12.15 hrs.

WAKF (AMENDMENT) BILL

The Minister of Irrigation and Power (Hafiz Mohammad Ibrahim): Mr. Speaker, I beg to move:

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

This Bill, as it sppears, contains only four clauses. I am not going to take much of the time of the House over it. But, in order to explain certain things, I have first to refer to some things in the principal Act so that hon Members may be able to understand the real import and effect of one or two amendments contained in this Amending Bill.

The principal Act was enacted in the year 1954 It was meant to extend to the whole of India and still, its enforcement was conditioned by the publication of Gazette Notification by the Central Government. As far as the four States were concerned, namely, Bihar, Delhi, UP and West Bengal, it was mentioned that no such notification should be issued except on the recommendation of the State Governments concerned Delhi at that time was a Part C State because, at that time, according to the Constitution, Parts A, B and C States were in existence Now, Delhi is a Union Territory and it is intended also that the Wakis Act, which is of the Centre, should be enforced there Therefore, there is one amendment included in the Bill through which Delhi is to be omitted from this proviso. That would be deleted.

Another thing about Delhi is, under section 10 of the principal Act, the number of members of the various Boards for the various States were fixed. That section reads as follows:

"The Board shall consist of—

(a) eleven members in the case of each of the States specified in Part A of the First Schedule to the Constitution;

- (b) seven members in the case of each of the States specified in Part B of the First Schedule to the Constitution; and
- (c) five members in the case of each of the States specified in Part C of the First Schedule to the Constitution:"

With reference to the Amending Bill, it will be found that this entire section is going to be substituted by a new section which is contained in clause 3:

- "(1) The Board shall consist of-
- (a) eleven members, m the case of a State and the Union territory of Delhi; and
- (b) five members, in the case of any other Union territory."

This distinction in regard to Delhi has been made simply because though Delhi is a little State or a little Union territory it contains a very large number, hundreds of wakfs. Like so many other States, it should have a bigger or larger Board. Therefore, the number for Delhi has been increased from 5 to 11.

I have dealt with the omission of Delhi from that proviso and the increase of the number of members for the Delhi State. There is a third amendment which is in the shape of a proviso to be added to sub-section (3) of section 1 of the principal Act. That is this:

"Provided further that where on account of the territorial changes brought about by the States Reorganisation Act, 1956, this Act is, as from 1st day of November. 1956, applicable only to a part of a State, the Central Government may, by notification in the Official Gazette, bring this Act into force in the remaining part of that State with effect from such date as may be specified in the notification."

[Hafiz Mohammad Ibrahim]

As far as the enforcement of the States Reorganisation Act is concerned, it created certain positions in regard to wakfs and Wakf Boards which are not desirable. They have to be changed. Therefore it has been provided here that the Central Government will enforce the Act in those parts where it is not in force.

Now, we come to clause 4 which contains two sections, 66A and 66B As far as section 66A is concerned, it is a special provision for the reorganisation of certain Boards The present position is this If you take the case of Hyderabad, in the Hyderabad State there was one Board Parts of Hyderabad went to States, such as Mysore, Andhra Pradesh and so on, and in those places, by virtue of the States Reorganisation Act-because there is a provision therein to that effect—those Boards which were functioning at the time of the reorganisation of the States were to continue to function, even though those parts had gone to the other States Therefore, this Wakf Act is in force in those parts, and they have got wakf boards So a position has arisen wherein one wakf board has got jurisdiction over the wakf in another State This is a very undesirable thing And it has to be done away with

Therefore, section 66A has been provided here in this amending Bill, under which such Boards may be dissolved, reorganised and reconstituted Questions relating to the transfer of the assets, rights and liabilities, and the employment of those persons who are employed there, etc have been included in this section, for the purpose of being dealt with in the order which will be made by Central Government after receiving the necessary proposals from the State concerned That order will go to the State, and things will be done according to that order

It is also provided here that that order will include so many other things, anyone of them or all of them, as are included in the proposed subsection (3) of section 66A, in clause (a) to (g) It is also provided under the proposed sub-section (4) of section 66A that

"Where an order is made under this section transferring the assets, rights and liabilities of any Board, then, by virtue of that order, such assets, rights and liabilities of the Board shall vest in, and be the assets, rights and liabilities of, the transferee"

Another provision is that this order will be published in the gazette. It is also provided here that every order made under this section shall be laid before each House of Parliament.

