

Mr. Deputy-Speaker: The question is:

“That the Bill, as amended, be passed.”

The motion was adopted.

14.16 hrs.

THE WAKF (AMENDMENT) BILL

The Minister of Petroleum and Chemicals (Shri Humayun Kabir): I beg to move:

“That the Bill further to amend the Wakf Act, 1954 be taken into consideration.”

The Wakf is one of the distinctive institutions of the social and economic structure of Islam, and provides for the relief and uplift of the poorer section of the community, apart from the service to religion. The institution has, from the beginning, been popular and widely accepted by members of the community, and in course of time, the principle was extended to solicitude and benefit of one's family members and descendants.

In India, the institution has, from the beginning, been rendering great service to all sections of the community, and it is noteworthy that the benefits of the Wakfs have not been confined to Muslims alone. Similarly in the creation of Wakfs also, non-Muslims have played an honourable role.

Surveys of Wakfs throughout India are not yet complete, but even at this stage we can say that there are, on the figures of the survey that has been completed, at least 95,000 Wakfs, valued at over Rs. 75 crores.

It is interesting to note that the largest number of Wakfs are in the State of Punjab, where there are some 25,000 properties, estimated at a value of about Rs. 20 crores. Next in number is Andhra Pradesh where there are over 20,000 Wakfs, and their total value is about Rs. 10 crores. Rajasthan has a smaller number of Wakfs

about 16,000 but their value is about Rs 18.5 crores. This is very interesting because in Rajasthan it is apparent from the nature of the case that many of the Wakfs have been created by non-Muslims. It is a tribute to the generosity and the magnanimity of many Rajput rulers that they have endowed lavishly properties for the service of mosques, tombs, durgahs and similar institutions.

Where such large sums are involved, and where, through these Wakfs, very great social service can be rendered, it was perhaps inevitable that the State should take some interest, and yet I have to say with regret that after the decay of Moghul rule, for almost a hundred years, hardly any attention was paid to Wakfs. Neither the legislature nor the administration paid any proper attention to Wakfs, with the result that sometimes the Wakfs were abused, sometimes the properties were dissipated, and sometimes the funds were diverted for purposes which were not the intention of the original Wakifs, and in some cases money was used for purposes which were not quite worthy.

As soon as political consciousness grew in this country, and soon after we had Indian Ministers in the different provinces, interest in Wakfs also grew. Discussions about reforms began soon after 1921, but the first Act was not passed till 1934. Bengal passed the Bengal Wakfs Act in 1934. This was followed in U.P. by the Kakfs Act of 1936. Delhi had an Act in 1943, and Bihar in 1947.

These were welcome beginnings, but they could not deal with the all-India problems, and therefore, after independence it was felt that there should be a Central Wakfs Act which could deal with the problems of the country as a whole, bring uniformity in administration, set certain ideals before the Wakfs Boards, and in this way help the Wakfs realise the objectives for which they were created.

[Shri Humayun Kabir]

The late Mr. Kazmi was a great enthusiast in this matter, and he sponsored the Wakfs Bill, but I think it would not be unfair to his memory to say that the real architect of the Wakfs Act was Maulana Abu Kalam Azad. Under his guidance, the Central Wakfs Act was passed in May, 1954.

It is an all-India Act but it can be brought into force in a particular State only after the Central Government has notified it in the Official Gazette, and the Central Government can do that effectively only with the consent of the State Government. It now applies to the whole of India excepting West Bengal, Bihar, U.P., Jammu and Kashmir and parts of Maharashtra and Gujarat. I may add that some provisions of the States Acts which have proved to be of advantage have been incorporated in the present Bill. I have no doubt that where there are separate Acts as in U.P., Bihar and Bengal they also have benefited by the legislation by the Centre.

This Act was passed in 1954, that is ten years ago. There is no doubt that the passing of that Act brought in a new deal for wakfs throughout the country. By and large the Wakf Boards established as a result of that Act have benefited the administration of wakfs throughout the country and in that way served the community. Nevertheless, these ten years have also shown the existence of certain lacunae and certain administrative gaps and certain things which require reforms. Since that time there have been discussions and as a result of those discussions it was felt that an amending Bill should be brought before this House. In December 1960, an inter-State wakfs conference was held. Hafiz Ibrahim Sahib who was then the Minister in charge played a

leading role and tried to induce different States to adopt various ameliorative measures so that the wakfs could be administered more effectively. This conference was attended by the State ministers in charge of wakfs, Secretaries of State Governments, chairmen of State Wakf Boards, Members of Parliament and a number of distinguished persons from various States. It made a number of recommendations and these recommendations were considered by an *ad hoc* committee, the Central Advisory Wakfs Council which went into these recommendations in detail and made certain modifications and suggestions. So, for the last ten years the matter has been before Members of Parliament and the Government and it is on the basis of these discussions that the present Bill had been brought here.

I said earlier that by and large the State Wakf Boards had functioned purposefully and discharged their duties effectively within the limitations of their powers. Some boards tried to introduce reforms and have also initiated constructive activities calculated to promote educational and economic development. The present Bill will strengthen their hands and with the co-operation of the State Governments, they will be able to bring about changes so that wakf funds could be utilised more effectively for the benefit of not only Muslims but the entire Indian community. When such large funds are involved for charitable and beneficial purposes, it is obvious that their wise and effective use would, besides serving the entire community, help the State also in discharging some of its duties. I will give only one example.

There is great demand for education throughout the country a demand so insistent that very often schools and colleges have to be started even without adequate preparation; at the same time because of lack of funds we have not always been able to meet in full the demands from the people at large.

It is here that charitable institutions can play a very important role. It is also common knowledge that where educational institutions are run by private charitable organisations,—charitable in the truest sense of the word, not charitable in the sense of condescension or contempt but charitable because of a feeling born out of love, fellow-feeling and human sympathy,—the results are often remarkable. Similarly in running hospitals and nursing homes, charitable institutions can play a very important role and I am sure that if the funds of the wakfs are utilised for such purposes, it will not only help the Muslim community but other communities as well, while simultaneously relieving the State of some of its burden.

