

SHRI SITARAM KESRI: Sir, on behalf of Shri Sawaisingh Sisodia, I beg to lay on the Table:—

I. A copy each (in English and Hindi) of the Ministry of Finance (Department of Revenue) Notifications G. S. R. Nos. 184 (E) and 185 (E), dated the 19th March, 1981, along with an Explanatory Memorandum thereon, under section 159 of the Customs Act, 1962. [Placed in Library. See No. LT-2133/81].

II. A statement (in English and Hindi) of the Ministry of Finance (Department of Revenue) correcting the number of the Notifications published in the Gazette of India (Extraordinary) dated the 19th July, 1980, from G. S. R. Nos. 436 (E), 437 (E), 438 (E) and 439 (E) to G.S.R. Nos. 437 (E), 438 (E), 439 (E) and 440 (E), respectively, laid on the Table of the Rajya Sabha on the 23rd July, 1981. [Placed in Library. See No. LT-2239/81].

**Union Public Service Commission (Members) Second Amendment Regulations, 1980**

SHRI SITARAM KESRI: Sir, I also beg to lay on the Table a copy (in English and Hindi) of the Ministry of Home Affairs (Department of Personnel and Administrative Reforms) Notification G. S. R. No. 977, dated the 27th September, 1980, publishing the Union Public Service Commission (Members) Second Amendment Regulations, 1980. [Placed in Library See No. LT—2189/81]

**REPORT OF THE COMMITTEE ON GOVERNMENT ASSURANCES**

श्री नागेश्वर प्रसाद शाही (उत्तर प्रदेश) : श्रीमन्, मैं आपकी अनुमति से सरकारी आश्वासनों संबंधी समिति का सत्तरहवां प्रतिवेदन प्रस्तुत करना हूँ। और मैं सदन को यह सूचना देता हूँ कि समिति ने पिछले पांच साल के बकायों का सफाया कर दिया है।

**RE. MOTION OF PRIVILEGE AGAINST THE MINISTER OF ENERGY**

MR. CHAIRMAN: Now we pass on to the Calling Attention Mr. Asad Madni is not present...

SHRI KALYAN ROY (West Bengal): Before you take up the Calling Attention, I have a submission to make. I have moved a motion of privilege against the Minister of Energy for misleading the House in relation to the violation of the Mines Act. He has stated in this House that he has sought the permission from the Ministry of Labour for relaxation of the Mines Act so that the workers work continuously for seven days without any rest. I have seen a letter dated 21-2-1981 where the Labour Ministry had rejected the request of the Energy Ministry and yet he went on repeating this on the 9th March, which in my opinion is totally false.

MR. CHAIRMAN: I have received your communication and I have sent it to the Minister for his comments. After that, I will consider the matter.

SHRI KALYAN ROY: Thank you.

**CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE**

**Reported desecration and destruction of graveyards, dargahs and other Wakf properties in connection with construction of flyover in Nizamuddin area in violation of stay order by Delhi High Court**

MR. CHAIRMAN: Now, we pass on to the Calling Attention. Mr. Shahabuddin.

SHRI SYED SHAHABUDDIN (Bihar): I beg to call the attention of the Minister of Shipping and Transport to the reported desecration and destruction of graveyards, dargahs and other Wakf properties in connection with the construction of a flyover in Nizamuddin area of New Delhi in violation of stay order by the Delhi High Court and the steps taken by the Government in this regard.

THE MINISTER OF STATE IN THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI BUTA SINGH): Sir, the notice apparently pertains to Injunction from Delhi High Court directing the Land and Development Officer of the Ministry of Works and Housing to maintain the *status-quo* in the triangular plot in front of Oberoi Intercontinental Hotel. A flyover is under construction across the intersection in front of Lodhi Hotel. One side road of this flyover passes through a small stretch of land of this triangular plot. The actual land acquisition and construction was being done in such a manner that all graves and other structures are not disturbed in any manner. As soon as information about the injunction was received from the Land and Development Officer, the construction work was stopped. The Stay Order has since been vacated by Delhi High Court with a proviso that no grave should be destroyed in the process of construction. As already mentioned this is being strictly adhered to. There was no proposal at any stage to disturb any Dargah in this area. In fact, the planning has been done carefully to ensure that no Dargah is disturbed in any manner.

In the circumstances there are no grounds for any apprehensions referred to by the Members.

MR. CHAIRMAN: Yes, Mr. Shahabuddin.

SHRI SYED SHAHABUDDIN: Sir, this series of recent works opposite the Oberoi Intercontinental Hotel, in connection with the construction of a flyover which, I am told, is a part of the construction relating to the 1982 Asian Games, has caused a lot of concern since the middle of January among the Muslim community of Delhi. If I may be permitted to bring to your notice, Sir, there was first a statement on the 22nd January by a number of Members of the Wakf Board as well as a number of leading Muslim citizens of Delhi including the former Deputy Mayor, which was published in the various papers on the 22nd January, 1981, in which they said:

“एशियाई खेलों की तैयारी के सिलसिले में दो पचाई-आठ बस्तों हजरत निजामुद्दीन की पुस्त पर लांदा रोड कासिंग पर बनाये जा रहे हैं और यह काम कब्रों को मसभार कर के किया जा रहा है और वहां मौजूद कदीम कब्रिस्तान और बेशकीमत आराजी का तबाह किया जा रहा है।”

[Mr. Deputy Chairman in the Chair]

Then they went into the history of it and subsequently they said:

“हम मुतालिका हुकाम से पुरजोर मुतालबा करते हैं कि कब्रों का मस-मागे और वक्फ आराजा का तबाही का यह खेल बिना किसी ताखोर के बन्द किया जाए जिसका बुनियाद पर मुसलमानाने देहली के मजहबों जजबात मजहूद हो रहे हैं और मुसलमान सख्तरों बेबैन हैं। अगर यह सिलसिला बन्द न किया गया तो इसके तमाम नतायज की जिम्मे-दारी मुतालिका हुकाम पर होंगी।”

