

निर्मित होती कि शासन उनके धार्मिक कार्यों में हस्तक्षेप कर रहा है। इस बिल से निश्चित रूप से यह आशंका उत्पन्न होती है।

मैं चाहूंगा कि केन्द्रीय सरकार के माननीय मंत्री इस बिल को जब अन्तिम रूप देने की कोशिश करें तो ऐसी व्यवस्था करें कि जिस से आशंकाएँ निर्मूल हों। दोनों आशंकाएँ—एक तरफ तो दिल्ली के निर्वाचित प्रतिनिधियों की ओर से और दूसरे सिख कम्युनिटी की ओर से जो आशंकाएँ व्यक्त की गयी हैं उनका निर्मूलन होना चाहिए। अगर उनका निर्मूलन नहीं हुआ तो निश्चित रूप से मेरा यह सदेह सही सिद्ध होगा कि इस बिल का उद्देश्य प्रमुख रूप से राजनीतिक है। एक तरफ तो दिल्ली के प्रतिनिधियों के खिलाफ और दूसरी तरफ सिखों का राजनीति में जो स्थान है उसका अपने दलगत दृष्टि से लाभ उठाने के लिए ही इस बिल को लाया गया है। इन शब्दों के साथ मैं इस सदन में प्रार्थना करता हूँ कि वह इस आर्डिनेंस का निरनुमोदन करे।

MR. DEPUTY CHAIRMAN : Mr. Gokhale, you can move your motion and speak after lunch.

SHRI H. R. GOKHALE : I will move the Bill for consideration and will make a brief statement in support of the Bill. There are only two minutes left. I will continue after the recess. I will move the Bill now.

MR. DEPUTY CHAIRMAN : You can move the Bill now and make a speech also if it is a brief one. If it is not brief then you can make the speech after lunch.

SHRI H. R. GOKHALE : I will make the speech after lunch I will move the Bill now.

Sir, I beg to move that the Bill to provide for the better management of certain Sikh Gurdwaras and Gurdwara property be taken into consideration.

MR. DEPUTY CHAIRMAN : The House stands adjourned till 2 p. M.

The House then adjourned for lunch at one of the clock.

The House reassembled after lunch at two of the clock, MR. DEPUTY CHAIRMAN in the Chair.

ANNOUNCEMENT RE GOVERNMENT LEGISLATIVE AND OTHER BUSINESS DURING THE CURRENT SESSION EXTENDED UPTO 24TH JUNE, 1971

MR. DEPUTY CHAIRMAN : I have to inform Members that the Business Advisory Committee at its meeting held today, the 16th June, 1971, allotted time as follows for Government legislative and other business to be taken up during the current Session of the Rajya Sabha :

1. General Discussion on T the Punjab Budget (1971-72)
2. Consideration and y Two hours return of the Punjab Appropriation Bill, | 1971. j
3. Consideration of a Resolu- 1 tion seeking approval of J the Proclamation issued by L Two the President on the 15th hours. June, 1971, in respect of the State of Punjab. j

The Committee also recommended that in order to complete the business :

- (i) the House should sit up to June 24, 1971 ;
- (ii) there would be no Question Hour during the extended period of the Session, namely, 21st to 24th June, 1971 ; and
- (iii) the House should sit up to 6.00 p. M. daily, and beyond 6.00 P. M. as and when necessary, according to exigencies of work.

I. STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE DELHI SIKH GURDWARAS (MANAGEMENT) ORDINANCE, 1971—*Contd.*

II. THE DELHI SIKH GURDWARAS (MANAGEMENT) BILL, 1971—*Contd.*

SHRI H. R. GOKHALE ; Sir, as the House is aware, on the 20th of May, 1971,

[Shri H. R. Gokhale]

the President promulgated an Ordinance under Article 123 of the Constitution, and it is to replace that Ordinance that the present Bill has been moved before the House, and I must say that the Ordinance had to be promulgated because of the very tricky situation which had developed so far as the management of the Sikh Gurdwaras in Delhi was concerned and it almost became apparent that it was inevitable that prompt legislative measures should be taken at the opportune moment so that the interests of the Sikh community might be protected.

There are 13 historical Gurdwaras in Delhi. They were being managed by a Society which was called the Gurdwara Prabhandak Committee, Delhi and which consisted partly of elected members and partly of nominated members. The Committee was last constituted in 1961. Certain persons, who were dissatisfied with this arrangement, resorted to litigation. In that litigation there was a compromise on the basis of which an arbitrator was appointed with powers to nominate the entire body of the Committee. The nomination of a 19-member Committee by the Arbitrator—that was in April, 1962—was declared invalid by the Additional District and Sessions Judge, Delhi, in April, 1967.

As I shall presently show, when the Ordinance was promulgated, the situation had so developed that there was practically a vacuum in respect of the management of these Gurdwaras which had to be filled up immediately by appropriate legislation. But I must mention two circumstances which transpired in between, which also created a law and order situation on account of which practically the Sikh community was prevented from visiting Gurdwaras for worship. On the 10th of January, 1971, some members of the Gurdwara Reform Morcha Front, formed under the leadership of Shrimati Nir/ap Kaur, reached Gurdwara Siiganj and Gurdwara Bangla Sahib. They took the Sewadars of both the places by surprise and succeeded in taking possession of these religious shrines. They were dislodged by the police, and it was hoped that such incidents would not recur. But again an incident occurred on the 6th of May, 1971, and Gurdwara Sisganj was forcibly occupied on this date by a group of Sikhs including some women. The result was the closure of Gurdwara Sisganj, and the genuine Sikh

community in the city of Delhi were not able to visit the Gurdwaras for worship. So the question as to what steps should be taken to see that this situation does not repeat itself had to be considered. And I am in a position to tell the House that a sizeable number of Sikh residents of Delhi who were consulted, favoured an immediate enactment of some legislation which will prevent the situation. The matter had gone to the Delhi High Court also. And it is very important to note that the Delhi High Court made two very relevant suggestions as to what should be done in a situation like this. When the litigation was before the Delhi High Court, the Delhi High Court had noted in its judgment and with the permission of the Chair I will read out a small portion of the judgment because that will throw light as to why it was necessary for the Government to undertake this legislation—that the Judges themselves took pains to see that the disputes between the two parties in the community should be settled and in spite of their efforts they were unable to settle the disputes with the result that the disputes remained and the disputes which had gone to the Delhi High Court in appeal against the judgement of the learned District Judge had to be resolved by the judgment of the Delhi Court. The Delhi High Court made two very pertinent observations. The Delhi High Court said that in a matter like this they had of necessity to come to the conclusion to which they actually came that the appointment of the arbitrator which was the result of a compromise—as I was just mentioning and the nomination of the committee by the arbitrator was void *ab nisi*. That was the judgment of the Delhi High Court. When the appointment of the arbitrator was void, naturally the constitution of the committee was also void. The result of the judgment of the Delhi High Court was that the committee which was functioning and against which there had been dissatisfaction no doubt, itself ceased to be in existence. The result was nobody knows as to who would be in a position to manage the secular affairs of this Gurdwara now. I will read out the relevant observations for the benefit of the Members of the House—they are very short observations—

"Before taking leave of this case we have to record that having regard to the great public interest involved we endeavoured to bring about a settlement bet-

ween the contestants in this case but we did not meet with success. We have been unable to work out any solution, .. in the altered situation arising subsequently to the suit—chiefly because of the shifting attitudes of the parties. On the other hand, we feel that a solution to the disputes affecting such a large number of religious and charitable institutions could be attempted by court only in a properly framed suit under section 92 of the Code of Civil Procedure. If this is not done and the contestants do not resolve their differences a possible remedy may be to bring in the needed legislation so that the interests of the general public who are beneficiaries of these trusts can be protected."

So the High Court itself recognised that either a suit under section 92 of the Code of Civil Procedure or a proper legislation for the management of these institutions so that the beneficiaries of the Trust do not suffer ought to be undertaken. Now, everyone knows that the proceedings under section 92 of the Civil Procedure Code would be very long drawn out proceedings. And in the circumstances in which the situation was, the situation which developed in the city of Delhi with regard to these gurdwaras, it was not a practical situation to go into a suit under section 92 of the Civil Procedure Code. And that is why this legislation was thought of and it began with the Ordinance which was promulgated by the President, as I mentioned, in June. Now on the merits of the Ordinance I would like to make it very clear at the outset that the whole attempt is not at all to interfere in the religious susceptibilities of the Sikh community; there is no intention at all to interfere in the religious affairs of the Sikh community. The Board which has been constituted now under the Act comprises only persons belonging to the Sikh community. Immediately after the promulgation of the Ordinance—a matter of fact, simultaneously—a press note was issued pointing out how the members who were selected on the Board were representative members who are respected in the Sikh community and how they will function as a Board duly constituted under this Ordinance. The Ordinance itself makes it clear that the Board would have no power at all to interfere in the religious functions of the gurdwaras and the power which is given is

only a Power to manage the secular affairs of the gurdwaras. I would make it clear with reference particularly to two or three points which were raised by the Member, Mr. Advani, who moved the motion in the morning. What was said was that the Metropolitan Council was not consulted. As a matter of fact, it is true that in this case the Metropolitan Council was not consulted firstly because, as the Member himself said, at that time the Metropolitan Council was not in session. The Parliament was not in session. The legislation was undertaken in the exercise of the power of the President to promulgate an Ordinance when the two Houses of Parliament are not in session and when it was necessary to undertake legislation to meet an emergent situation. So when the President can exercise the powers even without consulting the Parliament, because the Parliament is not in session, because the situation existing at that time demanded that emergent steps should be taken, I do not think any serious grievance can be made if under the emergent circumstances there was not any consultation with the Metropolitan Council. I would assure the Members and also the hon. House that there has never been any intention, nor is there any intention now, nor will it be the policy of the Government in the future to take steps so as to bypass the Metropolitan Council. I am aware that there is provision in the Statute which gives powers to the Metropolitan Council to discuss Bills and legislative measures affecting the Union Territory of Delhi and normally they would have power to express their views before the legislation is taken up. All that I can assure is, under the circumstances of this case, it was inevitable that just like the President had to promulgate the Ordinance without consultation of the Parliament because the Ordinance is always in such circumstances, there was no alternative but to promulgate the Ordinance without consulting the Metropolitan Council which was not in session at that time. I would again repeat this assurance that there is no intention there was never any intention deliberately to bypass the Metropolitan Council.

SHRI LAL K. ADVANI: I myself admitted that the Metropolitan Council was not in session but I have pointed out that at least the Executive body of the Metropolitan Council could have been consulted.

There was no difficulty for the Government of India to consult the Executive Council.

SHRI H. R. GOKHALE : I was dealing with that point when the Member suggested that if not the Metropolitan Council, why not the other authority which was functioning at that time was not consulted but as I have said, the situation had developed. It was practically a law and order situation which had developed. Naturally we did not consult anybody and this emergency power is used in such a situation only—the President's Ordinance. Therefore the power is given to the President under article 123 to promulgate legislation by Ordinance. The first thing is the law does not require, I might make it very clear, the Delhi Act does not require a consultation with any other authority. Therefore there was no question of any obligation on the Government to consult the other authority. Whether or not under the peculiar circumstances such consultation was not possible with the Metropolitan Council does not arise because it is admitted that the Metropolitan Council was not in session. The other authority cannot be consulted because under the circumstances, an emergent legislation to meet a situation which had arisen at that time was necessary.

SHRI PITAMBER DAS (Uttar Pradesh) : Would you have consulted the Metropolitan Council if it had been in session ? In that case you could have consulted the Executive Council.

SHRI H. R. GOKHALE : If the situation was such that there was no time to consult and if the law was that there was no obligation to consult, the President probably would have done it without consulting the Metropolitan Council but that does not show that there is any deliberate intention to bypass the Council which normally, under such circumstances, should be consulted. The law does not make it obligatory on the Government to consult the Metropolitan Council but the policy of the law is that they should have an opportunity to discuss these so that they can give their views and they may be considered by the Parliament if the Parliament is in session before any legislation is undertaken.