There remains just one more section which is proposed to be introduced, and that is, section 66B which is meant to enable the State to establish one board for one part only, or to establish separate boards for separate parts provided they have come to that State from the other State So, this section will enable the State either to have one board for one part or to have several boards in several parts provided the several parts were not within its area originally

Another thing that is provided here is that if it is desired some time later that these several boards should not continue but one single board should be established, then one single board can be established under section (2) of proposed section 66B

I think this is all that needs to be said about this Bill which is a very small one, and I hope the House will pass it without any discussion

Mr. Speaker: Motion moved.

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

को सन्तु पांडे (त्स्डः) . प्राच्यक्ष महोदय, जो विस्न सदन के सामने लाया गया है, मामतीर पर मैं उसका समर्थन करता हूं। राज्यों के पुनर्वटवारे के बाद इस बिल की सक्त जरूरत थी। इसलिये मैं मन्न महोदय को घन्यवाद देता हूं कि वह यह बिल लाए हैं। मुझे इस बारे में जो ऐतराज है, वह है बोर्ड के गठन पर। १६५४ के एक्ट में इस बात की ध्यवस्था है कि यह बोर्ड कैसे बनाया जायेगा। सभी मनी महोदय यह प्रमेडमेंट साए हैं, जिसके द्वारा प्रिसिपल एक्ट के मैक्शन १० के सब-सैक्शन (१) के स्थान पर यह रक्त एपर है.

- "(a) eleven members, in the case of a State and the Union Territory of Delhi; and
- (b) five members, m the case of any other Union Territory.".

इस सस्या पर तो मुझे कोई खास एतराज नहीं है, लेकिन प्रिंतिपल एक्ट में यह बात लिखी हुई है कि मेम्बरों का एपायट-मेट कैसे हो —

"The members of the board shall be appointed by the State Government by notification in the Official Gazette from anyone or more of the following categories of persons, namely:

- (a) Members of the State Legislature and Members of Parliament representing the State:
- (b) persons having special knowledge of Muslim law and representing associations such as State Jamiat-ul-Ulamai-Hind (whether such persons are Hanafi, Ahle-Hadis or Shefai) or State Shia Conference.

इस सिमसिले में मैं यह निवेदन करना चाहना हूं कि घव तक बोर्ड बनाने के सम्बन्ध में राज्य सरकारों को इस बात का प्रधिकार हिया गया है कि वे जमयत-उल-उलेमा-ए-ब्रिन्द या शिया कान्फरेंस में से, या उन सोगों में से, जो लाम तौर से मस्लिम कानन को जानते हो, मेम्बरो को इस बोर्ड मे रखे। मझे एतराज है कि सारे मेम्बरों का नामी-नेशन राज्य सरकारो की तरफ से क्यों होता है। प्रगर मंत्री महोदय इस को प्रमेंड करें कि कुछ मेम्बर चुने हुए हो, तो ज्यादा बच्छा होगा । भगर राज्य सरकारो को यह चिषकार दिया जाय कि वे जमयत-उल-वलेमा-ए-हिन्द भौर शिया कान्फरेंस इन्ही हो जमायतो से लोगो को लें, तो मैं समझता ह्र कि यह ठीक बात नहीं होगी, क्योंकि ये होनो जमायतें काग्रेस के मन्लिम चेहरे हैं। ब्रह तो महज जमयत-उल-उलेमा-ए-हिन्द और शिया कान्फरेंस के नाम पर भपनी पार्टी के लोगों को इस बोर्ड में भरता है। धगर ध्रत्री महोदय उन मुसलमानो को, जो कि द्भन जमायतो के भलावा हो, भौर जो खास हौर पर मुसलमानो के धार्मिक मामलो में आनकारी रखते हो, इस बोर्ड में रखने की *भ्*यवस्था करें भौर उन को इस बात का हक दें कि वे चुन कर भायें, तो यह ज्यादा मच्छा होगा बजाय इस के कि प्रान्तीय सरकार अने । मगर प्रान्तीय सरकार को यह हक दिया गया, तो नतीजा यह होगा कि सिर्फ काग्रेस पार्टी के लोग ही इस किस्म के बोडों में जायेंगे भीर वे शिकायते बनी रहेंगी, जो कि पहले मौजूद है।

मैं मन्त्री महोदय से निवेदन करूंगा कि अगर इस तरह से इस को अमेड किया जाये, हो ज्यादा अच्छा होगा, ताकि जमयत-उल-उलेमा-ए-हिन्द और शिया कान्फरेस के अलावा भी लोग इस में भा सकें और यह बोड ज्यादा प्रजातान्त्रिक हो सके।

Shri Naldurgkar (Osmanabad): Though I feel the necessity for this amending Bill, still I suspect the validity of section 66B which is proposed to be introduced under clause 4 of this Bill. Under this section, it

[Shr: Naldurgkar]

is proposed to vest the State Government with the power to establish wakf board in one or more parts of its territory. But the intention which has been expressed by the hon Minister seems to be quite different from what we find in the wording of the section.

