

SHRI RANGARAJAN KUMARAMANGALAM: Today we shall conclude our discussion on Jammu and Kashmir and we shall pass the Rajasthan Electricity Board and Extradition Bills without discussion. Tomorrow we shall have a full day discussion on Dunkel proposals.

[English]

SHRI NITISH KUMAR: The debate on Dunkel should be televised.

SHRI RANGARAJAN KUMARAMANGALAM: All the untrue things that we may say, each of them we will televise!

[Translation]

SHRI KAMLA MISHRA MADHUKAR: You do not appear to be serious about Dunkel proposals.....(Interruptions).

SHRI RANGARAJAN KUMARAMANGALAM: I am proposing a full day discussion and he still does not agree. Tomorrow we shall have a special session.

[English]

SHRI NITISH KUMAR: One request to you, Mr. Deputy Speaker, Sir, The Dunkel debate should be televised.

[Translation]

SHRI RANGARAJAN KUMARAMANGALAM: For that we shall have to request Mr. Speaker.

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15.38 hrs.

#### CONSTITUTION (AMENDMENT) BILL

(Amendment of article 107, etc)—contd.

[English]

MR. DEPUTY SPEAKER: Now, we shall take up item No. 10—Constitution (Amendment) Bill for consideration and passing. The time allotted for this was four hours, we have consumed three hours and three minutes, the remaining time available is 57 minutes. You are also fully aware what are the timings allotted to each political party. Shri Rasa Singh Rawat was on his legs last time. So, he may continue.

[Translation]

PROF. RASA SINGH RAWAT (Ajmer): Mr. Deputy Speaker, Sir, a Constitution amendment Bill has been introduced by the hon. Member Dr. Laxminarayan Pandeya on which there had been a discussion nearly two weeks ago. Continuing further discussion thereon I would like to reiterate that religious matters are linked with the sentiments, beliefs and faiths of people. This is a highly sensitive issue. Those whose academic background has been English are not rooted in the soil of India. They are virtually not the sons of the soil and they do not possess sufficient knowledge of Indian culture. They are likely to translate the word 'Religion' into 'Dharma' and thereby they perform rather an irreligious act. They are the same persons who recently brought about 80th Constitution—amendment Bill to run a brand of Politics that is devoid of religion. The ruling party had to face a miserable defeat on that score. It is the thinking of such people who use secularism as Dharmnirpechta which should actually be 'Panthnirpechta' 'Sampraday nirpechta'. This was all because of translating the word 'Religion' into 'Dharm' in Hindi. By playing politics that is devoid of religion, they probably want to establish the rule of irreligion in this country. There are three important things in the amendment Bill introduced by Dr. Pandeya to which we should pay special attention. It has been stated therein that in case any Bill in regard to religion, religious worship, religious place or religious institution is introduced in the House, that can be passed only by a majority of the total membership of the House or by at least 2/3 majority of total Members present and voting. Had that provision of securing 2/3 majority votes not been there in the Constitution, the ruling party might have taken several arbitrary decisions.

Even last year, this very provision of securing 2/3 majority votes came to our rescue when the present Government introduced the 80th Constitution Amendment Bill in utter desperation. The Bill was aimed at delinking politics from religion. The Government wanted to get the Bill passed hastily without referring it to the Select Committee and without seeking the mandate of the people throughout the country. The architects of the Constitution had, however, laid down the provision of securing 2/3 majority votes for that matter after considerable deliberations. They made the provision of securing 2/3 majority votes for making amendments in the Constitution. There is something of that nature even in the Constitution Amendment Bill introduced by

Dr. Pandeya. It is related to religion that in case of any Bill regarding religion or religious place or religious trust is to be enacted then that Bill can be passed only after securing 2/3 majority votes of the Members present and voting.

15.42 hrs.

[SHRI NITISH KUMAR *in the Chair*]

There are two more provisions in it to which I would like to have the attention of the House drawn. It has been written therein that all the acts regarding religion, religious places, political interference in matters of religion enacted after 1st July 1991 will be treated as repealed. Such a provision has been sought through a Constitutional amendment. Now the question arises why such a demand has been made. For the last few years political interference in the matters of religion has been on increase and subsequently several acts were enacted, one among them being an act related to Muslim women which was enacted in 1986. It is enshrined in the Directive Principles of the Indian Constitution that a uniform civil code would be framed in order to generate the feeling of equality in this country.

Incidentally, I am reminded of a small story. A foreign tourist once came to India on a tour and he extensively travelled throughout the country. After having travelled throughout the country, when he was boarding ship at Bombay, some correspondents and journalists approached him and asked as to what was the most strange experience he had in this country. At this the foreigner said that in course of his journey from North to South and East to West of this country he had been asking a similar question to the people as to who they were. The reply of the people was that they were Punjabi or Rajasthani or Madrasi or Bengali or Gujarati and there were yet others who said that they were Brahmin or Jat or Rajput or Mahajan or Scheduled Caste or down-trodden or backward or forward. There was none to say that he was an Indian...

MR. CHAIRMAN: You please conclude early. You had already spoken last time. There are several other Members to speak.

PROF. RASA SINGH RAWAT: There was no one to say that he was an Indian. What I mean to ask is where nationalism has gone, where Indianism has gone? Why there is political interference in the matters of

religion? We have been taught from the ancient time. Aadi Shankracharya of our country founded 4 peeths in the four corners of the country. By founding ashrams in Badrika, in Shringeri of Karnataka, in Jagannath Puri of Orissa and in Dwarkapuri of Gujarat he resolved to unify the country in one thread. Be it the Dwadash Jyotirling or the philosophy of divinity to be found in every particle of the universe, they are all related to sanctity of the mother land.

It is mentioned in the Valmiki Ramayana that after conquering Lanka when Maryada Purushottam Shri Rama came out alongwith Nal, Neel, Hanuman, Jamwant and Lakshman to see the glory of Lankapuri, Lakshmanji being moved by sky touching golden buildings desired to stay a little longer in Lanka. Mr. Chairman, Sir, I would like to have your attention drawn to the episode of Valmiki Ramayana. When Lakshmana said to Rama that every comfort was available in the golden Lanka, the latter replied.

“Api Swarnamayi Lanka Lakshman Na Me Rochatey,  
Janani Janmbhoomisch Swargadapi Gariyasi.”

Ram said to Lakshman that it was quite all right that Lanka was made of gold, but that was not pleasant to him. This was because of the concept that Motherland is superior to heaven. Therefore, our ‘Dharma’ is different from ‘religion’ and our Dharma is our mother. Our rishis used to say—

“Satyam Vade Dharman Chara”

We should speak the truth and practise the religion. We have the concept—

“Nahisatyat Parodharu”

There is no greater religion than the truth. It is written in our national symbol—

“Satyamev Jayate Nanritam”

Truth wins, not the falsehood. Therefore, it is also written in Manusmriti—

“Satyam Bruyat Priyam Bruyat  
Na Bruyat Satyamapriyam  
Priya Chanritam Bruyat  
Yeshah Dharma Sanatanah”

We should speak the truth that is pleasant and we should not speak the unpleasant truth. We

[Prof. Rasa Singh Rawat]

should not also speak lies that have poisonous impact. "Ashedharmsanatanam"—This is the Sanatan dharma'. This is our perpetual tradition. The term Dharma is very wide. There should absolutely be no interference of politics into the realms of religion.

