

25/4/NGO - VOL. VIII

(PART)

(NOTING PORTION)

भारत सरकार
GOVERNMENT OF INDIA

विदेश मंत्रालय
MINISTRY OF EXTERNAL AFFAIRS

नई दिल्ली
NEW DELHI

फाईल नं०
FILE NO. 25/4/NGO - VOL. VIII (PART)

खण्ड
VOLUME (NOTING PORTION)

टिप्पणियां/पत्राचार

NOTES/CORRESPONDENCE

Notes: pages 1 to 53

Corr: pages 1 to 2

Total 55

विषय

Subject

NOTING PORTION

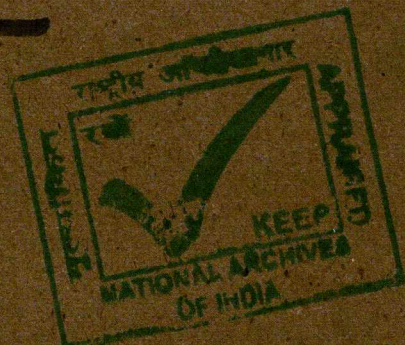
25/4/NGO - VOL. VIII

पिछले हवाले
Previous Reference

बाद के हवाले
Later Reference

~~Declassified~~

keep by 28/12/15



FILE NO 25/H/1590 - VOL VIII (NOTING PARTIAL)

SUBJECT

JMCI - NETAJI SUBHAS CHANDRA
BOSE

Reference FR.

We may send an interim reply to National Archives as per fair letter placed below for signature please. Thereafter, we may pass on the papers to Dir(c) for further necessary action.

Sh
13/8/2001

Mitra
13/8/2001

~~So(NGO)~~

~~Dir(Corr)~~ M Chaudhan
13/8/2001

Pt. issue.

Mitra
13/8/01

Sh. S. Sin

Issued. O/c filed in main file.

As approved by Dir(Corr) above, we may now pass on these papers to Dir(China) for necessary action.

Sh
13/8/01

Mitra
13/8/01

~~So(NGO)~~

Urgent

Pt. spk.

Sh
13/8/2001

US(JK)

6405
13/8
Dir(Corr)

Ministry of External Affairs
(East Asia Division)

(FR-I)

Reference note received from DG, National Archives of India. The National Archives have requested for the following 3 files of MEA to be downgraded so that copies of these files can be supplied to the Justice Mukherjee Commission of Enquiry set up by GOI to enquire into the alleged disappearance of Netaji Subhash Chandra Bose:

- 1) 1946 F No.27/W/46
Indian representation on courts to try Far Eastern War Criminals.
- 2) 1949 F No.489 - CJK/49
Justice Pal's judgement at the International Military Tribunal, Tokyo.
- 3) 1949 F No.489(2) - CJK
Questions and Answers in the Constituent Assembly of India (Legislation) regarding protest against execution of Marshal Tojo and others in view of Justice Pal's judgement.

All these files have to be placed before the Justice Mukherjee Commission. The file at S.No. (3) is not available with National Archives and they have requested that this be transferred to them for permanent preservation and use.

2. Another letter has been received from the Policy Planning & Research Division stating that Shri Arun Shouri, Hon'ble Minister of State for Planning & Programme Implementation has sought permission to consult the two files at Sl.No.(1) & (2) of MEA for a research scholar. PPR Division has requested for our comments/views on the matter. (FR-II)

3. With respect to request at para no. 1., we may have no objection for the downgrading of the files so that copies can be sent to the Justice Mukherjee Commission of Enquiry. With respect to request at para no.2, we need to take a view on whether the files can be made available for the research scholar.

For consideration,

Neeta Bhushan
(Neeta Bhushan)
Under Secretary (JK)
20 August 2001

~~Director (EA)~~

para 3 - for orders.

[Signature]
20.8.2001

JS(EA)

P. discuss

21/8

[Signature] Bring for disc. at Office M/S next week. *[Signature]*

21.8.2001

US(JS)

Dy. No. 6686 / Dir (China) / 07
 Date 21/8
 Dy. No. 6670 / JS (EA) / 2001
 Date 21/8

(East Asia Division)

Reference FR

Notes at pre-page may kindly be perused.

Vide our ID note dated 27th August, 2001, we had requested National Archives of India to send us the files at Sr. No. 1) and 2) on pre-page. These have been received and are placed below for kind perusal. With regard to file at Sr. No. 3) we had requested Director (CNV) to send us the file; NGO Section replied that the said file did not belong to them. Thereafter, we had requested RM Section to send us the file if it was with them. They have once again been requested and their reply is still awaited.

Submitted please.

JAB
20/1/01

US(JK) *ms sp/c*

SO(SIT) *by 8/11*

Spoken. The two files placed below are to be considered for downgrading their classification so that these could be sent to Justice Purohita Commission - in this connection letter from National Archives of India may please be seen - FA.

Submitted please.

JAB
4/01/2002

U.S (JK)

NGO Section

Reference notes on pre-page

The files in question have been called for by the Justice Mukherjee Commission direct from the National Archives and not through us. We are, therefore, not aware of the reasons behind the repositioning of these files.

~~Dir~~
7/3/02

US (NGO)

On going through our files on the subject it is found that certain individuals/organisations in their affidavits before the Commission have raised questions pertaining to the dissenting judgement of Justice Pal and appearance of Netaji's name in lists of War criminals. It is possible that the Commission has desired to see these files in the context of those affidavits.

Dir (Cov) / Dir (China) may kindly see.

Mitra
7/3/02

~~7-49/Dir(C)or~~
~~28/3/02~~

~~Dir (Cov)~~ ~~AC~~
~~8/3~~

~~Dir (China)~~

Pl. p.u. on release from official tour on 10.4.2002.

~~Hes~~
28-3-2002

~~S. G. S.~~ . Mitra
28/3/02

Dir (C) O.R.

Ministry of External Affairs
(East Asia Division)

Justice Mukherjee Commission of Enquiry – Request for Files

JS(EA) may kindly see notes from page 4 ante.

The two files contain no reference to the circumstances of the alleged disappearance of Netaji Subhas Chandra Bose. It appears that certain individuals / organizations who have filed affidavits before the Commission have made some reference to the dissenting judgement of Justice R.B.Pal and the appearance of Netaji in the list of war criminals. The dissenting judgement is already with the Commission. The Commission, however, wishes to see all files in connection with Justice Pal's judgement.

2. There are two questions involved:

(a) The question of principle; whether Government needs to provide classified files relating to Justice R.B.Pal (who had no connection to the disappearance of Netaji) and his dissenting judgement to the Commission, simply because there is an indirect reference to Justice R.B.Pal's judgement (which is already with the Commission) in some of the affidavits given by individuals before the Commission on Enquiry.

(b) The question of national interest: Whether the submission of these papers, which may result in them becoming public documents, is in the national interest. Japan is an important country from our foreign policy perspective. Many Japanese believe that the Tokyo Trials of 1946-48 were not conducted according to the principles of natural justice, but were intended to enforce the supremacy of the victors over the vanquished. Till today, many Japanese, including at the highest political levels, consider Justice Pal's dissenting judgement as a vindication that justice was not served. They also associate Justice Pal's views with that of India and its Government of the time. The papers on the files, however, present a somewhat different picture. Justice Pal's dissenting judgement was not viewed as balanced by Government of India. For instance, Prime Minister Nehru said in his CCB telegram to the Governor General of India that: "...any such move on our part would associate us with Justice Pal's dissenting judgement in the Tokyo trials. In this judgement wild and sweeping statements have been made with many of which we do not agree at all." There are other notings of file by the then Foreign Secretary such as "...Not content with holding that Tojo and Co. are not guilty, the learned Judge has chosen to justify Japan's actions and to condemn those who, after all, were our wartime allies. In fact from a casual reading of his judgement, I felt that it was a monumental justification of Japan's conduct during the last three decades." Publication / disclosure of such information may not serve the interests of India-Japan relations, especially when the files do not contain any relevant information on Netaji.

T-1028 / NGO/02
24/4/

P68 / Dis (C) / 02
24-4-02

3. Three options are available to Ministry:

- ✓ (a) We claim privilege of withholding the files on grounds of national interest.
- (b) We send the files to the Chairman of the Commission with the request that this not be treated as a submission, but only be seen for information so that the Chairman can satisfy himself that nothing of any relevance to the disappearance of Netaji is contained in the files.
- (c) We declassify the files and submit them to the Commission.

4. The matter contained in the files is not of a magnitude that compels us to claim privilege of withholding the files. Option 3(b) is therefore recommended for consideration and approval.

T-23/EAM/12
8/5

T-1028/NSO/n
24/4

T-228/FS/02
1/5

Vijay Gokhale
(Vijay Gokhale)
Director (East Asia)
24.4.2002

✓ JS(EA)

I would recommend option 3(a) for approval. Simultaneously the Commission can be advised that these files contain no info on the disappearance of Netaji. *Vijay Gokhale*
26/4/02

✓ FS

✓ E.A.M.

Apr
4/5

~~TOP SECRET~~

External Affairs Minister's Office

I am unable to agree with the logic advanced that we withhold these files on the grounds of national interest. The main ground for doing so is that this would show that the Government of India did not agree with Justice Radha Vinod Pal's judgement. To that extent, this may affect our image in Japan where some Japanese may associate Justice Pal's view with that of India.

In my view, both Justice Pal's dissenting judgement, the circumstances which caused it and the institutions and individuals who disagreed with it in the Government of India have passed into history. No great public or national interest is damaged by these files being declassified.