Under section 66B, it is evident that the State Governments are being vested with power to establish a board in that part or parts in which the Act is not in force. That section reads as follows

"Where on account of the territorial changes brought about by the States Reorganisation Act. 1956, this Act is, as from the 1st day of November, 1956, applicable only to any part or parts of a State but has not been brought into force in the remaining part thereof, then notwithstanding anything contained in this Act, it shall be lawful for the Government the State to establish one more Board for such part parts

The wording here is 'but has not been brought into force in the remaining part thereof' then it shall be lawful act' means that the State Government are vested with the power to establish a board in that part m which the Act is not in force I am afraid this will create an anomaly or rather legal complications in the future Again, under clause 2 we find that the following proviso is proposed to be added

"Provided further that where on account of the territorial changes brought about by the States Reorganisation Act, 1956, this Act is, as from the 1st day of November, 1956, applicable only to a part of a State, Central Government may by notification in the Official Gazette. bring this Act into force in the remaining part of that State with effect from such date as may be specified in the notification "

So it is clear from this wording that the wording of the proposed section 66B is against the intention of the Legislature, as stated in the Statement of Objects and Reasons There it is stated:

"In some of the States, the Act is in force in certain parts only and it is proposed to empower the Central Government to bring the Act into force in the remaining part of such States. If, however, for any reason it is not found feasible to bring the Act into force in the remaining part of any such State and establish it would at least be desirable to have a Board for such part or parts of the State where the Act is already in force"

But such is not the intention of the proposed section 66B. According to that, the State Government is authorised to establish Boards in those parts in which the Act is not in force. This in a clear wording. Therefore, I am afraid that when there is no authority, and when there is no authority, and when there is no authority every Act under that will be illegal.

Again sub-section (2) of the proposed section 66B is identical analogous to the intention embodied in the proposed section 66B clause 4 of the Bill Under 66A, the State Government is authorised to dissolve, reorganise or re-constitute the Board, but before that it is incumbent upon the State Government to prepare a sort of scheme including some proposals for transfer of assets and liabilities. Then the whole thing is to be forwarded to the Central Government under the proposed section 66A(2) Then the Central Government, after necessary modification, may give effect to that scheme or not But every order under that section shall be laid before each House of Parliament as soon as may be after it is made, in spite of the

fact that clause (2) of the proposed section 66B is quite identical and analogous to the main intention embodied in the proposed section 66A, there is no such provision embodied here

Therefore, I am afraid that when the State Government exercises its authority to reconstitute or reorganise any Board, that act will be ultra tires.

Then section 69(2) of the main Act says:

"If, immediately before the commencement of this Act m any State, there is m force in that State any law which corresponds to this Act [other than an enactment referred to in sub-section (1)] that corresponding law shall stand repealed."

Under the principal Act, when the Central Act comes into force, then the Act that is in force in the State shall stand repealed Now, again an anomaly will be created. Under the proposed section 66B, the State Government is authorised to establish the Board in that part where this Act is not in force. So it means that the State Act is in force there. When the State Act is m force there, we are imposing the Board—against authority.

Therefore, I am of the opinion that in spite of the fact that this Bill is necessary, the wording of the proposed section 66B is rather unhappy or creates an anomaly Therefore, I want to draw the attention of the hon. Minister to the necessity of necessary changes. In view of the proposed section 66B(2) and section 66A(2) as well as section 1(2) of the principal Act, some amendments are called for With that end in view, I have tabled some amendments and if the hon. Minister

is not able to satisfy me, I shall see whether I shall have to move those amendments or not

भो मु० हि० रहमाम (ग्रमरोहा):
मोहतरम स्पीकर साहब, यह ग्रमेंडमेट जैमा
कि ग्रमी कहा गया है बहुत ही जरूरी ग्रमेंडमेंट है, जो कि हमारे मामने बिल की शक्ल
में पेश है। रिग्रागेंनाइजेशन ग्राफ स्टेट्स
की वजह में जो सूरते हाल पैदा हुई उसमें
सन् १६५४ के वनफ ऐक्ट में जो जरूरी
तरमीमात होनी चाहिये थी वह ग्रब के पहले
हो जाती, लेकिन ग्रब पेश है। यह बहुन ही
बेहनर भीर जरूरी है।

