

SHRI KRISHNA CHANDRA HALDER: I beg to move.

"That this House do agree with the First Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 6th July, 1977.

MR. CHAIRMAN: The question is:

"That this House do agree with the First Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 6th July 1977".

The motion was adopted

15.32 hrs

RESOLUTION RE

SUBVERSION OF DEMOCRATIC NORMS BY THE FORMER PRIME MINISTER-Contd.

MR. CHAIRMAN: We shall resume further discussion on the resolution moved by Shri Kamath.

SHRI P. K. DEO (Kalahandi): Before we take up Mr. Kamath's Resolution I beg to submit that so far as the Private Members' Business is concerned, only two hours have been allotted for Mr. Kamath's Resolution and I find that there are a large number of amendments which are proposed to be moved. I am therefore afraid that there may not be any time left for my Resolution. I want an assurance from the chair that I will be allowed to move it. I need only five minutes.

MR. CHAIRMAN: The time allotted is two hours, out of which five minutes have already been taken. So the balance is one hour and fifty-five minutes and I think five minutes will be left for you.

SHRI P. K. DEO: I would respectfully submit that Members from various Parties have unanimously agreed to give two hours for Mr. Kamath's Resolution.

MR. CHAIRMAN: Let us proceed: we will see.

SHRI P. K. DEO: I want an assurance from the Chair.

MR. CHAIRMAN: How can I give an assurance?

श्री उग्रसेन (देवरिया) : सभापति महोदय, माननीय सदस्य, श्री कामत ने जो प्रस्ताव रखा है, उस का विषय बहुत महत्वपूर्ण है। हम लोगों ने—मैंने, श्री चन्द्रशेखर सिंह तथा अन्य माननीय सदस्यों ने—इस पर अपने संशोधन दिये हैं, जिन के बारे में हम अपने विचार रखना चाहेंगे। कमेटी ने इस प्रस्ताव के लिए कम समय दिया है। लेकिन यह सदन इस कमेटी से बड़ा है और उसे समय बढ़ाने का पूरा पूरा अधिकार है। इस लिए मेरा अनवेदन है कि इस प्रस्ताव के लिए समय बढ़ा दिया जाए, ताकि माननीय सदस्य अपने विचार प्रकट कर सकें।

MR. CHAIRMAN: Let us proceed with this first.

SHRI HARI VISHNU KAMATH (Hoshangabad): As I said a fortnight ago, it fell to my lot on that day to move this Resolution on the eve of the 2nd Anniversary of the day of imposition of Emergency. The day of the imposition of Emergency two years ago was a day of sorrow and shame and its second anniversary should be observed as a day of repentance by all those who had supported the imposition of Emergency. Both those inside the Congress Party and those outside the Congress Party who had supported the Emergency should observe that day as a day of repentance. I do not know, whether they did that, as a sort of self-introspection and repented and atoned, but no *paschatap* seems to have come. On that day, when the emergency was clamped, there was a strange and tragic coincidence. The emergency was clamped in 1975, the silver jubilee year of the Republic and of the Constitution. It was argued by

those who clamped it that they had exercised their constitutional power, that the Constitution had provided for it.

I am reminded and I would like to remind the House of those stormy debates in the Constituent Assembly which took place at that time, and raged for five days in August 1949. I would like to take the House back with me to one of those debates. Even Dr. Ambedkar at one stage had said that he was inclined to agree with the critics of the Article in the Constitution providing for Emergency and he hoped that that would remain a dead letter. That was what he had hoped for. If he had been alive today, he would have seen how the provisions, which he hoped would remain 'dead' were alive and kicking. In August, 1949 speaking on the last day of the five-day debate on the emergency provisions in the Constituent Assembly. I had made a final plea with great sadness in my heart and I had said:

Dr. Ambedkar might get up and reply: 'Oh! it is just written in the Constitution; it will remain a dead letter. I hope, we shall not be required to use it or to put it into operation.' I hope, we shall never use it. That is what he said on a previous occasion. I agree Dr. Ambedkar might say that, the Prime Minister might say that, and other Ministers might say that. I readily grant, they are all honourable men, they are all wise men and true, but a Constitution is not meant for Dr. Ambedkar or Pandit Nehru or Sardar Patel; the Constitution is meant not only for this generation; but we are building it for other generations to come, and not for Dr. Ambedkar and the present Government. I hope, this Constitution will last for many generations."

That is what I observed at that time. Further,

"At times, however, apprehensions arise in my mind, looking at the Con-

stitution as it is being built, as it is being framed by us here, sometimes I apprehend that this Constitution may not last very long.

That was in 1949. Then,

"God forbid that my fear should come to pass. But I occasionally fear that the Constitution- the whole of it, at any rate may not last many more years than one can count on the fingers of one's hands."

The first amendment of the Constitution was introduced in 1952; the Constitution had been promulgated in 1950. Then,

"That is what I feel; I hope, I am wrong and I hope, I am not painting too gloomy a picture, but Sir, I wish to plead with this House that by all means, if you want to save the State, do save it, but do not unjustly deprive the individual of his rights, of his liberties; his fundamental freedoms which we have in the opening chapter of the Constitution guaranteed to him."

"Towards the far end of the Constitution we are taking away by one hand what we have given already with the other. This is not the sort of liberty we have fought for. This is not the sort of liberty we have fought for in the Freedom Struggle. This is not the sort of liberty that we are yearning for. This is not the sort of democracy we are building...."

And then finally I said:

"I fear that by this one single chapter, the emergency provisions chapter, we are seeking to lay the foundations of a totalitarian state, a policy state, a state completely opposed to all the ideals and principles that we have held aloft during the last few decades, a state where the rights and liberties of the individuals of millions of innocent women and children will be continuously in

[Shri Hari Vishnu Kamath]

jeopardy, a state, if there be peace, it will be the peace of the grave and the void of the desert. I can only pray to God that He may grant us wisdom, wisdom not to take the path of catastrophe and grant us fortitude and courage."

I concluded my speech with the words of the Mahatma:

सब को सम्मति दे भगवान ।

That is what I said on the last day of the debate on the emergency provisions and finally when the emergency articles were passed, I, with great sorrow in my heart, got up and said—the members and the Chairman of the Drafting Committee were annoyed with me—

"This is a day of sorrow and shame. May God help the Indian people."

Sir, I am very sorry to say that my fears came true 26 years later and what happened on that day, that is, on the 25th of June 1975, did not happen suddenly. There had been previous preparations for five years or more. As a matter of fact, the soul was sold, erosion of moral values started not in 1975 but way back in 1969 when the candidate for the Presidency of the Indian Republic—he will shortly be a candidate again, as a sort of poetic justice or a quirk of destiny, call it whatever way you like—was endorsed and his nomination field by a person who subsequently, indirectly, if not directly, worked against that candidate, that is, her own nominee whom she had proposed. The then Prime Minister proposes his name and goes against him...

SHRI P. K. DEO: It is a conscience vote.

SHRI HARI VISHNU KAMATH: On the so-called conscience vote he was defeated. Sir, I am not concerned with personalities but with principles and values. Now, what happened?

There started the slippery slope and then began the erosion of moral values; and after the 1971 election, the *Garibi Hatao* election, the process was accelerated and then we saw one after another gradually and slowly the actions of the government headed by Shrimati Indira Gandhi seeking to invest one person with untrammelled power, unbridled power. That was the direction in which the Prime Minister was moving during the previous 5 years before the emergency was actually planned.

I will not tire the patience of the House by referring to the various incidents, the various events which have already been discussed in this House on several occasions, episodes like Nagarwala and Maruti showed that Parliamentary democracy which started in 1950 was being gradually devalued and finally the eclipse came in 1975. Individual liberty was nearly destroyed. Democracy was strangulated. One person and perhaps another half a person, that is, 1½ persons sought to grab all power into their hands. I am sorry to say my friends on the other side that is, the Congress, Opposition today then played the role of, I will not use the phrase toadies and flunkys. I will use a milder word. I will call them invertebrates or back bone-less people.

It pains me to say all this that a worthy daughter of a worthy father descended so low and started on a mad career, a drive for unfettered power unbridled power, unburdened by scruples or principles. I may say it was a drive for personal power and her party and partymen played her tune. I will not say that they danced to her tune because there is no dancing to a tune in the House. That was distortion of democracy. That was subversion of democratic norms.

What are the universally accepted democratic norms? Those are right of

dissent, right to a strong opposition, a strong independent judiciary and a free press. All these, one by one, became a casualty. On the 26th June, as in war, truth became the first casualty.

It was Mahatma Gandhi who taught us 'Satya and Ahinsa'. Another Gandhi—a female Gandhi—came and made a slight change. That was a difference of just one 'matra'. Mahatma Gandhi's Satya and Ahinsa became with her Asatya and Ahinsa; That was a slight difference that she made. But actually it made a world of difference—from heaven to hell.

I would like to quote several instances of subversion of democratic norms. I have a heap of material with me but I will try to focus your attention and the attention of the House only on few major aspects of the subversion of democratic norms.

MR. CHAIRMAN: I would also request you to keep track of the time because you have already taken 15 minutes.

SHRI HARI VISHNU KAMATH: I will take about half-an-hour. My hon. friend Mr. Bosu took about forty minutes last time. My friends in the Congress are interested in rebutting my arguments if they can, and I will have to put it on as high a plane as I can. I wonder if friends in the Congress party are exercising wisdom.

भगवान् इनको सम्मति दें ।

As I said, truth was the first casualty. I would like to refer to certain statements which she made here in India in August, 1975. Sir, according to the figures given by the Home Minister, about 30,000 persons had been arrested under MISA and DIR.

गृह मंत्री श्री चरणसिंह : डी आई आर में 67000 आदमी और मीसा में 35000 आदमी पकड़े गए ।

SHRI HARI VISHNU KAMATH: In all 100,000 persons. The Prime Minister and her henchmen and hatchetmen went on repeating *ad nauseam* that only a few had been arrested. They did not give the figures. They said: 'They are being well looked after'— so well looked after that a number of them died in jail! Our great leader, Shri Jayaprakash Narayan suffered in jail. We all know, the House knows, the whole world knows about it I hope he will recover fully. I pray for his long life. So, 100,000 people were arrested. And even on the 25th October, 1975, she had the audacity to say this to Australian Television.

