

AN HON. MEMBER: When the evidence comes on record.

SHRI KAPIL SIBAL: When the evidence comes on record and then if the judge finds that he should proceed with the matter, he may. That also is the discretion of the judge. The prosecuting agency and the investigating agency can always proceed against a person. So, 319 cannot be an answer to not to proceed against these 19 suspects.

Then, at page 40, in the Remarks section, the ATR says:

"Therefore, no action is called for except in the case of KP, Kumaran Padmanabhan and Subalakshmi Jagdisan. In these cases, in view of the strong observations of the Commission"—there are strong observations in every case—the Government have decided"—now, this is what is really surprising—"to entrust the multi-disciplinary monitoring agency with the responsibility"—to do what—"to decide how to proceed further in the matter—as if they don't know.

They have decided to decide. After this evidence after Justice Jain's strong findings. After they accept that there are strong observations of the Commission, they have decided to decide! It is a camouflage. Madam. They don't want to probe any, further in the matter.

It is our request, it is our demand that an investigating agency, independent in nature, be set up, the personnel of which should be appointed in consultation with us, so that we have confidence in the independence of this agency now that we have seen the records of the Jain Commission. Nothing short of this will be acceptable to us.

RE. FURTHER KILLINGS AT CHAMBA, BEAR DODA

श्री गुलाम नबी आजाद (जम्मू और कश्मीर) : मैडम, ये बोल रहे थे इसलिए मैंने बीच में डिस्टर्ब नहीं

किया लेकिन अभी इत्तिला मिली है कि डोडा के पास चम्बा में जो एडजेंसेट हैं वहां 23 आदमी आज फिर दोपहर को मिलिटेट्रस द्वारा मारे गए हैं। मेरे ख्याल में हमको इस बारे में अभी नहीं लेकिन हाऊस एडर्जा होने से पहले अगर होम मिनिस्टर साहब इत्तिला दे देंग तो हमें इस बारे में पूरी जानकारी हो सकेगी।

गृह मंत्री (श्री लाल कृष्ण आडवाणी) : महोदया, थोड़ी देर पहले जब यह खबर मिली थी तो उसी समय मैंने कहा कि सारी जानकारी इकट्ठी करके शाम तक मैं दोनों सदनों को सूचना दे सकूंगा, वह जानकारी इकट्ठी हो रही है।

THE DEPUTY CHAIRMAN: This is the third or the fourth time that it has happened in Doda.

SHRI L.K. ADVANI: This is in Himachal. Of course, Chamba is adjoining Doda.

दोनों साथ-साथ हैं।

THE DEPUTY CHAIRMAN: It is spreading.

SHRI L.K. ADVANI: It is extremely disturbing.

THE DEPUTY CHAIRMAN: It is spreading from Doda to Himachal. It is a very serious matter.

DISCUSSION ON FINAL REPORT OF JAIN COMMISSION AND ATR—CONTD.

SHRI K.R. MALKANI (Delhi): Madam Chairperson, What happened at Seriperumbudur on 21st May, 1991 was utterly serious. It was not only a murderous assault on Mr. Jijiv Gandhi who had been the Prime Minister before, I view it as an assault on India. ...*(Interruptions)*... it is good that the Jain Commission's Report is at last in our hands. I wish the Government had not delayed the functioning of the Commission by withdrawing documents etc., and the report had been with us much before this. It is also a matter of satisfaction that the Government has decided to appoint a Multi-Disciplinary Monitoring Agency to probe further into

the matter. I only request that there should be some time-frame for this MDMA, next three months or six months or at the most one year before which we should know all that happened. The Jain Commission has recommended further inquiry into the conduct of Mr. Chadraswami. The whole country knows the gentleman. When we see him, we are reminded of Rasputin. The Jain Commission Says, "There is a plethora of evidence on record in the form of testimony of Buta Singh, H.S. Mahapatra, B.C. Deshmukh and others which proves that there were moves to remove Rajiv Gandhi at the hands of Chadraswami and these moves had been clearly established." He was not alone in this enterprise. He has a lot of friends, including Khashoggi and all had their account in the notorious Bank of Credit and Commerce International and this is also the bank where the CIA had its account.

The Jain Commission has something even more to say about another gentleman, Mr. Subramanian Swamy. The Jain Commission says that this man would not respond to questions, either he would refuse to respond or he would give misleading replies and concludes, "From such a conduct of the witness, it can be taken that deliberately the witness wants to withhold or conceal the necessary information". This gentleman did not stop there. He abused the Commission, he created scenes in the Commission and the Jain Commission has recommended that in future the law should be amended to empower judicial commissions to haul up people for contempt of court. Shri R.R. Sahu who was a senior Congress Member of this House for years filed an affidavit before the Commission and said that Mr. Swamy told him and two others in the Raj Bhawan in Chennai that LTTE had been paid Rs. 1 crore to effect this murder. I think the whole country would like to know who the other two gentlemen were and what they have to say. On 21st of May, Mr. Swamy was supposed to be in Delhi, but he suddenly

left for Chennai. Even his party president of Chennai did not know that he was in town. The other Swami was also there in Chennai on the same day. They met in Chennai and they drove out in the direction of Bangalore. They stopped in Seriperumbudur a few hours before Mr. Rajiv Gandhi was to arrive there. They stopped there. What they did there, saw there, monitored there; we don't know. The country would like to know it.

The Jain Commission has also said that the MDMA should inquire into certain actions of Mr. Karunanidhi. The fact that Jain Commission has said it, obviously, there is something to inquire. The country would like to know a few things in this matter. There has been a widespread feeling that there had been a gross discrimination against Tamils in Sri Lanka for years. To that extent there is a general sympathy in India for Sri Lanka Tamils. Since LTTE was a leading organisation in the field, there was some sympathy for that also. As you all know, Bengalis feel for Bengalis in Bangladesh, Punjabis this side feel for Punjabis that side, Sindhis this side feel for Sindhis that side. It is quite possible that Mr. Karunanidhi had certain feelings for Tamils in Sri Lanka. Was it just that, or it was more than that? This has to be gone into,

The important thing to note is that five months preceding Rajivji's tragic murder, there was Central rule in Tamil Nadu. If LTTE operators were running amuck, and if they were planning plots, what was the Government of India doing? Did they arrest anybody? Did they stop anybody? Nor is that all. It would seem from a reading of this report that LTTE had no problem with Rajiv Gandhi. Not only that, Mr. Rajiv Gandhi approached Mr. Karunanidhi with a request to tell LTTE not to talk to the President of Sri Lanka. I must say that this is mystifying. If the Sri Lankan Tamils and Sinhalese wanted to talk together, come together, we should be happy. Why did they want to stop it?

Who was advising the Government of India? Who advised them to send a force there and lose 1,200 lives? What was happening? What were the forces at work?

When Mr. Karunanidhi expressed his inability to see to it that Prabhakaran did not speak to Premadasa, the late Mr. Gandhi approached Mr. Murali Maran to do the same and he also declined. What was happening? Who was guiding the Congress leader, Mr. Rajiv Gandhi at that time? This is very important.

The Jain Commission does not say that MDMA should enquire into certain actions of Mr. Narasimha Rao. While perusing the report and the ATR, certain questions arise in one's mind. The MDMA may not ask Mr. Rao, but the country would like to know certain things. A whole lot of documents are missing. Files have been tampered with. Even the then Cabinet Secretary and the then Home Secretary have said this. As our good friend, Mr. Kapil Sibal pointed out, some guilty persons managed to escape. Who was supposed to be looking after them? Was there a Government of India at that time or not? If a file has been tampered with, you can certainly *find* out as to who was handling it and who was the last person to handle it. Did anybody complain to the higher authorities? Did the then Government take any action against the persons concerned? A whole tape is missing. A special tape on Dhanu the lady who acted as a suicide bomber, on her alone, is missing. What was the Government of India doing?

A person is judged by the company he keeps. I am sorry to say that Mr. Rao did not have excellent company. His friendship with the two Swamys is public knowledge. Mr. Swamy was not even a Member of Parliament. But he was given a job and given the status of a Cabinet Minister! The country is entitled to know why this special consideration was shown for this very controversial man. This Mr. Swamy was supposed to look after the

and ATR interests

of Indian labour in the context of WTO. The funniest part is that all the trade unions in India from BMS to CITU refused to meet that man. Mr. Sangma, who was then Labour Minister said, "I do not know why this man has been appointed. Even I was not consulted." The country is entitled to know why Mr. Rao appointed Swamy in this position and gave him a Cabinet Minister's status. ... (Interruptions)...

THE DEPUTY CHAIRMAN: You have to identify the names. ... (Interruptions)... We have to be very careful about what we are speaking. ... (Interruptions)...

SHRI K.R. MALKANI: Certainly. ... (Interruptions)... Here we are dealing with only two Swamys. At one stage the great Swamy, Swamy No. 2, let us call him ... (Interruptions)... He said that Mrs. Margaret Alva was pro-LTTE. ... (Interruptions)... Before that he was your Member. ... (Interruptions)... Let us not descend to a petty level. This is a serious matter to be probed seriously. This Mr. Swamy No. 2 said that Margaret Alva was helping the LTTE. Margaret Alva wanted to sue him for defamation.

Since this gentleman was enjoying Cabinet status, she asked Mr. Rao for permission to sue him but the permission never came. Why? This was a very serious matter, the murder of a former Prime Minister. The Prime Minister himself was handling it. In the normal course, the Home Minister should have handled it. To some extent the Prime Minister took his Commerce Minister into confidence, but not the Home Minister. The Home Minister was not shown the sensitive files. Why? Who was trying to hide what? All these are questions that need to be answered. The good Mr. Chavan is here. He told this House more than two years ago that certain files were withheld. He said this on 25th August, 1995. "Certain records were withheld because it would have maligned a family." He also said later on 21st January, 1997, "We did not want the

name of Rajiv Gandhi's family to be draeced in." I am surprised. I am sure the family would be as much interested in knowing all the facts as any of us. Why should a file embarrass anybody? How do files drag in anybody? I am sure there is nothing scurrilous or obscene in these files. It is never too late and I suggest that these files be made public. As I see it, the most important part of this whole tragedy is the foreign hand. It is clear. Hon. Chavan has said it, a former Home Secretary has said it, a former Cabinet Secretary has said it. They have identified even the foreign agency. The Jain Commission says, "Several anti-national forces nurtured ambitions of assassinating Shri Rajiv Gandhi for strategic reasons." It was not just to liquidate one man. It was to destabilise the country and if possible, to divide it. These are the plans; these are the conspiracies that are afoot. The good Mr. Yasser Arafat conveyed to us in good time, he was very categorical that the assassination will not be mere killing, but it will be with a design at destabilisation. The then Foreign Secretary," Muchkund Dubey wrote on the file on 6th June, 1991; "The Palestine, Ambassador told me that they have seen the movement of Mossad agents"—Mossad is the secret agency of Israel "to India including towards Madras. He says that if one was looking for a link it was the CIA, Mossad and Lilt link". According to one report a sum of Rs. 100 crores was given to

LTTE. LTTE is just a front organisation. The LTTE had nothing against Rajiv. Another report, says LTTE was paid \$84 million. We need to go into this matter. The murder of Rajiv was not to be the end of their plan. Madam, it will be remembered that soon after, an idea was launched that the then ongoing elections must be cancelled. The elections to the Lok Sabha had been held in more than half of the constituencies. There were people at that time, I will call the Government at that time as Shekhar-Swamy Government, supported by the Congress. I do not think that the

Congress had a hand in this kind of a proposal but the Shekhar-Swamy Government had a hand. They wanted their Government to continue. They wanted to continue, perhaps, throwing a few crumbs to some other parties. It would have been the same situation as you find today in Algeria. Elections were stopped midway because the Opposition Party was condemned as a fundamentalist party. I would call it a nationalist party and it showed signs of getting an overwhelming majority. We have been more fortunate than Algeria. The roots of democracy are much stronger in India and so this plot did not materialise. But, it was very much at work. We are differently constituted, but the effort would have been that, let the country fight where the military is shooting down the people and the people are shooting back at the military. Fortunately, we have a non-political military. I think, we are a very mature people. This plot did not materialise but it was very much a foot.

Let me also submit that the murder of Rajiv was neither the first nor the last incident in murderous attempts in India and in the surrounding areas. If I may go back many years, an Indian plane which was carrying the Prince of Kashmir was blown up. This plane was travelling from Beijing to Jakarta. It blew up after it landed in Hong Kong and after fuel was filled. Who did it? This was the beginning of an estrangement between Indian and Chinese relations. More recently, in the 80s, our Kanishka blew up. The Indian press and the Canadian press had carried out the news that the gentleman who blew up the Kanishka had got that murderous training in a school run by an FIB agent. This FIB agent informed his superiors as to what had been happening and they did not have the decency to inform either India or Canada as to what happened, I am sorry to say. I had put this question in this very House four years ago and the reply was, "Yes. We know that the FIB knew about it. But we do not know whether the U.S.

Government knew about it." Is the U.S. Government separate from the U.S. spy agency?

