[Shri M. Vincent]

Tamil Nadu, especially of Kanyakumari, Tirunelveli, Chithambaranar, Nilgiris, Coimbatore, Salem, South Arcot, North Arcot, Tanjore, Dharma-puri, Trichy and Pudukottai districts, are deprived $_0$f seeing the Tamil films which are being telecast only on Sundays.

It is all the more disappointing that the t'me allotted for telecasting Tamil programmes is only one hour and 10 minutes, that is between 7.30 p.m. to 8.40 p.m. The people of Tamil Nadu are not given the opportunity to view the detailed Tamil news from 8.40 p.m. to 9.00 p.m. Nine low power transmitters located in various parts of Tamil Nadu and Pondicherry namely Salem, Coimbatore, Neyveli, Kumba-konam, Vellore, Trichy, Dharmapuri, Kanyakumari and Pondicherry cover more than 2 crores of people. So more than 2 crores of rjeople are forced to see only Hindi News which 99 per cent of them are unfortunately unable tc follow.

Madam. I request the Government to honour the assurance of the Minister made on 29th July, 1988, wherein he promised to telecast the regional service every day.

I also request the Government to extend the Madras Doordarshan Regional Service Tamil Telecast Programmes by 20 more minutes stretching up to 9 p.m. to view the detailed Tamil News,

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

II. RELIGIOUS INSTITUTION 'PREVENTION OF MINES) BILL, 1988—CONTD.

THE. DEPUTY CHAIRMAN: Now the discussion on the Resolution and the Motion for consideration of the Bill was over yesterday. The mover of the Resolution, Shri Jaswant Singh will speak. Yes, Mr. Jaswant Singh.

SHRI JASWANT SINGH (Rajasthan); Madam Deputy Chairman, this debate which has stretched out to over three days, finally draws to a close. As the hon. Minister $_0$f State for Home Affairs has perhaps had to sit through a similar discussion in the other House, most of that which need to be said on the subject, has been sa'd either here or there, and it is not for me to repeat all that has been said. The debate has ranged far and * wide, flnme light has been shed, some darkness also. We had many learns dissertations, some amounting to PRAVACHAN on religion. and interoretation of various kinds about what reUpion is, or is not. I am drawn to referring to what my learned colleague, Shrimati Sarojini Mahishi said because I was struck by it. Somewhere in this entire discussion, which wandered off into the mystical labyrinth of religious interpretation we fail to make a distinction between religion, religious belief and religious place. A'n^I hence, necessarily, the debate wandered off from the immediate our-pose of this Ordinance and the subsequent piece of legislations. It i_s customary on such occasions. Madam, to thank all the Members who participated m the debate. T am certainly the beneficiary of the combined wisdom of all Of them. But it will not be possible for me—perhaps not also practical —to atttempt to renly to the points made bv each and every one of them. Two key questions nevertheless remain and because no light was shed on them. T would request the hon. Minister of State to clarify these particular aspects.

If this Ordinance and the subsequent piece of legislation are purely law and order measures, then the pomt is that existing in the Indian Penal Code are provisions which suffice. And therefore, I am still not sure or convinced as to why this piece of legislation became necessary. The second point is that if this Ordinance or the subsequent piece of legislation

is of a larger social legislation kind or the first step towards delinking religion from politics, as has been averred by a number of speakers including the hon. Minister of State, then again, two doubts remain and I would request the hon. Min'ster of State to clarify them. The first, Madam, is my belief about the inadequacy of politics as an instrument of social reform; I know that vou cannot legislate for separate of religion or -politics. Perhaps the Minister would shed light on this. And secondly, however catchy the phrase of separating religion from politics nvght he, the precise method of it still remains unexplained. Thrr-'fore. these two fundamental queries and doubts remain.

I started by saving that a number of sneakers participated and it is not possible for me to answer each and every one of them. Some substantial rioints, however. that were made either bv the hon. Minister of State *fry* Home or bv some of the other sneakers. I would li>e to briefly cover. Mv charmin? colleague, Mrs. Jayanthi Natarajan, who has an acute intellect aid proven legal ability, for some unknown reasons, started by categorising this Ordinance or the subsequent legislation as vet another piece of evidence of discrimination agamst women. I was unable to follow this and I would like to share with her...

SHRIMATI JAYANTHI NATARAJAN (Tsmfl Nadu)- Madam, may I clarify? T did not categorise this Ordinance. 'Rut I sn'd that this Ordinance was a sten towards removing the discrimination that almost all religions practise against women. I said it was a step towards removing the discrimination nnd therefore. T welcomed the Ordinance. I am sorry it was- not clear.

SHRI JASWANT SINGH. This must be on account of the insufficiency of my understanding. I cannot charge her with putting across the point inadequately. Nevertheless I would like to share a thought with her that I excessive and aggressive feminism perhaps tends to become in itself a self-defeating prejudice. Within the ambit of this OrJinance or this piece of legislation, she quite rightly and with merit, recognising the limitations of secular activism, nevertheless pleaded for this Ordinance and categorised this Ordinance and the subsequent legislation as the first step towards the separation of rel'gion from politics. Because of the fundamental difficulties that I have explained earlier, I am still unclear as to how this is the first step because I continue to hold that this particular piece of legislation is a dishonest p'ece of legislation. She also referred to the Constituent Assembly, what the Constitution says on the question of secularism, etc. But to this I will come when I come to what the honourable Mimster of State also referred to. Madam, she referred to the fact that whereas it is true that Gandhi;ji has said what I had quoted but asked how many follow Gandhiji. Which is a moot point and perhaps well made. Slhe does not, however, follow that up by saying that "all right-thinking peoDle" are to support this Ordinance, thereby by implication suggesting that mv disagreement is, in some fashion, a perverse and wrong one. Though perverse I might be and wrong as frequently as I am in the reMgtoOg sense, her categorisation of disagree ment ment of those who have moved motions of disapproval, of this nart'cular Ordinance. her categorisation of our motion of disapproval as not belonging to that 'right-thinks' class, is in itself an irreligious categorisation.

Madam, the honourable Minister of State made essentially seven points He was rood enough to admit that ow'tiu to the m'suse of theco religious places in the State of Puniab. the criminal justice system in PunlaD stands paralysed. T commend him for his candour because he has on aa earTer occasion, also stated th's in a different context. But the question

that nevertheless remains is this: If the apparatus of law enforcement, and the corresponding political will remains the same, then how is mobility igoing to be reimparted to the criminal justice system. Merely by an additional piece of legislation? He also pointed out that there are a large number of religious places and he gave the instance of his own State where, he said, no political activity takes place, which really begs the question. I say this because if no political ctivi. ty takes place in a large number of religious places and if the Indian Penal Code is sufficient to cope with whatever irreligious thing or illegality takes place in a certain place of religion, then surely we don't need °f additional Ordinance or law. He referred to the fact—that is the effect of the points that he made—that this is an important Ordinance and he also, by some curious coincidence said that all "right-thinking" individuals are to support this, and categorising this as an important Ordinance, he said that the Government has the right to make Ordinances. .Not for a moment did I question this Constitutional right of the Government or, indeed, the many numbers. But. I did dwell upon the fact that during the 45 days of the inter-session period, seven Ordinances were issued, averaging roughly one a week. I am not referring to the Constitutional right of the Government to promulgate an Ordinance or, indeed, the profligacy of the numbers of them. I am merely questioning the timing of it and the need for it. The descent into hell into which the Punjab, today is not of yesterday's making, or of. Mav. 1988. And if. as T said, the story of Punjab since 1980 can be broadly broken into two chapters, from Bhindranwale to Bluestar and from Bluestar to Black Thunder, then surely at any of these stages, when going through those chapters, the need for such a piece of legislation must have struck the Government. And the Government, instead of promulgating an Ordinance, could have come to the Parliament, referred the Bill to a Joint Parliamentary Committee, and because this is such an important piece of legislation, brought to bear on the very framing of it much greater consultation and much greater inter-change and exchange of ideas. That is the difficulty I pointed out.

