

Chand, Shri K. Periaswami Gounder, Shri Paidi Lakshmayya, Shri Digambar Singh, Shri George Thomas Kottukapally, Shri Lokenath Mishra, Shri Ganesh Lal Chaudhary, Shri Ram Sahai Tiwari, Shri N. Rachiah, Dr. A. Krishnaswami, Shri Bhawani Singh, Shri Sadhan Chandra Gupta, Shri S. V. L. Narasimham, Shri K. M. Vallatharas, Shri K. S. Raghavachari, Shri Bijoy Chandra Das, Shri N. R. Muniswamy and the Mover, and 15 Members from Rajya Sabha:

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of Members of the Joint Committee;

that the Committee shall make a report to this House by the 15th November, 1955;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of Members to be appointed by Rajya Sabha to the Joint Committee."

The motion was adopted

DURGAH KHAWAJA SAHEB BILL

The Minister of Home Affairs (Pandit G. B. Pant): I beg to move:

"That the Bill to make provision for the proper administration of the Durgah and the Endowment of the Durgah of Khawaja Moin-ud-din Chishti, generally known as Durah Khawaja Saheb, Ajmer, be taken into consideration."

This Bill was introduced in November, 1952. It should gladden the hearts of the Members of this House, and, especially of those who are interested in this shrine, that it is after all going to take the shape of a statute.

The Bill, as its name indicates, concerns the Moin-ud-din Khawaja Durgah in Ajmer. Moin-ud-din Chishti lived in Sijistan. He was born sometime, I think about 1142 A.D. and died at the age of about 94. During the latter part of his life, for about 50 years, he lived in Ajmer. He belonged to the second group of Sufi silsilas who were known as Chishtis and as a great saint he attracted large numbers of people who had great confidence in his spiritual powers. The Chishti masoleum was originally of a humble type but the Moghuls endowed it very richly. Akbar gave a number of villages and mosques were built there by Jahangir and Shahjahan. The Durgah owns today considerable property. As it often happens in the case of such religious endowments, the very fact of its having at its disposal a fairly substantial income has been the source of constant trouble and the beneficiaries have been continuously wrangling, struggling and fighting with each other. So, since the very first there has been a lot of trouble.

As hon. Members are aware, the Religious Endowments Act was passed in 1863 and soon after, in 1866, a committee was appointed under that Act to look after the affairs of the Durgah. But the Khadims—Sajjadanashin and others—who derived their sustenance from the Durgah did not allow this committee to function smoothly. Later on, a number of measures were taken in order to improve its administration, but they too failed. Then, several Acts were passed, one after another, with a view to setting matters right. But, they too did not fulfil the purpose for which they were designed.

Ultimately, in January, 1948, a Durgah Khawaja Saheb Committee of Enquiry was appointed with Sir Ghulam Hassan of the Allahabad High Court as Chairman of the Committee and two other eminent Muslims as its members. That committee held very elaborate enquiry and, in spite of the resistance that it had to face from the Khadims and others, it succeeded in producing a very valuable report.

[Pandit G. B. Pant]

After considering this report, this Bill was framed.

It is designed to place the affairs of the Durgah on a sound and stable footing; to put an end to—so far as it can be humanly possible—the bickerings, rivalries and wranglings that have been continuously going on among the beneficiaries of the Durgah, and to place its administration virtually under the control of the community which is mainly interested in it. The Chishti himself was a Sufi. As I said, Sufis were really saints of a broad outlook. Inspired by a genuine spirit of humanness they were ever anxious to relieve distress and to treat all in an even manner regardless of their caste or creed. So, this institution is respected and venerated not only by Muslims but also by people of other creeds and classes. It commands a considerable number of followers even among other communities and everyone has nothing but reverence for it.

Now, an institution like that deserves to be preserved and to be saved against those who have already done considerable damage to its reputation and hampered its proper working. With this object in view, as I just submitted, this Durgah Khawaja Saheb Bill has been placed before this House. It is intended that a High Power Committee should be appointed. This Committee will be in overall charge of the affairs of the Durgah. The Committee will have a Member-Secretary who will be a paid one and he will be assisted by an Advisory Committee. The High Power Committee will consist of respected leaders of the Muslims. The Advisory Committee will consist mainly of people living in and in the neighbourhood of Ajmer itself. The High Power Committee will not be able to look after the day to day administration of the Durgah, but the Advisory Committee is expected to do so. The differences, whenever they arise, are to be settled by arbitration and the Committee has

also been given powers to frame bye-laws. There is nothing controversial about it and I hope the House will accept the measure unanimously.

Mr. Deputy-Speaker: Motion moved:

“That the Bill to make provision for the proper administration of the Durgah and the Endowment of the Durgah of Khawaja Moin-ud-din Chishti, generally known as Durgah Khawaja Saheb, Ajmer, be taken into consideration.”

Shri Sadhan Gupta (Calcutta South-East): This Bill seeks to regulate the affairs of a religious shrine which possesses considerable properties. Now, as it happens with most of the religious institutions which are possessed of properties, it must have happened with the affairs of this Durgah that the interests of the religion and all the religious matters for which it was originally established have suffered and there must have been conflicts for the properties it possessed.

Now, so far as we can understand, there is justification for the regulation of affairs of shrines such as this, but more than that, we have not been enabled to understand the matter, because the report on which this Bill is based has not been placed at our disposal. I have looked for it in the Parliament library in vain and so it seems we are expected to ditto the Bill without knowing the facts and circumstances about the Bill. For example, I find in the Act of 1936 which was passed for the regulation of the affairs of this particular shrine that the committee which was constituted was based on the elective system. Various modes of elections were adopted to give representation to the devotees, to the Muslim Members of Parliament and so forth and the committee was on the whole elected with a few nominated exceptions. Now, what is being sought to be done is to replace it entirely by the committee nominated by the Central Government.

From the point of view of sheer principle it cannot be doubted that an elective system is better than a system of nomination and if you want to replace it by a system of nomination, you have to make out the strongest case for it. We have not been given any facts to understand whether this replacement, in its entirety, of the elective system by a system of nominated committee with nominated officials is really justified or whether some modification of the elective system might have been made. We are told that a report was given by a committee presided over by an eminent judge of the Allahabad High Court who later on became a judge of the Supreme Court. We are also told in the Statement of Objects and Reasons that this Bill represents the decisions of the Central Government on that report. Now, neither the decision of the Central Government nor the report itself is binding upon us. But the report at least has a strong persuasive value, coming as it does from such an eminent authority, and the decisions of the Central Government have not even such a value. We should have expected that the report should have been placed before us. In the absence of that report we cannot judge whether what has been provided is for the good of the Durgah and for the devotees who are interested in the Durgah. There is an apprehension in a section of the Muslim community that the affairs of the Durgah might be indiscriminately interfered with. I would, therefore, ask the Government to define, in the course of this debate, the policy which it will follow in nominating the various members of the committee and the principles which it will follow in nominating the members of the committee. This kind of a definite policy would go a long way in assuring the Muslim community that there will be no governmental interference as distinguished from regulation of the affairs of the Durgah in the interests of the devotees.

Lastly, I would request the Government to take up not only the case of

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this Durgah but the case of all religious institutions which possess property or which have the power to amass wealth. There are numerous centres of Hindu pilgrimage where we learn of very shameless exploitation of the religious sentiments of the people; all kinds of practices are in vogue to extort money from devotees. These things in our country should end and a comprehensive legislation should be brought forward to stop these practices in every religious institution. I understand that this is the case not only with Hindu religious institutions: in South India, there are Christian churches also which have vast properties; their affairs too are not all right. Therefore, the affairs of all these institutions should be looked into, and a proper administration provided for them.

I would again say that I am for the elective system of administration, unless there is an irrefutable case for a nominated administrative committee and unless the affairs are such that the electorate could not be expected to manage the affairs properly and would create a deadlock or squander away or loot the property of the particular institution concerned. With these few words, I do not know what to do—whether to support the Bill or to oppose the Bill—because we have not been placed in a position to understand the import and the implications of the Bill and to understand the merits or demerits of the Bill.

شری ایم - ایچ - رحمن
 (ضلع مرادآباد - مدعوہ) : ڈپٹی اسپیکر
 صاحب - اس وقت ہمارے سامنے
 درگاہ خواجہ صاحب بل پیش ہے -
 ابھی ہم ماسٹر صاحب نے اس کو
 پیش فرماتے ہوئے خواجہ معین الدین
 جشتی کی شہادت کا بھی ذکر
 فرمایا - وہ ہندوستان کے بہت ہی

[شری ایم۔ ایچ۔ رحمن]

عظیم الشان صوفی گڈرز ہیں اور دنیا میں شائد کوئی ایسا گوشہ یا کونہ نہیں ہوگا جس میں ان کے فالوورس اور معتقدین موجود نہ ہوں۔ کروڑوں انسان ہندو و مسلمان سہمی ان کے سامہ عقیدت رکھتے ہیں۔ ان کی پاک زندگی سہمی ہی اور آج بھی اجسیر سہمی ان کا آستانہ ہندو مسلمان دونوں کے لئے آستانہ عقیدت بنا ہوا ہے۔ اور مسلمان اور ہندو بھائی سہمی ان کے چرنوں میں نظر عقیدت پیش کرتے ہیں۔ شردھانجلی پیش کرتے ہیں۔ آج ہم ہندوستانی ایسے بڑے صوفی کی شخصیت پر جتنا بھی فخر کریں کم ہے۔ انہوں نے صرف مسلمانوں کی ہی نہیں بلکہ دنیا کے انسانیت کی ایک صوفی کی حیثیت سے بہت بڑی خدمات انجام دی ہیں۔ اور اخلاق یعنی کھریکٹر بنانے کے لئے ان کی زندگی ایک بہترین نمونہ رہی ہے۔ اس لئے بڑے بڑے بادشاہوں نے۔ مغل بادشاہوں نے۔ نوابوں اور راجاؤں نے بہت سی جائدادیں بھی وقف کیں۔ ان کے آستانہ کے لئے۔ لنگر بھی جاری کئے۔ عسارتیں بھی بنائیں اور مسعہدیں بھی بنائیں۔ ضرورت ہے۔ اور ہمیشہ رہتی ہے کہ اس کا ایک معقول اور بہترین انتظام کیا جائے۔ پچھلے زمانے میں بھی۔ بھارت کے آزاد ہونے سے پہلے اس کے

انتظامات کے لئے قانون بنے ہیں۔ لیکن اس زمانے میں سنٹرل اسمبلی کے مسلمان ممبران نے یہ بات محسوس کی تھی کہ یہ انتظام صحیح طور پر اور معقول طور پر نہیں ہو رہا ہے۔ سجاد نشین۔ متولی صاحب۔ خادم اور اس سے تعلق رکھنے والوں کے درمیان بہت سی باتوں میں کشمکش رہتی ہے۔ انتظامی معاملات میں بھی پیچیدگی پیدا ہو گئی تھی اور بہت سی خرابیاں پیدا ہو گئی تھیں۔ اس سلسلہ میں جیسا ابھی ہوم منسٹر صاحب نے فرمایا۔ بھارت کے آزاد ہونے سے پہلے ہی ایک کمیشن مقرر کیا گیا تھا تاکہ وہ ہندوستان میں گھوم کر مختلف اداروں۔ ایسوسی ایشنوں اور بڑے بڑے ذمہ دار انسانوں نے بیانات لے کر یہ اندازہ لگائے کہ ان کے لئے بہتر سے بہتر انتظام کا کون سا طریقہ ہو سکتا ہے۔ جسٹس غلام محمد اس کے چہرہ میں تھے۔ نواب محمود یار جنگ، سر محمد یاسین وغیرہ اس کے ممبر تھے۔ انہوں نے اس سلسلہ میں پوری اندیا کا کشت کر کے بہت ذمہ دار اداروں سے بڑے بڑے ذمہ دار ہندو مسلمان معززوں سے بیانات لیلے کے بعد انتظامی مشن کے بارے میں سفارش کی۔ انٹرم اور درمیانی وقت کے لئے انہوں نے تجویز کیا اس کا ایک ایڈمنسٹریٹر

انتظام کرے اور حکومت اسکی نگرانی کرے اور دیکھ بھال کی ساری ذمہ داری اپنے ہاتھ میں لے۔ چنانچہ اس وقت تک ایڈمنسٹریٹو کے ذریعہ سے درگاہ کا بہترین انتظام ہوتا ہے۔ لیکن ظاہر ہے کہ ایڈمنسٹریٹو اسکا انتظام بہت زیادہ وقت تک نہیں کر سکتا اور اس کا ایک برا اثر یہ بھی ہوتا ہے کہ وہ ایک ڈکٹیٹو کی صورت اختیار کر لیتا ہے۔ آپ چاہے چٹلی نگرانی اس پر رکھیں لیکن آپ اس چیز سے بچ نہیں سکتے ہیں۔ وہ تمام معاملے جو رسوم سے تعلق رکھتے ہیں ان سب کا انتظام ایک آدمی ٹھیک طرح سے کبھی نہیں کر سکتا۔ اس لئے یہ ضروری تھا کہ ایک کمیٹی بنائی جائے اور اس کو عام پاور دی جائیں اور اس کو انتظام کرنے کا کام سونپا جائے۔ یہاں ہاؤس میں ابھی سادھن صاحب نے یہ سوال اٹھایا اور پچھلے دنوں وقف بل کے موقع پر میں نے بھی انتظامی طریقہ کی حمایت کی تھی اور رپورٹ میں بھی اس طرف اشارہ ہے کہ انتظامی طریقہ سے کمیٹی بنائی جائے۔ لیکن موجودہ بل جو ہمارے سامنے ہے اس میں نامزدگی کو بلوائی طور سے تسلیم کیا گیا ہے۔ میں بھی اس وقت جب یہ بل پیش کیا گیا تھا سمجھتا تھا کہ انتظامی راستے سے جتنے آزادانہ طور پر نمائندگی ہو سکتی ہے نامزدگی

سے شاید اس حد تک نہ ہو۔ لیکن ساتھ ہی ساتھ یہ بھی محسوس ہوتا ہے کہ اس قسم کے انتظامی معاملات میں انتظامی راستے سے آنے میں اور بہت سی خرابیاں پیدا ہو جاتی ہیں۔ جو لوگ انتظامی راستے سے معاملات میں آئے ہونے کا شوق رکھتے ہیں وہ الیکشن کے لئے ایسے راستے اختیار کرتے ہیں کہ جن کی بدولت جو صحیح مقصد ہوتا ہے بعض اوقات وہ پورا نہیں ہوتا اور اس سے بہت دقت اور دشواری پیش آجاتی ہے۔ اس لئے شاید گورنمنٹ نے یہ محسوس کیا کہ نامزدگی کا طریقہ زیادہ مناسب رہے گا۔ تو ایسا کرنے سے گورنمنٹ پر ایک بہت بڑی ذمہ داری عائد ہوتی ہے اور وہ یہ کہ جو ممبر وہ نامزد کرے اس بات کا دھیان رکھے کہ چونکہ ہم خاص مقصد کے لئے ان کو وہاں بھیج رہے ہیں۔ وہ ان خاص مقصدوں کو پورا کرنے کے قابل ہوں۔ یہ ممبر ایسے ہونے چاہیں جو کہ ایماندار ہوں اور جو کام ان کو سونپا جاتا ہے اسے وہ ایمانداری سے انجام دیں۔ اب جب کہ یہ بل پیش ہو گیا ہے اس سلسلے میں میں جلد دقتوں کی طرف آپ کا دھیان دلانا چاہتا ہوں جنہیں کہ میں ضروری سمجھتا ہوں۔ میں شری پلٹ جی کو مبارکباد دیتا ہوں کہ جو چیز بہت دیر سے پڑی ہوئی تھی اور بار بار

[شہزی ایم۔ ایچ۔ رحمن]