There have been other murders also. Many years ago. Pandit Deendayal Upadhyaya, the then President of the Jan Sangh, was murdered. The murderer was not found. Who murdered him? Madam, Indiraji was murdered. I am not sure that the two jawans who shot at her were the only persons involved. May be, there were some big dirty hands behind them. There have been big dirty hands behind all that has been happening in Kashmir, in Punjab, in the North-East, in Sri Lanka and in Tamil Nadu. What had happened in Coimbatore? A tragic attempt was to be made on Mr. Advani. We all know as to who did it and how it happened. Madam, Mr. Mujibur Rahman was murdered. This is the whole pattern. Before that, Auns Sen of Burma was murdered, Mr. Bandaranaike of Sri Lanka was murdered. Who has been doing it all.

श्री ईश दत्त यादव : गांधी जी का भी हुआ था ।
....(व्यवधान)

श्री के. आर. मलकानी : गांधी जी का बिल्कुल हुआ था । लेकिन मैं आपको एक बात कहना चाहता हूँ
....(व्यवधान) यह हंसने की बात नहीं है ।(व्यवधान)

We think ...(Interruptions) Great Mr. Salim, you have a lot to learn. It is a distinct possibility. I will not say much about it. Godse and Apte were only a front for somebody else.

I will not say any more at this stage unless I have enough, concrete evidence in my hands. We do not have to trivialize these things. Madam, We must have a searching and penetrating inquiry. The whole country must know the truth, the whole truth and nothing but the truth. Thank you.

THE DEPUTY CHAIRMAN: What were you saying, Mr. Sikander Bakht? The Leader of the House wanted to say something.

श्री सिकन्दर बख्त : मालूम नहीं क्या होगा सिलसिला । आडवाणी जी की जरूरत लोकसभा में है, वहां पर शार्ट डयूरेशन डिसक्शन है ।

سَدَن "شَرِي" نیتا
سکندر بخت : "معلوم نہیں کیا ہوگا سلسلہ آڈوانی
جی کی ضرورت لوک سبھا میں ہے۔ وہاں پر شارٹ
ڈیوریشن ڈسکشن ہے۔"

THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI): The debate may continue; after all, it is for eight hours. My colleague here would be taking notes.

SHRI PRANAB MUKHERJEE: Some other Minister can take notes. Either Sikander Bakht Saheb or any other Minister can take notes.

SHRI L.K. ADVANI: My Home Secretary ...(Interruptions)

SHRI PRANAB MUKHERJEE: Please, some Minister must be there. Either Mr. Sikander Bakht or any other Minister should be there.

SHRI S.M. KRISHNA (Karnataka): We expect that Mr. Sikander Bakht to take notes.

THE DEPUTY CHAIRMAN: I think it will be better that some other person should also come, in case Mr. Sikander Bakht has to go somewhere for something. Send one or two Minister here, I think there are plenty.

SHRI RAMACHANDRAN PILLAI (Kerala): Madam, the Jain Commission was appointed to inquire and find out the facts about certain aspects of the brutal assassination of Shri Rajiv Gandhi. The entire country is interested to know as to who are the culprits and also the conspiracies behind it. Madam, before the Jain Commission was appointed, the then Government appointed another Commission to go into certain other

aspects of the assassination. Apart from these two commissions, the SIT was entrusted with the task to do the investigation work and 'prosecute the culprits. First, I would like to bring to the notice of this august House the nature and reliability of the Jain commission's Report. Of course, after the appointment of the Justice Verma Commission, the then leader of the Congress Party, Shri P. V. Narasimha Rao, wrote a letter to the then Prime Minister, Shri Chandra Shekhar, for enlarging the scope of the inquiry. That was referred to Justice Verma. Justice Verma made certain comments about the enlargement of the Terms of Reference. Actually, if you look into the enlargement required by the Congress Party at that point of time it is actually the terms of reference to the Jain commission. Justice Verma said, I am reading a portion from Justice Verma's comments about enlargement of the scope of the Verma Commission. Justice Verma states: 'The existing terms of reference along fall within the purview of legitimate functions of a sitting Judge of the Supreme Court of India; the suggested additions to these terms of reference being outside the domain of judicial function. Government would also be aware that the Supreme Court subscribed to this view when it made an exception and agreed to spare the services of a sitting Judge to head the Commission'.

He adds: 'The matters covered by the suggested additional terms of reference do not fall within the scope of legitimate functions of a sitting Judge and by its very nature, are within the scope of the functions of the investigating agencies which are engaged in the task of investigation of the crime'.

The Vice-Chairman (Miss Saroj Khaparde) in the Chair.

Madam, what does Justice Verma say? He says that the suggested additions are of the nature of a task that should be

entrusted to the investigating agencies. It is kind of investigation of a crime. This is what Justice Verma has said.

Not only that. Justice Jain himself says this thing in his Interim Report. On page 6 of the Interim Report — volume No. I — he says: 'The Commission's procedure is investigatory and inquisitorial, rather than accusatory or judicial'. This is what Justice Jain himself says.

Not only that. Madam. What is the standard of proof appreciated by Justice Jain to come to the conclusions? He himself says. I am reading from page 60 of Volume VI of the Final Report. Justice Jain says: 'The formality of procedural laws or the technical rules of evidence have no application in proceedings before the Commission. The Commission can even arrive at its findings on the basis, of legally inadmissible evidence'. This is what he says. Justice Jain can come to conclusions on the basis of inadmissible evidence! Therefore, this is the quality of the Jain Commission's Report.

After referring to these things, I would like to bring to the notice of this august House some of the observations and remarks made by Justice Jain in his Interim Report. When this report was published, we, the Communist Party of India (Marxist), stated: 'The Interim Report is a concoction of unsubstantiated and wild observations which are not expected from a Commission of Inquiry'. Actually, if we go into the Interim Report, if we go into the Final Report, all prove that what we said was correct. Even Justice Jain, in his Final Report, spoke about this particular aspect.

Madam, I wish to refer to page 60 of volume No. VI of the Final Report. It is a very interesting passage. About the Interim Report, he says:

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

He says that the Interim Report did not go into the conspiracy aspect. He continues, and I quote:

"There is no indictment in the Interim Report of any individual or organisation or party regarding any criminal conspiracy to assassinate Shri Rajiv Gandhi."

This is what he says about this Interim Report. The political party which relied on this Interim Report and brought down the United Front Government, owes an apology to the entire country for relying on the Interim Report and effecting this political change. Of course, the BJP is happy because of that. That is understandable. Now my criticism is that the BJP is making use of the Final Report to sustain itself, to continue this Government, making it a political instrument. I am coming to that later.

This Interim Report refers to the growing militancy in Tamil Nadu. My learned friend from the Congress Party, referred to some portions from the Interim Report. I would like to quote some other portions from the Interim Report. I am quoting from page 936, volume VII of the Interim Report:

"There is no denying the fact that Srilankan Tamil militancy took roots and grew during the period of 1981 to 1986 but was under control and had not assumed anti-national character. The MGR Government of the day openly and overtly supported the militancy, and Shri V., Prabhakaran was quite close to him. The Centre had also helped militants in training and arming. The leaders, then, were meeting militants to devise peaceful solution of the ethnic issue and not for encouraging militant activity."

So, it is a fact that both the Centre and the State supported the militants, gave them training and gave them arms. It is a fact. Nobody can deny that fact. But Jain says on page 937 of Volume VII of this Interim Report: "Prior to 1989, the militancy, particularly the L.T.T.E.

activity, was not anti-national in character, although smuggling activities in and out of Tamil Nadu Shores might be affecting the Tamil Nadu economy..." Actually Justice Jain's assessment about the anti-national nature of the L.T.T.E. is, according to me, preposterous. He says before 1989 L.T.T.E. was not anti-national, after 1989 L.T.T.E. became anti-national. What is the litmus test for this antinational character of the L.T.T.E.? A patriot and antinational cannot be decided, according to me, on the basis of his agreement or disagreement with the decisions of a Government or a political party. Because on January 27, 1989, the D.M.K. Government came into existence in Tamil Nadu and in December 1989 the V.P. Singh Government came into existence in Delhi, that is why this gentleman, Justice Jain, says, before 1989 what all was done was correct and after 1989 what all was done was absolutely unpatriotic, anti-national. How preposterous is his distinction between national and anti-national!

The Interim Report, according to Justice Jain, at present is confined to only one small area. What is that area? The area is sequence of events leading assassination. Nothing more and nothing less. But, what all he wrote, what all observations he made, I would like to read an interesting part from Volume I, page 5. I will not quarrel with Justice Jain in putting a chapter about the biography of Rajiv Gandhi. I have no quarrel at all with Justice Jain, but I disagree with a particular sentence. I quote from page 5, Volume I: "Though he (Rajiv Gandhi) lost power in December 1989, when Shri V.P. Singh became the Prime Minister, he was on the crest of popularity and was seen as if destined to be the future Prime Minister of India after May 1991 elections." What is the need for this prediction is a Commission's Report? This is political document to serve political causes.

Madam, Justice Jain made certain comments about the former Prime Ministers. It is very interesting to read. It is also very interesting to read his present position in the Final Report, Volume 4, pages 338, 339 and 341. I quote from what he has stated in the Interim Report about Mr. V.P. Singh: "A very serious question which requires very anxious consideration by the Commission is whether Shri V.P. Singh was actuated by Malaise, bias or animus in not providing security of such nature and level as would have protected Shri Rajiv Gandhi. So far as animus is concerned, it is very difficult to fathom the heart and mind of any human being. It can only be inferred by circumstances. Extraneous considerations also appear to have been very much on focus. Can the action be said to be motivated on the part of Shri V.P. Singh and his Government? Serious anxiety and concern was lacking and responsibility for security was shifted to States without taking into account the non-availability of the required nature and quality of proximity, security, etc., etc." The next sentence says, "The personal relations of Shri V.P. Singh with Rajiv Gandhi were too strained and were far from normal and satisfactory. However, I leave this matter for soul-searching by Shri V.P. Singh himself." The next sentence says, "The consequence assassination may not have been intended, but the devising of such inadequate alternative security schemes resulted into such unintended consequences. "What does it mean? Now he turns around and says in volume II, page 243. I am quoting, Whatever has been alleged by Prof. Tewari against Shri V.P. Singh, Shri Chandra Shekhar and Shri P.V. Narasimha Rao does not at all make out any case of conspiracy on their part. It is a figment of imagination and his own phraseology and manner in which he presented the matter. All the three occupied the high Office of the Prime Minister and by no stretch of imagination can it be said that any one of them entertained any such intention to be in any way connected with the conspiracy to

assassinate Rajiv Gandhi." The same person was casting a doubt about the sincerity of these former Prime Ministers and led the country for an election and afterwards he turns around and says something in his Final Report. He tries to justify whatever he has said about Tamils, I am quoting from volume 6, page 64: At page 64, paragraph 8.3, he says: "The expression used in the Interim Report that the assassination of Shri Rajiv Gandhi would not have been possible the way it has materialised without deep nexus of LTTE operatives with the Tamils in Tamil Nadu". This particular sentence created a lot of criticism not only in Tamil Nadu but in the entire country. It was branding a particular people as anti-national like that. Then he continues to say, "...was never and could never have been intended to mean that such nexus was with all Tamil-speaking people in Tamil Nadu. All the Tamils in Tamil Nadu cannot be even in the know of the activities and operations of LTTE." The expression was, "...never intended to include all the Tamil-speaking population".

If we read this particular paragraph alone, we may think, "It is all right. He has expressed that. He did not intend what he wrote earlier." But, if we look back at his Interim Report, Madam, he has said not only this. He has said many things against the Tamil people. I am reading that particular part, at page 925, Volume VII. "At different periods, the nature and levels of militancy varied and a period came when it assumed anti-national character and penetrated into the social fabric of Tamil population and political parties too were entrenched as the ethnic issue was an emotional issue with all the Tamils." In the next sentence he has said, "The assassination of Shri Rajiv Gandhi would not have been possible the way it has materialised without deep nexus of LTTE operatives...". He wants to confuse the people. He wants to camouflage his earlier statements about the Tamil people. This is ? political document.

Madam, as I stated here, the Jain Commission has made certain observations selectively for serving certain political purposes. My criticism of the Government is, the Action-Taken Report is also a political document selecting certain portions from this Jain Commission Report to serve their political purposes. The ATR mentions the name of Shri Karunanidhi at page 43. "Shri M. Karunanidhi was also not interrogated. On many matters, his interrogation was quite relevant." That is a sentence from the Final Report of the Jain Commission. The comments of the Government are these: "On the role of Shri M. Karunanidhi, the Commission has made serious observations in the Interim Report. It is stated that from the evaluation of the material the conclusion is irresistible that there was a tacit support to the LTTE by Shri M. Karunanidhi and his Government and law-enforcement agencies.