जैसे कि मैंने अर्ज किया इसमें साबका मेट्रोपोलिटन काउंसिल के मम्बर और साबका डिप्टी मेयर श्री इमदाद साबरी भी इस बयान पर दस्तखत करने वाले में से थे। उसके बाद दिल्ली वक्फ बोर्ड ने अपने एक इमरजेन्स मीटिंग को। वह मीटिंग जनबेवाला, 31 जनवरी को हुई। और इसके बारे में जो वहां रेजोल्यूशन पास किया गया उसका मैं यहां पर पेश करना चाहता हूँ :—

“This Special Meeting of the Delhi Wakf Board expresses its deep concern and great anguish over the indiscriminate dismantling of the graves in the old Muslim graveyards in the Nizamuddin area, notably the triangular graveyard, also known as Khushro Park, and the Muslim graveyard near the Delhi Public

School during the process of construction of flyovers in connection with the 1982 Asian Games in Delhi. This Act of the Government has injured the religious sentiments of the Muslim community and has aroused great resentment in the nook and corner of Delhi. The process of dismantling of graveyard lands and the demolition of graves therein is in progress in the face of litigation already going on in regard to these graveyards between the Union of India and the Delhi Wakf Board. These graveyards are in existence since time immemorial where not only holy men, but also the forefathers of the living Muslims of Delhi of today are entombed there. This meeting of the Delhi Wakf Board, therefore, urges upon the Government to stop the condemnable act of dismantling and disintegrating the graveyard and demolition of the graves, forthwith, which graveyards, according to the Report of the Burney Committee appointed by the Central Government itself, has been declared Wakf properties vesting in the Delhi Wakf Board."

Mr. Deputy Chairman, Sir, subsequent to this since cases were already pending in the courts of Delhi, the Delhi Wakf Board filed a petition asking for injunction both at the District level and at the level of the High Court. They were granted interim stay on February 3.

MR. DEPUTY CHAIRMAN: Now you put your question. (*Interruptions*). The Order has been vacated.

SHRI SYED SHAHABUDDIN: I will go into the history of . . .

MR. DEPUTY CHAIRMAN: That is not in dispute. That will take a long time. (*Interruptions*).

SHRI SYED SHAHABUDDIN: I will not take more time than is necessary. It is a very important matter.

MR. DEPUTY CHAIRMAN: Nobody is disputing the history or other

things. The only point is whether they are destroying or not.

SHRI SYED SHAHABUDDIN: I never take more time than necessary.

MR. DEPUTY CHAIRMAN: You are going to take more time.

SHRI SYED SHAHABUDDIN: I shall take five minutes and . . .

MR. DEPUTY CHAIRMAN: Please ask your question regarding the demolition. Do not go into the history.

श्री संयद शाहबुद्दीन : जब तक हम यह नहीं बतायेंगे कि ये मकबरे कौन हैं, कहाँ हैं . . .

MR. DEPUTY CHAIRMAN: This is not proper. You cannot go into the whole history. Do not go into the history. That is not in dispute. You ask whether they are doing it or not.

SHRI SYED SHAHABUDDIN: Mr. Deputy Chairman, the Burney Committee which had been . . .

MR. DEPUTY CHAIRMAN: That is not in dispute. Mr. Shahabuddin, that is not in dispute.

श्री संयद शाहबुद्दीन : भाई, सुन तो लीजिए ।

श्री उपसभापति : क्यों सुन लें ।

श्री संयद शाहबुद्दीन : हुजूर, मैं इरिलेवेंट बात नहीं कह रहा हूँ ।

MR. DEPUTY CHAIRMAN: Please ask your question.

SHRI SYED SHAHABUDDIN: Please allow me two minutes. You have sometimes given 15 minutes to . . .

MR. DEPUTY CHAIRMAN: This is not a precedent always.

SHRI SYED SHAHABUDDIN: Why don't you give me five minutes?

MR. DEPUTY CHAIRMAN: Already you have taken five minutes. Please ask whether it is being done or . . .

**SHRI SYED SHAHABUDDIN:** Unless I give you the background, how will I ask the question?

**MR. DEPUTY CHAIRMAN:** You are reading the whole report of the Burney Committee. (*Interruptions*).

**SHRI SYED SHAHABUDDIN:** I am only saying that the Report was submitted by the Burney Committee in 1975 to the Government of India and it has been under consideration of the Government of India. It listed four types as Wakf property, including old graveyards and including the graveyards which exist. In Annex. E of the Report, these two graveyards, one of which is called the Khusro Park today and the second Qadeemi Kabristan graveyard in the Delhi Public School, construction over both of which has taken place, had been mentioned at S. No. E-13 and 14 of the List. The essential question is, after these were registered as Wakf by Government Notification, the Union of India had gone in for declaratory suits. These suits are pending. The Burney Committee had recommended that the Government should withdraw the case. The Government have not withdrawn the cases during the last six years, and instead these are now being constructed over. The question is that a graveyard, Mr. Deputy Chairman, is a piece of land. It is not necessary that in every nook and corner there should be a visible grave. One has to make a distinction between a graveyard and a grave. The actual grave disappears through the process of nature, through the flux of time. But my contention is that, as it has been admitted by the hon. Minister in his statement, a part of the Khusro Park and the Qadeemi Kabristan are being constructed over. That is an admitted fact. Both these properties have been listed as Wakfs and, therefore . . .