Mr. Chairman, Sir, with a deep sense of sorrow I have to refer to the Shabano case of 1986 which dealt with marriage and talak. Referring to the provisions of Shariat the then Government had repealed the decision of the Supreme Court and in place of that propounded a very peculiar law. The whole issue starts from there only. Ayodhya is acknowledged as the birth place of Rama by the whole of India and foreign countries. Vedas, Upanishad, the Mahabharat have all had a mythical association with Ayodhya. Maryada Purushottam Rama was born in the house of King Dashrath. His birth place is a matter of belief which is linked with the sentiments of the people. For lakhs of years people have been assuming that Maryada Purushottam Ram was born at Ayodhya. The place where the Mandir of Ram Lala exists is the place where he was born. Sir, this issue is therefore sentimental. If the people of the ruling party play with the sentiments of the people, they should also know that displaying posters of SAHAMAT in Ayodhya as also here at Teen Murti reveal that they are bent upon playing with the sentiments of the people. The diabolical designs to override the sentiments and beliefs of lakhs of people will never succeed.

Mr. Chairman, Sir, through you, I would like to submit to the Government that they should not interfere in the religious matters through this amendment Bill. All the laws regarding religious places enacted by the Government should be repealed. The temple of Ramlala is already there. The Government should take measures to give it a grand shape. Thereafter a grand temple of 'Bharatmata' is also to be constructed. Because the life of Lord Rama teaches us nationalism, idealism, strong character, morality, truthfulness and patience. Our religion says....

MR. CHAIRMAN: Rawatji, please do not test the patience of all the hon. Members. You spoke for 29 minutes earlier and now you are speaking for the last 12 minutes. Please let others also avail an opportunity.

PROF. RASA SINGH RAWAT: I would like to quote the following 'Shloka' in Sanskrit before I conclude:

"Dhritikshamadamoasteyam Shauchamendriyanigreh Dhirvidya Satyam Krodho Darshakamlakshanam".

These are the ten signs which nobody can deny. You yourself can think over it. Our religion teaches us to inculcate the virtues of 'dhriti' i.e. patience, Kshama i.e. forgiveness and 'dum' i.e. suppression. 'Asteyam' means we should not cheat anybody and have 'shauchamindriya' i.e. control our senses. 'Dhee' stands for wisdom, 'vidya' for knowledge, 'Satya' for truth and 'Akrodho' means we should not lose our temper. After all, what religion you talk of? This religion teaches us high morals, teaches us the lesson of humanity, truthfulness, unity and nationality.

Mr. Chairman, Sir, I, therefore, would like that the Constitution Amendment proposed by Dr. Pandeya may be passed unanimously and all the laws enacted after 1991 may be repealed. At the same time the responsibility of constructing a grand temple of Lord Rama should be handed over to those great saints and Mahatmas who shed their blood for the sake of the temple. It should be handed over to the Ram Janam Bhoomi Trust so that a grand building could be constructed there which could become a source of inspiration to the country.

DR. S.P. YADAV (Sambhal): Mr. Chairman, Sir, Dr. Laxminarayan Pandeya has presented a Private Member's Bill for an amendment in Article 107 of the Constitution regarding religion. Majority of the people all over the country are following one religion or the other and they do have religious sentiments. However, no religion should spread hatred against any other religion and no one should be allowed to do so. Any person can work for the propagation of his own religion, but at the same time he should also have respects for others religions.

Today, jealousy and hatred are being spread in the country in the name of religion resulting in many unpleasant incidents which we cannot ignore. Religious fanatics took away the life of Shrimati Indira Gandhi in 1984, 13 bomb blasts occurred in a single day in Bombay and also a bomb blast took place in the office of RSS in Tamil Nadu just because of religious fanaticism.

I would, therefore, urge upon all the hon. Members belonging to various political parties

not to spread hatred in the name of religion, because this may prove disastrous.

Yesterday, I was reading in a newspaper that some foreigners had sneaked into our country through ships and they are likely to attack various religious places and also important leaders. We are reminded of the previous incidents that happened in the country. A similar disaster took place in Ayodhya where a religious structure was demolished and communal tension was created, as a result of which about 2000 persons have lost their lives all over the country. The persons who die are not those who spread hatred. They are those also who are innocent and ignorant. I would like to talk about my constituency Sambhal and apprise the Government of the situation prevailing there.

21 persons have been done to death in Sambhal since the 6th December incident and even the dead bodies of eight persons have not been recovered. Neither any compensation has been provided to the families of the deceased nor any enquiry has been conducted in this regard. We wrote letters to the area Kotwal, C.O., S.S.P., D.M., Commissioner and others and also met them personally, but all proved futile. It is an incident of one Lok Sabha Constituency, God knows how many lives have been lost in other constituencies. There was a sudden emergence of communal tension all over the country due to which large number of innocent people lost their lives. The Government introduced 80th constitution Amendment Bill and the motive of the Government was to mislead the people in the name of religion. They wanted to improve restrictions on the MPs and MLAs by introducing a provision that if a writ is filed within 36 hours alongwith a photograph of a candidate depicting some temple or mosque, the district judge could cancel his nomination—what does this indicate? The said Bill was postponed for a short time. If the Government seek the views of people on religious matters, mislead them and link the religion with politics, it would not be good for the country. I would like to urge the Government to think properly before introducing a Bill. It was wrongly provided in that Bill that they would impose ban on any political party. Such anti people laws won't be tolerated in this country. People would reject them. Strict laws have already been enacted under CRPC and IPC, but the Government lacks will power to implement them. The ruling party thinks that they can do whatever they

like and there is nobody to check them. My submission is that criminal cases are filed under Sections 307 and 302 of IPC but the judges let the culprits off. So much so that even a murderer is released on bail before he is put behind the bar. Laws are strict but not enforced strictly. Incidents of communal riots are taking place continuously and tension is being spread in the name of religion. Our friends have been propagating in the name of Ayodhya, but it has not created a favourable atmosphere in the country, rather it has caused evil effects. People have started ridiculing in the name of Lord Rama. I would like to submit that with regard to the Private Member's Bill moved by Dr. Pandeya, all the hon. Members—including of course Dr. Pandeya—should think it over seriously and avoid the efforts of linking religion with politics; otherwise the consequences would be disastrous.

With these words, I conclude.

16.00 hrs.

SHRI VISHWANATH SHASTRI (Gazipur): Mr. Chairman, Sir, Dr. Laxminarayan Pandeya has introduced constitution Amendment Bill 1991, and if it is passed, it would create an unfortunate situation in the country. Because people of every religion, caste and creed live in this country. An atmosphere of social harmony has developed in our country. We have an ancient and composite culture. Efforts have been made to disintegrate the people and some of them did succeed in it. If we look at the history of national movement, we will find that when we got independence the country was divided in the name of religion. A large number of people are there in the country who are of the opinion that the nation cannot be built in the name of religion. People having this viewpoint continued to struggle and as a result thereof a movement started in East Pakistan and a new country emerged in the form of Bangladesh. The rise of Bangladesh was a defeat of those people in the country who were advocating the theory of building a nation in the name of religion. Because people belonging to the same religion but having different languages committed atrocities on each other resulting in the emergence of Bangladesh.

The Bill introduced today is reminding those methods to some extent. It is just like following the way in which Kalanemi used to worship of Lord Rama. If we are going to

[Sh. Vishwanath Shastri]

follow the religion in that way, then I would say that we are following the religion-less and engaging ourselves in anti-religion activities more. The way religion is being misused for vested interest in the recent past and described in the statement of objects and reasons cannot be accepted. Religion is not a matter of objection to anyone. Religion is a personal matter and in our country we link it with duty. However, today we have started misusing it for our vested interests.