I have said before that wakfs from the beginning catered to the needs of all Indians and that they have been created for religious, charitable purposes by non-Muslims as well. That is the spirit of the Muslim law: in fact that is the spirit of every religion. No religion can ever differentiate between human beings and yet call itself a religion in the truest sense of the term. All human beings are equal in the eyes of God; that is the cardinal principle which every religion must accept. Therefore, it is right and proper that the wakfs also should have the same spirit. We are taking advantage of this Bill to incorporate in the law this point. In fact and in practice, the wakfs have in the past served all communities but in the Act passed in 1954, there was a certain limitation on the nature of beneficiaries. Beneficiary was defined in that Act as 'a person or object for whose benefit a wakf is created' and includes 'religious, pious and charitable objects and any other objects of public utility established for the benefit of the Muslim community.' We are taking advantage of the present amendment to broaden this to say that wakf is created for religious or charitable purposes in accordance with the Muslim law. By this definition, they will be able to serve a much wider clientele, following the true principles of Islam.

I will now very briefly go through the major clauses of the Bill. The Bill contains clauses which can be broadly divided into two categories: those which bring in a certain broadening of the principle and where certain new ideas are introduced; and others which are merely intended to improve the administration of wakfs and strengthen the wakf boards in different parts of the country. I have already mentioned clause 2 which defines beneficiary. Similarly, clause 4 also brings in a new idea. Under section 62 of the principal Act, the Central Government is required to issue directives if the need should arise with regard to the administration of wakfs. Experience has shown that in issuing such directives it is desirable to have an advisory body and to know how the public mind is reacting in this matter. So, in clause 4 we are proposing to establish a Central Wakf Council whose advice and guidance would be available to the Central Government whenever there is any need to lay down any policy or to offer advice any of the State wakf boards.

Similarly, clause 7 also brings a change but here it is in a sense an extension of a recognised principle even under the existing law. If the purpose of the wakf fails, the funds can be diverted to charitable, social and religious purposes in the service of humanity. At present that permission can be given only by a court. There may also be cases where the purpose of the wakfs has not failed but where it is no longer operative; it has not ceased, but it cannot be given effect to. We have tried to take advantage of this Bill and to extend the scope of this section by the present clause 7 and allow the application of the law of *Cy pres* so that the funds can be utilised for social purposes by the Wakf Board itself. When there is a State board which is constituted in a proper manner and is fully conversant with the entire wakf affairs of the State, we think it is not necessary to bring in the courts at every stage in order to have such extension. We have taken care to see that in extend-

[Shri Humayun Kabir]

ing the application of pres none of the purposes of the original wakf Act are in any way interfered with or modified. It will be in consonance with the spirit of the Wakf and nothing will be done which is in any way inconsistent with either the wakf or the provisions of the law.

Two other clauses which bring in what I may call a new principle are clauses 16 and 17 where we are augmenting the resources of the State Wakf boards and also providing some funds from the Central Wakf Council. We are also taking powers for receiving benefactions. In the past, the State boards could only use funds which came to them by way of payment from the different wakfs and they were not entitled to receive benefactions or donations of other types which might be available from time to time.

I may mention one rather interesting case which we had in mind. There are a number of Muslim citizens of India who have deposited large amounts in banks but who do not draw any interest, and these interests lie with the banks year after year. In the past, some of these funds were utilised for helping the work of Christian missionaries and Christian missions. We feel that if the Wakf Board and the Wakf Funds are eligible for receiving donations from the public and receive such accumulated interest money, this itself may be a substantial source, of income, so that out of the funds augmented in this way a large number of charitable and beneficial activities can be undertaken.

I may mention in this connection that one of the State Boards, the Andhra Pradesh State Board, has started a scheme by which unemployed people will be given training and they will also be given some assistance so that they can set up small-scale business of their own. In this way, not only, with the Board help to solve the unemployment problem in the country but also add to the wealth and the resources of the community and the country.

Similarly, clause 21 seeks to bring in a modification by broadening the definition of wakf. I said earlier that it is to the credit of many non-Muslims that they have made large benefactions for maintaining mosques, dargahs or mazars, and yet under the old wakf Act they could not strictly speaking be regarded as wakfs. We are amending the definition, so that benefactions made by non-Muslims for the purposes which are mentioned in the Bill will also be regarded as wakfs.

These are some of the major changes so far as any new ideas or extension of an old principle are concerned. The other clauses are primarily with regard to administrative improvement.

Clause 11 deals with the methods of recovery of wakf property which has been illegally alienated. In the past, there was no remedy except going to the civil court. Here certain other methods are suggested. At the same time we have also taken care to see that no one's rights are prejudiced. Normally this clause will apply only to cases where a wakf property has been notified as a wakf property and it is recognised as a wakf property. Under the law such wakf properties cannot be alienated without the permission of the Wakf Board. Now, if some mutawalli or some agent illegally alienated such property in the past there was no remedy in such cases except going to the civil courts. And you know, Sir, how long and expensive civil suits are. We are therefore providing that where a recognised wakf has been illegally alienated, a notice can be issued, and by issuing that notice the property can be recovered. Clause 11 says:

"On receipt of a requisition under sub-section (1), the Collector shall pass an order directing the person in possession of the property to deliver the property to the Board within a period of thirty days from the date of the service of the order",

And then the procedure of serving the order is laid down and then it says:

"Any person aggrieved by the order of the Collector under sub-section (2) may, within a period of thirty days from the date of the service of the order, prefer an appeal to the district court within whose jurisdiction the property is situate and the decision of the district court on such appeal shall be final."

So, while on the one hand we are trying to expedite the process of law and safeguard the interests of the wakf properties in this way, we have also taken care to see that nobody's legitimate interests are harmed, and there will always be an appeal to the civil court.

Shri Himatsingka (Godda): What about *bona fide* purchasers for value?

Shri Humayun Kabir: Well, if it is a notified wakf, the existing law as it exists in the case of other property will apply. If somebody in a *bona fide* manner purchases a property which belongs to somebody else, there is a law dealing with that, and the same law will apply.

Then in clause 12 and 13, we have strengthened the provisions for the removal of mutawalli by saying that if a mutawalli does not perform his duties properly there should not be undue delay in removing him.

Clause 19 is a simplification of the procedure for instituting suits, for at present it has been held at least by one High Court that permission is required not only from the Wakf Board but also from the Advocate-General. Therefore, we have provided that in future suits will lie after the appropriate Wakf Board has been consulted.

These are some of the major provisions. I said earlier, some of the clauses of the Bill seek to extend the principles and make the work of the wakf more consistent with the needs

of the changed circumstances. The others are primarily for improving the administration.

