

Liberhan panel summons Advani, Rao

By J. Venkatesan

NEW DELHI, NOV. 23 The Liberhan Commission of Inquiry probing the conspiracy angle into the demolition of the disputed structure in Ayodhya today ordered issue of summons to the former Prime Minister, Mr. P.V. Narasimha Rao and Union Ministers, Mr. L.K. Advani and Dr. Murli Manohar Joshi to adduce evidence as witness.

The Union Minister for Sports, Ms. Uma Bharti, who deposed before the Commission today would be examined again on December 12. Dr. Joshi has been asked to appear on December 19 and 20; Mr. Narasimha Rao on December 26 and 27 and Mr. Advani on December 29. They have been cited as accused in the case registered by the CBI pursuant to the demolition of the disputed structure.

The Commission also directed the Chief Secretary, Maharashtra and the Commissioner of Police, Mumbai, to send/produce the entire record with the Government/police relating to the subject matter of the Commission's inquiry on or before December 15.

Continuing her deposition today, Ms. Bharti maintained that while the issue relating to the

disputed land at Ayodhya could be resolved through court, the sentimental issue concerning Hindus and Muslims could be resolved only through a dialogue.

Ms. Bharti said that according to her knowledge, there was a settlement during the rule of a Muslim emperor (whose name she could not recollect) that even as the Babri Masjid structure be retained, Hindus were allowed to do bhajans. Subsequently Hindus were even allowed to construct a 'chabutra' in the disputed structure, where Hindus used to chant bhajans and kirtans.

To a question as to which of the parties supported the construction of the temple, she said besides the BJP and Shiv Sena, even Congress to some extent accepted it and it was the Congress Government that allowed shilanyas at the disputed site.

She said almost all political parties were involved in the issue directly or indirectly as the situation in the entire country was 'charged' before the demolition of the structure on December 6, 1992. She will continue her deposition on December 12.

Will quit on my own: Page 13

THE HINDU

24 NOV 2000

Clarify stand on Sri Krishna panel report: court

SC comments put govt in the dock

SUDESH K VERMA
STATESMAN NEWS SERVICE

NEW DELHI, July 21. — The Vajpayee government was in the dock today due to the Supreme Court's observations questioning the principle of collective responsibility of the government on the Sri Krishna Commission report.

The court held that the statements of two ministers in the government on the issue were at variance with its affidavit before the court.

Meanwhile, the Shiv Sena stepped up pressure on the government to intervene in the Maharashtra crisis. Two of its ministers, Mr Suresh Prabhu and Mr Manohar Joshi, met the Prime Minister in the evening and told him that the NCP-Congress government in the state was making preparations to prosecute the Sena chief, Mr Bal Thackeray, for his editorial in Saamna in 1993.

They asked Mr Vajpayee to accept their resignations to allow them to participate in Sena activities in Maharashtra, Mr Joshi told The Statesman. They did not attend the Union cabinet meeting in the evening and left for Mumbai after a two-hour talk with the Prime Minister.

The Union information and broadcasting minister, Mr Arun Jaitley, who was present at the meeting, said Mr Vajpayee had not accepted the resignations.

Hours after the Supreme Court asked the Centre to spell

out its stand on the Sri Krishna Commission report, the two Sena ministers, along with the Union Home Minister, Mr LK Advani, Mr Jaitley and the Attorney-General, Mr Soli Sorabjee, met the Prime Minister.

The Sena ministers told Mr Vajpayee the reasons for which they felt the state government's decision was not in conformity with the law, Mr Jaitley said. The Prime Minister told them that he would consult his cabinet colleagues on the issue.

According to sources, the Union government has obtained a six-page authenticated English version of Mr Thackeray's article written in Saamna. The article was today examined by the home ministry in consultation with the law ministry to find out if the editorial constituted an offence under rule 153 (A) of the IPC. The Maharashtra government is seeking to prosecute Mr Thackeray for his alleged communal writing in this article.

The sources maintained that it would be difficult to establish a case against Mr Thackeray on the basis of this article.

The BJP felt that the Maharashtra government's decision was wrong and vindictive. Some party leaders, as also some ministers in the government, privately held that the Congress would not allow the NCP to take the matter too far.

