PARLIAMENT OF INDIA

RAJYA SABHA

REPORT

OF

COMMITTEE APPOINTED TO INVESTIGATE
THE CONDUCT AND ACTIVITIES OF
SHRI SUBRAMANIAN SWAMY, MEMBER OF
THE RAJYA SABHA

(PRESENTED ON NOVEMBER 12, 1976)
(Adopted on November 15, 1976)



RAJYA SABHA SECRETARIAT NEW DELHI NOVEMBER, 1976

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PERSONNEL OF THE COMMITTEE APPOINTED TO INVESTI-GATE THE CONDUCT AND ACTIVITIES OF SHRI SUBRAMANIAN SWAMY, MEMBER OF THE RAJYA SABHA

CHAIRMAN

1. Shri Godey Murahari

MEMBERS

- 2. Shri Kamlapati Tripathi
- 3. Shri A. R. Antulay
- 4. Shri N. K. Bhatt
- 5. Shri C. K. Daphtary
- 6. Shri Bhupesh Gupta
- 7. Shri Suresh Narain Mulla
- *8. Shri Bhanu Pratap Singh
- 9. Shri D. P. Singh
- 10. Shri Om Mehta

SECRETARIAT

Shri S. S. Bhalerao, Secretary-General

Shri S. P. Ganguly, Additional Secretary

Shri L. S. Gandhi, Senior Examiner of Bills, Motions & Resolutions.

सन्धमेव जयते

^{*}Resigned his membership of the Committee w.e.f. November 10, 1976.

REPORT OF THE COMMITTEE APPOINTED TO INVESTIGATE THE CONDUCT AND ACTIVITIES OF SHRI SUBRAMANIAN SWAMY, MEMBER OF THE RAJYA SABHA

- I, the Chairman of the Committee appointed to investigate the conduct and activities of Shri Subramanian Swamy, Member, Rajya Sabha, in pursuance of the Motion adopted by the Rajya Sabha at its sitting held on the 2nd September, 1976, having been authorised by the Committee to present this Report on their behalf, present this report to the House.
- 2. On the 2nd September, 1976, Shri Om Mehta, Minister of State in the Ministry of Home Affairs, Department of Personnel and Department of Parliamentary Affairs moved the following Motion:—

"That a Committee consisting of the following Members who are members of the Committee of Privileges of the Rajya Sabha, namely,—

- 1. Shri Godey Murahari
- 2. Shri Kamlapati Tripathi
- 3. Shri A. R. Antulay
- 4. Shri N. K. Bhatt
- 5. Shri C. K. Daphtary
- 6. Shri Bhupesh Gupta
- 7. Shri Suresh Narain Mulla
- 8. Shri Bhanu Pratap Singh
- 9. Shri D. P. Singh, and
- 10. Shri Om Mehta

be appointed—

- 1. (a) to investigate the conduct and activities of Shri Subramanian Swamy, Member of the Rajya Sabha, during the past one year and more both within and outside—the country, including anti-Indian propaganda calculated—to bring the Parliament and the country's democratic institutions into disrepute and generally behaving in a manner unworthy of a Member of this House;
- (b) to report to this House by the first week of the next session whether the conduct and activities of the Member

were inconsistent with, and seriously fall below, the standards which this House is entitled to expect of its Members; and

- (c) to make such recommendation as the Committee may deem fit.
- 2. That Shri Godey Murahari, Deputy Chairman of the Rajya Sabha, be appointed Chairman of the Committee.
 - 3. That the quorum of the Committee shall be five.
- 4. That the Committee shall have power to hear and/or receive evidence, oral or documentary, connected with the matters referred to the Committee, or relevant to the subject matter of the inquiry, and that the Committee shall have discretion to treat any evidence tendered or material placed before it as 'secret' or 'confidential'.
- 5. That the Chairman may from time to time issue such directions to the Chairman of the Committee as he thinks necessary for regulating the procedure of the Committee and any other matter connected therewith."

The Motion was adopted by the House on the same day.

3. The Committee held seven sittings.

At its first sitting held on September 2, 1976, the Committee settled its procedure. In order to enable it to come to a correct judgement of the conduct of Shri Subramanian Swamy the Committee felt that it was necessary to ascertain in the first instance the precise nature of his activities and behaviour referred to in para (a) of the Motion which, it was alleged, was "unworthy of a Member of this House." The Committee accordingly decided that Shri Om Mehta should be asked to furnish a statement of particulars regarding the objectionable activities of Shri Subramanian Swamy The Committee further decided that on receipt of this statement, copies thereof should be circulated to all it3 members, and a copy should also be sent to Shri Subramanian Swamy with a direction that he should, within 20 days from the date of issue of the communication forwarding the statement to him, state as to what he had to say in the matter and whether he would like to be heard in person.

Shri Om Mehta furnished the statement of particulars (Appendix I), as directed by the Committee, on September 20, 1976, and also copies of certain documents in support of some of the particulars.

A copy of the statement was sent to Shri Subramanian Swamy on September 21, 1976 in accordance with the directions of the Committee.

At its second sitting held on October 23, 1976 the Committee considered the three letters dated October 3, 4 and 9, 1976 [Appendix II(i), (ii), (iii)] of Shri Subramanian Swamy received in the Secretariat. The second of these letters was addressed to the Chairman of Rajya Sabha in which Shri Swamy requested for permission to "either be accompanied or be represented by a Counsel, as I choose to". The Committee decided that Shri Swamy should be directed to appear in person before the Committee at its meeting to be held on October 29, 1976, to make his submissions. A letter was sent to Shri Swamy accordingly on October 23, 1976.

Shri Subramanian Swamy failed to appear as directed by the Committee at its third sitting held on October 29, 1976. The Secretary-General of the Rajya Sabha brought to the notice of the Committee a letter dated October 25, 1976, written by Shrimati Roxna Subramanian Swamy, styling herself as "Attorney for Shri Subramanian Swamy", with reference to the Secretariat's letter dated October 23, 1976. The Committee decided that this letter deserved no notice by it as Shrimati Roxna Swamy had no locus standi to address such a communication in the matter for the consideration of the Committee. The Committee took a serious view of the failure of Shri Subramanian Swamy to comply with its directions, but the Committee decided to give him yet another, and final, opportunity to appear in person before it at its next meeting to be held on November 2, 1976. The Committee further directed that Swamy should be specifically told that if he failed to appear person before it on November 2, 1976, it would proceed with the consideration of the matter on that day and come to its conclusions. A letter was sent to Shri Swamy accordingly on the same day.

Shri Swamy again failed to appear before the Committee at its fourth sitting held on November 2, 1976. The Chairman referred to the clear and definite terms of the Rajya Sabha Secretariat's letter of October 29, 1976, to Shri Swamy, and suggested that in the circumstances the Committee may proceed with its examination of the matter on the basis of the material before it. The Committee, while agreeing with the Chairman's suggestion, expressed its displeasure at Shri Swamy's attitude in persistently defying its directions to appear before it.

Shri Om Mehta gave the Committee, in accordance with the desire expressed by some members, an analysis of the particulars

contained in his statement of September 20, 1976. In doing so, he said that he had since been informed that the Indian Embassy Washington (U.S.A.) had addressed a letter to Shri Subramanian Swamy on March 31, 1976, at his then known address in Washington conveying to him Government's orders regarding the impounding of his passport and that a photo-stat copy of this letter together with a report of certain observations made by Shri Swamy in this connection had appeared in the April 23, 1976, issue of a newspaper 'INDIA ABROAD' published from New York. This report would establish that Shri Swamy was aware of the orders impounding his passport. The letter dated April 8, 1976, which an official of the Indian Consulate-General took for delivery to Shri Swamy at New York on April 10, 1976, was an exact copy of this letter. Shri Om-Mehta also brought to the notice of the Committee an extract from a letter dated October 20, 1976 (Appendix III), addressed to him by Shri Swamy regarding his attendance at the sittings of the Rajya Sabha during the 93rd and 97th Sessions of the House which proved the points in respect of drawal of TA/DA without attending the meetings of the House.

At its fifth sitting held on 9th November, 1976, the Committee considered the draft report and, after detailed deliberations on each of the issues involved, decided to appoint a sub-committee consisting of Shri Bhupesh Gupta, Shri C. K. Daphtary, Shri D. P. Singh and Shri A. R. Antulay, Members of the Committee, to redraft the report.

The sub-committee met on November 10, 1976 and after a detailed discussion decided to make a verbal report to the Committee at its next meeting. At the sixth sitting of the Committee held on November 11, 1976, the sub-committee reported accordingly. The Chairman informed the Committee that Shri Bhanu Pratap Singh by a letter dated the 9th November, 1976 addressed to the Chairman, Rajya Sabha, had resigned his membership of the Committee with effect from the 10th November, 1976. He also placed before the Committee a letter dated 5th November, 1976 received from Shri Swamy addressed to the Chairman, Rajya Sabha [Appendix II(iv)].

At its seventh meeting held on November 12, 1976, the Committee considered and adopted the report.

