

is not allowed to come to the station. We are not bothering about the preference being given to the goods trains; that is also important. But there is so much congestion on this line. So, we appeal to the hon. Minister to consider at least the difficulties in Andhra Pradesh. In the coastal area, there is only one mail train. We are asking for another train, because it is only for the convenience of the public. That part of the public which accidentally happens to be Andhra should not be neglected because we are pleading for them. That is why I request the Minister to consider all these points and try to have another mail train from Waltair to Madras.

Mr. Deputy-Speaker: The discussion will continue tomorrow.

Shri Hem Raj (Kangra): Will these Members who have not been afforded an opportunity to speak on the railway budget be given an opportunity to speak in the debate on the demands for grants on the railways?

Shri S. M. Banerjee (Kanpur): That is generally done.

Mr. Deputy-Speaker: Surely they will have, but still there is time for the general discussion of the budget also. When the hon. Member's turn came he was found absent.

Shri Hem Raj: My name was not called.

Mr. Deputy-Speaker: His name was not called deliberately because when I proceeded to mention the names, I found all of them absent. What could be done?

Shri Hem Raj: Only for a few minutes we get out and then we return.

Mr. Deputy-Speaker: Very well.

Shri Bishwanath Roy (Salempur): From the very beginning, I have been waiting.

14:33 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

SEVENTY-SEVENTH REPORT

Shri Balasaheb Patil (Miraj): I beg to move:

"That this House agrees with the Seventy-seventh Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 1st March, 1961."

Mr. Deputy-Speaker: The question is:

"That his House agrees with the Seventy-seventh Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 1st March, 1961."

The motion was adopted.

Shri S. M. Banerjee (Kanpur): May I submit that the time allotted for the resolution of Shrimati Parvathi Krishnan is only one and a half hours, which is very meagre in our opinion. It is a vast subject.

Mr. Deputy-Speaker: She is here, and we will see to it when the discussion proceeds.

RESOLUTION RE: PREVENTION OF THE USE OF PLACES OF RELIGIOUS WORSHIP FOR POLITICAL PROPAGANDA—Contd.

Mr. Deputy-Speaker: The House will now resume further discussion on the following resolution moved by Shri Parulekar on the 17th February, 1961:

"This House is of opinion that the Government should bring forward suitable legislation to prevent the use of places of religious worship and pilgrimage for political propaganda and agitation".

Out of two hours allotted for discussion, only one hour and eight minutes have been taken up. Shri Amjad Ali

Shri Amjad Ali (Dhubri): Mr. Deputy-Speaker, Sir, I have read the text of the resolution and I must confess that I have some difficulty in understanding the resolution itself. Apart from the question of recommending to the Government that a legislation of this nature should be brought in, I find some difficulty in giving effect to this resolution.

14.36 hrs.

[SHRI MULCHAND DUBE in the Chair]

The Mover has brought in the question of religion and has put in the word 'religious'. Religion has as a matter of fact got to be defined. What is religion. And what is the place of religious worship? Religion, as a matter of fact, is only a way of life and cannot be divorced from politics. That is my idea of religion. The place of worship, where worship is carried on, cannot also be a secluded place, or what is called a sanctuary or a secret place. The places of worship is be such that it is approachable and accessible to the public.

The other point is about pilgrimage. The places of pilgrimage are always public. They cannot be in a private place. These places are visited by people off and on. They are not secret places. People can go there and should go there at any time they like.

Then, the resolution uses the words "political propaganda and agitation". How can propaganda be carried on inside places of religious worship? That also is not clear to my mind. I do not know how it is carried in inside places of religious worship. Shri Ajit Singh Sarhadi has also expressed a doubt about the precise definition of political purpose, without which he says we cannot go further. To bring in a legislation to prevent the use of the places of religious worship for the purpose of political propaganda, we should know what is the precise meaning of political purpose. Without knowing it, obviously it is not

possible to make any such recommendation to the Government for bringing in a legislation of this nature.

About the places of worship, let us take a place of worship like a mosque or a church. It is enjoined by the religion of Islam—it is a religious precept—that every Muslim has got to go for a congregational prayer five times a day. I think that in the case of churches also, there is such a provision. If you go to the mosque, you go there for worship, and when it is enjoined that you have got to go to a congregational prayer five times a day, you have got to see each other; when we have to see each other and mix with each other, naturally we have to talk; and that talk might take the form of politics. Politics, as a matter of fact, cannot be divorced, as I said, from religion. You can talk of social problems; you can talk all other things; and if that thing is forbidden, I do not think any place of religious worship will be worth resorting to, or whether it is possible to go to a mosque or a church. When you go to a mosque, you say your prayers in Arabic over the *Koran* and the *Koran* is full of politics. It is not known to my hon. friend, Shri Datar.

The Minister of State in the Ministry of Home Affairs (Shri Datar): Why does he say I do not know? I have read the *Koran* myself. Let him not impute ignorance to me.

Shri Amjad Ali: I am not imputing, but as he is smiling at me....

Shri Datar: Smiling does not import ignorance.

Shri Amjad Ali: I am glad he has read the *Koran*. What about the Christian churches? In churches, before congregation, some sort of admonition is given; some sort of preaching is given. It may be an exhortation to do this or not to do that. That is also a place where congregational prayers are held.

Of course, this is certain that a place where you go for the purpose of worship should never be used for anti-State activities or for the purpose of attacking somebody from there and keeping oneself safe. That could not be the intention of a religious place. If somebody is bent upon doing it, if somebody likes that he should commit some crime and if he goes and hides himself in a place of worship, that is to be forbidden. For that, possibly the common law is quite competent. The Common law is there to forbid any act of that nature.

To be very precise and clear, if a man commits a murder and if he goes to a place of worship, he has to be caught and arrested in the same fashion as if he is outside. No religion would say that a person who commits a crime and at the same time goes to a place of worship should be allowed to go unapprehended.

The mover of the resolution has said:

"The main issue is that the Muslim League is reborn. It is making use of mosques to carry on its propaganda to strengthen itself and to organise itself. Sir, the mosque which is a place of worship and a sacred place for the Muslims should not be allowed to be used for carrying on political propaganda. There are open places. There are the maidans where they can hold their meetings and preach whatever they like. The Christians also can hold their meetings in the maidans."

He wants that for party propaganda or party organisation, these people should go outside the mosque, temple or church. That is true. But I have my doubt as to whether actually these places of worship are being used for that purpose. When you bring in a legislation of this nature, it would be dangerous for people to resort to these places of worship. It will simply mean some amount of hindrance or prohibition for going to the religious places.

I believe unless the purport of this resolution is perfectly made clear, we shall have difficulty in accepting it. Before that, I should also say that the definitions of the words about which I have expressed my doubt may also be given precisely and clearly.

Shri D. C. Sharma: (Gurdaspur): Mr. Chairman, Sir, this is one of those discussions to which everyone of us has listened with the utmost attention and the utmost searching of our hearts. While I have been listening to the speeches on the floor of the House, I have asked myself if I had been guilty in any way of using a place of public worship or a place of pilgrimage for any kind of political propaganda or political agitation. Have my friends also been involved in anything of this kind? I think the answer to these questions cannot be given very easily.

The history of the world shows that the mixing of religion and politics has been one of the banes of humanity and has been something which has put the clock of social and all kinds of progress back. Wars have been fought between Christianity and Islam. We know about the Crusades. Also, we know about the Spanish Inquisition. It was nothing but politics sanctified by religion or politics degraded in some ways by mixing it with religious sentiment.

One need not go to the other countries of the world. In our own country you find so many examples of the great harm that has been done by those persons who have tried to make an amalgam of religion and politics. Our temples are sometimes used for this purpose. There are some persons who make men and women take a religious vow in temples that they would not vote for a particular member of a particular political party. There are some places of worship for other religions where hatred is preached, where subversion of the legally constituted Government is preached, where persons who have committed crimes are harboured. This is what is happening.

[Shri D. C. Sharma]

I have some experience of the mosques also. I come from a village where 75 per cent of the inhabitants were Muslim. I read in a class where there were three Hindus and six Muslims. I know something about mosques also and I know something about temples, gurdwaras and churches. I would say that all these places of worship have been at one time or other made use of for carrying on political agitation and political propaganda every now and then. Now a friend of mine asks what is politics? What is religion? What is political propaganda? What is political agitation? Now, I do not understand what is meant by these questions. What is politics? Politics is this: when you say to people that you will not try to learn a particular language, that is politics, and you say that after rousing their passions. Politics is the game of arousing your passions, is the game of awakening your prejudices, is the game of inflaming your hate, is the game of doing those things which do not promote good social relations. Of course, I am talking of politics in the negative sense. And when we say that a place of worship should not be used as a place of political propaganda, it means that this place should not be used for that kind of propaganda which sets one community against another, one group against another, which is negative and which is all subversive of law and order. I would say this about politics.

What is political agitation? Is it strange that in the year 1961 some Members of Lok Sabha cannot understand what is political agitation. Political agitation is all around us. It used to come to the very door of our Parliament. Of course, now our worthy Speaker has defined the precincts of Parliament and, therefore, it is kept at some distance. Political agitation is the achievement of certain ends, desirable or undesirable, by means of demonstrations and other things; but those ends are such as are not conducive to collective welfare.

