

उपसभाध्यक्ष (श्री सत्य प्रकाश मालवीय) : क्या वक्तव्य की प्रति हिंदी में नहीं है ?

श्री राम अवधेश सिंह : जब हम ने लिखकर दिया है कि वक्तव्य हिंदी में भी मिलना चाहिए. . . (व्यवधान)...

उपसभाध्यक्ष (श्री सत्य प्रकाश मालवीय) : ठीक है. मैं पता लगा रहा हूँ ।

श्री राम अवधेश सिंह : हिंदी में स्टेटमेंट आए, उसके बाद ही स्टेटमेंट दिया जाए ।

उपसभाध्यक्ष (श्री सत्य प्रकाश मालवीय) : ठीक है ।

श्रीमती सूर्यकांता जयवतराव पाटिल (महाराष्ट्र) : हिंदी के साथ बारंबार यह अन्याय क्यों होता है ?

उपसभाध्यक्ष (श्री सत्य प्रकाश मालवीय) : कुछ माननीय सदस्यों ने व्यवस्था का प्रश्न उठाया है और वह उचित है इसलिए जब तक हिंदी का अनुवाद नहीं आ जाता है, इसे हम रोक देते हैं और इसके पूर्व जो बिल चल रहा था वह जारी रखते हैं ।

(व्यवधान)

श्री राम अवधेश सिंह : मैं इसको फाड़ देता हूँ और वाक आऊट करता हूँ ।

(इस समय माननीय सदस्य सदन से उठकर चले गए)

SHRI V. GOPALSAMY (Tamil Nadu): I want the statement in Tamil.

DR. RATNAKAR PANDEY: That is not the official language.

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA): We

may continue the Bill till the Hindi version comes.

SHRI JASWANT SINGH (Rajasthan): Why not adjourn the House? This will amount to a shortcut.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI M. M. JACOB): Mr Vice-Chairman has already said that the Bill will continue.

SHRI JASWANT SINGH: I am safeguarding her interest. Her speech will be effective.

I. STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE RELIGIOUS INSTITUTIONS (PREVENTION OF MISUSE) ORDINANCE, 1988—Contd.

II. RELIGIOUS INSTITUTIONS (PREVENTION OF MISUSE) BILL, 1988—Contd.

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu): Sir, the hon. Member just wanted to safeguard my interest. But as a member of the largest oppressed class of the world, as a woman, I want to join issue with what the hon. Member, Mr. Jaswant Singh, said when he first initiated the debate and moved the Statutory Resolution. The hon. Member said at that time that India is not a theocratic State and it is difficult to define what constitutes religion and what constitutes dharma. Since it is difficult to define on that ground partly he took serious objection to the contents of the Bill. I want to join issue with him on that point before beginning to speak on the Bill. It may be possible to define what dharma is. It may not be possible to define what religion is. But as a woman I can tell you that all religions equally discriminate against women. It is possible to define poverty. It is possible to define socialism. It is possible to define hunger. It is possible to define the rights to women. But when religion to mili-

[Shrimati Jayanthi Natarajan]

tate against these rights, then we have to set up new moral values. When religion tate against these rights, then we have to set up new moral values. When religion begins to militate against politics that is the time when politics has to be divorced from religion. That is in the matter of inheritance... (Interruptions) Sir, what I am speaking is based on facts and not any interpretation. If I am wrong. If you welcome to correct me. I stand corrected if I am wrong. If you permit me what I am trying to say, you are most welcome to correct me, if I am wrong.

Sir, if you take Hindu law, in the matter of property, in the matter of inheritance, women are discriminated against because in the matter of ancestral property, women do not get as much property as men get. Sir, even in Islam, according to the Islamic law, women get less property in inheritance than the men. (Interruptions) You are welcome to correct me if I am wrong.

श्री सुरेन्द्रजीत सिंह अहलुवालिया :
उपसमाध्यक्ष महोदय, औरत का नाम लिए बगैर कोई यहाँ रोटी नहीं खा सकता। राम का नाम लेने से सीता का नाम लेना पड़ता है। कण का नाम लेने से पहले राधा का नाम लेना पड़ता है और सरस्वती दुर्गा, काली, उसके मूलक में ऐसी बात कही जाए... (व्यवधान)...