The way in which Babri Masjid in Ayodhya was given a political colour is very unfortunate. Everybody knows that an emperor came here and he was invited by Rana Sanga and after his arrival he defeated Ibrahim Lodhi in the battle of Panipat. He defeated Rana Sanga in the war of Khanwa and captured the throne of Delhi. Is the public, having faith in a particular religion, responsible for this act of the ruling class? If any ruler or feudal lord has done such activities in the country and its revenge is now taken from the people belonging to that particular religion, it is certainly being done to spread hatred in the country. These people are trying to destroy the unity and integrity of the country by spreading such hatred among the people. The Ram Janmabhoomi—Babri Masjid dispute was raised to fulfil their own political interests. It was said that Lord Rama took birth at this place. After so many generations, the house of Rama is now being found in that mosque and the seeds of hatred are being sowed on its basis.

Some people are raising objections on the word 'dharmanirapeksha'. I would like to say clearly that our Constitution is secular (panthnirapeksha) and our country is also secular. While maintaining this tradition of the country, all should be united. The word 'dharmanirapeksha' was used in the last Bill, whereas, in our Constitution, word 'panthnirapeksha' is there. In his speech delivered on 15th August the hon. Prime Minister used the word 'Dharma Nirapeksha'. I was unable to comprehend its meaning, because in our country, dharma not only means one's personal way of worshipping, but also it is related to one's duties, rights and wrongs. So, the word 'secular' should be used for 'panthnirapeksha'. But, there is a lot of difference in what the Prime Minister says before the country and what he actually does. In other words, he is strengthening the communal forces in the country in collusion with them. He is knowingly or unknowingly destroying the tradition of secularism in the

country. Whenever he takes any step, it results in these things. The steps taken after the demolition of Babri Masjid were taken halfheartedly. Despite his commitment to fight against the communal forces, it is not being done in practice. Until the communal forces in the country are opposed without any agreement, the masses of the country cannot unite. I, therefore, would like to submit that to achieve that goal, a Bill should be honestly brought to separate religion from politics. The State Government has nothing to do with them. They talk about 'dharma nirapeksha', but while inaugurating anything, from a police station to any big project, they break coconut and hold 'katha'. They do not keep themselves away from these things from their daily life. So, this hypocrisy should be ended and steps should be taken towards the true secular structure of our country. Until the secularism is strengthened, the unity of the country, cannot be saved and if we talk about Hindu Rashtra, no one can save this unity. Khalistan will be formed then and Kashmir, which is a Muslim dominated area, may also get separated. We should consider that at the time of formation of Pakistan, a large number of Muslims migrated to Pakistan, but Kashmir, despite being a Muslim dominated area, remained with secular India. An agreement was signed in this regard during the independence and all the provinces were given freedom to choose one between our country and Pakistan or to remain free. Kashmir is on the border and it could have easily gone to Pakistan because of its location. The Members of Congress Party should say as to why the Kashmir people are out to revolt when they decided to stay with our country at the time of independence. Why it has taken to the path of terrorism? The reasons should be identified. Until we remove those reasons, we cannot construct a healthy atmosphere in the country and set up harmonious relations with them.

The people say that Kashmir has been provided special status under Article 370. Has this been done with Kashmir only? Those who talk about withdrawing Article 370 from Kashmir, why do not they say so about other states also which have been provided special status? They only say about Kashmir, because they have nothing to do with Article 370 or the special status. Their only complaint is that since Kashmir is a Muslim dominated state they always make plans how to instigate communalism there. Similarly, special status has

been given to Himachal Pradesh under Article 370 A and Mizoram, Nagaland and all the North Eastern States are being provided special facilities, but there is no protest in regard to these States. Our national unity is going to be in danger due to the efforts made to mislead the people in the name of religion. When the States will be formed on the basis of religion, what will happen to Punjab and Kashmir? Sikkim is a Buddhist-dominated State. So they will say about forming a separate Buddhist State. The North-Eastern States dominated by Christians, such as Nagaland, Mizoram and Meghalaya will also ask about forming a Christian State, as our country will become a Hindu State. If a Hindu State is formed, what will be the position of Dalits in it. The spokesmen of Hindu Rashtra believe in 'Shastras', which have labelled most of the population of our country as Dalits and backwards. So, according to Manu 'Smriti', what will be the position of the backwards in that Hindu State? The backwards and the Scheduled Castes are in majority and they cannot be ruled by a minority of upper caste Hindus for long. So, if you think, you can get Hindu majority in the name of Hindu religion, it can never be achieved. Again and again, there will be a break in it. So, the country should become cautious about this mischievous plan to disintegrate the country in parts and I would like to appeal to all those who believe in secularism and have even a bit of affection towards the unity and integrity of the country that they should strongly oppose such theory and the things related to it.

Sir, with these words, I conclude.

[English]

SHRI SUDHIR GIRI (Contai): Mr. Chairman, Sir, I am very much grateful to you for giving me the time to speak on this Bill.

I rise to oppose the Bill moved by Dr. Laxminarayan Pandeya. I oppose the Bill on the ground that the very motive which is active in introducing and moving the Bill is not in the interest of the country, but to the detrimental aspects of our country. Why am I saying that it is detrimental to the interest of the country? It is because the objective is clear. In the Statement of Objects and Reasons, the Mover of the Bill has pointed out that, ".....it is proposed that all laws affecting any religion, places of worship, etc., which have come into force after

the first day of July 1991 should be declared void...". What are those laws which have been mentioned by the hon. author of the Bill? He has referred to the Muslim Women (Protection of Rights on Divorce) Act, 1986. I admit that the enactment which was passed by this House was a scar on the nation, on the country itself because by that Act, Muslim women have been deprived of their rights. The Supreme Court has declared in the Shah Banu case that the Muslim women are also entitled to get the benefits under the laws in existence in India. But, by that very enactment the Muslim women have been deprived of their rights. Why? It is because that enactment was made by the Congress party at that time, looking to the vote banks of the Muslims. By that Act, they have surrendered to the Muslim fundamentalists of the country. So, I think, this type of acts and this type of activities should have been avoided.

Mr. Pandeya has referred to another Act and that is, the Places of Worship (Special Provisions) Act, 1991. At that juncture, in the country, chaotic situation was prevailing and that Act was necessary because there was communalism and communal violence. Communal outburst was there. And to stop those outbursts, it was necessary to make such Acts to acquire the places of worship in the interest of a particular community.

First, we should remember that the aggression was made by the communal forces; aggression was launched by the communal forces. At that time, it was actually creating a problem for the peace-loving people of our country. So, it was against Hinduism. The voices raised by the communal forces at that time were actually against the spirit of Hinduism, against the very spirit of *Hindutava*.

I can remember what Swami Vivekananda told us in 1893. He made a speech in Chicago in America wherein he said:

"Hindu religion is not only tolerant to other religions but Hindu religion or *Hindutava* accepts all other religions as true."

This spirit of religion has not been properly understood by the communal violence-mongers. That should be noted.