4. The Committee examined all the material including the documents placed before it. The Committee was of the view that in coming to its conclusions, it was not so much concerned with abstract technical and legal niceties, but its concern was the conduct of Shri Subramanian Swamy, whether he had acted in a dishonourable manner unworthy of a Member of the Rajya Sabha and

his conduct was derogatory to the dignity of the House and inconsistent with the standard which Parliament is entitled to expect from its Members. A number of objectionable activities of Shri Subramanian Swamy were brought to the notice of the Committee and the Committee decided to confine its attention primarily on the following:

- (1) Attention of the Committee had been drawn to the four "signatures"* of Shri Subramanian Swamy during the Session of the Rajya Sabha on the daily attendance register of the House. Shri Subramanian Swamy in his letter dated October 20, 1976 addressed to Shri Om Mehta and his subsequent letter dated November 5, 1976 addressed to the Chairman, Rajya Sabha, claimed these signatures as his. On expert examination of these signatures, however, it was found that these signature3 were not his. On the basis of Shri Subramanian Swamy's statement itself these signatures could not be because he had categorically asserted that it was the decision of his Party to boycott that session and therefore he did not attend it. Obviously therefore he could not have signed on the register to mark his presence. The question now arises as to the purpose for which these signatures were appended. The purposes could be two—(i) He may not forfeit his seat in the House under the provisions of article 101(4) of the Constitution due to continued absence from the sittings of the House, and therefore it was necessary for him through the agency of someone else, to have his signatures marked in the attendance registers. (ii) To support his claim for, and obtain, daily allowance. Here it could be argued that if his mere presence in Delhi would have entitled him to daily allowance, then why should he have had to resort to have his signatures on the register. The fact, however, remains that these signatures are there. It was in all probability done to lend credence to his assertion that he was in Delhi during the said period. Whatever the purpose for which the said registers were signed, the Committee is satisfied that the conduct of Shri Subramanian Swamy in claiming these four forged signatures as his, is reprehensible and far below the standards expected of a Member of Parliament.
- (2) On the basis of the evidence placed before it and from the letters of Shri Subramanian Swamy received in the Secretariat, the Committee was of the view that Shri Subramanian Swamy knew about the impounding of his passport by the

^{*}July 24, 28 (1975) and August 8, 9 (1975).

Government of India when he was still abroad. Instead of surrendering the impounded passport to the authorities concerned as he was required to do, Shri Subramanian Swamy continued to travel on the strength of that passport knowing fully well that it was not a valid document for the purpose of any further travel. The conduct of Shri Swamy in this regard, in the Committee's view, was inconsistent with the standards expected of him as a member of Parliament.

(3) The Committee considered the reported activities of Shri Subramanian Swamy in the United Kingdom, U.S.A. Canada where it appears he gave interviews on the radio television. In his letter to the Rajya Sabha Secretariat, dated October 9, 1976, Shri Subramanian Swamy says, "I am a public man and I do not have a copy of all my interviews especially those given on radio and TV". In this letter as well as in his subsequent ones, Shri Subramanian Swamy does not deny that he gave interviews especially to the "Toronto Star" and "Washington Star". Moreover, what he says in his letter is also an admission that he gave some interviews and wrote articles in some other Journals during his visits abroad. In the letter referred to above, he writes, "otherwise I would request the Committee to help me obtain copies of my interviews/stories/ articles in Times (London), Guardian, Economist, New York Times, Washington Post, Los Angeles Times, Denver Post, India (Abroad) New York and TV interviews on BBC, Public Broadcasting System (USA) and Canada AM." It would thus appear that Shri Subramanian Swamy had easy access to such mass media including radio and television. In this connection, Committee cannot but take note of the fact that many of such Journals in these countries as well as the TV and the radio were engaged in virulent anti-India propaganda after the proclamation of emergency in the country. That Shri Subramanian Swamy was feeding their propaganda would be seen from what appeared, for example, in Toronto Star, Wed., February 11, 1976 under four column heading "Mrs. Gandhi could be killed, Indian MP in exile says" along with a photograph of Shri 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."

"Harvard-educated economics Professor Subramanian Swamy, 36, said."

The report further states-

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

In his letter dated 9th October, 1976 to the Rajya Sabha Secretariat, Shri Subramanian Swamy does not repudiate this news item but only says that "I find the Toronto Star Interview on the basis of the extracts quoted quite garbled." He does not claim that he had sent any contradiction to what he calls "garbled" report to the editor of Toronto Star. If this report in the Toronto Star was substantially wrong, Shri Subramanian Swamy could easily have said so in his letters received in the Rajya Sabha Secretariat and placed before the Committee. There is, therefore, no reason for the Committee to believe that the report in the Toronto Star is untrue. The propaganda unleashed through these media by him is also in keeping with the line taken by the newspaper "Motherland" which propagated the philosophy of the Party to which he belongs, when recently a Central Cabinet Minister was killed.

Reports and other public utterances of Shri Subramanian Swamy in U.K., U.S.A. and Canada are in tune with the anti-India propaganda carried on by certain mass media including radio and television in these countries. It is altogether inexcusable that Shri Subramanian Swamy should have carried on such activities in league with well-known anti-India elements in these countries who made available to Shri Swamy the columns of some journals in the U.S.A. and Canada for running down and defaming the democratic institutions in our country.

Full reports of Shri Swamy's activities in the U.K., U.S.A. 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. It may be reasonably presumed that these elements had a part to play not only in inspiring his anti-India campaign in foreign lands but actually organising it. This is the first ever case of a Member of Parliament carrying on so blatantly his activities in collusion with anti-India elements abroad to malign our democratic institutions and to provide fuel to the fire of anti-India propaganda by the external enemies of our country. It may be noted that in the communications received from Shri Swamy in the Rajya Sabha Secretariat and otherwise, there is not a word of regret for his patently unpatriotic and anti-national activities during his above mentioned

foreign tours. On the contrary, there is an attempt to justify his conduct. In the opinion of the Committee, Shri Subramanian Swamy's activities in the U.K., U.S.A. and Canada which have been amply publicised are unworthy not only of a Member of Parliament but of any self-respecting patriotic Indian citizen.

- 5. These are all acts which no Member of Parliament should indulge in keeping in view the dignity of the office of such membership. These acts seriously impair a Member's right to represent his constituents in Parliament and detract from the trust reposed in him as such Member. It is the Committee's view that Members of Parliament should observe the highest standard of rectitude in matters concerning drawal of allowances for, otherwise, they are liable to be accused of committing a fraud on public funds. There is no doubt that Shri Subramanian Swamy has deliberately violated the law by travelling on a passport which he knew was impounded and also when he drew TA/DA when he had no intention of attending the meetings of the House/Committee. He also did not appear before this Committee in spite of repeated directions in that behalf. His description of Parliament as "our captive Parliament" and the innuendos he has made against the Members show his utter disrespect to the parliamentary institutions of the country and amount to contempt of the House and its members. All these facts constitute a grave breach of the elementary standards of conduct expected of a Member of Parliament.
 - 6. The Committee would, therefore, recommend that Shri Subramanian Swamy be expelled from the membership of the Rajya Sabha as his conduct is derogatory to the dignity of the House, its Members and inconsistent with the standards which the House is entitled to expect of its Members. In making this recommendation, the Committee would like to quote with approval the following observations of May (18th edition—p. 128):

"The purpose of expulsion is not so much disciplinary as remedial, not so much to punish Members as to rid the House of persons who are unfit for membership."

7. The Committee is conscious that this is the first time in the Rajya Sabha that a recommendation for expulsion of one of its members is being made to the House. However, the Committee

would be failing in its duty if it overlooked serious deviations, as in the present case, from the standards of conduct which the House has a right to expect of its members.

GODEY MURAHARI, Chairman.

New Delhi; November 12, 1976.



MINUTES

I

FIRST SITTING

New Delhi, Thursday, September 2, 1976.

The meeting of the Committee appointed to consider the question relating to the conduct and activities of Shri Subramanian Swamy, Member of the Rajya Sabha, in terms of the motion adopted by the Rajya Sabha at its sitting held on the 2nd September, 1976, was held at 4.45 P.M. on Thursday, the 2nd September, 1976 in Room No. 28, Ground Floor, Parliament House, New Delhi.

Present

- 1. Shri Godey Murahari—Chairman.
- 2. Shri Kamlapati Tripathi
- 3. Shri A. R. Antulay
- 4. Shri N. K. Bhatt
- 5. Shri C. K. Daphtary
- 6. Shri Bhupesh Gupta
- 7. Shri Suresh Narain Mulla
- 8. Shri Bhanu Pratap Singh
- 9. Shri D. P. Singh
- 10. Shri Om Mehta

SECRETARIAT

Shri S. S. Bhalerao, Secretary-General.

Shri S. P. Ganguly, Additional Secretary.

Shri L. S. Gandhi, Senior Examiner of Bills, Motions and Resolutions.