■ More reports on page 8

'File fresh
affidavit'

OUR LEGAL CORRESPONDENT
STATESMAN NEWS SERVICE

NEW DELHI, July 21. — The Supreme Court today directed the Centre to file a fresh affidavit on implementation of Sri Krishna Commission recommendations.

Hearing five petitions, a three-judge Bench — comprising the Chief Justice, Mr AS Anand, Mr Justice RC Lahoti and Mr Justice KG Balakrishna — asked the Attorney-General, Mr Soli J Sorabjee, to clarify the Centre's stand on the recommendations.

The petitions had sought a direction to the Centre and Maharashtra to initiate investigation into the riots. The Centre had said in 1999 that it was not proper on its part to investigate or implement nor could it direct the state government to do so. Mr Ram Jethmalani said yesterday that the Centre could intervene in the Maharashtra tussle.

The Chief Justice has objected to it. The Centre's affidavit, he said, reads "the Central government is not the appropriate government either to implement the findings or to conduct prosecution..." "Is there anything like collective responsibility of government or not?" the Chief Justice asked to which A-G said that the affidavit reflected the correct stand and not newspaper reports.

THE STATESMAN

22 JUL 2000

SC orders Centre to spell out stand on Srikrishna report

By Rakesh Bhatnagar
The Times of India News Service

NEW DELHI: The supreme court on Friday blasted what it said was the ambivalence of the Union government on implementation of the Srikrishna commission report.

While hearing a PIL on the status of the Srikrishna report, an anguished court took serious note of the conflicting statements made by at least two Union ministers on the issue of the prosecution of Mr Thackeray in connection with the 1992-'93 riots in Mumbai.

"It is distressing that comments are made by cabinet ministers while a petition seeking implementation of the commission's report is pending before the highest court of the land," Chief Justice Adarsh Sein Anand told attorney general Soli J. Sorabjee during the 45-minute-long proceedings.

Referring to newspaper reports quoting the ministers' opinions that no action could be taken against Mr Thackeray, the court asked, "Is there something like collective responsibility or not?" The court wondered whether "this concept is not known to this government". The judges further castigated the Centre, saying, "Is it the way to run a civilised government? Telling the court something and playing to the gallery by saying something else to the public hardly behoves a person in a civilised society."

The court also wanted to know—in the light of statements made by Union ministers that the Maharashtra government had no right to prosecute Mr Thackeray—whether the Vajpayee government was resiling from its official affidavit, which says, "The Central is not the appropriate government either to implement the findings or to conduct prosecution and it cannot also direct the state government on these two aspects" since the jurisdiction vests with the state government.

Mr Sorabjee assured the court that the government had not drifted away from its stand. But he hastened to add that it depended on circumstances, especially if an action had countrywide ramifications.

He also shared the court's concern on certain statements made by some cabinet ministers on the matter pending before it.

Former attorney general Ashok Desai, who is the Maharashtra government's counsel in the case, told *The Times of India* that the state government could go ahead with the investigation and arrest of the persons (including Mr Thackeray) who were indicted by the Srikrishna commission for provoking riots through inflammatory speeches or writings.

Mr Desai explained that as long as there were satisfactory reasons

to explain the delay, there was no limitation in taking action against those who were allegedly responsible for the offences committed under Section 153 of the IPC, which provides up to three

years in jail.

He said that last January, the state government had told the court that it would take action on the findings, "uninfluenced" by the 'action taken report' of the BJP-Shiv Sena government headed by Manohar Joshi which had said that no action was warranted against the people named in the commission report.

Mr Joshi had reportedly described the inquiry report as "anti-Hindu and biased".

The petitioners of the PIL have sought quashing the 'action taken report' on the ground that it encouraged "communal forces and shielded those found guilty for spreading communal riots".

On Mr Desai's contention that the crime branch was investigating the cases in deference to the commission's findings, Justice Anand remarked, "I would keep my comments reserved on this." He said there should not be a reassessment of the findings. "When the report had given certain findings and held certain persons prime facie responsible for the riots, the logical corollary should be to prosecute them."

The court also expressed unhappiness over the fact that the report of a high court judge who headed the commission was being re-fixed by the state crime branch.

