

# Netaji: There was no aircrash, says report

**PRESS TRUST OF INDIA**  
NEW DELHI, SEPTEMBER 19

A US intelligence report, sent to the inquiry panel probing the disappearance of Netaji Subhash Chandra Bose, has corroborated the evidence of Taiwan government that no aircrash had occurred at Taipei airport — or anywhere else in that country on August 18, 1945 — in which Netaji was supposed to have died.

In response to a questionnaire sent by Justice M K Mukherjee Commission to several countries, the US administration has said there was no aircrash in Taiwan on the day when Netaji was supposed to have died in a plane crash at Taipei's Taihoku airport, Netaji's nephew and Forward Bloc MP, Subrata Bose, told reporters here.

He also said the Union Home Ministry, during the tenure of L K Advani, had refused to give two files to the panel pertaining to the reported 1945 incident on the ground that the information, if disclosed, would affect India's relations with some friendly nations. He urged the UPA government to provide the files to the inquiry panel.

Subrata, who is part of an eight-member team accompanying Justice Mukherjee on a 10-day visit to Russia tomorrow, said "we are not hoping that Netaji is still alive. But why should we not know what had actually happened to the great leader? It is the right of the people of the country."

Maintaining that there were reports in erstwhile KGB and Russian President's archives as also research articles that

ods persons from time to time" that Netaji was imprisoned at Irkutsk and Omsk.

The panel would be holding hearings in these two Siberian cities as well as Moscow and St Petersburg to ascertain the writings of several research scholars in this regard.

Earlier, the Taiwan government had officially stated that there was no crash in its entire territory on the said day. It had also given documentary evidence of the relevant crematorium that no one called Subhash Chandra Bose or Ichiro Okuda (a pseudonym given to Netaji by the Japanese government) was cremated during the period.

There was also no such evidence about four other Japanese officials who accompanied Netaji on the aircraft that supposedly flew him to Manchuria

for his onward journey to the Soviet Union, Subrata said.

Besides the Russian archival materials and research papers, there were evidences by two Indians, associated with the Indian National Army headed by Netaji, that one had met him at Omsk prison (and he also gave the prisoner number to the erstwhile inquiry panels) and the other claimed he had met Netaji in China.

Following the instances, another Indian researcher Purabi Roy, also traveling to Moscow with the panel, unearthed documents from KGB and the presidential files referring to Netaji's presence in the Soviet Union at the time, the Forward Bloc leader said, urging the UPA government to ensure full support to the panel for finding out the truth about Netaji's disappearance.

## Panel leaves for Russia

**Kolkata:** The one-man Mukherjee Commission of inquiry into the disappearance of Netaji Subhas Chandra Bose left for Delhi on Monday en route to Moscow to find if he ever stayed there after he went missing in August 1945. The Commission will visit the state archives of the Russian federation in Moscow, St. Petersburg, Paddosk, Omsk and Irkutsk. —PTI

Netaji was "actually in Russia in 1946", he said the one-man panel's visit to Moscow, St Petersburg and two Siberian towns of Irkutsk and Omsk, would be "significant" in this regard. Subrata said the Com-

mission, besides going through the archival materials, would strive to confirm information furnished by "vari-

## Netaji probe panel leaves for Russia

KOLKATA, Sept. 19. — The one-man Mukherjee Commission of Inquiry into the disappearance of Netaji Subhas Chandra Bose left for Delhi today en route Moscow to ascertain if he had ever stayed in Russia after he went missing



in August, 1945. The Russia visit of the Commission, set up by the Centre, assumes special significance in view of the demands placed by most of the deponents, including Netaji's family members. — PTI

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# Who are the guilty?

**F**IND that the Justice G.T. Nanavati Commission Report on the 1984 anti-Sikh riots is not a fair document. The judge traces events more or less accurately, yet he does not come to the obvious conclusion. It is as if he is willing to strike but is afraid to wound. He rejects the argument that what happened was "merely a spontaneous reaction of the angry public" after Prime Minister Indira Gandhi was assassinated by her two Sikh guards. He goes as far as to say: "The systematic manner" in which the Sikhs were killed indicated that "the attacks on them were organised". But he holds back when, as a judge, he should have gone further to probe who organised these systematic attacks.

Again, Nanavati says there is evidence to show that on October 31, 1984, the day Mrs Gandhi was killed, "either meetings were held or the persons who could organise attacks were contacted and were given instructions to kill Sikhs and loot their houses and shops." Who issued these instructions because the order to kill is a serious criminal offence? Nanavati also says that attacks were made "without much fear of the police, almost suggesting that they were assured that they would not be harmed while committing those acts and even thereafter." These were categorical assurances. No ordinary person could give them. They must have come from a person or persons of high political standing or who had governmental clout.

On that command, hundreds of people went to the streets of Delhi with weapons and inflammable material like kerosene oil, petrol and white powder. According to the Nanavati report, "the male members of Sikh community were taken out of their houses. They were beaten first and then burnt



How we could have come closer to the truth about '84

**KULDIP NAYAR**

alive in a systematic manner. In some cases tyres were put around their necks and then they were set on fire by pouring kerosene oil or petrol over them." Slogans like *khon ka badle khon se lenge* were raised by the mob.

Jagdish Tytler, Sajjan Kumar and Dharam Dutt Shastri, named by Nanavati, could only be operators. At worst, they could have conveyed instructions. But who gave the instructions? Nanavati says that the plan was hatched on November 1, after the assassination of Mrs Gandhi. Who were the ones who did it? Where did they gather to hatch the plan? Lieutenant Gover-

nor P.G. Gavai and the Police Commissioner P.C. Tandon were clueless. They could not have conspired when they were sent home. Who were these shadowy figures, behind-the-scenes, confident that their instructions would be carried out?

**I wish the Nanavati Commission had gone beyond the rioting. I had something else in mind when I raised the demand in the Rajya Sabha for a commission**

I have had occasion to talk to Nanavati after the submission of the Report. He said that he was conscious of its "limitations". To pick up the threads of a massacre of this kind, almost two decades after the event, is not easy. Many people had died in the meantime and the courts had given their verdicts on

several cases. Still he had done his best. As he observed: "I have not tried to whitewash anything. The report has to be read in its entirety to know where the blame lay." Shaken by the instances of planned and deliberate rioting, Nanavati seemed to almost throw up his hands in despair. As he put it, "Anything can happen anywhere at any time in the country because politicians have no value system to follow and the police have no limits in behaviour or action." His condemnation of politicians is, indeed, scathing.

Nanavati saw no difference between the way and the pattern in which the rioting, killing and loot-

ing were organised in Delhi and in Gujarat. "In the first, the Sikhs were the victims and in the second, the Muslims," he said. In both instances, he found plenty of evidence to infer that some politicians instigated the whole thing and that the authorities, particularly the police, looked the other way when the crimes were committed.

I wish the Nanavati Commission had gone beyond the rioting. I had something else in mind when I raised the demand in the Rajya Sabha for a Commission. I had wanted something along the lines of

the Truth and Reconciliation Commission appointed by the South African government to go over the period of apartheid. The Whites were asked to confess what they did and were promised that no action would be taken against them. Many came forward and told the truth. For example, one said that he tried to kill Nelson Mandela.

Had the government followed this model, some politicians and officials may have come forward to tell the truth. We still do not know who planned these riots, and why. The Sikhs are so close to Hindus and have blood ties with them. Even after several inquiry reports we are nowhere near the truth. The Commission's terms of reference should have been different. No one expected any new evidence or anything clinching to emerge in terms of getting at the guilty.

It seems, Nanavati himself was also for a Truth and Reconciliation Commission. He said that he had tried to pursue the same path but did not succeed in his efforts. "I asked many witnesses and others who appeared before me to rise above politics. But it looks as if I did not succeed." For example, the Delhi Sikh Gurudwara Management Committee, he pointed out, was keen on finding the culprits and hanging them. It was not willing to condone their guilt, even if they were to come out with the truth.

Whatever the views of an organisation or individual, we have the right to know who planned "the organised killing" and how the government and the ruling party came to be linked with the planning and execution of mass murders. Who are the guilty?

*The writer is president, Carnage Justice Committee, which had represented the '84 riot victims before the Nanavati Commission*

# Test of strength likely today over Nanavati panel report

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Special  
Combs

Opposition gives notice of an adjournment motion; UPA ready for discussion

Neena Vyas

**NEW DELHI:** The Lok Sabha is expected to witness a test of strength between the Opposition and the ruling alliance on Wednesday on the issue of the Nanavati Commission report and the action taken by the Government on it.

Opposition members have given notice of an adjournment motion, which if carried would bring down the Government. But the parties of the ruling United Progressive Alliance have expressed their willingness to debate the subject and their confidence in meeting the challenge.

