

[English]

- (vii) Demand for a railway line between Nizamabad and Warangal via Karimnagar in Andhra Pradesh.

SHRI G. BHOOPATHY (Peddapalli): Karimnagar in Andhra Pradesh is a district headquarter with population of more than two lakhs. It is a very big business centre and a number of industries are located in this town. Karimnagar, which is very important district in Telengana area, is not connected with any rail link. Agriculturists and industrialists have to take their produce for transport by rail either to Nizamabad Railway Station, which is 150 kms. away, or Warangal, another district headquarter, which is 70 kms. away from there. It will be very convenient for the passengers and goods traffic if Karimnagar is linked with Nizamabad and Warangal by railway line.

It is, therefore, requested that immediate survey may be conducted and steps taken for construction of railway line between Nizamabad and Warangal via Karimnagar.

- (viii) Demand for early clearance of the revised project for development of coconut plantation submitted by the Government of Karnataka.

SHRI G.S. BASAVARAJU (Tumkur): The revised project for development of coconut in Karnataka with external assistance was sent by the Government of Karnataka to the Government of India on 13th May 1987. The main objective of the project is to bring 16,000 hectares under coconut plantation over a period of five years at a total cost of Rs. 36 crores. Government of India had made certain queries which were clarified, vide their letter, dated 14th December, 1987. This issue is pending in the Project Appraisal Division of the Planning Commission.

The delay in taking a decision by the Government of India is causing a great concern to the coconut growers in kar-

nataka and I urge upon the Government to convey their decision immediately so that the work in the coconut plantation does not suffer.

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STATUTORY RESOLUTION RE: DISAPPROVAL OF RELIGIOUS INSTITUTIONS (PREVENTION OF MISUSE) ORDINANCE, 1988 AND RELIGIOUS INSTITUTIONS (PREVENTION OF MISUSE) BILL

[English]

MR. DEPUTY SPEAKER: The House will now take up items 7 and 8 together. Shrimati Geeta Mukherjee has already informed the House that she would not be present today to move her resolution. Therefore, I am now calling Shri Vijoy Kumar Yadav.

SHRI VIJOY KUMAR YADAV (Nalanda): I beg to move the following Resolution:

"That this House disapproves of the Religious Institutions (Prevention of Misuse) Ordinance, 1988 (Ordinance No. 3 of 1988) promulgated by the President on the 26th May, 1988."

[Translation]

Mr. Deputy Speaker, Sir, I have moved this resolution to seek disapproval of this Ordinance. This has to be done, because the matter to which this Ordinance relates was not an urgent one. It was not such a matter which had suddenly come up before the Government.

This issue regarding the misuse of religious institutions and their wealth has been before the country for a long time and all the progressive and secular powers have been raising their voice against it. It has continuously been raised in the Parliament also. If this Ordinance has been brought keeping in view the incidents taking place in Punjab, then also it is clear that this issue has been before the country for the last 4-5 years. When this issue was before us for such a long time and we were expressing concern on the terrorist activities in Punjab

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in Parliament and outside and misuse of religious places and their wealth, then the Government did not pay any attention to it and just some days after the session was over this Ordinance was issued. The Government has not done away with this practice, although it has been criticised vigorously several times. Sometimes, such a situation does arise suddenly in which a law has to be made through an Ordinance. But to issue an Ordinance just after the end of the session of Lok Sabha on the basis of old situations and incidents warranting such an action since long, shows the unwise and undemocratic way of functioning of the Government.

Mr. Deputy Speaker, Sir, we know that there are many loopholes in the provisions being made through this Ordinance. It is not the only question that religious places, their funds and wealth are being misused but this is the question of mixing politics with religion which is causing tension in this country. Some people, who are religious heads, make political pronouncements. Similarly, political leaders have been using religion to promote their political interests in the country. In elections, we make use of the actor playing the role of Rama or make use of communalism for increasing it or to make alliance with the communal parties and in spite of such a long experience, we have been allowing formation of political organisations on the basis of a religion or a community. So it is clear that unless we change our ways and take affective steps, we will not be able to remove the danger posed to the unity and integrity of our country. If we really want to make our country secular, then we will have to take effective steps against terrorism and other powers which are using religion.

What loopholes are there in this Ordinance? You have mentioned about religious institutions, their funds and wealth but I want to discuss about the things which are more important. Without separating religion from politics, we cannot stop the tendencies which we want to check. Is it not a fact that before starting any Government

work a religious ceremony is held? If this thing goes on, we will not be able to achieve what we want. To-day, Ministers and Government officials visit different religious institutions, temples and churches simply to make political gains. Politicians use religion to advance their political interests. Heads of religious institutions take political decisions. So if we do not make laws to stop the formation of political organisations on religious and communal basis, we will not be able to achieve our aims. The Government has made certain laws like the Protection of Muslim women's Right Bill under the pressure of some religious fanatics. The issue of Babri-Masjid and Ram Janam Bhoomi is like a concession to the religious fanatics. No effort is being made to solve this problem and it is creating a tense situation in the country. To what point these fanatic people are taking this matter. Besides Ayodhya, they are now mentioning Mathura and Varanasi also. Now both the communities are talking of holding marches. Where they want to take the country? What are their objectives and what efforts should we make? What should be the duty of those secular powers who want to unite the masses through brotherhood. In order to solve all these questions a comprehensive Bill should have been formulated. Had this matter been directly brought in the House, then there would have been no need to issue this Ordinance. It is possible to take a comprehensive law on this matter. I moved this resolution to achieve this objective.

[English]

MR. DEPUTY SPEAKER: Resolution moved:

That this House disapproves of the Religious Institutions (Prevention of Misuse) Ordinance, 1988 (Ordinance No. 3 of 1988) promulgated by the President on the 26th May, 1988.

THE MINISTER OF HOME AFFAIRS (S. BUTA SINGH): Mr. Deputy-Speaker, Sir, I beg to move:

"That the Bill to prevent the misuse of religious institutions for political and other purposes be taken into consideration".

The Government has been watching with concern the flagrant misuse of religious places for purposes other than the religious. There was overwhelming evidence that religious places were being utilised for a variety of criminal and illegal activities. A number of such places were being used as sanctuaries for criminals, outlaws and terrorists. Fire arms and ammunition were being stored at religious places. The absconders, declared so by law, were being given shelter. The funds collected from worshippers for pious purposes were being misutilized for illegal activities. By such practices, the administration of the criminal justice system was coming to a grinding halt. I am sure that the House will agree with me that such a state of affairs could not be allowed to continue by the Government. It was under these circumstances that the Government was compelled to make specific provisions in law to curb these activities in religious places. The President promulgated the Religious Institutions (Prevention of Misuse) Ordinance, 1988 on 26th May, 1988 as the Parliament was not in session.

I am bringing an official amendment to the definition of religious institutions to bring it in line with the definition in similar laws. The Bill seeks to replace the above said Ordinance and I request the hon. Members of this august House to extend their full cooperation to this Bill cutting across the party considerations.

And also, Sir, there has been a certain amount of concern expressed at various national forums, especially in the National Integration Council where the most eminent people from various walks of life—literary people, scholars, scientists, politicians, administrators, etc.—have expressed their serious concern in a number of meetings about the misuse of religion for political purposes. There has been a constant demand from various political parties and I remember distinctly in a meeting with the Hon. Prime Minister the leaders of the Opposition themselves were very keen that we must take some steps to see that religion is separated from politics. Keeping in view the strong feeling among all sections of our society, including the organised

political parties, the Government has brought about this measure before this august House.

The Hon. Member, Shri Vijaya Kumar Yadav, who preceded me, was also voicing the same argument and same sentiment and he asked the question that why the ordinance was brought. The situation as was prevailing at that time, warranted certain steps which could not have been taken because the Parliament was not in Session that we could bring the Bill. Therefore, it was the urgency which necessitated the promulgation of that ordinance. It is a regular practice in a parliamentary democracy and especially in the affected part of our country, Punjab. All political parties and social organisations have already welcomed the measures taken by the Government.

Therefore, Sir, it is in the fitness and keeping with the spirit of our Constitution that this august House must give thought to this new measure that the Government has brought before and give the full thought to it. I will be waiting very eagerly to the contributions that the Hon. Members will make in making this measure more purposeful for the better integration of our country.

With these words I commend this Bill for the consideration of the House.

MR. DEPUTY SPEAKER: Motion moved;

“That the Bill to prevent the misuse of religious institutions for political and other purposes, be taken into consideration”.

SHRI K. RAMACHANDRA REDDY (Hindupur): Mr. Deputy Speaker, Sir, the attention of the people of this country has been engaged to this problem and the people have expressed a lot of concern over the fact that the religion and politics have been mixed in this country. For a very long time people have been agitating that the religion and politics are two separate things. Religion is separate from the politics. In order to achieve this aim the Government has come forward with this Bill which seeks to prevent the misuse of reli-

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gious institutions. This is the purpose of the Bill.

This is not a matter which has cropped up only yesterday or day before yesterday. This is a matter which has been agitating the country for the past 2 or 3 years, especially with regard to the incidents and occurrences that have been taking place in Punjab. The attention of the whole of India has been drawn towards this aspect.

Now, the Government has come forward with this Bill. I am not disputing the intentions of the Government; I do not quarrel with the spirit of the Government but I dispute about the way it has been brought in the House. The hurry, the unchaste haste with which this Bill has been brought in this House is objectionable. To my mind this haste has been indulged in to by-pass the Parliament.

Then the wording of the Bill is also objectionable. The Bill has been worded in such a way, it has been drafted in such a way that a number of anomalies have crept in. I would say it is an ill drafted Bill.

The other point that I would like to make is that it does not serve the purpose for which it has been brought here in this House.

**13.00 hrs.**

Now, the first point I would like to make is that the provisions of the legislation by ordinance have to be used very sparingly. When both the Houses of Parliament are not in Session and when an urgency crops up, Article 123 of the Constitution enables the Government to legislate through ordinances. Now here, they have come forward with this ordinance just within 13 days after the Parliament has adjourned. The Parliament was adjourned on 13th May and the Government proclaimed this ordinance on 26th May. What was the urgency for bringing such an ordinance immediately after the adjournment of the Parliament? The Government must have come forward and must have taken this House into confi-

dence, they must have given the reasons for the urgency and the need for which they brought this ordinance. What is the action that they wanted to take? What misuse of the religious institutions did they seek to prevent? They must have come forward with all these explanations. But they have not done so and the ordinance has been proclaimed.

Under Rule 71 of the Rules of Procedure in Lok Sabha, the Government should place a statement on the Table of the House as to why the Government has resorted to promulgate an ordinance. Even in this statement, they have not stated what they wanted to achieve by bringing forward this ordinance. What was the urgency, what were the reasons for promulgating the ordinance? They are silent on all these aspects.

Even in the statement of objects and reasons also, they have not mentioned what they wanted to achieve. Now, the ordinance has been promulgated on 26th of May. Two months have since elapsed. Have the Government taken any action under this ordinance during these two months? Have they prevented the misuse of any religious institutions? This must have come forward and stated that during these two months, such and such action has been taken under this ordinance and misuse of such and such religious institutions was prevented or smuggling of arms into such and such temples has been prevented and so on. But the Government is not in a position to do so. For two months they have simply kept quiet and now they have come forward with this Bill. I would like to know whether Shri Buta Singh or Shri Chidambaram or for that matter whether this Government believes that this Bill will be able to achieve the objects for which it has been brought forward?

The object of the Bill is the prevention of misuse of religious institutions. It has been stated in the objects of the Bill that religious institutions in the Punjab are being misused continuously and so they wanted to bring forward this Bill. What do they want to achieve by this Bill? Will the Government be able to prevent the misuse

of religious institutions? I do not think they will be able to do so. I say this because the way in which they have drafted the Bill and the unchaste haste with which they have brought this Bill is not correct. I would like to bring to the notice of this august House the definition of 'religious institutions' as drafted in the Bill, which is rather ambiguous. It reads as follows:

"religious institution means any place or premises used a place of public religious worships, by whatever name of designation known."

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE, IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): Will the hon. member yield for a minute? I have noticed this lacuna in the drafting. We are bringing an official amendment, and the official amendment has already been notified. Now the definition of religious institutions will be as under:

"religious institution means an institution for the promotion of any religion or persuasion and includes any place or premises used as a place of public religious worship, by whatever name or designation known."

In the opening statement of the hon. Minister, there is a reference to the official amendment which is being brought to this definition in Clause 2(f) of the Bill.

SHRI K. RAMACHANDRA REDDY: I am happy that the Government has come forward with this amendment. I would further like to draw the attention of the Government to Clause 3 which says that no religious institution or manager thereof shall use or allow the use of any premises belonging to or under the control of the institution for purpose listed in sub-clauses (a) to (i). A number of such things are mentioned. Here I am not able to understand this phrase-- "No religious institution or manager thereof shall use or allow the use."

In Clause 4, the something is mentioned. "No religious institution or manager thereof shall allow the entry of any arms or ammunition, etc."

Clause 7 is a penal Clause. Here it is mentioned that "where any religious institution or manager thereof contravenes the provisions of section 3, section 4, section 5 or section 6" I am not able to understand this. How can the religious institution which is an inanimate body contravene the provisions objection 3, section 4, section 5 or section 6? Luckily they have not chosen to punish the religious institutions. They have only chosen to punish the manager. The Minister must come forward and explain as to why this religious institution has been added in clauses 3,4,5,6 and 7.

You take the case of Clause 4. Here it is mentioned that "No religious institution or manager thereof shall allow the entry of any arms or ammunition". Let us take the case of religious institution. If the manager is given an onerous responsibility of seeing that nobody is allowed to take arms into the temple, without giving any power or arms to him, how can he prevent the people from taking arms into the temple?

Here I would say, arms were clandestinely or sometimes openly smuggled into the Golden Temple. Those people who smuggled arms into the Golden Temple were armed with most sophisticated and modern weapons. There are number of disciples who throng the Golden Temple daily. How can this manager prevent people from carrying arms into the temple? How can he search each and every person who enters the institution? Has he got any force or power or men and material to search each and every person? Does it not affect the devotees? Will there not be a big revolt if you try to check your devotees? Government had to take recourse to two operations--Blue Star Operation and Operation Black Thunder. So, Army had to be sent there. Even the Army also was not able to take possession of the temple. It had to fight for a few days--on two occasions--and then only it was able to evict some of the terrorists. How can this poor manager, who did not have even a single

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weapon in his hands, just with a handful of employees in his hands, prevent anybody or any terrorists from bringing the arms into the temple? This point the Minister must explain. When the Government itself with so much of arms and ammunition could not prevent this, how can this manager do it?

Under Clause 8, it is mentioned that "any manager or other employee of a religious institution shall, upon conviction for an offence". I am not able to understand how this "employee" has come. Clause 3,4,5 and 6, are clauses which, define offence Clause 7 is a penal Clause. The word "employee's" is not found under Clauses 3 to 7. I do not know how it has come suddenly in Clause 8. Under Clause 7 employee is not punishable. It is only the manager who is punishable. If that is so, how has this come—"Any manager or other employees of a religious institution shall, upon conviction for an offence under this Bill stand removed from his office"? When the employee is not punishable according to Clauses 3 to 7, how does the employee become convicted? I am unable to understand this; I think it is for the Minister to explain it.

In Clause 8(2) it is said:

"Where any manager or other employee of a religious institution is accused of an offence under this Act and a charge-sheet for the prosecution of such person is filed in any court and the court is of the opinion, after considering the charge-sheet and after hearing the prosecution and the accused, that a *prima facie* case exists, it shall pass an order or direction restraining the person from exercising the powers or discharging the duties of his office or post pending trial."

This I consider as a draconian piece of legislation. Even before the man is convicted, even before the man is found guilty, you are giving the power to the court to restrain him...(Interruptions) In the event of his being acquitted, what is going to happen?

As far as this point is concerned, there is one peculiarity. (Interruptions) When the magistrate feels that a *prima facie* case is made out, he can restrain the person from discharging his duties in the religious institution. I think Mr. Chidambaram knows this. The moment the charge-sheet is filed, the magistrate will consider the case and take it on file only if a *prima facie* case is made out. Then only will be take the case on file. So, the magistrate has to take cognizance of the case, and then take the case on file. So, the moment the case is taken on file, it means that a *prima facie* case is made out. So, it means that every manager of any religious institution, and every employee can be restrained from acting as a manager or as an employee. This is a very draconian provision. I think the Minister should consider this.

Clause 3 bans political activity in the temple, bans smuggling of arms into the temple. It bans so many things. I would like to know how can this manager prevent this political activity. What are his powers; how is he to act; will he be in a position to stop political activity being undertaken in the temple; what are his powers; how is he to do things? And the most important thing is that the men who indulge in political activity, the men who store arms in the premises are not punished. They are not mentioned in Clause 3. They go scot-free. But the man who is not able to prevent it, even if the man has his best of intentions and even if he wants to prevent it, but is not able to do it, that man is punished. But the man who stores arms is not punished; the man who indulges in political activities, who uses the temple for other than religious purposes, he is not punished under this Act. This lacuna, I think, the Minister will have to correct.

Clause 4 says:

"No religious institution or manager thereof shall allow the entry of any arms or ammunition or of any person carrying any arms or ammunition into the religious institution."

Here also, the man is expected to prevent these things from being done. If he is not

able to prevent them, he is liable to be convicted for a period of five years and with a fine extending to Rs. 10,000/-. It is all right; but what about those who do these things clandestinely or openly? Are you punishing them? Why is this Bill silent on this? So, I feel that this Bill will not be able to achieve the object for which it has been brought.

Then in Clause 9 it has been said:

"Every manager or other employee of a religious institution shall be bound to give information to the officer incharge of the police station within whose local jurisdiction the religious institution is situate..."