**MR. DEPUTY CHAIRMAN:** Please put up your question.

**SHRI SYED SHAHABUDDIN:** My question is, one, will the hon. Minister please let us know whether or not it is a fact that the Khusro Park and the Qadeemi Kabristan are both listed in the Burney Committee Report and have been recommended for handing over to the Delhi Wakf Board and the withdrawal of any Government claims over them? Is it or is it not a fact? This is my first question.

Is it or is it not a fact—let him confirm it—that a part of these two graveyards have gone under the bulldozer? In fact, Mr. Deputy Chairman, I would like to point out to the House that after February 3, when a stay order was granted by the Court, the Government went on with the construction. They continued with the destruction. At that time, they had only claimed a part of these graveyards. By today, they have already put stone chips and they are going to make a pucca road over it. Is it or is it not a fact that construction has continued in these parts of these graveyards since February 3, when the injunction and the stay order was granted by the Courts of Delhi and the Delhi High Court? This is my second question.

My third question is, is it or is it not a fact that while the declaratory suits filed by the Government of India in regard to these, are still pending, the physical reality is sought to be changed by a unilateral and arbitrary action of the Government? It should not be so that the Government should change the nature of a property and the physical reality pertaining to a property when the matter is pending in a court of law. Is it or is it not a fact? My fourth question is, is it or is it not a fact that the matter was brought to the attention of the Prime Minister, the Works and Housing Minister, the Wakf Minister and the Lt. Governor of Delhi and yet nothing was done and nothing is being done? Is it or is it not a fact that at least a dozen posters have appeared in various parts of Delhi expressing

[Shri Syed Shahabuddin]

the concern and the anguish and the anger of the Muslim community of Delhi? I would like, Mr. Deputy Chairman, in this connection, to present to you one poster which has come only yesterday. It has said:

“दिल्लो में कब्रिस्तान और मजारत के अहंदां के खिलाफ मुसलमानों में गम व गुस्सा । दिल्लो में कब्रिस्तान, दरगाहों और मजारत के अहंदां और तोड़फोड़ को कार्यवाही जारी है । अदालत में स्टे आर्डर हासिल करने के बाद भी दिल्लो के हुक्काम अमल करने को तैयार नहीं है और अदालत के फैसलों को मानने के लिए तैयार नहीं है ।”

Is it or is it not a fact? Then, I have received a letter from the Government of India.... (Interruptions)

श्री सुलतान सिंह (हरियाणा) : मैं आपसे निर्दोश बात जानना चाहता हूँ—हाउस में पोस्टर लाना और उसे पढ़ना यह आपकी इजाजत के... (अवधान)

MR. DEPUTY CHAIRMAN: He is only quoting from it. It is all right.

श्री सुलतान सिंह : अब रुल्स में है यह... (अवधान)

श्री सैयद शहाबुद्दीन : हाउस में तो किताबें पढ़ी जाती हैं। मैं बताना चाहता हूँ कि मैंने खुद प्राइम मिनिस्टर को खत लिखा कि आप मोंके पर तशरीफ लाएं और मैं आपको दिखाने को तैयार हूँ तसवीरों के द्वारा कि कौनसी पक्की कब्र जा था जोकि अब वहां पर नहीं है । प्राइम मिनिस्टर ने शायद दिल्ली के लैफ्टिनेंट गवर्नर से और यहां पर डिप्टी

मिनिस्टर साहब वर्क हाऊसिंग के बैठे हैं, उनसे कहा कि जाकर देखा जाए । अब उन्हें तो कबरों का पता नहीं है । अब वहां पर जब कबरें खोद दी गई हैं, तो अब वहां कबरें मिलेंगी कहा में । मेरा सवाल यह है कि वहां पर कब्रिस्तान को जमान में कोई भी पक्की चीज आपको मिलो या नहीं मिलो, या सिर्फ ताजा मिट्टी आपको मिली ?

SHRI BUTA SINGH: Mr. Deputy Chairman, Sir, let me make it clear in the beginning itself that these flyovers are falling on the roads which are already existing on the ground. They are not interfering with, I repeat, not interfering with, any structures on either side of the road. Hence, it will not be proper to say, it will not be correct to say, that these flyovers are demolishing some structures whether they are graveyards, graves or dargah sharif. What is being done is that, as a result of these flyovers, some side roads on both sides of the main road are being developed. In that also, the Government attaches the highest respect to the sentiments of our Muslim brethren and no graves have been demolished. There was a dispute and an application was filed in the Delhi High Court seeking to restrain the executing authority from proceeding. Some people had made an application to the Court that some destructions are going on. After hearing both the parties, the hon. High Court has cleared that injunction also with the proviso that we should not interfere with or change the nature or character of the already existing structures such as mosques, shrines and graves. This has been strictly adhered to. And it is also not correct to say that soon after we received the injunction from the hon. court, the work was going on. As soon as we came to know that there is a stay order, immediately the work was stopped. Even now, Sir, let me also make it clear that there is no digging work. What has been done is only a filling, and in doing that

[Shri Buta Singh]

also, we take sufficient precaution that this does not interfere either with the graves or any super-structure around the graves. So, that is also not correct. The posters that are appearing in the city of Delhi unfortunately, are not based on facts but they are motivated by political considerations. Sir, with your permission, I am prepared to take the hon. Member with me and any other hon. Member who would like to go with us to the site to see that these sentiments of our Muslim brethren are kept in view and there nothing is done to injure the feelings of our friends.

MR. DEPUTY CHAIRMAN: That is a good suggestion. You may go along with him.

श्री शरीफ़ शहाबुद्दीन : मैंने जो सवाल किया उसका जबाब नहीं आया ....  
(व्यवधान)

MR. DEPUTY CHAIRMAN: He has replied. Now you go along with him.