SHRI MAHAVIR TYAGI (Uttar Pradesh) : Only the President's Ordinance does not depend on consultation whether they are in session or not. In the case of

Parliament we will not discuss it but otherwise for issuing an Ordinance the President is not bound to consult anybody.

SHRI H. R. GOKHALE : There is no obligation.

SHRI LOKANATH MISRA (Orissa) : During the promulgation of the Ordinance there was no time because of the emergency but subsequently, when this Bill was drafted they could have referred it to that authority or the Metropolitan Council. If that had been done, they could have suggested some improvements in the Bill. There was a lapse of 2 months. Why did not the Government, in this period, make a reference to the authority ?

MR. DEPUTY CHAIRMAN : He has made it clear that it is not obligatory on the part of the Government. It is in the Concurrent List of the Constitution

SHRI LOKANATH MISRA : He simultaneously admits also that it is the policy of the Government whether it is obligatory or not. The policy is that the Government wish that a reference should be made. Why was not this. . .

SHRI H. R. GOKHALE : The hon. Member has misunderstood me. What I said was that it was not the intention of the Government to bypass the Metropolitan Council. I did not say that it is the policy of the Government to consult the Metropolitan Council in every case. It might become clear if I read section 22 of the Delhi Administration Act. This is the only provision which enables the Metropolitan Council to consult on matters relating to the Union Territory of Delhi. It says subject to the provisions of this Act the Metropolitan Council shall have the right—nobody has taken away their right—to discuss and make recommendations with respect to matters in so far as they relate to Delhi. So they have the right to discuss and they have the right to make suggestions. Those suggestions will be appropriately considered when they are made.

SHRI PITAMBER DAS : What would be the stage of those discussions ? When would they discuss this ? After the Bill is passed, there is no use having any discussion..

SHRI H. R. GOKHALE : When an Ordinance has been issued it has to be replaced by a legislation and a Bill has to be brought forward. Nothing prevented them in the meanwhile from discussing it and giving their views. It is not as if a reference has to be made and then only it can be discussed. Everybody including the Metropolitan Council knew that this Ordinance is there and that this Ordinance will come before Parliament for being converted into appropriate legislation. Now if the Metropolitan Council was really so concerned with regard to this Bill they had ample opportunity to discuss it and make suggestions. The hon. Member himself said there was a period of two months. As he himself said, there was this period of two months on the one hand and there is no obligation on the Government to consult on the other hand. Power has been given to them to discuss which power nobody has taken away. They could have discussed it ; they could have made their suggestions. The Ordinance was there and it was known that the Ordinance will come before Parliament in order that a Bill might be passed. They could have said, these are our views with regard to this Ordinance. With great respect to the Metropolitan Council if they really thought that there were some suggestions to be made with regard to this they could have themselves exercised the power under section 22 and they could have discussed this Bill which they did not.

SHRI LAL K. ADVANI : The hon. Minister does not seem to be aware of the Executive Council Rules under which the Executive Council can move only on such matters as are referred to it by the Government. Although the right to discuss is there, the normal procedure that is followed is that the Executive Council moves only on such matters as are referred to by the Government of India. So my humble submission is why the Government did not, on its own, consult the Executive Council. This point has to be answered.

SHRI K. CHANDRASEKHARAN (Kerala) : There is one point which the hon. Minister may clarify. According to section 22 it would appear that there is no responsibility or liability as such on the part of the Central Government to consult the Metropolitan Council and the Metropolitan Council can discuss on its own and give its

views. May I know from the hon. Minister what has been the precedent in this regard ? There must have been many Bills concerning Delhi in respect of which the Metropolitan Council might have been either consulted or as the hon. Minister stated in terms of section 22 the Metropolitan Council might have stated their own views after discussions. May I know what are the precedents ?

SHRI H. R. GOKHALE : The question asked by the hon. Member in fact supports what I said earlier. I¹ what was done in the past was as the hon. Member stated that generally references had been made, if the situation had been such then a reference might have been made also. The whole idea was not to bypass the Metropolitan Council. That is exactly what I am saying. There was no intention to bypass the Metropolitan Council unless as had happened in this case one is faced with a situation when emergent action has to be taken. I was at pains to point out that if such a situation had not arisen, probably what had been followed as a practice in the past would have been followed in this case also. It only shows that there was no intention to bypass the Metropolitan Council. It has been said that this has been done with political motives. I hope that the situation was known to all, everybody including the hon. Members there must have known what transpired in this city with regard to the Gurdwaras particularly with regard to one of the Gurdwaras where a serious situation relating to law and order had developed and emergent action was necessary. When they are saying that this Bill is being brought forward for political motives I hope their opposition is not for political motives. What I am suggesting is, let the merits of the situation that prevailed at that time be considered, let us see whether there is any obligation in law to consult. As I said there is no obligation to consult at all and there was no failure in following the law. It has been indirectly suggested that in the past such references have been made, which would show that there was never any intention to bypass the Metropolitan Council, although there is no obligation in law to consult them. I would emphasise that, looking into the provisions of the Bill, you will note that they take abundant precaution to see that there is no interference in the religious affairs of the Sikh community. The management has been principally well repaid

[Shri H. R. Gokhale]

to the secular affairs of the Gurudwaras. The Board consists entirely of members who are of the Sikh community.

Lastly, I would like to make a statement and assure the Members of this House that this legislation is not intended to be a permanent measure. It is a stop-gap arrangement until the members of the community, including the Board which is constituted, make suggestions as to what would be the appropriate measure that should be brought before Parliament to replace the present Bill, so that in good time it will not be a nominated committee at all. It will be a committee which will be duly elected by the members of the Sikh community, by citizens belonging to the Sikh community in this city. It is the intention of the Government to substitute this legislation, as early as possible, by a legislation which will give power to members of the Sikh community to elect their own representatives, so that in future the affairs of the Gurudwaras can be managed according to the legislation which is intended to be brought forward within a reasonable time and as early as possible. So, the Sikh community will have the right to elect their representatives to manage the affairs of the Sikh Gurudwaras. Sir, I have already moved the Bill for consideration.

MR. DEPUTY CHAIRMAN : Motion moved. . .

SHRI LOKANATH MISRA : How long will he take to bring forward a comprehensive Bill ?

MR. DEPUTY CHAIRMAN : He will reply in the end.

SHRI LOKANATH MISRA : How long will he take to bring forward the new legislation. Can he give us an idea ?

SHRI H. R. GOKHALE : It is not possible to specify the time. All that I can say is that the suggestions would have to come from the Board as to what would be the appropriate measure. It will lay down the manner in which the elections have to take place. It will contain elaborate provisions as to how the Sikh community can be properly represented so far as the

management of the Gurudwaras is concerned. Now, these suggestions would be invited from the Board and they would be taken duly into consideration by the Government. The other members of the public would also be welcome to give suggestions as to what appropriate measures should be taken, so that an elected body can replace the body which is contemplated by this kind of measure. Without delay, as early as possible and within a reasonable time the suggestions will be considered and a measure to replace the present Bill be brought forward.

The questions were proposed.

श्री बी० एन० मण्डल (बिहार) : उप-सभापति जी, जो विधेयक आज इस सदन के सामने प्रस्तुत है, मेरा ऐसा खयाल है कि जो रूप दिया गया है इस विधेयक का उस रूप में यह विधेयक नहीं आता तो अच्छा होता। मन्त्री जी का कहना है कि ऐसी स्थिति आ गई थी कि एक वैक्युअम हो गया था. . .

श्री अकबर अली खान : मंडल साहब, जरा माइक के सामने आ जाइये।

SHRI LOKANATH MISRA : The Government is so deaf that even the mike does not work on their ears.

SHRI AKBAR ALI KHAN : Should the Members also be deprived of it ?

श्री बी० एन० मण्डल : तो ऐसी स्थिति आ गई थी कि वैक्युअम क्लिएट हो गया था। इस वैक्युअम के कारण जो सिख धर्म के वंश-पर्स हैं उनमें पूजा-पाठ सम्बन्धी गड़बड़ी पैदा हो रही थी, इसलिए जल्दी से जल्दी कोई कानून आना जरूरी था और इसलिए राष्ट्रपति जी ने यह आर्डिनंस लागू किया लेकिन इस आर्डिनंस में जो प्राविजन दिया गया है उस प्राविजन में कहा गया है कि जो बोर्ड बनेगा और उसका जो सिलेक्शन होगा वह सेंट्रल गवर्नमेंट की तरफ से होगा। क्या इस कानून में इस तरह की व्यवस्था नहीं हो सकती थी कि

दिल्ली के रहने वाले जितने सिख हैं उनकी एक कांस्टिट्यूएन्सी हो जाय और उस कांस्टिट्यूएन्सी के द्वारा इसका चुनाव हो जाय। ऐसी हालत में अगर सरकार के ऊपर ऐसा चार्ज लाया जाता है कि यह पोलिटिकल मूव सरकार का है तो इसमें क्या अनुचित है। हम समझते हैं कि आज सिख कम्युनिटी में जो आपसी भगड़ा है उस भगड़े का फायदा यह सरकार उठाना चाहती है और उसके एक सेक्शन को यह अपनी तरफ खींचना चाहती है और इस नामिनेशन के जरिये वह ऐसा प्रबन्ध करेगी कि जिसमें ऐसे आदमी वहां बैठ जायं जिनके द्वारा सरकारी पार्टी की राजनीति दिल्ली में चल सकेगी। इस बात की कोशिश की जायगी। इसलिए मेरा जो यह चार्ज है और यह सही है कि एक पोलिटिकल मोटिव से यह बिल लाया गया है। अभी मन्त्री जी ने कहा कि यह टेम्पोरेरी बिल है। बाद में एक दूसरा बिल आयेगा। अगर इस बात में कोई सत्यता हो तो मैं समझता हूं कि एक प्राविजन इस बिल में होना चाहिए था कि यह अमुक तारीख तक के लिए है, एक वर्ष के लिए या 6 महीने के लिए यह बिल लाया गया है और इसके बाद यह कानून रद्द हो जायगा और कोई एक कंसीडर्ड बिल इस बीच में लाया जायगा जिसको सभी लोगों के कंसल्टेशन से तैयार किया जाएगा। इसमें दो स्वार्थ हैं, दो तरह के लोग जिन का कंसल्टेशन इसमें होना चाहिए। एक तो है दिल्ली की मेट्रोपोलिटन काउंसिल और दूसरे हैं सिख धर्म के लोग, उन दोनों से कंसल्टेशन होना चाहिए। मन्त्री जी ने कुछ नहीं कहा कि सिख धर्म के जो लोग हैं उनसे सलाह की है या नहीं, उनकी सलाह से यह बिल लाया गया है यह बात मंत्री जी ने नहीं कही। इसलिए मैं समझता हूं कि जल्दीबाजी में यह बिल लाया गया है और उसके पीछे एक मोटिव है। उनके अन्दर जो भगड़ा है उसका नफा उठाना चाहिए इस पोलिटिकल एण्ड के लिए यह बिल लाया गया है और इसलिए मैं इस बिल का विरोध करता हूं।