Under Clause 9, every employee of the temple, and the manager of the temple has to give information to the Police. If he fails to give information, he may be punished under section 176 of the Indian Penal Code. The punishment under section 176 of that Code is very meagre not as drastic as you find in Clause 7. Under such cases, the Act says that they are punishable. We have been bearing a case where a priest was murdered in broad day light. How can you expect that a man of a temple can inform the police? Are you able to safeguard his life? The employees are there. After all, they go there for doing duty; they work for their livelihood. Suppose this man goes to the police station and inform the police. Immediately, his life will be in danger. he may be murdered; he may be shot dead. When such is the case, do you really expect a man or an employee to take so much of risk and go to the police station and give them the information? If he is able to inform the police, is the government in a position to protect his life, property and his relations and his children? This government was not able even to protect the very relations of the Home Minister, Shri Buta Singh. When such is the case, do you think that anybody will be able to act under this Clause 9, go to the police and invite the wrath of the terrorists or criminals and then get shot dead or murdered?

Under these circumstances, I request the hon. Minister to withdraw this Bill and

come forward with a very comprehensive Bill, because it does not go to separate religion from politics. It can cover only few offences. Therefore, the Minister must come forward with a very comprehensive Bill and see that these religious institutions are not misused and the religion is completely separated from politics. My request is that this Bill has been brought forward in a very hasty manner; it creates so many doubts. Hence, it has to be with drawn.

SHRI HAROOBHAI MEHTA (Ahmedabad): The Bill is welcome. It is in conformity with the secular ideals enshrined in our Constitution. It is aimed at insulating religion and politics from each other.

Ours is a secular State. The Constitution guarantees freedom of religion. The contents and parameters of this Fundamental Right are set out in Articles 25 and 26. Article 25 reads as follows:

"Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion."

Therefore, the very starting words of this very important fundamental right are: "Subject to public order, morality and health." Therefore, the freedom of conscience and the freedom of religion is to be exercised subject to public order and other aspects mentioned in the Article. It further reads as follows:

"Nothing in this article shall affect the operation of any existing law or prevent the State from making any law--

(a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;

(b) providing for social welfare and reform and so on.

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Article 26 guarantees freedom to manage religious affairs, which is more relevant to the present Bill. This article commences with the following words "subject to public order, morality and health, every religious denomination or any section thereof shall have the right--

(a) to establish and maintain institutions for religious and charitable purposes." Therefore, this conforms with the parameter of fundamental rights to freedom of religion guaranteed by our Constitution under Articles 25 and 26. Therefore, there is nothing objectionable in the Bill from the point of view of freedom of religion.

Religion, as preached by prophets and saints, teach humanistic values and can very well be a cementing factor for people to which ever religious fold they may be belonging. Late Indira Gandhi in course of her tributes to 'Guru Nanak said as follows: (Baroadcast over All India Radio, 23rd November, 1969)

"Guru Nanak arose to liberate the people from narrowness of their creed. He proclaimed that religion was not locked up in books, however sacred.

"He taught Hindus and Muslims to regard each other as brothers. He proclaimed the equality of men and women. He attacked the notion that God dwelt in the cooking pot, and instituted the practice of people of all castes and religions breaking bread together.

Guru Nanak's challenging statement:--

"There is no Hindu, no Muslim," startled the people of his times, into the realisation of a profound human truth. How true this statement is even today, centuries later! If only we can today, think of ourselves not merely as Hindus, as Muslims or as Sikhs, but as human beings, who

have to live and grow with other human beings, how much better we would be! If Hindu, Muslim and Sikh and Christian, Jain and Parsi, remember Guru Nanak's teaching of equality and brotherhood, all will be well without land."

Late Indira Gandhi's words are today as relevant as they were when they were uttered. Religion as professed by Jesus, Lord Christ, Geeta, the Buddha, Prophet Mohammad have always enlightened and illuminated the path of all public workers. Mahatma Gandhi understood religion in the sense of righteous conduct, of caring for and serving one's fellowmen, especially those who can do nothing for us in return. Religion understood in such universal sense would really illuminate the path of all social workers. Better knowledge of religion properly understood and pursuit of religiousness can only awaken us to the humaness that is common to all of us--it can only teach us that they are not different from us.

It is a different matter--and this is precisely what this Bill propose to be taken care of--however, when it comes to institutionalised religion especially when it is used or sought to be used as an instrument of domination--a device in the pursuit of power--nothing but power.

The history of the world shows that in the past centuries, religion was exploited by feudal lords and expansionists and even, imperial powers in order to secure domination over other peoples. Wars were fought decimating thereby large segments of mankind. In the feudal history of India also, we have seen religion exploited to subserve expansionism of feudal principalities. Our Freedom Movement also came to be corroded by the two nation theory ultimately leading to partition of India that was undivided bringing peace and prosperity neither to the people of India nor to the people of Pakistan. The two nation theory is discredited but-I want to alert the Parliament on this point--it has not been wiped out. Different people in the name of different religions, different parties and individu-

als who mix religion with politics and exploit Hindu, Muslim, Sikh and other narrow loyalties for political, personal and partisan ends, have been encouraging the two nation theory in one or the other manifestation. The safety of our nation demands that we should unitedly fight such tendencies.

Even those who clamour--here I precisely mean the majority communalists--for a Hindu theocratic State are subserving to this two-nation theory, and therefore it is equally, perhaps more, pernicious because it is likely to have greater impact in view of the strength of numbers.

The mixture of religion and politics generates or encourages divisiveness in our composite society. It degenerates both--the religion and politics. It is not religion but its intrusion into secular fields that is pernicious and has to be opposed tooth and nail.

Like narcotic peddlers, the communalist politicians use every underhand trick to gain votes and it is the divisive attitude which he finds to be paying the largest dividends. Excite the voters' religious sentiments, play on his religious feelings, succumb to and support fundamentalism in Hindus, Sikhs and Muslims as the case maybe, and then get votes. Transient political advantage he can get, but at the cost of unity and integrity of the nation.

It is the fundamentalism which induces political demands on the strength of backing of fellow citizens pursuing the same religion. However, fundamentalism of one variety does not remain as isolated phenomenon. In my respectful submission fundamentalism of one variety feeds the other and becomes a rationale for another. Each fundamentalism pretends and often believes it to be a mere response to the other.

Sir, historical studies of different religious communities clearly bear out that tolerance and intolerance are social and not religious. A community becomes tolerant and intolerant depending upon its social condition. We have seen in Ahmed-

abad and elsewhere how certain people from upper castes pursuing a particular religion claiming to be a very tolerant religion become intolerant when it comes communal issues. Intolerance is generated when religion is sought to be exploited for non-religious purposes. Sir, intolerance in religious communities is brought out by those who want to mix politics or use religion for political or other purposes.

Communalism, needless to say, is a political phenomenon. Its genesis is in politics. It draws its substance from religion.

Sir, how does it develop? A truly democratic set up guarantee religio-cultural autonomy to all such groups in the country. It is precisely this that is guaranteed by Articles 25, 26, 29, 30 and so on in our Constitution. However, when religio-cultural consciousness begins to be transformed into political assertion, more so if the political elite decides to exploit it for extra-religious ends, then it invariably takes shape of communalism.

Initially the communal ideology professes that the people who follow the same religion have not only common religious beliefs or interests, but also have common political, economic, social and cultural interests unconnected with religious teachings. From this arises the notion of religion based community. That is the first step.

Next arises the belief that the secular intercast, i.e. economic, social, political and cultural interests of the followers of one religion are different from the secular interests of the followers of another religion.

The final stage takes place when it is said that not only that the secular interests of different communities are different from each other but also that they are hostile to each other. This belief of hostility breeds communal hatred and communal violence. Sir, imperceptibly but surely use of religion for non religious purposes leads to communal violence in the ultimate analysis. It thus operates to fragment composite society. How can secular interests of different people be different merely because they follow different religions. A Hindu textile

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worker or a Muslim textile worker or a Sikh textile worker is going to be equally affected by closure of mill. Religion does not make any difference to them in this connection. So, we should try to unite and mobilise the people on the basis of the general secular interests and religion should never be allowed to be exploited for non religious and general secular interests.

Sir, this Bill is an important major step taking lesson from the misuse of certain religious institutions in a State of India. It is not an isolated phenomena. It is rightly said that for the last forty years religious institutions have been put to misuse by different religious people for different political ends.

Only yesterday I came across a statement of Sri E.M.S. Nambudripad that Hindu temples are being misused for political purposes in Kerala. Many religious institutions are being exploited for political purposes in order to get power. Sir, the processions organised under the aegis of religious institutions also have been exploited to foist communal violence in Ahmedabad and elsewhere. Sir, communal violence in Ahmedabad, Bhiwandi, Kanchi or Meerut could not have taken place if we had utilised the last forty years to propagate secularism and to prevent any misuse of religious institutions for non religious purposes.

It is really heartening that the Government has brought this Bill. It could have been made more complete. I am sure with the experience gained in enforcing this law, the Government would be able to bring some more necessary amendments to this Bill.

I have proposed one amendment to the definition of "religious institution" which has not been taken care of by the amendment proposed by the Government.

I have proposed that the word 'public' should be omitted because in the Courts, the technical difference might be taken ad-

vantage of by some people and some courts might uphold those contentions that a given religious institution is not a public place and it is a private place.

We do not know what complications will be created by the use of the word 'public'. Therefore, in my respectful submission, the word 'public' should be omitted.

Section 3 really consists of two parts. One, political activity is barred so far as religious institutions are concerned. Political activity is otherwise innocuous and permissible form of social activity. However, for that purpose any religious institution, should not be misused or exploited. Other activities enumerated in that clause are inimical to the social interest. Therefore, it is proposed that no religious institution should be used for such purposes.

One of the points that was sought to be made out by an hon. Member who spoke before me, that section 8 provides for suspension, etc. of an employee but without anywhere providing for the conviction of the employee. My learned friend should have seen clause 7. It provides like this:

"Where any religious institution or manager thereof contravenes the provisions of section 3 section 4, section 5 or section 6 the manager and every person connected with such contravention shall be punishable with imprisonment.."

Thus employees are liable to be convicted as persons connected with such contravention. Therefore, on that point, there is no difficulty.

I welcome this Bill specially because it is in the special interest of the minorities. If all people belonging to various denominations begin to misuse their religious institutions for political purposes or for purposes not connected with religion, there would be a catastrophe in this country and the interest of the minorities would be the first casualty in such an eventuality. Therefore,

all those who have special concern for the interests of the minorities, I expect them to welcome this. It was the sense of majority superiority generated in Germany, that gave rise to fascism. If that tendency had been curbed in Germany earlier, the interest of minorities in Germany could have been saved. Therefore, it is all the more in the interest of the minorities. I am sure, all sections of the House will welcome this. There is always scope for improvement in the legislation. Therefore, in the course of its working, as and when found necessary we can make it more and more effective.

With these observations, I support the Bill.

DR. G.S. DHILLON (Ferozepur): I rise to support this Bill. It fulfills a long felt need. But I must say, it is much belated.

There has been a debate going on for quite some time, for many years that religion should be separated from politics. We have been thinking about it as to by what methodology, by what type of processes this separation can be brought about, particularly in what section of the people who have always been advocating that religion and politics are inseparable. Religion when founded many centuries back, at that time, politics may not have been at all there in the modern sense. Some religious leaders might have condemned certain atrocities of the then autocratic rulers. But that was not out of the political background as we see in the modern times, but from compassion and sympathy for human beings, poor and down-trodden people.

But now when I take the picture in general, I think we in Punjab reached a stage when there was no alternative available for us. The main background for this enactment may be the situation in Punjab, but it is as much welcome anywhere in other parts of the country, as my previous speakers have mentioned. But Punjab needed it most because the situation there demanded its immediate application.

I have passed through many years of political life and we were not facing parties based on economic or social programmes.

In Punjab particularly, we were facing a party which asserted that they represent both politics and religion of the Sikhs and, therefore, others have no right to stand. And we had been facing them. I could very well imagine if Karl Marx or Engel or Lenin were there, with what type of odd situations they would have been faced with to formulate their thesis. If they had said: well, they accept religion also as part of the social life to mix up with their principle or the system they advocated, there would have been no Marxism or there would have been no Communism by such processes. I remember, a very eminent leader of the Communist Party contested an election against an Akali candidate in 1945, a man whom we all respected--Sohan Singh Josh. He was earlier in the Congress; he was a General Secretary. But due to the split in the Party, those people with socialist ideas separated. So long as he was in the Congress nobody objected. When the Akalis were there at the time of 'Quit India' movement and all the parties were working together nobody objected. But when he contested the election, those people then came out with fantastic types of arguments against him that communism does not have any faith in any religion, that Lenin and his wife used to ask their children who gives them the sweets, and the Children would say, God, and they would say: "Who is God? It is I." All sorts of arguments were used at that time and, therefore, he was an atheist. A man, who till a couple of years back was a full Sikh and a good Sikh, suddenly became an atheist at the time of election, and he was defeated. I am still up to this time very sorry for his defeat. Similarly, I really wonder and fail to understand that how could those prophets and apostles who were born centuries back, could preach that religion and politics are all mixed and they are inseparable. In my own life, I was just a young boy when I saw the Akali movement. The great movement was against the *Mahants* who controlled the *Curdwaras* at that time. The Sikh *Gurdwaras* Act came into being much later.

At that time, no voice was raised that this was a question of our religion or

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preaching or teaching. They wanted to wrest the control out of those individuals, and every time the individuals were managing this religious institution, they got the control of religious institutions. The moment the Act was enacted, then elections came in, party system came in and then all types of issues arose I very well remember that at the time we were fighting for our freedom movement. There was nothing of the type said against the British who were ruling at that time. Right upto 1947, nationalists were elected to the Gurdwaras and at that time, the aim of the religion was expressed in a different way. After 1947, when the new Constitution came and the elections came on a national basis, a different interpretation was given, relationship between the religious institutions, their propagation for and against the political parties. So, Sir, these are some of the backgrounds against which we have to think. I fail to understand how they could be inseparable. This is new Bill which we are considering and which is going to be passed today is not a Bill completely intended to bring about separation between religion and politics, as to how it should be brought about, etc. That needed much thought and more comprehensive thinking. At least, after the Ordinance, about this Bill the Opposition might have been consulted. I think the Akali Dal might have also been consulted. But we who are in the Congress were not. When this proclamation was promulgated perhaps they took us for granted, though we come from Punjab.

I did not know about it.

AN HON. MEMBER: Nobody told us about it.

DR. G.S. DHILLON: I do not know when this Bill was to be brought forward before this House. If I had been consulted, I would have suggested many more points. Anyway, we are their party men and we cannot say anything against. But I have a right to send some suggestions later on because I come from that State.

There are believers in our country who

have been for the last 50 years entertaining the idea that time may come when we may get rid of that old concept of inseparability of religion and politics. It has come after all though not in a very comprehensive manner, but we are still very happy that something has come rather than nothing. It would have been much better if that had come much earlier and we could have been saved from the blood-shed that has been happening Punjab in the last five or six years. Now, this would have avoided the murder of the D.I.C. of Police if at that particular point this idea of some kind behind the religious practice had been there, the official and the administration would have dealt with the situation in a different way. For three or four days they had been thinking about this. He was killed in the precincts of the temple just at the main gate of the temple. Culprits could not be apprehended because the administration at that time was thinking, for two or three days, whether the authorities could enter the temple where the accused in the very sight of those people just slipped into the 'parikrama' whether it would be advisable to enter or not and whether it would amount to interference with the religion. The crime was committed just in front of them and the culprits slipped into the adjoining 'parikrama' and those people were there for three or four days till everything was out of control.

I happened to visit that temple and many other temples immediately after the Operation Blue Star and now immediately after the Operation Black Thunder. I cannot say because when you compare it with other parts of the country as proceeding speaker talked about the observation made by Mr. Namboodripad about the misuse of temples in Kerala, all these years, in all the meetings Khalistan was preached. So many events took place at Manjit Sahib. One thing which they repeated was, 'Government is interfering in our religious affairs' without telling how. All these years I have been listening, many charges were brought against us just to defeat us by saying, 'They are interfering in our religion'. And the masses, those masses who never knew what the actual happenings were

going on in the country beloved it and defeated most of us without knowing as to what are the issues or programmes of the other parties. Similarly here, for years and years from the platform of Manjit Sahib they went on preaching sometimes against the Congress and sometimes propagating Punjabi Suba and later on Khalistan Jathedar Mohan Singh Nagoke who was a nationalist, was at that time the Jathedar of the Akal Takht in 1948. He was once passing just in front of the Manjit Sahib and when he was entering into the temple, he was attacked by these fanatics and he had to use his pistol to save himself. They say, 'Now you are putting a ban on the arms inside the temple and outside the temple.' At that time the poor Head of the whole Sikh community, Jathedar Mohan Singh, had to save himself from the attacks of the fanatics with an arm.

I was Editor of a paper at that time. I saw the whole show from inside from the adjoining building. Now from that very religious place, the public man or the administrator if he takes any action against crime inside the temple or in the periphery, the *parikramas* he has to take into consideration whether it amounts to interfering in the religion or not. If he takes any action he is dubbed as *tankhaiya* (excommunicated). Barnala was declared *tankhaiya* because there was trouble going on inside the temple the administration had advised him that if he did not take any action there might be many killings inside. Due to this Sardar Barnala was declared *tankhaiya*. The same people who condemned Barnala had to later on request the Administration for their own protection by the police. What for he was made *tankhaiya*? And what is the fault of Buta Singh? He is still a *tankhaiya*. I know how Giani Zail Singh had managed to be absorbed of that. Now he is a retired President of India, I need not go into it. It is a very sad story to tell.

I saw the temple after the Black Thunder and I find that those old rooms of the *Pankrams* has been re-converted and renovated, Windows and doors were fixed. Furniture fixed in them. Threafter I saw a completely different picture--all rooms had

been occupied for various purposes by the terrorists, some of them were air-conditioned and toilets fixed

When you turn left, there comes a room for inquiry, a room for interrogation, then a room for torture, a room for extortion of money and similarly other things. As you go further, there are so many small openings made into the walls from outside to inside for the use of arms. I assure you, Sir, it is very difficult to pass from that little tract or path.