She was asked a question: 'How long do you expect to hold your political opponents in Jail without trial?' She said: 'A large number have been released, and for the rest, it depends upon the situation'. The situation went on and on and on till March, 1977, when the day of liberation came. In between what other things happened, we know. Curtailment of the powers of the judiciary came in the Forty-Second Amendment Bill. It was originally introduced as the Forty-Fourth Amendment Bill, but it became the Forty-Second Amendment Bill when it was finally passed. It was brought in ostensibly to amend the Constitution, but in reality, it was meant neither to amend nor to mend but to end the Constitution. That was what was sought to be done. We know the provisions of this infamous document, which we, in our party manifesto, have promised, have pledged ourselves, to repeal.

I hope and I wish that the Congress Party will have the wisdom to think over this matter and see and cooperate with us in repealing this 42nd Amendment before it is too late because the people in the country had not supported it. They had opposed it. Before the Bill was adopted, the then Prime Minister farcically—a big farce—

[Shri Hari Vishnu Kamath] said that 'we want a nationwide debate on the subject of amending the Constitution'.

Here, in New Delhi, many Opposition Parties—all the Opposition parties at that time—including the present Home Minister himself organised a seminar in October 1976. Earlier, even before July 1976, we had set up a National Committee for re-viewing of the Constitution. We had almost arranged a Seminar in Gandhi peace Foundation Building, booked the hall and everything had been done. But, at the last moment, twelve hours before we were scheduled to meet, came an order from the District Magistrate or somebody else that permission was not granted. And yet, she as well as her notorious, Law Minister went on saying 'Yes, we are allowing a national debate; we are having a good debate, and the press is publishing all that is happening in the country about the Constitution'. But, the press was prevented from publishing anything; nothing was allowed to appear in the press of what we said or did. The worst of it was that, contrary to all democratic norms, in any part of the world, in any time, in any clime, from ancient days to the present day—I may even go to that extent, suddenly, one fine morning or one fine night, mid-night we found a young man emerging overnight as a leader through the television tube. (*Interruptions*)

Recently, one of our former distinguished Members—I would not say extinguished—from the former ruling benches, former Minister, Shri Pai, made a very very categorical and detailed statement either here or outside the House telling us all the nauseating details of how that young man who had been produced out of the television tube had sought to interfere in the affairs of all. I do not want to go into it though I have got all the materials to refer to that. But, Sir, I want to draw he attention....

MR. CHAIRMAN: Mr. Kamath, you have only five minutes left.

SHRI HARI VISHNU KAMATH: I shall take fortyfive minutes. Shri Bosu took fortyfive minutes. The House may also extend the time in view of this subject of importance. May I invite the attention of the House,—because I find that our people are interested in this matter,—to a very interesting statement that she made to foreign television. The question was put to her:

I have heard that Shri Jayaprakash Narain has said that finally what you are doing is what he wanted done. Is he really an enemy? Is he really your enemy?'

She said: 'I do not regard anybody as my enemy.' (*Interruptions*).

16 hrs.

She goes on to say:

"But I may tell you that he has publicly said and it is in print—black and white—that the Army should take over.

Democracy is not the system for India and the Constitution also needs to be changed."

There is one priceless statement of her relating to the utterances of Shri Jaya Prakash Narayan during the 1942 Movement. I quote:

"I think that Nehru and Gandhi were concerned with the unity and discipline of the country and I am as much concerned now about the unity and discipline.

In fact, Mr. Jaya Prakash advocated something on these lines during the 1942 Movement that the students should come out of the schools and colleges and the workers should not work and Mr. Gandhi (I think here she means Mahatma

Gandhi reacted very very strongly against it."

Mr. Chairman, Sir, you were quite active in the 1942 Movement. I do not think Mr. Jaya Prakash Narayan made any such statement,

Now, Sir, I would like to come back again to the Constituent Assembly as to why this thing happened. Why did she act as she did ! In this connection Dr. Rajendra Prasad in his Presidential Address to the Constituent Assembly sounded a warning. He said:

"Our Constitution has provisions in it which appear to some to be objectionable from one point or "...another. We must admit that that the defects are inherent in the situation in the country and the people at large. If the people who are elected are capable and men of character and integrity, they would be able to make the best even of a defective Constitution."

Mr. Chairman, Sir, in June 1975 she took advantage or exploited the provisions of the Constitution and clamped Emergency and started on the road to power and dictatorship. Fortunately, for us the people of the country and the people outside fought against it. We must appreciate the efforts made by Indians abroad during those dark and dismal twenty months. We must appreciate the efforts made by all our friends—men and women—who laid down their lives inside the country and fought against it outside. Dr. Subramaniam Swamy is sitting here. We know how bravely he went abroad and created awareness abroad. (Interruptions).

He went outside and criticised the government, not the country... (Interruptions). During those dark, dismal days, there were as I said earlier, arrests of hundreds and thousands, not merely arrests but torture, of many who were subjected to, mental and physical torture, of such persons. I

was arrested in Delhi at a prayer meeting organised by the Sarvodaya Sangh. Acharya Kripalani presided. Hardly had Acharya Kripalani opened his mouth to say a few words about Bapuji—he said, "I do not want to speak about the Prime Minister, I do not want to speak about the Emergency. मैं चन्द अलफाज बापू के बारे में बोलना चाहता हूँ।"

the police came and stopped him and asked us to quit. We refused to quit saying: it is a public place, we are here, you can be here, you can sit with us. They said: "no". But we refused to quit. They arrested us; I was arrested; 6 others were arrested. Others left the place. Acharya Kripalani; was not arrested. There was a false trumped up charge against us. You will laugh when you hear about it; the House will laugh to know that, what we were accused of, seven of us. The charge sheet said these seven persons raised slogans. You cannot in your wildest dreams think of it. what the police sitting in their rooms in Daryaganj can think; the chargesheet said that the accused raised slogans: "भानन्द मार्ग की मदद करो," "आर एस एस की मदद करो।"

But the magistrate had guts. I have a few words to say about him a young man; in those days of emergency magistrates did not have the guts to acquit people but he acquitted all of us and in his judgement passed strictures against the police and said that that was a fabricated case. He did so at that time; I do not know whether he was watched, whether he was demoted or whether the policeman was promoted; I shall try to find out whether he has been demoted or what else happened to him.... (Interruptions).

I will not refer to any other instances. The House is well aware, even Congress friends are well aware of what happened during the emergency.

चौधरी बलबीर सिंह (होशियारपुर) :
उस वक्त श्री अटल बिहारी वाजपेयी की
दुर्गा माता ने ताड़का का रूप धारण कर लिया
था।

SHRI HARI VISHNU KAMATH: It was Somerset Maugham who once said: if a nation values anything more than freedom, the irony of it is, if it is praise or money that it values more, it will lose that too. Another thinker has said if you are going to buy safety at the price of liberty, you deserve neither safety nor liberty. You may lose both safety and liberty. That is what happened in our country and therefore a crusade went on: We did not want safety at the cost of liberty. Dr. Ambedkar had this to say in the Constituent Assembly. Dr. Ambedkar said in his last speech in the Constituent Assembly. "As has been well said by Irish Patriot Daniel O'Connell, no nation can be grateful at the cost of his honour, no woman can be grateful at the cost of her chastity and no nation can be grateful at the cost of its liberty." He had warned the people that here in this country, Bhakti or the cult of hero worship is stronger than in any other country in the world. He had warned the people not to lay their liberty at the feet of any leader, howsoever great he may be, because that is a sure path, sure road to degradation and dictatorship; and that is what we found in 1975-77. Then came the day of liberation after the sacrifice made by martyrs and fighter, crusaders. The people had been terrorised by the mother and her son. But the people voted fearlessly. I had experience in my own constituency when I was campaigning for Lok Sabha elections—I am sure my friends had the same experience—the Congress workers went about telling people frightening people, threatening people.

"देख लेंगे। 22 मार्च के बाद देख लेंगे।"

We retorted saying.

"22 के बाद हमारी सरकार बन जाएगी। हम भी देख लेंगे, और 22 मार्च के बाद हमारी गवर्नमेंट बन गई। (व्यवधान)...
"तुम देखते रहियो"

On March 24, we came to power. I will only draw your attention to the statement made by the Home Minister a fortnight ago in the Lok Sabha.

MR. CHAIRMAN: You have already taken 40 minutes.

DR. SUBRAMANIAM SWAMY: Sir, this is a powerful bill. It should be given more time.

SHRI HARI VISHNU KAMATH: Because this is a very comprehensive resolution I would request the House and you to allow more time for this resolution to my colleagues on both sides of the House. The Home Minister had disclosed in the Lok Sabha that some officials holding very senior and responsible positions during the Emergency had made confessions in connection with the incidents that are being inquired into by various commissions. Therefore, all that I have said is only the tip of an iceberg. Much has not come to light at all so far. The excesses committed, murders committed and the police tortures committed, that are known to us now are only the tip of an iceberg, may be 10 per cent of what has actually happened during these dark and dismal days. I hope the Commissions will do a good job and the country will know more about the misdeeds and the tyranny exercised by the former Prime Minister and her gang during these days.

We have entered upon a new era and for that I want this House to place on record, joyfully and humbly its profound appreciation of the historic role played by our fearless people through the ballot box in ousting a vile, authoritarian regime. In 1975 the Graham—eclipse 'sparsha' took place, the suraj, the sun of our Janatantra was eclipsed and the 'sparsha' took place in 1975, Khagras and Pur-

nagras in 1976 and the vimochan started in 1977 January. We emerged from the umbra into the penumbra in January and finally into the light in March 1977. And then since March 21-22 we have again been seeing the sun of democracy—Janatantra—freed from the eclipse, freed from the 'grahan'—I am tempted to say that it was not one of merely 'Rahu grahan' or 'ketu grahan' but of both 'Rahu' and 'Ketu', both mother and son both Shrimati Indira Gandhi and Sanjay Gandhi. And now, both have been thrown into the place where they belong to.

Now I come to the last part of the Resolution because that is the goal which we of the Janata Party have accepted—the goal or the objective of our endeavours inside the House and outside—and I hope my Congress friends also will have no objection and will gladly accept that objective which has been outlined in the last part of the Resolution. And what is that? It is as follows:—

“...solemnly pledges its earnest endeavour for the speedy accomplishment in close cooperation with the people and by peaceful, legitimate methods, of a socio-economic revolution, illumined by democratic standards vivified by socialist ideals, and firmly founded on moral and spiritual values for which Lokmanya Tilak, Mahatma Gandhi and Netaji Subhash Chandra Bose suffered and sacrificed, lived and died, and for which Lok Nayak Jayaprakash Narayan, three years ago, called the nation to battle.”