He, then, made some points with which I have serious differences. He expanded on his understanding of what secularism is. He was good enough to suggest that I was denigrating secularism. He is free to hold his view. But perhaps he got carried away in categorising my dissent as denigration. He pointed out that the Church and the State must, and shall, remain apart. I am struck by the ironic ill-logic of it. The Church and State in India have never been locked in battle as they have in the West. The very phraseology of Church and State is Occidental phraseology. And the separation of Church and State does not apply to India, because the political component of the Indian State finds its sustenance, finds its inspiration, in Dhar-ma. I continue to hold that view that Dharma is distinct and apart from religion. I will continue to have differences of opinion with the Government. I am indeed struck by a very tragic sense of irony. Madam, this magnificent Chair on which you sit has above it, as the symbol of our State, Asoka lions. In fact, if there ever was in Indian history a combination of the temporal and ecclesiastical, it was during Asoka's time when Buddhism became State religion, when a religion was propounded by a king. Never in the history of India has any emperor attempted to propound a religion. I am struck by the irony of it that we ought to have chosen a symbol of the State in three Ashoka lions - which Ashoka was perhaps the only king to have propounded a religion, even if that religion is as civilized, as humane

and as compassionate as the Buddhists thought. Now, all this is because of a total inadequacy of understanding of the application of 'secular'. In expanding it, I must share with you, even at the cost of taking a minute, Madam, yet another quotation from Gandhi, because we treat his Saying with some reverence, and justifiably. He says in 1946 in a talk with a Christian missionary:

> "If I were a dictator, religion and State would be separate. I swear by my religion. I will die for it. But it is my personal affair. The State has nothing to do with it. The State would look after your secular welfare, health, communications, foreign relations, currency, and so on but not your or my religion. That is everybody's personal concern."

I do not denigrate secularism. I did indeed, while participating in the main discussion, quite candidly admit that possibly I would be called a non-practising Hindu. Yet I have a very deep and a very fundamental belief in the strength of my country, which strength lies in the faith of this nation, no matter what the colour of that faith is. The hon. Minister of State referred to religious institutions and he said that the difficulty is in combining political activities with those religious institutions. I am in agreement with him. But where I disagree is when a separation is attempted to be made and when he indulges in a catchy phrase "We will separate religion from politics" whicn makes very good headlines. Could you explain to me how you are going to do it in a country like India where the very cellular structure of the nation is wound with faith? Then only will I be convinced that this piece of legislation is not going to be self-defeating and indeed is not going to throw up more problems than it will solve.

Finally, Madam, the hon. Minister of State also quoted from a B.J.P. resolution on the subject that some newspaper editorial had published. He pointed out that the B.J.P. resolution on the subject welcoming this piece of legislation was a sufficient answer to what I had said, w' ile disapproving the Ordinal .ce. While participating in that discussion, 1 had said that it is quite clear that I do belong to the Parliament in my capacity as a Member of the B.J.P. But I do, on numerous earlier occasions and even now, while participating in discussions which move me profoundly, speak as an individual Member of Parliament, continuing to owe allegiance to my party and simultaneously continuing the right to disagree with my party. When I disagree, I shall stand up an,} say so, which is much mor$_e$ than my colleagues on the Treasury Benches or indeed the Minister of State can do. Therefore, if the Minister of State throws a newspaper editorial in my face and says that that newspaper editorial which supported the resolution is answer enough to my Motion of disapproval, then it might be a feeble attempt at scoring a debating point, but it is not an answer to a substantial point.

Madam, I started by saying that this debate has ranged far and wide. Many speakers have participated. The House has grown weary of it and so I am too. I am concluding. - You have been most patient. Others have also been most patient. I conclude by saying that I remain unconvinced, despite this three-day long discussion. It is no one's point that the places of religious worship should be permitted to turn into repositories of the lawless or lawlessness. But even a laudable end will remain unattainable through inadequate means.

In conclusion, Madam, I will share with the House just one very inspiring quotation and this is from Auro-bindo Ghosh. Writing in Bande Ma-taram in 1908, he says: —

> "It has been said that democracy is based on the rights of man; it has been replied that it should rather

[Shri Jaswant Singh]

take its stand on the duties of man; but both rights and duties are European ideas. Dharma is the Indian conception in which rights and duties lose the artificial antagonism created by a view of the world which makes selfishness the root of action, and regain their deep and eternal unity. Dharma is the basis of democracy which Asia must recognise, for in this Dharma lies the distinction between the soul of Asia and the soul of Europe. Through Dharma alone the Asiatic evolution fulfils itself. This is her secret."

Thank you, Madam.

SHRIMATI JAYANTHI NATARAJAN: Madam, just I am on a point of clarification on what the hon. Member has said in reference to what I had spoken. He referred to what I had spoken, and the hon. Member has said that aggressive feminism could be self-defeating. I just want to clarify, Madam, that I agree, aggressive anything could be self-defeating. But the question I want to ask by way of clarification from the hon. Member is this: In the name of aggressive feminism or women's rights, if religions discriminate against the social rights of a woman to be an equal citizen, the social rights of a woman in the matter of inheritance, in the matter of marriage, in the matter of property, does he believe that in the name of religion, a woman should be treated as a second class citizen over and above the Constitutional right of equality that is guaranteed to a woman? Does he believe that if the religion dictates that a widow should be burnt on the funeral pyre of 'sati', in that case also, the religion takes precedence and the Dharma takes precedence over the rights of a woman? If the social lights and the economic rights of a woman are given a second place, i they are given in most religions, do those religions, does that religious belief and tenet take the place of the ' Constitutional guarantee of equality that is given to me in the Indian Constitution? If this asking for social and economic justice and the right to be treated equally as a citizen of this country and not as a second class citizen as a woman, if this is aggressive feminism, then I am all for it and we should have more of it. I would like him to answer this.

SHRI SUBRAMANIAN SWAMY (Uttar Pradesh): Yes, Durga has spoken;

SHRI JASWANT SINGH: I entirely share my charming friend's concern for the rights of women. But the point that I made was that in this particular discussion, perhaps, they did not arise. However, if she found that they arose, in answer to the questions that she asked me, surely, in this, I would be in the category of right-thinking people by saying 'no' to all the questions that she put. I do not believe, and I still hold, Madam, that this question did not arise from this discussion. And, therefore, aggressive feminism becomes a self-defeating prejudice.

SHRI VISHWA BANDHU GUPTA (Delhi); The question is: Are you saying it or are you practising it? The hon. l?dy Member I think, put a question whether it is being practised or not.

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THE DEPUTY CHAIRMAN: Mr. Minister.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): Madam, I feel quite inadequate to...

SHRI SUBRAMANIAN SYAMY: With a found of aggressive feminism, J you ar$_e$ feeling inadequate?

SHRI P. CHIDAMBARAM:... answer a debate which has ended with a dissertation or an exposition of metaphysics by hon. Member, Mr. Jaswant Singh. But I am clear on the fundamental points which emerged from this debate and to which we stand committed even in the face of an onslaught by Mr. Jaswant Singh.

Madam, I am afraid, I have to answer once again: why an Ordinance? Since 1st of January, 1985, this House; I believe by the last count, has passed 277 Bills. Yet, we have been criticised for making a small number of ordinances. A small number of ordinances measured against a large number of Bills is a testimony to this Government's commitment to the good and sound practice of making legislation only through Parliament. A small number of Ordinances when Parliament is not in session is testimony of this Government's commitment to take necessary corrective and urgent steps and not to stand paralysed merely because Parliament is not in session at that point of time. Everyone knows the circumstances under which this Ordinance was promulgated. It was promulgated immediately after Operation Black Thunder and in order to meet a very grave and emergent situation where, had we not taken decisive legislative action, there was a good chance that the Golden Temple would perhaps have gone back once again to the control of terrorists and those who aided and abetted terrorists. Obviously a Bill of this nature, an Ordinance of this nature could not have been discussed and drafted overnight. For the last year or so we have engaged ourselves in deliberation and discussion of how to separate religion and pontics. This was a commitment made by the Prime Minister in Parliament and outside, a commitment which I believe has been welcomed by the people of this country. We have looked at this problem at various levels. This Ordinance deals with one aspect of the problem. This deals with one evil which is perceived. And that is why I said then, and I say now, we will come forward with at least one more measure to separate politics from religion. When this discussion was going on and when we had formulated our ideas on the subject, when we found that there was an urgent need to promulgate an Ordinance immediately after Black Thunder, we did not hesitate to do so. In fact I reject the argument that the legislative duty of an elected Government stands suspended when Parliament is not in session. I believe that a Government which has to act according to law, and I think it is a principle laid down as early as 1934, every executive action must have the support of law, a Government which is committed to take executive action only with the support of .la$_W$ is obliged to make the law If Parliament is in session, it will come forward with a Bill. If Parliament is not in session, it will make an Ordinance and I do not, accept the criticism that this Government has made a large number of Ordinances. . The facts and figures belie the criticism. We have made a small number of Ordinances as against a large number of Bills which were introduced in Parliament and made into a law,