Therefore, when we talk of politics we distinguish between politics of collective welfare and politics of sectional welfare, politics which will set one section against another, one group against another. Therefore, I think that politics are what they are.

When I read the history of the world I find that politics has been used to mean many things. But the politics of social welfare, the politics of human good, the politics of the amelioration of humanity is one thing when it is based upon the will of the people, collective will of the people and politics which aims at dividing one group from another group is another thing. Therefore, when we talk of political propaganda and when we talk of political agitation we use these words in the sense in which everybody understands them, in the sense in which everybody thinks them to be undesirable, in the sense in which everybody thinks them to be unsocial and even illegal and unconstitutional.

Our country enjoys fundamental rights. Every citizen enjoys fundamental rights and everyone has the right to propagate his opinion, of whatever kind it may be. Everyone has that right. Freedom of opinion and freedom of expression are the birth-right of every citizen of India. **There is no doubt about it. It is my birth-right even to preach my religion.** It may not be so in some other countries of the world but it is there in my country. But I would say very respectfully that this right, this abstract right, is subject to certain safeguards and in the moment of propaganda and in the moment of agitation we forget these safeguards. Therefore, the time has come when we should be able to say to the world and to our countrymen that they should not mix religion with politics.

After all, there are so many places where you can carry on political propaganda. There are so many centres

from which you can launch political agitation. Nobody prevents you from doing that. But I ask you: Why do you soil these holy places of worship by carrying on things like that there? Sir, an English statesman said—of course, I do not believe him fully—that politics is dirty. Politics may or may not be dirty, but there is no human being on this earth who has not stated that religion is sacred, places of worship are sacred. Whether it is a mosque or a gurdwara, an Arya-samaj Mandir or anything else, you bring something that is not very very ennobling always to the precincts of these places of worship when you do political propaganda there. I think that will not be a very wise thing to do.

Shri Parulekar has not asked for something impossible. Of course, I have seen on the floor of this House that somebody has been blaming Sikhs, somebody has been blaming Muslims, Hindus, Roman Catholics etc. I do not want to blame anybody. I say that we are all guilty in that sense in one way or the other. Therefore, Shri Parulekar has asked one thing which is very simple, and it is this: that Government should bring forward suitable legislation. A friend of mine said here that it is riddled with difficulties. This is not the only legislation which is set with difficulties. A legislation is not a steam-roller which passes over every difficulty. Every legislation brings in its wake so many problems. But it is for the Government to solve these problems.

Now I would request the House Minister not to shirk this problem, not to turn his face against the problem. Government must do something. Otherwise, we will have so many Jubalpores, so many this and that. We will have so many things of which we do not approve. I would request him, therefore, to say "Yes" to this resolution. If the secular character of our State is to be saved, if the secular nature of our Constitution is to be saved, if democracy is to take root in this country, I think religion should be

in one place and politics should be in another place. When I go to a place of worship I should bow my head. But when I go to a place where politics is being discussed, I can do so in a different mood. Therefore, sanctity should be kept apart from politics, which is not always a game of sanctity.

15 hrs.

Shri Tyagi (Dehra Dun): Sir, I am opposed to this Resolution not because of the spirit of it but because I feel that it would be a blunder to enact such sort of a law to prohibit discussion of politics here or there.

An Hon. Member: Why?

Shri Tyagi: Religions have actually given birth to politics. Centuries ago there was no politics and religion was politics. All countries and all nations have been built basically on the conception of one religion or the other.

Shri Hem Raj (Kangra): Does it fit in with the present circumstances in a secular democracy?

Shri Tyagi: I do not want to be disturbed. Therefore I refuse to indulge in any sort of clarifications. I have my own views. He might please express his.

Why enact a law whereby religious places may not be used for politics or for propaganda? I say let us be introspective and see what we politicians have done. Factually speaking, I hang my head in shame to acknowledge today that the politicians of my age have not really delivered the goods. Let us look into our own faults. Why criticise others? What are we doing? I belong to a party which is proud of its achievements. I myself, as a member of this party, am proud of the basis, the principles and the ethic of my party. I think I can fight all religious bigotry and everything if it is needed and if I am on the right path. Only, let me be positive, sure and self-confident about the righteousness of the steps that my party takes. I am not afraid of any religious organisation or group. Let them do anything they choose. I am not

[Shri Tyagi]

afraid because the ultimate judge between me and religious groups will be the electorate—adult franchise. They will decide as to what my achievements are, whether I am on the right path or not. Therefore a conspiracy, unless it is for any criminal act, is not objectionable to me. Let them go on having any type of gossip or propaganda against my party. I am not afraid of it. Why are other parties afraid, I do not know?

Politicians of today, I must say, have reduced themselves to a tribe of parasites living mostly on their pay which is drawn from the exchequer. Because there are positions of vantage and of profit achieved in politics, we cling to politics. If the politics of India were to be cured of all this, the only thing would be that principles must be the first concern of political parties and persons afterwards. So long as politics remains an avenue and a source of living to people who have nothing else to fall back upon they must come into politics and create difficulties. Party jealousies will go on if the principles are forgotten. On the basis of difference of principles two people, belonging to different parties, can amicably discuss matters between themselves. They can go on discussing and even heated discussion would be had but their personal relations will remain quite intact.

Now what happens is that it is not only party rivalries, but—it is a matter of shame really—within political parties in India there are groups working. That is the pass we have brought politics to. We have brought politics to such a pass. If politics were to abide by principles alone, such type of things will never happen. I would therefore suggest that we politicians must look into ourselves introspectively and see if there is something wrong with us. I would suggest that parties themselves just give a curative treatment to themselves. They must see that all persons who join their party do not join it just for the sake of pay, pensions and things like that, but they join it for its principles and that they

have something to fall back upon or are employing themselves in some productive activity so that they can produce wealth. I could understand such persons coming and participating in politics.

Now it is said that religious groups are having political propaganda. We ourselves had it in the British days when we wanted to oust the British. All these *gurudwaras* were used by us for political propaganda. During the days of *khilafat* all these mosques were used for political propaganda. Why did my hon. friend not resent this then? After all, there is no harm in this if politics is good. Unless politics is bad, why are we afraid? I think my party is not afraid of any propaganda. Let anybody have any propaganda in any house, church or any religious place. What does it matter to me? After all, ultimately the matter will go before the electorate and the forum of the electorate will decide. I shall put my cards before the voters and they will put theirs. So, I do not think that we should enact such a law.

A few more words and I finish. Factually speaking, the situation has arisen not because of any innovation in religious institutions. They have been having this type of propaganda since times immemorial. Now the question has come up because of our own timidity and our own weakness. I want my hon. friend to explain to this House as to what it is and how he is compromising with law. Factually speaking, the position of law and order itself is going down. Let us confess it. The whole nation knows it. If we do not open our eyes, it is our fault and not the fault of the people. How do you adjust yourself and how do you justify yourself?

In reply to a question of mine on the 27th February the hon. Home Minister replied:

"A number of warrants of arrest were issued against Shri Richhpal Singh during the last eight months

which could not be executed as he had taken shelter in Gurudwara Sisganj. The first of these warrants is dated 18th June, 1960. He has, however, since surrendered himself to the Police on the 22nd February, 1961."

For eight months like a timid, small petty officer you have been peeping here and there for a man against whom there are so many warrants! What for? Because you want to be popular with certain people. How does a *gurudwara* come in your way? It means—I am ashamed to confess it—that the Government by its own actions in an indirect manner has announced in so many words that any murderer can go and take shelter in a *gurudwara* and nobody will touch him. If *gurudwaras* are given this privileged position, you will create thousands of places—all the mosques and temples and thousands of other places—unless you retrace from it. You yourself have in a way officially announced now that if any murderer or any criminal takes shelter in a *gurudwara* or in a place used for religious prayers etc., he is protected and he cannot be arrested. So your writ does not run there. It means to say that you can get a man arrested in Iran because of our relations with that foreign country or in Tibet—of course, not now—but in Ceylon or other countries, but not in a *gurudwara* in India.

Shri Chintamani Panigrahi (Puri): Does a *gurudwara* give protection to murderers?

Shri Tyagi: I think, yes because warrants are not served there. But I never said that *gurudwaras* are giving protection. Because you are afraid of entering a *gurudwara*—you have voluntarily refused to enter—it means that you are afraid of becoming unpopular with the *gurudwara* people. These actions of the Government have brought things to such a pass. Let the Treasury Benches therefore look into their own heart and see if it is not they who are at fault. If law is

applied uniformly all over the country, irrespective of the fact whether it is a religious or an irreligious place, people will not use these places for such purposes. Because you yourself have voluntarily withdrawn from religious places, they know that it is a place where anybody, even a criminal, can take shelter. It is like a fortress of an enemy. If you treat them like sanctuaries, you yourself create trouble. During the British days I had never heard of any religious place being used for eight or nine months as a protection house for criminals against whom there were warrants. So you yourself have volunteered to withdraw Government of India's control from those places.

Shri V. P. Navar (Quilon): On a point of order, Sir. I have been very patiently hearing the hon. Member repeatedly referring to the Chair. I thought even in his misplaced enthusiasm he ought not to do so, because it is a most regrettable reflection on the Chair when he says "You have ordered this" or "You have done this".