From that place, such a bad smell was coming and a bad, foul stinking atmosphere was there. It happened to pass through near the big earth heap--the debris of the demolished Akal Takht--and that was being used for burying the dead bodies. Some bodies were still lying outside. Then come other rooms occupied by top terrorist leaders like Penta, Jagir Singh, Avtar Singh, Nirvair Singh, etc. There was a big board fixed outside a room reading 'Raja of Mund'. I never saw from my childhood such an ugly scene, as I saw there. Have these religious places to be respected. Are these religious places just to be preserved, just on the basis that they are sacred and nobody allowed to enter into them. Is there no alternative? I had been visiting the next important sacred temple of the Sikhs at Taran Taran. I fixed Paath in memory of my other on the 6th of August every year. I think for 45 years continuously, I had been fixing Paath there. But this year, I stopped. I stopped it because I lost my faith. The house of a very dear friend and my great worker who was a very able teacher was there. The terrorists fixed the stairs from the Pankrama to enter his house which was situated on the top of it and they killed him and his son. Are the religious places meant for such crimes and practices? Since then, my faith has been shaken. I can pray better at my home. But how can I gather that atmosphere of peace, tranquility and social orderliness to my mind where such heinous crimes are going on now? Why should I be a hypocrite, if I do not condemn such things? So, this is the background under which this important Bill is coming. I think, we need not bother about

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what others say because the religious interpretation has been coming from time to time that politics and religion are inseparable. What did they say? Maharaja Ranjit Singh's State was known as Sikh Raj. But he had Muslim Minister; he had Hindu Minister and he had some Christian advisers and generals. They say, we want Khalsa Raj of that type, but only for Panth.

When I was High Commissioner in Canada, the Pakistan Ambassador came to my house, who hailed from my neighbouring district. Mine is Amritsar and he was from Lahore. He asked me: "Sardar Sahib, just tell me what is this Khalistan? I gave him a copy of India Canada Times and asked him to read the article written by Dr. Chauhan, what is called, *Khalistan*. They wanted Lahore to be the capital of Khalistan and a Vatican type of institution at the birth place of Guru Nanak at Nankana Sahib in Shekhupura district. They had demanded a corridor right up to the sea shore. This is what they are demanding. He said:

[Translation]

It is quite absurd. How it is possible?

Then I said, you should think over it. You are the people who are financing them, you are the people who are helping them. And this is what is going on.

I think, this Bill protects our religious places. It is the conservator and the preserver of the religious ceremonies and sanctities of the religious institutions. It is not taking away anything. It is protecting the sanctity of religious institutions and I support this Bill.

If you look to the Mediaeval Centuries and study the great struggle between the Church and the State in the European countries, you will find, it ultimately ended in the separation of Church and State. Church has its own place and the State has its own place. Now we are passing through that stage in our country. But why do we have the same torture of

passing through the phase of history when we have already the lesson of the middle centuries before us. That is the question for those people who are advocating for this theory of inseparableness of politics and religion. About the implementation, the Home Minister is sitting here. He has been to Punjab and visited many areas on the border of my earlier constituency and the present constituency. Perhaps he may not have thought of other Sikh customs which are a sort of mixture of this religion and politics. Now you are making harbouring punishable. When you harbour a person you have to feed him and give him a cup of milk or tea and in Punjab the terrorists who demand harbouring from the people now in villages sometimes want a glass of liquor also. They simply, say: we have come to you and we want food to be served.

Now in the Sikh religion *langar* is a part and parcel of the gurudwara and it is a tenet that anybody at any hour who comes, it is the duty of the priest or the management or Sangat to feed them. Whether they are friends or foes they must be treated as respected pilgrims. Here when such people come what the poor priest can say to them. If he does not feed then he is ignoring the tenet. Now it is not a question of denying or acceptance. If he does not serve they kill him. This is something about which we should be very cautious in implementing.

Similarly while reciting the *gurbani* from the holy Granth Sahib these granthis are very clever in their interpretation. If something comes upon the fourth or the fifth or the sixth guru, then while giving the introduction of the guru they tell the whole thing. It is the same guru who was killed or imprisoned by the then Mughal kings in Gwalior or this is the same father of ninth guru who was murdered like this. Khalsaji have you forgotten these traditions? While translating the *gurbani* he introduces so many things. What to do in such a situation? We have to be very careful in implementation in such situations but we must know and keep a watch on the man who has mis-used and misinterpreted to incite communal hatred. That is another misuse

not only of religious places but of teaching also.

There are so many things to tell but I only participated in this that for centuries and years together they have been propagating and it is welcome sign that we are standing against it and have come out with some sort of a legislation to prevent it. I sincerely hope that it will have a wholesome effect.

14.00 hrs.

SHRI SAIFUDDIN CHOWDHARY (Katwa): Mr. Deputy Speaker, Sir, I support the spirit of this Bill. Though this Bill has come as an Ordinance yet many of the political parties could have been consulted on this while framing the Bill. I believe that has left certain loopholes in the Bill itself. To my mind this Bill is not a complete Bill to face the situation that has been created by the mixing of religion with politics. In this Bill itself there are certain laudable provisions. It tries to prevent misuse of religious places. It tries to prevent that situation where religious places are used to promote disunity among the people and so many other things. All these are to be supported by everybody. It is not the duty of religion to come out and teach things that create discord among the people and which encourages those enemies who try to dismember our country with the aid and abetment of forces alien to us.

14.01 hrs.

[SHRI SHARAD DIGHE in the chair]

Even in this Bill it has been said that it will try to prevent the misuse of religious institutions. Now today it is not only that particular building where these kinds of activities are going on or some where these kinds of announcements are made which harm the unity of the country but also there are certain persons who have become an institution themselves. What to do with them? They may not be sitting in the temple or religious institution but they are an institution themselves. The whole religion itself has become an institution in the society. So this Bill is a small part of a

bigger problem that we have to tackle, that is, the separation of politics from religion. I do not think that without the intervention or interference of politics in religion the good people in religious places would even bother about earthly things. So the root is here with politicians who are the culprits for distracting these people—the managers or the priests. They influence them to misuse religion for purposes other than religion. In that respect also this Bill is very deficient. There are many political parties who are trying to misuse religion. What we have to do about them. They are most dangerous to my mind. If they are not there then these places cannot be vitiated also. I think if we are sincere then we should start a dialogue and try to ensure that we can bring a comprehensive Bill. There should be dialogue with everyone. It is not that I suggest Government should interfere in the religious matters of different communities. No. Separation does not mean that. I support every step of the Government which as Mr. Dhillon has said tries to protect religion from being misused. In that I do not find any sincere attempt on the part of the Government to do what we should do in our country now.

We have been talking about this since long. But can you tell me how this situation has come to such a pass? The question of integration of the country and unity of our people has been ignored. Can the Government explain why the Ministers of the Government and the Prime Minister, in their official capacity, visit the temples and durgahs? (Interruptions) No person should be allowed to visit any religious place in his official capacity. It has to be banned. He visits them and that is shown on the TV. What do you mean? If he goes there and offers prayers, do you know how that can be misused by other people? This is not called separation of politics from religion. It is punishable during elections. If you try to use the religious sentiments for election purposes, that is prohibited by the election law. But this is being done in every election. I can tell you my experience. When I visited Assam during the last election, I was asked by some Muslims: "You are destroying mosques in West Bengal. You, commu-

[Shri Saifuddin Chowdhary]

nists, are doing it." Who had raised that? Your people had raised it.

Obviously, during an election, the leaders of the political parties will go to the temples or other religious places. Then, they will try to seek an oath from the people gathered there—may be for prayer—that you touch your holy book and say that you will vote for this party or that party. Should not that be banned? I think, there is a law that you should not do it. But what action has so far been taken during these forty years? (*Interruptions*)

That is another point. You file the election case and it is settled when your term is over. What kind of law and what kind of implementation is there? (*Interruptions*)

I can cite an instance. During 1972, before the State Assembly elections, Mrs. Gandhi want to some temple and offered prayers for ten hours. Everybody came to know of that. I found this kind of situation in Tamil Nadu some days ago when Prime Minister went and visited a temple and a *durgah*. We have to see that. Newspapers published it. It came on the television. I have a request to make to the newspapers also not to write about all this. But why is it given in the official media? Just before an election, you feel the necessity to go there! We should have a law that if anybody is obviously caught indulging in this activity—trying to misuse religion for political purposes—then there will be a deduction of 10 per cent of votes in all the constituencies of that party. Are they ready to do that? If we fail to do this, then we will not be able to prevent the misuse of religious places for political purposes.

Dr. Dhillon has raised a pertinent point: What to do in Sikh religion where anybody comes, gets *langar* and gets a place to sleep? Well, I can cite instances. In Bengal also, during a prayer time, such type of political manipulations used to go on. Then, the people of that village used to tell the priest or the head of that religious place that during or after the prayer, if you do not

stop indulging in political manoeuvres, we won't come there and attend the prayer.

This consciousness has to be raised and it is the duty of the political parties to raise it. If we do not do that, then just by making a law, we won't be able to succeed. I believe, that in our country there are enough grounds for growth of secularism on a very strong footing. Now somebody has referred to Allahabad elections. See the maturity of the people! The television Rama was kept there in order to canvass the people. I for myself was very afraid that it will have a very bad impact on the voters. They will be swept by this. But there were not. This is the maturity of our people. If we, in a determined way, are able to reach the people and tell them that this is what secularism is, this is what religion is, you keep it to yourself in your places, pray to God and don't come out to viciate unity and integrity of the country, then, I believe, that people will react to that positively. This has been proved time and again. Mr. Dhillon has referred to the kind of campaign which used to be there against the communists when they used to stand for the elections. In West Bengal, even the last Panchayat elections, the last Assembly elections in different constituencies, your people went there and told them that CPI(M) has opposed the Muslim Women Bill and why should you vote for them? Some people had thrown a challenge to us that:-- 'you oppose and you will be defeated'. Well, we told them 'You go to them'. We never go to them as muslims. We go to them as Indian citizens and we stand here and say that what we did was right and we are in a position to get the support of the people on the basis of our principled stand. That is the position, which we have to take. If we fail from doing this, then this kind of laws cannot be effective. Nothing can be done with this law. So, Sir, we have to be more sincere. Despite the grave situation that is prevailing, despite the threat that is there on secularism in our country, I believe, that if we politicians are sincere, then we will be able to prevent the misuse of religious places. We have to use a ban on this practice. Now, the Government has not started discussing the Babri Masjid, Ram Janam Bhoomi controversy with political parties

and other secular people. In one meeting, the Home Minister suggested that he is trying to talk to the Hindu leaders and the Muslim leaders. Can you tell me as to who are the Hindu and Muslim leaders? You say that this is our Muslim MP and that this is our Scheduled Caste leader inducted as the Minister. These kinds of hypocrisies are really doing lot of harm than those kinds of people who are there in the prayer houses. If we are sincere, then people, by realisation will be able to throw out those who are among the managers the ones misusing religion for purposes other than religion. So, this is important. I believe that there should be a comprehensive Bill. There should be a dialogue with all the political parties and a vigorous campaign, at least among the people so that we are in a position to give religion its proper place and secularism its proper direction.

With these words, I thank you for giving me an opportunity to present my views.

SHRI SOMNATH RATH (Aska): Sir, I rise to support this Bill. There was a demand from the House more than once that Government should take steps to see that religion is separated from politics. The Prime Minister and the Home Minister have assured that they will take steps and bring a Bill. So, I congratulate both the Prime Minister and the Home Minister. A point has been raised on the other side as to why there should be an Ordinance.

The Ordinance was needed because of the urgency when there was a flagrant misuse of religious places specially in Punjab. Pakistan's complicity in terrorist movement in Punjab is proved beyond any reasonable doubt. Confession statements of the terrorists and documents seized reveal that Pakistan is not only training the terrorists and supplying arms and ammunition to them, but it is also bent upon destabilising our country and create disturbances in our country. In fact, Pakistan helped the Panthic Committee to declare Khalistan from the Golden Temple on April 29, 1986. They have also threatened the terrorists that unless they do so, they will not be financed and supplied with arms and ammunition.

Our Prime Minister during his visit to other countries has spoken about the Pakistan's treschery and has told the world that Pakistan is now at the top for assisting and arming the terrorists to destabilise other countries. Missiles, AK-47 Chinese rifles, magazines, grenades and plastic explosives have been recovered from the hideouts and from the Golden Temple. Thrice Pakistan has invaded our country earlier and recently also Pakistan attacked our country in Siachin area. However, it was repulsed. In fact, Pakistan has declared a cold war against India. They are training the terrorists inside Pakistan. We know the places, where the training is being given. The terrorists are going there for training. What action are we going there for training. What action are we going to take? Is this not a declaration of cold war by Pakistan? In fact, the invasions have not stopped and the terrorists are being sent inside the country with an intention to destabilize our country and put an end to the unity of our country. Government has to be very careful about it.

The intention of the terrorist activities inside the country is not so simple. It is not only religious, but it is to form a separate State. And in this activity, they are being financed and assisted by foreign countries.

Factors like religion and caste are being used to divide the people. We are passing through a phase when the unity and integrity of the nation is threatened by separatist movement, insurgency and secessionist designs. There is an increased religious chauvinism and tension.

It is at this juncture that this Bill has been brought to keep religion out of politics. Some hon. Members from the other side asked about the necessity of issuing this Ordinance and what have been the achievements after the issue of this Ordinance.

After the ordinance, there was the 'Operation Black Thunder'. All the ammunition were recovered and the terrorists also surrendered.

[Shri Somnath Rai]

I would like to invite the attention of the Hon. Minister, through you, Sir, to a news published in the Hindustan Times on August 7, 1988 with a picture which says:

"A skull found in the mound of debris in the Golden Temple Complex where 41 bodies have been recovered since the Operation Black Thunder."

So, the magnitude of the situation can be well imagined from these facts.

There is a very big gap between what we say in this House and what we do outside the House. There must be a political will. It is not that we speak in the House that religion should be separated from the politics but outside we work otherwise. I thank the Hon. Minister that he has taken steps to solve the Babri Masjid and Ram Janam Bhumi issues. If they are not solved by negotiation or by discussion then it can be done through the adjudication by court. There can be no third remedy for it.

Sir, the Buddhism was born in India and from here it has spread to different parts of the world. Buddhism speaks of non-violence and brotherhood and that too has spread throughout the world. Similarly, religion in our country must be for unity, integrity and peace.

Coming to the Bill, Sir, I would like to invite the attention of the Minister, through you Sir, to Clause 3(b) which says:

"No religious institution or manager thereof shall use or allow the use of any premises belonging to, or under the control of the institution--

(b) for the harbouring of any person accused or convicted of an offence under any law for the time being in force."

But it is silent about the person who intend to go there for committing offence. This lacuna is to be plugged. Unless in the clause,

'intending to commit offence is added it may not be of full utility. Similarly there are clauses 3, 4 and 5. Clause 7 deals with the penalties.

Yesterday, in this House, we passed Arms Act, and the possession of the arms inside the religious places. In the Arms Act there is some mandatory provision of some minimum imprisonment which is lacking in this Bill. What does this Bill says about the penalty? It says:

"Where any religious institution.....shall be punishable with imprisonment for a term which may extend to five years and with fine which may extend to ten thousand rupees."

So, this ought to be amended. The Penalty Section should be provided with more teeth to bite; otherwise, it will have no severe effect. Therefore, some minimum punishment should be made mandatory. It has been stated by an hon. member that there is no provision to punish an employee or any other person as envisaged in Clause 7. But there is a provision. Let me quote Clause 7:

"Where any religious institution or manager thereof contravenes the provisions of Section 3, Section 4, Section 5 or Section 6, the manager and every person connected with such contravention shall be punishable..."

You may note that the phrase 'every person connected with such contravention' includes an employee of that religious institution. Therefore, it is not necessary that there should be a separate definition for the employee of an institution. This aspect is very well taken care of in Clause 7.

It has also been argued by some that a person is liable for punishment just on the basis of a mere filing the charge-sheet. You are an advocate Sir and you know the legal position. After the charge-sheet is filed, the presiding officer takes a decision only after

hearing the prosecution and the accused. It has also been stated in Clause 8 that after hearing the prosecution and the accused, if the court is of the opinion that a MW *prima facie* case exists, then only it will pass an order of direction. So, it is not correct to say that by a mere filing of a charge-sheet, the manager of an institution will be disqualified to hold the office once again. Opportunity has been given that there will be a hearing before the presiding officer—judge or magistrate—and if he finds that there is a *prima facie* case, then and then alone he will be disqualified. This is what Clause 8 says.

Sir, Clause 9 reads as follows:—

“Every manager or other employee of a religious institution shall be bound to give information to the officer in charge of the police station within whose jurisdiction the religious institution is situate of any contravention or any impending contravention of the provisions of this Act and any failure to do so shall be punishable under section 176 of the Indian Penal Code.”

Sir, you know very well that punishment under this section of the IPC is very meagre. I agree with some hon. Members who observed that there should be a separate clause in this Bill itself to punish those persons who commit such offences. Why should you go to the Indian Penal Code? The Bill must be complete by itself. Of course, I will not call this a lacuna. It is rather a deficiency which should be rectified. Let the hon. Minister think about it and let him make it more effective so that the persons who commit such offences are punished squarely. If we do this, we will be taking a right step to separate religion from politics. Pardon me for repeating it. But what is needed is our cooperation, our will to work and in this the State Governments also will have to play a big role. The Bill will be passed and it becomes an Act after some time. But who will implement it? The State Governments will have to implement it. It is in the States that prosecution will be launched. Unless the State Governments participate in a big way in its proper

implementation, nothing much can be achieved. Unless there is a people's movement and a political will, these Bills will not be able to help us in reaching the goal. These are very important steps to achieve our objective. At the same time, we should see that the people of our country are educated. My suggestion is to amend the People's Representation Act. People who resort to this sort of practices should be disqualified for contesting in any election right from the Panchayat upto Parliament. I thank you for giving me an opportunity to speak on this Bill.

