, all information that I find is available within the Government, not to deny that information. My duty is to help the Commission sift the grain from the chaff because it is common knowledge that there is grain and there is chaff in what has come before the Commission.

An hon. Member mentioned, with some sense of regret that two former Prime Ministers have been accused before the Commission. Who am I to judge? My duty is to help Justice Jain Commission of Enquiry, sift the grain from the chaff and find if there are any conspirators and there has been any conspiracy. I shall not do or say anything which will compromise that duty also. In that background, I have to be brief, I have to choose my words carefully. I have to be restrained I have to show great respect to the arguments as well as those who have argued their positions. I have no

acrimony against anyone. I was happy to be a Minister in this Government in the first year. I was happier not to be a Minister in the Government.

Sir, five separate issues have been mentioned and I shall answer each one of them briefly. There is a petition by the AICC before the Justice Jain Commission seeking the production of certain documents. It is signed by the General Secretary of the AICC, Mr. Ahmed Patel, a respected Member of the Rajya Sabha. His counsel has also signed the petition. The petition is a petition before a judicial Commission and the Commission has passed orders on this petition. These orders are public documents. Anyone can look into these documents to see what orders were passed and how those orders have been complied with. I have to answer what seems to be uncharacteristically for Shri Arjun Singh, an outrageous suggestion that I have something to do with the drafting of the petition. This petition mentions my name in one place as having represented to Shri V.P. Singh Government. My name has 11 letters. This petition also spells my name with 11 letters. Two of the 11 are wrong. If Shri Arjun Singh had bestowed some attention, as he usually does, to that petition, the language, the spelling, he would have done me a little more credit than attribute to me authorship of that petition.

SHRI JASWANT SINGH: AICC General Secretary has done it.

SHRI P. CHIDAMBARAM: He said, 'I have said it'... (Interruptions) I am not on that part.

SHRI JASWANT SINGH: Then, what is your suggestion? You make your suggestions quickly.

SHRI P. CHIDAMBARAM: I am. I am going to finish within five minutes subject to the hon. Speaker's permission... (Interruptions) Please show some mercy on me. I have nothing to do with this petition. For the first time I saw this, after I took the responsibility and I went through this petition to see how many of the orders have been complied with and what is the state of compliance.

Sir, about Mr. Mushtaq Ahmed, from the records I know that a person by that name had filed a writ petition before the Delhi High Court. The Delhi High Court has passed certain orders in that petition. Objection has been taken by some of the respondents to the *locus standi* of the petitioner. The matter is *sub judice*. I have no comments on the petition of Mushtaq Ahmed.

I now come to the examination of the three Chiefs of the three intelligence organizations. Pursuant to order issued by the Justice Jain Commission, the IB, RAW and CBI, besides other organizations like the Central Government and the Government of Tamil Nadu, have filed affidavits in response to orders made by the Justice Jain Commission. Along with these affidavits they have produced documents and where they are unable to produce documents they have given reasons why they are unable to produce documents

and where they have claimed privilege, they have claimed privilege. Each one of these affidavits has been examined by Justice Jain and appropriate orders have been passed.

These orders are public documents and they can be examined. At one stage, a petition was filed to summon the three Chiefs for cross-examination. This House will kindly remember that the current Chiefs of the three organisations were not the Chiefs of the three organisations when the assassination took place or in the period immediately prior thereto. They have, therefore, no personal knowledge of events that happened either on that day or on the days preceding thereto. They have filed affidavits setting out the official version.

During the course of submissions, it appears that a suggestion was made by one of the counsels for the Central Government that there may be no requirement to cross-examine the three chiefs. When I was told about it, I overruled that decision and I said, "No. The three Chiefs will appear and will subject themselves to cross-examination." In fact, I made a public statement next day that the three Chiefs will appear before the Justice Jain Commission and will be available for cross-examination. In fact, the law is self-evident. Anyone who files an affidavit, even if it is based on official records must make himself available for cross-examination. What is the nature of the cross-examination, and to what extent the Judge will permit cross-examination are different matters. But he will have to make himself available for cross-examination. So, that is the position. The three Chiefs will be available. It has been stated that the three Chiefs will be available for cross-examination. The Judge has started the cross-examination of one of the junior officials and it is for the Judge to decide when and whether and to what extent he will allow cross-examination of the three Chiefs.