Madamf^when we talk about separating religion and politics, what does this Bill do? The larger, more complex, intractable problem is separating religion from political activity, is to cleanse our political system from religious influences, is to try. to deal with the complex problem of parties which are based on one religion or based on one language, or based on one caste or based on one community. That is the larger problem. If we go into that problem at this stage, while dealing with this Bill, I am afraid, the controversy will become very wide and we will not be able to focus attention on this Bill. We have parties today whose entire membership is built upon people who practise one religion. Some parties have even the name of a religion attached to them. How do we deal

[Shri P. Chidambaram] with that problem? That is the more complex problem. I have no ready answers °n that. We are still deliberating. What we are doing today is the other end of the problem, remove politics from our religious institutions. This I think can be dealt with comprehensively and far more easily than removing religion from our political activities.

SHRI JASWANT SINGH: With that I agree.

SHRI P. CHIDAMBARAM: What this Bill does is, it removes politics from our religious institutions. Therefore, I said that the scope of this Bill is limited. It is intended to deal with an evil which has been perceived by everybody and which hit the conscience of the nation after what wa$_s$ revealed through Operation Black Thunder, and I believe there was a public outcry and a public demand that we shall not allow any religious institution to be put to such kind of misuse.

Madam, I had heard so much about the Golden Temple. I wish I had visited it...

SHRI SATYA PRAKASH MALAVIYA (Uttar Pradesh): You never visited it?

SHRI P. CHIDAMBARAM: Kindly listen to me; let me complete the sentence.

I wish I had visited it in more peaceful and more happy times. Unfortunately, my first visit to the Golden temple was shortly after midnight after the last terrorist was eliminated, and we had to go in to open up the Harminder Sahib which had been defiled. It was such a rude shock and a traumatic experience to see the kind of defilement that had taken place inside the sanctum sanctorum. It was a terrible task to perform opening the doors and taking in the people and ensuring that the indescribable filth there was removed in a matter of 24 hours so that people could go in and *maryada* could be restored and normalcy could be restored. I do not think any section of the Indian people, regardless of the religion they practise or the faith to which they owe allegiance, should be put to such a traumatic experience. Once and for all, the Parliament of this country must declare that we shall not allow any religious institution to be put to such defilement and to such illegal activities. And that is the purpose of this Bill.

This Bill is an affirmation of our deep respect for religious institutions, our reverence for religious institutions, our concern that nobody's temple or mosque or church or gurud-wara should be denied, our concern for the sentiments and our concern for the love and affection which people bestow upon their religious institutions. That is why this Bill has been brought.

A question was asked whether the existing laws are not sufficient. Yes, there are existing laws. But show *me* any law which contains provisions of this nature. You referred to section 153A and 153B of the Indian Penal Code. But they are limited provisions that deal only with one kind of misuse of religious institutions, namely, promoting disharmony and disaffection among various sections of the community. But this Bill goes much farther, and when we make a Bill of this nature, normal legislative practice is to bring together in one pace all the legal provisions, some old some new, so that the enforcer of the law knows that he can deal with the evil through one piece of legislation. It is far more neat; it is far more logical; it is far more sensible to consolidate all laws. Consolidating laws is a well-known method of legislating. So, even if sections 153A and 153B touch upon one or two aspects of the evil, even if some other laws touch upon some aspects, %

think it is good and correct to bring within the covers of one piece of legislation all possible grounds of misuse of religious institutions, and deal with them comprehensively. I, therefore, do not see any inconsistency between section 153A and section 153B of the Indian Penal Code and the provisions of this law.

Madam, I intervened briefly to refute the charge made by Mr. Aladi Aruna. I shall do so again. I do not think a greater disservice can be dorjA by characterising this Bill as diluted against the Sikhs or gurud-waras alone. I think the argument has to be stated to be rejected. It is a very petty mind which can look upon a law of this nature in this manner. We know that there are several individuals who continue to misuse religious institutions. belonging to other faiths. I do not wish to name them.

SHRI SUBRAMANIAN SWAMY: Why not?

SHRI P. CHIDAMBARAM: Because my effort is to try to deal with this problem in as even-handed a manner as possible and to try to create conditions where public opinion will assert itself, particularly, the public opinion belonging to that community will assert itself, and remove such elements from positions of authority which they occupy in those religious institutions.

It is not my intention to sharpen the controversy. It is my desire that the people will become alive to the dangers of this trend. Here, in Delhi, we have had examples of fiery speeches made from religious fora. In my home State of Tamil Nadu, we have at least one person who describes himself as the Head of a Math, who uses that seat for over political activity. Only the other day, in a temple in a village in Punjab, very provocative speeches were made abusing another faith.

Now, this is neither good religion aior good politics. It is the corruption of politics by self-styled religious heads. It is also the corruption of religion by people who nurture and nurse secret political ambiflifons. The people of this country must draw a line between political leaders practising politics and engaged in democratic political activity on the one hand and religious leaders, seers, saints, savants and gurus who practice religion and preach the virtues of religion. I do not think that the combination of religion and poll-tics will advance either democratic politics or good religious practice in this country.

Madam, Mr. Jaswant Singh with his erudition and deep knowledge of religion and Dharma did make a valiant plea for what he perceives as Dharam or Dharma which governs this nation and how this Bill is opposed to the Dharam or Dharma which rules this nation. I am no scholar. I am not a student of philosophy or religious literature. I can only quote from Dr. S. Radhakrishnan when he speaks about religion and says thus—I quote;

> "The need for re^g'on, for a system of thought, for devotion to a cause which will give our fragile and fugitive existence significance and value does not require much Caborate argufent. It is an intrinsic element of human nature. The question is, what kind of religion?
>
> we cannot be called upon to accept incredible dogmas or exc'usive revelations. It is again an age of humanism. ReVgion$_s$ which are in-sentives to human ills and social crimes do not appeal to the modern man."
>
> "Religions which make for decision, discord and disintegration and do not foster unity, understanding and coherence P'av into the hands of the opponents of erligion".

To me this is a sufficient definition or description of a religion. I cannot accept anything which is described as religion which fosters disunity or misunderstanding, or creates disaffection among people. And the kind of activity that this Bill seeks to ban is precisely that kind of activity which fosters disaffection and disharmony among people. That is not religion and what is riot religion has certainly no place in a religious institution.

> "On 'dharma. Dr. Radhakrishnan says—and I quote: 'The term 'dharma' is one of omcplex significance. It stands for all those ideals and purposse, influences and institutions that shape the character of man both as an individual and as a member of society. It is the law of right living, the observance of which secures the double object of happiness on earth and salvation. It is ethics and religion com bined. The life of a Hindu is regulated in a very detailed manner by the laws of 'dharma'. His fasts and feasts, his, social and family ties, his personal habits and tastes are all conditioned by it."

Madam, this I accept. But I cannot accept that the ethical rules, 'dharma', should also determine politics in a plural society. That is not acceptable. Politics is a secular activity, is a secular pursuit and particulai-ly in a plural society like India, which has many great faiths, which has given birth to many great faiths and which is the home of many other {treat faiths, it is unacceptable that the 'dharma' or * code of ethics or a <ode of conduct of one religion can determine the~ course or direction of politics. I realise that that is more (ir less the foundation on which the Bharatiya Janata Party is built. But unfortunately, we do not share that view; we reject that view. But let us not get into a political controversy on which view is correct. We hold our view to be correct. We hold that the politics of this country, polity of this country cannot be determined or directed by the code or 'dharma' of any one religion. We are a secular society and are trying to build a modern State. A modern, secular nation must draw its political inspiration from the realities which we see around us. The plurality in society, the poverty, the class distinctions, the conflicts in society — these are the sources from which we must draw the principles of our politics. We cannot draw our political principles from this religion or that religion.