"It is for the Speaker to accept the adjournment motion," Leader of the House Pranab Mukherjee told reporters even as Parliamentary Affairs Minister Ghulam Nabi Azad added "the Government has no problem with an adjournment motion on the [Nanavati] report." Mr. Azad also declared "the Government has a majority. Our allies will stand by us and we will stand by our allies."

Mr. Azad pointed out that the Opposition had moved motions of adjournment even on Tuesday. "Both inside and outside the House I had offered a discussion on it today [Tuesday] itself... we told them we are ready for a discussion today [Tuesday], but they wanted to do politics. The National Democratic Alliance had decided on disruption [of the House], not discussion... they themselves said this to the media," the Minister said.

Parties on both sides of the political divide have begun preparing for the test of strength. The NDA, which decided on taking a "tough stand" on the Nanavati Commission report and the action taken by the Government at a meeting of leaders on Tuesday morning, will meet again on Wednesday before the start of



**ANGER OVER REPORT:** Riot victims stage a demonstration at the Jantar Mantar in New Delhi on Tuesday against the Nanavati Commission report. — PHOTO: SANDEEP SAXENA

the session. Opposition leaders said the motion would be on the failure of the Government to take action against those indicted by the Commission.

On the ruling alliance side a meeting was held between Mr. Mukherjee, Mr. Azad and leaders of Left parties. Coming out of that meeting Communist Party of India MP Gurudas Dasgupta made it clear that there was no danger of the Government falling. "We are going to evolve a

mechanism to see that the [Opposition] motion is defeated," he said. However, the Left parties have expressed their disappointment with the Commission's report and the lack of action taken by the Government. Communist Party of India (Marxist) MP Nilotpal Basu said: "the Commission's report was very disappointing and full of contradictions. Regardless of the ineptitude of the Commission the Government has failed to accept

even its feeble recommendations." On Wednesday morning the ruling allies and Left leaders are set to meet again to finalise their strategy.

BJP leader Vijay Kumar Malhotra was particularly harsh on Prime Minister Manmohan Singh whose resignation the party has demanded along with that of Union Minister Jagdish Tytler. NDA chairman Atal Bihari Vajpayee endorsed this when he said, "as Prime Minister he is

also responsible." Describing the 1984 riots as the "worst massacre" witnessed in the country since Partition, Mr. Malhotra said no Sikh was safe on Delhi's roads for several days "not even General J.S. Aurora who had led the 1971 war to liberate Bangladesh." On the Lok Sabha being adjourned on Tuesday, he objected to the manner in which he was "prevented from speaking" in the House in spite of being allowed by the Chair.

## Army deployment took time during 1984 riots

Attacks were made without much fear of the police: Nanavati Commission report

Vinay Kumar

**NEW DELHI:** The Nanavati Commission, which probed the 1984 anti-Sikh riots, came across evidence to show that on October 31, 1984 either meetings were held or the persons who could organise attacks were contacted and given instructions to kill Sikhs and loot their houses and shops.

"The attacks were made in a systematic manner and without much fear of the police; almost suggesting that they were assured that they would not be harmed while committing those acts and even thereafter," the Commission said in its report tabled in Parliament on Monday. From November 1, 1984, another cause of exploitation of the sit-

uation' had joined the initial 'cause of anger.' The exploitation of the situation was by anti-social elements who saw an opportunity of looting things without the fear of being punished.

"The criminals got an opportunity to show their might and increase their hold. The exploitation of the situation was also by the local political leaders for their political and personal gains like increasing the clout by showing their importance, popularity, and hold over the masses. Lack of the fear of the police force was also one of the causes for the happening of so many incidents within those 3 or 4 days. If the police had taken prompt and effective steps, many lives would not have been

- Anti-social elements took advantage of the situation
- Local political leaders also exploited the situation

lost and so many properties would not have been looted, destroyed or burnt," it said.

If this was how the Commission described the situation on the ground, there is another key question of how the high-ups took time to decide on calling the Army for assistance of the local authorities to restore law and order when Delhi streets were ruled by criminals, anti-social elements.

Evidence given before the Commission by Major-General (Retd) J.S. Jamwal, then General Officer Commanding of Delhi area, the affidavit of Brigadier A.S. Brar, then Commandant of Rajputana Rifles Regimental Centre in Delhi, depositions of P.V. Narasimha Rao, then Home Minister, S.C. Tandon, then Delhi Police Commissioner, and P.G. Gavai, then Lt-Governor of Delhi, show the way decision was taken to requisition services of the Army.

Mr. Tandon told the Commission that he met Lt-Governor and Major-General Jamwal on November 1, 1984. Maj. Gen. Jamwal informed him that he did not have enough units and he would be able to cover only two contiguous districts. On his sug-

gestion, Maj. Gen. Jamwal agreed to deploy one in Central district and one in South district. According to him, he had not received any instruction from the Home Minister either on October 31 or till the evening of November 1, 1984.

The then Lt-Governor, Mr. Gavai, attended a meeting with the Prime Minister Rajiv Gandhi and senior Congress leader M.L. Fotedar at 6 p.m. on November 1, 1984. On November 2, he spoke to General A.S. Vaidya about some sluggishness of the armed forces in getting out of their vehicles. That very day he was told by Dr. P.C. Alexander, then Principal Secretary to the Prime Minister, to proceed on leave. The next day Mr. Gavai had left Delhi.

In his reply, Dr. Alexander told the Commission that he had not received any proposal from the Lt-Governor about calling

out the Army. According to him, Prime Minister Rajiv Gandhi was very unhappy at the way the Delhi Administration was handling the situation of violence and the riots in the city. He told the Commission that the Prime Minister took the decision of calling out the Army at 1.30 p.m. on November 1, 1984. However, the Army Chief was already alerted both by the Prime Minister and the Cabinet Secretary to keep the army contingents in readiness.

The then Home Minister, P.V. Narasimha Rao, told the Commission that the Home Minister was not competent to call out the troops. From where the troops should be called out is a decision within the exclusive domain of the Army Chief under the Ministry of Defence. In the Commission's view there was no delay or indifference at the level of the Home Minister.

NANAVATI SAYS TYTLER PROBABLY INVOLVED

# 1984 'rogues' read Riot Act

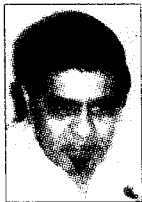
Statesman News Service

NEW DELHI, Aug 8. — Twenty-one years after the horrific massacre of Sikhs in the country, particularly in the national Capital, the commission of inquiry headed by Mr Justice GT Nanavati recommended "necessary action" against the Delhi Congress leader and Union minister, Mr Jagdish Tytler, saying he "very probably" had a hand in the 1984 slaughter of Sikhs in the Capital. The report, which was tabled in both Houses of Parliament, indicts some other Congress leaders and local authorities but spares the then ruling Congress leadership of its role in the ghastly episode.

At least 3,000 Sikhs were killed in the massacre which lasted for several days following the assassination of the then Prime Minister Indira Gandhi in 31 October 1984. Delhi was the ground zero of those atrocities.

The one-man Commission, appointed by the previous NDA government in 2000 to probe the 1984 anti-Sikh riots, indicted, in varying degrees, Delhi Congress leaders, Mr Sajjan Kumar and Mr Dharam Das Shastri, the then Delhi Lt Governor Mr PG Gvai, the then Delhi police commissioner Mr SC Tandon, in connection with their roles in the episode.

The Commission found the Congress leader and the erstwhile Delhi strongman, Mr HKL Bhagat, "very probably" involved in the riots, but refrained from recommending action against him because of his



(Clockwise from bottom) Mr HKL Bhagat, Mr Jagdish Tytler and Mr Sajjan Kumar

"physical and mental condition" since he is now bedridden. The Nanavati panel, however, absolved the late Rajiv Gandhi of charges that he had told one of his officials to "teach a lesson" to the Sikhs after his mother's assassination by her Sikh security guards.

Mr Justice Nanavati asked in the report, tabled in Parliament along with the government's action taken report (ATR) today, to examine only those cases where the witnesses have accused Outer Delhi Congress MP Mr Sajjan Kumar specifically and yet no chargesheets were filed against him.

The Nanavati Commission said "there is credible evidence against Tytler to the effect that very probably he had a hand in organising attacks on Sikhs".

