

**Witness statement from Shri Ram Jethmalani, Lawyer
Nanavati Commission**

(Witness No: 3)

Name : Shri Ram Jethmalani, S/o Shri Moolchand Age : 77 Years
Occupation : Lawyer, New Delhi

On 31st October 1984 I was in Delhi, and I have returned from USA on that morning. At the airport I found that it was almost deserted, and a few Sikhs were present at the airport this was around midday on 31.10.84. Ms. Leela Fernandas came to my house in the evening, and she informed that some untoward incident is happening in the city.

On that day in the evening, we decided to meet the Home Minister Shri Narasimha Rao. We met Shri Narashimha Rao and I have told him about the incidents of fire and killings taking place in the city and requested him to take immediate steps and detailed some of them and also suggested that curfew may be imposed army may be called and all-party meeting may be called etc. To all the suggestions Shri Rao was indifferent. We were with Mr. Rao for about an half an hour. During the time I was with Mr. Rao I did not find any officer contacting him or Shri Rao giving any instructions to any officers. What Mr. Rao has told us was leave it to me and adequate steps will be taken. My response to the talks which took place by Mr. Rao was totally disappointed.

By the next day I formed an impression that the police were inactive and therefore I decided to collect few lawyers and go with them to various localities where the violence was taking place so as to bring confidence among the peoples --. I suggested that all the lawyers should go in uniform. In all 40-50 lawyers in robes in the trans-Yamuna area two localities Laxminagar and Kalyan Puri. The scene in those localities was very tragic we noticed many dead bodies were seen on the roads. The vehicles were also on fire. Looked up as if it is a

graveyard. We visited the house of a Sikh and found 5 or 6 dead bodies inside the house. Once we had been there, we found a ---- behind a trunk ---/. He could hardly speak he was injured and therefore we arranged to take him to a hospital. We took him to AIIMS but the doctors there refused to admit there he was therefore taken to a private clinic Dr. Jain clinic situated in south extension.

The most remarkable which I have noticed was absence of police force on the streets. We continued our visits on the following days also. One more incident which I remember is a few Sikhs were given shelter in a Hindu building after great persuasion and I told that we were friends and they came out and I found that they were very much frightened and they were very much worried about those relatives. We made arrangements for taking them to those places. We found some Sikhs who have shaved their heads because they may be frightened, or they may be advised by their host.

While we were trying to rescue those persons, a crowd appeared and tried to assault me ---. I sat down on a heap of stones and tried to persuade the crowd not to attack us while we were. One person in the crowd was an old RSS member he recognized me and persuaded the crowd not to attack me. At the same time, he advised us to leave the place immediately.

Persons in the crowd were ---- of Sikhs. What we did was to get some moral impact on the crowd – who had identified himself as local congress leader. I do not remember his name know. I have told him that we are doing some good for the cause of the country and ==
Sikhs were being dividing in this manner it could not be possible to defend Punjab and also the Country. This had a good effect on that person and thereafter he escorted us. While returning they had also found a hostile crowd on the bridge which was a bring crowd because of the local congress leader we were allowed to go. We found that there was no enforcement of curfew. Large crowds were freely moving on the streets. After 2 or 3 days I have written a letter to

Rashtrapathiji narrating these incidents and also suggesting remedies. I do not have the copy of the letter with me but that was substantially reproduced in the Indian Express on 7th November 1984. Either as a result of suggestion made by us an All-Party meeting had taken place at the residence of Gandhi and there a decision was taken to prepare an all-party appeal and broadcast the same. This was before the cremation took place.

By and large the places we visited were deserted but crowds could be seen moving here and there freely. Persons in the crowds were carrying sticks and rods etc. I do know what slogans were being shouted by the crowd but on television the slogans shouted by the crowd could be heard as 'KHOON KA BADLA KHOON SE LENGA'. I can say that the crowds which we have seen was hostile menacing crowd. They were no conspicuous presence of police in those localities.

Cross examination by Shri A.K.Sud, Addl. Solicitor General :

I cannot say definitely whether the RSS man who I have referred was present there for any other reason. During the two or three days after the assassination of Smt Gandhi I organized --- for rendering help to he victims. Mr. Kedarnath Saini was very helpful in organizing the RSS members. My house had also ot become a place where the people can contact for help when a request for help came Mr. Kedarnath has seen that proper help for rescuing the affected persons. I found that during those --- RSS members signalled service. The RSS member whom I have noticed in the crowd was not armed. The general impression which I carried was the menacing crowd were acting in a organized manner.

Cross examination by Shri S.S.Gandhi, Advocate on behalf of Delhi Police:

The crowds were at isolated spots. I cannot say that there were no policemen in those localities but wherever we went we could not find presence of police. May be one or two policemen were present. He

had noticed any action on the police to check the violence or to drive them away and put them indoors.

Read over and found correct
(RAM JETHMALANI)

(G.T. NANAVATI)

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