

# LIBERHAN: <sup>9/14</sup> <sup>2014</sup>

## Centre's submission

Continued from page 1

6 December, 1992 and no individual or group was responsible for it.

The 246-page submission, supported by 149 pages of annexures, was filed 23 days after the commission closed arguments following the Centre's failure to come out with its written response despite several opportunities given to it.

Commission chairman Justice MS Liberhan adjourned the hearing to 1 May to enable counsel for other parties to file their objections and hear the Centre's plea for condonation of delay in filing the document.

The written submission said "in July 1992, construction by way of *kar seva* was started on a part of the acquired land despite court orders to the contrary... a situation came about in which the Prime Minister had to intervene in the matter. Subsequently, the 'kar seva' was called off on 26 July, 1992."

The Centre said "it was an act of national shame, what was demolished was not merely an ancient structure but the faith of the minorities in the sense of justice and fair play of the majority. It took their faith in the rule of law and constitutional processes." "A 500-year-old structure which was defenceless and whose safety was a sacred trust in the hands of the State Government was demolished," it said.

Regarding the dispute over land acquisition around the Masjid site, the Centre said, "on the one hand, the government was trying to resolve the issue, while BJP, RSS, VHP, Bajrang Dal and Sangh Parivar were busy in construction of the temple".

"The Government of UP had acquired 2.77 acres of land in the Ram Janambhoomi-Babri Masjid complex, showing ostensible purpose of acquisition in the notification as 'development of tourism and providing amenities to pilgrims'".



- Renkoji ashes not Bose's
- No proof that Gumnami Baba was Netaji
- Govt disagrees with Mukherjee Commission but won't say why



18  
May  
THURSDAY  
2006

website: www.thestatesman.net  
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## Netaji is dead but he didn't die in 1945 plane crash: Panel

ST 1815 9 Special Unit,

### Statesman News Service

NEW DELHI, May 17: The Mukherjee Commission on the disappearance and alleged death of Netaji Subhas Chandra Bose has inferred that he did not die in a plane crash in 1945 but the government today said in the Lok Sabha that it did not agree with the findings. The government also disagreed with the Commission's finding that the ashes in Renkoji Temple in Japan were not of those of Netaji's mortal remains.

The Justice MK Mukherjee Commission concluded that Bose "is dead"... (but) "he did not die in the plane crash, as alleged"... "the ashes in the Japanese temple are not of Netaji"... (and) "in the absence of any clinching evidence a positive answer cannot be given" to the terms of reference. The Commission said in the absence of any clinching evidence to prove that Gumnami Baba was Netaji, the question whether he (Netaji) died in Faizabad (Uttar Pradesh) on 16 September, 1985, as testified by some witnesses, need not be answered".

The views of the government were presented in an Action Taken Report (ATR) along with the three-volume report of the Commission set up by the previous NDA Government in 1999 to inquire into the circumstances concerning the departure of Bose from Bangkok in August 1945, his reported death in an air crash and subsequent, connected, developments. The ATR, tabled by the Union minister of state for home Mr S Regupathy along with the panel's findings, said the government has examined the Commission's report submitted

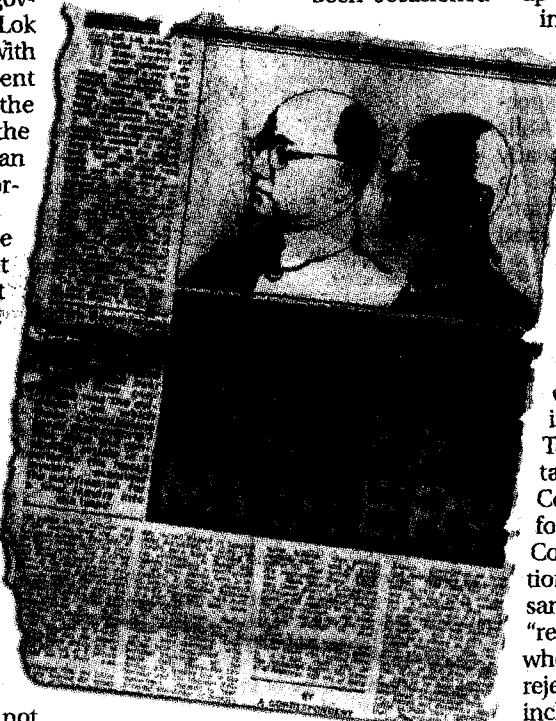
to it on 8 November last year "in detail and has not agreed with the findings that Netaji did not die in a plane crash and the ashes in the Renkoji Temple were not of Netaji".

