

the statement. I do not think there is any merit in any of the objections taken.

Mr. Charan Singh.

12.07 hrs.

STATEMENT UNDER RULE 199

SHRI CHARAN SINGH (Baghat): Mr Speaker, Sir, I may state at the outset that my exit from the Government was not a resignation in the usual sense, but an expulsion.

I fell critically ill on April 24, 1978 and had to be admitted to the All India Institute of Medical Sciences, New Delhi on that very day. I came out of the Institute on June 9 and was convalescing at Suraj Kund, but under the care of a doctor of the Institute, all 24 hours of the day. On the 29th June, I received a letter from the Prime Minister at about 10.00 P. M. demanding my resignation and clothed in strident language—language of a master to a servant. I wrote back the next day that I was resigning forthwith as desired by him, but would give my assessment of the real reasons behind this action of his, on the floor of Parliament. I would have come earlier to the House but for my ill health and persuasion of my friends to delay the statement. Inter alia, the letter said:

"I am quite sure that you are fully aware of the concept of collective responsibility that prevails in a Cabinet system of Government. I do not know what prompted you to decide to depart from time-honoured procedures that are characteristic of the Cabinet system, and choose to use the Press as the medium of communication with your Cabinet colleagues. Instead of submitting your proposals to the Cabinet, you chose to by pass the Prime Minister and the Cabinet and make statements

which amount to a condemnation of the Cabinet through the medium of the Press...

"The step that you have taken is all the more understandable, because the matters that you have raised are all matters which fall entirely within the competence of the Home Ministry of which you are Incharge. The responsibility for processing legal action against Mrs. Gandhi and others responsible for the excesses of the Emergency falls within the area of responsibility of the Home Ministry. As Home Minister, it was, and has continued to be your responsibility to give thought—to this question and put before the Cabinet proposals for the best course of action in this field, and also to see that the administrative action necessary for the implementation of these proposals was carried out expeditiously and effectively.

"Your statement gives the impression that you wanted that Mrs. Gandhi should be immediately arrested and detained but 'those who differed from you', obviously in the Cabinet, stood in your way. There can be a greater travesty of truth than to suggest that you put forward any proposals in this regard which were turned down by the Cabinet. The fact of the matter is, that you made no proposals of this kind to the Cabinet and therefore, the question of turning them down did not arise."

Mr. Speaker, I would now like with your permission to state the facts leading to the situation, in a chronological order.

While I was staying at Suraj Kund, Shri Ram Jethmalani, a legal luminary and a respected Member of this House, saw me thrice at my request in order to discuss the question of the establishment of special courts, or some other special procedure, for the former Prime Minister, Mrs.

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Gandhi's trial. He told me that a distinguished jurist, Shri Seervai, was also of the same opinion as he himself and I were. He also referred to the opinion of Shri Tarkunde in this connection. Shri Ram Jethmalani's interest in the matter as also my view of it will be clear from the letter which he wrote to the Law Minister on June 12, 1978:

Ram Jethmalani, MP.

7B Janpath
New Delhi
12th June, 1978

"My dear Shanti Bhushan,

After our last meeting, I prepared a draft ordinance and showed it to Charan Singhji. He was keen that I should obtain Mr. Seervai's opinion on its Constitutional validity. I sent a copy of the draft ordinance to Mr. Seervai and requested him to make such changes as he liked, but the ordinance should be foolproof and immune to all possible attacks. Mr. Seervai has made a few changes and the revised version is according to him above all Constitutional reproach. I am sending herewith the revised ordinance as well as Mr. Seervai's opinion. I have once again to reiterate that on the return of the Prime Minister this Ordinance should be forthwith promulgated and something done to bolster our fast diminishing credibility.

With regards,

Yours sincerely,

(sd)/

(Ram Jethmalani)

Mr. Shanti Bhushan,
Union Law Minister,
New Delhi."

On June 15, the Cabinet Secretary, the Home Secretary and the Personnel Secretary (who is in charge of

the Central Bureau of Investigation) held a meeting with me at Suraj Kund to discuss the question of trial and prosecution of Mrs. Gandhi. During the course of the discussion, I made it clear to them several times—clear beyond any doubt—that I wanted Special Courts to be set up for the purpose. Otherwise, the trial would take years and years, create disaffection in the public mind and bring a bad name to the Government. And that the people were unable to appreciate how Mrs. Gandhi came to be released unconditionally in the preceding October perhaps, the first instance of its kind in the history of Criminal Law in India. I also referred to the opinion of the distinguished jurist, Mr. Seervai and the draft of an Ordinance prepared by him which had been given to me by Shri Ram Jethmalani. While such was my view, the thoughts that swayed the Prime Minister and the Law Minister were different.

In its issue, dated June 18, 1978, the *Times of India*, New Delhi, carried the following report of a press conference held by the Prime Minister immediately on his return from a ten-day tour of the U.S.A.:

"The Prime Minister, Mr. Morarji said here today that the government would decide within two months the question of prosecution of Mrs. Gandhi in the light of the findings of the Shah Commission.

"Replying to a spate of questions on the subject at his press conference here this evening, Mr. Desai was emphatic in ruling out any retrospective penal action.

The question of prosecution was being examined by the government. Any action taken will be under the existing law and for

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specific offences. I do not believe in any high-handed action. Crimes committed will be dealt with in accordance with law. I cannot make new crimes, I cannot make laws with retrospective effect. That will be wrong.'

He told a questioner that Mrs. Gandhi had been punished by the people. 'She will be punished in future also. People are not going to forget what she did'. Emergency must be forgotten as a bad dream, he said.

A week later, that is, on June 25, the *Indian Express*, New Delhi, reported thus:

"Mrs. Gandhi to be tried by Ordinary Court. New Delhi, June 24: The Government has decided to try Mrs. Gandhi in an ordinary way, instituting cases against her in a magisterial court in the capital.

There will be no special court, nor a special judge, even though it realised that the cases may take a long time to conclude.

It is not known whether, to expedite the proceedings, the government will approach the Delhi High Court to transfer the cases to itself—a procedure adopted earlier by the government in several cases. This can help skip two stages. From the High Court the appeal is only to the Supreme Court, while from the magisterial court the cases will go to the sessions judge, then to the High Court and ultimately to the Supreme Court.

The cases which are being instituted are under section 343 and 344 of the IPC and they relate to wrongful confinement. One is under section 211 for giving false information to the State; this is about the

wrongful detention of textile inspectors. The Government could have preferred this case under the Prevention of Corruption Act and that would have automatically meant a trial by the Sessions Judge. (The Supreme Court has held that misuse of authority to cause wrong to the State can be a case for a special magistrate. But the government has not done that.)

It looks as if the government was bending backwards to see that nobody criticised it for having cut short any procedure or for having shown unnecessary haste in trying Mrs. Gandhi.

It is an open secret that a few Ministers in the Central Government, particularly Mr. Shanti Bhushan, Law Minister, have opted for a soft line towards Mrs. Gandhi. They think that she was 'punished' by the people when they threw her out in the Lok Sabha poll. At a news conference after his visit to the U.K. and the U.S.A., Mr. Morarji Desai had also observed: Has not she been punished for playing with the Constitution?"

On 27th June, the UNI sent out a despatch from New Delhi, a part whereof runs as follows:

"According to the current thinking of the Prime Minister, he does not favour action except under the existing law. Even under the present law, it will be open for the Government to approach the High Court to specify a Magistrate's Court to deal exclusively with cases relating to Mrs. Gandhi and others. The Court would commit the proceedings to the Sessions Court. The Prime Minister also does not favour any new legislation depriving Mrs. Gandhi of the due process of law now accessible to other citizens. The suggestion that she should have only one course of

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appeal instead of two or three available to others is also not acceptable to Mrs. Desai.

"This legislation would create an impression that the Government was out to persecute some one and could be challenged in a Court of Law."