Shri Tyagi: The Chair is magnanimous. The Chair is the representative of the whole House. The right side of the Chair are the Treasury Benches . . . (*Interruption*).

My point is that the best cure does not lie in enacting laws. Your *fatwas* will not go as a writ.

That because you have made a statement in the press, therefore the whole country would be charmed into it, is wrong.

So what I suggest is this. An enactment here is all right. But what about the arrests? There is already law which has never exempted *gurdwaras*. If the Government does not arrest a criminal from a *gurdwara*, then you yourself have created a place where anything could go on without a check. Therefore, an Act will be useless for the purpose. So I oppose this resolution.

Shri V. P. Nayar: A highly objectionable reflection on the Chair!

श्री पद्म देव (चम्बा) : सभापति जी, अपने देश में बहुत से महान व्यक्ति पैदा हुए हैं ।

सभापति महोदय : मेहरबानी करके पांच मिनट ही बोलिएगा ।

श्री पद्म देव : उन व्यक्तियों का जो विचार था वह सदा मानवता परक रहा और इसी लिए इस देश के अन्दर संसार के जितने महान विचारक हुए हैं उन सब के विचारों के लिये स्थान मिला । उन्होंने अपने विचारों का प्रचार इस देश के अन्दर किया । लेकिन आज परिस्थिति बदल गयी है और आज का जो धर्म है वह हो गया है रोटी धर्म ।

यावज्जीवेत् सुखं जीवेत् ऋणां कृत्वा धृतं पिबेत् ।

भस्मीभूतस्य देहस्य पुनरागमनं कुतः ॥

जब तक जियो सुख से जियो, डाका मार कर भी पियो, फिर यह जिस्म मिलने वाला नहीं है । जब ये बातें आ गयीं देश के अन्दर और नाना प्रकार के राजनीतिक दल पैदा हो गये, तो ये राजनीतिक हमारे इन धर्म स्थानों को, पूजा के स्थानों को जो हमारा जीवन उत्कृष्ट बनाने के स्थान थे उनको सारे के सारों को इस दिशा में बढ़ाते जा रहे हैं, कभी कास्टीज्म के नाम से, बिरादरी के नाम से या किसी और नाम से । इस देश के अन्दर सारी दुनिया के मजहबों को स्थान मिला और सब के धर्म स्थान यहाँ हैं और उनके पृथक पृथक मन्दिर आदि बने हैं । लेकिन इस विचारधारा का परिणाम यह हो रहा है कि इस देश में राष्ट्रीयता को कमजोर किया जा रहा है क्योंकि भिन्न भिन्न विचार के लोग भिन्न भिन्न दिशाओं में लोगों को ले जाना चाहते हैं । इसी का परिणाम आपने देखा जबलपुर में और पीछे पंजाब में । आज वे धार्मिक स्थान जो कि मानवता को ऊँचा उठाने के लिये वे लड़ाई झगड़ों का स्थान बने हुए हैं और कातिल और बुरे लोगों को छिपाने के स्थान बने हुए हैं ।

यहाँ पर कहा गया कि धर्म में राजनीति का भी स्थान है । मैं मानता हूँ कि है, लेकिन वहाँ तक जहाँ तक कि संसार में मानवता को फैलाया जाए । आप ईसाई धर्म को ले लीजिए महात्मा ईसा ने कहा था कि अगर कोई तुम्हारे एक गाल पर थप्पड़ मारे तो दूसरा गाल भी उसकी तरफ कर दो । उनका मतलब था कि संसार में शान्ति और एकता बढ़े । मुहम्मद सहाब ने कहा कि संसार में एक ही खुदा है और हम उसके बच्चे हैं । वह चाहते थे कि संसार में भ्रातृभाव पैदा हो । हिन्दुस्तान में और भी जितने धर्म हैं उन्होंने भगवान को एक माना है और यह माना है कि हम सब उसके पुत्र हैं । तो जहाँ तक धर्म का सम्बन्ध है उसका उद्देश्य तो संसार में एकता लाना, संसार में भ्रातृभाव पैदा करना और लोगों में समानता लाना था । लेकिन आज का धर्म तो रोटी धर्म हो गया है, रोटी मिले, आज मानवता का कोई प्रश्न नहीं है । चाहे किसी का गला काट कर मिले, किसी तरह रोटी मिले । जब इस किस्म की विचार धारा देश में है तभी धर्म का नाम लेकर लोगों को उकसाया जाता है और भड़काया जाता है और देश की एकता को कमजोर किया जाता है । मैं समझता हूँ कि यह बड़ी भयावह स्थिति है । अगर इसके सम्बन्ध में देश के अन्दर कोई विशेष पग नहीं उठाया गया तो इस देश के अन्दर जो राष्ट्रीय एकता है वह समाप्त हो जायेगी । मैं नहीं समझता कि इस समय किसी किस्म का विधान बनाया जा सकता है या कानून बनाया जा सकता है लेकिन मैं यह महसूस करता हूँ कि अगर इस दिशा में कदम नहीं उठाया गया तो इस देश की राष्ट्रीय एकता समाप्त हो जायेगी ।

हिन्दुस्तान में पहले भी जहाँ तक धर्म का प्रश्न है, पूरी स्वतंत्रता भी अपने धर्म का प्रचार करने की और अपना अपना धर्म मानने की । लेकिन जहाँ तक राष्ट्रीयता का

सम्बन्ध है उसमें धर्म किसी भी रूप में दखल नहीं दे सकता। अगर किसी धर्म स्थान का राष्ट्रीयता को भंग करने के लिए उपयोग किया जाता है तो मैं समझता हूँ कि इस दिशा में कड़ा कदम उठाना चाहिए और इसकी रोकथाम करने के लिए जितना भी प्रयत्न हो सके करना चाहिए।

प्रस्तावक महोदय जो प्रस्ताव लाये हैं उनका विचार बहुत शुभ है। मैं नहीं जानता कि उसके सम्बन्ध में सरकार की क्या नीति है क्योंकि अगर आज इसके लिए कानून बन गया तो लोग प्रोपेगेंडा करेंगे कि सरकार धर्म में दखल देती है क्योंकि आज लोग इस प्रकार का प्रोपेगेंडा करना अपना धर्म समझते हैं। इसलिए दोनों बातों को सोचना होगा। लेकिन राष्ट्रीय एकता के हित में इन धर्म स्थानों का दुरुपयोग रोका जाना बहुत जरूरी है।

Some Hon. Members rose—

Mr. Chairman: I do not know whether it will be possible to give time.

Shri Achar (Mangalore): If the time-limit is reduced to five minutes to each Member, then everybody will have a chance.

An Hon. Member: The time may be extended.

Mr. Chairman: Is it the desire of the House that the time for this may be extended?

Some Hon. Members: Yes.

Mr. Chairman: Very well, the time for this will be extended by half an hour.

Shri Daulta.

श्री प्र० सि० दौलता (अजमेर) : जनाब बेयरमैन साहब, यह प्रस्ताव जो श्री पक्लेकर ने हाउस में रखा है निहायत ही जरूरी प्रस्ताव है। मेरी स्वाहिस तो यह थी कि गवर्नमेंट खुद इस के बारे में कोई इनीशिएटिव लेती। लेकिन यह रिजोल्यूशन निहायत ही जरूरी है,

जो पहले राज्य सभा में भी पेश हुआ और अब इस हाउस में पेश हुआ है। अगर इस रिजोल्यूशन की तरफ गवर्नमेंट ने ध्यान न दिया और इस हाउस ने ध्यान न दिलाया, तो मेरी वार्निंग है, जो कि एक साल पहले भी मैं ने अपनी स्पीच में दी थी, कि आपकी डिमांडेसी और आपकी जम्हूरियत फेल हो जायेगी।

जब केरल में मन्दिर, मस्जिदों और गिरजों को सयासी मतलब के लिए इस्तेमाल किया गया उस वक्त वह एजीटेशन एक कानून से बनी हुई सरकार को हटाने के लिए चलाया गया था। उसके लिए हाउस में कहा गया था कि वह मास अपसर्ज है। मैं ने उस वक्त भी वार्निंग दी थी और कहा था कि आप चाहे पोलिटिकल रीजन्स की वजह से इसको मास अपसर्ज कह दें लेकिन मंदिरों, मस्जिदों और गिरजों के इस तरह के इस्तेमाल की इजाजत देकर आप तमाम कांस्टीट्यूशन और डिमांडेसी को खत्म कर रहे हैं। मैं ने एक साल पहले कहा था कि मेरी स्टेट पंजाब जो हिन्दुस्तान के दूसरे कोने पर है उसको केरल की गलतियों की कीमत देनी पड़ेगी। आपने देखा कि कलिंग पार्टी, कांग्रेस गवर्नमेंट रिछपाल सिंह को गिरफ्तार नहीं कर सकती। यूँ कि उसने केरल में हिमाकत और गलतियाँ कीं और एक सास पालिसी प्रस्थियार की। वो तरह की पालिसी सेंट्रल गवर्नमेंट नहीं चला सकती। ना सा है, वह केरल और पंजाब के लिए एक है। अगर केरल में मन्दिरों, मस्जिदों को और गिरजाघरों को एजीटेशन चलाने के लिए और लोगों को लडाने के लिए इस्तेमाल किया जा सकता है तो वही चीज पंजाब में भी चलेगी और आप गुरुद्वारों में बस नहीं सकते। चाहे मन्दिर हो, या मस्जिद हो, या कम्प्युनिस्ट पार्टी हो या कांग्रेस पार्टी हो या हिन्दू महा सभा हो, सब के लिए कांस्टीट्यूशन फंडामेंटल है। सब के लिए एक कानून है। अगर आप यहाँ बंट कर एक कनवेंशन बनाते हैं तो वह आपको पंजाब में भी फोमो करना होगा।