At the outset the Chairman referred to the Motion adopted by the Rajya Sabha at its sitting held on the 2nd September, 1976 with regard to the appointment of a Committee to investigate the conduct and activities of Shri Subramanian Swamy, Member of the Rajya Sabha. He said that the Committee should in the first instance ascertain what was the nature of the activities of Shri Swamy, during the past one year and more and for this purpose examine relevant documentary or other evidence in support of the allegations made against Shri Swamy, before coming to its conclusion.

After some discussion, the Committee decided:

- 1. That Shri Om Mehta, Minister of State in the Ministry of Home Affairs, Department of Personnel and Department of Parliamentary Affairs, should give a statement of particulars regarding the objectionable activities of Shri Swamy during the period referred to in the Motion. This statement together with any documents relevant thereto would be forwarded to the Rajya Sabha Secretariat as early as possible.
- 2. That on receipt of the statement and documents, the Rajya Sabha Secretariat should circulate them to the Members of the Committee.
- 3. That in case there were certain documents which were considered to be of a confidential or secret nature, the matter would be placed before the Committee for its consideration at its next meeting. Such confidential or secret documents should not be circulated without the permission of the Committee.
- 4. That after the receipt of the statement of particulars, the Secretariat should send a copy of the statement to Shri Swamy with a direction that Shri Swamy should state as to what he has to say in the matter within 20 days from the date of issue of the communication. He should also be asked to state whether he would like to be heard in person.
- 5. That the Rules of Procedure of the Rajya Sabha that were followed by Select Committees might generally be observed in the matter of deliberations of the Committee.

The Committee further decided to meet again at 4 P.M. on Wednesday, the 20th October, 1976.

The Committee adjourned at 5.05 P.M.

II

SECOND SITTING

New Delhi, Saturday, October 23, 1976.

The meeting of the Committee appointed to investigate the conduct and activities of Shri Subramanian Swamy, Member, Rajya Sabha, was held at 11-00 A.M.) on Saturday, the 23rd October, 1976 in Room No. 28, Ground Floor, Parliament House, New Delhi.

Present

- 1. Shri Godey Murahari—Chairman.
- 2. Shri Kamlapati Tripathi
- 3. Shri A. R. Antulay
- 4. Shri N. K. Bhatt
- 5. Shri C. K. Daphtary
- 6. Shri Bhupesh Gupta
- 7. Shri Bhanu Pratap Singh
- 8. Shri D. P. Singh
- 9. Shri Om Mehta

SECRETARIAT

Shri S. S. Bhalerao, Secretary-General.

Shri S. P. Ganguly, Additional Secretary.

Shri L. S. Gandhi, Senior Examiner of Bills, Motions and Resolutions.

The Committee considered the letter dated 4th October, 1976 addressed to the Chairman, Rajya Sabha, received from Shri Subramanian Swamy, Member, Rajya Sabha as well as his two letters dated October 3 and October 9, 1976 in reply to the Rajya Sabha Secretariat letter dated the 21st September, 1976. The Committee decided that Shri Subramanian Swamy should be asked to appear in person before the Committee to make his submission, at its next meeting to be held at 10.30 A.M. on Friday the 29th October, 1976 in Room No. 67, First Floor, Parliament House, New Delhi.

The Committee decided to meet again at 10.30 A.M. on Friday the 29th October, 1976.

The Committee adjourned at 11.27 A.M.

Ш

THIRD SITTING

New Delhi, Friday, October 29, 1976

The meeting of the Committee appointed to investigate the conluct and activities of Shri Subramanian Swamy, Member, Rajya Sabha, was held at 10.30 A.M. on Friday, the 29th October, 1976 in Room No. 67, First Floor, Parliament House, New Delhi.

Present

- 1. Shri Godey Murahari—Chairman.
- 2. Shri Kamlapati Tripathi
- 3. Shri A. R. Antulay
- 4. Shri N. K. Bhatt
- 5. Shri C. K. Daphtary
- 6. Shri Bhupesh Gupta
- 7. Shri D. P. Singh
- 8. Shri Om Mehta

SECRETARIAT

Shri S. S. Bhalerao, Secretary-General.

Shri S. P. Ganguly, Additional Secretary.

Shri L. S. Gandhi, Senior Examiner of Bills, Motions and Resolutions.

The Committee considered the letter dated 25th October, 1976, received from Shrimati Roxna Subramanian Swamy, signed by her as Attorney for Shri Subramanian Swamy, Member, Rajya Sabha. This letter was sent by Shrimati Swamy with reference to the Rajya Sabha Secretariat letter dated the 23rd October, 1976, addressed to Shri Subramanian Swamy, in which he was asked, in accordance with the directions of the Committee, to appear in person before the Committee, at its meeting on October 29, 1976 to make his submissions. The Committee took a serious view of the fact that Shri Subramanian Swamy failed to comply with the directions of the Committee. However, taking everything into consideration, the Committee decided to give him another chance to appear in person before the Committee at its next meeting to be held at 5.00 p.m. on Tuesday, the 2nd November, 1976 in Room No. 67, First Floor, Parliament House, New Delhi to make his submissions.

The Committee further directed that Shri Swamy should be informed that if he failed to appear in person before the Committee at its next meeting on the aforesaid date and time, the Committee would proceed with the matter and come to its conclusions.

The Committee decided to meet again at 5.00 P.M. on Tuesday, the 2nd November, 1976.

The Committee adjourned at 11.30 A.M. 964 RS—3

IV

FOURTH SITTING

New Delhi, Tuesday, November 2, 1976.

The meeting of the Committee appointed to investigate the conduct and activities of Shri Subramanian Swamy, Member, Rajya Sabha, was held at 5.00 p.m. on Tuesday, the 2nd November, 1976 in Room No. 67, First Floor, Parliament House, New Delhi.

Present

- 1. Shri Godey Murahari—Chairman.
- 2. Shri Kamlapati Tripathi
- 3. Shri A. R. Antulay
- 4. Shri N. K. Bhatt
- 5. Shri C. K. Daphtary
- 6. Shri Bhupesh Gupta
- 7. Shri Bhanu Pratap Singh
- 8. Shri D. P. Singh
- 9. Shri Om Mehta.

SECRETARIAT

Shri S. S. Bhalerao, Secretary-General.

Shri S. P. Ganguly, Additional Secretary.

Shri L. S. Gandhi, Senior Examiner of Bills, Motions and Resolutions.

At the outset the Chairman referred to the Rajya Sabha Secretariat letter dated the 29th October, 1976, addressed to Shri Subramanian Swamy in which he was asked, in accordance with the directions of the Committee, to appear in person before the Committee at its meeting on November, 2, 1976, to make his submission. He also drew the attention of the Committee to the fact that Shri Swamy had been informed in the same letter that if he failed to comply with the Committee's directions, the Committee would proceed with the matter and come to its conclusions. As Shri Swamy had chosen not to come before the Committee or send any communication in the matter, the Chairman suggested that the Committee might now proceed with its examination of the matter on the basis of the material available to it. The Committee, while expressing its displeasure at Shri Swamy's attitude, was of the opinion that there was sufficient material available with it to proceed with the

case. As desired by the Committee at its meeting on 29th October, 1976, Shri Om Mehta gave the following analysis of the material made available to the Committee:

- "(1) Shri Swamy systematically and deliberately evaded the law and legal processes. He has failed to surrender himself to the jurisdiction of the courts to answer charges against him.
- (2) He drew TA/DA as a Member of Parliament without attending meetings of the House and its Committees.
- (3) Some of his signatures in the attendance register kept in the Lobby (July 24 and 28, and August 8 and 9, 1975 during the 93rd Session, and January 7 and 9, 1976 during the 94th Session) were found, on expert examination, to be not his. The signatures in the register on January 7 and 9, 1976, in any case could not be Shri Swamy's because he had taken the plane at Madras on January 7 for London via Sri Lanka.

In connection with paras 2 and 3 above, attention is also invited to an extract from a letter written by Shri Swamy to Shri Om Mehta on 20-10-1976 which shows that Shri Swamy, on his own admission, did not participate in the 93rd Session and was out of India from the 94th Session upto the 97th Session. His signatures during the 93rd Session and 94th Session may therefore be reasonably presumed to be not his.

- (4) He travelled on passport which he knew had been impounded by Government, an offence punishable under the Passport Act and Rules.
- (5) He violated provisions of the Foreign Exchange Regulations Act and has been fined by the Enforcement authorities for such violation.
- (6) During his tour abroad he carried on a virulent anti-India propaganda, openly allied himself with well-known antinational elements and indulged in activities either individually or through organisations known for their anti-India stand. Through speeches and writings abroad he sought to bring into contempt and ridicule India's Parliament and its members. He made gross misrepresentation about events in India and generally sought to bring into disrepute and discredit the Government of India.
- (7) During his very brief appearance at the sitting of Rajya Sabha on August 10, 1976, he interrupted a solemn occasion

in the House just to mark his presence in order to save his membership.

(8) He has failed to submit himself to the jurisdiction of this Committee and through it of the House by ignoring the directions of the Committee to appear before it."