In conclusion I would only say what I have stated earlier, that through these wakfs which are a testimony to the spirit of generosity of members of the community and through which for generations people have been served and have been benefited, we can render a great service to the country. These wakfs can serve not only as an instrument for improving the economic condition of the people: they can serve also as an instrument for bringing about educational expansion, and by bringing the members of the different communities together in receiving the benefit of the wakfs, these wakfs can also serve as a great instrument for effecting national solidarity. These wakfs which will serve all communities and whose advantages will be extended to members regardless of religion, caste or creed will therefore be an instrument for the benefit of the Muslim community and the other communities and in this way cement the bonds of friendship and fellowship among the different sections of the Indian people.

Sir, I move.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Wakf Act, 1954, be taken into consideration."

The time for this Bill has not been fixed. How many Members want to participate in this? Four. Shall we fix one hour? We have already taken twenty minutes.

An Hon. Member: One and half hours.

Mr. Deputy-Speaker: Very well.

Shri Indrajit Gupta (Calcutta South West): Does it include the time taken by the Minister?

Mr. Deputy-Speaker: Yes. He began at 2-15.

Shri Gauri Shanker Kakkar (Fatehpur): I stand to congratulate the Minister on bringing this amendment. It has been our experience with Muslim wakfs and Hindu endowments in the country that the very purpose, the very spirit and purpose with which the wakf or endowment was created has been ultimately misused and the money, the usufructs and the properties actually squandered for personal purposes. It has been gaining notoriety everywhere, it was gaining strength, and it has become a common feature in the country that in the case of religious endowments and wakfs there are chances generally, to a great extent, of misuse of the actual purpose and the usufructs or the profits coming out of that property.

So towards that end it is, of course, a very sincere attempt. I welcome this amendment on two grounds. In the first place, a sincere attempt has been made to strengthen the wakfs which have already been created.

And then, the attempt has also been made to bring it within the limited scope for which it was meant to have been created. For that, I think it will be an attempt towards national integration to a very great extent. As I have submitted, I know this has been under consideration since long by the Government of India and various State Governments, that once for all, there should be a thorough assessment and a comprehensive law should come up to check the purpose and the spirit of such persons who had actually come forward and donated their property for the benefit of the public.

In this amending Bill I find that the definition in clause 2 has been added and gives a fair chance to non-Muslims in the same manner as the Muslims, to get the advantage of the wakf. It is indeed a very genuine attempt towards national solidarity. I know there have been a number of cases as the hon. Minister has cited,

where so many non-Muslims had also donated huge properties and wealth towards the wakf for the dargahs, shrines and so on. But the actual working of the wakf was done in such a manner that the benefit was to go only to the Muslim community and not beyond that. So, I would welcome this provision that according to the Muslim law if the wakf was created, the non-Muslims are also included to stand to gain and take advantage out of the benefit accruing from this.

Then, as I have submitted, to safeguard against the mischief of the wakf property or endowment property, there should be a very strict provision with regard to the actual working and administration of such property which has been donated and which has been given for charitable purposes. For that, I welcome the measure which has been adopted in this amending Bill, to check and have control over the activities of mutawallis or the managers of the bank. As a matter of fact, the mischief actually starts with the manager or the mutawalli of such wakf or endowment. Sometimes they think that the property is not actually meant for charitable purposes or for the benefit of the public, but for their own personal purposes and for their own family benefit. Here, I find that there is a provision to take action against the mutawalli in case of mismanagement, and there is a clear provision that he should be removed by the Board.

Then, another clause which has been added here is clause 11 under the proposed Section 36A which is modelled on similar provisions in certain enactments relating the public trusts—the transfer of wakf property by way of sale, gift, exchange or mortgage. It has also been the experience that in certain cases, the properties which are the subject-matter of a wakf or endowment, are sometimes being alienated or transferred, which is against the citations or the spirit for which

they are endowed. Then it becomes very difficult for the mutawalli Board to enter into litigation, which means huge expenses. Here, the provision has been made to the effect that if it is proved that the wakf property has been alienated or transferred or mortgaged, a notice by the Collector to vacate and eject the transferee from that property is to be given. By the addition of this clause, the case of a *bona fide* purchaser will not suffer, because, now, there is a specific provision that in the case of a wakf property, alienation or transfer will not be there and without actually entering into litigation, the Collector can vacate and then get the ejectment of the transferee.

In the end, I have to mention two things. I welcome this enactment, as I have said, but I would like the Minister to consider that in the case of such States where the Central Wakf Act will not be applicable, this should be enforced, I want that there should be a universal policy throughout the country. I can understand the hon. Minister has given a hint that by undertaking this amendment the other States will get a hint and they will be benefited, but I want that there should be a provision that this Central Wakf Act will be applicable in the case of such States where so far it has not been applicable. In that case, it would be a universal law, and it would be a check on misuse or squandering of money. There should be a special provision; as has been just stated by the hon. Minister, in the case of Muslims they do not accept the interest of the bank; they treat it as *shara*. So, there should be a provision that all such interests be diverted towards this wakf so that the ultimate benefit should go to the public. The spirit and the purpose for which the wakf was created—for the public purpose or for the benefit of the public in general—should be looked into and it should be strictly enforced and it should be seen that on account of wakf, our education, our social reform and such other things are going

to take real advantage and not the individual, personally looking after the wakf as the mutawalli. I once again welcome this Bill and I wholeheartedly support it.

Shri Mohsin (Dharwar South): I rise to support the Bill. This Bill contemplates to amend certain provisions so that the wakfs made by non-Muslims are also covered under this Act. As the hon. Minister has already pointed out, there have been many properties which have been gifted by non-Muslims for religious, charitable and educational purposes of the Muslim community, and the present Act does not cover such properties to be brought under the Wakf Act. This Bill proposes to remove that lacuna and include such properties also under the operation of this Act. Besides, the hon. Minister has kept open the income of the wakf property also to non-Muslims. The definition of wakfs has been widened as to cover the gifts by Muslims and non-Muslims as well. Hon. Members might doubt that it is only a change of wording: instead of "benefiting the Muslim community", the wording is "according to the Muslim law". For their advantage, I may say that Islam is not a religion to give charity to one community only, i.e. Muslims. Under Islam, charity could be given to all, irrespective of community or creed. He may be a Hindu, Muslim, Parsi or Christian. Educational facilities could be provided to the students of all communities and all poor people may be fed, irrespective of caste or creed. The income from the wakf property could be utilised in such a manner. The Minister has shown great tact and intelligence in bringing this measure and keeping it wide open to all communities, in accordance with the secularism of our country.

This Bill wants to introduce one Central Wakf Council to lay down the policy and programme to be followed by the wakf boards in every State. This need was felt everywhere wherever the wakf boards had been established. There was no uniform policy. Some

[Shri Mohsin]

boards were very active in pursuing a policy and some boards in some other States were very inactive. They always looked upon the Central Government for directives. This was not a happy thing and the Central Government also could not give more attention to this. This will remove that defect by establishing a Central Council which will lay down the same policies to be followed by the State boards and which will have some supervision over them.