[श्री प्र० सि० बोलता]

वक्त कम है इसलिए मैं ज्यादा चीजों में जाना नहीं चाहता। पालिटिक्स को सब समझते हैं और रिलीजन को भी सब जानते हैं। रिलीजन बहू चीज है जो इन्सान के लिए है। साइकालाजिस्ट कहते हैं कि बहुत से इन्स्टिक्ट हैं। हर इन्स्टिक्ट एक इंसान को दूसरे इंसान से लड़ाता है, सेक्स लड़ाता है, हंगर लड़ाता है, हुकूमत में एम्बोशन फार पावर लड़ाता है। रिलीजन का ही तो ऐसा इन्स्टिक्ट है जो इन्सान को मुहम्बत करना सिखाता है, प्रेम करना सिखाता है। लेकिन जब इबादतगाहों को भी लोग लड़ाने के लिए इस्तेमाल करने लगे तो समझना चाहिए कि पालिटिक्स मजहब पर सवार हुई चली जा रही है। इसमें कोई लम्बा चौड़ा फिलासॉफिकल डिस्कशन करने की जरूरत नहीं है। वे लोग जो भ्राज पालिटिक्स को इबादतगाहों में ले जाते हैं वे मेरे फंडामेंटल राइट पर छापा मारते हैं। जो लोग परमात्मा का नाम लेने के बजाये इबादतगाहों में मेरा या किसी पोलिटिकल लीडर का स्लोगन बोलते हैं, वे लोग मजहबी फंडामेंटल राइट पर छापा मारते हैं। गवर्नमेंट को कानून साना चाहिए और इस चीज को बचाना चाहिए। जो लोग मस्जिदों में और इबादतगाहों में जायें वे परमात्मा की जै बोलें इन लोगों की नहीं।

एक सवाल और है। इसको मेरे लायक दोस्त ने उठाया था। पिछले ६ महीने से सेक्सन १४४ घाबसोलीट हो कर रह गया है। यह सेक्सन १४४ केरल से बेकार किया जाना शुरू किया गया था जहां पर कि गवर्नमेंट ने दफा १४४ को मजहबी दस्तावाहों में तोड़ने पर कोई कदम नहीं उठाया। मेरा तो कहना है कि ऐसी हालत में और जब गवर्नमेंट वा एंड घाबरेर मेंटेन नहीं कर सकती तो उसे रिज्मंड कर देना चाहिए।

धर पंजाब के बाबत मैं आपको बतलाऊं और चेचरमेन साहब यह बड़ी

सीरियस चीज है। वहां में पंजाब दफा १४४ लगाई गई कि मर्दमशुमारी के इश्यु पर कोई जल्सा और प्रोपेगंडा नहीं कर सकेगा तो लोगों ने मंदिरों, मस्जिदों और गुरुद्वारों में जल्से करने शुरू कर दिये और उस के खिलाफ पुलिस अफसरान ने जो कदम उठाया और प्रीफेंडर्स को गिरफ्तार किया तो बाद में जा कर उस के लिए पंजाब के चीफ मिनिस्टर को माफी मांगनी पड़ी कि उस ने उन से गलती हो गई कि मंदिर में पुलिस गई। अब अगर यही हालत रहती है तो इस से तो यह बेहतर होगा कि दातार साहब इस्तीफा दे कर रास्ता पकड़ें। अगर हुकूमत में रहते हैं तो फिर यह उनका फर्ज होता है कि उन लोगों को जो कि मजहबी इबादतगाहों का इस तौर से बेजा इस्तेमाल करें उन्हें पकड़ें और सजा दिलायें। अब केरल में तो सियासी गरज थी लेकिन अब तो प्रापकी गरज है कि प्राप ऐसे लोगों को गिरफ्तार करें और सजा दिलायें जो कि मजहबी इबादतगाहों का सियासी मकसदों और दूसरी बेजा कार्यवाहियों के वास्ते इस्तेमाल करें करना इस दफा १४४ के सिविल प्रोसीज्योर कोड में रखने से कोई फायदा नहीं है और उसे निकाल दिया जाना चाहिए।

श्री हेम राव : सभापति महोदय, यह रेजोलूशन हमारे एक बिरोधी दलके सदस्य ने पेश किया है लेकिन उसी तौर पर यह अगर बुल्लत हो जैसा कि मैं समझता हूँ कि यह ठीक है तो हमें सब को इसको सपोर्ट करना चाहिए।

मैं भी इस प्रस्ताव को कई मंथने पेश कर चुका हूँ लेकिन भाव्यवस मेरा नम्बर बीबेट में नहीं आया लेकिन अब चूंकि यह प्रस्ताव प्त गया है और सदन में इस पर बहुत कुछ

हो गई है इसलिए मैं इस को सपोर्ट करता हूँ ।

पहला सवाल श्री भ्रमजद अली ने इस के मुताबिक यह किया कि मजहब और पालिटिक्स का बखल तो आपस में हमेशा से चला आता है । इस के बाद माननीय त्यागी जी ने भी कहा कि हम इस चीज के जिम्मेदार थे और उन्होंने उस समय की याद दिलाई जब कि अंग्रेज साम्राज्य शाही से लड़ा करते थे । मेरा इस के बारे में उन से कहना यह है कि उस वक्त अंग्रेजों ने कानून बनाय थे और उस समय आपने अपना कांस्टीट्यूशन नहीं बनाया था । उस वक्त सैक्युलरिज्म को आपने नहीं रक्खा था । लेकिन प्राग चल कर जब हमारी अपनी कांस्टीट्यूट असेम्बली बनी और उस ने प्राजाद हिन्दुस्तान का प्राईन बनाया तो उस में खास तौर से इस चीज को रक्खा गया कि यहाँ जो भी डेमोक्रेसी होगी वह सैक्युलर किस्म की होगी और उस में मजहब का कोई बखल नहीं होगा । उस वक्त आप अगर चाहते तो आप अपनी उसी पुरानी परम्परा जिस पर कि चले आ रहे थे अपने प्राईन में रख सकते थे । आप भी तो कांस्टीट्यूट असेम्बली में थे और आप उस वक्त यह रख लेते कि हमारे यहाँ मजहब और पालिटिक्स का सीधा सम्बन्ध है और हमारे देश में सैक्युलरिज्म और डेमोक्रेसी नहीं हो सकती है । आप अपने संविधान में इस सैक्युलरिज्म और डेमोक्रेसी के उसूल को मान चुके हैं फिर वह एतराज कि पालिटिक्स और रिजीजन जुदा नहीं हो सकते कुछ समय में नहीं आता । आपका यह कहना हमारी समझ में नहीं आता कि रिजीजन और पालिटिक्स की जुदा डेफनीशन नहीं है ।

हमारे जो बड़े बुर्जुन हुए हैं, हाँच हुए हैं उन सब ने यही कहा है कि हमारा इबादत

गाह में जाने का मकसद यह है कि वहाँ पर जा कर हम अपने खुदा का परमात्मा का नाम लेंज, सिक्क गुरुद्वारों में जा कर वाहगुरू जी का नाम लें । इबादतगाहों में इंसान को इंसानियत सिखाई जाती थी । वहाँ पर शांति और एक दूसरे के प्रति प्रेम करना सिखाया जाता था । लेकिन प्राज हम देख रहे हैं कि हमारे मंदिरों, गुरुद्वारों और मस्जिदों में पालिटिक्स घुस गई है जो कि नहीं घानी चाहिए । चूँकि जब हम साम्राज्य-शाही से लड़ रहे थे तो इन इबादतगाहों से पालिटिक्स भी चलती थी इसलिए प्राज आप इस चीज को जायज करार देते हैं तो मेरा कहना है कि प्राज के बरले हुए हालात में जबकि हमने सैक्युलरिज्म और डेमोक्रेसी को माना है, यह दुस्त और जायज नहीं होगा । मैं नहीं समझता कि आप जो इस चीज को जायज करार देने की इलील दे रहे हैं वह किसी हद तक जायज ही शकती है । जैसा मेरे भाई दौलता जी ने कहा कि प्राज वह इबादतगाहें मुनासिब ढंग से इस्तेमाल नहीं हो रही हैं और वह हमारे कलप्रिट्स की आरामगाहें बन रही हैं । अंग्रेजी टाइम्स में भी अंग्रेज लोग जबकि हम लोग राबलपिडी जेल में कैद थे तो वे हमारे खिलाफ इन मस्जिदों में साजिलों करते थे और वहाँ पर दंगे करवाये गये और वह दंगे मस्जिदों से शुरू होते थे । हम लोग उन दिनों राबलपिडी जेल में कैद थे और अंग्रेज लोग इन्हीं मस्जिदों से दंगे करवाते थे और उसके लिए गवर्नमेंट उनको पैसा भी देती थी । उस वक्त कुछ हमारे मौजवान प्रागे बढ़ते थे और उन फसादात को रूकवाते थे । मैं आपसे अर्जी करना चाहता हूँ कि यह जो रेजीलुसन प्राज हाउस के सामने पेश है वह मिहायत बकरी है और इसको मैं इकबान की लफ्जी में पेश करना जो कि उन्होंने राष्ट्रप को खिलाफ