The ATR said the government's delay in tabling the report in Parliament "had been occasioned

Netaji had died in a plane crash on 18 August, 1945, the Commission said, observing: "however, some Press reports published from Tokyo and Taihoku (Taipei) had given contradictory versions".

The Shah Nawaz Khan Committee, set up by the government in 1956 to inquire into the circumstances of Netaji's death had through a majority view concluded that Bose was killed in the plane crash. One of its members and Netaji's elder brother Suresh Chandra Bose, had, however, submitted a note of dissent stating that there was no plane crash that led to Bose's death. The majority report was accepted by the government. Another committee, headed by retired Chief Justice of Punjab High Court GD Khosla, which was set up by the government in 1970, also concluded that Netaji had succumbed to injuries sustained in a plane crash in Taipei and that his ashes had been taken to Tokyo. The Mukherjee Commission was set up by the Centre following directions of Calcutta High Court in 1998 and a unanimous resolution of the West Bengal Assembly the same year demanding a fresh inquiry to "remove the mystery regarding the whereabouts of Netaji". The Commission rejected various versions of Netaji's death including that he was murdered at the Red Fort in New Delhi on 15 August, 1945. On his death in a plane crash, it said it stood established that Netaji succeeded in evading the Allied Forces (of World War II) on 17 August, 1945, after emplaning at Saigon (Vietnam) and escaping out of their reach. "As a camouflage thereof, the entire make-believe story of the air crash, Netaji's death therein, and his cremation, was engineered by Japanese army authorities including two doctors and Habibur Rahman (a colleague of Netaji's) and then aired on 23 August, 1945..," the report said.

See also page 4



Facsimile of The Sunday Statesman published on 14 August 1977

by time taken in translation (into Hindi), consideration of the report by the government, its approval by the Cabinet, and adjournment of Parliament" (on 22 March this year after the first half of the Budget Session). In its ATR, the government gave no reasons as to why it had rejected the report.

The controversy over the death of Bose had surfaced after the announcement from Tokyo on 23 August, 1945, that

### Is something being hidden?

THE Mukherjee Commission observed that "some files/documents have not been produced before it by the government in spite of repeated reminders... these, it added, could have been of "great assistance" in "answering" the terms of reference. An official in the Prime Minister's Office had apparently told the Commission that a file which contained the agenda paper and Cabinet decision regarding the investigation into the circumstances leading to Netaji's death was "destroyed in 1972 in the course of a routine review and weeding out of old records."

### Adhes to ashes, DNA test...

ON the proposal to use DNA testing on the ashes to establish whether the remains in the Renkoji Temple in Japan



The Renkoji Temple in Japan

were Netaji's, the Commission observed that the reports received by the panel from different experts at home and abroad "projected a bleak prospect" in this regard.

# কমিশন রিপোর্ট খারিজ কেন্দ্রের, নেতাজির মৃত্যু নিয়ে জট খুলল না

নিজস্ব সংবাদদাতা, নয়াদিল্লি, ১৭ মে: মুখোপাধ্যায় কমিশনের রিপোর্টেও বিতর্ক মিটল না। উল্টে বিষয়টিকে সামনে রেখে প্রকাশ্যে কেন্দ্রের সঙ্গে রাজনৈতিক চাপানউতारे জড়িয়ে পড়ল ফরওয়ার্ড ব্লক।

৬১ বছর পরেও সুরাহা হল না সুভাষচন্দ্র বসুর মৃত্যু-রহস্যের।

আজ লোকসভায় মুখোপাধ্যায় কমিশনের রিপোর্ট পেশ করে সরকার। একই সঙ্গে পেশ করা হয় তাদের ব্যবস্থাগ্রহণ রিপোর্টও। কমিশন বলেছে, নেতাজি এখন বেঁচে নেই ঠিকই, কিন্তু ১৯৪৫ সালে সেই বিমান দুর্ঘটনায় মৃত্যু হয়নি তাঁর। তাই জাপানের রেনকোজি মন্দিরের চিতাভস্মও তাঁর নয়।

কমিশনের এই সিদ্ধান্ত সরাসরি খারিজ করেছে সরকার। লোকসভায় আজ স্বরাষ্ট্র প্রতিমন্ত্রী এস রঘুপতি ব্যবস্থাগ্রহণ রিপোর্ট পেশ করেন। তাতে বলা হয়েছে, কমিশনের পর্যবেক্ষণের