श्री संयद शहाबुद्दीन : देखिए उन्होंने बड़ा हो होशियारी से यह कहा है कि . .  
(व्यवधान) कोई प्रेसार्ड नहीं तोड़ा है। देखिए हज़ूर, मैंने यह सवाल किया था कि जिस जमीन के ऊपर आज सड़क फलाई जा रही है, जिस पर यह फ़ैनाई ओवर का रोड बनने वाला है वह रोड कब्रिस्तान का हिस्सा था या नहीं था उस ज़मीन पर आज स्ट्रक्चर बन रहा है या नहीं (व्यवधान) हाँ मे या ना में खुसरो पार्क और जो कदोम कब्रिस्तान था, उसकी ज़मीन पर आज रोड बना रहे हैं।

MR. DEPUTY CHAIRMAN: He has denied it. You are going on repeating the same thing. He has replied to that part.

SHRI SYED SHAHABUDDIN: He has not replied.

MR. DEPUTY CHAIRMAN: He has replied to that. (Interruptions)

Now, I am calling Mr. Hashmi. (Interruptions)

SHRI SYED SHAHABUDDIN: It is not a political issue.

MR. DEPUTY CHAIRMAN: Please take your seat.

श्री संयद अहमद हाशमी (उत्तर प्रदेश): मिस्टर डिप्टी चैयरमैन, मुझे आनरेबल मिनिस्टर के इस रिमार्क से बहुत इख्ति-राफ़ है जो उन्होंने यह कहा कि इस नज़रों के बा सवाल जो बोच में उठ रहा है, इस सिचुएशन के मातहत कि फ़लाई आब एक्चुअली कब्रिस्तान के ऊपर बन रहा है और वहाँ की दरगाहें भी खतरे में हैं, दरगाहें भी ढहाई जा रही हैं और मसजिद भी खतरे में हैं, यह सियासी नज़रिये से उठ रहा है। यह कोई सियासी सवाल नहीं है, और अगर सियासी सवाल होता तो ...

MR. DEPUTY CHAIRMAN: You please take your seat. Let me make the position clear.

मंत्रि जी इस बात पर सहमत है कि आप लोगों को साथ ले जा कर वहाँ पर मौके का मुआयना करेंगे, देखेंगे (व्यवधान) उन्होंने अगो किया है और जो बात शहाबुद्दीन साहब बयान कर रहे हैं उस से वह इन्कार करते हैं (व्यवधान) अब एक ही बात को रिपीट करने में क्या फायदा है ?

श्री संयद अहमद हाशमी : जनाब इस बात को देखें कि वह सिचुएशन से इन्कार किया है क्योंकि अगर वह यह सोचें कि यह सियासी नज़रिया है, मोटिवेटेड है, तो मैं कहता हूँ कि जो बाल अटेंशन दिया गया है उस में कांग्रेस आई के भी मेम्बर शामिल होते हैं। यह बात सियासी होती पोलिटिकली मोटिवेटेड होती तो इस तरह से नहीं उठता ...

**श्री उपसभापति :** आप मौके पर जायेंगे तो देखेंगे। इसका मतलब यह है कि आप खुद मौके पर जाने का तैयार नहीं है? देखने के लिये तैयार नहीं है। भाषण देने के लिये तैयार है।

**श्री सयद अहमद हाशमी :** आप मौका दें मुझे अपनी बात कह लेने का। दिल्ली एडमिनिस्ट्रेशन का यह व्यवहार रहा है कि जब इमरजेन्सी चल रही थी तब दिल्ली के अंदर, दिल्ली को खूबसूरत बनाने के काम पर, दरगाहों और मस्जिदों का जगह की बर्बाद किया जा रहा था ....

**श्री बूटा सिंह :** डिप्टी चैयरमैन साहब, कालिंग एटेंशन के साथ इसका क्या संबंध है।

**श्री सयद अहमद हाशमी :** माफ़ कोजिये दिल्ली को हाईकोर्ट ने स्टे आर्डर दिया, एश्योरेंस दिया लेकिन इस को बावजूद काम चल रहा है। एक्चुअली अगर हम जायें भी वहां और उन्होंने काम को रोक दिया .. (व्यवधान) दिल्ली वर्क बोर्ड मेंन अथॉरिटी है, लोगल अथॉरिटी है, बावजूद उसके बोच-वचाव के बग़ैर आपका काम आलरेडो चालू है, वहां पर यह सब काम हो रहा है। वहां जाकर देखने में मिचुएशन नहीं बदल जायेगा। मैं अर्ज करूंगा, आप इस बात को डाने में ही आमानों के साथ महमूल ला करें कि यह सियासी किस्सा है, बल्कि एक्चुअल सूरतेहाल यह है कि ... (व्यवधान) ...

**श्री उपसभापति :** आप कहते हैं ऐसा हो रहा है, वह कहते हैं नहीं। यह फैसला कैसे हो? आप उन के साथ जाने के लिये तैयार नहीं है ... (व्यवधान) इसलिये आप को बात में संदेह होता है।

**श्री सयद अहमद हाशमी :** वहां पर आल-रेडो कब्रिस्तान है और जो वोज गवर्नमेंट के

रेवेन्यू रिकार्ड के अंदर हो, वह एक अजोब और गरीब बात है कि साहब, उसका वाय-लेशन हो रहा है। वायलेशन कब्रिस्तान को डहाने का भी हो रहा है। कोर्ट के आर्डर का भी वायलेशन हो रहा है। यहां यह कह रहे हैं। हमें यहां मंत्र, महोदय इस बात को एश्योर करें कि अगर यह चीज पायी गई तो वह काम को रोक देंगे वह :ह एश्योर नहीं करते। महज हाऊस में डिनायल करने से यह बात खत्म नहीं होती। हम तो एश्योरेंस चाहेंगे माननीय मंत्री जो से इस बात का कि अगर एक्चुअल यहां शकल है जो आप ने यहां बयान में सुनी है और जो दिल्ली वर्क बोर्ड का सेटीमेट है और यहां के मुसलमानों का सेटीमेट है तो वाकिये का देखने के बाद या इन्क्वायरी कमेटो बिठाने के बाद वहां उस फ्लाई ओवर का काम रोक जायेगा। वह इस के लिये हम को एश्योर करेंगे यहां मैं चाहता हूं।