[श्री हम राज]

“भापस में बैर रखना तूने बुतों से सीखा, जंगोजदल सिखाया वाज को भी खुदा ने। तंग आके मैंने भाखिर देरो हरम को छोड़ा, वाइज का वाज छोड़ा, छोड़े तेरे फिसाने सोई पड़ी हुई है मुदत से दिल की बस्ती, भा इफ नया शिवाला इस देश में बना दे, शक्ति भी शांति भी भक्तों के गीत में है, धरती के वासियों की मुक्ति प्रति में है।”

मजहब प्रीति करना सिखाता है लेकिन पालिटिक्स लड़ना सिखाता है। इसलिए त्यागी जी को ज्यादा डेफनीशन की जरूरत नहीं है। पालिटिक्स हमेशा लड़ना सिखायेगी। अब भ्रगर इबादतगाह में जाकर कोई पालिटिक्स करता है और लड़ाई करता है तो उसको रोकना चाहिए और उसको कानून बना कर उसको कानून की गिरफ्त में लेना चाहिए। इन शब्दों के साथ मैं इस रेजोलूशन को सपोर्ट करता हूँ।

Shri Indrajit Gupta (Calcutta—South West): Mr. Chairman, my hon. friend Shri Tyagi, if I understood him correctly, tried to make out that we should not be afraid of the possible effect on the masses or the mass mind of this kind of misuse of places of religious worship and pilgrimage, because, he said, after all, it is open to everybody to go before the people and put their cards on the Table and if anybody mis-uses these places, we can expose him. It is only because of these submissions of his that I was provoked to make a few remarks. Because, it brought to my mind what happened in the last general election in West Bengal and, that too, I shall state in one or two words. What I submit is that at least for purposes of

election propaganda, the House should consider seriously whether it is permissible or desirable in any way that these places of religious worship should be utilised by anybody. We are now approaching another general election, in the near future.

I would recall, in West Bengal,—that was a very famous case because it got publicity in all the papers—no less a person than the Chief Minister of the State, Dr. B. C. Roy, stood for election from a constituency in Calcutta, in which, out of the total electorate, 49 per cent of the voters happened to be Muslims. The biggest mosque in Calcutta, which is situated in that constituency, is the Nakhodha mosque. We found that Dr. Roy—I have no objection to his visiting mosques and so on, anybody can visit a mosque—went there and met the Bada Imam Saheb. After that, the next day, all the newspapers carried front page photographs of Dr. Roy sitting in the Imam Saheb's room and the Imam Saheb with his hands raised, blessing him. The caption on the photographs was that Dr. Roy called on the Imam Saheb and the Imam Saheb gave him his blessing for his success in the election. I do not know actually what transpired in that room. These photographs were published in all the papers including Urdu papers of which quite a large number appear in Calcutta, as you may know. My submission is, whether it is legal or illegal, that is a different matter. But, it is certainly most undesirable that a person of such an eminent position should allow himself to be placed in a position in relation to people belonging to a certain faith. After all, we are not talking in the abstract. We are in a country where a large majority of the people are perhaps illiterate and all sorts of religious bigotries, superstition and all sorts of obscurantist ideas still hold good among them. Does this or not create some sort of a political pressure upon the 49 per cent of the Muslim voters? I submit that I

did. It is most undesirable that this kind of a thing should have been permitted. So, it is not enough to say, what is the harm in doing this, because, you can always be exposed, as people will understand. People do not understand, unfortunately. The House remembers that though Dr. Roy eventually won that contest, he won by a margin of about 400 votes; not more than that.

An Hon. Member: 500.

Shri Indrajit Gupta: About 420 or so.

Shri Tyagi: Quite a few Mohammedans also voted against him.

Shri Indrajit Gupta: Yes; don't worry.

Shri Tyagi: Religion did not have much effect.

Shri Indrajit Gupta: He would have lost by a heavier and much bigger margin but for this incident which took place, which brought a certain pressure on the minds of at least the backward sections of the poor Muslim community. They may have been 49 per cent there, but, after all, they are a minority taken as a whole, and in that it would have a bad effect on them. Therefore, my submission is, whether you bring in a blanket law or not, it is surely time to bring in a suitable amendment at least for election purposes, because this allegation against Dr. Roy was then taken up before the Election Tribunal, but the Election Tribunal, though it commented that it was not a desirable thing to have been done, could not take any action because the Representation of the People Act was not clear on this point at all. Therefore, my submission is that apart from anything else, for election purposes at least, Government should come forward with some suitable amendment to the Representation of the People Act, making it absolutely prohibitory to use these places of wor-

ship like temples, mosques and churches, for purposes of election propaganda. This is essential, and I hope the Minister will consider it.

श्री प्र० मु० तारिक (जम्मू तथा काश्मीर): जनाब चेरमैन साहब, मैं इस प्रस्ताव की हिमायत करता हूँ और मैं यह चाहता हूँ कि हमारे मुल्क में मस्जिद, मन्दिर, गुम्बारा या गिरजा, इन सबकी इज्जत होनी चाहिए, उनका एहताराम होना चाहिए सिर्फ उस हद तक, जिस हद तक कि कानून, शराफत और और खुद मजहब इजाजत देता हो। हमारे सामने ऐसी कई मिसालें हैं कि जब इस्लाम की हुकूमतें खुद इस्लामी मुमालिक में बरसरे-इफ्तदार थीं और बन्द ताकतें इस्लामी हुकूमतों के खिलाफ बगावत फैलाने की कोशिश करती थीं, या खलीफों के खिलाफ तहरीक चलाती थीं, उस वक्त भी उनका मुकाबला करते हुए हुकूमत ने यह बात मद्दे-नजर नहीं रखी कि यह मस्जिद है और इबादतगाह है, बल्कि यह एलान किया कि मस्जिद को कानून और हुकूमत के खिलाफ इस्तेमाल न किया जाये।

यहाँ दो रायें हैं। श्री त्यागी ने फरमाया है कि लोगों को, अगर वे चाहें, इस बात की इजाजत देनी चाहिए कि वे बर्हातकरीरें करें, लेकिन अगर वे किसी तरीके से कानून की खिलाफ-बर्जी करते हैं, बम चलाते हैं, पत्थर फेंकते हैं, लोगों पर बोलचालें फेंकते हैं, तो हमको यकीनन उन लोगों को गिरफ्तार करने का हक होना चाहिए। हमारे पास एक मिसाल है पंजाब की, जब सर सिकन्दर हयाब का प्रिंसिपल पा के लीडर वे और वहाँ के वकीरे-साजम

[श्री प्र० मु० तारिक]

ये धीरे शहीदगंज का मसला हमारे सामने आया।

श्री प्र० सि० बोलता : मैं उस वक्त यूनिवर्सिटी पार्टी का सेक्रेटरी था।

श्री प्र० मु० तारिक : उस वक्त शहीदगंज का मसला निहायत भयानक भूत भ्रूतकार कर गया, जिससे पाकिस्तान बनने में काफी मदद मिली। उस वक्त मुसलमानों ने शहीदगंज के खिलाफ एक तहरीक चलाई कि यह गुरुद्वारा नहीं, बल्कि मस्जिद है। जैसा कि आप जानते होंगे, मुस्लिम लीग अपने पालिटिक्स की बजह से उसमें दखल नहीं दे सकी और उस वक्त खाकसार आगे आये। खाकसारों की जमाअत एक बाकायदा फासिस्ट किस्म की जमाअत थी। उनके पास तलवारें, बेलचे और बंदूकें होती थीं, जिनका इस्तेमाल वे जायज समझते थे। उन लोगों ने तहरीक के दौरान में मस्जिद में पनाह ली और मस्जिद के अन्दर से उन्होंने पुलिस पर पथराव शुरू किया। उस वक्त सर सिकन्दर हयात खां ने यह हुकम दिया कि पुलिस मस्जिद के अन्दर जाये और उन लोगों को जिन्दा या मुर्दा पकड़ कर लाये। इसका नतीजा यह हुआ कि पुलिस और फौज वहां गई और तकरीबन—मुझे पूरी तरह याद नहीं है—सत्तर या अस्सी खाकसार बयबक्त अन्दर मारे गये और इसके नतीजे के तौर पर सारे मु क में अम सो-अनाम हो गया, कोई हिन्दू-मुस्लिम फसाद नहीं हुआ, किसी को सरारत करने की जुरत नहीं हुई।

उस जमाने में सर सिकन्दर हयात खां बाहिद घादमी थे, जिन्होंने उस वक्त मुहम्मद अली जिन्नाह को टनीफोन पर बार्न किया कि