It was in the context of these three reports that I thought it necessary, on June 28, to explain my point of view by way of an interview to the press—a view which dictated strong and swift action against the former Prime Minister.

I said as follows:

"Perhaps, those who differ from me do not realise sufficiently the intensity of the feelings among the people of our country on the Government's failure to put the former Prime Minister behind the bars by now. They draw all sorts of conclusions and are inclined to give credence to all kinds of stories. They think that we in the Government are a pack of impotent people who cannot govern the country...."

AN. HON. MEMBER: It is true.

SHRI CHARAN SINGH: Now it seems the potency has returned. I further quote:

"Indeed, there is even a section of our people, especially among those who had suffered grievously under her regime during the emergency, who want that Mrs. Gandhi should be detained under MISA, which is still on the statute book and despite the Janata Government's irrevocable commitment to scrap this lawless law. Although I might not go along with this extreme view, I can still understand and appreciate their feelings. Its only represents their patriotic reaction to the manner in which Mrs. Gandhi and her caucus have tried to denigrate the law courts, create uproars in law court compounds,

impute motives to the Shah Commission, subvert the prosecution evidence and generally create an atmosphere of violence and terror in the country against those who differed from her and her Congress."

As it happens, the Grand Old Man of Indian politics, Acharya J. B. Kripalani, was also thinking on the same lines as I was. On the 27th June, he wrote the following letter to me:

"My dear Charan Singh,

When I wrote to you last, I thought you are quite restored to your health, but I find that this is not so. I hope, in spite of the present difficulties, you will soon be restored to your normal health.

I am sending you herewith a letter I have addressed today to the Members of Parliament about the trial of Mrs. Gandhi, I am sure, you will agree with me that the way that has been proposed for a trial is as good as dropping it altogether. In this connection, I am also sending you herewith a cutting of an article that I wrote a few days back in the 'The Hindu' of Madras.

I hope, the political troubles there will end soon and you will begin again the service of the nation as a united party.

With greetings and best wishes,

Yours sincerely,

Sd/-

(J. B. Kripalani)"

I may tell the House, however, that I received Acharya's letter (along with its enclosure) more than a week after I had resigned.

Now, to the arguments advanced by the Prime Minister in his letter to me, dated June 29: the first is based on the principle of collective responsibility. This principle has been taken from the Conventions of the British Parliamentary practice. It

has been incorporated in Clause 3 of Article 75 of our Constitution and provides that the Council of Ministers shall be collectively responsible in the House of the People. I must submit, however, that this principle is not absolute. In other words, it does not rule out public expression of dissent on the part of a Minister in all cases. And I think, in view of the history of the question of Mrs. Gandhi's trial and its public importance, I committed on wrong if I conveyed my views thereon to the people directly.

Mr. John P. Mackintosh writes in his book, "The British Cabinet", Third edition (1977), page 33, as under:

"Collective responsibility used to be enforced (from the days of the Younger Pitt) because Prime Ministers and Cabinets felt too exposed to criticism if members publicly disagreed with each other. But in the modern conditions of politics, a government can keep going in the House of Commons provided it retains its majority. What is more important is to avoid electorally damaging resignations or 'split' as the newspapers would describe the situation. If it is easier to prevent such damage by allowing an element of public disagreement, then this can be done and has been done".

He goes on to point out on page 535 that "by 1975, as has been said, occasions arose when ministers were allowed not merely to record their dissent in public but to campaign against each other (over the E.E.C., particular Bills or the leadership of their party) before relapsing once again into a form of collective responsibility."

Another writer, Mr. Gordon Walker—I think, this gentleman had also been a member of the British Cabinet; but I am not very certain...

MR. SPEAKER: Yes; he was.

SHRI CHARAN SINGH: Mr. Gordon Walker, in his book "The Cabinet", has also pointed out that "dissent is also permitted if, on balance, this does the governing party less harm than playing the card of collective responsibility and facing resignations, recriminations and talk of splits."

The above facts of British parliamentary life are particularly true of, or applicable to the circumstances in which the Janata Party was born. It is not a fully integrated party with an organic growth from the roots, but more a combination of parties or groups which could act only on the basis of a broad consensus, at least, on important issues.

What is more relevant than what "collective responsibility" means or does not mean, is the question whether it applies to Ministers only or to the Prime Minister also. The Prime Minister thinks that he is above all rules and conventions, that it is the Ministers alone who are subject to discipline or answerable to him on all conceivable occasions. But, in my humble opinion, he is wrong in thinking or acting as he has been doing.

Article 74 provides that there shall be a Council of Ministers with the Prime Minister at the head. Although he is the head of the Council, the Prime Minister is only the first among equals (*primus inter pares*). Thus the principle of collective responsibility embraces in its fold the Prime Minister along with the Ministers. This is clear from the observations of the Chief Justice Beg and Justice Chandrachud of our Supreme Court also, made in a judgment delivered in the case of Karnataka State vs. Union of India this very year.

Last year, in 1977, the Prime Minister had declared that India would not produce or use nuclear energy even for peaceful purposes though this might be detrimental to the interests of the country. Now,

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this goes contrary to a clear Government decision taken during the days of the previous regime, notwithstanding the objections of about half a dozen countries which today hold the monopoly of production of nuclear energy and stockpiling of the destructive arms. It was a sensible decision and consistent with our national self-respect. The question arises; why did Shri Desai make such a statement without putting it before the Cabinet?

Then there is the unfortunate statement of the Prime Minister on Sikkim's merger with India. Now, this statement was not only factually wrong, but it was never put to the Cabinet or discussed by it. The statement has made our country an object of ridicule throughout the world. Shri Desai expressed the same view about the liberation of Goa, again, without consultation with his colleagues.

The Prime Minister explained that it was his own personal opinion. But a Prime Minister's opinion in regard to a public question can never be regarded as a private or personal opinion. It was an outright official declaration and, in any other country, the Prime Minister would have been forced by Parliament to resign. But then India is different.

AN HON. MEMBER: We are impotent.

SHRI CHARAN SINGH: Including yourself. I would remind my friends of their reactions to the proposal for imposition of Emergency made by their leader at that time; they all acquiesced in that.

Centre-State relations is a subject falling within the ambit of the Department of Home Affairs. When certain Chief Ministers wanted that a Conference of Chief Ministers be

called to discuss certain issues, the Prime Minister made a declaration that no such conference would be held nor was it necessary to do so. He never consulted me as to what I thought about the matter.

Law and Order is strictly a State subject, but there are certain questions relating thereto, which the Government of India might consider relevant to its own duties and functions. For example, there were serious disturbances in Maharashtra in October last year. The Prime Minister wrote a letter to the State Chief Minister without even as much as bringing it to my notice even after it had been sent out.

There are several such other instances, over the narration whereof, I need not waste the time of this House any further. A valid question will, therefore, be whether in the face of his own personal record of wilfully by passing the Cabinet and the concerned colleagues, it lies in Shri Desai's mouth to accuse me of transgressing the principle of collective responsibility.

As for the second point, raised by the Prime Minister in his letter, it is true that legal action against Mrs Gandhi and others responsible for the excesses of emergency, as held *prima facie* by the Shah Commission, falls within the area of responsibility of the Home Ministry. Now, the first part of the Commission's report was received in the Home Ministry on March 12, 1978 and placed before the Cabinet on March 23. As the House already knows, an intimation that an Empowered Committee was appointed to process the recommendations of the Commission, to submit its recommendations and to suggest the action that was to be taken thereon, within a month or so. The second part of the Commission's Report was received, and the recommendations of the above Empowered Committee on the first part submitted during my illness, *viz.*, on April 27 and May 1, respectively. The Committee's re-

commendations on the second part of the Commission's report are said to have been received still later, viz., on May 11. During this period, it was the Prime Minister himself or the two Ministers of State who held charge of the Home Portfolio. I do not, however, exactly know what the arrangement was; at least, I was never informed of the arrangement.