SHRI SYED SHAHABUDDIN, (Kishanganj): Mr. Chairman, Sir, with your permission I rise to support the Statutory Resolution and to oppose the Bill. I oppose the Bill because I find it excessive, wide and ambiguous and therefore liable to be misused. I also find it restrictive of fundamental rights, particularly of Article 25 of the Constitution. The Bill has been presented to us in the background of the sordid happenings in Punjab. The focus has been on Punjab, but the Bill applies to the whole country. The Bill therefore strikes me like a sleight-of-hand and an exercise in illusion making almost a magical performance where attention is directed to one part of the scene while a trick is performed.

The Bill is a gross misuse of Ordinance making power. That has been pointed out by several preceding speakers. I would also like to know from the hon. Minister that if there was such urgency behind the promulgation of the Ordinance, how many cases have been booked under the Ordinance, since it was promulgated until today?

Coming to larger issues, in human history, there has been a constant interaction between religion and power, between religion and politics. Every State, every society reaches a state of dynamic equilibrium but the line of demarcation is neither universal nor permanent. Every society, according to the principles that it upholds, finds its own balance. I would like to point out that our State is a secular State, but it recognises the existence of

[Shri Syed Shahabuddin]

religion as an institution. It also recognises the multiplicity of religions in our society. It also protects the right to religious freedom and therefore the right of anyone to be true to his faith.

Communalism has been denounced and should be denounced. But orthodoxy is not at the root of communalism, fanaticism is. What is fanaticism? Fanaticism demands that in every situation, while considering any problem or any issue, one takes into consideration the religious identity of the parties concerned and comes to one's judgement, not on the basis of the merits of the case or the facts of the situation but on the simple principle of my community, right or wrong.' It is this sort of approach which makes communalism a pernicious influence in our social life and in our political life. Exactly in the same way as nationalism is sometimes reduced in the international sphere to the dictum my country right or wrong similarly, this dictum my community right or wrong can never be conducive to the healthy solution of problems that may arise in any society and much more frequently in a society of a multiple character.

Religion and politics can be separated but we must bear in mind not only that the line of separation is not permanent or universal or static but also the essential distinction between strictly religious act and strictly political action. There will remain a hazy ground where we have to exercise our discretion with great caution. Religion essentially I agree, is a matter of personal conviction. But when one comes into politics, when a man of religion comes into politics and he understands the true spirit of religion, he is actuated by higher spiritual and moral values. And in that sense, this social activity called politics is elevated to a higher plane. It is possible, therefore, to separate the internal application of religion, the internal acceptance of religion, and the external implication of a religious view or a religious approach towards secular problems that confront the society. The internal and the external you cannot

separate in a human being, and the human being can be actuated by higher considerations in his own life and when he is dealing with the problems of the society. The greatest example of our time is Mahatma Gandhi, whose conduct was righteous, and was actuated by higher, spiritual considerations. But we find a new phenomenon in our society. There is a trend in our politics of a deliberate exploitation of religion for purposes of power, for purposes of politics. It tends to excite religious passions, and to use them to create hatred, disaffection, distrust between sections of people, to create a situation of confrontation between communities, to use it to create roadblocks. I find that no one in this regard is really worth of praise. *Is hammam mein sab nange*. The head of the Government appears on the television with a religious mark on his forehead, and exhibits *janeu* which is normally worn inside. What is his message? What is the signal he is giving out? He goes on publicized pilgrimages to religious places. There is ostentatious participation in public worship. There are religious ceremonies performed practically at every official function, sometimes in the name of culture. There are adoptions of symbols of a particular denomination in so many aspects of our national life, which should bear no religious mark at all.

Religious shrines are being constructed, Mr. Chairman, not only in our *thanas* or block offices; but the craze has now reached the Raj Bhavans. I am sorry to say that there was an instance, when I had to write to the President of India suggesting that on a religious occasion there should be no performance of religious worship in the Rashtrapati Bhavan. There was this famous use of Govil in the Allahabad elections, to which a reference has already been made. There have been publicized holy dips in Hardwar and in Kumbh Mela in Allahabad which, I know, apart from everything else causes loss of a lot of lives.

I also recall a very well-intentioned visit of a former Home Minister to the Idgah of Delhi to offer his sincere felicitations to the Muslim community on the occasion of the Id-ul-Fitr. What was the signal? That is what I want to know. What is the purpose

of the participation of the Ministers in the Urs and the *poojas*? What is the purpose of the *iftaar* party thrown by the Prime Minister?

I, therefore, place before you--and I agree with my friend Saifuddin Chowdhary to that extent--that there is an element of hypocrisy in our political life; and I must add that when Mr. Saifuddin Chowdhary himself is selected by his party to speak on the Muslim Divorce Bill, there is a meaning thereto. And when the Communist Parties also select Muslim candidates from predominantly Muslim constituencies, there is a meaning therein. I cannot forget that recently, the Prime Minister went to the deep South to an ancient temple--the first time a Prime Minister visited it--and performed a *pooja* in the classical manner inside. And when he came out, he addressed a public meeting and said: 'In my view, the State and religion should be separated.'

Lovely indeed! Let us first stop the misuse of religion for political purposes before we come to the misuse of religious places.

In our country, there is no law of political party. The political parties are defined in an indirect manner through the Symbol Order of the Election Commission of India. For the first time, I think, this Ordinance dares to tread on this very sensitive ground. It almost defines a political party in terms of what is called 'political activity' and then political activity as defined in Section 2(d) has a very very wide definition. It is a very unambiguous definition. There is a jurisprudential dictum which says no man shall be put in peril on an ambiguity. I feel that this definition carries this peril within; it is ambiguous and therefore liable to put a lot of people and a lot of institutions to undue and unnecessary peril. What is political will be defined on the basis of whim and fancy, pride and prejudice of the local policemen in charge of the *thana* and the local Magistrate in charge of a *tehsil*; and finally, on the basis of personal notion of a judge, if a case ever reaches him. I think it is the duty of this Parliament to lay down clearly and in unambiguous term the definition of a political party or a political activity so that it is not misused.

There is also another dictum that comes to my mind. Somebody said: 'the equity varies with the foot of the Lord Chancellor'; the foot of the Lord Chancellor can be very flexible. This definition also can be extremely flexible. If the object is to regulate a political activity, let it be done clearly and unambiguously, not so as to make it unenforceable. I would like to draw your attention to a very famous case decided in 1962 by the Supreme Court of India, a case which is related to the will of the great national leader, Lokmanya Tilak. He had instituted a Will in 1918 in which a Trust had been set up for the papers he edited; and the object of the Bill was to help the papers. Now the majority of the Supreme Court held that the object was "clearly political in the sense of seeking to achieve by means of arousing the consciousness of the people to their condition, a political awareness by which adjustments of a political character would be demanded and enforced by the persons who imbibed those truths." That is to say any expression of views which arouses the consciousness of the people to their condition is considered to be a political activity. If that be so, then where shall we draw the line? In that case, even the Fabian Society of England or India International Centre or the Centre for the Study of Developing Society right here or the Indian Society for Social Democracy of which I am a member, can all be charged with political activities. This definition of a political activity in this Bill will not apply to religious places only but to all institutions of our national life.

There is other aspect of the matter. You will agree with me that non-enforcement of the law makes a mockery thereof. If a law is not enforceable, then it becomes a subject to ridicule and detracts from its majesty (*Interruptions*). We have a plethora of criminal laws. We passed in 1961 the Criminal and Election Law (Amendment) Act. In 1972, we also passed a Criminal Law Amendment Act. I would like to know how far they have been enforced. Most of the provisions of the Section 3, which is the heart of this Bill are already covered by existing laws. Why are you having yet another law covering the same legal space? If more than one law covers the some legal

[Shri Syed Shahabuddin]

space, it only causes legal confusion; it creates a conflict of jurisdiction. But I know that this Government has an insatiable appetite for laws, laws and more laws, power and more power. What is needed is not power, I have said it before on the floor of the House, it is will and wisdom which this Government lacks. Our social landscape is littered with debris of laws, laws about untouchability, about dowry, child marriage and about *Sati* and about communal propaganda. I have asked time and again on the floor of this House how far the Government has implemented the existing laws banning communal propaganda and I have never received a satisfactory reply.

Finally, I come to my point about Fundamental Rights. Article 25 guarantees the Fundamental Right to freedom of religion, freedom of conscience. It also seeks to regulate the secular activities that may be associated with religion. But there are many secular activities which are indistinguishable from religious activities. I, as a Muslim, would like to place before you and before the House that a Masjid and a Madarsa are inseparable; and some times a Masjid and a Madarsa and a Musafirkhana are inseparable. Teaching of religion cannot be separated from religion, I know, there are forces in this country which have demanded that the Quran should be banned. Some gentleman, some mad cap went to the Calcutta High Court with such a plea. There is a fellow in Bombay to whom many political parties pander, who is as cartoonist by profession, who gives a slogan and it is splashed on bill boards all over Bombay "Quran *chodoya*", who thinks that Quran is the source, --God forbid--of all violence in this country.

There are persons right here in Delhi, of whom the Home Minister is aware, Ram Swarup and Sitaram Goel who have said that the Traditions of the Holy Prophet which are inseparable part and parcel of Islamic law, should be scrapped and thrown out.

There are also religious ceremonies. A religious ceremony, a most important cer-

emony in which I know many Ministers participated in the Milan ul-Nabi the ceremony of the birthday of the Prophet. I know that Mr. Sontosh Mohan Dev has participated in many Milads. Now, if we speak about the Madina model of polity based on co-existence of various religions, the State established by the Prophet, somebody will say that it is a political activity. If we say, therein the Milad, that one of the preachings of the Prophet was, that when you see a tyranny stop it. If you cannot stop it, condemn it, If you cannot condemn it, at least think that it is bad. Then, we will be told that it is political activity. If I say, if I repeat the saying of the Prophet that the highest form of Jihad is to speak the truth before a tyrant, I will be told, "You are indulging in parties.

If you go to religious history--I do not have the time to go into it, I would say that even an expression of opinion by a group of citizens or a matter concerning their personal law, their education, their normal conduct, their institutions, will all be called matters of political activity.

That is why I submit to you, there is a national consensus that religious places should be used only for strictly religious purposes. There should be no storage of arms, they should not provide haven or asylum for bad characters for proclaimed offenders. To that extent we are all with the Government. Religious places should not be used by any political party. No political party should be permitted to organise meetings in any such place. Here we are all with the Government.

I repeat that this Bill as it is, is a threat to the religious freedom of the people of India, particularly of the minorities as the test of the pudding lies in eating. Therefore, I stand here to state that either the Government should amend the Bill by bringing in guidelines and controls and clear definition of political activity, or otherwise it will only lead to strangulation of *bona fide* religious activities. In the form that the Bill stands, I oppose it.

SHRI SALAHUDDIN (Godda): Mr. Chairman, Sir, I rise to support this Bill. I also thank the Home Minister and the Prime Minister, who have come forward to bring a comprehensive Bill.

[Translation]

I welcome the Bill that has been introduced in the House, there are some major reasons which prompted the Government to bring forward this Bill.

Some people are playing politics in the name of religion and are misusing religious places not only in Punjab but in the whole country. One of our hon. Members has tried to define religion. But my perception of religion is as follows:

[English]

"Religion is a process of defecation of heart, control of activities and modification of conduct."

[Translation]

I believe that people tread on the path of religion for the purification and peace of conscience. But I can say from my experience that the politicians have prevented it and they are using it as a means to defame others, specially, our party.

We have adopted secularism as a basic concept and have also fully preserved the identity of religion. At the same time, identity of individual has also been maintained within our party. Besides secularism is also maintained. Secularism should not be misconceived. The opposition is trying to malign our party through the propaganda of Babri Masjid and Ram Janambhoomi. The members of the opposition parties never try to extend constructive suggestions. In several magazines, I have seen that they only condemn the Government and raise objections. Nobody wants to make this problem complex. I myself, would like the Government to declare it a national monument. It would be the best suggestion. Neither of the parties will feel led down.

I feel that the provisions of this Bill would help in checking those who play

politics in the name of religion. The people are taking undue advantage by raising the bogey of religion even in petty matters. The stock-piling of arms and inflammatory literature inside religious places will pose a threat to the nation. It is not a matter of mere principle. This has been experienced, observed and tested. This Bill has been brought forward for several reasons. A number of happenings and factors lie at the root of a major decision like this. Similarly, in the light of the occurrences taking place in our country, the Government considered it essential to bring forward this Bill.

Today the situation has become so serious that on the one hand, a top religious leader has challenged the entry of Harijans into the holy shrines, while on the other hand, another Maulvi has given a call for a March. What is this madness; will it help in solving the problem in any way? I am ready to accompany them in the March, but they must give me an assurance that it will lead to a solution to the problem. Certainly, it is not a solution. The attitude of confrontation will not solve the problem.

I would like to call all the religious leaders to gather courage come forward, sit together and discuss the whole issue with logic. Whatever conclusion emerges from the mutual discussion would undoubtedly be just. If both the parties accept the decision so reached and stick to it sincerely, the tangle will be solved very soon.

I think that since the religious leaders get themselves involved in such issues, they seldom go to the villages. For, if they do, they would realise that the people in rural areas belong to both the communities—Hindus and Muslims and both of them face the same problems. People do not have adequate facilities of schools, drinking water and unemployment. Even their children are unemployed. I think no religious leader takes pains to solve such problems.

80 percent of our total population lives in rural areas and all of them live below poverty line. Therefore, it is the duty of religious leaders to come forward to help them. They fell jealous of the missionaries

[Shri Salahuddin]

which undertake works of public welfare. The workers of missionaries are totally devoted to the service of widows and the poor suffering from various ailments. They serve them as brothers and sisters. So we shall have to divert our attentions towards the problems in rural areas. The problem cannot be solved merely by raising slogans. We should endeavour to implement all the provisions of this Bill earnestly. It will not be in the interest of the nation if some fundamentalists block this Bill in the name of religion

I would like to submit to the hon. Minister that today the religious places are being grossly misused. Processions are organised in the name of religion. Quarrels pick up in the name of idol-immersion. Three persons were killed in a similar clash which took place in my constituency. Even the route to be followed for Muharram procession becomes an issue of dispute. Riot of one kind or the other is taking place in almost every city and several cases are pending before the courts. Poor people are being victimised. In the light of these facts, the introduction of this Bill in the House at this juncture is quite timely. Therefore, it needs to be implemented properly.

The Central Government should take stringent measures to crush with a heavy hand the forces which are raising their ugly heads in the name of religion. If we do not check these forces, they will ruin the democratic framework and socialistic pattern of society of our country. The conditions in the country, at present, are quite alarming. The acts in which the religious leaders are indulging in the name of religion are unthinkable. Therefore, we should awaken before it is too late.

15.00 hrs.

Mr. Chairman, Sir, I do not know how those clauses of the Bill which deal with the ban on processions and entrance in a particular place are going to be implemented. It is an important question. What measures will be taken to check the smuggling of weapons into the holy shrines?

What measures will be taken to control the processions? All these details should have been given. It is an important issue. But I find no such details in the Bill. How will they be controlled and how will the entry of arms be checked? These practical issues will surface later on. I think these matters should have been considered seriously.

SHRI VIRDHI CHANDRA JAIN (Barmer): Rules for this purpose will be framed later on.

SHRI SALAHUDDIN: In the end, I thank you for giving me an opportunity to speak.

SHRI VIRDHI CHANDER JAIN: Mr. Chairman, Sir, I support the Religious Institutions (Prevention of Misuse) Bill which has been introduced in the House.

From the speeches of the members of the ruling party as well as those of the opposition, it is clear that they have accepted the fact that the objectives of the Bill are commendable. Nobody has any difference of opinion in this regard. I listened to the speech of the hon. Minister of Agriculture. He also clarified that bringing this Bill in the House had become essential because demand to this effect had come from various politicians, opposition parties, academicians and prominent leaders. Had this Bill been brought forward a few years earlier, the history would have been different, for the Government would not have been forced to resort to undertake the operations like operation Bluestar. Had timely steps been taken to check the entry of arms into the Golden Temple, the Government would not have to undertake operation Bluestar. In the absence of such steps, many mishappenings took place and the assassination of Shrimati Indira Gandhi was one of them. The motive behind the assassination of Shrimati Gandhi and a score of other prominent leaders by terrorists was the same. Now the question is that the Bill has been brought forward, but what is more important is its proper implementation. Though the legislation that has been introduced is quite substantial, yet it would have been far better had the rules for its implementation been also

framed simultaneously. It is usually observed that rules in respect of a particular laws are framed much later. Sometimes, this period extends to as long as one year. Had the rules also been framed simultaneously, it would have helped in understanding the legislation as well as its implementation aspect in their proper perspective. What I want to say is that the rules to be framed in this regard, should be framed immediately. This is of utmost importance. If the rules are not framed in time, their implementation will be delayed and get obstructed.

I am of the view that the Ordinance promulgated on 26th May about such important issue is highly commendable but now the question is that the Ordinance was promulgated on 26th May and today it is 10 August. How have the Government implemented the law during this period? Have the government dealt with any such case in India wherein by making use of the provisions of the Ordinance, the Government have banned the political activities going on in the religions places?

As needed, this law has been enacted for the entire country. The speeches are made in religious places for election propoganda. So off the political speeches are also made and the election propoganda is done in the temples, mosques and Gurudwaras. These speeches have also been strictly prohibited under the law. So the implementation of this provision is also very important.

A doubt has been expressed by all about the provision that the manager and employees of religious places will have the responsibility of giving information about the offences that are committed in the temples, mosques or Gurudwaras and about the arms except kirpan, brought to these religious places. Now a situation may arise when a terrorists enters a religious places with arms and the manager or the employees of the religious place cannot dare face him or his arms. The people are afraid that in case they inform the Government about the activities of terrorists, they will be shot down by them. Therefore, the act of informing the Government involves

risk. Hence there should have been a proviso to this effect in this Bill to meet such a situation.