لسٹ پر آتی تھی لیکن اس کے باوجود بھی اس کو پاس کروانے کے لئے کوئی قدم نہیں اٹھائے گئے تھے انہوں نے اس کی طرف دھیان دیا اور اس ہاؤس میں بیٹھ گیا۔ میں سمجھتا ہوں کہ اس بل کی اس وقت بہت زیادہ ضرورت تھی کہونکہ کافی دیر سے سارا کام کاج ایک ایڈمنسٹریٹر کے ہاتھ میں تھا اور یہ ضروری تھا کہ اسکو ایک کمیٹی کے ہاتھ میں سونپا جائے۔ اب جو ۵ یا ۷ ممبروں کی کمیٹی بنائی جانے والی ہے یہ سارا فرض ہو جاتا ہے کہ ہم یہ دیکھیں کہ اسکے راستے میں کوئی لڑچلن نہ آئیں کوئی دشواریاں نہ آئیں اور اس بات کو دیکھتے ہوئے میں چند چیزیں آپکی خدمت میں عرض کرنا چاہتا ہوں اور امید کرنا ہوں کہ آپ ان پر غور کریں گے۔ پہلی بات تو یہ ہے کہ جو ناظم مقرر کیا جائے گا وہ سیکریٹری کا کام بھی سر انجام دے گا۔ اس ناظم کا تعلق کمیٹی کے ساتھ ہوگا اور وہ کمیٹی اس ناظم کے ذریعہ سے اپنے تمام کام سر انجام دے گی اور سارے انتظامات کرے گی۔ تو ضرورت اس بات کی ہے کہ جب کہ ناظم کو سہیلنگل گورنمنٹ لہوائٹس کرے گی تو ضروری ہے کہ اس کو لہوائٹس کرتے وقت کمیٹی

سے صلاح مشورہ کرلیا جائے۔ ناظم یا سیکریٹری کی جگہ پر اسی آدمی کو لٹا یا جائے جسے کہ یہ کمیٹی چاہتی ہو کہونکہ کمیٹی کو ہی اس سے روزمرہ کا کام لینا ہے۔ اگر آپ الگ سے ایک ناظم کو مقرر کر دیتے ہیں اور کمیٹی سے پوچھتے تک نہیں تو وہ ناظم یہ محسوس کرے گا کہ میں تو سہیلنگل گورنمنٹ کی طرف سے آیا ہوں۔ مجھے بہت اختیار ہوں۔ میری مرضی ہے کہ کمیٹی کی بات کو مانوں یا نہ مانوں۔ دوسری طرف کمیٹی یہ محسوس کرے گی کہ سارے اختیار ہمارے پاس ہیں اور جس طرح سے ہم چاہتے ہیں اسی طرح سے ناظم کو کام کرنا ہے۔ کمیٹی کا ہیشہ یہ خیال ہوگا اور ٹھیک بھی ہوگا کہ اس طریقے سے کام کیا جائے کہ جس مقصد کو ہم پورا کرنا چاہتے ہیں وہ پورا ہو سکے۔ اس لئے بھی اچھا ہوگا کہ ناظم کی تقریبی کے وقت چاہے یہ سہیلنگل گورنمنٹ کے ہی ہاتھ میں رہے کمیٹی سے صلاح مشورہ کر لیا جائے۔ دوسری بات جو میں عرض کرنا چاہتا ہوں وہ یہ ہے کہ روزمرہ کے کاموں کے لئے جو ایک ایڈوائزری کمیٹی مقرر کرنے کی تجویز رکھی گئی ہے اس میں یہ کہا گیا ہے کہ یہ کمیٹی جو کہ سات ممبروں پر مشتمل ہوگی اسے

سینٹرل گورنمنٹ چیف کمشنر سے
 صلح مشورہ کرنے کے بعد ایوانٹ
 کرے گی۔ اس میں بھی کمیٹی کا
 کہیں تذکرہ نہیں کیا گیا ہے۔ میں
 مانتا ہوں کہ چیف کمشنر صاحب
 ایک ذمہ دار آدمی ہوتے ہیں اور
 ان سے صلح مشورہ کرنا بہت ضروری ہے
 لیکن اس سے بھی زیادہ ضروری بات
 یہ ہے کہ جس کے تحت اس
 ایڈوائزی کمیٹی کو کام کرنا ہوگا اور
 جو ذمہ داریاں جو اب دے رہے ہیں اور جو
 سب کاموں کو سرانجام دے گی اس
 سے صلح مشورہ کر لیا جائے اور تب
 یہ ایڈوائزی کمیٹی متروک کی جائے۔
 دوسری بات جو مجھے کہنی ہے

وہ کلز ۱۶ کے بارے میں ہے جس
 کا تعلق کسی مخصوص رسوم و رقعہ
 سے نہیں ہے بلکہ انتظامی معاملات
 سے ہے۔ اس کلز کے مطابق اگر کوئی
 چوگرا کمیٹی کے اور شجادیہ نشین کے
 درمیان یا کسی خادم کے درمیان
 یا کسی اور ملازم کے درمیان ہو جاتا
 ہے یا کوئی اختلاف پیدا ہو جاتا ہے
 تو اس صورت میں ایک ثالثی
 بورڈ بنانے کی تجویز رکھی گئی ہے
 اس بورڈ میں ایک تو مسٹر کمیٹی
 کا ہوگا ایک ممبر ایگزیکٹو پارٹی کا ہوگا
 اور ایک آدمی کو سینٹرل
 گورنمنٹ نامزد کرے گی جو نہ
 چہرہ میں کسی حیثیت میں کام
 کرے گا اور اس بورڈ کا فیصلہ آخری
 فیصلہ ہوگا۔ میں سمجھتا ہوں کہ

یہ سب سے زیادہ اہم چیز ہے یعنی
 اس طرح سے ایڈمنسٹریٹو کام
 نہیں چل سکتا ہے۔ اس موجودہ
 کلز کے مطابق کوئی بھی آدمی چاہے
 وہ ایک معمولی نوکر ہی کہوں نہ ہو
 اپنے چھکڑے کا فیصلہ کروانے کے لئے
 بورڈ متروک کرنے کی مانگ کر سکتا
 ہے۔ اس کلز کو اگر اس صورت میں
 رکھا گیا تو میں سمجھتا ہوں کہ یہ
 ایک بہت نامناسب چیز ہوگی اور
 اس طرح سے کام نہیں چل سکتا۔
 ایک طرف تو آپ کمیٹی کے ہاتھ
 میں طاقت دیتے ہیں اور دوسری
 طرف شجادیہ نشین کو یا خادم کو
 یا کسی اور ملازم کو اس بات کا
 اختیار دیتے ہیں کہ وہ جب
 چاہیں اور جس چھکڑے میں
 چاہیں ثالثی بورڈ قائم کرنے کی
 مانگ کر سکتے ہیں۔ میں سمجھتا
 ہوں کہ یہ ٹھیک بات نہیں ہے۔ اس
 واسطے اس معاملے کو میں بہت
 اہمیت دیتا ہوں اور اس کو میں
 ایک بہت سہریس بات سمجھتا
 ہوں۔

میں سمجھتا ہوں کہ اس کلز
 کو لڑا دیا جائے اور اس کی جگہ پر
 یہ لکھ دیا جائے کہ اگر کوئی چھکڑہ
 کمیٹی اور شجادیہ نشین کے درمیان
 یا خادم اور شجادیہ نشین کے درمیان
 اقامہ کوڑا ہو تو اس معاملے کو فیصلہ
 کے لئے سینٹرل گورنمنٹ کے پاس

[شری ایم - ایچ - رحمن]
 بھبھجا جائے اور وہی اس کا فیصلہ
 کرے۔ اس طرح سے روزمرہ معاملات
 فیصلہ کے لئے سینکڑوں گورنمنٹ کے
 پاس نہیں جا سکیں گے۔ اگر اس
 بات کو نہیں مٹا جاتا ہے تو وہاں
 پر روزمرہ ہورہے ہٹانے کی بات اتہ
 کھڑی ہوگی اور اس طرح سے کلم
 چلنا مشکل ہو جائے گا۔

پانچویں بات جو مجھے عرض
 کرنی ہے وہ یہ ہے کہ اس میں
 کمیٹی کے اختیارات کا ذکر کیا گیا
 ہے کہ اگر کمیٹی ضرورت سمجھے یا
 ضروری سمجھے تو خادم جو کہلاتے
 ہیں ان کے لئے لٹسلیس جاری کرنے
 کا طریقہ جاری کرے۔ وہاں پر :-
 خادم میں وہ بہت ہمت ہمت سے خدمت
 کرتے آ رہے ہیں۔ ان میں اچھے بھی
 آدمی ہیں اور برے بھی ہیں۔
 خدمت کرنا ایک مزہبی جذبہ ہے
 اور یہ ایک رواج کی صورت میں
 چلا آ رہا ہے۔ میں سمجھتا ہوں کہ
 جہاں تک کنٹرول کا تعلق ہے،
 کمیٹی کے پاس وہ رہنا چاہئے۔
 آپ قانون میں اور ہائی لڑ میں
 ایک ایسی دفعہ رکھیں۔ جس کے
 مطابق کمیٹی کو یہ حق حاصل ہو
 کہ جب کبھی کوئی شخص کوٹو
 ایسی خلاف ورزی کرے جس کو آہ
 دہگاہ کے انتہیہ سے کے خلاف سمجھتی
 ہے وہ اس کو سزا دے سکے یا
 جرمانہ کر سکے۔ اس سلسلے میں

مختلف قسم کی سزا رکھی جا
 سکتی ہے۔ لیکن خدمت کا جو
 جذبہ ہے۔ جو کلویشن اور رواج ہے
 اور مذہبی طریقہ کار۔ چلا آتا ہے۔
 اس کو ختم کر کے ایک بزنیس کے
 طریقے سے۔ ایک تجارتی طریقے سے
 لٹسلیس لٹا دینا کسی طرح مناسب
 نہیں ہے۔ میں چاہتا ہوں کہ اس
 میں لٹسلیس کی شرط نہ رکھی
 جائے۔ یہ کوئی بزنیس یا تجارت
 نہیں ہے۔ یہ تو خدمت کا جذبہ
 ہے اور نسلوں کے بعد نسلوں تک
 چلا آتا ہے۔ مہربی تجویز ہے کہ آپ
 ہائی لڑ میں ایک دفعہ رکھ کر
 اپنے کنٹرول کو بڑھا دیجئے۔

آخر میں میں صرف ایک بات
 کہہ کر اپنی اس گفتگو کو ختم
 کرونگا۔ اس میں سجادہ نشین
 یعنی دیوان صاحب کے لئے دو سو
 روپیے وظیفہ رکھا گیا ہے۔ میں عرض
 کرنا چاہتا ہوں کہ اب تک طریقہ
 یہ رہا ہے کہ بادشاہوں کے زمانے سے
 خالص اس فرض کے لئے یعنی دیوان
 صاحب کے مصارف کے لئے دو لاکھ
 انکو مالگزاری دیتے رہے۔ ہیں۔
 مجھے تحقیقات کرنے کے باوجود
 معلوم نہیں ہو سکا ان کی کہا آمدنی
 ہے۔ چاہے دو سو روپیہ ہو یا تین
 سو روپیہ یا چار سو روپیہ ہو۔ آپ
 نے ساری جائیداد کمیٹی کے حوالے
 کر دی ہے۔ یہ تھک ہے۔ سارا کام

کہہتی کو ہی کرنا چاہیے - اور
 کسی قسم کا انتظامی کام سجادہ نشین
 کے پاس نہیں رہنا چاہئے - لیکن
 میرا خیال ہے کہ جو آمدنی ان
 دو گلوں سے ہوتی ہے وہ سجادہ
 نشین کو بدستور دی جانی چاہئے -
 آپ غور فرمائیے کہ آج مہلکائی کا
 زمانہ ہے - ستا زمانہ نہیں ہے -
 اس لئے اس رقم میں کوئی کمی
 نہیں کی جانی چاہئے سو یہ رقم
 سو روپیہ کم کرنے سے درگاہ کی آمدنی
 میں کوئی فرق نہیں پڑے گا - لیکن
 درگاہ کے ہیڈ کے لئے - جس کو
 اسلامی ٹیکنیکل الفاظ میں دیوان
 کہتے ہیں - وہی وظیفہ ہونا چاہئے
 جو وہ اب تک پاتا رہا ہے - اس
 میں کوئی کمی نہیں کی جانی
 چاہئے - وہ زیادہ بیشک ہو جائے
 لیکن کسی کرنے کا تو سوال ہی نہیں
 اٹھنا چاہئے -

ان الفاظ کے ساتھ میں اس بل
 کی تائید کرتا ہوں اور میں سمجھتا
 ہوں کہ یہ برجصل اور ہر موقع
 ہمارے سامنے پیش کیا گیا ہے - مجھ
 امید ہے کہ اس کے ذریعہ آئندہ انتظام
 بہت بہتر طریقے سے ہو سکے گا - اس
 سلسلہ میں میں نے اسٹڈی پلن
 نہیں بھیجی ہوئی ہیں جو کہ میں
 وقت پر پیش کروں گا -

(English translation of the above
 speech.)

[Shri M. H. Rahman (Moradabad
 Distt. Central): Mr. Deputy Speaker,

Durgah Khawaja Sahib Bill is before
 us. While presenting it, the Home
 Minister referred also to the persona-
 lity of Khawaja Mueenuddin Chishti.
 He is one of the greatest of Sufis in
 India and there is perhaps no place
 in the world where his followers are
 not found, Crores of people, Hindus
 and Muslims, pay homage to his
 memory and his shrine in Ajmer, was,
 in his life time, and remains to this day
 a place of pilgrimage for Hindus and
 Muslims alike. We Indians cannot be
 too proud of this great Sufi. As a
 Sufi he rendered yeoman's service not
 only to Muslims but to the whole of
 humanity and his life is a model for
 the formation of character. Many
 Kings, Mughal Kings, Nawabs and
 Rajas donated huge properties as
 wakf for his shrine, erected buildings
 and mosques and started langars. It
 is necessary that proper arrangements
 be made for their administration.
 There were laws to this effect before
 India's independence. But at that
 time the Muslim members of the Cen-
 tral Assembly felt that this adminis-
 tration was not being done properly.
 There was friction between *Sajjada*
nashines, *mutwallis*, *khadims* and
 others concerned. Complications and
 defects had appeared in administra-
 tive matters. As the Home Minister
 has stated, before India's independence
 also, a Commission was appointed, so
 that after ascertaining the views of
 different institutions and responsible
 persons during the course of a tour
 of the whole of India, it should make
 a report regarding the best method
 of their administration. Justice
 Ghulam Mohd. was the chairman of
 this Commission and Nawab Mahmood
 Yar Jung, Sir Mohd. Yamin and
 others were its members. These gen-
 tlemen toured the whole of India,
 took down the statements of responsi-
 ble institutions and individuals, both
 Hindu and Muslim and made recom-
 mendations regarding the administra-
 tive machinery. For the interim
 period, they proposed the appointment
 of an administrator and recommended
 that Government should take upon
 itself the whole responsibility of look-
 ing after it. The Durgah has been

[Shri M. H. Rahman]

administered very creditably, by the Administrator, but it is clear that he cannot go on for long. One of its disadvantages is that the administrator takes on the role of a dictator. You may have any amount of supervision, but you cannot escape it. All the matters connected with ceremonies cannot be administered properly by one man. Therefore it is necessary to form a Committee and to entrust all powers to it. Shri Sadhan has raised this point in the House and on the occasion of the Wakf Bill I had also supported the system of election. The report also suggests that a Committee be formed on the election system. But in the present Bill, the system of nomination has been accepted in principle. At the time of the introduction of the Bill, I was also of the view that the election system would be more democratic than the nomination system. But at the same time, I feel that by following the election system in administrative matters of this kind many other evils may arise. People who prefer the election system sometimes adopt election tactics calculated to defeat the real objectives. This causes great hardship. Perhaps that is why Government considered the nomination system to be better. But it imposes a heavy responsibility on the Government and that responsibility is to see that the members it nominates are able to achieve the particular objectives for which they are being nominated. These members should do their work honestly. I would like to draw your attention to a few important clauses of this Bill. I congratulate Shri Pant on the fact that he has paid attention to this measure for passing which no steps have been taken so far, though it has come on the list many times, and has presented it in this House. I believe this Bill is overdue, because the whole of the work is now in the hands of the Administrator and it is necessary to entrust it to a Committee. It is our duty to see that this proposed committee of 5 or 7 members is faced with no obstacles or difficulties. I would like to submit a few points in this connection.