The Committee then discussed the points regarding Shri Subramanian Swamy's actions and observations against the House, its dignity and the prestige of the Members, his anti-national activities inside and outside the country and his acts of drawing TA/DA when he did not attend the meetings of the House or the Committees, as the case may be. The Committee deliberated in detail over each of the issues, mentioned above, and felt satisfied that Shri Swamy had committed various acts which did not behove a member of the House. The Committee came to the conclusion that his conduct was derogatory to the dignity of the House, its Members and inconsistent with the standards which the House expected from its members and that Shri Swamy had no right to continue as a member of the House.

The Committee decided that a draft report of the Committee be prepared for its consideration at its next meeting to be held at 10.00 A.M. on Tuesday, the 9th November, 1976.

The Committee adjourned at 6.05 P.M.



V

FIFTH SITTING

New Delhi, Tuesday, November 9, 1976.

The meeting of the Committee appointed to investigate the conduct and activities of Shri Subramanian Swamy, Member, Rajya Sabha, was held at 10.00 A.M. on Tuesday, the 9th November, 1976 in Room No. 67, First Floor, Parliament House, New Delhi.

Present

- 1. Shri Godey Murahari-Chairman.
- 2. Shri Kamlapati Tripathi
- 3. Shri A. R. Antulay
- 4. Shri N. K. Bhatt
- 5. Shri C. K. Daphtary
- 6. Shri Bhupesh Gupta

- 7. Shri Bhanu Pratap Singh
- 8. Shri D. P. Singh
- 9. Shri Om Mehta.

SECRETARIAT

Shri S. S. Bhalerao, Secretary-General.

Shri S. P. Ganguly, Additional Secretary.

Shri L. S. Gandhi, Senior Examiner of Bills, Motions and Resolutions.

The Committee considered the draft report and after detailed deliberations on each of the issues involved decided to appoint a Sub-Committee consisting of Shri Bhupesh Gupta, Shri C. K. Daphtary, Shri D. P. Singh and Shri A. R. Antulay, Members of the Committee, to redraft the report. The Committee directed that the Sub-Committee should meet at 9.30 A.M. on Wednesday, the 10th November, 1976, for the purpose and submit its report to the Committee for its consideration at its next meeting to be held at 4.00 P.M. on Thursday, the 11th November, 1976, in Room No. 67, First Floor, Parliament House.

The Committee further decided to ask for extension of time upto 12th November, 1976 for the presentation of its report and authorised the Chairman to move the necessary motion in the House in that regard.

The Committee adjourned at 11.00 A.M.

Meeting of the Sub-Committee

New Delhi, Wednesday, November 10, 1976.

The meeting of the Sub-Committee appointed by the Committee to investigate the conduct and activities of Shri Subramanian Swamy, Member, Rajya Sabha, was held at 9.30 A.M. on Wednesday, the 10th November, 1976 in Room No. 67, First Floor, Parliament House, New Delhi.

Present

- 1. Shri Bhupesh Gupta
- 2. Shri C. K. Daphtary
- 3. Shri D. P. Singh
- 4. Shri A. R. Antulay

SECRETARIAT

Shri S. S. Bhalerao, Secretary-General.

Shri S. P. Ganguly, Additional Secretary,

Shri P. C. Sanwal, Chief Personnel and Executive Officer.

Shri L. S. Gandhi, Senior Examiner of Bills, Motions and Resolutions.

The Sub-Committee after a detailed discussion decided to make a verbal report to the Committee at its next meeting to be held at 4.00 P.M. on Thursday, the 11th November, 1976.

The Committee adjourned at 10.35 A.M.

VI

SIXTH SITTING

New Delhi, Thursday, November 11, 1976

The meeting of the Committee appointed to investigate the conduct and activities of Shri Subramanian Swamy, Member, Rajya Sabha, was held at 4.00 p.m. on Thursday, the 11th November, 1976 in Room No. 67, First Floor, Parliament House, New Delhi.

Present

सत्यमेव जयते

- 1. Shri Godey Murahari—Chairman.
- 2. Shri Kamlapati Tripathi
- 3. Shri A. R. Antulay
- 4. Shri N. K. Bhatt
- 5. Shri C. K. Daphtary
- 6. Shri Bhupesh Gupta
- 7. Shri D. P. Singh
- 8. Shri Om Mehta.

SECRETARIAT

Shri S. S. Bhalerao, Secretary-General.

Shri S. P. Ganguly, Additional Secretary.

Shri P. C. Sanwal, Chief Personnel and Executive Officer.

Shri L. S. Gandhi, Senior Examiner of Bills, Motions and Resolutions.

The Sub-Committee appointed to re-draft the report of the Committee made a verbal report to the Committee.

The Chairman informed the Committee that Shri Bhanu Pratap Singh vide his letter dated the 9th November, 1976 addressed to the Chairman, Rajya Sabha, has resigned his membership of the Committee with effect from the 10th November, 1976. He also placed

before the Committee a letter dated the 5th November, 1976, received from Shri Subramanian Swamy, addressed to the Chairman, Rajya Sabha.

The Committee again held a detailed discussion on each of the issues involved and decided that another draft report of the Committee be prepared for its consideration at its next meeting to be held at 3.30 P.M. on Friday, the 12th November, 1976, in Room No. 67, First Floor, Parliament House, New Delhi.

The Committee adjourned at 5.15 P.M.

VII

SEVENTH SITTING

New Delhi, Friday, November 12, 1976

The meeting of the Committee appointed to investigate the conduct and activities of Shri Subramanian Swamy, Member, Rajya Sabha, was held at 3.30 p.m. on Friday, the 12th November, 1976 in Room No. 67, First Floor, Parliament House, New Delhi.

Present

सन्धमेव जयते

- 1. Shri Godey Murahari—Chairman
- 2. Shri Kamlapati Tripathi
- 3. Shri A. R. Antulay
- 4. Shri N. K. Bhatt
- 5. Shri C. K. Daphtary
- 6. Shri Bhupesh Gupta
- 7. Shri D. P. Singh
- 8. Shri Om Mehta.

SECRETARIAT

Shri S. S. Bhalerao, Secretary-General.

Shri S. P. Ganguly, Additional Secretary.

Shri L. S. Gandhi, Senior Examiner of Bills, Motions and Resolutions.

The Committee considered and adopted the Report.

The Chairman informed the Committee that he would present the report to the House later on the same day.

The Committee adjourned at 4.30 P.M.

APPENDIX I

(Vide para 3 of the Report)

Statement of particulars regarding the objectionable activities of Shri Subramanian Swamy

I. Evasion/Violation of Law and Fleeing from Justice.—Soon after the declaration of Emergency on June 25, 1975, it had come to the notice of the authorities that Shri Subramanian Swamy, Member, Rajya Sabha, was engaging himself in certain prejudicial activities. On 20-9-75, the ADM, South, New Delhi, issued an order under Section 3 of MISA for detention of Shri Subramanian Swamy, M.P. The police authorities took all reasonable steps to execute the detention order and to apprehend Shri Swamy; but he evaded arrest and, apparently with the full knowledge that there was a detention order against him, fled the country on 7-1-76. According to the information available, he left India on that day.

II. During the 95th Session (March 8 to April 3, 1976) of the Rajya Sabha, a letter dated 1-3-76 was received from Shri Swamy in the Rajya Sabha Secretariat asking for leave of absence for the duration of the session. On the top of the letter, he had mentioned "On tour of United States". A cable also had been received from him from Edmonton, Alberta, USA, on 5-3-76, requesting "leave for coming session". On 22-3-76, the House refused to grant leave to Shri Swamy.

III. On 10-8-76, the opening day of the 97th Session of the Rajya Sabha, Shri Swamy suddenly and surreptitiously put in his appearance in the Rajya Sabha and interrupted a most solemn proceeding of the House—the Chairman was at that time making certain obituary references—in order to have his presence recorded by uttering the words "On a Point of Order". Thereafter he left the Rajya Sabha Chamber and the Parliament House as suddenly and surreptitiously as he had entered it.

IV. On 11-8-76, the Metropolitan Magistrate, New Delhi, declared Shri Swamy a proclaimed offender under section 82, Cr.P.C. Another order dated 17-8-76 under Section 83, Cr.P.C. was issued by the same Magistrate for attachment of Shri Swamy's property. The Member's movable property was attached on 19-8-76. In the

order of the Metropolitan Magistrate dated 11-8-76, Shri Subramanian Swamy had been directed to appear before the former on 10-9-76. He has not put in his appearance on the due date or subsequently so far.

V. Shri Subramanian Swamy, it has come to notice, has also committed violation of section 32(9) of the Foreign Exchange Regulation Act, 1973, by going to certain foreign countries as also by over-staying abroad without the permission of the Reserve Bank of India. Necessary notices have been served by affixation asking Shri Subramanian Swamy to show cause as to why adjudication proceedings should not be held against him for this contravention. The Enforcement Directorate has also issued a directive under the Foreign Exchange Regulation Act, 1973, to Shri Swamy to render interalia the account of his receipts and earnings outside India during his latest visit abroad.