मेरे एक भाई ने जो मेम्बर बनाने का तरीका इस में बयान किया गया है उसके मताल्लिक यह तवज्जह दिलाई है कि इसमें जमैयन-उल-उलेमाये-हिन्द. शिया कान्फरेस भौर महले हदीन, इन्ही तीन का जिक किया गया है। यह जमाते दोनो काग्रेस के चेहरे है, इस वजह से मुनासिब नही है कि सास इन जमातो का जिक हो । इसमें यह होना चाहिये कि कुछ गवनंमेंट नामिनेट करे घौर कछ दमरी जमातों से इन्तसाब के जरिये आये। मैं इस बारे में अपने मोहतरम मेम्बर की नवज्जह इस तरफ दिलाना चाहता ह कि जमयत उलेमाये हिन्द, शिया कान्फरेंस भौर महले हदीस के नाम जो इसमें लिखे गये है वह महज इस वजह में नहीं लिखे गये हैं। जिस वक्त व फ एक्ट मन १६४४ सेलेक्ट कमेटी के मामने पेश या तो इस बात की कोशिश की गई कि कोई जमात ऐसी होती चाहिये जो कि मजहबी जमान हो भौर जिन की तमाम मल्क में रिप्रेजेटेशन भीर एंतमाद पब्लिक में हो भौर जिसकी शाखे हिन्द्स्तान की तमाम स्टेटम में मिन सके ताकि जो भी स्टेट उन में से किसी मेम्बर को लेना चाहे. वह ले सके।

जहां तक शिया कम्युनिटी का ताल्लुक है, जो मुक्तलिफ किस्म के क्यालात के मेम्बर

1740

[भी मु० हि० रहमान]

पालियामेंट उस सेलेक्ट कमेटी में थे, उन्होने शिया कान्फरेंस को यह हैसियत दी क्योंकि उस की शासे तमाम हिन्दुस्तान में हैं। जमायत उलेमाये हिन्द को सुन्नी कम्युनिटी के एतबार मे तरजीह दी, इसलिये कि तमाम स्टेट्स में ही नहीं, बल्कि उन के धजला में भी उस की शाखे फैली हुई है। तीसरी जमात मजहबी भीर सोशल ऐनबार में महले हदीस है, इन सब की शाखे हिन्दुम्तान की तमाम स्टेट्स में है उनके इलावा भीर मजहबी जमातें ऐसी नहीं हैं बल्कि किसी स्टेट में कोई अमात है, किसी में कोई जमात है।

को सरजू पांडें ' जमायत उलेमाये हिन्द सयासी पार्टी है, मजहबी पार्टी नही है।

भी मु० - ० रहनान में जनाब म्यीकर साहब की तवज्जह इस तरफ दिलाऊगा कि शायद मेरे मोहतरम भाई इस बात से बाकिफ नहीं है कि सन् १९४७ के बाद से जमायन उलेमाये हिन्द का कास्टीटयुगन बदल चका है भीर भन जम यत उलेमाये हिन्द पोलिटिकल वॉडी नही है, बल्कि एक रिलीजस भौर सोशल बाडी ममझी जाती है ग्रीर उसका कोई ताल्ल्क ग्रब बराह राम्न पोलिटिक्स में नहीं है। वह एक खालिम मजहबी भीर सोशल जमात है, कल्चरल जमान है। मैं यह भी तवज्जह दिलाउ कि जहा तक मौजूदा जमायन उलेमाये हिन्द के कान्स्टिट्युशन भौर शिया कान्फरेस भौर बहले हदीस कान्फरेंस के कान्स्टीट्यूशन्य का ताल्लक है, अगर आप उन को पढते तो आप को मालूम होता कि उन में सिर्फ काग्रेसी होना जरूरी नहीं है। बल्कि उसके मकासिद, उसके काज, उसके उसूल भौर पालियी को दूसरी जमाती के भादमी भपनाना चाहें तो वह भी उस के मेम्बर हो सकते हैं। जहा तक भाज जमायत उलेमाये हिन्द का ताल्ल्क है, इसमें कोई शक नहीं कि एक बड़ी तादाद ऐसे मजहबी घादमियों की निकलेगी जो एक