उपसमाध्यक्ष (श्री सत्य प्रकाश मालवीय) : वाणी की स्वतन्त्रता है...

श्रीमती जयन्ती नटराजन : नाम तो लेते हैं, प्रायर्षी नहीं देते हैं... (व्यवधान)...

श्री वीरेन्द्र वर्मा (उत्तर प्रदेश) : वाइस चैयरमैन साहब, देखिए अभी भी बोलने नहीं दे रहे हैं... (व्यवधान)...

SHRIMATI JAYANTI NATARAJAN: Sir, I do not want to enter into any controversy. I want to stick to what I am trying to say. And this is what I want to say. Sir, the State has a responsibility to the people. In the name of religion, no State can abdicate its responsibility towards the people. If you take shelter in the name of religion, in the name of religious personal law, then it is quite possible to take such a personal law to its logical extreme. That is why we have today dowry deaths, we have today sati. I stand here, Sir, to say that if it is not possible completely divorce politics from religion as the first step, then at least we should begin with this Bill where you find that purely religious institutions should be confined as places of worship and not be distorted into places where communalism rears its ugly head. It was Robert Burns who said that "an honest man is the noblest work of God", and it was Robert Ingersoll who declared with equal vehemence that "an honest God is the noblest work of man." In today's society, both an honest man and an honest God are an endangered specie.

Sir, religion and politics are in a contra-constitutional embrace and what we need here is a divorce from these two. Sir, secular activism and socialistic humanism have to wage a war for the victory of the Constitution. We have to maintain a clear distinction between the social and secular on the one hand and the affairs that are spiritual on the other. Secularism is a constitutional fundamental. The concepts of secularism, religion and scientific temper are deep and complex issues, and I do not want to go into it at this stage. But I want to confine myself to the narrow scope of this Bill. Sir, I am reminded of a remark that I read recently which went something like this: In Russia, religion is the opium of the masses; in China, opium is the religion of the masses; and in India, politics is both the opium and the religion of the

masses. Sir, here I would like to make two firm declarations. And I would like to quote the Bible: "Render unto Caesar the things that are Caesar's and unto God the things that are Gods." Therefore, you render to the State, the authority of the State which will ensure social justice and equality for all the citizens of the State, and render unto God the worship, the faith, the belief that makes our life worth-living. Let us not mix both the things together because ultimately all religions are one. And I would also like to make another firm declaration that I am for religion and against religions, for faith, not for politics because, Sir, communalism has its genesis not in religion but in politics. Secularism is the only scripture that the people of this country should subscribe to, as far as the temporal authority of the State goes. Secularism is the only scripture that we should subscribe to in the matter of property, in the matter of marriage, in the matter of inheritance. In all these matters we need a uniform civil code and it is the only way that such scientific temper and rationalism can lead the people forward. This is the only way that this country can go forward into the 21st century.

I said about secularism. The hon. Member, Mr. Ahluwalia, who spoke before me, has already quoted a resolution of the Constituent Assembly on April 3, 1948, where even the founding fathers of our Constitution have enshrined the concept of secularism in the Constitution. Article 15 of the Constitution forbids religious discrimination. Article 25 gives freedom of conscience, and article 27 prohibits proceeds of taxes being used for promotion or maintenance of any religion. However, at this point, we have to make one aspect of this Constitution framed under article 25 very clear. What the Constitution protects is not any kind of a religious practice that is going to put an individual's civil right in jeopardy. What it protects is the freedom of worship, freedom of

faith, freedom of belief in God, a particular faith and a particular belief, and also equally they are bound to protect disbelief or unbelief. What it does not protect, Sir, is any kind of practice which under the name of religion will take away my right as a human being, my right as a woman, and the right of a person who is a Harijan or a Scheduled Caste or a Scheduled Tribe. This is what we what we have to make very clear if have to militate against, and this is the State is going to assure to all its citizens under the concept of secularism, equality and social justice.