A reference was made to Counsel for the Commission. This is dealt with, by the Home Ministry and I have been instructed to state that Shri Arora, who I believe is an elderly gentleman, tendered his resignation. He tendered his resignation some time ago; it was accepted on the 24 August, 1995. A communication has been sent to the Jain Commission and the new appointment in lieu of Shri Arora was also made on the 24 August, 1995. So, the only significance of the date, 24 August 1995 is that is the date on which the resignation tendered earlier had been accepted after consideration by the appropriate authority in the Home Ministry.

A reference was made to the Security Adviser. There was a Security Adviser to the Commission. He reverted to his State cadre. Since then, there was correspondence, I am told, between the Ministry of Home Affairs and the Commission about the selection of a suitable successor. Some names have been offered, some suggestions have been made, some officers are not available. A selection will be made very soon. It is important that the Commission has a Security Adviser to advise the Commission on security

aspects relating to the case, not the security of the Commission, but security aspects relating to the case, because the case involves some expert knowledge about security matters. I have requested the Ministry of Home Affairs to ensure that a Security Adviser is appointed as early as possible and to the extent it falls within my jurisdiction I shall ensure that a Security Adviser is appointed.

A reference was made to the Verma Commission Report. I did not contemplate that this debate was on the Verma Commission Report. Yesterday, my response was confined to the Jain Commission of Inquiry and the Inquiry going on there and the trial before the Designated Court. The Verma Commission has been debated on the floor of this House. Follow-up action has to be taken. The Group of Ministers has recommended certain actions. These actions are being taken including disciplinary action as recommended by the Group of Ministers against certain officials. That again is a quasi-judicial proceeding.

No one can prejudge and no one can express an opinion on these quasi-judicial proceedings, lest it should affect the reputation of the officers concerned or the independent judgment of the authority who must take a view on whether the officer is guilty or not.

Therefore, in conclusion, I wish only to state that I stand by whatever I said yesterday. I promise the fullest cooperation on behalf of the Government to the Jain Commission of Inquiry. I assure this House that the prosecution will do its very best, as I said yesterday, God willing, to complete the evidence before the designated court by December. I assure this House that all other matters which require follow-up will be followed up diligently. I shall act without fear or favour. I shall act according to the dictates of my conscience. I shall act according to the Oaths that I have taken as a Minister and as a Member of this House. I speak for the Government, I speak for the Prime Minister and the Ministers. I say that there is no one of this Government who holds a view different from the view that I have expressed, that we shall collectively and I shall because I am the Minister in-charge, ensure that the trial before the designated court reaches its logical conclusion and the inquiry before the Justice Jain Commission also results in a report to the Government which will, of course, be placed before Parliament.

Yesterday I left this House in a sombre and reflective mood asking myself what more do I need to do to ensure that I discharge my function. Today, Sir, I will leave this House a little sadder because of the things that have been said. But I shall look to you, if you wish, this is a humble submission, to reiterate the summing up that you did yesterday which I thought was an act reflecting the high degree of unanimity that this House expressed yesterday and in a way reflected the resolve of this Parliament and the people of India that all those who were responsible directly or indirectly as conspirators for the assassination of late Shri Rajiv Gandhi are brought to book.

Sir, I conclude my remarks with a hope that if history were to judge, it will judge us by saying that we did our duty. I promise that his Government will do its duty.

[Translation]

SHRI MOHAN RAWALE: What Chidambaramji said is right. But why is Government concealing the reality? Justice Jain of the Jain Commission himself said:

[English]

"...and say that relevant documents were being concealed and suppressed."

[Translation]

Why is he saying so? Why did the National Herald intervene in it? Why were documents not made available to him? The reality should come out.

MR. SPEAKER: All right.

[English]

MR. SPEAKER: It seems there is not right of reply. But very briefly you may speak.

