

**MOTION RE EXPULSION OF SHRI SUBRAMANIAN SWAMY FROM THE HOUSE**

THE LEADER OF THE HOUSE (SHRI KAMLAPATI TRIPATHI): Sir, I beg to move the following Motion:—

“This House, having considered the report of the Committee appointed in pursuance of the Motion adopted by it at its sitting held on September 2, 1976, to investigate the conduct and activities of Shri Subramanian Swamy, Member, Rajya Sabha, accepts the findings of the Committee that the conduct of Shri Swamy is derogatory to the dignity of the House and its members, and inconsistent with the standards which the House expects from its members and resolves that Shri Subramanian Swamy be expelled from the House.”

मान्यवर, इस सदन में यह पहला अवसर है.....

SHRI BANARSI DAS (Uttar Pradesh): On a point of order.

MR. CHAIRMAN: Let him move. Why are you in a hurry? If you want to speak, I will allow you to speak.

SHRI BANARSI DAS: I am on a point of order.

MR. CHAIRMAN: There is no point of order. Let him finish first.

श्री कमलापति त्रिपाठी : मान्यवर, मैं कह रहा था कि मैंने इस प्रस्ताव को आपकी अनुमति से उपस्थित किया है...

श्री ओम प्रकाश त्यागी (उत्तर प्रदेश) : मभापति जी, क्या पाइन्ट ऑफ आर्डर नहीं हो सकता है ?

MR. CHAIRMAN: I am not saying that it cannot be raised, but let him finish. Where is the hurry?

श्री कमलापति त्रिपाठी : मान्यवर, यह पहला अवसर है जब कि इस सदन के 20

वर्षों के जीवन में इस प्रकार का प्रस्ताव इस सदन में उपस्थित करने की आवश्यकता पड़ी। मुझे आज यह प्रस्ताव प्रस्तुत करना पड़ा है, इसका मुझे दुःख है। लेकिन एक कठोर कर्तव्य का पालन करने की आवश्यकता जीवन में पड़ती ही है तो ऐसा होना ही होता है। श्रीमन, आप जानते हैं कि इस हाउस की एक कमेटी बनी थी और उस कमेटी की कई बैठकें हुई। उस कमेटी की रिपोर्ट आदरणीय सदन के सम्मुख है। उस कमेटी में जिन बातों की चर्चा हुई वे विस्तार से उसमें लिखी हुई हैं? सदस्यों ने उन सब बातों को देखा होगा। अभी हम लोगों ने यहां पर सिवधान मंशोधन करके संसद् को पूरी प्रभुसत्ता प्रदान की है और यह निश्चय किया है कि हमारी संसद् को पूरा अधिकार है कि वह संविधान में संशोधन कर सके। ऐसा प्रभुसत्ता सम्पन्न यह हमारा सदन है। ऐसी स्थिति में इस सदन के जो सदस्य हैं उनसे कुछ आशाएं की जाती हैं और यह उम्मीद की जाती है कि वे इस सदन को गरिमा, उसके गौरव और उसकी मर्यादा की रक्षा करेंगे। इस सदन की मर्यादा की रक्षा करने का उत्तरदायित्व और कर्तव्य उनके सदस्यों पर ही है। यह अत्यन्त खेद की बात है कि श्री सुब्रमण्यम स्वामी, जिनके आचरण की जांच करने के लिए इस कमेटी की स्थापना की गई थी, उनको इस बात का पूरा अवसर दिया गया कि वे इस कमेटी के सामने आए और जो अभियोग उनके प्रति लगाये गये हैं उनके संबंध में अपनी सफाई दें और उसका स्पष्टीकरण करें, लेकिन बारम्बार अवसर दिये जाने के बावजूद वे कमेटी के सामने आ नहीं सके। जो रिपोर्ट सदन के सामने प्रस्तुत है, वह जो सामग्री हमारे पास थी, उसके आधार पर तैयार की गई है। मान्यवर, मुझे इस बात का खेद है कि श्री सुब्रमण्यम स्वामी उस षडयंत्र के एक अंग हो गये जो इस देश में और इस देश के बाहर चल रहा

है। भारत के विरुद्ध जिस प्रकार का कार्य वे कर रहे हैं उसकी आशा इस सदन के एक सदस्य से नहीं की जा सकती है। ऐसी स्थिति में इस सदन की मर्यादा की रक्षा के लिए, उसके गौरव की रक्षा के लिए और उसकी गरिमा की रक्षा के लिए यह कठोर पग उठाना पड़ रहा है। यद्यपि हम अपने एक साथी के प्रति इस प्रकार की कार्यवाही कर रहे हैं। श्रीमन्, मैं यह प्रस्ताव करता हूँ कि इस सदन की गरिमा उसके गौरव और उसकी मर्यादा की रक्षा के लिए श्री सुब्रमण्यम स्वामी के संबंध में जो रिपोर्ट आई है और उस रिपोर्ट में जो फैसला किया गया है उसको स्वीकार किया जाए और उन्हें सदन से निष्कासित कर दिया जाए।

SHRI BANARSI DAS: On a point of order .....