श्री जोगेन्द्र सिंह (उत्तर प्रदेश) : डिप्टी चेयरमैन साहब, यह आर्डिनेंस क्यों लाया गया इसकी एक खास वजह है। बहुत दिनों तक गुरुद्वारे बंद रहे। लेफ्टिनेन्ट गवर्नर साहब ने हजारों खत भेजे सिखों के नाम, उनसे राय ली गयी कि आपकी क्या राय है, क्या होना चाहिए। उन्होंने कहा कि गवर्नमेंट को इसमें दखलअन्दाज होना चाहिए, गुरुद्वारों को खोलने में ताकि हम लोग वहां पर जा कर परस्तिथ कर सकें। उस सूरत में गवर्नमेंट ने यह कोशिश की कि यह काम हो और यह आर्डिनेंस बनाया और इस आर्डिनेंस के बनने के बाद यह पाँच आदमियों की कमेटी बनी। मुझे ऐसा मालूम होता है कि दिल्ली के जो सिख थे उन सब से जितनी ज्यादा से ज्यादा राय ली जा सकती थी वह लेकर और उनसे काफी मशविरा करके यह कमेटी बनायी गयी। 20 तारीख से यह कमेटी बनी और तभी से हम लोग उलझन में पड़े हैं। हिसाब-किताब देख रहे हैं और कागजात की जांच कर रहे हैं और आप जानते हैं कि यहां तक हुआ है। मैं माफी चाहूंगा यह कहने के लिए कि आडिट रिपोर्ट्स तो हैं लेकिन बैलेंस शीट हमको नहीं मिलती। बैलेंस शीट अब हम लोगों ने तैयार करवाये हैं उन्होंने आडिटर्स से। दूसरी बात यह है कि इस अरसे में हम लोगों की रोज मीटिंग्स होती थीं। हम लोगों ने यह भी कोशिश की है कि गुरु तेगबहादुर कालेज जो अभी थोड़ा सा बना है और कुछ अभी बाकी है उसको पूरा करने की कोशिश की जाय। एक डिस्पेंसरी बंगला साहब में हैं, उसको हम लोग अस्पताल बनाने की कोशिश कर रहे हैं। इस अरसे में यानी 20 तारीख से लेकर 9 तारीख तक गुरुद्वारे की आमदनी 4 लाख 5 हजार 55 रुपया हुई है। तो मैं आप से बता दूँ कि इतनी कुल आमदनी हुई है, जो गुल्लक की थी और जो वैसे और तरह की आमदनी थी उस सब को मिला कर के हुई। तो इस तरह से काफी इंतजाम में हमने तरबकी की है।

†[श्री अकबर अली खान : उस पीरियड में गुजस्ता जमाना में कितनी रकम वसूल होती थी, आप के जमाना में क्या बेहतर हुई है, यह बताइए ?]

[श्री अकबर علی خان - اس پیرڈ میں گزشتہ زمانہ میں کتنی رقم وصول ہوئی تھی آپ کے زمانہ میں کیا بہتری ہوئی ہے - یہ بتائیے -]

श्री जोगेन्द्र सिंह : यह ग्रामदनी 20 तारीख से 9 तारीख तक की है।

श्री कृष्ण कांत (हरियाणा) : बाकी हम बतायेंगे।

श्री जोगेन्द्र सिंह : तो ऐसी सूरत में यह इंतजाम किया है। यह जरूर है कि दिल्ली के सिख इस बात के स्वाहां हैं कि जल्दी से जल्दी एक्ट बने, जल्दी से जल्दी कानून बने ताकि चुनाव हो और वह अपने गुरुद्वारों का इन्तजाम करें। हम भी यही स्वाहिश रखते हैं कि गुरुद्वारा एक्ट जल्दी बने, कानून जल्दी बने और हम लोगों को उस जिम्मेदारी से मुबररा किया जाय। ऐसी सूरत में एक जिम्मेवारी भी उस बोर्ड के ऊपर दे दी है गवर्नमेंट ने नोटिफिकेशन निकाला है और वह यह है :

"This Board, apart from managing the Gurdwaras and the Gurdwara property, can consider an appropriate setup of a more permanent nature for efficient management. It can also consider the manner in which elections be held and a new body constituted."

तो इसके लिये हमारा इरादा है कि हम शिरो-मणी गुरुद्वारा प्रबन्धक कमेटी, अमृतसर, और जहां-जहां गुरुद्वारे हैं, जहां-जहां बड़े गुरुद्वारों में इन्तजामिया बोर्ड हैं और सिख इंटेलेजेंशिया है, जहां-जहां बार एसोसियेशंस हैं उन से मदद ले कर के, उनसे मशविरा ले कर के, यहां के कानून को बनाने की कोशिश करें। एक खास बात कही गई है हम लोगों से कि जो सिख की तशरीह है कि किन तरीकों से वह मजहब को

[] Hindi transliteration.

पूरा करत हो तो वह जो है वह वही होनी चाहिये जो कि गुरुद्वारा एक्ट पंजाब में है और मैं उससे इत्तिफाक करता हूं कि जो वहां पर उन्होंने कायदे लगाये हैं जहां तक मुमकिन हो दिल्ली में भी वह कायदे लागू होने चाहिये।

और मैं उम्मीद करता हूं कि दिल्ली के लोग इस कमेटी से खुश हैं। हमारे पास लोग मिलने आते हैं, डेपुटेशन आते हैं, उनकी जो तकलीफ होती है उनको हम दूर करने की कोशिश करते हैं।

और यह बात ठीक है कि मैट्रोपोलिटन कांसिल से नहीं पूछा गया। मैट्रोपोलिटन कांसिल तो मेरे ह्याल से सब होशियार लोगों की है, पढ़े-लिखे हैं वह अगर कोई अपनी राय देते तो उनकी राय कोई रही की टोकरी में फंकी नहीं जाती उस पर जरूर गौर होता। मैं उम्मीद करता हूं कि वह मानेंगे कि इस बात का इल-जाम गवर्नमेंट पर लगाना यह कोई मुनासिब बात नहीं है।

और यह एक्जोरेंस हमारे ला मिनिस्टर साहब ने दिया है कि जल्दी से जल्दी कानून बनेगा। हम भी उसमें मदद करेंगे कि जल्दी से जल्दी कानून बने। जो हमारी राय होगी वह भी हम जल्दी से जल्दी भेजेंगे, जहां तक हो सकेगा, जितनी जल्दी होगा उतनी जल्दी हम अपनी रिक्मेंडेशन, अपनी तरफ से उसको लिख कर, पास करके गवर्नमेंट में भेजने की कोशिश करेंगे।

SHRI BALACHANDRA MENON (Kerala) : While I welcome the present Bill, I would like to make the following suggestions. It is true that most of our religious organisations turn out to be hotbeds of political fights and reaction. One has to be very careful about this. But also we must be very careful that the Government does not unnecessarily interfere in the religious life of these Communities.

Now, Sir, the Government has taken up the right to have five nominated members.

Five Sikhs can be nominated to the Board. It is necessary for the time being as a temporary measure. But then to ask the Board itself to work out how it should be liquidated is something which may not take place because there, again, some vested interests will come in. I would, therefore, suggest that in the next Bill that we have to bring—and it should be brought as early as possible—there should be provision for nomination of two Members of Parliament. At least there should be a feeling that somebody who has been elected has got a voice to say about the management of the Sikh community to which he belongs.

I would also suggest that the Metropolitan Council, if it has got a member of the Sikh community, should send one member and one member must be nominated by the President in consultation with the Government because these things will have to be done. While the Government owes a responsibility that these religious places are not merely places of factionalism, we have to see that the members at least have some sort of elected character ; otherwise whatever might be the profession of the Government, it will finally turn out to be an organisation in the hands of the dominant political party. It should not be so. Such a thing has been done regarding some of these Boards. We know the Cochin-Trivandrum Devaswam has got some Hindu Members of the Aseembly and a nominated member from the Government. There should be some such thing whereby you can win the confidence of the entire Sikh community by clearly demarcating that the political party has absolutely no anxiety to intervene. That is the only way by which we can build up this organisation because it is a necessity.

I would also say that in all such cases we must, as far as possible, try to see that the elected character should be maintained. Thank you.

SHRI KRISHAN KANT : Mr. Deputy Chairman, Sir I welcome this Bill which the hon'ble Minister of Law has brought forward. A situation has arisen in Delhi where the religious sentiments of the people could not be implemented. They wanted to go to the Gurdwara but they were not allowed to go. And in spite of all attempts a solution was not in sight. It was in this emergent situation that the Government had to intervene. As sardar Jogendra Singh

said, in order to have the maximum consensus this Board was formed and the Ordinance was issued. Now I think the objection raised by Mr. Advani and others will be met when the final Bill comes before this House. The Metropolitan Council should, naturally, be consulted and their advice taken before the next Bill comes to the House. But a situation had arisen where it had become very difficult for you to observe your daily process. If the Government had not intervened, the Gurdwara would have been closed for a longer time and the worshippers could not go there and perform their daily routine of offering worship and other things in the Gurdwara. So, I think the Government very wisely acted.

Mr. Deputy Chairman, I am glad the Government selected a very good team of members of the Board. And in this connection I would like to praise the Chairman of the Board who is a Member of this House, Sardar Jogendra Singh. He has functioned impartially, honestly and with integrity. This is clear from the accounts that we got for the period he has been the Chairman. He took over as Chairman from 20th May 1971.

श्री जगदीश प्रसाद माथुर (राजस्थान) :
सभी कांग्रेसी हैं या गैर कांग्रेसी भी हैं कोई ?

श्री कृष्ण कान्त : क्या अगर कांग्रेसी
इन्टेग्रिटी वाले हैं तो अच्छे नहीं हैं ?

श्री जगदीश प्रसाद माथुर : दुनिया में
बाकी लोग इन्टेग्रिटी वाले हैं ही नहीं ?

SHRI KRISHAN KANT : Mr. Deputy Chairman, it shows that within this period, from 20th May to 9th June the total amount of more than Rs. 4 lakhs have been collected.

If we multiply this 21 days to one full year, it comes to round about Rs. 72 lakhs. And if you go into the accounts of earlier years, I am told that the total amount collected was about Rs. 36 to Rs. 38 lakhs. It means that if men of integrity like Sardar Jogendra Singh had been there, the Gurdwaras could have collected much more money, at least double the money, which could be used for hospitals, colleges and so on.

SHRI N. G. GORAY (Maharashtra) : But if there is shortfall, they will be responsible.

SHRI KRISHAN KANT : There is no question of shortfall in this. It is not a Plan where there could be shortfalls. I think Mr. Goray has been provoked by the replies of Mr. Dharia.

Mr, Deputy Chairman, sir, I would say that they this question of mismanagement and corruption in Gurdwaras is a very serious matter. It should be looked into. It should be seen that the money that people offer in Gurdwaras or in Mandirs with feelings of reverence for God is properly utilised for the service of the community.

श्री नागेश्वर प्रसाद शाही (उत्तर प्रदेश) :
कृष्ण कान्त जी, स्टेट बैंक की तरह इसके
पैसे का भी फ्रॉड न हो जाय।

SHRI KRISHAN KANT : Mr. Deputy Chairman, I am against fraud anywhere whether in a bank or in Gurdwara.

SHRI JOGENDRA SINGH : I will request the hon. Member to come and see the accounts any day he likes.

SHRI KRISHAN KANT : I am glad that in Delhi a brave lady, Nirlep Kaur took upon herself the task of seeing that this corruption stopped in Delhi Gurdwaras and she fought like a brave soldier till the Government came to the rescue of the Gurdwaras to see that honest dealings may be there and better management may be there.

I would also like to say that the Government of India and the State Governments must see whether Gurdwaras have been utilised for political purposes, for party purposes. They should not be allowed to be utilised for political purposes. We must go deep into it and see that religion and politics are kept separate. This question has to be gone into.

Then, there should be separate Gurdwara Prabandhak Committees in different States. It is not that the Punjab Gurdwara Prabandhak Committee should try to dominate the Delhi Prabandhak Committee or the Haryana Prabandhak Committee. The

Sikhs of Haryana should manage their own affairs, (the Sikhs of Delhi must run their own affairs and the Sikhs of Punjab must manage their own affairs. There should not be any imperialism or domination in this. Mr. Deputy Chairman, Sir, I would like the Government to look into the whole question so that hence forward some reform is brought about and the money that is collected in the Gurdwaras is utilised for good purposes and not allowed to be used for political purposes. I think the way Sardar Jogendra Singh and his team have been functioning will be an example to others that hence forward Delhi Gurdwaras will be managed in a much better way and the funds of the Gurdwaras will not be utilised for political or personal purposes. If an enquiry is held as to how much money has been mismanaged and how many buildings have been made by some of the responsible people, it will reveal a harrowing tale. I would not like to go into them now. I support this Bill and I hope Sardar Jogendra Singh's standard will be maintained by the coming board and others.