तरह से मजहबी भीर कल्बर की हैसियत से जमायत उलेमाये हिन्द में शरीक हैं जबकि पोलिटिकल हैसियत से वह काग्रेसमैन भी है। लेकिन इस के साथ ही माथ पी० एस० पी॰, एस॰ पी॰ भीर दूसरी जमातो के मेम्बरान भी जमयत उलेमाये हिन्द की शाखों के मेम्बर है। भाज जो हमारी मकंजी जमात है उसके मेम्बर्स में भी काग्रेस, पी० एस० पी० घौर दूसरी सियासी जमाती के लोग है। इसलिये यह बात नही है जो कि हपारे मोहतरम भाई फरमा रहे हैं। हा कम्युनिस्टो को यह हक हामिल नही हो सकता क्योंकि वह तो मजहब को मानते ही नहीं। लेकिन इस बहम का ताल्लुक इन्तवाबी मामला से मुझे उसने कोई एव्ललाफ नही है द्भाग प्राप उसे बदलना चाहें ग्रीर मिनिस्टर ब्राहब उसे तमलीम कर लें। मैने नो सिर्फ तवज्जह दिलाई कि जो चीज बयान की गई वह सही नही है। इन जमातो का नाम पोलिटिकल जमाने हाने नी वजह स नही है बल्नि इस बजह से हैं कि तमाम हिन्दुम्तान में इन की शास्त्रे मौजूद है। बहरहाल यह नो सिर्फ एक हक है कि स्टेट गवर्नमेट इन जमाना में से ले स्वती है। विव यह माशल मजहबी भीर इन्चरल जमानें है इस ऐनबार स इ.मे से न्माइन्दा निया ही जाय इसके लिये यह बिल वाबन्द नहीं करता है कि दूसरी जमातों में न निया जाय । इसरी जमात के मेम्बर भी ही सकते है मिर्फ एक मम्बर के लिये रक्खा शया है। यह नहीं है कि नमाम के तमाम भ्रम्बरान ही इस में से रक्खे जायें। मगर इमलमानो में से दुसरी जमातो को भी न्माइन्दगी देनी है तो मुस्तिलफ स्टेट्स में जी हजरात भसेम्बली में है भीर जो काग्रेन-**बैन नहीं हैं,** स्टेट ग**बनंमें**ट उन में से ले सकती है बल्कि उन को से लेना चाहिये, इस में मुझे कोई ऐतराज नहीं है। इसमें तरे भिर्फ उनकः रक्वा गया है जो कि ज्यादा मे ज्यादा मुसनमानो की जमाते. जि दर्गः की नुमाइन्दर्ग सहीतीर पर कर सकें। इस निवे

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वह बहुत मुनासिब और बरूरी है कि इस जमातों का जिक रहे। यह बहुत सोच विचार कर रक्का गया है और मुफीद है। भौर बहरहास भमलीतौर पर, प्रैक्टिकल तौर पर, जो धन्दाजा लगाया गया है उसके मुताबिक भी ज्यादा फायदेमन्द है।

[شرى ايم - ايم رهان ، محترم إسهيكر صاهب - ود اميلة مهلت جيسا کهاہ _کہا گیا ہے بہت ھی ضروری امهلد مهدى هے - جو كه همارے ساملے بل کی فکل میں پیش ہے۔ ری آرکیدائزیشن آب اسالیاس کی وجه سے جو مورت حال يهدا هواي اس مهن سله ۱۹۵۳ کے وقعہ ایکٹ میں جو فروری ترمهمات هونی چاهنے نهیں اب ہے پہلے ہو جاذبی لیکن اب پيش هين - په بېت هي بېتر اور ضروري ههن -

میرے ایک بھائی ہے جو مبدر بدائے کا طریقہ اس میں بھان کیا گیا ھے اس کے متعلق یہ توجه دلائی ھے كه إس مين جنعته علما اهلات شيعه كالفريلس اور اهل حديث - الهيس تين ۽ دکر کيا گيا هي - يه جناعتين دوس المكريس كے جہرے هيں - أس بجه سے مداسب نہیں ہے که خاص ان جماعتوں کا ذکر هو - اس ميں يه هرنا جاهاي كه كجهه كورنبلت نامعلهمك کرے اور کچھے دوسری جماعتوں سے انتظاب کے ذریعہ آٹھی - میں اس بارے میں اپنے متعدم منبو کی توجه أس طرف علنا جاهنا هن كه جمادت

