

15.39½ hrs.

CONSTITUTION (AMENDMENT) BILL
(AMENDMENT OF ARTICLE 107, ETC.)
CONTD.

[English]

MR. CHAIRMAN : The House will now take up further consideration of the following motion moved by Dr. Laxminarayan Pandeya on the 30th July, 1993, namely :—

"That the Bill further to amend the Constitution of India, be taken into consideration."

Shri Syed Masudal Hossain may continue his speech.

[Translation]

SHRI SYED MASUDAL HOSSAIN (Murshidabad) : Mr. Chairman, Sir, last time when I had made a mention of polygamy it displeased some of my colleagues. They complained that I had been trying to malign a particular community, but I did not have such intention. I am very well aware of the reasons behind the polygamy, therefore, I am not pointing out a particular community. But when it is becoming controversial, I am mentioning this portion of the report.

[English]

The Report of the Commission on the Status of Women in India in Page 67 says regarding Polygamy and I quote :

"It is highest among the tribal communities viz. 15.25 per cent, Budhists 7.97 per cent, Jains 6.72 per cent, Hindus 5.8 per cent and Muslims 5.7 per cent."

"According to the data, the highest incident viz. 5.15 per cent was in the Hindu community. Here, it was found that the marriages were performed between 41 and 50 years". After that, it declined to 5.06 per cent in 1951 to 1960. The figures declined steadily.

Among the muslims, the highest incident was found between 1931 and 1940 viz. 7.29 per cent. After that, it declined steadily. It came down to 4.31 per cent."

[Translation]

So, I do not have any intention to blame any particular community. I gave this reference when this question arose. We sing a song that, "Mazhab Na'in Sikhata Aapas Mein Vair Rakhna", but I feel that it is religion which makes us fight with each other. This song was written by Iqbal who had presented Pakistan's claim in the Round Table Conference, for the first time. Will the hon. Minister tell us while replying that how many people died for the independence of the nation and thereafter how many persons died during Hindu-Muslim riots ? And how many persons die every year in Sunni-Shia riots in Lucknow? Hindus also create tension in the name of religion and those who believe in Ram and those who worship Ram continue to create one or the other problem.

Mr. Chairman, Sir, during the period of King Ashok, whose Ashok Chakra we use even now a days, the whole population was converted into Buddhism and what is the present population of Buddhists in India ? What are the reasons behind the decrease in their number ? I can say with confidence that more people have died in the name of religion than the number of people who died in two world wars and in the 100 years war between Christians and Muslims. A war is still going on in Israel. Shia-Sunni war is also going on between Iran and Iraq. I want to ask Dr. Laxmi Narayan Pandeya that to whom should I go for learning the definition of the Dharma ?

Should I learn the definition of the Dharma from those who give Talaq to a 70 year old woman, after living together in a house for forty years ? Should I learn it from those people who burnt my 18 years old daughter, Kunwar in the name of religion ? The late Indira Gandhi, even being a brahmin was not allowed to enter

the Puri Temple, should I learn from those people who prevented her ? The funeral of Bal Brahmchari could take place only after 55-56 days that too after the Government intervention. Should I learn from those people who termed it as Government interference in the religion ? During heavy rain a constable tried to take shelter in a temple in Bombay, but as he belonged to scheduled castes he was not permitted to enter the temple, instead he was killed. Is it the religion ? In South India, even today there are separate cemeteries for the SCs and STs who converted into Christianity and for those who belong to upper castes. In view of all such things what should I learn from them ?

Mr. Chairman, Sir, I want to tell Mr. Pandeya that we have not only divided human beings in the name of religion but also flowers and fruits. But till date nobody could divide the fragrance and beauty of the rose. Luxmy Narayanji is like my elder brother. I want to tell him that the rose is worshipped and also offered to the deity. Rose is a foreign flower. If anybody tries to divide it in the name of religion then we do not want to learn the definition of religion from him.

The Bill, which you have introduced only aims at separation of politics from religion. It should be stopped. (*Interruptions*)

PROF. RASA SINGH RAWAT (Ajmer):
It was introduced a long time back also. (*Interruptions*)

PROF. SYED MASUDAL HOSSAIN :
We have different feelings. It has earlier been discussed and previously also efforts were made to pass it. Therefore, I am not going to support it. Moreover, we are also not with the treasury benches. They have their own definition of religion which is quite different from ours. It is my as well as my party's stand. With this I conclude.

[English]

SHRI RAMESH CHENNITHALA
(Kottayam) : Mr. Chairman, Sir, I rise to

oppose this Bill, which had been introduced by Dr. Laxminarayan Pandey.

Sir, this Bill is ill-conceived and unconvincing. The author in the Statement of Objects and Reasons of this Bill contradicts himself. He is against the interference of the State into the religion. The religion matters are sensitive. Of course, in our country there is a lot of furor about the religious activities and the related matters. In one way, he is saying that the State will not indulge into the day-to-day affairs of the religion. The mover of this Bill is happy if the State interferes into the Muslim Personal Law. This is a contradictory one.

From the Statement of Objects and Reasons of this Bill, I am coming to a conclusion that the mover is happy if the State interferes into the affairs of the Muslim Personal Law and he is unhappy if the State interferes into the affairs of the Hindu Law. This approach is not at all correct. We are living in a society where all kinds of religions are practising and all sections of the society are living harmoniously. We respect all the sentiments. We respect the sentiments of each and every religion. And in a society like ours, we cannot tolerate this kind of an attitude. Sir, this is very clear from the Statement of Objects and Reasons of this Bill. This communal and sectarian approach to a complex issue will not help the harmonious living, and the brotherhood, which is prevailing in the country.

So, my first observation is that Dr. Laxminarayan Pandeya's object is to defeat our country, to defeat our society, to create chaos and confusion in our society. If the Bill is passed, definitely the secular fabric of our society will be in danger.

Article 356 of our Constitution says that we can amend our Constitution under that provision. For amending any other law, we want only simple majority, but if we want to amend the Constitution, the process is different. We cannot amend the Constitution with a simple majority. The Parliament has the preliminary power to amend the Constitution by a two-thirds

majority of both the Houses. Parliament, with this preliminary power, has several times amended the Constitution. This is not an ordinary legislative function. The hon. mover of the Bill wants to put a legislation on a religion under special category. He wants to put this legislation by amending our Constitution. That means, he wants that the matters related to religion should be kept in a special category and says that this should be amended only in the manner in which we are amending the Constitution. But, unfortunately, his argument in support of it is not at all convincing. A Bill on religious matters is just like any other Bill. I do not find any peculiarity in that. In the scheme of our Constitution, it is a very special one. Matters related to religion cannot be put into a special category. The Constitution does not provide for any special status to a Bill on religious affairs and the State is well within its powers to enact a law with reasonable restrictions under Fundamental Rights to practise or profess any religion of one's choice. Our Constitution guarantees that. Our Constitution, within its powers, is giving the power to the people to profess any religion which they want to. When the Parliament exercises that power, the Parliament has the power to amend the Constitution. Therefore, there is no need for giving a special status to matters relating to religion. We cannot put it in a special category. This is against the scheme of the Constitution. So, with these two reasons, at the first sight itself, I cannot agree with the mover of the Bill.

Thirdly, if we accept this Bill, what is going to happen in our country? As our hon. friend just mentioned, what is the situation in our country now? Because of the activists of BJP and its allies in our country, our secular fabric is now threatened. Our country has faced a lot of major challenges. Today, the major challenge which the whole population of our country is facing is communalism. All right-thinking people should think about it. Our country is facing this challenge. Every day we are hearing about the communal riots and hatred is coming up like

anything. These communal organisations which are pleading hatred in our country are trying to totally destroy our society. As I said earlier, we are living in a society where we respect all religions. We have a tradition and the tradition is that we accept and respect all the religions. But what is happening in our country today? After the 6th December, in our society, hatred and passion are running high. The recent riots that place in different parts of the country are shameful for us; shameful for any civilized society; shameful for any civilized individual. We have a right to preach and follow any religion. But we have to respect the sentiments of others also.

I submit that it is the bounden duty of the majority community of our country to protect the minorities. It is the duty of the majority community to see that the minorities are harmoniously living in our country. That is the tradition of our country.

But, after 6th December incident, the hatred which has now developed in our country will not help anybody. It will not help any party. What is happening in our country? Election campaigns are going on in the name of religion. During the elections candidates are preaching religion. Candidates are selected on the basis of religion. If a particular community is in majority in a constituency persons belonging to that community are selected by the political parties. This will definitely encourage communal activity and preach communalism in the name of religion. If it happens in this way, what will happen to the country? The communal hatred and communal violence are growing more so at the time of elections.

I want to say that a country like India cannot bear this. We were always considered a model before the world. We were always considered an example before the world. Unfortunately that image which India has gained over the years is now being tarnished. Our image before the world is tarnished after the 6th December incident.

SHRI E. AHMED (Manjeri) : There is no doubt about it.

SHRI RAMESH CHENNITHALA : I submit that any sensible person cannot accept this Bill. The people of India will never tolerate such activities. The B.J.P. and their allies were trying to divide our country.