**श्री बूटा सिंह :** जैसा मैंने अर्ज किया कि हम ने ऐसा कुछ नहीं किया है और जैसा हो हम को अदालत का हुकुम मिला फौरन हो वहां काम बंद कर दिया गया। मैंने आपके माध्यम से निवेदन किया मेम्बर साहबान से और रेक्वेस्ट की है कि उन का जब फुरसत हो या जब भी दूसरे माननीय सदस्य वहां जाना चालें खुद जा कर देख सकते हैं। वहीं भी, किसी तरह से अगर हम देखेंगे कि हमारे मुसलमान भाईयों के जज्बात को ठेस पहुंच रही है तो हम उस काम को नहीं करेंगे।

MR. DEPUTY CHAIRMAN: That is very good. This is a suggestion which you should welcome. Why are you not welcoming this suggestion?

**श्री बूटा सिंह :** जैसा कि हाशमी साहब ने कहा है .. (व्यवधान)

SHRI GULAM MOHI-UD DIN SHAWL (Jammu and Kashmir): Sir, ...

MR. DEPUTY CHAIRMAN: Please let him finish, Mr. Shawl. (Interruptions).

No, Mr. Shawl. Let him finish first. Please take your seat.

You have given your name. You should have some patience.

Let him finish and then you put your question.

श्री बूटा सिंह : तो मैं यह अर्ज कर रहा था कि 20 तारोख का मैं खुद गया था और जा कर मैंने देखा है। जो पहले रोड चल रहा था उसी पर फ्लाई ओवर आ रहा है। काफी सालों से वह रोड चल रहा है।

श्री संयद शाहबुद्दीन : वह रोड 30 फीट चौड़ी को जा रहो है। आप क्या बान कर रहे हैं ?

श्री बूटा सिंह : जिस कौने का जिक्र कर रहे हैं उसके बारे में मैंने आप से कहा. . .

श्री संयद शाहबुद्दीन : मथुरा रोड पर (व्यवधान)

श्री बूटा सिंह : मथुरा रोड पर ही, जो सड़क सैकड़ों सालों से चली आ रही है उसी पर फ्लाई ओवर बन रहा है। उसी के बारे में मैं कह रहा हूँ। जो माननीय सदस्य चलना चाहे, चल कर देख सकते हैं और जैसा वह हिदायत करेंगे, ठीक होगा तो उसी के हिसाब से मैं इंतजाम करा दूंगा। वहां कोई काम नहीं चल रहा है जिसका असर वक्फ की प्रापर्टी पर पड़ता हो।

SHRI GULAM MOHI-UD-DIN SHAWL: Mr. Deputy Chairman, Sir, the question here is that it is said that it is politically motivated. The first thing we have to see is that it is not so.

MR. DEPUTY CHAIRMAN: Now you put the question.

SHRI GULAM MOHI-UD-DIN SHAWL: .. Maulana Asad Madni, the hon. Member belonging to Congress (i) has signed this. Therefore, there is nothing political in it.

श्री बूटा सिंह : यह कॉलिंग अटेंशन के बारे में मैंने नहीं कहा था। मैंने यह कहा था पोस्टर्स के बारे में।

SHRI GULAM MOHI-UD-DIN SHAWL: The question now is that the hon. Member has said nothing about the Burney Report under which it was declared a Wakf property. He has brought about that flyover completed. The question is that the roads leading to that flyover are in wakf property. Now claims regarding that Wakf property have been reduced to nullity, and these people, with respect I submit, are showing some disregard to court and presenting fait accompli to the court and saying that there was nothing on spot. If the court order is to be followed, it must be followed in letter and spirit. Not that they will change the whole situation and tomorrow come and say that there is concrete road or something like that. That is what is being done this time. We fully share the sentiments of our friends here and it is the sentiments, emotions of Muslims which are being jeopardised this time. I submit that this thing should be stopped at once and as far as the assurance of the Minister...

MR. DEPUTY CHAIRMAN: That he has already given.

SHRI GULAM MOHI-UD-DIN SHAWL: But they are changing the whole situation. What are we to see there now? We are to see the flyover and the already constructed road.

श्री बूटा सिंह : अभी तो अर्थ वर्क हो रहा है। अभी हम ने क्या चेंज कर दिया। अभी वहां कुछ चेंज नहीं किया है।

श्री संयद अहमद हाशमी : काम चल रहा है आलरेडी।



**श्री हरी शंकर भाभड़ा (राजस्थान) :** उपमहापति महोदय, मैं मंत्री महोदय से सीधे-सीधे सवाल करना चाहता हूँ। यह मामला धार्मिक है। क्या वक्फ बोर्ड के ऐसे इंस्ट्रक्शंस हैं कि ग्रेव यार्ड के एरिया को डिमार्केट किया जाये और उसके चारों तरफ फेंसिंग की जाये? नम्बर एक। क्या यह कब्रिस्तान और निकोना पार्क, खुसरो पार्क यूज में आ रहा है? क्या इसका एरिया डिमार्केटेड है आप की गवर्नमेंट के रजिस्ट्रों में और वक्फ में? और क्या आप ने उसकी माप करवाई है? और उस माप को करवाने के बाद आप जहाँ काम कर रहे हैं क्या वह एरिया उस माप के बाहर पड़ता है? यह प्रश्न है कि जिनका उत्तर आप दीजिए तो मारी सिचुएशन क्लियर हो जायेगी। वरना It is a question of fact. Nobody can say here whether you are entering or whether you are taking a part of the kabristan or not. But you should clarify the position; what is the area, whether the area is demarcated or not, and whether you are entering into any part of that area or not? It is a question of fact.