In clause 5, there is a provision to set up two separate boards for sunnis and shia communities. Somehow or other, I do not welcome this idea of separate boards for sunnis and shias. Of course, it is conditional on the fact that shia properties are more than half or something like that. They may be more or less, but when we are thinking of integration of all communities, I do not think it is conducive to have separate boards for shia and sunni communities. Both the communities profess Islam. They do not say that there are two Gods, but only one God and who also believe in one book and one prophet. I do not know why there should be separate boards. Let us not widen this gap between the shias and sunnis, but bring them nearer so that they can work with harmony and understanding under one board.

The Bill provides for the removal of mutawallis and also for discontinuing the State Boards whenever there is misfeasance or misappropriation of money or when the board does not carry on its duties properly. This is also a very good provision.

Under clause 3, the cost of publication of the list of wakfs is proposed to be levied from the State boards. As far as I am aware, the State boards do not have sufficient money. The Mysore board has not got enough funds even to meet the travelling allowances of the members when the meeting is called. They

cannot do any work now. In such circumstances, if the Central Council wants that even the charges for notification or publication of the list of wakfs to be borne by the State boards, I do not know how they will function. As the Minister stated, Rajasthan may have got many wakf properties, but other State boards, like the Mysore board which has got very little property, cannot take up the expenditure on account of this publication, etc.

In Clause 11, the Minister has pointed out that some provisions have been introduced prohibiting alienation by mutawallis or managers of property. This is a very good clause. We have been seeing that the managers of wakf properties have been alienating the properties to their own advantage, as if they were their own properties. As a result of this, we know that many Durgahs and mosques have lost all the properties. They have been neglected to such an extent that there is no provision even for lighting in some Durgahs and mosques. In Mysore, wakf properties have been very much neglected and they have not been even surveyed. Many of the mutawallis have sold out the properties and they have also become paupers. The wakfs i.e. Durgahs and mosques have been left without any income at all.

There is nothing in clause 11 to acquire the properties which have been lost already. This may be a check that in future the mutawallis may not be able to alienate the properties. But what provision is there to recover the properties already alienated? Hundreds of properties have already been alienated. They have passed through many hands. The question of limitation is also there. There is a similar provision in the Bombay Trust Act wherein the limitation has been extended to 60 years just as Government properties and properties of local authorities are governed. As against 12 years under the ordinary law of limitation, the period is extended to 60 years, within

which the properties could be recovered. If such a clause is inserted, many of the lost properties could be recovered and the Wakf boards would be in a better position.

Then, the definition of wakf is not full and comprehensive, as a result of which, many disputes have arisen in the working of this Wakfs Act. To my knowledge, there has been duplication of proceedings under the Wakfs boards and under the Trusts Act in the Bombay-Karnatak area, where the Bombay Trusts Act is applicable. The wakfs board has held some property as wakf property, whereas the Assistant Charity Commissioner has held it to be a public trust. Mutawallis have been driven from one board to the other, because when both the Acts are in force, it is difficult to decide which are the properties which come under the Wakfs Act. I know many cases where Durgahs have been treated as not wakf property in Mysore State, by the charity commissioner. It is better to set at rest all these disputes by defining wakfs so as to include all the properties like Durgahs, mosques, imambaras, maqbaras and such other Muslim institutions to be covered under the Wakfs Act.

On the whole, this is a very good measure which would lead to better administration of the trusts and thereby do some constructive work in the educational field. This measure also contemplates to collect 1 per cent of the income of the boards for the Central Wakf Council and utilise it for educational purposes. This is a very good idea. I think if this is properly implemented, it will be advantageous not only to the Muslim community, but to the people of the country as a whole.

15 hrs.

श्री यशपाल सिंह : (कैराना) : उपाध्यक्ष महोदय, यह वकफ (मंशोधन) बिल बहुत सुन्दर है और मैं इस के लिये उन को मुबारकबाद देता हूँ लेकिन उस के साथ ही कुछ चीजों की ओर उन का ध्यान दिलाना चाहता हूँ ।

सब से पहले तो यह जरूरी है कि अनएथोराइज्ड ट्रान्सफर न किया जाय । अनएथोराइज्ड ट्रान्सफर के होने से यह होता है कि किसी तरीके से हम वहां की सैकटिटी को कायम नहीं रख सकते ।

दूसरी चीज यह है कि इस बिल में ऐसा प्राविजन होना चाहिए कि जो मुतवल्ली लोग हैं, वह धार्मिक तरीके से, मजहबी तरीके से और दीनयात के मुताबिक जिदगी बितायें और ऐसा न हो कि जो मुतवल्ली हैं, वकफ के मालिक हैं और जिन को कि धर्म के नाम पर ईमान के नाम पर वकफ किया गया है अपनी ऐय्याशी और दूसरे ऐसा बेजा कामों पर उस का पैसा खर्च व बर्बाद करें । मुझे मंत्री महोदय से इस की शिकायत करनी है कि यह मुतवल्ली लोग ठीक से अपने फरायज भ्रंजाम नहीं देते हैं । जिस काम के लिए उन को पबलिक ने एक एथारिटी दी है वकफ करने वाले ने एक अधिकार दिया है उस के लिए वह कभी उपयोग नहीं करते । इसलिये इस बिल में ऐसा प्राविजन होना चाहिये ताकि वह सही तौर पर अपने फरायज भ्रंजाम दे ।

इस के साथ ही साथ यह भी जरूरी है कि इस के मेनेजमेन्ट के लिये और इस पर जो कंट्रोल है उस में गवर्नमेंट के भ्रालावा पबलिक का भी रिप्रजेंटेटिव जरूर होना रहना चाहिए । अगर पबलिक का नुमायन्दा नहीं रहेगा तो सरकार छा जायेगी और जिस स्त्रिट से वकफ किया गया है वह भ्रमल में नहीं आ सकेगा । दीन और ईमान की राह में अगर कोई वकफ किया गया है तो वह किसी खास सरकार के लिए या किसी खास ऐथारिटी के लिये नहीं किया गया है । दीन का मतलब भी यही है, धर्म का मतलब भी यही है कि उस में हर एक मनुष्य को यह हक हों कि वह सही और गलत जान सके । इस मिलमिले में मैं आप को बतलाऊँ कि खलीफा तक को क्वेश्चन कर लिया गया था । खलीफा से पूछा गया कि इतना बड़ा कुर्ता आप का बना है तो यह कुर्ता एक चादर से