As regards the Prime Minister's third argument, viz., about my responsibility to give thought to the question of Mrs. Gandhi's trial and put proposals before the Cabinet on the subject. I have already told the House that I did hold a discussion with the Secretaries concerned immediately my health permitted to do so. That is on June 15 at Suraj-kund where I reached only six days earlier. I understand, however, that the Ministry of Home Affairs, rather its Secretary did not submit any note on the trial of Mrs Gandhi either to the Prime Minister or directly to the Cabinet. Why no action was taken in pursuance of the discussion or my view so clearly expressed, passes my comprehension. But I could not ask any questions or take any action on this failure as it came to my notice only after I had resigned.

The question that called for consideration in this connection, is very simple, indeed. Admitting I tarried or failed in my duty of sending up proposals in regard to Mrs Gandhi's trial promptly to the Cabinet, could not the Prime Minister motor down to the Suraj Kund for a discussion with me, or, if he considered this course to be below his dignity, could he not ring me up for a telephonic talk?

AN HON MEMBER: Telephone out of order.

SHRI CHARAN SINGH: But it was certainly not open to the Prime Minister, without consulting me, to let it be known to the Press and, through it, to the people that he did

not favour any course for trial of Mrs. Gandhi other than what was available to other citizens; that she starting with institution of complaints in a Magistrate's court and an appeal to the Sessions Judge, then to the High Court and finally to the Supreme Court; that government would appoint no special court or special judge to try Mrs Gandhi even though the cases took a long time to conclude; that any such action on the part of the Government or a new legislation in this regard was likely to create an impression that government was out to persecute some one; and also that such a legislation could be challenged in a court of law, etc., etc.

It is clear that the Prime Minister thinks he was free to do what he liked, without consulting the Minister concerned. I do not think he was so entitled. At best, he could take the matter to the Cabinet. But, then, the House must have noted that our Prime Minister usually speaks in terms of 'I', not 'we', 'Cabinet' or 'Government'.

AN HON MEMBER: Super ego.

SHRI CHARAN SINGH: To conclude the argument about collective responsibility; the House must have noticed that, in seeking the Supreme Court's orders about establishment of special courts for trial of Mrs Gandhi, he has contradicted all that he told or conveyed to the press in June last and the Supreme Court's opinion vindicated my stand in the matter. What history will say of such a Prime Minister, can easily be guessed. If I had not issued my public statement, the Prime Minister might not have given up his opposition to Special Courts.

The hollowness of Shri Desai's plea of collective responsibility is established by the fact that, when another Minister accused the Govern-

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ment of softness in the matter of action against Mrs. Gandhi, the Prime Minister not only did not demand his resignation but reportedly persuaded him to withdraw the resignation, which he had submitted on his own..

AN HON. MEMBER: Who is that Minister?

SHRI CHARAN SINGH: I leave it to you for your conjecture.

Therefore, the argument about transgression of the principle of collective responsibility was a feint; the real reason lay elsewhere.

The first reason consisted in the Kisan rally. I had advised my co-workers not to convene any such rally, for it was likely to create a misunderstanding about me in the minds of the residents of the city of Delhi. They would not agree; a rally was held and more than 15 lakh people gathered. The size of the rally sent a chilling wave through the heart of some who mattered. They looked small in their own eyes. Even some of those who attended and addressed the rally, had second thoughts. A rally in honour of a colleague had been held in the capital eight months earlier, but it was comparatively a small affair and, therefore, not out of the ordinary.

The Prime Minister, in particular, saw in the rally a threat to his position. I know a Minister of State whom the Prime Minister asked not to attend the rally. Not only that, he went to the extent of taunting a Member of the Cabinet saying that he attended the rally because Charan Singh had promised to allot the Ministry of Home Affairs to him when he became the Prime Minister.

The Prime Minister went out of his way to make a statement on the floor of the Rajya Sabha on the day preceding the rally, viz., on December 22, 1977 that he did not approve of any birth-day celebrations for himself and that he would not join such

things.' He did not care to consider that such an unsolicited statement would wound the feelings of his senior-most colleague. But, then, he was the Prime Minister, and I, an humble individual whom he could make or unmake. Few people would believe when I tell them that Shri Desai had not even the courtesy to felicitate me, perhaps, because my birth-day has been tainted by the rally.

It would seem that the Prime Minister's attitude towards the kisan rally is also rooted in a reason other than what its association with my birth-day dictated. He does not think India's economic development is, in any way, linked with rural uplift, increased agricultural production or purchasing power of the agriculturists. To give only three or four examples: in his opinion supply of power to Birla's Hindelco is more essential than to tube-wells. This would be clear from a letter which he wrote to the Chief Minister of Uttar Pradesh last year.

Second, the Prime Minister wrote a D.O. letter to the Chief Minister of Andhra Pradesh on January 23 last virtually pleading for exemption of Raja Challapalli's sugar farm from the provisions of the land ceilings Act of the State in the name of equity and justice. He sought to show 'patent' discrimination against this particular farm inasmuch as the State Government's Nizam Sugar Factory had already been exempted from the Ceiling Act. The then Chief Minister, Shri Vengale Rao, truned the table on Shri Desai with a prompt reply on February 12.

AN HON. MEMBER: That is the greatness of him.

SHRI CHARAN SINGH: He questioned Shri Desai's wisdom in intervening in an unmerited case in favour of a party with a notorious background.

Third, the Prime Minister would not allow more than 5,000 tonnes of gur to be exported which suggestion was made in order to boost its price

that had gone down very low. Inasmuch as the production of gur in the country was estimated at 86 lakh tonnes, export of such a small amount could not make any dent on the producers' price. As for the cost or interest of the consumer, inasmuch as consumption of gur constituted only 9.3 per cent of his total consumption export even of one-third of the total production would not irk him.

Fourth, in August last, with a view to host a meeting of the UNCTAD in January or February, 1980, the Government decided to spend an amount of Rs. 15.66 crores on the construction of one hotel and one hostel as also an expansion and renovation of the Vigyan Bhawan. This expenditure could very well as avoided, and this huge sum spent upon sinking of tubewells, construction or expansion of a fertilizer factory and providing clean water to thousands of villages which are going without it today.

But, then the wretches living remote from the capital, are not within our ken. Nor do they seem to belong to us. They are denizens of a different world—uncouth and unlettered. What are the poverty-stricken people in the villages or even the towns to us, and we to them that we should weep for them!

Here the incompatibility between the Prime Minister's and my attitude—his inclination towards the rural and urban rich and my insistence on policies and programmes for the uplift of the rural and urban poor—becomes relevant.

As a communication to me in January last said, apprehending opposition from me to certain deals, 'silent wheels had begun to move to get me (sick) out of the way,' that is, to shift me from the Home Ministry.

AN HON. MEMBER: You quote it.

SHRI CHARAN SINGH: I will not like to quote it. The first two paragraphs of another communication

which I received in the last week of February, read as follows:

"The conspiracy of the new Caucus against Mr. Charan Singh has reached the flashpoint with a decision to ease him out of the Home Ministry if not the Morarji Cabinet itself with the offer of an extended portfolio of Agriculture to him. Anticipating a revolt from the BLD Jan Sangh side, attempts are being made to seduce the latter into the official camp. Ramnath Goenka of the Express Group is playing the leading role in this operation."

They came out with an article 'Operation Charan Singh'. Further:

"First of all, he is trying to get the socialists to make up with the Jan Sangh. It is understood that A and B are willing but C is being difficult on the RSS issue. They hope to overcome his reservation. Their assessment is that the Jan Sangh is supporting Chowdhary Sahib only to protect themselves against C's campaign backed by the official group. Once this is removed, they claim, the Jan Sangh would be willing to ditch the Home Minister.