Therefore, I submit that the need of the hour is for all right-thinking people and parties to come together and fight this menace of communal terrorism.

Sir, I do not want to take much time of the House. This Bill is against the spirit of our Constitution and it is against the well-being of our country and it is contradictory to the facts. So, if the Bill is passed, the country will be in great danger and the peace of the society will be disturbed.

Therefore, I oppose this Bill.

16.00 hrs.

SHRI P. C. THOMAS (Muvattupuzha) : Mr. Chairman, Sir, I think this Bill has been brought by a learned Member of this august House for some particular purpose and I think the hidden purpose is exactly what one of the major parties in this House is trying to do for quite a long time. Now, the purpose of this Bill seems to be to take out religion from the activities of the State. It may even appear that the purpose is to the effect that the political parties also should not meddle with the religion. But I think even though it appears so, the particular intent behind this Bill is to see that some matters in which one of the major parties in this House is involved, are not hindered by any legal or legislative process. Now, it is not allowed by the Constitution or by the legislations passed in this House, to propagate religion for the purpose of elections. But, it is a fact that some of the parties are taking religion as one of the main planks to fight the elections and I do not know why this Bill has been brought at this stage, especially by the hon. Member who belongs to a party which uses religious propaganda at

the time of elections. I think this is the motive of this Bill which has been brought by the hon. Member. So, I have no other option than to oppose the Bill tooth and nail.

Now, it is said at the outset, in the Statement of Objects and Reasons that religion is something personal for every individual. I wish this was taken in its face value by the mover of this Bill and the party to which the hon. Member, for whom I have great respect, belongs to, because if religion is left as such for each individual to keep in his mind, there would not have been such types of propaganda where the religion or the religious sentiments are taken as the main plank in elections. I think that is not resorted to by some of the candidates and I think just contrary is being done by the party of the hon. Member who has brought forward this Bill. So, I would think that this Bill should have taken away propagation of religion for the purpose of election. The power of the Parliament to make laws on against wrong motives which are not good should not be misused. The purpose of this Bill is to hinder the powers of the Parliament in the normal course to pass such legislations. Hence, I think this Bill has to be withdrawn or if not, it has to be defeated.

Sir, India is a country where many religions are coexisting and religions which are in India have great traditions especially Hinduism is a religion which has shown great tolerance and is having great principles. It is a religion which has also shown broadmindedness to accept people of all the religions and to coexist. It allows them to practise their own religion.

But it is now misconceived or sought to be misconceived and I think that is going to be a great danger if such misconception or such propagation is allowed any more. I have an example. As you know, Sabari Malai is just next to my constituency. Sabari Malai is a place where millions of pilgrims visit to have darshan of Lord Ayyappa. Lord Ayyappa is being respected irrespective of religions by people in

India as well as many from abroad. Many people come to Sabari Malai irrespective of religious sentiments. There is a place in my constituency, which I would call "Gateway to Greatness". If Sabari Malai is Greatness, I would call Erumeli as Gateway to Greatness.

Erumeli is the place where pilgrims who go to Sabari Malai first go to commemorate the past incident or legend which is in the memories of all of us. It is believed that Lord Ayyappa fought against the evils and there is a story that Waver, a Muslim saint was with him. Both of them strongly fought against the evil spirit and the evil spirit was forced away by the Muslim saint Waver and Lord Ayyappa, by fighting together hand in glove. That was the strength for both of them at that time.

Now to commemorate this, the pilgrims who go to Sabari Malai do go to this place called Erumeli. They first go to the temple and they call Lord Ayyappa, Swami Saranam. Then, from there, after paying respect in the temple, they come just outside and cross the road and go straight to the mosque. The mosque is situated just opposite to the temple. Lakhs and lakhs of people are going every year to the mosque and go to pay respect to Waver, the Muslim saint. They pray there and show all sorts of respects. They walk backward, after paying respect, without turning their back to the mosque. They say, 'Swami Saranam' and from there go to their destination or Sabari Malai.

This is a place which is of great importance in the present day. The Hindu pilgrims who come there in great number are respected and welcomed by the Muslims in the area by holding a function called 'Chandana Kudam'. It is a great show which I think, the whole nation should see. I am inviting, especially the Mover of the Bill who, I know, is a person with very broad mind. He must come with his Party people and also along with others to my constituency to see Makara Vilakku or Mandala Pooja, when a lot of people come to our place, Erumeli, and to see the great act of secularism that is being practised.

I do not know whether there is any other part in India where real secularism is being practised. I think, I had the opportunity to submit this in Parliament once or twice. Of course, some action has come. In many places we are fighting on the basis of religion. This is a place where we are joining in the name of religion itself. I think, that is the spirit we should have now. That is the spirit which should be propagated now. That is the spirit we should have throughout our country. Of course, this was shown in the TV and some kind of national telecast was done. But I am sure, even now the message of the real secularism being practised in this part of the country has not reached the other parts of India.

In our place this year they are holding a great National Integration Convention for about seven days and we hope that many of the members would come there and they would make this a very grand memorable function and feel something which could be propagated throughout India. I was only citing this. But I do not find fault with anybody because things are at such a stage where votes are the main aim. We are all after votes, after power and power is the only goal. Religion is not the goal and what is taught by religion is not our goal. We have gone astray. We are far from religion and the teachings of religion as such. We are only at the point of catching votes and therefore, we are going astray. Religion is being misused now for the purpose of canvassing votes and this type of electioneering or this type of political action will ruin our country, no doubt. This is exactly what we must ponder over in this august Assembly. This is something which we have to discuss. How communal harmony can be brought about.

I have come to this august House about three years back. Seventeen, eighteen or 20 fullfledged discussions have taken place regarding communal problems after I had come to this House. I am sure that apart from zero hour discussions, many full fledged discussions had taken place. The maximum time of this House has been

spent on discussions regarding communal riots. I am sorry communal riots create very high spirits which we cannot stop.

When this Bill has come here in this august House as a Private Member's Bill, we must give very sound thought as to what can be done to have communal harmony in our country because India is a place where many religions are co-existing and we have to keep our tradition. We have to think of it and that is something which we have to discuss.

This Bill will not help that way. It is rather a little ill-motivated and a little out of the way. This Bill has given an opportunity for us to sit together and talk together and find out some solutions as to how all the religions can co-exist in a better way in our country and how we shall not politicise and we shall not misuse religion further. If at all there is a political party which thinks that it can come to power by using religious sentiments, it is high time that the people of India know this and thwart such moves.

This bill is ill-motivated one. After the discussions are over, I hope the mover of the Bill will throw some light as to what positive action could be taken apart from the wording that has been given in the Bill for first separating religion from politics and also how to bring about religious harmony in this great nation.

[Translation]

SHRI RAM NAGINA MISHRA (Padrauna) : Mr. Chairman, Sir, I thank you for giving me an opportunity to speak on such an important Bill. The intention behind bringing this amendment Bill is a very pious. Many hon. Members have expressed their view points. Most of the views expressed were regarding religion. The speakers who spoke prior to me have criticised the Hindu religion. They may be right to some extent. But I would like to request to my learned colleagues that we have not defined the religion in the right perspective and the people have confusions and misconceptions about the Hindu

religion particularly. Hindu religion is no religion at all. Time and again appeals are made in the name of Hindu religion. This is totally wrong. The name of religion is Sanatan, which is mistakenly called Hindu religion by my some friends. The domiciles of India are Hindus, though they belong to different religions. or example. during the period of slavery, Malviyaji had set up the Banaras Hindu University. At that time, it was the regime of Britishers. These people opposed it on the plea that the name of the University should not be after Hindu religion. The matter was referred to the Privy Council, London. It was decided that the domiciles of Hind are Hindus. Therefore, the name of the University can be Hindu. If I am wrong, my colleagues can correct me. I mean to say that the Hindu religion purports the Sanatan Dharma. The domiciles of Hindustan are Hindus and they belong to different religions.

Many criticisms have been made against the Sanatan Dharma. The time when the Muslim. Budha and Christian religion had not come into existence, this religion came into existence first of all and therefore it was called the Sanatan Dharma. Different religions have originated from different philosophies of Sanatan Dharma. Islam condemns worshipping of idols. In Hindu religious books too, some of our authors of religious books have condemned the worshipping of idols. Some do not endorse idolatry. In this regard I would like to say that there are so many things which prove that the Sanatan Dharma is based on logic. There is no room for conservatism in it. It gives freedom to act as per one's living. Sanatan Dharma admits the existence of God. But the other Acharya does not admit the existence of God. One Acharya says that God is 'Nirakar' whereas another says that it is 'Sakar'. It follows two schools of thoughts. One endorses its existence but the other reiterates that the logic is the God. One says that everything is God. Now come to the philosophy of 'Sakar'. Some say that it God is there while some give importance to 'Karma' whereas some give importance to

duty'. I am quoting it in a Sanskrit stanza :

"Yam Sahiva Sam Pasate, Shivpati
Brahmeti Vedanti No,
Bodha Bhudhat Ithi Pradham
Patva Katenta Niyati Ka,
Arhan Nitamam Jain Shastratah
Karmati,
Nimanska so Ayamwith Dhat
Vanchhit Phalam Trilok Natho Hai."

