

know the basis on which 377 is to be drafted. There are so many unfortunate experiences we meet with. I am not coming in his way. It may be a genuine case.

MR. CHAIRMAN: The first thing is that I am afraid that this is not a stage for raising this point.

SHRIMATI PARVATHI KRISHNAN (Coimbatore): The point of order Mr. Mavalankar has raised is that you could convey it to the Speaker so that in future he would bear this in mind and give us guidance.

MR. CHAIRMAN: All these things have been gone through by the hon. Speaker. It is not necessary to convey this to the hon. Speaker. Moreover, this is not a point of order nor can it be raised. In so far as public importance is concerned, he is not only raising it due to personal experience but he has raised the point regarding the general administration.

SHRI SHYAMNANDAN MISHRA: (Begusarai): My submission is that it is of course not in order if one airs personal grievances. But if there is a public grievance which can be illustrated by personal experience, that can be done. That is exactly what the hon. Member is seeking to do. So, at least we should be thankful to him for bringing this point to the notice of the House.

श्री शिवनारायण सरस्विकृत: परन्तु इसका सारा दिल्ली में मिल उल्लेख किया जा रहा है।

नई व्यवस्था के अनुसार एरिया डीपेंडर नियुक्त किये गये हैं, जो विलकुल काम नहीं करते। बनता परमान रहती है। डीपेंडर कार्यालय ने अपनी जिम्मेदारी से बचने के लिए यह व्यवस्था बनाई है।

उपर विचार का मतदान होती है, उसका कार्य हो जाता है, व्यवस्था तोप बदलते रहते हैं।

14.38 hrs.

SPECIAL COURTS BILL—Contd.

MR. CHAIRMAN: Now, we take up Special Courts Bill. Mr. J. N. Sharma was on his legs the previous day. He may now continue.

SHRI JAGANNATH SHARMA (Garhwal): Mr. Chairman, Sir, I was saying that Mr. Stephen is an eminent lawyer and I have been in search of him but he has not come today.

AN HON'BLE MEMBER: His lieutenant is there.

SHRI JAGANNATH SHARMA: He is an eminent lawyer and an able parliamentarian besides being the leader of the opposition. He has got a capacity of producing many things out of nothing through his arguments or oratory. But sometimes it is not only surprising but it is shocking to hear him. He knows that the Special Courts Bill is legally valid, is morally sound and has constitutional sanction. Still he goes on to say—

"We are not going to accept mentally the verdict of the Special Court. The verdict of the ordinary court, yes, we will accept; but the verdict of the Special Court before a hand-picked judge, against a hand-picked accused, on a hand-picked charge, that pre-arranged justice we will not accept; we will resist it."

Sir, if a Judge nominated by the Chief Justice of the High Court and concurred by the Chief Justice of the Supreme Court can be treated as hand-picked, then it is only God above and Mr. Stephen below who could name the impartial and independent judge. I just want to remind Mr. Stephen "Did he raise during Emergency his finger when so many judges of the Supreme Court were superseded? Did he raise his

[Shri Jagannath Sharma]

finger against Entry List 11A of the Concurrent List which was incorporated under 42nd Amendment in the Constitution. This Entry No. 114 under the Concurrent List reads as follows:

"Administration of Justice: Constitution and organization of all courts except the Supreme Court and the High Court."

It was done by Amendment Act of 1976. Where was he at that time when a specific provision was being made for creation of special courts under the Constitution itself? Not only this, he goes still further. He threatens the judge of dire consequences if he accepts to be the presiding officer of the special court which is not only denigrating the entire judiciary and the entire august office of the judge but it has got very disturbing implications. A judge of the High Court can be removed only on proved misbehaviour and incapacity on presentation of an address to both Houses of Parliament under Articles 124 and 217 of the Constitution. And he says, he wants to behave in a manner as we are seeing in some of our neighbouring countries; he wants to do what we saw during the days of emergency. I would like to quote what he said in the House on 3rd May:

"At the time the people give us the mandate, we will tell the people that that person..."

It means the judge here.

"...will have to be proceeded against and we declare that we will tell the people to give the mandate to proceed against him."

Legally, illegally, without powers and without anything he would proceed against the Judge. This does not happen even in the fascist countries. What is the disturbing implication if such utterances of the Leader of the Opposition come on the floor of the House? The result would be that the conspiratorial people, in

his own language, the hired hoodlums, goondas and the anti-social people will definitely resort to violence. What is this if not political motivation? What is this if not creating panic in the minds of the people by such stalling utterances; what is it if not intimidating a judge who would accept the assignment as a judge of the special court? Such utterances are bound to drain out vitality from the rule of law which our Constitution proclaims. It is hoped that all of us would desist from it and would see that the democratic processes in this country function smoothly.

The whole nation is watching with interest his reaction and the reaction of the people of Congress (I) what they would be doing on 16th May and thereafter, but they would be doing so at a great damage to themselves and to the nation. They have already declared what they are going to do.

Now, I would like to come to the Special Courts Bill and say that it is designed for a fair and speedy trial and shall be welcome by all those people who are interested in ensuring that howsoever high and mighty political office may be, the person holding it would be brought to book. A highly placed offender will not be able to use his political influence to escape the consequences of his misdeeds...

MR. CHAIRMAN: Please conclude now.

SHRI JAGANNATH SHARMA: I have just started.

MR. CHAIRMAN: Today. Even though I may wish to hear longer, there are restrictions and I have to act accordingly. You have spoken for eight minutes earlier and you have already taken seven minutes today.

SHRI JAGANNATH SHARMA: I am one of those who speak very rarely. Kindly give me ten minutes more.

MR. CHAIRMAN: No, please conclude now.

SHRI JAGANNATH SHARMA: I would be very brief. I do not want to dilate now, but I would certainly like to say that parliamentary democracy in this country would be heading and achieving the pinnacles of pride if the law would provide punishment for those who are holding high offices and misuse them. Purity in public life is most important and should be adhered to in all circumstances and in all places. I do not want to go to what the Shah Commission has said; I do not want to say about the legal sanction that is there under Article 246(2); I do not want to go again into the details about the equality before law and equal protection of the law. I would only say that equal protection of law is the pledge of protection of equal laws. And, I would like to tell the House that even in Anwar Ali's case it was because the Committal proceedings were eliminated and the judge had more powers to deal with the accused that the West Bengal Special Courts Act was declared ultra vires. As regards the Saurashtra Amendment Act of 1948, because the Government was slightly careful and it classified the offences and it declared the area to which the Ordinance would be applicable, it was declared valid.