That was in 1974 when the frigate was sounded, and the battle joined which was a peaceful battle for liberation a second struggle for freedom, and in 1977, three years later the freedom struggle ended in a complete triumph and victory of the people and the Janata Government, the Government of the people, by the people and for

the people, for 'janata', was founded. And for the future I want the House to be pledged to this ideal and I am sure that all Members on both sides of the House will readily agree to the formulation of this goal of all our endeavours in the near future, in the coming years.

Before I close, I would only like to say this in all humility, with all earnestness, that it has been said that the fight for freedom is an endless battle. We have to fight and win freedom a new each day. The battle is never done and the field never quiet, and freedom's battle goes on and must go on lest new tyrannies and new tyrants arise. That should be our watch word. And we should see to it that whichever Government is in power, they do not become power-intoxicated as Shrimati Indira Gandhi became. She might have started well, but power went to her head after 1971, and she became not only power-intoxicated but power-demented. A poet has said: शराब की तरह सत्ता का भी नशा होता है। शराब का नशा तो उतर जाता है लेकिन सत्ता का नशा बढ़ता रहता है और ले डूबता है।

With these words, I would like to end. Another poet has said:

“Though the cause of evil prosper,

Yet 'tis truth alone is strong;

Though her portion be the scaffold

And upon the throne be wrong—

Yet that scaffold sways the future,

And, behind the dim unknown,

Standeth God within the shadow,
Keeping watch above His own.”

We were confident about this; and God was still watching everything dur-

[Shri Hari Vishnu Kamath]

ing the period of the Emergency. And finally, the people bravely acted. "Satyameva Jayate" used to be the hypocrite's crest. And I am glad that the people, have finally resurrected democracy, freedom, liberty and also the great 'satyam' again. It has been resurrected; from the ashes and we are beholden to our people for the resurrection that came in March, 1977.

I end on this note. I know that several amendments have come. After the amendments are moved, I will give my reaction to them, in the course of my reply. I commend with all my heart, with all my might and with all my mind, this resolution for its whole-hearted acceptance by both the sides of the House.

MR. CHAIRMAN: Resolution moved:

"This House deeply deplores the cynical subversion of democratic norms, the steep erosion of ethical standards and spiritual values, engineered by the then Prime Minister, Shrimati Indira Gandhi and her gang during the dark days of tyranny and terror that followed the Proclamation of emergency on June 25, 1975, pays its heartfelt homage to the innumerable victims and martyrs in the crusade for liberty and freedom which the Proclamation sparked throughout the country, places on record, humbly yet joyfully, its profound appreciation of the historic role played by our fearless people, through the ballot-box, in ousting a vile authoritarian regime, and solemnly pledges its earnest endeavour for the speedy accomplishment, in close cooperation with the people and by peaceful, legitimate methods, of a socio-economic revolution, illumined by democratic standards, vivified by socialist ideals, and firmly founded on moral and spiritual values, for which Lokmanaya Tilak, Mahatma Gandhi and Netaji Subhash Chandra Bose suffered and sacrificed, lived and died, and for

which Lok Nayak Jayaprakash Narayan, three years ago, called the nation to battle."

Now, there are some amendments.

SHRI HUKMDEO NARAIN YADAV (Madhubani): I beg to move:

That in the resolution,—

add at the end—

"and resolves to make the concept of total revolution a success, to remove social and economic disparities and to implement the principle of providing special opportunities to the backward classes, Harijan, adivasis, women and other religious minorities." (1)

SHRI YUVRAJ (Katihar): I beg to move:

That in the resolution,—

add at the end—

"and recommends to Government to make arrangements whereby there may not be any recurrence of such events in future." (2)

SHRI UGRASEN (Deoria): I beg to move:

That in the resolution,—

add at the end—

"and resolves that stringent punishment be awarded to those who have subverted the democratic norms and established values under the intoxication of power." (3)

SHRI VINAYAK PRASAD YADAV (Saharsa): I beg to move:

That in the resolution,—

after "Netaji Subhash Chandra Bose"

insert "and Dr. Ram Manohar Lohia"

SHRI S. KUNDU (Balasore): I beg to move:

That in the resolution,—

add at the end—

"and to make such adequate arrangement by suitably changing the Constitution, awakening a spirit of eternal vigilance in the minds of citizens by providing education on the values of democracy, liberty, human rights, secularism, nationalism, socialism; compiling a history of the black era of the internal emergency and making it a syllabus in the schools and colleges and by adopting any other methods which may be suggested by committee formed by 21 Members of Parliament for this purpose consisting of both the Houses so that the dark days of tyranny and terror as witnessed during the period of internal emergency will never reoccur." (5)

SHRI CHANDRA SHEKHAR SINGH (Varanasi): I beg to move:

That in the resolution,—

add at the end—

"and demands that the gang that indulged in deplorable, inhuman, atrocious acts should be punished."

MR. CHAIRMAN: I take the motions as moved. Now, the first speaker from the Opposition would be Mr. Vasant Sathe; but Mr. Chandra Shekhar Singh has made a request that he may be permitted to have a little time, because he is leaving today, immediately.

सभापति महोदय : श्री चन्द्रशेखर सिंह ।

श्री उपसेन : सभापति महोदय, बोलने वाले काफी लोग हैं, इसलिए सदन का समय बढ़ा दिया जाए ।

सभापति महोदय : ऐसा लगता है, समय बढ़ाना पड़ेगा । श्री चन्द्रशेखर सिंह ।

श्री चन्द्रशेखर सिंह (वाराणसी) : मान्यवर जो प्रस्ताव श्री कामथ साहब ने पेश किया है, उसमें निम्नलिखित जोड़ने के लिए मैंने संशोधन प्रस्तुत किया है—¹

"और मांग करती है कि जिस गिरह द्वारा निन्दनीय, अमाननीय, अत्याचारपूर्ण कार्य किए गए उसे दण्ड दिया जाए ।"

श्रीमन् 25 वटा 26 जून की रात, ताना-शाही की कल्पना जो बहुत दिनों से इस देश में की जा रही थी, उसको साकार करने की रात थी । यह मैं इसलिए कह रहा हूँ कि उसके पहले पटना में जन 74 में, विद्यार्थियों ने अपनी मांगों को लेकर आन्दोलन किया था । जो बेरोजगारी, अशिक्षा, भ्रष्टाचार और मंहगाई को लेकर विधान सभा के सामने प्रदर्शन करने गए थे उन पर तत्कालीन बिहार सरकार ने गोलियां चलाई जिसमें सैंकड़ों लोग मारे गए । उनकी उचित और वाजिब मांगों पर सहानुभूतिपूर्वक जहां विचार होना चाहिए था वहां ऐसा न करके गोली और लाठी का सहारा लिया गया ।

जून 1974 में सारे देश में मांग उठने लगी पटना के अन्दर जो अमानवीय कृत्य तत्कालीन कांग्रेस सरकार ने किए उनके खिलाफ एक जन आन्दोलन छिड़ने लगा और वहां के विद्यार्थियों ने आदरणीय जय प्रकाश जी से निवेदन किया एक सभा के जरिए कि बिहार विधान सभा के विघटन की मांग को भी अपने कार्यक्रम के अन्दर जोड़ दें, क्योंकि बिहार विधान सभा के जरिए देश में और बिहार में कुशासन, भ्रष्टाचार, बेरोजगारी और मंहगाई बढ़ी है और विद्यार्थियों की फीस कम करने की मांग को स्वीकार करने के बजाय उसके एजेंड में गोलियों और लाठियों की वर्षा हुई

[श्री चन्मिशेखर सिंह]

है इस वास्ते ऐसी विधान सभा को बने रहने का कोई हक हासिल नहीं रह जाता है इस वास्ते इसको भी वह अपने कार्यक्रम में शामिल कर लें। इन उचित मांगों को स्वीकार करने के बजाय उन्होंने अपने दोस्तों के जरिए, तानाशाही की कल्पना को साकार करने के लिए या चापलूसों के चक्कर में पड़ कर या इंदिरा जी की मटेती में यहां तक कहला दिया कि इस देश में लिमिटेड डिक्टेटोरशिप चलनी चाहिए। अब जब लिमिटेड तानाशाही होगी तो उसको लिमिटेड कौन करेगा, तानाशाह को मर्यादित कौन करेगा ? लेकिन एक कल्पना चल गई कि अगर देश को ठीक से चलाना है तो हमारे देश में लिमिटेड डिक्टेटोरशिप चलनी चाहिए। यह सब मांग चलती रही, कल्पना चलती रही। उस कल्पना के खिलाफ लड़ने वालों की संख्या थी, टोलियां भी बढ़ती गई। 3, 4 और 5 नवम्बर, 1974 को विहार बन्द हुआ और इस दौरान एक भी कंकड़ी जनता की तरफ से नहीं चली, सरकार की तरफ से चाहे जितने अत्याचार हुए हों, सत्य और अहिंसा की मर्यादाओं के अन्दर रहते हुए विहार विधान सभा के विघटन और नई शिक्षा नीति चलाने के लिए एक आन्दोलन हुआ और विहार बन्द किया गया। लेकिन वहां मामला नहीं रुका। 6 मार्च, 1975 को जब विहार में यह घटनाचक्र चल रहा था तो उसको ले कर हम लोग दिल्ली आए। दिल्ली में भी हमने कहा कि विहार की विधान सभा कुशिक्षा, मंहगाई, अमानवता और अत्याचारों और निरंकुश शासन की प्रतीक बन गई है इस वास्ते उस विधान सभा को विघटित किया जाए। आदरणीय जय प्रकाश जी और आज के हमारे गृह मंत्री चौ० चरण सिंह उस मंच पर बैठे थे जिस पर से जय प्रकाश जी ने एलान किया कि हम यह चेतावनी

