

THE ABOLITION OF STATE PATRONAGE TO RELIGIOUS INSTITUTIONS BILL, 1960

श्री पा० ना० राजभोज (महाराष्ट्र) :
मैं प्रस्ताव करता हूँ कि धार्मिक संस्थाओं का
राज्य संरक्षण का उत्सादन करने वाले
विधेयक के पुरःस्थापन की अनुमति दी जाये।

The question was put and the motion was adopted.

SHRI P. N. RAJABHOJ: Sir, I introduce the Bill.

THE HOARDING AND PROFITEERING PREVENTION BILL, 1958

DR. SHRIMATI SEETA PARMA-NAND (Madhya Pradesh): Sir, I move for leave to withdraw the Hoarding and Profiteering Prevention Bill, 1958, introduced in the Rajya Sabha on the 19th December, 1958.

The question was proposed.

SHRI BHUPESH GUPTA (West Bengal): May I know the reason why she is withdrawing it?

MR. CHAIRMAN: Because a fresh and more up-to-date Bill has been introduced today.

DR. SHRIMATI SEETA PARMA-NAND: A more comprehensive Bill has been introduced.

MR. CHAIRMAN: The question is:

"That leave be granted to withdraw the Hoarding and Profiteering Prevention Bill, 1958, introduced in the Rajya Sabha on the 19th December, 1958."

The motion was adopted.

DR. SHRIMATI SEETA PARMA-NAND: Sir, I withdraw the Bill.

THE CATHOLIC CHURCH PREMISES AND ECCLESIASTIC ORDER (RESTRICTION OF POLITICAL ACTIVITY) BILL, 1959—continued.

MR. CHAIRMAN-. Now there is no external restraint. Today, it is inward restraint. Mr. Bhupesh Gupta.

SHRI BHUPESH GUPTA (West Bengal): Sir, these are highly philosophical expressions which I cannot follow. Anyway, Sir, I was speaking in reply to the debate on the Catholic Church Premises and Ecclesiastic Order (Restriction of Political Activity) Bill, 1959. I was dealing mainly with the points made by the first speaker, Shrimati Yashoda Reddy. Before I concluded those points, Sir, the House adjourned.

Now, Sir, this recess gave me an opportunity to again carefully study all the nineteen speeches or more that had been made in this House. I think, Sir, no one has made out any case against my Bill. All that Mr. Datar had to say in his vehement reply was that it was a highly mischievous Bill. Well, Sir, I read his speech again and again in order to find out as to whether he had given any highly convincing argument, but he had given none. I will deal with his points later on.

Now, Sir, Shrimati Yashoda Reddy wanted to point out in the course of her speech that there were certain provisions in the Indian Penal Code and the Criminal Procedure Code to deal with cases of undue influences exercised by anyone in elections. I cannot accept her argument because there are no such provisions there. Supposing, Sir, somebody makes his speech from the pulpit against a particular political party or calls upon people to vote in a particular way. I have consulted the law and I find that that will not come within the mischief of the provisions of either the Criminal Procedure Code or the Indian Penal Code which she referred to. There are, of course, certain cases where people can be apprehended on

account of exercising or attempting to exercise undue influence in elections. But these are not the cases of interference to which my Bill relates and which could be brought in under the provisions of those particular measures. Therefore, Sir, I think she has misplaced her legal wisdom in this matter and she has shot wide of the mark. At the same time, Sir, it was interesting to note what she said. I am quoting her. She says:

"I do agree with him on principle that no religion should interfere in politics as far as possible."

Well, Sir, I take it that her quarrel with my Bill was not on the score of principle, and she supports this Bill on principle and it stands to reason if I can make out that the remedies that she has suggested do not apply in this case. I think she also would consistently support my measure. If something is wrong, she can offer amendments to it. I do not see any reason why she should oppose this measure. Mr. Datar, of course, has the overriding force in this House in such matters, because he sits on the Treasury Benches.

Then, Sir, she said that it would be prohibiting different faiths. I do not know why she said that. It is not a question, Sir, of prohibiting any faith at all. Catholics remain Catholics with all their religious faith; Hindus remain Hindus and other citizens belonging to other religions remain what they are. My Bill only seeks to put curbs on the activities of the Catholic Church as a Church or on someone functioning as a dignitary of the Church. It does not at all affect a Catholic either voting this way or that way or carrying on any election campaign or doing whatever he or she likes. As a citizen, Sir, any Catholic has as many rights as any other citizen, and there is no justification for suggesting that the rights of citizens are being interfered with

by this measure. Therefore, sir, that question does not arise.