ORDER, ORDER

- Apex court angered by conflicting statements of Union ministers
- Maharashtra's counsel reiterates that Thackeray could be arrested
- Chief Justice pulls up state govt. too

Srikrishna Leela

Law-abiding citizens across the country will welcome the Supreme Court's strong censure of the Centre for its ambivalent stand on the Srikrishna Commission report on the 1992-93 Bombay riots. The significance of the court's view cannot be overstated and more so in the context of the ongoing controversy over the prosecution and arrest of Shiv Sena chief Bal Thackeray. In all likelihood, the development will push the Maharashtra government into moving faster on that front. For the Centre, there is a strong message here. Over the past week, central ministers have been behaving as if they were on a mission to protect the Sena chief. As the judges have pointed out, this raises questions about the collective responsibility of the cabinet. Union ministers Ram Jethmalani and Ram Naik openly challenged the legality of the prosecution move. Mr Jethmalani called it "much ado over nothing" and even hinted that the Centre could invoke Article 356 as a final measure. Mr Naik proudly took up for Mr Thackeray on a TV programme. Indeed, thanks to this babble of voices, the public has been left with the distinct impression that if push came to shove, the Centre will put its weight behind Mr Thackeray. Disturbingly, this has been the pattern ever since August 1998, when Justice Srikrishna strongly indicted the Shiv Sena for its role in the riots and took particular note of a series of inflammatory editorials Mr Thackeray wrote in the Sena mouthpiece, *Saamna*.

At that time, the then Maharashtra Chief Minister Manohar Joshi had dubbed the findings, "malicious, pro-Muslim and anti-Hindu". Mr Thackeray himself called the judge biased and announced that he (Thackeray) was entirely unconcerned with the report. Later, he admitted to writing the incendiary editorials, and in fact, justified them as necessary in the circumstances. Needless to say, the Shiv Sena-BJP government deliberately allowed the report to gather dust in one corner of the state secretariat — a decision that had the apparent backing of the Vajpayee government. Today, as the prosecution of Mr Thackeray looms large as an issue, the Centre seems once again inclined to act against its better judgment — and on behalf of Mr Thackeray. This is the only conclusion possible given the determined manner in which central ministers have been allowed to pre-judge the situation. It is time Prime Minister Vajpayee and other senior ministers in his cabinet understood the gravity of the situation and paid due respect to the court's strong words. Any further prevarication on this sensitive matter can only strengthen the sangh parivar in its agenda to put 'faith' above institutions of the state such as the Constitution and the Supreme Court. For its part, the state government must explain why it dragged its feet on the issue for as many as eight months. Why, indeed, when Sharad Pawar had promised action on the Srikrishna report as the first priority of his government? But that was back in 1998, when he was in the Opposition and still some way from power. Today, his Nationalist Congress Party is in office and evidently the Srikrishna report is good only to be used as a political tool. Nonetheless, the suspense over the Thackeray arrest must end, if only to ensure that the citizens of Mumbai can breathe a little more easily.

THE TIMES OF INDIA

22 JUL 2000

SHAH COMMISSION

51-8 15/7 A Wasted Effort? ✓

By AG NOORANI

THE Shah Commission now figures as one of the major happenings in the immediate post-emergency era. If the lessons of the emergency itself have not seeped into people's minds, why should those which Justice JC Shah, a former Chief Justice of India tried hard to teach in his three reports? Yet, it would be rash to dismiss his labours — 81 open hearings of his Commission of Inquiry spread over 7 months — as wasted effort. His Interim Report I of 11 March 1978, II of 26 April 1978, and the Third and Final Report of 6 August 1978 testify to his industry and despatch. There is not a single definitive study of this Commission's procedures and approach. It is sorely called for; especially in view of court rulings on the procedure which the Commissions of Inquiry Act 1952 enjoins. The Act itself needs to be reviewed.

Leaving aside the process for the moment, was the product worthwhile? The answer can only be in the affirmative. The Reports did two things. They exposed authoritatively grave public wrongs wantonly inflicted on the citizens by a government that had violated the Constitution to establish a dictatorship.