It purports that someone gives importance to 'Sam' someone to 'Karna'. Someone worships God whereas someone worships Buddha. There are several names of God. You may call him "Alah" or 'God' or 'Bhagwan'. But God is one. His names may be different. This is the theory of our Sanatan Dharama. Our religion does not oppose any religion. Jesus Christ had said : "Ahinsa Parmo Dharmah". I also recall a story about Mohammad Sahib which I have read. I am narrating that story.

Mohammad Sahib used to pass through a house on his way. A person named Mamool used to throw stones on him which he had collected for the purpose showing heavy disregard for him. But Mohammad Sahib never got angry and continued to pass through that way with a smile. One day Mamool did not come. Mohammad Sahib was very much liberal so he enquired about him. He came to know that Mamool is ill, he went to his house. His behaviour made Mamool his disciple.

I narrated this story because the base of religion is affection. But what is happening now a days? Every right thing about our religion is being defined wrongly. One of my colleagues was uttering about Buddha religion just now. I am submitting that Sanatan Dharam has so many old traditions and it is one of its qualities that it accepted various changes from time to time. It is also correct that they have made some genuine complaints. But the Acharyas have made some changes therein. Not only that, we have considered 'Buddha' a tenth

incarnation. Had Mohammad Sahib been there, we would have considered him incarnation. It is a matter of faith.

Sir, it is a historical fact that attacks were made by Muslims. A number of Muslims have adopted the Sanatan Dharam Culture. A number of small countries were the victims of attacks of Muslims. I would like to ask these people as to why all these small nations which became the victims of Muslims attacks were converted into Islam. But India is the only country that could escape from it because there is a lot of tolerance among the people and there is no feeling of hatred against anybody. Our Sanatan Dharama does not teach us the lesson of hatred against anybody. Some of our brothers mistakenly call this 'Sanatan Dharama' as Hindu religions.

As far as the purpose of bringing this Bill by Dr. Pandeya is concerned, the factual position is that all political parties criticise our party. I am substantiating it by narrating a story. It is a temptation to capture power. It misleads even the learned Rishis and Munis. There is a story in Mahabharata :

During the period of their exile, Pandavas reached the kingdom of King Virata to pass one year's period of secret exile. The General of king, Keechak was enchanted to see the beauty of Dropadi. Then Dropadi approached Arjuna and requested him to save her from Keechak. Arjuna expressed his inability because Keechak was very strong. If people came to know that he was killed by Arjuna they would have to face exile again. Then she went to Dharamraj Yudhishtir, he also regretted saying that if it was exposed then they would have to face exile again. Nakul and Sahadev too did not help her. In the end, she approached Bhima and explained her pitiable story. Bhima assured her that he would kill Keechak and would not care for his kingdom. So the various parties including the ruling party sitting on treasury benches create

confusion among the people only to save their chair. Ours is the only party that plays the role of Bhima and always says the right thing whether it may come to power or not. That is why I am appreciating them. There is nothing to laugh at it.

I am not alleging anybody. But I would like to ask the people belonging to different religions whether they follow Christianity, Buddhism, Islam or Janism that when these religion were not in existence, there was a culture in India which was called the Sanatan Dharma. God Ram, God Krishna and God Shankara exist in this culture. The people all over the world are descendants of these Gods. They do not belong to a particular religion... (*Interruptions*)... Is it not a fact that the ancestors of all the residents of India whether they are Hindus, or Christians or Muslims are the same Ram and Krishna? The difference is only of caste. Today I am the follower of the Sanatan Dharma. Tomorrow, if I adopt Islam, even then my ancestors will remain unchanged. The names of my forefathers will not be changed. On the other hand, a lot of rumours are being spread regarding construction of Ram Temple.

As you know Mohammad Sahib had laid a foundation of a religion on this earth. But today what his followers are doing. Sir, I have already given a statement that 'Shariat' has been enacted in Islam religion. Perhaps these people act in accordance with the provision of the 'Shariat'. I do not want to repeat all those things which I have already said. Otherwise, Shahabuddin Sahib will object to it. It has been mentioned in the 'Shariat' to sever hands of a thief and stone the culprit to death. If there is something wrong, you may correct me. Even then some people keep silence over such crimes being committed in this society. In the matter of Shahabano case, the Supreme Court of India had delivered its verdict in favour of giving maintenance allowance to her. But at that time it was argued that maintenance allowance was against the provisions of the 'Shariat'. Many members of the other side were endorsing

this move at that time. I was a member of Congress Party, I remember that a number of meetings were held during the regime of Rajiv Gandhi regarding the Shahabano case. To save the chair, the policy of appeasement was adopted. Even an amendment was made in this regard so that our brethren may remain with the Congress.....

[English]

MR. CHAIRMAN : You are not speaking on the Bill. The Bill is something else and you are saying something else.

[Translation]

SHRI RAM NAGINA MISHRA : Till now I was making the background. Now I am coming to the main point. I may be given the time allotted to my party.

[English]

MR. CHAIRMAN : You have already taken 15 minutes. Please come to the point no.

[Translation]

SHRI RAM NAGINA MISHRA : Sir, I was narrating the story of Mahabharat as to what was done to save the throne. In the matter of Shahabano case, the decision of the Supreme Court was amended. Not only that, when these people raised their voice to set up a Minority Commission, the Commission was set up to appease them and the reason was to continue to maintain the Vote Bank for Congress Party; I mean to say that whatever was said by the leaders of a particular community, the Congress Party did everything to maintain its vote Bank. But these people betrayed the Congress Party again. They got all their work done and at the time of voting, they refused to support the Party. That's why it is said that the greedy person always goes wrong. The Congress had to face the consequences for its appeasement policy. What happened about the Ram Janam Bhoomi and the Religion Bill. When Mohammad Gaznavi, Changehez Khan and Sikandara attacked India, they demolished Hindu temples and

converted all those temples into mosques. Whenever the country becomes slave, attack is made on its culture. At that time the temples of Lord Rama, Krishana and Shankar were demolished and converted into mosques. The followers of Islam consider 'Kaba' a sacred place and they believe that by worshipping in Kaba they will get heaven. In the same manner the followers of Sanatan Dharma consider Kashi, Mathura and Ayodhya, as sacred places and ways of getting heaven. During the war of Mahabharata when Lord Krishna had gone to Duryodhan and asked him to give five villages to Pandavas; Duryodhan refused to do so and warned that he was not prepared to give even an inch of land without going to war. In the same way, the leaders of the B.J.P. had requested the ruling party as well as the minority to hand over the same three temples to the Hindus. Our Muslim brethren were also annoyed... (*Interruptions*) Our leaders refuted the allegations levelled against them. Hindus, Muslims and Sikhs will live unitedly in the country. This is the opinion of the B.J.P. too. Besides, there is also a request from our side if we embrace you, you should not try to harm us.

[*Translation*]

At the time of partition of the country, we had left all the temples in Pak'stan under their control. Our rule is felt that if the temple dispute comes to an end then they would not be able to appease the Muslim Voters. When the Hindus were demanding for a particular temple, the Government came out with a Law that all the existing Mosques will remain there but these three temples would be out of bound for Hindus. They wanted that Hindus should never get these temples that is why they left the problem unresolved. Now there would be dispute over this issue for ever. We have to live together in peace and harmony. These temples are as important for Hindus as is Kaba for the Muslims. Therefore, these temples should be handed over to Hindus. But they have no courage to say that these temples should be handed over to Hindus as they are

continuously being misled. We have heard a number of speeches here. Shri Chandra Shekhar says that if 4000 youth become terrorists, then they will teach a lesson to us. One Leader in Uttar Pradesh says that Babar had come to India with ten thousand soldiers and he ruled the whole of India and now you are 14 crores and moreover, we also support your cause. In these circumstances, can we hope for a solution of this problem. They want this dispute to continue. I want to ask my Muslim colleagues as to what they have gained during the last 40—45 years. They were misled in the name of religion and they always remained backward. Can a Pandit become an I.A.S. Officer merely studying Sanskrit or for that matter a Muslim by studying Arabic. For entering into the main stream he will have to study all those subjects which are essential to become an I.A.S. Officer.

I have got a chance to give vent to my feelings. Shri Pandeya Ji has presented this bill Earlier Places of worship bill was passed by a thin majority. This is very simple thing. It is also provided in the Constitution that everybody should get equal opportunities. You have brought a Bill in order to separate religion from the politics. Are you really going to separate religion from politics? I have come to know that they were making their propaganda in the name of Lord Krishna in Rajasthan. While we worship Ram, Krishna and Shankar Ji. Religions verses in Sanskrit find place in very function and are engraved on the buildings. Religion is not an obstruction in the way of politics. The people do not fear from the law as much as they fear from the Religion. If you take out religion from your life then you will become a prosaic.

"Yesham Na Vidya Na Tapo Na Danam,

Gyanam Na Sheelam, Na Guno Na Dharma

Te Mrityuloke, Bhuvibhar Bhute

Manushya Roopen Mrigashcharanti."