Jaswant Singh

(Jaswant Singh)
External Affairs Minister
June 25, 2002

T-83/2001/02
T-228/FS/02
T-1028/NG/02
TS-62/secy(w)/2002
29/6/2002

ES *26/6*
Secy (W)
JS/EA
Dir (CNV)
n.a.p.
1.7.2002
29/6
1/7/02

US (NGO) Please put up a draft reply from Dir (CNV) addressed to DG, Archives, w.r.t. his letter dt. 8 August 2001 (Flag B).

Sh. Jan
1/7/02

Sh. Jan
DFA please
2/7/02
For consideration please.

US (NGO)
Sh. Jan
2/7/02
JS (CNV)
May name
3-7-2002
2/7/02

(7) — Issue

Dy. NO. 4653/NAO/02 ... (8) — FR

Reference FR

We may seek the requisite information from Moscow as per the fax letter placed on the file.

For approval / signature please.

~~JS~~
5/7/02

~~SIRD (9) — Issue~~

S/Min
5/7/02

~~US (NGO)~~

~~JS (ENV)~~

~~JS~~
5.7.2002

US (NGO)

NGO Section

- ① Dy. No. 5050/NGO/02 ... ~~FR I~~ ... S.No. (9)
- ② Dy. No. 5051/NGO/02 ... FR II ... S.No. (10)
- ③ Dy. No. 5049/NGO/02 ... FR III ... S.No. (11)

FR I : The Commission desires to have documents/
photographs relating to Netaji Subhas Chandra Bose
which are supposedly ~~be~~ in the Archives of the
Govt. of Vietnam. We may, accordingly, write
to our Mission in Hanoi as per the fair letter
placed below.

FR II: This pertains to the proposed visit of the Commission to Japan & Taiwan. As regards the probable witnesses in Taiwan, we are yet to receive any information from EA Dim. which had taken up the matter with the ITA. A note to EA Dim. in this connection is placed below for approval / signature please. We may also inform the Commission, accordingly. As regards the requirements of the Commission during the proposed visit to Japan, it is expected that these would be much less than what was initially laid down by the Commission in view of the fact that only ten witnesses have finally agreed to either depose or meet informally with the Commission. The requirement of space and related paraphernalia would, therefore, be less than what was envisaged ~~for~~ earlier for 50 people. We may

from pre-page

accordingly, inform the Commission as per the fair letter placed below.

FR III: In addition to the requirements indicated earlier by the Commission ~~for~~ ^{for} the proposed visit to Japan, it has now asked for an interpreter. It may be mentioned here that S/I, Tokyo in its communication of 6-2-2002 (S.No. 70/c in Vol. VII of this file) had indicated that it would arrange for two translators & interpreters. Therefore, we need not write to the Mission again on this issue. In any case, details of logistics for the visit could be finalised once the Commission indicates the duration of stay & composition of the delegation.

Sh
16/7/02

Altra
16/7/02

US(NAO)

HS
16.7.2002 IS(CMV)

Pl. issue after keeping O/c's.

US(NSW)

Dy. No. 5052/NAO/02 — S.No. (12) — Added Altra 16/7/02

Sh Sen

S.Nos. (13), (14) & (15) — Issue

Sub: Justice Mukherjee Commission of Inquiry

As instructed by JS(env), a draft fax to the ITA is put up for appraisal please. The last message dated 3.6.02 to ITA is also placed on the file for reference please.

~~JS~~
17/7/02

US(NGO)

Mitra
17/7/02

✓ JS(EA)

Issue
18/7

~~JS(env)~~
Mitra
18/7/02

Sh. San

§
Dy. No. 5018/NGO/02 — S.No. (16) — Receipt

S.No. (17) — Issue

S.No. (18) — Issue

S.No. (19) — Receipt

S.No. (20) — Issue

Reference FR

DG, ITA's fax reveals the status of the search for probable witnesses in Taiwan. In view of the position explained therein, we are now left with the following options.

1. tell Justice Mukherjee Commission that we have been unable to trace the witnesses.
2. make further efforts to trace the witnesses on the lines suggested by DG, ITA.

If action is taken as proposed at (1) above, we do not know whether JMCI would still go ahead with their plan to visit Taiwan for the sole purpose of inspecting the site of the alleged plane crash as indicated in their letter of 8th July, 2002 (S.No. 10/c). It would also be relevant to mention here that the Commission proposes to visit Japan and Taiwan in September, 2002.

Submitted for instructions please.

JS
26/7/02

JS
26/7/02

US(NGO)

JS(EA) may kindly see FR & advise whether it would be appropriate for Commission officials to contact TECC here on the matter.

JS(CNV)

T-435/JS(CNV)/2002
29.7.2002

JS
29.7.2002

The paper should be printed and followed up by ITA.

JS(EA)

JS
29/7/02

JS(CNV)

Pl.p.u. a letter to the Commission to inform them that despite all efforts the witnesses, if alive, can not be traced on the basis of info. received from the Commission, & that more detailed info. would be required if another attempt is to be made.

JS
30.7.2002

JS
30/7/02

US(NGO)

Sh. Sen


D. 5258/NGO/02 — FR

Reference FR.

Pursuant to the letter dated 21-6-02 from the Justice Mukherjee Commission of Inquiry, MHA have requested us for a copy of the judgement order of 4387 of Rajasthan High Court relating to an inquiry into the circumstances of death of Netaji Subhas Chandra Bose and also a copy of the affidavit filed in-opposition in the case.

2. Following the study of EA Division's file No. C/551/12/93-JP, it is found that ~~the~~ a copy of the ^{said} judgement order was forwarded by MHA to us in September, 1993 seeking to know what action was taken by this Ministry pursuant to the judgement order. The then JS (AP) had replied on 8-10-93 to MHA on the issue. The reply reveals that no affidavit was filed by this Ministry in the case.

3. In view of the above, a U.O. note to MHA is put up alongwith all relevant enclosures for approval / signature please.

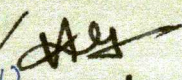

26/7/02

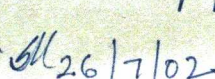
For kind approval/signature, please.

Mitra
26/7/02

US(Nao)

US(Nao)

JS(CNV) 
26/7

Pl. issue.
O/c has to be made.  26/7/02 SR. Sar

Dy. No. 5258/NAO/02 — S.No. (22) — Receipt
S.No. (23) — Issue

Dy. No. 5473/NAO/02 — S.No. (24) — FR

Reference FR & JS(CNV)'s instructions
on p. 13 ante.

Two fair letters to the Justice Mukherjee
Commission are put up for signatures please.

~~JS~~
6/8/02

~~JS~~
6/8/02

~~US(NAO)~~

~~JS~~
6.8.2002

~~JS(CNV)~~

~~JS~~
6/8/02

~~US(NAO)~~

1. Dy.No. 4451/NGO/02	S.No. (25)	FRI
2. Dy.No. 4650/NGO/02	S.No. (26)	FRII
3. Dy.No. 4654/NGO/02	S.No. (27)	FRIII
4. Dy.No. 5476/NGO/02	S.No. (28)	FRIV

Dy.No. 4684/NGO/02	S.No. (29)	Receipt
Dy.No. 5474/NGO/02	S.No. (30)	Receipt
Dy.No. 5475/NGO/02	S.No. (31)	Receipt
Dy.No. 5479/NGO/02	S.No. (32)	Receipt
	S.No.(33)	Issue
	S.No.(34)	Issue
	S.No.(35)	Issue
	S.No.(36)	Issue

Reference FRs

1. In general, all the FRs basically pertain to the issue of the alleged presence of documents in various archives of Russia relating to the stay of Netaji Subhas Chandra Bose in Russia in 1945 and subsequent years as mentioned by Shri Samar Guha, former M.P., in his various communications. This issue has been taken up by the Govt. of India with the Russian Government from time to time. The Commission now desires to know the outcome of the efforts made by this Ministry in this direction.

2. Considering each FR separately, the issues raised and our comments thereon are as under.

3. **FRI:** The Commission has asked for a report on the outcome of the inquiries made by the Russian authorities into the documents relating to Netaji Subhas Chandra Bose stated to be in their possession, pursuant to the letters received by them on this issue from Shri Samar Guha, former M.P. The Russian Foreign Office vide their Note Verbale of 8th January, 1992 had informed that "according to the data in the Central and Republican Archives, no information whatsoever is available on the stay of ... Netaji Subhas Chandra Bose in the Soviet Union in 1945 and thereafter".

4. **FRII:** This is again regarding the response of the Russian Government to the letters received from Shri Samar Guha. The position is the same as explained in para 3 above.

5. The Commission has also asked for a copy of the CCPA's decision in March, 1991 which is mentioned in the enclosure to the FR. It is observed that a note for the CCPA was prepared by MHA on the controversy regarding the ashes of Netaji and also his death. MHA vide their letter of 4.4.91 had informed this Ministry of CCPA's approval of the proposal contained in para 11 of the note. We may, therefore, forward to the Commission a copy of MHA's letter alongwith ✓ the extract of para 11 of the note.

6. **FRIII:** The Commission has asked for copies of the secret documents and report of outcome of the high-level investigation into the secret documents relating to Netaji Subhas Chandra Bose as mentioned in the reply dated 26.3.91 of former DM, Shri Digvijay Singh, to Shri Samar Guha, former M.P. In the first instance, it may be mentioned that these 'secret documents' mentioned in Shri Samar Guha's letter of 26th February, 1991 are supposed to be lying in the archives of countries like Russia, UK and USA. As regards the availability of these documents, the Commission has already been ✓ informed of the position country-wise. The only documents

from pre-page

that were received from Russia were forwarded to the Commission and, as it is understood, are under its examination. We have, therefore, no other documents to be sent to the Commission.