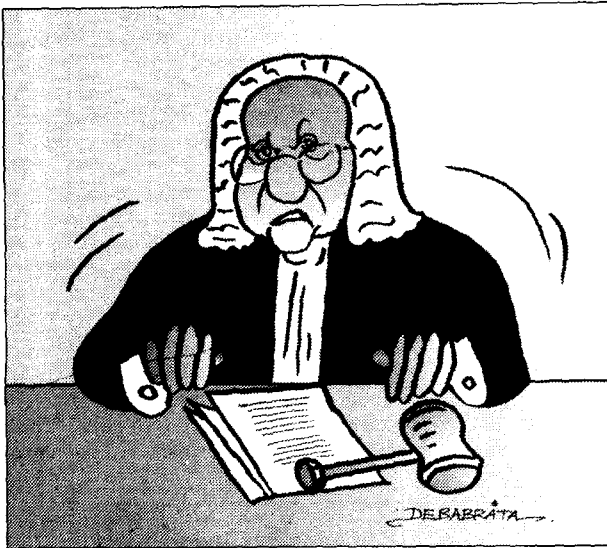
REALITIES

They covered abuse of power in regard to other appointments to the judiciary and to public offices; massive arrests under the Maintenance of Internal Security Act, 1971; misuse of the media; demolitions in Delhi; the Turkman Gate Firing; forcibly performed sterilisation operations; conditions in jails, and the like. No executive probe could have been as thorough or authoritative. The findings were based on oral evidence as well as official records.

The expression "systemic failure" has come into vogue in recent years as a glib defence to charges of malfeasances; the banks scams, for instance. It is particularly offensive when trotted as a defence to Indira Gandhi's crimes against her own people, her betrayal of the public trust and the solemn oath of office, and the Constitution itself. That the opposition should not have taken to the streets once the Supreme Court was seized of her appeal against the judgment of Justice Jag Mohan Lal Sinha of the Allahabad High Court on June 1975, disqualifying her from public office, is incontestable. None of its excesses, however, warranted her response — imposition of her dictatorship and projection of her son, Sanjay, as an extra-constitutional authority. The ground realities, to use the garish words in vogue, did not warrant imposition of an emergency on 25 June 1975 on the manifestly demonstrable false ground that "the security of India" is threatened by "internal disturbance".

The author is a lawyer and commentator on current affairs.

What the First Interim Report does is to provide irrefutable evidence of the considerations which moved Indira Gandhi. Jayaprakash Narayan's rallies must not be viewed in isolation, as Prof PN Dhar does in his memoirs. The report lays bare the massive use of official machinery to hold rallies in her favour and



to agitate against Justice Sinha's judgment. There is a close analysis of events from 12 to 22 June and an even more detailed one of those between 23 to 25 June.

On 24 June Justice VR Krishna Iyer of the Supreme Court, following precedent, granted a conditional stay of the High Court's Order. She would remain member of the Lok Sabha and attend its proceedings "but she will neither take part in the proceedings of the Lok Sabha nor vote nor draw a remuneration" as MP.

Inconsistently and for reasons hard to understand, Justice Krishna Iyer proceeded to add: "independently of the restrictions" on her membership of the House, "her right as Prime Minister or Minister so long as she fills that office, to speak in and otherwise to take part in the proceedings of either House of Parliament or attend sitting of the Houses (without the right to vote) and to discharge other functions such as are laid down in the Article 74, 75, 78, 88 etc or under any other law, and to draw salary as Prime Minister, shall not be affected or detracted from on account of the conditions contained in the stay order." The Judge thus gratuitously and improperly lent the weight of his office to her continuance in office. It was a matter which depended, not on the letter of the law, but on constitutional propriety and political decency. She struck on 25 June, all the same.

NOT ALARMING

Justice Shah's summary of nine "special features" of the emergency (para 5.60 of Interim Report I) should put a quietus to pleas of "systemic failure" "on the economic front, there was nothing alarming"; the fortnightly reports sent by the Governors and by the Chief Secretaries indicated that "the law and order situation was under complete control"; the Union Home Ministry had received no reports to the contrary; it had not prepared any contingency plans for an emergency nor had it informed the PM of any danger; the Intelligence Bureau had not submitted any report to this effect; the

Home Secretary, the Cabinet Secretary, her own Secretary, Prof PN Dhar, and the IB were not taken into confidence. It was a coup. Only minions like RK Dhawan were privy to it.