Taking such observations from the interim report into consideration, together with the misgivings expressed by the Commission in its final report, the Government have decided to entrust it to the Multi-Disciplinary Monitoring Agency with the responsibility to decide as to now to proceed further in the matter." We know the reliability of the interim report. But has Justice Jain expressed any misgivings about Shri Karunanidhi in his final report? He hasn't. We should give him that much credit at least. I am reading out that particular part, Madam. This particular reference was made in the background when he was discussing about the SIT and also the deposition of Shri D.T. Kartikeyan before the Jain Commission. Actually, the complaint of Justice Jain was that Shri Karunanidhi was not interrogated by Shri D.R. Kartikeyan. According to Justice Jain, the interrogation of Shri Karunanidhi was quite relevant. No other misgiving has been expressed by him. The SIT had already completed its investigation. A charge was framed, the evidence was adduced and all the accused were

punished by the court. About that particular aspect, he has referred to that thing. He just mentioned about that, the Government picked up that particular sentence to put Shri Karunanidhi into the dock. If you look at the other sentence in that particular paragraph, you will find as to what trick the present Government has played." If the SIT had interrogated Shri Chandraswami and Mahant Seva Dass, it would have helped the Commission. If the stories were found to be fake, the same would not have come before the Commission or their veracity could have been easily judged in the light of the investigation of the SIT. The next sentence is more important and I quote. "The SIT also did not interrogate Shri Chandrasheknar, Shri T.M. Senshen, Dr. Subramanian Swamy, Mst. Jayalalitha and Shri P.V. Narasimha Rao as it was not considered relevant at that time". This was the first sentence. They picked up the last sentence and put this misgiving because it was suitable for them.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mr. Pillai, will you please conclude now?

please conclude now?

SHRI S. RAMACHANDRAN PILLAI (Kerala): I am concluding, Madam. The ATR at page 33 has referred to a certain conspiracy.

THE VICE-CHAIRMAN (Miss Raroj Khaparde): Mr. Pillai, your party has been allotted 32 minutes' time and you have already consumed 31 minutes. Please keep that thing in mind.

SHRI S. RAMACHANDRAN PILLAI: Madam, I am concluding. I will not take much time. I am just referring to this matter. That is all. I am not elaborating anything at all. I am just bringing to your notice paragraph 20—that is taken from Volume III, page 170:

"In such like international conspiracies, the task to find as to

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

The last sentence of this particular paragraph is:

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

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

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

measures or take such action it may think proper if it is to be pursued further."

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mr. Pillai, you have already taken 35 minutes. There is a long list before me.

SHRI S. RAMACHANDRAN PILLAI: I am concluding.

THE VICE-CHAIRMAN: Please conclude in one minute.

SHRI S. RAMACHANDRAN PILLAI: In one or two minutes I am concluding. So, the Government has not applied its mind to this particular paragraph. The Government has applied its mind to other unimportant references. Why is the Government fighting shy of CIA and MOSSAD and conducting an investigation about their role in the assassination of Shri Rajiv Gandhi?

There is another interesting chapter in this Report, about the leakages; I am not going into that particular aspect. The Final Report—Volume VI—Pages 66-74— deals with that particular aspect. What is the opinion of the Government on whether Jain leaked it out or some other person leaked it out? He has made his point. The Guvernmeit has not expressed its opinion. Why is the Government silent on this particular aspect? It is there in the Report... *(Interruptions)*...

SHRI M. VENKAI AH NAIDU: Are you asking this side or that side?

SHRI S. RAMACHANDRAN PILLAI: I am asking you. You are on the Government side. Have you given up your responsibility?

SHRI M. VENKAIAH NAIDU:
Relinquished!

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mr. Pillai, Will you please conclude?

SHRI S. RAMACHANDRAN PILLAI:
Madam, I am concluding. So, this is a very
seriopi matter that we are

discussing, the assassination of one of our former Prime Ministers, one of the tallest leaders of a political party, one of the tallest political leaders in our country. This should not be used for narrow political and partisan benefits. This is a serious matter. Such brutal assassinations have happened in many Third World countries also. This should not be repeated in our country. This should not be repeated in other countries also. All this background should be gone into in detail. So, a proper investigating agency acceptable to all should be formed and it should go into all these aspects, it should clear all our doubts and if any culprits from outside are involved, they should be brought to book. This is all that I want to submit. Thank you.

श्री सुरेश पचौरी (मध्य प्रदेश) : महोदय, श्री राजीव गांधी की 21 मई 1991 को हुई निर्मम हत्या एक राष्ट्रीय क्षति रही है। आज समूचे देश के सामने यह प्रश्न है कि उस निर्मम हत्या के पीछे किन लोगों का हाथ था। समय-समय पर सदन में राजीव गांधी जी की हत्या के संबंध में जब-जब भी कोई बात आयी है, पूरा सदन दलीय दायरे से ऊपर उठकर यह मांग करता रहा है कि इस जघन्य हत्या की तह में जाना चाहिये कि किन लोगों ने यह हत्या की है, किन लोगों ने साजिश की है कि किन लोगों ने हत्यारों को प्रत्यक्ष-अप्रत्यक्ष रूप से मदद की है। क्योंकि यह कोई एक साधारण हत्या नहीं थी बल्कि भारत की सुरक्षा ऐजेंसियों के लिए भी बड़ी भारी चुनौती रही है और मुझे विश्वास है कि जब हम जैन कमीशन की फाइनल रिपोर्ट पर चर्चा कर रहे हैं तो सारे माननीय सदस्य अपनी दलीय सीमाओं को लांघकर ठीक उसी प्रकार से इसे गंभीरता से लेंगे जैसे अभी तक लेते आए हैं। इसी भावना से मैं आपके माध्यम से कहना चाहता हूँ कि एस.आई.टी. ने जो डिजीजन दिया है, 26 लोगों को दोषी ठहराकर उनके खिलाफ अविलम्ब कार्यवाही करने का, सारे सदन को एक मत से उस निर्णय का समर्थन करना चाहिये। जहां एक जैन आयोग की फाइनल रिपोर्ट की रिकॉण्डेशंस का प्रश्न है, जैसा मेरे पूर्व वक्ता, मेरी पार्टी के वक्ता कपिल सिब्बन जी ने कहा है कि जो सिफारिशें जैन आयोग ने अपनी फाइनल रिपोर्ट में की हैं, हम उन सारी सिफारिशों से पूर्णतया और अक्षरशः सहमत हैं। परन्तु सरकार ने जो ए.टी.आर. रिपोर्ट प्रस्तुत की है। उससे हम असहमत हैं क्योंकि हम ऐसा मानकर चलते हैं कि वह ए.टी.आर.

सिलैक्टिली बनायी गयी है, सीरियसली बनायी गयी है, सीरियसली नहीं बनायी गयी है बहुत कुछ एरिया ऐसा है जो अनकवर्ड एरिया रहा है, जिसका ए.टी.आर. में समावेश किया जाना चाहिये जिस जिक्र में अभी बाद में करूंगा। महोदय, श्री राजीव गांधी की नृशंस हत्या के बाद वर्मा कमीशन का गठन 27 मई 1991 को हुआ जिसके टर्म्स ऑफ़ रैफरेंस सिक्वोरिटी सिस्टम को लेकर थे, जिसका जिक्र कपिल सिब्बल जी ने विस्तार से किया है। उसके बाद जैन कमीशन का गठन 23.3.91 को हुआ जिसके टर्म्स ऑफ़ रैफरेंस थे.....

(a) Sequence of events leading to the assassination of Shri Rajiv Gandhi; (b) Whether any person or persons or agencies were responsible for conceiving, preparing and planning the assassination; and Whether there was any conspiracy in this behalf and if so, all its ramifications. जैन कमीशन ने पहली अपनी अन्तरिम रिपोर्ट 28 अगस्त, 97 को दी जो इस सदन में 20 नवम्बर, 97 को रखी गई और मैं ऐसा मानकर चलता हूँ कि इसको एन्टरिम रिपोर्ट और फाइनल रिपोर्ट के रूप में नहीं देखा जाना चाहिये, बल्कि जैन कमीशन की रिपोर्ट के पार्ट वन और पार्ट टू के रूप में देखा जाना चाहिये क्योंकि एन्टरिम रिपोर्ट में जिन बातों का जिक्र है। वह "Sequence of events leading to the assassination of Shri Rajiv Gandhi".

को दिखाता है। जो वर्मा कमीशन की फाइंडिंग्स है। उससे बहुत कुछ तालमेल खाता है, लेकिन इसका जो दूसरा पहलू है जिसका मैंने जिक्र किया है, Whether any person or persons or agencies were responsible for conceiving, preparing and planning the assassination,

उसको कवर करते हुए यह फाइनल रिपोर्ट बताई गई है। फाइनल रिपोर्ट के वाल्यूम 7 के पृष्ठ 718 से 732 में यह उल्लेख है कि शिवराशन की भूमिका जहां पदमनाभा की हत्या में प्रमुख रूप से थी, वही राजीव गांधी की हत्या में उसकी भूमिका रही है। इसी में श्रेफ्ट परसेप्शन का भी जिक्र किया है कि उसको नजरअन्दाज करते हुए एसपीजी की सुरक्षा वी.पी. सिंह सरकार द्वारा वापस ली गई।

महोदय, मैं ऐसा मानकर चलता हूँ कि जब हम राजीव जी की हत्या की प्लानिंग, कांसपरेसी और प्रपरेशन के बारे में चर्चा कर रहे हैं, तो हमें तीनों रिपोर्टों को समाने रखते हुए चर्चा करनी चाहिये। पहला जो सेक्वोरिटी आसपेक्ट था वर्मा कमीशन का, दूसरा जैन कमीशन की एन्टरिम रिपोर्ट जिसके में पार्ट वन रिपोर्ट

कह रहा हूँ 'Sequence of events leading to the assassination'

और तीसरा पार्ट टू जो फाइनल रिपोर्ट है जिस पर हम लोग चर्चा कर रहे हैं। जब हम इन तीनों रिपोर्ट को एक दूसरी से संबंधित मानते हुए चर्चा करेंगे तो हम इस नतीजे पर पहुंच सकते हैं कि राजीव जी के हत्यारे कौन थे किन लोगों ने योजना बनाई थी, कौन साजिश में शामिल थे और किन लोगों की पीछे से, कैसे से और दूसरे ढंग से मदद की जा रही थी। कौन मददगार थे? इसलिए मैं ऐसा मानकर चलता हूँ कि इन तीनों रिपोर्ट को इस नजर से ध्यान में रखते हुए हमको चर्चा करनी चाहिये। जस्टिस जैन ने जो अपनी फाइनल रिपोर्ट प्रस्तुत की है। उस रिपोर्ट के यदि हम निष्कर्षों को देखें तो हम इस नतीजे पर पहुंचते हैं कि एन्टरिम रिपोर्ट का कहीं कोई संशोधन इस फाइनल रिपोर्ट में नहीं है, कहीं कोई पुरावृत्ति नहीं है कहीं कोई विरोधाभास प्रस्तुत की है वह अर्थहीन है। जिस एजेंसी को यह जिम्मेदारी सौंपी जाने की बात कही है दरअसल सी.बी.आई. के साथ ही जुड़ी हुई एजेंसी है। इसलिए हम यह मांग करते हैं कि एक एनडिपेंडेंट एजेंसी को यह काम सौंपा जाना चाहिये। उन इन्डिपेंडेंट एजेंसी में कौन लोग रहे, निश्चित रूप से यदि हम यह कहें की यह न माना जाए कि हम भावनाओं में बहकर यह बात कर रहे हैं। यह कांग्रेस अध्यक्ष की निमर्म हत्या से जुड़ा हुआ मामला है। यदि भारतीय राष्ट्रीय कांग्रेस के लोगों से विचार-विमर्श किया जाए कि इस इन्डिपेंडेंट एजेंसी में किन-किन लोगों को शामिल करना चाहिये तो मैं सोचता हूँ कि सरकार का व्यापक दृष्टिकोण इसमें दिखेगा, जिस दृष्टिकोण की बात हम हमेशा राजीव जी गांधी की हत्या की जांच के बारे में करते हैं। महोदया, इस फाइनल रिपोर्ट के जो मूल निष्कर्ष है, इनमें जिन प्वाइन्ट्स को वर्गीकृत किया गया, जिसमें पूनामल्ली कोर्ट ने जिन 41 लोगों को दोषी ठहराया और जिनमें 26 जीवित बचे, वे तो आलरेडी कन्वेक्टिड है। लेकिन वह मामला सुप्रीम कोर्ट में लम्बित है। इसलिए आवश्यकता इस बात की है कि सरकार यह सुनिश्चित करे कि सुप्रीम कोर्ट इन कन्वेक्टिड लोगों को किसी भी प्रकार की मदद न मिल पाये। मैं किसी पर शंका और शुबहा नहीं कर रहा हूँ। मैं बड़ी विनम्रता पूर्वक यह कह रहा हूँ कि पिछले दिनों हमने पेपर्स में पढ़ा कि विदेशों में फंड कलेक्शन हो रहा है, उनके बचाव के लिए। हमने पेपर्स में पढ़ा कि विदेशों में फंड कलेक्शन हो रहा है, उनके बचाव के लिए। हमने पेपर्स में पढ़ा कि पी. नेदरमरन फंड कलेक्शन कर रहे हैं। उनके

बचाव के लिए। उनके चीफ पेटर्न कौन है? क्योंकि एक अच्छे वातावरण में हम भावनाओं में बहकर अपने देश के पूर्व प्रधानमंत्री की हत्या की बात कर रहे हैं इसलिए मैं किसी पर दोषारोपण नहीं करना चाहूंगा। लेकिन उसके चीफ पैटर्न कौन रहे है? कहीं ऐसा तो नहीं इसी मंत्रिमंडल का कोई सदस्य रहा हो, कहीं ऐसा तो नहीं जी.ओ.एम. का कोई मेम्बर रहा हो? इस बात की यदि जांच कर लें तो बड़ी कृपा होगी।