7. Also, the former DM's reply to Shri Samar Guha was mistakenly interpreted by Shri Guha as an indication of a high-level inquiry having been constituted by the then Government to look into the 'secret documents' relating to Netaji. This is borne out by notings in EA Divisions's file No. C/551/12/93-JP-Vol.II. The fact of the matter is that the issues raised by Shri Samar Guha from time to time had been taken up by our Mission in Moscow through démarches made with the Russian Foreign Office. From our files, it is seen that the former EAM, Shri Dinesh Singh, had also responded to Shri Samar Guha through his letter of 25.5.93 about the Russian response in the matter. This letter mentions documents received from the Russians which had no bearing on the scope of enquiry of Shri Samar Guha's letters, i.e., regarding the alleged stay of Netaji in USSR in the year 1945 or later. ✓

8. **FRIV** : This is the same as FRII.

9. It may be mentioned here that the then Ambassador in Russia had in July, 1995, taken up with the Foreign Office the question of examination of all available material in the archives of Russia to finally determine whether Netaji had entered or stayed in the territory of the former Soviet Union in 1945 and in subsequent years. The Foreign Office's reply of 27th October, 1995 is very categorical in that it asserts that "we can be sure that Netaji has never set foot on Russian soil" and that "extensive research can hardly leave any doubts to this effect".

10. In view of the above, we may send a consolidated reply to the Commission enclosing copies of the information/clarification received from the Russian Foreign Office.

Submitted for approval please.

[Signature]
13/8/02

S.No.43/c

[Signature]
13/8/02

~~US(NGO)~~

[Signature]
13.8.2002

~~IS(ENV)~~

[Signature]
13/8/02

S.No. 37 ——— Receipt
Dy. 5739/NAO/02 — S.No. 38 ——— Receipt
Dy. 5795/NAO/02 — S.No. 39 ——— Receipt

Sen

Subject: Proposed visit of the Justice Mukherjee Commission to Japan and Taiwan

Reference FR

In response to our letter of 16th July, 2002 on the subject, the Commission has now sent a tentative programme for the proposed visit and also enumerated their revised requirements during the visit. Accordingly, the visiting team will comprise the Chairman and the Secretary of the Commission. As per the tentative itinerary, the team will be staying for five days each in Japan (14.9.02 to 18.9.02) and Taiwan (19.9.02 to 23.9.02).

2. As regards the Commission's stay in Japan, our Mission in Tokyo will have to make **hotel arrangements** as per the itinerary. For **transport**, it is felt that hiring of one car would be sufficient since only two members are going in the team.

3. As for the **space** requirements for conducting the hearing, considering that there is only one witness to be examined by the Commission, either a hall or room could be provided in the Chancery or an additional hotel room could be booked by the Mission.

4. Among the requests made earlier by the Commission, a senior and competent officer of the Mission was to be earmarked as the **Liaison officer** for the Commission.

5. The Commission has proposed that a **stenographer** could be spared by our Mission. This seems to be logical since there is only one witness who has agreed to depose formally before the Commission, and, therefore, the requirement of secretarial assistance for the Commission would be minimal. The Commission had earlier asked for the services of an **Interpreter** for its interactions with the local public. This could also be arranged by the Mission.

6. Regarding the request for **video recording** of the informal meeting of the Commission with some of the witnesses at the Renkoji Temple, we may request our Mission to make necessary arrangements. They could similarly arrange for a **photographer** to take photographs at the Renkoji Temple as requested by the Commission.

7. As regards the proposed visit to Taiwan, since there is no representative of the Govt. of India in Taiwan, we will not be able to make the desired arrangements through such channels as proposed by the Commission. A decision will, therefore, have to be taken as to how the visit of the Commission to Taiwan is to be arranged and necessary facilities provided to them. In this connection, a background of the visit of the Khosla Commission to Taiwan in 1973 as available in the files of EA Division will be revealing. At that time, the MHA was informed that the Commission could not be extended any facilities through official channels and that they were to use ordinary travel channels to arrange for visas, accommodation, etc. in Taiwan (S.No. 83-A/corr of F.No.C/551/5/72-JP-Vol.I refers). MHA's sanction for the visit of the Justice Khosla Commission may also be seen at S.No.11/corr of F.No. C/551/5/72-JP-Vol.II.

LIF

DFAI 2 II 1

8. In view of the above, it is proposed to write to the Justice Mukherjee Commission and our Mission in Tokyo as per the draft letters placed below. Also the decision regarding modalities of the visit of the Commission to Taiwan needs to be taken in view of para 7 above.

from pre-page

9. It may be mentioned here that the financial sanction for the visit will be accorded by the MHA who have already been approached by the Commission for this purpose.

Submitted please.

JS
7/8/02

May kindly approve the draft letters.

As regards para 1 above, a decision needs to be taken as to how the Commission's visit to Taiwan could be facilitated.

Submitted, please.

Mitra
7/8/02

~~US(NGO)~~
~~JS(CNV)~~

~~JS(CNV)~~

Reference: above note by US (NGO) regarding the visit to Japan and Taiwan of the Commission enquiring into the alleged disappearance of Netaji.

2. Arrangements required in Tokyo (paras 2-6 of US (NGO)'s note) will be made by our Mission. Expenditure will be raised against a sanction issued by MHA.

3. With regard to the proposed visit to Taiwan there are two issues to be considered:

(a) The Commission has requested the "representative of the Government of India in Taiwan" to make necessary arrangements. Government has no such representative in Taiwan. Although Government has a non-official representation - the India-Taipei Association - this is not officially acknowledged by Government. Funds for ITA are entirely paid through DG. No accounts are rendered to CCOA.

ITA could assist in making arrangements only, but will **not** be in a position to make any payments against MHA or Government sanction. ITA Taipei will also be advised not to be associated with the Commission's visit to Taiwan, and if contacted, to state that they are a non-Governmental organisation. We may also have to discreetly brief Justice Mukherjee before his visit on the sensitivities involved, in order to avoid misunderstanding, and also public mention in his report of the status of ITA. Payment for all services in Taipei will have to be made by the Commission delegation themselves. (MHA will also need to be advised accordingly)

(b) The second issue is regarding their programme in Taipei. So far they have **not** been able to locate any witnesses. Although ITA Taipei has made more than one effort (the Commission is not aware of this fact) the leads given by the Commission have been found inadequate by Taiwanese authorities. Likewise, we have no information whether the site of the alleged plane crash, the site of the Japanese Military Field Hospital, etc. still remain. This may not be likely given the phenomenal economic development that Taiwan has seen in the past half century. We could therefore suggest to the Commission for its consideration that a five-day visit to Taipei may not be justified in the light of the above.

4. We may seek FS's approval for the course of action at 3(a) & (b) above, and for the draft message addressed to the Director General of the India-Taipei Association Shri Ranjit Gupta.

5. JS (EA) may kindly see before the file is submitted for FS's approval.

T-500/JS(CNV)
9/8/02

Vijay Gokhale

(Vijay Gokhale)
Joint Secretary (CNV)
9.8.2002

T-455/FS/02
9/8

✓ JS (EA)

This was discussed with FS. yesterday.

JS (EA)
9/8/02

✓ FS

K. S. S. S.
19/8

✓ JS (EA) - O.T.

JS (CNV)

Message to ITA has issued. Pl. p.u. a fax to DCH Tokyo.

JS
13.8.2002

T-500/JS(CNV)
13/8/02

US (1540)

- S. No. 40 — Issue
- S. No. 41 — Issue
- S. No. 42 — Issue
- S. No. 43 — Issue
- S. No. 44 — Issue
- S. No. 45 — Issue
- S. No. 46 — Receipt
- S. No. 47 — Receipt

S.No. 48 — Receipt

S.No. 49 — Issue

Dy. 5620/NGO/02 — S.No. 50 — FR I

Dy. 5617/NGO/02 — S.No. 51 — FR II

Dy. 5619/NGO/02 — S.No. 52 — FR III

Dy. 5678/NGO/02 — S.No. 53 — FR IV

Reference FRs

We have already replied in the matters raised in FR I & FR II.

As regards FR III, EA Division's file no. C/125/4/65-JP reveals that the issue was earlier raised in the form of a Parliament Question in 1965. We may base our reply to the Commission on the Ministry's reply to the Parliament Question as available in the said file.

Regarding FR IV, ^{since} the matter pertains to P.M.O., we may inform the Commission accordingly.

In view of the above, we may respond to the Justice Mukherjee Commission as per the fair letter placed on the file.

~~Jy~~
19/8/02

For kind consideration, please.

Mitra
19/8/02

US(NGO)

~~J&C(v)~~ ~~Hy~~
29/8/02

~~US(NGO)~~ Pl. issue after keeping ofc.