Madam, there was again a rather interesting controversy about whether you can separate religion and politics and whether it is not contrary to the fundamental principles of Sikhism, the Sikh faith. Madam, I wish to read an interesting passage from the same book by Dr. Radhakrishnan which deals with Guru Na-nak and I thought I might share this with the House.

> "When Ajita Randhava asked Guru Nanak about *ahimsa,* Nanak replied:
>
> (1) Do not wish evil for anyone. This is *ahimsa* of thought.
>
> (2) Do not speak harshly of anyone. This is ahimsa of speech.
>
> (3) Do not obstruct anyone's work. This is ahinv.a of action.
>
> (4) If a man speaks ill of you. forgive him.
>
> (5) practise physical mental and spiritual endurance.
>
> (6) Help the suffering even at the cost of your life.'*

Madam, those who swear by the sword and those who take the sword or the gun in, what they believe, defence of their religion, I belive, are not true Sikhs nor are they true followers of Guru Nanak. We all know that Nanak strove to bring Hindus and Muslims together, and Dr. Radhakrishnan quotes a popular verse describing Guru Nanak:

I think, it is a wrong argument to say that in the Sikh religion you cannot separate religion and politics. There is a very learned article by Dr. Gopal Singh on "Miri" and Piri. I sincerely hope that Gen. Aurora would read it sometime.

SARDAR JAGJIT SINGH AURORA (Punjab): I have read it.

SHRI P. CHIDAMBARAM: I wish he had made a reference to this article in his speech. Since he claimed yesterday that he is the only per-sion who can put that point of view and that, therefore, he asserted Ins right...

SARDAR JAGJIT SINGH AURORA: In the House.

SHRI P. CHIDAMBARAM: ... to be treated more equally than others in the matter of allocation of time on this subject, which I do not grudge him, I think, it is only right that I read portions of this article to the House so that the other point of view is know

Madam, Dr. Gopal Singh says:

> "Much confusion has been created in Sikh affairs lately by mis-interpretation of the Sikh ethos, as it evolved after the sixth Guru, Hargobind, decided to wear two swords, one signifying "Miri" (secular power) and the other "Piri" (spiritual power). The unwary interpret it as the Guru's desire to combine religion with politics; If we look into Sikh history, scriptures and tradition carefully, this interpretation cannot hold."

Madam, how did this incident take place? Dr. Gopal Singh says:

> "In the first place,... it was a chance occurence. Contrary to the earlier practice, when each succeeding Guru was offered a topi' (cap) and 'seli' (rosary) by his predecessor, while a devout sikh anointed his forehead with a saffron mark (tikka), Guru Hargobind ordained, after the martyrdom *ot* his Guru-father Arjun Dev, that he would like to deck himself with a sword. It so happened that Baba Buddha put the sword on the wrong (i.e. the right) side of the Guru's body. Seeing this, the Guru said:— "Don't remove it from here. Let me'wear another one the right (i.e. the left) side, one denoting "Miri" and the other "Piri";

Dr. Gopal Singh says:

> ...in his entire lifetime, the Guru himself never staked a claim for statehood."

He also says:

> "If politics and religion are one for the Sikhs, why did the Akali Dal, first in 1948 and then again in 1956, after a compromise with the Congress-an avowedly secular Party convert the Dal into a purely "socio-cultufal" body, having nothing to do with politics? Is it that they can play with the doctrines they consider sacred and inviolable the-, way political necessity dictates?"

He further says:

> "No Gum ever stayed at the Akal Takht, nor made it a battleground. No Sikh hero throughout history did so, nor even the neo-Akalis before 1983-84. In fact, neither the 7th, 8th, 9th and the Tenth Master, nor Banda Bahadur, ever visited the Akal Takht or the Golden Temple. After the death *of* Bhai Mani Singh (1738), it is the *Udclsis* (Hindu in form, Sikh in belief) who became the Custodians of the Akal Takht as well as the Hari Mandir. The Nihang controlled tess shrines, during the period of Raniit Sin?h and the British nominated, from 1850 to 1920, its own custodians.. It was the misuse of the Takht Htirine the Pritish period in issuing Hukamnamas against Sikh patriots, and in honouring tyrants like General Dyer, that tho Akali movement was start-ted in the nineteen twenties of thi» century."

[Shri P. Chidambaram] 1.00 P.M.

Dr Gopal Singh says and I quote;

> •'To build the Akal Takht as a separate seat of secular power only means that the Guru intended to separate religion and politics and not mix the two. But he also thereby emphasised that henceforth the Sikhs would not shirk even the use of arms to fight tyramy and to participate in and not to withdraw from socio-political life."

SARDAR JAGJIT SINGH AURORA; A true Sikh always lives by this. What has happened in . the Golden Temple or elsewhere, I am not excusing it, but that part is the one that must always remain.

SHRI P. CHIDAMBARAM; Therefore, it is perhaps debatable what Miri and Piri signify, but again in a modern secular State if the people of this country resolve in order to promote secular values and to build a modern State, the religion and politics shall be separate I think even if there is an ancient belief that politics and religion cannot be separated among a section of the people, those beliefs will have to give way in order to build a modern secular State.

SARDAR JAGJIT SINGH AURORA: Sikhism is very modern. I am sorry to say by reading one particular article by Dr. Gopal Singh, it does not really signify the basic thought of Sikhism. In its practice it is far more secular than any other religion. In fact, all religions are good. I am not trying to denigrate or say anything about others but please do remember your aim is to see that politics doe?; not come under the influence of religion. The basic tenets of the Sikh religion ar$_P$ very wide and they really do not preach hatred against anyone.

SHR^T P. CHIDAMBARAM: T *hive* •no doubt in my mind that Sikhism is very modern. My only regret is that there are obscurantists who still try to cling to ancient and nerhapg .discarded dogmas and discarded beliefs. Unfortunately we hear the voice of obscurantism even in this House. But the masses the people I think, will reject that kind of obscurantism and reject that kind of an argument.

Now, let me come to the provisions of the Bill.

A question was asked whether "manager", includes trustees. I believe it does. The definition of manager in Section 2(c) in relation to religious institutions means every person, including any religious functionary by whatever name he is called, but for the time, being either alone or in association with other persons administers, manages or otherwise controls the affairs of that institution. If the control of the religions institution is vested in trustees, then the trustees also would • come under the definition of "manager".

In Section 7, we have provided punishment for not only the manager, but every person connected with such contravention. The person may be an employee or he may be an outsider, but if he aids, abets and participates in the commission of the offence, he is also punishable.

Section 8 does not require any explanation. The power is vested in the court to hold whether an offence has been committed. And if there is a conviction, it shall be accompanied by d'squalification for appointment in any religious institution for a period of six years. Pending trial by court, the court a so has the authority to Dass an order of restraining the manager or any other employee from holding his *office* pending trial int$_0$ the offence.

The Bill is a s!mple straightforward Bill. It has only *ten* clauses. I believe with the passing of thU Bill it will be possible tn curb and control any misuse of religious institutions.

I do not wish t$_0$ take more time of the House.

SARDAR JAGJIT SINGH AURORA; May I please make a submissionV

SHRI P. CHIDAMBARAM: May I complete in a minute? I do not wish to take more time of the House. I am grateful to the hon. Members for participating in this debate and for the valuable views they have expressed. I once again appeal to all hon. Members, particularly ilsose wfcoJiave some objections, to withdraw their objections and to joia us in passing this Bill unanimously. Thank you.

SARDAR JAGJIT .SINGH AURORA: I had raised an issue and that has not been really answered. Under the prevailing conditions in Punjab, the Goverment has totally failed to control the militants. If somebody comes in and says something objectionable and goes away, who is going to be_ held responsible? This is a practical problem. If you are going to punish people when they have no ability to resist violence, whether it is from the State or from the militants, what happens?