She also referred to the Penal Code, I think, section 171. Anyone who refers to the provisions of the Indian Penal Code will be able to see that they do not meet the situation. Here it is a political question. We have to deal with certain types of activities on the part of the Church which do not fall within its domain or which have nothing to do with religion or its normal activities, namely, the preaching of Christianity and promoting that religion, unless it is made out that religion has come to such a pass that you have to pick up Ministers from the Praja-Socialist Party or the Congress Party or the Muslim League to bolster it up. I do not think, Sir, Christianity is in such circumstances today that our Catholic friends should feel that until and unless they have all the advantages open to them to go the whole hog in the matter of interfering with election affairs or other affairs, they will suffer, as far as their religion is concerned. Well, Sir, I have greater faith in the strength of the Catholic religion than Catholics themselves or at least some hon. Members in this House seem to have. Now, Sir, why do our Catholic friends interfere in those elections or in such elections? It is not because they think that their Catholic religion is in danger; it is because they think that very many of their topmen are in big business or are landlords and their interests have to be protected. That is why when politically they have no legs to stand upon, when in a straight fight they face difficulties, they invoke religion in order to sidetrack issues, rouse prejudices and passions and they abuse the name of God with a view to winning an election. This is not creditable for Catholic religion nor for those people who occupy high position in the Church.

Mr. Srinivasan was rather upset. I do not know why he permitted himself to be frightened for no reason whatsoever. He said that my Bill

1381 *Catholic Church Premises* [RAJYA & *Ecclesiastic Order* [Shri Bhupesh Gupta.] interfered with the rights of minorities and in this connection he recalled the Round Table Conference and said that their representatives went and told Mahatma Gandhi that they would support the independence movement if the minority rights were not interfered with. Well, I do not know what Gandhiji told them. Did they tell Gandhiji—I want to know from them since some of them might be living—that in the elections they must have the right to utilise the Church? If they had told Gandhiji that they must have the right to utilise the Church institutions, pulpits and so on, for winning the elections and for putting their men in positions of authority, I wonder what reply Gandhiji would have given them. Probably in his usual way he would have told them, 'well, you should not do such things; this is not the way of God.' But here I do not know why Mr. Srinivasan brought in the question of minority rights. Catholic minorities are there and, if you like, I am prepared to go a step further; I am prepared to give them more rights as minorities if they suffer in any way on account of being minorities. But here I am not talking of minorities at all. Every Catholic in Kerala has as much right as any other and indeed they exercised this right, when some voted for the Congress Party and others voted for the P.S.P. I do not know if any voted for the Muslim League but certainly many voted for us, otherwise the votes that the Communist Party got there would not have been obtained if the Catholics had not voted for us. Therefore, let us not talk as if all the Catholics are against the Communists and all the Catholics are for the Congress and for the present for that trinity, Congress-Muslim League-P.S.P.. That is not so. The minority rights are not being affected. I do not know why Mr. Srinivasan, who seems to be a very intelligent person, should try to draw a red herring in this way and try to sidetrack the issue. Does he want to cover up the lack of any case on his part by raising false alarms? Well, it looks like that but

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Activity) *Bill*, 1959 then our people are intelligent enough not to be taken in by these false alarms on the part of anyone. I repeat here that as far as the Catholics are concerned, as citizens they must have every right; I am prepared to give them more if they wanted as minorities but what I am against here is that the Catholic Church—as distinct from Catholics as minorities— should not be utilised for political propaganda, for interfering in elections, for advancing certain political things, for pushing up certain political parties and so on. This is what I want. Members belonging to this Church, that is to say, Catholics, have the right to choose whatever party they like, vote for whatever party they like, choose whichever Minister they like, however old he may be or however decadent he may be. I have no quarrel with that. They can pick up their Chief Minister from anywhere they like; I have no objection to that but what I say is that as dignitaries of the Church, some people should not do it. This Bill actually applies to the categories of persons I have named here, some functionaries of the Church. They are only a small number, may be a few thousands all over the country; in Kerala they may be a few hundreds who may be affected but this Bill does not at all touch the other lakhs and lakhs of Catholics in the country. I think Mr. Srinivasan knows it very well but he forgot it. I do not know why. Here it is clearly stated lest it should be misunderstood that no Cardinal, Archbishop, Bishop, Vicar, Mother-Superior, nun, brother or other dignitary, functionary or officer of the Catholic Church shall take part in such things and then we have defined functionaries as the few categories of the personnel of the Church. Therefore, how do you say that my Bill aims at attacking the minorities? Am I to understand that all the Catholics are Archbishops? Am I to understand that all the Catholics are Vicars or Mother-Superiors, whether he is a man or a woman? Then why do you say such a thing? Only a small number of people will

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be affected and therefore I do not think that learned people like Mr. Srinivasan and others should advance such unlearned arguments or hollow arguments about this matter. I regret that he had to do so because he thought that this was his assignment for the present.