The other point is that if an offence is committed in a temple, mosque or a gurudwara or arms are stored there, the police should be empowered to enter that religious place so that they can investigate the case and round up the culprits from that place. Going by the sikh-psyche, the present situation is that they will not tolerate the police entry in any Gurudwara or the Golden Temple. In such a situation, no police officer can dare go there for investigation and recover arms from there. In this connection we as a society shall have to ensure that no offender or the killer will have the right to enter any temple or Gurudwara and if any body enters, the police will have the right to search that religious place. No one should take it ill. In this way, it will have to be inculcated in the minds of the people. That will need a lot of effort and determination on our part. I just want to say that we should not use these religious places for political purposes. We should perform our social and religious duties no doubt, but we should try to build up our nation by treading the path of truth and honesty. We should derive inspiration from those great religious saints who have expounded very noble principles and while assimilating those principles, we should build up our nation. We should bring religion into politics only with a view to purify it and to build up the nation thereby.

With these words, I support the Bill.

[English]

SHRI INDRAJIT GUPTA (Basirhat): Mr. Chairman, I don't think that this Bill goes far enough, but to the extent to which it goes I welcome it, I support it.

I do not agree with the Home Minister, Mr. Buta Singh, when he said that this had to be brought by means of an Ordinance because the House was not in Session and it was an urgent matter. This question of misuse of religious institutions or places of religious worship for criminal activities is

[Shri Indrajit Gupta]

not a thing which has suddenly appeared on the scene now. This has been mentioned and debated in this House umpteen times and Members from all sides of the House have been clamouring for a long time that firm steps should be taken in this matter. At least let me say that up to the period, just before the Operation Blue Star -- I am just putting it in a very conservative way, and that is now more than four years ago -- Operation Blue Star would not have been necessary if it was not for the fact that arms and ammunition and all sorts of things were being accumulated inside the Golden Temple and many other activities were going on which made Blue Star Operation necessary, whether it was right or wrong is a different matter, history will judge, but at that time that was what brought it about and ever since then this question has been before us. So, for the Minister to say now that some new situation had suddenly developed which made it imperative to bring an Ordinance and 'because Parliament was not in Session, we had to bring an Ordinance' I think this is just trying to avoid reality. This thing should have come much long ago, much earlier.

Sir, I will make only a few remarks in which I confine myself only to the somewhat restricted scope of the Bill that is, its dealing with the question of misuse of religion in general, that is a wide subject, I think we can profitably discuss on some other occasion. I agree with many of the things which my friend, Mr. Shahabuddin said in that connection, that is, misuse of religious functions or misuse of religious symbols. The friend over there has been talking about how religious processions are misused or sometimes utilised for the purpose of creating disturbances and all that. This Bill does not have such a wide scope, it restricts itself only to the question of places of religious worship.

Here the activities or purposes which are going to be prohibited under this Act are enumerated in clause 3. In that, you will find that they are not all either criminal activities, criminal offences or offences

which are subversive or may be calculated to create some sort of enmity and hostility between communities, those are there.

But apart from that, in fact, the very first sub-clause (a) of clause 3 says:

"No religious institution or manager thereof shall use or allow the use of any premises belonging to, or under the control of, the institution--"

(a) for the promotion or propagation of any political activity;"

Now, Sir, a controversy has arisen and it is bound to arise as to what exactly is meant by political activity. What are the things which will be brought within the scope of "political activity" and what are the things which should be excluded. Well, I am not going into that just now. But it is for the Minister to explain, because the danger in this sub-clause is that it is quite possible that it will give a handle to the administration, to the police and to other people to misuse the power under this Bill. It is because, "political activity" is a wide term and it may mean so many things. Other Members here have spoken about it and some of them will speak more about it, after me. Can it be defined in a more precise manner, I do not know. It is a difficult matter. I would suggest, though I do not think, it can be brought in this Bill but we should consider the possibility of some legislation in future at least. If you cannot define "political activity" very precisely, I do feel very strongly from experience also that these places should not be used for political activity which is connected with elections, for creating some kind of a psychological effect, pressure or influence on the voters. At least, that much should be ruled out. I do not know whether that can be done under this Bill.

SHRI VIR SEN (Khurja): It should not be used for inciting communal frenzy.

SHRI INDRAJIT GUPTA: That is already there in sub-clause (g). We support that. Communal frenzy, of course, is aroused outside religious institutions also. Any-way, that is already there.

I would say that if you want to limit it, you can restrict the period, say from the time when the notification of the elections is issued by the Chief Election Commissioner from that date up to the polling date. I think, people who are participating in these elections, whether they be candidates of different political parties or more so, people who are occupying Government offices, Ministers, Chief Ministers, Heads of State and such type of people should not utilise at least during this period, directly or indirectly these religious institutions for purposes of influencing the voters. You can say that I have the right to go a temple or a masjid or a church or something. Of course, you have the right to do it. But the point is, it is a misuse, it can be a misuse of the religious institution because normally the election law says that any kind of appeal to religion for securing votes and all that is considered to be an illegal practice as far as the elections are concerned. But I can quote many examples where during the election period, people who do not belong to a particular religion, do go in a way which is given a great deal of publicity. They do go to a place of worship that may be belonging to a community to which that person does not belong and that is given a great deal of publicity and photograph appear. It is shown on the TV. I was going to quote a particular example of something happened many many years ago but I hesitate to do it because I do not want to name anybody. (*Interruptions*).

During the general elections, I am talking about West Bengal, in Calcutta, in one of the Assembly constituencies, the then Chief Minister was a candidate. I do not remember the exact year also. Any-way, there was quite tough fight going on. And located in the middle of that constituency happens to be the biggest mosque in Calcutta, the Nakoda Mosque

That Chief Minister allowed himself to be photographed inside that Masjid, sit there with a handkerchief, some cloth on his head and surrounded by all these Imams and Maulvis and so on. He did not say anything. He did not issue a statement

or make an appeal to the Muslim area. He did not appeal to them in the name of religion. I do not say that. But I would say that this is being given publicity with photographs and all that, is meant to create a certain psychological impact and influence on the Muslim voters and I do not think this is a desirable practice. But such things have happened many times after that also in many places not only in mosques but in temples also. So I would request the Government to think about this. It should apply to everybody, at least to the candidates, definitely to the candidates and also to people who are occupying Government posts, Ministers and so on because this, in my humble opinion, is definitely a misuse of places of religious worship for political purposes. A wider definition and wider effect of law is very difficult at this moment, to define precisely.

SHRI EBRAHIM SULAIMAN SAIT (Manjeri): I hope you do not mind, you do not mean that Muslims should not go to prayers in mosques during elections.

SHRI INDRAJIT GUPTA: They cannot be banned from going. But I would like you during that very short period when you are a candidate, you somehow resist the temptation.

SHRI EBRAHIM SULAIMAN SAIT: When it is time for prayer, I must go and pray.

SHRI INDRAJIT GUPTA: It is not compulsory for you go to a mosque to pray.

SHRI EBRAHIM SULAIMAN SAIT: Yes, yes. It is compulsory. (*Interruptions*).

INDRAJIT GUPTA: I do not want to hurt anybody's feelings.

SHRI EBRAHIM SULAIMAN SAIT: A man of some other religion who is going in the street outside a mosque may not offer his prayers, I agree. But a Muslim who is passing through that street and if he happens to go to a mosque at the time of prayers, and if he offers prayers, you cannot say that it is election time.

SHRI BALWANT SINGH RAMOOWALIA (sangrur): You can go but do not get photographed.

SHRI INDRAJIT GUPTA: What happens in the case of Muslim women who happen to be Muslim candidates? A Muslim woman cannot go to the Masjid.

SHRI EBRAHIM SULAIMAN SAIT: In many places like Kerala, they go. Almost all Muslim women go.

SHRI AJAY MUSHRAN (Jabalpur): Why should she pass through a place where election is taking place?! (Interruptions)

SHRI INDRAJIT GUPTA: As it happens, because of what the country has gone through in recent times, we have come to identify this question with the question of criminal activities or harbouring of criminals inside these places or storage of arms and entry of arms and all that. It has a much wider connotation and I think that wider connotation would also be considered and sought to be tackled in future to the extent possible by a suitable legislation.

As far as this Bill goes, I do not have much to say but I think that it should be made more stringent. For example, it says here in Clause 2 "any manager or employee of a religious institution shall, upon conviction for an offence under this Act, he will be disqualified, he will be removed from his office, post and so on." That means first he will have to be convicted. First he will be prosecuted under this Act.

Then a case will go on. He has a right of appeal. Right of appeal is not ruled out so that we can foresee the legal proceedings for an offence under this Act. It can go on for a pretty long time. If it is a question connected with allowing arms to be brought in or to be stored and all that or giving shelter to some people who are known to be criminals or killers and all that, it would create a rather anomalous position. What happens in the intervening period?

SHRI P. CHIDAMBARAM: You have not seen Clause 8(2). Please read Clause 8(2).

Clause 8(1) is after conviction. Clause 8(2) is regarding restraining the person. If a charge-sheet is filed, then the Court can restrain.

SHRI INDRAJIT GUPTA: I have moved an amendment also to this effect that if a manager - that means the Committee or whatever it is, whoever is entrusted with the responsibility, if he has failed to prevent the entry of arms and ammunition or storage of arms and ammunition within the place of worship, and obviously those things have come in because he has failed to prevent them from coming. I say that pending his prosecution under this Act, he should at least be suspended from discharging all those responsibilities.

SHRI P. CHIDAMBARAM: The point is this. If the Executive suspends him, you will call it arbitrary. When the Executive files a charge sheet before a Court, the Court records *prima facie* finding. It shall pass an order restraining the person from exercising the powers or discharging duties of his office pending trial. The Court will do it. If we do it, you will call it arbitrary and we have filed a false case. Therefore, the Court will do it.

SHRI EBRAHIM SULAIMAN SAIT: Authority should be given to the manager and not to anybody. (Interruptions)

SHRI P. CHIDAMBARAM: Shri Indrajit Gupta is asking: Pending a trial, will there be an interim restraint upon the manager? I say, yes, there should be. But who should pass the order of restraint. If the executive that is, the prosecuting agency, or the police or the district magistrate, passes that order, you will call it arbitrary because it is only a charge and he is not found guilty. Therefore, the power has been given to the Court.

PROF. SAIFUDDIN SOZ (Baramulla): It will take a long time.

SHRI P. CHIDAMBARAM: That is an interim order. You please read the Section. It states: interim order. pending a trial, the Court will record, *prima facie*, finding and if it is satisfied it will pass an order.

PROF. SAIFUDDIN SOZ: Governing body or temple or mosque, which who will do that? (*Interruptions*)

SHRI INDRAJIT GUPTA: I am telling them to try to see whether it is possible to avoid a long period of time being taken up by legal proceedings during which that person will continue to be in charge. I would request them to see whether something can be done about that.

There is Clause 4. This is all right. There is a provision which says that arms to be taken into a place of religious worship do not include the wearing and carrying of a *Kirpan* by any persons professing the Sikh religion and Sub-Clause (b) says: "any arms which are used as part of any religious ceremony or ritual of the institution as established by custom or usage.... Of course, it is a question of interpretation and may be even of historical interpretation. But who is going to interpret it, I don't know. At present, during the last few years when we have been discussing this question, the position taken by the Government, as far as I know, has been that it should be restricted to *Kirpan*. Even, there was controversy regarding *Kirpan* or *blade* as to the size - whether it is three inches, six inches or 12 inches. That is all right. When we were told, specially when I was told and I believe I have said it here in the House that in the days gone-by when people - warriors - used to come from the battlefield or were going out to do battle, since the days of even Maharaja Ranjit Singh and so on, the convention or custom for them was is to leave their weapons outside the gate or at the entrance of the Gurudwara and then to go in. You have referred to custom, usage and all that. I am told about that. But I am ignorant about that.

15.30 hrs.

[SHRI SOMNATH RATH *in the chair*]

I have read in some article, in some paper; somebody has written a letter to some Editor saying that this is a wrong interpretation being put on this; actually in the

olden days before going to a battle the warriors used to take their weapons in order to have them blessed because they were going to a battle, and when they came back from the battle, say, after a victory, then also they used to carry their weapons into the Gurudwara so that there was some sort of gesture because of the victory having taken place. I do not know. Your people are here. You can please explain. Do not leave this open to vague interpretations which can be differing interpretations leading to controversies later on. Because if that custom or tradition was there, I do not know, then somebody may say, tomorrow, "Why should I not carry my sword or spear or something into the Gurudwara? I do not want to be stopped by the security people when I go in". Please explain this.

Finally one more point I have got. (*Interruptions*). This is about Clause 6. I would like that in Clause 6 a provision be added - you may say that it is already implied here - namely, that no political organisation, apart from the persons entrusted with management of the institution, shall be allowed to run an office within the premises of the institution. Why am I saying this? It is because my report was that, even after the security operations inside the Temple took place, in the *parikrama* of the Golden Temple, an organisation like the *Dam Dami Taksal* was permitted to keep one room and run it as its office. Why should this be done? *Dam Dami Taksal*, we all know what it is; it was *Bindarwale's* own organisation. On some religious excuse or the other, I think, an organisation like that should not be permitted to have its office inside the premises of the Golden Temple. What is the position now, I do not know. Mr. Buta Singh will explain it. But I do know that, after it was decided that all the rooms of that *Parikrama* would be closed and sealed up and not be allowed to be occupied by anybody, there was one room - I knew the number also; it was 46 or 48 or something; I have forgotten now - which was given to *Dam Dami Taksal* to be used as its office. In any case, my contention is that there should be a prohibitory clause in this that inside the

premised of the religious institution, nobody except that Committee or Board which runs the institution should have the right to run and operate an office.

With these words, I generally support this Bill, I would like it to be strengthened in the directions I have mentioned.

SHRI SHANTARAM NAIK (Panaji): Sir, I was listening to Mr. Shahabuddin's speech. In fact, I got an impression of the Devil quoting the Bible throughout his speech. If even one-tenth of what Mr. Shahabuddin said during his speech were practised by him, he would have...

SHRI SYED SHAHABUDDIN: Sir, the personal conduct of a Member cannot be discussed in the House...

AN HON. MEMBER: He is talking about Bible.

SHRI SYED SHAHABUDDIN: I do not mind that because I know he does not read or understand the Bible....

SHRI SHANTARAM NAIK: What I was saying was this. If Mr. Shahabuddin were to practise even one-tenth of what he said, he would have served this country and his community in a better way. (Interruptions)

SHRI SYED SHAHABUDDIN: I am sorry. I must protest again. I am on a Point of Order. I want a ruling. Can the conduct of a Member be discussed in the House. It cannot be allowed. I certainly object to his aspersion. (Interruptions)

SHRI SHANTARAM NAIK: I have only said that if he were to practice one-tenth of what he said... (Interruptions)

SHRI SYED SHAHABUDDIN : Can the personal conduct of a Member... (Interruptions)

SHRI SHANTARAM NAIK: Don't go by what he says. Let him listen to me, I will give my personal explanation. I am not doing any personal thing. I abide by your decision.

MR. CHAIRMAN: I have already said that there should be no personal aspersion.

SHRI SHANTARAM NAIK: That is what I am saying. (Interruptions)

SHRI SYED SHAHABUDDIN: What are you saying? You are casting an aspersion. (Interruptions)

SHRI SHANTARAM NAIK: I want you to practise what you preach.

SHRI SYED SHAHABUDDIN: Sorry. I don't need any lesson from you. (Interruptions )

[Translation]

We all are sailing in the same boat (Interruptions)

SHRI SHANTARAM NAIK: This Bill is a welcome Bill because it takes a major step towards separation of politics from religion, the principle of which even Hon. Member like Mr. Shahabuddin accepts. He has said it before. It is a private affair. He also says it. Now how to practice the same in privacy is a question. There, sometimes, the views differ.

This Bill has its source under Article 26 of the Constitution which says:

"Subject to public order, morality and health, every religious denomination or any section thereof shall have the right."

It has four parts. I am referring to Part (d) which says:

"to administer such property in accordance with law." Every religious institution has got right to administer property in accordance with law. Now because there was some misuse in some States, the Government has to enact this legislation to have a reasonable restraint on the right of religion. I don't think, to that extent, anybody has objection. Therefore, constitutionally also it is very clear that this Article 26 permits the Government to enact such a legislation. Even Mr. Indrajit Gupta agrees to it in prin-

ciple. He says only one thing that it does not go that far. As far as it goes he agrees to it. It is very nice of him to say that. May be in future, we may have to enact further exhaustive legislation to control the misuse which takes place. But today, to start with, the restraint which is sought to be provided in this Bill is a welcome one and each one should accept this provision.

Now analysing a bit the Bill, Clause 3 says:

"No religious institution or manager thereof shall use or allow the use of any premises belonging to, or under the control of the institution."

Now it prohibits religious institutions or managers from using it or allowing it to be used. The question is - Hon. Minister may kindly note. I may be wrong - supposing any person on his own goes to a religious premises and uses the premises for the purpose which is prohibited. He is not an institution, he is not a manager.

If an average man goes and uses the premises, how is he attracted by any of the clauses in this Bill? Is a man who is not related to any institution, a man who is not a manager, on his own goes and propagates his ideas which are prohibited otherwise, covered under any of these clauses? Because the wordings here say:

"No religious institution or manager thereof shall use or allow the use of any funds or other properties belonging to or under the control of the institution....."

Now, the religious institution may say that it has not used it, the manager has not used nor has it allowed the use of the premises, but an X or Y or Z has come and he has used it, he has no permission. Can he do it? If it cannot be done, I would say that some sort of a slight amendment on the Government side would be a welcome one.

S. BUTA SINGH: The management should prevent anybody using it.

SHRI SHANTARAM NAIK: If they are not able to, then?

S. BUTA SINGH: Then the management will face the music.

SHRI P. CHIDAMBARAM: Under Section 9, the management should inform the Police.

MR. CHAIRMAN: You may please see Section 7 which says:

"...every person connected with such contravention shall be punishable..."

SHRI SHANTARAM NAIK: Section 7 says:

"Where any religious institution or manager thereof contravenes the provisions of section 3, section 4, section 5 or section 6, the manager and every person connected with such contravention shall be punishable with imprisonment...."

Again, it is not that clear. Because if a person without the permission or authority goes, I don't know which clause will be attracted. There is a scapegoat here very clearly.