MR. CHAIRMAN: Why are you in a hurry?

*The question was proposed.*

SHRI BANARSI DAS: I am on a point of order.

MR. CHAIRMAN: There is an amendment to the Motion.. What is your point of order?

SHRI BANARSI DAS: Sir, have some patience. Rule 249 says:

If a Minister quotes in the Council a despatch or other State Paper which has not been presented to the Council, he shall lay the relevant paper on the Table:

Provided that this rule shall not apply to any documents which are stated by the Minister to be of such a nature that their production would be inconsistent with public interest:

Provided further that where a Minister gives in his own words a summary or gist of such despatch or State Paper it shall not be necessary to lay the relevant papers on the Table.

Shri Om Mehta in his report, which has been presented to the House, has given in Appendix III only an extract of letter dated October 20, 1976, addressed by Shri Subramanian Swamy to Shri Om Mehta...

شری سید احمد ہاشمی - (اُتر پردیش):  
پہلے موشن کے اوپر رائے لکھنے پر  
ان کو بولنے کا حق دیا جائے۔

† श्री सैयद अहमद हाशमी (उत्तर प्रदेश) :  
पहले मोशन के ऊपर राय लीजिये फिर  
उनको बोलने का हक दिया जाये।

श्री बनारसी दास : श्रीमन्, इस प्वायंट आफ आर्डर द्वारा मेरा निवेदन यह है कि श्री स्वामी के पत्र को टेबल पर रखा जाए। जब तक वह पत्र यहाँ नहीं रखा जायेगा हम लोग इस मामले पर पूर्णतया विचार नहीं कर सकते हैं। इसलिये मेरा निवेदन है कि श्री स्वामी के 20 अक्टूबर के पत्र का एक्स्ट्रेक्ट दिया जाये उसे टेबल पर रखा जाए और उस वक्त तक के लिये सदन को स्थगित कर दिया जाए।

MR. CHAIRMAN: The important portion that the hon. Members should know has been given in the extract. That is enough. It is not necessary that all unnecessary details should be given.

श्री अं उम प्रकाश त्यागी : मेरा प्वायंट आफ आर्डर यह है कि जो स्वामी जी के बारे में रिपोर्ट आई है, उसमें कई वैधानिक कठिनाइयाँ हैं, आपत्तियाँ हैं। उसको रहते हुए सदन में इस रिपोर्ट को उपस्थित करना उचित नहीं है। पहली आपत्ति यह है कि तमाम संसार में यह नियम है कि दोषारोपण या दोष लगाने वाला कभी भी जज नहीं बनता। अगर वह जज बनता है तो उसका निर्णय कभी भी वैधानिक नहीं हो सकता है।

† [ ] Devnagari transliteration.

MR. CHAIRMAN: You can raise this during the discussion of the Motion. You can give these arguments.

SHRI BANARSI DAS: But this is a point of order.

MR. CHAIRMAN: Then there is no difficulty. I can decide it. If it is strictly a point of order then I can ask him to close. Do you want that? I thought I should give him better opportunity which he can avail while discussing the Motion.

SHRI OM PRAKASH TYAGI: All right.

SHRI KRISHAN KANT (Haryana): Sir, I move:

In the Motion in lines 5-9—

for the words "accepts the findings of the Committee that the conduct of Shri Swamy is derogatory to the dignity of the House and its members, and inconsistent with the standards which the House expects from its members and resolves that Shri Subramanian Swamy be expelled from the House."

substitute the following:

"is of the opinion that ground No. (3) in the said report for the expulsion of Shri Subramanian Swamy does not warrant any action against him and directs that Shri Subramanian Swamy be present in the House on the first day of the next session to explain his position regarding grounds Nos. 1 and 2 contained in the Report."

*The question was proposed.*

SHRI KRISHAN KANT: Mr. Chairman, in the Rajya Sabha's history for the last 26 or 27 years, this is a very grave situation, when we have to take action against a colleague of ours in this House. I am one with the Leader of the House that the standards of dignity and honour of the House and its

Members must be supreme and the conduct of the Members should be exemplary so that we can ask the administration and the people of India to emulate them. That is why, when we take such a severe action I thought we should give our view and place it before the House, its Chairman and its Leader. I have moved my amendment with this motive so that this House, either tomorrow or a year after, may not be charged that it took a hasty step in setting the standards of its Members. In my amendment I have said that as regards grounds 1 and 2 a decision can be taken. If they are proved to be correct, certainly they need complete condemnation. But, Sir, before we do that, I would like to say one thing. From the Report, Sir, I find that Shri Subramanian Swamy did not come. But I think that there is no harm if this House directs him by saying that he must present himself on the first day of the next Session so that this House would have fulfilled its duty towards itself and not towards Shri Subramanian Swamy. Thus it would have fulfilled its duties and would have given him a chance which he could not get to appear before the House so that the House could unanimously take certain decisions. That was my point regarding that.

SHRI IRENGBAM TOMPOK SINGH (Manipur): Why did he not appear before the Committee? He was given several chances. Why did he not appear before the Committee?