VI. An order was issued by the Government of India on 29-3-76 impounding Shri Swamy's passport. By letter dated April 8, 1976, Shri Swamy was informed by the Indian Embassy at Washington of the Government of India's decision to impound his passport and was requested to return the passport to the Embassy immediately. This letter was sent to Shri Swamy at his Washington address. Later when the Embassy came to know that Shri Swamy was in New York, an official of the Indian Consulate-General at New York was instructed to hand over another copy of the letter dated April 8, 1976 personally to Shri Swamy. When the official went to deliver the letter, Shri Swamy refused to receive it. Consequent to his arrival in India (in August 1976) on an impounded passport, the Delhi police registered a case on 28-8-76 for violation of the provisions of the Passport Act and the Passport Rules.

VII. Attendance in Rajya Sabha and Drawal of TA/DA.—There have been five Sessions of the Rajya Sabha since Emergency was proclaimed in June 1975. These are:

- (i) 93rd Session from 21-7-75 to 9-8-75.
- (ii) 94th Session from 5-1-76 to 6-2-76.
- (iii) 95th Session from 8-3-76 to 3-4-76.
- (iv) 96th Session from 1-5-76 to 28-5-76.
- (v) 97th Session from 10-8-76 to 3-9-76.

During the 93rd Session, Shri Swamy's signatures in Hindi appear in the attendance register kept in the Lobby of the Rajya Sabha on 4 days, namely, July 24 and 28, and August 8 and 9, 1975. During the 94th Session, his signatures in Hindi appear on 2 days, namely,

January 7 and 9, 1976, in the attendance register. All these six signatures have been compared with sample signatures in Hindi of Shri Swamy on other different occasions taken from the attendance register. The Government Examiner of questioned documents has opined that the signatures on the 4 days during the 93rd Session and 2 days during the 94th Session do not tally with the earlier signatures. In fact, there is definite information to show that Shri Swamy had left India on January 7, 1976, which fact further establishes that the signatures in the register against Shri Swamy's name on January 7 and 9, 1976, are not his signatures.

During the 94th Session, a letter dated 8-1-76 was received from Shri Swamy requesting for leave of absence from the House from 12-1-76 till the end of the Session for the reason that he would be "abroad during this period". The House granted him leave accordingly on 15-1-76.

During the 95th and 96th Sessions, there is no signature of Shri Swamy in the attendance register.

During the 97th Session, he came to the Rajya Sabha on August 10, 1976, and signed the register on that day. This signature is in English.

For the 93rd Session, Shri Swamy drew TA/DA for the whole Session. For the 94th Session, he drew forward journey TA but did not claim any DA or return TA. As far as could be ascertained, Shri Swamy did not attend any sitting of the House during the 93rd or 94th Session.

For the 97th Session, on receipt of necessary bills, he was paid forward journey TA and DA for two days, August 9 and 10, 1976.

VIII. Shri Swamy drew TA/DA in connection with two meetings of the Consultative Committee for the Department of Atomic Energy on 8-7-75 and 11-9-75, and two meetings of the Select Committee on Public Financial Institution Laws Bill, 1973, held on 11-7-75 and 19-7-75. From the records, it is seen that Shri Swamy did not attend any of these 4 meetings.

The information contained in paras VII and VIII above was ascertained as a result of inspection of the relevant papers in the possession of the Rajya Sabha Secretariat after obtaining the prior permission of the Chairman of the Rajya Sabha.

IX. Activities Abroad.—Between January and June 1976, Shri Subramanian Swamy carried on a virulent anti-India propaganda in

countries abroad, notably in the U.K., U.S.A. and Canada. Through broadcasts, newspaper interviews, speeches, public demonstrations, etc., he gave a distorted version of events in India, spread falsehood and calumny against the Government and the leadership of the country, and generally sought to bring into contempt the Parliament, the Government and the Nation as a whole. The following are some of the specific instances:

- 1. In an interview with the BBC on January 23, 1976, broadcast on January 26, Shri Swamy alleged that one lakh people had courted arrest in India since November 14, 1975. He said that the present leadership certainly wanted to end Parliamentary democracy in the country.
- 2. On January 25, 1976, he along with Dr. Jagjit Singh Chauhan and Charan Singh Panchi, Sikh Homeland activists, Buta Beg, an undesirable foreign contact and Mary Tyler, an extremist Communist of U.K. who was deported from India in July 1975, staged an anti-India demonstration at the Hyde Park, London.
- 3. In an interview with the BBC published in the Urdu 'DAILY JANG', London, dated 31-1-76, Shri Swamy stated that Mrs. Indira Gandhi had "Practically liquidated parliamentary democracy" and now she was "ruling autocratically after having assumed all powers".
- 4. A report of an interview in the issue of TORONTO STAR of February 11, 1976, by Ron Lowman, Staff Writer, carries a big-size photograph of Shri Swamy under a banner head-line "Mrs. Gandhi could be killed. Indian M.P. in exile says." Lowman described Swamy as "an Indian parliamentarian-in-hiding". The report contains the following further statements, attributed to Shri Swamy:
 - (i) His (Swamy's) own underground movement takes credit for civil disobedience demonstration of 100,000 people in recent months.
 - (ii) He is planning "mass mobilisation" of hundreds of thousands in an attempt to paralyse the country.
 - (iii) Shri Swamy said: "The big danger is that she's accumulated all power in her hands. Soviet style, the press is censored and opposition leaders are in jail. They (pro-Moscow Communists) could find a new Prime Minister

among their own party, or a sympathiser in Mrs. Gandhi's Congress Party."

In the same interview, Shri Swamy also talked about the warrant of arrest against him and his flying to Sri Lanka. The report says:

A member of India's upper house of Parliament, Swamy, said a warrant is out for his arrest. He has been underground since June, when police phoned him at 4.30 a.m., told him they were coming to arrest him and suggested "it would be better if you're not home". The courtesy was the result of his work in Parliament on behalf of police forces. After months of underground organising, Swamy flew to Sri Lanka and Britain in January, and arrived here yesterday to tell his story to Metro's Indian community. He plans to visit Washington and earn a little money at an economic conference.

5. In an interview with Staff Writer Henry Brodsher of the WASHINGTON STAR (28-2-1976), Shri Swamy talked about underground activities. To a question, "Is there underground political activity?", he replied: "Oh, there's plenty of underground political activity. The four principal non-Communist Opposition parties have been meeting regularly. They have now a Central Peoples Struggle Committee and they also have, of course, their own government in the State of Gujarat, so it is possible to have underground political activity and that's quite significant". In reply to another question by Henry Brodsher, he said: "Mrs. Gandhi's kind of dictatorship is not an ideological revolution, it's coup d'etat imposed from the top and it does not have any participation at the bottom."

To yet another question, what exactly was the "Struggle Committee" doing and what were its goals, Shri Swamy replied: "The first task of the underground was to establish national communication and bring out underground newspapers. ***The second objective of the underground was then to test whether the underground people were actually willing to voluntarily court arrest. And we gave a call and 100,000 people voluntarily courted arrest in 300 districts of the country and 4,000 centres." He went on: "I think there is every possibility that a situation like Gujarat may be created in Delhi, so what I see in the future is more and more mobilisation by the people until the government just gets suffocated by it."

6. A booklet entitled WHAT KILLED DEMOCRACY IN INDIA" by Shri Swamy (February 1976), published under the auspices of the Friends of India Society contains several distortions, gross mis-representations, and also brings into contempt the Parliament and its members. To take a few samples:

The Home Secretary (the Highest Official in charge of law and order) is reported to have been asked to prepare the files to make a case for 'internal emergency'. He refused on the ground that no such case existed. He was promptly transferred. The next man did not have any such qualms.

* * *

In general, Congress party members abhor being out of power. The party is not cadre-based, and party members depend for social prestige entirely on the privileges and patronage of office. Even within the party, factions are created on this basis. This by itself is not fatal, but with the existence of vast economic control and regulations. office bestows power to make money to grease the machine and have important people such as businessmen, Journalists and government servants queue up outside the M.Ps resi-This makes for a heady mixture. The will to dences. resist the temptations has gradually eroded especially because of Mrs. Gandhi's preference for mediocre but loyal persons. Consequently, most of her party M.Ps have become vulnerable and are willing to put up with anything as long as they enjoy power.

* * *

This total commitment to power now spilling into a psychosis is what finally destroyed democracy.

* * *

Mrs. Gandhi has so recklessly accumulated power in her hands that she has risked our national security. *Coup d'etats* are easiest when power is centralised as events in Bangla Desh show.

7. At an International Conference organised by the 'Friends of India Society' on "Restoration of Democracy of India" at Alexandra Place, London on April 24-25, 1976, in the course of his valedictory address, Shri Swamy characterised the Government of India as "Goonda Raj" under which only the 'law-abiding

citizens' are being harassed. He also held the Prime Minister responsible for the murder of L. N. Mishra, the late Railway Minister. Announcing a 5-point programme of action for Indians living abroad, he urged, among other things, representation to the United Nations for intervention in India under the U.N. Charter of Human Rights.