I would now confine myself to answer two points. First, it is for the Government to proceed against offenders and if the Government does not, it fails in its duty. Secondly, I read in the newspapers, the Congress (I) people say that one forum of appeal has been curtailed and that is also what Shri Stephen says. As regards the first, it is expected that the Government would apply the law uniformly and if it does not, the future Government would punish those who are in power now. As regard the curtail-

ment of one forum of appeal, I would like to say that Section 11 of this Special Court Bill, is more advantageous because it is by way of right that an accused can go to the Supreme Court on facts as well as on law. Under Article 1316 of the Constitution, you can go in appeal in civil, criminal, income tax and other matters to the Supreme Court, but the provision of appeal does not apply to Judgements or orders from the courts under the Military Law. That does not mean that in any way they have been prejudiced. The Army Act does not provide for appeal to the Supreme Court. Then, thirdly, in all the Commonwealth countries, the practice of second forum of appeal has been abolished; they do not go to the Privy Council and quote the Supreme Court of India in arguments and judgements. The most important part is that even an ordinary criminal case takes five to six years. Interim application is made, interlocutory orders are passed and stay obtained. If I remember correctly, even Shrimati Indira Gandhi obtained a stay order from a higher court in a case in spite of an undertaking that she had given to the lower court. This is very dangerous.

As you are looking at me, Sir, I would only say that all the States should enact a law and form a special court for the sake of trying offences relating to economic matters. That will have a salutary effect on profiteers, hoarders and black-marketers. Even those offences which have got a social bearing and in which the society, as a whole, is interested, must be tried by a special court. Special court is the only answer which at the moment would be useful. The findings of the Shah Commission had shocked the conscience of the nation. I would like to quote from the detailed opinion of the Supreme Court:

"The emergency was a particular perior in the national life and if it is true, and we have to assume it to

[Shri Jagannath Sharma]

be true, that offences were committed by persons holding high public or political offices in India under cover of declaration of emergency and in the name of democracy, there can be no doubt that the trial of such persons must be concluded with utmost despatch in the interest of the functioning of democracy of our country and the institutions created by our own constitution."

The significance of the opinion of the Supreme Court is that special forums, special laws can be enacted and they have got a legal sanction to punish any type of individuals, any type of people who abused public offices and political offices held by them in this country.

In the end, I would like to echo what Justice V. R. Krishna Ayyar said. He said, that this Special Courts Bill is a social justice measure based on moral principles having legislative justification and constitutional sanction.

SHRI EDUARDO FALEIRO (Mormugao): Mr. Chairman, Sir, not for a moment, I or anyone else, I suppose, in this House would disagree with what my hon. colleague, Shri Sharma, has just now said or what Justice Krishna Ayyar, as quoted, has said.

Purity in public life should be one of our most cherished value. The question is whether the Special Courts Bill which is sought to be made into an Act, is going to achieve this purpose. We cannot, for a moment, dissent from the view that people occupying high political and public offices have tremendous advantage of misusing their powers. And they have misused the powers at their disposal in the past, and had occasions of tempering with justice and ultimately getting away without any punishment. Can we say that the Special Courts

Bill and the Special Courts which are sought to be created are going to achieve this purpose? Unfortunately not. Unfortunately, as one sees it, as the Bill clearly shows, the only purpose of these Special Courts is to punish people who occupied political office or public office—some of them—who happen to be the political opponents of the present regime, who have been politically defeated; and now the impression that one gathers is that this is an attempt to eliminate totally the political opponents, to eliminate the political opponents of the ruling party. And now with the amendments from the Rajya Sabha, when the scope of the Bill is enlarged, possibly to eliminate also the political opponents of the ruling group within the ruling party.

Again, I hold no brief for anyone, whether outside the ruling party or within the ruling party; but I do find that it is much more than a coincidence that this Bill is sought to be passed at a time when in Iran the Shah, due to his misdeeds was thrown out of power. But then religious leaders came; the military took over; summary trials took over. In sum and substance, what happened in Iran was that the political clock was put back hundreds of years, and obscurantism and reactionary religious forces took over. It is so not only in Iran; it was the same thing in Pakistan also. No one can defend many of the dastardly things Mr. Bhutto was accused of having committed. But Mr. Bhutto stood for a secular policy; and to a point, for progressive policies. And now what we find in Pakistan is that it is a Military rule; and religious leadership, obscurantist and reactionary forces have taken over, under the garb and under the weapon of Special Courts. The same thing can be said of Bangladesh.

Are we now going in for this type of a regime? Is secular politics to be

destroyed? As Mr. Sharma rightly pointed out, this is a weapon that you today are using against your political opponents; but tomorrow the new Government that comes, the Government that comes from the Opposition—it is possible; it may come. I do not say it will come, but the possibilities are there—and when it comes, then that Government will be at liberty or will have some sort of a right in a way to use the same type of weapon against you. And ultimately, what is going to suffer? We are not bothered about individuals. It is the secular politics, it is the political system that has grown in this country and which has bound this country together, that will suffer. What binds this country together is not religion, as in many countries or most countries. It is not religion, it is not language, it is not race, it is not community. It is politics of a type that has flourished here since independence. This politics, this political system, secular to a point, progressive politics, is in danger of being destroyed by this kind of a Bill.

I wanted to raise another point. It concerns the genuineness or otherwise of the Government in bringing this legislation to curb political offences and political corruption. Abuse of political power is definitely political corruption. If this was the intention of the Government, then why does it leave it to its own discretion, to bring to book particular offenders, to pick some of them and to drop others? Why select some of the offenders, and why decide not to prosecute others?

I have just had the opportunity to glance through a very important report which was prepared by a committee, of which a Member of Parliament was the chairman. It is the well-known Santhanam Committee report. That report says that if any specific charges are brought against anyone in political power or persons connected with those in political power, by say 10 Members of Parliament then immediately and without hesitation, Government must, as a matter of course, refer those charges to the President of India who will

select from amongst a panel, 3 persons to go into these charges, and then the matter will go to a commission of inquiry, if necessary. There is no discretion, as per the Santhanam Committee report, for the Government to prosecute or to enquire into certain charges which are made specifically by certain number of MPs. Why is Government not accepting these recommendations? That alone will take away the discretion of the Government in dealing with political offences and political offenders, and will give a great measure of credibility to a similar type of legislation.