But the government's ATR said: "The Commission has stated that 'very probably' he (Tytler) had a hand... It is clear... that the Commission... was not absolutely sure about his involvement... In view of that ...and in the context of the judicial verdicts mentioned in the report, any

## SC calls Gujarat cops worthless

NEW DELHI, Aug. 8. — Taking a serious view of the inability of Gujarat Police to apprehend the main accused in a post-Godhra riot case, the Supreme Court today said they were either "conniving with the accused or worthless". A Bench comprising Mr Justice BN Agrawal and Mr Justice AK Mathur, hearing an anticipatory bail petition filed by Sashikant alias Tino Yuvraj — the main accused in the Naroda Patiya riots case, said despite repeated directions from the SC to the Director-General of Police, the Gujarat Police did not apprehend the accused. It gave an ultimatum to the Gujarat DGP saying if no satisfactory progress was made by the next hearing on 22 August, it would require the presence of the top police officer to explain the position to the Court. — PTI

further action will not be justified." The government also virtually let Mr Kumar off the hook. In fact, the ATR blamed only police mentioned as accused.

Similarly, despite the Commission's recommendation against Mr Sajjan Kumar, the government's ATR said, barring one case, no one has named Kumar in the affidavits adding that "it will not be just to reopen" these cases.

In effect, the government's ATR merely blamed the police, mostly lower-rung officials, mentioned as accused in the report.

**Sikhs seethe over 'eyewash' and other reports on page 4**

# Riot stuck in point-counterpoint

R. VENKATARAMAN

New Delhi, Aug. 8: Two decades after hundreds of Sikhs were dragged out of homes and massacred, their families could still be as far away from justice as they were in those nightmare days.

On every recommendation of the Nanavati commission, which probed the 1984 riots, the government in its action taken report appeared to evade taking any legal steps.

The first recommendation by retired judge G.T. Nanavati is on the role of police officers. It says "the government should initiate appropriate action" against them and "those policemen" with such officers.

The government's action taken report, which was tabled along with the recommendations of the probe panel in Parliament today, explains that it "has noted with concern the conduct of the police officials".

But "since these officials have retired from service, there are legal difficulties in initiating any departmental proceedings at this point of time", the government says.

Over 4,000 Sikhs were butchered in reprisal attacks after then Prime Minister Indira Gandhi's assassination. The assassination was in revenge for her decision to send the army to flush Sikh separatists out of the Golden Temple, Sikhism's holiest shrine, in Amritsar.

"There was a colossal failure of maintenance of law and order... the course of events do disclose that the attitude of the police force was callous," the commission said.

On Jagdish Tytler, a junior minister in the Congress-led

## PANEL PROPOSES, GOVT DISPOSES

NAME	NANAVATI REPORT	ACTION TAKEN
Jagdish Tytler, minister	Credible evidence against him. Very probably, he had a hand	Words "very probably" indicate panel not sure of his involvement
Sajjan Kumar, Congress leader	Credible material against him. Probably involved	Acquitted and no witness named him an accused
P.G. Gaval, lieutenant governor	Failed to maintain law and order. Explanation not satisfactory	Replaced
S.C. Tandon, police commissioner	Explanation that he was not informed does not wash	Replaced, further probe in store
Dharam Das Shastri, Congress leader	Credible evidence of his involvement. Probe needed	Not named accused in FIR. Yet, factual position to be probed
Mange Ram, sub-inspector	Derelection of duty should have been probed	His conduct caused concern. Since he has retired, legal problems in starting inquiry

government at the Centre, the commission had said he "very probably" had a hand in organising attacks on Sikhs and the government should look into this aspect and "take further action as may be found necessary".

The government's report says it is "clear from the observation that the commission itself is not absolutely sure about his involvement in the attacks" and in "criminal cases a person cannot be prosecuted simply on the basis of probability".

About Dharam Das Shastri, another high-profile Delhi Congress leader, the commission had said he "instigated" his men to "organise attack on Sikhs" and recommends "further investigation". But the government's action taken report says two of Shastri's men were "acquitted" by the trial court and the Congress leader was not named as an accused in the case.

The commission says witnesses have accused Sajjan Kumar, another Delhi Congress leader, "specifically" and

yet "no charge-sheets were filed against him and the cases were terminated as untraced". It recommended that the "untraced" cases "still deserved to be re-examined" and mentions the FIR numbers 250/84, 307/94 and 347/91.

But the government says "no fresh material/evidence has been produced before (the) Justice Nanavati Commission against Sajjan Kumar" and "under the circumstances, it will not be just to reopen the case" against him.

Only on the then lieu-

tenant governor of Delhi, P.G. Gaval, does the government say "Gaval was replaced by M.M.K. Wali... on November 4, 1984" on the day the riots ended.

For all the recommendations, the government has given explanations to evade initiating a case.

"So many people were murdered during the riots, but now it seems the killers will walk away free," said Gurbax, a member of the Sikh community, who claimed to have witnessed the riots.

## CHAIN OF COMMISSIONS

**R.N. Mishra, 1984:** The then Chief Justice of India rules out role by the Congress or its leaders. Some persons belonging to the Congress may have taken part in the riots, the panel says

**R.K. Ahuja, 1987:** Home ministry official asked to establish the number of deaths in the riots. 2,733, he concludes in 1988

**Dilip Kapoor & Kusum Lata Mittal, 1987:** Retired judge and bureaucrat file separate reports because of differences. Govt accepts Mittal report that indicted 72 police officers

**M.L. Jain & E.N. Renision, 1987:** Retired judge and IPS officer could not conclude task as Renision resigns

**Jain & A.K. Banerji:** Another IPS officer replaces Renision but a court questions the panel's legal basis and quashes it

**P. Subramanyam Potti & P.A. Roshia, 1990:** Retired judge could not finish job as Roshia, an ex-IPS officer, quits

**Potti & D.K. Aggarwal, 1990:** Both relinquish office without submitting a report

**J.D. Jain & Aggarwal, 1990:** Retired judge and IPS officer indict 90 officials

**G.T. Nanavati, 2000:** The NDA gov't asks the retired SC judge to probe the riots

Ball in court, govt calls it a day

MANAN KUMAR

New Delhi, Aug. 8: A restive Justice G.T. Nanavati today defended his observation that credible evidence exists against Jagdish Tytler, saying there was no reason to disbelieve the person who had deposed before the commission against the Union minister.

The retired judge said he chose to write "very probably" because further evidence against Tytler was not conclusive. "That is why I recommended that the government should look into this aspect and take action as may be found necessary," he added.

The Centre, however, made it clear that no other commission would be constituted to probe the 1984 riots again.

Nanavati refused to comment on the government's action taken report (ATR), pointing out that his job was only to look into the riots and carry out an independent and objective inquiry.

"I cannot speak about the ATR. It is not for my satisfaction but for Parliament where it will be discussed. It is for Parliament to decide whether appropriate action has been taken on the recommendations. And ultimately, it will be put before public scrutiny, which is the most important thing in a democracy," Nanavati said at his home.

He maintained that local Congress leaders were in some way "involved" in the riots and a further probe was needed.

The Centre, however, said it has no such plans. "How many commissions are needed to go again and again into the same thing? Somewhere it all must end," home ministry special secretary K.P. Singh said.

The official said the Centre did not institute a fresh probe against Tytler as recommended by the commission because it cannot proceed on "mere probability".

Defending the ATR, Singh said that out of the 10 recommendations of the commission, the government had accepted nine. Only in the case of Tytler, the government concluded that it cannot proceed.

"The Supreme Court is very clear about the law on probabilities. We cannot go ahead and prosecute anyone only on the basis of probability. In Mr Tytler's case, the commission itself was not absolutely sure of his involvement. The commission says that 'very probably', he had a hand. The incident mentioned has been tried in court. Out of the 45 accused, 13 were convicted and the remaining were acquitted," said Singh.

"The commission, in fact, had given only observations and not any specific recommendations. The government had to cull out 10 specific recommendations after going exhaustively through the details of the incidents given in the report," he added.

THE TELEGRAPH

# 1984 panel says probe ministers, Govt sits on report

**NANAVATI COMMISSION** Govt's  
original ATR plan: Book Sajjan,  
Shastri, mum on Kamal Nath, Tytler

MANOJ MITTA

NEW DELHI, AUGUST 3

WITH less than a week left for it to table the Nanavati Commission report on the 1984 Delhi carnage, the Government is still dithering over the action taken report (ATR) as it involves the fate of two ministers, Kamal Nath and Jagdish Tytler.

The Commission is learnt to have recommended further probe into the role played by these two Congress leaders in the 1984 massacre of Sikhs in the wake of Indira Gandhi's assassination.

Prime Minister Manmohan Singh's government is under pressure from the Left to drop the two ministers on the basis of this recommendation.

This has thwarted the Government's plan of drafting an ATR that does not go beyond booking murder cases against Congress MP from outer Delhi constituency, Sajjan Kumar, and former MP, Dharam Dass Shastri: both have been indicted by the Nanavati Commission.