Simultaneously the dialogue with the Chavan Reddy Congress continues with the object of a reconciliation which would bring old Congressmen together within the Janata Party. A has been openly pleading this brief and high level discussions have taken place in pursuit of this common project. Everything depends on how the Congress and Janata fare in the coming State poll—of the House.

Meanwhile, the press is being Mobilised to support the official Campaign against Chowdhary Sahib".

True, no responsible public men can derive any valid conclusions from such letters or communications, but as it happens, in this case their con-

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tents stood confirmed by what happened shortly afterwards.

The immediate and, perhaps, the most important reason lies in my suggestion to the Prime Minister to institute an inquiry into the conduct of his son, particularly in view of what he himself had said in Bhavnagar in a public meeting on January 15, 1978. After waiting for about two months for the Prime Minister to initiate action in this regard, I wrote to him thus, on March 11:

"Secret

New Delhi.

11 March, 1978

My dear...

I am writing this letter after a great deal of reluctance. In the given circumstances, not certainly of my making, it is likely to be misunderstood. But I have carefully weighed it in my mind and think that I would be failing in my duty if I did not do so.

On January 16 last, it was reported in the press that you had been pleased to make the following statement while addressing a public meeting in Bhavnagar (Gujarat):

'Bhavnagar, January 15: The Prime Minister, Mr. Morarji Desai today offered to resign if allegations of corruption levelled against his son, Mr. Kanti Desai, were proved.

'Addressing a mammoth public meeting here, Mr. Desai described the charges as 'unfounded and mischievous' and said: 'Let these allegations be inquired into by a three-member impartial committee'.

Referring to the allegations for the first time in public, he said he was doing it intentionally so that whoever had any proof against his son, could produce it.

Mr. Desai was provoked to come out openly at the latest issue

of 'Samarthan', a weekly published by Mr. Pranubhai Bhatt, President of the Bhavnagar district Janata Party unit had carried these allegations....'

'The Prime Minister pointed out to Mr. Pranubhai Bhatt who was sitting beside him on the dais and hoped he would apologise in public if he was convinced that his allegations were baseless. Mr. Bhatt, however, avoided referring to the issue while thanking Mr. Desai for his address'. The Times of India, January 16, 1978.

Now, if I may say so, this stand of yours in the matter of allegations against your son could not be improved upon. Shri Kantibhai Desai is your only son and lives with you. Perhaps, as stated by you on the floor of the Parliament, you have appointed him as your Private Secretary also.

Below are given extracts from an interview which a correspondent of the weekly 'India Today' had with Shri Kanti Desai, as published in its issue dated 16-31 December, 1977:

Q: What exactly do you look after as the Prime Minister's private Secretary?

A: I mainly look after the political affairs. The administrative details I leave to others. I meet and discuss things with political leaders and others....

Q: You said you want to start public life by working as your father's Private Secretary 14 years ago. How would you like to think of your own political future?

A: I do not think the work I am doing at present is any less important. But when the time comes, I will be there. Until then I am gaining experience."

People in general and publicmen in particular have, however, been disturbed to know that you do not propose to hold any enquiry at all. This is apparent from the following news item which appeared in the States-

man', dated 19 January 1978 which remains uncontradicted till date:

"Mr. Desai has no intention of setting up a committee of "three independent persons" to find the truth about the allegations being made against his son, Mr. Kantibhai Desai, reports Samachar.

"Sources close to the Prime Minister said on Wednesday that any such interpretation of his speech at a public meeting at Bhavnagar on January 15 would be erroneous and unwarranted.

"What the Prime Minister had said was that the same allegations which had been made against Mr. Kantibhai Desai and on which he made a detailed statement in 1968 were now being revived to malign him and his son."

It is difficult for me to believe that this news-item had your approval but if it had, I will submit that your earlier reaction was the right one and you should stick to it. Further, that most of the allegations against Shri Kantibhai Desai which are now reverberating throughout the country are new, and not old.

Maybe, these allegations, too, are all wrong and the press misquoted your Bhavnagar speech. Nevertheless, an enquiry would be appropriate. The reason is simple: every minister much more so the Prime Minister along with such members of his family as are living jointly with him, should not only be incorruptible, but should appear to be so.

As a distinguished Prime Minister of England, the Earl of Chatham said long ago, if allegations are made against a minister, they should invariably be enquired into. If the allegations are found wrong, the finding will raise the prestige of the Government; if they are found correct, the minister concerned will have to leave the Cabinet, in which case also the prestige of the Government will go up.

I would urge, therefore, that whatever be your compulsions to the contrary, it would be best to abide by the sage advice of Lord Chatham. Such a step along will help maintain the morale of the Party and the good name of the Government which are going down steeply with every day that passes.

I conclude in the hope that you will not misunderstand me. |

With regards.

I am,

Yours sincerely,

Shri Morarji Desai,
Prime Minister of India,
New Delhi.

The Prime Minister wrote back as follows:

PRIME MINISTER

New Delhi,

March 13, 1978.

My dear Charan Singhji,

I have received your letter of the 11th March regarding Kanti. It has caused me no surprise; some persons had been telling me that you were intending to write such a letter and I had earlier told Raj Narain about it. He told me that there was no truth in it. Your letter shows that Raj Narain was wrong.

Your letter appears to have been prompted by what I am purported to have said in Bhavnagar on 15th of January according to the Samachar report as was published in the newspapers of the 16th. As soon as this incorrect report was brought to my notice, I had it corrected and the corrected version is the one that appeared, along with other papers, in the Statesman of the 19th January which you have quoted in your letter. I do not know why you should prefer the former to the latter. What is material is the version of the speech which I gave and not as it was construed

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by the reporter of a News Agency. Such wrong versions by a news agency are not so uncommon as to carry with them irrefutable authenticity.

You seem to think that whatever the correct version may be, the allegations against Kanti should be inquired into and in support of it you have cited the time-worn but seldom followed principle that persons holding high office and members of their family should not only be incorruptible but should appear to be so. I have always followed this principle. The question arises, however, as to whether every time an allegation is made against such persons or their families it should be inquired into or whether allegations should in the first instance be supported by *prima facie* evidence so as to be deserving of notice.

When I referred to the precedent of 1968 it is only because the situation and environment were more or less what they are today both within the party and outside. Interested persons were making propaganda against my son not so much to involve him but to ensure that I get out. As a result of statements made in Parliament, the matter was clear and Mrs. Gandhi who had earlier clandestinely encouraged it had to make a speech. The ghost of those matters is sought to be resurrected for their own purpose by some designing persons.

May I ask if it is your view that we should submit to the machinations of such ill-disposed persons? Our country has somehow become a vast whispering gallery in which character assassination seems to be a pastime or a child's play and rumours seem to float as if they are facts. False news is served to credulous readers as if they are authentic and garbled versions are given as if they are statements of truth. It is evident that there cannot be inquiries into such scandal mongering without regard for the need of curbing this evil tendency in our body politic or without verifying the truth of the allegation or

bona fides of those from whom such things emanate.

You have quoted the Earl of Chatham. The matter is not one in which I need be given any authority from outside or from the days of George III. I have myself followed the principle you have quoted more than any one else. Nevertheless, we must take cognisance of the situations and conditions prevailing today in our country and in our public life which I have referred to above. It has become a fashion here to try to portray as if no one in this country is safe from corruption. It has also become a fashion not only to involve Ministers but also their families in vague insinuations unworthy of any credence.

You will recall that there were so many persons insinuating about your son-in-law and without referring to you I defended him in Parliament because I refused to believe them. I have had a number of letters making allegations about you and your sons-in-law and, painful to state, even your wife. There are rumours floating even about some Ministers. If we were to follow the principles you have mentioned in your letter to the logical conclusions, we would be appointing a number of Commissions of Inquiry every day. I am sure you would not like to encourage the prevalence of such an atmosphere in the pursuit of the principles of to which you have drawn my attention.