The first is that the Administrator would perform the duties of the Secretary also. He would be concerned with the Committee and this Committee would discharge its functions and make all arrangements through him. So it becomes necessary that while appointing the Administrator, the Central Government should consult the Committee and he should be a man whom the Committee choose, because the Committee has to do its day-to-day work through him. If you appoint an Administrator over the head of the Committee, he would come to think that as he has come on behalf of the Central Government, therefore he enjoys wide powers and it is upto him whether he accepts the advice of the Committee or not. On the other hand, the Committee would think that all powers are vested in it and that the Administrator should carry out its orders. The Committee would always believe, and believe rightly, that work should be done in such a manner as to achieve the objectives desired. Therefore, though the appointment of the Administrator may rest with the Central Government, it would be better if the Committee is consulted in the matter. My next point is about the Advisory Committee. The proposal for the establishment of a Advisory Committee says that this Committee which will consist of seven members will be appointed by the Central Government after consultation with the Chief Commissioner. There is no mention of the former Committee in this. I concede that the Chief Commissioner is a responsible person and it is necessary to consult him, but what is more important is that in the appointment of the Advisory Committee, the former committee under which it will have to work and which is in reality the responsible committee, should be consulted.

My third point is regarding clause 16 which is not concerned with any special ceremonies etc. but with administration matters. Under this clause, there is a provision for the formation of an Arbitration Board in

the event of a dispute or difference, between the Committee and the *Sajjadanashin* or *Khadim* or any other employee. One of the members of the Board will be from the Committee, one member will be from the opposite party and one member who will act as the chairman will be nominated by the Central Government. The decision of this Board will be final. In my opinion this is the most important thing. Administration cannot be carried on like this, because under this clause, any person including an ordinary employee can make a demand for the appointment of a Board for getting his dispute resolved. Retaining this clause in its present form would be highly improper. On the one hand you give power to the Committee and on the other you give a right to the *Sajjadanashin* or *Khadim* or other inferior employees to make a demand for the appointment of an Arbitration Board at any time they please and for any matter they like. I regard this as very serious. In my view this clause should be deleted and in its place a provision should be made to the effect that in the event of a dispute between the Committee and the *Sajjadanashin* or *Khadim* and *Sajjadanashin* the matter should be referred to the Central Government for decision. By doing so, day to day matters will not be referred to the Central Government for decision. If this proposal is not accepted, the Board will have to be set up every day and it would become difficult to carry on the administration.

Regarding the powers of the Committee, it has been stated that if the Committee deems it necessary, it can start the practice of issuing licenses for the *Khadims*. These *Khadims* have long periods of service to their credit and they include good men as well as bad men. Doing service is a religious sentiment and it has been carried on as a convention. I believe that so far as control is concerned, it should vest in the Committee, but there should be provision in the Act and the bye-laws under which the Committee should have a right to award punishment or impose fine on

a person committing a breach, considered by the Committee to be against the interest of the Durgah. This punishment can be of various kinds. It would not be proper to kill the sentiment for service or the religious convention regarding it and to start the business practice of issuing licenses. I would like the provision regarding license to be omitted. It is not a business or trade but a desire for service handed over from one generation to the other. I would suggest that you should increase your control by inserting a section in the bye-laws.

I would say one thing more and close. A stipend of Rs. 200 has been fixed for the *sajjadanashin* or the Diwan. From the time of the kings till now, the revenue of two villages was set apart as expenses for the Diwan. In spite of enquiries I have not been able to find out the income from these villages. Whether the income is Rs. 200, Rs. 300 or Rs. 400 you have entrusted the whole of the property to the Committee. This is of course right, and the *sajjadanashin* should have no administrative work, but I think that the incomes from these two villages should continue to be paid to him. These are days of dearth. Therefore this amount should not be reduced. A hundred or hundred and forty rupees would not make any difference in the income of the Durgah. But the head of the Durgah, called the Diwan in Islami technical language, should continue to get his old stipend. It might be increased, but in no case should it be reduced.

With these words I support this Bill as I consider it very opportune. I hope it would lead to better administration. I have certain amendments which I would move at the proper time.]

Shri Mohiuddin: (Hyderabad City): I am very glad that the hon. Home Minister has, after two years of the introduction of the Bill, now thought it proper that it should be pushed through the House. As he himself indicated in his introductory speech,

[Shri Mohiuddin.]

there have been continuous disputes between the various parties in the Durgah. These disputes have gone on indefinitely for a very very long time, and they have not only damaged the reputation of the people who serve the Durgah, but also have affected the finances of the Durgah itself. Since the last 4 or 5 years, when the Government decided to appoint an administrator under an emergency Act, the administration of the Durgah has improved considerably. Cleanliness and sanitation have also considerably improved. The pilgrims are satisfied that the administration is run on a sound basis. There is no doubt that much still remains to be done. The Bill that has now been introduced makes the position still more satisfactory and fair.

My hon. friend from the opposite side, who spoke immediately after the Home Minister, said that he does not understand why the recommendation of the committee which was presided over by an eminent judge regarding the system of election has not been accepted by the Government, and the system of nomination has been introduced in the Bill. I think, as the hon. Member himself had said, he had not read the report as he could not find it in the library. I am really surprised that he could not find the report in the library. It must be there.

Shri Sadhan Gupta: It was not there.

Shri Mohiuddin: The committee recommended a peculiar system of election.

Shri Sadhan Gupta: I did not say that. I said that a system of election was there under the 1936 Act. We do not know what the committee had recommended. We were not given materials to understand why the elective system was substituted by nomination and whether that was the best system.

Shri Mohiuddin: I do know that the elective system introduced in the

1936 Act did not work properly. The Government had appointed a committee in 1948 and this committee had recommended that the Durgah's affairs should be managed by a high-powered committee which, in the first instance, shall be appointed by the Governor General or the President of the Indian Republic as the case may be. In regard to this, their recommendation was that of the members of the high-powered committee, one shall retire every year and the surviving members should elect a person to fill the vacancy. Every year, one will retire and the rest of the four will elect the 5th. Or, if two members by chance retire, the remaining three members will elect the rest. This system as far as the election of members is concerned is extremely unsatisfactory.

Shri Sadhan Gupta: Quite.

Shri Mohiuddin: The Government have now decided that the committee should be appointed by the Central Government. I fully support this clause which provides for appointment by the Central Government. Of course, much depends as to whom the Central Government will appoint as members of the committee. If, in course of time, we find that the committee so appointed does not work satisfactorily, we can then think of amending the Act and if necessary introducing the principle of election in the high-powered committee.

The Ghulam Hassan Committee had recommended that the Nazim should have the powers of a magistrate for the specified areas in the Durgah and round about the Durgah. I think acceptance of this recommendation is essential and necessary. I hope the hon. Minister will inform us whether, in order to vest him with this magisterial power, it is necessary to introduce a clause in the Bill or it will be quite sufficient to invest him with power by a notification, either by the Central Government or by the State Government in Ajmer. I have submitted a number of amend-

ments. They are all minor amendments and I hope the Government will consider accepting many of them.

One important point which Maulana Hifzur Rahman referred to was regarding the Board of Arbitration. At page 10 of their report, the Committee had recommended:

"All disputes arising out of the claims made by the Sajjadanashin, the Khadims or any other person to any rights or privileges or perquisites connected with or pertaining to the Durgah or any part thereof or ceremonies thereat shall be referred by the manager to the high-powered Committee whose decision shall be final and no Court of law shall entertain such claims and adjudicate upon them."

This was the recommendation of this enquiry committee and their recommendation was to vest the powers of final decision in the Durgah Committee itself. The Bill proposes that all disputes pertaining not only to the Sajjadanashin and the Khadims, but all servants of the committee, servants who are servants by contract shall be referred to a Board of Arbitration if one of the parties desires that it should be referred to arbitration. The words here in clause 16 are: "Sajjadanashin, any Khadim, and any person claiming to be the servant of the Durgah under some hereditary right or under some contract of employment." A chaprasi or a sweeper is a servant by contract. The contract is implied contract. If the committee or the Nazim gives him an order and he disobeys, or the Nazim fines him, he can immediately apply for appointment of a Board of Arbitration. Regarding the disputes between those persons who have got hereditary rights on the one hand and the committee or the Nazim on the other, they can be settled by some means, and it should be provided, that there should be no long-drawn controversy or litigations about them. But I really do not understand how this sentence "or under contract of employment"

comes into the picture, because every person, even a sweeper, is a servant of the Durgah by implied contract. I hope that some other way will be found for settling the disputes between the owners of hereditary rights and the committee. But if the Government insists on passing this clause, I would suggest that these words "or under some contract of employment" should be omitted, so that there can be no misunderstanding as to who has the right to refer the dispute to arbitration. It may be remembered that even now in labour disputes, arbitration is not compulsory, but it appears that the Government think that in the case of the Durgah employees, arbitration must be made compulsory.

I support this Bill and hope that it will be passed very soon so that the committee takes over the administration of the Durgah as soon as possible.

Shri Vallatharas (Pudukkottai): We have got very great regard for the benignness with which the Government has come forward to effect a disciplinary administration in this Durgah which has been the subject matter of great controversy for more than a century. Looking into the past history I should now submit that this is a momentous occasion on which we will have to feel proud about the very incomparable and unequalled sense of religious toleration and religious respect which the Government in this country during the last three centuries, whether alien or indigenous, has been showing, despite the fact that the past has been shrouded in animosity, warfare, and massacre amongst the various religions.

Looking into the history of Ajmer, one can easily see how Prithvi Raj and his followers were massacred there by those who invaded Muslims. Later on, about a century later, Muslims were massacred in that very area. But great men have been revered in spite of these political warfares and several Muslim shrines are now existing in Ajmer. This present

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Durgah is one of the most famous shrines and it has attracted devotees not only from all parts of India, but from abroad, from the Continent of Europe and elsewhere. In a matter of this nature, I feel proud to say that whatever might be our political differences and communal clashes, the nation as a whole has got the greatest respect and regard for religions and their shrines and saints and their followers, and Portuguese Goa must take a lesson from us that in respect of the welfare of any religion in that particular area our traditional honour will ever be maintained at any cost.

So far as this Durgah is concerned, I am yet to know what its annual resources are. A faint idea is given in the report of 1949, that the income will be about Rs. 50,000 per year and it may be Rs. 1 lakh if sufficiently cared for. During the last five years the administration of the Durgah was conducted under the emergency regulation provisions and the Government should be in a position to tell us what the actual or approximate income per year is, what the annual approximate or actual expenditure has been, and how the surplus from the income that remained after expenditure has been dealt with and whether any amount of money has been spent towards the growth of Islam or the education of Muslims or in connection with their religious functions. We are in the dark; I request the Government to make us intelligent about this factor as to the finance of the Durgah and the reformatory work that they have been able to carry on during the last five years, particularly amongst the Khadims, to raise their status and their sense of discipline and welfare, and under the present context, how much of amount has been spent or incurred in the establishment, that is, the Central Committee, the Advisory Committee, the Secretary and so on. If the question of income has to be considered as Rs. 50,000 to Rs. 1 lakh, I humbly submit that it is not worth-while to

have all these paraphernalia of five committees or so much of labour on the part of Government. One of the worst and most calumnious institutions that are existing in this country, and inevitably has to exist, is that of the religious endowments whether it belongs to Christians, Hindus or Muslims or any other sect. There, fraud, misappropriation and so many things do exist. During the last thousands of years, there have been several *avatars* of God. There have been great prophets that have come to reform society. In spite of them, defalcation of money dedicated to religion and God has been the foremost amongst some of the greatest devotees. And this Government, I can say without any fear of contradiction, can never be efficient to put an end to these frauds in the religious institutions. The one earnest attempt that would be desirable on the part of any Government will be to avail a better standard of administrative talents and secure the efficiency of administration and also to infuse a better spirit into the people who are associated with the institutions. I see in this Bill that that particular objective is pervading all through its provisions. It wants to see that a better administration is created, and that a sense of understanding between the devotees and the Government is created. The mutual confidence that must be established between the beneficiaries and those who administer the Durgah is patent in this one respect, namely that Government want to take some steps for the conservation of the shrine in the interests of the worshippers and the devotees.

2 P.M.

In 1950, Sardar Vallabhai Patel in the course of his speech clearly said that it was not the intention of the Government to take this over as one of the administrative wings of Government, but that in consonance with public opinion and in deference to the public requests made to Government, Government wanted just to

help in the set up of the proper establishment and management of this institution. That is all the concern here between Government and the Durgah.

When the income is to the tune of Rs. 50,000 to Rs. 1 lakh, it is necessary to see what portion of this income can be utilised towards having a suitable establishment staff who can take care of the institution in a proper manner. If we look at the question with that basic understanding, we shall find that it is not at all proper to have so many committees. The late Sardar Patel had said then that the central committee, the advisory committee, the diwanship, all these combined together had created an atmosphere of utter confusion and despair. When that had been the sense, why should confusion and chaos transpire any more by retaining and multiplying the same departments? It had resulted in clashes between the mutawalli, (that is, the manager) and the central committee, between the advisory committee and the mutawalli and then there were clashes also between the Khadims and the diwans who claim hereditary rights, and so on. Thus, there were circumstances which established a sort of factious rivalry amongst the different classes of people that were involved in the concern of the Durgah.

Sardar Patel also made this pertinent remark then that if this institution was going to be continued as a place in the name of religion for purposes of extortion, for practice of crimes etc. and as a monopoly where all sorts of atrocities can be committed, then the persons responsible for all this should be cleared out of that atmosphere itself. This is a clear indication that in 1950 when the Durgah Khawaja Saheb (Emergency Provisions) Bill was moved, the condition within the Durgah was very abominable. I can quote several instances by reference to the report to show how confusion had been created within the Durgah. On the side of the mutawalli, that is the manager or the

secretary or whoever it might be, about 5,000 Khadims had joined, and there was a clash between them and the diwans, i.e. the hereditary descendants of the great saint, called Saj-jadanashins. For instance, if in a house where there are two wives and one husband, the two wives begin to clash with each other always, then what will be the fate of the husband? We have also got the Tamil proverb, which says:

Irandu pendattikkaran patta padu.

Mr. Deputy-Speaker: That is no longer possible under the Hindu Marriage Bill.

Shri Nand Lal Sharma (Sikar): He is talking of the old Act.

Shri Vallatharas: Our friend will have a room for all such quarrels in spite of the marriage Act.

Kamban describes the condition of Ravana in his Ramayana in the following words:

Kadan pattar nenjam pol kalanginan Ilanguivendan.

He says that Ravana began to totter and became nervous just as an indebted man. But here the situation is even more serious. The trouble which a husband experiences when his two wives are quarrelling with each other or Ravana's mental chaos have become proverbial troubles. Similar is the trouble when the central committee is involved in a fight between the Khadims on one side (along with the mutawallis) and the diwans on the other, between the diwans on the one side and the advisers on the other, misappropriation and waste of income intervening—all aggravated by a strong public opinion all round. The report itself says that several of these Khadims toured the whole country with their great financial resources, with a view to canvassing public opinion, and they submitted their reports sometimes falsely, sometimes under forged names and so on.

From all these, it will be clear that this small institution has grown up

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to be a menace, and it has completely polluted the so-called Muslim atmosphere in Ajmer. In 1940, it was a fact worthy of note that the Muslim population there was nearly 50,000, but after 1947 it has dwindled down to as low as 9,000. And the report says that it is very difficult to find out of these 9,000 people even a few disinterested persons, independent persons, persons of some status and with a sense of discipline who could be chosen to form the members of the constituent body in regard to the management of the Durgah. So, even the 9,000 Muslims who are there now cannot largely be relied upon to contribute even one independent member to serve on the committees. The Khadim population's influence, the influence of the diwans etc. are so intricate there that none of these 9,000 Muslims is free from their influence. So, the committee had recommended that whatever might be the mode of appointment of the mutawalli, or the advisers or the arbitration body or the main body, interested persons in that atmosphere should never be appointed; otherwise, the system would not work well.

Bearing in mind all these things, I would solicit your consideration in regard to the question whether it is worthwhile to have such a complicated machinery as is contemplated. What Sardar Patel had said was to the effect that these four institutions were existing in the midst of so much of chaos, and rancorous mentality, that the Durgah had almost been brought to a stage of breakdown. We must take this into our consideration and see whether it is not possible to simplify the administrative machinery.