The religion is a nectar, whatever be the religion. That is why I say that none of the founders of religions has taught us to make quarrel with each other. Our Sanatan Dharam is so liberal that it has embraced one and all. Gosain Ji has said that "Jaati Paati Puchhe Nakoi, Hari ko Bhaje so Hari Ka Hoi." Just now one of my colleagues was saying that Sita Ji had lived in Valmiki Ashram for quite some time. Lav-Kush were born there in the Ashram. Valmiki taught them. This is our religion. Lord Rama visited Sabri and ate her leftover 'Ber'. One can easily observe the greatness and liberalness of our religion. Bhaloo, Vanar and Reech were his supporters. These are the names of the castes. You will be surprised to hear that no Brahmin, Thakur or Rishi went to support Ram during Ram-Ravan war. Only the people belonging to lower castes joined Ram in the Ram-Rawan war and Ram also embraced these people and paid them due regard and affection.

SHRI TEJ NARAYAN SINGH (Buxar) : Brahmins never go to fight a war, they do not go even now so you do not talk about war.

SHRI RAM NAGINA MISHRA : I just tell you...

MR. CHAIRMAN : You have been speaking for the last 25—30 minutes, please conclude now, let the others speak.

(Interruptions)

[English]

MR. CHAIRMAN : He is coming to an end...

(Interruptions)

[Translation]

SHRI SYED MASUDAL HOSSAIN (Murshidabad) : Mr. Chairman, Sir, I have a point of order. He said that the Brahmins did not fight for Ram. The people, who fought for Ram were Vanar and Reech. Such were the names of castes in those days and by saying so you are calling them as Lower Classes...

(Interruptions)

[English]

MR. CHAIRMAN : There is no point of order. Point of order does not mean full fledged speech. Mishra ji please conclude.

[Translation]

SHRI RAM NAGINA MISHRA : Sir, I mean to say that Lord Ram, proved through his gestures that he was a sympathizer of backward classes and these classes lent full cooperation to Ram and thus killed a demon like Rawan. My colleague was saying that the Brahmins do not go to war, this is untrue. When Ram could not kill Rawan, then Agastya Muni went to Ram and told him how the Ravan could be killed. I mean to say that Lord Ram embraced lower castes and worked for their upliftment. Ram belongs to oppressed and exploited ones and to the whole world, "Ramante Yogina Ram." lives in everybody. (Interruptions) Please listen, I am telling you that this Bill is in the interest of the nation. It is provided in our Constitution that there should be no law like this one. I feel that it should be unanimously passed by the whole House. But the restriction put under the Places of Worship (special provision) Bill should be withdrawn. If you want to maintain Hindu-Muslim unity then the Muslims should hand over the temples belonging to Ram, Krishan and Shankar Ji to the Hindus. India does not belong to one ; it belongs to all the Indians. With these words I conclude.

SHRI HARCHAND SINGH (Ropar) : Mr. Chairman, Sir, I would like to submit few lines :

"Brahmin Se Vyavhar Kar Sukhi Na Deesat Koi,

Vishwa Harichander Ka Deeyo Raj Sab Khoi,

Deeyo Raj Sab Khoi, Durjan Siun Ban Aai

Harijagat Ki Mai Laj Ki Ni Nahin Rai,

Keh Girdhar Kavirai, Yehi Hai Jag Ke
Thamban,

Khushamad Lakh Karo, Badi Chhote
Nahin Brahmin,

[English]

SHRI SYED SHAHABUDDIN (Kishanganj) : Mr. Chairman, Sir, I have not only read the statement of objects and reasons very minutely, I have also listened to the speeches made in favour of the Bill. I really do not know why our distinguished colleague has tried to place so many curtains between his actual motivation and his formulation. The entire purpose of the Bill could have been served by a one-line Bill : to repeal the places of Worship (Special Provisions) Act, 1991. A simple repeal formulation should have served the Bill.

[Translation]

Why are they concealing their intentions. I fail to understand as to what was the need of it. They should have made a clear submission. They had opposed the Bill strongly. They can do so even today. They are doing so outside the House as well as in the House. Then what was the hitch for him to present a one-line Bill.

[English]

Therefore, Sir, I consider that the formulation of this Bill is an exercise in deception. I feel that the House is being taken for a ride which should not have been permitted. Therefore, I really do not know what we are discussing here? I was listening and the whole House was listening carefully to what our distinguished colleague, Mr. Ram Nagina Mishra was saying. Are we rebating the Ayodhya issue in this House? Is this Bill about Ayodhya? Is it about Shah Banu case or uniform civil code? Is this Bill about the acts of omissions and commissions that in the opinion of the hon. Member all the political parties of this country but the pure party, the BJP, have committed in this country for the last 45 years? We

are not. This Bill has a very limited purpose and a special focus. Therefore, I consider that all that has been said by Mr. Ram Nagina Mishra is thoroughly irrelevant and has got nothing to do with the Bill. (Interruptions) This Bill seek to place a restraint, if I understand, on the face of it, on the plenary legislative powers of the Parliament whenever it seeks to legislate on a religious matter. This is how it looks to me. Now, I know of such limitations another Parliaments also. For example, in the British Parliament, there is a provision that in a matter concerns a particular region like Scotland, it must be approved not just by a majority of the house but by an overwhelming majority or may be two-third of the Members belonging to that region. I do not exactly remember the form. In the old Central Assembly, there used to be a provision and I believe, the subject of an important debate during the Freedom Movement and the Congress Party in a resolution had acceded to that idea that in the National Parliament of free India, if a Bill is considered affecting the rights and interests of a particular religious group, then that Bill must not only be passed by a majority of the House but by an overwhelming majority of the Members belonging to that religion. These are the various formulations. There are variations and one could understand that. I am only recalling that it is possible in a democratic system to place certain limitations and restraints.

MAJ. GEN. (RETD.) BHUWAN CHANDRA KHANDURI : Substantiate what you have said. (Interruptions)

SHRI SYED SHAHABUDDIN : I am not proposing it. I am only recalling that these are the provisions that exist in many democracies. (Interruptions) I am only saying that it is possible in a democratic system to have a limitation or a restraint placed on the passage of a Bill by a simple majority and in fact, in our Parliament, that status has been given only to the question of amendment when it comes before the House. I do not recall

any other incident. Even a no confidence motion can be carried by a simple majority. So, I can understand the principle of it, Sir. But when it is sought to be applied here in our situation, in fact, it shall open a Pandora's box. Sir, the Statement of Object and Reasons alleges, if I may say so, like this :

"Interference of State in the "religion" and "religious affairs" of citizens has increased manifold. Many laws have been passed overlooking the provisions of the Constitution of India."

If indeed the honourable distinguished colleague, Dr. Laxmi Narayan Pandeya thinks that a number of laws have been passed overlooking the provisions of the Constitution of India, then he cannot constitute himself or this House into the Supreme Court of India. That is for the Supreme Court of India to decide. If a particular piece of legislation exceeds the boundaries and goes outside the framework of the constitution and is therefore unconstitutional, that is a matter to be decided by the Supreme Court. Therefore, he should not have introduced a Bill here. He should have gone a writ petition to the Supreme Court against the Religious Places (Special Provisions) Act. That would have been very simple. So, the legislative path of a simple repeal Bill is open to him and the judicial path of going on a writ petition to the Supreme Court is also open to him. He could have moved the Supreme Court saying that this Bill be declared *ultra vires* of the Constitution. Unfortunately, he has decided to create a 'bhool bhulaiyah' and place us just in the middle of it! From 107 to 111, it really took me some time to find out what exactly, he was trying to say. I, then, discovered his real purpose as to why he speaks of 1st July 1991. All of us in the House must be wondering about the significance of 1st July 1991.

[Translation]

What is the difference and what sort of quiz is this?

21-726LSS/94

[English]

How does 1st July 1991 in ? 15th August 1947 has a meaning. 26th January 1950 has a meaning. But why this 1st July 1991? Then, I discovered the purpose and I must pay my tribute to Dr. Pandey. In a brief conversation, he told me, "Do not you remember that Religious Places (Special Provisions) Bill was passed and brought into effect immediately after 1st July 1991?"

[Translation]

We are ready to forgive everybody to pass any sort of Bill but if a Bill like this comes after 1st July, we are not going to support it.

[English]

Mr. Chairman, now I shall, therefore, consider that this Bill really serves to mislead and misguide the House. Therefore, we cannot support it.

I will however like to make a few general comments here, since the debate has brought out questions about secularism, state and religion. Mr. Chairman, when I look at human history, I see a dynamic relationship between state and religion. Sometimes state has been interfering in religion and sometimes religion has been interfering in state. I would say, the objective of a civilized society in our times has been to draw a reasonable line of partition between religion and state. Where does religion end and stage begin and where does state end and religion begin? We are neither for interference by state in religion nor for interference by religion in matter of state. But where this partition occurs, depends very much upon the balance of forces in a given society. Perhaps a war goes on all the time. I am sorry to say that at this time the whole country is on one side and the Hindutva forces are on the other.