देने आए है दिल्ली की सरकार को कि बिहार विधान सभा के विघटन के मामले में और नए चुनाव कराने के मामले में वह आगे आए। लेकिन जिस सरकार की कल्पना तानाशाही स्थापित करने की रही हो, जो सरकार तानाशाह के अन्दर चलना चाहती हो, इंदिरा जी तानाशाह बनना चाहती हों उनके सामने ये सब अपीलें-निरर्थक और बेकार ही सिद्ध हो सकती थीं। 12 जून, 1975 को राज नारायण बनाम इंदिरा जी का फैसला आ गया और हाई कोर्ट के जज श्री जगमोहन सिन्हा ने उस फैसले में लिखा कि श्रीमति इंदिरा गांधी छः बरस के लिए अयोग्य घोषित की जाती हैं क्योंकि उनके ऊपर भ्रष्टाचार के अनेक आरोप साबित हो गए हैं। मुझे यह भी जानकारी मिली थी कि वह स्वतः इस्तीफा देना चाहती थीं उस समय लेकिन अगल बगल जो रहने वाले लोग थे वे घबरा गए। उसी समय यह भी हो गया कि बीस दिन के लिए उनको स्टे आर्डर मिल गया कि बीस दिन और वह सरकार की मुखिया रह सकती है। हम लोग जेलों में थे। भोजपुरी में एक कहावत चलती है, एक गाना चलता है। हमारे बाबू सिंहजी यादव जो आजकल विधान सभा के एम० एल० ए० हैं वह अकसर उमको गाते थे। उसकी शब्दावली इस प्रकार है :

“इंदिरा जी चढ़ गई बांस पर कर बैठी श्रंगार नीचे भडवा ढोल बजाए खूब करे प्रचार”

जो वह कहते थे वह मैंने बता दिया। तो इस तरह का एक सिलसिला चला कि इंदिरा जी इस्तीफा न दें। हाई कोर्ट के फैसले से क्या हुआ ? उत्तर प्रदेश के राज्यपाल जब हाई कोर्ट द्वारा करप्ट प्रैक्टिस के लिए दोषी ठहराए गए और 6 साल के लिए डिबार कर

दिए गए तो वह इस्तीफा दें, और इसी तरह से श्री डी० पी० मिश्रा को भी इस्तीफा देना पड़ा, लेकिन जब इंदिरा जी पर आरोप साबित हो गया तो वह इस्तीफा न दें, बल्कि 25 जून को जनतंत्र और स्वाधीनता का और देश के इतिहास के साथ जो गांधी जी का दर्शन जुड़ा था उस सब की हत्या कर दी गई और एक लाख के करीब लोगों को जेलों में डाल दिया गया। इतना ही नहीं जेलों के अन्दर और बाहर भी अमानवीय व्यवहार किए गए। मेरे एक मित्र प्रो० विनय कुमार को, बनारस के अन्दर एक थाने में इलेक्ट्रिक शौक्स दिए गए, उनकी जीभ फट गई और खून बहने लगा। हिन्दुस्तानी अकादमी के अध्यक्ष, सत्यव्रत सिन्हा नैनी सेन्ट्रल जेल में मर गए। हमारे साथी राम सागर मिश्र लखनऊ जेल में मर गए। 6 महीने तक लिखते रहे कि हमारी दवा का इंतजाम हो, वह तो हुआ नहीं और जब मर गए तो उनके घर वालों ने जब लाश मांगी तो उनको लाश देने से इंकार किया गया। जब वरिष्ठ नेताओं ने उसमें हस्तक्षेप किया तब उनकी लाश को उनके घर वालों को दिया गया।

16.30 hrs.

[SHRI DHIRENDRANATH BASU in the Chair]

25 26 जून की रात को केवल आंतरिक इमरजेंसी नहीं लगी बल्कि प्रैस पर भी सेंसरशिप लगा दिया गया। द्वितीय विश्व युद्ध के समय भी अखबारों पर नियंत्रण नहीं लगा था। लेकिन इस आंतरिक इमरजेंसी के साथ साथ प्रैस पर

सेंसरशिप लगा दिया गया और वह इसलिए कि सत्य जनता के सामने न आ सके। इन्सान को बन्दी बनाया गया, इन्साफ को भी बन्दी बनाया गया। अखबार, इन्सान और इन्साफ बन्दी हुए और एम०आई०एस०ए० का ऐसा डर चला कि कहा जाने लगा कि जो गिरफ्तार कर लिए गए हैं उनको पूछने पर भी दो साल बाद कारण बताया जायेगा कि आपको क्यों गिरफ्तार किया गया। यह वह देश है जहां जहांगीर के इन्साफ की लोग याद करते हैं, केवल घंटा बजाने पर बादशाह आता था और फरयाद सुनता था। उस देश के अन्दर गांधी का नाम रखने वाली महिला शासन में आयी और आने के बाद ऐसा कानून का इस्तेमाल करे कि दो साल बाद कारण बताया जायेगा आपको कि क्यों गिरफ्तार किया गया। ऐसा एम० आई० एस० ए० का डर चला कि हमारे नीरज कवि को कहना पड़ा कि "बलबल ने गाना छोड़ दिया आंतरिक सुरक्षा के डर से, कोयल ने डालों पर चहकना छोड़ दिया आंतरिक सुरक्षा के डर से"। परिन्दें भी घबरा गये। ऐसा देश में अत्याचार चला। प्रैस, इन्सान, इन्साफ की बन्दी हुई और आते आते मामला नसबन्दी पर पहुंच गया। मैं तो पैरोल पर था अपने शहर में एक घंटे तक रिक्शा की तलाश में खड़ा रहा। एक घंटा बाद एक रिक्शा वाला मिला, जब उस से पूछा कि भाई रिक्शा वाले कहां चले गये तो उसने मिर्जापुरी जवान में कहा बाबू जी वोला मत चारों ओर नसकटवा डोलत वायन। इसी डर से रिक्शा वाले भाग गये। साधारण दूकानदार, मोची आदि सब भाग गये। इतना डर था लोगों में। लेकिन हर शाम के बाद सबेरा आता है। तबदीली

[श्री चन्द्रशेखर सिंह]

वक्त का अटल कानून है और उसके सामने सब को दुनिया में झुकना पड़ता है। 18 जनवरी, 1977 को वह शुभ संकेत मिला कि भारत की प्रधान मंत्री चुनाव कराने जा रही हैं।

आप जानते हैं कि अपने देश में एक हिरणाकश्यप था। उन्होंने सब वरदान भगवान से मांग लिये कि न धरती पर मरूँ न आकाश में, न जल में न थल में, न मनुष्य से न जानवर से, न रात में न दिन में यानी कहीं न मरूँ। लेकिन उसका भी समय आया और नरसिंह अवतार हुआ और उन्होंने उसको मारा। उसी तरह से इन्दिरा गांधी द्वारा तानाशाही के सब हक लेने के बाद जिस तरह से वह हिन्दुस्तान को तानाशाही के शिकंजे में कसना चाहती थी, वह नहीं कर सकी और एक समय आया कि उनको जाना पड़ा।

मैंने यह कहा है कि उन लोगों को दंडित किया जाये जिन लोगों के जरिये आपातकालीन स्थिति में लोगों पर जुल्म ठाये गए उनके घरों को उजाड़ा गया लोग जेलों में मर गये, पुलिस की लाठी के शिकार हुए। इन सारे मामलों के लिए जो भी अपराधी हैं, जिन्होंने इस योजना को बनाया था, जिन्होंने इस योजना में साथ दिया, उन सब को दंडित करने का काम किया जाना चाहिए।

25 जून, 1975 की काली रात को, अत्याचारों की शुरुआत हुई। क्या जिन लोगों ने मानवता पर क्रूर प्रहार किये, उन्हें क्षमा किया जा सकता है? देश के ऊंच पदों पर आसीन रहते हुए जिन्होंने लोकतंत्र की हत्या की मानवता का क्रूर दमन किया, लोगों पर जुल्म किये, उन्हें जनता कभी बर्दास्त नहीं करेगी। जिन लोगों ने देश में लोकतांत्रिक

प्रक्रिया की हत्या की और जिन्होंने उसमें साथ दिया, उनको क्षमा देने का कोई सवाल नहीं उठता है।

अक्सर हम कहते हैं कि भूल जाओ, और माफ करो। मैं जानना चाहता हूँ कि किस किस बात को भुलाया जाये? क्या इस बात को भुलाया जाये कि चौधरी चरणसिंह जी को जेल में डाल दिया गया, 82 वर्ष के श्री मोरारजी भाई को जेल में डाल दिया गया? किस श्री जयप्रकाश नारायण का अंग्रेजी राज्य बालबांका नहीं कर सका, इस देश में एक महिला ने जिसने अपने नाम के आग गांधी शब्द जोड़ दिया है, उन्हें जेल में डालकर उनकी दोनों किडनी खराब कर दी।

हम किस किस को भुला दें और किस किस बात को याद करें।

कभी कभी यह चर्चा उठती है कि आपात काल की उपलब्धियाँ क्या हैं। हमारे सामने के मित्र इसकी बहुत चर्चा करते हैं। मैं यह कहना चाहता हूँ कि आपात काल की एक उपलब्धि यह थी कि इस देश में वंशानुक्रम शासन स्थापित करने का प्रयत्न किया गया, जिसको 25 मार्च, 1977 को श्री मोरारजी देसाई के नेतृत्व में जनता पार्टी की सरकार बनाकर इस देश की जनता ने रिजेक्ट कर दिया।

सभापति जी मैं इतना ही कहना चाहता हूँ कि जिन लोगों ने इस काम में हिस्सा लिया, लोकतंत्र की हत्या की, तानाशाही को कायम करने और आंतरिक आपात स्थिति की स्थापना में जिन जिन लोगों ने सहयोग दिया है, इस सभा के जरिये मैं आदरणीय श्री चरण सिंह जी से निवेदन करूँगा कि उन लोगों को

दखित करने के लिए जो शाह जांच
प्रायोग बैठा है, उसमें कोई कोर-कसर
नहीं होनी चाहिए, उस काम को पूरा
करना चाहिए।

SHRI VASANT SATHE (Akola): I, with all my respect and regard for my revered friend, Shri Kamath, must say that this Resolution is a combination of some laudable objectives, feelings and aspirations. In the latter half of the Resolution he has rightly said that it will find support from all sides of the House but for, probably, inadvertent omission of Jawaharlal Nehru. In the course of his speech, he has paid tribute to him. I do not think he has deliberately omitted his name. The contribution which Jawaharlal has made to the building of this country, cannot be wiped out although some of my friend like Shri Subramaniam Swamy may wish even that. They wish to wipe out the entire name of Nehru's family for crimes which are being investigated and which were committed by one member in the family, Mr. Sanjay Gandhi. I do not think that was deliberately intended. But if his name and the names of great men from the south, Shri Rajgopalachari, Shri Annadurai, Shri Kamraj and such others are added, then it will give a complete picture. Let us not forget one thing. While we discuss the earlier part of the Resolution, I again plead with the House and my colleagues here that in victory one must be humble and must not lose perspective.