The Left has not bought the Government's line that no action could be taken against Kamal Nath and Tytler as the Commission had only asked for further probe and not recommended that any cases be



**Report may be tabled  
in House on Friday**

**NEW DELHI:** The report of the Nanavati Commission Inquiry into the 1984 anti-Sikh riots is likely to be placed before the Parliament on Friday. The Action Taken Report prepared by the Union Home Ministry is slated to be placed before the Union Cabinet on Thursday for approval.

registered against them straightaway.

Given a choice, the Government would have tried to get away with the claim that, in deference to the Commission's report submitted on February 9, it probed further into the role of Kamal Nath and Tytler and was satisfied about their innocence.

Its Left allies have, however, ruled out that option arguing that the Government should be prepared to sacrifice those two ministers in order to retain the moral authority to ask for Narendra Modi's head if and when another

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04 AUG 2008

# Release the Report!

9/6/05  
5/6/05  
Who is stalling publication?

At the end of last year, the Cabinet Minister in charge of Defence, asked for an extension of time by a month, for the Nanavati Commission, probing the massacre of over 3,000 innocent Sikhs in the wake of Indira Gandhi's murder in the capital city, as the Judge was writing the report. The extension was granted and the Report has been submitted to the Government within the month. An agency story reported that the Report is apparently asking for reinvestigating the case against several members of the Congress party like, Sajjan Kumar. There is no way that the claim can be verified without the Report. It will be recalled that Rajiv Gandhi had stupidly explained away the violence as — *when an oak falls, there will be tremors!* It will also be recalled, that no one has been held responsible, far less punished, for the horrendous murders, these many years.

On the 7th February 2005, it was announced that the Nanavati Committee Report would be submitted on 9th February, or two days later, but nothing happened. On 10th February, the Home Minister announced that the Report *would be released in due course as per the set procedure.* On 11th February, we carried an editorial asking for the Report to be published and pleaded for a convention that all reports of Commissions of Inquiry under the Act be published in a routine manner and in reasonable time.

On the 13th February the Union Law Minister, Mr HR Bhardwaj promised that the Report would be tabled during the Budget session of Parliament. We are already into the second part of the Budget session which will end on 13th May 2005 and still no Report. Enough is enough! Defence Minister, the respected Pranab Mukherjee, the Home Minister Shivraj Patil and the Law Minister HR Bhardwaj, have individually promised to publish and given dates but without results. The question therefore arises — who is stalling the publication? There are not many in the Congress who would dare to encourage the deliberate flouting of promises made by three concerned ministers. Do we have to name her or him?

THE STATESMAN

28 APR 2005



# Riots '84: the truth

The Congress government must place the Nanavati report in the public sphere

**T**HE victims of the 1984 anti-Sikh riots have been victimised twice by the Indian State. Whoever may have been responsible for the riots, the state failed to give the victims protection in any substantial measure. But their tragedy was compounded by the state's failure to bring the perpetrators of those gruesome crimes to justice. Very few convictions have been handed down in proportion to the scale of the horrors inflicted on that fateful day. The Ranganath Mishra Commission was given so narrow a mandate, that it was unlikely to produce justice. The Nanavati Commission has finally submitted its report. Yet the state continues to repeat its pattern of evasion and procrastination. Although the home minister has suggested that the Report will be made public at some point, the hesitation in doing so instantly, does not speak well. The report must be made public immediately. The victims of the riots deserve at least this much good faith effort on their behalf. And it is a travesty that in a democracy, making public reports on such vital issues is a matter of executive discretion.

The contents of the report can be judged only when it is made fully public. There is something of an oddity in the fact that the home minister has been exercising his discretion already in discussing the report with the Congress president, Sonia Gandhi. Whether or

not, or to what extent, Congress politicians are indicted in the report remains to be seen. But there is something of a conflict of interest at work in the whole situation. The very party, whose members are the object of the Report, will now exercise the discretion to make it public. The only way to maintain propriety in such a situation would have been to make the report public instantly.

The rest of the political class should also rise above narrow partisanship in the way it uses the report. Political parties should demand that the report be made public. They should, if need be, press for more investigations. But they should not lose the larger objective in sight. The point should not be to score facile political points, but to earnestly strive for truth and justice. They ought to remember that it is not the Congress party that is on trial. The whole nation is on trial on every measure of moral decency. Do we care about the victims? Are our institutions sources of justice? Does the state protect its minorities? How can we ensure that the horrors of 1984 do not re-surface as they have, indeed, done in Gujarat? The Nanavati Commission may not have all the answers. It may not even be convincing. But we owe it to the victims; we owe it to ourselves as a nation, to discuss these matters in full measure. Make the report public.

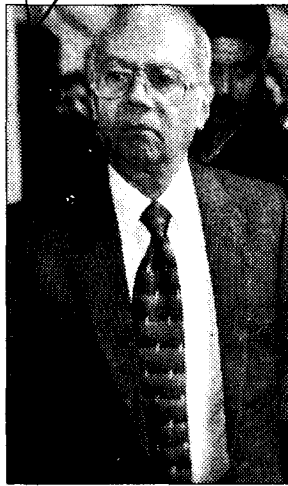
# Anti-Sikh riots in 1984, panel's report in 2005

Our Political Bureau  
NEW DELHI 9 FEBRUARY

**T**WO decades after the anti-Sikh riots, the Justice Nanavati Commission presented its findings on the alleged role of any political party in organising the 1984 carnage, in a 185-page report to the government.

Justice G.T. Nanavati, a retired judge of the Supreme Court, submitted the two-volume report to the Union home minister Shivraj Patil this afternoon but remained tight-lipped about its contents. "It is up to the government whether to make the report public and act on the findings and recommendations given by the commission," Justice Nanavati, who is also probing the post-Godhra Gujarat riots, told newsmen after submitting the report.

Recent reports, however, indicated that the Nanavati panel's report on anti-Sikh riots gave a clean chit to the Congress party



as a whole, while putting the blame on certain leaders of the Congress. The Congress has for long faced accusations of having been instrumental in fanning anti-Sikh passions soon after the then Prime Minister Indira Gandhi was killed by her Sikh security guards, besides not taking adequate steps to control the

violence in which over 3,000 Sikhs were killed.

The terms of reference of the Nanavati Commission, set up by the NDA government on May 8, 2000, included inquiring into causes and course of criminal violence and riots targeting Sikhs and outlining the sequence of events leading to and all facts relating to the riots, finding out whether the riots could have been averted and if they were on account of an lapses or dereliction of duty. The Commission was also required to inquire into the adequacy of administrative measures taken to prevent and to deal with the said violence and riots, besides recommending measures to meet the ends of justice. It took the Nanavati Commission, constituted after the Sikh community expressed dissatisfaction at Ranganath Commission report saying that it did not unravel the entire truth behind the riots, three-and-a-half years to investigate and conclude its findings.

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## Nanavati Commission submits report

By Our Special Correspondent

**NEW DELHI, FEB. 9.** Justice G.T. Nanavati, retired judge of the Supreme Court, who headed the Commission probing the 1984 anti-Sikh riots that broke out in the wake of the assassination of the then Prime Minister, Indira Gandhi, today submitted its report to the Union Home Minister, Shivraj Patil.

The Commission was to submit its report to the Home Minister on January 31 when its term had expired but it could not as Mr. Patil was visiting the North-Eastern States.

Justice Nanavati submitted the two-volume report, running into about 200-pages and several annexures, in sealed covers to Mr. Patil. Both Justice Nanavati and Mr. Patil refused to answer any query from the media.

The Nanavati Commission was appointed by the previous National Democratic Alliance Government on May 8, 2000 to inquire into certain matters connected with the anti-Sikh riots that took place in Delhi and other parts of the country on and after October 31, 1984.

THE HINDU

10 FEB 2005

# Netaji's family surprised by Taiwan's denial of air crash

By Marcus Dam

*A. G. ...*  
**KOLKATA, FEB. 4.** A niece (by marriage) of Netaji Subhash Chandra Bose and chairperson of the Netaji Research Bureau, Krishna Bose, is both "intrigued and surprised" at the Taiwanese authorities' ruling out any air crash at Taihoku on August 18, 1945, in which Netaji is widely believed to have died.

The authorities have reportedly assured the one-man Netaji Commission of Inquiry of Justice M.K. Mukherjee that proof substantiating the claim will be provided. The disclosure is expected to raise fresh questions about Netaji's death, events leading to which are presently being inquired into by the Commission.

Prof. Rajat Kanta Ray, historian, who has studied Netaji's life, is sceptical. He said there was "overwhelming evidence in favour of Netaji dying in a plane crash in Taihoku."

"Records of the Taiwanese Government of that period in the Second World War when the Japanese-occupation was collapsing are not expected to be complete and exhaustive," he said. "The easiest way of resolving the matter is to have a DNA test done on his remains" (kept in an urn in Renzogi in Tokyo), said Prof. Ray.