The third point is that it is not only people in political power who misuse them. It is very often people who are not in political power but who move in the charmed circle of political power, i.e. in the caucus, who do it. Caucus exists anywhere, any time in the political system, wherever there are rulers. All these people may not be the rulers themselves, but may be they are their kith and kin, maybe the people around them, their friends, relatives and associates—who take advantage of the political rulers; and such people should stand in no higher footing or better footing than those who occupy political power or have high public functions to do.

In this connection, I would mention the case of Kanti Desai, the son of the Prime Minister. I do not know whether the charges against him are true or false. I have no idea at all. For all I know, there may not be any basis in them. The only thing is that people who are sitting on those benches have themselves raised this several years ago—Mr. Madhu Limaye and Mr. George Fernandes. These charges have been made in the Rajya Sabha. Why has Government been soft-pedalling this whole issue? Government has been so shy. It has altogether avoided this issue, and evaded it at all costs—not to investigate, not to enquire into them. If Government is keen about this kind of legislation and about wiping out corruption, then it is in the interest of the Government, and if Mr. Kanti Desai is

[Shri Eduardo Faleiro]

innocent, then it is definitely in the interest of the Government that they should enquire into the charges.

Again, Mr. Kanti Desai has not filed any defamation proceedings. This matter has been highlighted in a great number of magazines of national circulation—and even in international papers. Mr. Kanti Desai has not cared to file defamation proceedings against anyone. Government is soft-peddling this. Even in this Parliament, if I may say so—in this House, I have had no grievance against the Chair at any time. I have always found the Chair most helpful and most fair except on one issue—on one issue the Chair has not been helpful and that is the case of Mr. Kanti Desai. I have tabled a number of questions on this issue in the Secretariat. All these questions have been disallowed; and in this House, no information beyond that which transpired in the Rajya Sabha has been given. The sum and substance of it is that we cannot, on the one hand, accuse Mrs. Indira Gandhi and other people around her and, on the other hand, try to hush up this whole issue, when one knows that definite allegations, specific allegations, clear allegations are made against some of the persons sitting on those benches on some of their relations.

I am constrained to oppose this type of legislation on these 3 grounds. I hold no brief for Mrs. Indira Gandhi or anyone. I am speaking from my conscience. I do feel that the purpose of this legislation is purely political vendetta, to eliminate political enemies and this is the type of weapon which boomerangs and it is bound to boomerang. It is my fear that while destroying your political opponents, you are destroying yourself. You are destroying the political system which binds this country together—more than anything else.

SHRI RAM JETHMALANI (Bombay North-West): Mr. Chairman, Sir: To-day, we are discussing in this House, the amendments which have

been made to the Bill by the Rajya Sabha. So far as this House is concerned, we have long passed the stage where the principle of the Bill or the provisions of the Bill were open to attack, or to any debate. But if some persons wish still to re-open the issues which must, in all Parliamentary decency, be regarded as closed, they are welcome to do so within the short time that is available, at the disposal of this House. But since all issues which are concluded, have been raked up, let me reiterate once again that the Special Courts are not the invention or creation of the Janata Party. Special Courts in this country, after the advent of independence, were brought into existence by the Criminal Laws (Amendment) Act of 1950, immediately after we became independent, for the trial of very numberable criminals, ordinary public servants, police constables and other public functionaries who fell within the wide definition of the Public Servants of section 125 of the Indian Penal Code. After that, as the judgment of the Supreme Court recites, a large number of statutes have been responsible for creating special courts for one purpose or the other; and as late as 1970 or 1971, a Law Commission, appointed not by the Janata Government but by Mrs. Gandhi's Government, solemnly reported that special courts must be speedily created for the speedy trial of some specific special offences. Therefore, for anybody to say that we are creating special courts for the elimination of our political opponents, as my young friend had just now told us, is to fly in the face of the history and is to ignore historical facts and the history of the special courts in this country.

15.00 hrs.

Apart from this, the objection to the policy of the Bill which was raised extensively and debated in this House was also raised before the Supreme Court. It was argued before the Supreme Court that the Bill is politically motivated. The same argument, as my hon. friend had just now

raised, that it is intended to eliminate political opponents, was raised before the Supreme Court; and the Supreme Court had no difficulty in summarily rejecting this argument because the Supreme Court thought that the argument was not worthy of the slightest credence. What I am saying just now is a very humble appeal to the conscience of the gentlemen opposite who are opposing the Bill, particularly the distinguished Members of the Congress (I) that how can democracy and the rule of law ever function if you go on incessantly attacking the system of the courts and the decisions which the courts are expected to render. It is said that political opponents, if eliminated now, will also be eliminated by the next Government. I should be very sorry that, if a new government comes into power, it refuses to eliminate dishonest political opponents. It is the duty of every government to weed out from the body politic those politicians who have claimed to be the representatives of the people, if they are guilty of the slightest corruption or misuse of political office. It is the duty of this Government and I say that it shall remain the duty of every succeeding government to eliminate those corrupt politicians who have been guilty of the misuse of political office. Let me remind my friends here that the Representation of the People's Act which was passed in 1950 and 1951 contains a provision that if any person is convicted of any offence under the penal code and is sentenced to rigorous imprisonment for more than two years, he is automatically disqualified from holding any political office or contesting any election. Anybody has ever, in his sense, with a grain of political honesty, suggested, when anybody who happens to be a politician, is tried by the court and is convicted and thereafter excluded from the political scene, that this is the political elimination of one's political opponents for corrupt purposes. This Bill is only designed to deal with one situation and one situation alone that before the next general

election comes, the guilt or otherwise of every person who is under suspicion must be speedily determined so that at the next general election, nobody is able to go to the people with a pretence that he is honest and that he has not misused his political office.

The purpose of the special courts is that before 1982, the court must finally adjudicate upon the political purity or impurity of some of those who have wielded political power in this country for a long time and still pretend to claim that they will do so in the future. If speed in the disposal of cases is a vice, then I think we have been doing quite a few wrong things of late; and we were doing heinous things during the emergency, because during the emergency, the greatest emphasis was that the delay on the part of the law had to be eliminated. Because we cannot eliminate the delays of the law, which has been accumulated over years and years, overnight, we have to make a start somewhere. If Mrs. Gandhi during the emergency, her followers during the emergency said that the Prime Minister of the country stood on a very special footing, the Prime Minister could be singled out for constitutional amendments of a special nature—you will recall that during the emergency, constitution amending Bill was solemnly moved in the Rajya Sabha and passed by the Rajya Sabha which said that any person who once becomes the Prime Minister of the country cannot be tried for any criminal offence, not only offence committed in his or her capacity as Prime Minister or during her tenure as Prime Minister but also offences committed before he or she became the Prime Minister and offences committed after she or he ceased to be the Prime Minister. You will recall that at that time throwing to the winds all canons of political decency and political norms they had come to the conclusion that the Prime Minister stood in a special position so that she should have a complete immunity from crime.