As I have already said, communalism is a political phenomenon and its genesis is in politics. Religion is exploited and communalism is thus far, because in its intrinsic form, religion is not articulate but it is political organism which makes religion articulate. Initially, those who follow a communal ideology believe—and this hypothesis I want to question deeply—that all the members of a particular religious community have identical secular interest. By secular interest I mean economic interest, social interest, cultural interest. It is not correct to assume first of all that all the people who profess a particular religion have the same secular interest. For instance, a wealthy follower of a particular religion can exploit a poor follower of the same religion and the person who is poor is exploited, even though they belong to the same community. The second concept which is totally fundamentally wrong is the concept that apart from the fact that those who belong to the same religion must have the same secular interest, that those who belong to different religions have their secular interests and conflicts. It is not correct to say that just because you belong to a different religion, your economic goals, your political goals or social goals are quite different. Economic, political and social goals of the people remain the same.

[Shrimati Jayanti Natarajan]

It is a conflict of classes; it is a conflict not of religions but only of classes. It is for this reason that I want to say with all the emphasis at my command that we have to recognise that the battle is against poverty, battle is against deprivation, battle is against exploitation and not between one religion and the other, and if we allow fundamentalists to deliver goods in one case, this will encourage, without doubt, other fundamentalists to start delivering goods to people of their own religion. So the problem really has two aspects; one is to check exploitation of religions for political purposes which is a very complex subject, which we are not going into now, and the other is, with which we are concerned today, the limited object of preventing misuse of religion for political purposes. The Ordinance did not come a day too soon and we are not passing the Bill a day too soon. Of course, grave urgency of the Bill and the Ordinance was the immediate provocation of the horrible incidents at the Golden Temple.

We have other Bills, other Acts, other sections with regard to religion and its misuse, and these sections are section 153(a) and (b) of the Indian Penal Code; also section 123 of Representation of People Act. But soon after the horrifying events which showed that a place of great religious sanctity could be so terribly misused by a few frenzied elements, it became very clear to every right-thinking Indian, every right-thinking citizen of this country that the day has come when no Indian should any longer tolerate a place of sanctity, a place of sacred worship, to be misused in a very narrow sense and in the name of something so sacred and something so wonderful as religion.

Sir, what is freedom? In the name of religion, can you ask for total freedom? I have one particular example which I want to bring to the notice of the House. This is in regard to a

report which came out recently in the newspapers about what happened in Jalandhar. In Jalandhar, after the Ramayan serial ended, the sweepers went on strike. They went on strike saying that it would be a sign of oppression, that it would be a sign of complete domination, if the serial ended at that particular point with Rama being ensconced on the throne again. They felt that it would be a sign of oppression and, therefore, they wanted the serial to continue. They felt that it would be a vindication of their religious freedom. This is the report which appeared in the Press. Therefore, in the name of religious freedom... (Interruption) Yes, it was the Balmiki Association. At that point, freedom meant letting garbage pile up on the streets, letting gastro-enteritis spread, letting people die because of this. Is this kind of religious freedom we want? Is this the kind of religious freedom we are taking to a logical conclusion? There must be a point at which you should say 'thus far and no further'. There is a point at which you have to stop, take stock, take hard options by saying that freedom for the individual stops at a point when the society as a whole is endangered.

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA): Please try to conclude.

SHRIMATI JAYANTHI NATARAJAN: I will conclude in a minute or two. Mr. Jaswant Singh referred to two quotations about Mahatma Gandhi. I just want to say two things.

There is no doubt—it was true—that Gandhiji was a man of religion. But Sir, he was a politician who had religion in his heart. He was a politician who had religion in his heart and a religious person who had politics in his heart. That is the difference today. Perhaps, at that point of time, when Gandhiji said that, the people of India needed a unifying factor, the people belonging to diverse groups in India needed a common bond, that

would bring them together to fight with discipline, to fight with devotion and that would make them conscious of their rights. Therefore, he used this concept of religion which bound the people of India together. It is, perhaps, ironical that while Gandhiji used religion to Indianise the people of the country to unify the people of the country, a person like Jinnah used the same religion, even though he did not even really believe in Islam, to separate the country and to de-Indianise the people. This is the kind of distinction we are looking for and it is in this context that we have to read the quotations of Gandhiji.