Then, Sir, Mr. Gurupada Swamy, our colleague in the Praja Socialist Party, spoke in a different vein and I think his point has to be met. He rather tried to introduce political arguments; at least he did not try to raise false alarms in this matter. He said first of all that in England the genera' law did not provide for such restrictions. Well, our Constitution is slightly different from the Constitution, written and unwritten, of England and, as you know, the Church there occupies an important position. In the Constitutional set-up England is not a secular State in the sense we are a secular State. King Edward VIII, the Duke of Windsor, had to go when he became King because the Archbishop of Canterbury would not agree to his marrying somebody and therefore he had to do. The Head of the State cannot remain a Head of the State by fulfilling all the rules of the law of inheritance or Succession if the Archbishop takes exception to something. And he had *to go*; I do not know where the gentleman is but he certainly is not in the Buckingham Palace. In Coronation and other similar functions we know that the Church comes in there; that we know. Coronations and other things cannot take place without the Church. The Church in England is a part and parcel of the entire political set-up. It has been so throughout the history. Therefore, you cannot separate the two. Do we have such an arrangement here? Does our Constitution provide that the President should go to a temple? Well, he can go in his private capacity but certainly in order to acquire constitutional status and sanction he does not have to go to either Badrinath or Varanasi. He can remain where

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Activity) *Bill*, 1959 he is as long as we elect him. That is the position. Therefore, how does this come in? In England it is not so; I am talking about the King, the Crown, the Sovereign. Now, if anybody has any doubt about this, when the Queen of England comes here, somebody can ask her entourage as to what the position is. I won't be surprised if some Church people also accompanied her. When we send our President abroad, we do not send two priests with him. He may take any number of priests he likes; that is not the point, but we do not out of our Budget provide for two priests to accompany him to Japan or some other countries or to the Soviet Union. This is called the secular Constitution and therefore I feel that Mr. Gurupada Seamy got slightly derailed in his thoughts and arguments.

Then he talked about the United States of America. After the last discussion on the Bill, certain things have happened in the United States of America. In the Presidential elections, for example, Mr. Nixon wanted to utilise the Church and there was a rumpus about it and the "Time" magazine and various other U.S. journals wrote about it. Then he backed out. Well, he lost the election, but nevertheless he was trying to get support from that quarter. The American public are very advanced and progressive that way, because there is the bipartisan system. Even the American system which is conservative did not like that the Church or other religious institutions or religion should be brought in or the Church officials should in any manner be involved in the elections or the name of religion should be taken in order to canvass support and vote. That is the position in the United States of America where democracy lives in Wall Street rather than in Washington. Everybody knows it. They do not believe in such a thing. I am told they go to church sometimes.

MR. CHAIRMAN: Get along with the Bill.

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SHRI BHUPESH GUPTA: This is the point I am making, a very important point. It is very germane to the Bill. Now, some people like to side the United States of America.

MR. CHAIRMAN: Please do not bother.

SHRI BHUPESH GUPTA: You do not bother, I know, but there are people who bother.

MR. CHAIRMAN: You please get along with the Bill.

SHRI BHUPESH GUPTA: Therefore, this is wrong. That does not apply here.

Then, Sir, Mr. Gurupada Swamy said—and he was joined in this by many others—that I drafted this Bill from what they call frustration in Kerala after our defeat in Kerala. Well, Sir, for his information and for the information of others I might tell you that I drafted the Bill long before the Kerala Government was overthrown. We were very hale and hearty at that time, when I drafted this Bill. We were getting on very well, till someone interfered with the *Vimochana* movement. Then, that Bill could not be introduced because the hon. Minister there opposed it at the introduction stage. Later on I pursued it, tried and tried again and I brought this Bill. I introduced again the same thing. Then, the Congress Party did not object to it. That is how we are discussing it. But even that was done before the Kerala Ministry was overthrown. Let alone the election. How does frustration come in this? The Bill was sent before the Kerala Ministry was overthrown. How does frustration come in? Was I anticipating frustration?

SHRI N. M. ANWAR (Madras): Possibly.

SHRI BHUPESH GUPTA: Therefore, this argument is no argument. It was not born out of any frustration. It is a Bill which I introduced by recognising certain bad signs in our political life which may cause

SABHA] (*Restriction of Political Activity*) Bill, 1959 damage to all, if they are not checked in time. Kerala certainly was there in my mind, but there was no frustration. There are people who are wise before the event. There are people who are wise after the event. And there are people who are wise contemporaneously with the event. In this particular case I was in the middle category. Have I committed any sin? Is it a sign of frustration? Is wisdom any the less because I am wise in time? I was not wise; like the Prime Minister who, after having won the election. . . .

MR. CHAIRMAN: Come to the Bill.

SHRI BHUPESH GUPTA: . . . with the support of the Muslim League, discovered that the Muslim League had done something wrong, and its election manifesto could not be touched with the longest barge, pole. I think you will agree that my situation was better than that of his. Therefore, do not bring in such arguments. It might seem to be an entertainment, but it is not a serious argument.

Then, Mr. Samuel

MR. CHAIRMAN: Mr. Samuel is not here.