MR. CHAIRMAN: No, this is not the way. Unless you are allowed to speak, you cannot speak. Please sit down.

SHRI KRISHAN KANT: Sir, the spirit of intolerance prevails now.

Now, Sir, as far as my amendment is concerned, it says that ground No. (3) in the report, which says that he is to be expelled for his anti-national activities, does not warrant any action against him. Sir, the Prime Minister, while speaking in the other House, while intervening in the debate on the

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Constitution (Forty-fourth Amendment) Bill in the Lok Sabha, wanted to allay the apprehensions of the Members in the House and those expressed outside in the country that certain activities against the Government, anti-Congress and anti-Prime Minister might be called antinational for the purpose of penalising opponents. The Prime Minister said: "We want to make it clear that we do not consider the anti-Government, anti-Congress or anti-Prime Minister activities to be anti-national activities." That was very good of her and that cleared the position. Now, Sir, from this Report itself, I find one thing. There is a four-page writing on his anti-national activities. But the Report itself says:

"Full reports of Shri Swamy's activities in the UK, USA and Canada are, of course, not known to the Committee, but whatever report is available would show that Shri Swamy was virtually acting as a tool of anti-India elements during his visits abroad."

Sir, the Committee itself does not have the full facts, but is taking an extreme step. I am not talking about the other things, about grounds No. (1) and (2) or about other things....

SHRI KAMESHWAR SINGH (Bihar): Sir, he is charging that they themselves do not have the full facts. The Committee knows certain things. But the Committee may not know all the things. If Mr. Subramanian Swamy has gone and talked to somebody of the CIA or the Mafia group in a room, naturally the Committee may not know everything of that. As you know, Sir, in the USA, they have bases of operation, the CIA has bases of operation, and the Mafia has also its branches and it is known that the CIA had collaboration with the Mafia to knock down certain political figures abroad. Does it mean that the Committee would know all these things? My point of order is....

MR. CHAIRMAN: There is no point of order. Please sit down.

SHRI KAMESHWAR SINGH: Sir, it is a point of order because he is absolutely wrong.

SHRI KRISHAN KANT: Thank you, Sir, for scoring out the point of order.

Sir, I was saying that only two points have been raised in this, that is, in ground No. (3). One is about what he has said about Parliament. He has described Parliament as a captive Parliament. Sir, in this connection, may I draw your attention to the remarks of Lord Hailsham when he spoke on the BBC? He was the leader of the House there and he has said about the parliamentary institutions there as such:

"It is not Parliament that controls the Government but it is the Government that controls Parliament...."

He has said this in his speech which was reported on a full page in "The London Times" and it has been very well commented upon.

"They want to curb the rights of Parliament and want to codify Bill of rights. The present situation is such that Parliament's power has been reduced to the Government's side of Parliament and from the Government's side of Parliament to the Treasury Benches of Parliament and from the Treasury Benches to the Cabinet side and from the Cabinet side to the caucus in the Cabinet."

This is what he has said. So this change is nothing but superfluous. This is a situation which everybody wants to discuss and this is a situation which everybody wants to remove. And, Sir, in a country, where the MISA has been passed, where protection is not given and where even the Supreme Court has held that during the emergency the right to life and liberty does not exist, which is completely against what we

have been preaching before and since Independence, this is the situation and if he says that Parliament is like that, there is nothing unparliamentary about it which lowers the dignity of Parliament. Even Gandhi said that unless pressure was brought from outside British Parliament did not act, it had become sterile. So a discussion of such a situation does not mean bringing down the dignity of Parliament.

Then, the only concrete thing, the only concrete example, which this report has given and which Tripathiji has also signed, is what Mr. Subramanian Swamy is reported to have said in 'Toronto Star' on February 11, 1976, which says:

"Mrs. Gandhi could be killed, Indian MP in exile says",

along with a photograph of Mr. Subramanian Swamy. This report states:

"There is a fear in India that Communists will assassinate Prime Minister Indira Gandhi, blame the democratic opposition and take over government, an Indian Parliamentarian in-hiding says."

The report further states—

"They (pro-Moscow Communists) could find a new Prime Minister among their own party, or a sympathiser in Mrs. Gandhi's Congress Party."

This is the only concrete thing. Here, Mr. Subramanian Swamy has not said anything even against the Government. He has only stated against the C.P.I., Communist Party of India, not against the Prime Minister. So, Sir, the only concrete quotation that has been given does not speak of any anti-national activities. I never thought that anti-CPI means anti-national activity. This concrete example, the only concrete example, of what Mr. Subramanian Swamy said, is ridiculous. I do not agree with Mr. Subramanian Swamy, with what he said. I do not think that the

CPI or anybody will do that. I do not believe in the charges of C.P.I. and others against other Opposition leaders that they wanted to create trouble. Neither they are correct nor the others are correct. The situation is different. The CPI is criticizing certain forces in this country without basis, and others are replying. So how does the Parliamentary Committee come to the conclusion that this is an anti-national activity? Sir to include this as a charge is derogatory to Parliament, it does not behave them or it does not add to their dignity if we accept this report.

