

the Indian Institute of Advanced Study, Simla in 1971. In this book, it is stated:

"Prof. Sherwani said, with particular reference to the present paper, that Sir Syed had never put forward the two-nation theory and his role in forming non-political Muslim opinion was misunderstood...and as far as Sir Syed was concerned, he had left Raja Jai Krishna Das, who was his right hand man, in charge at Aligarh when he had gone abroad."

It will thus be seen that from the beginning, the Hindus were also involved in this and one single Hindu was in charge of Aligarh as Prof. Sherwani points out.

PROF. P. G. MAVALANKAR: Who is the author of this book?

DR. PRATAP CHANDRA CHUNDER: This book was edited by Shri S. T. Lokhandwalla. There was a symposium and several authors had submitted their papers and on the basis of these papers, discussion had taken place. Prof. Sherwani had also written an article in this book, "The Socio-Religious Thought of Syed Ahmad Kharh", where he said:

"He advocated the idea of one 'qawm' one nation, for all the inhabitants of the country. He was explicit when he said that if we disregard for a moment our conception of Godhead, then in all matters of every day life the Hindus and the Muslims really belonged to one qawm, one nation, as children of the soil and not two, and the progress of the country is possible only if we have a union of hearts, mutual sympathy and love...I grieve at the sight of those who do not understand this basic point and inculcate view which would ultimately lead to a cleavage between the two sections of Indian community."

He had that foresight, and because his theory of one nation consisting of Indian Muslims and Indian Hindus

was not accepted, we had partition. This is most unfortunate. So, what we have tried to provide in this Bill are actually the ideals of Sir Syed Ahmad, so that we can all work together for the achievement, or implementation of these ideas.

MR. CHAIRMAN: Now I put it to vote.

श्री न.बूराब बिर्खा (नागौर) : सभापति महोदय, मैं भी बोलना चाहता हूँ। मैं ने आपसे रिक्वेस्ट की थी। आपने मुझे मौका नहीं दिया और मंत्री महोदय को बुला लिया। मैं तो बहुत देररशी बोलने के लिए खड़ा होता हूँ।

सभापति महोदय : अब यह सम्भव नहीं है।

श्री न.बूराब बिर्खा : आपके लिए सब कुछ सम्भव है। मुझे दो मिनट दे दीजिए।

MR. CHAIRMAN: I am sorry; now it cannot be done. After the Minister has replied, it cannot be done.

श्री न.बूराब बिर्खा : सभापति महोदय, आपके अधिकार हैं। मुझे सिर्फ दो मिनट दे दीजिए।

MR. CHAIRMAN: You should have sent in your name. I am sorry; not now. The question is:

"That the Bill, as amended, be passed."

*The motion was adopted.*

16.57 hrs.

#### SPECIAL COURTS BILL

MR. CHAIRMAN: Now, we pass on to the next item of business. There are still 3 or 4 minutes. Shri H. M. Patel.

THE MINISTER OF HOME AFFAIRS (SHRI H. M. PATEL): Sir, I beg to move:

"That the following amendments made by Rajya Sabha in the Bill to provide for the speedy trial of a certain class of offences, be taken into consideration:

[Shri H. M. Patel]

### Preamble

(1) That at page 1, after line 17, the following be inserted, namely:—

"And whereas all powers being a trust, and holders of high public or political offices are accountable for the exercise of their powers in all cases where Commissions of Inquiry appointed under the Commissions of Inquiry Act, 1952 or investigations conducted by Government through its agencies disclose offences committed by such holders;"

### Clause 3

(2) That at page 2, for lines 27 to 29, the following be substituted, namely:—

"(2) A Special Court shall consist of a sitting Judge of a High Court nominated by the Chief Justice of the High Court within the local limits of whose jurisdiction the Special Court is situated, with the concurrence of the Chief Justice of India.

*Explanation.*—Any reference to a High Court or to the Chief Justice or Judge of a High Court shall, in relation to a Union Territory having a Court of the Judicial Commissioner, be construed as a reference to the said Court of the Judicial Commissioner or to the Judicial Commissioner or any Additional Judicial Commissioner, as the case may be."

### Clause 5

(3) That at page 2, line 34, the words "during the period mentioned in the Preamble hereto" be deleted.