- 8. At the same conference, Shri Swamy mentioned that the principal damage by the emergency to India was the introduction of the instability potential into India's situation, both internally and internationally. He added that internally, people, finding all outlets for their grievances had been closed, had begun to riot, and, internationally, because the power was now concentrated in the hands of Mrs. Gandhi, with the people in jail, and censorship, it had become easy for foreign countries, for example the Russians, to carry out a coup d'etat.
- 9. In the SATYA-VANI (Voice of Truth) dated 12th June, 1976, a Friends of India Society publication, Shri Swamy, in an article 'Resistance Growing to Mrs. Gandhi' said: "In the last three months, the law passed by our captive Parliament (with only 33 per cent of the members of Parliament attending) highlight the crises. National Parliament elections have been postponed, new press laws have been enacted to censor even music sheets, and Article 19 of the Constitution (which guarantees such basic freedoms as association and movement) has been suspended". Listing what he described as "disturbing developments", which have come "pell-mell" in recent months, he says:

New laws have been passed to cut factory workers bonuses, meaning a 15 per cent to 20 per cent cut in actual wages.

Small businesses are closing down due to the "recessionary conditions", according to an Industry Ministry sample survey reported in the Financial Express, published in Bombay.

Small farmers, constituting 85 per cent of the farming community, now get only 10 per cent of the fertilizer distributed by Government sanctioned monopolies.

Many urban poor have become homeless because the Government, instead of improving their makeshift tenements, has simply bulldozed them down.

Corruption among bureaucrats and police officials has vastly increased.

The Government's decision to ignore anti-trust laws has greatly diminished whatever little competition there was in the market place in the first place.

- 10. This issue of 'SATYA-VANI' also contains a number of other writings which are complete distortions and anti-India. According to this issue, the first International Conference of the Friends of India Society was attended by delegates from India, U.K., Singapore, Kenya, Tanzania, Mauritius, Zambia, West Germany, Denmark, Canada, USA and Venezuela. Shri Subramanian Swamy is the President of the Friends of India Society (International) and Shri Makarand Desai, a former Minister of Gujarat, its Secretary-General.
- 11. On 25th June, 1976, in a press release issued by the Friends of India Society (International), the account of a press conference addressed by Shri Makarand Desai is given. This press release which contains several falsehoods and distortions about happenings in India makes a special appeal on behalf of the Society to "free people all over the world not to aid and abet a small group" who are "misusing political power to do the very things United Nations Charter forbids":

Indian economy is stagnating, confidence in the immediate future is shaken. Terror has become an *ad hoc* weapon of power. Constructive men even in the ruling Congress are being pushed aside and harassed. With power concentrated in a few persons and increasing repression the whole situation is becoming unstable. This instability has become dangerous to the structural integrity and independence of the Nation.

We appeal to the free people all over the world, not to aid and abet a small political group. They are misusing political power to do the very things United Nations Charter forbids. Can free people sit idly by when more than half of what was a free world prior to 26th June, 1975 slips into totalitarian camp? The Friends of India Society International invites freedom loving people all over the world to join the struggle.

APPENDIX II (i)

(Vide para 3 of the Report)

Copy of the letter dated October 3, 1976, received from Shri Subramanian Swamy, Member, Rajya Sabha.

SUBRAMANIAN SWAMY, MEMBER OF PARLIAMENT, (Rajya Sabha) N-226, Greater Kailash-I, New Delhi-110048.

October 3, 1976.

To

Mr. S. P. Ganguly, Additional Secretary, Rajya Sabha Secretariat, Parliament House, New Delhi.

Ref: RS. 35 16 76-L.

Dear Mr. Ganguly,

Your letter of September 21, 1976 reached much after it was posted. Please ensure that future correspondence is sent to me at the above address.

I request you to inform the Committee that I would like to accept their invitation be heard in person on a convenient date. I may wish to bring my counsel with me, and therefore I am writing a separate letter to the Chairman of the House to request his permission.

However it will not be possible for me to prepare my comments and views about the allegations of my "objectionable" activities with the very short notice given to me. Certainly it is physically impossible to assemble and document evidence before October 10, 1976, especially because of four principal reasons:

1. There are some fundamental discrepancies between the statement made by Mr. Om Mehta on the floor of Rajya Sabha on September 2, 1976 and this statement that you have sent me.

For example, in the Rajya Sabha, Mr. Mehta said, "I must inform the House when earlier he (the undersigned) left this country (on 7-1-76), his passport was cancelled and he was informed of it". But in this later statement, it is stated: "An order was issued by the Government of India on 29-3-76 impounding Shri Swamy's passport". Thus it now appears that my passport was cancelled much after I left the country, and consequently it throws an entirely different light on the alleged illegality of my departure.

There are other examples of such discrepancies, but it requires considerable effort on my part to assemble the documents. I wish to enquire therefore whether the Committee, within its powers and inclination, can help me to obtain copies of necessary documents if I supply them a list of such documents. I on my part would like to place all the facts before the Committee so that whatever view and decision the Committee ultimately takes is on the basis of maximum evidence.

2. Certain issues have been raised in the statement which may involve legal complexity and propriety and thus needs legal opinion and consultation on my part.

An example of this is item V: It is stated that I have committed a violation of section 32(9) of the FERA, 1973, by going to countries other than U.K.—to which country I was authorised to go... and by overstaying abroad. However the matter is now in Court (I enclose a *newspaper cutting to confirm this), and I am not sure if I should talk about it when I appear before the Committee. Although there is nothing in the charge, and I would like to say so before the Committee, nevertheless I shall have to consider legal advice of my counsels in the case. This requires therefore serious consultation.

3. New Particulars have been given in the statement which I have no prior knowledge and this requires investigation.

For example, it is stated in item VI that the Delhi police have on 28-8-76 registered a case against me under the Passport Act. This is the first I have heard of it. I shall have to find out about it. In fact this whole passport issue has been vastly complicated by a series of contradictory matters and hence needs a thorough examination. No mention has been made of the fact that upon arrival in India, I wrote to the External Affairs Minister stating that while abroad I had seen a news report alleging that my passport was cancelled on the grounds that I had "left the country without the permission of the Rajya Sabha", (which is false). The first intimation of my passport cancellation ever I get was a letter dated 9-9-76 from the External Affairs Ministry after return to India which makes no

^{*}Not received.

mention of any earlier alleged intimation. Consequently the statement, that "an official of the Indian Consulate-General at New York was instructed to hand over another copy of the letter dated April 8, 1976 personally to Shri Swamy and when the official went to deliver the letter, Shri Swamy refused to receive it", is quite puzzling. My recollection is that while I was speaking before a large audience in Vassar College, a world-renowned college for women in Poughkeepsie, not New York City, a gentleman interrupted my talk to say that he had a letter from the Indian Embassy. I told him that he should instead of interrupting a lecture post it to me, but he shouted back to the utter amazement of the audience "Where?" Since I was leaving the USA early next morning I told him to post it to me care of the Rajya Sabha. A local New York reporter carried a newspaper item on this interruption later, and I am trying to obtain a copy of that item for the Committee's benefit. I did not then know of the contents of the letter, and frankly I took the man to be a crank trying to disturb the meeting, not really an official of the Embassy. As for the statement "This letter was sent to Shri Swamy at his Washington Address", I must state that I have no "Washington address". I would appreciate therefore some indication of the actual "Washington address" the letter was sent to, so that I may enquire from there about it. The one genuine "New Delhi address" received the first intimation about passport cancellation in a letter dated '9-9-76, one month after I had written to the External Affairs Minister. on 10-8-76.

4. Collection of tapes of my speeches delivered abroad, newspaper cuttings and other evidences are cumbersome and time-consuming.

The Committee will appreciate that the charge that I engaged in "anti-Indian propaganda" to bring disrepute to Parliament is claimed to be based on reports of my speeches and publications. I would strongly, and with all the emphasis at my command, refute this allegation. Consequently I would like to submit before the Committee what I really said, and have a full opportunity to place all the facts before the Committee.

I would in conclusion state that this is not a reply to the statement of particulars sent by you, but a letter to state that I accept the Committee's invitation to appear in person, and be heard in person on a suitable date. But to make such an appearance productive, I should be allowed adequate time to assemble the evidence and documents.

With regards,

Yours sincerely, SUBRAMANIAN SWAMY

APPENDIX II(ii)

(Vide para 3 of the Report)

Copy of the letter dated 4th October, 1976 received from Shri Subramanian Swamy, Member, Rajya Sabha

SUBRAMANIAN SWAMY, MEMBER OF PARLIAMENT (Rajya Sabha)

N-226, Greater Kailash-I, New Delhi-110048.

October 4, 1976.

To

The Chairman, Rajya Sabha.

(Through the Secretary-General)

Dear Sir,

The Committee appointed on a Motion on September 2, 1976 by the House has through the Additional Secretary, Mr. S. P. Ganguly sent me a statement of particulars on alleged objectionable activities carried out by me.

Since several of the points raised in the statement are of a legal nature including also cases which are pending in the Courts, I would request you to ask the Committee under Section 5 of the Motion to permit me to either be accompanied or be represented by a counsel, as I choose to.