[श्री यशपाल सिंह]

तो नहीं बन सकता। एक, एक चादर सब को तालीम की गई थी। आम मजमे में एक शख्स ने खड़े हो कर उन से यह पूछ लिया। खलीफा को यह एकस्प्लेनेशन देना पड़ा कि मैं ने अपने बेटे की चादर लगा कर इस कुर्ते को पूरा किया है। अब इतने बड़े बिल में मैं ने देखा कि गवर्नमेंट का तो सब कुछ है लेकिन पबलिक का कोई नुमायन्दा नहीं है। उम में पबलिक का भी रिप्रेजेंटेटिव होना चाहिये।

जहां तक इस बिल को लाने के लिये मैं श्री हुमायून् कबिर को मुबारकबाद देता हूं वहां यह भी अजं करना चाहता हूं कि यह आपके क्लॉज ४ (ए) में ऐसा लिखा हुआ है :—

“(4A). A mutawalli, who is aggrieved by an order passed under any of the clauses (c) to (e) of sub-section (1) or under sub-section (2), may, within one month from the date of the receipt by him of the order, appeal against the order to the State Government and the decision of the State Government on such appeal shall be final and shall not be questioned in any court of law.”

अब जुडिशिएरी जो है वह हमारे कांस्टिट्यूशन की गारंटीज कही जाती है और इसलिए सरकार के हाथों को इतना मजबूत कर देना कि सरकार के डिस्मिशन के खिलाफ न कोई हाईकोर्ट में जा सके और न सुप्रीम कोर्ट में जा सके यह हमारे कांस्टिट्यूशन की स्पिरिट के खिलाफ है। यह चीज हमारी डेमोक्रेसी के खिलाफ है, हमारी संकुलरिज्म के खिलाफ है इसलिए मेरी दरखवास्त यह है कि इस क्लॉज को हटा कर यह मौका उसे दिया जाय कि अगर किसी स्टेट गवर्नमेंट ने कोई गलत आर्डर दिया है तो उसे उसके खिलाफ हाईकोर्ट में और सुप्रीम कोर्ट में जाने का हक होना चाहिए।

इसके अलावा सूद लेन का जहां तक सवाल है कई लोग उन जगहों में बैठ कर जो यह सूद लेते हैं तो वह गलत है और हमारे मिनिस्टर साहब ने बजा तौर पर यह सूद लेने को मना किया है। सूद लेना वाकई धर्म के खिलाफ है। हमारे हिन्दू धर्म में सूद लेने का अधिकार केवल बनियों को है, वैश्यों को है। वह भी 100 साल में दुगुना हो सकता है। 100 साल के बाद दुगुना ले सकते हैं यहाँ हालत यह है कि केवल चार साल के बाद दुगुने की डिग्री हो जाती है। इसलिए यह जरूरी है कि यह सूद लेना कानूनन मना होना चाहिए। जिन संस्थाओं ने सूद नहीं लिया है वे भी मुबारक-बाद की मुस्तहक हैं।

इसके साथ ही साथ फेमिली के लिए प्राविजन जरूर हो लेकिन उस प्राविजन के ऊपर कंट्रोल हो। अनएथोराइज्ड ट्रांसफर न हो सके और जो रिप्रेजेंटेटिव ग्रौफ दी पीपुल हो वह भी वह भी उसको देख सके। यह भी जरूरी है कि जिस ऊंचे प्राइडियल को लेकर आपने यह बिल बनाया है तो उस जायदाद पर गवर्नमेंट का टैक्स नहीं होना चाहिए। उस जायदाद के ऊपर कोई गवर्नमेंट का चन्दा नहीं होना चाहिए। वह जायदाद दीन के लिये और धर्म के लिये दी गई है और धर्म इस बात को कहता है कि सब की सेवा और मानव मा की संवा मनुष्य मात्र की खिदमत धर्म का काम है। हमारे देश ने इस याती को हमेशा के लिए महफूज रक्खा है। इसके लिए हमारी गीता में यह हुक्म हुआ है और उसमें यह कहा गया है :—

‘येऽप्यन्य देवता भक्ता यजन्ते श्रद्धया-
न्विताः।

तेऽपि मामेव कान्तेय यजन्त्यर्वाद्य
पूर्वकम् ॥”

चाहे किसी भी रास्ते से, जो हजार रास्ते हैं उन हजार रास्तों से जो भी इबादत करता है वह एक ही माबद को पहुंचता है। जब

एक चीज धर्म के नाम पर बकफ़ की जाती है तो उसके ऊपर सरकारी टैक्स या सरकारी चन्दा नहीं होना चाहिए। मुतवल्ली के खिलाफ जो स्टेट गवर्नमेंट आर्डर देती है उसके खिलाफ उसे हाईकोर्ट में और सुप्रीम कोर्ट में अपील करने का हक़ होना चाहिए।

गोता में बहुत सुन्दर कहा गया है :—

‘ये प्रथा मां प्रपद्यन्देतांस्तथैव भजाम्यहम् ।’

अर्थात् जो जिस तरीके से मेरी पूजा करता है मैं उसको उसी तरीके से प्राप्त होता हूँ। इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ और चाहता हूँ कि उसमें वीपुल का रिप्रेजेंटेशन रहे।

Shri U. M. Trivedi (Mandsaur): Sir, the measure, as far as it goes, is not very bad. I do not say it is very good. But what I felt when I saw this item was, why is it that Shri Kabir is in charge of this Bill. In our State, we are here to administer the law without fear or favour and irrespective of class, creed or colour. Why should Shri Humayun Kabir be picked up to push through this Bill, to pilot this Bill in the House? We have a very able Law Minister who ought to have piloted this Bill.