I do not know what you mean compulsion to the contrary. I have no compulsions to the contrary about my son. I have never allowed personal feelings or affections to stand in the way of public duty.

I know that Kanti would not be even the last person to put me in an embarrassing position on this account. I also feel certain that if he is at fault, he would not hesitate to admit it and make amends, and accept whatever punishment I may impose on him.

So far as I am concerned, I have made my position clear not only in Bhavnagar but every time that this question has been raised, and it is that if any allegations against my son are proved, I shall not hesitate not only to resign from office but even to retire from public life. It was in this context that I said in Bhavnagar that if any three independent and impartial men having standing in public life came to the conclusion that my son was guilty of misdemeanour, I would not remain in office. This does not mean that I or, Government were going to appoint a Commission of Inquiry. It is for those who indulge in such insinuations to refer them to such men and have them proved to their satisfaction that the allegation against my son have substance.

After all, my son is a private citizen and holds no position in Government. You have referred to the statement which has appeared in *India Today*, in its issue dated 16—31 October 1977. It has been utilized by others also for their own purpose but the main point is that he has made it clear that as Private Secretary he does not deal with any official matters. He works virtually as Private Secretary to me in my personal, political (non-official) or domestic matters.

There is not a scrap of official paper which he sees or which goes to him. Nor does he make any recommendations or suggestions in any official matters. In the circumstances, any allegations and insinuations that he dabbles with official matters, or there is a 'Kanti Caucus' or 'Kanti Junta' are mere figments of a wild imagination beneath notice and in the words of Acharya Kripalani in 1968 when the discussion took place in the Lok Sabha "beneath contempt".

There can, therefore, be no official inquiry in such matters of private nature. Even a suggestion of this kind coming from you surprised me. If, however, any person has any allegation to make with which Kanti is connected as a private citizen, it is open

to him to avail himself of the offer that I have made.

You have repeated your plea that you should not be misunderstood. I do not think the question of misunderstanding arises. You have expressed yourself clearly and I understand it fully but what is significant is that you have not chosen to discuss it with me but have preferred to write to me about it.

Finally, let me say that I hold strong views, as the Janata Party does, about the need to root out corruption in the affairs of Government and public life. But I do not see how your suggestion can be considered as a right step in this direction when there is no basis of facts supporting it. The Commissions that have already been appointed to look into the misdeeds of the previous regime and important functionaries in that regime is ample evidence of our keenness to curb this malady. But weakness shown in submitting to mischief mongers or encouragement given to 'news-fillers' will introduce more corruption than lessen it. It has been my experience that most people who indulge in such activities are themselves corrupt and through these attacks seek to shield themselves or get their objectives served. Evidently, it would only be tantamount to giving support to corruption if we entertain vexatious and frivolous allegations.

With kind regards,

Yours sincerely,
(Morarji Desai)

Chaudhary Charan Singh,
Home Minister,
New Delhi.

13 hrs.

Secret

21st March 1978

My dear...

Thanks for your reply dated March 13, 1978.

I have thought a great deal over it since, and felt considerable hesitation in writing to you again on this subject.

[Shri Charan Singh]

It is obvious that my letter has caused you some irritation—even anger. For, if it is not anger, how also one is expected to understand your reaction which, in essence, amounts to this “If there are charges against my son, there are charges against your sons-in-law and wife too”. You, no doubt, refer to rumour regarding other Ministers too. But the main thrust is unmistakably directed towards me and my family.

Well, if there are charges against my relations and they reflect adversely on my integrity, they must be enquired into—the sooner the better. I would like you to kindly appoint a Commission at the earliest. It is precisely my point that any cover-up of such matter leads to contrary results.

It is, indeed, possible that, as you say some people are playing by old scripts and are trying to settle their old scores with you. But their game has to be exposed and to me it seemed that the best way of doing it was the appointment of an impartial and independent commission to hold an enquiry.

Now, as regards the authority which should appoint the Commission, you have advanced a strange proposition. According to you what you had said in Bhavnagar about the Commission “does not mean that I or Government were to appoint a Commission of Inquiry. It is for them who indulge in such insinuations to refer them to such men and have them proved to their satisfaction that the allegations against my son have substance”.

“I am constrained to say that you have not carefully considered the implications of this stand. Inquiries into the conduct of important persons have been held in our country and in others in the past also, but accusers themselves are not known to have named or appointed those who will hold an enquiry into their accusations. For once, an accused may be allowed to

make a choice from a panel, but, in no case, an accuser. Nor will such judges or members of the Commission of Enquiry enjoy any legal competence to make an enquiry, summon witnesses, ask for production of documents, inspect relevant file, etc.

Further, however, impartial and objective the verdict of such persons, it would hardly carry any conviction or credibility. And, if there are a number of accusers, then, according to this scheme, they will have to meet and select three persons or, in the alternative, appoint separately as many sets of such persons. This attitude of yours amounts to a refusal to hold an enquiry: at least, that is the conclusion which people will draw.

You have gone to point out that “the Commissions that have already been appointed to look into the misdeeds of the previous regime is ample evidence of our keenness to curb this malady.” Inasmuch, however, as we are not willing to apply the same standards to ourselves, the appointment of Commissions “to look into the misdeeds of the previous regime” is no evidence that we are really keen to root out corruption.

I also think that the formulation regarding your son's status requires another look if it is to effectively silence his critics.

According to you, your son is a private citizen and holds no position in the government and, therefore, there can be no official inquiry in such matters. You say that “he works virtually as Private Secretary to me in my personal, political (non-official) or domestic matters.”

Now, political affairs of a Prime Minister in connection whereof Shri Kanti Desai, as he himself has put it, “meets and discusses things with political leaders and ‘other’ cannot be characterized as a purely private or personal, non-official or domestic matter. My contention is borne out, again, by Shri Kanti Desai himself when, on being asked how he would

like to think of his own future, he vouchsafed that 'the work I was doing at present was no less important and when the time came, I will be there. Until then I was gaining experience'. Experience of what? Obviously, not of a private citizen.

Next, under the law as it stands, a charge of corruption can be validly laid even against a strictly private citizen placed in the circumstances, and entrusted with the duties of Shri Kanti Desai.

Further, Shri Kanti Desai is a member of a Joint Hindi family with you as its head. Which means the financial interests of you both are the same. Legally, this position leads to conclusions which are obvious.

Therefore, my view and advice whatever they are worth, remain unchanged. Your own good name and that of the country demand that a Commission is appointed.

With regards,

Yours sincerely,

Shri Morarji Desai,
Prime Minister of India,
New Delhi."

On 23rd March, the Prime Minister wrote to me as follows:

New Delhi

March 23, 1978

"My dear Charan Singhji,

I have received your letter of the 21st March, this time with some surprise because I did not expect that you would misconstrue my letter to the extent that you have done.

In the first place, there was nothing in the letter to show that I was irritated or angry. In fact, I dispassionately explained my approach to the question.

Secondly, you have also misunderstood my reference to your sons-in-

law and your wife having been the subject of rumour. I mentioned it only to indicate how baseless such rumours could be and how it would be wrong to take them at their face value. There was no equation in my mind between Kanti's case and the case of your sons-in-law and your wife. I am not the one to look for alibis of this nature.

You still seem to hold the view that because there are allegations, a Commission of Inquiry should be appointed. I am sorry I cannot subscribe to his view. You have referred to the earlier inquiry into the conduct of important persons. If you look up the records, you will find that no enquiry was ordered unless there was *prima facie* evidence to sustain specific allegations and not, as in a case like this, in which there are only vague allegations many of which were demonstrably unjustifiable and vexatious.

"So far as am concerned, there is no question of refusal to hold an inquiry; in fact no grounds for an inquiry exist. After all, whoever makes allegations is in the position of a complainant and it is quite fair on my part to ask them to substantiate their allegations with concrete evidence.