[Shri Ram Jethamehani]

You cannot possibly quarrel with us merely because we say that these special criminals must be dealt with special promptitude so that their special character could become specially and speedily known to the people of this country and they can vote intelligently on the basis of that character and not vote on the basis of fraud which politicians perpetrate on them.

The Rajya Sabha has suggested two amendments or rather three. Let us look at one of the amendments which Rajya Sabha has suggested. It says that the Judge of the special court shall be appointed by the Chief Justice of India or by the Chief Justice of the High Court with the concurrence of the Chief Justice of India. Normally the Judge of the High Court is appointed by the President of India in consultation with the Chief Justice of India; the Chief Justice of India cannot override what the President does; he has the right to offer advice and the government of the day can override the Chief Justice and appoint people. All those High Court judges who have been appointed so far have been appointed under that procedure, the government had appointed them in consultation with the Chief Justice. It has never been possible for anybody to say that merely because a judge is not proposed by the Chief Justice of India, the President has no right to appoint him. Now in regard to the judges of the Special Courts, the government will not have even the formal, ritualistic, symbolic power of making the appointment. Normally every superior judge is appointed by a warrant issued by the President of India. But even that small symbolic power we are eliminating just to be fair to Mrs. Gandhi and her caucus, a fairness which they do not deserve. What is it we have said? We do not want to face any criticism; we will give you the fairest possible system that the Constitution or anybody can devise. There is only one better method than the one which Rajya Sabha has suggested from the point of view of Mrs. Gandhi, either Mr. Sanjay

Gandhi should try Mrs. Gandhi or Mrs. Gandhi should try Sanjay Gandhi. Or we should create a Bench consisting of three judges Mr. Justice Sathe, Mr. Justice Stephen, and Mrs. Justice Lakkappa and they should try all the offences committed by Mrs. Gandhi and her caucus. Apart from this I see no better method known ever. I want to ask you: Has ever in any state or at the centre any judge been appointed in the manner in which Rajya Sabha has asked us to appoint them? We are willingly accepting the Rajya Sabha amendments and I am appealing to the conscience of my friends: please accept this amendment. If Mrs. Gandhi and her caucus who are the potential accused before the tribunals, if they are innocent, if you have faith in their innocence, if they themselves have faith in their innocence, let them face the courts and through the judicial procedures, let them come out of the judicial fires and if found not guilty their glory would be more glorious than ever before. But if you are made of the criminal stuff, of which we think you are made of, though the judges have to decide and not we, surely you do not reserve to contest election and you do not deserve the right to go to the people of the country and talk of slogans of *garibi hatao*. It is our case. Our case may be false. It is our case that you are not *hatao*ing *garibi* of the *garibs*, but you are trying to replenish your coffers and you are trying to aggrandise yourself and your family. We may be wrong. But who shall try you? Please tell us whom do you want Mr. Gandhi to be tried by? Hope Mr. Sathe will get up and tell us. Surely, we do not want that there should be a procedure available to Mr. Gandhi by which she can go on dragging the proceeding in the hope that some day some Government may come into power which might forgive her like Mr. Ford pardoning Mr. Nixon. But even in America, when Nixon was pardoned, Mr. Nixon had retired to Florida. He does not go to the people for votes. If he goes to the

American people and asks for a Nixon was pardoned, Mr. Nixon had retired to Florida. He does not go to the people for votes. If he goes to the American people and asks for a vote and says I want to contest election again, the people of America will know what is to be done to Mr. Nixon. He is leading a retired life. If Mrs. Gandhi has to make peace with her conscience, if he has to make peace with her God, and if she has to make peace with those whom she tortured and tormented, the poor people who had suffered at her ends, one thing is due and that is unconditional apology, an apology which contains a contrite expression of remorse before the people. But she, living in a glass house continues to throw stones at others. She continues to defy the judges. On 18th of May she is going to start the kind of criminal dialogue of which she is capable of and I am sure the Home Minister must take due notice not only of what was said on the floor of this House but what was earlier said out of this House and, therefore, she is not immune from any legal action. It was said by a bunch of congress members, including distinguished leader of the Opposition here that they shall deal with those judges who have the courage to man these special courts when they come into power. I am sure the judges of this country even those appointed by Mrs. Gandhi have much better character, integrity and spine to be able to resist these threats. Honourable judges will be found in plenty in this country who will man our Special Courts and if necessary find these arch criminals guilty of these offences. What is important is the criminal conduct of these gentlemen who are threatening future judges of the Special Courts. Each one is guilty of perversion of justice. Each one is guilty of gross contempt of court and I request the Home Minister to ask the Solicitor General or the Attorney General to go into this question and promptly take proceedings against all persons who

are guilty of this contempt and who wish to pervert the courts of justice by this kind of cowardly threats. They know that the judges are unable to reply. Judges do not take to public platforms. Judges have got to be defended by others. These are cowardly attacks against a class of people, against the class of honourable public servants who have no means of defending themselves because they do not have the means of uttering foul lies which you speak against them. If anybody utters this columny it is the duty of the Government to bring those people to book and to preserve the stream of justice from being sullied by the leakages from the stinking gutters of the Congress (I) which pollute our stream of justice, the streams of justice shall remain unpolluted despite their attempt to introduce in its floods of the kind of stuff they are made of.

SHRI P. VENKATASUBBAIAH: It is a big gutter speech.

SHRI SASANKASEKHAR SAN-YAL (Jangipur): We welcome the Bill particularly the amendment. The Bill as originally contemplated was confined only to the period of emergency. This looked like an *ad hoc* legislation which was narrow. We are grateful to the Rajya Sabha that they have expanded the scope. We are thankful to the Government that they have also accepted that position. But let us not confine to only one period. Let us go before the Emergency, during the Emergency and after the Emergency.