There is one more thing. Gandhiji might have said this about religion. But his true religion was humanism. He took the best from all the religions. Gandhiji took the concept of non-violence from Jesus Christ, from Christianity; he took his fervent assertion of equality and brotherhood from Islam and the concept of detachment and devotion to duty from the Bhagavad Gita. He had in his heart the whole idea of Vasudeva Kutumbakam. I would ask the hon. Members here, how many of us here can claim to be the true followers of Gandhiji in that tradition. We merely refer to the quotations of Gandhiji, what he said in regard to religion. There are more of us in the country who use the same religion to disunite for our own purpose than use it in way Gandhi did who really raised religion above the mere political plane and raised politics, in fact, to a spiritual plane.

A reference was made to the effect that the Congress is aligning itself with communal forces. It is not the Congress Government. If I remember right, it was during the Janata Government that the then Railway Minister gave two free railway passes to a Godman who was on his way to perform a Yagna in Nepal so that the Janata Government could have proper stability. When he was caught travelling with somebody else who was not his wife, the matter was raised

in Parliament, the matter was raised all over the country and it was carried in leading newspapers. Then after the interference by the Ministry at that time, the godman was given back the free pass and allowed to go to Nepal where he performed the Yagna. Of course we all know what happened to the Janata Government after that.

As far as Shri Arun Govil is concerned and the fact that he went to campaign in Allahabad, I just want to make two or three statements about that. First of all....

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA): Your one minute is over.

SHRIMATI JAYANTHI NATARAJAN: Sir, you allowed everybody else to speak for 30 minutes. Why are you discriminating against women?

SHRI SUBRAMANIAN SWAMY (Uttar Pradesh): You first answer whether you are for a uniform civil code or not.

SHRIMATI JAYANTHI NATARAJAN: Of course, I am for a uniform civil code. I am committed to the idea.

Sir, I was just referring to Shri Arun Govil. Sir, I firmly believe that any citizen of this country has the right to campaign and work for any political party. Just because he is an actor, nobody can take away the right from him to campaign. If you want to take away the right from him to campaign, then why not take away the right of Mr. N.T. Rama Rao to campaign because he was the first original Krishna? He was the man who originally... (Interruptions) He should stop that... (Interruptions)

Secondly, it is a fact that nobody has come forward till today to deny what he said in an interview in the Illustrated Weekly of India.... Sir, it is a fact that Mr. Arun Govil said in that interview that before he went to campaign in Allahabad he was first approached by people in Mr. V. P. Singh's camp in order to campaign there and he did not want to go there.

[Shrimati Jayanthi Natarajan]

Nobody has denied that till today. They should have denied that; they should have issued a statement. Nobody has denied except Mr. Gopal-samy. May be he knows Mr. Arun Govil better... (*Interruptions*)

SHRI V. GOPALSAMY: The whole world knows that Mr. Arun Govil was sent to Allahabad.

SHRIMATI JAYANTHI NATARAJAN: Those who live in glass houses should not throw stones at others. These people who raised this criticism are the same people who prevented Mr. Arif Mohd Khan from going to Allahabad for campaigning. These are the very people who brought Imam Bukhari, the convenor of Babri Masjid Committee... (*Interruptions*)

श्री राम अवधेश सिंह : श्री एन० टी० रामाराव ने मध्य प्रदेश में खुद अपने लिए काम किया। इलहाबाद में राजनैतिक नेता के रूप में गये।

SHRIMATI JAYANTHI NATARAJAN: Therefore, let us in this august House, not try to...

श्री राम अवधेश सिंह : श्री एन० टी० रामाराव राजनैतिक नेता के रूप में गये। उन्होंने श्री बी० पी० सिंह के लिए राजनैतिक नेता के रूप में काम किया।

SHRIMATI JAYANTHI NATARAJAN: I am not trying to justify anything. All I am saying is, let us not at this point once again politicise an issue. I am not going to politicise it. Let us consider seriously the serious issues that are involved in this case and let us apply ourselves fully to bringing true secular and humanistic values to our Constitution.

Sir, I have just two more remarks to make and then I will conclude. If you go over—because of lack of time I do not want to waste the time of this house by going over—a few instances from history, you will find that originally in mediaeval and primitive times, there was never a difference between the Church and the State. The people always accepted the autho-

rity of both the Church and the State as one authority. It was only later with the emergence of Judaism and Christianity that the difference between the Church and the State became apparent. First the rulers of the Roman State and the rulers of other States were oppressing the early Christians. Their religion was paganism. But then when the rulers became Christians, they started oppressing those who were following paganism and the division between the State and the Church became apparent. But starting from that time till the modern time, whenever the Church has tried to take over the State, it has never succeeded. It is the State which has always asserted its claim over matters temporal and the King even though he had to bow his neck in deference in matters that were ecclesiastical, in temporal matters the State has always taken control. This is the lesson that history has taught us and it would be unwise of us to ignore this lesson.