Mitra
20/8/02

SR San

S.No. (54) — Issue

- Dy. No. 4690/NAO/02 — S.No. 55 — Receipt
- Dy. 5616/NAO/02 — S.No. 56 — Receipt
- Dy. 5618/NAO/02 — S.No. 57 — Receipt
- Dy. 5621/NAO/02 — S.No. 58 — Receipt
- Dy. 5675/NAO/02 — S.No. 59 — Receipt
- Dy. 5714/NAO/02 — S.No. 60 — Receipt
- Dy. 5738/NAO/02 — S.No. 61 — Added
- Dy. 5864/NAO/02 — S.No. 62 — Receipt
- Dy. 5916/NAO/02 — S.No. 63 — Receipt
- Dy. 5920/NAO/02 — S.No. 64 — Added
- Dy. 5921/NAO/02 — S.No. 65 — Receipt
- Dy. 5922/NAO/02 — S.No. 66 — Added
- Dy. 5930/NAO/02 — S.No. 67 — Receipt
- Dy. 5931/NAO/02 — S.No. 68 — Receipt
- Dy. 5933/NAO/02 — S.No. 69 — ~~Added~~
destroyed
- Dy. 5950/NAO/02 — S.No. 70 — Receipt

NGO Section

Reference FRs

FRI (S.No. 57/c) : The Justice Mukherjee Commission has asked for details relating to a broadcast allegedly made from Radio Moscow by a student in the name of Subhas Chandra Bose. The Commission has sent us extracts from a PMO file pertaining to the subject. However, the extract appears to be incomplete. We may, therefore, request PMO to send us the rest of the relevant material from the concerned file to facilitate our reply to the Commission. A U.O. note is placed below for signature please.

2. **FRII (S.No. 58/c)** : The Commission has asked for the address, phone numbers, etc., of the National Archives of USA and "Records Administration, Maryland, USA." A fax to our Mission in Washington is placed on the file for signature please.

3. **FRIII (S.No. 59/c)** : This refers to a previous letter dated 28.1.02 of the Commission which does not seem to have been received by us. In this letter, the Commission has referred to PMO's note of 23.5.1990 and a few communications which were endorsed therewith to JS(EA) and has desired to know MEA's action thereon. Since the Commission has mentioned that the concerned notes and letters are available in PMO's file No.n 800/6/C/I/90-Pol, we may write to PMO to obtain these documents to enable us take further necessary action in the matter.

*Mentioned in para 2
of u.o. note to PMO.*

4. **FRIV (S.No. 60/c)** : L&T Division has responded to our note of 27th July (S.No. 20/c) seeking to know whether India had signed any treaty in 1971 by which the limitations of time bar regarding arrest and trial of war criminals was withdrawn. Our reference to L&T Division was in response to the Commission's request for the details of war criminals of India or of Indian origin for whose arrest and trial India had signed the treaty.

5. L&T Division has now clarified that inter alia India's accession to the Convention on the non-Applicability of the Statutory Limitations to War Crimes and Crimes Against Humanity on 12th January, 1971 was not linked to the trial of any specific accused persons (**since no Indian nationals were accused of war crimes**) but was an affirmation of India's support for the principle that persons accused of war crimes should not escape punishment through applicable statutory limitations. We may, therefore, reply to the Commission as per the letter placed below.

6. **FRV (S.No. 68/c)** : This is regarding the address of various archives in Russia. We have already sought the desired information from our Mission in Moscow vide our letter of 5.7.02 at S.No.13/c. We may send a reminder to Moscow in this connection. Fair letter is placed below for signature please.

US(NGO)

[Signature]
22/8/02

[Signature]
22/8/02

JS(EA) *[Signature]*
22.8.2002

US(NGO)

Dy. 5959/NAO/02 — S.No. (71) — Receipt

S.No. (72) — Issue

S.No. (73) — Issue

S.No. (74) — Issue

S.No. (75) — Issue

S.No. (76) — Receipt

S.No. (77) — Receipt

S.No. (78) — Issue

S.No. (79) — Receipt

S.No. (80) — Issue

As desired by JS(CNV), a fax reminder to EIT, Tokyo to our message of 23.8.02 at S.No. 78/c, is put up for signature please.

[Signature]
27/8/02

[Signature]
27/8/02

US(NGO)

[Signature]
27/8

JS(CNV)

[Signature]
27/8/02

OS(NAO)

Sh. San

S.No. (81) — Issue

Dy. 6064/NAO/02 — S.No. (82) — FR

Reference FR

As desired, a letter each to the Commission &

MHA is put up for appraisal / signature please.

[Signature]
28/8/02

[Signature]
28/8/02

US(NGO)

S.No. (83) & (84) — Issue

[Signature]

JS(CNV)

Dy. 6035/NGO/02 — S.No. (85) — Added
Dy. 6043/NGO/02 — S.No. (86) — Receipt

Reference S.No. (87) — FR

We may inform the Commission & MHA as per the letters placed below.

for approval / signatures please.

~~JS~~
2/9/02

~~US(NGO)~~

Mitra
2/9/02

✓ JS(CNV)

— Has seen & signed the message/letter.
Pl. issue.

Mitra
2/9/02

Sh. San

S.No. (88) — Issue

S.No. (89) — FR I

S.No. (90) — FR II

Reference FRs

The Commission has intimated the details of its return journey from Tokyo (there are slight modifications) and sent a copy of the Notice to be circulated by SLS, Tokyo. We may inform Tokyo as per the faxed placed below.

for approval / signature please.

~~JS~~
2/9/02

~~US(NGO)~~

Mitra 2/9/02

~~JS(CNV)~~

2-9-2002

~~US(NGO)~~

Sh. San

Mitra
2/9/02

Dy. 6148 / NAO/02 — S.No.(91) — Added

Dy 6142 / NAO/02 — S.No.(92) — Added

Dy. 6164 / NAO/02 — S.No.(93) — Receipt

S.No.(94) — Issue

Dy. 6170 / NAO/02 — S.No(95) — Receipt

S.No.(96) — Issue

Dy. 6140 / NAO /02 — S.No.(97) — Receipt

Dy.No. 6181 / NAO/02 — S.No.(98) — FR I

Dy.No. 6177 / NAO/02 — S.No.(99) — FR II

Reference FRs.

The FRs are regarding the programme of the visit of the Commission to Japan & issue of sanction therefor.

Letters to the Commission, MHA and O/I, Tokyo are placed on the file for approval / signature please.

[Signature]
29/02

[Signature]
3/2/02

US(NAO)

[Signature]
4/2

US(CAN)

US(NAO)

No.25/4/NGO-Vol.VIII (Part)

Ministry of External Affairs
NGO Section

Subject: Proposed visit of Justice Mukherjee Commission of Inquiry to Japan to examine witnesses, etc., pertaining to Netaji Subhas Chandra Bose - Political Clearance regarding.

Reference FR (S.No. 109/e)

MHA have sought political clearance for the visit of the Justice Mukherjee Commission of Inquiry to Japan spanning from 12th September, 2002 to 18th September, 2002. We may request East Asia Division to give the requisite clearance.

~~JS~~
5/9/02

~~US(NGO)~~

Mitra
5/9/02

~~JS(CNV)~~

May kindly approve. All arrangements have been tied-up. They have deferred their visit to Taipei for the time being.

~~JS~~
5.9.2002

~~JS(EA)~~

Chow
5/9

na-pl.
✓ ~~JS(CNV)~~
~~JS~~
5.9.2002

~~US(NGO)~~ reference above. grateful issue the clearance.

✓ ~~US(JK)~~ May kindly see for information. 5/9/02
Mitra

DA(JK)

5/9

Dy. no. 6177/NGO/02 — S.No. (100) — Receipt

S.No. (101) — Issue

S.No. (102) — Receipt

S.No. (103) — Issue

S.No. (104) — Issue

Dy. No. 6238/NAO/02 — S.No. (105) — Receipt

S.No. (106) — Receipt

Dy. No. 6239/NAO/02 — S.No. (107) — Added

Dy. No. 6264/NAO/02 — S.No. (108) — Added

S.No. (109) — Receipt

S.No. (110) — Issue

Dy. No. 6263/NAO/02 — S.No. (111) — Receipt

S.No. (112) — Receipt

S.No. (113) — Receipt

S.No. (114) — FR

Reference FR

We may convey the information about Smt. Mukheyjee's programme to E/S Tokyo as per the fax placed on the file.

Submitted please.

JS
9/9/2002

For consideration/signature please.

US(NAO)

Mitra
9/9/02

S.No. (114-A) — Added

S.No. (115) — Issue

~~JS~~

JS(Env)

10/9

Mitra
10/9

US(NAO)

JS

Dy. 6319/NGO/02 — S.No. (116) — Receipt

Dy. 6382/NGO/02 — S.No. (117) — Receipt

S.No. (118) — Receipt

S.No. (119) — Receipt

S.No. (120) — Issue

S.No. (121) — FR

~~Reference FR~~

~~The Justice Mukherjee Commission in their letter of 22.8.02 at S.No. 79/c had given a list of sites in Taipei which they intend to visit. The ITA's response to our reference^x on the subject has now been received (FR).~~

~~Submitted for instructions/orders please.~~

~~Su
12/9/2002~~

^x S.No. 80/c

US(NGO)

The Justice Mukherjee Commission enquiring into the alleged disappearance of Subhas Chandra Bose had desired to visit the following sites in Taipei in connection with the enquiry:

- (a) Taihoku Airport, site of the alleged plane crash on 18.8.1945.
- (b) Nam Mong (Nam Mon) Military Hospital, Taihoku, where Netaji allegedly died.
- (c) Municipal Crematorium, Taipei, where the alleged body of Netaji was allegedly cremated. (To access records)
- (d) Bureau of Health & Hygiene, Taipei Municipality Hospital – the cremation certificate was issued by them.
- (e) Hokutu Military Hospital where Col. H. Rehman and others in the alleged plane crash were transferred.

2. ITA was requested to let us know the present status of the above sites and feasibility of the proposed visit to these places by the Commission. ITA was also requested to indicate what 'new developments' have come up at the location of the former Japanese Military Hospital and whether its records have been transferred elsewhere.