Now, Sir, my position is this that this amending law has been passed at an appropriate time when Moynihan's deal has been disclosed in which it is found that Indira Gandhi in her capacity as President of the Congress, accepted money. Why? My contention

[Shri Sasankasekhar Sangal]

tion is that this is the first case which ought to go to the special court for trial because she accepted the money in order to do two things—to buy votes on behalf of the Congress and to deprive the other contestants of votes with the help of money power. This is a criminal offence under the election laws. Not only that, she wanted to weed out and throttle the progress of the Communists of Kerala and West Bengal. After all, the communists of the country are part of the Republic and communists are a recognised party. If she tried to throttle a part of the Republic, I maintain that she was going against the republic and character of the country. Here, we can enunciate the proposition that the part is equal to the whole. If the part of the country is throttled, the whole of the country is throttled. Therefore, it was a crime. When this money was taken from an outside country, I maintain that this is high treason. Therefore, I should like the Moynihan's case to go to the tribunal under the Special Courts Act. It is not only a question of dramatic highlighting but it is a question of absolute necessity. Moynihan is a witness of substantive character. He may be invited to give evidence. Who knows he may die some time. If he dies, then this big case of corruption will go phut. Therefore, it is necessary to put this trial in the first list so that Moynihan may be invited to come and give his evidence and his evidence may be supported by the papers of the embassy and Moynihan's own papers.

My good friend, Mr. Kamath, raised a point that it would be struck down by the Supreme Court.

SHRI HARI VISHNU KAMATH: I said, it may be challenged.

SHRI SASANKASEKHAR SANGAL: As you and I can be challenged, every law can be challenged.

My point is that Mr. Jethmalani has said that the special courts were in existence already. If the special

courts were in existence already, the Government showed extreme decency and caution by asking the opinion of the Supreme Court. Such opinion need not have been asked at all. What the Supreme Court has said is an opinion and it is not binding as a judgement.

We are as free persons, can deal with past, present and future of all corruptions. This sort of corruption is not only a development of the Emergency but it is an offspring of what took place before. Even at the advent of independence, when our leadership became weak, many countries opened their pockets for the ruling party at that time. The more we proceed, we will find many Moynihans in many countries and many such deals, more disastrous and scandalous deals. Therefore, these things should be brought out at the earliest possible.

SHRI VASANT SATHE (Akola):

Sir, I have just listened to the speech of the jumping jack, my friend, Shri Jethmalani, who will go down in the history of this Parliament of having made the most eminent of his speeches, which will be known as "the gutter speech". Because, he himself began by saying that we should restrict ourselves to the amendments, and then went on at a tangent to all the crimes that were committed, and how the opponents deserve to be eliminated by this process. It was the most shocking thing to hear a person championing the cause of rule of law and the ordinary laws to say most brazenly that the object of special courts

is to eliminate the political opponents by declaring them as criminals, so that under the Representation of the People Act, as he said, they can be disqualified from participating in the democratic process of contesting the elections. If this is the singular objective and with this objective you establish special courts, then you are giving up your whole case of being impartial, fair and just and having restored all the prestige of the rule of law. With one stroke you say that the normal judicial process of this country, the normal courts, the High Courts, the Session Judge Courts, all normal courts of law are not adequate. So, you are discrediting the entire judicial system.

Once the rule of law is restored, everyone in the country, whether it is the ex-Prime Minister, the present Prime Minister, whether a person who was championing all his life the cause of smugglers, all must be equal in the eyes of law. If this is the basic tenet and ultimate principle of rule of law and justice, then to say that some persons will be chosen is wrong.

Then he was giving the example of special courts having been there before. Show us a single case of special courts before, which were meant for opposition political parties, which were once in Government, in States or otherwise; show me any case like that before. As my friend, Shri Eduardo Faleiro was pointing out, in the normal process of democracy you defeat a party at the hustings. That is the best defeat and best punishment that can be given to a political party in a democracy; there can be no other political punishment better than that. After that you take the responsibility as the ruling party to run the country and its affairs properly. When your term is over, may be another party will come. That is the democratic process. After having come to power, to say that the party which has lost at the hustings will be made the target

of special courts and trial is the end of the rule of law, and yet you say that you will fight them. What offence has this particular Party or its leaders committed? Is it with a singular objective of seeing that they are debarred in the future from participating in the democratic process you want to pass this Bill? The moment you say that, that becomes colourable completely. This is what is happening today. You are honest, my friend, Mr. Jethmalani is honest. But what is the impression in the country? The impression is that these Special Courts are being created of specially selected judges and the crimes also specially declared under Section 5 by the Government against particular persons and then the greatest travesty is, the ordinary law of crimes is available, the Law of Evidence is available.

Section 9(2) of the Bill says:

"A special court may, with a view to obtaining evidence of any person suspected to have been directly or indirectly concerned in or privy to an offence, tender a pardon to such person on condition of his making full and true disclosure of the whole circumstances within his knowledge relating to the offence and to every other person concerned, whether as principal, conspirator or abettor in the commission thereof and any pardon so tendered shall, for the purposes of Section 308 of the Code be deemed to have been tendered under Section 307 thereof."

So a special Code is being created for bribery . . .

SHRI RAM JETHMALANI: For 150 years.

SHRI VASANT SATHE: No, no. You are incorporating that it will be deemed to have been done under Section 307. A process of special bribe . . . (Interruptions). Then what do you mean? If it was not necessary or redundant, then why didn't you bring it under Section 9

Shri Vasant Sathe].

Q: That means, you are saying: you people, give evidence against these persons and you will be pardoned as a special bribe for that." A: Do you want to do all this and make it appear so naked in the context of what is going around, what happened in Pakistan to Bhutto.

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): And what happening in Iran.

SHRI VASANT SATHE: Yes, what happening in Iran and what is happening in Ceylon and other countries? In India—mind you, it has not the greatest glory—why you are here today is because whatever the aberration of Emergency was, you will have to give credit of that to the party and its leader who held free elections—the world has acknowledged it—and handed over power most gracefully to the Janata Party. (Interruptions). I tell you why 'gracefully'. You were proclaiming from the housetops that Mrs. Indira Gandhi had summoned all the Heads of the Armed Forces and requested them to declare Martial Law to take over the Government, not to hand over the Government. That is the propaganda that you were carrying on. But the present Government itself had to come and say it was a false thing. How many lies will you keep on telling? Today there is democracy because we on this side accepted the normal restoration of democratic process after an Emergency, which essentially is an Emergency. After that is over, democracy is restored and you and I today are both capable of continuing the democratic process of parliamentary system. Don't erode that. We put you in jail, all right, but did we do it with the object of permanently declaring you to be criminals, to take away your right to participate in the democratic process hereafter, under the Representation of the People Act, which you now declare is your object? We detained you, it was a civil detention, none of

you was declared a criminal—only the smugglers and others. That was not the object. But what are you doing now? I say if you had the courage . . .