[Translation]

SHRI KAMLA MISHRA MADHUKAR (Motihari) : It is narrow minded Hindutva.

[English]

SHRI SYED SHAHABUDDIN : Or, let me put it the other way. Now the war is between secular forces and anti-secular forces and the line will be drawn where the final balance of force lies. Sometimes, I feel Mr. Chairman that this position is not only a sort of floating partition whose precise location will depend upon the balance of forces on the two sides—religion trying to overwhelm the state and capture state power or the state trying to dominate all religion and regulate all religion—between these two forces, the location of this partition will finally be determined. But Mr. Chairman, the nature of our society is such that perhaps this partition will never be a wall.

We speak a Constitutional wall. It will not be a wall of separation. It will be a membrane of partition. We need such a membrane. A membrane does allow for a certain degree of cosmosis, a certain degree of symbiosis between one side and the other. So, considering the very multi-religious character of our society, considering that religiosity is part of our cultural ethos, I sometimes find it difficult to believe that it shall be possible to have an impermeable, an impenetrable wall of separation. And, therefore, we cannot attempt the impossible and we have to be content with what is possible. And, that, as I said, is a membrane which can take pressure from both sides and make slight shift according to the situation, so long as it continue to exist.

MR. CHAIRMAN : The time for the Bill will have to be extended if you want to proceed further.

SEVERAL HON. MEMBERS : Yes, Sir, you extend the time.

MR. CHAIRMAN : So, the time for this Bill is extended by one hour.

SHRI SYED SHAHABUDDIN : Sometimes in this debate between a State and Religion, we focus on politics and religion; and sometimes we focus on Society and Religion. These are three different concepts. And, sometimes we speak on this matter without trying to resolve this

confusion that there is a relationship between State and Religion; there is a relationship between Politics and Religion and there is a relationship between Society and Religion.

In our setting, we have in my opinion a very limited objective. We are trying to create a secular State in a religious society. It is easy to create a secular State in a secular society. It is easy to create a religious State in a religious society but it is extremely difficult to create a secular State in a religious society and that is why perhaps during the last 45 years we have been floundering and we are finding it difficult even to define the term 'secularism'. Mr. Chairman, if I may say so, the word 'secularism' - and I would like to remind you - even in the Parliamentary domain has not been very specific and clear-cut.

16.57 hrs

(SHRI PETER G. MARBANIANG in the Chair).

We have passed laws in this Parliament pertaining to a specific religious group. I am not against social reform. We passed the Hindu Code Bill. We have the Parsi Marriage Act. We have a Muslim Divorce Act. In my view all these, if you take a very strict view of secularism, will not fall within the jurisdiction of a secular State. In our country the Parliament agrees to function as the "Dharma Sansad". The Parliament agrees to function as the established Church perhaps because there is no other alternative available, or perhaps the followers of a particular religion recognise the authority of the State and come to the State for the purpose promoting of social reform; to get a legislative sanction and a seal of legitimacy on the reforms that they wish to introduce in the society. And, therefore, they came to Parliament with what appears to be a religious project, that is the reform of a particular religious society. It pertains to a particular section of society and yet the Hindu wish to involve the entire parliament. Muslims and even Parsi—who are a minuscule element

in our country—come to the Parliament and want to get the seal of legitimacy. Therefore, some may call it a flaw, I call it a necessity of our being a religious society.

Secularism in my view in a multi-religious society can be defined in many ways. One definition has attempt been attempted in the other bill, which is under discuss on in the Select Committee which says hat the State shall show equal respect to all religions. I said the other day, that it seems to me that equal respect is shown when on the birthday of Mahatma Gandhi at Rajghat we have recitation from the scriptures of all religious. Is that enough? No, it is not enough. Secularism cannot merely be defined in terms of according equality or equal respect or equal treatment to all religions and religious groups.

17.00 hrs.

We have to take cognizance of a Socio-political fact and the political fact is that, at the interface of different religions, there are bound to arise sometimes, conflicts of interest. How does the State behave in a situation of inter-religious conflicts? That is the real test of secularism. How does it behave in an inter-religious situation not only with regard to a particular religion but when the interests of two religious group conflict or when there is a situation of disharmony, if I may put it that way? If in that situation, the State remains neutral, the State does not patronise one side, the State does not tilt to one side, the State does not support one side, the State remains equi-distant, neutral, non-aligned, then that is a True Secularism. I define, therefore, secularism State secularism, as equi-distance of State towards all religions, as neutrality or non-alignment towards all religions. The State does not identify itself with any religion. The State acts as a policeman, the State acts as a Minister, the State acts as a Magistrate, but the Magistrate or the policeman or the Minister acting as Minister, acting a Magistrate, acting as policeman has no religion. Unfortunately, all the trouble that has arisen in

our country has arisen because in times of stress and strain such conflicts, the Magistrate does adorn the garb of religion. He forgets that he is a Magistrate only and nothing but a Magistrate. He forgets that he is a policeman and nothing but a policeman. Even Ministers forget that they are only Ministers and they do not have any religion as Ministers. Here, in our country, not only every Minister but even every Prime Minister goes about exhibiting his religious zeal, his multi-religious faith. He thinks that a visit to Ajmer Sharif will cancel a visit to Banaras. These are merely political acts. Nobody believes in them. If you are truly *dharmic* or if you are truly religious your religion is inside yourself, it resides in your conscience. Nobody has prohibited any body going on a private visit to any place. But, here, in public, in broad day light, under the arc of the TV cameras, the heads of our Governments and the Heads of our State prostrate themselves before living Godmen and yet we consider ourselves to be a secular State. Therefore, I do not understand this. On the one hand, you say that you want to banish religion from the affairs of the State and the State has no religious identity and yet every *karmachari* of the State, from the highest to the lowest, is anxious to display his association either with one religion or his equal regard for all religions which people see as an act of hypocrisy. It does not impress anybody. Sometimes, those visits to *dargahs* and shrines are done, as my friend Dr. Laxminarayan Pandeya would correctly say, for impressing the Muslim electorate by stating that though he is a Hindu, he is such a great Hindu, such a noble Hindu, such a good Hindu, that he has equal regards for those *dargahs* and shrines. So, let them not treat him just as a Hindu. He may not be able to protect their Masjid but he is here to pay respect to their *dargahs*. That is a political message, that is a political signal and it has nothing to do with religion. That is where, I think we have perhaps lost the real consciousness, the real touch, the real commitment to the religions.

Sir, I would like to conclude by saying this. Somebody had spoken here about *sanatan dharma*. Now I only want to make one comment. *Sanatan Dharma* in a larger sense cannot be limited to the people of India. *Sanatan Dharma* has a universal concept. It must embrace all humanity. It cannot be "Indo-centric" it has to be "universal". That is number one. Secondly, this concept is not limited to Hinduism.

[Translation]

SHRI RAM NAGINA MISHRA : You may enquire from anywhere you like. Our religion is Sanatan, not Hindu.

SHRI SYED SHAHABUDDIN : I am talking about you only. Why do not you increase its boundaries and scope and take the humanity all over the world within its range. Why do you restrict it upto India only. I also intend to increase its boundaries. I want to make one more point.

[English]

I want to say that this concept is also there in other major religions. For example, in Islam, there is a distinction between *deen* and *mazhab*. Muslims believe that from the time of Prophet Adam to the time of Prophet Mohammad. There has been only one *deen* for all humanity. There is only one *deen*, one path of submission to God, submission to the Almighty. But there are many *mazhabs* and there can be many *mazhabs* even within the *Deen* of Islam. Therefore, in human philosophy, there is a contrast, a larger concept, and a smaller concept, a universal concept and a local concept. Therefore, there is not something unique. But what I object to 'his is that in the name of *dharma* a particular religious group wishes to assert a place of superiority, a place of dominance, a place of control over the other religious groups in the country. That is not the meaning of *Sanatan Dharma*, or of secularism. The point is that it is not just a question of semantics or words. We have got clear-cut religious groups in our country. Most of the time, they are in harmony; sometimes,

they are in a conflict. But a particular religious group says, we have very special rights over this country and this land, because we are the followers of *Sanatan Dharma* and it belongs to us.

If *dharma* is superior to religion. Your religion is also a Panth, but not the *dharma*.

Now, in our secular State, we cannot accept this concept of superiority of one religious group over the other religious group in any multi-religious setting. Therefore, I have no philosophical trouble with Mr. Ram Nagina Mishra. But if he wishes to translate the philosophical concept into a political action, then, I am sorry, I cannot possibly accept that definition.

[Translation]

There is a couplet written by Iqbal :—
"Juda ho deen se to reh jati hai
changezi,

Jalale Badshahi ho kizamhuri tamasha
ho."