لل علما هلد - شيعة كالفريلس أور اعل حدیث کے نام جو اس میں لکھے لگے ھیں وہ منتش اس وجه سے نہیں لکھے گئے میں که یه جاعثیں كانگريس كى حامى ههن بلكه جس ولت وقف ايكت سله ١٩٥٣ سيليكمك کمیالی کے ساملے پیش تھا تو اس بات کی کوشہ کی گئی کہ کوگی جماعت ايسيهواي جاهل جواكه مذهبي جدامت هو اور جن کا تمام ملک رید، یزیلتیهن هو - اور ان ير اكثريت كا اعتداد هو الرجس كي هاشين هندوستان كي مام استهتس مين مل سعين تاكه جو بھی اسٹھٹان میں سے کسے منہو کو لیفا جاھے - تو وہ لے سکے -

جهال تک شیعه کیونیٹی ۲ تعلق ھے ۔ دو مختلف قسم کے خیالات کے مهمير ياوله امهلت أس سلهكت كمهتى مهن تعد - أنهون نے شیعه کا غرنسی کو یه حیثیت دی کیونکه اس کی شاخين تمام هلدوستان مهن هين ـ جمعته علما هلا، کو سفلی کیانیگی ہے اعتبار سے ترجیم دی ۔ اس لئے کہ تمام استهتس مين هي نهين - بلاء ان کے ادائع میں بھی اس کی شاخیں پههلی هوئی هین - تهموی جماعت مذهبی اور سوشل اعتبار سے اهل هديث هے - ان سب کی شاهیں هلدوستان کے تمام استہتس میں هیں -ان کے علاوہ اور سلھمی جاعتیں ایسی تيهن ههن - بلكه كسي أسلهم مهن

نکلیکی جو ایک طرح سے سلمبی اور کوئی جنامت ہے کسی میں کوئی جماعت ھے -

شرى سرجو يالده : جمعياء علماد هلا سیاسی پارٹی ہے ۔ مذہبی پارٹی نہیں ہے۔

Wakf

[هری ایم -ایچ - رحمان]

شرى ايم - اين رحمان: میں جناب اسهمکو صاحب کی توجه اس طرف داارنکا که شاید مهری معترم بھائی اس بات سے وانف نہیں ھیں کھ سله ۱۹۳۷ کے بعد سے جمعیته علماد هلت کا کانستی تهوش بدل چکا هے۔ اور أب جمعهته علماو هند ايك پولهتهكل پارٹی نہیں ہے - بلکه ایک رلیم*یس* اور سوشل باذی سمجهی جاتی ہے اور لس كا كولى تعلق أب يراه راست بالهلهكس سے نہیں ہے - وہ ایک خالس مذہبی ارر سوشل جماعت هے - بلتجرل جماعت ھے - میں یه بھی فیھه دلوں که جهال تك موجودة جمعيته علماء هند کے کانسکیٹیوٹس اور عیم کانفرنس اور اهل هدیت کانفرنس کے کانسٹیٹیوشن كا تعلق هے اكر آپ إن كو پوهائے تو آپ كو معلوم هوتا كه ان مين صوف كانگريسي هونا صروري نهين هے - بلكه اس کے مقاصد اس نے کاز - اس کے اصول اور پالهسی کو دوسری جماعتوں کے آدمی ایدانا جامیں تو وہ بھی اس کے منبو ہو سکتے ہیں ۔ جہاں تک آم جمعید علماء هذه کا تعلق هے اس میں کوئی شک نہیں که ایک ہی۔ تعداد ایسی مذهبی آدمهن کی