**श्री बूटा सिंह :** जिस वक्त यह प्लान आउट डिजाइन किया गया इन सब मुद्दों का ध्यान रखा गया था जो आनरेबिल मेम्बर ने मेशन किये और साथ-साथ मैं यह बनाना चाहता हूँ कि हम बहुत एहताराम से चल रहे हैं कि अगर सड़क का कोई हिस्सा कब्र के पास से गुजर रहा है तो हम पहले उसको प्रोटेक्शन बाल देते हैं ताकि मिट्टी या कंकड़ उस पर न चले जाये। (व्यवधान) आपका यह कहना गलत होगा कि हम आपके सेंटीमेंट का एहताराम नहीं कर रहे हैं। हम तो हर तरह से अपने मुसलमान भाइयों के सेंटीमेंट्स का एहताराम कर रहे हैं और फिर मैंने अर्ज किया कि जो साहेबान जाना चाहते हैं वह चले और जिस तरह के मुझाव देंगे हम उस तरह की व्यवस्था करेंगे।

**SHRI HARI SHANKAR BHABHRA:** My question is very specific. I

want to know whether the area is demarcated. . . (Interruptions) or whether there is any specification... (Interruptions)

**श्री सुलतान सिंह :** हम को भी तो अपना प्वाइंट आफ व्यू रखने का मौका दीजिए।

**SHRI HARI SHANKAR BHABHRA:** Sir, you appreciate my question. . .

**MR. DEPUTY CHAIRMAN:** He has said it.

**SHRI HARI SHANKAR BHABHRA:** He has not said whether the area is demarcated, whether it has been measured around, whether any portion of that measurement is being taken under the flyover. These are the questions to be replied.

**MR. DEPUTY CHAIRMAN:** He has taken care of all these things.

**SHRI HARI SHANKAR BHABHRA:** Let us know the area of the graveyard which has been demarcated. . .

**MR. DEPUTY CHAIRMAN:** I do not think he is concerned with it.

**SHRI HARI SHANKAR BHABHRA:** He should say whether it is being used or not. . . (Interruptions)

**MR. DEPUTY CHAIRMAN:** He says it is not being used.

**SHRI HARI SHANKAR BHABHRA:** He should say that it has not been demarcated. Let him say something.

**MR. DEPUTY CHAIRMAN:** He is not concerned with that part of the question whether the road is built in that area or not.

**SHRI HARI SHANKAR BHABHRA:** It is an open question, if any portion of it is being taken. . . (Interruptions) Sir, I seek your protection. My question has not been answered

**MR. DEPUTY CHAIRMAN:** He has answered it.

**SHRI HARI SHANKAR BHABHRA:** If he had answered, it would have solved the whole problem.

MR. DEPUTY CHAIRMAN: He is denying it.

SHRI HARI SHANKAR BHABHRA: I am within my rights to ask this question.

श्री उपप्रभारति : आप मोके पर जाने के लिये तैयार नहीं और बहस कर रहे हैं।  
(व्यवधान) You can go tomorrow. But none of you is ready to go there and see it on the spot. आप जायेंगे, एक बार भी आपने जाने के लिए नहीं कहा।

SHRI B. D. KHOBRAGADE (Maharashtra): They are already saying that they are willing to go. None of that has said that he is not prepared to go along. Don't say that.

MR. DEPUTY CHAIRMAN: None of them has said that he is prepared to go. I am here. You please sit down.

SHRI B. D. KHOBRAGADE: You go through the records; he has already said.

MR. DEPUTY CHAIRMAN: Please take your seat. I am hearing more than you and none of them has said so.

श्री संयद अहमद हाशमी : आप बता दें कि किस-किस को जाना है।

MR. DEPUTY CHAIRMAN: Mr. Minister, please reply to Mr. Bhabhra.

SHRIMATI PURABI MUKHOPADHYAY (West Bengal): You are not the spokesman of the Government.

MR. DEPUTY CHAIRMAN: If you go on repeating the same thing, what can I do? I am not the spokesman of the Government. Please don't make that remark. I am telling that the Minister has offered to go to the spot. . . . (Interruptions) Madam, hear me first. None of them has offered that he is ready to go along with the Minister. Now Mr. Khobragade interjected and then someone might have said it. Record is there, you can see.

SHRI GULAM MOHI-UD-DIN SHAWL: We are prepared to go.

MR. DEPUTY CHAIRMAN: I am not hard of hearing. 'Nobody said it before.

SHRI NAGESHWAR PRASAD SHAHI (Uttar Pradesh): Sir, on a point of order. The Government has done a very *maia fide* action. (Interruptions) Shri Asad Madni is the first person to call the attention of the Government. He has run away from the House. This is a very improper thing.

SHRI BUTA SINGH: Sir, about the various aspects mentioned by the hon. Member, in regard to the area, the curbs and other things, when we go on the spot, all these things can be verified. More so, at the time of notification for the acquisition of land, all these things were published. There is no doubt or any suspicion...

SHRI SYED SHAHABUDDIN: Are you sure, there were acquisition proceedings?

SHRI BUTA SINGH: How can there be any acquisition without giving notice for acquisition? This is a simple thing which Mr. Shahabuddin should understand.

I have already invited the hon. Members to go with me. Let us go to the spot. If there is anything which hurts the feelings of our Muslim brethren, we will be the first people to see that nothing happens and nothing is done to harm the feelings of our friends. Now, what can I say about this poster campaign in the town?