We are not concerned with the religious functions of the diwans or the sense of devotion which the devotees have got, or the degree of service which we must expect from the Khadims and others. I confine myself, as the Bill tries to do, only to the temporal affairs. If an institution of this

type with an income to the tune of about Rs. 50,000 to Rs. 1 lakh could not be managed during the last one century in a proper manner, then it is a thorough shame. If one reads the history of the management there, for a period of 70 years, from about 1863 to about 1936, one will find how when a pilgrim goes to the Durgah in Ajmer, some of these Khadims put the pilgrim on auction so to say, and hand over the pilgrim to the person who gets the highest price, and finally the pilgrim is fleeced almost to his last pie. Thus, the people who go to the shrine with the greatest of devotion to the great saint are put to so much of annoyance by these attendants. One of the eminent Muslim devotees who happened to be a member of the Legislature in 1936 said, while speaking on the original Bill, that they wanted that the visitors should be accommodated with convenience and be freed from the atrocities of these attendants. This was the most important request that he advanced in the course of his argument on the Bill introduced in 1936.

The hon. Member who preceded me said that conditions have improved after 1950. I am at a loss to see how they have improved. Yesterday I came in contact with two Maraikkayar families of Karaikal, who had gone to Ajmer recently in connection with the Id and had returned from there. I happened to meet a very intelligent and most amiable member of the Khadim community also following them. I am not at all encouraged by the versions that they have given. Some things might have improved, but the improvement that is said to have been effected is no improvement at all.

In view of the chaotic conditions, the limitations of resources, and the way in which the Durgah has been subjected to these mutual clashes among its own attendants and devotees, why should we not straightway go and draw a straight line by which all these chaotic and miserable anecdotes shall

be cut off, and a new atmosphere will be begun? Why should you require five members for a committee? I am not going to criticise vindictively any intention on the part of Government. But I do feel that there is no imagination on the part of the draftsmen of this Bill; they want to adhere only to the previous things. They do not want to think afresh in the light of the new circumstances and conditions. When 25 people were not able to manage the institution well for nearly 75 years, even when the body consisted exclusively of Muslims of very great status in public life, and who happened to be Members of the two Legislative Chambers in 1936, what is the use of putting again a number of people in the committee to do the same thing now? Ordinarily, one man would be able to manage this institution. Let him be the best Muslim and let him be a retired officer, or let him be a government officer nominated afresh through the Public Service Commission or any other institution; he will be able to manage the institution very well. I challenge the Government whether they could at all repudiate the suggestion that this Durgah is incapable of being managed by one devout Muslim who could be selected on merits. What is the use of having five absentee members to manage the institution? The report says that one member must be a district judge either in service or retired, or an advocate above 50 years of age and with 25 years of experience, and having a lot to do with Muslim law and Muslim propaganda.

I would least prefer an advocate. His whole life as an advocate has been smeared with so much of sin everyday. Though it is all going to be expiated under the provisions of the Constitution, I do not gloat, because a lawyer born in this country is born as the reflection of the sins he committed in the previous generation. Whatever that may be, a lawyer, to my mind, is not at all competent to manage all these, especially a lawyer who has ingrained

himself for 25 years in the profession. A young man of middle age with some bright outlook, with enthusiasm for work and also with religious devotion, must be put there.

Shri B. S. Murthy (Eluru): Bright look or outlook?

An Hon. Member: Inlook.

Shri Vallatharas: In look and outlook—both, because face is always an index of the mind. If we take it in the higher sense, these two must go together. Where is the necessity for an advisory body for the Mutawalli or manager? Here the same mistake is committed in this Bill, in so far as the connection between the Mutawalli and the Central Committee is concerned. The Report has taken great pains to show how the Mutawalli's position under the old Act of 1938 has proved to be a miserable one. Now also, all the administration of this should be through the Mutawalli by the Central Committee. The Mutawalli is to be appointed by the Government; he is not to be appointed by the Central Committee, and the Mutawalli will have an advisory body. If any trouble arises between the advisory body and the Mutawalli, it must be referred to the Central Committee, and whatever the Central Committee decide will be binding. What are all these? Why these so-called nettings in the Arabian sea, in the Bay of Bengal or the Indian Ocean? Why should there be an advisory body for the Mutawalli? Mutawallis are expected to know their business. Suppose we appoint a Collector for one or more districts. There is no advisory body to advise him. We have in this country one man in charge of the religious or charitable endowments in a region consisting of three Districts and more and we are happy to see that during the last two years the tempo of efficiency and discipline has improved very much in respect of these so-called institutions of old. He is capable

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enough. When a Mutawalli is appointed, he needs no advisory body at all. If at all there is an advisory committee, it must be an advisory committee to the Central Board, whether it consists of a number of persons or one. So the advisory body must not be given to the Mutawalli. He should be a servant. The Report has made a specific recommendation that the Mutawalli must be appointed by the Central Committee, the Mutawalli must be a paid full-time servant, and the Mutawalli's salary, leave and other things must be settled only by the Committee. That goes to show that they studied in detail the chaotic condition prevailing by reason of the undefined inter-relationship between the Central Committee and the Mutawalli. They have come to state that the appointment of the Mutawalli must be such that the Central Committee must exercise full discipline and power over him. It must be in that sense. So I would like the Government to consider this, why not the Mutawalli be placed under the perfect control of the Central Committee? The Central Committee is appointed by the Government; even the vacancies are filled by the Government. The Committee can be superseded at any time and any member of the Committee can be dismissed if he is not acting in conformity with the progress and growth of the institution. Having all these powers, it is better to see that the Central Committee has got disciplinary control over the Mutawalli.

As regards the arbitration body, I am at a loss to understand what is the exact position of that body in this constituent institution. When a dispute arises between persons about hereditary rights or about administration, one hon. Member wanted to know who should institute that reference. But apart from that, when hereditary rights are involved, they are civil rights. They must be subject to civil court jurisdiction and nobody can usurp its power

regarding those rights. I will say, 'this is your right' or 'this is not your right'. Suppose a dispute arises as to duties or functions to be performed by the nominees or the employees in that institution; I can understand the Central Committee or the Mutawalli being empowered with powers in respect of other matters; but in respect of hereditary rights, I submit that in the entire history of the religious endowments in this country, all such rights are subject only to the jurisdiction of civil courts. Even a village munsif, if he has hereditary rights to establish has to establish them in a court of law. So the restriction of that right to a particular committee of this type is not at all desirable. I would submit that it comes into conflict with the avowed principles in the Constitution where people have got the right to establish their rights through access to a court of law. If such a committee is to sit in judgment over that, it will be a restraint on the civil right of the parties.

Then, Sir, I will point out only one more thing. The Committee had pointed out that the Khadims, who number about 2000 families or individuals—I do not know—deserved greater attention by the administrators of this Durgah. They need social reform; it has to be introduced on behalf of these Khadims. That report was published some four years ago. I should like to know whether Government have attempted anything in the way of contemplating or formulating any social reform for the Khadims, or whether after considering it, they have discarded it as unnecessary. Without this social reform, there is no use of hoping that the Durgah will be run on the pious and desirable lines. So I think the report is perfectly right in expecting that perfect social reform must be strictly introduced or imposed even by compulsion upon these Khadims. Out of the 2000 Khadims, I learn from the report that more than 500 are almost on the begging line. One of the things most harrowing to read is the nuisance of the beggars—a regular begging system

or something of that type. As the devotees enter, so many people surround them asking for alms. This nuisance is very great. Then there is the nuisance of these attendants who always go and pester these devotees: that also continues. These two things—whether we call it beggarism or nuisance, imposition or infliction—must be ended, and there should be provision made for these 500 people for some employment within the premises or within the 17 villages that are the property of this Durgah. I understand there is ample scope for providing employment, at least to some extent instead of allowing any member to get himself abandoned in the street.

Then education among the Khadims is a matter of great importance. The pay of Rs. 200 to the Diwan seems to be very much low. He was enjoying two villages, as I understand from the report. All the income from these villages must be given to this Diwanship. He is entitled to it. It may be Rs. 150 or Rs. 500; and there need be no stigma created, which is repugnant to these devotees, that the hereditary lineage of that great saint has been subjected to salary or something of that type in the form of service. So whatever income remains out of these two villages, deducting the expenditure, may be handed over to these Diwans, and that will be an honourable position.

These are my observations on the present Bill. The Home Minister should try to steer right through to the end of passing. Whenever a Bill is brought, whatever may be the arguments, reasonable or unreasonable, there is always, a tendency to say, 'things work well and the present state of things is very good; we do not see any reason to traverse back and if any occasion arises, we will look into it.' I do not want to describe this attitude in harsh language. But some of the opinions that are expressed by several hon. Members in this House on so many Bills—so many suggestions—are very sound, based upon a perfect study and also based upon a proper interpretation. Whether the Government agree with them or not, they must

necessarily pay attention to them and consider them and give in their replies certain reasons why they are able to agree or unable to agree with them. In this sense, some of the suggestions made deserve the attention of the Government. I want that the machinery of administration must be simplified. We must not linger on to the traditional committees of 1929 or 1930, advisory bodies, managing bodies and others. Instead, a modern outlook can be imposed upon the conception of the Bill, and in that way I wish the Bill should be passed. These are the things which should predominantly deserve the consideration of Government, and I wish they will deserve due consideration.

Col. Zaidi (Hardoi Distt.—North-West cum Farrukhabad Distt.—East-cum Shahjahanpur Distt.—South): First of all, I would like to congratulate and thank the Home Minister for making himself interested in this very important Bill and taking it out of some dusty pigeon-hole where it has been lying for a long time. I need not dilate on the importance of the Durgah as the most important Muslim shrine in this country. But, it is something more than just a Muslim shrine. Ajmer has always stood as an example for the large-hearted tolerance and the catholic outlook of the people of this country. Those who have been to Ajmer which has got the Durgah and also the great and well-known temple of Pushkar have seen how thousands of Hindu pilgrims who come to Pushkar also went their way to Khawaja Saheb Durgah and that has been the feature of our national life of which all of us feel very proud and happy.

So, this Durgah Sharif has stood for something very fine and very distinguished in our national life and deserves the attention of our national government. As the last speaker has pointed out, the shrines in India have often been centres of corruption and malpractices and it is only fair and proper that the Government should move in the matter and see that these

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of the national government, they are properly run and they are clean places from every point of view and worthy of the position they hold in the religious life of the country. I warmly support this Bill; but, I should like very briefly to give support to some of the amendments moved by my friend Maulana Hifzur Rahman.

Mr. Deputy-Speaker: Tabled, not moved.

Col. Zaidi: For instance, regarding the question of the appointment of the Nazim, it has been provided that he will be appointed on the recommendation of the Chief Commissioner. It is only proper that when there is going to be a Durgah Committee, the appointment of the Nazim should be made in consultation with the Durgah Committee. I do not think this would be unacceptable to the Government.

Similarly, there is provision for the appointment of an advisory committee composed of people who belong to Ajmer or the neighbouring districts. Here again, the appointment of the members of the advisory committee should be in consultation not only with the Chief Commissioner but also in consultation with the Durgah Committee.

One of the least satisfactory provisions of the Bill is the one regarding arbitration. As Maulana Hifzur Rahman has clearly pointed out, this is likely to lead to great deal of confusion and interference with the day-to-day work and is likely to lead to a breakdown of discipline. For, every employee of the Durgah has the right to question any orders passed and immediately ask for arbitration and it is likely to work to create a great deal of confusion and undesirable consequences. When Government is being vested with the power of full control, every employee will have the right to seek redress from the authorities and I share Maulana's fears that this provision regarding arbitration, perhaps, will not be conducive to the satisfac-

tory development of the administration of the Durgah, which the Government aims at.

Lastly, Sir, there can be no difference of opinion that the khadims about whom there have been so many complaints in the past should be under the proper control of the authorities. But, I do not think the provision regarding their being licensed is a very happy one. I think that for the proper control of the khadims the provision regarding their being licensed is undesirable and unnecessary and without the question of their being licensed they can also be very properly and adequately controlled.

Apart from these few modifications which I would plead for, I wholeheartedly support the main structure of the Bill and welcome it as a step in the right direction.

सरदार ए० ए० सद्गुल (बिलासपुर) : दर्गाह खाजा साहब का बिल जो कि पेश किया गया उस के बारे में मैं अपने विचार इस हाउस के सामने पेश करना चाहता हूँ।

इस बिल में जहाँ तक एक कमिटी बनाने के बारे में कहा गया है उस में कहा गया है

"The Committee shall consist of not less than five and not more than seven members all of whom shall be Hanafi Muslims and shall be appointed by the Central Government."

यह बात ठीक है। लेकिन मैं चाहता था कि अगर हनीफ मुसलमानों के सिवाय भी और कोई मुसलमान भी ली गये जहाँ से यह एक बहुत अच्छी बात होती। यह जो दर्गाह खाजा साहब अजमेर है इस को केंद्र मुसलमान भाई जो हिन्दुस्तान में रहते हैं या जो बाहर के मुल्कों में रहते हैं, वही आदर की भावना से नहीं देखते, बल्कि और मजहबों के जितने भी लोग हैं वे भी बहुत आदर भाव से इस की तरफ देखते हैं। मैं समझता हूँ कि यदि जितनी बड़ी बड़ी मुसलमानों की और जगहें हैं वहाँ से भी आदमी

ले कर इस कमेटी में रखे जाते तो ज्यादा बेहतर होता। मैं आप से अर्ज करता हूँ कि जिस तरह से एन्डाउमेंट एक्ट हैदराबाद में है अगर उसी तरह का एक्ट हम बनाते और उसी तरह से जो बड़ी बड़ी जगहें चाहे वह मुसलमानों की हैं, चाहे हिन्दुओं की हैं और चाहे सिक्खों की हैं उन पर लागू करते तो ज्यादा अच्छा होता। मैं ने जहां तक हैदराबाद स्टेट में जा कर जानकारी प्राप्त करने की कोशिश की है मुझे पता चला है कि वहां जितनी भी आमदनी लासों रूपयों की होती है वह सवा वहां के रहने वाले जो जो बच्चे होते हैं, उनके ऊपर खर्च कर दी जाती है। इसी तरह से जितनी भी दगाहें हैं और वहां से जितनी भी आमदनी होती है और जितना भी पैसा वहां पर चढ़ावे के रूप में चढ़ता है उस को खर्च करने के लिए जो अधिकार कमेटी को दिये गये हैं उससे बहुत सी संस्थाओं को मदद देकर काम करते हैं। आपने जो तरीका आइट का इस बिल में रखा है वह बहुत ही अच्छा तरीका है। जब खर्चा करने वालों को यह पता होगा कि जो रूपया वे खर्च करेंगे उस को बाद में आइट भी किया जाएगा तो उस स्तर में वे सांघ समझ कर खर्च करेंगे। इस तरह से जो रूपया कुर्त कामों पर खर्चा हुआ करता था वह अब नहीं होगा।

इस के बाद आप ने इस बिल में प्रोवाइड किया है कि सेंटरल गवर्नमेंट नाजिम को एम्पाइंट करेगी। मैं चाहता हूँ कि जो कमेटी आप बनायेंगे उस को कम से कम यह आप पूछें या अधिकार तो दें दीजिये कि वह नाजिम को एम्पाइंट कर सके। आज जब कि हम डेमोक्रेसी के जमाने में से गुजर रहे हैं, प्रजातंत्रवाद में से गुजर रहे हैं और हमारी एक डेमोक्रेटिक गवर्नमेंट है तो ऐसी हालत में यह कोई ठीक बात मालूम नहीं होती कि नाजिम को आप अपनी मर्जी से एम्पाइंट करें। इस लिये मेरी प्रार्थना है कि कम से कम जो कमेटी बने उस को यह अधिकार दे दिया जाए कि वह जिसे चाहे नाजिम नियुक्त कर ले।

इस के साथ ही साथ आप ने, जब भगई पैदा होते हैं, उन को नियंटान के चार में, जो एक

दलाज बनाई है उस के मुताबिक आप ने यह कहा है कि इन का फौसला एक बोर्ड आफ आरिविट्टेन्ज करेगा। मैं मानता हूँ कि उसे भगई अक्सर जो बड़े बड़े धार्मिक स्थान हैं वहां पर हो जाया करते हैं। लेकिन मेरी प्रार्थना यह है कि जो बोर्ड आफ आरिविट्टेन्ज आप मुकर्र करे उस में किसी ऐसे आदमी को रखें जो कि या तो कोई हाई कोर्ट का जज हो या कोई रिटायर्ड जज हो या अगर कोई और बड़ा जज हो उसको रखें तो ज्यादा अच्छा होगा।