## Many stories

"For 60 years and despite some initial reluctance on the part of the incredulous we have held on to this theory concerning his death... 99 per cent sure that the crash had occurred," said Mrs. Bose.

Mrs. Bose, along with her late husband and nephew of Netaji, Sisir Kumar Bose (driver of the car in which Netaji escaped from Kolkata and subsequently the country on January 16-17, 1941), has enquired into Netaji's death over the past few decades.

*10-11*  
"Many stories have been floating around regarding the death, some saying that he had gone into sanyas... But at least seven survivors of the crash have deposed to two previous Commissions inquiring into Netaji's death stating that he was killed in the crash at Taihoku," Mrs. Bose said.

PTI reports:

The Taiwan Government has informed the Justice Mukherjee Commission of Inquiry that the air crash had never taken place on August 18, 1945.

Mr. Justice Mukherjee told newsmen here that the Taiwanese authorities confirmed to him, during his recent visit to that country, that there was no record of any air crash at Taihoku — the old name of Taipei — between August 14 and September 20, 1945.

Mr. Justice Mukherjee, who was speaking to the media after a routine hearing of the Commission, said the authorities had promised to provide documentary proof within 15 days.

They confirmed the genuineness of two e-mails sent by the Taipei Mayor and Minister of Transportation and Communication to Anuj Dhar, a journalist, stating that there was no air crash during that period. "The Mayor of Taipei and the External Affairs Ministry of the Taiwan Government confirmed to us the e-mails were genuine," he said. The message by the Minister of Transportation and Communication, Lin Ling-San, stated: "...during the period August 14 to October 25, 1945, no evidence shows that one plane had ever crashed at the old Matsuyama Airport (now Taipei Domestic Airport) carrying Mr. Subhash Chandra Bose."

He said that the Commission would wrap up its findings and finalise its report by May 15, 2005, after cross-examining more witnesses this month.

THE HINDU

05 FEB 2005

# Taiwan denies Netaji plane crash at Taipei

Press Trust of India  
Kolkata, February 3

THE TAIWAN government has informed a commission of enquiry probing Subhash Chandra Bose's disappearance that the air crash at Taipei on August 18, 1945, that is believed to have killed Netaji, had never taken place, adding another twist to the mystery.

Justice M.K. Mukherjee, heading the one-man commission said today that the Taiwanese authorities have confirmed during his recent visit to that country that there was no record of any air crash at Taihoku, the old name of Taipei, between August 14 and September 20, 1945. Justice Mukherjee, who was speaking

to newsmen after a routine hearing of the commission, said that the Taiwanese authorities had promised to provide documentary proof backing their version within 15 days.

He said that during his visit to Taiwan last month, the Taiwanese authorities confirmed the genuineness of two e-mails sent by Taipei Mayor and minister of transportation and communication to a journalist, Anuj Dhar, stating that there was no air crash during that period.

"The mayor of Taipei and the external affairs ministry of Taiwan government confirmed to us the e-mails were genuine," he said.

He said the e-mails sent to Dhar stated that there was no evidence to suggest

munication from Taiwan confirmed one air crash between September 20-23, 1945, involving a USC-47 transport plane, carrying 26 people, most of them believed to be former American POWs just released from camps in the Philippines. That plane, one of the e-mails said, crashed on Mt Trident in Taitung area, about 200 nautical miles away from Taipei.

Justice Mukherjee said that he had asked the Taiwanese authorities for some documents like daily newspapers published in and from Taipei during August 18 to 24, 1945, containing any reference to Bose. The Commission has also sought documents related to cremation of dead people during that period at the old crematorium in Taipei.



**Subhash Chandra Bose**

that any plane carrying Bose had crashed at the old Taipei airport. Justice Mukherjee, however, said that the com-

Justice Mukherjee he would wrap up its findings and finalise its report by May 15, 2005. The Centre had earlier asked the Commission to finalise its report by May 2005. The commission today heard the submissions made by Dr Purabi Roy on alleged stay and death of Netaji in Russia sometime after August 18, 1945. But, "we cannot take the submissions as evidences without cross-examination, which will require a visit to Russia," he said, adding that a visit there was "very unlikely" given the deadline. "Given a chance, we will go there as it will help the inquiry."

Meanwhile, the Forward Bloc today demanded that the Centre extend beyond May the term of the commission.

# Probe panels clash over Godhra fire

9. Special Combs

HR 1

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## Nanavati contests Banerjee findings

HT Political Bureau  
New Delhi, January 24

ONE INCIDENT, two inquiries. There was bound to be a clash. Justice Nanavati, heading a commission appointed by the Gujarat government, has disputed the findings of the U.C. Banerjee panel, appointed by the railway ministry.



Justice Nanavati

"While some witnesses before the commission have admitted that they did not know how the fire began, others have given a different version, indicating it could be an act of terror," Justice

Nanavati told a television channel. "We have examined a few witnesses. Some of the statements do indicate otherwise, so we'll examine them. There is evidence to show that there was a big crowd at the station and they were throwing stones."

Justice Banerjee's report submitted earlier this month described the fire as an accident. The committee cited forensic and circumstantial evidence, besides eyewitness accounts, including those from passengers of S-6, the coach that caught fire.

In his comments to the channel, Justice Nanavati disapproved of the Banerjee panel's decision to submit an interim report but said he would take a look at it. "As a report prepared by a retired Supreme Court judge, we will certainly give weight to Banerjee's findings," Justice Nanavati, who is a former High Court judge, said.

But he insisted that the Banerjee report is not the final word on the subject. "We must take into account the evidence provided by several witnesses before we can give our report," he said. "Nothing can be ruled out. It could have been an act of terror. (But) it would be premature to say at this stage whether it was an accident or a conspiracy.

"We may have been appointed by the Modi government, but we remain independent," Justice Nanavati remarked.

On Page 2: Lalu's reaction

25 JAN 2005

THE HINDUSTAN TIMES

## গোধরা কমিটি এ বার কমিশন

# রুখতে মরিয়া বিজেপি, সিদ্ধান্তে অনড় কেন্দ্র

স্টাফ রিপোর্টার, নয়াদিল্লি, ২৪ জানুয়ারি: গোধরা-কাণ্ড নিয়ে গঠিত উমেশচন্দ্র বন্দ্যোপাধ্যায় কমিটিকে পুরোধদস্তর কমিশনের মর্যাদা দেওয়ার সিদ্ধান্ত নিয়ে এগোতে চাইলে বিজেপি রাজনৈতিক ও আইনি পথে বাধা দেবে বলে জানিয়ে দিয়েছে। সম্প্রতি কেন্দ্রীয় মন্ত্রিসভা গোধরা তদন্তের জন্য ভারপ্রাপ্ত বন্দ্যোপাধ্যায় কমিটিকে কমিশনে রূপান্তরিত করার সিদ্ধান্ত নেয়। কিন্তু বিষয়টি নিয়ে আইনি এবং রাজনৈতিক জটিলতার কথা আন্দাজ করে এখনও তা নিয়ে বিজ্ঞপ্তি জারি করেনি। তবে বিষয়টি জানাজানি হয়ে যাওয়ার পরেই প্রমাদ গুন্ডে বিজেপি দলের সভাপতি লালকৃষ্ণ আডবাণী আজই প্রধানমন্ত্রী মনমোহন সিংহের সঙ্গে দেখা করে জানিয়ে দেন, “বন্দ্যোপাধ্যায়ের নেতৃত্বে কমিশন তৈরি হলে আমরা আদালতে যাব।”

রেলমন্ত্রকের অধীনে গঠিত বন্দ্যোপাধ্যায় কমিটি ইতিমধ্যেই যে গোধরা রিপোর্ট পেশ করেছে, তাতে বিজেপি কোণঠাসা। এই অবস্থায় বন্দ্যোপাধ্যায়ের নেতৃত্বে কমিশন গঠিত হলে দলের পক্ষে বিপদ আরও বাড়তে পারে বলে আশঙ্কা করছে বিজেপি। বিশেষত, বন্দ্যোপাধ্যায় কমিশনের রিপোর্ট বিজেপি-র বিপক্ষে যাওয়ার প্রবল সম্ভাবনা। কারণ ইতিমধ্যেই তিনি জানিয়েছেন, গোধরায় আশুভ বাইরে থেকে লাগানো হয়নি। ফলে যে তত্ত্বের উপরে দাঁড়িয়ে ছিল গুজরাত দাঙ্গার ভিত্তি, বিচারপতি বন্দ্যোপাধ্যায়ের রিপোর্ট তা খারিজ করে দিয়েছে।