SHRI P. CHIDAMBARAM; Madam, clause 9 of the Bill says, I quote:

> "Every manager or other employee of a religious institution shall be bound to give information to t&e officer incharge of the police station within whose local jurisdiction the religious institution . is situated of any contravention or any impending contravention of the provisions of this Act and any failure to do so shall be punishable under section 176 of the 5 Indian Penal Code."

Notwithstanding the Manager's effort, if there is an attempt on the part of anyone to contravene the provisions of this Bill, say, for example, by bringing in any arms or by making unlawful construction or making any political speech, the Manager is bound t_0 inform the police and the police wil[certainly come to the aid of the Manager and will try t_0 prevent the contravention or will certainly apprehend those who are trying to contravene the law. lt is only if the Manager overtly or covertly supports the contravention of the law, will he be punishable. A Manager who cooperates with the police, who cooperates with the State is enforcing this law is certainly not punishable.

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श्री हरवंश सिंह हंसपाल (पंजाब) : मंत्री महोदय ने डा० गोपाल सिंह के आर्टिकल का जिक्र किया मैं थोड़ा लेट हो गया आने में, मैंने सुना कहीं पर, उसमें इन्होंने सही कहा कि बाबा बुड्ढा ने जब कृपाण पहनाई, जब वे गद्दी पर बैठ रहे थे तो रांग साइड पर पहना दी, राइट साइड पर पहना दी। आपने ऐसा बताया । जब वे उतारकर दूसरी तरफ पहनाने लगे तो गुरु साहब ने कहा कि आप दूसरी तरफ दूसरी ही पहना दीजिए । एक मीरी की होगी, एक पीरी की होगी । इससे यह सिद्धांत नहीं होता कि धर्म और राजनीति इकट्ठी होगी। अगर इकट्ठी होती तो एक ही तलवार में हो सकती थीं । उन्होंने दो तलवारें अलग रखीं । उसके बाद जो पाइंट मैं आपके ध्यान में लाना चाहता हूं वह यह है कि उन्होंने भी उसके बाद लगातार दो तलवारें नहीं पहनीं । उसके बाद सातवें गुरु, आठवें गुरु, नवें और दसवें गुरुओं ने दो-दो तलवारें नहीं पहनीं, एक ही तलवार रही । यह अरग्युमेंट देना कि उन्होंने दो तलवारें एक मीरी की और एक पीरी की पहनी इसलिए सिख धर्म के अंदर धर्म और सियासत को अलग नहीं किया जा सकता, गलत है । सारी गुरबाणी में, सारे गुरुग्रंथ साहब में कहीं इस चीज का जिक्र नहीं है । सिर्फ वहां पर इस चीज का जिक्र है कि धर्म ही सर्वोत्तम है और धर्म ही सर्वोच्च है । उसमें एक पंक्ति है "बोलिए धर्म सच" सच बोलना धर्म है । झूठ न बोलिए । "बोलिए सच धर्म" झूठ नहीं । यह लाइन है वहां पर । इसका मतलब यह है कि सिख धर्म के अंदर सारी बातें सत्य के ऊपर आधारित हैं । कोई दूसरी बात उसमें नहीं हो सकती है । मैं इस बात को यहां लंबा नहीं करना चाहता हूं । हिंसा की कोई जगह नहीं है । हिंसा को बारबार उन्होंने न करने के लिए कहा है । इसलिए यह अरग्युमेंट देना कि सिख गुरुओं ने दो तलवारें पहनी इसलिए हमारा धर्म और सियासत इकट्ठी है वह अलग नहीं हो सकते, यह गलत है ।

SHRI ABDUL SAMAD SIDDIQUI (Karnataka): Madam, the Hon. Minister has not clarified about clause 3 (e) nor has he clarified about my doubts expressed with regard to mis use of the Bill.

SHRI P. CHIDAMBARAM; Madam, clause 3 (e) says:

> "for erecting or putting up of any construction or fortification, including basements, bunkers, towers or walls withoufTa valid licence or permission under any law for the time being in force;"

I realise what you have in mind. There are minarets, there are miliars, there are towers in some religious institutions but for putting up those minarets or towers, you have to take a licence or permission under any law. Because, as far as I know, for any construction, you have to talfe a licence either from the municipality or from the pancMyat, what is called a building licence.

SHRI SHAMIM AHMED SIDDIQI (Delhi); That exists there -in every State.

SHRI P. CHIDAMBARAM: I am answering that. That law exists today and you have to take a valid licence. Now, if you do not take a valid licence and yet put up a construction, you are punishable today under the municipal law, yo'u are punishable under the Panchayat Act which usually is a fine. That applies to all buildings, religious or non-re-ligious. They also demolish the buildings and fine you. If you put up such constructions,, fortifications In a religious instlt'.'.Mon, without such a permission," while you may be liable under the mulncipal law or the Panchayat law, the manager will be liable under this law also in a penal sense. So, I do not think there is any conflict. As I said, a consolidating law will have some provisions of existing laws and will have some new provisions so that everything is brought under *one* cover. As Jar as misuse is concerned, Madam, certainly, I can speak for the Government oi India. We do not wish that this law be misused. In fact, this law should be used after great deliberation and great care and I am quite sure that the State Governments concerned will implement the law, will do so with care... *(Interruption)..,*

श्री राम चन्द्र विकल (उत्तर प्रदेश): उप सभापति जी, एक स्पष्टीकरण है, ज़रा सा, बहुत छोटा सा है। मैं माननीय मंत्री जी से जानना चाहता हूं कि धर्म के जो दस लक्ष्य हैं धैर्य, क्षमा, सत्य, अहिंसा ... **(व्यवधान)**

उपसभापति: अभी सारे रिलिजियन यही सिखा दोगे तो... **(व्यवधान)**

श्री राम चन्द्र विकल: मैं इस ही बता रहा हूं, अहिंसा आदि ; इनको राजनीति से कैसे अलग किया जा सकता है ? अहिंसा को अलग नहीं कर सकते, सत्य को अलग नहीं कर सकते, धैर्य को अलग नहीं कर सकते, क्षमा को अलग नहीं कर सकते, बुद्धि को अलग नहीं कर सकते। इस प्रकार यह जो दस लक्षण हैं ये राजनीति से अलग हो ही नहीं सकते। अगर अहिंसा के बजाय हिंसा आ जाए, सत्य के बजाय असत्य आ जाए...

उपसभापति: यह मिसयूज़ के लिए है।

श्री राम चन्द्र विकल: नहीं धर्म को समझने में भूल हो रही है। संप्रदायों को धर्म समझ बैठे हैं।... **(व्यवधान)**

उप सभापति: नहीं आपकी कुछ भूल हो रही है।

श्री राम चन्द्र विकल: हिन्दू मुसलमान, सिख ये संप्रदाय है, धर्म नहीं है। धर्म मानवमात्र का एक है जिसके ये लक्षण है। इनको राजनीति से अलग करके क्या करेंगे ?

उपसभापति: आप कुछ गलत समझ रहे हैं। यस मि० अहलूवालिया।

श्री सुरेन्द्रजीत सिंह : अहलुवालिया (बिहार) : उप सभापति महोदया, आपके माध्यम से मैं एक क्लेरिफिकेशन पूछना चाहता हूं कि मैंने अपने वक्तव्य में मैनेजर के बारे में बड़ा स्पैसिफिक क्वश्चन किया था कि मैनेजर तो ठीक है कि खबर देगा कि यहां हमारे धार्मिक संस्थान के अन्दर कुछ गलत काम हो रहे हैं, पर जैसा कि इस बिल में प्रावधान है कि मैनेजर के अगेन्स्ट अगर एक प्राइमा फेसी केस फेम होता है तो उसे उसी वक्त ससपेंड कर दिया जाएगा और काम करने नहीं दिया जाएगा । उपसभापति महोदया, मैंने एक स्पैसेफिक क्वश्चन किया था जैसे आज के दिन दर्शन सिंह रागी के खिलाफ राजद्रोह का मुकदमा दिल्ली न्यायालय में चल रहा है, उसके बावजूद एस०जी०पी०सी० ने उसे अकाल तख्त का जत्थेदार घोषित किया : अगर ऐसी घटना इस बिल के पास होने के बाद होती है तब ऐसे लोगों को रोकने का हमारा क्या हक रहता है, उसका मंत्री महोदय ने क्या प्रावधान किया है ?