SHRI ARJUN SINGH (Satna): Sir, I will take a very little time. I would only like to say that my task has been made much much easier because of the reply that my hon. friend, Shri Chidambaram gave and also because of the impassioned a speech the hon. Minister, Shri Ajit Panja gave. To Shri Panja, I would like to say one thing, "I know you are a very meticulous man. Kindly go through my entire speech of yesterday and today, and if you find one word there about the trial in Madras, I plead guilty, and you give me whatever punishment you in your judgement would like to give."

Even today when I started to read from a document, to which Mr. Chidambaram took objection, I submitted the same to the hon. Speaker and I await his judgement on that. I did not say anything out of that because Mr. Chidambaram said that anything read out of that could affect adversely the trial there.

You have waxed eloquence that my speech will help those people who are under trial at Madras to escape justice in the designated court. I do not ask you to have any regrets for what you said; but please, in future, say something which bears some relevance to fact.

You have mentioned as well as Shri Chidambaram has mentioned the very laudable sentiments that were expressed in the House yesterday which were beautifully summed up by the hon. Speaker. And today's debate which, in your view, was deliberately asked for to create an anti-climax for yesterday. Though you have not used those words, the import of your words is very clear.

Sir, yesterday time and again I mentioned that at this moment of time we should not go into details and acrimony

should be there. I do not know what prompted Shri Chidambaramji yesterday because it was not an occasion; nobody asked him to give details; nobody asked him to tell us what he is doing and what the Jain Commission cannot do and where it stands. But that part of his speech, when it came to truth and perception, which he has again repeated today, it appears that some people feel that both truth and perception are on their side. I had said yesterday that there is a dividing line. Never believe that you are on the side of truth and others are only on the side of perception and the twain can never beat. It has not happened. It does not happen in life. It is because of that, this discussion was raised. And if, even today, I have been circumspect, I have been very careful to choose my words, I have not said anything on my own. I quoted Justice Verma. If he feels that there is a cover-up, I think I am quite within my rights to echo what he has said. That too, because as I said, Sir, there was an occasion when the follow-up to this Commission's report was a subject matter of discussion in the GOM (Group of Ministers). I tried my level best to see that something which was not presented to Justice Verma and which led him to the conclusion that the replies are evasive, if those facts could be ascertained, then in the follow-up action at least the Government could do something about it.

But all that was not possible. It is very well documented in all my letters. I had no honourable way out except to tender my resignation. I am sorry if that has angered you. If that has annoyed you, please forgive me. But in all good conscience I could not have remained in a Government which is not prepared in the normal course of events to go to the bottom of what all of us perceive as one of the most distasteful crimes in the recent past.

The second thing is about the Jain Commission. I never said anything on my own. It was said yesterday that case diary cannot be given and privilege has to be claimed. I only asked today and I am asking now: 'Has the case diary been shown to the judge?' Do not give it to anybody else; has it been shown to the hon. Justice Jain himself?

To the best of my knowledge it has not been shown.

Sir, the question of winding up of the Commission was raised. I think you made a specific mention and that is why in the very beginning—Sir, you will recollect—I had made the point that since Mr. Chidambaram had confined himself to 90 days, who is going to answer the rest? Your ruling was—at least that is what I understood it to be—that he is quite capable, I am not at all in doubt about that, to answer everything. I want to know what is the reason for bringing this matter before the Cabinet for winding up the Commission. And I want to say, in all sincerity, Sir, that such a matter cannot be brought in the Cabinet for consideration without the clear permission of the Prime Minister. That is the rule of business. No Secretary or nobody else can smuggle in a paper for consideration of the Cabinet. You have not said anything about it. It is a different matter that the Cabinet did not agree to it.

Sir, what has been said about the case in the court? It was open to the Government to go straight to the court and say: "We do not want pre-1987 matters to be discussed or considered in the Commission". I do not see any court refusing your request. They would have gladly done it. But that was not done and a subterfuge was used. A person who has no *locus standi*, stood up and brought about the decision. Now, this is all indicative, as I said in the beginning, of the sincerity of the effort to unravel the conspiracy and the full facts that led, the security lapses or whatever else you may call, to this tragedy. This can only be determined by the manner in which you are going about it.