आप ने कमेटी को यह अधिकार दिया है कि वह बाई लाज बना सकती है, कानून बना सकती है। यही कमेटी उस दगाह का इन्तजाम करेगी। यह बहुत अच्छी बात है। मैं तो होम मिनिस्टर साहब से यह प्रार्थना करता हूँ कि जो हालत वह दूसरी धार्मिक जगहों की देख रहे हैं और जो बड़े बड़े और दूसरे धार्मिक स्थान हैं और जिन का इन्तजाम ठीक ढंग पर नहीं चल रहा है सारा पैसा बुरी बातों से आराम या चुनाजों में पार्टी के काम आता है। उन के चार में भी वे कोई ऐसा बिल लायें ताकि उन का काम काज ठीक तरह से चल सके। मैं तो चाहता हूँ कि एक ऐसा बिल लाया जाता जो कि तमाम जितने भी धार्मिक स्थान हैं उन पर लागू होता। सिक्खों के चार में मैं कहता हूँ। सिक्खों के दो गुरद्वार बहुत ही नामी गुरद्वार हैं पंजाब के बाहर। जो कि बिहार में पटना साहब और नान्दड़ यानी हजर साहब के नाम से मशहूर हैं। इन दोनों जगहों के लिए इस तरह का एक बिल लाना निहायत जरूरी है। पहले हजर साहब (नान्दड़) का इन्तजाम निजाम के हाथ में था। बाद में इन्हें सिलिसले में एक कमेटी एपायंट की गई, आपने वहां किसी को मुकर्र किया और आज वहां पर बहुत ही सुन्दर ढंग से काम चल रहा है। लेकिन इसके बावजूद वहां पर कोई कायदा नहीं है, कोई कानून नहीं है जैसा कि यह बिल कहता है और जब तक कोई कायदा या कानून नहीं होगा, तब तक वहां का इन्तजाम ठीक तरीके से नहीं चल सकता है। इस लिये मेरी आप से यह खाल अर्ज है कि दरगाह ख्वाजा साहब के लिए आप जिस तरह का कानून बना रहे हैं, उसी की बिनियाम

[सरदार ए० एस० सहगल]

पर आप हमारे बड़े बड़े धार्मिक स्थानों के लिए भी—बाहेर के हिन्दुओं के हों, मुसलमानों के हों या सिखों के हों—कानून बना कर हमारे सामने रखें, ताकि उनका भी अच्छी तरह से इंतजाम हो सके।

इन शब्दों के साथ मैं इस बिल की तार्किक करता हूँ।

The Deputy Minister of Home Affairs (Shri Datar): Sir, while welcoming the provisions of this Bill a number of hon. Members have made certain suggestions and in some other cases have tried to support the amendments moved by other hon. Members. Now, I should like to make a reference to some of the points raised by hon. Members with a view to showing that what they have stated would not be the correct approach to the question.

In the first place it was contended that under the former Acts which were in force for some time there was an elective element for the purpose of constituting a committee of management. That is true to a certain extent. But the experience that the Government have got was far from satisfactory. You will find that under the three Central Acts passed in 1936, 1938 and 1948, a committee of management had been set up consisting of Muslims. Its composition included an *ex-officio* element, namely the Sajjadanashin, mutawalli and an elective element, the electoral college being the Khadims and the Muslim M.L.As. of various provinces, etc. The total number was about 25. It was found that the majority of members of this committee took no part at all in the administration with the result that ultimately those who were the local members tried to carry on the administration in their own way. Naturally factions developed and the matter was aggravated to such an extent that after Partition when some members had gone away and only a few members—about seven—had remained, they carried on the administration—I would say maladministration—in an extreme-

ly unsatisfactory manner. Therefore, Government had to appoint a committee, the committee to which reference was made by the Home Minister.

You will be surprised to learn that hon. Members of this committee themselves suggested that if there was to be an end of the maladministration, an administrator should be appointed forthwith. On the recommendation of this committee an administrator was appointed. He has been carrying on the work till now and as my hon. friend just now pointed out, the whole administration is being put on a very satisfactory basis.

Now, so far as the khadims are concerned, they are not a class of people who are peculiar to Muslims. We have got also the Pandas, or the guides, at the various pilgrim centres. Wherever we go we find this class of people doing some good service, but in many cases not doing good service, perhaps disservice to the pilgrims. As my hon. friend Shri Vallatharas pointed out, it is true that even before pilgrims arrive at Ajmer, they are sold away or leased to various khadims or Pandas. Instead of helping them the khadims harass them and take as much out of them as possible. So, this is a very unfortunate state of affairs not confined to Muslims; its roots are in the degradation of human nature itself, where even in sacred institutions we bring in mercenary considerations, thus degrading the institutions.

So far as the Khadims are concerned, it will be found from the provisions of the Act, that they are kept under control. If any questions concerning them arise, naturally they have to be referred to arbitration. Coming back to the main question which my hon. friend Shri Sadhan Gupta raised, it is very difficult in such cases to have an elective element, and if attempts in such direction are made, then the usual results would follow and there would not be proper administration at all. You would see that so far as this committee of enquiry was concerned, they also recommended that there should be a

committee appointed by Government, in the first instance, and they subsequently stated that it should be a self-appointing committee, so that certain members should retire and others should be appointed by the remaining members. This recommendation of the committee was not found to be satisfactory. It was considered, in view of the peculiar position at Ajmer, and in view of the fact that there had been mismanagement for centuries together, that the ultimate authority should vest in the Central Government. That is what the committee recommended and with certain modifications the recommendations of the committee have been fully accepted by Government. An hon. Member contended that there was a very complicated machinery. We have no complicated machinery at all. Formerly we had the Sajjadanashin who also was a Diwan so far as holding of certain jagirs was concerned. There was also a mutwali and between themselves the management was not carried on very properly. Therefore, what the committee has recommended is this. So far as Sajjadanashin is concerned, he is a religious officer. He is the descendant of the Khwaja Sahib and therefore his position should be kept as it is and that position is not affected at all. Because he deals with the rituals he deals with the spiritual side of the management and so far as that is concerned, it is entirely left to him. So far as the temporal management is concerned, formerly there was a mutawalli; but that mutawalli will no longer be there. In his place there would be an officer who would be known as Nazim. He would be a purely executive officer who would carry on the orders and act under the directions of a committee that would be appointed by the Central Government and the committee would work for five years.

So far as the composition of this committee is concerned, we have got two conflicting views. Certain members suggested that there ought to be more members on this committee. It is very difficult to find out very good people for the constitution of the

committee and if the number is raised to twenty or twenty-five, then besides being highly expensive, it would not work at all. Therefore, it was found that the number ought to be as small as possible, so that they could meet more often and transact business properly.

Then it was found that persons directly dealing with Durgah Khawaja are not Hanafi Muslims. The Khadims are Hanafi Muslims. Therefore, the original proposal was that they should belong to Sunni Muslims. But it was considered that it would be better to confine the membership of the committee as also the advisory committee only to Hanafi Muslims, so that no particular difficulty, or deadlock or bitterness may arise so far as membership is concerned. Now all that has been done is that there will be a principal officer known as Nazim. The committee would consist of five persons appointed by the Government of India. Now there are certain matters which it may not be necessary for this committee, this larger committee with its overall management to deal with. It is only for this purpose that something like a local committee but of an advisory nature has been appointed and that is known as the advisory committee. In all laws dealing with *devasthanams*, as you may be aware so far as Tirupati *Devasthanam* is concerned, under the Religious Endowments Act, there are two committees, one a general committee of management corresponding to the advisory committee and the other dealing with the ritual or spiritual matters. Therefore, it will be extremely wrong to say that either the committee should be very large and that the committee should be an elective one or on the other hand that there should be one officer all along. Sometimes, if you appoint a good officer, he might carry on well, but that would not be proper because we should have a committee where the deliberations have to be carried on and the advice has to be tendered properly. It is for this reason that we have introduced a committee and that committee will

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carry on the work so far as the overall arrangements are concerned. The advisory committee will advise and will help the Nazim in particular and the committee in general so far as the day to day administration is concerned. For example, we have eminent Muslims on these two committees and naturally the work is likely to be carried on fully in accordance with the tenets of the Muslim religion. There is a special provision which has been made that in all these cases the administration will have to be carried on in consonance with the Muslim tenets and also with the teachings of the great saint whose shrine it is. Therefore, I submit to the House that so far as this point is concerned, there is no substance; the committee is a very small one and it will carry on the work absolutely efficiently. You will also understand that there will be no Mutawalli and the Sajjadanashin will get what remains after meeting all the charges. I would point out that so far as this report is concerned, they have also stated that the Sajjadanashin shall be entitled to receive the income from the villages of Hokran and Kishanpur, after deducting the cost of management as perquisites of his office. The average income was taken into account and the average expenditure was also taken into account and after taking all these things, Rs. 200 has been fixed as the salary of the Sajjadanashin in return for the perquisites of the office and also out of consideration for his having given up the two villages which had been originally attached to him as Sajjadanashin. There were a number of villages formerly. All the villages now vest entirely in the Durgah. Fourteen villages have belonged to the Durgah all along and two villages which originally belonged to the Sajjadanashin as part of the grant to him as Diwan—Diwan and Sajjadanashin are practically the descriptions of the two capacities of the same person—are coming to the Durgah. The Mutawalli's post has been abolished and the land also is now vested in the Durgah.

Therefore, it will be found that so far as this question is concerned, what has been done is quite reasonable and to a certain extent, it errs on the side of generosity so far as the remuneration of the Sajjadanashin is concerned. If, for example some savings are there, then according to this, that amount will be used, after meeting all the expenses, in the interest of the family of the Khawaja Saheb and also in the interest of the indigent in general. You will also note one very important provision included here, namely, that no beggary will be allowed within the premises of the Durgah. Everything has to go on according to the rules laid down there and all the offerings have to be received only by the Secretary and by nobody else, so that it will be found that whatever is received by way of offerings goes to the diety, goes to the shrine, and will be used for the proper upkeep and maintenance of the Durgah.

Something was stated about the arbitration. So far as clause 16 is concerned, two contentions have been offered. One is contained in an amendment by my hon. friend who says that there should be no arbitration at all, but that whenever there is any dispute between the Sajjadanashin, Khadims or other employees regarding certain rights, then the matter should be referred to the Central Government, and the Central Government's decision in this respect shall be entirely followed. You will find that in this connection after appointing these two committees, the Central Government does not desire to come into the picture to the fullest extent possible because all these are matters which are more or less of a local nature and susceptible to a solution provided there is an arbitration. In regard to this there were certain words which were referred to and were considered as objectionable, namely, "under some contract of employment". If, for example, a dispute arises regarding the terms of a contract of employment, then what ought to be the remedy? Should the parties go to a civil court? So far as going to a civil court, or incertain

cases criminal courts, is concerned, we find that all these religious institutions have been hot beds of litigation. In fact, even now, there is one litigation pending, and some provision has been made regarding the Sajjadanashin and his appointment as Sajjadanashin is subject to the final orders of the civil court. Therefore, the question that arises is whether we should allow the litigation to follow a long and protracted course or whether the remedy by way of arbitration, which can be used even under the Code of Civil Procedure, can be used here and can be availed of for the purpose of deciding all the matters at issue. I am told that some such expressions as "under some contract of employment" in the provision for arbitration have been introduced in a number of university Acts. We know to our great shame that often times, even in the universities there are disputes going on between the teachers and the universities or the teachers and the taught. So far as the teachers or employees of the universities are concerned, it was considered advisable that in all such cases, there ought to be a provision for arbitration, according to which, instead of the matter being taken up to the civil courts, it should be open to the persons concerned—the parties aggrieved—to have an arbitration. In such cases you will find that if there is an arbitration and if the matter is finalised as it has been, and if afterwards the committee passes a resolution in terms of this, then that can be executed as a decree. You will see from clause 18 of the Bill that whenever any orders have been passed by the committee and they are not obeyed or are not enforced, naturally those orders have the force of a decree or order of a civil court. A civil court can execute those orders as if they were the orders or decrees of a civil court. That also gives a very easy and summary remedy, and, therefore, you will find that in all these cases even where there are certain rights which arise out of a contract of employment, it would be very convenient to the parties to have an arbitration clause and to have the whole matter settled. Now, the whole scheme

is that if possible, all these things should be settled on the spot so that no matters needs come to Government. As I stated, Government would appoint a principal committee; they would appoint an advisory committee; they would appoint the principal officer, the Nazim. So far as this principal officer is concerned, it was contended that the committee's views also should be taken. As a matter of fact, the views of the committee would be considered, but the name of the Chief Commissioner has been mentioned because he is an independent officer. As a matter of course, generally, you will find that whenever a secretary has to be appointed to the committee, either the chairman or the committee as a whole is usually consulted, and, therefore, it is not necessary to bind this particular appointment by any particular limitation. Therefore, you will see even so far as this question is concerned, the matter has been settled not in any haphazard or absent minded manner but after considering all the provisions and especially after taking into account the background of the circumstances as they unfortunately existed at Ajmer. It is in the interest of India—it is in the interest of not only Muslims but of Hindus also that such great religious institutions ought to be carried on very properly. There ought to be a proper management and nothing should be done to harm the great cause for which this great saint lived 800 years ago. I would like the hon. Members to read this report and especially that portion of the report where the *sufi* doctrine has been explained in an extremely eloquent manner. I almost thought I was reading some book on vedantic doctrine; the two are so common. He was a great saint who lived a very simple life and who was, as the Home Minister said, actuated by the greatest humanitarian principles. Therefore, in the light of all these circumstances, I would submit to this House that whatever has been done has been done after full consideration.

Only one point remains. It was contended that the Nazim should be

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given some magisterial powers. That is a very controversial point. It is true that the Committee made such a recommendation but as far as possible we now follow the principle that there ought to be separation of the executive from the judiciary. Here this Nazim would be an executive officer and if he were invested *ex-officio* with the powers of a magistrate, perhaps unpleasant results are likely to follow. After all there is the machinery for maintaining law and order and there is the machinery for enforcing the decisions. In those circumstances in the latter cases he can go to the civil courts and so far as the former cases are concerned he can approach the District Magistrate or other authorities. Therefore, I would advise not to invest the executive officer with any judicial powers. I, therefore, submit to the House that this Bill has been considered properly and all the provisions and terms that have been introduced are for the purpose of seeing that the management is carried on in the best way possible, especially so far as the pilgrims are concerned.

Shri Chattopadhyaya (Vijayavada): I did not wish to disturb the eloquent speech which the hon. Minister was making but he was making it once again as others had made it for the past three days to empty benches; again there has been lack of quorum and this is going from bad to worse. I am afraid if business is going to be carried on this way, it does not seem very hopeful. I think we should be able to get quorum. It is not even lunch time now; there is no excuse at all.

Shri Datar: Lunch time is past now: it is 3 P.M.

Mr. Deputy-Speaker: I will count. With me there are 46.

There is quorum now; the hon. Member has attracted Members from the lobby.

Shri Raghavachari (Penukonda): Can a rule be made that it is the responsibility of the Government or anybody who is in charge

of the Bill to see that there is also quorum?

Shri Rane (Bhusaval): Is it not the duty of the Opposition also to be present? We find that there are empty benches on the other side.

Pandit G. B. Pant: There are fewer Members there than here.

Mr. Deputy-Speaker: There is quorum now. I will put the motion to the vote of the House.

The question is:

"That the Bill to make provision for the proper administration of the Durgah and the Endowment of the Durgah of Khawaja Moinud-din Chishti, generally known as Durgah Khawaja Saheb, Ajmer, be taken into consideration."

The motion was adopted.

Clause 2 to 4 were added to the Bill

Clause 5.— (Composition of Committee)

Shri Mohiuddin: I beg to move.

Page 2, line 9.

for "less than five and not more than seven" substitute "less than seven and not more than nine".