बाकी 19 लोगों के बारे में जस्टिस जैन का जो आब्जर्वेशन है, उन लोगों के खिलाफ भी चार्जशीट फाइल करनी चाहिये। उन लोगों के खिलाफ भी एक्शन इनिशिएट करन चाहिये क्योंकि वह जस्टिस जैन का आब्जर्वेशन है और उनके नामों का भी समावेश हमको ए.टी.आर. में करना चाहिये। जहां तक अन्तर्राष्ट्रीय साजिश का सवाल है ए.टी.आर. में इस बात का उल्लेख किया गया कि जिन विदेशी एजेंसियों का हाथ माना जाने की शंका है, उसकी जांच के लिए एक इंटर मिनिस्टेरियल ग्रुप बनेगा जिसमें मिनिस्ट्री आफ होम अफेयर्स, मिनिस्ट्री आफ एक्सटर्नल अफेयर्स और इंटेलिजेंसी एजेंसीज शामिल रहेगे। यह आपने ए.टी.आर. में पृष्ठ 33 में उल्लेख किया है। इसलिए यह जो बात उठाई गई है। यह आपने आप में बहुत विरोधाभास से भरी हुई है। लेकिन जो जैन कमीशन ने महत्व सेवादार और रमेश दलाल के बयानों का परीक्षण करने की बात सूई चन्द्रस्वामी और कुछ लोगों के ऊपर उठाई है मैं कहना चाहता हूँ कि उसकी विस्तार से जांच किया जाना बहुत ज्यादा जरूरी है। क्योंकि उसका उल्लेख ए.टी.आर. में पेज-20 से 21 पर किया गया है इसको ध्यान में रखकर हमें लोगों को जांच करनी चाहिये।

यह और भी गौर करने की बात है कि एटीआर में एसआईटी इन्वेस्टिगेशन में तमिलनाडु और केन्द्र सरकार की जो एजेंसी रही है, किसी भी अधिकारी स्तर की एजेंसी को कहीं अभियुक्त करार नहीं दिया गया जबकि ऐसे कई तथ्य मौजूद है कि उनके खिलाफ कार्यवाही अपेक्षित है जैसे सन् 1988 से कई, 91 के बीच जो भी वायरलेस इन्टरसेप्ट मैसेज आये वे समय पर वे डोकोट नहीं हुए और जब बाद में डोकोट हुए तो उनकी महत्ता खत्म हो गई। राजीव गांधी जी की हत्या हो गई तब वे डिकेट मैसेज पास ऑन हुए। ए.टी.आर. पृष्ठ 45/49 राजीव गांधी की हत्या की साजिश की जांच करने के लिए जो जैन कमीशन बना उसको भी वह डोकोट, मैसेज समय पर उस कमीशन के बारम्बार कहने

पर उपलब्ध नहीं कराया गया। इस देरी के लिए कौन अधिकारी जिम्मेदार है? इस बात की जांच करना भी बहुत जरूरी है। मैं आपके माध्यम से यह भी मांग करना चाहता हूं।

जैसा कि बताया गया था पदमनाभा और राजीव गांधी जी की हत्या में 6 अभियुक्त कॉमन है। जब पदमनाभा की हत्या 19 जून, 1990 को हुई तो 19 जून, 1990 और 21 मई 1991 के बीच शिवरासन और शुबहा ये तमिलनाडु में घूमते रहे। जबकि ये पदमनाभा की हत्या में शामिल थे जो बाद में राजीव जी की हत्या में शामिल हुये।

इस बात की जांच की जानी जरूरत है कि उस पीरियड में सी.बी.आई. क्या करती है? निश्चितरूप से सी.बी.आई. की असफलता की ओर हम लोगों का शक जाता है। ये सारी ऐसी चीजें हैं, जैसे बताया गया कि यदि समय रहते शिवराशन और सुब्बाको जिंदा गिरफ्तार कर लिया जाता और सन्मुखम को पुलिस हिरासत में मरा हुआ नहीं पाया जाता - जब कि हम ऐसा मानकर चल रहे हैं कि उसने सुइसाइड नहीं किया, इसलिए मैंने यह शब्द प्रयुक्त किया है, संभव है क्योंकि यह आबजर्वेशन भी है पेज.... कि अगर ऐसा किया जाता तो राजीव जी की हत्या नहीं होती। लेकिन यह हत्या हो गई और हत्या की जांच में जो वाइटल इन्फर्मेशन इन लोगों के माध्यम से मिलनी चाहिये थी कि इसके पीछे के सूत्र क्या थे, यह वाइटल इन्फर्मेशन भी हमको नहीं मिल पा रही है। यह वाइटल इन्फर्मेशन कि इसमें किन-किन लोगों का हाथ रहा है, इस बात की जांच होनी जरूरी है। जब रमेश दलाल का कथन हम लोग पढ़ते हैं तो हम पाते हैं कि जिस राजेन्द्र जैन को जैन कमीशन के विटनेस बाक्स में आना चाहिये था, जिस राजेन्द्र जैन ने अपने पत्र में लिखा था, “जनाधार” में कि राजीव हत्या कांड में चन्द्रस्वामी की गिरफ्तारी क्यों नहीं, थोड़े दिनों में उन्हें मरा पाया गया। इसलिए मैं आपके माध्यम से यह मांग करना चाहूंगा कि सरकार उनकी हत्या की सी.बी.आई. के माध्यम से जांच कराए।

जब महंत सेवादस के कथन का उल्लेख होता है तो लोग कहते हैं कि राजीव गांधी की हत्या के बाद काफी लोग अपनी अपनी कहानियां और किस्से बनाकर लाए। लेकिन यह एक पत्र है, संडे आबजर्वर में, जिसके 24 मार्च 91 के अंक में यह छपा है कि जब महंत सेवादस जगजीवन सिंह चौहान से लदन में मिलने गए तो उस बैठक में यह तय किया गया कि राजीव गांधी की हत्या के लिए उनके सुरक्षा दस्ते में अपने आदमियों

को फिट किया जाए या फिर पहले से तैनात सुरक्षाकर्मियों को खरीदा जाए। तो जब दो कांस्टेबलों की बात होती है, उन दो कांस्टेबलों के सर्विलेंस पर कांग्रेस पार्टी ने सरकार से समर्थन वापस ले लिया, तरह तरह की बातें की जाती हैं तो यह महंत सेवादस का कथन है जो उन्होंने जैन कमीशन के सामने दिया और पेपर में राजीव गांधी की हत्या से पहले आया है। कांग्रेस के निर्णय को सही साबित करता है। महंत सेवादस के लंदन जाने और उनकी जगजीत सिंह चौहान से बात करने की पुष्टि इस बात से होती है कि उन्होंने जगजीत सिंह चौहान का पत्र चन्द्रशेखर को दिया था। इसकी स्वीकारोक्ति चन्द्रशेखर जी ने जैन कमीशन के डिपोजिशन के समय की थी।

महोदया, अब बात यह आती है कि जैन कमीशन का गठन हुआ और जो डाक्युमेंट्स जैन कमीशन को दिए जाने चाहिये थे, उनको दिए जाने में विलम्ब किया गया। वह समय पर क्यों नहीं दिए गए? उस समय हमारी सरकार थी और मुझे यह कहने में कोई संकोच नहीं है, आप इस बात के गवाह हैं, पूरा सदन इस बात का गवाह है कि मैं इस संबंध में समय समय पर, चाहे कोई सरकार रही हो, चाहे कांग्रेस की सरकार रही हो, चाहे गुजराल जी की सरकार रही हो और चाहे देवेगौड़ा जी की सरकार रही हो, इस बारे में प्रश्न किए हैं, 14 मई, 1994, 16 मई, 1995 5 जुलाई, 1996, 30 अगस्त, 1997, 16 सितम्बर, 1997 को मैंने तत्कालीन को वांछित सहयोग मिलना चाहिये। जो डाक्युमेंट्स जैन कमीशन ने मांगे हैं, वे डाक्युमेंट्स जैन कमीशन को उपलब्ध कराए जाने चाहिये। मैंने समय समय पर पत्र भी लिखे हैं और उन पत्रों को केवल मैंने लिखा ही नहीं है बल्कि मिनिस्ट्री की तरफ से मुझे उनके जवाब भी मिले हैं। जब यह बात आती है कि जैन कमीशन को डाक्युमेंट न देने का कारण हमारी अपनी सरकार है तो मुझे यह कहने में कोई संकोच नहीं है कि इसकी भी जांच होनी चाहिये। यह बहुत दुर्भाग्यपूर्ण बात हुई और यह नहीं होना चाहिये था जो जिम्मेदार है, जब हम MDMA एजेंसी के माध्यम से जांच कराने की बात कर रहे हैं। उसके द्वारा इसकी भी जांच की जानी चाहिये। हम जानते हैं कि एबसोल्यूट प्रिविलेज डाक्युमेंट तय किये गये थे इन एबसोल्यूट प्रिविलेज डाक्युमेंट में मिनिस्ट्री आफ होम एफियर्स के दो, सी.बी.आई. के दो, मिनिस्ट्री आफ डिफेंस के तीन “स” का एक....और प्रिविलेज्ड डाक्युमेंट 60, ओपन डाक्युमेंट आपने 40

बताएं है कई डाक्युमेंट्स कई दिनों तक सबमिट नहीं किये। 23 जनवरी, 1995 को एक कमेटी आफ संक्रेटेरीज की बैठक हुई जिसने यह तय किया कि सेप्रीनेशन आफ डाक्युमेंट की बात है, डाक्युमेंट भले ही एब्सोल्यूट प्रिविलेज्ड डाक्युमेंट्स है लेकिन चूंकि यह राजीव गांधी की हत्या की जांच कर रहे कमीशन द्वारा मांगे जा रहे हैं, जब एस.आई.टी.में कोई साधारण क्लर्क और पुलिस वाला उन डाक्युमेंट को देख सकता है तो एक हाई कोर्ट के रिटायर्ड जस्टिस को वह डाक्युमेंट इन-कानफिडेंस क्यों नहीं दिखाए जा सकते हैं। यह बात जब कमेटी आफ संक्रेटेरीज ने तय की कि इन डाक्युमेंट्स को इन-कानफिडेंस दिखा देना चाहिये, जो समय रहते नहीं दिखाए जा सके, उसमें देरी हुई और इस देरी के लिए जो भी जिम्मेदार है, मुझे कहने में कोई संकोच नहीं है कि उनके खिलाफ भी कार्यवाही करनी चाहिये। अब बात आती है कि समय समय पर जैन कमीशन के काम में अडंगेबाजी हुई, कहीं न कहीं प्रिविलेज क्लेम किया गया, यह सारी बातें भी हुई, जो नहीं होनी चाहिये थी। इसलिए जब हम जैन कमीशन की फाइनल रिपोर्ट पर खुले दिल से बात कर रहे हैं तो हमें यह चीज स्वीकार करने में कई संकोच नहीं होना चाहिये जब हम एक देश के पूर्व प्रधानमंत्री की हत्या की जांच की बात करते हैं। उस जांच में यदि कोई व्यवधान और अडचन आई है तो हमें उस अडचन की भी जांच करनी चाहिये। इसके पीछे क्या-क्या कारण रहे हैं, अनावश्यक विलम्ब क्यों रहा है, इसके लिये जो भी दोषी करार दिए जाएं, उनके खिलाफ भी कार्यवाही करनी चाहिये। जैन कमीशन ने अंत में यह बात कही है जो वाल्यूम 6 के पेज 49 व 74 पर है, उसको मात्र दो महीने की समय सीमा के अंदर, उस समय की जो सरकार थी, आननफानन में एक सप्ताह में रिपोर्ट देने के लिए, कहा गया। बड़ी वेदना से उन्होंने इस वाल्यूम 6 के पेज 74 पर बताया है। पेज 49 पर भी लिखा है, उन्होंने Vol. VI के पेज 74 पर पत्र भी लिखा है, जब सी.बी.आई. उनकी जांच करने चली गई कि ऐसा अगर होगा तो भविष्य में कभी कोई भी रिटायर्ड जज किसी भी प्रकार की न्यायाधिक जांच करने के लिए तैयार नहीं होगा। जब ऐसी स्थिति आती है तो उन स्थितियों के बारे में भी इस सदन को विचार करना चाहिये, जब हम किसी की जिम्मेदारी सौंपे तो उसके साथ इस प्रकार का व्यवहार नहीं करना चाहिये। महोदय, अब एजेंसी की बात आती है जिस एम.डी.एम.ए. बनाने की बात सरकार ने ए.टी.आर. में कही है, मैं यह कहता हूं, कि यह प्रभावी नहीं हो सकती है। यह मात्र मन के बहलाने की बात