[English]

Democracy is a *tamasha*. We are all participating in a drama, make-believe drama; sometimes to entertain the spectators, sometimes to deceive them. But Iqbal he is talking of the conscience of man the evolved spirit of man, the morality of man, the ethos of man and there you can never separate religion from any human activity, because if you do, then finally you are tyrannical, then you have no regards for human beings. Truly a religious man does not think in exclusive terms, does not think in particularistic terms. He performs his duty that has been assigned to him by the society, the responsibility that has been given to him by the society, in a manner that he does not distinguish between one creation of God and the other, between the followers of one religion and other religion, only then he is true ruler, then he is the true leader. Otherwise, he becomes tyrannical towards one or the other. I am sure, on this Mr. Mishra will agree with me because here we need that concept of *dharma* which is

high philosophy, which makes the ethos of man, which makes our morality, which gives us character, which gives us conscience, which Gandhiji had which Azad had and applied in all affairs of the State. That is secularism. Unfortunately, there are very few Gandhiji's and Azad's living today. It is very difficult to arrive at that developed State where you absorb the spirit of religion and yet you do not act in a situation of conflict as if you are the follower of a particular religion; that is when the test lies.

One more point and I have done. The mover has mentioned about the belief of a person. I am sure, the hon. mover is speaking about the religious belief. A religious belief, is defined with respect to the scripture of a religion. In matters of belief no law can make you believe otherwise so long as you are the follower of that religion.

For example, if I, as a Muslim, believe that God is one and Mohammed was his Prophet, then any amount of coercion cannot make me disbelieve that. That is a part of my faith. That faith is attributable to the scriptures in which I believe. That is precisely what the Supreme Court has said, when it decided religious cases, such as when there were contenders for the post of *Sankaracharyas*; for the post of *Mahants*; differences on the shape of a Tilak mark over the face of an elephant, on the size of a laddu, the prasad. Both sides said : "This is my belief" and the Supreme Court said : "Show us what is written in your *Shashtra* and according to the *Shashtra* we shall decide." That is a question of fact. And nobody can change a fact. That is whether the *Shastras* so ordain. Whatever *Shastras* ordain determine what the follower of that religion believed that faith simply cannot be questioned. Therefore, Sir, I would say that one has to make a distinction between a question of faith and a point which is raised for creating a conflict in society, for erasing certain facts or creating some new facts without any reference to the original scriptures of the religion or the *Shastras* of that religion:

the two cannot be put in the same category as a question of belief or a question of faith.

It has been said many a time on the floor of the House that question of faith cannot be justiciable. Yes. But, how do you define a question of faith? The question of faith must be defined only in relation to the *Shastras*, it cannot be decided on the basis of a Party's manifesto or political propaganda or the claim of a movement or the point of a dispute which is raised at a given time in order to divide the society. I am not making any reference. I am making a general statement because I said in the very beginning that I am not here in a debate or in a discussion like the Shah Bano case or anything like that. But I am stating a general principle. This is not only a common sense view but also this is the view taken by the Supreme Court in a number of cases on questions of faith that have come up before them.

Sir, I will not take any more time of the House. I would like to thank the the honourable mover for bringing this Bill before us which has given us an opportunity to explain many things. But I am sorry that I cannot support this Bill for the reason that I voted in favour of the Religious Places (Special Provisions) Bill 1991. As I read from the Statement of Objects and Reasons of this Bill, I find that the real purpose of this Bill is just to get that Act repealed. I would have preferred that the hon. Member would have come here for the repeal of that particular Bill and then he would have focused on the provisions of that Bill. Not that every word of that Bill is beyond question; not that every word of the Act is perfect. In fact we pointed out many imperfections in that Bill. But we thought that for the sake of social harmony in our country, for the sake of unity of our country, for the sake of national integration for the sake of the peace in our society, we cannot allow history to be reversed; we cannot allow old wounds to be re-opened; we cannot allow the so-called wrongs of the past to be righted and a new account to be

opened. If we go on doing that, the living nation cannot prosper; an advanced nation cannot go forward. And a soldier who goes on scratching the old wounds shall never fight, Mr. Chairman, and he shall never be able to face the enemy.

India today is moving forward and therefore, on 15th August 1947, a day dawned in our history when for the first time the people of India became the masters of their own destiny. Previously there might be some *Rajas*, some *Maharajas*, some *Nawabs*, some *Badshahs*, they did whatever they did. The people of India today cannot be held responsible for whatever they did. We do not absolve them and at the same time we cannot bear the burden. And, therefore, we should not re-open past chapters; we cannot block the path of progress of the society. We have to go forward; we cannot look backward; and that is why, I oppose this Bill in pith and substance.

[English]

MR. CHAIRMAN : We have eight more Members to speak and the time is limited because we have extended the time by one hour only. So, please keep that in mind when you speak.

[Translation]

SHRI TEJ NARAYAN SINGH (Buxar): Mr. Chairman, Sir, I oppose this Bill. Religion is given utmost importance in this country. People of all religions have got freedom to have faith in their respective religions in this country. There is no law to prevent them from doing so. The law and the constitution give freedom to practise their religions. There is no objection to it. People of all religions have got the right to go to their religious places. Hindus go to temples, Muslims go to the mosques and Sikhs to Gurudwaras. However, law prevents us one thing. We do not have the right to interference in others, religions. Muslims, Sikhs and Christians cannot prevent Hindus from going to temples. The Constitution has given this right to them. However, a new situation has arisen due to which our Constitution is in

jeopardy. People have developed rigidity with regard to religious places. It is very dangerous. I have gone through the Bill. It states :

[English]

The law cannot change the belief of a person.

[Translation]

It means that the law cannot change our belief. However, if people violate the law and the Constitution in the name of belief they can be prevented from doing so. Therefore, I oppose the Bill.

Much is being talked about Ram Janam Bhoomi. I do not think that any person in this country disbelieves in one person or the owner of God or disregards Lord Ram. The word 'Ram' needs no publicity. But some people in the country have recently been engaged in making wide spread publicity in the name of Lord Ram. It is reasonable that when a doctor opens his clinic, he makes publicity of it. Similarly when a new law is enacted, wide publicity is given to it. But what is the reason of making a propaganda of Lord Ram. People have been worshipping Lord Ram from morning to evening for a very long time. Those who have been making propaganda of it were actually involved in the demolition of the structure and in many other evil deeds. The name of Lord Ram is being disgraced. Lord Ram has been considered as 'Maryada Purushotam', and a super being, having no physical forms. People may have difference of opinion with regard to Ram who was the son of king Dashrath but not with regard to that super being who can walk without feet, see without eyes and hear without ears....

SHRI RAM NAGINA MISHRA : It is Ram, the son of king Dashrath who is considered 'Maryada Purushotam'. And the Lord who "Binu Pad Chalai, Sunai Binn Kana, Aanan Rahit Sakal Ras Bhogi, Bin Banni Baktavad Jogi" is the formless Ram, the 'Param Brahma'.

SHRI TEJ NARAYAN SINGH : Mish-
raji, I do understand your thinking. I com-
pare 'Purushotam Ram' to that super be-
ing having no physical form while you
are referring to Ram, the son of king Dash-
rath. I do not refer to king Ram. I have
a difference of opinion with regard to the
worship of Rama, the son of king Dashrath.
I do not find it justified to worship kings
in the present context who have lost their
empire. But I do not have any objection
in worshipping Lord Ram. I do not find
it appropriate to make propoganda of the
name of Lord Ram from legal or any other
point of view.

Many of the hon. Members pointed out
that people want this country to be a
Hindu State. I do not think it is possible.
There is social equality in Muslim, Sikh
and Christian religions but not in Hindu
religion. All Muslims can dine together,
Sikhs and Christians can also eat together
but all Hindus cannot do so. In Hindu-
ism, the people of lower castes are sup-
posed to take their meals in the early
hours i.e. at 4 in the morning while the
people of upper classes have their meals in
the morning.

In the Hindus society, all Hindus are
not given equal status. A low caste Hindu
cannot sit at the same place with an upper
caste Hindu. But unlike Hindus, there is
no inequality among the Muslims. If any-
one wants to follow Hinduism strictly, he
should provide equal status to all the Hin-
dus first. (*Interruptions*) You want to
bring Hindu Raj in the country. But all
Hindus are not allowed to enter temples.
It is said that with the entry of a low caste
Hindu the temple will be desecrated. This
is what you say and not I. I know that I
am a Hindu and I have the right to enter
a temple and I will go. You worship Lord
Rama, but do not worship Ravidasji, who
was the Rama of the poor. It is because
he is an untouchable for you. All the
Hindus worship Lord Rama. Do they wor-
ship Ravidasji also? Was Ravidas in any-
way less than Lord Rama? If I tell you
the story of Ravidasji, you will understand
the difference between Ravidasji and Lord
Rama.

I would like to say that you people have
made the Hindu religion unholy and only
God knows how much more unholliness
will be brought into it. Hinduism gives the
slogan of 'Vasudhaiv Kutumbakam' i.e. the
entire world is one family. Do the Mus-
lims not come under this world.

The Hindu religion says—'Siya Ram Mai
Sab Jag' Jani, Karhun Pranam Jori Joog
Pani.' When the God lives in everyone,
does he not live in the Muslims? It is said
that 'Khadag-Khammb Mein, Ghat Ghat
Mein Vayapat Ram' when it lives in 'Kha-
dag Khammb' does he not live in Muslims.
The supporters of Hindu religion say that
Muslims are traitors and our enemies. I
do not think that Muslims are our ene-
mies. Do not try to degrade their reli-
gion for long. This country will never
have the Hindu raj and if it happens, it
will be ruled by the 'Chhote Hindus'. This
is what I want to say.