3. ITA has given their response to the above points, para-wise, as under:

- (a) Taihoku Airport is the operational domestic airport in Taipei. A visit is possible with permission from the authorities. However, no records pertaining to the period (August 1945) is available with the airport authorities. The physical layout of the airport has changed and no one knows where exactly the air crash had taken place.
- (b) Nam Mong Military Hospital does not exist. No one could say where exactly it was located earlier. It is presumed that this hospital might have been located at the same place as the former Weixu Hospital. Even this latter hospital ceased to exist since the late 1940s and its previous records are not available. According to the National Archives, these were possibly burnt.
- (c) The erstwhile Municipal Crematorium does not exist anymore. It has been converted into a green park. There is no clue as to its previous records.
- (d) The Taipei Municipal authorities are not even aware of any organisation by name Bureau of Health & Hygiene. They have no records of any such office.
- (e) Hokutu Military Hospital is now known as the National Force Beitou Military Hospital, Taipei. Its authorities have no record older than 1992. All the earlier records have already been destroyed.

4. The ITA also checked up with the National Archives of Taiwan, the National Central Library and two newspapers of the period (one in Chinese and the other in the Japanese language) to find any reference to the incident of August 1945. No news report on Netaji could be located. The National Archives also has no record of the air crash in which Netaji was allegedly killed.

Submitted, please.


(Sandip Mitra)

Under Secretary (NGO-I)
12.09.2002

Ref. note on pre-page.

It was conveyed to the "Justice Mukerji Commission of Enquiry into the disappearance of Netaji" that their proposed visit to Taipei (where the alleged plane crash occurred) would have to be undertaken largely on their own, & also that they may wish to reconsider the visit since no living witnesses could be traced & it was likely that places of interest had been transformed or disappeared altogether. The Commission agreed to de-link its visit to Taipei from its visit to Japan, until more actual information could be ascertained. They listed a number of places for site-visits & reiterated that further efforts be made to locate witnesses (f/A)

2. I.T.A. Taipei was asked to do the needful. Their response is summarized at paras 3 & 4 on pre-page. In brief, none of the original sites exist, records are not available & no witnesses have been located.

3. Since the Commission has asked for this information before they take a decision on a visit to Taipei, it is proposed that factual information will be given to them. While doing so, we will also reiterate:

- (i) Govt does not recognize R.O.C. & has no diplomatic or official relations, & therefore has a limited capacity to facilitate the Commission's visit to Taipei.
- (ii) Travel will have to be on ordinary passports & in keeping with standard guidelines on the subject
- (iii) All payments will be made directly by the Commission.

4. Since this is a sensitive subject, it is not advised that we ask them to re-consider their proposed visit to Taipei. We could suggest to MHA, which handles the subject, to advise the Commission appropriately in light of the facts.

Paras 3 & 4 - for approval.

~~HB~~
12.9.2002

Issue
13/9/02

JS(EA)

F.S.

JS(EA)

K. S. She
21/9

JS(CNV) 23/9

Pl. keep ofc.

Shivan 23/9/02

Issue letter to MHA. US (ASW)
23.9.2002

F-789/JS(CNV)
12/9/02

F-516/FS/02
18/9

763/JS(CNV)
28/9/02

Dy. 5726/Naf02 — S.M. (121-A) — Receipt
 Dy. 5932/Naf02 — S.M. (122) — Receipt
 S.M. (123) — Issue
 Dy. 5740/Naf02 — S.M. (124) — Receipt
 Dy. 6440/Naf02 — S.M. (125) — Receipt
 Dy. 6441/Naf02 — S.M. (126) — Receipt
 Dy. 6442/Naf02 — S.M. (127) — Receipt
 Dy. 6443/Naf02 — S.M. (128) — Receipt
 Dy. 6449/Naf02 — S.M. (129) — Receipt
 Dy. 6511/Naf02 — S.M. (130) — Receipt
 Dy. 6512/Naf02 — S.M. (131) — Receipt
 Dy. 6513/Naf02 — S.M. (132) — Receipt
 Dy. 6514/Naf02 — S.M. (133) — Receipt
 S.M. (134) — Award
 Dy. 6522/Naf02 — S.M. (135) — Receipt
 S.M. (136) — Issue

S.No. (137) — FR

Reference FR

MHA had suggested that we seek their ex post facto sanction for the expenditure on the visit of the Justice Mukherjee Commission of Inquiry to Japan (14th to 18th Sept., 2002). Their U.O. dated 13.9.02 at S.No. 135/c refers.

2/I, Tokyo have now furnished the requisite details of expenditure which we may forward to MHA for issue of ~~the~~ the sanction.

Fair letter is placed below for signature please.

[Signature]
24/9/02

~~US(NGO)~~

For approval/signature, please.

[Signature]
24/9/02

~~JS(CNV)~~ *[Signature]*
24.9.2002

~~US(NGO)~~ Please issue after keeping S/c.

[Signature]
24/9/02

Sh. Sen

S.No. (138) — Issue

Dy. 6746/NGO/02 — S.No. (139) — Receipt

Dy. 6798/NGO/02 — S.No. (140) — Receipt

No. 25/4/NGO - VolVIII (Part)
Ministry of External Affairs
NGO Section

JS(CNV) received a call from Shri P.K.Sengupta, Secretary, Justice Mukherjee Commission of Inquiry, stating that Justice M.K.Mukherjee, Chairman, will be in New Delhi next week and would like to call on EAM at his convenience.



2. The Justice Mukherjee Commission of Inquiry was set up by the Ministry of Home Affairs in May, 1999 to inquire into the alleged disappearance of Netaji Subhas Chandra Bose. Justice Mukherjee has been to London in July, 2001 and has recently visited Japan in connection with the ongoing inquiry. They have also expressed the desire to visit Taipei to see the site of the alleged plane crash involving Netaji Subhas Chandra Bose and some other relevant places.

3. EAM's office may kindly indicate a suitable time and date for the requested courtesy call on EAM by Justice Mukherjee.

3491/JS(CNV)/2
7/10

26/9/02

CC
26/9/02

~~US(NGO)~~

~~JS(CNV)~~

26.9.2002

~~Dir(EAMO)~~

Call could not be scheduled because of his prior engagements. Matter can be examined when Jus. Mukherjee visits Delhi next.

6980/NSO/2
8/10/02

Dr V M
7/10/2002

~~JS(CNV)~~

Pl. inform Shri Sengupta.

7.10.2002

~~US(NGO)~~

5/10

Letter to Sh. Sengupta is placed below for approval/signature please

~~US(Nad)~~

~~JS(CNV)~~

~~US(CNV)~~

9.10.2002

9/10/02

Pl. issue after keeping of c.

Sh. Sen

9/10/02

Dy. 6855/NAO/02 — S.No. (141) — Receipt

Dy. 7002/NAO/02 — S.No. (142) — Receipt

Dy. 7042/NAO/02 — S.No. (143) — Receipt

Dy. 7166/NAO/02 — S.No. (144) — Receipt

S.No. (145) — Receipt

S.No. (146) — Issue

Dy. 6979/NAO/02 — S.No. (147) — Receipt

No. 25/4/NAO - Vol. VIII (Part)

Ministry of External Affairs

NGO Section

Dy. no. 7071/NAO/02 - FR I (S.No. 148)
S.No. 149 - Added

Dy. no. 7202/NAO/02 - FR II (S.No. 150)

Reference FRs.

FR I: The list of archives in Russia giving their names and addresses has been received from S/S, Moscow (F/A). We may forward the information to the Commission as per the fair letter placed below. The Commission has now asked for details of all archives in the other States of the erstwhile USSR. We will be sending a communication separately for this.

FR II: We are yet to receive the ex post facto sanction in connection with the Commission's visit to Japan. A reminder to MMA is placed below for signature please.

* S.No (147)

~~JS~~
21/10/02

~~US (NAO)~~

~~JS~~
21/10/02

~~JS (CNO)~~

There is a new JS (IS), MMA. Pl. find out & re-address.

~~JS~~
22.10.2002

~~US (NAO)~~

Shri L. C. Goyal is the new JS (IS) in MMA. Re-submitted, please.

~~JS~~
22/10/02

~~JS (CNO)~~ ~~JS~~
22/10

Pl. issue. ~~JS~~
22/10

~~US (NAO)~~ Sh. Gu.

NAO Section

Reference FR

For to EJI, Tokyo seeking the desired clarification is placed on the file for signature please.

~~Ju~~
25/10/02

~~Shita~~
25/10/02

~~US(NAO)~~

~~JS(NAO)~~

~~Hes~~
28.10.2002

~~US(NAO)~~

Pl. issue.
~~Shita~~
28/10

Sh. Sen

S.No. (151) — Issue

S.No. (152) — Issue

Dy. 7295/NAO/02 — S.No. (153) — Receipt

S.No. (154) — Receipt

S.No. (155) — Issue

Reference FRs

1. **S.No. 122(FRI):** The Commission has raised certain queries on the source and authenticity of some messages of Netaji Subhas Chandra Bose apparently broadcast after the alleged plane crash of 18th August, 1945. Copies of these messages are available in a PMO file as enclosure to a letter dated 11.2.92 of former MP, Shri Chitta Basu. The PMO, in its reply to the Commission has stated that these papers were sent to the then MOS(EA) for action. On examining the files available in the Section, including those received from East Asia Division, it is seen that there is a copy of the aforesaid letter (without the enclosures) of Shri Chitta Basu in EA Division's file No. C/551/14/90-JP. However, the file does not give any evidence of any action which might have been taken on the letter.