है। यह प्रभावी तब हो सकती है जब यह एक स्वतंत्र एजेंसी रहे या फिर जैसे कि अभी सुप्रीम कोर्ट का डिसिजन हुआ है उसके तहत केन्द्रीय सतर्कता आयोग की सिफारिश पर डायरेक्टर की नियुक्ति की जाए, उसके माध्यम से जांच हो या फिर इंडीपेंडेंट एजेंसी बने जिसमें किन-किन लोगों को जोड़ा जाए, उसके बारे में कांग्रेस पार्टी से विचार-विमर्श कर लिया जाए तो मैं सोचता हूं कि ए.टी.आर. में जिन बातों का समावेश नहीं हुआ है और एम.डी.एम.ए. में यह चीजे छूट गई है, इनको जोड़ा जाना चाहिये तो बात हल हो जाती है। इनको जोड़ा जाना चाहिये तो बात हल हो जाती है। शिवरासन, शुभा पोद्दू अमन, षण्मुगम् को यदि गिरफ्तार कर लिया जाता तो षडयंत्र का भंडा फोड़ पहले हो सकता था जो वाल्यूम का भंडा फोड़ पहले हो सकता था जो वाल्यूम 3 के पेज 170 पर जस्टिस जैन ने लिखा है। क्योंकि समय ज्यादा हो रहा है, मैं इसे पढ़ना नहीं चाहूंगा। इसलिए मैं अपनी बात केवल इसका उल्लेख करके कहना चाहूंगा। ठीक उसी प्रकार जो पोद्दू अमन और षण्मुगम् द्वार मार्च 1991 में भेजे गए लिट्टे के मैसेज को डिकोट नहीं किया गया, ए.टी.आर. पेज 46 इसकी भी जांच करनी चाहिये जो एम.डी.एम.ए. को अभी नहीं कहा गया है। साथ ही राजीव गांधी जी से एस.पी.जी. विदझा हो गई, वह किन सर्कमस्टेंसेज में विदझा हुई, वर्मा कमीशन आफ इन्क्वायरी का क्या ओब्जरवेशन था, उसकी भी जांच हो। हम आज भी यह मान कर चलते हैं कि यदि एस.पी.जी. राजीव जी की सुरक्षा में रहती तो राजीव जी की हत्या नहीं हो सकती थी। जब एस.पी.जी. विदझा कर ली गई तब भी पी.एस.ओ. के उनके साथ जाने की व्यवस्था की बात की गई थी क्या राजीव गांधी के साथ उस समय तीन पी.एस.ओ. मौजूद थे, यदि मौजूद थे तो क्या वह तीन पी.एस.ओ. आर्म्ड थे? इस बात की भी जांच एम.डी.एम.ए. द्वारा होना चाहिये जिसका जिक्र वाल्यूम 1 पेज 56 पर फायनल रिपोर्ट में है। इस बात को भी देख लेना चाहिये कि 1990 में जो लिट्टे का हाई कोर कैडर था उसकी मौजूदगी किन परिस्थितियों में हुई? किन लोगों का उन्हें संरक्षण प्राप्त था, किन लोगों की उनको मदद मिल रही थी? जो ताशा आपरेशन हुआ, जो नेबेड हुआ, जो कोस्टगार्ड एरिया में श्रीलंका के लिट्टे के लोग आते थे, उनको हमारी नेवल फोर्सेस पकड़ती थी, तो बाद में स्टेट गवर्नमेंट को ही सौंपना पड़ता था, जो बाद में छोड़ देते थे। तो नेवल हेडक्वार्टर की इस संबंध में क्या रिपोर्ट रही उस बात की भी जांच एम.डी.ए. के माध्यम से कर देनी चाहिये। जो महत्वपूर्ण बात है, महोदय, जिस बात की तरफ सोनिया जीने भी अपने पति की हत्या के बारे में जिक्र किया है और जैन

कमीशन में वह लिख कर भी भेजा है वह बात है यासर अराफात द्वारा श्री राजीव गांधी की हत्या की जानकारी दी जाना। महोदया, वॉल्यूम 3 के पेज 63 पर जो है उसको मैं आपकी आज्ञा से जरूर उद्धृत करना चाहूंगा। यह कहा है:

"It is a fact that President Yasser Arafat sent my husband messages through Palestinian Mission in India saying that they had learnt of threat to his life. This was reconfirmed to me and my children personally by President Arafat when he met us soon after my husband's funeral".

महोदया, जब यासर अराफात 24 तारीख को राजीव गांधी जी के फ़्यूनरल में आए तो उन्होंने चन्द्रशेखर जी को भी इस बात की जानकारी दी और इस संबंध में जो डिपोजीशन हुआ और समय-समय पर जो जानकारी दी गई, चूंकि यह बहुत ही महत्वपूर्ण बात है, इसलिए मैं उसका भी जिक्र करना चाहूंगा। यासर अराफात ने वायस ऑफ़ मिलियंस को इंटरव्यू दिया उसमें उनसे प्रश्न किया गया कि,

"You have said that you have information about conspiracy to assassinate Mr. Rajiv Gandhi. Can you throw some light on that? He said, in second para, Yes, yes. I had received directly something very important information regarding a conspiracy to kill Rajiv Gandhi and I called upon my Ambassador there in Delhi who went to see Mr. Gandhi and informed him about the plot. Mr. Gandhi told PLO Ambassador that he too had some information."

महोदया, जब मि. जे. एन. दीक्षित, जो फारेन सेक्रेटरी रहे....(व्यवधान)

उपसभाध्यक्ष (कुमारी सरोज खापर्डे) : मि0 पचौरी।

श्री सुरेश पचौरी : महोदया, मैं अपनी बात खत्म कर रहा हूँ। अब क्योंकि यह बहुत इंपार्टेंट मैटर है इसलिए इस प्वाइंट को कवर करने की बात है।

उपसभाध्यक्ष (कुमारी सरोज खापर्डे) : मुझे मालूम है कि सारा सदन की एक बहुत इंपार्टेंट विषय पर चर्चा कर रहा है।

I just would like to remind you that your party has two hours and twelve

minutes. Mr. Sibal consumed one hour fifteen minutes and you have consumed twentyfive minutes.

श्री सुरेश पचौरी : महोदया, मैं खत्म कर रहा हूँ। क्योंकि जो फारेन सेक्रेटरी का एफीडेविट है वह यासर अराफात की जो(व्यवधान) उसकी पुष्टि करता है।(व्यवधान)

उपसभाध्यक्ष (कुमारी सरोज खापर्डे) : आप जरूर बोलिए, लेकिन आप जरा जल्दी कक्लूड कीजिएगा।

SHRI SURESH PACHOURI: I am reading it: "PLO Chairman Yasser, Arafat informed our Ambassador in Tunec in September, 1991 that about a month before Rajiv Gandhi's assassination, he had recieved intelligence reports from his sources inside Israel and from his European sources concerning threats to Shri Rajiv Gandhi's life. His information was that the enemy will use election period to get rid of Shri Rajiv Gandhi. Arafat had not taken this information seriously although sources mentioned that LTTE or Sikhs would try to harm Rajiv Gandhi and hostile forces from outside India may also make an attempt."

महोदया, यह जो खबर थी वह बहुत महत्वपूर्ण है और उसी का जिक्र करते हुए वॉल्यूम III में पेज 1154 जस्टिस जैन ने अपनी बात यह कही है कि, "This gets further strengthened from the information submitted by Mrs. Sont& Gandhi. Her husband had indicated to her during his life time about the threat conveyed by Shri Arafat to him from the Palestinian Mission in India."

महोदया, मैं यह मांग करना चाहूंगा कि यह यासर आराफात की जो खबर मिली थी उस खबर पर उस समय कोई कार्यवाही क्यों नहीं की गई? उसको सीरियसली क्यों नहीं लिया गया और उस के लिए कौन-कौन जिम्मेदार है, इस बात की जांच की जाना बहुत ज्यादा जरूरी है।

महोदया, मैं एक और बात कहकर अपनी बात खत्म करूंगा कि वॉल्यूम -2 के पेज 220 से 228 में चन्द्रास्वामी के मनी ट्रांजेक्शन का जिक्र है। जिस बी.सी.सी.आई. का जिक्र पूर्व वक्तों ने किया, मैं उस पर दोबारा नहीं जाऊंगा, लेकिन वॉल्यूम II पेज — 219 पर यह कहा गया

है कि चन्द्रास्वामी के कनेक्शंस श्रीलंका से इस बात से साबित होते हैं जब चन्द्रास्वामी के यहां छापा पड़ा और उन की अपनी हैड रिटर्न डायरी में यह बात पाई गई कि श्रीलंका के मि० अनुरा फर्नान्डो को 10 लाख रूपए दिए गए और वह रसीद वोल्यूम ॥ के पेज 219 में लिखा है

"Received a sum of rupees one million in the form of loan from Vikrara Singh."

विक्रम सिंह जो कि चन्द्रास्वामी का सेक्रेटरी है, उस ने डिपोजिट किया।

Shri Vikram Singh deposed on page 220th volume II about the writing of Chandraswami. "It appeared to be the handwriting of Chandrawami."

फिर जब उस से कहा गया कि क्या आप इस क्वैरी का जबाब दे सकते हैं, तो उन्होंने कहा कि: वोल्यूम ॥ पेज 220

"I cannot reply to this query at the moment because the case itself is already in the court."

ये सारी बातें गंभीर हैं।

महोदय, जस्टिस जैन की वोल्यूम ॥ के पृष्ठ 228 ऑब्जर्वेशन को पढ़कर मैं अपनी बात खत्म करना चाहूंगा कि :

"The entry raises serious doubts about the versions of both Vikram Singh and Anura Fernando." It is written on page 228 of Volume-II, "It cannot be doubted that some money transaction had taken place for what purpose, the transaction had taken place is not clearly borne out. If the money had nothing to do with Chandraswami, it would not have appeared in the diary."

मैं यह कहना चाहता हूँ कि जब काफी लोगों पर शंका की सुई जा रही है और जब जस्टिस जैन ने अपनी ऑब्जर्वेशन में यह कहा कि महंत सेवादास के कथन के कुछ पोर्सन की विस्तार से जांच की जानी चाहिये जिस में कि चन्द्रास्वामी पर भी शक की सुई जाती है, तो इस पेमेंट के बारे में भी विस्तार से हम को जांच करनी चाहिये।

महोदय, जो इंटरव्यूज का फेलुअर पार्ट है, इस का उल्लेख वॉल्यूम — 6 के पृष्ठ -63 पर देखा जाना चाहिए

उसकी भी जांच जरूरी है। दो-तीन मेरे विद्वान वक्ताओं ने कही कि राजीव जी ने स्वयं "लिट्रे" से पीसफुल टाक की जिम्मेदारी करुणानिधि जी को सौंपी थी। महोदय, किसी को पीसफुल टॉक करने की जिम्मेदारी सौंपना गुनाह नहीं होता और उस का आशय यह नहीं होता कि आप उन को आर्म्स दें, आप उन लोगों की फायनेंसियल हेल्प करें ऐसी स्थिति में जब कि उन का रुख एंटी-नेशनल हो गया हो, उन की एक्टिविटीज एंटी-नेशनल हो गयी हों। महोदय, यह बात भी आई कि इंटरिम रिपोर्ट के आधार पर हम ने उस सरकार से समर्थन वापिस ले लिया। महोदय, हम ने बारंबार यह कहा कि इंटरिम रिपोर्ट में जिस पार्टी का इन्डिक्मेंट है, उस पार्टी से संबंधित तीन मंत्रियों को तब तक के लिए हटा देना चाहिये जब तक कि फायनल रिपोर्ट नहीं आ जाती और वे निर्दोष साबित नहीं होते। हम ने यह कभी नहीं कहा कि उन को मुअत्तल कर देना चाहिये। इसलिए यह जो बात कही जा रही है वह अपने आप में बहुत कुछ विरोधाभास से भरी हुई है और उस आप में बहुत कुछ विरोधाभास से भरी हुई है और उस में किसी प्रकार का कोई आधार नहीं है। महोदय, एक बात और मारग्रेट आल्वा जी के संबंध में कही गयी तो खुद जस्टिस जैन का ऑब्जर्वेशन है कि जिन सज्जन के बारे में माध्यम उन्होंने वह बात कही थी, उस बात की पुष्टि नहीं हो पाई है और मैं बारंबार यह कहता हूँ कि जब हम ने राजीव गांधीजी की हत्या की जांच के लिए कमीशन बनाया है और हम उस के ऑब्जर्वेशंस, फर्नाइंडिंग्स वा ए.टी.आर. पर चर्चा कर रहे हैं, जब उस पर होने वाली कार्यवाही पर चर्चा कर रहे हैं, तो इस में हम को अपनी राजनीतिक सीमाएं लांघकर इस नजरिए से चर्चा करनी चाहिये कि एम.आई.टी. ने जिन 26 लोगों को दोषी करार दिया है, वह निर्णय किसी भी प्रकार से डाइल्यूट न हो जाए। महोदय, मैं इस को रिपीट कर रहा हूँ क्योंकि यह कोशिश होगी कि हम कुछ ऐसा कर गुजरें जिस की वजह से सुप्रीम कोर्ट में उन 26 लोगों को लाभ मिले। वह कदम किसी भी वजह से डाइल्यूट न हो, जो साजिश में शुमार रहे हैं चाहे वे कोई भी हों, किसी भी स्तर के हों किसी से भी संबंधित रहे हों, उन के खिलाफ कार्यवाही होनी चाहिये और यदि हम ऐसा सुनिश्चित करेंगे तो निश्चित रूप से उन भावनाओं की पूर्ति होगी जिन भावनाओं को मदे नजर रखते हुए समय-समय पर हम ने राजीव जी के प्रति श्रद्धा व्यक्त की है, आस्था व्यक्त की है और श्रद्धांजलि व्यक्त की है। बहुत-बहुत धन्यवाद।