DR. (SHRIMATI) NAJMA HEPTULLA (Maharashtra): Madam, I want to have one clarification.

THE DEPUTY CHAIRMAN; Now, it will go on like this.

DR. (SHRIMATI) NAJMA HEPTULLA: Madam, only one clarification, with your permission. I wanted to speak on the Bill but there were to$_0$ many speakers arid I could not speak. I only want one clarification. I do not want to repeat anything, Now, J & K is being exempted from the purview of this Bill. Now, unfortunately, it so happened last year when we were contesting elections in J&K, the Muslim United Front continued the use of religious flags and religious slogans in the election. Now, if you exempt them, what is the use of having $_s$uch a law? Then we should make it for Punjab and Gurudwaras only. At least, some provision should be there. I understand that J&K has special status. But the special status does not mean that people can misuse it. It is very much part of India. The3' are misusing it at every place, whether on a political platform or elsewhere. During elections, they are misusing religion. All along we have been fighting against this. I would only like to bring this to the notice of the hon. Miinster.

SHRI MOTURU HANUMANTHA RAO (Andhra Pradesh); Madam, I have a point to make. I have mentioned in my speech about politicians misusing religious institutions?- Particularly I mentioned that official functions are not to be given religious orientation. And official visits of dignitaries should not be used for th$_6$ purpose of offering prayers at temples, churches, etc. Would the hon. Minister clarify this? Or at least would he assure us that Door-darshan, radio and official visits' of dignitaries would not be misused for the purpose of religious propaganda?

THE DEPUTY CHAIRMAN: I think the details are not given. It is just a framework of what the Government intends doing.

SHRI DEBA PRASAD'RAY (West Bengal); Madam, T^seek one clarification. Under this law, would any one be allowed to go around wearing saffron clothes, even jf he be a Chief Minister?

SHRI P. CHIDAMBARAM; Madam, as far as J & K is concerned, the position is quite clear. J & K is governed by certain other Constitutional provisions by virtue of Article 370. We cannot extend our laws there except with the consent of the State Government or £y passing similar laws in the J&K Legislature. In the past, manv laws have been passed with ai provision similar to clause 1 subclause (2) of this Bill. Later, we discussed the matter with the J&K Government and extended them to J&K. Our efforts would be in the sam$_e$ direction. We wifl discuss this

[Shri P. Chidambaram] with the J & K Government and we will try fo extend this law to J & K or to have a similar law passed there in J & K.

As far as Mr. Ahluwalia's query about 'manager' is concerned, if you kindly see clause 8, you will find that after a charge-sheet has been filed against" the manager and after considering the charge-sheet and after hearing the prosecution and the accused, if the court i satisfied that a *prima facie* exists, the court shall pass an order restraining the manager from discharging the duties of his office. Thi$_s$ power is vested rightly in the court so that the executive does not take any arbitrary action. And, if the court restrains the manager, sub-clause (3) says that when any manager or other employee n"as been restrained under sub-clause (2), the vacancy arising out of such restraint will be filled in accordance with the law applicable to the religious institution.

श्री सुरेन्द्रजीत सिंह अहलुवालिया : महोदया, मेरा यहां पर एक छोटा सा सवाल है।

THE DEPUTY CHAIRMAN: No.

SHRI S. S. AHLUWALIA: I want an answer because I am concerned. I want to know whether thi$_s$ law will prohibit religious institution to avail the right under Article 26 of the Constitution. हरेक संस्था के अपने-अपने कानून बने हुए हैं, जैसे गुरुद्वारा एक्ट बना हुआ है, मस्जिद के लिए अपना अलग एक्ट है, मंदिर के लिए अपना अलग एक्ट है। तो उस एम्पलायमेंट की बोडी में जब तक गवर्नमेंट का इण्टरफीयर नहीं रहता है तो आप कैसे रोकेंगे उसका एम्पलायमेंट ? आपकी आंखों में जो डिसक्वालीफिकेशन है, वह उसके लिए क्वालीफिकेशन का कारण है। आप जिसको कम्यूनल कहते है, कम्यूनल-आर्गेनाइजेशन, उनको तमगे दिलाते हैं, नोरियस अवार्ड देते हैं। तो मेरा कहने का मतलब यह है कि आप कहां तक इस चीज को रोक सकेंगे और कैसे इंपलीमेंट करेंगे ?

SHRI P. CHIDAMBARAM; Madam, we should not get into academic con troversies. This Bill says, "Notwith standing anything to the contrary contained in any other law....". Therefore, if any law provides for cer tain qualifications for apopintment as manager, if the manager is disquali fied as a result of conviction under clause 8(1) of this Bill, that stands. Article 26 is not in any way affected by this law. It is possible, it is within Parliament's power, to provide for a disqualification. It is there even today. If a person is punished and disqualified for various other things, if the manager is punished, he can be disqualified from holding that office. There is nothing in ar ticle 26 or in any provision of the Constitution which will hit this pro vision .

Madam, the honourable Member, Shri Hanumantha Rao's query is there. I can understand his concern. Coming from a place where there is a surfeit of religiously inspired politics, he has raised that query and I can understand his concern.

DR, G. VIJAYA MOHAN REDDY (Andhra Pradesh): We are the most secular and never communal. There are no communal riots there.

SHRI P. CHIDAMBARAM: I can understand his concern. I do not personally favour association of political leaders or people who hold public offices with religion or identifying themselves with any religion.

Madam, we have issued instructions to all Government Departments arid Ministries that in their official functions they should not follow the rules or practices of any one religion and all the ceremonies must be seen as secular ceremonies.

AN HON. MEMBER: If there is a ceremony of all faiths?

SHRI P. CHIDAMBARAM; That is all right. That is why I say, "identifi cation with one religion". The point of departure between me and you is that while we are against identification with one religion, we do not mock at religion, We do not deny religion on the contrary,.. *(Interruptions)*_____

SHRI MOTHURU HANUMANTHA RAO; We do not mock at religion; I do riot mock at religion. I only say that secularism should be followed.

SHRI P. CHIDAMBARAM: On the contrary, if the Prime Minister, of the country travels round this country an«l the people of any town or village o area want him to participate in their celebrations, I think the Prime Minister of the country should join in the joy and pleasure of the ceremonies of the people of that area, of that part, of the country. By that, he respects the religious views and feelings of the people of that part of the country. "Madam, there is a famous saying about religion. The popular statement is that certain things must fee seen to be believed. But I may say that certam things must be believed to be seen! Therefore', if you had come on that three-day journey through Tamil Nadu, you would have found the outpouring of emotion and joy and fervour of celebration. The point is, the point of departure, is... *(Interruptions)* .. .identifying oneself with one religion, one caste, and that is wronif a'ud that we have ever dice.

THE DEPUTY CHAIRMAN; I shall now put the Resolution moved by Shri Jaswant Singh to vote:

The question is:

"That this House disapproves of the Religious Institutions (Prevention of Misuse) Ordinance, 1988 (No. 3 of 1988) promulgated by the President on the 26th May, 1988."

The motion was ***negatived.***

THE DEPUTY CHAIRMAN: I shall now put the motion moved by the Minister, Mr. Chidambaram, to vote.

The question is:

"That the Bill to prevent the misuse of religious institutions for political and other purposes, as passed by the Lok Sabha., be taken into consideration."

SHRI B. SATYANARAYAN REDDY; (Andhra Pradesh): Madam, you have not given him an opportunity to say whether he is withdrawing his Resolution or not. You should have asked him first.

THE' DEPUTY CHAIRMAN; I said that I was putting his Resolution to vote.

SHRI B. SATYANARAYAN REDDY; Before that you should have asked him whether he was withdrawing his Resolution or not.

THE DEPUTY CHAIRMAN; Mr. Jaswant Singh, are you withdrawing it or not?

SHRI JASWANT SINGH: I appreciate that the procedure is as you have followed. But I understand that ordinarily in a motion of disapproval of this kind the mover of the motion is given at the end of the debate on option either to persist" with it or withdraw it. Perhaps now the decision is taken out of my hand unless you.. .