তবে বিজেপি-র পক্ষে কিছুটা আশার খবর, গুজরাত দাঙ্গার তদন্তের ভারপ্রাপ্ত কমিশনের প্রধান প্রাক্তন বিচারপতি নানাবতী ও শাহ জানিয়েছেন, তাঁরা বিস্তর প্রমাণ পেয়েছেন যে, আশুভ বাইরে থেকেই লাগানো হয়েছিল। বন্দ্যোপাধ্যায় কমিটি ইতিমধ্যেই অন্তর্বর্তী রিপোর্টে ঠিক এর উল্টো কথা বলেছে। সেখানে বলা হয়েছে, আশুভ লেগেছিল কামরার ভিতর থেকেই। পরস্পর-বিরোধী এই বক্তব্যের প্রেক্ষিতে নতুন কমিশন

গঠনের সিদ্ধান্তে রাজনৈতিক সংঘাত আরও বাড়তে চলেছে বলে মনে করা হচ্ছে। বিভিন্ন জটিলতার কথা মাথায় রেখেই সরকার বিষয়টি নিয়ে তড়িঘড়ি বিজ্ঞপ্তি জারি করতে চাইছে না। কেন্দ্রীয় সূত্রের খবর, বন্দ্যোপাধ্যায় কমিটির মেয়াদ বাড়ানো হয়েছে মার্চ পর্যন্ত। সেই সময়সীমা ফুরিয়ে গেলে তবেই কমিশন গঠনের বিজ্ঞপ্তি জারি

করা হতে পারে।

সরকারের এই সিদ্ধান্তের বিরুদ্ধে সর্বাঙ্গিক আক্রমণে যাওয়ার সিদ্ধান্ত নিয়েছে বিজেপি। আজ মনমোহন সিংহকে বন্দ্যোপাধ্যায়ের নেতৃত্বে কমিশন গড়া নিয়ে তাঁর আপত্তির কথা জানিয়ে এসেছেন লালকৃষ্ণ আডবাণী। তিনি বলেছেন, আগে থেকেই গুজরাত দাঙ্গার বিষয়ে একটি কমিশন কাজ করছে। এই অবস্থায় দ্বিতীয় কমিশন কেন গঠন করা হবে? বিচারপতি শাহ ও বিচারপতি নানাবতীকে নিয়ে কমিশন গঠিত হয়েছিল গত সরকারের আমলে। প্রাক্তন বিচারপতির অধীনে কর্মরত কমিশন থাকতে থাকতেই দ্বিতীয় কমিশন গঠন করার যৌক্তিকতা নিয়ে প্রশ্ন তুলেছে বিজেপি। তবে সরকার অবশ্য এই বিষয়ে অনড়। একই বিষয়ে দ্বিতীয় তদন্ত কমিশন গড়ার আইনি দিকটি খতিয়ে দেখে সরকার স্থির-নিশ্চিত যে এ ব্যাপারে বিজেপি আদালতে গেলেও সমস্যা হবে না।

সরকার পক্ষের যুক্তি, নানাবতী ও শাহ কমিশন গঠিত হয়েছে সামগ্রিক ভাবে গুজরাত দাঙ্গা খতিয়ে দেখতে। অন্য দিকে, বন্দ্যোপাধ্যায় কমিশনের কাজ হবে কেবল গোধরা-কাণ্ডের তদন্ত করা। সুতরাং দুটি কমিশনের ‘টার্মস অফ রেফারেন্স’ বা বিচার্য বিষয় আলাদা। অতএব আর একটি কমিশন গঠন করা যেতেই পারে। বন্দ্যোপাধ্যায় কমিশন গঠনের পিছনে নতুন সরকারের আরও কয়েকটি যুক্তি রয়েছে। কমিটির চেয়ারম্যান হিসাবে বন্দ্যোপাধ্যায় অনেক সাক্ষীকে (বিশেষত গুজরাত পুলিশের কর্তারা) ডেকেও সাড়া পাননি। কিন্তু কমিশনের সামনে আসতে সকলেই বাধ্য থাকবেন। তা ছাড়া, নানাবতী কমিশন তৈরি হয়েছিল গত সরকারের আমলে। এবং তার জন্মলগ্নেই বিতর্ক তৈরি হয়। প্রথমে মোদী সরকার গঠন করেছিল শাহ কমিশন। কিন্তু গুজরাতেরই মানুষ শাহকে দিয়ে কেন কমিশন গঠন করা হল, তা নিয়ে প্রশ্ন উঠলে বাজপেয়ীর নির্দেশে আর এক প্রাক্তন বিচারপতি নানাবতীকেও কমিশনে আনা হয়।

## মত চূড়ান্ত নয়, দাবি নানাবতীর

নয়াদিল্লি, ২৪ জানুয়ারি: গোধরা নিয়ে উমেশচন্দ্র বন্দ্যোপাধ্যায় কমিটির রিপোর্টকে কার্যত চ্যালেঞ্জ করলেন বিচারপতি জি টি নানাবতী। বন্দ্যোপাধ্যায়ের রিপোর্টে গোধরা কাণ্ডকে যে ভাবে নিছকই একটি দুর্ঘটনা বলে অভিহিত করা হয়েছে, সেটাই ‘চূড়ান্ত মতামত’ নয় বলে জানিয়ে দিয়ে আজ তিনি বলেছেন, ভয় ছড়ানোর উদ্দেশ্যে এই কাজ করা হয়ে থাকতে পারে।

বন্দ্যোপাধ্যায় কমিটির রিপোর্ট গুজরাত দাঙ্গার কারণ নিয়ে বিজেপি ও সঙ্ঘ পরিবারের প্রচারের ভিতটাই নড়বড়ে করে দিয়েছিল। এই অবস্থায় গোটা গুজরাত দাঙ্গার তদন্তের দায়িত্বে থাকা নানাবতীর মন্তব্য তাৎপর্যপূর্ণ বলে মনে করা হচ্ছে। কয়েকটি টিভি চ্যানেলকে তিনি বলেন, “আশুভ লাগার সময়ে সেখানে অসুভ আড়াইশো জন ছিলেন। ফলে, এখনই বিষয়টি নিছকই দুর্ঘটনা বা ষড়যন্ত্র, কোনওটাই বলে দেওয়া যায় না।” তিনি বলেন, “অন্তর্বর্তী রিপোর্টের যথেষ্ট গুরুত্ব রয়েছে। তবে এটি চূড়ান্ত সিদ্ধান্ত নয়। অনেকেই বলেছেন, বাইরে থেকে কামরায় পাথর ছোড়া হচ্ছিল। এটাও উড়িয়ে দেওয়া যায় না।” বন্দ্যোপাধ্যায় কমিটি তৈরি ও অন্তর্বর্তী রিপোর্ট পেশ করা নিয়েও প্রশ্ন তোলেন নানাবতী।— পি টি আই

# Godhra deconstructed

HT exclusive: The what, where and when of the train fire, according to the Banerjee report

*9- Special courts*

Divisional railway manager B.B. Modgil's report cites shouts of 'kill the kafirs' over loudspeakers. Banerjee chides him for putting 'rumours on record' and says Modgil couldn't have had 'personal knowledge': he arrived at the spot at 6 pm