Justice JC Shah made important recommendations on various topics — Cabinet Government and respect for the Rules of Business; the civil service; Intelligence Bureau; police and the magistracy; telephone-tapping; prison reform; safeguards against abuse of power to detain persons, etc. Not one recommendation was implemented by the Janata Party Government (1977-79) or by the National Front (1989-90) or the United Front Governments (1996-98).

The Commission recommended that appropriate safeguards should be devised by the Government so as to protect the activities of the Intelligence

Bureau being used as an instrument of political spying either by the Government or by someone in the Government. There are three simple British models to draw on — the Interception of Communications Act, 1989; the Security Service Act, 1989, and the Intelligence Services Act, 1994.

AN OVERLORD

The Third Report described the damage done to the civil service during the emergency and the extra-legal procedures that were used — illegal orders given orally by men in the Prime Minister's House or Office who had no locus standi in official business in the first place.

"The Government should define as precisely as it is possible, the circumstances under which the personal staff including Special Assistants and the Private Secretaries attached to the Ministers could convey orders. The Government should also provide checks and safeguards to ensure that in the event of doubt or difference of opinion the levels receiving the orders from the Ministers are in a position to check back." Yet, the PMO functions today as an overlord over Cabinet Ministers — except the ones who wield political clout. It is the civil servants who rule the roost.

Shah J recommended "adequate and effective safeguards to which the officials may turn if and when necessary against any actual or attempted threats by the political and/or administrative authorities to sway the officials from performance of their legitimate duties".

There is a mass of material on precisely these aspects of civil service reform in Britain. It is absolutely necessary to devise institutional remedies which a civil servant can invoke when he receives orders from supervisors which are illegal or improper. There has been absolutely no move for civil service reform in all these years. There has not been the slightest improvement in the structure of public administration whose flaws Justice Shah had exposed two decades ago.

Court throws out case against Thackeray, state to appeal

By The Times Team

MUMBAI: In a day of dramatic developments, Shiv Sena chief Bal Thackeray was arrested by the Dadar police at 11.45 a.m. and discharged by additional chief metropolitan magistrate of the Bhoiwada court, B.P. Kamble, at 12.40 p.m. Mr Thackeray was arrested under Section 153 (A) of the Indian Penal Code for some of his editorials in January 1993 in the Sena mouth-piece, 'Saamna', at the height of the communal riots in Mumbai. The section deals with promoting enmity between different groups of people.

Soon after Mr Kamble dictated his order, throwing out the case, a wave of jubilation swept through the crowd of Shiv Sainiks waiting patiently outside the court's compound. Despite the heavy ban-dobast, which included the deployment of the Rapid Action Force around the court, several Sainiks managed to show up at the premises and chanted slogans against deputy chief minister Chhagan Bhujbal who, as state home minister, had earlier sanctioned Mr Thackeray's prosecution.

The state government has now said that it will challenge the order in the appropriate court. The government said that the investigation in the case was complete and that a chargesheet would be filed shortly. It sought further orders in the case.

Mr Thackeray had made an application for bail, which he finally did not need to pursue since the magistrate threw out the case on the ground that it was time-barred. Citing sections of the code of criminal procedure (CrPC), Mr Kamble said that the state ought to have sanctioned prosecution within three years of the institution of the case in 1993.

Noted criminal lawyer P.R. Vakil, who appeared for the state, said the court had the powers to condone the delay. He argued that under Section 470 of the CrPC, the time required for obtaining sanction had to be excluded from the three-year limit.

Mr Vakil said the offence was committed in January 1993 and the police had applied for government sanction in April '94. However, the sanction was granted only on July 15 this year.

After a wordy duel, Mr Kamble rejected outright Mr Vakil's contention and said the prosecution's case had no leg to stand on.

Mr Thackeray said that his stand had been vindicated and that the "vindictive politics" practised by the Democratic Front government stood completely exposed.

Mr Thackeray said he had volunteered to get himself arrested so

that the state was spared the high levels of tension and anxiety which had prevailed ever since Mr Bhujbal had sanctioned prosecution.

Mr Thackeray's lawyer and Sena Rajya Sabha MP Adhik Shirodkar had come ready to move a bail application. He argued that there was no way in which the government could keep a case in suspended animation for as long as seven years and then suddenly sanction prosecution.