SHRI TRILOKI NATH
CHATURVEDI (UTTAR PRADESH):

Madam Vice-Chairperson, the ghastly assassination of Shri Rajiv Gandhi, the former Prime Minister, evoked a wave of sympathy throughout the country and also of aversion so far as terrorism is concerned. I fully share the sentiments expressed by Shri Pachouri, since, I am aware the number of times he raised this issue along with certain other friends and all of us supported him that we should go to the root of the truth to find out as to what the truth is. That is why I would like to tell Shri Kapil Sibal that we are as much determined to have the truth as he or anybody else is. And, I would remind Shri Pachouri, one late evening in this House when Mr. Chidambaram, who was entrusted with the case, broke down, none of us had asked question since he had promised about the documents which were privileged documents and were not being given and about other facilities and so on and so forth to the Commission. I do not want to go into that particular aspect. I would only like to mention one single fact. I was listening to my friend,

Mr. Kapil Sibal; I have not the capacity to dramatise the issues as he is capable of, because in this case, the tragic situation itself does not need any dramatisation of that kind. References were made to J.S. Verma Commission's Report and they were also discussed. A number of points were raised before the J.S. Verma Commission which Mr. J.S. Verma discussed in his report, about the inadequacy, the lapse of the party in arranging the programme of Shri Rajiv Gandhi and so on. I am saying this because it should be kept above the level of political parties. Some members said, we are not agreeable to this. But they also said, be it so, this may now be done and that may be done. And this kind of insinuation and imputation, I think, can well be understood by the others also. In this connection, I would like to mention that I do agree with Shri Sibal and it is very obvious that the two reports — the Interim Report and the Final Report — of

continuation. I agree with that. But, at the same time, it cannot be denied — I do not have the time to give the references — Madam, even some of the quotations given in the ATR itself will bring out vividly that there has been a lot of back-tracking and something of which was referred to by my friend, Mr R.C. Pillai. There have been - number of important things which created a furor. It is not for me to go into as to why the U.F. Government of Mr. Gujral was pulled down. I will only like to say that there were two stages of the demands of the Congress Party at that point of time. But, Madam, I would like to mention this fact that the question of criminality, a reference to which has been made, was entrusted to the SIT. It was a part of the special group. Madam, whether there have been any inadequacies and so on and so forth which he has pointed out in investigation is a separate issue. But, an effort was made. I will just draw your attention to one particular thing because he made very much of it in his speech

I fully agree with him that if there are more persons who did participate directly or indirectly in the conspiracy or at any other stage, then they have also to be apprehended. I think there is still a scope in the terms of reference that have been given to the agencies. But, I would like to bring one particular fact, in the ATR at page 39, it says : "The role of these 21 persons was fully investigated by the SIT. They were not prosecuted due to the paucity of evidence." Now, you cannot blame the Government. They were not prosecuted. But, what goes later on, the records thereafter were placed before the designated court. Mr. Sibal said that it is only in the trial. I think Section 319 (1) of the CRPC which reads as follows says: "Where in the course of any inquiry or trial of an offence it appears from the evidence that any person not being the accused has committed any offence and so on and so forth." I think this point was definitely considered that there is a paucity of evidence by the court itself and that is why these persons were not there.

Now, that is why the words are "any inquiry into or trial of an offence." I think somehow or the other he suppresses this aspect of it. I fully agree with it and there are other persons too. I think the legal position has to be clearly understood. He also did mention on page 40 of the ATR, that in these two cases in view of the strong observations of the Commission, the Government has decided to entrust the Multi-Disciplinary Monitoring Agency with the responsibility to decide how to proceed further in the matter. He tried to ridicule the word 'proceed'. After all, 'proceed' is a word which we use. If anybody is asked, even if an advocate is asked by his party, then it is left to him to proceed the way he wants according to the law and the Constitution. So, there is nothing of the kind to ridicule as if it was restricted, it has been hamstrung. I think it is completely beside the point.

Similarly, I would also like to draw attention to another point, that is, page No. 36. It is unfortunate that Shanmugham escaped or he was allowed to escape. The death of Shanmugham was inquired into by the Executive Magistrate. This is the usual procedure. I think he is fully aware. It was investigated by the Crime Branch the CID Tamil Nadu Police. It is a cooperative privilege; everybody talks about it. Then, the post-mortem examination was conducted by three forensic medical experts. The informed categorical finding was of suicidal hanging. And this evidence was tendered before the designated court. If the designated court had any doubts, then it could have again asked for another inquiry. I do not mind. Let another High Court Judge be appointed to look into this particular issue. But the way he was presenting was something as if it was the Tamil Nadu Government was headless and Tamil Nadu Government itself can defend and it is not for me to do so. Madam Chairperson, I will go to a few other points.

The nexus, he has used the word 'nexus', within quotes. It has been used in the final report and also in the interim report of the Jain Commission. There are two very distinct terms of reference which are very obvious, though they had worded it in such a language that the first reading does not make it very clear.

The first deals with the growth of Sri Lankan Tamil militancy, their activities in Tamil Nadu, and the support they were enjoying, how many years it took to go into the sequence of events? It is a matter of history. We have only to go to the Library and get some 25-30 books on this subject, written by Indians, written by others; on the sequence of events relating to the rise in militancy. Five-six years were taken in this. This is the kind of objection to its working. Otherwise, he could have finished the work much earlier, as was very often demanded by my friends from the Congress Party. All of us were supporting that.

He talked about the nexus. He talked about the nexus, about the suspicion. He mentioned even the Home Secretary. He did not say 'Home Secretary by name. He used the words 'Home Secretary was in touch'. I do not know whether he meant the State Home Secretary, or, the Union Home Secretary. (*Interruptions*) He mentioned the name of Mr. Nagarajan. I am coming to that.

I would just like to point out as to what was the kind of situation in this. I will read out. The position would be clear. I would read out what Mr. Dixit had said. I do not want to refer to the personal letter to Mr. Murasoli Maran, which was referred to, because it is not necessary, I would only read from Mr. Dixit's book 'Assignment Colombo' page 228. He says: 'Rajiv Gandhi wanted to be firm with the LITTE, he had an equally greater concern to see that he does not have a completely antagonistic Government in Tamil Nadu. It is in this context that he agreed to the suggestion made by Anand Verma of the Cabinet Secretary.... — which will be called RAW; I

did not want to read the sentence ...that he should be allowed to keep in touch with the LITE leadership as well as with Jayewardene through back channels'. If action was to be taken, action should have been taken against them for their acts of omission and commission.

In this connection, Madam, I would like to point out what Mr. C. Subramaniam had said. When the Interim Report was published, this is what Mr. Subramaniam had said on this particular issue. This is quoted in the UNI report, dated the 14th September, 1997. It says: 'Elder statesman C. Subramaniam today said the Dravida Munnetra Kazhagam (DMK) could not be held responsible for the assassination of Rajiv Gandhi. It was the Congress Party which had arranged the public meeting at Sriperumbudur in May, 1991, where Mr. Gandhi was assassinated, without taking into account the security aspect.'

As for the inadequacies of security, these have been very well pointed out in the Justice Verma Commission's Report.

Would like to draw the attention of the House, through you, Madam Chairperson, to another thing. At that time, the Congress Party was in power. They could have looked into this aspect. There was an article which was published in the 'Business Standard' of 7th December, 1991. It said: 'Prabhakaran was brought to Delhi kicking all the way* where he was shut up in the Ashok Hotel; The records reveal that Rajiv Gandhi gave an ex-gratia payment of Rs. 5 crores to the LTTE leader at the time. Peace, in » sence, was bought'.

Now,"it must have been brought to the notice of the Government at that time. If this kind of thing was incorrect, if it was false, if it was untrue, it should have rebutted.

One point was made by my friend. He asked: 'who had leaked the report?' I understand, a Committee has been appointed. Probably, they have submitted

the report. As and when it comes to the House, we will know about it. Different versions are coming out in the press. I do not want to refer to that.

Mr. Pillai has talked about the MOSS AD, the CIA and the LTTE nexus. I fully agree with him. This is an international nexus. As it has been pointed out by Mr. Pachouri himself, it has been provided in the Action Taken Report itself. So, it is not that we do not want to take note of that aspect.

I would like to mention something about the nature of the MDMA. This has been very much questioned. Just see the language used in the terms of reference. Mr. Sibal asked whether it will have police powers of investigation and so on. These are matters of detail. But, after all, this kind of an authority has to be entrusted with this Power. The Government has decided to set up the Multi-Disciplinary Monitoring Agency. I think, being multi disciplinary, it has its implications. AH those who can contribute to unravelling of the truth must be brought in that agency. I am reading further:

" (a) monitor movements of all accused in Shri Rajiv Gandhi's assassination case, who are still absconding and bring them to trial.

"(b) undertake further probe into the role and activities of those individuals against whom it has been so decided in this Memorandum of Action Taken."

Please see (c).

"(c) Look into any other matter related to above that may emerge in the future."

It is for this, that if anything is found out directly or indirectly in connection with this particular matter, I think, the MDMA is certainly entitled to go into it.

Madam Chairperson, there is another matter which I want to mention. My colleagues will also be speaking, otherwise I would have liked to mention

some other items. I want to say one thing about the nexus of the international funds of the BCCI and the company of Chandraswamy and another gentleman, Dr. Subramaniam Swamy who has also been named. The Commission has also made some comments. It is not for me to repeat them. But, I think, that this is an issue which is very important. As has been mentioned by all the Members, it must be looked into.

Here, I want to say that there have been other people also in power. There is even a former Governor. I do not want to name him. I can produce photos and articles from a number of magazines, depicting where, after a wedding of his son the family stayed and what type of hospitality his daughter-in-law and his son enjoyed and so on. So, There are a number of connections now. He exercised powers at various levels. It becomes necessary in this kind of a thing. Madam, as was pointed out by Mr. Sibal, a nexus can be national, within a State, or international. I don't want to name the person because I have no doubt that everybody here is well aware of this.

There are a few other things, Madam, but, without going into them, I will only like to mention that an independent inquiry has been sought for. I wish its details had been given. I can very well understand it. He mentioned emotionally that the Congress Party should be consulted. I think that there is nothing wrong in consulting it, though it is the privilege of the Government to set up an inquiry committee and so on. This is the reply which we used to receive while in opposition. But, so far as this is concerned, this can be looked into. I think that some concrete suggestions should come on whether you want another judicial inquiry or you want an inquiry by the CBI or by some others. It was said that a new set up of the Central Vigilance Commission, as desired by the Supreme Court, would come into existence. Then they may set up....

SHRI S.M. KRISHNA (Karnataka):
We have rejected the CBI...

SHRI TRILOKI NATH
CHATURVEDI: I was also going to say that your have rejected the CBI all along, but the CBI is rightly or wrongly the legal agency about which every time a demand or request is made during debate.

SHRI S.M. KRISHNA: Will you yield for a minute; Mr. Kapil Sibal has given very Valid arguments.

SHRI TRILOKI NATH
CHATURVEDI: I heard him. I yielded for you, not...

SHRI S.M. KRISHNA: You were may neighbours some years back. So, neighbourly relationship prevails. Thank you for this gesture. But, I want to point out that Mr. Sibal has already rejected on behalf of our party that there cannot be any further investigation by the CBI, because the CBI seems to have compromised on many issues.

SHRI TRILOKI NATH
CHATURVEDI: CBI as an investigating agency is a continuing institution. Governments and individuals may change, but the institution remains. As Mr. Pachouri has said, whatever the Government in power, if alone is responsible for giving replies and so on. Many things happened when we were sitting on the other side. That is why it is a question of the institution. I think it is wrong to say like this on two grounds. One is to tar the entire institution. When CBI came into existence, it was the only effective agency which started with anti-corruption business. Now, it has been given much bigger duties. Even the matter to extend its scope of work and how it can be has been pending not since this Government came to power, but for a period much earlier. The other thing that I would like to mention is that the proliferation of agencies has been the undoting of many of the good things or the correct things that would have been possible to achieve. This would have

Deen in the field of law and order and also in the field of intelligence. Without going into details, I would say intelligence coordination is one of the most difficult tasks that any country faces and that our country has faced and is facing today with various agencies. Mr. Vice-Chairman, Sir, I fully share that passion to go into the truth, but it is absolutely wrong to say that this Government had anything to hide or that it had any political motivation in presenting the ATR, the way the Government had done. On the other hand, the present Government has done its best in trying to expedite the matters which very rightly affect the emotions of people in the country. Thank you, Sir.

SHRI J. CHITHARANJAN (Kerala): Sir, the Jain Commission was appointed in the month of August, 1991. It has submitted its report in 1998. The Commission has taken about 86 months to present its final report. Sir, the Jain Commission was appointed mainly to find out who are the individuals or agencies, which have worked behind the conspiracy to murder Shri Rajiv Gandhi. The entire country, irrespective of political affiliations, was very shocked when his murder took place.