I do not appreciate what you mean by not applying the same standards to ourselves as we apply to the others. I hope you will not mind my asking you whether it is your case that an inquiry should be ordered, even without being convinced that an inquiry is necessary or would be worthwhile, on merely vague allegations in an atmosphere in which, as I mentioned earlier, character assassination is the rule and truth a ready casualty. If so, I am sorry that I have to differ.

Regarding Kanti's status, I think you are quite wrong in your analysis. There is no question of joint family being involved. He and I have separate identities; we are separately assessed; we may live under the same roof but have separate life of our own. He has his own affairs to look after

[Shri Charan Singh]

and I have mine. If he meets and discusses things with political leaders and others it is mostly on their approach. They see him on organisational and such other non-official matters and mostly unasked. Should he say 'No' when they do so? I myself have tried to dissuade them from seeing him but they persist. In any case if he deals with political matters, it is not possible for him to be restricted from seeing those who wish to see him or whom he has to see for non-official or personal matters.

I thank you for being so solicitous about my good name and that of the country. I can assure you that both are and will be safe in my own keeping and the day I am convinced that I cannot look after both, I have already told you what would be my line of action.

With kind regards,

Yours sincerely,

Sd/-

(Morarji Desai)

Shri Charan Singh,
Minister of Home Affairs,
New Delhi."

Sir, one other letter each passed between me and the Prime Minister, but there was no new ground that was covered. So, I do not think it necessary to read them out:

The main argument of Shri Desai is:

"Allegations against persons holding high office or their families should, in the first instance, be supported by *prima facie* evidence so as to be deserving of notice. . . No enquiries into such scandal-mongering can be held without verifying the truth of the allegation or bonafides of those from whom such things emanate. If the principles mentioned by me (sic) are followed to the logical conclusion, then we would be appointing a number of

Commissions of Inquiry every day. . . An enquiry can be made only when there is *prima facie* evidence to sustain specific allegation and not, as in a case like this, in which there are only vague allegations many of which were demonstrably unjustifiable and vexatious."

At the outset, one would like to know if, according to the Prime Minister, the truth of an allegation is first ascertained, then what else remains for a Commission to enquire?

A Commission can be appointed under the existing law, the Commissions of Inquiry Act, 1952, for the purpose of making an inquiry into any definite matter of public importance. And, in order to be definite, all that is necessary is that the matter must not be vague. If general allegations are not vague, they are definite matters. Doubtless where a particular instance is given, the matter becomes definite.

The Reports or Findings submitted by Commissions appointed under the Commissions of Inquiry Act, 1952, are in the nature of a mere advice or information for the Government and have no force *proprio vigore*. The Commissions do not adjudicate any disputes or determine any rights or liabilities or decide any questions of guilt or innocence. Such inquiries do not even initiate any proceedings which have to be left to the ordinary Criminal procedure. As the Supreme Court has observed in Brij Nandan Sinha's case, the Commissions are merely fact-finding bodies. (And that is what I was pleading for).

One really fails to understand what objection the Prime Minister or anybody placed in a responsible position in the public life of the country could possibly have to the appointment of a Commission so that confidence in the public life of the country was restored.

In the most recent case under the 1952 Act, Karnataka State vs. Union of India, the Supreme Court made it clear that the purpose of the Act was

not just to prove the guilt of the person concerned. Several of their Lordships endorsed the following paragraph from the lecture of Sir Cyril Salmon:

"In all countries, certainly in those that enjoy freedom of speech and a free Press, moments occur when allegations and rumours circulate causing a nation-wide crisis of confidence in the integrity of public life or about other matters of vital public importance. No doubt, this rarely happens (sic), but when it does, it is essential that public confidence is restored, for, without it, no democracy can long survive. This confidence can be effectively restored only by thoroughly investigating and probing the rumours and allegations so as to search out and establish the truth. The truth may show that the evil exists, thus enabling it to be rooted out, or that there is no foundation in the rumours and allegations by which the public has been disturbed. In either case, confidence is restored."

If we accept the Prime Minister's stand, we will have to bid good-bye to all hopes of establishing a clean public life or giving an efficient administration to the country and cease entertaining dreams of greatness or economic prosperity of our Motherland.

Anyway, as I have already said, it is my attitude in regard to allegations against Shri Kanti Desai that actuated the Prime Minister's letter to me on June 29. Since March 11 when I wrote the first letter to him, in this connection, the Prime Minister was on the look-out for a pretext. That my conclusion is correct will be borne out by the fact that, on the first two occasions when I saw the Prime Minister at the instance of erstwhile colleagues of the Cabinet, he required of me to withdraw my demand for an inquiry into the conduct of his son which I refused to do. On the third occasion, viz., on August 17, he said that inasmuch as the Rajya Sabha was already seized of the matter, no question of withdrawal of my demand was any longer

germane, but I should issue a statement that I did not want any inquiry to be made which also I categorically possibility.

On none of the three occasions did the Prime Minister speak to me a single word about my alleged violation of the principle of collective responsibility.

The Opposition in the Rajya Sabha brought a Motion in the House asking its Chairman to nominate a 15-member Committee to go into the corruption charges against the family members of Shri Morarji Desai and myself, which was passed by a majority of 154 to 78 on August 10, 1978. While regretting the Government's inability to accept the recommendations contained in the Rajya Sabha's above Resolution, the Prime Minister said on August 24 that 'in the event of any specific charges of corruption in the context of this Resolution, being made to it in writing by any Honourable Members since my Government took office, Government proposes to refer the same to the Chief Justice for being examined by him.'

Now, this was a course open to fundamental objections and fraught with grave consequences. For, the legal position is that the Chief Justice will have no authority to compel the attendance of any person for being examined as a witness or for the production of any document, so that the enquiry will be an informal one—not one conducted with the sanction of law.

In a similar case that arose in Britain, the then Leader of the Opposition, Mr. Wilson, had attacked Prime Minister Mac-Millan for 'blurring the edge which marks the sharp definition of the function of the judiciary, on the one hand, and the executive and the legislature on the other.

No sitting Judge should, therefore, ever be asked to tender advice or conduct an examination or inquiry, whether final or preliminary, without the authority and sanction of the law.

[Shri Charan Singh]

However, if the Prime Minister would still like to be guided by the opinion of the Chief Justice Chandrachud, he has only to open the law reports and read his Lordship's judgment in the Karnataka case wherein he went on to say:

"These are sensitive matters of public importance which, if left to the normal investigation agencies, can create needless controversies and generate an atmosphere of suspicion. The larger interests of the community require that such matters should be inquired into by high power commissions consisting of persons whose findings can command the confidence of the people. It is only by establishing the truth that the purity and integrity of public life can be preserved".

In his abounding affection for his son, Shri Desai does not realise that he has done great harm to the Janata Party, the public life of the country and to democracy. He is so much obsessed with personal reasons as to endanger the public weal. I have already referred to the matters of the Birlas' Hindalco and the Raja Challapalli's 3,000 acre farm. It will not be out of place to state here that, in actual truth, Shri Raj Narain was asked to resign not for addressing a public meeting against law or for abusing the Chief Minister of Himachal Pradesh during the course of his speech as in my case, it was a feint. The real reason consisted in the fact that, in spite of the Prime Minister asking him several times to appoint two persons of his choice as Presidents of the All India Institute of Medical Sciences, New Delhi and the Post-graduate Institute of Medical Sciences, Chandigarh, Shri Raj Narain refused to do so because he thought this insistence was detrimental to public interest and went against established practice. Shri Raj Narain wanted to include this fact in his statement which he made on the floor of the House in July last, but I persuaded him not to do so. . . .

AN HON. MEMBER: Why?

SHRI CHARAN SINGH: I plead guilty.

AN. HON. MEMBER: That is right.