SHRI BHUPESH GUPTA: But his arguments are there in the proceedings. He said that the Bill was very provocative and that I had been provoked. Provoked by whom? I do not know. He did not tell that. If he thinks that I have been provoked by the views of his party in Kerala, well sometimes many of the activities of the Congress Party do provoke novel thoughts in others. And if that were not so, we would not have so many dissidents even inside the Congress. That is the point. Therefore, if I had been provoked by some of their performances into doing a right thing, it is not for me to come and complain in Parliament that I have been provoked. He should see the result of the provocation. Well, now that he has done a good service

by provoking me—because I have introduced the Bill—as a good man he should support this measure. He did not do it. Then, Sir, he said— he was rather frank—that the Roman Catholic Church had played an important part in Kerala. That is my complaint. The Roman Catholic Church has played an important part in Kerala, not Roman Catholics as members of some religion, because the people belong to different religions. That is not the point. Now, he admitted this thing. He confessed to certain wrong things that were being done there, without saying so. But he was confessing in his speech. I am told that he is a journalist. Therefore, that portion did not go by default. He said that this Bill set son against father, father against son, daughter against mother, mother against daughter, and things like that. Nothing of the kind. This Bill wants to prevent the Church being set up against the State, religion being set up against politics, spiritualism being set up or religious things being set up against the concept of a secular State. That is how you undermine a secular State. A secular State is not undermined suddenly by a revolution by a number of priests taking part. It is not done always. In some cases it may have been done. Today it is undermined in this manner when the party in power begins to lose support, when the political position of the ruling party becomes weak, then they take recourse to religion. They take recourse to obscurantism. They take recourse to casteism and racialism, which the Prime Minister very often objects to. That is how you inject into the political system and the political life of the country, in affairs relating to the State, religious elements. Certain things should not be brought in. That is how you corrode the system. The secular State gets undermined and eroded, sometimes perceptibly and sometimes imperceptibly by this kind of activity and here is an attempt to cry a halt to it. Otherwise, we will have to pay a heavy price. That is why we object. When the Muslim

League was revived in that manner and came into politics, the Congress was absolutely right in objecting to it. That is why today we also object to the creation of communal or religious organisations which intend to take part and interfere in politics; We are absolutely right. But then it is not the only thing to take exception to. We must not ourselves permit, because of reasons of expediency, religion to enter politics in this manner.

Then, Sir, Mr. Samuel is a very knowledgeable person it seems and sometimes he quotes the "Pravda". I have not had the opportunity of checking that portion of his speech. Otherwise I could have checked it from "Pravda". I could have gone to the "Pravda" office in Moscow to find out how much he has read it and how much he has not read it. I plead guilty. I did not do it, though I should have done it. He said so many things there. He said that religion is "hostile and so on. It is out of context altogether. Everybody knows that in the Soviet Union religion is the private affair of the citizen. Now, Prof. Wadia said that religion has been completely finished there and that there is no Greek Church and that it has been abolished. Mr. Samuel said that he was in the Soviet Union. He went to a church and saw a big crowd. Tell me whom to believe? Both are hon. Members. Am I to believe Prof. Wadia when he says that the Greek Church has been abolished in the Soviet Union? Am I to believe Mr. Samuel who went there in 1958 and saw a big crowd there? Both of them cannot be right. *One* of them is wrong. Which of the hon. Members is wrong should be decided by the Congress Party or others who are opposing this Bill, because they have to believe the one or the other.

SHRI N. M. LINGAM (Madras): What is your own experience?

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SHRIMATI YASHODA REDDY
(Andhra Pradesh): What is his experience?

MR. CHAIRMAN: They want to know what is your experience, since you were there only a fortnight ago.

SHRI BHUPESH GUPTA: My experience tells me. Do not believe either Prof. Wadia or Mr. Samuel. Believe in me.

MR. CHAIRMAN: You believe him and not in others—he says.

SHRI N. M. ANWAR: He is in very good form today.

SHRI BHUPESH GUPTA: Then, Sir, he brought in the Vatican. His mind wandered from Moscow to Rome. He brought in the Vatican. I can tell you that there also the Vatican is undoubtedly very powerful. But recently there were municipal elections in Italy. And what was the result? There are many Catholics there who do not like that the Vatican should interfere in political affairs. In fact the only party which has substantially gained in the municipal elections is the Communist Party of Italy. The party that has lost is the Catholics. They have lost. That is why it does not pay to interfere with the political life of the country or with matters connected with the State. That is why, despite the fact that Rome is the seat of the Vatican, despite the fact that there the Holy See remains with all strength and power, with all pomp and glory, the Communist Party is making headway. They got more than six million votes. • That is the position. Well, Sir, I do not know if that will convince our friend, Mr. Samuel, but I can tell him that his appraisal of the entire thing is wrong.