كلجر كى هيئيت س جنعياء علىلاد هند سهن شریک هین جب که ھولیٹیکل حیثیمت سے ولا کاعویس میں بھی ھیں - لیکور اُس کے ساتھ هی ساته پی- ایس -ہی - اور دوسری جماعلوں کے ممبران بهى جمعيته علماء هند كي شاخور کے منبر میں ۔ آج جو مباری مرکزی جماعت ہے اس کے ممہوس میں بھی کانگریس - پی - ایس - پر - اور دوسری سیاسی جماعتوں کے لوگ هن - أس ليُّه به بات نهين هے جو که هماری محصیرم بهائی فرما رهے هیں - هان کنونسٹون کو یه حق حاصل نهیں هو سکتا کیونکه وه تو مذهب کو مانعے هی نهیں - لیکن اس بحث کا تعلق انقطابی معاماء سے نہیں ہے - معهد اس سے کوئی اخلاف نہیں ہے اکر آپ اے بدلنا چاهیں اور ملسٹر صاحب اسے تسلیم کرلیں ، میں نے تو سرف توجه دلائی که جو چیز بیان کی نثی ره مصیم نہیں ہے ۔ آن جماعتوں ا نام پولیٹیکل جمادتیں ہونی کی ومہ ہے نہیں ہے یلکہ اس وجه سے ہے که تمام هلدوستان مين ان كي شاخهي موجود هيل - پهر حال په تو صرف ایک حق ہے که اسٹیت کوانیلٹ ان جماعتوں میں ہے لیے سکتی هیں -چونکه په سوشل - مذهبي ارد کلچول المامتين هين - اس اعتبار س اي میں بے تماثیندہ لیا می جاتا جامیکے أس كے لگے يه بل يابلد ثبين كونا ھے که دوسری جماعتوں میں سے نه لیا جاوے دوسری جماعت کے ممبو بهی هو سکتے هيں - صرف ايک سيور کے لئے رکھا گیا ہے ۔ یہ نہیں ہے که نمام کے تمام مبہر ان ھی میں سے رکھے جائوں - اگر مسلمانوں مھی سے دوسری جماعتوں کو بھی نمائلدگی ديلي هي تو مضالف اسلياس مين جو حضرات اسبلي مهن ههي أورجو كانكريس مين نهيو هين - استهت کورنمائت أن مهن سے لے سکتی ہے -بلکه ان کو لے لیا چاهیئے اس مهی مجھ کوئی امتراض نههی هے بهر حال اس مهن تو صوف أن كا نام رکھا گھا ھے جو تع زیادہ نے زیادہ مسلمانوں کی جماعتی زندگی کی نبائلدگی صحیم طور پر کر سکیل -اس لئے یہ بہت مناسب اور ضووری هے که ان حماقتوں کا ذکر رهے - په بہت سوپے چار کو رکھا گھا ہے اور مفید ہے - اور عملی طور پر اور پریکتیکل طور پر جو اندازه لکایا گیا ھے اس ہے مطابق بھی زیادہ قائدہ مند مے ۔]

Hafts Mohammad Ibrahim: Sir, as far as the point raised by the hon. friend Shri Sarju Pande is concerned I quite agree with what has been said by Maulana Hifuzur Rahman Sahib in this House in regard to the Jamiat-ul-Ulama and the Shia Conference. I am certain that the hon. 155 LS—5

Member did not know the present position about these two bodies. Otherwise, he would not have raised this point at all. They are purely and simply religious bodies end they are accepted to be religious bodies by all the Muslims whose Wakfs are concerned m this Wakfs Act. So, in regard to that I need not say anything more because section 11 needs no amendment for this purpose

As far as section 66B is concerned the hon, Member Shri Naldurgkar was pointing out that the purpose which I mentioned is not correct because what the wording of the section indicates is something different. That is not the case. The purpose is just the same as I stated. I stated that by virtue of 66B(1) and (2), the State and not the Centre, with its own authority can do one thing It can establish one or more Boards for those areas which have become part of it after the re-organisation of states provided the Act is in force there. Further, if the States so desire. Board may be dissolved or reconstituted as one single Board for the entire state. This is the thing which has been provided here; and the State has been enabled to do so. Therefore the purpose which I originally mentioned is quite clear and I need not say anything more

भी सरजू पांचे : मैं वजीर साहब से यह जानना चाहता हूं कि यह जो हमारे मौलाना माहब ने कहा कि जमायत उस उत्माए हिन्द में तमाम सियासी पार्टियों के भोग, कम्युनिस्ट पार्टी के चलावा बाकी सभी लोग है, मुझे कोई ऐतराज नहीं है कि इसमें जमायत उस उत्माए हिन्द के घादमी न रक्से जायं, या शिया पोलिटिकिस कान्फरेंस के या शिया पार्टी के घादमी न रक्से जायं, जरूर रक्से जायं भीर स्टेट्स शिया कार्न्फेंस के घादमी भी जरूर रक्से जाय । मेरा तो कहना यह है कि जमायत उस उत्माए हिन्द का चाहे चाप उसका कास्टीट्यूकन जो भी बदस दें मगर यह बात सही है कि यह सिक

1985

[बी सरज् पांडे]