SHRI CHARAN SINGH: In conclusion, however, I must thank the Prime Minister for his kindness in including me in his Cabinet at all and, at the same time. I must congratulate him for bringing, in such a short time, an unprecedented awakening amongst the peasantry all over the country by dismissing me from the Cabinet so summarily as he did.

That is all.

SOME HON. MEMBERS rose.

MR. SPEAKER: No questions please. Rules do not permit.

SHRI K. P. UNNIKRIISHNAN (Badagara): Will there be a statement by the mediators after this?

SHRI O. V. ALAGESAN (Arkonam): If their respective position are so irreconcilable, how was it that he was negotiating until the last hour to re-join the Cabinet?

THE PRIME MINISTER (SHRI MORARJI DESAI): I had gone through parts of this statement after I received a copy of it from you about 3 days ago but I heard it here fully as I had not the time earlier to go through it fully.

AN HON. MEMBER: Indifference.

SHRI MORARJI DESAI: I see that Shri Charan Singhji is vrey bitter. . .

AN. HON. MEMBER: Naturally.

SHRI MORARJI DESAI: . . . and I do not want to add to his bitterness by any remarks of mine. But I have to put the record straight in some matters. I see that he is also helping the Opposition in some of the attacks they are making against me. Not that he is trying to do that purposely—

am not saying that, but that is how they are welcoming some of his statements. . . . (Interruptions) Will they allow me to speak? If they do not want me to speak, well, it is their business. But I cannot understand this kind of an attitude on the part of my hon friends there. . . . (Interruptions)

Well, Sir, taking the last thing first about Shri Raj Narain's real reason of my asking for his resignation. . . . (Interruptions)

श्री राजनारायण (रामबरेली) : हम को भी बोलना पड़ेगा क्या ?

SHRI MORARJI DESAI. . . this is a matter which was not relevant to this issue, but still it has been brought in and so I would like to put the record straight.

I met Shri Raj Narain only yesterday and I told him that this passage which I read out to him is not correct. It is said that I asked him to appoint two persons to these two institutions. It was not correct to say that. What I told him was that he should not be the President of those two institutions. It is not right for a Minister to be President of such institutions because, he will not be able to take an impartial view of the management there. And that is what I have written to all Ministers, about all our Committees—not only about him.

Then, I did suggest that Dr. Sushila Nayar could be appointed to one of them. But I did not say that she must be appointed. I was more insistent on his not taking up that Office of the President of these two medical institutions. He also wanted to take charge of the Red Cross Society which I did not want him to. But, how can that be the reason? But, I do not want to go into that because that I have already replied to it when Shri Raj Narain had made a statement here.

श्री राजनारायण : इस में नयी बातें आई हैं

SHRI MORARJI DESAI: Then Shri Charan Singh Ji said that my real

reason for asking for his resignation was his insistence on an enquiry against Kanti Desai as he has said specifically in his statement.

And let me put some facts about it before you and before the House and let the House judge whether this was the reason or, whether this could be the reason of my asking for his resignation. His first letter was on the 11th March, the second letter 21st and, the third letter may have been on the 29th March.

Now, if that was the reason, then, there was a debate in this House on the Harijan issue where Shri Charan Singh Ji came under a heavy attack. That was on or about the 7th of April—and then, at that time, he did not reply to it. He did not even remain present. I replied on his behalf and I took that attack upon myself: I defended him, not in that way, but, I defended him that it was my responsibility, not only his responsibility. I hope the House remembers it. That night he was quite well. There was no question that he was not well.

SHRI VASANT SATHE (Akola): You wanted to win him over.

SHRI MORARJI DESAI: For that matter, I have never tried in my life to win anybody over. That is left to my hon. friends. Then, it may not be a compliment; I am only stating the fact.

Then, on the 7th night, Shri Charan Singh Ji sent me his resignation which I saw in the following morning because it was received late at my house and I had gone to sleep. That morning of 8th April I was going to Orissa. So, I took the letter with me; I went in the early mornnig and on the way back, Shri Biju Patnaik and Shri Rabi Ray were with me. I showed them the letter of resignation and I asked them as to why this should be done! This matter has already been finished in the House and I have not believed a word of it. He had written to me that

[Shri Morarji Desai]

'if my own partymen attack me like this in the House, I must resign. Therefore, I hand my resignation.' And there also he had used the same words, as he is using them now, that he was very thankful that I had at all included him in my Cabinet. Who uses strident words? Have I used any strident words in the letter which I wrote to him saying that I have no other alternative but to ask for his resignation? Which are the strident words that I have used in that letter? If that had been pointed out, I would have been very thankful and I would have apologised for that if it was so. But this letter is full of all bitterness; this statement is full of all that bitterness and yet I do not make a grievance of it, because I can understand that it is from bitterness alone that such language can flow. But if it was my intention that because I did not like him and, therefore, I wanted to ease him out, as he has quoted from a letter that was written to him by somebody—and if that was so, would I have not accepted it immediately? It would not have been necessary to do anything else when the resignation had been sent to me. But I requested those two friends to go to him and tell him that this is not right. If he withdraws it, it is all right. We reached here at about 7.00; they went to him and Shri Biju Patnaik came back to me at 9-15 at night and told me that he wants the letter back and it is going to be destroyed. And he took the letter from me and it was destroyed.

SHRI P. VENKATASUBBAIAH: As it was brought from the Election Commission!...

SHRI MORARJI DESAI: That was a year earlier. That had no relation to this.

But if I had any intention of doing this, would I not have done it? Would I not have accepted it? Therefore, it shows how he wants to explain away the things.

SHRI CHARAN SINGH: The Prime Minister has said that Shri Biju Patnaik went to him and then the words the Prime Minister used are: 'He wanted the letter back in order to destroy it.' The question is: "who is that 'he'". It was not I; perhaps the Prime Minister means Shri Biju Patnaik himself. He wanted the letter back, not I.

SHRI MORARJI DESAI: If he did not want it, he could have written to me next day. Shri Biju Patnaik told me...

SHRI RAJ NARAIN *rose*

MR. SPEAKER: Please do not come in. Mr. Charan Singh is quite competent and he has a right, but you do not have.

SHRI MORARJI DESAI: Shri Biju Patnaik told me that it was burnt in the presence of Shri Charan Singh. That is what he told me. But if he was wrong, Shri Charan Singh could have told me: "I have resigned, why don't you relieve me?"

SHRI SHYAMNANDAN MISHRA (Begusarai): That was a question of party discipline.

SHRI MORARJI DESAI: Then, he could have come before the party; I cannot understand it.

I had told these friends that if he does not want to withdraw it, I am not going to write to him to withdraw it. I had made that clear. What is the use of saying this now? This is how the whole case is made up.

Then, about collective responsibility. I do not want to go into all problems because I do not want to refer to all the instances cited by him. About collective responsibility. It is said that I have not observed collective responsibility and some instance have been cited. One of them is that I have enunciated a policy without reference to the Cabinet. I must quote the words, I am supposed to have said:

"That India would not produce or use nuclear energy even for peace-

ful purposes even if it went against the interests of the country."

I could not have been so mad as to say such a thing. On the contrary, I have always affirmed that India will use nuclear energy for peaceful purposes, whatever may be the hindrances from other people. That is what I have said. What I said was that India would not make an explosion. That is what I said. Did I say anything else? Perhaps he has made a mistake in writing. That is possible. Therefore, to say like this is not proper. When I said that nuclear energy will be used for peaceful purposes, did I depart from the policy which has been adopted in this country from Jawaharlal Nehru's days that I had to take it again to the Cabinet? It was not necessary; but when I went to the United Nations to make a statement, I read it out to my Cabinet colleagues in a Cabinet meeting. They approved of it. Then I had made it there in the UNO. What is the use of saying that I should not do this? I don't do things like that. They approved of it. If they wanted to change the language, I would have changed the language. Not that I would not have done.