[Sh. Sudhir Giri]

Mr. Pandeya has said that Acquisition of Places of Worship Act has brought about the seeds of communal disharmony. Why does he say so? By these words, I think, he means to refer to the *Hindurashtra*. Their Guruji, that is, Mr. Golwalkar, had propounded this thesis. His thesis has been elaborated in a book which was published in 1938. We or our nationhood defined. In that book, there is an elaboration of the thesis that 'we' means 'the Hindus' and 'for us' means *Hindu Raj* or *Hindurashtra*. 'They' by 'Swa' mean 'we', that is, we Hindus. Mr. Golwalkar had propounded that since the human appearance on earth, India was inhabited by the people who were called Aryans.

But our history does not say so. It goes against the very tenets of history. It should be remembered. The version of Guruji is totally distorted from the sociological point of view as well as from the historical point of view.

It is a fact that our State should not interfere in the religious affairs of the people of our country. I admit it because our State is a secular State. Article 25, 26, 27 and 28 of our Constitution has laid down that our citizens will have the freedom of conscience of religion, freedom of propagation of religion, freedom of management of religious affairs, freedom of attending religious worship, etc. So, if the State interferes in these affairs, we should definitely oppose it because religion is an individual's belief. Then, what is religion? To my mind, religion is nothing but the fantastic reflection in a man's mind of those forces that control his daily life. Again, I think religion is a reflection in which terrestrial forces assume the form of supernaturals. If that is so, then we should find out the root of religion. The deepest root of religion today is the social oppression of the working masses and apparently of their complete helplessness in the face of blind forces of capitalism. Some people have raised the voice that our Hindu religion is being suppressed and is at dismay. I think they have said so because the socio-economic conditions of our country have laid stress on the poor people and that is why, they have raised this voice. This is the expression of the distressed people because religious distress is, at the same time, the expression of real distress and protest against distress. Religion is the sigh of the oppressed creature, the heart of the hapless world just as it is the spirit of the spiritless situation. So, Sir, I think the voice of the communal forces as regards religion is not tenable at all.

Mr. Pandey has said that if the people believe and historical events also conform that a temple was situated at one place, then, by law, the people cannot be made to believe that the temple never existed and instead something else was there. Surely, he was referring to the demolition of Babri Masjid on 6th December, 1992. If, for argument sake, we think that there was a temple and on it, a mosque was built up about 500 years ago; if that temple was demolished and the Babri Masjid was erected or built about 500 years ago, then is it necessary to demolish that Masjid in order to build up the temple again there? That is not confirmed by historical events. I think these acts of aggression or barbarism do not conform to historical incidents. We have seen in our history that there was Buddhism in our country and Buddhist pagodas were demolished by Hindu Brahmins in those days and on those pagodas, some temples had been built up. Then, shall we go there to demolish those temples and ask the Buddhists to build up their pagodas again? This will go against the flow of historical events.

Sir, we know from our childhood that India was inhabited by *Unaryans*. Then the *Aryans* invaded India. They came from the North after crossing the Sindhu river. After defeating the *Unaryans*, they established their kingdom. But after establishing their kingdom, the *Aryans* and *Unaryans* lived together and their ways of life and cultures got assimilated. We are the inheritors of those people. Forgetting the common culture and the process of assimilation, if some tribals were to demand that they were the original inhabitants of India and that all the so called *Aryans* should be driven out and only *Unaryans* or the so called tribals should live here, are we going to agree to such a proposition? We certainly cannot agree to such things because they are just not valid.

So also, I argue that the Bill which has been brought forward and the motive force which has led to the introduction of this Bill are not *bona fide* but *mala fide*. Hon. Dr. Pandey might have brought this Bill with a strong conviction from the depth of his heart. But many of our hon. members have already pointed out to the dangers of such a religion preached by our BJP colleagues. We do not want that sort of a religion at all. So, the Bill should be withdrawn by our colleague Dr. Pandey. I strongly feel that this Bill should not be passed at all. Thank you.

**SHRI CHITTA BASU (Barasat):** I am quite thankful to Dr. Laxminarain Pandey for bringing forward this controversial Bill which provides this House and the people of our country to debate on it and through people's debate and through debate in this House to resolve certain basic or fundamental political controversies.

But I must express my regrets to him that I cannot persuade myself to agree with the provisions contained in the Bill. Sir, you have gone through the Constitution of our country. You understand the complexities of the different provisions in our Constitution and the whole scheme of constitutional arrangement.

Dr. Pandey's proposed legislation has got two objectives to fulfil. The first objective is to declare all laws affecting any religion, places of worship, etc., which have come into force after the first day of July 1991 as void.

Yet another objective of the Bill is that laws which relate to the affairs of religion, etc. should be passed by a special majority and not by a simple majority.

To understand his proposal within the scheme of Constitutional arrangement of our country, he said that this kind of Bill should be a Constitution Amendment Bill under Article 368. So, under Article 368, the Constitution can be amended and for that purpose a particular procedure has been laid down.

[Translation]

**MR. CHAIRMAN:** The time allotted to this Bill has ended. If the House consents, its time can be extended.

**SOME HON. MEMBERS:** Please extend the time by two hours.

**SHRI SANTOSH KUMAR GANGWAR (Bareilly):** Mr. Chairman, Sir, this is very important Bill. Please extend its time.

**MR. CHAIRMAN:** The time has been extended by two hours.

[English]

**SHRI CHITTA BASU:** Sir, this I cannot agree. The reason being that he has chosen 1st July, 1991. I think why nobody has opposed this Bill at the introduction stage because, it is a tradition of this House, that no Private

Members Bill will be opposed at the introduction stage. I would say that this Bill should not have been allowed at the introduction stage because it violates the basic structure of the Constitution of our country.

One of the basic features of our Constitution is secularism. Therefore, to be brief, this violates one of the basic features of our Constitution.

Why he has chosen 1st July, 1991? On that date, I think, the Places of Worship Act was passed. It provides that *status quo* should be maintained in all places of worship viz. whatever was there in 1948 cannot be disturbed by any administrative or any other measure. If this Bill of Dr. Pandey, for the time being, is accepted, then all those Acts which had been passed should be repealed and Mathura and other disputed places of worship will become the agenda of the party that he represents.

It is reported that there are more than 3000 temples and mosques which are of disputed nature. If that Act is repealed, then what will happen to our country? Every mosque, every gurdwara and every temple will be taken as disputed place and there will be conflagration of communal riot and communal divide. That means you are communalising the polity of our country.

You can very well understand the objective of this Bill. If this communalisation of polity is allowed, naturally that goes against the very basic fabric of the unity of the country. This is the main reason for me for opposing this kind of a Bill.

Now a question may arise what is secularism. I want, in order to deal with this matter very swiftly, correctly, in a scientific manner, to read out from my article so that I may not take much of your time for explaining things. It reads as follows:

"The essence of secularism however rests on two basic principles;

(a) Separation of religion from politics.

(b) Acceptance of religion as purely and strictly private affairs of individuals having nothing to do with the State. In short, the conceptual delinkage of religion from State. Constitute the core of the philosophy of secularism."



[Sh. Chitta Basu]

Secularism does not mean irreligion; it does not mean anti-religious approach; it simply means that the State will have nothing to do with religion; it will have nothing to do with the individual's faith, individual's belief; and no religion is to be interfered by the State. This is the scientific approach to secularism. Then it further reads as follows:

"Acceptance of secularism as mere toleration of all religions denudes it of its real contents. Secularism is the doctrine of social change. It proposes to change the traditional concept of religion. It seeks to rid religions of their bigotries and demystify them. Secularism is a rational concept, born of rational and humanist development of the modern age with ever-widening frontiers of scientific and technological advances. It is, however, not anti-religion, on the contrary, secularism provides truly congenial social environments for the practices of true religion and save it from the clutches of peddlers of religion, and professional religionists. Secularism does not also mean the assimilations of all religious cultures into one, but, creates conditions for the evolution of a new culture and civilisation transcending all prevailing conflicting religious cultures. What secularism seeks to oppose is the motivation of social action based on religion or theology."