Further, I would like to state that apart from separating of religion from politics, we have also to separate religion from superstitious beliefs because what goes as religion from superstitious beliefs because what goes as religion today is substantially and in major part superstitious belief. In fact, if pure religion was to be practised by all communities of all religions, then perhaps I think such a type of Bill was not essential at all. Because pure religious principles are very sobre. Everything that they teach is good, tolerance towards others, friendship, good relations with neighbours and co-existence, as my learned friend says. So, if pure religion is propagated and practised, today we would not have had to enact such a legislation to separate politics from religion. But what goes today in the name of religion is superstitious belief.

In fact, under the 20 point programme enunciated by our Government, and I re-

[Shri Shantaram Naik]

member the late Indiraji who had stressed it time and again, inculcation of scientific temper is there. That is what we have to do in this country. We have to inculcate scientific temper not only in urban areas or in a higher intellectual society, but it should go deep into the villages because villages today take superstition as religion by innocence. It is not that they do it deliberately. There is a section of people which mixes superstition with religion deliberately, and for which the remedy cannot be easily found. I think we have to just go on explaining to those people who take superstition as part of religion innocently. We have to do it in some form or the other at a future date.

As far as superstitions are concerned, as I said, practice of Sati Devdasi or untouchability are the three aspects which the Government has to tackle. I am saying this specially because unless you tackle these three major aspects related to superstition, we will not be able to deal with the remaining aspects of superstitions beliefs which are practised.

Further, Sir, the role of religious heads is very important. It is not that all religious heads are in favour of mixing up these two things. There are religious heads who can do a lot as far as removing wrong notions in the minds of the people. It is they who have to tell the people what is religion, religious beliefs and superstition because in villages people on the advice of a teacher that if he does a particular ceremony involving an expenditure of Rs. 1500 then illness of his child will not be there. If such things are deep-rooted then it is the duty of the religious heads to educate people on these aspects and serve the society and the country as a whole.

PROF. SAIFUDDIN SOZ (Baramulla): Sir, I support the spirit of the Bill but there is difficulty in supporting the Bill as has been presented to the Parliament. We can see the intention of the Government that is writ large on this Bill that the Government wants that religious institutions should not be misused. There should be no political

activity there. All of us had a bitter experience in the recent past and we go whole hog with this measure that religious institutions should not be misused for any kind of political activity. But I feel that the Bill as has been presented to us is not well-knit. It has some loose provisions. I do not suppose it will achieve much. There will be lot of difficulty in implementing the provisions of the Bill.

The major question is that whether Government of India is prepared to consider any political party in India which will indulge in propagating a kind of religion and provide to this society a religious interpretation of history. I mean to say that religion this point of time cannot interpret history. To give you an example in the history of Islam there is a period of 80 years' when religion interpreted history. That 80 years' period in Islam is the period of prophet's times and his four caliphs. It is a 80 years' period when the total life was interpreted by religion.

H.C. Wells, in my opinion, was very much biased. But in broader terms, Toynbee and others have found that in the whole history of human race, that 80-year period is the period when religion interpreted history, when the whole myriad of production was controlled by religion, so much so that how you live, how you behave with your wife, how you trade, how you organise commerce, how you pray, everything was interpreted by religion. But after these 80 years, you can see in the history, there were Muslim states, but not an Islamic state.

As of now, in our country, you had an experience. I want to be a little bold today on this although I have not to delve deeper and repeat what I have heard from others. You have had a bitter experience only in one area. I don't suppose any Hindu in India wants a religious interpretation of history based on Gita. I don't think any section of Hindu community wants us to believe that this country can be ruled or a mode of production can be organised on the basis of what is written in Gita. There are people who believe in Gita and its teachings. There are people who believe in

*Upanishads* but as books of philosophy, not as books that can interpret history. And they will say, come forward, whatever is written in *Gita*, we shall organise entire politics on that. Leave aside a very small organisations among Muslims, that is, *Jamait-e-Islami* of Jammu and Kashmir State, not the *Jamait-e-Islami* which is operating all-India level. At all-India level, there is *Jamait-e-Islami* but it does not say that they can organise an Islamic state. But in Jammu and Kashmir State, there is *Jamait-e-Islami* which is distinct from the *Jamait-e-Islami* at all-India level. They can say, organise an Islamic state. But we tell them in Jammu and Kashmir State, look here, if we have to have a religious interpretation of history, if we have to organise state on the basis of the teachings of religion, then, it will be *Gita* because majority of the population in India are Hindus. We tell them that we have a Constitution which does not allow religion to be an interpreter of history.

We have a Constitution that is based on secular principles. All the citizens in India are equal before the Constitution of India. so, not the Islamic state, not a *Ram Rajya*, but there was some difficulty. (*Interruptions.*) This is a question to the Government of India. There was some difficulty in so far as Punjab is concerned. I had raised a question here. When Mr. Barnala was asked to clean the shoes, I had raised a major question that this is not correct. What if there is a *hukamnama*? He must face it boldly and say: Sir, I am a man. I want to organise politics in Punjab according to the parameters set by the Constitution of India. But he was afraid of that *hukamnama*. Therefore, he surrendered. Therefore, it was a great lip service to the principles of secularism.

Sir, it is a major question: which of the communities in India want us to interpret history through religion? Perhaps I can't say all Sikhs want that because for many Sikhs in Punjab, there is terrorism like us. And so many people have died there along with Hindus and Muslims. So, I can't say all the Sikh community wants a religious interpretation of history. But if a section of Akali leadership wants an interpretation of history by religion, they will organise all

their politics within the precincts of a temple. Then, there is a major question. And that major question cannot be tackled by this Bill. If you don't misuse religious institutions for any political activity, if you don't have arms there, we support it. But this Bill is not going to answer that major question which I am raising before you because a section of the Akali leadership wants us to believe that history can be interpreted by religion. They want to base all politics on the teachings of religion as interpreted by them. So, this Bill does not answer that question in right earnest.

Then, from this concept emanates another thing that you want to equate all religious institutions in the country with what happened unfortunately in the *Swaran Mandir*, for which we have the greatest respect because it has been a place of pilgrimage not only for Sikhs but for Hindus and Muslims alike. I had the privilege of being there a number of times. But it became a harbour, it became a place of protection for some people who carry arms, who wanted to organise activities which were detrimental to the very concept of the Constitution. But what happens in *Swaran Mandir* does not happen in any mosque. We have a very intelligent Minister who is assisting our Home Minister, Mr. Chidambaram. He must kindly consider what he wants to do through this Bill. Comrade, Indrajit Gupta raised a very big question that we must come forward with a Bill which will say 'do not mix religion with politics'. But this is not the Bill. You say, 'don't misuse places of worship and religious institutions'. It is a half-measure. But when we talk of religion, we shall request you to kindly answer this question as to which of the communities raise the major question that political activities can be organised on the basis of religion. So, you come forward with such a Bill which will support that. But as of now, I want to invite the attention of Mr. Chidambaram, to Clause 3. We feel that we are in agreement but this is very difficult to implement. For instance, you say that manager cannot do this, manager will not allow this and so on. Where is the manager in a mosque? It is a place of worship. Go to the length and breadth of the country. Sometimes the

door is open. You put a lock because a dog should not enter and there is nobody for the night there. But surely, if somebody wants to take shelter in the mosque or a temple with arms and to do any activity detrimental to the Constitution of India, detrimental to the integrity of India, I wholeheartedly support the provisions of this Bill. But my point is that we cannot equate religious institutions like temple, mosques with preaching harmony. What happened in a particular place because of some people, hardly a small section? Otherwise, there is a teaching of harmony and peace and brotherhood in Gurudwara Granth Sahib. Therefore, you are wanting to bestow, under Clause 3, upon the manager, the authority which he can never discharge and you may take him to the jail and may be he sometimes suffers for his innocence because the Thanadar or the people who will implement will have a lot of power to send anybody to jail. But how can a manager take the responsibility that nobody will take arms or nobody will organise congregations there? Manager is a simple person. It is not an organised activity. If you want to take action against an erring manager, you have not provided anything there. Hon. Minister, Mr. Chidambaram was saying that under Clause 8, Sub-section 2, he can be suspended but even then, the Court will take a long time. You can say that the management of the temple or mosque or gurudwara will suspend him from that position.

One word of caution for future. Certain institutions are doing a very commendable work. This Bill does not apply to J & K because of Constitutional restrictions. So, I am not that much worried. When I speak, I do not speak only for J & K but I speak for the entire country. I want to remind that we have a shrine called Hazrat Bal. What is the political activity here? It is a very vague term. It is from the precincts, from the portals of Hazrat Bal that we challenged the misrule of Dogra Maharaja. We fought for the liberation of the people, we supported the Quit India Movement from the same portals. We fought so many social evils like

dowry and corruption. When we come to that, comparing the institutions, we cannot all of a sudden say that all are like that. There may be temples, but I do not have the information. There may be temples where they talk of unity and integrity and of peace. We cannot silence that voice. Then, we do not do justice to the philosophy of religion. After all, philosophy of religion is not directly in contravention with the provisions of the Constitution.

16.00 hrs.

I have said that the Government's intention is very clear. It wants that the religion should not be mixed with politics. It wants that the religious institutions should not be misused and it does not allow any terrorism within the precincts of religious institutions. We welcome that. But I have raised a question that electronic media should not be used for any religious functions, for instance Idde-Milad, or Muslims taking a procession or Tazia, or Rath Yatra or any function by Hindus relating to religion should not be shown on television. If we want to be secular and to separate religion from politics, then we have to establish our credentials of a secular State, of a national State and in a manner that everybody will believe that we are very honest about it. As I said, electronic media should not be used for any religious activities.

[Translation]

SHRI BALASAHEB VIKHE PATIL (Kopargaon): Mr. Chairman, Sir, I rise to support the Bill. Even after 40 years of Independence our secular forces instead of being strengthened are getting weakened and such a situation is being created in the entire country that everybody has started thinking in terms of his own caste, group or community to foster their own interests. Poor persons are in every religion. In fact, poverty is a separate class. But the religious leaders belonging to different religions are instigating the masses by saying different things. Whatever has been said in this Bill about Punjab is correct but at but at other places, many senas such as Patit Pawan Sangathan, Vishwa Ekta Sangathan and

various other senas are being formed in the name of religion. The origin of these senas lies in the religion and the religious places. I, therefore, would like to say that all such senas—be it Jamate-Islami or any other such organisation which takes part in political activities and contests elections, should be banned. It will be more dangerous if we think of such a ban only in the context of Punjab but it should be made applicable to all such organisation in the entire country. Our colleague has just referred to "Rath Yatra". The followers of all religious organise separate 'Rath Yatra' processions and associate themselves with it. But, what actually happens is that whenever such religious processions are organised outside the temple, mosque or any other religious place, stones are hurled at them and the riots flare up. What are the reasons? Thereby secularism is going weaker. One of the reasons may be politics because at the time of elections the tickets are allotted on the basis of caste and community to which the people of that particular area belong. It is being taken care of by the political parties that their candidate belongs to the majority community be it either the Muslims, Jats or the Harijans. Unless and until we change this line of thinking and do something concrete in this regard, it will go that way. We talk of the electoral ment and select our candidates on this basis. But the position will not change by the efforts of only one party. All parties should have to think about it. The leaders of all parties should think about this above their party interests. Shankaracharya of Puri is challenged to have a debate on the religious scriptures and said that it is wrong. Though the laws have been framed for the protection of untouchables but the action cannot be taken on them because of the fear of violence, it is wrong. One human being is fighting with the other in the name of religion. The Shankaracharya of Puri is a man who has no regard for human beings and creates disputes among them. Therefore, there is no need to give him any regard. If he is given regard, he will get encouraged and find place in newspaper, in the name of caste and creed. Hence such newspapers which are solely dependant on such communal newsitems should be banned. In our democracy, every one has got full

freedom, to say anything because there is no restriction on any body. Democracy does not mean that you can do anything you like. There must be at least some element of discipline in democracy. I do not see such sort of discipline anywhere. Conflict increases despite action taken by the police and the army or by us. The poor people who are oppressed have no place in any religion and nobody bothers to think about their upliftment. Is there any religion in which there are no poor people? But nobody tries for their upliftment. It is stated no where in any religion that the poor and the oppressed people should not be uplifted. At present, some theocratic states are coming into existence for example Bangla Desh has become an Islamic Republic recently. It is all right that we have brought this Bill in the context of situation prevailing in Punjab and it is meant for Punjab only but we will have to think on wider spectrums. If the present state of affairs in the name of religions are allowed to continue, our efforts to preserve the unity and integrity of the country will not yield result. We will have to bring forward an elaborate Bill to deal with the people who want to create a different atmosphere in the country in the name of religion. At present, electronic transmitters have been installed at many places, temples, mosques and Gurudwaras, etc. There should be a ban on it. the Government will have to take stern action for it. Unless you enter into it, how will you be able to know what is happening in a particular temple, mosque or Gurudwara. Therefore, the Government should have right to enter into it. Otherwise a situation similar to that developed in the Golden temple at Amritsar and which come to the notice of the Government afterwards, may develop at other places also. Then it may creat problem for the Government and the Government will have to take action. Therefore, you will have to think about it before hand and take stern steps to tackle the situation. God is one, although He may manifests Himself in many forms and all human beings are equal before Him, then why such things keep happening. Why do the people of different religious faiths not live harmoniously? The preamble of our constitution provides for a socialist and secular society for the country.

favour of it and there is no necessity of talking more in this respect.

There was a saint named Gadge Maharaj in Maharashtra. There had been many saints in the Hindu religion who preached for the gospel of one God and oneness of humanity. Then what is the need to take them on different footing. All the Sikh are brothers and there is no need to provide them protection separately. Action should be taken to check the misuse of religious places by the persons, whosoever they may be. All human beings are equal, no matter which religion one practises. The Government should ponder over it as to why we are moving towards violence. What is the reason behind it. Unemployment may be one of the reasons for it. If you think that it will create yet another problem if action is taken against those who incite the people to take to violence, then this will go on increasing. Therefore, you should bring yet another Bill which empowers the Government and the police to take effective steps against them and the respect is shown to all religions. We should respect all religions but this does not mean that a particular religion take undue benefit which pinch the followers of other religions. This should not happen, some punishment must be provided for this, otherwise the same state of affair will prevail. In that situation, our secularism is getting weak even after 40 years of our independence. We are not to weaken our secularism rather we have to strengthen it. We will have to find some appropriate way. With these words I support the Bill.

SHRI HARISH RAWAT (Almora): Mr. Chairman, Sir, this ordinance was welcomed by all and are when it was promulgated in the month of May. This Bill is now taking place of the ordinance. In so far as provisions made in the Bill are concerned, the hon. Home Minister has tried to the extent possible to make the provisions reasonable taking into account the situation prevailing at present. In the National Integration Council and out side also, people belonging to all the parties always laid stress on keeping religion separate from the politics. I think that there may be one or two exceptions to it, but on the whole the entire country has already been in

In view of the gravity of the prevailing situation in Punjab, I do not think that this Bill will be able to solve the problem completely. Even then it can be stated to be a good beginning in right direction. The root of this malady is inter-linked with the religion and with the persons who misuse the religion and with those politicians who deliberately give wrong interpretation of the religion or want to fulfil their selfish political ends by exploiting the people in the name of religion. Shri Soz Saheb was just stating a little while ago that Akali Dal was trying to interpret history on the basis of religion. In this connection, I submit that not only followers of Akali Dal alone but people belonging to different religions and communities of our country are trying to interpret history in the basis of religion to which they belong for their narrow self interest. Only such people try to interpret history. Not only this, they are mistreading their best to restruct a new history on the basis of it. There is need to be cautious of such people. That is why, I have submitted that the malady is very serious and you will have to go very deep into it. The political activities mentioned in this Bill are not clear. Some people will continue to take undue advantage of it on its garb. It has been provided in the Bill that any political party and person contesting election will not take any help from any organisation which is used for religious purposes or is connected with any religion. How will you prevent the people belonging to B.J.P. who are directly or indirectly connected with R.S.S. If R.S.S. helps a B.J.P. candidate, how will you prevent it. How will you keep a check on making appeal to vote for a particular person by the persons connected with religious activities or who indulge in inciting religious feelings of the people. Organisations like Shiva Sena, Bajrang Sena or in any other names or other committees are coming into prominence at different places. I do not understand as to how you meet their challenge. Had you provided in this Bill that no political party will be allowed to be formed on the basis of religion, cast or regionalism and had a ban

was imposed on such political party, it is constructed that the an effort has been made to strike at the root of the evil but the way beginning has been made is not an indicative that it will root out the evil. I do not see any linking of such intention in this Bill. Therefore, I have said that it is a good beginning but it will not completely cure the disease. The way people in Punjab are trying to take undue advantage of the religious institutions has endangered the very unity and integrity of the country, the entire country knows it. Today, a time has come to take a bold decision to bring forward such a Bill which strike at the root of this evil by separating politics from religion. Definitely, you will get support from the entire country.

SHRI MOHD. MAHFOOZ ALI KHAN (Etah): Mr. Chairman, Sir, many thanks that you have given me a chance to speak. I support the Bill which has been brought forward in this House and I would like to cite a couplet in verse.

*Majahab ki Faruhat me Padana Nahin Achha aur, Hindu aur Mooslamana ka Jhagarana nahin Achha"*

I want to submit that this Bill has been brought forward in the House to take place of the ordinance promulgated earlier. It was very essential to bring forward this Bill. Keeping the situation in Punjab in view, a Bill for the enactment of the Arms Act was very essential. There is no doubt that religious institutions should not be allowed to be a play ground for politics. Religion is a separate thing and politics is a separate thing but I regret to say that some people bring politics and religion at the one platform which is not a good thing. They should not do like this. It is true that political parties are formed and elections are contested and campaigns are carried on the basis of religions. But tell me who are free from such things? Do we all of us not do it? The reason is that we are not true to our conscience.

SHRI SANTI DHARIWAL (Kota): Our mind is not clear.