### Clause 11

(4) That at page 4,—

(i) in line 2, for the words "judgment or order" the words "judgment, sentence or order, not being interlocutory order" be substituted;

(ii) in line 5, for the words "judgment or order" the words "judgment, sentence or order," be substituted; and

(iii) after sub-clause (2), the following sub-clause be inserted, namely:—

"(3) Every appeal under this section shall be performed within a period of thirty days from the date of any judgment, sentence or order of a Special Court;

Provided that the Supreme Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of thirty days."

Sir, the Special Courts Bill 1979 was passed by Lok Sabha on 9th March, 1979. Rajya Sabha has passed the Bill with amendments to the Preamble and to clauses 3, 5 and 11. I do not intend to take up the time of the House reading out these amendments. Briefly, the effect of the amendments in the Preamble and to clause (5) will be that the scope of the Bill will not be confined to offences committed during the period of Emergency. The Bill will cover offences committed by the category of persons mentioned in the Bill even if committed outside that period. The change in sub-clause (2) of clause (3) is to the effect that the sitting Judge of the High Court presiding over the Special Court will be nominated, not by the Central Government, but by Chief Justice of the High Court within the local limits of whose jurisdiction the Special Court is situated.

The Rajya Sabha has also inserted sub-clause (3) in clause 11 to provide specifically for a period of limitation, viz. thirty days, within which an appeal can be preferred to the Supreme Court. Sub-clause (1) of clause 11 has been amended to provide that an appeal would not lie against an interlocutory order.

I beg to move that the amendments made by the Rajya Sabha in the Bill to provide for the speedy trial of a certain class of offences be taken into consideration.

SHRI HARI VISHNU KAMATH  
(Hoshangabad): On a point of order.

PROF. P. G. MAVALANKAR (Gandhinagar). Why did you have to wait for the Rajya Sabha to do it and then come back here for this purpose? (Interruptions)

SHRI HARI VISHNU KAMATH:  
Articles 143 and 108....

**16.59 hrs.**

[MR. SPFAKER in the Chair]

MR. SPEAKER: I think the point of order will have to wait till tomorrow.

**17 hrs.**

**DISCUSSION ON REPORTED  
LARGE SCALE VIOLENCE IN NEW  
DELHI DURING PROCESSION OF  
YOUTH CONGRESS (I) ON  
1ST MAY, 1979**

**MR. SPEAKER:** We now take up the discussion about the incident which took place here day before yesterday. The procedure that we have adopted, in consultation with the Business Advisory Committee, is that we will first call Members in accordance with the ballot, that is, Members whose names have been selected by the ballot in the Calling Attention. Then there are 2 persons who have given notice of an adjournment motion. They will be called; and one Member from the CPI, one Member from the Congress (I), one Member from Congress and one Member from the Janata Party. This is the procedure.

Now, Shri Saugata Roy. No Member will get more than 10 minutes. The lesser the better. We will sit upto 7 o'clock.

**SHRI SAUGATA ROY** (Barrack-pore): An incident took place in this capital city of Delhi, two days ago; and before I go into the details of the incident, let me wish my friend and colleague **Shri Ramalingam** who was injured in the lathi charge on that day, and is now in the hospital a very speedy recovery. Whatever the incident of 1st May has done, they have solved one controversy in Indian politics. A big question mark, a big enigma which may be called in and out controversy. This reminds me one of the stories of some persons who went to meet one gentleman. The small daughter of the gentleman was there outside. So, they ask her, "Is your father at home?" She went inside and came back saying that "father told me to tell you that he is not at home." A similar controversy has been going on in Indian politics for some time whether **Mr. Sanjay Gandhi** is in politics or not. Her mother had gone on record several times saying that he was not in politics; he was too busy in his cases and doing social work. But then when he was convicted in the **Kissa Kursi Ka** case, she went to the **Tihar Jail** and said: "This was his political revenge."

Most surprisingly, recently, we had a session of the AICC(I) in Delhi and there Mr. Dev Raj Urs, who is also the Chief Minister of Karnataka, said, "If I know Mrs. Gandhi's mind, she will not bring him to the forefront of politics." Only some people are clandestinely and surreptitiously using him to get favours from her." This is what Mr. Dev Raj Urs said in the AICC(I) session. And even more surprising is what the hon. Member, the Leader of the Opposition said in Trivandrum on 30th April, 1979. Speaking in a Press conference, he gave a statement which was published on 1st May in the Malayalam paper. He said, "The greatest lie in Indian politics and in this era is that Sanjay Gandhi is in politics." He is neither in