

## **Affidavit of Shanti Bhushan**

### **Nanavati Commission**

The deponent hereby solemnly affirms and declares as under: -

1. That I am practicing as Senior Advocate primarily in the Supreme Court and in the various High Courts of India
2. That I have been the Union Law Minister from February 1997 till \_\_\_\_\_.
3. That I was the National Treasurer of the Bhartiya Janta Party from 1980 to 1986.
4. That I learnt of the assassination of Prime Minister Indira Gandhi in the Supreme Court on 31-10-1984. On 1-11-84, I went to the office of the Bhartiya Janta Party at Ashoka Road, New Delhi. On reaching there, I came to know of the reports about Sikhs being massacred in different places of Delhi. Reports to this effect were being constantly received not only from different areas in Delhi but also from other places in the country as well.
5. That feeling very concerned about these happenings, I decided to go to Shri Narsimha Rao, the then Home Minister, who was personally known to me, to apprise him of these events and to request him to take immediate steps to have these incidents stopped.

6. That on 31-10-1984 after the assassination of Mrs. Gandhi when Shri Rajiv Gandhi was sworn in as the Prime Minister, only 2 to 3 Ministers had been sworn in with him, which included Shri Narsimha Rao as Home Minister and Shri Shiv Shanker as Law Minister. The other Ministers in Smt. Indira Gandhi's Cabinet had ceased to be Ministers on 31-10-1984.
  
7. That I met Shri Narsimha Rao at his residence on 1-11-1984 and apprised him of the reports which had been received. He confirmed the said reports and called up some officers which perhaps included the Lt. Governor of Delhi and the Home Secretary. Even though I could not hear what was being said by the persons whom he had called, I got the distinct impression that his telephone calls were not having much effect. Shri Narsimha Rao had a very worried and disturbed look on his face and appeared to be quite unhappy. I, however, got the impression that while he was trying to do his best, he was not proving / being effective.
  
8. That I then decided to visit and speak to Shri Shiv Shanker, the then Law Minister and went to his residence. I knew Shri Shiv Shanker personally very well. Shri Shiv Shanker was more communicative, although he was equally worried and unhappy. He also stated during the conversation with me that he was so unhappy at the events and that he was even contemplating his resignation.
  
9. That on 2-11-1984, many of lawyers in the Supreme Court decided to do something for the protection of the members the Sikh community in the worst affected areas of East Delhi. We

decided to visit those areas in our Court robes: in black coat and bands.

10. The lawyers who then went to the affected areas included the following: -

- Shri Ram Jethmalani
- Shri Fali Nariman
- Shri Soli Sorabji
- Rani Jethmalani
- Prashant Bhushan
- and many others.

11. That we visited Shakarpur, Pandav Nagar and several East Delhi's colonies and rescued many trapped Sikh families and took them to the nearest Gurudwara.

12. That we also saw many dead bodies of Sikhs who had been killed and some bodies were still burning.

13. That we also saw some police officials with their name plates on their clothes but got the impression that they did not appear to be doing anything much to stop the killings.

14. That some of us also came across some groups of angry Hindus, who were hostile to the lawyers' group and pelted stones at our cars. Even my ambassador car got some big dents as a result of having been hit by the stones, even though at that

time, I was not in my car, but my son Prashant Bhushan, Advocate was driving it.

15. That having seen kind of brutal things that were happening on the 2nd November, I got the distinct impression that the Police was not making any serious attempt at stopping the miscreants from indulging in mass killings, arson, looting etc.
16. That when I watched the T.V. broadcast of the place where Mrs. Gandhi's body was lying in state to enable members of the public pay their respect to the departed leader, I also heard slogan on the T.V. "KHOON KA BADLA KHOON SE LENGE" [we shall avenge murder by murder]. When these slogans were being shouted, I noted that Prime Minister Rajiv Gandhi was present at that place and was bound to have heard these slogans.
17. That I also remember that Shri Rajiv Gandhi had also said in his public speech a few days after the violence that when a big three falls, the earth does shake. It seemed to me that Shri Rajiv Gandhi was describing the massacre of the Sikhs as the shaking of the earth.
18. That it was my distinct impression that in as much as the Hindu groups / mobs who were indulging in acts of riot, arson and murder were not themselves armed with firearms, it should not have been difficult to stop these acts if the armed police really intended to stop them.

19. That it was only after three days of unchecked arson, loot and murder that the Government decided to put a stop to all this, and the army was made effective. This show of force immediately put a stop to these riots.
  
20. That the impression that I formed from all the events narrated above was that there were perhaps some instructions from the top not to stop these things for two or three days so that the Sikh community would learn a lesson, and that this must have been the reason for the Home Minister and Law Minister not being able to do anything and feeling helpless.
  
21. That it is my firm conviction that these incidents could not have happened without some people organizing them, arranging for the mob, and distributing kerosene and other inflammable material to them in an organized manner with the connivance of the State machinery. If the State machinery really wanted to stop these incidents, they had sufficient means to stop them by opening fire at a couple of places on the first day itself when the violence erupted. Such incidents of unprecedented violence, in my view, cannot continue for three days without the connivance of the State machinery.