We are not opposed to religion. Of course, Hindu word of *dharma* is much more wider than religion. If somebody accepts that, it includes a wider region, a wider frontier for man's hopes, aspirations and perceptions, beliefs and his desires. But religion is narrow; religion, simply speaking, relates to the manner or mode of worship or a set of practices, a set of customs, a set of uses. Therefore, religion is a narrow set. But what is communalism in this concept is to utilise this religious belief, to utilise this religious ideology to achieve a narrow political end. By communalism we mean that religious practices, religious customs, religious beliefs, religious ideologies, religious cultures are utilised for securing certain political interests.

This can be fought. Religions also contribute to the ideology for a man, for a country and since it is an ideology, it must be combatted, it can be composed by another ideology.

Secularism provides, in our Constitution, that alternative ideology to fight communalism. In this perspective we have to consider this Bill. Sir, I know that much of the time I do not like to spend on it but I cannot refrain from mentioning certain recent happenings.

World View 2,000 held at Washington is another exercise of giving new interpretation and that too communal interpretation to India. I will only mention a gist of the speeches made there and those speeches were also made remembering Swami Vivekananda. I have got that material with me.

Hindutva to Swami Vivekananda is quite different. But Hindutva, as has been explained by the General-Secretary of Vishwa Hindu Parishad, I do not mention anybody's name, is contrary. Hindutva as explained, as understood, as perceived by the leaders of the VHP, by the BJP, by the Bajrang Dal or by the Sang Parivar is contrary to the perception of Swami Vivekananda.

As a matter of fact, I will say and I am tempted to condemn this attempt to wrongful interpretation of Swami Vivekananda. I do not like to use harsh words but this is again the misuse of ideology. This is again a sinister approach to utilise the emotion of the people for a very narrow sense, for a very narrow objective.

Sir, some leaders of the VHP who attended the Conference. I do not like to mention their names but you will understand, declared that:

"We have opened our account, we can rely on that."

What is that account? That account is that you are 119 and you want to become the majority in this House. Is not that account utilisation of religion for the purpose of politics or for political aim? This is an instance of misuse of religion. This is communalism. This is communalism because you utilised religious emotions for political ends. Therefore, this is the scientific definition of communalism.

Again they have claimed:

"December 6, 1992 would be written in golden letters in the history and in the rejuvenation of the Hindu society."

What was here on December 6, 1992? In December 6, 1992 has been marred as a black-day, as a day which destroyed the composite culture of our country. December 6, 1992 mars the most savaged action of a part of a segment of India's population to tumble down the Constitutional edifice of this great nation. They say that the demolition of Mosque will be written in golden letters in the history and in the rejuvenation of Hindu society.

Sir, the Hindu society cannot be rejuvenated by the demolition of any place of worship. This is anti-Hinduism. This is contrary to what Swami Vivekananda wanted to achieve. He says, "Hindu religion accommodates all" whereas their perception is, Hindu religion is the only religion, that the other religions are no religions. If you want I can quote, that this is Swami Vivekananda's approach to religion, Swami Vivekananda's approach to Hindutva and their Hindutva is aggressive majority communalism.

What about minorities? They say, in Washington,

"If Muslims do not recognise their Hindu past, and do not subscribe to the Hindu emotions, then Hindus will certainly suspect the 11 crore Muslims."

Is it good for communal harmony? [Interruptions]

[Translation]

SHRI G.L. KANAUIA (Kheri): Sir, I am on a point of order. The Government should define whether 'Dharma' and religion are one and the same thing or two different things.

SHRI PAWAN KUMAR BANSAL (Chandigarh): Today, we want that he himself should define it.

MR. CHAIRMAN: It is not a question of point of order. Do not make it a point of order as the House is running smoothly. I have dismissed your point of order.

[English]

SHRI RAMESH CHENNITHALA (Kottayam): What is the point of order?

MR. CHAIRMAN: I have dismissed the point of order.

SHRI CHITTA BASU: Mr. Chairman, I am prepared to yield. But, for his information, may I draw the attention of my hon. friend and distinguished colleague, that I have already described, in my own way, the differences between religion and *Dharma*, whatever he says? Anyway, let me conclude and as speedily as possible.

When the Muslims and Christians will agree that they are Hindus first, then there will be no difficulty to become a part of the Hindu mainstream.

This is abrasive aggression on the minorities. They have to be. They ought to be first Hindu and then will have to be Muslims or Christians. This perception is pernicious to India's concept or perception of India's unity, integrity and India's basic philosophy.

There is another approach to all this. "That day is a great memorable day in my life" someone said, regarding December 6, 1992.

Sir, if this is the approach of Hindutva, I am constrained to say that it is nothing but an attempt to destroy the Hindutva, as majority of our people understand it and as a majority of our people practise it in our country.

Therefore, from all these considerations, this Bill is motivated to further divide, increase the communal divide between the Hindus, the Muslims and the Christians. This is absolutely an aggressive majority-ism.

That is, whatever the majority that should be there. And the perception of *Hindu Rashtra* is the outcome of that majority approach to Indian polity.

India is India. India cannot be anything else. Therefore, with all humility and with all respect at my command, for the larger interest of *Hindutva*, for the larger interest of the Indian philosophy, for the larger interest of the Indian nationhood, I feel that these kind of wrong attempts will ultimately destroy the cause, which, you feel, you are espousing.

Sir, I oppose this Bill.

[Translation]

SHRI LAKSHMI NARAIN MANI TRIPATHI (Kaiserganj): Mr. Chairman, Sir, I rise to support the Constitution (Amendment) Bill, 1991 moved by Dr. Laxminarayan Pandeya.

Sir, 'Dharma' is a very sentimental issue. It is a very serious issue which needs a lot of consideration. It should not be considered by linking it with politics. What is religion?

16.57 hrs.

[SHRI PETER G. MARBANIANG in the Chair]

"Aahar Nidra Bhaya Maithunam Cha, Samanyametat Pashubhir naranam, Dharmohhi Tesham Adkiko Viseshon Dharmen Heen Pashubhirsamanam."

When this world was created, human beings and animals came into existence. What was the difference between the two. The scripture writers say that a human being eats, sleeps, gives birth to child and dies in the same manner as the animals eat, sleep, give birth and die. Then what is the difference between a man and an animal? It has been said that the man has a sense of religion that guides him to know who is mother, who is daughter and who is sister. It differentiates between good and bad. It says that stealing is a sin, dishonesty is a sin as well as murder is a sin. It is the Dharma that defines the duties of a king as well as of the subject. If we become religionless then what would be the difference between us and an animal? Dharma is a basis to run the nation. The example of any nation in the world whether it is Islamic or European can be cited. The basis of Muslim countries is Quran Sharief whereas European countries follow the Bible. There must be a base for running our country too and that base is Ved and Puran.