Ajmer is far away. It is rather difficult for the meetings to be held once in six months. The Bill provides that if a member is absent for more than a year, the Central Government may consider removing him from the membership of the committee. That of course is a very discouraging factor. The committee should meet at least once in a quarter; there should be at least 4-5 meetings of the committee every year. I have therefore given another amendment to the appropriate clause that instead of one year, six months should be substituted. If a member is absent for six months, Government may consider his removal from the committee. I, therefore, think that if membership is increased from 5 to 7—the minimum number—and the maximum increased from 7 to 9, there will be chances of more meetings being held every quarter or every six months. There will also be effi-

ciency in the administration of the affairs of the Durgah.

Shri S. C. Samanta (Tamluk): I support the amendment because there were 25 members under the original Act belonging to different parts of the country. Government will have to look to the interests of the Muslims spread throughout the country and therefore the number should be increased.

3 P.M.

Pandit G. B. Pant: I do not know if anything will be done by raising the figures from 5 to 7 and 7 to 9. Five to 7 is as arbitrary as 7 to 9; there is nothing sacrosanct about either. But in order to conduct the business expeditiously and methodically, the smaller the number the better. So, I personally think that 5 to 7 will perhaps work better than 7 to 9. It will be difficult to find in large numbers suitable persons who may be prepared to devote their time and energy to this somewhat thankless sort of task. So, it will be to the advantage of all concerned if the number of members is not raised. But, if it satisfies the Mover I would be prepared to leave "less than 5" as it is and to say "not more than 9"; that is, "not less than 5 and not more than 9" so that if he could find good men we may even appoint 9, but the Government may have the discretion of having 5, or 7 or even 9 as may be found expedient.

Mr. Deputy-Speaker: Is the hon. Member satisfied or does he want to press his amendment?

Shri Mohiuddin: Sir, I do not press my amendment.

Amendment made: Page 2, line 9, for "seven" substitute "nine".

—[Shri Datar]

Mr. Deputy-Speaker: The question is:

"That clause 5, as amended, stand part of the Bill."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Clause 6.—(Term of office etc.)

Shri Mohiuddin: I beg to move:

Page 2, line 25,

for "twelve" substitute "six".

It is only a formal amendment because it does not look proper to provide in an Act that a member if he absents himself for 11 months and 29 days during the 12 consecutive months, he should not be asked as to why he should not be removed. If a Member accepts the responsibility on being nominated by the Government as a member of the Committee, we expect that he should attend the meetings at least once in six months. I hope the Government will accept my amendment.

Pandit G. B. Pant: I think the hon. Member had advanced arguments while he was speaking on his previous motion which will go against what he wants to be done now. He said that there may be no meetings for six months and these people being scattered all over the country the number of meetings may be very small. In the circumstances if no meetings are held in six months then the question of removing anybody would not arise. Even if one meeting is held, simply because a man has not been there for one meeting, it would not be I think an adequate ground for removing him. I would have no objection to having "six" but I think it is not fair and on the whole it is better to let "twelve" remain as it is.

Shri Mohiuddin: Sir, I do not press my amendment.

Mr. Deputy-Speaker: The question is:

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clauses 7 and 8 were added to the Bill.

Clause 9.—(Power of Central Government to appoint Nazim)

Shri M. H. Rahman: I beg to move:

Page 3, line 2,

after "appoint" insert:

"with the consultation of the Committee".

Mr. Deputy-Speaker: Amendment moved:

Page 3, line 2,

after "appoint" insert:

"with the consultation of the Committee".

He wants that the power of the Central Government to appoint Nazim should be in consultation with the Committee. That is what he wants.

Pandit G. B. Pant: The difficulty here is this, that the Nazim is to be the Secretary of the Committee and also a Member of the Committee. A member of the Committee cannot be appointed by the Committee itself.

شری ایم - ایچ - رحمان : وہ تو جیسا میں نے پہلے گزارش کیا تھا کہ جب آپ ناظم مقرر کر رہے ہیں تو کمیٹی کو اتنا اختیار تو دینا چاہئے کہ اس سے مشورہ کر لیا جائے ورنہ ناظم یہ محسوس کرے گا کہ میرا کمیٹی سے کوئی تعلق ہی نہیں ہے -

[Shri M. H. Rahman: As I have stated already when you are appointing a Nazim, the Committee should at least have the right to be consulted about it, for otherwise the Nazim would feel that he has nothing to do with the Committee.]

पंडित जी० बी० पन्त : यह नाज़िम जो है वह कमेटी का मंम्बर भी होगा . It is said here:

"The Central Government may appoint a person to be the Nazim

of the Durgah and the Nazim shall by virtue of his office be the Secretary of the Committee as well as a member thereof."

पंडित जी० बी० पन्त : इस में यही है । इसमें लिखा हुआ है कि वह कमेटी का मंम्बर भी होगा ।

شری ایم - ایچ - رحمان : ناظم ممبر کیسے ہوگا ؟

Shri M. H. Rahman: How will the Nazim be a Member?]

पंडित जी० बी० पन्त : इस में यही है ।

"The Central Government may appoint a person to be the Nazim of the Durgah and the Nazim shall by virtue of his office be the Secretary of the Committee as well as a member thereof."

Mr. Deputy-Speaker: Is this in addition to the seven members? If not, is it not better to say: "The Central Government may appoint one of the members of the Committee as Secretary thereof" instead of saying "appoint" a person, who shall also be a member of the Committee" leaving a doubt as to whether he is in addition to the members of the Committee?

Pandit Thakur Das Bhargava (Gurgaon): I suggest that the Nazim should not be a member of the Committee. He should act as *ex-officio* secretary. Just like the executive officer of a municipal committee. He should not be a member of the Committee.

Shri Datar: Nazim is a very important officer here.

Pandit Thakur Das Bhargava: You are perfectly right.

Shri Datar: That is the reason why he should be a member.

Pandit Thakur Das Bhargava: Why should he be a member?

Mr. Deputy-Speaker: The Commissioners of municipal corporations are not members, but they are important officers.

Shri B. S. Murthy: I wanted to make a suggestion but I had no chance. If the Secretary happens to be a member of the Committee there will be a lot of confusion. Therefore, it is better that the Secretary may be there to guide and to be guided by the Committee. The Committee must be independent of the Secretary and the Secretary or the executive officer must be appointed by the Government directly.

Pandit Thakur Das Bhargava: In fact the Advisory Committee will be the Advisory Committee of the Nazim according to this Act. I think that the Nazim should be an executive officer and he should not be a member of the central committee.

Shri Datar: Please see sub-clause (3) which says:

"The Committee shall exercise its powers of administration, control and management of the Durgah Endowment through the Nazim".

Mr. Deputy-Speaker: Then he might create a party with himself as the Secretary with the members of the committee sitting by his side.

Shri B. S. Murthy: Please see also sub-clause (k) of clause 11.

Mr. Deputy-Speaker: It says:

"to delegate to the Nazim such powers and functions as the Committee may think fit;"

What is the pecuniary advantage in having him as a member of the Committee?

Shri Datar: He can be given certain powers of the committee only when he is a member. If he is really an officer, he cannot be given powers.

Shri D. C. Sharma (Hoshiarpur): I think the Deputy-Speaker just now said that so far as the inclusion of the arbitration principle in this Bill is concerned, it had been taken from the principle which is followed in the universities.

Shri Datar: We are not dealing with that clause.

Shri D. C. Sharma: You said that there was something like that in the Universities Act.

Shri Datar: Yes.

Shri D. C. Sharma: What I mean to say is this. The Nazim can be appointed in consultation with the committee as the Vice-Chancellor of a university can be appointed in consultation with the members of the syndicate. The syndicate suggests a panel of names and the Chancellor selects a person from the panel of names. Therefore, I think that when it is said that the Nazim should be appointed in consultation with the committee, there is nothing revolutionary in that suggestion. I think on the parallel of the universities, something can be done to this effect. The committee can suggest a panel and out of that panel the Chief Minister can select a person. Therefore, I think it is a very salutary provision to appoint the Nazim "with the consultation of the Committee".

Shri B. S. Murthy: The hon. Deputy Minister was good enough to suggest that in the south we are having executive officers for the temples. Nowhere are the executive officers members of any committee. They are executive officers, pure and simple, to carry out the instructions and the directions of the temple committees. Again, the constitution of this Durgah Committee is something like a municipality and the Nazim is something like a commissioner and nowhere is the commissioner a member of the municipal council or committee. Therefore, there would again be trouble if the Nazim happens to be a member. If he is in direct control of the committee, and thus being an equal member of the committee, he will have his own overriding powers. In the Bill, as it is, he will not only be a member along with other members but also the Nazim, having many powers of an executive nature to control the whole Durgah. Therefore, in all fairness to the committee, and to the accepted practice of

[Shri B. S. Murthy.]

running the endowments and temples, I suggest the secretary may not be made a member.

شری ایم - ایچ - وہمان : جیسا کہ ابھی آنریبل ممبر نے فرمایا ہے میں سمجھتا ہوں کہ یہ تو بہت خطرناک بات ہو جائیگی - ناظم تو ایکسکیوٹو آفیسر کی پوزیشن کا ہوتا ہے - اگر وہ کمیٹی کا ممبر بن جائیگا تو کمیٹی کا کام ٹھیک طریقہ سے نہیں ہوگا - ہوم منسٹر صاحب ضرور اس پر توجہ دیں اور فرور فرمائیں -

[Shri M. H. Rahman: I think this will be very dangerous. A Nazim has the position of an executive officer. If he becomes a member of the Committee the latter will not be able to work properly. The Home Minister must consider that fact.]

Shri R. S. Diwan (Osmanabad): The appointment of the Nazim in consultation with the committee will create difficulties. While the committee will be elected after every five years, the Nazim may not be elected. He will be a permanent person. After the election of the new committee, is he to be changed? If he is not to be changed, are you going to consult the new committee again and keep the Nazim in his post or not? So, that kind of difficulty will arise. Therefore, the Nazim should be independent of the committee and there may be no necessity of consulting the committee in the appointment of the Nazim.

Mr. Deputy-Speaker: Is the Nazim a permanent appointee or is he only for a term of years?

Pandit G. B. Pant: No term has been fixed here in the Bill.

Pandit Thakur Das Bhargava: May I say a few words? According to clause 5, the composition of the committee is like this:

"The Committee shall consist of not less than five and not more than seven members all of whom shall be Hanafi Muslims and shall be appointed by the Central Government".

But in clause 9, we find this:

"The Central Government may appoint a person to be the Nazim of the Durgah and the Nazim shall by virtue of his office be the Secretary of the Committee as well as a member thereof".

This means that there will be five persons on the committee with the Nazim, if he is appointed a member, as a sixth member. The Nazim is also appointed by the Government. There are two points before the House. One is that the Nazim should be appointed in consultation with the committee and the other is whether the Nazim should be an executive officer only or he should be the secretary as well as a member. I beg to submit that nothing will be lost if we agree that the Nazim should be appointed in consultation with the committee. After all, the appointment will be made by the Government, and the Government will consult those people. If there is to be a homogeneous unit, it would be better that their consultation is taken so far as the appointment is concerned. So far as the office is concerned, I am of the view that his position would be just like that of an executive officer of a corporation or a municipality. He is then not a member of the committee. If he becomes a member, may apprehension is that there will be some dissensions in the committee. He will be equal to the other members and therefore he will be influenced by party factions and out of the five or six members, he will constitute the majority. If there are more than six members, that is, seven members, then also there will be dissensions. I think that in the interests of the better management of the

institution, he may be like an executive officer and not a member of the committee and as a person who would carry out the orders of the council and who will be in direct management of that work. Otherwise, if you mix both the functions, then the likelihood is that what we find in the municipal committees will be repeated here also. There are factions in the municipal committees, and similar factions in this committee will be fanned by the secretary. He will not be their servant but would be a member himself, and the work will not be carried out in the same efficient way as it could otherwise be done.

Secondly, when we come to clause 10, we find that an Advisory Committee may be formed to advise the Nazim in the actual discharge of his duties. He will, that is, the Nazim will have to go by the advice tendered to him. Now, it is customary to have an advisory body or committee when there are Boards, etc. If there is really a Central Committee, the Central Committee will see that its decisions are carried out by the Executive officer. Then, what has the Advisory Committee to do? If there are Advisory Committees, they should be for the entire Board or organization, just as we have got in many other institutions and in the Government of India also. There are many Boards, such as the Rehabilitation Finance Board and then there is an advisory committee for the Board. So far as this Bill is concerned, the Durgah is administered by the power of the Central Committee, but you have suggested three things: the Board, the Secretary and the Advisory Body.

Unless and until we define their powers and functions, it will be difficult to administer.

Mr. Deputy-Speaker: One is a local advisory body and the other is a body in which the administration vests.

Pandit Thakur Das Bhargava: Will the Advisory Committee carry out the instructions of the Central Committee? The Central Committee will really administer the institution. Thus, the Nazim, if he has got an Advisory

Body or an Advisory Committee, will work much better if he is just like an executive officer rather than a member of the committee.

Shri R. S. Diwan: Suppose the new appointment of the Nazim is only for five years.

Mr. Deputy-Speaker: All that has been discussed. Now, there are three points to be cleared. One is, whether the Nazim may be appointed permanently and not for a period; secondly, whether he should also be a member of the committee, and thirdly, if he is not to be a member of the committee, whether he should be appointed in consultation with the committee.

Pandit G. B. Pant: I think he need not be a member of the committee. We can remove the words "as well as a member thereof". But he will be the secretary of the committee. I hope there is no objection to it. The first Nazim will be appointed by the Central Government and the successors will be appointed in consultation with the committee. Because the first Nazim will be appointed even before the committee is formed, he may be appointed by the Central Government. But when any vacancy arises later, then the Central Committee will be consulted before the appointment is made. I think I have met all the points that have been raised.

Mr. Deputy-Speaker: The only point is that once he is appointed, he is a permanent man and by the efflux of time when a vacancy arises, it will be filled up in consultation with the committee.

Shri Datar: So, the Central Government may appoint a person to be first Nazim of the Durgah.

Dr. Krishnaswami (Kencheepuram): For what period?

Shri Datar: It is immaterial what the period is.

Mr. Deputy-Speaker: But by virtue of his office, he shall be the secretary of the committee.

Pandit G. B. Pant: At the end the following sentence may be added:

[Pandit G. B. Pant]

"The successors of the first Nazim will be appointed by the Government in consultation with the committee."

Shri B. S. Murthy: I do not think it is fair either to fix the time or to say that he will be appointed in consultation with the committee, because.....

Mr. Deputy Speaker: I am not going to allow any further discussion on this point; enough has been said about this and the House has accepted the hon. Minister's amendment. The only point is how to put it. The suggestion of the hon. Minister is to add at the end a sentence like this: "The successors of the first Nazim shall be appointed by the Government in consultation with the Committee." The consideration of this clause is postponed for the present so that the necessary drafting changes may be made.

Shri K. P. Gounder (Erode): There is no qualification fixed for the Nazim.

Mr. Deputy-Speaker: That is left to the Government.

Pandit G. B. Pant: There is no qualification for the members either!

Clause 10.—(Advisory Committee to advise Nazim).

Shri Mohiuddin: I beg to move:

Page 3, line 12,

after "Chief Commissioner" insert:
"and the Committee."

Pandit G. B. Pant: This will make the whole thing too cumbersome. The whole Committee is to be consulted about this Advisory Committee. The Advisory Committee is meant for local purposes and it will be entirely under the control of the Committee and their functioning is subject to the control of the whole committee. If the hon. Member presses his amendment, I have no objection to considering it.

Shri Mohiuddin: I do not press my amendment.

Pandit Thakur Das Bhargava: If you appoint an Advisory Committee, it must consist of independent persons

and the Central Committee need not be consulted.

Mr. Deputy-Speaker: The question is:

"That clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

Clause 11.—(Powers and duties of the Committee).

Shri Datar: I beg to move:

Page 3, line 39,

after "indigent" insert:

"descendants of Khawaja Moin-ud-din Chishti and their families and the indigent."

Mr. Deputy-Speaker: The hon. Minister wants to include not only indigent Khadims but also indigent descendants of Khawaja Moin-ud-din Chishti and their families.

The question is:

Page 3, line 39,

after "indigent" insert:

"descendants of Khawaja Moin-ud-din Chisti and their families and the indigent."

The motion was adopted.