♦SARDAR GURCHARAN SINGH TOHRA (Punjab) : Mr. Deputy Chairman, I rise to oppose the Delhi Gurdwaras Bill. Many friends have said that this Bill is very good. I think this Bill has appeared as a black Bill for the Sikh community. This is not the first occasion but in the past also every Government has been interfering in the religious affairs of the Sikhs and the Sikhs have been protesting against it. During the British regime also Gurdwara Reforms Movement was started because the Britishers interfered in the affairs of the Gurdwaras and instigated the Mahants. As a result of the instigation of Mahants, a controversy started and Gurdwara Reforms Movement was launched in which 45,000 persons were imprisoned and Rs. 16 lakhs were paid as fine and hundreds of persons were killed. In that movement, the late Shri Jawaharlal Nehru was also arrested and the Moraria of Jaiton as a result of the movement, the Sikhs got their right to vote and elect their Managers. But the Committee which has been formed in Delhi has established a new Mahantism of the present age. The Sikhs of Delhi, 5 lakhs in number, enjoy their right to elect their Manager. I have proposed a number of amendments of which the main amendments

* Original speech in Punjabi.

concern the following provisions : appointment of the Lt. Governor at the head of this Committee which would implement the policies laid down by him. Apart from this, according to the definition contained in the Bill, a Member of the Committee need not necessarily be an Amritdhari Sikh, I seek to amend this provision. I have given many things in writing.

Many things have been said by the hon. Members. It has also been said that Gurdwaras should keep away from politics. I would like to ask when members of political parties are nominated as Managers by the Government itself, how can they be said to be free from politics. The Chairman of the present Committee of Sardar Joginder Singh, who is a Member of Parliament and a member of Congress Party. How would he dissociate his identity from this office ? Another member is Sardar Bahadur Ranjit Singh who has been a Member of Parliament representing the Congress Party for 15 years. The third one is Sardar Mohan Singh who is the Vice-Chairman of NDMC and belongs to the Congress Party. The fourth one is Sardar Pritam Singh who is a relative of Major Harinder Singh, Leader of the Congress Party in the dissolved Legislative Assembly. Similarly, Tikka Jagjit Singh is the person who once demanded the repeal of the Punjab Gurdwaras Act in the Assembly of undivided Punjab. A suggestion was made by Shri Menon that they should keep away from politics but I think that when one has the right to be elected by votes, any person connected with a political party can become a member of the Gurdwara Prabandhak Samiti. Therefore, I there is no ban on persons other than members of the Akali Dal against their casting votes. I think our Government violated Articles 14, 26 and 30 of the Constitution and the provision made thereunder that the Government will not interfere in the religious affairs of a minority community, has been ignored. I have proposed an amendment to the words "Central Government" wherever they appear in this Bill. If Government's intention is good, if it wants that 8 lakh Sikhs of Delhi should themselves run the management of the Gurdwaras, then what was the trouble ?

Our Law Minister has assured that this Bill is a temporary measure. If it were so, the word "temporary" should have been used in it. That would have given us some

consolation. Hundreds of assurances have been given in this House and nobody cares about them. Therefore, it cannot be believed that such a Bill would be brought considering the fact that they had at their disposal an ample time—45 days. Such a Bill should have been brought before the House within this period of 45 days. A comprehensive Bill could have been drafted in which provision could be made for elections, and the same definition of a Sikh could be included which is given in the Punjab Gurdwaras Act.

It has been stated that the Sikhs of Delhi are agreeable to this. The Gurdwaras do not belong to the Sikhs of Delhi alone. They belong to all the Sikhs. Sikhs from all places, whether residing in America or in England, attended the Convention held on the 6th May and expressed their views that the Government at Delhi, the Central Government had no right to hand over our Gurdwaras to its nominated members. They demanded that the amendments moved by me be carried out in this Bill. In view of the difficulties which would arise as a result of the non-incorporation of the amendments moved by me, I feel the Sikh community would never tolerate this Bill in its present form. It is not a matter concerning the Sikhs of Delhi alone. Some Sikhs of Delhi may be happy over it, but Sikhs in general cannot share this happiness. Therefore, I would request the Government that all the amendments moved by me may be accepted as they stand and thereby our democratic rights may be resorted to us. Today, our Government is raising a hue and cry about Bangla Desh that democracy is being crushed there. But on the other hand, democracy has been crushed in our own country, in Delhi itself. I would like to submit that the members who have been nominated on the Committee, may have a religious life but their political life is more vividly before you. I, therefore, request that all the amendments moved by me may be accepted and the unrest prevailing in the Sikh Panth may be removed.

(Interruptions)

The Government has stated that the conditions were such that Government had to interfere, I think it was the preemptive action of the Central Government itself which created this situation. When Nirlep Kaur seized the Gurdwaras on the 10th January, it was this very Central Government which got the gales of the Gurdwaras

[Sardar Gurcharan Singh Tohra]

opened on the 3rd day because the General Elections were at hand and an adverse effect on the elections was feared. When the same Nirlep Kaur seized possession of the 6th May, this Government's police protected the trespassers. The Sikhs of Delhi have been punished because they had voted against the ruling party in the Metropolitan Council. I therefore, agree with Shri Man-dal that the Government has a political motive behind it and not the interests of the Gurdwaras. The Government should have a look at the history of the Sikh Path. When Ahmed Shah Abdali interfered in the affairs of the Gurdwaras, we opposed it, When Nadir Shah interfered in the affairs of the Gurdwaras, we protested against it. When the Britishers interfered in the management of the Gurdwaras, we opposed it and fought against it. If this Government retains those five persons who have been nominated by the Central Government and their Chief Administrators is the Lieutenant Governor who is a non-Sikh, we will never tolerate it. I, therefore, once again humbly submit that this Bill may be amended by accepting my amendments, and it should be re-introduced. It has been said that it will be done very soon but no time-limit has been fixed. It may take five years or even ten years. Hence, the Government, the Law Minister should declare that they will bring another Bill in the next session. It won't be difficult. It does not involve much of legal consideration. The Punjab Gurdwara Act has been in force since 1925. It may be copied and the word 'Punjab' may be substituted by 'Delhi' and it may be applied to Delhi. We will have no objection to it. Another fatal attack has been made on us through this Bill. Shiromani Gurdwara Prabandhak Samiti is a representative organisation of the Sikhs. Its representation, its central power is recognised by all the State Governments.

When the Maharashtra Government formed a Board for Gurdwara Hazoor Sahib, it included four representatives of the Shiromani Gurdwara Prabandhak Samiti. The Samiti was given representation on the Board of Gurdwara Patna Sahib in Bihar. Similarly, the Samiti was given representation on the Gurdwara Bada Singh Sikh Sangat, Calcutta. A Board has recently been formed in Himachal Pradesh for Gurdwara Paonta Sahib. A provision

in that Act as well that the Chairman of the Shiromani Gurdwara Prabandhak Samiti shall be the Chairman of this Board. But the power of the Shiromani Gurdwara Prabandhak Samiti has been completely ignored in Delhi. I think it is a conspiracy to decentralise the power of the Sikhs. Even people in Pakistan give due importance to the Shiromani Gurdwara Prabandhak Samiti. We have been given recognition in foreign countries and it is the Shiromani Gurdwara Prabandhak Samiti which organises religious functions there. I wish all these provisions to be made in this Bill. My amendments should be accepted as they stand and thereby Government should pacify the Sikhs.

KUMARI SHANTA VASISHT (Delhi) : Mr. Deputy Chairman, this Bill has come. The situation had deteriorated very much in terms of law and order also at that time and probably the Government had to promulgate this Ordinance and now to bring in this sort of an incomplete thing. But, basically and fundamentally the Government should never come and interfere in the fundamental rights of the citizens and particularly of the minorities, because this may provide a very good excuse to the Government to say that the situation was so bad that the Government had to step in and so on. But this is too much of a temptation for the Government. They may also be anxious practically to walk into it thinking that they have to save the situation. But this is a bad thing for the Government to do and is equally bad for the citizens also. Therefore, any interference or any taking over by the State or interference in the religious affairs of the minority communities is doubly bad and the minority communities particularly should have the right to manage their affairs as they like and as well as they can and they should also have the experience and knowledge to learn how to manage their affairs. But the Government will also appoint members in the name of minorities particularly who would do work that is very suitable to the ruling party or the Government or whatever party may be in power. I find the Government is in the habit of using the representatives of the minorities practically as their spokesmen in such matters or practically like show-boys, if I may say so. It is a bad word and it has a very bad connotation. But it is also a word very

correct and suitable, because it does show exactly where the representatives of the people stand and how far they are used as show-boys and used to manage their affairs and various other things to suit the Government's programme and purposes. Of course, their programme and purposes may not always be bad. But, those who are particularly the representatives of the minorities and who are considered so should be given preference over those who would also be religious men and will run the show according to their sweet will. That thinking is wrong. If the Government wants to appoint its own men who are primarily party men who will be their men and so on, that thinking is wrong and the thinking that they should be appointed so that they would run the affairs of the minority community as the Government wants them to do is also wrong.

3 p. M.

Secondly, my suggestion is that elections to this body should be held as early as possible so that this *ad hoc* committee or whatever it is does not function for a long time and people are allowed to function and manage their own affairs in their own way, and all the minorities have freedom to function as they like.

Sir, I would also like to point out one thing more. When they brought out the Ordinance, maybe some trouble was going on; possibly they were taking possession of Gurdwaras and so on. As a matter of fact, I think, every State Government or every Government functioning on behalf of the representatives of the people, whether it is the Metropolitan Council or State Assembly or the Ministry or the Chief Executive Councillor of Delhi, should always be consulted by the Central Government. They have had time to consult the Lt. Governor of Delhi. How is it that they did not have time to consult the Chief Executive Councillor of Delhi? You could make one telephone call to one gentleman and one telephone call to another gentleman. That would have taken care of this problem. The idea should be to consult these people, no matter what their party is. You should give them due recognition by consulting them. Of course, you are free to reject their advice. You are not bound by their advice. They

have no authority to impose their advice on you. But in the interest of democratic traditions, you should consult these representatives—those who are managing the affairs of Delhi—in such matters. They can give their own opinion. You are free to examine that. You can accept it or reject it or modify it or do whatever you please. But your habit, your way, your intention should always be to give them due recognition. You should not just ignore them or bypass them—maybe, under urgency for lack of time or whatever it is, I am sure, being in Delhi, you would not be that much short of time that you cannot make even a telephone call to these people and ask for their opinion. You are not bound by any means.

Previously, the precedent has been that the Lt. Governors also, or even the Chief Commissioners, used to consult the representatives authority in the Delhi area, even in matters which were not directly their concern like general administration or law and order or such other matters as Police and so on. Even on such questions, these people were always consulted. So I do not see why there should be a slight departure in this practice in this case. If you did not consult them on account of the fear that the Jan Sangh would exploit the situation, the Central Government in their own judgment would be able to give the correct perspective to the Sikh community.

So, Sir, I feel that they should hold election as early as possible and hand over the management to the Sikh people, and not to the Government people.

MR DEPUTY CHAIRMAN : Shri Akbar Ali Khan.

SHRI AKBAR ALI KHAN (Andhra Pradesh) : Sir, but for the speech of Sardar Tohra and some connection that I had with Guru Govind at Nanded (Old Hyderabad) I would not have ventured to speak.

I would say, Sir, that in such a matter the Sikh community should have full control. I do not think there are two opinions about it. But there are two things : One is the performance of religious and other things ; the other is the management of the funds that are given to these 'gurdwaras' and temples.