The second thing that I felt was that this Bill has got very far-reaching effects. It practically changes the whole law of wakf, and yet no move has been made by the Government to get it through a select committee. It is a very strange picture that we have today, when you were kind enough to ask us what time we would like to have to discuss this Bill. Certainly, looking at the very thin attendance in the House you, probably, at our request, were justified in saying that we will take one-and-a-half hours. But, Sir, it is most ridiculous that a Bill which is going to affect in our country 50 million people is going to be rushed through like this. There are wakfs spread all

over India. I am not sure about the state of affairs that obtains in Mysore State about which my predecessor spoke. But I know that wakfs exist in Gujarat, Maharashtra, Rajasthan, Madhya-Pradesh, Punjab and all over Uttar Pradesh and Bengal. To make this change without having it broadcast and without securing the views of the people is something strange. You are making a change of a radical nature. You are allowing the Board to rush to the court without even following the ordinary procedure which is obtainable for one and sundry in this country, to have the sanction of the Advocate-General and that too on the condition that two or more interested persons can obtain such a sanction. You are changing this wholesome provision of law which has stood the test of litigation for the last nearly 100 years or more because this was copied from the English law of 1840 and is still in continuance. We are giving it a go-by. Why should there be this unreasonable discrimination in favour of the Muslim Wakfs? Is it that we are afraid that we will do injustice as a government to the cause of the Muslims? Or is it that the Advocate-General concerned will try and do harm in a discriminatory manner to the Muslims as such and will not give the necessary sanction for instituting a suit? Even as it is, section 55 says:

“A suit to obtain any of the reliefs mentioned in section 14 of the Religious Endowments Act, 1863 and in section 92 of the Code of Civil Procedure, 1908, relating to any wakf may, notwithstanding anything to the contrary contained in those Acts, be instituted by the Board without obtaining the leave or consent referred to in those Acts.”

As against this, the proposed section says:

“A suit to obtain any of the reliefs mentioned in section 92 of the Code of Civil Procedure, 1908

[Shri U. M. Trivedi]

relating to any wakf may, notwithstanding anything to the contrary contained in that section, be instituted by the Board without obtaining the consent referred to therein."

Then it says:

"No suit to obtain any of the reliefs referred to in section 92 of the Code of Civil Procedure, 1908, relating to any wakf shall be instituted by any person or authority other than the Board...."

Therefore, the remedy that was available under section 92 of the Code of Civil Procedure to persons taking interest in the working of the Wakfs has been taken away. Why this right of an ordinary Muslim to challenge the working of the wakfs in which he is interested is taken away passes my comprehension. I have not heard any explanation from the hon. Minister why a measure of this type has been tried to be put through. I hope he tries to explain this position when he replies to the debate.

Clause 4 is an innovation of a particular type whereby government wants probably to tighten up its hold on all religious endowments. It has started with the Hindus. Now it has come over to the Mohammedans. Section 8A(2) says:

"The Council shall consist of a Chairman, who shall be the Union Minister in charge of wakfs...."

Why should from the beginning the Union Minister be in charge of the wakfs? Next probably they will say "now we have got a Minister in charge of the wakfs; so, we must have also a Minister in charge of the Hindu charitable trusts". The next step or argument would be, because the Mohammedans have now yielded, therefore, the Hindus must also yield.

Then, what does the section further say:

"...and such other members not exceeding twenty in number, as may be appointed by the Central Government."

Is this not making law in an entirely autocratic way? Why does the government want so much power in its own hands? Why should it not allow the community affected thereby to function in its own way in an independent and autonomous manner under the provisions of the Constitution?

Articles 25 and 26 are thrown overboard by this provision. The great sanctity that we attach to articles 25 and 26 is thrown to the winds. We want all the Muslim wakfs to be under the control of the Union Minister. Then, we will appoint 20 members who will look into the working of the wakfs. Sir, perhaps you do not know that these wakfs all over India value crores and crores of rupees. Now the interference will begin. What is the object in view? If I am not far wrong, the only object is, the Muslim community is already frightened out of its wits by the Congress Government by saying "if you vote for a Hindu as a Hindu, you are doomed"; that fear is there. Now another measure is clamped upon them and they are told "look here, you are in our hands; not one farthing will be paid to you, you will not derive any benefit unless you vote under our dictates".

This is rather a marvellous piece of legislation by which by the back-door methods you want to keep the Muslim community under your clutches. I, therefore, say, whatever the pious motives may be which might have guided them—I do not know; perhaps, the hon. Minister is laughing up his sleeves and does not like the idea of exposing the motive behind it—I feel constrained to say that I am not happy over the manner in which this Bill is being rushed

through, is being piloted and the provisions that are being made to deprive the ordinary Muslim by taking away the right which is vested in him.

Sir, I will not take much of your time but I will draw your attention to clause 11 of the Bill. Of all the provisions that are there, this is a welcome provision. I have handled many wakfs cases and in the Tonk State there used to be hundreds of wakfs. People in adversity, when they somehow or other happen to be *mutavalli*, in whose hands the properties were, they took opportunity even to transfer those properties and fill their pockets out of the proceeds. So, this is a good provision. But I do not like the last rider that has been added to it. The clause says:

"Notwithstanding anything contained in the wakf deed, no transfer of any immovable property of a wakf by way of—

- (i) sale, gift, mortgage or exchange; or
- (ii) lease for a period exceeding three years in the case of agricultural land, or for a period exceeding one year in the case of non-agricultural land or building,

shall be valid without the previous sanction of the Board."

The law should be that it shall not be valid. There should not be any rider attached to it. Let anybody who wants to sell that property make his own arrangement and follow the law as it is laid down. There should be no question of the previous sanction of the Board. We should not leave the doors open to corruption so that ultimately the Board may be persuaded to grant sanction. It should be invalid *ab initio* and till eternity until the law is changed. I cannot see any reason behind the rider that has been attached to it.

Then I come to clause 13. The new section 43(4A) says:

"A mutawalli who is aggrieved by an order passed under any of the clauses... may, within one month from the date of the receipt by him of the order, appeal against the order to the State Government and the decision of the State Government on such appeal shall be final...."

Why should he go farther than that and say "and shall not be questioned in any court of law? Even if it is final, the constitutional remedy provided in article 226 of the Constitution always remains. Your putting it down "and shall not be questioned in any court of law" creates a difficulty. Of course, the powers of the High Court under article 226 and of the Supreme Court under article 32 or 136 cannot be taken away by this provision. I can appreciate that. But it will create difficulties in the mind of the man in the street. Even a lawyer who is not aware of this position, by simply reading the law as it is would think that it is final, whatever is done is done and he is helpless because he cannot approach any court of law. I have come across many provisions where it is stated that it shall be final. But this rider that has been attached to it that it shall not be questioned in any court of law, that is redundant and is not useful.

In the end, I say that the Bill ought not to have been piloted in this form. I do reiterate that it requires close scrutiny for it is going to affect many people.

Only one more point and I am done. Why should the discrimination against Shias continue? Now, Ahle-hadis, Shaffis, Hanafis and Sunnis are kept there. Why discriminate between them and Shias? I cannot appreciate it. Why should we perpetuate this difference even among the Muslims themselves. I see no reason

[Shri U. M. Trivedi]

whatsoever for continuing this discrimination.