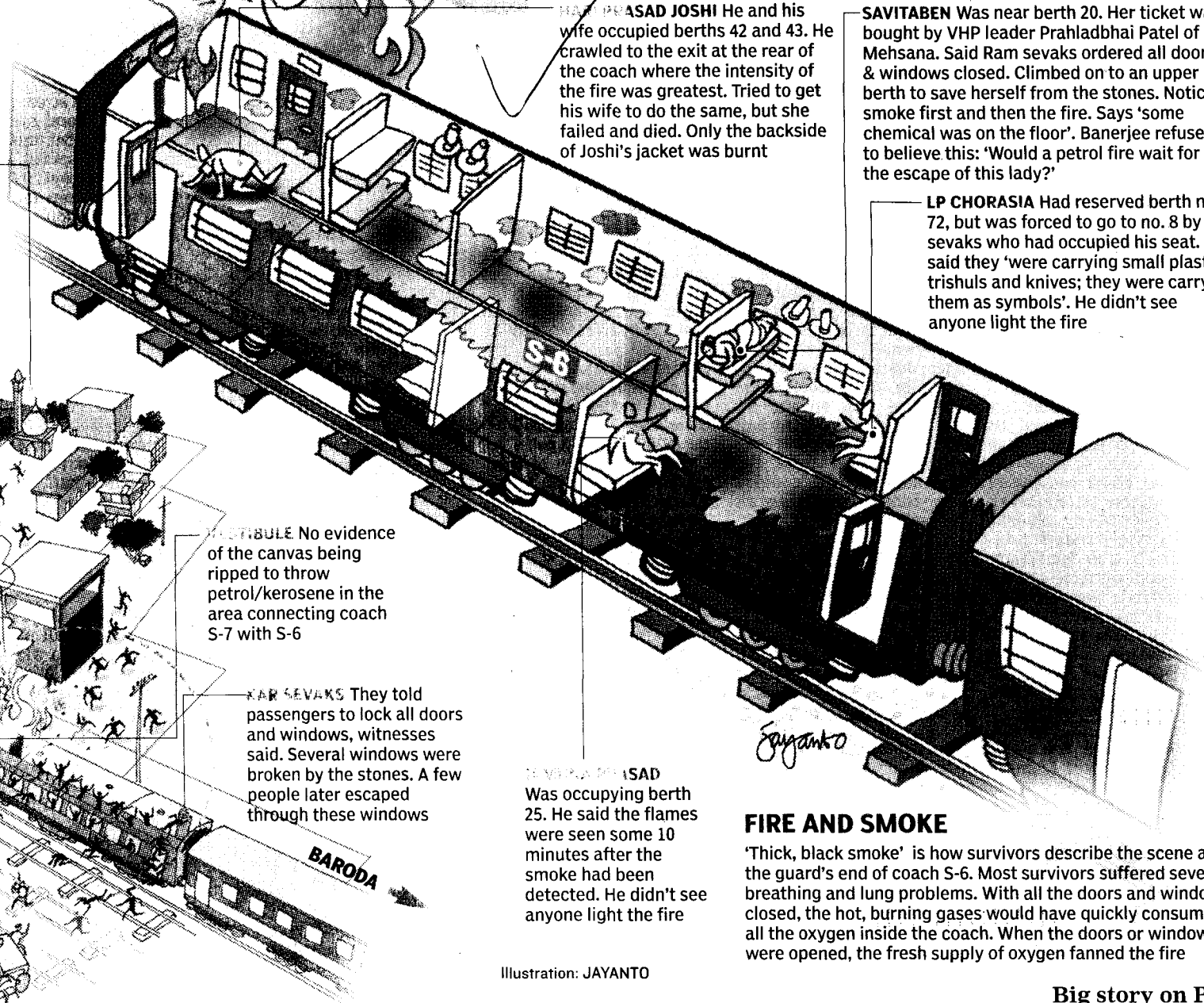
Testimonies say there was an argument at Godhra station. There was also a rumour that a Muslim girl had been forced on to the train. A crowd of 800 stone-throwers came out of a Muslim-dominated mohalla

Police got message from guard, driver but sent only 4-5 personnel around 8.20 am

Till 9 am, no doctor reached the site

Firemen arrived only at 9.15, and that too with very little water

Post-mortems conducted on tracks without proper equipment, says Banerjee



**MAN PRASAD JOSHI** He and his wife occupied berths 42 and 43. He crawled to the exit at the rear of the coach where the intensity of the fire was greatest. Tried to get his wife to do the same, but she failed and died. Only the backside of Joshi's jacket was burnt

**SAVITABEN** Was near berth 20. Her ticket was bought by VHP leader Prahladbhai Patel of Mehsana. Said Ram sevaks ordered all doors & windows closed. Climbed on to an upper berth to save herself from the stones. Noticed smoke first and then the fire. Says 'some chemical was on the floor'. Banerjee refuses to believe this: 'Would a petrol fire wait for the escape of this lady?'

**LP CHORASIA** Had reserved berth no. 72, but was forced to go to no. 8 by kar sevaks who had occupied his seat. He said they 'were carrying small plastic trishuls and knives; they were carrying them as symbols'. He didn't see anyone light the fire

**STATION** No evidence of the canvas being ripped to throw petrol/kerosene in the area connecting coach S-7 with S-6

**KAR SEVAKS** They told passengers to lock all doors and windows, witnesses said. Several windows were broken by the stones. A few people later escaped through these windows

**MAN PRASAD** Was occupying berth 25. He said the flames were seen some 10 minutes after the smoke had been detected. He didn't see anyone light the fire

## FIRE AND SMOKE

'Thick, black smoke' is how survivors describe the scene at the guard's end of coach S-6. Most survivors suffered severe breathing and lung problems. With all the doors and windows closed, the hot, burning gases would have quickly consumed all the oxygen inside the coach. When the doors or windows were opened, the fresh supply of oxygen fanned the fire

Illustration: JAYANTO

Big story on P10

## Banerjee panel to be upgraded

### Set to get a judicial stamp

Vinod Sharma  
New Delhi, January 22

THE JUSTICE Umesh C. Banerjee panel probing the Godhra train fire will soon be elevated to a full-fledged commission of inquiry so that it can ensure attendance by witnesses and their examination under oath.

At least three key witnesses the committee wanted to examine had failed to turn up before it, ignoring seven notices issued between November 16, 2004 and January 12, 2005. The no-show list includes Raju Bhargava, who was Godhra SP at the time of the fire, A.K. Bhatt, the then Government Railway Police SP, and Sri Kumar, the then DIG (Intelligence) in Gujarat.



A file picture of Justice U.C. Banerjee inspecting the burnt coach.

Once the "high-level" Banerjee committee is upgraded under the Commission of Inquiry Act, 1952 — a move proposed by the railway ministry and cleared by the Union Cabinet — it can force these officials to testify.

Sources said the Banerjee Commission of Inquiry could co-exist with the Narendra Modi-instituted Nanavati-Shah Commission, the "pith and substance" of their charters being different. "Justice Banerjee is dealing with railway safety, a central subject. His task is to ascertain the precise cause of the

fire while Nanavati's terms presuppose that the train was set on fire," an official said.

The notification to upgrade the Banerjee panel is expected soon, for its extended term expires in the first week of March. To be able to add value to its 164-page interim report, the panel would need enough time to examine the witnesses who have so far played truant and go through the Railways' own records that the Gujarat police seized after the train fire.

The Banerjee panel says that the then divisional railway

manager, B.B. Modgil, had "violated" the Railways' accident manual by failing to retain photocopies of some of the documents the police took.

Sources said the documents the police have could establish that the fire originated from within the coach and without the use of inflammable liquid.

"The police's conspiracy theory, which involves the use of inflammable liquid, will collapse if we can, on the basis of records, establish the absence of any time lag between the train's second stoppage (after the regular halt at Godhra) and the sighting of smoke," the official said.

There is reason to suspect that the police doctored official records, changing the time of the fire from 7.55 am to 8.20 am to buttress its theory.

By comparing the seized documents with apparently doctored records — some of which carry interpolations in different ink and handwriting — the probe hopes to point the needle of suspicion at the police.

## Report harps on secularism

Aviroom Sen  
New Delhi, January 22

EVEN IF you disregard the questions raised by the BJP on the Banerjee panel's interim report, its full text will definitely raise a few eyebrows. The report is essentially for the internal consumption of the Railways — part of the procedure to ascertain the causes of deaths or injuries to passengers and damage to railway property. But the first six pages of it deal with the issue of secularism.

Banerjee quotes liberally from D.D. Basu's *Constitution of India*: "A secular state is founded on the idea that the state is concerned with the relation between man and man and not with the relation between man and God."

The report then quotes Articles 25 to 28 of the Constitution that say India doesn't have a state religion and fi-

nally, on page 6, records how the committee was set up in September 2004.

Banerjee also quotes the Supreme Court from *Zaheera Sheikh vs the State of Gujarat* wherever a "secular" point needs to be made.

What has all of this got to do with a railway inquiry?

In this case, everything. There is no denying that whether or not Banerjee wants it to be that way, his report, like almost every other piece of paper in the Godhra affair, is a political document.

The other members of the committee who assisted Banerjee aren't signatories to the report. They say they cannot speculate on why he dealt with secularism at such great length. But the author insists that all he did was go by the evidence collected. "Don't blame me if interested parties use it to suit their own ends," Banerjee told HT.



**TERROR LINK REVEALED, INSISTS INVESTIGATOR**

# Banerjee panel calls Godhra fire accidental

Statesman News Service

NEW DELHI/AHMED-  
ABAD, Jan. 17. — A  
departmental inquiry insti-  
tuted by the railway minist-  
er, Mr Lalu Prasad, has  
stated that the fire in  
coach S-6 of the Sabarmati  
Express in Godhra was  
"accidental". It has reject-  
ed earlier reports .

A four-page synopsis of  
the UC Banerjee Com-  
mittee report, which runs  
into more than 1000 pa-  
ges, said, inter alia, that  
"on the basis of documen-  
tary support and oral  
statements made before  
the high-level committee,  
the conclusions are that  
the evidence of the fire in  
coach No. S-6 originated  
in the coach itself without  
any external input".

Contradicting the report,  
Mr Rakesh Asthana, IGP  
(Baroda), who is supervi-  
sing the investigations, said  
the fire was "planned" and  
the motive "was to create



disturbances".