Sir, many a time these matters have arisen, and it has been found that Govern-

[Shri Akbar Ali Khan] ment control is comparatively better so far as the finances and their being properly handled are concerned. I can assure Shri Jogendra Singh that there is no intention on the part of anybody that we should interfere in the affairs of Sikh Gurdwaras. We only want to see that the amounts deposited or offered in the Gurdwaras out of devotion to and affection for the Gurus are properly accounted for and properly utilised. That is the only idea with which we are concerned,

श्री नागेश्वर प्रसाद शाही : It is not always correct. बट्टीनाथ मंदिर का हिसाब-किताब सरकार के पास है और वहां भारी घोटाला है।

SHRI AKBAR ALI KHAN : That might be ; there might be exceptions ; I do not deny, but generally my experience is that the finances are looked after better if there is some Government control over them. The other thing I would like to say is that Government should bring in legislation as early as possible so that all the suspicions might be removed, but at the present moment I think there was no other alternative for the Government but the promulgate this Ordinance in the interests of the Gurdwaras and Sikh people, and I join my friends in paying my tribute to Mrs. Kaur and Sardar Jogendra Singh for the good work they have done in this respect. I support the Bill which has been brought to replace the Ordinance.

श्री नवल किशोर (उत्तर प्रदेश) : उप-सभापति जी, यह जो विधेयक हमारे सामने आया है, इसके बारे में कहा गया है कि अभी यह एक टेम्पररी किस्म का बिल है और इसका एक बड़ा बिल कुछ दिनों के बाद आएगा। मैं स्वयं भी इस विचार का हूँ कि धार्मिक संस्थाओं में सरकार को हस्तक्षेप नहीं करना चाहिए और धार्मिक संस्थाओं पर कब्जा करने की आदत भी सरकार में नहीं पड़नी चाहिए। सरदार जोगेन्द्र सिंह जी ने एक बात कही कि हम बहुत जल्द चाहते हैं कि वह कानून आ पास हो जाय और हम इस जिम्मेदारी

से हटना चाहते हैं और जो चुने हुए नुमायंदे सिखों के होंगे, उनको हम गुरुद्वारों का कार्य-भार सौंपना चाहते हैं। बात सही है। मुझे एक बात याद आई सभापति जी, कि एक दफा किसी की दादी का इन्तकाल हुआ तो उसने कहा, दादी मर गई, यह कोई खास बात नहीं हुई, मगर मौत ने घर देख लिया यह बुरा हुआ। दादी तो मर गई, जो भी हुआ, हो गया, लेकिन मौत ने घर देख लिया। अगर हमेशा के लिये यह आदत पड़ गई और सरकार को सरदार जोगेन्द्र सिंह को हर गुरुद्वारा कमेटी का चेयरमैन बनाना पड़ा, तो बड़ी खतरनाक बात होगी। सरदार जी पर मुझे बड़ा विश्वास है, पर मैं चाहता हूँ कि इस बुढ़ापे में उनको इस तरह इन कामों में घसीटा न जाए।

श्री अवधेश्वर प्रसाद सिंह (बिहार) : बुढ़ापा शब्द वापस लीजिए।

श्री नवल किशोर : अच्छा जवानी कहिए। तो मैं यह अर्ज कर रहा था कि सरदार जी को यूँ ही बहुत काम हैं सो सरकार को इस तरह की आदत न पड़े, तब अच्छा होगा।

दूसरी बात श्रीमन् मुझे याद आई—दो बिल्लियों और एक बंदर का किस्सा बड़ा मशहूर है। दो बिल्लियों का भगड़ा हुआ तो बंदर बीच-बचाव करने गया, उनका न्साफ करने गया और आखिर को जो अन्जाम हुआ, कहीं वह अन्जाम इस गुरुद्वारे का न हो। कौन जगह ऐसी है जहां पार्टियां नहीं हैं, कौन एजुकेशनल इन्स्टीट्यूशन है, जहां पार्टियां नहीं हैं और उनमें भगड़े नहीं होते हैं। (Interruption) मगर सरकार उन को टेक ओवर नहीं करती है और न उसको करना ही चाहिये।

हमारे कुछ भाइयों ने बहिन निर्लेप कौर को बहुत बधाइयां दीं। मुझे भी औरतों को बधाई देने में अच्छा लगता है। मगर परेशानी यह है कि जिस तरह से तलवार और बंदूक की ताकत पर इस गुरुद्वारे पर कब्जा किया गया,

वह एक प्योरली लॉ एन्ड आर्डर का इश्यू था, उस लॉ एन्ड आर्डर के इश्यू को सरकार को प्योरली लॉ एन्ड आर्डर की दृष्टि से देखना चाहिये था। मगर इसके अन्दर पोलिटिक्स आ गयी। सरकार ने जो एक केवल शांति और व्यवस्था का प्रश्न था, उसको एक पोलिटिकल इश्यू बना दिया। उसे चाहिए यह था कि अन्दर देखर कांस्टीट्यूशन जो कमेटी इन चार्ज थी, अगर उसमें कुछ लोगों को इतिफाक नहीं भी था, तब भी उनको ही काम करने देना चाहिए या फिर सुन-सुनकर बचाने के लिए उसको अपने चार्ज में लेना चाहिए था और इसको कुछ दिनों अपने हाथ में रखने के बाद उनकी नई कमेटी के चुनाव का इन्तजाम करना चाहिये था।

आइवाणी ग्राहव की जो शिकायत थी और कुमारी शांता जी की जो शिकायत थी, मैं उनमें इतिफाक करता हूँ।

सरकार को लेफ्टिनेंट गवर्नर को कंसल्ट करने के लिए टाइम मिला, लेकिन जो मैट्रो-पोलिटन काउंसिल है या जो उनकी एग्जीक्यूटिव काउंसिल है, उससे बात करने का मौका नहीं मिला। न चीफ एग्जीक्यूटिव काउन्सिलर से ही बात हुई। कहा गया है कि गुरुद्वारे के पैसे का अपव्यय होता है और पोलिटिक्स में पैसा खर्च होता है। मुझ को यह मालूम नहीं था, इसलिए मुझे यह सुनने के बाद डर यह होने लगा है कि ऐसा तो नहीं है कि वह पैसा जो खर्च करने की आदत है पोलिटिक्स में, सिर्फ उसका पैटर्न बदल जाय और इस तरह से अब रूलिंग पार्टी की पोलिटिक्स में पैसा खर्च होने लगे। इसलिए मैं चाहूंगा और मुझे उम्मीद है कि सरदार जोगेन्द्र सिंह जब तक वहां पर चेयरमैन है, वे इस बात को देखेंगे कि यह पैसा न पंजाब की पोलिटिक्स में खर्च हो और न ही यह पैसा दिल्ली की पार्टी पोलिटिक्स में खर्च किया जाय।

श्री जोगेन्द्र सिंह : यह मैं वादा करता हूँ।

श्री नवल किशोर : मुझ को सरदार जी पर विश्वास है। तो मैं यह अर्ज करना चाहता हूँ कि यह पैसा पोलिटिक्स में खर्च न हो, क्योंकि जिस तरह से पंजाब सरकार गिरी और जो कुछ बातें वहां हुई उससे डर लगता है कि ऐसी गड़बड़ी इस पैसे से फिर न की जाय।

श्री कृष्ण कान्त जी ने एक बात बड़ी खतरनाक कही कि दूसरी जगहों के गुरुद्वारों का इन्तजाम करने वाली कमेटी को क्या हक है कि वह दिल्ली के गुरुद्वारों का भी इन्तजाम करें? अगर यह बात आगे बढ़ाई जाय और यह उसूल मान लिया जाय कि जिस गुरुद्वारे की जितनी आमदनी हो वह सब उतनी वहीं खर्च की जाय, तब तो जिस स्टेट की जो आमदनी होगी वह उसी स्टेट में खर्च करनी होगी और फिर सेन्टर की इसमें जरूरत ही नहीं रहेगी। लेकिन श्री कृष्ण कान्त ने जो बात अनजाने में कही है, उसके सम्बन्ध में यह निवेदन करना चाहता हूँ कि सिक्खों की एक रेस है, एक कम्युनिटी है, उनका शिरोमणि गुरुद्वारा प्रबन्धक कमेटी के रूप में एक आल इन्डिया ढांचा है और उसी ढांचे के अन्तर्गत सबका इन्तजाम होता है। तो उनका जो कहना है उसमें मैं इतिफाक नहीं करता हूँ और शायद गवर्नमेंट भी इतिफाक नहीं करेगी।

(Time-bell rings)

आखिर मैं एक बात कह कर खत्म कर दंगा। मैं नामिनेशन के संबंध में निवेदन करना चाहता हूँ और यह कहना चाहता हूँ कि यह इतिफाक की बात है कि सरकार को जितने भी ईमानदार सिख मिले वे अपना ही पार्टी के लोग मिले और किसी भी पार्टी के लोग ईमानदार नहीं मिले। क्या यह हमारे लिये बद्किस्मती की बात नहीं है कि उनकी निगाह इधर नहीं पड़ी? अगर सरकार यह समझती है कि और पार्टियों के लोग ईमानदार नहीं हैं तो इससे ज्यादा संकीर्ण दृष्टि की बात दूसरी नहीं हो सकती है। सरकार को अपनी ही पार्टी से पांच के पांच मेम्बरों को नहीं रखना चाहिये था। सरदार जोगेन्द्र सिंह किसी भी कम्पनी में बैठ

[श्री जोगेन्द्र सिंह]

जायं, किन्हीं आदमियों के बीच में बैठ जायें, वे सबको हमवार करके अपने दिल व दिमाग का बना लेते हैं। तो ये अकेले ही काफी थे और आपको पांच आदमियों का बोर्ड बनाने की आवश्यकता नहीं थी। अगर एक ही आदमी का बोर्ड बना दिये होते तो सरदार जोगेन्द्र सिंह काफी थे; क्योंकि उनमें कैपेसिटी है, पोटेन्शियलिटी है और वे बखूबी इन्तजाम कर सकते हैं। तो मैं यह चाहूंगा कि यह जो आपके के ऊपर पार्टी बाजी का चार्ज है, उसको सामने रख कर अपनी जिम्मेदारी को निभायेंगे। इन्सान से बहुत से काम बिना स्वाहिस किये हुए भी हो जाते हैं। चाहे अनइन्टेन्शली हो, आप पोलिटिक्स में पड़ जरूर गये हैं, यह चार्ज सही तौर पर आपके ऊपर आता और यह चार्ज अपनी जगह पर सही है। अब श्री जोगेन्द्र सिंह साहब की जिम्मेदारी है कि वे अपना काम इस तरह से अन्जाम दें कि यह चार्ज आपके ऊपर से हट जाय। मैं यह भी चाहूंगा कि बजाय नामिनेटेड मेंबरों के उनका इलेक्शन होना चाहिये। सरदार साहब ने यह तो बतला दिया है कि इतने समय में इतनी आमदनी हुई है, लेकिन यह नहीं बतलाया है कि खर्च कितना हुआ। तो मैं यह चाहूंगा कि जोगेन्द्र सिंह जी अपनी आदत के मुताबिक खर्च करने की कोशिश करेंगे और वहां पर कंजूसी करने की कोशिश नहीं करेंगे। जब तक आप वहां के खर्च का हिसाब नहीं देते हैं, तब तक आपको मुनासिब सर्टिफिकेट नहीं दिया जा सकता है।

श्री गुरुमुख सिंह मुसाफिर (पंजाब):
फि ट्री चेयरमैन साहब, जिन हालात में सरकार ने यह आर्डिनेंस जारी किया है उसकी बड़ी जरूरत थी और मैं समझता हूं कि वक्त से जरा देर के बाद किया, नहीं तो वहां कोई कल हो जाता तो इससे बहुत खराबी होती। इसलिए मैं सकम्भता हूं कि सरकार ने फिर भी बरबस्त यह स्टेप लिया है।