সঙ্গে একমত নয় কেন্দ্র। গত ৮ নভেম্বর কমিশন রিপোর্ট পেশের পরে কেন্দ্র তা খতিয়ে দেখে। নেতাজি বিমান দুর্ঘটনায় মারা যাননি বা রেনকোজি মন্দিরের চিতাভস্ম তাঁর নয়, কমিশনের এই পর্যবেক্ষণের সঙ্গে একমত নয় কেন্দ্র।

নেতাজি মৃত্যু-রহস্যের জট খুলতে এর আগে দু'টি কমিশন গঠিত হয়েছিল। সেই শাহনওয়াজ এবং খোসলা কমিশন জানায়, তাইহোকুর বিমান দুর্ঘটনাতেই মারা যান নেতাজি। বিচারপতি মুখোপাধ্যায়ের কমিশন বলতে পারেনি, তবে শেষ পর্যন্ত কোথায় কী ভাবে মৃত্যু হয়েছে নেতাজির। অথচ তিনি যে বেঁচে নেই, সে কথা কমিশন তার রিপোর্টে স্পষ্ট ভাবেই বলেছে।

মুখোপাধ্যায় কমিশনের পর্যবেক্ষণ এবং তাকে খারিজ করে কেন্দ্রীয় সরকারের ব্যবস্থাগ্রহণ রিপোর্টের পরে স্বভাবতই রাজনৈতিক মহলের একাংশ ক্ষুব্ধ। বিশেষ করে ফরওয়ার্ড ব্লক।

দলের সাধারণ সম্পাদক দেবব্রত বিশ্বাস বলেছেন, “নেতাজি সুভাষচন্দ্র বসুর বিমান দুর্ঘটনার গোটা গল্পটা কংগ্রেস সরকার তৈরি করেছিল শাহনওয়াজ এবং খোসলা কমিশনের মাধ্যমে। মুখোপাধ্যায় কমিশন তথ্য এবং নথিপত্র সংগ্রহের মাধ্যমে পুরো বিষয়টি খারিজ করে দিয়েছে মুখার্জি কমিশন।” তাঁর বক্তব্য, সরকারের উদ্দেশ্য নিয়েই সন্দেহ আছে। ইচ্ছে করে তারা দেহেতে রিপোর্ট পেশ করেছে, যাতে সভায় আলোচনার সুযোগ না পাওয়া যায়।

ফরওয়ার্ড ব্লকের বরাবরের অবস্থান, স্বাধীনতার পর থেকে কখনই কংগ্রেস চায়নি সুভাষচন্দ্রের মৃত্যু রহস্যের কিনারা হোক। আজ সেই অভিযোগটিই আরও এক বার শোনা গেল দেবব্রতবাবুর কণ্ঠে।

এর মধ্যে সিপিএমও জানিয়েছে, কমিশনের রিপোর্ট নিয়ে দুই সভায় আলোচনা হোক, সেটাই চায় তারা।

18 MAY 2006

# Netaji's death: Focus on air crash that wasn't

Manoj Mitta | TNN

New Delhi: On what basis did Justice M K Mukherjee, a former supreme court judge reputed for his expertise in criminal law, stick his neck out and lend credence to a long-discarded theory on the alleged disappearance of Netaji Subhas Chandra Bose?



In a report that was rejected by the government without even giving a reason, the Mukherjee Commission held that the air crash in which Netaji was reportedly killed in Taiwan towards the end of World War II was actually "a camouflage" put up by the Japanese to help him escape from Allied Forces. The panel came up with such a finding even though the two earlier inquiries—conducted by the Shah Nawaz Khan Committee in the 1950s and the Justice GD Khosla Commission in the 1970s—had ruled out that theory after examining witnesses who had testified to Netaji's death in the 1945 crash at Taipei airport.

Because of the sheer passage of years, none of those witnesses, including Netaji's only associate on that fateful flight, Habibur Rahman, was available for questioning by the Mukherjee panel. If Mukherjee still arrived at a contrary finding, it is thanks to "robust circumstantial evidence on record", much of which is material the earlier panels didn't have.

For instance, this was the first inquiry to obtain information from the Taiwanese regime on the crash that was supposed to have occurred there.