Let us remember that this vast nation of ours is, more or less, a continent. The result of the vote is very peculiar. The southern part of India, voted, more or less, totally, as did the northern India, in favour of the Congress. The northern belt voted in one wave. Let us understand the phenomenon that operated. I said it before also here. I do not want to defend anybody or anything wrong

committed, the aberrations which had taken place during the Emergency, the excesses which were committed and which got blown out of all proportions so much so that they spread like wildfire on an issue which politically is a non-issue, like, *nasbandhi*....

SHRI EBRAHIM SULAIMAN SAIT (Manjeri): How can you say that? That is a major issue.

SHRI VASANT SATHE: I say, politically. It does not constitute a political programme or a political policy. It was a programme which normally would be in the national interest. But when an element of compulsion was introduced and coercion was done, particularly, on minority community, it resulted in aberrations. You see it in that context. It is in that context that that wave occurred.

Then, this is not a vote for one party in the country. If you take State-wise, the total number of States in the country that voted against the Congress were nine States and the total number of States in the country is twenty-one. So, don't go by that. Why do you go by the number only? In the nine States of the northern belt, the population being larger, the population being so much concentrated, there and the number of Members of Parliament from these nine States being so large that the total result is this.

SHRI HARI VISHNU KAMATH: Democracy means number.

SHRI VASANT SATHE: Therefore, we have also to consider this point.

MR. CHAIRMAN: You please address the Chair.

SHRI VASANT SATHE: My address is always through you. You kindly consider this, when I say you, it means through you. So, I would like to plead with my friends here in the House not to say that this is a vote

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against emergency or against the Constitution Amendment by itself because that would have been then the vote also in the South. If all the people of the country were against the 42nd Amendment, if all the people were against the imposition of emergency by itself, then the vote would have been similar throughout the length and breadth of the country. It is not so and therefore do not get away with this idea that the entire people of this country have reacted in a similar manner. This distinction must be kept in mind because otherwise you will be doing injustice to the people of Andhra, Karnataka, Tamil Nadu, Kerala and Assam.

(Interruptions)

Do not say this mandate is in favour of Janata Party... (Interruptions) Your argument is a fallacious as you say in your Resolution. You say, we want to congratulate the people for ousting a vile authoritarian regime. They did not oust them. Why did the people of Karnataka not oust them; why did the people of Maharashtra not oust them; why did the people of Andhra not oust them; why did the people of Tamil Nadu not oust them; and why did the people of Kerala not oust them? Are they not the people of India? You can consider them as not people of India. This is fallacious. That is what I want to point out. This is as much fallacious as what you are trying to say now.

Therefore, I am really pained to find that a doyen of Parliament like Shri Kamath should have used such a language. Here in this resolution, he says, "The cynical subversion of democratic norms, the steep erosion of ethical standards and spiritual values, engineered by the then Prime Minister, Shrimati Indira Gandhi and her gang."

AN. HON. MEMBER: You should read this every day.

(Interruptions)

SHRI HARI VISHNU KAMATH: Mr. Chairman, on a point of order.... the hon. Member must yield.

SHRI VASANT SATHE: Why?

SHRI HARI VISHNU KAMATH: On a point of order.

SHRI VASANT SATHE: Under what rule? Mr. Chairman, he must satisfy you under what rule.

SHRI HARI VISHNU KAMATH: 376.

SHRI VASANT SATHE: Is that the point of order? You have to formulate under what rule. (Interruptions) Otherwise, I am not going to yield.

SHRI HARI VISHNU KAMATH: On the last occasion, his colleague, Mr. Mohsin, raised a similar point, objection to the word 'gang' but the Chair over-ruled that.

(Interruptions)

SHRI VASANT SATHE: I was trying to point out that the language was so intemperate. What is the situation now? I will give you one example. Just now, there were elections in the Kashmir Valley and what were the allegations made by Sheikh's Party and his wife against the Janata Party; these are the similar allegations which they had been making against Indira Gandhi. Should we, therefore, get away with this that the Janata Party's rule or the Janata Party's behaviour in the Kashmir Valley was "cynical subversion of democratic norms, steep erosion of ethical standards and spiritual values engineered by..." in the place of Shrimati Indira Gandhi and her gang, "...by Mr. Charan Singh or Mr. Morarji Desai and his gang"? There, murders have taken place. That is what they allege. Burning of homes of people has taken place. That is what they allege. Arrests, indiscriminately, of hundreds of people have taken place, without any reason. Mrs. Abdullah has said this in her state-

ment. This is what they allege. What more do you want? Therefore, what I say is....

AN HON. MEMBER: But no Emergency.

SHRI VASANT SATHE: Without Emergency! It is still worse. At least in Emergency, Constitutionally, fundamental rights and other laws can be suspended. But here there was democracy functioning and yet, in the democracy, you commit all these crimes! What are we to say then?

This two-year period in the long history of this country—30 years have gone by and so many years will go by—, after some years, will be looked at in a proper perspective. Emergencies in democratic countries of the world like the United States have been there. Under the Constitution, there is a provision. They had declared Emergency four times: first, in 1933 by Roosevelt....

DR. SUBRAMANIAM SWAMY (Bombay-North-East): That was Financial Emergency.

SHRI VASANT SATHE: To meet the situation of financial emergency, National Emergency was declared.

DR. SUBRAMANIAM SWAMY: But 'habeas corpus' was not suspended.

SHRI VASANT SATHE: In 1950, during the Korean crisis, against the threat of Communism, National Emergency was declared. We know the famous McCarthyism which was prevailing under which hundreds and hundreds of people, in the name of being Communists, were detained without trial, without 'habeas corpus'. Was any voice raised against that?

In the United States of America, the Red Indians, even today, in their reserves, are deprived of their rights. 200 Red Indians were shot dead for

allegedly having killed one FBI man, although it was proved in the High Court later on that he was killed in self-defence. I would like to know this. Did any Red Indian citizen of the United States of America come to India or go to any other country and go about making propaganda that democracy was in danger in America and that fundamental rights were being denied to them? The black people in America are deprived of their rights even today; they have made a petition to the United Nations. Have you ever seen any black man in the United States come to India or go anywhere else, to any other country in the world, and condemn his Government and say that their fundamental rights are being trampled upon? (Interruptions) But here was a hero! He goes and makes a petition. To whom? To the American Congress. He does not have the guts to come to India and go to jail as Mr. Charan Singh did or Mr. Kamath did. He comes here, to Parliament, stealthily signs, shouts some things and runs away. This is the sort of hero that we have. And holding Conferences—'Friends of India'! Are they friend of India? These are *who go about in other countries trying to deride their own country.

SHRI KANWAR LAL GUPTA (Delhi Sadar): I rise on a point of order.

My learned friend Mr. Sathe has used the word * I think he does not mean it. Whether it is Mr. Swamy or you or I, we may have our political differences of opinion on many issues, but to call any Indian * is not a good thing. I would request my friend not to use that word. It is unparliamentary: Kindly withdraw it.

SHRI VASANT SATHE: If you see the context, I have not said that Mr. Subramaniam Swamy is *

*Expunged as ordered by the Chair.

[Shri Vasant Sathe]

Let me make this clear. I have said that any person of any country who goes about working against his country in another country would be called * I would beg of my friend to consider this aspect in the right perspective. (Interruptions).

As you said, during Emergency excesses by the Police had taken place. (Interruptions). My friend was just now saying that over a lakh of people were detained. Instances of torture have been given and every day, day in and day out, they are being repeated. I would say that no human heart would ever justify what was done to Rajan or Reddy or any other person for that matter. I am against such excesses and I am condemning them as vehemently as you are doing. (Interruptions).

Having made it clear that I am as vehement and forceful in condemning the excesses as anybody else, I want to put it in the right perspective. So many members of Parliament were detained during emergency. I do not know of a single Member of Parliament who has come forward with any personal story of torture on him (Interruptions).

17 Hrs.

MR. CHAIRMAN: Order please.

SHRI VASANT SATHE: Shri Jyotirmoy Bosu is not here; he can contradict me if he likes. I am told that Shri Jyotirmoy Bosu was detained in Jaipur. He was housed in a bungalow in the jail compound and was allowed to bring his family, wife and children and as given the allowance. Every day, twice he used to go to the garden in a motor car. This was a torture for Shri Jyotirmoy Bosu.... (Interruptions).

In Nagpur Jail, 500 RSS workers were detained. Food was coming to them from their homes for these detenus. Sweets were coming to them every week. This was the life they

were living. Was this a torture.... (Interruptions) Jalebis and ladoos were coming to them.... (Interruptions).

कुछ माननीय सदस्य : यह झूठ है ।

MR. CHAIRMAN: I have asked the Reporters to expunge the objectionable portion from the speech.

SHRI VASANT SATHE: What do you want me to do? Can I bring back the laddus that they ate?

SHRI S. KUNDU (Balasore): What Hitler could not do in 19 years, these people did in 19 months (Interruptions)

श्री बसन्त साठे : अरे गद्दी मिल गई 19 महीने में उसको जल्दी खर्च न करो ।

(व्यवधान)

SHRI S. KUNDU: They want to get a certificate from Indira Gandhi. They were advocating her cause. They come here and after the speech, they will run to Indira Gandhi and Sanjay Gandhi saying that they have defended them. These people will never see the writings on the wall.... (Interruptions)

MR. CHAIRMAN: Mr. Sathe, please don't excite the hon. Members.

श्री बसन्त साठे : सच बर्दाश्त करने के लिए श्री ताकत चाहियें । (व्यवधान)

SHRI KRISHNA CHANDRA HALDER (Durgapur): Sir, the hon. Member is misleading the House. Mr. Jyotirmoy Bosu was kept in a solitary confinement and I am asking if they are prepared to undergo the same kind of treatment.

(Interruptions)

MR. CHAIRMAN: Mr. Chatterjee will be speaking. He can contradict whatever he said.

Now, Mr Sathe, you please come to your last point.

SHRI VASANT SATHE: My last point is about the so-called excesses, if that satisfies my friends.

*Expunged as ordered by the Chair.

We talk of excesses....

SHRI S. KUNDU: Is there no time limit?

MR. CHAIRMAN: If he takes more time, it will be only at the cost of his party colleagues.

(Interruptions.)