Shri Humayun Kabir: Mr. Deputy-Speaker, Sir, I am thankful to the hon. Members who have spoken and for the support that they have extended as also to Shri Trivedi for his qualified support and some critical remarks.

I shall start with Shri Trivedi's points. He asked as to why this Bill was not being sponsored by the Law Minister. The answer is very simple, namely, because it is not the Law Minister's charge. Earlier today, I sponsored the Durgah Khawaja Saheb (Amendment) Bill when the same question could have been asked. I piloted through this House a few days ago the Oil and Natural Gas Commission Bill and there again the question was not asked. I am surprised that a lawyer of the standing of Shri Trivedi.....

Shri U. M. Trivedi: Oil and Natural Gas Commission is your subject.

Shri Humayun Kabir: Wakf is also my subject, and, therefore, I am piloting it. I am surprised that a lawyer of the standing of Shri Trivedi should not look at what subjects are allotted to a particular Ministry and who is in charge and should thus raise an objection which, if I may be permitted to say, is frivolous.

Then he raised the question about the far-reaching changes and said—he used these words, namely, that it is being rushed through backdoor methods. I do not know whether he was present here when I introduced the Bill; perhaps, he was enjoying his lunch or his midday siesta.

Shri U. M. Trivedi: I do not indulge in that.

Shri Humayun Kabir: At that time I had explained that this is not being done in a hurry. These proposals have been under discussion for

almost ten years and every clause has been discussed with every single State Government, almost all the proposals were sent to the State Governments; their comments were received; discussions were held with them and, as you know, in such subjects unless a majority of the State Governments agree a Bill cannot be introduced; I am happy to say that almost every clause has been accepted by all the State Governments; only in the case of one or two clauses one or two State Government did not accept.

There have also been, as I said in my opening remarks, discussions with Members of Parliament. There have been discussions with the Central Wakf Council. There was an inter-State Wakf conference to which came not only all the State Ministers in charge of wakfs and the State Secretaries but also members of legislatures, both Central and States, many distinguished public men, representatives, scholars and learned men. They have all examined these provisions and it is on the basis of almost unanimous recommendations that this Bill has been brought forward.

Dr. M. S. Aney (Nagpur): May I ask whether the Law Commission has had any occasion to examine the nature of the Wakf Act and made any recommendation for changing that?

Shri Humayun Kabir: I cannot at the moment recall that.

Dr. M. S. Aney: It is a very important thing.

Shri Humayun Kabir: All the laws have not been surveyed by the Law Commission. In this case I confess I am not aware; I will check it up. In any case, this Bill had overwhelming support and I was very happy to find that in the House also today everyone, including Shri Trivedi, had support for it, though Shri Trivedi had some objection to certain clauses.

Now I will take up the clauses to which he made specific reference. He referred to clause 19 of the Bill. What does clause 19 propose to do? In cases where suits are instituted by the Board, one of the High Courts, the Kerala High Court, had held that the Board could not give the permission and that the permission had to be taken both from the Board as also from the Advocate General. We thought that this duplication of authority was not necessary. There is no question of any reflection on the Advocates Generals. They are all highly distinguished public servants and they are held in high esteem, but since these boards have been constituted for the specific purpose of dealing with all wakf matters, it was thought that it was far better to have one single authority for giving such sanctions. Under section 55 of the parent Act, any person could file a suit in respect of a wakf property with the consent referred to therein. It is only in order to remove the impediment that this provision is being made. The State Boards can now move on their own and will not have to consult the Advocate General in addition. That is the purpose of clause 19.

Then Shri Trivedi and a number of other friends talked about the rights of the people. That is with regard to clause 4. Shri Trivedi saw some sinister purpose in the fact that the Central Council will have as its Chairman the Minister in charge. The answer is very simple. The Minister in charge, whoever he may be, will be a representative of the people. Under the democratic form of government no one can hope to hold this position unless he has a representative character and if, at any time, Shri Trivedi and his party can obtain that representative character and can secure that sanction from the people of India, he or some member of his party may perhaps hold this position some day.

Shri U. M. Trivedi: But we do not want to nominate 20 people.

Shri Humayun Kabir: Only some one having a representative character can hold this position. The other 20 persons will be men of all types and they will be mainly non-officials. That is apparent; it is obvious from the nature of the case that they cannot be officials because if they are officials, there is no purpose of having an advisory board which will help the Central Government in gauging public opinion and public feeling and in seeking advice on issues which can have very vital and far-reaching effects.

Shri Trivedi welcomed clause 11 but said that all such sales should be completely invalid. What we have said is that immovable property can be sold, gifted, mortgaged or exchanged with the permission of the Board.

Shri U. M. Trivedi: No, no.

Shri Humayun Kabir: No such transaction will be valid without the previous sanction of the Board. That is, the Board can give sanction in certain cases. Shri Trivedi's suggestion was that no sanction should be given at all.

Shri U. M. Trivedi: I am sorry, you have not understood me. What I had said was that any sale of wakf property by anybody should be void *ab initio* and should not be validated after the sale.

Shri Humayun Kabir: Precisely. I have not misunderstood you. You want it to be void *ab initio*; but there may be certain special circumstances where it is necessary to sell a property. I will give one example.

It may be that there is a wakf property which is intended to maintain a particular school in an area and it has certain properties. For one reason or another certain capital investments have to be made in order to develop that school and unless some part of the money can be

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received like that, it cannot be done. Very often Government makes grants on a matching basis, that is, the Government may be prepared to give 75 per cent if the trust itself can provide the 25 per cent. Now, under Shri Trivedi's dispensation the trustees or *mutawallis* will have to forego 75 per cent because they cannot dispose of a small proportion of the property in order to secure the 25 per cent which will entitle them to obtain the 75 per cent.

There are many other examples like that. Very recently an example came to my notice.

Shri U. M. Trivedi: Then put "previous sanction".

Shri Humayun Kabir: That is precisely what is meant by this clause. Then, there is no difference between Shri Trivedi and me if that is all he has in view, that is, previous sanction.

Finally.....

Shri Mohsin: What about alienations that have already been made?

Shri Humayun Kabir: I will come to your points very soon.