SHRI SUBRAMANIAN SWAMY: Why don't you talk about India? You are teaching British history which has no relation with European history.

SHRIMATI JAYANTHI NATARAJAN: You had no answer when I was talking about India. If you do not want to learn from history....

SHRI SUBRAMANIAN SWAMY: India was always a secular country for your information.

SHRIMATI JAYANTHI NATARAJAN: You will find it very uncomfortable if I talk more about India. That is the reason why I have shifted.... (*Interruptions*)... You find it very uncomfortable. I will talk about Harvard next time.

Sir, in conclusion I just want to say that our Constitution has a central secular thrust. Religious is at the core and around that sacred core is a thick crust of the mundane claiming to regulate a large part of the lives of its followers—economic, Marriage

and even criminal laws. Here all religions come into conflict with the fundamental rights enshrined in the Constitution.

Marx's famous quotation is that religion is the opium of the masses, but then, we should not forget that at the same time Marx also said that religion is the heart of a heartless world, the spirit of spiritless situations and a false flower meant to hide the chains men were forced to wear. It is in this sense that Marx called it the opium of the masses. Again Marx went on to say that it was the false and bedecking role of religion that was pointed out by him and not that a man should live with flowerless chains upon him but he should reach out for the living flower of reality. Illusion has to be replaced by life. Let strive to that end. Thank you.

STATEMENT BY MINISTER

Harassment and Humiliation of a girl Student in a DTC Bus

उपमहाधक्ष (श्री सत्य प्रकाश मानवीय) : अब राजेश पण्डित जी का बक्तवा बिना जाना है। सांगा है कि आपको हिंदी की प्रति मिल गई होगी। कोई गलत, जो हिंदी प्रति चाहते हों, ऐसा तो नहीं कि उनको न मिली हो।

कई माननीय सदस्य : मिल गई है।

उपमहाधक्ष (श्री सत्य प्रकाश मानवीय) : भविष्य में सरकार को इस बात का ध्यान रखना चाहिये कि जब मंत्री का बक्तवा हो तो हिंदी प्रोजेक्ट दोनों की प्रतियाँ साथ-साथ वितरित की जाएँ।

श्री राजेश पण्डित : उपमहाधक्ष महोदय, गहरी बत्था और दुख के साथ मैं सदा से उस घटना के बारे में बक्तवा देना चाहता हूँ...

SHRI V. GOPALSAMY: Sir, the Minister initially started reading the statement in English. Then some

Members asked that copies of the statement in Hindi also should be distributed. That has been done. Now why is he switching over to reading it in Hindi? This is very wrong. This is unfair... (Interruptions)... You should not yield to this pressure... (Interruptions)... In all fairness I make this request to the Minister. Don't yield to this pressure.

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA): Mr. Gopalsamy, please take your seat.

SHRI V. GOPALSAMY: Sir, I am making this request through you.

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA): I have heard your submission.

SHRI V. GOPALSAMY: The Minister should not yield to such pressures... (Interruptions)... He started reading the statement in English. He should not yield to the pressure of Hindi zealots and fanatics.

उपमहाधक्ष (श्री सत्य प्रकाश मानवीय) : आप स्थान ग्रहण कीजिये। यह हिमो भी भैरव को अधिकार प्राप्त है कि वह जिस भी भाषा में सदन में बोलना चाहे बोल सकता है। राजेश पण्डित जी आप अपना बक्तवा जारी रखें।

SHRI V. GOPALSAMY: But he started reading it in English... (Interruptions)...

SHRI MIRZA IRSHADBAIG (Gujarat): He has every right to read in Hindi... (Interruptions)...

SHRI V. GOPALSAMY: Have you got the gu's to go to the north-east and say this?

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA): Please take your seat.

SHRI V. GOPALSAMY: I know your mind also, Sir.