SHRI MOHD. MAHFOOZ ALI KHAN: You do not allow me to speak. The entire link is broken. I would like to remind you that I will also not let you speak. I will not let you speak. You disturb my entire continuity of topic. After all, you are my friend, you are my colleague I do not mind it but even then you go on interrupting me.

SHRI SHANTI DHARIWAL: If you are not recollecting, should I help you?

SHRI MOHD. MAHFOOZ ALI KHAN: Therefore, our heart and mind are not clear, there cannot be two opinions about it. We should not play politics in the name of religion. Politics is separate. Temple and mosques are the places for offering prayers. Now-a-days our Maulavi and representatives and leaders of other religions make such speeches there and they mix politics with religion. Religion is a separate thing and politics is a separate thing. Therefore, I have to say in this connection that the Bill which has been brought forward is good, but this Bill will not benefit till it is implemented. We keep passing Bills every day but how far they are being implemented? Restrictions are imposed, ordinances are promulgated. After promulgation of this ordinance, a Bill has been brought forward but tell me as to how many persons have been punished or prosecuted for taking religious shelter for their political activities during this period.

What was the problem in golden temple? People have taken protection there, criminals took shelter there, arms and im-munitions were dumped there. I will praise the hon. Minister that he got the golden temple vacated and got those people removed from there. It wa an ideal place for their hideout. Had he not done so, terrorists would have been encouraged. The Bill has been brought forward due to this and no one can deny that the Bill is not good.

[English]

SHRI VIJAY N. PATIL: (Erandol): Sir, I rise to welcome this Bill.

In this modern era, many people are there who do not believe in God any more;

[Shri Vijoy N. Patil]

but there are some other people who act as fanatics in the name of religion. They are ready to die for the sake of religion; and this very attitude, this very fanaticism is being utilised by some very intelligent persons for their own ends, and for creating trouble whenever and wherever they want to do it.

Earlier, emotions and ignorance were used. Now, in religious places, the money power has also started playing a great role. We see in India that in all the religions there are very rich gods, rich gods and poor gods. A lot of collection comes through gifts and money paid by people who come to the religious places for praying. This money is being utilized by the managers of those religious places many times even for their personal ends. What happens? When there is a quarrel for management, such cases go even before the courts of law. We have seen many examples. It is not restricted to one religion—Hindus or Muslims. Even in the case of Jains we see it. We have seen the example of Vrishabaksha temple which is on the Udaipur-Ahmedabad road. There is a quarrel for management. Over the entry into temples also we have trouble—nowadays we read in newspapers about the trouble that is arising in Nathdwara. Babri Masjid is also a burning issue. In my constituency of Erandol in Maharashtra, there was an old Pandawada, which is now a masjid. This has also become a very sensitive place. In such cases also, we have to find out ways and means of maintaining peace.

This Ordinance which is converted into an Bill, deals with the entry into religious places, whenever it is required, and for stopping the misuse of these places for political ends.

This is a good gesture. We believe that in future this misuse of religious places will be reduced, if not altogether stopped. We also see that over the years, in the name of religious places, new constructions have come up, new encroachments have come up even in Delhi, on the footpaths of Delhi. We have to think about this also. I was

studying in Delhi during 1964-66. I had seen myself that footpaths were free for walking. Now on some of the footpaths we have temples or mosques or some other religious places. What are we going to do about them? In future, we want wider roads for heavy and speedy traffic on the one hand; on the other hand, in the name of religion, encroachments are taking place if these encroachments are there, then the Corporation cannot do anything; the Home Ministry also cannot do anything. Then it will become a sensitive issue. For this purpose also we should bring forward an enactment or we should be start in seeing that such encroachments do not take place, because it is very difficult to remove them afterwards. We can remove other pucca buildings, other encroachments, cemented buildings for widening our roads for other use, but, once there is a religious place on a footpath, then it becomes an eye-sore.

We are also monopolising the God. I have seen in Tamil Nadu that they have written in Tamil before the photograph of the God His name; I mean in the name plate of that God. Then I requested the highest officer over there to see that the name plate should also be written in English so that people like us who come to see these places at least should be able to read those name plates in English. We have been seeing all these things. So, we have to look into them because for this purpose this Ordinance has been brought forward.

If this Ordinance had been brought eight years ago, then the Operation Bl Star would have been avoided. The history that has passed by would not have been so. But, as it is said, these are "ifs" of history; in the "ifs" of history only Hilter remarked that if they had listened to the request of the Field Marshal Romel for sending 75 planes to Malta Island, the picture of the war would have been different. Napoleon had listened to Foulton about the possibility of steam ships, the result the war would have been different. So these are the "ifs" of history. But even in future in order to avoid encroachments of religious places for political purposes,

misuse of these places for very bad purposes by some miscreants, by anti-social elements, this Bill has been brought forward. I welcome this Bill. I thank you for giving me this opportunity to speak on the Bill.

[Translation]

SHRI CHARANJIT SINGH ATHWAL (Ropar): Mr. Chairman, Sir, I have stood up to oppose this Bill. There are many people who, as time passes, forget the teachings of their spiritual leaders. Master Tara Singh was an illustrious leader of the Sikh Panth. He used to say that a gurudwara should not be demolished just because its 'sewadaars' have done some wrong. If a gurudwara has been misused or has been the scene of violence, the Government should not start attacking the fundamental principles of Sikhism which say that religion and politics are interlinked. Therefore, I oppose this Bill. Looking back at the history of India we find that religion and politics have always been interlinked. We consider Lord Krishna as Gou the same Krishna who killed his uncle 'Kansa' was the ruler of Mathura and who gave political sermons to Arjuna on the battlefield. The Holy Geeta, besides being a religious book is a political book also. When we think of an ideal rule we do not perceive a country plagued with Bofors or submarine scandals, a country where political and economic exploitation of the poor and atrocities on Harijans continues even 40 years after Independence. All that we perceive is "Ram Rajya". The same Ram who was the son of Dashrath.

PROF. MADHU DANDAVATE (Rajapur): In this House there is 'Balram Rajya'.

SHRI CHARANJIT SINGH ATHWAL: I am talking of the Ram who killed Bali in the Sugreeva-Bali fight and crowned Sugreeva, who killed Ravana and made Vibhishana the king and who was the ruler of Ayodhya. We hope for such a rule where every person is treated equal.

SHRI VIR SEN (Khurja): Rama who killed Shambuk and who forsake Sita ....  
(Interruptions)

SHRI CHARANJIT SINGH ATHWAL: Besides being a religious book, Ramayana also preaches political wisdom. My Muslim colleagues would excuse me when I say that the heir to prophet Mohammed was a Khalifa as well as Amir-UL-Momeen. While being a spiritual leader he was also the commander of the armed forces. What I want to say is that minorities in our country cannot look at religion and politics separately. It appears that this Bill has been brought for all the religious institutions in the country but in fact it has been brought to attack the basic tenets of Sikhism. Our religion and politics are one. Some of the hon. Members who spoke before me have said that 'Gurbani' is misinterpreted. But I do not agree. I want to say that religion and politics have been one ever since Sikhism was born. The Sikh religion is a complete concept of life. People of higher classes used to look down upon those belonging to lower classes. To bring about social equality Guru Nanak, the founder of Sikhism, said:--

*"Neechan ander neech jat  
neechi hoon ati neech.  
Nanak tinke sang saath  
vaddiyan syu kya rees.  
Jithe neech sumaliyan  
tithe nadar ten bakshesh."*

To remove economic disparities he said:

*"Hak paraya Nanaka  
Us soorer us gai."*

For a Muslim grabbing of other's dues is as much forbidden as eating pork. Similarly, for a Hindu grabbing of other's rights is as much forbidden as eating beef. Not only this, Guru Nanak has said that there should be awakening among people, and they should not believe in superstitions. People should be knowledgeable enough to resist attempts by others to exploit them. A Government can exploit people only when the latter are ignorant. He says:--

*"Ani praja gyan Vihuni"*

The masses should be intelligent.

[Shri Charanjit Singh Athwal]

When Nanak was taken prisoner along with his countrymen and brought before Babar, he accused Babar of being a perpetrator of atrocities, of having an army full of sinners. He said 'Babar too Zabar hai'. Even at that time he urged his countrymen to resist threats from foreign invaders who wanted to enslave the country.

I mean to say that this is the fundamental principal of Sikh religion and politics (Miri and Piri). It was Guru Nannak Dev who founded Sikhism. When Humayun went to meet Guru Angad Dev, the latter was meditating. When his meditation was over the opened his eyes and saw Humayun advancing towards him with a raised sword. At that moment he told Humayun that the swords should have been raised on the battlefield against Sher Shah Suri and not against a hermit. Similarly, Guru Arjun Dev attained martyrdom. In the religious context, Jehangir has written in his 'Tojoke Jehangir' and as regards political Context, some historians say that when his son Khusro ran from the battlefield and reached Punjab, the Guru provided him with meals, money, companions and other means for survival

Previously, the words, "Vahe Guru Satnam" were used in Gurubani as prayer to the Almighty. Later these words took a practical shape in the form of 'Miri and Piri.' 'Miri and Piri' denoting temporal and spiritual powers respectively. I think there are others who can explain it better. There was one sword for each. The sword for 'Miri' symbolising temporal power and the sword for 'Piri' symbolising spiritual power. From the day Guru Hargovind Sahib Maharaj sat on the throne, he wore two swords. From that day temporal and spiritual power became one. Guru Hargovind Sahib Maharaj issued an order that a Sikh visiting him should bring along a good horse and good arms to display true Sikhhood. The Guru got a Takht made along with the Golden Temple. Visitors to the temple can see that alongside the Darbar Sahib which is meant for religious purposes, there exists a Takht Sahib also.

He had got that Takht made. He used to wear a 'Pagri' adorned with a 'Kalgj' (feathers) sit on the Takht and also used to go for hunting. This was his principle. After Guru Arjun Dev's martyrdom he realised that religion cannot be protected by prayer alone. Violent methods need to be adopted to deal with violence. And that is what he did.

Mr. Chairman, Sir, since this Bill is regarding Sikhs and principles of Sikhism, I may please be granted more time. Later this principle was followed by other Gurus also. After the martyrdom of Guru Tegh Bahadur, Guru Gobind Singh, like lord Krishna in Geeta, asks in his 'Vichitra Natak' "Why have I come into this world? What are the reasons for my taking birth on this planet?"

In his book 'Vichitra Natak' he says:--

*"Hum yeh Kaj jagat mo aaye,  
dharm hetu gurudev bithae  
jaham tahan tum dharm bitharo  
dusht dekhian pakar picaro  
Yahi kaj dhara hum janam  
samajh le sadhu sab manan  
Dharam chalavan sant ubharan dusht  
saban ko bhoor aparan."*

Not only this, he asks the Almighty to --

*"De Shiva var mohe, yeh  
hain shubh karmian te  
Kabahu ne tarun,  
Nahi darun arson jab  
Jave larun, nischaya kar  
apni jeet karoon,  
An Sikh hoon apne he  
man ko, he lalach hon jun  
ton uchrn,  
jab aab ki aud nidhan bane,  
atn he run mein  
tae juh maroon."*

He said that God would protect him in his fight for the truth. Besides this, he related his principle as follows:--

*"Choonkar uj huma he:  
te dar gujshat  
Halal asth burdan ba  
shamsheere dast."*

If a religious person stays at a Gurudwara he will be provided with meals and other comforts. But if anyone tries to attack the sacred place I shall deal with the attacker. And he fought many wars against tyranny to preserve religious principles.

Mr. Chairman, Sir, everyone is aware of the contribution of Sikhs in the freedom movement. A movement for reform of gurudwaras was launched. Even if we call it the Shiromani Committee movement or part of the freedom movement it would amount to the same thing. For this, morchas were launched by Akalis in which congressmen also participated. At that time the affairs of gurudwaras were in the hands of Mahantas. They issued a religious order against the martyrs of Kamagatan; and conferred a 'Saropa' on General Dyer who was responsible for the Jalianwala Bagh tragedy. These people worked against the wishes of Sikhs. The basic tenets of Sikhism were not being observed. Importance was being given to idol worship people were being divided on caste lines. Morchas were launched against all this. Sikhs did not want the country's enemies to be accorded respect and to be treated well. To voice their protest, Sikhs launched the *jaito morcha* against these 'Mahants' where even Pandit Jawaharlal Nehru courted arrest. The 'Guru ka Bagh' morcha was launched where Sikhs raised slogans of "Satnam, Satnam, Vahe Guru, Vahe Guru" while they were mercilessly beaten up. This is a long story which includes Pandit Jawaharlal Nehru's arrest and his subsequent imprisonment for two-and-a-half years along with Professor Gidwani. Pt. Madan Mohan Malviya has said that even Andrews who was an Englishman was moved at the sight of Sikhs being dragged by the hair and beaten up. All 'Jathas' first visited the Akal Takht before launching any morcha. A 'diwan' was held there and 'Saropas' were given to the "Members of Jathas." National and Akali leaders used to give their speeches. Then the 'Jathas' made a parikrama of the Golden Temple and afterwards courted arrest or made sacrifices. All the morchas launched before Independence began from Akal Takht and gurudwaras but at that time it was not misuse of gurudwaras because Sikhs had to be

prepared to sacrifice their lives at the altar of country's freedom.

Today, when a Sikh stands in front of the Akal Takht and says that Sikhs are being subjected to injustice he is accused of misusing the gurudwara. If the same thing is said from the Manji Sahib gurudwara, it is said that the forum of Manji Sahib is being misused. If Sikhs use the Diwan Hall of the Akal Takht to rightfully ask for fulfilment of promises made to them before Independence and acceptance of the Anandpur Sahib Resolution by the Government leaving 4-5 departments with the centre and giving rest of the authority to the states and accord special status to Sikhs, they are said to be misusing gurudwaras.

If the Sikhs stand in front of the Akal Takht and demand for the release of Jodhpur detainees, to stop killing the innocents in encounters, to let Punjab have Chandigarh as it belongs to it and also other areas which are dominated by the Punjab and grant its share of river waters, it is alleged that Gurudwara are being misused. If the Sikhs come here to appeal for the punishment of the real culprits of the 1984 riots and not the ones who have been mentioned in the Mishra Commission's Report but those who are occupying positions in the Government, it is said that they are misusing the places of worship. I cannot say as to how far this Bill can be actually effective in strengthening the unity and integrity of the country and how far will it help the Congress in getting political gains out of it during the coming elections but I can certainly say that it has injured the sentiments of the Sikh community. When this Bill is passed, the sikhs will definitely feel that they who have sacrificed everything for the independence of the country are being considered as second grade citizens. On behalf of my party, I oppose every word, every clause every Article of this Bill. Today when this Bill is passed, it will be a black day for the sikhs and therefore is passed, it will be a black day for the sikhs and therefore I and my party walk out in protest.

*At this stage, Shri Charanjit Singh Athwal and two other hon. Mem. left the House.*

[English]

SHRI JAGANNATH PATNAIK (Kalahandi): Sir, I rise to support the Religious Institutions (Prevention of Misuse) Bill. The main philosophy and concept to bring this Bill is only to promote the principles of secularism enshrined in the Constitution, in order to strengthen our sovereignty, unity and integrity.

Even while the debate in the Constituent Assembly was going on, there also - because they were well aware of the eventuality of the religion making inroads, a resolution was passed on April 3, 1984 advising that all steps, legislative and administrative, necessary to prevent such activities should be taken. This was the spirit in the Constituent Assembly also. In almost all the National Integration Council's meetings, this has been the idea and this has been the spirit that such a Bill, such a legislation should come. So, keeping all this in view and being well aware of the imperialist designs of the world today, and their main force to destabilise this country being these communal, divisive and separatist forces, the Government has brought this Bill to check their activities. So, from the point of view of the national interest, we also cooperate and support this Bill.

As the previous speaker said - he was a little bit emotional - we all agree and we are all proud of the glory, sacrifice, dedication, genius and patriotism of the Sikh religion. Sikh religion is the religion of the entire humanity - of Hindus, Muslims and others. So, everybody is proud of that religion. There is no question of doing any injury or insult to that religion and that is not the spirit of this Bill. The idea behind bringing this Bill is to maintain the holiness of the shrine, to maintain its sanctity and to create an atmosphere so that all persons can come to the *Swarn Mandir* for prayer. So, my previous speaker should have congratulated the Government for bringing this Bill. This Bill is not applicable only to Gurudwaras, this will be applicable to all religious institutions - it may be of Hindus, it may be of Muslims, it may be a *mandir* or it may be a *masjid*. If anybody is utilising the

religion or institutions for anti-national or anti-social activities, or if he is utilising any fund for his political ends or for anti-social or anti-national activities, the Bill will be applicable to such persons only. So, the logic and argument given by my previous speaker was entirely based on emotion and not on any logic or reasoning. We should go to the consideration of the Bill clause by clause. There we will find that there is prohibition for the use of religious places for political activities and funds should not be misused. There are some obligations on the part of managers of the institution and others. The Government has also taken all the care that there should not be any ban on the use of 'Kripan'. So, taking into consideration all these points, I would say that this is a Bill to strengthen our national integrity, unity and sovereignty. But only through legislation, it will be possible. So in order to create a sense of secularism and awareness, we should do our best and it is a challenge to all patriots in this country to see that there is a true nationalism, nationalism I mean is that which has a link with the question of peace, anti imperialism, non-alignment and economic advancement together with social justice. We all should be careful and we should develop a sense of nationalism in this spirit and we should try to create an atmosphere of secularism in a true sense by developing an attitude of tolerance.

Lastly, I would like to suggest that there are some amendments with which the Government is coming forward and there should not be any disagreement to them. Concerted effort should be made in this respect and there should be clear and categorical clause in the Bill which should unequivocally state that no religious institution should have any link with these preaching fundamentalism and politics. It should be totally banned because this would be the most dangerous thing for the country's progress and development.