SHRI NAGESHWAR PRASAD SHAHI: Where is Shri Asad Madni?

MR. DEPUTY CHAIRMAN: Why do you ask him? You ask Shri Madni.

DR. RAFIQ ZAKARIA (Maharashtra): Mr. Deputy Chairman, Sir. I appreciate the sentiments of the hon. Minister and his desire to see that

the religious sentiments of the Muslims are not hurt. I think, it is rather unfair on the part of Mr. Shahi to suggest that Shri Madni has run away.

**SHRI NAGESHWAR PRASAD SHAHI:** This is not unfair. This is the fairest thing. Shri Madni is the first person to call the attention and he is not here. (*Interruptions*)

**DR. RAFIQ ZAKARIA:** The very fact that he has signed it shows that he is concerned with it. But I know that Mr. Madni has also been agitated about this matter. All I would like to impress upon the hon. Minister is, there cannot be smoke without fire. After all, so much sentiment has been roused in this matter, Sir, he has also assured, as you have pointed out, that he is prepared to go on the spot with such of us who would like to accompany him and ascertain the fact. All I would like to impress upon the hon. Minister is, the official attitude often is that on paper, certain things are said, but in implementation, when the actual construction takes place, a lot of these things are not properly adhered to. May I know from him whether, after the inspection, if he finds that there have been some lapses, he will ensure that in implementation, the strictest care will be taken so that a situation like this does not arise again?

**SHRI BUTA SINGH:** That is right.

**SHRI M. R. SHERVANI** (Uttar Pradesh): The point at issue is that as far as the Survey Committee report of the DDA is concerned, there is no dispute that items 13 and 14 are graves. The hon. Minister has said that earth work is going on. You know very well, Sir, that earth work would only mean destruction of a large number of graves. Hence, this earth work should be stopped. The newspaper report on March 19 says:

"The High Court on March 3, ruled in the Wakf Boards favour by 'restraining the ' plaintiff' from demolishing the two durgahs, Dur-

gah Firdaus Ali Shah and Durgah Musaffir Shah—the mosque and the graves contained in the disputed property as the entire park at one time was graveyard with reportedly over 700 graves, no construction can be carried out on this land with demolishing the graves."

The hon. Minister has admitted that earth work has been done. This would only mean demolishing the graves. Is the hon. Minister prepared to go at lunch time today with some hon. Members and inspect the site?

**MR. DEPUTY CHAIRMAN:** He is asking whether a visit can be arranged today?

**SHRI BUTA SINGH:** It can be done tomorrow.

**MR. DEPUTY CHAIRMAN:** Why?

**SHRI BUTA SINGH:** Because, today, I have my engagements. Or today, in the afternoon, I do not mind, between four and six.

**MR. DEPUTY CHAIRMAN:** At what time?

**SHRI BUTA SINGH:** Between four and six, anytime.

**MR. DEPUTY CHAIRMAN:** At four, today, if hon. Members go to his office, from there, they can go to the spot. This is agreed; at four today.

श्री सुलतान सिंह : मुस्लिम इशु न बनाइये । . . . (व्यवधान)

श्री उपसभापति : दूसरो को बोलने दीजिए ।

श्री सैयद शहाबुद्दीन . मेरी अर्ज थी कि लेफ्टीनेंट गवर्नर, दिल्ली और श्री मोहम्मद उस्मान आरिफ जो डिप्टी मिनिस्टर है, प्राइम मिनिस्टर के दफ्तर से मुझे पता लगा है कि उन्होंने वहां जाकर इस्पेक्शन की थी। लिहाजा मैं समझता हूं मिनिस्टर साहब उन्हें अपने साथ ले लें और साथ में चेयरमैन बक्फ बोर्ड को भी बुला लें क्योंकि

[ श्री सैयद शहाबुद्दीन ]

वक्फ बोर्ड और डी०डी०ए० में ही झगड़ा चल रहा है। (व्यवधान)

MR. DEPUTY CHAIRMAN: Let him settle with these concerned persons and then...

SHRI BUTA SINGH: Let me tell you that no construction work is going on at the moment. So, I will talk to the concerned persons that he has mentioned and we will also have to consult the Delhi Administration and the New Delhi Municipal Committee. Mohammed Usman Arif Saheb is most welcome to come. I will fix up the time and tell the hon. Members...

MR. DEPUTY CHAIRMAN: Fix up with all those persons. (Interruptions) He is saying that he will first fix up with those persons.

SHRI M. R. SHERVANI: The Minister has said that no construction work is going on. Is digging going on or not?

SHRI BUTA SINGH: No, Sir, not in the area that is being mentioned.

श्री मुलतान सिंह : डिप्टी चेयरमैन साहब, जो चर्चा चली उस चर्चा से ऐसा महसूस होता है कि मकबरे, कब्रिस्तान और मजिस्टों के खाली विरोधी दल के लोग ही रखवाले हैं। मैं आपकी जानकारी के लिये बताना चाहता हूं कि जनपथ होटल के सामने...

श्री नागेश्वर प्रसाद शाही : यह जानकारी दे रहे हैं या क्वेश्चन पूछ रहे हैं... (व्यवधान)

श्री मुलतान सिंह : वहां मस्जिद को छोड़ दिया गया है। मैं एक बात पूछना चाहता हूं कि यह जनसंघ वाले ही इसके रखवाले हैं... (व्यवधान)

श्री नागेश्वर प्रसाद शाही : आप क्या सेक्रेटरी मिनिस्टर हैं। (व्यवधान)

MR. DEPUTY CHAIRMAN: Please take your seat. (Interruptions) Now we can go to special mentions. Yes, Shri Narsingh Narain Pandey.