Then let me come to Mr. Sait. He said that I wanted to destroy the national organisation of the Muslim minority. This Bill does not relate to the Muslim minority at all, but he sees in it a common danger, invents in it some kind of danger, he sees in

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Activity) Bill, 1959 it the Muslim minority being adversely effected. But then in the course of his speech he said something which is quite interesting. The national organisation of the Muslim minority is the Muslim League. Are we to accept this position? Are we to accept the position today that the Muslim League is the national organisation of the Muslim minority? Are we to accept it from the Congress Party-men whose leaders everyday, day in and day out, say that such is not the case? As far as the Congress Party is concerned, it is very difficult because it becomes so big that one cannot manage it. That is why leaders say one thing and the followers say another thing.

AN HON. MEMBER: Who said it.T

SHRI BHUPESH GUPTA: Mr. Sait said it. He said another thing. If this Bill is passed . . .

DR. SHRIMATI SEETA PARMA-NAND (Madhya Pradesh): I am asking the question whether it is not a fact that the leaders of the Communist Party here in India say one thing and the others say something else.

SHRI BHUPESH GUPTA: The hon. Lady may be very good in introducing one Bill and withdrawing another. Certainly she does not understand what the Communist Party says. So, Sir, the position is this. Mr. Sait said—mark this—that if my Bill is passed, a Bill containing three or four simple clauses, then politics will be the monopoly of those who owe no allegiance to religion. Suppose this Bill is passed, for the sake of argument, does it mean that Hindus will be debarred from politics, that Muslims will be debarred from politics, that others will be debarred from politics? Why then advance such arguments? Such arguments can be put forward only by people who do not have any arguments at all and who still pretend to give some arguments. Then he said that Pandits, Purohits, Sadhus, Maulvis, etc., would be all debarred from politics, as if

Indian political life was built up by Pandits and Sadhus. Then we have to go to Kumbh Mela for politics and hold our Constituent Assembly there. This is not so fortunate for the country. But who prevents these gentlemen, half naked and naked, assembled at Kumbh Mela to register themselves as voters? We cannot prevent them. They may come with their tridents or they may not. As long as they are voters they can vote. Maulvis can vote, Pandits can vote, and everybody can vote. I do not know why they are brought in. One can be very irreligious and yet can be a Pandit. So, Sir, this kind of argument was given. Why? It was given in order to create the impression in the country that here are the Communists who want to suppress religion, who want to take on the political role from the people who believe in religion, who are believers. Sir, it is not a very fair way of dealing with a political proposition that the Bill contains. It is not even very good demagoguery, because it is so empty that anyone who has any sense could immediately see that the argument is not worth even consideration. That is where I leave it.

Then, Sir, Prof. Wadia made a very short speech. But, as you know, Sir, he has asserted strong points of view. He said that it was an attack on all persons who believed in religion. I do not see any such attack being promised in this Bill. Almost all people believe in religion and deeply believe in it. Are they going to be affected by the Bill, or even for that matter, are the Catholics going to be affected by it? I am not saying that the Catholics should not take part in politics. I am not coming in their way of fundamental rights and so on. Nothing of the kind. Therefore, Sir, that argument, coming from a very learned man, a professor at that, has disappointed us. But it sometimes happens that professors are either very good in their argument or they are hopelessly bad. Here unfortunately the case is that a great profes-

sor is hopelessly bad in his thoughts and ideas over so simple and obvious a matter.

Then, Sir, when our lawyer friend, Dr. Barlingay, is on his legs, you can easily anticipate that confusion will be worse confounded.

MR. CHAIRMAN: Do not make personal comments.

SHRI BHUPESH GUPTA: No, Sir, he does not get confused or confounded. We get. What I said relates to me. If I am suffering from confusion, I get confounded. He said it was a discrimination. First of all he has brought in articles of the Constitution. Being a man of law how can he forget the Constitution? He brought in article 15(1), article 16 and other articles to show that this Bill was discriminatory. He said that the discrimination was in favour of others and against the Catholics. How could it be said so? Certainly this Bill seeks to impose restrictions on the Catholic Church as a church, as a pulpit in matters of politics. But how I am discriminating by doing so against the Catholics, for the life of me, I cannot see. The fundamental rights remain. Please read the Chapter on Fundamental Rights. I have read them again. All these rights every Catholic citizen will enjoy whether this Bill is there or not. They are not at all affected by it. Suppose this Bill is passed, am I to understand that the Catholics cannot vote, that the Catholics cannot speak, that the Catholics cannot participate in politics or stand for election? In Kerala there are those posts. There are so many Ministers and would-be Ministers and so on. Everything is open to them. Then why does he bring in this argument? If it is meant that I am restricting a vicar participating in politics as a vicar, if this means discrimination, then the offices of Profit Act is a discrimination. But in order to ensure democracy, we have to save it from the interference of the big monopoly companies. We

