

(Amendment) Bill

14.34 hrs.

RESTORATION OF PLACES OF
RELIGIOUS WORSHIP BILL

by Shri Prakash Vir Shastri

श्री प्रकाशवीर शास्त्री (गुडगांव) : श्रीमान, मैं प्रस्ताव करता हूँ कि कुछ लोगों अथवा समुदायों द्वारा अधिकृत धार्मिक पूजा स्थानों को उनके मूल स्वामियों को लौटाने का उपबन्ध करने वाले बिल को पेश करने की अनुमति दी जाये।

The Deputy Minister of Law (Shri Hajarnavis): I oppose the introduction of this Bill and I might be allowed to make a brief statement.

Mr. Deputy-Speaker: Let me place the motion before the House. Motion moved:

"That leave be granted to introduce a Bill to provide for the restoration of places of religious worship in the possession of certain persons or communities to the original rightful owners thereof."

Shri Hajarnavis: Government do not think that it is correct that places of worship which are in possession of other communities or persons should be interfered with by legislation of the type which the hon. Member has in view. It is violative of the constitutional guarantees, and Government have very grave doubts as to whether it can be done in the form in which the hon. Member seeks to do it. Therefore, we oppose this motion.

You will see that the operative part of the Bill is that part of the Viswanath Temple converted into a mosque in the town of Varanasi in U.P. should now vest in the Hindu community and should be taken away from the Muslims. Government do not think that this is a correct approach to the rights which have been guaranteed under the Constitution.

Mr. Deputy-Speaker: Does the hon. Minister mean to say that it would be

ultra vires or that it would violate the provisions of the Constitution?

Shri Hajarnavis: Firstly, it would be *ultra vires*, and then again, the approach is, as I said, not quite correct.

Mr. Deputy-Speaker: Would the hon. Member like to say anything?

श्री प्रकाशवीर शास्त्री : श्रीमान, मैं यह कहना चाहता हूँ कि इस प्रकार के धार्मिक स्थान केवल उत्तर प्रदेश में ही नहीं हैं बल्कि देश के विभिन्न स्थानों में ऐसे धर्म स्थान हैं जिन पर दूसरों ने अधिकार किया हुआ है और इस कारण एक वर्ग विशेष में बहुत बड़ा असंतोष है। अगर सरकार इस दिशा में कुछ पग नहीं उठाएगी तो इसके भयंकर परिणाम हो सकते हैं। इसलिए मेरा प्रस्ताव है कि इस बिल पर विचार किया जाए और इसको पाम किया जाए।

Mr. Deputy-Speaker: Any other hon. Member wishing to say something about it? None.

The question is:

"That leave be granted to introduce a Bill to provide for the restoration of places of religious worship in the possession of certain persons or communities to the original rightful owners thereof".

The motion was negatived.

14.36 hrs.

CODE OF CRIMINAL PROCEDURE
(AMENDMENT) BILL

(Amendment of section 198) by
Shrimati Subhadra Joshi—Contd.

Mr. Deputy-Speaker: The House will now resume further consideration of the motion moved by Shrimati Subhadra Joshi on the 11th September, 1959, namely:

"That the Bill further to amend the Code of Criminal Procedure, 1898, be taken into consideration".

Out of 1½ hours allowed for the discussion of the Bill, 12 minutes have