इस बिल पर मेरे जिस मुअज्जिज भाई ने बहस शुरू की, मैं हैरान हूं कि इस सभा में—मुअज्जिज मेम्बर को तो कोई बात इस बिल के खिलाफ या इस ऐक्ट के बनने के खिलाफ नहीं सूझी और उन्होंने सिर्फ यह कह दिया कि अकाली आपस में लड़ रहे थे और उन्हीं को लड़ने से रोकने के लिए यह आर्डिनेंस जारी किया गया। क्या इसमें बुरा किया गवर्नमेंट ने? उनको लड़ने से रोक दिया तो इसमें बुरा क्या किया, यह मुझे समझ में नहीं आया।

मैं समझता हूं कि सबसे ज्यादा जोरदार तकरीर मेरे दोस्त टोहड़ा साहब ने की है। इस वक्त अकाली दल में जो काम कर रहे हैं, मेरी जाती राय में हमारे मुअज्जिज मेम्बर टोहड़ा साहब उनमें सबसे मुलझे हुए आदमी हैं और मुझे उनसे बड़ी उम्मीद है कि वे किसी रोज अकाली दल को सीधे रास्ते पर लाएंगे, मगर आज उनकी तकरीर सुन कर मुझे बड़ी उदासी हुई। यह गुरुद्वारा रिफार्म्स मूवमेंट 1920 में शुरू हुआ। जब यह शुरू हुआ तो मैं इसके आगे-आगे चलने वाले सेवकों में था। शिरोमणि अकाली दल का मैं जनरल सेक्रेटरी रहा, शिरोमणि गुरुद्वारा प्रबन्धक कमेटी का भी मैं जनरल सेक्रेटरी रहा और सिखों की हाईएस्ट अथारिटी अकाल तख्त का हैड भी था, जिसे सिखों में जत्थेदार कहते हैं वह भी रहा हूं। तो अकाल तख्त के हैड की हैसियत से जब मैं विदेशी कपड़े के बायकाट के प्रचार में गिरफ्तार हुआ तो यह समझा गया कि सारी सिख कौम इस मूवमेंट के हक में है। ये पुरानी बातें हैं। मैंने थोड़ी सी बैकग्राउण्ड इसलिए दी है कि किस तरह गुरुद्वारा रिफार्म्स मूवमेंट चला और किस तरह गुरुद्वारा ऐक्ट बना।

यह जो कहा जाता है कि सरकार का दखल है इस आर्डिनेंस के जरिए और टोहड़ा साहब ने पुरानी मिसाल भी दी है, मुझे तो किताब से पढ़ कर बताने की जरूरत नहीं;

क्योंकि मैं 20 से उस मूवमेंट के साथ-साथ रहा हूँ। आखिर ब्रिटिश गवर्नमेंट कहती थी कि जो गुरुद्वारा एक्ट को मानेगा वह रिहा हो सकता है तो मास्टर तारासिंह ने कहा कि मैं रोज जपजी का पाठ करता हूँ, लेकिन अगर गवर्नमेंट कहे पाठ करने की शर्त लगाये तो मैं छोड़ देता हूँ, मैं कोई शर्त मानने को तैयार नहीं हूँ। तो उस वक्त दो पार्टियाँ बन गईं। आप इसको ताज्जुब से सुनेंगे कि दो पार्टियाँ बनीं, एक मास्टर तारा सिंह की पार्टी और एक दूसरी पार्टी। दूसरी पार्टी कहती थी कि हमारा काम खत्म हो गया, गुरुद्वारा सुधार होकर एक्ट बन गया, मास्टर तारा सिंह कहते थे कि हमें बड़े गुरुद्वारे को आजाद कराना है, हिन्दुस्तान को आजाद कराना है। मैं मास्टर तारा सिंह का पहले नम्बर का लेफ्टीनेंट था, जब उन्होंने कहा कि हमको बड़े गुरुद्वारे को आजाद कराना है। बात इस पर आई है कि आया पोलिटिक्स में गुरुद्वारा कमेटियों को हिस्सा लेना चाहिए या नहीं लेना चाहिए। मैं इकबाल करता हूँ टोहड़ा साहब की इस बात को कि हम पोलिटिक्स गुरुद्वारों में चलाते रहें हैं। जब मैं अकाल तख्त पर था तो जितने बालंटियर पिकेटिंग करने के लिए आते थे उन सबको गुरु रामदास के लंगर में सुलाते थे, क्योंकि बाहर जगह नहीं मिलती थी, पिकेटिंग करने से पहले पुलिस पकड़ लेती थी। हम ऐसा करते रहे हैं, मगर वह ब्रिटिश राज था, उसको हमें खत्म करना था, अब जमाना बदल गया है, अब वह वक्त नहीं है और खुद उनको तजुर्बा होगा कि जितना अब हम गुरुद्वारों में पोलिटिक्स को लाएंगे उतना ही बदनाम होंगे, जितना पोलिटिक्स से दूर रहेगे उतना ही नेकनाम होंगे।

सरकारी दखल की बात करते हैं। जब पहली दफा निर्लेप कौर ने गुरुद्वारे पर कब्जा किया तो खुद टोहड़ा साहब ने माना है कि दो-चार दिन में दरवाजे खुल गए, गवर्नमेंट ने खुलवा दिए। उस वक्त गुरुद्वारा प्रबन्धक

समिति ने अर्जी दी, इन्होंने दखल दिया और गुरुद्वारा खुल गया। अब जो दखल है वह बुरा हो गया। क्यों बुरा हो गया है?

सरदार गुरचरण सिंह टोहड़ा : दूसरे वक्त भी अर्जी दी थी। पहली दफा दरखास्त क्यों मानी गई और दूसरी दफा क्यों नहीं मानी गई, अगर आपकी बात ठीक मानी जाय?

श्री गुरुमुख सिंह मुसाफिर : बात तो सीधी है कि उस वक्त गुरुद्वारा के प्रबन्धकों को बात जँच गई थी, इसलिए गवर्नमेंट को बुला लिया, पुलिस को बुला लिया।

सरदार गुरचरण सिंह टोहड़ा : मैं यह बिनती कर रहा हूँ कि पहली दफा उस कमेटी ने दरखास्त की और दूसरी दफा भी उसी कमेटी ने दरखास्त की, लेकिन पहली दफा आपने मान लिया इसलिये कि लोक सभा इलेक्शन आने वाले थे और दूसरी दफा इस लिये नहीं माना कि आपके खिलाफ दिल्ली कारपोरेशन इलेक्शन में सिक्कों ने वोट दिये थे।

सरदार रघुबीर सिंह पंजहजारी : दूसरी दफा हाई कोर्ट का फैसला हुआ।

सरदार गुरचरण सिंह टोहड़ा : हाई कोर्ट का फैसला 17 मई को हुआ।

सरदार रघुबीर सिंह पंजहजारी : हाई कोर्ट ने क्या कहा।

सरदार गुरचरण सिंह टोहड़ा : मैं सीधी बात करता हूँ कि 10 जनवरी को गुरुद्वारा सीसगंज साहिब पर कुछ दाढ़वीयों ने कब्जा किया था और जब दिल्ली गुरुद्वारा प्रबन्धक कमेटी ने दरखास्त दी तो आपने उसको मान लिया और जब 6 मई को दाढ़वीयों के किये कब्जे के खिलाफ दरखास्त दी तो आपने नहीं माना। पहले इलेक्शन आने वाले थे, इसलिये आपने मान लिया था और बाद में उन्होंने आपके खिलाफ वोट दिये दिल्ली कारपोरेशन के चुनाव में इसलिये आपने नहीं माना।

श्री गुरुमुख सिंह मुसाफिर : असल बात यह है कि दूसरी दफा सरकार ने देख लिया कि दिल्ली के जो सिख भाई हैं, वे सभी मैनेजमेंट के खिलाफ हैं।

सरदार गुरचरण सिंह टोहड़ा : क्या गवर्नमेंट ने पहले एक साल में नहीं देखा था ?

श्री गुरुमुख सिंह मुसाफिर : मैं यह समझता हूँ कि जब यह आर्डिनेंस बना और सारी तबदीली हो गई तो किसी भी सिख ने प्रोटेस्ट नहीं किया किसी जमात ने प्रोटेस्ट नहीं किया बल्कि सब ने उसकी तरीफ की कि अच्छा हुआ कि आपने एक ऐसा ढंग निकाला। किसी की दुश्मनी मेरे साथ नहीं है। जो प्रबन्धक मौजूद थे उनको भी मैं भला बुरा कहने वाला नहीं हूँ लेकिन मैं यह जरूर कहता हूँ कि यह एक हकीकत है कि लोग मैनेजमेंट से बेजार थे और उन्होंने आर्डिनेंस का खरसकदम किया।

जहां तक दखल देने की बात कही गई, शिरोमणि गुरुद्वारा प्रबन्धक कमेटी के जब नये चुनाव होते हैं, तो उनको कोई अफसर कराता है, जिले का डिप्टी कमिश्नर कराता है या उससे कोई बड़ा अफसर कराता है। इसी तरह से यह भी समझ लिया जाय कि यह एक आर्जी बिल है जैसा कि हमारे मंत्री महोदय ने कहा और चेयरमैन ने भी उसकी ताईद की और कहा कि यह भी एक आर्जी बात है और शांति कायम करने के लिये हैं आर्डिनेंस को 45 दिन के बाद एक्ट की शकल देना जरूरी था। उसके बाद आपस में बात कर के, प्रेम से, सबकी सलाह से जो एक मुस्तकिल चीज बन जायगी, जो सब के लिये काबिले कबूल होगी उसके लिये कोशिश की जायगी कि वह बनाई जाय।

एक और सवाल रह जाता है। मैं खड़े हो कर बोल नहीं सकता। इसलिये मैंने बैठ कर

बोलने की इजाजत ली है। मगर एक बड़ा जरूरी सवाल है कि सिख की डेफिनीशन इस बिल में आ गई है। सरदार जोगेन्द्र सिंह ने बताया ही दिया है वह गुरुद्वारा बिल में है। मगर मेम्बर की डेफिनीशन नहीं आई है। इसके बारे में अमेन्डमेन्ट्स टोहड़ा साहब देते हैं तो हमको इस पर एतराज नहीं है और उनका यह कहना है कि जो बोर्ड के मेम्बर्स बनें उनकी भी डेफिनीशन उसके मुताबिक होनी चाहिये जोकि पंजाब के गुरुद्वारा एक्ट में है यानी वह केश दाढ़ी वाला सिख हो खास तौर पर मेम्बर बन सके। मैं तो बड़े खुले तरीके पर सिख की इस डेफिनीशन को तो बड़ा एंप्रिण्ट समझता हूँ। मगर अगर टोहड़ा साहब इस बात पर राजी हों और उनका अमेन्डमेंट मेम्बर के डेफिनीशन के सम्बन्ध में मानना हो तो मैं ऐसी गुजारिश जरूर करूंगा मंत्री महोदय से कि मैं समझता हूँ कि लाखों नहीं बल्कि करोड़ों लोग ऐसे हैं जो हमारी तरह दाढ़ी और केश नहीं रखते हैं, लेकिन बाई फेस वे सिख हैं और उसमें विलीव करते हैं। इसलिये पहला गुरुद्वारा एक्ट जो हमारे वक्त में बना था, उसमें गुंजाइश थी कि जो सहजधारी सिख हैं उनको भी नामिनेट किया जाय हमारी ही तरह।

इसलिए होम डिपार्टमेंट या ला डिपार्टमेंट इस बात का खयाल करे कि उनको भी रिप्रेजेंटेशन मिल जाय ताकि वह समझें कि हम भी, जो हमारी सिखी में विश्वास है उसकी बिना पर मैनेजमेंट में भी कुछ न कुछ दखल रखते हैं और उसमें भी हमारा हिस्सा है।