Interestingly, certainly, I am glad that Shri Sitaram Kesri a very responsible member of the ruling Congress party, after all, has given a statement which appeared two days back wherein he has come round to the situation when he says: "The Communist Party of India is at present indulging in destabilisation...".

Sir, that was the charge. Sir, to criticise the C.P.I. does not mean criticizing the people of India. That is what we have been saying that phobia against J. P., created by the C.P.I., meant creating confrontation and destabilisation. Sir, I do not agree that to criticize the C.P.I. is anti-national. Mr. Sitaram Kesri is justified in saying what he has said about the C.P.I. creating destabilisation. Mr. Subramanian Swamy may be wrong in that charge, but he is right in charging that the Communist Party was responsible for creating destabilisation and creating confrontation. And that is why, Sir. Mr. Chandra Shekhar, myself, Mr. Ram Dhan and Mr. Mohan Dharia, have been saying: "Forget the differences and have talks. because if confrontation continues then destabilisation will come in." I remember Mr. Bhupesh Gupta trying to have a commitment from Mr. Brahmananda Reddi that he would have no talks with Shri Jayaprakash Narayan. That was the attempt of the C.P.I.

Mr. Bhupesh Gupta is a member of this committee. That is why probably

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he could get included this ground (3) here. That is what my charge is, otherwise I do not think that Tripathiji or any Congress member would include this charge. Sir, I hope that Tripathiji remembers that the CPI people once charged that Tripathiji was a reactionary and so he should be turned out. Then, is that anti-national activity? It is they who said, it is Mr. Dange who said that the Congress was like an elephant, control it from the top. What Mr. Kesri is saying today and what the Bengal Congress said yesterday is a simple reality. They want to control the Congress. This is what Dange said. Referring to Russian history he said that like the fight of Kerenskand the old generals let Government and J.P. along with the opposition fight and weaken themselves. Then they will take over. That is destabilisation. I am glad that some people in the Congress are now realising that destabilisation factor is arising from the wrong tactics of the Communist Party of India. They did so in 1942 and they did it at the time of Partition. They are doing the same thing for the last few years. That factor must be realised. I do not think that the hon. Leader of the House should agree to this situation where he says that anti-CPI criticism has become anti-Indian activity. This does not behove the dignity of this House. Therefore, reason No. 3 in the report on the basis of his statement against the CPI to the Toronto Star, is not justified. Also, they have said that he became a tool in the hand of anti-Indian elements. I am one who does not want any foreign interference in the internal affairs of India. If there are problems in India, I would like to settle them among ourselves. The freedom of India was achieved by our struggle. If there are differences today—some people supporting the emergency and the others opposing it—we will decide them by peaceful democratic means. I think the support of anyone else is not required.

(Interruptions).

श्री रामानन्द यादव (बिहार) : बिहार में जे वा ने क्या कहा था? आप भो तो वहां गये थे। हम को याद है।

**SHRI KRISHAN KANT:** I consider Jayaprakash Narayan to be the biggest element of peace and in keeping the people together. The Prime Minister herself said that there was not a whimper. Nobody indulged in violence, because we do not believe in violence, J.P. does not believe in violence. He said...

**SHRI IRENGBAM TOMPOK SINGH:** Are we discussing Jayaprakash Narayan or Subramanian Swamy?

**SHRI KRISHAN KANT:** Now, some mass-media and some newspapers are mentioned in the report. I would like to remind our friends that the people whom they are criticizing as anti-Indians were not anti-Indian before. Jack Anderson criticized President Nixon for sending the Seventh Fleet to the Bay of Bengal at the time of Bangla Desh war. He was not anti-Indian then. Prof. Noon Chomsky, M.I.T., fought against American involvement in Vietnam war. We gave him Jawaharlal Nehru award for international understanding. When he writes today about the erosion of democratic institutions and values in India, he has not become anti-Indian. His letter is not replied or acknowledged...

**MR. CHAIRMAN:** It has nothing to do with this Committee's report.

**SHRI KAMESHWAR SINGH:** On a point of order, Sir. Could we strictly restrict the debate to Shri Subramanian Swamy?

**MR. CHAIRMAN:** I have already told him.

**SHRI KRISHAN KANT:** I certainly hope that the Leader of the House, Shri Kamalapati Tripathi, would drop this charge.

Sir, here is a book, not published by some private author, but published by the Government of India on the Bangladesh Document. Here is a list of names of those people who are

today critical of India. You have said that Shri Subramanian Swamy became an agent there of anti-Indian elements.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS, DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI OM MEHTA): What about Jagjit Singh?

SHRI KRISHAN KANT: I am not supporting Jagjit Singh. Please condemn him and take action against him. I am only pointing out that this Government document mentions certain names. I am reading from this document: Fenner Brockway, New York Times, Washington Post, London Times, Guardian, West German Press, Willy Brandt, Senator Mondale, Socialist International, Amnesty International and International Convention of Jurists. Then Edward Kennedy, Senator Saxbe and Members of the British Parliament. Sir, they were all friends at that time of the Bangla Desh war. If today, somehow they feel that something has gone wrong in India and democracy is being given a good-bye, have they not a right to say something? This is not anti-India....