Mr. Chairman, Sir, our history says that Maharani Laxmibai jumped into war and sacrificed her life for the sake of Dharma. In the same manner, Sardar Bhagat Singh passed the prime of his life behind the bars and happily sacrificed his life by being hanged. On what temptations he sacrificed his life? It was the Dharma. This nation is our motherland and the land is our mother:

"Samudravatsane Devi Parwatstane-mandale,  
Vishnupatni Namastubhyam Padsprisheshkshamaswame."

17.00 hrs.

This is our prayer. We consider land as our mother. We respect the land in the same way as we respect our mother. We should make efforts to get our motherland free. They had sacrificed their lives in pursuance of their national Dharma. When Mahatma Gandhi struggled for India's freedom, he united the country into one entity and this he did through a hymn which runs as follows:

"Raghupati Raghav raja Ram, Patit Pawan Sita Ram,  
Ishwar Allah tere naam Sabko sanmati de Bhagwan,"

Today the concept of Hindu nation and Hindutva is very much talked about in the country. Today when we talk about our religion the Opposition members dub us as communal. If we talk of religion today, we are said to be garnering votes in the name of religion. There is a saying in Bihar:

"Supwa bole to bole, chalanika ka bole jikre bahattar chhed."

I would humbly request the people who raise an accusing finger at Bhartiya Janta Party for politicizing religion to search their own hearts. Who has played the longest part in collecting army of voters in India? Who has started casteism? Who has tried to garner votes in the name of religion and communalism? Who has divided the country in name of religion? We shall have to look into this since 1947. And who did it? It was initially started by the Congress Party which is in power. It was the congress Party which first of all, sowed the poisonous seeds of communalism and tried to collect votes in the names of Hindu and Muslims.

What is a religion? Our religion is:—

"Dharma kee jay ho, adharm ka nash ho,  
Praniyon mein sadbhavna hoe, vishwa ka kalyan hoe."

This is our religion. In my religion I wish the, well-being of the entire world and goodwill amongst all. But this goodwill cannot be unilateral. While raising the issue of religion in the Muslims, nobody dare speak on the evil practices of that religion. Those who have sown the poisonous seeds of casteism in the

whole country and adopted the policy of appeasement of the Muslims and who have an eye on the Prime Minister's chair, allege that we want to play politics in the name of religion and seek votes. First they should see themselves. Today, I see that every seed has two parts. They say that they do not speak the truth and nor do they utter a lie. Does it mean that they support falsehood and irreligion? The founders of the Constitution had envisaged India as a 'secular' State. Their intention was that people belonging to every religion can live here, can practise their respective religion, can construct their places of worship and can propagate their religion. A definite norm and direction will have to be adopted by the citizens of India. The country cannot survive without any definite direction. But some people indulge in such activities to garner votes. Their misleading statements will lead to grave consequences. The Muslims who opted to live in India in 1948, had no desire to live in Pakistan. But today these people instigate them mentally to opt for Pakistan and put the blame on us. It has to be looked into, Sir.

"Punrapi Jannam punrapi marnam bhajgovindam,  
bhajgovindam, Govindam bhaj mudhmate."

The Hindu community believes in 'Punrapi jannam punrapi marnam' that is the theory of rebirth. It is our religious tradition. This country cannot be ruled on the policy of appeasement. I shall reply appropriately to your each and every question. You need not laugh. Sir, after we reach home we find that your or our wives observe fasts and take rounds of the banyan tree in the evenings and mornings and after their worship they offer flowers to the tree and pray for their husband's long-life. It was religion that first pointed out that felling of trees is a vice. It is religion that held that the 'peepal' and the 'neem' trees are the abodes of gods. Religion has linked banyan tree with the married life of women and persuades them to worship the tree, offer milk, and offer prayer. It is religion that told us that cows are like our mothers so are the Ganga, the Yamuna, and the Sarayu. With the passage of time unreligiousness went on increasing and the Ganga, the Yamuna and the Sarayu became polluted gradually and the felling of trees has given rise to the problem of environmental pollution. To check this, the Government has to enact laws and spend crores of rupees to remove this. This is all due to unreligiousness.

Sir, I would not take much time. I would conclude after relating the story of a king. Once a king wanted to test the veracity of a religion that is whether a person following Hinduism was in the right or one following Muslim faith was in the right or one who neither told a lie nor was closer to the truth, was in the right. He sent for three such persons and bade them to go on a particular path and on reaching the destination to return after making a detour carrying the particular goods. He further warned them that if any of them returned from half way, he would be sentenced to death. The three persons set out for their journey and after walking for sometime, reached a place at a high altitude. On reaching there they found a trench ahead and there was no other alternative but to jump into that trench. Panditji thought if he went back he would be killed by the king therefore, he decided to jump from there by pronouncing the name of Ram. He landed safely on the ground. Then he told Maulvi to jump down. Maulvi thought that Ram saved Panditji then his Allah would also save him and he too jumped down. With the grace of Allah he was safe and sound. Then both of them advised the third person to follow the suit. The third person thought instead of calling Ram and Allah separately, he would call both of them simultaneously and this way, his safety would be doubly sure. So he stuck to this idea but he died in his attempt as Ram thought that Allah would save him and Allah thought that Ram would save him. Due to this nobody went to save him and the third man died. I, therefore, want to submit that this country cannot be run in the name of both Ram and Allah. This can only be run in the name of Ram.

With these words, I support it.

17.10 hrs.

[English]

SHRI SRIBALLAV PANIGRAHI (Deogarh): Mr. Chairman, Sir, I thank you at the outset for giving me an opportunity to express my views on this Bill moved by my dear friend and estimated colleague, hon. Member Dr. Laxminarain Pandeyji. Sir, he is a good man but remains in a bad company. When a good man remains in a bad company, the company will have an ill-effect on him and that produces something of this sort.

[Sh. Sriballav Panigrahi]

Sir, you know, the atmosphere of our country has been very much surcharged with hatred, ill-feeling etc. over the matter of religion, particularly since December. You know the background, the time is short, I need not go into all those things, and after that also, Sir, there are several legislations being brought before the House in different forms. Sir, you know, there is a Bill pending also before the House about separating politics from religion. That is of great significance. Again, Sir, this is the Centenary year of Swami Vivekananda's visit abroad, that is, to USA, and delivery of his famous speech, as you know, in the World Conference of Religions 100 years back. Sir, the mover of the Bill, rather the author of the Bill, and our colleagues on the other side belonging to a party called BJP should realise what actually was the true spirit of the speech he (Vivekanand) delivered. If they do so, they will not do what they are indulging in now in our country. Religion, as Atal Bihari Vajpayeeji was saying, I agree 100 per cent about the definition part of it, is that which combines together different things, which strengthens the society, which puts a man on the proper path. The knowledge of religion makes somebody aware of what is good and what is bad. You know, there is a war or confrontation going on in everybody's heart between the evil forces and the right forces, between virtue and vice or sin. There is a war constantly going on and if one has the right type of perception about religion, that helps the good forces. It is good to be religious, but it is extremely condemnable to be communal. We are all religious people, at least I won't say Chitta Basu and others....

SHRI CHITTA BASU (Barasat): We are very much religious.

SHRI SRIBALLAV PANIGRAHI: I am so glad.

MR. CHAIRMAN: Are you religious?

SHRI CHITTA BASU: I just got my own religion.

SHRI SRIBALLAV PANIGRAHI: That is communism or humanism. Sir, I agree in one sense. What is religion? Humanism. This is the base and it is at the root of every religion and religion is the base for humanism, consideration and feeling for others.