We are giving here certain powers but in the case of past transactions, to open them would be dangerous. Many transactions have taken place and also till a wakf property has been properly notified and gazetted as wakf property, we cannot give that right today which we are seeking to give under this clause. In the past there was no register of wakfs. It is only when the wakf has been registered, a register has been maintained and published in the official gazette and, as such, has been recognised by the State Governments, that any alienation after that may attract the mischief of the law. If we try to give retrospective effect to it, no one would know where one would stop. Then, any one could come and

claim any property to be wakf property; somebody may come and say, if Shri Mohsin has any property which is his personal property and which he might have acquired or his grandfather might have acquired 75 years ago, that it was a wakf property 75 years ago and that it was alienated by the *mutawalli*. Who is going to examine the records of that date? It is with great difficulty that we could persuade the legal luminaries.....

15.29 hrs.

[SHRI SONAVANE in the Chair]

Shri Mohsin: If a property is registered under the Wakf Act today, can we file the suit against alienation which had been made within 12 years time?

Shri Humayun Kabir: Any legislation of this type can only be prospective; it cannot be retrospective. I admit that there may have been cases of wrongful alienation. There have been many wrongs in the world but we cannot, through any particular law of today, undo the wrongs of the past. We can only take measures to see that these wrongs will not be committed in future.

Then, both Mr. Trivedi and Mr. Mohsin referred to clause 13 and were very angry that the decision of the State Government on the appeal should be final. I do not know if they read carefully the earlier parts of that clause. Here, a *mutawalli* is removed because he has been convicted of an offence of criminal breach of trust or misappropriation or because he has dealt improperly with the property of the wakf or is of unsound mind or suffering from other mental or physical defects which render him unfit to perform the duties. It is only in such cases that he is removed and there we must have some kind of finality. Otherwise, if this litigation goes on indefinitely, the only result will be that

the corpus of the property will disappear and, therefore, I think, those who have the welfare of the wakfs at heart will welcome this amendment which has been moved.

My friend Mr. Kakkar wanted a comprehensive law. Well, we welcome a comprehensive law. He wanted that it should apply to all the States. But the Constitution stands in our way. Unless the State Governments agree, we cannot have this law enforced. But we are trying to persuade all the State Governments to agree. As I said earlier, at present there are only four States which do not come under this law. I am having discussions with them and I hope that it may be possible to persuade them to accept this law.

Again, my friend Mr. Mohsin referred to the establishment of separate Boards for Sunni wakfs and Shia wakfs and he said that they are undesirable and that we should have only one Board. I entirely agree with him. But the fact is that today in two States there are these Boards and one of the reasons why these two States do not want the Central Act is this. They have given the reason that because under their Act there can be separate Boards and under our Act there could not be separate Boards, they could not accept the Central Act. I am only removing the difficulty. It is not necessary that there must be two Boards. There may be one Board but in case....

Shri Mohsin: In Mysore Board, Sunni and Shia are together.

Shri Humayun Kabir: I congratulate Mysore for that wisdom. There are other States where there are similar Boards. But if in a particular State, a community wants a separate Board, I would not stand in their way. In these matters, one should try to accommodate as much as possible the viewpoints of different minorities and when there is a minority within a minority, we should be very careful in respecting their sentiments. I

would like to win them over, not try to force them or impose something on them. By this clause we are providing that if they so wish, they can have a separate Board. It is possible that the first step will be taken and they will accept the Central Act and once they have accepted the Central Act, then we can persuade them to try to have one Board only and not two Boards. I may assure hon. Members that I have myself moved in this direction and I have suggested to the States, where there are two Boards, namely, U.P., that at least they may have joint meetings. Let them start with joint meetings and joint discussions and maybe at the time of the voting the two Boards can vote separately. Even that will be welcome. But we must go slow in these matters. I am one of those who believe that in matters which concern culture, in matters where the spiritual and other interests of the community are concerned, there should never be an attempt at steam-rolling. But we should try to educate them and win them over. I do not see why small groups should not have the right of running their own units like this so long as there are sound principles, so long as the financial administration is sound, so long as there is no defalcation, so long as the public purposes are served. There is a great advantage in allowing small charitable institutions, small charitable trusts, to carry out these welfare activities because there is a certain creativity in such activities whereas whenever we have a centralised State Board there is a risk that though it may become uniform it may also become regimented.

Then, my friend also referred to the definition of wakfs. We have already expanded it. He referred also to the Religious Endowments Act. The purpose of the present Bill is to make the Wakfs Act operative and to make the provisions of the Religious Endowments Act inoperative wherever the Wakfs Act is in operation.

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My friend Shri Yashpal Singh suggested that the trustees, mutawallis, should always be religious people. I agree with him provided 'religious' is used in the broad sense of the term. Sometimes, unfortunately, 'religious' is identified with the observation of certain creeds and certain outward forms. It is far more important that there should be men of real religious spirit and a man is of real religious spirit where he has the welfare of humanity at heart. I entirely agree with him that honest and religious persons of this type should be in-charge of the wakfs.

I have already dealt with the question about the representation of the public. All the State Boards and the Central Council will be composed mostly of representatives of the public because it is the purpose of these Boards to advise the Government and let the Government know what the public feel in such matters.

I think, I have dealt with every point that has been raised. Once again, I would like to thank hon. Members who have extended, may I say with the exception of Mr. Trivedi, such unstinted support to the Bill.

Mr. Chairman: The question is:

"That the Bill further to amend the Wakf Act, 1954, be taken into consideration."

The motion was adopted.

Mr. Chairman: We shall now take up clause-by-clause consideration of the Bill. There are no amendments. I will put all the clauses together to the vote of the House.

The question is:

"That clauses 1 to 24 stand part of the Bill."

The motion was adopted.

Clauses 1 to 24 were added to the Bill

Mr. Chairman: The question is:

"That the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

The Enacting Formula and the Title were added to the Bill.

Shri Humayun Kabir: I move:

"That the Bill be passed."

Mr. Chairman: The question is:

"That the Bill be passed."

The motion was adopted.

SLUM AREAS (IMPROVEMENT AND CLEARANCE) AMENDMENT BILL.

The Minister of Works and Housing (Shri Mehr Chand Khanna): Sir, I beg to move:

"That the Bill to amend the Slum Areas (Improvement and Clearance) Act, 1956, as reported by the Joint Committee, be taken into consideration."

Sir, about six months ago, I introduced a Bill in this House rather an amending Bill, relating to the improvement and clearance of slums. It was then pointed out that in spite of the best efforts made, we were faced with certain difficulties and with a view to removing those difficulties, an amending Bill was brought before the House. That Bill was fully discussed and the various aspects of the Bill were thrashed on the floor of this House. The principle of the Bill was accepted. Since the principle of the Bill was accepted and fully discussed, I do not want to cover the old ground again, and that will not be correct also.