SHRI N. TOMBI SINGH (Inner Manipal): Sir, in whole-hearted support of this Bill. It is very unfortunate that a country has been brought to such a situation that this kind of measure has been necessitated. In

fact, religion and religious sentiments cannot be controlled successfully by law because religion is mostly voluntary action and then certain profession with care should also maintain the sanctity of temple and places of religious workshop are maintained absolutely, I should say, in a large measure by voluntary efforts, cooperation and mutual understanding of the people professing that religion. But now in view of the situation, particularly in Punjab, this bill has been necessitated. Many of my friends from both the sides had expressed the doubt that the implementation of the provisions of this Act will be a serious problem. Sir, here in religion, we do not say misuse of temples, misuse of place of religious worship, but we say 'desecration'. When a temple or a religious place is not used properly or a religious place or worship is not properly used, in religious language that temple or place of worship is desecrated. That means the temple or the place or premises for the religious worship has been made use of for the religious purpose, namely, harbouring, criminals, terrorists, antinationals storing of arms conspirings against the state. This desecration has been committed by a certain section of a community which would like to identify themselves with the whole community this is a tall claim by that section. The community as a whole minus the section resorting to extremism is interested in peace and prosperity. They are against the misuse of temples non-desecration purposes.

Sir, although this Bill has been necessitated by the situation in Punjab, since it mentions places of religious worship and also it mentions political activities in relation to public worships, it covers other places also. My hon. friend Shri Shahabuddin from the other side, has made observation that it interferes with the minority rights. I do not know in what sense the hon. Member has made this observation because in any case and in any sense, under any circumstances, any measure, any step, any action taken to desecrate the sanctity of a religious place should be opposed by all communities, by all people who have faith in this religion, and he has even gone to the extent of saying that in

public life, for instance, a Rashtrapati or a Prime Minister or a Minister or a public leader appearing at some religious function should be stopped. I do not understand in what sense he has made this observation. In fact, politics should be not only separated from religion, but religion should be placed on top, above all material considerations. This is perhaps our objective because ours is a secular State. In this secular State we recognise practically and by necessity also the existence of so many religions, so many faiths. In a way it is necessary that to succeed in public life, in politics or as businessman, in any profession, he has to exercise a certain amount of that sense of tolerance. Sir, I do not know, honourable Member Indrajit Guptaji also had mentioned that during election campaign, one should not go to masjid, one should not go to a temple. Perhaps this again goes against our own tradition. The intention or the spirit of the Bill is that we should not mix up religion with politics, but then that does not mean that we should be rather separating ourselves from our religious practices, religious, habits, the good habits that are necessary for being a good citizen. This should not stop a politician being a religious man. Sir, this Bill will be enabling a policeman, or the law enforcing agencies to enter into temples, places where public worship takes place. In this context, speaking from experience, with sincere faith we have we have in religion, the law enforcing agency should be the last resort, as I said in the beginning, the community as a whole should come to the rescue of its religious place. To my friend from the Akali Dal, I wish he listened to my speech, here what I would like to say is that the whole community should protect the temple. When a section of the community does not like to use the temple properly and the peace-loving citizens are helpless, it is there law in to come in. In fact, the law in such cases will be very weak. That is what I was going to say. Sir, when a whole community does not like to act and also punish the criminals, those who misuse the temples, those who desecrate the temples, then it is a very serious situation. I know of a law in my State. We have a community

[Shri N: Tombi Singh]

Kukis. They do not have any land to themselves, no private possession. The Chief owns all the land. It was considered this was not very proper, each a situation handicaps the villagers. The villagers should have a law enabling all the individuals to own their lands. An act was passed for abolition of Chiefships. And then not the Chief, but the people, the prospective beneficiaries, opposed that law. The implementation has been practically stated. Even now in the States of Mizoram, Manipur and Nagaland the land is possessed by the Chiefs of the kuki tribe. The Chiefs themselves have not complained against the legislation. But the victims of the old tradition rise against the legislation which enables them to own their own private land. The implication is that, if the whole community is not interested in implementation of a particular legislation, which is good for them, the implementation agencies are helpless.

17.00 hrs.

If particular reference is to be made, it is the good, brave people, the Sikh people who have contributed so much for the freedom of the country and who also even now, in spite of the insurgency in Punjab, I should say, majority of them, share with the mainstream to contribute to the maintenance and to the working of the present Constitution that we have given unto ourselves. This community, should rise as one person and should isolate their own mislead brethren and taked steps against their own wrong doers. Then the burden of the Government would be lessened.

With these words, I would support this Bill.

[Translation]

SHRI R. ANNANAMBI (Pollachi): Hon. Chairman, Sir, I thank you very much for permitting to participate in this discussion on the Religious Institutions (Prevention of Misuse) Bill, 1988 on behalf of the Jayalalitha Group of AIADMK.

The terrorist problem in Punjab has been discussed by all sections in this august House for a long time. Yet, the problem remains unresolved. I am not going to discuss it at length as many other members here have already alluded to it in great details. This law has been brought before this House with a view to maintaining the sanction of the Golden Temple which has been defiled by the terrorist. We have enacted so many laws in succession to curb terrorism. The Govt. has also given many concession to the terrorists in order to appease them. Despite these, terrorism is on the increase. One thing is very clear, the Punjab tangle is not going to be solved by these laws and concessions. This problem requires a unanimous settlement arrived at after discussions between various political leaders. You can give any amount of concessions to appease the terrorists. The Govt. gave the biggest concession to the Sikhs. The Govt. first proposed to set up a Railway coach factory in Coimbatore in Tamil Nadu. But subsequently, it was set up in Punjab simply to appease the terrorists. Despite this, the Govt. could not solve the Punjab tangle. The solution to the Punjab problem can, therefore, only be political.

When the Govt. is taking all steps to ensure the sanctity of religious institutions and to prevent the misuse of these institutions certain disquieting news flows in from Rajasthan. I read from Hindu today that temple was banned for Harijans in Nathdwara in Rajasthan. I was surprised about it. We are living in 20th century. Mahatma Gandhi, Periyar and Anna Dorai preached against this inhuman treatment of Harijans. They espoused the cause of Harijans and advocated the rightful entry of Harijans into temples. The Congress party which is in the Centre is ruling that State. Still no action is taken. Processions are being taken in Nathdwara against this. The situation many any time explode. Hon. Minister must take necessary steps to ensure communal amity.

Communal riots continue to rage all over the country. Recently, Meerut and

\* Translation of the Speech originally delivered in Tamil.

Ahmedabad were in Comunal flames. Many have lost their lives. This should be prevented. Communal clashes may even assume the scale of a civil war.

Certain vested interest mix religion with politics. They explo the sentiments of the people and use religion as a device to attain their short-term political ends. They desecrate religion and religious institutions. In Tamil Nadu the 'Madurai Adhinam' is indulging in such activities. Unless, his actions are checked, you would not be able to effective taken action against such misuse of religion which you seek to do under the provisions of this Bill.

The ancient land of Ayodhya is sacred to Hindus. The temple of Rama is still under lock. This was due to some dispute between the Hindus and Muslims. Even many religious leaders from Tamil Nadu including Sundarakavi Samy have visited the disputed place to appeal to all concerned in this matter. The temple must be restored to the Hindus after proper dialogue between both the communities. This is my humble suggestion.

Tamil Nadu was a bigger State than it is now when it was Madras Presidency. When it was reorganised into Tamil Nadu, certain parts went to Kerala and Andhra Pradesh. There is a Kannagi temple on the border of Kerala and Tamil Nadu. Thousands of devotees from Tamil Nadu visit this temple every year. While the Tamil devotees go to this temple every year to worship the deity of Kannagi, clashes between the devotees and the people of Kerala are reported to take Place. Attention of the Govt. was drawn to this by our late Chief Minister Dr. MGR and our leader Miss. Jayalalitha. I once again request the Hon. Minister to take steps to restore the Kannagi temple to Tamil Nadu.

Certain Godmen in Tamil Nadu, in the garb of religion, are cheating the poor public. These Godmen exercise the ignorant massess to indulge in committing human sacrifices. Punitive measures must be taken against these Godmen gangs.

I would also like to say few words about

the misuse of temple property. The temple lands are being liberally rented to well placed private individuals who do not pay even the nominal rent to the temple authorities. These lands must be recovered from them and should be administered by the Govt. The revenue received from the temple property should be credited to the coffers of the Govt.

In the name of religion, certain religious trusts are running schools and colleges which charge exorbitant capitation fees. This loot must be checked. Their licences should be cancelled. Whether it is Hinduism, Islam or Christianity, the Govt, should have a secular approach to all religions. I hope this Bill would ensures it. with these words, I conclude.

SHRI SHANTI DHARIWAL (Kota): Mr. Chairman, Sir, I rise to support this Bill. Many hon. Members from this side have submitted that religion cannot be separated from politics. I want to submit by taking this basic fact into consideration that if religion is not separated from politics then what sort of a politics are you going practise in secular politics, religion must be separated from politics.

I want to submit that the provisions included in this Bill are not adequate. This bill should be made comprehensive so that religion can be separated from politics.

I have been listening carefully to the discussions which have been taking place here. Just now an hon. Member of the Akali Dal was making his submission. He said that this Bill has been brought for the sikhs. It is a very wrong notion. If such things are said, it will have an adverse effect on the entire country. They should think that they have been elected by 10 lakh votes and if they make such wrong statements, then what will be the consequences? I believe that it will not only have an adverse effect on the people of this country but on the people of the whole world. They shoud consider these points seriously. I went to tell my brothers of the Akali Dal that this Bill is not against the Sikh community at all. It is against those religions institutions

[Shri Shanti Dhariwal]

which misuse its buildings for nonreligious purposes. The Government should take stern measures wherever such places are misused. You know as to what statements the Shankaracharya of Puri has made from inside the temple premises. We kept on listening to the statements day and night and kept on discussing them but no action was taken. The consequence was that even the ordinary followers of the Shankaracharya began making provocative statements. Some action should be taken to put an end to all this. When such things take place in any temple, mosque or Gurudwara, it is the duty of the Government to put an end to it immediately. It should be ensured that there is no propaganda. What is happening inside the temples. Intoxicants like ganja and bhang are consumed in temples. Mr. Chairman, Sir, an incident occurred in my area and I want to relate it. It happened only a month ago. One dog lay dead inside the campus of one temple. The priest told one harijan to remove the dead dog. The harijan replied that he would remove it only when the doors of the temple are opened to the harijans and all the harijans of the village are allowed to enter it and have glimpse of God. The priest was not prepared to do so. Some of the villagers intervened and requested the priest to somehow enable the harijans to have a glimpse of God from outside the temple but the priest did not open the doors and started religious discourse instead. This resulted fighting between the harijans and caste Hindus and case was registered under Section 307. This incident had little effect in the country and there has been no change in such attitude. I mean that it would not be proper if temples are misused for holding meetings of Vishwa Hindu Parishad and contributions are raised and R.S.S. is provided with funds. Where 'Akharas' function 'Bajrang Bal are prepared, then, if Government brings a Bill to curb such activities, you do not welcome it. If you cannot welcome it. If you cannot welcome such measures then which measure will you welcome. You should change your attitude. The same thing happens in the Mosques as well. During the time, when the prayers are offered in the

Misques the Maulana Bokhari, while reading religious pronouncements indulges in politics. Is this written in the Koran? This will never be condemned because it is not suited politically. You want to mix religion with politics. This should be stopped. If you want to strengthen the country, then this feeling that religion is separate from politics should be instilled among the people. Hindus, Sikhs, Christians etc. all are equal and government should treat all religions on equal footing. And in order to do so this Bill has to be passed. Wordly things should not be discussed in temples and mosques but all these things are done there. The Imams indulge in all sorts of propaganda and especially so during the time of elections.

So far as the Golden Temple is concerned, I think if these untoward incidents had not taken place there, then the Government would not have thought of bringing this Bill. I do not want to go into all that because many hon. Members have already spoken on it. What all happened there? Even today, dead bodies, human skeletons and evidences of oppression of women are being recovered from the debris of the Akal Takht. Why don't you appreciate this? Some people have left but I want to thank hon. Shri Ramoowalia for not doing so but being with the country and safeguarding its interests.

With these words, I conclude and thank you for giving me an opportunity to make my submission.

SHRI VILAS MUTTEMWAR (Chimur):  
What happened to that dog?

SHRI SHANTI DHARIWAL: I did not remove that dog.

17.19 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

SHRI JAI PRAKASH AGARWAL (Chandni Chowk): Mr. Chairman, Sir, I support this Bill and want to submit on this occasion that in spite of being a bigot, I support it. It is unfortunate that in a country where everyone lives together and all religions co-

exist, there, religion is used for personal gains. There are three things, the religion, the society and the politics. We follow religion living in one society and the society is formed of the people having identical feelings and sentiments. We decide the future set up of a country, state or a place through politics. All these three things are different. It is not correct in any way to bring religion into politics.

Being a Hindu, I have faith in a Gurudwara a mosque and a church. I go to all these places. We believe in equality of all religions. All of us should share these sentiments then only we will be able to live like good citizens. We should honour the feelings and sentiments of all and go ahead with the feeling of oneness. It is only then we can take the country forward. Which religion tells that if a procession passes through one route, the god becomes greater and if it passes through a different route the god becomes smaller. I am not prepared to accept such a god. There is a big agitation if the Government directs that the procession should take the different route. On the other hand, if the Imam closes the gates of the mosque then nobody comes forward to prevent him from doing so. Nobody is prepared to say that Imam has no right to close the gate of mosque on the day of Id. Similarly, the Sikhs carried out their procession on the day of 'Ganga Snan', but now they have fixed the day one day earlier suit to their convenience. If the Government had directed them to do so they would have never agreed to it.

We want to use religion for political purpose. We want to exploit the religions sentiments of the people for political ends. We use religion at different places. Now this Bill has been brought forward. I agree with Shri Shanti Dhariwal that Bill should be made so stringent that the people may not exploit religion for their political ends.

I would also like to say here that it is totally improper to use religion for usurping public land. It is also not proper that the people propagate their religion on mike in early hours, say at 4 a.m. People committing

excesses or even murders in the name of religion is also bad. It is also improper to abuse the political leaders by assembling on a religious platform. It is also not right to close the gates of the temples or mosques in the name of religion. It is also very bad to kill people in the name of religion.

Temples and mosques are the most reverential places in our society. When a child is born, he is taught to touch the feet of his elders. When grows slightly older, he is given education. Then he is taken to the temple and taught to bow down at first step of the temple. He is taught to be afraid of the god. He is not taught shooting, abusing anybody. He is not taught to quarrel with others in the name of religion. The Government should be stiff in such matters. No matter we survive or not, this Government survives or not, but if the country survive we all can live together.

People are now being instigated to form Shiv Sena, Adam Sena. They are seeking votes in their names. There should be a ban on all such activities. You will have to implement strictly the provisions of this Bill.

I am Aggarwal but I do not support unjust activities of Aggarwals. I do not support the man who takes wrong steps in the guise of the religion. We should discourage and condemn people who preach something else and practice something else. Why do we fear; whenever we talk about temples, gurudwaras, mosques we have a fear that the people outside will be angry at this, so we should say such things mildly. No, it will be a wrong way to tread. If we impose religion over politics, the situation cannot improve, it will lead to increase in hatred. This way, we can never tread the right path.

Mr. Chairman, Sir, I want to say only two things. We should impose a ban on the groups formed in the name of religion like Shiv Sena, the Muslim league and others so that they may not exploit religion for seeking votes. The second thing is that restrictions should also be imposed on

[Shri Jai Prakash Agarwal]

political parties formed in the name of religion which take political decisions while sitting in temples, mosques and in gurudwaras. Action should be taken against such people and they should not be allowed to progress in politics. Then only, this bill will be meaningful.

Just possible my words might have hurt the sentiments of some people. If a decision is taken that everybody residing in the country is an Indian first, then I will be the first man to drop Aggarwal from my name. I will be Jai Prakash an Indian. With these sentiments I support this Bill.

[English].

SHRI G.M. BANATWALLA (Ponnani): Mr. Deputy Speaker, Sir, it is most unfortunate that the Government deemed it expedient to promulgate this so called law of Prevention of Misuse of Religious Places through an ordinance.

S. BUTA SINGH: It is 'called', not 'so called'.

SHRI G.M. BANATWALLA: I have just begun and you are so uncomfortable with my first sentence, Mr. Home Minister!

This law was promulgated through an ordinance. It represents a total abuse of the ordinance making power. This Parliament was in session till 13th of May and the ordinance was issued on the 26th of May. It is abundantly clear that this House and the Parliament was by-passed.

Not a single new incident of urgency that might have occurred after the prorogation of the House and before the promulgation of the ordinance, i.e. during May 13 and May 26 period, has been cited by the Government. On the one hand the Government has been saying that they want a national dialogue on these topics and on the other hand even this Parliament was not consulted and an ordinance was issued. I must, therefore, express my total dissatisfaction with the way in which the matter has been dealt with.

It is tragic that today this House has been called upon to consider the provisions of a Bill for preventing the misuse of religious institutions because it is these very institutions that had contributed a significant role during the nationalist movement at the time of our freedom struggle.

MR. DEPUTY SPEAKER: The Hon. Member may continue his speech tomorrow.

17.30 hrs.

[English]

#### HALF-AN-HOUR DISCUSSION

##### UNEMPLOYMENT

MR. DEPUTY SPEAKER: The House shall now take up the Half-an-Hour discussion. Mr. Thampan Thomas to speak.

SHRI THAMPAN THOMAS (Mavelikara): This is one of the very vital issues about which the nation is very much concerned. The problem of unemployment was brought through Question No. 65 before this House. The Hon. Minister had given some reply but that reply was not satisfactory. Some of the friends also raised some other supplementaries in that question and, I think, the hon. Minister could not give the detailed answer in this regard and, as such, this discussion has come up. Further I very much doubt whether the Minister of Labour will be able to appraise the House about the realities because the Question is very much related to Eighth Plan schemes and also the job opportunities provided to the unemployed in the country.

In the Plan document which was there at the time of its framing it had been said that it was estimated 34 million hands will be there seeking jobs at the end of the fifth year and the Government will be able to provide them jobs and also give about a million jobs more to clear the backlog. That was the impression there at the time of