So, we should show respect for all and show love and affection towards all. But what is

going on today in the name of religion? Hatred and illwill are being spread and riots are being organised in the name of religion. So, this is the other side of the religion. This is religious vandalism.

Sir, the other day I could not attend a very important sitting of the Joint Parliamentary Committee on Securities Scam because of this religious vandalism. In the month of Sravana, it is good that hundreds of thousands of devotees of all age groups, ladies and children go to religious places. So, the other day, they were all boarding the trains to go to some religious place with bags and other things carrying water to pour on the Shiv Linga. But they were pulling the chain at every station. I was later told by the Railway Superintendent that there was a special train provided for them so that they cannot play mischief with at least the long distance passengers, but they refused to oblige the railway authorities and they refused to board the special train arranged for them. They boarded this Express train and playing mischief. They were taking whatever was available in the railway platform on small shops without making any payment. So, this kind of religious vandalism was going on and so, I could not attend the meeting of the JPC due to such vandalism.

Sir, let us all be religious and let religion be used for the salvation of the masses. Religion is to better a man, not to worsen a man or to make the man as an animal. Rather, it is meant to remove the animal qualities or beastly qualities of man and to arouse the humanness and the good qualities of man. That is why, the famous, illustrious freedom fighter of Orissa, Shri Gobinda Das used to say:

[Translation]

"Nijam hita laagi jatam noohe, Hindu Vishwah hite Hindu prati raktah bindu."

[English]

That means, every drop of blood of Hindu is for the salvation of the entire human race.

17.18 hrs.

(MR. DEPUTY SPEAKER *in the Chair*)

Sir, earlier Hindu Dharma was called as Sanatan Dharma, but I do not know how it came to be called as Hindu Dharma. There is a famous song which says:

[Translation]

"Hindustan hamara hai."

[English]

This patriotic song that we sing is not meaning narrow sense of any religion. So, there should not be any wrong interpretation of religion. In this background, Gandhiji also used to say that even in politics, religion has a role to play, but not this type of thing. There is another saying which goes like this:

[Translation]

"Ishwar Allah Tera naam,  
Sab ko sammati de Bhagwan."

[English]

In this background we have to quote Gandhiji and not just in a way that Gandhiji was saying that politics cannot be separated from religion.

Therefore, Sir, what is the necessity of having a Bill like this one to be discussed in this House? What will happen to our society? This Bill is saying that this is to nullify the Places of Worship (Special Provisions) Act, 1991. So, what this Bill is meant for?

It is meant to amend the Constitution of India or make a provision in the Constitution of India, but like the Constitution Amendment Bill, the religious Bills would require a special majority of two-thirds for its passage. What for? So, naturally it is uncalled for. It is unnecessary and particularly when we have done enough damage in this country to the economy, to the social fabric, everywhere and India's unity remains, amidst diversity. How difficult is it to achieve unity amidst diversity? It is very easy to disrupt unity and disruption of unity means weakening our integrity and our solidarity (*Interruptions*). I am quite aware. I am aware of Gandhiji's killings also in 1948 and everything. (*Interruptions*). I am

not forgetting anything. What are you doing today? I do not want to make it controversial. What are you doing? Knowingly or unknowingly, what are you doing? If that will be encouraged, then India is heading towards another partition. Therefore, kindly realise. At least sometimes think about it quietly. Good sense should prevail in you. Just to come to Parliament, just to be elected to Assembly, just with the dreams of forming a Government in India at the Centre, do not go with this idea, do not run after this image and spoil yourself and, at the same time, spoil the country by just playing to the emotion of the masses.

[Translation]

I would like to speak on this Bill, but what is there in this Bill. The Bill seeks to nullify all the Bills that have been passed since 1991 and make a provision by having it passed in the Constitution of India by 2/3 majority. What is there in it. As I said, it is a multi-lingual and multi-religious country.

[English]

India is a multi-lingual and multi-religious country.

Vishwa Hindu Parishad is a banned organisation but the leaders are going merrily and freely to USA and to other countries and they had organised some American Vishwa Hindu Parishad Conference. What were the speeches delivered by the office-bearers of that banned organisation? What was that meant for? What do they say? If I say in such sense Hinduva and Hinduism, that is different. But they say that unless the minorities accept Hinduism they cannot come back to the mainstream of Indian life.

I would say let us not do anything which will weaken our social fabric, our national solidarity and, at the same time, we have lot of problems of poverty, hunger, religions and illiteracy.

The entire world is passing through different type of crisis. After the collapse of the Soviet system, the demolition of the Soviet empire, now America is the only power and what sort of dictates it is having! How it is putting pressure on different countries, on developing countries! We have to face challenging situation everywhere.

[Sh. Sriballav Panigrahi]

Naturally, there are also some foreign agents who are quite active in our country to see that we are not united. Let us not fall a prey to their designs. Let us not do immense damage to our own country by falling a prey to their designs. I conclude with this.

Being misguided by somebody, due to some provocation Dr. Laxminarayan Pandeya might have drafted such a Bill. I hope he will be good enough to withdraw the Bill.

With these words, I conclude my speech. I thank you very much for giving me this opportunity.

MR. DEPUTY-SPEAKER: Prof. Prem Dhupal. It may not be palatable to repeat the same thing. The time at our disposal is short. Please keep it in mind. Kindly try to be brief.

[Translation]

PROF. PREM DHUMAL (Hamirpur): Mr. Deputy Speaker, Sir, I had no intention to speak on this issue but the way hon. Ballabh Panigrahi has opposed this Bill, it seems that he does not know anything about religion. It is the greatness of this religion which accepts non-religious persons also as religious. It covers idol-workshippers, non idol worshippers and the atheists as well. In the circumstances hon. Ballabh Panigrahi also has a right to express his views. The Bill brought by Shri Laxminarayan Pandeya also carried the same sense that State should not interfere in religious matters. Such feelings are emerging as a follow up of efforts made by the ruling party. The Constitution of India guarantees right to everyone for worshipping according to his faith. But whenever State interference in religious matters increase such elements emerge. They cause harm to the society and affect the impulses which inspire people to follow religion. So it is essential that the State should not interfere in religious matters. Perhaps hon. Ballabh Panigrahi was not a Member of Lok Sabha during 1986, otherwise he would have been aware of the incident in which these people have changed the decision of the Supreme Court and made amendments in the Constitution of India just to appease a handful of persons. They did this in total disregard to the rights of Muslim women and providing security to this section by bringing parity in the society. They have failed to introduce a Common Civil Code which has been provided in the Con-

stitution. Now those people are asking as to why this Bill was brought. I would like to say that it is for stopping the wrong-doings of the Government. It should work upto people's expectations. The cases which could be decided by the Government are being referred to the Legislature and the judiciary. They cannot run the Government and interfere into the matters where they are not supposed to. It has also been said that fools enter the place where angels fear to step in. Now people have realized their inefficiency. Such Bills are being brought to check this interference. The ruling party has made most misuse of the religious feelings of people. So I would like to say that this proposal is quite appropriate. Political interference in religious matters should be stopped. Sometimes they amend the Constitution for Shahbano case and sometimes they say that *status quo* should be maintained in respect of places of worship after 15th August 1947. It means that proposals brought by the ruling party are correct and all other proposals are wrong.

"Hum aah bhi Bharte hain to  
ho jaate hain badnaam  
Vo katal bhi Karte hain to  
Charcha nahi hota."