With regards,

Yours sincerely, SUBRAMANIAN SWAMY

APPENDIX II(iii)

(Vide para 3 of the Report)

Copy of the letter dated October 9, 1976 received from Shri Subramanian Swamy, Member, Rajya Sabha

SUBRAMANIAN SWAMY, MEMBER OF PARLIAMENT (Rajya Sabha)

N-226, Greater Kailash-I, New Delhi-110043.

October 9, 1976.

To

Mr. S. P. Ganguly, Additional Secretary, Rajya Sabha Secretariat.

Ref: RS. 35/16/76-L

Dear Mr. Ganguly,

You must have received my letter of October 4,* 1976 in reference to your letter of Setember 21, 1976.

I have now had a second look at the Statement of Particulars that you had sent me on behalf of the Committee. On this basis I would request you to inform the Committee that besides the issues raised in my letter of October 4,* 1976, I need to have several clarifications on the statement because it is vague on many points. Unless these clarifications are given to me in advance it would be difficult for me to respond to nebulous charges and to prepare my reactions to the statement in a complete form. I do not want to waste the Committee's valuable time with taxonomic counter-statements, and I am confident that the Committee will appreciate this, and direct that the clarifications be sent. The requested clarifications are listed below:

Para I.— I_S it the contention that there was no warrant of arrest prior to 20-9-75? When it is stated that "the police authorities took all reasonable steps to execute the detention order and to apprehend Shri Swamy" is it the contention that the

^{*}October 3, 1976.

Police visited (a) my official residence as listed in the Rajya Sabha directory in 1975, (b) my constituency address, (c) my place of private residence? Is it also the contention that the Police formally informed me in any way that there was a warrant of arrest? I would also like the Committee to help me to inspect the files regarding Police visits kept with Parliament Street, New Delhi; Drugapuri, Lucknow and Greater Kailash Police Station. The Committee will easily understand the import of this request.

Para II.—There appears to be no "evasion/violation of law and fleeing from justice" alleged in this paragraph. Am I right? If so I need clarification on what I should respond to.

Para III.—I would need to know the definitions of the terms "sudden and surreptitiously". I entered the House along with Jagjit Anand (CPI), calmly and normally as he. Is it the contention that I entered the House through a "secret" entrance, and left through a "secret" exit? The dictionary meaning of "surreptitiously" suggest that, but I am quite sure that could not be what is meant by the statement. I would like to know exactly what is alleged by the term "surreptitiously". Also I would like to know what is meant by saying "interrupted a most solemn proceeding... by uttering the words: On a point of order". Under Rule 258 of the House, there is no restriction on when such a point may be raised. It is for the Chairman to rule. I had wanted through a point of order to include one further item. in the obituary reference. Is it the contention that point order cannot be raised in obituary references and raising of them is a breach of privilege? Unless the charge is pin-pointed, I shall be at a loss to know what I am to answer to. I had raised the point of order in all faith, and to raise a matter of grave importance appropriate for the time.

Para IV.—Is it the contention that I have been proclaimed an offender for evading the MISA Warrant of September 20, 1975 as mentioned in Para I? Or is it for something else? This is important to know because according to the statement I was proclaimed offender 24 hours after my appearance in Parliament, and while Parliament was in session. Similarly, was the attachment order based on the alleged evaded MISA warrant or for something else? My information is that all these orders are infructuous in the application of the law, e.g., Section 32 (2) (i) (a)&(b), and 82(2) (ii) were disregarded. There is therefore a dispute between myself and the Government pending in

Court and I would appreciate a clear charge of how I have violated Parliament's privilege in this matter.

Para V.—I would like to know exactly what is alleged here. I request the Committee to let me see a copy of the examined signatures, and the Examiner's report. This is important because it raises fundamental questions of motive on the part of all concerned, especially when I had earlier sought leave of absence from the House, (granted on 15-1-76).

Para VIII.—What is the precise charge here? Is it claimed that if a member is in Delhi with a view to attending a Committee meeting but does not actually go to the meeting, or goes to the meeting but forgets to sign the roll, he is not entitled under the law to TA/DA? I would request the Committee's help to obtain a copy of the Hindustan Times reports of Committee meeting published the following day. All the four Committee meetings took place prior to September 20, 1975—the date on which according to the statement the MISA warrant was issued against me.

Para IX.—(1) The charge should be specified. I would request the Committee to direct that a copy of this interview be supplied to me. I am a public man, and I do not have a copy of all my interviews especially those given on radio/TV.

- (2) I can say in this letter itself that I did not demonstrate or stage a demonstration anywhere abroad. I addressed a rally on January 25, 1976. Is it that I violated Parliament's privilege by addressing a rally? I do not know any of the other named persons except Mary Tyler, or if they were there.
 - (3) The charge should be specified and made precise.
- (4) I would like a copy of the two interviews published in Toronto Star and Washington Star. I find the Toronto Star interview on the basis of the extracts quoted quite garbled. Am I to assume that because only these two interviews are quoted, that all others meet general approval? Otherwise I would request the Committee to help me obtain copies of my interviews/stories/articles in Times (London), Guardian, Economist, New York Times, Washington Post, Los Angeles Times, Denver Post, India (Abroad), New York and TV interviews on BBC, Public Broadcasting System (USA), and Canada AM.

- (6) What is charged here? Is it that if I say a section of current MPs are "vulnerable" it detracts from Parliament as an institution? I find it difficult to answer because MPs have time to time alleged about each other various sorts of things. Frequently Congress and CPI MPs allege that certain MPs and Opposition parties are agents of the CIA, "a willing tool of the Sinister Kissinger destabilization plan as carried out in Chile". Consequently, I would appreciate a clearer precise wording of where I have allegedly harmed Parliament.
- (7) I would like to see the basis of this report before I can respond. Is it based on a newspaper report?
 - (8) There appears to be no charge here. Am I right?
- (10) The charge should be specified. The paragraph readslike a report of the conference. Am I right?
- (11) This does not refer to me at all. On what am I to respond to?

Besides these clarifications, I would be grateful if the Committee helps me obtain a copy of the following relevant competent material. This is a partial list.

- (1) The record maintained by the Indian High Commissioner, Mr. B. K. Nehru of my meeting with him on January 14, 1976 or thereabouts.
- (2) Mr. Nehru's, High Commissioner's speech before the Diplomatic Writers and Journalists Association (September 1975?) and printed at Government of India's expense.
- (3) Mr. T. N. Kaul, India's Ambassador to USA's articles, published in the *New York Times* in later-1975.
- (4) Text of India's High Commissioner to Canada, Mr. Bajpai's interview in late 1975 to a Canadian national TV.
- (5) The booklets circulated by post by the Directorate of Audio-Visual Publicity to Indians and foreigners abroad.
- (6) The number of letters written and telephone calls made to Mr. T. N. Kaul, India's Ambassador, requesting scheduling of an appointment with me in February and March 1976. Any replies that may have been sent.

Let me conclude by noting that this is a letter seeking clarification on the vague charges made in the Statement of Particulars sent earlier by you. The Committee, I am sure, wants to know the whole truth and therefore will help me to assemble evidence for them. All members of the Committee are my colleagues, most of whom I know personally. Consequently I am not approaching the Committee's deliberations as if it is an inquisition, but with a constructive view that maximum evidence should be assembled, and the truth should be relentlessly sought. It is from this angle that I am seeking clarification and adequate time for preparation of my reactions to the Statement of Particulars.

With regards,

Yours sincerely, SUBRAMANIAN SWAMY



APPENDIX II (iv)

(Vide para 3 of the Report)

Copy of the letter dated the 5th November, 1976 received from Shri Subramanian Swamy, Member, Rajya Sabha

SUBRAMANIAN SWAMY, MEMBER OF PARLIAMENT, (Rajya Sabha) N-226, Greater Kailash-I, New Delhi-110048. 5th November, 1976.

To

The Chairman, Rajya Sabha.

Sir,

You will recall that on September 2, 1976, the House set up on a motion moved by Mr. Om Mehta, Minister for Parliamentary Affairs (who is also Minister for Home Affairs), a committee to investigate my "conduct and activities". While speaking for the motion, Mr. Mehta and his Congress colleagues waxed eloquent about providing me an opportunity to defend myself.

I have now understood how sincere they were. The Committee had sent me set of charges framed by Mr. Mehta, and in response to that I had written to Mr. Mehta a letter which my wife, who holds a power of attorney, went to hand deliver in the Rajya Sabha. Mr. Mehta's office, under his instructions, refused to receive the letter. My wife then went to the Notice Office of the Rajya Sabha and incredibly this office too refused to receive the letter. I am still a Member of Parliament and even if I were not the two offices, especially the latter, had no right to refuse the letter. Not only that, the same evening the secret police visited my wife and demanded to know how she came into possession of the letter, and threatened "dire consequences".