SHRI VASANT SATHE: The other day there was an incident in Faridabad when atrocities were committed. A foreman of a factory, a Sikh gentleman, was tortured brutally. He was hung to a fan with his hands tied, he was tortured. Now can anybody in his sense say that the torture of that Harnam Singh in Faridabad was done at the instance of the hon. Home Minister or the Prime Minister? Can it be said? In the same way, can you say that all the excesses committed during the Emergency were done at the instance of Shri-mati Indira Gandhi? (Interruptions). My friends who were suffering from Indira phobia are still afraid. That is why I say, if now true democracy has come as Shri Morarji Desai often says—people must become fearless, if fear has gone away from the minds of the hon. friends of Janata Party, that is not a sign. The display that they made is a proof of their still being scared and still not being free from fear, I would, therefore, beg of Shri Kamath to re-consider and the first half of this Resolution should be deleted. Otherwise, we will oppose the entire Resolution.

Thank you for giving me this opportunity.

MR. CHAIRMAN: There are still 12 members on the list. Besides there are five amendments which they want to move. Time already fixed was upto 5.40 P.M. Is it the pleasure of the House to extend the time by half an hour so that all these discussions may take place and the Home Minister may also reply?

HON. MEMBERS: Yes.

SHRI P. K. DEO: Shall I get time?

MR. CHAIRMAN: Yes.

DR. SUBRAMANIAM SWAMY (North-Bombay): I wish to congratulate Shri Kamath for moving this very appropriate Resolution. This Resolution, in my opinion, all said and done, considering what has happened is quite mildly worded. I would have preferred stronger words. Instead of using 'her gang' I would have used 'her butchers'. That would have been more appropriate and perhaps parliamentary. Instead of saying 'cynical subversion'. I would say 'perversion'. Many of those things were perversion in the normal behaviour.

Using of mild words, I think is an indicative of the fact that all said and done instead of what happened, we are in a mood to forgive. But at the same time, we must also not forget what has happened. We must keep remembering it. We must keep repeating it so that it never happens again.

Mr. Sathe who leads the attack after due consultation in the proper quarters, I am sure, brought the point which has now been completely discredited. He said, "This election actually shows that the South voted for Emergency. The South voted for the 42nd Amendment. The North did not vote against the Emergency. The North did not vote against the 42nd Amendment, but voted against compulsory sterilisation." This is what he said. This Assembly election should have shaken him out of this complacency. After all, in the South, the Congress Party did fight the State Assembly elections. Whatever the Janat Party's performance preserves, South was considered the preserve of the Congress Party and they got such a beating in Tamilnadu. It was pitiable to see the Congress Party. In fact the leading lights of the Congress party have repeatedly felt in this House and outside that had I not

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gone to Tamil Nadu the Congress would have got even fewer seats. It is a fact that the real strength of the Congress party was tested out in the South. I hope our friends of the Congress party will have no sweet dreams but will come down to face realities, and the reality is that they have no place in this country, whether it is north or the south. In the south the fact of the matter is that they were as much against the emergency as the people in the north. They chose to give an opportunity to somebody else and they ran on the coat-tails of another party. If another election comes in the South, they will have no place at all there. They say that the vote is not a sufficient mandate for the Janata Party. Everyone knows that in the 1971 elections they got only 43 per cent of the votes. They extended the life of the Parliament twice. They got mandate only for 5 years. For what? Not for Constitution Amendment, but to remove poverty. After this 5 year period was over they illegally extended the term not once but twice. They felt they had the mandate to extend Parliament's life. They thought they had a mandate to justify dynastic rule in the country. But that dream had to be disturbed and people's verdict asserted itself. We in the Janata Party got a mandate to restore democracy. We did restore democracy. We in the Janata party got a mandate to restore trade union rights. We did restore trade union rights. We in the Janata party got a mandate to restore the freedom of the Press. We did restore that. We in the Janata Party got a mandate to bring freedom to the people at large in this country and we have done that.

Mr. Sathe said certain things and he shall always have the freedom to say whatever he wants. He got up here and was very much exercised about the fact that Mr. Sanjay Gandhi,— for whom he holds brief— was detained in the airport. We know

what the exact situation was. It was a great tribute to the Janata Government that Mr. Sanjay Gandhi could go to the DSP and file a written complaint. In their Raj could anybody hope to go and file a written complaint? He would be ducked into a bucket of water and thrown into the Jamuna river and declared that he drowned himself while in pursuit!

During the 20 months of emergency, Mr. Kamath used the word 'cynicism' to describe the events. I will give an instance of this cynicism.

They mentioned Rajan's case as deplorable. Did they know that? Well, Mr. Sathe did not know that because he was going to Acharya Vinoba Bhave and getting the *anusasan parva* and all these things as also reciting the *upanishads*. He was not visiting the jails. Did he visit the Jail and see Shri Bosu whom he considered to be his friend? Did he have the guts to go and visit him or other Members of Parliament in jails? Did he visit any jail at all? He is now talking about Shri Rajan. He was so scared that even if he visited somebody whom some people did not like, well, he might get one way ticket to jail from where he may not be able to come back out. He cannot speak from his personal experience. But, I can say that cynicism did pervade. Why? Rajan died on 2nd March; he was beaten to death in a police jail. The D.I.G. and the I.G. were seeing in a close circuit television. On the 24th September, a Central Intelligence agent contacted Rajan's father and told him that about his son's whereabouts, he could not promise. Later on he filed a report with the then Prime Minister, Mrs. Indira Gandhi that Shri Rajan had been murdered in cold-blood in a jail and therefore there was nobody left for him to investigate that report which was sent by the Central Intelligence Agent. Did Shrimati Gandhi have the guts to write at least to Shri Rajan that she was sorry that she

had been receiving petitions from him about the whereabouts of his son.

Did she have the guts to say 'I am sorry to say that because of misuse of authority by the Police, he had been beaten to death. I am very sorry about it. I shall suspend the police officers and hold an enquiry and give you any other compensation for that.' What happened was this. She was like a coward and hid herself behind in silence.

He mentioned about Faridabad incident. The first action that was taken by this Government was to suspend the police officer. Why could they not do that? Rajan's case was known to the people in power, to the gang that he talked about, to the butchers, if I would refer to this expression.

Sir, these people knew about it but they kept quiet. They did not even inform the father. I met him and he wept before me and he said that it was a torture—one year of torture not knowing whether he was alive or not. Why could they not tell him earlier? They would never have done it. In fact Rajan was dead. It would not have been known but for the fact that we restored the rights to courts and Rajan's father could go to the court and file a *habeas corpus* petition. When emergency is declared in other countries at least there they do not suspend the *habeas corpus* but here the *habeas corpus* is suspended. That is done only in countries where there is total dictatorship. He talked about the treatment in jails. Shri Bansi Lal was telling that every leader in jail was being given badam and milk shake and all these lovely things. In fact, he said that the conditions in jail were so wonderful that many of the criminals did not want to leave the prison and go home. Of course, one of our leaders in jail told him that they would see in a few month's time that Shri Bansi Lal himself would have to spend some time there. Therefore, all

of them should be in good shape. Sir, it is not a question of treatment alone. The conditions were so bad. The treatment was bad to very senior political workers. Look at Shrimati Mrinal Gore. Do not take my words. But look at what the Bombay High Court had said. It was the Bombay High Court which had to liberate her from the conditions in which she was living. I do not know what else could Mrs. Gore do? She went underground. But she was caught from the underground and was tortured and she was subjected to humiliation. The High Court had to intervene in her case. If it had not intervened, what would be her position? Today Mr. Sathe gets up and says that she was treated well particularly. I think it is a matter of great shame if you say so.

SHRI VASANT SATHE: I did not say that.

DR. SUBRAMANIAM SWAMY: You said that. (*Interruptions*). You read the strictures of the high court. Look at even Shri Morarji's case. When his case was taken up, he was not even allowed to see his son or daughter-in-law. In regard to Shri Jayaprakash Narain and other leaders, the courts had to come in. What happened? They transferred the judge. A judge of the Gujarat High Court was sent from one corner to another and another to another corner. The judges were transferred in this manner. That is how they behaved and now they want to hide that and say about the quality of their leaders. The quality of their leaders can be seen by the fact that they openly lie low. Mrs. Indira Gandhi herself declared in 1973-74 her wealth tax return for Rs. 2.7 lakhs. Only Rs. 2.7 lakhs. This figure is a lot. In fact it is so sorrowful to see that her tax return in 1972-73 which was only Rs. 3.1 lakhs had dropped now to Rs. 2.7 lakhs. Now, Sir, we find from the government records—the records of the Ministry of Works and Housing—that Mrs. Gandhi is paying

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an annual rent of Rs. 40,000.00 for her residence. If you add electricity and water charges it will become Rs. 50,000.00 and if you add minimal living expenses it will be another Rs. 50,000.00 annually. So, her annual expenses will not be less than Rs. 1 lakh. Now, a person whose expenses are to the tune of Rs. 1 lakh annually without any visible means of support or employment must mean that she must have wealth to the tune of at least Rs. 10 lakhs. This is the normal calculation.

Sir, recently I took an architect and a valuer to Chhaterpur village and saw the big mansion that Mrs. Gandhi is building. I asked this architect and valuer as to what would be his conservative estimate of this mansion? He said that it cannot be less than Rs. 6 lakhs. It is a huge mansion with a huge garden and it is centrally air-conditioned. This is a clear question of dis-proportion. You have shown income-tax and wealth tax return of Rs. 2 lakhs. Your expenditure is Rs. 1 lakh which means you must have a wealth of Rs. 10 lakhs and further you have a house worth Rs. 6 lakhs. From where did this money come. May be some part of the Nagarwala fund is still being used?