THE DEPUTY CHAIRMAN; When I said that I would put the Resolution to vote, you could have said that you wanted to... (rnerrapfrions)

SHRI B. SATYANARAYAN REDDY; He must be asked formally. *(Interruptions)* ft is not fair. You should have asked whether he wouM like to withdraw... *(Interruptions)*

THE DEPUTY CHAIRMAN: Now doesn't matter. It has been negatived now. The question is:

"That the Bill to prevent the misuse of religious institution for

[The Deputy Chairman]

political and other purposes, as passed by the Lok Sabha, be taken into consideration."

The *motion was adopted.*

THE DEPUTY CHAIRMAN:; We shall now take up the clause-byclause consideration of the Bill.

Clauses 2 *to.* 10 *were* added to the Bill.

Clause 1, *the Enecating Formula and the Title were added to the Bill.*

SHRI P. CHIDAMBARAM; Madam, I move;

"That the Bill be passed."

The question *was* proposed.

THE DEPUTY CHAIRMAN; Mr. Malaviya.

श्री सत्य प्रकाश मालवीय : माननीय उपसभापति जी, हमारा जो देश है वह धर्मनिरपेक्ष, लोकतांत्रिक और गणतंत्र है और जहां तक मैं समझ पाया हूं इस विधेयक का ध्येय यह कभी नहीं था कि राजनीति को धर्म से अलग किया जाए बल्कि जो धार्मिक स्थान हैं उनका दुरुपयोग राजनीतिक कार्यों के लिए न हो और विशेषकर के अपराधियों के लिए न हो। यह इस विधेयक की मंशा रही है। यह दुख का विषय है कि इस देश के गृह मंत्री को आधी रात को स्वर्ण मंदिर में जाना पड़ा। इस देश के धार्मिक स्थानों की आज क्या हालत है यह इस पर प्रकाश डालता है।

मेरे मन में 2-3 शंकाएं हैं इस संबंध में। एक तो यह कि चूंकि हमारा राष्ट्र और हमारा संविधान धर्मनिरपेक्ष है और धर्म निरपेक्षता का मतलब यह हुआ कि अपने व्यक्तिगत आचरण में, अपने व्यक्तिगत जीवन में हम अपने धर्म का सम्मान करेंगे, अपने धर्म के अनुसार हम काम करेंगे और दूसरे धर्म का हम अनादर नहीं करेंगे, दूसरे के धर्म का भी हम आदर करेंगे। लेकिन जब इस देश का राष्ट्रपति, प्रधानमंत्री, राज्यपाल या मुख्यमंत्री, जो बड़े बड़े पदों पर पदासीन हैं, और जो सरकारी कामों का शिलान्यास होता हैं---जैसे मान लीजिए पुल का शिलान्यास होता है, किसी सड़क का शिलान्यास होता है, तो वहां पर जब राष्ट्रपति, प्रधानमंत्री, राज्यपाल या मुख्यमंत्री और ऐसे लोग जाते हैं तो केवल एक धर्म के अनुसार वहां पर पूजा की जाती है, केवल उस धर्म के अनुसार वहां पर आचरण किया जाता है। पंडित को बुलाया जाता है, पंडित से पूजा करवाई जाती है...

उप सभापति : इसका जवाब दे दिया है।

श्री सत्य प्रकाश मालवीय : नहीं दिया है। मैं यह कह रहा हूं, मेरा निवेदन यह है कि व्यक्तिगत आचरण आदमी करे लेकिन जब इतने बड़े पद पर हम आसीन हैं तो इस काम को फौरन सरकार को रोकना चाहिए और इस संबंध में इस विधेयक में कोई प्रावधान नहीं है। जहां तक मेरी जानकारी है कोई भी ऐसा विधयक आज तक पारित नहीं किया गया है जिसमें इस प्रकार की व्यवस्था की गई हो। तो मैं जरूर चाहता हूं इस संबंध में मंत्री जी से स्पष्टीकरण,। क्योंकि सरकार ने स्वयं घोषणा की है कि भविष्य में इस प्रकार का व्यापक विधेयक लाया जाएगा, तो कम से कम जब भविष्य में व्यापक विधेयक लाया जाए तो उसमें सरकार को इस संबंध में ख्याल करना चाहिए क्योंकि पिछले 4 सालसे राम जन्म भूमि और बाबरी मस्जिद का जो मामला है, राम जन्म भूमि और बाबरी मस्जिद के मामले को लेकर कितने साम्प्रदायिक दंगे हो चुके हैं इस देश में--उत्तर प्रदेश के अंदर भी और बाहर भी--और कितनी जानें जा चुकी हैं और इसका केवल यह कारण है कि इन सारी समस्याओं का समाधान सरकार ठीक से नहीं कर पा रही है। इसलिए मेरा निवेदन यह है कि मंत्री जी जरूर कुछ न कुछ आश्वासन देने की कृपा करें।

उप सभापति : श्री राम अवधेश जी, कृपया संक्षेप में।

श्री राम अवधेश सिंह (बिहार) : उपसभापति महोदया, मुझे थोड़ा विस्तार से बोलने दीजिए।

उपसभापति : थर्ड रीडिंग हो रही है, इसमें विस्तार से नहीं बोला जाता।

श्री राम अवधेश सिंह : ऐसी कोई बाध्यता नहीं है। थर्ड रीडिंग का क्या मतलब है? इसमें विषय वस्तु के ऊपर निर्भर करता है कि उस पर कितनी बात कही जाए।

महोदया, इस बिल को देखने से लगता है कि पंजाब की समस्या को देखकर ही यह लाया गया है, लेकिन जो पंजाब की समस्या है वैसी स्थिति लगभग बहुत से हिस्सों में है भीतर-भीतर है। हथियारों पर रोक लगाने से या मंदिरों, मस्जिदों या गुरद्वारों में हथियारों पर रोक लगाने या हथियार जाने से देश नहीं टूटता है। देश टूटता है असहिष्णुता से, विभेदकारी व्यवहार से, झूठे वायदे से, दुर्व्यवहार से देश टूटता है। पेट की भूख की आग से देश टूटता है। इन सारी समस्याओं को एक साथ देखना पड़ेगा। पाकिस्तान कोई मस्जिदों में हथियार रखने से नहीं टूटा, वह इसलिए बना कि हम विभेदकारी व्यवहार कर रहे थे और हमारे आचरण में दोगलापन था। हम इस तरह से अपने आदमियों के साथ व्यवहार नहीं कर पाए कि वे अलग न हों।

महोदया, इस बिल में कहा गया है कि राजनीति को धर्म से अलग करना होगा, लेकिन इसको आप कैसे अलग कर सकेंगे यह हम नहीं समझ पाते हैं। डा० लोहिया ने इसकी बाबत एक बहुत अच्छी बात कही है कि धर्म और राजनीति में मौलिक भेद नहीं है, दोनों एक दूसरे के पूरक हैं, दोनों मूलतः एक हैं। उन्होंने कहा है कि धर्म का मतलब है अच्छाई करना और राजनीति है भलाई करना। राजनीति का धर्म है बुराई से लड़ना और लड़ने का मतलब है अच्छाई करना। तो दोनों मूलतः एक हैं। लेकिन जब धर्म और राजनीति को जोड़कर वक्त की स्वार्थसिद्धता हम चाहते हैं राजसत्ता की कुर्सी पर बैठकर तो वह राजनीति के माध्यम से धर्म विकृत हो जाता है और मैं यह कहना चाहता हूं कि आज जो स्थिति पंजाब में है, वह इसी कारण है कि वहां की कांग्रेसी हुकूमत ने और दिल्ली की हुकूमत ने वहां अकालियों को इतना बढ़ाया, अतना आगे ले जाकर वहां की स्थिति को बिगाड़ा कि आज सारी स्थिति उनके हाथ से बाहर हो गई है।