They were all interested in finding out who exactly the person or the persons had been behind this assassination. Therefore, with great expectation the people were waiting for this report. Finally, what has come out is a mouse out of a mountain of records and also from the evidences given by so many people. The Jain Commission has failed to find out who exactly the person or agencies had been who have conspired to assassinate Shri Rajiv Gandhi. At the outset the Jain Commission has said in its report that in the case of such cases where some international conspiracies were involved, it would be very difficult to unravel the conspiracy and to find out the persons who were behind it. It also says that in such cases after some years, some facts would come out and then only

they could find out exactly which agency was involved and who were responsible for that conspiracy. The Commission had also stated that if Mr. Sivaresan and others could be apprehended, it could have helped them in unravelling the secret behind it. Anyhow, at the very outset this commission have created an impression that it was impossible for it to find out who exactly had committed this assassination or the agencies behind it.

Secondly, the Commission has even gone to the extent of saying that in this matter they need not proceed under normal legal procedures and they need not adopt legal procedures. The Commission said that they can proceed on the basis of certain evidences which would not legally stand. This is what they have said. After preparing a foundation like that, what did the Commission do? They have prepared two voluminous reports. One in the name of Interim Report and the second one in the name of the Final Report. Whatever he has been asked to inquire and find out, that has not at all been done. The Commission has failed in that. The Commission in order to cover up its failures and may be due to other reasons also, has utilised this opportunity to create a confusion and has put several people, several institutions and parties under a cloud. That has created a very important political reaction also. As my colleague, Mr. Ramachandran Pillai said when the Interim Report was presented, our Congress friends took a stand. I do not want to go into the details. As a result of the report, the Gujral Government was pulled down. Even now I would like to know what the thinking of our Congress friends is. Whatever emotions they were having, they were free to have there. But they have resorted to a very, very disastrous course and the result of which is there before us. Now the country is facing a very disastrous situation.

I do not go into the details. But, of course, those friends should at least

express regret over that. Anyhow, the Commission does not take a consistent stand. For example, the Commission referred to V.P. Singh, Chandra Shekhar and P.V. Narasimha Rao, former Prime Ministers. In the Interim Report, the Commission had made certain statements by which the Commission was creating an impression that Mr. V.P. Singh was, in a way, connected with the even though it has not specifically stated it. What it has stated is, "In these matters, one cannot go into the heart of people and understand how they feel and how they think." After that, Justice Jain has said, "Mr. V.P. Singh himself will have to make a heart-searching." But in the Final Report, the Commission has stated that in the case of Mr. V.P. Singh, Mr. P.V. Narasimha Rao and Mr. Chandra Shekhar, whatever allegations were raised against them could not stand and they could not be found guilty. Justice Jain has even poetically said that it was a figment of imagination to say that. Not only that. In the case of Mr. Karunanidhi, the Commission had stated that he had given tacit support to the activities of the LTTE and therefore, he was put under a cloud. Along with that, the Commission made allegations against the entire Tamil people. That was what the Commission did in the Interim Report. But when the Final Report is presented, Justice Jain says "that he had never meant to malign the Tamil people. He had gone to the extent of saying that most of the people may not be knowing about the LTTE, their activities and other things. But -even then he has not even expressed regrets about it. Whatever the Commission had stated in its Interim Report had created an impression that the entire Tamil people were responsible for it, they had been conniving in that. Anyhow, it has corrected it now. So far so good.

In the case of Mr. Karunanidhi, the Commission had stated that he had given tacit support. It would have been better to have questioned him, to have interrogated him. On what basis had it

been done? The conclusions that the Commission arrived at lead one to think that the Commission had played politics in presenting the Report. Instead of doing what it had to do, it had played politics. It had been trying to serve the interests of certain parties and put certain others under a cloud. When this incident took place when the dastardly murder took place, as everyone knows, Mr. Karunanidhi was not in power. His Government had been dismissed months before that. He was not in power at all. Coming to the question of sympathy with the LTTE, let us know who were the people who were not having sympathy with the LTTE in the beginning. Was not the Government of India making all-out efforts to help the LTTE in various ways; And naturally, the entire Tamil people would have sympathy for them. That is one thing. But because of the fact that they had got sympathy for the LTTE, it would be very wrong to think that they had connived in the assassination of Rajiv Gandhi. You can understand it if you look into the sentiments of the people of Tamil Nadu after the incident.

Even though the entire Tamil people were giving an all-out support in various ways to the LTTE before that incident, after that incident, the LTTE people got completely isolated among the Tamil people in the State of Tamil Nadu. That is a fact known to all of us. Then why should Karunanidhi be put under a cloud? I can understand that. Unless you have got some political intention to malign somebody to put him under a cloud there is no reason for doing that, perhaps, they may have other political intentions also. Ultimately, what he has stated was that though he had got certain reports about the conspiracy in respect of the present case, there was no evidence and those reports could not be relied upon. So, he had rejected them. Even regarding certain other information which the Commission have got, it was said by the Commission that they did not have any evidence before it. Yet it was left to

the Government to pursue the matter. Now, what has the Government done? The Government has decided to appoint a Multi-disciplinary Monitoring Agency. What is it meant for? This is the first time that we are hearing about such a term. We have been hearing about so many new terms for the last few months. In the same way, this is also a new term. What is meant by it? It has been stated that Mr. Karunanidhi should also be interrogated by this Agency. You see, in the present day political scene, we can understand the difficulties of the Government led by Shri Atal Bihari Vajpayee Ji. Even in their combination, there are certain political groups or parties in Tamil Nadu who are pressurising the Government and threatening them that unless they dismiss the State Government headed by Mr. Karunanidhi, they will withdraw the support. (*Interruptions*)

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Mr. Margabandu, let him speak. Please take your seat. You will be allowed to speak.

SHRI .1 CHITHARANIAN: It is known to the Opposition; it is known to the entire country that the Government is under a very heavy pressure exerted by some of its allies. At such a time, Karunanidhi is being put under a cloud and it is being said that he will be interrogated by the Multi-Disciplinary Monitoring Agency. It is a partisan political action based on their own political self-interest which is objectionable, which is condemnable. Therefore, what I have to say is that the proceedings proposed to be stated under the Multi-Disciplinary Monitoring Agency should be given up. That is what I have to say. The Government is giving a threat that Mr. Karunanidhi will be interrogated by the Multi-Disciplinary Monitoring Agency. This move on the part of the Government is dangerous for the unity of the country and for the smooth functioning of the democratic system in our country. Thank you.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Shri R. Margabandu.

SHRI SATISH CHANDRASITARAM PRADHAN: Sir, I would like to submit one point.

THE VICE-CHAIRMAN (SHRI SANATAN BISHI): Let him speak.

SHRI SATISH CHANDRA SITARAM PRADHAN: Sir, he will not be in a position to complete his speech within ten minutes.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): But he has been allotted to me for this purpose.

SHRI SATISH CHANDRA SITARAM PRADHAN: I request you to take up the Special Mentions. That is what I want to suggest.

THE VICE-CHAIRMAN (SHRI SANTANA BISI): Let him speak.

SHRI R. MARGABANDU (Tamil Nadu): Sir, in a judgement delivered by the Designated Court, it has been observed by the Court that it has not hesitation to come to the conclusion that the LTTE group had a very strong motive to kill Rajiv Ji. Then at pages 32 and 33 of the ATR, the possibility of the foreign hand and the LTTE in the assassination of Rajiv Gandhi cannot be ruled out. Rather it has been strengthened. So, this was the basis on which the assassination had taken place. This had happened when there was an Indo-Sri Lankan Accord which was signed on 29.7.87 between India and Sri Lanka, which recognised the sovereignty and the territorial integrity of Sri Lanka. It was followed by the passing away of the LTTE leader Dilipan on 26.9.87, and, therefore, the formation of a separate Tamil Elam State was ruled out. Then it was followed by the departure of IPKF, which was condemned by the Sri Lankan Tamilians and the militant LTTE groups, from Sri Lanka. These fact show their hatred against Rajiv Gandhi because the militants thought that India betrayed the interests of the Tamilians. These were the

things which led to the assassination of Shri Rajiv Gandhi. It further strengthened because the then Chief Minister of Tamil Nadu, Karunanidhi, refused to receive the IPKF personnel when they were returning from Sri Lanka. It was the bounden duty of the Chief Minister to receive the army when they were returning from Sri Lanka. He did not do it. The nexus between the LTTE and the DMK Government was well known when the DMK Government itself was dismissed, when the instructions given by the Central Government to the State Government were leaked out to the Sri Lankan people. These are a fact which show that there was a nexus between the DMK Government and the LTTE. Then Padmanabha was massacred on 19.6.90. It was not investigated by the DMK Government. The DMK Party should have asked for an investigation into the Padmanabha case by the CBI. Subhalaxmi, the present MLA, was harbouring the accused in the Padmanabha case. This shows the amount of patronage given by the DMK to the LTTE operations in Tamil Nadu which led to the massacre of Shri Rajiv Gandhi. This horrible incident was known to the DMK Chief and his son, Stalin. Stalin openly gave instructions to the DMK men to remain indoors as something was going to happen on that evening. So, the action and the attitude of the DMK leader, Karunanidhi, and his Government refusing to welcome the IPKF personnel on their return from Sri Lanka and other things show that the LTTE people had been encouraged in Tamil Nadu. The free movement of LTTE men was not curbed by the DMK Government. A suspicion also arose because on the date of assassination a DMK public meeting was arranged at Sriperumbudur itself, but that had been deliberately cancelled by Karunanidhi on that day. There was a nexus between the DMK and the LTTE and there was a plot—because there was an electoral alliance between Rajiv Gandhi and Jayalalitha which gave an impression that

alliance would sweep the poll—to do away with Rajiv Gandhi. It is also stated in the Report itself that if a proper investigation had taken place in the case of Padmanabha, and if a proper track had been maintained, this incident could have been avoided. It has been mentioned at page 47 of the ATR that there was a failure of Intelligence, local and Central, to continue the track on Padmanabha's massacre. Had they followed a proper track, this national tragedy could have been averted. The ATR clearly points out the names of three persons, two Swamis, Chandraswami and Subramanian Swamy, and Karunanidhi. It is clearly mentioned in Volume VII on page 944 and it is also mentioned in the ATR on page 43, "Shri M. Karunanidhi was also not interrogated. On many matters his interrogation was quite relevant." "On the role of Shri M. Karunanidhi, the Commission has made serious observations in its Interim Report. It has stated that "From the evaluation of the material the conclusion is irresistible that there was tacit support to the LTTE by Shri M. Karunanidhi and his Government and law enforcement agencies" (Volume VII, page 944, para 73.32). Taking such observations in the Interim Report into consideration together with the misgivings expressed by the Commission in its Final Report, the Government have decided to entrust the Multi Disciplinary Monitoring Agency with the responsibility to decide how to proceed further in the matter." It is stated in the Report that though there is a foreign agency, a foreign hand in this, it is very clear that it is the LTTE which has done this. A number of instances which have been quoted in the Report go to show the amount of patronage that had been given by the DMK Government to the LTTE. The result is this assassination. I would like to mention one incident. After the assassination of Mr. Padmanabha the LTTE people travelled 320 miles from Madras to Kodiyakkarai and they had not been arrested by the police. Those people

stayed at Kodyakkarai and they were allowed to escape. It has been pointed out that if it had been given to the CBI, there would have been a proper investigation, those people would have been arrested and this tragedy could have been avoided. This is the way the DMK was handling it. My learned friend has pointed out that the entire Tamilians have been accused. It is not so. It was to show that the Jain Commission was against the Tamilians it had been stated that the entire Tamilians had been involved in this incident. In the Final Report it has been made clear that it did not mean the entire Tamil people. It meant only a few Tamilians who had knowledge about this. He had mentioned this. I would like to say one thing. As regards the appointment of this monitoring agency, I have some reservation. When a judge gives a report pointing out a finger at some particular persons, that itself could be treated as an FIR and a case could be registered against them and those persons could be arrested. *(Interruptions)*...

SHRI V.P. DURAISAMY: He should not mislead the House.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Please take your seat. *(Interruptions)*... Let him speak. *(Interruptions)*...

SHRI R. MARGABANDU: When his turn comes he can reply to me, Sir. This is my case.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Mr. Margabandu, please conclude. Your time is over.

SHRI R. MARGABANDU: I am concluding, Sir. The Report itself can form the basis for registering a case, for lodging an FIR. *(Interruptions)*...

SHRI V.P. DURAISAMY: How can it be, Sir? *(Interruptions)*...

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Please take your seat. *(Interruptions)*... You can speak when your turn comes. *(Interruptions)*...

SHRI R. MARGABANDU: Instead of delegating the power to the monitoring agency, the Central Government could have registered a case and investigated it and the concerned persons could have been arrested. The investigation should have been done. When there was no case against my leader, she was arrested on the grounds *Val... (Interruptions)*...

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Mr. Margabandu, why are you raising these points again; That is over now. *(Interruptions)*.