श्री जनदम्बी प्रसाद यादव (बिहार) : होना चाहिए ऐसा।

श्री गुरुमुख सिंह मुसाफिर : तो मैं अपनी इस राय का इजहार करता हूँ कि इस वक्त इस के बगैर इसका कोई इलाज नहीं है कि इस आर्डिनेंस को एक्ट की शकल दी जाय और इस को मंजूर किया जाय। मैंने भी इस पर दो एक अमेन्डमेंट दिये हैं, क्योंकि जो कमेटी पहले

वनी थी, उसके प्रबन्ध में गुरुद्वारों के साथ कई और बड़े मुफीद इंस्टीट्यूशन्स चल रहे हैं। दिल्ली में मैं देखता हूँ कि लड़कों को दाखिला नहीं मिलता। कालेज में लड़के कई दफा रह जाते हैं। यहाँ गुरु तेगबहादुर खालसा कालेज खुला हुआ है। इस कमेटी ने एक बड़ा अच्छा माडर्न स्कूल गुरु हरकिशन जी के नाम से खोला हुआ है। इसके अलवा लड़कियों के लिए माता सुन्दरी कालेज, एक बड़ा दानदार कालेज चल रहा है। इन इंस्टीट्यूशन्स के लिए भी मैंने कुछ ग्रैंडमेंट्स दिये हैं। और दूसरी बात यह है कि इस बिल में इलेक्शन का कोई जिक्र नहीं आया है। यह काबिले एतराज बात है कि ऐसे बिल में इलेक्शन का जिक्र तक न हो। तो मैंने ग्रैंडमेंट दिया हुआ है कि इसमें यह भी प्राविजन होना चाहिए कि मुनासिब मौके पर जब जरूरत हो तो सही तरीके से इलेक्शन करवा दिये जाय और उसके लिए रूल्स बगैरह बना दिये जाय ताकि जितना जल्दी हो सके गुरुद्वारा जो है वे सिलों क सही और चुने हुए प्रतिनिधियों के हाथ में आ जाय और उन की शिकायतें दूर हो जाय। लेफ्टिनेंट गवर्नर का जो हमारे भाई ने जिक्र किया है तो मुझे तां इस वक्त यह सुन कर बड़ी खुशी हुई कि एडमिनिस्ट्रेशन में भी तबदीली हुई है। सरदार इकबाल सिंह जो एक अच्छा अफसर है उसका एडमिनिस्ट्रेटर मुक़रर किया गया है, जिनके लिए कोई यह भी नहीं कह सकता कि वह सिख नहीं हैं। वह आनेस्ट भी है और सिख भी है और एक अच्छा अफसर भी है। तो इन अल्फाज के साथ मैं दरवास्त करूंगा अपने साथी मेम्बरान से कि इस बिल को फिलहाल एक्ट की शकल दे दी जाय।

SHR.I H. R. GOKHALE : Sir, I want to make only a brief reply to the debate. I narrated in my opening speech the circumstances in which the Ordinance had to be promulgated. A situation had arisen where there were internecine quarrels within the Sikh community and there were attempts,

at least twice, to seize occupation of a Sikh Gurudwara. Matters had gone to the Delhi High Court. Ultimately even the hon. Judges of the High Court were constrained to observe in their judgement that they tried their best to bring about a settlement between the two parties, but they did not succeed. They, therefore, made two suggestions. One was the regular procedure under section 92 and the other was adequate legislation to meet the situation.

It is known that the procedure under section 92 would cause inordinate delay and the immediate requirements of the situation could not be met by such a procedure. Therefore, this legislation was thought of and as Parliament was not in session, an Ordinance had to be promulgated. I also mentioned that the Bill has taken adequate precautions to see that there is no interference whatsoever; in fact there is a specific clause that nothing in this Bill will be construed as giving power to any authority to interfere in the religious functions of the Gurdwaras. It is principally directed for the purpose of managing the secular affairs of the Gurdwaras.

Members have been kind enough to bring to the notice of the House how things have been mismanaged in the past, and even in the very short period in which this Board had functioned a large revenue had been gathered and if that process continues for the future, I am quite sure that Members at a later stage will be satisfied that great benefit is caused to the Gurdwaras by the appointment of the Board for the interim period.

I would only content myself by repeating again and again this assurance to the House that it was never the intention of the Government and it is not the intention of the Government, as is found in the Bill, to interfere in the religious affairs of any community, much less of the minority community. It is a temporary measure. It is not intended that a nominated Board should function and control the Gurdwaras for all time to come. What is intended is that an adequate and proper legislation should be initiated as early as possible, within a reasonable time, so that the Sikh community of the city are given proper representation, so that their elected representatives can ultimately take charge of the management of these Gurdwaras. It is in the very

[Shri H. R. Gokhale]

nature of things not possible that an exact point of time can be indicated, because the suggestions as to what should be the measure which should replace the existing measure should come not only from the Board but also from members of the Sikh community which I can assure the House will be considered before the new measure is taken up.

Some hon. Members have no doubt tabled some amendments. I would request them to withdraw these amendments. Particularly with reference to the suggestions made by Shri Gurmukh Singh Musafir I would say that they would certainly be taken into account.

MR. DEPUTY CHAIRMAN : They have not been moved yet.

SHRI H. R. GOKHALE : I am requesting them that they need not move them. I am suggesting that when a proper measure, a substantive measure, for this is bought, all these suggestions will be taken into consideration with great care, and whatever is possible will be done, if found necessary, to alter the definition. Today the definition of a member is wide enough to include the Sikhs and proper precaution is taken, as it has been mentioned, to see that leading members of the community are appointed on the Board. A majority of Members of this House, Members of the Sikh community, have already supported the Bill and the Bill has received wide acceptance from the Sikh community. I have got reason to think (hat the city Sikhs have accepted this measure with great pleasure. They have said that this is a welcome move to meet the emergency which had been created by the law and order situation. I would only say that as early as possible a new legislation would be brought. I would request our friends on the other side to withdraw their amendments because I have studied them with great care and if one were to accept those amendments, the whole scheme of the Act which is intended to be brought into force would be mutilated and it would be impossible to give effect to this measure. I would request them with all humility to withdraw the amendment which they intend to move

श्री जगदम्बी प्रसाद यादव : एक क्लेरिफिकेशन चाहता हूँ। भाषण देते-देते वह एक बात कह गए।

श्री उपसभापति : सब बातें तो कही जा चुकी, अब क्या क्लेरिफिकेशन चाहते हैं।

श्री जगदम्बी प्रसाद यादव : एक सेकेंड में मैं कह दूंगा। बात कहते-कहते उन्होंने कहा कि वह माइनारिटी के रिलिजन में इंटरफियर नहीं करना चाहते हैं तो मैं यह जानना चाहता हूँ कि क्या आप मेजरिटी के रिलिजन में इंटरफियर करना उचित समझते हैं ?

SHRI H. R. GOKHALE : If he had listened carefully, I said we would not like to interfere in the religious affairs of anybody, much less of a minority.

MR. DEPUTY CHAIRMAN : I am putting the Resolution moved by Shri Advani to vote. The question is :

"That this House disapproves the Delhi Sikh Gurdwaras (Management) Ordinance, 1971 (No. 9 of 1971) promulgated by the President on the 20th May, 1971."

The motion was negatived.

MR. DEPUTY CHAIRMAN : I am now putting the motion to vote. The question is :

"That the Bill to provide for the better management of certain Sikh Gurdwaras and Gurdwara property be taken into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN : Let us now take up the clause-by-clause consideration of the Bill.

Clause 2—Definitions.

SARDAR GURCHARAN SINGH TOHRA : Sir, I move :

1. "That at page 1, lines 8 to 10 be deleted.

The question was proposed.

MR. DEPUTY CHAIRMAN : Amendment No. 17. Mr. Bhupindar Singh. Do you want to move it ?

श्री भूपेन्द्र सिंह (पंजाब) : मैं इस बारे में मिनिस्टर साहब से एक एश्योरेन्स चाहता हूँ। बार-बार उन्होंने कहा है कि हम जितना भी थ्रिलियर हो सकेगा इसमें चेन्ज करा देंगे, हम इसका प्रबन्ध हमेशा के लिये अपने पास नहीं रखना चाहते हैं, हम चाहते हैं कि इलेक्ट्रेड बाडी जो है वह प्रबन्ध करे। लेकिन मेरा कहना है, ये सारी बर्बल बातें हैं और इसमें बहुत से लोगों के दिल में शंका है कि पता नहीं कितना टाइम लगेगा। अगर आप एश्योरेन्स में यह बात डाल देंगे कि ऐसा हो जाएगा, जरूर हो जाएगा, तो सबको तसल्ली हो जाती है। दूसरी चीज है, कोई पीरियड न रखें तब भी शंका होती है। साल रख लें, डेढ़ साल रख लें और ज्यादा रख लें, अंदाजन कोई पीरियड रख लें तो हम सबको तसल्ली हो जाए ताकि सिखों में किसी किस्म का ऐसा रिजेन्टमेंट नहीं रह जाए कि सारा कब्जा सरकार ने ले लिया है, सारा राइट छीन लिया है। इसलिए मैं चाहता हूँ कम से कम इसके बारे में सरकार की तरफ से एश्योरेन्स हो जाए, फिर मैं इसको वापिस ले लूंगा।

MR. DEPUTY CHAIRMAN : Do you want to say anything on amendments Nos. 1 and 17 ?

SHRI H. R. GOKHALE : No, no,

MR. DEPUTY CHAIRMAN : The question is :

1. "That at page I, lines 8 to 10 be deleted."

The motion was negatived.

श्री भूपेन्द्र सिंह : मैं कहता हूँ मैं अपने अमेन्डमेंट को बिदड़ा कर सकता हूँ, अगर इन दो बातों का यह एश्योरेन्स देते हैं।

SHRI H. R. GOKHALE : I have already given the assurance that it will be within the minimum possible time.

श्री जगदम्बी प्रताप यादव : श्रीमन, एक आश्वासन और दे दें कि पंजाब विधान सभा बनने के पहले ही करा देंगे।

Amendment No. 17 was, by leave, withdrawn.

MR. DEPUTY CHAIRMAN : The question is :

"That clause 2 stand part of the Bill."

The motion was adopted. Clause 2 was added to this Bill. Clause 3 was added to the Bill. Clause 4—Composition of the Board

SARDAR GURCHARAN SINGH TOHRA : Sir, I move :

2. "That at page 2, for lines 34 to 39, the following be substituted, namely :—

'4(1) The Board shall consist of 21 members from the Union territory of Delhi duly elected by the Sikh voters of Delhi'."

3. "That at page 2, line 43, for the word 'nomination' the word 'election' be substituted."

The questions were put and the motions were negatived.

MR. DEPUTY CHAIRMAN : The question is :

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5—Disqualifications

SARDAR GURCHARAN SINGH TOHRA : Sir, I move :

4. "That at page 3, line 1, for the word 'nominated' the word 'elected' be substituted."

"14. "That at page 3, after line 11, the following be inserted, namely :—

'(f) if he is a patit ;

(g) if he being a kesadhari Sikh, he is not an Amritdhari ;

[Sardar Gurcharan Singh Tohra]

(h) if he takes alcoholic drinks ;

(i) if he cannot read and write Gurumukhi'."

The questions were put and the motions were negatived.

MR. DEPUTY CHAIRMAN : The question is :

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6—Resignation of Chairman and members

SARDAR GURCHARAN SINGH TOHRA : Sir, I move :

5. "That at page 3, line 13, for the words 'Central Government' the word 'Board' be substituted.

6. "That at page 3, line 15, for the word 'nomination' the word 'election' be substituted."

The questions were put and the motions were negatived.

MR. DEPUTY CHAIRMAN : The question is :

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clouse 7—Removal of Chairman and members

SARDAR GURCHARAN SINGH TOHRA : Sir, I move :

15. "That at page 3, for clause 7, the following be substituted, namely :—

'(1) There shall be a Judicial Commission consisting of three members who shall be be Sikhs appointed from time to time, as may be necessary, by the Central Government.