Shri Mohiuddin: I beg to move:

Page 3, lines 31 and 32,

omit "by the grant to them of licences in that behalf, if the Committee thinks it necessary so to do."

Mr. Deputy-Speaker: Is the hon. Minister accepting it?

Pandit G. B. Pant: I do not see why these words should be omitted. These words are there to avoid confusion.

Mr. Deputy-Speaker: They may get passes or something like that.

Shri Mohiuddin: May I explain the amendment? The word licence is rather causing confusion. It seems that the people are feeling that it is rather offensive as well, because, they are performing certain religious functions according to their own notions and they are performing certain duties hereditarily for hundreds of years and now to ask them to take out licences is unnecessary and undesirable. I had therefore suggested that, instead of this clause saying that if necessary the Committee may grant them licences, I propose to add to the bye-laws another clause saying that the Committee may make regulations for the conduct of or prescribe rules of conduct for the Khadims in the Durgah. The control that the Government want to have on the Khadims by issuing the licences can now, by accepting my amendment, be had by providing in the bye-laws rules of conduct. If they act against the rules of conduct, it will be for the Committee to take disciplinary action against them. The clause as it is proposed in Bill may lead to nothing. It is left to the Committee to issue licences or not to issue licences. The Committee may think that it is not necessary or may be influenced by the Khadims not to provide for licences to the Khadims. Instead of this, I am making it obligatory on the Committee to make rules of conduct and if anybody goes against them, disciplinary action can be taken and punishment awarded. I hope, with this explanation, the hon. Minister will accept this amendment.

Mr. Deputy-Speaker: Amendment moved:

Page 3, lines 31 and 32,

omit "by the grant to them of licences in that behalf, if the Committee thinks it necessary so to do."

Pandit Thakur Das Bhargava: I support the amendment. It is a very good one. The first thing is that the word licence may be repugnant to the Khadims and others. They will feel, we have been here for hundreds

of years, now the Government are controlling by the grant of licences. That would not be liked by them. The real point is that their conduct should be regulated. This suggestion is perfectly right. For instance, in other places also, when we go to Hindu shrines, the pandas become a nuisance. They pounce upon the pilgrims. The Khadims do the same thing. I do not know what functions they discharge. They are supposed to serve the pilgrims. But, instead of serving them, they annoy them by their presence, etc. Many of them come and say, you are our hereditary customers and we must serve you. The real point is that their conduct has to be regulated. It may be regulated even by licences if the Committee so likes. If the Committee puts a licence, they won't mind. If our Act says that, they will say our hereditary occupation is being interfered with by the Government, and Government say that they will issue licences after all these hundreds of years. I am of the view that whatever you may do, you have to do in a manner which may not hurt their feelings. Let what we want to do be done in such a fashion that we do not hurt them. I think it would be better if the amendment is accepted and if the Committee is entrusted with the right and duty of regulating their conduct, for example, by saying that they should not come in such large numbers in particular days or months and only serve when their turn comes. Something like this may be done. The word licence may be taken away from here. If necessary, the Committee may itself say in a bye-law that if they like, they may even provide for licences. We should not provide for licences in this Bill. This would hurt them.

Shri Datar: We are not providing for licences.

Pandit Thakur Das Bhargava: I know that.

شری ام - ایچ - رحمن :

امہلت ملت مہرا ہوی ہے اور میں
نے اپنی تقریر میں گزارش ہوی کی

[شری ایم - لیچ - رحمن]

تھی اور میں منسٹر صاحب سے پھر
مرض کرتا ہوں کہ لائسنس کا
مسئلہ میں جہاں تک سمجھتا ہوں
اس رواج اور مزہبی تخیل کے بالکل
خلاف ہے جو درگاہ میں خارمس کے
بارے میں ہے - وہاں سجادہ
نشین اور خادم یہ دو الگ الگ
اپنی ذمہ داریاں اور اپنے فرائض ادا
کرتے ہیں - خادم جس حیثیت
میں وہاں کام کرتا ہے - خدمت
انجام دیتا ہے - وہ ایک مذہبی
خدمت سمجھی جاتی ہے - لائسنس
کی شرط لگانا یا اس کی اجازت
دینا کمیٹی کو کہ اگر وہ ضروری
سمجھے تو لائسنس لگا دے - وہ
بزنس اور تجارت کی سی یوزیشن ہو
جائگی - اس بنا پر میں سمجھتا
ہوں کہ جیسا کہ احمد مصی
الدین صاحب نے بتلایا کہ ہائی لزم میں
آپ اس طرح سے کنٹرول کرنے کا حق
دیجئے کہ وہ کوئی خلاف ورزی نہ کر
سکیں - درگاہ میں کوئی ایسی بات
نہ کر سکیں کہ جو درگاہ کے وقار نے
خلاف ہو - لیکن لائسنس کی اجازت
دینا کسی بھی طرح سے مناسب نہیں
ہے -

(English translation of the above speech.)

[Shri M. H. Rahman: I have also tabled the same amendment. I would again submit that the idea of licensing is entirely against the custom and religious sentiment attaching to the office

of Khadim in the Durgah. The Sajjada Nashin and the Khadims have their separate duties and responsibilities, the service performed by the Khadim is regarded as a religious service. If the condition of licence is imposed or the Committee is allowed to give licence, if it considers necessary, the position would become analogous to some business or trade. I support the view expressed by Ahmad Mohiuddin that a provision for control be made in the bye-laws so that they may not be able to do anything which may be in contravention of the rules or against the prestige of the Durgah. The provision for licensing would in no case be proper.]

Shri B. S. Murthy: While supporting this amendment, I have got one more amendment, if that is acceptable to the Government. In the clause here, the wording is ".....to regulate their presence in the Durgah.....". The word 'presence' may be omitted and the word 'conduct' may be inserted in its place so that another clause in the bye-laws may not be necessary.

Pandit G. B. Pant: I am really unable to appreciate the amendments or their significance. The arguments that have been advanced by the speakers all go to support the clause as it stands. They, in a way, in fact indicate and anticipate that some of the Khadims are sometimes apt to prove a nuisance and instead of attracting worshippers or visitors to the Durgah, they are likely to scare them away. If there is no regulation, there may be confusion on more occasions than one. They all appreciate the need of regulating. They also appreciate the need of some sort of a control being exercised over the Khadims. Those who have read the report of the Durgah Enquiry Committee must have seen how the Khadims have been behaving. They have been really a source of trouble during the last 100 years so far as this particular Durgah is concerned. Some sort of regulation is necessary. That is admitted by all.

What do you mean by regulation? There must be some sanction behind it. If a person is asked to do a thing and if he fails to do that, he must undergo some penalty for such failure. All that is said here is that the Committee will regulate the presence of the Khadims in the Durgah. It is accepted by all that it should do so. If it feels, in so regulating their presence, it may introduce a system of licence. That is, it may lay down the conditions and give permission to the Khadims subject to their undergoing a penalty if they fail to observe the conditions. If there is nothing like that, how are they to be regulated whether it is regulation of conduct or anything? It is the Committee which has to do that. We do not say that licences should be given. What is stated here is, "by the grant to them of licences in that behalf, if the Committee thinks it necessary so to do". I do not know how Pandit Thakur Das Bhargava overlooked these words. He said—and some of the other speakers said: "You can authorise the Committee". We are doing no more than that. If the Committee thinks fit, it may do so. We are only interested in the regulation of traffic and in the maintenance of the proper dignity and standards befitting this great shrine. That is all. I do not see why there should be any objection.

Shri B. S. Murthy: After having heard the Minister, may I ask that if the committee is given the permission to regulate, why should it not be given the option of the method of imposing certain rules of conduct?

Mr. Deputy-Speaker: It is there: "If the committee thinks it necessary so to do." They may adopt any other method if they like.

Shri B. S. Murthy: Therefore, in order to avoid the word "licence" I suggest that "to determine the privileges of the khadims and to regulate their presence....."

Mr. Deputy-Speaker: I cannot go on allowing arguments. No, no. This is very wrong. I first of all allowed hon. Members to move their amendments. Then on those I allowed any hon. Member to speak. Then finally the hon.

Minister has to wind up. Then once again the hon. Member gets up and goes on giving a suggestion. How long am I to continue? I will not allow this.

Shri B. S. Murthy: The hon. Minister has been kind,.....

Mr. Deputy-Speaker: He may be kind. I will not be kind.

The question is:

Page 3, lines 31 and 32,

omit "by the grant to them of licences in that behalf, if the Committee thinks it necessary so to do".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 11, as amended, stand part of the Bill".

The motion was adopted.

Clause 11, as amended, was added to the Bill.

Clause 9.—(Power of Central Government to appoint Nazim).

Mr. Deputy-Speaker: If you permit me to come back to clause 9 held over to enable the office to modify the wording if necessary, I would like the House to consider if this is suitable. I am not putting it straightway. I am only placing it before the House for such comment as may be necessary, and if it is agreeable, I shall put it to the vote of the House. The amendment reads:

Page 3,

for lines 1 to 4, substitute:

"9. *Power of Central Government to appoint Nazim.*—(1) The Central Government may, in consultation with the committee, appoint a person to be the Nazim of the Durgah and the Nazim shall in virtue of his office be the Secretary of the Committee:

Provided that no such consultation shall be necessary in the case of the appointment of the first Nazim."

It is only putting the other way. If the hon. Minister accepts, this may stand. There is no sanctity either in the one or in the other.

Pandit G. B. Pant: No, no. There is sanctity in what comes from you.

Amendment made:

Page 3,

for lines 1 to 4, substitute:

"9. Power of Central Government to appoint Nazim.—(1) The Central Government may, in consultation with the Committee, appoint a person to be the Nazim of the Durgah and the Nazim shall in virtue of his office be the Secretary of the Committee:

Provided that no such consultation shall be necessary in the case of the appointment of the first Nazim."

—[Pandit G. B. Pant:]

Shri S. S. More (Sholapur): Will this be an amendment from the Chair?

Mr. Deputy-Speaker: I shall tell him as to what has happened. What was done was that the amendments were all moved by the hon. Home Minister. They were suggested. Then I took the liberty of suggesting to the House this course. When I put it to the House I said the language merely requires some amendment. I said so.

Shri S. S. More: I accept what you say, that the amendment which you have suggested is a happier amendment.

Mr. Deputy-Speaker: Let it stand in the name of the hon. Minister, as moved by the Hon. Minister.

Pandit Thakur Das Bhargava: There is no harm in having it from the Chair. Where is the harm?

Shri S. S. More: He should not be a party.

Pandit G. B. Pant: If Shri More has no objection, let it be adopted in his name.

Shri S. S. More: I do not mind though I have not studied the Bill.

Mr. Deputy-Speaker: So, Shri Rohman's amendment has been covered and need not be put.

The question is:

"That clause 9 as amended stand part of the Bill".

The motion was adopted.

Clause 9, as amended was added to the Bill.

Clause 12.—(Remuneration of the Sajjadanashin)

Shri Mohiuddin: I have got an amendment to this clause.

Page 3,

line 46 and wherever it occurs in the Bill,

for "Sajjadanashin" substitute "Dewan".

The reason is there has never been any Sajjadanashin in the Durgah. Of course, the enquiry committee has used the word "Sajjadanashin" throughout its report. There has been a long dispute whether the daughter and the son of the Hazrat Moin-uddin Chishti had any issue. There has been long historical research in that respect and I am not in a position to say what are the facts. The word "Sajjadanashin" is usually used where there is a hereditary successor to the Pir. Otherwise, it is not generally used. That is why for hundreds of years the person who performed the religious functions was called "Dewan". What is the origin of the word "Dewan" I do not know. But the word was used and is still commonly used by the people who visit the Durgah. Of course, Sajjadanashin has come into use for the last ten or 15 years. I suggest that this word "Dewan" may be continued instead of the word "Sajjadanashin" because it causes misunderstanding.

Pandit G. B. Pant: There is no question of continuing. It is rather replacing the present term "Sajjadanashin" by "Dewan". We are continuing the present title of "Sajjadanashin". I read in the report about the appointment of a Sajjadanashin by Akbar 400 years ago and Sajjadanashins have been regularly appointed since. The term "Dewan" may create confusion. It is very closely allied to the word "Dewan". It is better to

use the word "Sajjadanashin". It has a long history. I do not see why we should drop it. It is a fine expression and it suits a shrine like the Durgah much better than the word "Dewan".

Mr. Deputy-Speaker: I need not put the amendment.

The question is:

"That clause 12 stand part of the Bill".

The motion was adopted.

Clause 12 was added to the Bill..

Clause 13.—(Succession to the office of Sajjadanashin).

Shri Datar: I beg to move:

Page 4.

for clause 13 substitute:

"13. Succession to the office of Sajjadanashin.—(1) As soon as the office of the Sajjadanashin falls vacant, the Committee shall, with the previous approval of the Chief Commissioner, make such interim arrangements for the performance of the functions of the Sajjadanashin as it may think fit and immediately thereafter publish a notice in such form and manner as may be determined by the Committee, inviting applications within one month of such publication from persons claiming to succeed to that office.

(2) Where only one person claims to succeed to the office of the Sajjadanashin and the Committee is satisfied as to his right to succeed, it shall with the previous approval of the Chief Commissioner pass an order in writing according to such person.

(3) Where more persons than one claim to succeed to the office of the Sajjadanashin, the Committee shall, after consultation with the Chief Commissioner, refer the dispute to the Judicial Commissioner of Ajmer for a decision regarding the claim to succeed to that office, and the Judicial Commissioner, after taking such evidence as he considers necessary and after giving an opportunity to

the claimants to be heard in respect of their claims, shall communicate his decision to the Committee.

(4) The Committee, on the receipt of the decision, shall, with the previous approval of the Chief Commissioner, pass an order in writing in accordance with such decision declaring the person found entitled to succeed to the office of the Sajjadanashin and according recognition as Sajjadanashin to such person.

(5) An order passed by the Committee under sub-section (2) or sub-section (4) shall be final and shall not be questioned in any court."

It appears long, but it is practically re-stating the position correctly. It only states very clearly what the position in this respect is. There were certain words of a doubtful character and therefore it has been very clearly stated, and whenever the post falls vacant, the committee, it is provided, shall, with the previous approval of the Chief Commissioner, make such interim arrangements for the performance of the functions of the Sajjadanashin as it may think fit. And then it will be found in sub-clause (2) that if there is only one person and the Committee is satisfied, then there is no difficulty at all, but if there is more than one person laying claim to it, then the dispute will be referred to the Judicial Commissioner, and in sub-clause (4) it is stated: "The Committee, on the receipt of the decision, shall, with the previous approval of the Chief Commissioner, pass an order in writing in accordance with such decision". It is a judicial decision. Sub-clause (5) states that an order by the Committee under sub-section (2) or sub-section (4) shall be final and shall not be questioned in any Court.

Mr. Deputy-Speaker: The question is:

Page 4.

for clause 13 substitute:

"13. Succession to the office of Sajjadanashin—(1) As soon as

[Mr. Deputy-Speaker.]

the previous approval of the Commissioner, make such interim arrangements for the performance of the functions of the Sajjadanashin as it may think fit, and immediately thereafter publish a notice in such form and manner as may be determined by the Committee, inviting applications within one month of such publication from persons claiming to succeed to that office.

(2) Where only one person claims to succeed to the office of the Sajjadanashin and the Committee is satisfied as to his right to succeed, it shall with the previous approval of the Chief Commissioner pass an order in writing according recognition as Sajjadanashin to such person.

(3) Where more persons than one claim to succeed to the office of the Sajjadanashin, the Committee shall, after consultation with the Chief Commissioner, refer the dispute to the Judicial Commissioner of Ajmer for a decision regarding the claim to succeed to that office, and the Judicial Commissioner, after taking such evidence as he considers necessary and after giving an opportunity to the claimants to be heard in respect of their claims, shall communicate his decision to the Committee.

(4) The Committee, on the receipt of the decision, shall, with the previous approval of the Chief Commissioner, pass an order in writing in accordance with such decision declaring the person found entitled to succeed to the office of the Sajjadanashin and according recognition as Sajjadanashin to such person.

(5) An order passed by the Committee under sub-section (2) or sub-section (4) shall be final and shall not be questioned in any court."

The motion was adopted.