1393 *Catholic Church Premises* [RAJYJ & *Ecclesiastic Order* [Shri Bhupesh Gupta.] have to have certain rules and regulations. Therefore, we have got an Offices of Profit Act which disqualifies some people from standing as candidates, a right which is open to all other citizens having the necessary qualifications. We do not have any grouse on that score. On the contrary we think it is necessary. Similarly, those who derive advantage from Government, say a Government contractor, cannot stand for election. If perchance he gets elected, he gets disqualified. Am I to understand that I am discriminating against him? No. Apparently not. It looks as if I am putting some people in difficulty. In order to save our democracy, in order to save our parliamentary institutions, in order to maintain and sustain the secular character of the State, it becomes essential to put certain restrictions on certain types of people functioning in certain capacities. That is all. Therefore, it is not at all a case of discrimination. In fact, the Constitution itself puts it very widely; it says that there might be some restrictions; it might be necessary for some restrictions to be put. That is why you get article 25 in the Constitution which says that certain restrictions could be put. I am just pointing out; they forget article 25. I remember article 25, and in the spirit of that article and in full consonance with that article, I have brought forward this Bill. Am I to understand that my Bill is against the Constitution? Well, Sir, I am prepared to wait if you like. Let this Bill go to the Supreme Court Judges for opinion. I can wait. Let the Supreme Court Judges say that this Bill is contrary to the provisions of the Constitution. I shall bow to their judgment and withdraw the Bill. I am prepared to do so. I do maintain that this Bill is within the four corners of the Constitution, and not an iota of constitutional principle, not a single article or a clause of the Constitution, is violated by this Bill, and so, this should not be treated in this manner.

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Then Dr. Barlingay referred to the corrupt practices under the Peoples Representation Act and he mentioned various sections. Well, they do not cover this. The thing that I want to cover is not covered either by the Peoples Representation Act or by the other provisions of the ordinary law. That is why it has become necessary to introduce it. And at the same time he was complaining against me, why provide only for such lenient punishment, for publication of the names of the church dignitaries who participate in elections and politics in the Official Gazette? For that I say, being one who believes at least in this matter in moderation, let their names be published in the Official Gazette. I do not want them to be penalised. After all, they are religious people. If their names are published in the Gazette, they will be seen and then they will mend their ways. He complains why there is no harsh punishment for them. He thinks that I believe in violence and so on. I believe in non-violence always. I do not want to be violent. Violence is their job and not mine. Therefore, it is not a question of violence or non-violence. All that I want is that it should be known and I take it that the church functionaries will take note of the public disapprobation by the publication of their names in the Gazette, and then they will mend their ways. Now, does he want me to put them in prison? I do not want it. If they like, they can talk to some people there and they can consider this thing.

MR. CHAIRMAN: Mr. Bhupesh Gupta, you have taken twenty minutes the other day and you have taken forty minutes today. You have exceeded one hour and if you are going to take up every argument and answer it, then we have to sit . . .

SHRI BHUPESH GUPTA: But in fact my fear is that we may have to adjourn earlier today.

MR. CHAIRMAN: Anyhow, go on

SHRI BHUPESH GUPTA: I am finishing. Mr. Bisht . . .

MR. CHAIRMAN: Mr. Bisht is all right.

SHRI BHUPESH GUPTA: He is all wrong. He said that I had brought forward this Bill out of vindictive-ness. Where is vindictiveness here? I am like a . . .

MR. CHAIRMAN: You have answered him, not frustration, not vindictiveness, not defeat, but on a question of principle.

SHRI BHUPESH GUPTA: You are quite right. Therefore, I hope he accepts your argument, and I leave him at that.

MR. CHAIRMAN: Leave him at that.

SHRI T. SRINIVASAN (Madras): He has been speaking since April, eight months,

SHRI BHUPESH GUPTA: And Mr. Akbar Ali Khan said that the Bill must be smashed. He had pleaded on the floor of the House that the Bill must be smashed and again, he spoke in a vein that I did not like, because he brought in communal things and, of course, there, he said many other things which I need not answer.

MR. CHAIRMAN: Go ahead.

SHRI BHUPESH GUPTA: Let me deal with one point.

MR. CHAIRMAN: The Bill will be smashed very soon.

SHRI BHUPESH GUPTA: Therefore, I am defending it. I have to defend it. I do not have rockets, I have my arguments. I have to defend the Bill with arguments. But, Sir, smashes do not produce any argument.

MR. CHAIRMAN: That is the trouble.

SHRI BHUPESH GUPTA: That is the trouble. They smash with number, not with reason.

MR. CHAIRMAN: Mr. B. K. P. Sinha" a.

SHRI BHUPESH GUPTA: Yes, Mr. B. K. P. Sinha. For once, he was on a light point. He said that the basic assumption or the fundamental principle of this Bill was unexceptional and merited serious consideration. It is a privilege to hear Mr. B. K. P. Sinha saying the right thing. And these are rare opportunities. Naturally, I will deal with him a little. He was quite right when he said that. I congratulate him. But then suddenly he said that the Bill was violative of article 14. I read article 14. I would request him to refer to article 14. How is the Bill violative of article 14? I cannot understand it. If he thinks like that, well, here is a dispute between him and me. As I said, I am prepared to refer the whole matter to the Supreme Court. Let the Government agree to have the opinion of the Supreme Court or the Attorney General. I am not much of a lawyer—never had I been one—but it does seem to me that in such matters, Mr. B. K. P. Sinha is not in a better position.