Mr. Chairman, Sir, there was a charge made against me by analogy that I engaged myself in traitorous activities by going abroad. Sir, there was no doubt at that time that Indira was India and to oppose Indira was to oppose India. I did not go abroad immediately. I went after six months of the declaration of Emergency. I travelled on my own regular passport under my name—not in disguise—and they could not stop me from leaving and returning and making my appearance in the House. Sir, the fact of the matter is that Mrs. Gandhi during the Emergency gave as many as forty-eight interviews. Out of these 48 interviews, forty-two interviews were given to foreign correspondents. In all these interviews she blackened the

name of the Opposition by saying that the Opposition is a bunch of crooks and black-marketeers. They are thieves and traitors. She said that Jayaprakash Narayan wanted Army rule in India. People in jail were very unhappy about it. They felt that this kind of thing should not go on. It must be replied to. Sir, I remember Jayaprakash Narayan having sent for me and said a few words which convinced me to go abroad. When I protested that I would like to remain within the country and work then he said: Do you know if you are in London and get interviewed on BBC more Indian people will listen to you than if you stay within the country. The sad position of the country at that time was that you could more effectively reach from Bombay to Delhi via London than directly from Bombay to Delhi. This was the state to which they had reduced the country. Sir, after my arrival in London it became inconvenient for them. Mr. Hitendra Desai is not here. He talked about his brave role in London. Sir, When Mr. Hitendra Desai came to London he did not speak on Emergency but he spoke on Hindu Dharma. He addressed a crowd of 40 people. Then the Samachar correspondent was made to send a report to Delhi that Mr. Hitendra Desai addressed a big public meeting in which he talked about the Emergency. Then came Mr. Om Mehta, the tiger of MISA. I do not know where he has disappeared. I have not seen him anywhere. When he came to London he did not have the guts to address a meeting even when the Indians there asked him to address one. He went to a restaurant with five pleaders and the Samachar correspondent was made to send the report that he addressed a public meeting. They did not mention that it was a restaurant with five people eating tandoori chicken where nothing was talked except Candy and some of the ministers. He was forced to use the word 'gangsters'. You should see the speeches made by the ambassadors, Mr. B. K. Nehru, I regret to say, is still the High Commis-

sioner; I hope he will go soon; I have been informally told that he will be going and I hope he will be going soon. If he had any good sense he would have resigned himself. In his speech he said; Jayaprakash Narayan is not a Gandhian; he was never a Gandhian; that Jayaprakash Narayan believes that ends justify means. Now anybody who had any relationship with JP would know the truth that it was the farthest thing from his mind. In fact many persons were impatient with him and kept on emphasising that means justify ends. But means are as important as ends: that was the constant theme of all the speeches. And yet this was the kind of thing said in London.

About B. M. Kaul, the less said the better. I am glad he has run away from the United States; otherwise the Indians there were not going to allow him to stay for a day and he came away. But the kind of lies that were in circulation were unimaginable. Therefore, I should urge Mr. Kamath to add those facts also in his resolution.

I should conclude with asking Mr. Sathe some questions. Are he and his friends aware of some facts. For example in Bhopal a seven year old girl, a polio victim who could not walk was in jail, kept there under MISA. I can see that under MISA: You are to apprehend a person because a person is about to act in a manner to cause grave public disorder in the country. But how can a seven year old girl, a polio victim who cannot walk, be a threat to public order in the country? Actually what happened is this. The mother Archana Mishra was an active political worker and went underground and the police did not know how to bring her out. So they put this girl in jail, all alone. The mother came crying to the police station and all right, please leave my daughter, you can arrest me; I will not go underground. The police took the mother and put her in another jail and kept

the mother and the daughter separately, in jail. I want to know from Mr. Sathe whether he knew this. I can tell you that Mrs. Indira Gandhi knew about it because we wrote letters to her; we told her that these were happening and keeping a 7 year old girl in jail is not right. We wrote letters to other Ministers, to all the important ministers. We did not write to Brahmananda Reddy because he was not functioning as Home Minister; Om Mehta was functioning from under him; we wrote to him; we wrote to all the important ministers. The hon. Members there should tell us whether they knew that in Godavari Khana three boys were picked up for pasting posters. What did the posters say? End Emergency; Release all Leaders. That is all the posters said. They were taken to jail, stripped naked and tortured with cigarette butts; there are photographs of this with me and they have been published all over the world; their entire body was burnt with cigarette butts. After that they were produced before magistrate who was shocked and he got them admitted in the hospital. The lawyers association went and saw them in the hospital and passed a resolution and sent that resolution to Indira Gandhi: Please do something. What was Indira Gandhi's reply? The president of the bar association was arrested under MISA; this was her reply.

They are the guilty people; we must know all those people through and through. History books will only accentuate the crimes that they have done. We do not know the entire story yet. Some of the files they have run away with. I do not know where the files have gone; and it is going to take time to know the full story. But this House knows and the country knows that those people have behaved like criminals; they either actively participated themselves or passively kept quiet without raising a little finger. So I commend Mr. Kamath for bringing

[Dr. Subramaniam Swamy]

forward this forthright resolution, mildly worded, I think proper for the parliamentary forum. I hope the entire House would unanimously vote for it.... That will might be the first step towards *prayaschitta* which will help you in the long run.

SHRI SOMNATH CHATTERJEE (Jadavpur): After the shameful outbursts of Mr. Sathe today, we are happy that the people of this country have got their deliverance from the clutches of tyranny. We shudder to think what would have happened if they were sitting on this side of the House. Then the people of this country would have been under perennial slavery for ages and ages with no hope of deliverance. Mr. Sathe spoke of a * like Mr. Subramaniam Swamy.

We have many differences with Mr. Subramaniam Swamy. But we admire him because when the people of this country were being made a subjugate nation and were being treated as second class citizens with no right left, he had been fortunate enough to get out of this big prison which was India and go and speak for the people of this country who were suffering under the regime of these marauders of democracy. At that time when Mr. Swamy was speaking in America and England, the sycophants and serviles have been going to No. 1 Safdurjang Road with bended knees asking for her mercy. This was the position. They kept quiet when the people of this country suffered and were made to suffer. When a lady like Snehlata Reddy had to give her life, when a young man like Rajan suffered and died in prison, the lady sitting there at No. 1, Safdurjang Road her conscience did not matter at all at that time. This bunch of sycophants whom I call marauders of democracy, those who did not have even the slightest regard either for the people of this country or for themselves, had

mortgaged their conscience. Did they think they were representing people at that time by surrendering their rights and by compromising the rights of the people? Today, Mr. Sathe is giving us a lecture on the attitudes of the people of South India and the attitudes of the people of North India. The whole game of 'Divide and rule' is still being perpetrated. I have no manner of doubt that the people of South India will rectify their mistake at the earliest opportunity they get. We believe in the democratic sense and spirit of the people of South India. We do not want to make any distinction between the people of North India and the people of South India. This has been the expression of the largest number of people of this country, who have voted unhesitatingly against the party, which was in power for the last thirty years at the centre. Therefore you are trying to shed crocodile tears for the people of South India saying that they are the people who appreciated the so-called gains of the emergency and that the people of North India did not understand it. Probably local issues like language issue are exploited during the last Lok Sabha elections. Tamil Nadu has at least cut them into size and I hope that Tamil Nadu wave will spread to Karnataka and other places. I hope elections is held soon there.

Then, objection was taken to the word 'gang' in the resolution. I agree with Mr. Swamy that it is a mild word that has been used. Perhaps the word 'butchers' is also a mild word.

They had plundered, looted and a carnage was let loose in this country by a handful of people taking advantage of a temporary majority. Elections were held in 1971. Elections were not held in 1976 and the reason given was that election could not be held. A theory was adumbrated that they were infallible because their leader was supposed to be in-

*Expunged as ordered by the Chair.

fallible and indispensable. A new definition of democracy was propounded out namely 'Indira is India, India is Indira' and the democracy was for Indira only and Nehru's family and the democracy was not for Rajan or Snehlata Reddy or Mr. Jyotirmoy Bosu or Mr. Charan Singh. This was the position. Today Mr. Sathe in his anxiety to support a hopeless cause has given a go-bye to all senses of truth and justice. Sir, I would like to draw the attention of the hon. House as to what was the position of Mr. Jyotirmoy Bosu about which I said during the debate in the last House on the MISA Amendment Bill when Mr. Brahamananda Reddy, who has been cut to size now, was the Home Minister. We used to witness his pitiable condition coming here as a homeless Home Minister. This was his condition, to put it shortly.

Mr. Bosu was kept in complete isolation in a solitary cell in Hissar jail. As a practising lawyer, I had gone and taken interview of Jyotirmoy Bosu in Hissar jail. With great difficulty I got permission and I was surrounded by the Superintendent of police, the Superintendent of jails, a CID man in Delhi and another two or three persons whose identity was not disclosed and there was supposed to be a legal interview between a client and a lawyer because I was to move *Habeas Corpus* petition which I did subsequently. No person other than those on duty were allowed to go in. The cell had no window or door excepting a small ventilator at ceiling height and a grilled iron gate. When there was dust storm, he had no protection from such storm. The cell also got flooded when there was a downpour. We further understand that to make the isolation complete the jail authorities had fixed two thick blankets on the courtyard gate so that nothing outside was visible for him. Over and above kutchha brick and mud mortar buffer wall had been erected

to make the invisibility doubly sure. For a number of days there were no switches for the lights in the cell. So he had to sleep with a powerful bulb on throughout the night which attracted thousands of insects. Subsequently the bulb was removed, but he had to live and eat in darkness. The fan which had been provided for him hardly worked due to frequent voltage fluctuations, apart from load-shedding. There were a number of open latrines and drains near his cell; as a result whereof the place was infested with flies. The open water reservoir adjoining the latrine was also a source of danger.

This was the position and Mr. Sathe was talking as if Mr. Jyotirmoy Bosu was in a delayed honeymoon in Jaipur enjoying good time with his wife. This is the attitude. These are shameless people. They should hang their heads in shame. This is the way they treat the representatives of the people.

SHRI VASANT SATHE: I protest. I talked of his stay in Jaipur only.

SHRI SOMNATH CHATTERJEE: Sir, Mr. Jyotirmoy Bosu's father died. Under an order of court he was taken to Calcutta and then he had his heart attack in Calcutta and an attempt was made to forcibly bring him back from Calcutta to Delhi and then to Hissar and it would have entailed a motor drive for another 250 miles and probably that was the method of accelerating the end of Jyotirmoy Bosu. But the people want him, you cannot put an end to him so soon. What happened then? We went to court and obtained an order of court. The Medical Superintendent of the Calcutta Presidency jail had recommended that without a proper treatment in Calcutta, he should not be removed because the condition of his heart was such that he would not be able to bear the strain of the journey. And until we obtained the order of the court, the Government was adamant. They said 'We must take him'. We went to the court, the court

Shri Somnath Chatterjee directed that without a proper treatment and the clearance of the doctors he should not be taken out. The Government did not believe this. The Government made an application to the court for appointment of a panel of doctors for the examination of his health. They sent three doctors from Delhi. Three doctors went from Delhi, examined him and gave a report in writing that he should be on complete bed rest. Kindly consider what would have happened to Jyotirmoy Bosu when the Government doctors who were specifically sent from Delhi to Calcutta for the purpose of examining his health recommended that he should not be removed from Calcutta and the Government was forcibly trying to bring him and put him back again in the solitary confinement in Hissar. The object was very clear. Because he was a thorn in their flesh. This is the position and I think Mr. Sathe has learned some lesson today. These are the people who declared a war on the people of this country and that is why when the people of this country have earned their deliverance from this ruthless regime, from a vile administrative and political set up, it is meet and proper that in this House as representatives of the people we should thank the people of this country for earning their deliverance, giving us back our right to speak, express their urges and aspirations before this House so that this may be a country where rule of law prevails, at least we can get it back. Therefore, I must congratulate Mr. Kamath for coming out with this Resolution, I do not know whether Mr. Sathe genuinely believes in what he has said today; or whether there is still some strong whip in force in their party—when he was made to say what he has said today.