SHRI NARENDRA P. NATHWANI (Junagarh): During the emergency, Morarjibhai, J. P. and Ashok Mehta were shown as traitors on T.V.

SHRI VASANT SATHE: Only this morning I heard Mr. Raj Narain himself describing some of the Members of your own party as traitors. You can sort that out. I am on a different point.

After your coming to power, MISA was there. DFR was there, you could have put us under detention, but clandestinely, without an iota of evidence having been found in this country for two years in spite of the Shah Commission, by acting in such a naked brazen-faced manner in appointing Special Courts, you disgrace the judiciary of this country. Pick up the Judges, pick up the accused, pick up the offences, and conviction is also decided because you have declared that your objective is that before the next elections, they must be punished. Why don't you say that you want to do something against Mrs. Gandhi? Your objective is only that. Show the guts. I say to the Janata Party, do what you want to her straightaway. This thing will boomerang, as all the weak-kneed and cowardly acts of trying to arrest her have boomeranged. By a brute majority, you undo the declared verdict of the people of Chikmagalur and throw her out. This is not approved by the people, and this is not democracy.

Today, your heads are swollen with power. This is coming home to roost, the way your party is disintegrating. Therefore, don't go on with it. Even now there is time, time to think of the major priorities in this country, which are the economic and socio-economic priorities. Think of them. This is the madness of people who

are now getting assistance and encouragement from abroad, and they need Moynihan's help to make an accusation against Mrs. Gandhi, and they are saying that that should be tried before the Special Court. If this is the objective, it will only bring ruin in this country, whatever you may say.

SHRI SHYAMNANDAN MISHRA (Begunur): I shall confine myself strictly to the aspect appropriate to the stage of the Bill, the stage after its emergence from the other House, is concerned.

I must say that the Bill as it is now makes a sad reading indeed, a painful reading. It has a confused content and an ugly face, and it is bound to be considered as one of the ugliest pieces of legislation, not so much from the point of view of its content but from the point of view of its form. It might be the most untidy piece of legislation that one might come across. It would be found by many as a mere jumble of words and would be open to all kinds of interpretations. Therefore, I would agree with the view expressed by my hon. friend, Mr. Kamath that it might be an extremely vulnerable legislation. So, to my mind, it would not do us credit to pass the Bill as it has emerged from the other House. I am saying this very categorically so that it might not be said by any person at a later stage, or by future generations that this House consisted of a set of ignorant people and they did not pay enough attention to it.

When I go into it, I find that either from the point of view of construction, balance, clarity, phraseology or wording, the Bill is extremely untidy. It is almost like a patch-work quilt, as it has come from the other House. It is consisting of so many kinds of disparate things. Earlier we are told that this Bill would be confined to the period of Emergency and in fact, the whole tenor of the Bill relates to that period. But there are now grafts and transplant, from the other

House of a peculiar nature which appears to be super-imposition upon the original ethos, personality and genius of the Bill. After all, every Bill has a genius, it has an ethos. But what has been super-imposed on this Bill by the other House destroys the ethos of the original Bill. Therefore, you will find that the preamble remains almost intact, but only a paragraph or one sentence has been slipped into it with the feeling of satisfaction that that will govern the entire Preamble. Here I have a complaint against the Government. The Government could have helped the other House to tidy up, to streamline the Preamble of this Bill. If it is now the intention to have the hold-all clause, as it has been introduced now, that hold-all clause should have been the only clause in the Preamble of the Bill, and no other clause should have been allowed to remain there. That hold-all clause would also have provided for the period of Emergency and the offences committed during the period of Emergency. You go on talking all the time about the period of Emergency and the offences that were committed during the period of Emergency and later you say that it might not refer only to the period of Emergency but to all offences that are being disclosed by the Commissions of Inquiry or Investigating Agencies of the Government.

That is one paragraph which has been introduced now. To my mind, that should have been sufficient for the entire Preamble because any Commission of Inquiry whether dealing with the offences committed during the period of Emergency or after could have been taken care of by it. To repeat, that could have taken care of all such offences. So, the Government could have helped the other House in doing it and there would have been no difficulty, so far as I see it, offered by the other House, if the Government wanted to thus streamline the Preamble of this measure. I do not know why the Government suffered from any kind of confusion so far as this aspect of

[Shri Shyamnandan Mishra].
the measure is concerned.

Now, if I have this complaint against the Government, it is only because of the fact that we now find ourselves almost in the debris of the original measure. The original measure set out to do something that was probably acceptable to the country, we have had the nightmare of Emergency in this country for two years or so and probably, the country's mind was prepared for that kind of treatment of certain offences committed during the period of Emergency. Therefore, when it is being done like this, I do not think that it would be in keeping with the kind of tempo of feeling that has been prevailing in the country as a background to the measure that we have brought up before the House. That is one of the humble submissions which I wanted to make in this regard.

I fail to understand why the Government did not agree to my proposal earlier that the judge should be nominated by the Chief Justice of the High Court concerned and not by the Chief Justice of the Supreme Court. I had made an earnest plea in the House that the Supreme Court should not be treated as an overlord of all High Courts and that the Supreme Court may not be in a position to know all judges of the High Courts intimately. Therefore, it would be much more appropriate if the Chief Justice of the High Court were to nominate the judge who would man the Special Court. At that time, it was not heeded. I welcome the amendment made by the other House in this respect. The other House has done what ought to have been done in this matter.

I would like to tell the Government that in future also they must not take the Supreme Court as an overlord of all the High Courts. The High Courts have their own jurisdiction. The Chief Justice of the High Court should also be given the same respect and deference as they want

to pay to the Judges of the Supreme Court.

As I have submitted earlier, in the Preamble, it is stated, "Whereas Commissions of Inquiry appointed under the Commissions of Inquiry Act, 1952 have rendered reports." Now, they have already rendered reports and the Government came before the House with the conviction that there was a solid basis for starting cases against them. Again, it is further stated in the Preamble, "And whereas investigations conducted by the Government through its agencies is also disclosed similar offences". That is, the disclosures by the reports of the Commissions of Inquiry were reinforced by the investigating agencies of the Government. Thus the Government came armed before the House with these facts before them. What we are asked to agree to now is that even in future, if the Commission of Inquiry reports came to a finding, it could be taken up by the Special Court. That seems to be a qualitative change and that does not give us an impression that the Government in all cases will have the same basis before it went to the Court as it was originally intended.