SHRI OM MEHTA: Nowhere have they been mentioned in the Report. How could you take these people as anti-India? Sir, he is bringing some extraneous things here. We have never said that these people are anti-India.

SHRI KRISHAN KANT: I am coming to the point, Sir. That is why, Sir, if Mr. Subramanian Swamy has said....

SHRI OM MEHTA: Sir, I think the point should be clarified. We have never said these names in the Report. I do not know from where he is bringing these names.

MR. CHAIRMAN: He also does not say that these are from the Report.

SHRI OM MEHTA: How can he say that?....

(Interruptions)

SHRI KRISHAN KANT: The Government has been criticizing the western mass-media of anti-Indian bias day in and day out and there is mention about this mass-media in the report of the committee. The newspapers are mass-media. T. V. and Radio is mass-media. I am exposing the truth of the situation only. They get perturbed. Sir, the situation has become:

हम ग्राह्य भी करते हैं तो हो जाते हैं बदनाम,  
बो कत्ल भी करते हैं तो चर्चा नहीं होता।

That is the situation.

شہری سود احمد ہاشمی :

شکریہ پرسش غم کا مگر اصرار نہ کر  
پوچھنے والے یہ تیرا ہی کہیں راز نہ ہو۔

†[ श्री सत्यद अहमद हाशमी :

शुक्रिया पुसिण गम का मगर इस्तरार न कर,  
पूछने वाले यह तेरा ही कहीं राज न हो।

SHRI KRISHAN KANT: I am sorry, Sir, that whatever Shri Swamy has spoken is considered anti-India. Speaking against the Government of India's policy, speaking against the emergency is not unpatriotic. Probably this last paragraph has been drafted by Mr. Bhupesh Gupta.

SHRI YASHPAL KAPUR (Uttar Pradesh): Sir, I want to make a submission. Sir, an important issue has been raised by quoting the name of a gentleman who is now the Vice-President of America. And if anything like this that this House or any Committee of this House is charging him with being anti-India and all that....

SHRI OM MEHTA: We are not charging.

SHRI YASHPAL KAPUR: That is being raised by him, the Member from the Opposition. If this goes on

†[ ] Devanagiri transliteration.

[Shri Yashpal Kapur]

record, Sir, this is likely to create a misunderstanding on the diplomatic and international levels and I request you, Sir, that these names must be expunged from the record.

MR. CHAIRMAN: You finish now.

SHRI KRISHAN KANT: Sir, here another word has been used patently unpatriotic and anti-national activity.

MR. CHAIRMAN: Why are you explaining all those things? Whether you support it or not, you finish now.

SHRI YASHPAL KAPUR: What is your ruling, Sir? The name of the Vice-President of the United States and others are mentioned.

SHRI KAMESHWAR SINGH: That should be expunged.

SHRI KRISHAN KANT: How can it be? May I say....

SHRI JAGAN NATH BHARDWAJ  
(Himachal Pradesh): You prove that  
you are patriotic....

(Interruptions).

**SHRI KRISHAN KANT:** Sir, I am closing the argument. Talking against emergency, talking against the MISA is not unpatriotic.

MR. CHAIRMAN: You have said it a number of times. Why do you want to repeat it now? There must be some limit

**SHRI KRISHAN KANT:** So, Sir, my whole approach is this. What they have added here is like this whatever is against Government is anti-Indian. Now whatever is against C.P.I. is anti-Indian. The situation is this. They do not want to hear. They do not want to hear the implications of their recommendations. No vakil, no daleel, no appeal. That is the true expression of the situation today. We cannot talk outside. Press would not print. Speaking outside is bad, speaking inside is bad. Where do we go?

MR. CHAIRMAN: You have been allowed to speak. Still you are complain-

ing that you are not allowed. It is not fair.

SHRI JAGJIT SINGH ANAND  
(Punjab): What are you doing now?  
You are contradicting yourself just  
now.

SHRI KRISHAN KANT: I am saying this. Because of their intervention.

SHRI JAGJIT SINGH ANAND: Sir, he is making a wrong statement. He is not prevented to speak in the House.

MR. CHAIRMAN: Please be brief.

**SHRI KRISHAN KANT:** What do we do if some wrong statements are made about the Opposition? Mr. Om Mehta said that everybody has been released and only those violent and subversive elements are in jail. He said that only subversive elements and violent elements have been left in jail.

SHRI OM MEHTA: No, no.

**SHRI KRISHNAN KANT:** No contradiction has come. And this thing is repeated by Mr. Subramanian Swamy that there are many others who are in jail.

MR. CHAIRMAN: Maybe. But those cases are not before the House. You are referring to so many things which are not before the House. You are wasting your time. You are not the only person to reply. There are a number of people to speak.

SHRI KRISHAN KANT: Sir, my appeal is that in criticising those arrests there is nothing unpatriotic.

MR. CHAIRMAN: According to you.