SHRI VASANT SATHE: I genuinely believe every word of what I have said. I do not speak like you.

SHRI SOMNATH CHATTERJEE:

There were instances, so many instances of tyranny and torture. It will take hours and days to explain them, with whatever little details that we have. We don't have all the details from all over India. It will take 2 or 3 hours to give the minimum of details, about some of the instances and how they have taken place in this country.

Every democratic and political set up was denigrated and every moral and political value was decimated in this country, during those 19-20 months, for the sake of the personal ends of an individual and her family. What we found was that an attempt was made under the garb of constitutional provisions to set up a dynastic rule; and this gentlemen today and others like him were on their benediced knees and asking for their blessings. (Interruptions) A half-educated young man had become their god-father. (Interruptions) Shameless people.

SHRI VASANT SATHE: You are a lawyer. Can you show me one provision in the Constitution which leads to a dynastic rule?

SHRI SOMNATH CHATTERJEE: I know he has lost his balance. Like his speech, I have to treat his outburst today with the contempt that it deserves.

So far as the abuse of MISA is concerned, I don't have to tell hon. friends here. Everybody knows it; but how did it happen. Not only political people, but government servants were also put under MISA. Inconvenient government servants who would not toe their line, who would not be a party to their corrupt administration, honest government servants who wanted to serve the people of this country honestly, truthfully and with a sense of responsibility and duty, were suspended, put under MISA and they lost their jobs. I must thank this government; they restored jobs to those people, whose services were terminated under 311(2)(c) of the Constitution. We had to go to the

court in some cases; and we got orders of reinstatement. This is what happened.

Now about Parliament. We could not help it. We were in a microscopic minority in the House. This Parliament was turned into a rubber stamp. It was packed with 'Yes-men'. (*Interruptions*) I was an unhappy participant in the deliberations that were taking place here. We could not help it. That is why when the forty second Amendment came we did not participate. Then they were vying with each other in extending their support. Today they are having the realization that the 42nd Amendment should go. This is the position. When the MISA amendment came they were vying with each other in supporting it. And Mr. Sathe will remember that day in the last House when we gave so many instances of misuse of MISA; he said himself that a 70-year-old paralytic had been detained. He was one of his teachers, if I am not mistaken. But he must raise his hand in support of the mother. Otherwise where will he be? Probably he would have had to go and give company to Mr. Jyotirmoy Bosu in the Hissar jail. That is why he had to support them.

What about the judiciary? They wanted not only a committed judiciary, but an ineffective judiciary, because they realized that some relief can be obtained by the oppressed people of this country through the judiciary which, according to me at least, is not yet perfect; but even then, in this imperfect system, people of this country could get some remedy, some relief; but even that was denied. The doors of the courts were closed. The only doors that were kept open were the doors of 1, Safdarjung Road; of course after screening people would be allowed admittance. They must pay their obeisance first, prove their loyalty to the mother and more loyalty to the son.

Then about the transfers which

were made of government servants. Only on political vendetta this had happened. Everybody knows in this country how the press was treated. The last Government was afraid of scrutiny by the people of their actions. They were afraid of scrutiny by the press of their actions. They were afraid of scrutiny of their action by Parliament. That is why Parliament's rights had been taken away and even the rules of business were abolished or suspended. That was the way the country was being treated by the henchmen of a particular individual or family. All these persons were just dittoing and trying to strengthen the hands of the Indira Government, which had become identified with the regime of a dictator.

She used to be called Asia's Mukti Surya; I do not know how to translate it, perhaps the sun of deliverance. However, when that sun set, the people of this country got Mukti. This is the position in this country today.

We have been told so many things. What happened to the Constitution? Why was it mutilated? For whose benefit the Constitution was amended? Which amendment of the Constitution was for the benefit of the people of this country, a single individual in this country, except for a pack of people? I am sure she would not have amended this Constitution, if she had realised that people were against her. Then she would not have agreed to confer powers on the new Prime Minister or new Home Minister or the new Government. What did she think of the people? She thought that the people were no longer their masters and that she had become the master of the people and that she could do anything she liked. As I said, they were giving a new definition to democracy. In the name of order and discipline everything was sought to be justified, because order and discipline was, according to the last government, the supreme and last word. Another person, in famous

[Shri Somnath Chatterjee]

person in the history of the world at uttered similar words and may I, with your permission, quote him?

"Men are weary of liberty; they have had a surfeit of it. At this new dawn of history there are other words which move more deeply; the words are 'Order and Discipline'."

This is what Mussolini said and we heard the same words in this country.

Now we are being given lectures on democracy, fairplay, the attitude of the people of South India, on patriotism and who are traitors.

Therefore, I support this Resolution and I say that it is necessary that in future the people of this country should take care to see that a recurrence of this evil does not take place. We should get rid of this once and for all. We may be a poor people, but let us have, let us at least have that impression, that feeling that we are a free people. Our children may be poor. May be that 70 per cent of the people of this country are below the poverty level. They had idolatred the previous Government so long. Even when they had not got their economic independence. But then they found that they were losing the little political rights which they had under the Constitution of India, which was framed under the leadership of Dr. Rajendra Prasad, Dr. B. R. Ambedkar and Pandit Jawaharlal Nehru. Shri Kamath was a very eminent member of that Constituent Assembly. For four years they deliberated upon the Constitution, and they framed the Constitution, which guaranteed certain minimal rights to the people of this country, called the fundamental rights. If we did not bring about economic independence, economic *mukti* to the people of this country, at least they should be made to feel that they are citizens of an independent country and that they are not second-class citizens. But they were made second-class citizens in this country, and even the little political

rights which were given under the name of fundamental rights were taken away just to suit the convenience of a particular set of people in this country. We have seen how the constitution was abused, how Ministries were toppled, how defection was encouraged in this country, how Chief Ministers had to dance attendance on the powers that be at No. 1, Safdarjung Road, how one Chief Minister would go and how another would come, how article 356 of the Constitution was taken recourse to to bring Governor's rule in the different States, and last but not the least, the creation of what has come to be known in this country as a source of extra-constitutional power. Kindly imagine what sort of administration in this country there was, what sort of rule of law, what sort of abedience to the constitutional provisions. A person with no credibility, no sense of responsibility to anybody, who did not have the slightest liability to account for himself before anybody in this country was ruling the country for all practical purposes, and the Cabinet Ministers were ignored, were treated as mere chaprasis. When the emergency was declared, they were not even consulted. We did not find any protest when the present hon. Home Minister said that from the records it appeared that the Cabinet was not consulted before the declaration of the emergency on the 25th June, 1975. What were these people doing then, these Members of Parliament who were always reminding us during the last Parliament that they had the massive mandate of the people? They thought they had a massive mandate and that through that they could take away the rights of the people, they could do anything under the leadership of an *arvachin* as it is called in Sanskrit, with an almost half-educated person at the top of the people of this country who has been indulging not in serving the people but in making funds for himself in different ways. I hope the hon. Leader of the Opposition who is here will instil some sense into the head of Mr. Sathe and other persons.

My only request to Mr. Kamath, for whom I have the highest respect, is that after the words "Values, for which" he may include the words "leaders like", so that there may not be any unintentional omission of other persons who had made their contribution to the development or progress of this country.

With these words I support the Resolution, and I hope my friends on that side will come to their senses at least now and realise that the people of this country have made them also free and restored to them their sense of prestige.

SHRI KANWAR LAL GUPTA (Delhi Sadar): May I request Shri Brahmananda Reddy, through you, to speak on this Resolution and put forward his party's point of view, so that we may know whether what Mr. Sathe has said represents it or not. We want to know from the President of the Congress. He was the Home Minister. Let us know the facts. This is a very important Resolution. The whole House is interested in hearing him. We want him to speak on it. We want to know whether there were tortures or not and whether he was consulted or whether he was just a puppet in the hands of Sanjay Gandhi. I am prepared to prove it on the floor of the House. Let him deny it. We want to hear him.

18 hrs.

MR. CHAIRMAN: Mr. Lakkappa.

SHRI K. LAKKAPPA: Mr. Chairman, Sir.... (Interruptions).

MR. CHAIRMAN: Under the rules, you cannot compel anybody to speak. The Home Minister will reply at 6.15 (Interruptions).

SHRI K. P. UNNIKRISHNAN: I am on a point of order. Under the rules, the allotted time for this Resolution is over. So, we are not supposed to discuss it any further unless the House decides otherwise. There has been a representation from this side that we do not want to sit after 6 o'clock.

MR. CHAIRMAN: The time has been extended till 6.30.

SHRI K. P. UNNIKRISHNAN: No motion has been moved. If you want, you can move it now.

MR. CHAIRMAN: I placed the matter before the House and the House had accepted it.

SHRI J. RAMESHWARA RAO (Mehboobnagar): May I make a humble submission? If the House wishes to sit after 6 o'clock, a formal motion has to be moved and approved by the House. A formal motion has not been moved and the extension has not been approved. A formal motion has to be moved. It has not been done.

MR. CHAIRMAN: This was discussed and it was agreed to. The House was extended till 6.30 (Interruptions).

SHRI J. RAMESHWARA RAO: No formal motion was moved. Under the rules of the House, a formal motion has to be moved.

SHRI KRISHNA CHANDRA HALDER: I move a motion to extend the time of the House by half an hour
.... (Interruptions).

SHRI J. RAMESHWARA RAO: The motion to extend the time of the House must be moved before 6 o'clock. If the motion to extend the time of the House has not been moved before 6 o'clock, it cannot be moved after 6 o'clock. The discussion on this Resolution can be continued on the next day.

MR. CHAIRMAN: A point has been raised that there has not been a proper motion moved for extending the time of the House. So, the discussion on this Resolution will be continued on the next day allotted for the Private Members' Resolutions. The House now stands adjourned till 11 A.M. tomorrow.

18.06 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Saturday, July 9, 1977/Asadha 18, 1899 (Saka).