श्री हरी शंकर भाभड़ा : मेरा प्वाइंट आफ आर्डर है। क्या आप स्पेशल मेंशन ले रहे हैं...

श्री उपसभापति : हां स्पेशल मेंशन ले रहा हूं। आपका क्या प्वाइंट आफ आर्डर है।

श्री हरी शंकर भाभड़ा : अभी हमने कालिंग अटेंशन डिसकस किया है। यह कालिंग अटेंशन मुस्लिम सेंटीमेंट्स को लेकर था...

श्री उपसभापति : यह वक्फ प्रोपर्टी के बारे में था। (व्यवधान)

श्री हरी शंकर भाभड़ा : सम्पत्ति जो है यह धर्म से संबंधित है। मान्यवर, मैंने आपको एक स्पेशल मेंशन दिया था। आपने उसको इस बात पर रिजेक्ट किया कि that it concerns a plan to lure poor Harijans and convert them into Islam.

MR. DEPUTY CHAIRMAN: That is not a point of order on this.

SHRI HARI SHANKAR BHABH-RA: This is my point of order. You are having double standards.

MR. DEPUTY CHAIRMAN: There are so many special mentions, I have given permission to five only.

SHRI HARI SHANKAR BHABH-RA: I am not going to make a special mention. I am just making my point. Please hear. (Interruptions) You please sit down and hear me.

MR. DEPUTY CHAIRMAN: I have heard you.

SHRI HARI SHANKAR BHABH-RA: I am making a point about your

double standard. While granting permission for the Calling Attention you did not bear in mind that it pertained to the Muslims and their religion, but at the time of disallowing my special mention you told me that this was being disallowed on the ground that it related to a religion which will hurt the sentiments of some persons. Would you please clarify it? Will the same double standard be applied for granting permission to make special mentions? For Harijans are being converted. There is an international plan and they are being converted.

डा० भाई महावीर (मध्य प्रदेश) : क्या यह जो कारण कह रहे हैं . . .

श्री उपसभापति : यह कारण नहीं है। मैंने कह दिया कि यह कारण नहीं है।  
(व्यवधान)

श्री हरीशंकर भाभड़ा : आपने मुझे बताया था . . . (व्यवधान)

डा० भाई महावीर : ऐसे इशु आ सकते हैं जिसमें हिन्दुओं की धार्मिक भावना . . .  
(व्यवधान)

श्री हरीशंकर भाभड़ा : श्रीमन्, यह आप डबल स्टेडर्ड चला रहे हैं। आपने खुद यह बात कही थी।

श्री उपसभापति : आपको तो अपने को छोड़कर हर चीज में डबल स्टेडर्ड नजर आता है।

श्री हरीशंकर भाभड़ा : आपने खुद ही यह कारण दिया था।

MR. DEPUTY CHAIRMAN: Please take your seat.

REFERENCE TO THE REPORTED  
OCCUPATION OF THE OFFICE OF  
THE ASSISTANT DIRECTOR, CENTRAL  
EMPLOYMENT EXCHANGE  
GORAKHPUR BY A M.L.A. OF U.P.

श्री नरसिंह नारायण पाण्डेय (उत्तर प्रदेश) : उपसभापति महोदय, मैं आपके

माध्यम से सदन में यह स्पेशल मेशन इसलिए रखना चाहता हूँ कि सेन्ट्रल इम्प्लायमेन्ट एक्सचेंज का सम्बन्ध भारत सरकार से है और यह सेन्ट्रल इम्प्लायमेन्ट एक्सचेंज भारत सरकार के श्रम मंत्रालय के तहत गोरखपुर में खुला हुआ है। आप जानते हैं कि तमाम स्क्रीनों की तहत गवर्नमेंट आफ इंडिया की तरफ से ट्रेनिंग देने के लिए और बेरोजगारी को दूर करने के लिए यह इम्प्लायमेंट एक्सचेंज खोला गया है। इस इम्प्लायमेन्ट एक्सचेंज पर 2 मार्च की रात से श्री मार्कण्डे चन्द, विधायक, उत्तर प्रदेश ने अपने साथियों के साथ अमला लेकर जब वहां के असिस्टेंट डायरेक्टर, सेन्ट्रल इम्प्लायमेन्ट एक्सचेंज किसी काम से बाजार गये हुए थे तो उन विविडिंग पर कब्जा कर लिया। उन्होंने ताला तोड़ कर जबर्दस्ती उस पर कब्जा कर लिया। आज तक आपने यह बात नहीं सुनी होगी कि भारत सरकार के किसी कार्यालय पर किसी विधायक ने या किसी भी व्यक्ति ने अनग्रथोराइज्ड तरीके से कानून का उल्लंघन करके कब्जा कर लिया हो। यह 2 मार्च का किस्सा है। आज 25 मार्च हो गया है मैंने इस संबंध में गृह मंत्री, भारत सरकार से लेकर उत्तर प्रदेश के मुख्य मंत्री और श्रम मंत्री भारत सरकार आदि तक कोई भी बचा नहीं है जिसकी इस संबंध में आवेदन न किया हो। वहां के जो उपश्रमायुक्त हैं उन्होंने कन्ट्रोलमेंट में रिपोर्ट दर्ज कराई है और वहां के जिताधोश, कमिश्नर और गवर्नमेंट आफ इंडिया, इन सब से अग्रह किया है कि मेरी जान-माल की हिकाजत को जाय तथा अनाधिकृत कब्जे को खाली कराया जाय। उन्होंने यह कहा है कि 50 आदमी राइफल लेकर अमला के साथ मुझे घर में घेरे हुए हैं, इसलिए मेरी हिकाजत को जाय। 2 मार्च को यह घटना हुई है। आज 25 मार्च हो गया है। लेकिन आज तक उस अन-