MR. CHAIRMAN: Mr. Yajee.

SHRI BHUPESH GUPTA: No, no, Sir.

MR. CHAIRMAN: You are going to have a roll call; you will have it

SHRI BHUPESH GUPTA: He indulges in all these things.

MR. CHAIRMAN: Mr. Datar.

SHRI BHUPESH GUPTA: I will come to him, but now Mr. Joseph Mathen.

MR. CHAIRMAN: That is all right. Mr. Srinivasan represents Mr. Joseph Mathen.

SHRI BHUPESH GUPTA: He said that it was a funeral oration.

1397 *Catholic Church Premises* [RAJYA & Ecclesiastic Order MR. CHAIRMAN: What?

SHRI BHUPESH GUPTA: He said what I was saying on this Bill was a funeral oration. He said it. Well, Sir, he rather seems to have the idea of either burial or funeral oration. He thinks it is a funeral oration. He could give no arguments except abusing the Communists. He called the Communists goondas and criminals and so on. It is not in good taste when you speak on such matters, to use such expressions as 'Communist goondas and criminals'. I would call the Congressmen here honourable men. An honourable man here should not use dishonourable expressions. Then, Sir, he said, it is high time the Communists are done away with. You see, he said, 'high time'. He is very much annoyed that we have not been done away with.

Sum JOSEPH MATHEN (Kerala): What about the anti-national activities of the Communist Party? That was pointed out.

SHRI BHUPESH GUPTA: You want to do away with the Communists. That point gave yourself out very much. The Communists will not be done away with; they cannot be done away with, as you know. The point is, I want you to do away with your wrong ideas. That is all I say. As you see, Sir, the opponents of the Bill sometimes talk like Fascists. Today nobody talks like that—do away with this party or that party. When they speak in a Fascist accent, I fear that the opponents of the Bill include such people. It is these forces that want to introduce religion into politics. Now, Sir, here again, a gentleman called me foreign agent and so on. I protested. He withdrew it. I wanted it to be in the proceedings because we shall be gone some day, but our children and children's children will be here and they should know how we functioned in this Parliament. That is why, when the Deputy Chairman wanted to have it expunged, I wanted it to be kept on record, because merely by their saying that we are traitors, we do not become traitors.

SABHA] (*Restriction of Political* 1398 Activity) Bill, 1959 SHRI JOSEPH MATHEN: What do you say about the statement of the Prime Minister in the Lok Sabha or about the anti-national activities or the pro-Chinese activities of the Communists?

MR. CHAIRMAN: We are not discussing about all those things. If you go on with this, other points will arise.

SHRI BHUPESH GUPTA: I can quite face that. I am coming to Mr. Datar. He has justified his position. Anyway, it is a matter of taste and culture. I leave it at that.

SHRI B. K. P. SINHA (Bihar): The hon. Member said, his children and children's children. I fail to see how there can be a bachelor's children and children's children.

SHRI BHUPESH GUPTA: You say the right thing. I am only talking of adopting one of your children and *if* he has children, then I will have children's children also. Don't you understand that simple point?

Then Kumari Shanta Vasisht paid a little compliment and she supported this Bill. I find that she agrees with the concept and principle of this Bill but she could not wholeheartedly support it. But then she mentioned one thing that it was unfortunate that money from the Catholic Church and others outside came into Kerala. She said that it was a little unfortunate. If she were here as an independent Member, she would have said more. But even then, her voice was choked with feeling when she said that money ought not to have come from outside. There was a little splash of conscience. I like these things even when they come from that side.

Mr. Akhtar Husain said that they were all God-fearing people and that therefore Communist activities in Uttar Pradesh had become negligible and all that. After hearing all these things nobody knows which activity in Uttar Pradesh is going on, but recently we saw certain activi-

ties which had the upper hand there. Anyway, leave it at that. Then, he said that this Bill debarred the Catholics. Well, Sir, U. P. fa at a discount in many matters and also in matters of arguments and logic today. May I know how it is that this Bill debars the Catholics? I think on rethinking he will find that he was not saying the right thing.

Then we come to the formidable Mr. Datar. When Mr. Datar gets up, I always think that he will advance some smashing arguments, but as is always the case, when he finishes his speech, I feel that there has been a lot of noise but very little of substance. In this particular case too, Mr. Datar played his usual role. He spoke about the definition of "political activity". First he joined issue with me in respect of the definition of the words "political activity" and said many things. Point by point he wanted to meet some of my arguments, but then he did not bother about what I had said. He only pointed out what he had to say. The result is that I have now to bother about what he had to say and try to convince him.