अगर आप पंजाब में आ कर पाकिस्तान, मुस्लिम लीग या मजहब के नाम पर कोई तहरीक चलायेंगे, तो मैं, जो आप का साथी हूँ, यकीनन आप को गिरफ्तार करने से दरेज नहीं करूंगा, इस लिये बराये मेहरबानी आप पंजाब में न आइये। यह ठीक है कि यूनिवर्सिटी पार्टी से हमारा इस्लाम था, लेकिन उस की हुकमत ने जिस शिद्दत और जिस सस्ती से पंजाब के अमनो-अमान को कायम रखा, हम यकीनन उम से कुछ सीख सकते हैं।

हमारे सामने दिल्ली के गुरुद्वारे की मिसाल मौजूद है। रघुपाल सिंह को मैं जानता नहीं हूँ। मैं ने सुना है कि वह इतना मजबूत और सलत आदमी भी नहीं है। पुलिस आठ महीने तक उस को गिरफ्तार नहीं कर सकी। अन्दर से बोलते फेंकी जाती रहीं, पत्थर फेंके जाते रहे। अक्सर हम देखते हैं कि जामा मस्जिद के सामने बम पड़ रहे हैं—मालम नहीं मस्जिद से से पड़ रहे हैं, या गली से आ रहे हैं, या कहां से आ रहे हैं—लेकिन पुलिस किसी को पकड़ नहीं सकी। वह पिछले तीन साल से यह साबित नहीं कर सकी कि वहां पर जो बस बारूद बम फेंके गये, वे किस ने फेंके।

Pandit Thakur Das Bhargava
(Hissar): There is no legal bar.

श्री प्र० मु० तारिक : उन को मस्जिद में परस्यू किया जाये, अगर वे वहां छिपे हों।

श्री स्याली : लेकिन जब मस्जिद को सिक्युरिटी बना देंगे, तो क्या होगा ?

श्री प्र० मु० तारिक : कौन ? हुकूमत ? वही मैं कह रहा हूँ।

[شری اے۔ایم۔ طارق]

کی جماعت تھی - انکے پاس تلواریں -
بھولچے اور بلدوقوں ہوتی تھیں جن
کا استعمال وہ جائز سمجھتے تھے -
ان لوگوں نے تصریک کے دوران میں
مسجد میں پتہ لیا اور مسجد کے
اندر سے انہوں نے پولیس پر پتھراؤ شروع
کیا - اس وقت سر سکندر حیات خان
نے یہ حکم دیا کہ پولیس مسجد کے
اندر جائے اور ان لوگوں کو زندہ یا مردہ
پکڑ کر لائے - اسکا نتیجہ یہ ہوا کہ
پولیس اور فوج وہاں گئی اور تقریباً
مجھے پوری طرح یاد نہیں ہے -
ستر یا اسی خاکسار بیک وقت اندر
مارے گئے اور اگلے نتیجے کے
طور پر سارے ملک میں امن و امان
ہو گیا - کوئی ہندو مسلم فساد
نہیں ہوا - کسی کو شرارت کرنے کی
جرت نہیں ہوئی - اس زمانے میں
سر سکندر حیات خان واحد آدمی
تھے جنہوں نے اس وقت محمد علی
جلال کو تھلموں پر وارن کیا کہ اگر
آپ پنجاب میں آکر پاکستان - مسلم
لیگ یا مذہب کے نام پر کوئی
تصریک چلانگے تو میں - جو آپ
کا ساتھی ہوں - یقیناً آپ کو گرفتار
کرنے سے دریغ نہیں کروں گا - اس لئے
برائے مہربانی آپ پنجاب میں نہ
آئیں - یہ تھک ہے کہ یونیسف
پارٹی سے ہمارا اختلاف تھا لیکن اس
کی حکومت نے جس شدت اور جس
شغفتگی سے پنجاب کے امن و امان کو

قائم رکھا ہم یقیناً اس سے کچھ سیکھ
سکتے ہوں -

ہمارے سامنے دہلی کے گوردوارے کی
مثال موجود ہے - رچھپال سنگھ کو
میں جانتا نہیں ہوں - میں نے
سنا ہے کہ وہ اتنا مضبوط اور سخت
آدمی بھی نہیں ہے - پولیس آٹھ
مہینے تک اس کو گرفتار نہیں کر
سکی - اندر سے بوتلوں پھینکی جاتی
رہیں - پتھر پھینکے جاتے رہے - اکثر
ہم دیکھتے ہیں کہ جامعہ مسجد کے
سامنے بم پڑ رہے ہیں - معلوم نہیں
مسجد سے پڑ رہے ہیں یا گلی سے
آ رہے ہیں یا کہاں سے آ رہے ہیں -
لیکن پولیس کسی کو پکڑ نہیں سکی -
وہ پچھلے تین سال سے یہ ثابت
نہیں کر سکی کہ وہاں پر جو دس
بارہ بم پھینکے گئے وہ کس نے
پھینکے -

Pandit Thakur Das Bhargava (His-
sar): There is no legal bar.

شری اے۔ایم۔ طارق : ان کو
مسجد میں پرسوں کہا جائے اگر وہ
وہاں چھوے ہوں -

श्री ह्यागी : लेकिन जब मी जद को
सैकट्टरी बना रेंगे तो क्या होगा ?

شری اے۔ایم۔ طارق : کون
حکومت - وہی میں کہہ رہا ہوں -
اکثر فلسفوں - فلسفوں - چرسوں -

بدمعاملوں اور جھب کتروں کی
یلادگاہ خدا کا گھر ہے - جب پولس
ان کو کلتھیکٹ کرتی ہے تو مسجد
اور ملدر اور کورڈوارے میں - وہیں
کھشن کا حساب ہوتا ہے اور وہیں
کھشن وصول ہوتا ہے - مسجد - ملدر
اور گرجا کا احترام لازمی ہے لیکن
جہاں تک قانون کا تعلق ہے - ان پر
گرفت رکھلی چاہئے - ان الفاظ کے
ساتھ میں اس تصریح کی حمایت
کرتا ہوں -]

شی نبال پرباکر : (باہی دلیلی—
رکنت—پرنسویت جاتیوں) : سہاپتی
مہودے، یہ تو سत्य ہے کی مندر،
مسجد اور گرجا پوجا کے سوان
ہے، جن میں پوجا ہونی چاہیے، پاتما اور
پرماپما کا سمبندھ کاہم رکنے
کے لیے وہیمننننن میں جو ریتیاں نیرھا-
ریت ہے، ان کا پالن ہونا چاہیے۔ یہ
بڑے دہمگی کی بات ہے کی پوجا ان
میں راجنیت چل پڑی ہے۔ جو لوگ میدان
میں پوجا کر اپنی راجنیت چلانے کے لیے
اپنے کو کمزور سمجھتے ہیں، جو میدان میں
بڑے ہو کر اپنی بات کو نہیں کھنا
چاہتے ہیں، وہ اپنی سوارھ-سیدھ کے لیے
مندروں کو پروج کر کے لوگوں کو برھ-
سانا چاہتے ہیں، بھکانا چاہتے ہیں۔ کینتو
میں یہ بھی سمجھتا ہوں کی جو ہمارے
کانون ہے، ہمیں ان کا گہمیرتا پوربک
پہمیان کرنا چاہیے اور دکھنا چاہیے
کی پوجا ان میں کوئی کمی یا کھامی
ہے، تو ہمیں اس کو دور کرنے کا پرتل
کرنا چاہیے۔ ہمیں دکھنا چاہیے کی
کس تڑھ اک پادہمی پوجا کے سوان کو
پپوینن کرنا ہے۔ پپوینن کرنے کی بات
دوسری تڑھ سے کھی جاتی ہے، کینتو
میں سمجھتا ہوں کی بھ پادہمی پوجا کے سوان

کو پپوینن کرتا ہے، جو وہاں بٹ کر
پوجا کرنے کے بجائے اس میں راجنیت چلاتا
ہے۔ راجنیت چلانے کا मतलब یہ ہے کی
پوجا کے سوان کا جو उद्देश्य ہے، اس کے بجائے
دوسرے पुराखनीय कार्य کر کے اس کو
پپوینن کیا جائے۔ لیکن پوجا یہ ہو
رہا ہے کی جو اس کو پپوینن کرتا ہے،
اس کو उसी धर्म की पोजा کرنے वाले، उसी
धर्म के, उसी सम्प्रदाय के लोग ऐसा करने देते
हैं। दूसरी तरफ हालत यह है कि पगर
सरकार कोई कारंबाई करती है तो
नारा लगाया जाता है कि इस मंदिर को,
इस मस्जिद को, इस गुधारे को इस गिरजा
पर को पपुिनन कर दिया गया

शी प्थाणी : नारे से क्या सरकार डरती
है, कानून को बह पूरा करे ।

शी नबल पربाकर : सवाल यह पेंवा
होता है कि इस समय जो कानून है उस
में हम क्या कोई कारंबाई नहीं कर सकते
हैं? मैं समझता हूं कि जैसा कहा गया है,
हम कारंबाई कर सकते हैं। क्या आपने किसी
पुलिसमैन को, जो मंदिर में पूजा करने के
लिए जा रहा होता है, उस को रोकते
हुए कभी देखा है? मैं समझता हूं कि
आपने कभी नहीं देखा होगा। मैं ने तो
कभी नहीं देखा है कि उस को
किसी पुलिसमैन ने रोका हो, न मंदिर
में जाने से, न गुधारे में जाने से, और
न ही मस्जिद में जाने से ।

मैं चाहता हूं कि जो मौजूदा कानून है,
उसके द्वारा हमें देकना चाहिये और साथ
ही साथ समाज को भी देकना चाहिये कि
जिस उद्देश्य के लिए गुधारे, मंदिर,
मस्जिद या गिरजाघर, बनाये गये हैं, व
उसी उद्देश्य के लिए उन्हें और पगर उन-
में किसी प्रकार की राजनैतिकता या

[श्री नवल प्रभाकर]

जाती है तो समझ लेना चाहिये कि उस मंदिर की या उस मस्जिद की या उस गुरुद्वारे की पवित्रता कायम नहीं रह गई है ।

Dr. M. S. Aney (Nagpur): I have only to make a few observations on the resolution before the House. I am glad that in the form of this resolution a very important matter has come up for discussion before the House. What the attitude of the Government would be towards this resolution, I do not know. The hon. Minister will explain it in due course.