Today different saints are being misused by spending public money someone comes forward for purchase and some saints are deployed to perform Som Yagna. Even then they are secular but if any other person says a correct thing he becomes communal in the eyes of their party. They are going to provide enormous right to the ruling party by the 80th Constitutional amendment. The coming generation will be ashamed of the decision that they have taken against their opponents just to declare them disqualified for contesting elections. What political game they are playing and the direction to which they are taking the polity of this country.

I was hearing hon. Panigrahi. Advising others is easy but they should think about the reforms to be made in the working of their party. They advise that the BJP people should do this and that but they have not opposed the same proposal when it was raised by their side and they could do it because it was compulsory for them. The objective of this proposal is that there should be no political interference in religious matters. (Interruptions).

They are bringing non-religion into politics and we say that it should not be so. Religion

and politics should remain separate. But it is not possible by the way they are working.

Mr. Deputy Speaker, Sir, there should be no political interference in the religious places in which people have faith and the manner of worship and religion adopted by them. The Constitution should not be amended to appease a particular class of the society. Banning of any political party or declaring any one disqualified for taking part in elections is not good. In 1975 during emergency they have seen the repercussion of imprisonment of people from opposition parties. Several people had won elections from the prison. They should take a lesson from it. I wish that they should not oppose this Bill. It should be accepted in the interest of their party and the country.

[English]

MR. DEPUTY-SPEAKER: The Private Members' Business was started late as there were other items like Matters Under Rule 377 and the Statement by the Minister. We shall have to make good for that time. So, we shall sit up to 5.45 p.m. Is it the sense of the House to continue the Private Members' Business upto 5.45 p.m.?

[Interruptions]

SEVERAL HON. MEMBERS: Yes.

[Translation]

DR. LAXMINARYAN PANDEYA (Mand-saur): Mr. Deputy Speaker, Sir, You should complete the remaining time of the Private Member's Business. The remaining discussion will be in next session. Please take up Half an Hour Discussion.

PROF. PREM DHUMAL: The Government is not ready to reply it. The concerned Minister is also not prepared who is supposed to give the reply.

SHRI MOHAN SINGH (Deoria): Mr. Deputy Speaker, Sir, I thank you for allowing me to speak and I rise to oppose the Bill presented by Dr. Laxminarayan Pandeya. I was surprised to know that a senior and learned Member of Parliament like Dr. Laxminarayan Pandeya has presented a Bill for discussion which is against the original structure of the Constitution of India. Although there is a tradition that at introductory stage Private Bills

are not opposed. So Dr. Pandeya has got the opportunity to present this Bill for debate. If this Bill is accepted India will become the second Bosnia and Serbia. This Bill is an assault on the basic structure of the Constitution of India. Supremacy of Parliament, protection of fundamental rights accorded by the Constitution and over and above the secular character collectively constitute the basic structure of the Constitution. According to the ruling set by the Supreme Court even Parliament could not pass a law or make amendments in the Constitution of India which affects its basic structure. Keeping in view the norms and verdict of the Supreme Court, Parliament has no right either to consider or to pass this Bill. Pandeyaji says in this Bill:

[English]

"Notwithstanding anything in this Constitution, all laws in force in the territory of India, affecting any religion, religious place of worship, religious endowment or religious institution, which have come into force after the first day of July 1991, shall be void.

Any action taken under the provisions of any law which has been declared void under clause (1), shall not be called in question in any Court on any ground and such action shall be deemed to have been taken in good faith."

[Translation]

Dr. Pandeya had introduced this Bill in 1991. at that time the Bill for maintenance of *status quo* of Religious places as on August 15, 1947 was under consideration. He introduced the Bill so that this legislation might not be enacted. In the statement of Objectives and reasons he states:

[English]

"If the people believe and the historical facts also confirm that a temple was situated at one place then by law the people cannot be made to believe that temple never existed there an instead something else was there."

[Translation]

He further states that whatever may be the historical facts, they would, by forming some secret organisations, make the people believe through propagation. If a mosque is built at the site of a temple and a temple is built at the site of a



[Sh. Mohan Singh]

mosque and this view point is accepted, it will cause riots at every nook and corner afresh. The target of the organisation having this view point was Ayodhya. Now it includes three more place i.e. Mathura and Kashi. They have brought out a list of 3200 places. They say that it is not merely a question of two or three places, but of about 3200 religious places which have been converted. They will convert all these religious places to their original form. If the list of 3200 religious places is accepted, it would mean that riots will be started at least 32,000 places. I am analysing the intention behind this Bill. So far as the question of beliefs is concerned, the Constitution of India provides full freedom to beliefs. But there is a clash between the beliefs. I would like to request all the Members of BJP to go through the book 'Vichar Navanet' by Guru Golwalker. They propagate that Ram is the incarnation of Maryada Purushottam and God. When we try to read the book, it is said that Ramkrishna Hans and Vivekananda were great sages of this country. Here the clash of views take place. Who will answer the question whether Ram is a great man or a incarnation of God. So, at such a juncture the State is needed to interrupt. Such a situation likely to prevail in a multi-religious country like India.

Pay a visit to Thailand. The people of that country believe that Ayodhya is in their country and that Rama was born there. It is a matter of great controversy. We say that Ayodhya is in our country and Rama was born here. What would happen if they come over here with their own beliefs. If the State's right of interfering in religion is abolished as has been demanded by Shri Pandeyaji, then with what right it is demanded that Sahamat Posters should be removed.

This should not be the responsibility of the State. You have faith in some religion but if you socially propagate contrary to your belief, then we also have the right to do so. But they don't refute this fact. Therefore, action should be taken where religious sentiments are directly hurt. This you do not do.

Therefore, I would like to say to Pandeyaji that this Bill is self-contradictory. This Bill has been introduced with a well planned object of fulfilling the aspirations of an organisation which is dedicated to work for religion in politics but is not allowed to work politically in this country. Therefore I strongly oppose this Bill. My submission is that adopting of this

Bill would mean the beginning of riots afresh. This Bill severely hits the freedom of religious faiths and our secular structure. Therefore I hope Pandeyaji would realise this fact and he would himself declare that he appreciates the view point put forth in the Parliament and hence withdraw his Bill for the sake of the integrity, communal harmony and freedom of religious faiths.

With this request, I conclude.

SHRI SATYA PAL SINGH YADAV (Shah-jahanpur): Mr. Speaker, Sir, I am grateful to you for providing me an opportunity to speak.

Mr. Deputy Speaker Sir, the Bill introduced by Shri Pandeya does not include something prominent or it does not contain several things, but it is a symbol of feelings with which they have brought it. He is saying very innocently that all the legislations regarding places of worship enacted after 1991 should be abolished. I would like to ask whether the law enacted in 1991 was not according to the needs of that time?

[English]

MR. DEPUTY SPEAKER: Shri Yadav, you can continue next time. The time of the private Members' Business is over. Now, hon. Minister of Welfare, Shri Sitaram Kesri may make the statement.

17.47 hrs.

#### STATEMENT BY MINISTER

**Steps taken to Implement the Reservation in Central Government Jobs in Accordance with the Supreme Courts order in Mandal Case**

[English]

THE MINISTER OF WELFARE (SHRI SITARAM KESARI): Sir, During the Zero Hour on 25th August, 1993, some hon. Members from the opposition parties expressed anxiety about non-implementation of the Supreme Court's Order in Mandal case regarding reservation of Central Government jobs in favour of Other Backward Classes (OBCs). They tried to create an impression that Government is responsible for the delay in