

Shri 12/10/75
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On Restoration of Civil Liberties and Democratic Processes

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Since June 26 when the Proclamation of Emergency was issued by the President of India, there have been many unfortunate developments such as the suppression of the press through the enactment of the censorship order which has been operated in an arbitrary and oppressive manner, and the detention without trial ^{and} without disclosure of grounds of a large number of respected men and women of integrity and influence in the country, and the attack on the rule of law embodied in a series of Ordinances and parliamentary enactments which have sought to exclude the jurisdiction of the Courts in dealing with infringement of the Fundamental Rights of the citizens. Frequent amendments made to the Constitution have had the effect of distorting the intentions of the framers of the Constitution who had conceived it as a great and noble instrument of freedom, a fitting finale to the struggle for independence and an abiding framework for a free and just society.

Particularly obnoxious and dangerous has been the misuse of the censorship order to secure the virtual blackout of all political news, except such as may be useful to extol the activities of the Government and its supporters, and an almost total ban on criticism of various measures taken by the authorities and even Parliamentary proceedings, ^{and} reports of judgments of Courts of law. This constitutes a sudden stop to the political education of the people.

There was no justification whatever for the continuance of the earlier ^SEmergency or the Declaration of

a new one and the steps taken thereunder . There was in fact no danger to the security of the State from internal disturbance or external aggression. Certain positive steps taken during the last three months, such as the observance of discipline by various sections of the public, including Government employees and students, the elimination of illegal strikes, lock-outs, the maintenance of queues and punctual attendance could have been achieved without the severe repression to which the country has been subjected.

R Declaration of emergency was also not necessary for implementing any economic programme.

When all dissent is suppressed, it is easy to claim that these repressive measures have been welcomed by the people. The fact is that such a discipline of fear is always deceptive. It not only removes a source of strength to the opposition but also deprives the Government of any knowledge of the extent of dissatisfaction among people and dissent from official policies.

It is not yet too late to reverse this unfortunate trend from proceeding further towards total dictatorship and the establishment of what Mahatma Gandhi had called "the peace of the graveyard". Everyone in India, whether in the Government or Opposition, is agreed that a General Election to Parliament should be held.)

(Under present conditions, with the kind of pre-censorship of the press that exists, the detention in prison of a large number of men and women of influence in the country, and the threat of detention without cause and without trial under the Maintenance of Internal Security Act, no election that would enjoy any credibility

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can take place. In order that an election campaign can be conducted freely and fairly, there will have to be freedom of discussion and expression on the platform and in the press over a period of time without fear of consequences.

This conference therefore calls upon the Government to revoke the existing proclamations of ~~Emergency~~ and to take all the necessary steps including the release forthwith of political detainees and lifting the press censorship so as to restore ~~the~~ civil liberties and the rule of law.