He said that if this Bill is passed with this definition of "political activity", our professors would not be able to teach political science in the colleges. They cannot tell the students that we are building a socialistic State or whatever it is. It was his flight of imagination, very high-altitude flight on the part of Mr. Datar to have interpreted my Bill in this manner. Is it his contention that those people who are teaching political science in the Delhi University are thereby engaging in political activities? Is it his contention that those people who are writing theses about our socialistic pattern of society in the Central Secretariat or elsewhere are indulging in political activity? We do not see these things. He said if some * restrictions were put, it would mean that the Catholics teaching political science in colleges would come under the mischief of the Bill and would be penalised and so on. First of all, there are

only few church dignitaries teaching political science. Secondly, you say that "political activity" is defined in the Bill as activity to push this party or that party, elections and so on. Teaching of political science is not political activity. I should have thought that Mr. Datar, with all his intelligence branch and so on, would offer better arguments but he did not have any.

As I said in the beginning, Sir, he characterised this Bill as a mischievous Bill and he said many other things also. He said that jurisprudence was ignored. All these things he said. How is jurisprudence ignored here? Is it because we do not give, according to him, the church dignitary a right to say something in defence? Now, we are not penalising him. We are not punishing him now, if he takes part in political activity. Therefore, there is a *prima facie* case before us to publish his name. If Mr. Datar would not have it that way, he could suggest an amendment. I am prepared for a procedure which will enable the Government to hear the person before his name is published. I am prepared for it, but I do not think I can melt Mr. Datar's stony logic in this manner. But I am prepared for it none the less.

MR. CHAIRMAN: None the less he can give any number of amendments.

SHRI BHUPESH GUPTA: Let him accept my proposal. I would accept any number of amendments, of course, right type of amendments.

Then, Sir, he brought in all these things, his usual arguments, namely, that I was preventing the Catholics from getting their rights and so on. I think the Home Ministry is particularly noted for this sort of thing, for trenchant measures like the Preventive Detention Act and others. Mr. Datar, whenever he has to deal with certain legal arguments in order to defend himself, misfires every time he s-?"aks. You can read his speech. Since you do not want me to prolong my I speech, I would not read it. I read it

[Shri Bhupesh Gupta.] and reread it, and I think I can recommend it to the students of logic to understand what absence of logic is. They can read it and find out what not to speak.

MR. CHAIRMAN: This is no argument. These are merely fire-works.

SHRI BHUPESH GUPTA: As if they gave arguments. But you are quite right, Sir. He has given no argument whatsoever.

MR. CHAIRMAN: Now conclude.

SHRI BHUPESH GUPTA: Yes, Sir. By your silence I conclude; I have met all the points to your satisfaction. Now, I would like the Minister to reconsider all the points. Because we do not have a majority here, we have to go by the force of our reasoning and logic. Therefore, we have to seek your indulgence to meet every single point, right or wrong, in order to convince the House. But I know that the majority will prevail over reason. I know this thing about the Bill. I know the fate of this Bill. But you will be right in asking me: Having known the fate of the Bill, why did I introduce it?

MR. CHAIRMAN: For other reasons.

SHRI BHUPESH GUPTA: You may well anticipate the results and understand them but since some others might not so ably understand them, I will give one or two reasons.

MR. CHAIRMAN: Look here, Mr. Bhupesh Gupta. You should conclude. It is now 12 o'clock.

SHRI BHUPESH GUPTA: The reason is, whether the Bill is passed or not, the time has come in our political life, after thirteen years of independence, when we have to face this problem. We have to make up our mind whether we are going to build up democracy on a secular basis or we are going to allow democracy to be subverted by importing religion and obscurantism into our political life. We have to find out whether we believe

in fair and free elections on the basis of political enlightenment and judgment of the people, or we are going in for a state of affairs where we would like to see the political good sense and judgment of the people subverted and clouded by intrusion of religion into politics. We will have to decide whether the elections are to be fought for bona fide political parties with their programmes, policies and platforms or whether in order to buttress a certain decadent and dying party we are going to seek the help of religious, communal organisations and institutions. These questions are posed before the nation today and we have to find out a decisive answer. As life goes on these questions will acquire urgency and importance and since we are interested in advancing the cause of the secular State, we cannot but face the situation that has arisen. The result has been, as you know, in Kerala and everywhere there has been a revival of the communal organisations. The Muslim League is being revived. Other such organisations may be revived by the Congress Party and other parties in order to bolster up their position take to such methods. Such is the situation. Therefore, it is very important that all men of goodwill, who believe in secular concepts of State, who believe in democracy, who believe in the advancement of whatever good is there in the Constitution, should make common cause in order to keep religion out of politics, communalism out of politics and fashion and refashion our social and political life on the basis of democratic secular concepts. Unless we do it today, tomorrow the posterity will accuse of a great default and it is they who will have to pay the price of our omissions.

MR. CHAIRMAN: The question is:

"That the Bill to restrict the use of the Catholic Church for political purposes and the participation of Ecclesiastical personnel of the Catholic Church in political activity be taken into consideration."

The motion was negatived.