2. There is a possibility, however, that the matter might have been dealt with in EA Division's file No. C/551/7/92-JP (Subject: Disappearance of Netaji Subhas Chandra Bose) since the file belongs to the same period as the letter in question. It may be mentioned here, that this file has been requisitioned by the Justice Mukherjee Commission. We had, therefore, on 16th July, 2002 requested EA Division to send us this file. There have been subsequent correspondence on this issue with EA Division. They have now confirmed that the file is not traceable. It is necessary to mention here that the file in question appears to be important not only from the point of view of the subject matter of the FR under examination, but, as will be seen in the following paras, for getting relevant material to respond to the other communications from the Commission.

3. We will, therefore, have no alternative but to inform the Commission that documents available with us do not shed any light on the follow-up action taken on Shri Chitta Basu's letter. But, since the Commission has requisitioned file No. C/551/7/92-JP, we will have to give them a factually correct response that despite a thorough search the file is not traceable. This, however, might invite adverse comments from the Commission.

4. **S.No. 124(FRII):** The Commission has asked for copies of notes dated 13.9.1993 of Shri A.K.Sinha, the then US(AP). A part of these notes was located by the Commission in one of PMO's file. PMO has mentioned in its reply to the Commission that these notes were from an MEA file which was returned to the Ministry. We have not been able to locate this note in our records. Apparently, going by the date of the note, it could also have been a part of EA Division's file No. C/551/7/92-JP which is untraceable as already mentioned in the preceding paras. It is, therefore, submitted for instructions/orders as to what reply should be sent to the Commission in this case.

5. **S.No. 129(FRIII):** This is regarding submission of counter-affidavit or affidavit-in-opposition in respect of averments/contentions/allegations contained in the affidavits of different deponents filed before the Commission. Vide the Commission's letter of 30th May, 2001 forwarded with MHA's letter of 4th July, 2001 (S.No. 108/c of Vol. VI of this file), it was sought to submit an affidavit in respect of documents mentioned in the petition of one Nandalal Chakrabarti. In the list of important documents mentioned in this petition, only one document - a record of the interview of the then Ambassador of India in Moscow, Shri K.P.S.Menon with Stalin in February, 1953 - was found to be relevant to our Ministry. This document was shared in original with the Chairman of the Commission and an affidavit, as desired by the Commission, was also filed in this connection on 1.4.2002 (S.No. 105/c of F.No. 25/4/NGO - Vol.VII). The Commission has, however, been asking us to submit a counter-affidavit or affidavit-in-opposition in respect of the affidavits of different deponents filed before the Commission.

from pre-page

6. We have, till now, on the basis of the affidavit of 1.4.2002, been informing the Commission that no action is pending on our side. Our letters of 21.2.02, 2.4.02, 28.5.02 and the last one of 19.8.02 refer in this connection. On further examination of the petition of Shri Nandalal Chakrabarti, it is observed that there is a reference to several documents which were indicated in earlier affidavits (of which Shri Nandalal Chakrabarti was a co-petitioner) filed before the Commission. These documents have been listed at Annexure -01 to the petition of Shri Chakrabarti. The Commission has asked us to submit our counter-affidavits in respect of the documents listed in this annexure which are relevant to this Ministry.

7. It is observed that the following documents are relevant to MEA from amongst the entire list at Annexure-01:-

- (a) reply of Lord Mountbatten dated 10.3.1978 to Shri N.G.Goray, the then High Commission in London.
- (b) Cremation Certificate supposedly of Netaji Subhas Chandra Bose.
- (c) Report dated 28.10.1949 of "Interpress" a German intelligence magazine.
- (d) Declassified CIA documents of February, 1964 (relating a story regarding the possible return of one Subhas Chandra Bose).
- (e) Resolution of the UN General Assembly and India's ratification in 1971 of the Convention on the Non-Applicability of the Statutory Limitations to War Crimes

Out of the above, we have located copies of (a)(F.No. 25/4/NGO-Vol.III) and (b)(S.No.8/c of F.No.25/4/NGO-Vol.IV). We also have a copy of (c) - though of unverified authenticity- as an enclosure to a Resolution of All India Forward Bloc dated 24.8.1990 (F.No.C/551/14/90-JP). As regard declassified and other US documents, the position regarding their availability and accessibility has already been intimated to the Commission separately. Regarding (e), copies of relevant documents have been forwarded to the Commission. The documents available with us do not seem to contain any contentions/allegations which need to be countered by the Ministry. It is, therefore, felt that, under these circumstances, there is ~~a~~ no need for submitting any counter-affidavit to the Commission.

8. The Commission in its letter(FR) has stated that it presumes that the Ministry does not have anything to enable it to say anything to ~~say anything~~ contrary to or rebut on oath the averments and contentions in the affidavits. From the letter, it is also obvious that no concerned Ministry/Department of the Govt. of India has submitted any counter-affidavit.

9. **S.No. 130(FRIV):**This is regarding the judgement of the Rajasthan High Court and its follow-up by this Ministry. The first reference to this issue was received by us from MHA and, as desired by them, our reply was sent to them as at S.No. 23/c. We may inform the Commission accordingly.

10. **S.No. 131(FRV):**The Commission has sought our response to the letter dated 15.10.1970 of Shri M.L.Sondhi, former MP, to then President, Shri V.V.Giri. We have already replied to the Commission on this issue vide our letter of 19.8.02 at S.No. 54/c. We may inform the Commission as per the letter placed below.

11. **S.No.132(FRVI):**This refers to a radio speech made by a student in the name of Subhas Chandra Bose from Radio Moscow after signing of the Tashkent Agreement. The Commission has asked for the full text, full particulars of the student who made the speech, and true copy of the report sent by Radio Moscow.

from pre-page

12. In EA Division's file No. C/551/8/70-JP (Vol.I), we find a list of files of MEA which were sent to MHA in 1970 in connection with the Justice Khosla Commission of Inquiry. Among these files, file No. C/125/11/69-JP is found to bear the subject - Parliament Question regarding broadcast by Netaji Subhas Chandra Bose on Radio Moscow. It is very likely that the details asked for by the Justice Mukherjee Commission are present in this file. However, we have not received this file from EA Division who have already stated that they have sent to us all files relating to Netaji which were available with them. We may, however, check with them about the availability of this file. It may be mentioned here that we have not found any other document which could throw some light on the matter under consideration. We may, therefore, await a response from EA Division regarding the availability or otherwise of the file before we reply to the Commission. A note is placed below in this connection.

In view of para 9 and 10 on pre-page, we may reply to the Commission as per the letter placed below.

~~JS~~
28/10/02

~~US(NGO)~~

For consideration please.

As regards para 7 of p.39/n, it is submitted that we may write to the Commission that there do not appear to be any point against which an affidavit is required to be submitted by us. However, some of the documents listed in Annexure-01 of Sh. Nandalal Chakrabarti's petition are available with this Ministry and we could supply their certified copies, if so desired by them. Depending on the Commission's reply, such copies can be made and supplied. A letter to the Commission on these lines is also placed below of consideration.

Mitra
28/10/02

~~JS(CND)~~
28.10.2002

~~US(NGO)~~
Mitra
28/10/02

Sh. Iam

- S.No. (156) — Issue
- S.No. (157) — Issue
- S.No. (158) — Issue
- S.No. (159) — Receipt

This is regarding the matter of release of classified documents on Netaji available in the British Records. The issue was brought up by Justice Mukherjee during his meeting with SAM on 28.10.2002. As advised, a letter to HCL, London on this issue is placed in the file for approval/signature please.

Jy
29/10/02

Mitra
29/10/02

US(NAO)

JS(CNV) - has seen & signed the letter.

- S.No. (160) - Issue
- Dy. 7336/NAO/02 - S.No. (161) - Receipt
- S.No. (162) - Issue
- S.No. (163) - Added
- S.No. (164) - Added
- Dy. 7422/NAO/02 - S.No. (165) - Receipt
- Dy. 7424/NAO/02 - S.No. (166) - Receipt
- ~~Dy. 7424/NAO/02 - S.No. (167) - Receipt~~
- S.No. (167) - Issue
- S.No. (168) - Issue
- S.No. (169) - Issue
- S.No. (170) - Issue
- S.No. (171) - Issue
- S.No. (172) - Issue
- S.No. (173) - Issue
- S.No. (174) - Issue
- S.No. (175) - Issue

Reference FR (S.no. 148/c)

This is regarding sending of the list of all archives in Russia and the ^{other} countries of the former USSR. While we have already sent the list pertaining to Russia, the request in r/o the other countries of the former USSR is a new one from the Commission. We may, accordingly, write to the concerned Russians as per the letters placed below.

~~JS~~
30/10/02

~~US(NGO)~~

~~Shina~~
30/10/02

P

~~JS(CNU)~~ ~~JS~~
31/10

~~US(NGO)~~

~~Shina~~
31/10/02

Sh Sin

Dy. No. 7336/NGO/02 — S.No (161) — FR
Reference FR

"What is this about?"

Sd/-
JS(CNU)
24-10-02

US(NGO)

"Urgent please"

Sd/-
US(NGO)
24-10-02

This is regarding the search for witnesses in

contd./-

Russia, a list of which was given by the Justice Mukherjee Commission.

Our Mission in Moscow had made extensive enquiries regarding the probable witnesses. As desired by the Commission vide their letter of 25.5.2001 (S.No. 829 of Vol. V of this file), a detailed report of the efforts made by E/I, Moscow was forwarded to them with our letter of 3rd Dec, 2001 (S.No. 21 of Vol. VII of this file). Also, in compliance with their directions, an affidavit dt. 14th Dec, 2001 (S.No. 34/C of Vol. VII) was ~~also~~ filed by the Ministry in this connection. We may, therefore, reply to the Commission as per the letter placed below.