कांग्रेस की हानी भरती है और यह पार्टी हुमेंगा से कांग्रेस के प्रोग्राम पर धमल करती आई है जो धन तक कांग्रेस करती चाई है। भेरा ऐतराज यह हैं कि जमायत उल उल्माए हिन्द के उस डिक्लेरेशन के बावजूद कि वह सिर्फ माशरती और मुसलमानो के मजहबी कामो को करेगी, साथ ही साथ पालिटिक्स में मी उसका दखल है और यह कहना करई और पर सही नहीं है कि उसमें दूसरी पार्टियों के लोग हैं. मैं यह कह रहा था।

Wald

सम्प्रक्ष महोदय ग्रापने जो घापका स्थाल है प्रकट किया लेकिन मंत्री महोदय सम्भवत. ऐसा नही समझते ।

He says one thing What is the explanation that is required here? Notwithstanding the explanation given he still feels that it is a political body Nobody can erase an impression

Hafis Mohammad Ibrahim: The Jamiat-ul-Ulama is not a political body. It renounced its political character just after independence. It has been stated by Maulana Sahib in his speech. It has confined itself to religion and discarded all those political colours which it had before. It is no more that sort of body.

Mr. Speaker: That is right

Hafis Mohammad Ibrahim: Besides, as far as the Jami it-ul-Ulama or the Shia Conference or any other body is concerned, if we read section 11 which provides for the personnel of the Board, I think, this question abould not have been raised

Mr. Speaker: The question is:

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

The motion was adopted.

Mr. Speaker: There are no amendments to clauses 2 and 3, The question is:

"That clause 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill

Clause 4— (Insertion of new section 66A and 66B)

The Deputy Minister of Irrigation and Power (Shri Hathi): Sir, I beg to move

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after "such part or parts" meet "in which this Act is in force" (4)

This is just to make it amply clear that this power will be given to the States for establishing such Boards in that part of the State to which this Act applies

Mr. Speaker: The question is:

Page 3 line 27--

after "such part or parts"

insert "in which this Act is in

force" (4)

The motion was adopted.

Mr Speaker: The question is:

"That clause 4, as amended, stand part of the Bill"

The motion was adopted.

Clause 4, as amended, was added to the Bill

New Clause 5

Shri Ajit Singh Sarhadi (Ludhiana). Sir, my amendment is a formal one 1 move—

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after line 40, add-

'5. Amendment of section 67.—
After sub-section (2) of section

1750

57 of the principal Act, the following sub-section shall be added, namely:—

"(3) Every rule made under this section shall be laid soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions. and if before the expiry of the session in which it is so laid or the session immediately follow ing, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made the rule 'hill thereafter have effect only in such modified from or be of no effect as the case may be, so however that any such modification or annul ment shall be without prejudice to the validity of anything previously done under that rule"!

This is a formal amendment that the rule should be placed before the Houses and subject to the approval of the Houses. I hope Government will accept this

Hafiz Mohammad Ibrahim: I am very sorry that in view of the provisions in the principal Act amendment cannot be accepted. It is probably out of order I should have taken this question earlier. The position is that under section 67 of the principal Act the State Government may by notification in the official gazette make rules to carry out the purposes of this Act That is, rule-making power according to the principal Act vests in the State and not in the Centre It is impossible for the State to make a rule and lay that in this House or in the other House So, the amendment is out of order

Shri Ajit Singh Sarhadi: It is the practice to say that whenever a rule is made it should be placed before the House

Hafis Mohammad Ibrahim: I have aiready pointed out that the rules are to be made by the State Government according to the principal Act and not by the Centre That is the provision, and I can read that Under the principal Act the rule-making power vests in the State Government and not m the Central Government

Mr Speaker Does the hon Member press his amendment?

Shri Ajit Singh Sarhadt: In view of what the hon Minister has said I to not press it

The amendment was, by leave, withdrawn

Mr Speaker: We have disposed of clause 4, as amended There is no clau 6 5. The question is

That clause 1, the Enacting Formula and the Title stand part of the Bill?

The motion was adopted.

Clause 1 the Enacting Formula and the Title were added to the Bill

Hafiz Mohammad Ibrahim Sir, I beg to move

"That the Bill as amended be passed"

Mr Speaker The question is

'That the Bill as amended be passed'

The motion was adopted

RAJASTHAN AND MADHYA PRA-DESH (TRANSFER OF TERRITO-RIES) BILL

The Minister of State in the Ministry of Home Affairs (Shri Datar): Sur, I beg to move

That the Bill to provide for the transfer of certain territories from the State of Rajasthan to the State of Madhya Pradesh and for matters connected therewith, be taken into consideration."