SHRI KRISHAN KANT: According to me it is not unpatriotic because I believe, none of them, either Mr. Chandra Shekhar or Mr. Mohan Dharis or Mr. Ram Dhan or Morarjibhai. Atal Bihari Vajpayee, Advani or Dandavate or Piloo Mody has ever indulged in violence or has any intention of indulging in violence or can indulge



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in violence. To protect them and support them is not wrong action, that is patriotic and most patriotic.

So, in my view, I would say that ground no. 3 should be deleted and it does not warrant any action against Mr. Subramanian Swamy. As regards grounds nos. 1 and 2, I have said, Sir, if he may not have appeared before the Committee....

SHRI OM MEHTA: Why?

SHRI KRISHAN KANT: I am not know why. This House is the biggest Committee in our land and...

SHRI JAGAN NATH BHARDWAJ: For how many days has he been absent from this House?

SHRI KRISHAN KANT: I am not supporting all that. What I am saying is...

MR. CHAIRMAN: Please conclude now.

SHRI KRISHAN KANT: Sir, what I am saying is that if he may not have appeared before the Committee, this House is the highest court in our land and it is befitting the honour and impartiality of this House and strength and character of this House that it should give him a chance to come before the House. Sir, if he does not come and action is delayed, heavens will not fall and this House will remain strengthened. (*Interruptions*). Sir, I do not know who is strong here. We are all weak people. Sir, I am only asking for fairness—fairness may be weak voice but its strength is inherent—and I think hon. Tripathiji accepts this thing that merely heckling me does not show the strength but that shows the inherent weakness of the case. That is my view.

MR. CHAIRMAN: Now both the Motion and the amendment are open for discussion. He has spoken on both. Yes, Dr. M. R. Vyas.

DR. M. R. VYAS (Maharashtra): Sir, in view of the importance of the debate, I request you that you may have a little tolerance about time because I have to quote a number of citations from courts and from the proceedings of the House of Commons, to which a reference has been made.

Mr. Chairman, Sir, I support the Motion moved by the Leader of the House. As he stated in the introductory remarks, it is not a very pleasant duty but there are duties which we have to perform in the interests of this institution and in the interests of the country as a whole. At the outside, if I may make a small analogy, kindly pardon me for the indulgence and the position is this: When a person comes to the conclusion that his health is bad and requires a kind of surgery, he decides to go and get the surgery done. It is not a pleasant decision but it is certainly a decision which is required for the restoration of his health. In the present case it is a decision like that which we are about to take. It is the decision in respect of the existence of the democratic institutions of which Parliament is a very important part. Parliament itself is a very responsive and highly sensitive instrument of public opinion and when we misuse these rights which are inherent in Parliament we have to find ways and means to fight the malady which ultimately destroys the instrument which is meant for public good. One of the cardinal structures of Parliamentary democracy is what is known as our privileges. This great right and freedom are conferred upon us, all Members of Parliament, so that we may fulfil our duties to our country and our people fearlessly. We can say and speak in the House what we like. We are protected from the courts of this country or any other liabilities. We enjoy privileges inside and outside the House but these are there for the protection and ultimate good of the people and not for misuse. And if we misuse, who is to judge and who is to check them? If we have excluded others from this particular judgement of our privileges, certainly, we cannot

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include them for judging what we deem to be proper for the maintenance of the privileges and the uprightness of the House. No outsider can sit in judgement and it was in view of this that this House appointed a Committee, with your permission, Sir, and by the vote of this House, and this Committee enjoyed all the privileges and the rights to go into the question and propriety of the behaviour of Shri Subramanian Swamy. Just now, Shri Krishan Kant has, more or less, accepted the right of the House to expel Shri Subramanian Swamy. His only contention is that we should call him at the next sitting of the House. But, I would ask Shri Krishan Kant. Why could he not come today? He is still a Member of Parliament; nobody stops him. That day he turned up. Sir, he turned up some time back and he interrupted you, Sir, when you were paying tribute to the departed Members of this House. At that time, he could have stayed on and explained for anything that he came to explain. An opportunity was given to him to appeal before the Committee. The Committee was appointed by this very House and he has not availed himself of the opportunity. He has tried to dilate on the issue and prolong the issue as long as he could. And now Mr. Krishan Kant is trying to make an attempt to prolong the issue. It is like prolonging your sickness. These are the tactics which do not help the case. It only shows that there is no case and you only wish to prolong it in the hope that something will happen to restore the normalcy. But, this is not the way....