For approval / signature please.

~~JS~~
31/10/02

Mitra
31/10/02

~~US(NGO)~~

~~JS~~
31.10.2002

~~JS(CNV)~~

Please issue &
keep an of conf. file.

~~US(NGO)~~

Mitra
1/11/02

Sh. Kakkar
Sh. Sen

- S.No. (176) — Issue
- D. 7513/NGO/02 — S.No. (177) — Receipt
- S.No. (178) — Receipt
- D. 7633/NGO/02 — S.No. (179) — Receipt
- S.No. (180) — Issue
- S.No. (181) — Added
- S.No. (182) — Issue
- S.No. (183) — Added

Reference FR. (S.M. 187)

A u.o. Note to the MHA regarding issue of the ex-post-facto sanction is placed below for signature, please.

M. K. Jha
18/11/02

~~US(1526)~~

~~J.S. (S.M.)~~
18-11-2002

Please issue.
M. K. Jha
18/11/02

~~Sr. K. Jha~~
S.M.

- S.M. (184) — Issue
- S.M. (185) — Added
- S.M. (186) — Added
- S.M. (187) — Receipt
- S.M. (188) — Issue
- S.M. (189) — Issue
- S.M. (190) — Receipt
- S.M. (191) — Issue

By 7861/NAof02 — S.M. (192) — FR

S.M. (193) — Receipt
S.M. (194) — Issue
By 7850/NAof02-S.M. (195) — Added

- By 7852/NAof02 — S.M. (196) — Receipt
- By 7853/NAof02 — S.M. (197) — Receipt
- By 7854/NAof02 — S.M. (198) — Receipt
- By 7890/NAof02 — S.M. (199) — Receipt

Dy. 7991/NGO/02 — S.No. (200) — Receipt

Reference FR ... S.No. (192)/c

The Commission has clarified that they would like to have the list of all archives, separately indicating those which are likely to have information on Netaji/INA, in respect of the Russian Federation and the other States of the former Soviet Union.

While we have already received some information from some of the concerned Missions, we may write to them again in view of the Commission's clarifications. Nine letters are, accordingly, placed on the file for signatures please.

JS
27/11/02

Mitra
27/11/02

US (NGO)

JS
27.11.2002

JS (CNV)

Mitra
27/11/02

US (NGO)

Sh. Sun

Dy. 7991/NGO/02 — S.No. (200) — Receipt

S.No. (201) — FR

S.No. (202) to (210) — Issue

- 1) Dy. No. 7764/NGO/02 — S.No. (201) — FR I
- 2) Dy. No. 8113/NGO/02 — S.No. (211) — FR II

Reference FRs

FR I: The Commission has pointed out certain discrepancies in the lists of archives forwarded by our Mission in Moscow. We may write to them seeking clarification as per the letter placed below.

FR II: "What are we to do? Pl. sph."

sd/- JS(CNV)
2/12/02

US(NGO)

This letter of the Commission mentions about various documents in foreign countries as indicated in one of the affidavits filed before the Commission. The concerned petitioner has also requested the Commission to visit the U.K, USA & Germany in connection with these documents. However, ~~the~~ it is not clear from the letter as to what the Commission expects of this Ministry in this matter. We may, thus, seek a clarification from the Commission as per the letter placed below.

We may also forward one file (No. C/551/14/90-JP) and one folder (No. C/551/7/92-JP(KW)) as desired by the Commission. As already mentioned in the notes on p. 38 ante, file No. C/551/7/92-JP is still not traceable. We may inform the Commission accordingly.

2 certified copies of

US(NGO)

sd/-
3/12/2002

sd/-
3/12/02

JS(CNV) 3/12

US(NGO)

S.No. (212) - Issue

S.No. (213) - Issue

S.No. (214) - Issue

Dy. 8061/NGO/02 - S.No. (215) - Added

S.No. (216) - Receipt

S.No. (217) - Issue

- 1) S.No. (122) - FR I
- 2) S.No. (124) - FR II
- 3) S.No. (132) - FR III

Reference FRs

The notings on FR I and FR II may please be seen at paras 1 and 4, respectively on page 38 ante. In essence, we have not been able to take action on these as it is presumed that they have been dealt with in EA Division's file No.

C/551/7/92-JP which remains untraced. We may, therefore, send a reply to the Commission on the lines ~~as~~ indicated in the letter placed below.

2. FR III: This is regarding the speech made by a student called Subash Chandra which was broadcast over Radio Moscow in 1967. Details ~~as~~ in this regard have been found in EA Division's file No. C/125/11/69/JP. We may, therefore, reply to the Commission as per the letter placed below.

[Signature]
5/12/02

For appraisal/signatures please

S.No. (218) & (219) - Issue

[Signature]
5/12/02

[Signature]
5/12

US(NAO)

JS(ctrv) US(NAO)

Dy No. 8252/NGO/02	Sl. No. 220	Receipt
Dy No. 8253/NGO/02	Sl. No. 221	Receipt
Dy No. 8272/NGO/02	Sl. No. 222	FR
Dy No. 8278/NGO/02	Sl. No. 223	FR

As desired, Vols. VI, VII & VIII of Justice Mukerjee Commission of Inquiry on Nefaji, are submitted please.

~~AMG~~
13/11/02

US(NGO)

	S.No. (222) —	FR I
	S.No. (223) —	FR II
D. No. 8299/NAO/02	S.No. (224) —	FR III
	S.No. (225) —	FR IV
	S.No. (226) —	FR V
D. 8397/NGO/02	S.No. (227) —	Receipt
	S.No. (228) —	Issue

Reference FRs

1. FR I: This is regarding action taken on the then President, Dr. S. D. Sharma's letter dt. 22.3.93. While the letter in question has been traced in one of EA Division's files, it appears that no follow-up action was taken in the case. We may, therefore, reply to the Commission as in the letter placed below.

2. FR II: The Commission has asked for a copy of the Judgement Order dated 4.3.87 of the Rajasthan High Court and the action taken by the Ministry thereon. We may reply as ~~is~~ per the letter below.

Letter No. 1

* Same as letter No. 1

3. FR III : We may send a reminder to CCI, St. Petersburg as per the ^{fax} letter placed below.

Fax

4. FR IV : This is regarding some discrepancies pointed out by the Commission in respect of documents relating to the alleged cremation of Netaji in Taihoku. As desired by the Commission, we may write to E/I, Tokyo for obtaining the desired documents. So far as Taiwan is concerned, the ITA, Taipei had earlier confirmed that the Crematorium where Netaji was alleged to have been cremated does not exist. It also had informed that there are no clues to the location of its past records. We may, however, recheck with ITA, Taipei on the existence of the documents

Letter No. 2

5. FR V : This pertains to the Status Report of the Commission for the period 1.11.02 to 30.11.02. There are several paras in the Report which pertain to the Ministry. However, before we prepare a detailed reply, ~~which~~ we may send an interim reply to the Commission. ~~The~~ A fair letter in this connection is placed below.

desired by the Commission as in the fair letter! Letter No. 3

Same as letter No. 1

Three letters and one fax placed below ~~are~~ for approval / signatures please.

[Signature]
1/1/2003

[Signature]
1/1/2003

S.No. (229) to (232) - Issue

Pl. issue.
[Signature]
2-1-2003

[Signature]
2/1/03

US(NGO)

JS(CNV)

US(NGO)

No. 25/4/NGO - Vol VIII (Part)
Ministry of External Affairs
NGO Section

Dy. 7764/NGO/02 ... FR (S.No. 201/c)

Reference FR

Subject: Justice Mukherjee Commission of Inquiry – request for documents relating to Netaji Subhas Chandra Bose in various foreign countries.

The Justice Mukherjee Commission has from time to time asked the Ministry to approach various foreign Governments to make available all documents, whether classified or unclassified, relating to Netaji Subhas Chandra Bose.

* F/A

2. Till the receipt of the letter of the Commission under consideration, we had been asked to approach only the Governments of USA, Russia and other States of the former Soviet Union, U.K., Japan, Taiwan and Vietnam for obtaining the documents. It may be mentioned here that, as a matter of rule, the Commission has not provided specific details of the documents required by them from these countries. The requests have been very general in nature. We had, accordingly, taken up the matter through our concerned Missions. The outcome of our effort in this regard has been tabulated in the chart placed below.

3. The Commission has now asked us to also approach the Governments of Thailand, Malaysia, Singapore, Germany and Ireland for making available all documents whether classified, de-classified or unclassified, containing material relevant to the points of inquiry of the Commission. It has also asked us to further persuade the Governments already approached for the said documents. While in the former case, we could write to our concerned Missions for the requisite information or material, in the latter case, it is not clear as to how effective it will be to take up the issue again with the respective Governments who have already been approached and have given their response as indicated in the chart. A few specific cases may help to elucidate the point.

(A) USA: We have been told that documents once de-classified are no longer retained by the US Govt. These would be available in various archives in the USA. To access these, one will require the services of a researcher. In this background, it would be futile to request the US Govt. for such documents. As regards classified documents, it has been made clear that specific details are required to be provided to requisition these documents. Requests of a general nature will not suffice.