SOME HON. MEMBERS: Shame, shame.

SHRI MORARJI DESAI: Shame on those people who say shame, shame. That is all I would say. What is the shame in this matter?

AN HON. MEMBER: It is not 'shame'. It is 'same'.

SHRI MORARJI DESAI: Therefore, to say this kind of a thing is not fair; but bitterness can make one say anything, or when there are no valid reasons, then any reasons can be given.

The same thing is about Sikkim. Was I making any policy statement about Sikkim, or did I say anything to enunciate any policy for which I am required to go to the Cabinet?

What was asked of me, was about what was my earlier view. To that, I said that this was my view. I also made it clear to the man, and he printed it, that there is no question of changing the position now. (*Interruptions*) It does not mean that. When people had asked me about a statement I made when I was not the Prime Minister, I had to make that Statement. I cannot say that I had made it wrongly at that time. But that does not mean that I had to go to the Cabinet for that. I cannot understand, by what stretch of imagination, can anybody say this.

Then about Goa. When Goa was taken, Shri Charan Singh Ji was nowhere in the Government of India—at that time. Shri Jawaharlal Nehru was the Prime Minister. I had said then what I had to say in the Cabinet meeting. It was not that I had not said. Before that, there was a meeting here, of Indo-African Society. And there, I was asked to speak. I had said, "If I have to speak, I will say that you must use only non-violence; violence will not help." And when I was told that I must not say that to those people, I said, "If that is so, I will not go. Ask Jawaharlal Ji whether I can say this or not; otherwise, I would not go." Jawaharlal Nehru said there is no objection to my saying it and that I can go and say it.

When the Goa decision was taken, I had objected to it. Then we met in the Working Committee in Patna; and in the Working Committee, a resolution was brought forward by Shri Krishna Menon, that what was done was in conformity with our policy and principles. There, I objected to it. And I said "I cannot call it in conformity with the policy. Therefore it is wrong to make this statement. I cannot agree with it. I will have to oppose this resolution."

It was discussed, argued and Jawaharlalji told me that I was right and told me what had to be done. Then they altered the resolution and said

[Shri Morarji Desai]

that this should not be considered against our policy. That is how it was altered. Therefore, it was not a question of my getting out of collective responsibility, in any case. I did not go out to make public statements about it. But when I am asked about it, I have to say that this was my attitude about Goa. And I was alone at that time. I was condemned by many people. But that does not mean that I must say what I did not consider to be right. Even today, I feel I was right. But that position was accepted by Jawaharlalji at that time with me. Otherwise, he could have relieved me from the Cabinet.

AN HON. MEMBER: That is a greatness of Jawaharlal Nehru.

SHRI MORARJI DESAI: I do not know. He was certainly great. He was not like my friends here with little minds. He knew when it was right and when he was wrong he admitted it. If I were wrong I will admit it not because anybody says I am wrong that I must admit that I am wrong. I am not going to do that. But I would not have said anything about it if this had not been mentioned. But I have had to say this because of this. Otherwise, I would not have disclosed it. But this is how this is sought to be justified

In the Cabinet, when we meet, we discuss everything very frankly. There is no bar to speaking frankly. This never happened in the Cabinet before. There are unanimous decisions. It is not one man's view which is taken either my view or somebody else's. I have changed my view when I find that the majority is different. This is how we work. That is collective responsibility. Where have I made a breach of it?

When Shri Charan Singhji was the Home Minister he made a statement putting it in the mouth of other people saying that people say that we are a lack or impotent people not fit to

govern. If I had not asked for his resignation, I would certainly had been called impotent. I could not swallow that statement. And moreover, I did not do it on my own. I could have done it on my own without consulting my colleagues. But I called a meeting of my colleagues. We discussed the matter for an hour and it was agreed that this was a breach of collective responsibility. And then the letter I sent was also corrected by some of my colleagues. It was not that I did it on my own. Therefore, to say that I do not believe in collective responsibility is not correct. I am not one of those who say one thing and do another thing. If I ask somebody to do a thing, I would do it first myself. I have never arrogated to myself any position of superiority. I do agree I am first among equals and yet I have greater responsibility of bearing the blame as the Prime Minister, as the Head of the Government I think. But I have no right to impose my will on anybody. That I believe and that is how I have behaved.

I have never made any declaration or a statement criticising my colleagues for anything. I would not do that. If my hon. friend, Shri Charan Singhji had written to me or if that statement had been sent to me and not to the Press, I would not have objected to it; I would have discussed it with him. But that was not done. And then it was expected that I should go to Surj Kund to discuss with him this thing, when he had such an attitude towards me. I did not want to make him more ill, because then I would have had to tell him about it. I have not used at any time an unkind word though he had used against me many unkind words.

I saw him last in the hospital before going to U.S.A. And after that, we were not to issue a statement, but he issued a statement condemning what we were doing. It went on happening like this not for one day but it kept happening almost every day as long as it

was in the group or in the darbar. I did not want to say anything. But when it appeared in the Press and verified whether that statement was issued, it was not merely..... Then I called a meeting of my colleagues and took decision. Otherwise, I would not have done it. It was for me a very painful thing to do. I would never have spoken about it. But today I have had to speak. Otherwise, the facts would not be known. That is why I have spoken.

The question comes about my son. That also I have never....

SHRI VASANT SATHE: That is you Achilles'. A heel!

SHRI MORARJI DESAI: You may say Achilles' heel. A person who has nothing but Achilles' heel sees Achilles' heel everywhere. That is all. I do not believe in Achilles' heel. I have made my position very clear. I have said if any member gives it in writing, I will refer it immediately to the Chief Justice of India, because the Chief Justice of India will then ask that man to give him prima facie evidence. If he does not do it, then he can be sued by my son for defamation. That is the remedy available to him. How I can allow these things to happen like this? (Interruptions) I am not going to be bamboozled into things like this. Let it be understood (Interruptions). When I pointed out to Shri Charan Singhji as it is read out now, that these were the things which were being talked, he thought I was angry. That was not so. He said, Appoint a commission against the members of my family. What prevented him from doing it? He was the Home Minister. He could have done it. (Interruptions) If he had done it, I would have done it too. But how can I do it? It would have been wrong for him to do it. I would not say I would not do it. But if he had done it, then I would have been forced to do it.

SHRI C. M. STEPHEN (Idukki): The question is, when the Home Min-

ister of India put up a proposal like that, why did you stand in the way?

(Interruptions)

SHRI MORARJI DESAI: He cannot find anything against me. Therefore he gets at such things and wants to utilise them against me. I do not deny him the satisfaction of doing it. I do not want to enter into an argument. Therefore, it will be seen that I have tried... (Interruptions)

MR. SPEAKER: You are converting it into a debate. This is not a debate.

SHRI MORARJI DESAI: I do not want to enter into an argument on this issue here, because I have spoken sufficiently about it. I do not want to dilate on it.

SHRI C. M. STEPHEN: You have not answered my point at all.

SHRI MORARJI DESAI: Therefore, I would leave it to my hon. friends to judge as to whether I have in any way done anything wrong in asking for the resignation of Shri Charan Singhji as I did. (Interruptions).

MR. SPEAKER: I have some announcements to make.

13.53 hrs.

RULINGS BY SPEAKER RE. QUESTIONS OF PRIVILEGE

MR. SPEAKER: Dr. Subramaniam Swamy had given notice of a question of privilege against Shri Nikhil Chakravorty, Member of Press Commission and Editor of the *Mainstream* and the Editor of the *Patriot* for publishing in the *Patriot* dated the 8th December, 1978, Shri Nikhil Chakravorty's remark that Dr. Subramaniam Swamy had made a "scurrilous allegation" against Shri Nikhil Chakravorty in the House.

Shri Nikhil Chakravorty as well as the Editor of the *Patriot* have both sent their letters of apology for using