Pointing to Mr Thackeray, who was dressed in a white silk kurta and lungi and was sporting a red tikka on his forehead, Mr Shirodkar said the accused was not going to flee "to Pakistan or anywhere else".

He said that for the past ten days, the entire city had been caught in the vortex of tension and hence Mr Thackeray had offered to get himself arrested. "It is not as if the police had arrested my client. He himself offered to get arrested in the larger interests of the city and the rest of the state," Mr Shirodkar explained.

Mr Shirodkar noted that in the past, both the Bombay high court and the supreme court had rejected petitions filed by two citizens seeking the prosecution of Mr Thackeray for certain allegedly inflammatory articles in 'Saamna'. The courts had rejected these petitions, one of the grounds being that they did not serve any purpose but to revive old and unpleasant incidents. Mr Shirodkar said the same reasoning should be applied to the present case as well.

Mr Vakil said even if there was a delay on the part of the government to sanction the prosecution, that did not entitle the accused to be discharged. He said the law of limitation was not applicable in this case.

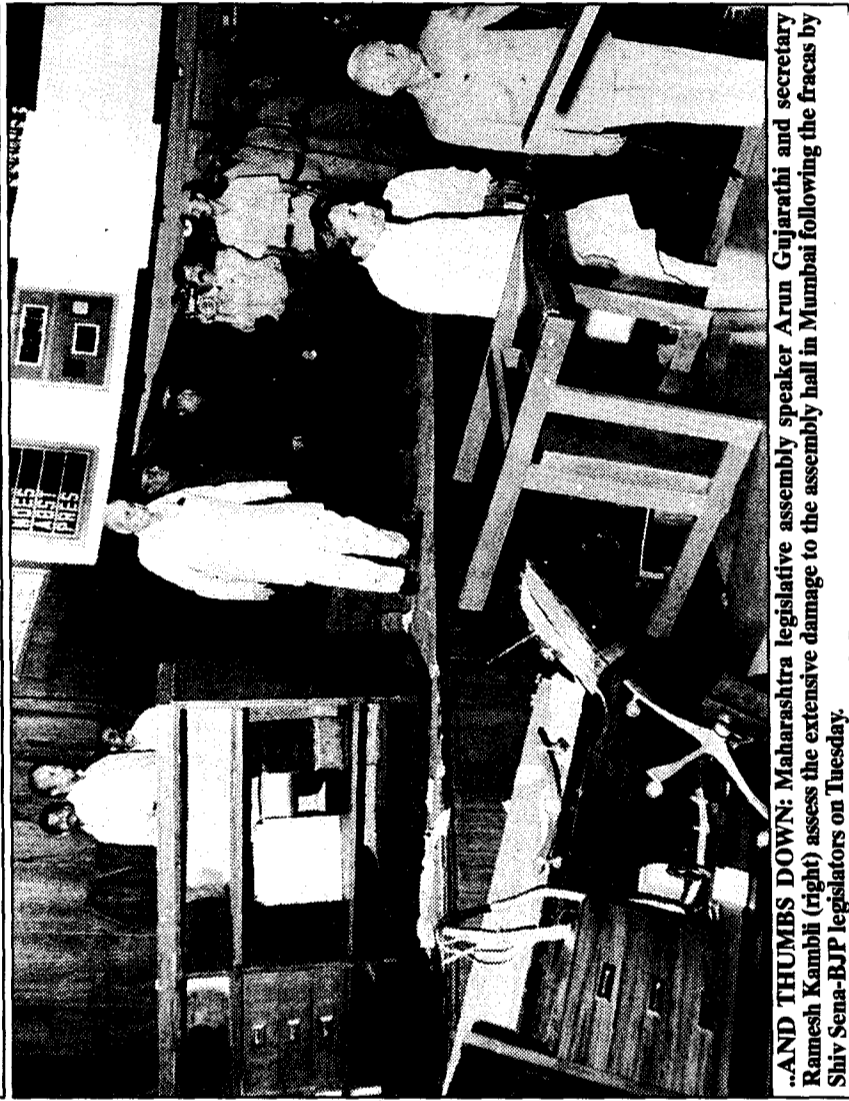
In any case, he argued, the court could condone the delay. He said the limited issue before the court was to decide on the bail application moved by Mr Vakil was not opposing the bail application and was merely praying for "suitable orders".