I do not want to quibble with words; neither do I want to use a language which has 10 meanings. I am saying directly and precisely that the suggestion made by Justice Verma of a cover-up has a basis and that basis must be exposed; whoever is responsible must be exposed. We do not only have to punish those people who are guilty and standing trial, but those who are trying the cover-up, those who are involved in it, those people who, behind the thin weird of respectability and social standing, are trying to prey upon the feelings of the people of this country, that also cannot be ignored and that is the reason for this discussion. I am sorry to say that Mr. Chidambaram and his colleague have totally lost sight of the real objective and they have gone on to say things which have nothing to do with this. This only shows, and as Justice Verma has said, the evasiveness and prevarication. I do not think this House will understand what has been said. Certainly it cannot understand and will not be satisfied. He has said that he is making a commitment to this House. I am not as big a person as he is. But as a humble public worker, I am also making a commitment to this House, not on my behalf only, but on behalf of the millions of people of this country that we shall not rest till this conspiracy is unravelled and the faces of those who are trying to have and those who had a hand in the assassination of Rajiv Gandhi are fully exposed; whatever be the cost, whatever be the consequences, that will be done.

This is what I want to say and I would like to thank you, Sir, for the occasion that you gave for this thing to be brought here in this House. And I am also grateful to all the Members of this House who have taken part in this discussion, yes, with varying objectives and varying perceptions. They have a right to say that. But the fact remains that the purpose has not been served and for that, those who are responsible are not here. I cannot fully blame Chidambaramji, because he only knows about the recent 90 days.

MR. SPEAKER: The House appears to think that we should move with speed in all tragic cases in the country and that we should do justice to all, in all cases and that we should refrain from saying things against each other.

Well, I have a report to make to the House.

SHRI ARJUN SINGH: Sir, I am sorry, I should not be interrupting you but you had said that you would see that document and then tell me. You mean in the next session.

MR. SPEAKER: I have seen the document. But I think, I shall have to apply my mind more to it and then only it is better to state.

SHRI ARJUN SINGH: Thank you, Sir. All right.

MR. SPEAKER: But *prime facie*, without going deep into all legal aspects, my sum of it is that it may not be necessary to have it on the record. I am saying it *prima facie* not final judgement.

SHRI ARJUN SINGH: What *prima facie*, Sir, I did not hear it.

MR. SPEAKER: I have said that I have gone through the contents of the document. To do justice and to understand things in the House it may not be necessary to have it. But this is not my final judgement. When you are talking and others were talking, I was going through it.

22.42 hrs.

VALEDICTORY REFERENCES

[English]

MR. SPEAKER: Hon. Members, the fourteenth Session of the Tenth Lok Sabha which commenced on 31 July, 1995 is coming to a close today. I would like to recapitulate briefly about the legislative and other business transacted during this short Session which had 16 sittings lasting over 110 hours.

Out of 340 Starred Questions, which were listed, 49 could be orally answered and written replies were given to the rest of the 291 questions. 3525 Unstarred Questions were answered.

Twelve statements on important matters were made by Ministers, *suo motu*. In addition to this, two statements regarding Government Business were also made by the Minister of Parliamentary Affairs. Ninety-two matters were raised by the hon. Members under Rule 377.

A Calling Attention on Drought and Flood situation in various parts of the country was also taken up on 2nd August, 1995.

As usual, in the interregnum between the Question Hour and the regular listed business referred to as 'Zero Hour' with the permission of the Chair, Members raised many unlisted matters, important among them being—problems faced by major public sector undertakings, transfer of lease of Bailadila Iron Ore Mines, Madhya Pradesh to a private company, progress made in the investigation in the Rajiv Gandhi assassination case. On these occasions, the Ministers concerned responded to the points raised by Members.

Resolutions on the 50th Anniversary of the tragedy of the Atomic bombing of Japanese cities of Hiroshima and Nagasaki and the 53rd Anniversary of the 'Quit India