The investigating officer  
of the train fire, Dy SP  
(Western Railway), Mr  
Noel Parmar, today told  
the Nanavati Commission  
in Ahmedabad that the  
burning of the coach was  
the result of a "conspiracy"  
plotted in Godhra a day  
before the incident on 27  
February 2002. A terrorist  
link had emerged during  
the investigation, he said.

Mr Parmar, while being  
cross-examined before the  
two-member panel probing

the carnage and its after-  
math, said the train carnage  
was plotted by nine individ-  
uals in a guest house near  
Godhra railway station.

The accused had plan-  
ned to strike the Sabar-  
mati Express which was  
carrying a large number of  
*kar sevaks* from Ayodhya,  
he said. All the planning  
was at Aman guest house  
located near the station on  
the night of 26 February,  
he added.

Mr Justice Banerjee  
released the findings at

**The possibility of an  
inflammable liquid  
having been used is  
completely ruled out  
as there was first a  
smell of burning  
followed by dense  
smoke and flames  
thereafter**

Rail Bhavan today.

The report mentions that  
the committee has the evi-  
dence to conclude that the  
fire was accidental and that  
the coach was not set on  
fire from outside by crimi-  
nal elements at Godhra  
station. However, it does  
not give details of the evi-  
dence it has gathered.

Mr Justice Banerjee  
read out the synopsis and  
left the room without en-  
tertaining any questions  
from the media.

**More reports on page 4**

# নেতাজি কমিশনের মেয়াদ আর বাড়াতে নারাজ কেন্দ্র

অগ্নি রায় • নয়াদিল্লি

৮ জানুয়ারি: কেন্দ্রীয় স্বরাষ্ট্রমন্ত্রী শিবরাজ পাটিল চাইছেন, আগামী মে মাসের মধ্যেই মুখোপাধ্যায় কমিশন নেতাজির অন্তর্ধান তদন্ত শেষ করুক। এ বছর মে মাসেই তদন্ত কমিশনের মেয়াদ শেষ হয়ে যাচ্ছে। এই মেয়াদ আর বাড়াতে রাজি নয় সরকার।

আজ পাটিল বলেছেন, “সরকার কমিশনের কাছ থেকে এটাই আশা করছে, কমিশন চুক্তি মোতাবেক (২০০৫-এর মে মাসের মধ্যেই কাজ শেষ করা) তদন্তের কাজ যত দ্রুত সম্ভব শেষ করবে। এই সময়ের মধ্যেই কাজ শেষ হওয়া উচিত। মন্ত্রক তদন্তের উপরে নজর রাখছে। আমরা চাই, খুব শীঘ্রই কাজ শেষ হোক।”

মন্ত্রক সূত্রের খবর, কমিশনকে মে মাসের মধ্যেই কাজ শেষ করার নির্দেশ দেওয়ার সিদ্ধান্ত হয়েছে। এর আগে দু-দু'বার কমিশনের মেয়াদ বাড়ানো হয়েছে। কেন্দ্রীয় স্বরাষ্ট্র মন্ত্রক সূত্রে জানানো হয়েছে, গত দু'বছরে কমিশনের কাজকর্মের জন্য ১ কোটি ৫৭ লাখ ৭ হাজার টাকা খরচ হয়েছে। এই খরচের হিসাব ২০০৪-এর জুলাই পর্যন্ত। এর পরে খরচ আরও বেড়ে গিয়েছে। মুখোপাধ্যায় কমিশনের পক্ষ থেকে বারবার অভিযোগ করা হয়েছে, কেন্দ্রের সহযোগিতা না-পাওয়ার ফলেই দেরি হচ্ছে। আবার আর্থিক সমস্যা কথায় বারবার বলেছে কমিশন। কিন্তু সংসদে পাটিল জানান, এই তদন্তে তহবিলের কোনও সমস্যা নেই। বরং সরকার সব রকম ভাবে

কমিশনকে সহযোগিতা করছে।

মুখোপাধ্যায় কমিশনের সামনে এখন সব চেয়ে বড় প্রশ্ন, জাপানের রেনকোজি মন্দিরের নেতাজির দেহাবশেষের ডি এন এ পরীক্ষা। এই পরীক্ষা করতে নেতাজি কমিশন আগ্রহ প্রকাশ করে এবং কেন্দ্রের পক্ষ থেকে সবুজ সঙ্কেতও দেওয়া হয়। তার পরে গত বছর এপ্রিলে কমিশনের তত্ত্বাবধানে এক প্রতিনিধিদল ওই মন্দিরে গিয়ে দেহাবশেষ সরেজমিনে দেখে আসে। এর আগে দু'বার মন্দির কর্তৃপক্ষ ওই দেহাবশেষ খুলেছিল। এক বার জওহরলাল নেহরু আর দ্বিতীয় বার নেতাজির আত্মপুত্র শিশির বসুর জন্য। কমিশনের জন্য সেটা তৃতীয় বার খোলা হয়। কিন্তু আট ন'মাস হয়ে গেলেও ডি এন এ পরীক্ষা নিয়ে কমিশন আর কিছু জানায়নি।

উল্টে রেনকোজি কর্তৃপক্ষ অসন্তুষ্ট হয়ে কেন্দ্রকে চিঠি দেয়। ফরওয়ার্ড ব্লক ওই অস্থিভঙ্গের ডি এন এ পরীক্ষার বিরোধিতা করেছিল। কিছু দিন আগে জনৈক ‘গুমনামি বাবা’র মৃত্যুর পরে কমিশন নেতাজি পরিবারের সদস্য সুগত বসুকে চিঠি দিয়ে জানতে চায়, ওই ‘বাবা’-র দেহাবশেষের ডি এন এ পরীক্ষার জন্য তিনি রক্ত দেবেন কি না। সুগত জানান, এই প্রস্তাব অত্যন্ত অসম্মানজনক। তিনি রক্ত দিতে রাজি রেনকোজিতে রক্ষিত দেহাবশেষের ডি এন এ পরীক্ষার জন্য।

বসু পরিবারের অন্যতম সদস্য কৃষ্ণা বসুর বক্তব্য, “এর আগে রেনকোজি মন্দিরে গিয়ে কমিশনের প্রতিনিধিদের দেহাবশেষ দেখার

বিষয়টিতে মন্দির কর্তৃপক্ষ অখুশি হন তাঁদের অভিযোগ আমি তৎকালী ভারতীয় রাষ্ট্রদূতকে জানিয়েছিলাম তিনি চিঠি দিয়ে আমার কাছে দুঃপ্রকাশও করেছেন।” মোট কথা, এ চাপানউতোরের মধ্যে তদন্তে তিমিরে সে তিমিরেই থেকে যায়।

তাইহোক বিমান দুর্ঘটনার ৬০ বছর পরেও নেতাজির অন্তর্ধান নিয়ে বিতর্ক মেটেনি। অতীতে দু-দু'বার তাঁর মৃত্যু তদন্তে কমিশন হয়েছে। শাহনওয়াজ এবং খোসলা, এই দুই কমিশনই বলে যে, নেতাজি বেঁচে নেই। তার পরেও নেতাজির কিছু অনুগামী বিষয়টি আদালতে নিয়ে গিয়ে জনস্বার্থ মামলা করে। আদালত বিষয়টি ফের খতিয়ে দেখার নির্দেশ দেয়। বিধানসভায় পৃথক কমিশন গঠন করার ব্যাপারে সর্বদলীয় সিদ্ধান্তও হয়। তৎকালীন কেন্দ্রীয় স্বরাষ্ট্রমন্ত্রী লালকৃষ্ণ আডবানী আদালতের নির্দেশ এবং বিধানসভার প্রস্তাবের ভিত্তিতে মুখোপাধ্যায় কমিশন গঠন করেন।

সম্প্রতি তাইপে যাওয়ার ছাড়পত্র পেয়েছে মুখোপাধ্যায় কমিশন। এই প্রসঙ্গে অবশ্য কৃষ্ণা বসুর মত, এত দিন পরে তাইপে গিয়ে নতুন করে কিছু মিলবে কি না, বলা কঠিন। কমিশনের আবার অভিযোগ, তাইপে যেতে দেরি হওয়ার জন্যও দায়ী কেন্দ্রের গড়িমসি। দু'মাস লেগেছে ছাড়পত্র পেতে।

মে-র মধ্যে কি রিপোর্ট চূড়ান্ত করা সম্ভব হবে? কমিশন অবশ্য এ নিয়ে মন্তব্যে আগ্রহী নয়। বরং আগেই জানিয়েছে, মেয়াদ বাড়াতে কেন্দ্রের কাছে কমিশন অনুরোধ করবে না।