**SHRI OM PRAKASH TYAGI:** What will happen?

**SHRI M. R. VYAS:**

ठीक है जब आप बोलें तो अपनी बात कह ल

Now, we have a procedure before, us. We have followed the procedure, that is, we appointed a Committee. The Member was given all the opportunity

to appear before the Committee. He has chosen not to appear before the Committee but he has written certain letters which are on record and on the basis of the findings of this Committee, this particular motion has been brought before us. Mr. Krishan Kant also argued and it has been argued by Mr. Subramanian Swamy in his letters to the Committee and to yourself, Sir, but I would like to know: Do we not know from our own experience in this House what the behaviour of Mr. Subramanian Swamy has been? We do not need to refer to what he says abroad. We can imagine what he says abroad. But, our imagination need not lead us to this conclusion. There are records which are available and those records are sufficient to show that Shri Subramanian Swamy is carrying on the same campaign against our country. After all, what is our experience? If they say it is against the Government, you have a right to speak here; you have a right to speak outside and even if you say you do not have a right to speak outside, here nobody has been prevented. Even Shri Krishan Kant was saying that he is not allowed to speak outside but in the House he has been speaking for half an hour. If this sort of maligning campaign is going on within the country, we can understand. After all, it is democracy and the right of Mr. Krishan Kant and the right of Mr. Subramanian Swamy to speak before this august House has never been denied in the past nor is likely to be denied under the present leadership. Now, despite this, if a Member has been misbehaving in this House in the past and goes abroad and makes absolutely fantastic statements against the Government and the functioning of the democracy and against the interests of the country, may I ask how far is he justified? After all, the Government represents the country abroad and if you have anything against the Government, you are certainly welcome to say it here. But, what is the reason of turning up corners abroad and mobilising public opinion abroad—opinion of those who have no interest in the welfare of this

country—and say something and make it appear that we are doing something very wrong? Therefore, this is something which not be proved because Mr. Subramanian Swamy has been a Member of this House for over two years and we have witnessed that he had no respect for anybody, including the Prime Minister of this country. We have ourselves witnessed how he has been openly denouncing individuals without any responsibility when he was inside the House. When he has been doing this inside the House, it would not be difficult to imagine what he can say and what he can do outside.

Mr. Krishan Kant has raised the question of the mention in our Report about the statement of Mr. Subramanian Swamy that the Prime Minister can be assassinated. The question is not whether the CPI or somebody else would assassinate. Let us look into the background. The CPI has not assassinated anybody in this country. The group that has assassinated somebody, and a very great man of this country, has been the RSS and the people who are aligned with the RSS. Therefore, the alibi that is given by a murderer is a preparation for another murder. If somebody wants to annihilate somebody, he is bound to say 'So and so is going to do it'. How does he know about it? To say that he is not a party to the threat of murder is very wrong. The very statement that he has made that the Prime Minister can be murdered shows the intention on the part of the party which says such a thing. I will not say 'I am going to murder somebody'. I will always attribute the motive to somebody else. When it happens, I will say 'I had warned'. This has been the tactics followed by the RSS and other parties in the past. They always bring in the alibi before so that when it happens, it is always attributed to the Communist Party. It is not that we are trying to defend the Communist Party? We are trying to defend the principle of the existence of the leader of the country. If anybody goes abroad and says 'In my country, there are plots to murder the Prime Minister',

and if he is supposed to know the secrets of the plots, I think, he should have come to the country and given to the Home Ministry the details known to him about the murder plots. It is very apparent that he had no intention of stopping the intended murder. What he intended to do was to communicate to the world that our Prime Minister should be murdered, more or less. This is the intention, in very clear terms. The objection is not against the statement that he has made about the CPI. The objection is against the fact that he has gone on record, abroad, to say that the Prime Minister of India can be murdered. Therefore, these are the charges. It is not that he has divulged a secret. If he had the secret with him, the right thing would have been for him to write secretly to the Home Ministry so that investigations could have been made to find out whether the CPI was behind it. As I suspect, there is no CPI hand behind it. It is only his brainchild that the Prime Minister should be murdered. This thinking has led him to make such statement in public before the Press.

It is not my intention to go into what Mr. Subramanian Swamy has done both inside and outside the House. Records are available. But what I would like to point out is that, ultimately, this House has the right to determine the punishment to be given to any Member who misbehaves. When we enter this House, we take an oath and the oath says:

"That I will bear true faith and allegiance to the Constitution of India as, by law, established. That I will uphold the sovereignty and the integrity of India and that I will faithfully discharge the duty upon which I am about to enter."

Now, you become a Member after taking this oath. You can take part in the debates or in the work of the House when you take this oath. If a Member who takes this oath and breaks it, breaks it boldly, every day, day in and day out, should we not take action against such a person? What is the

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use of taking the oath if we do not see to it that it is observed faithfully, in letter and in spirit? If, today, we are thinking in terms of taking action against Mr. Subramanian Swamy, I boldly say that he has taken, in letter and in spirit, the oath that he has taken in this House.

As far as the legality is concerned, there is no doubt about it. The Constitution also mentions the right of the House to determine its own business. And it is in this spirit that we are bringing this Resolution before the House.