"What do you mean by 'suitable orders'?" The magistrate queried. Mr Vakil responded that a "suitable order should not mean a convenient order, but one within the framework of law".

Mr Kamble said an "unrequired and undesired situation" had been created in the state because of the case. He said the reasons advanced by the government were not to his satisfaction. He further said, "The offence registered by the police cannot be taken cognisance of, the accused is released. The offence (case) is closed."



THUMBS UP.. Shiv Sena chief Bal Thackeray gives the thumbs up as he leaves the additional chief metropolitan magistrate's court in Bhoiwada, Mumbai, on Tuesday after the dismissal of his case. He was accompanied by, among others, former chief minister Manohar Joshi and former deputy chief minister Gopinath Munde (faces partly hidden). (More pictures on Pages 3, 5 and 6)



..AND THUMBS DOWN: Maharashtra legislative assembly speaker Arun Gujarathi and secretary Ramesh Kamble (right) assess the extensive damage to the assembly hall in Mumbai following the fracas by Shiv Sena-BJP legislators on Tuesday.

The state law department had clearly stated that the matter was time-barred. Nevertheless, Mr Bhujbal went ahead with the prosecution. Apparently, both chief minister Vilasrao Deshmukh and senior Nationalist Congress Party (NCP) leader Sharad Pawar were present with a fait accompli by Mr Bhujbal. Mr Bhujbal has said that Mr Deshmukh and Mr Pawar were aware of the move to prosecute Mr Thackeray.

Mr Vakil later told this newspaper that the order was untenable and there was a fit case for revision by a higher court. He said, "The magistrate decided a matter which was not before it. He granted the relief which was not prayed for by the accused and he closed the case without giving a chance to the prosecution to put its case before him."

The courtroom was packed with Mr Thackeray's supporters and family members, including his son, Uddhav, nephew Raj and Sena leaders such as Manohar Joshi (during whose tenure the government withdrew all cases against Mr Thackeray — except, as it later transpires, the present one), Suresh Prabhu, ex-CM Narayan Rane, Suryakant Mahadik, Shishir Shinde, Ljaladhar Dake, Datta Nalawade, former deputy CM and BJP leader Gopinath Munde and city BJP chief Vinod Javde.

Security around Matoshri, Mr Thackeray's bungalow in Bandra (E), was considerably tightened. There was palpable tension on Tuesday morning, with policemen accompanying students in school buses to sensitive areas like Mahim. Sensing trouble, several schools closed for the day and asked students to return home.

The large network of Shiv Sainiks from Colaba to Thane and Dahisar had apparently been placed on high alert by the vibhag pramukhs. They had been told a few days ago by Mr Thackeray not to disturb the peace if he was arrested. Despite this, there were stray incidents of stone-throwing on BEST buses, autorickshaws and private cars in Borivli, Mahim, Bandra, Mulund, Dadar, Parel and Lalbaug.

At Matoshri, a somewhat tense-looking Mr Thackeray, who had been mentally preparing himself for arrest for the past four days, came down from his room flanked by Uddhav, Mr Munde and Mr Rane. He told waiting newsmen that he wanted to put an end to the "natak of atak" (the drama of arrest) which had kept citizens on tenterhooks for the past ten days. He said he was going to the police on his own volition.

Apparently, an understanding had been worked out between the

city police led by commissioner M.N. Singh and the Sena. Mr Thackeray, travelling in a bullet-proof Tata Estate provided by the state government, drove down with a large cavalcade of Pajeros and limousines in tow to Sena mayor Hareshwar Patil's bungalow overlooking the Arabian Sea at Shivaji Park. The arrest was effected at the bungalow at 11.45 a.m.

After waiting for a while at the mayor's bungalow for about an hour, Mr Thackeray then drove down to the Bhoiwada court with a large contingent of policemen. The route from the mayor's bungalow to the Bhoiwada court was lined by armed policemen and RAF personnel. When Mr Thackeray stepped out of his car in the court compound, a number of Sena corporators touched his feet and sought his blessings. He was mobbed by supporters when he emerged from the court premises.