AN HON. MEMBER : Who are the
'Chhote Hindus'?

SHRI TEJ NARAYAN SINGH : The
Chhote Hindus are the descendants of
Saint Ravidas.

AN HON. MEMBER : To which caste
do you belong?

SHRI TEJ NARAYAN SINGH : Leave
aside to which caste do I belong. If you
have the courage, repeat what I say. (*Inte-
rruptions*) I would like to say that Brah-
minism is above Hinduism, but Brahman-
ism is such a religion which only exploited
the Hindus. (*Interruption*) According to
Hinduism, if a person gives large dona-
tions, his father and forefathers will go to
heaven. As per Brahminism, which has
a deep root in the country, it is being
said that if you donate, your ancestors
will go to heaven and this donation will
go to them only. If he has donated a
cow, his ancestors will easily cross the
'Vaitarni'. I would like to ask you whe-
ther the ancestors of any person has writ-
ten to him that he has given donations and
if he donates more, he will also go to

heaven after death. So, I oppose Brahmanism. This country cannot make development until Brahmanism is there. If this country has to make development, Brahmanism should be removed from here. It continues to create hurdles at every step. It even refuses to go by the Constitution. Articles 16, 332 and 340 of the Constitution, clearly provide that the backwards and Scheduled Castes/Tribes will get equal opportunities of employment on the basis of educational qualifications.

But the brahmins have created hurdle in it by raising the issue of creamy layer. Even after 45 years of independence we are still in the same condition and the concerned Articles of the Constitution were not implemented properly. Some progress made, but again a hinderance has been created and I think this issue will again become pending. A discussion on Mandal Commission was being held in the morning today, but no clear solution was found. I, therefore, would like to submit that this Bill is not acceptable. You can follow your faith, but do not create such a situation that place of worship of some other religion is converted into your temple. If such things happen, no one can save the country from getting disintegrated. There are the High Courts and the Supreme Court in the country to solve any dispute or legal complexity regarding land. If we cannot resolve a problem, we should accept the verdict of the court. We should have faith in the law. The Babri Masjid dispute was sub-judice and a district Judge was appointed as Receiver by the Supreme Court, but the law was not followed and the mosque was demolished on the pretext that this was once constructed by demolishing a temple and so we are avenging it. Do we think of avenging the wrong done to Eklavya by the Guru who asked his thumb for 'Guru Dakshina' or the wrongs done to our ancestors by the kings who took forced labour from them? What we have accepted you are not ready to accept that. After 45 years of independence, now you say that you will take revenge from a particular section of citizens of this country. I would like to sub-

mit that this country can remain united only by obeying the law. One has to live in this country according to the law and the Constitution of this country. If one does not want to keep the country united, accepting or rejecting these things hardly make difference. With these words I oppose this bill and conclude.

PROF. RASA SINGH RAWAT (Ajmer) : Mr. Chairman, Sir, the hon. Member was discussing this Bill and at the same time he was working to disintegrate the society and raking up old wounds. If religion is to be understood in its true sense—

Baha Do Prem Ki Ganga,
Dilon Mein Prem Ka Sagar,
Hame Aapas Mein Miljul Kar.
Prabhu Rahna Sikha Dena.

A true religion always preaches unity. We should be aware of the pseudo secularists, who are making the people irreligious and immoral by highlighting the evil practices which came in our religion during the medieval period.

Sir, Russia also followed the principle of a religionless society. Karl Marx had said that religion is like opium. So, the Russians lost faith in religion and moral values and their attitude towards their ideals changed. As a result, Russia was disintegrated into smaller States. Materialism can never give true happiness. The Russians have to stand in long queues for a loaf of bread today. As they stopped being God fearing and lost their faith in religion, they also stopped to perform their duties and do hard work.

We are also aware of the present social set up of capitalist America which only believe in materialism. The social life of that country has become totally disturbed. As soon as the children become young, they start dating and building their separate homes. There is no one to look after the aged. They have to live in the Houses for old. The entire society is

disintegrating and there is a decline in the moral values. Only a true religion can save in this situation.

This Bill seeks to add a provision in Article 107 that a Bill which effect any religion, place of worship, religious trusts or religious institutions should be passed with majority of the House. Secondly, it has been stated that all the laws passed by the Government after July, 1991, regarding religion, should be declared null and void, because this is an interference in religion. The English tried to play with the religion of this country. They used to put cow and pig fat over the cartridges and the soldiers had to open those greased cartridges with their mouth. The fact compelled the soldiers to revolt. So, this was also a reason behind the first war of independence in 1857. The rulers like Aurangzeb, Taimoor Shah, Chengiz Khan and Ahmedshah Abdali interfreed with the religion of this country while in power and the society had to face the consequences. Our country has always been a religious country. Religion does not mean sect. This word has been derived from Western culture. The word 'secular' does not belong to our language. According to Cambridge and Oxford dictionaries, it means non-religions. But this meaning does not apply to us. We want to be religious. A true religion always preaches humanity. I want to quote an Urdu couplet :—

Mana Ki Khuda Tu Dhoondhane
Walon Ko Aalam Mein Milta Hai,
Magar Itna Bataa Tu
Kaun Se Mausam Mein Milta Hai.
Tera Pataa Poonche Kisi Brahmin Se
Yaa Kisi Momin Se,
Na Tu Ganga Mein Milta Hai,
Na Jamjam Mein Milta Hai.

A true religious person replied to this:—

Hai Hawa Aakash Mein,
Par Woh Nazar Aati Nahin,
Hai Laali Mehendi Ke Paatte Mein
Par Woh Nazar Aati Nahin,

Har Rang Mein Mauzood Hai
Par Woh Nazar Aata Nahin,
Yog-Sadhan Ke Bina
Usee Koi Paa Sakta Nahin.

Regarding religion, it has been stated in the Vedas—"Vedo pratipaditah dharma", that is the religion has been enunciated by the Vedas. Such good qualities which elevates us in this world as well as in the other world, should be adopted in the daily life and it is true religion. 'Dharyat' its dharma Dharnaat dharmo'. 'Dharma' is the one, which is adopted in one's life. In Gita, Lord Krishna has said :—

'Yatodharmastojayah' that means wherever there is dharma, there is victory. We work in accordance with religion, so that we can lead a better life. Our religion teaches us how to eat, sit, worship the God and become righteous persons. The vedic dharma is known as the sanathan dharma.

There are several religions in the world, which are propagated by religious books and persons, but the vedic religion is the biggest religion of this country. Maharishi Dayanand Saraswati, who was the Champion of renaissance movement had said that if thousand cruel persons are on one side and a weak but pious person is on the other side, weightage should be given to the pious man. Jesus Christ was crucified because the rulers were very tyrannous and they did not want to accept the true sayings of the religion. As a result, Jesus Christ was sacrificed. Iqbal had said :

Mazhab nahin sikhata
aapas mein bair rakhna
Hindi Hain hum vatan hai
Hindustan hamara.

But today the situation is not so harmonious. Under the garb of politics and by adopting an appeasement policy towards minorities and in the name of Mandal Commission, the Congress Party is trying to create differences between different castes and is trying to divide the society.

Mr. Chairman, Sir, Janamashtami was celebrated on the day before yesterday. The Congress Party is going to bring 80th Constitution (Amendment) Bill to amend the Representation of People's Act. But it assembled all its big leaders at Alwar and Bahrod in Rajasthan and celebrated the festival. It was actually to start their election campaign. It has been reported on the front pages of all the national dailies today. I, therefore, support the Bill moved here by Dr. Laxminarayan Pandeya and would like to submit whether it is Chakravarty Ram. Maryada Purushottam Ram, omnipresent Ram or the Ram of Dashratha, Shabri, Tulsī or Valmiki, he is a symbol of our culture and ideals and is an integral part of our life.

A number of laws have been enacted by the Government. That shows their sense of secularism, no matter whether they were enacted in the case of Shahbano or anybody else. The Directive Principles of State Policy of the Constitution contemplate a uniform code of conduct for all. But no heed was paid to that and the Constitution was amended. The Places of Worship (Special Provisions) Bill was introduced in 1991 which maintained that barring Ayodhya all other places of worship were to have the status quo of the 15th August, 1947. These things cause disintegration in the society. One may call the majority community living in the country as Indians or by some other name but there is no religious fundamentalism in it. It is a symbol of our secularism. Our tradition has been that :

"Ayam nij paroveti,
ganana laghu chetsaam,
Udaar Charitam tu,
Vasudhaiv Kutumbkam."

It means that only narrow minded people claim that 'this is mine and that is yours' whereas for large-hearted people, the whole earth is like a family. It is said 'aikam bahudha, bahudha dhvanti', it is believed that the same power manifests itself in various ways. And the whole world becomes one.