There are many precedents. If I quote the U.K. precedent it is not because something is solemn what happens in the U.K. and that is not solemn what happens here, but it is very precisely laid down in articles 105 and 122 that wherever there are no precedents of any nature the precedents in the U.K. can be referred to and here I would like to refer to a couple of cases that have also happened in India. For example, in Madhya Pradesh two cases have happened. They have gone before the court and they were adjudicated as fully authorised as far as the expulsion was concerned. Similarly, we had a case in the other House. But all the same I would like to bring to your notice for how many reasons a man may be expelled if the House deems it proper that the expulsion is in the interest of the functioning of the parliamentary democracy. There was a case of one Mr. Tailor before the House of Commons. The charge was that he had said that the Parliament had passed a legislation which amounted to a judicial murder. Only on this statement of a Member that he had charged the House of passing a legislation which amounted to a judicial murder, the House took notice of it, and this Mr. Tailor was expelled. Another Mr. Allighan was also expelled for a very similar reason. Because of his behaviour within the House and without the House he had brought contempt on the functioning of the democracy in the U.K.

SHRI B. N. BANERJEE (Nominated): Sir, one minute. The charge against Mr. Allighan, was different. He had only disclosed the secrets of party meetings to the press.

DR. M. R. VYAS: I am coming to that, how the contempt was brought. He had disclosed to the press certain proceedings of the Party within it and within the functioning of the Parliament, and the Parliament took a view that the behaviour of Mr. Allighan amounted to the contempt of House only because he had divulged certain secret to the press. I do not want to go into the details of the case. What I am trying to say, Mr. Banerjee, is that when there are more serious offences than these, when the public or Parliament feels that the Member concerned has brought contempt to the House, the House is fully authorised to expell him. There are a number of instances. In furtherance of this, I would like to quote the Leader of the British House of Commons also very well known to us—Mr. Herbert Morrison. Speaking in the House on a Motion on the expulsion of one of the Members, he said, I quote:

“I do not think there is any doubt as to the right of the House to judge the conduct of Members outside and inside the House, to come to conclusions about standards and to decide whether their conduct is such that it brings contempt to the House.”

There are enough precedents and it is not only the matter of precedents which are from abroad. As I said in the beginning, this House, our parliamentary institution, has to be protected from connivations which want to wreck it from within and from without.

I charge very boldly, Sir, that Mr. Subramanian Swamy is an accomplice to an attempt to wreck the parliamentary institution in this country from within and from without. We have witnessed a good amount of roudiness from some of the Members who are not present here and I won't name

them but Mr. Subramanian Swamy has brought delinquency to the proceedings of this House in the past and we should also not forget his very behaviour here on the day when he marked his attendance last and when the Obituary was being read out by yourself, how, the House knows it, he raised a point of order and ran away. Is this the way for which he wants protection? Sir, if we want protection we must also know how to obey and how to listen to the rulings and submit to the dignity of this House. And the same thing applies to the proceedings which have been initiated thereafter. He had ample opportunity to come, he had ample opportunity to justify, and if he felt at that time, when he entered the House last, that he needed protection, I am sure, he could have come to you and said, "Mr. Chairman, I want your protection; I have come into this House and I want your protection". I am sure, Sir, no protection would have been denied to him. But, Sir, he did not. He only insulted the House and ran out of the House.

And what is his bravado? Mr. Subramanian Swamy's bravado is very simple. He wants a name by doing wrong things because sometimes you believe that when you do a wrong thing you get publicity.

SHRI JAGAN NATH BHARDWAJ: Money also.

DR. M. R. VYAS: He might feel that his bravado is paying him dividends. But I think the only dividend he is getting is that in the history of Parliament he will go down as "Swamy versus Parliament" and as "Swamy who was expelled by the unanimous vote of this House." This is how he is going to get into the records. We have, in the past, records of people who had challenged the Constitution, people who had challenged Parliament, and they have gone into the records as Kesavananda Bharati versus so and so or Golaknath versus so and so. We do not know who Kesavananda Bharati was or who Golaknath was the world will also forget what Mr. Subramanian

Swamy was what the world will hereafter remember is that this Parliament was bold enough, when it came to the protection of the privileges and rights of this House, it took firm action and put down, for all times, such machinations which would destroy the fabric of the parliamentary institutions in our country.

Sir, I support the Motion.

SHRI KALI MUKHERJEE (West Bengal): It is a shame that of all persons Mr. Krishan Kant has taken the brief of Mr. Swamy's case and his gang.

MR. CHAIRMAN: The House stands adjourned till 2.20 P.M.

The House then adjourned for lunch at twenty-two minutes past one of the clock.

The House reassembled after lunch at twenty-two minutes past two of the clock, the Vice-Chairman (Shri Lokanath Misra) in the Chair.

#### MOTION RE-EXPULSION OF SHRI SUBRAMANIAN SWAMY FROM THE HOUSE—Contd.

SHRI SANAT KUMAR RAHA (West Bengal): Sir, I rise to oppose the amendment to this motion by our colleague, Shri Krishan Kant and I support the main motion moved by Shri Kamalapati Tripathi, the Minister of Railways and the Leader of the House.

Sir, while opposing the amendment to this motion, I would like to place before this House that this House has got the supreme authority to discipline its Members. It is not a question of Mr. Subramanian Swamy or anyone on this side or that side. The principle should be that this august House must exercise its supreme power and establish its authority to discipline its Members. It would have been the best and the happiest day if the Committee were not to recommend Mr. Subramanian Swamy's expulsion; it would have been the best day if the charges against him, those complaints and grie-