The earlier inquiries refrained from doing so as India did not have diplomatic relations with Taiwan. In the event, Mukherjee's decision to visit Taiwan in January 2005 proved fortuitous to his probe. For, Taiwanese authorities made a disclosure that there was no air crash in their country on August 18, 1945, the day on which Netaji was believed to have been killed. The commission's scepticism about the crash was strengthened when Taiwanese authorities communicated that, according to their records, the only crash that took place in that country during the period in question was of a US transporter in September at a place which was about 200 nautical miles from Taipei.

Equally significant, on a request from the commission, the Taiwanese government divulged that the cremation register in Taipei for the period August 17 to 27, 1945 contained the names of neither Netaji nor the two pilots and the Japanese general who were claimed to have been on the same flight and died the same day.

In Mukherjee's assessment, the evidence from Taiwan flew in the face of the conclusion drawn by the earlier inquiries that Netaji died in the crash in Taipei and, after his cremation there, his ashes were taken to Renkoji temple in Tokyo.

"Absence of any entry relating to their cremation defeats the story of the death of Netaji and some of his co-passengers in the plane crash," he said. Since Netaji was then head of a government-in-exile, Mukherjee visited the Institute of Taiwanese History and checked the microfilmed dailies, which confirmed that there was no report of any plane crash on August 18, 1945.

The commission also set much store by the minutes of a British cabinet meeting presided over by Prime Minister Attlee on October 25, 1945.

While laying down the principles that should govern the trial and punishment of Indian civil offenders, the very first point recorded in the minutes said: "It was generally agreed that the only civilian renegade of importance was Subhas Chandra Bose."

The commission said: "Now that it has been found on a detailed and careful analysis of the materials on record that Netaji did not die in the plane crash, it must be said that the minutes reassures the above finding."

22 MAY 2006

# 'Bose is dead, govt should make it clear'

A day after the Justice Mukherjee report and the government's ATR on it are tabled in Parliament, Krishna Bose is visibly unhappy. The former MP and Chairman of the Netaji Research Bureau (and widow of Netaji's nephew Sisir) believes Justice Mukherjee lacked the necessary circumstantial evidence and documents to prove that Bose didn't die in the crash. Yet, in an exclusive interview with NANDINI GUHA, she says the government should bring in closure and end the spending of public money on the issue. Excerpts:

■ **The Mukherjee Commission's report categorically said Bose did not die in the plane crash. Do you accept its findings or not?**

No, I don't accept the findings. I am extremely disappointed with what Justice Mukherjee has inferred after investigating the case for seven years. What is the conclusive evidence that Justice Mukherjee has after so many years? He said he has circumstantial evidence that Bose did not die in the Taihoku crash but we spoke to all the seven survivors of the aircraft. My husband and I visited Taiwan several times

1965 onwards and several of our Taiwanese friends told us that documents from 1945 were not available since the new Government came into the picture only in 1949. Even Habibur Rahaman, who accompanied him on that last trip, said he died.

■ **The Government, like you, has rejected the Commission's report. What should be done now?**

I think the Government should come up with a clear-cut statement on Bose's death. You do not need to waste so much of public money to say Netaji disappeared after the 1945 aircraft crash. Besides, Justice Mukherjee never even got the DNA of the remains examined. It was a gas cremation and there are plenty of bones among Bose's remains as my husband found out when he visited Renkoji Temple in 1965. How can Mukherjee conclude that the ashes are that of a Japanese national and not Bose's? I think the Government must



**THE LEGACY: Krishna Bose (right) with Anita Pfaff, Netaji's daughter**

seek clarification; from Justice Mukherjee. Also, the crash could have been an international conspiracy in a post-World War scenario.

■ **What would you want to be done with the ashes now?**

Bose's daughter, Anita Pfaff, and I both want the ashes to be returned to India with full honours. Anita said during her visit in January that she would take back the ashes to Germany if nobody in India wanted them. But that was a sentimental outburst. Even if the ashes are not Bose's, we want to preserve them and the country wants to pay homage.

■ **So you do not want to know what happened to Bose in August 1945?**

The people's hope that Bose would come back one day to relieve them of their distress is a welcome idea. But the fact remains that he is dead now. He managed to escape twice but wasn't third time lucky.

# Cabinet nod for extension

2004  
Pathak  
Committee  
5-9

## Statesman News Service

NEW DELHI, April 27 : The Union Cabinet today gave its approval for extension of term of the Justice RS Pathak Inquiry Authority, which is probing into the findings of the Volcker Committee inquiry report on the Iraqi oil-for-food scam, by three months.