"Arun yeh madhumay desh hamara,
jahan pahunch anjan kshiti j ko
milata ek sahara:"

That's why, our country has been the most favourite country since the ancient days. We say,

"Sare jahan se achcha Hindustan
hamara,

Hum bulbulein hain iske
yeh gulsitan hamara:"

Because our theism, our spirituality is not a synonym for religion. Our religion talks of duties. The great Manu has talked of 10 characteristics of our religion.

"Dhriti kshama damo asteyam,
shauchmindriyagnirih,
dhirvidhyasatyamkrodho, dashbakam
dharm lakshanam."

The main characteristics are patience forgiveness, suppression of vices, non-commitment of theft, truthfulness, wisdom, knowledge, keeping cool etc. But the intoxication of power cannot be ruled out. Hence, what was said in Geeta centuries ago holds good now. The question of communalism would never have arisen had the ruling party understood the meaning of the so called religion or secular tradition in the country and accepted the Indian culture and the truth of the religion in the right perspective. The need of the hour is to understand it. Sir, I would like to say, through you, that a true religion binds us together. It is said that,

"Shruti Smriti, Sadachar,
Swasy chapriyatmenah,
Aitad aahu dharmasy,
Chaturvidh lakshnam."

'Shruti; 'Smriti', 'Subudhi' and 'Sadachar' are dear to us. What is dear to us is also dear to others. Don't behave with others in a manner that you don't want for yourself. When it comes to 'sadachar', it is said that 'achar' is 'param dharma'. 'Charitra' is 'param dharma', 'ahinsa' is 'param dharm', 'Sewa' is 'param dharma'.

Mr. Chairman, Sir, our countrymen pray that,

"na twahem kamache rajyam,
na swarag na cha punarbhavam,

kamye dukhataptanam,
praninamaitirnashanam."

i.e. Oh God! we do not want any kingdom, we have no ambitions, not even to go to heaven. We wish to have a capability to remove the sufferings of the people, instead. There has always been freedom of expression be it in temples, mosques, churches or gurudwaras and whether the God has any shape or is He shapeless. Here, even an atheist like Charvak has also been called a saint.

Sir, I request the Government, through you, that the spirit of the Bill introduced by Dr. Pandeya be understood. Instead, efforts are being made to check it and the Communists and Janata Dal Members are demanding that language, place, union and caste be deleted from the 80th Amendment. They want only religion to be included in it. Then, what is communalism? There is already a law for it. Religion is the lifeline of the country. Religion is life itself. If it is deleted from life then politics will remain sans religion and it will result in ubiquitous corruption. Many incidents are taking place involving bungling of crores and millions of rupees and such incidents are likely to become the order of the day in the days to come.

Sir, we pray to God from our heart in the morning that

"Hey Ishwar dayanidhe bhavad kripaya anen japopasnadi, Karmana dharmarth kammokshnam sadhyasidhirbhat."

Sir, we pray to God every morning from the core of our heart for 'Chaturphal' 'Kam', 'Moksha' and 'Dharm' do not mean that we should use these as excuses to disintegrate the society. Our religion teaches us to be committed to the cause of destroying evil forces, doing away with evil practices prevalent in society, removing

practice of untouchability and maintaining brotherhood. Rama brought salvation to Kewat and ate even 'bers' tasted by Shabari... (Interruptions)

SHRI TEJ NARAYAN SINGH: Are you talking about social religion or Hindu religion... (Interruptions)

PROF. RASA SINGH RAWAT: I am talking of religion. We should talk of doing away with evil practices of religion and not of creating ill-will among people on the basis of religion. We should have strength to do so. If we do not remove these social evils from our society, our society will continue to be played with these evil practices and fall victim to them and you will continue to exploit us politically. We can work for the welfare and development of our country and the society only on the basis of 'Sanatan Dharm', 'Vedic' religion, 'Manav' religion. Sir, as has been mentioned in Mahabharata,

"Yato dharmastato jaiya, dharmaihato hanthi dharmorakshitirakshita."

That society, family and nation can be protected only if religion is protected and if religion is destroyed, then the individual, family, society and nation will be destroyed. Mr. Chairman, Sir, I would like to ask my socialist friends, through you, as to why there is chaos all around in our society, in our country and abroad. It is because of the fact that those people are being respected who are not worthy of any respect... (Interruptions)... we should understand it.

SHRI SYED MASOODAL HUSSAIN (Murshidabad): Since you have asked the Communists a question, I want to ask you something. You have mentioned nationalism. I don't know about nationalism but I definitely want to say that I agree with what you have said that Ram's name is 'Satya' but if you go to somebody's house in the evening and say 'Ram nam Satya hai' then it can mean something else. (Interruptions)

PROF. RASA SINGH RAWAT: You haven't understood me. Why does a man come to this earth? We should have

'Seva dharma'. This 'seva dharma' has been categorically defined. A true religion teaches us to serve humanity and love each other in this world,

"Soch zara insaan tu duniya mein kyon aya hai, kitna jeewankaal mein, sewa dharm kamaya hai."

"Asti narayantu pujiyan'te" means that we should respect only those who are worthy of respect. But, it is not so now a days. These days, those persons are respected who are not worthy of it and a person who is worthy of it is insulted, ignored and neglected and is looked down upon.

MR. CHAIRMAN : Just a minute please. Now, the extended time is over and we still have a number of speakers. Do we extend the time by another one hour? Is it the consensus of the House?

SHRI RAMESH CHENNITHALA : Sir, we can take it up in the next week.

MR. CHAIRMAN : Do we extend the time by another one hour?

SHRI RAMESH CHENNITHALA : Sir, we can discuss this on the next Friday.

SHRI E. AHAMED : Sir, I may require one hour for myself.

MR. CHAIRMAN : Do we extend the time by another one hour?

SEVERAL HON. MEMBERS : Yes, Sir.

MR. CHAIRMAN : The time is extended by another one hour.

SHRI E. AHAMED : Sir, I am on a point of order or rather I would say on a point of information. There is an arrangement here for simultaneous translation. But, the hon. Members, whenever they quote versus or quotations or anything else, we are not getting any translation.

MR. CHAIRMAN : That is very unfortunate.

SHRI E. AHAMED : Sir, I just wanted to bring this to your kind notice. You

may request those hon. Members that whenever they quote something, they should also provide the translation for the same.

SHRI RAMESH CHENNITHALA : Sir, the point is that Prof. Rasa Singh Rawat is speaking at a very high speed and nobody can translate it. (*Interruptions*)

[*Translation*]

PROF. RASA SINGH RAWAT :

"Apoojya yatr poojyante, poojyanantu vyatikrama treeni tatra vidyante, durbhikha maranam mayam."

i.e. a person who is not worthy of any respect is actually respected but the person who is worthy of respect is in actuality insulted, and neglected. We have starvation, acute famine and acute drought. We have reports of death all around. This is due to the absence of religion.

Our hon'ble Minister of Human Resource Development said here yesterday at a function that moral and character norms are gradually losing their place in the society. Have you considered that? The only reason for that is absence of religion!

There are certain fundamental rights in our Constitution regarding religion. There is freedom of religion in our Constitution, the freedom of adopting a religion as per one's conscience; The freedom of conduct and promotion of one's religion; the freedom to manage religious affairs; the freedom of setting up and financing of institution for the accomplishment of religious and other objectives, to manage religion related work; the acquisition and ownership of property; the freedom to manage such property as per laws etc., the exemption from payment of taxes for the promotion of a special religion, the freedom to be present during a religious sermon or religious gathering in some educational institutions, the freedom regarding protection of interests of minorities and freedoms regarding culture and education. If you go on enacting legislations and introducing new Bills in

the House which tend to provoke religious sentiments and go against our freedoms as enshrined in our Constitution and the amendment that is proposed to be introduced is likely to be against our culture which create chaos in the country. The politicians only think of tomorrow whereas the intellectuals and the philosophers are concerned about our future. So, it becomes our duty to think about it.

Mr. Chairman, Sir, the Government should be directed to declare all those laws null and void which have been enacted after 1991. No ruling party should have a right to interfere in religious matters. Bharatiya Janata Party is of course, of the view that it should not be misused. The true religion should be adopted and understood. The life of a person, who believes in true religion, is great. As has been said in 'Mahabharata'.

Yato dharmastato jaya.

There is a light burning above your dais in the House. I pray for a light,

'Asato Ma Sadgamay'.

Oh God, take us from falsehood to truth,

"Tamaso ma jyotirgamay".

Oh God, direct us from darkness to light.

"Mrutyorma Amritam gamay".

Take us from mortality to immortality,

"dharmchakra pravartney",

To have the rule of religion, nobody should suffer in the country.

"Sarve bhavantu Sukhinah,

Sarve Santu niramayah,

Sarve bhadrani pashyant,

maa kashchid dukhbhagbhavet."

Oh God, have mercy on everybody. Our religion also talks of such things. Our religion teaches us to feed the hungry. We serve snakes and ants. We serve all the living beings. This is true service to God.

[English]

MR. CHAIRMAN : Mr. Rawat, the time of the House is up. You may continue next time, when we take it up again.

Now, the House stands adjourned to re-assemble on Monday, the 16th August 1993 at 11 a.m.

18.00 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, August 16, 1993/Sravana 25, 1915 (Saka).