SHRI R. MARGABANDU: Sir, they *said... (Interruptions)*...il she is allowed to remain outside, there will be the possibility of tampering with evidence and other *Xhings... (Interruptions)*. The same thing should be applicable to this case also. *(Interruptions)*.

SHRI S. VIDUTHALAI VIRUMBI: Sir, *... (Interruptions)*.

SHRI V.P. DURAISAMY: Sir, *... (Interruptions)*.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Please take your seat. *(Interruptions)*. Please take your seat. I have already said *... (Interruptions)*.

SHRI S. VIDUTHALAI VIRUMBI: •

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Please sit down. *(Interruptions)*. Please take your seat. *(Interruptions)*. Mr. Margabandu, please take your seat. *(Interruptions)*.

SHRI S. VIDUTHALAI VIRUMBI: Sir, she was *... (Interruptions)*.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Mr. Virumbi, please sit down. He is concluding. *(Interruptions)*. Please take your seat. *(Interruptions)*.

SHRI S. VIDUTHALAI VIRUMBI: He is misleading the House. *(Interruptions)*.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Please take your seat. *(Interruptions)*. It will not help anyone. *(Interruptions)*.

SHRI R. MARGABANDU: *

(*Interruptions*).

SHRI V.P. DURAISAMY: Sir this should not go on record. (*Interruptions*). This statement should not go on record. (*Interruptions*).

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Please take your seat. (*Interruptions*). How many time will I say it? (*Interruptions*).

SHRI SIKANDER BAKHT: Sir, he may be allowed to continue tomorrow. (*Interruptions*).

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Mr. Margabandu, your time is over. (*Interruptions*). Please take your seat. Mr. Margabandu, please conclude in one minute.

SHRI R. MARGABANDU: Sir, my respectful submission is...(*Interruptions*).

THE VICE-CHAIRMAN (SHRI SANATAN BISI): You have already made your points. Please conclude. (*Interruptions*).

SHRI R. MARGABANDU: Sir, I will continue tomorrow.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Your time is over. (*Interruptions*).

SHRI R. MARGABANDU: Sir, I will continue tomorrow.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): No, your time is over. (*Interruptions*).

SHRI M. VENKAIAH NAIDU: Sir, I would like to make one point. Sir, we are discussing about the Jain Commission Report and about the persons who were named by the Jain Commission. My point is, a reference was made to the former Chief Minister of Tamil Nadu. That is why they are angry. I don't have any quarrel with them. (*Interruptions*). Sir, they have made such a serious allegation against Ms. Jayalalitha, former Chief Minister of Tamil Nadu, which has no connection whatsoever with this issue. (*Interruptions*).

SHRI S. VIDUTHALAI VIRUMBI: Sir, ...(*Interruptions*).

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Why are you getting up every time? (*Interruptions*). Please take your seat. (*Interruptions*). I know the implications. (*Interruptions*). I know the implications. (*Interruptions*). Please take your seat. (*Interruptions*). Mr. Margabandu, please take your seat. (*Interruptions*). Mr. Virumbi, please take your seat. (*Interruptions*). Unless I allow you, please don't say anything. I will allow you. I will give a chance to all of you to submit your viewpoint. Now I have to take the sense of the House. Shall we take up Special Me.itions or the statement?

SHRI R. MARGABANDU: Sir, I will continue tomorrow.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Mr. Margabandu, why are you speaking without my permission?

SHRI PRANAB MUKHERJEE (West Bengal): Sir, let the hon. Member, who is on his legs conclude and then we can take up Special Mentions.

We will be completing four hours on this debate and totally eight hours have been allotted for this. If we don't complete even four hours on this today, it will be difficult to complete the whole exercise tomorrow. So, my submission for the consideration of the Leader of the House as well as other Members is, let the hon. Member, who was on his leg before this thing started, complete his speech and, thereafter, we can take up Special Mentions. After the Special Mentions are over, we can adjourn and this discussion can continue tomorrow.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): He was about to finish his speech. Unnecessarily they took the time of the House.

SHRI SIKANDER BAKHT: Sir, I agree with the suggestion made by the hon. Member, Shri Pranab Mukherjee.

*Expunged as ordered by Chair.

But I have to ask one thing. When are we taking the statement to be made by the Minister of Civil Aviation? Will it have to be made tomorrow?

SHRI PRANAB MUKHERJEE: Sir, after Mr. Margabandu finishes his speech, the Minister of Civil Aviation can make his statement. Thereafter we can take up Special Mentions.

SHRIMATI CHANDRESH KUMARI (Himachal Pradesh): Sir, in the morning, Shri Ghulam Nabi Azad raised an issue which took place recently, namely, killing of 23 people in the Chamba valley. The Home Minister gave an assurance that he would come out with a statement. I would like to know when he is going to make it.

SHRI SIKANDER BAKHT: Sir, the Home Minister only said that he would collect the information.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Mr. Margabandu, please conclude. You have got one or two minutes only. Unnecessarily you are all taking the time of the House. Please conclude. Your very good points are already there. Don't elaborate them furthermore... (Interruptions).

SHRI M. VENKAIAH NAIDU: Sir, I was raising a point of order... (Interruptions). I am not making any allegation nor am I going to make any speech. My only point of order and suggestion is this. The hon. Member was making certain points and the other Members could counter his arguments. That is all right. But is it proper to make sweeping allegations against the former Chief Minister of a State, who is not present in this House, who is not in a position to defend herself? to say... (Interruptions).

SHRI S. VIDUTHALAI VIRUMBI: It is a known fact.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Please take your seat... (Interruptions). Mr. Margabandu, please 'take your seat... (Interruptions).

Now he has raised a point of order and unless and until I allow the point of order and unless and until I give my ruling, why are you getting up? (Interruptions). Don't get up like that... (Interruptions). Please take your seat... (Interruptions). I am telling you... (Interruptions). Listen to me... (Interruptions).

SHRI R. MARGABANDU: He is saying things not related to the subject... (Interruptions).

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Please don't spoil the time of the House... (Interruptions). I know the impUcations... (Interruptions). So far as the point of order is concerned, because we are already discussing the matter... (Interruptions). The point of order is a matter of practice and procedure... (Interruptions). Without taking my permission, you are speak'ng... (Interruptions). Please, Mr. Margabandu, please conclude in one minute... (Interruptions).

श्री ओकार सिंह लखावत (राजस्थान) : उपसभाध्यक्ष महोदय, जयललिता जी के बारे में जो कहा गया है, वह रिकार्ड में नहीं जाना चाहिये। उन के ऊपर जो आरोप लगाए गए हैं, उस को एक्सपोज कर दें, उस को कार्यवाही से निकाल दें, इतना मेरा निवेदन है।(व्यवधान)....

SHRI JOHN F. FERNANDES (Goa): Sir, the expression should be expunged. Otherwise, they have to substantiate it. It is not appropriate to let it go on record. (Interruptions).

THE VICE-CHAIRMAN (SHRI SANATANBISI): Mr. Margabandu... (Interruptions).

SHRI S. VIDUTHALAI VIRUMBI: Sir, ...

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Why are you getting up without my permission? (Interruptions) Mr. Virumbi, without taking my permission, don't stand up. (Interruptions) Please take prior permission. I told you that I would give you the opportunity and the time.

Whatever you want to say, you say then. (Interruptions) Mr. Margabandu, please conclude. You have already made all your points.

SHRI R. MARGABANDU: Sir, this Jain Commission has taken about nine years.

SHRI M. VENKAIAH NAIDU: Sir, have you expunged it? (Interruptions) You are a senior person.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Yes, yes. That is there. I know that. (Interruptions) Those words will not go on record.

SHRI M. VENKAIAH NAIDU: Even if it is against Mr. Karunanidhi, we don't want it to go on record.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): You have not taken my permission. First you take my permission. (Interruptions) Please take my permission first. (Interruptions)

SHRI C.P. THIRUNAVUKKARASU: Sir, ... (Interruptions)

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Before you say anything, please take my permission. (Interruptions) First you take my permission. (Interruptions)

SHRI S. VIDUTHALAI VIRUMBI: Sir, ... (Interruptions)

THE VICE-CHAIRMAN (SHRI SANATAN BISI): I am not going to allow you without my permission. (Interruptions) I am not going to allow you without my permission. I told you that I will give you an opportunity. So far as the rules are concerned, so far as the practice and procedure is concerned, it will be followed. Yes, Mr. Margabandu, please conclude.

SHRI R. MARGABANDU: This Jain Commission has taken nearly nine years to complete this inquiry and to submit its report. (Interruptions)

SHRI V.P. DURAISAMY: Sir, ... (Interruptions)

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Why are you interfering? How many times will you say? He is making his submission. (Interruptions) Mr. Margabandu, please don't repeat.

SHRI R. MARGABANDU: I am only pointing out, Sir.

SHRIMATI SAROJ DUBEY: Mr. Vice-Chairman, Sir,...

THE VICE-CHAIRMAN (SHRI SANATAN BISI): No, Madam, You have not taken my permission. Please take your seat.

श्रीमती सरोज दुबे (बिहारी) : सर, हमारी बात सुन लीजिये ।(व्यवधान)....

उपसभाध्यक्ष (श्री सनातन बिसि) : अब आप क्यों खड़ी हो रही है । बैठ जाइए ।(व्यवधान)...

श्रीमती सरोज दुबे : सर, मेरा सवाल इससे संबंधित नहीं है । सुबह मंत्री जी ने कहा था बिहार के बारे में ।(व्यवधान)...

उपसभाध्यक्ष (श्री सनातन बिसि) : मैडम, वह तो बोल दिया था । अब दुबारा क्यों बोल रही है । प्लीज बैठिए ।(व्यवधान)...

SHRI R. MARGABANDU: The ATR says, "The Government have decided to entrust the multi-disciplinary monitoring agency with the responsibility to decide how to proceed further in this matter".

THE VICE-CHAIRMAN (SHRI SANATAN BISI): That you have already stated.

SHRI R. MARGABANDU: I am coming to my point. Having spent so many years, if it is relegated to another agency, it will take further time.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): You have already said all these things. You have already said.

SHRI R. MARGABANDU: The entire thing will go in vain.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Please conclude.

SHRI R. MARGABANDU: So, my request is that the Central Government

must file a charge-sheet, register an FIR and take up investigations and the concerned persons should be arrested...

THE VICE-CHAIRMAN (SHRI SANATAN BISI): That is all. *(Interruptions)* That is all. *(Interruptions)* That is all. *(Interruptions)*

SHRI R. MARGABANDU: Because lidien a person is in power... *(Interruptions)*

THE VICE-CHAIRMAN (SHRI SANATAN BISI): That is all. You have already stated it. *(Interruptions)* My dear, you are repeating the same thing.

SHRI R. MARGABANDU: The person in power, the Chief Minister, is likely to tamper with the evidence as has been done by Nagarajan who was asked to file a false affidavit before the court... Expunged as ordered by the Chair.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): You have already stated it. *(Interruptions)*

SHRI R. MARGABANDU: A false affidavit has been produced before the Jain Commission ...*(Interruptions)*... stating that the affidavit has been given in connection with some other thing. But the Jain Commission itself has indicated Mr. Karunanidhi that he is telling an untruth before the court. Whether a person of such credibility...

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Please conclude. Please conclude. Please conclude.

SHRI R. MARGABANDU: Whether a person who has been pointed out as an accused....

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Please conclude. Please conclude. Please conclude. *(Interruptions)*

SHRI R. MARGABANDU: THE VICE-CHAIRMAN (SHRI SANATAN BISI): What? No, it will not go on record. He has concluded. It will not go on record... *(Interruptions)*...

Now we will take up the statement by the Minister.

SHRI S. VIDHUTHALAI VIRUMBI: Sir, he has stated *thai...**(Interruptions)*

THE VICE-CHAIRMAN (SHRI SANATAN BISI): What has he stated? I have *told...**(Interruptions)* No, it will not go on record. *(Interruptions)* You listen to me. When I have said it would not go on record, it would not go. *(Interruptions)* When I said, "Please conclude", thereafter it would not go. You have been saying the same things. It will not go on record. That I told you. *(Interruptions)* When I told him, "Please conclude", thereafter it wouldn't go on record. *(Interruptions)* Now, we will take up the statement regarding the accident of an Indian Airlines aircraft.

Not recorded.

STATEMENT BY MINISTER

Accident of an Indian Airlines Dornier Aircraft at Cochin on 30th July, 1998

THE MINISTER OF CIVIL AVIATION (SHRI ANANTH KUMAR): Sir, it is with a deep sense of shock and anguish that I have to inform this august House that an Indian Airlines Dornier DO-228 aircraft VT-EJW crashed at Cochin soon after take off at 1104 hours on 30th July, 1998 while operating flight IC-503 from Cochin to Thiruvananthapuram. It has been reported that soon after take off the aircraft nose dived and hit a building near Naval hangar and caught fire. The aircraft was under the command of Capt. Shiv Raj Singh and Capt. Manish Sharma as Co-Pilot and Shri Sajid, Flight Purser. In addition the following three passengers were on board:

(1) Mrs. Vijay Kalyani Kanaujia, (2) Mr. Samala Raju, (3) Mr. Sasikanth Ra-mani

The crash-fire tenders extinguished the fire and the occupants were evacuated and taken to hospital in critical condition. I am sorry to inform the House that all