The Pathak Authority was set up last year following public uproar after the UN-sponsored Volcker inquiry panel indicted the former external affairs minister, Mr K Natwar Singh, and the Congress party for being "beneficiaries", among others, of Iraq's oil-for-food scandal.

At a meeting chaired by the Prime Minister Dr Manmohan Singh here, the Cabinet decided to extend the Pathak Authority's stipulated term beyond 10 May 2006 to enable it to "complete its task and to submit its report". The Cabinet Committee on Security (CCS), on its part, discussed the developments in Nepal, where a new government is set to take over tomorrow, and took stock of the situation in Sri Lanka which is gripped by a fresh bout of violence involving the government and the LTTE.

The 90-minute CCS meeting was also chaired by the PM and attended among others by the home minister Mr Shivraj Patil, the Army Chief General J J Singh and the home secretary Mr V K Duggal.

The Prime Minister was briefed on the situation in Nepal and Sri Lanka, an official spokesman said. Dr Manmohan Singh, who was on an official visit to Germany and Uzbekistan, returned to the Capital late last night. Meanwhile, the Union Cabinet also gave its approval for extension of term of the National Commission for Religious and Linguistic Minorities by six months beyond April 2006.

## **Indo-US deal criticised**

Mr Natwar Singh today picked holes in the 2 March India-US civil nuclear deal, saying it contained elements that were non-existent in the joint statement issued when the deal was announced last year. There was no mention of proliferation and arms control in the 18 July 2005 statement issued jointly by Dr Manmohan Singh and Mr George W. Bush in Washington, said Mr Singh.

28 APR 2006

THE STATESMAN

# **Banerjee report on Godhra rocks Parliament, HC tells Govt don't act on it until tomorrow**

*Special  
Comm* EXPRESS NEWS SERVICE *MP*  
NEW DELHI, MARCH 6

THE U C Banerjee Committee report, which concludes that the Sabarmati Express blaze in February 2002 was "accidental", rocked Parliament today with the UPA and its allies clashing with BJP members and demanding the dismissal of Gujarat Chief Minister Narendra Modi.

Such was the din in the Lok Sabha that it had to be adjourned for the day. In a related development, the Gujarat High Court today directed the Government "not to further act" on Justice Banerjee's report until March 8.

The HC is hearing a petition filed by Nilkanth Bhatia, a relative of a survivor from the Sabarmati Express carnage in which 59 persons were killed. Bhatia's petition, filed in September 2005, has questioned the formation of the Justice Banerjee committee since the Nanavati-Shah Commission, formed by the Gujarat government, was already investigating the matter.

In Lok Sabha, angry SP, BSP and RJD members stormed the well and raised slogans against Modi while BJP members responded by hailing the Chief Minister. Rajya Sabha also had more than an echo of the controversy with Congress and BJP members trading charges and the treasury benches demanding tabling of the Banerjee report.

Railway Minister Lalu Prasad said that the report would be tabled tomorrow.

9 11 2002

INDIAN EXPRESS

# Godhra train fire accidental only: Banerjee panel

4/3  
+12-1

**"It was not deliberately inflicted"**

P. K. Bhardwaj

*Special Court*

**NEW DELHI:** The Justice U. C. Banerjee Committee on Friday held that the fire in Sabarmati Express at Godhra in Gujarat on February 27, 2002 was accidental and not caused deliberately.

The fire claimed the lives of 59 people and it led to widespread riots in the State, causing huge loss of life and property.

"It was not a deliberately inflicted fire but an accidental one," Mr. Justice Banerjee told mediapersons after handing over the final report to Railway Board Chairman J. C. Batra.

The committee had submitted its interim report on January 17 last year.

Mr. Justice Banerjee, a former judge of the Supreme Court, was appointed in September 2004 to probe the cause of the fire in S-6 coach carrying kar sevaks.

He was also asked to go into the fire safety aspects also and suggest steps to effectively control fire accidents.

The Railway Ministry, under Mr. Nitish Kumar, had virtually endorsed the theory that the fire was caused by outsiders.

Mr. Justice Banerjee dismissed the theory, saying the police officials and others had in their testimony stated that there were no crowds at the railway station and those present were just onlookers.

### A misconception

He termed it as a 'misconception' that all four entrances of the coach were locked. "This is not possible. When a train moves to a platform one door may carry a padlock, while others are bolted from inside. The padlock is removed to let the passengers get in as other doors are opened from inside."