महोदया, जब तक हमारे अंदर सहिष्णुता नहीं आएगी तब तक कानून बनाने से कुछ नहीं होगा। आप बिहार में चले जाइए, गांव गांव में हथियार बन रहे हैं, कोई गांव ऐसा नहीं है जहां हथियारों का कारखाना न हो और पंजाब में जितनी हत्याएं होती हैं उतनी ही बिहार में भी होती हैं और कभी कभी तो ज्यादा होती हैं। वहां बिना मंदिरों के हथियार जमा हो रहे हैं तो इस ऐक्ट से आप पंजाब में क्या कर पाएंगे आप ऐसा बिल लाइए कि चारों तरफ जो टैरोरिस्ट हैं उनसे निपट सकें, केवल कानून बना देने से नहीं होगा। उसके लिए हमको कुछ ऐसे ठोस कदम उठाने पड़ेंगे कि हम उनसे निपट सकें। मैंने कहा था कि असहिष्णुता की कोख से जो विद्रोह पैदा होता है उसको सहज ढंग से आप दबा नहीं सकते और उसको दबाने के लिए आपको सहिष्णुता को असली रूप देना पड़ेगा। हमारे गांव में सामाजिक उत्पीड़न है और उत्पीड़न से वहां विद्रोह की आग फैली। दूसरी तरफ आतंकवाद पैदा हो रहा है। हम ऊपर से तो धर्म निरपेक्षता का आवरण ओढ़े हुए हैं और कह रहे हैं कि हम धर्म निरपेक्ष हैं। कल हमने देखा कि भारत जो विश्व में विख्यात है सहिष्णुता के लिए,**

THE DEPUTY CHAIRMAN: It will not go on record.

श्री राम अवधेश सिंह : ऐसा क्यों कह रहे हैं...

उपसभापति : इस बिल पर बोलिये। आप थर्ड रीडिंग पर बोल रहे हैं तो बताइये कौन सी क्लाज पर बोल रहे हैं

**Not recorded.

श्री राम अवधेश सिंह: धर्म और राजनीति पर बोल रहा हूं। हम लोगों को राजनीति में सहिष्णु होना पड़ेगा। (**व्यवधान**) धर्म और राजनीति में सहिष्णु होना पड़ेगा, उदार होना पड़ेगा। कट्टर पंथी से ऊपर उठना पड़ेगा तब जाकर यह चीज बनेगी। यह मौका था कल हम एडजोर्नमेंट कर देते **

THE DEPUTY CHAIRMAN: It will not go on record.

कल एडजोर्नमेंट की बात नहीं है। इस बिल पर बोलने की बात है।

श्री राम अवधेश सिंह: यह कह कर आपने कूटनीति का मौका हाथ में आने दिया (**व्यवधान**)

उपसभापति: आप बिल पर बोलिये। आपने 7-8 मिनट ले लिए। कायदे की बात बोलिये।

श्री राम अवधेश सिंह: हम राजनीतिक सहिष्णुता और धार्मिक सहिष्णुता दोनों की बात कर रहे हैं।

उपसभापति: आप रेपिटिशन कर रहे हैं। आप बिल पर बोलिये।

श्री राम अवधेश सिंह: उसका आपके विस्तार कर रहा हूं। (**व्यवधान**)

उपसभापति: बिल पर आपको क्या बोलना है?

श्री राम अवधेश सिंह: बिल पर ही बोल रहा हूं। यह कह रहा हूं कि यह बिल हर दृष्टि से अपूर्ण है। इस अपूर्ण बिल के पास होने से अधिनियम बन जाने से इस बिल का जो उद्देश्य है वह पूरा नहीं होगा।

कल्याण मंत्रालय की राज्य मंत्री (डा० राजेन्द्र कुमारी वाजपेयी): अभी शुरू तो करने दीजिए। अगर अपूर्ण है तो बाद में कर देंगे।

श्री राम अवधेश सिंह: विदेश नीति पर बात चल रही है...

उपसभापति: विदेश नीति पर बात नहीं चल रही है। आप बिल्कुल इरलिलेवेंट बोल रहे है।

श्री राम अवधेश सिंह: आपके विचार से इरलिलेवेंट हो सकता है। आपसे प्रार्थना करता हूं कि मेरी बात सुने का निकाले से निकलवा दीजिए।

SHRI DEBA PRASAD RAY: Madam, I want to be a Congress Party replica of Mr. Ram Awadhesh Singh... *(Interruptions)* I want to be his replica and say a few words,

THE DEPUTY CHAIRMAN; Don't be a replica, and say a few words.

SHRI DEBA PRASAD RAY: Madam, thank you very much for giving me' this opportunity.

श्री राम अवधेश सिंह: आप हिन्दी में बोलिये। आप हिन्दी प्रदेश से आते है।

SHRI DEBA . PRASAD RAY: Madam, while I appreciate the' initiative taken by the hon. Home Minister to have this Bill passed in this House. . (*Interruptions)*.

श्री राम अवधेश सिंह: जिस भाषा में वोट मांगते हो उस भाषा में बोलो। आपको हिन्दी आती है इसलिए हिन्दी में बोलो नहीं तो अपनी भाषा में बोलो।

SHRI-V. GOPALSAMY: (Tamil Nadu): You sit down. Every day you are raising this issue.

श्री राम अवधेश सिंह: मतदाता के पास जिस भाषा में जाते हो उस भाषा में बोलो।

THE DEPUTY CHAIRMAN: Please, please sit down.

SHRI DEBA PRASAD RAY; Though I claim myself to be his replica, I am not from his State. He does not know that I am a Bengali.

**Not recorded.

While I appreciate the move initiated by the hon. Home Minister, I would request him kindly study the entire concept in the right perspective. There is no denying the fact that religion has played a big influence in our society, in our social life and it is really very difficult to segregate religion and politics**.** Politics in right sense of the term is nothing but prac- tising religion and if you study the history of Indian freedom struggle, all the inspiration had been derived from religious scriptures. AU the revolutionaries, they made sacrifices because of the inspiration that they derived from religion and that is why if you look at Gandhiji's move- ment, it was basically the religious scriptures which he had projected while mobilising the people to sacrifice for the nation and participate in the freedom struggle. Similarly, the Ktulaafat movement made a deep impression and these contributions should not be ignored while passing the Sill. *(Interxuptions).* I can tell you but please give me a little time to make you understand what I am saying. I am making one submission that while projecting the concept of modern secularism, you should not stay from religion. While you stay away from religion, yoli create opportunities for the fanatics to take over religious institutions.

THE DEPUTY CHAIRMAN: I fail to understand why the hon. Members are thinking that thi^ Bill is against any religion. This Bill is not against any religion. This Bill respects all religions.

SHRI DEBA PRASAD RAY; What I am saying i_s that to contain the fanatics, the real concept of religion has to be propagated by the Government, has to be propagate^ in the right perspective, so that people are not carried away by the fanatics anc people are not misled by the fanatics

THE DEPUTY CHAIRMAN: Thank you, thank you.

SHRI DEBA PRASAD RAY: Tha is why a proper interpretation o: all the religions should be made available to the people with Government patronage so that these people do not get the opportunity of exploiting people's religious sentiments. That effort should also be made by the Government.

THE DEPUTY CHAIRMAN: I will now put the motion. The question is:

> "That the Bill be passed." *The motion was aodpted*

DR. G. VIJAYA MOHAN REDDY: I would request the hon. Minister that the Bill should be translated into ah the languages and sent to all the States.

Ifl '

MESSAGE FROM THE LOK SABHA

Tamil Nadu Appropriation (No. 2) Bill, 1988.

THE ADDITIONAL, SECRETARY: Madam, I have to report to the House the following message received from the Lok Sabha signed by the Secretary General of the Lok Sabha.

> "In accordance with the provisions of rul_e 96 of the Rules of procedure and conduct of Business in Lok Sabha, I am directed to enclose the Tamil Nadu Appropriation (No. *2)* Bill, 1988 as passed by the Lok Sabha at its sitting held on the 18th August, 1988.
>
> The Speaker ha_s certified that this Bill is a Money Bill."

Madam, I lay the Bill on the Table.

THE DEPUTY CHARM AN. The House now stands adjourned for lunch and will meet again 2.45 P.-M.

> The House then adjourned for lunch at fortyfive minutes past one of the clock.

The House reassembled after, lunch at forty-seven minutes past two of the clock. **The Vice-Chairman (Shri B. Satyanarayan Reddy)** in the Chair.