Now, I come to clause 5 which is an operative part of this Bill. Here, a substantial change has been made appropriate to the change made in the Preamble. I am inclined to think that clause 5 might well be interpreted by the judges in keeping with the general tenor of the Bill and not in keeping with a particular clause or a particular factor which has been slipped into a general scheme of the Preamble; that the judges would tend to interpret them in the context of the general Preamble, and not in the context of a particular factor which has been slipped into. If that is so, then one can almost persuade oneself to think that the position would remain as it was before.

One thing which I found sadly lacking even earlier was that persons connected with such offences have

not been mentioned in clause 5 although the Preamble mentions such offenders and such accomplices in the offences. But the operative part of the Bill does not mention it. So, it may well be that only the principal offenders might be taken care of by the Special Courts, not also those who have been connected with such offences. This was also in the original Bill. But now I find that it persists in this Bill also. So what we find is that Clause 5 would find itself against the Preamble, which is a jumble of words, and Clause 5 may be interpreted according to the general tenor of the Preamble; it may not be interpreted according to a particular clause of the Bill.

Lastly, my feeling is, with this kind of confusion in this Bill, with Art. 226 keeping the powers of the High Court intact, and also because of the fact that Clause 11 of this Bill would give ample scope for interlocutory orders, the position would not be any better than what it would have been if these persons—persons accused of these offences—were tried by the ordinary courts and not by the special courts. It appears to me that, although we may have the satisfaction that we are going to proceed with the despatch and expedition so far as offences of the particular kind we have in view are concerned, we would not find any difference so far as the time taken in the proceedings in court is concerned: we would remain where we were before the Special Courts Bill was passed.

If what I have said is going to prove correct, then I may have some satisfaction later but, at this stage, I would like to give satisfaction to Government so that the Government can proceed with the Bill in the manner it thinks fit. But I have a feeling that they would find later that they have come to grief.

PROF. P. G. MAVALANKAR (Gandhinagar): While I stand here to support the Special Courts Bill as

amended by the Rajya Sabha and as moved by Shri H. M. Patel, I am bound to say two things very briefly. One is what I had said at the outset when the Home Minister made his speech at the consideration stage, and that is, why did Government not consider these matters at the earlier stage in our own House, especially when those very matters which Rajya Sabha have incorporated in the Amendments were brought to the notice of the Government by some of us speaking here? I can understand if Government were to say that these matters did not strike them nor did they strike any Member of this House that it came to light for the first time in the other House and, therefore, wisdom has dawned on them now. But, as a matter of fact, even when some of us came out in support of the Bill, we had said don't limit it to the Emergency period and don't limit it specifically to X, Y or Z but apply it to all people found guilty under the Commission of Enquiry Act, 1952. Why did they not do that? Not doing so has given rise to two things. One is that we are compelled to accept the Amendments made by the other House—of course I respect the other House: it consists of Elders and, by a Constitutional provision, they have a right to revise the legislation. They could have done it, but they could have revised the legislation only if we had failed in our obligation of pointing out the mistakes.

SHRI HARI VISHNU KAMATH:

We are not compelled to; we can have a joint sitting.

PROF. P. G. MAVALANKAR:

Apart from the joint sitting, they have a right to revise it, but they have a right to revise it only if we, in our own House, at the initial stage, had failed to point out the deficiencies. But we pointed out the deficiencies in the clearest terms, in a categorical manner, and yet the Government chose to defy some of the sensible and constructive points

[Prof. P. G. Mavalankar]
 of criticism that came, not from the Congress (I) benches. I believe that the Congress (I)—they will pardon my saying so—have no justification, no defence and no moral basis whatsoever now to criticise the Janata Government for bringing this Bill when they themselves were responsible for and were guilty of doing many more atrocious things and demolishing the Constitution. So, what right have they got to criticise? Also, the Janata Government are not doing things directly but are leaving things to be decided by the courts—the special courts in this case—and the courts will decide whether the persons concerned were guilty or not whereas, when the Congress was in power, they did not leave matters to the Judiciary but they did it themselves and put so many people in jail, put the Parliament to shame and made it a captive Parliament of one person, and destroyed all the tenets of democracy and freedom incorporated in the Constitution. Therefore, they have no right. But the point is this. These things did come from other Members of Parliament here, but you did not accept. Now you are putting us in an awkward situation by agreeing to pay homage to the other House for their so-called wisdom when we had wisdom before us even before that.

My second and last point is this. I was surprised and pained to hear the tenet of the speech of my good friend, Mr. Ram Jethmalani. I am not going to use any abusive language about him or about Mr. Vasant Sathe. They had enough between themselves. My point is only this. I was surprised and pained to hear Mr. Ram Jethmalani of such legal eminence say...

AN HON. MEMBER: Legal eminence!

PROF. P. G. MAVALANKAR: At least he goes to Supreme Court. My point is this. He has said in so many words that they want the Special Courts Bill to be passed expeditiously

and the Special Courts judges to go into the cases of Mrs. Indira Gandhi and others expeditiously so as to try and punish them before the next general elections. I do not think that this kind of assumption or anticipation of what the Special Courts will do, at this stage, is warranted. That only shows that, perhaps, there is a political vindictive motive in this. Otherwise, he would not have said it. Does he anticipate that the Special Courts will be constituted and the judges will give decisions before the elections in 1982? Secondly, how does he assume that the elections will take place only in 1982 and not earlier? I would not like them to be held earlier? But how does he assume that they will not come earlier? Suppose the elections take place earlier, in 1980 or 1981, and the Special Courts have not completed their proceedings. Will he, then, say that the Special Courts should expedite their proceedings because the elections are coming nearer and you want somebody to be punished before the elections? I do not think that it is a very good way or the right way or the moral way to say so. Therefore, my conclusion is this. Let us give this Bill its right character and status, namely, we want justice to be done speedily to those people who are the political offenders. We want to give them justice speedily because it is also in their interest. If they are innocent, they will be freed quickly, earlier than later. That is in their favour also. But let the Bill not be restricted to one period and let it not be restricted to specific individuals. We have a duty, responsibility and obligation to learn from the horrors of the Emergency. The Special Courts Bill is one way of telling us, the House and the country that the Government have learnt this lesson. You have brought this Bill. It is good. But this does not mean that you will teach the lesson only to a particular set of people for a particular period of time. You should do it for all the people, for all the political offenders and

for all the times because that is precisely the moral basis of this Bill. If that is so, then to that extent I support you. Otherwise, I am afraid I will have to say, I will vote for this Bill, I want this Bill to be passed, but I will do so only with these two important objections and observations I have outlined, the second being the more important than the first one

SHRIMATI PARVATHI KRISHNAN (Coimbatore): Mr. Chairman, Sir, I add my voice to that of Prof. Mavalankar. I am glad that wisdom, through a democratic process in the Rajya Sabha, has dawned over the hon. Home Minister.