Further, he pointed out that

• No crowds at the railway station and those present were just onlookers

• Deaths due to toxicity and suffocation

there were about 250 passengers in the coach and it was unbelievable that 90 per cent of them were kar sevaks. As only 59 died, others had escaped. "How could it happen if the entry doors were locked?"

Mr. Justice Banerjee attributed the deaths to toxicity and suffocation caused by rexin, foam and other inflammable material in the coach. He cited the testimony of an income tax official in this regard.

### Intelligence role

Quoting then Additional Director General of Police Sree Kumar, who was in charge of intelligence, and others, he said the intelligence apparatus had no information as to when kar sevaks would come. As such, how would others know that kar sevaks were travelling in the train?

Besides Mr. Kumar, police officers J. K. Bhat, Raj Bhargava and Rahul Sharma deposed before him, he said.

Mr. Justice Banerjee pointed out that the police had refused to cooperate initially and then came forward to depose only after a year when he invoked his powers under the Commission of Inquiry Act.

Mr. Kumar and another officer had deposed that they rushed to a place where a mosque was under attack and curfew was clamped there immediately.

See also Page 12

04 MAR 2005

THE HINDU



Godhra Chronicle: Move To Strengthen Secularists, Team UPA

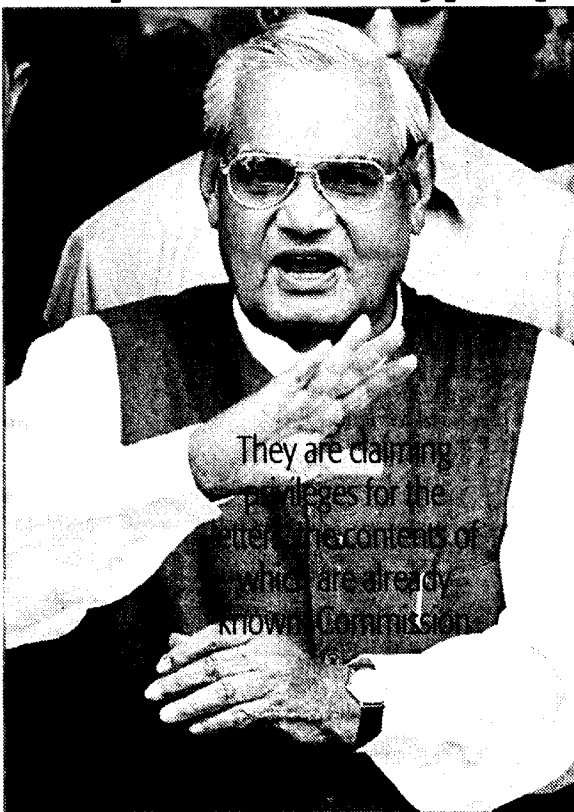
# Nanavati panel wants govt to reveal Narayanan-Vajpayee letters

Our Political Bureau  
NEW DELHI 2 JANUARY

**T**HE Nanavati Commission on Monday asked the UPA government to reconsider its decision to keep the KR Narayanan-AB Vajpayee communications during the post-Godhra riots under wraps. The development may put the government under considerable pressure from its constituency in the NGO sector and the 'secularists'.

"You are claiming privileges for the letters, the contents of which are already publicly known. The inference that could be drawn from the government's affidavit is you are trying to hide something," Justice Nanavati said. The commission, which asked the government to 'apply its mind' and file a fresh affidavit, said the Centre was 'duty-bound to assist the commission'. This observation of the commission could draw a line between 'secularists' sentiments and the UPA government.

The Rashtrapti Bhawan, in one of its letters to the commission earlier, had told the panel not to correspond with it anymore in connection with



Narayanan's letters. The commission asked the UPA government to 'make clear' the

grounds on which it was seeking privileges.

The then president KR

Narayanan had written to Vajpayee between February 28 and March 31, 2002, expressing anguish at the way the violence was being handled. Earlier this year, Narayanan, whose term expired in July 2002, told a Congress legislator from Kerala that the Vajpayee government had ignored his request for immediate Army deployment with powers to shoot.

But Rashtrapti Bhawan refused to make the letters public. Jugal Kishore, an under-secretary in the ministry of personnel and public grievance, had handed over a letter from the Centre to the Nanavati-Shah Commission recently saying that the documents could not be produced as they are 'strictly confidential and disclosing them will harm the public interest.' Rashtrapti Bhawan was of the view that making public the communications would endanger the nation's security.

The Centre, which had gone through the papers, was of the view that "they are unpublished official records, relating to affairs of the state, and contain communication made in strict official confidence."