In my earlier letters of October 3, 1976 and October 9, 1976, I had informed the Committee that I would be willing to appear in person on a suitable date, and requested that I be given certain clarifications and documents on which Mr. Mehta's charges were based and

referred to, prior to my appearance before the Committee. To date I have not received any reply to those letters. I am now wondering whether the letters were at all placed before the Committee. Had these letters been placed, I should have received a partial or total acceptance or rejection of my request. The complete silence raises my suspicion. This suspicion gains ground because of the Rajya Sabha's press release on October 30, 1976 published by newspapers, all over the country. I have been informed that if I do not appear before the Committee on November 2 "in person", the Committee "will reach its own conclusions". Eight of the ten members of the Committee belong to the ruling Congress. It is because of this reasonable suspicion that I wrote to request the Chairman on November 2, 1976 as protector of members' rights he send the Committee this letter and also direct the Committee that it reply to my letters dated October 3, 1976 and October 9, 1976.

Let me take this opportunity to apprise you of the set of charges framed by Mr. Om Mehta and my reactions to them. The Committee had sent me a copy of these charges, and had asked for "what I had to say in the matter".

There are nine charges numbered I—IX of which the ninth, dealing with my speeches made while abroad, has eleven sub-parts. None of the other charges have any sub-parts.

- 1. Some Charges are Idle and Unworthy.—Of these nine charges, I and III are idle and unworthy of any responsible Minister. Charge I accuses me of having "fled the country" on January 7, 1976. Such rustic languages one eschewes after graduating from high school. Besides it is patently absurd. A person who intends fleeing the country, having successfully fied does not return to the same country, walk into Parliament "to have his presence recorded" as Mr. Mehta puts it. Also I left the country with the permission of the Rajya Sabha, and also of the Reserve Bank. A person fleeing the country does not need to obtain all these. Besides upon arrival in London, I called the Indian High Commissioner and later met him in his office for tea. Similarly, charge III states that I entered and left the House, on August 10, 1976, "surreptitiously". Am I to take this charge seriously? For the record, I wish to tell you that I entered the House with Jagjit Anand (CPI) and left Parliament only after exchanging greetings with the Deputy Chairman in the lobby.
- 2. Some Listed Charges do not contain a charge.—Charges II and IX (10) are not charges at all, but statements. Charge II states while abroad I sought further leave of absence but on March 22,

1976 the House refused me any further extension of leave. Under the Constitution, I am entitled to be absent from the House without leave continuously for sixty working days. Similarly IX (10) is a bland statement that there was a conference organised in London by the Friends of India International (of which I am President) and overseas Indians from 15 countries attended it.

The charge IX (11) does not refer to me at all! It refers to another person. I do not know how this mix-up took place. Either Mr. Om Mehta needs a new secretariat, or more likely the secretariat needs a new Minister.

3. Some Charges involve Sub-Judice Matters.—Charges IV, V and VI represent the views of the Government as plaintiff in Court cases in which I am the defendant, and therefore there is sub-judice. Under rule 238 of the Rajya Sabha, issues pending in Courts cannot be even referred to in the proceedings of the House. This is why I wrote to you earlier requesting that a legal counsel represent me before the Committee. But the request was ignored. Although I cannot reply to sub-judice charges, I can nevertheless state in brief that these charges are trivial and baseless, and filed as complaints by the Government in the Court as an after-thought to bolster a frame-up against me. Thus, charge IV that I am evading detention under MISA and hence am an proclaimed offender is infructuous under law. The warrant was issued on September 20, 1975 but I was proclaimed offender 24 hours after my appearance in the House on August 10, 1976. Charge V that I had been given permission to visit Britain but not USA and Canada, and that I had been allowed to stay abroad three months but I stayed on longer, is trivial and baseless. The quoted section 32 of the Foreign Exchange Regulation Act which I am accused thus of violating also states that no citizen can be denied such permission if he does not seek foreign exchange for his stay abroad and has known and approved source of support (in my case, my brother-in-law who resides in Canada, a source approved by the Reserve Bank when I left the country). The Reserve Bank can only legitimately seek to regulate the allocation of foreign exchange and not unimpinging travel.

Charge VI that I travelled back to India on a cancelled passport is also baseless. I was never formally informed of the cancellation (which now in retrospect it appears to one) deliberately. While I was abroad, the Government had in its knowledge three addresses notified by me: (1) My brother-in-law's address abroad, (2) My New Delhi residential address, (3) Rajya Sabha. To none of these addresses was the impounding order sent. In fact, after returning to

India, I wrote on August 10, 1976 to the External Affairs Minister informing him of the newspaper report (on April 25, 1976) I had seen quoting Indian Embassy spokesman as justifying the cancellation on grounds that I had left the country without the permission of the Rajya Sabha, I urged the Minister to reprimand the official for knowing neither the law nor the fact. The first ever official letter of cancellation came to my New Delhi address one month after my letter to the Minister, and this letter makes no reference of any earlier intimations.

Mr. Mehta's claim that a letter dated April 8, 1976 was sent to my "Washington Address" is amusing. I have no "Washington address" and I was not in Washington (on April 8 or thereafter). If someone totally in the dark of my whereabouts were to seek me out while I was in the USA the obvious place would be Harvard University where I had taught economics for six years and from where I obtained a doctorate in economics. In my letter of October 3, 1976 I had sought to know the exact "Washington address" from the Committee. This request was ignored, unless the Committee was never shown my letter.

Equally incredible is Mr. Mehta's allegation that an official of the Indian Consulate-General went to hand over "another copy" of the cancellation letter personally to me in New York. The letter Mr. Mehta states was dated April 8, 1976. I checked my diary to find that I was not in New York on that date or any date thereafter. The closest I was to New York (April 8 or thereafter) was Poughkeepsie (April 10) where the world-famous women's college Vassar is located, and Cambridge (evening April 10) where Harvard is located. Vassar is 145 miles from New York, and Harvard is 200 miles away.

At Vassar, while addressing a capacity audience. I do recollect that a complete stranger had interrupted my talk saying he had a letter for me from the Indian Embassy. It was a strange way to deliver letters, but I requested the interrupter to send it to me care of the Rajya Sabha since as per plan I was to leave the USA early next morning. I did not, and could not know then the contents of the letter, and frankly took the stranger to be a crank. The India Abroad, a fortnightly newspaper has reported this incident. The fact that this said letter was never sent to me care of the Rajya Sabha further shows that there was a deliberate attempt to withhold formal notification for motives which only the Government can explain.

4. The Residual Charges.—A ground thus exists for any impartial person to think there is more than what Mr. Om Mehta would have us believe. In fact, upon examination of the remaining charges VII, VIII, and parts of IX, a very strong presumption of the culpable mental state of the Government.

In charge VII, Mr. Om Mehta states that the signatures against my name on the attendance register for the 93rd (July-August, 1975) session and on two days. January 7 and 9, 1976, of the 94th session are forgeries. He further states that I drew my allowances for the 93rd session, but not for the 94th session.

I had written in my letter of October 9, 1976 to the Committee that I should be provided with a copy of the signatures for my own examination. This request has met with silence.

The signatures of the 93rd session are mine, while those of January 7 and 9, 1976 certainly are not. Further, from Mr. Mehta's statements made on the floor create a distinct impression that these signatures on two days of January, 1976 were inserted by interested elements with a premeditated intention to defame me. In support of this impression I note below what Mr. Mehta himself states:

- 1. That I had applied for, and received, leave of absence from the House for the 94th Session.
 - 2. That I did not draw any allowance for those two days.
- 3. That the forged signatures were brought to his notice by Congress MPs on March 22, 1976 when the House was considering my application for further leave.
- 4. That the only reason I entered the House on August 10, 1976 was to have my presence recorded.

One does not have to be Sherlock Holmes to deduce from the above four statements of Mr. Om Mehta that whoever forged my signature in January, 1976 was seeking to defame me. Firstly, the attendance register sheet kept in the lobby is changed every day and it is a wonder that some Congress party MPs can know almost three months later that on two particular days my signatures had mysteriously appeared on the daily attendance sheet. Secondly, there is the question of motive. Mr. Mehta admits that I had ap-

plied and obtained leave of absence and also that I had not drawn any allowances for those two days. Then who stands to gain? It is difficult for me to be positive about it, but as a first step if the "signatures" and also specimen handwriting of those Congress MPs who brought the forgery to Mr. Mehta's attention are supplied to me, I may be able to help.

Yours sincerely,
SUBRAMANIAN SWAMY



APPENDIX III

(Vide para 3 of the Report)

Extract from a letter dated October 20, 1976, addressed by Shri Subramanian Swamy to Shri Om Mehta

Next, you told the House that I signed the attendance register, although I did not participate in the proceedings, and this created "reasonable suspicions that they were not genuine". As Parliamentary Affairs Minister you must have known better. You failed to inform the House that the only sessions when I was present in the country were the 93rd (July-August, 1975) session, and this last 97th (August, 1976) session. For all the other in-between sessions I was out of the country. There was no question therefore of my signing the register or participating in the session. There was also no possibility of my participating in the "emergency" 93rd session, because the Opposition had decided to withdraw from it. As for this last session, even you do not deny my physical presence. In fact you seem upset that I came at all! But I could not participate in this session any further because this session as well had been boycotted by my party.

It is, therefore, no surprise that although I was in Delhi for the 93rd and 97th sessions, and the attendance register shows that, I did not, because of the boycott, participate in those sessions.