(B) Russia: Some documents which were forwarded by the Russian Foreign Office through our Mission in Moscow have been sent to the Commission. It is necessary to mention here that efforts to procure information and material on Netaji from Russia had been made at the official level in the past also. A brief chronology of events in this regard is given below:

(i) In January 8, 1992, the Russian Ministry of Foreign Affairs had informed that "according to the data in the Central and Republican Archives, no information whatsoever is available on the stay of ... Netaji Subhas Chandra Bose in the Soviet Union in 1945 and in subsequent years".

from pre-page

(ii) Thereafter, in response to the then Ambassador's reference on the issue, the Russian Foreign Office informed on October 27, 1995, that "as a result of the investigations carried out at the Central Archival Collection of the Federal Security Service of Russia and the Russian Centre for Retention and Perusal of documents on Modern History, no information whatsoever has come to light on the stay of Subhas Chandra Bose on the territory of the former USSR in 1945 and in subsequent years".

(iii) The Chief of Central Archives of the Ministry of Defence in response to a query from one Shri L. Joychandra Singh of Imphal had vide his letter of October 15, 1996, mentioned that "there are no records with the Central Archives of the Ministry of Defence ... about the catastrophe in August, 1945 and death of ... Mr. Subhas Chandra Bose". The Directorate of Foreign Relations, Ministry of Defence had on March 20, 1997 forwarded a copy of the letter of October 15, 1996 and further pointed out that "there is no other data relating to the fate of Subhas Chandra Bose...".

(iv) The State Archive Service of the Russian Federation informed on August 4, 1997 that "the Centre for Preservation of Historical Documental Collection does not have any information on Subhas Chandra Bose".

4. Given this background, further persuasion with the Russian authorities may seem undesirable.

5. In view of the above, it is proposed to request the Governments for the requisite documents where either no request has gone or we have not received any response till date. As regards further persuasion with the foreign Governments (like those of USA, Russia and U.K.), it is submitted for consideration/orders as to what course of action is to be taken.

~~JS~~
29/11/02

~~US(NGO)~~

~~JS~~
29/11/02

~~JS(CM)~~

Pl. p.u. on 23.12.2002. Updated -

~~JS~~
13.12.2002

~~US(NGO)~~

7-1091/JS(CM)/02
13/12/02

Pl. enter & give
the file to me.
~~JS~~
23/12/02

Sh. Sarojit

[Redacted]

- D. 37/NGO/03 — S.No. (233) — Receipt
- D. 187/NGO/03 — S.No. (234) — Receipt
- S.No. (235) — Added
- S.No. (236) — Issue
- S.No. (237) — Issue

- 52 -

NGO Section

S.No. (226) FR

Reference FR

This is regarding the Status Report of the Justice Mukherjee Commission for the period 1.11.2002 to 30.11.2002. The Commission has asked for our replies in the form of an affidavit to the paras concerning MEA in the said report. However, a scrutiny of the report reveals that the matters raised in most of the paras have already been replied to. We may, therefore, send a normal para-wise reply to the Commission and, thereafter, if the Commission so desires, submit an affidavit incorporating our replies.

The paras concerning us and the position in each case are given below.

Para 3 : The Commission desires to have a copy of the note dated 30.9.93 of Shri A.K.Sinha, the then US(AP). The concerned file has not yet been located and the Commission was informed of this in our letter of 5.12.2002 (S.No. 219/c).

Para 4(a) : This is regarding the Rajasthan High Court judgement of 4.3.87 a copy of which has since been sent to the Commission vide our letter of 1.1.2003. (S.No. 231/c)

Para 4(b)(ii) : This is regarding the action taken on the letter dated 15.10.70 of Shri M.L.Sondhi, MP. We had responded to the Commission in this matter vide our letters dated 19.4.02 (S.No. 119/c) and 15.5.02 (S.No. 140/c). [Vol. VII]

Para 4(d) : This is regarding the speech made over Radio Moscow by a student in the name of Subhas Chandra. A full report in the case was sent to the Commission vide our letter of 5.12.2002 (S.No. 218/c).

Para 11(a) : The commission had raised certain queries with regard to some messages of Netaji. Since these messages could not be located in our records, we had, accordingly, replied to the Commission vide our letter of 5.12.2002 (S.No. 219/c).

Para 12 : This is regarding the list of archives in the countries constituting the erstwhile Soviet Union. We are receiving the desired information from the concerned Missions. We may inform the Commission accordingly.

Para 13 : The Commission has mentioned various documents and also referred to various communications which are likely to be available in different institutions/archives in the USA. We may, therefore, write to our Mission in Washington and inform the Commission of this.

Para 15 : The Commission has sought to know our response to the letter of 13.3.93 of the then President of India, Dr. Shankar Dayal Sharma. We have already replied in the matter vide our letter of 1.1.2003. (S.No. 231/c)

Para 16 : The Commission desires to know of further developments in the matter of release of classified documents by the Govt. of U.K. As our Mission in London has not informed us of further developments in the matter, we may inform the Commission accordingly and send a reminder to the Mission.

Para 18 : This para is essentially a report of the visit of the Commission to Japan and its aftermath, including the matter of examination of the ashes kept in the Renkoji Temple by DNA test. No action is expected of this Ministry at this stage.

from pre-page

Para 19 : This is regarding the request to the Commission by a deponent for visiting the USA, U.K. and Germany for examining various documents pertaining to Netaji which are supposedly lying in these countries. Since it is the prerogative of the Commission to decide on the utility of any such visit, and the Ministry can only render necessary assistance in this regard, we may inform the Commission accordingly.

Para 24 : The Commission has sought certain original documents relating to the alleged death/cremation of Netaji. The matter is under reference to our Mission in Tokyo whose response is awaited. We may apprise the Commission of this.

In view of the above, placed below are three letters (one each to the Commission, E/I, Washington and HCI, London) for approval / signatures please.

3/2/03

Sh. Sen
3/2/03

US(NAO)

Has seen & signed the letters. Pl. issue after keeping O/Cs.

Sh. Sen
4/2/03

JS(CNV)

Sh. Sen

T-915/R2 CNV/03
10/9

JS (LNU) 102
11.9.02

(121) (1)

7516 / JS (LNU) 102
9/9

INDIA-TAIPEI ASSOCIATION, TAIPEI

印度-台北協會, 台北

Suite 2010, TWTC International Trade Building; No.333, Keelung Road Sec. 1;
Taipei, Taiwan

Tel: (8862)- 27576112

Fax: (8862)-27576117

E-mail: b78ita@ms24.hinet.net

FAX MESSAGE

TO: ITA Council. (91-11-3792124)

FROM: India Taipei Association, Taipei.

S.m. (71)

S.no. 80/c

This has reference to the fax message of August 23, 2002 from Shri Vijay Gokhale and our interim reply of August ²⁰23 2002 regarding the alleged disappearance of Netaji.

We have checked up with the National Archives of Taiwan and National Central Library, Taiwan Branch to find any reference to the above incident. We checked up two newspapers (these are the only available newspapers for the period in question with the library) - Taiwan Xinbao (in Japanese) and Chungyang Ribao (in Chinese) for the entire month of August, 1945 at the Library but failed to find any news-report on Netaji in either of them. The National Archives does not have any record of the crash of military aircraft which allegedly carried Netaji aboard it. As earlier intimated the Ministry of Foreign Affairs here has also been unsuccessful in locating any relevant material.

Point wise response to the queries raised in the paragraph 3 of the above message are as follows:

- a. Taihoku (Sung Shan) airport is the operational domestic airport in Taipei. Visit to the airport is feasible after obtaining necessary permissions from the local government agencies. But it is not at all likely that any new piece of information will be forthcoming as there are no records of that period available with the airport authorities. The physical layout of the airport has changed so much over the years that no body even knows where exactly the air-crash took place (Dr. Krishna Bose had recently visited Taipei. With the assistance from the local

Handwritten notes:
11/9
Is (LNU)

Handwritten notes:
4. p.m. a note
to file for
2 dars.

Handwritten notes:
11.9.2002

Handwritten notes:
US (NGO)

Handwritten notes:
Pl. diarise & return
to me.
4/9/02

Handwritten notes:
Sh. Sanjeet

- authorities, she visited SungShan airport but could not see anything of relevance.).
- b. Nam Mong Military Hospital does not exist any more. No one here has any clear idea of where this hospital existed. However, the officials at the National Archives and the Department of Health guess that this hospital might have been at the same place as the former Weixu hospital. The erstwhile Weixu hospital was located at the intersection of Chunghua Road Section-1 and Guangzhou Street. The previous records of Weixu hospital are not available anywhere in Taiwan since this hospital also has ceased to exist since the late 1940s. The authorities at the National Archives guess that they were burnt.
- c. The Municipal Crematorium in Taipei where the body of Netaji was allegedly cremated does not exist any more and no clues to the location of its past records could be found. The Crematorium has been converted into a green park (Nos.14 and 15) at the intersection of Chung Shan North Road Section-2 and Nanjing East Road Section-1.
- d. On checking up with the Taipei Municipal authorities, we have been told that they are not aware of any organisation with such a nomenclature. They do not have any records of any such office.
- e. Hokutu Military Hospital is currently known as National Force Beitou Military Hospital at plot no. 60, Xin Min Road in Beitou, Taipei. We checked up with the authorities there only to find that they do not have any records older than 1992. All the earlier records have already been destroyed.

Given that no one in the National Archives, National Central Library, Department of Health, Ministry of National Defence, Ministry of Foreign Affairs, Taipei Municipal Government, Airport authorities – all of whom we have contacted, has been able to indicate anything regarding the availability of records in Taiwan, rest of information is not forthcoming.

This issues with DG's approval.

Date: 9.9.2002

7
9/9/2002
(S K Verma)
Deputy Director General