(2) Notwithstanding anything contained in section 92 of the Code of Civil Procedure, 1908, or in the Specific Relief Act, 1877, any person

having interest in a Notified Sikh Gurdwara may, without joining any of fiw other persons interested therein, make an application to the Commission, against Board, the Executive Committee of the Board, or the Committee, or against any member or past member of the Board, of the Execjtive Committee or of the Committee, or against any office-holder or past officer-holder of the Gurdwara or against any employee past or present of the Board or Gurdwara in respect of any alleged malfeasance, misfeasance, breach of trust, neglect of duty, abuse of powers conferred by this Act of any alleged expenditure on a purpose not authorised by the Act and the Commission if it finds any such malfeasance, misfeasance, breach of trust, neglect of duty, abuse of powers or expenditure approved, may consistently with this provision of this Act or any other law or enactment in force for the time being, direct any specific Act to be done or forborn for the purpose of remedying the same and may award damages or costs against the person responsible for the same, and may order the removal of any office-bearer of the Board, Executive Committee or Committee responsible for the same and may also disqualify ahd member of the Board, Executive Committee or Committee thus removed from such membership for a period not exceeding five years from the date of such removal.

(3) The Board may make a similar application to the Commission which may, in like manner, dispose of it.

(4) The Board or any person aggrieved by an order passed by the Commission under the provisions of this Act may, within 90 days of the orders, appeal to the High Court'."

The questions was put and the motion was negatived.

MR. DEPUTY CHAIRMAN : The question is :

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Clause 8 was added to the Bill.

Clause 9—Meetings of the Board

SARDAR GURCHARAN SINGH
TOHRA : Sir, I move :

7. "That at page 3, line 32, for the word 'Administrator' the words 'Central Government' be substituted.

The question was put and the motion was negatived.

MR. DEPUTY CHAIRMAN : The question is :

"That clause 9 stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill.

Clauses 10 and 11 were added to the Bill.

Clause 12—Duties of the Board,

SARDAR GURCHARAN SINGH
TOHRA : The question is :

8. "That at page 5, line 5 for the word 'Administrator' the word 'Board' be substituted."

The question was put and the motion was negatived.

MR. DEPUTY CHAIRMAN : The question is :

"That clause 12 stand part of the Bill."

The motion was adopted.

Clause 12 was added to the Bill.

Clause 13—Creation of the Gurdwara Fund.

SARDAR GURCHARAN SINGH
TOHRA : Sir, I move :

9. "That at page 5, line 12, for the word 'Administrator' the word 'Board' be substituted."

The question was put and the motion was negatived.

MR. DEPUTY CHAIRMAN : The question is :

"That clause 13 stand part of the Bill."

The motion was adopted.

Clause 13 was added to the Bill.

Clauses 14, 15 and 16 were added to the Bill.

Clause 17—Power to make rules.

SARDAR GURCHARAN SINGH
TOHRA : Sir, I move :

12. "That at pages 5 and 6, for Clause 17, the following be substituted, namely :—

' 17. The Board may make rules to carry out the purposes of this Act.'"

The question was put and the motion was negatived.

MR. DEPUTY CHAIRMAN : The question is :

That Clause 17 stand part of the Bill.

The motion was adopted.

Clause 17 was added to the Bill.

Clause 18—Power of Board to make regulations.*

SARDAR GURCHARAN SINGH
TOHRA : Sir, I move :

13. "That at page 6, lines 12-13, the words 'with the previous approval of the Administrator' be deleted."

The question was put and the motion was negatived.

MR. DEPUTY CHAIRMAN : The question is :

"That clause 18 stand part of the Bill."

The motion was adopted.

Clause 18 was added to the Bill.

Clauses 19 and 20 were added to the Bill.

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

SHRI H. R. GOKHALE : Sir, I move :

"That the Bill be passed." *The question was proposed.*

SHRI A. P. JAIN (Uttar Pradesh): Mr. Deputy Chairman, Sir, I take this opportunity to pay the highest tribute to Sardar Jogendra Singh who has been managing the Gurdwara so well. He has established that it is not only the younger people but time-barred people also who can render true and efficient service. I hope the Government will take due recognition of what he has done and give him another opportunity to serve the Sikh community. Furthermore, in appointing other members of the body, I hope the Government will take note of the efficiency which Sardar Jogendar Singh has shown and at least on this committee it will appoint men of advanced age.

श्री नवल किशोर : मुझे कुछ कहना नहीं है, केवल एक स्पष्टीकरण चाहता हूँ। मन्त्री जी ने यह फरमाया था कि चूंकि यहां गुरुद्वारा बहुत मिसमेनेज्ड था, इसलिए इसको हमने टेक-ओवर कर लिया, तो अगर गवर्नमेंट के कंट्रोल की चीजें भी मिसमेनेज्ड हैं, तो उनको आप किसको दीजिएगा ?

श्री जगदम्बी प्रसाद यादव : मैं माननीय मंत्री महोदय का भाषण बड़े गौर से सुन रहा था। इन्होंने कहा कि धर्म के मामले में हम हस्तक्षेप नहीं करना चाहते हैं, वैसे जो एक्ट ये लाये हैं वह धर्म में हस्तक्षेप के बराबर है और जो समुदाय उससे सम्बन्धित है वह इनकी कार्य-वाही से प्रसन्न नहीं है।

दूसरी बात मैं यह कहना चाहता हूँ कि दिल्ली में यह पहला विधेयक हुआ है; क्योंकि अभी तक जितने विधेयक लाये जाते थे, दिल्ली के जो निर्वाचित प्रतिनिधि हैं, महानगर पार्षद (कार्यकारी पार्षद), उनसे राय ली जाती थी, यह पहली बार है कि उनसे राय नहीं ली गई है और यह विधेयक इस प्रकार से लाया गया है।

श्रीमन्, तीसरी बात यह है कि जो मनोनयन किया गया है, सारा का सारा पांचों कांग्रेसियों का मनोनयन किया गया है।

आखिरी बात मैं यह कहना चाहता हूँ कि इस विधेयक के द्वारा माननीय मंत्री महोदय पंजाब में होने वाले चुनाव के साथ कुछ न कुछ तालमेल बिठाना चाहते हैं। इसी लिये यह विधेयक गुरुद्वारा प्रबन्धक समिति की व्यवस्था में सुधार मात्र ही नहीं बल्कि इसमें इनके अन्तःकरण में छिपी हुई दुरभिसन्धि भी है, जिसके कारण यह विधेयक इन्होंने प्रस्तुत किया है। मैं चाहूंगा कि इन बातों पर हमारे मंत्री महोदय अपने विचार स्पष्ट करें, जिससे सदन को इस पर शंका न रहे।

सरदार गुरचरण सिंह टोहड़ा : डिप्टी चेयरमैन साहब, मैं यह कहना चाहता हूँ कि जो मैंने अमेंडमेंट्स दिये थे, उनमें न किसी पार्टी का मफाद था, न किसी शस्त्र का मफाद था, बल्कि वे सिख पन्थ के हित में थे, तमाम सिख पन्थ उनको पसन्द करता है, लेकिन जिस ढंग से गैर-सिख बोटों के बलबूते पर मेरे तमाम अमेंडमेंट्स नामंजूर किए गए और जिस तरह से यह विधेयक लाया गया है और जिस तरह से इसकी काबिले एतराज चीजों का ध्यान न रखते हुए इसको पारित किया जा रहा है, विधान की 14, 26 और 30 धाराओं का उल्लंघन करके, मैं इसके खिलाफ बतौर प्रोटेस्ट वाक-आउट करता हूँ।

[At this stage, the hon. Member left the House]

श्री नागेद्वर प्रसाद शाही : उपसभापति जी, जहां तक इस बिल का सवाल है और जहां तक वर्तमान संचालकों का सवाल है माननीय सरदार जो भ्र सिंह की ईमानदारी और उनके इन्तजाम में किसी को कोई शक व शुबहा हो नहीं सकता है। लेकिन एक चीज की आड़ में दूसरी चीजें भी छिपी रहती

हैं। यह कैसे मान लिया जाय कि सरदार जोगेन्द्र सिंह जी के ही हाथ में सारी व्यवस्था रहेगी। श्रीमन्, मैं यह बताना चाहता हूँ कि इस तरह के पिछले कामों का अनुभव क्या रहा है।

बद्रीनाथ मंदिर कमेटी के बारे में सरकार ने दखल दिया यह कह कर कि वहाँ पर पैसे का बड़ा गोलमाल होता है और वहाँ के पुजारी और पंडों ने बड़ा गोलमाल कर रखा है। वहाँ पर पहले जितना पंडा लोग नहीं खाते थे, गोलमान नहीं करते थे, जब राजनैतिक पंडों के हाथ में वहाँ का इन्तजाम आ गया तो वे उससे कई गुना अधिक खाने लगे और गोलमाल करने लगे। मैं बड़े अदब के साथ कहना चाहता हूँ कि उस मंदिर का लाखों रुपये राजनैतिक पंडों के हाथ में चला गया।

(Interruption)

श्रीमन्, मैं कहना चाहता हूँ कि भगड़े का बहाना कर के अगर सरकार ईमानदारी के साथ और यह समझ कर कि किसी संस्था में भगड़े की वजह से गड़बड़ी है दखल देना चाहती है तो मेरा खयाल है कि अलीगढ़ युनिवर्सिटी के बारे में बहुत पहले बिल आ कर ऐक्ट बन गया होता। मगर यह सरकार केवल अपने राजनैतिक स्वार्थ की साधना के लिये जहाँ जरूरी समझती है वहाँ दखल देती है और इस तरह का आर्डिनेंस निकालती है और जहाँ वह समझती है कि उसके राजनैतिक स्वार्थ की साधना नहीं होगी, वहाँ जरूरत होते हुये भी दखल नहीं देती है। तो मैंने अभी अलीगढ़ विश्वविद्यालय की बात कही। यह सदन जानता है कि सरकार ने एक बिल पेश किया और बिल पेश करने के बाद संसद् के कुछ माननीय सदस्यों का ऐसा दबाव पड़ा कि अगर यह बिल पास किया जायेगा तो वे सरकार के खिलाफ हो जायेंगे। इस प्रकार सरकार ने एक अच्छे काम को भी उन लोगों के दबाव में आ कर रोक दिया। उसी तरह मैं यह कहना चाहता हूँ कि सिव्नों के भगड़े को खत्म करने के नाम

पर जो सरकार का इरादा है, वह कहीं नापाक इरादा न हो और उसी नापाक इरादे को लेकर के कहीं वहाँ के रुपये पैसों का नाजायज इस्तेमाल न किया जाय।

MR. DEPUTY CHAIRMAN : Mr. Gokhale, do you want to reply to the points that have been raised now ?

SHRI H. R. GOKHALE : I have already dealt with all the points and I would only repeat the assurance that this is a temporary measure.

MR. DEPUTY CHAIRMAN : The question is :

"That the Bill be passed."

The motion was adopted.

MOTION FOR ANNULMENT OF THE CONDUCT OF ELECTIONS (SECOND AMENDMENT) RULES, 1971

MR. DEPUTY CHAIRMAN : Mr. Ganguli.

SHRI BAHARUL ISLAM (Assam) : Sir, on a point of order. The motion has been completely misconceived and is out of order. It says :

"This House resolves that in pursuance of sub-section (3) of section 169 of the representation of the People Act, 1951 (43 of 1951), the Conduct of Elections (Second Amendment) Rules, 1971, published in the Gazette of India by Notification No. S. O. 479, dated January 27, 1971 and laid on the Table of the House on March 29, 1971, be annulled."

The gazette notification referred to here, namely, this Order 479 dated 27th January 1971, as published in the Gazette of India makes no mention of Conduct of Elections Rules at all. It has just published a certain notification issued under paragraph 17 of the Allocation of Symbol Order, 1968. There is no reference to the Conduct of Elections Rules at all and therefore this Motion is out of order. This is my point of order.