In my opinion, the resolution has come at an appropriate time before the House for consideration. We know that during the last few months several things have taken place, and the people of India have been witnesses to the most dastardly scenes of racial hatred, racial troubles, communal troubles and all that. In the course of this discussion, I want to refer to these things only in vague terms, without specifying any particular place or any particular locality in any particular State. We have found out in the course of these troubles that religious places have been made use of for the sake of carrying on communal propaganda etc.

In my opinion, there are only two forces which generally stabilise the morality and civic sense of the people. One is religion and the other is the State. Therefore, it is very necessary to see, and it is Government's duty to see that these two forces carry on this most important work of keeping up a certain amount of morale among the people in a proper manner.

So far as the State is concerned, this resolution makes no reference to it; it avoids all reference to it altogether.

The elections are now coming. If they are to be properly fought, then we must see that these forces and the institutions representing those forces

are so managed and so conducted that nobody will be able to say that they have been misused or abused in the matter of elections.

The Church and the State—these two forces have been at loggerheads till recent times. But, now, we have come to a stage when some kind of understanding exists between the two, the Church being only a place of religious worship, and the State having only a secular jurisdiction. So far as India is concerned, we have accepted this distinction between the State and the Church, by confining the State to its sphere as a purely secular body with a secular ideal.

If the coming elections are to be fought in a free and fair manner, we have got to take steps to prevent troubles like those that have happened in Jabbalpur, in Assam, in Punjab and other places, because all these have created an environment which is very inimical to the proper conduct of the elections, in an atmosphere which can be said to be very detrimental to, and have a baneful influence on elections. So, in order to emphasise this fact, and in order to see that the proper atmosphere is created, it is necessary that we must bring up for consideration before this House the spheres of duties of these two institutions, in the form of this resolution which my hon. friend has moved, and in which he has asked that Government should take some concrete steps in this behalf either by way of legislation, or by issuing instructions to the effect that places of religious worship should not be used in any way for political purposes. I think, from that point of view, the subject of this resolution is very material and substantial.

I would not like to exceed the five-minute-limit that you have imposed, but I would only conclude by saying that my main concern is this, namely

that it should be the duty of all of us to see that places of worship are not used by the people for ulterior purposes, particularly in the course of the coming elections. Only if we do that duty, we can say that we have learnt to preserve democracy properly, and we insist upon taking the people on the proper path to democracy, and making them more prosperous, more useful and more beneficial to this country.

From this point of view, therefore, we should take steps to see that the elections not spoilt by the floring-up of communal tension for which it is very likely that these institutions may be abused.

I think my hon. friend is doing a service to the country by bringing properly to the notice of the House the fact that the possibility of places of worship being abused should be obviated. I hope Members of the House will at least express their views, so that Government, after listening to those views, take proper steps in this behalf either by issuing instructions to the Election Commissioner and so on or otherwise.

I express my thanks to the hon. Mover for having brought forward this resolution before the House for its consideration, and I expect that the hon. Minister also will give his proper consideration to it.

Shri Datar: We had a very interesting discussion on one of the important subjects. . . (*Interruption*). Hon. Members may wait for some time.

Shri V. P. Nayar: We are sure the hon. Minister will make it more interesting now.

Shri Datar: We had a very interesting discussion on one of the fairly important subjects that are facing us today. I was happy to note also that there has been a general consensus of opinion in favour of the view that

places of religious worship ought to be used only as such and should not be used or misused for any other purposes. That is the underlying object or the motive of the resolution. Therefore, I rightly concede that so far as this principle is concerned, it has to be accepted by all of us.

After saying this, I also agree with my hon. friend Shri Tyagi on two points. One of them is as to whether we the Central Government, or the Government of India, or the Parliament should themselves sponsor such a law or whether that question should be left to the individuals concerned or the society for its own purification. I was very happy to read my hon. friend's suggestion that this is a matter in which we should work with the greatest introspection, and politics should be carried on only by those who are dedicated to the highest interests of the country without any motive of profit, much less of its abuse for personal interests.

After accepting the underlying principle, I should point out certain difficulties in accepting this resolution. You will find that this subject, namely the subject of religious institutions and endowments comes under Entry 28 of the Concurrent List. In respect of the Concurrent List, as the House is aware, though it is open constitutionally, to Parliament to undertake and pass a legislation, still, in view of the number of principles laid that have been laid down, and the conventions that we have been following in this respect, we are anxious to see that as far as possible, and to the extent that it is necessary, such questions should be left to the State Governments and the State Legislatures themselves on the initiative of either the State Governments or the hon. Members of the State Legislatures. We might come in only under certain circumstances, on a request made by the State Legislatures, sub-

[Shri Datar]

ject to certain restrictions that have been laid down in the Constitution itself. Therefore, in all cases, either when we deal with criminal law or when we deal with certain other matters relating to those which are in the Concurrent List, we follow the policy—and the House will agree that it is a salutary policy,—that in all such cases we leave the matter for the initiative of the various State Governments concerned. It is open to them either to sponsor a legislation before their own Legislatures, or subject to the provisions of the Constitution request the Central Government to do so. In the latter case, as you are aware, when the Code of Criminal Procedure had to be revised, we consulted the State Governments at every stage, and only with their consent, as you are aware, about four or five years ago, we brought in a revised Bill for the amendment of the Code of Criminal Procedure. Therefore, this is a point which is not merely one of a technical character but it is one in the nature of a salutary convention upon which the principles of the Constitution generally depend. Therefore, I propose to satisfy the House to this extent, by sending the detailed summary of the proceedings of this House today and on the last day, of what the hon. Members have stated, and leave the matter to the State Governments concerned, so that they would have the advantage of the views of not merely their own State legislators but also the hon. sovereign legislators of India, namely the Members of Parliament. They will have before them the various views as also the consensus of opinion.

Shri Vajpayee (Balrampur): What about Union Territories?

Shri Datar: If the hon. Member had waited for one minute, I would have explained the whole position. So far as the Union Territories are concerned, this question has not arisen

so prominently except in the Territory of Delhi, about which my hon. friend, Shri Tyagi, spoke with considerable vehemence, which is understandable. But in respect of other Territories as also as regards most of the States, I would submit that generally the evil is not of such a great nature as to warrant a legislation in this respect. It is true that we had some controversy in this respect in the Punjab. We had also some controversy raised by my hon. friends opposite so far as the Kerala State is concerned. In the rest of India, of course here and there oftentimes unfortunately for us, communal troubles do recur, but the question that arises is whether we should have a restrictive legislation of the type that the hon. Mover and other Members generally desire.

With these preliminary remarks, may I refer to the very general and perhaps vaguely worded Resolution of my hon. Friend, the Mover?

“This House is of opinion that the Government should bring forward suitable legislation to prevent the use of places of religious worship and pilgrimage for political propaganda and agitation”.

On an earlier occasion, we had a discussion with regard to a somewhat restrictive measure brought against the Catholic dignitaries and Catholic places of worship ultimately aimed more or less at these functionaries in the Kerala State. Here what has now been sought to be done is to bring within the scope of the Resolution not merely places of religious worship but also places of pilgrimage. You are aware how the problem is very wide and how we have what can be called a general gathering, perhaps a common or a mixed or even a promiscuous gathering on such occasions (*Interruptions*).

Take, for example, the Kumbh Mela at Allahabad or at Hardwar and other

places where people assemble in lakhs together. So far as these melas are concerned, on the whole, very little has been found of a character which requires a legislation of this nature. In melas, people naturally assemble more or less with a religious motive. They have a lot of religious fervour also which those who go there can see for themselves. After that, naturally there are certain other things—shops and other things. Meetings are also held. Generally these meetings are of a religious character. Then the whole crowd gradually disappears. This is so far as melas are concerned and it might be very difficult to have a law of this type concerning them.