Three seek mercy from President

JAYA MENON
STATESMAN NEWS SERVICE

VELLORE, April 26. — The three convicted and sentenced to death in the Rajiv Gandhi assassination case — Murugan, Santhan and Perarivalan — today forwarded their petitions seeking clemency from the President of India saying they had been instilled with misguided idealism for the cause of the LTTE and that they had no role in the actual conspiracy to kill the former Prime Minister or others.

Mr N Chandrasekharan, the advocate for the four accused, including Nalini, whose death sentence was commuted to a life term by the Tamil Nadu Governor, Mrs Fathima N Beevi, on Monday, called on the accused in the Vellore jail and obtained their signatures on the 35-page mercy petition which he would be sending to the President soon.

"They were extremely disappointed and upset with the Governor's decision. But they are holding on to their courage and optimism," Mr Chandrasekharan told

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NALINI EXPRESSIONLESS

VELLORE, April 26. — "There was no expression on her face when I conveyed the news that her death sentence had been commuted to a life sentence. She only wanted to know about her husband. When I gave her the bad news, her face went blank." This was how Ms. P. Raja Soundari, the jail superintendent of the women's prison here, described the reaction of one of her "sensitive" prisoners.
— SNS

The Statesman after his nearly two-hour discussions with the three accused, Nalini is lodged in the woman's prison, a stone's throw away from the men's jail, where her husband, Murugan, and the two others are lodged.

In their mercy petitions, pointed out that the findings of all the three judges of the Supreme Court, which confirmed their death sentences, was that the offence under TADA (P) Act was not

proved on the basis of any evidence in the case and in particular the blast that killed Rajiv Gandhi and others was not an offence under the same Act.

The petition said that while the 30-year-old Santhan had "unwittingly" fallen into the dragnet woven by the one-eyed Jack, Sivarasan) swayed by the latter's rhetoric regarding the cause of the Tamils in Sri Lanka, 28-year-old Murugan, "a committed soldier of the LTTE" had "merely obeyed" the orders of Sivarasan.

The 28-year-old Perarivalan pleaded that his "young" mind (he was barely 20 then) was lured by the ideology of the LTTE and he believed that by helping a LTTE leader like Sivarasan "would enhance his image and reputation in the organisation".

All the three pointed out in their petitions to the President that none of them were in the "leadership layer" nor did they make others to work for them. They had "merely carried out the work allotted to them by the perpetrators of the crime, Sivarasan."

27 APR 2000

Cong, NCP for further probe

HT Correspondent
New Delhi, January 7

HT-12
81

THE CONGRESS-NCP Government has decided to entrust investigating agencies with the task of further probing the conclusions of the Srikrishna Commission on communal violence in Mumbai in 1992 and other relevant matters. This is a clear departure from the Shiv Sena-BJP regime that had rejected the findings of the panel.

"The present government perceives these (the Commission's findings) as its obligation and proposes to leave it to the investigation agencies to go into these conclusions and all other relevant material and decide the further course of action according to law," the state government said in an affidavit filed in the Supreme Court today. The affidavit was

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filed in connection with a PIL seeking the court's intervention in implementing the Commission's report. The Sena-BJP Government headed by Manohar Joshi in its Action Taken Report (ATR) had rejected the Commission's report saying it was biased and one-sided.

Senior counsel Ashok Desai representing the government

Chief Justice A.S. Anand adjourned hearing on the PIL for six weeks.

The Commission was appointed by the state government on January 25, 1993, to inquire into the 1992-93 riots that had broken out in phases in Mumbai, following the demolition of the Babri mosque and a series of bomb blasts. It had submitted its report

to the government on February 16, 1998. The

Srikrishna Commission Report

informed the Supreme Court that "the state of Maharashtra shall refer the report and the conclusion of Srikrishna Commission to the crime branch, CID, Mumbai for further investigation and action in accordance with law."

The counsel's statement made it clear that the investigation and action will not be influenced by the previous government's ATR. A three-judge bench headed by

government had placed the report before the Assembly in August the same year.

In its voluminous report, the Srikrishna Commission has suggested certain short and long-term measures for streamlining the police to secure communal harmony in the country that has witnessed several incidents of communal violence since Independence.

THE HINDUSTAN TIMES

8 JAN 2000