Mr. Deputy-Speaker: I think there are no more amendments to this clause.

Shri Datar: There is one more amendment, namely amendment No. 16 in the name of Shri Raghunath Singh.

Mr. Deputy-Speaker: The hon. Member Shri Raghunath Singh is not here. I give hon. Members ample opportunity to get up and move their amendments. If they do not move, that means they do not want to press their amendments.

Shri D. C. Sharma: Shri Raghunath Singh got up so many times to catch your eye so that he may make his speech, but you did not give him a chance.

Mr. Deputy-Speaker: I am willing to give him any number of chances now.

Shri D. C. Sharma: But the poor man has gone now.

Mr. Deputy-Speaker: It is rather curious. If he misses one chance now, is he not going to attend Parliament at all hereafter?

The question is:

"That clause 13, as amended, stand part of the Bill".

The motion was adopted.

Clause 13, as amended, was added to the Bill.

Clause 14 and 15 were added to the Bill.

Clause 16—(Board of Arbitration).

Shri Mohiuddin: I have got two amendments to this clause. One of them seeks to delete clause 16 altogether.

Mr. Deputy-Speaker: That amendment is out of order. The hon. Member can very well oppose clause 16.

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میں مہی اسلئے یہاں ہے۔

[Shri M. H. Rahman: I.....]

उपाध्यक्ष महोदय : उस पर मैं फिर
प्राज्ञा ।

Shri Mohiuddin: Then, I shall move my other amendment which reads:

Page 4, line 40,

omit "or under some contract of employment".

Mr. Deputy-Speaker: What is the number of the amendment?

Shri Mohiuddin: This has no number. I gave notice of this amendment just an hour ago, and if the hon. Minister accepts it, it can be considered.

Mr. Deputy-Speaker: Any amendment which has not been circulated earlier will not be allowed to be moved unless Government or the person in charge of the Bill accepts it. If the hon. Minister accepts this amendment, it can be moved. Is the hon. Minister agreeable to accepting this amendment?

Pandit G. B. Pant: I have no objection to its being moved.

Shri Datar: It might be moved.

Mr. Deputy-Speaker: Is the hon. Minister accepting it?

Pandit G. B. Pant: I have no objection to its being moved.

Mr. Deputy-Speaker: Only to moving it? Very well, the hon. Minister waives notice.

Shri S. S. More: It is the privilege of the Chair and the House to waive notice, and not of the hon. Minister.

Mr. Deputy-Speaker: I would just like to remind the House that normally amendments which are tabled at a late hour are not accepted. It is not only Government, but others also, who are interested in it, and they have also to apply their minds. But we have also been adopting this practice, that if the Mover or the sponsor of the Bill, whether Government or a private Member, is willing to accept the amendment, then naturally they

must have a body to support themselves, and under those circumstances, the House shows a little indulgence and is willing to waive notice and allow the amendment to be moved. But if it is only for the purpose of debating that it is to be moved, but ultimately it is going to be objected to, then let us save the time of the House by not allowing it to be moved.

Pandit G. B. Pant: I have no objection to its being moved.

Mr. Deputy-Speaker: Is it only a question of its being moved? Are Government going to oppose it ultimately?

Pandit C. B. Pant: I do not want to waste the time of the House.

Mr. Deputy-Speaker: I take it that this amendment is going to be accepted by the hon. Minister.

Pandit G. B. Pant: I have to see the reaction of the other Members also.

Mr. Deputy-Speaker: The hon. Member may move his amendment now.

Shri Mohiuddin: I beg to move:

Page 4, line 40,

omit "or under some contract of employment".

The reason is that arbitration is necessary and should be resorted to only when there is some dispute between the committee and the Saj-jadianashins, and the Khadims on account of their hereditary rights. But there could be no question of an arbitration between the committee and its employees. It may be a servant, a sweeper, or a *chaprasi*; they are all employees with whom the committee has an implied contract, just as any driver or any servant has an implied contract with his employer. I do not quite understand the meaning of the phrase 'or under some contract of employment'. It simply means, according to me, that any servant employed by the committee, who is not a hereditary servant of the Durgah can also resort to this provision and can apply to the Government of India for arbitration even

[Shri Mohiuddin]

on a small matter. That is why I say that these words should be deleted. Disputes arising between the committee and the Sajjadanashins or the Khadims in respect of their hereditary rights may, of course, be the subject of arbitration, in order that the disputes may not drag on and go to a court of law. But I do not want that there should be provision for arbitration in respect of trivial matters.

I hope, therefore, that the hon. Minister will accept my amendment.

Shri S. S. More: I believe he has already accepted it, and that is why it has been moved.

Pandit G. B. Pant: I have not already accepted it, but I do accept it now.

Mr. Deputy-Speaker: Amendment moved:

Page 4, line 40,

omit "or under some contract of employment".

Pandit Thakur Das Bhargava: The entire idea underlying this clause 16 is that no dispute relating to the Durgah or to this committee may go to a court. That is the basic idea. If there is any dispute in regard to any hereditary right etc., the matter may be decided by the arbitrators. My hon. friend also accepts that position. He only objects to the words 'or under some contract of employment'. I find as a matter of fact that this is more in the nature of a special right being given to the Durgah so that the Durgah may not be dragged in in a court by A. B. or C. My hon. friend was speaking of some sweepers etc. They are under a contract of employment. If they bring a matter before the court, and the Durgah is also to appear in the court, then what is the fun in it? This provision means that no question relating to these matters will go to court. It will be decided by persons who are mentioned here, by independent persons, by representatives of this party or that party

together with an umpire who will be a person who has got no interest whatsoever in the matter. This means that a person need not go to court, and any matters of dispute that arise, whatever their nature, will be decided by arbitration. I think this is a very wholesome provision which should be accepted rather than objected to. I do not find any difficulty at all here. I have heard the hon. Member with rapt attention, but I could not find any difficulty.

Mr. Deputy-Speaker: Would that not be taking away the right of a person who is working under a particular contract?

Pandit Thakur Das Bhargava: He is objecting only to that part.

4 P.M.

Mr. Deputy-Speaker: What I feel is this. If there is a contract of employment, is it open to say, instead of going to the court of law by this Act, remove the jurisdiction of the court and then put in arbitration?

Pandit Thakur Das Bhargava: Yes. That is the real idea.

Shri Datar: By agreement.

Mr. Deputy-Speaker: It is not by agreement. If anyone of the parties has a complaint against the other party and wants to refer it to arbitration, but the other party is against arbitration?

Shri Mohiuddin: What I mean to say is that if arbitration is allowed even to the servants of the Durgah, there will be no discipline amongst the servants of the Durgah, there will be no obedience and in every small matter of discipline they can apply and go to arbitration. So there will be discipline. Arbitration is with regard to points arising out of hereditary rights and so on, which is made clear to a certain extent; otherwise, there will be no discipline and the Committee cannot carry on the administration.

Pandit Thakur Das Bhargava: The words are these: 'does not, in the

opinion of the Committee, relate to any religious usage or custom.' So they are all civil matters. All the other matters are mentioned here, why not this?

Mr. Deputy-Speaker: Every servant will go to court.

Pandit Thakur Das Bhargava: Now, he has to go to the munsif's court.

Mr. Deputy-Speaker: Going to a court is not so easy as referring to arbitration. Does the hon. Minister accept it?

Pandit G. B. Pant: I have no objection, if the House is agreeable.

Mr. Deputy-Speaker: The question is:

Page 4, line 40,

omit "or under some contract of employment".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 16, as amended, stand part of the Bill".

The motion was adopted.

Clause 16, as amended, was added to the Bill.

Clause 17 to 19 were added to the Bill.

Clause 20.—(Bye-laws).

Amendment made:

(1) Page 5, lines 40 and 41,

for "ccmpound" substitute:

"compound and regulating the conduct of persons within the precincts of the Durgah".

(2) Page 5,

(1) after line 42, insert:

"(j) the regulation of the cooking of degs and distribution of the food so cooked, notwithstanding any judicial decision relating to

the right of any person or class of persons to participate in such cooking or distribution";

(ii) line 43,

for "(j)" substitute "(k)"; and
(iii) line 46,

for "(k)" substitute "(l)"

—[Shri Datar]

Mr. Deputy-Speaker: The question is:

"That clause 20, as amended, stand part of the Bill".

The motion was adopted.

Clause 20, as amended, was added to the Bill.

Clause 21.—(Transitional Provisions).

Shri Datar: I beg to move:

Page 6,

for clause 21 substitute:

"21. Transitional Provisions.—The person holding the office of Sajjadanashin immediately before the commencement of this Act shall on and from such commencement continue to hold that office subject to the other provisions of this Act and to the final decision in the suit relating to that office which is pending on such commencement and to which the said person is a party".

This matter, it was stated, was pending in the Supreme Court. We have no information on that point. That is the reason why this has been added.

Mr. Deputy-Speaker: The question is:

Page 6,

for clause 21 substitute:

"21. Transitional Provisions.—The person holding the office of Sajjadanashin immediately before the commencement of this Act shall on and from such commencement continue to hold that office subject to the other provisions of this Act and to the final decision in the suit relating

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to that office which is pending on such commencement and to which the said person is a party".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 21, as amended, stand part of the Bill".

The motion was adopted.

Clause 21, as amended, was added to the Bill.

Clause 22 was added to the Bill.

Clause 1.— Enacting Formula and Title.

Amendments made:

(1) Page 1, line 3,
for "1952" substitute "1955".

(2) Page 1,
for line 1, substitute:

"Be it enacted by Parliament in the Sixth Year of the Republic of India as follows:—"

—[Shri Datar]

Mr. Deputy-Speaker: The question is:

"That clause 1, as amended, the Enacting Formula, as amended, and the Title stand part of the Bill".

The motion was adopted.

Clause 1, as amended, the Enacting Formula, as amended, and the Title were added to the Bill.

Pandit G. B. Pant: I beg to move:

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

I do not think many words are needed now to commend this Bill to the hon. Members of this House. I have accepted almost every amendment which was acceptable to the

general body of the House itself and I have tried to remove every possible objection emanating from the quarters that are interested in the Bill. In fact, I have more than responsive; I have been submissive. So I hope this will be accepted unanimously.

Mr. Deputy-Speaker: Motion moved:

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

Shri D. C. Sharma: The hon. the Home Minister, in his opening speech, remarked that it had gladdened his heart to be able to bring this Bill forward in the House. I must say that it gladdens my heart also to be able to speak on this Bill, even though it be at the third reading stage. I do so for two reasons. When I look back upon my school life, I think there are two Urdu poems which still stick in my memory. One of those poem is about the revered saint, about whose Durgah we are passing a Bill today. The other poem was a poem by Dr. Mohammed Iqbal which was known as the complaint of a night-ingale in a cage.

I therefore say that by doing so, I am paying my homage to this great Sufi saint who was responsible, by and large, for founding the tradition of Hindu-Muslim amity. I have been to Ajmer several times and I have seen that this Durgah is common to all and that Hindus vie with Muslims in paying their homage to this great saint. Of course, I would have liked it very much that the Government should have brought forward a comprehensive Bill to cover all places of religious endowments. My friend Shri A. S. Saigal said that there should be a Bill like this for Huzur Saheb and Patna Saheb. My other friends also echoed similar sentiments. I should say that there should be a similar Bill for the temple of Lord Vishwanath in Banaras. I think this is not a problem which concerns only one shrine in India. It is a problem which affects so many

temples and religious endowments in India and I would urge the Government to be so bold as to bring forward a Bill which can make for the proper administration of these religious endowments.

I would not repeat what has been said that there are malpractices and all that kind of thing. I do not want to say all that. But, I should say, apart from other considerations, we need in this country a proper administration of all these religious endowments. But proper administration does not mean that everybody connected with these religious endowments should be elected. An hon. Member said that the Central Committee should be elected and all other committees should be elected. Of course, I believe in parliamentary democracy and parliamentary democracy cannot work without elections. But I must say that in India we are having a morbid passion for election; and we are overdoing these elections. We want elections in every sphere of life and I do not know where we shall be able to draw the line. But, I must say that so far as the administration of religious endowments is concerned we should not introduce the principle of elections. I do not want to refer to any religious endowment but I have in my mind some and I know how the principle of elections for the management of those religious shrines, has worked by far and large neither for the proper administration of those endowments nor for the enhancement of their prestige nor even for the proper performance of the ritualistic duties concerned with those endowments. I would, therefore, say that it is a very wholesome thing that the Government has done that they have not introduced this principle here. Religious endowments cannot be run like municipal committees or like district boards or State Assemblies. Religious endowments have a character of their own and, I think, the principle which the Government has adopted in the framework of this Bill should be something of a model for all other

Bills which are to come in the case of these religious endowments.

But I must say one thing that in this Bill we have adopted a strange kind of structure. I am sorry to refer to the structure of this Bill. We have the Chief Commissioner, we have the Nazim, we have the Advisory Committee and then we have the Arbitration Board. I do not know why our government cannot think of simplifying the structural organisations that are coming into being so fast in this country. These organisations are of different characters. For instance, what are the functions of the Chief Commissioner? Of course, he exercises statutory functions which I think.....

Mr. Deputy-Speaker: This is the third reading. It is not usual to go into such great details. Three hours have been allotted for this and now we have exceeded three hours.

Shri D. C. Sharma: Yes, Sir. But, we have also saved some time from the other Bills, for instance from the Bill which my learned friend Shri Pataskar put forward and, therefore, we can give some more time to this.

Mr. Deputy-Speaker: The next Bill probably wants more time.

Shri D. C. Sharma: I was going to say there is the Nazim. It has been said that the Nazim belongs to the category of an executive officer of a municipality. When I look at the position of the committee, I say that this committee belongs to the category of a financial undertaking. When I look at the Advisory Committee I say this belongs to the category of the Business Advisory Committee and when I think of the Arbitration Board, I say this belongs to the domain of labour disputes. I see so many things have been brought together in this Bill and the structure that has been proposed for the administration of this Durgah is a strange one. I, therefore, say that Government should think of a simple, homogeneous and harmonious structure. It is not that they should take

[Shri D. C. Sharma.]

one thing from a business organisation, one thing from a financial organisation and a third thing from a municipal organisation and put them together and say "Here we have brought these together and this is a proper structure." I say this matter requires very serious consideration and I think this kind of difficulty should be obviated in other Bills also.

I am glad that the hon. Minister has taken away some of the powers of the Nazim. But I must say that he has been very hard on the Khadims. We go to places of pilgrimage and we meet these pandas. Do you mean to say that these pandas should take a licence? These pandas are not a nuisance.

An Hon. Member: They are a nuisance.

Shri D. C. Sharma: They are a nuisance because you have other considerations in view. I say the pandas act as your hosts, as your guides and as your friends. They do all these things and I think it is an abuse of language to say that these pandas and Khadims are a nuisance. (*Interruption*) I would say that these persons should have been shown some tender mercy. I know our Home Minister is a very gentle-hearted person and has been very good to the Nazim. I would expect some small mercies for these Khadims also because to take these Khadims away from their temporary spiritual category and bring them into the category as in the Bill is not a very desirable thing from my point of view. It hurts my sentiment. I think tomorrow there may be a Bill for some Hindu religious endowment and something like this would be proposed to be put down there. That would hurt me. Therefore, I say the Khadim should have been given—if I can put it like that—a better deal than he has been given here.

The Sajjadanashin is being given an allowance of Rs. 200 a month. He

is a descendant of that great saint. I should say that I welcome this Bill and support it in the main but I would request the Government to bring into being a simple kind of structure which can make for the proper governance and administration of these bodies. With these remarks I support this.

Pandit G. B. Pant: This Bill is based on the recommendations of the high power committee which was presided over by a judge of the High Court. So, if there is any grievance, then it should not be laid at the door of the Government but of those who had better opportunities of studying the problem. So far as I am concerned, I have accepted almost every suggestion that has been made on the floor of this House.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

STATE BANK OF INDIA (AMENDMENT) BILL

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): I beg to move:

"That the Bill to amend the State Bank of India Act, 1955, be taken into consideration."

This Bill is intended to convert the ordinance issued some time back into an Act of Parliament. I think it would be proper to state here the reasons for promulgating the ordinance. The other day I laid on the Table of the House a statement showing the objects and reasons for promulgating the ordinance and also the reasons for the emergency felt by Government.