The second difficulty so far as this Resolution goes is as pointed out by my hon. friends, Shri Amjad Ali and Shri Ajit Singh Sarhadi about the words used, namely 'political propaganda and agitation'. So far as general propaganda is concerned—I speak without any irreverence these words are quite all right. So is agitation. But a question arises as to whether these words can form the basis of restrictive enactment in this respect. Here also, as you will agree, the word 'politics' has to be understood very clearly. Oftentimes, as my hon. friend, Shri Tyagi pointed out, we are now at a time when we have abused the powers under 'politics' to a large extent. That is more a matter for the parties themselves; that is a matter for the society itself. Just now I was hearing my hon. friend Shri Tyagi, rightly pointing out how it is the duty of all parties and the society in general to carry out reforms from within. I was reminded of the great observations made about 50 years by the late Gopala Krishna Gokhale when he started the Servants of India Society. One of the objectives that he laid down was that public life should be spiritualised. That is exactly the correct description. That is the way in which our public

life ought to be approached, because after all, if this principle is taken into account, there is no such water-tight compartment between politics on the one hand and the highest spiritualism on the other. In fact, our conduct should be permeated, even while carrying on our worldly duties, with a higher spiritual sense. To that extent I would agree with my hon. friend, Shri Amjad Ali, that there is politics in the Quran and in all religions, but that politics is of an elevating type, not rude politics or—I may be excused for saying it—the barbarous manner in which sometimes we stoop to all these things. But apart from this, apart from what can be called the exploitation of politics there is such a thing as political philosophy as well. Therefore, it ought to be open even to religious institutions to function in that way, because the Constitution has already allowed religious institutions to have educational institutions under them as well.

Therefore, so far as the science of political philosophy is concerned, the controversial part, I would go a step further and say the subversive part, the violent part and the undesirable part—all these have to be excepted altogether. To that extent, politics of the right type and political education of the right kind ought to be permitted to be conducted either for education or for correct publicity so far as all people are concerned.

I would not like to impute any motives to the hon. Mover of the Resolution. But I would point out that he made reference only to the Catholics and one or two circulars here and there. I very carefully read his speech. I would concede there are certain observations there concerning religious dignitaries, and so far as these religious dignitaries are concerned, they should be very careful in not intruding upon politics in any manner whatsoever.

[Shri Datar]

16 hrs.

I would answer the question about election also. After all there is what you can call an ideological difference between religious views, between one school of thought and another which propagates certain other views, (*Interruption*). When my hon. friend's party propagates, it is not merely political views but they have got what can be called their own ideology about life. That ideology might not be acceptable to those who follow certain established principles of religion.

For example, if they feel that the communist view of life is against theirs—I am not here dealing only with the communist view of life but all other views of life—if they feel so, then, it is a part of their religious dogma to fight against it and to protest against it.

All along agreeing that all these things should not be brought into current or agitational politics, I would like to point out the difficulties in the way. Therefore, if any particular State, either in the north or in the south, feels that the conditions are so bad and scandalous that the places of worship are being prostituted in a way by the carrying on of such reprehensible propaganda, it should be open to them to put their ideas in correct legal phraseology and have legislation. It is not merely a question of technical breach but it is a question of substance. It is the State Governments who are carrying on the administration with great difficulty. (*Interruption*). Thanks to a number of circumstances, where difficulties are fairly great, it is our duty to help them to the fullest extent possible. Therefore, if at all any particular State does feel that the time has come that further abuse, on a large scale, of any religious institutions belonging to any particular denomination has to be put a

stop to, it is open to them to have recourse to Item No. 28 in the Concurrent List and to bring in legislation. (*Interruption*).

Shri D. C. Sharma: Are you supporting the principle?

Shri Darar: Let the hon. Member speak up.

Shri Tyagi: He asks, 'Are you supporting the principle?'

Shri Datar: I am supporting the principle but I am pointing out the difficulties in the way, in accepting the resolution.

Shri D. C. Sharma: What are you here for if you cannot overcome those difficulties? We have passed so many Bills.

Shri Datar: It is very difficult to overcome constitutional difficulties. There are certain conventions which we have laid down. Therefore, let not my hon. friend be hasty. We ourselves have not to pass all legislation. There are Legislatures in the States as well. They are bodies of highly responsible people; and they know the conditions to some extent at least—with all due deference to all the hon. Members—perhaps better than we.

Shri Prabhat Kar: Do you mean to say that the State Legislatures will not be faced with the same difficulties with which you are faced?

Shri Datar: The State Legislatures will consider the position existing there. My hon. friend has not, perhaps, followed me. They have to relate any legislation in this respect to the conditions or the position obtaining in their States. And, if they feel that such restrictive legislation is necessary, it is perfectly open to them to pass such legislation. We shall not come in the way of their passing such legislation.

Shri Tyagi: Will it not be against the Constitution, the provisions about fundamental rights and free expression of views?

Shri Datar: So far as that is concerned, I may say that when we deal with fundamental rights we deal with morality and with public order also. I need not go into all that. My hon. friend knows it better because he himself was a framer of the Constitution along with others. These are all legal and constitutional questions which can better be gone into by the State Governments. And, the State Governments will be in a position, as I have stated, to sponsor legislation in accordance with the realities of the situation obtaining there. (*Interruption*).

Shri Naldurgkar: I want to ask one question. Does the hon. Minister think that this question is not within the competence of Parliament?

Shri Datar: My hon. friend, who is himself a student of law, knows it better. I have stated that it is in the Concurrent List. It means that we can pass a law and the States can also pass it. I pointed out the difficulties and also the conventions. It is open to the States to legislate if they so desire. As I have said, we respect the conventions and we respect their autonomy and we leave these matters to them.

My hon. friend raised the question of elections. I am not making a reference to that particular case because that judgment is not here before me. All the same, if I am right, I have quoted a section from the Representation of the People Act—section 24 or 25, I speak subject to correction. There, the expression, 'undue influence' has been defined. It is stated there that if the election of a particular candidate has been secured by the exercise of undue influence it is invalid. In defining 'undue influence' they have pointed

out various types of undue influence. One of the types, if I mistake not, is threat of religious ostracism. That entirely covers my hon. friend's point.

If, for example, I, as a dignitary of a particular denomination, say that if a voter votes in favour of a particular candidate not liked by me he will go to 'Hell' and he will have to suffer indignities here and hereafter, then it constitutes undue influence.

Shrimati Parvathi Krishnan (Coimbatore): That is what they did in Kerala.

Shri Datar: So far as elections are concerned, I may point out that the Representation of the People Act has been found to be fairly satisfactory to meet all such cases. My hon. friend could, at best quote only one case.

Shrimati Parvathi Krishnan: There have been hundreds of cases in Kerala.

Shri Datar: My hon. friend pointed out a case. Even there I may point out that the decision was in favour of the successful candidate, Dr. B. C. Roy; and there it must have been held that there was no exercise of undue influence under the Act.

Shri Indrajit Gupta: Does the hon. Minister know that I can cite a number of cases?

Shri Datar: You have cited one case and others have not cited any (*Interruptions*). Therefore, I am entitled to say 'one'.

Shri Indrajit Gupta: I can send him many cases.

Shri Datar: When you send many we can certainly look into them (*Interruption*).

With this assurance and with the full-dressed debate in the hon.

[Shri Datar]

House today as well as on the last day, I hope the hon. Member will not press this Resolution.

Shri Tyagi: I would like to know whether the hon. Minister or his Government has now agreed to declare all these religious institutions as sanctuaries against arrest or it was only in the case of this Gurdwara?

Shri Datar: I may point out here that so far as the criminal law is concerned, the arms of the law are strong enough, and wide enough.

An Hon. Member: But not to be used.

Shri Datar: Let me assure my hon. friend that the orders under the law must always be obeyed and there cannot be any sanctity for a person who abuses such places, especially by doing criminal acts.

Shri P. S. Daulta: Who is responsible for enforcing the Fundamental Rights—the Centre or the State? The right of worship is a Fundamental Right. I am a Hindu from Amritsar and I can give an instance.

Shri Datar: Am I called upon to answer hypothetical questions?

Shri P. S. Daulta: It is a clear, practical question and a very important question. There is a particular place of worship for Hindus and the Sikhs both; the Hindus are powerful in that particular shrine and hold a meeting which is not religious but political and create such a situation that the Sikhs could not enter it. Is it not an interference with the Fundamental Right? Who will protect me? In Punjab the gurdwaras were meant for Sikhs and Hindus; they were so till three years ago. Now they are not like that.

Shri Datar: So far as the Fundamental Rights are concerned, they are to be protected by the Centre and the States; there is no dispute about

that. So far as the particular case is concerned, I do not know whether it is governed by the Constitution or by any custom there. If the hon. Member brings it to my notice, I shall forward it to the State Government.

Mr. Chairman: The hon. Mover of the Resolution is not here. So, I shall put it to the vote of the House.

The question is:

"This House is of opinion that the Government should bring forward suitable legislation to prevent the use of places of religious worship and pilgrimage for political propaganda and agitation."

The Resolution was negatived.

16.12 hrs.

RESOLUTION RE: TRADE UNION ACTIVITIES OF GOVERNMENT EMPLOYEES

Shrimati Parvathi Krishnan (Coimbatore): Mr. Chairman, I beg to move:

"This House is of opinion that no Government employee should be penalised for trade union activities and that whenever any disciplinary action against a trade union functionary is proposed to be taken, the case should be referred to the Public Service Commission for examination and advice in the light of the Directive Principles of State Policy in the Constitution."

Sir, there is nobody in the Treasury Benches.

Shri Datar: I am here, Sir.

Shrimati Parvathi Krishnan: He has been going around. The question may