You will recall, we moved that amendment here and at that time you summarily dismissed it out of hand. Now you are coming to ask to support that which we will.

When we are discussing a very serious Bill like this, we have had moments of light relief also. Just now we had an exhibition on the one side from Mr. Ram Jethmalani. His exhibition reminded me of a saying that "a man never shows his character more than by the way he portrays others." Immediately following that exhibition, we had another comic exhibition from none other than Mr. Vasant Sathe lecturing us on democracy and the process of democracy. These are moments of light relief. He claimed that the greatest pinnacle moment of democracy was when elections were declared by his great leader. We know that she called elections on the basis of the information reports given to her by the same type of Information Department which informed the present Prime Minister that Mr. Jayaprakash Narayan was dead. So, we know the value of these democratic traditions and we have these moments of light relief.

Therefore, the main point about this Bill as we said when it came up, is that it establishes the principle of accountability of those who are in

positions of public importance. It is on that basis that we supported it and at that time also we said and my leader, Shri M. N. Govindan Nair, speaking on the 'Third Reading' again said, remember, 'We want this for all times. We wanted this for the past also and we want it for all times and not just to appear as a political vindictive measure against this or that person.' Therefore, it is in that principle our Party supports this Bill and it is in that spirit that we also welcome the amendments that have come. I do not want to go into this—that the Rajya Sabha is like this, we are like that, all this kind of what I say, is mere sanctimonious lecturing. The less we have of it, the better it is

PROF. SAMAR GUHA: What for are we here?

SHRIMATI PARVATHI KRISHNAN: So you have come? There he is again.

Anyway, the atmosphere that is building up in this country is certainly not a happy one and in this atmosphere, at least let us do something to establish the principle of accountability of those who are in high offices. Has corruption gone down since the great so-called democracy has been restored by you? By no means. On the other hand, the kind of clowding that is going on inside your Party, the kind of conflict that goes on inside your Party, the kind of abuses that go on, the way you are dealing with one State or the other, all these are leading to very serious doubts in the minds of the people. Therefore, this also has to be taken as a warning.

Lastly, one thing I would like to place on record here. One thing that has shocked me to the core recently is when Mrs. Margaret Thatcher has been elected the Prime Minister in Britain, the first person to congratulate her is none other than Indira Gandhi. Can any self-respecting Indian to-day congratulate some one

[Shrimati Parvathi Krishnan]

becoming Prime Minister, who has come there on the wave of such racial riots and such beating up of coloured people and Indians in that country? It is one thing for the Prime Minister to congratulate another Prime Minister. That is part of international practice, but just because somebody is a woman . . . (Interruptions) No self-respecting Indian can congratulate anybody of the Conservative Party, and particularly, somebody who has come on the wave of these riots. Therefore, I just want to put this on record, because tomorrow we will have Dr. Subramaniam Swamy clowning around and warning Callaghan, 'Be careful. A woman has come and emergency will come.' It was because of us, women, that this kind of feminism has come and I think it should be put to an end to because woman has to show her ability and I am sure women will show their ability as citizens of a country. . . . (Interruptions)

SHRI C. M. STEPHEN: You are showing it.

SHRIMATI PARVATHI KRISHNAN: Mr. Stephen, you want me to say something about you? You blow hot and cold. Mr. Stephen was willing for a judicial probe into the events in Janpath the other day. At that time, the Government was capable of appointing a just Judge who will go into it. But then why are you going into the motives now? Don't blow hot and cold. You will be in the same boat as Mr. Jethmalani.

A last word on Mr. Sathe. I would just warn you that for the last two years. . .

SHRI VASANT SATHE: Partner, don't say that in public. You have been supporting us all through. We had been such good friends. Don't tell everything in public. You are our partner.

SHRIMATI PARVATHI KRISHNAN: One last word. He talks about the economic ills of this country and about the economic problems of our people. I will warn him. He will also be swept away by the storm that is coming because his party is only concerned with one demand 'Mataji Bachao'. So, don't talk about economic problems on Floor of the House, when you are least serious about them.

16.00 hrs.

DISCUSSION RE: ALLEGED PAYMENT OF FOREIGN MONEY FOR ELECTIONS IN INDIA BY THE AMERICAN GOVERNMENT

[Mr. SPEAKER in the Chair]

श्री कंवर लाल गुप्त (दिल्ली सदर) : अध्यक्ष महोदय, मैं आप की आज्ञा से यह प्रश्न सदन के सामने उठाना चाहता हूँ :

a discussion regarding alleged payment of foreign money for elections in India by the American Government as disclosed by Mr. Moynihan in his book 'A Dangerous Place'.

यह बड़ा गम्भीर प्रश्न है और गम्भीर इसलिए नहीं कि किसी देश ने किसी व्यक्ति का 10.5 करोड़ रुपये दे दिये, यह इसलिए गम्भीर है कि हमारे देश के पोलीटीकल सिस्टम को चैलेंज किया गया, यह इसलिए गम्भीर है कि हमारे पोलीटीकल सिस्टम की इमटेग्रिटी को खतरा पैदा हुआ।

विदेशी कनिष्ठों इस प्रकार से देश की राजनीति में दखल डालें, पहले क्या हुआ उसको छोड़ दीजिए, आज क्या हुआ उसको भी छोड़ दीजिए पर हमारे देश की राजनीतिक स्थिति कल क्या होगी, इस पर विचार करना है। इस लिए श्री यह गम्भीर है। हमारे देश में अपने विधान में प्रजातन्त्र को अपनाया है। जब इस देश में प्रजातन्त्र है तो देश की जनता जैसा चाहेगी वैसे चलेगी। ये विदेशी कनिष्ठों का कर इस में दखल डाल कर किस तरह की मोड़ेंगी, उस तरह क्या यह देश चलेगा? लोकतन्त्र ने कांग्रेस पार्टी को पैसा क्यों दिया, कमिश्नरी के कन्वन्सिड पार्टी को वह पैसा क्यों दिया, ये कि यह